

WHITEFISH CITY COUNCIL MINUTES

JULY 7, 2014

7:10 P.M.

CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Anderson, Feury, Hildner and Sweeney, City Staff present were City Manager Stearns, Assistant City Clerk Woodbeck, City Attorney VanBuskirk, Planning and Building Director Taylor, Senior Planner Compton-Ring, Parks and Recreation Director Butts, Fire Chief Kennelly and Police Chief Dial. Approximately 35 people were in the audience.

PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Bret Walcheck to lead the audience in the Pledge of Allegiance.

COMMUNICATIONS FROM THE PUBLIC-(This time is set aside from 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) **(CD 1:38)**

Mac McCrackin, owner of the Pin & Cue, 6570 Hwy 93 S., Whitefish Chamber Board member and the Chair of the Government Action Committee. They would like to invite Mayor Muhlfeld to come and present the Downtown Master Plan to the board and the Government Affairs Committee.

COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 2:27)

Councilor Hildner reported from the Bike/Pedestrian Committee that the Healthy Community Workshop is scheduled for Tuesday July 22nd, if anybody would like to attend they should RSVP to Karin Hilding. The Skye Park Bridge is still in flux as there still is no agreement with the Hags. They do not feel they will be starting on the bridge before next summer. North Valley Steel will do the estimates on the stairs at the Veterans Memorial Bridge and Stumptown Inn. May Lawn Service will restore Kay Beller Park. They will be doing volunteer projects on either the 23rd or 29th to refurbish the hand rails on the Rocksund Trail and Riverside Park footbridges.

Council Anderson reported from the Resort Tax Committee that they will be doing a field trip to look at some of the future projects.

Mayor Muhlfeld said he sits on the Whitefish Lake Institute Board and there is an upcoming fundraiser. It is their Wine auction on July 31 and August 1st - the tickets can be purchased at the Whitefish Lake Institute or Mike Koopel.

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 items 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 €(3) WCC)

a). Minutes from the June 16, 2014 Council regular meeting (p. 80) (CD 6:05)

b). Resolution No. 14-18: A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 2405 Carver Bay Road, for which the owner has petitioned for and consented to annexation. (p. 91)

RESOLUTION NO. 14-18

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 2405 Carver Bay Road, for which the owner has petitioned for and consented to annexation.

WHEREAS, Charles E. Lyman has filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owner of real property representing 50% or more of the total area to be annexed. Therefore, the City Council will consider this petition for annexation pursuant to the statutory Annexation by Petition method set forth in Title 7, Chapter 2, Part 46, Montana Code Annotated; and

WHEREAS, services to the annexed area will be provided according to the City of Whitefish Extension of Services Plan, adopted by the City Council by Resolution No. 09-04 on March 2, 2009, as required by and in conformity with §§7-2-4610 and 7-2-4732, MCA, available at the office of the City Clerk; and

WHEREAS, it is the considered and reasoned judgment of the City Council of the City of Whitefish that the City is able to provide municipal services to the area proposed for annexation. Further, it is hereby determined by the Whitefish City Council to be in the best interest of the City of Whitefish, and the inhabitants thereof, as well as the current and future inhabitants of the area to be annexed described herein, that the area be annexed into the City of Whitefish and it is hereby declared to be the intent of the City of Whitefish that the corporate boundaries of the City of Whitefish be extended to include the boundaries of the area described in the Petition for Annexation within the limits of the City of Whitefish.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The corporate boundaries of the City of Whitefish be extended to annex the boundaries of the area herein described in the Petition for Annexation, according to the map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana, and legally described as:

Lot 3 of AN AMENDED PLAT OF LOTS 19 AND 20 OF WHITEFISH LAKE SUMMER HOMES, according to the official plat thereof, filed in Official Records of Flathead County, Montana.

Section 2: The minutes of City Council of the City of Whitefish, Montana, incorporate this Resolution.

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the July 7, 2014 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to §7-2-4607, MCA, this annexation shall

be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 7TH DAY OF JULY, 2014.

/s/ John M. Muhlfeld
John M. Muhlfeld, Mayor

ATTEST:

/s/ Vanice Woodbeck
Vanice Woodbeck, Assistant City Clerk

c). Resolution NO 14-19; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1722 West Lakeshore Drive, for which the owners have petitioned for and consented to annexation. (p. 102)

RESOLUTION NO. 14-19

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1722 West Lakeshore Drive, for which the owners have petitioned for and consented to annexation.

WHEREAS, Kimberly Garth Tymko and Trina Laree Tymko have filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owners of real property representing 50% or more of the total area to be annexed. Therefore, the City Council will consider this petition for annexation pursuant to the statutory Annexation by Petition method set forth in Title 7, Chapter 2, Part 46, Montana Code Annotated; and

WHEREAS, services to the annexed area will be provided according to the City of Whitefish Extension of Services Plan, adopted by the City Council by Resolution No. 09-04 on March 2, 2009, as required by and in conformity with §§7-2-4610 and 7-2-4732, MCA, available at the office of the City Clerk; and

WHEREAS, it is the considered and reasoned judgment of the City Council of the City of Whitefish that the City is able to provide and has been providing municipal services to the area proposed for annexation. Further, it is hereby determined by the Whitefish City Council to be in the best interest of the City of Whitefish, and the inhabitants thereof, as well as the current and future inhabitants of the area to be annexed described herein, that the area be annexed into the City of Whitefish and it is hereby declared to be the intent of the City of Whitefish that the corporate boundaries of the City of Whitefish be extended to include the boundaries of the area described in the Petition for Annexation within the limits of the City of Whitefish.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The corporate boundaries of the City of Whitefish be extended to annex the boundaries of the area herein described in the Petition for Annexation, according to the map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana, and legally described as:

Lot 18A of AN AMENDED PLAT OF LOTS 17 & 18, BLOCK 2, LAKE PARK ADDITION, according to the map or plat thereof on file and of record in the office of the Clerk & Recorder of Flathead County, Montana.

Section 2: The minutes of City Council of the City of Whitefish, Montana, incorporate this Resolution.

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the July 7, 2014 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to §7-2-4607, MCA, this annexation shall be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 7TH DAY OF JULY, 2014.

/s/ John M. Muhlfeld
John M. Muhlfeld, Mayor

ATTEST:

/s/ Vanice Woodbeck
Vanice Woodbeck, Assistant City Clerk

d). Consideration of approving the final plat for Orchard Lane 3 subdivision, a four lot subdivision located at 467 Colorado Avenue. (p. 113)

Councilor Hildner offered a motion, seconded by Feury, to approve the Consent Agenda as presented. The motion passed unanimously.

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

a). Resolution No. 14-20; A Resolution to change the name of the portion of West 15th Street between Baker Avenue and Flathead Avenue to June's Way (p. 152) (CD 6:25)

City Manager Stearns said the City received a request from Whitefish Food Bank to change the name of West 15th Street to June's Way in the portion between Baker Avenue and Flathead Avenue. A public notice was sent out to the neighbors with only one comment received.

Mayor Muhlfeld opened the public hearing with no public comment the Mayor turned it over to the Council.

Councilor Feury offered a motion, seconded by Councilor Frandsen, to adopt Resolution No. 14-20 to change the name of the portion of West 15th Street between Baker Avenue and Flathead Avenue to June's Way.

Councilor Sweeney urged that the Whitefish Food Bank reconsider their proposal not to change their address from Flathead Avenue to June's Way.

The motion passed unanimously.

(CD 9:19)

b). Resolution No. 14-21; A Resolution establishing rates charged for the purchase of a vault in the cemetery columbarium and related services. (p. 160)

City Manager Stearns said we have been sold out of plots at the cemetery for several years. The City installed a columbarium which is above ground. It can hold up to 40 cremation urns with 20 on each side. The total cost was \$29,203 divided by 40 vaults equals \$730. They are proposing in the lower tiers to be \$750 and if you put two urns in it would be another \$150. There will different rates for county residents. The upper two tiers will start at \$800. There will engraving costs also.

Mayor Muhlfeld opened the public hearing, with no public comment the Mayor turned it over to the Council.

Councilor Hildner offered a motion, seconded by Councilor Frandsen, to adopt Resolution No. 14-21; A Resolution establishing rates charged for the purchase of a vault in the cemetery columbarium and related services.

Councilor Hildner asked and City Manager Stearns said most of our fees do not have a sliding scale. These fees have been rounded up and feels we will be covered for a while. Fees have to be approved by Council.

The motion passed unanimously.

(CD 14:59)

c). Consideration of an application from Greg Eaton of EDM Development for a Conditional Use Permit to construct a 5 Plex at 221-231 O'Brien Avenue subject to six (6) conditions. (p. 166)

Senior Planner Compton-Ring said the property is zoned WB-3, which says if they go above a 4-plex, a Conditional Use Permit is needed. The building is proposed to be located along the north side of the property and will be served by a driveway along the south side of the lot that will connect O'Brien Avenue and the alley to the east. Each unit will have a single car garage and space in the driveway for an additional parking space. Overflow parking is located along the alley.

The project is located on three and a half lots plus half of an abandoned alley. This property is undeveloped and the Growth Policy is Core Commercial. They did mail a notice to the adjacent land owners and to the advisory agencies. After the Planning Board met they did receive a letter from a neighbor not in support of the project if overnight or weekly rentals were allowed.

Planner Compton-Ring said it does comply with the Growth Policy Core Commercial, WB-3 zoning. The access does meet the standards and the Fire Department has reviewed the site plan and was satisfied with the proposed access. Parking is adequate and meets the City zoning. The property is served by both O'Brien Avenue and an alley to the east of the property. The applicant is proposing a driveway along the south property line to provide access to the property and connect O'Brien Avenue with the alley. The driveway is located at the top of the hill, which should provide adequate visibility to O'Brien Avenue.

Planner Compton-Ring said a landscaping plan is required. The applicant will be required to do a stormwater plan. The applicant and Public Works Department need to determine the type of frontage improvements that will be needed along O'Brien Avenue.

Planner Compton-Ring said the applicant has been to the Architectural Review on June 3rd for a preliminary review in which the committee suggested a front porch along O'Brien Avenue as it is commonly found in this neighborhood. Also they would like some kind of sidewalk to connect O'Brien Avenue to the development for pedestrians.

The Planning Board recommended approval subject to six (6) conditions. There were two neighbors that spoke at the hearing and were concerned with the narrowness of the alley, steepness of O'Brien Avenue and adding more garbage cans and it was suggested that the alley be one-way.

Planner Compton-Ring highlighted a couple conditions which are #3: A landscaping plan that incorporates existing, healthy trees into the plan shall be reviewed and approved by the Planning Department prior to the issuance of a building permit, #4: work with the Public Works Department to determine appropriate frontage improvements along O'Brien Avenue. On #5: All internal lot lines shall be eliminated prior to submitting an application for building permit. Planner Compton-Ring said the applicant is considering doing townhouses instead of condos so she has suggested an amended condition which would be #5: All internal lot lines shall either be eliminated or modified to accommodate townhouses prior to submitting an application for building permit.

Mayor Muhlfeld opened the public hearing.

Chad Phillips, 309 Wisconsin Avenue, gave a slide presentation showing the site, proposing a sidewalk that would go down to the improvements to 2nd Street, providing curbs, landscaping and a view of townhomes. The presentation also showed how the residences would get in and out of the townhomes.

Council Hildner was concerned with the width of the driveway and the exit onto O'Brien Avenue. Chad Phillips said there is enough room on the driveways for backing out and the alleyway coming onto O'Brien Avenue is not quite at the top of the hill.

No further comment, Mayor Muhlfeld closed the public hearing.

Councilor Feury offered a motion, seconded by Councilor Sweeney, for the approval of an application from Greg Eaton of EDM Development for a Conditional Use Permit to construct a 5 Plex at 221-231 O'Brien Avenue subject to six (6) conditions and including the recommendation to condition #5.

Councilor Hildner offered an amendment to the motion, seconded by Councilor Barberis, to add condition #7: That a sidewalk would be installed on the East Side of O'Brien Avenue through this development. The motion passed with a 5 to 1 vote with Councilor Anderson voting in opposition.

The motion as amended passed unanimously.

(CD 36:34)

d). Consideration of a request from Elk Highlands, LLC for a two year extension to Wapiti Woods final plat (p. 196)

Senior Planner Compton-Ring said the applicant is requesting a 24 month extension for Wapiti Woods at Elk Highlands preliminary plat. This a 34-lot subdivision on 24 acres located on Big Mountain-between Ridge Top Drive, Elk Highlands Drive and Northern Lights Drive. The preliminary plat was granted by Council on August 17, 2009 and in 2012 was granted an additional 24-month extension with it expiring on August 17, 2014.

This subdivision is located within the Whitefish Planning jurisdiction and is zoned BR-4 (Flathead County Planned Resort). Upon review of the file, issues raised during the public hearing process included:

Secondary Emergency Access: The project is designed with a main entrance off Northern Lights Drive and a secondary emergency access into the Sunrise Ridge subdivision to the east. The emergency access road is proposed to be a locked secondary emergency access. The Big Mountain Fire Department was satisfied with this approach, as was the Council.

Right-of-way Width for Private Roads: They did ask for a subdivision variance to the width of the right-of-way. All the roads in this development are private. The applicant has proposed two of the private roads to have a 40-foot right-of-way instead of 60-foot. This does not reduce the width of the actual paved roadway. The purpose of the narrower right-of-way is to reduce the amount of clearing and grading needed to install the roadway. The Council approved this request.

Planner Compton-Ring said there have been some changes in the standards since 2009 when it was first approved. The project was approved during an earlier version of the Water Quality Protection regulations (formerly known as the Critical Area regulations). Conditions 6-8 required the applicant, prior to final plat, to conduct a Site Stability Analysis on each lot to see if additional geotechnical analysis would be warranted. The City Council has since amended this section of the regulations to eliminate the Site Stability Analysis. Preliminary geotechnical review is needed with lots that are greater than 10%. Tree protection and Wildland Urban Interface standards are more detailed in the subdivision regulations.

Planner Compton-Ring said adjacent land owners within 300-feet were notified in March 2014. A number of concerns were:

- Subdivision's relationship with the larger Elk Highlands Homeowners' Association as far as maintaining the roads, ski lift, etc.**
- Using the Elk Highlands name as part of the subdivision name**
- Density of the project and being out of character with the larger neighborhood**
- Timeframe for build-out**
- Storm water retention and erosion control**
- Impact on utilities**
- Noise, outdoor lighting, development on the ridge**
- Safety at the intersection with Northern Lights Drive**
- Use of Ridge Run Drive as an emergency access**
- Impact on the environment and loss of green space**
- Subdivision variance for the street width**
- Rezone to allow more units (This request accompanied the preliminary plat in 2009)**
- Effects on the ski access trail, chair lift and grooming for Elk Highlands/Northern Lights North**
- Effects on property values**
- Installation of the roads and the homes on steep lots**
- Snow Removal**
- Impacts on the Home Again Ski Trail**
- Impacts from the proposed Community Center**

A second notice was sent, and they did receive 12 letters in opposition and 1 in support. The letter in support pointed out that there are dark sky requirements on the mountain, it's a good thing to have diversity in housing and the roads in this neighborhood were for support of the subdivisions. Overall, the neighbors feel that they were unaware of the project, that conditions in the neighborhood have changed and the project deserves to go back through the review process to ensure adequate public participation. Other comments were:

That the homes may be rentals and not permanent dwellings

Increased traffic

Road access

Increase in noise

Loss of trees

Loss of wildlife

Less noticing requirement in 2009; now more people know about the project and conditions have changed to warrant more neighborhood input

There are some suggestions for improvement to the project including removing lots, rearranging lots and changing the street access for the project

Poor public noticing in 2009

Discrepancy in the acreage of the project staff report versus preliminary plat map (NOTE: The application states 34 acres and both the plat map and the state of Montana CAMA webpage state 24 acres. The application must be a typo that staff used for the staff report and public notice. However, this typo does not place the project out of compliance with the Overall Development Plan).

Staff does recommend approval of the request to extend the Wapiti Woods at Elk Highlands preliminary plat for 24 months, expiring on August 17, 2016. Planner Compton-Ring said they are just here to either extend or not for 24 month as they cannot change or add any conditions.

Tom Sands, Sands Surveying, said the original process for Elk Highlands started in 2003. As part of the Elk Highlands Phase 1 & 2 the developers donated 104 acres as a conservation easement. Phase 3 of Elk Highlands which this property is on, had already been approved with the OPD. In 2009 Elk Highlands proposed to increase the density from 18 lots to 34. The OPD for the preliminary plat went to the Council and the issues of emergency access and density were all addressed. Flathead County, WSI, the developers of Sunrise Ridge HOA allowed gated emergency egress on Ridge Run Drive. This would invalidate the Sunrise Ridge subdivision approval that was granted by the County in 1991. When the Elk Highlands purchased the property from WSI, it contained an emergency access easement agreement granting Elk Highland use of Ridge Run Drive as use as an emergency egress. The road does come up through Northern Lights development and Northern Lights West Development which are owned by WSI. There is through traffic from the base area up through Northern Lights West back down to Elk Highlands and then to the highway.

Tom Penaluna, developer of Wapiti Wood, said the market is coming back and they are confident that now they can move forward. One reason why they postponed in April was so they could meet with the homeowners in the Sunrise Ridge area. They did meet with some of them and believe they answered most if not all of their concerns. There are 20 conditions that they have agreed to in the preliminary plat and they will be complying with all the conditions. One of the conditions is the emergency egress road. Tom said that Sunrise Ridge needs Wapiti Woods emergency egress as much as they need theirs. They are planning on doing the engineering this winter and hope to start next summer in 2015 and hope to be completed in 2016.

Kenneth Lockard, developer of Wapiti Wood, said they worked very hard to create detailed documents to hold a standard of quality in Elk Highlands and it is their goal for Wapiti Wood in Phase 3. They want to have quality of views, vegetation and very high quality homes. He feels they have been very communicative with the residents when doing Phase 1 & 2. He read a couple of paragraphs that each owner has signed that have built in Elk Highlands: There could be construction in progress which could cause noise, dust and other inconveniences. Maintenance of roads serving the subdivision shall be the responsibility of Elk Highlands HOA. The buyers who will be purchasing a lot during a period in which construction is or will be happening and that improvement to the lot maybe completed prior to the completion of those of other lots. The buyers agree not to take action to impair or delay any development of real estate subject to the BR-4 zoning or any land added to this district so long as such development complies with the Flathead County zoning regulations. They do want to work with the property owners and he thinks they have added a lot of value to Sunrise Ridge at our own cost as they put in the ski lift that replaced the T-bar.

Tom Penaluna said they have an easement agreement with WSI that owns Northern Lights Drive and it gives them access to come into our subdivision name the road which when then come into Wapiti Wood. Council Anderson would like to see a copy of this agreement before voting tonight.

Mayor Muhlfeld opened the public hearing.

Ryan Purdy, an attorney with Morrison/Frampton 341 Central Avenue, he is representing several of the homeowners in Elk Highlands Phase 1 & 2. They have met with the developers and unfortunately my clients have been unable to obtain an agreement on their concerns. Their main issue is that Wapiti Woods would not have to put in for road maintenance without an agreement with Elk Highlands which they do not have at this time.

Jerry Meislik, 161 Ridge Run Drive, is concerned about the lot acres of Wapiti Woods. All the other neighbors have larger lots and he feels this will decrease their property values. He is not sure if there is permission from Sunrise Ridge homeowners for emergency egress. What is the commitment from Wapiti Woods to shield the traffic, noise and light from the current residences of Sunrise Ridge?

Karl Moody, 566 Elk Highlands Drive, is opposed to granting another 2 year extension. These are very small lots which is out of character. It has been 5 years since this started and nothing has been done. He owns lot 1 in Northern Lights West which is above Ridge Run Drive. They are asking for a 94% increase in density. If this is denied then a traffic study would have to be updated from 2006. He also feels the value of his property will also go down because of the density.

Bob Reich, 116 Ridge Top Drive, he is also president of the Big Mountain HOA. Egress is his primary concerns as he has not seen an agreement that is in place. The current board is not opposed to the egress and if they are going to require the road be open 24 hours 365 days a year, who will be paving the road and maintaining it.

Paul Okerberg, 476 Elk Highlands, former president of Big Mountain HOA. He wonders if there could be an alternate route that would address the concerns of Elk Highland homeowners. What about

the wear and tear on the roads after the construction has been done. It would not be fair for Elk Highland Phase 1 & 2 to have to pay for this as Wapiti Woods does not share in the cost. There is a lot of concern on the access. They need to come up with an alternate route and if they deny the request everybody could work on this route. The primary road that they are proposing to use is very unstable. They still have 5 weeks before this extension expires and that would give them time to find another route if they do not rush their decision.

Steve Cosby, 84 Elk Highland Drive, is also concerned of the road development and who will be paying for maintaining the roads and this does need to be worked out with the developers. He would also like to see this come back to the Council so they have time to work everything before the extension is granted.

Steven K. Winegar, 254 Elk Highlands Drive, feels the developers did a wonderful job in Phase 1 & 2 and for the developers to work with the homeowners at Elk Highlands.

Dan Graves, WSI Inc., said Sunrise Ridge was approved in 1992 & 1993. The language reads, "an emergency egress and access shall be provided serving Ridge Run Drive. The roads shall be constructed at the time that 30% of the proposed housing units are under construction along the entire Ridge Run Drive serving 74 acres in pods M,P,Q,R" and pod M is where Wapiti Woods is. On the preliminary plat in 1993 says an emergency access and egress shall be provided by looping Ridge Run Drive back to Big Mountain Road. This road would be constructed when 30% of the houses have been done along Ridge Run Drive serving 74 acres of residential land in pods M, P, W and R. In the declaration that was done in 1999, article 6 reads: Certain rights of declarant (WSI), owners and leases, section 1 which is reserve rights within respect of the property furnished by the declarant. Whether or not expressed at the time all real property conveyed by the declarant (WSI) to an association shall at all times remain subject to existing easement for utilities including gas, electricity, water, sewer, telephone, television or other utilities services or for communication alarms or other systems, existing systems for parking purposes, existing easements in favor of declarant and declarants customers, leases and any road easements, access and egresses. All the roads within the resort stand under this declarant.

Shepherd Heery, 409 Morning Eagle, also owns Lot 2 in the Northern Lights. He urges that they continue this.

No further public comment, Mayor Muhlfeld turned it over to the Council.

Mayor Muhlfeld called for a 5 minutes break.

(CD 1:49:19)

After question to staff and applicants from Council a motion was made.

Councilor Feury offered a motion, seconded by Councilor Anderson, to table Wapiti preliminary plat extension to August 4, 2014. The motion passed with a 5 to 1 vote with Councilor Frandsen voting in opposition.

(CD (2) 14:50)

e). Consideration of an application from Bret Walcheck of 48 North Engineering on behalf of Whitefish West Limited Partnership for a 15-lot preliminary plat subdivision call Timber Ridge-the property is located at 265 Haugen Heights Road and is 4.39 acres (p. 265)

Planner Compton-Ring said this is a request for a 15-lot preliminary plat called Timber Ridge and is located at 265 Haugen Heights Road and is 4.39 acres. The applicant had indicated on their application that it would only be single family houses, but at the hearing said they were interested in having single family houses on the west side and duplexes on the east side of the development. The staff report and portions of the preliminary plat application indicated that the development would only be single family. Planner Compton-Ring has redone the staff report with the changes in case they choose to do attached townhouses. The applicant has updated their information so there is an updated staff report along with a letter from the applicant that there could possibly be attached single family homes.

Planner Compton-Ring said the eight (8) lots on the west side will be single family and the seven (7) lots on the east side could be detached single family or duplexes. All lots will front on a public right-of-way that will connect Haugen Heights Road to Lake Park Lane. Lake Park Lane is a narrow dirt road that will be improved to a 20 foot paved surface. In-lieu of parkland dedication the applicant will be doing a cash-in-lieu and the Park Board is recommending that the Council accept the cash-in-lieu. Landowners were notified within 300 feet and also the public agencies. They did receive one letter from the neighbor to the north where the road will T into their property and they are concerned car lights shining into her home, the loss of trees and questions regarding the improvements to and maintenance of Lake Park Lane.

Planner Compton-Ring said the developer will extend municipal water and sewer to the subdivision and for drainage the applicant is proposing stormwater to sheet flow across lots to the street where it will be captured in gutters and collected in curb inlets and conveyed by a pipe into a central stormwater management area in the north east corner of the project. The street will be built by the contractor, but owned and maintained by the City and will be designed to meet all City standards. The city is requested a 10 foot right-of-way along their property line at the time of final plat to add to the substandard right-of-way of 40 feet.

Planner Compton-Ring said this application complies with the Growth Policy and zoning which is WR-2 which allows for single family and two family. It also complies with the City zoning and subdivision rules. The Planning Board was unable to come to a decision for either approval or denial. One reason for this was that the staff report did not match what they were asking for as the staff was going by their original application.

Planner Compton-Ring said staff is recommending approval, because the Planning Board was not able to come to any sort of recommendation, she did include her staff conditions of approval. Some conditions they are recommending is a 10 foot right-of-way dedicated along the north property line to

the City at the time of final plat, cash-in-lieu be paid at the time of final plat and that the property would be annexed prior to final plat.

City Manager Stearns is concerned about the paved 20 foot road as a requirement but does not see it on any of the conditions. Planner Compton-Ring said it is a Public Works requirement and it is an oversight and it would be good to add it to condition #7.

Mayor Muhlfeld opens the public hearing.

Kathleen Harding, 295 Lake Park Lane, would like to point out that although the staff report has been updated to include the townhouses the public was not properly notified. The areas surrounding this property are either single family or undeveloped at this time. She would like the Council to just allow single family homes. Kathleen would like to see the zoning changed according to the developer's application which request 8 single family 7 duplexes so in the future more duplexes could not be built. She hopes the Council will recognize the character of the neighborhood, with just single family homes allowed. Kathleen said the proposed road T's right into her property and she would like to have this looked at some more. The drainage and runoff of the stormwater is a major concern as her property is lower than the subdivision. She would like to see the subdivision have a cul-de-sac then they would not have to worry about the power lines, drainage and also the T right into her property. If a cul-de-sac cannot be put in could they curve the road to meet the easement on the side of her property? Kathleen would also like to see the parkland instead of cash-in-lieu. Please do not approve this application.

Bret Walcheck, 48 North Engineering, is here with one of the owners Shaun Hass for any question that they may have.

No further public comment, Mayor Muhlfeld closed the public hearing.

Councilor Frandsen asked Planner Compton-Ring how the new condition would be worded. Compton-Ring said "Lake Park Lane shall be improved to a 20 foot paved width from the western edge of the property line to State Park Road and compliance with City standards".

Councilor asked questions from staff and the developers a motion was made.

Councilor Anderson offered a motion, seconded by Frandsen, to table the preliminary plat at Timber Ridge and to be re-advertised in compliance with what the developer is requesting and to notify the neighbors as before. The motion passed on a 5 to 1 vote with Councilor Hildner voting in opposition.

(CD (2) 57:48)

COMMUNICATION FROM CITY MANAGER

- a). Written report enclosed with the packet. Questions from Mayor or Council? (p. 497)
- b). Other items arising between July 2nd and July 7th: none.

c). Discussion of proposed countywide Special District for 911 Funding and possible resolution in support of Special District and to commit to reduce property tax levy by equivalent amount at least in the first year. (p. 506)

City Manager Stearns said the 911 Board had forwarded to the County Commissioners to change the funding from the current situation where the county Sheriff levies about 6 mills and each city contributes based on population. The new system would be the Sheriff would continue to levy about 6 mills and it would be supplement that with a special district fee is similar to the landfill assessment which appears on county property tax bills, would be on developed property only. The assessment would be \$25 flat rate fee for residential properties annually and \$50 per commercial unit not to exceed 30 units for commercial properties.

City Manager Stearns said we have \$159,000 in the budget to go to the 911 fund. Next year we could reduce the FY16 budget by 7.07 mills or whatever the final figure is, which would be revenue neutral on our budget and our expenditures would reduce by \$159,000 or more. City Manager Stearns is looking for direction on if the Council would like the City Manager to draft a resolution to this effect. The Council gave their support on drafting the resolution.

(CD (2) 1:14:30)

COMMUNICATION FROM MAYOR AND CITY COUNCILORS

a). Emails from Bob Howard and Brad Cox regarding additional boat slips at the Marina at the Lodge at Whitefish Lake. (p. 533)

b). Email from Gerda Reeb and petition from residents and property owners on Texas Avenue requesting the installation of sidewalks on Texas Avenue (p. 565): Gerda Reeb said there is a signed petition from the neighbors on Texas Avenue in the packet requesting that the City install a sidewalk on the east side of Texas Avenue with no cost to the homeowners. Gerda understands there is around \$50,000 in the Sidewalk District North fund that could maybe be used on this project. Public Works Director said he would like to have an engineer do some work on this and come back with some cost estimates. Councilor Anderson said the Resort Tax Committee will be doing a field trip to look at different projects and maybe they could look at moving Texas Avenue up the list.

c). Letter from Jan Metzmaker regarding questions about the sign ordinance (p. 565): Staff will check into her concerns and get back with her.

d). Letter from Rita Hanson regarding July 4th hazards at Frasier Avenue and Ramsey Avenue (p. 566)

e). Set date for another FY 15 budget work session: The Council set August 1, 2014 from 11:00 a.m. to 1:30.

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

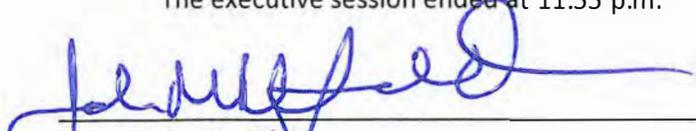
Councilor Hildner is still concerned about the monuments at the Veterans Memorial Bridge. Mayor Muhlfeld suggested getting ahold of Virginia Sloan and get John Tester involved.

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

Meeting was adjourned at 11:10 p.m.

CLOSED EXECUTIVE SESSION-with City Attorney pursuant to 2-3-203(4)(a) MCA to discuss strategies to follow in regard to litigation.

The executive session ended at 11:55 p.m.



Mayor John Muhlfeld



Vanice Woodbeck, Assistant City Clerk

Please return to Necile

PUBLIC HEARINGS

PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 7/7/14

PLEASE PRINT NAME and ADDRESS

West 15th St Baker Ave

Cemetery Columbarium
Services

5 Plex at 221-231
O'Brien Ave.

& Flathead Ave to June's
Way

- 1. *Katherine Harding 295 Lake Park LN*
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 15. _____
- 16. _____
- 17. _____
- 18. _____
- 19. _____
- 20. _____