



CITY OF KETCHUM, IDAHO REGULAR CITY COUNCIL MEETING

Monday, March 16, 2020, 4:00 PM.

480 East Avenue, North, Ketchum, Idaho

AGENDA

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

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

- **ROLL CALL**

PRESENT

Mayor Neil Bradshaw

Council President Amanda Breen

Councilor Michael David – present by phone

Councilor Courtney Hamilton – present by phone

Councilor Jim Slanetz

- **COMMUNICATIONS FROM MAYOR AND COUNCILORS**

Mayor Neil Bradshaw opened the meeting by talking about City policy and protocol for the Coronavirus.

Council President Amanda Breen talked about the local businesses and the employees suffering. She also advised the white house is advising no gatherings over 10 people. She asked Mayor Bradshaw and staff to work on future public meetings. Mayor Bradshaw advised that starting tomorrow morning we will be using audio teleconferencing to follow the guidelines that are being set by the federal government.

Councilor Courtney Hamilton requested staff look into potential loss of LOT and address the budget for the rest of the year. Mayor Neil Bradshaw advised that these concerns will be addressed when they open the budget and staff will be assessing revenues as well as expenses. Courtney Hamilton agrees with Amanda Breen's comments and stressed the importance of leading by example. She talked about the importance of public comment and would have liked no public present today. Councilor Michael David agrees with Courtney Hamilton but understands the public process. He would like items requiring public input to be delayed. Mayor Neil Bradshaw agrees that no public hearings will be held that have great public interest and advised that the council does not have to make decisions on anything this evening. He advised we will continue to reevaluate and reassess the situation on a daily basis.

Councilor Courtney Hamilton questioned what the current position of city hall is? Mayor Bradshaw explained that City Hall will be closed to the public. Employees are encouraged to make decisions for themselves. They have the ability to work remotely and the ability to come to the office. Mayor Bradshaw advised that the city's position can change at any moment and to stay tuned and asked public to watch for press releases. Councilor Michael David talked about the 100's of citizens who are now out of work due to the circumstances. He requested landlords to be understanding at this time since a lot of people are out of work a month early. He does not want the workforce to be forgotten.

1. Update on City of Ketchum actions related to the Coronavirus (COVID-19)

Mayor Neil Bradshaw read his news release to the public and advised of all the city is doing to contain the spread of the virus throughout the City of Ketchum. He gave encouragement to the public and talked about working together.

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

Ananda Kriya encouraged the public to start growing their own vegetables and asked the local government's support in supplying the greenhouses. He talked about spaces that are available throughout the community.

Jim Hunglemann, resident of Ketchum, stated this is a very difficult time and talked about the food supply saying this could be a citizen task force situation. He talked about keeping the businesses going. He referenced 5g and environmental contamination.

- 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

Council President Amanda Breen pulled item #8.

2. Approval of Minutes: Regular Meeting March 2, 2020
3. Authorization and approval of the payroll register
4. Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$440,356.78 as presented by the Treasurer.
5. Monthly Financial State of the City - Director of Finance & Internal Services Grant Gager
6. Recommendation to approve Agreement #20456 with DC Electric for Engineering for Back-up Power for a City Well - Water Superintendent Pat Cooley
7. Consideration to award Agreement #20457 to Canyon Excavation for Ketchum Springs Conversion Phase III - Water Superintendent Pat Cooley
8. Recommendation to approve Stanislaw Encroachment Agreement #20460 - City Administrator Suzanne Frick

Councilor Amanda Breen talked about the issues brought up and understands this has been a long process and understands the importance. She advised that this is an opportunity for future work on the stream and to create a larger plan for working with these applications in the future.

Mayor Neil Bradshaw suggested delaying this for a couple of weeks if the council would like. Senior Planner Brittany Skelton explained the application process the planning department has been through. She talked about Warm Springs Creek being degraded and explained what the City will be getting from the applicant as well as what is in the agreement for restoration. Councilor Courtney Hamilton agrees that it makes sense to move forward but talked about moving forward with penalization. Council President Amanda Breen agrees with penalization and is in favor of moving forward with this agreement. Brittany Skelton talked about homes being built in the flood plain and the riparian zone. She educated the council on the approval process as well as the bond process.

Motion to approve item #8 on the consent agenda

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

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

9. Recommendation to approve Agreement #20455 with Galena for Warm Springs Bridge Repair Engineering - Director of Finance & Internal Services Grant Gager

10. Recommendation to approve Resolution 20-009 appointing Ketchum Arts Commissioner

Motion to approve consent items 2-10 excluding 8.

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

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

- PUBLIC HEARINGS AND DISCUSSIONS (Public comment and input taken on the following items)

11. ACTION ITEM: Recommendation to approve the West Ketchum Residences Townhouse Subdivision Preliminary Plat--Planning and Building Director John Gaeddert.

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

Councilor Michael David would like this item continued due to no public being present. Mayor Neil Bradshaw advised we will continue to the next council agenda.

Motion to continue to the next council agenda.

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

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

12. ACTION ITEM: Recommendation to approve Thunder Spring Sublot 7 Final Plat - Senior Planner Brittany Skelton

Mayor Neil Bradshaw asked for public comment. There was none.

Motion to continue to the next agenda.

Motion made by Councilor David, Seconded by Councilor Hamilton.

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

13. ACTION ITEM: Recommendation to continue the Public Hearing for the PEG Ketchum Hotel, LLC Development Agreement - Attorney Matt Johnson

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

Councilor Courtney Hamilton advised that this is an important issue and suggested pushing it back to April 6th.

Motion to continue the public hearing to April 6, 2020.

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

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

14. ACTION ITEMS: Requests for Reconsideration, Request No.1: Findings of Fact, Conclusions of Law, Order of Decision of the City Council/Application for Planned Unit Development Conditional Use Permit/ PEG Ketchum Hotel, LLC applicant/ File No. P19-063 entered February 3, 2020 ("PUDCUP Findings"; Request No. 2: Ketchum City Council Findings of Fact, Conclusions of Law and Decision/Application Lot Line Adjustment Preliminary Plat/ PEG Ketchum Hotel, LLC applicant/ File No. 19-064 entered February 3, 2020 ("Lot Line Adjustment Findings"; Requests filed by Gary D. Slette attorney appearing on behalf of the following clients: Mr. and Ms. Richard Clotfelter, Big Burn, LLC, Kevin Livingston, Scott & Karen Hanson, John & Susan Sahlberg ,Thomas & Del-Ann Benson and Pat Duggan--City Attorneys Matthew Johnson and William Gigray

City Attorney Matt Johnson explained the reconsideration procedure and talked about Idaho Code and what is required by the courts. He advised that this is not a public hearing and is not open for public comment. Matt Johnson advised Council that Attorney Gary Slette is on the phone and representing several parties. Attorney Debra Nelson is also on the phone and representing the PEG hotel. Senior Planner Brittany Skelton and Attorney Bill Gigray are present to reply for staff. Matt Johnson explained the time limits by statute for a reconsideration. Matt Johnson explained why council is hearing this tonight and talked about the options that are open to them in moving forward.

Mr. Slette thanked Attorney Matt Johnson and City Administrator Suzanne Frick for organizing this phone conference.

Attorney Gary Slette talked about the Exhibits A - E which were displayed in the council chambers during his presentation. Mr. Slette explained his case and reasons for reconsideration on behalf of his clients.

Attorney Debra Nelson, Givens Pursley, responded to Mr. Slette's statements on PEG's behalf.

City Attorney Bill Gigray talked about the job of the Council and explained council has 60 days to make a written decision. At that time if no decision is made it is denied. He talked about the two applications before them. The first one being a subdivision application and the second one being an application for a planned unit development of the hotel for construction and use. Bill Gigray talked in detail about Slette's and Nelson's comments and how those comments effect council's decision. He explained the reconsideration before them and explained that there are no waivers involved in the application. He talked about due process and open meeting law, and he did not believe open meeting law was ever violated.

Mr. Slette rebutted and talked about Ketchum Code and referred to previous cases in other cities and how they were handled.

City Attorney Matt Johnson explained that the record needs to reflect that the requestor has submitted Exhibits A - D, E 1 and E2 and F they will be added into the record on this matter. The applicant submitted a brief letter but no further exhibits. Staff presented, but no further exhibits. Matt Johnson advised it is now time for council to deliberate.

Council President Amanda Breen thanked all counsel for their arguments. Attorney Matt Johnson clarified that council needs to decide if anything brought up tonight makes them want to reconsider their decision. Councilor Courtney Hamilton stated that there was no additional information given tonight to change her previous decision. Amanda Breen agrees and said she has not changed her opinion on the arguments

presented today. Councilor Jim Slanetz agrees with not reopening this and re-evaluating. He advised that some interpretation is involved in the Ketchum Code and would like that cleared up for future applications. Councilor Michael David agrees that no new information was given to make him change his previous decision.

Motion to deny Mr. Slette's March 11, 2020 request for reconsideration and direct the city attorney to prepare a decision for Ketchum City Council adoption on April 6, 2020.

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

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

- STAFF AND COUNCIL COMMUNICATIONS (council deliberation, public comment not taken)
Mayor Neil Bradshaw encouraged everyone to be kind to each other, be quick to encourage and provide recommendations. Encouragement along the way is welcome. He thanked everyone for their participation and wished everyone well.
- EXECUTIVE SESSION
15. Discussion Pursuant to 74-206 (1) (c)

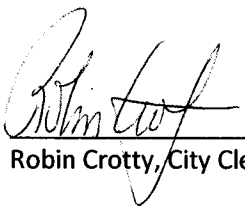
There was no Executive Session.

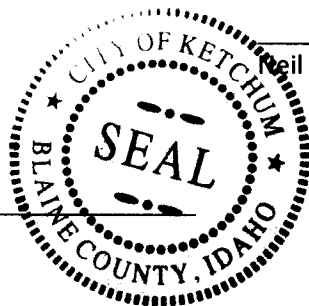
- ADJOURNMENT

Motion to adjourn at 6:15 p.m.

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

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


Robin Crotty, City Clerk





Neil Bradshaw, Mayor