

WHITEFISH CITY COUNCIL MINUTES

JUNE 3, 2013

SPECIAL SESSION, 4:30 TO 7:00 PM

1. Call to Order

Mayor Muhlfeld called the meeting to order. Councilors present were Anderson, Hildner, and Kahle. Councilors Sweeney and Mitchell came at 5:00 pm and 5:15 pm, respectively, and Councilor Hyatt was absent. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, and Planning and Building Director Taylor.

2. Interviews

The Mayor and Council conducted interviews with Cora Christensen, Doug Reed, Frank Barnes (via a phone call), Anne Shaw Moran, Ryan Zinke, Rob Pero, Jim Laidlaw and Ian Collins for the Whitefish Highway 93W Corridor Plan Steering Committee. Applicant Katie Williams had withdrawn her application. The City Clerk's Office had received three letters of interest after the application deadline; from William Schnebel, Jay Wolfe and Nancy Woodruff. Nancy Woodruff was in the audience at the Special Session so the Council conducted an interview with her as well. The Mayor and Council also interviewed Life Noell for the Whitefish Housing Authority Board's vacancy, and for a vacancy on the Weed Control Advisory Committee. Jake How was interviewed for another term on the Weed Control Advisory Committee. Tyler Hope and Matt Kennedy were interviewed to be re-appointed to the Tree Advisory Committee; and Tanya Island had sent in a letter of interest to be re-appointed to the Tree Advisory Committee but was not in attendance for an interview.

3. Public Comment

Mayre Flowers commented that she appreciated the typical advertisements of a display ad that the City places in the Whitefish Pilot for most committee vacancies. However she said the advertisement for the Corridor Plan Steering Committee came out as a legal notice; and she felt it had possibly not been seen by many people who might be interested in this committee. She said she had discussed it with Planning & Building Director Taylor who said the paper had made a mistake by placing it in the Legal Notices, he meant for it to be a display ad.

4. Appointments

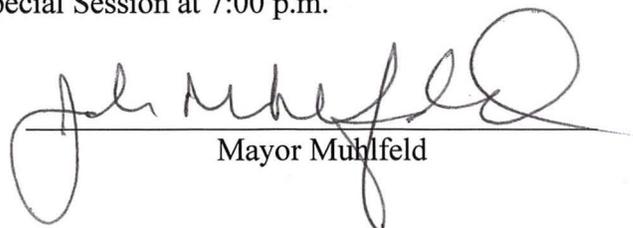
Mayor Muhlfeld commented that the position open for the Whitefish Housing Authority was to fill the remainder of a term expiring December 31, 2014; and he hoped to fill the position with someone who could make a commitment for that remainder; Life Noell said he certainly understood that but he has filed for one of the Council positions up for election this year. Mayor Muhlfeld said he could not serve on both boards. No appointment was made to fill the vacancy on the Housing Authority and that position is still open.

Councilor Hildner offered a motion, seconded by Councilor Kahle, to appoint Life Noell to the Weed Control Advisory Committee, and to re-appoint Jake How for another term to the Weed Control Advisory Committee. The motion passed unanimously. Councilor Anderson offered a motion, seconded by Councilor Kahle, to re-appoint Tyler Hope, Tanya Island and Matt Kennedy for another term each on the Tree Advisory Committee. The motion passed unanimously. The remaining appointments will be made during Agenda Item 8c of the Regular Session that begins at 7:10 p.m.

5. Adjournment - Mayor Muhlfeld adjourned the Special Session at 7:00 p.m.

Attest:


Necile Lorang, City Clerk


Mayor Muhlfeld

WHITEFISH CITY COUNCIL MINUTES

June 3, 2013

7:10 P.M.

1. CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Mitchell, Sweeney, Anderson, Hildner, Kahle and Hyatt. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Assistant City Manager/Finance Director Knapp, Planning and Building Director Taylor, Senior Planner Compton-Ring, Public Works Director Wilson, Parks and Recreation Director Cozad, Police Chief Dial, and Fire Chief Kennelly. Approximately 25 people were in attendance.

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)

Megan Murphy reported a Thank-You from the 2013 Senior Party Committee to the community for participation, sponsors and donations towards a successful Senior Party held at The WAVE again this year. It was a safe, and alcohol and drug-free environment for 90 students from 10 pm to 3 am. The facility was donated by The WAVE and sponsors and donations provided great door prizes. She said, “Thank-you Whitefish!”

4. COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Hildner asked Parks and Recreation Director Cozad for a report from the Weed Control Advisory Committee. Director Cozad said a flyer will be enclosed in the next water bill as a public information vehicle regarding the City’s weed abatement program. Councilor Hildner reported he attended the Pedestrian & Bike Path Advisory Committee meeting this morning. The Committee is requesting the Public Works do critical crosswalk striping now, at this time of year, and for them to please place it on their annual maintenance schedule for this time of year. Projects moving forward are the Skye Park Bridge, Dodger Lane Path, Cow Creek culvert, recommendation for 8’ sidewalks on the 93 promenade, accessibility issues on the path at River Bend Condos, and he said the River Trail should be open again on July 1st. He hoped the community will support the Friends of Trails activities and those businesses that support it; and bids will go out soon for construction of 4.5 miles of new trail – the Woods Lake Loop.

5. CONSENT AGENDA—(The consent agenda is a means of expediting routine matters that require the Council’s action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

5a. Minutes from the May 20, 2013 Council special session (p. 47)

5b. Minutes from the May 20, 2013 Council regular session (p.48)

Councilor Hildner corrected the spelling of Traverse City, MI on page 9 of the minutes (packet page 56), 4th paragraph, 5th line.

Councilor Hildner offered a motion, seconded by Councilor Hyatt, to approve the consent as amended agenda. 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)

6a. Consideration of a Conditional Use Permit for the Wave Aquatic and Fitness Center to expand their facility by 9,200 square feet. The subject property is addressed as 1250 Baker Avenue and is zoned WB-2 (Secondary Business District) (p. 67)

Senior Planner Compton-Ring gave the staff report. The expansion area will include a reorganization of the locker rooms, daycare center, party rooms and aerobic room. The back parking area will be expanded approximately 25 feet to the west and 47 spaces will be located in this lot. A Conditional Use Permit is required for this expansion under the city's big box standards as the footprint exceeds 15,000 according to City Codes 11-2K-4 and 11-7-8. The project went before the Architectural Review Committee (ARC) on May 7th and received approval subject to additional landscaping along the south side of the building along Flathead Avenue. Staff provided public notice concerning the project and no comments were received. The project is located on several parcels that total approximately 5.9 acres, which is adequate usable land area for the project. The current use of the property is in compliance with regulations for its zoning which are WB-2 and WB-4; and the proposed use complies with Growth Policy Designations of General Commercial and Planned Industrial. There are no environmental hazards present in the subject area for construction and the proposed access should provide adequate emergency access to the site and building. No extra fencing is proposed as the site lends itself to naturally provide screening. Staff review found the project to be in compliance with Zoning Regulations and the City-County Growth Policy and recommended approval subject to Conditions of Approval that are standard for Conditional Use Permits. The City-County Planning Board met on May 16, 2013 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the conditional use permit with seven (7) conditions as contained in the staff report and adopted the staff report as findings of fact. Planner Compton-Ring noted the lot line elimination required under Condition 5, and Council Mitchell said it should be corrected to read "the lot line" instead of "a lot lines". Planner Compton-Ring said the list of plans under Condition 4 is just a request to have all of the different plans for the project to be submitted all together for city-departmental review. The ARC requested more landscaping with their approval, but the landscaping plan has not been submitted yet.

Mayor Muhlfeld opened the public hearing.

Lin Akey, 1000 E. 9th Street, WAVE Board Member, said the WAVE is a success story for a public/private partnership. It has served over 5500 members; it has been a benefit to the community for fitness and health and as an employer. It has outgrown its original footprint and needs expansion. He asked the Council to please support the project.

Lisa Jones, 314 Blanchard Hollow Road, said she was hired by The WAVE for public relations and community outreach for this expansion project. This is a non-profit organization serving the health and recreational needs of the community at an affordable price. There are currently 93 employees, (34 fte). It is open to the public for day-use as well as its membership, and there are scholarship programs

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for those in need and the WAVE supports other community non-profit programs like the back-pack program which provides weekend food to local kids who need it. The WAVE offers free swimming lessons for 3rd graders from Whitefish and Columbia Falls. And she said it was recently the host of a great Senior Party on graduation night. There will be project construction updates on the website as well as e-news blasts and notices on social media. She said the Mayor and Council and City Staff are all welcome to come take a tour. The expansion is supported by the Director of the Parkside Credit Union and the Whitefish Visitor's Center Director with letters of support in the Planning Board packet. She thanked the Council and requested their support.

Marcia O'Neill, 1st Street, spoke in support. She said both she and her husband are members.

Mayor Muhlfeld closed the public hearing.

Councilor Mitchell offered a motion, seconded by Councilor Kahle, to approve the Conditional Use Permit for the expansion of the Wave Aquatic and Fitness building by 9200 square feet; adopting the Staff Report (WCUP 13-05), Findings of Fact, and subject to seven (7) Conditions of Approval. The motion passed unanimously.

Mayor Muhlfeld thanked community members and committee volunteers for a successful operation.

6b. Consideration of an application from Ryan Zinke for a Conditional Use Permit to operate a bed and breakfast in an existing house at 409 West Second Street. The subject property is zoned WR-3 (Low Density Multifamily Residential) (p. 89)

Planning and Building Director Taylor gave the staff report. This is a revised request from Bruce Boody Landscape Architects on behalf of Ryan Zinke for a conditional use permit to operate the Snowfrog Inn, a bed and breakfast (B & B) in a single building at 409 W. Second Street; a downsized version of his original plan brought before the Council last year when a microbrewery was included in the proposal. The current proposal is a B & B with six rooms to rent as well as accommodations for a live-in manager, with ten proposed off-street parking spaces. The property is zoned WR-3 (Low Density Multi-family Residential District); regulations require a Conditional Use Permit (CUP) for B & Bs with specific criteria and operation requirements. Staff reviewed the application and found the proposal to be in compliance with all pertinent zoning regulations and the Growth Policy. A public notice was mailed to adjacent land owners as required and three (3) letters were received and are included in the packet. The City County Planning Board (CCPB) held a public hearing on May 20, 2013 and heard public comment. Among concerns raised during the public hearing for neighbors were possible negative impacts with regard to parking and noise if the B & B allowed special events. Also, there were some concerns with existing lighting on the site. Staff addressed these issues with conditions placed on approval of the CUP. The CCPB considered public comment, and following the public hearing the Board recommended approval of the application, adopting the staff report as findings of fact with conditions of approval; and amended two conditions, conditions 11 and 12, to help mitigate the neighbor's concerns.

Amended Condition 11 to read: All daily parking shall be contained on site. A parking plan for any special event shall be on file that does not include parking on Highway 93 West or Third Street.

Amended Condition 12 to read: The balcony on the south side of the building on the east lot serves an apartment that is for residential use either for the owners or the manager. The railing on this balcony

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shall be made opaque. Director Taylor said the public in attendance at the CCPB meeting seemed to be in agreement with the amended conditions.

Councilor Sweeney questioned the opaque requirement on the balcony and Director Taylor explained the railing is about 42" high and will be of solid wood for privacy. Councilor Hildner asked if this would be a good time, during this change of use, to require bear-proof garbage containers and Director Taylor said the Council could talk to the applicant about it. Councilor Mitchell asked more about the existing balcony, and Director Taylor said it is about 4' & 8' and serves the manager's apartment. Director Taylor said there was some concern about an outside light, a motion-sensor light, which the applicant would like to retain for safety of access; it is dark-sky compliant.

Mayor Muhlfeld opened the public hearing.

Ryan Zinke, applicant, spoke to the Council; he said this has been a 2-yr long and painful journey. He said he built it in 2001 specifically as a B & B, so the building exceeds all standards and requirements for that operation. He has spoken with his neighbors and listened to their concerns; he said he has done all he can do to make the project work. He said a typical guest of a B & B is 40 – 65 years old, and he checked with the Whitefish Police Department who report that there have been no incident calls to local B & Bs, they are a quiet business. He wants to keep this house in their family but they feel the district no longer lends itself to single family homes; a B & B fits into the character of the neighborhood and no outdoor activities will go beyond 10:00 p.m. The 3.5' x 7' balcony has been there all along and it will stay. It should be a good business for the town and will provide jobs. He felt the project is in the best interest of the community, for Whitefish, and for visitors to Whitefish. It is in a connective corridor to the downtown business district; and with the current highway improvement project will have a designated bike path. He said parking is provided for 10, maybe up to 13 cars, with no parking on 3rd Street, if necessary he will provide a shuttle. His lighting is dark-sky compliant as much as possible, he said all standards have been met, he requested the Council's unanimous support.

Councilor Hildner stressed the importance of bear management and asked if the applicant would agree to bear-resistant garbage containers; he'd like to encourage people who are changing the use at their properties to go in this direction. Zinke said he would be happy to comply if required; he did build a garage and will be increasing his fence height. Councilor Hildner said there a condition that guests do not use kitchen facilities – how do you prevent that? Zinke said there is a door on the downstairs kitchen, and the kitchen on the second floor is in the manager's apartment; there aren't any public accesses to the kitchens. Each room has its own bathroom. He anticipates enhancing the property's access with a ramp and adding more landscaping in the back and a fountain. They anticipate opening late next summer.

Councilor Anderson asked about his frustration with this process – was it frustrating to work with the City's Planning Department? Zinke had said the process was painful; he said he had been coached to do a PUD and his original plan was the microbrewery and a B & B, but that did not get approval. He owns both sides of the street. He appreciates the freedom of assembly; but he felt some of the conditions imposed were outside the boundaries. He felt he had mixed results in working with the Planning Department. He felt there was some disconnect between the City's Planning Department and the Building Department, but he is hopeful to have a positive conclusion. He said he looks forward to continuing to work with Director Taylor.

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Anne Shaw Moran said she lives at 432 W. 3rd Street and owns 436 W. 3rd Street. She said her points are expressed in the letter in the packet; she appreciates that Zinke listened and worked and collaborated with the neighbors; she is in agreement with the conditions as approved by the City County Planning Board.

Susan Prillin, 334 W. 3rd Street, said her north boundary is a common boundary with the Zinke property. She is satisfied with the scaled-back project; it is more in character with the neighborhood. She likes that they are doing more landscaping, a carport for the manager, and the solution for privacy on the balcony. The impact of a B & B is higher than that of a single family dwelling, but the applicant is assuring the neighborhood that his clientele will be quiet and low key. She still has concerns about activity, noise, lights and fumes from special events, the houses are all so close together in that neighborhood; but she appreciates that all parking will be off-street and the shut-down time of 10:00 p.m. She said it is hard to estimate the impact, but now supports the project in the spirit of cooperation and neighborhood respect, and is in agreement with the conditions.

Mayor Muhlfeld closed the public hearing.

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to approve the request for a Conditional Use Permit for Ryan Zinke to operate a bed and breakfast in an existing house at 409 W. 2nd Street; adopting the Staff Report (WCUP 13-04), Findings of Fact, and subject to eighteen (18) Conditions of Approval as amended by the City-County Planning Board.

Councilor Hildner compared this application with the application the Council heard on November 7, 2011, a proposed B & B at 444 O'Brien Avenue, WCUP 11-20. He said that CUP had 14 conditions, now we are up to 18, but that project did not get nearly the community support that this one had, which speaks well for community inter-action towards a solution that works.

The motion passed unanimously.

7. COMMUNICATIONS FROM CITY MANAGER

7a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 127)

None

7b. Other items arising between May 1st and May 6th

City Manager Stearns reminded the Council of their next budget work session scheduled for June 10, 2013 at 6:00 p.m. Councilor Mitchell said he would be absent from that meeting.

8. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

8a. Standing budget item - None.

8b. Letter from Montana West Economic Development with update on their activities (p. 134)

No additional comments

8c. Appointments to Committees and Boards that were not made at tonight's Special Session before the meeting.

Councilor Sweeney offered a motion, seconded by Councilor Hildner, to make the following appointments on the Whitefish Highway 93 West Corridor Plan Steering Committee:

Doug Reed, Resort or Recreation business owner in the corridor

Cora Christensen, Commercial or Professional business owner in the corridor

Anne Shaw Moran and Ryan Zinke, (2) residential owner-occupied property owners

Rob Pero, residential investment or multifamily property owner

Ian Collins, WB-3 District property owner

Nancy Woodruff, At Large community member

Discussion followed and other members of the Council supported part of this slate of committee members but had support for others in the specific categories. There was also discussion regarding the letters of interest that came in after the published deadline – and it just happened that Nancy Woodruff attended the Special Session and the Council had time to interview her, but they have not had the chance to interview the other two late applicants. Following discussion the Council decided it might be best to appoint each category separately.

Councilor Sweeney withdrew his motion and the second agreed to withdraw.

Councilor Sweeney offered a motion, seconded by Councilor Kahle, to appoint Doug Reed, for the Resort or Recreation business owner in the corridor. The motion passed unanimously.

Councilor Hildner offered a motion, seconded by Councilor Sweeney, to appoint Cora Christensen, for the Commercial or Professional business owner in the corridor. The motion passed unanimously.

Councilor Sweeney offered a motion, seconded by Councilor Hyatt, to appoint Anne Shaw Moran and Ryan Zinke, each to fill the two (2) residential owner-occupied property owners positions. The motion passed unanimously.

Councilor Anderson offered a motion, seconded by Councilor Hyatt, to appoint Jim Laidlaw for the residential investment or multifamily property owner. The motion passed unanimously.

Councilor Hildner offered a motion, seconded by Councilor Hyatt, to appoint Ian Collins, for the WB-3 District property owner. The motion passed unanimously.

Councilor Hildner suggested the Council leave the At Large position open at this time, to allow time to interview the other two late applicants, and also re-advertise that position to see if there are others interested that might meet the qualifications. Three applicants have already been interviewed – Rob Pero, Frank Barnes and Nancy Woodruff. The Councilors indicated agreement but Councilor Sweeney voiced the concern that time is of the essence for this committee to get started and the process shouldn't be held up. Councilor Hyatt suggested the committee could go ahead and get started while the At Large position is pending.

Councilor Hildner offered a motion, seconded by Councilor Hyatt, to re-advertise the At Large position for the Whitefish Highway 93 West Corridor Plan Steering Committee. The motion passed unanimously.

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Councilor Sweeney offered a motion, seconded by Councilor Hildner, to ratify the Resort Tax Monitoring Committee's designation of Doug Reed as their representative on the Pedestrian & Bicycle Path Advisory Committee. The motion passed unanimously.

Council Comments:

Councilor Hildner said it is National Chocolate Macaroon Day, but he didn't bring any.

Councilor Anderson commended the Ryan Zinke family for pushing the issue for the City and community to start planning for the future; now in place is the Highway 93 West Corridor Planning process. It will give certainty of expectation for property owners there.

Councilor Mitchell referred back to comments made by Ryan Zinke about the Planning Office and Building Department not working well together; they need to work better together for the benefit of the public. He asked Manager Stearns to follow up on that; it is a comment he has heard before and it seems to have been a problem for awhile. Councilor Mitchell asked Public Works Director Wilson if he knew when the paving would be done between Baker Avenue and the bridge and Director Wilson thought, depending on weather, maybe next week. Director Wilson said he'd like to give the contractor credit, they have been cognizant that Whitefish is a resort town and that it is important for those businesses there to have that paved – so the contractor planned their sequencing to pave that portion before they continue the project over the bridge and west.

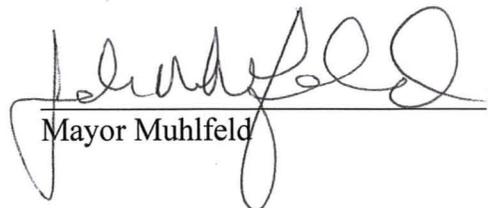
Councilor Anderson said that Ryan Zinke didn't say he had a problem working with our Planning or Building Department, he was just saying he didn't like the answers he got; so the Corridor Planning process is now in place to address solutions to those problems. He felt that was two different issues; he has not heard complaints about difficulties in working with either of those departments. He said he has actively sought after answers regarding that issue, and has not heard that complaint. He said if there are those kinds of complaints out there he would certainly like to hear about it. What he has heard is that people don't always like the answers they get, but they certainly appreciate the help they get from the Planning and Building Department.

Mayor Muhlfeld said he had recently met with the North Valley Hospital Fundraising Committee and they brought him up to speed on their ongoing fundraising for capital expansion of their facility; an expansion of the infant nursery and a surgery center is planned. He said it has been a number of years since the Council has heard from North Valley Hospital and he wondered if this might be a good time to invite them to come to a meeting and update the Council on their fundraising campaign. The Council indicated agreement and Mayor Muhlfeld said he would coordinate that with Manager Stearns.

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 8:20 p.m.


Necile Lorang, City Clerk


Mayor Muhlfeld