

WHITEFISH CITY COUNCIL
January 17, 2023
5:15 PM
SPECIAL SESSION

1) Call to Order

Deputy Mayor Sweeney called the meeting to order. Councilors present were Qunell, Caltabiano, Davis, and Norton. Mayor Muhfeld and Councilor Feury were absent. City Staff present were, City Clerk Howke, City Manager Smith.

2) Interview

City Council interviewed Jen Asebrook and Kim Wortman (virtually) to serve on the Whitefish Convention and Visitors Bureau (WCVB).

3) Public Comment

Rhonda Fitzgerald is a member of the WCVB. She suggested holding a joint meeting with the City Council to discuss and communicate what the WCVB has been working on and to better understand the collaboration between the City and the WCVB.

4) Appointment

Mariah Joos, WCVB Chair, emailed a letter to the Council requesting the Council to hold off on making appointments. The Board is expecting more letters from interested members of the community to apply. The appointments will be pushed to February 21st, in anticipation the February 6th meeting will be focused on interviewing applicants to serve on the Whitefish Community Housing Committee.

5) Adjourn

Deputy Mayor Sweeney adjourned the Special Session at 5:45 pm and called the Work Session to order.

/s/Francis J. Sweeney

Deputy Mayor Sweeney

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk

WHITEFISH CITY COUNCIL
January 17, 2023
7:10 P.M.

1) CALL TO ORDER

Deputy Mayor Sweeney called the meeting to order. Councilors present were Qunell, Caltabiano, Davis, and Norton. Mayor Muhlfeld and Councilor Feury were absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Gospodarek, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, and Police Chief Kelch. Approximately 2 people were in the audience and zero attended virtually.

2) PLEDGE OF ALLEGIANCE

Deputy Mayor Sweeney asked Public Works Director Workman 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, encouraged the Council to consider another work session for more public participation pertaining to the proposed annexation policy. She also asked for an update on where the City is in the process of the recycling site.

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 January 3, 2023 Closed Executive Session** – Pursuant to §2-3-212 (4) M.C.A., the minutes may not be made available for inspection except pursuant to a court order
- b) **Minutes from January 3, 2023 Special Session (p.43)**
- c) **Minutes from January 3, 2023 Regular Meeting (p.44)**

Councilor Qunell made a motion, seconded by Councilor Davis to approve the Consent Agenda. Councilor Sweeney made corrections to the Executive Session and Special Session minutes to reflect that he was in attendance. The Consent Agenda was approved as corrected.

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) **None**

7) COMMUNICATIONS FROM CITY MANAGER

- a) **Written report enclosed with the packet. Questions from Mayor and Council? (p.48)**

None

b) Other items arising between January 11th through January 17th

City Manager Smith provided an update on the Legislative Session. She spoke on behalf of the city at Senate Bill 142 regarding impact fees, in opposition of the bill. She will be speaking in support for Senate Bill 145, which would take an allocation of the state's lodging and facility use tax that is retained by the state to reallocate to cities for property tax relief. Staff has also submitted comments opposing Senate Bill 159, that would exclude trails, paths, and other ways for walking, hiking and bicycle path connections and open space for Parks for eminent domain. We typically don't use eminent domain, but it is an important tool for cities as we grow and ensuring we have multimodal means of transportation. Robin Turner will be speaking on behalf of the City for Senate Bill 206 that would limit voted levies to five years. We have a permanent voted levy for our Fire Department for 24 mills that was approved by our voters to fund us going to a 24/7 service. This bill will limit all levies to five years. It would also require a 50% voter turnout. The City is in opposition of that bill.

Manager Smith addressed Mayre Flowers question regarding recycling. The central recycling site has been put on hold until the animal resistant containers are fully rolled out. We will revisit the idea of a central site at the Wastewater Treatment Plant when that process is complete.

Councilor Norton asked, and Director Workman stated the animal resistant containers are permitted to remain in the alley as long as they are not obstructing ingress and egress through the alley but need to be pulled away from the right-of-way. The right-of-way line and property line might look like it is still the alley. The intent of the animal resistant container was to no longer have to secure the container in a garage or secured location.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

Council Comments

Discussion followed regarding the work session prior to the meeting pertaining to the proposed annexation policy. Council agreed to move forward without another work session but take into consideration to articulate in the purpose more about why we annex and why it benefits our citizens; there is a conflict with the county zoning and our own growth planning; and Councilor Davis thinks annexations should go to the Planning Board.

Councilor Qunell stated the "Go Gallatin" project is a platform where you can go and find a ride if you become a member. He would like us to start getting down that path of trying to figure out some alternatives to make it easier for people to ride share in our community.

Councilor Norton brought forward a letter from DPHHS clarifying the Montana Clean Indoor Air Act (CIAA) stating e-cigarettes and vaping are not considered smoking in enclosed public places. Manager Smith stated the CIAA does not include vaping or e-cigarettes, but it does include the smoking of marijuana or tobacco. Businesses can make the choice to prohibit e-cigarettes and vaping and use the signage that is provided by DPHHS. There is a draft bill in this legislative session that would allow private businesses to make the decision to allow smoking inside again as long as there are no individuals under the age of 18 present. Council discussed to wait until the legislative session is over.

Councilor Norton stated she appreciates the work City Manager Smith and City Attorney Jacobs have done on behalf of SB 142. She attended the hearing virtually on Monday. It was really hard not to get angry because of what was said about our town and our City Manager and the misrepresentation that occurred. She asked the citizens to submit public comment to vote against SB 142.

9) 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 4:45 p.m.

/s/Francis J. Sweeney

Deputy Mayor Sweeney

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk