

WHITEFISH CITY COUNCIL
CLOSED EXECUTIVE SESSION

April 20, 2015

5:00 P.M. to 6:20 P.M.

Closed Session for City Attorney and City Manager annual evaluations. Present were Mayor Muhlfeld and Councilors Barberis, Frandsen, Hildner, and Sweeney, (Councilors Anderson and Feury were absent); and City Attorney VanBuskirk and City Manager Stearns, separately. Pursuant to §2-3-203(3) MCA, the presiding officer may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceeds the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

WHITEFISH CITY COUNCIL MINUTES

April 20, 2015

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Hildner, and Sweeney. Councilors Anderson and Feury were absent. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Finance Director Smith, Senior Planner Compton-Ring, Interim Public Works Director Hilding, Parks and Recreation Director Butts and Interim Fire Chief Page. Approximately 20 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Senator Ryan Zinke to lead the audience in the Pledge of Allegiance.

3) PRESENTATIONS

a) Update from Mike Cronquist, City's Owners Representative for City Hall/Parking Structure Project (p. 29)

Mike Cronquist, reviewed his written report from the packet and added that on April 6th the team met again to discuss mechanical and electrical systems; heating and cooling systems are still being researched and the details of the electrical system are near completion. Budget numbers and construction schedule are coming together; if offices are vacated by August 1st, demolition should begin around September 1; likewise if offices are vacated until September 1st, demolition wouldn't start until about October 1st. Drawings should be completed in September. He was onsite with the demolition team today and inspecting the premises. Reports on hazardous materials are being prepared for bid documents. Councilor Hildner asked if the expanded basement space was still under consideration and Mike said Martel is looking at that, it is still possible. Councilor Frandsen asked about a plan for recycling during demolition and Mike said yes, disposition and auction of surplus materials has been discussed; City Manager Stearns agreed and said they hope to be able to sell surplus materials – the timing is being looked at. In addition, they are working on designing to LEED Standards even though LEED Certification was dropped from the project, there is a lot left to be done in that area. The Future City Hall Ad Hoc Steering Committee has a meeting scheduled with Mosaic Architecture on Friday, April 24th, and Mike will be attending also. Mayor Muhlfeld asked about a project schedule and Mike said it would be summer before that is prepared.

b) Presentation on Hazardous Materials Incidents Preparedness and Procedures – Interim Fire Chief Joe Page (CD 12:40) (This power point presentation has also been posted on the City website on both the home page (temporarily) at <http://www.cityofwhitefish.org/> and on the Disaster Preparedness page at <http://www.cityofwhitefish.org/disaster-preparedness/disaster-preparedness.php> .

Interim Fire Chief Page said this is a downsized power point presentation from fire-fighter training regarding Railway Disaster Planning in preparedness for a spill of oil from the Bakken and other possible rail disasters. He said the oil unit trains are up to 110 cars with 30,000 gallons of oil each. Derailments have happened close to home, most recently in Olney in March 2014; fortunately those cars were empty. Incident Priorities are Life Safety, Incident Stabilization and Property Conservation and Environmental Impacts, all as are current during the incident and long term. Last year he was the Whitefish representative on the Planning Team (Team) that developed the Pre-Disaster Mitigation Plan, adopted by the Council on October 20, 2014. In that Plan the Team listed twelve hazards, by priorities, as they related to Flathead County. Of those twelve, Page identified four that he felt were especially high-risk for Whitefish. From that list they are (1) Wildfire, (3) Hazardous Material Incidents, (6) Transportation Accidents and (10) Terrorism, Violence, Civil Unrest, and he reviewed those types of incidents and related preparedness. He explained and demonstrated that at the time of the incident, they make life safety decisions and establish a Unified Command per NIMS, considering evacuation versus rescue needs. Action is determined per incident based on established practices and procedures, which grow or shrink per incident; working closely with other resources through the BNSF, FEMA, and local public safety. The ESC is the local Incident Command Post and public information center. Whitefish Firefighters and EMTs have co-training with BNSF and also attended training in Pueblo, Colorado. Following his presentation there were questions from the Mayor and Council. Interim Chief Page agreed a public information booth on these issues at the Farmer's Market is a good idea and one they have discussed. And, he said he doesn't meet regularly with the North Valley Hospital Board but had just become part of a local group (MCI) that meets regularly in Kalispell. Page also noted that having the rail yard in the center of town does keep the trains going through at a lower speed.

4) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, displayed a flyer for an event they are co-sponsoring; an Earth Day Celebration on April 25th in Depot Park in Whitefish. She said there will be 35 booths, all family oriented with hands on activities. Flowers also noted that recycling bins in Whitefish have not yet been re-signed as agreed upon by the contractor; and she felt that was important to do to keep consistency in valley-wide recycling.

Rhonda Fitzgerald, 412 Lupfer Avenue, commented that later in the agenda the Council would be discussing the waterline replacement project at the south end of Central. She said the recently adopted Downtown Master Plan Update includes a recommendation to extend the town's streetscape in that same area and suggested coordinating those two projects so both could be done at the same time. Fitzgerald also commented on the need for employee parking for downtown businesses; she said 60 spaces were just lost with the beginning of the hotel construction on Block 46. She urged the City of Whitefish to seek more parking.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 48:10)

Councilor Hildner said he attended the last Park Board meeting and reported on the success of the new pickle ball courts, there was discussion regarding the proposed re-naming of the river boat launch to Roundhouse Landing, improvements at the ice rink are scheduled for June 14th and the 2015-

16 ice schedule is still being worked on, the parkland dedication issue is scheduled to go in front of the Planning Board and then will come to Council. Regarding infill and parkland dedication, he said they will be contacting the City of Billings where three options are available, and the Park Board will look at those options (re: Cash in Lieu).

- 6) **CONSENT AGENDA** (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
- a) **Minutes from the April 6, 2015 City Council regular session (p. 32)**
 - b) **Consideration of Tax Increment Development Agreement with the Carrington Company for the Mountain Mall urban renewal project (p. 40)**
 - c) **Report and update on six months of experience implementing the False Alarm Ordinance – Chief Dial (p. 58)**

Councilor Hildner had two corrections to the minutes; on page 37 in the packet, first paragraph, change liable to viable, and in the next sentence add 'ground' between 'high water', so that it reads 'high ground water'.

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

- 7) **PUBLIC HEARINGS** (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
- a) **Resolution No. 15-___; A Resolution of Intention indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (WGPA 15-02) (p. 60) (CD 50:40)**

Senior Planner Compton-Ring reported this first came to the Council as a public hearing on February 2, 2015. Upon direction by Council it was followed by a work session held two weeks ago on April 6th, and from that work session there are now some decision points that are cited in a memo in the packet, and will be reviewed by the consultant, Nick Kaufman from the WGM Group.

Nick Kaufman introduced himself and Bruce Lutz from SITESCAPES who also was in attendance tonight. Mr. Kaufman reviewed the decision points as set out in his Memorandum in the packet (page 65), and pointed out additional points for discussion as requested in an email from Hunter Homes that is in the packet on page 79. Following his presentation the Mayor and Council had some questions. Planner Compton-Ring looked up the difference between Types I and II, Community Residential Facilities; Type I is for 8 or fewer, Type II is 9 or more; and clarified typical lot coverage in current WB-1 would be similar to the commercial development on Wisconsin Avenue just on the north side of the viaduct, also by the intersection of Denver Street and Wisconsin Avenue and then further north at the Alpine Village complex.

Mayor Muhlfeld opened the public hearing.

Ryan Zinke, 415 W. 2nd Street, said he served on the Ad Hoc Corridor Committee (Corridor Committee) and his property has been in his family for 80 years. He recounted that 3 years ago he proposed a micro-brewery and a B & B for his property which was approved by the Planning Board but he pulled the project before it came before the Council because the Council decided to do a corridor

study. Since then there have been multiple meetings. At issue is the designations of Areas A and B. The current plan has Area A south of the highway for smaller lots and more restrictive uses, and Area B is north of the highway allowing more business uses where lots are deeper and some to the river, where a river trail can be incorporated into the uses. He said if his development is approved he would grant a trail easement. He said a micro-brewery license differs from a liquor license, because it limits hours of operation and limits the servings per customer. He said the current plan as presented is a combination of give and take reached during the multiple meetings and he supports it as presented tonight.

Jeff Raper, 719 Kalispell Avenue, serves on the Chamber of Commerce Board (Board), who had meetings with the Corridor Committee. The Board supports the plan as presented tonight that has been approved by the Corridor Committee, approved by the Planning Board, and recommended for approval by City Staff. The Board feels that Whitefish needs property that is available and properly zoned for commercial use and they support moving forward with adoption and implementation.

Anne Moran lives at 432 W. 3rd and owns 436 W. 3rd and served on the Corridor Committee representing residential property owners. She thanked the Council for this public hearing. She had submitted a letter at the public hearing in February and resubmitted it tonight and discussed some of the points of her letter. She said the study was initiated as a Corridor Study and grew to cover neighborhood needs and neighborhood planning. Many members of the Corridor Committee do not live in the neighborhood, and she questions whether residential interest received fair representation on the Committee. She does not think the current plan represents the bulk of the neighborhoods desires and feels the adoption of the plan will result in immediate conflicts between property owners, similar and may be stronger than the opposition of many neighbors against the micro-brewery proposed by Ryan Zinke 3 years ago. She and many in her neighborhood feel that the current WR-3 zoning allows enough flexibility for many nonresidential uses historically supported by the neighbors and is a win-win for all property owners. Most residential property owners do not support short-term rentals and are concerned with the proposed increased lot coverage and request Council review that carefully. She agreed there had been multiple meetings but felt the use districts now included in the plan were introduced late in the process, have not been fully vetted, and the current and established zoning should be retained.

Susan Prilliman, 334 W. 3rd Street, said she had talked with her neighbors on both sides of the highway and they are concerned with the transitional zoning in Area B. She said a petition was submitted in February with 50 signatures on it, 48 specifically expressed that same concern with their signatures and asked the Council not to adopt the transitional zoning as proposed for Area B. The possible result for residents of that area if transitional zoning was adopted and implemented would change reality for them, they could likely suddenly be 38' from a micro-brewery. Negative impacts of living next to a micro-brewery could include noise, dust, smells, deliveries, patrons and traffic and hours of operation disrupting normal residential activities. The current zoning allows professional offices which are not disruptive and are a better fit to neighborhood character, but does not allow manufacturing or artisan. The proposal to increase the lot coverage is also a concern, currently WR-3 allows 40%. She felt affordable housing would be a better fit to this corridor, something in short supply in Whitefish, a better fit than short-term rentals, high density housing or manufacturing. There has not been a good planning process to define neighborhood needs and she asked the Council consider the request from the petitioners; their voice should count heavily in this decision, they are the people who live there.

Gail Linne, 106 Murray Avenue, thanked the Council for this process; and thanked the committee, staff, public, and consultants for all their time and hard work. She reiterated what Susan had

just said, a petition was submitted with 50 signatures requesting the City retain existing zoning districts for this area.

Jay Wolfe, 532 W. 2nd Street, said he had applied to serve on the Corridor Committee but was not appointed to it. He spoke in support of the proposed plan and said he feels it is what Whitefish needs for this corridor. He said, as a real estate professional, when people are looking to buy residential property, they do not look at this corridor for residential property. He said he lived at the home on 2nd Street for four years and it is noisy, has high traffic counts, and is not conducive to family residential. He felt this plan as proposed will allow property owners along the corridor to pursue uses other than residential in a planned and orderly fashion. He thanked all who worked on the plan.

Hunter Homes, said he served on the Corridor Committee, he said he started serving on it midway in the process; and he is the professional representative for the new owner of the Idaho Timber property. The email he submitted at the request of that owner is in the packet on page 79. Items they would like the Council to consider as permitted uses: a commercial center the size and scope of Alpine Village Market, Assisted Living facility, and a Brewery/Distillery “school”. He said he supported the proposed plan, agreeing that the north side of the highway is not conducive for family residential. He said redevelopment of the Idaho Timber property will be an asset for the community economically by providing employment and generating tax revenue.

Ian Collins, 898 Blue Herron Drive, said he served on the Corridor Committee, and said he felt there is a great potential and opportunity in the redevelopment of the Idaho Timber property. He also felt there in great potential and opportunity for redevelopment in Area B of this plan within the confines of the existing WR-3 zoning; he said local improvements are ongoing on several pieces of property in that area. He serves on the Architectural Review Committee and many new and creative projects have been proposed that comply with current zoning. He said he agreed with Anne Moran’s comments that the new zoning districts proposed in this plan in the later part of this process have not been broadly scrutinized; and the proposed lot coverage avails sprawl. He supports the efforts of the community to plan for and expand retail within the downtown core. He said he recently read a national report on successful small towns and a sample of the “money shot” was Central Avenue, Whitefish, Montana. He does not support nightly rentals for the corridor; he said they are allowed where he owns property in the Railway District and he feels, that over the long term, nightly rentals are corrosive to a neighborhood. He thanked the Council for the opportunity to serve on this committee.

Mayor Muhlfeld expressed thanks to all of those who served on the Corridor Committee.

Mayre Flowers, Citizens for a Better Flathead (CFBF), 35 4th Street West in Kalispell, said they attended and participated in most of the Corridor Committee’s meetings, providing active and informed comment along the way. CFBF supports existing zoning and those public comments spoken tonight supporting the same. CFBF does not support short term rentals for this area and do support regulations permitting affordable housing. Flowers spoke to the process of this study, culminating in a workshop held two weeks ago attended by the consultant with staff, committee members, public, but unfortunately only 3 Councilors. She thought it a shortcoming that there are not minutes from the workshop; and for a mixture of reasons felt action on the resolution of intention should be delayed. She said during the process there was a shift in the landscape when the County took back the regulation of parts of the area; and the City has recently adopted an update to their Downtown Master Plan and issues of implementation of that update involves this corridor as well. CFBF disagrees that this plan can provide

a basis for zoning and believes there is a mixing of term that are problematic; a neighborhood plan should be implemented. The City of Whitefish has two more corridor plans on deck and CFBF does not agree that this plan is a good enough plan to become the pilot for the next two. This plan seems to be developer driven; instead city staff should be in control of the planning, adoption and implementation. CFBF recommends this plan serve as a report for a new planning process for amendments to the Growth Policy, and suggests that possibly the Idaho Timber property will needs its own separate development plan.

Rhonda Fitzgerald, 412 Lupfer Avenue, said she looks at this plan from a downtown prospective, honoring the character of a community and preventing commercial sprawl. She said this plan could be the model for the next corridor plans that should serve to protect our gateways. She said people want to do business in Whitefish and that is because of the good planning that is in place and the City is the custodians and stewards of those policies. The Downtown Master Plan and its recent update provides guidelines for orderly growth in the WB-3, where, she said, is the appropriate place for commercial growth. She doesn't think people want bars and restaurants or sandwich shops in their neighborhoods. Jewelry stores, art galleries, bars and restaurants are uses that should be in the WB-3. WR-3 allows professional offices that are more appropriate in residential neighborhoods and she believes these are supported by the neighborhoods. She said properties in Area B are disparate; some are adjacent to the river, some are adjacent to lands previously zoned industrial, but why should their location or size determine how their land can be used? She doesn't see that logic, or the logic that one side of the highway should be allowed so many different uses than across the road on the other side of the highway. She thought much of the plan was illogical and counter-productive to the Downtown Master Plan. She noted former Planning Director Horne supported the high-density residential project on Highway 93 S which changed former commercial zoning to residential zoning; because he said the town had a surplus of commercially zoned properties. She said this proposed plan does just the opposite; taking residential-zoned properties and changing them for commercial use. She supported keeping retail where retail is zoned, she said it is better for businesses; and said that is the reason for frequent turnover of businesses that are outside the core. She said in the long run a favor is being done for businesses to encourage them to operate in the business core where they can benefit from that business synergy.

Chris Hyatt, 611 Somers Avenue, said he started a ski shop on Wisconsin Avenue in 1994 because it was affordable; he could not afford a downtown location at that time. Eight years later, when he could afford it, he moved to a location on Central Avenue. He disagreed with the premise that should not be done, because sometimes, in order to do business, you might have to start somewhere other than downtown because it either is too expensive or the space is not available downtown.

Brian Wood, 899 Asher Avenue, directed the Council to the Mission Statement on page 3 of the proposed plan, the 2nd and 3rd paragraphs which he read: "The following excerpt from the City of Whitefish Growth Policy explains the basis for recommending corridor plans as follow-up amendments to the original document: 'The Land Use Element of this Growth Policy recommends that corridor plans be formulated and adopted for four specific transportation corridors with the Whitefish area. Upon adoption, these corridor plans will effectively amend this Growth Policy with goals, policies, and recommended actions specific to each corridor...'" Mr. Wood said that is what this plan is and has accomplished, he said every committee member has stated they have supported the process, and this plan is what came out of that process and should be adopted tonight.

Mayor Muhlfeld closed the public hearing and requested a recess at 9:15 p.m. The Council reconvened at 9:29 p.m.

Mayor Muhlfeld felt the Council could continue with this process by following the decision points as outlined in the WGM Memorandum dated April 14, 2015 and is in the packet starting on page 65 along with consideration of comments heard during the public hearing tonight. He noted these decision points were questions and discussions that arose during the work session that was held on April 6th.

Councilor Hildner made a motion, second by Councilor Frandsen, to remove Short Term Rentals from Area B proposed WT-3 zoning. The motion passed unanimously.

Councilor Frandsen made a motion, second by Councilor Hildner, to remove the area south of the highway from the Whitefish River to Good Avenue from Area B to become part of Area A. The motion passed unanimously.

The Mayor, Council, and Staff discussed the next bullet “Coffee Shops and Sandwich Shops: Should they be limited, should they be in WI-T and not in WT-3?” Action on this bullet was deferred at this time; there was discussion on the creation of the two new zoning districts. It was discussed that, even though language in the Corridor Plan addresses creation of and uses in two new zoning districts; adoption of the Corridor Plan does not re-zone any properties. To have a property re-zoned, it would have to go through the established zoning application and public hearing process.

Councilor Frandsen made a motion, second by Councilor Barberis, to change Manufacturing, Artisan from a permitted use to a conditional use in the proposed WI-T District. (Note: during the motion Councilor Frandsen referred to the chart on page 225 of the packet, Item J. Manufacturing, Artisan, changing the “P” to “C” in the column for Proposed WI-T District). **The motion passed unanimously.**

Councilor Hildner made a motion, second by Councilor Sweeney, to add Item CC to Uses on page 225 to be “CC. Nursing and Retirement Homes as a conditional use in the WI-T District.” The Mayor noted this item is the last bullet point on packet page 66 in the WGM Memorandum; and then he recognized consultant Nick Kaufman who advised the Council that, in addition to Nursing and Retirement Homes; Personal Care Facilities and Community Residential Facilities, Types I and II as listed in the bullet are required by State Law to be allowed in any district that allows residential. **Councilor Hildner amended his motion, Councilor Sweeney amended his second to agree, to add Nursing and Retirement Homes, Personal Care Facilities, Community Residential Facilities, Types I and II as a conditional use in the WI-T District.” The motion passed unanimously.**

Councilor Hildner made a motion, second by Councilor Sweeney, to allow Coffee Shops and Sandwich Shops in the WI-T District. Following discussion, Councilor Hildner amended the motion to add as a conditional use, Councilor Sweeney who had the second on the original motion agreed to the amendment. The motion passed with 3 aye votes and 1 no vote, Councilor Frandsen voted no. (City Manager Stearns later asked for clarification if the intent of this motion was to allow this use in the WI-T only and as a conditional use; and the use is not to be allowed in the WT-3, which Mayor Muhlfeld said was correct).

Councilor Barberis made a motion, second by Councilor Sweeney, for Artisan Manufacturing be a conditional use in WT-3. The motion passed with 3 aye votes and 1 no vote, Councilor Frandsen voted no.

Councilor Hildner made a motion to deny alcohol production in the WI-T and the WT-3 Districts. The motion died for a lack of a second.

Councilor Hildner recognized Nick Kaufman who advised micro-breweries are advancing in today's commerce and becoming a big demand for land use; if the City does not allow it within their lands, those companies will find adjacent non-city lands to start their businesses on. Council discussion followed.

Councilor Frandsen made a motion to define and allow alcohol production as a conditional use as part of the Artisan Manufacturing in the WI-T District only. Clarification was made that the definition already exists in both the WI-T and WT-3 Districts. Councilor Frandsen changed her motion, second by Councilor Hildner, to remove the definition of alcohol production in Artisan Manufacturing from the WT-3 District; making it neither a permitted or conditionally permitted use in the WT-3 District. The vote on the motion was a tie vote with Councilors Frandsen and Hildner voting in favor and Councilor Barberis and Sweeney voting in opposition. Mayor Muhlfeld voted in favor; removing alcohol production from the WT-3 District.

There was some discussion among the Councilors and the Mayor regarding this last decision and whether or not to bring it back for reconsideration, but no action at this time. Mayor Muhlfeld recognized Nick Kaufman who reminded the Council of discussions at the work session about possible sub districts for some properties, more discussion but no further action on it at this time.

Councilor Sweeney made a motion, second by Councilor Barberis, to retain Sample Zoning Districts in the appendix of the document and that the Sample Zoning District be specific to Area B and to the recommended portion of the Idaho Timber site, with a preface stating that they are samples only and not considered to be in place without going through the established zoning process. The motion passed unanimously.

Councilor Hildner made a motion, second by Councilor Sweeney, to add new language to the WT-3 District at the end of the sentence ".....areas which are transitioning from their tradition uses, add "and lots primarily border either the Whitefish River or industrial zoned property. The boundary of this district is along the north side of Highway 93 from both side of north Karrow Avenue to the Veteran's Bridge. This zoning classification is not intended for general application throughout the Whitefish area." The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Barberis, to have set clear boundaries for Area A and Area B. The motion passed unanimously.

Councilor Barberis made a motion, second by Councilor Frandsen, regarding short term occupation of the rail spurs for passenger cars to add the language: "private railway cars with living accommodations are allowed to park on rail lines." Councilor Hildner made an amendment, second by Councilor Sweeney, to add "not to exceed 30 days." Councilor Frandsen made a second amendment, second by Councilor Sweeney, to add "no short term rentals are

allowed on railcars.” The second amendment made by Councilor Frandsen regarding not short term rentals was approved unanimously. The first amendment made by Councilor Hildner regarding not to exceed 30 days was approved unanimously. The original motion regarding private railway cars, as amended, passed unanimously.

Councilor Barberis made a motion, second by Councilor Sweeney, to add “Professional Artist Studio and Gallery” to WT-3 as a conditional use. The motion passed unanimously.

Councilor Hildner made a motion, second by Councilor Barberis to change item C in Artisan Special Provisions to read: “C. Shipping and receiving shall be limited to 7am to 7pm except for rail-related shipments.” Following discussion among Council, the motion passed unanimously.

Councilor Barberis made a motion, second by Councilor Sweeney, to add language to the proposed WT-3 under Property Development Standards: “Bulk and scale: All new structures with a building footprint 7,500 square feet or greater, existing structures where an addition causes the total footprint to be 7,500 square feet or greater, and additions to structures where the footprint is already 7,500 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title.” Following discussion among Council and Staff and the consultant regarding bulk and scale of a 7,500 square foot building, this motion was withdrawn by the maker and second of the motion, to give staff the opportunity to bring back more information and comparisons of other buildings in this area.

Mayor Muhlfeld requested a recess at 10:44 p.m. and the Council reconvened at 10:52 p.m.

Councilor Hildner made a motion, second by Councilor Barberis, to continue the meeting past 11:00 p.m. The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Frandsen, to reduce the proposed lot coverage provision in the WT-3 District to 50%. There was some discussion by the Council followed by a vote of 3 to 1, Councilor Hildner voting in the negative. The motion passed.

Mayor Muhlfeld said that during the recess he had contacted City Attorney VanBuskirk who advised that he could be the one to make the motion to reconsider an earlier motion that he broke the tie on – and that was the motion regarding alcohol production in the WT-3 District. **Mayor Muhlfeld made a motion, second by Councilor Barberis, to reconsider the motion that removed the definition of alcohol production in Artisan Manufacturing from the WT-3 District; making it neither a permitted or conditionally permitted use in the WT-3 District. The vote on the motion was a tie vote with Councilors Frandsen and Hildner voting in favor and Councilor Barberis and Sweeney voting in opposition. Mayor Muhlfeld voted in favor, which brought the issue back for reconsideration.** Discussion followed and part of the Council thought it would be best to reconsider this issue with a fuller Council.

Councilor Barberis made a motion to define and allow alcohol production in Artisan Manufacturing in the WT-3 District as a conditional use. The motion died because of a lack of a second.

Mayor Muhlfeld said that completed the bullet list from the WGM Memorandum; remaining are issues requested for consideration from Hunter Homes representing the owner of the Idaho Timber property.

Councilor Frandsen made a motion, second by Councilor Barberis, to add Colleges, business, and trade schools to the WI-T District as conditional uses. The motion was withdrawn as it was noted that those uses are already included in the proposed WI-T District on the list on packet page 225.

Councilor Barberis made a motion, second by Councilor Sweeney, to add Grocery stores, not exceeding 4,000 square feet to be allowed as a conditional use in the WI-T District. Discussion followed regarding bulk and scale and comparison to existing structures; i.e. Alpine Village Market and Markus Foods, and staff said they could bring back more information. The motion failed on a 1 to 3 vote, Councilor Barberis was the single vote for the motion.

Councilor Frandsen made a motion, second by Councilor Hildner, to change the permitted use of Bed and Breakfasts in the proposed WT-3 District to a conditional use to be similar with other established residential zones. The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Barberis, to approve the Resolution of Intention indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy). Discussion followed regarding the issues that are outstanding without Council action tonight because staff is coming back with more information, and also with the hopes that a fuller Council could be in attendance for the approval of this resolution. Councilor Sweeney withdrew his motion with agreement from the second.

Councilor Frandsen made a motion, second by Councilor Hildner, to continue Item 7a of tonight's agenda to the next meeting and keep the public hearing open. The motion passed unanimously.

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) **Central Avenue Water Line Replacement Project (3rd Street to 6th Street) – design options and authorization to bid (p. 288) (CD 3:40:43)**

Interim Public Works Director Hilding asked if, due to the lateness of the hour, the Council would like to postpone this item to the next agenda which the Mayor and Council agreed to.

9) COMMUNICATIONS FROM CITY MANAGER (CD 3:41:50)

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p. 294) – None.**
- b) **Other items arising between April 15th and April 20th**

Manager Stearns reported he attended a WAVE Board meeting last week.

- c) **Consideration of authorizing staff to proceed with sale of Tax Increment Refunding Bonds and Tax Increment Bonds for City Hall/Parking Structure (p. 301)**

Manager Stearns said his complete report in the packet is in detail, but to quickly summarize, this is regarding a five year bond and different than the typical 20-year bonds; and there are advantages to working with local banks since they are cognizant of our TIF District and our plans for construction of a new city hall with the parking structure. Two local banks, First Interstate Bank and Glacier Bank are proposing to join together in this financing and their proposal is included in the packet. Our financial advisor, Dave MacGillivray of Springsted, Inc. has reviewed and approves their proposal. Details will be forthcoming to the Council in future resolutions.

Councilor Frandsen made a motion, second by Councilor Barberis, authorizing staff to work with our financial advisor, Springsted, Inc. and Bond Counsel, Dorsey and Whitney, to proceed with a private sale of both Tax Increment Refunding Bonds and Tax Increment Bonds (New Money) for the City Hall/Parking Structure with First Interstate Bank and Glacier Bank as outlined in the proposals included in tonight's packet and as recommended by Springsted, Inc. The motion passed unanimously.

d) Consideration of delegating authority for City Hall/Parking Structure Design Development daily or weekly decisions to a sub-committee of the City Hall Steering Committee (p. 313)

Manager Stearns said page 313 has a list of 7 items that are a sample of some of the decisions coming up in the new City Hall/Parking Structure that will come up quickly from Mosaic Architecture. To coordinate a meeting time that works for all 13 of the Future City Hall ad hoc Steering Committee for these decisions as they come up has become difficult, and Ben, our architect from Mosaic, said at this time in the design phase these decisions could be made by a subcommittee that could get together on a shorter notice, maybe sometimes even by a conference call. Creating this subcommittee would not replace the larger committee who would probably continue to meet on a monthly/bimonthly basis. Manager Stearns had been thinking about the composition of this subcommittee and thought it could be about 6 members; two other staff along with himself, the Mayor and one other Councilor, and one citizen member. Manager Stearns said he thought the next decision for the Council will be approval of the design development drawings. (Continued below)

Councilor Hildner said it was 30 seconds to 11:30 and made the motion to continue the meeting to midnight, second by Councilor Frandsen, the motion passed unanimously.

Councilor Hildner requested a point of order at this time to recognize and acknowledge a boy scout (Josh Harvey) who had been in attendance for the full meeting since it started at 7:10 p.m., and was probably here to fulfill requirements towards a Merit Badge. He thanked him for coming and said since it was past 11:30 p.m. now, he thought he could be excused from the rest of the meeting so he could go home and get some sleep.

(Continuation from above) Manager Stearns said he thought decisions made by the subcommittee will be reported to the Steering Committee at their regular meetings which would also be included in reports back to the Council. The Mayor said he did not disagree with the concept and suggested perhaps the makeup of that subcommittee could be discussed by the Committee of the whole at their April 24th meeting; along with a discussion about how these decisions will go back to the Committee of the whole and the Council.

Councilor Frandsen made a motion, second by Councilor Sweeney, to delegate authority for daily/weekly decision making on the new City Hall/Parking Structure construction project to a subcommittee of the Future City Hall ad hoc Steering Committee as determined by the Future City Hall ad hoc Steering Committee; and the subcommittee have goals and guidelines for their decision making. The motion passed unanimously. Manager Stearns clarified that the ad hoc Steering Committee is authorized to determine the makeup of the committee.

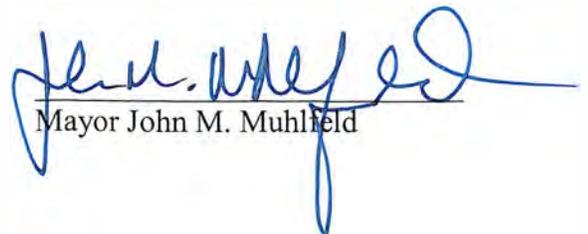
10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 3:55:00)

Councilor Hildner said two weeks ago Kirtiye Lohof, owner of the Whitefish Hostel at 28 Lupfer, discussed parking and snowplowing issues in front of her business and he would like to address those at some point. Secondly, he attended today's County Commissioners meeting where they heard a request for a zone change for the Shaw property at Hwy 40 and Kallner Lane in Whitefish. Only two of the three Commissioners were present; Councilor Hildner submitted verbal comments by reading the letter submitted by Whitefish Planning and Building Director Taylor. The Commissioners tabled any action to do further research.

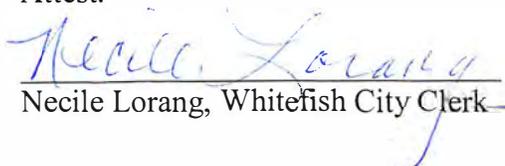
Councilor Frandsen asked Park and Recreation Director Butts regarding the condition of the Grouse Mountain soccer fields as she had heard reports of them being very hard last year. Director Butts said that both last fall and again this spring the fields are aerated, fertilized and watered to improve their condition. The fields got hard from the lacrosse games last year and those games are going to be played on the Armory fields this year. Councilor Frandsen asked Interim Director Hilding if she had any follow-up to the complaint at the last meeting regarding the traffic signal at Edgewood and Wisconsin. Hilding said she talked to the MDT traffic engineer regarding that traffic signal; and public works will be installing the cross walk sign again in the middle of Edgewood at Colorado and restripe the lines. Any other signals for that crosswalk will be evaluated in the Bike Path Master Plan update scheduled for 2016. Councilor Frandsen reiterated the comment from Rhonda Fitzgerald earlier about downtown needing more employee parking and asked about the snow lot or other vacant lots in town that could be used at least temporarily before the parking structure is complete. Councilor Frandsen asked the Council to consider options that could be considered and bring their ideas back to discuss at another meeting.

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 11:43 p.m. (CD 4:04:12)


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 4/20/15

PLEASE PRINT NAME and ADDRESS

Resolution of Intention – Adopting the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy)

1.	NICK Kaufman	WGM ✓
2.	RYAN ZINKKE	REF
3.	Jeff Raper	chamber
4.	BRUCE LUTZ	HITEKAP
5.	Anne MORAN	432 1/2 436 W. 3rd St LUF
6.	SUSAN Perlman	Prilliman 3 rd St. West 93 W
7.	GAIL	
8.	JAY WOLFE	
10.	HUNTER Humes	
11.	IAN COUNTS	
12.	MARY FLOWERS	CFBF
13.	RHONDA FERGUSON	
14.	Chris HUNT	
15.	BRUCE BRUAN WOOD	
16.		
17.		