

WHITEFISH CITY COUNCIL

April 19, 2021

7:10 P.M.

Remotely Via Webex

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Hennen, Davis, Sweeney, and Norton. Councilor Qunell 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 and Long-Range Planner Lindh. Approximately 28 people were in attendance.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Councilor Norton 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)

Scott Shreve, District Manager for Evergreen Disposal, Valley Recycling and Bitterroot Disposal. He spoke towards agenda item 7a. They submitted bids for both services, and they are here to assist in either of the services to make it a successful program for the City of Whitefish. They were the low bidder for the central recycling site. They source separate all the commodities and currently recycle cardboard, newspaper, mixed paper, office shred, aluminum, and plastics #1 and #2. They currently work with Flathead County to service all greenbox sites that provide recycling for cardboard, newspaper, and aluminum. They self-monitor the sites without any assistance, direction, or oversight and manage these sites through the holidays and eliminate the overflow. Even though they are the low bidder for the central site, they are willing and able to help out with the curbside program. Either program can be successful when you work together. Together we can accomplish anything.

Melissa Hartman, 436 Park Avenue, reminded the Council to consider a resolution to support the **eEnergy iInnovation and eCarbon dDividend aAct**. It would be a wonderful piece of legislation for the City to support and aligns with the goals of the Climate Action Plan. It seeks to significantly reduce the impact of carbon and fossil fuels. It was recently reintroduced to congress on April 1st. Numerous cities have already signed on and support. She is asking Whitefish to follow suit. She also requests a letter to congress following the resolution showing support.

Mayre Flowers, Citizens for a Better Flathead, Kalispell, spoke towards agenda item 7a. She applauds the city for continuing to work to put into place a program that allows to expand collection and to do so in a way that reduces the contamination that plagues most recycling programs. The most critical part of the decision is to hold the individual contractor accountable for materials collected are taken to a recycling center. She encourages Council to place strong emphasis on the reporting ability and the accountability in the contract. If Council chooses the single site collection, she suggests working through the waste not project.

Chad Bauer, Republic Service, 1501 Roger Street, Missoula, spoke towards agenda item 7a. They are the current writer-owners at central recycling site. They are happy to work with the City in whatever direction is chosen. With education and outreach curbside programs are throughout the United States. Their contamination rate in their recycling program is less than 5%. A curbside program works well in communities, so does the convenient site. Republic is available to help in any way moving forward.

John Hilton, Helena Recycling, East Helena, spoke toward agenda item 7a. Helena Recycling bid on this project as a whole. They want a long-term recycling partnership with the City of Whitefish. They projected between a 60 and 70% participation rate by year three in the curbside program, therefore the higher rate. This is the mandatory curb side and a new recycling center to process the materials. The proposed recycling center would bail, and ship single stream, and would not have to rely on a subcontractor to process single stream recycling. They also wanted to give the businesses in Whitefish an opportunity to recycle with the drop-off location. Currently Helena Recycling source separates and is clean material and recycled at the respective mills they ship to. There are avenues for single stream to be sorted properly, but it is all about education.

One written comment was emailed:

Toby Scott, 1478 Barkley Lane, would like to see some improvements of Spokane Avenue between 10th Street and 2nd Street. The City should be voicing outrage to the Montana Department of Transportation to repair the road.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Sweeney reported the Park Board was approached by the Project Whitefish Kids to allow for North Valley Music School to lease a portion of the Smith Fields Park for a music school. The proposal and recommendation from the Park Board will be coming forward in the next couple of months.

Councilor Norton reported the Tree Committee walked along Edgewood Place and talked to property owners with respect to the reconstruction project. It seems most of the property owners did not realize how the right-of-way could impact their property.

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 April 5, 2021 Regular Session (p.17)**

b) **Ordinance No. 21-04; An Ordinance amending Ordinance No. 20-09 (First Reading) (p.21)**

Councilor Sweeney made a motion, seconded by Councilor Hennen to approve the Consent Agenda as presented. 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) **Resolution No. 21-12; A Resolution establishing a parking permit pilot program and setting the fee for parking permits (p.35)**

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

Mayor Muhlfeld opened the Public Hearing.

City Clerk Howke received three written public comment:

Toby Scott, 1478 Barkley Lane, felt \$20 a month for a parking permit is at the expense of the workers. He felt a lower rate for verified workers in the downtown area with a supplemental fee to the businesses who employ those workers would make it more just.

Diane Carter, PO Box 2095, feels employees and business owners should not have to pay for a permit.

Whitney Brien, Fleur Bake Shop, 103 Central Avenue, supports the parking pilot program.

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

Councilor Norton made a motion, seconded by Councilor Feury to adopt [Resolution No. 21-12](#); A Resolution establishing a parking permit pilot program and setting the fee for parking permits. The motion carried by roll call.

- b) [Ordinance No. 21-05](#); An Ordinance amending Title 9-Fire Regulations, Chapter 1 – Fire Prevention, Section 6 – Fireworks, of the Whitefish City Code (First Reading) (p.41)**

City Attorney Angela Jacobs presented her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing

City Clerk Howke received one written public comment and two phone comments.

Toby Scott, 1478 Barkley Lane, stated the restrictions seem within reason. He asked to review the dangers by the “perchlorates” contained in fireworks based on science.

Carole Treweiler, phone message, supports the restrictions. This has been an ongoing problem with her neighbors and the influx of visitors. She would like to see more restrictions.

Anonymous- phone message, supports the restrictions but would like to see more restrictions and not allowing discharging within city limits.

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

After some discussion **Councilor Feury made a motion, seconded by Councilor Norton to adopt [Ordinance No. 21-05](#); An Ordinance amending Title 9-Fire Regulations, Chapter 1 – Fire Prevention, Section 6 – Fireworks, of the Whitefish City Code (First Reading).**

Councilor Feury made a motion, seconded by Councilor Hennen to amend section B-8, As a condition of the city granting a permit, the permittee and operator shall be required to replace, subject to availability, a portion of the fireworks to be used in the display with low or no-perchlorate fireworks in accordance with the following schedule. The motion carried by roll call.

Councilor Sweeney made a motion, seconded by Councilor Norton to amend C-2-a (2) Between eleven o’clock (11:00) a.m. ~~on July 4 and twelve o’clock (12:00) a.m. on July 5.~~ and eleven fifty-nine (11:59) p.m. on July 4. The motion carried by roll call.

The original motion to adopt Ordinance No. 21-05 as amended carried by roll call.

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) [Discuss](#) and review recommendations for future recycling services (p.69)**

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

Councilor Sweeney asked and Director Workman stated Helena’s proposal was to, at their own expense, build a central recycling site that would be their processing facility to collect materials, bailing the material, and then exporting to the final recycling destination. That comes with a zero-cost lease, to give them the land to operate the facility. Their proposal of \$13.49 per stop would cover the recycling facility

as well. Councilor Sweeney asked and Manager Smith stated that would be a long-term lease of our property, whereas we were going to improve our property to allow the bins of a contractor to be placed there. If this is going to be more of a processing site, we need to think about that from a lease perspective. Assuming they included the value of that land, it changes the bid quite a bit from the others. Either way, we can do the central site as a fee. Putting it on the property taxes gives the ability to charge all businesses and all property owners. Not all properties owners receive a utility bill.

Councilor Norton has concerns about mandatory curbside with so many short-term rentals and visitors. We have issues with garbage being left out. She thinks it would work if people signed up and pay extra.

Councilor Davis has concern about holes that exist if we go strictly to a curb side setup; commercial customers, short-term rentals, and longer-term goals around zero waste events. Director Workman stated the intention of curbside collection was to eliminate the large capital cost to construct a central site.

Mayor Muhlfeld stated we pride ourselves for being responsible stewards of our natural resources. It is integrated into our marketing and branding as a community. The central recycling site is often used as a dump site. He likes the curbside option because it would avoid a \$200,000 capital expense to develop a centralized site. He would like to avoid dinging our residents with a property tax mill levy increase. A centralized site encourages less use. He encourages the Council and agrees with Director Workman's recommendation to select curbside as the preferred option.

Councilor Sweeney made a motion, seconded by Councilor Davis to direct staff to draft an ordinance requiring a mandatory curbside recycling for consideration. The motion carried by roll call.

8) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.145)

None

- b) **Other items arising between April 14th through April 19th**

Manager Smith gave an update on legislative issues: HB257, would eliminate face covering ordinance, was sent back to the House for confirmation of the amendments that were made at the senate, she anticipates this going through to the house, sign and go to the governor. As we transition into in person meetings, masks may be a challenge from a requirement for individuals at meetings. HB259 was signed by Governor Gianforte, to eliminate Inclusionary Zoning through the Legacy Homes Program. Council needs to give direction to the Housing Steering Committee on how we look at the Legacy Homes Program. Are there amendments that can be made rather than just completely eliminating it. The bill is effective immediately, so any new projects right now, that portion of our zoning requirements, will not be implemented. It is going to take time to remove those requirements.

Remote meetings are scheduled to go through June 19th. Council will need to direct staff on whether to extend the ordinance.

The Building Department is more than booming, and we are seeing a lot of building and collecting a lot of revenue. Staff is getting burnt out. Manager Smith is asking permission from the Council to hire additional office staff for the Building Department. Council gave City Manager the approval to move forward.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) **COVID-19**

Mayor Muhlfeld reported Kevin Gartland, Executive Director the Chamber of Commerce stated the Chamber Board met and voted to encourage the Council to lift the mask mandate immediately and if not immediately, certainly on May 13th.

Councilor Norton reported the pandemic is not over. She stated masks work and thinks we should be following the federal guidelines. We will be getting record number of visitors. We should look at reflecting more of the federal approach to protecting our citizens and our visitors.

Councilor Sweeney stated the proper position for us to move forward is to leave the emergency mask ordinance in place and reevaluate when the emergency ordinance is set to expire. He is encouraged by the fact that people in this community seem to be taking it to heart and understand that we are probably still doing the right thing.

Councilor Davis stated we are not out of the woods yet, but there are a lot of encouraging things happening right now. The pace of vaccinations has picked up considerably. It seems like things are changing quickly. The fate of the mask ordinance is going to be a discussion item next month no matter what. Maybe we pick up this issue in May with the expiration of the existing ordinance. He would feel comfortable going back to in-person meetings.

Mayor Muhlfeld stated he does not like the prospect of holding remote meetings for another three months. He asked if there were any triggers or criteria to use to indicate it is time to go back to regular in-person meetings. Manager Smith stated she can talk to Chief Health Officer for Flathead City-County Health Department, Joe Russell. She would like to see remote meetings through May to give enough time to get vaccinated. She will do more research and report back on May 3rd.

Council Comments

Councilor Feury recognized the passing of Connie Heckathorn, who was a truly great citizen of this community. She served as a substitute judge for the city, she was instrumental in the Whitefish Community Library volunteer program. We will miss her, and we are thankful that she spent all of the time and hours she did serving our community.

10) ADJOURNMENT

Mayor Muhlfeld adjourned the meeting at 9:189 p.m.

/s/John Muhlfeld
Mayor Muhlfeld

Attest:

/s/ Michelle Howke
Michelle Howke, Whitefish City Clerk