

## WHITEFISH CITY COUNCIL

September 21, 2015

7:10 P.M.

### 1) CALL TO ORDER

Deputy Mayor Hildner called the meeting to order. Councilors present were Barberis, Frandsen, Sweeney, Feury and Fitzgerald. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney Jacobs, Finance Director Smith, Planning and Building Director Taylor, and Public Works Director Workman, Parks and Recreation Director Butts, Planner II Minnich and Police Chief Dial. Approximately 11 people were in the audience.

### 2) PLEDGE OF ALLEGIANCE

Deputy Mayor Hildner asked Lori Curtis to lead the audience in the Pledge of Allegiance. Deputy Mayor Hildner announced that Council Meetings are now being broadcast live by the Whitefish Community Radio.

### 3) PRESENTATIONS

#### a) Update on City Hall/Parking Structure construction project – Mike Cronquist, Owner's Representative

Mike Cronquist submitted a written report to the Council and staff which has been appended to the packet and reported on recent activities completed including vacating the old City Hall Building, the surplus property auction, and ongoing asbestos abatement. Subcontracts have been completed for Asbestos Abatement (Abatement Contractors of Montana - \$69,890), Rained Aggregate Pier (RAP) Design & Installation (GeoTech - \$306,000), and Demolition (Elder Demolition - \$219,650). The total of those three contracts have come in \$10,000 under budget. The Excavation and Backfill bids are due September 29; asbestos abatement should be completed on October 10<sup>th</sup>. Weekly onsite Architect, Owner, Contractor meetings have started, the first one was September 17<sup>th</sup>, and Martel should have a Project Schedule Update in approximately 2 weeks. Demolition should start on or about September 29<sup>th</sup> at the Coldwell Banker Building and a recommendation for the Excavation and Backfill contract should come to the Council October 5<sup>th</sup>. The application for the building permit is ready to submit as well as the Shell Package bid – that will close October 15<sup>th</sup> and come before the Council November 2<sup>nd</sup>. Demolition should be complete by October 30<sup>th</sup>, Site Prep starts November 2<sup>nd</sup> and RAP installation is scheduled for November 16<sup>th</sup>. Concrete and Foundation work should start in mid-December. Mike reported the Steering Committee is meeting regularly and continues to work on exterior finish schemes and packages; those discussions and decisions are moving along quite well. The Committee is also developing a list of items that can be bid as alternates for budgeting purposes. Mike discussed ongoing status reports to the Council and suggested monthly at the first meeting of each month until activities pick up when more frequent reports would be necessary. He suggested having the updates published in the Pilot and Deputy Mayor Hildner suggested updates also be posted on the City's website. Mike said there is interest in bricks and the glue lams, he is making inquiries if any will be available during demolition.

### 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)

Mitchell Drachman, 6002 St. Moritz Drive #F, said he was a new resident to Whitefish and likes to take an active interest in his community and volunteer and contribute to the community as well; and he plans to submit a letter of interest to fill a board or committee vacancy. He has served

on other City and County Boards where he lived before. He said he had already stopped in at the City Clerk's Office and discussed the current vacancies with City Clerk Lorang.

Dan Scheffer, 818 Boulder Lane, started to speak about the proposed street name change but was asked to wait to speak during that public hearing – Agenda item 7a.

Chris Hyatt was here on behalf of the Chamber of Commerce, 307 Spokane Avenue, to invite attendance to the Workforce Housing Summit Meeting to be held on Thursday, September 24<sup>th</sup> starting at 8:00 a.m., at Grouse Mountain Lodge.

## 5) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Sweeney, Council's representative on the Park Board, reported the Park Board's last meeting agenda was busy; including information on the Skye Park Bridge project which should be completed this fall. The Depot Park Master Plan has to be revisited because the water feature that was envisioned would have taken up more space than planned because of elements that have to be included according to state laws. The tennis courts renovation planned for this year have been moved forward to next year after the school's tournaments are over. The WAG Board has proposed increasing their Board membership, which was discussed by the Board.

**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 September 8, 2015 City Council special session (p. 33)**
- b) **Consideration of approving an application from Dan Jacobson for the final plat of Subdivision #291 – a two lot subdivision at 221 and 225 Texas Avenue (p. 34)**
- c) **Consideration of approving an application from Robert Pero for the final plat of an amended plat of Lot 2, Whitefish Cottages – a 2 lot subdivision on both Waverly Place and Texas Avenue (p. 69)**

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

**7) PUBLIC HEARINGS** (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

- a) **Resolution No. 15-41; A resolution to change the name of Third Street west of State Park Road in Patton's Subdivision to Salmon Run (p.94) (CD 20:05)**

City Clerk Lorang gave the staff report regarding a street named 3<sup>rd</sup> Street on a 1949 subdivision plat, Patton's Subdivision. The plat had 3 streets, (1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>), 1<sup>st</sup> and 2<sup>nd</sup> have been renamed State Park Road and Patton Lane. Recently a property owner came in for addresses for new construction along 3<sup>rd</sup> Street and the conflict with this and East Third Street that runs through the center of town became apparent. Acting on the request of the property owner; the Council approved Resolution 15-24, a resolution of intent to change the name of Third Street in Patton's Subdivision to Salmon Run, requested notification be sent to adjacent landowners of the intent, and set a public hearing for tonight, September 21<sup>st</sup>, for consideration. Notification was subsequently mailed to adjacent landowners; and to date, the City has not received any comments either for or against the proposed name change. Staff recommends the City Council, following receiving public testimony, adopt the proposed resolution renaming the street to Salmon Run.

Deputy Mayor Hildner opened the public hearing.

Dan Scheffer, 818 Boulder Lane, said he has lived in Whitefish over 30 years and used to own the minimart between Whitefish and Kalispell. He raised concern that the road is not wide enough to meet City Standards, which he understands is 60 feet; and he wondered if the City would consider allowing further development with a lesser street width and he asked who he could talk to. Staff advised the speaker to contact the Public Works Department regarding street standards.

Nathan Basford owns 235 Lake Park Lane that is on the corner intersection with this 3<sup>rd</sup> Street; he said his concerns are similar to Mr. Scheffer's; the road-width is less than standard and it is a dead end. His concern was that renaming the street as a public access will cause more traffic. Melissa Basford, his wife, also spoke and said the topography isn't the best. There is a ravine and any new road would take fairly extensive reconstruction, and the road lies very close to their septic tank. Then she said if all this action does is change the road name, she was fine with that. Mr. Basford asked what public forum there is if future development was proposed and Deputy Mayor Hildner explained it is a public process with public notification, and a review process by both the Public Works Department and the Planning Department. The Deputy Mayor said tonight's action is just the name change.

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

**Councilor Barberis made a motion, second by Councilor Frandsen, to approve Resolution No. 15-41, A resolution to change the name of Third Street west of State Park Road in Patton's Subdivision to Salmon Run. The motion passed unanimously.**

**b) Ordinance No. 15-16; An Ordinance amending Title 14, Flood Control, of the Whitefish City Code (Staff Report #WFTA 15-01) (1<sup>st</sup> Reading) (p.100) (CD 32:50)**

Planner Minnich gave the staff report and explained the updated amendments to Title 14 must be adopted prior to November 4, 2015 when the revised state and national codes go into effect, otherwise the community becomes ineligible for flood insurance. New insurance policies cannot be sold and existing policies cannot be renewed. The City regulates only those lands in the 100-yr floodplain. The proposed amendments are in compliance with the minimum criteria established by the National Flood Insurance Program's Floodplain Management Regulations, the State of Montana's minimum floodplain requirements, and the Administrative Rules of Montana – Floodplain Management Engineering Bureau. These proposed amendments must be both reviewed and approved by DNRC and FEMA; and just today she had received an email from Montana DNRC with notification that their review was complete and the City's proposed amendments were approved. A copy of that email was distributed to the Council and Staff and has been appended to the packet.

Whitefish's original floodplain regulations were adopted in 1984 and last amended in 2007; and in 2011 the DNRC notified Flathead County and the surrounding cities about a new project using funding from FEMA to improve the accuracy of the floodplain boundaries. In Whitefish, three areas were studied; (1) 1.6 miles of Cow Creek upstream from the confluence with the Whitefish River, (2) 4 miles of Whitefish River from Highway 40 upstream to Spokane Avenue; and (3) Refinement of Zone A in surrounding areas such as Lost Coon Lake, Blanchard Lake, and smaller tributaries. She said for those areas we now have better information and in some cases – some of the lands that were formerly identified as being in the floodplain have been removed from the floodplain; and of the 8 FIRM panels in the City's jurisdiction, only 4 panels were affected by the revisions. The revisions have been available for public review with information meetings scheduled in October and December of 2013 and again in May of 2014. Notices of those public

information meetings were sent out to all impacted landowners.

Planner Minnich said along with the amendments staff is proposing a new Chapter 6 which will allow the waiver of a Floodplain Development Permit for certain activities within the Lake and Lakeshore Protection Zone. Also, staff proposes a new Appendix B which will allow future map adoptions to be approved without having to re-adopt the entire Title 14. In addition there are some amendments to Definitions with clarifications regarding Artificial Obstruction and Structures, and a deletion of USGS. Typos will be corrected (where they can be) prior to the final adoption at the 2<sup>nd</sup> reading of the Ordinance. (Councilor Fitzgerald had found a typo on page 314, the date of 1982, but Planner Minnich said that isn't part of her amendments, but part of the report of the study; she will advise them of the error). Staff recommends the Council approve the recommendations as set forth in the staff report, adopt the findings of fact, and approve the amendments to the Definitions. Planner Minnich discussed those three areas studied in the Whitefish areas and how they are reflected on the maps (panels).

Deputy Mayor Hildner opened the public hearing, and there being no public comment the public hearing was closed and the matter turned over to the Council for their consideration.

**Councilor Feury made a motion, second by Councilor Frandsen, to approve the first reading of Ordinance 15-16; An Ordinance amending Title 14, Flood Control, of the Whitefish City Code, adopting findings of fact. The motion passed unanimously.**

**c) Ordinance No. 15-17; An Ordinance adopting new Flood Insurance Rate Maps for the City of Whitefish (1<sup>st</sup> Reading) (p.291) (CD 52:26)**

Planner Minnich stated the two actions are closely related, the previous ordinance approved the amendments to the regulations; this ordinance approves the maps and the flood insurance study.

Deputy Mayor Hildner opened the public hearing, and there being no public comment the public hearing was closed and the matter turned over to the Council for their consideration.

**Councilor Feury made a motion, second by Councilor Frandsen, to approve the first reading of Ordinance 15-17; An Ordinance adopting New Flood Insurance Rate Maps for the City of Whitefish. The motion passed unanimously.**

**8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR**

**a) Consideration of allowing annual, inflationary rate increases for water, sewer, and solid waste rates to go into effect (p. 469) (CD 53:45)**

Public Works Director Workman reported from his staff report that the 2013 City Council established, by Resolution 13-29, a process for automatic annual review for adjustments for water and sewer rates based on the Consumer Price Index (CPI) for Water, Sewer, and Trash Collection Services on October 1<sup>st</sup> of each year. Resolution 13-29 also provides for an annual increase of 3% for solid waste collection fees which corresponds with the current service contract with North Valley Refuse, and he supports that recommendation. Director Workman said he agrees with annual inflationary rate adjustments, they are usually small increases to keep up with steadily rising costs, prevents having to have occasional large increases over time; and Whitefish has been proactive in routine maintenance and capital planning. This year's CPI is 4.6%, and the process as set out in Resolution 13-29 is that the 4.6% goes into effect October 1, 2015, unless Council approves a different action. After review of the past year's cash flow showing those funds to be stable and in good condition, a 4.6% increase may be unnecessary at this time. He reviewed and considered the overall 1.3% CPI from the Department of Labor for all industries in this region; and his

recommendation is a 2.3% increase for water and sewer rates, a midpoint between the two CPIs. He referred to a handout distributed earlier and appended to this packet, a survey of rates in Montana and Wyoming Cities; Whitefish water rates are the 13<sup>th</sup> highest of 14 Montana cities and 10<sup>th</sup> of 14 for wastewater rates. He said there are reasonable reasons for those high rates and he noted all four of the cities with the highest water rates rely on surface water sources.

Manager Stearns called attention to the Financial Report on page 498. He noted Cash Balances for Water Line 153, and Wastewater Line 165, show extra high because some of the capital projects scheduled for last year were delayed or did not get done after former Public Works Director Wilson left. The significant numbers to note in Line 154 – Metered Water Sales. Director Workman mentioned this in his report; revenue collected was 115% of budgeted; and the increase budget over the prior year was 8%. Revenues are budgeted conservatively because wet and dry years fluctuate year to year and can't be assumed; our current year has been dry so revenues are up. Wastewater is similar; revenue collected was 108% of budgeted, and the increase budget was 5% over the prior year. This year's operating funds reflect the same. This information reflects good financial management, and along with the other information given to you in Director Workman's report; Manager Stearns believes gives the Council some flexibility, keeping in mind the Wastewater Fund needs to stay on track for necessary upgrades as required by State Standards. The City may be required to build a \$10M, \$15M, or \$20M wastewater treatment plant to meet new clean water regulations; and a major expansion of the water treatment plant will be coming in the next 5 to 10 years. Manager Stearns suggested the Council could consider different increases for each of the funds; based on historic financial records and future needs. He didn't recommend going below a zero rate increase, but in the face of a good financial year the Council has options. He did agree with the proposed 3% increase in solid waste because most of the money collected goes to the contracted hauler.

Council asked questions of staff, held discussion and consider options.

**Councilor Feury made a motion, second by Councilor Fitzgerald, to approve rate increases effective October 1<sup>st</sup>; a 3% increase for solid waste, a 1.3% increase for water, and a 2.3% increase for wastewater, and requested staff to prepare a resolution thereof for the Council's consideration at the October 5<sup>th</sup> meeting. The motion passed unanimously.**

## **9) COMMUNICATIONS FROM CITY MANAGER (CD 1:16:17)**

### **a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 480)**

Manager Stearns said his report included facts about the live broadcasts of Council Meetings. He included the results of the surplus sale auction and July Resort Tax Collections reflecting the 3% increase that went into effect 7-1-15. Councilor Fitzgerald said the report includes a picture and story about the Pickleball Courts at Memorial Park and she added that swings will be included with the playground improvement project in that park. No other questions or comments from Council.

### **b) Other items arising between September 16<sup>th</sup> and September 21<sup>st</sup>**

Manager Stearns said his only other item was to remind Council of the Affordable Housing Summit that Chris Hyatt mentioned earlier.

### **c) FY 15 Year-end financial report – June 30, 2015 (p 486)**

Financial Director Smith said there are two corrections to her report: the 5<sup>th</sup> bullet on page

488, the change in sewer service was 5%, not 11%. The second correction, page 496, line 38, "Total General & Property Tax Supported Funds Net change from previous year is a positive number \$77,535, instead of the negative (shown in red) number of \$231,783.

Director Smith reviewed the highlights of her report. Property Tax Supported Funds – Yearend Cash Balances reflect an 11% increase over last year and the biggest improvement was in the Parks and Recreation Fund as they strive to make each adult recreation program and the community ice rink all self-supporting. Also a big improvement in the Library cash balance due to increased property tax revenues so the Library can build cash reserves that help pay for unexpected costs. The \$0 cash balance in the Law Enforcement Fund has to do with the timing of receiving grant funds. The Building Code Fund was able to pay back \$150,542 of its loan to the General Fund, only \$21,158 is left to be repaid, and is expected to be repaid this year. Revenue from the contract with Columba Falls for inspections came in at 175% of budget. Resort Tax Collections were up 6.02% over last year, and over \$2M for the fiscal year. The increase in metered water sales was discussed during the last agenda item. Expenditures were all within budget, and continue to be monitored. The City's Long-term Debt was reduced by 21% largely due to the TIF Refunding Bonds done in June and other payments towards debt; those numbers fluctuate but have been continuing to be reduced since 2012. Those numbers will look different in the coming years with the onset on the major two new projects; the City Hall/Parking Structure and Haskill Basin Conservation Easement and Preservation Project, but they are both revenue driven. Overall, the City remains in good financial standing and did well this past year. Moving on into the next FY16, expenditures and revenues are tracking as expected so far. The first quarter financial report will likely be at the 2<sup>nd</sup> meeting in October.

Manager Stearns referred Council to page 496, line 32, where it showed spending \$214,822, but with the repayment of the General Fund Loan to the Building Department, the operating cash shows only a negative \$3,179.00. Lines 38 and 39 are better reflections of how cash is doing city-wide. (The negative \$231,783 was corrected by Director Smith – it is actually a net positive \$77,535). And final cash balance was \$141,061. Generally, the City had a good year in all funds.

Deputy Mayor Hildner thanked Director Smith for a clear and concise report.

**10) COMMUNICATION FROM MAYOR AND CITY COUNCILORS (CD 1:27:35)**

- a) Letter from Jeff Mow, Superintendent of Glacier National Park, requesting either a Resolution or letter of support for Glacier National Park's application for designation as an International Transboundary Dark Sky Preserve (p. 500)**

**Councilor Frandsen made a motion, second by Councilor Barberis, to have a letter of support prepared, endorsing Glacier National Park's application for designation as an International Transboundary Dark Sky Preserve. The motion passed unanimously.**

- b) Resolution No. 15-42; A Resolution accepting and approving the Whitefish Community Wastewater Management Program as prepared by the Whitefish Community Wastewater Committee (p. 502)**

Manager Stearns, from his staff report on page 607, said a Resolution was prepared for formal action on decisions made in 2013 wherein there were work sessions with the Committee and the Council; and Council gave the Committee direction and indicated which implementation steps the City wanted to pursue. He introduced Lori Curtis, a staff member from the Whitefish Lake Institute, who was here in the audience tonight.

Lori approached the Council and said she had served as one of the technical facilitators to the Whitefish Community Wastewater Committee during the time this report had been prepared. She said at the implementation stage when they got direction to move forward by the Council, it was an oversight not to have done that by Resolution. She is here to answer questions if there are any. Deputy Mayor Hildner agreed this was just a housekeeping issue. Councilor Frandsen had a question on approving the implementation and Manager Stearns said there are implementation steps in the report, and the Council authorizes budget to the Whitefish Lake Institute towards that implementation each year; according to their annual work plan presented to the Council. Each new step will be reviewed by Council.

**Councilor Feury made a motion, second by Councilor Sweeney, to approve Resolution No. 15-42; A Resolution accepting and approving the Whitefish Community Wastewater Management Program as prepared by the Whitefish Community Wastewater Committee. The motion passed unanimously.**

**c) Letter from Richard Young of San Diego complaining about the MDT Whitefish West Project on Hwy. 92 North (p.609)**

The Council noted the contractor had responded to Mr. Young to address his concerns.

Councilor Barberis said while camping at Tally Lake last weekend she met a family who was in the area for a Pickleball Tournament and they loved the new courts and had a great time.

Deputy Mayor Hildner said Mayor Muhlfeld had prepared a couple letters for Council's review and approval; one is a letter to the Flathead County Commissioners regarding Stream Setbacks for Second Creek in Haskill Basin, and one to the Montana Fish, Wildlife & Parks in support of their project in conjunction with the Trust for Public Land on 15,344 acres north of Whitefish Lake. He asked if there would be Council support to place both of these letters on the October 5<sup>th</sup> meeting for Council's consideration, and to have a Resolution prepared in support of the letter to the County Commissioners. The Council agreed in support. Manager Stearns said the Mayor had prepared the letters in hopes they could be mailed on Tuesday, and requested the Council approved that action, then ratify that action at the October 5<sup>th</sup> meeting. Deputy Mayor Hildner said he would agree to have them mailed tomorrow, as did the rest of the Council, and follow up with ratification at the October 5<sup>th</sup> meeting. Deputy Mayor Hildner requested Director Taylor submit that input to the County at their meeting on Thursday of this week. Director Taylor said their deadline for public input on Thursday's meeting is past; but he will submit their comments verbally.

Deputy Mayor Hildner again mentioned the Affordable Housing Summit that Chris Hyatt mentioned earlier that will be held this week at Grouse Mountain. And he encouraged all citizens of the community to get a flu shot.

**11) ADJOURNMENT**(Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)(CD 1:42:06)

Deputy Mayor Hildner adjourned the meeting at 8:55 p.m.

Attest:

  
Necile Lorang, Whitefish City Clerk

  
Deputy Mayor Richard S. Hildner

Please return to Necile

**PUBLIC HEARINGS**  
**PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 9/21/15**

**PLEASE PRINT NAME and ADDRESS**

**Resolution to change the name of Third Street  
in Patton's Subdivision to Salmon Run**

**Amendments to Title 14 of  
Municipal Code – Flood Control**

**Adoption of new Flood  
Insurance Rate Maps**

1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			