

**WHITEFISH CITY COUNCIL MINUTES**

**MAY 20, 2013**

**SPECIAL SESSION, 4:45 TO 7:00 PM**

**1. Call to Order**

Mayor Muhlfeld called the meeting to order. Councilors present were Hyatt, Sweeney, Anderson, Hildner, and Kahle. Councilor Mitchell was absent. City Staff present were City Manager Stearns, City Clerk Lorang, and City Attorney VanBuskirk.

**2. Interviews**

The Mayor and Council conducted interviews with Alison Pomerantz for the Library Board of Trustees. Carol Anderson, Donna Taylor and Mark Van Everen were interviewed for the Ice Rink Advisory Committee, and Eric Matson had been interviewed on May 6<sup>th</sup> for the Ice Rink Advisory Committee. Hunter Homes, Mike Fitzgerald, Charlie Campbell, Pamela Barberis, and David Downing were interviewed for the Pedestrian & Bicycle Path Advisory Committee, and Michael Blubaugh had been interviewed on May 6<sup>th</sup> for the Pedestrian & Bicycle Path Advisory Committee and the Convention & Visitors Bureau Committee. Nick Polumbus, Scott Ringer, Jake Cook and Daren Witt were interviewed for the Convention & Visitors Bureau Committee.

**3. Appointments**

**Mayor Muhlfeld appointed Alison Pomerantz for another term on the Library Board of Trustees and the Council concurred.**

**Councilor Sweeney offered a motion, seconded by Councilor Hyatt, to appoint Carol Anderson for another term as the Open Skate Representative to the Ice Rink Advisory Committee, to appoint Donna Taylor and Mark Van Everen as the two new Members at Large on the Ice Rink Advisory Committee; and to confirm the group recommendations of Gregg Esakoff for the Whitefish Figure Skating Club and Nolan Butkovich for the Adult Hockey representing their groups on the Ice Rink Advisory Committee. The motion passed unanimously.**

**Councilor Hildner offered a motion, seconded by Councilor Sweeney, to appoint Hunter Homes and Mike Fitzgerald for another term each on the Pedestrian & Bicycle Path Advisory Committee. The motion passed unanimously.**

**Councilor Anderson offered a motion, seconded by Councilor Kahle, to appoint Scott Ringer (Large Lodging Properties), Nick Polumbus (Whitefish Mountain Resort) and Jake Cook, each again for another term, to the Convention & Visitors Bureau Committee. The motion passed unanimously.**

There was discussion among the Mayor and Council about the fact that there were more qualified applicants than were positions to fill, and they hoped those people not appointed will stay interested and continue to watch for other opportunities to serve on City Boards and Committees.

**4. Adjournment**

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

Attest:

  
Necile Lorang, City Clerk

  
Mayor Muhlfeld

# WHITEFISH CITY COUNCIL MINUTES

May 20, 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, Public Works Director Wilson, Parks and Recreation Director Cozad, Police Chief Dial, and Fire Chief Kennelly. Approximately 40 people were in attendance.

## 2. PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Kevin Gartland to lead the audience in the Pledge of Allegiance.

## 3. PRESENTATIONS

### **3a. Presentation by Eric Wenum, Montana Fish, Wildlife, and Parks regarding bear issues in the City and prevention measures.**

Police Chief Dial said there are significant bear issues in the community. The Police Department has been working with Eric Wenum and Bill Lavelle to address this concern. Bears are becoming habituated and are starting to travel throughout the City. His concern is that they may have an injury or even a fatality if they don't work out a plan that will help address the issues. He believes they need to hold the people, who are not being responsible, more responsible for their actions. He said Bill Lavelle is a volunteer who walks the streets and put stickers on garbage containers that aren't meeting the current City ordinance.

Eric Wenum said Whitefish is surrounded by prime bear habitat and they are moving further south than ever before. He said in any 24-hour period from mid April to the end of November there is at least one bear in town at all times. He said the question is whether bears have people problems or people have bear problems. He said bird feeders, fruit trees and dog food are a temptation. The biggest problem, however, is trash management. The current ordinance requires that everything north of Denver and over to Bay Point has specific regulations to avoid problems with animals; he would like to see them make this a City-wide ordinance. He showed a map that depicts the 315 locations where he has had bear encounters and one was as far south as City Hall. He said the garbage cans are an attractant and too often they are put out before the appropriate hours. He said non-fatal maulings cost municipalities about \$13.5 million and if there is a fatality the settlement can be between \$22-25 million. He said he usually gets about 1200 calls per year from his entire territory and he has had 55 from Whitefish already. He said Chief Dial has been enforcing the ordinance and he appreciates the support. Councilor Hildner asked if it made sense to also use bear-proof containers and Mr. Wenum said the bear resistant garbage containers are required by the ordinance. Councilor Hildner asked and Mr. Wenum said the large black commercial containers are also a problem and they are trying to figure that out. The haulers like those containers because they are easy to manage. Councilor Kahle asked if they have held any educational outreach and Wenum said he speaks to school students in Grades 6-8, service clubs like the Lions and the Rotary, Home Owners Associations, neighborhoods and individuals. Wenum said they also try to

use the press to educate the community to their responsibility when they have to put down an animal. Councilor Mitchell said a woman received a warning and called him. She is older and can't move the container by herself. Wenum suggested a bear-resistant container and said neighbors also may be willing to help. Wenum said bears can still get into bear-resistant containers if they have enough time, but the goal is to deny them any reward. Bears are a single response animal and if they don't get a positive reward, they'll move on. Wenum said people say they don't have time in the morning, but he says it should only take a minute, whereas cleaning up the garbage may take 30 minutes. Councilor Hyatt asked and Wenum said he has spoken to a lot of the homeowner's associations.

Chief Dial said he wanted to see if there was agreement from the Council for the Police to move forward with a city-wide ordinance and the Councilors nodded in agreement. Finance Director Knapp said it costs an extra \$1.75/month for a bear resistant container.

4. **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.

5. **COMMUNICATIONS FROM VOLUNTEER BOARDS**

Councilor Kahle said the Resort Tax Monitoring Committee met this week. He said the Chairperson sent a letter asking the right procedure to voice the committee's opinion on the resort hotel. Manager Stearns said the committee could send a letter to the Council.

Councilor Hyatt said the Park Board will have their Master Plan finished shortly. Councilor Mitchell asked and Director Cozad said the Tree Committee had concerns about the landscaped medians on the Highway 93 West Project. Director Cozad said they have met with Bruce Lutz, landscape architect, to discuss concerns about the materials and maintenance of these medians. Mayor Muhlfeld talked about the AIS funding approved by the Council, and said the Hungry Horse Station is now started up and will be manned 10 a.m. to 7 p.m. daily; and the Council will get reports. He said Flathead County Trout Unlimited contributed to that project and he thanked them.

6. **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)

**6a. Minutes from the May 6, 2013 Council special session (p. 58)**

**6b. Minutes from the May 6, 2013 Council regular session (p. 59)**

**6c. Ordinance No. 13-04; An Ordinance approving a zone change for property identified as 1830 and 1840 Baker Avenue (Second Reading) (p. 78)**

**6d. Ordinance No. 13-05; An Ordinance adopting amendments to the City's Impact Fee Ordinance to reduce impact fees for small projects (Second Reading) (p. 84)**

Councilor Hildner offered the following corrections to the minutes. **Page 60: end of first sentence, delete, "the."** **Page 68: last sentence of the next to last full paragraph change "councils" to councilors."** **Page 70: last paragraph, third line, add "is."**

Councilor Kahle offered a motion, seconded by Councilor Hyatt, to approve the consent agenda, as amended. The motion passed unanimously.

**7. 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)

**7a. Resolution No. 13-09; A Resolution vacating the South seventy-five (75) feet of Scott Avenue, lying between West 8th Street and West 9th Street, and widening the South seventy-five (75) feet of O'Brien Avenue, lying between West 8th Street and West 9th Street, of Block 6, First Addition to South Whitefish, the City of Whitefish (SW1/4 of Section 36, T. 31 N., R. 22 W., P.M.M., Flathead County, Montana) (p. 90)**

Manager Stearns said at the May 6, 2013 City Council Meeting, the Council passed a Resolution of Intention to consider the vacation and abandonment of this remainder portion of Scott Avenue just north of W 9<sup>th</sup> Street. In doing so, they set a public hearing for May 20<sup>th</sup> on the vacation and abandonment; and he reviewed the history. In 2002, at the petition and request of property owners adjacent to Scott Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets, the City vacated and abandoned the northern 180 feet of Scott Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets. Part of the intent of this 2002 street vacation was to permit Rob Pero to re-subdivide and develop some lots he owned adjacent to Scott Street into the O'Brien Meadows subdivision. In return for that re-platting, Mr. Pero dedicated an additional 30 feet of O'Brien Avenue to the City. However, the entire length of Scott Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets was not vacated. The southern 75 feet of Scott Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets was not vacated at the time and remains the property of the City of Whitefish.

Last summer, an adjacent property owner, Dorothy Kvigne, contacted the City wanting to know if the City would vacate the remaining portion of Scott Avenue. After talking with City staff, there seems to be no reason to retain that remainder parcel in City ownership given that the northern portion of Scott Avenue was previously vacated. Staff felt that the entire length of Scott Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets should have been vacated in 2002 and that the City should try to obtain the additional 30 feet of right-of-way (R-O-W) from the owners of Lot 6 of the South Whitefish Addition (renamed Lot A in the attached draft plat in the packet) so as to have a unified width of R-O-W on O'Brien Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets.

Manager Stearns began discussions with Christin Mills and Durand Beougher, the owners of Lot 4 of O'Brien Meadows, adjacent to & north of Lot 6 of the South Whitefish Addition, which they also own. They agreed that the vacation of the back portion of their Lot 6 would improve their property and they also agreed to dedicate the equivalent 30-foot wide parcel of O'Brien Avenue to the City in exchange for the vacation. Mills and Beougher will dedicate 30' of land along O'Brien Avenue in exchange for the City vacating the 60 feet width of Scott Avenue. In any street vacation, one half of the width goes to each adjacent property owner, so the owner of Lot 6 will gain the exact amount of land at the back of their lot for what they are giving up in the front of their lot along O'Brien Avenue. However, once the City had the property surveyed with stakes, the owners realized how far the 30 feet of R-O-W on O'Brien Avenue would come into their property. Staff therefore agreed to consult with them in the future about any plans to bury utilities or otherwise improve that 30 foot portion of O'Brien Avenue R-O-W for as long as they owned the lot. That consultation requirement is contained in a plat note on the plat

He clarified that it is not a project to widen O'Brien Avenue, the road, but just to obtain the additional right-of-way. This resolution will conclude this action and the amended plat will be recorded.

Councilor Mitchell asked and Manager Stearns said as long as Mills and Beougher own lots 4 or 6 then the City will consult with them prior to doing any work on the R-O-W adjacent to their lots.

Mayor Muhlfeld opened the public hearing. No one wished to speak and the public hearing was closed.

**Councilor Kahle offered a motion, seconded by Councilor Anderson, to approve Resolution No. 13-09; A Resolution vacating the South seventy-five (75) feet of Scott Avenue, lying between West 8th Street and West 9th Street, and widening the South seventy-five (75) feet of O'Brien Avenue, lying between West 8th Street and West 9th Street, of Block 6, First Addition to South Whitefish, the City of Whitefish. The motion passed unanimously.**

**7b. Consideration of proceeding with design for a new City Hall with an attached parking structure versus a new City Hall with surface parking, other parking structures in downtown Whitefish, and other parking options such as surface parking lots (p. 103)**

City Manager Stearns said the City Council held work sessions to discuss parking and parking structures on Monday, April 15<sup>th</sup> and scheduled a public hearing on the topics for tonight. He said beginning with the downtown Master Plan in 2006-2007 the City has been discussing the need for a new City Hall. He said TIF revenues have increased and are projected to provide funding for a parking structure if the Council so chooses. The Council asked the staff to do a parking feasibility study and the City hired Kimley-Horn. There has been a lot of public interest and input. He said the Council previously decided that the new City Hall would be built at this site. The primary decision was to be between whether it would be built with a parking garage or surface parking. There are concerns about what is needed and how to meet that need. Councilor Mitchell asked when they want to talk about the TIF money versus the parking. Mayor Muhlfeld suggested they proceed with the public hearing first.

Mayor Muhlfeld opened the public hearing and asked that everyone hold a respectful attitude as people voice their opinions tonight.

Chris Schustrom, 504 Spokane Avenue, said he supports building a parking structure with TIF funds on this site. He said he is also a founding member of the Whitefish Downtown Association, which includes over 100 business owners. He said some have said that using TIF funds would favor downtown businesses over other businesses. He thanked Manager Stearns for a list which shows that over half of the 28 TIF projects have been outside of the downtown business district. He said TIF funds were used in 1999 to landscape Highway 93 South in partnership with MDOT. TIF funds were used to extend 13<sup>th</sup> Street and will be used to fund lighting on Hwy. 93 west of town. He said there are multiple projects in different areas and the TIF funds have been used equitably. He said he asked Planning & Building Director Taylor and confirmed that this would meet zoning; a parking structure this size (over 7500 feet) would require approval through an application for a Conditional Use Permit (CUP). He said the Wave is currently expanding and will exceed 15,000 feet and will need to meet those same regulations with an application for a CUP, and the new downtown hotel will have the same standards to meet. He said the building requirements allow the City to have detailed oversight over the design and safety of the structure. He said three studies in the past few years have recommended a parking structure near to downtown. He said a parking structure was identified in 2006 as the most important priority for downtown. Since then there have been multiple meetings over this issue. He asked them to rely on the facts and the suggestions made by the consultants and public. He said it will be a pro-business vote for now and into the future.

Jan Metzmaker, 915 Dakota Avenue, said she attended the Crandall-Arambula presentation and liked the designs they showed for a parking garage. She said the projection is that they will need 750 parking spaces in the near future, so she thinks this should be built downtown with the TIF funds. She read a note from Susan Schnee who also spoke in support.

Rhonda Fitzgerald, 412 Lupfer Avenue, said Bruce Boody sent a letter with her and she submitted it to the Council. Boody said he was in support of the existing City Hall site. He is a long time downtown business owner and asked them to adopt this site for City Hall and a parking structure. He said the Kimley-Horn study confirmed the recommendations from the earlier study by Crandall/Arambula. Fitzgerald said there is a need for more parking; it has always been tight in Whitefish. She said 25 years ago an urban renewal document was adopted and it cited a need for more parking downtown; it is not a new problem. She said location is also an issue and the parking consultants have said that parking needs to be within 250 feet of downtown and developable land. It is also a valuable link to the Railway District and the O'Shaughnessy Center. She said TIF funds were specifically identified for this kind of project. In the original Urban Development Plan they called out the need for parking and the revitalization of the downtown area to stimulate the economy. She said design should be controlled by the Council and the community. She said there are 10 pages of parking structure examples in their staff report that are attractive. She said the parking structure should harmonize with the environment around it and it should meet the standards listed by Crandall/Arambula. If shoppers don't find parking they will go elsewhere.

Vanice Woodbeck, 1041 Creekview Drive, said she is an employee of the City and in 2006 an analysis was done that showed they need 18,000 square feet for the City Hall, including the Council Chambers. She said alternative 2 is 17,500 square feet and it is not large enough if they need to grow. She said alternative 1-A-1 would work but doesn't leave much room for growth. She said she spoke with the City Clerk in Billings who said they have outgrown all available space and are unable to expand because of the attached parking structure. She said there would be a lack of windows for a lot of the offices and the staff will hear the traffic all day. She said there will need to be patrolling of the parking garage or safety will be an issue. She suggested that the parking structure not be tied into City Hall in case they need to grow in the future.

John Constenius, 2302 Houston Point Drive, said he is concerned for the need for parking. The downtown has developed. If you build it, they will come. He said they need parking, but it also creates traffic congestion. He said the Wisconsin/Baker traffic conflicting with the Highway 93 traffic is possibly a recipe for failure. He is opposed to the parking garage and doesn't feel it fits the community. He is concerned that there are two competing entities—the City Hall and the parking lot. He said it needs to be looked at more carefully. He said a parking lot is more critical than City Hall at this location. He said a City Hall with underground parking might be a better decision.

Turner Askew, 3 Ridge Crest Court, applauded the Council for the research and expert opinions they have collected. He said Walker Parking Consultants indicate that they don't have a big parking problem in Whitefish. He said if they build City Hall here with a surface parking lot then they can expand later. They can't do that if there is a parking structure. He is concerned about the cost of the maintenance of a parking structure. There are transient issues in Whitefish and it might create safety issues. He encouraged them to ask the people in town whether they think the parking structure is necessary. He thinks there are a small group of people who come to meetings and express their

opinions, but there are a lot of taxpayers who think they won't be listened to so they don't show up. The people who have talked to him aren't in support of the parking structure.

Porter Gifford, 1034 Mountain Park Drive, supported Councilor Mitchell's comment in the Pilot about bringing this issue to the public for a vote. He said he thinks the structure is a mistake for aesthetic and safety reasons. He said he thinks the City should consider additional locations for their building. He said the WB-3 parking issue hasn't been adequately addressed by the Council and Planning Board. He is concerned that a District may end up taxing his building to support this parking garage and he doesn't want that because he provides 50 parking places for his building, it should be on the burden of the businesses that benefit from it.

Ryan Friel thanked the Council for their efforts. He spoke in support of using TIF funds for a parking structure. He said there is a need for it.

Rebecca Norton, 530 Scott Avenue, said she is in favor of pursuing the parking structure at this location, with TIF funds. She said she went into a parking structure in Banff and it was great. She attended the Crandall/Arambula meeting and felt it was a very positive option. She said the planners have said they need it to be easy to get downtown to shop. She appreciated Vanice Woodbeck's comments and said it should be nice for the City staff. She said there has been a lot of input about this site at all of the meetings she has attended. She encouraged people to attend meetings regularly and stay involved so they know what is going on and understand the reasoning behind it.

Tom Kraus, 6475 Highway 93 South, thanked the Council for their considerations and work. He has experience with parking issues at the Whitefish Mall. He said one thing they try to do is to get the employees out of the prime parking spaces and leave them for the customers. He said business owners are asking them to provide parking to improve their businesses. He said maintenance issues will continue to escalate on the parking garage year after year. He said if they do decide to build this then the businesses that are going to benefit from it should help pay for it. They can do that with a Special Improvement District. He said TIF money was not appropriate as the only funding source.

Craig Drynan, 232 Central Avenue, read a letter from Mary Witbrod who is in favor of the parking structure and City Hall. Drynan said a lot of people say there is no need for parking. He said he worked the weekend and even on Sunday the guests could not find parking. He said this is the slow season and there is still a shortage. He worked on the parking commission in the 80's and this was an issue even back then.

Susan Drynan, 232 Central Avenue, said she is also in favor of the parking structure downtown. She said she knows they have been working on it for a long time and it is time to move on it.

Terri Feury, Packrat Lane, said there has been a lot of input and public hearing opportunities and she said the time to act is now. She is in favor of using TIF money to have a parking structure and City Hall on this same site.

Doug Rhodes, 144 E. 2<sup>nd</sup> Street, thanked the Council for giving this project a lot of attention. He said they could get 76 spaces on one level and that seems more appropriate. He is concerned they will build the huge structure and people won't use it. He said the elderly have a hard time getting in and out of parking structures. He wasn't sure it was time for this type of project.

Michelle Howke, 697 Waverly Place, said that in 15 years the City has moved multiple times and has been split into 3 locations. It makes it hard to have one-stop service for people. She said a parking structure won't be accessible for builders. She said they need to talk to the retail employees to see what they would use. They use the downtown spaces and prevent shoppers from using the spaces.

Cassie Ferguson, 419 E. 2<sup>nd</sup> Street, said she is in favor of the parking structure. She works downtown and they need parking. She said businesses are growing and parking is a huge issue.

Marilyn Nelson, 565 Blanchard Lake Road, is a co-owner of Nelson Ace Hardware. She is in support of this location with a parking structure paid for by TIF funds. She addressed Councilor Mitchell's letter in the Pilot. She said the idea that meeting the parking needs of the downtown only benefits the downtown isn't accurate. She doesn't like the insinuation that there is an "us versus them" mentality with the Highway 93 businesses. She said if they take care of the heart of downtown then the extremities benefit, too. She said the idea that the downtown merchants are freeloaders is disappointing. She said they have been paying higher property taxes than those that aren't in the downtown core. She said they have also been paying into a special improvement district for more than 20 years to provide parking. They have been working to pay for more parking for their customers. They have to depend on the City to wisely spend the money they have provided through the years. She challenged the idea that this should be put out to the voters. She said the Council is a representative government and they have done the research to determine what is best. She said they need to address the parking shortage and not kick the can down the road.

Rick Nelson, 565 Blanchard Lake Road, is also a co-owner of Nelson's Hardware. He said he supports the construction of the parking structure with the City Hall on this site. He said they confront the lack of parking every day and it is obvious there is a deficit of parking. He said the City owns this site and there are no other properties this close to downtown. He urged them to approve this location and structure because it will encourage more development in Whitefish and keep the core strong.

Fred Jones, 10 Tides Way, thanked the Councilors for their service. He voiced caution in that trying to address all of their needs in one spot seems to be difficult. He said this will be a large, block building that is hard to do much with creatively. He said maybe they are trying to put too much in this spot. He said they need to address what their greatest need is for this location.

Mike Jenson said he is also a member of the SID downtown that is still paying for parking downtown. He said they are short-sighted in their planning. They should be looking 50 years ahead. This parking structure is going to be an insignificant part of their parking problems in the future. They need to acquire property as cheaply as possible and hold it until there is time to build structures. They can use the property for surface parking in the meantime. He said Whitefish is not going to remain a 3-block downtown corridor forever. He said they can't solve their problem by spending the remaining TIF money on one structure. He said the parking regulations also need to change. They need to build 5-10 year parking on their holding-pattern parking areas. He said they aren't taking money off the tax rolls when they support businesses that will increase values ten-fold.

John Frandsen, 12 Dakota Avenue, said sometimes governments need to act like a business. He said the product the City offers is a good quality of life. The Downtown Master Plan was created to protect that quality of life and has worked well. He said parking garages don't seem interesting, but this proposal meets the need for parking and a new City Hall. It would be nice to have a separate location for City Hall, but all of the locations have been researched and the best use of the money is to try to do

both. The numbers have been crunched. If they don't take the opportunity now then they will look back 10-15 years from now and regret it. He is in favor of the structured parking as well as City Hall at this location.

Jen Frandsen, 12 Dakota Avenue, spoke in support of City Hall and the parking structure here, built with TIF funds. She congratulated everyone for doing something right because they are growing downtown. She said they need parking for employees and for shoppers now and in the future.

Ben Cavin, 2130 Houston Drive, submitted copies of his letter to the Council. He said he is a civil engineer and interested in this problem. He is in favor of keeping City Hall at this location, but he thinks the parking garage should be separate, not combined. He said a parking structure needs to be set back from the road, with green space and a public restroom. He said the combined design only includes 193 spaces. The City doesn't need 193 parking stalls. He believes that underground parking might be a better option, especially for staff. He agreed with Turner Askew who said they should talk to people who don't want to stand before the Council to talk. He said he is a member of the Whitefish Wastewater Committee and they are having trouble raising money for preliminary engineering. If they don't build a massive parking garage they could fund the preliminary engineering. He said it is particularly important for Lion Mountain and Lazy Bay where there is septic leachate into the Whitefish Lake.

Leslie Hunt, 2497 KM Ranch Road, said she is the coordinator for Montana Coffee Traders. She supported the parking garage and City Hall combination. She like the design of some of the parking structures in the packet. She encouraged the Council to address the downtown employee parking situation. She said whether they use parking permits, a designated parking lot or create a parking garage, the employees need parking.

Mayre Flowers, Citizens for a Better Flathead, 35 4<sup>th</sup> Street West in Kalispell, said she appreciated the civil dialogue tonight. She said the City has done 7 years of study and analysis and she commended them for their work. The studies show that there is a need for this facility and it is the first step in the long range vision for the community. She said the TIF funds are generated from commercial activity and are intended to stimulate additional commercial activity, so this project fits. She disagreed with statements that this doesn't help everyone in the community. She said there is a lot of benefit from tourism and it re-circulates in the community. She said when she travels with her kids or dogs she looks for shaded parking areas. A parking garage provides that for her.

Tex Page, 154 Stumptown Loop, manages the downtown Coffee Traders and said the downtown merchants and employees need parking, as do the tourists. He said the two-hour parking situation doesn't work, so that is why he is supporting the parking garage. If it is done the right way it can blend in well. The parking garage could allow long term parking for visitors who want to shop and eat, too.

Joan Vetter Ehrenberg, 744 Hidden Valley Drive, thanked them for their service and she thanked the staff. She read a letter from Sandy Carpenter who said the parking garage is the way to proceed. She doesn't want to see it on the ballot; she wants them to approve it. Vetter Ehrenberg said she supports the parking garage here and it surprises her. She said they need to support Main Street and small businesses. The community thrives on visitors. They need short term goals for this summer and long term goals for the future, as Mike Jenson said. She said the Council was elected to make decisions and they need to move forward. They have been talking about parking problems for seven years.

George Gardner, 2339 Nordic Loop, said he has been trying to be optimistic about the new City Hall. He would like a stand alone City Hall with surface parking. He said the preliminary design by Kimley-Horn should be placed in the dust bin. It is not suitable with the rest of downtown. He said this structure will be the most important decision they make.

Mayor Muhlfeld closed the public hearing and called a 10-minute recess.

Councilor Anderson thanked everyone who spoke tonight. This has been a decision that has been brewing for several years. He said the decision is not set in stone. It is difficult for many people. He has had several weeks to gather input from a broad spectrum here and in other communities. He thinks the other Councilors have done that as well. Regarding TIF dollars the Council got an updated TIF projection and the total available cash is about \$10 million. If they added the \$2.5 from City Hall, \$2.0 million for Depot Park and Skye Park, that totals about \$15 million in available TIF funds. If they subtracted the money for City Hall and the Parking Structure there is still \$3.5 million available. He agreed with Mike Jenson that the City needs to look 50 years out. He said some of the surface parking could fit in that \$3.5 million. He said after looking through the packet, listening to the public and going through the work session notes and then have a business downtown like he has; he has come to realize that this is the perfect spot for structured parking. The community benefit is significant. It improves the entire community to solve the parking situation with a structure right here. It will help the Railway District as well. He has concern for the on-going costs. He said a Business Improvement District is an option, as well as paid parking.

Councilor Hildner said he liked the idea that everyone can come together whether they agree or disagree and that is the beauty of democracy. He said he was in the audience when they discussed parking at Second Street and Spokane. He wasn't in favor of a parking structure then. He contacted communities around the west to learn about their parking situations. He said several of the other communities are building structured parking. The Traverse City, MI staff said they have two parking structures and they are almost always full. Park City, UT has structured parking that is full about 80% of the time. He asked the parking facilitators about public safety in surface parking versus structured parking. They said the crime rate didn't differ. He said he thinks structured parking on this site will best meet their short term needs. He thinks they also need to be looking long term, as Mike Jenson said. He said structured parking with City Hall makes the most sense at this point.

Councilor Mitchell asked about the budget and Manager Stearns said they used the estimates from the 2007 space needs study and put in \$4.8 million. Councilor Mitchell asked and Manager Stearns said \$2.487 million will be needed in addition to the City Hall Construction fund to which the City currently contributes \$250,000 annually. Councilor Mitchell asked and Manager Stearns said it is the same cost as the 2007 space needs study projected. Councilor Mitchell asked and Manager Stearns said the updated TIF spreadsheet is a pro-forma going forward. Councilor Mitchell said the parking study shows they are at 67% capacity for parking, so he doesn't think they need a parking structure at this time. He said that Rhonda Fitzgerald said she thought a parking structure here would be used for the O'Shaughnessy or Depot Park, but that is more than 250 feet away and he doesn't think it will happen. Councilor Mitchell said he hasn't heard from the Heart of Whitefish about a fair share for the care of the parking garage. He said Marilyn Nelson said they are supposed to make this decision, but it is hard for him to hear that when they went around the Council on the donut issue by getting a referendum. Councilor Anderson said Councilor Mitchell's comments directed at a specific member of the public are inappropriate. Councilor Mitchell said employee parking is an issue, but he thinks they need to consider the parking lot north of the library. He keeps hearing that they are a tourist town so they have to look at

what the tourists want. He appreciated hearing about a BID. He said this will probably be the most important decision he will make tonight. He has also called dozens of communities about their parking situations. He said there is probably a 25% failure of parking facilities. He said maintenance is a major issue for a parking garage and he asked them to remember that issue. He said some communities solved their problems without parking structures. He said most City staff doesn't want a parking structure here and they don't want City hall here. He said he heard from 23 people in response to his letter to the editor who said they were opposed to the parking structure. He said there are other options to address parking. He said they are asking the City hall and the parking structure to fight for the same spot. He said City Hall could be 2-3 blocks away from downtown. He suggested they ask the taxpayers of the town what they want and let them vote on it.

Councilor Sweeney said he feels strongly about this in both directions. He said construction cost is a large part of this because of the sub-structures in Whitefish. Parking, however, is a need. The City has been talking about parking for over 7 years and they need to make a decision to deal with parking. He'd like to go underground, but it isn't an option here because of the soils. He said most people agree they need parking. He said he doesn't know the cost of maintaining a parking structure versus a surface lot, but they both require repair. He said he would like to see some participation for supporting this parking from the businesses. He said the parking structures range in price from \$25,000-\$30,000/space. If they acquired and built parking on lots that are available, those would cost \$23,000-\$29,000/space. Some would say that they were taking private land, land that could be developed, off the tax rolls. He agreed with Mike Jenson that they need to plan for expansion and parking 50 years out. He said this block and the current building are already a solid mass. He said Central Avenue has two story buildings that are a significant mass, but most of us are used to it. He addressed Councilor Mitchell and said this was not a matter that was easily addressed in a referendum. It would be difficult to explain on a ballot for a public vote. He thinks at some point they will have to go up to provide parking.

Councilor Kahle said they heard comments about City Hall being at this location, as well as comments about parking. He said part of the goal was to build a legacy building for City Hall. Instead the design they received looks like a Nordstrom's attached to a parking structure. He said in 2008 they were given alternatives by Walker to provide long term employee parking, surface lots, striping of alleys, stricter enforcement and structured parking. He said he didn't think any of the other options were given their just due. He agrees that this is a long term problem. If they move forward with this structure they need to understand how they will take care of the maintenance annually. He thinks they would need an SID or BID before this progresses. He asked and Manager Stearns said an SID is a special improvement district that finances the capital costs of many public improvements like streets, parking lots, sidewalks. They issue bonds to finance it so the assessments on property owners have a term on them, usually 20 years. Councilor Kahle asked and Manager Stearns said it would not be appropriate for an SID to pay for maintenance costs. Manager Stearns said a Business Improvement District (BID) doesn't fund capital infrastructure, but it finances ongoing operations and maintenance of public common spaces, usually at a higher level of service than the City can provide. It gives downtowns a means to finance the amenities you might find downtown and is usually based on the size of a lot. To form a BID there has to be a petition by property owners owning more than 60% of the property affected.

Councilor Kahle said he has a concern with the long term maintenance and the possibility that the costs will increase over time. Manager Stearns said they could create language that says there is a proposed cost for the first year and then state that it won't increase beyond a certain percentage each year. Manager Stearns said the tax increment district goes away in 2020. He thought O & M (Operation and Maintenance) could be paid for by the \$1.5 million the City gets back in the General Fund after the

tax increment district ends, unless the Council decreases taxes. Councilor Kahle said downtown parking is a problem, but the solution seems unclear. He thinks they can do a better job than this proposed structure. He said if they do go forward he wants to be sure they handle the cost of O & M. Councilor Hyatt passed out a map of the City showing 270 feet out from the block they are on right now. He said he was never in support of this project being paid for with more than 50% of the TIF funds and 50% SID; and now his thinking is going more towards 25% TIF and 75% SID. He asked and Manager Stearns said the current SID ends in 2014. Councilor Hyatt said they have shoe-horned a lot into this space; and he said all the historic planning documents are works in progress—they can be changed. He agreed that they need to look at some other parking avenues as they go forward.

Mayor Muhlfeld said Councilor Kahle said once that this is a multi-faceted problem and will need multiple views. He said he agreed that the downtown should pay for the ongoing maintenance of the parking garage. He said Planner Compton-Ring's report showed that Whitefish is the only one out of the mountain towns surveyed that doesn't require cash-in-lieu of parking downtown. He said there has been about 90,000 new square feet has been added to downtown Whitefish and if there had been a cash-in-lieu in the WB3 they would have a significant amount of money for the parking structure. He addressed the parking needs for employees. He said there is currently long term parking at Lot 46 and at the library's north lot. He said they need to deal with a BID, employee parking and cash-in-lieu of parking. He said they need a parking commission again. Councilor Kahle said those issues will take some time. He would like them to table the decision on the structure itself until they have some of those decisions made. Councilor Mitchell said unless the BID is in place, if they approve a structure, then the City will have to start paying the maintenance until the BID is in place. He said the BID needs to be resolved first. Councilor Sweeney asked about the timing if they tabled this issue. He would question a motion to table after seven years of working on this. He said this decision is not going to get any easier. He could agree to a short term table while they worked on specific issues, but he would be hesitant to leave it open-ended.

Councilor Kahle said he would want to table to a date certain and make a decision before the end of this year. Councilor Hyatt asked and Manager Stearns said a BID would take some research. Staff would need to learn from other cities how to form a district and assessment methodology, come up with a boundary, and do some figuring on the cost to be assessed. He said he thought they could complete that research and be ready to propose a BID in 2-3 months. He said that beyond the O & M cost, they need to see if the businesses are willing to pay for other costs of parking downtown; i.e. with an SID or Cash in Lieu policy. He said all City facilities would pay an assessment including the Library, City Hall and the O'Shaughnessy center.

Councilor Hildner said to table this is to kill it. They would have to move to postpone rather than to table. He said the consideration before them is to proceed with a design that includes an attached parking structure. They could look at a BID at the same time, to accompany it. He didn't think they should postpone this decision. Councilor Kahle it is his intent to postpone and not to kill this proposal. He said there are too many unknowns, but in his opinion, either the City or a BID pays for the ongoing O & M. Councilor Anderson asked about the timetable for the design and Manager Stearns the next step would be that the City Hall Steering Committee would reconvene to find an architect to work with the engineer on a design for the joint City Hall and parking structure. He said it could be WBM, who has partnered with Kimley-Horn in the parking feasibility, but it doesn't have to be. There is a lot to be done for the design of a City Hall building, whether it is attached to a parking structure or not. He thinks they need to update the space needs analysis before design and it will be at least a one-year process. Councilor Anderson asked and Manager Stearns said the committee would make a recommendation for

an architectural firm and then Kimley-Horn would have to come up with a contractual amount for working on the next phase of the design for the parking structure. He said that is when they will spend a large amount of money. Councilor Anderson asked about the timing and Manager Stearns said it would take a couple of months before they would be interviewing architectural firms. Councilor Anderson asked and Manager Stearns said it would take 2-4 months to explore parameters, introduce, explain and answer questions, advertise and get signatures from 60% of the people to create a BID; he wasn't sure that it would be an easy task. Councilor Anderson said he wants to send a clear signal of support for a joint parking and City Hall structure.

Councilor Hyatt asked and Manager Stearns said it could take a while to get 60% of the businesses to petition this BID. Some people might think it should be paid for by daily or monthly parking fees. Councilor Hyatt said that might be the vote of the people. Councilor Sweeney said the existing City Hall spaces needs to be analyzed. Manager Stearns said the architect they select performs that analysis. Councilor Sweeney said if they were talking about surface parking would they also be talking about a BID. He said this is the first night he has heard anyone talk about instituting a BID to support the parking garage. Councilor Hyatt said he mentioned before that the only way he would go forward with this was with an SID and a BID. Councilor Kahle said there has been a lot of good discussion tonight; but he thinks there is enough uncertainty that it would be a good idea to reinstate the parking commission.

**Councilor Kahle offered a motion, seconded by Councilor Hyatt, to keep the public hearing open, to postpone this to a date certain, no later than early September, so the Council can consider the ongoing maintenance of the parking structure and to reinstitute the parking commission and to consider an SID.**

Manager Stearns said it would be premature to re-instate a parking commission which requires an ordinance. He said a parking commission is a semi-autonomous entity and they need to give it further consideration. Councilor Kahle said a parking commission might not be what they are looking for, but they need to address the estimated maintenance costs and the method for paying for them. He thought a panel might be helpful in answering some of these questions. Manager Stearns said if the Council gives them direction then staff can bring forward SID or BID or payment-in-lieu options. He said the Council is pretty well-educated on the parking issues. Councilor Kahle said it seems that there is support for the structure, but he is concerned about how they will pay for the ongoing maintenance. He said he doesn't want to obligate the City to 100% of the ongoing maintenance. Manager Stearns said they could link the motion to the BID or SID. Mayor Muhlfeld said they are getting pretty broad in their thinking; and he felt a parking commission is a separate issue from tonight's consideration. He said staff has volunteered to research the BID. He said this should not require an SID because the commercial tax payers have paid already. It isn't fair to tax them twice.

**Kahle withdrew the parking commission and the SID from his motion and the second agreed to delete the parking commission but not the SID.**

Councilor Hyatt disagreed with Mayor Muhlfeld and said the commercial properties aren't taxed twice.

Councilor Anderson said he thinks the motion is fatally flawed. Councilor Hyatt asked and Attorney VanBuskirk suggested that they could move to postpone the decision on structure versus

surface parking in order to consider the ongoing maintenance costs. The public hearing is carried over and consideration will be given to an SID to pay for the costs.

Councilor Anderson said an issue this big shouldn't be gobblydeegooked together. Councilor Mitchell disagreed with Councilor Anderson. He thought the motion was fine. Councilor Mitchell said he also disagreed with Mayor Muhlfeld's comments that downtown businesses are taxed twice. Councilor Hildner said he won't vote for the motion as long as the SID is incorporated in it. Councilor Sweeney said he understood Councilor Hildner's concerns. He said they would only commit to considering an SID for paying for part of the cost of the structure. It is not a requirement for an SID. Councilor Hildner said these two should not be mixed. Mayor Muhlfeld said the commercial TIF has been paid in part by the commercial district; they've paid for an SID for downtown parking already, and that is why he thinks it is excessive to require another SID or BID. Councilor Kahle said the consideration of an SID would have to be proposed by this body and voted upon. He said they could look at it, though. He said if they decide they're happy using just TIF funds for the building, then that is fine. Councilor Hyatt asked and Manager Stearns said the SID purchased the land on Second Street and developed some of those old lots there. Then, when they rebuilt it as a surface lot in 2009 it was built with TIF funds.

**Councilor Kahle offered a motion, seconded by Councilor Anderson, to extend the meeting to 11:30 p.m. The motion passed unanimously.**

Councilor Mitchell said when they ask who is going to pay for this and they say the City is, then they are really saying the taxpayers will pay for it.

**The vote on the motion was tied with Councilors Mitchell, Kahle and Hyatt voting in favor. Councilors Sweeney, Anderson and Hildner voted in opposition. Mayor Muhlfeld voted in opposition and the motion failed.**

**Councilor Anderson offered a motion, seconded by Councilor Hildner, to proceed with design for a new City Hall with an attached parking structure.**

Councilor Kahle said if this passes then the maintenance will be the ongoing responsibility of the City. Manager Stearns said that is not clear from the motion yet. He said there is the money from the expiration of the TIF, but Councilor Kahle said if this motion passes then the structure gets built and it will be maintained by the City. Councilor Hyatt said he would have to vote against it for the lack of fiscal responsibility. Councilor Anderson said he hears that the O & M is the concern. He said O & M costs will be an issue, but that is not covered in his motion, so he is not being fiscally irresponsible.

Councilor Anderson amended his motion to direct staff to proceed with presenting a BID option to Council by the first meeting in September. Councilor Hildner, the second, accepted the amended motion. Councilor Kahle asked if the BID failed; would they move forward with the parking structure? Councilor Anderson said they will have a chance, before they spend any money, to cancel this motion.

Councilor Mitchell said he would have to have a condition for the BID. He said this is gobblydeegook, too. Councilor Anderson asked and Manager Stearns said he thought they could come up with a BID petition within 3 months, by the first Council meeting in September.

**Councilor Anderson withdrew his motion and the second agreed.**

**Councilor Anderson offered a motion, seconded by Councilor Hildner, to proceed on design of the City Hall with an attached parking structure, and to consider the passage of a BID to finance the operations and maintenance of the structure, and back to the City Council by the September 3<sup>rd</sup> Council meeting for consideration. (During discussion on this motion staff advised Council that a BID must be brought forward from the participating business/property owners, and staff can research the parameters of creating the BID including the boundary and cost estimates by the September 3<sup>rd</sup> Council meeting for Council consideration.)**

Councilor Hyatt said he has always said it is an SID and a BID. He said if they vote something through then what does it take to bring it back up. Attorney VanBuskirk said it has to be brought up for reconsideration by a party who voted for the successful motion, or suspension of the rules. Mayor Muhlfeld said that means it gives the Council options and Councilor Hyatt agreed.

Councilor Sweeney said he took umbrage with Councilor Mitchell's comment on who the taxpayers are in the City. All of the members of the downtown are taxpayers and they pay significant taxes. They should be included in the definition of taxpayers. He said the City is going to need structure parking to begin to solve the parking needs downtown. He is not necessarily committed to that parking structure as part of City Hall. He said in the past he wasn't keen on a structure at the corner of Second and Spokane. He said they might want to consider whether they want a separate structure. He isn't saying a City Hall can't be married to a parking structure; that is a design issue. He said conditioning anything they do on a BID means it applies to any decision they make to deal with parking problems downtown.

Councilor Kahle suggested they add a date. Manager Stearns said staff can't have the BID created by the first meeting in September, that is the date staff could bring the concept and parameters of a BID to the Council. Councilor Anderson said he thought the petition could be done by that date. Manager Stearns explained if they give all the property owners a petition without education and public meetings then the result would probably be negative. He can't predict how long the public process will take; and following public meetings there could be follow-up sessions with individuals, the time factor is an unknown. City Attorney VanBuskirk suggested they continue the public hearing until Sept. 3<sup>rd</sup> so the business community could be asked if they were willing to be a partner for the ongoing O & M costs.

A 10-minute recess was called.

**Councilor Hildner offered a motion, seconded by Councilor Kahle, to continue the meeting past 11:30 p.m. in order to complete tonight's business. The motion passed unanimously.**

**Mayor Muhlfeld said there is a motion on the floor to approve structured parking with a city hall, and in parallel staff will research and bring back whether the feasibility for a BID by the September 3, Council Meeting. Staff has indicated it wouldn't be a completed BID at that time but they would bring back a proposal with parameters for the creation of a BID. City Attorney Van Buskirk has suggested continuing the public hearing to that time; and that is where we pick up.**

Councilor Anderson said there is a motion on the table and he would like to move forward, but he would be willing to reconsider if staff told them they couldn't get a BID completed by September 3, 2013. Councilor Sweeney clarified the motion is to proceed on design of the attached parking structure

conditioned on passage of a BID to finance the operations and maintenance of the structure by the September 3<sup>rd</sup> Council meeting. If the BID was not passed then the parking structure would not move forward. Councilor Anderson said procedurally, the design of a structure and the feasibility of the BID could move on parallel paths. They don't have to approve a dollar until they are comfortable with the feasibility of the BID. Without that comfort, the project would then die. Councilor Kahle said he thinks City Attorney VanBuskirk's proposal is easier and simpler. He said they need to decide on the BID first.

Councilor Mitchell said this doesn't tell the City Hall committee what to do. They don't know whether they should hire architects to move forward. The parameters aren't set; there aren't any clear answers. He blamed the Council and staff for not addressing who is going to pay for this until now. Mayor Muhlfeld said there's no value in laying blame. It's a complicated problem and we are trying to find a solution. What Councilor Anderson has laid out in front of you this evening is his motion that asks for you to approve, in concept, a city hall with a structured parking facility as well as directing staff to initiate the feasibility of the process that would be required to develop a BID. It is as simple as that; and he feels the motions articulately states the point that we aren't committing funds and it will be back in front of this body before any funds are expended or the project moves forward. He also recognizes that the New City Hall Steering Committee desires to continue working on this project; he just wants to remind the Council that this is a major project for the City of Whitefish, and if we need to push the Steering Committee off for a couple months to get answers to these critical questions that the Council is being asked to make decisions on, he is sure the Committee will understand.

Councilor Kahle said he thought the approval was conditioned on the implementation of a BID or at least getting it started, but Councilor Anderson said that was not correct. It is as Mayor Muhlfeld just stated, we need the information in front of us to understand the feasibility of a BID, and it is as simple as that. Mayor Muhlfeld said there won't be any money spent until the feasibility is before them. Councilor Kahle said if the BID is not approved then he can't vote on the structure.

Mayor Muhlfeld said your vote either acknowledges that yes, you agree with this concept, or no, that you do not agree with this concept and simply, no expenditures made and no decisions are made until the feasibility (of the BID) comes back to you. He said he imagines there will be more discussion at that time regarding the next steps. Councilor Kahle said he could only support the project if it includes a BID. Mayor Muhlfeld said when they look at the feasibility of the BID they need to send an opinion that they are in favor of the concept in order to get support and buy in from the business people. Councilor Kahle said by conditionally approving it, that is what they are saying. He doesn't want to have to figure out how to pay for it later.

Councilor Anderson said this motion gives them all of that. He said the passage of this motion says the Council supports a city hall with an attached parking structure. If it is conditioned on a BID then it will kill the BID. Councilor Mitchell said he disagreed 100%. Manager Stearns asked for clarification; when he first heard the motion he thought the City Hall Steering could start the architectural selection process. Now he heard the Mayor say that they would put off the committee. Mayor Muhlfeld said they could at least do the RFQ's and Manager Stearns said they could go through the interviews. Councilor Mitchell asked and Mayor Muhlfeld said the committee had discussed holding a design charrette with the community. Councilor Mitchell asked and Mayor Muhlfeld said they wouldn't be paying for designs yet. Councilor Sweeney disagreed that the BID would be dead out of the box if the motion had that condition. He said they are giving the clarification that they are willing to move forward, but are looking at a BID as either a way to pay for, or part of a way to pay for the ongoing maintenance of that structure. He didn't think that is mattered if it was a condition; Councilor

Anderson said it just made it more challenging. Councilor Mitchell clarified that the vote will approve, or not, a city hall with structured parking, and between now and September 3<sup>rd</sup> there will be research on a BID.

**The motion was tied with Councilors Sweeney, Anderson and Hildner voting in favor and Councilors Hyatt, Kahle and Mitchell voting in opposition. Mayor Muhlfeld voted in favor and the motion passed.**

## **8. COMMUNICATIONS FROM FIRE DEPARTMENT DIRECTOR**

### **8a. Contract awards for fire apparatus and ambulance (three motions) (p. 171)**

Fire Chief Kennelly said staff opened bids on four pieces of Fire and Ambulance equipment—a fire pumper, an ambulance, a brush fire truck, and a water tender. There was only one bidder for each piece of equipment despite sending out the bid packets to a number of vendors and manufacturers. He said that the bidders did not know there was no one else bidding, so they feel the bids are competitive. The bids are close to the projected price estimate on two of the four pieces of equipment; and within our budgeted amounts. Staff is recommending rejecting the other two bids, revising the specs, and re-advertising for bids.

Councilor Mitchell said on page 171 the report said both of these vehicles exceed life expectancy, but he wondered if it was based on years or miles. He asked about the NFPA standards and Chief Kennelly said the standards cover everything and they are replacing a 1994. He said the standard is 10-12 years and they've had it for 19 years. Councilor Sweeney said the bids include site visits for looking at the product. Chief Kennelly said that is standard procedure; they have the expertise to look at exactly where the controls and discharge valves go. It is important that the final product is reviewed and meets all the specifications.

**Councilor Kahle offered a motion, seconded by Councilor Hildner, to approve entering into a contract with General Fire Apparatus of Spokane, WA to purchase one Type 1 1,500 gpm Rosenbauer, LLC fire apparatus for up to \$495,112. The motion passed unanimously.**

**Councilor Kahle offered a motion, seconded by Councilor Hildner, to approve entering into a contract to purchase one Type 1 ambulance from Braun NW for \$155,597. The motion passed unanimously.**

**Councilor Kahle offered a motion, seconded by Councilor Sweeney, to reject the bids for the Tender and Brush Truck, revise the specifications for these vehicles to bring them in line with projected budgeted financial resources available, and then again issue a request for bids from various manufacturers. The motion passed unanimously.**

## **9. COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR**

### **9a. Contract award for construction of Dodger Lane (p. 187)**

Public Works Director Wilson said the Public Works Department opened bids for the Dodger Lane Construction Project on May 10<sup>th</sup> and recommend the City Council award a construction contract to the low bidder, Schellinger Construction, in the amount of \$229,794.

This project involves new infrastructure and, as such, is not eligible for Resort Tax infrastructure funds. Elements of the project include the new roadway, a new water main, storm drainage facilities and parks amenities, such as a new roadside bicycle/pedestrian path and utility services for the new Armory Park restrooms. These costs would be incurred in the coming fiscal year and adequate funds are included in the FY14 Preliminary Budget in the Street, Water, Stormwater and Parks funds. Staff respectfully recommends the City Council approve the contract.

**Councilor Hildner offered a motion, seconded by Councilor Hyatt, to approve awarding a contract for the Dodger Lane Construction Project to Schellinger Construction in the amount of \$229,794. The motion passed unanimously.** Director Wilson said the project will actually be starting a couple weeks later that in states in the staff report.

## **10. COMMUNICATIONS FROM CITY MANAGER**

### **10a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 192)**

Councilor Sweeney asked about the service area rate changes. He has been in support of 24/7 coverage and he wondered if it would reduce insurance rates for homeowners. Manager Stearns said the City has the same rating as before, but the fire insurance rates may change in the rural fire service area. Chief Kennelly said the Whitefish service area rating did change since 1988. You have to be within 5 miles of a fire station—it used to be determined by drawing a 5-mile radius around the fire hall and now they make the determination by actual road miles. He has talked about adding fire stations in the rural areas to keep insurance rates down. Councilor Mitchell said he thinks the Whitefish West project is going well and the police have been monitoring traffic well on Karrow Avenue, so he thanked them.

### **10b. Other items arising between May 15<sup>th</sup> and May 20<sup>th</sup>**

Manager Stearns said there is a budget meeting on Tuesday, May 28<sup>th</sup>.

Councilor Sweeney asked about what they learned about the Jackson Hole air service and Manager Stearns said they raised about \$1 million from area businesses, then the town and county each put in money to guarantee flights.

## **11. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**

**11a. Standing budget item - None.**

**11b. Letter from State Library stating that Whitefish Community Library Director Joey Kositsky has become a state certified Library Administrator (p. 210)**

Mayor Muhlfeld congratulated Joey Kositsky for her accomplishment.

**11c. Resolution No. 13-10; A Resolution establishing the Highway 93 West Corridor Plan Steering Committee (p. 211)**

City Manager Stearns said City Clerk Lorang passed out an updated resolution with the Ad Hoc member make-up.

City Manager Stearns said City Clerk Lorang passed out an updated resolution with the Ad Hoc member make-up.

**Councilor Hyatt offered a motion, seconded by Councilor Kahle, to adopt Resolution No. 13-10; A Resolution establishing the Highway 93 West Corridor Plan Steering Committee (p. 211)**

Manager Stearns asked if the Council wanted to do interviews or just choose from the letters of interest. The Council indicated that they would like to have interviews.

**11d. Appointments to Committees and Boards that were not made at tonight's Special Session before the meeting.** None.

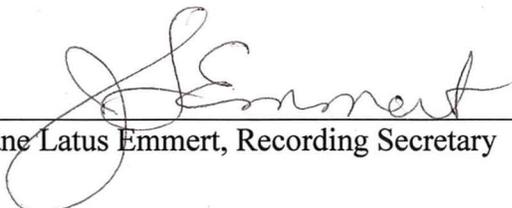
Councilor Anderson thanked the Councilors for thoughtful deliberations regarding the City Hall parking structure. Councilor Kahle said they made a big decision to move forward with a very costly project. He thinks there is one glaring issue they have to answer before they move forward and Councilor Sweeney agreed it was a big step but he was glad they did it.

**12. 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 12:13 a.m.



Mayor Muhlfeld



Jane Latus Emmert, Recording Secretary

Attest:



Necile Lorang, City Clerk