

WHITEFISH CITY COUNCIL
June 15, 2020
SPECIAL SESSION 5:00 TO 5:30 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, Norton, and Sweeney (5:23 pm.). Staff present were City Manager Smith, City Clerk Howke, and Finance Director Dahlman.

2) INTERVIEWS

City Council interviewed Joe Courtney for the Board of Adjustments, Robert Horne Jr. for the Strategic Housing Plan Steering Committee and Katie Williams for both the Strategic Housing Plan Steering Committee and the Whitefish Housing Authority.

3) PUBLIC COMMENT

None

4) APPOINTMENTS

Due to time constraints, appointments were made during the Regular Session.

5) ADJOURN

Mayor Muhlfeld adjourned the Special Session and opened the work session at 5:30 pm.

WHITEFISH CITY COUNCIL
June 15, 2020
7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the 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 and Police Chief Dial. Approximately 40 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Sean Frampton 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)

Richard Hildner, 104 5th Street, provided a letter that is appended to the June 15th Council packet on the website. He is requesting Lost Coon Lake and Lost Coon Trail to be renamed as Lodgepole Pond and Lodgepole Trail.

Dave VonKleist, Whitefish, stated there are two issues pressing this community right now; the issue with COVID-19; and the division we are beginning to see. Both of these issues have been brewing for quite some time. He asks and implores the Council to look at the other side of the information that is being provided from the DNC, GOP, and the CDC. Look at the other side because what we are seeing here is destroying our community.

Dennis Bee, Whitefish is upset because he sees this as our community and his community. How many people have been affected economically including himself in this county by decisions being made on a state level, a regional level, and a local level? His business has been affected dramatically. This is the United States of America. He believes in voting, he does not want our Police Department defunded, and he does not want masks worn throughout this city. Do not make demands on the residents of this city unless you have the science and data to back it up.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Norton reported the Tree Committee met and walked the State Park Reconstruction Project. The Public Works Department and Parks and Recreation Department are working on making a condition for the Urban Forester and Arborist to walk projects. The Urban Forester and Arborist can help you with the boulevard trees and the trees in the right of way.

5) CONSENT AGENDA

- a) Minutes from June 1, 2020 Regular Session (p.44)
- b) Consideration of a request for Final Plat for Dankbaar Subdivision, 2-lot minor subdivision, located at 197 and 205 West 8th Street, zoned WR-2 (Two-family Residential) (WPP 20-02) (p.49)
- c) Consideration of a request for Final Plat for Colorado View Subdivision, for 12-lot subdivision located at 450 Colorado Avenue, zoned WR-3 (Low Density Multi-Family Residential District), the Whitefish growth Policy designates this property as ‘High Density Residential’ (WPP 20-) (p.70)
- d) FY20 Third Quarter Financial Reports (p.76)

Councilor Sweeney made a motion, seconded by Councilor Hennen, to approve the Consent Agenda as presented (or amended). The motion passed.

- 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 of approving City Manager’s proposed budget as the FY21 Preliminary Budget and setting final Public Hearing on the Capital Improvement Project and FY21 Final Budget for August 17, 2020 (p.85)

City Manager Smith gave her staff report that is provided as the transmittal letter in the FY21 Proposed Budget on the website.

Councilor Qunell asked and Manager Smith recapped the cash reserves; the budget is going from a 15.29% (FY20) to a 17.13% (FY21). Those numbers are going to fluctuate as we adjust the budget with

year-end cash balances. We are able to grow our cash reserves right now because of Tax Increment sunsetting to cover all of the increases.

Mayor Muhlfeld applauded Manager Smith and all of the Directors and former City Manager Stearns. The cash reserves in 2008 plummeted to 1-2% of our total budget. Now 17% cash reserve is a big credit and testament to the leadership and the directors tightening their belts when they were asked to.

Mayor Muhlfeld opened the Public Hearing.

Chuck Stearns, 698 Woodside Lane, commended City Manager Smith, and the staff for presenting a very balanced and good budget in a very difficult year for the Council to review. He suggests the Council to consider reducing the mill levy. When the Tax Increment District sunsets it can provide a nice relief for both increasing government expenditures and property tax reductions. He knows it's a tough year, but he hopes council will consider it.

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

Councilor Norton asked and Manager Smith stated this year is a difficult budget. We don't know what the future holds. If building does halt, we will be looking at layoffs, and some significant reductions in staff. We can levy property tax collections, but it does not mean we are going to collect it. Our goal has always been to continue increasing cash reserves. She suggests to maybe consider reducing the mill levy for FY22.

Councilor Norton made a motion, seconded by Councilor Sweeney to approve the FY21 Preliminary Budget and set the final Public Hearing on the Capital Improvement Project and FY21 Final Budget for August 17, 2020. The motion passed.

- b) **Resolution No. 20-17; A Resolution adopting fees for temporary on-street parking permits and water main taps (p.208)**

Director Craig Workman gave his staff report that is provided in the packet on the website.

The temporary on-street parking ordinance states only three stalls are permitted, and only for construction projects or moving companies.

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

Councilor Feury made a motion, seconded by Councilor Hennen to approve Resolution No. 20-17; A Resolution adopting fees for temporary on-street parking permits and water main taps. The motion passed.

7) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a) **Consideration of a request from Zac Weinberg for a Whitefish Lake and Lakeshore Protection Permit located at 1508 West Lakeshore to remove a stone retaining wall, patio and path and adding beach gravel (WLP 20-W10) (p.214)**

Director Dave Taylor gave his staff report that is provided in the packet on the website.

Councilor Norton made a motion, seconded by Councilor Sweeney to approve the request from Zac Weinberg for WLP 20-W10. The motion passed.

- b) **Consideration of a Determination of Exemption Hearing Request from Kelly Laab located at 777 Dakota Avenue (WSE 20-02) (p.226)**

Director Dave Taylor gave his staff report that is provided in the packet on the website. The application for a Subdivision Exemption Boundary Line Adjustment for 777 Dakota Avenue was denied by the Zoning Administrator and the County Clerk and Recorder's Office as a Subdivision Evasion. The City Code outlines the applicant can request a hearing of the City Council within 30 days of such a denial.

Discussion followed between Council, staff, the applicant and legal counsel regarding the improvements that would have been required if it were to go through as a subdivision; street and sidewalk for Marina Crest Drive would need to be improved and connected as a through street to Dakota Avenue, widen Dakota Avenue from 50 feet to 60 feet wide, sidewalks along Dakota Avenue or pay cash-in-lieu of sidewalks, parkland dedication, and the 20% requirement for the Legacy Homes Program that could be paid in cash in lieu or build one unit for affordable housing. **After some discussion Attorney Frampton and Attorney Jacobs both agreed to a 30-day extension to construct an agreement as an action item for Council.**

Mayor Muhlfeld called for a recess at 9:17 and reconvened at 9:26.

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) **Consideration for Authorization to Contract for the Baker Avenue Underpass Project (p.265)**

Director Workman gave his staff report that is provided in the packet on the website.

Councilor Feury made a motion, seconded by Councilor Sweeney to award the Baker Avenue Underpass Project to LHC, Inc. in the amount \$1,714,213.09, including alternates 1,2,3 and 5. The motion passed.

9) COMMUNICATOINS FROM CITY ATTORNEY

- a) **Consideration of release allowing repairs to the Whitefish Community Center (p.288)**

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

Councilor Hennen made a motion, seconded by Councilor Sweeney to approve the proposed settlement agreement. The motion passed.

10) COMMUNICATIONS FROM CITY MANAGER

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p.304)**

None

- b) **Other items arising between June 10th through June 15th**

Manager Smith reported the soft opening for the employee surveillance testing site for COVID-19 will open on Thursday, June 18th at the High School. She ran some quick calculation of what was commented from former City Manager Stearns. She would not recommend the full 10 mills, with budget adjustments that 17% cash reserves have gone down slightly. The \$393,000 would reduce our reserves from the prior year.

11) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) **Appointments of City Council Member Legacy Land Advisory Committee (LLAC) and Whitefish Trails Operations Committee to replace Councilor Hartman on both committees -Council appointment; currently Councilor Qunell is a representative of the LLAC (p.307)**

Councilor Feury confirmed he will serve on both LLAC and Whitefish Trails Operations Committee.

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

Councilor Feury made a motion, seconded by Councilor Hennen to appoint Joe Courtney to the Board of Adjustments to complete the term ending December 31, 2021. The motion passed.

Mayor Muhlfeld appointed Bob Horne to the Strategic Housing Plan Steering Committee and Katie Williams to the Whitefish Housing Authority. Council unanimously ratified his appointment.

Council Comments

Councilor Qunell will be absent for the July 6th meeting. He agrees it is time to change the name of Lost Coon Lake and Lost Coon Trail. He thanked our youth for stepping up. He would like City staff take a look at street names, place names for any overt racism, or offensive language and start the process of changing those names. He also would like City staff look at City Ordinances where we might have an opportunity to ban offensive symbols of hate and discrimination.

Councilor Sweeney stated the Lost Coon Lake name change is in process. Lost Coon Trail is more problematic because of the step in changing a name of a road. It is a county road so as a city we don't get to control whether that name gets changed.

Councilor Davis stated he is disturbed Whitefish is in the national news again, though he is encouraged by the young woman who stood up and the young folks who are advocating for change. He agrees the name of Lost Coon Lake needs to be changed. He felt the deer management presentation during the work session was interesting and he feels it might be something to look further into.

Councilor Hennen also agrees the name of Lost Coon Lake needs to change. The George Floyd incident has energized him, and he will continue to fight, and it is encouraging to see young kids stepping up and willing to stand on the front line. He also said a lot of credit should go out to Chief Dial and the Whitefish Police Department. The recent events were a powder keg.

Councilor Feury thanked Chief Dial and appreciated the memo he sent to City Council. He and Councilor Norton feel it should be shared with the public as a whole. He mentioned there are 14 bears in town and some people have mistaken bear spray for OFF and they spray it around on their decks thinking it is going to make the bears go away. Fish Parks and Wildlife will tell you bear spray is ultimately an attractant.

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Councilor Norton also thanked Chief Dial for his years of service and reassuring council we are all doing the right thing in our town. It has been a very tense three weeks, and a time of reckoning. One of the best parts of a small town is feeling this enormous heart for those who are suffering. If someone acts out in public, they are suffering too. Hopefully, we can hold them up to becoming their better self. Even when we are in conflict, you can choose to look at the world as being divided, or you can choose to see what commonalities you have and maintain that at all cost. She also mentioned to keep up the pandemic precautions.

City Manager Smith asked for clarification on the action items to ban any kind of display that would be offensive or racist. The Council agreed with a head nod. Council also agreed to add the deer management plan as a Council goal.

12) 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 10:10 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk