



REGULAR KETCHUM CITY COUNCIL MEETING
Monday, May 19, 2014 at 5:30 p.m.
Ketchum City Hall, Ketchum, Idaho

Present: Mayor Nina Jonas
Council President Michael David
Councilor Anne Corrock
Councilor Baird Gourlay
Councilor Jim Slanetz

Also Present: Acting Ketchum City Administrator Ray Silver
Ketchum City Attorney Stephanie Bonney
Ketchum Director of Planning and Building Joyce Allgaier
Ketchum Assistant to the City Administrator Lisa Enourato
Recording Secretary Sunny Grant

1. The meeting was called to order by Mayor Nina Jonas at 5:39pm.

Communications from Mayor and Councilors

2. **Communications from Mayor and Council.**

- Mayor Nina Jonas introduced everyone to the new sound system that will allow for live-streaming video.
- Councilor Baird Gourlay said signage was up on Fourth Street in front of Atkinsons' and the park, and mentions bikes and pedestrians, but the signage isn't clear and isn't in the right location. He suggested signs be on Fourth Street at every intersection, especially where it intersects with Highway 75.
Ketchum Director of Planning & Building Joyce Allgaier said the signs went up before staff figured out what their goal was. Staff is working on several ideas, including cross-painting and a bike corral in the public right-of-way.
- Councilor Gourlay said a County Road and Bridge levy brochure outlined what uses were allowed with the cities' share of their levy money. He clarified that most of Ketchum's levy money would be spent on roads that are quickly deteriorating.
- Council President Michael David said the Ketchum Traffic Authority is looking at different strategies to improve safety on Fourth Street for pedestrians, bikes and cars.
- Councilor Anne Corrock suggested Ketchum investigate having a place where RVs passing through town can park for awhile and their people can walk around town and shop.
Councilor Jim Slanetz suggested Ketchum talk to Sun Valley Company about the River Run parking lot.

3 **Swearing in of volunteer firefighters.**

Mayor Nina Jonas welcomed and swore in new volunteer firefighters: Kyle Ray, Craig Huettig, Steve Southard, Jasmine Furnish, Brenda Johnson, and Gerad House.

Ketchum Fire Chief Mike Elle said volunteer firefighters have other jobs and families and leave whatever they are doing to help people who need them. He thanked the firefighters for making the commitment.

4. **Communications from the Public**

- Phyllis Shafran asked when a decision would be made on Fourth Street.
Council President Michael David said Ketchum needed engineering studies to support anything they did on State Highway 75. He added that making Fourth Street one-way is not an option they're considering.
- Mickey Garcia didn't like that public comment was at the option of the Mayor and Council. He thought it should be five minutes instead of three minutes. Garcia said the website was exceptional since Mayor Jonas took office.

Public Hearing

5. **Ordinance No. 1117, re Proposed Text Amendments to the Ketchum Zoning Code Title 17, Community Core District, Chapter 17-64010(C) Exceptions, and (H) Maximum Floor Area Ratio.**

Ketchum Director of Planning & Building Joyce Allgaier explained the proposed Commercial Core Code Amendments to Council:

- Permit the P&Z some flexibility in Design Review to allow for some exceptions to architectural design elements. This does not give P&Z flexibility in defined uses, heights, setbacks, FAR, lot coverage, or anything to do with life-safety or community character.
- Revise the provision regarding maximum floor area ratio (FAR); and also increase options for what qualifies as providing community housing. The Community Core allows a gross floor area ratio of 1.0 on a lot, up to 2.25 FAR, by providing 20% community housing. Because CH must be provided for the first 1.0 FAR and everything over,

developers are building right up to the maximum of 1.0 and not going over so they don't have to provide CH. The proposed text amendment makes the first 1.0 FAR not subject to CH requirement.

- Buildings in the Community Core can be up to three stories tall as long as they meet building height. Hotels and buildings that are 100% community housing can be four stories.
- Community housing priorities are clarified for developers. Community housing needs change, but Income Category 4 (100% area median income) is the target for developers. The Blaine County Housing Authority will work with developers to find the best categories at the time.
- The hotel waiver to community housing that expired in June 2012 is removed.
- Clarify options that developers have for providing community housing.
- Staff and the Housing Authority will review and adopt a new in-lieu fee every January.
- All housing that is provided shall meet with adopted guidelines of the governing housing authority.
- Council can choose a manager for community housing.
- The Blaine County Housing Authority oversees and updates adopted guidelines, i.e., CC&Rs, HOA fees, etc.

At Council's discretion, a developer can provide community housing by land conveyance to the City, existing housing unit or mortgage buy-down, and other proposals. Ketchum wants to keep its downtown vital with housing and people moving around.

PUBLIC COMMENT:

- Mickey Garcia supports the ordinance; but said the average person couldn't understand the English.

Staff will show Councilors examples of FARs from 1.0 to 2.25 at a future meeting.

Councilors comments:

- Councilor Anne Corrock hesitates to accept in-lieu fees for full units, since developers would take in-lieu if they could. She said in-lieu should only be taken if a fraction of a unit is required.
- Councilors said the Code wasn't producing any units now, and should be changed to make it more workable.

Councilor Baird Gourlay moved to approve the first reading of Ordinance 1117, amending Title 17, Chapter 17.64.011 Community Core District, (c) Exceptions, amending language to allow for exceptions to be allowed by the Planning & Zoning Commission in design regulations; and floor area ratio, amending language pertaining to allowable floor area ratios as it relates to the Community Housing Initiative; and schedule a second reading for June 2, 2014. Motion seconded by Council President Michael David, and passed unanimously.

Communications from Staff

6. Update on Live and On-Demand Audio/Video Streaming and Audio Upgrade in Council Chambers
Ketchum Assistant to the City Administrator Lisa Enourato described the new system that will provide live streaming video of Ketchum's meetings.

7. Public Comment on Proposed FY14-15 Budget Objectives

Ketchum Interim City Administrator Ray Silver said Ketchum holds workshop every year to draft objectives to guide development of the upcoming fiscal year budget. Council welcomed public input on April 21 and revised the objectives to include "wildlife habitat" and "attract and retain newer and younger generations."

PUBLIC COMMENT:

- Aimee Christensen, both personally and as chair of the Ketchum Energy Advisory Committee, encouraged Council to provide strong leadership in environmental protection and protection of natural assets as the underpinning of quality of life in the Wood River Valley. When polled, the community's first priority was to value natural assets and surroundings.

The Ketchum Energy Advisory Committee supports Ketchum in becoming an environmental innovator and leader, and creating local jobs. The Committee requests \$5,000 be set aside for a forum and potential funding of outside experts.

The Ketchum Energy Advisory Committee also suggests \$50,000 be set aside for potential high visibility pilot solar and energy efficiency projects to promote the Sun Valley brand.

Councilor Anne Corrock moved to adopt the Fiscal Year 2014-15 budget objectives as determined by the Mayor and City Council. Motion seconded by Council President Michael David, and passed unanimously.

Agreements and Contracts

8. Right-of-way Encroachment Permit and Agreement, A.W.E. LLC, 460 First Street East

Ketchum Director of Planning & Building Joyce Allgaier said the applicant is requesting a right-of-way encroachment permit for their garage as part of a Development Agreement Rezone application. The project will go before P&Z before it returns to Council. The applicant has obtained a building permit for an interior remodel to turn the building into a professional office. Parts of the garage, a shed and fence are located in Ketchum right-of-way on East and First.

This is an opportunity to remove something from the right-of-way, but the garage is a vestigial piece of Ketchum's history, and property boundaries were not always clear in the old days. But there are problems, and the City Attorney does not recommend the right-of-way permit for ongoing use of the structure in the right-of-way. The intersection of East and First is sometimes busy with drivers avoiding the Main Street intersection. There is no stop sign for drivers on First turning onto East. On East Avenue going south at the First Street intersection, there is a stop sign with additional sign that says, EXCEPT RIGHT TURN, so drivers sometimes corner pretty fast. Cars in the garage will back out onto First, adding to traffic problems at the intersection. The garage also creates a sight impediment for drivers on East Avenue turning onto First.

One side of the garage is where the sidewalk should be. Snow sheds off the garage roof onto the right-of-way.

Matt McNeal, representing the owner, said East Avenue is a dead end. The building is intended to be mixed office and residential. The parking requirement is met by the garage. There is mature landscaping in the rear and an Idaho Power box in the alley. The building is in a small area zoned Tourist and was previously used as a children's art school.

PUBLIC COMMENT:

- Bruce Smith did the survey for a previous owner, but is not involved in this project. East Avenue is a 100-foot-wide dead-end street with two rows of parking in the middle of the street. He thinks it's a cool old building.
- Ian Jamison works with McNeal and would like to be a future tenant of the office part of the building. He's likes messy vitality and urged Council to allow the encroachment.
- Jim Ruscitto, adjacent neighbor, doesn't object to keeping a historic structure, but does object to the use of a non-conforming structure providing required parking. Cars in the garage would back out against traffic into the opposite lane in a busy intersection. He urged Council to demand the required off-street parking, and said it could be provided in the alley. The garage can be repaired and used for storage and be a charming element in the neighborhood.
- Elaine French loves the building and makes the right turn every day. It's not a perfect traffic situation, but the building is worth preserving.
- Jim Figge agrees the building should be preserved and the right-of-way permit should be granted. He said there are a number of other uses permitted in the area.
- Mickey Garcia agreed with messy vitality and preservation of the building, but felt parking should be required off-street.

Staff's preference is for the required three parking spaces to be off the alley, although some landscaping would have to be removed.

The applicant would like to keep the garage even if it can't be used to meet their parking requirement.

Councilors' comments:

- Councilor Corrock said cars would be backing onto First Street, and this area would someday have more hotel vehicle and pedestrian traffic. Ketchum needs to get complete sidewalks, and this is a life-safety concern.
- Councilor Gourlay wants to keep the building. He disclosed that McNeal sent him an email about the garage. East Avenue is a road to nowhere. The community objected to an underground parking garage under East Avenue, so East Avenue is basically a parking lot. He didn't feel a historic building should be destroyed to provide another parking spot or two. He would like to see pavers along the east side of the garage to provide connectivity; and felt the garage could provide one parking space. Snowclips could help prevent snowslides.
- Councilor David would like to keep the building, but didn't like the idea of vehicles backing out onto First Street. He also felt drivers on East Avenue should stop before turning right.
- Councilor Jim Slanetz said people ride their bikes here. He likes the building, and wouldn't remove it just to provide one more parking space.

Director of Planning & Building Joyce Allgaier said Council could discuss use of the garage in the future when they discuss the Development Agreement.

Councilor Anne Corrock said the developer would have to pay to install the sidewalk now if they went forward with the project and removed the garage. If the building remains and sidewalk installation is delayed indefinitely, the city would have to pay for it. Director of Planning & Building Joyce Allgaier said the City could devise some kind of separate agreement or in-lieu for the sidewalk during Development Agreement.

Councilor Baird Gourlay moved to approve the proposed right-of-way encroachment permit application by A.W.E. LLC and authorize the Mayor to sign a right-of-way encroachment permit agreement with said owner. Motion seconded by Councilor Jim Slanetz, and passed with three in favor and Councilor Anne Corrock opposed.

Ordinances and Resolutions

9. Resolution 14-012: Support of designation of the Boulder-White Clouds as a national monument.

City Attorney Stephanie Bonney drafted a Ketchum resolution based on Blaine County's resolution favoring national monument status for the Boulder-White Clouds.

Idaho Conservation League Central Idaho Associate Dani Mazzotta said ICL had been the leading advocate for wilderness designation for the Boulder-White Clouds for nearly three decades. Congress has not passed wilderness status for the area, so ICL is considering Presidentially-proclaimed national monument status for the Boulder-White Clouds. National monument status would remove motorized use out of recommended wilderness area, withdraw the entire area from future mining claims, remove grazing from ecologically-sensitive places, and conserve the future integrity of rivers, fisheries and habitat.

Other national monuments contain areas already designated as national recreation, wilderness and other specially-designated areas. The Boulder-White Clouds area contains the Sawtooth National Recreation Area. Mountain bikers did not join the Central Idaho Economic Development and Recreation Act (CIEDRA) effort, but are cooperating with ICL toward a common goal of balance of wilderness character and access in the Boulder-White Clouds.

Management plans are written after a designation and full public National Environmental Policy Act (NEPA) process.

Blaine and Custer County Commissioners and the city of Stanley have drafted a letter to departments of Interior and Agriculture and the White House, inviting them to visit the area and host public meetings in Idaho.

PUBLIC COMMENT:

- Bruce Smith has spent much time in the Boulder-White Clouds on everything from skis to hiking to an airplane. He has a problem with the plan being developed after designation when there is already a good plan for the SNRA. He didn't think the President should use the Antiquities Act to sidestep Congress. The Antiquities Act states, "the limits of which, in all cases, shall be confined to the smallest area compatible ..." The Antiquities Act doesn't include anything about economic benefit. Idaho is mixed uses.
- A Ketchum resident said national monument status would put structure over the whole area and keep it like it is. He mountain bikes, four-wheels and skis, and is willing to give up something to keep the entire landscape.
- Claire Casey has lived in Custer and Blaine counties. National monument status under one management plan is important for this spectacular area, and can include multiple uses. She would like to see the area continue to be a true wilderness experience without mountain bikes, dirt bikes and ATVs that are harming the area. Rivers and creeks should be protected to the fullest extent.
- Matt McNeal, Wood River Bicycle Coalition Board member, said the Bike Coalition worked well with several conservation organizations to form a plan that represents the best of recreational assets and environmental protection.
- Debra Bohrer agreed with Claire Casey. She is especially concerned about groups who want the state to manage federal lands, which opens up the land to oil and natural gas extraction.
- Julie Richardson is a fly-fisher who is concerned about the watershed and supports the Boulder-White Clouds. She doesn't want the perfect to get in the way of the possible.
- Mickey Garcia, former Custer and now Blaine county resident, worked for the Forest Service and BLM and fought forest fires. He fought the Vietnam War for benefit of the entire United States of America, not just one county.
- Bob Jonas said times change quickly. The Mayor's grandmother grew up in a livestock/mining community—a dying lifestyle—similar to the Lost River Valley from Arco to Challis. Promoting quality of life and wilderness values is in their interest as it is in the Wood River Valley. He believes local leadership can come together and figure out what's best for future generations and land, water and wildlife.
- Elaine French, Chairman of the Board of the Idaho Conservation League, supports national monument designation, which would remove 360,000 acres from potential mining claims and activity. Motorized use increases every year and is decreasing the amount of landscape that is pristine and potentially eligible for possible wilderness designation overlay. Designation could begin to control unauthorized user-created roads.
- Betsy Mizell is a new Ketchum resident who's been coming here for three generations. She supports national monument designation and protection for the Boulder-White Clouds for her future family.
- Aimee Christensen has seen degradation of the area and supports national monument designation.
- Mike Levy, Lake Creek resident, is concerned that Lake Creek and part of Eagle Creek are now included in the map. He asked if the Lake Creek ponds would have roads and RVs driving there. He said the Boulder-White Clouds should be in the mountains, and not this close to town. Levy said the SNRA was beautiful, and he didn't want to see mountain bikes take over.
- John Kelley, Sun Valley resident, favors wilderness protection to the maximum extent possible. National monument status sounds good, but a detailed analysis of the proposal shows it to be flawed and a lot of details don't make sense. His major concern is that it would be a new policy that wouldn't actually add any level of protection or actual management.

Dani Mazzotta answered questions:

- The proposed boundary follows U.S.F.S. recommended wilderness and watershed boundaries, with the East Fork of the Salmon River draining into the Big Wood River drainage.
- The SNRA is a designated wilderness area. Local bike groups will advocate for closure of some trails and access on some trails in the SNRA in a public NEPA process.
- The Obama Administration is very interested in ongoing discussions among stakeholders. It is crucial for local governments to be involved in the process, and Idahoans have a large influence.
- Outfitters and guides' existing permits would not be impacted.

Council comments:

- Councilor Corrock thinks the area should be preserved, but hasn't researched all the different designations and isn't ready to make a decision on national monument designation. She doesn't like the economic reference in Ketchum's resolution.
- Councilor Jim Slanetz said most people in the area have the same end result goal. He isn't sure if national monument status is best, but feels it is worth the risk.
- Mayor Jonas said she had given a lot of thought to the Boulder-White Clouds. There is a lot of degradation, especially in watershed areas that drain into Lake Creek and Eagle Creek. She hopes this designation will get better overall management.
- Council President Michael David agrees that benefits to the local economy should be removed from the resolution. He is concerned about future mining claims, and feels Council should take action.
- Councilor Gourlay asked about existing guides and outfitters; and if there would be charges for public use or parking. He asked if CIEDRA was still a possibility.

Mazzotta said outfitters and guides would have to go through the permit process, which isn't easy. Those who have permits are working with ICL to preserve existing permits. The ICS is not a proponent of additional visitor infrastructure and fees, but all national monuments are different and fall under different agencies with different structures. The national monument proclamation includes standard language to withdraw the area from mining (and other forms of resource entry), which threatens the land outside the SNRA.

- Councilor Gourlay has seen degradation caused by grazing and molybdenum mining, and feels the area is worth preserving. He supports wilderness values and removing economic benefits from the resolution. He added that he didn't want to see parking lots at the end of Lake Creek.
- Bruce Smith said the whole SNRA has been withdrawn from mineral extraction.

Councilor Baird Gourlay moved to adopt Resolution 14-012 expressing to President Obama and the people of the United States qualified support of designation of that region of central Idaho known generally as the Boulder-White Clouds and containing areas of significant scientific, historical and cultural value as a national monument. In discussion, Councilors discussed if the resolution should include collaboration with the names of biking organizations. Councilor Gourlay amended his motion to remove reference to economic benefit in the resolution. Motion seconded by Councilor Jim Slanetz, and passed with three in favor. Councilor Anne Corrock abstained, since she wanted to wait for a clean resolution.

10. Resolution 14-013: Authorizing payment of certain recurring invoices.

Ketchum City Treasurer/Clerk Sandra Cady said Ketchum adopted Resolution 08-091 authorizing the City Treasurer/Clerk to pay certain vendors prior to submitting the bills to City Council for approval. Since that resolution was adopted, some vendors have become obsolete and others have been added. Cady submitted a list of additional vendors.

Councilor Anne Corrock moved to approve Resolution 14-013 authorizing the City Treasurer/Clerk to pay certain vendors prior to submitting the bills to City Council. Motion seconded by Council President Michael David, and passed unanimously.

11. Ordinance 1116: Amending Title 6.04.0990, Ketchum Municipal Code; as it relates to exotic animals. Third reading and adoption

Also Present: Maya Burrell and Sage School students

This is the scheduled third reading of Ordinance 1116. Councilors requested the language "camels, llamas and bison" be removed.

Councilor Anne Corrock asked the students if they were satisfied with the ordinance that only restricts exotic animals that are part of mobile exhibition. She suggested the term "exotic wildlife" be used consistently throughout the ordinance.

Student Evathea Drougas said they mostly focused on traveling circuses, which confines animals in small cages on the road for long periods of time. Ketchum's current ordinance prohibits animal abuse, but no one is allowed to record evidence of abuse.

PUBLIC COMMENT:

- Maya Burrell congratulated Ketchum for being the first city in Idaho and neighboring states to pass a ban against traveling animal circuses.
- Aimee Christensen said this is one way to show Idaho can lead in important ways and listen to people in the community.
- Mickey Garcia said Council had been misled by this whole issue. Ketchum residents are capable of making their own decision about whether they should go to a circus.

- Students Devon Brown and Kayla Chaffey said elephants have been used by people for thousands of years, but their DNA is wild. The only way to make them obey is to chain them up when they're babies and beat them into submission.

- Brennan Rego asked what it cost Ketchum to process an ordinance like this.

City Attorney Bonney said the students suggested ordinance language, so she spent an hour at most in addition to the time she was at the City Council meetings. Her retainer rate is \$175.00 hour. Acting City Administrator Silver said he wasn't aware of any other staff time spent on this ordinance.

Councilor Anne Corrock said the proposed ordinance said the same thing as Ketchum's current ordinance, but with the addition of the word "circus".

Council President Michael David moved to adopt Ordinance No 1116; amending Title 6.04.090 Ketchum City Code entitled Exotic Wildlife to prohibit traveling circuses and providing an effective date, with amendments discussed. Motion seconded by Councilor Baird Gourlay. Roll call: Councilor Anne Corrock yes, Councilor Jim Slanetz yes, Council President Michael David yes, Councilor Baird Gourlay yes. Motion passed unanimously.

12. CONSENT CALENDAR

- a. Approval of minutes from the May 5, 2014 Regular Council meeting
- b. Recommendation to approve current bills and payroll summary
- c. Approval of the 2014-15 Liquor, Beer and Wine License: See list

Councilor Baird Gourlay moved to approve the Minutes of May 5, 2014. Motion seconded by Council President Michael David and passed unanimously.

Councilor Baird Gourlay moved to approve the Consent Calendar of May 19, 2014. Motion seconded by Council President Michael David and passed unanimously.

13. EXECUTIVE SESSION

Councilor Baird Gourlay moved to go into Executive Session for labor relations, pursuant to Idaho Code §67-2345 1(c) at 9:14 p.m., seconded by Council President Michael David. Roll call: Councilor Baird Gourlay yes, Council President Michael David yes, Councilwoman Anne Corrock yes, and Councilman Jim Slanetz yes. Motion passed unanimously.

14. ADJOURNMENT

Councilor Baird Gourlay moved to adjourn at 10:15 p.m. Council President Michael David seconded the motion, and it passed unanimously.

Nina Jonas
Mayor

ATTEST:

Sandra E. Cady, CMC
City Clerk