

**WHITEFISH CITY COUNCIL**

**MAY 16, 2016**

**7:10 P.M.**

**1) CALL TO ORDER**

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Barberis, Frandsen, Sweeney, and Williams. Councilor Feury was 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, Police Chief Dial and Fire Chief Page. Approximately four people were in the audience.

**2) PLEDGE OF ALLEGIANCE**

Mayor Muhlfeld asked Heidi Desch 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)

**4) COMMUNICATIONS FROM VOLUNTEER BOARDS**

Kevin Gartland, Executive Director for the Whitefish Chamber of Commerce reported the update on the Housing Task Force. Advertisements went out a month ago for Consultants, six responses were received. The Screening and Selection Committee will meet May 19<sup>th</sup> to interview the applicants. The plan is to have the study kicked off by mid-June, beginning with a joint meeting with the City Council, Whitefish Chamber of Commerce and the Whitefish Housing Authority. The assessment is expected to be completed prior to the holidays. Currently they are working on Phase II and have hired a grant writer. The goal is to have the study ready to put together a plan by January 2017.

Councilor Hildner reported the Bike to School was a terrific success. The temporary bike lanes were a great idea.

**5) CONSENT AGENDA**

- a) **Minutes from the May 2, 2016 Special Meeting (p. 45)**
- b) **Minutes from the May 2, 2016 Regular Meeting (p. 46)**
- c) **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 (Second Reading) (p. 54)**

Councilor Hildner had a correction to the minutes on council packet page 46, Councilor Hildner was absent for the May 2, 2016 meeting.

**Councilor Sweeney made a motion, second by Councilor Frandsen to approve the consent agenda as corrected. 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)

None

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

**a) Consideration of accepting or rejecting construction bids for the Depot Park Gazebo project (p. 58) (CD 7:48)**

Parks and Recreation Director Butts gave her staff report that is provided in the packet on the website. The Park Board recommends the Council reject the two bids received and directed staff to look into a prefabricated gazebo design and gather cost estimates.

Mayor Muhlfeld asked Director Butts the cost for the learning gazebo for the Legacy Trails and she replied \$66,000 total but that they also had a lot of in-kind donations.

**Councilor Sweeney made a motion, second by Councilor Hildner to reject the construction bids for the Depot Park Gazebo project.** Councilor Sweeney expressed how frustrated he and the Park Board is with the fact we hire consultants, who bring us assurances that they are going to be able to bring this project in on budget and give us estimations based on that, and then miss it by half. We need to examine what expertise we can get, and where we get them because we are not getting what we've paid for. We awarded a contract amendment to RPA for this project and we can't go forward. The Park Board worked really hard at this and were given assurances that did not pan out. **The motion passed unanimously.**

**8) COMMUNICATIONS FROM CITY MANAGER (CD 11:58)**

**a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 63)**

Mayor Muhlfeld asked with the Public Works union collective bargaining agreements resolution for working weekends, is this going to allow Public Works to plow on weekends in the winters? City Manager Stearns stated even with the last contract they kind of had Item No. 5 resolved so there is one employee that Director Workman and Supervisor Barranger could direct to work on the weekends. Basically what they agreed to is that if the employees know upon being hired that they may be required to work weekends they are okay with it. The existing employees who felt that they were hired for 8-5, Monday-Friday and don't want to be required to work weekends, then Item Nos. 6 and 8 are incentives to work on weekends if Director Workman and Supervisor Barranger choose to use them.

Mayor Muhlfeld also asked City Manager Stearns about the issue for reopening East 1<sup>st</sup> Street. City Manager Stearns said the retail businesses on East 1<sup>st</sup> Street where the street is closed are very adamant to get the street open. The best solution they could come up with would be to open the north lane of East 1<sup>st</sup> Street for westbound traffic from Central Avenue to Baker Avenue. Martel would move their trailer and some staging materials to the south half of the parking lot at East 1<sup>st</sup> and Central Avenue next to Craggy Range. This will take up 10-20 parking spaces in that parking lot. City Manager Stearns said Director Workman thinks temporary diagonal parking can be created on East 1<sup>st</sup> Street on the South side next to Piney Creek Interior to create up to 10 spaces instead of the current 3-4 parallel spaces. Estimated cost for the change order is \$13,000 and there would be a net loss of 10-14 parking spaces.

Discussion followed between Mayor Muhlfeld and City Manager Stearns regarding Martel using the north side of the Craggy Range lot, with clear demarcation for public parking. This will help the retail parking component as well as the risk that if they are located on the south side it would block access to the north side of that lot. This has been a complaint of downtown merchants. City Manager Stearns said he will visit with Martel about that, but they did say that there is an efficiency component going to the south side because they go from there to the job site frequently throughout the day. Mayor Muhlfeld also said we agreed to free up the snow lot for the use of their sub-consultants and contractors for parking and shuttling into the work area on a daily basis. This is not happening and it should be enforced on a daily basis. City Manager Stearns said he will reinforce that with Martel.

Councilor Frandsen asked City Manager Stearns to explain what the deal is with the business interruption claims. City Manager Stearns said there hasn't been many in the past, but they try to say that the closure greatly affected their business. He is trying to find a middle ground before that happens. Councilor Frandsen noticed there is a lot of grass around the equipment in the snow lot and asked if there is a plan to mow it. City Manager Stearns said the lot doesn't get mowed more than once or twice a summer, and if needed, Martel might need to arrange to have it mowed. Martel will start bringing more equipment and start using the space out at the City Shops in 18<sup>th</sup> and the storage lot.

Councilor Sweeney was wondering what the worst impact would be on the businesses on East 1<sup>st</sup>, is the loss of 14 parking spaces directly adjacent to their businesses worth having one-way lane traffic available? City Manager Stearns stated the businesses were unanimous on getting East 1<sup>st</sup> Street open, without cars and traffic going by, their inset alcove has become a transient neighborhood at night where people aren't seen. More than one stated they are concerned for their safety. A few of the businesses have elderly and disabled clients and they really want a quick drop off in front of the business at the sidewalk rather than crossing the alley and coming down the sidewalk.

**b) Other items arising between May 11<sup>th</sup> and May 16<sup>th</sup> - None**

**9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 33:33)**

- a) Letter from Barbara Palmer opposing the culling of deer from within city limits (p. 88) -None**
- b) Email from Mark and Catherine Owens of Shady River Lane regarding odors from wastewater treatment plant (p. 90)**

Public Works Director Workman said Public Works is very much aware of the odor situation; it appears the odors are worse this Spring than in the past. Some analysis has been done on the first cell in the lagoon system. There is apparently a higher level of sludge than in years past, along with some difficult weather patterns this year. They have put some operational changes into place and seen some positive results, and have started treating the first lagoon with an enzyme to try to break down the sludge. They will continue to evaluate. DEQ visited and had no suggestions.

Councilor Frandsen stated and the Council agreed that given the level of interference this has had on the neighbors lives, it warrants being an agenda item.

**c) Consideration of a request from Stacy Reid to operate a commercial horse-drawn carriage on certain streets in the City (p. 93)**

City Manager Stearns included in the packet on the website the City Code addressing this request along with a map. Councilor Frandsen asked and City Manager Stearns stated this is for use of the public right of ways. Councilor Sweeney stated following his initial look at this he has concerns with putting a horse on busy City roads. Horses and traffic don't work well. Councilor Hildner thinks it is a great idea, and it is worth looking at but wants the City absolved from any liability. Councilor Frandsen said according to the map provided, there are only a handful of City streets we could decide on, and she looks at the public benefit and thinks it is going to be more of a traffic hindrance than an advantage to the community.

Stacy Reid, 965 Northwood's Drive, stated she looked at traffic patterns, number of lanes and speed limit, and she is very open to changing her route. Mayor Muhlfeld asked about days of operation and Stacy said she would be operating initially on weekends for the summer, and maybe into the fall. Councilor Williams asked about hours of operation and Stacy said she would initially probably operate noon – 10:00 pm and would also take reservation, which would affect times. Councilor Hildner asked if there will be other drivers and Stacy will be the only one and has one carriage.

Police Chief Dial was in support of the idea, his only concern is that she follows state laws with the carriage lighted, and equipped with a slow moving vehicle sign. He would discourage being on Hwy 93, and thinks it would be a great thing downtown.

City Manager Stearns said we could get a Certificate of Insurance naming the City as an additional insured. Mayor Muhlfeld said he has issues with traffic safety and congestion, especially on Wisconsin, and doesn't agree with the proposal. Councilor Hildner wondered if there is a possibility of a trial period.

**Councilor Hildner made a motion, second by Councilor Barberis to permit a horse drawn carriage, subject to Certificate of Insurance for Liability adding the City as additional insured on a trial basis for 45 days.**

Councilor Frandsen suggested doing a shorter trial period, and a smaller area and figure the small area first. She does not feel comfortable with the proposed route.

**The motion failed with a 3 -2 vote, Councilors Sweeney, Frandsen and Williams voting in opposition.**

**d) Appointment of a City Council member(s) to the PUD re-write committee (p. 97)**

**Councilor Frandsen made a motion second by Councilor Williams to appoint Councilor Sweeney to serve on the PUD re-write committee. The motion passed unanimously with Councilor Sweeney abstaining.**

**e) Appointment of two City Council members to the Wisconsin Avenue Corridor Study committee (p. 99)**

**Councilor Sweeney made a motion, second by Councilor Hildner to appoint Councilor Barberis and Councilor Feury to the Wisconsin Avenue Corridor Study committee. The motion passed unanimously.**

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

Mayor Muhlfeld reported appointments were made in the earlier Work Session to the PUD Re-Write and the Architectural Review Committees, and elected to re-advertise for the Resort Tax Monitoring Committee.

**Mayor Muhlfeld re-motined to appoint Edna White representing large lodging, and re-appointed Nick Polumbus and Jake Cook as the member at large to the Whitefish Convention and Visitor Bureau (WCVB) and deferred the fourth appointment as he would like to fill that position with a retail merchant. Councilor Sweeney made a motion, second by Councilor Hildner to ratify the motion. Councilor Frandsen abstained from the vote, she is owner of Old Town Creative which is the digital agency of record for the WCVB. The motion passed unanimously with Councilor Frandsen abstaining from the vote.**

**Council Comments:**

Councilor Barberis agreed with Councilor Hildner regarding the success of the Bike to School Day. She would like to hear from those who live near or used the pop up bike lanes and find out their thoughts.

Councilor Hildner received a call from Nelson's Hardware with regards to North Valley Refuse discontinuing the two cardboard recycle bins located in the alley approximate to Nelson's Hardware. Those bins have not been charged in the past and all of a sudden we are not able to recycle cardboard from those businesses unless a business steps up to be the point of contact for billing. Councilor Hildner would like to find an equitable solution to making sure we can recycle the cardboard that accumulates in the alley. City Manager Stearns said it seems to be an unintended consequence moving the recycling to the central recycling location. Other businesses have decided to have their own cardboard bins, but they don't want the public using them because they are being charged for the usage. The current situation is people either get their own bin and pay for it or take their recycling to the central recycling location. Councilor Hildner would like to explore some other resolution.

Councilor Hildner asked if the building wash lighting on the motel on Hwy 93 S. has been dealt with and what the status is. Planning and Building Director Taylor notified the owner of the issue; and they brought up additional buildings in town that have similar issues. With Phil moving out of the Code Enforcement position, the issue has been hanging there. City Attorney Jacobs said she was in contact with the building owner and made plans to meet on site but with no Enforcement Officer it has been lagging. Once the Enforcement position is filled, they will do a follow up.

Councilor Frandsen reiterated some wise words from Chief Dial from having personal experience, keep your doors locked.

Mayor Muhlfeld gave the Council and public a brief update on the hiring process for the City Manager position. City Manager Stearns, Human Resource Director Baccaro and Mayor Muhlfeld met and discussed the schedule in order to be able to get someone into the position by year-end. The tentative plan is to start advertising for the position in mid-July; and start screening the applications early to mid-August. City Manager Stearns and Director Baccaro will do the initial screening and Councilors Frandsen, Feury, Hildner and Mayor Muhlfeld are willing to serve on a sub-committee to help short list the application pool to approximately five candidates. After some discussion between Mayor Muhlfeld and the City Council, Friday September 16<sup>th</sup>, Council agreed to be the interview date. The interviews will be an all-day event with three committees, 1) City Council and Mayor, 2) staff, and 3) an at large group as was done when City Manager Stearns was hired. City Manager Stearns can help give the candidates a tour of the facilities. A public open house will be held the night of September 15<sup>th</sup>.

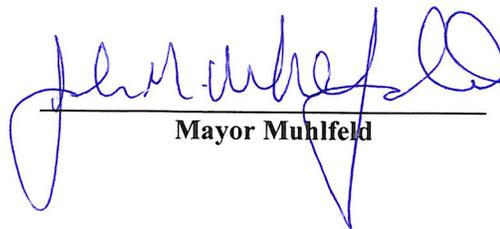
Mayor Muhlfeld mentioned in the work session two applicants to the Architectural Review Committee (ARC) brought up follow up with the ARC conditions of approval to ensure projects are actually built to their standards. Director Taylor stated the materials are given to the Building Department to keep tabs on. Changes are supposed to be approved. He will talk to Senior Planner Compton-Ring about ways to address the concern. Mayor Muhlfeld would like some feedback regarding follow-up inspections.

Councilor Hildner would like the City to follow up with the Washington State Department of Ecology with regards to the Millennium Bulk Terminal EIS in consistent with the City Resolution 14-39. He suggested a letter to go out under Mayor Muhlfeld's signature and said he would be happy to work on that. The Council agreed to proceed.

Director Workman reminded the Council and the public of the two workshops for the Bike & Pedestrian Master Plan that will be held at the Whitefish High School Cafeteria on May 19 and May 23 from 7-8pm.

**10) 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 8:26 pm.**



\_\_\_\_\_  
Mayor Muhlfeld

**Attest:**



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Michelle Howke, Whitefish City Clerk