

WHITEFISH CITY COUNCIL

March 15, 2021

7:10 P.M.

Via Webex

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 21 people were in attendance.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld 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)

James Cannava, 12 Dakota Avenue, spoke toward agenda item 9a, a letter he wrote that is included in the packet on the website. The letter and associated material refer to a \$480 bill he received for a first and only offense of not shoveling snow off the sidewalk. The letter explains the situation in detail. He stated we are all striving to keep Whitefish an affordable and community-oriented town. He provides suggestions in his letter that resembles best practices and fair practices.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Norton reported the Tree Committee met last week to walk the State Park Road Reconstruction project. She wanted to remind the citizens to not interfere with city boulevard trees within the right of way and to contact the City with issues.

Councilor Davis reported the Strategic Housing Plan Steering Committee met and in reference to the Accessory Dwelling Units (ADU). The Committee discussed this further and asked staff to research into what deed restrictions would look like if used for ADU's.

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 March 1, 2021 Regular Session (p.29)
- b) [Ordinance No. 21-02](#); An Ordinance pursuant to Title 6, Chapter 2, Section 5, Prohibited and Restricted Parking, of the Whitefish City Code, to establish additional parking restrictions (Second Reading) (p.32)
- c) [Consideration](#) of a request from Eric Mulcahy on behalf of 93, LLC, to extend the preliminary plat for the 93, LLC Subdivision, a 24-lot subdivision located on Highway 93 West (WPP 18-03/WPUD 18-03) (p.34)
- d) [Resolution No. 21-09](#); A Resolution declaring certain property to be unneeded and obsolete, and authorizing the disposal of such property (p.44)
- e) [Resolution No. 21-10](#); A Resolution amending Resolution No. 20-05 to extend the duration of the Parking Permit Implementation Committee through October 31, 2021 (p.46)

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

- 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) **Ordinance 21-03; An Emergency Ordinance providing for continued remote meetings of the City Council, City Boards, and Committees and waiving a second reading (Only Reading) (p.48)**

City Manager Dana Smith presented City Attorney Angela Jacobs' staff report that is provided in the packet on the website.

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

Councilor Feury made a motion, seconded by Councilor Sweeney to adopt Ordinance 21-03; An Emergency Ordinance providing for continued remote meetings of the City Council, City Boards, and Committees and waiving a second reading (Only Reading). The motion carried by roll call.

- 7) **COMMUNICATIONS FROM FIRE CHIEF**
- a) **Consideration to award the Fire Department Master Plan consultant contract to AP Triton (p.54)**

Fire Chief Joe Page presented his staff report that is provided in the packet on the website.

Councilor Hennen made a motion, seconded by Councilor Sweeney to select AP Triton as the consulting firm for the Fire Department Master Plan and to authorize City Manager Smith to proceed with contract negotiations in an amount up to \$45,000. The motion carried by roll call.

- 8) **COMMUNICATIONS FROM CITY MANAGER**
- a) **Written report enclosed with the packet. Questions from Mayor and Council? (p.57)**

City Manager Smith reported a legislative update. HB259, Inclusionary Zoning Bill, no action taken yet. HB137, revise vaping and alternate nicotine product laws; she submitted comments on behalf of the city, opposing the bill. HB257, eliminate the City's face covering ordinance, has been referred to the Senate Judiciary Committee, does not have a hearing scheduled yet. HB436, prohibit a local government from prohibiting the open carry and unpermitted concealed carry of firearms from within its facilities. HB102, which is in law now, prohibits us from prohibiting permitted concealed firearms. HB436 causes concern, she submitted comments on behalf of the city, as the City Manager. She has concerns for employee's safety, law enforcement facility and court rooms that have not been exempted. It passed the House and is at a Senate Committee.

- b) **Other items arising between March 10th through March 15th**

City Manager Smith reported the Whitefish Housing Authority has created a committee of individuals to manage the Snow Lot project. There is concern with the rising house prices and the cost of construction. They expect a significant planning process between now and groundbreaking.

- 9) **COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**
- a) **Letter from James Cannava regarding a snow removal invoice (p.61)**

After discussion between staff and Council, City Manager Smith stated staff will go out for an RFP in the fall, to ensure we are getting the most equitable rates for our residents. Staff will revisit the administrative fee internally to see if a percentage appropriate or create an hourly rate. Councilor Davis stated perhaps the administrative fee could have something to do with the number of violations.

b) COVID-19

None

Council continued their discussion from the work session prior to the regular meeting pertaining to the Parking Permit Pilot Program.

Councilor Qunell made a motion, seconded by Councilor Sweeney to reduce the permit cost for the 3rd level of the parking structure to \$20, and include that into the Pilot Program. Councilor Qunell stated any discussion of employee parking downtown has to start with utilizing what is not being used in the parking garage.

City Manager Smith had concerns on how to manage two parking permit programs while utilizing the same spaces. She stated by reducing it to \$20 it becomes affordable and permanent. Councilor Feury is comfortable with the committee's recommendation for 85 permits, available in all four lots. This is a pilot program and for two months. It will let us see how the demand is for the parking structure. We will see if the demand is responsive to a reduction in price. The ability to put multiple plates on the permit for a specific spot in the parking structure has some value and is worth another \$10. There are a number of businesses who have 8 or 10 plates per permit and the ability to rotate through a different set of employees as opposed to it being specific to one car as the case for the \$20 in all four lots.

Councilor Qunell withdrew his motion, Councilor Sweeney who seconded the motion agreed.

Councilor Feury made a motion, seconded by Councilor Qunell to move forward with the Parking Committees recommendation to run the Pilot Program for July through August with 85 spots at \$20 a month and usable in all four aforementioned parking lots. The motion carried by roll call.

Councilor Comments

Councilor Sweeney encourages all citizens to get their vaccine as soon as possible so we can move this thing back to a place where we can open up again. Councilor Norton mentioned a letter Council received last meeting from Hannah Perno regarding the tenants of the Cedar Haven Apartments eviction notice and Manager Smith stated at the governor level, tenants cannot be evicted for lack of payment. This situation is a bit different, the previous owner passed away, sold it and now they are being moved to a market rate rent. Councilor Norton also mentioned we are all getting spring fever, and asked citizens to continue to mask and maintain social distance. She asked and Manager Smith stated the mask requirement is still in place for within the city limits of Whitefish and will remain in place 90 days from when it became affective. Councilor Qunell also encourages citizens to vaccinate.

10) ADJOURNMENT

Mayor Muhlfeld adjourned the meeting at 8:10 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk