1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Hartman, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Dial, Fire Chief Page, Senior Planner Compton-Ring, Planner II Minnich. Approximately 80 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Lin Akey 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

None

5) CONSENT AGENDA

a) Minutes from January 6, 2020 Regular Session (p.17)

b) Ordinance No. 20-01; An Ordinance rezoning approximately 4.47 acres of land located at 1515 Highway 93 West in Section 12, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana from County RR-1 (Low Density Resort Residential) to WRR-1 (Low Density Resort Residential District) and adopting findings with respect to such rezone (WZC 19-05) (Second Reading) (p.30)

Councilor Norton had a correction to page 2, second paragraph, of the minutes, change “Whitefish River and the repairing-riparian zone”.

Councilor Sweeney made a motion, seconded by Councilor Hennen to approve the Consent Agenda as corrected. 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)

a) Consideration of a request from Central Ave WF for a Conditional Use Permit located at 1013 E 7th Street and 1022 East 8th Street, to develop two 18-unit apartment buildings, zoned WR-4 (High Density Multi-Family Residential District) (WCUP 19-24) POSTPONED FROM JANUARY 6, 2020 – PUBLIC HEARING REMAINS OPEN (p.34) Renderings page 43 to 50
Planner Compton-Ring reported the applicant submitted an updated revised site plan that is appended to the January 21st Council packet on the website. The applicant is going to address the different changes. Staff reviewed the site plan; it meets all the city standards. Staff received the packet late and were still visiting about access onto East 7th and East 8th Street. Staff is prepared to talk about some ideas with that.

Director Workman stated the figure Planner Compton-Ring has displayed is an updated site plan for the development that pushes the development further to the west. One of the things that they heard from previous comments is that turning the alley into a one-way northbound is not preferred. This concept would combine the alley and the ingress egress of the parking lot for the proposed development and combine those into one intersection at 7th & 8th. The Christian Academy has an approved Conditional Use Permit that requires them to improve the eastern portion of East 8th Street. This will provide an improved two-way street on East 8th Street all the way between Park Avenue and Ashar Avenue. Creating this grid with two-way traffic on 8th Street will help to improve traffic congestion.

Councilor Qunell asked and Director Workman said the city has sufficient right-of-way adjacent to the Christian Academy to make improvements. If the Christian Academy doesn’t move forward with the approved CUP, they will likely have to come back for another. If it doesn’t involve the same type of design and structural improvements that condition may disappear. There is currently sufficient right of way to improve that roadway.

Mayor Muhlfeld opened the Public Hearing.

Aaron Wallace, 265 Hawks Lake Lane, MT Creative, stated they made changes based on the comments they heard. They removed the clubhouse and the hot tub from the project; they adjusted the layout of the parking area, which allowed to put the bollard style lighting between the sidewalks and the building; adjusted the trash enclosure with a roof at 10 feet; adjusted the roof layouts, dimensions and sizing to drop down to maximum height of 31.4 feet; adjusted the internal layout so only one bedroom is on the west side on the second floor; added a berm between the alleyway and the drive aisle; increased the fence to six feet; and increases the number of Conifers and Douglas-firs. The applicant supports conjoining the two drive lanes. They support this project and want to do this project.

Councilor Norton asked and Director Workman stated with this Conditional Use Permit, the Council has the ability to place conditions on the project. One of those conditions is the 30 feet right of way to make E. 8th Street a two-way road. If the CUP is not approved, Council would not have the ability to condition the project.

Bruce Tate, 1800 West Lakeshore Drive, has two big concerns; this project is too big and too much. The traffic paralyzes him. The size of this complex will have a negative impact on the whole zone. He hopes the developer can reconsider.

Pete Seigmund, 735 Somers Avenue, reviewed the conditions of approval for a conditional use permit. What is currently allowed is seven units. That is the higher density which is about double the density of the neighborhood west of this project. The criteria required for consideration of a conditional use permit may be granted only if the proposal substantially conforms to all of the following criteria; #6 neighborhood community impact; #7 neighborhood community compatibility; #7(k) the burden of proof that it meets all the conditions is on the applicant. A denial is not denying him any right that exists. There is a huge difference between 36 units and 14 units.
Tony Veseth, 1014 8th Street, stated this project will drastically affect the neighborhood, quality of life and property values. The neighborhood is asking the developer to follow the zoning, 14 single-family homes with yards would be more appealing and not a strain on the surrounding property values. The community requests the City of Whitefish deny this CUP proposal.

Josh Smith, 1012 8th Street East, appreciates the changes that were made. The biggest change that was needed is the total density of the project. The kids that are walking these streets are the elementary kids, they are the most vulnerable of the kids walking to school.

Christina Larsen, 725 Somers Avenue, stated this plan is wrong for this neighborhood. It is wrong by the criteria set forth in the Growth Policy and in the code. She has concerns of the transportation problems. The project is incompatible with the neighborhood. The 14 units won’t threaten the small town feel that we already have, the 36 units will. The current zoning is inconsistent with the existing neighborhood. The neighbors are asking not to increase to 36 units.

Holly Huntsberger, 574 Somers Avenue, reiterated the topics of concern. The immediate surroundings of the proposed project; there is a church, two preschools, the Whitefish Community School, the Whitefish Christian Academy, five single-family homes, residential housing, townhomes, and the Whitefish Alternative School turned apartments. Whitefish has a growth and infrastructure issue.

Brian Joos, 711 Park Avenue, read from the city code “A conditional use permit may be granted only if the proposal substantially conforms to all of the following criteria standards”. His letter included in the packet goes through how this project does not comply with 14 of those 32 criteria. This project is too big, and too dense. It is in a traffic stressed and safety stressed corridor. The infrastructure is a burden beyond what it can handle. The affordable housing study states we need modest single-family homes with garage or storage. This project doesn’t meet the requirements outlined by the city code, the community doesn’t want it, and it doesn’t provide what the community needs in affordable housing. The clear answer is no.

Gloria Nelson, 547 Blanchard Lake Rd, stated change is inevitable in the community. Fourteen units is a huge change already for this community. To grant a conditional use permit for 36 homes, as a Muldown parent is astronomical effect on the traffic situation. Typically, it takes 10 minutes from her home to Muldown. She has to allow 25 minutes in the morning if she leaves at 8:05. If she leaves after 8:05, it is 35 minutes. Kids are tardy for school because they can’t get there. This is the impact when adding possible 70 extra cars to this congested area.

Greg Loberg, 707 Park Avenue, appreciates the developer’s changes. He sympathizes with the parents dropping their kids off at school. He lives in a single-family dwelling on the west side of the alley between 7th St and 8th St. Even with 14 houses, that is triple the amount of living space on the east side as compared to the west side. That is quite a bit of leap even without the 36 units.

Darcy Davidson, 5th Street and Columbia Avenue, works at the Montessori School. Her main concern is the density as well as the traffic. It is already a high-density traffic situation; she feels like she can’t let her twelve-year-old cross the street without standing on the porch and double checking. She chooses to go to work early so she doesn’t have to deal with the traffic.
John Fleming, 622 Park Avenue, stated the traffic and the speed is bad. His suggestion would be to improve 6th Street with sidewalks. All the roads going to the schools should be a priority before adding more population to the area. The most important street going to the school doesn’t have anything to slow the traffic. Take care of infrastructure before allowing more density.

Marie Fleming, 622 Park Avenue, stated it is not just the speeding or traffic during school, it’s all the time. Seventh Street is the only way people go home to Cow Creek, Ashar Apartments, or anywhere behind the High School. There is not one stop sign on that street.

Leo Keane, 514 Pine Place, is concerned about the direction Whitefish is going. For those who live here the quality of life is rapidly eroding. We have reached the limits to growth. The town does have a carrying capacity. It is getting to be a big city with big city problems packed into a little community. Slow down the growth. Think of the longer term.

Steve Sullivan, 1637 2nd Street, a few years ago his neighborhood faced a similar situation about an apartment proposed complex on 2nd Street. As a neighborhood they spoke up against the proposed project. They were able to convince the developer it wasn’t a good idea. The proposal was withdrawn and has been developed as it should have been. There should be some consistency of what is built in this town and following that model. They should stick with the existing zoning.

Camisha Sawtelle, 239 Somers Avenue, strongly encourages the Council deny this CUP. This is too much for this proposed space.

Christine Rossi, 1020 Creek View Drive, strongly echoes public’s concerns. The area is currently dangerously congested during school drop off, pickup and during special events. There is a lot of traffic and parking issues. She is worried about safety. When school is not in session there is a significant number of pedestrians, kids and families on bikes. Neighbors are worried with the addition of Trail View and this project. She encourages Council to look at the safety of the kids and families in those areas.

Susan Wheeler, 325 4th Street East, Columbia Falls, as a young professional and someone who originally moved to Whitefish and fell in love with the community and wanted to continue to live here, was eventually priced out. She now lives in Columbia Falls. She would love for this to be single-family affordable houses, but the truth is there is very little incentive for developers to do any affordable housing. Everyone wants to live here. This is a small step in the right direction.

Danielle Ruther, 447 Karrow Avenue, is afraid to allow her young children walk around that neighborhood because the traffic is so bad. Affordable housing would be great, she is a single parent with three kids. Who would want to live in that type of environment with children? We need to be careful what we bring into Whitefish, because it doesn’t always end well.

Carrie Lamb, 415 Columbia Avenue, walks her children to school. She thinks about when they are old enough to go on their own, what route would they take? In the summertime they use this route for the Wave Summer Camp. They take up to 20 kids out on bikes and she is always thinking of the safest way through town. She would hate to see this change.

Sarah Thorman, 709 Park Avenue, addressed the affordable housing. There are only seven units that are affordable the other units are very much unaffordable housing. She doesn’t know of anybody who can afford this complex. There is not going to be a lot of families moving into this. There will be roomies.
Which adds to the traffic. This is a hive where people will hide. There are six different institutions for
our most vulnerable population in Whitefish; the children, the elderly and the disabled. This environment
is not conducive to community activity. That scares her.

Rob Akey, 839 E 8th Street, stated the Legacy Homes Program is wrong. It has led a developer down a
path that obviously the community doesn’t want. He states they were kept out of the Legacy Homes
Program development and this is the result. The developers are watching this project. The lack of public
input that occurred in the drafting of that proposal is happening now. He hopes Council will vote to deny
this project.

Bill Goldberg, 1240 Birchpoint Drive, he has been watching this project and looking at what other
potential developments could come into the area with the affordable housing being the key line each
time. If you go with all of the incentives this could be built with 64 units. The public doesn’t understand
all of the dialogue that happened and what was laid out as an incentive program for developers to acquire
the additional density. More and more of these types of projects are going to come down the pike. To
meet the inclusionary program and incentives it does target the higher density.

Cory Utterback, 802 Columbia Avenue, stated he just went through a similar process to build a garage
apartment. They are zoned for a single unit dwelling and went through the steps. He is wondering if they
had asked to have a couple of more units in their backyard, how that would have gone. It would have
been no because of the impact of the neighborhood. It is a matter of what the area is zoned for at this
point in time. The majority of the Whitefish community is against this because of the impact it is going
to have.

Laurel Grady, 520 Columbia Avenue, echoes the objections, and the project density. Change may be
inevitable but change for the sake of change or for the sake of profit does not have to be inevitable.

Rhonda Fitzgerald, 412 Lupfer Avenue, stated she thinks it is important to the community that we
grapple with the affordable housing issue. In the plan that is adopted there are over 30 tools to achieve
that eventually. It is going to take a little bit of everything to get there. This project has been brought to
the Council as the poster child for the whole program. This is a non-affordable housing project of 29
units, that is required by the new regulations to include seven affordable units. The neighborhood
class which is required to be compatible by the Growth Policy is a super essential fact. We need
smaller modest single-family for purchase homes. This property can accommodate 14. This does not
meet many of the criteria for approval.

Amy Boring, 46 Hidden Cedar Loop, Columbia Falls, she would not want to live in the proposed project.
She would like a house.

Dana, 440 Columbia Avenue, has three kids and her husband works hard to be able to afford to live in
Whitefish. They cannot afford to live here and buy a home. Whitefish is a huge beautiful place to live
and people want to live here. Prices are always going to go up as long as it stays beautiful. The proposed
project does not make her want to live here.

Cheryl Wilder, 209 Colorado Avenue, is a recipient of the Whitefish Housing Authority and owns her
house. It is affordable housing, there is nothing wrong with affordable housing. We need more people
who are for affordable housing and be able to have people stay in Whitefish, work in Whitefish and be
able to enjoy the community.
Dean LiHou, 845 Park Avenue, addressed turnover with these units. He works in real estate and typical homeownership is 5 to 7 years even on the low end. Apartment turnover is typically 1 to 2 years. Condos would allow for investing in the neighborhood. That is what Whitefish needs.

There being no further public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for their consideration.

Mayor Muhlfeld called a recess at 8:44 and reconvened at 8:53 p.m.

Councilor Qunell asked and Director Workman stated the city doesn’t use speed bumps for a variety of reasons; often time speed bumps create additional speed in between bumps; slow down emergency vehicles in their response; and they create detriment to underlying utilities. Seventh Street acts as an arterial or collector street. That is why it doesn’t have four-way stops along 7th Street between Columbia Avenue and Pine Avenue. There could be a reduced speed limit with additional speed limit signs and heads-up displays. Councilor Qunell asked and Director Taylor stated if this is denied they would be required to have a building permit and they can build 7 units per lot. There would be no requirement for affordable housing. Councilor Qunell asked and Planner Compton-Ring stated according to the PUD (Planned Unit Development) Chapter, without any sort of density bonuses, they could do 38 dwelling units per acre which is 63 units on this lot. Director Taylor stated we reduced it down to 7 units as a use by right and then up to 18 units as an Administrative Conditional Use Permit.

Councilor Norton made a motion, seconded by Councilor Qunell to deny WCUP 19-24. Councilor Norton stated she called the principal of the High School to see if there were situations that could improve the traffic. She is not going to vote for this project with this much public opposition. The developer did listen to the problems and tried to mitigate the massing and the scale.

Councilor Qunell stated this is an important project. It is the first bite at inclusionary zoning. We want people to walk in Whitefish, that fits in with our sustainability plan. Having WR-4 near school and close to town is where we want big dense projects. Cost of an apartment at market rate is much more affordable than single-family homes at market rate. We will never get to our affordable housing goals by building a bunch of single-family homes. What we get by right here, we get no affordable housing. He lives in a neighborhood zoned WR-2, similar things could happen in his neighborhood. The developer mentioned there is no magic in the number 36. That is the magic number whereby the developer can get an Administrative CUP. In this place, 36 additional apartments are too dense. He will not vote to support this project.

Councilor Feury apologized for not being at the first Public Hearing and thanked Council for keeping the Public Hearing Open. He will support Councilor Norton’s motion to deny. A comment was made “there should not be this much debate”. It is the Legacy Homes Program that allowed this debate to happen. He has some concerns other developers are looking at this project and turn away from development. It is the tale of two neighborhoods there. What would have been better was something that transitioned into the neighborhood. He can’t support it. He agrees with Councilor Qunell we can’t do affordable housing without density.

Councilor Hartman stated this is a difficult decision to have to make. The growth has exploded in this town and it has caused traffic issues. Some good things have come with growth. People talked about single family homes; people do have a desire for apartment living. It is not realistic and wouldn’t be
Councilor Sweeney stated he will support Councilor Norton’s motion. There is going to be some increased density in this neighborhood. This is a development with some affordable housing. We all need to keep in mind, that was the whole design behind the inclusionary zoning. We did not want to have reservations of areas where it was only affordable housing. It would not be good for this community, and it is not what the community wanted. He thinks anything that goes in there is going to be a significant change from what is in the surrounding neighborhoods. We ought to thank the inclusionary zoning program for allowing this kind of a discussion. He hopes the community continues to support that.

Councilor Hennen agrees with his co-council. He finds it distracting when people in the crowd are making comments or snickering or vocally disagreeing. The Mayor shouldn’t have to tell people to be kind to one another. He encourages everyone to listen to your neighbors, listen to what everyone else has to say, you may disagree but at the end of the day we all live in Whitefish. We are all apart of the same community, he guarantees we all have each other’s best interest at heart.

The motion passed unanimously to deny WCUP 19-24 on the grounds of Findings of Fact, Criteria #1, Growth Policy Compliance; #2, Transportation; #4, Quality and Functionality; #5, Adequacy of Public Services including neighborhood impact; and #7, Neighborhood and Community Compatibility. Attorney Jacobs will provide a Resolution for the Consent Agenda on February 3rd agenda.

b) **Consideration** of a request from Eagle Enterprise LLC, for a Conditional Use Permit to expand Don K service center located at 6219 Highway 93 South, Zoned WB-2 (Secondary Business District (WCUP 19-22) (p.295)

Planner II Bailey Minnich gave her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Greg Schafer, Don K, 6219 Hwy 93 South, stated the addition is to provide more available work stalls for their current employees, additional oil storage, and storage for special tools. The canopy expansion is to provide the current employees additional space to work outside if it is raining or snowing to pre-deliver cars. They have the ability to move inventory to the property across Hwy 93 S. to make room for employee parking and customer parking.

There being no further public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for their consideration.

Councilor Feury made a motion, seconded by Councilor Sweeney to approve WCUP 19-22, the Findings of Fact in the staff report and the eleven conditions of approval, as recommended by the Whitefish Planning Board on December 19, 2019. The motion passed unanimously.

c) **Consideration** of a request from Mark Fennessy for a Conditional Use Permit located at 1460 Barkley Lane, to convert the existing residential structure into a guesthouse to
facilitate the construction of a new single-family dwelling, Zoned WR-1 (One-Family Residential District) (WCUP 19-23) (p.327)

Planner II Bailey Minnich gave her staff report that is provided in the packet on the website. One comment was received in support of the project.

Mayor Muhlfeld opened the Public Hearing, there being no public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for consideration.

Councilor Hennen made a motion, seconded by Councilor Sweeney to approve WCUP 19-23, the Findings of Fact in the staff report and the seven conditions of approval as recommended by the Whitefish Planning Board on December 19, 2019. The motion passed unanimously.

Mayor Muhlfeld moved agenda item 8a)

8) COMMUNICATIONS FROM CITY ATTORNEY
   a) Resolution No. 20-01: A Resolution accepting fee ownership of the Whitefish Trail corridor in Haskill Basin and approving the Right-of-Way Deed (p.368)

   City Attorney Jacobs gave her staff report that is provide in the packet on the website.

   Councilor Sweeney made a motion, seconded by Councilor Hartman to approve Resolution No. 20-01: A Resolution accepting fee ownership of the Whitefish Trail corridor in Haskill Basin and approving the Right-of-Way Deed. The motion passed unanimously.

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
   a) Consideration of State Park Road Approval of Design and Authorization to bid Phase II (p.355)
      i) Resolution No. 20-02; A Resolution indicating its intent to abandon the intersection of Lake Park Lane and State Park Road, and rename the remnant State Park Road north of the intersection

   Public Works Director Craig Workman gave his staff report that is provided in the packet on the website.

   Councilor Qunell made a motion, seconded by Councilor Hennen to approve the design and authorize to solicit bids for Phase 2 of the State Park Road Reconstruction Project and approve Resolution No. 20-02; A Resolution indicating its intent to abandon the intersection of Lake Park Lane and State Park Road, and rename the remnant State Park Road north of the intersection to “Patton Lane”. The motion passed unanimously.

8) COMMUNICATIONS FROM CITY ATTORNEY
   b) Ordinance No. 20-02; An Ordinance amending Chapter 10, Architectural Review Committee, of Title 2 of the Whitefish City Code to change its membership qualifications (First Reading) (p.390)

   City Attorney Jacobs gave her staff report that is provided in the packet on the website.
Councillor Sweeney made a motion, seconded by Councillor Hartman to approve Ordinance No. 20-02; An Ordinance amending Chapter 10, Architectural Review Committee, of Title 2 of the Whitefish City Code to change its membership qualifications (First Reading). The motion passed unanimously.

9) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor or Council? (p.393)

None

b) Other items arising between January 15th through January 21st

City Manager Smith reported there will be litigation update for the February 3rd work session. She also stated with the discussions earlier during the first Public Hearing regarding Muldown and in the area where the traffic is a concern, she wanted to let the Council know and the public know, that is our highest patrolled area in the city. While there are people that do speed and we cannot catch them all. Our Police Department does their best to enforce the laws there. She also, as Rebecca mentioned, thinks it would be a great idea to talk to the schools and see what type of plans they might have to further help with congestion there. We as a city are really landlocked in that area. It is the school that is driving that traffic congestion during those two times where cars become a standstill. She mentioned to Rebecca she would like to be involved with those discussions as well.

Finally, interviews will be held for the Finance Director on January 30th.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
   a) Mayoral appointment of Scott Freudenberger as Flathead County designee to Whitefish Planning Board (p.395)

Mayor Muhlfeld with unanimous ratification from Council, confirmed the appointment of Scott Freudenberger to the Planning Board as a County appointed member.

Council Comments

Councilor Qunell stated it is refreshing to see the public input tonight. The inclusionary zoning is something we will be constantly working on.

Councilor Feury welcomed Councilors Qunell and Norton. He mentioned Ed Leiser sent him a letter from DEQ, regarding septic leachate. Under state law as a community we have the right to file suit against Lion Mountain based on their non source point pollution into the lake from their septic tanks. He would like to put that as an agenda item in the future for consideration.

Councilor Norton reported she talked with the Principle and he gave her references to talk to. They also are looking at increasing busing within the city. She had an idea to include the High School AP Statistics class do a research study. She looked at the affordable housing projects and feels we do need to look at whether or not our projections are going to work or are actually realistic based on poverty levels and real-life people.
Mayor Muhlfeld replied the Strategic Housing Committee recognizes the housing needs assessment is four years old and will be talking about those same concerns more at their committee level. He will continue to keep the Council updated on that.

Chief Dial reported the 9-1-1 Administrative Board has forwarded a recommendation from the Funding Committee to the Commissioners to put the 9-1-1 Funding recommendation on the November 3, 2020 ballot. Manager Smith has been involved with the development of that plan and will forward the draft resolution to the Council.

11) 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 10:16 p.m.

Attest:

Michelle Howke, Whitefish City Clerk
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<td><strong>NAME AND ADDRESS</strong></td>
<td>6a) WCUP 19-24 - 1013 E 7th St and 1022 E. 8th St. - Continued</td>
<td>6b) WCUP 19-22; Expand Don K service center @ 6219 Hwy 93 S.</td>
<td>6c) WCUP 19-23; Convert residential structure to guesthouse @ 1460</td>
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<td>6b) WCUP 19-22; Expand Don K service center @ 6219 Hwy 93 S.</td>
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<td>6c) WCUP 19-23; Convert residential structure to guesthouse @ 1460 Barkley Lane</td>
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* CUP=Conditional Use Permit
# Public Hearings

**Please sign in to speak on a specific public hearing 1-21-2020**

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