

WHITEFISH CITY COUNCIL MINUTES

AUGUST 4, 2014

7:10 P.M.

1) 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, City Clerk Lorang, City Attorney VanBuskirk, Finance Director Smith, Planning and Building Director Taylor, Senior Project Engineer Hilding, Senior Planner Compton-Ring, Parks and Recreation Director Butts, Fire Chief Kennelly, and Police Chief Dial. Approximately 9 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Matt Baldwin to lead the audience in the Pledge of Allegiance.

3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda) (CD 1:50)

Stacey Schnebel, 110 Bear Street, Coram, MT., introduced herself as a candidate for County Commissioner, said she was here to introduce herself and observe a Whitefish City Council meeting.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 3:30)

There were not any Volunteer Board Reports from the audience so Mayor Muhlfeld asked if there were any reports from the Council. Councilor Hildner reported as it was the first Monday of the month the Bike/Ped Path Committee held their regular meeting. In the meeting they discussed the success of the Mark Fenton's Healthy Communities Workshop that was held on Tuesday, August 5th. He said just before this regular meeting, at the end of tonight's earlier Special Session, he had passed out a list of Whitefish Goals for healthy communities that were actually prepared prior to the workshop but are ongoing goals of the City. Those include:

- Active Transportation Plan (2014-2015) – series of walking audits
- Establish Path Legacy Program for Contributors
- Commit TIF funding to help fill in trail gaps before TIF expires in 2020
- Policy Change: Require Multi-model Transportation Impact Study instead of a Traffic Impact Study for new development projects
- Establish a Sidewalk Improvement Program
- Establish a Maintenance Fund for Bike/Pedestrian Paths.

He continued with his report and said this committee volunteers for work projects and recently did repair work on the handrails at the Rocksund Bridge. Workers included four committee members, Chris Miller, and two student volunteers from the 'Volunteer to Ski Program' sponsored by our Parks and Recreation Department, which he said is an awesome way for kids to earn a ski pass. He applauded Parks and Recreation for that initiative.

Councilor Barberis reported that the Weed Committee met this week and decided to do an Education Booth at the Farmer's Market so they are gathering materials for that project.

5) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC) (CD 5:27)

a) Resolution No. 14-24; 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 2530 and 2532 East Lakeshore Drive, for which the owner has petitioned for and consented to annexation (p. 23)

RESOLUTION NO. 14-24

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 2530 and 2532 East Lakeshore Drive, for which the owner has petitioned for and consented to annexation.

WHEREAS, Suzanne Jackson, as Trustee of the JACKSON TRUST, LLC., 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, described and shown more fully on Exhibit A, attached hereto and made a part hereof. 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 are hereby 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 and Lot 4 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 the 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 August 4, 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 4th DAY OF AUGUST, 2014.

/S/ John M. Muhlfeld, Mayor

ATTEST:

/S/ Necile Lorang, City Clerk

- b) Consideration of approving Second Supplemental Declaration of Annexation to Covenants, Conditions, and Restrictions (CCR's) for the Lodge at Whitefish Lake to add the new room addition to the CCR's (p. 33)**

Councilor Anderson made a motion, second by Councilor Frandsen, to approve the consent agenda as presented. The motion passed unanimously.

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

- a) Consideration of an application from Bret Walcheck of 48 North Engineering on behalf of Whitefish West Limited Partnership for a 15-lot preliminary plat subdivision called Timber Ridge - the property is located at 265 Haugen Heights Road and is 4.39 acres (WPP 14-4) (p. 57) (CD 5:45)**

Senior Planner Compton-Ring reported to the Council that this item was before the Council at their July 7, 2014 City Council meeting; and the Council tabled action on the preliminary plat application because the public notice indicated the development would consist of 15 single family lots, but the applicant request is to build the subdivision according to the underlying WR-2 zoning by leaving the possibility of townhouse/duplex lots or single family detached lots on the east side of the road and limiting the lots on the west side of the road to only single family. At the direction of Council, staff re-noticed the neighbors on July 16, 2014, placed updated flyers on the property and had a new legal published in the *Whitefish Pilot* on July 16, 2014. Eleven (11) petitions were received requesting the development only consist of single family lots and that parkland be dedicated instead of the proposed cash in lieu of parkland.

Staff recommends approval of the preliminary plat. The City-County Planning Board met and held a public hearing at their regular meeting on June 19, 2014; but following that public hearing they did not approve any motions to forward to the Council. At the July 7, 2014 Council meeting, the City Manager pointed out the lack of a condition of approval concerning the improvements to Lake Park Lane. Both the applicant and the City have discussed making these improvements and they are shown

on the preliminary plat map, but no condition was developed. As such, staff recommends the Council add the following condition:

20. Lake Park Lane shall be improved to a 20-foot wide paved surface. The final details and design shall be approved by the Public Works Director. (Finding 1, Finding 4, City Engineering Standards, 2009)

Mayor Muhlfeld opened the public hearing.

Brett Walcheck, P.E. President of 48 North, is the project engineer and spoke on the project.

Kathy Harding, 295 Lake Park Lane, told the Council she knocked on her neighbors' doors and circulated the petitions that are included in the packet tonight starting on page 292, in addition she had two more to submit which she handed to the Mayor. Those petitions are in support of parkland actually being dedicated instead of the developer's proposal for cash in lieu. She said she is the house north of the subdivision that will be impacted by car lights traveling north out of the subdivision and appreciates any efforts to lessen that impact.

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

Councilor Feury made a motion, second by Councilor Frandsen, to approve the application from Bret Walcheck of 48 North Engineering on behalf of Whitefish West Limited Partnership for a 15-lot preliminary plat subdivision called Timber Ridge - the property is located at 265 Haugen Heights Road and is 4.39 acres, subject to twenty (20) Conditions of Approval as recommended by staff. The motion passed unanimously.

7) COMMUNICATIONS FROM CITY MANAGER (CD 30:50)

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p. 304) –**
None.

Mayor Muhlfeld welcomed Dana Smith, the city's new Finance Director.

b) Other items arising between July 30th and August 4th

Manager Stearns also welcomed new Finance Director Dana Smith and reported on the public meeting held last Tuesday; a meeting with the city's architectural firm for the new city hall and parking structure, Mosaic Architecture P.C. for the purpose of gathering public input on concepts for the new construction. They will be back later in August for another public meeting, after which they will give a presentation to the Council to continue the process into the next phase. Manager Stearns thanked the community for attending these public meetings.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 33:15)

- a) **Discuss and ratify the Notice of Intent to form a City Planning Board that was mailed to the Flathead Board of County Commissioners on July 28, 2014 (p. 318)**

A letter signed by the Mayor and each Councilor addressed to the Flathead County Commissioners, notifying the Board of County Commissioners of the city's intention to form a City Planning Board as required by MCA §76-1-105; and requesting a timely response.

Councilor Anderson made a motion, second by Councilor Hildner, to ratify the above described Notice of Intent. The motion pass unanimously.

b) Consideration of approving a letter of support to the Montana Fish and Wildlife Commission regarding Whitefish River limitations (p. 320) (CD 39:37)

A letter signed by the Mayor and each Councilor addressed to Chairman Vermillion and Fish and Wildlife Commission of the Council's support of the City's original petition to the Commission; "to limit use to manually and electric powered watercraft from the railroad trestle south of Whitefish Lake to the bridge on JP Road." This closure would be in effect year-long.

Councilor Hildner made a motion, second by Councilor Anderson, to submit the above described letter, subject to being signed by the Mayor and each of the Council. The motion passed unanimously.

c) Discussion of upcoming work sessions (p. 322) (CD 42:47)

Manager Stearns said he would be scheduling #9 – Parking Structure BID vs SID either on September 2nd or October 6th.

Mayor Muhlfeld listed his priorities:

1. TPL Feasibility
2. Parking Structure BID/SID
3. Septic Leachate
4. Downtown Master Plan
5. Birch Point Quiet Zone
6. Emergency Response Plan – response and evacuation procedures
7. Affordable Housing – Habitat for Humanity request a meeting
8. North Valley Hospital – request to meet with Board and Executive Director
9. AIS Protocols and Procedures
10. Retail / Commercial Uses on Whitefish Lake
11. ARC Standards – work session on standards and interpretations

And other:

1. Sonoran Institute – video on development and tax returns
2. Mayre Flowers' request for a work session on access to packet and records – from comments at May 5, 2014 meeting
3. Growth Policy meetings should take precedent/priority.
4. Interviews & process – suggestion to hold interview files for a year to streamline this process.

Councilor Sweeney suggested moving up the Emergency Response Plan in light of the oil spills that have happened recently and Mayor Muhlfeld suggested it be moved up within the next four to eight

weeks. Otherwise, the Council was in concurrence with the order of this list and agreed to have a break from work sessions at the 2nd meeting in August.

Other Council Comments.

Councilor Feury said he had received many phone calls regarding construction delays and rough and dusty conditions over the weekend. (2) In regards to the budget, Councilor Feury said, especially in the Planning Department revenue from fees, they will have to consider how much loss of fees they will experience due to the loss of the extra-territorial jurisdiction. (3) He requested the group working on the issue of parkland by Cow Creek meet soon regarding the Whitefish Lake Institute's interest in having in deeded to them. (4) The fundraiser for Whitefish Lake Institute held last Thursday and Friday was a success.

Councilor Anderson congratulated two local baseball teams for their outstanding season; the All Stars went to the World Series and the Glacier Twins went to the Regionals in Alaska. He said that is great for a community of our size.

Councilor Barberis said she would be writing her letter in support of the River Regulations that the Council voted to support tonight and encouraged others to send in their letters.

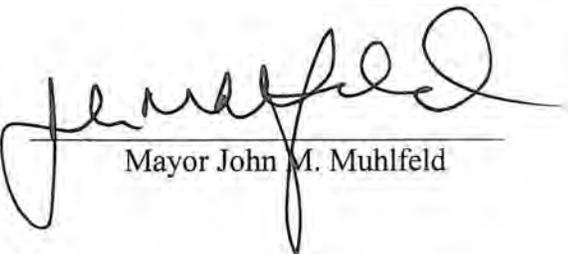
Mayor Muhlfeld said he also received many complaints regarding construction delays. And, he asked the Council if there was interest in a Council Retreat to which the Council indicated they were, so he suggested it could be scheduled sometime in October.

Manager Stearns said Engineer Hilding goes to weekly meetings for the Hwy 93 W project and she can relay the messages that the Council has been receiving. Hilding said their comments are helpful and she will relay them to the construction team. She said when delays were discussed the contractors have said they will try to keep them to a mamimum of ten minutes.

City Clerk Lorang suggested that the Weed Committee's Education Booth at the Farmer's Market could let the public who stop by know there is a vacancy on that committee that needs to be filled.

9) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority) (CD 1:00:43)

Mayor Muhlfeld adjourned the meeting at 8:12 p.m.



Mayor John M. Muhlfeld

Attest:



Necile Lorang, Whitefish/City Clerk