

**WHITEFISH CITY COUNCIL**  
**October 3, 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 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, Fire Chief Page, Planner Loring, and Senior Planner Compton-Ring. Approximately 22 people were in the audience and 1 attended virtually.

**2) PLEDGE OF ALLEGIANCE**

Mayor Muhlfeld asked Phil Boland 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)

Toby Scott, 1478 Barkley Lane, had three issues for the Council to consider. 1) Consider hiring, commissioning, or open for design proposals to paint the traffic utility boxes; 2) Create legislation covering rental scooters; and 3) Rent or set up a light at 13<sup>th</sup> Street and Baker Avenue while Spokane Avenue is under construction.

**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 September 19, 2022, Special Session (p.31)
- b) [Minutes](#) from September 19, 2022 Regular Meeting (p.32)
- c) [Consideration](#) of a request for Final Plat for Columbia Avenue Addition #1 Subdivision, a 2-lot subdivision located at 704 East 13<sup>th</sup> Street, zoned WB-2 (Secondary Business District) (WFP 22-07) (p.41)

Councilor Sweeney made a motion, seconded by Councilor Caltabiano to approve the Consent Agenda. 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. 22-30](#); A Resolution of intent to adopt the 2022 Whitefish Transportation Plan as an amendment to the 2007 Whitefish City-County Growth Policy and adopting findings with respect to such amendment (WPGA 22-02) **POSTPONED FROM 9/6/2022 & 9/19/2022 Public Hearing Open** (p.86) [9/19/2022 Packet](#) Written Public Comment (p. 301)

Public Works Director Craig Workman presented his staff report that is provided in the packet on the website. The staff report addresses the changes and corrections that have been made since the most recently presented draft.

Councilor Davis asked, and Director Workman stated the Engineering Standards include directions on how to complete a traffic impact study. Rather than dispersing throughout this Plan, they are now in one location. Councilor Caltabiano asked, and Director Workman stated we don't have MDT revenue data, so the Financial Summary is the total amount of project costs that we are anticipating that are being recommended in this plan for MDT, which also includes the cost of the bridge over Highway 93.

Mayor Muhlfeld opened the Public Hearing.

Don Rodie, 106 Bay Point Drive, is concerned that the City and the State are at an impasse regarding the Downtown Highway Study. The State recommends Option C, and the City recommends Option G. It is his understanding that because the City chooses to not involve the State, the City is going to receive minimal funding for the Spokane Avenue works. A portion of the local Resort Tax revenue is earmarked for street maintenance and repair and this independent concept would be paid for by these revenues. There isn't enough revenue to cover this expense. Where is the balance going to come from and what happens to the funds otherwise budgeted for street repair and maintenance elsewhere in the community? He would like to know how the City reconciles the act of turning away the funds brought by the State and County that has already contributed to the State and County by Whitefish citizens.

Andrew Bing, 358 Bonita Circle, is concerned if Whitefish Avenue were to go through to JP Road, it will be used as a conduit to Super 1 Foods. It could become very dangerous. In addition, multifamily homes are proposed on Whitefish Avenue at Eagle Lakes. Those driveways will be exiting directly onto Whitefish Avenue. Backing out of your driveway onto a busy thoroughfare is rather dangerous. With that he is concerned with the extension of Whitefish Avenue. It is his understanding that Les Schwab is against the extension across their property. There is an easement and has been planned for quit a while, but he thinks it should be relooked at considering the amount of traffic.

Nancy Schuber, 110 Bay Point Drive, stated this Transportation Plan is supposed to be looking ahead 20 years. We need three lanes on Spokane Avenue and three lanes on Baker Avenue. Look at the mess this construction brought. We need the three lanes all the way, not to stop at 7<sup>th</sup> Street and then go to one lane each way, which is Plan G. We need the new bridge over the river, and we need pedestrian path underneath. Be fiscally responsible. Use the state and federal funds that are available to us. Please revisit Plan C.

Mark Shafer, 807 Greenwood Drive, is against the bridge at Greenwood Drive. He would like to see the Environmental Impact Statement (EIS). If he couldn't build a foundation for a home there in 1982, how are they going to build a bridge there today? A 60-foot easement is required for a road. Currently there is only 30-feet of easement. He has friends who are building homes on the river in Riverview Estates that are sluffing into the river. He doesn't see how a bridge could pass an EIS. He is concerned of building the bridge there. He is not opposed to the Transportation Plan; he is opposed to the expansion of Greenwood.

Sandra Alessi, 812 Greenwood Drive, is opposed to the expansion of Greenwood Drive. The Transportation Plan includes a roundabout at Greenwood Drive and Highway 93 South. That roundabout is going to be located one block from the light at 13<sup>th</sup> Street, and ½ of a block from the light at the Mall entrance on Commerce Street. That is going to be a mess with traffic. The easement for the road for Greenwood Drive was given to the City in 1977. That easement is for a 30-foot private road. When John Kramer donated Lot 12 to the City, the warranty deed talks about an easement for a 30-foot private road.

That is an issue. Now the building standards require that Greenwood be expanded another 30-feet for a total of 60-feet. This is a fully developed area. There is no space for this. She suggested looking at Lena Joy. There is another issue with the sluffing of the land. She provided copies of the deeds and easements to the City Clerk. City Clerk Howke appended those documents to the packet on the website. She asks the Council to reconsider the bridge at Greenwood and the roundabout at Greenwood. She thinks that is going to create the biggest mess.

Michael Meszaros, 706 Greenwood Drive, stated an additional 30-feet means that he will lose his willow tree, and the garage entrance in his driveway will be cut in half. He doesn't think it is right. He doesn't think that it is fair. He doesn't see that this is going to do anything for the neighborhood, and he doesn't think it is going to do much for Whitefish. He would appreciate the Council to reconsider.

Jean Arroyo, 803 Greenwood Drive, purchased her home about three years ago and has two businesses in Whitefish. They bought their home because it is easier for their kids, and it is easier to go back and forth to their business. Her house is 18-feet from the road. She doesn't know where the City is going to get 30-feet. She hopes the Council will reconsider and take a look at the plans.

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

Councilor Qunell asked, and Director Workman stated this plan is intended to provide a vision of what we want our transportation network to look like in the next 20-years. Currently there are two options to get from the Highway 93 Corridor over to Monegan Road and to Voerman Road; 10<sup>th</sup> Street to Park Avenue around Cow Creek; or JP Road up to Monegan Road. This plan is to incorporate more efficient means to move from East to West across the Whitefish River. The previous Transportation Plan that was adopted in 2009, had a couple of different alternatives; 1) 13<sup>th</sup> Street crossing directly to Voerman; and 2) Greenwood Drive. In looking at the 13<sup>th</sup> Street bridge it was determined it is the least feasible place to try and construct a bridge. It is one of the widest reaches of the Whitefish River; there are deed restriction issues on the east side of the river; and property issues on the west side. Therefore the Greenwood Drive to Monegan Road was carried through this Plan. It is an expensive project, but nonetheless in this Plan we do want to show options to move traffic from east to west across the river between 10<sup>th</sup> Street and JP Road. This is the most feasible way of doing it. Councilor Qunell asked, and Director Workman stated connecting 7<sup>th</sup> Street to Voerman will cross Cow Creek and require culverts and would be a higher priority.

Councilor Norton asked, and Director Workman stated river soils in general are known to be unstable. There is engineering solutions that can be put into place to mitigate that. The Plat that is recorded with the County for Greenwood Terrace, shows a 50-foot right-of-way, with 5-foot easements on either side that was approved in the early 1980's. He can't speak to exactly where houses were built, or where property lines are. The recorded plat was used to generate this recommendation in the Transportation Plan.

Councilor Norton addressed Loren Eckhardt, 810 Greenwood Drive to approach the podium. He stated the documents he received when he bought his home, does not show that the City has 60-feet of right-of-way. The City need to recheck their plans.

Councilor Norton asked Director Workman to respond to the neighbors comments. Director Workman stated the approved plat for Greenwood Terrace, which was approved May 4, 1982, shows a 50-foot right-of-way, with 5-feet of easement on either side for a total of 60-feet.

**Councilor Qunell made a motion, seconded by Councilor Norton to approve Resolution 22-30; a Resolution of intent to adopt the Whitefish Transportation Plan.**

Councilor Qunell asked, and Director Workman stated the vast majority of the citizens of Whitefish that showed up at the last public meeting for Downtown Highway Study clearly were against Option C. A letter was drafted in November 2021, by the Council, signed by the Mayor. The letter was based on the comments that were received at that public meeting, that were overwhelmingly against Option C. Councilor Qunell stated and Director Workman agreed that Option C would jeopardize all the work that has been done in the downtown corridor. Director Workman also stated that the biggest issue with the final outcome of the study was that we simply did not have enough information. The drawings that were done in the report weren't detailed enough to show exactly what was going to happen within those corridors. There wasn't enough comfort on behalf of the resident that spoke at those meeting that was going to happen between 7<sup>th</sup> Street and 2<sup>nd</sup> Street, was going to give us the character and the pedestrian-friendly nature that we were looking for. Councilor Qunell confirmed, and Director Workman agreed, we are trying to call out where those commonalities are between Option C and Option G.

Councilor Qunell stated this Transportation Plan is a broad document that is our vision. Although there are things that anybody could find to disagree with, we need to move this forward. He is willing to consider a friendly amendment to pull out the bridge at Greenwood Drive, from this Plan. Especially since there doesn't seem like there is a feasibility piece at this point.

**Councilor Norton made a friendly amendment, seconded by Councilor Sweeney to remove reference to the Greenwood Drive bridge from this plan.** Councilor Norton stated the neighborhood has a lot of compelling arguments. We should look at other options along the river. It is a big change to an existing neighborhood. Councilor Feury stated he is not comfortable with just pulling it out because it is one of the toughest things that we have to crack; the East-West connectivity in town. We have already lost the 7<sup>th</sup> Street bridge, which would have gotten us over the river, and was a huge East-West connector for us despite what we have heard. That bridge isn't being built today because things did change. It is never going to get any easier. Everybody is going to have an objection to it regardless of where it goes. He understands the Greenwood objections, and lot of them he could agree with. But at the same time, we are going to see development out to the east. We understand the importance of an East-West connector and another river connection somewhere between 13<sup>th</sup> Street and JP Road. Greenwood Drive is one of those that has been under consideration. It was going to be forwarded in the plan. We are hesitant to do so given current neighborhood opposition and issues with right-of-way. We have to have a crossing over the river at some point and for us to make a 20-year plan and not have at least some kind of language to address that, he thinks is wrong. He doesn't think that we are being leaders.

To clarify, **Councilor Norton made a friendly amendment to remove reference to Greenwood Drive, and encapsulating "We understand the importance of an East-West connector and another river connection somewhere between 13<sup>th</sup> and JP Road. Greenwood Drive is one of those that has been under consideration, we are hesitant to do so given current neighborhood opposition". The motion carried 5-1, Councilor Davis voting in opposition.**

Councilor Feury addressed some comments that were made during public comment. He does not recall Council making any decision to expend City funds and Resort Tax dollars for Spokane Avenue and Baker Avenue. Because we are at a current impasse with the state, does not mean that we are going to go out by ourselves and build Spokane Avenue and a new bridge, etc. It does not mean that we are going to fund it. All it means is that we haven't agreed on how it is going to work. It is a state highway, the state going to pay for it. The state does not know what is best for us, we (community) know what is best for us.

He also stated Whitefish Avenue extension has been on the maps for a very long time. We need that street to go through and we need Baker Avenue to go through. Highway 93 is nonfunctional because we don't have any alternative routes east or west of it. He has been here forever, he doesn't like some of the things that have happened, but we have to plan for them. They are going to happen; we can't put a gate up and we can't stop people coming. If we don't plan that is when we have problems and that is what we are trying to do here. We had a pretty robust public process to come up with the plan. Not everybody is going to be happy with it.

Councilor Davis understands the concerns of the Greenwood Drive neighbors. We are going to see more development east of the river at some point. Right now, that traffic funnels down Park Avenue curves around by Cow Creek to Voerman Road. That situation is very unsustainable. We need to have East-West connectivity. That is an important priority.

Councilor Caltabiano stated approving a plan that already starts with \$36 million in the red without doing more work, and figuring out how to do it, he cannot vote in favor of a plan knowing that we are already starting in the red.

Councilor Sweeney stated this Council is not approving a deficit spending routine, we are recognizing through this plan and through this planning process what is currently unfunded. He is not sure that he has ever seen a project come through this Council where we did not seek additional funding to cover unfunded costs, nor would we have approved such projects.

**The motion to adopt Resolution No 22-30 carried 5-1, Councilor Caltabiano voting in opposition.**

- b) **Consideration of a request from Brett Wrathall for a Conditional Use Permit to construct a guesthouse located at 430 Parkway Drive, zoned WR-1 (One-Family Residential District) (WCUP 22-23) (p.314)**

Planner Nelson Loring 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 their consideration.

**Councilor Caltabiano made a motion, seconded by Councilor Sweeney to approve WCUP 22-23, the Findings of Fact in the staff report and the conditions of approval.**

**Councilor Norton made a motion to add a condition to not include windows on the side to protect the privacy of the neighbors. The motion failed due to a lack of a second.**

**Councilor Norton made a motion, to add a condition to shield the hot tub for privacy. The motion failed due to a lack of a second.**

**The original motion to approve carried.**

- c) **Resolution No. 22-31; A Resolution amending the Legacy Homes Program Purchase Prices, Rental Prices, and Fees in Lieu (p.345)**

Senior Planner Wendy Compton-Ring presented her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing.

Nathan Dugan, 937 Kalispell Avenue, speaking on behalf as President of Shelter WF. The Legacy Homes Program itself may need to be reworked to see any benefit here. We have two options here; increase the fee even more; or just get rid of it entirely. Given the data we have from past experience, the Legacy Homes Program seems to be better at producing rental homes, than it is at producing ownership homes. He believes the fee-in-lieu is directly responsible for this. The fee-in-lieu is significantly lower than the cost of construction. The gap between the affordable and market rate housing economies is too large. It is not difficult for him to imagine that building an affordable home would cost a developer money by paying the fee-in-lieu as currently structured. We should be getting one-on-one trade with in-lieu funds. Homes not produced by a developer who opts to pay the fee then a non-profit should be able to directly use those funds to construct a comparable home immediately. His favorite method for calculating a fee-in-lieu is called the Affordability Gap Method. This method calculates the fee-in-lieu as the difference between the fair market price and what a lower moderate-income household can afford. The second option would be to eliminate the fee-in-lieu all together. If a developer wants to obtain the benefits of the Legacy Homes Program, then they have to build a mixed income community that is accessible to all. They simply can't buy their way out of this obligation. None of this will work without reworking the Legacy Homes Program and seriously improving its incentives. What might work aside from increasing the incentives that are currently available? Holding up to our end of the bargain to actually see affordable housing built by allowing developers to check the boxes of the Legacy Homes Program that we build ourselves. By either building affordable housing onsite or paying a fee that will directly cover the construction of a new affordable home to be built by right. He hopes we can create a Legacy Homes Program that is more effective than building affordable homes, particularly ownership homes.

There being nor further public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over the Council for their consideration.

**Councilor Qunell made a motion, seconded by Councilor Davis to adopt Resolution 22-31, A Resolution amending the Legacy Homes Program Purchase Prices, Rental Prices, and Fees in Lieu.**

Councilor Qunell asked, and Councilor Davis stated the fee-in-lieu is what the market cost of a home is versus the price of the affordable home. There is a lot of assumptions and calculations that go into that and those can vary over time. There are different opinions on what those are. What has happened here, the prices of real estate have gone up so much on a percentage basis that the price of the fee-in-lieu has also gone up. The Legacy Homes Program is not designed to produce fee-in-lieu. It specifically says in that program that we do not want fee-in-lieu. It would be a very rare circumstance indeed to ever see a fee-in-lieu, in his opinion he knows as a Council member he would scrutinize that pretty closely. We are here to build houses, not take fees.

**Councilor Qunell made a friendly amendment to eliminate the fee-in-lieu from the Legacy Home Program purchase price. The motion failed for a lack of a second.**

**The original motion to adopt Resolution No. 22-31 carried.**

## **7) COMMUNICATIONS FROM CITY MANAGER**

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.351)

Mayor Muhlfeld and Council congratulated Parks and Recreation Director Butts and her staff for bringing home grants for the Armory Park Project.

- b) **Other items arising between September 28th through October 3<sup>rd</sup>**

None

## 8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

### Council Comments

Councilor Qunell would like the Council to consider amending the Holiday list in the Personnel Policy to include Indigenous People's Day/Columbus Day. He also mentioned there is a big swim meeting town this weekend. For those looking to volunteer, come down to the WAVE Saturday.

Councilor Sweeney wanted let Nathan Dugan know that just because Council didn't act on his recommendations tonight, does not mean that Council is not interested. This goes for the public as well. If there is anything you can think of that can help us improve our affordable housing program, we are all ears. It is important to continue to think about this problem and continue to work on it.

Councilor Norton asked, and Director Workman stated the work on Edgewood is not completed yet. The low bid was accepted, and we have struggled throughout the entire project with that contractor. Staff worked them through the project. All of the work that has been done in terms of the storm sewer, the roadway, the water services, the curb, gutter, streetlights, and sidewalk have all been built to specification. It took a tremendous amount of effort on the part of our engineer and City staff to get that done. The final element with the project, as with any project is the restoration and it is always the part of the project that gets the most scrutiny. Unfortunately, on this project, we weren't able to seed it until the middle of July this year, which is the worst time to seed. Had we not seeded it, the weed situation would be worse. We have a warranty, a bond, and \$12,000 of retainage that we are holding on the project. We are going to get the turf right. In addition to that there is individual landscape plan that we have worked with property owners. Those will be bid and installed. At this point based on the progress of the Texas Avenue Project we want to try and bundle all those trees and landscaping into one, so it will likely be next spring. Councilor Norton asked Police Chief Kelch about the Drug Free Zone signs that are around town. Do we not have Drug Free Zones anymore? Should we take them down? Police Chief Kelch stated those were put there for safe routes to schools to identify that you are in an area. There is no law that assists with those signs. Councilor Norton mentioned the Bear Proof Containers in her neighborhood are working well. She announced the Bear Fair Event at the Depot Park on Saturday, October 8<sup>th</sup>. She has spoken with Justine the Bear Management Specialist through FWP, and she stated they are thinking about euthanizing bears now because they are coming out during the day and are approaching within 10 feet of people. It is important for people to be strict about this now.

## 9) 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 9:00 p.m.

*/s/John Muhlfeld*

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Mayor Muhlfeld

Attest:

*/s/Michelle Howke*

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Michelle Howke, Whitefish City Clerk