

WHITEFISH CITY COUNCIL MINUTES

JULY 21, 2014

CLOSED EXECUTIVE SESSION

5:00 TO 5:40 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. Present were Mayor Muhlfeld and Councilors Barberis, Frandsen, Anderson, Hildner and Sweeney, Councilor Feury was absent. City Staff present were City Attorney VanBuskirk, City Manager Chuck Stearns, Planning and Building Director Taylor and Senior Planner Compton-Ring.

REGULAR SESSION

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Anderson, Hildner and Sweeney. Councilor Feury was absent. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Planning and Building Director Taylor, Planner II Minnich, Public Works Director Wilson, Senior Project Engineer Hilding, Parks and Recreation Director Butts, and Fire Chief Kennelly. Approximately 14 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked MaiBritt Bennett to lead the audience in the Pledge of Allegiance.

3) PRESENTATIONS – Presentation by Mark Fenton on Tuesday’s Healthy Communities Workshop at the I.A. O’Shaughnessy Center and how community design, community health, and transportation are intrinsically linked (p. 20) (CD 0:46)

Mark Fenton, an expert on Walkable Communities, said healthy community design connects public health, economic health and environmental health. He said it should be the concern of elected officials on the local level to plan and design for active lifestyles to promote public, economic and environmental health. He explained four criteria that are key in the planning; variety, connectivity, provide the network designed for alternative modes of transportation, and accessibility for all ages and abilities. He said all planning journals are including this information. A detailed presentation with more examples and discussion follows tomorrow, Tuesday, July 22nd, at a free workshop from 11:30 to 2:30 p.m. at the O’Shaughnessy Center.

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) (CD 26:27)

Mayre Flowers, representing Citizens for a Better Flathead (CBF) , 35 4th Street West in Kalispell, said they are gathering statistics on recycling. CBF assists in coordinating recycling in the Flathead Valley for the Waste Not Project. There is a pamphlet for the project that is a guide to recycling centers (each center takes different types of products), it lists items that can be recycled and gives sorting tips. She noted that the City of Whitefish could do better by purchasing recyclable plastic products.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 30:35)

Councilor Anderson reported that the Resort Tax Monitoring Committee has been reviewing priorities for the next top ten resort tax projects; they may be coming forward soon with new recommendations for the Council to consider.

Mayor Muhlfeld reported the Whitefish Lake's Institutes' Annual Fund Raiser and Auction will be held July 30th and 31st; tickets can be purchased online.

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) (CD 31:47)

- a) Minutes from the July 7, 2014, 2014 Council regular meeting (p. 28)**
- b) Res 14-22; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of land known as 2492, 2494, 2496 and 2498 East Lakeshore Drive, for which the owners have petitioned for and consented to annexation (p. 43)**

RESOLUTION NO. 14-22

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of land known as 2492, 2494, 2496 and 2498 East Lakeshore Drive, for which the owners have petitioned for and consented to annexation.

WHEREAS, RICHARD A. MAGNUSON AND ALLISON L. MAGNUSON, AS TRUSTEES OF THE MAGNUSON LIVING TRUST CREATED BY AGREEMENT DATED JULY 25, 2005, 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:

Lots 20, 21, 22 and 23 of First Addition to Whitefish Lake Summer Homes Amended, according to the map or plat thereof on file and of record in the office of the Clerk and 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 21, 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 21ST DAY OF JULY, 2014.

/S/ John M. Muhlfeld, Mayor

ATTEST:

/S/ Necile Lorang, City Clerk

Councilor Anderson made a motion, second by Councilor Sweeney, to approve the Consent Agenda as presented. 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)

a) Consideration of application from William and MaiBritt Bennett for a Conditional Use Permit for an accessory dwelling unit at 416 Ramsey Avenue subject to 6 conditions (WCUP 14-02) (p. 55) (CD 32:07)

Planner Minnich reported on the application from William and MaiBritt Bennett requesting approval of a Conditional Use Permit to construct an accessory apartment at 416 Ramsey Avenue, (see location map on page 66 of the packet). The property is currently developed with a single family residence and is zoned WR-2 (Two Family Residential District). The Whitefish Growth Policy designates this property as "Urban". The proposed structure will be less than 600 square feet, and will comply with the standard setbacks established in the zoning regulations. The proposed access for the accessory apartment will be along Ramsey Avenue on the north side of the subject property as shown on the site plan on page 84 of the council packet. The Whitefish City-County Planning Board held a on public hearing on this proposal at their June 19, 2014 meeting and recommend approval as recommended in the staff report, with an amendment to Condition #2 by replacing the word "as" with "if", so that after the comma, the conditions reads "if the impervious surface of all constructed areas exceed 5,000 square feet." Planner Minnich said after the Planning Board meeting, staff met with the applicant and Public Works regarding the stormwater plan addressed in Condition #2; and have determined that the total area of impervious surface will not trigger the stormwater plan, so staff recommends that Condition #2 could be removed.

Mayor Muhlfeld opened the public hearing.

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Rhonda Fitzgerald, 412 Lupfer Avenue, spoke in support of the accessory apartment; but said there were several of these that she thinks, unfortunately and illegally, might be being used as short term rentals but are under the radar; you can find them online.

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

Councilor Hildner made a motion, second by Councilor Frandsen, to approve the Bennett Conditional Use Permit for an accessory dwelling unit at 416 Ramsey Avenue subject to 6 conditions, with the amendment to Condition #2 replacing “as” with “if” as recommended by the City-County Planning Board. The motion passed unanimously.

b) Consideration of application from Brett and Janice Pierce for a Conditional Use Permit for an accessory dwelling unit above a two car garage at 728 Columbia Avenue subject to 8 conditions (WCUP 14-04) (p. 86) (CD 38:56)

Planner Minnich reported on the application for a Conditional Use Permit from Brett & Janice Pierce, to construct an accessory apartment above a proposed two car garage at 728 Columbia Avenue (see map on page 97 of council packet). The property is currently developed with a single family residence and is zoned WR-2 (Two Family Residential District). The Whitefish Growth Policy designates this property as “Urban”. The proposed structure will be less than 600 square feet, which allows a reduced side and rear setback of 6 feet from the property lines as established in the zoning regulations. The proposed access for the accessory apartment will be from the alley located on the west side of the subject property. (See site plan on page 106 of the council packet). The Whitefish City-County Planning Board held a public hearing on this proposal at their June 19, 2014 meeting and recommend denial of this application for a conditional use permit and amended Findings of Fact #2 to read: “While the proposed use complied with the WR-2 zoning district it does not comply with Section 11-3-1 of the regulations regarding accessory apartments because the owner does not maintain permanent residence of the primary structure.” Staff recommends approval of this conditional use permit with seven (7) conditions as set forth in the staff reports, and with the recommendation to add an eighth (8th) condition to read:

Condition 8: No roof shall be permitted to extend over the 2nd floor deck to increase the living area of the accessory apartment. This shall be included in the deed restriction or restrictive covenant recorded prior to the issuance of a building permit.

Mayor Muhlfeld opened the public hearing.

Cole Blackwell, 760 State Park Rd., Technical Representative on the project, told the Council the applicant understood all of the conditions of approval and would comply with those and the deed restrictions.

There being no further public comment, Mayor Muhlfeld closed the public hearing and turned it over to the Council for their consideration. Council had a few more questions for Planner Minnich.

Councilor Sweeney made a motion, second by Councilor Frandsen, to approve the Pierce Conditional Use Permit for an accessory dwelling unit above a two-car garage at 728 Columbia Avenue subject to eight (8) conditions of approval as recommended by staff. The motion passed unanimously.

- c) **Resolution No. 14-23; A Resolution in support of a countywide 911 special district with new fees similar to the countywide landfill fee system and pledging to reduce the FY16 property tax mill levy by an amount equivalent to the budget savings from the discontinuation of annual city financial support of the 911 system (p. 121) (CD 51.33)**

City Manager Stearns gave the staff report. On February 1, 2009, the Whitefish City Council approved the 911 Interlocal Agreement which consolidated all dispatch services among the cities in Flathead County with Flathead County's 911 dispatch. The Interlocal Agreement was finally approved and signed by all parties in April, 2009 and a copy of the Interlocal Agreement is in the packet (council packet page 131) with this report. A key provision of the interlocal agreement was for the board to appoint a committee to study funding issues and search for funding mechanisms more appropriate and acceptable to the parties of the agreement. Manager Stearns was a member of the committee, and the committee worked for two years and finally submitted a report to the 911 Administrative Board in May of 2011 (a copy of that report is on page 143 in the council packet). The parties involved continued to work on this issue working towards placing something on a ballot for a public vote. No one was very enthusiastic about placing a property tax levy on the ballot. Last year, Commissioner Gary Krueger suggested an alternative to fund 911 with an assessment similar to the landfill assessment which appears on county property tax bills where there are structures (vacant land is not assessed for the landfill cost). Commissioner Krueger worked with County Administrator Mike Pence and county staff on the particulars of such a proposal and the final product and recommended structure is contained in a report in the packet called the "**FLATHEAD EMERGENCY COMMUNICATIONS FUNDING PLAN**". The creation and funding of such a Special District has to be voted upon by all electors in Flathead County. This proposal seems to be a funding proposal that will provide a stable funding source in the future for 911, especially for needed capital equipment replacement and additions. Manager Stearns is asking for the City Council, after considering testimony at a public hearing, adopt a Resolution in support a countywide 911 special district with new fees similar to the countywide landfill fee system and pledging to reduce the FY16 property tax mill levy by an amount equivalent to the budget savings from the discontinuation of annual city financial support of the 911 system. The proposed resolution was discussed by the Mayor and City Council at their meeting on July 7, 2014 who then directed staff to prepare a resolution for their review and consideration.

Neither the Mayor or the Council had any questions for Manager Stearns. Mayor Muhlfeld opened the public hearing, and no one wished to speak so the public hearing was closed and the matter turned over to the Council for their consideration.

Councilor Anderson made a motion, second by Councilor Barberis, to approve Resolution 14-23; A Resolution in support of a countywide 911 special district with new fees similar to the countywide landfill fee system and pledging to reduce the FY16 property tax mill levy by an amount equivalent to the budget savings from the discontinuation of annual city financial support of the 911 system. The motion passed unanimously.

- d) **Resolution No. 14-___; A Resolution of Intention indicating its intent to accept and approve the 2014 Review of the 2007 Whitefish City-County Master Plan (2007 Growth Policy), with amendments to the text and maps, as an addendum to the 2007 Growth Policy - Two year review of the 2007 Growth Policy and consideration of changes to the 2007 Growth Policy (p. 151) (CD 1:03:14)**

Planning and Buiding Director Taylor said the Council held a work session on this item prior to tonight's regular meeting. Director Taylor continued with his staff report saying this item is a six-year review

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of the 2007 Whitefish City-County Growth Policy; such a review is done every two years. The Whitefish City-County Planning Board met regarding this review on February 20, 2014 for a work session on the Future Land Use Maps, held a work session on the Infill Policy on March 20, 2014, and held public hearings on May 15, 2014 and June 19, 2014. The Planning Board review included consideration of existing conditions, the plan's recommended actions, and recommendations to the City Council as to the Future Land Use Maps, the Infill Policy, and implementation priorities per directives contained in the Growth Policy establishing a biennial review. On page 154 in the packet, Director Taylor said, as outlined in the Growth Policy biennial review description, staff has gone through the Growth Policy and analyzed its effectiveness in working toward community goals and carrying out its vision. (Contained in the report) are updates and comments on various aspect of the Policy, notably the Resource Analysis, Infill Policy Review, and the Implementation Strategy. Appendix A is a detailed review and update on Recommended Actions adopted.

Mayor Muhlfeld opened the public hearing.

Mayre Flowers, representing Citizens for a Better Flathead (CBF) , 35 4th Street West in Kalispell, said CBF appreciates this opportunity to comment on this review on tonight's agenda, and their comments are included in the packet (page 248). She highlighted inconsistencies and the need for more detail in trends and projections from the Resource Analysis. And she called out issues with the Future Land Map and categories and recommended updates, the Whitefish Growth Policy Infill Policy, The Whitefish Growth Policy Implementation Strategy, and the recommended actions of the Growth Policy in Appendix A. She asked the Council to table this item tonight and appoint a taskforce who could do a more detailed review.

Susan Prilliman, 334 W. 3rd, said she was against bars and breweries in neighborhoods; and didn't think neighborhoods wanted them either. She said that would cause a slippery slope and she hoped the Council would provide protection for sensitive neighborhoods.

Rhonda Fitzgerald, 412 Lupfer Avenue, said she agreed with Mayre Flowers' comments and that this should be tabled for more detailed review. She said during 2007 with the adoption of the 2007 Growth Policy there were several months of meetings and gathering public comments. She feels the current review and recommendations are in conflict with those concepts gathered in 2007. She requested the Council hold off on any action and conduct more study. Most importantly, protect impacts on existing neighborhoods.

There being no further public comment, Mayor Muhlfeld closed the public hearing. Mayor Muhlfeld said adopting tonight's resolution indicates Council's intent to accept the review; but asked if the resolution could be changed if the Council had other recommendations. Manager Stearns advised that if they were not ready to take the step of approving this review and recommendations of actions; the Council should offer an alternative to give staff direction rather than adopt any portion of the proposed resolution in the packet.

Councilor Anderson made a motion, second by Councilor Frandsen, to acknowledge receipt of the 2014 Review of the 2007 Whitefish City-County Master Plan (2007 Growth Policy), and to appoint a sub-committee of the Council, three (3) Councilors and the Mayor, to work with staff to analyze and to provide recommendations, if any, for changes in the Growth Policy.

Councilor Anderson asked if there was any timeframe that needs to be considered with this review, and Director Taylor said the Growth Policy is in place, and has a two-year review built into it; and that is this current process – there aren't any other time requirements. Councilor Anderson said it wasn't that he didn't want to implement any of the recommendations in tonight's report, it is just that he would like to have time for more detailed review. Councilor Anderson felt it could be left in the hands of the sub-committee to report

back to Council after a review with a public process, possibly workshops followed by another public hearing to allow for more public input; leaving the time-frame and notices of review up to the sub-committee. Councilor Sweeney commented that he assumed the review would include consideration of the recent Supreme Court decision regarding the extra-territorial jurisdiction and the City's growth and annexation plans for the next 15 to 20 years. Councilor Anderson said he felt that should be included in the review along with other things that are important as well.

The motion passed unanimously.

Mayor Muhlfeld followed with appointments to the sub-committee including himself, Councilor Anderson, and Councilors Frandsen and Sweeney who volunteered to the committee.

8) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR (CD 1:35:22)

a) Consideration of approving the selection of an engineering firm for the design of the East 3rd Street sewer and street overlay project (Block 46 sewer relocation) (p. 254)

Public Works Director Wilson said the City advertised for requests for proposals for consulting engineers and received three (3) responses that the Public Works Department reviewed. Subsequently, the Department negotiated a Phase I engineering contract with Robert Peccia and Associates for the East Third Street Sewer Project. The proposed new sewer main would intercept the flow at manhole 24-103 in the alley east of Kalispell Avenue, as shown on the attached drawing in the packet, and is proposed for TIF funding. The time it takes for engineering design, State approval and construction bidding will not allow a start on this improvement project until next spring. These improvements will correct the current problem with the sewer main under the church and enable development of Block 46, which could go ahead and be started this fall and the sewer main would be abandoned next year. Staff respectfully recommends the City Council approve a Phase I engineering contract for the East Third Street Sewer Project with Robert Peccia and Associates in an amount not to exceed \$34,300. Awards for construction and management services of the project will come before the Council next spring.

When asked by Councilor Sweeney if this project was predicated on a development of Block 46 for which we have not yet received a proposal; Manager Stearns said yes, but preliminary engineering is the first step of an improvement project. If the potential development of Block 46 falls through, this contract could be canceled or the Council could decide to proceed with this planning part of a project that probably should go forward at some time. Manager Stearns said he has drafted a development agreement for a boutique hotel at Block 46 that the developer is currently reviewing, and the developer has said they are currently moving forward with the purchase of the property.

Councilor Frandsen made a motion, second by Councilor Hildner, to approve a Phase I engineering contract for the East Third Street Sewer Project with Robert Peccia and Associates in an amount not to exceed \$34,300. The motion passed unanimously.

b) Consideration of approving the selection of an engineering firm for the design of the West 7th Street (Baker Avenue to beyond Karrow Avenue) Resort Tax street reconstruction project (p. 257)

Director Wilson said the City Council, on February 18th, designated West 7th Street as the City's next street reconstruction project and authorized staff to proceed with the consultant selection process. The project area is shown on the attached drawing, (page 259). The Public Works Department advertised a Request for

Statements of Qualifications from interested engineering consultants and interviewed the three top ranked firms in mid-April. The highest ranked firm following the interviews was Robert Peccia and Associates (RPA). Staff chose to delay contract negotiations because of heavy workloads and returned to that task over the past few weeks, and have now negotiated for Phase 1 of this project. Given the limited budget for street reconstruction in FY 2015, the proposed consultant agreement is intended to proceed in several phases. The first phase will involve field surveys, preliminary engineering and substantial public involvement to work through the many concerns expressed at City Council meetings back in February. Subsequent phases will provide for engineering design, preparation of construction documents, easements and temporary construction permits, coordination for the relocation of private utilities, bidding services and construction management. The Public Works Department has negotiated this Phase I scope of services as outlined in the staff report (page 258) for a fee not to exceed \$78,600, which would be paid out of the Resort Tax Fund.

Councilor Hildner questioned how the cost was determined and Director Wilson said it is based on what they wanted to accomplish per the scope of work. Mayor Muhlfeld asked about other street projects planned for the Resort Tax fund and Director Wilson said it depends on cash flow, but this will be the priority project for 2015, 2016, and maybe into 2017.

Councilor Anderson made a motion, second by Councilor Sweeney, to approve a Phase I engineering consultant contract for the West 7th Street Reconstruction Project with Robert Peccia and Associates, as described above, in an amount not to exceed \$78,600. The motion passed unanimously.

c) Consideration of an amendment to the engineering contract with WGM Group for the Whitefish West (Hwy 93) utilities project for construction inspection and management (p. 260)

Director Wilson reported that Phase II of the State's Whitefish West – Highway 93 Reconstruction Project is starting up, along with the City's improvements for water and sewer infrastructure between Karrow Avenue and Mountainside Drive. The City has an ongoing contract with WGM Engineers for engineering design and construction management services. His staff report recommends the City Council approve a contract amendment providing for Phase II construction management services. The scope of services includes the closeout of Phase 1 Construction and Construction Services for Phase II as listed on page 260. This project must move forward with the State's reconstruction of Hwy 93 West; funds are available for this project in the water and sewer funds by deferring a couple of the other capital improvement projects that were previously proposed in the preliminary budget for FY15. The Public Works Department has negotiated these Phase II construction management services for a fee not to exceed \$100,465, which would be paid in equal shares from the Water and Wastewater budgets.

Councilor Hildner asked for specific projects planned to be deferred. Director Wilson said it depends on Council's final adoption of the FY15 Budget, but he proposes to defer the Columbia Avenue Bridge Water Main project, and the Birch Point Lift Station project. In followup to questions from both Councilors Hildner and Sweeney, Director Wilson said both the Skye Park Bridge and the Birch Point Lift Station's designs will be completed this fiscal year and possibly ready for construction in Spring 2015, and completed by the summer. There is no time before winter to construct either the Birch Point Lift Station or the Skye Park Bridge. Along with running out of construction time, the City is still trying to negotiate with an adjacent property owner for a construction easement. Councilor Hildner asked if WGM were the engineers involved with the Veteran's Bridge, which Director Wilson confirmed and Manager Steams' followed up with the information that it would have been the state's contract with WGM that covered the bridge, so the City does not have direct responsibility for the bridge or the monuments. He assured Councilor Hildner that the City

understands Councilor Hildner's concern about the monuments, and Director Wilson assured the Council that WGM's performance has nothing to do with the concerns about the monuments.

Councilor Frandsen made a motion, second by Councilor Anderson, to approve an engineering contract amendment with WGM Engineers for Phase II construction management on the Whitefish West - Highway 93 Water and Sewer Improvements Project in an amount not to exceed \$100,465. The motion passed unanimously.

9) COMMUNICATIONS FROM CITY MANAGER (CD 1:52:30)

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 263)

Mayor Muhlfeld asked about the deficit in the percentage of completion of the East 2nd Street Construction update in the report on page 264. Manager Stearns asked Director Wilson if, even though the project is into 28% of the proposed time, but only 19% of project completion, do we have concerns that will they not complete the project in their allotted time? Director Wilson said he doesn't have concerns at this point. They talk about it weekly with the construction management, and they think they will get caught up and complete it on time.

Mayor Muhlfed added to the list of meetings that he and Manager Stearns are meeting tomorrow, Tuesday, at 9:00 a.m. with Robert Eaton, the Amtrak Government Affairs Officer for the northwest region to look at the Amtrak deck lights in regards to dark skies compliance.

b) Other items arising between July 16th and July 21st - None.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 1:54:55)

Mayor Muhlfeld asked Councilor Hildner to address the extended public comment time and alternative proposed revisions for a seasonal limitation of the Whitefish River for manually powered craft and electric motors as proposed by the Montana Fish and Wildlife Commission. Public comments must be received at the Parks Region 1 Office on at 490 North Meridian Road in Kalispell no later than August 8, 2014, and to be considered at the Commission's October meeting. Councilor Hildner encouraged people to submit their public comment. Mayor Muhlfeld asked if Councilor Hildner thought the Council should submit a letter of support again, supporting Council's original position of a year-round restriction. Councilor Hildner agreed, and with agreement from other Councilors and staff, Mayor Muhlfeld requested that letter be on the August 4, 2014 agenda for Council's consideration.

No other comments from Councilors.

Mayor Muhlfeld said he thought it was in his court to contact George Crandall at Crandall/Arambula, which he has done, to arrange a conference call with the working group (the Mayor and newest Councilors Barberis, Frandsen and Feury) regarding the updates for the Downtown Master Plan. They are going to try to set up something for the weeks of either July 28th or August 4th. He will get back to the working group on that.

Mayor Muhlfeld said last Friday BNSF, in conjunction with Glacier Park and the County, held a test deployment of an oil boom on the Middle Fork of the Flathead River. Fire Chief Kennelly said he was not contacted about it and the Mayor said he will advise Matt Jones and the group to include the City's Fire Department regarding any further testing. He said he would be talking with Matt Jones to find out how that

testing went, which the Mayor feels is a good response to some of the recent public comments and concern regarding oil being transported over the rails.

Mayor Muhlfeld said he and Manager Stearns have been trading emails regarding items for upcoming work session and he had some topics he would like to add to the list if Council approves.

- a) AIS Protocols and Quarantine Options
- b) Followup to Septic Leachate Study, possible actions and grant opportunities
- c) Local Emergency Response Plan regarding hazardous material spills (Chief Kennelly indicated they would be ready for a work session).
- d) Retail sales on Whitefish Lake
- e) Growth Policy discussions

Council indicated their agreement to the list. Councilor Sweeney said that, along with having an emergency response plan, he would like to get a preventing emergencies plan in place, in conjunction with the oil and gas industries, to avoid spills and other considerations regarding the transport of hazardous materials. The Council agreed.

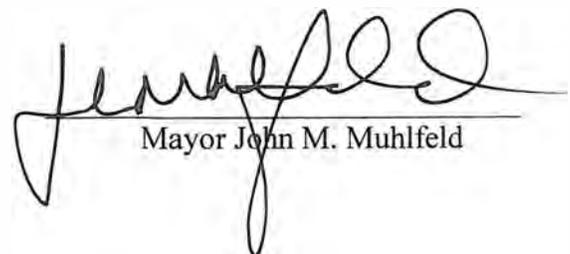
Manager Stearns said he thought his list of items that had been backed up for work sessions has been completed and asked Mayor Muhlfeld if there were any on his list that might be ready for the first vacancy; Mayor Muhlfeld said he thought Mike Koopal would be ready to followup on the Septic Leachate Study. It was discussed that there could be a break in work sessions and not schedule one for August 4th, but Manager Stearns said if there are any applications for currently advertised committee and board vacancies that interviews are advertised for August 4th. City Clerk Lorang said she will need either one or two Special Sessions at year's end again for the annual rotation of committee and board term expirations.

Mayor Muhlfeld said he would like Council's approval to write letters of support to Legacy Partners for their application for a \$1000 trail grant, and to the Stumptown Art Center for a funding source they found to fix a leaky roof, as requested by those groups. The Council indicated their approval and Mayor Muhlfeld said he would copy them on the letters.

11) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)(CD 2:07:08)

Mayor Muhlfeld adjourned the meeting at 9:20 p.m.

12) POSSIBLE CLOSED EXECUTIVE SESSION with City Attorney pursuant to §2-3-203(4)(a) MCA to discuss strategies to follow in regard to litigation. The Council did not reconvene into another session.



Mayor John M. Muhlfeld

Attest:



Necile Lorang, Whitefish City Clerk