

WHITEFISH CITY COUNCIL

August 21, 2023

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Caltabiano, Davis, Sweeney, and Norton. Councilors Feury and Qunell were absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Gospodarek, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Kelch, Acting Fire Chief Tveidt, Housing Coordinator – Long-Range Planner Sponable, Legal Assistant James, and newly promoted Fire Chief Hadley. Approximately 9 people were in the audience and zero attended virtually.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Roxanne Caltabiano to lead the audience in the Pledge of Allegiance.

City Manager Smith announced and introduced Cole Hadley who has been promoted at Fire Chief. He is currently a Captain with the City. His first day as Chief will be Monday, August 28th.

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)

Nate Dugan, 937 Kalispell Avenue, spoke towards agenda item 5c, Ordinance No. 23-13. He continues to encourage the Council to look at the zoning densities, setbacks, heights, and parking concurrently with the Growth Policy, rather than waiting another three years.

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 August 7, 2023, Closed Executive Session
- b) [Minutes](#) from August 7, 2023 Regular Meeting (p.85)
- c) [Ordinance No.23-13](#); An Ordinance amending Zoning Regulations Title 11, Sections 11-2-1, Zoning Districts Established, 11-2A (WA), 11-2B (WCR), 11-2C (WSR), 11-2D (WER), 11-2E (WLR), 11-2F (WR-1), 11-2G (WR-2), 11-2H (WR-3), 11-2I (WR-4), 11-2J (WB-1), 11-2K (WB-2), 11-2L (WB-3), 11-2M (WB-4), 11-2N (WRR-1), 11-2O (WRR-2), 11-2P (WRB-1), 11-2Q (WRB-2), 11-2R (WI), 11-2S (WPUD), 11-2T (WBMV), 11-2U (WBMRR), 11-2V (WBSD), 11-2W (T-3), 11-2Y (WB-T), 11-6, Off-street Parking Standards, and Chapter 9, Section 2, Definitions, of the Whitefish City Code (Second Reading) (WZTA 23-06) (p.95)
- d) [Ordinance No. 23-14](#); An Ordinance amending the Whitefish City Code, Title 2, Chapter 10, Architectural Review Committee; Section 11-3-3, Architectural Standards, Section 11-5-5, General Sign Standards; Architectural Review Standards (Second Reading) (WZTA 23-05) (p.189)
- e) [Ordinance No. 23-15](#); An Ordinance amending Title 12, Subdivision Regulations, of the Whitefish City Code (Second Reading) (WSUB 23-01) (p.214)
- f) [Consideration](#) of a request from Country Queso, LLC for a Lake and Lakeshore Protection Permit to replace existing wooden staircase with stone steps and replace existing retaining wall with stone, located at 2098 Houston Drive (WLP 23-24) (p.264)

Councilor Caltabiano made a motion, seconded by Councilor Sweeney to approve the Consent Agenda as presented. The motion 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) [Resolution No. 23-18](#); A Resolution amending Legacy Homes Program Procedures, Purchase Prices, Rental Prices, and Fees in Lieu (p.295)

Housing Coordinator, Long-Range Planner Luke Sponable presented his staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Nathan Dugan, 937 Kalispell Avenue, stated an important piece of the calculation, it looks at the past year for the average real estate prices. Which is looping in some post pre-pandemic real estate prices. This measure is lagging by three years. He thinks the calculation should be looked at.

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

Councilor Norton made a motion, seconded by Councilor Sweeney to adopt [Resolution No. 23-18](#); A Resolution amending Legacy Homes Program Procedures, Purchase Prices, Rental Prices, and Fees in Lieu. The motion carried.

- b) [Ordinance No. 23-17](#); An Ordinance amending Chapter 2, Solid Waste, of Title 4 of the Whitefish City Code (First Reading) (p.320)

Public Works Director Workman presented his staff report 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 the matters over to the Council for consideration.

Councilor Caltabiano made a motion, seconded by Councilor Sweeney to adopt [Ordinance No. 23-17](#); An Ordinance amending Chapter 2, Solid Waste, of Title 4 of the Whitefish City Code (First Reading). The motion carried.

- c) [Resolution No. 23-19](#); A Resolution amending the 2023 fiscal year annual budget to increase appropriations in two funds of the City (p.327)

Finance Director Gospodarek presented her staff report 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 the matters over to the Council for their consideration.

Councilor Caltabiano made a motion, seconded by Councilor Norton to adopt [Resolution No. 23-19](#); A Resolution amending the 2023 fiscal year annual budget to increase appropriations in two funds of the City. The motion carried.

- d) [FY2324 Budget](#), Tax Levy, and Assessments Public Hearing (p.331)
i. [Resolution No. 23-20](#); A Resolution accepting and approving the municipal budget for the City of Whitefish for the 2024 Fiscal Year Commencing July 1, 2023, in its final form (p.384)

[Budget Changes](#) Since Preliminary FY2024 Budget (p.336) [FY2024 Final Budget](#) (p.339)

- ii. [Resolution No. 23-21](#); A Resolution (1) budgeting property tax revenue, (2) determining the property tax mills to be levied on all taxable property within the corporate limits of the city of Whitefish, and (3) levying and assessing all special improvement assessments and other assessments on real estate within the Districts for the 2024 Fiscal Year (p.466)
- iii. [Resolution No. 23-22](#); A Resolution levying and assessing a tax on each lot or parcel of land in the City lying within the boundaries of the City's Street Maintenance District to defray the costs of street improvements (p.469)
- iv. [Resolution No. 23-23](#); A Resolution levying and assessing tax upon all real estate in Special Improvements Lighting District No. 1 in the City of Whitefish, Montana to defray the cost of improvements in said Special Improvement Lighting District (p.471)
- v. [Resolution No. 23-24](#); A Resolution levying and assessing a tax upon all real estate in Special Improvement Lighting District No. 4 in the City of Whitefish, Montana, to defray the cost of improvements in said Special Improvement Lighting District (p.473)
- vi. [Resolution No. 23-25](#); A Resolution levying and assessing a tax on each lot or parcel of land in the City lying within the boundaries of the City's Parkland and Greenway Maintenance District (p.475)
- vii. [Resolution No. 23-26](#); A Resolution levying and assessing a tax on each land or parcel of land in the City lying within the boundaries of the City's Stormwater Improvement and Maintenance District (p.477)
- viii. [Resolution No. 23-27](#); A Resolution levying and assessing a tax on each lot or parcel of land lying within the boundaries of Special Improvement District No. 166 (JP Road) to defray the cost of creation of said District and the Improvements therein (p.479)
- ix. [Resolution No. 23-28](#); A Resolution levying and assessing a tax on each lot or parcel of land within the boundaries of Special Improvement District No. 167 (Downtown Parking Structure) to defray the cost of creation of said District and the improvements therein (p.492)
- x. [Resolution No. 23-29](#); A Resolution levying and assessing costs from certain properties within the City for the collection of utility service charges pursuant to Title 8, Chapter 1 of the Whitefish City Code (p.499)
- xi. [Resolution No. 23-30](#); A Resolution levying and assessing costs from certain properties within the City for the extermination and removal of noxious weeds pursuant to Title 4, Chapter 3, of the Whitefish City Code; and for the removal of ice, snow, slush or other impediments pursuant to Title 7, Chapter 2, of the Whitefish City Code (p.502)

City Manager Dana Smith presented the budget narrative that is provided in the FY24 Final 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 matters over to the Council for their consideration.

Councilor Sweeney made a motion, seconded by Councilor Caltabiano to approve Resolution Nos. 23-20 through 23-30. The motion carried.

7) COMMUNICATIONS FROM FINANCE DIRECTOR

- a) [Review](#) and adoption of FY24-FY28 Capital Improvement Program (p.506)

Finance Director Lanie Gospodarek presented the Capital Improvement Program narrative that is provided in the packet on the website.

Councilor Caltabiano made a motion, seconded by Councilor Norton to adopt the FY24-FY28 Capital Improvement Program. The motion carried.

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) [Continue](#) discussion of the Whitefish Yards Offsite Trail Construction & Maintenance (p.528)

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

Councilor Sweeney made a motion to direct staff to work with BNSF to obtain the permanent easement or ownership as requested by DNRC. The Council confirmed his direction by nodding in agreement.

9) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.553)

None

- b) Other items arising between August 15th through August 21st

Manager Smith thanked the Whitefish Fire Department and DNRC for their quick response to the fire west of Smith Lake on Sunday evening. She also reported the Flathead County has activated OnSolve CodeRed Emergency Notification system. Members of the community can register to receive emergency notification regarding fires, severe weather, chemical spills, missing children, and police activity and updates. More information is provided on the Flathead County Office of Emergency Systems website.

She also thanked all the Directors for their hard work and cautious spending of their budgets.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) [Letter](#) from First Presbyterian Church regarding the Last Best Race event (p.555)

Council Comments

Councilor Norton asked, and Manager Smith reported she has discussed with Fire Chief Hadley on education material for the community to prepare for an evacuation. Councilor Norton also asked, and Director Taylor stated that formula retail stores have 14 criteria to fall under to be considered as a formula retail store. Council Caltabiano also clarified that a store that has opened their doors in Whitefish, and then opens other stores in other locations, does not fall under formula retail criteria.

Councilor Norton asked, and Director Workman stated the Stormwater MS4 requirements are only for cities with 10,000 or more population.

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 8:15 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk