

WHITEFISH CITY COUNCIL

February 1, 2021

7:10 P.M.

1) CALL TO ORDER

Deputy Mayor Sweeney called the meeting to order. Councilors present were Qunell, Feury, Davis, and Norton. Mayor Muhlfeld and Councilor Hennen were absent. 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, Fire Chief Page, Senior Planner Compton-Ring, and Planner II Osendorf. Approximately 24 people were in attendance.

2) PLEDGE OF ALLEGIANCE

Deputy Mayor Sweeney asked Richard Hildner 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)

Richard Hildner, 104 East 5th Street, spoke towards Agenda Item 7a), specifically regarding no parking on 4th Street between Baker Avenue and Lupfer Avenue. He supports creating a No Parking Zone for this area.

Rhonda Fitzgerald, 412 Lupfer Avenue, also commented on Agenda Item 7a). She supports the No Parking Zone on East 4th Street between Baker Avenue and Lupfer Avenue, especially eliminating the one space on the northeast portion of the block. The request to add parking on the west side of Baker Avenue between Railway and First would be a problem; it is the most congested area in town. She suggests the Council to look further south on Spokane Avenue rather than giving up 150 feet of parking area on the 300 block of Spokane Avenue to provide for a bus stop for the SNOW Bus.

Jenny Cloutier, Big Mountain Commercial Association (BMCA), submitted the request for removing the parking spaces on the 300 Block of Spokane Avenue to create a bus stop for the SNOW Bus. This location is ideal since it would serve the downtown businesses and have great visibility. They are looking at getting the busses of the main road and look to the future for more vibrant bus stops. She stated the BMCA is open to other suggestions for the SNOW Bus stop on Spokane Avenue.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Norton reported the Strategic Housing Committee is moving forward with choosing contractors for the Snow Lot project. The legislature is potentially going to eliminate the possibility of having inclusionary zoning. Councilor Davis will be providing comment on behalf of the City.

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 19, 2021 Regular Session (p.)
- b) [Consideration](#) of a request from Drew Custer for a Whitefish Lake and Lakeshore Protection Permit, located at 350 Dakota Avenue, to install a new EZ dock with attached gangway within the LPZ (WLP-21-W01) (p.)

Councilor Norton had corrections to the January 19th minutes, page 1., Mayor Muhlfeld led the audience; page 4., coordinated the Glacier Park express; Page 6., website. Mayre's suggestion; Page 6., site would

be for residences; Page 7., Governor Gianforte lifts the mask; Page 8., that were never installed. **Councilor Norton made a motion, seconded by Councilor Feury to approve the Consent Agenda as corrected. 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) [Consideration](#) of a request from Curtis and Christine Feeny for a Conditional Use Permit, located at 1656 West Lakeshore Drive, to construct an accessory apartment above an existing garage, zone WR-1 (One-Family Residential District) (WCUP 21-02) (p.)

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

Deputy Mayor Sweeney opened the Public Hearing.

David Barnes, the applicant's representative was in attendance and was having technical difficulties and was not able to make any comments.

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

Councilor Norton made a motion, seconded by Councilor Davis to approve WCUP 21-02, the Findings of Fact in the staff report and the eight conditions of approval, as recommended by the Whitefish Planning Board on January 2, 2021. The motion carried by roll call.

- b) [Consideration](#) of a request from Emily Rindal, on behalf of Liquid Library, LLC, for a Conditional Use Permit, located at 206 Lupfer Avenue, Suite 101, for a new restaurant with a beer/wine license, zoned WB-3 (General Business District) (WCUP 21-01) (p.)

Planner II Tara Osendorf gave her staff report that is provided in the packet on the website.

Deputy Mayor Sweeney opened the Public Hearing.

Emily Rindall, applicant, was in attendance but did not have anything to add.

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

Councilor Davis made a motion, seconded by Councilor Qunell to approve WCUP 21-01, the Findings of Fact in the staff report and the six conditions of approval, as recommended by the Whitefish Planning Board on January 21, 2021. The motion carried by roll call.

- c) [Resolution No. 21-04](#); A Resolution adopting fees for solid waste disposal services (p.)

City Manager Dana Smith gave her staff report that is provided in the packet on the website.

Staff received written public comment from Matthew Scinto who opposes this resolution. He does not use the refuse service and hauls his refuse to the landfill. He does not feel he should have to pay for service he does not use. Councilor Norton asked and Manager Smith explained solid waste disposal is a required service for all residents and businesses within the city limits, regardless of use.

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

Councilor Feury made a motion, seconded by Councilor Qunell to approve [Resolution No. 21-04](#); A Resolution adopting fees for solid waste disposal services. The motion carried by roll call.

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) [Consideration](#) of an ordinance amending Title 6, Chapter 2, Section 4 regarding Prohibited and Restricted Parking. (p.)

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

Council directed Director Workman to move forward for a Public Hearing to create a No Parking Zone on the north half of the 300 block of Spokane Avenue, to create space for a bus stop for the SNOW Bus; create a No Parking Zone on the east side of Montana Avenue adjacent to 312 Edgewood Place; and create a No Parking Zone on the southwest side and the northeast side of East 4th Street between Baker Avenue and Lupfer Avenue.

8) COMMUNICATIONS FROM FIRE CHIEF

- a) [Consideration](#) of appointing members to the Rating Panel and Selection Committee for the Whitefish Fire Department Master Plan Project (p.)

Fire Chief Page presented his staff report that is provided in the packet on the website. **Councilor Norton made a motion, seconded by Councilor Qunell to appoint City Manager Smith, Fire Chief Page and Mayor Muhlfeld, and Councilor Norton as an alternate to the Rating Panel and Selection Committee for the Whitefish Fire Department Master Plan Project. The motion carried by roll call.**

9) COMMUNICATIONS FROM CITY MANAGER

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

None

- b) Other items arising between January 27th through February 1st.

City Manager Smith reported she has been busy with Legislative issues and union negotiations. HB259 is going to committee and Councilor Davis is providing comment on behalf of the City. HB259 if passed will prohibit Inclusionary Zoning and will dissolve the City's Legacy Homes Program. Currently there are 268 House Bills and over 100 Senate Bills. The Interlocal Agreement Bill was approved with amendments to impact interlocal agreements based on zoning jurisdiction with regard to a city and a county.

The vaccine clinics are still in the planning stages. The Fire Department is going to assist by being on standby with the ambulance nearby should there be any anaphylactic shock or any other severe reaction. Once the location is solidified, we will have an MOU with the hospital for the City to have volunteers.

The Housing Committee is due to have an update for the housing needs assessment and the strategic plan. It was not included in the FY21 budget; however, we did receive a significant amount of CARES funding and we also have reserves built in from the general fund. She would like to get a general consensus from the Council to proceed with a contract with Rees Consulting, Inc. The estimated cost is

around \$20,000. The Council unanimously agreed by head nods for Manager Smith to move forward with the contract.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

a) COVID-19

Councilor Norton asked and Manager Smith stated the City is not enforcing the Governor's mask mandate and is enforced at the state level. After some discussion, the Council decided to not push forward with creating an ordinance for the City to enforce.

Council Comment

Councilor Norton was concerned the removal of trees at the Town Pump development at the intersection of Hwy 93 and 40 may have caused the intersection to have black ice. Staff will look into the safety issue of the intersection.

Councilor Qunell repeated his concerns of safety on Karrow Avenue, especially the speed limit. He also gave a shout out to Glacier Nordic for opening skiing at the Golf Course.

Councilor Feury reported on behalf of Mayor Muhlfeld this is the 5-year anniversary for signing the Haskill Basin Conservation easement. It is also the 5-year anniversary of Alex Diekmann, who had a role in the project. Councilor Feury and Mayor Muhlfeld extend their appreciation to all that were involved in the project.

11) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)

Deputy Mayor Sweeney adjourned the meeting at 8:48 p.m.

/s/Francis J. Sweeney

Deputy Mayor Sweeney

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk