

Dawn Hofheimer

From: Chris Estrem <chrisestrem@mac.com>
Sent: Monday, February 2, 2026 9:35 AM
To: Participate
Subject: another e-bike comment

Follow Up Flag: Follow up
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Hello Mayor and city council. Reading about Hailey city council's recent decisions towards managing e-bikes prompted this response. My number one concern is the proliferation of e-bikes on the bike paths (Wood river trail) which are designated non motorized for good reason. All pedestrians whether walking dogs, pushing baby strollers, or just going for a walk deserve a safe place to get a way from motor vehicles. Yes, I am stating which should be obvious to everyone - All e-bikes are motor vehicles. Let that sink in. If you attach a motor of any kind, electric or gasoline to a bicycle you end up with a motorcycle every time and they should be regulated as such. New Jersey got it right and passed a law recognizing that all ebikes are motor vehicles.

This kind of technology only goes one direction - e-bikes will become more powerful and maybe even more affordable and therefore more street legal and capable. Put them all on the streets where they belong and keep our sidewalks and non motorized pathways and trails safe.

Thanks for your time and I hope you consider my opinion.

Cheers, Chris Estrem

Dawn Hofheimer

From: Edith Iler-Wiedemann <edithilerwiedemann@gmail.com>
Sent: Sunday, February 1, 2026 10:31 PM
To: Spencer Cordovano; Tripp Hutchinson; Participate; Randy Hall; Matthew McGraw
Cc: Peter Prekeges; Jano Wiedemann
Subject: Talking Points - changes to the 2025 Comp Plan & zoning code
Attachments: 2.1.26 Talking Points re_ Changes to the 2025 Comp Plan.pdf

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Dear City Council members,

Thank you all for great discussions -- the citizens of Ketchum are counting on you.

After the 1-22-26 mtg, we heard several public officials' stated desire to act on the vote of the people; and wondered, **how** to make the changes the citizens are asking for, in the 2025 Comp Plan and zoning code?

The attached document has some specific ASKS, and some RECOMMENDATIONS, based on discussion at the 1-22-26 joint special meeting of City Council with Planning & Zoning Commission.

We understand that the comprehensive plan and zoning codes can be changed at any time without a complete overhaul of either document, via **interim ordinances OR text amendments**.

We hope these points can help the work, process and conversations to follow.
We appreciate you.

Best,

Edith Iler
Warm Springs Neighbors

Talking Points re: **Changes to the 2025 Comp Plan and zoning code**

Great meeting Thurs 1/22/26! You all set a positive, open, tone & made clear your goals. Thank you!

Re: Density & clarification

PRIORITY ASKS – Wm Sprs Neighbors

<ul style="list-style-type: none"> • <u>Modify 2025 Comp Plan → Retain 2014 FLUM LDR</u> (low density residential) designation 	<p>*Developers can ask for a rezone to align with the FLUM - see pg. 87 “Zoning classifications will be changed upon the request of a landowner or through a public process consistent with the specific requirements outlined in state law.”</p>
<ul style="list-style-type: none"> • <u>Eliminate density ranges from LDR, MDR & HDR future vision in the 2025 Comp Plan</u> 	<p>Staff has provided inaccurate descriptions and information of current density regulations. The 2025 Comp Plan increases permitted density in the neighborhood.</p>
<ul style="list-style-type: none"> • <u>Strike transition zone</u> - remove this terminology from the entire 2025 Comp Plan 	<p>There is no need for transition zones. Transition zones create density creep. Ex: the new Appellation Hotel is in a “transition” zone</p>
<ul style="list-style-type: none"> • <u>Public statement</u> that you (Council & Mayor) will change MDR back to LDR in the 2025 Comp Plan in all of Mid Warm Springs 	<p>(Except or not including at Warm Springs Base & in City Core)</p>
<ul style="list-style-type: none"> • <u>Neighborhood Map in 2025 Comp Plan - eliminate “Heidelberg” neighborhood.</u> <i>This neighborhood should be included in Mid Warm Springs, consistent with our neighbors.</i> 	<p>Restore Short Swing Lane neighborhood to be included with all of Mid Warm Springs; we do not want to be in a separate neighborhood/zoning district. Conflicting goals of wildlife protection and high density.</p>

RECOMMENDATIONS - to move conversation in direction that citizens support

<ul style="list-style-type: none"> • <u>Maintain existing density in GR-L zoning: 2 units/lot</u> 	<p>2 units/lot to determine permitted number of units.</p>
<ul style="list-style-type: none"> • <u>Maintain</u> GR-L minimum lot size as 8000 sq ft 	<p>Preserve character & quality of neighborhoods</p>
<ul style="list-style-type: none"> • <u>Any subdivision over 2 units</u> should require a noticed public hearing 	
<ul style="list-style-type: none"> • <u>RECOMMEND: Revise 2025 Comp Plan immediately</u> 	<p><u>Ordinance</u> to modify most unpopular aspects of Comp Plan: once phase 1 code work is complete, work on phase 2 code can begin promptly.</p>

<ul style="list-style-type: none"> • <u>Break apart 2025 Comp Plan and Zoning Code Revisions</u> into digestible sections; Each issue requires multiple opportunities for public workshops with affected neighbors (recommended by Tripp) 	<p>“hot button” issues [look at subdivisions, zoning by neighborhoods, etc] by themselves, so we’re not looking at huge document</p> <ul style="list-style-type: none"> - Code revisions should be reviewed in districts with extensive public inclusion of residents and affected parties
<ul style="list-style-type: none"> • <u>Require additional parking for all housing units</u> 	<p>Current parking requirements are not sufficient to meet the parking demand for both community housing and market rate housing units. Increase the parking requirements.</p>
<ul style="list-style-type: none"> • <u>Protect all presently constructed/existing single-family homes in residential districts</u> from being declared non-conforming properties 	<p>Make clear in the zoning code that existing single family units in residential [not commercial] zones <u>are conforming</u> and may be remodeled, expanded and rebuilt.</p>

Other points of note:

TAG - Technical Advisory Group is made up of architects & developers; **no representation from the residents/property owners most impacted.** We want this changed, please. Use of neighborhood and public meetings over 6+ months can alleviate [previous] lack of valid & meaningful community input. The staff proposed process is not conducive to resident participation. The proposed process is geared towards development interests and not the residents of the community. Recommend **use of a prioritizer** and new survey, with neighborhood leaders and citizen input.

WE CONTEST accuracy of Staff Charts:

“Density Overview” slide - info re: density is inaccurate → Maximum density is 2 units/lot, regardless of size of lot, in GR-L.

- Morgan is saying current density is 5-11 units/acre but it is actually **2 units/lot**, regardless of lot size
- People are being misled to confuse comprehensive plan density designation (FLUM) with zoning

Morgan stated 1.22.26 “no, this [stop & change comp plan]sic can’t be done in pieces”

yet Jade stated “as we go, we can adjust the Comp Plan to the code.”

- The city council can always amend certain aspects of code at *any time* via **interim ordinances OR text amendments.**

Therefore: the comprehensive plan and zoning codes can be changed at any time without a complete overhaul of either document

Hope these points can help the work, process & conversations to follow!

We appreciate you.

Warm Springs Neighbors

Dawn Hofheimer

From: James Hungelmann <jim.hungelmann@gmail.com>
Sent: Saturday, January 31, 2026 9:09 PM
To: Peter Prekeges; Tripp Hutchinson; Spencer Cordovano; Matthew McGraw; Randy Hall; Participate; phendricks@sunvalleyidaho.gov; Michelle Griffith; Keith Saks; mburchmore@sunvalleyidaho.gov; martha.burke@haileycityhall.org; lisa.horowitz@haileycityhall.org; kaz.thea@haileycityhall.org; heidi.husbands@haileycityhall.org; dustin.stone@haileycityhall.org; Juan Martinez; Christina Giordani; dshay@bellevueidaho.us; tdavis@bellevueidaho.us; Shaun Mahoney; jobenauf@bellevueidaho.us; Suzanne Wrede; logan.davis@cityofcarey.org; clayton.mecham@cityofcarey.org; Cody.Baird@cityofcarey.org; DAVID.WARTHEN@cityofcarey.org; cityclerk@cityofstanleyid.gov; cityhall@custertel.net; mayor@cityofsalmon.com; bgreen@cityofsalmon.com; mdavis@co.blaine.id.us; lmollineaux@co.blaine.id.us; Angenie McCleary
Cc: Matthew A. Johnson
Subject: Fwd: Petition for Attorney General Review of Sawtooth Endowment Land Lease
Attachments: Sawtooth Tower January 2026 .pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mayor, Council Members, and County Commissioners:

Please include this correspondence and the attached petition in the official public record and distribute it to all members of your governing board.

I am writing as a fellow Idahoan and long-time resident who values the Sawtooth region and its importance to our state's identity, health, and heritage.

The Idaho State Board of Land Commissioners has approved a lease authorizing construction of a nearly 200-foot telecommunications tower on state endowment land adjacent to the Sawtooth wilderness. While the physical footprint is small, the visual and environmental impacts would be permanent and difficult to reconcile with long-term stewardship of this iconic landscape.

The Sawtooths support recreation, tourism, ecological stability, and the well-being of Idaho communities. Once compromised, these values cannot easily be restored.

Provided below is the correspondence sent to the Idaho Attorney General, with the attached formal Petition requesting review under Idaho's constitutional trust obligations.

I respectfully ask local leaders to consider expressing support for careful reconsideration before irreversible decisions are implemented.

Respectfully,

James Hungelmann

Ketchum, Idaho

----- Forwarded message -----

De: **James Hungelmann** <jim.hungelmann@gmail.com>

Date: sáb, 31 ene 2026 a las 20:34

Subject: Petition for Attorney General Review of Sawtooth Endowment Land Lease

To: <AGLabrador@ag.idaho.gov>

Cc: <damon.sidur@ag.idaho.gov>, <Governor@gov.idaho.gov>, <idl@idl.idaho.gov>, Sharla Arledge <sarledge@idl.idaho.gov>, <dmiller@idl.idaho.gov>

January 31, 2026

Mr. Raúl R. Labrador

Attorney General

State of Idaho

Subject: Petition for Attorney General Review of Sawtooth Endowment Land Lease

Dear Attorney General Labrador:

As a long-time Idaho resident and senior member of the Idaho Bar, I respectfully petition the Attorney General of the State of Idaho to review and intervene concerning the Idaho State Board of Land Commissioners' approval of a telecommunications lease on state endowment land in the Sawtooth region.

The petition raises substantial questions concerning procedural integrity, constitutional trust obligations under Article IX, and the approval of irreversible impacts to high-value, wilderness-adjacent trust assets for marginal return.

Independent of the Department of Lands' internal process, I respectfully request your review and, if you deem appropriate, intervention before irreversible impairment of trust assets occurs.

I would welcome the opportunity to respond to any questions or provide any additional information that may assist your review.

Sincerely,

James Hungelmann

Senior Member, Idaho State Bar

Ketchum, Idaho

cc: Members, Idaho State Board of Land Commissioners

PETITION FOR ATTORNEY GENERAL REVIEW

SAWTOOTH ENDOWMENT LAND LEASE

January 31, 2026

I. Introduction and Basis for Attorney General Review

As a long-time Idaho resident and senior member of the Idaho Bar, I respectfully petition the Attorney General of the State of Idaho to review and intervene concerning the Idaho State Board of Land Commissioners' approval of a telecommunications lease on state endowment land in the Sawtooth region.

This petition is grounded in the Attorney General's independent constitutional and statutory authority as Idaho's chief legal officer, as well as in his concurrent role as a member of the Idaho State Board of Land Commissioners.

The approved lease authorizes construction of a telecommunications tower approximately 200 feet in total structural height, extending substantially above the surrounding tree line on a prominent ridgeline overlooking Redfish Lake Lodge. Although the physical lease footprint is small, the effects are not. The project would impose continuous commercial wireless infrastructure—and associated RF/EMF emissions—on a sensitive, high-altitude ecosystem immediately adjacent to high-priority federally protected public lands.

Stripped of its marketing language, the project is not a narrowly tailored public-safety intervention. It authorizes permanent large-scale industrial infrastructure in one of Idaho's most iconic wilderness-adjacent landscapes, justified by speculative benefit and advanced through a process that limited meaningful public scrutiny.

The lease site lies on endowment land administered by the Idaho Department of Lands at the Fish Hatchery location. An existing approximately 100-foot communications tower already operates on the parcel and is owned and managed by Custer Telephone Cooperative, Inc. ("CusterTel"). The newly approved structure would be twice that height and is advanced by AT&T under the banner of "FirstNet," a federally created public-safety authority established in 2012.

FirstNet operates through a 25-year public-private partnership in which AT&T builds and manages the network, funding infrastructure through commercial traffic while guaranteeing priority and preemption for emergency users. FirstNet is therefore not a stand-alone public

PETITION FOR AG REVIEW – SAWTOOTH STATE ENDOWMENT LAND LEASE

facility; it is a priority overlay layered onto AT&T's commercial telecommunications network, creating strong incentives for permanent infrastructure expansion irrespective of site-specific necessity.

State endowment lands are not ordinary public lands. Under Article IX of the Idaho Constitution, such lands are held in trust. The State acts as a trustee—not a profit-maximizing landlord—and is obligated to manage these lands with prudence, restraint, and long-term value preservation.

Independent of the Idaho Department of Lands' administrative review and decision-making process, the Attorney General retains authority—and responsibility—to ensure that state action does not violate constitutional trust obligations, rest on arbitrary or pretextual reasoning, or authorize irreversible impairment of trust assets. This petition therefore requests that the Attorney General review the legality, procedural integrity, and fiduciary compliance of the Land Board's action and, if appropriate, intervene to pause implementation and require reconsideration before irreversible harm occurs.

II. Procedural Legal Defects

The approval of the Sawtooth telecommunications lease was not the product of a genuine public decision-making process. The outcome was effectively determined before the public was meaningfully engaged. What followed was not deliberation, but the appearance of procedure.

A. Foreordained Outcome

The project originated with AT&T, not with the Idaho Department of Lands, as part of AT&T's effort to expand its network, using representations of enhanced public safety. Although the resulting lease was technically offered through a bid process, AT&T's exclusive role as the FirstNet contractor meant that, in practical terms, no other provider could meaningfully compete.

This was not a circumstance in which the State identified an unmet service need and sought solutions through the existing local cooperative provider, CusterTel, or through a genuinely competitive solicitation. The initiative followed a single-carrier proposal, with alternatives considered only after the lease path had been selected.

Critical decisions—including site selection and lease framing—were made internally under delegated authority before public engagement occurred. By the time public attention was drawn to the project, the essential contours of the transaction had already been fixed.

What occurred here is best understood as procedural formalism: administrative steps were followed in sequence, but the dispositive decision—the decision to lease—was removed from meaningful public accountability.

PETITION FOR AG REVIEW – SAWTOOTH STATE ENDOWMENT LAND LEASE

When the Land Board later indicated that it was not revisiting the lease approval itself, the statement was both technically accurate and substantively revealing. It suggested that the decisive administrative action had already occurred and that subsequent proceedings functioned primarily to defend, rather than evaluate, that outcome.

B. Public Comment Treated as Legally Irrelevant

Here, the Department received extensive public opposition. Yet the Board proceeded without substantively engaging the concerns raised or providing a clear, reasoned explanation for dismissing them.

Soliciting public input and then treating it as irrelevant is not an exercise of informed discretion; it raises serious concerns regarding reasoned administrative judgment. While the Department of Lands is not always statutorily required to solicit public comment for endowment-land leases, once it solicited public input, it assumed an obligation to demonstrate that the principal concerns were meaningfully considered rather than summarily disregarded.

C. Failure to Consider Reasonable Alternatives

As trustee of endowment lands, the Land Board's obligation extends beyond marginal revenue generation. Fiduciary duty requires serious evaluation of necessity and reasonable alternatives, including the use or expansion of existing infrastructure operated by CusterTel, lower-impact facilities, or deployable and incident-specific communications assets.

The record reflects no such evaluation. Reducing fiduciary duty to rent collection while declining to assess alternatives distorts the constitutional trust obligation and leaves the decision unsupported by the level of analysis expected of a fiduciary steward of public trust assets.

D. State-Facilitated Displacement of a Local Cooperative

Of particular concern is the State's role in facilitating the displacement of an Idaho-based, member-owned telecommunications cooperative that has served its communities for more than seven decades, in favor of a dominant national wireless carrier exercising oligopolistic market power in the regional wireless market.

Custer Telephone Cooperative, Inc. is a member-owned Idaho cooperative created to serve rural communities that national carriers historically declined to serve. Its members are local residents, businesses, and institutions, and its revenues are reinvested locally to maintain and incrementally expand service to its communities over more than seven decades, dating to its 1955 founding.

As reflected in the public record, CusterTel submitted comments identifying its existing infrastructure and the availability of less destructive alternatives. Despite documented awareness

PETITION FOR AG REVIEW – SAWTOOTH STATE ENDOWMENT LAND LEASE

of those alternatives, the State proceeded to authorize a substantially larger, state-enabled macro facility for a federally backed national carrier.

This is not ordinary market competition; it is state-facilitated market displacement, accomplished through governmental authority and the use of trust land, with the foreseeable effect of placing significant economic pressure on the local cooperative by a dominant national wireless provider.

E. COVID-Era Distortion of Civic Participation

The lease process advanced during the COVID emergency period, when ordinary civic participation and oversight were materially constrained. Public gatherings were limited, public attention was fragmented, and established mechanisms for scrutiny and engagement were impaired.

While emergency conditions do not suspend government authority, they heighten the trustee’s obligation to proceed deliberately where irreversible trust-land decisions are concerned. Advancing a skyline-altering, permanent lease under such conditions undermines procedural legitimacy and warrants post-approval review before irreversible harm occurs.

F. Precedent Risk and Institutional Erosion

Even viewed in isolation—which it should not be—a trustee must avoid value-destroying precedent. Once a skyline-altering industrial exception is granted on wilderness-adjacent trust land, future proposals will cite it as justification, steadily lowering the threshold for intrusion and converting protected trust lands into default sites for future infrastructure development.

III. Substantive Legal Defects

Even if the approval of the Sawtooth telecommunications lease were procedurally sound—which it is not—it would still fail as a matter of substantive law.

The Land Board applied the wrong legal standard, misunderstood its fiduciary duty, and approved irreversible impairment of a unique trust asset in exchange for trivial short-term revenue and unproven public-safety claims.

A. Fiduciary Duty “Value” Under Idaho Trust Law

The Idaho Constitution does not require acceptance of any revenue-generating use. It requires preservation and enhancement of long-term trust value.

PETITION FOR AG REVIEW – SAWTOOTH STATE ENDOWMENT LAND LEASE

Here, the asserted benefit rests on approximately \$30,000 in annual lease revenue. But the flaw is not merely that the amount is small; it is that cash is the wrong metric. Intact wilderness-adjacent landscapes possess non-substitutable value across ecological, cultural, recreational, health, and intergenerational dimensions. Once compromised, those values cannot be restored or replaced. Where credible scientific or environmental concern exists and the resulting harm would be irreversible, uncertainty heightens—rather than diminishes—the trustee’s duty of restraint.

Trustees are obligated to protect trust principal, not liquidate it incrementally for minor income.

B. FirstNet / “First Responder” Justification Is Not a Demonstrated Necessity

The project is advanced almost entirely under the banner of FirstNet. That framing does not withstand scrutiny.

FirstNet provides priority and preemption for emergency users; it does not mandate ubiquitous commercial-grade coverage or permanent industrial towers in sensitive landscapes. Emergency response in the Sawtooth region has long relied on land-mobile radio systems, satellite devices, deployable assets, and incident-specific communications expansions designed for mountainous and wilderness terrain. These systems emphasize reliability and redundancy, not consumer-grade cellular saturation.

No evidence demonstrates that these systems are inadequate or that less intrusive alternatives cannot meet public-safety needs.

AT&T, as the private operator of FirstNet, has powerful incentives to favor permanent tower construction over temporary solutions. Each FirstNet facility simultaneously expands AT&T’s commercial network and long-term market position. AT&T is therefore not a neutral public-safety actor.

Absent the FirstNet framing, this proposal would fail scrutiny. The site is environmentally sensitive, revenue is trivial, alternatives exist, and impacts are permanent.

First responders deserve reliable communications—but they do not require the installation and operation of large-scale industrial infrastructure in one of Idaho’s most iconic wilderness-adjacent landscapes.

C. Grave Environmental and Human Health Impacts Were Ignored

The proposed tower would introduce continuous electromagnetic emissions into a low-baseline, high-altitude ecosystem immediately adjacent to protected public lands. A FirstNet-integrated facility operates on a continuous duty cycle, with multiple sector antennas and

PETITION FOR AG REVIEW – SAWTOOTH STATE ENDOWMENT LAND LEASE

dynamic power levels, producing a denser, more complex, and persistent electromagnetic environment than existing, locally scaled installations.

A telecommunications tower approaching 200 feet in height, sited on a prominent wilderness-adjacent ridgeline, would permanently alter landscape character and ecological function. It is these physical and visual impacts—once imposed—that are not readily reversible. Trustees are not permitted to authorize permanent impairment of high-value trust assets for marginal benefit, particularly where the resulting harm cannot be mitigated or undone.

In wilderness-adjacent settings, exposure is neither voluntary nor avoidable. Unlike consumer telecommunications use, exposure in this context is imposed by state action and borne by ecosystems and the public without meaningful opportunity for avoidance or consent.

Small organisms—particularly insects with high surface-area-to-volume ratios and electromagnetic sensory functions—are especially vulnerable, and their decline cascades upward through entire ecosystems, affecting birds, vegetation, soil microbiomes, and ultimately larger wildlife. These are nonlinear systems in which modest inputs can trigger disproportionate downstream effects with irreversible consequences.

Forest ecosystems in the region are already experiencing measurable stress from drought cycles, temperature extremes, insect infestation, and cumulative human disturbance. In such conditions, additional permanent infrastructure may incrementally elevate overall forest-health vulnerability through secondary and compounding factors. Scientific inquiry into the long-term ecological effects of persistent electromagnetic exposure on vegetation remains ongoing; however, a growing body of peer-reviewed research reports measurable physiological responses in plants and small organisms exposed to chronic radiofrequency fields, raising serious concerns that such exposures may contribute to vegetation stress and, in combination with existing environmental pressures, materially increase susceptibility to forest desiccation and wildfire risk.

In sensitive wilderness-adjacent landscapes, fiduciary stewardship requires consideration of these cumulative and interacting stressors where incremental inputs may combine to produce disproportionate and difficult-to-reverse consequences.

Urban environments do not provide reassurance. They demonstrate what occurs after cumulative anthropogenic stress overwhelms ecological resilience: habitat fragmentation, chemical pollution, artificial lighting, noise, heat-island effects, and dense electromagnetic fields converge, and ecological collapse becomes normalized. Wilderness landscapes serve a fundamentally different role. They are among the last remaining low-baseline reference environments against which cumulative harm can be measured. Once those baselines are degraded, there is no external reference left and no refuge from which recovery can propagate.

PETITION FOR AG REVIEW – SAWTOOTH STATE ENDOWMENT LAND LEASE

Although the lease parcel itself is not federally designated wilderness, it lies immediately adjacent to some of the most highly protected lands in the nation. Federal wilderness law reflects a national judgment that such landscapes must remain free from permanent industrial intrusion. While that legal protection does not automatically extend onto adjoining state land, it imposes a requirement of coherence. State trustees may not undermine the preservation logic governing the surrounding federal estate through truncated process or flawed analysis at the boundary of those protected lands.

This proposal cannot be evaluated solely as a telecommunications siting decision. Wilderness-adjacent lands function as public-health infrastructure, providing psychological restoration, ecological stability, and intergenerational value that are increasingly rare in modern life.

A substantial and growing body of medical and public-health research indicates that regular exposure to intact natural environments reduces stress hormones, lowers rates of anxiety and depression, improves cognitive function, supports immune regulation, and mitigates the chronic health effects of modern industrial life. These benefits are not incidental or aesthetic; they are structural, measurable, and increasingly recognized as essential to population health.

In an era marked by rising mental-health disorders, social fragmentation, and technology-driven alienation—particularly among children and young adults—wild, undegraded landscapes function as irreplaceable health infrastructure. They provide settings for physical movement, attentional restoration, emotional regulation, and a sense of continuity beyond the compressed horizons of daily life. Unlike built amenities, these benefits cannot be engineered, relocated, or replicated once degraded.

From a trustee’s perspective, impairment of such landscapes imposes costs that do not appear on balance sheets but are borne over generations in diminished public health, reduced resilience, and the erosion of conditions that support human flourishing. The constitutional obligation to preserve trust value therefore encompasses not only economic return, but the protection of landscapes that sustain the physical and psychological well-being of the people the trust ultimately serves.

To Idahoans, the Sawtooths are not fungible property. They represent inheritance and obligation across generations, dating back to Indigenous peoples long before statehood. When an irreplaceable landscape is diminished for marginal gain, the loss is not merely environmental—it is permanent and irreparable, and it undermines the trust principles the State is bound to uphold.

No responsible fiduciary would permanently degrade an irreplaceable trust asset for revenue so small that its absence would be imperceptible to the beneficiaries purportedly served. These values are non-compensable. Reducing trust value to rent collection converts a constitutional preservation mandate into a liquidation exercise.

PETITION FOR AG REVIEW – SAWTOOTH STATE ENDOWMENT LAND LEASE

Trustees are not free to disregard credible scientific concern where the consequences include irreversible ecological harm or degradation of human health. Where a proposed use would permanently impair core trust values—environmental integrity, human well-being, and cultural continuity—restraint is not discretionary; it is integral to fiduciary stewardship.

IV. Relief Requested

Accordingly, I respectfully request that the Attorney General exercise independent constitutional authority to intervene before irreversible harm occurs and ensure that Idaho's trust obligations are honored.

Specifically, Petitioner requests that the Attorney General:

1. Intervene to pause implementation of the approved telecommunications lease pending review;
2. Conduct a review of the legality, procedural integrity, and fiduciary compliance of the approval; and
3. Recommend or, where appropriate, compel reconsideration by the Idaho State Board of Land Commissioners before irreversible impairment occurs.

Once constructed, the impairment authorized by this lease cannot be undone; that is precisely when independent Attorney General review is most essential.

Respectfully submitted,

James Hungelmann

Senior Member, Idaho State Bar

Ketchum, Idaho

Dawn Hofheimer

From: Perry Boyle <Boylehp@yahoo.com>
Sent: Friday, February 6, 2026 4:34 AM
To: Participate
Cc: Sarah Lurie; Andrew Theophilus
Subject: PUBLIC COMMENT on Mountain Rides Funding

Follow Up Flag: Follow up
Flag Status: Completed

The Council wants late night bus service. MTRA wants Ketchum taxpayers to pay over \$100k for it. There is a better way.

Pay for it out of the LOT for Air money.

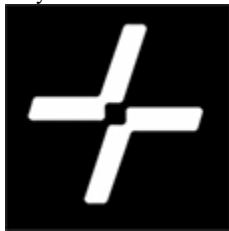
MTRA already receives money from this source. The #1 use of LOT For Air has nothing to do with air service anyway. The biggest single expense is google ads to promote tourism growth (easily confirmed by checking with Visit Sun Valley).

The LOT money would better spent for the benefit of locals than the benefit of Sun Valley Co. You would get enhanced bus service at no cost to residents.

Doesn't that make sense? What is the counterargument?

Perry Boyle
Ketchum

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359f1qcOT4Ads6ap9TIR0Z0wMT8JCDk"/>

Perry Boyle | Co-Founder & CEO

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Dawn Hofheimer

From: Perry Boyle <Boylehp@yahoo.com>
Sent: Friday, February 6, 2026 2:54 AM
To: Participate
Subject: Public comment

Follow Up Flag: Follow up
Flag Status: Completed

We have a model for what we don't want in Ketchum as n the attached This is the path the Bradshaw regime put us on. We are kidding ourselves if we think this can't happen here.

The Comp Plan and FLUM are a gift to developers who want to build more luxury condos and AirBnBs. The FLUM needs to be revoked and rethought through the lens of what benefits locals rather than what benefits tourists.

Pay particular heed in the attached to what happens in housing like Bluebird. It becomes retiree housing (as Northwood Place has already become) and does not address workforce housing needs. 1/3 of tenants in this type of housing in Aspen are now over 63 years old.

The push for this type of housing by two of you (Tripp and Spencer) is concerning. I hope the rest of the council will quash what is currently planned by the Ketchum Housing Dept for the Lift Tower Lodge site.

I voted for Mayor Pete because he promised to reform Ketchum's Housing Department. I look forward to his implementation of this promise.

What we need:

- New FLUM that protects residents
- New zoning that protects neighborhoods
- End the disastrous approach to workforce housing

You guys are off to a great start. Don't lose the momentum.

“Don't change Ketchum, let Ketchum change you.”

Perry Boyle
Ketchum

Begin forwarded message:

From: The Red Ant <theredantem-comcast.net@shared1.ccsend.com>
Date: February 6, 2026 at 9:47:41 AM GMT+1
To: boylehp@yahoo.com

Issue #284 | February 6, 2026



THE RED ANT

Political Commentary, Aspen Style

The Aspen Zeitgeist 2026

"Most of the social history of the Western world, over the past three decades, has been a history of replacing what worked with what sounded good."

-- Thomas Sowell

Oh, hi. It's been a minute. (Closer to a year.) The Aspen muni elections in March 2025 were the straw that broke this camel's back. Aspen dusted off career politician Rachel Richards and made her mayor once again (she needed a job to keep her housing) and re-elected John Doyle, he of alarming anti-Semitic views. I was disgusted and decided to take a step back for a while and just watch.

During this hiatus, one thing became abundantly clear: we have a horrific news void. It's hard to care when you're unaware. Read about a public matter in the papers one day and never read about it again, unless it's to parrot city talking points or casually mention another higher cost amount, and there's never any critical analysis. Sadly, there's no good way to stay abreast of Aspen public policy. There are too many balls in the air, by design, creating too many issues for a citizen to track. Overlay an indifferent electorate that gives minimal public pushback on the current outrageous and costly policies and programs coming from our local governments and, voila, you get what you pay for: bureaucracies running amok.

I miss writing The Red Ant, but after 18 years of trying tirelessly to affect local matters, the results at the polls last March were so disheartening

that I questioned my appetite to continue. I still care deeply, but do you? While you think about that, I thought I'd fill you in on what's been going on. Buckle up.

Jobs and Growth

According to the 2024 Pitco Economic Report, the county has more jobs (17,400) than housing units (13,350) and labor force (11,236) so we obviously have to import labor unless we want to build THOUSANDS of housing units. These simple facts are notable in a local environment of - 4.1% population growth, low job growth and essentially zero free market housing unit growth. Why on earth wouldn't we focus on transportation solutions for importing labor and maximizing the maintenance and efficiency of the already huge workforce housing stock we already have, vs solely trying in vain to build an infinite amount "more"?

With regard to growth, Aspen is effectively at build-out, therefore the 277-unit Lumberyard subsidized housing project across from the airport was annexed into Aspen, primarily to harness votes, just like at Burlingame. Astonishingly, despite our long-held community no-growth values, THIS growth (and more just like it) is apparently now ok, never mind The Lumberyard alone adds 10% to our local population. There has been no consideration of the impacts of 600 new residents on the roads, the schools and the hospital. It seems our electeds changed our values without asking! Pitkin County officially spells this out in its 2026 Comprehensive Plan, stating "The growth we do want as a community, that meets our community values, is more affordable and middle income housing. We want to grow the community that will participate in our community..." As if those who pay for such things don't "participate"???

At a joint council – BOCC meeting in September, clearly surprised by the LY population growth figure and the very real associated impacts on local services, commissioner Kelly McNicholas-Kury sheepishly asked, "How do we study that?" Yes, she asked that, this far into a what will be a half billion dollar+ expenditure. It's fun playing developer until you have to reckon with the unintended consequences of actual growth.

Alas, they've finally said the quiet part out loud: subsidized housing growth is good. It "builds community," never mind the 24/7/365 impacts by these folks who property tax-wise do not pay their fair share. Those impacts apparently don't count. It's the free market growth that's the problem despite there being next to none. Again, if you live in free market housing, you're really not part of the community either. (You just pay for it.)

The county now factors "intensity" into its calculus in addition to density when evaluating larger free market homes. Stated as settled fact,

“The intensity data analysis establishes a correlation between the square footage associated with large residential homes and the associated impacts to economic, transportation and climate intensity. It also highlights the need to recognize and address the fact that large homes are not acting like conventional homes but more like commercial hubs with workforce-and-vehicle-trip-intensive micro-economies.” Yes, class warfare has transcended local attitudes and is now officially part of local governance.

Incidentally, speaking of governance, the second largest job growth sector in the county is in Public Administration. The city and county currently have 385 and 453 employees, respectively. Yes, you read that right, well over 800 local government employees! I suppose it takes a village to spend 2026 budgets of \$296.2 million (city) and \$312 million (county)!

The Lumberyard

Construction of the 277-unit Lumberyard subsidized housing project has gotten underway. Today’s cost estimates are at \$400 million (\$1.4 million/unit), but change orders have already started coming in despite Infrastructure Phase 0 starting in April. In the city’s 2026 strategic plan, to my great surprise (horror?), the number of units remains a moving target (“280-300”) implying that the design is still not yet final. Another example of the city of Aspen building the plane while flying it! Targeted completion is June 2029. With “the city as developer,” what could possibly go wrong?

Here’s what. Just last week council was informed by its very own “affordable housing development manager” who serves as the “owner’s rep” on the project that – oops – they overlooked the need to tie the electrical grid at The Lumberyard into city electrical infrastructure. It’s apparently “an adventure” right now as the city navigates numerous complicated easements at the AABC to make this happen. But don’t worry, they say they’re “pretty positive” and “think they have a pathway,” plus there are lots of “ideas” being kicked around.

Council’s reaction was predictable. Bill Guth was rightly horrified at the monumental oversight at this late stage, questioning how we got so far along without considering a power source. Rachel made excuses for city staff’s abject buffoonery, and John Doyle reliably pivoted to “solar,” earnestly believing this could be a viable substitute.

The Lumberyard is also on track to add yet another stoplight precisely at the chokepoint of Highway 82, just east of the airport. The city still maintains that not many cars will be making eastbound left turns from The LY into town, despite there being on-site parking for 435 vehicles. If that’s the case then why not force them to turn right and make a U-turn

at the airport light? And at a certain point, wouldn't an underpass for eastbound Lumberyard traffic make the most sense, like at the Maroon Creek Club?

If there's any good news at The Lumberyard it's that it will be an all-rental complex, with compliance monitored annually through lease renewals, maintenance baked into rent costs, and an end to the "set-for-life" scenarios for those in APCA ownership housing.

On a side note, I have long wondered why we don't require subsidized housing residents to live by and exemplify our "save the plant" community ideals by eschewing cars and relying on public transit. For the benefit of living in a \$1.4+ million subsidized apartment, it's really not a big ask and would be a solid step toward doing something in return for the community's largesse. Snowmass Village is currently considering this for its pending housing project.

Entrance to Aspen and The Airport

The Airport replacement project is officially slated to begin in April 2027. This undertaking, currently estimated at \$518 million, is a much needed infrastructure upgrade that also presents a generational opportunity to solve the "entrance to Aspen" conundrum. With reconfigured runways, a new terminal and an improved facility and property layout, this is our chance to create a 21st century transit center that revolutionizes "the last mile" into Aspen proper and establishes an "entrance to Aspen" that solves our worst problems and creates something we can all be proud of.

It's currently chaos from the Hwy 82/Brush Creek intersection inward. Traffic is horrendous. The county is shopping airport terminal designs while the city focuses on developing The Lumberyard across the street and dithering about "the entrance" which is nothing short of a dysfunctional community embarrassment. Meanwhile, there are really cool ideas circulating elsewhere about aerial trams and novel innovations that could address "the last mile." The most recent airport design provides for parking for over 900 cars. Why aren't we looking at this holistically and integrating it all? Imagine a transportation hub at the airport that offers convenient, reliable, multimodal solutions into town for airline passengers, commuters, Lumberyard residents and those living in the 300 units at the AABC?

Apparently this is not at all a priority, yet alone even a consideration. County commissioner Francie Jacober, clearly caught in the deep myopia that pervades our elected bodies, said of collaboration between the city and the county on the airport, the entrance, The Lumberyard and the last mile, "The county is looking at the airport thing right now, so for us to take on another huge design and research project would be pretty

difficult. The city is looking at the entrance, so there are two obstacles right now in terms of making progress with another huge infrastructure project.”

How can our electeds ignore the need to address these projects TOGETHER? Sadly, despite \$1 billion in concurrent, adjacent projects, the city and county have zero coordinated planning or shared vision, just “silo” mentalities. Such ignorance will be the cause of a tragic missed generational opportunity. And likely far worsened transportation gridlock where it occurs today. Welcome to Aspen.

The Straight Shot, Castle Creek Bridge and Traffic

In March 2025, after a contentious battle, the electorate voted to give CDOT free reign to realign Hwy 82 across any part of the Marolt-Thomas Open Space of their choosing to create a more direct route into Aspen and bypass the S-curves. This, despite a 28-year-old record of decision (1998 ROD) documenting ad nauseum that this new alignment is merely a mass transit solution that will not improve traffic or congestion.

The “preferred alternative” is an asphalt solution to a 21st century problem that will still feature a single lane for cars in each direction (at the same or slower speeds), dedicated bus lanes, a new stoplight at 7th Street and a left-turn only at Cemetery Lane (head east into town over the Castle Creek Bridge and then turn right at the new 7th Street stoplight to access westbound Hwy 82).

A year later and nothing has changed, nor is it likely to progress for years to come. Why? The city is nowhere near getting CDOT funding; the project doesn’t appear anywhere in CDOT’s 10-year funding queue. Instead, council has directed city staff to re-evaluate the 1998 Environmental Impact Statement (EIS), pretending there have been no major changes to the city’s traffic patterns during that time. It’s an attempt to side-step a costlier new EIS that would take into account the tectonic changes of entire neighborhoods that have sprung up in the past 30 years, the revamped traffic patterns from all points of the roundabout, as well as the imminent impacts of the new airport terminal and Lumberyard now in the pipeline.

Meanwhile, the Castle Creek Bridge that was built in 1961 is precarious. It was rated “fair” by CDOT in 2024. If the bridge falls below a “fair” rating, CDOT could place weight limits on the bridge or condemn it entirely. Council fiddles while the bridge fails. There is no contingency plan. They decline offers to bring in cutting edge bridge experts who have pioneered carbon fiber construction solutions that happen in days, not months. Fixated on the straight shot pipe dream, Rachel ignores the march of time, and technology that is bringing cheaper, faster and greener mass transit solutions. Yes, technology has finally caught up

with Toni Kronberg and urban “rope tow” gondola-like systems that are being implemented around the globe. While Rachel clings to her outdated, 1998-era bus-centered vision, RFTA officials protest that they are already operating at full capacity and have no plans to increase it.

Always remember, it was Torre, Ward Hauenstein and John Doyle who spiked a motion in 2024 to rebuild the bridge (it has to be replaced in any case, on the city’s dime). Why on earth are we not replacing the bridge today, optimally with an alternating lane, while the lengthy ROD/EIS process plays out?

Aspen’s 10.35% Sales Tax

As of 2026, aside from Winter Park (11.2%), we officially have the highest sales tax rate (10.35%) in the state of Colorado. Here’s the breakdown:

Colorado state sales tax: 2.90%
Pitkin County sales tax: 3.60%
City of Aspen local tax: 2.70%
Aspen Fire Protection District: 0.50%
Confluence Early Childhood District: 0.25%
Roaring Fork Rural Transpo Authority: 0.40%

Aspen loves to be at the top of every list. Congratulations, geniuses.

Childcare Tax

You were fooled. 7A (a 25 cent sales tax on every \$100 purchase) passed locally last fall to create a regional childcare tax district because we were told that our childcare capacity only accommodates 44% of kids in the region who need it. That could be true – in the region. But a November 2025 study clarified the local stats. Turns out that Pitkin County “likely” has a shortage of child care slots for infants and toddlers, but childcare for preschoolers is sufficient. Furthermore, the study concludes that “creating new preschool slots may threaten the sustainability of existing providers.” In addition, the county’s young child population is projected to shrink through 2029. The regional needs are likely far different, echoed in the study’s revelation that a full quarter of those who live in Garfield or Eagle Counties but commute to Pitkin County for work would prefer a Pitkin County childcare provider. Of course they would, especially if we subsidize it.

So here we are, subsidizing other counties’ populations and childcare preferences. Good news is that council just punted a \$15 million (2022 estimate) childcare facility at Burlingame because of the “potential to harm the existing childcare infrastructure.” It could still rear its ugly head in the future...

Short Term Rental Regulations

There are currently 387 STR permits issued in Aspen that enable owners to rent out their properties for less than 30 days at a time. Permits range from \$148-\$394/year. These are distinctly punitive and have become yet another revenue stream primarily dedicated to vague “community affordable housing efforts.”

Check out the taxes. It’s all designed to pinch the greedy homeowner but anyone with a brain knows such costs get simply passed on to the renter. Screw the tourists, right?

Traditional Lodge: 2% (total with sales tax = 12.35%)

STR (owner-occupied): 5% (total with sales tax and 2% lodging tax = 17.35%)

STR/2nd Homeowner: 10% (total with sales tax and 2% lodging tax = 22.35%)

Yet an inane debate rages on. The fact is, people have rented their Aspen condos to tourists for generations, long before Airbnb. A large, uninformed yet vocal group ignores this and honestly believes that if we outlaw all STRs, condos in the downtown core will magically become rentals for local workers again. But seriously, why would owners rent at “affordable” prices when property values and costs have quadrupled? It’s not STRs that took away rental condos from locals, the market went up. Condos once purchased for \$500K are now worth \$2M+. Do the math. It makes zero sense for owners to rent these out for \$2000 a month - to anyone.

Taster’s/Yogi’s

Besides playing developer, city hall loves to monkey in commercial real estate and restaurant oversight. There’s a long track record of failure, yet they continue, most recently trying to find a new tenant for the city-owned restaurant space across from Rio Grande Park, intended as an affordable restaurant that offers below-market rent. The finalists for the deeply subsidized space are in, and they represent popular entities in the valley. There’s also a high profile PR campaign by one applicant, the 520 Grill, a local’s favorite currently in a free market location on Cooper Street.

All the letter-writing and hullabaloo made me take a closer look. It turns out that many of 520 Grill’s current menu prices will actually INCREASE if chosen for the subsidized space! It’s in the RFP in black and white. The point of the whole exercise is to be able to offer the community affordable options. Council tends to decide such issues based on who’s a “good guy,” so maybe this won’t matter. But shouldn’t prices technically go down when the rent does? Just think, if 520 Grill wins, we’ll be subsidizing both the rent AND the owner.

Don't get me wrong - everyone loves 520 Grill. Food's great. But just like city council, they've missed the plot. Just keep prices the same and profits will increase. Duh. Here's one more glaring example of why it's simply bad public policy for city incompetents to be picking winners and losers in Aspen's competitive restaurant landscape.

The Armory

Speaking of subsidized restaurants, look for a 5-kitchen food hall, a bar, billiards and a teenage hangout lounge in the soon-to-be-remodeled Armory. Add to that "flex space" for meetings, banquets, a market and a visitors center and it'll practically be like the carnival has come to town. All for today's estimated cost of \$53.7 million.

But don't you remember, back in 2018 when we voted on our preference for a new city hall? Championed by yours truly as well as longtime locals Bill Stirling and Howie Mallory, the option to purchase 517 E. Hopkins from developer Mark Hunt as the future location for new city offices (across the street) to supplement the existing city hall in the Armory was shot down 57%-43% at the polls in favor of today's new Taj Mahal City Hall. Hunt's deal was a committed contract to deliver a redeveloped building at the 517 E. Hopkins location, connected by an underground tunnel to the Armory, for a fixed \$45 million. He also offered to remodel the Armory for just \$9 million more. It was too good for the bureaucrats to stomach.

Fueled by the city's own campaign reflecting its vitriol toward a developer (former city manager and Red Ant foil Steve Barwick actually said, we "don't want to put money in local developer Mark Hunt's pocket"), voters chose to accept the city's farcical estimate of \$42-52 million not including the land cost, to build the Taj, which came in costing closer to \$100 million. (The terrible location is where a large in-town subsidized housing complex belongs.) Today we're looking at spending \$53.7 million (and counting) just to remodel the Armory. Do you actually think the city's cost estimate will hold?

Just like the hideous, ill-functioning, ghost town office space that is today's Taj, the Armory and its plans to be all things to all people (hardly the "community gathering place" that many sought) will be another grossly over-priced disaster for Aspen. Will we ever learn?

Meadows/Institute/Physics Housing

The latest trend is that major employers have finally given up on APCHA and are developing housing to meet their proprietary needs. The latest is a proposal by the Aspen Institute, Aspen Music Festival and School and Aspen Center for Physics to develop 60 units for employees, students and guests on their shared campus in Aspen's historic West End.

Despite concerns about the STR-like nature of some of the units and overwhelming pushback from the neighborhood over the impacts of an already untenable parking situation, the submission moves along. It is noteworthy how this proposal stands to be dramatically “under-parked” with P&Z advocating for deed restrictions that don’t allow cars at certain proposed buildings, which will only add to the parking strife in Aspen’s toniest neighborhood. Contrast this to the deliberately “over-parked” Lumberyard that is providing 453 parking spots for 277 subsidized units. Double standard much? Mayor Rachel seems to think that “at the end of the day, we do have to have a little give from the (West End) neighborhood.” Really?

This is not a fait accompli. Frankly, it needs a lot more work.

Housing Shortage?

Do we really have one? Are there legitimately businesses in town today that cannot hire for lack of housing? For which jobs specifically? Glenwood Springs has built over 700 units in the past 5 years. At Willits, there are 196 new apartments at the Tree Farm Lofts. Next to Carbondale City Market are 224 new apartments. Near Target in Glenwood are 400 new apartments. All of these are on the RFTA transportation corridor. From a cost perspective, the Carbondale apartments were \$265K per vs. \$1.4M (estimated) at the Lumberyard. And remember, we have no idea which workers are currently being housed in our APCHA inventory. In other words, we have yet to identify what problem we’re trying to solve - other than building “more.”

Mid valley communities have historically resisted building worker housing for up valley employers but now that many local jobs are moving to the mid valley, they can’t avoid it. However, this movement of jobs out of the upper valley directly reduces the pressure on workforce housing in Aspen proper, and perhaps even eliminates it if we manage our existing inventory properly.

To ignore the impacts of this significant increase in housing units in the greater valley on what is purported to be a “housing crisis” in Aspen is intellectually dishonest. Can you see now why no one wants to commission real data or share what does exist? It destroys the narrative of infinitely “needing more.”

This obfuscation and nonsense continue despite the our community guiding document, the 2012 Aspen Area Community Plan (AACP), clearly stating that “we cannot build our way out of the housing problem.”

Do we really OWE housing to everyone who wants to live in Aspen affordably?

Retirees in APCA Housing

At one point, The Silver Tsunami was a notion. Then it was coming. There is no doubt it's arrived, and we're surely taking on water. But don't expect APCA to reveal this data. The numbers are perhaps Aspen's most closely guarded secret. And I've yet to hear a local reporter ever ask for them. The surely staggering retirees-in-APCHA-housing numbers are deep within APCA's clandestine HOMETREK database and in assistant APCA director Cindy Christensen's head.

Next to no data is publicly available anywhere. The 2012 AACP acknowledged that we "are on the brink of a rising retiree demographic," citing 310 retirees in APCA housing in 2012 with a forecast of 800 by 2021. Notably, no substantive "retirement" strategy has been discussed in the 14 years since. Another loose datapoint from 2023 contends that 33% of APCA unit owners are 63+. Anyone see the troubling direction we're headed?

Merely discussing the mysterious "retiree numbers" is grounds for harsh criticism, as though knowing our reality is somehow "anti-retiree." Sorry, knowledge is power, and when we're doling out \$1.4M in public funds per unit for new subsidized housing units with an undefined end goal, factoring in the growing number of units occupied by non-workers must become part of the equation.

I'll stop ... for now

I could go on. And I might. I barely touched on APCA and that list is so long it simply warrants its own issue. But hopefully this brought you somewhat up to speed. I know, it's beyond depressing. All of this should read as a cautionary tale. There's a very fine line between being visionary and being a virtue signaling moron.

The Taj Mahal City Hall and its emphasis on a "one roof" customer service solution seemed to our naive electeds like the right thing to build ("a 50-year solution") when in reality there was no vision at all. (Imagine ignoring the work-from-home revolution?) Today the Taj is a huge community stain, symbolic of our bloated bureaucracy with its poor design and reckless execution that notably killed any hope for a town-to-river connection by cutting off Rio Grande Park, and fittingly exists as an empty tomb during most business hours. The airport and straight shot are poised to similarly follow in its footsteps. It's undeniably tragic to screw up one generational opportunity after the next because of inept elected officials.

There is a good reason I always push to elect well-educated candidates and those with real world work experience. Without it, we get emotional

decisionmakers who see every issue in a vacuum. It's hard to imagine someday electing a majority that seeks enough information to envision and comprehend the larger picture, yet alone the cumulative impacts on our (diminishing) small town character. Don't take my word for it - just look at what's happening today.

Please let me know what you think. Do you want to know more? Do you have a friend who'd enjoy reading? I have a lot to say. Question is, do you want to hear it?

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