

WHITEFISH CITY COUNCIL

April 5, 2021

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Davis, Sweeney, and Norton. Councilor Hennen was 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 36 people were in attendance. The meeting was held remotely via Webex. Councilor Norton was able to hear the meeting in progress but was unable to provide comment. She relayed her comments, motions, and votes through texting Mayor Muhlfeld.

2) PLEDGE OF ALLEGIANCE

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

3) PRESENTATION

a) Mayoral Proclamation – Earth Day 2021 (p.25)

Mayor Muhlfeld read the Earth Day 2021 proclamation that is provided in the packet on the website.

b) Annual review and consideration of approval for Whitefish Convention and Visitors Bureau Marketing Plan and Budgeting for FY22 (p.26)

Dylan Boyle, Executive Director of the Whitefish Convention and Visitors Bureau presented their FY22 Marketing Plan and Public portion of the budget that is provided in the packet on the website.

Councilor Qunell made a motion, seconded by Councilor Sweeney to approve the Convention and Visitors Bureau FY22 Marketing Plan and the Public portion of their budget of \$126,905. The motion carried by roll call.

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)

Sarah Canepa, 336 Kalispell Avenue, along with the Kalispell Avenue neighbors request the Council take action to rezone the west side of Kalispell Avenue from Third Street to Sixth Street, from WR-4 (High Density Multi-Family Residential District) to WR-2 (Two-Family Residential District). She will forward to City staff the petition from the Kalispell Avenue Neighbors requesting the zone change.

Neil Stuber, 103 Dakota Avenue, spoke towards agenda item 10b, a letter and petition from the City Beach Neighborhood requesting the City Council to address traffic and safety issues. The letter is included in the packet on the website.

Sophie Albert, Executive Director of the North Valley Food Bank, spoke towards agenda item 10a, a letter from the North Valley Food Bank requesting a donation to support the remodel of the Food Bank. They are asking for reimbursement of the building permit and impact fees in total \$5,229. They have had an increase in customers not only because of the COVID-19 pandemic but also because of the housing situation. Many of their customers cannot find affordable housing. They support those customers not only by food but also by providing access to Emergency Rental Assistance through Neighborhood

Works. With the remodel they are also building a commercial kitchen to provide free local workforce training.

John Lacey, 506 Kalispell Avenue, supports the petition to rezone Kalispell Avenue.

Jenny Beville, 532 Kalispell Avenue, supports the petition to rezone Kalispell Avenue.

Colette Beausoleil, 534 Kalispell Avenue, supports the petition to rezone Kalispell Avenue.

Virginia Cronk, 406 Kalispell Avenue, supports the petition to rezone Kalispell Avenue.

Thomas Brown, 539 Kalispell Avenue, supports the petition to rezone Kalispell Avenue

Rhonda Fitzgerald, 412 Lupfer Avenue, stated the Growth Policy identifies inconsistent zoning issues such as Kalispell Avenue. She hopes the Council will receive the neighborhoods petition and request.

Richard Hildner, 104 5th Street, supports the Kalispell Avenue Neighborhoods petition to change the zoning to be consistent with the Growth Policy and future land use goals. He encourages the Council to move forward on this request.

Molly Brown, 344 Kalispell Avenue, supports the petition to rezone Kalispell Avenue

Mary Drew Powers, 327 Kalispell Avenue, supports the petition to rezone Kalispell Avenue.

Mayor Muhlfeld usually does not respond to comments during Communication from the Public, but since there was an overwhelming support for the Kalispell Avenue rezoning petition, he thanked the neighbors that banded together and took the effort to present the petition to the City Council for a formal zone change. Council is often conflicted with uses that are not consistent with traditional neighborhoods. As a government the City cannot legally down zone properties without the consent of the residences.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

None

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 15, 2021 Regular Session (p.71)**

b) **Consideration of a request from Colton Behr for a Whitefish Lake and Lakeshore Protection Permit to move boulders within the Lakeshore Protection Zone, located at 20 Woodland Place (WLP 21-W02) (p.74)**

Councilor Feury made a motion, seconded by Councilor Sweeney to approve the Consent Agenda as presented. The motion carried by roll call.

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 Matthew and Judy Lanning, for a Conditional Use Permit to construct an accessory apartment, located at 19 Washington Avenue, zoned WR-2 (Two-Family Residential District) (WCUP 21-04) (p.86)**

Senior Planner Wendy Compton-Ring gave her 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 City Council for their consideration.

Councilor Sweeney made a motion, seconded by Councilor Feury to approve WCUP 21-04, the Findings of Fact in the staff report and the conditions of approval as recommended by the Planning Board on March 18, 2021. The motion carried by roll call.

- b) Consideration of a request from Joanna Chung, for a Conditional Use Permit to construct an accessory apartment above a new two-car garage, located at 243 Dakota Avenue, zoned WR-2 (Two-family Residential District) (WCUP 21-03) (p.113)**

Planner II Tara Osendorf presented her staff report that is provided in the packet on the website. Councilor Davis recused himself due discussion with the applicant to construct this project.

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 Qunell made a motion, seconded by Councilor Sweeney to approve WCUP 21-03, the Findings of Fact in the staff report and the conditions of approval as recommended by the Planning Board on March 18, 2021. The motion carried by roll call, Councilor Davis abstaining.

8) COMMUNICATIONS FROM CITY CLERK

- a) Resolution No. 21-11; A Resolution adopting the Whitefish City Cemetery Policy and Procedures (p.145)**

City Clerk Howke presented her staff report that is provided in the packet on the website.

Councilor Sweeney made a motion, seconded by Councilor Qunell to adopt Resolution No. 21-11; A Resolution adopting the Whitefish City Cemetery Policy and Procedures. The motion carried by roll call.

9) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor and Council? (p.156)**

Councilor Qunell asked and City Manager Smith reported HB137 regarding flavored tobacco sales has been tabled, and SB398, similar to HB137 came forward because there is a license fee and has passed committee.

- b) Other items arising between March 31st through April 5th**

Manager Smith updated the Council on legislative issues; HB121, regarding local boards of health, is in the process of being signed, this does not impact us until we add a person to the local health board; HB259, regarding Inclusionary Zoning, the printed version is available, next step is signatures; HB562, regarding highway encroachment, passed the House and is at Committee; HB632, regarding the federal stimulus and COVID recover funds, has a hearing scheduled April 7th with Senate Finance and Claims Committee; SB393, regarding remote meetings, is tabled in Committee; SB397, regarding regulations for accessory dwelling units, is tabled, motion on April 1st failed to take it to the Senate for a second reading. Manager Smith asked for direction and Council agreed to work with Kelly Lynch with Montana League of Cities and Towns to draft a letter to Governor Gianforte to request to veto HB259.

Manager Smith shared information from Flathead City-County Health Officer, Joe Russell regarding COVID-19 cases. Overtime our cases have consistently been decreasing; January new cases have an average of 47.6%, February went down to 33.6%, and March is down to 11.9%. The positivity rates versus total tests in March are under 5% positivity rate. Vaccinations administered as of March 26th, over 12,000 people are fully immunized and 20,000 with at least dose one.

Manager Smith met with Housing Authority members who are involved in the snow lot project, along with their Owners Representative, David from Montana Construction Management. Their next step is looking at an architect to help with design and drawing and working through the Planning Department permitting process.

Through interest-based bargaining with the International Association of Fire Fighters, a tentative agreement has been reached. They were able to address the unfunded liabilities, and the wage cap is moving forward for FY23 and FY24 at 3.5%. For this next year they have a schedule change, and they were able to address their wage concerns by giving them an additional .5%, which is a zero-cost increase to the City, due to their hours of operating. There will be no more scheduled overtime.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) **Letter from North Valley Food Bank requesting a donation to support the remodel of the Food Bank (p.160)**

Sophie Albert, Executive Director, mentioned during Communications from the Public, the Food Bank has seen an increase of customers due to the COVID-19 pandemic and also the affordable housing issue. **Councilor Qunell made a motion, seconded by Councilor Feury to reimburse the North Valley Food Bank \$5,229 for the Impact Fees and Building Permit Fees. The motion carried by roll call.**

- b) **Letter and petition from Neil Stuber and the City Beach Neighborhood requesting Council to address traffic and safety issues (p.162)**

After some discussion and given the lack of separation between the vehicle and the pedestrian in this area especially for navigating to the Soroptimist Park, Director Workman stated he can look into the current availability of funds in the Sidewalk Cash-in-Lieu for that district. Council would also like staff to look into the primary intersections, Dakota Avenue and Woodland Place, and Dakota Avenue and Waverly Place.

- c) **COVID-19**

Council Comments

Councilor Feury asked Director Taylor to look into the condition of approval for Iron Horse pertaining to the bike and pedestrian path on Murdock Lane. The path is in a state of repair and should be maintained by the HOA. He also commended the Kalispell Avenue Neighbors for their proactive approach to change the zoning.

Councilor Sweeney, Qunell and Davis also thanked the Kalispell Neighbors for coming forward and taking the initiative. Councilor Norton encourages residence to get vaccinated and continue wearing masks and social distancing.

11) ADJOURNMENT

Mayor Muhlfeld adjourned the meeting at 9:02 p.m.

/s/ John Muhlfeld
Mayor Muhlfeld

Attest:

/s/Michelle Howke
Michelle Howke, Whitefish City Clerk