

WHITEFISH CITY COUNCIL

MAY 2, 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 Howke, City Attorney Jacobs, Finance Director Smith, Planning and Building Director Taylor, Planner II Minnich, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Dial and Fire Chief Page. Approximately 25 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Nick Palmer to lead the audience in the Pledge of Allegiance.

3) PRESENTATION – Update on City Hall/Parking Structure construction – Owner’s Representative Mike Cronquist (p.57)

Mike Cronquist, Owner's Representative gave his report that is provided in the packet on the website. The foundation walls between City Hall and the Parking Structure is complete. Most of the basement walls are done.

Councilor Sweeney asked and Mike said the alley would be available to be opened by Memorial Day weekend.

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)

Sandy Carpenter, 3809 Tamarack Avenue, is the Board Secretary and the Garden Manager of the Whitefish Community Garden. A letter is in the packet requesting an increase from the City of the water allotment from \$300 to \$600. They have grown from 19 families to 43 families who use the garden, 7 food bank beds and orchard with cherry trees, apple trees, strawberry bed, herb bed and perennial bed. The first year the Community Garden donated 220 pounds of fresh organic produce to the Food Bank, this least season just over 1,000 pounds of fresh organic produce was donated. Their motto is Growing Food and Cultivating Community.

Barbara Palmer- spoke in regards to the article in the paper about deer culling. She said there is other ways to protect our yards, and is against this idea.

Nick Palmer, has talked with people and nobody he has talked to agrees with deer culling. He said to think of the kids when they learn adults are killing deer.

Mayor Muhlfeld clarified Councilor Hildner had mentioned in the goal setting session of deer culling along with one other comment from the public. The Council is not actively pursuing this situation at this time.

Laura Oscilowski, 503 Railway Street Suite A, Spotted Bear Spirits and the Whitefish Chamber of Commerce Board of Directors, thanked Mayor Muhlfeld and the Council, and mentioned a fundraiser May 14th through May 20th starts with a Distilleries Festival and Culinary Showcase hosted by six different restaurants throughout town.

Dan Cutforth, 1255 Larch Lane, regarding the pollution of Dog Bay and the annexations of Lion Mountain residents. He feels replacing an entire system because of a possibility a few septic systems are leaching into the lake is not the way to address the situation. He hopes the Council talks to the Homeowners Association about addressing the situation. He doesn't know what he would gain being annexed into the city limits.

Rebecca Norton, 530 Scott Avenue, is in favor of pursuing Lion Mountain annexation and likes the idea of deferred payment of city tax in exchange of payment of connecting to the sewer system.

Dick Zoellner, 1365 Voermans Road, is concerned about the water not just the lake but also the river. The City does not check for chemicals in the water. Fertilizers and weed killers need to be addressed along with the Lion Mountain issue. City should step up and check the water. He also mentioned there are some problems some people see with the deer that others are not seeing.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

Chief Dial reported the 911 Board had a special meeting. Commissioner Mitchell feels the current staffing at the dispatch center needs to be evaluated. They have created a 3-member subcommittee; Mayor Johnson of Kalispell, City Manager Nicosia of Columbia Falls and Chief Dial of Whitefish, tasked with recommendation on who to hire, the spending and what will be evaluated for the audit.

Councilor Williams is on the Whitefish Trail Operations Committee, reported a few months ago the question came up about horses being on the new trail in Haskill Basin and the potential to change the easement for Iron Horse to allow horse access to that trail. After evaluating the issue concerning horse use from the Haskill Basin trailhead on Reservoir Road. The trail on City Property includes eight switchbacks over two ridges in a ½ mile stretch limiting and narrowing a stretch not conducive to horse use. The proposal is to use and have horse access off Stoltzes property or access the trail from the Big Mountain Road.

6) CONSENT AGENDA

- a) Minutes from the April 18, 2016 Council regular meeting (p.68)**
- b) Ordinance No. 16-08; An Ordinance approving the McKay Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish (Second Reading) (p.76)**

- c) **Consideration of approving application from Bruce Boody on behalf of Covey Family Trust for Whitefish Lake Lakeshore Permit (#WLP-16-W02) at 2524 East Lakeshore Drive to install dry set stone stairs, placement of gravel, and a gravel bypass swale for stormwater management subject to 20 conditions (p.83)**
- d.) **Consideration of approving application from Doepker Landscape, Inc. on behalf of Curtis and Jodi Thew for Whitefish Lake Lakeshore Permit (#WLP-16-W03) at 1490 Barkley Lane to remove existing non-native vegetation and re-landscape within the Lakeshore Protection Zone, install a slide onto an existing dock, and remove a log from the lake which is creating a safety hazard subject to conditions (p.99)**

Councilor Frandsen made a motion, second by Councilor Williams to approve the Consent Agenda. 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) **Consideration of an application from the VFW Lion Mountain Post #276 for a Conditional Use Permit for the expansion of a non-conforming use to install five (5) new gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3 (General Business District). The property is located at 20 Baker Avenue (WCUP16-03) (p.122) (CD 30:20)**

Planner II Minnich gave her staff report that is provided in the packet on the website.

Councilor Frandsen asked and Planner Minnich confirmed the CUP carries with the land. Councilor Sweeney asked and Planner Minnich said the applicant can only ask for one 50% increase.

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

Councilor Frandsen made a motion, second by Councilor Williams to approve Whitefish Conditional Use Permit 16-03, an application of a non-conforming use to install five (5) new gaming machines. The motion passed unanimously.

- b) **Ordinance No. 16-09; An Ordinance rezoning approximately 1.203 acres of land located at 6232 US Highway 93 South, in Section 1, Township 30 North, Range 22 West, Whitefish, Montana, from County SAG-10 (Suburban Agricultural District) to City WA (Agricultural District) and adopting findings with respect to such rezone (First Reading) (WZC 16-01) (p.148) (CD 36:55)**

Planner II Minnich gave her staff report that is provided in the packet on the website.

Councilor Frandsen asked and Planner Minnich clarified that if a property were to subdivide in the WA they would be required 15 acres in order to split the lot. This lot will not be able to be subdivided.

Mayor Muhlfeld opened the Public Hearing. There being no public comment, the Mayor closed the Public Hearing and turned it over to the Council for their review.

Councilor Frandsen made a motion, second by Councilor Sweeney to approve Ordinance 16-09, an Ordinance rezoning approximately 1.203 acres of land located at 6232 US Highway 93 South, in Section 1, Township 30 North, Range 22 West, Whitefish, Montana, from County SAG-10 to City WA and adopting findings with respect to such rezone. The motion passed unanimously.

- c) **Consideration of an application for a preliminary plat approval from Triple S Landgroup and Daniel Scheffer for a 6-lot subdivision that contains four (4) detached single family homes and two (2) attached single family homes. The property is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights (WPP 16-01) (p.176) (CD 42:16)**

Planner II Minnich gave her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Jay Snowden, 1640 Ranch Road, with Triple S Landgroup, shared that he, his partners and Dan Scheffer and with the help of the neighbors have come up with a proposal everybody can agree on.

Mayor Muhlfeld closed the Public Hearing and turned it over to the Council for their review.

Councilor Sweeney made a motion, second by Councilor Frandsen to approve WPP 16-01 and adopt the findings of fact and the staff report including the 20 conditions of approval as recommended by the Whitefish Planning Board on April 21, 2016. The motion passed unanimously.

8) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) **Consideration of awarding a contract for engineering services for Riverside Park Tennis Courts and new City Beach Parking Lot (55 Woodland Place) to TDH Engineering (p.237) (CD 50:06)**

Parks and Recreation Director Butts gave her staff report that is provided in the packet on the website. This does include the conceptual layout of the parking lot at 55 Woodland Place.

Councilor Frandsen made a motion, second by Councilor Sweeney to award a contract for engineering services for Riverside Park Tennis Courts and the new City Beach Parking Lot (55 Woodland Place) to TDH Engineering. The motion passed unanimously.

Mayor Muhlfeld thanked Director Workman and Director Butts for installing the BMPs at 55 Woodland Place.

9) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR (CD 53:41)

a) Resolution No. 16-17; A Resolution adopting the final Environmental Assessment for the Wastewater Treatment Plant Improvements Project (p.243)

Public Works Director Workman gave his staff report that is provided in the packet on the website.

Mayor Muhlfeld stated he has been approached by 2-3 individuals regarding the odors coming from the Wastewater Treatment Plant and stated the odors are getting worse. Director Workman reported the early turnovers in the lagoon and the water density and water temp is in the high 40's and low 50's, bacterial activities are low. As temperatures rise and bugs do their job, the odor will decrease.

Councilor Frandsen made a motion, second by Councilor Williams to approve Resolution 16-17, a Resolution adopting a final Environment Assessment for the Wastewater Treatment Plant Improvement Project. The motion passed unanimously.

b) Resolution No. 16-18; A Resolution authorizing the City Manager to submit an application to the Montana Department of Commerce for TSEP and DNRC-RRGL grant funding associated with the Wastewater Treatment Plant Improvements Project (p.258)

Director Workman included his report with agenda item 9a.

Councilor Frandsen made a motion, second by Councilor Sweeney to approve Resolution 16-18, a Resolution authorizing the City Manager to submit an application to the Montana Department of Commerce for TSEP and DNRC-RRGL grant funding associated with the Wastewater Treatment Plant Improvement Project. The motion passed unanimously.

c) Resolution No. 16-19; A Resolution authorizing support for a Department of Natural Resources and Conservation RRGL for government facilities grant application for the "Optimization of the Whitefish Water Treatment Plant" project and the work that would be funded under the grant (p.259)

Public Works Director Workman gave his staff report that is provided in the packet on the website.

Mayor Muhlfeld asked if the work can get done for \$130,000, and Director Workman said that as we move forward, we have been asked to participate at the level and phase it in.

Councilor Sweeney made a motion, second by Councilor Frandsen to approve Resolution 16-19, a Resolution authorizing support for a Department of Natural Resources and Conservation RRGL for government facilities grant application for the "Optimization for the Whitefish Water Treatment Plant" project and the work that would be funded under the grant. The motion passed unanimously.

10) COMMUNICATIONS FROM CITY MANAGER (CD 1:08:01)

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p.264) - None**
- b) **Other items arising between April 27th and May 2nd**

City Manager Stearns stated that the Public Works Union reached a tentative agreement proposed for 3 years that involves a 3.8% base pay increase for one year then in future years use the same formula as used in the past. Mike Cronquist, Director Workman and City Manager Stearns met with the businesses affected by the closure of East 1st Street at the City Hall Parking Structure construction. They will meet with Martel to work on opening at least one lane of traffic. The businesses are concerned if closed throughout the summer their business will suffer.

c) Third Quarter Financial Report – Finance Director Dana Smith (p.266)

Financial Director Smith gave the Third Quarter Financial Report that is provided in the packet on the website.

Mayor Muhlfeld asked and Director Smith said the status change depends on how much Federal grant monies that are collected, and actually spent. It changes every year.

Councilor Sweeney asked and Director Smith said the lighting district fund is at 85% and the commercial lighting district is at 82%. This fund is driven for the lighting needed for streets, and found it cost effective to have light poles on hand, and is a timing issue.

City Manager Stearns also stated that the water fund will require a budget amendment, the \$8 Million plus for the Haskill Basin was budgeted in the Resort Tax, because of the second pledge of water revenues and because it is a SRF loan, the Bond Council wanted us to do the bond issuance in the water fund.

11) COMMUNICATIONS FROM CITY ATTORNEY (CD 01:23:50)

- a) **Review and discuss memo on options for delaying annexations for areas around Whitefish Lake with demonstrated septic leachate problems including the Lion Mountain area (p.280)**

City Attorney Jacobs gave her review that is provided in the packet on the website.

Mayor Muhlfeld asked and City Attorney Jacobs said the intent for Option 3 is to allow Lion Mountain residents a certain amount of time to petition the county for an RSID to get the process moving.

City Manager Stearns thought of a time deferral to the length of an RSID, the tough part is each Lion Mountain owner would face \$18,232 capital cost TSEP and RRGL grants. City Manager Stearns thinks there is possibility in the next legislature session for infrastructure funding. Another option is to petition DEQ and the Flathead County for moratorium on new septic systems.

Mayor Muhlfeld stated Whitefish Lake Institute decided not to apply to the DNRC for the grant for engineering and construction. More of an education and outreach is needed so the affected residents can gain ownership.

Councilor Sweeney told City Attorney Jacobs well done on this project. The concern he has is that this is a present problem that is not getting better. We are not helping ourselves or the lake by not getting to a solution. He thinks we need to move forward quickly.

Councilor Feury supports deferred annexation with a trigger date, and move on it as quickly as possible.

Mayor Muhlfeld suggested he and Councilor Feury meet with Mike and Lori at the Whitefish Lake Institute.

City Manager Stearns stated there would be some policy changes and staff could come back with a red lined policy change.

12) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 01:44:10)

- a) Letter from Michael Henson of Whitefish Community Garden requesting an increase in water allowance from \$300 per year to \$600 per year as support for community garden (p.284)**

Councilor Frandsen asked and City Manager stated the fund is currently out of the Council budget, there is no precedent on the appropriation of money.

Councilor Sweeney asked Michael Hanson, President of Whitefish Community Garden, said at the beginning the \$300 carried over. This year already at 2/3 comp asity and is growing 3-5% each year.

Mayor Muhlfeld asked and Michael Hanson stated there are bed fees, \$50 per bed and 10% of those beds for scholarship beds funded by Soroptomist, and seven food bank beds.

Councilor Sweeney made a motion, second by Councilor Frandsen to increase the water allowance for Whitefish Community Gardens from \$300 per year to \$600 per year.

Councilor Frandsen was concerned where the funding is coming from. Director Smith found that it is credited to the water bill.

The motion passed unanimously.

- 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.285)**

Councilor Feury made a motion, second by Councilor Sweeney to set the preliminary public hearing on the FY17 for June 20th meeting. The motion passed unanimously.

c) Resolution No.16- 20: A Resolution establishing annual goals for the City (p.286)

Councilor Frandsen made a motion, second by Councilor Williams to approve Resolution 19-20, a Resolution establishing annual goals for the City. The motion passed unanimously.

d) Consideration of any appointments to volunteer committees not made during tonight's work session (p.1)

The appointments were completed in the Work Session.

Council comments:

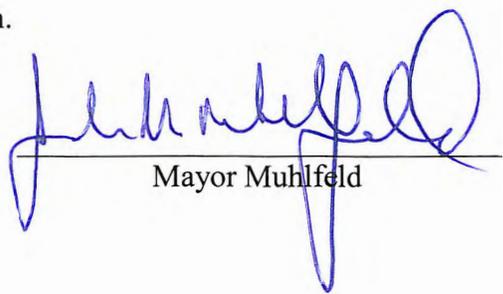
Councilor Frandsen stated at the recycling center the cardboard containers are overflowing and there is trash and rubbish floating around. She would like a better understanding of when we are picking up and cleaning more frequently. Director Workman reported the location is serviced five days a week and at the latest time possible on Fridays. He and North Valley Refuse are working on adding cameras, more signage and changing the cardboard container. He is also asking for more community support to help. Councilor Frandsen stated the signage would be more helpful.

Councilor Sweeney wanted to share he would be willing to offer to serve on the PUD Re-Write Committee.

Councilor Feury agrees with Director Workman it is easier to throw boxes in the recycle bin rather than break the boxes down. He also wanted to share his disappointment with the County on the zone change south of the Majestic Arena.

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

Mayor Muhlfield adjourned the meeting at 9:08 p.m.



Mayor Muhlfield

Attest:

Michelle Howke
Michelle Howke, Whitefish City Clerk

PUBLIC HEARINGS

PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 05/02/2016

PLEASE PRINT NAME and ADDRESS	CUP VWF 5 new gaming machines	Rezoning 6232 Hwy 93 S SAG-10 to WA	Preliminary Plat 235 Haugen Heights
1. Dan Schetter			Jay
2. Jay Snowden ^{124 old} Rush Rd Chickadee			✓
3. Kevin A. He...	✓		
4.			
5.			
6.			
7.			
8.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

*CUP = Conditional Use Permit