

WHITEFISH CITY COUNCIL
November 7, 2016
7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Feury, Barberis and Williams. Councilors Frandsen and Sweeney were absent. City Staff present were City Manager Stearns, City Clerk Howke, Finance Director Smith, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Lieutenant Kelch and Fire Chief Page. Approximately 35 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Jamie Shennan to lead the audience in the Pledge of Allegiance.

3) PRESENTATION

a) Update on City Hall/Parking Structure Construction progress – Mike Cronquist, Owner’s Representative (p. 68)

Mike Cronquist, Owner’s Representative gave his report that is provided in the packet on the website.

b) Extra Mile Proclamation (p. 80)

Mayor Muhlfeld read the Extra Mile Proclamation Honoring Whitefish Community Foundation. The proclamation is provided in the packet on the website. He then provided a plaque to the Whitefish Community Foundation thanking them **for their extra mile efforts.**

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 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)

None

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

Rebecca Norton, 530 Scott Avenue, the Wisconsin Avenue Corridor Study Chair announced there will be an open house Wednesday November 9, 2016 at the Whitefish Lake Lodge from 5-7 pm.

Councilor Hildner reported the Bike and Pedestrian Committee met and the final Bike/Ped Master Plan will be a Public Hearing at the Planning Board meeting November 17, 2016, and at the Council meeting December 5, 2016, and is available on the website.

6) CONSENT AGENDA

a) Minutes from October 3, 2016 Regular Meeting (p. 83)

b) Consideration of approving application from Daniel Scheffer & Triple S Landgroup for a 6-lot subdivision located at 235 Haugen Heights Road. (p. 92)

- c) **Resolution No. 16-57; A Resolution of the City Council of the City of Whitefish, Montana, declaring certain property to be unneeded and obsolete, and authorizing the disposal of such property (Depot Park Building and one Police car) (p. 127)**
- d) **Resolution No. 16-58; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 1.02 acres of land known as 2088 Houston Drive, for which the owner has petitioned for and consented to annexation (p. 129)**

Councilor Hildner had a correction to the minutes on page 91 of the packet that is provided online, last paragraph, third row down should read “The topic is”. **Councilor Hildner made a motion, second by Councilor Feury to approve the consent agenda as corrected. 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) **Resolution No. 16-59; A Resolution to establish an increase in the public usage fee for the Whitefish City Beach boat launch (p. 141) (CD 17:00)**

Parks and Recreation Director Butts gave her staff report that is provided in the packet on the website. Councilor Hildner asked and Director Butts stated the Park Board chose \$10 for the convenience for giving change to the customer.

Mayor Muhlfeld opened the Public Hearing.

Paul McCann, 340 Somers Avenue, supports the increase and would also like to see the dock lengthened.

Laidlaw, 1230 Lion Mountain Drive, supports the increase and stated it is hard to get in and out of the State Park boat launch. City Beach is a much better facility.

There being no further comments, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for their consideration.

Councilor Barberis made a motion, second by Councilor Hildner to approve Resolution 16-59, A Resolution to establish an increase in the public usage fee for the Whitefish City Beach boat launch. The motion passed unanimously.

- b) **Consideration of a request from the Whitefish Hotel Group to amend Conditional Use Permit #14-11 for the Firebrand Hotel at 650 East Third Street to locate a hot tub on the roof (p. 144) (WCUP 14-11A) (CD 23:58)**

Senior Planner Compton-Ring gave her staff report that is provided in the packet on the website. Councilor Feury asked and Planner Compton-Ring said the application was deemed complete September 2nd, 2016, so 90 days is December 1st.

Mayor Muhlfeld opened the Public Hearing.

Sean Averill, 697 Armory Road, gave the history of the hotel. The hotel has been on the master plan for a long time. The Growth Policy recognized it as an economic driver for downtown Whitefish. The hotel was built through a Conditional Use Permit (CUP). At one time, they were leaning towards a flag business hotel before becoming a boutique hotel, which is challenging due to the amenities. They decided to build this as a design and build, when they decided they needed a hot tub on the roof top. The hotel was built over 19 lots, under current zoning 19 buildings could be built with a hot tub on the roof of every building. That was their interpretation. They thought they could put a hot tub on a patio. Sean stated the hot tub is and will be monitored by staff. This is an economic benefit for businesses downtown.

Brian Averill, 1494 Barkley Lane, said the main concern about the hot tub was sound. They consulted a sound engineer company, J.S.M Production, and he reviewed the report that is provided in the packet on the website on page 244. Brian stated that they have installed a 6-foot cedar fence for a sound barrier that absorbs the sound. The hot tub would be open 8 am to 11 pm, with security personnel and cameras. Staff is trained to protect the quiet enjoyment of other guests. Key access is required to get into the gate of the hot tub along with the elevator to the roof top. He states the hotel will lose up to 20% of revenue if there is not a roof top hot tub. They project the hotel will bring around \$26.5 million that will be spent in the community on an annual basis. The visual impact was another concern. The glass around the roof top will be frosted to help block the view. Brian presented a picture that was taken from the grounds of the Middle School to show it was difficult to see into the windows of the hotel due to reflection of the glass. He also called the Principal and there have not been any complaints so far.

Paul McCann, 340 Somers Ave, is not in support of the hot tub. He was in support of the patio since there was no hot tub, no pool, no bar, and no rock band music. Now there are speakers. He asked if the condition can be limited to where there is no alcohol at all. No alcohol with help minimize the noise. If this is approved, how is it going to be enforced. The empty lot on Kalispell Avenue is being used for parking. This is an unsightly view from the neighborhood into a parking lot. This renegotiation of conditions is disturbing him.

Leo Rosenthal, 236 Columbia Avenue, opposes the project based on the size, and the impact to the adjacent neighborhood. During the CUP process, many expressed concerns regarding parking, traffic and noise associated with the roof top patio. This process went on for months and in the end, City Council decided to approve the CUP with several conditions. One condition was that the roof top patio could not be used as a bar, music or any other entertainment purposes. This condition was placed to mitigate any potential noise impacts to the adjacent neighborhood. None of the approved building plans that were submitted ever depicted a hot tub on the roof top. Concerns were raised during the original CUP process regarding parking, they said they provide 75 plus spaces for guests, but are charging the guests \$12 a day to park and encouraging them to park in the residential area. They had no plans for a full restaurant or lounge for the public, more just something for the guests. They advertise live music and encourage people to come in off the street to eat and drink. They advertise the roof top patio can be used for weddings and social gatherings, and they have installed speakers, knowing that music and entertainment are not allowed. He commends City Council for being pro-active and limiting the uses of the roof top to mitigate for impacts to the adjacent neighborhood. Now it is time to follow through with the commitment and hold the developers to the conditions of the permit. This request has been denied by Dave Taylor, Building and Planning Director, the Board of Adjustments, City Planning Staff

and the Planning Board. He urges the Council to consider the residence of Whitefish and stop this hotel from impacting them any further.

Janice McCann, 340 Somers Avenue, states she is not sure about the sound study. She can hear the school announcements from the High School. She finds it hard to believe they could put the sound at the level of a rock concert at the hotel that is closer to her and she won't hear it, but she can hear the High School announcement. She also stated she can hear more when the weather is cold. It is a quiet neighborhood and it is important to protect it. She feels the residential neighborhood was there first. The hotel doesn't bother her, but the roof top does and she is not sure about the alcohol policy. She is not against alcohol, but she knows the noise that it creates.

Bart Slaney, 220 Central Avenue, stated that the intersection is busy and noisy. He does not think a hot tub near the front of the hotel will have any effect on the neighborhood to the east.

Angela Flickinger, 676 Trumble Canyon Road, Columbia Falls, the Firebrand General Manager, states her team takes all guests security and safety into consideration. Their number one goal is to create an environment that is pleasant to all their guest. Majority of their guests so far have been families and adults 45-65 years old. They are not the frat party house, and they assure that will not happen. They are thankful for their warm welcome from the downtown business neighbors. There are 51 employees and 70% live in and around the hotel. Hotel industry standards and independent studies show that the addition of a hot tub can affect occupancy by 20%, which has a huge impact on the work force along with the revenue impact it can have for downtown Whitefish. She asks the Council to take into consideration the 51 employees and the 152 family members that their decision impacts.

There being no further public comment, Mayor Muhlfeld kept the public hearing open and turned it over to the Council for discussion.

Councilor Feury made a motion, second by Councilor Williams to continue the Public Hearing until November 21st due to a correspondence that was received by the applicant's attorney after the packet was completed and after the staff report had been completed and City Attorney Jacobs is not present for legal advice. The motion passed unanimously.

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR (CD 1:10:20)

- a) Approval of the rating panel and selection panel with one elected official to recommend the selection of a firm or firms for engineering services during 2016 – 2018 (p. 27)**

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

Councilor Hildner made a motion, second by Councilor Williams to appoint Mayor Muhlfeld to the rating panel and the selection panel to recommend the selection of a firm or firms for engineering services during 2016-2018. The motion passed unanimously.

9) COMMUNICATIONS FROM CITY MANAGER (CD 1:15:00)

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p. 297)**

None

- b) **Other items arising between November 2nd and November 7th**

None

- c) **Resolution No. 16-56; A Resolution relating to \$779,000 Special Improvement District Bonds (Special Improvement District No. 167), Series 2017; authorizing the issuance and private negotiated sale thereof and authorizing the pledge of the revolving fund to the security thereof (p. 303)**

Manager Stearns gave his staff report that is provided in the packet on the website. **Councilor Hildner made a motion, second by Councilor Feury to approve Resolution No. 16-56; A Resolution relating to \$779,000 Special Improvement District Bonds (Special Improvement District No. 167), Series 2017; authorizing the issuance and private negotiated sale thereof and authorizing the pledge of the revolving fund to the security thereof. The motion passed unanimously.**

- d) **Review and consideration of the annual Impact Fee Report (p. 312)**

Finance Director Smith gave her staff report that is provided in the packet on the website. **Councilor Feury made a motion, second by Councilor Williams to accept the Annual Impact Fee Report. The motion passed unanimously.**

- e) **Quarterly Financial Report (p. 321)**

Director Smith gave her Quarterly Financial Report provided in the packet on the website. Mayor Muhlfeld asked and Finance Director Smith said her goal would be 20% reserves. Councilor Hildner gave Director Smith his appreciation for her report.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) **Letter from Governor Steve Bullock awarding the City of Whitefish a \$40,000 CDBG planning grant for the Affordable Workforce Housing Plan (p. 331)**

Mayor Muhlfeld and Councilor Williams stated there will be a presentation from the consultant on Phase 1 of the Needs Assessment at the O'Shaughnessy Center at noon on December 5th, 2016. The public is invited; refreshments and a light lunch will be provided.

- b) **Email from Alex Pearl of America in Bloom organization inviting the City of Whitefish to join the America in Bloom organization (p. 332)**

None

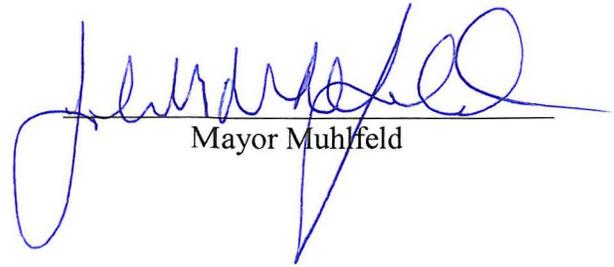
Council Comment

Councilor Hildner reminded the community to vote November 8th.

Mayor Muhlfeld congratulated Police Officer Clint Peters for his offer as Columbia Falls Police Chief and his 14 years of dedicated service to the City of Whitefish. He also reminded the Council of their retreat November 15th and 16th.

11) 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 8:58 p.m.



Mayor Muhlfeld

Attest:



Michelle Howke, City Clerk

PUBLIC HEARINGS

PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING -11-7-2016

NAME AND ADDRESS	7a)Res. 16- ___;Increase in public usage fee for City Beach boat launch	7b)Whitefish Hotel Group request to amend CUP #14-11 to locate hot tub on roof		
Paul McCann		✓		
Jay Snowden				
Christie Blyght				
Leo & Amy Rosenthal		✓		
PAUL McCANN	✓	✓		
Jim Wroldow	✓			
JANCE McANN				
BRIT SUNNEY		✓		
ANBELA FECKINGER		✓		