

WHITEFISH CITY COUNCIL
January 2, 2024
SPECIAL SESSION AT 5:15 PM

1) Call to Order

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Caltabiano, Sweeney, Feury, and Norton (at 5:31pm). Councilor Davis was absent. Staff present was Acting City Manager/City Clerk Howke, Planning and Building Director Taylor.

2) Interviews – Vacant Boards and Committees

The City Council interviewed Elspeth Cooper and Scott Wurster for the Whitefish Community Development Board; Mat Gebo for the Sustainable Tourism Management Plan Committee; and Keegan Siebenaler and Stasia Muhlner for the Climate Action Plan Committee.

3) Public Comment

None

4) Appointment

Appointments were made during the regularly scheduled Council meeting proceeding the Closed Executive Session and are noted in the minutes.

5) Adjournment

Mayor Muhlfeld adjourned the Special Session at 6:10pm and opened the Closed Executive Session

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk

WHITEFISH CITY COUNCIL

January 2, 2024

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Caltabiano, Sweeney, and Norton. Councilor Davis was absent. City Staff present were, Acting City Manager/City Clerk Howke, City Attorney Jacobs, Finance Director Gospodarek, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Kelch and Fire Chief Hadley. One person attended virtually.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Councilor Caltabiano to lead the audience in the Pledge of Allegiance.

a) Election of Deputy Mayor

Councilor Feury made a motion, seconded by Councilor Qunell to appoint Councilor Sweeney as the Deputy Mayor. The motion carried.

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)

None

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 December 4, 2023, Closed Executive Session**
- b) **Minutes from December 4, 2023, Special Session (p.32)**
- c) **Minutes from December 4, 2023, Regular Meeting (p.34)**
- d) **Ordinance No. 23-30; An Ordinance amending Title 13, Lake and Lakeshore Protection Regulations, of the Whitefish City Code (Second Reading) (p.39)**
- e) **Resolution No. 24-01; A Resolution of intention to annex and incorporate within the boundaries of the City of Whitefish by petition and consent of the property owner approximately 1.21 acres of land known as 26 East Lakeshore Court in Section 14, Township 31 North, Range 22 West, in Whitefish, Montana, and zone the property to WSR (Suburban Residential), based on the findings of fact in the staff report, and set a public hearing for January 16, 2024 (WAR 24-01) (p.90)**
- f) **Resolution No. 24-02; A Resolution of intention to annex and incorporate within the boundaries of the City of Whitefish by petition and consent of the property owner approximately 1.003 acres of land known as 485 Armory Road in Section 33, Township 31 North, Range 21 West, in Whitefish, Montana, and zone the property to WCR (Country Residential District), based on**

the findings of fact in the staff report, and set a public hearing for January 16, 2024 (WAR 24-02) (p.110)

Councilor Caltabiano made a motion, seconded by Councilor Sweeney to approve the Consent Agenda. 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) **Resolution No. 24-03; A Resolution adopting an Annexation Surcharge (p.126)**

Public Works Director Craig Workman presented his 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 Council for their consideration.

Councilor Caltabiano made a motion, seconded by Councilor Sweeney to adopt Resolution No. 24-03; A Resolution adopting an Annexation Surcharge. The motion carried.

- b) **Consideration of approval to apply for funding under House Bill 355 (p.134)**

Public Works Director Workman presented his 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 Council for their consideration.

Councilor Caltabiano made a motion, seconded by Councilor Sweeney to proceed with an application for funding under HB355. The motion carried.

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) **Consideration of approval to proceed with a SPA 124 Permit for a Section of the Whitefish River Trail (p.149)**

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

Councilor Caltabiano made a motion, seconded by Councilor Feury to authorize staff to proceed with final engineering design and submittal of an SPA 124 permit for the combined section of the Whitefish River Trail. The motion carried.

8) COMMUNICATIONS FROM ACTING CITY MANAGER

- a) **Written report enclosed with the packet. Questions from Mayor and Council? (p.177)**

Acting City Manager Howke mentioned she sent an email to the Council that provides a link to register online for the ICS-402 training that the Flathead County Office of Emergency Services is conducting.

- b) **Other items arising between December 27th and January 2nd.**

None

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

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

Mayor Muhlfeld made a motion, confirmed by Council to appoint Keegan Siebenaler and Stasia Muhlner to the Climate Action Plan Committee to serve a 2-year term. The motion carried.

Mayor Muhlfeld made a motion, confirmed by Council to appoint Scott Wurster to the Whitefish Community Development Board to serve a one-year term. The motion carried.

Mayor Muhlfeld made a motion, confirmed by Council to appoint Matt Gebo to the Sustainable Tourism Management Plan Committee as the Whitefish Mountain Resort representative. The motion carried.

- b) **Consideration of appointing Jon Heberling to the Whitefish Community Development Board, as recommended by the Flathead County Commissioners, as the county representative (p.179)**

Councilor Sweeney made a motion, seconded by Councilor Caltabiano to confirm Flathead County Commissioners recommendation to appoint Jon Heberling to the Whitefish Community Development Board. The motion carried.

- c) **Appointments of City Council to Various Boards, Commissions, and Committees**
 - i) **Park Board – Mayor or Mayor's Designee – Councilor Sweeney current, Councilor Caltabiano alternate.**

Council confirmed re-appointing Councilor Sweeney and Councilor Caltabiano (alternate) to the Park Board.

- ii) **Resort Tax Monitoring Committee – Mayor or Councilor – Councilor Feury current designee**

Council confirmed re-appointing Councilor Feury to the Resort Tax Monitoring Committee.

- iii) **Pedestrian and Bicycle Path Advisory Committee – Mayor or Councilor – Councilor Caltabiano current designee**

Council confirmed re-appointing Councilor Caltabiano to the Pedestrian and Bicycle Path Advisory Committee.

- iv) **Whitefish Tree Advisory Committee – City Councilor – Councilor Norton current designee**

Council confirmed re-appointing Councilor Norton to the Whitefish Tree Advisory Committee.

- v) **Impact Fee Advisory Committee – City Councilor – Councilor Caltabiano current designee**

Council confirmed re-appointing Councilor Caltabiano to the Impact Fee Advisory Committee.

- vi) **Insurance (Medical) Committee – two City Councilors (Ex-Officio members) Councilors Feury and Norton current designees**

Council confirmed re-appointing Councilors Feury and Norton to the Insurance (Medical) Committee.

vii) Real Estate Advisors – Mayor and one City Councilor – Councilor Feury current designee

Council confirmed re-appointing Mayor Muhlfeld and Councilor Feury to the Real Estate Advisory Committee.

viii) Legacy Land Advisory Committee, Recreation/Conservation Committee (LLAC)- two City Councilors, Councilors Feury, and Qunell current designee

Council confirmed re-appointing Councilors Feury and Qunell to the Legacy Land Advisory Committee.

ix) Whitefish Trail Operations Committee – one City Councilor – Councilor Feury current designee

Council confirmed re-appointing Councilor Feury to the Whitefish Trails Operations Committee.

x) Whitefish Community Development Board – City Councilor – Councilor Qunell designee for previous Planning Board

Council confirmed appointing Councilor Qunell to the Whitefish Community Development Board.

xi) Whitefish Climate Action Plan Committee – Mayoral appoint – Councilor Davis current designee.

Council confirmed re-appointing Councilor Davis to the Climate Action Plan Committee.

xii) Montana West Economic Development Board of Directors – Councilor Caltabiano current designee

Council confirmed re-appointing Councilor Caltabiano to the Montana West Economic Development Board of Directors.

xiii) Whitefish Lake Institute – Currently Mayor Muhlfeld and Councilor Feury

Council confirmed re-appointing Mayor Muhlfeld and Councilor Feury to the Whitefish Lake Institute.

Council Comments

Councilor Qunell gave a shout out to Glacier Nordic Club for doing what they can on the Cross Country Trail. He also commended Mike Revis who is grooming at Isaak Walton once a week while Isaak Walton is closed. He is doing it out of the goodness of his heart.

Councilor Norton asked Attorney Jacobs to explain the lawsuit that Montanans Against Irresponsible Densification has filed against the State of Montana for four bills that were passed during the 2023 Legislative Session. The court documents are attached per Councilor Norton's request via email. Before the new year, the court entered an order granting a preliminary injunction with respect to SB 323 and SB 528. Both bills were set to go into effect in January. This was to allow ADUs and duplexes as a matter of right. It is not an adjudication on its merits. The court did determine that the plaintiffs had a likelihood of prevailing on the merits. Whitefish was pro-active in amending our ordinances to reflect those requirements. Now we are in

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limbo. Attorney Jacobs talked with Kelly Lynch with Montana League of Cities, and she doesn't think it prohibits us from enforcing our ordinances as written. We are a charter city and have broad powers. We are proceeding that our ordinances still stand as an exercise of our police power. Council can revisit those ordinances. Councilor Norton is interested in revisiting the ADU regulations to reinstate our incentive program for locals. Councilor Qunell asked if there is a way to do an emergency ordinance to go back to what we had before? Attorney Jacobs stated she can look into it.

Councilor Feury welcomed City Manager Smith's baby boy. He also stated even though there is very little snow, visitors were here, and downtown was busy. He congratulated Mayor Muhlfeld, Councilor Qunell, Councilor Sweeney, and Councilor Norton for their re-election.

Mayor Muhlfeld will be absent from the January 16th meeting.

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 7:53 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk