

WHITEFISH CITY COUNCIL

April 18, 2016

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Barberis, Frandsen, and Williams, Feury and Sweeney were absent. City Staff present were City Manager Stearns, City Clerk Howke, City Attorney Jacobs, Finance Director Smith, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Senior Planner Compton-Ring. Approximately 35 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Leo Keane to lead the audience in the Pledge of Allegiance.

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

Leo Keane, 514 Pine Place, asked the City Council to consider a problem of over populated deer in town. He suggested eliminating the deer to a sustainable population by either live capture and relocate or provide as food for the food bank.

Judy Spivey, 117 Park Knoll Lane, complimented the Planning Board for turning down the Marriott Motel project. If the project is presented again, the Council should ask if Whitefish needs it, and if Whitefish wants it. She doesn't want Whitefish to become America Town USA.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Hildner reported the Bicycle and Pedestrian Committee had a special meeting this morning to review with WGM Group and BJ Grieve the status of the Bike/Ped Master Plan update. A few things of interest for the community is on April 29 there is a community bike ride starting at 10:00 from the temporary City Hall location to look at the bicycle and pedestrian system. There will also be two community forums on May 19th and May 23rd at the Whitefish High School Cafeteria from 7:00 p.m. to 8:00 p.m. He encourages all the members of the public to attend.

5) CONSENT AGENDA

a) Minutes from the April 4, 2016 Council regular meeting (p.19)

Councilor Hildner had a correction to the minutes on page 22 of the packet, last paragraph, instead of "goal revenue" change to "revenue goal".

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

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

- a) ~~Ordinance No. 16___; A request by Whitefish TP LLC for a Conditional Use Permit and a Planned Unit Development to construct a 111-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6405 Highway 93 S (proposed Marriott Hotel) (Withdrawn and to be re-submitted)~~
- b) **Consideration of authorizing grant applications for the Montana DNRC Renewable Resource Grant and Loan Program and the Montana Department of Commerce Treasure State Endowment Program for a proposed project that will install significant improvements to the City's wastewater treatment facilities (p. 26) (CD1 10:27)**

Director Workman gave his staff report that is provided in the packet and also introduced Scott Anderson with Anderson Montgomery Consulting Engineers (AMC). The materials from Scott Anderson's presentation along with a copy of the Environmental Review Checklist is appended to the end of the packet.

Councilor Hildner asked and Scott stated the two 40-year old lagoon cells located at the northern most point of the property is no longer active and could be repurposed for other use such as a tree nursery.

Councilor Hildner asked and Scott said around 1,200 acres would be required to land apply all of the wastewater. A large storage cell is also required. Currently there is 20 acres available for land application, which would be about 10% of the flow in the summer time. The land application systems, in order to function, has to be an agricultural operation.

Councilor Hildner stated the City is actively pursuing a Climate Action Plan, he asked Scott how this fits in with the Plan in terms of reducing not only carbon footprints but perhaps an alternative that actually generates energy, rather than consumes energy? Scott said there are some new technologies out there that allow better use of energy, such as more efficient aeration devises and more efficient blower devises. Councilor Hildner mentioned he would like to see some additional information on energy conservation pursuant to our search for a Climate Action Plan. Scott stated they do an energy analysis of all the alternatives, it would be easy for AMC to do that. Councilor Hildner also stated he did not see odor reduction in the analysis. Scott reported they included that into the aesthetics, and it is a consideration in all of the processes, that is one benefit of a mechanical plant over a lagoon system, is the ability to collect and treat odors because it is smaller.

Mayor Muhlfeld mentioned that the City is the first community to develop a nutrient trading plan for the State of Montana, he is curious on how much value that's informing the design of the plant. Scott said there is a chapter in the plan, they are going to look at two alternatives for land application. It is definitely a component in the planning process. It will be most effective in supplementing a treatment plant.

Mayor Muhlfeld opened the public hearing.

There being no comment, Mayor Muhlfeld closed the public comment and turned it over to the Council for their consideration. No formal action is needed.

c) Ordinance No. 16-08 An Ordinance approving the Mky Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish (WPP 15-07/WPUD 15-01) (First Reading) (p.35) (CD 1 48:04)

Senior Planner Compton-Ring gave her staff report that is provided in the packet on the website. The applicant is proposing to develop the plan in three phases; single family detached lots, apartments, townhouses. The developer is proposing to an east to west right-of-way on the north side of the property, and extend Whitefish Avenue south to JP Road. A variety of open space areas for the residents in the multifamily portion of the development, along Whitefish River and a pedestrian connection from Whitefish Avenue to the river. The applicant is extending the paved public trail from the north property line to the south property line. Within the 18-unit apartment building 4-units will be provided to the Housing Authority for affordable housing. The Fire Marshal is requesting full fire suppression sprinkler and alarm systems on structures built on lots 4,7,11,14,15,16. Staff is satisfied with the zoning deviation to the smaller lot sizes and width, and feel it is complimentary to the subdivision to the north. The Planning Board approved the project with 28 conditions, staff recommended amendments to Condition #19 and #20 and added Condition #28.

Senior Planner Compton-Ring responded to a few public comments that townhouses are not a permitted use in the PUD, she stated that in the PUD Chapter multifamily is listed as a permitted residential use. The definition of multifamily, is a building or buildings that is attached to each other and containing three or more dwelling units. This is intended to apply to types such as triplexes, four-plexes or apartments. The definition of townhouses or condos is how the unit is constructed. The benefits being provided by the project is up to the Council to decide. The Citizens for a Better Flathead handed a letter to the Planning Board, with questions regarding to the location and legal description of WB-2, it was s 1965 description and reflects the zoning north of the Whitefish River along Spokane Avenue, it doesn't pertain to this particular area. Multifamily is a commercial use because it can potentially be rented, therefor it is not permitted within the PUD. Tom Tornow had emailed Senior Planner Compton-Ring comments that were handed to the Council and also appended to the packet.

Councilor Hildner mentioned in Condition #17, during the Planning Board discussion on refuse disposal areas, the need or desire for containers that can be used particularly for cardboard and plastic.

Mayor Muhlfeld opened the Public Hearing.

Michael Morton, 101 Lakeside Boulevard, is the managing general partner for Mky Enterprises. Michael stated he is offering to the City in exchange of the PUD; to build Akers Lane that will connect Highway 93 with Whitefish Avenue, the extension of Whitefish Avenue to JP Road, extend the Whitefish River Trail from the northern boundary to the southern boundary of the project property, and agreed to 4 units of the 18-unit apartment building to be assigned to the Whitefish Housing Authority for rental. When the project was started there was some substantial objection from the Rivers Edge Subdivision, they have

amended the plan and addressed their issues and at the Planning Board the president of the Rivers Edge HOA supported the project. Michael has marked every tree on the property and will put forth their very best efforts to save the large trees on the property, and added a strong covenant to require written approval for cutting any tree on the project.

Councilor Hildner mentioned at the Planning Board meeting of some discussion about waiving the HOA dues for the affordable housing, Michael said the dues are paid by the owner not by the tenants, it will not be a part of any rental agreement.

Bruce Boody, 301 Second Street, Landscape Architect, responded to the letter Tom Tornow addressed. The first half of Condition # 10 is almost an exact copy of what is written in Senior Planner Compton-Ring's conditions. Bruce feels that "not shine directly on or into neighboring properties" should be included in Condition #10. Condition #20 is there to make sure that there are four (4) affordable housing units, the additional language seems this condition is going to control all the other market rate units the developer is creating. Units can't be added in a subdivision but you can reduce the number of units. Bruce thinks Condition #20 is good as is. Condition #26 needs to stay, because Lot 17 is still a part of a plat but is removed from the PUD. Condition #29, are townhomes on sub-lots and are available for sale; if the owner wants to keep some of those lots, he can. The developer is fine with Condition #30 if they want to add another condition to further substantiate the drawings. Bruce stated they have worked with staff real hard to make peace and provide assurances to the neighbors.

Don Spivey, 117 Park Knoll Lane, is representing two parties. He received a call from the Rivers Edge Home Owners Association, in regards to Condition #29, with the sale of the townhouses. He will report back to the Rivers Edge HOA. Don did decide the project has done some good things in terms of the single family homes near the river, they eliminated the ingress and egress from the townhouses onto the Whitefish Avenue, which reduces congestion and contamination. He thinks it is a good thing and we get 4 more affordable houses. Lot 17 is the lot against Highway 93, subject of potential development or a variety of sorts, not necessarily another PUD but it could be anything. He mentioned we have to be careful with Lot 17 and what happens to it. He is delighted the City is working with the Department of Transportation to mitigate some of the traffic challenges that are occurring between the signal at JP Road and the Mountain Mall.

Leo Keene, 514 Pine Place, is pleased the developer is recognizing and acknowledging the trees on the property. It is a nice entry into Whitefish, and is important the developer is taking responsibility in preserving the trees. He wished the City would acknowledge the importance as well by codifying tree retention in developments.

Hunter Holmes, 216 Midway Drive, works in the real estate community, and he has seen numerous residential communities developed and he thinks this is one of the best developments presented that preserves the trees, the setback off the highway and improving the access for not only this development but also for Rivers Edge, and building a section of trails to get the community to the Rocksund Bridge is very important. It will improve the housing demand in town as well the employee housing.

There being no further comment Mayor Muhlfeld closed the public comment and turned it over to the Council for their consideration.

Councilor Frandsen made a motion, second by Councilor Hildner to approve the staff report (WPP 15-07/WPUD 15-01), and the findings of fact, and approve the first reading of Ordinance No. 16-08; approving the Mkey Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South.

Councilor Hildner made an amendment, second by Councilor Barberis to include an addition to Condition #17 to include facilities for recycling of cardboard and plastics. The motion passed unanimously.

Councilor Frandsen made an amendment, second by Councilor Hildner to add Condition #29, the twenty-foot access trail and landscape buffer easement on the north edge of the property shall be substantially as depicted in the plan in section elevation presented by the developer during the public hearing. The motion passed unanimously.

Councilor Frandsen stated she is very pleased with how the plan worked out, but is concerned of the congestion on Highway 93 as a result of additional development coming along. She hopes to continue along and build alternate access ways keeping in mind there is going to be more congestion. She would hate to see stop light after stop light on Highway 93. The only thing that concerns her is Lot 14, 15, 16 area, the entire middle of that section is all parking access. It would have been nice to a little more people interaction space, where kids are playing and neighbors are interacting through sidewalks and walking dogs. As moving along maybe some more opportunity for landscaping to enhance the neighbor's interaction.

Councilor Hildner wanted to applaud everyone, just based on what he heard at the Planning Board level and what he heard tonight. The cooperative effort between the developers and the neighbors and everybody involved. He thinks this is a nice blue print on how we move forward with these sorts of things. He is also glad to see at least 4 affordable units.

The original motion with amendments to Condition #17 and adding Condition #29 passed unanimously.

- 7) **COMMUNICATIONS FROM CITY MANAGER (CD 1 01:37:31)**
- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p.334) None**
 - b) **Other items arising between April 13th and April 18th - None**
 - c) **Discussion and possible authorization to proceed with a “wholly surrounded” annexation process for the area around West Lakeshore Drive (Lake Park Addition) (p. 348)**

City Manager Stearns gave his staff report that is provided in the packet on the website. The Council originally met in a work session on March 3, 2014 to discuss properties outside the City that have utility connections and look for areas of annexation. At the time, the first priority was the Houston Drive area on East Lakeshore Drive, the second priority is the West Lakeshore Drive. The East Lakeshore Drive annexation effort stalled and a lawsuit was filed trying to

prevent from annexing with a “wholly surrounded” method. The City won that lawsuit at the District Court level, March 21, 2016, by that time staff had begun working on the West Lakeshore annex proposal.

Councilor Frandsen asked and City Manager Stearns said we currently do not have any volunteer petitions to annex. There are a number of waivers signed by property owners saying they won't protest the annexation. If we have a waiver on hand, we don't have to count their protest. Councilor Frandsen also asked and City Manager Stearns stated the rest of the properties south on West Lakeshore are annexed until closer to Ramsey Avenue. City Manager Stearns stated State Park would likely remain outside city limits, which was a condition of a sewer line easement agreement.

Discussion between City Manager Stearns, Councilor Hildner and Mayor Muhlfeld confirmed 11 properties are on sanitary sewer.

Councilor Hildner made a motion, second by Councilor Frandsen to authorize the City Manager to proceed with a “wholly surrounded” annexation process for the area around West Lakeshore Drive (Lake Park Addition) including adopting the schedule. The motion passed unanimously.

d) Discuss request for renewal or extension of lease of Cemetery land for Veteran's Peace Park (p.357)

City Manager Stearns stated the term ends on August 1, 2016, the Great Northern Veterans Peace Park Foundation has the option to renew this lease from year to year. City Manager Stearns received an email from Ryan Zinke earlier this year requesting to renew for a ten-year lease. This is currently known as the sledding hill, and is planning on having parking at the Peace Park and the western part of his parcel for sledding.

Councilor Frandsen asked and City Manager Stearns stated the topography of the property is not viable to extend the Cemetery usage, it was looked into but it would require a lot of fill and a retaining wall and would not be cost effective for a cemetery.

Councilor Hildner asked if there has been any further discussion with Ryan as to developing the entire area as an event area? City Manager Stearns was not sure of Ryan's development plans. Planning and Building Director Taylor mentioned he thought maybe one event a year. He has used it as a staging area for the highway construction company. The property is in the county, tract 4c+ is inside city limits.

Councilor Hildner would like to know Ryan's plans for the property which could have a bearing on the length of the lease.

Councilor Frandsen agrees, the use for the particular lot that would be leased specifically says it should be open to the public without charge for no other purpose without the written consent of the City. She suggests shortening the term of the lease if there is concern of the development of the property.

Mayor Muhlfeld stated Ryan would have to come to the Council if it were to be converted from an open space to another use. He suggests going back to Ryan and stating the Council is open to a one-year lease, or a five-year lease, if he presents an overall plan of his vision for the park.

Council unanimously agreed to have City Manager Stearns contact Ryan with his intentions of the property.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 2 09:35)

a) Consideration of an email from Justin Lawrence of Lakestream Outfitters and Fly Shop for the City to initiate a text amendment to the WB-2 zoning district (p. 367)

Councilor Hildner hopes in the communication with Justin Lawrence the angst the City went through to come up with the zoning for the WB2 with regards to the WB3.

Mayor Muhlfeld will contact Justin Lawrence.

b) Discuss and set dates for budget work sessions for FY17 budget and set date for the preliminary public hearing on the budget for the June 20th meeting (p.368)

City Manager Stearns stated May 31 and June 13 are tentative dates for the budget meetings. Councilor Frandsen will not be available for May 31, she prefers the Council to proceed if she is the only one missing. Councilor Feury and Councilor Sweeney are not present to confirm their schedule.

Councilor Frandsen made a motion, second by Councilor Barberis to postpone until May 2, 2016. The motion passed unanimously.

c) Resolution No. 16-16; A Resolution establishing the Wisconsin Avenue Corridor Plan Steering Committee (p.369)

Planning and Building Director Taylor stated the Council authorized to proceed with the Wisconsin Avenue Plan. Councilor Hildner wanted to avoid any criticism as such as the Highway 93 Neighborhood Plan. Director Taylor stated this has more residential property owners than members at large.

Councilor Frandsen made a motion, second by Councilor Williams to approve Resolution No. 16-16, a Resolution establishing the Wisconsin Avenue Corridor Plan Steering Committee. The motion passed unanimously.

d) Consideration of appointing an additional representative to Whitefish Legacy Partners committees (p. 373)

Parks and Recreation Director Butts stated it would be the City's best interest to have two members on the Legacy Lands Advisory Committee. Currently Councilor Williams is serving on both committees.

Councilor Frandsen made a motion, second by Councilor Hildner to appoint Councilor Williams to the Whitefish Trail Operations Committee and the Legacy Lands Advisory Committee and Councilor Barberis to the Legacy Lands Advisory Committee. The motion passed unanimously.

Communications from the Council

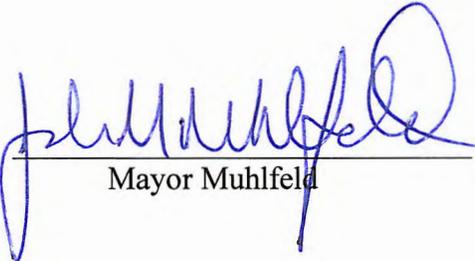
Councilor Hildner will be absent at the May 2nd meeting.

Councilor Frandsen would like to find a way to work towards bringing something to the Council for a deer relocating program for review. She thought a few of the Council could get together. Councilor Hildner agreed.

Public Works Director Workman reiterated the public outreach program regarding the Bicycle Pedestrian Master Plan. He encourages the community to visit the City's website to participate in the survey. The bike ride on April 29th is at 10am at the temporary City Hall.

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

Mayor Muhlfeld adjourned the meeting at 9:51 p.m.



Mayor Muhlfeld

Attest:

Michelle Howke
Michelle Howke, Whitefish City Clerk

Please return to Michelle

PUBLIC HEARINGS
PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 3/07/16

PLEASE PRINT NAME and ADDRESS	CUP Whitefish TP LLC	Montana DNRC RRG Grant	MKay Enterprises PUD
1. <i>Scott Anderson Helena MT</i>		✓	
2. <i>Judy Spivey 117 Pauline Ave Helena MT</i>			
3. <i>Richard S. Serrano</i>			
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*CUP = Conditional Use Permit