

WHITEFISH CITY COUNCIL
April 3, 2023
SPECIAL SESSION AT 5:20 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 Davis, Qunell, Feury, Sweeney, Norton (5:27 p.m.) and Caltabiano. Staff present were City Manager Smith, City Clerk Howke and Planning and Building Director Taylor.

2) Interview -Whitefish Lake and Lakeshore Protection Committee

The City Council interviewed Daniel Wood for the Whitefish Lake and Lakeshore Protection Committee to serve as a member-at-large.

3) Public Comment

None

4) Appointment

Councilor Sweeney made a motion, seconded by Councilor Caltabiano to appoint Daniel Wood to the Lake and Lakeshore Protection Committee as a member-at-large to complete the term ending December 31, 2023. The motion carried.

5) Adjourn

Mayor Muhlfeld adjourned the Special Session at 5:30 p.m. and opened the Work Session

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk

WHITEFISH CITY COUNCIL

April 3, 2023

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Caltabiano, Davis, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Gospodarek, Planning and Building Director Taylor, Police Chief Kelch, Fire Chief Page, Senior Planner Compton-Ring and Planner Loring. Approximately 17 people were in the audience and 1 attended virtually.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Luke Walrath to lead the audience in the Pledge of Allegiance.

3) PRESENTATION

- a) [Annual review](#) and consideration of approval for Whitefish Convention and Visitors Bureau Marketing Plan and Budgeting for FY24 (p.43)

Rhonda Fitzgerald, member of the Whitefish Convention and Visitors Bureau Board, presented the Marketing Plan and Budget for Fiscal Year 2024. The Marketing Plan and Budget and the presentation is provided in the packet on the website.

Councilor Sweeney made a motion, seconded by Councilor Qunell to approve the Marketing Plan and FY24 Budget of \$267,000. The motion carried.

- 4) 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)

John Phelps, 615 Monegan Road asked the Council to consider budgeting \$500,000 for FY24 and FY25 to construct the Riverbend trail along the river.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Feury reported the LLAC met and the commercial use policy for Haskill trail should be finalized for Council review in June.

- 6) 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 20, 2023 Regular Meeting (p.83)
 - b) [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) (POSTPONED FROM MARCH 20, 2023) (p.87)
 - c) [Consideration](#) of a request from King Family Trust for Final Plat for McDowell Subdivision, a 2-lot minor waiver subdivision located at 403 Texas Avenue, zoned WLR (One-Family Limited Residential District) (WFP 23-02) (p.92)

Councilor Norton recused herself from the consent agenda.

Councilor Qunell made a motion, seconded by Councilor Sweeney to approve the Consent Agenda. The motion carried.

- 7) 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 Pheasant Run, LLC for a Preliminary Plat to develop a 24-lot subdivision on an unaddressed lot to the northwest of Pheasant Run and west of Highway 93 South (WPP 22-08) (p.118)

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

Mayor Muhlfeld opened the Public Hearing.

Kurt Vickman, owner, stated he supports the staff report. He has been working with the Park Knoll neighborhood on the tree preservation plan on the western portion of the development.

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

Councilor Caltabiano made a motion, seconded by Councilor Qunell to approve the Canopy Subdivision subject to the conditions of approval, including the correction to Condition #9 changing northwest to northeast. The motion carried.

- b) [Ordinance No. 23-04](#); An Ordinance rezoning approximately 9.9 acres of land located at 625 Lund Lane, known as Parcel B of Certificate of Survey No. 1419 in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana from County R-3 (One-Family Residential) to WR-1 (One-Family Residential), and adopting findings with respect to such rezone (First Reading) (WZC 23-01) (p.190)

Planner Nelson Loring presented his staff report that is provided in the packet on the website.

Councilor Sweeney had concerns regarding the private road easement accessing the property and that the zoning designation is not consistent with the Growth Policy Land Use Map. Planner Loring and Director Taylor stated the zoning does not change the density of the property, and all properties on the south side of Lund Lane are quarter acre to half acre in size and fit in with the R-3 zoning of the county.

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 consideration.

Councilor Caltabiano made a motion, seconded by Councilor Qunell to adopt [Ordinance No. 23-04](#); An Ordinance rezoning approximately 9.9 acres of land located at 625 Lund Lane, known as Parcel B of Certificate of Survey No. 1419 in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana from County R-3 (One-Family Residential) to WR-1 (One-Family Residential), and adopting findings with respect to such rezone (First Reading) (WZC 23-01). The motion carried.

- c) ~~Ordinance No. 23-02; An Ordinance rezoning 11.18 acres of land known as 111 Iverson Lane, 119 Iverson Lane, 140 Iverson Lane, and 6010 US Highway 93 South, in Section 12, Township 30 North, Range 22 West, in Whitefish, Montana, from County B-4/HO (Secondary Business/Highway Overlay) and SAG-5/HO (Suburban Agricultural/Highway Overlay) to WB-2 (Secondary Business District) and WCR (Country Residential District), and adopting findings with respect to such rezone (First Reading) (WZC 23-02)~~-PLANNING BOARD POSTPONED TO APRIL 20, 2023

8) COMMUNICATIONS FROM FIRE CHIEF

- a) [Consideration](#) to award a contract with Northern Rockies Fire for a fire engine in the amount of \$693,214.00 (p.209)

Fire Chief Joe Page presented his staff report that is provided in the packet on the website.

Councilor Qunell made a motion, seconded by Councilor Caltabiano to award the contract to Northern Rockies Fire in the amount of \$693,214.00. The motion carried.

9) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.212)

None

- b) Other items arising between March 29th through April 3rd.

City Manager Smith asked to move the preliminary budget deadline to May 15th to give staff time to assess the impacts from the Legislative session. SB 511 will limit local government property tax increases to 4.74% in any given year. That bill passed through second reading. SB 528 related to ADUs passed through with minor amendments, which will allow ADUs by right everywhere. HB 943 would change the taxable status of a short-term rental from residential to commercial. That bill passed second reading.

- c) [Consideration](#) of appointing members to the Selection Committee for the Housing Development Plan and Financial Plan (p.218)

Manager Smith presented her staff report that is provided in the packet on the website.

Councilor Sweeney made a motion, seconded by Councilor Qunell to appoint Ben Davis, Daniel Sidder, Cameron Blake, Wendy Compton-Ring and Dana Smith to the Selection Committee for the Housing Development Plan and Financial Plan. The motion carried.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) [Consideration](#) of appointing Thomas Shea to the Whitefish Housing Authority as resident commissioner to complete the term ending 12/31/2023 (p.223)

Councilor Sweeney made a motion, seconded by Councilor Feury to appoint Thomas Shea to the Whitefish Housing Authority as a resident commissioner. The motion carried.

- b) [Letter](#) from The Lakes Master HOA Board of Directors addressing deteriorating condition of City maintained roads within the subdivision (p.224)

Staff will do an evaluation and provide an update.

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

The City Council appointed Daniel Wood to the Whitefish Lake and Lakeshore Protection Committee during the Special Session.

Council Comments

Councilor Norton asked, and Karin stated if there is a water emergency during non-working hours, citizens can call the Police Department and choose the option to report an emergency pertaining to Public Works or the Parks Department after hours. Councilor Norton asked, and Manager Smith stated the newsletter is published twice a year and posted on the website. Staff is looking into revamping the newsletter to be timelier. Councilor Norton stated to file to run for City Council opens April 20th and closed June 19th.

Mayor Muhlfeld gave a shout to Maria Butts, Carla Belski, Jenny Bradford and the rest of the Parks and Recreation Department. The Montana Trails Recreation and Park Association held their annual conference this week at Grouse Mountain Lodge. He attended the morning session and gave a short welcoming address and spoke regarding the Haskill easement project. Maria did a wonderful job as outgoing President of the organization. The lodging data that was reported during the WCVB presentation tonight was extremely compelling and paints the picture of how damaging short-term rentals are and the changes that are going to be made at the state level are going to have on housing in our town. When we evaluate whether we have met this certain occupancy threshold with our hotels and lodging establishments, there are other factors we need to look at when we set those thresholds. We don't have shoulder seasons anymore. People crave a break from the traffic and the congestion.

11) 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 9:05 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk