

WHITEFISH CITY COUNCIL MINUTES
SEPTEMBER 15, 2014
7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Anderson, Hildner, Feury and Sweeney. City Staff present were City Clerk Lorang, City Attorney VanBuskirk, Finance Director Smith, Planning and Building Director Taylor, Public Works Director Wilson, Interim Fire Chief Page, Police Chief Dial and Senior Planner Compton-Ring. Mayor Muhlfeld said City Manager Stearns was out of town attending a conference and City Clerk Lorang was Acting City Manager tonight. Approximately 8 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Chris Hyatt 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 1:15)

Mayre Flowers, from Citizen's for a Better Flathead, 35 4th Street West in Kalispell, requested that staff give the public adequate review time for Corridor Plans.

Rhonda Fitzgerald, 412 Lupfer Avenue, said her comments are related to agenda item 8c), the approval of the scope of work for the Downtown Master Plan update by Crandall-Arambula. She spoke for approval; and said that the entire community of Whitefish has enjoyed the benefits of successful implementation of elements of the original Master Plan. Completed priority catalyst projects have boosted the downtown core and helped build a strong economy in Whitefish at a time when other smaller communities have been struggling. She said there is more work to do so the next phase of this contract will help to facilitate the next steps.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 4:00)

Councilor Hildner reported on the last Bike/Ped Path Committee (Committee) meeting held on Monday, September 8th. The Parks and Recreation Department (the Department) is working to get both state and local approval for improvements at the Whitefish Landing (BNSF). Plans for the Skye Park Bridge are expected next month; that improvement project will likely be separated from the bid of the sewer improvement project at the same site. The Department is continuing to determine ownership for the path over the culverts by Town Pump, it is either MDOT or DNRC. The Council will be receiving a request for funding stairs at Second Street and Stumptown in October. The stairs are complete down to the river at The Kay Beller Park, Councilor Hildner encouraged people to check those out. The Committee will have a volunteer work project to do some spot seeding along the paths, dependent on getting the seed and the volunteers. He said the public might not be aware that the 'Safe Route to Schools' program facilitated the purchase of 22 bicycles and tools for repair and maintenance for the bike education program; unfortunately the Safe Route to Schools statewide program is coming to an end.

He said the Bike/Walk to Work/School Day will be announced and is coming soon. Bike lanes have recently been striped on Pine, Baker Avenues and 2nd Street. The Department's administrative report included discussion about revising ordinances to make some of the advisory committees to be subcommittees of the Park Board instead of the Council, which may be coming soon to the Council.

Secondly, Councilor Hildner reported attending the Ad Hoc New City Hall Committee (Committee) meeting on Thursday, September 11th, where the Committee addressed design elements and office spaces. It is currently back to the architects for refining; the architects did contact Crandall-Arambula, the Downtown Master Plan consultants regarding design elements. The architects will be making a presentation to the Council on October 6th.

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 8:25)

- a) Minutes from the September 2, 2014 Council regular session (p. 21)**
- b) Ordinance No. 14-08; An Ordinance of the City Council of the City of Whitefish, Montana, providing that the Whitefish City Code be amended by adding Title 2, Chapter 15, providing for the creation of the Whitefish Planning Board, consistent with State law, and repealing Section 11-7-4 (2nd Reading) (p. 33)**
- c) Resolution No. 14-40; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City 1.050 acres of land in Section 1, Township 30 North, Range 22 West, that will become a part of 6348 Highway 93 South, for which the owner has petitioned for and consented to annexation (p.37)**

RESOLUTION NO. 14-40

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City 1.050 acres of land in Section 1, Township 30 North, Range 22 West, that will become a part of 6348 Highway 93 South, for which the owner has petitioned for and consented to annexation.

WHEREAS, HDH Holdings, LLC, by and through Howard D. Hamilton, Manager, on behalf of Property Owner, 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 described in the Petition for Annexation and Exhibit "A", attached hereto and incorporated herein by reference.

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 September 15, 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 15TH DAY OF SEPTEMBER, 2014.

EXHIBIT 'A'

A TRACT OF LAND, SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

Commencing at the southeast corner of Lot 2, Dear Tracts Subdivision (records of Flathead County, Montana), which is a found iron pin on the westerly R\W of U.S. Highway No. 93; Thence leaving said R\W N87°38'54"W 778.66 feet to a found iron pin; Thence N28°36'58"E 229.37 feet to a found iron pin on the north boundary of said Dear Tracts Subdivision; Thence along said north boundary S87°41'06"E 82.74 feet to a set iron pin and the TRUE POINT OF BEGINNING of the tract of land herein described; Thence leaving said north boundary N00°01'06"E 125.60 feet to a found iron pin; Thence S89°33'55"E 351.38 feet to a found iron pin; Thence S02°35'28"W 137.03 feet to a set iron pin on the north boundary of Dear Tracts Subdivision; Thence along said north boundary N87°41'06"W 345.50 feet to the point of beginning and containing 1.050 ACRES; Subject to and together with all appurtenant easements of record.

/S/ John M. Muhlfeld, Mayor

ATTEST:

/S/ Necile Lorang, City Clerk

Councilor Sweeney 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)) (CD 8:44)

- a) Resolution No. 14-41; A Resolution to establish registration fees for alarm system businesses and for structure alarm systems by property owners and customers and false alarm fees when City equipment responds to false emergency services, fire, and police alarms (p. 51)**

Police Chief Dial gave the staff report; the public hearing has been advertised and the fees are set out in the resolution. He did point out that the registration fees for alarm businesses, and businesses and/or homes with alarms, is a one-time registration fee.

Mayor Muhlfeld opened the public hearing. There was no public comment, Mayor Muhlfeld closed the public hearing and turned the matter over to the Council for their consideration.

Councilor Feury made a motion, second by Councilor Sweeney, to adopt Resolution No. 14-41; A Resolution to establish registration fees for alarm system businesses and for structure alarm systems by property owners and customers and false alarm fees when City equipment responds to false emergency services, fire, and police alarms.

Councilor Hildner requested a status report in 6 months to see if this action is getting the expected results; and Chief Dial replied that since they started addressing this issue, the number of false alarm reports for the Police and Fire Departments is already going down. Councilor Frandsen asked about notification to those properties with alarms of the new registration process and Chief Dial said they are planning a notification and implementation process. Mayor Muhlfeld acknowledged Chief Dial, Chief Kennelly and the Chamber of Commerce for working together finding solutions to this situation.

The motion passed unanimously.

7) COMMUNICATIONS FROM CHIEF OF POLICE (CD 12:43)

- a) Ordinance No. 14-09; An Ordinance amending Whitefish City Code Section 9-1-4 regarding false fire alarms to include all false alarms, and to provide registration requirements for all alarm system companies and administrative fees (Second Reading) (p. 57)**

Chief Dial pointed out some minor clarifications in Exhibit "A" of the ordinance that differ from the first reading. Section 9-1-4.B – the last sentence reads that effective January 1, 2015, all property owners will pay a fee for each new alarm system installed in the City. In further explanation, Chief Dial said all properties are required to register their alarm systems, but new systems going in after January 1, 2015, will be charged the one-time fee. The other change is in Section 9-1-4.G.3 – the three words "false alarm fee" was changed to read that way instead of fine, to be consistent with the definition of False Alarm Fee set out in paragraph H.

Councilor Hildner made a motion, second by Councilor Frandsen, to approve Ordinance No. 14-09; An Ordinance amending Whitefish City Code Section 9-1-4 regarding false fire alarms to include all false alarms, and to provide registration requirements for all alarm system companies and administrative fees; Second Reading. The motion passed unanimously.

8) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a) Resolution No. 14-42; A Resolution maintaining the cash-in-lieu payment in connection with affordable housing at the current \$8,000.00 per unit (p. 62) (CD 15:02)**

Planning Director Taylor said this is an annual review; and the fee is an option for developers of a PUD (Municipal Code Section 11-2S-3(B)(1), providing that a density bonus may be taken when a “cash-in-lieu” payment is made in the amount set by City Council each year by resolution. After consulting with Lori Collins, Director of the Whitefish Housing Authority, the recommendation is to maintain the affordable housing cash-in-lieu per unit fee for future Planned Unit Developments at \$8,000.

Councilor Anderson made a motion, second by Councilor Frandsen, to approve Resolution No. 14-42; A Resolution maintaining the cash-in-lieu payment in connection with affordable housing at the current \$8,000.00 per unit.

Councilor Sweeney commented that this program is in place but not raising any funds through the system and the program needs review. Councilor Hildner said the need to improve and increase affordable housing stock in Whitefish was the subject of a recent meeting at the Chamber of Commerce. Mayor Muhlfeld said he believed it will be revisited during a Council work session as it is on their list of priorities and goals.

The motion passed unanimously.

- b) Discussion and direction on which Corridor Plan to pursue next and when to initiate work on it (continued from June 16th meeting) (p. 67) (CD 18:22)**

Director Taylor said this is a continuation of the conversation that the Council had with staff on June 16, 2014, when they talked about finishing out the current Hwy 93W Corridor Study before beginning with any other plan, as more than one plan at a time is too much for his current staffing levels. The latest amendments to that plan should arrive in the office later this week so it can move forward to the Steering Committee, then to the Planning Board, then to the Council for the adoption followed by elements of implementation of the Plan. Additionally, he and his staff are currently working on amendments to the code they will be bringing forward to make them consistent with the City’s zoning jurisdiction following the Supreme Court decision. Staff is asking for Council’s direction. Council discussed both Wisconsin Avenue and Hwy 93S plans, and the Growth Policy Review. Also coming forward is the Downtown Master Plan amendments and implementation. Director Taylor suggested the possibility of hiring a consultant to help with some of the tasks. Mayor Muhlfeld said in summary, following the completion of the Hwy 93W Corridor Study, and the Downtown Master Plan and Growth Policy review this fall and winter – which may give more complete direction of further corridor studies;

move forward after the beginning of 2015 with the Wisconsin Avenue plan followed by a Hwy 93S plan with consideration given to outsourcing facilitators to move those forward.

c) Consideration of Amendment #3 to contract with Crandall-Arambula for Downtown Master Plan update (p. 74) (CD 30:54)

Senior Planner Compton-Ring said tonight's recommendation follows the February 2014 approval of Amendment #2 which included the gathering of more public input at a community information forum that was held in March. The Mayor and Council working group have also met with the consultants Crandall-Arambula on elements of Amendments #2 and #3; which was followed up by staff working with the consultants developing the scope of work detailed in this Amendment #3, and included in tonight's Council Packet. This amendment includes the work and three (3) one person visits for two public meetings and one meeting with Council. Staff notes there are still funds allocated from Amendment #2 that could cover one of the meetings, so Amendment #3 for \$89,895 could be reduced by one meeting and paid for by TIF contingency funds.

Councilor Anderson made a motion, second by Councilor Frandsen, to approve contract Amendment #3 with Crandall-Arambula for \$89,895 less one meeting and authorize the City Manager to approve a contract amendment for those terms.

Councilor Frandsen made an amendment, agreed to by Councilor Anderson, maker of the original motion, to form a working group that will oversee and work with the consultants and who report progress and status of this phase to the Council.

Mayor Muhlfeld said there was already a working group which would be a place to start.

The amendment passed unanimously.

The original motion, as amended, was approved unanimously.

9) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR (CD 37:13)

a) Consideration of allowing annual, inflationary rate increases for water, sewer, and solid waste rates to go into effect (p. 85)

Public Works Director Wilson said this is an annual review and consideration by the Council for automatic inflationary rate and fee increases for the Water, Wastewater and Solid Waste Funds, based on Council's adoption of Resolution 13-29 in October 2013, providing for water and sewer rates be automatically adjusted on October 1st of each year "based on the increase, if any, in the U.S. Department of Labor's Water, Sewer and Trash Collection Services Consumer Price Index for All Urban Consumers for the twelve-month period ending the preceding December 31." Automatic increases of 3% for solid waste services each October 1st through 2016 is also included in Resolution 13-29 corresponding with the current service contract with North Valley Refuse. Director Wilson said it is important to keep rates in pace with inflation and that small increases help offset rising costs and help offset large increases required by major future expansions. Since the provisions of Resolution 13-29 calls for these increases to be automatic, no action is required by the Council if they agree with these increases; if the Council

prefers something different, any direction given can be brought back with a new resolution at the next meeting.

Mayor Muhlfeld asked for questions or direction for staff and there was none. Mayor Muhlfeld said no action deems approval of the 3% increase in rates for solid waste and a 3.6% CPI increase for Water and Wastewater rate and fee increase.

10) COMMUNICATIONS FROM CITY MANAGER (CD 41:04)

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p. 96) –**
None.
- b) **Other items arising between September 10th and September –** None.
- c) **Resolution No. 14-43; a Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the Internal Revenue Code (p. 103) (CD 41:25)**

Finance Director Smith said this resolution is prepared by our bond counsel, Dorsey & Whitney, to stay in compliance with tax-exempt bonds and the use of State funds for water and/or wastewater projects; specifically in this case the funds are for the River Lakes Force Main Project. The amount listed in the resolution is \$500,000, which is over the engineer's estimate, but this is a provision of an amount "up to"; we don't have to do the full drawdown on the loan, but it is there in case we need it.

Councilor Feury made a motion, second by Councilor Frandsen, to approve Resolution No. 14-43. The motion passed unanimously.

11) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 43:24)

- a) **Letter and petition from Warren Schweitzer and Ingela Schnittger to exclude (de-annex) their property at 2154 Houston Drive from City limits (p. 110) –** No comments.

Other Council Comments:

Councilor Hildner asked for status of action on the two abandoned signs and Director Taylor said new construction is scheduled at the old Wendy's location so that should be coming down, and a letter was sent to the owners of the old hospital site giving them 30 days to remove that sign. Councilor Hildner asked if there has been any recent effort for bear resistant containers south of the viaduct, it is bear season again. Director Wilson said nothing recently, just some general discussions with the contracted hauler; the logistics of finding a solution replacing the large (300 gallon) alley containers used citywide makes it difficult and very expensive. Thirdly, Councilor Hildner said there had been two major water main breaks on the Hwy 93W construction project. Director Wilson said they have found a whole lot of stuff in a small right-of-way and the contractor has put forth a special effort to deal with the situations as they have come up.

Councilor Frandsen announced the "Start-up Glacier" presented this weekend Friday through Sunday at Flathead Community College for entrepreneurial and new business idea presentations and discussions.

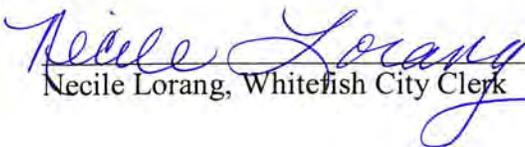
Councilor Anderson supported Councilor Hildner's request for more bear-resistant containers, the bears seem to be roaming more south of the tracks, he saw fresh evidence on JP Road by the bike path and Director Wilson agreed the bears like the creek and river corridors. Secondly, Councilor Anderson said he would like to officially appoint a spokesperson for the Council for speaking at County Commission meetings; and he suggested Councilor Sweeney, with Councilor Hildner as alternate, and he asked if there was Council support. Mayor Muhlfeld said he would just ask to be kept informed of what meetings the spokesperson will be attending and what they have in mind saying on behalf of the Council. Councilor Sweeney said he would be willing to take on that task with the proviso that he knew the views of at least the majority of the Council for what they wanted him to relay. Councilor Sweeney noted the County Commission hold lots of meetings on lots of different subjects and he said it would be helpful to have a city staff member keep an eye on that schedule and notify the spokesperson when an agenda item is coming up on a meeting that the Council should be aware of. He also thought that someone on the Planning Staff should be watching agenda items that come before the County Planning Board meetings and watch for issues, again, that Council should be aware of; he would like it to be an assignment to one of the Planning Staff. Mayor Muhlfeld said he agreed and addressed the matter to Director Taylor, who said they already do that. The Mayor asked for a show of hands for Councilors Sweeney and Hildner being the Council's official spokespeople at County Commission and Planning Board meetings. Councilors showed unanimous support. Councilor Anderson said he thought this was important as good things have been happening in this town of Whitefish, and he wanted to keep close tabs on anything that might affect us.

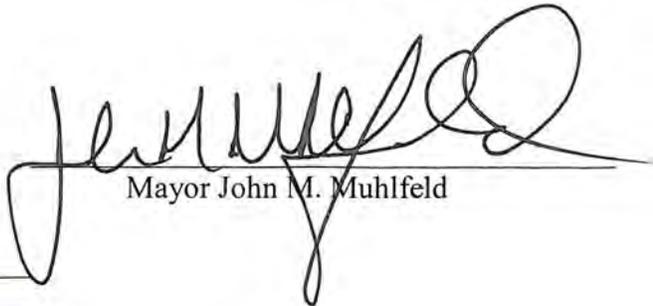
Mayor Muhlfeld said a Council Retreat has been talked about and needs to be scheduled, an email will be sent out so a date can be set. Mayor Muhlfeld thank TPL for the good work session before tonight's regular meeting and asked staff to place a link on the City's website for the power point presentation they did tonight, as well as to their Conservation Finance Feasibility Study. To follow up on a neighborhood's request for sidewalks on Texas Avenue, Mayor Muhlfeld asked if the Resort Tax Advisory Committee (Committee) did a fieldtrip to review priorities of street and sidewalk projects and Councilor Anderson said the field trip was done and project priorities will be on the next Committee agenda. Councilor Anderson said he will be sure the Committee is aware of that neighborhood's request during that discussion. Councilor Hildner said he is planning to attend the 5th Monday meeting on taxation to be held in Kalispell at the Red Lion on September 29th.

12) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority) (CD 1:00:24)

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

Attest:


Necile Lorang, Whitefish City Clerk


Mayor John M. Muhlfeld

Please return to Necile

PUBLIC HEARINGS

PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 9/15/14

PLEASE PRINT NAME and ADDRESS

A Resolution establishing registration fees for alarm system businesses, structure alarm systems, and false alarm fees

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