

WHITEFISH CITY COUNCIL
MAY 17, 2021
SPECIAL SESSION AT 5:45 PM
Via Webex

1. Call to Order

The meeting was held remotely via Webex. Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Hennen, Sweeney, Qunell, Davis and Norton. Staff present were City Manager Smith, City Clerk Howke.

2. Interview

City Council interviewed incumbents Erica Terrell and Rhonda Fitzgerald for the Whitefish Convention and Visitors Bureau; incumbent Tara Zimmerman for the Police Commission; and incumbents Paul McElroy and Diane Kane for the Architectural Review Committee. Incumbent Zak Anderson for the Whitefish Convention and Visitors Bureau was not able to attend due to an employment obligation.

3. Public Comment

None

4. Appointments

Councilor Hennen made a motion, seconded by Councilor Feury to re-appoint Erica Terrell, Rhonda Fitzgerald and Zak Anderson to the Whitefish Convention and Visitors Bureau. The motion carried.

Councilor Qunell made a motion, seconded by Councilor Feury to re-appoint Paul McElroy and Diane Kane to the Architectural Review Committee. The motion carried.

Mayor Muhlfeld, with ratification from the Council, re-appointed Tara Zimmerman to the Police Commission.

5. Adjourn

Mayor Muhlfeld adjourned the meeting at 6:59 p.m.

/s/John Muhlfeld
Mayor Muhlfeld

Attest:

/s/Michelle Howke
Michelle Howke, Whitefish City Clerk

WHITEFISH CITY COUNCIL

May 17, 2021

7:10 P.M.

Via Webex

1) CALL TO ORDER

Mayor Muhlfeld called the virtual meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, Sweeney, and Norton. 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 35 people were in attendance.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Rhonda Fitzgerald 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)

Rhonda Fitzgerald, 412 Lupfer Avenue, commented on agenda item 7a, the Viaduct Improvement Project. She thinks it is great there is some progress towards achieving the overpass improvements. This is important for multi-modal for bike and pedestrian and to also connect the commercial businesses on the north side of the viaduct to the downtown core. She urges the Council to not shed the beautification and pedestrian enhancements that are critical to the success of the project.

Heidi VanEveren, Executive Director of Whitefish Legacy Partners (WLP), 4 Pine Avenue, spoke towards agenda item 8a, the Holbrook tri-party cost agreement. The city, WLP and the U.S. Forest Service have been working together on this opportunity to build another section of the Whitefish Trail off of Holbrook Scenic Overlook. There are plans for a new trailhead and three and a half miles of trails to ultimately connect to the west. She thanked the City Council for considering this agreement.

Dave VonKleist, 106 Mill Avenue, shared with the City Council information pertaining to a technology called ActivePure Technology. He provided information that is appended to the packet on the website. He states this technology is killing COVID-19 disease and urges the Council to go to www.Vollara.com/AirSurfaceGuard. This system will sterilize every surface after running for 7 – 8 hours.

Audra Averill, 544 Somers Avenue, spoke towards the recent amendment to the fireworks code. She presented a list of signatures on the proposed addendums at the May 3rd City Council meeting. She asked what can be done as a community to bring this back to the attention of the City Council. Mayor Muhlfeld stated this is not the time for city officials to respond, but if a Council member would like to discuss this at the end of the meeting, Council can bring the issue to the floor during Communications from the Council.

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 May 3, 2021, Special Session (p.35)

b) Minutes from May 3, 2021, Regular Session (p.36)

Councilor Sweeney made a motion, seconded by Councilor Norton 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) Consideration and recommendation to proposed changes to Title 4 - Public Health and Safety, Chapter 2 – Solid Waste to include curbside recycling (p.40)

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

Discussion followed between Council and staff regarding glass recycling, composting food scraps, and the purpose of mandating recycling. Currently there is not a vendor in the valley that has a suitable alternative for recycling glass; there are opportunities in the valley to compost, but we also have not had an enormous outpouring of requests for composting; a mandatory fee for residential properties was the basis to get the most effective pricing to bid.

Mayor Muhlfeld opened the Public Hearing.

Chad Bauer, Republic Services, Missoula, stated they will provide an education program, Empty, Clean and Dry, to all residence. There cannot be any contamination in the recycling, bottles need to be rinsed out, tin cans need to be rinsed out. So once items are rinsed out and put into the recycling bin, they are not an attractant for bears at that point. They are still going to offer the commercial recycling to businesses throughout the community.

Robin Kelson, through the chat asked; what happens if the curbside bin is contaminated, also given high degree of contamination of current drop off site how does Republic propose to successfully educate the public? Chad stated everybody will receive a trifold to show the correct way to recycle, and what can be recycled. The drivers look inside the carts for contamination. If contamination is found they will place a tag container explaining why it was not, why it could not be recycled. They will come around with a garbage truck and dump the load. The city will be notified that the customer had contamination. If the problem continues, a contamination penalty charge will be added.

Mayre Flowers, Citizens for a Better Flathead, Kalispell, provided a letter that is appended to the packet on the website. She encourages the city to look at a similar classification of the City of Kalispell, for the consistency throughout the Flathead County. The suggestions are included with her written comments provided in the packet.

Rhonda Fitzgerald, 412 Lupfer Avenue, urges the City Council to explore the central glass recycling site. Glass recycling issue is huge in the community. She commends staff and the Council moving forward on this and hopes to get this going as soon as possible.

Kate McMahon, 151 Wedgewood Lane, a member of the Climate Action Plan Steering Committee, commends the city for taking on a recycling issue. This is the issue the Climate Action Plan Committee has spent the most time discussing and is a big concern in the community. Recycling came up repeatedly while working on the Sustainable Tourism Management Plan and also with the Climate Smart Glacier Country. She confirms the issues that Citizens for a Better Flathead bring up regarding contamination, plastics and trying to have a high-quality recyclable materials need to be looked at carefully. It is worth while to look at those before moving forward with commitments.

Chuck Stearns, 698 Woodside Lane, supports curbside recycling. He is concerned about the research that Citizens for a Better Flathead has done. Curbside recycling with an increased fee is the only way to get the penetration of recycling that you need. He also mentioned it should be mandatory because of the 'free rider' issue and to hold residence accountable.

City Clerk Howke reported she received four written comments, Citizens for a Better Flathead, Casey Lewis, Kate McMahon, Toby Scott.

There being no further 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 Norton to move forward with curbside recycling.

Councilor Qunell made an amendment, 2nd by Councilor Norton to pursue looking at the cost for a glass recycling drop off facility in addition to curbside recycling. The motion carried.

The original motion to move forward with curbside recycling carried by roll call.

- b) **Resolution No. 21- : A Resolution amending the Extension of Services Plan to extend the City's urban growth boundary –Clean version of Plan (p.71)**

Long Range Planner Hilary Lindh gave her staff report that is provided in the packet on the website.

Discussion followed between Council and staff; all four corners of the intersection of Highways 93 and 40 are zoned commercial. When a property is annexed into the city, the zoning is reassigned to match as close as possible to the county zoning. Extending the urban growth boundary south does not necessarily mean the city is going to annex all that land. It provides the opportunity for those properties to connect to city services, along with annexing into the city.

Mayor Muhlfeld opened the Public Hearing.

Mayre Flowers, Citizens for a Better Flathead, Kalispell, provided written public comment that is appended to the packet on the website. She reviewed her written public comment that is provided in the packet after urging the council to extend the public hearing, and to readvertise more broadly for public participation.

Eric Payne, 4818 Trumbull Creek Road, urges City Council to look at the long-term importance of having say and being able to control the zoning. The long-term legacy of this decision outweighs any of those concerns addressed by property owners on both sides of the issue.

Chuck Stearns, 698 Woodside Lane, stated this is a big topic for the Council and the community. He thinks generally it is a good idea to amend the growth boundary and the extension of services plan to Blanchard Lake Road. The business service district would allow the city to have more of the light industrial zoning and could be included within a new tax increment district.

Bob Horne provided written public comment this appended to the packet on the website. He stated he did not understand where the extension of services plan amendment fits in the annexation process. He has heard the purpose to extending the urban growth boundary is to rezone property that is consistent

with the zone they have in the county. The closest zone that we would have would be the WB-2. We should be thinking about updating the zoning before we start annexing additional property to the city. Rhonda Fitzgerald, 412 Lupfer Avenue, stated this is a complicated issue that it is difficult to understand. It is hard to understand where the extension of services fits in the overall plan. The intersection needs to be addressed by the community. She hopes the council extends the public comment and postpone further decisions until there can be a public opportunity.

Chris Gentry, 424 Bear Trail, does not understand the process. Until we understand this process more, he is against expanding the zone.

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

Mayor Muhlfeld called for a recess at 9:19 and reconvened at 9:24.

Councilor Feury made a motion, seconded by Councilor Sweeney to postpone the Public Hearing to June 21st. Mayor Muhlfeld directed staff to look at Kalispell 's annexation policy and provide more information on contiguous annexation, and an analysis on the pros and cons of extending services. **The motion carried by roll call.**

- c) **Resolution No. 21-14; A Resolution urging the United States Congress to enact the Energy Innovation and Carbon Dividend Act of 2021 (H.R.2307) (p.143)**

City Attorney Jacobs reviewed the resolution that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Robin Paone, 1057 Creekview Court, supports the resolution.

Melissa Hartman, 463 Park Avenue, supports the resolution.

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

Councilor Norton made a motion, seconded by Councilor Hennen to approve Resolution No. 21-14; A Resolution urging the United States Congress to enact the Energy Innovation and Carbon Dividend Act of 2021 (H.R. 2307). The motion carried by roll call.

- d) **Ordinance No 21-06; An Ordinance repealing Emergency Ordinance No. 21-03 (p.148)**

City Attorney Jacobs reviewed the ordinance 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 matters over to the City Council for consideration.

Councilor Feury made a motion, seconded by Councilor Sweeney to approve Ordinance No. 21-06; An Ordinance repealing Emergency Ordinance No. 21-03. The motion carried by roll call.

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) **Consideration to authorize to apply for a Transportation Alternative Grant Application for the Viaduct Improvements Project (p.151)**

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

Councilor Davis made a motion, seconded by Councilor Qunell to authorize staff to apply for a Transportation Alternative Grant for the Viaduct Improvement Project. The motion carried by roll call.

8) COMMUNICATION FROM CITY ATTORNEY

- a) **Authorization to execute the Holbrook tri-party cost share agreement with the U.S. Forest Service and Whitefish Legacy Partners (p.161)**

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

Councilor Hennen made a motion, seconded by Councilor Qunell to authorize staff to execute the Holbrook tri-party cost share agreement with the U.S. Forest Service and Whitefish Legacy Partners. The motion carried by roll call.

9) COMMUNICATIONS FROM CITY MANAGER

- a) **Written report enclosed with the packet. Questions from Mayor and Council? (p.191)**

None

- b) **Other items arising between May 12th through May 17th**

City Manager Smith reported the legislature has wrapped up. Most of the bills were transferred to Governor Gianforte on May 4th. Montana League of Cities and Towns will do a final analysis when all the bills are either automatically effective or signed by the Governor. The Kalispell Chamber of Commerce is putting on a 2021 growth summit in Kalispell, Tuesday May 18th. Manager Smith will be attending to talk about growth in Whitefish.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

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

City Council made appointments during the Special Session preceding the meeting.

- b) **Request by North Valley Music School to Lease City Property at Smith Fields (p.204)**

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

Councilor Qunell made a motion, seconded by Councilor Norton to authorize staff to proceed with the North Valley Music School for a long-term lease of property located at Smith Fields. The motion carried by roll call.

- c) **COVID-19**

Council Comment

Councilor Norton offered to bring back to the table the discussion pertaining to Ordinance No. 21-05; amending Fireworks, as mentioned during Communications from the Public. She stated there is a lot of

interest from a neighborhood to quiet fireworks during the Independence Day holiday. Councilor Feury stated it is too late this year. We have a number of people who are opposed to fireworks, but there are also a lot of people that love their fireworks. Ordinance No. 21-05 is a gradual step in restricting fireworks. This is something that can be revisited next year.

City Manager Smith reviewed the in-person protocols she provided in the packet on the website. Council director Manager Smith to recommend masks be worn until seated.

11) ADJOURNMENT

Mayor Muhlfeld adjourned the meeting at 10:31 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk