

## WHITEFISH CITY COUNCIL

September 5, 2023

7:10 P.M.

### 1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Davis, Sweeney, and Norton. Councilors Qunell and Caltabiano attended virtually. 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, Police Chief Kelch, Fire Chief Hadley, and Senior Planner Compton-Ring. Approximately 6 people were in the audience and 0 attended virtually.

### 2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Dick Zoellner 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)

Ed Docter, Montana Tap House, reported the Fish Tank podcast is going well. The debate is scheduled for September 28<sup>th</sup> at 6:00 pm.

Dick Zoellner, 1365 Voerman Road attended the Growth Policy public meeting last week. He suggested neighborhood meetings would be the best thing to do for getting feedback.

### 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 21, 2023, Regular Meeting (p.31)
  - b) [Ordinance No. 23-17](#); An Ordinance amending Chapter 2, Solid Waste, of Title 4 of the Whitefish City Code (Second Reading) (p.35)
  - c) [Resolution No. 23-](#); 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 11.63 acres of land known as 5975 U.S. Highway 93 South in Section 12, Township 30 North, Range 22 West, in Whitefish, Montana, and zone the property to WB-T (Business Transitional District), based on the findings of fact in the staff report, and set a public hearing for October 2, 2023 (WAR 23-03) (p.40)
  - d) [Consideration](#) of a recommendation for confirmation of Police Officer Michael Hingiss pursuant to MCA § 7-32-4113 (p.83)
  - e) [City Council](#) consent to the City Manager's appointment of Cole Hadley to Fire Chief pursuant to MCA § 7-33-4106 (p.84)

Mayor Muhlfeld congratulated Officer Hingiss for completing his one-year probationary period.

**Councilor Sweeney made a motion, seconded by Councilor Feury to approve the Consent Agenda as presented.** Councilor Sweeney congratulated Fire Chief Hadley and welcomed him aboard. **The motion carried including Councilor Qunell and Caltabiano voting virtually, (Councilor Caltabiano's camera was off at the time).**

- 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. 23-18](#); An Ordinance repealing § 1-6-2-E-3 of the Whitefish City Code (p.86)

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

Mayor Muhlfeld opened the Public Hearing.

Mike Hein, 612 Lupfer Avenue, provided a letter that is appended to the packet. He has a small issue for discussion and consideration. The ordinances that have decent should require the council to fully weigh in. He doesn't think philosophically making it easier to pass an ordinance is a great idea. Elections have consequences with change. Could the system be somewhat gamed by bringing ordinances on days when we know the attendance is going to be short? He is opposed, not enthusiastically, but something to consider.

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 addressed Mr. Hein's comments. The rules state in second reading of an ordinance, whoever voted in the affirmative can call out for further consideration. He wanted to state that the case is whoever voted with the prevalent side, can reconsider the ordinance.

**Councilor Norton made a motion, seconded by Councilor Davis to approve [Ordinance No. 23-18](#); An Ordinance repealing § 1-6-2-E-3 of the Whitefish City Code. The motion carried.**

- 7) **COMMUNICATIONS FROM FIRE CHIEF**
- a) [Ordinance No. 23-19](#); An Ordinance of the City Council of the City of Whitefish, Montana, repealing Emergency Ordinance No. 23-16 and lifting Stage I and Stage II Fire Restrictions within City limits (First Reading) (p.90)

Fire Chief Hadley presented his staff report that is provided in the packet on the website.

**Councilor Davis made a motion, seconded by Councilor Sweeney to adopt [Ordinance No. 23-19](#); An Ordinance of the City Council of the City of Whitefish, Montana, repealing Emergency Ordinance No. 23-16 and lifting Stage I and Stage II Fire Restrictions within City limits. The motion carried.**

- 8) **COMMUNICATIONS FROM CITY MANAGER**
- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.96)

None

- b) Other items arising between August 30th through September 5<sup>th</sup>.

City Manager Smith provided more information regarding the Montana League of Cities and Towns (MLCT) in her manager's report. The city participated in Support Local social media network platform that was created for communities in Montana to be able to encourage individuals to think locally when it came to the Montana Legislature. In preparation for the next legislative session, MLCT would like to continue work to have this campaign of Support Local where you can share what cities and public employees are doing to get a good message out. They want to include a statewide poll regarding individuals' thoughts on property taxes and other local government issues. This will allow them to create a strong narrative around what property

taxes do for individuals. There is a cost for the statewide poll that will be shared with cities who participate in the Support Local campaign. The cost for Whitefish for both the poll and to be included in the campaign will total \$9,000. The Council collaboratively agreed to be included in the campaign and include the statewide poll.

## 9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

Council continued discussion pertaining to the Viaduct Improvement project that occurred during the work session prior to the regular meeting.

Councilor Norton stated from the pictures provided in the presentation, the viaduct doesn't look any different, but it will function better. She thinks the landscaping at the entrances will improve the look. Councilor Davis asked, and Director Workman stated the lighting improvements would be decorative lighting on both sides of the viaduct, east and west, of both approaches, north and south. Councilor Davis asked, and Director Workman stated the jersey barriers can be painted. Manager Smith cautioned on painting the barriers will add annual maintenance and be an ongoing cost. Councilor Davis asked, and Director Workman stated the Downtown Master Plan calls for removal of both slip lanes and improve the pedestrian crossing. The southeast side section will be more controversial and cost more money.

Councilor Qunell stated he is uncomfortable with the cost for what we are getting. He is wondering if we need to save money until we can do a full upgrade. He understands the need to widen the pedestrian path across the viaduct. Councilor Norton stated moving the barriers and widening the path is a significant improvement. She understands the concerns with the cost, but she feels we need to start moving projects forward. The purpose of the viaduct is to convey people from one side to the other. She is okay moving forward. The Wisconsin Avenue Corridor Plan encourage foot traffic over the viaduct to encourage growth on the north side of the viaduct.

Councilor Feury shares Councilor Qunell's concern with the cost. The cost seems high. The bike path leads you onto the sidewalk of the viaduct and there is too much traffic in a small area. To him it is 100% a safety issue. He is all for moving forward.

After some discussion, four of the six Councilors agreed to direct staff to move this project forward with the current proposal.

Councilor Norton stated she has been in communication with Justine, FWP Bear Specialist. She asked and Manager Smith stated the ordinance that just passed second reading will go into effect October 5<sup>th</sup>. All garbage containers must be securely latched when placed outside. The ordinance allows the containers to be set out prior to the collection, no earlier than 7:00 pm the night before collection and no later than 7:00 pm the night of collection. If the cans are filled too full, properties can pay for another can. Waste is no longer allowed outside the container.

Councilor Sweeney stated he resided on the edge of the city limits. The county does not require animal resistant containers, which is causing an issue with bears. He advocates that the county consider requiring it of all garbage customers. He addressed the letter from the Gordon's on Lacy Lane pertaining to the garbage containers. Director Workman does recall the large 5-yard containers were eliminated as part of this process. Staff will touch base with Republic on these issues.

Councilor Qunell mentioned as the temperatures change it is good to keep in mind mental health as the days get shorter. Councilor Caltabiano agreed with Councilor Qunell on mental health, and he also congratulated Fire Chief Hadley.

Councilor Feury mentioned and asked staff to investigate the multiple banners that are on display at a construction site on Wisconsin Avenue. He asked staff to remind the construction company that one 4x8 banner is permitted.

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 8:08 p.m.

*/s/John Muhlfeld*  
Mayor Muhlfeld

Attest:

*/s/Michelle Howke*  
Michelle Howke, Whitefish City Clerk