



# City Council

## Regular Meeting

~ Minutes ~

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

Monday, June 15, 2015

5:30 PM

Ketchum City Hall

Present: Mayor Nina Jonas  
Council President Michael David  
Councilor Anne Corrock  
Councilor Jim Slanetz  
Councilor Baird Gourlay

Also Present: Ketchum City Administrator Suzanne Frick  
Ketchum City Attorney Susan Buxton  
Police Chief David Kassner  
Director of Parks & Recreation Jen Smith  
Director of Planning and Building Micah Austin  
Director of Public Works/City Engineer Robyn Mattison  
Recording Secretary Robin Crotty

### 1. CALL TO ORDER

Mayor Nina Jonas called the meeting to order at 5:50 p.m.

### 2. CONSENT CALENDAR

- a. Approval of Minutes: Regular Meeting June 1, 2015 & Special Meeting June 1, 2015
- b. Approval of Current Bills and Payroll Summary
- c. Approval of 2015-16 Liquor, Beer and Wine Licenses

Motion made to approve the consent agenda

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

### 3. COMMUNICATION FROM MAYOR AND COUNCILORS

Councilor Baird Gourlay asked for an update on the right-of-way agreement recommendations. City Administrator Suzanne Frick advised council that staff is compiling the received suggestions and they will be presented at the July 6, 2015 Council Meeting.

Councilor Jim Slanetz has concerns regarding events in Ketchum. He asked if the Trailing of the Sheep event could be a city event. He talked with Mary Austin Crofts and there are concerns. He would like to go forward with assisting in making special events in Ketchum, Ketchum events and believes we need to have a clear process. Mayor Nina Jonas will put this topic on the July 6<sup>th</sup> agenda.

Council President Michael David asked that the cities strategy and what the city is doing about empty trenching and open conduit be put on a **future agenda**.

### 4. COMMUNICATIONS FROM THE PUBLIC

- a. Communications from the public. For items not on the agenda.

There were no comments.

**b. Sun Valley Sports Horse Drawn Carriage Service – Tony Parkhill, Director of Sun Valley Sports.**

Public Works Director/City Engineer Robyn Mattison presented for Tony Parkhill, Director of Sun Valley Sports. Sun Valley Sports operates the stables on Horseman's Center Road. They would like to begin offering a horse drawn carriage service to transport people from Sun Valley Village to Ketchum and back. The service would be a hop on / hop off service where people would be able to board a carriage at Baldy Circle Loop roundabout (at the bus stop), take a ride into Ketchum, get off the carriage in Ketchum, spend time in Ketchum, then board the carriage again for a return trip to Sun Valley. People would also be able to board the carriage in Ketchum and ride into Sun Valley.

Director of Public Works/City Engineer Robyn Mattison presented explaining the cost will be \$5 to \$7. A concern is the horses would be in the traffic lane. They would use poop catching bags. They propose to have license agreement with Sun Valley Sports and have maintenance items in the agreement. They propose to start around 11am to go thru dinner time but do not want to be involved in the bar scene. Robyn Mattison is checking with ITD to find out what else is needed.

Police Chief Dave Kassner is concerned about traffic being able to pass them. If vehicles can't pass there will be a rolling road block.

Councilor Annie Corrock would like to hear from ITD before they make any decisions.

City Administrator Suzanne Frick asked council to allow staff to work out the details and then bring it back to council for further approval.

**5. PUBLIC HEARINGS.**

**6. COMMUNICATIONS FROM STAFF**

**a. Community Housing Strategy – Suzanne Frick, Administrator**

City Administrator Suzanne Frick presented explaining that the availability of community housing continues to be a critical need in Ketchum. Providing affordable housing opportunities for the Ketchum workforce is a key initiative in the 2014 Comprehensive Plan. However, efforts to produce community housing have stalled over the last few years. This is primarily due to the availability and constraints associated with federal funding for affordable housing, few local projects producing community housing or contributing in-lieu fees, and confusion on the city's community housing strategy.

City Administrator Susan Frick proposed a 3 tiered strategy. The goal is to have a short and long term strategy.

**The First Tier is Short Term, Local Production**

Focus on Acquisition and Rehab Using In-lieu or Other Housing Funds

- a. Shortest timeline associated with identifying a project, funding and occupying.
- b. Lowest cost for greatest benefit
- c. More easily funded by IHFA than new construction
- d. Integrates and spreads housing throughout the community
- e. Rehabilitates and improves declining housing stock
- e. Biggest challenge is HOA fees. Subsidies may be necessary to ensure HOA fees do not price out qualified renters/buyers
- f. ARCH and Blaine County Housing Authority (BCHA) have experience implementing this

strategy

**The second Tier is Long Term, Local Production**

Provide Opportunities for Large New Construction Projects within Ketchum

- a. Provide land for community housing projects by making key parcels available for development

- b. Sites like Dollhouse (KURA) and Leadville/6th (City) are the targeted locations
- c. Issue RFQ/RFP to identify development partner
- d. KCDC, KURA, and City Staff have experience implementing this strategy

### **The third Tier is Long Term, Regional Production**

#### **New Construction within the Valley (outside Ketchum City Limits)**

- a. Valley projects may be easier to fund and easier to build
- b. Areas around the hospital are ideal for affordable housing developments
- c. Assistance from Ketchum directly or indirectly would increase viability of projects without compromising efforts within Ketchum
- d. ARCH or other developers have experience implementing this strategy

City Administrator Suzanne Frick advised council the issue of in-lieu housing fees needs to be addressed. She said that in-lieu fees are preferred over on-site units because the funding is more flexible and has the potential to produce more units through acquisition and rehabilitation. As part of phase two of the Zoning Ordinance update, staff will develop recommendations to council on the appropriate threshold for on-site unit production.

The tier will be supported as follows:

- 1<sup>st</sup> tier supported by in lieu fees from development projects. Could have \$250,000 in lieu fees next year.
- 2<sup>nd</sup> tier supported by making public land available for development through the RFP process.
- 3<sup>rd</sup> tier supported by offering services and infrastructure on a case by case basis.

Adjustments could be made year by year and reevaluated every 2 to 3 years. City Administrator Suzanne Frick is recommending council review strategy and approve it so that staff can begin implementation.

Councilor Anne Corrock questioned the 6<sup>th</sup> and Leadville location for a project and the possibility of retail requirements being needed there. Planning & Building Director Micah Austin responded by saying there is retail required on the ground floor. City Administrator Suzanne Frick said the funding and constraints are continually evolving. Suzanne Frick said maybe it wasn't working 2 years or so ago but what was true yesterday isn't necessarily true today from a financing standpoint as to what will qualify for funding. Councilor Anne Corrock wants to know if these properties are feasible. Suzanne Frick thinks prior to eliminating that property we should do the RFQ process and we should give it one last shot. If the market will not support that type of development we will need to re-evaluate those properties.

Councilor Annie Corrock raised the question of how many units we have created with in lieu housing funds. City Administrator Suzanne Frick said if we start collecting in-lieu fees and we use it for acquisition rehab and community housing, we will start to see more production going on. It is a matter of priority on how you want to spend that money. Annie Corrock is not a fan of in-lieu fees. She is not happy with that part of the language and thinks it should say on site production not in-lieu fees.

City Administrator Suzanne Frick reiterated that she is asking for approval from council to collect in-lieu fees so staff can go forward.

Councilor Anne Corrock is concerned about this interfering with the code re-write. Suzanne Frick said the code rewrite will be a separate process where council will decide on standards. That process will run concurrently. We will only follow this process if we have in-lieu fees.

Council President Michael David would like to hear from the public before making comments.

Councilor Baird Gourlay thinks they are all important. Short term and long term. He would like them all available.

Mayor Nina Jonas opened the meeting up for public comment.

Jon Duval Ketchum KCDC addressed Councilor Annie Corrock's questions. He felt City Administrator Suzanne Frick was correct and that times are changing. The tax credit program was extremely lucky with Northwood Place. Tax credits are the best way to fund community housing. Onsite/Offsite is for council to decide but if you are asking a for profit developer to put affordable housing on their property it is a real loss leader for them. If you're doing a rewrite you will need to keep that in mind.

Neil Bradshaw KCDC had comments on City Administrator Suzanne Fricks presentation. He would like to strike the comment regarding Northwood Place and the remote possibility of ever doing that again. He said we should be fighting on all fronts with all resources we can get. He loves the idea of bringing affordable housing to everyone's attention.

Steve Cook can empathize with Councilor Anne Corrock regarding in-lieu. He questioned how the in-lieu fund really works and where the funds go. He feels there is very little accountability for this fund. City Administrator Suzanne Frick said there is a separate fund in that has next to nothing in it however there is a spot to track it in if we start collecting it.

Bob Crosby, Sun Valley Board of Realtors suggested putting a short and long term strategy in the strategy that would be an aggressive approach to exchanging better sites that are currently owned. He thinks in-lieu funds are very important to orderly development and we need to keep them.

Public comment for community housing was closed.

Mayor Nina Jonas told Council she thinks they possibly need to clean this up a little more and bring it back.

Councilor Baird Gourlay said he doesn't have a problem with it but agrees with Bob Crosby regarding long term and short term. It's whatever is available to us.

Councilor Jim Slanetz likes Neil Bradshaw's point of keeping all the doors open. Agrees with keeping better control over in lieu funds.

Council President Michael David said creativity is key. Keep all options on the table. Would like to see diversity of units.

Councilor Anne Corrock would like to see some target properties. Something to show where the in-lieu fees are going to go.

Mayor Nina Jonas asked to clean up the language to include all the comments and bring it back to the July 6, 2015 Council Meeting.

**b. Discussion of Maintenance and Long Term Planning of City Sidewalks – Robyn L. Mattison, Public Works Director/City Engineer.**

Public Works Director/City Engineer Robyn Mattison presented by saying a complete and comprehensive pedestrian circulation system is a vision of the City that has identified in various plans and studies. She talked about planning for new sidewalks, current fiscal year maintenance plan, and future of paver sidewalks in city. She discussed what future sidewalks will look like. She presented a list of missing connecting sidewalks and the numerous amounts of study's and plans that have already been done. She would like to talk about putting in infrastructure.

Robyn Mattison said she proposed to the KURA for funding for 20 missing sidewalk links. The funding request was over a 3 year period and included street lights. The final funding source would be to ask the City of Ketchum for funding in the next fiscal year budget.

Council President Michael David asked about the location of the HUB. City Administrator Suzanne Frick said if we don't use it we lose it. Robyn Mattison talked about sidewalk repairs and maintenance. Staff received a bid for paver repairs and the bid came in at \$17,000. There is \$25,000 budgeted. Sidewalk repairs are different and difficult to get contractors to do therefore it is hard to get this project completed.

Robyn Mattison talked about paver sidewalks and pointed out that 4<sup>th</sup> Street pavers did not hold up. 4<sup>th</sup> St is expensive to repair and now we need to replace the pavers because they don't make those pavers anymore.

Robyn Mattison said there are four options to consider:

- A) No change - Continue repairing paver sidewalks as we are now.
- B) Continue repairing paver sidewalks as we are now but abandon the existing non-functionin snow melt system.
- C) Utilize the heat/snow-melt systems
- D) Replace the paver sidewalks with concrete sidewalks

Councilor Baird Gourlay questioned the life span of concrete. Street Superintendent Brian Christiansen said 20 years and pavers have lasted less than 10 years. Council President Michael David said it has a lot to do with the installation of the pavers. Baird Gourlay asked about drainage issues if we use concrete instead of pavers. Robyn Mattison said it's the engineering of the street. Councilor Anne Corrock questioned if we could move forward with not using the ecofriendly deicer? Robyn Mattison will research this suggestion. Annie Corrock asked about Trex. Robyn Mattison said she googled it and found nothing.

Robyn Mattison then presented on Future Sidewalk Construction. She suggested instead of pavers or board sidewalks the city may want to consider modifying our city code to only allow concrete or decorative concrete sidewalks. Concrete requires much less maintenance and could also be decorative to provide an aesthetic quality. Color may be added to concrete by adding pigments-before or after concrete is in place-and using white cement rather than conventional gray cement, by using chemical stains, or by exposing colorful aggregates at the surface. Textured finishes can vary from a smooth polish to the roughness of gravel. Geometric patterns can be scored, stamped, rolled, or inlaid into the concrete to resemble stone, brick or tile paving. Special techniques are available to make concrete slip-resistant and sparkling.

#### **Cost Comparison**

Standard concrete is currently \$5.50 per square foot, not including demo, prep and asphalt patch back. Stamped and colored concrete is about \$16.00 per square foot.

For comparison, one block (225 linear feet) of a 5-ft wide sidewalk would cost approximately:

Standard concrete: \$37,000

Stamped & colored concrete: \$52,000

Robyn Mattison recommended that the City provide funding that is not part of other requests. The City should replace pavers as needed in the short term and in the long term the City should replace paver sidewalks with concrete and abandon snow melt systems. In the future she would like to modify City Code to only allow concrete.

Mayor Nina Jonas opened the meeting up for Public Comment.

Dick Fenton asked if a private company or person wanted to make a paver sidewalk and snow melt, would it be allowed. Public Works Director, City Engineer Robyn Mattison said it would be her recommendation to not allow it. Mayor Nina Jonas explained that it is an ongoing problem in the right of way and will add it to the conversation

Jerry Seiffert said that part of the sidewalk issue is getting back the public right of way. He suggested we enlarge the concept. He talked about a significant LID. He thinks the City should analyze the sidewalks and how they tie together.

Steve Cook reconfirmed the importance of missing sidewalks from 6<sup>th</sup> street to Base Camp on west side of the road. It provides an important linkage to commercial business as well as a number of other areas.

Mayor Nina Jonas closed public comments.

Councilor Baird Gourlay said he agrees with Dick Fenton. He talked about the cost difference and thinks we should not take the option of pavers away. We are certainly not beautifying the sidewalks with

cement. He thinks if the City is going to maintain the sidewalks than they have to use cement. If the developers want to use pavers then they have to maintain it. He doesn't think the option should be taken away.

Mayor Nina Jonas questioned the right of way and how to write an arrangement in perpetuity. City Attorney Susan Buxton explained. Councilor Baird Gourlay thinks it is smart for beautification.

Councilor Jim Slanetz talked about the City paying for the cement and the company paying for any upgrades to pavers.

Mayor Nina Jonas said it sounds like it's more of an encroachment agreement rather than a licensing agreement. She asked if staff thinks there will be a problem enforcing these agreements.

City Administrator Suzanne Frick said we would need to work on the record keeping end of things before we could enforce if a property owner was not complying.

Councilor Baird Gourlay said he agrees with Jerry Seiffert. He talked about the URA being asked for 20 different sidewalk locations. He thinks some of them are the cities responsibly but some are businesses and homeowners responsibility. By having an LID this would stretch the city dollars and encourage applications.

Council President Michael David questioned the LID scenario and who would choose the materials. Would it be the District? Public Works Director/City Engineer Robyn Mattison said it would have to follow the City Standard.

Public Works Director/City Engineer Robyn Mattison asked if Council would like her to come back with stamped concrete for City Standard options for a future meeting.

City Administrator Suzanne Frick said we would need to create a standard format for the licensing agreement.

Council President Michael David said he worries that technology for better material is right around the corner. He wants to be sure we can change things if better material comes along.

Councilor Anne Corrock asked if we need to modify the motion to include LID verbiage.

City Administrator Suzanne Frick said the LID discussion could be part of the budget process also.

Public Works Director/City Engineer Robyn Mattison modified her recommendation for modification to the city code to only allow standard concrete sidewalk, decorative concrete sidewalk or pavers with a license agreement and that staff will come back with decorative concrete options.

**Motion to approve staff recommendations on sidewalk planning, paver sidewalk maintenance and future sidewalk construction and to encompass Robyn Mattison's recommendation above.**

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

**c. Discussion of the Relationship between the City of Ketchum and Ketchum Community Development Corporation – Micah Austin.**

Planning & Building Director Micah Austin gave a brief history from 2006 to present of KCDC and how they and the URA fit in with the City of Ketchum. He talked about the Downtown Master Plan and the areas of responsibility for the City/URA and the CDC. He presented a power point showing the roles of all three entities and identified the primary tasks. Micah Austin talked about the unique relationship the KCDC has with the City of Ketchum.

Council President Michael David questioned the Capital City Development URA. He said the only thing that is similar is their name. They are nothing like the KCDC in Ketchum.

President KCDC, Neil Bradshaw said they have a very broad mission. The KCDC ended up being in the lead category. He talked about Town Square / Northwest Place / walkability etc. President Neil Bradshaw questioned if that partnership is going to remain. Neil Bradshaw thinks there is a misunderstanding about what they are all about. He said they are not an autonomous unit. They work together for the betterment of the community. He questioned if the council thinks they are autonomous or if they think they are a partner. Neil Bradshaw went on to say that the board is asking for clear direction. They are asking for challenges and to be supported by the City. He would like an answer tonight.

Mayor Nina Jonas asked for a definition of autonomy and of partnership. Neil Bradshaw said they asked for a meeting of the minds and the meeting was not granted. Mayor Nina Jonas said CDC used to come up with their own projects and when she asked for an updated list of projects that's where this conversation stemmed from. They were looking to find out what the City and community wanted them to work on. Neil Bradshaw gave the example of affordable Housing and the CDC's ability to help. He said if they don't have some direction from council as to what land the City wants to pursue they don't know how to move forward.

Mayor Nina Jonas said the CDC has done tremendous work. Neil Bradshaw stated the CDC has no funding and no direction. It's tough to motivate volunteers if they don't have funding or direction. He said if that has changed and they can get their marching orders that is awesome.

There was a discussion between Mayor, Council, Jon Duval and Neil Bradshaw. Mayor Nina Jonas stated that she is against the sidewalk plan going to KCDC. Council President Michael David said the three organizations were set up to work together. You can't do it without all 3 legs. None of these organizations can be autonomous. Neil Bradshaw said he is agreement. Mayor Nina Jonas said she is in support and would like to continue to work together.

Neil Bradshaw suggested dissolve KCDC and roll the funds into KIC. It would help them manage their funding. They can focus all their funds on KIC and the City can manage everything else internally with staff. Councilor Baird Gourlay said he doesn't think the list they are showing is up to date. He talked about the need in retail. He does not see the City as being the developer. He would be happy to continue working with the KCDC as much as he would like to work with ARCH. He would like to see us fund KIC. Mayor Nina Jonas thinks we need to come up with a strategy for housing. Councilor Michael David said he thinks City Administrator Suzanne Frick gave a great presentation on affordable housing but he doesn't think it's a good idea to get rid of an organization that can help us achieve those goals. He thinks they should put out an RFP and we should not get into the property management business.

Neil Bradshaw asked again for direction and support. He said they need clear direction. He is going to recommend to the board that they focus on KIC and only KIC until they get more direction for Council.

Councilor Jim Slanetz agreed that until there is money there isn't much more they can do. Jon Duvall said the budget is driving the agenda rather than the vision driving the agenda.

Councilor Anne Corrock followed up on the Mayors request for a five year plan for KIC.

Jon Duval invited the Mayor and Council to come by any time and meet all the companies.

Neil Bradshaw said they will prepare a business plan for KIC only. Councilor Baird Gourlay and Mayor Nina Jonas talked about Leadville and how to move forward. Mayor Nina Jonas would like to go out to RFP. City Administrator Suzanne Frick explained the RFP process. Jon Duvall agreed and said that if you want them to take on that role to please let them know. Mayor Nina Jonas asked for clarification from Jon Duval if he thinks that is feasible. He thinks it is very feasible. He is talking about 6<sup>th</sup> and Leadville.

He will bring the proposal forward tomorrow. Mayor Nina Jonas asked if it was brought to the URA. He said they were not empowered to do that. She said they will put it on the July 6<sup>th</sup> Agenda. Councilor Baird Gourlay said URA needs clear direction from this board to move forward. Councilor Baird Gourlay said it's either Michelle Griffith or KCDC who can bid on the RFP.

Neil Bradshaw thanked Mayor and Council for the conversation.

Councilor Anne Corrock asked for an updated priority list.

## 7. AGREEMENTS AND CONTRACTS.

### a. **WaterSmart Software Proposal for Pilot Program – Robyn L. Mattison, Public Works Director/City Engineer.**

Public Works Director/City Engineer Robyn Mattison presented saying The City of Ketchum, Idaho and WaterSmart Software WaterSmart have entered into discussions about engaging in a pilot program to demonstrate the value of the WaterSmart Utility Analytics Dashboard and Customer Portal to water customers of the City of Ketchum. The pilot is intended to demonstrate the value of the WaterSmart platform to small utilities while reducing costs for the technology through the development of self-service interfaces and reduced customization.

Robyn Mattison explained that we would upload customer information and the customers would be able to log into an account and they would be able to see a history of usage. Provides water saving tips and estimate of how they would save if they implemented those tips. The technology applies analytic dashboard. This would be an opt in and she would be interested in rolling this out with the new water rate table. The cost will be \$10,000. This is a pilot program and after a year we would see what we want to see. Customers and the City will get a ton of information. We have the data but it will be packaged in another way. The data is ours. It will come out of the water enterprise fund.

Robyn Mattison said we would read meters every month as opposed to quarterly. She also said that the site has a 30 to 40% customer log in page. Councilor Baird Gourlay says he likes the software. Robyn Mattison said that after the first year there would be a monthly fee. At this time she did not know what the monthly fee was. Councilor Jim Slanetz would like the cost of the monthly fee.

Mayor Nina Jonas asked for a motion.

**Motion to approve the agreement with Water Smart and ensure that it complies with Idaho Public Records Law.**

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

### b. **Woodham Right-of-Way Encroachment Agreement – Robyn L. Mattison, Public Works Director/City Engineer.**

Public Works Director/City Engineer Robyn Mattison advised council that the applicant has submitted a Right-of-Way Encroachment Permit for improvements that have been made to the ROW. The applicant understands the extent of the improvements within the ROW and agrees to maintain said improvements. Applicant also understands the goals and objectives of the new ROW standards and that the city may make modifications within the ROW in the future.

**Motion to approve the proposed Right-of-Way Encroachment Permit application by David Woodham and authorize the Mayor to sign a Right-of-Way Encroachment Agreement with said owner.**

<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

**c. Basecamp Right-of-Way Encroachment Agreement – Robyn L. Mattison, Public Works Director/City Engineer**

Public Works Director/City Engineer Robyn Mattison said the applicant has constructed ROW improvements conforming to the approved landscape plans. Improvements include natural fescue grass and an irrigation system. The applicant describes the improvements in the ROW. Basecamp went thru design review and building permit review.

**Motion to approve the proposed Right-of-Way Encroachment Permit application by Peter Wolf and authorize the Mayor to sign a Right-of-Way Encroachment Agreement with said owner.**

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

**d. Agreement with Simplot to Construct Multi-Use Path – Micah Austin, Planning and Building Director.**

Planning & Building Director Micah Austin outlined the chain of events leading to the agreement. In January 2006, the City of Ketchum signed a Planned Unit Development Agreement with SimplotKetchum Properties LLC for development of Blocks 65 and 66 of the Ketchum Townsite. This agreement stipulated that the developer was required to provide various public amenities including, among other things, sidewalks, parking, and a multi-use ("Bike Path") path through a quadrant of the development. As part of the platting and subdivision process, an easement was dedicated to the City of Ketchum for the multi-use path and the developer committed to building the path according to the Development Agreement. At the same time, the bike path easement that existed in 2007 was vacated with the final plat, however there has been no effort to relocate the path to the new easement since the Development Agreement was recorded.

The agreement under consideration accomplishes the following:

- Relocates the segment of the multi-use path from the existing (unbuilt) easement across private property to the 3rd Avenue and 6th Street rights of way and requires Simplot Ketchum LLC to pay for all costs, including engineering, labor, materials, etc.
- Provides consent from the City of Ketchum to relocate and construct the multi-use path within the 3rd Avenue and 6th Street ROW, according to City Standards.
- Grants a license agreement from Simplot LLC to the City of Ketchum for use of the existing multi-use path until the path is relocated to the 3rd Avenue and 6th Street ROW.
- Requires installation of a temporary sidewalk along 2nd Avenue, according to the original Development Agreement.
- Requires amendments to the existing PUD when the sidewalk and multi-use path improvements are complete.
- Requires a plat amendment via a Lot Line Shift application to eliminate the existing easement for a multi-use path through the Simplot Subdivision.

Pam Morris, Idaho Mtn. Express questioned the rights-of-way and how it all happened. City Attorney, Susan Buxton responded. At that time there was question as to if the City had any rights to the right of way. It was determined that the city did not own it.

**Motion to approve the agreement between Simplot Ketchum Properties LLC and the City of Ketchum, authorize the Mayor to sign the agreement, and direct staff to oversee and manage the agreement to its conclusion, as defined in the agreement.**

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

**e. Division of Building Safety Contract – Micah Austin, Planning and Building Director.**

Planning & Building Director Micah Austin presented and proposed to renew the Contract for services with the Division of Building & Safety. The new contract has updates from 2011 contract with new hours 11am thru 5pm Monday – Friday. DBS will be expected to answer phone calls and have a calendar. It fixes errors and takes the City Clerk off as issuing permit. Micah Austin said the contract is very favorable to Ketchum. DBS asked for a larger portions on larger projects such as hotels. The changes are outlined in the packet. The termination section makes it very easy for us to terminate.

There were no comments or question from Council.

**Motion to a move to approve the Building Code Services Agreement between the Idaho Division of Building Safety and the City of Ketchum and authorize the mayor to sign and execute the contract**

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

**f. Award of Contract to Nexlevel for Technology Evaluation – Suzanne Frick, City Administrator.**

City Administrator Suzanne Frick said that the city would not function without technology. Our technology is outdated. We have redundant systems and departments are duplicating efforts. There is not an easy access to our data. Suzanne Frick would like to create systems that work for us today. We would like to see what systems we have that could be modified. Nextel is not associated with any software. This is strictly an assessment. She is asking for approval for the funding of this contract. Councilor Baird Gourlay questioned why we need to hire. Nexlevel said they are here to talk to staff and talk to council and see if we can use our current software and after interviewing staff there will be a master plan with a prioritized list of projects for over the next 5 years. The timeline is 15 to 16 weeks to complete this evaluation. Councilor Baird Gourlay clarified that this will be delivered in time for the budget. Suzanne Frick confirmed that we will have a place holder in the budget. This is not to exceed \$29,000 with an additional \$3,000 for travel.

**Motion to approve the contract and authorize the Mayor to execute the contract with Nexlevel Technology Inc.**

<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, Jim Slanetz

**g. Joint Defense Agreement and Scope of work for the Bigwood/Littlewood Water Call - Susan Buxton City Attorney.**

City Attorney Susan Buxton explained that the City is involved with the Bigwood/Littlewood Water Call - There has been several meetings with the municipalities and local government entities to do some cost sharing. This agreement will allow legal counsel to work together. The only lawyer that will be paid is Susan Buxton. The work would be done by SPF Water Engineering. Susan Buxton believes it will be in the Cities best interest because of the confidentiality clause. The scope of work begins tomorrow morning at 9:30am. We do not have to go out to RFP for professional services. Mayor Nina Jonas questioned the cost sharing graph. The entities involved do not have any interest in other groups being

involved. There is a not to exceed amount. Councilor Baird Gourlay asked about the burden of proof. Attorney Susan Buxton said we have a burden of proof also. Susan Buxton said we are heavily in the process. The hearing is set for January of 2016. Concerns and issues will need to be discussed in Executive Session.

Pam Morris, Idaho Mountain Express suggested the City put together a press release explaining to the public the situation without divulging anything to do with the lawsuit.

**Motion to approve the Joint Defense and Confidentiality Agreement and Scope of Work**

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

**8. ORDINANCES AND RESOLUTIONS.**

**a. Ordinance 1134 – Intermountain Gas Franchise (3<sup>rd</sup> Reading) – Stephanie Bonney, City Attorney.**

City Attorney Susan Buxton presented saying the Ordinance has to be read 3 times and that the Council can read by title only. She recommends the approval of the ordinance after three readings. First reading was heard on May 4, 2015; the second reading was heard on May 18, 2015; and the third and final reading to be June 15, 2015. Pursuant to state statute, the ordinance cannot be adopted for at least 30 days after its introduction.

Intermountain Gas Representative David Nelson explained that only Intermountain Gas crews or a company that is certified can do the work.

**Motion to adopt Ordinance No. 1134, an Ordinance of the city of Ketchum Granting to Intermountain Gas Company a Ten Year Non – Exclusive Franchise.**

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

**b. Ordinance 1135 – Zoning Ordinance – Micah Austin, Planning the Building Director.**

**Motion to authorize the Mayor to read Ordinance 1135 by title only and waive the 2<sup>nd</sup> reading. Attorney Susan Buxton suggested to waive the reading of the ordinance in full and read by title only. Baird Gourlay, Councilor made motion to waive the 3 reading rule and read by title only.**

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

**9. EXECUTIVE SESSION:**

**Motion to go into executive session pursuant to Idaho code 67-2345 1(a).**

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

They went into Executive Session at 10:17 p.m.  
Came out of Executive Session: 10:38 p.m.

10. **ADJOURNMENT**

Motion made to adjourn

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

**ADJOURNMENT**

Councilor Jim Slanetz *motioned to adjourn at 10:40 p.m. seconded by Councilor Anne Corrock, motion passed unanimously.*

  
\_\_\_\_\_  
Nina Jonas  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Clerk