

WHITEFISH CITY COUNCIL

January 6, 2020

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Hennen, Hartman, Sweeney, and Williams. Councilor Feury was absent City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Planning and Building Director Taylor, Senior Project Engineer Hilding, Parks and Recreation Director Butts, Police Chief Dial, Fire Chief Page and Senior Planner Compton-Ring. Approximately 41 people were in the audience.

Mayor Muhlfeld rearranged the agenda, moving the Consent Agenda to item 3, Presentation to item 4, and Oaths of Office and Seating of Mayor and Council to item 5.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Councilors Williams and Hildner to lead the audience in the Pledge of Allegiance.

3) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceedings to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E) (3) WCC)

- a) Minutes from December 16, 2019 Regular Session (p.28)
- b) Consideration of a request from Gregg Esakoff, for a Whitefish Lake and Lakeshore Protection Permit, located at 810 Dakota Avenue, to place gravel within the Lake and Lakeshore Protection Zone (WLP 19-W33) (p.31)
- c) Consideration of a request from the City of Whitefish Public Works Department, for a Whitefish Lake and Lakeshore Protection Permit, to utilize mechanical equipment within the Lakeshore Protection Zone to remove two retired drain line pipes adjacent to the City Beach Boat Ramp (WLP 19-W35) (p.45)

Councilor Hildner had a correction on page 2, first paragraph under item 7a, last sentence, add “American Iron Steel Exemption”. **Councilor Sweeney made a motion, seconded by Councilor Williams to approve the Consent Agenda as corrected. The motion passed unanimously.**

Councilor Hildner asked Mayor Muhlfeld for the floor. Councilor Hildner stated his last eight years serving the community has been a labor of love. He recognized City Clerk Howke who has endured his changes to City Council Minutes with grace and humor. Her response to his requests for help and information has been unfailing and she always made sure he had a plate of cookies at work sessions. He thanked her and presented her with a bouquet of eight roses, a rose for each year she had to put up with him. He also recognized Videographer Jake Cook, who does what he can to make the Council look good. Most Council meeting Mondays, Richard would stop at Glacier Bank and pick up a couple of dum-dums, more if he thought it was going to be a long night. He presented Jake with a bag of 300 dum-dums, that might get him through another year. He recognized Heidi Desch, Whitefish Pilot Editor, who faithfully attends and reports on Council meetings. He thanked her for her endurance and professionalism in her reporting. City staff and employees work incredibly hard to make our city a better place, and the work ethic is exemplary. He thanked city staff and employees. His colleagues on Council, he will miss working them, sharing struggles to do what's right for the City but always remaining friends, thank you. His wife Suzanne encouraged and supported him through two elections during his time on Council. This wouldn't have been nearly so much fun without her belief and civic engagement and together they can make a difference. Over

the past weeks he has reflected on the accomplishments over the past eight years. Some highlights, the water quality protection ordinance to protect the Whitefish River and the ~~repairing-riparian~~ zoning along its borders as well as the lake in areas of high groundwater, the work of Council to get Fish Wildlife and Parks to issue an administrative rule limiting motorized use on the Whitefish River cannot be overestimated, that combined with the BNSF River cleanup and the popularity of stand-up paddle boarding has resulted and turned the river into a recreational gem. The non-discrimination ordinance is not only a statement of who we are as a community but is a model for other communities in the state, he encourages to petition the Montana Geographic Names advisor to change the name of Lost Coon Lake. The adoption of the Climate Action Plan is another major accomplishment. Whitefish has led the way; you not only supported the Paris Accords but through the CAP put words into action. Now is the time to get rid of the use of single-use plastic bags. The unfunded mandates impacting our water supply and wastewater treatment may be a blessing in disguise. When completed these twin projects will meet our needs well into the future, the opportunities presented by the new wastewater treatment plant should not be missed, such as the solar farm, recycling, compositing, and tree nursery. Don't let these opportunities slip through your grasp. He encourages to stay the course on legacy homes and affordable housing. The City working in partnership with Whitefish Lake Institute has become a leader in protecting our aquatic resources from aquatic invasive species. He applauds foresight and budgetary resources year after year in the fight against AIS. Now is the time for action for deer culling. Chronic Wasting Disease is at our doorstep, it will do nothing to help the Whitefish brand if residents and visitors witness deer infected with CWD dying in our yards and neighborhoods. If we begin a culling program now, we may be able to avoid the consequences of CWD. Culling can be humane and provide meat source for the local food bank. Other wildlife problems that must be addressed is the increased number of bears that call Whitefish home. Bear resistant containers are mostly likely the solution, don't let Republic Services make bear resistant containers a profit center at the expense of our citizenry. To the new Councilors, congratulations. This is an awesome responsibility; good luck and he wishes them well. He recited the poem from Benjamin Mays, I Have Only Just A Minute. He thanked the Mayor and Council for the opportunity to yield the floor.

Councilor Williams asked Mayor Muhlfeld for the floor. She reflected upon the three bodies that define accomplishments which we all collectively have made in the last four years. Our Council and Mayor, Whitefish City Staff and the Whitefish Community. Our Council and Mayor are dedicated bright caring and forward thinking. They are a melting pot of personalities but even after the throes of a heated debate civility and respect is always present. The individuals who sit before you all dedicate their free time to work towards keeping the community, they love healthy, balanced and vibrant. These hard-working individuals find themselves faced by-monthly with the task of making hard decisions, weighing community and law with their decision-making processes. Sometimes it is hard to communicate to the public all the reasons to why the controversial decisions are made. She can assure the citizens of Whitefish that every single person that sits before you on Council has one goal in mind, to make the best decision possible for all citizens of Whitefish and its future. If she could characterize the four years she has spent on Council, it has all been about trying to find a balance between development and maintaining the character of our community, while we watch our infill levels start to climb. Exponential growth has made this an arduous task that the City and Council has determined to continue to embark upon. She is confident that our Mayor will keep the Council and city on the right track with the help from our tenacious city. The Whitefish City staff is dedicated to providing the best solutions for City and Council. They work hard to educate the public and the Council while carrying out their daily day to day tasks. The City staff is a brilliant cohesive team who weaves together dynamic ideas and personalities with diligence for the goal of preserving and building upon the characteristics that embody Whitefish. Whitefish sets itself apart from other communities in many ways. One of which is its overwhelming citizen participation within the City. Over the past four years she has observed community participation increase as citizens work to help provide vision where our city should head next. She hopes it will only continue to grow. The next four years are paramount for guiding

our community into long term stability. A new resort tax vote, TIF districts sunsetting and being redrawn along with growth policy updates all will be at the forefront of planning for the next few years. That coupled with tourism sustainability planning, strategic housing programs, public infrastructure planning all while trying to keep the City balanced and thriving to make the outlook for the next few years. It makes it look busier, busier than the previous four years for the City and Council. She has full faith in our leaders for the next four years and our brilliant team who be at the helm driving the initiative and she wishes all luck. Thank you again to the Mayor and Council, Whitefish city staff and community for your heard work and support throughout the last four years. Thank you for your wonderful experience and opportunity, it's been truly an honor and she wish all luck and she hope to see them soon.

4) PRESENTATIONS – Presentations of plaques to departing City Council members

Mayor Muhlfeld stated while you may consider the work, we do up here very difficult which it is, what's also difficult is when folks depart. He is confident Councilor Williams will be back someday, he will see Councilor Hildner on the North Fork and looks forward to more fishing days than they have had in the past. He thanked both Councilor Williams and Councilor Hildner for the hundreds and hundreds of hours they have committed to this community to make it a better place to live, work and raise families and they should hold their head high as they depart Council Chambers this evening. Thank you very much for your service to our community. Mayor Muhlfeld presented a plaque to Councilor Hildner and Councilor Williams.

5) OATHS OF OFFICE AND SEATING OF MAYOR AND COUNCIL

a) Administration of ceremonial oath of office to Mayor Muhlfeld -City Clerk Howke

City Clerk Howke administered the Oath of Office to Mayor Muhlfeld.

b) Administration of ceremonial oath of office to three (3) City Councilors -Mayor Muhlfeld

Mayor Muhlfeld administered the Oath of Office to Rebecca Norton, Steve Qunell and incumbent Frank Sweeney. Councilors Norton and Qunell assumed the dais.

c) Election of Deputy Mayor

Councilor Hartman made a motion, seconded by Councilor Hennen to appoint Councilor Sweeney as Deputy Mayor. The motion passed unanimously.

6) 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)

Rhonda Fitzgerald, 412 Lupfer Avenue, spoke towards Agenda Item 9, consideration of awarding a contract to WGM for the Baker Avenue Underpass. The underpass has been an integral part of the plan for our Civic Core for almost 15 years. She thinks it is great that it is finally coming to fruition after many attempts. This is a key connection that has been a long time in the coming. These are the most important pieces to put into place so we can actually become a resilient community. She urges the Council to approve the request and then we can move on to create the next essential connection.

Ryan Friel, 603 Pine Place, thanked Councilor Hildner and Councilor Williams for their time and thanked the Council for their time and welcomed Councilors Norton and Qunell.

7) COMMUNICATIONS FROM VOLUNTEER BOARDS

Richard Hildner reported the Bike/Ped Committee met and went through their accomplishments this past year and what to look for in the coming year. There will be no meeting in February due a lack of a quorum.

8) 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. 20-01; An Ordinance rezoning approximately 4.47 acres of land located at 1515 Highway 93 West in Section 12, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana from County RR-1 (Low Density Resort Residential) to WRR-1 (Low Density Resort Residential District) and adopting findings with respect to such rezone (WZC 19-05) (First Reading) (p.59)**

Senior Planner Compton-Ring gave her staff report that is provided in the packet on the website. No comments have been received.

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

Councilor Hennen made a motion, seconded by Councilor Sweeney to approve WZC 19-05 (Ordinance No. 20-01) and adopt the Findings of Fact in the staff report, as recommended by the Whitefish Planning Board on December 19, 2019. The motion passed unanimously.

- b) **Consideration of a request from Central Ave WF for a Conditional Use Permit located at 1013 E 7th Street and 1022 East 8th Street, to develop two 18-unit apartment buildings, zoned WR-4 (High Density Multi-Family Residential District) (WCUP 19-24) (p.92)**

Senior Planner Compton-Ring gave her staff report that is provided in the packet on the website. Staff noticed neighbors for the Administrative Conditional Use Permit (ACUP) and placed a legal in the Whitefish Pilot. The Planning Department received a number of comments that are provided in the packet on the website and then once elevated, they noticed the neighbors and advisory agencies again for the Public Hearing process. Staff received over fifty (50) letters and emails which are provided in the packet on the website. Overall neighbors are concerned with the density, traffic safety, speeding traffic, inadequate off-street parking, the project being out of character with the neighborhood, impacted property values, strain in infrastructure, outdoor lighting and noise.

Council asked staff why make the alley a one-way and can it be signed 'local traffic only'. Staff suggested Bob Abelin, Traffic Engineer for the project to address those questions during the Public Hearing.

Mayor Muhlfeld opened the Public Hearing.

Aaron Wallace, MT Creative, 265 Hawks Lake Lane, principle architect, addressed some of the concerns. They knew the alleyway would be a concern, with people trying to get around the school area. They heard concerns about lighting. They are open to different suggestions, to meet the Dark Sky Ordinance. They want to make sure there is a safe area. The hot tub was also a concern. This is a four to six-person hot tub and will be held responsible for nighttime activities. They encourage additional signage to help traffic through the area, such as stop signs. They would encourage the developer or the City to look at paving the other half of 8th Street in front of the Christian Academy School. The current landowner owns half of

what the original right-of-way was. They are deeding it to the City to connect through this property through an easement process. They encourage the City to look at their street sidewalk plan timeline. This project does meet the different multifamily inclusionary zoning. They worked with the City, met several times, and made accommodations to meet and address all these guidelines and goals. They changed designs several times, and this project met and checked all the boxes. They were surprised this got bumped from an ACUP process to a full CUP process. They have filled out two applications, paid two fees all in the goal to meet the requirements. There are a lot of comments because the City increased the notification range by four times and advertise three times. They feel taken advantage of in the process. If this project does not move forward, they would certainly look at breaking ground in the spring and move forward to seven units on each of the properties. The overall square footage will be big or larger than the proposed buildings, plus fourteen two-car garage. This project is in the appropriate location that meets all the zoning requirements and standards for affordable workforce housing.

Bob Abelin, 130 South Howie Street, Helena, Montana, Abelin Traffic Services, addressed Condition #7d, the alley to the west of the project must be signed for one-way northbound traffic only. After he submitted the traffic impact study for this project, he was talking to Engineer Hilding who wanted to look at some signing for the rest of the area within the school zones. One of the questions was, what is going to happen out here as more development occurs? Vehicles tend to try to come down the alley to avoid congestion and then turn onto 8th Street. It is not a great situation because if you are cutting through the area and you come around the corner into the parking area. He said to eliminate that possibility is to completely eliminate southbound traffic on the alley. It might be something to discuss but at the same time it is not something that is entirely an issue for this specific apartment project. It might not be something that needs to be attached to this specific site design.

Councilor Norton asked and Aaron stated the lights in the plan are more a safe light. They disperse better over the parking lot. Some lighting that is Dark Sky compliance off of the building could handle the drive lane. It is not as good, but if that is a big concern, they certainly will work with that. They are proposing a 5-foot fence and landscape buffer along the alleyway to help mitigate the lighting pollution. Councilor Norton asked and Aaron stated the hot tub it is locked and is only accessed through the clubhouse.

Councilor Hennen asked and Aaron stated the hot tub will not be open 24-hours and will have restrictions. Councilor Norton asked and Aaron stated the apartments will be rented at market rates except for the deed restricted affordable housing units.

Mayor Muhlfield called for a recess at 8:35 and reconvened at 8:45.

Cheryl Wilder, 209 Colorado Avenue, works at Muldown Elementary, and their enrollment between the High School and Muldown Elementary is around 1300 students. Whitefish Christian Academy is roughly 180 students. That is all in that conglomerate area. She has issues with traffic. It has taken buses at least 20 minutes to get down to 7th to go to Muldown. The traffic is at a standstill, both directions. Something has to be done with the traffic. It is a bottleneck, there is no outlet there.

Mariah Joos, 711 Park Avenue, her home abuts the back of this development. Her objection to this project relates to its size, scale and impact, not as existence. Whitefish needs more affordable housing, and she appreciates people are willing to assist in developing more housing. Whitefish is changing faster than anyone is comfortable with and will continue to change. Change is hard and we as the residents of Whitefish have the ability to control that change. The development as proposed is too big. Thirty-six units divided into two massive buildings will have a major impact on this neighborhood. This project will have a negative impact on traffic, light pollution, noise pollution and neighborhood character. We need

affordable housing, that does not mean we need to accept whatever developers place in front of us. We need the correct housing. A smaller development will still qualify under the Legacy Home Program and will work to infill development as requested by the growth plan. She is disappointed the Planning Board refused to make a recommendation to Council. This project received 50 comment letters, Chairman Qunell stated he had never seen that many comments regarding a CUP. She trusts the Council will hear what their community is stating very clearly. The neighborhood has come together and made a list of conditions under which a project could move forward with their support. They hope the Council will respect the community at large and ask the developers to modify their plans.

Rob Akey, 839 East Eight Street, stated the 2001 and 2009 traffic plans make for interesting reading. According to the trip generation manual published by the Institute of Transportation Engineers, Columbia Avenue can accommodate 12,000 vehicle trips per day. That is about three times the current rate of three to four thousand per day. Apparently, these are the figures used by the Planning Department to gauge their findings in the CUP approval process. These findings purport that not only are current traffic conditions acceptable, the addition of further high-density development to neighborhood will have no effect on traffic levels or safety to pedestrians. The comments you have received from neighborhood residents and citizens using these streets for school access strongly disagree with this data and subsequent findings. WCUP 19-24 is not appropriate for a neighborhood already struggling with sporadic traffic chaos due to an inadequate and incomplete street and sidewalk grid. WCUP 19-24 is not a suitable project for character of the eastside neighborhood as defined in the Whitefish Master Plan. WCUP 19-24 is not suitable in the middle of three schools, daycare centers and a church. Outdoor hot tub, resident club house sounds a little creepy. The only quasi legitimate argument he has heard in favor of this project because of the need for affordable housing. He acknowledges and supports that need. An appropriate solution in this case might be deeded owner-occupied residents to ensure the owners live in the residence. That might fit better with the current neighborhood. He calls on the City Council to vote to deny this project. To vote in favor of it in his opinion shows a negligent disregard for the welfare and safety of the neighborhood, the schools in this community.

Pete Sigmund, 735 Somers Avenue, stated the mention of improvements to 8th Street, is a little misleading. Eighth Street in its current form is functionally a one lane road. On street parking throughout the neighborhood creates a one-lane road. He thinks creating a two-lane road that is basically next to a functionally one lane road is going to make things potentially worse. The cumulative effects of the development by the sewage treatment plant on Voermans Road, was not taken to account the traffic plan. He thinks the 10% is a significant increase in traffic by the development. He feels this is a community not just a neighborhood issue because it is right in the middle of the schools. He is in favor of it being developed but at the much lower density that fits better with the neighborhood.

Josh Smith, 1012 8th Street, stated these are the youngest kids navigating this new entrance and exit of the apartment complex. He has a concern with parking spilling on to 7th Street. Everyone here is for this project being developed, the idea of 14 units would be a great welcome idea. It is not that they don't want development, it is the scope and the size is a bad fit. He appreciates affordable housing, but he thinks it has to be in the right fit in the right context. How affordable they are going to be. We are full time residents of Whitefish, who believe in this town, work in this town, play in this town, and love this town. We come to the Council to look out for us when it comes to something that may be ill-advised and have a bad effect on our neighborhood. He doesn't think anyone here should have to suffer in any bit so that we can cram in a couple of affordable housing units. The neighborhood likes the number 14 and the less impact it has.

Dr. Erin Flaherty, 1060 Creekwood Dr., an anesthesiologist spoke about the current traffic issues as a

matter of public safety. Traffic is an issue. She would like the Council at the same time consider affordable housing, to work on our infrastructure. She would encourage as the Sports Complex is grown and developed and the schools continue to grow that we need to consider the infrastructure as a matter of public safety. When she is on call, she can't count that she can get down to Kalispell Regional in 20 minutes. She urges the Council and the City Planning to put in the infrastructure first. She urges the City to ask developers to name a price before they develop.

Greg Loberg, 707 Park Avenue, has lived in this neighborhood for close to 40 years. Majority of the neighborhood is single-family and largely ownership not very much rental. People really adore our neighborhood and are concerned about it. The big problem is the scope of the project. The egress, during school hours leaves you stuck in traffic. All you are going to do is exacerbate that with this additional, up to 36 people, driving every day. The alley should be one way to the south. That would eliminate a lot of their problems.

Tony Veseth, 1014 8th Street, wanted to go on record, as a neighborhood and as a community is not opposed to affordable housing and the Whitefish Legacy Homes Program. The neighborhood's main concern is the density of this project in this congested area. We do have a housing issue, but that housing doesn't have to be slammed and jammed and crammed in every little area that we have in town that has been zoned WR-4 or multifamily zoning. There are more appropriate places in town to put this type of housing of this scale of this quantity. The neighborhood proposes the following conditions; the total number of units and development be reduced; they would like a facility manager live on site; traffic study concerning uncontrolled intersections currently underway be completed; the proposed outdoor hot tub and clubhouse be eliminated replaced by open space; all power lines be buried in the alleyway; the first floor units be below street level grade, and the overall height be reduced and the look down view from the second floor units not violate the privacy of the current and future neighboring properties; the 7th Street parking regulations be reviewed to ensure overflow parking from the development does not impede 7th Street parking; the 7th and 8th Street alley be signed 'do not enter, local resident access only'; a new city street on the east side of the development be constructed, extending Pine Avenue one block south; and full-time speed limit zone at 15 mph be implemented in a two-block radius around the project. They know that this is approved for multifamily, they want affordable workforce housing, they want it in the appropriate areas and the appropriate project and let it fit in with the neighborhood that is already that a lot of them have invested in.

Brian Joos, 711 Park Avenue, referenced City Code 11-7-8(j). There are a variety of factors the City must consider, one of those is traffic, and noise. The application does not address restricting the time when the hot tub can be used. This CUP process is Council's only chance to provide noise restriction. Under 7-11-8, the City must consider is light. Every car that drives out of the parking lot will shine into his home. There is nothing that is going to mitigate those head lights. Another thing the City must consider under 11-7-8 is a density community character and the context of the existing neighborhood. Those are three separate things. There is nothing in residential construction in this neighborhood, close to the scale of this. He addressed the affordable housing issue; they are all for it, but he doesn't know that this project is affordable housing. It is applied for as such, but we don't know what it will cost when done. He doesn't think service workers in Whitefish will be able to afford to live in a project like this. He seconded Tony Veseth's conditions. If you are going to approve this, the only way you can look out for the neighborhood is by adding conditions that address their concerns. Their concerns are based on factors you much consider under 11-7-8(j).

Christina Larsen, 725 Somers Avenue, is also concerned with the traffic issues. She doesn't think that problem is going to improve no matter what the developer is proposing. The Council has the ability and

the obligation to look at this situation proactively and not reactively. She wishes the school and the City would be more proactive about figuring out a way so that kids could walk and bike to school or that the bus services could be improve so that we didn't have tremendous congestion. It is inaccurate to consider this a problem that only exist at 8:00 a.m. and at 3:00 p.m., there are in addition to the three schools that are in the small neighborhood there are three daycares. The roads as they exist are completely inadequate to serve this neighborhood. The town is moving into a direction where daily life is becoming a lot more difficult than it used to be for the long term and permanent residents. You have the ability to do something about that and reject the CUP.

Bert Casper, 849 Park Avenue, biggest concern is the kids walking; it is too dangerous.

Rod Schmidt, 735 Columbia Avenue, stated traffic numbers are horrible. The people are backed up on Columbia Avenue to 9th because they are trying to make a left onto Hwy 93. Infrastructure needs to be addressed. Punch 7th Street through to Hwy 93. Give people another chance to get out to Hwy 93.

Susan Wheeler, 325 4th Street East, Columbia Falls, stated she feels there is an existing traffic problem that seems to be the brunt of the issue. She is excited about affordable housing as someone who after graduating from college and growing up in Helena moved to Whitefish and after three years of paying high rent, was forced to leave the City. She lives in Columbia Falls. Her boyfriend commutes to work in Whitefish and these kind of affordable housing developments are a great opportunity for young folks to be able to live and work in the same community.

Rhonda Fitzgerald, 412 Lupfer Avenue, stated there are two problems here. One is that the zoning in that neighborhood is kind of inconsistent with what is actually is happening on the ground. The other is that there is a very congested traffic situation made up of no grid and a change in behavior patterns. Kids don't walk or bike to school anymore or ride the bus. Their mom's drive them. She referred to the 2007 Growth Policy page 50 list the things we are supposed to solve. Zoning is often inconsistent with the existing character and density of residential neighborhoods. The neighbors live in a single-family neighborhood; 36 units does not jive with how they live or what they consider the character of their neighborhood. The IZ as envisioned in the Strategic Housing Plan was not meant to be imposed on existing neighborhoods. Unfortunately, that is how the plan reads now. What we really need are more affordable modest homes for people who live and work in our community. They are not against developing it, but they would like to see it compatible with their neighborhood. The best solution is to try to mitigate the very most pressing conflicts that people feel. She suggests eliminating the clubhouse and hot tub and add more parking; shield the lighting; lower the speed limits in the neighborhood; and consider the extension of Pine Avenue to connect 7th and 8th . Those are some solutions to consider.

Mayre Flowers, Community Consulting, PO Box 3094, Kalispell, provided a copy of comments via email earlier that is appended the end of the January 6th packet on the website. She reviewed her comments as follows; consistency with the Growth Policy, revise Finding #1; the Whitefish Legacy Homes zoning overlay was applied to traditional Whitefish neighborhoods, the density requested is not supported by the 2017 Whitefish Strategic Housing Plan, 2016 Housing needs assessment and the Whitefish Growth Policy. She doesn't think we would not be here tonight if the public and herself could have sat through the 34-closed door meetings. She urges the Council to consider rejection of this. The transportation issues have been brought up. She suggests the need to look into an independent transportation study. She stated it has been raised this development impacts property values in this neighborhood and traffic congestion and immobility safety of kids also effects property values in this area and should be considered.

Greg Loberg, 707 Park Avenue, stated the design as is laid out currently is making a parallel road

alongside the alley, probably only 15-20 feet to east of it with an entrance into 7th Street and 8th Street. It seems to him that is problematic. He appreciates the letters that were sent out and allowing the public to participate in this debate regardless of your decision one way or another. He hopes Council will continue to do that in future projects.

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

Councilor Qunell asked and Director Taylor stated infill is anything on an existing utility system, existing street system, existing infrastructure sewer and water; new subdivision would be extending roads and utilities to those outside of city limits.

Councilor Norton made a motion, seconded by Councilor Hennen to postpone Tuesday, January 21, 2020 meeting, and keep the Public Hearing open. Councilor Norton stated this site is very difficult; she would like to know if the staff could do a cumulative transportation assessment based on previously approved projects; she would like to know if Public Works could bump up sidewalks being revised in that area, if the developer would be willing to go down in density and what the proposed lighting fix would be. We have a serious problem that need to be addressed. The neighborhood is already under a lot of stress with of the transportation issues and the growth in that one section. Even if this one gets denied and the developer has to bring something back it is a good opportunity for the community to look at solutions that are reasonable for this section of town.

Councilor Qunell does not support this motion. The issues that are brought up won't be solved in two weeks. They are important issues; but we have the information we need to decide on this CUP tonight. There is a lot of stress in all of our neighborhoods anytime we have a new development. Traffic is an issue. This is a particularly difficult area because its close to all of the schools. He thinks we have enough information to vote.

Councilor Hennen agrees with Councilor Norton. He is going to vote in support to postpone. He needs more time to think. Also, given the amount of public comment, both the public and the developers deserves a full council to look at this and put it to a vote.

Mayor Muhlfeld asked if this vote does carry and we revisit this on January 21st the Council take time to review the criteria required for consideration of a Conditional Use Permit that starts on page 116 of the packet. There were some very valid concerns raised from the affected neighborhood, affected neighbors regarding growth policy compliance, transportation quality and functionality, adequacy of public services with regards to the lack of a grid system within this neighborhood, and neighborhood compatibility as related to mass and density. He also addressed the neighbors and stated Council recognize that the City is fraught with infrastructure deficiencies. We do everything we can as a Council to address those deficiency with very limited funds. People are asking us not to increase taxes. The only way we are able to pay, and fund infrastructure is through our street maintenance fund, Resort Tax revenues, and Impact Fees which we levy on developers to pay their fair share for the impact they are having on our current facility. We are doing the best job we sincerely can for the community with limited funds and a lot of demand.

The motion carried on a 4 to 1 vote, Councilor Qunell voting in opposition to postpone to January 21, 2020.

9) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) **Consideration to award the contract with WGM for the design of the Baker Avenue Underpass Project (p.330)**

Parks and Recreation Director Butts gave Director Workman's staff report that is provided in the packet on the website.

Councilor Hennen made a motion, seconded by Councilor Hartman to award the contract with WGM for the design of the Baker Avenue Underpass Project. The motion passed unanimously.

10) COMMUNICATIONS FROM CITY MANAGER

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p.347)**

None

- b) **Other items arising between January 2nd and January 6th, 2020**

Manager Smith asked Council for direction regarding the Tax Increment Fund project list pertaining to the Armory roof. Mayor Muhlfeld stated it is an important project for the price tag. It is time to get it done given the fact that we have leftover revenue to spend and that is a perfectly appropriate project to spend those dollars. The Council agreed unanimously with a showing of hands.

Mayor Muhlfeld also mentioned he spent time on the Char Rygg property with the owner the past fall, at his request. The property is significantly encumbered by 100-year floodplain, setbacks, critical area ordinance. He thinks there is an easement that bisects the property, US Hwy 93 right-of-way to where it renders a lot of the property virtually unbuildable. It could be an extremely valuable asset for the City in terms of our parks system and our bike ped trail system so if it is okay with the Council he would like to ask Manager Smith to reconvene the Real Estate Advisory Committee and meet with Chap Godsey and see if he can reach out to the owner and see what we can come up with in terms of a reasonable price.

11) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) **Council reappointment of John Ellis and Lech Naumovich to the Flathead Conservation District (p.351)**

Councilor Hartman made a motion, seconded by Councilor Sweeney to reappoint John Ellis and Lech Naumovich to the Flathead Conservation District. The motion passed unanimously.

- b) **Appointments of City Council Members to Various Boards, Commissions, and Committees**
 - i) **Park Board – Mayor or Mayor's Designee – Frank Sweeney is current designee; Ryan Hennen alternate designee (p.352)**

Mayor Muhlfeld reappointed, with ratification of the Council, Councilors Sweeney and Hennen to the Park Board.

- ii) **Resort Tax Monitoring Committee – Mayor or Councilor – Andy Feury is current designee (p.356)**

Councilor Feury unanimously is reappointed to the Resort Tax Monitoring Committee.

- iii) **Montana West Economic Development Board –Council appoint- Andy Feury is the current designee, Katie Williams was the alternate (p.360)**

Councilor Feury remains the designee with Councilor Sweeney as the alternate to the Montana West Economic Development Board, unanimous ratification by the Council.

iv) Pedestrian & Bicycle Path Advisory Committee – Mayor or Councilor-Richard Hildner was the designee (p.361)

Councilor Sweeney unanimously is appointed to the Pedestrian & Bicycle Path Advisory Committee.

v) Whitefish Tree Advisory Committee-Mayor or Councilor – Melissa Hartman is the current designee (p.367)

Unanimously, Councilor Hartman remains on the Whitefish Tree Advisory Committee.

vi) Impact Fee Advisory Committee – City Councilor – Ryan Hennen is the current designee (p.371)

Unanimously, Councilor Hennen remains on the Impact Fee Advisory Committee.

vii) 9-1-1 Administrative Board – Currently Chief Dial and Katie Williams (p.374)

Unanimously, Chief Dial remains on the 9-1-1 Administrative Board and Councilor Norton as the alternate.

viii) Insurance (Medical) Committee – Two City Councilor as Ex-Officio members; currently is Frank Sweeney and Andy Feury (p.375)

Unanimously, Councilors Feury and Norton will serve on the Insurance (Medical) Committee.

ix) Real Estate Advisors – Mayor and one Councilor – currently is Mayor Muhlfeld and Andy Feury (p.380)

Unanimously, Mayor Muhlfeld and Councilor Feury will remain on the Real Estate Advisors Board.

x) Legacy Lands Advisory Committee – Mayor and one Councilor or two Councilors; currently was Katie Williams (LLAC and WF Trail Ops) and Melissa Hartman (LLAC) (p.381)

Unanimously, Councilor Hartman will serve on the Legacy Lands Advisory Committee and the Whitefish Trails Operations Committee, and Councilor Qunell will serve on the Legacy Lands Advisory Committee.

xi) Whitefish Planning Board – Council– was Richard Hildner and Frank Sweeney is the alternate (p.382)

Unanimously, Councilor Qunell will serve on the Planning Board and Councilor Sweeney will serve as alternate.

xii) **Board of Adjustment** – Councilors appointed as Temporary Members to fill vacancies- currently Ryan Hennen and Frank Sweeney (p.386)

Unanimously, Councilors Hennen and Sweeney will remain as alternates for the Board of Adjustments.

xiii) **Whitefish Climate Action Plan Standing Committee** – Mayoral appoint – Currently Melissa Hartman is designee (p.390)

Unanimously, Councilor Hartman will remain on the Whitefish Climate Action Plan Standing Committee.

xiv) **Whitefish Strategic Housing Steering Committee** – Mayoral- Mayor and two City Councilors, currently Melissa Hartman and previous Katie Williams; and two City staff members; Dana Smith and Wendy Compton-Ring (p.394)

Unanimously, Councilors Hartman and Norton, and Manager Smith and Senior Planner Compton-Ring will remain on the Whitefish Strategic Housing Steering Committee.

xv) **Highway 93 South Corridor Steering Committee** – Council appoint – two City Councilors – currently Mayor Muhlfeld and Ryan Hennen (p.397)

Unanimously, Mayor Muhlfeld and Councilor Hennen will remain on the Highway 93 South corridor Steering Committee.

Council Comments

Councilor Qunell stated we have created this huge unintended consequence with the Legacy Housing Program, the idea was never to take WR-4 and limit how much they can do by right as a matter of business. That is exactly the unintended consequences that we have. We have gone from unlimited with just getting a building permit to only having seven by right uses. He thinks we are doing ourselves a disservice in terms of creating more affordable housing in the City without taking a look at this sooner or later and looking at what we have done with this administrative versus by right versus full CUP. That was echoed many times by the public that you can't look at what could have been done but what we have done is kind of taken away our ability to get workforce housing through our city process as quickly as possible. He thinks we need to take a look at that sooner than later.

Councilor Sweeney thanked the citizens of Whitefish who voted for his return. He is pleased and proud to be Deputy Mayor and thanked the Council. Councilors Hartman and Hennen welcomed Councilors Qunell and Norton.

Councilor Norton thanked the Council for being welcoming and for everybody in the community for electing her. She stated a number of people have approached her about different things. There is a commercial helicopter port south of town requesting to increase flights to 50 per week. She wasn't sure if the City was going to come out with a statement about it. One of the citizens was concerned about fire suppression and noise. The County tabled it until their January meeting. She has issues around fire suppression and noise, if we ever annex that area will be inheriting all of that. Director Taylor stated it is at the edge of the old planning donut. We made a conscious choice to push helicopter landing pads out of city limits. Staff didn't comment on it because it is outside our jurisdiction. Mayor

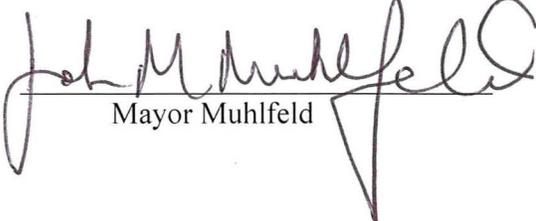
January 6, 2020

Muhlfeld asked and Director Taylor stated we were noticed on the procedure and looked at it. She also mentioned there was not a drop box in the City Hall during the Elections and she stated that has been fixed and from now on we will always have a drop box in City Hall. Manager Smith clarified; we can't have a drop box sitting there unattended. There were means that Columbia Falls was able to do it, whether or not the County is meeting the State requirements with that, it is up to them to determine. We will coordinate with the County at the next election. We do know it is a necessary drop-off especially on Election Day, unfortunately our direction from County was that we would have to block off our utility payment drop box. That was a big issue, it is highly utilized by our customers and we would have to have somebody monitoring that box because you can no longer drop off a ballot for anybody but yourself without filling out a form. We would have to collect that form, fill it out in front of us before dropping off ballots. After the fact we learned there were ways that Columbia Falls was able to do it, they did not have to block off their drop box for payments, they also said the ballots don't fit in their drop box. We will work to make sure that we can have a drop box. The general election, the County provides judges on the actual election day. Because it was a municipal election they did not, and it was a mail-in ballot. Councilor Norton also mentioned two people approached her about having a workshop for citizens adding additional housing to their homes. They find our process kind of confusing. She asked about historic home preservation, and Mayor Muhlfeld stated he thinks historic preservation is a broader topic that Council could tackle at the Council retreat. Before that retreat, staff could prepare what that might look like.

Mayor Muhlfeld appreciates the opportunity to be back working with Council, staff and thanked the public for having faith in him. He looks forward to the next four years working with everyone.

12) **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 10:30 p.m.



John M. Muhlfeld
Mayor Muhlfeld

Attest:



Michelle Howke, Whitefish City Clerk

PUBLIC HEARINGS

PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 1-06-2020

	A	B	C	D	E
1	NAME AND ADDRESS	8a) Ord No. 20-__: Rezoning 1515 Hwy 93 S.	8b) WCUP 19-24 - Develop two 18-unit apartment buildings, 1013 E 7th St and 1022 E. 8th St.		
2	Cheryl Wilder ✓		X		
3	Marion Joos 711 Park Avenue ✓		X		
4	Brian Joos 711 Park Avenue WF ✓		X		
5	Sara Thorman 709 Park Ave. WF ✓		X		
6	Kim Akey - 839 8th St WF ✓		X		
7	Tom Verath 1014 8th St ✓		X		
8	Mary Fleming 622 Park Ave ✓		X		
9	John Fleming 622 Park Ave ✓		X		
10	Bert Kasper ✓		X		
11	Dreg Robling ✓		X		
12	Roger Sarbin, 1020 Park Ave.		X		
13	Mary Van Bueckin, 1020 Park Ave		X		
14	Pete Seigmund, 735 Somers Ave ✓		X		

