

WHITEFISH CITY COUNCIL

February 16, 2021

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Dial, and Fire Chief Page. Approximately 25 people were in attendance.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Councilor Davis 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)

Ben Vait, 938 Edgewood Place, spoke towards agenda item 7a, Edgewood Place Reconstruction Project. He is in favor of the project but would like the sidewalk on the north side of Edgewood to be continued from Texas Avenue to the County line to permit safe passage to downtown.

David Martin, 816 Texas Avenue, spoke towards agenda item 7a. He commends Director Workman and Project Manager Theis for their public outreach. However, the residents input to the plan has been limited to ideas and suggestions. At one public input meeting it was discussed how a higher pitch grade on the north with some erosion control planting would reduce the width of the impacted area. It was suggested that the higher pitch in combination with a meandering bike path could avoid cutting down most if not all of the willow trees and retain the rural feel to the road. That was not mentioned as a recommendation in the packet. This plan does not mention alternate possibilities.

Marc Neidig, 716 Edgewood Place, also commented towards agenda item 7a. He supports improving the stormwater management, the efforts to reduce lane size to control traffic speed and resolve the safety issues at Edgewood Place crosswalk. He struggles with the proposal to put a sidewalk and boulevard on the north side of Edgewood Place. There is a historic rural character to this section of road. Part of the contributing factors to that are the large mature trees and large privacy trees. Removing trees and putting in a manicured lawn and a sidewalk, will expose him to a busy road, unfettered views of the viaduct, and trains. Pedestrian and bikers are going to be within 20 feet of his front door. There is a redundancy of function, with a bike path on the south side of Edgewood Place. It seems we could look at how to improve the utilization of the existing bike and pedestrian path without the negative consequences. He is in strong opposition of the sidewalk and boulevard component.

Suki Pfirman, 937 Denver Street, spoke towards agenda item 7a. She also opposes the sidewalk on the north side of Edgewood Place. It is a waste of money and it is redundant. She agrees to not cutting down the trees and have rollover curves.

Al Steele, 926 Edgewood Place, spoke toward agenda item 7a. He also supports the idea of extending the sidewalk on the north side of Edgewood Place east from Texas Avenue to the county line. When walking on Edgewood to get to the bike path on the south side, you have nowhere to go when there is traffic.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

None

- 5) 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 proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
- a) [Minutes](#) from February 1, 2021 Regular Session (p.)

Councilor Sweeney made a motion, seconded by Councilor Norton to approve the Consent Agenda as presented. The motion carried by roll call.

Councilor Hennen lost connection.

- 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) [Resolution No. 21-05](#): A Resolution setting the registration fee for a dangerous dog (p.)

City Attorney Angela Jacobs presented Deputy City Attorney Mary Barry's staff report that is provided in the packet on the website. Attorney Jacobs made a correction to the proposed Resolution: WHEREAS, through ~~Resolution-Ordinance~~ No. 18-14, the City enacted its dangerous dog ordinance. The definition of a dangerous dog is included in section 5-3A-2 in Ordinance No. 18-14.

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

Councilor Feury made a motion, seconded by Councilor Sweeney to approve [Resolution No. 21-05](#); A Resolution setting the registration fee for a dangerous dog, correcting Resolution No. 18-14 to Ordinance No. 18-14. The motion carried by roll call, Councilor Hennen did not vote due to the loss of his connection.

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) [Consideration](#) of approval and authorize to proceed with design of Edgewood Place Reconstruction Project (p.)

Public Works Director Craig Workman gave his staff report that is provided in the packet on the website. Discussion followed between Council, staff, and Project Manager Theis. Director Workman was having connection issues. Councilor Hennen regained connection to the meeting. After hearing comments from the public and the Council, staff will look at extending the sidewalk to the county line, work on enhanced vegetation or bioswale improvements to the west of Wisconsin Avenue and address the concerns of screening and landscaping elements along the north side of Edgewood Place.

Councilor Sweeney made a motion, seconded by Councilor Qunell to authorize staff to proceed with design on Edgewood Place based on recommendations presented in the discussion regarding sidewalks, bioswales and enhanced landscaping. The motion carried by roll call.

8) COMMUNICATIONS FROM CITY ATTORNEY

- a) [Consideration](#) of approval of Memorandum of Understanding (MOU) with Montana Commerce (Town Pump) (p.)

City Attorney Jacobs presented her staff report that is provided in the packet on the website. In November, a Town Pump Contractor cut down trees without authorization at the construction site on Highway 93 South and Highway 40 intersection. In December Town Pump sent an apology letter and offered to replace 11 trees that were cut down or severely damaged. Council agreed to replace the trees that were cut down or damaged at a 2:1 ratio, unless otherwise recommended by the City's arborist/forester. Staff began negotiating a memorandum of understanding with Town Pump.

During negotiation concerns were raised by both city staff and Town Pump. The memorandum of understanding requires Town Pump to remove the three trees that were damaged, and replace the eleven trees that were cut down or removed with 22 trees if such ratio is determined to be feasible; procure the replacement trees from local nurseries in sizes to be determined most feasible; hire a certified arborist to establish tree protection zones for the remaining trees during construction and to perform an annual inspection for five years; and submit an updated landscaping plan to the City for approval.

After discussion **Councilor Sweeney made a motion, seconded by Councilor Qunell to approve the memorandum of understanding with Montana Commerce, LLC (Town Pump).**

Councilor Qunell made a motion, seconded by Councilor Sweeney to add condition #10, Montana Commerce, LLC., shall replace any trees that die or are deemed no longer viable while being monitored in the five-year period, or from the time of any replacement. The motion carried by roll call.

Councilor Sweeney made a motion, seconded by Councilor Qunell to add condition #11, Montana Commerce, LLC., shall plant trees as soon as practical as deemed by the Parks Department. The motion carried by roll call.

The original motion to approve as amended carried by roll call.

9) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.)

In Manager Smith's manager's report, she asked for direction pertaining to remote meetings. Emergency Ordinance No. 20-18 is due to expire March 21, 2021.

- b) Other items arising between February 10th through February 16th

Manager Smith reported on the HB259 affecting the Inclusionary Zoning and would prohibit the Legacy Homes Program, passed the House and has been transmitted to the Senate. HB257, eliminating the enforcement of face coverings was sent to the House from the Committee, the second reading is scheduled for February 17th. HB102, prohibiting cities from regulating concealed carry or open carry except for when in a public building or discharging a weapon, passed the Senate and House and is at the governor's level.

The Council directed staff to extend the 90-day Emergency Ordinance to continue remote meetings.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) COVID-19

Council Comment

Councilor Norton thanked the Collins family for the 672 acres of conservancy around Whitefish Lake. She thanked the Flathead City – County Health Board and their efficiency. She stated people can sign up for vaccinations through the Flathead City-County Health Board website or call their office.

Councilor Feury thanked Councilor Davis for testifying to the committee for HB259. He had also had a message to Representative Vinton, regarding HB259; for all the people in this community whose hopes of having a home here that could not afford one, had some hope given our Legacy Housing Program, shame on you. He apologized to the thousands of volunteer hours of everyone in this community that worked hard for a couple of years to make this happen.

Councilor Qunell stated he appreciates the courage of all the Council and staff for working with our community to do what is right by the people of this community. He also gave a shout out to the Collins family for making the huge donation to the community along the lake.

Councilor Sweeney agreed with Councilor Feury’s comment and also thanked the Collins family. Councilor Davis also shares frustration regarding HB259 and HB257. Whitefish is a community that is different from a lot of other communities in the state, high visitation, and high real estate prices. Both Councilor Hennen and Mayor Muhlfeld agreed with all Council comments.

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 9:22 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk