



CITY OF KETCHUM, IDAHO CITY COUNCIL MEETING
Monday, August 17, 2020, 4:00 PM
480 East Avenue, North, Ketchum, Idaho

Minutes

Due to safety and COVID-19 physical distancing requirements, there will be limited public attendance at Ketchum City Council meetings. Members of the public may observe the meeting live on the City's website at <https://www.ketchumidaho.org/meetings> or observe the meeting live outside of the building.

If you would like to comment on a PUBLIC HEARING item, please submit your comment to participate@ketchumidaho.org by noon the day of the meeting. Comments will be provided to the City Council.

If you would like to phone in and provide comment on a PUBLIC HEARING item on the agenda, please dial the number below. You will be called upon for comment during that agenda item.

If you would like to provide comment on a PUBLIC HEARING item on the agenda in person, you may speak to the Council when called upon but must leave the room after speaking and observe the meeting outside City Hall.

Dial-in: +1 253 215 8782
Meeting ID: 922 2050 9409

- **CALL TO ORDER:** By Mayor Neil Bradshaw

Mayor Neil Bradshaw called the meeting to order at 4:00 p.m.

- **ROLL CALL**

PRESENT

Mayor Neil Bradshaw
Council President Amanda Breen
Councilor Michael David
Councilor Courtney Hamilton
Councilor Jim Slanetz

ALSO PRESENT

City Administrator Suzanne Frick
Director of Finance & Internal Services Grant Gager
Associate Planner Abby Rivin

- **COMMUNICATIONS FROM MAYOR AND COUNCILORS**
Councilor Courtney Hamilton reminded the public to clear their properties of noxious weeds.

Mayor Neil Bradshaw advised the public of the bear problem and asked the public to secure their garbage to make it safe for the public as well as wildlife. Mayor Bradshaw talked about the wildlife grant.

- CONSENT AGENDA: Note: **(ALL ACTION ITEMS)** The Council is asked to approve the following listed Items by a single vote, except for any items that a Councilmember asks to be removed from the Consent Agenda and considered separately

1. Approval of Minutes: Special Meeting July 29, 2020
2. Approval of Minutes: Regular Meeting August 3, 2020
3. Approval of Minutes: Special Meeting August 10, 2020

Councilor Courtney Hamilton pulled the minutes and advised of a correction in wording on page 2 explaining she said that she asked about the increase in Construction LOT, not the decrease

4. Authorization and approval of the payroll register
5. Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$675,499.36 as presented by the Treasurer.

Council President Amanda Breen pulled bills and questioned the employee mental health support charge being charged to Fly Sun Valley Alliance. Director of Finance & Internal Services Grant Gager explained that it is related to the corporate ski pass program.

Councilor Courtney Hamilton asked about the cost of the face masks. Mayor Neil Bradshaw explained that the masks were a donation, however, the city pays the charge up front. The expense is showing in the bills and the reimbursement will show up in the revenues. Courtney Hamilton also questioned the sandwich board for P & Z. City Administrator Suzanne Frick explained the procedure for sandwich board charges on sites saying we are now charging the applicant for the signs.

6. Monthly Financial State of the City - Director of Finance & Internal Services Grant Gager
7. Recommendation to approve Resolution 20-017 Wood River Valley Wildlife Smart Communities - Assistant City Administrator - Lisa Enourato

Councilor Courtney Hamilton advised all that this is a valley wide effort and she is appreciative of anything we can do to get the message out there.

8. Recommendation to approve Resolution 20-018 relating to Surplus Property - Director of Finance & Internal Services Grant Gager
9. Recommendation to approve Encroachment Agreement 20497 with Cox Communications at 215 Corrock Drive--City Administrator Suzanne Frick
10. Recommendation to approve Encroachment Agreement 20486 with Century Link at 415 Spruce--City Administrator Suzanne Frick
11. Consideration of Contract 20499 with Syringa Networks - Director of Finance & Internal Services Grant Gager

Motion to approve the consent agenda 1,2,4,6,8,9 and 10.

Motion made by Council President Breen, Seconded by Councilor Slanetz.

Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz

Motion to approve 3,5, & 7

Motion made by Council President Breen, Seconded by Councilor Slanetz.

Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz

- NEW BUSINESS (no public comment required)
- 12. ACTION ITEM: Recommendation to approve funding for Bluebird Village community housing--Mayor Neil Bradshaw

Mayor Neil Bradshaw outlined the Bluebird Village project and the tax credit application.

Greg Dunfield presented a power point describing the project. He showed how the project evolved over the past year and showed renderings. He advised they are not designs, design review will come at a later date. Greg Dunfield went over parking, bike storage, and who this project will serve. He talked about the tax credit application and an application of award. Greg Dunfield advised that they are targeting households between \$45,000 - \$69,500 in annual income. There will be 3 market rate units. He would like to work with the city on a preference for the active local workforce. Greg Dunfield advised that this is a \$22M project. Last year it was \$20M. He advised the council of the KURA's participation, the resale Condo, the City of Ketchum housing in lieu fund contribution and land donation. Greg Dunfield advised that the project will serve this community well and is hopeful to secure the funding to move this project forward. Mayor Neil Bradshaw thanked Greg Dunfield and advised of his plan for using local contractors.

Councilor Jim Slanetz questioned the ground floor parking. Greg Dunfield advised they are tandem spaces to maximize parking. There will be coordination between the two users. Jim Slanetz asked how much the City would be out if we do not get the tax credits and asked if the city is taking a risk? Greg Dunfield said the city's exposure is less than \$75,000. Jim Slanetz asked about the ownership structure and how it plays into the future. Greg Dunfield talked about Northwood Place and how it evolved in ownership. Mayor Neil Bradshaw elaborated on how this land never ends up in private hands. Jim Slanetz questioned the timeline on ownership. Greg Dunfield explained that KCDC are co-owners from day 1. The tax credits, investors will be paid at the end of 15 years and KCDC would take over the management.

Councilor Michael David questioned preference related to units overall. Greg Dunfield explained that means that the City of Ketchum would need to make certain declarations. It has been done before in other high cost communities. He would like to see it applying to all the units. Greg Dunfield feels it should be a community wide policy. Michael David questioned what we could do as a city, during the application process, beyond the financial and land contribution. Greg Dunfield advised that a letter of support from Mayor and Council to State Representatives and IHFA would be help. This is the 5th time were applying for this grant and it is time for Ketchum to get a project.

Council President Amanda Breen questioned the timing of the decision. Greg Dunfield explained it would most likely be around Christmas, and we will know more around September 4, 2020. Amanda Breen said she has been contacted by residents of the area and is hopeful they watched tonight's presentation. She is in support of this project and is hopeful it will go forward.

Councilor Courtney Hamilton talked about parking, stating that it is important to have these conversations. Greg Dunfield confirmed there are 47 parking spaces. Courtney Hamilton advised they are deciding tonight about funding without community input and talked about car share being included

in this project. She advised that she is in support of this in our community and talked about the importance of this project.

Councilor Michael David added that parking is such a minor issue in comparison to affordable housing in our community and talked about the current inventory for parking.

Councilor Courtney Hamilton talked about the timing of the project. Greg Dunfield went over the timeline and advised that they would like to start as early as next summer or as late as Labor Day at the latest to avoid building in winter conditions. Courtney Hamilton talked about cost of delay being factored in. Mayor Neil Bradshaw talked about the conversations and the costs involved. Courtney Hamilton continued to talk about transparency stating we need to know what we are signing up for. She does not want to regret this project in a year.

Mayor Neil Bradshaw advised this is a chance to leverage our dollars for our number one goal which is housing. If we get this money, it is \$12M of free money. This is an opportunity to create housing. Mayor Bradshaw advised he is giving this all the transparency there is at this time.

Motion to authorize use of Housing In-Lieu Funds in an amount not to exceed \$1.4 million to support Bluebird Village and authorize the Mayor to sign a letter committing city funding.

Councilor Courtney Hamilton asked how much money is in the In-Lieu Housing Fund. Director of Finance & Internal Services Grant Gager advised that there is \$2.4M uncommitted in the fund.

Motion made by Councilor David, Seconded by Councilor Slanetz.

Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz

13. ACTION ITEM: Consideration and approval of park reservations - Assistant City Administrator Lisa Enourato

Mayor Neil Bradshaw updated council regarding weddings that have occurred in and out of our jurisdiction. He talked about his concern regarding large events that are happening that are not consistent with the protocols in place. We do not have control of private space, but we do on public land. He outlined events that have been approved and talked about what Ada County is doing. Mayor Bradshaw recommends that we go back and look at the upcoming weddings that we have approved and deny their application because they are spreading fear. This exposes those who are catering the events and can cause issues. We are doing a great job as a community and need to stay vigilant. He talked about what others and the Health District is doing. Mayor Neil Bradshaw will update council more after his meeting on Thursday but stated that he would like to lead by example for our public lands.

Councilor Michael David asked Mayor Neil Bradshaw about his upcoming meeting and what will be discussed and if it will cover local bars and restaurants. Mayor Neil Bradshaw asked what council would like discussed in this meeting. Wedding gatherings seem to be its own problem. Council President Amanda Breen talked about her frustration with the state and the health district not taking the lead. Councilor Jim Slanetz said we are not risking caterers any more than we are waiters. From a practical purpose we are not changing anything other than taking a stand. Jim Slanetz advised that if we were endangering staff, he would feel differently but this is just symbolic. Council continued to deliberate. Mayor Neil Bradshaw gave suggestions on how to move forward and advised we could do a special

meeting if they need to change the city's protocol. Council talked about monitoring the events more closely and circle back with applicants to remind them of the protocol.

Motion to approve the park reservation for the Berger Wedding.

Motion made by Council President Breen, Seconded by Councilor Hamilton.

Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz

14. Update on requests for restaurant outdoor seating in parking areas - City Administrator Suzanne Frick

Mayor Neil Bradshaw advised that he talked to restaurant owners and the reason for restaurants not taking advantage of the outdoor seating in parking areas appears to be a staffing issue. The restaurants that are interested are on Main Street and they need to work with ITD. It will probably not happen this year. A lot of the restaurants already have outdoor space available. City Administrator Suzanne Frick advised that there has only been one applicant, but they are working with ITD. Councilor Courtney Hamilton asked if the restaurants were notified? Mayor Neil Bradshaw advised he attended a meeting with restaurants, and some were interested in closing alleys on a temporary basis, but staff looked at that and it was difficult to do. Mayor Bradshaw encouraged councilors to talk to restaurant owners to see what they can find out.

- PUBLIC HEARING

15. ACTION ITEM: Second Reading of Ordinance 1208, Annual Appropriations Ordinance - Mayor Neil Bradshaw

Director of Finance and Internal Services Grant Gager presented the possible scenarios that lead to the forecasted \$1.75M in revenue. The slides are part of the presentation. He talked about the \$100,000 increase in revenue that council requested be proposed in the budget and went over the FY 21 LOT forecast. Grant Gager explained what the average millennial as well as the silent generation spends per day. He talked about how the dollar amount spent works out to in visitors each day that Ketchum needs to make up the \$100,000 additional funds requested to fund Visit Sun Valley (VSV) in the proposed budget. Grant Gager explained that the silent generation is 75 years and older. He went onto talk about the data he received from VSV to come up with the dollar figures he presented.

Scott Fortner, Executive Director of Visit Sun Valley, explained the numbers given to Director of Finance & Internal Services Grant Gager, and what they are made of. He advised those numbers come from VSV asking visitors what they spend each day. He went onto talk about their goal in gathering the data. Scott Fortner talked about what VSV is doing to attract visitors during COVID and talked about the challenges before them. He hopes they will be able to educate and attract the right kind of guest for us. Mayor Neil Bradshaw thanked Scott Fortner for his clarification and asked him to clarify timing on the spending of his ask to assist in the creation of the contract. Scott Fortner talked about historic planning.

Council President Amanda Breen talked about people planning trips and the fact that it is not currently happening. She questioned what other ski areas are doing? VSV Executive Director, Scott Fortner talked about wanting to make sure we are performing as well as other ski areas. Amanda Breen is not in favor of changing the structure of the contract. She agrees that the funds need to be front loaded. Councilor Courtney Hamilton questioned what Scott Fortner thinks of the proposed numbers. Scott Fortner advised he has not had a chance to look at them. He advised he is more worried about the winter numbers than the summer.

Mayor Neil Bradshaw opened the meeting for public comment. There was no public comment.

Mayor Neil Bradshaw asked council for comments and questions on the updated proposal. Councilor Courtney Hamilton questioned the legislative budget. Director of Finance & Internal Services Grant Gager talked about annual operating contingency and fund balance reserves. He is comfortable with the contingency that is being proposed stating, historically it has sometimes been used. Courtney Hamilton appreciates the scenarios presented. She talked about LOT Sales for June being up, and that being hopeful. Looking at the scenarios she believes they are reasonable. Grant Gager explained the LOT collection deadlines and reporting again. He then asked for clarification from Council on the code update and using the funds dedicated to Forest Service Park. The council agreed to using the funds on a code update.

Motion to approve the second reading, by title only, or Ordinance No. 1208, and Ordinance of the City of Ketchum, Idaho, entitled the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2020, appropriating to the various budgetary funds, sums of money deemed necessary to defray all necessary expenses and liabilities within each fund for the ensuing fiscal year, authorizing a levy of a sufficient tax upon the taxable property and specifying the objects and purposed for which said appropriation is made, and providing an effective date.

Motion made by Councilor Slanetz, Seconded by Councilor Hamilton.

Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz

Councilor Courtney Hamilton read the title aloud.

16. ACTION ITEM: Recommendation to Approve Ordinance 1210 Amending the FY 20 Budget (Ordinance 1203) - Director of Finance & Internal Services Grant Gager

Mayor Neil Bradshaw talked about the reallocation of funds and memorializing the measures they took earlier in the year. Grant Gager advised they are recognizing the \$11.5 M from the bond sale and allocating the \$2 M that will be spent in the rest of this FY. He explained the sale of the bonds and why this is coming before them now.

Mayor Neil Bradshaw asked for public comment. There was no public comment.

Pursuant to Idaho Code 50-902, I move to waive the first and second readings of Ordinance No. 1210 and read by title only.

Motion made by Council President Breen, Seconded by Councilor Hamilton.

Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz

Motion to adopt and read by title only

Motion made by Council President Breen, Seconded by Councilor Hamilton.

Voting Yea: Council President Breen, Councilor David, Councilor Hamilton, Councilor Slanetz

Council President Amanda Breen read the title aloud.

17. ACTION ITEM: Appeal of the Planning and Zoning Commission decision on Zoning Administrator's Decision on 201 Garnet Street--City Administrator Suzanne Frick.

Mayor Neil Bradshaw introduced the topic before council and explained who owns the Gem Streets and who maintains them. City Administrator Suzanne Frick gave the background of the house being constructed on Garnet Street. She talked about the requirements of the setback as well as the analysis that was done regarding snow storage and drainage and explained that a 15' set back is what is required. The applicant does not agree and brought this back to Planning & Zoning. The commissioners required 10' with an indemnification of not holding the City responsible for up to 15'. Staff is recommending that the applicant be held to the 15' set back. This has been brought to council to decide on the set back.

Applicant Attorney Fritz Haemmerle talked about the history of this project and Ketchum Code. He clarified that in 1995 the City of Ketchum and the Garnet Street residents created a "Garnet Street Agreement". He advised that the city negotiated for a 20' public roadway easement in 1995. He talked about the Local Land Use Planning Act and addressed setbacks. He talked about how staff has addressed the Appeal and about uniformity requirements of LLUPA in the City of Ketchum. Fritz Haemmerle talked about the P & Z discussion and the approval process and the uniqueness of the Gem Streets and about what his client has agreed to. The argument is about 1/3 of the house (3 feet). He is requesting Council follow the laws of the State of Idaho.

Mayor Neil Bradshaw explained these are two different discussions. What is the right precedent and what is legal? Applicant Attorney Fritz Haemmerle talked about the condos on Emerald Street, stating they are on the pavement. If there was precedent it was established back then. Mayor Bradshaw asked council what they would like for future Gem Street development? He advised that safety and practicality must drive the decision. Are we creating an issue that could hurt us for plowing and future development?

Council President Amanda Breen talked about what we would like and what they would like, stating that we must do what is best and what is legal. She questioned the Garnet St. Agreement and asked if it requires us to treat Garnet St. as a public right of way. City Attorney Matt Johnson explained that the city holds a Right of Way over the Gem Streets. The City has treated them as a public street and that is the issue that remains to be involved. Amanda Breen advised that the LLUPA conversation is quite persuasive and is unsure if the City can say that life and safety is an issue. Mayor Neil Bradshaw questioned the 15' setback. If we set this new precedent what are we setting ourselves up for?

City Administrator Suzanne Frick said the Zoning Ordinance has requirements that need to be met and setbacks is one of them. All standards must be considered, and the council needs to look at all zoning requirements for every property. City Attorney Matt Johnson explained the legal perspective. stating the issue is drainage and snow storage. The administrator's determination is that additional setbacks are necessary to provide for drainage and snow storage.

Applicant Attorney Fritz Haemmerle said you must look at the setback provisions and supplemental setback requirements. He advised that the city should have put these individual set back provisions under supplemental setback requirements. He questioned how the city came up with the 15' setback provision?

Mayor Neil Bradshaw opened the meeting for public comment.

Janie Davidson 111 Topaz Street questioned the expansion and how it affects her financially and her property value. She voiced concern about trees being removed on Garnet Streets. Janie Davidson advised that she was not noticed of today's meeting and that she accidentally found out about it.

Councilor Michael David left the meeting at 7:03 p.m.

Architect Jen Jarvis advised that her client wants to build a 2000 sq. ft. home on Garnet St. All they are asking for is a setback that is reasonable. They have met with the P & Z and met all standards. Staff has appealed the P & Z decision. She advised that P & Z has said this should not have changed. She advised that they have moved the building back 3 feet and the city has not compromised at all.

Attorney Matt Johnson explained to Council that this is an administrative appeal. Was the Administrative Decision correct or incorrect? Attorney Fritz Haemmerle agrees with Matt Johnson's determination of what they are deciding on this evening. It is not about policy.

Mayor Neil Bradshaw outlined the 3 decisions that are before the Council. Councilor Courtney Hamilton advised that this topic is extremely frustrating. Outside this circumstance, this needs to be cleaned up. She advised this is setting a precedent for what can be done in the future. She voiced concern over snow storage and ambulance service. Applicant Attorney Fritz gave the background on the reason the Garnet St. Agreement was passed. He talked about the 20' of surface that was required.

Mayor Neil Bradshaw voiced his support of staff recommendation. Councilor Jim Slanetz agrees and supports the administrative act. The consistency of protecting public safety and having snow storage is important. Without access and storage, we open ourselves up for more liability.

Council President Amanda Breen is not comfortable standing behind the Administrative Position. Councilor Courtney Hamilton talked about what has precedent. She is relying on the City Engineer stating 15' is needed for snow storage.

Move to affirm the March 9, 2020, decision of the Zoning Administrator and direct staff to prepare finds of fact for approval.

Motion made by Councilor Slanetz, Seconded by Councilor Hamilton.

Voting Yea: Councilor Hamilton, Councilor Slanetz

Voting Nay: Council President Breen

Absent: Councilor David

City Attorney Matt Johnson stated the majority of councilors present voted and the motion stands.

18. ACTION ITEM: Consideration of North Pass Subdivision Preliminary Plat: 128 & 130 Short Swing Lane A & B (North Pass Condominiums No. 8: Units A & B) Townhouse Subdivision Preliminary Plat to convert an existing duplex containing two condominium units located at 128 and 130 Short Swing Lane within the City's General Residential Low Density (GR-L) Zoning District into two townhomes - City Administrator Suzanne Frick

Mayor Neil Bradshaw opened the meeting for public comment. There was none.

Bruce Smith for the applicant is on the line.

Councilor Courtney Hamilton said these kinds of transitions are good for our community. Council President Amanda Breen and Councilor Jim Slanetz both agree. Associate Planner Abby Rivin advised that all standards have been met for this project.

Mayor Neil Bradshaw opened the meeting for public comment. There was none.

Motion to approve the North Pass Townhomes Subdivision Preliminary plat application subject to conditions of approval #1-9.

Motion made by Councilor Hamilton, Seconded by Councilor Slanetz.

Voting Yea: Council President Breen, Councilor Hamilton, Councilor Slanetz

Absent: Councilor David

19. ACTION ITEM: Recommendation to consider a Lot Line Shift at 3020 Warm Spring Road, Waddell/Rousch Duplex. The Council will consider and take action on a Lot Line Shift application to remove an existing duplex's building footprint from the Wills Condominium No. 2 Subdivision Plat located at 3020 Warm Springs Road within the City's General Residential Low Density (GR-L) Zoning District. The existing building will be demolished, and the property will be developed with a new duplex and associated site improvements. --City Administrator Suzanne Frick

City Administrator Suzanne Frick talked about the existing subdivision and advised that this consideration is to eliminate the old subdivision. Cinda Lewis is here on behalf of the client.

Move to approve the Wills Condominiums No. 2 Readjustment of Lot Lines application subject to conditions 1-7.

Motion made by Councilor Hamilton, Seconded by Councilor Breen

Voting Yea: Council President Breen, Councilor Hamilton, Councilor Slanetz

Absent: Councilor David

20. ACTION ITEM: Consideration of a Townhouse Subdivision Preliminary Plat and Phasing Plan Agreement Application for West Ketchum Residences, LLC at 150 Bird Drive (Lot 5AA, Bavarian Village Sub) - City Administrator Suzanne Frick

Mayor Neil Bradshaw opened the meeting for public comment. There was none.

Councilor Courtney Hamilton questioned building in parcel B and how it would affect the in-lieu housing requirement? Galena Engineering Project Manager, Sam Stahlnecker, advised, they can be built on, and a new note will be added to reflect that. Sam Stahlnecker talked about parcel B being in the common area and there is a mechanical building on parcel B and confirmed that parcel N is not a development parcel and shall only be used for a common area.

Motion to approve the West Ketchum Residences Preliminary Plat and Phasing Agreement application, subject to conditions 1-7 with changes as discussed.

***Motion made by Councilor Hamilton, Seconded by Council President Breen.
Voting Yea: Council President Breen, Councilor Hamilton, Councilor Slanetz
Absent: Councilor David***

- ADJOURNMENT

Motion to adjourn at 7:36 p.m.

***Motion made by Councilor Hamilton, Seconded by Council President Breen.
Voting Yea: Council President Breen, Councilor Hamilton, Councilor Slanetz
Voting Abstaining: Councilor David***

Neil Bradshaw Mayor

Robin Crotty City Clerk