

**WHITEFISH CITY COUNCIL**  
**April 18, 2022**  
**SPECIAL SESSION AT 5:15 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, and Sweeney. Councilors Feury, Caltabiano and Norton were absent. Staff present were City Manager Smith, City Clerk Howke and Parks and Recreation Director Butts

2) Interview

City Council interviewed interim Ray Boksich and Ron Brunk for the Board of Park Commissioners

3) Appointment

Mayor Muhlfeld reappointed Ray Boksich and Ron Brunk for a two-year term on the Board of Park Commissioners. The Council ratified his appointment.

4) Adjourn,

Mayor Muhlfeld adjourned the meeting at 5:45 and opened the work session.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, City Clerk

## **WHITEFISH CITY COUNCIL**

**April 18, 2022**

**7:10 P.M.**

### **1) CALL TO ORDER**

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Davis, Sweeney, and Norton. Councilors Feury and Caltabiano 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 Kelch, Fire Chief Page, Planner I Nymark and Senior Planner Compton-Ring. Approximately 30 people were in the audience and 5 attended virtually.

### **2) PLEDGE OF ALLEGIANCE**

Mayor Muhlfeld asked Ray Boksich to lead the audience in the Pledge of Allegiance.

### **3) PROCLAMATION**

#### **a) National Small Business Week 2022 – May 1 through May 7, 2022 (p.166)**

Mayor Muhlfeld read the National Small Business Week 2022 proclamation that is provided in the packet on the website.

### **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)**

None

### **5) COMMUNICATIONS FROM VOLUNTEER BOARDS**

#### **a) Update on Snow Lot construction project -Whitefish Housing Authority**

Lori Collins, Executive Director for the Whitefish Housing Authority introduced Jenn Clary with Encompass Designs to present an overview of the Snow Lot project that can be viewed on the City of Whitefish YouTube Channel, <https://youtu.be/TCpuZCfTElQ?t=306>. Jenn attended the meeting virtually through Webex. The Snow Lot was donated to the Whitefish Housing Authority to develop 22 townhome ownership units. The units will be two-bedroom, two bathroom, two story units with on-site parking and will be deed restricted for permanent affordability.

John Phelps, Bike/Ped Committee Chair reported Casey Malmquist has applied for a 310 Permit with the Flathead Conservation District to build a path along the river north of the Riverbend Condos. During an on-site inspection, comments were made by some of the Flathead Conservation District Board of Commissioners indicating that they did not necessarily appreciate the application, and they did not expect the Riverbend Condo trail to ever be built. During a meeting held a week ago the Flathead Conservation District Board of Commissioners were supposed to rule on the 310 Permit. There was enough controversy that they decided to call a special meeting and invite the city. The meeting has not been scheduled yet.

Councilor Norton reported the Tree Committee is scheduled to do a walk-about on Texas Avenue on Tuesday.

- 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 April 4, 2022, Special Session (p.168)
  - b) **Minutes** from April 4, 2022, Regular Session (p.169)
  - c) **Resolution No. 22-08**; A Resolution amending the Glacier Twins Lease Agreement (p.174)

**Councilor Sweeney made a motion, seconded by Councilor Davis to approve the Consent Agenda as presented. 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 Blake Ringeisen for a Conditional Use Permit to develop an accessory dwelling unit attached to a new single-family home, located at 708 Cottonwood Court, zoned WR-2 (Two-Family Residential District) (WCUP 22-10) (p.178)

Planner I, Jessica Nymark presented 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 Council for their consideration.

**Councilor Qunell made a motion, seconded by Councilor Sweeney to approve WCUP 22-10, Findings of Fact in the staff report and recommended conditions of approval, as recommended by the Whitefish Planning Board on March 17, 2022. The motion carried.**

- b) **Consideration** of a request from Patricia Johnson for Foxtail Forskola for a Conditional Use Permit to operate a first through third grade alternative school, located at 300 East 2<sup>nd</sup> Street, in the above ground floors, zoned WB-3 (General Business District) (WCUP 22-11) (p.207)

Planner Jessica Nymark presented her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Kayla Nickells, Co-Founder, stated she founded Foxtail Forskola, four years ago to create a developmentally appropriate program for school-aged children, seven through nine years old. The school uses a place-based model of learning in which where we learn is as important as the what and the why. Concrete experience is the essence of education for young children. Learning how to nurture a sourdough starter or repair one's own bike from the local shop next door or taking on a project with the local food bank to inventory, categorize and optimize it's shelves for their patrons. These are tools. These are blueprints they give our kids. If she can say one thing about our small town and its obligations to our kids, she wants to advocate for the rights of our children. Not merely as children but as citizens as well. When children enter the consciousness of planning and development decisions of active streets and businesses who satisfy family needs, the public interest is improved. A growing number of Whitefish families are enrolling their children schools like Olney-Bissell and West Glacier. They would like to keep those families in our community by offering alternative schooling options. The Flathead Valley is lacking in alternative programs for children transitioning from preschool into primary school. Many of their current families are in search of alternatives for their school-aged children. Foxtail Forskola is an established program with an earned reputation.

Brooke Ober, Co-Founder, and a Speech Pathologist. She specializes in social emotional learning and executive functioning. All of the research now talks about compassion-based learning concept and how it starts with the experience. They teach kids about compassion, empathy, self-advocacy, agency, and perspective. To be able to have them learn this in the context of a community so that they can go into a business and see how it works and bring it back. It would be a project-based learning model. It is the kind of concept of learning how to learn rather than being told what to learn. It is a very purpose-driven concept.

Patricia Johnson, Co-Founder, and speech-language pathologist. They are committed to the most evidence-based literacy initiatives. Only 36% of fourth graders in our country read at a proficient level. The more background experience children have and can bring to the table in literacy the better their reading skills grow, and their vocabulary grows. She addressed their thoughts on using the Depot Park for the drop off/pick-up location. They have walked the Depot Park utilizing the underpass. It is a five-to-seven-minute walk. They also feel this is a really great way to start and end a day with a walk noticing the environment around them, what is happening, and being able to talk to each other and learn chants to sing together. This location encourages families and staff to walk or bike to school and is centrally located and easily accessible by walking path, with no major street crossing from Depot Park.

Courtney Lyle, a parent in Whitefish and a pediatric physician, stated the benefit this school brings to this community is phenomenal. Public schools can provide an incredible education and it does a great job for many of our students, but it does not meet the needs of all of our students. A number of Whitefish families are currently driving out of Whitefish to find schools to meet the needs for their children. This school will not meet the needs of all children, but it will provide more options in Whitefish. This is a downtown school. The parents that are going to enroll their child are looking for an option that is different than a standard public-school option. It is going to look different. It is going to feel different. She does not think parents are looking for the same sort of setup. There is this angst about pick up and drop off. This is 30 students so they can figure out a reasonable solution. The location will improve one's ability to get to school without having to get in the car every day. This is an incredible benefit for our community.

Ray Boksich, 223 Columbia Avenue, stated he is concerned the building is not conducive to a school for young children. He thinks their program is fantastic, but the location is not good.

Rhett Johnson stated he has a seven-year-old who would like to attend this school. His two older children attended school in an urban setting. The school was a five story walk up building with no accessible parking. They walked six or eight blocks from public transportation. It was his favorite time of the day because he got to spend that time outside rain or shine with his two small children. They had a great experience by being integrated into their community. It was a fantastic experience for these kids. This location is similar situation, in an urban setting. He appreciates the difficulties but also embraces them as a parent because it is the kind of thing that added to his two older kids education.

Brittany Crest, and her son Arlo, have been with the Foxtail program for the past three years. He has come out of this program learning how to read, write, and arithmetic. This program has opened her eyes to the different types of learning and how it can be successful. It does not have to be in a building that you are sitting for five days a week where you have a class full of 20 kids all the same age. It can look different. It can be this project-based learning. It can be within the community. The location for them is crucial. This location allows them the ability to walk or bike as a family. They are

choosing the school for the location. They are a part of Whitefish, and they would love to have another option that would be for their kids.

Kimberly Poore, 564 Kalispell Avenue, stated there is a need for alternatives and opportunities for our kids. Not every school is going to have everything or meet the needs of every student. To have an opportunity to have another place to meet more of those needs, how can we say no. The curriculum, the passion, the focus on the actual scientific evidence of what makes teaching good and how we can be great teachers and how we can create and engage immersive learners. That is what they are focusing on. It is really exciting to see the work that has happened and to think that this is an opportunity that her kid could have in the future. Kids are the future of this community. We want them to live here, be here and know what it takes to make things work. We should give them the chance early on to make an impact on the community. This school is giving them that chance.

Kyle Stansbury stated his son was three years at the time he reached out to this school. They have been super involved with the school ever since. They want to be a good part of the community. The parenthood is phenomenal.

Kristen McIntyre, 63 Scholar, via Webex, has three children that live in the Whitefish school district. Her oldest who is now 17 and at the high school attended Kalispell Montessori for four years. They made that drive, and it was a great decision for her. This would be a great option for her eight-year-old. However, if she did not have this option, she would choose to take him back down to south Kalispell, and her ten-year-old would have to go somewhere in South Kalispell as well. That means her skill set and her job is probably going to be in south Kalispell as well. Now they have really fractured their relationship with our community. This is something we would like to see.

There being no further public comment, Mayor Muhlfeld 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.**

**Councilor Davis made a motion, seconded by Councilor Qunell to amend Condition #4 *The applicant must provide a safe, student pick-up/drop-off location at all times to be approved by City Staff.* The motion carried.**

**Councilor Qunell made a motion to add Condition #8, school time will be limited to 8:45 am to 3:45 p.m. The motion failed for a lack of a second.**

**The original motion to approve was carried.**

Mayor Muhlfeld called for a recess at 8:37 pm and reconvened at 8:44 p.m.

- c) **Consideration of a request from Ralph Simpson for MOST Physical Therapy for a Conditional Use Permit to expand the business to an accessory building under an existing CUP, located at 576 Spokane Avenue, zoned WR-4 (High Density Multi-Family Residential District) (p.254)**

Planner Jessica Nymark presented 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 Council for their consideration.

**Councilor Sweeney made a motion, seconded by Councilor Qunell to approve WCUP 22-12, the Findings of Fact in the staff report, and the conditions of approval as recommended by the Planning Board. The motion carried.**

**8) COMMUNICATIONS FROM CITY MANAGER**

a) Written report enclosed with the packet. **Questions from Mayor and Council? (p.284)**

None

**b) Other items arising between April 13th through April 18<sup>th</sup>**

City Manager Smith asked, and Council approved to allocate the \$30,000 that was set aside for a Tax Increment Financing District analysis to be used update the needs assessment and strategic plan at the same time.

**9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**

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

Council Comment

Councilor Sweeney stated he would like to move forward with the Accessory Dwelling Units (ADU) regulations as an Administrative CUP. He has concerns about the parking; we need to have these structure subordinate in size and proportional to the existing dwelling and to the lot. He thinks there should be a program through the Chamber and the Whitefish Housing Authority that would allow for people to participate in some of the incentives and to lease them to our existing businesses that need local employees.

Councilor Davis stated it seems to him that these are two bills that need to be reconciled together. He would like to work together with staff to come back with one proposal that might be acceptable. Councilor Sweeney volunteered to meet with Councilor Davis and staff this week.

Councilor Qunell stated we need to push this through as an Administrative CUP. He is not in favor of the owner occupancy. He is in favor of a limited deed restriction; Administrative CUP in the WR-1, by right in WR-2 zone. He can go either way on the parking. He does not see the problem we are solving by limiting it to some percentage of the size of the house. We are not requiring materials, bulk, and scale for a garage, why would we require it for an ADU? We can trust staff to come up with good guidelines for that.

Councilor Norton stated we want to produce housing and we want it produced ideally for the people that live here and work here. It should be labels a separate program, where we incentivize people that live here to do this program. The things that would incentivize would be no impact fees; no building permit fees; no land use fees. It would be an Administrative CUP, parking would not be required if a local rent set; create a design standard that could reduce costs of hiring an architect; it can be attached or detached, it cannot be sold separately from the main dwelling, you only get one per lot, it can go up to 800 square feet, it cannot be rented for short term rentals. If someone agrees to do this, it would be a five-year deed restriction. She prefers an owner is occupying or offer an incentive if someone agreed to do this for ten years, they could have both properties come into this program.

Councilor Norton also mentioned the Dog Park is closed for a couple of weeks. She thanked the Parks and Recreation staff for opening it back up because there were a lot of people who were wondering why it was closed. She also honored Ben Cavin who recently passed away. He recently served on the Lakeshore Protection Committee and attended many meetings and volunteered throughout the community.

Mayor Muhlfeld congratulated Parks and Recreation Director Maria Butts who was awarded the Professional of the Year at the State Park and Recreation Conference. He also wished Planner I Jessica Nymark the best of luck at Glacier National Park. He also congratulated Sergeant Kevin Conway on his promotion as Deputy Chief; and welcomed all the new staff members that were mentioned in Manager Smith's report.

**10) 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 9:16 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk

PUBLIC HEARINGS

PLEASE SIGN IN TO SPEAK ON A SPECIFIC PUBLIC HEARING 4-18-2022

	A	B	C	D	E
1	<b>NAME AND ADDRESS</b>	7a) WCUP 22-10, 708 Cottonwood Court, Blake Ringeisen	7b) WCUP 22-11, 300 East 2nd Street, Foxtail Forskola, 1st - 3rd grade alternative school	7c) WCUP 22-12, 576 Spokane Avenue, MOST PT	
2	Courtney Lyle 446 Park		X		
3	<del>Brooke Ober 810 O'Brien Ave</del>		X		
4	Kimberly Poore <sup>564B</sup> Kalispell Ave		X		
5	Patty Johnson <sup>405 Blandford</sup> <del>400 Dr</del>		X		
6	Brooke Ober 810 O'Brien Ave		X		
7	Kayla Nickells <del>888</del> Pine Haven Dr		X		
8	Rheta Johnson		X		
9	Brittney Crest <sup>129</sup> Montana Ave		X		
10					
11	Kyle				
12					
13					