

**WHITEFISH CITY COUNCIL**  
**April 4, 2022**  
**SPECIAL SESSION AT 5:15 P.M.**

1) Call to Order

The meeting was held in-person in the Council Conference Room. Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Davis, Caltabiano and Norton. Councilors Sweeney and Qunell were absent. Staff present were City Manager Smith and City Clerk Howke.

2) Interview

City Council interviewed Antonia Malchik and Melissa Hartman for the Climate Action Plan Standing Committee.

3) Appointment

Mayor Muhlfeld appointed Melissa Hartman to the Climate Action Plan Standing Committee, term ending December 31, 2023. The Council ratified his appointment.

4) Adjourn,

Mayor Muhlfeld adjourned the meeting at 5:45 and opened the work session.

*/s/John Muhlfeld*

\_\_\_\_\_  
Mayor Muhlfeld

Attest:

*/s/Michelle Howke*  
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Michelle Howke, City Clerk

## WHITEFISH CITY COUNCIL

April 4, 2022

7:10 P.M.

### 1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Caltabiano, Davis, and Norton. Councilors Qunell and Sweeney were absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Planning and Building Director Taylor, Public Works Director Workman, Police Chief Kelch, Fire Chief Page, and Senior Planner Compton-Ring. Approximately 19 people were in the audience and 3 attended virtually.

### 2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Jeremy Oury 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)

Mayre Flowers, Citizens for a Better Flathead, Kalispell. Citizens for a Better Flathead also manages the Waste Not Project. She reported Whitefish residents are still actively recycling and trying to find a place to take their cardboard. Due to staffing, Flathead County has had to randomly close the cardboard recycling due to full bins. The cardboard is put into a compactor and then hauled away. She encourages the city to post on the website the drop off sites, so that people can coordinate their trips to town. She applauds city residents for continuing to recycle.

Nancy Schuber, 110 Bay Point Drive, addressed Chris Schustrom's comments at the March 21<sup>st</sup> Council meeting regarding the sidewalk and trash bin cleaning. She suggests the Whitefish Convention and Visitor Bureau pay for sidewalks to be cleaned out of their community sustainability fund. She stated the Convention Bureau, and their huge budget are the cause of a lot of the problems that our community, staff, police, and fire department face on a daily basis. They should practice what they preach; be a friend of the fish and clean the sidewalks.

Beth Sobba, 333 Baker Avenue, supports and echoes Nancy's comments about this situation with the sidewalks and trash bins. As a business owner, she pays a lot of taxes and fees to do business in Whitefish. She thinks it is alright to expect a clean city. Why should she be charged additional amounts? She states she is still paying for the parking garage that she never uses, nor do her customers.

Dick Zoellner, 1365 Voerman Road, stated he gets confused when talking about workforce housing. What is workforce housing? Is it legal, is it not legal? If somebody moves into a workforce house, and then accepts a job in Columbia Falls, does that person get booted out of that house?

### 4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Christy Cummings Dawson, Montana West Economic Development (MWED) President and CEO. She stated MWED is a private non-profit economic development organization, located in Kalispell and serves all of Flathead County and beyond. They have a number of resources for local business, a loan program; government contracting assistance, a number of federal and state grant programs that they can access and through partnership with Flathead County Economic Development Authority. They have a lot of different resources and are happy to have Councilor Caltabiano as a representative of Whitefish to keep a better eye on what is going on here.

- 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 21, 2022, Regular Session (p.33)
  - b) [Ordinance No. 22-05](#); An Ordinance amending Zoning Regulations Title 11, Chapter 3, Section 35 (Short-Term Rentals): Chapter 9, Section 2 (Definitions); WB-2, WB-3, WRR-1, and WRR-2 Permitted and Conditional Uses; WRB-1, WRB-2, WBMV and WBMRR Permitted Uses, of the Whitefish City Code (Second Reading) (p.40)
  - c) [Consideration](#) of a request from Andrew Braccia for a Lake and Lakeshore Protection Permit to remove dry-stone path and landscape retaining wall; place stone slab stairway, drip irrigation lines, topsoil, and native plantings within the Lakeshore Protection Zone, located at 1940 East Lakeshore Drive (WLP 22-W09) (p.54)
  - d) [Consideration](#) of a request for a Final Plat for Trail View Subdivision, Phase III, to include 22-lots for a total of 58-lot subdivision located south of Voerman Road and west of Monegan Road, zoned WR-1/WPUD (One-Family Residential District) with a Planned Unit Development overlay (WFP 22-04) (p.73)

**Councilor Caltabiano made a motion, seconded by Councilor Davis to approve the Consent Agenda as presented. The motion carried.**

- 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) [Consideration](#) of a request from 444 Central Avenue LLC for a Conditional Use Permit to develop four condominium units in three structures on a single lot located at 444 Central Avenue zoned WR-4 (High Density Multi-family Residential District) (WCUP 22-01) (p.170)

Senior Planner Wendy Compton-Ring presented her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Joe Bruce, Pacific Union Development Company, representing the applicant. He stated they met with several neighbors and was able recraft the original design and was endorsed by the Planning Board.

Jeremy Oury, Paradigm Architect, stated the proposed project includes two building as one mass facing Central Avenue, and two separate buildings adjacent to the alley, for a total of four units. The mass has been pulled apart at the third level and sunken back into its primary mass to alleviate the appearance of a two and half story home.

Rhonda Fitzgerald, 412 Lupfer Avenue, is speaking on behalf to the neighbors who submitted the letter that is included in the packet. They were originally quit concerned because the building was even taller and more massive. The proposed plan is an improvement, but they are concerned the details of the of the architecture will not match the historic character of the neighborhood.

Nathan Dugan, 937 Kalispell Avenue, via Webex, stated the applicant is allowing the current tenants live there rent free for two or three months which is a decent thing to do. This is six rentals that we are losing from our local rental stock.

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

**Councilor Caltabiano made a motion, seconded by Councilor Feury to approve WCUP 22-01, the Findings of Fact in the staff report and recommended condition of approval as recommended by the Whitefish Planning Board on March 17, 2022.** Councilor Caltabiano stated there is a great sense of goodwill by the applicant. The Planning Board unanimously approved this project. The concerns of the aesthetics will be addressed by the Architectural Review Committee. For that reason, he votes in favor. Councilor Davis stated this is a historic neighborhood, and he echoes the concerns regarding architectural material. We should put our faith into the Architectural Review Committee. He encourages public to submit comment to the Architectural Review Committee. Councilor Norton feels this is going to change that part of town. She would like the applicant to make it look more historic and not mountain modern. **The motion carried.**

- b) [Ordinance No. 22-](#); An Ordinance amending Zoning Regulations Title 11, Chapter 2, Article A (WA Agricultural District), Article B (WCR Country Residential District), Article C (WSR Suburban Residential District), Article D (WER Estate Residential District), Article E (WLR One-Family Limited Residential District), Article F (WR-1 One-Family Residential District), Article G (WR-2 Two-Family Residential District), Article H (WR-3 Low-Density Multi-Family Residential District), Article I (WR-4 High-Density Multi-Family Residential District); Chapter 3, Section 1 (Accessory Apartments); and Chapter 9, Section 2 (Definitions), of the Whitefish City Code (First Reading) (WZTA 22-04) (p.237)

Senior Planner Wendy Compton-Ring presented her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Rhonda Fitzgerald, 412 Lupfer Avenue, supports the concept of ADU's for local workforce housing or local resident housing. She thinks this needs some more work. She stated two things got conflated; 1) getting more ADU's built for workforce; 2) streamlining the process to make it easier and quicker. Lots of people are not building ADU's for the purpose that we are focused on. We should think long and hard about both units to be rented if they are not deed restricted for workers. A compromise might be allowing the second homeowner who does not live in the primary residents to live in the ADU if it is deed restricted. The idea for them to be compatible in the neighborhood is an issue. The small downtown lots are getting crammed up. The Strategic Housing Plan stated the preferred type of housing was a single-family home with a small yard and storage. We are taking those things out of our inventory by allowing absentee owners to buy and build a guest house as an ADU. The bones of this are good but we need to look at the implication of each part and get it right. She hopes Council will step back and fine tune before adopting it.

Ed Doctor, Tamarack Ski Shop, supports what staff came up with for this. It might not be perfect, but it is something that will help the housing situation.

Gregg Jonason, 49 Colorado Avenue, supports the ordinance. This is an opportunity where the community gets to get engaged to provide these units. The ability to allow people to use their property to allow these units is beneficial to the community.

Lindsay MacDonald, 240 Lake Park Lane, owns several vacant city lots, and supports the proposed changes to the regulation.

Erin Meeks, 240 Lake Park Lane, as property owners, they would like to help our community. The proposed changes will allow them to do that. She supports the changes.

Nathan Dugan, 937 Kalispell Avenue, via Webex, stated there is only one guarantee that we will not get more housing for our workers; that is refusing to build more housing. This ordinance is written with best practices in mind. We don't need to be regulating these things more than we do. He asks the Council to vote in favor of the proposed ordinance.

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

**Councilor Norton made a motion, seconded by Councilor Feury to postpone to May 2, 2022. The motion carried.**

- c) ~~Ordinance No. 22 \_\_\_; An Ordinance amending the Whitefish City Code to add Article Y, Chapter 2, Title 11 to establish the WB-T zoning district (Business Transitional District), as an implementation of the Highway 93 South Corridor Plan (WZTA 22-01)~~ **POSTPONED 3/21/2022**

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) [Consideration](#) to award Texas Avenue Reconstruction Project (p.387)

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

**Councilor Caltabiano made a motion, seconded by Councilor Norton to award the Texas Avenue Reconstruction Project to LHC, Inc. in the amount of \$3,087,368.48. The motion carried.**

8) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.392)

None

- b) Other items arising between March 30th through April 4<sup>th</sup>

City Manager Smith reminded the Council and citizens the City Hall will be closed Friday, April 15<sup>th</sup> for Good Friday. The City has received the FY21 Audit with no Findings. She also announced the Chamber of Commerce, the Whitefish Housing Authority and the City of Whitefish are sponsoring a Workforce Housing Summit at the Grouse Mountain Lodge on Wednesday, April 13<sup>th</sup> from 8:30 am to 11:00 am.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Consideration of appointment to volunteer boards and committees not made during the Special Session preceding tonight's meeting

Council Comments

April 4, 2022

Councilor Davis stated amending the ADU regulations and took many meetings. It is an important piece of legislation on the desk. He suggested and Council supported holding a work session on April 18<sup>th</sup> to discuss the proposed amendments to the ADU regulations.

Mayor Muhlfeld asked, and Director Workman stated that the median, striping and markers at the East Second Street railroad crossing is on their list of repairs. The markers were ordered in August of 2021 and still have not been delivered. Mayor also asked and Director Workman stated there was a meeting in March regarding the Birch Grove quiet zone crossing. They have reviewed preliminary designs and he is optimistic to get preliminary approval from MDT, BNSF, and the Federal Rail to proceed with final design. It is moving ahead.

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 8:49 p.m.

*/s/John Muhlfeld*

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Mayor Muhlfeld

Attest:

*/s/Michelle Howke*

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Michelle Howke, Whitefish City Clerk