

WHITEFISH CITY COUNCIL MINUTES

March 16, 2015

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Hildner, Feury, and Sweeney. Councilor Anderson was absent. City Staff present were City Manager Stearns, City Clerk Lorang, Finance Director Smith, Planning and Building Director Taylor, Interim Public Works Director Hilding, Parks and Recreation Director Butts, Senior Planner Compton-Ring, and Planner II Minnich. Approximately 20 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked County Commissioner Phil Mitchell 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)

Rebecca Norton, 530 Scott Avenue, handed two newspaper articles out to the Mayor and Council regarding bills currently pending in the State Legislature. One article is on HB 123 regarding open-record laws and particularly to executive session meetings. The other was on HB 344 which she thought might pertain to the Iron Horse gate-house issues because it addresses scanning license plates.

Mayre Flowers, representing Citizens for a Better Flathead, 35 4th Street West in Kalispell, said she had some updates on new recycling efforts by North Valley Refuse for common collection issues among the cities in Flathead County. Promotional materials are forth coming on proper sorting. She has been working with Interim Public Works Director Hilding on looking for additional and new recycling sites within the City of Whitefish. She announced the Earth Day Celebration to be held on April 25th from 10 to 2 in Depot Park put on by a coalition of groups, in the evening the Crown of the Continent Choir will perform at the O'Shaughnessy Center.

Chris Schustrom, 504 Spokane Avenue, said he was speaking for the Big Mountain Commercial Association Board where he serves as committee chair on the Snow Bus Committee. He reported the Snow Bus had 80,000 riders last year. They are working on a new project to bring on a summer transit system that will include transportation between Whitefish and Big Mountain and Whitefish to Apgar in Glacier Park, four times a day in the months of July and August. The City supports the Snow Bus each year in their budget planning, and he said they hope the City will consider increasing their annual contribution to the Snow Bus that would help towards the funding of this summer transit system. He thanked the City for its support.

Phil Mitchell, 1450 W. Lakeshore Drive, spoke in favor of the resolution on tonight's agenda wherein, if approved, the Whitefish City Council supports establishing a countywide 911 Special District. He said this is a county-wide effort to find a fair way to equally assess all in Flathead County for funding assistance to the 911 Emergency Center. He said this same resolution is in front of Kalispell and Columbia Falls as well as Whitefish tonight.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS - None

- 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)
- a) **Minutes from the March 2, 2015 City Council regular session (p. 24)**
 - b) **Consideration of approving application from Cory Izett on behalf of Suiter Living Trust for Whitefish Lake Lakeshore Permit (#WLP-15-W04) at 2440 Birch Glen Road to replace an existing dock with a new Knight dock – the two existing shore stations with canopies will remain, subject to 11 conditions (p. 39)**

Councilor Frandsen made a motion, second by Councilor Sweeney, to approve the Consent Agenda as presented. The motion passed unanimously.

- 6) **PUBLIC HEARINGS** (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
- a) **Ordinance No. 15-04; An Ordinance approving the Whitefish Crossing fka Deer Tracks Residences Planned Unit Development to develop a 60-unit apartment project on one parcel comprising approximately 4.493 acres of land to become a part of 6348 Highway 93 South, Whitefish (continuation of public hearing from November 3, 2014 and March 2, 2015) (WPUD 14-04) (First Reading) (p.62) (CD 8:58)**

Senior Planner Compton-Ring gave the staff analysis of the February 24, 2015 submittal from the developers of this project. She said the zone change the Council approved for this project last November is now in effect. These latest plans moves the residential units and parking to the easterly portion of the property in a "cluster" development and leaves an open space on the westerly portion. With this revised plan the project is requesting on-street parking and an increased zoning deviation to the off-street parking requirement. In addition, and according to regulations, the Open Space must be "usable open space" and their proposal on the Open Space is not completed. Staff recommends Council considers amending the findings and possibly adding conditions of approval to address these issues. The Planning Staff met with the Public Works and Fire Departments in their review of the February 24, 2015 submittal, and have recommendations for Council's action regarding the developer's request to not have to maintain the public road to a time that Baker Avenue is extended past this property. Staff's recommendations addressing the approval of the February 24, 2015 development plan are on packet pages 69-72.

Mayor Muhlfeld opened the public hearing.

Sean Averill, Montana Development Group, spoke on the project saying again the February 24, 2015 submittal was the compromise they worked out with the neighbors in the Park Knoll subdivision; essentially moving the 5 residential buildings and 4 parking lots to the easterly portion of the project and utilizing parking on one side of the public street to help meet the parking requirements. The buildings each have dedicated carports. The road built within the project will be dedicated to the City and the developers feel it is appropriate the City will take over road maintenance with that dedication. The developers also propose that road be built only as needed for the subdivision, they would like to keep it short, save a few trees and not build it to the west boundary of their subdivision. He referred to the materials that Mayre Flowers had submitted to the Council today on the idea of changing the standards of parking requirements for projects with affordable housing which he thought had merit. Their current proposal has two parking spaces per residential unit (total 120 spaces), instead of the required 2.3 according to City Standards. The Council had a few questions for Sean.

Mayre Flowers, representing Citizens for a Better Flathead, 35 4th Street West in Kalispell, discussed her materials that she had submitted today to the Council (appended to packet), that included information for a Parking Management Strategy from the Victoria Transport Policy Institute that she thought could be incorporated with this project. She also suggested the development should include a bus stop and bike facilities and recycling services. She disagreed with staff's recommendation regarding blending of zoning densities, but agreed with staff recommendations regarding the review of the open space, and staff recommendations regarding street construction and maintenance. She said the City should go beyond Traffic Studies and implement standards for development in major and/or other transportation corridors. She concluded her comments stating Council findings should support Council actions.

Don Spivey, 117 Park Knoll Lane, said there is a sewer line from the cleaners that goes west to the west boundary of this project, then north and connects to Baker Avenue.

Mayor Muhlfeld closed the public hearing and turned it over to Council for their consideration.

Councilor Frandsen made a motion, second by Councilor Sweeney, to approve Ordinance No. 15-04; An Ordinance approving the Whitefish Crossing fka Deer Tracks Residences Planned Unit Development to develop a 60-unit apartment project on one parcel comprising approximately 4.493 acres of land to become a part of 6348 Highway 93 South, Whitefish, Staff Report WPUD 14-04 (First Reading).

Councilor Feury made an amendment, second by Councilor Sweeney, to approve a zoning deviation to the Off-Street Parking Standards and allow two (2) parking spaces per unit including proposed on-street parking. Councilor Feury acknowledged that the report submitted today by Mayre Flowers of Citizen's for a Better Flathead may have merit but it was a lot of material, submitted after packet deadlines, and did not have staff review. **The amendment passed unanimously.**

Councilor Feury made an amendment, second by Councilor Hildner, to add Condition of Approval #16 and amending Finding #4 to read: "An overall open space and landscaping plan shall be submitted with the first building permit. Such plan shall demonstrate that it meets the usability requirement within the city regulations. The amendment passed unanimously.

Councilor Hildner made an amendment, second by Councilor Barberis, to amend Conditions of Approval #12 and #13 as recommended in the packet to read:

#12. A 60-foot right-of-way in a location identified by the Public Works Director shall be installed and dedicated to the western edge of the property, to the City of Whitefish prior to submitting a building permit application within Phase 1.

#13. A paved temporary cull de sac shall be constructed within the Baker Avenue extension right of way.

(The Staff Report notes that if the applicant does not want to construct the new street as amended in #13, the City will not maintain the street until it connects to the Baker Avenue extension). Council held discussion on this amendment.

The amendment passed unanimously.

The Mayor, Council and staff discussed Finding #1 regarding blending zoning densities.

Councilor Sweeney made an amendment, second by Councilor Feury, to amend Finding #1, as recommended by staff on packet page 93. Councilor Sweeney amended his amendment to use language from the submittal from Citizen's for a Better Flathead, for Finding #1 to read: "The proposed use and development standards are being met with the proposal both through an increased density on the WB-2 portion of the property and the inclusion of 6 affordable housing units." The second of the amendment agreed with the change. The amendment, as amended, passed unanimously.

Councilor Hildner made an amendment, second by Councilor Barberis, to add Condition of Approval #17 to read: "A bus shelter shall be installed within the development." The amendment passed unanimously.

Councilor Hildner made an amendment, second by Councilor Frandsen, to add Condition of Approval #18 to read: "To require recycling facilities within the development. A plan for such facilities shall be reviewed and approved prior to submitting a building permit for Phase 1." The amendment passed unanimously.

The vote on the original motion to approve the first reading of Ordinance 15-04 on a Planned Unit Development for Whitefish Crossing, as amended and now subject to eighteen (18) Conditions of Approval, passed unanimously.

Councilor Hildner requested a personal privilege to recognize a former student of his who is an engineer on this project, Brett Walcheck.

b) Consideration of an application for a Conditional Use Permit from Whitefish Theatre Company for an expansion to the I.A. O'Shaughnessy Performing Arts Center at 1 Central Avenue (WCUP 15-02) (p. 199) (CD 1:06:44)

Planner II Minnich gave the staff report saying that staff and the Planning Board both recommend approval of this expansion and front entrance remodel at the O'Shaughnessy Performing Arts Center (O'Shaughnessy Center), subject to seven (7) Conditions of Approval. The new addition will include a multi-purpose room, conference room, waiting area, bathrooms, and storage. The entryway remodel adds 335 square feet. Planner Minnich reviewed the seven Conditions of Approval and the required criteria for consideration of a conditional use permit.

Mayor Muhlfeld opened the public hearing.

Gayle MacLaren, Managing Director of the Whitefish Theatre Company, said they were here earlier and got approval for this expansion on the south side of their building but found the cost to move utilities was about \$100,000; so they revised their plans to add to the northwest corner of their building which was also approved by Council. Then, upon having their project reviewed by the Architectural Review Committee they found out their expansion took them to the threshold that requires a conditional use permit. They have received a \$250,000 grant that they will raise money to match and proceed with

the project, hopefully getting started this summer. To answer a question from Council, the conference room will hold 24 to 30 people and will be open for public use.

Ross Anderson, project architect, was in attendance but did not have anything to add.

Mayor Muhlfeld closed the public hearing and turned it over to Council for their consideration.

Councilor Hildner made a motion, second by Councilor Frandsen, to approve the request for a Conditional Use Permit from Whitefish Theatre Company for an expansion to the I.A. O'Shaughnessy Performing Arts Center at 1 Central Avenue, Staff Report WCUP 15-02, subject to seven (7) Conditions of Approval. The motion passed unanimously.

c) Consideration of an application for a Conditional Use Permit from C.J. Fullhouse LLC for a guest house at 1199 West 7th Street (WCUP 15-01) (p. 233) (CD 1:13:36)

Planner Minnich gave the staff report, explaining that the guest house will be built in the 2nd story of the existing barn, over a garage and barn space below. The owners are currently building a new home on the property as well. Planner Minnich reviewed the nine (9) Conditions of Approval as recommended by staff and the required criteria for consideration of a conditional use permit. The Planning Board held their public hearing and after considering both written and verbal public comments have recommended approval subject to eleven (11) Conditions of Approval and amending Finding #7 regarding historic landscaping and hedgerows that have been damaged by the new construction on this property.

Mayor Muhlfeld opened the public hearing.

Phil Mitchell, 1450 W. Lakeshore Drive and owner's representative, addressed the Council, saying the owner concurred with the staff report and conditions of approval. Some vegetation was cut down to repair the fence so horses could be kept again on the property and the owner is willing to replant that. He said the owner has been trying to work with the neighbors, some are against the change of the historical use of what used to be just a barn and horse pasture. Mr. Mitchell had checked with Virgil Bench, Building Official, who said when the minor plumbing issues are addressed, the project will be in compliance with the Building Department. A circular drive for the home and a three-point turn at the barn will be constructed to meet Fire Department standards.

Ken Meckel, 1129 W. 7th Street, is a neighbor to this project. He said the project was started and well into progress before the neighbors became aware of it; otherwise the vegetation issue could have been addressed earlier. He said damage had been done to 35 to 40-year old vegetation that was 12 to 15' high. He said he was a little surprised at the requirement of only paving the first 80 feet of the gravel driveway because of the community's concerns with air quality. He said otherwise, he didn't have any other problems overall with the project.

Martin Miller, lives at 822 Boulder Lane, which is adjacent and to the south of this project. He seconded Ken Meckel's remarks that this approval process should have happened before the project was built, but since this is after the fact, he hopes the applicant will restore the hedgerow and work with the neighbors.

Mayor Muhlfeld closed the public hearing and turned it over to Council for their consideration, and there was discussion among Council and Staff.

Councilor Sweeney made a motion, second by Councilor Hildner, to approve a Conditional Use Permit from C.J. Fullhouse LLC for a guest house at 1199 West 7th Street, subject to the eleven (11) Conditions of Approval, amending Condition #10 to read: “The applicant shall restore and maintain the mature hedgerow along the eastern and southern property boundary lines for the life of the project,” and amended Finding of Fact #7 as recommended and approved by the Planning Board and contained in the Staff Report WCUP 15-01. Following more discussion among Council, the motion passed unanimously.

- d) Resolution No. 15-05; A Resolution of Intention indicating its intention to adopt amendments to the Whitefish Downtown Business District Master Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (p. 275) (CD 1:33:04)**

Planner Compton-Ring said consultants Crandall-Arambula will be giving a presentation.

Don Arambula noted the Council had a work session earlier this evening on this project, and he said he would give a quick summary at this time. The original Whitefish Downtown Business District Plan was adopted in 2006; most things in that plan have been implemented, and this 10-year update has been in the process for several years. He said there are 5 pieces to this update; (1) Transportation Framework, (2) Implementation Framework, (3) Executive Summary, (4) City Hall Design Analysis, and (5) Master Plan Document, along with a series of public meetings and meetings with committees of the community. Don Arambula highlighted the Fundamental Concept, page 10 in the Update; Capacity Diagram, page 12; Transportation Framework described starting on page 14 with specific details to downtown streets starting on page 26; Shopping Loop, pages 14-15 with street details on pages 32-35; Whitefish Promenade, pages 38-51, connecting downtown over an enhanced viaduct to retail on the north side of the viaduct. Land Use Framework summary, Retail Framework, and expansion of the Shopping Loop Retail starts, see pages 56 – 65. Implementation Framework; (1) Adopt Plan, (2) Distribute Plan, (3) Initiate 5-Year Project immediately to establish plan momentum, pages 80-83, with 7 key actions: (1) Action Plan, (2) Update Zoning Ordinance, (3) Update Architectural Review Standards, (4) City Hall Planning Structure Storefront Retail Tenant Recruitment, (5) Whitefish Promenade – North Segment, (6) Railway District – Retail Anchor Projects, (7) Central Avenue South – Retail Anchor Projects, pages 83-85. Don Arambula called out Long-term Projects. Whitefish Promenade – South Segment (down to the Mall), Whitefish Promenade Underpass, and from the 2006 Plan, the Second & Spokane Street Parking Structure; page 86.

Questions from Council: Hildner – relationship of this to Pedestrian/Bicycle Plan update; Don Arambula said you take care of the city core first, subsequent plans radiate out from this plan. George Crandall commented that ‘protected bikeway concepts’ are key.

Councilor Feury – typo on page 44, 4th bullet refers to First and Baker, he thinks it should be First and Spokane. Don Arambula said they have also caught a number of other typos that will be corrected in the final plan.

Mayor Muhlfeld, page 16 of the Plan. The Mayor thought the definitions of Retail and Commercial should be clarified. Don Arambula said it is confusing, and that is why they are

recommending a zoning ordinance update, and he also said they could clarify some of the language on this page. Mayor Muhlfeld said on page 13, can a “P” be added to the southeast corner of 3rd and Baker; and on page 59 where Storefront Retail Frontage is indicated – the south 3rd of the block on E. 2nd Street between Baker and Lupfer Avenues does currently have storefront commercial and retail frontage not noted on the map. Don Arambula said no, because their red line indicates exclusively retail with no interruptions of commercial and he said that block includes a bank – which is not retail. George Crandall said this map indicates the continuous retail string – the consultants agreed that it is a fine line.

Councilor Frandsen said on page 61, the existing retail on the west side of that block is not shown.

Mayor Muhlfeld asked if on page 62, should the retail at the northwest corner of the new parking structure be called out? The consultants said this diagram is more a Massing Diagram – not a land use diagram. They said what the Mayor is talking about is better shown on the diagram on page 61.

Mayor Muhlfeld asked how their talks went with the Montana Department of Transportation (MDOT) regarding the tradeoff of traffic from Spokane Avenue to Baker Avenue. Don Arambula said he didn’t think they agreed that it was in line with their priorities, but they do recognize the historical character of the corridor. George Crandall said that is why it is important for the City to establish their vision in an adopted Master Plan, it gives them a place to start; and Don Arambula said he felt MDOT has a policy giving cities a prerogative of what a state highway looks like through their downtown core.

Councilor Hildner asked, and noted it was outside the plan, but where do we go at the point this plan ends at the Baker Bridge over the Whitefish River, and the continuing south on Baker. Don Arambula said it is a missing link. The State will redesign that bridge; then plans need to be put together for Baker Avenue south of that.

Mayor Muhlfeld opened the public hearing.

Ian Collins, 898 Blue Herron Drive, spoke regarding his wish for more parking on Railway Street in the block by Depot Park, he felt that was too valuable to lose needed parking because of the design for the Whitefish Promenade.

Rhonda Fitzgerald, 412 Lupfer Avenue, said most of the visions of the 2006 Plan have been accomplished; and with this update there are new visions to accomplish. She thought it is exciting and said Whitefish is a lucky community, and she thanked the Mayor and Council and Crandall Arambula for working on this arduous project. For Council’s information, she said that in MDT’s plans, the Baker Street Bridge is a top priority, followed by reconstruction of Baker Avenue to the south – she said it will be done in phases and will be time consuming.

Mayre Flowers, representing Citizens for a Better Flathead, 35 4th Street West in Kalispell, commended the Council and all who worked on this update for keeping it front and center; it is an incredible long-term vision. She supports the recommendations to update zoning and design standards; she said that is long overdue and critical to the success of this new plan. She noted that on page 74 of the Plan, addressing Lodging, includes a bullet point about on-site parking, plus valet-serviced parking allowed off-site. She thought that was too open-ended and not appropriate for the downtown core. She

agreed with the discussion during the work session as well as the public comment during tonight's public hearing regarding trying to find additional parking along Railway Street by the park.

Rebecca Norton, 530 Scott Avenue, said she likes the vision of the update. She said she has some concern about losing parking in front of her office which is located on Spokane Avenue between 4th and 5th. She really likes the idea of the protected bikeway to the mall; it is needed. She said the City should take the opportunity to buy properties, even if they are small, for parking and access to our parks and the river.

Mayor Muhlfeld closed the public hearing and turned it over to Council for their consideration.

Councilor Frandsen made a motion, second by Councilor Feury, to adopt Resolution No. 15-05; A Resolution of Intention indicating its intention to adopt amendments to the Whitefish Downtown Business District Master Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy)

Councilor Frandsen said several small edits had been noted earlier and she had one to add; pages 61 and 62 identify two anchors at the north end of Baker – a boutique hotel and a retail anchor. The current retail anchor has voiced concern that it shows moving his business across the street; and it has been discussed that either of those could be on either side of the street and she would like that noted in the plan. She agreed that the parking on Railway Street by the park should be reviewed, working of course with the Park Board in their Master Plan update for the park.

Councilor Hildner said page 50 in the Plan shows a new crosswalk on the viaduct to connect the two paths from the east and west of the viaduct; and he is concerned that it stops bike traffic going uphill which might cause difficulties. George Crandall said people will want to cross there so they should be provided with a safe way to do it.

Mayor Muhlfeld said he has concern of the designation for multi-family residential in the southwest neighborhood as shown on page 77 of the Plan. He said that does coincide with the underlying zoning, but in the original plan that was shown as single family residential, which is the current character of that neighborhood; his concern is the encroachment of apartment buildings, duplexes and townhomes into our traditional single family neighborhoods. The Mayor asked the consultants about the best way to address that issue if it isn't in this plan. George Crandall said they had been in a meeting during the afternoon and talked about this same issue, because it could become a downzoning issue. With proper design standards in place a duplex could be designed to fit right into the neighborhood and be fine and wouldn't devalue the area. It is a concern they have had as well, but it can't be solved in this Master Plan, other than to say it has to be looked at. It has to be dealt with by zoning/design guidelines. Don Arambula said that review is addressed in the text in the Land Use Framework; and they can transfer that to other parts of the document as well.

Councilor Sweeney commented on the parking versus the promenade design by the park on Railway Street that has come up in the conversations, and he discussed the options with the consultants. Councilor Sweeney said the Park Board is very concerned about loss of trees in the park, and also preserving the park ground as a soft space and not hardscape. So while he knows the comments about the need for more parking has value, there are complications there to be carefully considered. Councilor Feury said it is his understanding that this plan includes at least two options/alternatives for

Councilor Sweeney commented on the parking versus the promenade design by the park on Railway Street that has come up in the conversations, and he discussed the options with the consultants. Councilor Sweeney said the Park Board is very concerned about loss of trees in the park, and also preserving the park ground as a soft space and not hardscape. So while he knows the comments about the need for more parking has value, there are complications there to be carefully considered. Councilor Feury said it is his understanding that this plan includes at least two options/alternatives for future consideration and that by adopting this plan the Council is not making that final decision at this time regarding the promenade and parking plans. It is his hope this area will be given much more review and consideration, and that those options are included in the plan; which the consultants said they would be.

Councilor Sweeney said he liked the concept presented in the plan for the viaduct to be a place rather than just for transit with 'gateway' landscaping, but he didn't think a tree in a planter would survive northwest Montana winters. The consultants said probably there are tree species that would survive; the point is there needs to be trees or shrubs, some sort of landscape separation from traffic other than a concrete barrier. They have received a lot of support for this concept and are not sure of the final outcome – but it needs to be some kind of landscaping.

City Manager Stearns said following the approval of a resolution of intent to adopt this update, the Council's next step in the procedure is final adoption and asked the consultants if their final draft would be ready by the April 6th meeting and the consultants said it would be ready.

The motion to adopt Resolution 15-05 was approved unanimously.

7) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) Ordinance No. 15-05; An Ordinance amending Whitefish City Code Section 2, Chapters 1, 6, 7, 8, and 11, to provide subcommittees, revise the Weed Control Advisory Board as a volunteer Weed Education Outreach Committee, and authorize members, who reside within the School District #44 area, for advisory committees to the Board of Park Commissioners (First Reading) (p. 455) (CD 2:36:53)**

Park and Recreation Director Butts said the Ordinance has been reviewed and approved by the Park Board, requiring that the membership of the subcommittees under the Park Board including the Ice Rink Advisory Committee, the Tree Advisory Committee, the Pedestrian and Bicycle Path Advisory Committee, and the Whitefish Trail Operations Committee reside within the Whitefish High School District boundary. The Ordinance also directs each committee listed above as well as the WAG Board and the Weed Control Advisory Committee regarding agendas and meeting minutes. And the Ordinance renames the Weed Control Advisory Committee to the Weed Education Outreach Committee. Director Butts said the Weed Control Advisory Committee will meet one more time to address the revision of the Weed Management Plan. The Ordinance also sets out an application retention period for the Park Board's subcommittees.

Councilor Feury made a motion, second by Councilor Sweeney, to approve Ordinance No. 15-05; An Ordinance amending Whitefish City Code Section 2, Chapters 1, 6, 7, 8, and 11, to provide subcommittees, revise the Weed Control Advisory Board as a volunteer Weed Education Outreach Committee, and authorize members, who reside within the School District #44 area, for

riprap and a new dock, in conjunction with a minor variance request for a metal stairway with a portion located higher than 2 feet above grade and the proposed diameter of the rock utilized for the riprap subject to 31 conditions (p. 466) (CD 2:42:16)

Planner Minnich gave the staff report, explaining the standard permit and variance requests. Staff finds the applicant meets the criteria for a variance and recommends the City Council approves the requested Minor Variance and lakeshore construction permit subject to thirty-one (31) Conditions of Approval. The Mayor, Council and Staff discussed and clarified Conditions #7, #8, and #20 and the rip rap.

Councilor Sweeney made a motion, second by Councilor Frandsen, to approve Whitefish Lakeshore Permit #WLV-15-W05 for Kimberly Garth & Trina Tymko at 1722 W. Lakeshore Drive. The motion passed unanimously.

9) COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 490) – None.

b) Other items arising between March 11th and March 16th (CD 2:59:00)

City Manager Stearns said he was invited and attended the most recent Government Study Commission meeting. He gave them his recommendations regarding some housekeeping changes to the Charter. He'll send his recommendations out to the Council. He also attended the Department of Environmental Quality's (DEQ) public meeting last week. DEQ hosted this public meeting to give their update on the BN Whitefish State Superfund Facility; reporting on their recently completed work and gave an overview of the Whitefish River cleanup. They plan to begin their Human Health Risk Assessment this year, have a feasibility plan prepared by 2016 and approved by 2017 and then be ready to start construction and remediation and completion of the cleanup. The twelve to fifteen members of the public that attended the session seemed to be pleased with the reports.

c) Resolution No. 15-06; A Resolution in support of establishing a countywide 911 Special District within Flathead County through Resolution of the Flathead County Commissioners in accordance with Montana State Law at MCA § 7-11-1003 providing to the County the authorization to create Special Districts (p. 509) (CD 3:01:03)

Manager Stearns said the final copy of this resolution prepared for signatures tonight has the word "construction" correctly spelled and "Whitefish" is filled in on the blank on the second page. Manager Stearns reviewed the staff report, going over this history of this proposal. Last year a proposed creation of this 911 Special District, which was supported by Whitefish, Kalispell, Columbia Falls and Flathead County, narrowly failed (by a margin of 10 votes) during a special election that was held in November 2014. The operations and maintenance (O and M) budget for the 911 Emergency Center is funded through City and Countywide taxes, but city residents get taxed twice because they are subject to both the County's and each City's levies that they live in. In addition, funding for capital improvements has never been established. A funding committee was created to address the current inequities of the O and M budget as well as a capital improvement budget. The Funding Committee maintains the opinion and recommendation that the special district methodology proposed by Flathead County in the 2014 ballot measure is a fundamentally more equitable system of funding the operations, maintenance, and capital replacement of the consolidated 911

system; and also to provide funding for future facilities and equipment replacement not currently funded. To raise these funds, the “District” would assess a flat fee of \$25.00/year per residential unit and \$50/year per commercial unit – up to a maximum of 30 commercial units. By approving this resolution, the City Council shows their support for the creation of the Special District. This same resolution is being considered by the other City Councils in Kalispell and Columbia Falls.

Councilor Barberis made a motion, second by Councilor Frandsen, to approve Resolution No. 15-06; A Resolution in support of establishing a countywide 911 Special District within Flathead County through Resolution of the Flathead County Commissioners in accordance with Montana State Law at MCA § 7-11-1003 providing to the County the authorization to create Special Districts, with corrections by staff as noted. The motion passed unanimously.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) **Email from Kellie Harnar regarding a request for flashing crosswalk signs at Wisconsin Avenue and Woodside Lane and Colorado Avenue and East Edgewood (p. 522)**
(CD 3:08:15)

Interim Public Works Director Hilding said she is working with Kellie Harner on her requests for flashing crosswalk signs. The City will be putting up the middle-of-the-street crosswalk sign at the intersection of Edgewood & Colorado as was done last year; it seemed to benefit that intersection. The other site will be for the Montana Department of Transportation consideration. Manager Stearns commented that there can be a saturation of lighted crosswalks so that they become too commonplace to be noticed by vehicular traffic. Interim Director Hilding said they will also look at this issue in their Pedestrian/Bicycle Master Plan update and address it city-wide instead of on a case by case basis.

- b) **Consideration of doing mail ballots versus polling places for 2015 Mayor and City Council elections (p. 525)** (CD 3:12:13)

Councilor Sweeney made a motion, second by Councilor Frandsen, to conduct the 2015 elections by mail. The motion passed unanimously.

- c) **Email and memo from Mayre Flowers regarding a “Buy Local Campaign” (p. 535)** – No comments.

Council Comments:

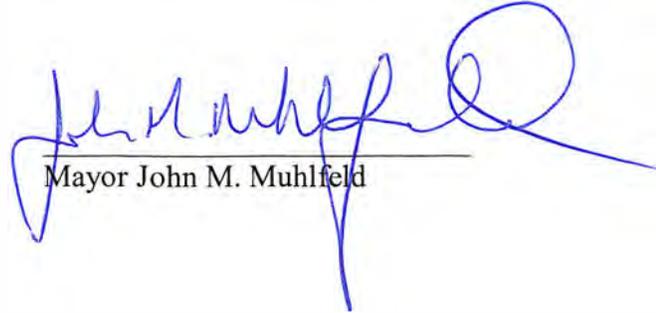
Councilor Feury said he was sure Director Butts was aware of this and he has talked some with Steve Lull about it, he feels that by next year better management of the runoff at the Wag Dog Park needs to be addressed. He knows that some on the Wag Board and a member or two on the Park Board are aware of this. He said it would help a lot if dog owners would pick up after their dogs and dispose of it properly, as provided for in the Park.

Councilor Hildner said he also attended the DEQ diesel plume update last Thursday, and he has requested that BN’s water from their outfalls be tested, their surface water that comes off during rain events. He is following up with Jessica Smith on that.

Councilor Barberis said thanks to the Planning Department and all staff for the quick turn-around in their review of the February 24, 2015 development plan submitted for Whitefish Crossing.

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

Mayor Muhlfeld adjourned the meeting at 10:35 p.m. (CD 3:15:22)



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 3/16/15

PLEASE PRINT NAME and ADDRESS	Whitefish Crossing PUD 60 Units - 6348 Hwy 93 S	Conditional Use Permit-Expansion of Whitefish Theatre Company	Conditional Use Permit-Guest House 1199 W. 7 th Street	Intention to Adopt - WF Down- town Business District Master Plan - Amending Growth Policy
1.				
2. John Ellis 630 Jamens				X
3. DON SPIVEY III PATRIC KNOWL W	X			
4. IAN COLLINS				X
5. RITONDA FITZGERALD				X
6. MARY FLOWERS, CFBF				X
7. REBECCA NORTON				X
8.				
9.				
10.				
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17.				