

WHITEFISH CITY COUNCIL MINUTES
April 6, 2015
7:10 P.M.

1. CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Hildner, Feury. Absent were Anderson and Sweeney. City Staff present were City Manager Stearns, Assistant City Clerk Woodbeck, City Attorney VanBuskirk, Finance Director Smith, Planning and Building Director Taylor, Interim Public Works Director Hilding, 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 Hunter Homes 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)

Judy Hesslund, W. 7th Street, said with the 7th Street project she would like the bike path smaller and less street lights if they have to have them. Judy said in the current Growth Policy it says to try and keep the character of the neighborhood. Judy said from Geddes west the parcels are from ½ to 3 acres in size and she would like for them to tone it down a bit to keep the character.

Doug Hegland, 459 S. Karrow Estate, said he lives directly behind the property at 447 Karrow Avenue. He said he is against any zone change. He feels with the 1.18 acre lot they could put in a duplex so why add 4 additional houses as it is too much density. There is also a lot of drainage from the golf course that goes through the property on where they want to put a house.

Brian Schott, 708 Lupfer Avenue, said on the 7th Street project he is against the one-way off of 7th Street to O'Brien Ave. He feels this would create other hazards in the neighborhood with the traffic being rerouted.

Rebecca Norton, 530 Scott Avenue, said she wanted to make a correction in the minutes when she spoke on the Iron Horse Gate. It said that she was in favor of making all the roads public but she wanted to clarify that it came from the conditions that were approved by the planning board.

Matt Lawrence, 504 W 4th Street, said he is here to speak on the 447 Karrow project for a subdivision. This development does meet the zoning however the density does not fit this area. He believes it is a zoning issue that needs to be addressed. He feels they are doing the minimal impact but still not right for this area. With the river running through the property the high water line is really high and does not permit building on the lot. Matt said he would not recommend this subdivision in this area because of the fabric of the neighborhood and the surrounding homes. He would recommend that the developer take the notes from the planning department and consult experts on the water issue on Lot 4. They offered the developer on making this an open space lot to be shared by the other 4 homes.

Barb Acree, 469 S. Karrow Estates Road, strongly opposes to the 447 Karrow Avenue project. Barb feels that 5 houses are too much and they also have a river that runs through the property. She asked that they not let this happen and to consider how the neighbors feel.

Kirtiye Lohof, owner of Whitefish Hostel at 28 Lupfer Ave, said she would like to see no overnight parking and limit of 2 hour parking on her side of the street. She said a lot of employees from downtown park there all day without moving so it does not leave space for her customers. She does support the Parking Structure. She said they are classified as commercial street but do not get plowed like the other commercial areas do. She feels if it is signed no overnight parking this might help with the snow plowing. She has also had some incidents with the construction next door at 22 Lupfer Avenue with the sewer lines and the power being shut off. She wanted to say on record that it is very disruptive on both sides when a big project is going on in such tight quarters.

Jason Spring, 147 W. Swift Creek Way, is representing Whitefish Chamber of Commerce and they wanted to thank the Mayor and City Manager Stearns for coming to their board meeting and working through the issues and concerns they had regarding the new City Hall/Parking Structure and the Haskill Basin project. It is very helpful to have an open dialog with the City and they have their support in moving forward to improve our City.

4. **COMMUNICATIONS FROM VOLUNTER BOARDS**

a) Annual review and consideration of approval for Whitefish Convention and Visitor Bureau marketing plan and lodging tax budget of \$90,000 for FY16. (p. 153) (CD 19:36)

Erica Terrell is the Chairman from the Whitefish Convention and Visitor Bureau and she represents Glacier Restaurant Group. She introduced the Board members that were in attendance which were Jake Cook, Rhonda Fitzgearld, Jason St. Clair, Nick Polumbus and not in attendance are Zak Anderson, Jennifer Fisher, Scott Ringer and Luke Walrath. In late March they were nominated for the Montana Office of Tourism Outstanding Marketing Campaign award for our cooperative Out of Home and Digital Campaign with Chicago, Whitefish Mountain Resort and the Montana Office of Tourism. This campaign was lodged as they set up a direct flight to Chicago with a revenue guarantee. Although they did not win the reward they are honored to be recognized by the State and extremely pleased with the result of the campaign. Erica introduced Dylan Boyle who will be presenting the FY16 marketing plan and budget.

Dylan Boyle went through the activities of the Whitefish Convention and Visitor Bureau and request that the City Council approve the Whitefish Convention and Visitor Bureau FY16 marketing plan and the public portion of our budget of \$90,000. He said State law does require approval from the City of their budget so they can receive funding from the bed tax. He said that they work with two agencies in Whitefish which are Old Town Creative and LG Communications. They have paid advertising on line, print and out of home. He said they spend 60% advertising for winter, 20% for fall and 20% for spring time. He said they have a plan this year to reach 21 million targeted viewers through the paid advertising.

Dylan said their web site viewing is up 15% from last year and they are expecting to see about a quarter of million visitors to the web site and about 750 thousand paid viewers. The public relations reach 4,000 people for every dollar they spent on our PR program. Dylan said they attend fall ski shows

in different cities. They have been working with the Montana Tourism as well as Glacier Country Regional Tourism and other local partners to showcase Whitefish as a premier destination for groups, meetings and conventions during the fall, winter and the spring seasons. To summarize they know what they are doing is working as our targeting ads are well out performing the industry standards. They base their annual budget projections on this steady growth. They take into consideration Resort Tax collections, Whitefish Bed tax as well as our tourism promotion assessment voluntary collections.

Dylan said Glacier National Park had 2.3 million visitors in 2014 and were up 40% from February 2015 from last February 2014, approximately 613,243 non residence travelers spent at least 1 night in Whitefish which is an increase of 10% over 2013, the tourism promotion assessment is up 3%, 2014 bed tax was up 4% and Resort Tax up over 6%.

Councilor Hildner made a motion, seconded by Councilor Feury, to approve the Whitefish Convention and Visitor Bureau marketing plan and lodging tax budget of \$90,000 for FY16. Councilor Frandsen abstained from voting as her company Old Town Creative does work with the Whitefish Convention and Visitor Bureau. **The motion passed unanimously.**

Councilor Hildner reported on the Bike Pedestrian Committee. The path to the boat launch on the BNSF underneath the roundhouse has the wrong material on it so they will be working on that also along with the water diversion, development of the plans for that area in terms of a dock and benches. It has been suggested that the name be called Round House Park. The plan sheets for the Skye Park Bridge, Birch Point Lift Station will be put up on the web site. The Birch Point Lift Station will be first to go out for bid as they wait for DNRC and DEQ for their final review. They are working on the Town Pump path which will be over the culverts as we should be able to see a continuation of the path from Char Rygg's property up to Town Pump. The Stumptown stairway is in review with the Building Department. The Bike/Pedestrian requests the opportunity to review the plans for the bike path for 7th Street project and they are in favor of the 10' width on the sidewalk.

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. Ordinance require 4 votes for passage-Section 1-6-2(E)(3)WCC)(CD 35:36)

- a) Minutes from the March 16, 2015 City Council regular session (p. 189)
- b) Ordinance No. 15-04; Ordinance approving the Whitefish Crossing, fka Deer Tracks Residences Planning 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 (Second Reading) (p. 201)
- c) 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 Commissions (Second Reading) (p.206)
- d) Resolution No. 15-07; A Resolution adopting amendments to the Whitefish Downtown Business District Master Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (p. 214)
- e) Consideration of approving application from McIntyre Family Trust for Whitefish Lake Lakeshore Permit (#WLP-15-W07) at 1372 W. Lakeshore Drive to Replace an existing dock

- with a new 'E' shaped EZ dock and gangway. The application also includes 2 EZ Max 2i ports adjacent to the proposed dock subject to 12 conditions. (p. 301)
- f) Consideration of approving application from Cory Izett on behalf of Pinecone San Diego LTD for Whitefish Lake Lakeshore Permit (#WLP-15-W08) at 3500 & 3506 E. Lakeshore Drive to expand on existing dock into a shared dock subject to 14 conditions. (p. 311)
 - g) Consideration of approving application from Paul and Deborah Biolo for Whitefish Lake Lakeshore Permit (#WLP-15-W09) at 432 Dakota Avenue to replace an existing damaged dock with an adjacent neighbors approved dock. The neighbor recently received approval for a new dock for their property subject to 11 conditions. (p. 332)

Councilor Hildner made a motion, seconded by Councilor Feury, to approve the consent agenda. 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: **None.**
- 7. **COMMUNICATIONS FROM PARK AND RECREATION DIRECTOR**
 - a. Discuss and give direction on recommendations for regulating commercial use activities on Whitefish Lake and in the City Beach area. (p. 349) (CD 36:43)

Parks and Recreation Director Butts went through her staff report. Based on the Whitefish Lake Commercial Use Work Groups findings they have brought forward a list of recommendations in which she would like the Council to discuss individually.

Councilor Frandsen said she is on the committee and said these are not their recommendations their sole purpose was to identify what the current issues are and explore options for the Council to look at. She said these recommendations are coming from staff based on the feedback from the committee. City Manager Stearns said the committee wanted to get direction from Council before this season begins as some might need to go through the City Attorney. The Council discussed the 8 different bullets in the staff report.

- Regulation of commercial activity on and within 200' of City Beach be established by and recommended to the Council for consideration by the Park Board of Commissioners after the April 14, 2015 Park Board meeting. **The Council agreed for Maria to proceed with this recommendation.**
- Council address patrons' parking concerns by identifying locations within the City Beach neighborhood that would allow for parking spaces on both sides of the street, establishing trailer parking on Edgewood, implementing a time limit for parking at City Beach to allow for more parking availability, and seeking a partnership with a local transportation company to provide shuttling services from other parking locations within the city. **The Council said to strike implementing a time limits for parking and they would like to see a parking plan and to keep looking for more lots for parking. Also look for employee parking so they are not parking in the lot.**
- Address commercial parking by implementing any of the following: not allowing commercial parking, requiring fees for commercial parking and their customers, and/or requiring commercial customers to park at the business' store location and be shuttled in. **Councilor Feury feels this bullet and the next one would fit under the parking plan.**

- In the long-term, address parking concerns by seeking property to purchase for extended parking and seek ways to extend current parking areas. **Councilor Feury said the property is very expensive by the beach and you really do not get many parking spaces with a piece of property.**
- Manage commercial activity on and around the water through a permitting process by establishing an added fee for land-based businesses to do business on the water, requiring both business licenses and vendor permits, capping the number of businesses permitted to do business on the water, establishing guidelines for the types of businesses permitted to do business on the water, requiring a business license for each location of the business, establish permitted hours of operation, establish how violations will be handled, and identify where businesses are permitted to vend in relation to both land as well as other businesses. **The Council does accept this recommendation.**
- Manage the regulation of signs and billboards by establishing a size limit, requiring business owners to identify the owner and business on the sign by including a business identification number, and restricting billboards and political ads. **The Council agreed for Maria to do more research on this matter.**
- Reevaluate all launch, permitting and licensing fees and consider a resident discount for launch fees and a rate increase for all commercial operations. **The council would like for everyone to pay the same for boat launch passes except to look into an increase for the commercial operations.**
- Manage wake zones by adding buoys and restricting vending within wake zones. **The Council suggested handing out brochures with all the rules and regulations.**

Mayor Muhlfeld would like to see some recommendation from staff that includes feedback from the other agencies.

8. COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a. Consideration of an application from Four Forty Seven LLC for a preliminary plat on a five (5) lot, 1.19 acre Minor Subdivision at 447 Karrow Avenue called Whitefish Creek Subdivision (p. 353) (CD 1:03:57)

Planner II Minnich gave her staff report. Minnich said they received 4 letters in opposition with concerns about the storm water conveyance on Lot 4. Minnich said staff did take some pictures of the drainage of the water showing how high it does go up on Lot 4. They have met with the applicants technical representative, their engineer and the Public Works Department. They discussed the boundaries of the conveyance system the proposed building envelope that is located on Lot 4 and the impacts that the boundaries may have on Lot 4. The applicant said they would work with the Public Works Department to make sure they do comply with the water quality protection regulations in order to identify the boundaries of the storm water conveyance which is based off the 25 year storm event. If they could not meet the qualifications they would have to eliminate Lot 4 and reconfigure the other lots prior to final plat submittal which is included in condition #5.

Councilor Hildner asked if they were going to have curb and gutter and where would the water be going. Interim Public Works Director Hilding said it would be included in the engineering plans. Councilor Hildner acknowledged the applicants as he would like to hear from them.

Eric Mulcahy, Sands Surveying, 2 Village Loop-Kalispell, is representing the applicant. Eric said they have proposed a preliminary drainage plan with the project but it has not been submitted to Public Works yet. They are looking at some kind of curb and gutter to catch the run-off and direct it to infiltrators that would escape at the predevelopment rate. Eric wanted to thank Planning and Public Works staff for working with them prior to their submittal. Eric said he feels that condition #5 is the best alternative because they do not have an answer to the question for the stormwater run-off. Councilor Hildner said he did go out to the site and looked at where the water had been and he does not see where Lot 4 would be a viable lot. Interim Public Works Director said infiltrations does not work well in Whitefish because of the high groundwater. She said condition #4 should be changed to reflect that they need to store and treat the run-off.

Councilor Hildner made a motion, seconded by Councilor Barberis, to deny the application from Four Forty Seven LLC for a preliminary plat on a five (5) lot minor subdivision at 447 Karrow Avenue called the Whitefish Creek Subdivision. Councilor Hildner said he is not opposed to the subdivision but feels there are some issues to be solved especially the stormwater with condition #4 and #5 and whether it is one or two tracts. The motion failed with a 2 to 3 vote with Councilors Frandsen & Feury and Mayor Muhlfeld voting in opposition.

Councilor Feury made a motion, seconded by Councilor Frandsen, to approve the application from Four Forty Seven LLC for a preliminary plat on a five (5) lot, 1.19 acre Minor Subdivision at 447 Karrow Avenue called Whitefish Creek Subdivision. Subject to the 17 conditions with amending condition #5 striking the first seven lines leaving the last two lines and conditions #5 would now read: Lot 4 shall be eliminated from the preliminary plat, and the remaining lots to be reconfigured. (Whitefish Zoning Regulation 11-3-29; Staff Report, Finding 3). The motion passed with a 3 to 2 vote with Councilors Hildner and Barbaris voting in opposition.

- b. Consideration of a request from the Iron Horse Homeowners Association for a modification to their subdivision to permit a reconfiguration of their guardhouse on the side of Iron Horse Drive to a welcome center in a median in the center of the road (p. 427)

Senior Planner Compton-Ring said Iron Horse would like to postpone this request until the May 4, 2015 meeting as they are still working on some modification and some reconfigurations.

Councilor Frandsen made a motion, seconded by Councilor Feury, to postpone the consideration of a request from the Iron Horse Homeowners Association for a modification to their subdivision to permit a reconfiguration of their guardhouse on the side of Iron Horse Drive to a welcome center in a median in the center of the road. The motion passed unanimously.

9. COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a. Presentation of West 7th Street preliminary alignment and typical sections and authorize engineers to proceed to final design. (p.496) (CD 1:33:10)

Interim Public Works Director gave her staff report and turned it over to Ryan Mitchell from Robert Peccia and Associates (RPA) to go thru the slide presentation.

Ryan said they have had 3 public meetings and have had very good turn out and great feedback. He is here tonight to get the go ahead to proceed to final design and at this time they do not need to

make any decision on the one-way as they are still working on that section. Ryan went through some of the concerns with the neighborhood that were brought out in the meetings.

Ryan said they are bringing this to the council as the street designs do not match the city standards because of the type of neighborhood they are working in. The first section which is west of Karrow Avenue the majority of neighbors (63%) chose option 1 "road in same location, no sidewalks". They typically do put sidewalks in at least on one side but this option does work better for the neighborhood.

Ryan said the 2nd section is from Karrow to Geddes with the majority (68%) choosing Option 1 "urban section-curb and gutter" and several comments were received asking that the path width be increased. The width of the driving lanes will be 12'6" instead of 14'. The sidewalk will be 10' wide the power poles will be behind the sidewalk.

Ryan said the next section is Geddes to O'Brien Avenue with the majority (89%) chose option 1 "sidewalk on north side only" and several comments were received asking that the sidewalk be widened. The power poles will be in the middle of the boulevard so the sidewalk is on the back side.

Ryan said the section from O'Brien to Baker the majority (71%) chose option 2 "sidewalk on both sides, 4'-0" boulevard, landscaped slopes (no retaining wall) and they received several comments stating that only one wider sidewalk was preferred. They are proposing sidewalks on the North side as there are a lot of parallel parking and they would be parking over the sidewalks on the south side. Ryan also went over the one-way option on O'Brien showing that the plan is to remain a 3 way intersection with stop signs with one-way going from south to north along O'Brien Avenue. He said they would like to wait on this as they would like to receive more comments.

Ryan said this plan does not allow for any on street parking along 7th Street. Ryan said they would like to finish the design late summer then have another public meeting then come back to council with anything else they might have. The gas company said they want to start their work this fall after Labor Day. They will go out to bid in the spring of 2016 then complete the roadway construction in the summer and fall of 2016. The council had some questions for Ryan on the bike paths/sidewalks and the street lights that would be installed.

Councilor Feury made a motion, seconded by Councilor Frandsen, to approve to proceed to final design of West 7th Street. The motion passed unanimously.

10. COMMUNICATIONS FROM CITY MANAGER (CD 2:08:42)

- a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 510): None
- b. Other items arising between April 1st and April 6th: None.
- c. Review and possible adoption of FY 16-20 Capital Improvement Program (p. 517)

Financial Director Smith went over her report for the FY 16-20 Capital Improvement Program and said there are no financial requirements. The council said Financial Director Smith did an awesome job on the spreadsheet.

Councilor Hildner made a motion, seconded by Councilor Feury, to accept the projected FY 16-20 Capital Improvement Program as presented. The motion passed unanimously.

11. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a. Letter from Paul Carpenter, MD regarding safety of parking on Central Avenue (p. 569) (CD 2:22:04)

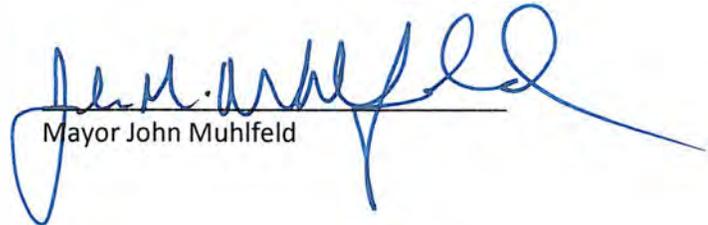
Councilor Feury said there is a big dip in the road on E 2nd Street in the west bound lane in front of the Barb and Scott Brandt's house. He also said they need to think about a fix at the dog park for the runoff in the spring.

Councilor Hildner gave a shout out to Chief Page for the front page of the Missoulian on a Sunday and above the crease.

Councilor Frandsen said with the Block 46 lot no longer available for parking the employees are now parking downtown we really need to address this. She was thinking maybe this summer using the snow lot if possible. She said she received a complaint about the traffic signal at Edgewood and Wisconsin and the beeping noise it makes and was wondering if somehow it could be turned down some. She said there is a high pipe in the road sticking up on Railway west of Baker. Also the stop sign at Edgewood and Dakota is upside down.

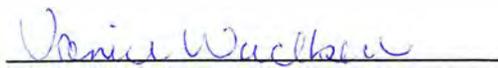
12. ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)

Mayor Muhlfeld adjourned the meeting at 9:45 p.m.



Mayor John Muhlfeld

Attest:



Vanice Woodbeck, Assistant City Clerk