

WHITEFISH CITY COUNCIL

June 20, 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, 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 Dylan Boyle 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)

Chris Hyatt, 611 Somers Avenue, spoke towards the Great Northern Veterans Peace Park lease agreement. This has been a wonderful place for his family to sled for the last five years, he hopes and suggests the Council go forward with the agreement.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Dylan Boyle, Executive Director of the Whitefish Convention Visitors Bureau (WCVB) also known as Explore Whitefish, gave the quarterly report for the Whitefish Tourism Dashboard. The Whitefish Tourism Dashboard is on pages 311-313 of the Council packet provided on the website. The data and statistics that are provided are credited to Amtrak, City of Whitefish, Glacier National Park, Institute for Tourism & Recreation Research at the University of Montana (ITRR), Montana Department of Commerce, Montana Department of Transportation, and the WCVB. The dashboard is broken into three sections; visitation, transportation, and taxed revenue and collections

Approximately 60% of the advertising budget is on winter. This winter the WCVB participated in three major cooperative advertising campaigns centered around public transportation and selected target markets of Chicago, Portland and Seattle. Total skier visitors to Whitefish Mountain Resort ranked #3 of all time, the paid skier visitors ranked top #5 of all time. Passenger de-boarding at Glacier Park International Airport was up 7.6% from January-March 2016. Train de-boarding at the Whitefish Train Depot was up 11.9%. The lodging and tax revenue is down, which could be due to Canadian visitation over the winter.

Councilor Hildner asked Dylan if he has started to see any impact of the 33% increase in Glacier National Park visitation in our community. Dylan has just started receiving the TPA collections, so probably in a month or so he would have preliminary indications. Councilor Hildner also wanted to compliment everyone on the graphics, it does make it a quick read and easy to understand.

Mayor Muhlfeld asked Dylan if there was any explanation for the park visitation up 30% in January, down 7% in February and then up 17% in March. Dylan attributes it to not having the best weather for Presidents Day.

5) CONSENT AGENDA

- a) **Minutes from the June 6, 2016 Regular Meeting (p. 52)**
- b) **Ordinance No. 16-10; An Ordinance amending Whitefish City Code Title 2, Chapter 8, as it pertains to members of the Pedestrian and Bicycle Path Advisory Committee to allow an additional committee member (Second Reading) (p. 62)**
- c) **Resolution No. 16-26; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1436 West Lakeshore Drive, for which the owners have petitioned for and consented to annexation (p. 65)**

RESOLUTION NO. 16-26

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1436 West Lakeshore Drive, for which the owners have petitioned for and consented to annexation.

WHEREAS, Jon M. Scurlock, Trustee of the Jon M. Scurlock Trust, Kelly Panteluk and Jo-Ann Panteluk, have filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owners of real property representing 50% or more of the total area to be annexed. Therefore, the City Council will consider this petition for annexation pursuant to the statutory Annexation by Petition method set forth in Title 7, Chapter 2, Part 46, Montana Code Annotated; and

WHEREAS, services to the annexed area will be provided according to the City of Whitefish Extension of Services Plan, adopted by the City Council by Resolution No. 09-04 on March 2, 2009, as required by and in conformity with §§ 7-2-4610 and 7-2-4732, MCA, available at the Office of the City Clerk; and

WHEREAS, it is the considered and reasoned judgment of the City Council of the City of Whitefish that the City is able to provide municipal services to the area proposed for annexation. Further, it is hereby determined by the Whitefish City Council to be in the best interest of the City of Whitefish, and the inhabitants thereof, as well as the current and future inhabitants of the area to be annexed described herein, that the area be annexed into the City of Whitefish and it is hereby declared to be the intent of the City of Whitefish that the corporate boundaries of the City of Whitefish be extended to include the boundaries of the area described in the Petition for Annexation within the limits of the City of Whitefish.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The corporate boundaries of the City of Whitefish are hereby extended to annex the boundaries of the area herein described in the Petition for Annexation, according to the

map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana, legally described as:

Lot 9 of Block 7 of Lake Park Addition to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk & Recorder of Flathead County, Montana.

Section 2: The minutes of the City Council of the City of Whitefish, Montana, incorporate this Resolution.

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the June 20, 2016 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to § 7-2-4607, MCA, this annexation shall be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 20TH DAY OF JUNE, 2016.

S/S John M. Muhlfeld, Mayor

ATTEST:

S/S Michelle Howke, City Clerk

- d) **Consideration of approving application from Bruce Boody Landscape Architect, Inc. on behalf of Suncrest Homeowners Association for Whitefish Lake Lakeshore Permit (#WLP-16-W07) at 1878 Lacy Lane for Placement of gravel within the Lakeshore Protection Zone subject to 14 conditions (p. 80)**
- e) **Consideration of approving application from Bruce Boody Landscape Architect, Inc. on behalf of Schumacher Living Trust for Whitefish Lake Lakeshore Permit (#WLP-16-08) at 1856 Lacy Lane for Placement of gravel within the Lakeshore Protection Zone subject to 14 conditions (p. 93)**
- f) **Consideration of approving application from Mountain Harbor Homeowners Association for Whitefish Lake Lakeshore Permit (#WLP-16-09) at 1750 East Lakeshore Drive to Repair an existing grandfathered deck within the Lakeshore Protection Zone subject to 11 conditions (p. 107)**
- g) **Consideration of approving application from Curtis and Jodi Thew for Whitefish Lake Lakeshore Permit (#WLP-16-10) at 1490 Barkley Lane to remove existing concrete steps and install dry-set stone steps subject to 13 conditions (p. 126)**

Councilor Sweeney made a motion, second by Councilor Feury 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) FY17 Budget - Consideration of approving City Manager's proposed budget as the FY17 preliminary budget and setting final public hearing on the FY17 budget for August 15, 2016 (p. 140) (CD 13:35)

City Manager Stearns gave his staff report that is provided in the packet on the website. The final budget will be presented to the Council for approval on August 15, 2016. There are couple of important factors missing in regards to the budget that won't be available until later. A key aspect, shortly after July 1st is the yearend cash balance figures, and the tax levy information will be provided the first Monday in August by the Department of Revenue. This budget proposes a 5.21% reduction in property tax mill levy due to the increase of Resort Tax from 2% to 3%.

The lease of the Stumptown Ice Den to a private entity with public involvement has reduced the budget; medical insurance is projected to increase 7.3%. The budget proposes to increase a ¾ time receptionist in Planning and Building to a full-time position, a seasonal worker that used to work 50-52 weeks per year will become full-time due to the Affordable Care Act, and the addition of a new full-time Maintenance Facility Technician for the new City Hall and Parking Structure, and a new Information Technology (IT) position. The total budget is down from last year by 23.21% or \$14.7 million, estimating the mill value increase 3.1%. The proposed budget is available on the website.

Councilor Hildner asked and Manager Stearns said Riverside Park is on the list to present to the Council for either future decision or future consideration.

Mayor Muhlfeld opened the Public Hearing.

Steve Thompson, 545 Ramsey Avenue, wanted to bring to the Council's attention the budget does not include the \$20,000 that was initially earmarked for starting to develop a plan for the new cemetery. He would like to keep this on their radar screen.

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

Councilor Feury made a motion, second by Councilor Hildner to approve the proposed budget as the FY17 preliminary budget and set the final public hearing on the FY17 budget for August 15, 2016. Mayor Muhlfeld asked and Manager Stearns said the next Budget Work Session is scheduled for August 1, 2016. **The motion was approved unanimously.**

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

Consideration of authorizing participation in a NCAT Energy Corps AmeriCorps Program by hosting an energy intern for 11 months at a city cost of \$11,500 from the Public Works budgets (p. 282) (CD 26:00)

Public Works Director Workman gave his staff report provided in the council packet on the website. Director Workman stated the name of the partnership has changed from Glacier Climate Action Network or the Glacier Gateway Climate Solutions Partnership to Climate Smart Glacier Country. Director Workman had a correction to his memo, the cost of hosting an energy intern for 11 months will be \$10,00 instead of \$11,500 stated in his report. Mayor Muhlfeld addressed Steve Thompson, 545 Ramsey Avenue. Steve stated a steering committee of seven members has

been created along with five different working groups. The overall emphasis is community based solutions. The three dimension is mitigation, adaptation, and education. The five working groups are the built environment; sustainable economic, transportation, education and outreach, and community self-reliance. The intern will focus and work with the different partners and working groups, but specifically focused on the Whitefish operations.

Councilor Hildner made a motion, second by Councilor Barberis to authorize participation in an NCAT Energy Corps AmeriCorps Program to host an energy intern for 11 months at the cost of \$10,000 from the Public Works budget. The motion passed unanimously.

8) COMMUNICATIONS FROM CITY MANAGER (CD 36:18)

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p. 292)-**
None
- b) **Other items arising between June 15th and June 20th -** None
- c) **Resolution No. 16-27; A Resolution approving renewal of a five-year lease to the Great Northern Veterans Peace Park Foundation, Inc. of a parcel of land more particularly described as Tract 4DA and part of Tracts 4CA and 4C in the northeast one-quarter of the northeast one-quarter of Section 35, Township 31 North, Range 22 West, located northeast of Ramsey Avenue (p. 314)**

Manager Stearns gave his report provided in the council packet on the website. The current lease expires August 31, 2016. Councilor Hildner stated he searched online for Great Northern Veterans Peace Park Foundation, Inc. and could not find anything online and was wondering the status of the organization. Chuck said as far as he knows it is still a going concern. Mayor Muhlfeld talked to Ryan Zinke and stated he is comfortable with the agreement.

Councilor Frandsen made a motion, second by Councilor Williams to approve Resolution No. 16-27; A Resolution approving renewal of a five-year lease to the Great Northern Veterans Peace Park Foundation, Inc. Councilor Sweeney asked Attorney Jacobs to check Great Northern Veterans Peace Park Foundation, Inc. is still authorized to do business. The motion passed unanimously.

- d) **Resolution No. 16-25; Resolution relating to \$506,000 Sewer System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Taxable Series 2016; Authorizing the issuance and fixing the terms and conditions thereof (p. 332)**

Finance Director Smith gave her staff report provided in the packet on the website. Director Smith brought the Council's attention to page 359 of the packet, page 24 of the Resolution, section 8.2 and to page 358 of the council packet, page 23 of the Resolution section 5.5.

Councilor Hildner made a motion, second by Councilor Feury to approve Resolution No. 16-25; Resolution relating to \$506,000 Sewer System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Taxable Series 2016; Authorizing the issuance and fixing the terms and conditions thereof. The motion passed unanimously.

- e) **Resolution No. 16-28; A Resolution relating to amending a deferred compensation plan (p. 380)**

City Manager Stearns gave his staff report provided in the packet on the website.

Councilor Feury made a motion, second by Councilor Sweeney to approve Resolution No. 16-28; A Resolution relating to amending a deferred compensation plan. The motion passed unanimously.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 50.10)

- a) **Consideration of a request from the Whitefish Animal Group (WAG) to contribute \$1,184 for the cost of impact fees to their proposed dog wash at the WAG Dog Park (p.394)**

Mayor Muhlfeld addressed Jim Lockwood, 4715 Hwy 93 S. Jim added this dog wash is something that people have been asking about for years. The committee has been raising money for the last three years.

Mayor Muhlfeld asked and Director Workman said it will be a surface drain. Councilor Sweeney asked and Parks and Recreation Director Butts said there are no funds in FY16 budget. Director Smith mentioned it would depend on when the impact fees are paid. This would be an item that will be donated capital asset.

Councilor Feury made a motion, second by Councilor Sweeney to appropriate \$1,184 for the cost of impact fees to the proposed dog wash at the WAG Park. Councilor Feury states he knows how important this is to the community and it is one of the bigger attractors to Whitefish for people traveling through town. The WAG Park is a big economic driver. This is benefiting the community and adds to the value of the park. The motion passed unanimously.

- b) **Consideration of recommending a replacement for Greg Acton as the City's representative on the Flathead County Solid Waste Board (p. 399)**

Councilor Frandsen made a motion, second by Councilor Hildner to appoint Public Works Director Workman as a representative on the Flathead County Solid Waste Board. The motion passed unanimously.

- c) **Consideration of making appointments to volunteer Boards and Committees not made during tonight's special session (p. 1)**

Councilor Frandsen made a motion, second by Councilor Sweeney to appoint Patrick Nagle to the Impact Fee Advisory Committee. The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Barberis to appoint Tom Tornow as the professional interest business owner, Carol Atkinson as the residential investor/multifamily property owner, Toby Scott as residential investment multifamily property owner, Kent Taylor as representing resort and recreational interest and Tim

Hinderman as representing commercial or retail interest to the Wisconsin Avenue Corridor Steering Committee. The motion passed unanimously.

The Council asked to re-advertise for one (1) residential owner-occupied property owner, and two (2) “at-large” members for the Wisconsin Avenue Steering Committee. Planning and Building Director Taylor clarified the boundary of the corridor plan includes the neighborhoods, not just Wisconsin Avenue.

Councilor Hildner addressed the Council and the listening audience to encourage residents that live on Wisconsin Avenue to be a member of this committee. Councilor Sweeney agrees and said that the ordinance is drafted for two residential owner occupied property owners, a residential investment or multi-family property owner and two “at large” Whitefish residents. The only way to get a tenant from that corridor is if they apply for “at large.” Director Taylor mentioned that the boundary of the corridor plan extends into the neighborhoods not just Wisconsin Avenue.

Council Comments:

Councilor Barberis thanked Chuck and the staff of Martel and the architects for the tour of the City Hall Parking Structure project. To her untrained eye it looks overwhelming and good, they have had a lot of challenges getting out of the ground. The Martel staff has a lot of pride in what they are doing.

Councilor Hildner has been asked and it has been a concern and an interest to find out the status of the evacuation plan given the Oregon train derailment incident. He asked what the compliance and inspection process is after a lakeshore permit is issued. He also said the apron on West 7th coming onto Baker Avenue is a hazard for bicycle riders and would like it to be cleaned up.

Councilor Frandsen reminded the Council she will be gone July 5, 2016.

Councilor Feury said after his comments that his step system does not require any more maintenance than any other sewer in the City, it failed about four days later. He wanted to thank Public Works for getting on it right away and apologizes for saying it. He also thanked Chief Dial for trying to figure out what might have exploded, it looked like a vandal or a packrat.

Mayor Muhlfeld reminded the Council to respond to Manager Stearns and City Attorney Jacobs letter regarding the draft language requiring direction to modify the code for deferred annexation. He asked the Council who have not made their “at large” appointment for the City Manager Selection Committee, to please do so to Human Resource Director Baccaro. He also would like to try to schedule a Council retreat for early fall, the Council all agreed.

Mayor Muhlfeld asked and Manager Stearns said the Cemetery Ad Hoc Committee was extended once and due to sunset. In the manager’s letter, \$20,000 was cut for the initial development of the cemetery south of the Wastewater Plant. Manager Stearns looked at the activity at the current cemetery, of the forty (40) cremains vaults in the Columbarium, about

thirteen (13) have been sold. The Council can bring that up for consideration, but they would have to reduce reserves, cut something else or increase taxes. Mayor Muhlfeld would like real estate agent Chap Godsey to continue to look for land. If something did surface it would be nice to have appropriation through next spring.

Mayor Muhlfeld asked and Manager Stearns said the maintenance operator is scheduled to start March 1, 2017 to work with an outside commissioning to test the HVAC and all the systems. Right now it is a full time position starting for 1/3 of the year. The position is funded 50% by TIF and 50% by all other funds including the leasing revenue. The position will grow over time with responsibilities of other facilities.

Manager Stearns reminded Planning and Building Director Taylor to ask the Planning Board to nominate a member to serve on the Wisconsin Avenue Corridor Steering Committee.

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 8:34pm.

Attest:



Michelle Howke, Whitefish City Clerk



Mayor Muhlfeld