

WHITEFISH CITY COUNCIL MINUTES

December 1, 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, Senior Planner Compton-Ring, Public Works Director Wilson, Parks and Recreation Director Butts, and Police Chief Dial. Approximately 90 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Turner Askew to lead the audience in the Pledge of Allegiance. Mayor Muhlfeld reminded all in attendance of the Principles for Civil Dialogue adopted in February of 2007, a policy for all boards, committees and personnel of the City of Whitefish, and read them aloud.

3) PROCLAMATION – Mayor Muhlfeld read the proclamation for April 24, 2015 as Arbor Day.

4) ADMINISTER OATH OF OFFICE TO MEMBERS OF THE WHITEFISH LOCAL GOVERNMENT STUDY COMMISSION

Mayor Muhlfeld administered Oaths to Turner Askew, Rebecca Norton and Ken Williams, all who will be serving on the Whitefish Local Government Study Commission.

5) 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 6:07)

Rebecca Norton, 530 Scott Avenue, said she hoped the Hwy 93 South sidewalks can be kept clear of snow this year; and if the property owners do not keep their sidewalks clear of ice and snow that the Code Enforcement Officer will enforce that ordinance.

Jan Metzmaker, 915 Dakota Avenue, asked the City to request a status report from DEQ on the plume and their mediation plan in the Railroad District; and she told the Council she supported passage of the 2nd reading of the ordinance regarding airports, heliports, helipads and manned helicopters that is on tonight's Consent Agenda.

Ken Stein, 44 Fairway View and on the City Planning Board, addressed the 2nd reading of the ordinance regarding airports, heliports, helipads and manned helicopters that is on tonight's Consent Agenda, and said it should be pulled off the Agenda for further review. He said there had only been a couple instances of helicopters landing in town, and he felt there were other more important issues with higher priorities that should come before the Council for their consideration.

Mike Jenson, 919 Dakota Ave, said if the Council took the ordinance regarding airports, heliports, helipads and manned helicopters off the Consent Agenda – what would happen next. He said the ordinance and related public hearing was well publicized and it should pass on its 2nd reading.

Duane Reisch, 209 Fairway Drive, said he first started in business in Whitefish in 1971 as the manager of the Safeway Store and has been in retail in Whitefish for 43 years. He has been a member of the Lions and Rotary, the Architecture Review Committee, and a past President of the Chamber of Commerce. He currently owns Marcus Foods and the half-block complex that houses several other businesses. One thing he realizes about successful retail is that you need good employees, and to have good employees they need to have housing, affordable housing. The trailer court that was torn down 12 years ago provided affordable housing, is now lost. Mr. Reisch said the Master Plan shows his half-block business complex should be replaced by a hotel and that the apartments behind the VFW across the street should be torn down and replaced with retail. He disagrees with both of those proposals and thought the Master Plan should address new uses for the old hospital and the old trailer court, now vacant properties.

Chris Hyatt, 611 Somers, addressed Ordinance 14-14 on the Consent Agenda regarding airports, heliports, helipads and manned helicopters; he felt that there was confusion caused by the staff report from the November 17th agenda regarding new language in Section E; and asked the Council to reconsider and give the issue more review. He thought the Council should collect more pros and cons to the issue from the community and said this would be forever – it can't be turned back. He urged them to regulate, not eliminate.

6) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 18:48)

Police Chief Dial, 911 Board, spoke regarding the 911 Special District's failure to pass in the election. He has had discussions with Board Chairman Sheriff Chuck Curry and the Board is considering placing it on the next ballot; they will be continuing to study the best way to get information out to voters.

Councilor Hildner reported on the Pedestrian/Bike Path Advisory Committee meeting held this morning. Part of his Committee report he'll give during Agenda Item 10a) later in the meeting. He noted new bike/pedestrian crossing that are being put up; and the Committee had a teleconference with Crandall Arambula Consultants wherein they discussed new path integration that is part of the Master Plan update.

Councilor Anderson reported on the last Resort Tax Monitoring Committee; it was a good summer and fall; summer revenue had about a 5% increase and there was another 1% increase in the fall. The Committee also had discussion on the Haskill Basin Project and Council's most recently approved goals and priorities.

6a) Consideration of a recommendation from the Future City Hall Steering Committee to pursue LEED (Leadership in Energy and Environmental Design) Certification for the new City Hall Building. (CD 22:00)

City Manager Stearns reported the Future City Hall Steering Ad Hoc Committee has forwarded a recommendation to the Council with an eight to four vote of the attending committee members to pursue LEED Certification for the New City Hall Project. The packet includes the background for that decision starting on page 46 in the packet. Member of the Ad Hoc Committee, Councilor Hildner, said project architect Ben Tintinger said the project as currently designed is just a few points shy of what is needed for certification, and then it wouldn't be too far to get points to the next levels. He supported going for the next levels and said the payoffs would be down the road. Council discussed the options.

Councilor Hildner offered a motion, second by Councilor Sweeney, to pursue LEED Certification for the New City Hall Project. The vote was a tie vote with Councilor Barberis, Feury and Hildner voting in favor of the motion and Councilors Anderson, Frandsen and Sweeney voting against. Mayor Muhlfeld voted in favor of the motion and the motion passed on a 4 to 3 vote.

- 7) **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 37:40)
- a) **Minutes from the November 17, 2014 Council regular session**
 - b) **Ordinance No. 14-14; An Ordinance amending Zoning Regulations in Whitefish City Code Section 11-2A-3, WA Agricultural District Conditional Uses, and adding a new section to Chapter 3, Special Provisions, regarding airports, heliports and helipads, and permitting manned helicopters to land or take off only in the WA Agricultural District and to or from approved helipads or heliports, except in cases of emergency (Second Reading)**
 - c) **Ordinance No. 14-15; An Ordinance rezoning approximately 0.881 acres of land located at 1722 and 1726 West Lakeshore Drive, in Section 26, Township 31 North, Range 22 West, Whitefish, Montana, from County R-3 (One Family Residential) to City WR-1 (One-Family Residential District) and adopting Findings with respect to such rezone (Second Reading)**
 - d) **Ordinance No. 14-16; An Ordinance rezoning approximately 7 acres of land located at 2492, 2494, 2496 and 2498 East Lakeshore Drive, in Section 14, Township 31 North, Range 22 West, Whitefish, Montana, from County R-1 (Suburban Residential) to City WSR (Suburban Residential District) and adopting Findings with respect to such rezone (Second Reading)**
 - e) **Ordinance No. 14-17; An Ordinance rezoning approximately 3 acres of land located at 2520, 2522, and 2524 East Lakeshore Drive, in Section 14, Township 31 North, Range 22 West, Whitefish, Montana, from County R-1 (Suburban Residential) to City WSR (Suburban Residential District) and adopting Findings with respect to such rezone (Second Reading)**
 - f) **Ordinance No. 14-18; An Ordinance rezoning approximately 2 acres of land located at 2530 and 2532 East Lakeshore Drive, in Section 14, Township 31 North, Range 22 West, Whitefish, Montana, from County R-1 (Suburban Residential) to City WSR (Suburban Residential District) and adopting Findings with respect to such rezone (Second Reading)**
 - g) **Ordinance No. 14-19; An Ordinance rezoning approximately 2.3 acres of land located at 2405 Carver Bay Road, in Section 14, Township 31 North, Range 22 West, Whitefish, Montana, from County R-1 (Suburban Residential) to City WSR (Suburban Residential District) and adopting Findings with respect to such rezone (Second Reading)**

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

- 8) **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))

8a) **Consideration of an application from Eric Mulcahy of Sands Surveying on behalf of Whitefish Handcrafted Spirits for a Conditional Use Permit to operate a micro-distillery and tasting room in an existing building at 1820 Baker (WCUP 14-07) (CD 38:02)**

Senior Planner Compton-Ring gave the staff report starting on packet page 131, and said that new information has come forward since the Planning Board public hearing, that would allow for a possible shared parking agreement on adjacent property that would benefit this project. The Council could consider adding that agreement as an additional condition of approval.

Mayor Muhlfield opened the public hearing.

Eric Mulcahy of Sands Surveying, on behalf of the applicant, spoke on the application and said the staff report presented the project accurately; the applicant will meet the conditions of approval as recommended, and in addition, agrees with an additional condition of approval requiring a parking easement and agreement for additional parking for the project. He referred to the site plan on packet page 156 and said the 3 parking spaces for patrons are shown in the front of the building and the parking in the back provides employee parking. He said this project gives life and a facelift to an old building that is currently vacant.

No further public comment; Mayor Muhlfield closed the public hearing and turned the matter over to the Council for their consideration.

Councilor Feury made a motion, second by Councilor Barberis, to approve a conditional Use Permit for Whitefish Handcrafted Spirits to operate a micro-distillery and tasting room at 1820 Baker Avenue subject to 11 Conditions of Approval as recommended by the Planning Board; and adding Condition of Approval #12 requiring a parking easement and agreement for additional parking to benefit the project on adjacent property to the south.

Councilor Anderson made a friendly amendment to the motion to require the parking easement and agreement be in place by the time of occupancy. Both the maker and the second of the original motion approved the friendly amendment.

The motion, as amended, was approved unanimously.

8b) Ordinance No. 14-20; An Ordinance providing that Title 4, Chapter 2, Section 4(A), and Title 12, Chapter 4, Section 21(D) of the Whitefish City Code, regarding the City-wide preventative measures to avoid problems with animals be amended (First Reading) (CD 51:43)

Police Chief Dial gave the staff report saying this puts in place permanent responsible trash containment that was put in place earlier by an emergency ordinance, requiring animal resistant containers and specifies hours for rollouts. He said staff is moving forward to have animal resistant containers available for those who would like to purchase them; and later noted that a bungee cord makes rollout containers animal resistant if people didn't want to pay the extra \$5/month charge for the animal resistant container.

Mayor Muhlfield opened the public hearing.

Rebecca Norton, 530 Scott Avenue, asked if citizens would be held liable for having fruit trees in their yards.

Steve Thompson, 545 Ramsey Avenue, spoke in favor of the ordinance.

No further public comment; Mayor Muhlfeld closed the public hearing and turned the matter over to the Council for their consideration. Council had some questions for Chief Dial.

Councilor Frandsen made a motion, second by Councilor Sweeney, to approve Ordinance No. 14-20; An Ordinance providing that Title 4, Chapter 2, Section 4(A), and Title 12, Chapter 4, Section 21(D) of the Whitefish City Code, regarding the City-wide preventative measures to avoid problems with animals be amended, (First Reading). The motion passed unanimously.

8c) Resolution No. 14-57; A Resolution declaring it to be its intention to take a stance in support of the community values that recognize the dignity of all persons and welcome diversity and inclusion for all of its inhabitants and visitors (CD 59:20)

City Attorney VanBuskirk said that at the last Council meeting on November 17, 2014, the Council received extensive public comment requesting the City to take a stand against bigotry, hatred and prejudice in the community. After considerable research, staff prepared a resolution for the Council's consideration that is in the packet on page 167. The staff report, starting on page 169 in the packet, provides a brief outline of the competing constitutional safeguards, enacted State and federal anti-discrimination statutes, and identifies an area or category of discrimination that has not been addressed to date. Staff recommends approval of the proposed resolution.

Mayor Muhlfeld opened the public hearing.

Richard Spencer said he was a citizen of the United States, a resident of Montana, and calls Whitefish home for most of the time of each year, but refrained from giving his address. He said he endorsed the proposed resolution and agrees with the spirit under which it has been brought forward by staff; confirming community values and celebrating community diversity. He said community diversity is part of a bigger story – diversity in Montana is a bigger story of the west that includes many different people and many different communities, and includes diversity in beliefs and thoughts. He said over the past few weeks there has been pressure for the Council to pass a No-Hate Ordinance, a very different document than what is proposed tonight; and as such he has personally felt that he was the subject of a witch hunt. He said he thought there was a lot of misconceptions about him, what he believes and what he does, and if the Council had any questions of him he thought now would be the time to address them.

Joe Coco, 369 Shady River Lane, said he was not here in support or non-support of, or representing any one group, but is an advocate of freedom of speech and the 1st Amendment. He said he and his father and his brother all served in the military, and the reason he fought was for the right to free speech. He spoke against the City Council approving any document that takes away that right, saying the community of Whitefish has to be big enough to allow all people to express their views. He said we have to all have respect for life and liberty, and all be able to pursue happiness.

Francine Roston, 591 Hilltop Court, said she is a new resident, a mom, and a rabbi, said she'd like to follow-up on her comments last week about her son, who told her his classmates now know he is Jewish and they think it is cool. She asked, and noted, that none of the members of the Council nor the Mayor are Jewish, thereby nullifying published comments that the Jews were leading a fight against Richard Spencer. She said this is a community issue, not a Jewish issue; it is about values of the town of Whitefish. She asked the Council to consider, in the title of the proposed resolution, to replace

'welcome' diversity to 'promote' diversity; she said promote is a stronger word. And she spoke in support of future action by the Council to adopt legislation protecting freedom of discrimination based on a person's sexual orientation or gender identity or expression, as some other Montana cities have done.

Brian Muldoon spoke to the recent public conversations and said they have brought the community together in a way it has not been together for some time. He spoke to issues of free speech but said if someone had comments that are culturally "corrosive and insidious" he thought it to be the moral obligation to oppose those comments with all available tools. He said, in agreement with Attorney VanBuskirk's staff report, per the First Amendment – regulation of speech must be on a non-content basis, but, he said, that does not require him to be silent on, or entertain or debate those 'culturally corrosive and insidious' ideas that cannot be tolerated, ideas that have caused wars and deaths of millions. He listed ideas that cannot be tolerated that have caused battles, wars and deaths and spoke in support of the proposed resolution and said if the Council passes this resolution he feels it is an important first step. He said the balance of this battle remains with the citizens of Whitefish as they choose who they will and will not be neighbors with.

Deanna Kotila, 4179 Hwy 93 West, said the proposal of this ordinance is in response to a perceived threat, she said ordinances cannot be put in place for what is feared may happen. She said this ordinance is not the appropriate solution to this problem. Ordinances such as this that are open to wide interpretations and are near impossible to enforce and she cited two examples that she felt caused risk to children and to businesses because of lack of consistency among community interpretation. She called it a 'preference' ordinance and asked the Council to prevent this city from having one.

Jeremy Palmer, 2170 KM Ranch Road, said he moved to Whitefish almost two years ago from Texas and loves it here. He said he recently read about these issues in the newspaper and when he moved here he knew there was a wide range of residents in a wide range of political diversity. He said in 2008 when President Bush authorized TARP, he opposed it, and when his parents found out about his opposition they essentially disowned him; so things like this concern him. It concerns him when legislation is passed to persecute a certain group of people because an idea might be okay with people one day but not the next; are generations liable for the past thoughts of their ancestors? He said he read the proposed legislation and as is fine with it, but his main concerns are with freedom of speech, freedom of assembly; and he thought no group should be allowed to suppress the rights of another.

Ina Albert, 955 Northwoods Drive, said she is the co-founder of Love Lives Here, and said Love Lives Here thanks the Council for their quick response to the request for support of human rights. They look forward to continue working closely with the Council. Their group does not support denial of anyone's free speech, or freedom of assembly, and are against denial of human rights and dignity to any citizen. They stand for an all-inclusive community, but won't give up the right of free speech against any ideology that restricts their rights. She said Love Lives Here supports the proposed resolution that speaks to their purpose to stand against discrimination, intimidation and violence that results from racism.

Allen Secher, 955 Northwoods Drive, and is a rabbi. He said he wanted to point out that the item on the agenda and under Council's consideration is a resolution, not an ordinance, and thought the resolution was what the public comment should address. He commended the Council for their consideration tonight, and encouraged them to vote for the resolution. He said it has never been part of their request to deny anyone the freedom of speech; everybody has that First Amendment right, he said.

He said his fear is when things go beyond speech; it isn't what is said, it is what is done. He thanked the Council.

Hilary Shaw, 650 Blanchard Lake Road, thanked the Mayor and Council for the role they play in the community and for their hard work. She believes in liberty and justice for all and that is why she is part of this community effort to insure that. She thanked the Council for this quick response to input from the last meeting, and also felt heard and valued as a person as well as a community person in Whitefish; she appreciated Council's attentiveness as people spoke. She spoke in support of the proposed resolution. She said she looked forward to continuing to work with the Council in a co-effort towards the community with values recognizing dignity, diversity and inclusion of everyone. She said she felt that the Love Lives Here group had been misunderstood, it was not their official request as an organization to call for a 'No Hate Ordinance'; she didn't think it was their intention to limit anyone's right to free speech.

Dru Rafkin, 830 Highland Drive, spoke in favor of the proposed resolution and thanked the Council for their attention and response to this issue. She agreed with comments just made by Hilary Shaw that it was not the intention of hers, or anyone else's she thought, to take away freedom of speech. She said she was thankful for the opportunity to have the debate, and for Council's support of the community.

Shawna Moore, 120 Washington Avenue, said she is an artist and certainly uses her right of free speech as a tool in her art. She thanked City Attorney VanBuskirk for her research; she thanked the Council and said their action tonight is a step forward for keeping strains of racism and division from our community.

Lisa Jones, 314 Blanchard Hollow Road, said she was in agreement with what has been said and thanked the Council for listening and being willing to move forward so quickly with this resolution. She encouraged the Council to continue research of ordinances passed by other towns in Montana.

Cindy McGlenn, 519 Central Avenue, thanked the Council and staff for this process; she said as a family with a 16-year old son they have been following the process in the newspaper. She expressed her concern about any group trying to limit free speech, and she was especially concerned when she thought a group was requesting government to limit anyone's free speech. But after reading, online, the language in the resolution being proposed tonight, she saw that she was perhaps misled on what was being requested. She thanked Attorney VanBuskirk for her research and staff report and said she was in support of the proposed resolution.

Mark McGlenn, 519 Central Avenue, said he thought Cindy had spoken all that he wanted to say, because he, too, had misunderstood and thought that new legislation was being requested; not just a resolution which he appreciated and said he thought that love does really live here.

Maura Fields, 511 Lakewood Court, said she has been listening to amazing comments tonight and didn't hear anyone that was in disagreement with the proposed resolution and wondered if, in the process of the adoption of the resolution, could public put their signatures of agreement on it? Mayor Muhlfeld said that was not part of the process for resolutions adopted by Council. He said the public process is with comments made during this public hearing. She said she'd like that considered moving forward.

Nathan Kosted, 480 White Basin Road, Kalispell, speaking for Love Lives Here, said they applaud and thank the Council for acting so quickly on their request, which supports the group's positive vision for a welcoming community; one which is free from discrimination and dedicated to equal treatment for all citizens. He spoke some more of the goals of Love Lives Here and said the group hopes the Council will continue supporting and assisting them in reaching their goals. He said Love Lives Here has a statement they are publishing in the paper in the next few days that already has about 500 signatures on it, he said there still may be some time to add names on the list; and there is also a petition that is online. Speaking for himself, he said because of the publicity of the last few weeks he was approached by a Whitefish School teacher who asked him to come speak to her 10th-grade English class, which he agreed to do. He said the kids in the class had a lot of great questions, he was impressed and their openness gives him hope for the future. He spoke in favor of the resolution.

Rebecca Norton, 530 Scott Avenue, said it was unfortunate that when Mr. Spencer got up to speak he was fearful of giving his address. She said she appreciates living in a community that allows open discussions; and she said when people conduct business in this community they should be aware of the community's core values about not harming other people. She spoke in favor of the resolution and thanked the Council.

No further public comment; Mayor Muhlfeld closed the public hearing and turned the matter over to the Council for their consideration.

Councilor Sweeney made a motion, second by Councilor Hildner, to approve Resolution No. 14-57; A Resolution of the City Council of the City of Whitefish, Montana, declaring it to be its intention to take a stance in support of the community values that recognize the dignity of all persons and welcome diversity and inclusion for all of its inhabitants and visitors; with additional language added as an amendment to the resolution proposed in the packet. Language to be inserted in the first Whereas paragraph following all inhabitants and visitors: "and condemn ideologies, philosophies and movements that deny equality of human rights and opportunities and challenge our Constitutional freedoms granted by the United States and the State of Montana;"

The motion passed unanimously.

Mayor Muhlfeld called for a recess at 9:13 p.m. and reconvened the Council at 9:25 p.m.

8d) Ordinance No. 14-21; An Ordinance amending Zoning Regulations in Whitefish City Code Title 11, and adopting zone text amendments to the City's Architectural Review Standards, which are a portion of the City's Zoning Jurisdiction Regulations, to remove references to the former Extraterritorial Planning Jurisdiction (First Reading) (WZTA 14-05)
(CD 2:02:05)

In Planner Compton-Ring's staff report she said this was updating the Zoning Regulations deleting activities and permits formerly required in lands outside the City Limits. Staff went through this update and took it to the Planning Board who are forwarding a recommendation for approval. Now, for any plan reviews conducted by their office, the property must first be annexed. A definition for Growth Policy was added.

Mayor Muhlfeld opened the public hearing. There was no public comment and 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 Frandsen, to adopt the staff report with Findings of Fact and approve Ordinance No 14-21; An Ordinance amending Zoning Regulations in Whitefish City Code Title 11, and adopting zone text amendments to the City's Architectural Review Standards, which are a portion of the City's Zoning Jurisdiction Regulations, to remove references to the former Extraterritorial Planning Jurisdiction (First Reading). The motion passed unanimously.

8e) Ordinance No. 14-22; An Ordinance amending Subdivision Regulations in Whitefish City Code Title 12 to remove references to the former Extraterritorial Planning Jurisdiction and other housekeeping items (First Reading) (WSUB 14-01) (CD 2:04:39)

In Planner Compton Ring's staff report she said, similarly to the previous action, staff updated the Subdivision Regulations by removing all references to the extra-territorial planning area; and the two housekeeping items are in reference to the International Fire Code and new Solid Waste requirements for City-wide preventative measures to avoid problems with animals.

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

Councilor Hildner made a motion, second by Councilor Frandsen, to adopt the staff report with Findings of Fact and approve Ordinance No. 14-22; An Ordinance amending Subdivision Regulations in Whitefish City Code Title 12 to remove references to the former Extraterritorial Planning Jurisdiction and other housekeeping items (First Reading) The motion passed unanimously.

9) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR (CD 02:06:27)

a) Resolution No. 14-58; A Resolution approving the Whitefish Area Trust Lands Neighborhood Plan Periodic Update and ten-year assessment and progress report to the Montana Board of State Land Commissioners, having met the goals of the 2004 Whitefish Area Trust Lands Neighborhood Plan with respect to the Whitefish Trail, and authorizing the execution of documents

Parks and Recreation Director Butts described The Whitefish Trust Lands Advisory Committee and the Council's adoption of the Whitefish School Trust Lands Neighborhood Plan in 2005 for management of 13,000 acres of State Trust Lands in the Whitefish Area. Through community partners, the 10-year goals of the Neighborhood Plan have been exceeded and the proposed resolution will secure the extended time frames to complete future goals of the Neighborhood Plan.

Mayor Muhlfeld introduced Steve Thompson, from the Whitefish Legacy Partners, who requested to address the Council.

Steve spoke in favor of the resolution and said a lot has been accomplished since this was first started in 2003. He referenced the Beaver Lakes Capital Campaign, an ongoing fund raising effort, they are very near their goal. He said, from the beginning, the community response has been outstanding. Now, through a lot of hard work and meeting the ten-year goals of the Neighborhood Plan, providing sustainable processes securing conservation, public access, and recreational areas including miles of trails and raising millions of dollars for the schools; and with this resolution, the work can continue.

Councilor Anderson made a motion, second by Councilor Sweeney, to approve Resolution No. 14-58; A Resolution approving the Whitefish Area Trust Lands Neighborhood Plan Periodic Update and ten-year assessment and progress report to the Montana Board of State Land Commissioners, having met the goals of the 2004 Whitefish Area Trust Lands Neighborhood Plan with respect to the Whitefish Trail, and authorizing the execution of documents.

Councilor Anderson said thanks are due to so many people who have worked so hard on this project over time including Diane Conradi and City Attorney VanBuskirk. He said success had been accomplished through a huge community effort and contributions, and the need is ongoing.

The motion passed unanimously.

10) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR (CD 2:14:37)

- a) Consideration of an offer from Glacier Stone Supply LLC to donate stone veneer for Skye Park bridge and retaining walls and whether to reconsider decision to do concrete walls with stone veneer instead of approved MSE walls**

Public Works Director Wilson said the offer from Glacier Stone Supply LLC to donate the stone veneer came into City Manager Stearns after the last Council meeting, the offer is included in the packet. Their donation, as valued by our engineers at \$28,500; reduces our total costs that breakdown into \$360,000 Tax Increment Funds (TIF), \$350,000 CTEP grant funds and \$35,000 in Water and Wastewater funds. This was also looked at by the Pedestrian and Bicycle Path Advisory Committee (Committee) this morning who discussed possibilities of finding other funding, and during that discussion he and Project Engineer Karin Hilding suggested a bid alternate process where the engineer puts out a bid package with options for either MSE walls or stone veneer. Director Wilson said he supports that, a good way to get the best price, and the engineer has said the cost of preparing that bid option would not be more than \$2000. He said the Council had received an after-the-packet email from John Phelps, Chairman of the Committee, of which copies have been supplied to the Council, requesting the Council allow the alternative big process to go forward and defer decision on the stone to a later date. Councilor Hildner, as a member of the Committee, also spoke in support of the bid alternate process, search for other non-TIF funding and accept the generous donation from Glacier Stone Supply. He said the donated stone matches that used at City Beach and the stone walls on Dakota Avenue, and several other places around town.

Councilor Hildner made a motion, second by Councilor Feury, to move forward with the bid alternate process with the options to use either poured concrete or stone veneer on the Skye Park Bridge project. Councilor Feury added to authorize up to \$2000 for the additional engineering required. Councilor Hildner, maker of the motion, agreed with the addition. The motion passed unanimously.

11) COMMUNICATIONS FROM CITY MANAGER (CD 02:21:16)

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

b) Other items arising between November 26th and December 1st – Manager Stearns reminded everyone that this meeting is the only Council meeting scheduled in December. The next Council meeting will be on January 5, 2015.

- c) **Resolution No. 14-59; A Resolution agreeing with the Board of Trustees of the Whitefish Firefighters Association to approve an increase in the full monthly pension benefit from \$225.00 per month to \$300.00 per month (or as pro-rated) retroactive to October 1, 2014 (Two Motions)**

Manager Stearns reviewed the staff report from page 246 in the packet. Page 252 in the packet has a table showing balances in the Whitefish Retired Firemen's Pension Fund from 2004 forward and shows there are sufficient funds to support this request, in agreement with the actuarial report recommending the increase be funded. Staff also recommends lowering the City's annual property tax levy for the Volunteer Firefighter's Pension from 4 mills to 2 mills starting FY 16, as the reports show that the Pension fund would still have sufficient reserves as a cushion for future payouts. If the situation changes in the future, the mills could be increased back up to 4, but staff thinks that need is unlikely as the makeup of the Volunteer Firemen force has changed over time with the City's move to a full-time, 24/7 professional fire department. Manager Stearns spoke in support of both motions to approve these actions.

Councilor Frandsen made a motion, second by Councilor Sweeney, to approve Resolution No. 14-59; A Resolution agreeing with the Board of Trustees of the Whitefish Firefighters Association to approve an increase in the full monthly pension benefit from \$225.00 per month to \$300.00 per month (or as pro-rated) retroactive to October 1, 2014. The motion passed unanimously.

Councilor Frandsen made a motion, second by Councilor Sweeney, directing staff to set the City's annual contribution and allocation to the Volunteer Firefighter Pension Fund at 2 mills of property taxes rather than the prior 4 mills of property valuation, beginning in FY16, until such time as an actuarial study demonstrates that the Pension Fund is not being soundly funded. The motion passed unanimously.

Mayor Muhlfeld recognized Corey Ledbetter and Rod Schmidt, both of whom were in attendance tonight on behalf of the Whitefish Firefighters Association, and thanked them.

- d) **Consideration of approval of an engagement letter with Springsted, Inc. to perform financial advisor services for 2015 TIF and SID bond issues related to the construction of City Hall and a Parking Structure (CD 02:31:20)**

Manager Stearns reviewed the staff report that starts on page 270 in the packet. Because of the current, historic low interest rates, Springsted, Inc., the City's independent Financial Advisor on our Tax Increment Bonds, recommends refinancing our current TIF bond to save interest as well as be our lead financial advisor on bond issues associated with the financing of the new City Hall/Parking Structure. Manager Stearns recommended approval of the proposal from Springsted, Inc. Councilor Anderson said, looking at page 274 in the packet, the savings on refinancing the current TIF bond is about \$450,000 and Manager Stearns agreed and said interest rates changed daily and could be different next year but Springsted issued this analysis on September 30, 2014 projecting those savings.

Councilor Hildner made a motion, second by Councilor Barberis, to approve the Letter of Engagement from Springsted, Inc. for Financial Advisor services on the 2015 sale of SID and TIF bond issues associated with the financing of the City Hall/Parking Structure. The motion passed unanimously.

12) COMMUNICATIONS FROM CITY ATTORNEY (CD 02:37:13)

- a) Consideration of approving proposed Amendments to the Declaration of Covenants, Conditions and Restrictions for The Lakes Red Eagle (The Lakes Cottages Phase4A and 4B) Subdivision**

City Attorney VanBuskirk said staff has reviewed this request and found their request to impose side setbacks is not in conflict with the original approval of the PUD and does not affect any identified City interest, therefore approval is recommended.

Councilor Anderson made a motion, second by Councilor Frandsen, to approve the proposed Amendments to the Declaration of Covenants, Conditions and Restrictions for The Lakes Red Eagle (The Lakes Cottages Phase4A and 4B) Subdivision. The motion passed unanimously.

13) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 02:38:26)

- a) Further discussion and direction on a no-hate or non-discrimination ordinance – None.**
- b) Mayor sets date for first meeting of the Whitefish Local Government Study Commission (proposed to be December 3, 2014 at 7:00 p.m.)**

Mayor Muhlfeld set this date for the first meeting of the Whitefish Local Government Study Commission.

- c) Letter from Joseph R. Gregory of Launching Eagle, LLC at 740 Dakota Avenue regarding proposed ordinance on helipads, heliports, and helicopters**

No further Council discussion. Mayor Muhlfeld asked, and Attorney VanBuskirk advised, that both she and Planning Director Taylor had reviewed public notice requirements according to the Zoning Regulations requirements for public hearings, which require public notices 15 days prior to the Whitefish City Planning Board meeting and 15 days prior to the Whitefish City Council meeting; both requirements were met. In addition, another public notice was published in last week's issue of the Whitefish Pilot stating that anyone who wished to make public comment concerning this issue, and the entire title of the ordinance was included in that notice, that the 2nd reading of the ordinance was on tonight's Council Agenda. Also, she advised that sufficient and proper notice was made according to what State Law requires regarding public notices for the Planning Board meeting, the City Council meeting as well as the 2nd reading.

- d) Select two Whitefish elected officials to participate on interview and selection recommendation committee for the GC/CM contractor for the City Hall/Parking Structure project**

Mayor Muhlfeld and Councilor Hildner were selected upon agreement of Council.

- e) Select a Whitefish elected official to participate on the selection committee for a Water and Wastewater rates financial consultant to assist on rate increases for the future Wastewater Treatment Plant improvements project**

Councilor Frandsen volunteered and so selected upon agreement of the Council.

f) Consideration of postponing public hearing on January 5, 2015 for Whitefish Crossing until the January 20th meeting (p. 305)

Manager Stearns said on November 3, 2014, the Council continued this public hearing to January 5, 2014; now the applicant has notified the City that they are in current negotiations with the neighborhood trying to reach middle ground that all can agree on. In addition, they have an application into the Board of Adjustment that won't be heard by that Board until January 6, 2015. Therefore, not all of their information would be ready for a January 5th consideration.

Councilor Anderson made a motion, second by Councilor Barberis, to further postpone the public hearing for Whitefish Crossing until January 20, 2015. The motion passed unanimously.

Councilor Comments (CD 02:47:16)

No further Council comments.

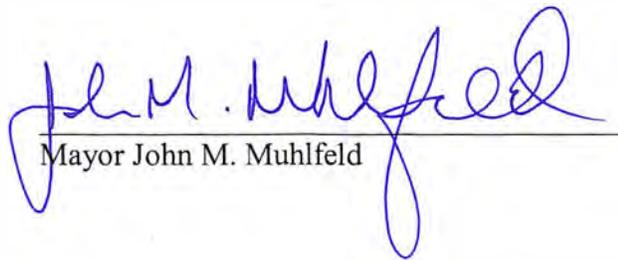
Mayor Muhlfeld said they are still trying to fill up 2-hour slots for the Salvation Army Kettle Drive. Councilors Sweeney and Hildner volunteered for December 18th from 2 to 4; and Councilor Feury and Mayor Muhlfeld will fill from 4 to 6 on the same day, unless someone calls up Mayor Muhlfeld to change that.

Mayor Muhlfeld said he was asked to speak at the Chamber this week or next about the new City Hall and Parking Structure project; and the Rotary has asked him to speak on December 23rd about the Haskill Creek Project. He invited others to attend if they wished to.

Mayor Muhlfeld asked if there could be a follow-up request to DEQ for an update on the diesel plume and Manager Stearns said he would do that, he said the past update was either a year or 18 months ago.

14) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority) (CD 02:48:48)

Mayor Muhlfeld wished happy holidays to everyone and adjourned the meeting at 10:12 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 12/1/14

PLEASE PRINT NAME and ADDRESS

Conditional Use Permit – 1820 Baker Ave
Whitefish Handcrafted Spirits, Applicant

City-wide preventative measures
to avoid problems with animals

Resolution Community Values
and dignity of all persons

Amendments removing
Extraterritorial Jurisdiction

1.	Richard Spencer PO Box 1676 59937	✓			✓	
2.	Kenice Coco	✓				
3.	JOE COCO 369 SHADY RIVER LN.	✓			✓	
4.	Francine Roston 591 Hilltop Ct Whitefish	✓			✓	
5.	Brian Muldon	✓			✓	
6.	Deanna Kotila	✓			With	
7.	Duane Reich	✓			✓	
8.	Sherry Palmenter	✓				
9.	KEN STEIN	✓				
10.	Jeremy Palmer 2170 KM RANCH RD.	✓			✓	
11.	Danielle Sefcal	✓				
12.	Ina Albert	✓			✓	
13.	Allen Secher 955 NORTHWOODS	✓			✓	
14.	Alice Casey	✓			✓	
15.	Dan Raskin PO Box 741 WF	✓			✓	
16.	SHAWNA MOORE	✓			✓	
17.	DAVID STEPHEN				✓	
	Lisa Jones	✓			✓	

Please return to Necile

PUBLIC HEARINGS
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Extraterritorial Jurisdiction

	Conditional Use Permit – 1820 Baker Ave Whitefish Handcrafted Spirits, Applicant	City-wide preventative measures to avoid problems with animals	Resolution Community Values and dignity of all persons	Amendments removing Extraterritorial Jurisdiction
1. <i>Cindy McGleam</i> ^{519 Central} ✓			✓	
2. Mark McGleam ✓			✓	
3. <i>Rebecca Norton</i>		✓		
4. <i>Steve Thompson</i> ✓		✓		
5. <i>Hilary Sittler</i>			✓	
6. <i>Maria FEELS</i>		✓	✓	
7. <i>Rebecca Norton</i>			✓	
8.				
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