

WHITEFISH CITY COUNCIL

October 17, 2022

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Caltabiano, Davis, and Norton. Councilors Sweeney and Qunell were absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs (via Webex), Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Kelch and Senior Planner Compton-Ring. Approximately 15 people were in the audience and 3 attended virtually.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Carter Unger 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)

None.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

- a) Consideration of a request from Whitefish Convention and Visitors Bureau to amend to the public portion of the FY23 budget (p.39)

Dylan Boyle, Executive Director for the Whitefish Convention and Visitors Bureau also known as Explore Whitefish is requesting an amendment to the public portion of the FY23 budget. This year they have \$11,700 in rollover funds that are available to allocate in the FY23 budget. He worked with his staff and Board of Directors allocating those recommended rollover funds to existing line items in the FY23 public budget, which is a new line item and allowable expense for bed tax funds which allows for on-the-ground improvements to be made which can help both visitor and residents.

Councilor Norton made a motion, seconded by Councilor Davis to approve the budget amendment for the Whitefish Convention and Visitors Bureau of \$11,700 of rollover funds to be allocated to product development, opportunity marketing, education, and outreach. The motion carried.

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 October 3, 2022 Regular Meeting (p.42)
- b) Resolution No. 22-32; A Resolution adopting the 2022 Whitefish Transportation Plan as an amendment to the 2007 Whitefish City-County Growth Policy and adopting findings with respect to such amendment (p.50)

Councilor Caltabiano made a motion, seconded by Councilor Norton to approve the Consent Agenda. Councilor Caltabiano voted against the Transportation Plan last meeting, as a negating vote, he cannot extract the resolution to approve the Transportation Plan. 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) Consideration of a request from True North Partners, LLC for a Preliminary Plat to develop 29-lot subdivision located at 6335 Highway 93 South (WPP 22-07) (p.264)

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

Councilor Norton addressed staff with concerns; the proposed project location had issues with flooding in the past; and conditioning the developer to provide stairs to the bike path and river. The flooding issue has been resolved, and because the applicant has dedicated the entirety of the Whitefish River buffer as parkland, the applicant is not obligated to construct stairs to access the trail. Councilor Davis addressed comments from the public concerning the maintenance requirements for Lena Joy Drive. Planner Compton-Ring stated it is a public street, the new development will access that road. The city will maintain the road. He also had concerns of the access to Highway 93; Director Workman stated the developer will need to apply for an encroachment permit through MDT. The Transportation Plan calls for intersection improvements at Akers Lane and Highway 93, when the section of Akers Lane was constructed east of Highway 93, the developer, at the time, was required to pay for a future signal because this project is dispersing into a couple of different locations on Highway 93. Mayor Muhlfeld asked Parks and Recreation Director Butts stated though the City Arborists can provide information to city staff when we are approving engineering plans to make sure they are not impacting trees, we typically require that the developer hire an arborist for the development to make sure that they are meeting the requirements prior to. You don't want to get some engineering plans that would conflict with preserving trees and then they are approved and then it is tree versus plan. Staff recommends the developer hire an arborist to make sure that they are meeting that requirement ahead of time and the city arborist consults with staff to make sure that those plans are meeting the requirements. Mayor Muhlfeld asked, and Director Butts stated the Park Board wanted to accept that land as parkland because if we go to the permitting phase with the 124 permit and that is not approved by Fish, Wildlife and Parks, then we have the flexibility to move that to a place where it would meet the environment.

Mayor Muhlfeld opened the Public Hearing.

Dom Goble, Morrison-Maierle, representing the applicant. He mentioned the water, sewer, stormwater will be reviewed by the state, and the city to make sure that it meets all the requirements. They met with MDT and were recommended move the access to intersect with the Hampton Inn access. They are aware of the permits they would need to get. The bike path along the water protection bureau it is an existing easement not a proposed easement. They are aware of the condition extending Shiloh Avenue to connect into Whitefish Avenue.

Councilor Norton asked Mr. Goble if they have considered adding steps to access the path and the river? Mr. Goble stated he believes the applicant has talked to the neighbor that is adjacent to the river access. Tracy Poole, True North Partners, LLC, stated they assumed that was the access to the river; they are in support of contributing to improve that access.

Andrew Bing, 358 Bonita Circle, President of the Riverview Meadows Homeowners Association, stated they received notice of the plat plan, but not for the zone change. They would have appreciated being notified about at the point of when it was being rezoned. The HOA would prefer the keep the trees as a buffer that are on the north side of the property that separates Les Schwab from this proposed project. They would also like to know the timeframe for the extension of Shiloh Avenue, since it directly impacts their subdivision.

Jamie Bemis, 763 Lena Joy Drive is concerned the Traffic Impact Study (TIS) does not address Lena Joy Drive. She would like that to be reviewed or redone for accuracy. She is concerned about increasing 15 feet on Lena Joy Drive. She would also appreciate the concerns for the riverbank erosion, especially

for snow removal of increased residential townhouses or single-family homes that is going to add to spring melt off depleting that riparian zone. Especially if there isn't a pathway that is created. If we are trying to maintain the integrity of the riverbank and the wildlife that can exist there.

Jay Lerner, Lena Joy Drive, via Webex, has concerns of how the homes on Lena Joy Drive will be accessed, from the front, an alleyway on the side, or from the back? How is that going to impact traffic on both sides of the street, and how is that going to impact snow removal? There is a lot of commercial use on Shiloh Avenue that access the back of Don K Subaru and Wright's Furniture. Traffic control and speed control is a concern. Currently the access to the river is used by locals, he would like something to be developed on the north side of the cul-de-sac.

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

Councilor Norton made a motion, seconded by Councilor Davis to approve WPP 22-07. Councilor Norton asked, and Director Butts stated we cannot require the developer to add any infrastructure to this parkland dedication. As a City we can create a plan for the access point once we identify where the trail is going to be.

Councilor Norton made a motion, seconded by Councilor Feury to amend Condition #6, A tree preservation/retention plan *developed by a certified arborist* must be submitted at the time of final plat compliant with the requirements outlined in §12-4-5 of the Whitefish Subdivision Regulations; and amending Condition #13, last bullet, Lots 20-25 must adhere to the additional river setback requirements in §11-3-29C(6), WCC and any existing healthy trees including those trees outside the river buffer and setback must be retained. The motion carried.

After some discussion, Director Workman stated though he does not have specific trip information on Lena Joy Drive, the roadway does meet city standards even though it is an insufficient amount of right-of-way. That is because this area was previously in the county and so county roads are platted to the center line. The future intersection design at Shiloh Avenue (or Whitefish Avenue) and Lena Joy Drive would have to be updated to accommodate the new roadway. Director Workman stated the snow removal crews do their best to try to manage snow. The crew would not push it all to the end. We use snow gates to minimize impacts to driveways.

The original motion to approve WPP 22-07 with amendments to Condition #6 and #13, and a minor typo on the face of the plat, carried.

7) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.523)

None

- b) **Other items arising between September 28th through October 3rd**

Manager Smith asked Council for permission to send a letter to our Representatives at the Federal level regarding the Financial Data Transparency Act of 2022. She would like to send a letter to Senator Danes and Senator Tester to not approve that portion of the bill. The Council gave her permission with showing of hands.

c) **Consideration of appointing members to the Selection Committee for the Impact Fee Review and Update (p.525)**

Councilor Norton made a motion, seconded by Councilor Caltabiano to appoint the Impact Fee Advisory Committee to the Selection Committee for the Impact Fee Review and Update. The motion carried.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

Mayor Muhlfeld revisited the two work session agenda items prior to the meeting, the first being the Viaduct Improvements. Councilor Norton stated while she is concerned with how we are going to get the funding; she would like to include lighting and irrigation with the path. Councilor Davis agrees this is an important project. He is also concerned of how to fund this project. He would like include the lighting and possibly the fence with the installation of the shared use path. Councilor Caltabiano would like to have the room for three lanes in case of an emergency. He suggests a traffic study dedicated to that area. He is also concerned how this will be funded.

Manager Smith stated when our Tax Increment Fund (TIF) sunset, we alleviated the tax burden on our taxpayers through using the TIF to help us get through the pandemic. As she looks at the Capital Improvement Plan for streets, she would comfortably to spend down reserves in that fund to address items in Phase One or Phase Two. That's an additional \$460,000 that we would need. That will wipe out the estimated remaining cash balance for street projects for fiscal year 23. This project will span a couple of fiscal years since we have to go through the bidding process. Those figures that are provided to us now could continue to go up. She understands the fence is not significantly more, but she would prefer to wait on that until we get into the budget for FY24. If we do see a recession, it could change the finances of the city. Comfortably, Council could move forward with Phase One and Phase Two.

Councilor Feury stated if we could do the first two phases, that would be a good. He liked the elimination of the slip lanes. That is a good opportunity for a grant.

Councilor Feury made a motion, seconded by Councilor Norton to authorize Public Works to proceed with Phase One and Phase Two and encourage the City to look at opportunities to fund the railway intersection improvements as immediate needs. The motion carried 3-1, Councilor Caltabiano voting in opposition.

The second work session item to discuss is the WB-T, Business Transitional Zoning. After some discussion, Council directed staff to move forward as an agenda item, and to provide an inventory of square footage of existing buildings in the WB-2.

Mayor Muhlfeld asked, and Director Butts stated there is an upcoming LLAC meeting where they will be looking at some recommended revisions from Legacy Partners and Glacier Nordic Club on a number of events and a number of partner programming that would take place at the Haskill Basin Trailhead. If new issue arises, it will come back to Council to review.

Councilor Norton stated she is concerned with erosion along the river. She would like to have a study commission to start looking at the erosion that is going on along the river. She is also concerned with the bear issue in town and asked the Council if they would support write a letter to the County Commissioners requesting, they require short-term rental to have bearproof containers. She also mentioned Fish, Wildlife and Parks is requesting the City to consider removing all apple trees and

replacing them with non-fruit bearing crabapple trees. Director Butts has not yet seen that request. They have worked with FWP on the fruit gleaning program, and they help advertise that.

Councilor Davis stated now that we have adopted the Transportation Plan, we have not identified funding sources for all of those upgrades. It seems fair to him that development is required to pay or contribute to the impacts that they cause on the transportation system. It would be helpful to consider whenever there is a large development, some analysis or commentary about the impact to the transportation infrastructure. He also commented on the notification requirements for public notice. It seems like a wider area of notification could be considered for development applications and in some circumstances. He also suggested streaming the Planning Board meeting on YouTube. He has found himself at times wishing he could watch it and he feels it would be a benefit to the public.

9) ADJOURNMENT

Mayor Muhlfeld adjourned the meeting at 8:30 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk