

Lisa Enourato

From: David Hutchinson <david@vpcompanies.com>
Sent: Saturday, June 18, 2022 10:53 AM
To: Participate
Cc: Neil Bradshaw; Michael David; Courtney Hamilton; Amanda Breen; Jim Slanetz
Subject: Public Comment on Harriman Hotel scheduled for Thursday June 23rd

Dear Mayor and Council,

I make this comment as a citizen of Ketchum. My comments are framed by having sat in your seats in the past and by my experience on the other side of the table as a developer in Ketchum, Sun Valley, Blaine County and multiple other western states.

It is my intent to focus on the positives of the project and to not put forth an opinion on the past, as that seems unproductive at this stage. I would disclose that I have no financial or other interest in the project.

Bottom line for me, is that in spite of unfortunate circumstances and market related issues, this is simply an excellent project conceived thoughtfully and a benefit to the community. That is why it was approved in the first place and why it's entitlements need to be reasonably reinstated. The shifting demographics related to Covid make the project even more valuable to the community, as the north valley is still way underserved in this hotel space.

The impacts of development have been mitigated by creation of employee housing, in lieu housing fees, under grounding of power and a commitment to enhance and maintain the adjacent waterway. All of these issues have needed to be addressed for decades and I applaud the P&Z members, Council Members, Mayors and staff along the way that have thoughtfully implemented the process through the prior approvals. Well done.

Based on the previously successful process and the the city's proper scrutiny, the project continues to strongly stand up as a model to point to in Ketchum. With reinstatement, this can finally receive recognition as a difficult yet successful collaboration with the city for the benefit of all.

As a body being asked to "reinstate" approvals, it requires that you find respect for you predecessors and yourselves and the result from the city's previous process - which was approval. It is easy in a small town to get bogged down in the subjectivity of finding blame for the " hole in the ground" at the entrance to town but ultimately it's always the job of appointed and elected officials to make an objective decision, supported by ordinance and in the city's best interest.

It's been a long road, but rather than let the fatigue win out, I urge you to not just allow this project to be completed but to lend your support and a your typical facilitative attitude from here forward. There is new energy, new controlling ownership and a new verifiable capital partner with a long term community connection. The stars are finally aligned. This project requires and deserves all of our support.

Respectfully,

David Hutchinson
220 Aspen Dr
208-720-0789

Lisa Enourato

From: Alex Hughes <alexsunvalley@gmail.com>
Sent: Sunday, June 19, 2022 2:57 PM
To: Participate
Cc: Alex Hughes
Subject: Harriman Hotel Settlement Agreement - Special Meeting

To: Mayor Bradshaw, Courtney Hamilton, Amanda Breen, Michael David and Jim Slanetz,

RE: Harriman Hotel Draft Settlement Agreement - Special Meeting - City Council

Thank you for taking the time to read my thoughts regarding this special meeting.

I am 100% behind the Harriman Hotel reinstatement of Project Approvals with no further delays.

We all know that this is 'hotel corner' per Ketchum City Code and the timing is right for this project to commence. There have been many presentations, community housing apartments in process of being built and substantial earnest money spent by the owner of the property over many years. The delays have been caused by issues beyond anyone's control.

The moment is right for this beautiful hotel to grace our town with local investors who have a proven track record in the 4.5 star hotel and commercial, as well as, residential development. All of Jack Bariteau's City of Ketchum commercial and residential development projects are proven architecturally in line with the City of Ketchum's long term, small-town outlook, as proven over the last 20 years.

Thank you to all mayors and counsel members who have spent time and energy allowing this project to come to light where we will all be invited to share in the splendor of this hotel including dining, lounge areas, Observatory on the roof top, assorted events allowing school groups and our Dark Sky Reserve coalition to gather, and I am sure many other local and visitor events to enjoy in the coming years.

Sincerely,

Alex Hughes

Sun Valley, A Great Place to Wake UP!

Alexandria 'Alex' Hughes
Sun Valley Real Estate, LLC
CHRISTIE'S
INTERNATIONAL REAL ESTATE
Ketchum, Idaho 83340-2277
(208) 720 7444 cell

alexsunvalley@gmail.com
www.alexsunvalley.com

Lisa Enourato

From: James Hungelmann <jim.hungelmann@gmail.com>
Sent: Sunday, June 19, 2022 9:36 PM
To: Neil Bradshaw; Amanda Breen; Courtney Hamilton; Michael David; Jim Slanetz; Participate
Cc: Matthew A. Johnson; Suzanne Frick; Jade Riley
Subject: public comment/. HARRIMAN HOTEL SETTLEMENT AGREEMENT under consideration

June 19, 2022

Re:
Proposed Harriman Hotel Settlement Agreement/ Council Meeting June 23, 2022

Dear Mayor Bradshaw and City Council:

I oppose this proposed Settlement Agreement, for the following reasons:

1
This Developer's threat of a \$100 million lawsuit should not be taken seriously.

It is a simple matter to file a Notice of Tort Claim, as he has done. By contrast, for this developer to file a suit would require major monetary investment by him in attorneys' fees and costs, which no law firm or third party would be willing to finance. Ketchum City is more than capable of funding the defense of such a lawsuit, in the highly unlikely event one is filed. Moreover, if a lawsuit from this developer is found by the court to be completely unfounded as so many now claim would be the case, the developer would risk a court order for him to reimburse the city's costs of defense of a frivolous lawsuit, in accordance with the provisions of Idaho Code Section 12-123.

2
The City's case is legally and ethically rock solid.

Over many years, this mayor and city council, and their predecessors - to the chagrin of much of the Ketchum public -, have bent over backwards to grant stunningly generous accommodations and concessions to this developer (e.g., PUD approval, height and density variances, repeated extensions of time), at every step carefully following the legal advice of a reputable law firm that specializes in Idaho municipal law. The suggestion or contention that anyone in Ketchum City has sabotaged this developer, tarnished his reputation and/ or inflicted great economic harm is seen by the Ketchum public as rubbish. In exchange for the city's respectful accommodations, this developer has left us with one Grand Hole at the city entrance, and now threatens suit – "\$100 million, did you say?"

It is a serious mistake for the city to back down and compromise its position in the face of empty threat; the city must always stand up to any threat of frivolous litigation.

3
This developer's insistence, once again, that he now has total project financing firmly in place must be regarded with great skepticism and carefully challenged.

Especially given history, no such claimed financing arrangement can be considered credible, absent a firm written commitment. Whether or not a new financier is well intended with ties to this area and the capability to finance the project is irrelevant. Reference is made (Section 4) to “. . . that certain confidential Term Sheet, dated March 3, 2022, as amended and agreed by the parties thereto . . .” allegedly containing a firm financing commitment. However, that Term Sheet has not been produced for public inspection which is absolutely required for the public to be able to give meaningful input reasonably in advance of any meeting of the City Council held to consider the matter, now scheduled for June 23rd. If for any reason this developer and/or investor balks at producing this for public inspection, then discussions should end and the proposed settlement rejected.

The city’s June 8th News Release identifies “entities controlled by Andrew Blank” as the latest ready, willing and able investor, and preliminary Recital E reads as follows:

E. Owner has secured an investor for the Project, Harriman SV Properties, LLC (“Investor”), with closing and Project funding by Investor (“Investment”) conditioned on Owner and Ketchum resolving their dispute and reinstating the Entitlements, as existed at time of the dispute.

As it turns out, “Harriman SV Properties LLC” is a legal entity that was established by Mr Blank just three months ago, on March 16, 2022, in the State of Florida, and 13 days *after* the “confidential” Term Sheet was supposedly signed (between which parties?). This Florida LLC has no apparent presence in Idaho. A firm personal commitment from a well-heeled individual or company is one thing. A “commitment” from a shell LLC, if that is the case, is another – providing no comfort or security to the Ketchum public being asked to grant even further accommodation to a defaulted developer.

4

If this developer can demonstrate to public satisfaction that full financial commitment is firmly in place, then a “settlement” by which the developer would proceed with the project *post-haste* perhaps might be justified.

However, at a minimum, the terms and tenor of the proposed “Settlement Agreement” must be changed, to strike many inappropriate mischaracterizations that would damage the city’s position in the event this developer again breaches. In that regard,

- Delete or Restate Recitals D and E and Delete Section 1 “Incorporation of Recitals”
- All obligations of the city relative to its retracting declaration of default and reinstating Entitlements must be made expressly conditional on this developer’s absolute, full and timely performance.
- Nothing important should be trusted to future agreement, e.g., “aesthetic improvements” mentioned in Section 4. This developer has left the project site in eye sore condition for many years, with the only “aesthetic improvement” being a grand hole surrounded by a construction fence.
- Revise Section 8d “Attorney’s Fees”, to delete the clause “. . . whether or not litigation is actually instituted or concluded.”

In short, the Ketchum public does not want to risk an extension or repeat of developer nonperformance, and the track record gives us considerable concern.

Thank you for your consideration.

Jim Hungelmann

Lisa Enourato

From: John Chiles <chilesjohn@gmail.com>
Sent: Monday, June 20, 2022 2:46 PM
To: Participate
Cc: Jack Bariteau
Subject: Harriman Hotel project

Dear City Council Members,

I am writing to you to give my full-throated support of the Harriman Hotel project and the Settlement Agreement between Harriman Hotel, LLC and the City of Ketchum . As a long-time resident of the Valley and a member of a multi-generational family of Ketchum / Sun Valley lovers, I see the Harriman Hotel as a highly valuable addition to the vibrancy of the Ketchum community. Having read the description of the project and knowing the developer (Jack Bariteau) well , I am convinced that this will be a well managed development project that will be done with full care and diligence. Jack has an excellent track record of developing quality projects across a broad spectrum of property types and uses in the Valley. He has demonstrated a unique sensitivity to the needs of all the stakeholders that are affected by his work. As such, I fully support and encourage the Council's approval of the Settlement Agreement so that Jack can move forward with this very important project.

With best regards,
John Chiles

Lisa Enourato

From: Mark de Reus <mark@dereusarchitects.com>
Sent: Monday, June 20, 2022 3:53 PM
To: Participate; Neil Bradshaw; Courtney Hamilton; Amanda Breen; Michael David; Jim Slanetz
Subject: Harriman Hotel Settlement Agreement - June 23rd City Council Meeting

Dear Mayor Bradshaw and City Council Members,

I'm a business owner in the City of Ketchum, and writing to urge you to vote **in the affirmative** to approve the draft Settlement Agreement reinstating the Harriman Hotel's project entitlements.

Similar to other commercial and residential properties that Mr. Bariteau has developed and built in Ketchum, the Harriman Hotel will become a community asset – functionally and aesthetically. The fastest way to get the hole filled and built, with this well-conceived and beautiful hotel is to vote to approve the Settlement Agreement.

Best,
Mark de Reus

Mark de Reus, AIA

PARTNER

DE REUS

SUN VALLEY | HAWAII | MAUI

t: 208 928 7750

w: dereusarchitects.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to inform the sender of the error and then delete this message.

Lisa Enourato

From: SUSAN PASSOVOY <sjpassovoy@icloud.com>
Sent: Monday, June 20, 2022 4:32 PM
To: Participate
Subject: Harrisman Hotel Settlement Agreement

Ladies and Gentlemen:

I am writing with a couple of comments on the proposed settlement agreement between the City and the Harriman Hotel, LLC.*

First: Section 5: i am concerned that the release provisions for the security are not sufficient to see the project through to completion. However the release schedule may be structured, the City should retain sufficient funds to complete the project until a Certificate of Occupancy is issued. We are all too familiar with projects that seem to be on track, only to be stalled for any number of reasons. Releasing all security upon completion of framing seems too generous to the Partnership, and--given the history of this project--wholly insufficient to assure its completion.

Second: Use of the term "substantial completion". This term has significant consequences throughout the document and remains undefined. The City should use a definition—or substitute for that phrase— that references issuance of a certificate of occupancy for the hotel portion of the project.

Third: I think the provisions regarding putting up new construction screening are too vague. Neither party seems bound to anything. Would the parties consider putting in a budget number, and allowing the City to use the funds to construct the screening if the parties cannot agree on a design or the Owner does not complete the installation within the 60 day period.

With respect,

Susan Passovoy

*I write from a background of 35 years practicing commerce real estate and land use law in San Francisco, representing the developers of projects of significant size, including a baseball stadium, a hospital, high rise office buildings, golf communities and ski resorts. I am fully aware of the risks of hotel development in a resort community, and particularly of this particular project.

Lisa Enourato

From: Neil Bradshaw
Sent: Tuesday, June 21, 2022 9:44 AM
To: Garrison Belles
Cc: Participate
Subject: Re: Letter of support, The Harriman Hotel reinstatement of entitlements
Attachments: Letter of support_The Harriman Hotel_SLV.pdf

Thanks Garrison
This letter will be placed in the public record for council deliberation
Cheers
Neil

NEIL BRADSHAW | CITY OF KETCHUM

Mayor

P.O. Box 2315 | 191 5th Street, W | Ketchum, ID 83340

o: 208.727.5087 | m: 208.721.2162

nbradshaw@ketchumidaho.org | www.ketchumidaho.org

On Jun 21, 2022, at 8:37 AM, Garrison Belles <garrison@southlakeventures.com> wrote:

Neil & City Council members,

Please find our attached letter supporting the reinstatement of entitlements for The Harriman Hotel project.

It's my understanding this item is on City Council agenda for June, 23 and feel it would be in the best interest for the Ketchum community if the Council votes in the affirmative approving the draft Settlement Agreement.

Voting in favor of having this project proceed far outweighs the consequences, cost, time, and uncertainty of not reinstating the entitlements.

Our firm will continue to devote resources and time to see this project thru completion.

If you would like to discuss further, please feel free to give me a call at the telephone number listed below.

Regards,

Garrison Belles
Managing Partner
Southlake Ventures, LLC
Tel: 415-637-1991
Garrison@Southlakeventures.com



June 21, 2022

Mr. Neil Bradshaw & City Council members
City of Ketchum, Idaho
480 East Ave. N.
Ketchum, ID 843340

RE: Letter of Support, The Harriman Hotel reinstatement of entitlements

Dear Neil & City Council members,

I am writing in support of Jack Bariteau and The Harriman Hotel & Residences and would be in favor of **The Council voting in the affirmative to approve the draft Settlement Agreement, reinstating the hotel's project entitlements.** It's my understanding this item is on the agenda for City Council meeting on June 23, 2022.

In my opinion it is imperative that this reinstatement be granted in order to allow the project to proceed.

The project will undoubtedly bring numerous advantages to the City of Ketchum including a luxury hotel offering (which will put Ketchum on par with other competitive mountain resorts), new full-time jobs, part time jobs, and increased tourism. Considering the numerous resources and funds spent to date, I feel reinstatement significantly outweigh the repercussions of not restating the entitlements.

Having the city council reinstate the entitlements is crucial to keep the momentum going with a proven local developer, solid capital partner, and proven hospitality team.

In supporting this project, Southlake Ventures, LLC will continue to devote resources, time, energy and commitment to see this project to completion.

If you have any questions or would like to discuss further, please feel free to contact me.

Regards,



Garrison Belles
Managing Partner
Southlake Ventures, LLC

Lisa Enourato

From: J. Eric Bartko <ebartko@BZBM.com>
Sent: Tuesday, June 21, 2022 2:34 PM
To: Participate
Subject: Re: Harriman Hotel Settlement

I would suggest that specific completion dates for stages of the project and specific penalties for failure to perform be included from the outset. The way this is written, the City could find itself in exactly the same place it is today at some point in the future due to what will be claimed to be “an act of God”—ie, something wholly out of the control of the developer.

Regards,
J. Eric Bartko
2810 Warm Springs Rd.
Ketchum, ID 83340
415-706-3875

Lisa Enourato

From: Brad Deck <braddeck250@gmail.com>
Sent: Tuesday, June 21, 2022 4:33 PM
To: Participate
Subject: Appellation Hotel/June 23 Meeting.

Mayor and Members of the City Council

My name is Brad Deck. My wife and I reside at 250 Spur Lane in Ketchum and have been residents of Ketchum and Sun Valley since 2006. I am writing to voice our support for the new Appellation Hotel project being proposed by the Blank Family and Jack Bariteau.

We have followed the evolution of the proposed hotel for many years and share the frustration that many residents of the community have expressed given the long history of the project. I know its been a long road and Jack Bariteau has never given up his dream of building the hotel, including investing sizable amounts of money and time to keep the project moving forward.

Now is the time to bring this project to a reality. The Blank family has the financial resources to provide the equity and financing to finally bring this upscale and badly needed hotel and amenities to the Ketchum area.

We encourage you to vote in favor of the project by authorizing the city to execute the draft Settlement Agreement.

Respectfully,

Brad and Chris Decl
braddeck250@gmail.com
Cell (949) 433-3332

Brad Deck
(949) 433-3332 (cell)

Lisa Enourato

From: Kim Steel <ksteel1@aol.com>
Sent: Tuesday, June 21, 2022 4:53 PM
To: Participate
Subject: Meeting on Harriman Hotel settlement agreement set for Thursday

Please agree to a settlement and finally let something be built to fill the 14 year long "hole in the ground" which is an eye sore (to say the least) at the gateway to Ketchum/Sun Valley!!

Lisa Enourato

From: Bronwyn Patterson <bbpatters@yahoo.com>
Sent: Wednesday, June 22, 2022 7:06 AM
To: Participate
Subject: Comment on Harriman Hotel

City Council:

I'd like to provide the following comments on the Harriman Hotel proposal. Although taken with a grain of salt, the two recent Idaho Mountain Express articles about the proposed resolution imply that the City is interested in moving forward with the developer's plan to order to resolve the City of any further legal action, rather than moving forward with the plan in the interest of local economy or to meet community needs.

The City Council should ask their neighbors and local business owners of lodging properties how many room nights they are able to fill before agreeing to cut into their business with another hotel, check with local restaurant owners how many meals they are doing each day before moving forward with a "culinary focused" project. Check with businesses to see how they've limited their hours and offerings, how many hours per week people are working, how many independent owners have stopped paying themselves in order to increase wages for staff who are working to meet increasing rent, before they agree to another corporately owned hotel that will take employees from local businesses. Where will employees for this new hotel come from? If the City has the belief that employees will move here to work at the new hotel, you haven't been paying much attention to the housing crisis. As we've seen with other projects, current employees will be taken from independent businesses to work at a corporately owned hotel that can afford to absorb higher wages and benefits. This will result in more small business reducing their hours, cutting back on what they're able to offer customers, or, as we've seen a lot of lately, closing their doors for good.

The City of late has been seen to chase shiny new objects, while seemingly turning their backs on the local businesses that have been working steadily and contributing to the vibrancy of the community. This proposal comes across as a way to resolve self-created legal issues, all while causing harm to local businesses.

Thank you,
Bronwyn Patterson

"I saw the angel in the marble and I carved until I set him free"

Lisa Enourato

From: William Cannell <wbc@cannellclassicboats.com>
Sent: Wednesday, June 22, 2022 10:51 AM
To: Participate
Subject: Harriman Hotel/Building Height

The maximum height of any structure in downtown Ketchum should be the same as the First Bank of Idaho/US Bank building. At the time that structure was built I thought that was too tall. No structure should be allowed that blocks the view of Baldy — and other mountains. At the rate that we are going now there will soon be no view of Baldy from downtown. Question: why are we now — and have in the past — given height exceptions to developers/hotel chains most of whom are from out of town? So we are willing to sacrifice the view and small town environment valued by Ketchum residents for the benefit of people/businesses who are not even from Ketchum? I suggest that rather than allow higher building height limits we reduce the height limit — and no more exceptions. If you doubt that would be the desire of the majority of Ketchum residents then put it to a referendum. In the meantime place a moratorium on any more commercial construction in downtown Ketchum.

you,

Thank

Bill Cannell, 24 year Ketchum resident

Lisa Enourato

From: Graydon Burnett <grady@sunvalleyidahoproperties.com>
Sent: Wednesday, June 22, 2022 12:30 PM
To: Participate
Cc: Neil Bradshaw; Amanda Breen; Courtney Hamilton; Jim Slanetz; Michael David; Heather Burnett
Subject: Bariteau Hotel Project

Good afternoon Mayor and Council Members,

First off, let us say thank you for all your continued efforts in running our cherished city of Ketchum. There are many complex issues facing the city and we appreciate all the time and consideration you show when determining its future. Public service is no easy job and we recognize the dedication and commitment you have made on behalf of the citizens. Thank you.

We are writing today to express our support of Jack Bariteau and Jerry Blank's hotel development in the city. After many years, and many unforeseeable events that continued to stall the project, the time is now. Jack's record for developing some of the highest quality and well received commercial and residential properties in the Ketchum area speaks for itself. There is no doubt that with this development, construction, hotel and restaurant management team assembled, the new hotel will be a world class, five-star accommodation for our community. You have heard all the positive economic benefits that the city will gain, and there are many. We are all also aware of what could happen if this project does not move forward, and that outcome is certainly not in the cities best interest.

We are in full support of this project and ask that you approve the settlement agreement and reinstate the project entitlements this Thursday. Let Jack and the Blank family build this hotel that the entire community will enjoy and be proud of.

Thank you.

Grady and Heather Burnett

Graydon Burnett
Associate Broker / Partner
Burnett Properties
Sun Valley LUXE Homes
Keller Williams Sun Valley Southern Idaho
333 South Main Street
Ketchum, ID 83340
208-622-7722 office
208-720-0906 cell

www.sunvalleyidahoproperties.com

My business is based on referrals from friends and clients like you. If you know someone who could benefit from my services, I would welcome the introduction. Your referrals are greatly appreciated!

