

WHITEFISH CITY COUNCIL

March 20, 2023

7:10 P.M.

1) CALL TO ORDER

Acting Deputy Mayor Qunell called the meeting to order. Councilors present were Caltabiano, Davis, and Norton. Mayor Muhlfeld and Councilors Sweeney and Feury were absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs (virtually), Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Deputy Police Chief Conway, and Senior Planner Compton-Ring. Approximately ten people were in the audience and two attended virtually.

2) PLEDGE OF ALLEGIANCE

Acting Deputy Mayor Qunell asked Wendy Compton-Ring 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)

Toby Scott, 1478 Barkley Lane, provided a letter that is appended to the packet on the website. He had a few items for the Council to consider in the course of business. The first item is to paint the traffic signal electrical boxes. The second item is to provide electric vehicle charging stations throughout town. The third item is re-addressing recycling.

Lisa Jones, 314 Blanchard Hollow addressed the Council last summer requesting the Council to consider Juneteenth as a city holiday as well as an official DEI Committee for the City. She asked if the Council has had a chance to review those considerations and possibly revisit that.

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 February 25, 2023 Work Session/Retreat(p.9)
- b) [Minutes](#) from March 6, 2023 Regular Meeting (p.12)
- c) [Ordinance No. 23-03](#); An Ordinance amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code (Second Reading) (WZTA 23-01) (p.15)

Councilor Davis made a motion to pull item 5c from the Consent Agenda and discuss it prior to the Public Hearing.

Councilor Norton made a motion, seconded by Councilor Caltabiano to approve the Consent Agenda. Councilor Norton made corrections to the March 6, 2023 regular meeting minutes; page 1, second paragraph under Communications from Volunteer Boards; *She thinks we are moving ~~a~~ahead with housing in a really good way*; page 3 under Councilor Comments; *There is a new infrastructure bill and funding in the bill for*

~~real-rail~~ *efficiency and climate action*; and *Elected Officials*. **The motion to approve the Consent Agenda as amended carried.**

Councilor Davis made a motion, seconded by Councilor Caltabiano to move to postpone item 5c, Ordinance No. 23-03, to the April 3, 2023 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) Consideration of a request from Derek Crittenden, James Rutherford, Bill Carter, and Colton Behr for a Preliminary Plat to develop a 16-lot subdivision located at 817 Colorado Avenue, zoned WR-3 (Low Density Multi-Family Residential District) (WPP 23-01) (p.20)

Senior Planner Compton-Ring presented her staff report that is provided in the packet on the website. The applicant is not requesting any subdivision variances, therefore this project is eligible for an expedited review. A notice was mailed to adjacent homeowners within 150-feet of the subject parcel, a sign was posted on the property, Advisory Agencies were noticed, and legal notice was published in the Whitefish Pilot. Public comments that were received were concerned with the density, traffic, drainage, and the impact on wildlife. Those comments are included in the packet on the website.

Councilor Caltabiano asked, and Planner Compton-Ring stated the applicant is proposing 16 single-family dwellings, the maximum allowed would be 46 units. Acting Deputy Mayor Qunell asked, and Planner Compton-Ring stated as properties are developing, we are making sure that the public right-of-way go to the edge of the lot so some point in the future there is an opportunity to connect through.

Acting Deputy Mayor Qunell opened the Public Hearing.

Bill Carter, 112 Bay Point Drive, applicant, stated they are choosing the lesser of three evils by developing single-family dwelling lots. They feel they are doing a good job for the city of Whitefish.

Cody Johnson, 406 Engineering, 35 8th Street East, Kalispell, addressed the neighbors concerns pertaining to the stormwater. They monitored the property last spring, March 25th through June 30th. The southeast corner of the property had high groundwater. They are proposing underground stormwater detention in the southeast corner.

Nancy Hayes, 961 Colorado Avenue, stated there was no perk test done near the corner of their property. She knows how wet it is, and the soil structure of this area. In an event of the 100-year situation happening and roofs and asphalt, raises concern.

Cody Johnson, 406 Engineering stated a test hole was completed in the northeast corner, approximately 50 feet from the property boundary.

Patrick Clark, 2 Dugans Way, has lived in the area for 23 years, and have used the subject property as the de facto open space to walk his dogs. This area has had a semi-rural feel until recent development north of Denver Street. In the time they have lived in the area, they have seen black bears, grizzly bears, mountain lions, etc. making their way through to the conservancy land. He appreciates that it is only 16 houses versus 46 house. He asked the Council if there was a place to have more open space in Whitefish? Is it the long-term vision to pack open spaces with houses? He is not a huge fan of subdivisions that have cul-de-sacs. Is this road ever going to punch through to Texas? He is more in favor of the idea of something more like Kalispell Avenue and Columbia Avenue area if more things were interconnected.

There being no further public comment, Acting Deputy Mayor Qunell closed the Public Hearing and turned matters to the Council for consideration.

Councilor Caltabiano made a motion, seconded by Councilor Davis to approve Après Village preliminary plat WPP 23-01 as presented by staff. The motion to approve carried.

7) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.152)

None

- b) Other items arising between March 15th through March 20th

Manager Smith provided an update to the Legislature; a hearing is scheduled for March 24th for SB 268 the short-term-rental bill that would allow all primary residential properties to be short-term rental including any ADUs or the primary home. She has tried to work with Senator Hertz on the bill to get ADUs eliminated. He is not willing to do so. Manager Smith sees this bill passing through fairly easily based on how fast it passed through the Senate. A hearing was held today on SB 262 regarding business licensing. We are still trying to work really hard to have that bill killed. This could affect about \$268,000 worth of revenue in the general fund. We have not hired the code enforcement position that was budgeted to help with short-term-rental enforcement because of this uncertainty. There are more bills looking to limit property taxes. We will be working to submit our comments as we have in the past.

The Impact Fee study that has been ongoing. The consultants have met with the Impact Fee Advisory Committee recently. They are looking at expanding the Park Maintenance Building Impact Fee to include park improvements or recreation centers. It would increase the impact fee because it would be increasing the projects eligible. The general consensus of the Council was to include park improvements or recreation centers.

Manager Smith received an email from Justine Smith, FWP Bear Specialist, stating the bears are out and have been spotted in town. We are finding animal resistant containers that are being left out are not latched. We are going to work on some PSA and get some information out. The ordinance will need to be amended because it says animal resistant containers should be unlatched day of service. That was for a different type of container.

Councilor Norton addressed Toby Scotts' comments from the beginning of the meeting. Council will revisit recycling once the animal resistant container program has been established. She reminded members of the community that those who would like to recycle, Republic Services does offer curbside recycling.


8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

Councilor Norton asked for an update on the letter to Senators Tester, Daines and Representative Zinke regarding rail safety. Attorney Jacobs stated she is looking for feedback from Council and will put it on the next agenda for Council approval. Councilor Norton addressed Toby Scott's comments from the beginning of the meeting pertaining to electric vehicle charging stations. She likes the idea of having charging stations on the street. She also is in favor of painting the signal electrical boxes. Public Works Director Workman stated there is currently four charging stations in the parking structure. It is budgeted for this current fiscal year to install two charging stations on Railway Street on the south side of Depot Park. Manager Smith stated Council as a whole can direct staff to look into painting the signal electrical boxes. She suggested bringing it up at the next Council meeting.

Acting Deputy Mayor Qunell asked, and Director Workman stated March and early April are always the absolute worst times for roads when the frost is coming out of the ground. The ground is moving so much in that top foot, and it hasn't released from the bottom yet. We typically don't evaluate roads in early spring for that exact reason. Our crew is out filling potholes every day.

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

Acting Deputy Mayor Qunell adjourned the meeting at 8:12 p.m.



Acting Deputy Mayor Qunell

Attest:



Michelle Howke, Whitefish City Clerk