



City Council

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Robin Crotty
208-726-3841

Monday, September 30, 2019

4:00 PM

Ketchum City Hall

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

Also Present: Ketchum City Administrator Suzanne Frick
Ketchum City Attorney Matt Johnson

- **CALL TO ORDER**

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

- **COMMUNICATIONS FROM MAYOR AND COUNCILORS**

Mayor Neil Bradshaw advised the public that next week's council meeting (October 7, 2019) will be at the Limelight Hotel in anticipation of a large crowd. He thanked the firefighters for the Ribbon Cutting ceremony celebrating the new Fire Truck and advised the public that there would be a bond open house held at the fire station tomorrow.

Mayor Neil Bradshaw thanked Interim Fire Chief Tom Bowman for his role at the City of Ketchum and Tom Ancona for stepping in as Interim Fire Chief for the next couple of months.

- **COMMUNICATIONS FROM THE PUBLIC on matters not on the agenda (Comments will be kept to 3 minutes)**

Mayor Neil Bradshaw asked for comments from the public. There were none.

- **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. Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$573,217.49 as presented by the Treasurer.
2. Wagon Days FY 19 Financial Summary – Director of Finance & Internal Services Grant Gager

Mayor Neil Bradshaw asked for approval of the consent agenda. Councilor Courtney Hamilton pulled the bills and asked what the welcome to Ketchum signs are. City Administrator Suzanne Frick advised that the signs are at the entrances to Ketchum and are replaced every 5 years.

Motion to approve the Consent Agenda

Motion made by Councilor Hamilton, Seconded by Councilor Breen.

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

- **PUBLIC HEARINGS AND DISCUSSIONS (Public comment and input taken on the following items)**
- 3. **ACTION ITEM:** Recommendation to Review Staff Report, Accept Public Comment, and Implement Steps Consistent with the First Amendment to Amended and Restated Development Agreement with Trail Creek Fund, LLC to (1) declare Trail Creek Fund LLC in breach of its development agreement with the City and (2) direct staff to proceed to initiate communications and administrative work as necessary to prepare for immediate site restoration should Trail Creek Fund LLC not timely cure such breach.

Mayor Neil Bradshaw introduced the topic and advised the public as to where the City is in this process. Mayor Bradshaw asked council if they have any disclosures on this topic. Councilor Courtney Hamilton advised she attended a meeting for Sun Valley Economic Development where she sits on the Board. She advised of what she heard at that meeting and of the email she received today. Council President Michael David advised he ran into Jack Barriteau at Johnny G's but did not have a conversation regarding tonight's topic.

Paul Hartzell, 16-year resident of the Wood River Valley, and prior to that he was an owner in the Colonnade building which Jack Barriteau owns. He talked about Jack Barriteau's projects that have been a success saying he has raised the bar for every building in downtown Ketchum. He talked about Jack Barriteau investing in Ketchum for the last 25 years and advised council to keep all that in mind.

Gary Lipton asked about a "timely manner" and questioned what exactly is a "timely manner".

Scott Hanson, Trail Creek Condominiums advised that the entire community has been living with the hole in the ground for many years and it's time for him to live up to his commitment and get the hole filled.

Kathleen Krekow, 460 River St East, stated that this property is the antithesis of the Colonnade. The owners of this property have made no effort to make that property attractive while they wait for financing. She called the City and County about noxious weeds and nothing has been done. She stated for the record that the project has not happened and isn't happening and there has been no effort to improve the entrance to our community.

Tom Benson, resident at Trail Creek Crossing, reiterated Scott Hanson's statements referencing the decision made 16 mos. ago by this Council that made it very clear there would be no further delays. This is very unfair for the residents of Ketchum.

Jima Rice, Blaine County, talked about Jack Barriteau saying she thinks he has a failure and he needs to be realistic that this project has not gone well.

Ed Simon, Attorney representing Vicky Graves, advised that he has not seen anything in writing from the applicant today on the website and asked council if they've received one. He advised that he has attended every meeting for every extension and there have been 4 extensions granted. He talked about the timeline that has been approved and said that the applicant has failed to perform.

Ed Simon stated that as of this moment there has been no proof of financing and talked about letters in the packet and stated that this council should make a clear and definitive statement and terminate the PUD approval and the building approval. Declare the default today.

Heidi Scherthanner said she agrees with Mr. Simon and talked about all the options that have been given.

Tim Egan, Egan Real Estate, said from his personal experience, the first 5 years this hotel was unfinanceable stating that this has been a very difficult project. He talked about all that Jack Barriteau has contributed to the local economy and asked Council to consider what they will be leaving on the table if they terminate this contract. He urged council to grant an extension.

Pat Duggan appreciates the relationship Mr. Barriteau has with the City but it does not have anything to do with what they are here for today. This man has had enough time to complete this project.

Mickey Garcia, resident for 40 years, advised that Barriteau has been good for Ketchum and the deal is a good deal with affordable housing. If Jack Barriteau can get the financing, he will be good for it. Mickey Garcia talked about the baby boomers and them complaining about developers and that they only care about their own property values. He urged Council to give this guy a chance, and it will add to property values.

Jack Barriteau said he takes these comments personally. He's very proud of the property's he has built. This project has been trying and difficult. It's not something he would give up on, despite Mr. Simon's comments. He talked about lending in the valley and what that means for the banks and said he has proof of lending but could not close the loan prior to today. He said he is not asking for an extension and this project will be concluded and funded.

City Attorney Matt Johnson asked that the most recent written public comment be distributed to council.

Mayor Neil Bradshaw closed public comment.

Mayor Neil Bradshaw talked about the extension granted in the past and the fact that there is no financing at this point. Mayor Bradshaw advised that we call for a breach of contract as it says in the staff report. The Mayor stated there is a cure period in the development agreement and asked council individually their thoughts.

Councilor Amanda Breen advised that an extension has not been requested and there is a breach and to move forward. Councilor Jim Slanetz agrees with Councilor Breen. Council President Michael David said it is a cut and dry decision to make, however, it is unfortunate and there is affordable housing attached to this project but without having the evidence of financing we don't have a choice. Councilor Courtney Hamilton agrees with the rest of the council but questioned the 60-day cure. City Attorney Matt Johnson advised that he will have a legal recommendation at the next executive session at the meeting on October 7, 2019. Today's purpose is to declare a breach of contract.

Motion to declare Trail Creek Fund, LLC, in breach of its development agreement with the City, as presented and recommended in the staff report just considered, and direct staff to provide official

notice of breach to Trail Creek Fund, LLC. This motion includes direction for staff to proceed to initiate communications and administrative work as necessary to prepare for immediate site restoration should Trail Creek Fund, LLC, not timely cure such breach.

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

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

● EXECUTIVE SESSION

4. Discussion pursuant to 74-206 1 (a)

Motion to go into executive session at 4:41 p.m.

Motion made by Councilor Hamilton, Seconded by Councilor Breen.

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

Motion to come out of Executive Session at 4:53 p.m.

Motion made by Councilor Hamilton, Seconded by Councilor Breen.

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

ADJOURNMENT

Motion to adjourn at 4:54 p.m.

Motion made by Councilor Hamilton, Seconded by Councilor Breen.

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

Neil Bradshaw, Mayor

Robin Crotty, City Clerk

If you need special accommodations, please contact the City of Ketchum in advance of the meeting.

This agenda is subject to revisions and additions. Revised portions of the agenda are underlined in bold.

Public information on agenda items is available in the Clerk's Office located at 480 East Ave. N. in Ketchum or by calling 726-3841.

Your participation and input is greatly appreciated. We would like to make this as easy as possible and familiarize you with the process. If you plan to speak, please follow the protocol below.

- Please come to the podium to speak.
- Stand approximately 4-6 inches from the microphone for best results in recording your comments.
- Begin by stating your name.
- Please avoid answering questions from audience members. All questions should come from City officials.
- Public comments will be limited by a time determined by the Mayor.
- You may not give your time to another speaker.
- If you plan to show a slide presentation or video, please provide a copy to the City Clerk by 5:00 p.m. on the meeting date.

Please note that all people may speak at public hearings.

Public comment on other agenda items is at the discretion of the Mayor and City Council.

Public comments may also be sent via email to participate@ketchumidaho.org

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Thank you for your participation.

We look forward to hearing from you!