



**City Council**  
**Regular Meeting**

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

~ Minutes ~

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**Monday, February 1, 2016**

**5:30 P.m.**

**Ketchum City Hall**

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**Present:** Mayor Nina Jonas  
Council President Jim Slanetz (by Skype)  
Councilor Anne Corrock  
Councilor Michael David  
Councilor Baird Gourlay

**Also Present:** Ketchum City Administrator Suzanne Frick  
Ketchum City Attorney Susan Buxton  
Fire Chief, Mike Elle  
Police Chief, Dave Kassner  
Director of Planning & Building Micah Austin  
Director of Public Works/City Engineer Robyn Mattison  
Senior Planner Morgan Brim

**1. CALL TO ORDER**

Mayor Nina Jonas called the meeting to order at 5:34 pm.

**2. CONSENT CALENDAR**

**a. Approval of Minutes: Special Meeting January 25, 2015**

**b. Approval of Current Bills**

Mayor Nina Jonas questioned the Heli Ski Charge. Fire Chief Mike Elle explained that this amount will be refunded.

Correct agenda to read Special Meeting from January 25, 2015.

**Motion to approve the Consent Agenda**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael David, Councilor
<b>SECONDER:</b>	Baird Gourlay, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

**3. COMMUNICATIONS FROM MAYOR AND COUNCILORS**

**a. Communications from Mayor & Council**

Councilor Anne Corrock expressed that she is agreement that a new City Hall needs to be put on the May Election and would like to know if the tours are continuing. She explained that by March 7th it has to be decided if this is going to be on the ballot or not.

Councilor Michael David explained that he and Councilor Baird Gourlay are happy to meet with anybody in regards to the proposed new City Hall Structure.

Councilor Baird Gourlay said he will be meeting with people to give tours of the building and explained that they only have until February 16th to gather information and report back to the board and the council.

Mayor Nina Jonas said this will be back on the February 16th agenda.

Councilor Annie Corrock questioned how people can sign up to take a tour. Lisa Enourato Assistant to the City Administrator and Communications Coordinator explained where the tours and outreach advertising will be advertised.

#### **4. COMMUNICATIONS FROM THE PUBLIC**

##### **a. Communications from the public. For items not on the agenda.**

Mickey Garcia said if the new City Council Structure goes on the ballot too soon it will get shot down.

David Barrovetto complimented the Street Departments of Ketchum and Sun Valley. Mr. Barovetto said the proposal for the new City Hall structure is going quickly. He thinks there should be more consideration.

#### **5. COMMUNICATIONS FROM STAFF**

##### **a. American Rivers Grant Agreement**

Robyn Mattison Director of Planning & Building explained what the American Rivers Grant Agreement is and explained that we've been awarded the grant. She outlined what the Grant will go towards.

Councilor Jim Slanetz talked about a tubing hill set up between the skate park and River Run.

Mayor Nina Jonas thanked the Idaho Conservation League for bringing this grant opportunity to our attention.

**Motion to authorize the City Administrator to sign the grant agreement with American Rivers.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael David, Councilor
<b>SECONDER:</b>	Baird Gourlay, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

##### **b. Light Industrial Workshop – Micah Austin, Director of Planning & Building**

Micah Austin Director of Planning & Building outlined tonight's presentation. He explained that those needs cannot be met in any other zone in the City and what would happen to the City if the LI zone was eliminated. Micah Austin outlined the current requests before the City of Ketchum.

Micah Austin Director of Planning & Building talked about the Comp Plan and the purpose of the LI Zone and why it was developed. He explained the size of the LI zone and showed a slide of Parcels, Ownership and the Value in the LI Zone. He talked about how it relates to businesses and the number of employees in each zone. Micah Austin did a comparison of the zones in regards to employment and

discussed permitted uses. There was a comparison done between the allowed uses in the LI Zone and the CC Zone.

**6. PUBLIC HEARINGS**

- a. **Public hearing and consideration of an application for a text amendment submitted by the Community School to amend Title 17, the Zoning Ordinance, of the Ketchum Municipal Code by amending Section 17.08.020, Definitions, by adding a new use of School Residential Campus; amending 17.12.202 District Use Matrix; and by amending 17.124 Development Standards by adding for a School Residential Campus in the LI-3 Zone.**

And

- b. **Public hearing and consideration of an application for a rezone development agreement by the Community School to rezone property from Light Industrial District Number 2 (LI-2) to Light Industrial District Number 3 (LI-3); subject property is located at 280 Northwood Way, Ketchum, Idaho, 83340 and described as Resub of Northwood PUD Lot 4, AM Lot 21A – Micah Austin Director of Planning & Building**

Council President Jim Slanetz recused himself from this Public Hearing. Susan Buxton Attorney questioned Council President Jim Slanetz as to his decision to recuse himself and advised Mayor and Council to accept his recusal. All were in agreement.

Councilor Michael David said he has two students in the school but feels he could be part of this process. Susan Buxton Attorney questioned Michael David as to his decision and suggested Mayor and Council accept. All were in agreement.

Mayor Nina Jonas and Councilor Michael David disclosed that they met with John Perenchio and Ben Pettit in August but this topic was not discussed.

Ben Pettit Head of Community School thanked Mayor and Council for consideration of this application. He gave the history of the Community School and presented the School's Economic Impacts and outlined the Residential Program Overview. Ben Pettit outlined all the reasons they chose this site and talked about the timing of this project and why they chose now to go forward.

John Porenchio talked about the importance of the Community School and his project and talked about all the other organizations that this decision will impact. He showed a current map of the LI Zone and explained the plan for the Smith Optics building. He outlined the public benefits that are being asked for and objected to the sidewalk requirement.

Ryan Hales Traffic Engineer talked about the Pedestrian and Bicycle Study. A map was displayed of bike paths and crossings that were outlined. He talked about the sidewalk being redundant and the crosswalk locations were discussed.

Councilor Michael David questioned the feasibility of Pedestrian traffic and Councilor Baird Gourlay questioned the mobility requirements.

Ed Lawson Attorney for Community School outlined all the reasons he thinks this proposed use change should pass. He talked about why they chose the LI3 zone and outlined the positives of the rezone. Ed Lawson voiced his concerns that staff is putting too much emphasis on the primary and secondary uses and explained that all they are asking for is in accordance with the Comprehensive Plan. He recommends council make a motion to approve both applications.

Mayor Nina Jonas has concerns regarding drop offs.

Micah Austin Director of Planning & Building explained that the applications require two separate approvals. There are two separate questions for the City Council. He went over the text amendment

question and as to if it is appropriate to rezone LI2 to LI3. Micah Austin explained that the public notice requirements have been met and went over the background of the project and explained what could be approved this evening. He then outlined the recommendation and the options that are available to the council.

Councilor Baird Gourlay read an excerpt from the packet and questioned where that was put in the development agreement. Micah explained where it is in the agreement and will work on rewording the agreement in the packet for clarification reasons.

Micah Austin Director of Planning & Building gave an overview of the Development agreement and showed the proposed changes on a power point. He outlined all the public benefits in detail and talked about the sidewalks and the specific concerns.

Mayor Nina Jonas asked council for questions.

Michael David questioned why the existing bike path is not sufficient. Micah Austin Director of Planning & Building explained that this requires crossing Hwy 75 to access it and the bike path is not set up for pedestrian traffic in the winter time. Councilor Michael David asked if changes to the existing bike path would be an option. Micah Austin said changes were not considered but they can if directed. Councilor Anne Corrock asked if they talked to the Pedestrian Traffic Plan Committee. Robyn Mattison Public Works Director/City Engineer does not remember this being discussed.

Micah Austin Director of Planning & Building outlined all that the development agreement provides and discussed the council's options at this time.

Councilor Anne Corrock questioned the uses of the first floor and what this district requires. Micah outlined the residential use is the only use that is not already approved in their zone.

#### **Public Comment – For the Applicant**

Jed Gray, Ketchum Business Person is in full support and said the presentation was very insightful. He brought up vacancy and said that there is a ready willing and able business ready to fill that vacancy. It's an appropriate use. He does not support the sidewalk; it should be an LID and should not be placed on one business. He talked about pedestrian use on the bike path and encouraged council to pass this.

Sam Adioff Sun Valley Ski Education Foundation voiced his support for this project and outlined all the benefits.

Lori Cooley a neighbor of the current dorms explained that she has only seen 7 kids in all the time she has lived near the dorms and does not see the students as any type of an issue.

Mickey Garcia lives about one block away and fully supports the text amendment and rezone. He talked about a crossing that is dangerous and suggested a flasher be installed.

Jack Kunamen 110 Lindsey Circle said he is very familiar with the intersection and said it is not a safe intersection as it stands and suggested the City address this along with the storage of snow. He is in support of the Community School

Harry Griffith Director of Sun Valley Economic Development said this is good for Ketchum and talked about all the families moving here. He outlined all the positives of moving the Community School residents into this area. He thinks this is the second most important decision the council has had to make. This is a priceless opportunity and is in support of the project.

Guy Chirp echoes the comments of support. A good tenant who is ready and able is important and this is a great use of that building. He encouraged council to assist the Community School in going thru with this project and said the burden of the sidewalks is unreasonable and unfair

Scott Thompson spoke in support of the use in the LI Zone. He considers the sidewalks to be an undue burden on the applicant. He questioned the March 31 deadline for the bus stops. Mayor Nina Jonas clarified the deadline dates.

#### Neutral Comments

Brian Barsotti talked about amending the Comprehensive Plan. There is not light industrial use in the LI3. He voiced concerns regarding the sidewalk and the Northwood Homeowners Association and concerns regarding the location of the bus stop. He said this needs to be passed without the sidewalk.

Bob Jonas resident of Hulen Meadows spoke to the safety issues and sidewalks. The real sidewalk is Saddle Road right directly into town. The kids will take the quickest route. He suggested tabling the sidewalk discussion.

Mark Oliver resident of industrial park explained that the direct route is straight thru the industrial park and suggested a lighted road that will lead the students to where they want to go and to place a stairway up to the bike path.

There were no opponent comments.

Rebuttal from applicant.

Ben Pettit explained school policy as to when students can be out and about.

Ed Lawson reiterated the program outline of the school and said they have very little free time. He has not had an opportunity to review the development agreement that is before them now and there has been no acceptance of the agreement at this time. He thanked staff for the thoroughness of the presentation.

Public Hearing is closed.

Text Amendment will be discussed first.

Suzanne Frick City Administrator explained that Council will not be approving an ordinance this evening. She explained that staff is looking for direction as to the support/denial or modification of the text amendment and the development agreement.

Councilor Michael David is in favor of the text amendment.

Councilor Baird Gourlay has no problem with the text amendment.

Councilor Anne Corrock agrees but has concerns regarding residential units on the first floor. Micah Austin Director of Planning & Building reiterated that it is part of the development agreement as well as the text amendment. There was a discussion with Susan Buxton Attorney who explained Case Law in regards to this topic. Staff was directed to look into this further for Councilor Anne Corrock.

REZONE from LI2 to LI3

Councilor Michael David said he is in support of the rezone from 2 to 3. The public benefits seem appropriate but would like to have more discussion regarding the sidewalks.

Councilor Anne Corrock has concerns regarding the loss of LI.

Mayor Nina Jonas questioned the move from LI3 to LI4. Micah Austin Director of Planning & Building outlined what would be lost.

Councilor Baird Gourlay said he thinks this is appropriate and is in accordance with the Comp Plan. It may lead CSI and BSU to explore LI3.

Councilor Michael David talked about the creep but does not see that as an issue.

DEVELOPMENT AGREEMENT

Micah Austin, Director of Planning & Building advised council that all public benefits proposed are in the public right of way.

Mayor Nina Jonas asked if there is any part of the development agreement besides the public benefit that are a question. Councilor Anne Corrock questioned the gym. Nina Jonas explained that this is a public entity and we can't tell them what facilities they can have.

Councilor Baird Gourlay questioned the definition of the lot. Micah Austin Director of Planning & Building will be working on the wording on the staff report.

Sidewalk discussion

Councilor Baird Gourlay is in agreement with Mark Oliver. He does not support the sidewalk.

How the beacons and crosswalks would work was brain stormed by Mayor, Council and Micah Austin Director of Planning & Building.

Councilor Baird Gourlay asked about the lighting (street lights). Councilor Anne Corrock reiterated the need for more lighting. The location of the stairs was discussed. Suzanne Frick City Administrator will talk with staff about adding the stairs and if there are any restrictions that would prohibit us from doing so.

There was a discussion regarding the route to school and the path of least resistance. Councilor Anne Corrock suggested an additional bus stop instead of sidewalks.

Councilor Michael David said the only sidewalk he was in favor of is a new small piece on the way to the new bus stop. He has concerns regarding where to put the sidewalks and is not in favor of the proposed sidewalk.

Councilor Baird Gourlay would like a bike rack placed IN front of Smith if it is not already there.

Motion to agree with the rezone and approve the text amendment. Staff will come back with language for the Development Agreement after looking at removing the sidewalk requirement and looking into steps that connect the bike path to highway 75. They will look at the lighting and deal with the bus stops. Staff will come back with answers regarding the text amendment as to whether we need that verbage in the text amendment or just the development agreement. They will look into the feasibility for access to current bike path to the highway and be sure that it is useable by bikes and people walking.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Baird Gourlay, Councilor
<b>SECONDER:</b>	Michael David, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay
<b>RECUSED:</b>	Jim Slanetz

There was a ten minute break at 8:47 pm. Meeting resumed at 9:47 pm.

- c. **Public hearing and consideration on an application submitted by Brett Moellenberg, representing the Spot LLC., for amendments to Title 17, Ketchum Municipal Code, Section 17.12.020, District Use Matrix, and Section 17.125, Off-Street Parking and Loading, To Allow Assembly Uses in the LI-2 Zoning District and to Reduce Required Parking with a Shared Parking Permit.**

Mayor Nina Jonas outlined how the hearing will progress.

Councilor Michael David disclosed that he had a brief discussion with the applicant not concerning this application. Susan Buxton had no concerns.

Brett Mollenburg presented an overview of what the SPOT does and showed a community response slide and outlined all the partnerships they are part of.

Brett Mollenburg introduced his partners and all they have accomplished. He talked about who they have partnered with and which businesses they have forged relationships with. They have never missed a rent payment and have never had one complaint.

Brett Mollenburg voiced his concerns regarding the process which the city has put them thru. Brett Mollenburg talked about his meeting with Chief Kassner in regards to giving away alcohol.

There was a discussion regarding the alcohol process among council.

Micah Austin, Director of Planning & Building presented the staff report explaining that this is the second public hearing and went over the direction from council from the last meeting. Micah Austin explained that staff is recommending denial of the application and went over the reasons why. Micah Austin explained the previous P & Z approval and what they asked for.

Micah Austin Director of Planning & Building explained that the Spots Assembly use is triggering the text amendment and showed the proposed Matrix and outlined Amendment #2 LI 2 Assembly Use Development Standards.

Councilor Baird Gourlay asked for an explanation of the fire issues. Fire Chief Mike Elle explained that the Spot is authorized for less than 100 people and that they are in compliance for their current use which does not include Assembly use.

Councilor Anne Corrock questioned secondary use as opposed to primary use. Mike Elle Fire Chief went over the fire code and what is or would be required as to the studio use as opposed to assembly use. Mike Elle talked about what is involved and the formula they use to figure what is assembly use and what is allowed and what is not. Mike Elle explained what his responsibility is as Fire Chief.

Police Chief Dave Kassner talked about his conversation with Brett Moellenburg and voiced his concerns in the way in which the event was handled and that people were required to donate.

Susan Buxton Attorney explained case law in regards to giving alcohol away.

Micah Austin Director of Planning & Building talked about non-compliance and compliance issues that are site specific. Fire Code concerns were addressed.

Councilor Michael David questioned the Assembly Use Development Standard. Micah Austin Director of Planning & Building explained that these items addressed the concerns. Suzanne Frick City Administrator said to remember this is a text amendment that will open up use throughout the entire LI Zone. Micah Austin explained the Conditional Use Process.

Councilor Michael David asked why staff is recommending against P & Z. Micah Austin explained

Council President Jim Slanetz is in agreement with Councilor Michael David.

Mayor Nina Jonas opened the Public Hearing for the public that is in support of the application.

Mark Oliver disagrees with the Comp Plan and talked about encouraging the young people in this town and that there is no space for these things to happen.

Carrie Wilcox loves the Light Industrial District. She talked passionately about the positives of the "Spot".

Sarah Gorby - Ketchum Resident. She said they are completely ethical and will do whatever they can to keep their business going.

Leslie Clathey teacher at the Community School. She complimented the professionalism of the Spot. Requested support

Derek Brian is in support and urged staff to solve the problems.

Mike Wade teacher at the Community School in theater said he understands the Spot's struggle. He asked that in the deliberation he hopes they bring commonsense and reason to the discussion. Most times it is below the 100 person caps.

Grant Carey from New York City talked about what brought him here and why he is back. He urged everyone involved in the decision to support the Spot.

Candace Shuben a co-tenant of the spot said her parents are the owners of the building. Parking and bathrooms were brought up to code in the past. She is the only tenant of the building that is open until 9 p.m. She has an ADA restroom for the building that is available and does not feel that parking is an issue.

Mayor Ruth Lieder talked about Light Industrial in general. Light Industrial is changing for the good. This is becoming a very important part of the community. She is sure the Shubens would bring the building to code. She voiced concerns regarding the non-conditional use permit.

Kingsland Murphy is in support of this project and hopes they will be so successful and they grow out of the LI District. This is a good area to start inexpensively. He addressed parking not being a burden for this organization.

Tim Eagan does not think this is a text amendment issue. It is just a conditional use permit. He does not see this conflictive with the comprehensive goal. They are bringing support to the downtown core and talked about his support in investing in the young.

There were no uncommitted or Opponent comments.

Mayor Nina Jonas closed Public Comment.

Brett Mollenburg addressed the concerns regarding snow in the back of the building. He explained that no other organizations are using their space. He addressed the fire conversation regarding the occupancy load and about the issue of giving away free alcohol and how it was handled.

Mayor Nina Jonas closed the Public hearing.

Susan Buxton Attorney quoted Idaho Supreme Court and addressed the specifics need to be in the ordinance for it to exist. There may be a better way to define what is happening here. Suzanne Frick City Administrator said we are struggling with assembly in the LI District and brainstormed other ideas. Councilor Baird Gourlay asked for clarification on Suzanne's suggestion. Micah Austin Director of Planning & Building explained we could change the name but we still have the same building and fire



code issues. Suzanne Frick City Administrator explained we would not be making any exceptions for fire and safety. Suzanne explained primary and secondary in regards to the basic standards of occupancy under 100. Mayor Nina Jonas is concerned about practical costs.

Councilor Anne Corrock talked about the importance of good balance of the LI zone and encouraged them to work with Nexstage. People are not going to their shows because of the location but because of the people involved in the Spot.

Councilor Michael David agreed with Suzanne Frick City Administrator. He would like to figure out a way to narrow it down and find a way to do this.

Mayor Nina Jonas asked Suzanne Frick City Administrator if there was a new definition and what that would look like. Suzanne Frick explained the process. Susan Buxton attorney said she thinks we could come back with new language.

Council President Jim Slanetz is in agreement to go forward and try to make this happen.

Councilor Baird Gourlay agrees with the direction the others are headed. He gave direction on the CUP, and talked about limiting the food and beverage and limiting the hours and setting square footage. Suzanne Frick City Administrator said these are definition details.

Councilor Anne Corrock has concerns about enforcement.

No action is required.

## **7. RESOLUTIONS & ORDINANCES**

- a. First Reading of Ordinance 1147 to rezone Lots 5, 6 and 7 of Block 21, Ketchum Townsite from Community Core (CC) to General Residential – Low (GR-L)

Morgan Brim Senior Planner explained that this is a cleanup of the zoning map. No questions or comments from council.

Motion to approve the first reading of Ordinance 1147 for Lots 5, 6 and 7 of Block 21 and read by title only. Councilor Michael David read by Title only.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael David, Councilor
<b>SECONDER:</b>	Baird Gourlay, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

## **8. NEW BUSINESS**

- a. Findings of Fact – Thunder Spring residences, plan unit development conditional use permit

Morgan Brim Senior Planner presented the Findings of Fact in the packet.

Councilor Anne Corrock questioned the approval of findings of fact has nothing to do with her vote against Thunder Springs in a previous meeting. Susan Buxton Attorney clarified that it did not.

Motion to approve the findings of fact.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Baird Gourlay, Councilor  
**SECONDER:** Michael David, Council President  
**AYES:** Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

9. **EXECUTIVE SESSION to discuss:**

- a. Litigation pursuant to Idaho Code §74-206 1(f)
- b. Discussion pursuant to Idaho Code §74-206 1(a)

**Motion to move into executive session in pursuant to Idaho Code §74-206 1(f) and Idaho Code §74-206 1(a) at 11:45 p.m.**

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Anne Corrock, Councilor  
**SECONDER:** Jim Slanetz, Council President  
**AYES:** Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz


**Motion to come out of Executive Session at 12:05 am**

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Slanetz, Council President  
**SECONDER:** Anne Corrock, Councilor  
**AYES:** Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

10. **ADJOURNMENT**

**Motion to Adjourn at 12:06 a.m.**

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jim Slanetz, Council President  
**SECONDER:** Anne Corrock, Councilor  
**AYES:** Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

  
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Nina Jonas  
Mayor

  
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Robin Crotty  
Interim City Clerk