

**WHITEFISH CITY COUNCIL EXECUTIVE SESSION**

**JANUARY 4, 2016**

**6:00 TO 7:00 PM**

**1. CALL TO ORDER**

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Feury, Barberis, Frandsen, Sweeney, and Williams. City Staff present were City Manager Stearns, City Attorney Jacobs, and Planning and Building Director Taylor.

**2. CLOSED EXECUTIVE SESSION**

- a) Pursuant to Section 2-3-203 (4) M.C.A. - Quarterly litigation update and strategy with City Attorney.

**3. ADJOURNMENT** – The meeting adjourned at 6:54 p.m.

**WHITEFISH CITY COUNCIL**

**JANUARY 4, 2016**

**7:10 P.M.**

**1) CALL TO ORDER**

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Feury, Barberis, Frandsen, Sweeney, and Williams. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney Jacobs, Finance Director Smith, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Planner Minnich, Assistant City Clerk Woodbeck, Police Chief Dial and Fire Chief Page. Approximately 20 people were in the audience.

**2) PLEDGE OF ALLEGIANCE**

Mayor Muhlfeld asked Rick Nelson to lead the audience in the Pledge of Allegiance.

**3) PRESENTATIONS – Update on City Hall/Parking Structure project – Mike Cronquist, Owner’s Representative (p.20)**

Mike Cronquist asked Manager Stearns to project a video on the overhead screens that demonstrated the installation of rammed aggregate piers (RAP) which is the type of foundation currently being installed for the City Hall/Parking Structure project; and is the source of the noise that people are hearing from the site. The piers are 2.5 feet in diameter and installed to a 15-foot depth. Cronquist explained the resulting foundation bears pressure both laterally and vertically. Currently about 170 are complete of the 400 piers to be installed, that project should be complete in 3 to 4 weeks. (Packet page 203 is a diagram of the RAP locations). Currently on-site activities are: the continuation of ground prep along with the RAP installation and mobilization of concrete formwork, materials and equipment. The start of the foundation work is planned within the next three weeks following receiving the permits required. Martel Construction is working on the next contract amendment that will include cost cutting measures. Communications with downtown businesses and the public is ongoing and continues to be received in a positive manner; there have been lots of questions about the noise.

**4) 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 December 7, 2015 Council special session (p.31)**
- b) **Minutes from the December 7, 2015 Council regular meeting (p.33)**
- c) **Ordinance No. 15-19; An Ordinance amending Subdivisions Regulations in Whitefish City Code Title 12 to amend parkland dedication requirements (Second Reading) (p.55)**
- d) **Consideration of an application from Ian Collins for approval of the final plat of the Enna Townhouse Subdivision located at 919 Columbia Avenue, a two lot subdivision (p.63)**

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

#### **5) OATHS OF OFFICE AND SEATING OF MAYOR AND COUNCIL**

- a) **Administration of ceremonial oath of office to Mayor and three (3) City Councilors**

City Attorney Jacobs administered Oaths of Office to incumbents Councilor Richard Hildner and Councilor Frank Sweeney, and newly elected Councilor Katherine (Katie) Williams. At the request of the Mayor, City Clerk Lorang administered the Oath of Office to incumbent Mayor John Muhlfeld.

Councilor Hildner requested a point of privilege to allow him to introduce his wife, Suzanne, and their daughter, Erika, who were here in the audience tonight and were his steadfast supporters.

Mayor Muhlfeld offered his thanks to staff and congratulations to all those sworn in tonight.

- b) **Election of Deputy Mayor**

**Councilor Sweeney made a motion, second by Councilor Frandsen, to elect Councilor Hildner to serve another term as Deputy Mayor. The motion passed unanimously.**

**6) 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 Unit F, said thanks everyone for your hard work and support and wished everybody a Happy New Year, he said it is great to be in a town that gets such wide public support. He spoke in favor of approving appropriation of funds for a basketball court in a park that is further down on the agenda tonight. He supported improvements for parks and recreation in this town. He said his past included planning and implementation of professional basketball courts and he would be happy to offer his knowledge and assistance; he has already contacted Parks and Recreation Director Butts about that. He said that would be affordable recreation. Secondly, he addressed another item later on the agenda; the consideration of funds requested by the Chamber of Commerce for a Workforce Housing Needs Assessment and plan; and he spoke against that request. He felt it would be better managed at the Planning Board level. He said the need for affordable housing is well known and if more studying needs to be done let it be up to staff and city council, according to the zoning in place for affordable housing. He thought there would be things the city could do to encourage contractors to develop affordable housing.

Rhonda Fitzgerald, 412 Lupfer Avenue, congratulated the new Council, and spoke addressing the City Hall item that is later on the agenda. She said there are still details that are undecided; she said she read about them in tonight's packet and she also referred to items from the last council packet, 6 items forwarded to the Council from the City Hall Steering Committee, that will be considered by Council as well. She suggested Council remove certain items from the City Hall/Parking Structure budget that are not building-related; such as operation and maintenance, equipment, and streetscapes, and find other funding sources for those – like the revenue from parking leases. She said then the buildings would come in within the budget. She said City Manager Stearns' memo in tonight's packet gives good options for the Council to consider. She said all the media that has been out there about these budget issues make it more difficult for the Council, but if the final building is not something to be proud of it will make it worse. She thinks there will be community support for them doing the right thing. Her comments went back to the list from the previous packet.

1. East façade, switching from large brick to painted concrete block. She didn't see if the painting cost had been identified. The savings was shown for the switch from brick to block but not for the painting so she wasn't sure how much of a savings it would actually be. She said the quality of the building should be considered; and she referred to some of the Architectural Guidelines regarding alley façades – they should be attractive integrated components of the building. Also in the Guidelines it is stated that exposed plain concrete block and vinyl cladding are not allowed; so she wasn't sure if that would be approved by the Architectural Review Committee.
2. The awnings on Baker Avenue – she supported awnings all along Baker Avenue, as she had stated in her public comments during the December 7, 2015 Council Meeting. She again, tonight, referred to the Architectural Guidelines, on page 21 in the Old Town District there is a list with 8 goals that she felt supported the need for awnings all along Baker Avenue. Again, the Guidelines on page 27 i), addresses awnings; and she felt it didn't give much leeway.

Erica Wirtala works for the National Association of Realtors (NMAR), and spoke in support of funding for a Workforce Housing Needs Assessment and plan. This community has been aware of this need for quite some time, many local businesses have employees driving in from outlying areas to work because they can't find affordable housing in Whitefish. She said local realtors struggle to help find homes for the local workforce. She attended the Housing Summit the Chamber held this last fall and the problems are still here, only reaching more critical levels. The need is over a broad range for year-round employees, seasonal employees, and for long-term visitors. From that summit a task force was created and subcommittees formed which have already started working towards their goals; and a cohesive study for what is needed in Whitefish will be a tool to reach those goals. The local NMAR Chapter has a close alliance with the National Association of Realtors, and she is working on getting together an application for available grant dollars through the National Association. That may be helpful in the future but she asked the Council to approve the request tonight to get things started.

Paula Green, 123 Goat Trail, wished everybody a Happy New Year. She also spoke in support of City Funds toward a Housing Needs Assessment and plan. She owns a restaurant in Whitefish. She said she was lucky and got by but knew of other restaurants that were sorely short of employees, and two new hotels are under construction so the need continues to grow. The problem is that people cannot afford to live here to work here. Those workers want to be and should be part of this community; and she agrees that the time has come to stop talking about it and move forward to get something done.

Mitchell Drachman, 6002 St. Moritz Drive Unit F, spoke, again, against giving funds to the Chamber for this request for a study and he felt it could be handled by Council and Staff.

Ken Stein, 44 Fairway View, said he has been attending several meetings on workforce housing and supported the City funding a study and a plan to address this need as soon as possible.

Marcus Duffy, 326 Somers Avenue, said he was here tonight on behalf of the Chamber of Commerce as well as for himself as a resident of Whitefish, to encourage the Council to support the request for funds requested by the Chamber for the study. The need is pretty clear and pretty consistently known by businesses owners and residents of this town. He wished everyone a Happy New Year and congratulated the reelected and newly elected officials.

Kathryn Todd, representing North Valley Hospital, said she pulled some numbers from the Hospitals' workforce for the Housing Summit; out of 405 employees 36% reside in Whitefish, 54% reside in Kalispell and Columbia Falls. In addition some employees drive in further from outlying communities much further away because they cannot afford to live in Whitefish. They have also lost employees who moved to Whitefish to work at the hospital and found it wasn't affordable and had to move out of the area; or decided not to accept job offers from the hospital after looking into housing costs in Whitefish. She spoke in support of the request for funds from the City for the study and the plan.

Doug Reid, 520 Somers, manages the Whitefish Lake Restaurant at the golf club, and is in tune with the restaurant industry in Whitefish and agrees that affordable housing has reached a crisis level. A couple restaurants, due to employee shortages, had to close down a couple nights. He said he is the chairman of the Resort Tax Monitoring Committee and knows how that impacts our community's resources. Behind the scenes, managers are asking their workforce to cover extra shifts to get the jobs done, or end up working a couple shifts in addition to their management responsibilities. He spoke in support of the Council's approval for City participation in this study.

Rick Nelson, 565 Blanchard Lake Road, and one of the owners of Nelson's Ace Hardware Store in town and said that, similar to what others have been saying, his employees struggle with local high housing costs. He also has employees who commute from the outlying areas; and he hopes the Council will support the request for funds for the study and a plan.

Tom Tornow, 309 Wisconsin Avenue, said he agreed with what others have said and expressed his hope that the Council grants the funds requested by the Chamber for the study and a plan.

## **7) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 43:25)**

Councilor Hildner reported on this morning's Pedestrian and Bicycle Path Advisory Committee meeting that he attended. The Skye Park Bridge installation is complete but not open until paved in the spring. Likewise, the 2<sup>nd</sup> Street and the Stumptown stairs are in but final completion and painting will be done next spring. The Committee unanimously supports WGM's proposal for the update on the Pedestrian and Bicycle Path Master Plan. Some negotiations are still ongoing with BNRR for easements at Birch Point and East Lakeshore. That is progressing and Councilor Hildner complimented and thanked employee Matt Trebesch for his map work. Planning and work in accordance with the Path Master Plan update may extend into the next fiscal year to allow time needed for public input. Negotiations at Riverbend Condos are ongoing. BNRR has approved the location of the path proposed for the north side of the O'Shaughnessy Theatre.

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

- a) **Ordinance No. 16-01; An Ordinance rezoning approximately 1.177 acres of land located at 2422 and 2424 Carver Bay Road, in Section 14, Township 31 North, Range 22 West, Whitefish, Montana, from County R-1 (Suburban Residential) to City WSR (Suburban Residential District) and adopting findings with respect to such rezone (First Reading) Staff Report WZC 15-04. (p.96) (CD 45:05)**

Planner II Minnich gave the staff report from page 99 in the packet. This zone change is pursuant to the land being recently annexed into the City by Resolution 15-44 in October of 2015, and requested by the owners thereof to change the property from County Zoning (R-1) to City Zoning WSR. Staff reviewed and approved the application according to Regulations; the Planning Board considered the application following a public hearing and voted unanimously to approve the staff report and forward a recommendation for approval to the City Council.

Mayor Muhlfeld opened the public hearing and there being no public comment, closed the public hearing and turned it over to the Council for their consideration.

**Councilor Hildner made a motion, second by Councilor Sweeney, to adopt the staff report, and findings of fact, and approve the first reading of Ordinance No. 16-01 rezoning 2422 and 2424 Carver Bay Road from County R-1 to City WSR. The motion passed unanimously.**

- b) **Ordinance No. 16-02; An Ordinance rezoning approximately 1.391 acres of land located at 1750 and 1770 US Highway 93 West, in Section 35, Township 31 North, Range 22 West, Whitefish, Montana, from County R-1 (Suburban Residential) to City WSR (Suburban Residential District) and adopting findings with respect to such rezone (First Reading) Staff Report WZC 15-05. (p.128) (CD 48:54)**

Planner Minnich gave the staff report from page 131 in the packet. This zone change is pursuant to the land being recently annexed into the City by Resolution 15-52 in December of 2015, and requested by the owners thereof to change the property from County Zoning (R-1) to City Zoning WSR. Staff reviewed and approved the application according to Regulations; the Planning Board considered the application following a public hearing and voted unanimously to approve the staff report and forward a recommendation for approval to the City Council.

Mayor Muhlfeld opened the public hearing and there being no public comment, closed the public hearing and turned it over to the Council for their consideration.

**Councilor Feury made a motion, second by Councilor Sweeney, to adopt the staff report, and findings of fact, and approve the first reading of Ordinance No. 16-02 rezoning 1750 and 1770 Highway 93 West from County R-1 to City WSR. The motion passed unanimously.**

- c) **Consideration of an application from Potter's Field Ministries for a Conditional Use Permit for a "parish house" at 943 East 2<sup>nd</sup> Street to house up to six ministry staff and interns. Staff Report WCUP 15-15. (p.169) (CD 51:47)**

From the staff report, Planning and Building Director Taylor reported that a conditional use permit is required for churches including parish houses housing more than four unrelated individuals and parsonages. The subject house in this application is an existing single family house and would be associated with the Potters Field Ministries currently housed in the church across the street. The lot is 13,068 square feet, a large enough lot to encompass the home in this residential urban setting, and it is fully fenced. Director Taylor reviewed the Findings of Fact; the project is in keeping with the

neighborhood's residential use and parking can be accommodated in the current garage and driveway which is currently gravel so will have to be paved. Some of the residents might not own cars; but the plans meet parking requirements; and the proposed project will not contribute much of an increase in traffic as most of the residents will be walking back and forth between the parish house and the church. Public Comment was received both in writing prior to the Planning Board hearing and those are included in the packet; and at the Planning Board which are included in the draft minutes in the packet. In addition, City Offices received one more written comment this afternoon from the Sands who live on Park Avenue with concerns about Conditions #2 and #5 and that has been distributed to the Council and is appended to the 1-4-2016 packet as after packet materials. One of the concerns within the public's comments were that no more than six residents will ever be housed, that it should not become transient housing, and it not be used for other church functions; so the Planning Board amended Condition #5 to help address those concerns. Director Taylor reviewed the recommended Conditions of Approval from page 171 in the packet. The Planning Board has forwarded a recommendation for approval to the Council, subject to the seven (7) conditions of approval as amended by the Board. The Council had some questions for Staff, mostly addressing if parking is adequate for six residents.

Mayor Muhlfeld opened the public hearing.

Steve Venable, 4395 Hwy 93 North, is the Executive Director of Potter's Field Ministries. He said the Ministries is an international ministry that has been in existence since 1991 and came to Whitefish in the late 1990s. Many of their staff live in Whitefish. The ministry is multifaceted; with 5 international youth programs located around the world, and the domestic (local) ministry here. Local youth programs are held here during the summers and even some during the holidays to address special needs or at risk individuals. A new program is being extended on the Indian Reservation in Browning. The residents that will be living in this parish house are between 18 and 28-year olds that have been in their ministry program, and will continue to do so while they also work part time in local 'cottage industries'. The parish house will serve as affordable housing for these participants in their ministry. Some private individuals have purchased two homes for the Ministry for this purpose; one home is not large enough to house more than four individuals but the one at this location across from the church is large enough for six. To be eligible for this housing the Ministry requires a minimum of a one-year commitment, so it is not a transient-type situation. The Ministry understands the concerns of the neighborhood about adequate parking, even though some of the residents who will live there do not have cars; but the Ministry is willing to work with the City on that issue.

There being no further public comments; Mayor Muhlfeld closed the public hearing and turned the matter over to the Council for their consideration.

Council and Staff had discussion regarding regulation of the residents (length of stay) and parking. The Council asked Steve Venable if there were any parking spaces at the church that could be overflow for the parish house and he said he thought they could designate two spaces for that purpose.

**Councilor Sweeney made a motion, second by Councilor Barberis, to approve the Staff Report, Findings of Fact, and approve the Conditional Use Permit for a parish house at 943 E. 2<sup>nd</sup> Street to house up to six ministry staff and interns, subject to seven (7) conditions of approval as recommended by the Whitefish Planning Board.**

**Councilor Hildner made an amendment, second by Councilor Sweeney, to amend Condition #2 by adding the requirement to designate two parking spaces behind the Church that is across the street for use of the occupants of the parish house.** Councilor Frandsen said she could

not support a condition requiring parking off-site. **The vote on the amendment was a tie vote with Councilors Barberis, Williams and Frandsen voting against and Councilors Feury, Sweeney and Hildner voting for the motion. Mayor Muhlfeld voted for the amendment so the amendment passed on a four to three vote.**

**The original motion, as amended, passed on a five to one vote with Councilor Feury voting in the negative.**

**9) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR**

**a) Consideration of a request to increase Resort Tax appropriation for Parks and Recreation capital project for a full length basketball court at Memorial Park (p.194) (CD 1:14:30)**

Parks and Recreation Director Butts reported that \$25,000 Resort Tax Funds were approved in the FY16 Budget for resurfacing the existing basketball courts in Memorial Park. There have been other improvement made in the Park, i.e. new playground equipment in the northwest corner, and new pickle ball courts; and the Park Board has been giving more consideration for continuing improvements to the Park. A steering committee was formed with neighbors to the Park and other community members, and School District representatives, to establish a plan for future improvements that they brought back to the Park Board. Recommendations included keeping the southeast portion of the park an open greenspace with walking paths and one or two gazebos, dismantle the baseball field in the southwest corner as it isn't used as much by the public now with the new fields at Smith Fields, and construct a full court basketball court, with 6 baskets, in the southwest corner of the Park. This would be the first full court basketball court in the community parks. (The Armory basketball courts have a low ceiling so cannot accommodate adult basketball). The projected cost for the new court is \$60,000, \$35,000 over the dollars set aside for resurfacing the old court. Director Butts took the proposal to the Resort Tax Monitoring Committee, and got unanimous support from that Committee to use part of the cash balance from the resort tax fund reserved for park improvements. The staff report reflects \$5,000 available cash that can be reserved for a contingency and requested approval of the additional \$35,000 resort tax funds for the project. Council asked and Director Butts said the old courts will stay and the new plan includes covering them in the future for another gazebo.

**Councilor Barberis made a motion, second by Councilor Williams, to approve the request to increase resort tax appropriation for the Parks and Recreation Capital Project to construct a full court basketball court in Memorial Park. The motion passed unanimously.**

**10) COMMUNICATIONS FROM CITY MANAGER (CD 1:20:13)**

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 198)-None**
- b) Other items arising between December 30<sup>th</sup> and January 4<sup>th</sup>**

City Manager Stearns said he had a couple items that just came in today. December Building Permits came in stronger than any December since 2005, the current year-to-date revenue is at 46%. December Permits Revenue showing continued strong construction in the community was \$31,697; and as reported by Mike Cronquist, the Building Permit for the City Hall/Parking Structure will be issued in January. Also today, the November Resort Tax Collection reports show an increase of 7%, a \$10,000 increase based on that 2% comparison. Both of these reports reflect good increasing trends.

- c) Discussion and review of the updated budget spreadsheet for the City Hall/Parking Structure project (p.205)**

Manager Stearns said there has been a lot of concern and controversy over costs for the City

Hall/Parking Structure project, just as there was past controversy over the location of the project. He said in most of the communities he has been in, building a \$15-16M City Hall & Parking Structure without a general property tax increase or general obligation bonds, the public would consider it heroic and outstanding. Most communities would be very jealous that Whitefish can build this project while continually supporting other ongoing public projects in the community without raising property taxes, but sometimes we get vilified for our successes.

That being said, Manager Stearns said the Project Budget Summary spreadsheet reflects the current funding gap at \$882,599 (including an increased contingency to \$150,000), which is about a 5.9% cost overrun on the total project. If, as proposed by the Mayor and is supported by some, the City capitalizes three years of lease revenue from the retail space as a loan from the TIF fund and paid back over three years, reduces the gap \$162,000 leaving a \$720,699 gap. If not all or less of the \$150,000 contingency is spent – the gap is further reduced. Cost saving measures may still come in and final costs are not yet set, the construction team is working very hard on that. The memo includes discussion points for options going forward, the city hall construction steering committee meets again this Friday as the architects, engineers and construction team continue their efforts seeking solutions with savings; but as construction continues – costs could go up or down. The memo in the packet included 10 discussion points for options for the Council’s consideration as they move forward to final decisions at their next meetings; and Manager Stearns reviewed each of those 10 as they are listed on pages 206 and 207 in the packet. A couple questions from Council in follow-up and requests for rebidding was discussed; Manager Stearns said issues of fairness and equity may come up as the one current bid is now public – if the City goes out for new bids there is a known target to bid under. You would have to get agreement from the contractor as the Contract Amendment #3 that was approved in December included the concrete.

**11) COMMUNICATIONS FROM MAYOR AND COUNCILORS (CD 1:35:35)**

**a) Consideration of a letter from Chamber of Commerce requesting TIF Funds for funding of Workforce Housing Needs Assessment and plan (p. 216)**

Mayor Muhlfeld referred back to the Housing Summit held last fall, attended by many, and out of that Summit came a list of action items including the need to update the City’s Housing Needs Assessment that was last updated about six or seven years ago. In addition, Affordable Housing has been on the Council’ radar and on their Goal List as a top priority as long as he has been on Council and probably as far back as when Councilor Feury was the Mayor in the early 2000s. Mayor Muhlfeld said he agrees with the premise that the next step going forward is a current housing needs assessment that will define the next steps to address the issue; and the cost for that to come out of the TIF Fund is definitely appropriate and an eligible TIF Project as deteriorating housing and housing stock is a large element in the City’s 1987 Urban Renewal Plan. He also agreed this is no time to delay, waiting for grant funds would cause further delay, the time to put a plan into action is now and the needs assessment will be the basis of that plan. Funding this request will hopefully get us ahead of the curve. (In addition to the letter from the Chamber of Commerce, a letter in support of the request was received after the packet from Brian Labuda, and is appended to the 1-4-2016 packet as after packet materials).

Council discussion. Councilor Hildner thought some sub-committees from the Summit were still doing research that would be helpful so he thought waiting two weeks for more information would be advisable and he wasn’t ready to commit a firm dollar figure. Councilor Frandsen wanted Affordable Housing to be included in the study and Councilor Hildner said that is one of the items he wanted more information on. More discussion along these lines continued; and Manager Stearns pointed out that some public comment encouraged the study to be done in house, but if the Council wants the study to be the basis of future inclusionary zoning regulations or other regulatory

requirements it will have to be done by an out-of-house independent consultant.

**Councilor Frandsen made a motion, second by Councilor Barberis, to provide up to \$60,000 from the TIF Fund for a Workforce and Affordable Housing Needs Assessment and plan, with the condition that the Council approves the scope covered by either the Request for Proposal (RFP) or the Request for Qualifications (RFQ) prior to its publication.**

Councilor Feury said this has been in front of the community for 20 years, and efforts providing this housing has failed for 20 years because of a number of reasons; but success will only be attained if this is embraced by the community. The community has to decide to increase density in neighborhoods and development has to embrace it and include it in new development. Councilor Hildner repeated his concerns that this is premature; should let the subcommittees do more work.

**The motion passed on a 5 to 1 vote, Councilor Hildner voting in the negative.**

**b) Discussion of upcoming proposed Boundary Line Adjustment for property by Water Treatment Plant to accommodate extension of the Whitefish Trail (p.217) (CD 1:49:12)**

Manager Stearns said this report is again just for background material for the Council to have in advance of a decision to be made at a future meeting. In conjunction with the Haskill Basin Conservation Easement a trailhead is proposed at the southwest corner of the City's water treatment plant property, seen at the bottom left hand corner of the map on page 217. Then the trail progresses north along the west boundary on the plant property (the yellow line on the map) to tie-in with the existing trail easement in Iron Horse. As proposed, a boundary line adjustment in the northwest corner of the plant property; and at the northeast corner of the property adjacent and to the west (Murr property), prevents an expensive removal and modification to the fence around the treatment plant property (estimated at up to \$20,000), and the new route covers better topography for the trail. Whitefish Legacy Partners (WLP) have been negotiating with the Murrs for the boundary line adjustment, WLP will pay for the property and associated costs. Manager Stearns has signed a buy/sell agreement subject to Council's approval. This is planned to come forward to the Council along with all the other documents for the conservation easement at the January 19<sup>th</sup> meeting.

Mayor Muhlfeld said, in addition, the existing trail easement in Iron Horse was an old logging road, which isn't optimum for the single-track Whitefish Trail, so in addition to the Murr negotiation WLP has worked with Iron Horse and their homeowner's association (HOA) who have agreed for a better trail easement, also shown on the map in the packet, that takes advantage again, of better topography for the trail. He thanked the Iron Horse HOA, and staff Craig Workman and Maria Butts for all their work and assistance to WLP and himself, to help put this together. Mayor Muhlfeld said, for the record for full disclosure, the surveying of these changes to the trail and all the process to get it filed at the County is a donation from his company to the project and to WLP.

**c) Email from Ron and Linda Olson regarding the City Hall/Parking Structure project (p. 218)**

Councilor Feury said 'Thank you' for their support.

**d) Appointments of City Council Members to Various Boards, Commissions, and Committees (p.219) (CD 1:54:22)**

**i) Planning Board – City Council Appointment – Frank Sweeney was previous appointee**

(p.219)

**Councilor Frandsen made a motion, second by Councilor Feury, to appoint Councilor Hildner as primary member and Councilor Sweeney as alternate. The motion passed unanimously.**

- ii) Park Board – Mayor or Mayor’s Designee – Frank Sweeney was previous appointee (p. 222)**

**Mayor Muhlfeld appointed Councilor Sweeney and the Council indicated unanimous approval by acclamation.**

- iii) Resort Tax Monitoring Committee – Mayor or Councilor – Andy Feury was previous appointee (p. 226)**

**Councilor Sweeney made a motion, second by Councilor Frandsen, to appoint Councilor Feury. The motion passed unanimously.**

- iv) Montana West Economic Development Board – Previously was Jen Frandsen and Andy Feury was Alternate (p. 230)**

**Councilor Hildner made a motion, second by Councilor Williams, to appoint Councilor Frandsen as the primary member and Councilor Feury as the alternate. The motion passed unanimously.**

- v) Pedestrian & Bicycle Path Advisory Committee – Mayor or Councilor; previously was Richard Hildner (p. 231)**

**Councilor Sweeney made a motion, second by Councilor Barberis, to appoint Councilor Hildner. The motion passed unanimously.**

- vi) Whitefish Tree Advisory Committee – Mayor or Councilor; previously was Pam Barberis (p. 238)**

**Councilor Hildner made a motion, second by Councilor Williams, to appoint Councilor Barberis. The motion passed unanimously.**

- vii) Impact Fee Advisory Committee – City Councilor; previously was Jen Frandsen (p. 242)**

**Councilor Barberis made a motion, second by Councilor Sweeney, to appoint Councilor Frandsen. The motion passed unanimously.**

- viii) Flathead County Regional Wastewater Study Committee – previously was Sarah Fitzgerald with Chuck Stearns as staff/alternate (p. 245) (may be able to do away with this appointment)**

**Manager Stearns said this committee is not currently active nor has held any recent meetings and said the Council could skip making any appointments at this time. If the Committee starts up again he will bring it back to the Council for their appointment.**

- ix) 9-1-1 Administration Board – Previously Chief Dial; alternate was Sarah Fitzgerald; has to be elected officials or designees (p. 246)**

**Councilor Barberis made a motion, second by Councilor Sweeney, to appoint Chief Dial as the primary member and Councilor Williams as the alternate. The motion passed unanimously.**

- x) Insurance (Medical) Committee – Two City Councilors as Ex-Officio members; previously was Andy Feury and Frank Sweeney (p. 247)**

**Councilor Frandsen made a motion, second by Councilor Hildner, to appoint Councilors Feury and Sweeney. The motion passed unanimously.**

- xi) Whitefish Arts Council – previously was Jen Frandsen (p. 252)**

Discussion between Council and Staff that this position was created by request of a local group, and not required by any City Regulations, so no appointments were made at this time. The local group can again approach the Council requesting their participation if they wish to do so.

- xii) Real Estate Advisors – Mayor and One Councilor; currently is Mayor Muhlfeld and Andy Feury (p. 253)**

**Councilor Hildner made a motion, second by Councilor Williams, to appoint Mayor Muhlfeld and Councilor Feury. The motion passed unanimously.**

- xiii) Legacy Lands Advisory Committee – Mayor and One City Councilor or two Councilors; currently is Richard Hildner (Recreation/Conservation) and Frank Sweeney (Whitefish Trail Operations) (p. 255)**

**Councilor Hildner made a motion, second by Councilor Sweeney, to just appoint one Councilor, Councilor Williams, to represent the City in both positions. The motion passed unanimously.**

- xiv) City Hall Steering Ad-Hoc Committee – Mayor and One City Councilor; was Mayor Muhlfeld and Councilor Jen Frandsen with Richard Hildner as alternate (p. 255)**

**Councilor Sweeney made a motion, second by Councilor Barberis, to appoint Mayor Muhlfeld; and Councilor Hildner as another primary member and Councilor Frandsen as the alternate. The motion passed unanimously.**

- xv) Whitefish Lake Institute Board – one City elected official; previously was Pam Barberis; (p. 260)**

Discussion between Council and Staff that since both Mayor Muhlfeld and Councilor Feury are seated members on the Whitefish Lake Institute Board, no other Council representation should be required at this time.

- xvi) Mountain Trails Park Master Plan Committee – two City Councilors – previously was Jen Frandsen and Richard Hildner; (p. 261)**

Discussion between Council and Staff that this has been an inactive committee and no appointment were made at this time. If the need should arise again it would probably be through the Park Board; and the Park Board can certainly come back to the Council for future appointments if needed.

COUNCIL COMMENTS:

Councilor Hildner welcomed Councilor Williams. Councilor Hildner asked if the City Attorney could contact the MT DEQ in follow-up to the letter from Mayor Muhlfeld that requested a 30-day extension of the comment period on the proposed BNSF Discharge Permit Renewal as there has been no response from the DEQ. City Attorney Jacobs said she would do so.

Councilor Williams thanked all for the warm welcome she has received; and said she was glad the Council approved going forward with the Housing Needs Assessment and plan.

Mayor Muhlfeld welcomed Councilor Williams and said that he was honored to be elected to serve again with this Council, and looked forward to accomplishing great things together.

Councilor Frandsen welcomed Councilor Williams and congratulated all of the returning re-elected officials. Councilor Frandsen complimented the Public Works Department on their management of snow removal.

Councilor Sweeney thanked Whitefish and its residents to allow him to serve again on the Council; and said he was pleased to have the opportunity to serve with this Mayor and Council.

Councilor Feury agreed with the others in welcoming Councilor Williams. Councilor Feury said in the last few weeks he attended the ice show at the ice rink which was a great show, he skied on the hill and at the golf course, and at all places seeing the kids in town and the visitors having such a good time in our community; he was struck with all the good accomplishments within the public and private sector here providing great activities and opportunities for participation – particularly for youth. It is worth all the hard work and this is one of the best places to live.

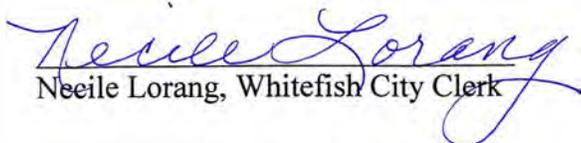
**12) ADJOURNMENT** (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)  
(CD 2:14:40)

Mayor Muhlfeld adjourned the meeting 9:25 p.m.



Mayor Muhlfeld

Attest:



Neeile Lorang, Whitefish City Clerk

Please return to Necile

**PUBLIC HEARINGS**  
**PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 1/4/16**

**PLEASE PRINT NAME and ADDRESS**

Zone Change 2722-2724 Carver Bay  
Road from Country R-1 to City WSR

Zone Change 1750-1770 Hwy 93W  
from Country R-1 to City WSR

Application for Conditional Use Permit  
for a parish house - 943 E. 2<sup>nd</sup> Street

	Zone Change 2722-2724 Carver Bay Road from Country R-1 to City WSR	Zone Change 1750-1770 Hwy 93W from Country R-1 to City WSR	Application for Conditional Use Permit for a parish house - 943 E. 2 <sup>nd</sup> Street
1.	STEVE VENABCE	4395 US HWY 93 N	WHITEFISH, MT
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\*CUP = Conditional Use Permit