

WHITEFISH CITY COUNCIL

February 4, 2019

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Hennen, Hartman and Sweeney. Councilors Feury and Williams were absent. City Staff present were City Manager Hammatt, City Clerk Howke, City Attorney Jacobs, Assistant City Manager/Finance Director Smith, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Dial and Fire Chief Page. There was no public in attendance.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Chief Dial to lead the audience in the Pledge of Allegiance.

3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

None

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Hildner reported Bike/Ped met and they have received \$20,000 of a tourism grant for their wayfinding signs on the Whitefish Trail. They are working on a map of the easement requests with the tracking numbers for BNSF; HDR is to complete the environmental assessment this week on the Riverbend Condo Easement; they are continuing to work on the Les Schwab Easements; and right-of-way along Voermans as a way to cross over to the school from the Trailview Subdivision.

Mayor Muhlfeld reported we received a favorable decision notice from DNRC regarding the Close the Loop Project in partnership with Whitefish Legacy Partners. It was favorable for the Smith Lake Conservation portion. Associated with that were some mitigations that were tagged to the decision notice which would include seasonal trail closures as well as dog restrictions on the section of trail from the Swift Creek Trailhead to Lazy Creek.

5) CONSENT AGENDA

- a) [Minutes](#) from January 22, 2019 Regular Session (p.80)
- b) [Ordinance No. 19-03](#); An Ordinance of the City of Whitefish, Montana, to revise Exhibit A of Ordinance No. 18-19 amending Zoning Regulations in Whitefish City Code Title 11, Chapter 5, regarding Sign Regulations (Second Reading) (p.91)
- c) [Ordinance No. 19-04](#); An Ordinance of the City of Whitefish, Montana, approving the Riverbank Residences Planned Unit Development, to develop 234 apartments in seven buildings on two parcels comprising approximately 11.80 acres of land located at 6575 Highway 93 South, Whitefish (Second Reading) (WPUD 18-06) (p.121)
- d) [Ordinance No. 19-05](#); An Ordinance of the City of Whitefish, adding a new Section 2, Public Parks and Grounds, of Title 7 of the Whitefish City Code to ban the erection of structures in City Parks and public grounds (Second Reading) (p.133)

Councilor Sweeney made a motion, second by Councilor Hennen to approve the Consent Agenda as presented. The motion passed unanimously.

6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3)WCC)

None

7) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.136)

None

- b) Other items arising between January 30th and February 4th

None

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Letter from Mayre Flowers regarding compliance with state law requiring notice, minutes, access to all city sub committees and work group or other such meetings (p.138)

Councilor Hildner acknowledged Ms. Flower's letter and stated we need to continue to be vigilante and responsible in our addressing the transparency and public involvement. He thinks we are doing a good job. It is a reminder for all of our committees we maintain that public comment and transparency.

Mayor Muhlfeld reminded the public that State Law does not require the City to hold public hearings at both the Planning Board and the City Council levels. It is a courtesy to the public and to garner as much input into our decision-making process that we can. He believes we go above and beyond the call of duty in that respect. He appreciated Attorney Jacobs response to Ms. Flower's points. He feels we are on solid footing from a legal standpoint with all of our public outreach communications, information requests. He thanked Attorney Jacobs.

Councilor Comments

Councilor Hildner held up a poster of an illustration of a brochure that was developed by Wheelie Creative to give an At-A-Glance or overview of what's in the City's Climate Action Plan. It gives us a road map of where we are and where we are going in order to reduce our impacts on the environment. There are brochures available. He also represented the City in the presentation of the various art awards in conjunction with the art project and The Winter Carnival, the Climate Action Plan and the Climate Smart Glacier Country.

Councilor Sweeney stated he has had the opportunity over the past several weeks to become a regular user of the dog park. From his experience, not only is it well used it is well attended. Other than Smith Fields, it is the most used and utilized park facility that we have. He is impressed at the care the WAG Board takes with that facility. He has enjoyed it immensely even on a freezing afternoon. It is a wonderful facility.

Mayor Muhlfeld asked and Director Workman reported Sustainable Tourism Master Plan Committee is in the process for Request for Proposals (RFP) to hire a consultant to assist in the Master Plan. There has been one public workshop and planning another for later this spring. He also asked and Director Workman said they will be working on the green decorative refuse containers downtown this spring to try to get them back into working order. Mayor Muhlfeld gave a shout out to local Law Enforcement and Emergency Services for a well-orchestrated Winter Carnival Parade and all the associated activities. He asked and Manager Hammatt reported there are two things we are waiting on for the snow lot. One is a financial analysis, the other is the environmental analysis. On the financial analysis we are trying to work through the massing and the scale of the design concept. The buildings and number of square footage don't match with the number of units. We need to reduce the number of square footage by at least 20%. Once we get the massing and scale down to the amount of square footage that we think we need, we can use that square footage to extrapolate out construction costs to be able to run the financial numbers. The environmental side of things was held up with the government shutdown. He and Director Workman received information that the EPA worked with a company to drill test holes. They appealed to the Montana DEQ to test a particular area within the BNSF plume

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area. They can't do it. The driller drilled all the other test holes other than the plume area. DEQ sent a letter to the EPA stating the driller is not a licensed well driller. It was certified, okayed by the EPA but not with the DEQ. Manager Hammatt sent an email to figure out what is needed to drill the final holes. It is probably going to be another couple of months before we get to the bottom of that.

Mayor Muhlfeld wanted Council to start thinking of a time for the Annual Retreat. After some discussion March 21st and 22nd seemed to work best. Manager Hammatt will send out a doodle poll to confirm the dates.

Mayor Muhlfeld asked Director Butts to review the list from the Work Session directing staff regarding the Recreational Program Fee Schedule which came as a recommendation from the Park Board of Commissioners.

Director Butts reviewed the list:

1. Which fee schedule is preferred? Council agreed with the recommendation from the Park Board of Commissioners.

2. How do we define 'resident' and 'non-resident'? Council stated anyone whose primary residence is within or attend the Whitefish School District.

3. Should we end reimbursements for cancelations? Yes, we should end the reimbursements however if there are extenuating circumstances, we need to come up with some language that identifies the extenuating circumstances at which point we could offer a 50% reimbursement.

4. Should there be a Summer Camp non-resident rate? Director Butts feels they could develop that rate fairly easily and it would not be difficult for staff to then identify if that person is a resident or non-resident for Summer Camp.

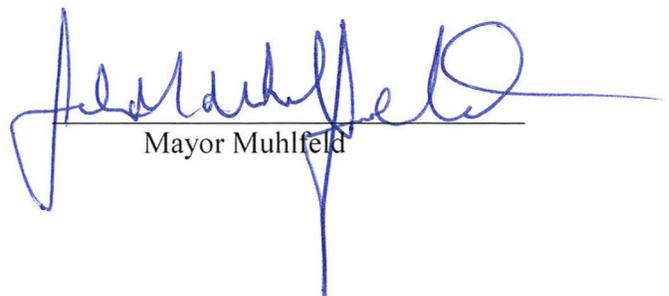
5. Should Afterchool and recreation programs cover more administrative costs? Council is willing to continue to effectively subsidize those programs with the amount of administrative overhead not allocated.

Mayor Muhlfeld asked and Councilor Hildner has reviewed the proposal regarding the Payment in Lieu of Tree Preservation proposal presented by Leo Keane. He thinks the concept is worth further exploration. Attorney Jacobs stated staff is also working to revise the current code that addresses the tree preservation plan. Mayor Muhlfeld would rather see amending or updating existing codes to reflect these ideas rather than adding another layer of regulation to the books.

Mayor Muhlfeld mentioned Dick Zoellner has approached him about the stormwater conveyance at the Trailview Subdivision. Discussion followed with Director Workman stating there is a 10-foot setback, the silt fence is at least 10 feet from top of bank. There will also be a culvert placed in a small portion of that drainage to create the bike path, other than that the drainage should remain as an open swale. The pile of soil is all topsoil that they stripped and will replace after the structures.

9) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)

Mayor Muhlfeld adjourned the meeting at 7:47 p.m.



Mayor Muhlfeld

Attest:


Michelle Howke, Whitefish City Clerk