

**ORDINANCE NUMBER 948**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, REPEALING ORDINANCE NUMBER 940, ALSO KNOWN INFORMALLY AS THE YMCA INITIATIVE ORDINANCE, IN ITS ENTIRETY, PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Ordinance Number 940 is no longer needed due to the results of that certain advisory vote dated November 2, 2004.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the City Council of the City of Ketchum, Idaho:

**SECTION 1. ORDINANCE REPEALED.** Ordinance Number 940 is hereby repealed in its entirety.

**SECTION 2. SAVING AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 3. REPEALER CLAUSE.** All Ordinances and parts of Ordinances of the City in conflict with this Ordinance or with any part hereof shall be and the same are hereby repealed.

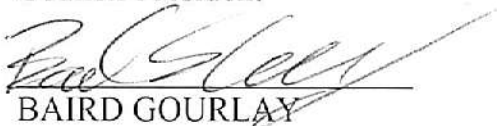
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED by the City Council this 22nd day of February 2005.

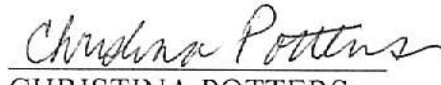
CITY OF KETCHUM, IDAHO



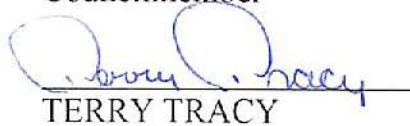
RANDY HALL  
Council President



BAIRD GOURLAY  
Councilmember



CHRISTINA POTTERS  
Councilmember



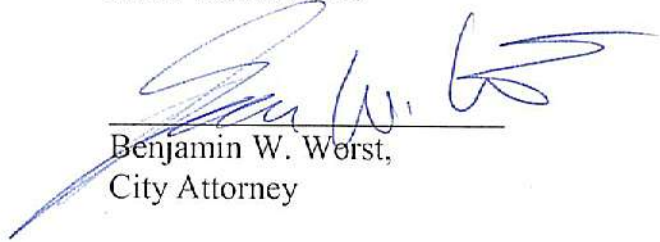
TERRY TRACY  
Councilmember

ATTEST:



Sandra E. Cady, CMC  
City Treasurer/Clerk

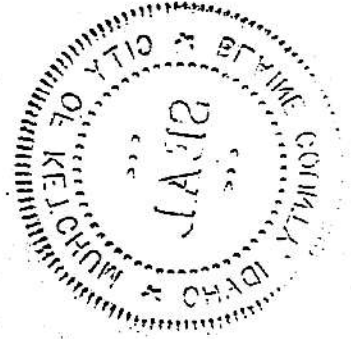
APPROVED AS TO FORM  
AND CONTENT:



Benjamin W. Worst,  
City Attorney



Publish: Idaho Mountain Express  
March 2, 2005



As Mayor of the City of Ketchum, I feel that it is my obligation to veto Ordinance #948 which repeals the Initiative Ordinance #940. The advisory election of November 2004 does not excuse elected official from their responsibilities under the law, nor their obligation to perform their due diligence on behalf of Ketchum taxpayers. The actions of the City Council do neither, and further, foster a feeling among a substantial number of Ketchum citizens that the YMCA project will and has been treated differently than any other project.

The Park & Ride lot has a value in excess of ten million dollars. The YMCA promoted the lease agreement as utilizing 27% of the property, with the City of Ketchum having the ability to utilize the remaining 73% as the city desired. That statement clearly misrepresented the effective reality of the proposed lease.

The City and its elected officials have an independent fiduciary duty and obligation to thoroughly review the financial capabilities of the Y project. The decision of the City Council has been made without reviewing any past financial documents of the YMCA. I have called for a full public disclosure by the Y. The City has received no financial information, no independent audited financial statements, no form 990 information, no balance sheets. We have received pro-forma statements which set forth the anticipated revenues and expenditures of the YMCA project. The assumptions of these statements have not been independently analyzed by the City as to their viability. Executing a 99 year lease based on the information provided to date is nothing short of reckless and irresponsible.

Prior to the execution of a lease agreement, the City is required, pursuant to Idaho Code 50-1409, to make a finding that the "property is not needed for city purposes". This City Council has been prepared to sign a lease without discussion, and without making a single finding of fact. There have been a number of requests for usage of the Park & Ride property, including those by the Ketchum Historical Commission, by the City's own Parks & Recreation Dept., and a discussion for utilization for affordable housing. At the present time there is no way to determine how much of the property will be available for these additional uses. This determination will depend upon a review of the YMCA application by the Planning & Zoning Commission.

The planning and zoning process is governed by specific ordinances of the City of Ketchum and is intended to provide clear guidelines for development within the City. Each and every applicant is to be treated equally and fairly. How can we fairly scrutinize annexation and street vacation requests when there is the appearance that the YMCA's 84,000 sq' building project is pre-ordained. We regularly request affordable housing, active recreation, and open space from every other developer. It is negotiated over extended periods of time. The signing of a lease agreement prior to this process is inconsistent to the manner in which this Council has reviewed any other large building project, and presents an appearance of favoritism that undermines the principal of equal protection under the law.

If I am to meet my responsibility as Mayor of Ketchum, I regrettably have no choice but to veto Ordinance #948, and I urge the Council to reconsider the dangerous course which they have set.