



**CITY COUNCIL WORK SESSION
CITY COUNCIL CONFERENCE ROOM
418 EAST SECOND STREET
MONDAY, MARCH 2, 2020
5:15 TO 6:00 PM**

1. Call to Order
2. Interviews for Parking Pilot Program
 - 5:20 Josh Branstetter – Whitefish School District Representative
 - 5:30 Chris Schustrom – Member – at – Large
 - 5:40 Mike Rossi – Owner – Whitefish Tax & Consulting PC
 - 5:50 ~~Sara Seed – Owner – Amazing Crepes~~ Rescheduled to March 16th
 - (2) Staff – Michelle Howke-City Clerk/Hilary Lindh-Long Range Planner

3. Public Comment

4. Appointment – Eight (8) or nine (9) positions; one (1) daytime (8:00 am to 3:00 pm) employee, one (1) nighttime (3:00 pm to 8:00 pm) employee, one (1) or two (2) owner/manager of retail, bar, restaurant, professional office, or hotel/lodging establishment in the Pilot Parking Permit Area; one (1) member residing in the Pilot Parking Permit Area; one (1) member-at-large residing within City limits; and two (2) City staff members- Mayoral appointment

**CITY COUNCIL WORK SESSION
CITY COUNCIL CONFERENCE ROOM
MONDAY, MARCH 2, 2020
6:00 TO 7:00 PM**

5. 6:00 – Update from Homeward and the Strategic Housing Committee on the proposed development at the City’s snow lot.
6. Public Comment
7. Direction to City Manager Smith
8. Adjourn

PUBLIC NOTICE

VACANCIES ON CITY BOARDS/COMMITTEE



BOARD OF PARK COMMISSIONERS – One (1) position, term ending May 1, 2021. Applicants must have resided within the city limits for 2 years and within the State for 3 years and must be at least 21 years old. The Committee meets on the 2nd Tuesday in the evening.

ARCHITECTURAL REVIEW COMMITTEE – One (1) position, complete term 5/31/2020 or extend to 5/31/2023 at Council’s discretion. Applicant shall be Montana licensed architect, or licensed design professional (architect, engineer or landscape architect), and shall either reside, are employed, own a business or own property within the corporate limits of the city of Whitefish, or in the 59937 zip code. The Committee meets 1st & 3rd Tuesday (April-October) and 1st Tuesday (November-March) at 8:15 a.m.

PARKING PERMIT IMPLEMENTATION COMMITTEE – Eight (8) or Nine (9) positions. Committee will provide suggestions and feedback with respect to a pilot parking permit program and potential residential parking permit program. The Committee consists of; One (1) daytime (8:00 a.m. to 3:00 p.m.) and One (1) nighttime (3:00 p.m. to 8:00 p.m.) employee of a retail establishment, bar, restaurant, professional office, or hotel/lodging establishment located in the August 2018 Parking Study Area; One (1) or two (2) Owner(s) or Manager(s) of a retail establishment, bar, restaurant, professional office, or hotel/lodging establishment located in the August 2018 Parking Study Area; One (1) representative of the Whitefish School District; One (1) member residing in the August 2018 Parking Study Area; and One (1) member-at-large residing within City limits. Contact Michelle Howke, City Clerk for a copy of the Parking Study Area map.

BOARD OF ADJUSTMENTS - One (1) position, complete term ending 12/31/2021. Applicant shall reside within the corporate city limits of Whitefish. The Committee meets as needed, the first Tuesday of the month at 6:00 p.m.

BOARD OF APPEALS – One (1) position, term not designated. The Board of Appeals determines suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the International Building Code. Applicant must be qualified by experience or training to pass on matters pertaining to building construction. The Committee meets as needed.

IMPACT FEE ADVISORY COMMITTEE – One (1) positions. Applicants shall be a representative of the development community and shall reside or work within City limits. This Committee meets annually.

Interested citizens – Please submit a letter of interest to serve on the above committees to the Whitefish City Clerk’s Office at 418 E. 2nd St.; mail to P.O. Box 158, Whitefish, MT 59937, or email mhowke@cityofwhitefish.org by **Friday, February 21, 2020 at 5:00 pm**. Interviews will be held March 2, 2020. Letters of interest will be accepted until the positions are filled. If you have any questions, please call Michelle Howke, City Clerk at 863-2402 or visit the City’s website: www.cityofwhitefish.org *THANK YOU FOR YOUR INTEREST*

Michelle Howke

From: Joshua Branstetter <branstetterj@whitefishschools.org>
Sent: Monday, February 17, 2020 7:40 AM
To: Michelle Howke
Cc: sheal@whitefishschools.org
Subject: Re: Downtown Parking Permit Implementation Committee

Hello Michelle,

Thank you for the information. I would be interested in serving on the committee as the school representative. I do have one major question, do you have an idea of how many meetings and when they would be held at. Before I commit, it would be helpful to understand the time commitment as I volunteer in other capacities in both the Whitefish and Columbia Falls communities and don't want to have too many conflicts or spread myself too thin. Thank you for considering the schools in the creation of this committee.

Sincerely,

Josh Branstetter
Principal
Whitefish Middle School

Personal Responsibility Is a Daily Expectation

On Fri, Feb 14, 2020 at 9:57 AM Michelle Howke <mhowke@cityofwhitefish.org> wrote:

Good morning!

During their regular meeting Monday, February 3, 2020, City Council approved Resolution No. 20-05; Establishing the Parking Permit Implementation Committee. The Downtown Parking Management Plan calls out creating a permit implementation committee to engage with business owners, managers, employees, residents and downtown stakeholders on ideas for the program. I have attached a copy of the Resolution along with the Public Notice that will be published in the Whitefish Pilot February 5th and 19th. The deadline for those who are interested in serving on the committee is February 21st. Interviews will be held with the Council on March 2nd.

Resolution 20-05, Section 4, states the committee will consist of one (1) representative of the Whitefish School District. Superintendent Heather Davis Schmidt asked to forward this to you for your interest in serving on the Committee. Please let me know if you have any questions.

Thank you,

Michelle Howke

Administrative Services Director/City Clerk

PO Box 158/418 E. 2nd Street

Whitefish, MT 59937

Michelle Howke

From: Heart of Whitefish <heartofwhitefish@gmail.com>
Sent: Wednesday, February 5, 2020 1:25 PM
To: Michelle Howke
Cc: Muhlfeld, John
Subject: Application for Parking Permit Implementation Committee

Good afternoon, Michelle

I am writing to apply for the at-large member position on the Parking Permit Implementation Committee approved by the City Council on Monday evening. If you need any further information For my application please let me know.

Sincerely,
Chris

--

Chris Schustrom
Heart of Whitefish
406-260-1198

Co-owner
Garden Wall Inn
504 Spokane Ave
Whitefish, MT 59937
c. 406-260-1198
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mike Rossi <mike@whitefishtax.com>
Sent: Monday, February 10, 2020 8:59 AM
To: Michelle Howke
Subject: RE: Parking Permit Committee...
Attachments: Mike Rossi Resume (2020).pdf

Hi Michelle,

I would like to be considered for the Parking Permit Committee.

We are often here till 8:00 pm (during tax season)....but I probably more-closely qualify for the daytime position.

I am also an owner of a professional establishment on Central Ave. Our kids attend WFISD, and I live within City Limits.

Resume attached.

Thanks,

Mike Rossi, CPA
Whitefish Tax & Consulting PC
309 Central Ave, Suite 204
Whitefish, MT 59937
(214) 668-6693

-----Original Message-----

From: Michelle Howke <mhowke@cityofwhitefish.org>
Sent: Monday, February 10, 2020 7:50 AM
To: Mike Rossi <mike@whitefishtax.com>
Subject: RE: Parking Permit Committee...

Mike,

Good morning. I have attached a copy of the Resolution establishing the Parking Permit Implementation Committee. The Committee will provide suggestions and feedback with respect to the pilot employee parking permit program proposed by City staff, to consider modifications and expansions to future versions of the program, and to evaluate a potential residential parking permit program.

The Committee will consist of 8 or 9 members: (1) daytime (8:00 am to 3:00 pm) and (1) nighttime (3:00 pm to 8:00 pm) employee of retail, bar, restaurant, professional or hotel/lodging establishments located in the Pilot Parking Permit Area (map included as Exhibit 'A' of the attached resolution); (1) or (2) Owners/Managers of retail, bar, restaurant, professional or hotel/lodging establishments located in the Pilot Parking Permit Area; (1) Whitefish School District representative; (1) member residing in the Pilot Parking Permit Area; (1) member-at-large residing within the city limits, and (2) staff members.

The time has not been set for when the Committee will meet or how often the Committee will meet. The Committee shall disband within (1) year of its creation, unless extended by Resolution.

If you are interested in serving on the Committee, please submit a letter of interest to me by 5:00 pm February 21st. Please include in your letter the criteria in which you are applying for, provide your physical address, mailing address, phone number and email address.

Please let me know if you have any other questions. I would be happy to answer them.

Thank you,

Michelle Howke
Administrative Services Director/City Clerk PO Box 158/418 E. 2nd Street Whitefish, MT 59937
mhowke@cityofwhitefish.org
406-863-2402

-----Original Message-----

From: Mike Rossi <mike@whitefishtax.com>
Sent: Friday, February 7, 2020 6:51 PM
To: Michelle Howke <mhowke@cityofwhitefish.org>
Subject: Parking Permit Committee...

Hi Michelle,

I'd like to learn more about the Parking Permit committee.

Thank you,

Mike Rossi, CPA
Whitefish Tax & Consulting PC
309 Central Ave, Suite 204
Whitefish, MT 59937
(214) 668-6693

EXTERNAL SENDER verified by City of Whitefish IT EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sara Seed <sara@amazingcrepes.com>
Sent: Thursday, February 13, 2020 5:14 PM
To: Michelle Howke
Subject: Parking Permit Implementation Committee

Dear Michelle,

Please accept this letter of interest to serve on the City's Parking Permit Implementation Committee. I own Amazing Crepes on Central Avenue. As a downtown business owner, I'm keenly interested in improving parking access and traffic flow for customers. Moreover, many of my employees commute into Whitefish from other areas of the valley. The lack (or apparent lack) of parking impacts our efficiency and ability to attract and retain employees. During the summer months, I employ roughly 15-20 daytime individuals, and 6-8 in the winter season.

I look forward to an opportunity to better serve the community, and work with other locals to improve parking access in our downtown core.

Thank you for your consideration.

Sincerely,

Sara

Sara Seed
Owner
[Amazing Crepes & Catering](#)
123 Central Ave, Whitefish, Montana
P: 406-862-6002
C: 253-279-8077
sara@amazingcrepes.com

EXTERNAL SENDER verified by City of Whitefish IT

RESOLUTION NO. 20-05

A Resolution of the City Council of the City of Whitefish, Montana, establishing the Parking Permit Implementation Committee.

BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: There is hereby established the Parking Permit Implementation Committee (the "Committee").

Section 2: Members of the Committee shall be appointed by the Mayor with the consent of the City Council. Appointments shall be made by a simple majority of the City Council in attendance at a special or regular session. Committee members shall receive no compensation.

Section 3: The general purpose of the Committee will be to provide suggestions and feedback with respect to a pilot employee parking permit program proposed by City staff to debut in 2020, to consider modifications and expansions to future versions of the program, and to evaluate a potential residential parking permit program in light of the effects of the employee pilot program.

Section 4: The Committee will consist of eight (8) or nine (9) individuals with representation as follows: One (1) daytime (8:00 a.m. to 3:00 p.m.) employee of a retail establishment, bar, restaurant, professional office, or hotel/lodging establishment located in the Pilot Parking Permit Area identified in Exhibit A; One (1) nighttime (3:00 p.m. to 8:00 p.m.) employee of a retail establishment, bar, restaurant, professional office, or hotel/lodging establishment located in the Pilot Parking Permit Area; One (1) or Two (2) Owner(s) or Manager(s) of a retail establishment, bar, restaurant, professional office, or hotel/lodging establishment located in the Pilot Parking Permit Area; One (1) representative of the Whitefish School District; One (1) member residing in the Pilot Parking Permit Area; One (1) member-at-large residing within City limits; and Two (2) City staff members.

The Committee members shall select a Chairperson and a Vice-Chairperson from the members of the Committee. The Committee shall appoint one member as Secretary of the Committee, who shall keep minutes of all meetings and submit them to the City Clerk. A majority of the members shall constitute a quorum. The Committee shall meet as often as necessary to accomplish its general purpose, as described above. The Committee shall cease to exist as provided in Section 5.

Section 5: The Committee will begin its deliberations as soon as practical after its creation and shall meet as often as needed to accomplish its objectives. The Committee shall be disbanded within one (1) year of its creation, unless extended by Resolution of the City Council.

Section 6: A member of the Committee may be removed by the City Council, after a hearing for misconduct or nonperformance of duty. Absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year shall constitute grounds for removal. The circumstances of the absences shall be considered by the City Council prior to removal. Any

person who knows in advance of his or her inability to attend a specific meeting shall notify the Chairperson of the Committee at least twenty-four (24) hours prior to any scheduled meeting.

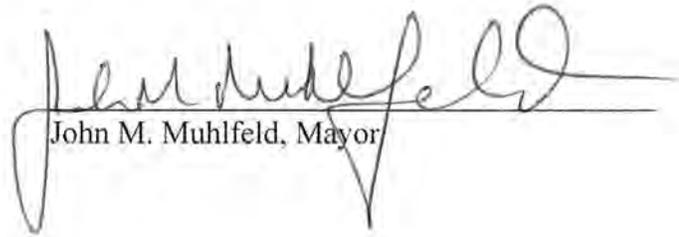
Section 7: Any vacancy occurring on the Committee will be filled in the same manner that the initial position was filled.

Section 8: The Committee will not have authority to make any expenditure on behalf of the City or disburse any funds provided by the City or to obligate the City for any funds.

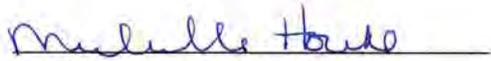
Section 9: The Committee will have no authority to direct City staff with respect to any matter, but may request information and assistance from City staff.

Section 10: This Resolution will take effect immediately upon its adoption by the City Council and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 3RD DAY OF FEBRUARY 2020.


John M. Muhlfield, Mayor

ATTEST:


Michelle Howke, City Clerk

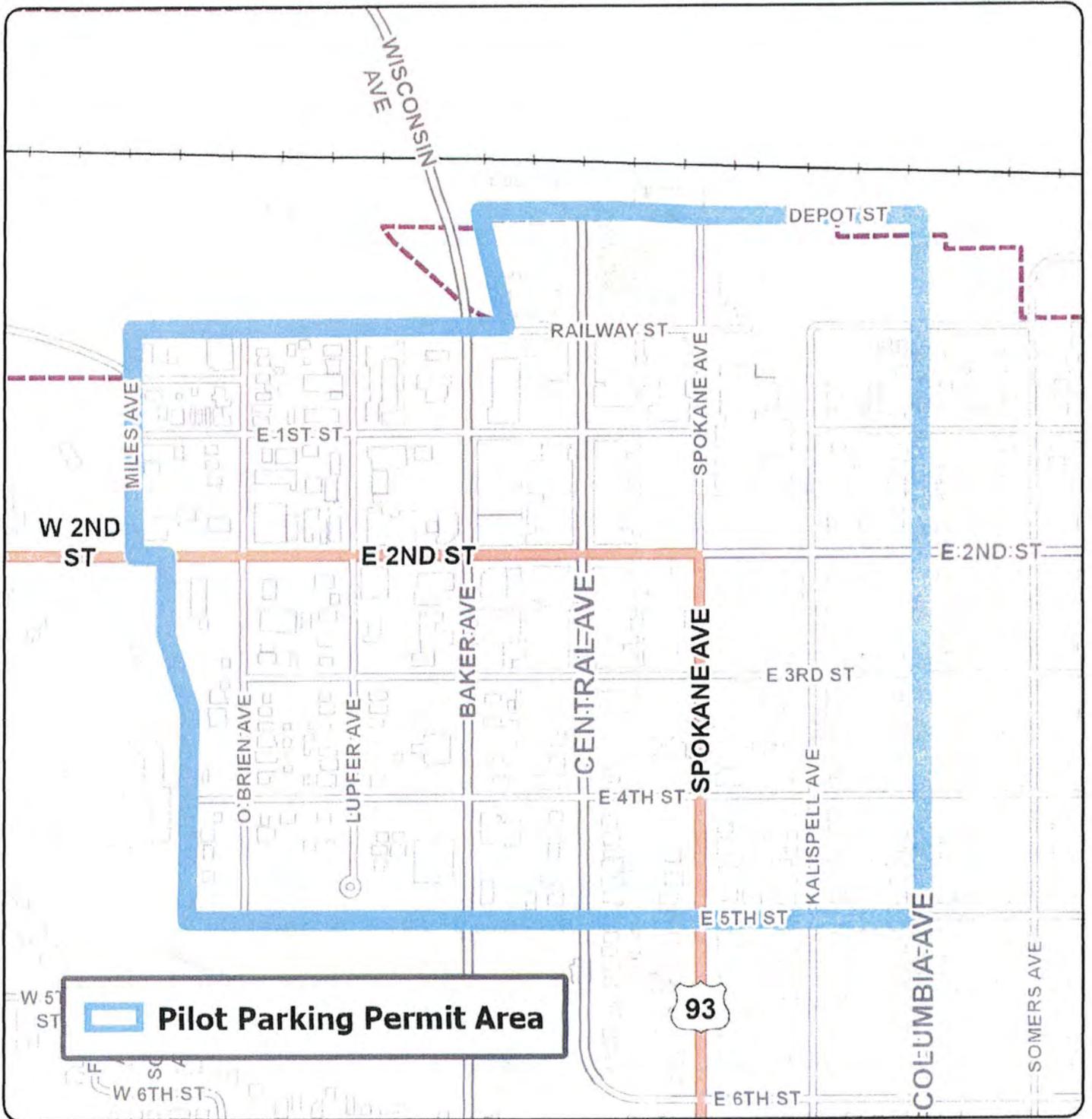


EXHIBIT A

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, March 2, 2020 at **7:10 p.m.** at City Hall, 418 E. 2nd Street, 2nd Floor.

Ordinance numbers start with 20-03. Resolution numbers start with 20-09.

- 1) CALL TO ORDER
- 2) 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)
- 4) COMMUNICATIONS FROM VOLUNTEER BOARDS
- 5) CONSENT AGENDA
 - a) [Minutes](#) from February 18, 2020 Special Session/Regular Session (p.)
 - b) [Consideration](#) of a request from Mark and Shelly Elliott, for a Whitefish Lake and Lakeshore Protection Permit, located at 1110 Birch Point Drive, to revegetate the location of a previous home within the lakeshore protection zone (LPZ) (WLP 20-W02) (p.)
- 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. 20-](#) ; A Resolution of the City Council of the City of Whitefish, to rename a portion of State Park Road, north of the intersection of Lake Park Lane and Patton Lane, to become Patton Lane (p.)
 - b) [Ordinance No. 20-](#) ; An Ordinance of the City Council of the City of Whitefish, Montana, amending Title 11, Zoning Regulations, Chapter 3 – Special Provisions, Section 11 – Fences and Retaining Walls, of the Whitefish City Code (WZTA 20-01) (First Reading) (p.)
- 7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
 - a) [Consideration](#) to award bid the Depot Park Phase III Project to Knife River (p.)
- 8) COMMUNICATIONS FROM CITY MANAGER
 - a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.)
 - b) Other items arising between February 26th through March 2nd
- 9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
- 10) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)



The following Principles for Civil Dialogue are adopted on 2/20/2007 for use by the City Council and by all boards, committees and personnel of the City of Whitefish:

- We provide a safe environment where individual perspectives are respected, heard, and acknowledged.
- We are responsible for respectful and courteous dialogue and participation.
- We respect diverse opinions as a means to find solutions based on common ground.
- We encourage and value broad community participation.
- We encourage creative approaches to engage public participation.
- We value informed decision-making and take personal responsibility to educate and be educated.
- We believe that respectful public dialogue fosters healthy community relationships, understanding, and problem-solving.
- We acknowledge, consider and respect the natural tensions created by collaboration, change and transition.
- We follow the rules and guidelines established for each meeting.

Adopted by Resolution 07-09
February 20, 2007

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February 26, 2020

The Honorable Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana



Mayor Muhlfeld and City Councilors:

Monday, March 2, 2020 City Council Agenda Report

There will be a Special Session at 5:15pm to interview applicants for the Parking Permit Implementation Committee then at 6:00pm the work session is a joint meeting with Homeward and the Strategic Housing Committee to review an update on the proposed development at the City's snow lot. Food will be provided.

The regular Council meeting will begin at 7:10 pm.

CONSENT AGENDA

- a) [Minutes](#) from February 18, 2020 Special Session/Regular Session (p.)
- b) [Consideration](#) of a request from Mark and Shelly Elliott, for a Whitefish Lake and Lakeshore Protection Permit, located at 1110 Birch Point Drive, to revegetate the location of a previous home within the lakeshore protection zone (LPZ) (WLP 20-W02) (p.)

RECOMMENDATION: Staff respectfully recommends the City Council approve the Consent Agenda.

Item "a" is an administrative matter; Item "b" is a quasi-judicial matter.

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. 20-](#) ; A Resolution of the City Council of the City of Whitefish, to rename a portion of State Park Road, north of the intersection of Lake Park Lane and Patton Lane, to become Patton Lane (p.)

From Public Works Director Craig Workman's staff report.

Introduction/History

The City has completed the final designs for Phase 2 of the State Park Road Reconstruction Project. City Council approved the design of the project and authorized staff to proceed with bidding on 1/21/2020.

Current Report

One of the highest priorities of this job is the enhancements to driver and pedestrian safety that will be realized through intersection improvements and roadway alignment changes. The most notable change in roadway alignment will occur at Lake Park Lane, where the two 90-degree curves will be eliminated. In doing so, there is a short section of State Park Road to the east of Patton Lane that will be abandoned. In addition, there is a remnant portion of State Park Road to the north of Lake Park Lane that will be renamed to Patton Lane and become a dead end. This is shown on the enclosed exhibit.

On 1/21/2020 Council passed a resolution of intent to abandon the intersection of Lake Park Lane and State Park Road and rename the remnant State Park Road north of the intersection. The enclosed resolution Renaming a Portion of State Park Road to Patton Lane is the final step in the process. Prior to approving the resolution, a public hearing must be held to provide an opportunity for property owners to object. Should 51% or more of the property owners object to the resolution, the renaming shall not be authorized by council.

Financial Requirement

The State Park Reconstruction project is slated to be paid by the Resort Tax Fund. The overall project budget is \$5.3M. While the specific amount to realign the roadway has not been calculated, it is included in the overall project budget.

RECOMMENDATION: Staff respectfully recommend the City Council, after considering testimony at the Public Hearing and the recommendations from the Public Works staff, approve Resolution No. 20-__; A Resolution of the City Council of the City of Whitefish, to rename a portion of State Park Road, north of the intersection of Lake Park Lane and Patton Lane, to become Patton Lane.

This item is a legislative matter.

- b) [Ordinance No. 20-__](#); An Ordinance of the City Council of the City of Whitefish, Montana, amending Title 11, Zoning Regulations, Chapter 3 – Special Provisions, Section 11 – Fences and Retaining Walls, of the Whitefish City Code (WZTA 20-01) (First Reading) (p.)

From Planning and Building Director Dave Taylor’s transmittal report.

Summary of Requested Action: As directed by the City Council at work sessions last fall, this application is a request by the city of Whitefish to amend Section 11-3-11-B, retaining wall regulations.

Planning Board Recommendation: The Whitefish Planning Board held a public hearing on February 20, 2020. Following this hearing, the Planning Board unanimously recommended approval of the amendments (Scott made the motion, Linville seconded) and adopted the supporting findings of fact in the staff report. (Qunell and Freudenberger absent)

City Staff Recommendation: Staff recommended approval of the text amendment attached to the staff report.

Public Hearing: At the public hearing, no one from the public spoke on the proposed amended draft ordinance. The draft minutes of the Planning Board hearing are included.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from the Planning Board and the Planning Staff, to adopt Ordinance No. 20-__; An Ordinance of the City Council of the City of Whitefish, Montana, amending Title 11, Zoning Regulations, Chapter 3 – Special Provisions, Section 11 – Fences and Retaining Walls, of the Whitefish City Code (WZTA 20-01) (First Reading).

This item is a Legislative matter.

COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) Consideration to award the bid for the Depot Park Phase III Project to Knife River in the amount of \$749,245 (p.)

Introduction/History

The Depot Park Master Plan Phase I was completed in 2018. At the request of the downtown business community, and in an effort to avoid construction during the busy summer season, Phase II was divided into four separate tasks. Task 1 was completed in June 2019, and Tasks 2 and 3 were completed last fall, apart from a few minor elements. Task 4 was separated into Phase III, which was rebid and will be completed prior to July 1, 2020.

Current Report

The final Phase (III) consists of a Base Bid and Additive Alternative. The Base Bid is for surfacing improvements to Central Avenue from Railway Street to Depot Street and the westerly portion of Depot Street, as well as re-landscaping of the northwest quadrant of Depot Park. The proposed work generally includes asphalt removal, placement of new gravel and asphalt, concrete curb and sidewalks, minor storm drain improvements, retaining wall and handrail, concrete seat wall, installation of site amenities including resetting of a statue, new streetlights, landscaping, and other miscellaneous improvements. The Additive Alternative is for constructing a shared-use path north of the O’Shaughnessy Center, from Central Avenue westerly to the MDT Right-of-Way and Baker Avenue.

Requests for bids were advertised in the Daily Interlake on January 26th, February 2nd, and February 9th. All bids were to be received by 11AM, Tuesday, February 18,2020. Two sealed bids were received and were publicly opened and read aloud at City Hall on the same date.

Bids for the final phase were received from Knife River and LHC, ranging from 5.02% to 9.46% higher than the Engineer’s Estimate for the Base Bid. The bid for the Additive Alternate ranged from 11.07% lower to 7.45% higher than the Engineer’s Estimate. There were no bid irregularities found in the lowest bidder. Below is a table of the outcome of the bids.

CONTRACTOR	BASE BID	ADD. ALT.
Engineers Estimate	\$630,160.00	\$98,347.50
Knife River	\$661,785.00	\$87,460.00
LHC Inc.	\$689,754.76	\$105,677.95

Knife River has been identified as the lowest responsible bidder for the Depot Park – Phase III Project, coming in at \$749,245.

In evaluating the bid details, there were a couple of items that were substantially greater (more than \$10,000) than the Engineer’s Estimated total price.

- Planting Soil/Lawn Area - Knife River’s total price for this item is \$21,775, which is \$13,225 more than the Engineer’s Estimate of \$8,500.
- New Irrigation System - Knife River’s total price for this item is \$45,850, which is \$20,850 more than the Engineer’s Estimate of \$25,000.
- Sod - Knife River’s total price for this item is \$27,500, which is \$18,700 more than the Engineer’s Estimate of \$8,800.

Financial Requirement

\$1,641,381 of TIF Funds were allocated for this project in FY20. The table below identifies the total estimated costs for Phases II and III in FY20.

FY20 TIF Funds for Depot Park Phases II and III	
Spent To-Date on Phase II	\$789,837
Remaining to Be Spent on Phase II (includes remaining consultant fees)	\$104,595
Total Base Bid and Additive Alternate for Phase III	\$749,245
Total	\$1,643,677

While the actual project costs will exceed the budget in FY20 by \$2,296, there are funds available to cover the difference, and a budget amendment will not be necessary. The TIF proforma has been updated to include the additional \$2,296. However, it is anticipated that this deficit can be made up through various cost saving measures in Phase III in order to bring the final project in within budget.

RECOMMENDATION: Staff respectfully recommends the City Council award the Depot Park Phase III Bid to Knife River in the amount of \$749,245. This includes \$661,785 for the base bid and \$87,460 for the additive alternate and will allow the project to be completed by July 1, 2020.

This item is a quasi-judicial matter.

COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.)
- b) Other items arising between February 26th through March 2nd

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

ADJOURNMENT

Sincerely,



Dana Smith
City Manager

Table 1: Common Motions Used in a Meeting.¹

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Privileged Motions							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No
Subsidiary Motions							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. . ."	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed"	No	Yes	Yes (16)	No	Majority	(4)
Main Motions							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
Incidental Motions (11)							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing ... can be considered separately."	No	Yes	No	Yes	Majority	No
Renewal Motions (8)							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

¹ Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

*** Refer to Robert's Rules of Order Newly Revised**

- (1) The chair decides. Normally no vote is taken.
- (2) Only made by a member who voted on the prevailing side and is subject to times limits.
- (3) Only the negative vote may be reconsidered.
- (4) Only the affirmative vote may be reconsidered.
- (5) Debatable when applied to a debatable motion.
- (6) Majority with notice, or 2/3 without notice or majority of entire membership.
- (7) Majority or tie vote sustains the chair.
- (8) None of these motions (except Reconsider) are in order when business is pending.
- (9) Rules of order, 2/3 vote—Standing rules, majority vote.
- (10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).
- (11) The Incidental Motions have no precedence (rank). They are in order when the need arises.
- (12) A Main Motion if made when no business is pending.
- (13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.
- (14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.
- (15) Upon a call by a single member, the Orders of the Day must be enforced.
- (16) Has full debate. May go into the merits of the question which is the subject of the proposed action.
- (17) A 2/3 vote in negative needed to prevent consideration of main motion.

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WHITEFISH CITY COUNCIL
February 18, 2020
SPECIAL SESSION 5:45 TO 6:00 PM

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Hennen, Sweeney, Norton, and Qunell. Councilor Hartman was absent. City Staff present were, City Clerk Howke, City Manager Smith, and Parks and Recreation Director Butts.

2) INTERVIEW

Mayor Muhlfeld and City Council interviewed Carrielynn O'Reilly for the Board of Park Commissioners.

3) PUBLIC COMMENT

None

4) APPOINTMENTS

Mayor Muhlfeld appointed with full Council ratification, Carrielynn O'Reilly to the Board of Park Commission, term ending May 1, 2021.

Mayor Muhlfeld adjourned the Special Session at 6:00 pm and opened the work session.

WHITEFISH CITY COUNCIL
February 18, 2020
7:10 p.m.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Feury, Hennen, Hartman, Sweeney, and Norton. Councilor Qunell was absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Sergeant Veneman and Fire Chief Page. Approximately 11 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Chris Schustrom 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)

Chris Schustrom, Whitefish Shines Chair, invited Council, Staff and Citizens to help take down the holiday decorations on Sunday February 23rd. Those who are interested should meet at the intersection of 3rd and Central at 8:45 a.m. A complimentary lunch is offered at the Great Northern after.

Chuck Overcast, 124 Somers Avenue, is concerned with the truck loads of logging trucks coming through town. Trees are falling with the substantial wind because there is no protection for the trees. He would like to see Council take a stand and save what we can in town.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Sweeney reported the Ice Den is doing very well. They are looking to build a mezzanine level, through fundraising with the Whitefish Community Foundation Great Fish Challenge.

Councilor Norton reported the Strategic Housing Committee reported there is funding for affordable housing through grants and loans. She was excited to hear one can be used to help rehab existing homes.

5) CONSENT AGENDA

- a) [Minutes](#) from February 3, 2020 Regular Session (p.19)
- b) [FY20](#) Second Quarter Financial Reports (p.22)

Councilor Norton made a motion, seconded by Councilor Hartman to approve the Consent Agenda as presented. The motion passed unanimously.

- 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. 20-06](#): A Resolution updating the City of Whitefish's Rules and Regulations for Water, Sewer, and Garbage Utilities (p.30)

City Manager Dana Smith gave her staff report that is provided in the packet on the website. Mayor Muhlfeld opened the Public Hearing.

Ben Cavin, 2100 Houston Drive, is opposed to paying monthly for his garbage bill. He stated if the reason for the including the garbage inhouse is due to the rentals, he suggested doing a split between rentals and ownership.

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

Councilor Feury made a motion, seconded by Councilor Sweeney to approve [Resolution No. 20-06](#): A Resolution updating the City of Whitefish's Rules and Regulations for Water, Sewer, and Garbage Utilities. The motion passed unanimously.

- b) [Resolution No. 20-07](#): A Resolution revising fees charged for City utility services(p.117)

City Manager Smith gave 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 Norton made a motion, seconded by Councilor Hartman to approve Resolution No. 20-07. The motion passed unanimously.

- c) [Resolution No. 20-08](#): A Resolution to establish a fee for team recreation programs (p.120)

Parks and Recreation Director Butts gave 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 Sweeney made a motion, seconded by Councilor Hennen to approve [Resolution No. 20-08](#): A Resolution to establish a fee for team recreation programs. Councilor Sweeney stated the Park Board reviewed this and questioned it only in the fact to make sure that we were competitive with the other communities. Director Butts has done a great job. The motion passed unanimously.

7) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.125)

Councilor Feury asked and Manager Smith clarified, the Quarterly Financial Report page 22 of the packet, General Fund in column b, 2018 should be \$1,950,639.

- b) Other items arising between February 12th and 18th

City Manager Smith stated the Wave celebrated 15 years this last weekend. She reported she offered the Finance Director position to Ben Dahlman, of Colorado, and he accepted the position today. His first day will be April 6th. She has spoken to Lisa the Winter Carnival event organizer regarding the confetti on the streets from the parade. Lisa assured Manager Smith next year they will make sure that confetti is not thrown from any float. The Public Works Department has been trying hard to get it cleaned up. The Strategic Housing Committee will be coming forward at the next work session to hear the plan moving forward for the Snow Lot and the financial feasibility of the project.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

Councilor Comments

Councilor Sweeney suggested he would like to start negotiations with the Mountain Mall for the central recycling site. He is concerned if near the High School it would add additional traffic to the area. The location at the Mountain Mall can be screened and should not have an impact on the surrounding neighborhoods. Councilor Norton would like Manager Smith to look at both options. The area near the Mountain Mall will be dense and the lake is a natural lake. She would like to see what the school is doing since the old Muldown School will be used for storage. Councilors Sweeney, Hartman and Hennen are in agreeance to start negotiating with the Mountain Mall. Councilor Feury agrees with Councilor Norton to look into both locations, but also prefers Mountain Mall. The consensus is for Manager Smith start negotiations with the Mountain Mall to expedite the contract with Republic Services and keep in mind for the Council goals to look for further options.

Councilor Feury mentioned he would like to see some idea of the saving if doing the viaduct improvements with the bypass for a percentage savings. He would also like to see a priority of what we will be spending the urban dollars from MDT. After some discussion Council agreed unanimously the size of the underpass to be 20'x12', use large block, and have the architecture lighting, as discussed and reviewed during the work session prior to the meeting.

Councilor Feury gave a moment for Edwin Fields, who passed away recently. Councilor Feury served with Edwin on the Council and was instrumental in the foundation of the original Lakeshore Protection Committee. He was a good person and a good community member, and he will be missed by many.

Councilor Norton was contacted by a local radio station who would like to interview Councilors. If anybody is interested, please contact her. Dylan Boyle with the Convention and Visitors Bureau sent her information regarding a grant for historic preservation. The grant is due within the next 10 days. She will be meeting with Manager Smith regarding this. She mentioned Representative Dave Fern has legislated for Affordable Housing funding, and he is also working on the septic leachate with Hilary Hanson. She commented per the communications from Chuck Overcast, the City does have an arborist on staff and an urban forest.

Mayor Muhlfeld stated he was fortunate to spend time this weekend with Ben Dahlman the incoming Finance Director. He quickly rose to the top of the interview pile, he is a class act, very personable. What resonated with Ben was the staff and how much respect and teamwork staff has created. He felt very

February 18, 2020

highly of Manager Smith and her capabilities. Ben will be a wonderful addition to what is already the best executive team since his serving on Council. He also asked and Director Workman stated the wayfinding sign that is located near the new Samarah Art Studio will be relocated. He also mentioned Mike Cronquist passing. He was an outstanding individual and served as the City's owner representative for the construction of City Hall and Parking Structure. He sends his condolences to Mike's family.

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 8:02 p.m.

Mayor Muhlfeld

Attest:

Michelle Howke, Whitefish City Clerk

**ELLIOTT
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-20-W02
MARCH 2, 2020**

Property Owner: Mark & Shelly Elliott
Mailing Address: 7533 Highline Court
Missoula, MT 59808
Telephone Number: 406.360.8422
Applicant: Apex Restoration and Remodel Inc.
Mailing Address: P.O. Box 5322
Whitefish, MT 59937
Telephone Number: 406.253.5247
Property Legal Description: Lot 2 of Moe Addition in Section 26, Township 31 North,
Range 22 West
Property Address: 1110 Birch Point Drive
Lake: Whitefish Lake
Lake Frontage: 103' per CAMA data
Project Description: Revegetate LPZ due to removal of house.

Discussion: The applicant is proposing to revegetate the location of a previous home within the lakeshore protection zone (LPZ). In October 2019 the property owners were denied a lakeshore variance to reconstruct the home within the LPZ. As a structure cannot be rebuilt in that area, the location of the previous house foundation needs to be filled in and revegetated. The lakeshore regulations prohibit the establishment of new lawn in the LPZ, although the remaining lawn next to the old foundation is considered a grandfathered lawn and may remain. The area of the structure removed from the LPZ must be revegetated with native plants compliant with §13-3-1(D) of the lakeshore regulations.

Frontage and allowable constructed area: The subject property has 103 feet of lakeshore frontage and is eligible for 824 square feet of constructed area.

Existing constructed area: There are two files on record for the subject property from 2005 and 2019. WLP-05-W11 approved a minor variance to the constructed area allowance for the installation of a dock on the subject property. WLV-19-W28 denied the reconstruction of the existing house within the lakeshore protection zone.

Conclusion: The proposed work complies with all requirements, most specifically Section 13-3-1, Design and Construction Standards of the Whitefish Lake and Lakeshore Regulations.

Recommendation: The Whitefish Lakeshore Protection Committee recommends approval of the requested lakeshore construction permit to the Whitefish City Council subject to the following conditions.

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed project dimensions specified on the application project drawing shall not be exceeded unless modified by conditions of the approved permit. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.
7. All work shall be done when the lake is at low pool and the construction site is dry.
8. Any material which is excavated from the lake or lakebed shall be removed entirely from the lake and lakeshore protection zoned and deposited in such a manner so as to prohibit reentry of the material into the lake.
9. The use of mechanical equipment within the lakeshore protection zone is permitted only if the equipment does not come in contact with the lake, expose silts or fine materials, or gouge, rut, or otherwise damage the lakeshore.
10. The lakeshore shall be immediately restored to its condition prior to construction. All equipment tracks shall be raked or otherwise removed by hand.

Revegetation

11. Any existing or disturbed areas inside the lakeshore zone may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.
12. A finely ground bark (less than ½ inch in size) or compost is recommended for ground cover in conjunction with the native plants.
13. Application of fertilizer, pesticide, insecticide, or herbicide is prohibited in the lakeshore protection zone.
14. Buried ½ inch drip line irrigation is allowed within the lakeshore protection zone; exposed spray heads for sprinkler systems are prohibited.

15. Topsoil is permitted in quantities necessary for establishing and maintaining new plantings only.
16. The establishment of a new lawn in the lakeshore protection zone is prohibited.

Report by Bailey Minnich

Staff clarified the lakeshore regulations do not require adjacent property owners be notified of application submittals.

Members discussed Charles' concerns.

It was noted should one of the owner's (or a new owner) no longer want to have a shared dock, new applications will have to be submitted for individual docks and the project will have to meet current regulations.

ACTIONS:

1. Brammer made a motion to propose the applicant put the dock 40-feet from the farthest western property line and submit a water depth profile for this location. Emmerson seconded and the motion passed 3-1 (Schuber opposed).
2. Brammer made a motion to table the application with a request that the applicants submit a site plan detailing property lines with lake frontage noted separate from river frontage. Cavin seconded and the motion passed unanimously.

B. WLP 20-W02 – MARK & SHELLY ELLIOTT

Summary: The applicant is proposing to revegetate the location of a previous home within the Lakeshore Protection Zone (LPZ) at 1110 Birch Point Drive.

Staff summarized the staff report for members, noting a couple of key points:

- In October of 2019 the property owners were denied a lakeshore variance to reconstruct the home within the LPZ. As a structure cannot be rebuilt in that area, the location of the previous house foundation needs to be filled in and revegetated.
- The lakeshore regulations prohibit the establishment of new lawn in the LPZ, although the remaining lawn next to the old foundation is considered grandfathered and may remain.
- The area of the structure removed from the LPZ must be revegetated with native plants compliant with the regulations.

Recommendation: Staff is recommending approval of the requested lakeshore construction permit with the 16 conditions listed in the report.

Chuck Birgensmith with Apex Restoration & Remodel was in attendance to represent the application. He made the following key points:

- There was no crawl space and the house was on the ground, so the area is not that deep. The old foundation/concrete will be removed. Then, the area will be filled with dirt and bark mulch.
- The area is roughly 9 feet by 40 feet.

Members reviewed the plans submitted with the application with Chuck as there was some confusion over what area will be revegetated.

Chuck further clarified the deck and retaining wall remain in place. They are not part of this project.

ACTION: Brammer made a motion to approve WLP 20-W02 with the 16 conditions. Schuber seconded and the motion passed unanimously.

This item will be on the City Council agenda on March 2nd as a consent agenda item.

8. STAFF COMMENTS

**ELLIOTT
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-20-W02
FEBRUARY 5, 2020**

Property Owner: Mark & Shelly Elliott
Mailing Address: 7533 Highline Court
Missoula, MT 59808
Telephone Number: 406.360.8422
Applicant: Apex Restoration and Remodel Inc.
Mailing Address: P.O. Box 5322
Whitefish, MT 59937
Telephone Number: 406.253.5247
Property Legal Description: Lot 2 of Moe Addition in Section 26, Township 31 North,
Range 22 West
Property Address: 1110 Birch Point Drive
Lake: Whitefish Lake
Lake Frontage: 103' per CAMA data
Project Description: Revegetate LPZ due to removal of house.

Discussion: The applicant is proposing to revegetate the location of a previous home within the lakeshore protection zone (LPZ). In October 2019 the property owners were denied a lakeshore variance to reconstruct the home within the LPZ. As a structure cannot be rebuilt in that area, the location of the previous house foundation needs to be filled in and revegetated. The lakeshore regulations prohibit the establishment of new lawn in the LPZ, although the remaining lawn next to the old foundation is considered a grandfathered lawn and may remain. The area of the structure removed from the LPZ must be revegetated with native plants compliant with §13-3-1(D) of the lakeshore regulations.

Frontage and allowable constructed area: The subject property has 103 feet of lakeshore frontage and is eligible for 824 square feet of constructed area.

Existing constructed area: There are two files on record for the subject property from 2005 and 2019. WLP-05-W11 approved a minor variance to the constructed area allowance for the installation of a dock on the subject property. WLV-19-W28 denied the reconstruction of the existing house within the lakeshore protection zone.

Conclusion: The proposed work complies with all requirements, most specifically Section 13-3-1, Design and Construction Standards of the Whitefish Lake and Lakeshore Regulations.

Recommendation: Staff recommends that the Whitefish Lakeshore Protection Committee recommend approval of the requested lakeshore construction permit to the Whitefish City Council subject to the following conditions.

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed project dimensions specified on the application project drawing shall not be exceeded unless modified by conditions of the approved permit. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.
7. All work shall be done when the lake is at low pool and the construction site is dry.
8. Any material which is excavated from the lake or lakebed shall be removed entirely from the lake and lakeshore protection zoned and deposited in such a manner so as to prohibit reentry of the material into the lake.
9. The use of mechanical equipment within the lakeshore protection zone is permitted only if the equipment does not come in contact with the lake, expose silts or fine materials, or gouge, rut, or otherwise damage the lakeshore.
10. The lakeshore shall be immediately restored to its condition prior to construction. All equipment tracks shall be raked or otherwise removed by hand.

Revegetation

11. Any existing or disturbed areas inside the lakeshore zone may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.
12. A finely ground bark (less than ½ inch in size) or compost is recommended for ground cover in conjunction with the native plants.
13. Application of fertilizer, pesticide, insecticide, or herbicide is prohibited in the lakeshore protection zone.
14. Buried ½ inch drip line irrigation is allowed within the lakeshore protection zone; exposed spray heads for sprinkler systems are prohibited.

15. Topsoil is permitted in quantities necessary for establishing and maintaining new plantings only.
16. The establishment of a new lawn in the lakeshore protection zone is prohibited.

Report by Bailey Minnich



City of Whitefish
 Planning & Building Department
 PO Box 158
 418 E 2nd Street
 Whitefish, MT 59937
 Phone: 406-863-2410 Fax: 406-863-2409

File #: WLP 20-WDZ
~~JAN 24 2020~~
 Date: _____
 Intake Staff: _____
 Check # 11922
 Amount \$350.00
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT
APPLICATION

WHITEFISH or LOST COON LAKE

FEE ATTACHED \$ 350.00

A permit is required for any work, construction, demolition, dock/shorestation/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone – an area extending 20 horizontal feet landward from mean high water of:

- 3,000.79' msl (NAVD 1988) for Whitefish Lake
- 3,104' msl (NAVD 1988) for Lost Coon Lake

INSTRUCTIONS:

- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **three (3) weeks prior** to the Lakeshore Protection Committee meeting at which this application will be heard.
- The regularly scheduled meeting of the Lakeshore Protection Committee is the second Wednesday of each month at 6:00 PM at City Hall at 418 E 2nd Street.
- After the Lakeshore Protection Committee meeting, the application will be forwarded along with the Committee's recommendation to the next available City Council meeting for final action, unless it is a committee approved permit.
- All work will be inspected for conformity with permit. Permits are valid for one year from date of approval and can be renewed by the governing body upon request.

A. LEGAL DESCRIPTION OF PROPERTY:

Street Address 1110 Birch Point Rd.

How many feet of the lake frontage do you own? 103'

Assessor's Tract No.(s) _____ Lot No(s) _____

Block # _____ Subdivision Name _____

1/4 Sec _____ Section _____ Township _____ Range _____

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process.

Owner's Signature¹ _____

Date _____

Print Name _____

¹ May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included

Applicant's Signature _____

Date _____

Print Name _____

Chuck Birgensmith

Representative's Signature _____

1-22-20

Date _____

chuck Birgensmith
Print Name

APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- ___ Lakeshore Construction Permit Application
- ___ Written description how the project meets the criteria in Sections C-F
- ___ Site Plan drawn to scale
- ___ Project Drawing that is drawn to scale
- ___ Vicinity Map
- ___ Minimum of three (3) photos: 1 photo of property from lake; 2 photos showing lakeshore protection zoning from property boundary toward the other property boundary (e.g., from the north property line across property to the south) and photos of each existing structure or constructed area within the lakeshore protection zone (dock, boathouse, stairs, etc.)

B. OWNER(S) OF RECORD:

Name: mark & shelly Elliott Phone: 406-360-8422

Mailing Address: 7533 Highline CT.

City, State, Zip: Missoula, MT. 59808-8635

Email: crzy4h20@hotmail.com

APPLICANT (if different than above):

Name: Alex Restoration's Remodel, Inc Phone: 406-253-5247

Mailing Address: Box 5322

City, State, Zip: Whitefish, MT. 59937

Email: Alex.inc1@yahoo.com

CONTRACTOR:

Name: Same as Above. Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

C. NATURE OF THE PROPOSED WORK: (describe what you propose to build, demolish or install. Give dimensions, material and list heavy equipment, if any to be used.)

old building removed from LP2, Re vegetate a 42' x 10' area and a 14' x 20' Avg. area with approved materials. - No structure to be built in that area. No heavy equipment to be within that zone.

D. Describe any Environmental Impacts (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.

No environment impact on area, we use silt fence's and waddeles as needed. - will be filling the area by hand -

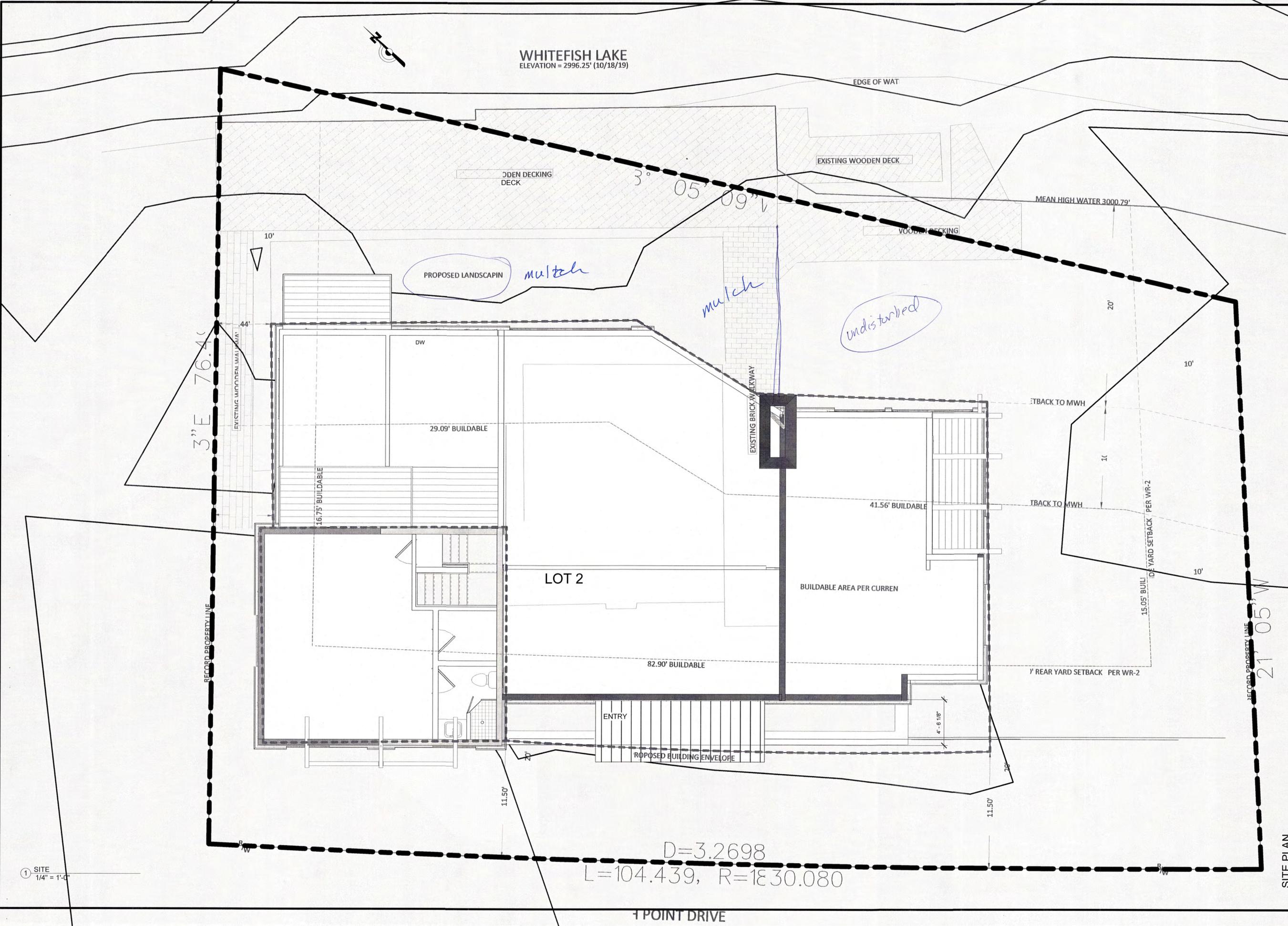
E. Describe existing improvements on the property within the lakeshore protection zone along with the square footage of each such as an existing dock, stairs, deck or patio and when they were constructed, if known, or the permit number.

No improvements to LP2 except for re-vegetation.

F. If a variance is requested in addition to this permit, specify the reasons or conditions which require or warrant the variance on a separate variance form. An additional fee is required for a variance request. What is the variance proposal?

N/A

WHITEFISH LAKE
 ELEVATION = 2996.25' (10/18/19)



Elliott Residence Remodel

1110 BIRCH POINT DR WHITEFISH MT 59937

Date: 12.19.19
 Drawn By: RF
 Checked By: RF

12.19.19

SHEET
.SP

① SITE
 1/4" = 1'-0"

$D=3.2698$
 $L=104.439, R=1E30.080$

1 POINT DRIVE

(This page left blank intentionally to separate printed sections)

When Recorded Return to:
Michelle Howke, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

RESOLUTION NO. 20-__

A Resolution of the City Council of the City of Whitefish, to rename a portion of State Park Road, north of the intersection of Lake Park Lane and Patton Lane, to become Patton Lane.

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to rename the portion of State Park Road that lies north of the intersection of Lake Park Lane and Patton Lane to "Patton Lane" unless 51% or more of the property owners object; and

WHEREAS, as an item on the regular City Council meeting on January 21, 2020, the City Council adopted Resolution No. 20-02 to rename the remnant of State Park Road north of the intersection to "Patton Lane" unless 51% or more of the property owners object and directed staff to notify property owners of its intent to rename the remnant of State Park Road north of the intersection of Lake Park Lane and Patton Lane to "Patton Lane;" and

WHEREAS, the City Clerk mailed notices to all adjacent property owners, and received no objections; and

WHEREAS, at a lawfully noticed public hearing on March 2, 2020, the City Council reviewed the request to rename the remnant State Park Road north of the intersection to "Patton Lane," invited public comment, and thereafter determined the proposed name change would be in the best interests of the City and its inhabitants.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: The remnant State Park Road north of the intersection is changed to "Patton Lane," as shown on Exhibit "A," attached hereto and incorporated herein by reference.

Section 3: The City Clerk is authorized and directed to forward a certified copy of this Resolution to the Flathead County Clerk and Recorder so that all records maintained by the Clerk and Recorder's Office may be corrected to reflect the change in the name of State Park Road north of the intersection of Lake Park Lane and Patton Lane to "Patton Lane."

Section 4: This Resolution shall take effect immediately upon completion of the State Park Road Reconstruction Project Phase II.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____ 2020.

John M. Muhlfield, Mayor

ATTEST:

Michelle Howke, City Clerk



NOTES:

1. CONTOURS SHOWN ON THIS SHEET ARE FINISH CONTOURS.
2. PROPOSED ADDRESSING PER DRAFT "AMENDED PLAT OF ABANDONED ROAD & LOTS 9-12, BLOCK 1, PATTON'S SUBDIVISION.
3. OLD ROADWAY TO BE REMOVED, GRADED SMOOTH, AND RECLAIMED WITH TOPSOIL, HYDROSEED, FERTILIZER AND MULCH.
4. OLD ROADWAY TO REMAIN TO PROVIDE ACCESS TO 5 EXISTING DRIVEWAYS. ROADWAY REMAINDER TO BE RENAMED TO "PATTON LANE".

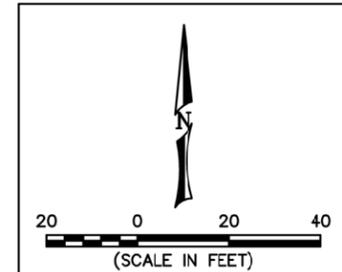
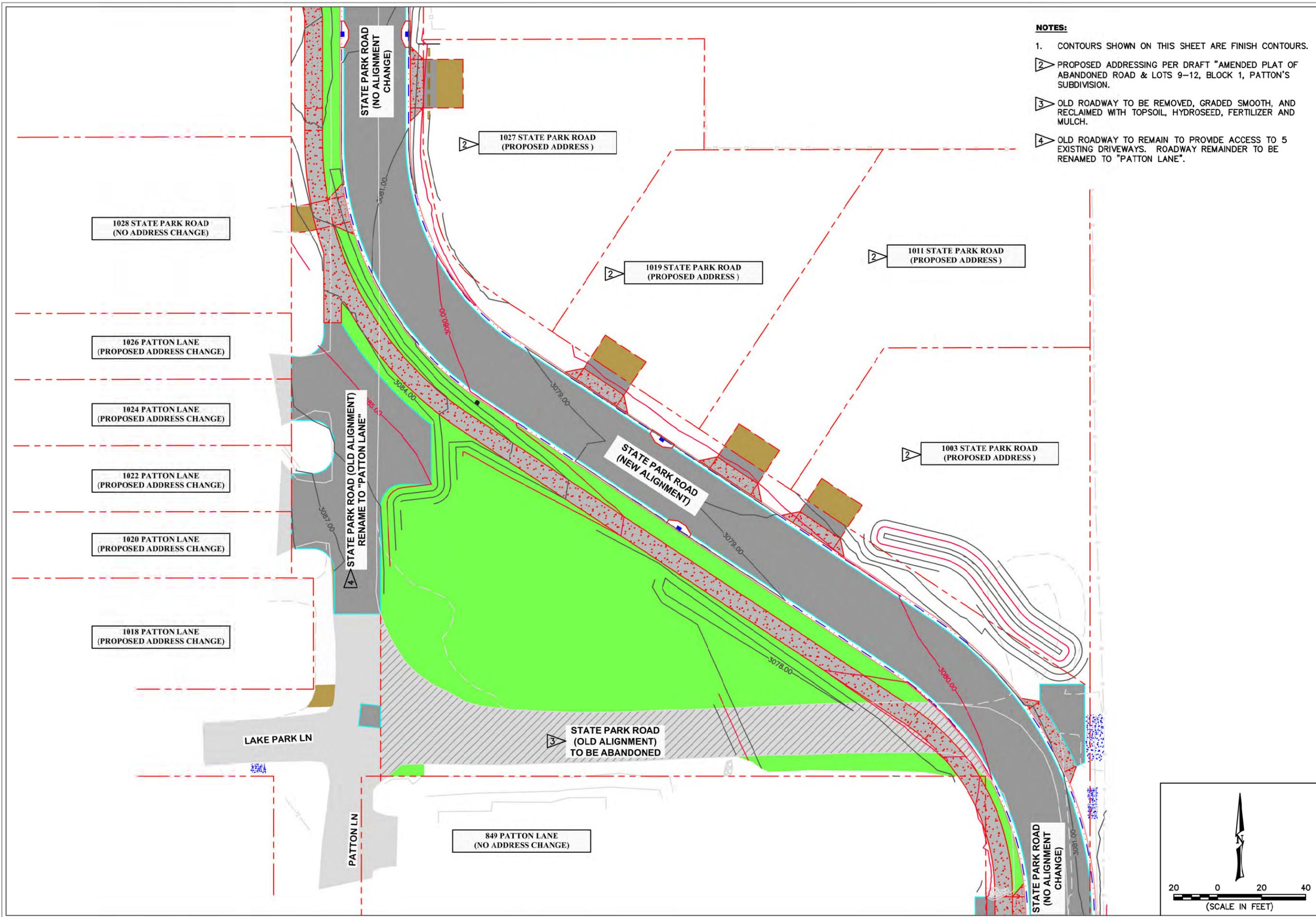
SYN	REVISION	BY	APPR.	DATE
	PRELIMINARY			
	NOT FOR CONSTRUCTION			

DESIGNED BY	B. THEIS	DATE	January 2020
DRAWN BY	M. ROGERS	PROJECT NO.	18111.000
CHECKED BY	R. MITCHELL	FILE	Lake Park Lane & State Park Road

PROJECT TITLE
STATE PARK ROAD RECONSTRUCTION PROJECT
Whitefish, Montana

SHEET TITLE
ABANDONMENT OF LAKE PARK & STATE PARK INTERSECTION

SHEET
A





City of Whitefish

418 E. 2nd Street | PO Box 158

Whitefish, MT 59937

(406) 863-2460 | Fax (406) 863-2419

February 24, 2020

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

State Park Road Reconstruction Project Phase 2- Resort Tax Renaming a Portion of State Park Road to Patton Lane

Introduction/History

The City has completed the final designs for Phase 2 of the State Park Road Reconstruction Project. City Council approved the design of the project and authorized staff to proceed with bidding on 1/21/2020.

Current Report

One of the highest priorities of this job is the enhancements to driver and pedestrian safety that will be realized through intersection improvements and roadway alignment changes. The most notable change in roadway alignment will occur at Lake Park Lane, where the two 90-degree curves will be eliminated. In doing so, there is a short section of State Park Road to the east of Patton Lane that will be abandoned. In addition, there is a remnant portion of State Park Road to the north of Lake Park Lane that will be renamed to Patton Lane and become a dead end. This is shown on the enclosed exhibit.

On 1/21/2020 Council passed a resolution of intent to abandon the intersection of Lake Park Lane and State Park Road and rename the remnant State Park Road north of the intersection. The enclosed resolution Renaming a Portion of State Park Road to Patton Lane is the final step in the process. Prior to approving the resolution, a public hearing must be held to provide an opportunity for property owners to object. Should 51% or more of the property owners object to the resolution, the renaming shall not be authorized by council.



February 24, 2020

State Park Road Phase 2 – Renaming a Portion of State Park Road to Patton Lane

Page | 2 of 2

Financial Requirement

The State Park Reconstruction project is slated to be paid by the Resort Tax Fund. The overall project budget is \$5.3M. While the specific amount to realign the roadway has not been calculated, it is included in the overall project budget.

Recommendation

The final design of this project was based on the guidance and direction received to date from Council, the Resort Tax Committee, and the public outreach that has been conducted. Pending the results of the Public hearing, staff respectfully requests approval of the enclosed resolution Renaming a Portion of State Park Road to Patton Lane

Sincerely,

A handwritten signature in black ink that reads "Craig Workman".

Craig Workman, P.E.
Public Works Director

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ORDINANCE NO. 20-__

An Ordinance of the City Council of the City of Whitefish, Montana, amending Title 11, Zoning Regulations, Chapter 3 – Special Provisions, Section 11 – Fences and Retaining Walls, of the Whitefish City Code.

WHEREAS, the Whitefish Planning and Building Department initiated an effort to amend Title 11, Zoning Regulations, Chapter 3 – Special Provisions, Section 8 – Fences and Retaining Walls, of the Whitefish City Code to clarify setbacks and height restrictions for retaining walls; and

WHEREAS, in response to the proposal to amend Title 11, Chapter 3, Section 11, of the Whitefish City Code, the Planning and Building Department prepared Staff Report WZTA 20-01, dated February 20, 2020; and

WHEREAS, at a lawfully noticed public hearing on February 20, 2020, the Whitefish Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA 20-01, invited public comment, and thereafter voted unanimously to recommend approval of the proposed text amendment as amended; and

WHEREAS, at a lawfully noticed public hearing on March 2, 2020, the Whitefish City Council received an oral report and a written report from Planning staff, reviewed Staff Report WZTA 20-01, and letter of transmittal, invited public input, and approved the text amendment, as amended, attached as Exhibit A; and

WHEREAS, it will be in the best interests of the City of Whitefish and its inhabitants to adopt the proposed text amendment.

NOW, THEREFORE, be it ordained by the City Council of the City of Whitefish, Montana, as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: Staff Report WZTA 20-01 dated February 20, 2020, together with the March 2, 2020 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: Title 11, Zoning Regulations, Chapter 3 – Special Provisions, Section 11 – Fences and Retaining Walls, of the Whitefish City Code is hereby amended as set forth in Exhibit A attached hereto.

Section 4: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 5: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS _____ DAY OF _____ 2020.

John M. Muhlfield, Mayor

ATTEST:

Michelle Howke, City Clerk

EXHIBIT A

**Whitefish City Code
Title 11 – Zoning Regulations
Chapter 3 – Special Provisions
Section 11 – Fences and Retaining Walls**

11-3-11: FENCES AND RETAINING WALLS:

A. Fences: The following fence regulations shall apply to all districts except the WA zone:

1. No fence, hedge or freestanding wall (not supporting a building or structure) anywhere within or bounding the front yard shall exceed forty eight inches (48").
2. An ornamental entry may exceed the maximum height in subsection A1 of this section, when constructed at the entrance to a new subdivision, planned unit development or multi-family development. No such entry shall exceed more than thirty percent (30%) of the width of the parcel at the front lot line, interfere with any clear vision zones or exceed eighteen feet (18') in height.
3. No fence or freestanding wall within or bounding a rear or side yard from the point of the front setback line shall exceed a height of six and one-half feet (6¹/₂').
4. Open wire fences exceeding the above height may be built around schools or other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.
5. Open wire fences exceeding the above height may be built around tennis courts and swimming pools at the discretion of the zoning administrator after giving consideration to location of planned courts or pool safety, and effects on the neighborhood.
6. Security fences are allowed in side and rear yards up to eight feet (8') in height when used to enclose commercial or industrial storage yards.
7. Barbed wire fences are allowed only in the WA, WCR and WSR zones. Furthermore, they may be allowed along the boundary of any district which directly abuts the side or rear of a WA, WCR or WSR Zone.
8. In the WCR through WR-1 Zones, usable pasture and the enclosing fence shall not be allowed in the front yard setback or closer than two feet (2') from a property line or ten feet (10') from a residential dwelling

B. Retaining Walls: Retaining walls help facilitate development of lots with steep terrain by leveling certain areas or inhibiting sloughing. Retaining walls can help reduce the steepness of slopes enabling the development of a lot. The purpose of these retaining wall standards is to ensure the natural topography is maintained to the greatest extent possible, that exceedingly tall walls are not constructed, that landscaping is implemented to mitigate

the effects of terracing and that the scale and texture of the retaining wall complements the character of the neighborhood.

1. All retaining walls ~~in the City limits shall~~ require a building permit unless clearly a wall installed for landscaping purposes.

2. Retaining walls ~~shall~~ must not exceed four feet (4') measured from adjacent finish grade on the downhill side. Where greater heights must occur, the project ~~shall~~ must use a series of terraced or stepped walls. The width of a retaining terrace ~~shall~~ must be no less than three feet (3') and ~~shall~~ must incorporate landscaping.

a. Retaining walls two feet (2') and under measured from the adjacent finish downhill grade have no setback requirement. Retaining walls above two feet (2') and up to four feet (4') in height measured from adjacent finish downhill grade must meet accessory building setback requirements. Retaining walls exceeding four feet (4') in height measured from adjacent finish downhill grade must meet primary building setbacks.

a.b. Retaining walls necessary to accommodate primary vehicle or pedestrian access to a building may be up to eight feet (8') in height from finished downhill grade. Such retaining walls are not subject to the terracing described above. Retaining walls necessary for primary vehicle access are not subject to front year setback requirements.

c. Standard basement egress window wells are not considered retaining walls and are exempt from setback requirements if they are the minimum depth and width necessary to meet building codes.

3. If the retaining walls needed for a particular project are unable to meet the ~~standards~~ height limitations in subsection B2 of this section due to extreme topography or other unique land features, a proposal may be submitted to the Zoning Administrator for a waiver to these standards. Such a request ~~shall~~ must include the following information.

a. A grading plan;

b. A ~~draining~~ drainage plan;

c. Section drawings;

d. A landscaping plan;

e. An elevation showing the proposed materials; and

f. Any other items needed to show the full extent of the proposal, including a written explanation explaining the hardship.

4. Retaining walls in the lakeshore protection zone shall be exempt from these regulations and shall be regulated by the appropriate lake and lakeshore protection regulations.

PLANNING & BUILDING DEPARTMENT
418 E. Second Street, PO Box 158
Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



March 2, 2020

Mayor and City Council
City of Whitefish
PO Box 158
Whitefish, MT 59937

Re: Text Amendment – Retaining Walls: WZTA 20-01

Honorable Mayor and Council:

Summary of Requested Action: As directed by the City Council at work sessions last fall, this application is a request by the city of Whitefish to amend Section 11-3-11-B, retaining wall regulations.

Planning Board Recommendation: The Whitefish Planning Board held a public hearing on February 20, 2020. Following this hearing, the Planning Board unanimously recommended approval of the amendments (Scott made the motion, Linville seconded) and adopted the supporting findings of fact in the staff report. (Qunell and Freudenberger absent)

City Staff Recommendation: Staff recommended approval of the text amendment attached to the staff report.

Public Hearing: At the public hearing, no one from the public spoke on the proposed amended draft ordinance. The draft minutes of the Planning Board hearing are included.

This item has been placed on the agenda for your regularly scheduled meeting on March 2, 2020. Should Council have questions or need further information on this matter, please contact the City Planning Board or the Planning & Building Department.

Respectfully,

A handwritten signature in blue ink, appearing to read "David Taylor".

David Taylor, AICP
Planning Director

Att: Draft Minutes, February 20, 2020 Planning Board meeting

Exhibits from 12-20-12 Staff Packet to Planning Board

1. Staff Report, 02-20-20

Exhibit A, Planning Board recommended text amendments

c: w/att Michelle Howke, City Clerk

Exhibit A
Retaining Wall Standards
WZTA 20-01
Whitefish Planning Board
Recommendation
March 2, 2020

11-3-11: FENCES AND RETAINING WALLS:

B. Retaining Walls: Retaining walls help facilitate development of lots with steep terrain by leveling certain areas or inhibiting sloughing. Retaining walls can help reduce the steepness of slopes enabling the development of a lot. The purpose of these retaining wall standards is to ensure the natural topography is maintained to the greatest extent possible, that exceedingly tall walls are not constructed, that landscaping is implemented to mitigate the effects of terracing and that the scale and texture of the retaining wall complements the character of the neighborhood.

1. *All retaining walls ~~in the City limits shall~~ require a building permit unless clearly a wall installed for landscaping purposes.*
2. *Retaining walls shall **must** not exceed four feet (4') measured from adjacent finish grade on the downhill side. Where greater heights must occur, the project shall **must** use a series of terraced or stepped walls. The width of a retaining terrace shall **must** be no less than three feet (3') and shall **must** incorporate landscaping.*

a. Retaining walls two feet (2') and under measured from the adjacent finish downhill grade have no setback requirement. Retaining walls above two feet (2') and up to four feet (4') in height measured from adjacent finish downhill grade must meet accessory building setback requirements. Retaining walls exceeding four feet (4') in height measured from adjacent finish downhill grade must meet primary building setbacks.

*ab. Retaining walls necessary to accommodate **primary** vehicle or pedestrian access to a building may be up to eight feet (8') in height from finished **downhill** grade. Such retaining walls are not subject to the terracing described above. **Retaining walls necessary for primary vehicle access are not subject to front yard setback requirements.***

c. Standard basement egress window wells are not considered retaining walls and are exempt from setback requirements if they are the minimum depth and width necessary to meet building codes.

3. If the retaining walls needed for a particular project are unable to meet the height limitations ~~standards~~ in subsection B2 of this section due to extreme topography or other unique land features, a proposal may be submitted to the Zoning Administrator for a waiver to these standards. Such a request shall must include the following information:
 - a. A grading plan;
 - b. A drainage~~ing~~ plan;
 - c. Section drawings;
 - d. A landscaping plan;
 - e. An elevation showing the proposed materials; and
 - f. Any other items needed to show the full extent of the proposal, including a written explanation explaining the hardship.
4. Retaining walls in the lakeshore protection zone shall be exempt from these regulations and shall be regulated by the appropriate lake and lakeshore protection regulations.

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
February 20, 2020**

<p>CALL TO ORDER AND ROLL CALL</p>	<p>Vice Chair John Ellis called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Whitney Beckham, Allison Linville (arrived at 6:05 pm), John Middleton and Toby Scott. Councilor Steve Qunell and Scott Freudenberger were absent. Planning Director David Taylor and Planner II Bailey Minnich represented the Whitefish Planning and Building Department. City Attorney Angela Jacobs also attended.</p> <p>There were no people in the audience.</p>
<p>AGENDA CHANGES <i>6:00 pm</i></p>	<p>None.</p>
<p>PLANNING BOARD APPOINTMENTS <i>6:02 pm</i></p>	<p>Scott moved to nominate Ellis as Planning Board Chair. Middleton suggested the Board wait until next month to make appointments for more attendance of Board Members. There was no objection, so Scott withdrew his motion.</p> <p>Scott moved and Middleton seconded to postpone the appointment of officers to the next Planning Board meeting for more attendance. The motion passed unanimously.</p>
<p>APPROVAL OF MINUTES <i>6:02 pm</i></p>	<p>Beckham moved and Middleton seconded to approve the December 19, 2019 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:03 pm</i></p>	<p>None.</p>
<p>OLD BUSINESS: <i>6:03 pm</i></p>	<p>None.</p>

PUBLIC HEARING 1: CITY OF WHITEFISH ZONING TEXT AMENDMENT REQUEST <i>6:05 pm</i>	<p>A request by the City of Whitefish for a Zoning Text Amendment to amend 11-3-11-B, Retaining Wall standards, to clarify setbacks and height restrictions for retaining walls.</p> <p>Linville arrived at 6:05 pm.</p>
STAFF REPORT WZTA 20-01 (Taylor)	<p>Director Taylor reviewed his staff report and findings. No public comments have been received.</p> <p>Staff recommended the Planning Board recommend <i>approval</i> as set forth in the staff report to amend Title 11, Chapter 3 of the Zoning Regulations and adopt the findings of fact and transmit the same to the Whitefish City Council for further action.</p>
BOARD QUESTIONS OF STAFF	<p>None.</p>
APPLICANT / AGENCIES	<p>None.</p>
PUBLIC COMMENT	<p>Vice Chair Ellis opened the public hearing.</p> <p>There being no comments, Vice Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
MOTION / BOARD DISCUSSION	<p>Scott moved and Linville seconded to adopt the findings of fact within staff report WZTA 20-01 as proposed by City Staff.</p>
VOTE	<p>The motion passed unanimously. The matter is scheduled to go before the Council on March 2, 2020.</p>
NEW BUSINESS <i>6:13 pm</i>	<p>None.</p>
GOOD AND WELFARE <i>6:13 pm</i>	<ol style="list-style-type: none"> 1. Matters from Board. None. 2. Matters from Staff. Director Taylor said the Planning Board is the only City of Whitefish board that does not use electronic packets and staff would like to change that. Exceptions could be made as necessary and large plans could still be printed. All were in favor of receiving electronic packets.

	<p>3. Poll of Board members available for the next meeting on March 19, 2020. Vice Chair Ellis may not be here all other members indicated they thought they would be available.</p>
<p>ADJOURNMENT <i>6:15 pm</i></p>	<p>The meeting was adjourned to a training session with the City Attorney on a motion by Middleton, seconded by Beckham, at approximately 6:15 pm. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board is scheduled to be held on March 19, 2020, at 6:00 pm, at 418 East 2nd Street.</p>

Steve Qunell, Chair of the Board

Keni Hopkins, Recording Secretary

APPROVED AS SUBMITTED / CORRECTED: _____

DRAFT

**PROPOSED CODE AMENDMENTS
TITLE 11-3-11B RETAINING WALLS
STAFF REPORT WZTA 20-01
February 21, 2020**

This is a staff report to the Whitefish Planning Board and Whitefish City Council regarding code amendments to amend the zoning regulations related to retaining walls. The Planning Board public hearing is scheduled for **February 21, 2020** and a subsequent hearing is scheduled before the City Council on **March 2, 2020**. Draft regulations are below for review and recommendation.

BACKGROUND INFORMATION

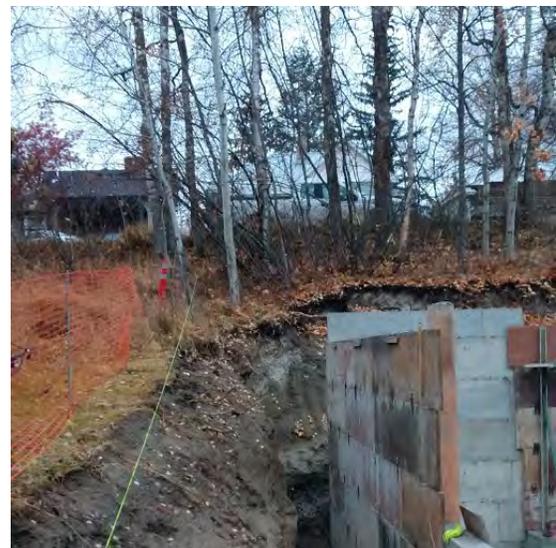
The City council directed staff to bring forward amendments to the code to prevent large retaining walls built in setbacks from impacting adjacent property owners. Staff presented draft language to the council in two work sessions and the council directed staff to bring forward the amendments to the Planning Board.

Retaining walls are regulated under both the zoning and building codes. Structural retaining walls are typically used on steeper slopes to prevent landslides and to provide a more level buildable area or to improve or provide access to a site or building. The existing zoning code requires retaining walls to be short and terraced rather than be of excessive height.



Example of terraced retaining walls

In 2012, the city amended the retaining wall regulations to remove language that required retaining walls to meet accessory building setbacks due to a number of projects needing retaining walls close to property lines to provide access and egress. In particular, several properties with steep narrow lots on the lake wished to share a driveway on the property line protected by retaining walls. After those changes went into effect, other properties have been impacted by neighbors putting retaining walls too close to property lines.



Proposed changes would prevent huge retaining walls close to property lines such as this one

These new proposed revisions again set a setback requirement for retaining walls, now based on wall height. Walls up to two feet high aren't regulated. Retaining walls above two feet and up to four feet in height would now

be required to meet the six-foot accessory building setback standard. Taller retaining walls (up to eight feet maximum) would still be allowed for primary vehicle or pedestrian egress, but primary pedestrian access retaining walls need to meet full building setbacks if they exceed four feet. Special exemptions that can be approved by the zoning administrator for extreme topography would now only apply to wall height, not setbacks. There is also an exception put in so that retaining walls necessary for primary vehicle egress are exempt from front setback requirements, as the front setback generally abuts a right-of-way and passing through it would be necessary for a driveway to access a street. Additional language was added to exempt standard window wells necessary for basement egress as they don't typically use retaining walls and the standard size is nine square feet.

PROPOSED AMENDMENTS

Staff proposes the following amendments (additions shown underlined in red, deletions shown struck-out):

11-3-11-B. Retaining Walls: Retaining walls help facilitate development of lots with steep terrain by leveling certain areas or inhibiting sloughing. Retaining walls can help reduce the steepness of slopes enabling the development of a lot. The purpose of these retaining wall standards is to ensure the natural topography is maintained to the greatest extent possible, that exceedingly tall walls are not constructed, that landscaping is implemented to mitigate the effects of terracing and that the scale and texture of the retaining wall complements the character of the neighborhood.

1. All retaining walls ~~in the City limits shall~~ require a building permit unless clearly a wall installed for landscaping purposes.

2. Retaining walls shall must not exceed four feet (4') measured from adjacent finish grade on the downhill side. Where greater heights must occur, the project shall must use a series of terraced or stepped walls. The width of a retaining terrace shall must be no less than three feet (3') and shall must incorporate landscaping.

a. Retaining walls two feet (2') and under measured from the adjacent finish downhill grade have no setback requirement. Retaining walls above two feet (2') and up to four feet (4') in height measured from adjacent finish downhill grade must meet accessory building setback requirements. Retaining walls exceeding four feet (4') in height measured from adjacent finish downhill grade must meet primary building setbacks.

ab. Retaining walls necessary to accommodate primary vehicle or pedestrian access to a building may be up to eight feet (8') in height from finished downhill grade. Such retaining walls are not subject to the terracing described above. Retaining walls necessary for primary vehicle access are not subject to front yard setback requirements.

c. Standard basement egress window wells are not considered retaining walls and are exempt from setback requirements if they are the minimum depth and width necessary to meet building codes.

3. If the retaining walls needed for a particular project are unable to meet the height limitations standards in subsection B2 of this section due to extreme topography or other unique land features, a proposal may be submitted to the Zoning Administrator for a waiver to these standards. Such a request shall must include the following information:

a. A grading plan;

b. A drainageing plan;

c. Section drawings;

d. A landscaping plan;

e. An elevation showing the proposed materials; and

f. Any other items needed to show the full extent of the proposal, including a written explanation explaining the hardship.

4. Retaining walls in the lakeshore protection zone shall be exempt from these regulations and shall be regulated by the appropriate lake and lakeshore protection regulations.

REVIEW AND FINDINGS OF FACT

The proposed changes shall be evaluated based on the criteria for consideration for amendments to the provisions of the Zoning Regulations per Section 11-7-10E.

1. *Zoning Regulations Must Be:*
 - a. *Made in Accordance with a Growth Policy*

Finding 1: The Growth Policy is silent on retaining walls. However, the Growth Policy is supportive retaining the character and qualities of Whitefish and minimizing impacts to adjacent properties. Retaining the existing topography and ensuring oversized walls are not constructed and compliment the neighborhood supports this objective. Thus, the proposed amendments are in accordance with the Growth Policy

- b. *Designed to:*
 - i. *Secure safety from fire and other dangers*

Finding 2: Retaining walls protect properties by controlling sluffing and landslides due to development on steep slopes. These amendments will further regulate those standards to minimize impacts to adjacent properties.

ii. Promote public health, public safety and general welfare

Finding 3: This criterion is met as the city will ensure all retaining walls within its jurisdiction are engineered to meet building codes and are reviewed by the building department to protect public safety.

iii. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements

Finding 4: The proposed code amendment has no impact on the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

2. *In the adoption of zoning regulations, the city shall consider:*

a. Reasonable provision of adequate light and air

Finding 5: Requiring large retaining walls be set back from property lines will ensure adequate light and air between properties.

b. The effect on motorized and nonmotorized transportation systems

Finding 6: The proposed code amendment allows for retaining walls to provide egress to properties and allows for variances to wall heights and setbacks for vehicle access.

c. Promotion of compatible urban growth

Finding 7: The proposed code amendment has no impact on compatible urban growth.

d. The character of the district and its particular suitability of the property for the particular uses

Finding 8: This criterion is not applicable to this code amendment as it pertains more to site development than community wide zoning regulations.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area; and

Finding 9: The proposed code amendments can help conserve the value of buildings by allowing for retaining walls that protect buildings from landslides.

f. That historical uses and established uses patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other.

Finding 10: The criterion to weigh historical use patterns and current trends is not applicable to this code amendment as it pertains more to individual site development than community wide zoning regulations.

RECOMMENDATION:

Staff recommends the Planning Board recommend ***approval*** as set forth in the staff report to amend Title 11, Chapter 3 of the Zoning Regulations and adopt the findings of fact and transmit the same to the Whitefish City Council for further action.

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February 24, 2020

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Recommendation of Bid Award to Knife River for the Depot Park-Phase III Project

Introduction/History

The Depot Park Master Plan Phase I was completed in 2018. At the request of the downtown business community, and in an effort to avoid construction during the busy summer season, Phase II was divided into four separate tasks. Task 1 was completed in June 2019, and Tasks 2 and 3 were completed last fall, apart from a few minor elements. Task 4 was separated into Phase III, which was rebid and will be completed prior to July 1, 2020.

Current Report

The final Phase (III) consists of a Base Bid and Additive Alternative. The Base Bid is for surfacing improvements to Central Avenue from Railway Street to Depot Street and the westerly portion of Depot Street, as well as re-landscaping of the northwest quadrant of Depot Park. The proposed work generally includes asphalt removal, placement of new gravel and asphalt, concrete curb and sidewalks, minor storm drain improvements, retaining wall and handrail, concrete seat wall, installation of site amenities including resetting of a statue, new streetlights, landscaping, and other miscellaneous improvements. The Additive Alternative is for constructing a shared-use path north of the O'Shaughnessy Center, from Central Avenue westerly to the MDT Right-of-Way and Baker Avenue.

Requests for bids were advertised in the Daily Interlake on January 26th, February 2nd, and February 9th. All bids were to be received by 11AM, Tuesday, February 18, 2020. Two sealed bids were received and were publicly opened and read aloud at City Hall on the same date.

Bids for the final phase were received from Knife River and LHC, ranging from 5.02% to 9.46% higher than the Engineer's Estimate for the Base Bid. The bid for the Additive Alternate ranged from 11.07% lower to 7.45% higher than the Engineer's Estimate. There were no bid irregularities found in the lowest bidder. Below is a table of the outcome of the bids.

CONTRACTOR NAME	BASE BID	ADD. ALT.
Engineers Estimate	\$630,160.00	\$98,347.50
Knife River	\$661,785.00	\$87,460.00
LHC Inc.	\$689,754.76	\$105,677.95

Knife River has been identified as the lowest responsible bidder for the Depot Park – Phase III Project, coming in at \$749,245.

In evaluating the bid details, there were a couple of items that were substantially greater (more than \$10,000) than the Engineer’s Estimated total price.

- Planting Soil/Lawn Area - Knife River’s total price for this item is \$21,775, which is \$13,225 more than the Engineer’s Estimate of \$8,500.
- New Irrigation System - Knife River’s total price for this item is \$45,850, which is \$20,850 more than the Engineer’s Estimate of \$25,000.
- Sod - Knife River’s total price for this item is \$27,500, which is \$18,700 more than the Engineer’s Estimate of \$8,800.

Financial Requirement

\$1,641,381 of TIF Funds were allocated for this project in FY20. The table below identifies the total estimated costs for Phases II and III in FY20.

FY20 TIF Funds for Depot Park Phases II and III	
Spent To-Date on Phase II	\$789,837
Remaining to Be Spent on Phase II (includes remaining consultant fees)	\$104,595
Total Base Bid and Additive Alternate for Phase III	\$749,245
Total	\$1,643,677

While the actual project costs will exceed the budget in FY20 by \$2,296, there are funds available to cover the difference, and a budget amendment will not be necessary. The TIF proforma has been updated to include the additional \$2,296. However, it is anticipated that this deficit can be made up through various cost saving measures in Phase III in order to bring the final project in within budget.

Recommendation

Staff respectfully recommends the City Council award the Depot Park-Phase III bid to Knife River in the amount of \$749,245. This includes \$661,785 for the base bid and \$87,460 for the additive alternate and will allow the project to be completed by July 1, 2020.

Sincerely,
 Maria Butts
 Director of Parks, Recreation and Community Services

TO: Maria Butts & Craig Workman, PE
 FROM: Ryan E. Mitchell, PE, PLS
 SUBJECT: **Depot Park – Phase III
 Summary of Bids Received and Award Recommendation**

DATE: February 20, 2020

Project Overview

The Depot Park – Phase III Project consists of a Base Bid and Additive Alternative. The Base Bid is for surfacing improvements to Central Avenue from Railway Street to Depot Street and the westerly portion of Depot Street and re-landscaping of the northwest quadrant of Depot Park. The proposed work generally includes asphalt removal, placement of new gravel and asphalt, concrete curb and sidewalks, minor storm drain improvements, retaining wall and handrail, concrete seat wall, installation of site amenities including resetting of a statue, new streetlights, landscaping, and other miscellaneous improvements. The Additive Alternative is for constructing a shared-use path north of the O’Shaughnessy Center, from Central Avenue westerly to the MDT Right-of-Way and Baker Avenue.

Bid Opening

Bids were received on February 18, 2020 and read aloud at 11:00 a.m., local time, in the Council Chambers Conference Room located on the 2nd Floor of City Hall at 418 East Second Street in Whitefish. A total of two (2) bids were received for the project. This memorandum summarizes the bids received and recommends a course of action for the Depot Park – Phase III Project.

Summary of Bids Received

The Certified Bid Tabulation is attached to this memorandum. The bids ranged from 5.02% to 9.46% higher than the Engineer’s Estimate for the Base Bid. The bids ranged from 11.07% lower to 7.45% higher than the Engineer’s Estimate for the Additive Alternative. No bid irregularities were found in Knife River’s bid. Bid totals are listed from low to high and summarized as follows:

CONTRACTOR NAME Acknowledged Receipt of Addendum No. 1	BASE BID	ADDITIVE ALTERNATIVE
Engineers Estimate, N/A	\$630,160.00	\$98,347.50
Knife River, Yes	\$661,785.00	\$87,460.00
LHC Inc., Yes	\$689,754.76	\$105,677.95

Knife River was contacted and indicated they do not wish to withdraw their bid. Knife River has been in business, in the infrastructure construction industry, for nearly 30 years. They have an office in Kalispell, MT located at 3131 US Highway 2.

Therefore, RPA has determined Knife River to be the lowest responsible bidder for the Depot Park – Phase III Project.

Summary of Estimated Costs vs. Low Bid Costs

The Engineer's estimate for the project was \$630,160.00 for the Base Bid and \$98,347.50 for the Additive Alternative.

The low bid for the Base Bid was \$661,785.00, or 5.02% higher than the engineer's estimate, and \$87,460.00 for the Additive Alternative, or 11.07% lower than the engineer's estimate.

In review the Bid Items, a couple of items were substantially greater (more than \$10,000) than the Engineer's Estimated total price. These items are listed below:

- **60 Planting Soil - Lawn Area:** Knife River's total price for this item is \$21,775, or \$13,225 more than the Engineer's Estimate of \$8,500.
- **68 New Irrigation System:** Knife River's total price for this item is \$45,850, or \$20,850 more than the Engineer's Estimate of \$25,000.
- **69 Sod:** Knife River's total price for this item is \$27,500, or \$18,700 more than the Engineer's Estimate of \$8,800.

Other than the bid items listed above, the total prices for all other bid items had minor variations (less than \$10,000), but cumulatively added up to be more than the Engineer's Estimate.

Award Options

The City of Whitefish has the following options available in terms of awarding a contract for this project.

1. Accept the bids received and award the Base Bid to Knife River.
2. Accept the bids received and award the Base Bid & Additive Alternative to Knife River. (Note: A Change Order to reduce the scope of work, for the future Baker Avenue Underpass, should be prepared and accompany the award if this option is chosen.)
3. Reject all bids and re-bid the project at a later date.

Recommendation

RPA believes the low bid amounts for the Base Bid of \$661,785.00 and Additive Alternative of \$87,460.00 are competitive bids and the City of Whitefish is not likely to see lower bids should the project be re-bid at a later date. Past project history indicates that Knife River is competent and capable of completing the proposed work.

If considered to be appropriate by the City of Whitefish, it would be the recommendation of RPA to award both the Base Bid and Additive Alternate of the Depot Park – Phase III to Knife River in the amount of \$749,245.00, if within available funding. (Note: A Change Order should be prepared to reduce the scope of work for the future Baker Avenue Underpass and submitted to Knife River simultaneously with the Notice of Award.)

**SUMMARY OF BIDS
DEPOT PARK - PHASE III
WHITEFISH, MT**



Robert Peccia & Associates, Inc.
825 Custer Avenue * Helena * Montana * (406) 447-5000
102 Cooperative Way, Suite 300 * Kalispell * Montana * (406) 752-5025

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate		Knife River		LHC, Inc.	
				Unit Price (Figures)	Total Price (Figures)	Unit Price (Figures)	Total Price (Figures)	Unit Price (Figures)	Total Price (Figures)
BASE BID									
1	1	LS	Mobilization, Bonding and Submittals (5% Max)	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$24,880.00	\$24,880.00
2	1	LS	Stormwater Permitting, Erosion & Sediment Control	\$5,500.00	\$5,500.00	\$4,000.00	\$4,000.00	\$15,605.00	\$15,605.00
3	750	LF	Temporary Fencing- Chain link	\$5.00	\$3,750.00	\$4.50	\$3,375.00	\$4.34	\$3,255.00
4	800	LF	Temporary Fencing- "T" Posts and Safety Fence	\$3.00	\$2,400.00	\$3.25	\$2,600.00	\$1.78	\$1,424.00
5	10	EA	Tree Protection	\$340.00	\$3,400.00	\$350.00	\$3,500.00	\$95.30	\$953.00
6	60	DAY	Traffic Control - Devices (Pedestrian & Vehicular)	\$450.00	\$27,000.00	\$218.00	\$13,080.00	\$208.33	\$12,499.80
7	1	LS	Construction Surveys	\$8,000.00	\$8,000.00	\$14,000.00	\$14,000.00	\$28,755.00	\$28,755.00
8	1	LS	Material Testing	\$7,500.00	\$7,500.00	\$14,500.00	\$14,500.00	\$11,935.00	\$11,935.00
9	1	LS	Excavation (Under New Asphalt and Concrete to get to Subgrade)	\$17,500.00	\$17,500.00	\$14,155.00	\$14,155.00	\$26,245.00	\$26,245.00
10	1,945	SY	Asphalt Surface Removal	\$3.50	\$6,807.50	\$4.50	\$8,752.50	\$3.91	\$7,604.95
11	800	SY	Concrete Flatwork Removal	\$7.00	\$5,600.00	\$6.90	\$5,520.00	\$9.00	\$7,200.00
12	965	LF	Concrete Curb Removal	\$5.00	\$4,825.00	\$3.00	\$2,895.00	\$7.88	\$7,604.20
13	1	EA	Existing Water Meter Pit Removal	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$805.00	\$805.00
14	2	EA	Existing Inlet Removal	\$450.00	\$900.00	\$900.00	\$900.00	\$340.00	\$680.00
15	10	HOURL	Exploratory Excavation	\$250.00	\$2,500.00	\$175.00	\$1,750.00	\$300.00	\$3,000.00
16	1	EA	Fire Hydrant Assembly - Remove Exist & Set New	\$5,200.00	\$5,200.00	\$7,500.00	\$7,500.00	\$7,690.00	\$7,690.00
17	1	EA	Manhole - 60" Combination Manhole Inlet	\$4,000.00	\$4,000.00	\$5,500.00	\$5,500.00	\$5,330.00	\$5,330.00
18	1	EA	Manhole - 48" Combination Manhole Inlet	\$3,850.00	\$3,850.00	\$4,500.00	\$4,500.00	\$3,700.00	\$3,700.00
19	1	EA	Storm Inlet Modification	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$635.00	\$635.00
20	3	EA	Manhole Adjustment	\$780.00	\$2,340.00	\$900.00	\$2,700.00	\$915.00	\$2,745.00
21	10	LF	Pipe - Buried: 12" Storm Drain - SDR 35 PVC Pipe	\$55.00	\$550.00	\$100.00	\$1,000.00	\$150.91	\$1,509.10
22	170	LF	Pipe - Buried: 6" Storm Drain - ADS N-12 Pipe (Includes Nyloplast Catch Basin)	\$63.00	\$10,710.00	\$50.00	\$8,500.00	\$37.36	\$6,351.20
23	90	LF	Imported Trench Backfill	\$26.00	\$2,340.00	\$32.00	\$2,880.00	\$29.22	\$2,629.80
24	60	CY	Flow Fill Backfill	\$140.00	\$8,400.00	\$160.00	\$9,600.00	\$157.92	\$9,475.20
25	900	TON	Crushed Base Course - 3/4" Minus	\$26.50	\$23,850.00	\$33.00	\$29,700.00	\$21.01	\$18,909.00
26	1,945	SY	Existing Gravel Preparation	\$2.00	\$3,890.00	\$1.20	\$2,334.00	\$2.99	\$5,815.55
27	0.4	TON	Asphalt Tack Coat (Undiluted, SS-1)	\$1,200.00	\$480.00	\$425.00	\$170.00	\$1,729.28	\$691.71
28	425	TON	Asphalt Concrete Pavement (4" Thick)	\$94.00	\$39,950.00	\$99.00	\$42,075.00	\$89.85	\$38,186.25
29	520	LF	Concrete Curb - Curb & Gutter	\$23.00	\$11,960.00	\$22.00	\$11,440.00	\$26.36	\$13,707.20
30	485	LF	Concrete Curb - Valley Gutter	\$22.00	\$10,670.00	\$20.00	\$9,700.00	\$25.16	\$12,202.60
31	180	LF	Concrete Curb - Straight Curb	\$24.00	\$4,320.00	\$22.00	\$3,960.00	\$30.33	\$5,459.40
32	1,320	SY	Concrete Flatwork - 4" Thick	\$55.00	\$72,600.00	\$42.00	\$55,440.00	\$65.42	\$86,354.40
33	395	SY	Concrete Flatwork - 4" Thick with Thickened Edge	\$62.00	\$24,490.00	\$49.00	\$19,355.00	\$68.61	\$27,100.95
34	150	SY	Concrete Flatwork - 6" Thick	\$44.00	\$6,600.00	\$70.00	\$10,500.00	\$65.41	\$9,811.50
35	160	SF	Detectable Warning Plate	\$45.00	\$7,200.00	\$42.00	\$6,720.00	\$47.36	\$7,577.60
36	1	LS	Seat Wall Complete	\$60,000.00	\$60,000.00	\$55,000.00	\$55,000.00	\$36,350.00	\$36,350.00
37	54	LF	Retaining Wall	\$300.00	\$16,200.00	\$325.00	\$17,550.00	\$288.15	\$15,560.10
38	55	LF	Handrail	\$100.00	\$5,500.00	\$123.00	\$6,765.00	\$124.78	\$6,862.90
39	6	EA	Bollard Base	\$2,000.00	\$12,000.00	\$900.00	\$5,400.00	\$542.00	\$3,252.00
40	10	HOURL	Exploratory Review- Electrical	\$95.00	\$950.00	\$90.00	\$900.00	\$87.00	\$870.00
41	9	EA	Remove Existing Street Lights & Bases	\$450.00	\$4,050.00	\$625.00	\$5,625.00	\$320.00	\$2,880.00
42	540	LF	Conduit - Electrical- 1-1/4" PVC Sch. 40	\$6.50	\$3,510.00	\$8.50	\$4,590.00	\$8.25	\$4,455.00
43	35	LF	Conduit - Electrical- 2" PVC Sch. 40	\$6.50	\$227.50	\$8.70	\$304.50	\$8.35	\$292.25
44	150	LF	Conduit - Electrical- 3" PVC Sch. 40	\$7.50	\$1,125.00	\$8.90	\$1,335.00	\$8.57	\$1,285.50
45	110	LF	Conduit - Irrigation Sleeve- 1" PVC Sch. 40	\$5.00	\$550.00	\$5.00	\$550.00	\$6.40	\$704.00
46	45	LF	Conduit - Irrigation Sleeve- 2" PVC Sch. 40	\$6.00	\$270.00	\$16.00	\$720.00	\$10.99	\$494.55
47	595	LF	Conduit - Irrigation Sleeve- 4" PVC Sch. 40	\$8.00	\$4,760.00	\$17.00	\$10,115.00	\$7.81	\$4,646.95
48	3	EA	Pull Box - Type I	\$475.00	\$1,425.00	\$550.00	\$1,650.00	\$526.00	\$1,578.00
49	5	EA	Luminaire Pole Foundation - Street Lighting	\$1,100.00	\$5,500.00	\$1,125.00	\$5,625.00	\$1,084.00	\$5,420.00
50	1	LS	Electrical Wiring and Misc. Items (Includes Relocating Service Assembly)	\$9,500.00	\$9,500.00	\$7,900.00	\$7,900.00	\$7,815.00	\$7,815.00
51	1	LS	Install Owner Supplied Site Amenities	\$4,000.00	\$4,000.00	\$5,200.00	\$5,200.00	\$5,241.00	\$5,241.00
52	2	EA	Survey Monument - Asphalt or Concrete	\$850.00	\$1,700.00	\$850.00	\$1,700.00	\$950.00	\$1,900.00
53	9	EA	New Sign	\$350.00	\$3,150.00	\$375.00	\$3,375.00	\$369.00	\$3,321.00
54	2	EA	Striping - Words & Symbols- Waterborne	\$270.00	\$540.00	\$56.00	\$112.00	\$54.25	\$108.50
55	830	LF	Striping - 4" Solid- Epoxy	\$5.50	\$4,565.00	\$3.25	\$1,867.50	\$2.17	\$1,801.10
56	25	LF	Striping - 24" Solid- Retroreflective Preformed Thermoplastic	\$32.00	\$800.00	\$31.50	\$787.50	\$30.38	\$759.50
57	10	HOURL	Exploratory Review- Irrigation	\$210.00	\$2,100.00	\$250.00	\$2,500.00	\$272.00	\$2,720.00
58	1	LS	Landscape Demolition	\$5,000.00	\$5,000.00	\$5,500.00	\$5,500.00	\$815.00	\$815.00
59	1	LS	Excavation and Embankment- Park	\$10,000.00	\$10,000.00	\$5,500.00	\$5,500.00	\$4,900.00	\$4,900.00
60	1	LS	Planting Soil- Lawn Area	\$8,500.00	\$8,500.00	\$21,725.00	\$21,725.00	\$21,775.00	\$21,775.00
61	1	EA	Plantings- Trees - 25 GAL, 2" CAL	\$580.00	\$580.00	\$582.00	\$582.00	\$584.00	\$584.00
62	10	EA	Plantings- Trees - 2.5" CAL B&B	\$750.00	\$7,500.00	\$720.00	\$7,200.00	\$723.00	\$7,230.00
63	1	EA	Plantings- Shrubs - 20 GAL	\$300.00	\$300.00	\$486.00	\$486.00	\$487.00	\$487.00
64	72	EA	Plantings- Shrubs - 5 GAL	\$70.00	\$5,040.00	\$82.00	\$5,904.00	\$82.00	\$5,904.00
65	25	EA	Plantings- Shrubs - 2 GAL	\$60.00	\$1,500.00	\$70.00	\$1,750.00	\$70.00	\$1,750.00
66	9	EA	Plantings- Shrubs - 1 GAL	\$50.00	\$450.00	\$40.00	\$360.00	\$40.00	\$360.00
67	401	EA	Plantings- Perennials - 1 GAL	\$35.00	\$14,035.00	\$40.00	\$16,040.00	\$40.00	\$16,040.00
68	1	LS	New Irrigation System	\$25,000.00	\$25,000.00	\$45,850.00	\$45,850.00	\$46,000.00	\$46,000.00
69	11,000	SF	Sod	\$0.80	\$8,800.00	\$2.50	\$27,500.00	\$2.44	\$26,840.00
70	3,500	SF	Landscape Mulch (Includes Weed Barrier Fabric)	\$3.50	\$12,250.00	\$3.80	\$13,300.00	\$3.81	\$13,335.00
71	15	EA	Boulders	\$500.00	\$7,500.00	\$481.00	\$7,215.00	\$482.00	\$7,230.00
72	290	LF	Pipe - Buried Water Service: 1" HDPE (SIDR7)	\$30.00	\$8,700.00	\$20.00	\$5,800.00	\$34.00	\$9,860.00
				4.76%		4.53%		3.61%	
TOTAL BASE BID:					\$630,160.00		\$661,785.00		\$689,754.76
ADDITIVE ALTERNATE									
AA-1	1	LS	Mobilization, Bonding and Submittals (5% Max)	\$4,680.00	\$4,680.00	\$4,000.00	\$4,000.00	\$4,605.00	\$4,605.00
AA-2	1	LS	Stormwater Permitting, Erosion & Sediment Control	\$2,000.00	\$2,000.00	\$1,900.00	\$1,900.00	\$100.00	\$100.00
AA-3	1	LS	Construction Surveys	\$2,000.00	\$2,000.00	\$2,650.00	\$2,650.00	\$6,515.00	\$6,515.00
AA-4	1	LS	Material Testing	\$2,000.00	\$2,000.00	\$3,200.00	\$3,200.00	\$5,100.00	\$5,100.00
AA-5	380	SY	Asphalt Surfacing Removal	\$3.50	\$1,330.00	\$4.50	\$1,710.00	\$6.64	\$2,523.20
AA-6	80	LF	Concrete Curb Removal	\$5.00	\$400.00	\$3.00	\$240.00	\$10.28	\$822.40
AA-7	30	LF	Pipe - Buried: 12" Culvert - CSP	\$80.00	\$2,400.00	\$65.00	\$1,950.00	\$51.00	\$1,530.00
AA-8	1	LS	Excavation and Embankment- Additive Alternate	\$10,000.00	\$10,000.00	\$6,698.00	\$6,698.00	\$10,255.00	\$10,255.00
AA-9	175	TON	Crushed Base Course - 3/4" Minus	\$26.50	\$4,637.50	\$38.00	\$6,660.00	\$42.88	\$7,504.00
AA-10	25	TON	Asphalt Concrete Pavement (4" Thick)	\$100.00	\$2,500.00	\$160.00	\$4,000.00	\$112.66	\$2,816.50
AA-11	410	LF	Concrete Curb - Curb & Gutter	\$23.00	\$9,430.00	\$22.00	\$9,020.00	\$28.14	\$11,537.40
AA-12	400	SY	Concrete Flatwork - 4" Thick	\$55.00	\$22,000.00	\$42.00	\$16,800.00	\$62.54	\$25,016.00
AA-13	20	SF	Detectable Warning Plate	\$45.00	\$900.00	\$42.00	\$840.00	\$71.23	\$1,424.60
AA-14	3	EA	Remove Existing Street Lights & Bases	\$450.00	\$1,350.00	\$625.00	\$1,875.00	\$320.00	\$960.00
AA-15	25	LF	Conduit - Electrical- 1-1/4" PVC Sch. 40	\$6.50	\$162.50	\$8.50	\$212.50	\$8.25	\$206.25
AA-16	235	LF	Conduit - Electrical- 2" PVC Sch. 40	\$6.50	\$1,527.50	\$8.70	\$2,044.50	\$8.35	\$1,962.25
AA-17	235	LF	Conduit - Irrigation Sleeve- 1" PVC Sch. 40	\$5.00	\$1,175.00	\$5.00	\$1,175.00	\$6.39	\$1,501.65
AA-18	235	LF	Conduit - Irrigation Sleeve- 4" PVC Sch. 40	\$8.00	\$1,880.00	\$17.00	\$3,995.00	\$8.02	\$1,884.70
AA-19	3	EA	Pull Box - Type I	\$475.00	\$1,425.00	\$550.00	\$1,650.00	\$526.00	\$1,578.00
AA-20	3	EA	Luminaire Pole Foundation - Path Lighting	\$1,100.00	\$3,300.00	\$1,125.00	\$3,375.00	\$1,084.00	\$3,252.00
AA-21	1	LS	Electrical Wiring and Misc. Items	\$5,000.00	\$5,000.00	\$2,700.00	\$2,700.00	\$2,604.00	\$2,604.00
AA-22	1	LS	New Irrigation System	\$10,000.00	\$10,000.00	\$4,500.00	\$4,500.00	\$4,450.00	\$4,450.00
AA-23	1	LS	Planting Soil- Lawn Area	\$4,000.00	\$4,000.00	\$2,900.00	\$2,900.00	\$2,850.00	\$2,850.00
AA-24	1	LS	Seed and Fertilizer	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00	\$1,965.00	

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CITY MANAGER'S REPORT

February 25, 2020



WWTP UPGRADE PROJECT

The City was notified on February 24th that it has been awarded \$270,000 from the U.S. Army Corps of Engineers for the Wastewater Treatment Plant Upgrade Project. This new funding source will help reduce the amount required to be financed through Montana's State Revolving Fund Loan Program. A special thanks goes out to all who helped secure this funding for our community!

MEETINGS AND UPDATES

On Thursday, February 25th, Administrative Services Director/City Clerk, Michelle Howke, and I met with our Crisis Communications Agency of Record (LJ Communications) and Explore Whitefish Executive Director Dylan Boyle. While we have taken great steps to have a plan in place for when a crisis situation arises, it is always good to review the plan and ensure we are prepared for any issues that may happen in the future. We are working to make sure the plan is properly updated as contact information changes and that all City leaders have access to the plan.

City staff continues to work on implementation of the Parking Management Plan. Our new parking vehicle will be arriving shortly, and we are working to secure new software to help increase efficiencies and the effectiveness of our enforcement of parking requirements. Staff is also working on a proposed pilot permit parking program for the new Parking Permit Implementation Committee to consider and provide feedback. We are working together to determine the number of spaces to lease, duration of leases, lease terms, costs, and locations of leased parking spaces. We intend for this program to roll-out this summer.

City staff is also working on our new website development. We will have many new capabilities with the new website and hope to have a more robust online presence for purchasing services or submitting plans and permit applications. The website will also allow individuals the option to sign up for email or text notifications in a variety of areas including meetings and agendas, bid opportunities, emergencies, etc. We anticipate the website will go live in mid-summer.

REMINDERS AND SPECIAL EVENTS

March 5th: The Montana Department of Transportation, City of Whitefish, and Robert Peccia and Associates are holding an open house from 3:00 p.m. to 7:00 p.m. at City Hall for those interested in learning more about the Whitefish Downtown Highway Study. For more information about the event, please see the attached notice.

NEXT COUNCIL MEETING

The next City Council meeting will be held Monday, March 16th. The work session is tentatively scheduled for a review of the draft Sustainable Tourism Management Plan.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dana".

Dana M. Smith, CPA
City Manager



DOWNTOWN WHITEFISH

HIGHWAY STUDY

As _____ continues to _____ the corresponding _____

for the community. _____ with Montana Department of Transportation and Robert Peccia and Associates to study possible _____

93 through downtown.

If you're interested in learning more and providing _____

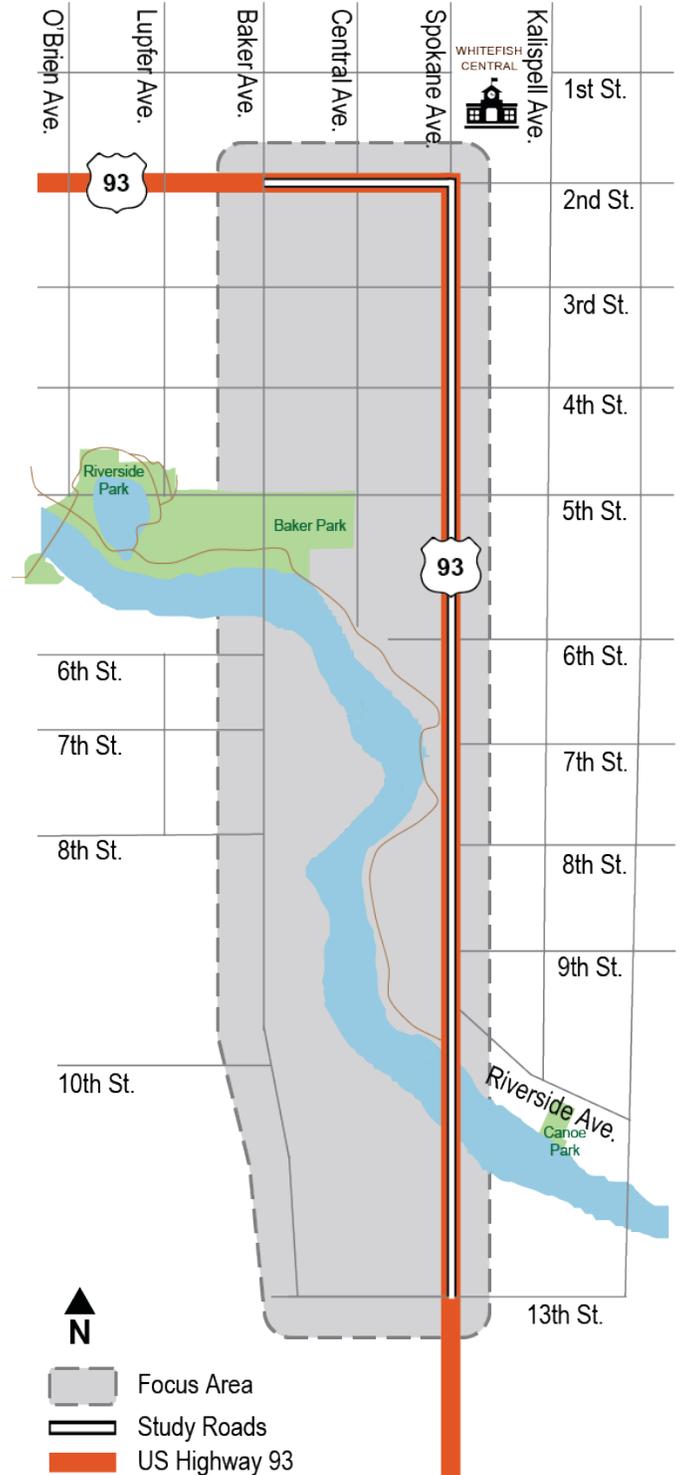
please join us for at our upcoming open house. There will not be a formal presentation, so please attend at your convenience.

Join us for an **OPEN HOUSE**

March 5, 2020

3:00 PM to 7:00 PM

City Council Chambers,
Whitefish City Hall



Check out the project website for additional details about the project:

<https://www.mdt.mt.gov/pubinvolve/DowntownWhitefish>

The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.



City of Whitefish
Affordable Housing Development at the City's Snow Lot
Proposed Funding Strategy

SCENARIO 1: Private Developer (8.0%)

Budgeted Tax Increment Funds	\$ 200,000
Cash-in-lieu of Affordable Housing	\$ 509,000
Additional Tax Increment Funds	<u>\$ 614,007</u>
Total Subsidy to Develop	<u><u>\$ 1,323,007</u></u>

SCENARIO 2: Whitefish Housing Authority as Developer with Owner's Representative (2.5%)

Budgeted Tax Increment Funds	\$ 200,000
Cash-in-lieu of Affordable Housing	\$ 509,000
Additional Tax Increment Funds	<u>\$ 259,409</u>
Total Subsidy to Develop	<u><u>\$ 968,409</u></u>

ESTIMATED IMPACT FEES/BUILDING PERMITS:

Building Permit Est.	\$ 73,578
Impact Fees Est.	<u>\$ 195,839</u>
	<u><u>\$ 269,417</u></u>

	A	Q	R
37	TIF Financial Plan July 1, 2019 - July 15, 2020		
38		FY2020 Budget	FY 2020 Est.
39	BEGINNING CASH BALANCE	\$ 671,268	\$ 665,244
40	REVENUES		
41	Property Taxes ¹	\$ 7,553,288	\$ 7,553,288
42	State Entitlement Payment	248,865	248,865
43	Transfer from Impact Fees (ESC/City Hall/Park Maint repayment) ²	-	-
44	Proceeds from Sale of Edgewood Property (LIHTC) ³	482,275	481,148
45	Retail Lease Revenue	50,364	50,364
47	TOTAL REVENUES	\$ 8,334,792	\$ 8,333,665
48			
49	EXPENDITURES		
50	Transfer to Debt Service Fund Account ⁴	2,084,878	2,084,878
51	Semi-annual School Payment	1,344,558	1,344,558
53	Salaries ⁵	329,793	329,793
54	Operating & Maintenance	139,899	114,899
58	<u>Urban Renewal Projects:</u>		
59	Misc. Urban Renewal Projects	330,000	355,000
60	Downtown Parking Study Implementation	-	75,000
61	Depot Park (~\$2 million - not including Snow Lot development)	1,641,381	1,645,000
62	City Beach Parking Design and Construction (Woodland)	-	147,118
64	Central Avenue Slump Repairs ⁷	350,000	350,500
67	Nelson's Right-of-Way Improvements	-	7,793
68	18th Street Improvements West of Nelson's	-	24,303
69	Baker Avenue Viaduct Pedestrian-Bike Underpass ⁶	1,300,000	1,800,000
70	Bike/Pedestrian Paths - Riverbend Condos, etc. ⁸	250,000	-
71	Purchase & Redevelopment of blighted properties	850,000	-
72	Washington/Skyles Wall Replacement	250,000	-
73	Library Interior Remodel	30,000	30,000
75	Contingency	50,000	-
76	Total Approximate Non-Committed		
77	TOTAL EXPENDITURES	\$ 8,950,509	\$ 8,308,842
78	REVENUES LESS EXPENDITURES	\$ (615,717)	\$ 24,823
79	ENDING CASH BALANCE ⁹	\$ 55,551	\$ 690,067
80			
81	1 Based on 11.48% growth from reappraisal.		
82	2 Impact Fees transferred to TIF Fund to payoff TIF Bond issued for the ESC/City Hall construction stopped for FY20 due to sunset of TIF on July 15, 2021.		
83	3 Funds received in FY20 with purchase made in FY19.		
84	4 To ensure the debt service account is fully funded (12 months principal/6months interest in next 12 months) a transfer is made annually. The final payment in FY21 will be paid with cash reserves and amounts required to be on hand in the debt service fund at June 30, 2020.		
85	5 FY20 is based on final budget figures and is tracking along with the budget.		
86	6 Placeholder of \$1.8M based on direction from the City Council and recent work sessions. Once bids are received, numbers will be updated to reflect actual contract.		
87	7 Depot Phase II Total Estimate based on actual costs from bid opening.		
88	8 Riverbend Condo Path unlikely to be contracted by July 15, 2020. Resort Tax or Paved Trail Impact Fees will be utilized in future years instead.		
89	9 Remaining balance must be allocated and distributed by to the taxing jurisdictions in the TIF boundaries unless construction contracts are in place before <u>7/15/20</u> . One option is to provide funding toward the Wastewater Treatment Facility Project.		

Public Comment
Whitefish City Council
March 2, 2020

With all due respect to Meredith Wilson:

Ya got trouble, folks

Right here in River City

Trouble with a capitol T

And that rhymes with G

And that stands for Garbage

In a few weeks bears will be waking up from their winter's nap and they and their offspring will be hungry. They've learned that Whitefish has an abundant supply of easy to get to garbage and the City can expect to once again be in the position of feeding and habituating bears. We can only expect that the three sows and six cubs that frequented our City garbage containers last fall will be back this spring with more cubs in tow.

My observational evidence shows that the bears frequent our bike/pedestrian paths, the same ones our children use to get to and from school. A confrontation seems inevitable.

There is good evidence that the best way to keep bears out of the City is to eliminate the attractant. Fish Wildlife and Parks says that trapping and relocating or euthanizing is, at best, only a temporary solution.

The best solution is to convert the entire city to bear resistant containers. This will require changing out the 96-gallon residential rollout containers as well as converting existing 300-gallon containers to 96-gallon bear resistant roll outs. I realize that there are costs involved with the conversion, but failure to do so is not a viable alternative.

So, how much will it cost? In October 2019, Republic Services apparently told the City that they would prepare a cost estimate for converting all residential containers. I've never seen their accounting and justification for increased costs.

Also in October 2019, I contacted Republic Services about converting the 300-gallon container in my front yard to a bear resistant Kodiak container and was told that my monthly charge would double from \$10.61 to \$21.36 plus a one-time charge of \$8.50 for changing out the cart. The increased cost, I was told, was because the price of the bear resistant container was so much higher and because a bear resistant container might only last two years. Note: A Kodiak container has a 5-year warranty, including the latch. By the way, Kodiak is the only bear resistant container certified by the bears at the West Yellowstone Grizzly Discovery Center.

As some of you may remember, last October I sent you the following calculation: The average cost of a standard 96-gallon container is \$209 or \$91.00 more than a Kodiak. If Republic charges an additional \$10.75 per month for the Kodiak they will recover the additional container cost in ten months. If a container lasts five years they will realize an additional profit of \$381.40 per container over the period. By my calculation, \$10.61 per month times 60 months equals \$636.60 for a regular rollout as opposed to \$21.36 per month times 50 months, equals \$1018 for the Kodiak. This accounts for the 10-month recovery cost for the Kodiak. For sake of argument, let's say the City has 3,500 residential accounts. To shift to bear resistant containers would result in \$1,334,900 in increased revenue over 5 years at the expense of City ratepayers. Now that's a tidy profit on top of whatever profit they've built into their City contract. Add to it the bogus \$8.50 change-out charge and you can add another \$29,750.

Realistically, it should cost no more than \$37,625 to convert ALL of the City's 96-gallon rollouts to bear resistant containers.

On February 19, 2020, in an email to Republic I shared my cost calculations with Mr. Cross, Republic's representative in Great Falls. He replied that same day saying, "We have done the math and it comes out quite differently." I followed up with him that same day and asked him to share his calculations, but received no response. On February 25, I again sent an email to Mr. Cross asking for Republic's calculations, and again, I have had no response. This leads me to believe either my calculations are correct or Republic Services does not want the public to know the size of their profit margin.

Whatever the case may be, I encourage the City to be vigilant in examining Republic Service's justification for increased rates for converting containers and ask that you independently examine how they arrived at their costs. Keep in mind that about 30% of residential containers are only used a portion of the year by our part-time second home visitors.

As you are well aware, Republic Services has a de facto monopoly for garbage collection in Whitefish. Therefore, I'm asking for a public accounting of Republic's books by an independent auditor, specific to Republic's Whitefish account. In addition, I'm asking that Republic Services provide independently verifiable justification for any additional charges related to providing bear resistant containers.

Finally, now that the City will apparently be doing the billing for Republic Services the City must accept that it will become Republic's public face. Any complaints about Republic Services will be directed to the City. In recent weeks I've had several conversations with members of the public concerning Republic Services and their customer service. Not one, not one person had anything good or positive to say about Republic Services. Speaking for myself, their drivers are friendly and courteous and willing to get out of their trucks when garbage spills out of overfilled containers. Other than that, their customer service is abysmal.