

WHITEFISH CITY COUNCIL

June 6, 2022

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 Attorney Jacobs, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Kelch and Senior Planner Compton-Ring. Approximately 23 people were in the audience and 2 attended virtually.

Councilor Qunell asked for a moment of silence to remember the two teachers and nineteen students who were murdered in their school in Uvalde, Texas, and for all of the survivors.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Terry Nelson to lead the audience in the Pledge of Allegiance.

3) PROCLAMATION

- a) Community Celebration Honoring Whitefish School District ~~Educators~~ Staff – June 11, 2022 (p.33)

Mayor Muhlfeld read the 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)

David Hunt, 113 Park Knoll Lane, asked the Council to postpone agenda item 6b to the next meeting. He mentions the code in section 11-7-12 has provisions to property owners to request restrictive conditions that would be recorded and applied to their property. The developer has indicated their willingness to put forth in text code that could be submitted to the clerk those conditions and would accompany the rezoning going forward.

Abby Hughes, 1824 Baker Avenue, Co-President of the Baker Condominium COA, addressed agenda item 7a. They received letters from Eric Mulcahy with Sands Surveying, and Alex Keuylian, on May 26th. They have no problem working with the applicant. They would like a condition to be added restricting the use of their private driveway. They also wanted to make point that the northwest most building has sufficient water mitigation in place. If it is not properly planned for, the water will overwhelm the drainage in their lot.

Shane Axhelm, 811 Railway, asked why the garbage fence has not been removed from the former recycling site on Columbia Avenue. It is an eye sore, and the signs are covered in graffiti.

Mayre Flowers, Citizens for a Better Flathead (CBF), via Webex, provided a letter that is appended to the packet regarding the recently passed Accessory Dwelling Unit regulations and the op-ed that was placed in the paper. CBF has concerns the new zoning policy no longer requires that the main house or the ADU be owner occupied. They ask Council to bring it back for consideration some additional amendments; require owner occupied dwelling, add back in some neighborhood friendly requirements and to remove incentives that are only limited to five years; more detailed nuances to those regulations that would address neighborhood compatibility; minimum lot size, etc. She asked that the emails that

circulating criticizing the fact in the op-ed that was published suggesting that the city might lose the opportunity for federal funding, be a part of the public hearing record. She also emailed to the City Clerk at 7:15 p.m. additional comments that are appended to the packet pertaining to the Biden-Harrison Administration Housing Supply Action Plan. CBF supports the use of the accessory dwelling units but make sure that the housing is being created, neighborhood friendly and more likely for our local workforce and family members is really important. She encourages the Council to reconsider this item.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

a) Sustainable Tourism Management Plan Steering Committee – Friend of the Fish Banners (p.35)

Brian Schott, Sustainable Tourism Management Plan Steering Committee Chair presented to the Council a recommendation from the Committee to hang Friend of the Fish Banners. The banners were hung during June through October in 2021 mostly along Highway 93 West. The Committee is recommending including the banners in pedestrian friendly areas for more visibility. There are six different designs; Take it Slow; Enjoy the Ride; Show Respect and Kindness; Recreate Responsibility; Be a Steward of the Land; Fuel our Local Businesses; and Help us Stay Healthy. There are eight proposed locations, and a total of 100 banners. The locations are Edgewood Avenue from the City Beach Overflow parking lot east to Texas Avenue; O’Shaughnessy Building; Depot Street; the parking lot north of the Library; Columbia Avenue near the middle school sports field; the parking lot south of the Library; the Second Street parking lot and along Highway 93 West from the 2nd Street bridge to State Park Road.

Councilor Sweeney made a motion, seconded by Councilor Feury to adopt the Friend of the Fish Campaign to run from mid-June through mid-October with six messaging’s and the locations as presented. The motion carried.

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 May 16, 2022, Special Session/ Regular Session (p.47)**
- b) Ordinance No. 22-07; An Ordinance rezoning approximately 7.035 acres of land located at the northwest corner of the terminus of Pheasant Run, known as Tract 1 of COS Nos. 19966 in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana , from County R-3 (One-family Residential) to WB-2 (Secondary Business District) and WR-2 (Two-family Residential), and adopting findings with respect to such rezone (WZC 22-02) (Second Reading) (p.55)**
- c) Ordinance No. 22-08; An Ordinance amending Title 7, Chapter 5, Grounds and Vegetation (“City of Whitefish Tree Ordinance”), of the Whitefish City Code (Second Reading) (p.58)**

Councilor Sweeney made a motion to remove agenda item 6b from the Consent Agenda for discussion.

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

Councilor Sweeney asked, and Attorney Jacobs stated we do have a provision in our code which provides for conditional zoning. This generally comes about at the time of application; the applicant proposes additional restrictions on its own development. That is not what happened here. The zone request was not a conditional zoning request. Staff has not received anything from the applicant in writing. Attorney Jacobs stated Park Knoll and the developer can enter into a private agreement which would restrict the zoning.

Councilor Feury stated we held two public hearings on a specific kind of zoning that is before us tonight in our Ordinance No. 22-07. **Councilor Feury made a motion, seconded by Councilor Sweeney to adopt Ordinance No. 22-07 on second reading. The motion carried 5-1, Councilor Norton voting in opposition.**

- 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 Peregrine Automotive LLC for a Preliminary Plat for a seven (7) lot commercial subdivision, located at Tract 6BGA in S1-T30N-R22W, zoned WI/WB-2 SC (Industrial and Warehousing District/Secondary Business District with Special Conditions) (WPP 22-02) POSTPONED FROM MAY 16, 2022, MEETING-PUBLIC HEARING CLOSED (p.66)**

Senior Planner Wendy Compton-Ring provided an update to the Council since the last meeting regarding the easement on the lot two to the north of this project. The applicant did submit letters to the Council answering those two questions. They do not intend to use that parking lot area as access to their subdivision and they will work with the neighbors as far as the exact locations of those spaces.

Mayor Muhlfeld addressed the applicants representative, Brent Foley, Foley Engineering.

Brent reported he and his clients reviewed the agreement documents that are in question. There is no access for his clients through the adjacent property. It is neither needed nor wanted by the applicants. They do not have an intentions to offer or promote any egress through there for business owners, employees or patrons. They prefer the main access to the south be used.

Councilor Caltabiano made a motion, seconded by Councilor Qunell to approve WPP 22-02, the Finding of Fact in the staff report, and the conditions of approval as recommended by the Planning Board and the Planning Staff. The motion carried.

- b) **Consideration of a request from Phil Wolf to amend an existing Conditional Use Permit (WCUP 21-10) to remove condition (#7) regarding landscaping, located at 6331 Highway 93 South, zoned WB-2 (Secondary Business District) (WCUP 21-22) (p.128)**

Planning and Building Director Dave Taylor presented the staff report that is provided in the packet. Through the process of approving WCUP 21-10, the Planning Board and the City Council added a condition that a 20-foot landscaping buffer be added along the eastern property line to buffer the proposed use from the adjacent residential properties, providing a landscaping plan in compliance with 11-4-5(a)(v)(4) must be submitted and approved by staff. Since then, Mr. Wolf has submitted a letter asking for that condition to be changed. The Planning Board recommended denial of his request. Six comments were received from the neighbors that are included in the packet.

Mayor Muhlfeld asked for clarification and Director Taylor stated staff agreed with Mr. Wolf's interpretation that abutting was only when two properties abutted one another. If there is a right-of-way between it has never been considered abutting. Staff did not put that condition on the original CUP just because of that.

Mayor Muhlfeld opened the Public Hearing.

Phil Wolf, applicant, stated the original condition did not make any common sense. He does not have a 20-foot buffer nor a way to get water for landscaping. The property to the south has sold and will be

required to bring water from Shiloh Avenue. At that time, he would be able to tie into the water to run irrigation north to the easterly portion of his property. He is asking to reduce the buffer area and allow for time to tie into the water system to the south.

Burt Boessneck, 727 Lena Joy, stated as a resident in the condo's east of the property, fencing would work equally as well as landscaping. They are asking the Council to enforce the condition that was placed on the permit.

Mayre Flowers, Citizens for a Better Flathead, via Webex, stated per Whitefish City Code 11-4-8, a buffer provides screening for the property. She encourages the Council to take time in considering this and make sure this one situation does not impact future development for adequate sidewalks and buffering for the future extension of the road.

There being no further 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 amend Condition #7 to require a minimum buffer of not less than 7 feet and that the required landscaping be consistent with city code and to take place in conjunction with the project to the south and the placement of the watering system. The motion carried.

8) COMMUNICATIONS FROM CITY ATTORNEY

a) Renovations to the Whitefish Municipal Golf Course (p.169)

City Attorney Jacobs presented her staff report that is provided in the packet on the website. Mayor Muhlfeld addressed Terry Nelson, Whitefish Lake Golf Course General Manager. He reported the improvements will stay in the same footprint of the building. There are plans to improve the kitchen and add a second level for office spaces.

Councilor Caltabiano made a motion, seconded by Councilor Sweeney to provide consent for the proposed remodel and direct staff to memorialize such consent. The motion carried.

9) COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor and Council? (p.177)

None

b) Other items arising between June 1st through June 6th

City Manager Smith was absent due to attending a conference in Texas. Mayor Muhlfeld reminded the Council of the budget meeting on Monday, June 13th, and a meeting with the Flathead Conservation District on Tuesday, June 14th at 7:00 p.m.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

a) Letter from Holly Crancer regarding the overtime parking regulation (p.179)

Councilor Norton addressed the letter and was wondering if we can improve the situation downtown. Director Workman stated he does not think more signs are needed. Chief Kelch encourages the motoring public ensure they read rules and regulations of towns that they visit. There are different parking regulations in every community. It is the operator's responsibility to ensure that they read the signage, not necessarily directly in front of the parking stall, but the area surrounding such. Councilor Feury stated

that is two-hour parking. There is three-hour parking available in the parking structure and other surface lots.

Council Comments

Council continued their discussion from the work session prior to the meeting. After much discussion, Council directed Councilor Feury and Councilor Qunell to take back to the Legacy Lands Advisory Committee to keep commercial use off this one trail segment and support the direction from staff, and special events would be permitted for non-profits that are permitted to hire a for-profit to help with the event.

Council Comments

Councilor Sweeney stated he has concerns with the final approval of the Accessory Dwelling Unit regulations that were adopted on second reading. He asks the Council to consider the planning staff come back with proposed amendments; 1) if you participate in this program, we maintain or retain the owner-occupied caveat, whether it be the ADU or the primary resident; 2) instead of a five-year minimum deed commitment, a seven-year commitment; 3) maintain and still require, even with standard ADU's owner occupied either the primary home or the ADU. After some discussion, majority of the Council did not support his recommendation to reconsider his proposed amendments.

Councilor Qunell stated the Whitefish High School graduation was this past weekend, and he recognized three graduates that have connections to City Council and to the city: Evan Barberis, Natalie Cook, and Ada Qunell.

Councilor Davis would like to hear any information that can be conveyed regarding the concerns from the public on the alley access. Additionally, he feels we should have a recycling drop off in town and would like to know what the plan is to build a recycling drop off at the Monegan site.

Councilor Feury attended all the graduation ceremonies this weekend and out of a class of 130 students, 63 graduated with either a 4 point or with high honors. A good share of those is National Honor Students. That is a pretty good testament to our school system. Whitefish was named the third best academic school in the state. A big shout out to all of the Whitefish community.

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 9:40 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk