

WHITEFISH CITY COUNCIL MINUTES

October 6, 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 Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Finance Director Smith, Planning and Building Director Taylor, Public Works Director Wilson, Parks and Recreation Director Butts, Interim Fire Chief Page, Police Chief Dial, Senior Planner Compton-Ring, and Planner II Minnich. Approximately 25 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Richard Atkinson to lead the audience in the Pledge of Allegiance.

3) PRESENTATION – Presentation by Ben Tintinger of Mosaic Architecture on the recommended conceptual scheme for the future City Hall and Parking Structure – this item was postponed to later in the agenda under Public Hearings Item #7i.

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 01:11)

None.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 1:35)

Councilor Hildner reported on the last Bike/Ped Path Committee (Committee) meeting held this morning. TD & H presented drawings of the Skye Park Bridge; plans are to go out for bids in February. The construction project should last two months.

Councilor Barberis, Councilor Representative on the Weed Control Advisory Committee, (Committee) reported the Committee met and approved amendments to the Weed Control Plan regarding Soroptomist Park, allowing weeds to be sprayed as in other City Parks. She said the Committee also discussed a plan for an overall review and update to the Weed Control Plan; and that one of their goals is to become spray-free in regards to weed control in all City Parks.

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 2:58)

a) Minutes from the September 15, 2014 Council regular session (p. 33)

b) Consideration of approving application from Bruce Boody Landscape Architect on behalf of the Richard Bennett III Revocable Trust for Whitefish Lake Lakeshore Permit (#WLP-14-W40) at 1726 West Lakeshore Drive to repair existing dry stacked riprap located in

front of an approved retaining wall with the addition of approximately 4 cubic yards of new rock material to supplement the existing rock, subject to 16 conditions. (p. 41)

Councilor Feury made a motion, second by Councilor Hildner, 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)) (CD 8:44)

7a) Consideration of a request from Scott Freudenberger to amend Condition of Approval #28 in the Old Town Phase 1 Subdivision regarding the requirement on Lot 7 to maintain a fence around the storm detention pond; Staff Report WPP-05-04 (p. 58)

Senior Planner Compton-Ring reported the staff recommends amending Condition #28 by allowing the removal of the required fencing unless the water depths exceed the standards found in the most recent Whitefish Engineering Standards, then the property owner of Lot 7 shall install a fence around the pond at their expense.

Mayor Muhlfeld opened the public hearing.

Andy Gentry, 129 Stumptown Loop, and the owner of adjacent Lot 6, said he was in favor of removing the fence as it is an eyesore. He has lived there for 2 ½ years. The fence was constructed on an incorrect property line and later was cut down by Mild Fence at the order of Greg Eaton who had the fence constructed in the first place. He showed a picture to the Council that illustrated what remains on his property; the concrete conduit in the ground that held the fence posts, which stick up above ground. He had removed some but not all of them and requested it be required that those all are removed as well. He said he had requested their removal at a Homeowner's Association (HOA) meeting, but his request had not been granted by the HOA. He said those conduits are hazardous. He also requested it be required that if there is a time the fence has to be reconstructed, it needs to be subject to HOA standards and be a wooden fence.

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 amend Condition of Approval #28 in the Old Town Phase 1 Subdivision regarding the requirement on Lot 7 as recommended in Staff Report, which shall now read: "Lot 7 shall be maintained in perpetuity as a stormwater facility until a viable city system is developed in the area. Add "If water depths exceed the standards found in the most recent Whitefish Engineering Standards, the property owner of Lot 7 shall install a fence around the pond at their expense." Delete "A fence shall be provided around the drainage pond of Lot 7 for public safety"; and retain "The design of the fence shall be approved by the Planning Department."

Councilor Hildner amended the motion, second by Councilor Barberis, to require removal of the fence in its entirety including all concrete and posts.

Councilor Anderson recognized Scott Freudenberger to comment on the amendment; who said the fence was cut down before either he or Andy Gentry purchased each of their lots, so the conduits existed at the time of the purchase. He said since there is not a string showing the property lines, he is not sure if the remainder of the fence lies on Lot 6 or Lot 7. Andy Gentry was recognized to return to the podium who said he removed all of the conduits from his Lot 6, what remains is on Lot 7.

The vote on the amendment was a tied vote, Councilors Barberis, Hildner and Sweeney voted aye, Councilors Anderson, Frandsen, and Feury voted no, Mayor Muhlfeld vote no and the amendment failed.

The original motion, without amendment, passed unanimously.

7b) Consideration of an application from Jennifer Howell for a Conditional Use Permit for an accessory apartment at 444 Columbia Avenue – the accessory apartment will be located above a proposed two car garage in the rear of the subject property, adjacent to the existing alley; Staff Report WCUP 14-06 (p 76). (CD 20:00)

Planner II Minnich gave the staff report, concluding staff's recommendation to approve the conditional use permit subject to ten (10) conditions.

Mayor Muhlfeld opened the public hearing.

Jill Lawrance from Montana Creative Architecture and Design, and representing the applicant, said she didn't have anything to add, but was in attendance to answer questions.

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

Councilor Anderson made a motion, second by Councilor Frandsen, to approve a Conditional Use Permit for an accessory apartment at 444 Columbia Avenue subject to ten (10) Conditions of Approval as recommended by staff. The motion passed unanimously.

7c) Resolution No 14-44; A Resolution of Intention indicating its intent to adopt a map amendment to the 2007 Whitefish City-County Growth Policy, as requested by Four Fools, LLC, and Richard and Carol Atkinson and adopting findings with respect to such amendment; WZC 14-01/WZC 14-03 (p. 112) (CD 25:53)

Mayor Muhlfeld said agenda items 7c and 7d are related and will both be presented in one staff report, but a separate motion on each agenda item will be required.

Planner Compton-Ring submitted the report and said both the Planning Department and the Planning Board is recommending approval of the application for the Growth Policy Map Amendment from Low Density Multi-Family Residential to Limited Commercial designation and the Zoning Map Amendment reflecting the zone change request in item 7d. The purpose of the Growth Policy map

amendment is to facilitate a rezone on three parcels from WR-3 (Low Density Multi-Family Residential District) to WB-1 (Limited Commercial District).

Mayor Muhlfeld opened the public hearing.

Eric Muhleahy from Sands Surveying at 2 Village Loop, Kalispell, Montana, said their firm is the Technical Assistant for this proposal, and spoke representing the applicants. He said Planner Compton-Ring's staff report hit all the issues, and they felt staff has done a great job on the staff report and he didn't have anything to add. He said the restaurant use is existing, and there are two houses; one with a conditional use permit for a professional office. He said the applicants do not have a current development plan that they want to move forward with, that this application was more a housekeeping action and a long-range effort to have their zoning in place.

Richard Atkinson, 404 Dakota Avenue, said he discussed this property's land use with the Planning Office in 2007, with then Director Horne, about possible changes and was told there was action pending in that area that would handle their situation, but Atkinson said it never happened. So he said this is bringing their issue back to match other conditions in the neighborhood. In addition, he mentioned their neighbor to the west was against tall development on this subject lot that would block his view; and the Fire Department has advised them tall development on the back of either of their lots is not possible as there is not access as required by the Fire Department. So, Atkinson said there isn't the possibility of future development that would block anyone's view from above.

Steve Nogal, resident of Kalispell and part of the business on Wisconsin Avenue, addressed the issue of fire vehicle access. He said they excavated to build the foundation for the restaurant; and further development on the back of their lots would require access off of Iowa Avenue.

There being no further public comment, Mayor Muhlfeld closed the public hearing and turned it over to the Council for their consideration. Councilor Frandsen had a question for Planner Compton-Ring regarding adjacent zones.

Councilor Sweeney made a motion, second by Councilor Anderson, to adopt Resolution 14-44; A Resolution of Intention indicating its intent to adopt a map amendment to the 2007 Whitefish City-County Growth Policy, as requested by Four Fools, LLC, and Richard and Carol Atkinson and adopting findings with respect to such amendment.

Council discussion followed.

The motion passed on a vote of four (4) to two (2), Councilors Hildner and Feury voting in opposition.

7d) Ordinance No. 14-10; An Ordinance rezoning approximately 2.23 acres of land located at 510, 540 and 550 Wisconsin Avenue, Section 25, Township 31 North Range 22 West, Whitefish, Montana from WR-3 (Low Density Multi-Family Residential) to WB-1 (Limited Commercial District) and adopting Findings with respect to such rezone; (1st reading) WGPA 14-01/WZC 14-03 (p. 156) (CD 48:04)

Mayor Muhlfeld said we have already heard public testimony on this item and asked if there was any Council discussion or a motion.

Councilor Feury made a motion, second by Councilor Anderson, to approve Ordinance No. 14-10; An Ordinance rezoning approximately 2.23 acres of land located at 510, 540 and 550 Wisconsin Avenue, Section 25, Township 31 North Range 22 West, Whitefish, Montana from WR-3 (Low Density Multi-Family Residential) to WB-1 (Limited Commercial District) and adopting Findings with respect to such rezone on its first reading. The motion passed unanimously.

7e) Resolution No. 14-45; A Resolution to establish a new fee for the rezone of properties that accompany a development project and annexation whenever an Applicant wishes to rezone their property back to what it was zoned before County interim zoning (p. 161) (CD 49:23)

Planner Compton-Ring gave the staff report saying there are projects pending that suddenly have had their zones changed because Flathead County adopted interim zoning outside the city limits; and those properties will be required to annex into the city and rezoned back to a comparable Whitefish zone. The proposed reduction in fees should encourage annexation and development. Members of the Council asked questions of Planner Compton-Ring in clarification of the issues.

Mayor Muhlfeld opened the public hearing.

Rebecca Norton, 530 Scott Avenue, spoke in favor of the resolution.

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 Sweeney, to approve Resolution No. 14-45; A Resolution to establish a new fee for the rezone of properties that accompany a development project and annexation whenever an Applicant wishes to rezone their property back to what it was zoned before County interim zoning. The motion passed unanimously.

7f) Resolution No. 14-46; A Resolution amending Section 1.3 and 1.5 of the City of Whitefish Engineering Standards to establish the property owners' consent to annexation as a requirement to initiate or continue receiving City services (p. 166)

7g) Resolution No. 14-47; A Resolution amending Rules VI, XV, SSI, and XXII of the Rules and Regulations for the City of Whitefish Water, Wastewater and Garbage Utility to establish the property owners' consent to annexation as a condition to receiving services and responsibility for utility services (p. 172) (CD 55:13)

Mayor Muhlfeld said that again as these two items are related, there will be one staff report, and one public hearing held in conjunction for both agenda items 7f and 7g.

City Attorney VanBuskirk said the proposed amendments clarify the City's process requiring annexation as a condition to continuing or connecting to city services. These amendments establish

policies and processes to facilitate procedures for City Departments regarding annexation of developments that are currently on, or want to connect to, city services. Mayor Muhlfeld asked if the third whereas section in the proposed resolution on page 166 of the packet should read "...sewer or water services..." and Attorney VanBuskirk said that would be corrected if the Council approved the resolution.

Mayor Muhlfeld opened the public hearing.

Rebecca Norton, 530 Scott Avenue, spoke in support of the proposed resolutions.

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

Councilor Anderson made a motion, second by Councilor Frandsen, to approve both Resolution 14-46; A Resolution to establish a new fee for the rezone of properties that accompany a development project and annexation whenever an Applicant wishes to rezone their property back to what it was zoned before County interim zoning; and Resolution No. 14-47; A Resolution amending Rules VI, XV, SSI, and XXII of the Rules and Regulations for the City of Whitefish Water, Wastewater and Garbage Utility to establish the property owners' consent to annexation as a condition to receiving services and responsibility for utility services, as recommended by staff, including the text correction in the proposed resolution on packet page 166 as noted above. The motion passed unanimously.

7h) Resolution No. 14-48; A Resolution of the City Council of the City of Whitefish, Montana, to establish City policy on gated communities within the City limits and amending the City of Whitefish Engineering Standards to address City policy on gated communities (p. 178) (CD 59:49)

Attorney VanBuskirk said her staff report included details of the long-term process of adoption of the 2007 Whitefish City-County Growth Policy, including a Vision Statement created by the many involved in that long-term process; that identified the scale, character and small town feel of the community and valued by the community. A Key Theme during that process was the communities' expression of open space corridors and continuity of streets and access maintained to publicly and privately owned roads, trails, and lands; otherwise stated as "no gated communities." The proposed resolution includes and acknowledges the development of the 2007 Whitefish City-County Growth Policy (Growth Policy) and the conclusions of the Vision Statement, and that along with the Growth Policy, the City of Whitefish Engineering Standards, the Whitefish Transportation Plan, and the City Subdivision regulations were developed to strongly encourage the continuity of streets...discourage dead-end streets...and prohibiting gates to subdivisions or other residential neighborhoods which would be a threat to Whitefish's small town feel and neighborhood character. The proposed amendment to the City Engineering Standards reads: "Gates. No subdivision or other residential neighborhood shall gate its streets off from public access. No features, temporary or otherwise shall give the impression to the public of a gated neighborhood."

Mayor Muhlfeld opened the public hearing.

Duane Reisch, 209 Fairway Drive, spoke in favor of the resolution. He said the Grouse Mountain Homeowner's Association held a meeting about three weeks ago and only 4 of the 35 in attendance were for the gates. He said Grouse Mountain does not want a gated community.

Sean Frampton, 341 Central Avenue, said he was here tonight on behalf of Grouse Mountain Estates, and said he felt that this resolution is directed to Grouse Mountain Estates. He said he is not here to discuss the policy, but only as it relates to Grouse Mountain Estates, and whether or not this resolution applies to Grouse Mountain Estates, which is the top of the mountain. He said he felt the statements in the resolution regarding the 2007 Growth Policy were not relevant because it is ten years after the Grouse Mountain Estates were approved by the Council, and Grouse Mountain Estates is a unique situation which he said he would address. He said the Council approved Grouse Mountain Estate's gates in the late 1990's and 2000, and all they are doing now is moving the location of the two existing gates. He handed out copies of approval documents to the Council and to Attorney VanBuskirk, wherein private roadways were approved "...for the sole use of the (property) owners....entitled to close them to vehicular access by the public..." In conclusion, Frampton said the policy of 2007 does not apply to the Grouse Mountain Estates subdivisions that already had approval. He said his same principal applies to the code section against gated communities, that it was adopted after Grouse Mountain Estates subdivisions' approval. He said the two existing gates only closed off access to a part of the roads, his clients now want to change the location of those two gates to close off access to all of the roads in the subdivision. He said his client proceeded correctly by first coming to the City to apply for a permit and was told a permit was not needed, so his client purchased new gates and proceeded with the process to locate them in the new positions. He said he felt it is pretty clear his clients can close off their roads, and the only way to close off roads to vehicular access is by gates. Frampton said the proposed resolution is for a policy in general and does not speak specifically to Grouse Mountain Estates, but he would like the Council, in their deliberations, to specifically name how this new resolution would apply to Grouse Mountain Estates.

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 adopt Resolution No. 14-48; A Resolution of the City Council of the City of Whitefish, Montana, to establish City policy on gated communities within the City limits and amending the City of Whitefish Engineering Standards to address City policy on gated communities. The motion passed unanimously.

Mayor Muhlfeld called for a break at 8:25 p.m. and reconvened the Council at 8:35 p.m.

7i) Consideration of approving the recommended conceptual scheme for the future City Hall and Parking Structure, providing direction on the cost limitations of the future City Hall and Parking Structure and the timing of construction, and authorizing the City Manager to enter into an agreement for the next phase of Architectural Design with Mosaic Architecture (p. 190)
(CD 1:11:58)

Ben Tintinger with Mosaic Architects gave a presentation to Council, a culmination of a process that started in June 2014, wherein this firm has met in numerous work sessions gathering input from

City Staff, the Ad Hoc Future City Hall Steering Committee (Committee) and the public regarding needs, hopes, preferences and visions for functions and size and cost of a new city hall, all part of Phase 1 of this project. The planning process also included a tour of the architects along with members of the Committee to 4 city hall projects in the Seattle area, to view projects of similar size for communities of similar size that were recently built. That was a great learning experience and many findings from that tour were taken into consideration for this proposal. The Council has had a preliminary presentation at a work session held earlier this evening before tonight's regular session. Tonight's presentation includes a concept design which, at this point, is diagrammatic, without the detail of location of doors, windows, or how the exterior will look; that is all part of Phase II. The diagrams included a proposal for which departments will be on the first and second floors, with a Council Chambers on the 2nd floor, with a possibility of a 3rd floor allowing an extended ceiling height on the Council Chambers, an overlook/overflow area for the Council Chambers and a combined community room/staff break room. Part of the area on the 3rd floor, and a partial or full basement, are unprogrammed areas at this point. This has been a work in progress; after each meeting with the stakeholders the architects would go back and redesign based on areas that needed to be readdressed to accommodate anticipated needs. The Committee met September 11th to consider three design schemes that Mosaic had prepared, and came forward with a recommendation for a Scheme 1 (with part of the Committee liking Scheme 2), along with a recommendation for Mosaic Architects to contact the City's Downtown Master Plan consultants Crandall/Arambula; so Mosaic did follow up and had a peer to peer review on September 12th. Tintinger said that was helpful on a planning perspective identifying elements of priorities that are included in the Master Plan, i.e. active edges, addressing corner accesses and street accesses, and the retail space identified as an important element of the parking garage. Since then, and working with those planning elements highlighted by Crandall/Arambula, Mosaic Architects have been working on a revision, combining some of Scheme 1 and 2, and during the work session tonight he had proposed this pending revision. To keep it separate from the others during the work session, some on the Council identified it as Scheme 1.5, which is not on paper yet. Mosaic has been working on this concept in-office and will be bringing it back to the Ad Hoc Steering Committee for their review and consideration. He said that brings us to tonight's action; he is looking for Council's determination of square footages and cost parameters, authorization to proceed to the next phase of architectural design which begins with schematic design, and the timing of construction. He said the schematic design will include 3-D images of the look, materials, and the feel and function of the building, along with the functional plans including site plans and floor plans. Site development takes those plans into more design detail, followed by construction documents, to delivery method; followed by a bidding phase and construction. He said Mosaic will be involved in all these phases, continuing through the construction phase. Tintinger completed his presentation explaining elements of Plan Scheme 1 with an attached parking garage that includes a retail space at the corner of Baker Avenue and E. 1st Street.

Mayor Muhlfeld said a representative of the Committee was here as a part of tonight's presentation. Ian Collins, Vice Chair of the Committee, said he was here tonight as Chair Sherri Baccaro was not able to attend, but her report from the Committee was included in the packet on page 190. Collins said he realized that this is new material to many, so he said Chair Baccaro's report on page 190 reviews this process that goes back to its beginning in November 2011. After considering and taking public input on site location, the Council approved the Committee's recommendation to rebuild a new city hall at the current location on E. 2nd Street and Baker Avenue in September of 2012. After a process, Mosaic Architects were selected and the design work started.

Mayor Muhlfeld opened the public hearing.

Vanice Woodbeck, 600 Wisconsin Avenue, is the Committee's secretary, and is also on city staff and a city resident. She asked for Council's support of the Committee's recommendation to include a 3rd story and a full basement. She said all that space will be needed in the future, and to go back to add a 3rd floor later will cost more money, which would probably cause taxpayer discontent; they'll ask why we didn't do it all in the first place? She said the 3rd floor can be used for future growth and a full basement can be used for needed storage. She said she didn't necessarily agree with proposed decks and green roofs; but we need the space of a 3rd floor. She said a lot of time and effort has been put in by the Committee and she hopes the Council will support their recommendation.

Toby Scott, 1478 Barkley Lane, a member of the public and a member of the Committee, also supports and hopes the Council will support the Committee's recommendation. He said as mentioned before, adding additional construction later presents problems; hard to add to a basement once a foundation is dug and poured. He said during the tours in Washington, it was mentioned more than once that those projects did not include enough storage space. The 3rd floor may seem like fluff, but it would be a positive space for staff. He said he thought we should go for the most we can get and get the best bang for our buck; these designs are conceptual, and he supported approval.

John Kramer, has property on Wisconsin Avenue and Nelson's Crest, said first of all he wanted to commend the Mayor and Council for all of their time and effort they give to the community voluntarily, he said it is very humbling and this community is indeed very lucky. Regarding this specific project, he thought it was interesting to hear from two citizens and both taxpayers, Vanice Woodbeck and Toby Scott, who both support building out this project all the way and he tends to agree with them. He said we only have one chance to do this right; agreeing that you can't add on to a basement, and more of the same thing for the 3rd floor. It might sound like a large amount now, but look at what the City has done with other TIF funds, great things for the Fire and Police Departments and towards the school expansion, this will be a great investment for the next 75-100 years. The site is limited so might as well maximize it; a full basement for storage and lower parking can be utilized by staff. He commended the architects meeting with the downtown consultants and maybe taking the best from their schemes one and two to include those important planning elements. Don't be short-cited; build for the future; and he hopes construction can start next year because construction costs keep going up. He thanked the Council for this opportunity to speak.

Ian Collins, 898 Blue Herron Drive, and a citizen's representative on the Committee. He said he was not supportive of Scheme 1 and is glad to hear about possibilities of a Scheme 1.5; so since there is a possibility of another scheme he cannot support moving forward tonight. He said whether it is semantics or not, he doesn't see choosing a scheme tonight. Overall, he said he feels like all the proposals have been too generous with setbacks and open space; he said in general, business in B-1 extend their buildings to the extent they can which is to the lot line. He also supports the comprehensive landscaping plan adopted in the Downtown Master Plan and supported by the Heart of Whitefish. In addition, the parking structure continues to be the weak point in the planning so far, and needs to have more consideration for how it will help build and support the business community.

Necile Lorang, Whitefish City Clerk and a member of the Committee, said that during this process and all along, while considering new construction, her request has been to please, don't minimize the needs for a new city hall. She spoke in support of the current plan; it meets those needs including a full basement for storage and a 3rd floor which includes a community space along with staff and user space. She said she thought a basement and a 3rd floor were important, and thanked the Council.

There being no further public comment, Mayor Muhlfeld said he would like to get a pulse from the Council regarding their comfort level in this process; were they ready to move forward with recommendations tonight? He said his reason for asking that is to see if the Council would like to close the public hearing and move forward with recommendations, or if they would like to continue it to the next meeting on October 20th for further consideration. Council held discussion regarding that and the Mayor said, based on comments he heard, he closed the public hearing. City Manager Stearns called the Council's attention to the spreadsheet in the packet on page 269 in consideration of whether to continue the public hearing. He said the main option to scheme adoption seems to have to do with the 3rd floor, and the spreadsheet itemizes elements of the building and estimates their costs, so the Council can see the difference when one element is either added to or taken away from the project. The Mayor said in order to engage more public they are going to want to see an outside design rather than the nuts and bolts of what departments need that are in these schemes; and Ben Tintinger said their work on Scheme 1.5 has had considerable discussion in-office and they are close to having something they could present to the Committee, which Council has expressed that it needs to be vetted through the Committee who will follow up with recommendations to the Council, which he agrees with. Once they get that scheme decided on – a rendering of an outside design can be quickly advanced and presented. Manager Stearns gave a caution to the Council, the Committee might still vote for Scheme 1, even after they have seen Scheme 1.5.

Members of the Council discussed their pros and cons to the options, and their support or not of them and gave directions regarding moving forward. Councilor Feury asked for a recap of Council's direction to staff. Manager Stearns said he could do that by working on the four decision points that were asked for in his staff report on packet page 267.

- 1) On the general conceptual scheme, the Council seems to mostly favoring a Scheme 1.5, for which the details are forthcoming through the channel of first to the Committee, then to the Council. The Council could possibly make that decision on October 20th, or when they are ready. Elements of Scheme 1.5 are understood by the Council to take in comments from the downtown consultants Crandall/Arambula.
- 2) Total square footage is dependent on the option of the 3rd floor, he has heard support and not support of that from the Council tonight. Council has requested more information from Mosaic Architects on incremental costs and options for the 3rd floor.
- 3) The cost cannot be determined until the square footage is determined.
- 4) Construction start date; Council would like to go forward as soon as we can to get in while interests rates are still low; if everything falls in to place construction could start next year.

City Clerk Lorang verified that the public hearing had been closed which the Mayor said was correct.

Ben Tintinger said, in regards to the third floor, he suggested leaving it in while developing the schematics so cost options can be considered, and also for that 3-D rendering to show what it would look like with and without a third floor. He said that is often done with projects; giving bid alternates that are carried all the way through before decisions on final design, and it doesn't affect the overall cost of that phase that much. Councilor Frandsen asked Manager Stearns if it could be written into the contract for the next phase that Mosaic Architecture will continue to meet and get from Crandall/Arambula moving forward in the design phase because we now have a contract with Crandall/Arambula that they will review this process; can we memorialize that they will work together? Manager Stearns said the contract is in the packet, if that item was added he would have to ask Mosaic to itemize those incremental costs for that additional review. Ben Tintinger said that puts them in an awkward position; he understands and respects that relationship between Whitefish and Crandall/Arambula, a lot of good things has been accomplished through the Downtown Master Plan. And he respects the comments they gave in respect to the planning issues for the city hall design. However, he takes exception regarding architectural details, he doesn't want too many cooks in the kitchen. Mayor Muhlfeld said he feels comfortable that the Council has the ultimate decision, and since Mosaic Architecture had the peer to peer review with Crandall/Arambula and made revisions to their plans taking in recommendations regarding planning elements, he feels that the professionals are working together and it doesn't need to be an addition to this contract.

8) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR (CD 3:11:09)

- a) Consideration of approving small increases in the costs for the proposed stairways to the pedestrian – bicycle trail at Stumptown Inn and at East 2nd Street and Miles Avenue (across the street from Kay Beller Park) (p. 303)**

Parks and Recreation Director Butts said Council approved (1) \$15,000 TIF funding on October 21, 2013 for a stairway attaching the Stumptown Inn to the trail system, and (2) \$16,300 TIF funding on February 3, 2014 for stairs on the north side of the 2nd Street Bridge near Kay Beller Park. In July of this year the staff received new cost estimates, due to increased construction costs, adding \$4,587 to the (1) project for a total of \$19,587; and \$238 to the (2) project for a total of \$16,438; as described in her staff report.

Councilor Hildner made a motion, second by Councilor Barberis, to approve Tax Increment Funding for the Stumptown Inn stairway not to exceed \$20,000 and Tax Increment Funding for the 2nd Street Bridge stairway not to exceed \$17,000, as recommended in the staff report. The motion passed unanimously.

9) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.311) – None.**
- b) Other items arising between October 1st and October 6th (CD 3:13:58)**

City Manager Stearns said the updated draft of the 93 West Corridor Plan is now posted on the website. And the MDT construction manager on the Hwy 93W construction project has requested that all complaints be forwarded to him as soon as possible after receiving them so those complaints can be addressed.

10) COMMUNICATIONS FROM CITY ATTORNEY (CD 3:15:39)

- a) Resolution No. 14-49; A Resolution adopting findings of fact in support of the City Council's denial of the petitions for exclusion of land, Lots 28 and 29 of Houston Lake Shore Tracts, 2154 Houston Drive, from the City of Whitefish (p. 324)**

City Attorney VanBuskirk said the Council has in their packet the proposed resolution and her complete staff report, wherein she recommends that the City Council review prior staff reports (included in tonight's packet), memorandum and exhibits and deny the second petitions for exclusion of land from the City of Whitefish, as they failed to meet the §7-2-4805 MCA factors.

Councilor Anderson made a motion, second by Council Hildner, to approve Resolution No. 14-49, a resolution to deny the petitions for exclusion and adopting findings of fact in support of the City Council's denial of the petition for exclusion from the City of Whitefish Lots 28 and 29 of Houston Lake Shore Tracts. The motion passed unanimously.

11. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 3:21:31)

- a) Affirm Flathead County appointment of Jim Laidlaw as the Flathead County appointment to the Whitefish Planning Board.**

Manager Stearns said we have not received written status, and Planning and Building Director Taylor said he had talked to the County Clerk who said Jim Laidlaw had been reaffirmed as the County Representative to the permanent Whitefish Planning Board.

Councilor Feury made a motion, second by Councilor Frandsen, to affirm the County's appointment of Jim Laidlaw to the Whitefish Planning Board for a position with the term expiring December 31, 2015. The motion passed unanimously.

- b) Letter from Tracy Stone-Manning, Director of Montana Department of Environmental Quality, regarding City's letter requesting holding hearings on increased railroad traffic from the proposed Otter Creek, LLC coal mine (p. 361)**

Manager Stearns said a separate letter had been sent to the Surface Transportation Board at the same time so he feels the Council's request has covered that base.

- c) Appointment of members to Whitefish Planning Board if not make during special session earlier tonight**

Mayor Muhlfeld appointed Ken Stein, John Ellis and Rebecca Norton for the positions with terms expiring December 31, 2016; and Ken Meckel for a position with the term expiring December 31, 2015. Councilor Anderson made a motion, second by Councilor Frandsen, to ratify the Mayor's appointments. The motion passed unanimously.

Councilor Frandsen made a motion, second by Councilor Anderson, to appoint Melissa Picoli for a position with the term expiring December 31, 2015. The motion was approved by five aye votes, Councilor Sweeney abstained.

Councilor Hildner made a motion, second by Councilor Anderson, to appoint Councilor Sweeney as the Council representative for a position with the term expiring December 31, 2015. The motion was approved by five aye votes, Councilor Sweeney abstained.

Councilor Sweeney said he would certainly serve at the Council's pleasure, but that would give him three appointments to outside committees because he also serves on the Park Board and the Ice Rink Advisory Committee. Councilor Barberis volunteered to take the position as the Council's representative to the Ice Rink Advisory Committee.

Councilor Hildner made a motion, second by Councilor Anderson, to appoint Councilor Barberis as the Council's representative to the Ice Rink Advisory Committee. The motion passed unanimously.

- d) Select an elected official to participate in the selection committee for an engineering consulting firm for the Depot Park Master Plan Phase II improvements project**

Councilor Frandsen volunteered to participate without objections from any on the Council.

- e) Consideration of cancelling the December 15, 2014 City Council meeting as has been the tradition in the past.**

The Council approved cancelling the December 15, 2014 City Council meeting by acclamation.

Other Council Comments: (CD 3:23:33)

Councilor Sweeney asked if the downtown lights had been fixed and Public Works Director Wilson said they have been fixed. Councilor Sweeney asked for a status report on the abandoned signs and Director Taylor said the owner of the vacated North Valley Hospital site said he would be coming in with an application for a new sign permit.

Councilor Feury thanked Attorney VanBuskirk for her complete staff reports on tonight's agenda items. He said he would like to see the City adopt a policy regarding annexations on property developments that include city services; and that would be to have the property petition for annexation prior to their development application instead of simultaneous applications for annexation and development.

Councilor Hildner said recent reports reflect a lot of new bear activity in town which accentuates to him the need for the City to address citywide bear-resistant garbage containers. He gave kudos to the Park Board and the Parks and Recreation Department for moving forward and completing the new restrooms attached to the O'Shaughnessy Center and in close proximity to Depot Park; he said they are a

great addition to the City. He reported the sidewalk bulb-out at the northwest corner of Spokane Avenue at E. 1st Street is in poor repair; Director Wilson said they would look into repairing it.

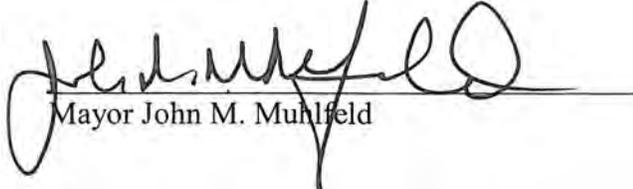
Councilor Frandsen reported that the Start Up Weekend at FVCC sponsored by Montana West Economic Development (MWED) was successful; she serves on the MWED Board. She asked about the ice failure at the rink and Director Butts said it was due to an equipment failure and they had to close down for a day but the equipment has been fixed.

Councilor Barberis said she and Councilor Hildner and Director Wilson attended the Regional Waste Water Committee meeting last week and learned more about future increased costs that the City will have to meet in order to maintain required clean water standards; and issues regarding having all sources be maintained to insure clean water.

Mayor Muhlfeld said the Council's retreat has been set for November 6th beginning at 10:00 a.m., the location to be determined. He asked that Council compile agenda items.

11) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority) (CD 3:40:45)

Mayor Muhlfeld adjourned the meeting at 11:13 p.m.



Mayor John M. Muhlfeld

Attest:



Necile Lorang, Whitefish City Clerk

Please return to Necile

PUBLIC HEARINGS

PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 10/6/14

PLEASE PRINT NAME and ADDRESS	7a) Amd Conditions Old Town Sub L 7	7b) Conditional Use Permit 444 Columbia Ave	7c) Growth Policy Amdt 510-550 Wisconsin Av	7d) Rezone WR-3 to WB-1 510-551 Wisconsin Ave	7e) New Fee-Rezone at Development and Annexation	7f) Amd Engineering Standards/Annexation & City Services	7g) Amd Rules/Regs Annexation & City Services	7h) Amd Engineering Standards - Policy Gated Communities	7i) Considertion Conceptual Scheme - Future City Hall and Parking Structure
1. <i>Andy Gentry</i>	X								
2. <i>Jill LAWRENCE</i>		X							
3. <i>Sandy Nogal</i>			X	X					
4. <i>Rich Atkinson</i>			X	X					
5. <i>Stephan Nogal</i>			X	X					
6. <i>Anna Wallace</i>		X							
7. <i>CAROL ALZISON</i>			X	X					
8. <i>Vanessa Wuebben</i>									X
9. <i>ERIC MULCAHY</i>			X						
10.									
15.									
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9.									
0.									

STATE OF MONTANA

FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

No. 2223

CITY OF WHITEFISH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that at its regular meeting on Monday, October 6, 2014, at 7:10 PM, in the Whitefish City Council Chambers, located at 402 East 2nd Street, Whitefish, Montana, the Whitefish City Council will conduct a public hearing for the purpose of receiving public input regarding (1) City policy on gated communities and amendment of Section 8.1 of the Whitefish Engineering Standards to address the City policy on gated communities and development within the City limits; (2) amendment of Rules VI, XV, XXI, and XXII to the Utility Rules and Regulations and amendment of Sections 1.3 and 1.5 to the Whitefish Engineering Standards to address when consent to annexation is required from property owners; and (3) establishment of a fee for rezoning of properties requiring annexation into the City limits.

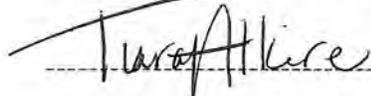
Individuals may appear or submit written testimony at the hearing to comment on gated communities, amendments and rezoning fee. Written comments may be delivered or mailed to the Whitefish City Clerk, 418 East 2nd Street, PO Box 158, Whitefish, Montana 59937, or emailed to nlorang@cityofwhitefish.org. Additional information may be obtained by visiting the City Clerk's Office or by calling 863-2400.

Sep. 24, and Oct. 1, 2014
MNAXLP

TIARA ALKIRE BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS THE LEGAL CLERK OF THE **WHITEFISH PILOT** A WEEKLY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF WHITEFISH, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT NO. 2223

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF September 24, and October 1, 2014

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

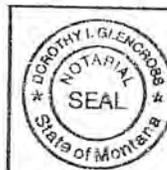


Subscribed and sworn to
Before me this October 9, 2014



Dorothy I. Glencross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/11/2017



DOROTHY I. GLENCROSS
NOTARY PUBLIC for the
State of Montana
Residing at Kalispell, Montana
My Commission Expires
September 11, 2017