

Dawn Hofheimer

From: Susan Neaman <susancneaman@gmail.com>
Sent: Monday, September 22, 2025 2:28 PM
To: Participate
Subject: Two Lanes vs Four Lanes

I am writing in support of having four lanes of traffic from River street to Serenade!!

It has been voice that two lanes will cause fast vehicles in the streets. I disagree! there is a traffic light at First Street which is a speed check so to speak. And hotel entrances to come that will assist in traffic slowing down. Our sheriff dept can also help in the deterrent of speed.

Two lanes will bottle neck traffic during peak hours all the way through Main Street sending drivers down second avenue through neighborhoods and a school area. I do believe there is a possible Condominium project in the future on second ave.

Putting Bicyclist in a lane next to motor vehicles is simply too dangerous Esp. since they could be of younger age or inexperienced bikers pulling bike trailer. Avid Bicyclist will share the road with traffic or go to the bike path. People Including kids can walk their bikes on the side walk until they get into town or until they get to Gem then onto Leadville!! We need to move traffics through our town during commuter hours to make our town and outer streets safer!!!

It is just not the people commuting in the morning from South to the North! It is also the workers who work in Hailey in the evening and have to deal with traffic. This problem can be greatly fixed with four lanes instead of two! The side walk gives walkers and bikers away into town... everyone can win!

Thank you,
Susan Neaman

Dawn Hofheimer

From: James Hungelmann <jim.hungelmann@gmail.com>
Sent: Wednesday, September 24, 2025 1:37 AM
To: Neil Bradshaw; Amanda Breen; Courtney Hamilton; Spencer Cordovano; Tripp Hutchinson; Participate
Cc: robert g vallee jr; Perry Boyle
Subject: FOR THE RECORD - City Appeal and Voter Challenge to Court Ruling Allowing Mr. Pete Pegasus' Mayoral Candidacy

Follow Up Flag: Follow up
Flag Status: Flagged

To:

Ketchum mayor and city council candidates

And to:

**Ketchum City Council Meeting
October 6, 2025**

Public Comment FOR THE RECORD

Re: City Appeal and Voter Challenge to Court Ruling Allowing Mr. Pete Pegasus' Mayoral Candidacy

1 Introduction

The district court's September 22, 2025, ruling reinstating Mr. Pegasus' candidacy for Ketchum mayor misapplied Idaho law and threatens the integrity of the municipal election process. The City of Ketchum should seek immediate appellate review to prevent an election outcome that violates statutory residency requirements. If it does not do so, Ketchum voters should sue directly to set aside the result.

The undisputed facts and Idaho law establish that Mr. Pegasus is legally a resident of Hailey, not Ketchum, and therefore ineligible to hold elective office in Ketchum.

2 Homeowner Exemption law

Idaho's homeowner's exemption statute, Idaho Code § 63-602G, permits only one such exemption statewide and requires that the property receiving it be the applicant's primary residence. Once an exemption application is filed and accepted, it creates a strong legal presumption—indeed, a quasi-judicial determination—that the declared property is the person's sole primary residence.

3 Judicial Notice

Moreover, under Idaho Rule of Evidence 201(b) and controlling case law, courts may and should take judicial notice of the county assessor's records granting that exemption. Judicial notice is proper when a fact "is not subject to reasonable dispute because it can be accurately and readily determined from sources whose accuracy

cannot reasonably be questioned.” The county’s exemption roll squarely fits that standard. As a matter of law, until Mr. Pegasus affirmatively cancels his Hailey exemption, the law deems Hailey his domicile.

4 Burden of Proof Required to Rebut Presumption

This presumption of residency is a *rebuttable* presumption, meaning that it can be overcome, but Mr. Pegasus bears the affirmative burden of producing *clear and convincing evidence*—not mere statements—showing that his true, fixed, and permanent home is elsewhere. Reliance on self-serving declarations or unexamined leases is insufficient to rebut the presumption. *Clear and convincing evidence is required under Idaho law.*

At the hearing before Judge Cotten, the court reinstated the candidate on the ballot without demanding any affirmative evidentiary proof to rebut the Hailey residency presumption, and presumably without permitting cross-examination of the candidate or requiring verification of the Ketchum lease. This procedural approach resulted in a factual record insufficient to satisfy Idaho’s clear-and-convincing evidence standard for overcoming statutory presumptions. By assuming facts not in evidence, the court committed grave reversible error.

5 Hailey Homeowner Exemption Never Cancelled

Meanwhile, Mr. Pegasus continues to claim a homeowner’s exemption in Hailey, which under Idaho Code § 63-602G and related statutes is valid only for a single primary residence per person statewide. Idaho law requires a homeowner to cancel the exemption immediately when the property is no longer their primary residence. The statute does not give a “grace period”: the exemption must be cancelled immediately when the taxpayer changes primary residence.

Failure to cancel the Hailey Homeowner Exemption therefore establishes a strong statutory presumption that Mr. Pegasus’ legal residency remains in Hailey.

6 Inconsistent Sworn Statements on Residency

Mr. Pegasus did file a Declaration of Candidacy in Ketchum with a sworn statement that conflicts with his Homeowner Exemption, i.e., swearing under oath that Ketchum now is his primary residence.

7 Other Evidentiary Indicators of Residency

He claimed residency via a lease in Ketchum, but shockingly, no supporting documentation such as lease, fishing license, or utility bills was required by the court or presented to it. His business ownership in Ketchum is legally irrelevant to a domicile determination and cannot justify recognition of dual primary residences, which Idaho law expressly prohibits.

The court should have applied Idaho’s residency jurisprudence, which focuses on the person’s fixed home and intent to return. All key residency indicators must be weighed. Among these, a claimed homeowner’s exemption is the strongest, because it is sworn under penalty of perjury and grants a significant tax benefit conditioned on single-residence status that was never canceled. Ignoring this record was reversible error.

By allowing dual residency claims, the trial court misapplied statutory and election law, undermining the clear single-domicile rule codified in Idaho Code § 34-104(22) and related provisions.

8 Reversible Error by the District Court

The court’s failure to give effect to judicially noticeable facts—specifically the un-cancelled Hailey exemption—combined with the total absence of any evidence at the hearing that might rebut the presumption -

constitutes plain and reversible error affecting the fundamental fairness of the election process. Idaho appellate courts have authority to correct such errors to prevent manifest injustice.

9 Request for Expedited Appeal

Given the imminent ballot certification deadlines, the City should request immediate expedited appeal, including a temporary stay of Judge Cotten's order to prevent the candidate from appearing on the ballot until appellate review is complete. The appeal should also consider remand for evidentiary review, including verification of leases, utility bills, voter registration, and any cancellation of the Hailey HO exemption, to determine whether the candidate has provided clear and convincing evidence legally sufficient to rebut the statutory presumption.

Finally, Idaho election statutes and the constitutional guarantee of free and equal elections underscore the urgency of immediate appellate review. A timely appeal or parallel declaratory action should request expedited treatment and, if necessary, a temporary injunction to prevent certification of an ineligible candidate. Ketchum voters are entitled to a clear ruling that public office may only be held by one who meets the statutory residency requirements.

10 Voters' Standing and Independent Right to Sue to Disqualify Mr. Pegasus

Appellate courts in Idaho and most states consistently hold that voters possess an independent interest in the integrity of municipal elections that is not extinguished by a city's litigation choices. Therefore, despite this adverse ruling by Judge Cotten, Ketchum residents and registered electors retain standing to pursue a direct appeal or a separate taxpayer/voter action in district court by individual or class action seeking declaratory and injunctive relief to bar an ineligible candidate from fouling the election process.

Importantly, Ketchum voters were neither parties nor adequately represented in the hearing before the District Court. Private citizens are not bound by a decision adverse to their interests unless the city government was legally obligated to represent their specific interests—which is not the case in an election-qualification dispute. Because voters' interests are distinct from the municipality's, a subsequent individual or class action would not be barred.

11 Conclusion

Judge Cotten's ruling misapplied Idaho law by allowing dual residence claims without evidentiary support, ignoring judicial notice and statutory presumptions, and failing to require the candidate to meet the clear-and-convincing evidentiary standard necessary to rebut the presumption of Hailey domicile.

Immediate appellate review is necessary to protect public rights, uphold election integrity, and ensure compliance with Idaho's residency and domicile statutes.

I respectfully urge the City of Ketchum to file a Notice of Appeal with a motion for expedited review and temporary stay, to ensure timely judicial consideration prior to ballot certification.

Jim Hungelmann
Ketchum

Dawn Hofheimer

From: Andrew <fitzgerald.andrew.nelson@gmail.com>
Sent: Thursday, September 25, 2025 6:10 PM
To: HP Boyle Jr.; Neil Bradshaw
Cc: Participate; Sarah Lurie; gbarnard@mtexpress.com
Subject: Geoff Isles' IME Comment...

Follow Up Flag: Follow up
Flag Status: Flagged

Not that anyone cares what I think, but Geoff's comment makes good common sense; plus, it's well-reasoned which also reflects the quality of Andrew Theophilus's writing (Andrew must have one of the best last names in existence for a journalist):

[Geoff Isles](#) Sep 24, 2025 12:12pm

This should not be done by the present City Council. They have been repeatedly informed by the majority of the City that they should wait until after the election and let the new Council make all of these decisions. It is amazingly egotistical of these people to just ignore all the comments in public meetings made on this subject. The fact that it's "binding" means that 3 people who are leaving, and 2 that might be voted out if the election runs a certain course will make it so the new council's hands are tied before they enter office. This is not how it is supposed to work. You need to have the trust and support of your constituents to do large moves like these and this council has zero on both accounts.

cf. mtexpress.com/news/ketchum/ketchum-to-launch-code-overhaul/article_20bcf84c-957f-4696-b66f-1294caf0e7a2.html

- cc: to Ed Simon via his website