

WHITEFISH CITY COUNCIL
June 19, 2023
SPECIAL SESSION AT 5:45 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 Feury, Sweeney, Davis, Caltabiano, and Norton. Councilor Qunell was absent. Staff present were City Manager Smith, City Clerk Howke, Finance Director Gospodarek, Planning and Building Director Taylor and Senior Planner Compton-Ring.

2) Interviews

The City Council interviewed Grant Hughes for the vacant position on the City-County Board of Health.

3) Public Comment

None

4) Appointment

- a) City-County Board of Health – One (1) positions, received one (1) letter, complete the term ending 12/31/2024 – Council appointment.

Councilor Sweeney made a motion, seconded by Councilor Caltabiano to appoint Grant Hughes to the City-County Board of Health to complete the term ending 12/31/2024. The motion carried.

5) Adjourn

Mayor Muhlfeld adjourned the Special Session at 6:00 p.m. and opened the work session meeting.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk

WHITEFISH CITY COUNCIL

June 19, 2023

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Caltabiano, Davis, Sweeney, and Norton. Councilor Qunell was absent. City Staff present were, City Clerk Howke, City Manager Smith, Finance Director Gospodarek, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Deputy Police Chief Conway, Senior Planner Compton-Ring, and Long-Range Planner Tiefenbach. Approximately 19 people were in the audience and 2 attended virtually.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Lisa Jones 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)

Nathan Dugan, 937 Kalispell Avenue, followed up on the discussion in the work session held prior to the meeting. Now is a good time to look at some solutions to address the short-term rental issues. He suggests new short-term rental permits should have an owner occupancy requirement. This could establish a cap for full home rentals where they currently exist.

Ed Doctor, Montana Tap House, announced he will be hosting a talk show podcast at Montana Tap House every Wednesday, starting July 12th. The podcast will consist of three community leaders and those running for council. They would also like to host the City Council debate at the end of September.

Lisa Jones, resident, asks the Council to consider a few requests; 1) officially initiate a city committee including diverse citizens representing people of color, LGBTQ+, people of faith and others who have been historically oppressed with the role and vision of advising the Council and staff on recommendations to expand the City's diversity, equity, and inclusion efforts; 2) consider making Juneteenth an official City holiday.

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 June 5, 2023 Special Session Meeting (p.96)
 - b) [Minutes](#) from June 5, 2023 Regular Meeting (p.97)
 - c) [Ordinance No. 23-09](#); An Ordinance amending Ordinance Nos. 18-01, 19-02 and 21-14, which approved and subsequently amended the 95 Karrow, LLC Preliminary Plat and Planned Unit Development, to develop a mixed-use development on the former Idaho Timber property located at 95 Karrow Avenue, Whitefish (Second Reading) (WPUD 23-01) (p.104)

Councilor Norton made a motion, seconded by Councilor Sweeney to approve the Consent Agenda. Councilor Norton had a correction on the June 5, 2023 regular meeting minutes, page 2, under corrections

for May 15, 2023; That was the intent when we ~~passed~~ passed it. **The motion to approve the Consent Agenda as corrected carried.**

- 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) [Ordinance No. 23-10](#); An Ordinance approving the Whitefish Community Corridor Residential Planned Unit Development to develop 146 units in seven buildings on 6.56 acres at 105 Colorado Avenue, 709 Waverly Place, and 60, 124, 136 & 152 Texas Avenue, Whitefish (First Reading) (WPUD 22-04) (p.108)

Senior Planner Wendy Compton-Ring presented her staff report that is provided in the packet on the website. Staff received letters citing support for the project and also concerned with loss of community character, locating the multi-family only on the western half of the project, loss of trees, concerns with outdoor lighting, high groundwater, traffic, loss of wildlife, increased noise, loss of privacy, and increased density.

Mayor Muhlfeld opened the Public Hearing.

Lauri Moffett-Fehlberg, Senior Vice President-Architecture with Dahlin Architecture, presented a PowerPoint that it appended to the packet on the website. The vehicular access through the site, jogs around the buildings specifically to prevent traffic cutting through. The community building provides secured storage with racks to store bikes. Each building has bike racks for guests or for more temporary parking. The buildings are setback from the neighboring buildings and oriented the parking along the edges to push the buildings inboard and away from the neighbors. They are noting a good neighbor fencing which would be the standard five-foot wood fence, that would provide privacy along those rear yards to the single-family homes. There are also areas that provide low fencing or landscape buffers depending on what is adjacent to the property. The applicant has done a tremendous amount of community outreach, including a website for the project, meetings with neighbors onsite, individual meetings with neighbors, etc. The applicant understands this changes things but thinks there is a benefit to meeting some of the housing crisis that Whitefish is facing.

Councilor Norton asked, and Lauri stated when covering the outside bike racks, you have to take into consideration the impact of where they can be placed, it doesn't cause a maintenance issue, it doesn't block anybody's windows, or get in the way of lighting.

Nathan Dugan, 937 Kalispell Avenue, Shelter WF President. As an organization they are in full support of this project. This is a great location being close to downtown for easy walking, and biking. We need to build things within this radius to establish an effective public transportation network in the future. The 44 deed restricted units is not an insignificant number. Having a market rate option for people with roommates to go into is better than not having an option. He asks the Council to approve this proposal.

Amy Boring, Montana Avenue supports workforce housing. She has concerns for the neighboring residents that this project impacts. She would like to see the project be downscaled to lessen the impact. She asks the Council to delay for the applicant to work with the neighbors for a more viable solution. She thinks a moratorium on building north of the viaduct is in order until proper infrastructure is in place.

Malory Phillips, 937 Kalispell Avenue, supports the project. People should have choices about whether or not they live in this community. It provides the ability for people to live in a neighborhood where they can walk to the grocery store, downtown, etc. Affordable housing is intermixed throughout the building and give the community members choices to accept a higher paying job without fear of losing their housing. She asks the Council to approve this development.

Flower Bartholomew, 27 Colorado Avenue, stated we do need affordable housing. She has concerns with traffic and fire. She encourages green fencing instead of wood or metal fencing. She asks that at two story be in front of her rather than a three story.

Cameron Blake, 825 Leksand Trail, representing the Flathead Families for Responsible Growth (FFRG), who supports this project as proposed with the affordable housing commitment and a satisfactory plan to address the storm water runoff concerns raised by the neighbors. They strongly recommend the City determine how much more development can take place north of the viaduct given the current transportation system.

Mack Fy (?), 6005 St. Moritz Drive, supports this development. The housing issues in Whitefish need to be addressed.

Lena, 5th Avenue East, Kalispell, supports this project. She supports the idea of Whitefish developing intentionally.

Lisa Jones, owner of 630 Colorado Avenue, supports this development.

Nancy Schuber, 110 Bay Point Drive, supports this development.

Mick Ruis, developer, applicant, addressed some comments that were made earlier in the public hearing. He stated he has worked his entire life, every day. He and his family have invested money in Columbia Falls, when no one wanted to be there. Instead of investing in stocks, he wanted to invest in his community. This project and this property are like a perfect marriage. He doesn't want people to think that he is a greedy developer.

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

Councilor Caltabiano made a motion, seconded by Councilor Sweeney to approve Ordinance No. 23-10, An Ordinance approving the Whitefish Community Corridor Residential Planned Unit Development to develop 146 units in seven buildings on 6.56 acres at 105 Colorado Avenue, 709 Waverly Place, and 60, 124, 136 & 152 Texas Avenue, Whitefish (First Reading). Councilor Caltabiano stated this is 146 units with 44 deeded units. This is the type of growth that can happen and needs to happen.

Councilor Norton made a motion, seconded by Councilor Sweeney to add Condition #12, no basements are to be built. The motion carried 3-2, Councilors Davis and Caltabiano voting in opposition.

The original motion to approve with the amendment to add Condition #12 carried.

- b) [Consideration](#) of approving City Manager's proposed budget as the FY24 Preliminary Budget and setting final Public Hearing on the Capital Improvement Project and FY24 Final Budget for August 21, 2023 (p.504)

City Manager Smith presented her budget narrative that is provided in the Preliminary Budget that is 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 Caltabiano to approve the FY24 Preliminary Budget and setting final Public Hearing on the Capital Improvement Project and FY24 Final Budget for August 21, 2023. The motion carried.

7) COMMUNICATIONS FROM PLANNING DIRECTOR

- a) [Resolution No. 23-08](#); A Resolution of intention to annex and incorporate within the boundaries of the City of Whitefish by petition and consent of the property owner approximately .99 acres of land known as 580 Lund Lane in Section 1, Township 30 North, Range 22 West, in Whitefish, Montana, and zone the property to WR-1, One-Family Residential, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval, and set a public hearing for July 17, 2023 (p.649)

Planning and Building Director Taylor presented his staff report that is provided in the packet on the website.

Councilor Caltabiano made a motion, seconded by Councilor Feury to adopt [Resolution No. 23-08](#); A Resolution of intention to annex and incorporate within the boundaries of the City of Whitefish by petition and consent of the property owner approximately .99 acres of land known as 580 Lund Lane in Section 1, Township 30 North, Range 22 West, in Whitefish, Montana, and zone the property to WR-1, One-Family Residential, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval, and set a public hearing for July 17, 2023. The motion carried.

- b) [Resolution No.23-09](#); A Resolution adopting the Vision Whitefish 2045 Public Engagement Plan (p.674)

Long-Range Planner Alan Tiefenbach presented his staff report that is provided in the packet on the website.

Councilor Feury suggested under Plan Updates and Engagement Methods, Parks Open Space and Trails, to include meeting with Whitefish Legacy Partners, LLAC, and Stoltzes Land and Lumber Company.

Councilor Caltabiano made a motion, seconded by Councilor Norton to approve [Resolution No.23-09](#); A Resolution adopting the Vision Whitefish 2045 Public Engagement Plan. The motion carried.

8) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.695)

City Manager Smith reminded the Council of the work session and regular meetings on July 3, 2023.

- b) Other items arising between June 14th through June 19th.

Manager Smith stated during the Council retreat, staff was directed to reach out to the three unions to see if they were willing to swap Good Friday with Juneteenth. One of the unions were neutral, the other two did not support that change. The next steps; at least two contracts will start negotiations in January, she recommends for those negotiations to move forward before we make any final decision on how we proceed. There are other options for the Council to consider if they are not interested in adding an additional paid holiday for the City which could come at a cost. There are also options to make it clear that the City recognizes the holiday, offices stay open, and employees could swap their personal holiday with Juneteenth; or recognize it as a holiday and keep city offices open. Council agreed to let Manager Smith move forward.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Letter of a request from Ferrington Family Revocable Trust to purchase a city owned lot subject to a perpetual easement (p.697)

Manager Smith stated staff is addressing the complaints that are included in the letter. She also stated when disposing of City property, we do need to go out to the public. Council asked Manager Smith to inform Mr. Ferrington of the process.

Councilor Comments

Councilor Norton stated slavery is in existence all around the world. She is glad we are going to pursue in some way recognizing Juneteenth. Montana State does not recognize it as a holiday, but it is a Federal Holiday. One of our citizens asked why the flags were not up this year, and she checked and next year the Lions Club will be putting them up around town on Juneteenth. Other citizens have asked her about the Riverside Park trees and when the contracts were going to be honored. Staff stated after the budget is approved work will begin in July.

Mayor Muhlfeld stated that Attorney Jacobs stated at the last meeting, the requirement for super majority votes for ordinances is something that the City has adopted. He is interested if that is in the best interest of this governing body or not or future governing bodies. Councilor Caltabiano stated they are elected through the democratic process. He does not see the reason for super majority. Councilor Davis agrees, and he especially doesn't see a need for it in the context of development applications. Council supports Attorney Jacobs to look into this.

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 9:12 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk