

WHITEFISH CITY COUNCIL MINUTES

April 2, 2007

7:10 P.M.

1. CALL TO ORDER

Mayor Feury called the meeting to order. Councilors present were Palmer, Woodruff, Coughlin, Jacobson and Muhlfeld. Councilor Phillips-Sullivan was absent. City Staff present were City Clerk Lorang, City Manager Marks, Planning and Building Director Horne, Planner Agidius, Public Works Director Wilson, Parks and Recreation Director Keyes, Acting Police Chief Ferda. Approximately 40 people were in attendance. Mayor Feury asked Don Spivey to lead the audience in the Pledge of Allegiance.

Acting Police Chief Ferda introduced Ryan Zebro, who came back from Iraq in 2005. He is the newest full-time officer for the police force. Mayor Feury spoke about new comments made about the WCVB. He said the Council is in charge of public policy here and he wanted to dispel the image that the tourism industry is down. He said tourism for 2006 showed an overall increase of 15% for the year and the Resort Tax Revenues mirror that closely. He spoke in support of the WCVB.

2. COMMUNICATIONS FROM THE PUBLIC - None.

3. COMMUNICATIONS FROM VOLUNTEER BOARDS

3a. Update from the Centennial Bronze Sculpture Committee/presentation from Stumptown Historical Society and Whitefish Chamber of Commerce.

City Manager Marks reported that in 2004 the Council created the Centennial Committee. The Committee was active with the 2005 Centennial, including the desire to create a monument or sculpture to commemorate the Centennial. The Chamber of Commerce and Stumptown Historical Society have annually donated funds from the Whitefish license plate program. Those donations plus proceeds from the City's sales of Centennial Coins have built up \$41,000 in reserves for the bronze sculpture. The Centennial Committee was re-created as the Centennial Bronze Sculpture Committee and is now focused on the sculpture process. Four artists submitted applications and have developed concepts for the proposal. He said the public is now invited to come down to City Hall to look at these models through April 27th and the Committee will accept public comment. In early May the Committee will bring a recommendation to the Council for a sculpture. Part of the proposal calls for the sale of bronze miniatures for a continuing fundraiser to raise the estimated \$100,000 needed for the large sculpture.

Jill Evans, Administrator of the Stumptown Historical Society, said in 2003 she and Sheila Bowen, Director of the Whitefish Chamber of Commerce, decided Whitefish needed their own Whitefish license plate. Each plate is a \$25 reoccurring fundraiser allowing them to make donations to various causes. On behalf of the Historical Society, Jill Evans said she has a check for \$5,459.84, and presented it to Manager Marks for the City toward the bronze sculpture project.

Jim Stack, Chairman of Whitefish Lakeshore Committee, gave a brief review of progress of the Lakeshore Ad Hoc committee. He said they are dealing with tough issues, especially regarding existing, grandfathered structures. He said instead of trying to go in and patch up these loopholes, the Ad Hoc

Committee came to an agreement that grandfathered structures will have to be maintained as is. It would prohibit changing or improving the structure. The goal is to get more structures out of the Lakeshore Protection Zone. He thanked the Council for helping to make this committee happen.

Councilor Woodruff said at the Bicycle/Pedestrian Committee meeting they received complaints about dogs running loose on the paths and dog waste. Acting Chief Ferda said the animal control officer has been walking that trail, but it is difficult to enforce. He said the patrol cars have leashes to give out for free; and they are also citing people who have animals off leashes. Councilor Woodruff said there are a lot of concerns about dog waste on the trails, as well, and she hoped the dog park supporters would educate their peers. She wanted to point out that if the City has to spend a lot of money maintaining the trails for things like this then the City is not going to be able to build as many trails. She notified the Council that a maintenance policy and funding for the trails is needed. The Bicycle/Pedestrian Committee will bring a recommendation to the Council in the near future.

Councilor Muhlfeld said the Whitefish Water Quality Advisory Committee met to review pertinent water quality issues in the community. At the meeting they appointed Chris Ruffato to serve on the Ad Hoc Critical Areas Advisory Committee and reviewed the Natural Resources portion of the Growth Policy and really liked it. He said Mike Koopel with the Whitefish Lake Institute gave an update of the study of petroleum based chemicals in the lake. The study revealed that the benzene levels were high. Two-stroke engines are the major cause of high benzene levels.

4. CONSENT AGENDA

- 4a. Approval of minutes from the March 19, 2007 Council meeting.**
- 4b. Lakeshore Construction Permit; WLP-07-W05; Lyon.**
- 4c. Lakeshore Construction Permit; WLP-07-W07; Gougan.**
- 4d. Request for Special Events Permit; Huckleberry Days.**
- 4e. Request for Special Events Permit; Taste of Whitefish.**

Councilor Coughlin offered a motion, seconded by Councilor Palmer, to approve the consent agenda, amending 4d. to include the following, “No stakes shall be used to anchor tents on the lawn or in the streets.”

The consent agenda, as amended, passed unanimously.

5. PUBLIC HEARINGS

5a. Ordinance 07-09; Lakeshore Protection Zone setbacks Text Amendment – 1st Reading.

Planning & Building Director Horne said this ordinance would amend the Whitefish Zoning Jurisdiction Regulations by adding a provision to Chapter 3 that would require any structure that rises above finished grade to be set back ten feet from the Lakeshore Protection Zone. This would also require that the Lakeshore Protection Zone be staked by a licensed surveyor and put an effective siltation barrier in place before constructions starts. The Planning Board unanimously recommended approval.

Councilor Coughlin said the Lakeshore Protection Committee report has language that adds “and any overhanging structures which may include, but not be limited to...” in the staff report. She wondered if it should be included. Director Horne referred to the other section which defines exact

items which are allowed and disallowed. Councilor Coughlin asked if they should add “horizontal” feet to Item C and he said that would be fine. Director Horne suggested that the amendment read, “a minimum of 10 feet measured horizontally for the Lakeshore Protection Zone boundary.”

The public hearing was opened.

Jim Stack, Chairman of the Lakeshore Protection Committee, said this zoning amendment was originally requested by the Lakeshore Protection Committee because construction outside of the zone is spilling into the Lakeshore Protection Zone. Recently, it seems new construction seems to hover within one foot of the lakeshore zone. They aren’t trying to make the property unbuildable, so variances are available for properties with limited footage through the Zoning Administrator. Councilor Woodruff asked and Jim Stack said one member on the committee was against taking additional property rights from affected lakeshore property owners. Jim Stack said they are trying to prevent run-off from buildings running right into the lake zone. Councilor Muhlfeld asked and Director Horne said this also applies to Lost Coon and Blanchard Lakes.

The public hearing was closed.

Councilor Muhlfeld offered a motion, seconded by Councilor Jacobson, to approve Ordinance 07-09; Lakeshore Protection Zone setbacks Text Amendment on the 1st Reading, adopting the attached report WZTA-06-41, findings of fact and relative public comment.

Councilor Coughlin offered an amendment, seconded by Councilor Palmer, to amend Item C to read, “Any structural element rising above finished grade must be set back a minimum of 10 feet measured horizontally for the Lakeshore Protection Zone boundary.” The amendment passed unanimously.

The original motion, as amended, passed unanimously.

5b. Conditional Use Permit WCUP-07-11; requesting relocation of an existing residence for use as a guesthouse; 1856 Lacy Lane.

Planner Nikki Agidius reported on a request by Marc Blackwell, for Robert Schumacher, for a conditional use permit for the relocation of an existing residence for use as a guesthouse. The zoning designation is WLR, one-family limited residential and the Master Plan designates the property as Suburban Residential with a Sensitive Areas Overlay adjacent to Whitefish Lake. Staff felt the guesthouse would be less intrusive than subdividing the lot and building a second home. There is a new site plan that was submitted by the applicant after the staff report had been sent to the Planning Board. The changes reflect the new location for the proposed residence and the location of a future garage. The property is located at 1856 Lacy Lane. Staff recommends approval subject to 5 conditions, including the condition that the unit will not be used for a rental unit. Councilor Muhlfeld asked about the run-off issues. Director Horne said Karin Hilding is requiring a stormwater and erosion control study and stormwater management plan. She will require flow lines. Councilor Muhlfeld asked and Director Horne said the stormwater management plan is not required prior to construction unless the home is over 5,000 square feet. Councilor Muhlfeld said the applicants were de-watering the foundation directly into the lake. Councilor Muhlfeld said there is a typo on page 4 of 6 of the Staff Report and the base flood elevation needs to be corrected. Councilor Palmer said he stopped over there and the applicants are hauling water out in trucks instead of sending it into the lake. Councilor Palmer asked and Planner

Agidius said she researched comments by Mrs. Schenck about concerns that a neighbor couldn't build a guest house in the past. Planner Agidius said she didn't know what the zoning was then, but it would be allowed now.

The public hearing was opened. No one wished to speak. The public hearing was closed.

Councilor Woodruff offered a motion, seconded by Councilor Coughlin, to approve Conditional Use Permit WCUP-07-11; requesting relocation of an existing residence for use as a guesthouse at 1856 Lacy Lane, adopting the attached report WCUP-07-11, findings of fact, relative public comment and subject to the attached 5 conditions.

Councilor Coughlin said regarding the letters they received from neighbors like Mrs. Schenck, there were probably changes to the CUP process since the neighbor was denied the right to build an accessory apartment. She said Item #5 regarding "domestic servants" philosophically bothers her. She said it is a sad state of affairs for Whitefish.

The motion passed unanimously.

5c. Resolution 07-16; Approving the Armory Park Master Plan.

Parks and Recreation Director Keyes reported that the Armory Park project began back in January 2006. There have been numerous public hearings, Park Board meetings and a lot of public input and the City hired Bruce Boody, landscape architect, to help develop a Master Plan for the park. Initially, the soccer field and dog park wanted the same space. They decided shared space was not a good idea. He said the Park Board gave him direction to pursue other options, especially regarding the soccer field. He said the current field is only used a couple weekends out of the year for overflow games. He went to Glacier Airport who said they would be willing to work with the City to come up with an easement for a potential relocation of the soccer field. The great thing is that it is on land adjacent to Armory Park. The new soccer field will be relocated at the east side of the softball fields.

Director Keyes introduced Bruce Boody, Landscape Architects, to offer a presentation. Bruce Boody showed the proposed Master Plan concept for the future development of Armory Park. The general concept was to keep the playing fields where they are and the development of the new Veteran's Way will protect the existing residences. The highest priority was to develop a restroom facility centrally located in the park. The second highest priority was to improve the fields, especially the drainage and bleachers. The third highest priority was parking. The fourth priority was more useable open space. The fifth priority was a small space for a small children's play area. The plan includes: the construction of an additional 116 space asphalt parking lot along the southern border of the park and the construction of an additional 49 space asphalt parking lot along the north east border of the park just northeast of the existing soccer field, the construction of public restrooms/concession area, improved drainage and the installation of irrigation and bleachers for all four softball fields and eventually install lighting for at least one of the fields. The proposed plan also calls for the future development and construction of a network of bicycle pedestrian trails throughout the park, dog park, children's play area, an elevated picnic shelter area, outdoor performance stage and the future construction of Veteran's Way. Hopefully the construction of Veteran's Way will help decrease traffic challenges on Armory Road. The dog park will also include a water pond, with improvement is could be part of the open space.

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Councilor Coughlin asked about the funding of the relocation of the soccer field. She asked who was going to have to fund the building of the new field. Director Keyes said the Armory Park Master Plan is conceptual at this point, but he believed the cost of the relocation of the soccer field and construction of the dog park would be born primarily by the interest groups.

Director Keyes said if the City Council chooses to adopt the recommendation of the Park Board to accept the Armory Park Master Plan, parks staff will begin working on the development of a detailed plan that includes: phase identification, establishing project priorities with estimated timelines and preliminary cost estimates. Once this plan is developed, parks staff will then submit planning documents for Park Board and City Council approval.

Councilor Muhlfeld asked if the outdoor performance center would be able to host small bands. Director Keyes said that is the vision. Councilor Palmer asked and Director Keyes said they were only asking for approval of the big vision tonight. Director Keyes said he thinks the dog park and soccer fields will be dealt with first because of public interest, but if the softball people want to step up and help, they can work on their fields. He said the bike jump park is very close to starting this May after great efforts by Ron Brunk and other interested folks.

Steve Lull, (Dillon Road) president of WAG, the Whitefish Animal Group, said they are seeking an open area that includes a space for responsible dog community activity. He said the provision of a safe and legal off-leash dog space will be very beneficial for the community and he believes it will reduce the current off-leash activity on City Beach. He acknowledged Dan Keys for his efforts in working with them.

Diane Ward (Livermore Flats) read a letter in support of the dog park and recommended a park with a divided area, one for large dogs and one for smaller dogs.

Kerrie Byrne (Fir Avenue) addressed the concern that parks are for people and not dogs. She said dog parks are for people with dogs. She said she has heard comments about concerns regarding dog fights. She thinks they can educate dog owners and it won't be a problem.

Audra Tan (Somers Avenue) said they are trying to address the issues on the bike/pedestrian trail and as part of the Clean the Fish they will be cleaning the remains off the bike trail. They will also clean the Armory Park on a clean-up day as well.

Barbara Palmer (W. 3rd Street) said she has cats, not dogs, but she is in favor of the park. She said that in her experience every town that has one is successful.

Marti Kurth (Whitefish Stage Road) is on the WAG board and Flathead Convention and Visitor's Bureau and said it will be the first official dog park in the valley. She thinks it will be a good thing for tourism.

Don Spivey, on behalf of the Bike and Pedestrian Committee, said they endorse this dog park as one step in the process of taking care of the leash and waste problems. He said they need to get serious about creating a bike trail to get people to this park more efficiently and safely.

Allyson Arnold (Deer Trail) spoke in favor of the dog park.

Myni Ferguson agreed with Steve Lull's comments. She said she lives on Blanchard Lake Road and there used to be land available for people to walk with dogs, but in the past 6 months the BPA easements and existing roads and trails have been closed down so people need a place to go.

Ray Queen, 201 Perregrin Lane, said he is in support of this park. He asked, however, that the Council halt any new projects until there is a safe way out to the park and Armory. He said his children are his priority. He recommended speed bumps to handle the immediate traffic situation.

Donna Partain said she is a dog owner, special ed teacher, and large dog rescuer. She said as a parent of teenagers who use the skate park, they are in favor of the dog park and bike park. She would hate to see this go by the wayside when the kids are in support of it as well.

Kathy Wram, 150 Dodger Lane, said she is closest to all of this activity. She is glad there is going to be a Master Plan and she appreciates the work the Park Board and City Staff have done. She asked who is going to take care of all of the maintenance of the park. She noted that the Skateboard Park has not been any problem and the kids have been great. She said a plan would be great.

John Wilson, 1724 Second Street, said he is in support of the dog park, but he'd rather not have it here. He would rather see it at the Wastewater Treatment Plant. He would also like to speak about one other feature. He would be against the concert performance area because neighbors would be subjected to someone else's taste in music.

Cate Turner-Jamison, 44 Pine St., said they would like to have a dog, but their yard is small and they would need a place to run the dog. She and her 6-year old son, Gaylin, were in favor of the park. She said an information board at the park could offer information on proper pet etiquette.

Councilor Woodruff offered a motion, seconded by Councilor Palmer, to approve Resolution 07-16; Approving the Armory Park Master Plan, adopting the attached report, findings of fact and relative public comment.

Councilor Jacobson said she was wondering if everyone present realized that adopting the Master Plan didn't mean the Council was adopting a dog park. It just means they are working toward that process. She said they received numerous letters from dog owners and supports saying they wanted a park, but no one said they would like to help maintain the park. Everyone wants to use it, but it will have to be maintained long term. Councilor Palmer complimented Dan Keyes and all of the groups that worked together to make this plan come together. He said he would recommend a 5-year probationary period for the dog park to create peer pressure to keep the park clean.

The motion passed unanimously.

6. COMMUNITY PLANNING AND DEVELOPMENT

6a. Ordinance 07-10; Adopting a new weed control ordinance – 1st Reading.

Manager Marks said the Weed Control Advisory Committee is now a permanent committee and they have developed a permanent weed control strategy. This ordinance continues the existing policy of requiring property owners to control weeds on their property and any adjacent boulevard or barrow pit. This process will include a notice to eradicate. It will allow the City to provide one of two notices to a

property owner to specify the types of weeds and the best process for eradicating the weeds. If the property owner fails to eradicate the weeds, the City may do so and charge the property owner the cost of the eradication plus 20% for administrative costs. If the property owner fails to comply with the Weed Ordinance or with a notice to eradicate weeds, the Zoning Administrator may issue a citation to appear in City Court, direct the City Attorney to issue a civil complaint or direct the City Attorney to initiate misdemeanor prosecution. In cases where a property owner ignores the Weed Ordinance, the City can treat each day as a separate misdemeanor violation. He thanked the Weed Committee for their efforts.

Councilor Woodruff asked for clarification about what was new and what was in the existing ordinance, Jen Elden with the Weed Committee, said the committee changed the definitions. She said the existing ordinance was just a list of weeds. They changed the definitions and sorted the categories out to match the County and State lists. She said they now list dandelions as “undesirable.” She said the 10-day limitation for compliance is a huge change in this ordinance because they can address the problem before the plants go to seed. It will offer much better control. She feels this is interactive because it will let people know what weeds are on their property and learn how best to handle the weeds they have in their yards.

Councilor Woodruff asked if most of the enforcement issues were also in the old ordinance and Councilor Coughlin said they were. Councilor Coughlin asked if there will be photo postings so people can look at examples of specific weeds. Jen Elden said Montana has a host of resources they could link to the City’s website. Manager Marks said the Code Enforcement Officer has physical literature people can look at and Councilor Coughlin said she could really use pictures. Jen Elden said they are holding a weed-pull day on June 11th and that information includes links to two State websites.

Councilor Jacobson said a mailing with examples of various weeds went out to households in the past and she didn’t know if they were going to do it again. Councilor Woodruff was concerned about the issue of the City cleaning up weeds on City property like burrow pits and then charging the people. She asked and Director Wilson said they don’t charge people who don’t keep their City-owned sidewalks shoveled. Councilor Woodruff asked how they could charge for the weed issue. Manager Marks suggested they continue these questions at the next meeting when Attorney Phelps is present. Councilor Woodruff asked and Manager Marks said he thinks they have to have a way to enforce this.

Councilor Coughlin offered a motion, seconded by Councilor Palmer, to approve Ordinance 07-10; Adopting a new weed control ordinance on a first reading.

Manager Marks said there are two philosophical ways to look at this. He said the City can either raise additional funding from those same citizens and do the job, or the citizens can clean up the boulevards out in front of their homes themselves.

Councilor Jacobson said the Weed Committee has talked a lot about the elderly or people who cannot physically comply. They are recommending that those individuals work with the Weed Committee who will work to get volunteers to help with the property in those situations.

Councilor Jacobson offered an amendment under Section 4.3.3.B, seconded by Councilor Woodruff, to direct Attorney Phelps to state that when the Enforcement Officer is addressing those who are elderly or not able to physically comply, that those properties would be sent back to the Weed Committee, prior to any enforcement, to arrange volunteers to help those people.

Councilor Coughlin said she wanted it worded clearly so that just being out of town doesn't mean they are not able to comply.

The amendment passed unanimously.

Councilor Coughlin said last year a citizen was pretty upset because they were charged by the City for handling a weed eradication problem. She said she doesn't see that as a real problem. She said there is a problem with City property that is not maintained well. She cited the strip along Edgewood Avenue which frequently has weeds. The challenge is that property isn't necessarily all City property, even though that is how it is perceived, so it is often a problem. The Weed Committee is working with the railroad to maintain that property. Councilor Woodruff said if there is a large area of City property adjacent to someone's property, they shouldn't make someone handle it for the City. Councilor Coughlin thanked the committee for their efforts.

Councilor Jacobson said she agreed with Councilor Woodruff that people who own large properties can have a problem maintaining their barrow pits. Mayor Feury clarified that nothing will happen without the property owner being notified first. If they are unable to comply, then the amendment addresses the concerns for those with physical limitations.

The original motion, as amended, passed unanimously.

7. COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

7a. Recommendation to award a Parks Maintenance Facility Construction Contract.

Director Keyes said in March 2007 the Council approved \$693,140.00 for the design and construction of the park maintenance facility. The Parks and Recreation Department has advertised for and received four bids for the construction of a park maintenance facility. Bids were received from Davidson Construction, Swank Enterprises, Diamond Construction of Helena and Hammerquist Casalegno, Inc, who submitted the low bid in the amount of \$699,995.00. The sum of the low bid with all of the deductions and adding in alternate #2 equals \$719,810.00. This bid total exceeds the budget by \$105,187.00 with an 8% contingency fund.

City staff and the consultant have recently reviewed the bid tabulation and the project priorities and are recommending to award the contract with a deduction of alternate #1 (covered storage) in the amount of \$61,438.00 and a deduction of alternate #3 (asphalt paving) in the amount of \$5,833.00 and finally a deduction of alternate #4 (landscaping) in the amount of \$22,505.00. The sum of all of these deductions is \$89,776.00 for a sub-total of \$610,219.00. This would leave \$4,404.00 to be used as a contingency. Staff respectfully request the Council authorize additional funding in the amount of \$19,815.00, for the in-floor radiant heat in this contract, awarded from the TIF fund. He asked the Council to award a contract in the amount of \$630,034.00 for the construction of the Park Maintenance Facility Project to Hammerquist Casalegno Incorporated of Kalispell. They feel the deleted items can be completed a little later and for less money if the staff does some of the work and coordinates with other road construction efforts in the area.

Councilor Muhlfeld offered a motion, seconded by Councilor Palmer, to authorize the allocation of an additional \$19,815.00 from the TIF fund project for radiant in-floor heating and

to award a contract in the amount of \$630,034.00 for the construction of the Park Maintenance Facility Project to Hammerquist Casalegno Incorporated of Kalispell.

Councilor Coughlin said she thought at first they weren't going to hold the City up to the same standards as other applicants when she saw the removal of some alternates, but then she saw the Staff creatively looked at figuring out the details in a financially responsible way.

Mayor Feury thanked Chad Wold for bringing this building design in within the scope of the project the Council intended.

The motion passed unanimously.

8. COMMUNICATIONS FROM CITY MANAGER

Manager Marks said filing dates begin April 30 through June 28th for Mayor and Councilors. He said he will be gone April 16th.

Public Works Director Wilson said they will interview consultants for the Critical Conveyance Consultant process on Thursday or Friday morning and asked for a member from the Council. Councilor Jacobson volunteered.

Director Wilson talked about the River Crossing drainage plan. Assistant Engineer Karin Hilding prepared a memo on this, it is in the Councilor's boxes. He said the applicants, with Karin Hilding's approval, have submitted their plans and they would like the Council's blessing to approve the plan. Councilor Muhlfeld said Karin Hilding said there was no other way to handle the water on this site. He said he has concerns on page 2, where Public Works wrote TD&H asking for more details. He said bullet #4 said trees above 3015 need to be protected and the Preliminary Plat conditions of approval says 3030, but the 5th bullet down says the 3015 line. Councilor Muhlfeld said he trusts the expertise of Karin Hilding and TDH. Director Wilson said he would ask Karin Hilding if 3030 would be more appropriate on the 5th bullet. Councilor Muhlfeld said some of the conditions say "will be preserved where possible" and he thought they shouldn't have any latitude. Director Horne said the drainage plan and final plat will be presented at the next Council meeting, and the applicant will address each item.

9. COMMUNICATIONS FROM CITY ATTORNEY - None.

10. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

10a. Letter from Anna Munson regarding Parking at City Beach.

Manager Marks said this letter requested that the Council prohibit vehicles with trailers from parking on Edgewood Avenue. He recommended that they send it on to the Police Department, Public Works, Parks and Recreation Department and the Park Board for review and recommendations.

Councilor Coughlin offered a motion, seconded by Councilor Palmer, to send this letter of concern to the Police Department, Public Works, Parks and Recreation Department and the Park Board and authorize Manager Marks to send a letter to Ms. Munson stating the letter has been passed on to the above departments. The motion passed unanimously.

10b. Discussion on scheduling a Council workshop.

Manager Marks said at the close of the March 26th work session, the Council agreed they needed to meet and discuss more of their general items not covered last time. Councilor Jacobson suggested they wait until they have ten items and then schedule a meeting. The Council wanted to defer this and agreed to wait until the next goal setting meeting.

Councilor Coughlin said she read in the paper that the Birch Point Railroad crossing was blocked for 45 minutes and wondered what has been done. Acting Chief of Police Ferda said it has been an ongoing problem. Director Wilson said Public Works did not send a letter to the railroad, but perhaps Attorney Phelps did. Manager Marks said they did take the steps the Council requested when this was brought up previously. He said, however, because it is not in the City limits they don't have the authority to enforce anything. Councilor Coughlin said Acting Chief of Police Ferda gave them information on non-motorized use on Whitefish River and she would like to see it put into motion. Director Horne said the Planning Department will follow through with that. Manager Marks said he would like to talk with the staff and determine who should handle this.

Councilor Jacobson voiced concerns about the extra-territorial land issue control and regulations. She said a County Planning Board person she knew said that instead of the City handling it themselves, they should work with the County. When people file for a water permit to dig a well then the County could notify the City of the new construction. Manager Marks said that might be helpful, if a water improvement was part of their project, but that doesn't address all issues. Manager Marks clarified again that no new regulations are being placed on people in the extra-territorial land; the City is just formalizing the process the County gave them. Director Horne said he will bring it back to the Council at the next meeting. They are checking into options with the County. Councilor Jacobson said the ad in the Interlake is raising a lot of concerns.

Councilor Muhlfeld said he disagrees with Councilor Jacobson's suggested approach. He said the DNRC is not going to notify the City of Whitefish when a water right is requested. Director Horne agreed that it was a nice thought, but it wouldn't work.

Mayor Feury quoted from the March Council minutes and said Dwayne Becker said he and his wife worked hard to get 20 acre zoning to keep the rural atmosphere they wanted when they bought the property. Mayor Feury said the City is saying they are going to work with those people to help protect that zoning and enforce it. He said that shows the confusion that is out in the public arena. The City is trying to help people protect what they have.

Councilor Muhlfeld asked if there was a drainage plan for the Lacy Lane property and Director Wilson said he believed there was. Councilor Muhlfeld said when there is a proposed drainage plan and instead, the applicants are pumping water into Whitefish Lake, he hopes the City red tags them and shuts them down. Director Horne asked and Councilor Muhlfeld said they would need a permit from the DNRC to pump turbid water into the lake.

Councilor Palmer said he received a question from a citizen who wanted to know when an ad would be out for the ad hoc stormwater committee. City Clerk Lorang said interested people can submit through April 9th and they should check the ad in the paper or on the City's website. Councilor Palmer said Dwayne Becker called to thank him for tabling this process at the last meeting. Councilor Palmer asked if they should try out the new decay ordinance on the old trailer park because there is a lot of

debris. Manager Marks said he will ask Attorney Phelps to review that question. Councilor Palmer said the Planning Board will now begin meeting at 6:00 PM and he was concerned that the by-laws set the meeting time at 7:00 PM. He also didn't want to inconvenience the public. Manager Marks said Staff would look into it.

Mayor Feury thanked Acting Chief Ferda for the community policing efforts and offering leashes as a creative way to handle the dog problem.

11. ADJOURNMENT

Mayor Feury adjourned the meeting at 10:02 p.m.

Deputy Mayor Coughlin for Mayor Andy Feury

Jane Latus Emmert, Recording Secretary

Attest:

Necile Lorang, City Clerk