



**CITY COUNCIL SPECIAL SESSION
CITY COUNCIL CONFERENCE ROOM
418 EAST SECOND STREET
MONDAY, JUNE 15, 2020
5:00 TO 5:30 PM**

The health and wellbeing of our community is our top priority. The City has protocols in place to ensure physical distancing and proper sanitation to resume in-person meetings in accordance with the guidance from the State and Flathead City-County Health Department. We also encourage individuals who wish to provide public comment to submit a letter to the City Clerk, Michelle Howke at mhowke@cityofwhitefish.org or deliver a letter to City Hall before the scheduled meeting. Written comments should provide your name, address, and should be short, concise, courteous, and polite. Written comments received will be provided to the City Council and will be appended to the packet following the meeting.

1. Call to Order
2. Interviews for Vacant Boards and Committees
 - a) 5:00 Joe Courtney – Board of Adjustment
 - b) 5:10 Robert Horne Jr. – Whitefish Strategic Housing Plan Steering Committee – Member-at-Large
 - c) 5:20 Katie Williams – Whitefish Strategic Housing Plan Steering Committee – Member-at-Large
- Whitefish Housing Authority
3. Public Comment
4. Appointments
 - a) Board of Adjustment – Three (3) position advertised, one (1) letter of interest. Appointment to complete term ending 12/31/2020 or 12/31/2021. City Council appointment
 - b) Whitefish Strategic Housing Plan Steering Committee – One (1) position advertised, received two (2) letters of interest. Mayoral appointment
 - c) Whitefish Housing Authority – One (1) position advertised, received one (1) letter of interest, complete term ending 12/31/2024. Mayoral appointment

****If time runs out before appointments are made, there will be time at the end of the regular session**

**CITY COUNCIL WORK SESSION
CITY COUNCIL CONFERENCE ROOM
418 EAST SECOND STREET
MONDAY, JUNE 15, 2020
5:30 TO 7:00 PM**

5. 5:30 Presentation from Fish Wildlife and Parks on Chronic Wasting Disease Management
6. 6:15 Discussion on Resort Tax Reallocation and Reauthorization Process
7. Public Comment
8. Adjournment

PUBLIC NOTICE

VACANCIES ON CITY BOARDS/COMMITTEE



BOARD OF ADJUSTMENTS - Three (3) positions, (2) positions to complete term ending 12/31/2020, (1) position to 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.

WHITEFISH LAKE AND LAKESHORE PROTECTION COMMITTEE – One (1) position complete the term ending 12/31/2020. Applicant shall be lakefront property owner and reside within the corporate limits of the city of Whitefish. The Committee meets the second Wednesday in the evening.

WHITEFISH HOUSING AUTHORITY – One (1) position, term ending 12/31/2024. This Committee meets the 4th Wednesday at 4:00 pm.

WHITEFISH STRATEGIC HOUSING PLAN STEERING COMMITTEE – One (1) position, applicant can be from the public or Strategic Housing Task Force.

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, June 5, 2020 at 5:00 pm**. 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*

06/03/20



Dear Council Members,

I hereby submit a letter of intent to apply for the City of Whitefish position with the Board of Adjustment, that runs till December 2020. I was proud to serve 6 years on the Board of Adjustment in the later 1990's and ended those appointments as the Chairman of the Board for the last couple of years.

All volunteers of Whitefish are to be commended for their time, deliberation, patience and commitment to their fellow citizens of Whitefish and I'd like to thank the members of the City Council for reviewing the various applications before them. If further information about me is required or any members of the City Council has any question's they would like to present to me, then please don't hesitate to contact me or request that I appear before the City Council.

Sincerely,

Joe Courtney

Whitefish, Mt., 59937

Joe

Age – 66

Retired

I love Government and reading about laws, ordinances, codes, statutes and have tried to stay familiar with Robert Rules of Order, that were required on various committee's I served on throughout my life.

Chapter 3

BOARD OF ADJUSTMENT

2-3-1: BOARD ESTABLISHED¹:

There is hereby established a board of adjustment for the city, hereinafter referred to as the board. (Ord. 01-08, 3-5-2001)

2-3-2: PURPOSE, POWERS AND DUTIES:

- A. The powers and duties of the board are set forth in Montana code 76-2-321 through 76-2-328, this chapter and rules of procedure adopted by the board.
- B. The purpose of the board is to:
1. Hear and decide applications for appeals in which it is alleged that there is an error in an order, requirement, decision or determination made by the zoning administrator in the enforcement of these regulations.
 2. Hear and grant or deny any application for a variance to the terms of the Whitefish zoning jurisdiction regulations, except where such regulations specifically limit the power of the board.
- C. Decisions rendered by the board on applications for appeals and variances shall be made based upon written findings of fact establishing the reasons for each decision pursuant to the procedures for consideration established in either section [11-7-6](#) of this code, being the zoning jurisdiction regulations for appeals, or section [11-7-7](#) of this code, being the zoning jurisdiction regulations for variances. For each application whereupon the board renders a decision, the city clerk shall enter a copy of the findings of fact, along with the pertinent minutes of the board, into the public record.
- D. The board of adjustment shall not by either variance or appeal process make any changes in the uses categorically permitted in any zoning classification or zoning district, or amend the zoning text or map. (Ord. 01-08, 3-5-2001)

2-3-3: MEMBERSHIP:

- A. Appointments; Compensation: The board shall have seven (7) members. Members shall reside within the corporate limits of the city. Members shall be appointed by the city council. Board members shall receive no compensation. (Ord. 15-02, 2-2-2015)
- B. Terms Of Office: Board terms shall be three (3) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the board. Members serving on the effective date of this chapter shall be assigned to positions that correspond with the expiration dates of their

existing terms.

Position Number	Term Expiration Date
1	December 31, 2004
2	December 31, 2004
3	December 31, 2005
4	December 31, 2005
5	December 31, 2005
6	December 31, 2003
7	December 31, 2003

As each of the above listed expiration dates has past, a member appointed to the position shall serve for a three (3) year term. Terms shall begin on January 1 following the initial expiration date of the preceding term. At the discretion of the city council, members may be appointed for more than one term. (Ord. 03-06, 4-7-2003)

C. **Removal Of Member:** A member of the board may be removed from the board by majority vote of the city council for cause upon written charges and after a public hearing. Wilful disregard of state statutes, city ordinances and the rules of procedures of the board, or 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 cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his inability to attend a specific meeting shall notify the chair or secretary of the board at least twenty four (24) hours prior to any scheduled meeting. (Ord. 01-08, 3-5-2001)

D. **Vacancy:** Pursuant to subsections A and B of this section, any vacancy on the board shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the board. (Ord. 15-09, 6-1-2015)

2-3-4: ORGANIZATION:

At its first meeting after January 1 of each year, the board shall elect a chair, vice chair and secretary for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chair, vice chair or secretary positions, the board shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the board and shall keep an accurate record of all board proceedings. (Ord. 01-08, 3-5-2001)

2-3-5: MEETINGS, RULES AND REGULATIONS:

Four (4) members of the board shall constitute a quorum. Not less than a quorum of the board may transact any business or conduct any proceedings before the board. The concurring vote of four (4) members of the board shall be necessary to decide any question or matter before the board, except a motion for a continuance and motions to elect a chair, vice chair and secretary may be decided by a simple majority vote of the board. The board shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. All meetings shall be open to the public. (Ord. 01-08, 3-5-2001)

2-3-6: EXPENDITURES:

The board shall have no authority to make any expenditures on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds except as has been included in the city budget and after the city council shall have authorized the expenditure by resolution, which resolution shall provide the administrative method by which funds shall be drawn and expended. (Ord. 01-08, 3-5-2001)

Volunteer Committee List

WHITEFISH CLIMATE ACTION PLAN STANDING COMMITTEE - Ordinance No. 18-32/Ord 18-36 2-year terms - Mayoral

Committee meets 3rd Wednesday at 5:30 pm.

1. Kate McMahon Member at Large	151 Wedgewood Lane, Whitefish	406-863-9255	12/31/2020
2 Ben Davis City Councilor	PO Box 158, Whitefish	406-471-5618	12/31/2020
3. Sierra McCartney Member at Large	7227 Farm to Market Road, Whitefish mccartney13@cslid.edu	406-270-1395	12/31/2020
4. Karin Hilding City Staff Member (PW)	PO Box 158, Whitefish khilding@cityofwhitefish.org	406-863-2450	12/31/2020
5. Jen Sybrant City Staff Member (P&R)	PO Box 158, Whitefish jsybrant@cityofwhitefish.org		12/31/2020
6. Joe Page City Staff Member (FD)	PO Box 158, Whitefish jpage@cityofwhitefish.org	406-863-2491	12/31/2021
7. Ryder Delaloye Member at Large	2261 Cedar Lane, Whitefish delaloyer@whitefishschools.org	406-471-0788	12/31/2021
8. Hilary Lindh (Chair) City Staff Member (Planning)	PO Box 158, Whitefish hlindh@cityofwhitefish.org	406-863-1254	12/31/2021
9. Casey Lewis Member at Large	414 Hazel Place, Whitefish casey.lewis0907@gmail.com	847-650-0148	12/31/2021

received
6-5-2020

Robert Horne, Jr., AICP (retired)

[REDACTED]
Whitefish, MT 59937
[REDACTED]
[REDACTED]

Honorable John Muhlfeld, Mayor, and
Members of the Whitefish City Council

June 5, 2020

Via e-mail

Dear Mayor Muhlfeld and Members of Council:

I am writing to request your consideration for appointment to the Whitefish Strategic Housing Plan Steering Committee. My most recent involvement with the Whitefish Legacy Homes Program was participating on the work group that drafted a proposed set of inclusionary zoning regulations. Having programs and regulations in place to provide permanently affordable workforce housing is perhaps best of all ways we can keep Whitefish open and accessible to a diverse population of working families and individuals. Having a variety of permanently affordable rental and for purchase housing units available attracts and keeps talented people in our community to provide the professional and support services that our visitation economy depends on, and keeps Whitefish a great place to live, work, and play. I would very much like to stay involved in the Whitefish community and continue the work I started with the inclusionary zoning work group.

I am now fully retired and have the time and energy to devote to the Steering Committee's work. As many of you know, I have been a professional community planner for my entire career. Therefore, I know how important it is to keep the Whitefish Strategic Housing Plan a living, working document so that it can effectively guide our workforce housing programs into the future. I respectfully offer my resume for your inspection, and I sincerely hope you can see fit to appoint me to this most importance community service.

Respectfully submitted,

Robert Horne, Jr., AICP (retired)



EDUCATION:

MASTER OF SCIENCE – PLANNING,
FLORIDA STATE UNIVERSITY.

BACHELOR OF ARTS – GEOGRAPHY,
UNIVERSITY OF SOUTH FLORIDA.

CERTIFICATION:

AMERICAN INSTITUTE OF CERTIFIED
PLANNERS (AICP)

EMPLOYMENT:

APPLIED COMMUNICATIONS
OWNER - PRINCIPAL
2007 to PRESENT

WHITEFISH, MT – PLANNING DIRECTOR
2005-2007

WALLA WALLA, WA – PLANNING
DIRECTOR, 2003-2005

GREAT FALLS, MT – PLANNING
DIRECTOR, 1997 – 2003

JACKSON, WY – PLANNING DIRECTOR,
1989-1997

NES, INC. – SENIOR PLANNER PROJECT
MANAGER, 1988-1989

PEKHAM, GUYTON, ALBERS & VIETS
(PGAV), DIRECTOR OF PLANNING – VICE
PRESIDENT, 1984-1988

COLORADO SPRINGS, CO – PRINCIPAL
PLANNER, 1980- 1984

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, 1978-1980

EAST ALABAMA REGIONAL PLANNING
COMMISSION, PRINCIPAL PLANNER 1975-
1978

AFFILIATIONS:

AMERICAN PLANNING ASSOCIATION



American Planning Association

MONTANA ASSOCIATION of PLANNERS

WESTERN PLANNER

ROBERT HORNE JR., AICP (retired)

Mr. Horne is a Principal of Applied Communications LLC, and has over 40-years of planning experience. He has worked in the private and public sectors including positions as Planning Director in Jackson, WY for 8 years and City-County Planning Director in Great Falls for 6 years. In 2005 he was hired by the City of Whitefish to set up their first local planning program and to write a new growth policy. In 2007, he reentered private practice with AppCom, a firm founded by his wife, Kate McMahan, in 1997. Mr. Horne holds a Master's Degree in Urban & Regional Planning from Florida State University and is a member of the American Institute of Certified Planners.

REPRESENTATIVE PROJECT EXPERIENCE:

Missoula, MT – Growth Policy Update (2014-2015)

Managed the City of Missoula's public facilitation process for the update of the city's growth policy. Responsibilities included planning and facilitating community meetings, listening sessions, and focus groups.

Anaconda - Deer Lodge County (2008-2019) – Provided development review support, updated county Growth Policy, rewrote the Development Permit System, and provided planning support for redevelopment of Superfund sites.

Georgetown Lake (2008-10) – Worked with the Georgetown Lake Homeowners Association to establish a special zoning district and regulations in the Georgetown Lake area of Granite County; adopted by Granite County in 2011.

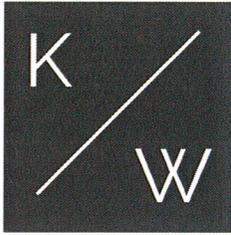
Whitefish City-County Growth Policy (2006-07) - Worked with an 11-member steering committee to draft the Whitefish Growth Policy focusing on sustainability and community character. Conducted an extensive community involvement program.

Great Falls, MT City-County Growth Policy (1997-99) - Worked with a 16-member steering committee to draft the plan while directing an extensive and unique community involvement program.

Jackson-Teton County WY Comprehensive Plan and Land Development Regulations (1992-1994) - As Planning Director for the Town of Jackson, Bob coordinated the consultant team, conducted community outreach, and drafted key parts of the plan and regulations. Bob was also instrumental in formulating linkage and inclusionary affordable housing programs and regulations, and he brought forward many of the code amendments to implement the plan.

ADDITIONAL EXPERIENCE:

- Choteau, MT – Zoning Ordinance Update
- Upper Swan Valley, Missoula County – Neighborhood Plan
- Missouri River Corridor Plan – Great Falls, MT
- Walla Walla, WA Downtown Plan – Project Coordinator
- Gillette Technical Park, WY - Design Guidelines & CC&Rs
- Benewah County, ID – Growth Management Project, including zoning code revisions for City of St. Maries.
- Valley County, ID – Growth Management Project



KATHERINE WILLIAMS

received
6-4-2020

[REDACTED] Whitefish, MT 59937 [REDACTED] [REDACTED]

Michelle Howke
City of Whitefish
418 E. 2nd Street
Whitefish, Montana 59937

Dear Michelle and Honorable Mayor and Council,

I am writing today to apply for the open board position on the Whitefish Strategic Housing Plan Steering Committee. I believe my prior experience serving on the Strategic Housing Plan Steering Committee can help serve the Committee and its interests.

During my City Council term from 2016- 2020, I served on the Strategic Housing Plan Steering Committee and worked with community partners to help architect the the Strategic Housing Plan and the initiatives detailed within the plan. I have intimate knowledge of many of the current and future projects outlined in this plan, knowledge that could help serve the committee.

The efforts of the community, the City and our partners to help provide workforce housing in Whitefish has already had a positive impact on Whitefish housing issues. I believe it is important for the Strategic Housing Committee to continue to articulate the needs of our community and City to support our workforce housing in the most sustainable way possible. My time as a Whitefish City Councilor and work with the Strategic Housing Committee during this time provides a valuable asset to all partners.

Thank you for your time and consideration and I look forward to meeting with you.

Kind Regards,
Katherine Williams

[REDACTED]

RESOLUTION NO. 17-50

A Resolution of the City Council of the City of Whitefish, Montana, establishing the Whitefish Strategic Housing Plan Steering Committee.

WHEREAS, in late 2016, three consultants completed the Whitefish Area Housing Needs Assessment which identified workforce housing needs within the City; and

WHEREAS, based upon the needs identified in the 2016 Whitefish Area Housing Needs Assessment, the Whitefish Strategic Housing Plan was developed from May through October of 2017; and

WHEREAS, the Whitefish Strategic Housing Plan creates a step-by-step approach for addressing the workforce housing needs identified in the 2016 Whitefish Area Housing Needs Assessment and provides objectives, strategies, priorities, funding mechanisms, timelines and responsibilities for implementation; and

WHEREAS, on November 6, 2017, at a lawfully noticed public hearing, the Whitefish City Council adopted the Whitefish Strategic Housing Plan; and

WHEREAS, the Whitefish Strategic Housing Plan calls for the creation of a Strategic Housing Plan Steering Committee.

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

Section 1: There is hereby established the Whitefish Strategic Housing Plan Steering Committee.

Section 2: Members of the Committee shall be appointed by the Mayor and ratified 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 specific purpose of the Committee will be to review and revise as housing strategies are developed and enacted, to establish responsibilities and procedures, to appoint ad hoc or sub-committees as needed, to liaison with the Housing Coordinator, to report to City Council, and to assist in the plan update in 2020. The Committee shall keep decisions and discussions within the confines of City Council directives.

Section 4: The Committee will consist of nine members with representation as follows: the Mayor and two members of the City Council; two City staff members; and four members from the public and Strategic Housing Task Force. A majority of the Committee members shall constitute a quorum. The Committee shall meet as often as necessary to accomplish its general purpose, as described above, but not less than once a month. 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 will automatically disband at the end of 2020.

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.

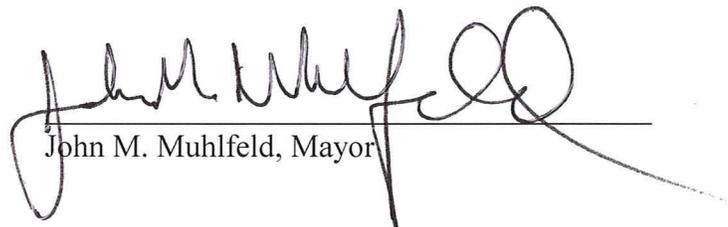
Section 7: Any vacancy occurring on the Committee will be filled in the same manner that the initial position was filled.

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 4TH DAY OF DECEMBER 2017.


John M. Muhlfeld, Mayor

ATTEST:

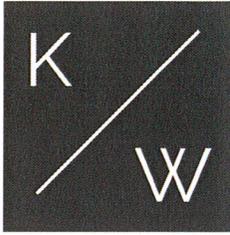

Michelle Howke, City Clerk

Volunteer Committee List

Whitefish Strategic Housing Plan Steering Committee - Res 17-50 , Disband end of 2020

Mayoral Appointment

John Muhlfeld Mayor	PO Box 158 jmuhlfeld@cityofwhitefish.org	249-2779
Rebecca Norton Councilor	PO Box 158 rnorton@cityofwhitefish.org	406-862-8175
Ben Davis Councilor	PO Box 158	406-471-5618
Dana Smith City Manager/Staff	PO Box 158 dsmith@cityofwhitefish.org	863-2406
Wendy Compton-Ring Planner/Staff	PO Box 158 wcompton-ring@cityofwhitefish.org	863-2418
Kevin Gartland	PO Box 1120, Whitefish kevin@whitefishchamber.org	862-3501



**KATHERINE
WILLIAMS**

received
6-4-2020

[REDACTED], Whitefish, MT 59937. [REDACTED], [REDACTED]

Michelle Howke
City of Whitefish
418 E. 2nd Street
Whitefish, Montana 59937

Dear Michelle and Honorable Mayor and Council,

I am writing today to apply for the open board position for the Whitefish Housing Authority. I believe my prior experience serving on the Strategic Housing Plan Steering Committee and my work with the Whitefish Housing Authority makes me a prime candidate for the advertise position.

For the past four years, I have worked with the Whitefish Housing Authority on many projects while I served on Whitefish City Council. After my tenure on Council, I continued to work with the Housing Authority to help support a few of their projects. The Whitefish Housing Authority has been integral in supporting and following through with many of the City's Strategic Housing Plan initiatives and will continue to be for decades to come.

It is my opinion that the Whitefish Housing Authority is at a critical growth point in which it will need hard-working board members and individuals who understand the Strategic Housing Plan and the goals of the City and the Community. I believe I can be an asset and provide the skills needed for the Housing Authority board.

Thank you for your time and consideration. Please feel free to contact me should you have any further questions..

Sincerely,
Katherine Williams

[REDACTED]

MONTANA CODE ANNOTATED 2011

7-15-4431. Appointment of commissioners. (1) An authority consists of seven commissioners appointed by the mayor. The mayor shall designate the first presiding officer. A commissioner may not be a city official.

(2) Two of the commissioners must be directly assisted by the housing authority and are known as resident commissioners. The staff of the housing authority may not involve itself in the nomination or appointment of resident commissioners, except that the housing authority shall notify all of the households directly assisted by the housing authority when a resident commissioner position is vacant.

(3) The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner, and the certificate is conclusive evidence of the proper appointment of the commissioner.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 2, Ch. 514, L. 1989; amd. Sec. 5, Ch. 472, L. 1997; amd. Sec. 1, Ch. 197, L. 2001.

7-15-4432. Term of office. (1) Subject to subsection (2), the commissioners who are first appointed must be designated by the mayor to serve for terms of 1, 2, 3, 4, and 5 years, respectively, from the date of their appointment. After the initial appointments, the term of office is 5 years.

(2) The resident commissioners who are first appointed shall serve for terms of 1 and 2 years, respectively, from the date of their appointment. After the initial appointments, the term of office is 2 years.

(3) A commissioner shall hold office until the commissioner's successor has been appointed and qualified.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 3, Ch. 514, L. 1989; amd. Sec. 2, Ch. 197, L. 2001.

7-15-4433. Compensation of commissioners. A commissioner may not receive compensation for services, but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of authority duties.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 621, Ch. 61, L. 2007.

7-15-4434. Vacancies. Vacancies shall be filled for the unexpired term.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part).

Volunteer Committee List

Housing Authority - MCA 7-15-4431 - City Resident - 5 year term **Meet 4th Wednesday at 4:00**

Mayoral Appointments

Kate Berry	1489 East 2nd Street, WF Housing Authority Resident	406-250-6231 kateberries@gmail.com	12/31/2021 2-yr term
Charles Christ	100 E 4th St. Housing Authority Resident		12/31/2020 (2-yr term)
Addie Brown-Testa	331 Karrow Avenue, Whitefish ambrown@ayspropmgmt.com	862-5566 (O) 249-3320 (c)	12/31/2021
John Middleton	1285 Lion Mountain Dr john@nprmt.com	862-7200 270-5187	12/31/2020
Marney McCleary	192 Browns Road, Kalispell 59901 Mccleary60@yahoo.com	406-471-2328	12/31/2023

(This page left blank intentionally to separate printed sections)



REGION 1 HEADQUARTERS
490 N. MERIDIAN ROAD
KALISPELL, MT 59901

P: 406.752.5501
F: 406.257.0349
E: fwprg12@mt.gov
W: fwp.mt.gov

Report on Urban Deer and CWD using Libby as a Case Study.

By Neil Anderson

Montana Fish, Wildlife and Parks Region 1 Wildlife Manager

- Managing wildlife, including deer, in urban areas is challenging. Traditional deer management tools are not readily available. Deer numbers and density can often be quite high due to an abundance of foods, limited ability to manage numbers due to urban settings, protection from predators and less impact to environmental conditions that can help keep deer numbers in check.
- Often supplemental feeding occurs which helps to create artificial concentrations of deer. This and other more natural concentrations of foods results in a “crowding” situation that can perpetuate the spread of disease, should they be introduced into the urban deer population.
- There are legal aspects to consider regarding management of wildlife populations within municipalities.
 - City laws and or codes that provide for the protection of residents and restrict the use of firearms.
 - MCA 7-31-4110 addresses restrictions of wildlife and states that a city or town may adopt a plan to control, remove and restrict game animals within the boundaries of the city or town. It also requires that the plan be approved by Fish, Wildlife and Parks
 - MCA 87-6-216 addresses supplemental feeding of cloven-hooved ungulates, bears or mountain lions. The law makes it illegal to purposely or knowingly provide supplemental feed attractants in a manner that results in an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.
- Chronic Wasting Disease (CWD) is a contagious, fatal disease of deer, elk, moose and caribou. The disease is caused by a misfolded protein or prion. Animals that contract the disease typically die within 2 ½ years.



REGION 1 HEADQUARTERS
490 N. MERIDIAN ROAD
KALISPELL, MT 59901

P: 406.752.5501
F: 406.257.0349
E: fwprg12@mt.gov
W: fwp.mt.gov

- Transmission is primarily animal to animal but can be through the environment
 - CWD is not known to be a human disease, but health experts still recommend people don't consume known infected animals
 - CWD does not cause disease in pets or non-cervid livestock.
- The town of Libby, MT serves as a good case study for what can happen if a disease like CWD finds its way into an urban wildlife population
 - CWD was first detected in Libby in May of 2019.
 - This triggered a response by Montana Fish, Wildlife and Parks per the Montana CWD Management Plan
 - A perimeter approximately 10 miles in radius was established around the first case as a CWD Management Zone (Libby CWD Management Zone or LMZ).
 - A smaller perimeter consisting the urban areas in and around the city was also established (Libby Urban Surveillance Area or LSA).
 - The city of Libby, residents and FWP worked together to determine the prevalence and distribution of CWD in the Libby area.
 - The results of those efforts are attached. In summary 3.4% of the deer in the LMZ (not including the LSA) and 12.9% of the deer in the LSA were positive for CWD.
 - The findings in Libby demonstrate the potential for disease transmission in an urban setting where supplemental feeding and concentrations of deer on "natural" foods occurs.
 - The City of Libby is developing a management plan for deer and FWP is assisting where possible.
 - CWD could have turned up anywhere, including Whitefish.
 - Prevention is easier to accomplish than reaction and it would be beneficial for Whitefish to consider a deer management plan before CWD arrives.



REGION 1 HEADQUARTERS
 490 N. MERIDIAN ROAD
 KALISPELL, MT 59901

P: 406.752.5501
F: 406.257.0349
E: fwprg12@mt.gov
W: fwp.mt.gov

Libby Area 2019 CWD Sampling Efforts

Phase 1

Goal: Detect CWD to determine presence in the Libby area after finding initial case. These samples are not used in determining prevalence as they were not random samples. In total 85 white-tailed deer were tested, and 9 positives were detected.

White-tailed Deer

	Symptomatic			Roadkill			Other		
	Positive	Negative	Total	Positive	Negative	Total	Positive	Negative	Total
Male	2	2	4	1	27	28	0	1	1
Female	4	2	6	2	35	37	0	9	9
Total	6	4	10	3	62	65	0	10	10

Mule Deer

	Roadkill		
	Positive	Negative	Total
Male	0	2	2
Female	0	2	2
Total	0	4	4

Moose – One (1) female moose samples. It was negative.



REGION 1 HEADQUARTERS
 490 N. MERIDIAN ROAD
 KALISPELL, MT 59901

P: 406.752.5501
F: 406.257.0349
E: fwprg12@mt.gov
W: fwp.mt.gov

Libby Urban Surveillance Area (LSA)

Goal: Collect randomized samples in order to estimate prevalence within the LSA to evaluate difference between the urban area in and around Libby and the outlying/larger area within the Libby Management Zone.

White-tailed Deer

	Hunter Harvest			Management Removals			Total			
	Pos	Neg	Total	Pos	Neg	Total	Pos	Neg	Total	Prevalence
Male	10	47	57	3	26	29	13	73	86	15.1%
Female	3	41	44	7	40	47	10	81	91	12.3%
Unk Sex	0	1	1				0	1	1	
Total	13	89	101	10	66	76	23	155	178	12.9%

Additional samples collected during the winter and fall but not part of surveillance efforts or phase 1

One roadkill, one symptomatic and one deer collected for other reasons were also tested. The symptomatic white-tailed deer tested positive, the other two were negative.



REGION 1 HEADQUARTERS
490 N. MERIDIAN ROAD
KALISPELL, MT 59901

P: 406.752.5501
F: 406.257.0349
E: fwprg12@mt.gov
W: fwp.mt.gov

Libby CWD Management Zone (LMZ)

Goal: Collect randomized samples to determine CWD prevalence in the LMZ and compare to prevalence within the LSA. Prevalence estimate does not including samples collected in the LSA or outside the LMZ.

White-tailed Deer

	Total			
	Pos	Neg	Total	Prevalence
Male	11	309	320	2.6%
Female	11	290	301	4.4%
Unk Sex	0	1	1	0.0%
Total	22	600	622	3.5%

Mule Deer - 73 harvested, one positive

Elk - 21 harvested (14 male, 6 female, 1 unknown sex), no positive

Moose – 3 harvested within LMZ, no positive

2 positive moose detected along border, but just outside of LMZ.



Resort Tax

REALLOCATION AND EXTENSION

History

- ▶ **November 1995:** Voters approved a 2% resort tax through January 31, 2016. Approval rate was 56%
- ▶ **November 2004:** With the approval of 76% of voters the City's resort tax was extended for an additional 20 years through January 31, 2025.
- ▶ **April 2015:** Voters approved increasing the resort tax rate from 2% to 3% to cover the debt service costs of acquiring the Haskill Basin Conservation Easement. No extension was made to the expiration. Approval rate was 83.72%

City Council Goal

- ▶ Reallocation and extension of expiration date of resort tax is a Fiscal Year 2020 City Council Goal.
- ▶ Goal includes public education and outreach, as well as preparations for the anticipated vote to in November 2021 during the general municipal election.
- ▶ By asking voters in November 2021, the City will have an opportunity to revisit the ballot language and resubmit the question in November 2023 should it fail. This allows the city to minimize costs required for a special election.

Process and Next Steps

- ▶ Determine the allocation (reallocation of the 1%) of resort tax for ballot language.
- ▶ Determine extension of resort tax. Example: 20 years from January 31, 2025.
- ▶ Determine if a review of goods and services is appropriate at this time.
 - ▶ If so, effective immediately or wait until new term. This can be amended any time (MCA 7-6-1505).
- ▶ Consider public process for both allocation and review of taxable items.
 - ▶ Resort Tax Monitoring Committee or new committee formed?
- ▶ Prepare resolution to present to the voters a proposal to extend the City's Resort tax for an additional term. Must be completed by early August 2021 for the County to include on the ballot.

EXAMPLE OF REALLOCATION

3-3-8: USE OF TAX MONIES:

The tax monies derived from the resort tax may be appropriated by the city council only for those activities, in those proportions, set forth below:

- A. Property tax reduction for taxpayers residing in the city in an amount equal to twenty five percent (25%) of the three percent (3%) resort tax revenues derived during the preceding fiscal year;
- B. Provision for the repair, maintenance, and improvement of existing streets, storm sewers, all underground utilities, sidewalks, curbs and gutters, in an amount equal to sixty five percent (65%) of the ~~two-three~~ two percent (23%) resort tax revenues derived during the preceding fiscal year;
- C. Improvements and maintenance of Bbicycle paths and other park capital improvements and equipment in an amount equal to five percent (5%) of the ~~two-three~~ two percent (23%) resort tax revenues derived during the preceding fiscal year;
- ~~D. Repayment of a loan or a bond to finance a portion of the costs of, or to otherwise pay for, the acquisition of the conservation easement or other interests, in and around Haskill Basin in order to protect and preserve water quality and quantity, including the source drinking water supply for the municipal water system of the city of Whitefish, in an amount equal to seventy percent (70%) of the one percent (1%) resort tax revenues to be received in a fiscal year, except that if such portion of resort tax revenues received in a fiscal year is more than is needed in that fiscal year for such loan or bond, the excess will be applied to additional property tax relief in the next fiscal year;~~
- E.D. Cost of administering the resort tax in an amount equal to five percent (5%) of the three percent (3%) resort tax per year (as provided in subsection 3-3-5C of this chapter).

REALLOCATION EXAMPLE FINANCIAL IMPACT

Actual Allocation FY19

FY19 Collections	Property Tax Relief	Streets	Parks & Rec	Debt Service
\$4,260,096	\$ 1,121,078	\$ 1,943,202	\$ 149,477	\$ 1,046,339

Reallocation Example using FY19 Collections

FY19 Collections	Property Tax Relief	Streets	Parks & Rec	Debt Service
\$4,260,096	\$ 1,121,078	\$ 2,914,803	\$ 224,216	\$ -



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, June 15, 2020 at **7:10 p.m.** at City Hall, 418 E. 2nd Street, 2nd Floor

The health and wellbeing of our community is our top priority. The City has protocols in place to ensure physical distancing and proper sanitation to resume in-person meetings in accordance with the guidance from the State and Flathead City-County Health Department. We also encourage individuals who wish to provide public comment to submit a letter to the City Clerk, Michelle Howke at mhowke@cityofwhitefish.org or deliver a letter to City Hall before the scheduled meeting. Written comments should provide your name, address, and should be short, concise, courteous, and polite. Written comments received will be provided to the City Council and will be appended to the packet following the meeting.

Ordinance numbers start with 20-09. Resolution numbers start with 20-17.

- 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 June 1, 2020 Regular Session (p.44)
 - b) [Consideration](#) of a request for Final Plat for Dankbaar Subdivision, 2-lot minor subdivision, located at 197 and 205 West 8th Street, zoned WR-2 (Two-family Residential) (WPP 20-02) (p.49)
 - c) [Consideration](#) of a request for Final Plat for Colorado View Subdivision, for 12-lot subdivision located at 450 Colorado Avenue, zoned WR-3 (Low Density Multi-Family Residential District), the Whitefish growth Policy designates this property as ‘High Density Residential’ (WPP 20-) (p.70)
 - d) [FY20](#) Third Quarter Financial Reports (p.76)
- 6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) [Consideration](#) of approving City Manager’s proposed budget as the FY21 Preliminary Budget and setting final Public Hearing on the Capital Improvement Project and FY21 Final Budget for August 17, 2020 (p.85)
 - b) [Resolution No. 20-___](#); A Resolution adopting fees for temporary on-street parking permits and water main taps (p.208)

- 7) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR
 - a) [Consideration](#) of a request from Zac Weinberg for a Whitefish Lake and Lakeshore Protection Permit located at 1508 West Lakeshore to remove a stone retaining wall, patio and path and adding beach gravel (WLP 20-W10) (p.214)
 - b) [Consideration](#) of a Determination of Exemption Hearing Request from Kelly Laab located at 777 Dakota Avenue (WSE 20-02) (p.226)
- 8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
 - a) [Consideration](#) for Authorization to Contract for the Baker Avenue Underpass Project (p.265)
- 9) COMMUNICATOINS FROM CITY ATTORNEY
 - a) [Consideration](#) of release allowing repairs to the Whitefish Community Center (p.288)
- 10) COMMUNICATIONS FROM CITY MANAGER
 - a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.304)
 - b) Other items arising between June 10th through June 15th
- 11) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
 - a) [Appointments](#) of City Council Member Legacy Land Advisory Committee (LLAC) and Whitefish Trails Operations Committee to replace Councilor Hartman on both committees - Council appointment; currently Councilor Qunell is a representative of the LLAC (p.307)
 - b) Consideration of appointments to volunteer boards and committees not made during the Special Session preceding tonight's meeting
- 12) 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

(This page left blank intentionally to separate printed sections)



June 10, 2020

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

Mayor Muhlfeld and City Councilors:

Monday, June 15, 2020 City Council Agenda Report

There will be a Special Session at 5:00 to interview for vacant boards and committees. At 5:30 Fish, Wildlife and Parks will give a presentation for Chronic Wasting Disease Management and then at 6:15 discuss Resort Tax Reallocation and Authorization. Food will be provided.

The regular Council meeting will begin at 7:10 p.m.

CONSENT AGENDA

- a) [Minutes](#) from June 1, 2020 Regular Session (p.44)
- b) [Consideration](#) of a request for Final Plat for Dankbaar Subdivision, 2-lot minor subdivision, located at 197 and 205 West 8th Street, zoned WR-2 (Two-family Residential) (WPP 20-02) (p.49)
- c) [Consideration](#) of a request for Final Plat for Colorado View Subdivision, for 12-lot subdivision located at 450 Colorado Avenue, zoned WR-3 (Low Density Multi-Family Residential District), the Whitefish growth Policy designates this property as ‘High Density Residential’ (WPP 20-) (p.70)
- d) [FY20](#) Third Quarter Financial Reports (p.76)

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

Items ‘a and d’ are administrative matters; Items ‘b and c’ are quasi-judicial matters.

PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))

- a) [Consideration](#) of approving City Manager’s proposed budget as the FY21 Preliminary Budget and setting final Public Hearing on the Capital Improvement Project and FY21 Final Budget for August 17, 2020 (p.85)

Please review the FY21 Preliminary Budget provided in the packet.

RECOMMENDATION: Staff respectfully recommends the City Council approve the FY21 Preliminary Budget and setting final Public Hearing on the Capital Improvement Project and FY21 Final Budget for August 17, 2020.

This item is a legislative matter.

- b) [Resolution No. 20-](#) ; A Resolution adopting fees for temporary on-street parking permits and water main taps (p.208)

From Director Workman's staff report.

Temporary On-Street Parking

Managing parking in downtown Whitefish has been an ongoing issue for the City, particularly in summer. As such, a few years ago, the City contracted with Dixon Resources Unlimited to review existing parking conditions, analyze previous reports, and create actionable parking management recommendations for the downtown area. Dixon drafted a Parking Management Plan that was adopted by the City on October 21, 2019, through Resolution No. 19-33. Dixon's Parking Management Plan contained several recommendations for modifying and updating the City's current parking regulations. One of the recommendations was to control construction vehicle and equipment parking by requiring a new Temporary On-Street Parking Permit to allow contractors, moving companies, and service vendors to park on-street in excess of the two-hour limit if needed to complete a job or service. The enclosed resolution establishes fees for Temporary On-Street Parking Permits.

Watermain Taps

The Rules and Regulations for the City of Whitefish Water, Sewer, and Garbage Services governs water, sewer, and garbage services rendered to our customers. The Rules and Regulations provide clear policies for the Utility Department to follow and protects the City from unreasonable demands. These policies are intended to provide the maximum benefit and safety to public health and the well-being of our customers. The Rules and Regs have been amended from time to time and were most recently updated in February through Resolution 20-06. The updated document requires the Public Works Department to provide watermain tapping services in accordance with the fee schedule approved by City Council. The enclosed resolution establishes fees for watermain taps which reflect the full expense for labor, equipment and materials involved in the tapping of the main.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 20-__; A Resolution adopting fees for temporary on-street parking permits and water main taps.

This item is a legislative matter.

COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a) Consideration of a request from Zac Weinberg for a Whitefish Lake and Lakeshore Protection Permit located at 1508 West Lakeshore to remove a stone retaining wall, patio and path and adding beach gravel (WLP 20-W10) (p.214)

From Director Taylors transmittal report.

Summary of Requested Action: The applicants are requesting a standard lakeshore permit to remove 139.5 square feet of constructed area from the Lakeshore Protection Zone using an excavator, including 100' of stacked stone retaining wall as well as a stone path and patio. They will regrade the area to match adjacent properties and add a one-time application of ¾" to 1 ½" washed beach gravel up to 4" deep, approximately 16 cubic yards.

The only structure that will remain in the LPZ is a 673 square foot existing dock.

The primary reason for a denial of an exemption is if the applicant appears to be trying to avoid going through subdivision, which would involve both a preliminary and final plat, and the improvements required therein under the City Subdivision Regulations. In this case, staff determined that the proposed boundary line adjustment was an attempt at evasion, and Flathead County agreed.

The applicant originally approached city staff with ideas for a similar request for a boundary line adjustment for 777 Dakota Avenue and they were told that it would likely be considered an evasion and they needed to apply for a major subdivision. They then submitted a preliminary design for a five-lot major subdivision and applied to go to the City Site Review Committee for feedback. At the April 2 Site Review meeting the proposal was reviewed and the applicant was given input by City Staff from Planning, Public Works, Fire, and Parks. At the meeting, the applicant was informed of the subdivision improvement requirements, namely that Marina Crest Lane would need to be extended east to the edge of the property to fulfill the Transportation Plan requirements, right-of-way dedication was required along Dakota Avenue for a full 60' wide right-of-way, a sidewalk or cash-in-lieu would be required for Dakota Avenue, the parkland dedication or cash-in-lieu requirements would need to be met, and the Legacy Homes Program requirements for deed restricted housing or cash-in-lieu would have to be satisfied. The applicant seemed unhappy with those requirements at the meeting. A few days later the applicant again inquired about doing a boundary line adjustment subdivision exemption with an adjacent subdivision in order to create the lots without having to incur the cost of the subdivision requirements. They were informed that it would likely be considered an evasion, but they were free to apply.

On April 24, the applicant applied for a subdivision exemption for a boundary line adjustment. That proposal was to eliminate two lot lines between existing lots in the adjacent Dakota Meadows subdivision off of Labrie Drive, and then move those lot lines onto the 9.44-acre lot at 777 Dakota to then create three lots there. Since lots were being removed from one subdivision and added to the other, there would essentially be no net gain. The zoning administrator denied that request on the basis of the evasion of subdivision criteria and the fact that the proposal was not a 'relocation of common boundary lines.

The applicant then came back with a new modified subdivision exemption proposal, which is the one before you. In this version, the lot lines would be removed between several lots in the Dakota Meadows subdivision and combined with portions of the 9.44 acre lot off of Dakota to create four revised lots. That was also denied by the zoning administrator and subsequently by Flathead County.

Evasion Review Criteria

Here is what the code asks the City Council to consider with regard to subdivision evasion criteria:

12-7-5-A. Evasion Review Criteria for Subdivision Exemptions: Determination of Exemption: In determining whether an exemption is claimed for the purpose of evading subdivision review under these regulations, the council shall take into consideration all of the surrounding circumstances which may include, but are not limited to, the prior history of the particular property proposed for the exemption, the proposed configuration of the parcels to determine if the proposed exempt transactions display any pattern of development by use of exempt land

divisions or any other circumstances which would result in the apparent creation of a subdivision without review.

Note that there is not one criteria that determines an evasion, but the Council must take into consideration all of the surrounding circumstances. In the case of this submittal, there are numerous suspect circumstances. The reasons for denial that are stated in the attached letters include the following:

- The lot lines being adjusted are between two platted subdivisions, which neither MCA 76-3-207 nor section 12-7-3 of the Whitefish City Code provide an explicit exemption for.

While the City Code and State Law allows for a relocation of common boundaries involving platted subdivisions per 12-7-5-E, that exemption allows the relocation of common boundaries or the aggregation of lots for five or fewer lots within a platted subdivision, which this clearly does not qualify for. It also allows the relocation of a common boundary between a single lot within a platted subdivision and adjoining land “outside a platted subdivision”, which generally means the adjoining land has never been platted as part of subdivision. The next sentence of 12-7-5-E “*A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas*” shows that outside a platted subdivision refers to an unplatted parcel. Nowhere does either the City Subdivision Regulations or the Montana Subdivision and Platting Act specifically allow aggregation of lots or for relocation of common boundaries between two platted subdivisions such as the application requests. Even if “outside a platted subdivision” could be assumed to refer to any adjacent parcel, platted or not, the proposal still would not qualify as that exemption is limited to a single lot within a platted subdivision. While the city may have signed off on boundary line adjustments between platted subdivisions in the past, those typically involved a single common boundary line between a single lot from each adjusted to remedy an encroachment or setback violation.

- The proposed amended plat includes more than a ‘common boundary line’ adjustment. Per 12-7-5-B-2, the proper use of the exemption for relocating common boundary lines is to ‘*establish a new boundary between adjoining parcels of land...*’ This does more than establish a new boundary between two adjoining parcels, it also removes common boundary lines within one platted subdivision to create new lots within a lot in an adjoining subdivision. It also expands small residential lots within a platted subdivision to create larger tracts that go outside that subdivision that could be further subdivided without respect for future infrastructure requirements.
- The resulting lots are inconsistent with the approved subdivision of Dakota Meadows and the uses in it, as well as the protective covenants adopted with that subdivision.

Those items show inconsistency with the purpose of boundary line adjustments as well as a pattern of development with results in the apparent creation of a subdivision without review, which is a criterion showing evasion per 12-7-5-A.

- Prior to this Boundary Line Adjustment request, a major subdivision proposal for this property was brought to the City Site Review Committee, and the proponents appeared put off by the subdivision requirements of road and sidewalk improvements and the affordable housing requirements of the City’s Legacy Homes Program for deed restrictions or cash-in-lieu. This Boundary Line Adjustment application was then later

submitted with a similar layout, indicating this application is an attempt to evade the subdivision requirements.

The fact that the division of 777 Dakota was originally considered as a subdivision and then changed to a boundary line adjustment by the applicant shows intent to avoid the subdivision review.

Apart from the criteria met in the attached denial letter, the proposed application shows in their proposed plat a pattern of development consistent with a new subdivision as they are attempting to create new developable lots for sale out of an existing larger tract of land by borrowing lot lines from a previously platted and approved subdivision with its own covenants and restrictions, and they are clearly using the exemption in order to avoid paying for public improvements, parks, and affordable housing.

Additionally, the applicant did not submit copies of any new restrictive covenants for the revised lots located on what is currently 777 Dakota Avenue which might prohibit future subdivision. The newly created lots would be created in such a way that while they could be further subdivided based on the WR-2 zoning, any opportunity to create a transportation or utility grid system to properly access and service those lots that would conform to city standards would be lost. Even if there were restrictive covenants that would prohibit further subdivision of those new lots, the proposal remains an attempt to evade subdivision.

Also, staff was able to find a copy of the restrictive covenants for the Dakota Meadows that were included with the Final Plat (see attachment). Combining lots that may be subject to covenants with property not subject to the same covenants and restrictions creates significant issues.

RECOMMENDATION: Staff respectfully recommends the City Council review the attached materials and Subdivision Evasion Criteria and support Staff's recommendation that the subdivision exemption is denied on the basis that it is an attempt to evade City subdivision requirements.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) [Consideration](#) for Authorization to Contract for the Baker Avenue Underpass Project (p.265)

From Director Workman's Staff Report.

Introduction/History

Downtown Whitefish is dependent the many pedestrian-oriented enhancements that have been constructed over the years for its success. Improvements such as widened sidewalks, pedestrian-scaled streetlights, landscaped curb extensions (bump-outs), and well-defined crosswalks help to enhance the downtown character achieve this pedestrian friendly environment. The Baker Avenue Underpass is one of the important elements that has not been built yet, although it has been a priority project in several city planning documents for more than a decade. When BNSF granted the City access to build the Baker Avenue Underpass late last year, council quickly authorized staff to proceed with the design of the project.

Current Report

After advertising for proposals and conducting interviews, council awarded the Baker Underpass design contract to WGM Group (WGM) on January 6, 2020. In order to take advantage of TIF

funds for the project, we are required to have a construction contract in place by July 15, 2020, so staff has been working hard with WGM to complete the design and make sure it is in line with the guidance laid out in the Downtown Masterplan.

Staff has presented design progress to Council at two public meetings, which were held during Council Work Sessions on 2/3/2020 and 2/18/2020. Significant public input was received at these meetings and important direction was given by council. Based on this guidance, staff worked with WGM to move into final design of the project. These designs were presented to council on 3/6/2020 at which point we were authorized to proceed with project bidding.

The project was advertised on May 7, 14, and 21, 2020 and bids were read aloud at a virtual bid opening on June 2, 2020. A total of three (3) bids were received for the project. The Certified Bid Tabulation is attached to this memorandum. The base bids ranged from 6% below to 30% above the Engineer's Estimate, with no bid irregularities being found.

Base Bid totals for the Baker Avenue Underpass construction are as follows:

LHC, Inc	\$1,471,911.98 (low bid)
Sandry Construction	\$1,585,360 .96
<u>Knife River Corp</u>	<u>\$2,036,404 .52</u>
Engineer's Estimate	\$1,563,582.00

In addition to the base bids, the following alternates were included with the bid:

Bid Alternate 1	Estimate	LHC, Inc.	Sandry	Knife River
#1 - Landscape	\$20,970.00	\$62,850.00	\$71,668.00	\$40,383.51
#2 - O'Shaughnessy Path	\$79,775.00	\$76,166.11	\$109,608.00	\$80,578.28
#3 - Drip Irrigation	\$6,210.00	\$14,435.00	\$13,980.00	\$12,436.08
#4 - Spray Irrigation	\$6,000.00	\$16,100.00	\$15,579.00	\$13,858.76
#5 - Pedestrian Rail Fence	\$36,900.00	\$88,850.00**	\$35,578.00	\$31,166.50

**Revised pricing in the amount of \$38,425 for bid alternate 5 was provided by LHC after the bid opening due to an error in their bid submittal.

Financial Considerations

The original estimate for the project was \$1.1 million in 2017 and the cost estimate at the time of bid authorization to bid was \$1.6 million. Unfortunately, the City was not awarded the Transportation Alternative (TA) Grant during the last grant cycle, so this project will be funded entirely through TIF. Staff does not recommend installing the spray irrigation, which was included as Bid Alternate #4. Therefore, the total amount of the LHC's bid with alternates 1, 2, 3, and 5 is \$1,654,479.45.

RECOMMENDATION: Staff respectfully recommends the City Council accept the bids and award the project to LHC, Inc. in the amount \$1,714,213.09.

COMMUNICATOINS FROM CITY ATTORNEY

- a) [Consideration](#) of release allowing repairs to the Whitefish Community Center (p.288)

From City Attorney Jacobs staff report.

Introduction/History

Construction on the mixed-use building located at the corner of O'Brien and 2nd St. E, which was approved by the City through a conditional use permit, began well over two years ago. Unfortunately, the building began "sinking" when it was partially completed. The sinking also caused damage to the adjacent Whitefish Community Center. The Whitefish Community Center is owned by Flathead County. The City, however, owns the land on which it is located.

Current Report

139 Lofts (the building owner), Malmquist Construction, C & H Engineering and Surveying, Slopeside Engineering, and Archer Excavating have been involved in litigation over the building for the last two years. They are close to reaching a settlement. As part of that process, the parties also engaged the County in discussions regarding remediation of the Whitefish Community Center. Given the remediation plan contemplates driving helical piers into the City's land, the parties wish the City to be a party to the proposed settlement agreement and release, a draft of which is attached hereto.

The proposed settlement agreement and release provides that the companies involved with the construction will pay \$177,000 (with \$15,000 of that amount reserved to the County for out-of-pocket costs) to remediate the Whitefish Community Center. It further provides that each party to the agreement releases and discharges each other from future claims. However, it does not release future claims related to the remediation work performed by Malmquist, Slopeside and Archer on the Whitefish Community Center.

Financial Requirements/Impacts

There are no immediate financial requirements or impacts of approving the proposed settlement agreement.

RECOMMENDATION: Staff respectfully recommends the City Council approve the proposed settlement agreement.

COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.304)
b) Other items arising between June 10th through June 15th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) [Appointments](#) of City Council Member Legacy Land Advisory Committee (LLAC) and Whitefish Trails Operations Committee to replace Councilor Hartman on both committees - Council appointment; currently Councilor Qunell is a representative of the LLAC (p.307)

Provided in the packet is the Memorandum of Understanding between Whitefish Legacy Partners and the City of Whitefish. Former Councilor Hartman was a representative on both the Legacy Land Advisory Committee and the Whitefish Trails Operations Committee. With her resignation

from the Council, we need to appoint a City Councilor as her replacement. Currently Councilor Qunell serves on the Legacy Lands Advisory Committee.

RECOMMENDATION: Staff respectfully recommends the City Council appoint a member to serve as a representative to the Legacy Lands Advisory Committee and the Whitefish Trails Operations Committee.

- b) Consideration of appointments to volunteer boards and committees not made during the Special Session preceding tonight's meeting

ADJOURNMENT

Sincerely,



Dana Smith
City Manager, CPA

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.

(This page left blank intentionally to separate printed sections)

WHITEFISH CITY COUNCIL

June 1, 2020

6:00 P.M.

1) CALL TO ORDER

The City Council meeting was held remotely through WebEx to follow Governor Steve Bullocks social distancing Directive to help slow the spread of COVID-19. Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Sweeney, Davis, Hennen, Feury and Norton. City Staff present were City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Dahlman, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts and Fire Chief Page. Approximately 9 people were in attendance.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Councilor Feury 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)

Sharon Kyle, 4960 Bluebonnet Boulevard, Baton Rouge, LA, spoke towards agenda item 9a and the letter included in the packet. Sharon and her husband Ronnie are asking for the Council to reconsider Condition #11 of the Conditional Use Permit WCUP 20-07, regarding the timing of the cash in lieu payment for the Legacy Homes Program. Her preference is to pay the cash in lieu of \$23,386/unit at the time of certificate of occupancy for each unit or at the time of the building permit for each unit. The letter provided in the packet on the website explains their request.

Rhonda Fitzgerald, 412 Lupfer Avenue, commented on the Conditional Use Permit project that was approved at the last meeting for 1515 Highway 93 West. She reminded Council the Legacy Homes Program has significant benefits for developers in return for providing affordable housing. The cash in lieu is an exception that it is granted to some projects instead of building units. The project is taking advantage of benefits from the beginning including a significant density bonus and height bonus. It seems appropriate they also provide cash in lieu at the time the project begins.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

a) Update from the Whitefish Convention and Visitors Bureau on messaging and marketing entering into Phase 2 of Governor Bullocks Reopening Plan

Whitefish Convention and Visitors Bureau (WCVB) Executive Director, Dylan Boyle gave an update on the messaging and their strategy moving into the summer months and through Phase 2 of Reopening the Big Sky. Since the last presentation WCVB has had to get creative with their new media plan, which they are now calling the Whitefish Recovery Digital Media Plan. For the last few months, their digital campaign, has been actively telling visitors that now is not the time to visit but it will be in the future and when that day comes we will be here to welcome you. The reopening of phase 2 lifts the 14-day quarantine. They have a four-step process for their digital media plan: Step 1 is targeting in state including Missoula, Great Falls, Helena; Step 2 involves Step 1 plus Spokane, Coeur d'Alene and Bozeman; Step 3 is Step 1 and 2 plus Calgary/Eastern BC; and Step 4 is all the above plus Seattle, Washington. Research has shown that travel is going to come mostly from drive markets. It is important to balance the economic vitality of our local businesses with the safety of our community. It was

launched today for paid digital advertising, as well as search on Google. They have some great images of the town, non-motorized recreation on the water as well as some hiking with the call to action to book now as well as to learn more about Wandering Again in Whitefish. This is playing off the Wander campaign. They have partnered with Pete Thomas to create new inspirational content for the website. Not necessarily a call to action to visit but getting folks excited for planning a trip or coming to Whitefish.

The website has a 'Book to Stay' button active as of today, and 'A Message from Us' button leads to the Whitefish COVID Cares page which is a part of the crisis communication partnership. The rotator bar provides more inspirational content specific to information on traveling responsibly; frequently asked questions for visitors; current status of the restaurant services as well as links to our full community video series.

A new website WhitefishCovidCares.com redirects to ExploreWhitefish.com. This new website is part of the crisis communication partnership with the City and is intended as a one-stop resource for visitors. The site provides a COVID Care Kit as a business resource with the new messaging: Clean, Careful Connected signage. This is messaging in partnership with Jackson Hole and other gateway towns around national parks and the northern Rockies and has been reinforced through the community video series.

Dylan polled the lodging members in April and May for their advanced summer lodging reservations compared to the previous year. For June and July, advanced lodging is down. August starts to see a wider distribution across the spectrum of advanced reservations.

The WCVB is concepting a Wander Lightly sustainability pledge. A pledge for our visitors to travel like a local, be respectful of our community while enjoying the great experiences and contributing to our economic vitality of our town.

Councilor Sweeney stated we reference wearing cloth masks, but there are several businesses that are not requiring masks. He asked and Dylan stated part of the Whitefish COVID Care messaging with; clean, careful, and connected, does talk about masks and is highlighted in his video. They will continue to send out messaging for our businesses to adopt and continue to message that to visitors.

5) CONSENT AGENDA

- a) [Minutes](#) from May 18, 2020 Special Session (p.11)
- b) [Minutes](#) from May 18, 2020 Regular Session (p.12)
- c) [Ordinance No. 20-09](#); An Ordinance amending Title 6 – Motor Vehicles and Traffic, Chapter 1-General Traffic Provisions and Chapter 2- Stopping, Standing and Parking (Second Reading) (p.19)

Councilor Sweeney made a motion, seconded by Councilor Hennen to approve the Consent Agenda as presented. The motion passed unanimously by roll call.

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. 20-16](#); A Resolution donating the Snow Lot to the Whitefish Housing Authority and authorizing the City Manager to execute the Development Agreement with the Whitefish Housing Authority (p.46)

City Attorney Jacobs gave her staff report that is provided in the packet on the website. No written public comment was received.

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 Feury made a motion, seconded by Councilor Sweeney to approve [Resolution No. 20-16](#); A Resolution donating the Snow Lot to the Whitefish Housing Authority and authorizing the City Manager to execute the Development Agreement with the Whitefish Housing Authority. The motion passed unanimously by roll call.

7) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a) **[Report](#) request from Council discussing WB-2 (Secondary Business) zoning permitted and conditional uses (p.64)**

Director Taylor gave his staff report that is provided in the packet on the website. Discussion followed between Council and staff to ensure buffering rather than being overly concerned with the use; the Hwy 93 South Corridor Plan is working on those issues and increasing the performance standards. Entertainment (indoor) use, such as movie theaters, indoor golf range, etc. are tied in with hotels and motels. Light industrial or manufacturing uses to be considered as an Administrative CUP. The performance development standards are key. Buildings over 10,000 square feet would become a Conditional Use Permit. There was concern of warehouses or manufacturing next to residential.

Councilor Sweeney made a motion, seconded by Councilor Feury to direct staff to draft a zoning text amendment with the proposed changes to submit to the Planning Board. The motion passed unanimously by roll call.

8) COMMUNICATIONS FROM CITY MANAGER

- a) **[Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.69)**

Councilor Sweeney commented on Manager Smith's report. He really hopes that we would be able to enforce with the local business community to model the City's position on wearing cloth masks and social distancing. He asked and Manager Smith stated June 1st is the date the Whitefish Fire Service Area (WFSA) provided in their letter to the Fire Service Area members requesting public comment to either move forward with a volunteer program or negotiate with the City. The WFSA Board has to give one-year notice (June 30, 2020) to not renew the contract. The WFSA Board has scheduled negotiations for Wednesday evening at City Hall. She asked and Councilor Sweeney will be available to attend the meeting. The response from their members has been overwhelmingly to stay with the City of Whitefish.

- b) Other items arising between May 27th through June 1st**

Manager Smith reported an election drop box will be available at City Hall, June 2, 2020 from 7:00 am to 8:00 pm. City Council goals will be emailed to the Council this evening or tomorrow. A work session to review and discuss the goals is scheduled for July 6, 2020. She reported as we all are aware, our country has been facing unprecedented times with the COVID pandemic, but now there is a crisis of humanity that is being brought to our attention. Protests and demonstrations are happening all over the country and the world as a result of the death of George Floyd as he was restrained by police officers. These protests and demonstrations are about more than the death of George Floyd and the police brutality that occurred that day. People are asking for equality and humanity especially for our African American population and those of color who have faced systematic racism for years. Unfortunately, some larger

communities have faced riots and violence following these protests that have caused significant losses for businesses already struggling with the COVID-19 pandemic. It is important that city staff and the City supports our peaceful protesters and condemns hate and racism. Our Whitefish Police Department prides itself on providing a safe community for all individuals free of discrimination and without excessive use of force. The department strives for excellence in all of its activities and our officers are provided regular training on ethics and proper use of force. Our community will continue to work together to fight racism and discrimination. The Whitefish Police Department has been in coordination with local law enforcement agencies to protect our community if any violence should occur.

Councilor Norton asked and Manager Smith stated the WFSA meeting is not open to the public, there will not be a quorum of the WFSA Board, or the City Council and negotiations are closed to the public. Councilor Norton would like as much information provided to the community. We have an amazing staff that keeps us safe and we need to emphasize long-term planning.

Manager Smith stated one of the Fire Department's goals for FY21 and included in the budget is \$40,000 for a long-range master plan for the Fire Department. She also was surprised the negotiations were not going well, we will continue to move forward with the best interest of our citizens in mind. We do want to continue serving those area members as well.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

a) Letter from Ronnie and Sharon Kyle asking Council to reconsider Condition #11 for WCUP 20-07 located at 1515 Highway 93 West (p.75)

Councilor Sweeney understands their request but unfortunately their proposal does not work for this community. Once they pull the building permits for those buildings the impact of the city becomes apparent immediately. He does not have intention to reconsider.

Councilor Feury is comfortable with Condition #11 as it stands. It is not our position to see that someone is profitable in their development; it is our job to make sure that development and the standards we set work for our community. He has no intention to reconsider.

Councilor Norton feels they worked with our Housing Authority and the Planning staff and came up with a proposal. We should be consistent when dealing with people who have such a large project.

Councilor Qunell stated this is another test of the Inclusionary Zoning. If these people want to build this project, then they have to find a way to do it. Cash in lieu is not the only option. They could possibly build the equivalent affordable units someplace else. The goal is to build units for people to live in. He is not interested in reconsidering a motion to change the condition. Councilor Hennen and Davis had no further comments regarding the request.

Council Comments

Councilor Qunell stated when our country starts to melt down, as elected officials, we need to pay attention to how we treat each other and how the government treats us. We do not have the kind of race issues that most communities have across this country, so we are not faced with this every day. He was surprised and felt a good sensation seeing people outside our City Hall showing signs of support for the people in Minnesota and across the county who are affected by this. The goal of our Police Department force is to serve and protect and both of those are important.

Councilor Norton reminded people if they have not turned in their ballot, they can turn it into the City Hall tomorrow until eight. People take care of themselves and each other at this time. There are a lot of moving parts, high emotions, and fear. It is wonderful seeing people stand together for the right things but remember we are in a pandemic of a highly infectious disease with no cure.

Councilor Feury stated there was a headline in one of the newsfeeds yesterday and it was 'How to be safer while protesting during a pandemic'. It made him think, things are a little off the rails here. He gave a shout out to Flathead Electric Cooperative, the Fire Department and the Police Department for their service during the storm this past weekend. As we do start to open up, he hopes we all maintain and continue to be vigilant about spreading germs. We are going to start to see pressure with the traveling public and he hopes people discontinue looking at masks as some sort of political identity statement.

Councilor Sweeney asked for updates for the State Park Road and Depot Park construction. Director Workman reported Depot Park most of the curb and gutter has been installed, the corner treatments for the northwest and southwest corners of are complete; and paving will begin in two weeks. The road is planned to be opened by the end of June. State Park Road sanitary sewer is just about done; the intersection of Haugen Heights and State Park Road was closed last week, and the contractor has 30 days to complete, pave and reopen the intersection. Private utilities will be installed in July and August, and then in September our contractor will complete the project.

10) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)

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

Mayor Muhlfeld

Attest:

Michelle Howke, Whitefish City Clerk

PLANNING & BUILDING DEPARTMENT
418 E 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



June 9, 2020

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

Re: Final Plat for Dankbaar Subdivision; WFP 19-01

Honorable Mayor and Councilors:

This office is in receipt of a final plat application for the Dankbaar Subdivision. This is a 2-lot minor waiver subdivision located at 197 & 205 W 8th Street. The property is zoned WR-2 (Two-Family Residential District). The preliminary plat was approved by the Whitefish Planning Department on April 27, 2020 as a Minor Waiver after notifying adjacent landowners. The approval was subject to nine conditions of approval.

Following is a list of the conditions of approval and a discussion of how they have been met.

COMPLIANCE WITH PRELIMINARY PLAT CONDITIONS OF APPROVAL:

Condition 1. The Subdivision must comply with Chapter 12-4 of the Whitefish Subdivision Regulations.

- Condition met. The final plat conforms to the Whitefish Subdivision Regulations.

Condition 2. The Montana Department of Environmental Quality and Whitefish Public Works Department must approve the water and sewer facilities. (Whitefish Engineering Standards, Section 4)

- Condition met. See letter Montana Department of Environmental Quality EQ#20-2211, 5-27-20.

Condition 3. A separate water & sewer service must be provided in accordance with the City of Whitefish's policies and design standards. (Whitefish Engineering Standards, Section 4)

- Condition met. Water and sewer are readily available within the adjacent right-of-way.

Condition 4. If impervious area exceeds 10,000 square feet, an engineered stormwater plan must be submitted to the Public Works Department for review and approval. (Whitefish Engineering Standards, Section 5)

- Condition met. The lots themselves do not exceed 10,000 square feet.

Condition 5. A mail facility must be provided by the developer and approved by the local post office. (Whitefish Subdivision Regulations, §12-4-24)

- Condition met. The Whitefish Postmaster directed the applicant to install a mailbox similar to those in the neighborhood.

Condition 6. In lieu of installing a sidewalk along W 8th Street, a fee must be paid prior to final plat. The fee will be based on a 5-foot wide sidewalk for the entire W 8th Street frontage. Contact the Public Works Department for the most current fee. (Whitefish Engineering Standards, Section 8)

- Condition met. The applicant paid a fee in lieu of installing the sidewalk. See copy of receipt. These funds will go toward sidewalks in the Western Sidewalk District of the City.

Condition 7. Obtain addressing from the City Clerk's Office prior to final plat and provide this information on the face of the plat. (Flathead County Addressing Standards)

- Condition met. Addresses are located on the face of the plat.

Condition 8. The following notes shall be placed on the face of the final plat:

- a. All house numbers must be visible from the road, either at the driveway entrance or on the house and must conform to the current Fire Code, as adopted by the City Council.
- b. All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development from the recorded property owner.
- c. Water and sewer mains are available in the public right-of-way. It is the responsibility of the property owner to connect to the water and sewer mains located in the public right-of-way and extend service lines to the new lots.

- Condition met. See notes on the face of the plat.

Condition 10. The preliminary plat approval is valid for three years and shall expire on April 27, 2023. (Whitefish Subdivision Regulations, §12-3-8)

- Condition met.

Please be advised that the Council should act on this application within 30-days following receipt of this recommendation.

Sincerely,



Wendy Compton-Ring, AICP
Senior Planner

Attachments: 2 reproducible mylars of final plat
1 paper copy of the final plat
Final plat application, received 6-1-20
Letter, applicant, 6-1-20
Letter, DEQ, EQ#20-2211, 5-27-20
Treasurer's Certification, 5-13-20
Title Report, Insured Titles, No. 887745-FT, 3-10-20
Consent to Plat, First Interstate Bank, 6-1-20
Receipt, Cash in Lieu of Sidewalks, 6-2-20

c/w/att: Michelle Howke, Whitefish City Clerk

c/wo/att: Holly Stevenson, 744 Spruce Court Whitefish, MT 59937
Skip Sibson, Sam Cordi Land Surveying, PO Box 323 Whitefish, MT 59937

FINAL PLAT OF DANKBAAR SUBDIVISION

AN AMENDED PLAT OF LOT 2 OF
AN AMENDED PLAT OF A PART OF LOT 4 OF
RIVERSIDE IMPROVEMENT CO.'S ACREAGE
IN THE SE1/4, SEC.36, T31N, R22W, P.M.,M.,
CITY OF WHITEFISH, FLATHEAD COUNTY, MT

CERTIFICATE OF DEDICATION

I, Holly Stevenson, the undersigned property owner, do hereby certify that I have caused to be surveyed, subdivided and platted into lots, as shown by the plat hereto annexed, the following described land in the City of Whitefish, Montana, to-wit:

That portion of the Southeast one-quarter (SE1/4) of Section Thirty-six (36), Township Thirty-one North (T31N), Range Twenty-two West (R22W), Principal Meridian, Montana, more particularly described as follows:

Lot Two (2) of an Amended Plat of a Part of Lot Four (4) of Riverside Improvement Company's Acreage and containing 0.359 acres of land, gross measure, more or less. All as shown hereon.

Subject to and together with all appurtenant easements of record.

The above described tract of land is to be known and designated as "DANKBAAR SUBDIVISION". Also, said Dankbaar Subdivision is exempt from review by the Montana Department of Environmental Quality pursuant to Section 76-4-125(1)(d), M.C.A., as the division is located within a jurisdictional area that has adopted growth policies for which the governing body certifies that adequate storm water drainage and adequate municipal facilities will be provided by the governing body.

The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, internet, cable television or other similar utility or service, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.

In witness whereof, I have caused my to be set on this _____day of _____, 20____.

STATE OF _____)
SS
County of _____)

On this _____day of _____, 20____, before me, the undersigned, a Notary Public for the State of _____, personally appeared Holly L. Stevenson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same. In witness whereof, I have hereunto set my hand and offered my Notarial Seal the day and year first above written.

Signature _____

Print Name _____

Notary Public for the State of _____
Residing at _____,
My Commission expires _____.

CERTIFICATE OF FINAL PLAT APPROVAL

The City Council of the City of Whitefish, Montana, does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it.
Date this Day of _____, _____, 20____.

Mayor of Whitefish, Montana _____

City Clerk of Whitefish, Montana _____

CERTIFICATE OF CITY ATTORNEY

This plat has been examined by the Office of the City Attorney according to Section 76-3-612(2), MCA, relying upon Title Report No. _____, and approved based upon information submitted by the developer and/or his agent.

Date this Day of _____, _____, 20____.

Office of the Whitefish City Attorney _____

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, _____, Director of Public Works/City Engineer for the City of Whitefish, Montana, do hereby certify that the accompanying subdivision plat has been duly examined and has found that the required improvements have been reviewed and approved for compliance with the Whitefish Standards for Design and Construction, and hereby accepts the dedication of those improvements to the City of Whitefish for the public use of any and all lands shown on the plat subject to any and all maintenance warranties and guarantees.

Date this Day of _____, _____, 20____.

Director of Public Works/City Engineer
City of Whitefish, Montana _____

CERTIFICATE OF PLANNING DIRECTOR

I, _____, Planning Director for the City of Whitefish, Montana do hereby certify that the accompanying DANKBAAR SUBDIVISION has been duly reviewed, and has been found to conform to the requirements of the Whitefish Zoning Regulations and the Whitefish Subdivision Regulations.

Date this Day of _____, _____, 20____.

Planning Director
City of Whitefish, Montana _____

CERTIFICATE OF SURVEYOR

THOMAS SIBSON REGISTRATION NO. 15627LS
EXAMINED: _____

EXAMINING LAND SURVEYOR REG. NO. 73285

STATE OF MONTANA

County of Flathead SS

Filed on the _____ day of _____

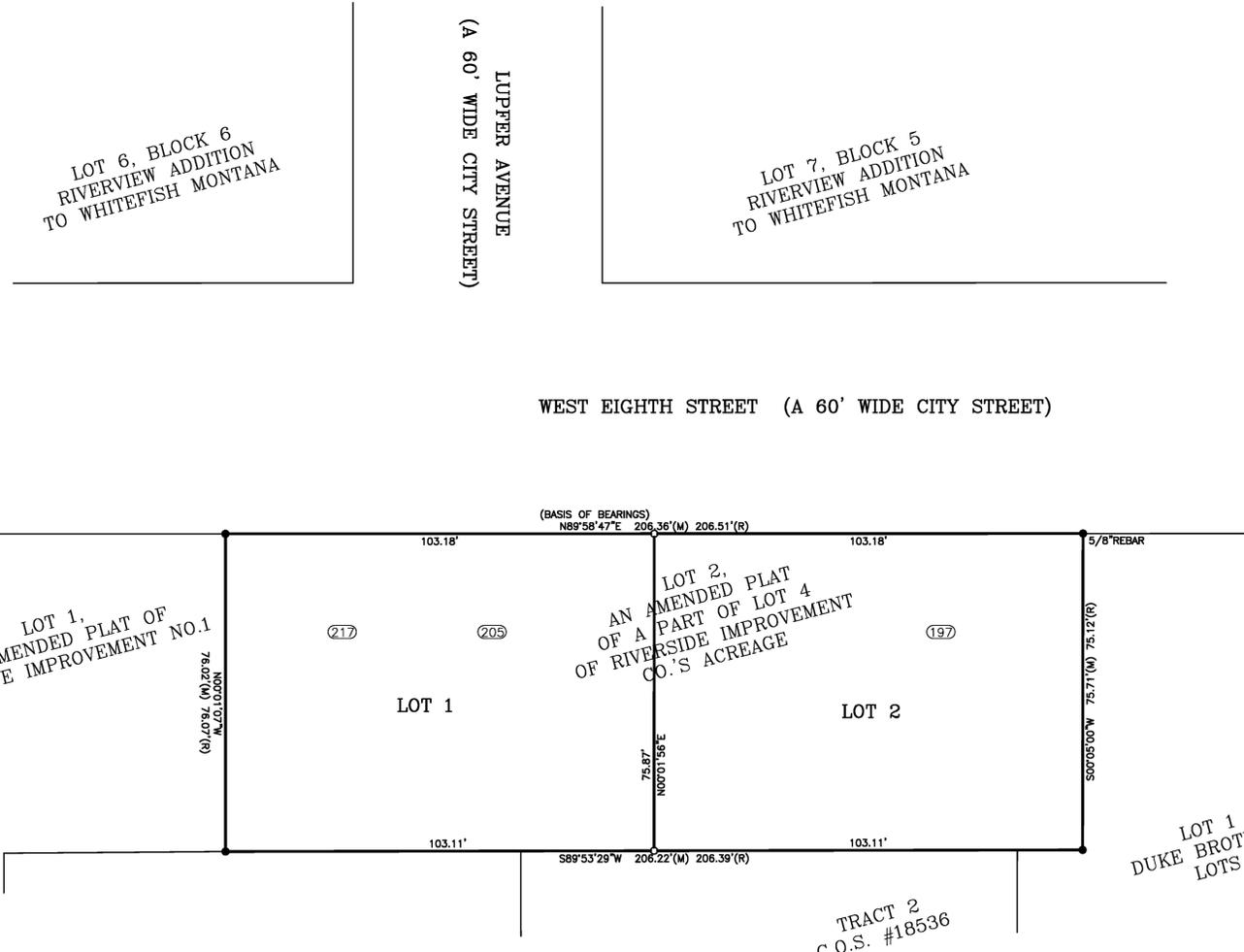
A.D. _____ at _____ o'clock _____ M.

CLERK AND RECORDER

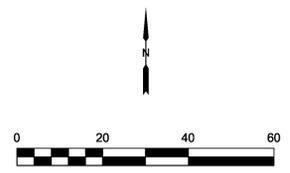
BY: _____

DEPUTY

INSTRUMENT REC. NO. _____



TOTAL AREA = 0.359 AC.± (GROSS)
LOT 1 = 0.180 AC.± (GROSS)
LOT 2 = 0.179 AC.± (GROSS)



- LEGEND**
- FOUND REBAR W/CAP STAMPED #4239S (UNLESS OTHERWISE NOTED)
 - SET 5/8" X 24" REBAR W/PLASTIC CAP STAMPED #15627LS
 - COMPUTED POINT, NO MONUMENT SET
 - (M) MEASURED DISTANCE
 - (R) RECORD DISTANCE
 - ②17 ADDRESS

- NOTES**
- 1) ALL HOUSE NUMBERS MUST BE VISIBLE FROM THE ROAD, EITHER AT THE DRIVEWAY ENTRANCE OR ON THE HOUSE AND MUST CONFORM TO THE CURRENT FIRE CODE, AS ADOPTED BY THE CITY COUNCIL.
 - 2) ALL NOXIOUS WEEDS, AS DESCRIBED BY THE WHITEFISH CITY CODE, MUST BE REMOVED THROUGHOUT THE LIFE OF THE DEVELOPMENT FROM THE RECORDED PROPERTY OWNER.
 - 3) WATER AND SEWER MAINS ARE AVAILABLE IN THE PUBLIC RIGHT-OF-WAY. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO CONNECT TO THE WATER AND SEWER MAINS LOCATED IN THE PUBLIC RIGHT-OF-WAY AND EXTEND SERVICE LINES TO THE NEW LOTS.
 - 4) NO PARK DEDICATION REQUIRED - EXCEPTION CONTAINED IN WHITEFISH SUBDIVISION REGULATIONS 12-4-11(C)(5).

SAM CORDI
REGISTERED LAND SURVEYOR
974 COLORADO AVE.
P.O. BOX 323
WHITEFISH, MT 59937
PHONE: (406)-862-9977



City of Whitefish
 Planning & Building Dept
 418 E 2nd St | PO Box 158
 Whitefish, MT 59937
 Phone: 406-863-2460
 Fax: 406-863-2419

File #: _____
 Date: _____
 Intake Staff: _____
 Check #: _____
 Amount: _____
 Date Complete: _____

FINAL PLAT APPLICATION

FEE ATTACHED \$ _____
 (see current fee schedule)

INSTRUCTIONS:

- Submit the application fee, a complete application, with appropriate attachments, to the Whitefish Planning & Building Department no less than **ninety (90) days** prior to expiration date of the preliminary plat.
- When all application materials are submitted to the Planning & Building Department, and the staff finds the application is complete, the staff will submit a report to the City Council. Incomplete submittals will not be accepted and will not be forwarded to the Council for approval. Changes to the approved preliminary plat may necessitate reconsideration by the Planning Board.
- The regularly scheduled meetings of the City Council are the first and third Mondays of each month at 7:10PM in the Council Chambers at 418 E 2nd Street.

A. PROJECT INFORMATION:

Project/Subdivision Name: Dankbaar Subdivision
 Legal Description of the Property: 205 W 8th Riverside Improvement Co PL 4/1 Area
 Date of Preliminary Plat Approval: April 27, 2020 Lot 2 in S36 T31N

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.

[Signature]
 Owner's Signature**

5/31/2020
 Date

Holly Stevenson
 Print Name

[Signature]
 Applicant's Signature

5/31/2020
 Date

Holly Stevenson
 Print Name

 Representative's Signature

 Date

 Print Name

**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.

B. APPLICATION CONTENTS:

All applicable items required by *Appendix C: Final Plat Contents* of the Whitefish Subdivision Regulations must be submitted with the application for final plat including the following. Check items attached or not applicable.

Not
Applicable Attached

(MUST CHECK ONE)

- | | | |
|-------------------------------------|-------------------------------------|---|
| Required | <input checked="" type="checkbox"/> | Electronic version of the entire application and supplemental information (i.e. pdf) |
| Required | <input checked="" type="checkbox"/> | Cover letter listing each condition of approval and individually state how each condition is specifically met. In cases where documentation is required, such as an engineer's certification, State Department of Health certification, etc., original letters shall be submitted. Blanket statements stating, for example, "all improvements are in place" are not acceptable. |
| Required | <input checked="" type="checkbox"/> | Montana DEQ Health Department Certification (<i>Original</i>) |
| Required | <input checked="" type="checkbox"/> | Title Report, not more than 90 days old |
| Required | <input checked="" type="checkbox"/> | Tax Certification (<i>Property taxes must be paid</i>) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Consent(s) to Plat (<i>Originals and notarized</i>) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Engineer's Certification (<i>Original</i>) |
| | | <u>Subdivision Improvements Agreement (<i>Attach collateral</i>)</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Engineering Improvements (<i>sidewalks, walkways, street lights, street signs, solid waste facilities, utilities</i>) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Landscaping Improvements (<i>landscaping, street trees, parkland improvements – trails, park facilities,)</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Parkland Cash-in-Lieu (<i>Check attached payable to City of Whitefish</i>) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Maintenance Agreement (<i>as applicable: stormwater facility, private roads, parks, etc</i>) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Articles of Incorporation and Conditions, Covenants & Restrictions |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Original Legacy Home deed(s) ready for City Manager signature |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Approach Permit (<i>when applicable</i>) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Plat: One (1) 24x36 paper copy and two (2) mylars signed by all owners of record, the surveyor, and the examining land surveyor. |

****NOTE: Please be advised that the County Clerk & Recorder and the City of Whitefish request that all subdivision final plat applications be accompanied with digital copies.**

****A digital copy of the final plat in an AutoCAD file format (.dwg), consisting of the following layers:**

1. Exterior boundary of subdivision
2. Lot or park boundaries
3. Easements
4. Roads or rights-of-way
5. A tie to either an existing subdivision corner or a corner of the public land survey system

C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: Holly Stevenson Phone: 406 471-7493
Mailing Address: 744 Spruce Ct
City, State, Zip: Whitefish MT 59937
Email: hollymontana1@yahoo.com

APPLICANT (if different than above):

Name: _____ Phone: _____
Mailing Address: _____
City, State, Zip: _____
Email: _____

OTHER TECHNICAL/PROFESSIONAL:

Name: Thomas 'Skip' Gibson LS Phone: 406 862-9977
Mailing Address: P.O. Box 323
City, State, Zip: Whitefish MT 59937
Email: tesibson@hotmail.com

D. GENERAL DESCRIPTION OF SUBDIVISION

PROJECT DESCRIPTION:

Type of Subdivision: Residential Industrial Commercial PUD Other _____
Total Number of Lots in Subdivision: 2
Land in Project (acres): 0.359 Parkland (acres): 0
Cash-in-Lieu: \$ _____ Exempt
Legacy Homes # of units: _____ rent _____ own Alternative Option Exempt

NUMBER OF LOTS BY TYPE:

Single Family: 1 Townhouse: _____ Mobile Home Park: _____
Duplex: 1 Apartment: _____ Recreational Vehicle Park: _____
Commercial: _____ Industrial: _____ Planned Unit Development: _____
Condominium: _____ Multi-Family: _____ Other: _____

June 1, 2020

Dankbaar Subdivision

205 W 8th, Whitefish MT

S36 T 31 N

Final Plat Application

To: The City of Whitefish Planning and building

Greetings,

Please accept this application for Final Plat of the Dankbaar subdivision on W 8th St in Whitefish. Included in this paper application and in the corresponding electronic application you will find the Montana DEQ Health Department Certification, a title report dated March 10, 2020, tax certification, and paper and Mylar copies of the plat.

Per the preliminary plat waiver approval letter from the City of Whitefish dated April 27, 2020 I shall address the conditions of approval and how they have been met.

1. The subdivision is compliant with the Whitefish Subdivision Regulations set forth in Chapter 12-4.
2. The water and sewer facilities are approved by the MT DEQ and Whitefish Public Works.
3. Water and sewer service will be provided in accordance with the City of Whitefish Design standards.
4. The impervious area does not exceed 10,000 ft.
5. The postmaster confirmed I am to install traditional road-side mail boxes on a post in congruency with the existing mail boxes in the neighborhood.
6. In lieu of sidewalk fees have been paid.
7. Addressing has been obtained from the city clerk and is noted on the plat.
8. The specified notes are noted on the face of the plat.

Thank you for your time and consideration. Please advise if I may be of any assistance in this process. If it is at all possible it would be greatly appreciated if this went before city council on the third Monday of this Month of June 2020. Thank you,

Holly Stevenson

406-471-7493

Hollymontana1@yahoo.com

PLANNING & BUILDING DEPARTMENT
418 E. 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



April 27, 2020

Holly Stevenson
744 Spruce Court
Whitefish, MT 59937

RE: Dankbaar Subdivision; 205 W 8th Street (Riverside Improvement Co Acreage Pt L 4 Amd, Lot 2, in S36, T31N) – Waiver of Preliminary Plat; WPP 20-02

Dear Ms. Stevenson:

This is in response to your application for a preliminary plat waiver for a residential subdivision at the above described property. The request would create two lots. Lot 1 is proposed to be 0.18 acres (7,840 square feet) and Lot 2 is proposed to be 0.179 acres (7,797 square feet). All lots will access off W 8th Street. The property is zoned WR-2 (Two-Family Residential District) and the proposed lots meet the minimum lot requirements of the WR-2 zoning district, §11-2G-4, WCC. The project is exempt from both parkland dedication (§12-4-11C, WCC) and Legacy Homes (§11-1A-2E(4), WCC).

Staff noticed adjacent landowners on April 2, 2020 and placed a public notice sign on the property along W 8th Street. The city received one comment letter with concerns about traffic, lack of sidewalks, change in the neighborhood character and lack of school bus routes in this neighborhood.

Our office finds that the proposed subdivision substantially meets the preliminary plat waiver criteria outlined in §12-3-7 of the Whitefish Subdivision Regulations which includes the following:

- The plat contains three (3) or fewer lots;
- There is no public dedication of streets or other public infrastructure;
- All lots have legal and physical access conforming to these Regulations;
- Each lot has a suitable building site and there are no environmental hazards present;
- Municipal sewer, water and other utilities are adequate and in place;
- The subdivision complies with these Regulations and current zoning regulations; and

- No significant effects are anticipated on agriculture and agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat and the public health and safety.

Due to the relatively minor impacts that this subdivision poses, this office grants preliminary plat waiver approval subject to the following conditions:

1. The Subdivision must comply with Chapter 12-4 of the Whitefish Subdivision Regulations.
2. The Montana Department of Environmental Quality and Whitefish Public Works Department must approve the water and sewer facilities. (Whitefish Engineering Standards, Section 4)
3. A separate water & sewer service must be provided in accordance with the City of Whitefish's policies and design standards. (Whitefish Engineering Standards, Section 4)
4. If impervious area exceeds 10,000 square feet, an engineered stormwater plan must be submitted to the Public Works Department for review and approval. (Whitefish Engineering Standards, Section 5)
5. A mail facility must be provided by the developer and approved by the local post office. (Whitefish Subdivision Regulations, §12-4-24)
6. In lieu of installing a sidewalk along W 8th Street, a fee must be paid prior to final plat. The fee will be based on a 5-foot wide sidewalk for the entire W 8th Street frontage. Contact the Public Works Department for the most current fee. (Whitefish Engineering Standards, Section 8)
7. Obtain addressing from the City Clerk's Office prior to final plat and provide this information on the face of the plat. (Flathead County Addressing Standards)
8. The following notes must be placed on the face of the plat:
 - a. All house numbers must be visible from the road, either at the driveway entrance or on the house and must conform to the current Fire Code, as adopted by the City Council.
 - b. All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development from the recorded property owner.
 - c. Water and sewer mains are available in the public right-of-way. It is the responsibility of the property owner to connect to the water and sewer mains located in the public right-of-way and extend service lines to the new lots.

9. The preliminary plat approval is valid for three years and will expire on April 27, 2023. (Whitefish Subdivision Regulations, §12-3-8)

Please note that, for final plat approval, all requirements must be met per §12-3-11 (Final Plat) of the Whitefish Subdivision Regulations.

Sincerely,

/s/ Wendy Compton-Ring

Wendy Compton-Ring, AICP
Senior Planner

C (via email): Public Works, City of Whitefish
 Fire Department, City of Whitefish
 Building Department, City of Whitefish



May 27, 2020

Thomas Sibson
Sam Cordi Land Surveying
PO Box 323
Whitefish MT 59937

RE: Dankbaar Subdivision
Municipal Facilities Exclusion
EQ# 20-2211
City of Whitefish
Flathead County

Dear Mr. Sibson;

This is to certify that the information and fees received by the Department of Environmental Quality relating to this subdivision are in compliance with 76-4-127, MCA. Under 76-4-125(1)(d), MCA, this subdivision is not subject to review, and the Declaration can be filed with the county clerk and recorder.

Plans and specifications must be submitted when extensions of municipal facilities for the supply of water or disposal of sewage are proposed 76-4-131. Construction of water or sewer extensions prior to DEQ, Public Water Supply Section's approval is prohibited, and is subject to penalty as prescribed in Title 75, Chapter 6 and Title 76, Chapter 4.

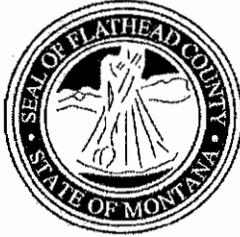
Dankbaar Subdivision Municipal Facilities Exclusion will consist of 2 Single Family Lots.

Sincerely,

A handwritten signature in blue ink that reads "Rachel Clark".

Rachel Clark
Department of Environmental Quality
Engineering Bureau
Public Water & Subdivision Review
(406) 444-6722
email rclark@mt.gov

cc: City Engineer
County Sanitarian
Owner
file



Plat Room
Flathead County, Montana
800 S. Main St.
Kalispell, MT 59901
(406) 758-5510

This Form is for Subdivisions Only

BY: CORDI

FOR: STEVENSON

DATE: 5/13/20

DESCP: DANKBAAR SUB
(L2 of Riverside Imp Co Ac Pt L4
Amd ~ 36-31-22)

PURPOSE: AMD PLAT

YEARS

ASSESSOR #

2016 THRU 2019

0350550

DANKBAAR SUB

I hereby certify that there are no outstanding taxes on the property assigned the assessor numbers listed above, for the years indicated for each assessor number.

Judy Lindahl
Deputy Treasurer
(seal)



MAY 14 2020



Insured Titles

**44 4th Street West/P.O. Box 188
Kalispell, MT 59901
(406)755-5028- Fax (406)755-3299**

"Deed and Encumbrance Report"
Effective Date: March 10, 2020 at 7:30 A.M.

Important Notice: This is not an insurance product. Please review the enclosed Contractual Limitation of Liability carefully. If you use or rely upon the information provided in this Report, any damages you suffer as a result of your use or reliance are expressly limited to the amount paid as a fee for this Report.

Prepared for:
Holly L. Stevenson

File No.: 887745-FT
Customer No.:
Fee: \$ 75.00
Revision No.:

Attn:

Subject Property Address: 205 W. 8th St., Whitefish, Montana 59937

Legal Description:

Grantee(s) on the last deed purporting to transfer title shown in our records:

Warranty Deed executed by Margaret L. Harrison to Holly L. Stevenson, recorded February 6, 2020, as as Doc. No. 2020-000-03466.

Documents of Record: (Includes only the following recorded documents titled as such: Mortgages, Deeds of Trust, liens, judgments, claims of lien and federal tax liens). Our search is only from the date the last deed purporting to transfer title was recorded to the date of this report.

Exhibit Attached Exhibit not attached

Tax Information:

Parcel Number: 0350550
Status: PAID
Amount/Year: 3322.39 2019

1. Deed of Trust , to secure an original indebtedness of \$334,419.00, dated February 6, 2020 and any other amounts and/or obligations secured thereby
Recorded: February 6, 2020, as Doc. No. 2020-000-03467
Grantor: Holly L. Stevenson
Trustee: Insured Titles
Beneficiary: First Interstate Bank

Limitations of Liability:

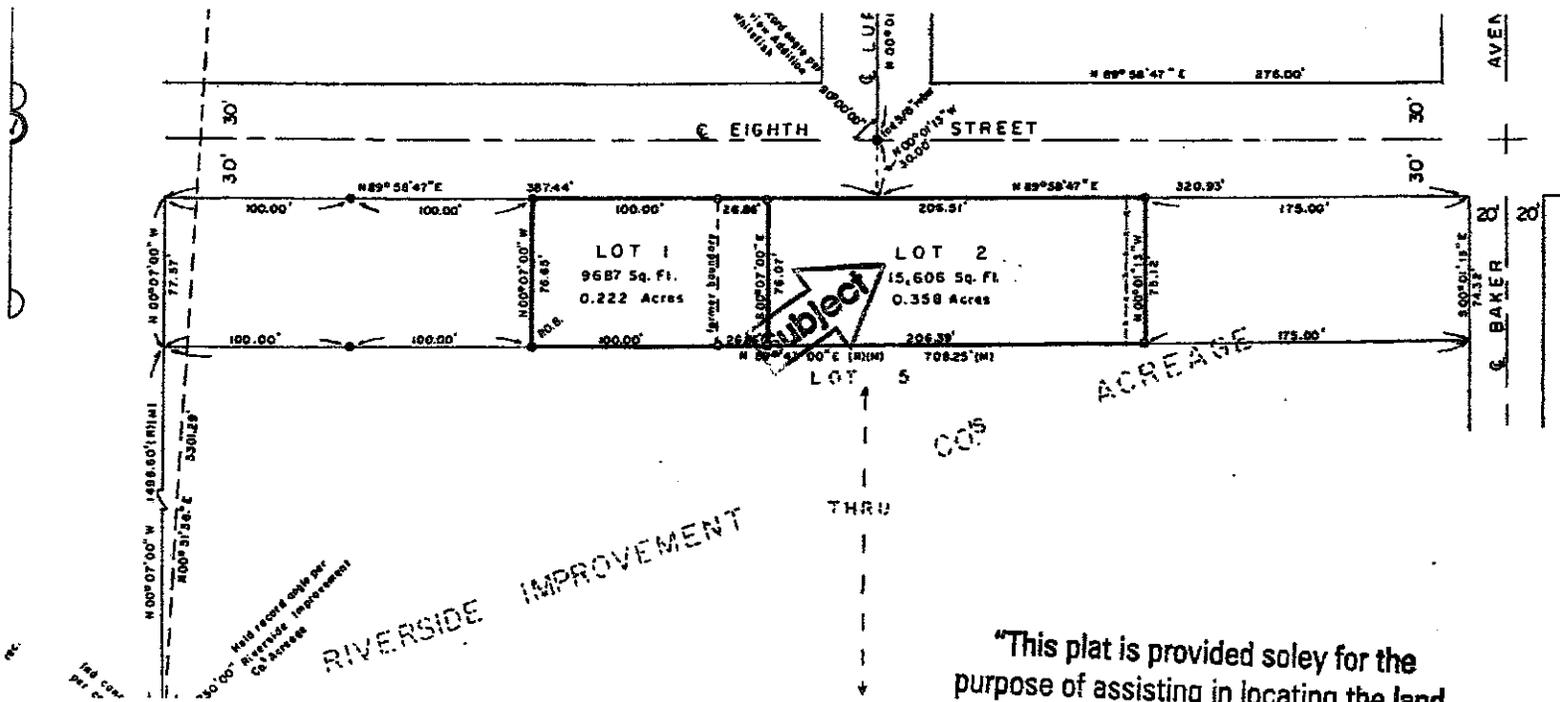
THIS IS NOT A TITLE INSURANCE POLICY, A COMMITMENT FOR TITLE INSURANCE, OR A TITLE OR OWNERSHIP REPORT. THIS REPORT IS BASED UPON A LIMITED SEARCH OF OUR COPIES OF RECORDS THAT IMPART CONSTRUCTIVE NOTICE. NO EXAMINATION OF THE TITLE TO THE PROPERTY DESCRIBED HEREIN HAS BEEN MADE. NO REPRESENTATIONS ARE MADE WITH RESPECT TO THE IDENTITY OF PARTIES OR TO THE VALIDITY, LEGAL EFFECT OR PRIORITY OF ANY MATTER REFLECTED HEREIN. NO ASSURANCES ARE MADE THAT THE LEGAL DESCRIPTION CONTAINED HEREIN CORRESPONDS TO THE STREET ADDRESS OR NAME OF THE PARTY. NO LIABILITY BEYOND THE AMOUNT PAID FOR THIS REPORT IS ASSUMED HEREUNDER, AND THE COMPANY IS NOT RESPONSIBLE BEYOND THE AMOUNT PAID FOR ANY ERRORS OR OMISSIONS CONTAINED HEREIN, OR FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES WHICH MAY RESULT FROM RELIANCE UPON THIS REPORT INSTEAD OF UPON A TITLE INSURANCE OR ASSURANCE PRODUCT.

PURCHASE OF THIS REPORT CONSTITUTES: (1) ACCEPTANCE OF ANY AND ALL LIMITATIONS OF LIABILITY CONTAINED HEREIN; (2) ACCEPTANCE OF IT AS A FINAL EXPRESSION OF THE UNDERSTANDING OF THE PARTIES; (3) AND AGREEMENT THAT NO PRIOR REPRESENTATIONS OR WARRANTIES HAVE BEEN MADE.

Insured Titles

BY:

A handwritten signature in black ink, appearing to be "T. H. [unclear]", written in a cursive style.



"This plat is provided solely for the purpose of assisting in locating the land, and the Company assumes no liability for variations, if any, with actual survey."
 First American Title Company

Amended Plat of A PART of LOT 4
 OF RIVERSIDE IMPROVEMENT CO.'S ACRES



First Interstate Bank
2 Main St
P.O. Box 7130
Kalispell, MT 59904-0130
406-751-2500
FAX: 406-751-2560
www.firstinterstatebank.com

CONSENT TO PLATTING

Pursuant to § 76-3-612, MCA, First Interstate Bank, the undersigned, as beneficiary of a Deed of Trust to secure payment in the principal sum of \$334,419.00, recorded 02/06/2020 as Document # 202000003467, hereby consents to the platting of a tract of land to be known and named as DANKBAAR SUBDIVISION.

IN WITNESS WHEREOF, said party has caused their name to be subscribed hereto on the first day of June, 2020:

Signature: [Handwritten Signature]

Market President

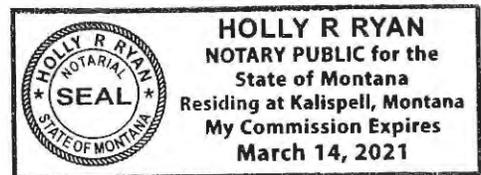
JOE KOLA, ITS MARKET PRESIDENT
Printed Name and Title:

STATE OF MONTANA

COUNTY OF FLATHEAD

On this first day of June, 2020, before me a Notary Public for the State of Montana, personally appeared whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same.

[Handwritten Signature]
Signature:



Printed Name of Notary Holly R. Ryan
Notary Public for the state of Montana
2 Main St, Kalispell, MT 59901
My Commission Expires: 03.14.2021

WHEN RECORDED MAIL TO:
First Interstate Bank
Kalspell Branch
2 Main Street
P.O. Box 7130
Kalspell, MT 59904-0130

2020 00003467
2/6/2020

0350550 SC



RECORDATION REQUESTED BY:
First Interstate Bank
Kalspell Branch
2 Main Street
P.O. Box 7130
Kalspell, MT 59904-0130

SEND TAX NOTICES TO:
First Interstate Bank
Kalspell Branch
2 Main Street
P.O. Box 7130
Kalspell, MT 59904-0130

FOR RECORDER'S USE ONLY

874664.WHI



First Interstate Bank

DEED OF TRUST

MAXIMUM LIEN. The total principal indebtedness that may be outstanding at any given time which is secured by this Deed of Trust is \$334,419.00.

THIS DEED OF TRUST is dated February 6, 2020, among Holly L. Stevenson, whose address is 832 O'Brien Ave, Whitefish, MT 59937 ("Grantor"); First Interstate Bank, whose address is Kalspell Branch, 2 Main Street, P.O. Box 7130, Kalspell, MT 59904-0130 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Insured Title, whose address is 44 4th Street West, Kalspell, MT 59901 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, Grantor conveys to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Flathead County, State of Montana:

LOT 2 OF THE AMENDED PLAT OF A PORTION OF LOT 4, RIVERSIDE IMPROVEMENT COMPANY'S ACREAGE, AS RECORDED NOVEMBER 10, 1983, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, MONTANA.

The Real Property or its address is commonly known as 205 W. 8th St, Whitefish, MT 59937.

CROSS-COLLATERALIZATION. In addition to the Note, this Deed of Trust secures all obligations, debts and liabilities, plus interest thereon, of either Grantor or Borrower to Lender, or any one or more of them, as well as all claims by Lender against Borrower and Grantor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated, whether Borrower or Grantor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

CITY OF WHITEFISH
CASH RECEIPT

Printed 12:41:15 - 06/02/20

Batch:16666
Transaction:21

Reference Number: DANTEBAAR SUB IN LIE
Name: HOLLY L STEVENSON
Address: 632 O'BRIEN AVE

Item(s) Description:

CASH IN-LIEU: WEST DISTRICT	6190.80
Check # 2198	6190.80
Cash Paid	
Credit Paid	
Less Change Given ()	
TOTAL:	6190.80

PLANNING & BUILDING DEPARTMENT
418 E 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



June 9, 2019

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

Re: Final Plat for Colorado View Subdivision; WFP 20-02

Honorable Mayor and Councilors:

This office is in receipt of a final plat application for the Colorado View Subdivision. This is a 12-lot major subdivision located at 540 Colorado Avenue, at the southwest corner of Colorado Avenue and Denver Street. The property is zoned WR-3 (Low Density Multi-Family Residential District). The preliminary plat was approved by the Whitefish City Council on February 20, 2019. The approval was subject to twenty (20) conditions of approval.

COMPLIANCE WITH PRELIMINARY PLAT CONDITIONS OF APPROVAL:

Condition 1. The subdivision must comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.

- Condition met. The final plat conforms to the Whitefish Subdivision Regulations.

Condition 2. Except as amended by these conditions, the development of the subdivision must be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as “approved plans” by the City Council.

- Condition met. The final plat conforms to the approved preliminary plat.

Condition 3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off-site infrastructure must be submitted to and approved by the Whitefish Public Works Department. The improvements within the development must be designed and constructed by a licensed engineer and in accordance with the City of Whitefish’s design and construction standards. The Public Works Director must approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements must be submitted as a

package and reviewed concurrently. No individual improvement designs must be accepted by Public Works. (City Engineering Standards, 2009)

- Condition met. See letter from Karin Hilding, Public Works Department, dated August 30, 2019.

Condition 4. Approval of the preliminary plat is subject to approval of detailed design of all on and off-site improvements, including drainage. Through review of detailed drainage plans, applicant is advised that the number, density and/or location of building lots, shown on the preliminary plat may change depending upon constructability of on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)

- Condition met. See letter from Karin Hilding, Public Works Department, dated August 30, 2019.

Condition 5. Prior to any ground disturbing activities, a plan must be submitted for review and approval by the Public Works and Planning/Building Department. The plan must include, but may not necessarily be limited to, the following:

- Dust abatement and control of fugitive dust.
- Hours of construction activity.
- Noise abatement.
- Control of erosion and siltation.
- Routing for heavy equipment, hauling, and employees.
- Construction office siting, staging areas for material and vehicles, and employee parking.
- Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
- Detours of vehicular, pedestrian, and bicycle traffic as necessary.
- Notation of any street closures or need to work in public right-of-way.

(City Engineering Standards, 2009)

- Condition met. The plans were approved by the Public Works Department on August 30, 2019 as part of the submitted engineering plans.

Condition 6. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving any storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)

- Condition met. See DEQ letters, EQ#20-1135, dated September 24, 2019 and EQ#20-1136, dated September 24, 2019 and letter from Karin Hilding, Public Works Department, dated August 30, 2019.

Condition 7. Groundwater monitoring must be completed during the high groundwater season (March-May) and accompany the engineering plans reviewed and approved by Public Works. If it is discovered that the groundwater level is within 6-feet of the ground surface level, a note must be placed on the face of the plat stating that houses shall not be constructed with crawl spaces or basements due to high groundwater. (Subdivision Regulations, §12-4-9)

- Condition met. Groundwater monitoring was completed in 2019 and was found to be at depths greater than 6-feet. See attached report from TD&H dated July 19, 2019.

Condition 8. The existing driveway approach on Colorado Avenue must be removed and revegetated. As part of the removal, coordinate with the Parks Department for any installation of street trees required for planting within the boulevard, and coordinate with the Public Works Department for the installation of required curb and gutter along Colorado Avenue.

- Condition met. The driveway approach has been removed and revegetated. See email from Parks Department June 8, 2020.

Condition 9. All areas disturbed because of road and utility construction must be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners' association. (Subdivision Regulations §12-4-30)

- Condition met. See note #2 on face of plat.

Condition 10. Cash-in-lieu of parkland dedication must be provided in the amount of 11% of the net acreage of the subdivision for lots less than ½ acre. This amount must be provided at the time of final plat. (Finding 4; Subdivision Regulations §12-4-11)

- Condition met. The total parkland dedication is 0.1254 (11% of the area of lots) x current state of MT assessed value = \$43,026.37. These funds have been placed in the North Parkland District.

Condition 11. A tree preservation/retention plan must be submitted prior to any groundbreaking activities. Any replacement trees must remain healthy for not less than 5 years. If they fail to remain healthy for 5 years, they shall be replaced by the HOA and the timeline for such replaced trees shall similarly remain healthy for 5 years. The plan must be included in the proposed CC&Rs, compliant with the requirements outlined in §12-4-5 of the Whitefish Subdivision Regulations.

- Condition met. A tree preservation plan is submitted and the obligation for their success will be up to the HOA located within the CC&Rs.

Condition 12. The private access road must be a 24-foot wide easement, with a paved 20-foot wide drivable surface and a hammerhead turn-around installed compliant with current fire codes. The 20-foot surface width must be maintained in all seasons to allow for emergency access. (Finding 1)

- Condition met. The final plat easement is 24-feet wide and will be maintained by the HOA, as described in the CC&Rs.

Condition 13. A sidewalk must be constructed along the Denver Street frontage. (Subdivision Regulations §12-4-17; Finding 1)

- Condition met. The sidewalk was installed for all by the 20-foot section where the private driveway will be installed. This was part of the Public Works Department's walk-through.

Condition 14. All lots must comply with the required minimum lot area identified in the zoning regulations using the net acreage of each lot for either single-family residential or subplot standards. This may require the reconfiguration of lot lines or the removal of one lot.

- Condition met. The net area for all lots meets the minimum lot size and is shown on the face of the plat.

Condition 15. The City Clerk must assign addresses to the subdivision prior to final plat. Such addresses must be shown on the face of the plat. Written confirmation from the City Clerk shall be submitted with the final plat application. (Flathead County Addressing Standards)

- Condition met. The addresses are shown on the face of the plat.

Condition 16. The following notes must be placed on the face of the plat:

- House numbers must be located in a clearly visible location and shall conform to the current Fire Code, as adopted by the City Council.
- All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development by the recorded property owner.
- Garbage must be stored in a secure location until the day of pick up or in a bear resistant container pursuant to Whitefish City Code §4-2-4A.
- The entire City of Whitefish falls within the Wildland Urban Interface. The City of Whitefish has adopted the 2012 International Wildland-Urban Interface code.
- The internal road shown on the final plat are intended to be privately owned and maintained and open to the public. It is understood and agreed that this internal roadway does not conform to City requirements for public roadways. The owners

(and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roadways by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadway will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadway. Thus, the area encompassed by said private roadway will not be separately taxed or assessed by any government agency or public authority.
(Staff Report Finding 4; Finding 1; Subdivision Regulations Appendix D)

- Condition met. The notes are located on the face of the final plat.

Condition 17. An individual or common off-street mail facility must be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)

- Condition met. The developer contacted the Whitefish Post Office and received approval of the location on April 17, 2020.

Condition 18. The refuse and recycling location must be reviewed and approved by the Public Works Department and Republic Services.

- Condition met. The developer contacted Republic Services and received approval on December 19, 2019.

Condition 19. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) providing for:

- Long-term maintenance of the open spaces;
- Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
- Long-term maintenance plan for drainage and storm water management facilities.
- Long-term maintenance of the private access road, including maintenance in all seasons to allow for emergency access.
(Finding 3; Finding 4; Subdivision Regulations §12-4-30; City Engineering Standards, 2009)

- Condition met. See CC&Rs.

Condition 20. The Colorado View preliminary plat is approved for three years from Council action. (Subdivision Regulations, §12-3-8)

- Condition met. The approval was valid until March 4, 2022 and application was submitted on June 1, 2020.

Please be advised that the Council should act on this application within 30-days following receipt of this recommendation.

Sincerely,

/s/ Wendy Compton-Ring

Wendy Compton-Ring, AICP
Senior Planner

Attachments: 2 reproducible mylars of final plat
1 paper copy of the final plat
Final plat application, received 6-1-20
Letter, applicant, 5-27-20
Letter, DEQ, EQ#20-1135, 9-24-19
Letter, DEQ, EQ#20-1136, 9-24-19
Letter, Public Works, 8-30-19
Letter, Foley Engineering, 6-8-20
Subdivision Improvement Agreement, 5-28-20
Cashier's Check
Letter, Foley Engineering, 6-8-20
Cash in Lieu of Parkland, Copy of Receipt
Email, Parks Department, 6-8-20
Email, Post Office, 4-17-20
Email, Republic Services, 12-19-19
Stormwater Management Easement
Covenants, Conditions, and Restrictions, Bylaws and Articles of
Incorporation
Tree Preservation Plan
Treasurer's Certification, 5-19-20
Title Report, Fidelity National Title Insurance Company, Guarantee No.
FT1585-201872, 5-27-20
Consent to Plat, Zolfo, 6-5-20
Report, TD&H, 7-19-19

c/w/att: Michelle Howke, Whitefish City Clerk

c/wo/att: FNB Investments, LLC PO Box 1961 Bend, OR 97709
Brent Foley, Foley Engineering 26 Village Loop Road Kalispell, MT 59901
Skip Sibson, Sam Cordi Surveying PO Box 323 Whitefish, MT 59937

Staff Report



To: Mayor Muhlfeld and City Councilors
 From: Benjamin Dahlman, Finance Director
 Date: June 9, 2020
 Re: 3rd Quarter Financial Report for Fiscal Year 2020

This quarterly financial report provides a summary version of the financial results of the City during the third quarter of fiscal year 2020. The first section is an overview of the City’s financial condition specifically related to property tax supported funds. Subsequent sections provide further analysis and details of the third quarter ended March 31, 2020.

Financial Condition – Property Tax Supported Funds

An analysis of available cash in property tax supported funds provides an effective insight into the City’s financial condition. The following table lists the FY18 third quarter cash balance in column (a), the FY19 third quarter cash balance in column (b) and the FY20 third quarter cash balance in column (c) for comparison purposes.

	Cash Balance in Property Tax Supported Funds			
	<i>a</i>	<i>b</i>	<i>c</i>	<i>d (c-b)</i>
	Mar 31, 2018 Cash Balance	Mar 31, 2019 Cash Balance	Mar 31, 2020 Cash Balance	One Year Change
General	\$1,175,963	\$1,521,873	\$1,841,884	\$320,011
Parks & Recreation	\$112,057	(\$12,640)	\$119,529	\$132,170
Law Enforcement	\$62,812	\$142,707	\$130,161	(\$12,546)
Library	\$84,421	\$46,653	\$33,775	(\$12,878)
Fire & Ambulance	\$45,319	\$56,562	(\$79,212)	(\$135,774)
	\$1,480,572	\$1,755,154	\$2,046,138	\$290,984

Total cash in property tax supported funds as of March 31, 2020, increased by \$290,984 or 17% compared to the balance on March 31, 2019. The notable changes in each property tax supported fund from the prior year third quarter and the second quarter of FY20 are discussed in detail below.

General Fund – The General Fund cash balance compared to a year ago has increased by \$320,011 or 21%. The increase in cash balance is primarily due to the General Fund starting the fiscal year off with more cash than the prior year and the increased revenue from property taxes. Focus is given to build cash reserves in the General Fund through continued future budget cycles allocations dependent on the economic health of the community. With determination, cash in the third quarters of future years will also be expected to increase.

Parks & Recreation Fund – The Parks & Recreation Fund continues to see improvement in cash balance with positive accumulations returning in the second quarter and carrying into the third quarter. FY19 experienced a unique decrease in cash due to the timing of the purchase of the bucket truck and the receipt of expected revenues. In addition, Whitefish Legacy Partners submitted a payment for operating and maintenance expenditures made in the first half of this fiscal year. The overall improvement noted this year is also attributed to the stronger recreational program revenues, higher transfers from the General Fund and the increase in the Parks and Greenway Maintenance Assessment and lower capital expenditures.

Law Enforcement Fund – There was an overall decrease in the cash balance of \$12,546, or 8.8%, compared to the March 31st balance from the prior year. The decrease in cash balance compared to the prior year is the result of a fourth quarter purchase of a police vehicle in FY19. For FY20, the fund has seen increased transfers from the General Fund to pay for police services. The Police Department also purchased several computers in FY20 that represents the overall decrease in cash. Overall expenditures for FY20 have been more than covered with revenues and the general fund operating transfer.

Library Fund – The Library Fund continues to see a decrease in cash balance during the third quarter. The decrease of \$12,878 is the result of expenditures continuing to exceed revenues. This trend has been ongoing for the past three years due to required maintenance. The Library Board is aware of the situation. The decrease in cash balance is concern and will need to be addressed when preparing for the FY21 Budget. Cash reserves are expected to be at an all-time low of \$7,410 at the end of FY20.

Fire & Ambulance Fund – The Fire and Ambulance Fund ended the third quarter of FY20 in the red with negative \$79,212 in cash. The balance has remained negative since the first quarter. When having a negative cash balance, the fund must temporarily borrow from the General Fund to pay bills. The Fire & Ambulance Fund will need to repay the General Fund. A few issues that have caused an overall cash decrease include; starting the new fiscal year off with about \$20,000 less cash than the prior year and the City still waiting for a reimbursement payment from the State of California for our crew that aided them to fight fires there and backfill our positions locally. However, the main reason for the negative cash balance is due to the timing of the Fire Service Area semi-annual payment. We received \$149,636 from the Fire Service Area in January; however, we are still expecting one more payment for FY20. Typically, we would have received both payments. We are following up with our contacts there to correct the situation. Had the payments been received the cash balance would be positive and not as significantly down from the prior year. However, that being said, the Fire and Ambulance Fund is budgeted to end the year with only limited cash.

Summary of Property Tax Supported Funds – Overall the City’s finances continue to improve each year as to build reserves to ensure the City’s financial resilience. It appears that the economic slow-down we have been preparing for is occurring. We will continue evaluating the economic climate and revenue trends to make corrections where needed. The recommendation continues to be increasing our reserve balance to 20% of property tax supported funds, which standard among many communities. However, we may need some of those reserves in the near term should revenues fall short for an extended period.

Financial Highlights

- Resort Tax collections are 84% of the FY20 Budget after the third quarter and total \$125,304 more than March 31, 2019. Overall, we have seen growth in our collections. While this revenue source has performed well the first three quarters of the year, we will continue to monitor revenues as the economic environment has significantly changed. We do anticipate a much lower fourth quarter.
- Ambulance service charges are 74% of the budget, but down about 7.5%, or -\$93,756. These revenues change based on call volume and types of calls. We are currently expecting this revenue to perform

below budget. We will continue to monitor this decrease in revenues due to the possibility that this trend continues due to with interfacility transfer calls first going to the Evergreen Fire Department instead of the Whitefish Fire Department.

- License and permit revenues in the Building Code Fund are up about 58% when compared to the third quarter of the prior year and a total of 160% of the FY20 Budget. FY20 has proven to be a very strong in revenues related to construction. Columbia Falls contract revenue has increased a notable 17% compared to last year and is already at 110% of the FY20 budgeted revenue.
- With the new Impact Fee Fund rates, revenue is only \$167,077 for the year through the third quarter and down \$277,595 or 38% compared to the previous year. This change is expected since many of these rates significantly decreased. Projections for these revenues are difficult but most of the Impact Fee are tracking above trend at 96% of the FY20 Budget as a whole, though the Paved Trails Impact Fee is only 44% and City Hall is only 36% of budget, respectively. The other Impact Fees are as follows: Park Maintenance Building (415% of budget), Emergency Service Center (373% of budget), and Stormwater (107% of budget).
- Water impact fees are at 155% of the FY20 Budget, while wastewater impact fees are at 189% of the FY20 Budget. Like other impact fees the rates were changed before the start of the fiscal year, but Water was increased during FY20 due to increased capital needs. While it was anticipated that we would see an increase in revenue due to the increase in rates, these revenues also track with building permits, so these revenues are also much higher than projected.
- As of March 31, 2020, zoning and plan review fees were at 159% of the budgeted revenue for FY20. The City is still experiencing growth in these fees through the third quarter. Construction appears to be strong going into the fourth quarter despite COVID-19.
- Investment earnings has slowed down and are slightly under the prior year third quarter, as rates continue to decrease. We will be seeing lower amounts by year end. As of the third quarter, the revenue is trending at about 75% of budget which would be on target for this time of year. While investment earnings are a great source of income, it is not always a steady source. We continue to monitor our investing strategies as the State's Short-term Investment Pool (STIP) continues to decrease from the high of around 2.49% in February 2019 to 1.33% in March 2020. The May 2020 data shows a further reduction to 0.96% indicating additional erosion of rates in the interest rate market interest rates. We do note that they are still higher than the rates seen as recently as 2014.

Expenditure Review

Total expenditures by fund were mostly at or below the anticipated percentage of budget authority to be used (70-75% for most funds) as of March 31, 2020. There are a few expenditure areas that we are currently monitoring, some of which will require a year-end budget amendment.

The first area is in the Fire and Ambulance Fund related to ambulance services write-offs. Those expenditures are trending higher and are already over budget potentially causing the fund as a whole to be over budget by year end. The write offs are primarily related to Medicare and Medicaid eligible patients where the City is paid less than the cost to provide these services. Such costs are dependent on the mix of patients served and if more are covered by these programs the less revenue we receive per incident. We then are left writing off the difference. For FY21 the proposed budget includes an increase in this line item to account for this higher trend.

The second area is in the Residential Lighting District #1 where we spent more on LED lighting than budgeted. The overall budget is currently 91% spent with additional operating costs anticipated in the fourth quarter. A year end budget amendment will be necessary.

The third area is for the Monegan Road project in the Gas Tax - BaRSAA fund. The project's cost allocated to this fund is over budget and this issue will be solved together with Public Works by reallocating an eligible portion of the project to the Stormwater Fund and an anticipated budget amendment. The City is currently working to draw down BaRSAA funds for the portion that remains in this fund.

The fourth area is related to transfers out of the Resort Tax Fund. The current activity would normally indicate that a larger transfer out budget would be needed due to higher resort tax revenues received through the third quarter. However, as a result of the COVID-19 pandemic, we anticipate the amount currently trending above budget Resort Taxes will moderate closer to target by year end and we will likely not need an amendment for the transfers out.

In addition to the fund totals, a review of line-items revealed very few issues. The timing of weather and programs can also skew the percentage of budget used at the end of the third quarter. For example, more trail work and construction projects are completed during the first part of the fiscal year during the summer and fall months. The third quarter can have lower operating and capital expenditures depending on the projects and weather as well. We will continue to monitor operating supplies, repair and maintenance expenses, and overtime as these tend to be more heavily used line-items.

Capital expenditures in the Water and Wastewater Funds are notably higher than the prior year's third quarter. These amounts, however, will vary based on the projects in progress. During the third quarter, significant capital expenditures included; the water treatment plant expansion project, water main improvements and the wastewater treatment plant upgrade. The wastewater treatment plant upgrade will primarily be financed with revenue bonds through the State Revolving Fund (SRF) loan program. A bond resolution occurred and was approved by Council on April 6, 2020.

Financial Outlook

Overall, the City's finances continued to improve during the third quarter with some minor areas to monitor. However, the impacts of the COVID-19 pandemic, which began during the last few weeks of the quarter, will likely have a negative effect on the City's revenue and revenue trends, especially in Resort Tax. The end results for both the 4th quarter and the 1st quarter of next year for that revenue source will be dependent on the return of activities driven by the tourist industry. Fortunately, the timing of the COVID-19 response occurred at the end of the ski season and prior to the beginning of summer vacation season which is typically one of the slowest times for Resort Tax revenues. Otherwise, we would anticipate that there would be bigger negative impact if similar closures had occurred during the City's busier months. The City is fortunate that Resort Tax is not a primary source of revenue for regular operating activities and allocated to capital projects. Lower Resort Taxes impact resources available for near-term capital projects the City could fund until the revenues recovered. The Finance Department will continue to monitor these and other revenue trends. Despite the slowing down of the lodging, bars and restaurants and retail activity, the City continues to see strong building activity which remains a bright spot so far as we look forward into the fourth quarter of FY20.

As we continue the development of the 5-Year Capital Improvement Plan and finalize preliminary FY21 Budget, we look forward to the challenge of balancing revenues and expenditures in these unprecedented times to meet expected levels of service for the Whitefish citizens and our visitors.

Should you have any questions regarding this quarterly update or would like additional information, please email me at bdahlman@cityofwhitefish.org or call me at 406.863.2405.

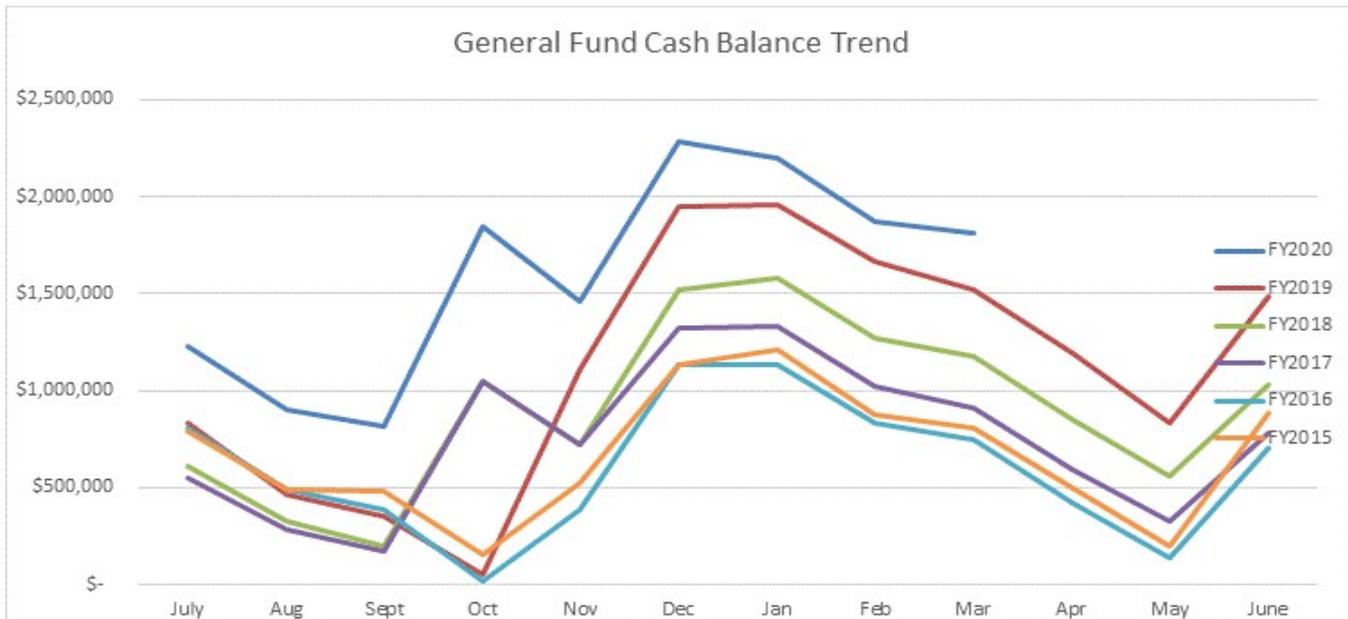
City of Whitefish
Quarterly Financial Review



Third Quarter of Fiscal Year 2020
January 1, 2019 - March 31, 2020

75% of Fiscal Year Complete

General Fund Revenues	YTD Mar 31, 2018		YTD Mar 31, 2019		YTD Mar 31, 2020		Chng Prev YR	% Chng Prev Yr
	Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Budget		
Property Taxes	\$1,569,953	72%	\$1,504,112	67%	\$1,528,350	66%	\$24,238	2%
Total Licenses and Permits	\$51,173	76%	\$119,119	99%	\$127,637	87%	\$8,519	7%
Intergovernmental Revenue	\$649,336	74%	\$661,246	74%	\$689,511	75%	\$28,265	4%
Charges for Services	\$248,072	100%	\$242,478	93%	\$285,157	110%	\$42,679	18%
Fines and Forfeitures	\$248,397	99%	\$277,294	79%	\$272,724	76%	(\$4,571)	-2%
Miscellaneous	\$86,629	93%	\$48,811	55%	\$53,937	61%	\$5,126	11%
Investment Earnings	\$30,797	114%	\$64,367	143%	\$78,567	92%	\$14,200	22%
Resort Tax - Property Tax Relief	\$1,176,819	100%	\$1,370,121	100%	\$1,395,289	100%	\$25,168	2%
Total General Fund Revenues	\$4,061,176	82%	\$4,287,548	82%	\$4,431,172	80%	\$143,625	3%
General Fund Expenditures								
Municipal Court	\$212,372	70%	\$221,141	72%	\$220,054	69%	(\$1,088)	0%
Administrative Services	\$110,890	76%	\$98,957	67%	\$138,777	75%	\$39,820	40%
Legal Services	\$56,685	83%	\$49,175	69%	\$54,411	70%	\$5,236	11%
Community Planning	\$304,801	67%	\$377,108	72%	\$388,633	68%	\$11,525	3%
Parking Facility Maintenance	\$59,055	125%	\$64,361	81%	\$27,386	63%	(\$36,976)	n/a
Transfer to Park Fund	\$525,841	75%	\$595,492	75%	\$613,952	75%	\$18,460	3%
Transfer to Law Enforcement Fund	\$1,719,514	75%	\$1,775,147	75%	\$1,908,926	75%	\$133,780	8%
Transfer to Fire Fund	\$547,144	75%	\$525,285	75%	\$639,819	75%	\$114,534	22%
Transfer to Library Fund	\$25,778	75%	\$25,778	75%	\$25,778	75%	\$0	0%
Cemetery/Other	\$77,801	76%	\$30,642	22%	\$48,435	35%	\$17,793	58%
Total General Fund Expenditures	\$3,639,881	75%	\$3,763,087	75%	\$4,066,171	75%	\$303,084	8%
General Fund Revenues Less Expenditures	\$421,295		\$524,461		\$365,001		(\$159,459)	-30%
General Fund Operating Cash Balance	\$1,175,963		\$1,521,873		\$1,841,884		\$320,011	21%
Prop Tax Supported Funds (no General) Net	-\$6,889		-\$67,717		-\$59,234		\$8,483	
Prop Tax Supported Funds (no General) Cash	\$304,609		\$233,282		\$204,254		(\$29,028)	
Total General & Prop Tax Supported Funds Net	\$414,406		\$456,744		\$305,768		\$42,338	
Total General & Prop Tax Supported Funds Cash	\$1,480,572		\$1,755,154		\$2,046,138		\$290,984	



Property Tax Supported Funds	YTD		YTD		YTD		Chng Prev YR	% Chng Prev Yr
	Mar 31, 2018	% of Budget	Mar 31, 2019	% of Budget	Mar 31, 2020	% of Budget		
	Dollars		Dollars		Dollars			
Parks and Rec Operating Cash Balance	\$112,057		(\$12,640)		\$119,529		\$132,170	-1046%
Parks, Rec & Community Services Revenues	\$1,026,300	64%	\$1,107,419	67%	\$1,251,029	71%	\$143,610	13%
Parks, Rec & Community Services Exp.	\$1,020,227	62%	\$1,257,915	70%	\$1,206,537	69%	(\$51,378)	-4%
Revenues less Expenditures	\$6,073		(\$150,496)		\$44,492		\$194,988	
Law Enforcement Operating Cash Balance	\$62,812		\$142,707		\$130,161		(\$12,546)	-9%
Law Enforcement Revenues	\$1,833,421	74%	\$1,892,058	71%	\$2,050,039	73%	\$157,981	8%
Law Enforcement Expenditures	\$1,753,095	71%	\$1,803,070	69%	\$1,912,414	68%	\$109,344	6%
Revenues less Expenditures	\$80,326		\$88,988		\$137,626		\$48,638	
Library Operating Cash Balance	\$84,421		\$46,653		\$33,775		(\$12,878)	-28%
Library Revenues	\$169,115	68%	\$158,680	64%	\$167,038	64%	\$8,358	5%
Library Expenditures	\$184,104	61%	\$189,842	61%	\$196,885	62%	\$7,044	4%
Revenues less Expenditures	(\$14,989)		(\$31,162)		(\$29,847)		\$1,315	
Fire & Ambulance Cash Balance	\$45,319		\$56,562		-\$79,212		(\$135,774)	-240%
Fire & Ambulance Taxes, Penalty and Interest	\$429,302	72%	\$410,060	67%	\$425,084	65%	\$15,024	4%
Ambulance Services Revenue	\$1,067,046	78%	\$1,250,885	84%	\$1,157,129	74%	(\$93,756)	-7%
Total Fire & Ambulance Revenue	\$2,634,009	79%	\$2,632,332	80%	\$2,593,020	71%	(\$39,312)	-1%
Fire & Ambulance Expenditures	\$2,712,308	82%	\$2,607,378	80%	\$2,804,524	76%	\$197,146	8%
Revenues less Expenditures	(\$78,299)		\$24,954		(\$211,504)		(\$236,458)	
Total Property Tax Supported Funds (not including General Fund)								
Total Property Tax Supported Cash	\$304,609		\$233,282		\$204,254		(\$29,028)	-12%
Total Property Tax Supported Revenue	\$5,662,845		\$5,790,488		\$6,061,126		\$270,638	5%
Total Property Tax Supported Expenditures	\$5,669,734		\$5,858,205		\$6,120,360		\$262,155	4%
Revenues less Expenditures	(\$6,889)		(\$67,717)		(\$59,234)		\$8,483	

Other Tax, Fee & Assessment Supported Funds	YTD		YTD		YTD			
	Mar 31, 2018		Mar 31, 2019		Mar 31, 2020			
Resort Tax Operating Cash Balance	\$2,897,276		\$2,685,786		\$2,399,023		(\$286,763)	-11%
Resort Tax Collections	\$3,228,120	88%	\$3,465,796	87%	\$3,591,100	84%	\$125,304	4%
Resort Tax Investment Earnings	\$15,791	243%	\$30,656	129%	\$41,930	129%	\$11,274	37%
Resort Tax Expenditures and Transfers	\$2,163,787	53%	\$3,454,466	90%	\$4,251,765	78%	\$797,299	23%
Revenues less Expenditures	\$1,080,124		\$41,985		(\$618,735)		(\$660,721)	
Street and Alley Operating Cash Balance	\$1,477,781		\$1,315,527		\$1,872,428		\$556,901	42%
Street and Alley Revenues	\$1,134,351	76%	\$1,192,153	75%	\$1,254,679	73%	\$62,526	5%
Street and Alley Expenditures	\$997,121	46%	\$941,068	57%	\$821,387	61%	(\$119,680)	-13%
Revenues less Expenditures	\$137,230		\$251,086		\$433,292		\$182,207	
Tax Increment Operating Cash Balance	\$1,640,703		\$1,394,082		\$2,820,598		\$1,426,515	102%
Tax Increment Property Taxes, Penalty & Interest	\$4,390,843	73%	\$4,708,987	72%	\$4,876,467	65%	\$167,480	4%
Total Tax Increment Revenues	\$4,559,485	71%	\$4,893,916	65%	\$5,519,821	66%	\$625,905	13%
Tax Increment Expenditures & Transfers	\$2,857,711	44%	\$3,829,885	49%	\$3,370,492	38%	(\$459,393)	-12%
Revenues less Expenditures	\$1,701,774		\$1,064,031		\$2,149,330		\$1,085,298	
Impact Fees Cash Balance	\$326,270		\$647,845		\$578,767		(\$69,078)	-11%
Impact Fee Collections - Revenues	\$199,834	107%	\$444,672	196%	\$167,077	96%	(\$277,595)	-62%
Impact Fee Collections - Expenditures	\$3,243	2%	\$89,876	21%	\$46,830	20%	(\$43,046)	-48%
Revenues less Expenditures	\$196,591		\$354,796		\$120,247		(\$234,548)	
Street Lighting #1 Operating Cash Balance	\$44,990		\$38,740		\$36,652		(\$2,088)	-5%
Street Lighting District #1 (Rsdntl) Revenues	\$69,491	75%	\$71,014	62%	\$72,057	61%	\$1,044	1%
Street Lighting District #1 (Rsdntl) Exp.	\$59,671	64%	\$76,959	56%	\$78,523	91%	\$1,565	2%
Revenues less Expenditures	\$9,820		(\$5,945)		(\$6,466)		(\$521)	
Street Lighting #4 Operating Cash Balance	\$17,649		\$29,911		\$86,992		\$57,080	191%
Street Lighting District #4 (Cmmrcial) Revenues	\$64,067	72%	\$63,593	67%	\$80,469	80%	\$16,876	27%
Street Lighting District #4 (Cmmrcial) Exp.	\$60,129	69%	\$32,518	50%	\$40,852	69%	\$8,334	26%
Revenues less Expenditures	\$3,938		\$31,075		\$39,616		\$8,542	
Building Codes Operating Cash Balance	\$203,440		\$395,107		\$895,098		\$499,991	127%
License and Permits Revenues	\$337,363	77%	\$446,772	101%	\$706,632	160%	\$259,860	58%
Building Codes Expenditures without C. Falls	\$306,535	67%	\$318,356	72%	\$375,934	73%	\$57,578	18%
Columbia Falls Contract Revenues	\$66,598	111%	\$61,186	94%	\$71,544	110%	\$10,358	17%
Columbia Falls Contract Expenditures	\$36,781	68%	\$39,855	71%	\$41,601	70%	\$1,746	4%
Revenues less Expenditures	\$60,645		\$149,747		\$360,641		\$210,894	
Stormwater Cash Balance	\$668,855		\$772,982		\$1,003,337		\$230,355	30%
Stormwater Revenues	\$56,119	75%	\$220,780	61%	\$297,927	66%	\$77,147	35%
Stormwater Expenditures	\$17,021	12%	\$113,078	27%	\$136,217	18%	\$23,139	20%
Revenues less Expenditures	\$39,098		\$107,701		\$68,603		(\$39,098)	

Enterprise Funds	Mar 31, 2018		Mar 31, 2019		Mar 31, 2020		Chng Prev YR	% Chng Prev Yr
	Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Budget		
Water Operating Cash Balance	\$4,096,315		\$5,000,415		\$5,668,528		\$668,113	13%
Water - Impact Fee Cash Balance	\$1,064,617		\$1,188,982		\$1,406,703		\$217,721	18%
Water - Reserved Debt Service Cash Balance	\$1,184,910		\$1,676,285		\$1,825,543		\$149,258	9%
Water - Metered Water Sales	\$2,682,910	87%	\$2,694,986	77%	\$2,694,541	75%	(\$446)	0%
Water - Operating Revenues	\$2,979,518	87%	\$3,205,322	83%	\$3,274,342	81%	\$69,020	2%
Water - Operating Expenditures	\$1,305,537	65%	\$1,296,183	66%	\$1,328,636	67%	\$32,452	3%
Operating Revenues less Expenditures	\$1,673,981		\$1,909,139		\$1,945,706		\$36,568	
<i>Net Opr. Rev Required by Year End</i>								
Non-Operating Revenue (Grants/Resort Tax Transfer)	\$792,826	88%	\$851,199	86%	\$899,662	85%	\$48,463	6%
Proceeds from Bonds	\$0	0%	\$0	0%	\$0	0%	\$0	0%
Water Capital Expenditures	\$1,463,262	78%	\$403,676	26%	\$759,494	26%	\$355,818	88%
Water Debt Service	\$722,399	50%	\$733,209	50%	\$561,418	50%	(\$171,791)	-23%
Haskill Basin Resort Tax Relief/AIS Transfer	\$52,972	57%	\$92,496	65%	\$107,692	69%	\$15,196	16%
Wastewater - Operating Cash Balance	\$2,947,255		\$3,822,138		\$2,474,344		(\$1,347,795)	-35%
Wastewater - Impact Fee Cash Balance	\$658,766		\$981,054		\$1,796,481		\$815,427	83%
Wastewater - Reserved Debt Service Cash Balance	\$268,973		\$268,973		\$268,973		\$0	0%
Wastewater - Sewer Service Charges	\$2,408,770	80%	\$2,655,876	78%	\$2,819,644	71%	\$163,768	6%
Wastewater - Operating Revenues	\$2,619,706	81%	\$3,104,232	84%	\$3,633,712	82%	\$529,480	17%
Wastewater - Operating Expenditures	\$1,252,929	63%	\$1,284,726	66%	\$1,425,969	69%	\$141,243	11%
Operating Revenues less Expenditures	\$1,366,776		\$1,819,506		\$2,207,743		\$388,237	
Non-Operating Revenue	\$0	0%	\$0	0%	\$0	0%	\$0	N/A
Proceeds from Bonds	\$0	0%	\$0	0%	\$0	0%	\$0	N/A
Wastewater Capital Expenditures	\$306,853	22%	\$488,569	22%	\$2,311,707	24%	\$1,823,138	373%
Wastewater Debt Service	\$164,584	50%	\$165,650	50%	\$164,629	49%	(\$1,021)	-1%
Solid Waste Operating Cash Balance	\$121,583		\$110,096		\$98,320		(\$11,775)	-11%
Solid Waste Revenues	\$740	106%	\$1,373	153%	\$1,018	68%	(\$355)	-26%
Solid Waste Expenditures	\$10,451	47%	\$9,932	42%	\$9,757	59%	(\$175)	-2%
Revenues less Expenditures	(\$9,711)		(\$8,560)		(\$8,740)		(\$180)	

(This page left blank intentionally to separate printed sections)

CITY OF WHITEFISH

FLATHEAD COUNTY, MONTANA



Photo by Parks & Recreation



FISCAL YEAR 2021

PROPOSED BUDGET

City of Whitefish

Mayor

John Muhlfeld

City Council

Andy Feury

Ryan Hennen

Frank Sweeney

Steve Qunell

Rebecca Norton

Vacant

City Manager

Dana Smith

Finance Director

Ben Dahlman

City Clerk/Administrative Services Director

Michelle Howke

Overview

City Manager Budget Transmittal Letter	1
Budget Summary.....	7
Mill Levy	8
Organizational Chart	9
Staffing	10
Debt.....	12
Revenues.....	14
Expenditures	16

General Fund

General Fund Highlights.....	18
General Fund Revenues	20
City Council.....	22
Municipal Court	23
Administrative Services.....	25
Resort Tax Administrative Services.....	29
Legal Services	29
Parking Facility Maintenance.....	31
Community Planning.....	33
Community Agencies	35
Cemetery Services.....	35
Non-Departmental.....	36

Library Fund	38
---------------------------	-----------

Law Enforcement and Justice

Law Enforcement Fund	41
Victim and Witness Assistance Program Fund	44

Fire and Rescue

Fire and Ambulance Fund	46
-------------------------------	----

Building Code and Inspection Fund	51
--	-----------

Parks and Property

Parks, Recreation and Community Services Fund	55
Parkland Acquisition and Development Fund	67
Whitefish Trail Construction Fund	69

Community Development

Resort Tax Fund	71
Tax Increment District Fund.....	76
Tax Increment Debt Service Fund.....	79
Impact Fee Fund	81
CDBG/HOME Homebuyers Assistance Fund.....	83
Housing Rehabilitation Fund.....	83
Affordable Housing (Cash-in-lieu) Fund.....	83

Public Works

Sidewalk Districts Fund	86
Subdivision Street Trees Fund	88
Residential Lighting District Fund	90
Commercial Lighting District Fund.....	90
Street Fund.....	93
Gas Tax - BaRSAA	98
Stormwater Fund	100
Water Fund	102
Wastewater Fund.....	107
Solid Waste Fund	111

S.I.D. Debt Service Funds

Revolving S.I.D. Fund.....	113
S.I.D. #166 (JP Road Project) Fund.....	113
S.I.D. #167 (Downtown Parking Facility) Fund.....	113

BUDGET TRANSMITTAL LETTER



May 18, 2020

Mayor Muhlfeld and City Council Members,

The proposed Fiscal Year 2021 (FY21) City of Whitefish Budget was developed based on the goals and priorities of the City Council and the service level expectations of our community. The proposed budget provides budget authority for the services and projects the City anticipates during the upcoming fiscal year that runs July 1, 2020 to June 30, 2021.

The City budget contains a total of 29 active, self-balancing funds. “Self-balancing” means that resources equal requirements. Each fund exists to provide segregated accounting for specific activities. More detailed information about each fund is provided within the budget document.

FY21 BUDGET MAJOR CHANGES AND ISSUES

With the economic impacts to our community from the COVID-19 pandemic, the proposed budget keeps property tax levies and assessments the same as the prior year with no budgeted increase.

Property Taxes and Assessments

This year is a non-reappraisal year, so the growth of property tax revenue is limited to half the rate of inflation and newly taxable property. Generally, our growth rate in a non-reappraisal year is about two to three percent, but with Tax Increment District expiration on July 15, 2020 we will recognize a significant increase in our newly taxable property. Our mill value will increase from \$26,877.17 to an estimated \$39,366.00 per mill. Without an increase to our taxpayers, property tax revenue in the General Fund, Library Fund, Fire Pension Fund, and Fire and Ambulance Fund will increase by 46.47% or \$1,469,125 in total. However, the offset to the property tax revenue in those funds is a decrease of about \$7.55 million in property tax revenue in our Tax Increment Fund that was restricted for certain purposes.

As noted above, while total mills levied is the same total property tax revenue will increase 46.47% over the prior year due to the higher mill value. The budget as proposed levies a total of 117.636 mills, which is the same as FY20. To keep the number of mills levied flat, the City’s general property tax mills were decreased to accommodate for the decrease in number of mills for property tax relief from Resort Tax.

In a typical year we would consider increasing assessments by CPI to account for the increased costs to provide maintenance services. However, due to the financial hardships many are facing, this budget proposes no assessment increases to the Street Maintenance Assessment, Street Lighting Districts, Parks and Greenway Assessment, and the Stormwater Assessment.

Resort Tax

Resort Tax is an area of the City's finances that has been adversely impacted by the COVID-19 pandemic and the future is still uncertain. Projections were developed with this in mind and has resulted in a significant decrease in revenue for FY21. Unfortunately, the decrease was sizeable enough for us to need to budget for the Water Fund to cover a portion of the debt service for the Haskill Basin Conservation Easement bond in FY21. Water revenue was a required secondary source for the bond. Furthermore, the property tax relief for FY21 that is transferred from the Resort Tax Fund to the General Fund decreased by \$334,767 and was absorbed with the additional property tax revenue from the increased mill value. We expect a change by the final budget adoption in August to the Resort Tax projections as we collect more data and we have a better idea about how our typically higher summer months are impacted.

Cash Reserves

During an emergency like the COVID-19 pandemic, an economic downturn, or a recession cash reserves are essential to maintaining expected levels of services for our citizens. While a possible delay in collections of property taxes and other charges for services can be expected due to uncertain economic times, cash reserves will help the City manage any cash flow issues that arise. Budgeted cash reserves at the end of FY21 have increased from \$1,553,033 to \$1,882,489 in property tax supported funds. Cash as a percentage of the budget has increased from 15.29% in FY20 to 17.13% in FY21. Reserves in the 20%-25% of annual expenditures is a typical level for municipalities to maintain and would require a year-end cash balance of about \$2,198,000 to \$2,747,000 in property tax supported funds.

Capital Improvements

A Capital Improvements Program (CIP) is vital to providing excellent services to the community and fluctuates in spending amounts due to the varied timing of infrastructure and equipment needs. The City's proposed five-year CIP has been provided with the proposed budget.

Capital spending is proposed to increase \$10.5 million compared to FY20. This significant increase is expected as construction continues on the Wastewater Treatment Plant Upgrade Project (an increase of \$5.6 million from FY20) and the City will soon begin construction on the Water Treatment Plant Expansion Project (an increase of \$8.6 million from FY20). Additionally, the Parks and Recreation Department has budgeted \$250,000 for the Armory Park Improvement Project that is expected to start in FY21 and is funded by a Land Water Conservation Fund grant with matching funds in the Resort Tax Fund, Stormwater Fund, and Impact Fee Fund. Other significant capital improvement projects are detailed within each fund within the budget and the FY21-FY25 CIP.

City Personnel

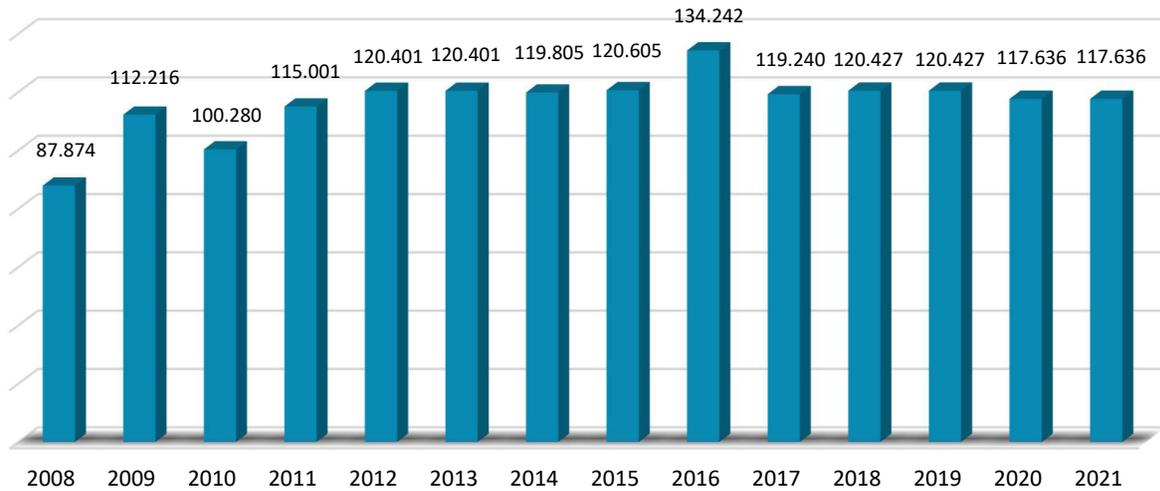
With a Consumer Price Index (CPI) increase of 2.8% and a taxable value increase equal to or greater than 2%, City employees will receive a pay increase of 2% (maximum CPI) plus a 2% STEP for a total increase of 4.0%. In addition to pay increases, medical insurance premiums increased 8.0% in FY21. This increase was higher than the preliminary estimate of 5%-7% due to COVID-19. Based on the adopted formula, the City will cover 5.4% of the 8.0% increase in premiums in FY21. This proposed budget does add or increase staffing in the following areas:

- The full-time police officer budgeted for six months last year now includes the full year of costs. This position will help increase the capabilities of the Police Department both in patrol activities and investigations. The position will cost about \$39,300 more than FY20 as it is budgeted for a full year.
- The software the City had procured in prior years to help with enforcement of short-term rentals has required more staff time than anticipated and, with a recent buy-out of the original vendor, costs were expected to increase significantly. After discussions with the Finance Department and the Planning and Building Department, and my inherent knowledge of the challenges being the previous Finance Director, the part-time Customer Service Clerk position has been increased to full-time. By going with a lower cost option software and increasing this part-time position to full-time, the City can improve the timeliness of investigations and enforcement efforts for properties operating as short-term rentals that may not be complying with our regulations. Furthermore, with the setup of City Hall having this position full-time will be more efficient for coverage of the front desk, which is a critical position at the City. With the savings from the lower software costs, the net increased cost for this position is about \$20,000.
- The Fire Department's part-time office manager has been increased to full-time. With the Assistant Fire Chief working mostly on fire inspections, this position will assist the Fire Department with ambulance billing coordination, grant writing, and a backlog of other tasks. The increased cost for this position is \$31,000.
- The Library continues to see increasing demand so we have included and additional 10 hours per week that will be allocated to the current part-time staff. The total cost is about \$9,275.

FY21 BUDGET OVERVIEW

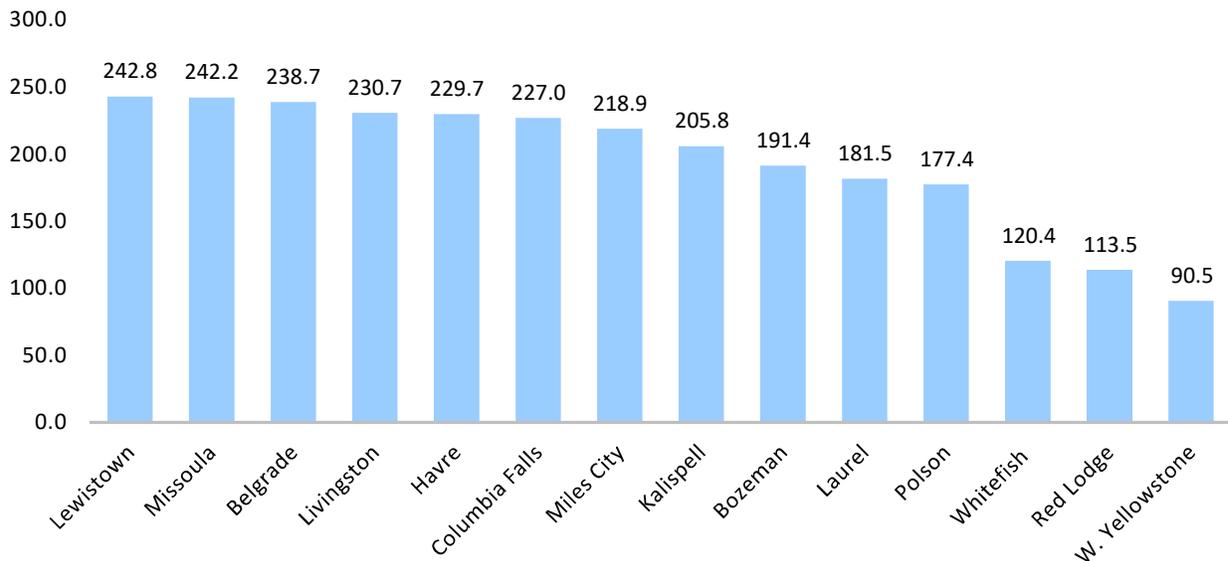
As previously described, property tax levies and assessments are not proposed to increase from FY20 rates. The chart below shows the trend of our net property tax mills levied over recent years.

Total Number of Mills Levied After Resort Tax Relief



When considering mill rates, it is common practice to compare the City of Whitefish to other Montana cities. Our budget has provided the following graphic for several years. Whitefish has historically had very low property tax mill levy rates, which are even lower due to our Resort Tax rebate for property tax reductions, high property valuations, and maintenance district assessments.

Fiscal Year 2019 Total Property Tax Mills for Cities over 4,500 Population (except W. Yellowstone and Red Lodge - both have lower population and Resort Tax)



While levy comparisons are of interest, caution should be exercised in drawing hard conclusions based on such information. Cities use property taxes to support similar, but not always the same mix of public services. For example, some cities support libraries, public transportation and other such services with property tax mill levies while others do not. Some cities have maintenance district assessments and others do not.

Total revenues and other financing sources for all funds are budgeted at \$52,008,415 which is \$10,540,068 or 25.42% higher than the FY20 budget of \$41,468,347. Most of the increase is the result of anticipated loan proceeds to finance a portion of the Wastewater Treatment Plant Upgrade and the Water Treatment Plant Expansion Projects through the State Revolving Fund Loan Program. The increase in of loan proceeds of \$17,865,351 from FY20 is offset by the reduction in property tax and other revenue in the Tax Increment Fund of about \$8,334,792.

The FY21 budget totals \$58,441,536 in expenditures and \$6,631,159 in interfund transfers for a total appropriated budget of \$65,072,695. Compared to the prior fiscal year, FY21 expenditures are increasing \$11,550,320, a 24.63% increase, and interfund transfers are decreasing \$2,212,735, a 25.02% decrease. The increase in expenditures is mostly due to an increase in capital expenditures of \$10,468,783 and the increase in personnel costs as described above. The decrease in transfers is due to the elimination of the transfer from the Tax Increment Fund to the Tax Increment Debt Service Fund. All funds needed for the final debt service payment on July 15, 2020 will be within the Debt Service Fund on July 1, 2020.

Property Tax supported funds' appropriations have increased by \$1,341,754, which is mostly due to increases in Medicare/Medicaid adjustments for ambulance services, personnel costs described above, and capital expenditures (Armory Park Improvement Project, a new ambulance, and other equipment).

There continues to be three financial areas that are important for the City to plan and consider in this budget and the future including: 1) improving cash reserves and fund balance, 2) better funding of Capital Projects (i.e., less debt), and 3) address unfunded liabilities. These are addressed to some extent within the proposed budget.

1. Cash reserves have increased from 15.29% to 17.13%, which is a continued trend over the past few years. While uncertain economic times are here, making progress now is crucial since the City could face more serious financial impacts in the coming years.
2. In FY21 more capital projects have been funded with cash in our property tax supported funds and with our CIP the City has been able to plan and efficiently use impact fees and other sources of funds to cash fund most projects.
3. We have included final checks for known retirees in FY21 and limited payouts of comp time for current employees in accordance with our collective bargaining agreements, but more needs to be done in this area. During FY21 City staff will create a more robust plan for our unfunded liabilities as we work toward improving the financial position of the City.

I would like to thank Finance Director Dahlman for his dedication, hard work, and long hours preparing this budget. With this year's budget preparation process far from normal, I would also like to thank the other Department Directors for their support and help too.

City staff looks forward to the new fiscal year and the opportunities ahead. Thank you for your review and consideration of the proposed FY21 budget.

Respectfully,

A handwritten signature in cursive script that reads "Dana Smith".

Dana Smith
City Manager

**Budget Summary by Main Revenue Source
City of Whitefish**



5/18/2020

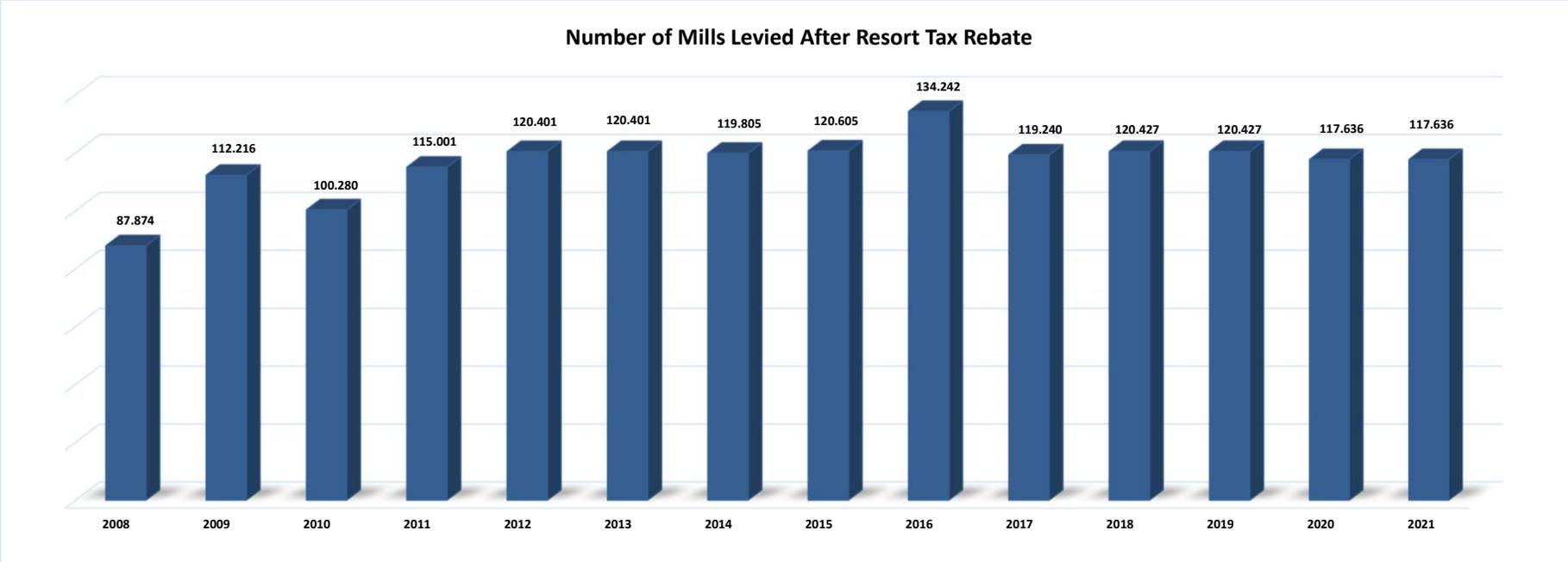
Resources

Requirements

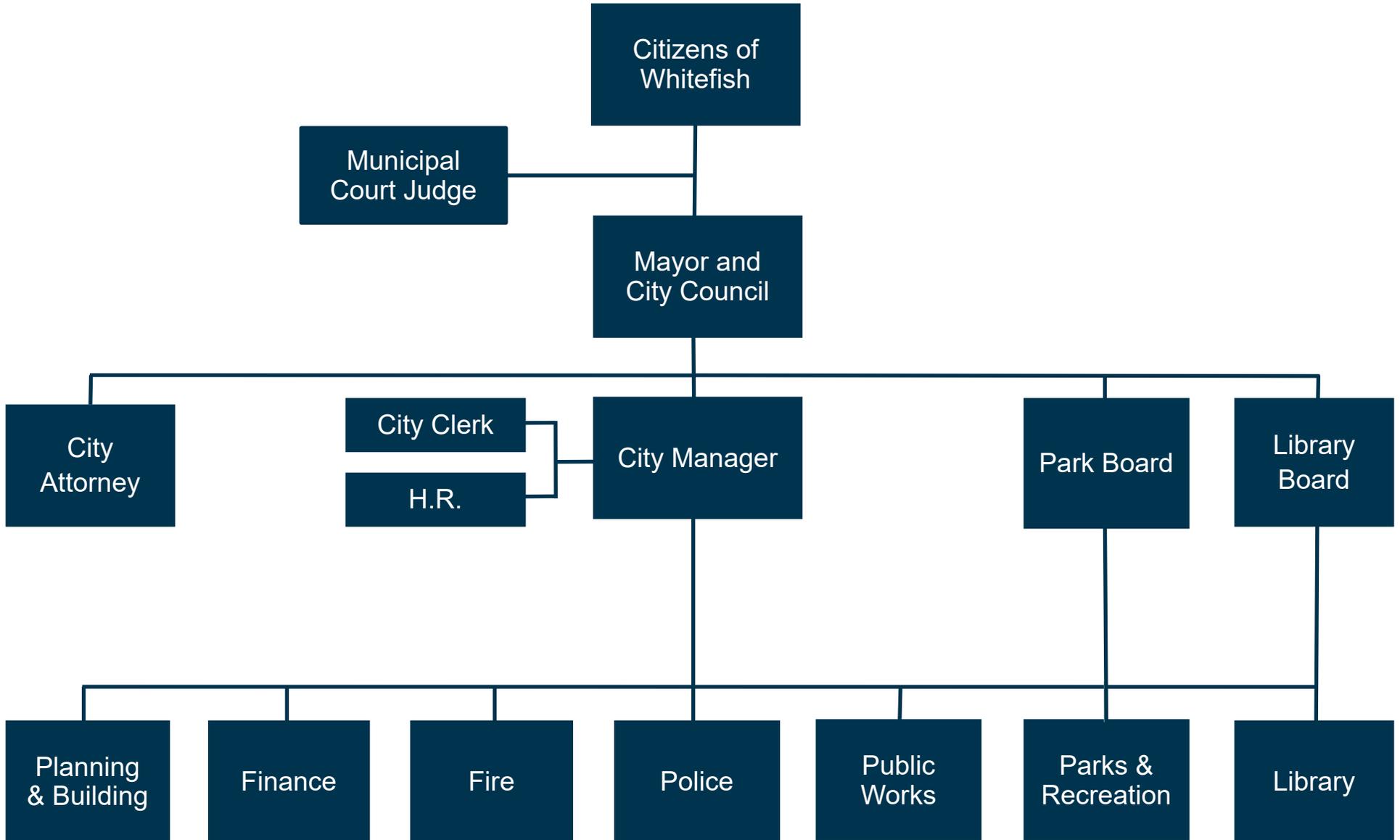
Fund	Resources			Total Budgeted Resources	Requirements										Change in Cash
	Beginning Available Cash	Revenue & Other Financing	Interfund Transfers		Personnel Services	Materials & Services	Capital Outlay	Debt Service	Conting.	Total Budgeted Expenditures	Interfund Transfers	Total Appropriated Budget	Ending Available Cash	Total Budgeted Requirements	
Property Tax Supported Funds:															
General	\$ 1,419,630	\$ 5,236,345	\$ 1,060,522	\$ 7,716,497	\$ 1,258,679	\$ 339,174	\$ 33,500	\$ -	\$ -	\$ 1,631,353	\$ 4,528,391	\$ 6,159,743	\$ 1,556,754	\$ 7,716,497	\$ 137,124
Library	10,419	311,976	34,371	356,766	215,776	126,879	-	-	8,000	350,655	-	350,655	6,111	356,766	(4,308)
Law Enforcement	24,711	239,744	2,657,502	2,921,957	2,242,778	567,838	41,000	-	-	2,851,616	-	2,851,616	70,341	2,921,957	45,630
Fire & Ambulance	2,598	3,266,814	953,092	4,222,504	2,206,638	1,415,524	270,000	171,942	-	4,064,104	-	4,064,104	158,401	4,222,504	155,803
Parks/Rec	95,675	1,154,384	932,727	2,182,786	1,177,421	584,483	330,000	-	-	2,091,904	-	2,091,904	90,882	2,182,786	(4,793)
Total	\$ 1,553,033	\$ 10,209,263	\$ 5,638,214	\$ 17,400,511	\$ 7,101,292	\$ 3,033,897	\$ 674,500	\$ 171,942	\$ 8,000	\$ 10,989,631	\$ 4,528,391	\$ 15,518,022	\$ 1,882,489	\$ 17,400,511	\$ 329,456
										Change in Cash		\$ 329,456			
										Cash as a % of Budget		17.13%			
Other Tax, Fee & Assessment Supported Funds:															
Resort Tax	\$ 1,853,003	\$ 4,040,550	\$ -	\$ 5,893,554	\$ -	\$ 459,500	\$ 2,370,000	\$ -	\$ -	\$ 2,829,500	\$ 2,049,792	\$ 4,879,292	\$ 1,014,262	\$ 5,893,554	\$ (838,741)
Tax Inc Dist	2,089,500	-	-	2,089,500	-	459,500	1,630,000	-	-	2,089,500	-	2,089,500	-	2,089,500	(2,089,500)
Bldg Codes	565,022	660,500	-	1,225,522	479,469	99,886	70,000	-	-	649,355	-	649,355	576,167	1,225,522	11,145
Street Fund	1,807,350	1,729,142	-	3,536,492	744,426	740,037	212,130	-	-	1,696,593	3,675	1,700,268	1,836,225	3,536,492	28,874
Gas Tax - BaRSAA	92,659	73,500	3,675	169,834	-	-	-	-	-	-	-	-	169,834	169,834	77,175
Street Lighting #1	74,516	103,597	-	178,113	25,551	46,777	-	-	-	72,328	-	72,328	105,785	178,113	31,269
Street Lighting #4	89,272	100,996	-	190,268	25,551	30,177	-	-	-	55,728	-	55,728	134,540	190,268	45,268
Impact Fees	483,020	141,900	-	624,920	-	-	187,500	-	-	187,500	-	187,500	437,420	624,920	(45,600)
Subdivision Blvd Trees	41,160	90	-	41,250	-	41,250	-	-	-	41,250	-	41,250	-	41,250	(41,160)
Sidewalk	263,187	990	-	264,177	-	-	264,177	-	-	264,177	-	264,177	-	264,177	(263,187)
Stormwater	521,313	454,303	-	975,615	151,499	31,106	430,000	-	-	612,605	-	612,605	363,011	975,615	(158,302)
Total	\$ 7,880,002	\$ 7,305,569	\$ 3,675	\$ 15,189,245	\$ 1,426,496	\$ 1,908,232	\$ 5,163,807	\$ -	\$ -	\$ 8,498,535	\$ 2,053,467	\$ 10,552,002	\$ 4,637,243	\$ 15,189,245	\$ (3,242,758)
										Total Operating Budget =		3,334,728			
Enterprise Funds:															
Water	\$ 5,330,177	\$ 14,306,304	\$ 989,270	\$ 20,625,751	\$ 1,226,190	\$ 837,045	\$ 11,554,897	\$ 1,451,532	\$ -	\$ 15,069,664	\$ 49,302	\$ 15,118,966	\$ 5,506,786	\$ 20,625,751	\$ 176,608
Wastewater	4,504,075	19,381,031	-	23,885,106	1,150,821	990,577	15,458,230	1,069,188	-	18,668,816	-	18,668,816	5,216,290	23,885,106	712,215
Solid Waste	92,084	450	-	92,534	43,726	4,262	-	-	-	47,988	-	47,988	44,546	92,534	(47,538)
Total	\$ 9,926,336	\$ 33,687,785	\$ 989,270	\$ 44,603,391	\$ 2,420,737	\$ 1,831,884	\$ 27,013,127	\$ 2,520,720	\$ -	\$ 33,786,469	\$ 49,302	\$ 33,835,770	\$ 10,767,621	\$ 44,603,391	\$ 841,285
										Total Operating Budget =		4,252,621			
Other Special Revenue and Debt Funds:															
Housing Authority	599,979	427,500	-	1,027,479	-	1,027,479	-	-	-	1,027,479	-	1,027,479	\$ -	1,027,479	(599,979)
WF Trail Construct	-	190,664	-	190,664	-	-	190,246	-	-	190,246	-	190,246	418	190,664	418
Park Acq & Dev	59,163	210	-	59,373	-	-	10,000	-	-	10,000	-	10,000	49,373	59,373	(9,790)
TIF Debt Svc	3,775,814	-	-	3,775,814	-	-	-	3,775,814	-	3,775,814	-	3,775,814	-	3,775,814	(3,775,814)
Victim/Wit	1,473	15,000	-	16,473	-	15,000	-	-	-	15,000	-	15,000	1,473	16,473	-
Misc. S.I.D.	254,903	172,424	-	427,327	-	-	-	148,362	-	148,362	-	148,362	278,965	427,327	24,062
Total	\$ 4,691,332	\$ 805,798	\$ -	\$ 5,497,130	\$ -	\$ 1,042,479	\$ 200,246	\$ 3,924,176	\$ -	\$ 5,166,901	\$ -	\$ 5,166,901	\$ 330,229	\$ 5,497,130	\$ (4,361,103)
Total	\$ 24,050,703	\$ 52,008,415	\$ 6,631,159	\$ 82,690,277	\$ 10,948,525	\$ 7,816,492	\$ 33,051,680	\$ 6,616,839	\$ 8,000	\$ 58,441,536	\$ 6,631,159	\$ 65,072,695	\$ 17,617,582	\$ 82,690,277	\$ (6,433,121)

Mill Value and Tax Levy History

Fiscal Year	Total Market Value <i>a</i>	Total Taxable Value <i>b</i>	Newly Taxable Value <i>c</i>	Mill Value Less TIF <i>d</i>	% Change <i>e</i>	HB 124 Mills Levied <i>f</i>	Health Insur Mills <i>g</i>	Gross Mills Levied <i>h</i>	Resort Tax Relief <i>i</i>	Net Mills Levied <i>j</i>	Voted Fire/Amb Mills <i>k</i>	Total Mills Levied <i>l</i>	Distribution of Property Tax Levy				Total Property Tax Revenue <i>q</i>	
													General <i>m</i>	Library <i>n</i>	Fire Pension <i>o</i>	Fire/Amb <i>p</i>		
								<i>(f+g)</i>		<i>(h+i)</i>		<i>(j+k)</i>						<i>(d x l)</i>
2008	\$ 755,263,708	\$ 23,026,914	\$ 1,812,408	\$ 18,512.556	11.47%	105.680	5.53	111.210	-23.336	87.874		87.874	\$ 1,552,722		\$ 74,050			\$ 1,626,772
2009	\$ 789,392,160	\$ 24,221,062	\$ 1,029,224	\$ 19,499.520	5.33%	108.750	2.46	111.210	-22.994	88.216	24	112.216	\$ 1,642,172		\$ 77,998	\$ 467,988		\$ 2,188,158
2010	\$ 888,143,474	\$ 26,541,317	\$ 1,238,391	\$ 20,103.083	3.10%	108.750	2.46	111.210	-23.290	87.920	12.36	100.280	\$ 1,687,048		\$ 80,412	\$ 248,474		\$ 2,015,935
2011	\$ 952,357,384	\$ 27,411,173	\$ 563,091	\$ 20,434.118	1.65%	115.400	2.46	117.860	-22.539	95.321	19.68	115.001	\$ 1,866,064		\$ 81,736	\$ 402,143		\$ 2,349,944
2012	\$ 1,022,102,349	\$ 28,621,645	\$ 710,377	\$ 21,287.796	4.18%	116.332	6.08	122.412	-26.011	96.401	24	120.401	\$ 1,852,060	\$ 114,954	\$ 85,151	\$ 510,907		\$ 2,563,072
2013	\$ 1,090,881,100	\$ 29,207,259	\$ 522,087	\$ 21,631.411	1.61%	117.966	6.08	124.046	-27.645	96.401	24	120.401	\$ 1,881,954	\$ 116,810	\$ 86,526	\$ 519,154		\$ 2,604,444
2014	\$ 1,164,900,282	\$ 30,147,558	\$ 307,117	\$ 22,105.761	2.19%	117.174	10.00	127.174	-31.369	95.805	24	119.805	\$ 1,910,048	\$ 119,371	\$ 88,423	\$ 530,538		\$ 2,648,381
2015	\$ 1,241,653,567	\$ 31,273,240	\$ 540,964	\$ 22,873.171	3.47%	116.000	9.85	125.846	-29.241	96.605	24	120.605	\$ 1,994,655	\$ 141,814	\$ 91,493	\$ 548,956		\$ 2,758,619
2016	\$ 1,988,271,955	\$ 29,841,941	\$ 447,138	\$ 21,340.576	-6.70%	127.600	14.46	142.061	-31.818	110.242	24	134.242	\$ 2,164,408	\$ 145,543	\$ 42,681	\$ 512,174		\$ 2,864,805
2017	\$ 2,031,231,684	\$ 30,471,121	\$ 764,540	\$ 21,984.576	3.02%	129.600	19.42	149.021	-53.781	95.240	24	119.240	\$ 1,899,897	\$ 149,935	\$ 43,969	\$ 527,630		\$ 2,621,431
2018	\$ 2,334,342,317	\$ 34,977,717	\$ 796,213	\$ 24,804.780	12.83%	117.370	26.50	143.870	-47.443	96.427	24	120.427	\$ 2,173,068	\$ 169,169	\$ 49,610	\$ 595,315		\$ 2,987,161
2019	\$ 2,421,042,328	\$ 36,280,066	\$ 933,156	\$ 25,346.369	2.18%	120.983	29.50	150.483	-54.056	96.427	24	120.427	\$ 2,220,519	\$ 172,862	\$ 50,693	\$ 608,313		\$ 3,052,387
2020	\$ 2,608,870,041	\$ 39,066,006	\$ 375,584	\$ 26,877.172	6.04%	121.510	24.04	145.550	-51.914	93.636	24	117.636	\$ 2,279,627	\$ 183,302	\$ 53,754	\$ 645,052		\$ 3,161,735
2021		\$ 39,366,006	\$ 12,488,834	\$ 39,366.006	46.47%	96.536	24.04	120.576	-26.940	93.636	24	117.636	\$ 3,338,868	\$ 268,476	\$ 78,732	\$ 944,784		\$ 4,630,860
			change from last year			-24.974	0.000	-24.974	24.973	0.000	0.000	0.000	\$ 1,059,242	\$ 85,174	\$ 24,978	\$ 299,732		\$ 1,469,125
													46.47%	46.47%	46.47%	46.47%		46.47%

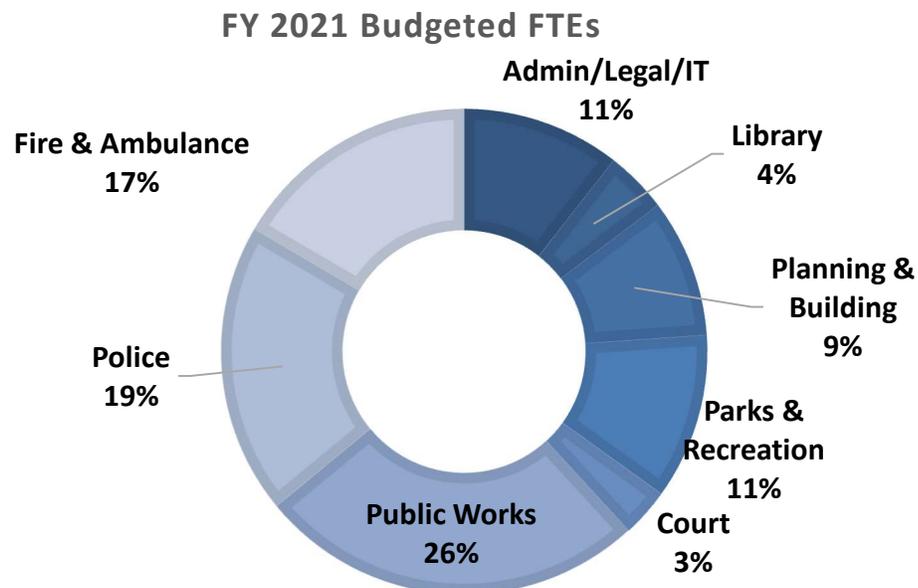


Organizational Chart



The FY 2021 budget funds 108.75 full time equivalent employees (FTEs); not including employees Parks and Recreation hires seasonally during the winter and summer months. The FTE count also does not include a summer internship for Public Works. The total budgeted payroll and employer contributions (personnel services) which includes seasonal and intern wages and employer contributions for FY 2021 are proposed to increase \$421.5 thousand or just over 4% from FY 2020, to \$10.95 million. Changes in payroll include the following:

- A 4.0% wage increase is included for FY 2021. Wage increases include a cost of living adjustment (COLA) of 2% plus a 2% pay matrix STEP with a ceiling of 4.0% for all union and non-union employees. With a ceiling of 4%, COLAs are capped at 2%.
- Health insurance costs are increasing for FY 2021 by approximately 8.0% with the City paying an average of 5.43% of the increase based on the City's established formula.
- New or significant changes in current positions proposed in FY 2021:
 - An increase from part-time to full-time for the administrative assistant position in the Fire Department. This position will cost about \$31 thousand more in FY 2021 if approved.
 - The FY 2021 budget proposal also includes increasing a part-time position for Customer Service which would be approximately \$30 thousand over the FY 2020 budget.

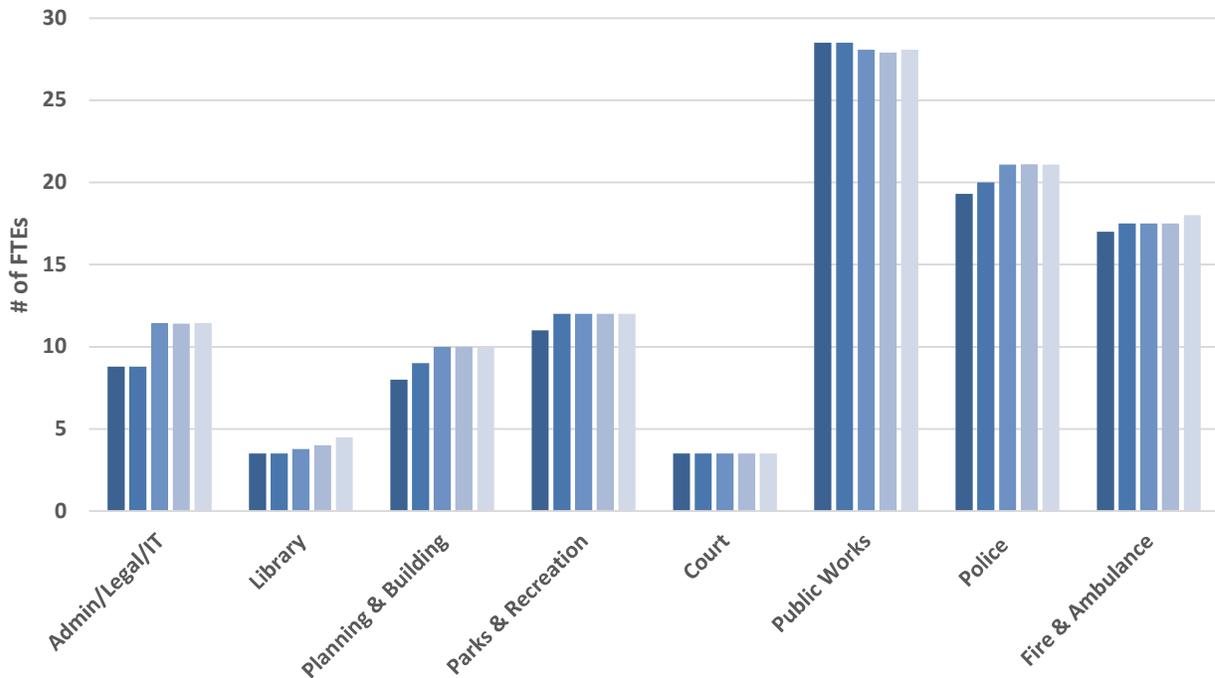


The following is a summary of the FTE analysis including budgeted full time and part-time employees for FY 2017-2021:

City of Whitefish FTE Staffing History															
Department	FY2017			FY2018			FY2019			FY2020			FY2021		
	Full Time	Part Time	Total FTEs	Full Time	Part Time	Total FTEs	Full Time	Part Time	Total FTEs	Full Time	Part Time	Total FTEs	Full Time	Part Time	Total FTEs
Admin/Legal/IT	8	0.8	8.8	8	0.8	8.8	10	1.44	11.44	10	1.4	11.4	11	0.8	11.8
Library	1	2.5	3.5	1	2.5	3.5	1	2.78	3.78	1	3	4	1	3.25	4.25
Planning & Building	8	0	8	9	0	9	10	0	10	10	0	10	10	0	10
Parks & Recreation	11	0	11	12	0	12	12	0	12	12	0	12	12	0	12
Court	3	0.5	3.5	3	0.5	3.5	3	0.5	3.5	3	0.5	3.5	3	0.5	3.5
Public Works	28	0.5	28.5	28	0.5	28.5	27	1.1	28.1	27	0.9	27.9	27	1.1	28.1
Police	18	1.3	19.3	19	1	20	20	1.1	21.1	20	1.1	21.1	20	1.1	21.1
Fire & Ambulance	17	0	17	17	0.5	17.5	17	0.5	17.5	17	0.5	17.5	18	0	18
Total	94	5.6	99.6	97	5.8	102.8	100	7.42	107.42	100	7.4	107.4	102	6.75	108.75

**Parks also has seasonal employees budgeted for summer and winter that are not shown above. In addition, there is one internship position budgeted for Public Works.*

Budgeted FTEs by Department FY 2017-2021



The City has debt outstanding from revenue bonds, loans from the State of Montana's Revolving Fund (SRF), and loans from the State of Montana INTERCAP Program. Revenue bonds are backed by the underlying revenue applicable to the financing. The City has no general obligation debt outstanding.

On March 1, 2016, the City closed on the TIF 2016 Series Bonds to provide financing for a portion of the new City Hall and parking facility. In addition to a tax increment revenue bond, the City created and approved Special Improvement District (SID) 167 to help fund a portion of the construction costs of the downtown parking facility. The SID 167 Bond was issued on January 5, 2017, in the amount of \$779,000. Properties within the SID boundaries were assessed for the first time in FY 2018.

The SID 166 Bond that was issued for the JP Road construction project continues to be assessed on properties within that District.

The water and wastewater loans currently outstanding were provided by SRF for construction and upgrades to the water and wastewater systems. These loans are backed by and paid for through the user fees generated from the water and wastewater systems.

In FY 2016, the City closed on a loan through the SRF program to fund the purchase of the Haskill Basin Conservation Easement. This loan is first backed by Resort Tax revenues resulting from 70% of the additional 1% that went into effect on July 1, 2015. In addition to the Resort Tax revenues, the loan is further backed up by water user fees if Resort Tax revenues are not adequate in any given year while the loan is outstanding.

In 2020, the City entered into a loan agreement with the State of Montana's SRF loan program for the Wastewater Treatment Plant that included two series of loans; one for \$10,000,000 and a \$350,000 forgivable loan which were finalized on May 6th, 2020. The City anticipates an additional third loan for the project in the amount of \$9,575,000 to occur in 2021.

The FY 2021 proposed budget includes a \$11,000,000 SRF Water Revenue Bond to finance the expansion and construction of the Water Treatment Plant required by the State Department of Environmental Quality. The project will have an estimated 42-week construction timeline with a completion date in FY21.

The following is a summary of the outstanding debt obligations for the City as of June 30, 2020:

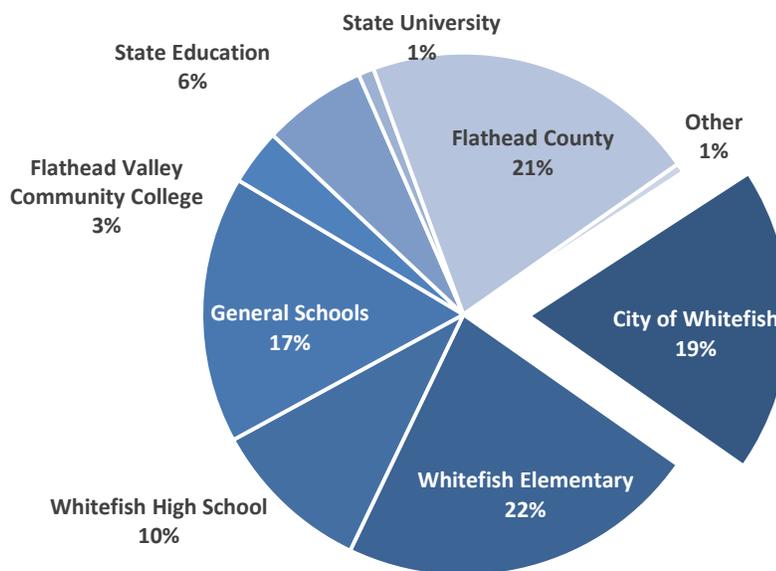
<u>Description</u>	<u>Balance as of June 30, 2020 ^</u>
TIF 2015 Refunding (ESC)*	\$ 763,000
TIF 2016 (City Hall/Parking Facility) *	\$ 2,970,000
Water Revenue Bonds*	\$ 805,000
Water Revenue Bond – Haskill Basin C.E.*	\$ 4,867,000
SID 166 Bond*	\$ 385,000
SID 167 Bond*	\$ 742,086
Wastewater Revenue Bonds*^	\$ 2,957,563
2018 Ambulance Loan	\$ 107,581
Fire Engine Loan	\$ 223,588
Fire Tender Loan	\$ 61,781
Fire SCBA Loan	\$ 47,242
TOTAL	<u>\$ 13,929,841</u>

**Bonds backed by specific revenue sources other than property tax.*

^ Does not include 2020 Wastewater Treatment Plant draws

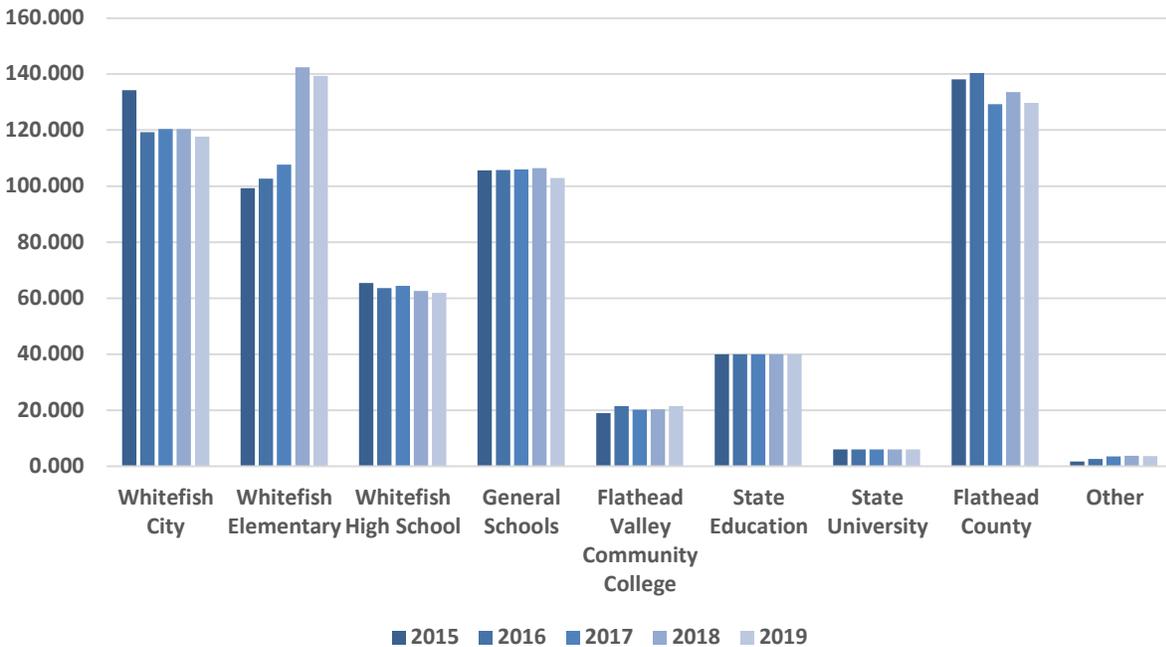
The City of Whitefish has various types of revenue streams during any given year. Revenues include, but are not limited to, charges for services, grants, resort tax, maintenance assessments, and property tax revenue. Other than charges for water and sewer services, the revenue of most interest is property taxes and maintenance assessments that are included on property owners tax bills. Of the total property tax bill (including taxes and assessments), the City of Whitefish accounts for 19%. Approximately 59% of a city resident’s property tax bill goes to education. The most recent tax bills available represent property taxes levied in 2019 for collection in FY 2020.

2019 Property Tax Breakdown



While levy comparisons of local taxing jurisdictions are of interest, caution should be exercised in not drawing hard conclusions based on such information. The value of a mill varies by jurisdiction and the type of activities provided by each jurisdiction varies. However, it is helpful in reviewing where property tax revenue is allocated and the trends over the past five years by jurisdiction.

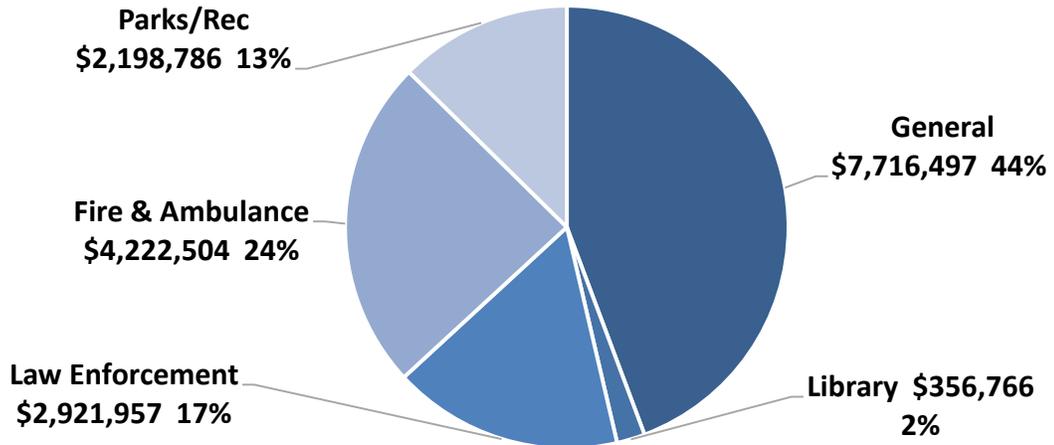
**Mills Levied by Jurisdiction
Tax Years 2015-2019**



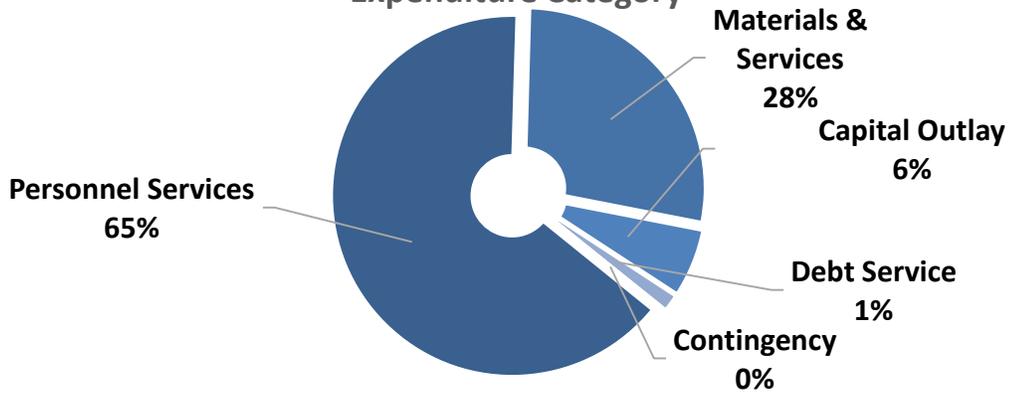
Property Tax Data Flathead County for the City of Whitefish Area					
	2015	2016	2017	2018	2019
Whitefish City	134.242	119.239	120.427	120.427	117.636
Whitefish Elementary	99.250	102.700	107.690	142.470	139.310
Whitefish High School	65.390	63.630	64.370	62.530	61.930
General Schools	105.630	105.770	105.930	106.400	102.910
Flathead Valley Community College	18.990	21.450	20.160	20.330	21.460
State Education	40.000	40.000	40.000	40.000	40.000
State University	6.000	6.000	6.000	6.000	6.000
Flathead County	138.150	140.350	129.260	133.570	129.730
Other	1.730	2.630	3.570	3.760	3.610
Total	609.382	601.769	597.407	635.487	622.586

For FY 2021 (2020 Tax Levies for collection in FY 2021) the proposed budget includes an overall flat mill levy for the City. This includes an anticipated change as the City’s Tax Increment Financing District will expire and revenue will no longer be segregated into base and incremental amounts. The FY 2021 proposed budget includes \$4,630,860 in property taxes.

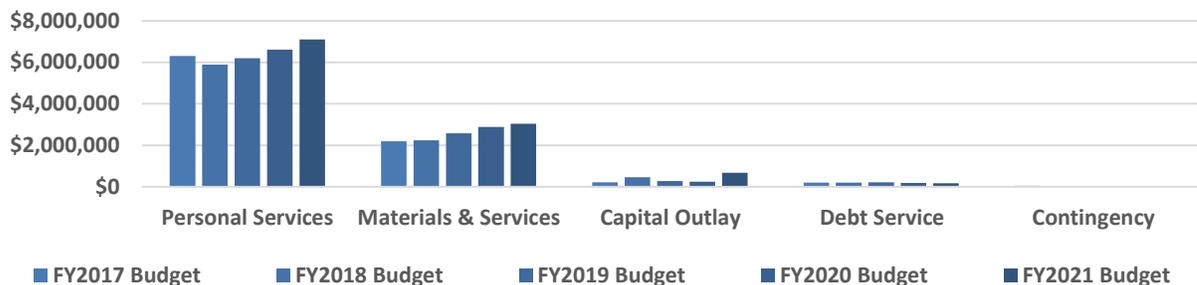
Total FY 2021 Property Tax Supported Budget Requirements by Fund

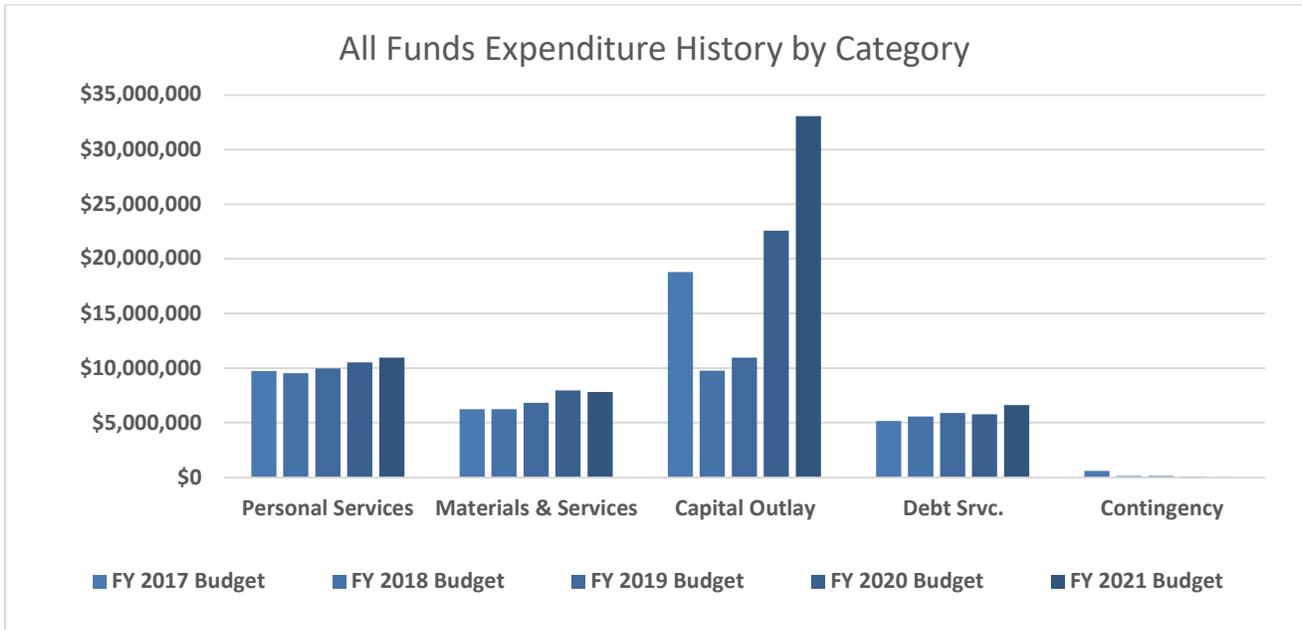


Total FY 2021 Property Tax Supported Budget Requirements by Expenditure Category



Property Tax Funds Expenditure History by Category





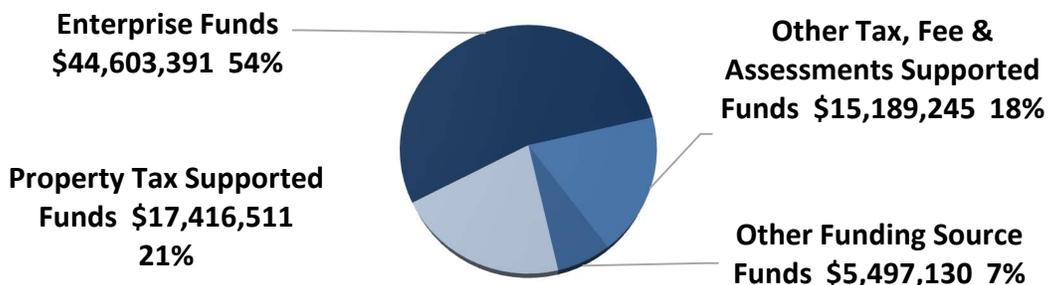
FY 2021 Budgeted Expenditures

Personnel costs continue to trend higher due to salary and benefit increases and to a lesser extent the increase in full time equivalent (FTE) positions serving the community. Overall, personnel costs represent 19% of budgeted expenditures for all funds (not including transfers between funds). Materials & Services expenditures are 13% of the 2021 proposed budget for all funds. Capital is the single largest component. For FY 2021 there is over \$33 million budgeted for continued investment all capital but primarily for large projects in the Wastewater and Water funds.

Expenditures for debt service and contingency are minor categories of allocated resources.

Note: FY 2017’s budgeted Capital Outlay included the City Hall Parking Structure project. The FY 2020’s Budget included Capital Outlay for the Wastewater Treatment Plan Project.

Total Budgeted Requirements by Budget Fund Categories



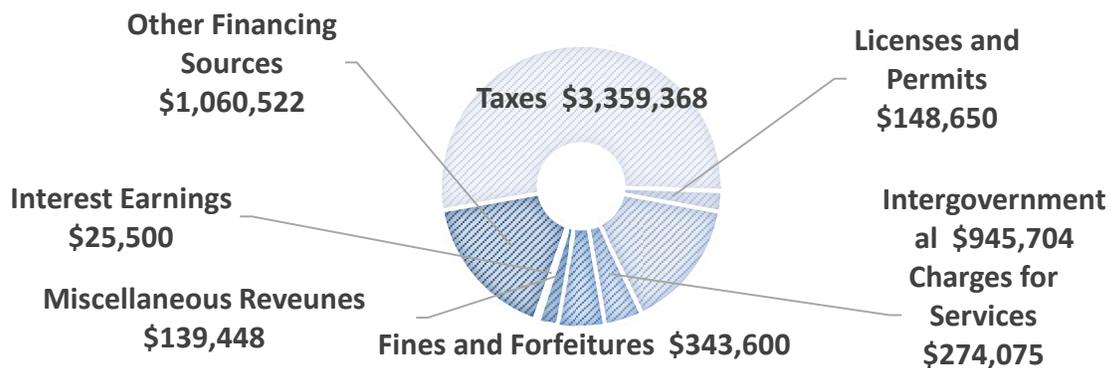
Purpose

The General Fund provides services and projects that are typically not self-supporting. Services provided by the General Fund include Municipal Court, Administrative Services, Resort Tax Administrative Services, Legal Services, Parking Facility Maintenance, Community Planning, Community Agencies, Cemetery Services, and other Non-Departmental functions. Significant transfers of property taxes are also made from the General Fund to support the Law Enforcement Fund, Fire and Ambulance Fund, Library Fund and the Parks and Recreation Fund. General Fund services generate relatively little or no revenue to offset their costs. As such, property tax revenue and other “general” income sources pay for General Fund expenses.

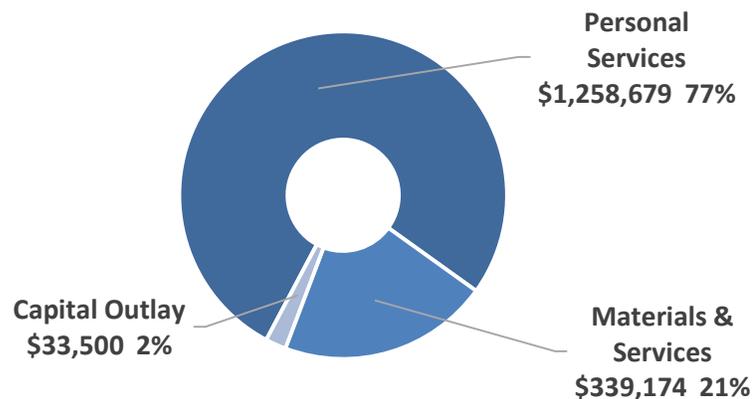
FY 2021 Objectives

The objective of the General Fund for FY 2021 is to provide budget authority to provide the above listed services within the City.

FY 2021 General Fund Revenues



FY 2021 General Fund Expenditures



Significant or Changed Appropriations during FY 2021 are:

Item/Project	Amount
Revenue Changes	
• Increase in property tax revenue (related to the Tax Increment Financing (TIF) District expiring and taxes being allocated to property tax funds instead of TIF fund)	\$1,059,242
• Increase in general business license revenue due to year-to-date actuals and trends	\$3,000
• Increase in State Entitlement Distribution	\$33,423
• Decrease in fines & forfeitures including parking fines based on year-to-date figures	\$16,000
• Increase in Planning & Zoning fee estimates	\$21,500
• Decrease in investment earnings based on lower rates	\$59,500
• Decrease in Haskill Basin Excess Tax Relief based on recent market conditions	\$107,692
• Decrease in Resort Tax Property Tax Relief based on recent market conditions	\$227,075
Expenditure Changes	
• Increases in Personnel due to higher wages, benefits and FTEs	\$285,794
• New cemetery development (roll-over from FY 2020)	\$20,000
• Additional consulting services in Community Planning formerly paid with TIF funds	\$25,000
• Increase in cost for property insurance for the WAVE	\$15,170
• Increase in transfers to Fire & Ambulance Fund due to former TIF allocation	\$100,000
• Increase in transfers to the Law Enforcement Fund due to former TIF allocation	\$112,267
• Increase in transfer to the Parks & Recreation Fund due to former TIF allocation	\$64,823
• Partial funding for a new Plotter to be shared between Public Works and Planning	\$5,000
• Decrease in capital in administrative services for servers purchased in FY 2020	\$21,500
• Copier purchase for the Municipal Court	\$8,500

Information Technology Projects for FY 2021:

The FY 2021 budget also includes three Information Technology (IT) related projects. An Office 365 upgrade to migrate to the government tenant plan is proposed. The costs include one-time cost of approximately \$15,000 for consulting for the migration and an additional \$5,000 per year for maintenance. \$38,100 has been proposed for upgrading the City's network equipment which needs replacing. The City's IT projects also include upgrades to backup and recovery systems and software. While these projects are managed by staff in the General Fund, a large proportion of the costs are allocated to other funds.

General Fund Revenue - 1000

5/18/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Taxes						
311010	Real Property Taxes	2,158,706	2,191,802	2,261,627	1,496,605	3,320,868
311020	Personal Property Taxes	12,349	11,969	18,000	12,420	18,000
312000	Penalty and Interest	6,581	7,962	7,000	7,325	7,000
314125	In Lieu of Taxes - Housing Auth.	-	-	13,500	12,000	13,500
		\$ 2,177,637	\$ 2,211,733	\$ 2,300,127	\$ 1,528,350	\$ 3,359,368
Licenses and Permits						
321070	Fees in Lieu of Taxes	-	-	1,000	-	100
322010	Alcohol Bvrg Licenses/Permits	16,488	11,710	16,500	4,415	16,500
322014	Catering License Fees	420	350	300	105	300
322020	General Business License	58,435	128,682	125,000	120,027	128,000
322022	Security Alarm Fees	125	50	125	250	250
323021	Special Events Permit Fees	2,940	4,480	3,500	2,840	3,500
323030	Animal Licenses	705	25	-	-	-
		\$ 79,113	\$ 145,297	\$ 146,425	\$ 127,637	\$ 148,650
Intergovernmental						
334140	Cultural Arts Grant - Pass Through	-	-	10,000	-	-
335110	Live Card Game Table Permit	1,250	700	1,000	700	700
335120	Gambling Machine Permits	18,450	16,825	18,500	20,125	20,000
335230	State Entitlement Distribution	842,081	858,361	891,581	668,686	925,004
		\$ 861,781	\$ 875,886	\$ 921,081	\$ 689,511	\$ 945,704
Charges for Services						
341010	Copies, Maps & Misc.	188	614	1,000	1,509	1,000
341012	Newsletter Advertising	-	3,300	5,000	1,150	-
341015	Bad Check Service Charges	50	-	100	25	100
341020	Attorney Fees					
341061	Temporary Use/Vendor Fees	1,363	525	1,000	563	1,000
341062	Variance Fee	11,410	7,446	5,000	5,580	6,000
341063	Conditional Use Permit Fees	29,781	31,530	20,000	32,560	30,000
341064	Sign Fee	11,817	9,852	15,000	5,961	8,000
341065	Architectural Review Fee	20,600	41,434	20,000	29,990	20,000
341066	Lakeshore Fee	9,160	6,035	9,000	4,700	7,000
341067	Floodplain	275	275	500	550	500
341068	Critical Area Fee - Inside City	400	-	1,000	-	500
341070	Planning Fees	127,165	92,461	65,000	27,501	65,000
341071	Zoning Fees	93,567	164,293	100,000	159,189	120,000
341077	5% Admin Fee for Impact Fees	14,219	23,715	8,325	8,693	6,975
343321	Sale of Cemetery Cremains Niches	-	6,375	3,000	3,725	3,000
343340	Cemetery Burial Fees	3,400	950	2,000	800	2,000
343360	Weed Control Charges	2,668	2,767	3,000	2,661	3,000
		\$ 326,063	\$ 391,572	\$ 258,925	\$ 285,157	\$ 274,075
Fines and Forfeitures						
351030	Municipal Court Fines	308,301	332,145	316,000	235,579	300,000
351031	Parking Fines	41,020	39,473	42,500	35,545	42,500
351040	Dog Fines	1,985	1,365	1,100	1,600	1,100
351045	Defense Attorney Fee	40	-	-	-	-
		\$ 351,346	\$ 372,983	\$ 359,600	\$ 272,724	\$ 343,600

General Fund Revenue - 1000

5/18/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Miscellaneous Revenue						
361000	Parking Lease Fee	38,477	44,223	51,084	20,894	51,084
361010	Golf Course Lease Fee	27,312	25,526	28,000	24,089	28,000
361011	Parking Structure Retail Lease	-	-	-	-	50,364
362000	Miscellaneous Revenue	58,562	19,813	10,000	8,930	10,000
362001	Over / Short	-	13	-	7	-
363040	Penalty & Interest Special Assessmen	-	27	-	18	-
		\$ 124,350	\$ 89,602	\$ 89,084	\$ 53,937	\$ 139,448
Investment Earnings						
371010	Investment Earnings	43,540	118,168	85,000	78,567	25,500
		\$ 43,540	\$ 118,168	\$ 85,000	\$ 78,567	\$ 25,500
Other Financing Sources						
381030	SID Bond Proceeds	-	-	-	-	-
383002	Resort Tax - Tax Relief Transfer	1,123,847	1,277,625	1,287,597	1,287,597	1,060,522
383000	Haskill Basin Excess Tax Relief	52,972	92,496	107,692	107,692	-
		\$ 1,176,819	\$ 1,370,121	\$ 1,395,289	\$ 1,395,289	\$ 1,060,522
	Total Fund Revenue	\$ 5,140,649	\$ 5,575,361	\$ 5,555,531	\$ 4,431,173	\$ 6,296,867
101000	Beginning Available Cash			\$ 1,449,008		\$ 1,419,630
	Total Resources			\$ 7,004,539		\$ 7,716,497

General Fund Expenditures - 1000

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
410100 Legislative Services					
220 Operating Supplies/Material	5,266	4,977	7,200	3,962	5,500
340 Utility Services	1,097	1,352	1,450	774	1,450
370 Council Travel & Training	359	1,564	7,500	-	7,500
390 Other Purchased Services	1,650	1,500	13,460	1,500	6,960
510 Insurance	53	53	53	53	53
Total Legislative Services	\$ 8,425	\$ 9,446	\$ 29,663	\$ 6,288	\$ 21,463

Purpose

The Municipal Court budget in the General Fund provides for the administration of the Whitefish Municipal Court.

FY 2021 Objectives

The objective of the Municipal Court Division for FY 2021 is to provide budget authority to operate the Whitefish Municipal Court. Two full-time and one part-time clerk assist the Municipal Judge in operating the Municipal Court. The FY 2021 budget provides \$8,500 to replace the copier that is at the end of its useful life.

General Fund Expenditures - 1000

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
410360 Municipal Court					
Personnel Services					
110 Salaries	165,504	161,729	180,637	125,271	184,425
111 Temporary/Seasonal Salaries			-	640	-
112 Part Time Salaries	28,971	21,947	17,389	15,408	22,270
120 Overtime	1,294	2,172	1,332	200	1,466
140 Employer Contributions	61,159	61,006	64,069	44,888	68,232
	\$ 256,927	\$ 246,854	\$ 263,427	\$ 186,406	\$ 276,393
Materials and Services					
210 Office Supplies/Materials	5,751	3,562	2,700	1,550	2,700
220 Operating Supplies/Material	1,356	1,230	1,000	903	1,200
230 Repair/Maintenance Supplies	559	1,205	1,100	414	1,100
310 Communication & Transportation	1,513	1,073	1,700	2,238	2,500
320 Printing	-	-	200		200
330 Publicity/Subscriptions/Dues	300	2,339	1,800	452	1,800
340 Utility Services	4,023	5,183	5,500	3,040	5,500
350 Professional Services	-	6,121	-	1,155	-
360 Repair & Maintenance	5,173	4,934	4,400	3,145	4,400
370 Travel & Training	2,967	3,295	4,000	1,092	4,000
390 Other Purchased Services	4,903	7,239	6,330	1,750	5,000
397 Contracted Workers	-	7,379	-	-	-
510 Insurance	4,320	6,459	5,743	5,742	6,111
530 Rent / Lease	780	1,100	1,000	610	105
540 Special Assessments	101	101	105	101	8,500
	\$ 31,746	\$ 51,220	\$ 35,578	\$ 22,192	\$ 43,116
Capital Outlay					
920 Building	-	-	21,000	11,456	8,500
	\$ -	\$ -	\$ 21,000	\$ 11,456	\$ 8,500
Total Municipal Court	288,673	298,073	320,005	220,054	328,009

Purpose

The Administrative Services Division provides for the general administration of the City including the offices of the City Manager, Finance Director, City Clerk/Administrative Services Director, and Human Resources Director. Insurance, benefits, payroll, accounting, financial reporting and information technology administration are areas covered by this division. There are nine full time employees in Administrative Services, but most of their personnel costs are spread throughout the City's budget in a cost allocation formula.

FY 2021 Objectives

The objective of the Administrative Services Division in the General Fund for FY 2021 is to provide budget authority to provide the above listed services within the City. City Council establishes short-term and long-term goals for the City, which guide the operations and objectives during FY 2021.

The FY 2021 Budget provides for cost related to the implementation of the City's new website, audit costs, crisis communication and additional resources for repairs and maintenance. These increased costs are partially offset by a reduction in City newsletter costs which will only be published bi-annually instead of quarterly.

Admin & Legal Cost Allocation

FY 2021

The Administrative Services Division expenditures of the General Fund are allocated to any fund that has personal services costs. The amount of admin expenditures allocated to other funds is based on the amount of salaries and benefits paid by each of the other funds as a percentage of the total salaries and benefits for the City. For example, in FY 2021, 11.68% of the total City payroll is budgeted in the General Fund. Therefore 11.68% of any administrative services materials and services expenditures remain in the General Fund, and 88.32% is allocated to other funds.

The table below shows both the total amount before the allocation of costs and the amount that remains in the General Fund. In Office Supplies, under the Budget FY 2021 column, the total budget is \$10,000, however, of that \$10,000, only \$1,168 or 11.68% will stay in the General Fund—found in the Allocation FY 2021 column to the right.

General Fund Allocation Rate		0.0921	0.0922	0.0931		0.1168	
Expenditures		Actual FY 2018	Allocation FY 2019	Allocation FY 2020	Actual YTD 3/31/20	Proposed Budget FY 2021	Allocation FY 2021
410500 - Administrative Services							
Materials and Services							
210	Office Supplies/Materials	776	922	931	334	10,000	1,168
220	Operating Supplies/Materials	1,706	1,586	1,620	1,617	16,900	1,974
230	Repair/Maintenance Supplies	148	92	233	76	2,500	292
310	Postage & Freight	895	830	1,117	726	12,000	1,402
320	Printing	728	2,434	2,458	1,128	400	47
330	Publicity/Subscriptions/Dues	1,205	1,383	1,397	765	15,000	1,752
340	Utility Services	1,111	1,475	1,536	847	16,500	1,927
350	Professional Services	5,118	4,011	5,106	5,237	60,180	7,029
360	Repair & Maintenance	501	2,214	3,870	391	48,664	5,684
370	Travel & Training	1,183	1,475	2,141	909	23,000	2,686
390	Other Purchased Services	960	-	978	445	2,000	234
397	Contracted Workers	671	1,291	1,303	475	14,000	1,635
510	Insurance	375	564	596	594	12,082	1,411
530	Rent / Lease	189	209	241	48	2,592	303
540	Special Assessments	71	187	189	429	2,025	237
Total		\$ 15,637	\$ 18,673	\$ 23,716	\$ 14,021	\$237,843	\$ 27,781

Expenditures for the Legal Services Division is also allocated based on the percentages described above. The following table shows totals before allocation and the amount that is budgeted to remain in the General Fund.

Admin & Legal Cost Allocation

FY 2021

General Fund Allocation Rate		0.0921	0.0922	0.0931		0.1168	
Expenditures	Actual FY 2018	Allocation FY 2019	Allocation FY 2020	Actual YTD 3/31/20	Proposed Budget FY 2021	Allocation FY 2021	
411100 - Legal Services							
Materials and Services							
210	Office Supplies/Materials	211	369	233	144	2,500	292
220	Operating Supplies/Materials	232	231	521	331	5,600	654
230	Repair & Maintenance Supplies	10	9	74	15	800	93
310	Communication & Transportation	34	46	28	5	300	35
330	Publicity/Subscriptions/Dues	251	415	419	295	4,500	526
340	Utility Services	405	415	577	238	6,200	724
350	Professional Services	7	461	466	139	5,000	584
360	Repair & Maintenance	174	46	112	36	3,243	379
370	Travel & Training	212	461	372	7	4,000	467
390	Other Purchased Services	-	46	-	26	-	-
510	Insurance	84	164	166	115	1,297	151
530	Rent / Lease	60	90	90	39	972	114
	Total	\$ 1,680	\$ 2,753	\$ 3,058	\$ 1,390	\$ 34,412	\$ 4,019

General Fund Expenditures - 1000

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
410500 Administrative Services					
Personnel Services					
110 Salaries	72,570	81,246	97,269	77,684	154,993
112 Part Time Salaries	-	11,695	1,565	1,979	5,401
120 Overtime	192	18	198	40	158
140 Employer Contributions	27,242	51,489	35,736	23,713	57,803
	\$ 100,004	\$ 144,448	\$ 134,768	\$ 103,416	\$ 218,355
Materials and Services					
210 Office Supplies/Materials	776	753	931	334	1,168
220 Operating Supplies/Materials	1,706	2,170	1,620	1,617	1,974
230 Repair/Maintenance Supplies	148	249	233	76	292
310 Communication & Transportation	895	1,034	1,117	726	1,402
320 Printing	729	1,494	2,458	1,128	47
330 Publicity/Subscriptions/Dues	1,205	951	1,397	765	1,752
340 Utility Services	1,111	1,440	1,536	847	1,927
350 Professional Services	5,118	6,287	5,106	5,237	7,029
360 Repair & Maintenance	501	344	3,870	391	5,684
370 Travel & Training	1,183	1,331	8,141	909	2,686
390 Other Purchased Services	960	744	978	445	234
397 Contracted Workers	671	665	1,303	475	1,635
510 Insurance	375	564	596	594	1,411
530 Rent / Lease	189	239	241	48	303
540 Special Assessments	71	241	189	429	237
	\$ 15,638	\$ 18,506	\$ 29,716	\$ 14,021	\$ 27,781
Capital Outlay					
940 Machinery & Equipment	30,000	-	21,500	21,340	-
	\$ 30,000	\$ -	\$ 21,500	\$ 21,340	\$ -
Total Administrative Services	\$ 145,641	\$ 162,954	\$ 185,984	\$ 138,777	\$ 246,136

Resort Tax Administrative Services

Purpose

The Resort Tax Administrative Services budget provides for the administration of the City's Resort Tax. Ordinance 95-15, the Resort Tax Ordinance, does not allow the use of Resort Tax collections to pay for related the administrative expenses. Due to this prohibition such expenses are paid from the General Fund.

FY 2021 Objectives

The objective of the General Fund for this budget year is to provide budget authority to provide the above listed services within the City.

Legal Services

Purpose

The Legal Services budget provides for the administration of the Legal Services Department. The City Attorney provides legal support to the City including legal consultation, preparation and review of legal documents, and representation in civil matters. The FY 2021 budget continues to provide for in-house prosecution services for the City Court through the Deputy Attorney position. The Legal Department is also supported by a part-time legal assistant.

FY 2021 Objectives

The objective of the General Fund for this budget year is to provide budget authority to provide the above listed services within the City.

General Fund Expenditures - 1000

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
410505 Resort Tax Admin Services					
Materials and Services					
210 Office Supplies & Materials	298	855	950	-	950
310 Communication & Transportation	-	-	-	521	-
350 Professional Services	8,645	7,617	8,900	-	9,256
390 Other Purchased Services	-	1,361	-	2	-
Total Resort Tax	\$ 8,943	\$ 9,833	\$ 9,850	\$ 523	\$ 10,206
411100 Legal Services					
Personnel Services					
110 Salaries	62,082	48,562	54,414	39,674	54,297
112 Part-Time Salaries	2,016	2,106	2,292	1,728	2,386
120 Overtime	26	-	46	8	42
130 Vacation/Sick Accrual	-	-	-	-	-
140 Employer Contributions	20,097	15,049	17,648	11,611	18,186
	\$ 84,221	\$ 65,717	\$ 74,400	\$ 53,021	\$ 74,911
Materials and Services					
210 Office Supplies/Materials	211	175	233	144	292
220 Operating Supplies/Materials	232	352	521	331	654
230 Repair & Maintenance Supplies	10	91	74	15	93
310 Communication & Transportation	34	19	28	5	35
330 Publicity/Subscriptions/Dues	251	315	419	295	526
340 Utility Services	405	528	577	238	724
350 Professional Services	7	48	466	139	584
360 Repair & Maintenance	174	159	112	36	379
370 Travel & Training	212	300	372	7	467
390 Other Purchased Services	-	1	-	26	-
510 Insurance	84	164	166	115	151
530 Rent / Lease	60	90	90	39	114
540 Special Assessments	-	27	-	-	-
	\$ 1,680	\$ 2,269	\$ 3,058	\$ 1,390	\$ 4,019
Total Legal Services	\$ 85,901	\$ 67,986	\$ 77,458	\$ 54,411	\$ 78,930

Parking Facility Maintenance

Purpose

With a new three-story parking facility that opened in May of 2017 in downtown Whitefish, there is a need to continue budgeting for operating and maintenance costs for this structure during FY 2021. The City's Maintenance Facility Technician along with the help of other staff will be responsible for maintaining the parking facility. Leased parking spaces will be enforced by the Police Department's Parking Enforcement Officer. These operating costs are offset by the leased parking revenue, also budgeted in the General Fund.

FY 2021 Objectives

The objective of the Parking Facility Maintenance account in the General Fund for this budget year is to provide budget authority for the new parking facility. The FY 2021 budget provides for a continued expenditure budget for maintaining the facility. Overall, the cost to maintain the parking structure, including salaries and employer contributions, is budgeted to be \$87,659 which is fairly flat when compared to the FY 2020 budget of \$90,259. The reduction is primarily the result of a lower allocation of salaries for Parking Facility Maintenance activities.

General Fund Expenditures - 1000

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
411230 Parking Facility Maintenance					
Personnel Services					
110 Salaries	18,177	16,227	23,158	1,262	20,459
120 Overtime	400	-	75	-	67
130 Vacation/Sick Accrual	-	-	-	-	-
140 Employer Contributions	10,740	9,077	12,276	199	12,699
	\$ 29,317	\$ 25,304	\$ 35,509	\$ 1,461	\$ 33,225
Materials and Services					
220 Operating Supplies/Materials	7,396	6,880	7,000	2,930	7,000
230 Repair & Maintenance Supplies	7,101	6,559	8,600	878	7,200
330 Publicity, Subscriptions & Dues	-	-	-	665	-
340 Utility Services	9,654	7,686	9,800	6,246	8,900
360 Repair & Maintenance Services	11,142	20,325	20,000	4,639	18,000
390 Other Purchased Services	-	-	-	1,332	2,500
510 Insurance	6,473	10,960	9,025	9,236	10,509
530 Rent / Lease	325	324	325	-	325
	\$ 42,091	\$ 52,734	\$ 54,750	\$ 25,925	\$ 54,434
Total Parking Facility Maintenance	\$ 71,408	\$ 78,038	\$ 90,259	\$ 27,386	\$ 87,659

Purpose

The Community Planning Division provides for the development, administration and enforcement of the City's land use, development and zoning regulations and other provisions of the City Code. These functions are performed by the City's Planning and Building Department.

FY 2021 Objectives

The objective of the Community Planning Division for this budget year is to provide budget authority for a broad range of planning activities including review, development and revision of planning regulations, long-range planning, processing land use and development applications, and enforcement of land use, development and zoning regulations and other provisions of the City Code.

Whitefish continues to address the shortage of affordable workforce housing by working on strategies identified in the Whitefish Strategic Housing Plan.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Revenue Changes	
<ul style="list-style-type: none"> Aggregate increase of all Planning budgeted revenues – anticipated steady activity from FY 2020 	\$21,500
Expenditure Changes	
<ul style="list-style-type: none"> Increase in professional services to pay for items previously covered with Tax Increment Financing District funds for special planning efforts and projects 	\$10,000
<ul style="list-style-type: none"> Decrease in contract services to reflect spending 	\$3,800
<ul style="list-style-type: none"> Decrease in repair and maintenance services to reflect actual spending 	\$5,236
<ul style="list-style-type: none"> #1 Capital Project - Replacement Plotter (Community Planning portion with the remaining cost to be funded in Public Works' budgets) 	\$5,000

General Fund Expenditures - 1000

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
420540 Community Planning					
Personnel Services					
110 Salaries	263,357	286,662	312,933	222,542	435,757
112 Part-Time Salaries	9,895	12,275	12,390	9,691	14,251
120 Overtime	586	149	458	12	458
140 Employer Contributions	100,313	113,905	133,588	84,410	200,555
	\$ 374,151	\$ 412,991	\$ 459,369	\$ 316,655	\$ 651,021
Materials and Services					
210 Office Supplies/Materials	1,963	1,133	2,000	1,327	2,000
220 Operating Supplies/Materials	9,338	5,623	6,000	6,776	6,000
230 Repair & Maintenance Supplies	251	1,188	600	991	1,200
310 Communication & Transportation	1,602	2,574	1,900	906	1,900
320 Printing	-	198	500	127	500
330 Publicity/Subscriptions/Dues	4,851	4,597	5,300	3,174	5,300
340 Utility Services	4,672	7,667	7,500	4,664	7,500
350 Professional Services	30,705	60,653	40,000	36,101	50,000
360 Repair & Maintenance Services	9,376	1,830	17,500	530	12,265
370 Travel & Training	7,163	8,117	6,000	2,290	7,000
390 Other Purchased Services	4,204	4,308	3,100	2,462	3,100
397 Contract Services	-	1,223	5,000	-	1,200
510 Insurance	5,220	15,963	10,500	12,499	9,023
530 Rent / Lease	1,625	1,620	1,625	26	1,625
540 Special Assessments	477	572	600	106	600
	\$ 81,447	\$ 117,266	\$ 108,125	\$ 71,978	\$ 109,213
Capital Outlay					
940 Machinery & Equipment		1,622		-	5,000
	\$ -	\$ 1,622	\$ -	\$ -	\$ 5,000
Total Community Planning	\$ 455,598	\$ 531,879	\$ 567,494	\$ 388,633	\$ 765,234

Community Agencies Division

Purpose

The Community Agencies Division provides budget authority to support various community organizations. These include the Eagle Bus Service, Big Mountain S.N.O.W. (Shuttle Network of Whitefish) Bus, Golden Aged Community Center, Whitefish Theatre Grant, O'Shaughnessy Center Insurance, Whitefish Housing Authority, and property insurance for The Wave.

FY 2021 Objectives

The objective of the Community Agencies Division for this budget year is to provide budget authority to support various community organizations, as described above. In FY 2014, the City began reimbursing the Whitefish Housing Authority for the Payment in lieu of taxes (PILT) which the Housing Authority pays to the City for Mountain View Manor, an elderly and disabled subsidized housing apartment building. This has continued in the FY 2021 Budget.

Cemetery Services

Purpose

The Cemetery Division provides budget authority for the ongoing maintenance of the Whitefish Cemetery. The City operates a 7.0 acre cemetery on Hwy 93 North next to the golf course.

FY 2021 Objectives

The objective of the Cemetery Division this fiscal year is to provide budget authority for the maintenance of the Whitefish Cemetery. The City is pursuing a new Cemetery and \$20,000 is included for possible site development.

General Fund Expenditures - 1000

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Community Agencies					
Materials and Services					
790 Eagle Bus Service	9,300	9,300	9,300	9,300	9,300
790 Big Mountain Snow Bus	7,500	7,500	7,500	7,500	7,500
790 Whitefish Community Center	3,000	1,500	1,500	-	1,500
730 Cultural Arts Grant Pass Through	-	-	10,000	-	10,000
790 Whitefish Housing Authority	-	-	13,500	12,000	13,500
510 O'Shaughnessy Center Insurance	2,014	2,661	2,662	3,053	3,489
510 WAVE Property Insurance	44,567	6,832	6,850	7,126	15,170
Total Community Agencies	\$ 66,381	\$ 27,793	\$ 51,312	\$ 38,978	\$ 60,459
430900 Cemetery Services					
Personnel Services					
110 Salaries	3,527	3,763	3,934	2,882	3,264
112 Permanent Part Time	-	-	-	148	369
120 Overtime	449	2	157	-	-
140 Employer Contributions	1,331	1,224	1,321	940	1,141
	\$ 5,307	\$ 4,989	\$ 5,412	\$ 3,970	\$ 4,774
Materials and Services					
220 Operating Supplies	147	1,066	1,000	-	1,000
230 Repair/Maintenance Supplies	16	-	200	17	200
330 Publicity/Subscriptions/Dues	-	-	-	-	-
340 Utility Services	850	795	1,100	848	1,100
350 Professional Services	-	-	2,000	-	2,000
360 Repair & Maintenance Services	1,646	1,025	1,800	2,800	1,800
390 Other Purchased Services	250	350	2,000	1,175	2,000
510 Insurance	84	141	141	124	133
540 Special Assessments	-	-	250	-	250
	\$ 2,993	\$ 3,377	\$ 8,491	\$ 4,964	\$ 8,483
Capital Outlay					
930 Improvements	-	-	20,000	-	20,000
Total Cemetery Services	\$ 8,300	\$ 8,366	\$ 33,903	\$ 8,934	\$ 33,257
510900 Operating Contingency					
870 Operating Contingency	-	-	-	-	-
	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds					
820 Trans to Library Fund	34,371	34,371	34,371	25,778	34,371
820 Trans to Parks and Rec Fund	701,122	793,990	818,603	613,952	883,426
820 Trans to Law Enforcement Fund	2,292,686	2,366,862	2,545,235	1,908,926	2,657,502
820 Trans to Fire & Ambulance Fund	729,525	700,380	853,092	639,819	953,092
	\$ 3,757,704	\$ 3,895,603	\$ 4,251,301	\$ 3,188,476	\$ 4,528,391
Total Non-Departmental	\$ 3,757,704	\$ 3,895,603	\$ 4,251,301	\$ 3,188,476	\$ 4,528,391
Total Expenditures	\$ 4,896,974	\$ 5,089,971	\$ 5,617,229	\$ 4,072,458	\$ 6,159,743
Ending Cash Balance (Reserves)			\$ 1,387,310		\$ 1,556,754
Total General Fund			\$ 7,004,539		\$ 7,716,497

General Fund Expenditures - 1000

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Total General Fund					
Personnel Services	849,927	900,303	972,885	664,928	1,258,679
Materials and Services	259,344	292,442	330,543	186,259	339,174
Capital Outlay	30,000	1,622	62,500	32,795	33,500
Contingency	-	-	-	-	-
Transfers	3,757,704	3,895,603	4,251,301	3,188,476	4,528,391
	<u>4,896,974</u>	<u>5,089,971</u>	<u>5,617,229</u>	<u>4,072,458</u>	<u>6,159,743</u>
Personnel Services					
110	585,217	598,189	672,345	469,315	853,195
111	-	-	-	640	-
112	40,882	48,023	33,636	28,953	44,677
120	2,947	2,341	2,266	260	2,191
130	-	-	-	-	-
140	220,881	251,750	264,638	165,760	358,616
Materials and Services					
210	8,999	6,478	6,814	3,355	7,110
220	25,441	22,298	24,341	16,518	23,328
230	8,085	9,292	10,807	2,390	10,085
310	4,044	4,700	4,745	4,396	5,837
320	729	1,692	3,158	1,255	747
330	6,607	8,202	8,916	5,351	9,378
340	21,812	24,651	27,463	16,655	27,101
350	44,475	80,726	56,472	42,633	68,869
360	28,012	28,617	47,682	11,541	42,528
370	11,884	14,607	26,013	4,298	21,653
390	11,967	15,503	25,868	8,691	19,794
397	671	9,267	6,303	475	2,835
510	63,189	43,796	35,736	38,541	46,050
530	2,979	3,373	3,281	723	2,472
540	649	941	1,144	636	9,587
730	-	-	10,000	-	10,000
790	19,800	18,300	31,800	28,800	31,800
Capital Outlay					
900	-	-	-	-	-
910	-	-	-	-	-
920	-	-	21,000	11,456	8,500
930	-	-	20,000	-	20,000
940	30,000	1,622	21,500	21,340	5,000
Contingency					
870	-	-	-	-	-
Transfers					
820	3,757,704	3,895,603	4,251,301	3,188,476	4,528,391
Total	<u>4,896,974</u>	<u>5,089,971</u>	<u>5,617,229</u>	<u>4,072,458</u>	<u>6,159,743</u>

Purpose

Title 22, Chapter 1, Part 3 of the Montana Code Annotated provides for the establishment and laws related to free public libraries. The Whitefish Community Library was created as a City Library via Resolution 10-48 on November 15, 2010 after the City Council had voted to terminate an Interlocal Agreement with the Flathead County Library Board of Trustees for the consolidated county-wide library service. This fund provides for the collection of property taxes, donations, fines and other revenues and the appropriations for the Whitefish Community Library.

FY 2021 Objectives

The objective of the Library Fund for this fiscal year is to provide budget authority for the Whitefish Community Library.

Significant changes in the FY 2021 Budget are:

Item/Project	Amount
Revenue Changes	
<ul style="list-style-type: none">Increase in property tax revenue from the expiration of the Tax Increment Financing (TIF) District (previously incremental taxes were allocated to the TIF fund)	\$84,974
Expenditure Changes	
<ul style="list-style-type: none">Increase in repair and maintenance services	\$3,500
<ul style="list-style-type: none">Increase in communication and transportation	\$1,500
<ul style="list-style-type: none">Increase in library materials	\$2,000

Library Fund - 2220

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Taxes						
311010	Real Property Taxes	168,282	170,627	182,502	119,827	267,476
311020	Personal Property Taxes	975	933	800	967	1,000
		\$ 169,257	\$ 171,560	\$ 183,302	\$ 120,794	\$ 268,476
Intergovernmental						
334100	State Aid	-	2,555	2,500	-	2,500
		\$ -	\$ 2,555	\$ 2,500	\$ -	\$ 2,500
Charges for Services						
346070	Library Collections	10,578	10,920	12,500	7,622	11,000
		\$ 10,578	\$ 10,920	\$ 12,500	\$ 7,622	\$ 11,000
Miscellaneous Revenue						
365010	Private Gifts and Bequests	26,573	26,114	30,000	12,844	30,000
		\$ 26,573	\$ 26,114	\$ 30,000	\$ 12,844	\$ 30,000
Other Financing Sources						
383004	General Fund Transfer	34,371	34,371	34,371	25,778	34,371
		\$ 34,371	\$ 34,371	\$ 34,371	\$ 25,778	\$ 34,371
	Total Fund Revenue	\$ 240,780	\$ 245,520	\$ 262,673	\$ 167,038	\$ 346,347
101000	Beginning Available Cash			\$ 63,572		\$ 10,419
	Total Resources			\$ 326,246		\$ 356,766

Library Fund - 2220

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460120					
Personnel Services					
110 Salaries	62,671	64,193	67,067	48,915	72,015
112 Part Time Salaries	60,539	70,328	84,914	55,983	96,144
120 Overtime	-	-	-	-	-
140 Employer Contributions	36,113	39,099	43,166	28,986	47,617
	\$ 159,323	\$ 173,620	\$ 195,147	\$ 133,884	\$ 215,776
Materials and Services					
210 Office Supplies/Materials	2,697	3,015	2,500	1,545	3,500
220 Operating Supplies	4,623	4,813	6,000	2,909	6,000
221 Library Materials	14,459	13,563	14,000	7,522	16,000
229 Library Materials Processing	1,509	1,542	3,000	1,463	3,000
230 Repair & Maintenance Supplies	147	441	1,500	59	1,500
310 Communication & Transportation	3,742	5,931	4,500	2,872	6,000
330 Publicity, Subscriptions & Dues	13,327	9,328	12,000	10,865	13,500
340 Utility Services	13,594	15,755	17,500	10,866	18,000
350 Professional Services	-	130	-	-	-
360 Repair & Maintenance Services	34,148	16,193	31,500	11,727	35,000
362 Office Machinery & Computers	4,379	2,326	5,500	1,627	5,500
370 Travel & Training	1,010	1,568	3,000	105	2,000
390 Other Purchased Services	1,371	717	1,800	1,430	3,100
397 Contracted Services	-	-	750	-	750
510 Insurance	4,205	6,208	6,327	6,327	6,904
540 Special Assessments	434	409	425	488	425
880 Administrative Costs	3,406	4,151	5,378	3,198	5,700
	\$ 103,051	\$ 86,090	\$ 115,680	\$ 63,001	\$ 126,879
870 Operating Contingency	-	-	8,000	-	8,000
	\$ -	\$ -	\$ 8,000	\$ -	\$ 8,000
Total Expenditures	\$ 262,374	\$ 259,710	\$ 318,827	\$ 196,885	\$ 350,655
Ending Available Cash			\$ 7,419		\$ 6,111
Total Fund			\$ 326,246		\$ 356,766

Purpose

The Law Enforcement Fund provides the primary financial support for the City Police Department. The Department currently provides policing services through a budgeted staff of 17 sworn officers (including the Chief of Police) and a parking enforcement officer.

FY 2021 Objectives

The objective of the Law Enforcement Fund for this fiscal year is to provide budget authority for the Police Department.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Revenue Changes	
<ul style="list-style-type: none"> Decrease in revenue for a Stone Garden Equipment Grant for equipment for two mobile command post for a budgeted total of \$10,000 which is less than the \$30,000 budgeted in FY 2020 	\$20,000
<ul style="list-style-type: none"> Increase in DOT Overtime Reimbursement - STEP 	\$6,500
<ul style="list-style-type: none"> Decrease in Stone Garden Federal Grant 	\$8,800
<ul style="list-style-type: none"> Increased transfer from General Fund (Property Tax Support) 	\$112,267
Expenditure Changes	
<ul style="list-style-type: none"> Increase in Personnel Services due to higher wages and benefits. The FY 2021 Budget also included the full year cost of an officer position budgeted to start mid-year FY 2020 	\$82,550
<ul style="list-style-type: none"> Increase in 911 costs which represent a 4% increase over FY 2020 	\$6,418
<ul style="list-style-type: none"> A proposed Ford Explorer Hybrid for the Assistant Chief has been budgeted as a replacement vehicle. The hybrid will be approximately \$3,000 higher in initial cost. However, over the operating life of the vehicle, savings for the cost of fuel is anticipated to be approximately \$2,600 per year contributing to the City's sustainability efforts 	\$41,000

Law Enforcement Fund - 2300

5/18/2020

Revenues	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Intergovernmental					
334012 Traffic Safety Grant			-	-	-
334091 DOT Overtime Reimbursement-STEP	18,353	8,333	16,000	10,745	22,500
331000 Federal Grants - Vests	-	913	3,000	4,183	3,000
331001 Federal Grants (MBCC) - ICAC	-	-	-	-	-
334151 Stone Garden Equipment Grant	-	-	40,000	-	10,000
336020 Offset for State Payment to MPORS	-	-	-	-	-
337010 HIDTA Grant - Overtime Reimbursment	941	-	11,500	-	11,500
337011 Safe Kids Grant	-	-	-	-	-
337012 Homeland Security Eqpmnt Grant	-	-	-	-	-
337013 Youth Mentoring Grant	-	-	-	-	-
TBD 2020 OCDETF Slot Grant	-	-	-	-	1,500
337014 Drug Task Force Grant	96,259	89,215	79,500	89,975	79,500
337015 COPS Hiring Grant	-	-	-	-	-
337018 Stone Garden Federal Grant	19,374	2,319	43,800	-	35,000
337019 School District 44 Reimb. SRO	35,972	33,773	52,682	11,258	56,744
	\$ 170,899	\$ 134,553	\$ 246,482	\$ 116,161	\$ 219,744
Miscellaneous Revenue					
362000 Misc. Law Enforcement Collections	48,687	12,013	20,000	6,393	20,000
365000 Contributions	2,255	355	3,000	145	-
	\$ 50,942	\$ 12,368	\$ 23,000	\$ 6,538	\$ 20,000
Other Financing Sources					
381070 Loan Proceeds					
382010 Sale of General Fixed Assets	-	-	-	18,414	-
383004 General Fund Operating Transfer	2,292,686	2,366,862	2,545,235	1,908,926	2,657,502
	\$ 2,292,686	\$ 2,366,862	\$ 2,545,235	\$ 1,927,340	\$ 2,657,502
Total Fund Revenue	\$ 2,514,527	\$ 2,513,783	\$ 2,814,717	\$ 2,050,039	\$ 2,897,246
101000 Beginning Available Cash			\$ 14,660	\$ 14,660	\$ 24,711
Total Resources			\$ 2,829,378	\$ 2,064,699	\$ 2,921,957

Law Enforcement Fund - 2300

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
420100					
Personnel Services					
110 Salaries	1,189,647	1,282,252	1,357,779	978,918	1,416,672
112 Part-Time Wages	31,409	31,887	47,273	41,893	48,237
115 Other Salary Costs	-	-	-	-	-
120 Overtime	93,255	81,700	55,926	52,355	21,112
120 Reimbursed Overtime	-	-	43,800	-	69,000
130 Vacation/Sick Accrual	-	-	-	-	-
140 Employer Contributions	556,339	617,521	655,450	452,908	687,757
145 Offset State Pymnt to MPORS	-	-	-	-	-
	\$ 1,870,651	\$ 2,013,360	\$ 2,160,228	\$ 1,526,075	\$ 2,242,778
Materials and Services					
210 Office Supplies/Materials	2,554	3,694	6,000	1,715	8,000
220 Operating Supplies/Materials	68,944	30,806	63,158	65,559	50,000
230 Repair/Maintenance Supplies	45,630	50,688	45,000	28,894	45,000
310 Postage & Freight	1,016	1,079	1,000	772	1,100
330 Publicity/Subscriptions/Dues	4,629	8,479	6,000	3,672	6,000
340 Utility Services	34,682	31,995	33,000	22,718	33,000
350 Professional Services	7,839	5,621	8,500	5,039	7,500
360 Repair & Maintenance	35,879	48,220	37,000	25,758	50,896
370 Travel & Training	17,923	16,216	20,000	15,582	20,000
390 Other Purchased Services	150,380	156,015	160,462	84,907	166,880
397 Contracted Workers	71,633	79,514	79,500	54,773	79,500
510 Insurance	28,053	42,810	44,875	41,124	43,187
530 Rent	750	-	-	-	-
540 Special Assessments	429	429	500	429	500
790 Grants - Stonegarden	-	-	-	-	-
880 Administrative Expense	38,271	45,812	59,444	35,398	56,275
	\$ 508,611	\$ 521,378	\$ 564,439	\$ 386,339	\$ 567,838
Capital Outlay					
920 Buildings	-	-	-	-	-
940 Machinery & Equipment	64,082	40,230	80,000	-	41,000
	\$ 64,082	\$ 40,230	\$ 80,000	\$ -	\$ 41,000
Operating Contingency	\$ -		\$ -	\$ -	\$ -
Total Fund Expenditures	\$ 2,443,344	\$ 2,574,968	\$ 2,804,667	\$ 1,912,414	\$ 2,851,616
Ending Available Cash			24,711		24,711
Total Law Enforcement			\$ 2,829,378		\$ 2,876,327

Purpose

The Victim and Witness Assistance Fund provides budget authority to comply with Montana House Bill 257, adopted during the 1999 Legislative Session. The bill requires cities to establish a fund to account for a Victim and Witness Assistance Fine to be assessed on those convicted of misdemeanor and felony charges. Funds collected through assessments shall be used to pay restitution and to assist the victims and witnesses of criminal acts.

FY 2021 Objectives

The objective of the Victim and Witness Assistance Fund for this fiscal year is to administer the requirements of the Montana Victim and Witness Assistance Statute.

Crime Victims Assistance Fund - 2917

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
351015	Victim & Witness Program Fines	7,477	7,301	15,000	8,082	15,000
Total Fund Revenue		\$ 7,477	\$ 7,301	\$ 15,000	\$ 8,082	\$ 15,000
Beginning Available Cash				1,473	1,473	

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
410370	Materials and Services					
725	Crime Victim's Assistance	7,477	6,838	15,000	7,301	15,000
		\$ 7,477	\$ 6,838	\$ 15,000	\$ 7,301	\$ 15,000
Ending Available Cash				\$ 1,473	\$ 1,473	

Purpose

The purpose of the Fire and Ambulance Fund is to provide budget authority for the delivery of fire prevention and suppression, rescue services, and ambulance and advanced life support services to the City of Whitefish, the rural fire service area, and surrounding areas.

FY 2021 Objectives

The objective of the Fire and Ambulance Fund for this fiscal year is to provide fire suppression, fire and accident rescue, hazardous materials incident response, fire code enforcement, ambulance and advanced life support service, and community education on related issues.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Revenue Changes	
<ul style="list-style-type: none"> Increase in property tax revenue from the expiration of the Tax Increment Financing (TIF) Area (previously incremental taxes were allocated to the TIF fund) 	\$295,732
<ul style="list-style-type: none"> Increase in Fire Prevention Program Fee revenues to reflect strong building market 	\$25,000
<ul style="list-style-type: none"> Increase in Loan Proceeds for financing a replacement Ambulance 	\$160,000
<ul style="list-style-type: none"> Increase in operating transfer from the General Fund to account for anticipated resources from the expiration of the TIF District 	\$100,000
Expenditure Changes	
<ul style="list-style-type: none"> Increase in personnel services which includes higher salaries, cost associated with the increase of the Administrative Assistant position from part time to full time and higher benefits costs. The overall increase is partially offset by a reduction from the prior year budget related to back pay that was budgeted in FY 2020 	\$15,492
<ul style="list-style-type: none"> A departmental masterplan study for Fire and Ambulance to be split 30/70% respectively 	\$40,000
<ul style="list-style-type: none"> Capital equipment purchase of a replacement ambulance 	\$200,000
<ul style="list-style-type: none"> Capital equipment purchase of an additional LUCAS CPR device for the ambulance service 	\$20,000
<ul style="list-style-type: none"> Capital equipment purchase of a Type 6 Wildland Fire Pick-Up 	\$50,000
<ul style="list-style-type: none"> Increase in Medicare/Medicaid adjustments to ambulance fee revenue based on year-to-date actuals 	\$156,319

Fire and Ambulance Fund - 2340

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Taxes						
311010	Real Property Taxes	592,193	600,447	645,052	421,682	940,784
311020	Personal Property Taxes	3,428	3,281	4,000	3,403	4,000
		\$ 595,622	\$ 603,728	\$ 649,052	\$ 425,084	\$ 944,784
Licenses and Permits						
323015	Fire Prevention Program Fee	91,551	151,075	125,000	154,189	150,000
323051	Burning Permits	200	100	100	75	100
		\$ 91,751	\$ 151,175	\$ 125,100	\$ 154,264	\$ 150,100
Intergovernmental						
331000	Assistances to Firefighters Grant	-	-	56,250	-	56,250
338050	Countywide Amb. Assessment	48,045	52,448	53,000	28,680	53,000
		\$ 48,045	\$ 52,448	\$ 109,250	\$ 28,680	\$ 109,250
Charges for Services						
342020	Rural Fire Service Assessment	285,603	290,995	296,495	149,636	296,495
342050	Ambulance Services	1,450,074	1,641,620	1,563,185	1,157,129	1,563,185
342055	RescueCare Ambulance Prog	43,792	22,925	23,000	12,564	23,000
		\$ 1,779,469	\$ 1,955,540	\$ 1,882,680	\$ 1,319,329	\$ 1,882,680
Miscellaneous Revenue						
362000	Miscellaneous Income	139,448	35,548	20,000	25,844	20,000
		\$ 139,448	\$ 35,548	\$ 20,000	\$ 25,844	\$ 20,000
Other Financing Sources						
381070	Loan Proceeds	175,000	-	-	-	160,000
383004	General Fund Transfer	729,525	700,380	853,092	639,819	953,092
		\$ 904,525	\$ 700,380	\$ 853,092	\$ 639,819	\$ 1,113,092
	Total Fund Revenue	\$ 3,558,860	\$ 3,498,819	\$ 3,639,174	\$ 2,593,020	\$ 4,219,906
101000	Beginning Available Cash			63,592		2,598
	Total Resources			\$ 3,702,766		\$ 4,222,504

Fire and Ambulance Fund - 2340

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
420400 Fire and Rescue					
Personnel Services					
110 Salaries	459,222	497,694	550,946	405,523	557,958
112 Regular Part-time	6,740	6,973	6,950	5,954	1,801
120 Overtime	45,451	31,652	30,057	25,585	31,207
140 Employer Contributions	192,296	214,944	250,627	176,845	263,106
190 Other Personal Services	1,061	-	5,000	883	5,000
	\$ 704,770	\$ 751,263	\$ 843,580	\$ 614,790	\$ 859,072
Materials and Services					
210 Office Supplies/Materials	659	199	500	246	500
220 Operating Supplies/Materials	20,826	17,448	27,340	17,803	22,000
230 Repair & Maintenance Supplies	18,865	20,356	15,000	21,742	21,500
310 Communication & Transportation	91	118	500	206	250
330 Publicity/Subscriptions/Dues	1,753	3,490	1,750	697	1,500
340 Utility Services	14,372	14,710	15,000	11,340	15,000
350 Professional Services	2,635	1,124	1,500	2,172	13,200
360 Repair and Maintenance	42,900	45,144	40,000	23,921	42,452
370 Travel & Training	9,135	6,904	5,000	4,892	5,000
380 Training Services	5,638	9,022	5,000	-	2,500
390 Other Purchased Services	7,820	14,124	7,000	4,404	7,000
510 Insurance	19,083	25,548	24,035	22,910	23,934
540 Special Assessments	219	219	230	219	230
880 Administrative Services	14,300	17,022	23,064	13,741	21,617
	\$ 158,296	\$ 175,428	\$ 165,919	\$ 124,293	\$ 176,683
Debt Service					
610 Principal	\$ 122,894	\$ 124,240	\$ 125,602	\$ 125,602	\$ 126,972
620 Interest	16,861	17,363	14,377	14,377	7,519
	\$ 139,755	\$ 141,603	\$ 139,979	\$ 139,979	\$ 134,491
Capital Outlay					
940 Equipment	30,469	-	22,500	-	50,000
	\$ 30,469	\$ -	\$ 22,500	\$ -	\$ 50,000
Total Fire	\$ 1,033,290	\$ 1,068,294	\$ 1,171,978	\$ 879,062	\$ 1,220,246

Fire and Ambulance Fund - 2340

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
420730 Ambulance					
Personnel Services					
110 Salaries	766,414	732,962	836,900	613,679	845,573
112 Part-Time Wages	12,905	13,318	12,069	10,796	-
120 Overtime	105,980	73,837	70,012	59,696	72,697
140 Employer Contributions	336,891	333,459	395,366	280,154	418,296
190 Other Personal Services	2,475	-	11,000	2,061	11,000
	\$ 1,224,665	\$ 1,153,576	\$ 1,325,347	\$ 966,385	\$ 1,347,566
Materials and Services					
210 Office Supplies/Materials	1,047	465	1,500	580	750
220 Operating Supplies/Materials	40,375	29,341	50,460	45,497	42,500
230 Repair & Maintenance Supplies	30,935	23,099	20,000	15,062	21,500
310 Communication & Transportation	97	104	1,000	2	500
330 Publicity/Subscriptions/Dues	1,899	2,739	2,000	1,039	2,000
340 Utility Services	22,615	26,176	29,000	19,378	27,500
350 Professional Services	37,468	25,729	40,000	19,768	58,000
360 Repair and Maintenance	28,117	33,223	25,000	20,914	33,220
370 Travel & Training	6,887	5,158	5,500	3,365	5,000
380 Training Services	11,179	16,016	9,000	150	7,500
390 Other Purchased Services	21,099	33,685	20,000	10,601	20,000
510 Insurance	18,089	28,748	28,000	24,802	26,086
540 Special Assessments	512	512	600	512	600
880 Administrative Expense	24,254	26,340	36,149	21,537	33,841
	\$ 244,573	\$ 251,335	\$ 268,209	\$ 183,208	\$ 278,998
Debt Service					
610 Principal	\$ 31,063	\$ 64,549	\$ 34,122	\$ 34,122	\$ 34,980
620 Interest	\$ 1,363	\$ 5,970	\$ 4,487	\$ 4,487	\$ 2,471
	\$ 32,426	\$ 70,520	\$ 38,609	\$ 38,609	\$ 37,451
Accounts Payable Adjustments					
810 Bad Debt Expense	158,317	212,661	208,250	83,033	168,250
811 Medicare/Medicaid Adjustment	584,450	797,982	625,274	625,466	781,593
812 RescueCare Benefits	6,401	4,106	10,000	4,573	10,000
	\$ 749,168	\$ 1,014,749	\$ 843,524	\$ 713,072	\$ 959,843
Capital Outlay					
940 Equipment	244,028	-	52,500	24,187	220,000
	\$ 244,028	\$ -	\$ 52,500	\$ 24,187	\$ 220,000
Total Ambulance	\$ 2,494,859	\$ 2,490,180	\$ 2,528,190	\$ 1,925,462	\$ 2,843,858
Total Expenditures	\$ 3,528,149	\$ 3,558,474	\$ 3,700,168	\$ 2,804,524	\$ 4,064,104
Ending Available Cash			\$ 2,598		\$ 158,401
Total Fund			\$ 3,702,767		\$ 4,222,504

Fire and Ambulance Fund - 2340

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Total Fire & Amb Fund					
Personnel Services	1,929,435	1,904,839	2,168,927	1,581,175	2,206,638
Materials and Services	402,869	426,763	434,128	307,501	455,681
Debt Service	172,181	212,123	178,588	178,589	171,942
Capital Outlay	274,497	-	75,000	24,187	270,000
Accounts Receivable Adj.	749,168	1,014,749	843,524	713,072	959,843
	<u>3,528,149</u>	<u>3,558,474</u>	<u>3,700,168</u>	<u>2,804,524</u>	<u>4,064,104</u>
Personnel Services					
110	1,225,636	1,230,656	1,387,846	1,019,202	1,403,531
112	19,645	20,291	19,019	16,750	1,801
120	151,431	105,489	100,069	85,280	103,904
140	529,187	548,403	645,993	456,999	681,402
190	3,536	-	16,000	2,944	16,000
Materials and Services					
210	1,706	664	2,000	826	1,250
220	61,201	46,789	77,800	63,299	64,500
230	49,800	43,455	35,000	36,804	43,000
310	188	222	1,500	208	750
330	3,652	6,229	3,750	1,736	3,500
340	36,987	40,886	44,000	30,718	42,500
350	40,103	26,853	41,500	21,940	71,200
360	71,017	78,367	65,000	44,834	75,672
370	16,022	12,062	10,500	8,257	10,000
380	16,817	25,038	14,000	150	10,000
390	28,919	47,809	27,000	15,006	27,000
510	37,172	54,296	52,035	47,712	50,021
540	731	731	830	731	830
880	38,554	43,362	59,213	35,278	55,458
Debt Service					
610	172,181	212,123	159,724	159,724	161,952
620		23,333	18,864	18,865	9,990
Accounts Payable Adjustments					
810	158,317	212,661	208,250	83,033	168,250
811	584,450	797,982	625,274	625,466	781,593
812	6,401	4,106	10,000	4,573	10,000
813	-	-	-	-	-
Capital Outlay					
940	274,497	-	75,000	24,187	270,000
Total	3,528,149	3,581,808	3,700,168	2,804,524	4,064,104

Purpose

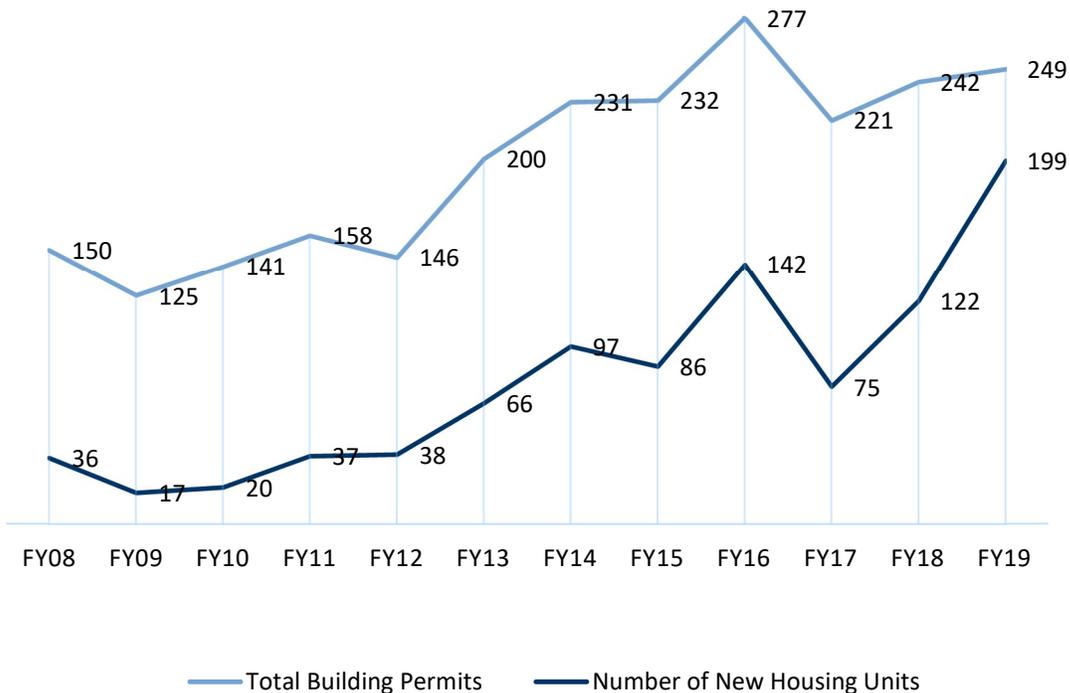
The Building Code Program Fund provides budget authority to administer the City's Building Code Program and also the contract for Building Code services for the City of Columbia Falls. Administration of the Building Codes Program is provided by the Planning and Building Department.

FY 2021 Objectives

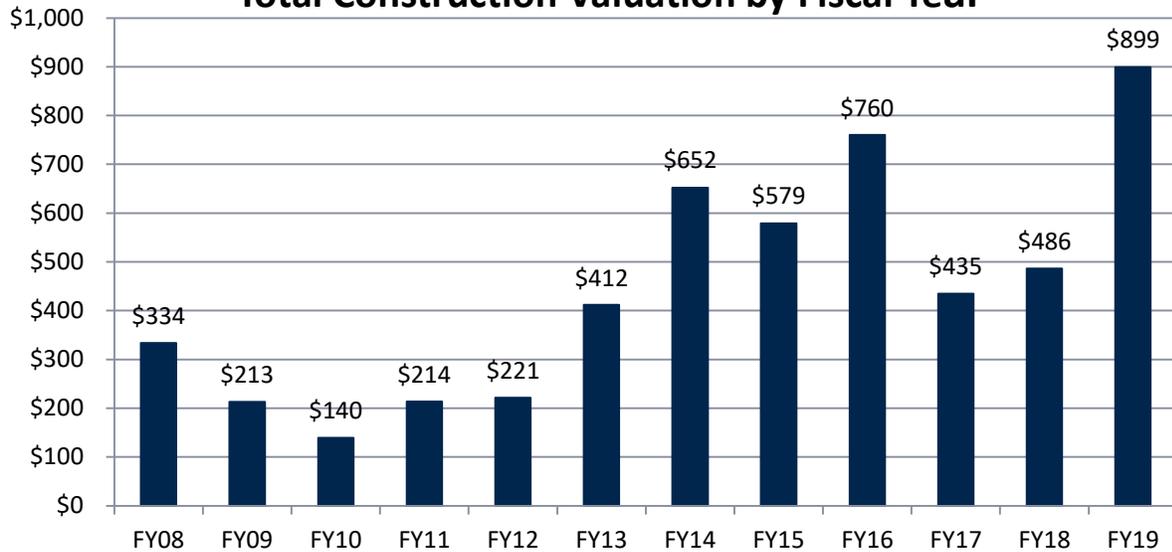
The objective of the Building Code Program Fund for this fiscal year is to promote dependable and safe buildings and structures through the implementation and enforcement of the International Building Code, International Plumbing Code, International Mechanical Code, and National Electric Code within the City of Whitefish.

The FY 2021 budget proposes building activity to slow from FY 2020 actuals. Salaries were reallocated to more closely reflect the actual time spent providing building inspections in Columbia Falls and two trucks are scheduled to be replaced.

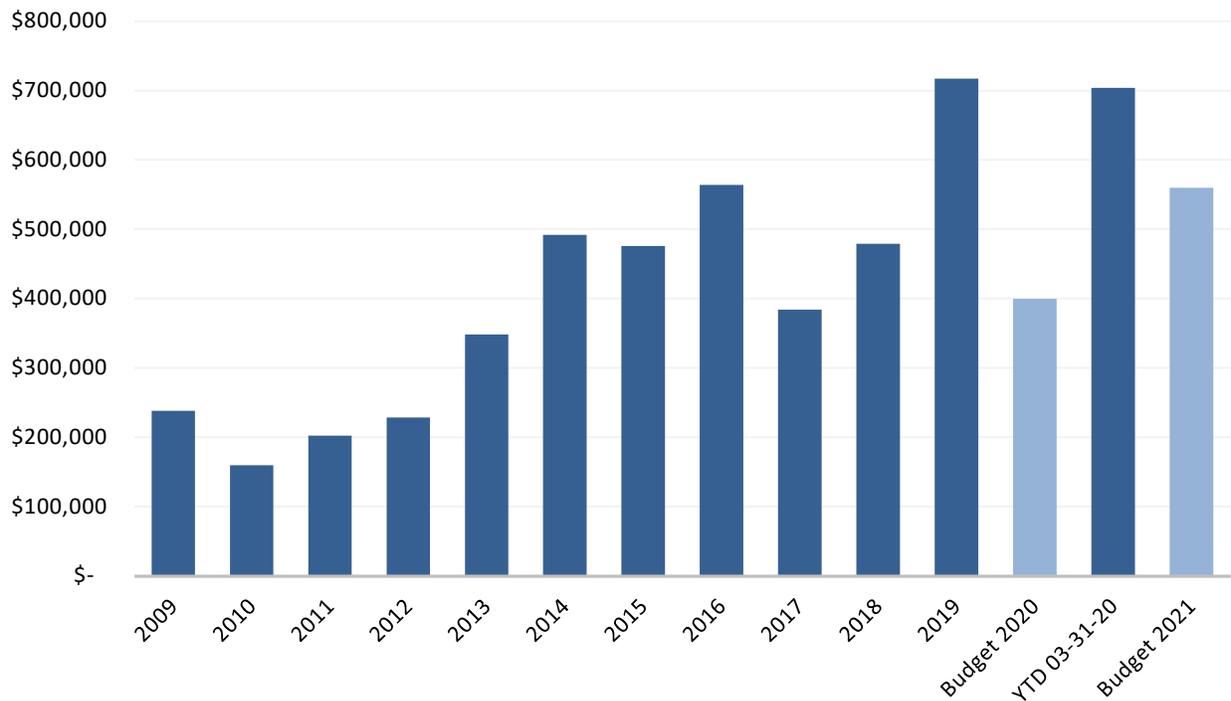
Number of Building Permits Issued by Fiscal Year



Total Construction Valuation by Fiscal Year



Building License & Revenue Revenue by Fiscal Year



Building Code Fund - 2394

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Licenses and Permits						
323010	Building Plan Review	158,335	245,232	160,000	248,873	200,000
323011	Building Permits	220,211	339,421	180,000	327,688	250,000
323012	Electrical Permits	39,237	51,600	40,000	47,034	40,000
323013	Plumbing Permits	32,995	40,439	30,000	37,345	35,000
323017	Mechanical Permits	28,316	40,504	30,000	43,051	35,000
		\$ 479,093	\$ 717,196	\$ 440,000	\$ 703,991	\$ 560,000
Charges for Services						
342041	Col. Falls Building Contract	91,482	68,151	65,000	71,544	100,000
		\$ 91,482	\$ 68,151	\$ 65,000	\$ 71,544	\$ 100,000
Miscellaneous Revenue						
362000	Miscellaneous Revenue	15	1,469	500	2,641	500
		\$ 15	\$ 1,469	\$ 500	\$ 2,641	\$ 500
	Total Fund Revenue	\$ 570,590	\$ 786,816	\$ 505,500	\$ 778,176	\$ 660,500
	Beginning Available Cash			\$ 534,457		\$ 565,022
	Total Resources			\$ 1,039,957		\$ 1,225,522

Building Code Fund - 2394

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
420530 - Construction Inspection					
Personnel Services					
110 Salaries	231,400	246,188	265,287	194,483	270,847
112 Part-time Wages	1,613	1,685	2,617	2,002	5,226
120 Overtime	121	9	102	13	94
140 Employer Contributions	94,969	111,609	123,520	84,941	128,279
	\$ 328,103	\$ 359,491	\$ 391,526	\$ 281,439	\$ 404,446
Materials and Services					
210 Office Supplies/Materials	1,287	1,192	2,000	2,445	3,000
220 Operating Supplies	9,288	5,779	6,200	6,380	7,200
230 Repair & Maintenance Supplies	3,518	6,099	6,000	3,286	6,000
310 Postage & Freight	-	39	250	1	250
320 Printing	-	-	100	-	-
330 Publicity/Subscriptions/Dues	3,231	4,810	3,300	2,628	4,950
340 Utility Services	9,348	10,508	13,100	6,990	10,500
350 Professional Services	9,961	8,458	10,000	6,125	10,000
360 Repair and Maintenance	10,712	17,361	18,000	14,885	21,065
370 Travel & Training	2,182	4,986	5,000	2,001	6,500
390 Other Purchased Services	-	462	-	430	500
397 Contracted Workers	347	1,223	1,000	-	1,000
510 Insurance	5,655	8,008	8,050	7,874	8,299
530 Lease/Rental	2,924	3,241	3,386	459	3,386
540 Special Assessments	477	644	645	106	645
880 Administrative Expense	8,110	9,274	12,280	7,312	11,925
	\$ 67,040	\$ 82,084	\$ 89,311	\$ 60,922	\$ 95,220
Capital Outlay					
940 Machinery & Equipment	22,091	1,622	35,000	33,573	70,000
	\$ 22,091	\$ 1,622	\$ 35,000	\$ 33,573	\$ 70,000
Total Construction Inspection	\$ 417,234	\$ 443,197	\$ 515,837	\$ 375,934	\$ 569,666
510700 - Columbia Falls Building Codes					
Personnel Services					
110 Salaries	33,449	34,484	36,242	26,441	51,204
140 Employer Contributions	15,224	17,044	18,456	12,886	23,819
	\$ 48,673	\$ 51,528	\$ 54,698	\$ 39,327	\$ 75,023
Materials and Services					
220 Operating Supplies/Materials	-	-	400	-	400
230 Repair & Maintenance Supplies	1,515	1,980	3,000	1,319	3,000
510 Insurance	604	1,013	1,000	956	1,266
	\$ 2,119	\$ 2,993	\$ 4,400	\$ 2,275	\$ 4,666
Total Columbia Falls Contract	\$ 50,792	\$ 54,521	\$ 59,098	\$ 41,601	\$ 79,689
Total Fund Expenditures	\$ 468,026	\$ 497,718	\$ 574,935	\$ 417,535	\$ 649,355
Ending Available Cash			\$ 465,022		\$ 576,167
Total Building Code Fund			\$ 1,039,957		\$ 1,225,522

Parks & Recreation Department Mission Statement

The mission of the City of Whitefish Parks and Recreation Department is to maintain a healthy, diverse, sustainable, and interactive environment for our residents, visitors, and future generations with dedication, pride, and respect for our community. As stewards of Whitefish, through proactive involvement, efficiency, communication, and understanding, we will go above and beyond our duties as City employees to enhance the overall quality of life for the citizens of Whitefish.

Purpose

The purpose of the Parks, Recreation and Community Services Fund is to provide the budgetary authority necessary to maintain the parks, trails and property owned by the City, operate community facilities, provide recreational programs, and provide other beautification and community services as needed.

The Whitefish Trail Operations and Maintenance is also budgeted in the Parks & Recreation Fund to address existing portions of the trail and is primarily funded by the Whitefish Trail endowment disbursements managed by the Whitefish Community Foundation and Whitefish Legacy Partners.

FY 2021 Objectives

The objectives of the Parks, Recreation and Community Services Fund for this fiscal year are to

- (1) maintain and, where appropriate, operate various City facilities. These include the Mountain Trails Park, Roy Duff Memorial Armory Center, Armory Park, Credit Union Park, City Hall building and grounds, City Beach, Soroptimist Park, Baker Park, Riverside Park, Creekwood Park, Grouse Mountain Park, Memorial Ball Park perimeter, Jack Zerr Fields, Canoe Park, Kay Beller Park, Crestwood Park, Riverwood Park, the Baker/Wisconsin Street Viaduct, S. Baker Avenue right-of-way, W. Edgewood Place right-of-way, property at 2nd and Spokane Avenue, Greenwood Drive property, Central Avenue Medium, and the grounds of the Whitefish Cultural Arts Center, Whitefish Library, and City Wastewater Plant.
- (2) provide budget authority for Whitefish Legacy Partners to manage annual operations, trail, and trailhead maintenance through efficient use of endowment funds and strong WT volunteer programs.
- (3) provide a series of recreation programs and special events.
- (4) provide maintenance for boulevard trees and pre-planting administration.
- (5) maintain the Hwy. 93 right-of-way landscape, and provide weed spraying services on City property and right-of-ways as needed.
- (6) provide other general beautification and community services as needed.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Revenue Changes	
<ul style="list-style-type: none"> Increase in budgeted After School Program revenues to more accurately reflect year-to-date actuals and previous years and including a full year of higher rates 	\$16,270
<ul style="list-style-type: none"> Increase in Grants; specific grants anticipated for FY 2021 includes - EAB \$4,200, Garden Grant \$4,000, LWCF \$250,000, Arbor Day \$700, Grouse Rest Area \$21,000 (\$16,000 paving and \$5,000 other), \$4,000 WF Community Foundation 	\$279,900
<ul style="list-style-type: none"> Decrease in budgeted Summer Day Camp revenues to account for recent COVID-19 conditions 	\$10,000
<ul style="list-style-type: none"> Decrease in facility usage revenues due to anticipated reduction of use due to COVID-19 	\$16,000
<ul style="list-style-type: none"> Contributions to Whitefish Trail Revenues from Whitefish Legacy Partners for Glacier Nordic \$2,000, FAMB \$4,000, FAS \$2,500, Endowment (additional funds available if grants not awarded) 	\$45,419
<ul style="list-style-type: none"> Increase in transfer from General Fund (Property Tax Support) including additional allotment with the expiration of the City's Tax Increment Financing District 	\$64,823
<ul style="list-style-type: none"> Continued transfer from Water Fund to support the Aquatic Invasive Species Boat Inspection Station at State Park (includes personnel costs only) 	\$49,302
Expenditure Changes	
<ul style="list-style-type: none"> Increase personnel services related to higher wage and benefit costs and higher Urban Forestry part time and seasonal budgets which are partially offset with lower seasonal staff wages in other areas due to COVID-19 related reductions 	\$55,603
<ul style="list-style-type: none"> Increase in repair and maintenance services for the Urban Forestry Program 	\$7,000
<ul style="list-style-type: none"> #1 Capital Project – Grouse Mountain Parking Lot Overlay / Drainage (\$4,000 of the project supported using cash reserves and \$21,000 with grants) 	\$25,000
<ul style="list-style-type: none"> #2 Capital Project – Bus/Passenger Van 	\$10,000
<ul style="list-style-type: none"> #3 Capital Project – ¾ Ton Truck 	\$45,000
<ul style="list-style-type: none"> #4 Capital Project – Armory Park Improvements (grant funds requested) 	\$250,000

Parks and Recreation Fund - 2210

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Licenses and Permits						
322015	Alcohol Consumption Permit	1,120	1,240	1,000	690	1,000
		\$ 1,120	\$ 1,240	\$ 1,000	\$ 690	\$ 1,000
Intergovernmental						
334000	Grants	25,669	24,292	4,000	19,250	283,900
334001	WF Trail O&M Grants	-	-	17,500	15,215	18,233
334002	FWP Fishing Lease - WF Trail	3,500	3,500	3,500	-	-
		\$ 29,169	\$ 27,792	\$ 25,000	\$ 34,465	\$ 302,133
Charges for Services						
346014	Beach Concessions	14,550	13,267	14,550	11,980	7,000
346015	Beach Gazebo Rental	4,245	6,415	4,300	2,045	5,000
346016	Boat Launch Passes	25,226	24,750	25,000	15,499	25,000
346040	Ice Rink Management Contract	16,089	-	-	-	-
346007	After School Program	56,074	79,077	67,000	68,666	83,270
346022	Summer Day Camp	71,667	76,478	90,000	30,226	80,000
346080	Recreation Programs	-	-	60,000	38,762	60,000
346085	Adult Programs	246	259	-	-	-
346086	Youth Programs	22,035	21,863	-	-	-
346057	Special Events	4,204	445	-	-	-
346009	Armory Rental	5,285	12,528	-	120	-
346402	Facility Usage Revenue	8,406	9,969	16,000	13,577	-
		\$ 228,026	\$ 245,051	\$ 276,850	\$ 180,874	\$ 260,270
Miscellaneous Revenue						
361020	Verizon Cell Tower Lease	20,248	21,057	21,900	21,900	22,776
362000	Miscellaneous Revenue	3,094	14,375	4,000	240	4,000
362007	Program Guide Revenue	3,095	1,580	3,000	3,300	3,500
363010	Greenways & Parkland Asmt	423,191	462,600	482,786	342,927	482,786
363040	P&I Special Assessments	1,187	1,546	1,000	1,577	1,000
365000	Contributions & Donations	38,891	8,174	30,000	29,103	31,500
365001	WF Trail Oper Revenue	45,088	47,156	40,000	22,000	45,419
		\$ 534,794	\$ 556,488	\$ 582,686	\$ 421,047	\$ 590,981
Other Financing Sources						
383004	Op. Transfer from Gen. Fund	701,122	793,990	818,603	613,952	883,426
383000	Transfer from Water for AIS	40,376	50,511	48,498	-	49,302
		\$ 741,498	\$ 844,501	\$ 867,101	\$ 613,952	\$ 932,727
	Total Fund Revenue	\$ 1,534,607	\$ 1,675,073	\$ 1,752,637	\$ 1,251,029	\$ 2,087,111
101000	Beginning Available Cash			\$ 78,416		\$ 95,675
	Total Resources			\$ 1,831,053		\$ 2,182,786

Parks & Recreation Fund - 2210

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
430255 Bicycle Path Maint. Program						
Personnel Services						
110	Salaries	20,439	22,141	43,683	32,646	45,417
111	Part-time/Seasonal Wages	206	328	4,078	879	4,334
120	Overtime	94	16	150	135	165
140	Employer Contributions	8,259	8,979	22,902	16,404	24,045
		\$ 28,998	\$ 31,464	\$ 70,813	\$ 50,064	\$ 73,961
Materials and Services						
220	Operating Supplies	45	600	1,000	1,742	1,500
230	Repair & Maintenance Supplies	-	5,868	7,000	192	7,000
330	Publicity/Subscriptions/Dues	1	1	100	1	100
360	Repair & Maintenance Services	5,510	5,325	10,000	-	10,000
510	Insurance	546	763	850	848	915
530	Rent	3,167	3,262	3,000	-	3,400
		\$ 9,269	\$ 15,819	\$ 21,950	\$ 2,783	\$ 22,915
Capital Outlay						
940	Machinery & Equipment	2,390	-	-	-	-
		\$ 2,390	\$ -	\$ -	\$ -	\$ -
	Total Bicycle Path Maint.	\$ 40,657	\$ 47,283	\$ 92,763	\$ 52,847	\$ 96,876
430256 Whitefish Trail Maintenance						
Personnel Services						
110	Salaries	2,867	3,038	2,636	1,852	2,738
120	Overtime	11	20	25	-	25
140	Employer Contributions	1,702	1,818	1,337	1,219	1,401
		\$ 4,580	\$ 4,876	\$ 3,998	\$ 3,071	\$ 4,164
Materials and Services						
220	Operating Supplies	851	4,282	1,000	972	-
230	Repair & Maintenance Supplies	-	-	9,000	-	7,340
330	Publicity/Subscriptions/Dues	22	22	-	13	-
360	Repair & Maintenance Services	21,201	23,652	6,000	19,961	6,000
390	Other Purchased Services	650	-	24,050	-	26,977
510	Insurance	170	415	750	272	750
530	Rent	15,502	16,176	16,200	18,303	18,585
		\$ 38,396	\$ 44,547	\$ 57,000	\$ 39,521	\$ 59,652
	Total Whitefish Trail Maint.	\$ 42,976	\$ 49,423	\$ 60,998	\$ 42,592	\$ 63,816

Parks & Recreation Fund - 2210

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460400 Parks & Rec Administration						
Personnel Services						
110	Salaries	141,842	140,062	225,833	179,249	244,880
112	Permanent Part-Time	2,001	1,690	1,834	2,002	2,386
120	Overtime	659	138	2,827	55	4,807
130	Vacation/Sick Accrual	-	-	-	-	8,768
140	Employer Contributions	52,247	50,682	73,149	65,804	83,186
		\$ 196,749	\$ 192,573	\$ 303,643	\$ 247,110	\$ 344,027
Materials and Services						
210	Office Supplies/Materials	3,065	1,650	3,800	1,386	3,800
220	Operating Supplies	14,177	8,666	8,000	8,837	8,000
230	Repair & Maintenance Supplies	556	1,274	525	274	540
310	Postage & Freight	220	385	500	339	500
320	Printing	-	-	500	-	500
330	Publicity/Subscriptions/Dues	2,745	3,862	2,575	1,796	2,575
340	Utility Services	8,628	11,791	8,700	6,932	11,200
350	Professional Services	12,975	1,204	3,000	1,922	3,100
360	Repair & Maintenance Services	4,167	6,753	8,600	2,110	17,653
370	Travel & Training	14,320	2,101	6,000	4,302	2,000
390	Other Purchased Services	6,897	7,531	6,900	4,283	8,000
397	Contract Workers	-	13	510	-	510
510	Insurance	2,507	5,666	4,405	4,186	5,000
530	Rental/Leases	2,274	2,269	2,274	370	2,275
540	Special Assessments	339	364	350	-	350
790	Memorial Park - Glacier Twins	20,248	21,057	21,900	21,900	17,082
880	Administrative Expense	19,079	23,114	30,369	18,088	29,812
		\$ 112,196	\$ 97,701	\$ 108,908	\$ 76,726	\$ 112,897
Capital Outlay						
930	Improvements Other than Buildings	-	-	-	4,050	-
		\$ -	\$ -	\$ -	\$ 4,050	\$ -
Total Parks and Rec Admin		\$ 308,945	\$ 290,273	\$ 412,551	\$ 327,885	\$ 456,924

Parks & Recreation Fund - 2210

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460434 City Parks & Properties						
Personnel Services						
110	Salaries	107,172	131,544	93,356	98,775	92,014
111	Part-time/Seasonal Wages	56,288	48,086	47,546	29,207	37,733
120	Overtime	2,258	1,434	446	2,751	553
140	Employer Contributions	65,843	68,100	49,278	61,978	49,641
		\$ 231,561	\$ 249,164	\$ 190,626	\$ 192,710	\$ 179,941
Materials and Services						
210	Office Supplies/Materials	202	888	700	715	700
220	Operating Supplies	38,495	39,667	36,000	15,072	32,000
230	Repair & Maintenance Supplies	79,174	60,730	41,000	34,771	41,000
310	Postage & Freight	-	-	300	-	300
320	Printing	-	-	100	-	100
330	Publicity/Subscriptions/Dues	-	-	100	-	100
340	Utility Services	44,233	56,967	50,300	51,326	60,000
350	Professional Services	-	-	500	-	500
360	Repair & Maintenance Services	20,038	25,050	29,000	7,701	24,000
370	Travel & Training	4,681	3,775	4,500	558	4,500
390	Other Purchased Services	6,979	4,924	8,000	4,893	8,000
397	Contracted Workers	-	-	-	-	-
510	Insurance	8,439	11,067	11,300	11,443	12,250
530	Rent/Lease Expense	1,953	2,012	2,600	-	2,600
540	Special Assessments	1,230	1,268	1,270	1,095	1,270
		\$ 205,425	\$ 206,348	\$ 185,670	\$ 127,574	\$ 187,320
Capital Outlay						
910	Land					
920	Buildings					
931	Park Improvements	6,429	20,222	-	1,648	275,000
940	Machinery & Equipment	41,492	43,569	23,000	11,958	45,000
		\$ 47,921	\$ 63,791	\$ 23,000	\$ 13,606	\$ 320,000
	Total City Parks & Properties	\$ 484,907	\$ 519,303	\$ 399,296	\$ 333,890	\$ 687,261
460437 Urban Forestry Program						
Personnel Services						
110	Salaries	58,330	79,756	73,487	52,815	76,427
111	Part-time/Seasonal Wages	1,116	760	23,662	9,675	34,430
120	Overtime	373	171	140	525	471
140	Employer Contributions	31,632	43,754	48,149	32,505	51,851
		\$ 91,450	\$ 124,441	\$ 145,438	\$ 95,520	\$ 163,179
Materials and Services						
220	Operating Supplies	7,898	18,706	24,200	5,984	8,000
230	Repair & Maintenance Supplies	2,384	5,787	10,000	3,481	8,000
330	Publicity/Subscriptions/Dues	100	187	-	232	180
340	Utility Services	559	534	-	1,061	1,600
350	Professional Services	-	-	500	-	-
360	Repair & Maintenance Services	15,933	12,991	3,000	4,899	10,000
370	Travel & Training	-	-	4,000	3,654	4,000
390	Other Purchased Services	-	-	-	-	-
510	Insurance	714	1,904	2,308	2,308	2,425
		\$ 27,588	\$ 40,109	\$ 44,008	\$ 21,619	\$ 34,205
Capital Outlay						
940	Machinery and Equipment	-	150,402	-	-	-
	Total Urban Forestry	\$ 119,038	\$ 314,952	\$ 189,446	\$ 117,140	\$ 197,384

Parks & Recreation Fund - 2210

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460505 After School Program						
Personnel Services						
110	Salaries	21,064	43,616	35,277	25,693	36,686
111	Part-time/Seasonal Wages	23,301	20,873	19,689	14,408	20,906
120	Overtime	768	604	205	145	289
140	Employer Contributions	14,644	28,529	25,522	17,946	26,876
		\$ 59,777	\$ 93,622	\$ 80,693	\$ 58,192	\$ 84,757
Materials and Services						
210	Office Supplies	-	-	-	38	-
220	Operating Supplies	9,683	9,363	10,000	1,613	9,850
340	Utility Services	117	411	-	-	-
370	Travel & Training	-	-	2,500	2,264	2,500
390	Contract Services	1,575	2,003	3,612	1,495	3,000
397	Contracted Workers	-	-	2,500	-	-
510	Insurance	774	1,244	1,737	1,736	1,815
		\$ 12,149	\$ 13,021	\$ 20,349	\$ 7,147	\$ 17,165
	Total After School Program	\$ 71,927	\$ 106,643	\$ 101,042	\$ 65,339	\$ 101,922
460220 Facilities						
Personnel Services						
110	Salaries	-	-	27,338	20,668	28,421
111	Part-time/Seasonal Wages	-	-	6,175	1,319	6,374
120	Overtime	-	-	255	55	279
140	Employer Contributions	-	-	18,582	13,277	19,558
		\$ -	\$ -	\$ 52,350	\$ 35,319	\$ 54,632
Materials and Services						
220	Operating Supplies	-	-	9,000	6,069	9,000
230	Repair & Maintenance Supplies	-	-	16,500	1,001	11,500
340	Utility Services	-	-	26,700	16,399	26,700
360	Repair & Maintenance Services	-	-	15,000	3,270	15,000
370	Travel and Training	-	-	1,000	-	1,000
510	Insurance	-	-	1,658	1,658	1,700
		\$ -	\$ -	\$ 69,858	\$ 28,397	\$ 64,900
	Total Facilities	\$ -	\$ -	\$ 122,208	\$ 63,716	\$ 119,532
460507 Armory Facility						
Personnel Services						
110	Salaries	9,762	10,713	-	-	-
120	Overtime	94	16	-	-	-
140	Employer Contributions	4,929	5,396	-	-	-
		\$ 14,785	\$ 16,125	\$ -	\$ -	\$ -
Materials and Services						
220	Operating Supplies	2,115	2,150	-	-	-
230	Repair & Maintenance Supplies	30	3,781	-	-	-
340	Utility Services	13,856	15,851	-	-	-
360	Repair & Maintenance Services	8,713	4,256	-	-	-
510	Insurance	1,361	1,822	-	-	-
540	Special Assessments	841	842	-	-	-
		\$ 26,916	\$ 28,702	\$ -	\$ -	\$ -
	Total Armory Facility	\$ 41,701	\$ 44,827	\$ -	\$ -	\$ -

Parks & Recreation Fund - 2210

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460514 City Beach						
Personnel Services						
110	Salaries and Wages	37,051	39,021	30,127	21,167	31,292
111	Seasonal City Beach AIS	34,820	47,724	63,205	33,541	55,908
113	Seasonal City Beach Rangers	29,600	10,532	6,245	7,639	5,530
114	Seasonal State Park AIS	27,476	32,410	42,390	18,133	43,092
120	Overtime	3,465	4,280	1,216	2,257	1,531
140	Employer Contributions	34,800	35,158	30,733	20,742	30,314
		\$ 167,212	\$ 169,125	\$ 173,916	\$ 103,479	\$ 167,667
Materials and Services						
210	Office Materials and Supplies	211	276	500	253	500
220	Operating Supplies	8,104	13,618	7,000	2,699	7,000
230	Repair & Maintenance Supplies	6,780	4,418	2,000	607	2,000
310	Postage & Freight	-	-	50	-	50
320	Printing, Duplicating, Typing	710	-	400	-	400
330	Publicity, Subscriptions & Dues	198	198	300	-	300
340	Utility Services	11,052	13,283	11,000	9,949	11,000
360	Repair & Maintenance Services	13,724	1,531	4,000	407	4,000
370	Travel and Training	-	1,870	4,000	993	4,000
390	Other Purchased Services	1,149	560	1,000	-	1,000
510	Insurance	1,786	3,773	3,510	3,509	3,510
540	Special Assessments	81	81	85	81	85
		\$ 43,795	\$ 39,608	\$ 33,845	\$ 18,497	\$ 33,845
Capital Outlay						
930	City Beach Improvement	1,630	-	-	-	-
		\$ 1,630	\$ -	\$ -	\$ -	\$ -
Total City Beach		\$ 212,637	\$ 208,733	\$ 207,761	\$ 121,976	\$ 201,512

Parks & Recreation Fund - 2210

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460533 Community Ice Rink Pavilion					
Materials and Services					
230 Repair & Maintenance Supplies	-	-	4,000	-	-
360 Repair & Maintenance Services	-	10,110	8,000	-	8,000
390 Other Purchased Services	750	-	-	-	-
510 Insurance	2,502	3,285	3,297	3,296	3,300
	\$ 3,252	\$ 13,395	\$ 15,297	\$ 3,296	\$ 11,300
610 Loan Principal	15,892	-	-	-	-
620 Loan Interest	197	-	-	-	-
Debt Service	\$ 16,089	\$ -	\$ -	\$ -	\$ -
Total Ice Rink Pavilion	\$ 19,341	\$ 13,395	\$ 15,297	\$ 3,296	\$ 11,300
460534 Warming Hut					
Materials and Services					
340 Utility Services	808	372	-	-	-
Total Saddle Club Rental	\$ 808	\$ 372	\$ -	\$ -	\$ -
460554 Saddle Club Rental					
Materials and Services					
340 Utility Services	1,130	751	-	-	-
Total Saddle Club Rental	\$ 1,130	\$ 751	\$ -	\$ -	\$ -

Parks & Recreation Fund - 2210

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460440 Recreation Programs					
Personal Services					
110 Salaries and Wages	-	-	8,289	16,372	8,623
111 Temporary/Seasonal Wages	-	-	9,087	2,414	9,905
120 Overtime	-	-	69	14	111
140 Employer Contributions	-	-	6,120	7,381	6,480
	\$ -	\$ -	\$ 23,565	\$ 26,182	\$ 25,119
Materials and Services					
220 Operating Supplies	-	-	4,577	3,822	6,784
340 Utility Services	-	-	-	1,935	-
390 Contract Services	-	184	19,890	11,031	20,000
510 Insurance	-	-	379	379	400
530 Rent / Lease	-	-	-	32	-
540 Special Assessments	-	-	-	842	-
	\$ -	\$ 184	\$ 24,846	\$ 18,041	\$ 27,184
Total Recreation Programs	\$ -	\$ 184	\$ 48,411	\$ 44,223	\$ 52,303
460557 Special Events					
Personnel Services					
110 Salaries and Wages	17,921	19,405	-	-	-
120 Overtime	117	65	-	-	-
140 Employer Contributions	8,220	8,877	-	-	-
	\$ 26,258	\$ 28,347	\$ -	\$ -	\$ -
Materials and Services					
220 Operating Supplies	1,771	1,025	-	-	-
Total Special Events	\$ 1,771	\$ 1,025	\$ -	\$ -	\$ -
Total Special Events	\$ 28,029	\$ 29,372	\$ -	\$ -	\$ -
460590 Adult Programs					
Personnel Services					
110 Salaries and Wages	2,370	2,472	-	-	-
111 Temporary/Seasonal Wages	118	614	-	-	-
120 Overtime	3	-	-	-	-
140 Employer Contributions	430	505	-	-	-
	\$ 2,921	\$ 3,591	\$ -	\$ -	\$ -
Materials and Services					
220 Operating Supplies	2,552	29	-	-	-
320 Printing	-	-	-	-	-
	\$ 2,552	\$ 29	\$ -	\$ -	\$ -
Total Adult Programs	\$ 5,473	\$ 3,620	\$ -	\$ -	\$ -
460591 Youth Programs					
Personnel Services					
110 Salaries and Wages	10,417	11,760	-	-	-
111 Temporary/Seasonal Wages	982	1,593	-	-	-
120 Overtime	109	-	-	-	-
140 Employer Contributions	5,526	7,080	-	-	-
	\$ 17,034	\$ 20,433	\$ -	\$ -	\$ -
Materials and Services					
220 Operating Supplies	3,140	2,766	-	-	-
390 Contract Services	6,678	5,530	-	-	-
510 Insurance	262	355	-	-	-
	\$ 10,080	\$ 8,651	\$ -	\$ -	\$ -
Total Youth Programs	\$ 27,113	\$ 29,084	\$ -	\$ -	\$ -

Parks & Recreation Fund - 2210

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460592 Summer Camp						
Personnel Services						
110	Salaries and Wages	15,120	17,656	21,995	1,586	22,874
111	Temporary/Seasonal Wages	38,534	32,384	35,416	20,086	36,713
120	Overtime	189	-	304	-	443
140	Employer Contributions	15,490	14,933	19,061	3,841	19,944
		\$ 69,333	\$ 64,973	\$ 76,776	\$ 25,513	\$ 79,974
Materials and Services						
220	Operating Supplies	4,043	6,413	4,975	2,120	6,600
370	Travel and Training	-	-	645	-	240
390	Other Purchased Services	17,432	9,423	4,504	4,795	5,000
510	Insurance	1,298	1,443	1,205	1,205	1,260
		\$ 22,773	\$ 17,279	\$ 11,329	\$ 8,120	\$ 13,100
Capital						
940	Machinery and Equipment	-	-	-	-	10,000
		-	-	-	-	10,000
	Total Summer Camp	\$ 92,106	\$ 82,252	\$ 88,105	\$ 33,633	\$ 103,074
	Total Expenditures	\$ 1,496,788	\$ 1,740,467	\$ 1,737,878	\$ 1,206,538	\$ 2,091,904
	Ending Available Cash			\$ 95,675		\$ 90,882
	Total Parks & Recreation Fund			\$ 1,831,053		\$ 2,182,786

Parks & Recreation Fund - 2210

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Total Parks and Rec Fund					
Personnel Services	910,657	998,734	1,121,818	837,160	1,177,421
Materials and Services	518,101	527,540	593,060	351,722	584,483
Debt Service	16,089	-	-	-	-
Capital Outlay	51,941	214,193	23,000	17,656	330,000
Contingency	-	-	-	-	-
	\$ 1,496,788	\$ 1,740,467	\$ 1,737,878	\$ 1,206,538	\$ 2,091,904
Personnel Services					
110	444,355	521,184	562,021	450,824	589,372
111	155,364	152,362	208,858	111,530	206,303
112	2,001	1,690	1,834	2,002	2,386
113	29,600	10,532	6,245	7,639	5,530
114	27,476	32,410	42,390	18,133	43,092
120	8,139	6,744	5,637	5,937	8,674
130	-	-	-	-	8,768
140	243,722	273,811	294,833	241,096	313,296
Materials and Services					
210	3,477	2,814	5,000	2,392	5,000
220	92,875	107,285	105,752	48,931	88,734
223	-	-	-	-	-
230	88,923	81,858	90,025	40,325	77,380
310	220	385	850	339	850
320	710	-	1,000	-	1,000
330	3,066	4,270	3,075	2,042	3,255
340	80,384	99,960	96,700	87,602	110,500
350	12,975	1,204	4,000	1,922	3,600
360	89,285	89,668	83,600	38,349	94,653
370	19,001	7,746	22,645	11,771	18,240
390	42,111	30,155	67,956	26,498	71,977
397	-	13	3,010	-	510
510	20,359	31,737	31,399	30,838	33,325
530	22,897	23,719	24,074	18,706	26,860
540	2,491	2,555	1,705	2,017	1,705
790	20,248	21,057	21,900	21,900	17,082
880	19,079	23,114	30,369	18,088	29,812
Debt Service					
610	15,892	-	-	-	-
620	197	-	-	-	-
Capital Outlay					
910	-	-	-	-	-
920	-	-	-	-	-
930	1,630	-	-	4,050	-
931	6,429	20,222	-	1,648	275,000
940	43,882	193,971	23,000	11,958	55,000
	1,496,788	1,740,467	1,737,878	1,206,538	2,091,904

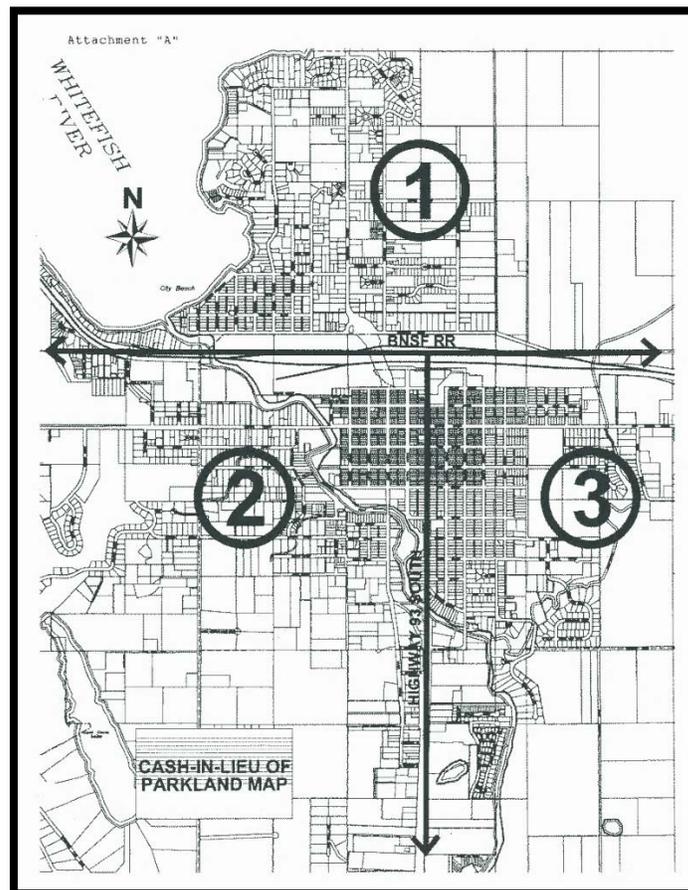
Purpose

The Parkland Acquisition and Development Fund is a capital fund designed to accommodate the purchase of parkland and enable park improvement projects funded through contributions, grants, and payments made in lieu of park land dedication requirements.

Authority for the Parkland Acquisition and Development Fund derives in the Montana Subdivision and Platting Act, specifically Section 76-3-621 (5) MCA. In order to comply with the proximity requirements of the law, the City has designated three quadrants in the City where the funds are spent—Resolution 07-10.

FY 2021 Objectives

The objective of this fund for FY 2021 is to collect contributions and cash in-lieu of parkland. The budget provides a portion of the matching funds for LWCF Grant for the Armory Park Improvement Project.



Parkland Acquisition & Development - 2990

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Investment Earnings						
371010	Investment Earnings	329	714	700	744	210
		<u>\$ 329</u>	<u>\$ 714</u>	<u>\$ 700</u>	<u>\$ 744</u>	<u>\$ 210</u>
Other Financing Sources						
381061	Proceeds From Cash In-lieu / Dist W	18,259	-	-	10,147	-
381062	Proceeds From Cash In-lieu / Dist N	-	26,625	-	-	-
381060	Proceeds From Cash In-lieu / Dist E	-	41,781	-	-	-
		<u>\$ 18,259</u>	<u>\$ 68,406</u>	<u>\$ -</u>	<u>\$ 10,147</u>	<u>\$ -</u>
Total Fund Revenue		\$ 18,588	\$ 69,120	\$ 700	\$ 10,891	\$ 210
102130	Cash - District East			\$ 43,447		\$ 36,924
102131	Cash - District West			\$ 11,259		\$ 184
102132	Cash - District North			\$ 26,855		\$ 22,055
Total Resources				\$ 82,262		\$ 59,373

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
460434						
Capital Outlay						
931	Park Improvements	46,201	9,841	25,898	16,259	10,000
		<u>\$ 46,201</u>	<u>\$ 9,841</u>	<u>\$ 25,898</u>	<u>\$ 16,259</u>	<u>\$ 10,000</u>
Total Expenditures		\$ 46,201	\$ 9,841	\$ 25,898	\$ 16,259	\$ 10,000
102130	Cash - District East			\$ 36,924		\$ 27,014
102131	Cash - District West			\$ 184		\$ 244
102132	Cash - District North			\$ 22,055		\$ 22,115
Total Park Acquisition Fund				\$ 85,062		\$ 59,373

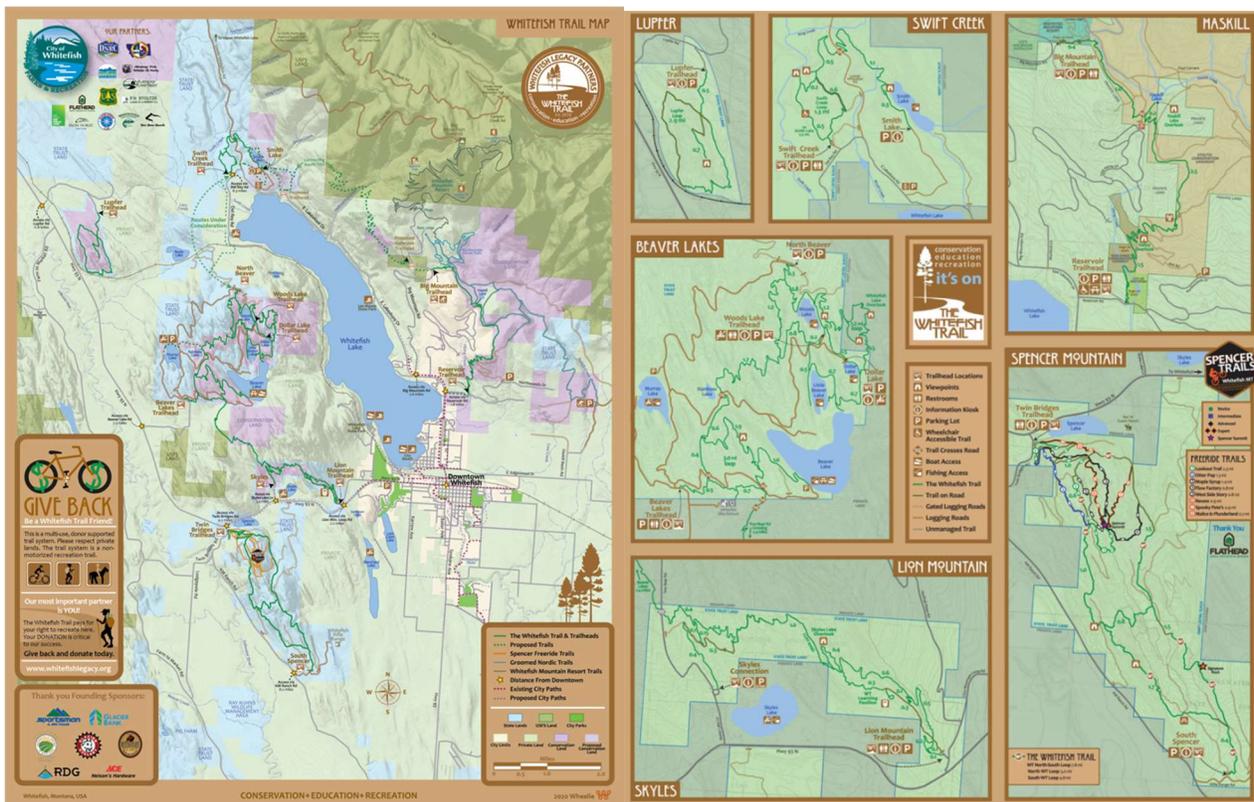
Purpose

The purpose of the Whitefish Trail Construction Fund is to provide budget authority to support efforts to design and construct new portions of Whitefish Trail. Funds provided to the effort are generated through grants and private contributions. To date, these funds have constructed 43 miles of trail and 13 trailheads, impacting over 6,100 acres for conservation.

The Whitefish Trail Operations and Maintenance is budgeted in the Parks & Recreation Fund to address existing portions of the Whitefish Trail, including trail and trailhead maintenance, weeds management, DNRC licenses, and the seasonal WT Coordinator. It is primarily funded by the Whitefish Trail Endowment Fund disbursements managed by the Whitefish Community Foundation and Whitefish Legacy Partners and is also supported by community partners including Flathead Area Mountain Bikers, Glacier Nordic Club, Montana Fish, Wildlife & Parks, corporate sponsors, and Adopt-A-Trail crews and sponsors.

FY 2021 Objectives

The objective of the Whitefish Trail Construction Fund for this fiscal year is to continue expanding and improving the trails and amenities of the Whitefish Trail. Projects include Phase 1 construction at Smith Lake, completion of retread projects in Haskill, completion of wayfinding sign installation, and planning for possible Lion Mountain expansion. The objective of the Whitefish Trail Operations and Maintenance Fund for this fiscal year is to continue ongoing operations and maintenance of the entire trail system and initiate larger maintenance projects on priority use areas including Lion Mountain.



Whitefish Trail Construction - 4540

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Intergovernmental						
334000	Grants	104,900	47,787	64,313	27,097	73,246
		\$ 104,900	\$ 47,787	\$ 64,313	\$ 27,097	\$ 73,246
Miscellaneous Revenue						
365000	Donations and Sponsors	265,410	64,053	18,500	-	117,418
		\$ 265,410	\$ 64,053	\$ 18,500	\$ -	\$ 117,418
Investment Earnings						
371010	Investment Earnings	-	-	-	-	-
		\$ -	\$ -	\$ -	\$ -	\$ -
	Total Fund Revenue	\$ 370,310	\$ 111,840	\$ 82,813	\$ 27,097	\$ 190,664
101000	Beginning Available Cash			\$ -		\$ -
	Total Resources			\$ 82,813		\$ 190,664

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
430255	Capital Outlay					
938	Trail Construction	369,610	115,643	82,813	28,979	190,246
		\$ 369,610	\$ 115,643	\$ 82,813	\$ 28,979	\$ 190,246
	Total Expenditures			\$ 82,813		\$ 190,246
	Ending Available Cash			\$ -		\$ 418
	Total WF Construction Fund			\$ 82,813		\$ 190,664

Purpose

The resort tax is authorized by Section 7-6-1501 MCA and was originally approved by Whitefish voters on November 7, 1995 by a 56%-44% vote. The resort tax was approved for a 20-year term beginning January 1, 1996. At the November 2, 2004 City election, the voters approved an extension of the resort tax until January 31, 2025 by a margin of 2012 to 632. At a special election on April 28, 2015, the voters approved an increase in the Resort Tax from 2% to 3% for additional property tax relief and to fund the purchase of the Haskill Basin Conservation Easement to protect and preserve water quality and quantity. The vote passed by a margin of 1718 to 334. The 1% increase in Resort Tax from 2% to 3% was effective July 1, 2015.

Whitefish’s resort tax is a tax on the sale of lodging, restaurant and prepared food, alcoholic beverages, ski resort goods and services, and the retail sale of defined luxury items. As of July 1, 2015, Whitefish voters allocated the use of the 3% resort tax as follows:

- A. *Property tax reduction for taxpayers residing in the city in an amount equal to twenty five percent (25%) of the 3% resort tax revenues derived during the preceding fiscal year;*
- B. *Provision for the repair and improvement of existing streets, storm sewers, all underground utilities, sidewalks, curbs and gutters, in an amount equal to sixty five percent (65%) of the 2% resort tax revenues derived during the preceding fiscal year;*
- C. *Bicycle paths and other park capital improvements in an amount equal to five percent (5%) of the 2% resort tax revenues derived during the preceding fiscal year;*
- D. *Repayment of a loan or bond to finance a portion of the costs of, or to otherwise pay for, the acquisition of the conservation easement or other interest, in and around Haskill Basin in order to protect and preserve water quality and quantity, including the source drinking water supply for the municipal water system of the city of Whitefish, in an amount equal to seventy (70%) percent of the 1% resort tax revenues to be collected during a fiscal year.*
- E. *Cost of administering the resort tax in an amount equal to five percent (5%) of the 3% resort tax per year.*

FY 2021 Objectives

Specific projects appropriated during FY 2021 are shown below. Additional funds are appropriated in case of cost increases or if other projects are approved during the year.

Item/Project	Amount
Revenue Changes	
<ul style="list-style-type: none"> • Decrease in resort tax collections due to the anticipated decrease in collections during FY 2020 due to COVID-19 	\$232,125
<ul style="list-style-type: none"> • Decrease in investment earnings due to lower anticipated interest rates 	\$29,351

Expenditures

• State Park Road – Hwy 93 to Railroad (Construction)	\$1,700,000
• East Edgewood (Wisconsin to City Limits)	\$400,000
• Armory Park Improvements - Playground	\$80,000
• Bike Path Connections	\$120,000
• Armory Park Improvements – Well installation to continue irrigation efforts at lower operating costs	\$40,000
• Memorial Park Irrigation/Field Work at the southern end of the park	\$30,000
• Debt Service Portion of Resort Tax for the Haskill Basin Conservation Easement loan (budgeted debt payments in Water Fund– transferred from Resort Tax Fund)	\$989,270
• Property tax relief decrease from FY20 due to reduced additional amounts over budget for FY20	\$227,075

RESORT TAX PROJECTS FUNDED SINCE 1996:

STREETS:

Baker Avenue (2nd Street to River)
Baker Avenue (River to 10th Street)
Baker Avenue overlay (10th Street to 19th Street)
7th Street (Columbia Avenue to Pine Avenue)
7th Street (Pine Avenue to street terminus)
19th Street overlay (Baker Avenue to Hwy 93)
Columbia Avenue (River to 7th Street)
Columbia Avenue (2nd Street to 7th Street)
Skyles Place (Wisconsin Avenue to Dakota Avenue)
Lupfer Avenue (Entire length)
Railway St. (Miles Avenue to O'Brien Avenue)
Railway St. (Columbia Avenue to Somers Avenue)
Somers Avenue (Railway Street to 2nd Street)
Colorado Avenue (Edgewood Drive to Crestwood Court)
Community-wide sidewalk replacement project - 84 blocks
6th St / Geddes-Baker Ave to 3rd Street-In progress
Central Avenue-Railway to 3rd
6th and Geddes
East 2nd Street
West 7th Street
Somers Avenue

Future Street Projects:

State Park Road
East Edgewood Place

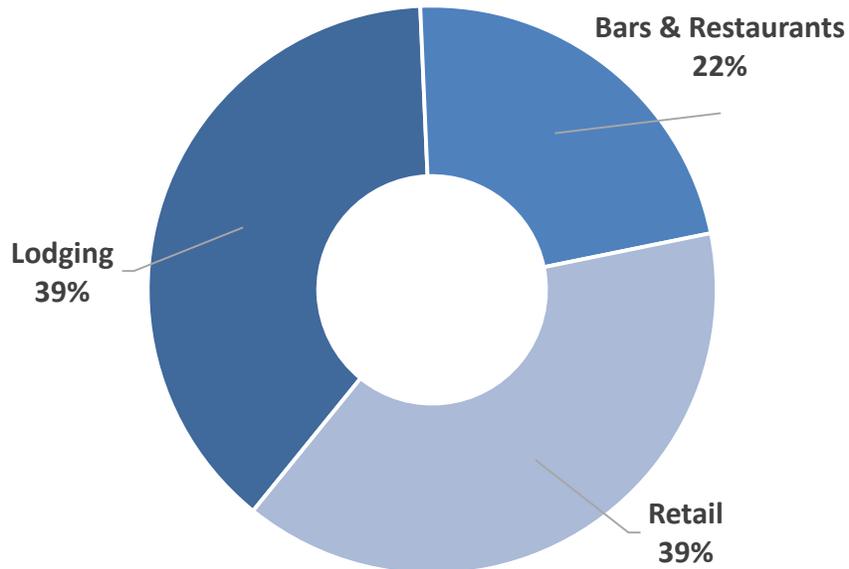
PARKS:

Riverside Park Bike/Ped Path
Baker Street Park Bike/Ped Path
Grouse Mtn Park Tennis Court reconstruction
Riverside Park Tennis Court improvements
Kay Beller Park Construction
Memorial Park Basketball Court Resurfacing
Baker Park Bike/Ped Path
2nd to Armory Trail
East Edgewood Trail
Rocksund/Monegan Trail
Rocksund Footbridge
Ice Den Signage
Donation for New Baseball Stadium
Parks and Recreation Master Plan
Soroptimist Park Play Equipment
Pickleball Courts at Memorial Park
Riverside Tennis Court Renovation
Update Ped-Bike Master Plan
Basketball Court Resurfacing at Memorial Park
Lacrosse Fields at Armory Park with Irrigation
Armory Improvements (Flooring, Lighting, HVAC)
Bakke Nature Reserve Parking Lot
WAG Dog Park Pave Road and Parking Lot
Riverside Park River/Boat Access
City Beach Restrooms
Lacrosse Fields at Armory Parks with Irrigation
Wayfinding Signs Improvement Project
Gator for Bike Path Maintenance

FY 2021 and Future Parks Projects:

State Park Road
East Edgewood
Armory Park Improvements – Playground
Bike Path Connection – Armory Bike Path
Armory Park Improvements – Irrigation Well
Memorial Park Irrigation and Field

FY 19 Resort Tax Collections by Business Type



Resort Tax Expenditures (Inception to June 2019):

Property tax relief since 1996: \$ 11,095,755

Street improvements since 1996: \$ 20,334,518

Park improvements since 1996: \$ 1,609,453

Resort Tax Fund - 2100

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Taxes						
311010	Resort Taxes	3,987,807	4,260,456	4,260,096	3,591,100	4,027,971
		\$ 3,987,807	\$ 4,260,456	\$ 4,260,096	\$ 3,591,100	\$ 4,027,971
Investment Earnings						
371010	Investment Earnings	25,541	41,930	41,930	27,711	12,579
		\$ 25,541	\$ 41,930	\$ 41,930	\$ 27,711	\$ 12,579
	Total Revenue	\$ 4,013,347	\$ 4,302,386	\$ 4,302,026	\$ 3,618,811	\$ 4,040,550
101000	Beginning Cash-Rebate			\$ 1,287,597		\$ 1,060,522
	Beginning Cash-Streets			\$ 1,697,150		\$ 613,083
	Beginning Cash-Parks			\$ 68,096		\$ 179,398
	Total Cash			\$ 3,052,843		\$ 1,853,003
	Total Resources			\$ 7,354,869		\$ 5,893,554
Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Capital Outlay						
932	Street Improvements	903,557	1,458,912	2,900,000	2,034,427	2,100,000
931	Park Development	179,977	131,032	210,000	30,079	270,000
		\$ 1,083,534	\$ 1,589,944	\$ 3,110,000	\$ 2,064,506	\$ 2,370,000
Other Financing Uses						
820	Property Tax Relief Transfer	1,123,847	1,277,625	1,287,597	1,287,597	1,060,522
820	Trans to Water (Haskill Basin)	979,317	1,046,280	1,056,578	899,662	989,270
		\$ 2,103,164	\$ 2,323,905	\$ 2,344,175	\$ 2,187,259	\$ 2,049,792
	Total Expenditures	\$ 3,186,698	\$ 3,913,849	\$ 5,454,175	\$ 4,251,765	\$ 4,419,792
	Ending Cash - Rebate			\$ 1,132,293		\$ 1,060,162
	Ending Cash - Streets			\$ 759,304		\$ 350,240
	Ending Cash - Parks			\$ 219,097		\$ 50,780
	Total Cash			\$ 2,110,694		\$ 1,461,183
	Total Resort Tax Fund Requirements			\$ 7,564,869		\$ 5,880,975

Purpose

Section 7-15-4282 MCA authorizes the use of Tax Increment Financing for Urban Renewal purposes. Resolution 87-3, establishing the Whitefish Urban Renewal Plan, was adopted by the City Council on May 4, 1987. Resolution 87-16, establishing the tax increment provisions of the Urban Renewal Plan, was subsequently adopted by the City Council on July 6, 1987. In accordance with Section 7-15-4292 of the Montana Code, tax increment districts must be terminated 15 years after their creation or at a later date necessary to pay all bonds and related interest for which the tax increment has been pledged. Due to the City's issuance of tax increment bonds, termination of the district is will be July 15, 2020.

FY 2021 Objectives

To complete projects under contract and funded with remaining cash funds as the TIF expires early in FY 2021.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Revenue:	
<ul style="list-style-type: none"> No additional revenues are expected. Revenues are budgeted as \$0 	\$0
Expenditures:	
<ul style="list-style-type: none"> Library Remodel 	\$30,000
<ul style="list-style-type: none"> Baker Street Predestination-Bike Underpass project 	\$1,600,000
<ul style="list-style-type: none"> Housing Authority Contribution for an affordable housing project 	\$459,500

Tax Increment District Fund - 2310

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Taxes						
311010	Real Property Taxes	5,953,090	6,617,769	7,377,489	4,780,679	-
311020	Personal Property Taxes	61,036	134,418	149,849	71,846	-
312000	Penalty and Interest	15,741	21,103	23,526	23,943	-
		\$ 6,029,867	\$ 6,773,290	\$ 7,550,864	\$ 4,876,467	\$ -
Intergovernmental						
331008	CDBG Grant	36,367	-	-	-	-
335230	State Entitlement Share	248,865	248,865	248,865	124,433	-
		\$ 285,232	\$ 248,865	\$ 248,865	\$ 124,433	\$ -
Miscellaneous Revenue						
362000	Miscellaneous Revenue	59,570	78,087	50,364	37,774	-
363000	Special Assessments	-	-	-	-	-
363040	P & I Special Assessments	79	-	-	-	-
382011	Proceeds from Property sale	-	-	482,275	481,148	-
383021	Transfer from Impact Fees	74,159	197,994	-	-	-
		\$ 133,809	\$ 276,081	\$ 532,639	\$ 518,922	\$ -
	Total Revenue	\$ 6,448,907	\$ 7,298,236	\$ 8,332,368	\$ 5,519,821	\$ -
101000	Beginning Available Cash			\$ 671,268		\$ 2,089,500
	Total Resources			\$ 9,003,636		\$ 2,089,500

Tax Increment District Fund - 2310

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
470330					
Personnel Services					
110 Salaries	162,989	184,668	226,856	156,073	-
112 Part-Time Wages	5,972	4,202	5,055	3,603	-
120 Overtime	141	2	2	0	-
140 Employer Contributions	61,986	70,009	97,880	48,844	-
	\$ 231,088	\$ 258,881	\$ 329,793	\$ 208,520	\$ -
Materials and Services					
220 Operating Supplies	2,000	3,681	1,000	7,616	-
330 Publicity/Subscriptions/Dues	-	591	-	-	-
350 Professional Services	3,888	23,801	75,000	27,078	-
390 Other Purchased Services	27,000	-	50,000	200	-
510 Insurance	2,763	4,811	4,811	4,801	-
770 Contributions	26,559	-	-	-	459,500
880 Administrative Expense	5,005	6,286	9,088	5,404	-
	\$ 67,215	\$ 39,170	\$ 139,899	\$ 45,098	\$ 459,500
Intergovernmental Allocations					
591 School Residential Rebate	1,011,034	1,206,098	1,344,558	650,054	-
	\$ 1,011,034	\$ 1,206,098	\$ 1,344,558	\$ 650,054	\$ -
Transfers					
820 Transfer to TIF Debt Service	3,718,078	3,984,728	2,084,878	1,042,439	-
	\$ 3,718,078	\$ 3,984,728	\$ 2,084,878	\$ 1,042,439	\$ -
Capital Outlay					
910 Land	-	642,275	-	-	-
920 Buildings	149,568	-	-	24,552	-
930 Urban Renewal Projects	929,820	825,866	5,009,175	1,399,828	1,630,000
	\$ 1,079,388	\$ 1,468,141	\$ 5,009,175	\$ 1,424,380	\$ 1,630,000
Contingency	-	-	50,000	-	-
Total Expenditures	\$ 6,106,803	\$ 6,957,018	\$ 8,958,303	\$ 3,370,491	\$ 2,089,500
Year end Available Cash			\$ 45,333		\$ -
Total Fund			\$ 9,003,636		\$ 2,089,500

Purpose

The Tax Increment Debt Service Fund was established pursuant to resolutions related to the sale of the City's Series 2000, 2001 and 2004 Tax Increment Revenue Bonds. The resolutions specify that debt service requirements related to the bond issues be provided for through a special debt service fund. The resolutions also require the establishment of a bond reserve account, which has been provided for in this fund.

The City refinanced the Series 2000, 2001, and 2004 Bonds in order to lower its interest rates in July, 2009 as part of a new bond issue which provided funding of \$7,500,000 for the construction of the Emergency Services Center. The City received an A- and stable rating on the 2009 bond issue from Standard and Poor's. The true interest cost on the 2009 bonds is 4.23% compared to the 5.8%-6.625% interest rate of the 2000 bond, the 6% interest rate of the 2001 bond, and the 5.1% interest rate of the 2004 bond.

The City refinanced the 2009 bond at the beginning of June 2015 to save money on interest by obtaining a new true interest cost of 2.619% instead of the 4.23% true interest cost. The City also issued \$9,800,000 of Tax Increment Revenue Bonds in March 2016 as to finance a portion of the City Hall and Parking Structure project. The interest rate on these bonds is 2.21%. All bonds will be paid in full July 15, 2020.

FY 2021 Objectives

Provide budget authority to disburse the final debt service requirements on the 2015 and 2016 TIF Revenue Bonds. FY 2021 is the final year for this fund.

Tax Increment Debt Service Debt - 3110

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Investment Earnings						
371010	Investment Earnings	\$ 34,046	\$ 58,909	\$ 59,140	\$ 35,773	\$ -
Other Financing Sources						
383011	Transfer from TIF District Fund	\$ 3,718,078	\$ 3,984,728	\$ 2,084,878	\$ -	\$ -
	Total	3,718,078	3,984,728	2,084,878	-	-
Total Fund Revenue		\$ 3,752,124	\$ 4,043,637	\$ 2,144,018	\$ 35,773	\$ -
102000	Debt Service			\$ 3,650,647		\$ 2,077,514
102000	Debt Service Reserve			\$ 1,698,300		\$ 1,698,300
Total Resources				\$ 7,492,965		\$ 3,775,814

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
490200	Debt Service					
610	Principal	3,125,000	3,461,442	3,848,000	3,848,000	3,733,000
620	Interest	316,534	249,267	154,909	154,909	42,814
		\$ 3,441,534	\$ 3,710,709	\$ 4,002,909	\$ 4,002,909	\$ 3,775,814
Total Expenditures		\$ 3,441,534	\$ 3,710,709	\$ 4,002,909	\$ 4,002,909	\$ 3,775,814
102000	Debt Service			\$ 2,077,514		\$ -
102000	Debt Service Reserve			\$ 1,698,300		\$ -
Total Requirements				\$ 7,778,723		\$ 3,775,814

Purpose

The City Council adopted Ordinance No. 07-25 authorizing the collection of impact fees on August 6, 2007. The ordinance required the segregation of impact fees from other funds, therefore, this fund provides that segregation for impact fee expenditures other than for enterprise funds such as Water and Wastewater. These areas are Paved Trails, Park Maintenance Building, the Emergency Services Center, City Hall, and Stormwater.

FY 2021 Objectives

The objective of the Impact Fee Fund for this fiscal year is to provide a segregated fund to account for appropriate impact fee project expenditures. The City has established an Impact Fee Advisory Committee to help monitor the impact fees and advise the City on appropriate expenditures. A five-year review of the impact fee calculation took place in FY 2013 and a second one was completed in FY 2019. Projects for FY 2021 include \$100,000 for the Armory Park Shared Path Improvement Project, and \$87,500 for a Stormwater Sump Collection System Project on Whitefish Avenue.

Impact Fees - 2399

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Charges for Services						
341072	Impact Fee - Paved Trails	52,237	98,965	100,000	43,922	50,000
341073	Impact Fee - Park Maint Bldg	3,452	11,716	2,500	10,372	7,500
341074	Impact Fee - ESC	103,004	181,044	20,000	74,578	50,000
341075	Impact Fee - City Hall/Park Str.	97,480	148,565	20,000	7,206	7,000
341076	Impact Fee - Stormwater	26,046	36,197	24,000	25,715	25,000
		\$ 282,218	\$ 476,487	\$ 166,500	\$ 161,793	\$ 139,500
Investment Earnings						
371010	Investment Earnings	2,631	9,018	8,000	5,285	2,400
		\$ 2,631	\$ 9,018	\$ 8,000	\$ 5,285	\$ 2,400
Total Fund Revenue		\$ 284,849	\$ 485,505	\$ 174,500	\$ 167,077	\$ 141,900
101000	Beginning Available Cash:			\$ 458,520		\$ 483,020
	Paved Trails			125,176		80,776
	Park Maint Building			9,327		11,827
	ESC			133,840		154,340
	City Hall/Parking Structure			70,792		91,292
	Stormwater			119,385		144,785
Total Resources				\$ 633,020		\$ 624,920

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Capital Outlay						
930	Improvements - Stormwater	-	79,946	87,500	-	87,500
930	Improvements - ESC	43,481	30,400	-	-	-
938	Improvements - Paved Trails	3,838	11,693	150,000	46,830	100,000
		\$ 47,319	\$ 122,039	\$ 237,500	\$ 46,830	\$ 187,500
Transfers						
820	TIF-Park Maint Building	2,194	3,968	-	-	-
820	TIF- ESC Bond Pmt	-	86,149	-	-	-
820	TIF-City Hall/Park Str. Bond	71,965	107,878	-	-	-
		\$ 74,159	\$ 197,995	\$ -	\$ -	\$ -
Total Expenditures		\$ 121,478	\$ 320,034	\$ 237,500	\$ 46,830	\$ 187,500
101000	Ending Available Cash:			\$ 395,520		\$ 443,020
	Paved Trails			80,776		36,376
	Park Maint Building			11,827		19,327
	ESC			154,340		204,840
	City Hall/Parking Structure			91,292		98,792
	Stormwater			57,285		83,685
Total Requirements				\$ 633,020		\$ 630,520

CDBG/HOME Homebuyers Assistance Fund - 2945

Purpose

The CDBG/HOME Homebuyers Assistance Fund provides budget authority to facilitate a “pass-through” grant for first-time homebuyer assistance in Whitefish. The Community Development Block Grant (CDBG) Program pays grant funds to the City of Whitefish. These funds are then paid to the Whitefish Housing Authority. The Housing Authority administers the program. In addition to the CDBG Program, the Whitefish Housing Authority also participates in the HOME Grant Program.

FY 2021 Objectives

The objective of the CDBG/HOME Homebuyers Assistance Fund for this fiscal year is to facilitate the pass-through of grant dollars to the Whitefish Housing Authority if awarded.

Housing Rehabilitation Fund - 2987

Purpose

The Housing Rehabilitation Fund provides budget authority to facilitate the City’s Housing Rehabilitation Revolving Loan Program for qualified homeowners and property owners. The program is administered by the Whitefish Housing Authority through an interlocal agreement with the City.

FY 2021 Objectives

The objective of the Housing Rehabilitation Fund for this fiscal year is to comply with Federal requirements to manage the repayment and reuse of rehabilitation loans.

Affordable Housing Fund - 2989

Purpose

The purpose of the Affordable Housing Fund is to provide budget authority to administer the City’s voluntary affordable housing cash in-lieu program.

FY 2021 Objectives

The objective of the Affordable Housing Fund for this fiscal year is to accumulate funds from the affordable housing cash in-lieu program and provide funding to the Whitefish Housing Authority for development of affordable housing at the corner Railway St. and Columbia Ave.

CDBG/HOME Homebuyers Assistance Fund - 2945

5/16/2020

Revenues	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Intergovernmental Revenues					
331009 CDBG/HOME Grant	-	-	400,000	-	400,000
Total Revenue	\$ -	\$ -	\$ 400,000	\$ -	\$ 400,000
101000 Beginning Available Cash			-		-
Total Resources			\$ 400,000		\$ 400,000

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Homebuyers Assistance					
794 Acq. of Rentals/Homes Purchase	-	-	380,000	-	380,000
880 Administrative Expense	-	-	20,000	-	20,000
Total Expenditures			\$ 400,000		\$ 400,000

Housing Rehabilitation Fund - 2987

Revenues	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Miscellaneous Revenue					
362000 Miscellaneous Revenue	-	-	20,000	-	20,000
	\$ -	\$ -	\$ 20,000	\$ -	\$ 20,000
Investment Earnings					
373030 HOME Loan Repayments	45	25	2,500		2,500
373070 USDA Program Loan Repayments	315	290	5,000	235	5,000
	\$ 360	\$ 315	\$ 7,500	\$ 235	\$ 7,500
Total Fund Revenue	\$ 360	\$ 315	\$ 27,500	\$ 235	\$ 27,500
101000 Beginning Available Cash			744		979
Total Resources			\$ 28,244		\$ 28,479

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Materials and Services					
470200 USDA Housing Rehab Projects	3,300	-	18,900	-	18,900
470440 HOME Grant Projects	-	-	9,344	-	9,579
Total Expenditures	\$ 3,300	\$ -	\$ 28,244	\$ -	\$ 28,479

Affordable Housing Fund - 2989
(Cash-in-Lieu of Affordable Housing)

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
362004	Cash-in-Lieu Payments	-	-	598,000	259,000	-
Total Revenue		\$ -	\$ -	\$ 598,000	\$ 259,000	\$ -
101000	Beginning Available Cash			1,000		599,000
Total Resources				\$ 599,000		\$ 599,000

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Materials and Services						
794	Affordable Housing/Assistance	-	-	499,000	-	599,000
Total Expenditures		\$ -	\$ -	\$ 499,000	\$ -	\$ 599,000

Purpose

The Sidewalk Districts Fund provides budget authority for construction of community sidewalks resulting from cash-in-lieu fees paid by developments when new construction occurs in established neighborhoods. Funds are segregated into three districts; east, north and west. Projects are undertaken within each district when sufficient funds are available to build substantial lengths of sidewalks.

FY 2021 Objectives

The objective of the Sidewalk Districts Fund for this fiscal year is to accumulate funds for future projects and provide for construction of sidewalks as funds become available.

Sidewalk Districts Fund - 2992 (cash in lieu)

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Investment Earnings						
371010	Investment Earnings	1,670	3,333	3,300	2,588	990
		\$ 1,670	\$ 3,333	\$ 3,300	\$ 2,588	\$ 990
Other Financing Sources						
381060	Cash In-lieu - District E	-	33,471	-	-	-
381061	Cash-in-lieu - District W	31,478	4,801	-	2,249	-
381062	Cash-in-lieu - District N	-	30,374	-	-	-
		\$ 31,478	\$ 68,646	\$ -	\$ 2,249	\$ -
Total Fund Revenue		\$ 33,148	\$ 71,979	\$ 3,300	\$ 4,837	\$ 990
101000	Beginning Available Cash			\$ 259,887		\$ 263,187
Total Resources				\$ 263,187		\$ 264,177
Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Capital Outlay						
430267	East District Improvements	-	-	49,438	-	49,768
430268	West District Improvements	-	-	109,191	-	109,521
430269	North District Improvements	-	-	104,558	-	104,888
	Total Expenditures	\$ -	\$ -	\$ 263,187	\$ -	\$ 264,177
Total Fund				\$ -		\$ -

Purpose

The Subdivision Street Trees Fund provides budget authority for the purchase and installation of trees in specific subdivisions based on an agreement with the developer and the City. Amounts received from developers must be spent on installation of trees within that specific subdivision. All costs, including a 20% contract administrative, is included in the fee. This option for developers is under section *12-4-22: Planting Strip Landscaping and Street Trees* of the City Code.

FY 2021 Objectives

The objective of the Subdivision Street Trees Fund for this fiscal year is to accumulate payments from Street Tree agreements and provide for tree installation.

Subdivision Street Trees - 2993 (cash in lieu)

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Investment Earnings						
371010	Investment Earnings	-	-	300	-	90
		\$ -	\$ -	\$ 300	\$ -	\$ 90
Other Financing Sources						
343301	Subdivision Trees Agreement	20,580	2,520	-	16,380	-
		\$ 20,580	\$ 2,520	\$ -	\$ 16,380	\$ -
Total Fund Revenue		\$ 20,580	\$ 2,520	\$ 300	\$ 16,380	\$ 90
101000	Beginning Available Cash			\$ 24,780		\$ 41,160
Total Resources				\$ 25,080		\$ 41,250

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Materials and Services						
230	Repair & Maintenance Supplies	-	8,820	25,080	-	41,250
	Total Expenditures	\$ -	\$ 8,820	\$ 25,080	\$ -	\$ 41,250
Total Fund				\$ -		\$ -

Purpose

The Residential Lighting District Fund 2400 and the Commercial Lighting District Fund 2410 provide budget authority to provide, maintain, and improve residential and commercial street lighting within the City. The districts are funded through a lighting assessment.

FY 2021 Objectives

The objective of the Residential & Commercial Lighting District Funds for this fiscal year is to provide street lighting within residential and commercial areas. Funds are used to pay for electricity used by street lights located in the Residential & Commercial Lighting Districts and to support capital improvement and replacement of system components. In FY 2018, the City decided to move forward with replacing and retrofitting all lights with LED bulbs to help reduce energy consumption and extend the useful lives of each light.

Significant or changed appropriations during FY 2021 are:

Item/Project	Cost
Revenue Changes	
<ul style="list-style-type: none">Decrease in miscellaneous revenue for Flathead Electric Residential LED Conversion Project	\$14,000
Expenditure Changes	
<ul style="list-style-type: none">Decrease in repair and maintenance supplies in residential lighting due to more efficient systems	\$5,000
<ul style="list-style-type: none">Decrease in repair and maintenance supplies in commercial lighting due to more efficient systems	\$4,000

Residential Light District Fund - 2400 (Lighting Dist #1)

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Miscellaneous Revenue						
362000	Miscellaneous Revenue	-	-	14,500	-	-
363010	Maintenance Assessments	94,255	102,027	103,297	71,730	103,297
363040	Penalties & Interest	307	372	300	327	300
Total Fund Revenue		\$ 94,562	\$ 102,399	\$ 118,097	\$ 72,057	\$ 103,597
101000 Beginning Available Cash				\$ 43,117		\$ 74,516
Total Resources				\$ 161,215		\$ 178,113
Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Personnel Services						
110	Salaries	20,653	17,937	18,006	13,040	18,425
120	Overtime	8	66	175	32	175
140	Employer Contributions	5,203	6,622	6,728	4,835	6,951
		\$ 25,864	\$ 24,625	\$ 24,909	\$ 17,908	\$ 25,551
Materials and Services						
220	Operating Supplies	-	-	-	84	-
230	Repair & Maintenance Supplies	18,830	10,336	17,000	18,905	12,000
340	Utility Services	37,140	39,240	32,000	23,673	32,000
360	Repair & Maintenance Services	2,228	5,105	1,600	-	1,600
510	Insurance	422	600	500	499	523
880	Administrative Costs	564	645	690	408	653
		\$ 59,184	\$ 55,926	\$ 51,790	\$ 43,569	\$ 46,777
Capital Outlay						
940	Machinery & Equipment	-	23,414	10,000	17,047	-
		\$ -	\$ 23,414	\$ 10,000	\$ 17,047	\$ -
Total Expenditures		\$ 85,048	\$ 103,965	\$ 86,699	\$ 78,523	\$ 72,328
Ending Available Cash				\$ 74,516		\$ 105,785
Total Fund				\$ 161,215		\$ 178,113

Commercial Light District Fund - 2410 (Lighting Dist #4)

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Miscellaneous Revenue						
362000	Miscellaneous Revenue	-	92	-	8,652	-
363010	Maintenance Assessments	91,502	92,292	100,746	71,425	100,746
363040	Penalties & Interest	262	258	250	392	250
Total Revenue		\$ 91,765	\$ 92,642	\$ 100,996	\$ 80,469	\$ 100,996
101000	Beginning Available Cash			47,375		89,272
Total Resources				\$ 148,371		\$ 190,268
Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Personnel Services						
110	Salaries	20,653	17,937	18,006	13,040	18,425
120	Overtime	8	66	175	32	175
140	Employer Contributions	5,203	6,622	6,728	4,835	6,951
		\$ 25,864	\$ 24,625	\$ 24,909	\$ 17,908	\$ 25,551
Materials and Services						
230	Repair & Maintenance Supplies	30,178	2,953	12,000	10,266	8,000
340	Utility Services	27,122	14,911	16,000	10,474	16,000
360	Repair & Maintenance Services	22,858	-	5,000	1,296	5,000
510	Insurance	422	600	500	499	523
880	Administrative Costs	564	645	690	408	653
		\$ 81,144	\$ 19,109	\$ 34,190	\$ 22,944	\$ 30,177
Total Requirements		\$ 107,008	\$ 43,734	\$ 59,099	\$ 40,852	\$ 55,728
Ending Available Cash				\$ 89,272		\$ 134,540
Total Fund				\$ 148,371		\$ 190,268

Purpose

The Street Fund provides budget authority to support the operation, maintenance and improvements of the streets and storm drainage systems of the City of Whitefish.

FY 2021 Objectives

The objective of the Street Fund for this fiscal year is to provide street maintenance and improvements for the driving, walking and bicycling public. Typical maintenance activities include street sweeping, asphalt repairs and preventative maintenance, snow and ice removal, and upkeep of traffic signs and markings.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Revenue Changes	
<ul style="list-style-type: none"> Revenues for FY 2021 are budgeted to remain flat however a \$1,000 increase was added to street excavation permits 	\$1,000
Expenditure Changes	
<ul style="list-style-type: none"> Increase in personnel services related to higher wages and benefits 	\$137,242
<ul style="list-style-type: none"> Increase in repair and maintenance services for the overlay and chip seal program (total budget is \$250,000 for this program) 	\$94,495
<ul style="list-style-type: none"> Decrease in professional services as the FY 2020 budget included budget for Asphalt Maintenance Plan work which will not be needed in FY 2021 	\$23,000
<ul style="list-style-type: none"> Increase in contract services in the Ice and Snow Removal program to account for hauling snow to the Public Works Shop instead of using the snow lot which will no longer be available (the overall increase for hauling snow to the snow lot will be partially offset by a reduction in costs for alley plowing) 	\$20,000
<ul style="list-style-type: none"> #1 Capital Improvement – Sidewalk Extension Project 	\$25,000
<ul style="list-style-type: none"> #2 Capital Improvement – Shop Upgrades to include paving from sewer hookup, locker room & bathroom remodel, mechanic storage, shop wash containment, garage Door openers (Streets/Water/Sewer) 	\$10,000
<ul style="list-style-type: none"> #1 Capital Equipment – Backhoe Thumb (split with Streets/Water/Sewer) 	\$2,500
<ul style="list-style-type: none"> #2 Capital Equipment – Snowplow – 12’ for unit #140 	\$17,000
<ul style="list-style-type: none"> #3 Capital Equipment – Snowgate 	\$10,000
<ul style="list-style-type: none"> #4 Capital Equipment – Van replacement for unit #20 (split Streets/Water/Wastewater) 	\$14,000
<ul style="list-style-type: none"> #5 Capital Equipment – Replacement 4 x 4 Pick-Up for unit #10 (split Streets/Water/Wastewater) 	\$14,000

• #6 Capital Equipment – Replacement Dump Truck for unit #27 (split Streets/Water/Wastewater)	\$50,000
• #7 Capital Equipment – Replace Loader for unit #42 (split Streets/Water/Wastewater)	\$60,000
• #8 Capital Equipment – Replace Plotter (split Streets/Water/Wastewater and Planning)	\$2,000
• #9 Capital Equipment – RTK Base Station (split Streets/Water/Wastewater)	\$4,130
• #10 Capital Equipment – Equipment Diagnostic Scanner (split Streets/Water/Wastewater)	\$3,500

Street Fund - 2110

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Licenses and Permits						
322031	Cable T.V. Franchise Fee	103,990	114,356	115,000	83,448	115,000
322035	Water Utility ROW Fee	174,315	176,190	179,738	134,727	179,738
322036	Wastewater Utility ROW Fee	162,086	177,336	198,109	140,982	198,109
323022	Street Excavation Permit Fees	3,746	4,575	3,500	4,675	4,500
		\$ 444,137	\$ 472,457	\$ 496,347	\$ 363,832	\$ 497,347
Intergovernmental Revenues						
335040	Gasoline Tax Apportionment	151,121	156,115	158,382	118,787	158,382
		\$ 151,121	\$ 156,115	\$ 158,382	\$ 118,787	\$ 158,382
Charges for Services						
343370	Plan Review/Const. Oversight	1,310	3,464	1,400	1,743	1,400
		\$ 1,310	\$ 3,464	\$ 1,400	\$ 1,743	\$ 1,400
Miscellaneous Revenue						
362000	Miscellaneous Revenue	31,112	16,060	15,000	27,259	15,000
363010	Maintenance Assessments	947,287	1,007,786	1,054,213	724,187	1,054,213
363040	Penalties and Interest	2,737	3,404	2,800	3,376	2,800
		\$ 981,136	\$ 1,027,250	\$ 1,072,013	\$ 754,822	\$ 1,072,013
Other Financing Sources						
382010	Sale of General Fixed Assets	-	-	-	15,495	-
		\$ -	\$ -	\$ -	\$ 15,495	\$ -
	Total Fund Revenue	\$ 1,577,704	\$ 1,659,286	\$ 1,728,142	\$ 1,254,679	\$ 1,729,142
	Beginning Available Cash			1,315,527		\$ 1,807,350
	Total Resources			\$ 3,043,669		\$ 3,536,492

Street Fund - 2110

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
430200 Street and Alley						
Personnel Services						
110	Salaries	393,832	343,661	326,466	288,044	405,283
111	Seasonal	-	6,607	2,376	2,839	2,376
112	Part-Time Salaries	4,033	4,301	5,368	3,853	6,615
120	Overtime	3,591	2,374	4,486	2,863	6,490
140	Employer Contributions	193,183	156,359	150,104	126,338	200,543
		\$ 594,639	\$ 513,302	\$ 488,800	\$ 423,936	\$ 621,307
Materials and Services						
210	Office Supplies/Materials	3,183	1,413	2,000	788	2,000
220	Operating Supplies/Materials	20,496	16,727	13,750	9,293	17,050
230	Repair & Maintenance Supplies	100,308	93,058	97,000	64,052	98,000
310	Communication & Transportation	15	45	2,000	274	400
320	Printing	89	935	1,000	872	1,000
330	Notices, Subscriptions, Dues	7,928	10,163	24,150	8,731	25,850
340	Utility Service	14,041	13,823	13,700	10,209	13,832
350	Professional Services	3,049	9,091	86,100	2,417	63,100
360	Repair & Maintenance Services	7,467	24,693	189,500	126,613	283,995
370	Travel & Training	3,653	1,788	7,500	1,141	7,500
390	Other Purchased Services	77	145	500	207	500
397	Contract Services	11,089	2,062	-	-	-
510	Insurance Expense	20,645	17,656	22,200	15,214	15,978
530	Rent/Leases	1,170	1,263	1,296	181	1,296
540	Special Assessments	29,425	29,490	29,500	29,217	29,500
880	Administrative Expense	12,795	12,299	16,565	9,867	15,736
		\$ 235,430	\$ 234,651	\$ 506,761	\$ 279,077	\$ 575,737
Capital Outlay						
932	Street Improvements	600,088	286,549	25,000	248	25,000
940	Machinery & Equipment	161,478	21,715	72,333	12,256	\$ 160,130
		\$ 761,566	\$ 308,264	\$ 97,333	\$ 12,504	\$ 185,130
Transfers						
820	Transfer to BARSAA Fund	-	9,014	7,350	-	3,675
		\$ -	\$ 9,014	\$ 7,350	\$ -	\$ 3,675
Total Street and Alley		\$ 1,591,635	\$ 1,065,231	\$ 1,100,244	\$ 715,517	\$ 1,385,849

Street Fund - 2110

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
430251 Ice and Snow Removal						
Personnel Services						
110	Salaries	74,495	54,612	70,980	17,028	73,819
120	Overtime	15,274	6,973	7,000	2,100	7,280
140	Employer Contributions	44,621	31,910	40,404	8,152	42,020
		\$ 134,390	\$ 93,495	\$ 118,384	\$ 27,281	\$ 123,119
Materials and Services						
220	Operating Supplies/Materials	2,115	57	4,000	34	-
230	Repair & Maintenance Supplies	51,335	59,922	67,000	65,861	74,000
360	Repair & Maintenance Services	155	9,678	17,500	371	17,500
397	Contract Services	600	28,950	50,000	10,590	70,000
510	Insurance	1,567	2,798	2,800	1,734	2,800
		\$ 55,772	\$ 101,405	\$ 141,300	\$ 78,589	\$ 164,300
Capital Outlay						
940	Machinery & Equipment	\$ 72,015	\$ 24,457	\$ -	\$ -	\$ 27,000
	Total Ice and Snow Removal	\$ 262,177	\$ 219,357	\$ 259,684	\$ 105,870	\$ 314,419
	Total Expenditures	\$ 1,853,812	\$ 1,284,588	\$ 1,359,928	\$ 821,387	\$ 1,700,268
Year End Available Cash				\$ 1,807,350	\$ 1,836,225	
Total Street Fund				\$ 3,167,278	\$ 3,536,492	

Purpose

The Bridge and Road Safety and Accountability Act (BaRSAA) Program was established by House Bill 473 during the 2017 Legislature that is funded by an increase in the gas tax for the State of Montana. The BaRSAA program funds are allocated to each city, town, and county in Montana using the same allocation formula as the originally allocated gas tax. The Montana Department of Transportation must allocate funds by March 1st of each year. Local governments must match the program funds requested in a ratio of 20:1 and identify a project to request funds. The City has 5 years from the date of receipt to spend the monies received.

FY 2021 Objectives

The objective of the Gas Tax - BaRSAA Fund for this fiscal year is to continue accumulating funds for the next street improvement project.

Gas Tax - BaRSAA Fund - 2821

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Intergovernmental Revenues						
335041	Gas Tax - BaRSAA	-	180,270	147,000	-	73,500
		\$ -	\$ 180,270	\$ 147,000	\$ -	\$ 73,500
Miscellaneous Revenues						
365000	Contributions & Donations	-	-	75,000	41,960	-
		\$ -	\$ -	\$ 75,000	\$ 41,960	\$ -
Other Financing Sources						
383000	Transfer from Streets Fund	-	9,014	7,350	-	3,675
		\$ -	\$ 9,014	\$ 7,350	\$ -	\$ 3,675
Total Fund Revenue		\$ -	\$ 189,284	\$ 229,350	\$ 41,960	\$ 77,175
Beginning Available Cash		-	-	163,309	-	92,659
Total Resources				\$ 392,659		\$ 169,834

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
430200	Street and Alley Capital Outlay					
932	Street Improvements	-	25,975	225,000	399,519	-
		\$ -	\$ 25,975	\$ 225,000	\$ 399,519	\$ -
Total Expenditures			\$ 25,975	\$ 225,000	\$ 399,519	\$ -
Ending Available Cash				\$ 167,659		\$ 169,834
Total Gas Tax - BaRSAA Fund				\$ 392,659		\$ 169,834

Purpose

The Stormwater Fund provides budget authority to support the operation, maintenance and improvement of the City's stormwater system.

FY 2021 Objectives

The objectives of the Stormwater Fund for this fiscal year is to provide continuing maintenance and improvements for the City's stormwater system, as well as contract services necessary to implement environmental regulations. The Fund is supported by a stormwater utility assessment on all properties within the City. In FY11 the assessment was reduced from \$72 per parcel to \$12.53 to provide relief to taxpayers during the recession. The assessment has remained at \$12.53 through FY 2018. The FY 2019 budget increased the assessment up to \$62.53 to cover the actual costs of maintenance and capital improvements needed for the Stormwater system. For FY 2021, no increase is budgeted.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Expenditure Changes	
• #1 Capital Improvement Project – Sump Pump Collection	\$50,000
• #2 Capital Improvement Project – Riverside Stormwater Treatment Pond BMP Improvements	\$25,000
• #3 Capital Improvement Project – Armory Road Drainage Improvements including Engineering and Construction	\$75,000
• #4 Capital Improvement Project – Stormwater improvements for the State Park Road Reconstruction Project	\$250,000
• #5 Capital Improvement Project – Grouse Mountain Parking Lot Rain Garden Project	\$30,000

Stormwater Fund - 2525

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Charges for Services						
343370	Plan Review / Construction Oversight	11,471	14,600	10,000	9,600	10,000
		\$ 11,471	\$ 14,600	\$ 10,000	\$ 9,600	\$ 10,000
Miscellaneous Revenue						
363010	Maintenance Assessments	67,630	316,610	443,703	287,156	443,703
363040	Penalties and Interest	206	589	600	1,171	600
		\$ 67,836	\$ 317,199	\$ 444,303	\$ 288,327	\$ 444,303
Total Fund Revenue		\$ 79,307	\$ 331,799	\$ 454,303	\$ 297,927	\$ 454,303
Beginning Available Cash				841,628		521,313
Total Resources				\$ 1,295,931		\$ 975,615
Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Personnel Services						
110	Salaries	-	89,142	97,502	69,432	98,165
120	Overtime	-	529	2,135	854	2,138
140	Employer Contributions	-	41,620	48,630	33,054	51,196
		\$ -	\$ 131,291	\$ 148,267	\$ 103,340	\$ 151,499
Materials and Services						
210	Office Supplies/Materials	-	-	500	-	500
220	Operating Supplies	95	682	4,000	-	4,000
230	Repair & Maintenance Supplies	1,894	568	7,000	366	7,000
310	Postage & Freight	-	-	1,000	-	1,000
330	Publicity/Subscriptions/Dues	-	-	1,000	495	1,000
340	Utility Services	-	-	500	-	500
350	Professional Services	31,237	10,966	-	-	-
360	Repair & Maintenance Services	-	-	2,000	-	2,000
370	Travel & Training	600	-	2,500	595	2,500
390	Other Purchased Services	-	-	2,000	-	2,000
397	Contract Services	-	-	100	-	100
510	Insurance	-	-	-	2,435	-
730	Whitefish Lake Institute Grant	6,667	6,667	6,667	6,667	6,667
880	Administrative Expense	-	3,211	4,084	2,430	3,839
		\$ 40,493	\$ 22,094	\$ 31,351	\$ 12,987	\$ 31,106
Capital Outlay						
930	Improvements	3,290	2,067	595,000	19,891	430,000
		\$ 3,290	\$ 2,067	\$ 595,000	\$ 19,891	\$ 430,000
Total Expenditures		\$ 43,783	\$ 155,452	\$ 774,618	\$ 136,217	\$ 612,605
Ending Available Cash				521,313		363,011
Total Stormwater Fund				\$ 1,295,931		\$ 975,615

Purpose

The Water Fund provides budget authority to support the operation, maintenance and improvement of the water system of the City of Whitefish.

FY 2021 Objectives

The objective of the Water Fund for this fiscal year is to supply potable water to City water customers and provide preventative and emergency maintenance for the system as needed.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Revenue Changes	
• Increase in charges for water service based on year-to-date figures	\$100,969
• Increase in impact fees based on prior year trends and year-to-date actuals	\$45,000
• Decrease in investment earnings based anticipated lower rates	\$81,200
• Increase in SRF loan proceeds for the Water Treatment Plant Financing	\$10,327,000
• Decrease in the Transfer from Resort Tax	\$67,308
Expenditure Changes	
• Increase in personnel services related to higher wages and benefits costs	\$31,384
• Increases in operating supplies primarily for replacement computers and aquatic invasive species supplies	\$6,500
• Increase in repair and maintenance supplies for confined space and other safety equipment	\$1,500
• Increase in professional services due to cost for the aquatic invasive species programs and contributing funding toward a Cadastral project with Flathead County	\$9,000
• Increase in utility services to align electric costs net of hydro plant savings	\$24,300
• Increase in repair and maintenance services for IT project allocation	\$9,439
• Decrease in property tax relief transfer for amounts estimated to be received over the required debt payments (Total transfer is estimated to be \$0)	\$107,692
• Contribution to AIS Inspection Station at State Park for FY2021 for personnel costs	\$49,302
• Continued contribution to Whitefish Lake Institute	\$6,667
• #1 Capital Improvement – Water Treatment Plant Expansion – SRF Loan	\$10,000,000
• #2 Capital Improvement – Cast Iron Water Main Replacement (25% Impact Fees)	\$1,000,000
• #3 Capital Improvement – Fencing at Water Intakes	\$25,000
• #4 Capital Improvement – Generator and Pump at Lower Grouse	\$80,000
• #5 Capital Improvement – Armory Road Watermain (100% Impact Fees)	\$200,000

• #6 Capital Improvement – Shop Upgrades to include paving from sewer hookup, locker room & bathroom remodel, mechanic storage, shop wash containment, garage Door openers (Streets/Water/Sewer)	\$10,000
• #1 Capital Equipment – Backhoe Thumb (split with Streets/Water/Sewer)	\$2,500
• #2 Capital Equipment – Van replacement for unit #20 (split Streets/Water/Wastewater)	\$14,000
• #3 Capital Equipment – Replacement 4 x 4 Pick-Up for unit #10 (split Streets/Water/Wastewater)	\$14,000
• #4 Capital Equipment – Replacement Dump Truck for unit #27 (split Streets/Water/Wastewater)	\$50,000
• #5 Capital Equipment – Replace Loader for unit #42 (split Streets/Water/Wastewater)	\$60,000
• #6 Capital Equipment – Replace Plotter (split Streets/Water/Wastewater and Planning)	\$2,000
• #7 Capital Equipment – RTK Base Station (split Streets/Water/Wastewater)	\$4,130
• #8 Capital Equipment – Equipment Diagnostic Scanner (split Streets/Water/Wastewater)	\$3,500
• #1 Utility Billing Project – Automatic Meter Reading System (split with Water/Wastewater)	\$75,000
• #2 Utility Billing Project – Handheld Meter Reader	\$3,100
• #3 Utility Billing Project – PLC Hardware/Software Upgrades	\$5,000

Water Fund - 5210

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Charges for Services						
341016	Convenience Fee					
341077	5% Admin Fee for Impact Fees	12,578	17,490	11,250	18,196	11,250
343021	Water Usage Charges	3,486,298	3,521,199	3,594,754	2,694,541	3,594,754
343025	Impact Fees - Water	247,821	338,180	225,000	348,834	225,000
343026	Installation Fees	48,976	77,568	45,000	75,109	45,000
343027	Miscellaneous Income	33,966	23,836	28,000	28,284	28,000
343029	Late Fees	33,545	36,620	35,000	22,445	35,000
343051	Electric Sales	54,891	-	-	-	-
343370	Plan Review/Const. Oversight	1,534	6,194	2,500	2,493	2,500
		\$ 3,919,608	\$ 4,021,087	\$ 3,941,504	\$ 3,189,902	\$ 3,941,504
Miscellaneous Revenues						
363050	Latecomer Fees	4,960	6,128	3,000	658	3,000
		\$ 4,960	\$ 6,128	\$ 3,000	\$ 658	\$ 3,000
Investment Earnings						
371010	Investment Earnings	47,902	100,803	100,000	71,421	30,000
371010	Investment Earnings (Impact)	11,930	18,834	16,000	12,361	4,800
		\$ 59,832	\$ 119,637	\$ 116,000	\$ 83,782	\$ 34,800
Other Financing Sources						
381070	SRF Loan Proceeds	-	-	-	-	10,327,000
383002	Transfer from Resort Tax	979,317	1,046,280	1,056,578	899,662	989,270
		\$ 979,317	\$ 1,046,280	\$ 1,056,578	\$ 899,662	\$ 11,316,270
	Total Revenue	\$ 4,963,717	\$ 5,193,132	\$ 5,117,082	\$ 4,174,004	\$ 15,295,574
101000	Beginning Available Cash			5,396,787		5,153,309
102110	Impact Fee Balance			1,076,005		347,005
102213	Debt Svc, Debt Rsrv, Surplus Bal.			926,181		886,441
				\$ 7,398,973		\$ 5,330,177
	Total Resources			\$ 12,516,055		\$ 20,625,751

Water Fund - 5210

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Personnel Services						
110	Salaries	767,048	1,065,126	782,248	564,600	793,518
111	Seasonal	-	-	2,376	378	2,376
112	Part Time Salaries	7,259	7,663	12,947	9,736	17,803
120	Overtime	18,025	13,527	19,328	15,773	19,316
125	Stand By or Call Back	8,270	132	-	-	-
130	Vacation/Sick Accrual	-	10,881	-	-	-
140	Employer Contributions	318,522	330,383	377,907	244,591	393,177
		\$ 1,119,124	\$ 1,427,712	\$ 1,194,806	\$ 835,077	\$ 1,226,190
Materials and Services						
210	Office Supplies/Materials	4,556	6,454	3,500	1,795	3,500
220	Operating Supplies	42,215	57,472	55,550	34,975	62,050
230	Repair & Maintenance Supplies	134,960	160,962	219,593	84,606	221,093
310	Postage & Freight	23,428	21,059	22,500	14,405	23,000
320	Printing	175	1,353	2,000	1,435	2,000
330	Publicity/Subscriptions/Dues	21,259	29,767	29,390	13,958	29,690
340	Utility Services	89,562	84,066	41,250	49,601	65,550
350	Professional Services	22,291	18,187	30,150	25,261	39,150
360	Repair & Maintenance Services	49,515	41,803	33,000	31,824	42,439
370	Travel & Training	8,540	8,765	12,700	4,804	12,700
390	Other Purchased Services	31,541	31,669	23,500	18,514	23,500
397	Contract Services	15,358	3,531	19,812	-	19,312
510	Insurance	29,037	37,341	45,000	35,464	43,472
530	Rent/Leases	10,947	11,731	11,296	448	11,296
540	Special Assessments	9,250	8,274	19,055	15,498	19,055
545	Water Utility ROW Fee	174,315	176,190	179,738	134,727	181,535
730	Whitefish Lake Institute	24,387	23,774	6,667	6,667	6,667
880	Administrative Expense	23,350	26,131	32,871	19,578	31,037
		\$ 714,686	\$ 748,529	\$ 787,572	\$ 493,558	\$ 837,045
Total Water Operating		\$ 1,833,810	\$ 2,176,241	\$ 1,982,378	\$ 1,328,636	\$ 2,063,235
Capital Outlay						
920	Buildings	21,612	7,307	-	-	-
930	Improvements	1,256,680	551,460	2,720,000	726,669	11,200,000
940	Machinery and Equipment	95,928	54,930	154,833	32,825	348,230
		\$ 1,374,220	\$ 613,697	\$ 2,874,833	\$ 759,494	\$ 11,554,897
Debt Service						
610	Water Bonds - Principal	514,000	495,000	108,000	54,000	298,000
620	Water Bonds - Interest	37,794	26,439	19,274	9,943	110,619
611	Haskill Basin Bond - Principal	717,000	781,000	851,000	426,000	927,000
621	Haskill Basin Bond - Interest	175,950	157,588	137,625	71,475	115,913
		\$ 1,444,744	\$ 1,460,027	\$ 1,115,899	\$ 561,418	\$ 1,451,532

Water Fund - 5210

5/16/2020

Expenditures	Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Other Financing Uses					
820 Property Tax Relief - Haskill	52,972	92,496	107,692	107,692	-
820 AIS State Park Transfer	40,376	50,511	48,498	-	49,302
	<u>\$ 93,348</u>	<u>\$ 143,007</u>	<u>\$ 156,191</u>	<u>\$ 107,692</u>	<u>\$ 49,302</u>
Total Expenditures	\$ 4,746,122	\$ 4,392,971	\$ 6,129,300	\$ 2,757,239	\$ 15,118,966
Ending Available Cash			5,153,309		4,166,539
Ending Impact Fee Balance			347,005		126,805
Debt Service Ending Balance			886,441		1,213,441
			<u>\$ 5,330,177</u>		<u>\$ 5,506,786</u>
Total Water Fund			\$ 12,516,055		\$ 20,625,751

Purpose

The Wastewater Fund provides budget authority to support the operation, maintenance and improvement of the City of Whitefish wastewater system.

FY 2021 Objectives

The objective of the Wastewater Fund for this fiscal year is to collect and treat the community's wastewater and provide for preventative and emergency maintenance for the system as needed. In addition, purchase of equipment and continued construction in FY 2021 for the the mandated update to the wastewater treatment plant by the State of Montana and the EPA.

Significant or changed appropriations during FY 2021 are:

Item/Project	Amount
Revenue Changes	
<ul style="list-style-type: none"> Increase in wastewater impact fees based on year-to-date figures and increased 5% admin fee 	\$42,000
Expenditure Changes	
<ul style="list-style-type: none"> Increase in personnel services due to higher wages and benefits 	\$31,784
<ul style="list-style-type: none"> Increase in operating supplies due to increased cost for various chemicals at the wastewater treatment plant including more budget specifically for odor control chemicals. 	\$36,300
<ul style="list-style-type: none"> Increase in repair and maintenance services primarily for the Headworks Screen Rebuild 	\$53,050
<ul style="list-style-type: none"> Decrease in electricity costs due to the Hydro Plant improvement 	\$16,000
<ul style="list-style-type: none"> Decrease in professional services due to lower bond counsel fees 	\$38,000
<ul style="list-style-type: none"> #1 Capital Improvement – WWTP Upgrade 	\$15,000,000
<ul style="list-style-type: none"> #2 Capital Improvement – Manhole & Pipe Rehab 	\$120,000
<ul style="list-style-type: none"> #3 Capital Improvement – Piping – Future Capacity Enhancements 	\$100,000
<ul style="list-style-type: none"> #4 Capital Improvement – Shop Upgrades to include paving from sewer hookup, locker room & bathroom remodel, mechanic storage, shop wash containment, garage Door openers (Streets/Water/Sewer) 	\$10,000
<ul style="list-style-type: none"> #1 Capital Equipment – Backhoe Thumb (split with Streets/Water/Sewer) 	\$2,500
<ul style="list-style-type: none"> #2 Capital Equipment – Van replacement for unit #20 (split Streets/Water/Wastewater) 	\$14,000
<ul style="list-style-type: none"> #3 Capital Equipment – Replacement 4 x 4 Pick-Up for unit #10 (split 	\$14,000

Streets/Water/Wastewater)

• #4 Capital Equipment – Replacement Dump Truck for unit #27 (split Streets/Water/Wastewater)	\$50,000
• #5 Capital Equipment – Replace Loader for unit #42 (split Streets/Water/Wastewater)	\$60,000
• #6 Capital Equipment – Replace Plotter (split Streets/Water/Wastewater and Planning)	\$2,000
• #7 Capital Equipment – RTK Base Station (split Streets/Water/Wastewater)	\$4,130
• #8 Capital Equipment – Equipment Diagnostic Scanner (split Streets/Water/Wastewater)	\$3,500
• #1 Utility Billing Project – Automatic Meter Reading System (split with Water/Wastewater)	\$75,000
• #2 Utility Billing Project – Handheld Meter Reader	\$3,100
• #3 Utility Billing Project – PLC Hardware/Software Upgrades	\$5,000

Wastewater Fund - 5310

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Intergovernmental Revenues						
334120	TSEP Grant	-	-	593,750	-	593,750
334121	DNRC Planning Grants	-	-	-	-	-
334121	RRGL & WRDA Grants	-	-	118,750	-	118,750
		\$ -	\$ -	\$ 712,500	\$ -	\$ 712,500
Charges for Services						
341077	5% Admin Fee for Impact Fees	12,052	24,083	18,000	33,821	20,000
343031	Sewer Service Charges	3,241,717	3,540,822	3,962,180	2,819,644	3,962,180
343032	Inspection Fees	2,380	3,080	2,000	2,580	2,000
343033	Impact Fees - Wastewater	239,793	481,703	360,000	681,492	400,000
343034	Impact Fees - Big Mt.	17,469	50,044	20,000	26,616	20,000
343036	Miscellaneous Income	3,672	540	3,000	13,553	3,000
343370	Plan Review/Const. Oversight Fees	1,626	6,615	2,000	2,415	2,000
		\$ 3,518,709	\$ 4,106,887	\$ 4,367,180	\$ 3,580,122	\$ 4,409,180
Miscellaneous Revenues						
363050	Latecomer Fees	-	(1,199)	-	1,466	-
		\$ -	\$ (1,199)	\$ -	\$ 1,466	\$ -
Investment Earnings						
371010	Investment Earnings	29,382	60,981	60,000	37,477	18,000
371010	Investment Earnings - Impact Fees	6,019	14,813	10,000	14,647	3,000
		\$ 35,401	\$ 75,794	\$ 70,000	\$ 52,124	\$ 21,000
Other Financing Sources						
381070	SRF Loan Proceeds	-	-	6,700,000	-	14,238,351
		\$ -	\$ -	\$ 6,700,000	\$ -	\$ 14,238,351
	Total Revenue	\$ 3,554,110	\$ 4,181,482	\$ 11,849,680	\$ 3,633,712	\$ 19,381,031
101000	Beginning Available Cash			3,475,573		3,555,670
102110	Impact Fee Balance			1,100,342		460,342
102216	Debt Service & Debt Reserve Balance			268,973		340,913
				\$ 4,844,888		\$ 4,504,075
	Total Resources			\$ 16,694,568		\$ 23,885,106

Wastewater Fund - 5310

5/16/2020

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Personnel Services						
110	Salaries	717,151	1,046,362	749,703	556,007	758,469
111	Seasonal	-	-	2,448	378	2,448
112	Part Time Salaries	6,856	7,241	12,489	9,439	17,695
120	Overtime	14,437	9,884	9,422	6,751	9,411
125	Stand By or Call Back	8,019	88	-	-	-
130	Vacation/Sick Accrual	-	7,699	-	-	-
140	Employer Contributions	301,907	311,263	344,975	234,960	362,798
		\$ 1,048,370	\$ 1,382,537	\$ 1,119,037	\$ 807,536	\$ 1,150,821
Materials and Services						
210	Office Supplies/Materials	5,784	3,232	3,000	1,500	3,000
220	Operating Supplies	127,659	144,165	152,750	124,049	189,050
230	Repair & Maintenance Supplies	168,770	150,347	174,293	79,298	175,793
310	Postage & Freight	21,187	20,879	23,000	14,023	23,000
320	Printing	-	1,140	1,000	1,227	1,000
330	Notices, Subscriptions, Dues	11,346	17,696	25,100	17,090	21,400
340	Utility Services	125,685	132,874	114,300	72,542	98,300
350	Professional Services	53,951	51,822	129,100	57,103	91,100
360	Repair & Maintenance Services	25,831	30,923	21,500	28,271	74,550
370	Travel & Training	6,309	6,175	12,700	4,979	12,700
390	Other Purchased Services	2,126	522	18,250	16,032	18,250
397	Contract Services	16,203	3,492	1,500	-	1,500
510	Insurance	22,582	31,998	39,600	30,696	38,652
530	Rents/Leases	1,399	1,869	2,510	429	500
540	Special Assessments	747	875	875	410	875
541	State Assessments and Fees	4,666	5,644	7,000	4,800	7,000
545	Wastewater Utility ROW Fee	162,086	177,336	198,109	140,982	198,109
730	Whitefish Lake Institute Grant	6,667	6,666	6,667	6,666	6,667
880	Administrative Expense	20,886	24,444	30,800	18,337	29,131
		\$ 783,884	\$ 812,099	\$ 962,054	\$ 618,433	\$ 990,577
Total Wastewater Operating		\$ 1,832,254	\$ 2,194,636	\$ 2,081,091	\$ 1,425,969	\$ 2,141,398
Capital Outlay						
920	Buildings	22,575	7,529	-	-	-
934	Improvement Projects	325,233	997,358	9,622,000	1,887,930	15,220,000
940	Equipment	104,270	47,119	154,658	423,777	238,230
		\$ 452,078	\$ 1,052,006	\$ 9,776,658	\$ 2,311,707	\$ 15,458,230
Debt Service						
610	Bonded Debt Principal	238,000	246,000	253,000	125,000	753,500
620	Bonded Debt Interest	92,516	85,800	79,744	39,629	315,688
		\$ 330,516	\$ 331,800	\$ 332,744	\$ 164,629	\$ 1,069,188
Total Expenditures		\$ 2,614,848	\$ 3,578,441	\$ 12,190,493	\$ 3,902,305	\$ 18,668,816
Ending Available Cash				3,555,670		4,041,183
Ending Impact Fee Balance				460,342		383,342
Debt Service Ending Balance				488,063		791,765
				\$ 4,504,075		\$ 5,216,290
Total Wastewater Fund				\$ 16,694,568		\$ 23,885,106

Purpose

The Solid Waste Fund provides budget authority to support contract and administrative services for the solid waste and recycling collection program.

FY 2021 Objectives

The objective of the Solid Waste Fund for this budget year is to administer the City's solid waste collection and recycling services contract with Republic Services. The current contract requires Republic Services to provide not only collection services for refuse, but also customer assistance, monthly billing, and general administrative support services for the solid waste collection program. It is anticipated, however, that the City will begin billing services again after a new contract is executed during this budget year. The FY 2021 budget includes an increase in salaries to support billing services and the revenue from collections and related expenditures will be added at the time of contract approval, which will either be prior to the final budget or with a budget amendment. Therefore, the Solid Waste Fund continues to spend-down cash reserves in FY 2021.

Solid Waste Fund - 5410

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Investment Earnings						
371010	Interest Earnings	1,134	1,807	1,500	1,018	450
		\$ 1,134	\$ 1,807	\$ 1,500	\$ 1,018	\$ 450
	Total Revenue	\$ 1,134	\$ 1,807	\$ 1,500	\$ 1,018	\$ 450
	Beginning Available Cash			\$ 107,060		\$ 92,084
	Total Resources			\$ 108,560		\$ 92,534
Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03/31/20	Proposed Budget FY 2021
Personnel Services						
110	Salaries	1,988	18,807	9,350	6,827	26,305
112	Part Time Salaries	-	-	-	-	5,528
120	Overtime	101	82	-	-	-
140	Employer Contributions	3,206	3,577	3,550	2,474	11,893
		\$ 5,295	\$ 22,466	\$ 12,900	\$ 9,301	\$ 43,726
Materials and Services						
220	Operating Supplies	495	495	500	-	500
330	Publicity/Subscriptions/Dues	930	-	-	-	-
360	Repair & Maintenance Services	-	-	2,500	-	2,500
510	Insurance	172	256	230	245	255
880	Administrative Expense	245	274	345	211	1,007
		\$ 1,842	\$ 1,025	\$ 3,575	\$ 456	\$ 4,262
	Total Solid Waste Operating	\$ 7,137	\$ 23,491	\$ 16,475	\$ 9,757	\$ 47,988
	Ending Available Cash			\$ 92,084		\$ 44,546
	Total Solid Waste Fund			\$ 108,559		\$ 92,534

Purpose

The purpose of a Special Improvement District (SID) Fund is to provide budget authority to collect district assessments and to disburse principal and interest payments on behalf of district property owners and to repay the various City funds for the early retirement of externally held SID bonds. SIDs can be formed to address infrastructure needs (i.e. water, sewer, streets, sidewalks, etc.) in specific neighborhoods or areas of the City or on a City-wide basis.

FY 2021 Objectives

The objective of the SID Funds for this fiscal year is to meet obligations previously incurred to facilitate various community improvement projects. The SID Revolving Fund is used as security for the SID Bonds outstanding and can be used if assessments do not cover the scheduled debt payments. Currently only two SID Bonds are outstanding including SID 166 (JP Road) and SID 167 (Downtown Parking Facility).

SID Revolving Fund - 3400

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Miscellaneous Revenue						
371010	Investment Earnings	1,588	2,728	2,500	1,710	750
Total Fund Revenue		\$ 1,588	\$ 2,728	\$ 2,500	\$ 1,710	\$ 750
101000	Beginning Cash Balance			\$ 172,395		\$ 172,395

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Transfers						
820	Transfers to Other S.I.D. Funds	-	-	-	-	-
		\$ -	\$ -	\$ -	\$ -	\$ -
Total Requirements		\$ -		\$ -		\$ -
Unappropriated Balance				\$ 174,895		\$ 173,145

S.I.D. 166 Fund (JP Road) - 3545

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Miscellaneous Revenue						
363020	Principal & Interest Assessments	107,782	108,559	107,200	84,276	107,200
363040	Penalties and Interest	188	171	250	229	250
		\$ 107,970	\$ 108,730	\$ 107,450	\$ 84,505	\$ 107,450
Investment Earnings						
371010	Investment Earnings	560	994	800	778	240
		\$ 560	\$ 994	\$ 800	\$ 778	\$ 240
	Total Fund Revenue	\$ 108,529	\$ 109,724	\$ 108,250	\$ 85,283	\$ 107,690
101000	Beginning Cash Balance			51,349		69,406

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Debt Service						
610	Principal	70,000	65,000	65,000		65,000
620	Interest	27,383	24,233	24,843	10,638	21,788
630	Paying Agent Fee	350	350	350	350	350
	Total Requirements	\$ 97,733	\$ 89,583	\$ 90,193	\$ 10,988	\$ 87,138
	Unappropriated Balance			\$ 69,406		\$ 89,958

S.I.D. 167 Fund (Downtown Parking Facility) - 3550

5/16/2020

Revenues		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Miscellaneous Revenue						
363020	Principal & Interest Assessments	69,649	64,792	63,709	64,182	63,709
363040	Penalties and Interest	6	206	200	267	200
		\$ 69,655	\$ 64,998	\$ 63,909	\$ 64,449	\$ 63,909
Investment Earnings						
371010	Investment Earnings	80	336	250	386	75
		\$ 80	\$ 336	\$ 250	\$ 386	\$ 75
	Total Fund Revenue	\$ 69,735	\$ 65,334	\$ 64,159	\$ 64,836	\$ 63,984
101000	Beginning Cash Balance			13,102		13,102

Expenditures		Actual FY 2018	Actual FY 2019	Budget FY 2020	Actual YTD 03-31-20	Proposed Budget FY 2021
Debt Service						
610	Principal	9,331	26,725	27,903	13,801	29,132
620	Interest	50,664	33,269	32,092	16,196	32,092
	Total Requirements	\$ 59,995	\$ 59,994	\$ 59,994	\$ 29,997	\$ 61,224
	Unappropriated Balance			\$ 17,267		\$ 15,862

	A	B	C	D	E	F	G	H	I	J
1	Mandatory Changes to the Preliminary FY2021 Budget									
2	Change Made	Description of Budget Change	Budgets affected	Expenditure Change	Revenue Change	Cash Balance Change	Notes			
3	Yes	Adjustment for the CPI that was not updated for several employee classes	Various, but primarily, Fire, Law Enforcement and Waste Water	\$88,980	\$0	(\$88,980)				
4	Yes	Adjustment in Employee Benefit coverage from single to family	Fire Department	\$13,115	\$0	(\$13,115)				
5										
6										
7										
8										
9										
10	Proposed Changes/Council Policy Decisions to Change the Preliminary FY2021 Budget									
11	Change Made	Description of Proposed Budget Change	Budgets affected	Expenditure Change	Revenue Change	Cash Balance Change	Notes			
12	Yes	Reduced Copier Purchase that was budgeted 2xs	Municipal Court	(\$8,500)	\$0	\$8,500				
13	Yes	Increased Admin Services Budget for Newsletter that was not included in preliminary budget as originally proposed.	Admin Budget that is distributed across the City's funds	\$12,000	\$0	(\$12,000)				



City of Whitefish FY21 Budget Calendar

- Feb 1 Finance Director begins reformatting budget spreadsheets, updating historical budget data, and estimating final year end revenues and expenditures for FY20.
- Feb 14 Finance Director submits budget preparation instructions and materials to all Department Heads.
- March City Manager meets with Mayor and Council members to get preliminary comments on budget.
- Mar 23 All Department Directors submit individual updated 5-year capital improvements plan and estimates of expenditures and revenues to the Finance Director.
- April 1 Optional notice deadline for City Council or Municipal Judge to submit request for an adjustment in Municipal Judge's compensation other than automatic cost of living. (Ordinance)
- April 3 Finance Director to submit draft of newly compiled 5-year capital improvements plan to City Manager.
- April City Manager and Finance Director meet with Department Directors to review and refine proposed budget and capital improvements plan.
- May 1 City Manager to provide Municipal Judge with proposed "status quo" Municipal Court Budget.
- May 4 Preliminary budget document and 5-year capital improvements plan is distributed to the Mayor and City Council.
- May 15 Municipal Judge's deadline to submit his Municipal Court budget proposal. (Ordinance)
- May 26 Tentative Budget Meeting - City Manager presents proposed budget to Mayor and City Council. Department Directors, other than Public Works, present budgets and capital improvements plan updates.
- June 8 Tentative Budget Meeting – Public Works and Municipal Court present budgets and capital improvements plan updates.
- June 15 Preliminary public hearing. City Council considers adoption of Preliminary Budget.
- Jul 1 City begins fiscal year using preliminary budget as approved by the City Council.
- Aug 3 DOR to submit Certified Taxable Value.
- Aug 5 & 12 Advertise notice of public hearing on final budget for August 17, 2020.
- Aug 17 Public hearing on capital improvements plan and FY21 Budget. Final budget adopted by resolution.

(This page left blank intentionally to separate printed sections)

RESOLUTION NO. 20-__

A Resolution of the City Council of the City of Whitefish, Montana, adopting fees for temporary on-street parking permits and water main taps.

WHEREAS, § 69-7-101, MCA, grants the governing body of a municipality the power and authority to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by municipal utility systems; and

WHEREAS, § 7-6-4013, MCA, provides when a governing body of a municipality has the power to regulate, establish and change fees, rates, and charges for services, such fees, rates and charges must be reasonable and related to the cost of providing the service; and

WHEREAS, § 6-2-5(G) of the Whitefish City Code allows the City to issue Temporary On-Street Parking Permits in the downtown area under certain circumstances; and

WHEREAS, § 6-2-5(G)8 of the Whitefish City Code states that fees for Temporary On-Street Parking Permits will be adopted and adjusted by the Whitefish City Council; and

WHEREAS, City staff has reviewed the fees charged for similar permits in other communities and recommends the Temporary On-Street Parking Permit fees set forth in Exhibit A; and

WHEREAS, the Rules and Regulations for the City of Whitefish Water, Sewer and Garbage Services were recently updated by the Whitefish City Council; and

WHEREAS, Section 10 of the updated Rules and Regulations for the City of Whitefish Water, Sewer and Garbage Services states the Public Works Department will provide water main tapping services in accordance with fees approved by council; and

WHEREAS, City staff has calculated the cost of tapping services and recommends the fees set forth in Exhibit A; and

WHEREAS, as required by § 69-7-111, MCA, and § 7-6-4013, MCA, public notice of the City's proposed fees for temporary on-street parking permits and water main taps was published in the June 7, 2020 and June 14, 2020 editions of the Daily Interlake, and the June 10, 2020 edition of the Whitefish Pilot, and

WHEREAS, at a lawfully noticed public hearing on June 15, 2020, after reviewing the written staff report, receiving an oral report, and inviting public comment, the City Council found the proposed fees set forth in Exhibit A to be reasonable and related to the actual, current cost of providing utility services and temporary on-street parking permits.

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

Section 1: The proposed fees set forth in Exhibit A are hereby approved.

Section 2: This Resolution shall 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 _____ DAY OF _____ 2020.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

Exhibit A

Temporary On-Street Parking Permit Fees

Daily	\$15.00/stall
Weekly	\$55.00/stall
Monthly	\$120.00/stall

Water Main Tapping Fees

1" – 2"	\$250.00/tap
4" – 6"	\$350.00/tap
8" and larger	\$500.00/tap

EXHIBIT A



City of Whitefish
Department of Public Works
418 E. 2nd Street | PO Box 158
Whitefish, MT 59937
(406) 863-2460 | Fax (406) 863-2419

June 9, 2020

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Recommendation to Adopt a Resolution Adopting Fees for
Temporary On-Street Parking Permits and Watermain Taps

Temporary On-Street Parking

Managing parking in downtown Whitefish has been an ongoing issue for the City, particularly in summer. As such, a few years ago, the City contracted with Dixon Resources Unlimited to review existing parking conditions, analyze previous reports, and create actionable parking management recommendations for the downtown area. Dixon drafted a Parking Management Plan that was adopted by the City on October 21, 2019, through Resolution No. 19-33. Dixon's Parking Management Plan contained several recommendations for modifying and updating the City's current parking regulations. One of the recommendations was to control construction vehicle and equipment parking by requiring a new Temporary On-Street Parking Permit to allow contractors, moving companies, and service vendors to park on-street in excess of the two-hour limit if needed to complete a job or service. The enclosed resolution establishes fees for Temporary On-Street Parking Permits.

Watermain Taps

The Rules and Regulations for the City of Whitefish Water, Sewer, and Garbage Services governs water, sewer, and garbage services rendered to our customers. The Rules and Regulations provide clear policies for the Utility Department to follow and protects the City from unreasonable demands. These policies are intended to provide the maximum benefit and safety to public health and the well-being of our customers. The Rules and Regs have been amended from time to time and were most recently updated in February through Resolution 20-06. The updated document requires the Public Works Department to provide watermain tapping services in accordance with the fee schedule approved by City Council. The enclosed resolution establishes fees for watermain taps which reflect the full expense for labor, equipment and materials involved in the tapping of the main.



June 9, 2020

Fees for Temporary On-Street Parking Permits and Water Main Taps

Page | 2 of 2

Recommendation

Staff respectfully recommends the City Council adopt Ordinance 20-___ adopting Fees for Temporary On-Street Parking Permits and Watermain Taps.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Workman".

Craig Workman, P.E.
Director of Public Works

(This page left blank intentionally to separate printed sections)

PLANNING & BUILDING DEPARTMENT
418 E. 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



June 15, 2020

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

RE: Weinberg – Lakeshore Permit for Removal of stone retaining wall, patio, and path, regrading site and adding beach gravel, 1508 West Lakeshore Drive (WLP 20-W10)

Honorable Mayor and Council:

Summary of Requested Action: The applicants are requesting a standard lakeshore permit to remove 139.5 square feet of constructed area from the Lakeshore Protection Zone using an excavator, including 100' of stacked stone retaining wall as well as a stone path and patio. They will regrade the area to match adjacent properties and add a one-time application of ¾" to 1 ½" washed beach gravel up to 4" deep, approximately 16 cubic yards. The only structure that will remain in the LPZ is a 673 square foot existing dock.

Planning & Building Department Recommendation: Staff recommended approval of the standard permit request subject to sixteen (18) conditions set forth in the attached staff report.

Lakeshore Protection Committee Meeting: The Whitefish Lakeshore Protection Committee did not meet on this item as the committee was suspended due to the Covid-19 restrictions. This application was sent directly to City Council, so there is no recommendation from the Lakeshore Protection Committee.

Proposed Motion for Approval:

- I move to approve WLP 20-W10 staff report as Finding of Fact, with the proposed seventeen (18) conditions of approval, as recommended by the staff.

This item has been placed on the agenda for your regularly scheduled meeting on June 15, 2020. Should Council have questions or need further information on this matter, please contact the Lakeshore Committee or the Planning & Building Department.

Respectfully,

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

David Taylor, AICP
Director

Att: Staff Report, 6-1-20
 Application, 5-18-20

c: w/att Michelle Howke, City Clerk

**ZAC WEINBERG
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-20-W10
JUNE 15, 2020**

Owner: Zac Weinberg
Mailing Address: 1508 West Lakeshore Drive Whitefish
Telephone Number: 530.417.6164
Applicant: Catherine Walker/Boody Landscape Architects
Telephone Number: 406.862.4755
Contractor: Archer Excavating
Mailing Address: PO Box 4512
Whitefish MT 59937
Telephone Number: 406.253.5289
Property Legal Description: Lots 2 and 3, Block 6, Lake Park Addition, Section SW
26, Township 31 North, Range 22 West
Property Address: 1508 West Lakeshore
Lake: Whitefish Lake
Lake Frontage: 129.7 feet
Project Description: Removal of stone retaining wall, patio and path using
excavators, regrading and revegetating area, and
placement 16 cubic yards of swim beach gravel

Discussion:

Frontage and allowable constructed area: The property has 129.7 feet of frontage according to the applicant. The allowable constructed area based on 8 square feet per lineal foot of frontage is 1037.6 square feet.

Existing Constructed Area: There is 56.7 square feet of existing retaining wall, 7.81 square feet of stone patio, and 75 square feet of stone pathway currently located in the LPZ that will all be removed by this project and replaced outside the LPZ. There is also an existing 673 square foot dock that will remain.

Proposal: The permit request is to remove the existing 100 linear foot 4-5' high stone retaining wall with the exception of 7' at the north end that is outside the LPZ but in the 10' setback. New tiered stone retaining walls will be built outside the 10' setback and connect with that 7' portion to remain in setback. The area within the setback will be regraded to match adjacent grades. A stone patio and stone path will also be removed from the LPZ. A one-time application of swim beach gravel will be applied to match the size and color of the existing gravel approximately 4" deep the majority of the shoreline, $\frac{3}{4}$ " to 1 $\frac{1}{2}$ " in diameter, maximum volume of 16 cubic yards.

Conclusion: The proposed work complies with the Sections 13-3-1, the Design and Construction Standards of the Whitefish Lake and Lakeshore Protection Regulations.

Recommendation: The Whitefish Planning Department staff 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 area disturbed by the removal of the retaining wall shall be restored to the condition prior to construction. 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 from the Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.
4. The use of grass seeding, sod or turf grass is prohibited
5. Revegetated areas must be maintained in a natural state and not converted to patio or deck area at any time in the future.
6. 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.
7. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
8. 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.
9. 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.
10. All work shall be done when the lake is at low pool and the construction site is dry.

11. 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.
12. The lakeshore shall be immediately restored to its condition prior to construction. All equipment tracks shall be raked or otherwise removed by hand.

Gravel Placement

13. Application of gravel is allowed only where the predominant existing surface is gravel.
14. All fill shall be clean, washed gravel of three-fourths inch ($\frac{3}{4}$ ") to one and one-half ($1\frac{1}{2}$ ") diameter, free of silts, sands and fine materials. Gravel type and color shall approximate that existing on the adjacent lakeshore.
15. Maximum fill depth is four inches (4") to six inches (6").
16. The volume of fill shall not exceed one (1) cubic yard per eight (8) linear feet of lake frontage.
17. Placement of gravel directly into the lake is prohibited.
18. Any fill/gravel material over the approved amount shall be completely removed from the lakeshore protection zone.



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-W10
 Date: MAY 18 2020
 Intake Staff: _____
 Check # 6843
 Amount \$490⁰⁰
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT
APPLICATION

WHITEFISH or LOST COON LAKE

FEE ATTACHED \$ 490⁰⁰

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 1508 West Lakeshore Drive

How many feet of the lake frontage do you own? 129.7

Assessor's Tract No.(s) 0308501 Lot No(s) 2 & 3

Block # 6 Subdivision Name Lake Park Addition

1/4 Sec SW Section 26 Township 31N Range 22W

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 5/18/20

Zac Weinberg
 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

Catherine Walker, PLA
Applicant's Signature

5/18/2020
Date

Catherine Walker, PLA for Bruce Boody Landscape Architect, Inc.

Print Name

Representative's Signature

Date

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 lake zoning from property boundary toward the other property boundary (e.g., from line across property to the south) and photos of each existing structure or construction in the lakeshore protection zone (dock, boathouse, stairs, etc.)

B. OWNER(S) OF RECORD:

Name: Zac Weinberg Phone: 530-417-6164

Mailing Address: 1508 West Lakeshore Drive

City, State, Zip: Whitefish, MT 59937

Email: zac.weinberg@gmail.com

APPLICANT (if different than above):

Name: Catherine Walker, PLA for Bruce Boody Landscape Architect, Inc. Phone: 406-862-4755

Mailing Address: 301 Second Street, Suite 1B

City, State, Zip: Whitefish, MT 59937

Email: cate@bruceboody.com

CONTRACTOR:

Name: Archer Excavating Phone: 406-253-5289

Mailing Address: PO Box 4512

City, State, Zip: Whitefish, MT 59937

Email: kylearcher@archerexcavating.com

- 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.)

Please see attached narrative for details.

- 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.

Extensive care will be taken to abide by all required erosion control measures. Use of straw waddles and silt fencing will limit any impact of sedimentation that could occur. Wildlife habitat disturbance should be minimal. To minimize any unintended impact, work shall occur at low water if possible.

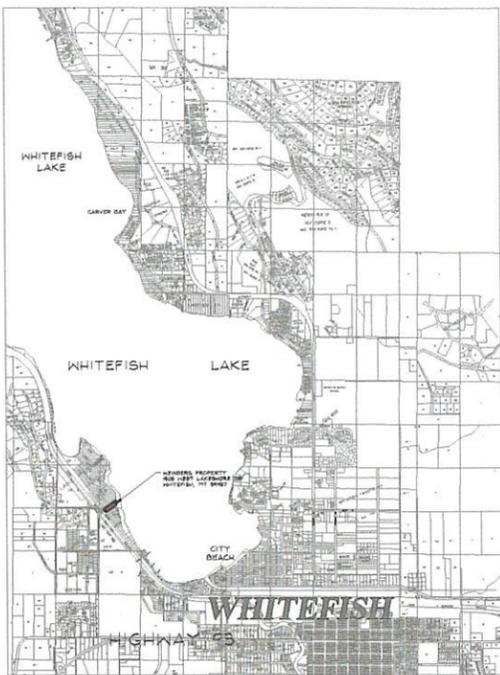
- E. Describe existing improvements on the property within the lakeshore protection zone along with the square footage of each** such as an existing dock, stairs, deck or patio and when they were constructed, if known, or the permit number.

Please see attached narrative for details.

- 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?**

No variance is requested.

- C. The existing retaining stone retaining walls measuring 100 linear feet in length, and ranging from 4-5' in height, will be removed in their entirety using excavators with the exception of 7' at the terminus of the northernmost existing retaining wall base course to be retained. These walls are currently located in the Lakeshore Protection Zone (LPZ), and adjacent 10' setback. Tiered stone retaining walls will be reconstructed outside the 10' setback boundary, spanning the width of the property, not to exceed 2' in height, and stepping with grade as necessary. One section of wall will veer into the 10' setback to tie into retaining wall section to remain. The area within the setback will be regraded to match grades on adjacent properties to the north and south where possible. Additionally, a one-time installation of gravel is requested along Whitefish Lake shoreline of the property, to match size and color characteristic of existing, will be applied at a depth of approximately 4" spanning the majority of the shoreline. The limits of gravel will extend from the low water line to the high-water line. Per 13-3-1-P, gravel shall be clean and free of fines, and will be 3/4" to 1 1/2" diameter. Maximum volume permitted is calculated at 16 cubic yards for 129.7 linear feet of lake frontage.
- D. On the current site, 56.71 sq ft of retaining wall encroach into the lakeshore protection zone. An additional 7.81 sq ft of stone patio is also in the LPZ. An additional 75 sq ft of stone pathway is located in the LPZ. It is unknown when these were constructed. All of these will be removed with the proposed adjustments with the exception of one retaining wall, which extends into the LPZ. The 7' at the terminus of the northernmost existing retaining wall base course will be retained. That section will be rebuilt and integrated into a new wall, stepping with grade as necessary to accommodate retention of existing trees directly adjacent. Height shall not exceed 4' but is not anticipated to be higher than 3' above grade. A 673 square foot existing dock is also present, to remain



VICINITY MAP
NOT TO SCALE



SEE SHEET 2 OF 2 FOR
PROJECT DRAWING



SITE PLAN
1" = 20'

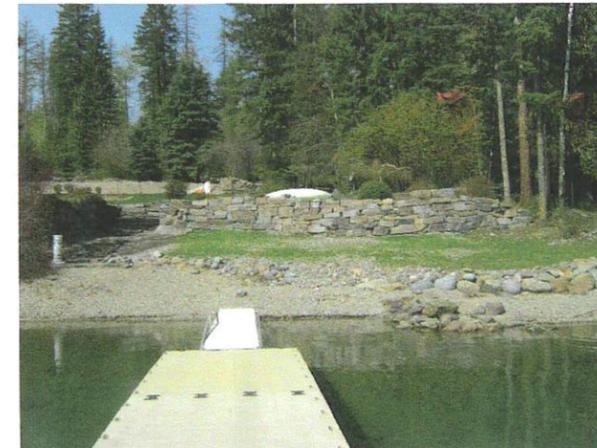


EXHIBIT 1: EXTENTS OF LAKESHORE FROM EXISTING DOCK



EXHIBIT 2: LAKESHORE LOOKING NORTH FROM APPROXIMATE PROPERTY LINE.



EXHIBIT 3: CONDITION OF GRAVEL IN LAKESHORE PROTECTION ZONE



EXHIBIT 4: LAKESHORE LOOKING SOUTH FROM APPROXIMATE PROPERTY LINE



BRUCE BODDY
Landscape
Architect Inc.
201 Second Street
Whitefish, MT
59937
phone 406-864-4755
fax 406-862-2155
bruce@bruceboddy.com

SURVEY BY:
WHITEFISH LAND SURVEYING
PO BOX 1291
WHITEFISH, MT 59937
406-471-8198

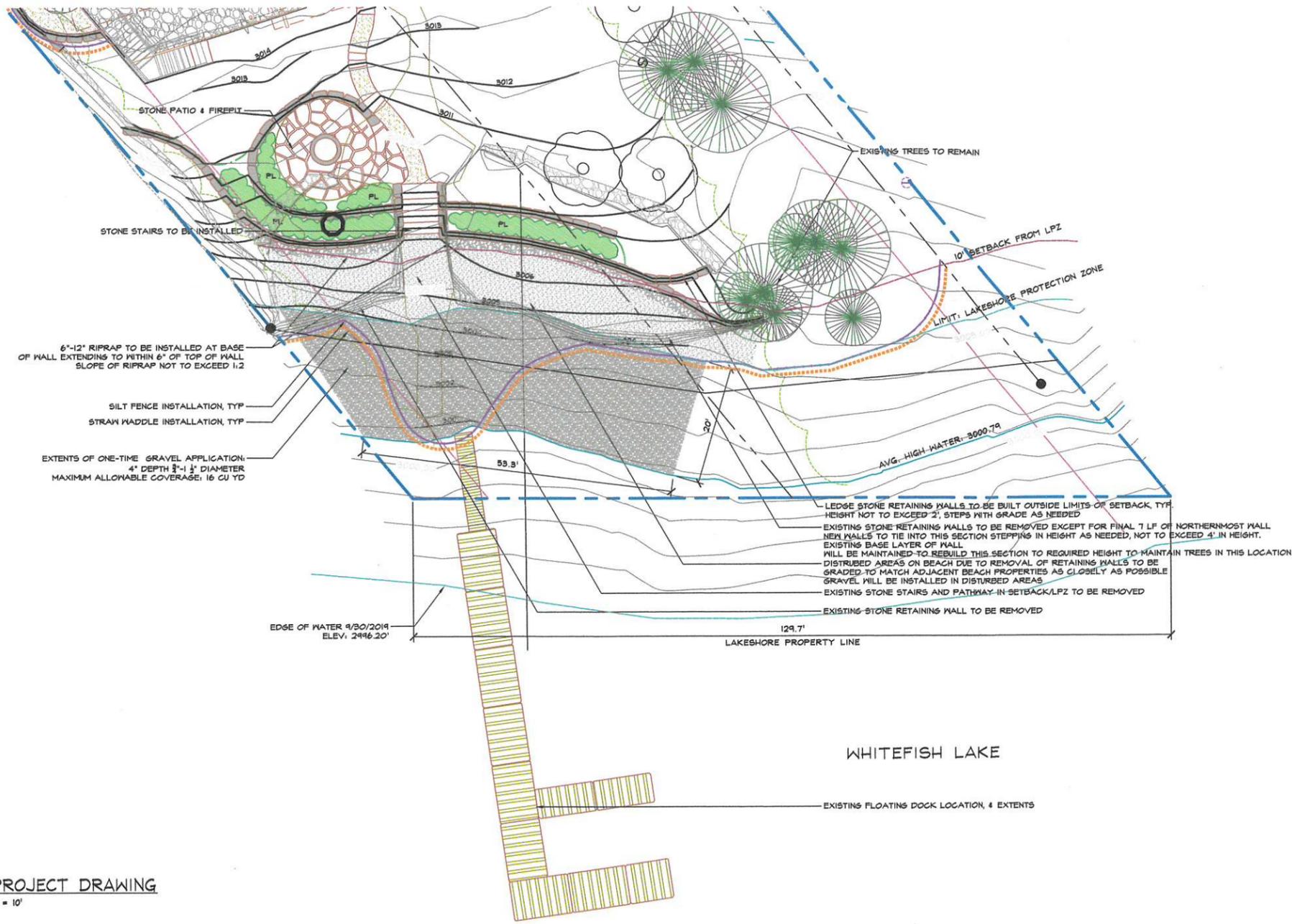
Revisions:

**WEINBERG
RESIDENCE**
SEC 26,
1508 WEST LAKESHORE DRIVE
WHITEFISH, MT 59937
T31N, R22W

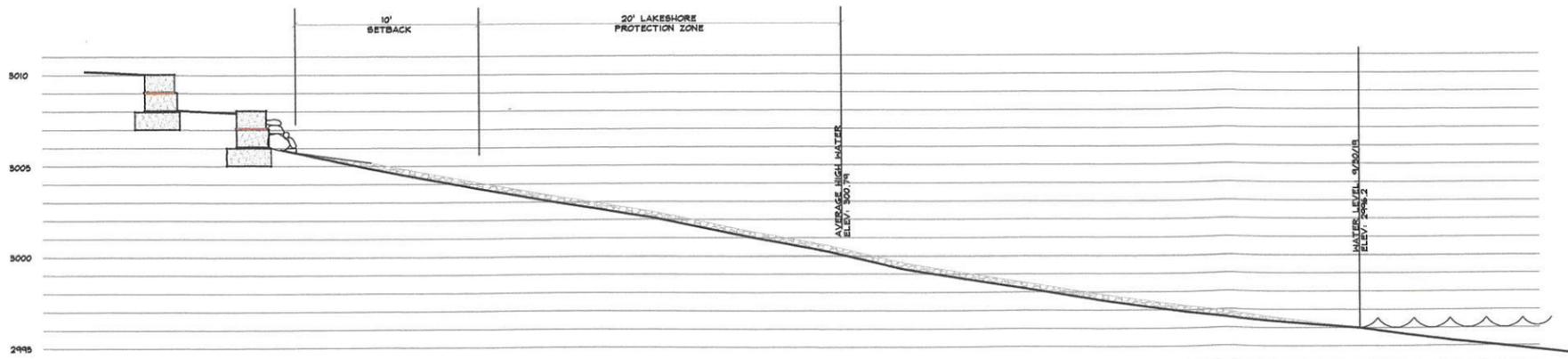
SCALE: 1" = 20'
DATE: 5-18-20
JOB #: 20-09

LAKESHORE
CONSTRUCTION
PERMIT

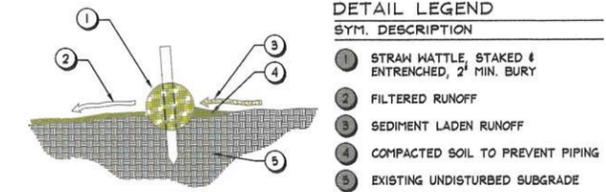
SHEET 1 OF 2



PROJECT DRAWING
1" = 10'

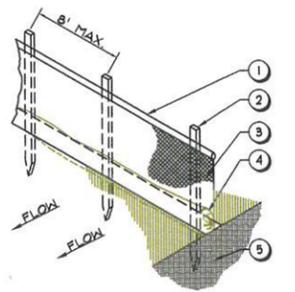


PROJECT SECTION
3" = 1'



A STRAW WATTLE
NOT TO SCALE

DETAIL LEGEND	
SYM.	DESCRIPTION
1	STRAW WATTLE, STAKED & ENTRENCHED, 2' MIN. BURY
2	FILTERED RUNOFF
3	SEDIMENT LADEN RUNOFF
4	COMPACTED SOIL TO PREVENT PIPING
5	EXISTING UNDISTURBED SUBGRADE



B SILTS FENCE
NOT TO SCALE

DETAIL LEGEND	
SYM.	DESCRIPTION
1	PROVIDE 1' TUCK WITH ROPE IN THE HEM
2	FENCE POSTS SHALL BE ROUGH OR FINISHED 2' X 4\"/>

- NOTES:**
- SILTS FENCE FABRIC TO BE FASTENED SECURELY TO STEEL FENCE POST BY USE OF WIRE TIES OR HOG RINGS (3 FASTENERS PER POST). FOR WOODEN POSTS, FASTENERS SHALL BE NO. 17 GAUGE STAPLES (3/8\"/>

BRUCE BODDY
Landscape Architect Inc.
395 Second Street
Whitefish, MT 59937
Phone: 406.868.4295
Fax: 406.862.8795
bruce@bruceboddy.com

SURVEY BY:
WHITEFISH LAND SURVEYING
PO BOX 1291
WHITEFISH, MT 59937
406-471-8145

Revisions:

WEINBERG RESIDENCE
SEC 26,
1508 WEST LAKESHORE DRIVE
WHITEFISH, MT 59937
T31N, R22W



SCALE: 1" = 10'
DATE: 5-18-20
JOB #: 20-09

LAKESHORE CONSTRUCTION PERMIT

(This page left blank intentionally to separate printed sections)



MEMORANDUM

To: Mayor Muhlfeld and City Council

From: Dave Taylor, AICP, Planning Director

Date: June 15, 2020

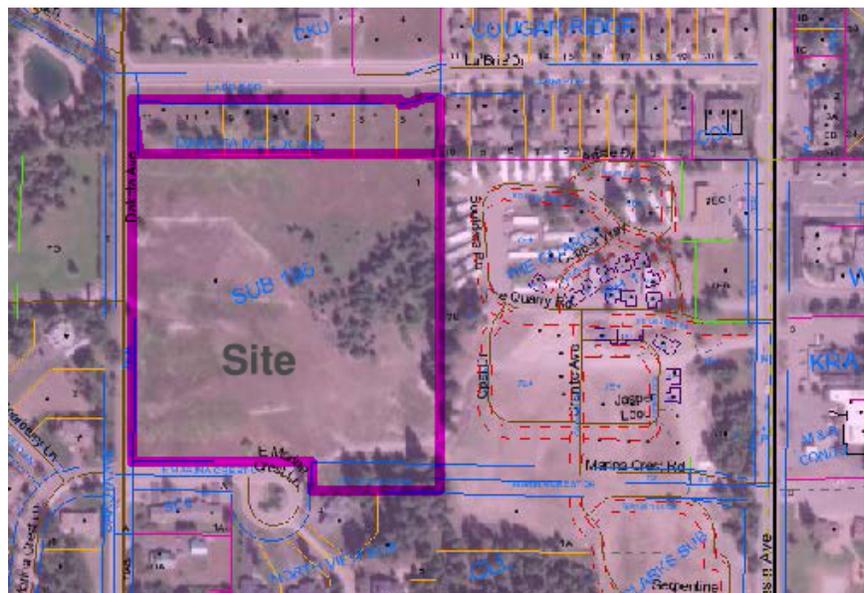
RE: Determination of Exemption Hearing Request for 777 Dakota Avenue WSE 20-02

Introduction

Both the Zoning Administrator and the County Clerk and Recorder's Office denied a request by Richard Swan of TD&H on behalf of Kelly and Courtney Laabs for a Subdivision Exemption Boundary Line Adjustment for 777 Dakota Avenue (Lot 1 of Subdivision 195 and Lots 7,8,9 and 10 of Dakota Meadows) as a Subdivision Evasion. The City Code outlines that the applicant can request a hearing of the City Council within 30 days of such a denial, and the applicant can then argue the merits of their request. After said hearing, the City Council then decides whether the Exemption should be approved or not. If approved, the County Clerk and Recorder is notified that the proposed plat can then be recorded. The application, proposed plat, and letters of denial by both the City Zoning Administrator and the County are attached for your review.

Background

Title 12-7 of the City Subdivision Regulations provides for review of certain exemptions of the subdivision requirements. One of those exemptions is a boundary line adjustment, wherein a property owner may request an exemption from the subdivision regulations if common boundary lines of a lot within a subdivision are simply adjusted or moved. There are certain criteria provided (see



attached Subdivision Exemptions code sections) wherein either City Staff or the Flathead County Clerk and Recorder's Office may deny such a request as an evasion of subdivision regulations.

The primary reason for a denial of an exemption is if the applicant appears to be trying to avoid going through subdivision, which would involve both a preliminary and final plat, and the improvements required therein under the City Subdivision Regulations. In this case, staff determined that the proposed boundary line adjustment was an attempt at evasion, and Flathead County agreed.

The applicant originally approached city staff with ideas for a similar request for a boundary line adjustment for 777 Dakota Avenue and they were told that it would likely be considered an evasion and they needed to apply for a major subdivision. They then submitted a preliminary design for a five-lot major subdivision and applied to go to the City Site Review Committee for feedback. At the April 2 Site Review meeting the proposal was reviewed and the applicant was given input by City Staff from Planning, Public Works, Fire, and Parks. At the meeting, the applicant was informed of the subdivision improvement requirements, namely that Marina Crest Lane would need to be extended east to the edge of the property to fulfill the Transportation Plan requirements, right-of-way dedication was required along Dakota Avenue for a full 60' wide right-of-way, a sidewalk or cash-in-lieu would be required for Dakota Avenue, the parkland dedication or cash-in-lieu requirements would need to be met, and the Legacy Homes Program requirements for deed restricted housing or cash-in-lieu would have to be satisfied. The applicant seemed unhappy with those requirements at the meeting. A few days later the applicant again inquired about doing a boundary line adjustment subdivision exemption with an adjacent subdivision in order to create the lots without having to incur the cost of the subdivision requirements. They were informed that it would likely be considered an evasion, but they were free to apply.

On April 24, the applicant applied for a subdivision exemption for a boundary line adjustment. That proposal was to eliminate two lot lines between existing lots in the adjacent Dakota Meadows subdivision off of Labrie Drive, and then move those lot lines onto the 9.44 acre lot at 777 Dakota to then create three lots there. Since lots were being removed from one subdivision and added to the other, there would essentially be no net gain. The zoning administrator denied that request on the basis of the evasion of subdivision criteria and the fact that the proposal was not a 'relocation of common boundary lines.'

The applicant then came back with a new modified subdivision exemption proposal, which is the one before you. In this version, the lot lines would be removed between several lots in the Dakota Meadows subdivision and combined with portions of the 9.44 acre lot off of Dakota to create four revised lots. That was also denied by the zoning administrator and subsequently by Flathead County.

Evasion Review Criteria

Here is what the code asks the City Council to consider with regard to subdivision evasion criteria:

12-7-5-A. Evasion Review Criteria for Subdivision Exemptions: Determination of Exemption: In determining whether an exemption is claimed for the purpose of evading subdivision review under these regulations, the council shall take into consideration all of the surrounding circumstances which may include, but are not limited to, the prior history of the particular property proposed for the exemption, the proposed configuration of the parcels to determine if the proposed exempt transactions display any pattern of development by use of exempt land divisions or any other circumstances which would result in the apparent creation of a subdivision without review.

Note that there is not one criteria that determines an evasion, but the Council must take into consideration all of the surrounding circumstances. In the case of this submittal, there are numerous suspect circumstances. The reasons for denial that are stated in the attached letters include the following:

- The lot lines being adjusted are between two platted subdivisions, which neither MCA 76-3-207 nor section 12-7-3 of the Whitefish City Code provide an explicit exemption for.

While the City Code and State Law allows for a relocation of common boundaries involving platted subdivisions per 12-7-5-E, that exemption allows the relocation of common boundaries or the aggregation of lots for five or fewer lots within a platted subdivision, which this clearly does not qualify for. It also allows the relocation of a common boundary between a single lot within a platted subdivision and adjoining land “outside a platted subdivision”, which generally means the adjoining land has never been platted as part of subdivision. The next sentence of 12-7-5-E “*A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas*” shows that outside a platted subdivision refers to an unplatted parcel. Nowhere does either the City Subdivision Regulations or the Montana Subdivision and Platting Act specifically allow aggregation of lots or for relocation of common boundaries between two platted subdivisions such as the application requests. Even if “outside a platted subdivision” could be assumed to refer to any adjacent parcel, platted or not, the proposal still would not qualify as that exemption is limited to a single lot within a platted subdivision. While the city may have signed off on boundary line adjustments between platted subdivisions in the past, those typically involved a single common boundary line between a single lot from each adjusted to remedy an encroachment or setback violation.

- The proposed amended plat includes more than a ‘common boundary line’ adjustment. Per 12-7-5-B-2, the proper use of the exemption for relocating common boundary lines is to ‘*establish a new boundary between adjoining parcels of land...*’ This does more than establish a new boundary between two adjoining parcels, it also removes common boundary lines within one platted subdivision to create new lots within a lot in an adjoining subdivision. It also expands small residential lots within a platted

subdivision to create larger tracts that go outside that subdivision that could be further subdivided without respect for future infrastructure requirements.

- The resulting lots are inconsistent with the approved subdivision of Dakota Meadows and the uses in it, as well as the protective covenants adopted with that subdivision.

Those items show inconsistency with the purpose of boundary line adjustments as well as a pattern of development with results in the apparent creation of a subdivision without review, which is a criterion showing evasion per 12-7-5-A.

- Prior to this Boundary Line Adjustment request, a major subdivision proposal for this property was brought to the City Site Review Committee, and the proponents appeared put off by the subdivision requirements of road and sidewalk improvements and the affordable housing requirements of the City's Legacy Homes Program for deed restrictions or cash-in-lieu. This Boundary Line Adjustment application was then later submitted with a similar layout, indicating this application is an attempt to evade the subdivision requirements.

The fact that the division of 777 Dakota was originally considered as a subdivision and then changed to a boundary line adjustment by the applicant shows intent to avoid the subdivision review.

Apart from the criteria met in the attached denial letter, the proposed application shows in their proposed plat a pattern of development consistent with a new subdivision as they are attempting to create new developable lots for sale out of an existing larger tract of land by borrowing lot lines from a previously platted and approved subdivision with its own covenants and restrictions, and they are clearly using the exemption in order to avoid paying for public improvements, parks, and affordable housing.

Additionally, the applicant did not submit copies of any new restrictive covenants for the revised lots located on what is currently 777 Dakota Avenue which might prohibit future subdivision. The newly created lots would be created in such a way that while they could be further subdivided based on the WR-2 zoning, any opportunity to create a transportation or utility grid system to properly access and service those lots that would conform to city standards would be lost. Even if there were restrictive covenants that would prohibit further subdivision of those new lots, the proposal remains an attempt to evade subdivision.

Also, staff was able to find a copy of the restrictive covenants for the Dakota Meadows that were included with the Final Plat (see attachment). Combining lots that may be subject to covenants with property not subject to the same covenants and restrictions creates significant issues.

Recommendation

Staff recommends that the City Council review the attached materials and Subdivision Evasion Criteria and support Staff's recommendation that the subdivision exemption be denied on the basis that it is an attempt to evade City subdivision requirements.

CITY OF WHITEFISH SUBDIVISION REGULATIONS

Chapter 7: EXEMPTIONS AND EVASION CRITERIA

12-7-1: PURPOSE:

The MSPA provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the use of the exemption is an attempt to evade the MSPA. The exemptions are found in part 2 of title 76, chapter 3, Montana Code Annotated.

12-7-3: DIVISIONS OF LAND EXEMPT FROM REVIEW BUT SUBJECT TO SURVEY REQUIREMENTS AND ZONING REGULATIONS:

A. Except as provided in subsection B of this section, the following divisions of land are not subdivisions under the MSPA or these regulations, but are subject to the surveying requirements of 76-3-401, Montana Code Annotated, for divisions of land not amounting to subdivisions and are subject to applicable zoning regulations adopted under title 76, chapter 2, Montana Code Annotated:

1. Divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;
2. Divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;
3. Divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;
4. For five (5) or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and
5. Divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

B. Notwithstanding the provisions of subsection A of this section:

1. Within a platted subdivision filed with Flathead County clerk and recorder, a division of lots that results in an increase in the number of lots or that redesigns or rearranges six (6) or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;
2. A change in use of the land exempted under subsection A3 of this section for anything other than agricultural purposes must be reviewed as a subdivision and will be subject to the review procedures outlined in these regulations.

C. The city council may examine a division of land to determine whether or not the requirements of these regulations apply to the division and may establish a review fee not to exceed two hundred dollars (\$200.00) for the examination.

12-7-4: PROCEDURES FOR REVIEW OF SUBDIVISION EXEMPTIONS:

Any person seeking exemption from the requirements of these regulations and the MSPA shall submit to the planning director a paper copy of a certificate of survey, or if a survey is not required, an instrument of conveyance and a completed subdivision exemption affidavit which provides evidence of entitlement to the claimed exemption. The affidavit shall be filed with the certificate of survey, unless otherwise not required, creating the parcel(s) subject to exemption:

A. Prior to submittal of the certificate of survey to the Flathead County clerk and recorder, the survey shall be reviewed by the planning director for compliance with the Whitefish zoning jurisdiction regulations and applicable development standards. Existing buildings and structures shall be indicated on the certificate of survey along with the building setbacks from property boundaries, existing and proposed land areas within the parcels or lots and any other relevant information related to the property.

For purpose of zoning compliance review, where two (2) contiguous lots, parcels or tracts of record are held in a common or single ownership, and where both of these tracts of record are nonconforming, they shall be considered as a single site for the purpose of meeting the requirements of the zoning district in which they are located. This section considers lots as merged for the purposes of zoning regulation for size, setbacks or similar development standards but does not aggregate individual parcels of land in a manner described by section 76-3-103(16)(b), Montana Code Annotated.

Relocated or new property boundaries shall not be located so existing buildings or structures do not comply with the required setbacks of the zoning district in which the properties are located. If existing buildings are nonconforming with regard to setbacks, the relocated property boundary must bring the building setback more in compliance and in no case shall the relocated or new property boundary create a setback which is less compliant with the applicable zoning regulations.

Relocated or new property boundaries shall not be established to create parcels or lots not in compliance with the minimum lot size requirements of the zoning district in which the properties are located.

A lot line adjustment between two (2) or more lots, parcels or tracts of record where neither lot is in compliance with the minimum area requirements of the zoning district in which it is located may proceed with a lot line adjustment provided the final lot area for each lot(s) remains the same and neither lot(s) becomes more nonconforming with the underlying zoning standards.

B. For those parcels for which an exemption from subdivision review is claimed, a paper copy of the certificate of survey, in final form, and a subdivision exemption affidavit signed by the property owner and the planning director shall be submitted to the Flathead County clerk and recorder for review.

C. If the Flathead County clerk and recorder and/or other appropriate government representatives determine the claimed exemption may constitute an evasion of the act under these regulations, the county clerk and recorder shall notify the planning department and landowner or surveyor within five (5) days stating in writing the reason leading to such a determination. Thereafter, the planning department shall review the findings of the clerk and recorder's office and make a final

determination as to whether or not the claimed exemption may constitute an evasion of the act under these regulations. The planning department shall notify the landowner in writing and the landowner may withdraw the instrument or may request in writing within thirty (30) days of the date of written notification to the landowner by the planning department that he/she be given a hearing before the city council.

D. If the Flathead County clerk and recorder does not make such determination and the instrument otherwise complies with all laws, the instrument is eligible for recording.

E. Upon receipt of the written request for hearing, the council shall set a time and place for the hearing and inform the landowner thereof. The planning department shall provide an evaluation and recommendation on the subject instrument. At the hearing, the landowner may present any additional evidence in support of the claim of exemption. The council shall approve or disapprove the proposed exemption within thirty (30) days of the receipt of the request for hearing. The council shall provide written notification of its decision to the landowner or surveyor and the county clerk and recorder. If the proposed exemption is approved, the council shall notify the county clerk and recorder that the instrument is deemed not to be an evasion of the act or these regulations. If the proposed exemption is disapproved, the council shall instruct the county clerk and recorder not to file the exemption instrument.

12-7-5: EVASION REVIEW CRITERIA FOR SUBDIVISION EXEMPTIONS:

A. Determination Of Exemption: In determining whether an exemption is claimed for the purpose of evading subdivision review under these regulations, the council shall take into consideration all of the surrounding circumstances which may include, but are not limited to, the prior history of the particular property proposed for the exemption, the proposed configuration of the parcels to determine if the proposed exempt transactions display any pattern of development by use of exempt land divisions or any other circumstances which would result in the apparent creation of a subdivision without review.

1. Pattern Of Development: In considering the proposed land exemption for the creation of a division of land or multiple divisions of land by use of or proposed use of an exemption for a pattern of development, the following circumstances shall be considered:
 - a. Original Tract Less Than Twenty Acres: It may be concluded a pattern of development may occur whenever more than three (3) parcels which includes two (2) exempt parcels and a remaining parcel are divided from the original tract of less than twenty (20) acres, regardless of ownership, by use of an exemption from subdivision review;
 - b. Original Tract Twenty Acres Or More: It may be concluded that a pattern of development may occur whenever more than four (4) parcels under twenty (20) acres which includes three (3) exempt parcels and a remaining parcel are divided from the original tract of twenty (20) acres or more, regardless of ownership, by use of an exemption from subdivision review;
 - c. Pattern Of Development Evidenced: It may be concluded a pattern of development is evidenced when the use of an exemption(s) contiguous to platted lots where common roads are shared or the exempted tracts have similar shape or size to the platted lots, or the exempted tracts are being created by the same landowner who created the platted lots.

B. Relocation Of Common Boundary Lines: The intended purpose of the exemption allowing the relocation of common boundary lines is to allow a change in the location or the elimination of a boundary line between adjoining properties outside of a platted subdivision.

1. Certificates of survey claiming this exemption must clearly distinguish between the existing boundary locations and, in case of a relocation of the boundary line, the new boundary location. This must be accomplished by representing the existing boundary with a dashed line and the new boundary, if applicable, with a solid line. The appropriate certification set forth in ARM 24.183.1104(1)(f) must be included on the certificate of survey. Certificates of survey showing the relocation of common boundary lines must be accompanied by a quitclaim or warranty deed or recordable agreement from adjoining property owners for the entire newly described parcel(s) or that portion of the tract(s) being affected at the time of recording.
2. The proper use of the exemption for relocating common boundary lines is to establish a new boundary between adjoining parcels of land outside of a platted subdivision, without creating an additional parcel. The exemption may not be used if the division of land would result in the permanent creation of one or more additional parcels of land.
3. It may be presumed the use of this exemption is for the purpose of evading subdivision review if:
 - a. The reviewing agent determines the documentation submitted according to this chapter does not support the stated reason for relocation; or
 - b. The proposed relocation creates a parcel of less than one hundred sixty (160) acres which, prior to the relocation included more than one hundred sixty (160) acres.

E. Relocation Of Common Boundaries Involving Platted Subdivisions: Certain revisions to subdivisions platted since July 1, 1973, which include relocation of common boundaries and the aggregation of lots for five (5) or fewer lots within a platted subdivision or the relocation of a common boundary between a single lot in a platted subdivision and adjoining land outside a platted subdivision, are permitted without review and is exempt from subdivision review. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

1. If a change is made to a platted subdivision which results in an increase in the number of lots or redesigns or rearranges six (6) or more lots, the amended plat will be subject to review and approval by the city council prior to being filed with the clerk and recorder.
2. If the resulting lots are inconsistent with the approved subdivision and the uses in it, the use of the exemption will be presumed to have been adopted for the purpose of evading the MSPA.
3. If the resulting lots do not comply with existing zoning, covenants, and/or deed restrictions, the use of the exemption will be presumed to have been adopted for the purpose of evading the MSPA.

DRAFT

After Recordation, Return To:

**DECLARATION OF EASEMENTS, CONDITIONS, COVENANTS
AND RESTRICTIONS OF DAKOTA MEADOWS**

THIS DECLARATION made this _____ day of _____, 2006, by DMG, LLC, a Montana limited liability company, of Whitefish, Montana, hereinafter called "Declarant".

WITNESSETH:

WHEREAS, Declarant is the record owner of the real property situated in Flathead county, Montana, which is more particularly described as follows:

Lots 1 through 11 of Dakota Meadows, according to the Subdivision Plat #XXXXXXXXXX of Dakota Meadows on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

WHEREAS, Dakota meadows is intended to be a residential community and these Conditions, Covenants and Restrictions are designed to reflect that intention. All landowners shall be subject to the control of the Architectural Control Committee provided for herein.

WHEREAS, the undersigned desires to record this Declaration of Easements, Conditions, Covenants and Restrictions, and to subject all the real property described above to the Conditions, Covenants and Restrictions hereinafter set forth, each and all of which are intended for the unfit of said property, and for each owner thereof, and shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and be binding upon the successors in interest to said property, and any owner thereof.

All persons or corporations who now or shall hereafter acquire any interest in and to the above described property shall be held to agree and covenant with the owner of any of the property located in the tracts hereinabove described, or any parcel thereof, with all

their heirs, successors and assigns, to conform to and observe the following Conditions, Covenants and Restrictions as to the use thereof, and as to the construction of dwellings and improvements thereon.

ARTICLE I

ROAD, UTILITY AND EASEMENTS

Declarant hereby dedicates and grants permanent and perpetual easements for installation, maintenance and repair of utilities, and ingress and egress purposes, including maintenance and repair, along the sixty (60) foot public road and utility easements which are shown on the Subdivision Plat of Dakota Meadows, on file in the office of the Clerk and Recorder of Flathead County, Montana.

ARTICLE II

MEMBERSHIP AND VOTING RIGHTS

Every owner of a tract which is subject to assessment shall be a member of Dakota Meadows Homeowners Association (hereinafter “the Association”). Membership shall be appurtenant to and may not be separated from ownership of any tract which is subject to assessment. Each owner shall be responsible to notify the Secretary of the Association of any transfer of ownership.

The owner(s) of each tract shall be entitled to one vote for each tract owned. When more than one person holds an interest in a tract, all such persons shall be members. The vote for such tract shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any tract.

The business and property of the Association shall initially be managed by the Declarant. Until such time as one hundred percent (100%) of the tracts have been sold by the Declarant, the Declarant shall exercise all powers to act on behalf of the Association. At such time, 100% of the tracts are sold, Declarant, or its designee, shall call and chair a special meeting of the members for the purpose of electing a Board of Directors for the Association.

ARTICLE III

COVENANT FOR MAINTENANCE ASSESSMENTS

1. **Creation of the Lien and Personal Obligations of Assessments.** The undersigned, for each tract owned, hereby covenant, and each owner of any tract, by

acceptance of a Deed therefore, whether or not it shall be expressed in such Deed, is deemed to covenant and agree to pay to the Association:

- a. Annual assessments or charges; and
- b. Special assessments for capital improvements, such assessments to be established and collected as hereinafter provided.

The annual and special assessments, together with interest, costs, and reasonable attorney fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each assessment, together with interest, costs, and reasonable attorney fees, shall also be the personal obligation of the person who is the owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to the owner's successor in title unless expressly assumed by them.

2. **Purpose of Assessments.** The entrance to the development and the boulevard between the sidewalk and the road shall be deemed Common Areas and shall be maintained by the Association. In addition, the Association shall maintain the trench drains along the northern, southern, and western boundaries of the subdivision. The assessments levied by the Association shall be used exclusively for landscaping and maintenance of the entrance to the development, exterior maintenance of structures, entrance to the development, boulevard landscaping and sprinkler system, maintenance of the right-of-way area between the west boundary of Lot 11 and the edge of the pavement on Dakota Avenue, and cleanliness of boulevards and streets.

3. **Annual Assessments.** The initial annual assessment shall be Three Hundred and 00/100 Dollars (\$300.00) per tract.

Commencing in January 2007, the Board of Directors of the Association may fix the annual assessment for the ensuing year, provided that after January 15, 2009, the annual assessment may not be increased by more than ten percent (10%) of the annual assessment for the prior year without a vote of the membership.

4. **Special Assessments for Capital Improvements.** In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, maintenance or replacement of a capital improvement within said road and utility easement, including fixtures and personal property related hereto, provided that any such assessment for capital improvements shall have the approval of two-thirds (2/3) of the votes of the members present in person or by proxy at a meeting duly called for such purpose. If such assessment is not approved, there shall be no special assessment.

5. **Notice and Quorum for Any Action Under Section 3 and 4.** Written notice of any meeting called for the purpose of taking any action authorized under Section 3 and 4 shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (½) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

6. **Uniform Rate of Assessment.** Both annual and special assessments must be fixed at a uniform rate for all tracts and may be collected on a monthly basis.

7. **Date of Commencement of Annual Assessments; Due Dates.** The annual assessments provided for herein shall commence May 15, 2007. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Tract at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth when the assessment and charges on a specified Tract have been paid.

8. **Effects of Nonpayment of Assessments; Remedies of the Association.** Any assessment or charge not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of ten percent (10%) per annum. The association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments or charges provided for herein by abandonment of his tract or parcel.

9. **Subordination of the Lien to Mortgages.** The lien of the assessment provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Tract shall not affect the assessment lien. However, any holder of a first mortgage or trust indenture who obtains title to a tract pursuant to the remedies provided in the mortgage or trust indenture, or by deed (assignment) in lieu of foreclosure, will not be liable for such tract's unpaid dues or charges which accrue prior to the acquisition of title to such unit by the holder of the mortgage or trust indenture. Except as provided herein, no sale or transfer shall relieve any tract from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE IV

INSURANCE

1. **Liability Insurance.** Public liability and property damage insurance shall be purchased by the Board or acquired by assignment from Declarant, as promptly as possible following its election, and shall be maintained in force at all times, the premium thereon to be paid out of the Association's funds. The insurance shall be carried in reputable companies authorized to do business in Montana. The minimum amounts of coverage shall be \$500,000.00 for personal injury to any one person, \$1,000,000.00 for personal injury to number of persons sustained in any one accident or mishap, and \$100,000.00 property damage. The policy shall name the Association, its directors, officers, employees and agents in the scope of their employment, as insured. This policy shall insure against, but may not be limited to, injury or damage occurring on any of the easements or rights of way referenced herein.

2. **Other Insurance.** The Board of Directors of the Association may purchase additional insurance as the Board may determine to be advisable including, but not limited to, workmen's compensation insurance, demolition insurance to remove improvements that are not rebuilt, fidelity bonds, and insurance on Association-owned personal property. All premiums therefore shall be paid out of the Association's funds.

3. **Owner's Additional Insurance.** An owner may carry such personal liability and property damage insurance respecting his individual living tract as he may desire; however, any such policy shall include a waiver of subrogation clause against Association and all other owners.

ARTICLE V

HOLDERS OF DEEDS OF TRUST

Each holder of a deed of trust, upon written request by such holder to the Board, shall be entitled to timely written notice of: (1) any proposed amendment of this Declaration affecting a change in (i) the boundaries of any tract or the exclusive easement rights appertaining thereto, (ii) the number of votes in the Homeowner's Association pertaining to any tract or (iii) the purposes to which any tract is restricted; (2) any condemnation loss or casualty loss which affects a material portion of a tract on which there is a first mortgage held; (3) any delinquency in the payment of assessments or charges owned by an owner of a tract subject to a first mortgage, where such delinquency has continued for a period of sixty (6) days; (4) any lapse, cancellation or material modification of any insurance policy maintained by the Homeowner's Association pursuant to Article IV.

ARTICLE VI

ARCHITECTURAL COMMITTEE

1. **Architectural Control Committee.** The “Architectural Control Committee” shall consist of the Declarant or a person or persons designated by Declarant until such time as one hundred percent (100%) of the Lots have been sold by Declarant. Thereafter, the “Architectural Review committee” shall consist of those persons who shall be appointed by the Board of Directors of the Association. The “Architectural Control committee” shall consist of the Board of Directors of the Association, or of a special “Architectural Control Committee” of at least three (3) or more persons appointed by the Board, all of whom must be members of the Association.

2. **Architectural Control.** All Owners intending to construct a dwelling or build or alter any type structure whatever upon any tract, shall first submit their plans and specification, in writing, to the Architectural Control Committee. All structures, exterior improvements, including paint colors, shall be submitted to the Architectural Control Committee for approval prior to commencement of work. No dwelling house or other structure shall be erected, placed, or altered on any tract until the construction plans and specifications along with the proposed site therefore have been approved in writing by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and location of the structure with respect to topography and finish grade elevation. Construction plans and specifications shall include the following:

- a. Site plan, including building(s), and drainage plan;
- b. Exterior elevations of all structures;
- c. Exterior finishes, including paint color; and,
- d. Description of all fencing and landscaping.
- e. Detached garages not to exceed sixteen feet (16') maximum height from natural grade, not to exceed twenty-four feet by twenty-four feet (24' x 24') square.

3. **Approval by Committee.** Approval or disapproval by the Architectural Control committee must be in writing. In the event the committee fails to act within thirty (30) days after the proposed plans and specifications of any structure have been submitted in writing, or, of an entire dwelling, no specific approval shall be required for such structure and the pertinent provisions of this Declaration shall be deemed to have been fully complied with.

ARTICLE VII

PROTECTIVE COVENANTS

The following Protective Covenants are designed to provide a uniform plan for the ownership, use and development of the hereinabove described property, to preserve, insofar as practical, the natural beauty of said property, and to encourage the development of said property for country residential living.

1. **Tract Size.** No parcel shall be further divided.

2. **Land Use.** All tracts or parcels of land within the subject property shall be used for single-family residential purposes only. No piece, parcel, tract, or any part of the above-described property shall be used at any time for any business, trade, manufacture, or other commercial purpose whatsoever.

3. **Structures.**
 - a. No building shall be erected, altered, placed or permitted on any other Lot, tract, parcel, or piece of the above-described property, except one single-family dwelling used for residential purposes, provided that one (1) detached garage shall be permitted per Lot.

 - b. Any dwelling erected or placed upon the subject property shall be used only as a private, single-family residence, and no dwelling building or structure may be applied to, used, or occupied as a multi-family structure.

 - c. No more than one (1) single-family dwelling house shall be erected, placed or situated upon any Tract or Lot.

 - d. All construction upon the subject property shall comply with the requirements of the most current edition of the Uniform Building Code adopted and in effect in the City of Whitefish on the date of commencement of construction, and all applicable master plan and zoning requirements of the City of Whitefish, Flathead County, or the State of Montana.

4. **Setback Lines.** No building or structure shall be erected, placed or located upon any parcel or tract of land closer than permitted by the Whitefish Zoning Regulations in effect on the date of commencement of construction. The Association will be separately metered for boulevards and common area.

5. **Water and Sewer Service.** All property shall be connected to the Whitefish City Water and Sewer System, which shall provide water and sewer service for the properties, subject to payment of charges for such service. Each Lot or building shall be

separately metered for water and sewer service.

6. **Utilities.** All utilities and utility connections on the subject property shall be underground, with the exception of phone and cable connection boxes which are placed above ground.

7. **Garbage.** All garbage containers used in connection with any structure erected upon the above described premises shall be kept from view of the public. No garbage containers shall be maintained which are not of a suitable type and which do not have cover sufficient to prevent the escape of noxious odors from such container. If not kept inside, as in a garage, then garbage containers must be either sunk in the ground or placed in an enclosure completely screened from view. However, on garbage pick-up days, garbage containers may be exposed to view for the convenience of the garbage collector.

8. **Vehicles** No trucks exceeding one (1) ton, trailers, semi-trailers, other trailers of every type and description, including travel trailers, boat trailers, snowmobile trailers and motorcycle trailers, pick-up box, campers, or other similar units designed to be transported or pulled by motor vehicles or any other unsightly vehicle shall be parked or allowed to remain in said properties unless stored in a garage.

9. **Exterior Maintenance.** The Association shall maintain the entrance to the development, boulevards and boulevard sprinkler system and all other structures in the Common Area, to include painting and repairing the structures; maintaining the lawn and grounds to preclude noxious weeds and other noxious growths;; and not permitting refuse piles or other unsightly objects to accumulate or remain on the grounds. Paint on buildings, fences and other structures shall be required to be in subdued, "earth tones" such as will tend to harmonize with the vegetation of the area and tend to preserve the natural view, which is a community asset at present.

10. **Signs:** No signs, billboards, or advertising structures of any nature may be erected, maintained, or used on the subject property or any part thereof, except that one advertising sign, which must be in compliance with City of Whitefish regulations, may be erected for the sole and exclusive purpose of advertising for the sale or lease of the property upon which the sign is erected, provided that the Declarants shall have the right to place a "For Sale" sign which is four feet (4') by eight feet (8') at the entrance of the property for a period of not more than three (3) years from the date of this Declaration.

11. **Pets:** All animals shall be kept under full control of the property owner, and shall not be permitted to run at large. Barking dogs or offensive noise from any animal will not be tolerated. Repeated complaints regarding barking dogs may result in a hearing before the Board after due notice. The board shall be authorized to order the owner/renter to remove the offending dog from the project. When pets are outside a building and within the Project, but not on the Owner's Lot, they must be on a leash at

one end and held at the other end by the Owner/guest. The Owner/guest must remove animal waste, place it in a tightly sealed plastic bag, and dispose of it in an enclosed garbage container. If an Owner/guest disposes of animal waste on the Project any place except in a garbage container, the Owner of the dog may be fined in an amount to be determined by the Board of Directors. All Owners/guests shall comply with the Flathead County Dog Ordinance or any other ordinance, rule or regulations of Flathead County or the State of Montana regarding animals.

12. **Landscaping:** Front yard landscaping shall be complete within one (1) year of the date of occupancy of the residence on any Lot. A landscape plan shall be submitted to Architectural Control Committee for approval prior to commencement of landscaping work.

13. **Waste.** All trash, garbage, or other waste materials shall be kept in sanitary containers with airtight lids.

14. **Nuisance.** No noxious or offensive activities shall be carried on upon the property, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

15. **Roads.** All roads to or upon the subject property, or any parcel or tract thereof, shall be paved, a minimum of thirty-two feet (32') wide, within a sixty foot (60') right-of-way. All Owners of said tracts of land within the subject property shall pay assessments for upkeep, maintenance and repair of all road situated within the subject property in accordance with Article III herein. The roads will be conveyed to the City of Whitefish who will maintain the roads. The Association shall maintain the five foot (5') boulevard on each side of the roadway, including the landscaping and sprinkler system within the boulevard.

16. **Fences.** No fence shall be constructed closer to the road than the closest projection of the residence to the road right-of-way. Side and rear fences shall not exceed five feet (5') in height. A plan for any proposed fence shall be submitted to the Architectural Control Committee for approval prior to commencement of installation.

17. **Term.** The provisions of this Declaration shall be binding for the term of twenty (20) years from the date of this Declaration, after which time the Declaration shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of 2/3 (two-thirds) of the total area of the real property described on Exhibit "A" has been recorded agreeing to change this Declaration in whole or in part. These covenants may be amended by 2/3 (two-thirds) agreement of the Owners of all the real property subject to these covenants.

18. **Enforcement.** The Board of Directors of the Homeowner's Association or any Owner shall have the right to enforce these conditions, covenants and restrictions by

any proceeding at law or equity. The method of enforcement may include proceedings to enjoin the violation, to recover damages, or both. Failure by any owner to enforce such provision shall not be deemed to be a waiver of the right to do so thereafter. Any person or entity who may recover any and all damages resulting from such violation, and it is expressly understood that the prevailing party in an action to enjoin the violation of these covenants or to enforce these covenants, the prevailing party in such action shall be entitled to recover reasonable attorney's fees in addition to any other damages and costs.

19. **Severability.** Invalidation of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

20. **Amendment.** After one hundred percent (100%) of the tracts have been sold, this Declaration may be amended by an instrument signed by the owners of seventy-five percent (75%) of the lots in Dakota Meadows, which instrument has been recorded, agreeing to such amendment. Each parcel of land, regardless of size or of any deeded ownership interest in a multi-family residential unit, shall be entitled to one (1) vote under this Article.

IN WITNESS WHEREOF, the Declārants hereunto executed this Declaration of Conditions, Covenants and Restrictions this _____ day of _____, 2006.

DMG, LLC, a Montana
Limited Liability Company

BY: _____
Member

STATE OF MONTANA)
 :ss.
County of Flathead)

This instrument was acknowledged before me this _____, 2006, by _____, as a Member of DMG, LLC.

Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

(SEAL)

CONDITIONS OF APPROVAL
DAKOTA MEADOWS PRELIMINARY PLAT - #WPP-03-3
APPROVED BY WHITEFISH CITY COUNCIL
APRIL 21, 2003

1. That the development of the subdivision shall be in substantial conformance with the approved preliminary plat that shall govern the general location of the lots and roadways.
2. That the improvements (water, sewer, roads, street lights, sidewalks, driveways, etc.) within the subdivision shall be designed by a licensed engineer and constructed in accordance with the City of Whitefish's design and construction standards and the Whitefish Subdivision Regulations. Prior to any construction, the City of Whitefish Public Works Department shall approve the design and construction of the improvements.
3. All roads and road right-of-ways within the subdivision, and including 30' along the west edge of the property, shall be dedicated to the City and open to public use.
4. The applicant shall pave the temporary cul-de-sac.
5. The following notes shall be placed on the face of the plat stating:
 - At the time of the building permit, Lot 10 shall provide a paved driveway through the road right-of-way to the temporary cul-de-sac.
 - The City reserves the right at any time to allow for and/or construct a street within the right-of-ways dedicated on this plat.
 - All lots except lots 9A and 9B shall be single-family lots.
6. The developer shall waive protest to the future creation to an SID for curb and gutter on Dakota Avenue.
7. The applicant shall provide cash-in-lieu of sidewalk for the Dakota Avenue frontage. The cash amount will approximate that amount need to construct sidewalks along the Dakota Avenue frontage and will be estimated by the Public Works Director.
8. That a Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the water and sewage treatment facilities for the subdivision.
9. Parkland cash-in-lieu dedication is \$11,450.00
10. The applicant shall submit a site specific drainage plan that shows where runoff water from the developed site(s) will flow, i.e. to which drainage areas and to which detention ponds. The applicant will also submit a site specific erosion and sediment control plan for construction activities which is to be approved by the Whitefish Public Works Department and implemented prior to any earth moving.
11. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds.

12. The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation.
13. That a note shall be placed on the face of the final plat requiring house numbers be posted on the house in a clearly visible location. This note shall appear on the face of the plat.
14. A note shall be placed on the face of the plat stating, "All garbage containers be stored in a bear proof storage area, such as a closed garage, until the day of pick-up."
15. The applicant shall provide written approval for mail delivery from the USPS in Whitefish.
16. That the preliminary plat is valid for a period of three years from the date of approval.
17. The boundaries of the properties shall be addressed to ascertain their true location.
18. An appraisal of the vacant land is required to determine cash-in-lieu for parkland.
19. The duplex on lot 7 shall be converted to a single-family house.
20. The applicant is required to consult with the Department of Fish, Wildlife and Parks to find a solution to mitigate the pheasant nesting area and provide follow up.

June 5th, 2020

WHITEFISH CITY COUNCIL
418 East Second Street, PO Box 158
Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409

Dear Council,

My Husband, Kelly, and I, own 777 Dakota Avenue (Lot 1 of Subdivision No. 195) and four lots in the adjacent Dakota Meadows subdivision. We would like to take this opportunity to discuss our plan and present additional evidence to show that we are not trying to evade subdivision review.

Our desire is and has always been to create a permanent home in Whitefish for us to enjoy and to share with my sister and her family. My husband and I have two daughters, Parker (3) and Quinn (1). Kelly is a native Montanan and I moved to Whitefish over 10 years ago. We support many Whitefish and surrounding Flathead organizations and we both work full-time here in the Valley. From 2012 to 2016, we have lived at 429 Marina Crest Lane and fell in love with this neighborhood. Since that time, we built and sold a house elsewhere in Whitefish but always desired to be back in a neighborhood family environment after having our two children. When Kelly heard that there was an opportunity to purchase 777 Dakota Avenue, we became very excited about building our forever home on this lot. Furthermore, my sister and her family are moving to Montana in the spring next year and will be a great addition to the community. My lifelong dream of building a house next to my sister was in our sights, and we thought it would be a great piece of property to do so. We are not developers and are not looking to profit off the extensive parceling of this land. We are simply trying to appropriately share this parcel with family so our children (who are obviously cousins) can grow up as neighbors and enjoy the many joys this neighborhood and area can provide.

Throughout this whole process, we have consulted with local professionals such as Bruce Boody, TD&H Engineering, and Montana Land Surveying. All have been resoundingly in favor of what we were doing and expressed no concern. Our first step was to meet with the Planning Department to discuss possibility of a boundary line adjustment. The Planning Department told us we *had* to apply for subdivision approval. We are not developers and we did not wish to enter the subdivision process. We submitted for subdivision approval because the City indicated we had to, but when we attended the site review meeting, we realized that we were *not* obligated to do a subdivision application because we met the BLA exemption. All of our consultants, including attorneys, as well as our investigation with the plat room personnel indicated that it was a “no brainer” that our proposal was exempt from subdivision review. It’s simply unfair that the Planning Department is using our subdivision application as evidence of evasion when our intent was to apply for an exemption and then were told we had to apply for subdivision approval. We took the Planning Department’s remarks as gospel and then, only *after* we looked into it further did we discovery the BLA propriety, which is why we then moved to that stage. And, as sign of good faith, when City raised a BLA issue, we re-submitted addressing it.

We appreciate your consideration and attention to this matter.

Kind Regards,

Courtney Laabs
156 Wild Rose Lane
Whitefish, MT 59937

June 9, 2020

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

RE: Kelly and Courtney Laabs

Dear Council:

I represent Kelly and Courtney Laabs. My clients own 777 Dakota Avenue (Lot 1 of Subdivision No. 195) and four lots in the adjacent Dakota Meadows subdivision. My clients applied for approval of a boundary line adjustment but the Planning Department, by its letter of May 15, 2020, denied their submittal because “the proposed method of disposition is adopted for the purpose of evading subdivision review and requirements.” The Department’s conclusion was based on the following factors:

1. The lot lines being adjusted are between two platted subdivisions, which neither § 76-3-207, MCA, nor WCC § 12-7-3 provide an explicit exemption for.
2. The proposed amended plat includes more than a common boundary line adjustment under § 12-7-5-B-2 by creating new lots within an adjoining subdivision and expands the small residential lots within a platted subdivision to create larger tracts that could be further subdivided without respect to future infrastructure requirements.
3. The resulting lots are inconsistent with the approved subdivision of Dakota Meadows and the uses in it, as well as the protective covenants adopted with that subdivision.
4. My clients previously brought a major subdivision proposal to the City.

Invalid Determination

The Whitefish City Code sets forth a clear procedure for determining if a claimed exemption is an attempt to evade subdivision review, yet the City did not follow its own procedure. Per section 17-2-7-4-A, the Planning Department can review the survey only for

compliance with zoning regulations and applicable development standards – it cannot make a determination on whether the claimed exemption is an attempt to evade subdivision review as the Planning Director did in this case. If, as here, there are no zoning or survey discrepancies, the affidavit shall be signed by the Planning Director and submitted to the Flathead County clerk and recorder for this review and determination. (WCC § 12-2-7-4-B) If the county clerk makes no determination on evasion, the survey is eligible for recording. (WCC § 12-2-7-4-D) If the county clerk determines that the claimed exemption may constitute an evasion, s/he must state “the reasons leading to such a determination” and then – and only then – may the Planning Department assess the exemption application for evasion. (WCC § 12-2-7-4-C)

Here, despite the fact that the Planning Director determined no zoning or survey issues existed with my client’s application, he denied it on improper grounds, citing only to an evasion analysis that he was not authorized to conduct at that time. This improperly prevented the affidavit from being signed and submitted to the county clerk for the proper determination per the city code.

The City exceeded its jurisdiction by conducting an evasion analysis *before* the county even considered my clients’ application. The county then made no findings of the reasons leading to the determination and therefore there is nothing for the Planning Department to review. The county stated that its determination of evasion was based on the findings of the Planning Director’s letter of May 22, 2020, however, since the Planning Department was not authorized to make that determination, it remains an unlawful basis for the county’s denial and thus an invalid determination.

In sum, it’s our position that the Planning Department’s position as set forth in its letter of May 22, 2020, is unlawful and an invalid basis upon which to find that my clients are attempting to evade subdivision review.

Evasion Criteria

WCC § 12-7-5 provides criteria for the City to consider in determining whether a claimed exemption is made for the purpose of evading subdivision review:

- A. **Determination Of Exemption:** In determining whether an exemption is claimed for the purpose of evading subdivision review under these regulations, the council shall take into consideration all of the surrounding circumstances which may include, but are not limited to, the prior history of the particular property proposed for the exemption, the proposed configuration of the parcels to determine if the proposed exempt transactions display any pattern of development by use of exempt land divisions or any other circumstances which would result in the apparent creation of a subdivision without review.
 1. **Pattern Of Development:** In considering the proposed land exemption for the creation of a division of land or multiple

divisions of land by use of or proposed use of an exemption for a pattern of development, the following circumstances shall be considered:

- a. Original Tract Less Than Twenty Acres: It may be concluded a pattern of development may occur whenever more than three (3) parcels which includes two (2) exempt parcels and a remaining parcel are divided from the original tract of less than twenty (20) acres, regardless of ownership, by use of an exemption from subdivision review;
- b. Original Tract Twenty Acres Or More: It may be concluded that a pattern of development may occur whenever more than four (4) parcels under twenty (20) acres which includes three (3) exempt parcels and a remaining parcel are divided from the original tract of twenty (20) acres or more, regardless of ownership, by use of an exemption from subdivision review;
- c. Pattern Of Development Evidenced: It may be concluded a pattern of development is evidenced when the use of an exemption(s) contiguous to platted lots where common roads are shared or the exempted tracts have similar shape or size to the platted lots, or the exempted tracts are being created by the same landowner who created the platted lots.

The Planning Department provided no analysis under this criteria. If it had, it would find that the criteria for evasion is not met. The prior history of Lot 1 of Subdivision No. 195 provides no evidence that my client is attempting to evade subdivision review. There is also no “pattern of development” as defined by the City Code because the proposed exemption is not a “creation of a division of land or multiple divisions of land” and the specific circumstances set forth in § 12-7-5-A-1(a) – (c) are not present.

The Planning Department further analyzed the wrong criteria in its second bullet point which referenced § 12-7-5-B-2. That section, which is different than the exemption language under § 12-7-3-A-4, is vaguely entitled “Relocation of Common Boundary Lines” but is specifically limited to “boundary lines between adjoining properties outside of a platted subdivision,” which is not the circumstances presented by my client’s application. (WCC § 12-7-5-B) Also, the Planning Department expressed concern over further subdivisions but Lot 1 of Subdivision No. 195 has a deed restriction prohibiting any further subdivisions.

Instead, the proper section is 12-7-5-E which is entitled “Relocation of Common Boundaries Involving Platted Subdivisions” and involves “the relocation of a common boundary between a single lot in a platted subdivision and adjoining land outside a platted subdivision.” The term “adjoining land” is undefined and therefore would include both platted and un-platted land. Unlike the similar language in the exemption in § 12-7-3-A-5 to the subdivision review,

the criteria under 12-7-5-E is not limited to “divisions” of land. Under § 12-7-5-E, “the relocation of a common boundary between a single lot in a platted subdivision and adjoining land outside a platted subdivision are permitted without review and is exempt from subdivision review.” Only if the adjustment redesigns six or more lots will it be subject to review, which is not the case here. (WCC § 12-7-5-E-1) Therefore, my client’s application is not subject to review. Also, an application may be presumed to have been submitted for the purpose of evading the MSPA if the proposed use is inconsistent with the approved subdivision or does not comply with existing covenants. (*Id.*, § 12-7-5-E-2, 3) The proposed use is residential, which is consistent between both subdivisions, and the Planning Department failed to identify any inconsistency in use. Dakota Meadows does not have restrictive covenants and the Planning Department incorrectly stated there would be an inconsistency with the protective covenants adopted by Dakota Meadows. Even if Dakota Meadows had restrictive covenants, § 76-3-207(1)(e), MCA, provides that those would control so there could be no inconsistency of use as a matter of law.

Based on the evaluation criteria set forth in the Whitefish City Code, my client’s application is exempt from subdivision review and is permitted. Even under the City’s evasion criteria, the City has failed to identify any evidence that would suggest that my client is attempting to evade subdivision review.

The Planning Department’s denial letter further lists its interpretation of § 76-3-207, MCA as a “factor” considered in its decision to find my client was evading subdivision review. Whether a particular statute applies to a set of circumstances is a question of law. Either my client has a right to proceed under the statute or not. However, the Planning Department’s interpretation of the Montana Code is not evidence of my client’s intentions, nor is the City’s interpretation a lawful factor to consider because it is not part of the evasion criteria adopted in the city code. (WCC § 12-7-5-A)

Moreover, the Planning Department’s interpretation of § 76-3-207, MCA and § 12-7-3, WCC is incorrect. My client’s proposal fits squarely within the exemption for the “relocation of common boundaries of five or fewer lots within a platted subdivision” because it proposes to relocate the common boundaries of four lots in the Dakota Meadows subdivision, or alternatively it seeks to relocate one boundary in Subdivision No. 195. The Department’s interpretation that the exemptions must explicitly state “within two platted subdivisions” is improper because it would require a court to insert language which does not exist. Statutory interpretation has to be reasonable and give effect to the entire Act, which provides exemptions for relocations of boundary lines outside of platted subdivisions (subsection 1), within platted subdivisions (subsection 4), and both inside and outside of a platted subdivision (subsection 5). The proposal fits under subsection 4 because it seeks to adjust the common boundary of the lines within Dakota Meadows and falls under subsection 5 because Lot 1 of Subdivision 195 is outside of Dakota Meadows and vice versa. It would be unreasonable to exempt a boundary line adjustment in every conceivable scenario but then not exempt an adjustment between two platted residential subdivisions.

The Planning Department’s interpretation is also inconsistent with the City’s Code which interprets the exemption under § 12-7-3-A-5 as the relocation of a common boundary between a

lot in a platted subdivision and adjoining land outside a platted subdivision, without any limitation that the land outside of the platted subdivision has to be unplatted. It's also inconsistent with how the City and Flathead County has been treating similar situations. For years, Flathead County has been approving boundary line adjustments between two platted subdivisions. *See, e.g.*, Plat File #9-2-25 (Rec. 8834112010), 20140022 (Rec. 201400010048), and 9-3-30 (Rec. 9620811510). In fact, some of those have occurred in the City of Whitefish and received approval from the Planning Department. *See, e.g.*, Plat File #1-9-49 (Rec. 201300018543). The City's prior approval of similarly situated applicants but denial of my clients' application results in a denial of equal protection.

For the reasons stated above, my clients request that the Council reverse the Planning Department's finding of evasion and approve its application for a boundary line adjustment as exempt from subdivision review.

Very truly yours,



Sean S. Frampton
Frampton Purdy Law Firm

c: City Attorney
SSF/kks

June 5th, 2020

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

Dear Mr. Taylor,

We would formally like to request a City Council hearing to determine whether or not our boundary line adjustment (“BLA”) proposal, entitled “Second Submittal of Boundary Line Adjustment Request for 777 Dakota Avenue”, submitted via Rick Swan, is exempt from subdivision review. We received the denial letter from David Taylor on May 15th. Enclosed with this letter is the required \$200 Fee.

We would like this added to the Council agenda on June 15th for the following reason: Thirty (30) days after the date of this request falls on July 4th, and if it were to be pushed out the July 6th City Council meeting, that would be 32 days after today (June 5th, 2020). If it were to be pushed out to the Council meeting on July 6th, this would fall outside of the required 30 days to approve or deny our request per section 12-7-4-E of Whitefish City Code.

We appreciate your consideration and attention to this matter. Please confirm receipt.

Kind Regards,



Courtney Laabs
406.890.8194

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



May 15, 2020

Richard Swan
TD&H Engineering
450 Corporate Drive, Suite 101
Kalispell, MT 59901

Re: Second Submittal of Boundary Line Adjustment Request for 777 Dakota Avenue

Dear Mr. Swan:

This letter is in response to your revised request for a boundary line adjustment exemption for Lots 7,8,9 and 10 of Dakota Meadows and Lot 1 of Subdivision No. 195 in Section 25, T31N, R22W, P.M.M., Flathead County, Montana. Pursuant to MCA 76-3-207, the requested boundary line adjustment is **denied** due to the fact that the proposed method of disposition is adopted for the purpose of evading subdivision review and requirements. Items that factor in the decision for denial include:

- The lot lines being adjusted are between two platted subdivisions, which neither MCA 76-3-207 nor section 12-7-3 of the Whitefish City Code provide an explicit exemption for.
- The proposed amended plat includes more than a 'common boundary line' adjustment. Per 12-7-5-B-2, the proper use of the exemption for relocating common boundary lines is to 'establish a new boundary between adjoining parcels of land...' This does more than establish a new boundary between two adjoining parcels, it also removes common boundary lines within one platted subdivision to create new lots within a lot in an adjoining subdivision. It also expands small residential lots within a platted subdivision to create larger tracts that go outside that subdivision that could be further subdivided without respect for future infrastructure requirements.
- The resulting lots are inconsistent with the approved subdivision of Dakota Meadows and the uses in it, as well as the protective covenants adopted with that subdivision.
- Prior to this Boundary Line Adjustment request, a major subdivision proposal for this property was brought to the City Site Review Committee, and the proponents appeared put off by the subdivision requirements of road and sidewalk improvements and the affordable housing requirements of the City's Legacy Homes Program for

deed restrictions or cash-in-lieu. This Boundary Line Adjustment application was then later submitted with a similar layout, indicating this application is an attempt to evade the subdivision requirements.

Per 12-7-3-B of the Whitefish City Code, you can request a hearing before the City Council to determine whether or not your proposal is exempt from subdivision review and requirements for a \$200 fee. If you wish to pursue that route, let us know in writing within 30 days of the date of this letter and remit the required fee and we will schedule it for a future City Council meeting per the provisions of 12-7-4-E of the Whitefish City Code.

Sincerely,

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

David Taylor, AICP
Director of Planning & Building

CC: Flathead County Clerk and Recorder's Office

Flathead County Clerk and Recorder's Office

800 S. Main St ♦ Room 114 ♦ Kalispell MT 59901 ♦ (406) 758-5526

Memorandum

To: TD&H Engineering Attention: Douglas Peppmeier; Richard Swan
CC: City of Whitefish Attention: David Taylor
Clerk and Recorder Debbie Pierson
From: Sheena Sterling, Plat Room/Recording Supervisor
Date: 05/29/2020
Re: Amended Plat of Lots 7, 8, 9, & 10, Dakota Meadows and Lot 1,
Subdivision No. 195

Dears Sirs:

The Flathead County Plat Room has reviewed the plat of: Amended Plat of Lots 7, 8, 9, & 10, Dakota Meadows and Lot 1, Subdivision No. 195 and determined it to be an evasion of subdivision review based upon the findings of The City of Whitefish provided on May 22, 2020.

The City of Whitefish provided the attached letter denying the approval of: Amended Plat of Lots 7, 8, 9, & 10, Dakota Meadows and Lot 1, Subdivision No. 195 submitted by TD&H Engineering. The Flathead County Plat Room upholds this denial and will consider re-review if approval from the Whitefish City Council is obtained.

Sincerely,

Sheena Sterling
Sheena Sterling



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 #: _____
 Date: _____
 Intake Staff: _____
 Check # _____
 Amount _____
 Date Complete: _____

SUBDIVISION EXEMPTION APPLICATION

FEE ATTACHED \$ \$50.00
 (See current fee schedule)

INSTRUCTIONS:

- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department.
- Once approved, Planning staff will forward the original letter to the Surveyor on the application unless directed otherwise.

A. LEGAL DESCRIPTION OF PROPERTY: Street Address 777 Dakota Avenue
 Assessor's Tract No.(s) 0836500, 0502799, 0502802, 050803, 0502804 Lot No(s) 7, 8, 9 & 10 and Lot 1
 Block # _____ Subdivision Name Dakota Meadows / Subdivision No. 195
 1/4 Sec NW Section 25 Township 31 N Range 22 W

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.

Joseph R. Gregory
 Owner's Signature
Majestic Hills, LLC
 Print Name

5/11/2020
 Date

Richard J. Swan
 Applicant's Signature
Richard J. Swan - TD&H Engineering
 Print Name

05/11/2020
 Date

 Representative's Signature

 Print Name

 Date

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

APPLICATION CONTENTS:

Attached

- Certificate of Survey (showing as-built information for any existing structures, eaves and access; clearly showing the old and new boundaries)
- Vicinity Map
- Municipal Facilities Exclusion, if within the city's service area
- Signed Affidavit (attached)

B. OWNER(S) OF RECORD:

Name: _____ Phone: (423) 793-0120
 Mailing Address: 620 Shelby Street
 City, State, Zip: Bristol, TN 37620
 Email: jgregory@jrgregory.com

TECHNICAL/PROFESSIONAL:

Name: Richard J. Swan - TD&H Engineering Phone: 406.751.5246
 Mailing Address: 450 Corporate Drive, Suite 101
 City, State, Zip: Kalispell, MT 59901
 Email: rick.swan@tdhengineering.com

C. TYPE OF EXEMPTION SOUGHT:

- Gift or Sale to a Member of the Immediate Family [76-3-207(1)(b)]: Complete Section D.
- Relocation of Common Boundary [76-3-207(1)(a), (1)(d)]: Complete Section E.
- Agricultural Purposes [76-3-207(1)(c)]: Complete Section F.
- Other: _____: Complete Section G.

D. FAMILY TRANSFER SUBMITTAL REQUIREMENTS:

- Zoning Classification: _____
- Name of Grantee: _____
- Relationship to Grantor: _____
- Parcel to be Conveyed Under this Exemption: _____
- Has the Grantor Used a Family Transfer in Flathead County? (Yes/No): _____
 - If Yes, include date, name, exemption used and Certificate of Survey:

- How will access be provided to the parcel being created:

- How will utilities be provided:

E. BOUNDARY LINE ADJUSTMENT SUBMITTAL REQUIREMENTS:

- Zoning Classification: WR-2
- Minimum Lot Size Required in Zone: 6,000 square feet
- Number of Lots Affected: 5
- Gross Area of Lots Before and After the Lot Line Relocation:
10.444 ACRES
- Will access to the lots change? If so, describe:
NO
- How will utilities be provided:
CITY OF WHITEFISH - UTILITIES ARE IN PLACE

F. AGRICULTURAL PURPOSES SUBMITTAL REQUIREMENTS:

- Zoning Classification: _____
- Will this Parcel or any Remainder be Transferred to Someone Else? _____
 - If Yes, describe: _____
- Parcel to be Conveyed Under this Exemption: _____
- Copy of signed covenant, revocable only by mutual consent of the governing body and the property owner, indicating land will only be used for agricultural purposes. Such covenant shall be signed by property owner, buyer (if there is a purchaser) and governing body and recorded by the Certificate of Survey.
- How will access be provided to the parcel being created:

G. OTHER EXEMPTION REQUESTS:

- Identify the applicable MCA: _____
- Describe the purpose of the exemption:

- Are any required notes on the face of the COS? _____
 - If Yes, describe: _____



City of Whitefish
 Planning & Building Department
 PO Box 158
 Whitefish, MT 59937

Subdivision Exemption Affidavit

Date: _____

Flathead County Plat Room
 800 South Main Street
 Kalispell, MT 59901

The City of Whitefish has checked the survey described below and has found it to be in compliance with applicable zoning and subdivision regulations.

Surveyor: Richard J. Swan - TD&H Engineering
 Owner: Majestic Hills, LLC
 Survey: Section 25 Township 31 N Range 22 W
 Purpose: Boundary Line Adjustment

The City is also requesting your review of this survey for compliance with established subdivision evasion criteria. Please notify our office if there are any issues related to this survey – including any changes or if you have any questions.

Sincerely,

City of Whitefish
 Planning Department

It is hereby understood that this Affidavit seeks approval of the use of an exemption to subdivision review. It is also understood that approval of the use of the exemption is not approval under zoning, health, floodplain or other applicable regulations.

Under penalties of perjury, I / We declare that we have examined this form, including the accompanying Certificate of Survey, and to the best of our knowledge and belief, it is true, correct and complete and is in compliance with all Montana State laws and City of Whitefish ordinances and resolutions and the purpose of the survey for that which is stated.

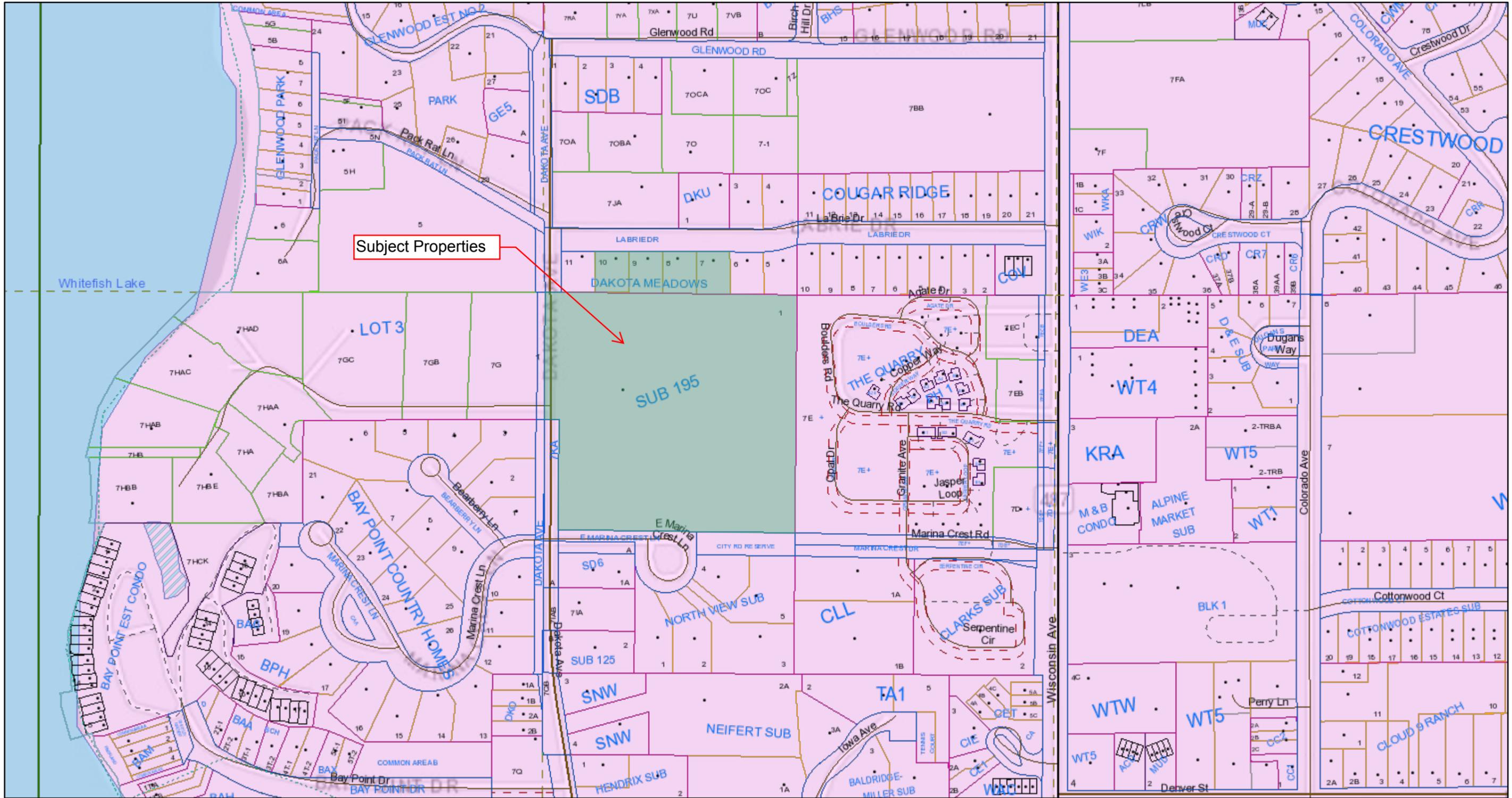
Joseph R. Gregory
 Owner(s) – all must sign the application
 Majestic Hills, LLC
 Please Print Name

5/11/2020
 (Date)

 Owner(s) – all must sign the application
 Please Print Name

 (Date)

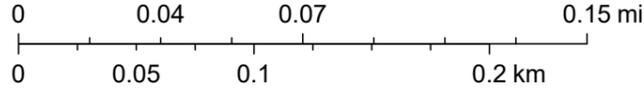
Flathead County Map



4/24/2020, 9:32:44 AM

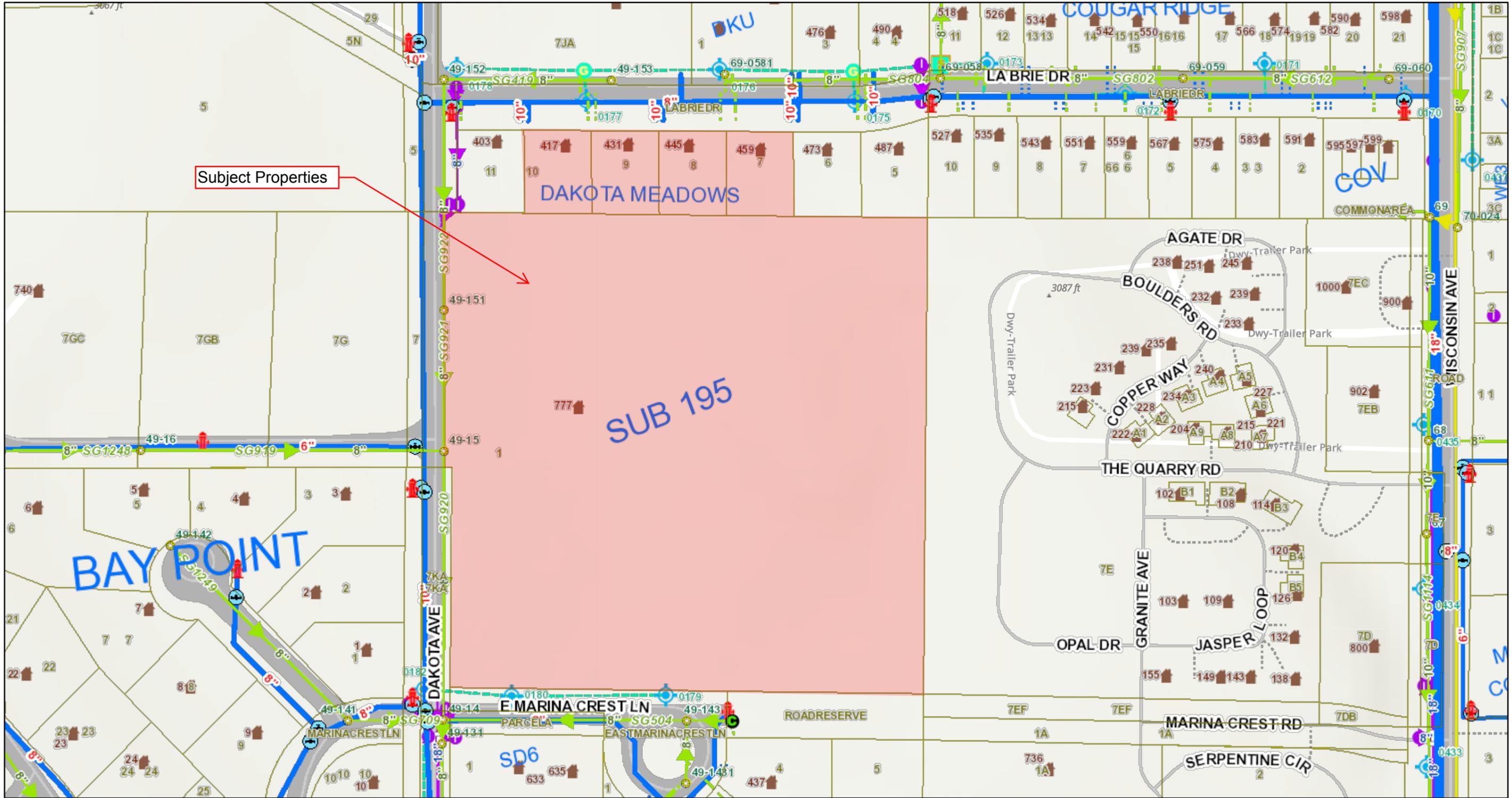
1:4,514

- | | | | | | | | |
|------------|-------------------|---------------|---------------------------|------------------|----------------------------|--------------------------|----------------------|
| Parcels | Imp | ALLEY; ROAD | Hydro_Outline_Assrno | ABRDXXR | PLACER SURVEY | SLOUGH | All Roads |
| Misc | Bbook_Lines | RAILROAD | Hydro_Outline_NoAssrno | EASEMENT | QSECTION | UNREC_SUB_LOT | Driveways or Alleys |
| Tract Land | CondoBdy | ROW_No_Assrno | BPA Transmission Line | IRRIGATION_DITCH | RESERVATIONBDRY | Property Address | Forest Service Roads |
| Condo | Subdivbdy | HIGHWAY | Section | LEASEDLOT | RIVER | Adjacent County Highways | Unnamed Roads |
| Lot | Roads_With_Assrno | ALLEY; ROAD | Administrative Tract Line | MEANDER | RUNWAY | US Highway | Road Classifications |
| | HIGHWAY | RAILROAD | ABRD | | State or Secondary Highway | Arterial Road | |



Flathead County, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

City of Whitefish Utilities

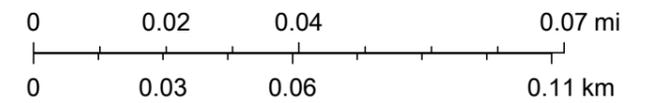


Subject Properties

4/24/2020, 9:40:18 AM

1:2,257

- | | | | | | | |
|-----------------|------------------------|---------------------------|------------------------|-----------------------------|---------------------|--------------------------|
| City Limits | Public Streets | Ground Box | Storm Open Drains | Storm Manholes | Water Mains Private | Water Network Structures |
| Parcel Polygons | ALLEY; DWY | Pedestal | Storm Gravity Main | Storm Inlets | Water Mains | Well |
| Address | Electrical Connections | Streetlights | Storm Culverts | Discharge Structure | Water Casings | Meter Well |
| Street Pavement | Electrical Points | Signals | Storm Discharge Points | Stormwater Treatment Device | Raw Water | |
| Bridge Deck | Service | Storm Detention Areas | Stormwater Weirs | Water Structures | | |
| UNPAVED | Antenna | Stormwater Pressure Mains | Storm Clean Outs | Water Lateral Lines | | |



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Flathead County GIS, City of Whitefish, Sources: Esri, HERE, Garmin, FAO,

OWNER: MAJESTIC HILLS, LLC

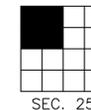
BY: TD&H ENGINEERING
450 CORPORATE DRIVE - SUITE #101
KALISPELL, MT. 59901
PHONE: (406) 751-5246

DATE: APRIL, 2020

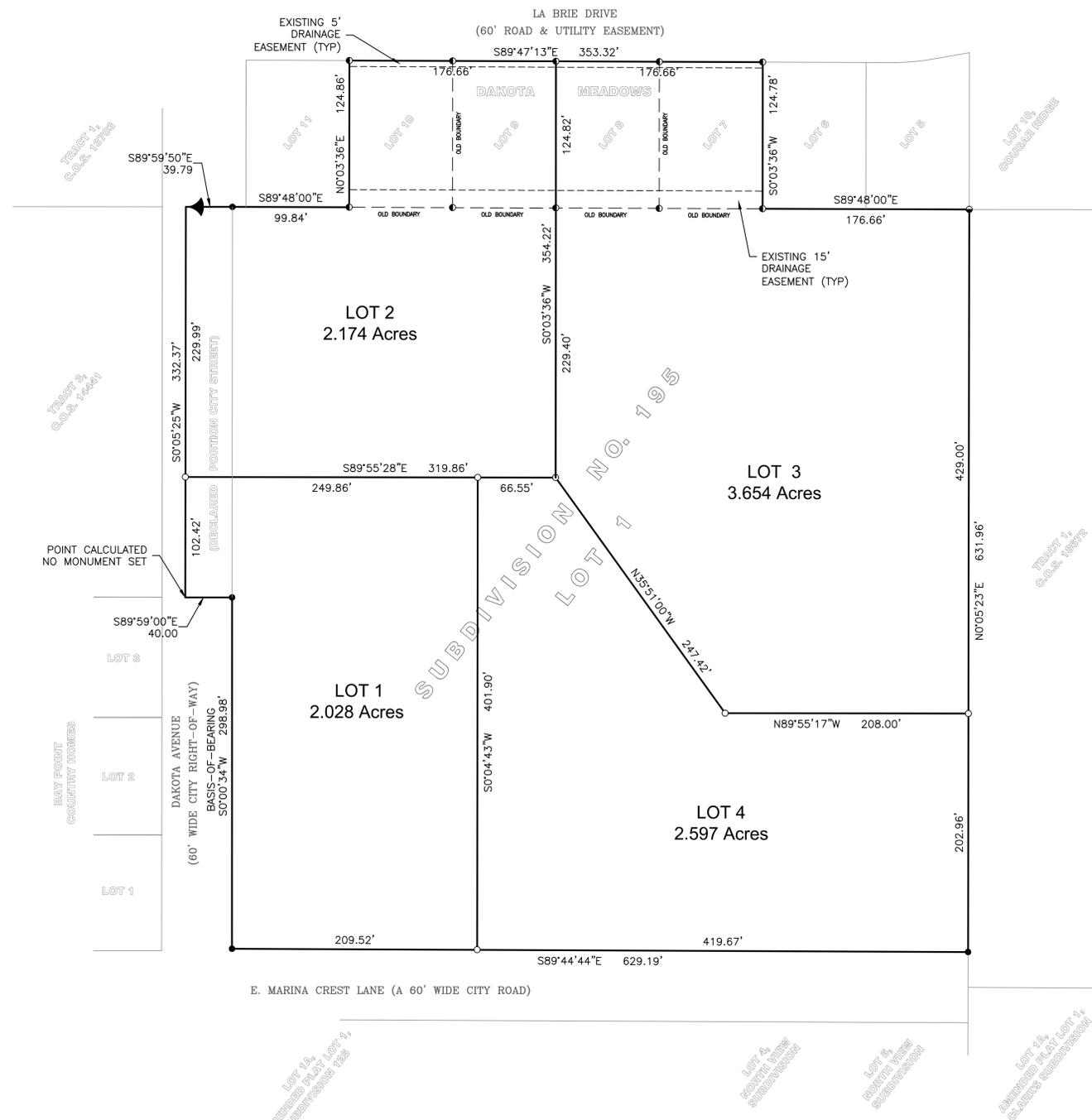
PURPOSE: RELOCATION OF COMMON BOUNDARIES
ROAD & UTILITY DEDICATION

AMENDED PLAT OF LOTS 7, 8, 9, & 10, DAKOTA MEADOWS AND LOT 1, SUBDIVISION No. 195

LOCATED IN THE NW 1/4 OF SECTION 25, TOWNSHIP 31
NORTH, RANGE 22 WEST, P.M.M., CITY OF WHITEFISH,
FLATHEAD COUNTY, MONTANA.



SEC. 25



CERTIFICATE OF DEDICATION

I(We), the undersigned property owner(s), do hereby certify that I(we) have caused to be surveyed and platted into lots as shown by the plat and certificate of survey hereunto the following described tract of land, to wit:

A tract of land located in the Northwest quarter of Section 25, Township 31 North, Range 22 West, P.M.M., City of Whitefish, Flathead County, Montana, being more particularly described as follows:

Lots 7, 8, 9, & 10, Dakota Meadows, and Lot 1, Subdivision No. 195 according to the maps or plats thereof on file at the Office of the Clerk and Recorder of Flathead County, Montana.

The above described tract of land is to be known and designated as AMENDED PLAT OF LOTS 7, 8, 9, & 10, DAKOTA MEADOWS AND LOT 1, SUBDIVISION No. 195, and containing 10.446 acres.

I(We), the undersigned property owner(s), hereby certify that the purpose for this division of land is the relocation of common boundaries for five or fewer lots within a platted subdivision and no additional lots were created; therefore, this division of land is exempt from review as a subdivision pursuant to Section 76-3-207(1)(d), MCA.

I(We) further certify that this division of land is exempt from sanitary review pursuant to Section 76-4-125 (1)(d) MCA. (Municipal Facilities Exclusion).

MAJESTIC HILLS, LLC

By: _____

State of _____

County of _____ ss.

On this _____ day of _____, 202__ before me, the undersigned, a Notary for the State of _____ personally appeared _____ known to me to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged to me that they executed the same.

My commission expires _____

Notary Public for the State of _____

Residing at _____

LEGEND

- FOUND 1/16TH CORNER, DAMAGED REBAR
- FOUND 5/8" REBAR W/CAP MARKED BELSKI 14731
- FOUND 5/8" REBAR W/CAP MARKED HELPS 4739S
- FOUND 5/8" REBAR W/CAP MARKED SANDS 7579-S
- SET 5/8" REBAR W/CAP MARKED 9525 LS
- SUBJECT PROPERTY
- EXISTING PRIVATE ROAD AND UTILITY EASEMENT
- ADJACENT PROPERTY
- OLD BOUNDARY



CERTIFICATE OF SURVEYOR

REGISTRATION NO. 9525 LS

APPROVED _____, 20__

EXAMINING LAND SURVEYOR REG. NO. _____

STATE OF MONTANA SS
COUNTY OF FLATHEAD

FILED ON THE _____ DAY OF _____, 20__

TIME: _____

CLERK AND RECORDER

BY: _____
DEPUTY

RECEPTION NO. _____

(This page left blank intentionally to separate printed sections)



City of Whitefish
Department of Public Works
418 E. 2nd Street | PO Box 158
Whitefish, MT 59937
(406) 863-2460 | Fax (406) 863-2419

June 9, 2020

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

**Baker Avenue Underpass Project
Construction Award to LHC**

Introduction/History

Downtown Whitefish is dependent the many pedestrian oriented enhancements that have been constructed over the years for its success. Improvements such as widened sidewalks, pedestrian-scaled streetlights, landscaped curb extensions (bump-outs), and well-defined crosswalks help to enhance the downtown character achieve this pedestrian friendly environment. The Baker Avenue Underpass is one of the important elements that has not been built yet, although it has been a priority project in several city planning documents for more than a decade. When BNSF granted the City access to build the Baker Avenue Underpass late last year, council quickly authorized staff to proceed with the design of the project.

Current Report

After advertising for proposals and conducting interviews, council awarded the Baker Underpass design contract to WGM Group (WGM) on January 6, 2020. In order to take advantage of TIF funds for the project, we are required to have a construction contract in place by July 15, 2020, so staff has been working hard with WGM to complete the design and make sure it is in line with the guidance laid out in the Downtown Masterplan.

Staff has presented design progress to Council at two public meetings, which were held during Council Work Sessions on 2/3/2020 and 2/18/2020. Significant public input was received at these meetings and important direction was given by council. Based on this guidance, staff worked with WGM to move into final design of the project. These designs were presented to council on 3/6/2020 at which point we were authorized to proceed with project bidding.

The project was advertised on May 7, 14, and 21, 2020 and bids were read aloud at a virtual bid opening on June 2, 2020. A total of three (3) bids were received for the project. The Certified Bid Tabulation is attached to this memorandum. The base bids ranged from 6% below to 30% above the Engineer's Estimate, with no bid irregularities being found.



Base Bid totals for the Baker Avenue Underpass construction are as follows:

LHC, Inc	\$1,471,911.98 (low bid)
Sandry Construction	\$1,585,360 .96
<u>Knife River Corp</u>	<u>\$2,036,404 .52</u>
Engineer's Estimate	\$1,563,582.00

In addition to the base bids, the following alternates were included with the bid:

Bid Alternate 1	Estimate	LHC, Inc.	Sandry	Knife River
#1 - Landscape	\$20,970.00	\$62,850.00	\$71,668.00	\$40,383.51
#2 - O'Shaughnessy Path	\$79,775.00	\$76,166.11	\$109,608.00	\$80,578.28
#3 - Drip Irrigation	\$6,210.00	\$14,435.00	\$13,980.00	\$12,436.08
#4 - Spray Irrigation	\$6,000.00	\$16,100.00	\$15,579.00	\$13,858.76
#5 - Pedestrian Rail Fence	\$36,900.00	\$88,850.00**	\$35,578.00	\$31,166.50

**Revised pricing in the amount of \$38,425 for bid alternate 5 was provided by LHC after the bid opening due to an error in their bid submittal.

Financial Considerations

The original estimate for the project was \$1.1 million in 2017 and the cost estimate at the time of bid authorization to bid was \$1.6 million. Unfortunately, the City was not awarded the Transportation Alternative (TA) Grant during the last grant cycle, so this project will be funded entirely through TIF. Staff does not recommend installing the spray irrigation, which was included as Bid Alternate #4. Therefore, the total amount of the LHC's bid with alternates 1, 2, 3, and 5 is \$1,654,479.45.

Recommendation

All of the bids received were from reputable firms who have completed successful past projects for the City. It is the recommendation of staff that Council accept the bids and award the project to LHC, Inc. in the amount \$1,714,213.09. This includes alternates 1, 2, 3, and 5 at the bid price. A change order will also be executed by the city manager at the time of contract execution to incorporate the revised pricing submitted after the bid by LHC, reducing the project total to \$1,654,479.45. We feel this option follows the guidance and direction received to date from Council and the Resort Tax Committee, and the public outreach that has been conducted.

Sincerely,

Craig Workman, P.E.
Director of Public Works

CERTIFIED BID TAB - BAKER AVENUE PEDESTRIAN UNDERPASS

Project Name: Baker Avenue Pedestrian Underpass
 Project No.: 19-11-15
 Prepared By: QuestCDN (online bid)/WGM Group
 Date: 06/02/2020 @ 3:00 PM MST
 ONLINE BIDDING THROUGH QUESTCDN



Item Number	Description	Quantity	Unit	ENGINEER'S ESTIMATE		LHC, INC		SANDRY CONSTRUCTION		KNIFE RIVER CORP	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID -											
1	Mobilization	1	LS	\$ 90,000.00	\$ 90,000.00	\$ 87,250.00	\$ 87,250.00	\$ 104,000.00	\$ 104,000.00	\$ 102,031.50	\$ 102,031.50
2	Payment/Performance Bond	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 20,340.00	\$ 20,340.00	\$ 25,000.00	\$ 25,000.00	\$ 10,000.00	\$ 10,000.00
3	Traffic Control	1	LS	\$ 90,000.00	\$ 90,000.00	\$ 70,000.00	\$ 70,000.00	\$ 54,237.00	\$ 54,237.00	\$ 79,137.32	\$ 79,137.32
4	Erosion Control	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 16,000.00	\$ 16,000.00	\$ 4,014.00	\$ 4,014.00	\$ 12,896.48	\$ 12,896.48
5	Miscellaneous Work	10,000	EA	\$ 1.00	\$ 10,000.00	\$ 1.00	\$ 10,000.00	\$ 1.00	\$ 10,000.00	\$ 1.00	\$ 10,000.00
6	Temporary Shoring	1	LS	\$ 40,130.00	\$ 40,130.00	\$ 72,500.00	\$ 72,500.00	\$ 206,429.86	\$ 206,429.86	\$ 238,789.00	\$ 238,789.00
7	Temporary Fencing	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 16,350.00	\$ 16,350.00	\$ 4,014.00	\$ 4,014.00	\$ 1,827.40	\$ 1,827.40
8	Unclassified Excavation	1	LS	\$ 178,180.00	\$ 178,180.00	\$ 141,175.00	\$ 141,175.00	\$ 76,449.00	\$ 76,449.00	\$ 195,357.93	\$ 195,357.93
9	Contaminated Soil Removal	120	CY	\$ 100.00	\$ 12,000.00	\$ 161.00	\$ 19,320.00	\$ 22.00	\$ 2,640.00	\$ 89.29	\$ 10,714.80
10	Asphalt & Base Gravel Removal	1	LS	\$ 4,960.00	\$ 4,960.00	\$ 13,500.00	\$ 13,500.00	\$ 10,715.00	\$ 10,715.00	\$ 13,023.86	\$ 13,023.86
11	Concrete Curb Removal	1	LS	\$ 1,200.00	\$ 1,200.00	\$ 2,135.00	\$ 2,135.00	\$ 1,890.00	\$ 1,890.00	\$ 1,583.28	\$ 1,583.28
12	Fence Removal/Salvage	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 2,460.00	\$ 2,460.00	\$ 521.00	\$ 521.00	\$ 2,087.56	\$ 2,087.56
13	Tree and Root Ball Removal	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 1,125.00	\$ 1,125.00	\$ 1,004.00	\$ 1,004.00	\$ 732.11	\$ 732.11
14	Guardrail Removal	1	LS	\$ 500.00	\$ 500.00	\$ 3,000.00	\$ 3,000.00	\$ 2,007.00	\$ 2,007.00	\$ 2,250.00	\$ 2,250.00
15	12" PVC Stormdrain Pipe	88	LF	\$ 60.00	\$ 5,280.00	\$ 66.29	\$ 5,833.52	\$ 57.00	\$ 5,016.00	\$ 69.82	\$ 6,144.16
16	6" PVC Stormdrain Pipe	70	LF	\$ 50.00	\$ 3,500.00	\$ 32.36	\$ 2,265.20	\$ 52.00	\$ 3,640.00	\$ 62.02	\$ 4,341.40
17	Stormdrain Inlet/Manhole	2	EA	\$ 3,000.00	\$ 6,000.00	\$ 3,100.00	\$ 6,200.00	\$ 3,525.00	\$ 7,050.00	\$ 4,300.99	\$ 8,601.98
18	Connect To Existing Stormdrain Manhole	1	EA	\$ 1,500.00	\$ 1,500.00	\$ 1,525.00	\$ 1,525.00	\$ 852.00	\$ 852.00	\$ 1,064.93	\$ 1,064.93
19	Curb Cut and Flow Pan	2	EA	\$ 800.00	\$ 1,600.00	\$ 1,400.00	\$ 2,800.00	\$ 954.00	\$ 1,908.00	\$ 248.84	\$ 497.68
20	6" Concrete Path	516	SY	\$ 92.00	\$ 47,472.00	\$ 106.92	\$ 55,170.72	\$ 118.00	\$ 60,888.00	\$ 128.91	\$ 66,517.56
21	3" Asphalt Path	110	SY	\$ 35.00	\$ 3,850.00	\$ 79.26	\$ 8,718.60	\$ 98.00	\$ 10,780.00	\$ 78.81	\$ 8,669.10
22	Straight Curb	305	LF	\$ 30.00	\$ 9,150.00	\$ 36.46	\$ 11,120.30	\$ 42.00	\$ 12,810.00	\$ 22.97	\$ 7,005.85
23	Baker Ave Pavement Section	1	LS	\$ 89,200.00	\$ 89,200.00	\$ 45,335.00	\$ 45,335.00	\$ 72,556.00	\$ 72,556.00	\$ 94,299.27	\$ 94,299.27
24	Baker Ave Curb Replacement	1	LS	\$ 8,400.00	\$ 8,400.00	\$ 2,400.00	\$ 2,400.00	\$ 6,606.00	\$ 6,606.00	\$ 10,536.39	\$ 10,536.39
25	Baker Ave Chip Seal	1	LS	\$ 5,450.00	\$ 5,450.00	\$ 16,750.00	\$ 16,750.00	\$ 16,225.00	\$ 16,225.00	\$ 17,629.68	\$ 17,629.68
26	Baker Ave Temporary Pavement Marking	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 900.00	\$ 900.00	\$ 2,318.00	\$ 2,318.00	\$ 750.00	\$ 750.00
27	Baker Ave Epoxy Pavement Markings	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 1,800.00	\$ 1,800.00	\$ 1,159.00	\$ 1,159.00	\$ 2,881.04	\$ 2,881.04
28	Guardrail & Terminal Section	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 5,100.00	\$ 5,100.00	\$ 4,925.00	\$ 4,925.00	\$ 7,650.00	\$ 7,650.00
29	Precast Concrete Arch	1	LS	\$ 510,280.00	\$ 510,280.00	\$ 428,600.00	\$ 428,600.00	\$ 430,475.83	\$ 430,475.83	\$ 707,968.63	\$ 707,968.63
30	Precast Gravity Retaining Wall	1	LS	\$ 218,320.00	\$ 218,320.00	\$ 269,000.00	\$ 269,000.00	\$ 319,984.45	\$ 319,984.45	\$ 297,564.02	\$ 297,564.02
31	Black Vinyl Chain Link Fence	246	LF	\$ 35.00	\$ 8,610.00	\$ 37.84	\$ 9,308.64	\$ 37.00	\$ 9,102.00	\$ 32.49	\$ 7,992.54
32	Anti Graffiti Treatment	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 17,430.00	\$ 17,430.00	\$ 13,001.00	\$ 13,001.00	\$ 14,577.00	\$ 14,577.00
33	Base Bid Electrical	1	LS	\$ 170,000.00	\$ 170,000.00	\$ 106,500.00	\$ 106,500.00	\$ 103,143.82	\$ 103,143.82	\$ 91,282.05	\$ 91,282.05
BASE BID TOTAL					\$ 1,563,582.00		\$ 1,471,911.98		\$ 1,585,360.96		\$ 2,036,404.52

BID ALTERNATE 1 - Landscape											
34	Landscaping	1	LS	\$ 20,970.00	\$ 20,970.00	\$ 62,850.00	\$ 62,850.00	\$ 71,668.00	\$ 71,668.00	\$ 40,383.51	\$ 40,383.51
BID ALTERNATE 1 TOTAL					\$ 20,970.00		\$ 62,850.00		\$ 71,668.00		\$ 40,383.51
BID ALTERNATE 2 - O'Shaughnessy Path											
35	Unclassified Excavation	1	LS	\$ 4,500.00	\$ 4,500.00	\$ 8,150.00	\$ 8,150.00	\$ 18,933.00	\$ 18,933.00	\$ 14,599.63	\$ 14,599.63
36	Traffic Control	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 1,025.00	\$ 1,025.00	\$ 2,897.00	\$ 2,897.00	\$ 500.00	\$ 500.00
37	Asphalt & Base Gravel Removal	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 6,875.00	\$ 6,875.00	\$ 26,420.00	\$ 26,420.00	\$ 4,453.90	\$ 4,453.90
38	Concrete Curb Removal	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 875.00	\$ 875.00	\$ 1,004.00	\$ 1,004.00	\$ 332.04	\$ 332.04
39	Tree and Root Removal	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 1,425.00	\$ 1,425.00	\$ 2,398.00	\$ 2,398.00	\$ 732.11	\$ 732.11
40	Remove/Salvage Concrete Blocks	1	LS	\$ 500.00	\$ 500.00	\$ 2,250.00	\$ 2,250.00	\$ 1,004.00	\$ 1,004.00	\$ 717.43	\$ 717.43
41	4" Concrete Sidewalk	3,830	SF	\$ 9.00	\$ 34,470.00	\$ 6.59	\$ 25,239.70	\$ 8.00	\$ 30,640.00	\$ 8.39	\$ 32,133.70
42	Concrete Curb & Gutter	423	LF	\$ 35.00	\$ 14,805.00	\$ 31.67	\$ 13,396.41	\$ 30.00	\$ 12,690.00	\$ 30.31	\$ 12,821.13
43	Asphalt Pavement Patch	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 7,950.00	\$ 7,950.00	\$ 4,925.00	\$ 4,925.00	\$ 6,580.28	\$ 6,580.28
44	Add Alt 2 Electrical	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 6,575.00	\$ 6,575.00	\$ 6,368.00	\$ 6,368.00	\$ 5,635.90	\$ 5,635.90
45	Planting Irrigation (Hanging Basket Dripline)	1	LS	\$ 3,500.00	\$ 3,500.00	\$ 2,405.00	\$ 2,405.00	\$ 2,329.00	\$ 2,329.00	\$ 2,072.16	\$ 2,072.16
BID ALTERNATE 2 TOTAL					\$ 79,775.00		\$ 76,166.11		\$ 109,608.00		\$ 80,578.28
BID ALTERNATE 3 - Drip Irrigation Zones, Associated Mainline, Valves and Appurtenances											
46	Drip Irrigation Zones, Mainlines, Valves, Appurtenances	1	LS	\$ 6,210.00	\$ 6,210.00	\$ 14,435.00	\$ 14,435.00	\$ 13,980.00	\$ 13,980.00	\$ 12,436.08	\$ 12,436.08
BID ALTERNATE 3 TOTAL					\$ 6,210.00		\$ 14,435.00		\$ 13,980.00		\$ 12,436.08
BID ALTERNATE 4 - Spray Irrigation Zones, Associated Mainline, Valves, and Appurtenances											
47	Spray Irrigation Zones, Mainlines, Valves, Appurtenances	1	LS	\$ 6,000.00	\$ 6,000.00	\$ 16,100.00	\$ 16,100.00	\$ 15,579.00	\$ 15,579.00	\$ 13,858.76	\$ 13,858.76
BID ALTERNATE 4 TOTAL					\$ 6,000.00		\$ 16,100.00		\$ 15,579.00		\$ 13,858.76
BID ALTERNATE 5 - Pedestrian Rail Fence											
48	Pedestrian Rail Fence	1	LS	\$ 36,900.00	\$ 36,900.00	\$ 88,850.00	\$ 88,850.00	\$ 35,578.00	\$ 35,578.00	\$ 31,166.50	\$ 31,166.50
BID ALTERNATE 4 TOTAL					\$ 36,900.00		\$ 88,850.00		\$ 35,578.00		\$ 31,166.50
PROJECT TOTAL (BASE BID PLUS ALL ALTERNATES)					\$ 1,713,437.00		\$ 1,730,313.09		\$ 1,831,773.96		\$ 2,214,827.65
Bid Signed							X		X		X
Addendum 1 and 2 Acknowledged							X		X		X
Bid Bond							X		X		X
Contractor Certifications							X		X		X



June 9, 2020

Craig Workman, PE

City of Whitefish Public Works
418 E. 2nd Street
Whitefish, MT 59937

Re: Baker Avenue Pedestrian Underpass Project – Recommendation of Award

Dear Craig,

We have reviewed the bids received on June 2, 2020 for the Baker Avenue Pedestrian Underpass Project and LHC, Inc. was the low bidder for the project on both the basis of base bids and base bids plus all bid alternates. The certified bid tabs were previously sent to you on June 3, 2020. The three (3) bids received for the project were competitive. Based on previous local work, we have no concerns with the contractor's ability to complete the work.

Upon review of the information provided, we recommend that the City of Whitefish proceed with project award to LHC, Inc. Award will be for the base bid plus bid alternates #1 (Landscaping), #2 (O'Shaughnessy Path), and #3 (Drip Irrigation Zones, Associated Mainline, Valves, and Appurtenances) in addition to a change order for pedestrian railing.

Revised pricing in the amount of \$38,425.00 for bid alternate #5 (Pedestrian Rail Fence) was provided by LHC, Inc. after the bid opening and will need to be treated as a change order that will run concurrently with the contract execution. Today, Dave with LHC said that this price is the total amount they would need to install the rail fencing and that we can deduct the base bid item 31 for installing black vinyl chain link fencing in the amount of \$9,308.64. Therefore, the change order amount will be \$29,116.36.

The total amount of the base bid plus bid alternates #1, #2, and #3 is \$1,625,363.09 plus a change order for the pedestrian rail fencing of \$29,116.36 brings the total award amount to **\$1,654,479.45** for City Council approval. If you have any questions or comments about the contract, please feel free to email me at sreynolds@wgmgroup.com or give me a call at 756-4848.

Sincerely,
WGM Group, Inc.

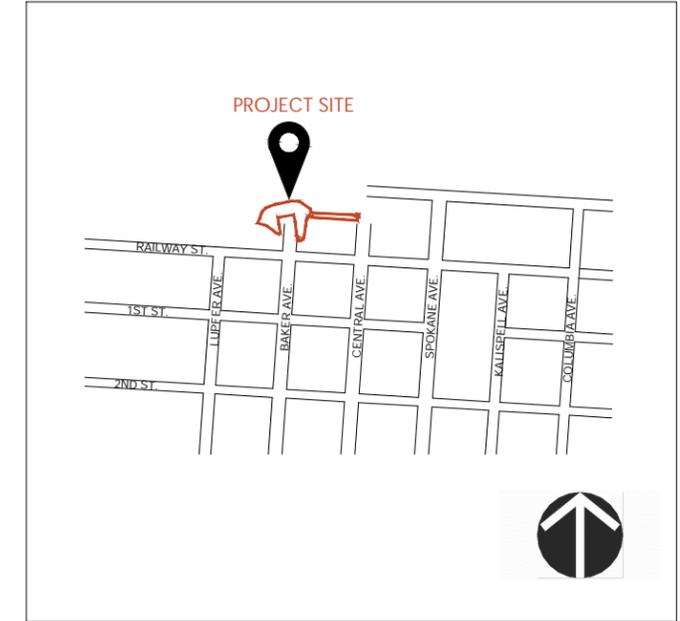
Stephanie A. Reynolds, P.E.
Senior Project Engineer

cc: Karin Hilding, PE, City of Whitefish Public Works
Jon Gass, PE, WGM Group

BAKER AVENUE PEDESTRIAN UNDERPASS

WHITEFISH, MONTANA

BID SET

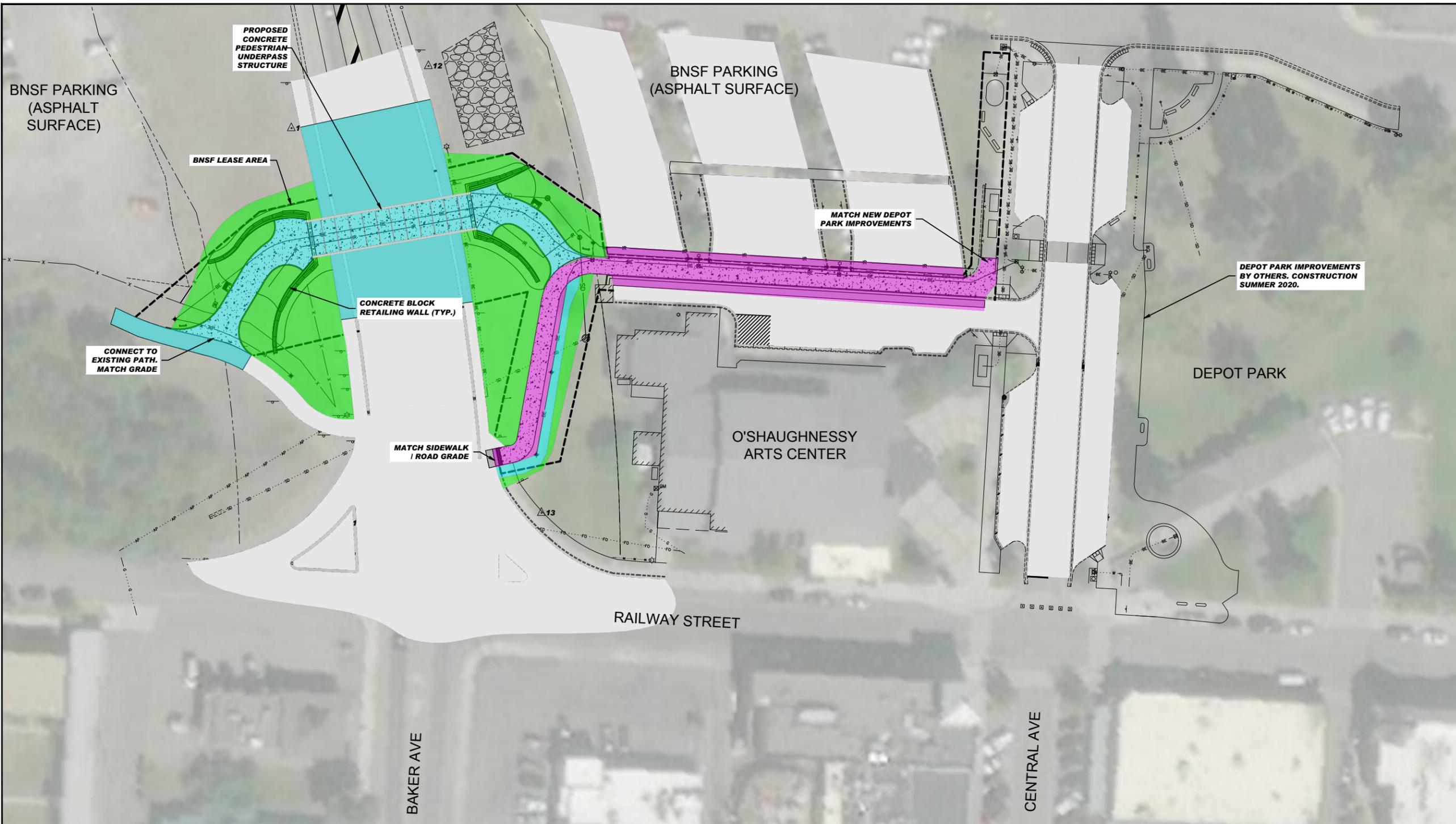


PREPARED FOR:



BY:





WGM GROUP
WWW.WGMGROUP.COM



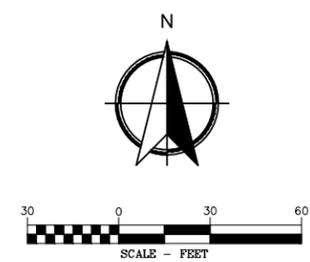
PROJECT OVERVIEW
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
LAYOUT: G4
SURVEYED: ...
DESIGN: SM
DRAFT: EDI
APPROVE: JLG
DATE: MAY 7, 2020

SHEET **G4**



GRID NORTH OF MONTANA STATE PLANE COORDINATE SYSTEM UNITED STATES/ITRF TO NAD83(2011) (SEVEN PARAMETER) DERIVED FROM OPUS SOLUTION.
HORIZONTAL DATUM AND COORDINATES: NAD83(2011)(SEVEN PARAMETER), MONTANA STATE PLANE AT GROUND COORDINATES (INTERNATIONAL FEET)
VERTICAL DATUM: NAVD88 CALCULATED FROM OPUS SOLUTION USING GEOID 18

CONTROL POINT COORDINATE TABLE

POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
10	1553836.33	794480.36	3037.42	MAG NAIL
11	1554064.09	794447.63	3053.30	WGM OPC
12	1554099.89	794526.84	3056.40	WGM OPC
13	1553842.14	794592.20	3038.82	MAG NAIL
14	1553792.04	794211.54	3023.21	MAG SPIKE

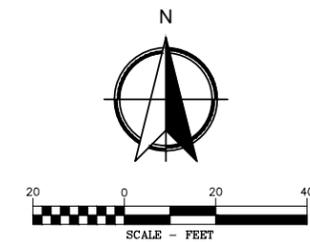
GENERAL DESCRIPTION OF BASE BID AND ALTERNATES

- BASE BID** ALL WORK ASSOCIATED WITH THE UNDERPASS, WALLS, FENCING, BAKER AVENUE RESTORATION, CONCRETE PATHS, EXISTING ASPHALT PATH, SITE GRADING, STORMDRAIN LINE AND LIGHTING
- BID ALT 1** ALL WORK ASSOCIATED WITH LANDSCAPE AND IRRIGATION
- BID ALT 2** ALL WORK ASSOCIATE WITH CONCRETE SIDEWALK, CURB AND GUTTER, ASPHALT PATCHING, PARKING LOT PAVEMENT MARKINGS, LIGHTING, LIGHT POLE PLANTER IRRIGATION

FILE: W:\Projects\191115\CAD_Data\Design\191115CV2.dwg

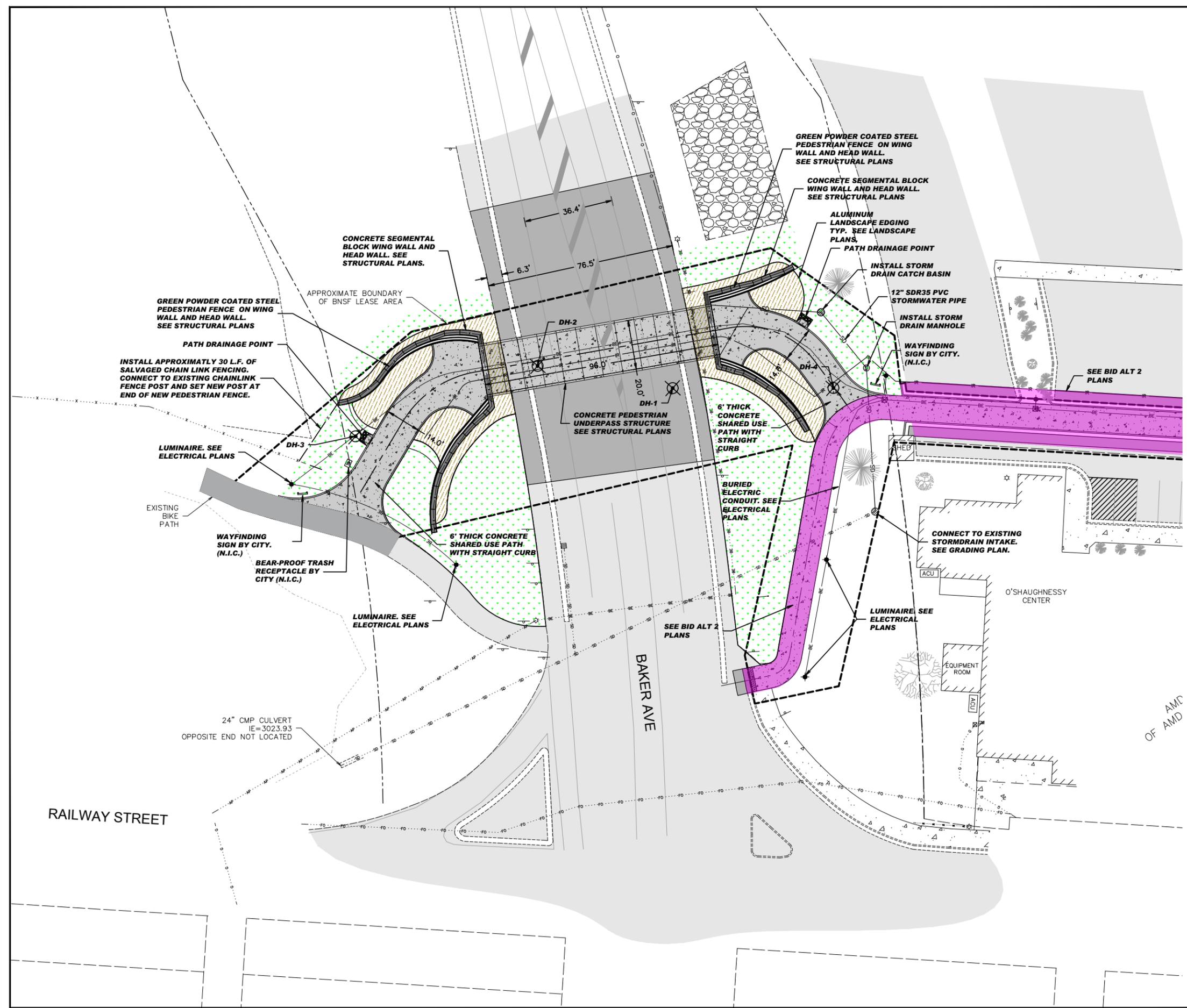


WGM GROUP
WWW.WGMGROUP.COM



LEGEND

- SEE BID ALT 2 SHEETS
- EX. ASPHALT SURFACE
- CONCRETE PATH
- ASPHALT REPLACEMENT AREA
- MULCHED PLANTER BEDS
- ROUGH FESCUE GRASSED AREA
- GEOTECH BORING LOCATION



SITE PLAN
 BAKER AVENUE PEDESTRIAN UNDERPASS
 WHITEFISH, MONTANA

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
 LAYOUT: C1
 SURVEYED: WGM GROUP
 DESIGN: JLG
 DRAFT: EDI
 APPROVE: JLG
 DATE: MAY 7, 2020

SHEET
C1

FILE: W:\Projects\191115\CAD_Data\Design\191115SP.dwg



WGM GROUP
WWW.WGMGROUP.COM



TRAFFIC CONTROL PLAN
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA

REVISIONS:
NO. DESCRIPTION DATE

NO.	DESCRIPTION	DATE

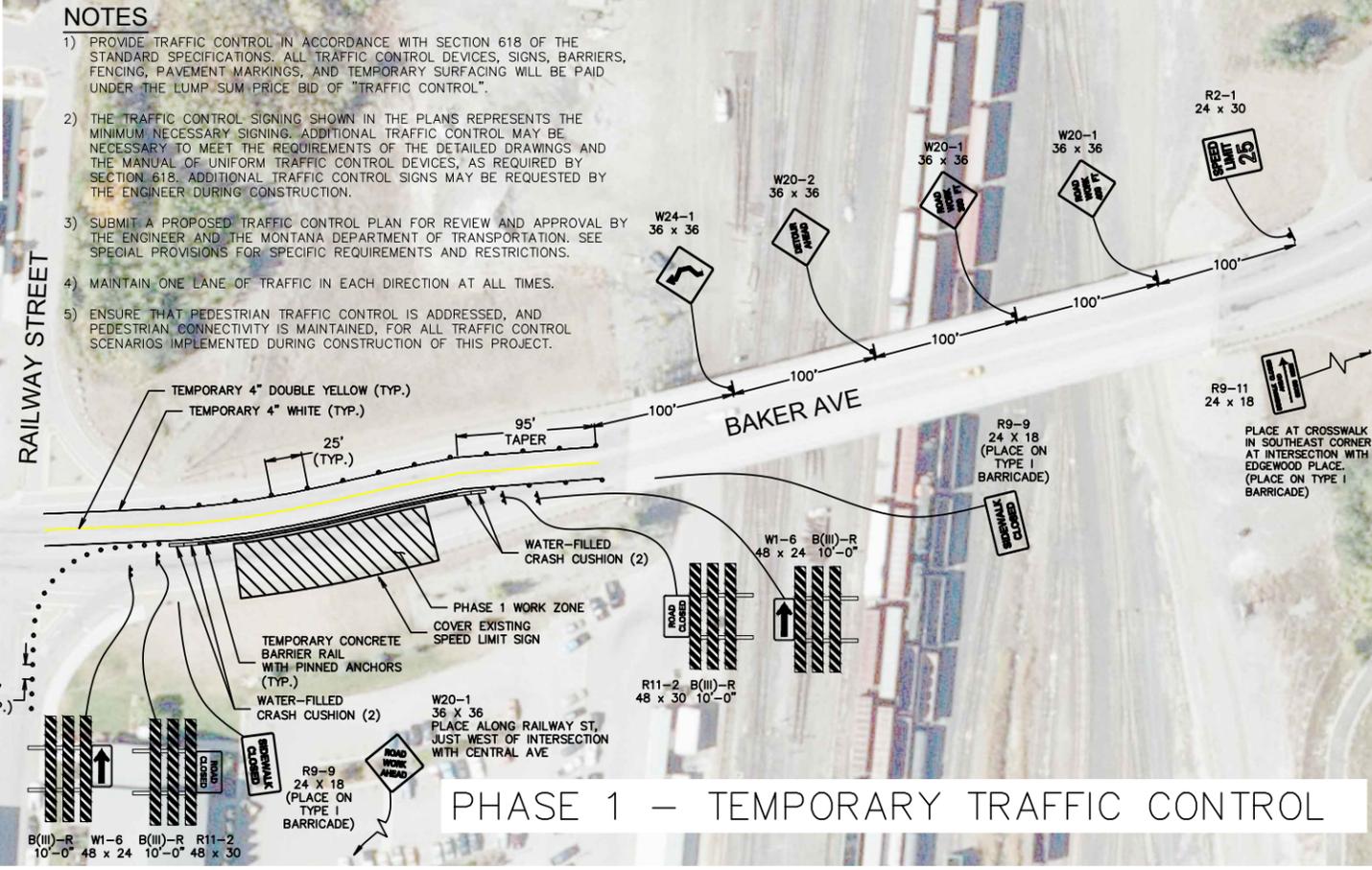
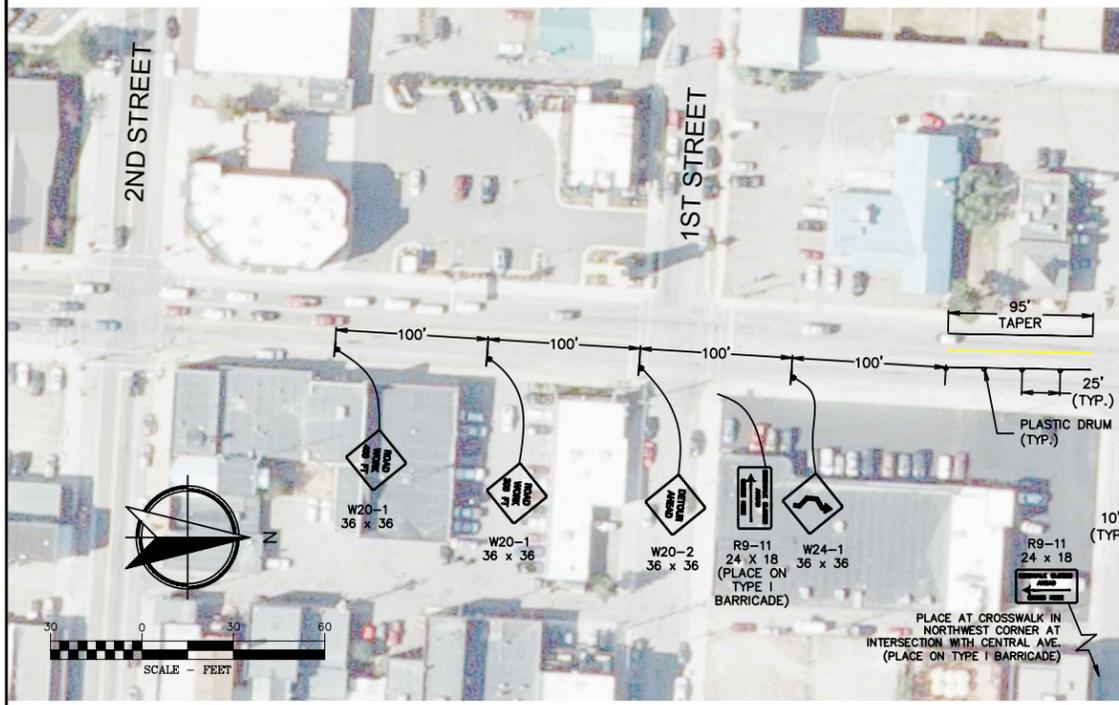
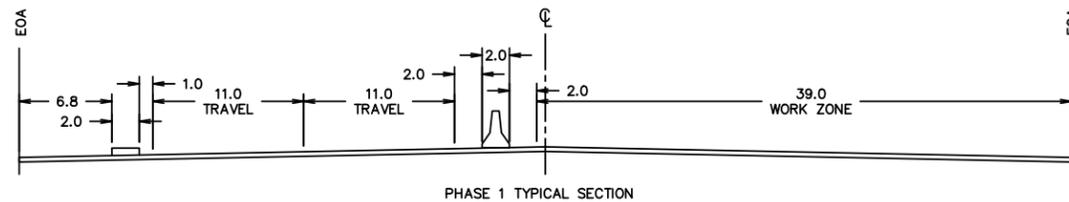
PROJECT: 19-11-15
LAYOUT: C2
SURVEYED: WGM GROUP
DESIGN: JLG
DRAFT: EDI
APPROVE: JLG
DATE:

MAY 7, 2020

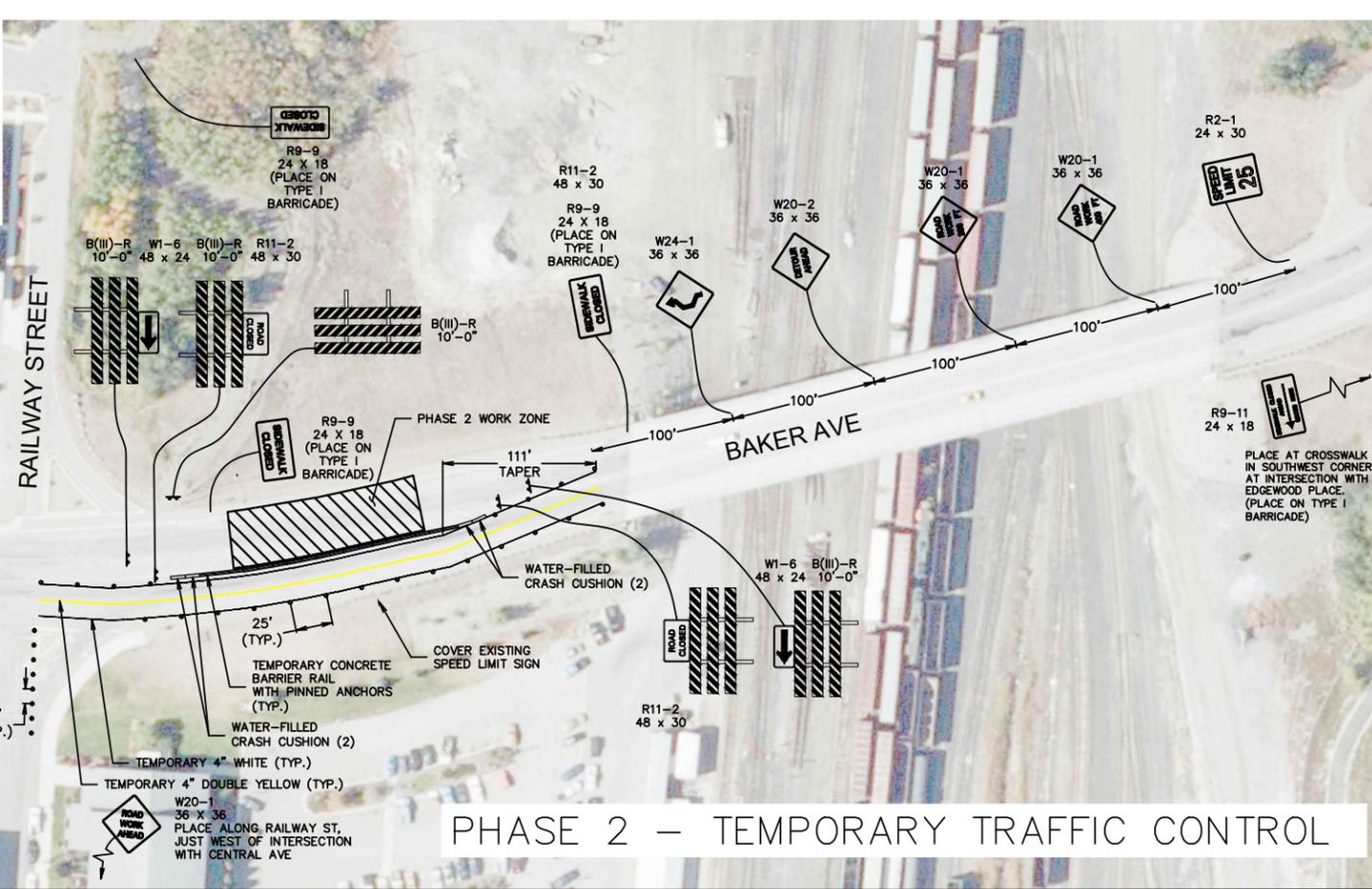
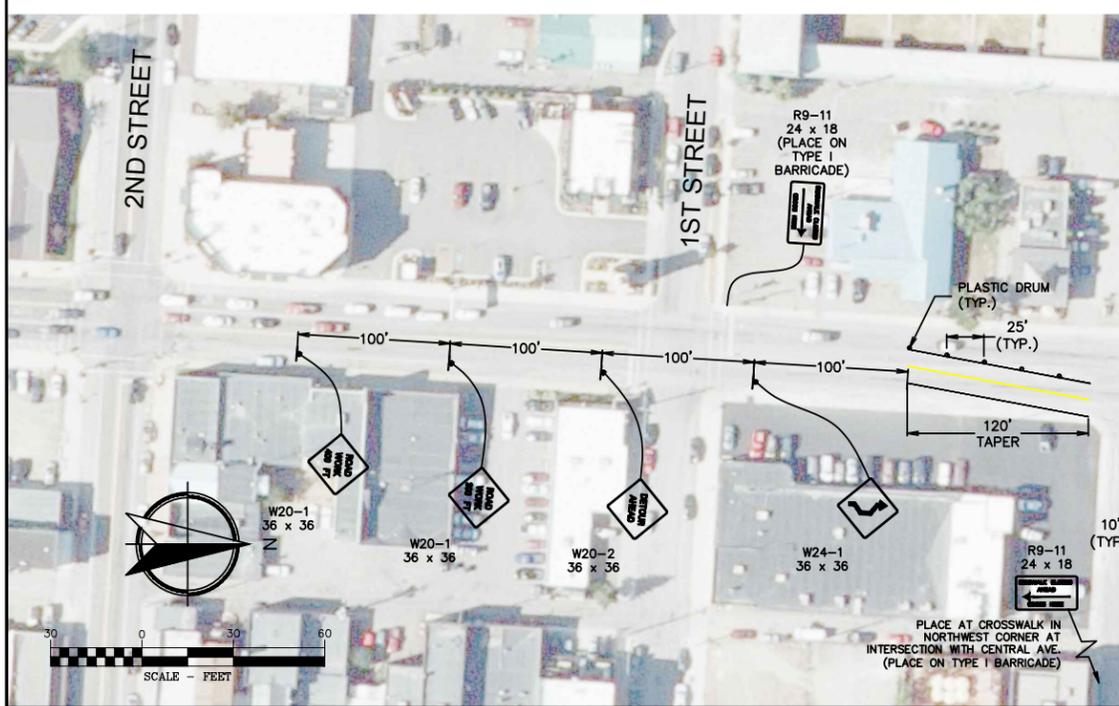
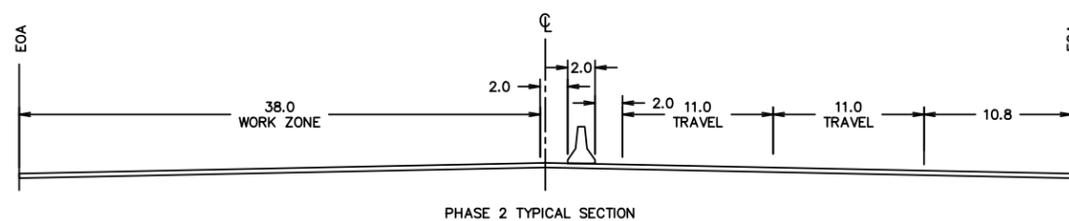
SHEET
C2

NOTES

- 1) PROVIDE TRAFFIC CONTROL IN ACCORDANCE WITH SECTION 618 OF THE STANDARD SPECIFICATIONS. ALL TRAFFIC CONTROL DEVICES, SIGNS, BARRIERS, FENCING, PAVEMENT MARKINGS, AND TEMPORARY SURFACING WILL BE PAID UNDER THE LUMP SUM PRICE BID OF "TRAFFIC CONTROL".
- 2) THE TRAFFIC CONTROL SIGNING SHOWN IN THE PLANS REPRESENTS THE MINIMUM NECESSARY SIGNING. ADDITIONAL TRAFFIC CONTROL MAY BE NECESSARY TO MEET THE REQUIREMENTS OF THE DETAILED DRAWINGS AND THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, AS REQUIRED BY SECTION 618. ADDITIONAL TRAFFIC CONTROL SIGNS MAY BE REQUESTED BY THE ENGINEER DURING CONSTRUCTION.
- 3) SUBMIT A PROPOSED TRAFFIC CONTROL PLAN FOR REVIEW AND APPROVAL BY THE ENGINEER AND THE MONTANA DEPARTMENT OF TRANSPORTATION. SEE SPECIAL PROVISIONS FOR SPECIFIC REQUIREMENTS AND RESTRICTIONS.
- 4) MAINTAIN ONE LANE OF TRAFFIC IN EACH DIRECTION AT ALL TIMES.
- 5) ENSURE THAT PEDESTRIAN TRAFFIC CONTROL IS ADDRESSED, AND PEDESTRIAN CONNECTIVITY IS MAINTAINED, FOR ALL TRAFFIC CONTROL SCENARIOS IMPLEMENTED DURING CONSTRUCTION OF THIS PROJECT.



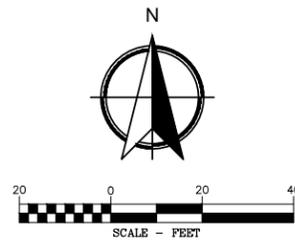
PHASE 1 - TEMPORARY TRAFFIC CONTROL



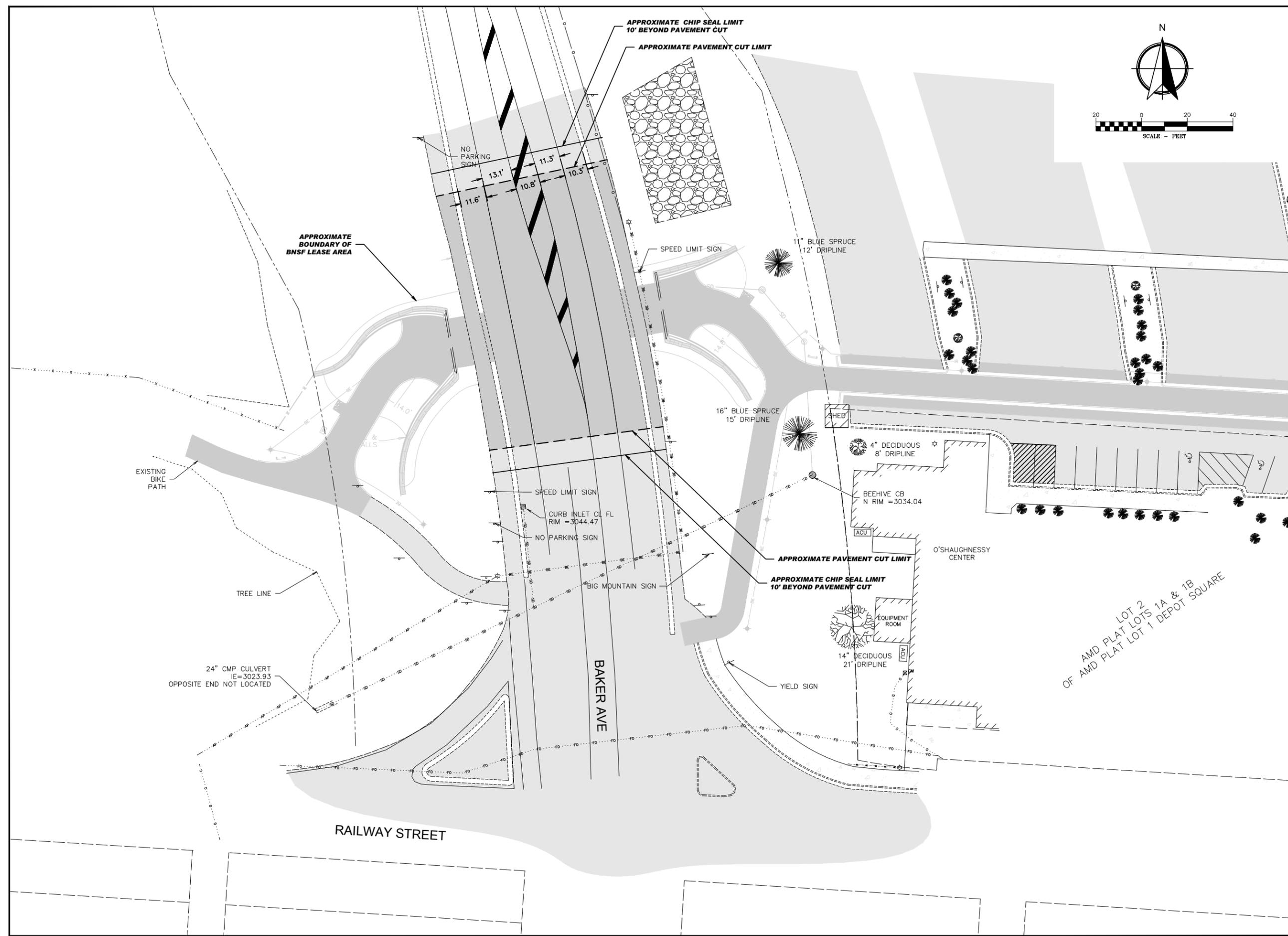
PHASE 2 - TEMPORARY TRAFFIC CONTROL



WGM GROUP
WWW.WGMGROUP.COM



BAKER AVENUE RESTORATION PLAN
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA



LOT 2
AMD PLAT LOTS 1A & 1B
OF AMD PLAT LOT 1 DEPOT SQUARE

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
LAYOUT: C8
SURVEYED: WGM GROUP
DESIGN: JLG
DRAFT: EDI
APPROVE: JLG
DATE:

MAY 7, 2020

SHEET **C8**

FILE: W:\Projects\191115\CAD_Data\Design\191115MDT.dwg



WGM GROUP

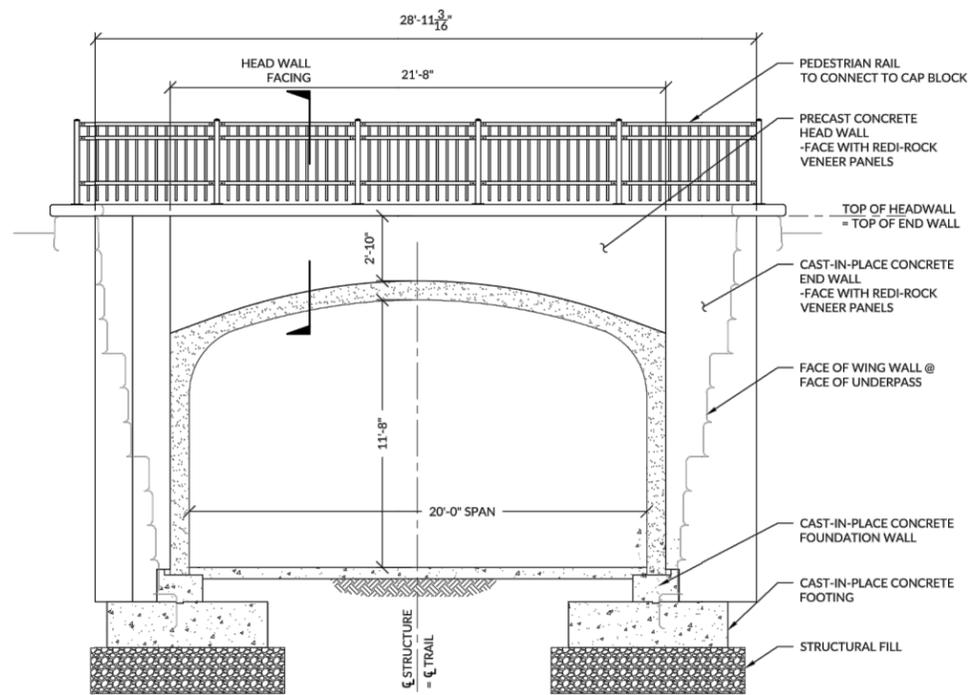
WWW.WGMGROUP.COM



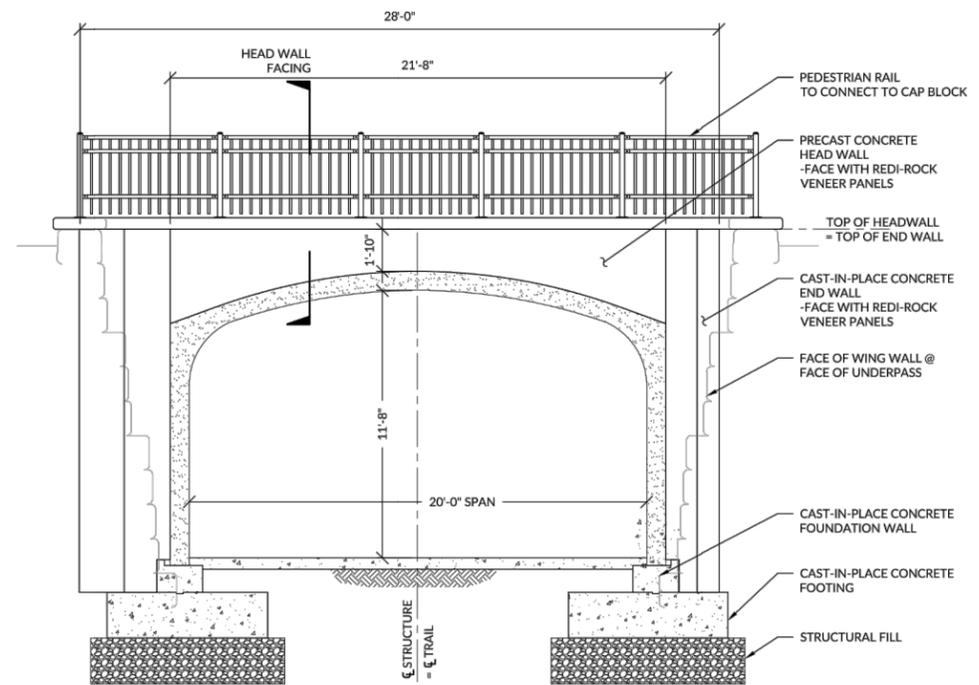
949 Joy Street
Corvallis, Montana 59828
Ph: (406) 239-4686
tukistruktures.com



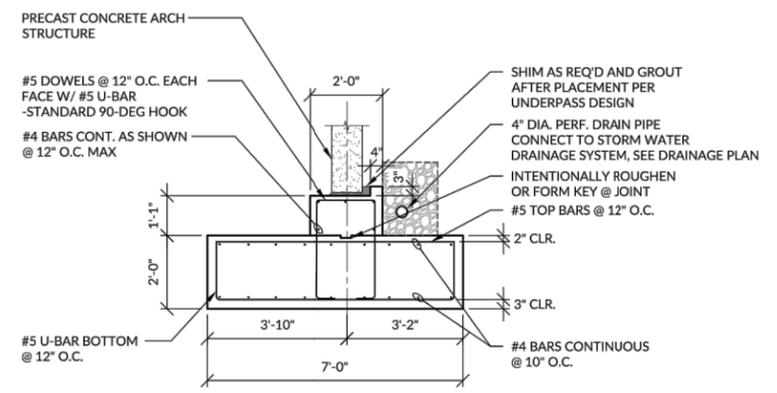
STRUCTURAL WALL DETAILS
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA



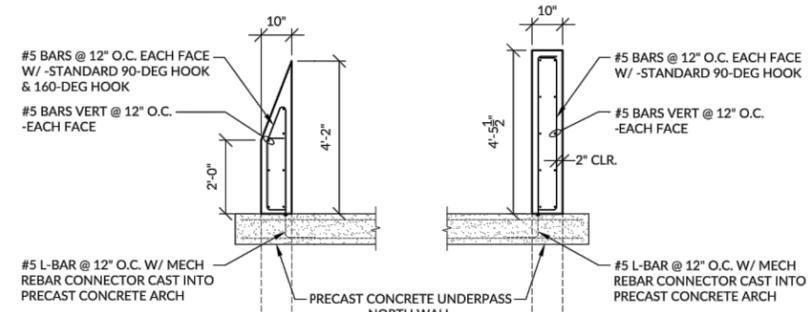
VIEW B-B: EAST ENTRANCE
SCALE: NONE



VIEW C-C: WEST ENTRANCE
SCALE: NONE

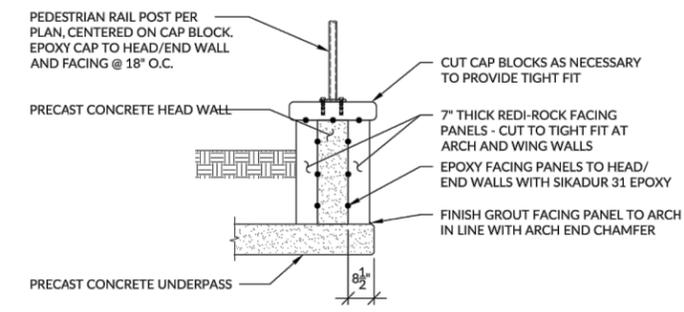


CAST-IN-PLACE ARCH FOOTING

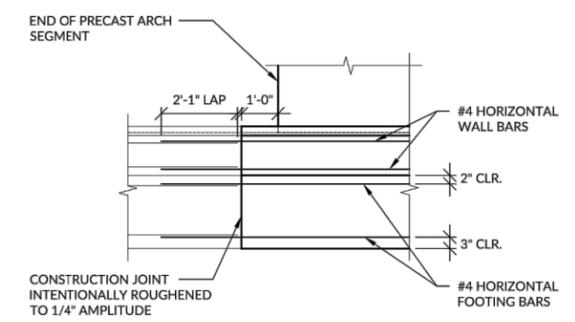


WEST ENTRANCE **EAST ENTRANCE**

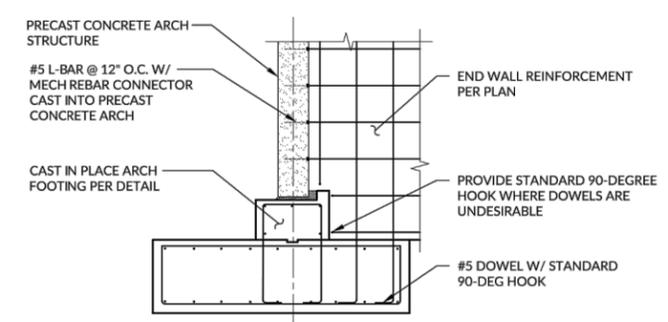
CAST-IN-PLACE END WALLS



HEAD WALL FACING



CIP CONSTRUCTION JOINT



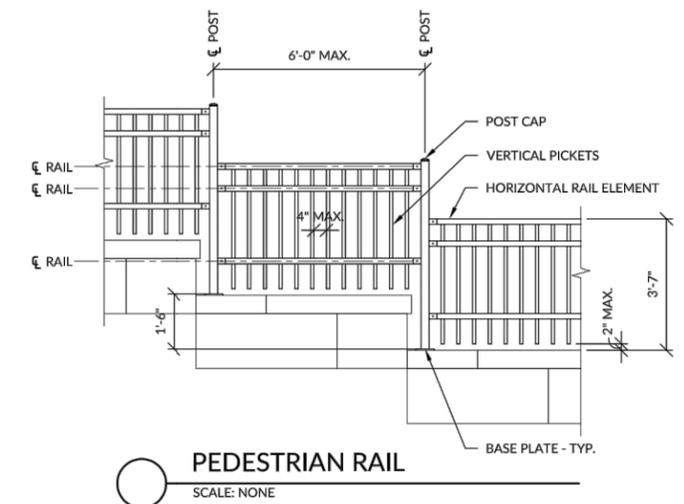
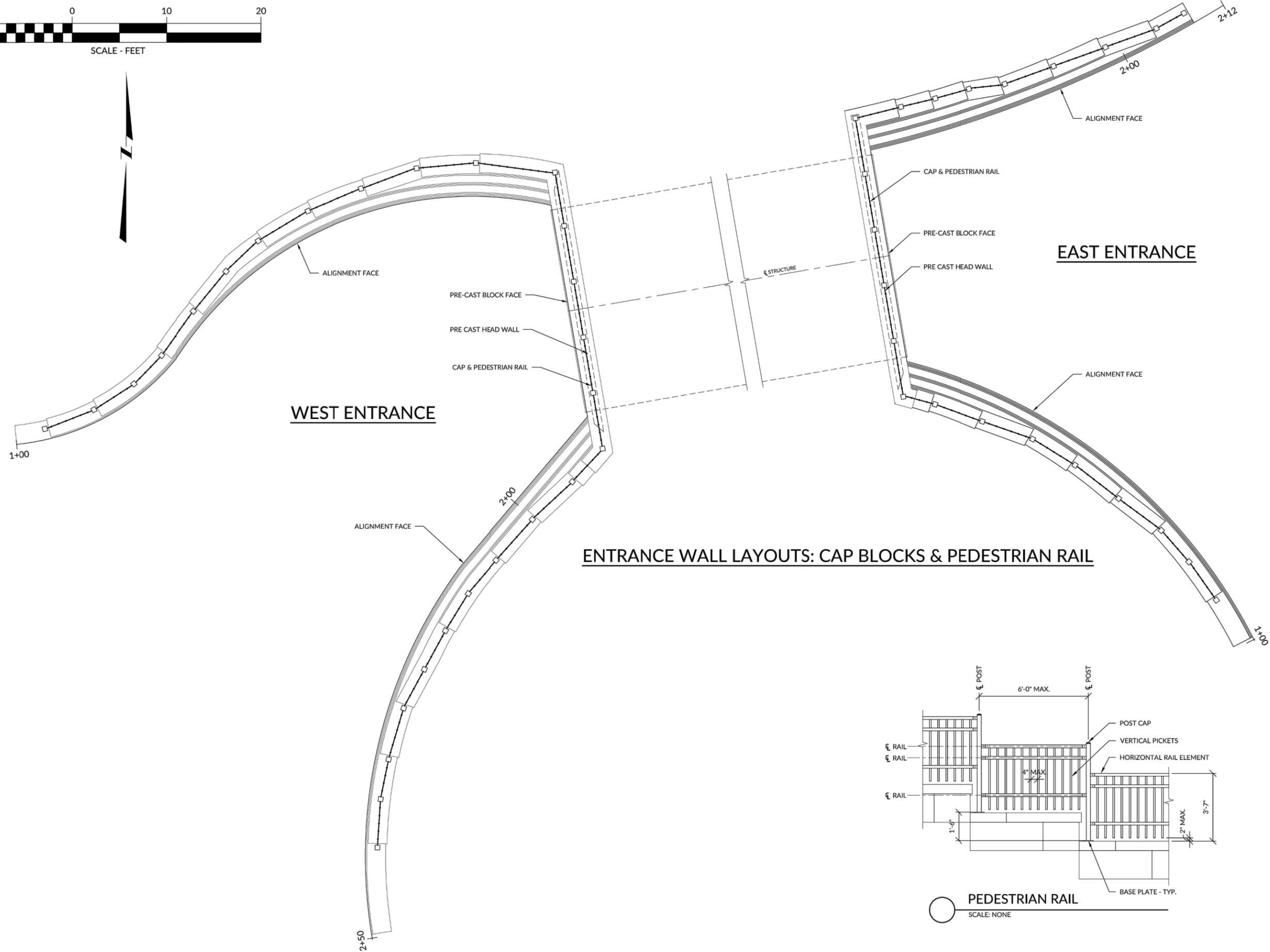
CIP END WALL TO FOOTING



REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
 LAYOUT: S3
 SURVEYED: WGM GROUP
 DESIGN: GJJ
 DRAFT: GJJ
 APPROVE: JLG
 DATE: MAY 7, 2020

SHEET **S3**



**ENTRANCE WALL LAYOUTS
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA**

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
LAYOUT: S10
SURVEYED: WGM GROUP
DESIGN: G.JI
DRAFT: G.JI
APPROVE: J.LG
DATE: MAY 7, 2020

SHEET **S10**



WGM GROUP

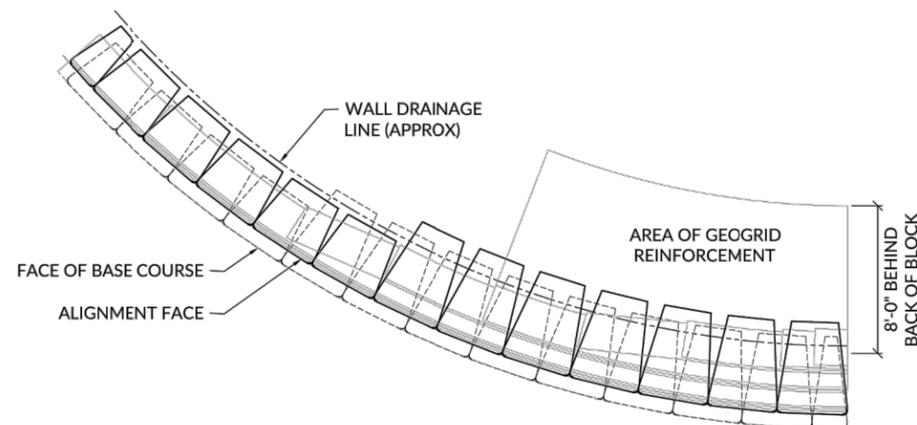
WWW.WGMGROUP.COM



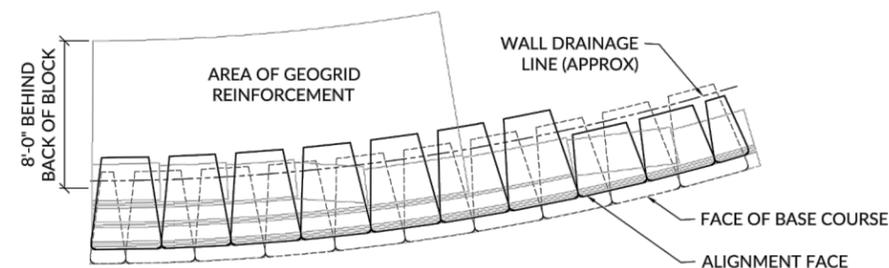
949 Joy Street
Corvallis, Montana 59828
Ph: (406) 239-4686
tukistruktures.com



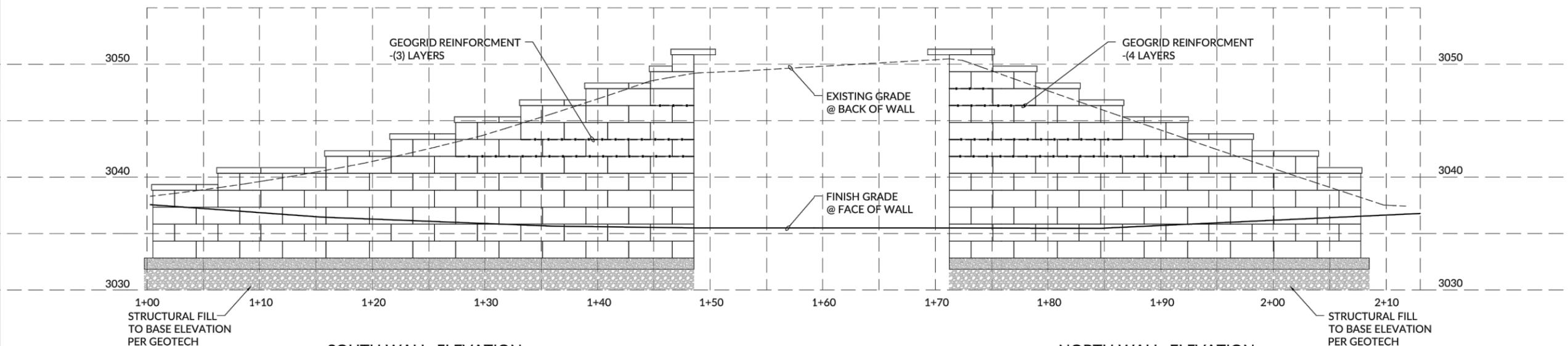
EAST SIDE WING WALLS
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA



SOUTH WALL: BASE AND ALIGNMENT BLOCK LAYOUT



NORTH WALL: BASE AND ALIGNMENT BLOCK LAYOUT



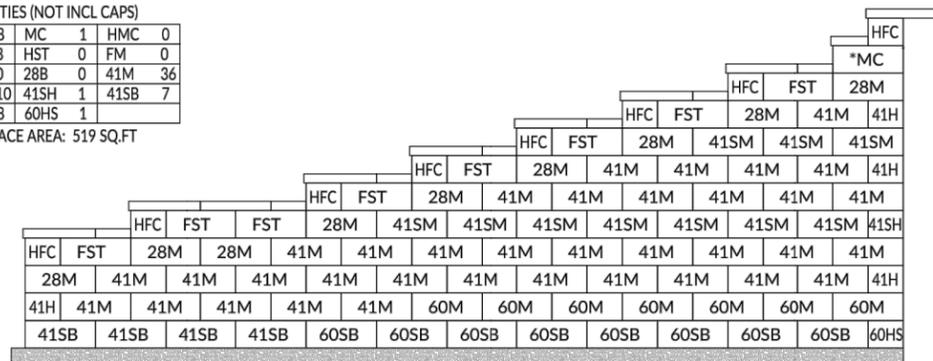
SOUTH WALL: ELEVATION

NORTH WALL: ELEVATION

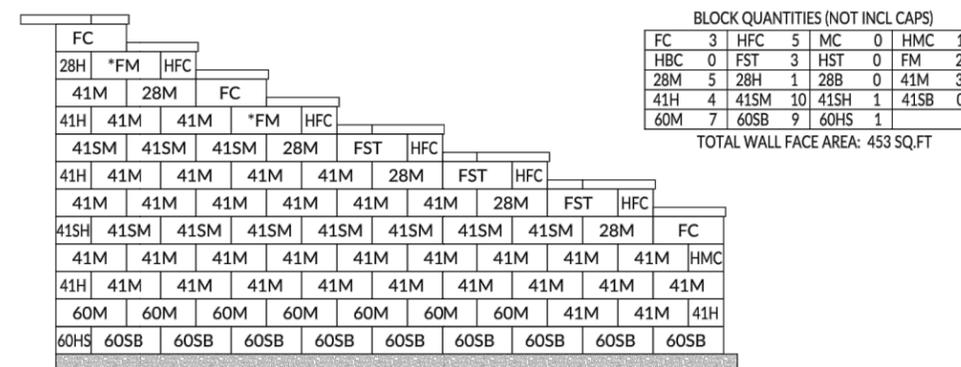
BLOCK QUANTITIES (NOT INCL CAPS)

FC	0	HFC	8	MC	1	HMC	0
HBC	0	FST	8	HST	0	FM	0
28M	9	28H	0	28B	0	41M	36
41H	4	41SM	10	41SH	1	41SB	7
60M	7	60SB	8	60HS	1		

TOTAL WALL FACE AREA: 519 SQ.FT



SOUTH WALL: BLOCK ELEVATION



NORTH WALL: BLOCK LAYOUT

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
LAYOUT: S11
SURVEYED: WGM GROUP
DESIGN: GJJ
DRAFT: GJJ
APPROVE: JLG
DATE:

MAY 7, 2020

SHEET S11



WGM GROUP
WWW.WGMGROUP.COM



949 Joy Street
Corvallis, Montana 59828
Ph: (406) 239-4686
tukistruktures.com



WEST SIDE WING WALLS
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA

REVISIONS:

NO.	DESCRIPTION	DATE

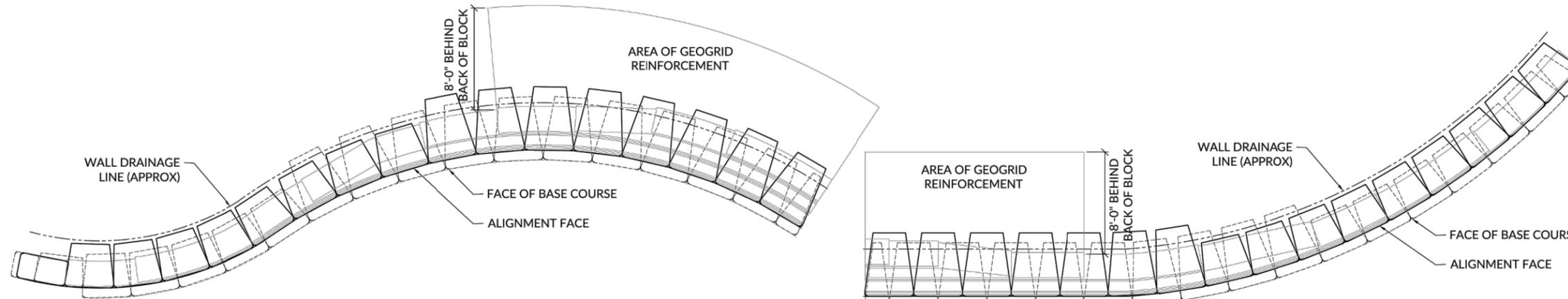
PROJECT: 19-11-15
LAYOUT: S12
SURVEYED: WGM GROUP
DESIGN: GJJ
DRAFT: GJJ
APPROVE: JLG
DATE:

MAY 7, 2020

SHEET

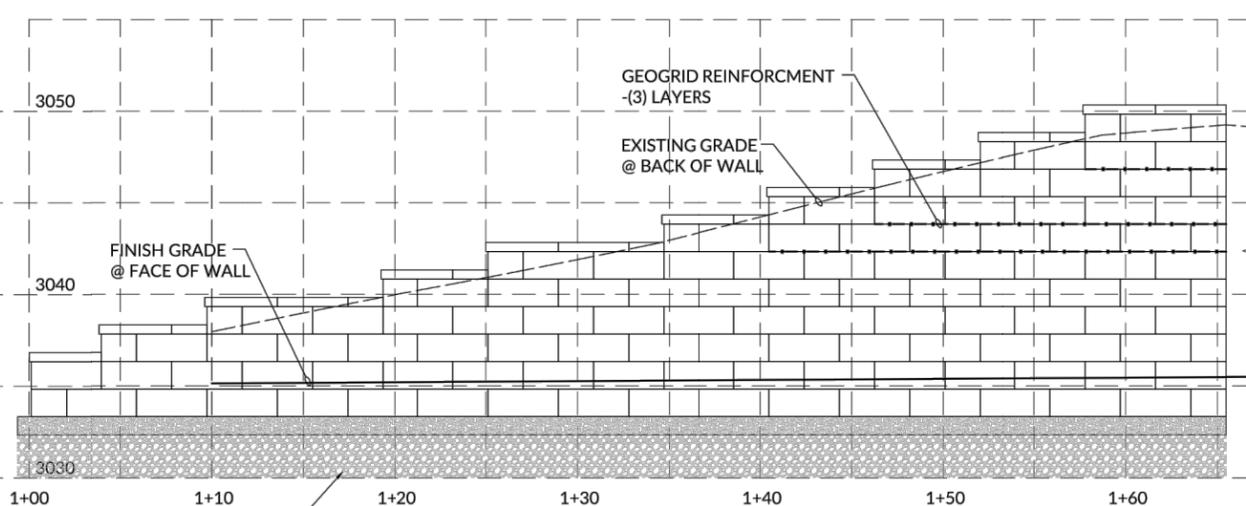
S12

FILE: C:\Users\gjj\Desktop\tuki\Projects - Structures\2020-20-104 Baker Avenue Ped Underpass CAD\SS Sheets.dwg

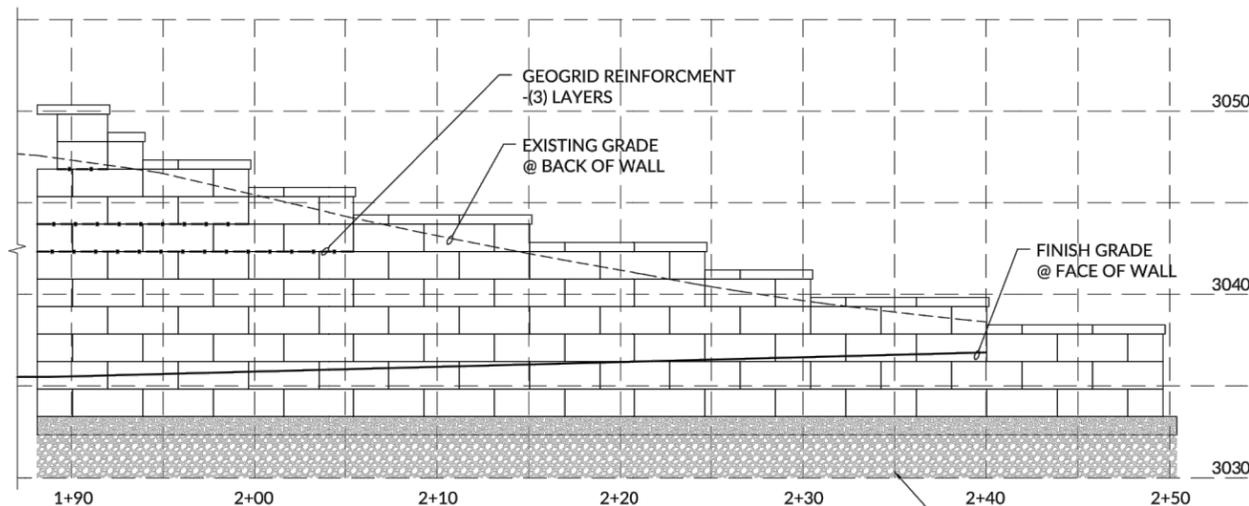


NORTH WALL: BASE AND ALIGNMENT BLOCK LAYOUT

SOUTH WALL: BASE AND ALIGNMENT BLOCK LAYOUT



NORTH WALL: ELEVATION

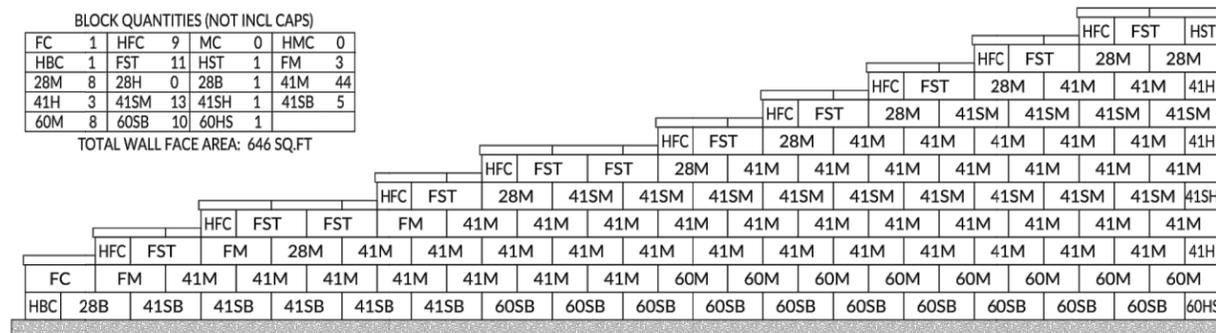


SOUTH WALL: ELEVATION

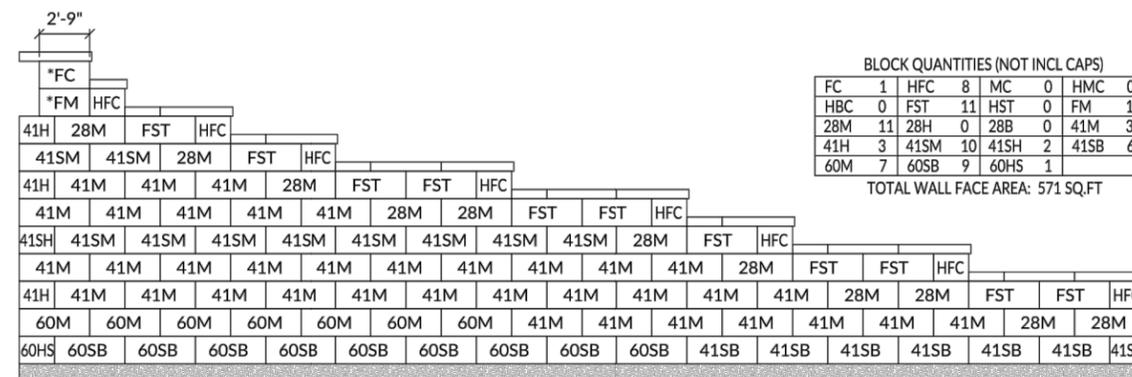
BLOCK QUANTITIES (NOT INCL CAPS)

FC	1	HFC	9	MC	0	HMC	0
HBC	1	FST	11	HST	1	FM	3
28M	8	28H	0	28B	1	41M	44
41H	3	41SM	13	41SH	1	41SB	5
60M	8	60SB	10	60HS	1		

TOTAL WALL FACE AREA: 646 SQ.FT



NORTH WALL: BLOCK ELEVATION



BLOCK QUANTITIES (NOT INCL CAPS)

FC	1	HFC	8	MC	0	HMC	0
HBC	0	FST	11	HST	0	FM	1
28M	11	28H	0	28B	0	41M	36
41H	3	41SM	10	41SH	2	41SB	6
60M	7	60SB	9	60HS	1		

TOTAL WALL FACE AREA: 571 SQ.FT

SOUTH WALL: BLOCK LAYOUT



WGM GROUP

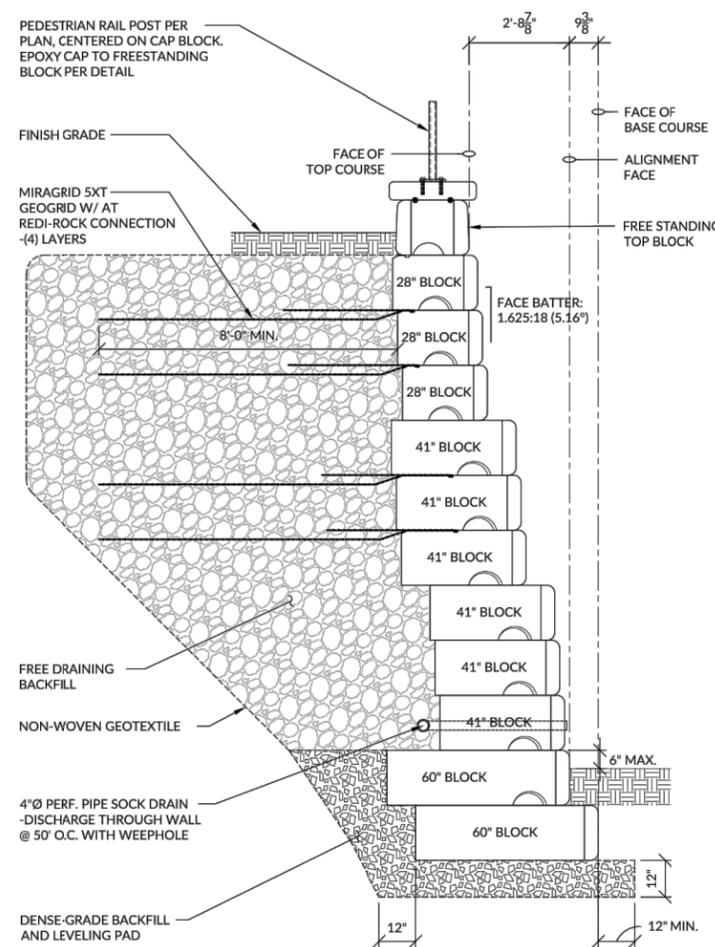
WWW.WGMGROUP.COM



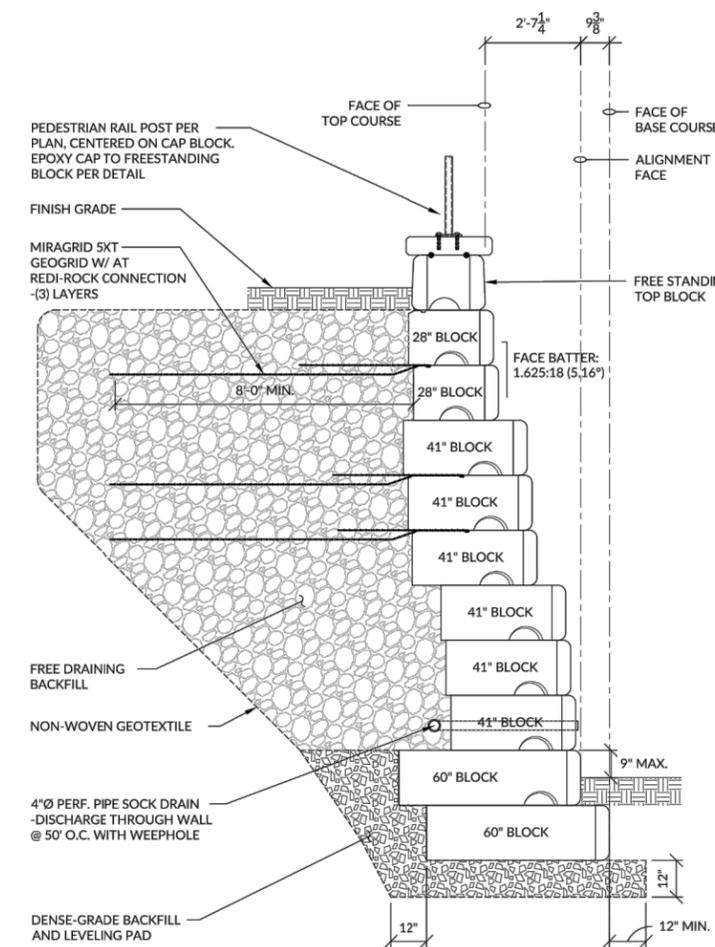
949 Joy Street
Corvallis, Montana 59828
Ph: (406) 239-4686
tukistruktures.com



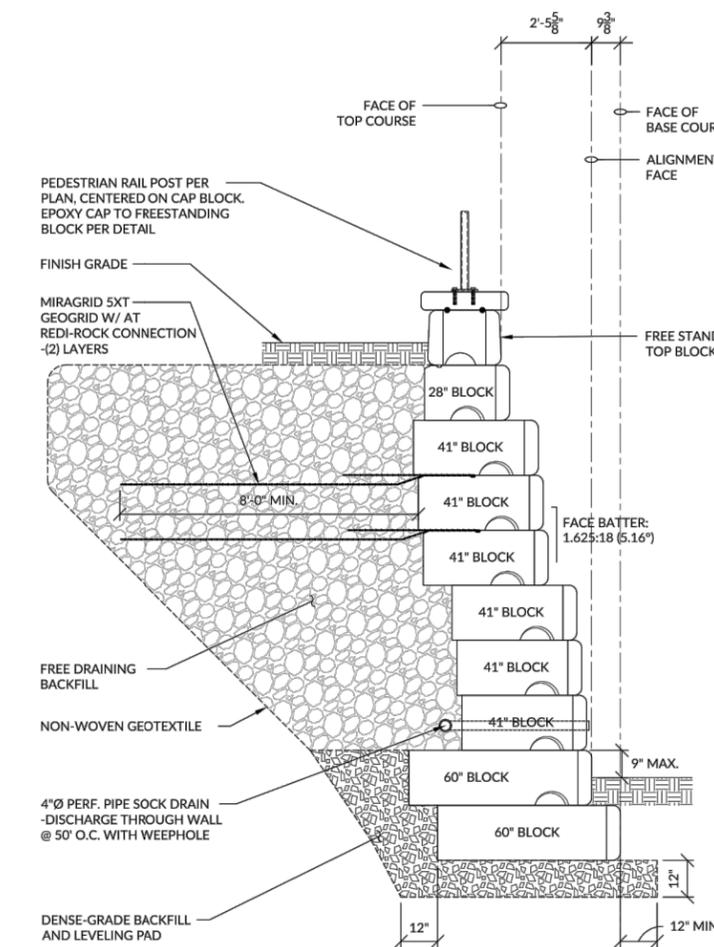
WING WALL SECTIONS & DETAILS
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA



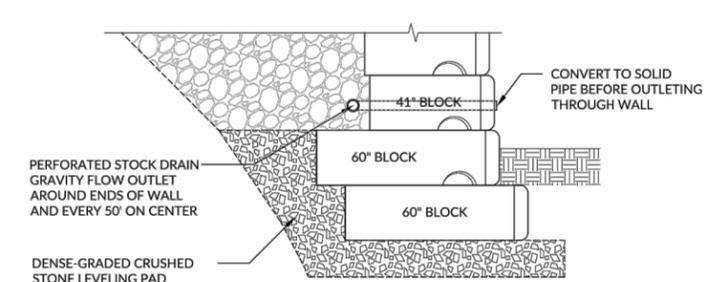
12 LEVEL SECTION



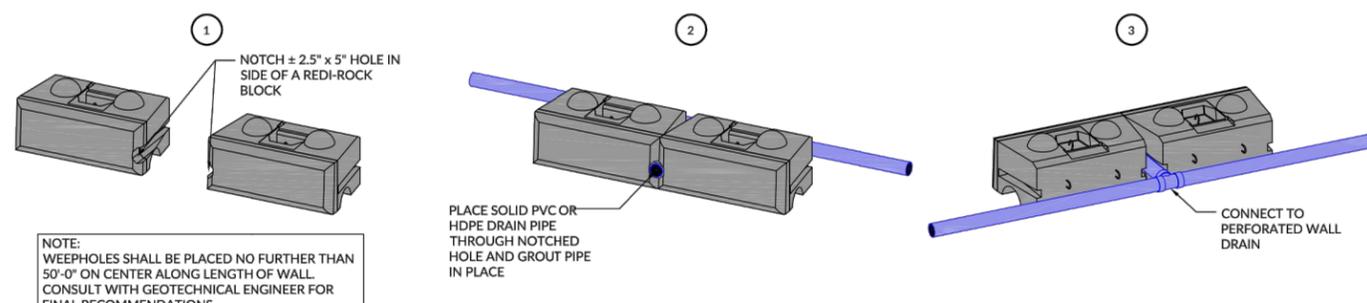
11 LEVEL SECTION



10 LEVEL SECTION



DENSE-GRADED LEVELING PAD



WEEPHOLE CONSTRUCTION

SCALE: NONE

NOTE:
WEEPHOLES SHALL BE PLACED NO FURTHER THAN
50'-0" ON CENTER ALONG LENGTH OF WALL.
CONSULT WITH GEOTECHNICAL ENGINEER FOR
FINAL RECOMMENDATIONS.

PLACE SOLID PVC OR
HDPE DRAIN PIPE
THROUGH NOTCHED
HOLE AND GROUT PIPE
IN PLACE

CONNECT TO PERFORATED WALL
DRAIN



REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
LAYOUT: S13
SURVEYED: WGM GROUP
DESIGN: GJJ
DRAFT: GJJ
APPROVE: JLG
DATE:

MAY 7, 2020

S13



WGM GROUP

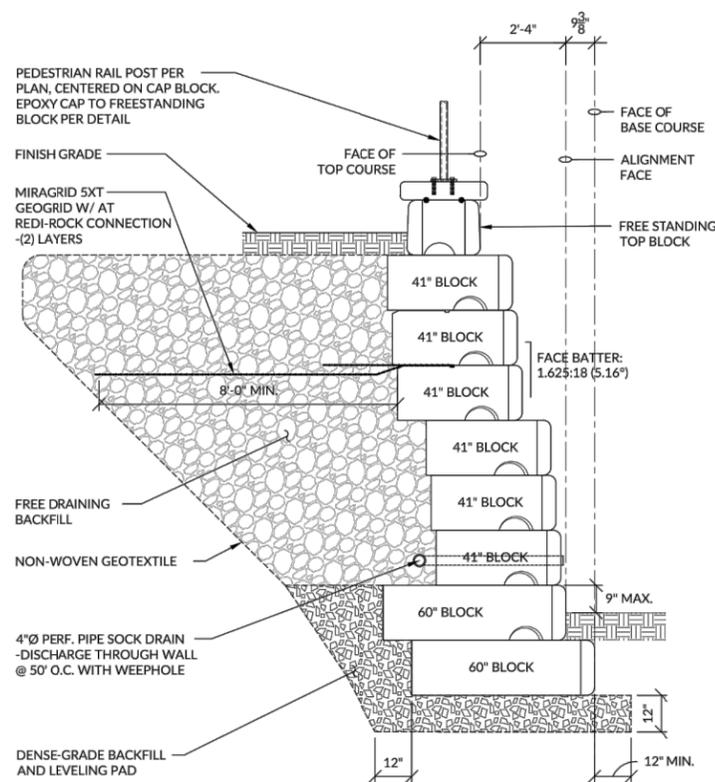
WWW.WGMGROUP.COM



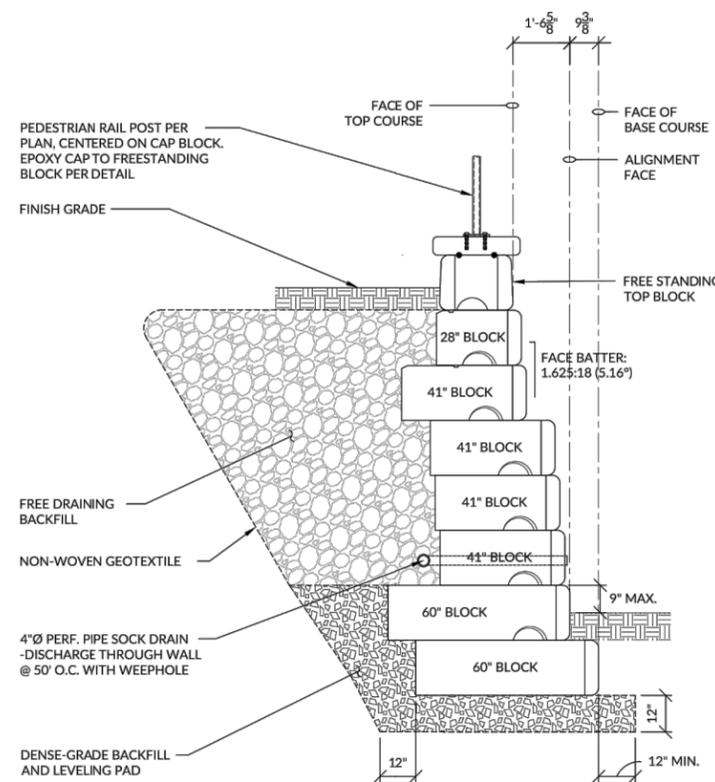
949 Joy Street
Corvallis, Montana 59828
Ph: (406) 239-4686
tukistruktures.com



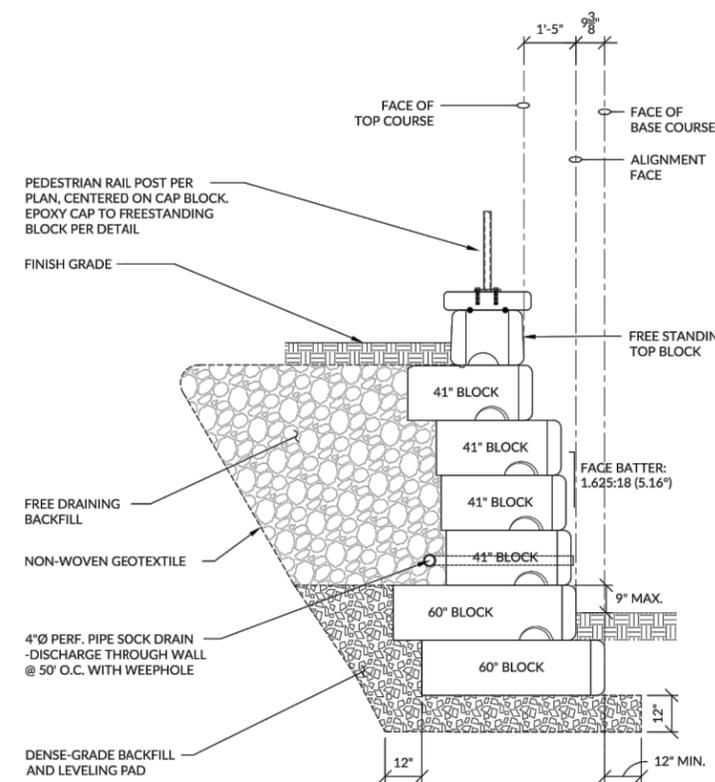
WING WALL SECTIONS & DETAILS
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA



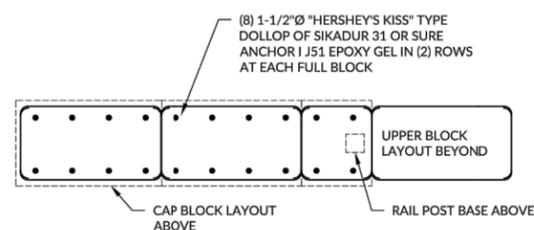
9 LEVEL SECTION



8 LEVEL SECTION



7 LEVEL SECTION



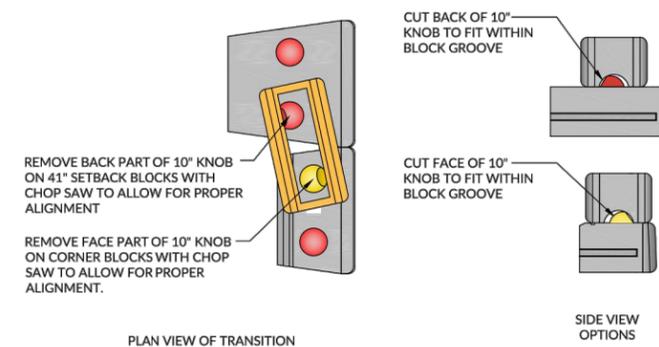
EPOXY CAPS TO TOP BLOCK LAYOUT



FACE PATTERN: LEDGESTONE
COLOR: 50/50 DYNAMIC COLOR SYSTEMS ANTIQUE 995 AND MEDIUM GRAY

TYPICAL REDI-ROCK BLOCK

SCALE: NONE



PLAN VIEW OF TRANSITION

SIDE VIEW OPTIONS

SETBACK TRANSITION

SCALE: NONE



REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
LAYOUT: S14
SURVEYED: WGM GROUP
DESIGN: GJJ
DRAFT: GJJ
APPROVE: JLG
DATE:

MAY 7, 2020

SHEET

S14

FILE: C:\Users\gjj\Desktop\tuki\Projects - Structures\2020-20-T04 Baker Avenue Ped Underpass\CAD\Sheet.dwg

CONDUIT AND WIRE SCHEDULE				
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
P01	1-1/4"	2#8, 1#8 GND	PB3	SL1
P02	1-1/4"	2#8, 1#8 GND	SL1	SL2
P03	1-1/4"	2#8, 1#8 GND	PB3	SL3
P04	1-1/4"	2#8, 1#8 GND	SL3	SL4
P10	2"	4#8 LTS, 2#4 RCPT, 2#2 RCPT, 1#8 GND	PB2	PB3
P11	2"	4#8 LTS, 2#4 RCPT, 2#2 RCPT, 1#8 GND	PB1	PB2
P12	2"	4#8 LTS, 2#4 RCPT, 2#2 RCPT, 1#8 GND	(E)PB	PB1
P13	1-1/4"	2#8 LTS, 2#4 RCPT, 1#8 GND	PB3	SL5
P14	1-1/4"	2#8 LTS, 2#4 RCPT, 1#8 GND	PB2	SL6
P15	1-1/4"	2#8 LTS, 2#4 RCPT, 1#8 GND	PB1	SL7
P16	1-1/2"	---	SECURITY	FC1

NOTES: ALL CONDUCTORS SHALL BE TYPE THHN-2

LIGHTING FIXTURE SCHEDULE									
TYPE	DESCRIPTION	LAMPS PER FIXTURE	WATTS PER LAMP	LAMP SIZE	VOLTS	MAX WATTS	MOUNTING	MFG & P/N	NOTES
SL	Surface LED Flood Light (Tunnel)	1	50	1,525 Lumen LED RGBW	240	50	Surface	Colorblast Intellihue Powercore GEN 4	RGBW color change with Data Enabler and iPlayer controller
W1	Wall Pack (Wing Wall)	1	16	950 Lumen LED 1200k	240	16	Wall	RLS 410 LED 620-6449	
SLx	Pathway/Street Light	1	34	4,000 Lumen LED 1200k	240	34	Pole	per City Standards	

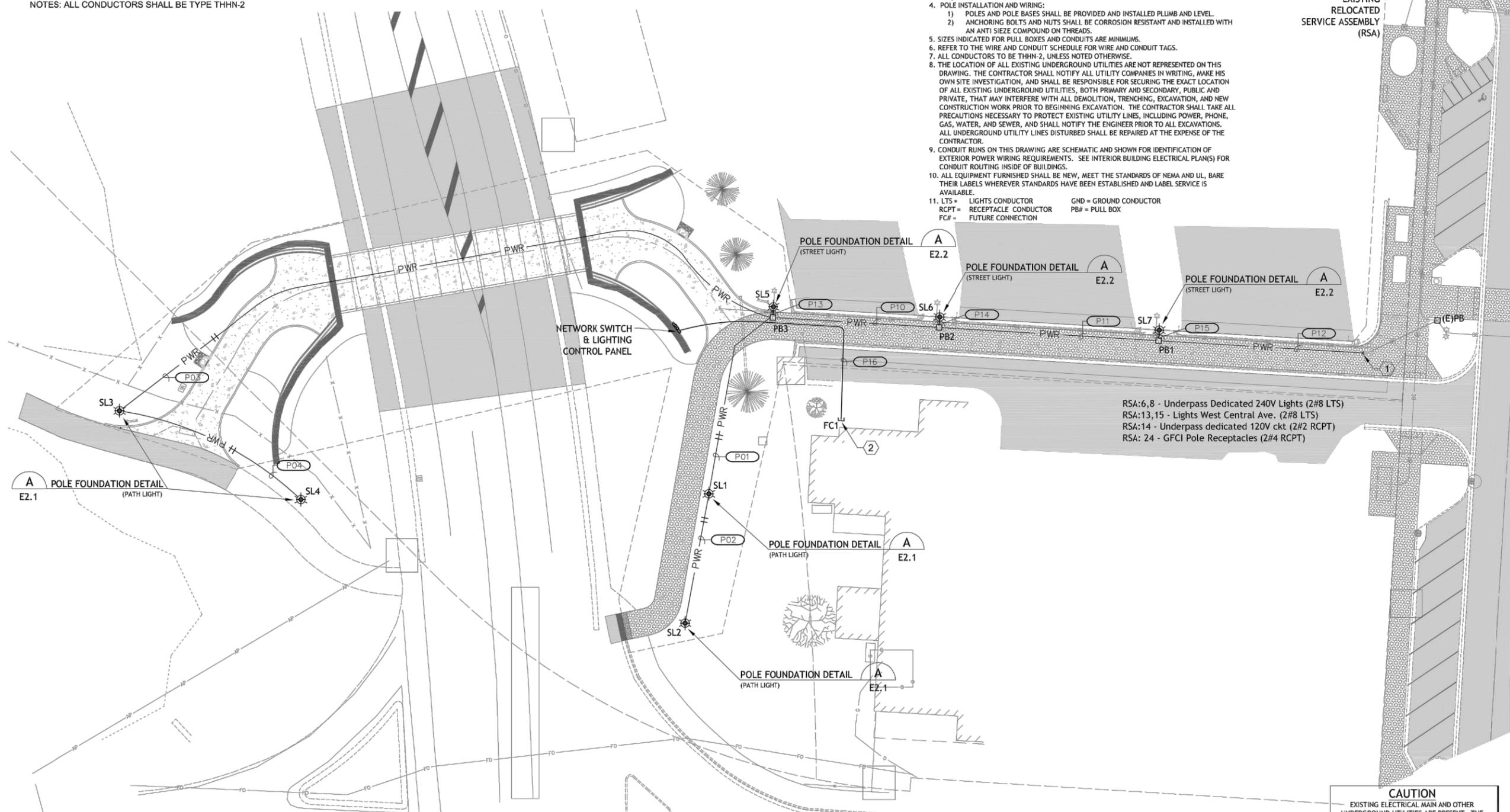
NOTES:
N/A

GENERAL NOTES

- SHOULD THE CONTRACTOR EXCEED THE ROUTING INDICATED ON THE DRAWING, THE CONDUCTOR AND CONDUIT SHALL BE INCREASED TO ALLOW FOR A 3% (MAX) VOLTAGE DROP, AND THE CONTRACTOR MUST NOTIFY THE ENGINEER IN WRITING PRIOR TO ANY DEVIATION.
- CONDUITS AND GROUND BOXES:
 - ALL CONDUIT WORK COMPLETED BY GENERAL CONTRACTOR IS TO BE INSPECTED BY THE LICENSED ELECTRICAL CONTRACTOR PRIOR TO BURIAL.
 - MINIMUM SIZE CONDUIT TO BE USED IS 1" FOR LIGHTING BRANCH CIRCUITS, SCHEDULE 40 PVC BURIED AT A DEPTH OF NOT LESS THAN 18". ALL ROAD CROSSINGS SHALL BE SCHEDULE 80 PVC.
 - CONDUIT WHERE ENTERING AND EXITING LIGHT BASES AND GROUND BOXES SHALL BE SEALED FROM DIRT, DEBRIS AND RODENTS (DUX SEAL, PERMA SEAL, ETC.).
 - GROUND BOXES, WHERE USED, SHALL BE OUTDOOR RATED, AND INSTALLED FLUSH WITH FINISHED GRADE, OR NO MORE THAN 1" BELOW FINISHED GRADE. GROUND BOXES SHALL NOT BE INSTALLED HIGHER THAN FINISHED GRADE. GROUND BOXES SHALL BE ARRANGED TO DRAIN (GRAVEL BOTTOM, 3" MIN.).
 - INSTALL PULL-ROPE THROUGH EACH PIECE OF CONDUIT INSTALLED.
- WIRING METHODS:
 - WIRE INSTALLED IN LIGHTING CONDUIT RUNS SHALL NOT BE SMALLER THAN #8 THHN-2 COPPER STRANDED CONDUCTOR.
 - WIRE INSTALLED IN POLES FROM BASE TO LUMINAIRE SHALL BE #12 THHN-2 COPPER STRANDED CONDUCTOR.
 - COLOR CODE FOR WIRING SHALL BE CONSISTENT THROUGHOUT INSTALLATION.
 - GROUND BOX SPLICES SHALL BE MADE WATER TIGHT.
 - LABEL ALL CONDUCTORS IN PULL BOXES WITH CIRCUIT NUMBERS AND DESCRIPTION.
- POLE INSTALLATION AND WIRING:
 - POLES AND POLE BASES SHALL BE PROVIDED AND INSTALLED PLUMB AND LEVEL.
 - ANCHORING BOLTS AND NUTS SHALL BE CORROSION RESISTANT AND INSTALLED WITH AN ANTI SIEZE COMPOUND ON THREADS.
- SIZES INDICATED FOR PULL BOXES AND CONDUITS ARE MINIMUMS.
- REFER TO THE WIRE AND CONDUIT SCHEDULE FOR WIRE AND CONDUIT TAGS.
- ALL CONDUCTORS TO BE THHN-2, UNLESS NOTED OTHERWISE.
- THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES ARE NOT REPRESENTED ON THIS DRAWING. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES IN WRITING, MAKE HIS OWN SITE INVESTIGATION, AND SHALL BE RESPONSIBLE FOR SECURING THE EXACT LOCATION OF ALL EXISTING UNDERGROUND UTILITIES, BOTH PRIMARY AND SECONDARY, PUBLIC AND PRIVATE, THAT MAY INTERFERE WITH ALL DEMOLITION, TRENCHING, EXCAVATION, AND NEW CONSTRUCTION WORK PRIOR TO BEGINNING EXCAVATION. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO PROTECT EXISTING UTILITY LINES, INCLUDING POWER, PHONE, GAS, WATER, AND SEWER, AND SHALL NOTIFY THE ENGINEER PRIOR TO ALL EXCAVATIONS. ALL UNDERGROUND UTILITY LINES DISTURBED SHALL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
- CONDUIT RUNS ON THIS DRAWING ARE SCHEMATIC AND SHOWN FOR IDENTIFICATION OF EXTERIOR POWER WIRING REQUIREMENTS. SEE INTERIOR BUILDING ELECTRICAL PLAN(S) FOR CONDUIT ROUTING INSIDE OF BUILDINGS.
- ALL EQUIPMENT FURNISHED SHALL BE NEW, MEET THE STANDARDS OF NEMA AND UL, BARE THEIR LABELS WHEREVER STANDARDS HAVE BEEN ESTABLISHED AND LABEL SERVICE IS AVAILABLE.
- LTS = LIGHTS CONDUCTOR GND = GROUND CONDUCTOR
 RCPT = RECEPTACLE CONDUCTOR PB# = PULL BOX
 FC# = FUTURE CONNECTION

KEY NOTES (X)

- CONNECT TO THE CONDUIT STUB OUT FROM THE DEPOT PARK IMPROVING PROJECT AND EXTEND THE EXISTING CONDUCTORS FROM THE EXISTING PULL BOX AS NOTED. THE CITY STREET LIGHT LUMINAIRES (SL1 - SL7) SHALL TIE INTO THE EXISTING WEST CENTRAL AVE LIGHTING CIRCUIT (RSA:13,15). EXTEND THE DEDICATED 240V LIGHTING CIRCUIT (RSA:6,8) TO PULL BOX PB3 FOR THE TUNNEL LIGHTING. EXTEND THE DEDICATED 120V RECEPTACLE CIRCUIT (RSA:14) TO PULL BOX PB3 FOR THE TUNNEL GFCI RECEPTACLE AND SECURITY SYSTEM NETWORK SWITCH (SEE E1.1). EXTEND THE 120V GFCI POLE RECEPTACLE CIRCUIT (RSA:24) TO STREET LIGHTS SL5, SL6, AND SL7. (REFER TO THE DEPOT PARK-PHASE III PLANS FOR EXISTING INFRASTRUCTURE.)
- STUB OUT A 1-1/2" CONDUIT FROM THE SECURITY SYSTEM SWITCH ENCLOSURE TO THE CORNER OF THE O'SHAUGHNESSY CENTER FOR FUTURE CONNECTION TO THE CITY'S WIRELESS NETWORK. CAP AND SEAL CONDUIT AND PROVIDE A 3/8" X 18" PIECE OF REBAR FOR FUTURE LOCATE.



WGM GROUP
WWW.WGMGROUP.COM

DANIEL LEE
TINTZMAN
15453PE
LICENSED PROFESSIONAL ENGINEER
08/07/18

ELECTRICAL CONSULTANT
K.B. Engineering, Inc.
P.O. Box 8094 Ph: 406.212.1024
Kalispell, MT 59904 Fax: 406.756.1925
kbeengineering@earthlink.net

**ELECTRICAL SITE PLAN
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA**

REVISIONS:
NO. DESCRIPTION DATE

PROJECT:
LAYOUT:
SURVEYED:
DESIGN:
DRAFT:
APPROVE:
DATE:

MAY 7, 2020

SHEET
E1.0

CAUTION
EXISTING ELECTRICAL MAIN AND OTHER UNDERGROUND UTILITIES ARE PRESENT. THE CONTRACTOR SHALL MAKE HIS OWN INVESTIGATION TO OBTAIN THE EXACT INFORMATION NECESSARY TO PROTECT OR ACCESS ALL UNDERGROUND UTILITIES, BOTH PUBLIC AND PRIVATE.

1 ELECTRICAL SITE PLAN
SCALE: 1" = 20'

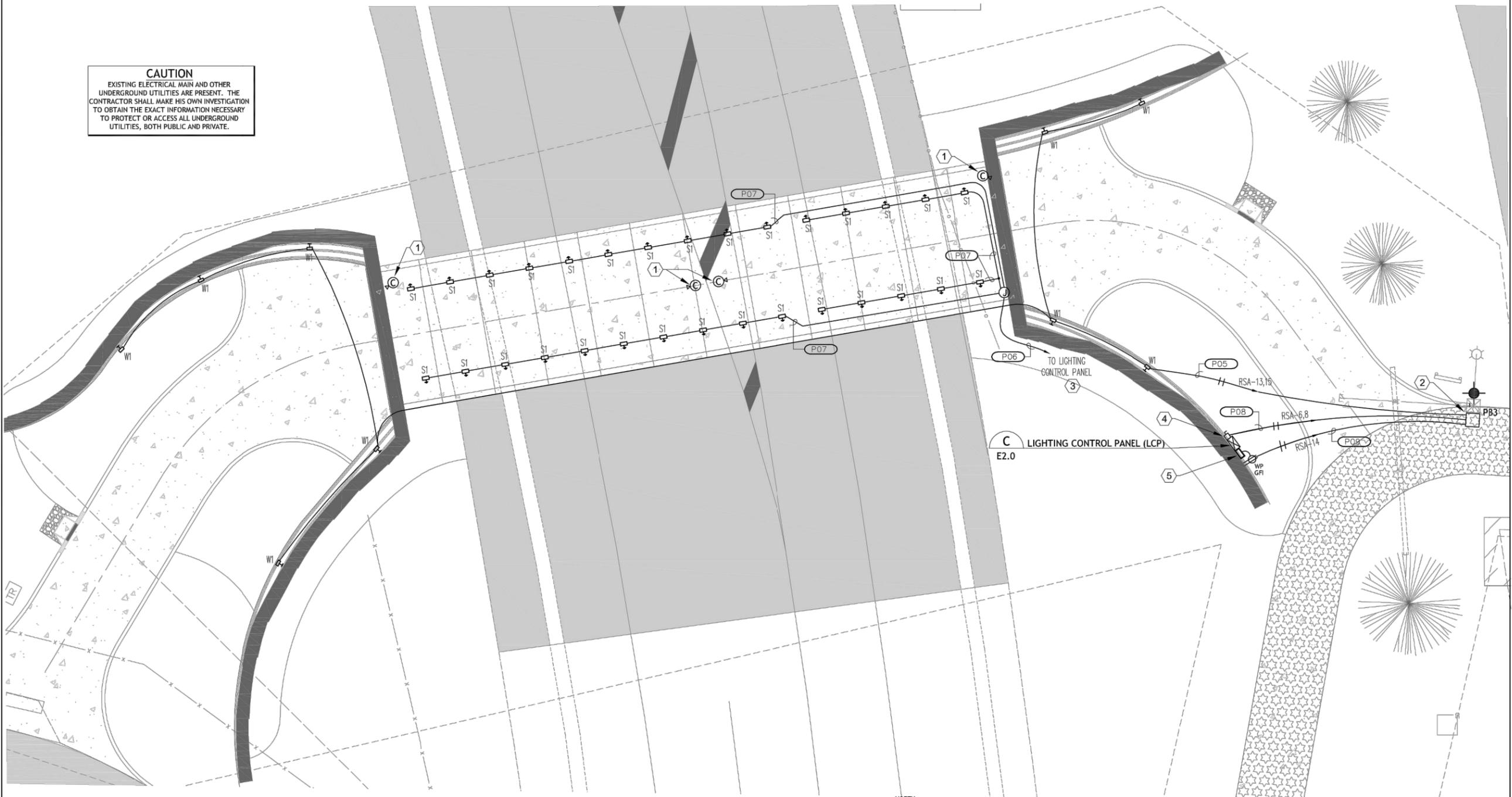
CONDUIT AND WIRE SCHEDULE				
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
P05	1"	2#8, 1#8 GND	(E)PB	W1
P06	1"	12#12	S1 J-BOX	DEP
P07	3/4"	4#12	S1 LIGHTS	S1 J-BOX
P08	1"	2#8, 1#8 GND	(E)PB	LCP DISC.
P09	1"	2#2, 1#8 GND	(E)PB	RECPT

NOTES: ALL CONDUCTORS SHALL BE TYPE THHN-2

KEY NOTES (X)

- SECURITY CAMERA (TYCO ILLUSTRATION IP MINI-DOME #IP503D20CWIT, OR EQUAL). INSTALL THE SECURITY CAMERA AND A CAT6 NETWORK CABLE TO AN OUTDOOR RATED NETWORK SWITCH (SEE NOTE 5). SWITCH TO BE FURNISHED BY THE CITY; VERIFY LOCATION. ALL CAT6 CABLES SHALL BE HOMERUN TO THE SWITCH. DO NOT DAISY CHAIN. (TYP 4)
- THE WING WALL LIGHT LUMINAIRES (TYPE W1) SHALL TIE INTO THE EXISTING WEST CENTRAL AVE LIGHTING CIRCUIT (RSA:13,15) IN PULL BOX PB3. THE LIGHTING CONTROL PANEL SHALL BE POWERED FROM THE DEDICATED 240V LIGHTING CIRCUIT (RSA:6,8). THE GFCI RECEPTACLE AND THE SECURITY SYSTEM NETWORK SWITCH SHALL BE POWERED FROM THE DEDICATED 120V CIRCUIT (RSA:14). (REFER TO THE DEPOT PARK-PHASE III PLANS.)
- DMX DATA CABLING SHALL BE NO FURTHER THAN 175' FROM THE DATA ENABLER PRO (DEP) LOCATED IN THE LIGHTING CONTROL PANEL TO THE LAST LIGHT FIXTURE. PROVIDE (3) RUNS OF DMX DATA CABLE (4#12AWG) TO THE TUNNEL LIGHT FIXTURES, WITH 10 LIGHT FIXTURES ON EACH DATA CABLE. ALL DEPs SHALL BE LOCATED IN THE LIGHTING CONTROL PANEL ENCLOSURE.
- 240V, 2-POLE, LOCKABLE, SERVICE DISCONNECT SWITCH IN NEMA 3R ENCLOSURE TO SERVE AS A DISCONNECTING MEANS FOR THE LIGHTING CONTROL PANEL. FUSE AT 20 AMPS. PROVIDE A DEDICATED 20 AMP, 240V BRANCH CIRCUIT TO THE LIGHTING COMPONENTS IN THE CONTROL ENCLOSURE. REFER TO DETAIL C/E2.0.
- SECURITY SYSTEM NETWORK SWITCH ENCLOSURE TO BE FURNISHED BY THE CITY AND INSTALLED BY THE CONTRACTOR. PROVIDE A 120V CONNECTION FROM BRANCH CIRCUIT RSA:14. SEE NOTE 1.

CAUTION
EXISTING ELECTRICAL MAIN AND OTHER UNDERGROUND UTILITIES ARE PRESENT. THE CONTRACTOR SHALL MAKE HIS OWN INVESTIGATION TO OBTAIN THE EXACT INFORMATION NECESSARY TO PROTECT OR ACCESS ALL UNDERGROUND UTILITIES, BOTH PUBLIC AND PRIVATE.



ELECTRICAL CONSULTANT
K.B. Engineering, Inc.
P.O. Box 9998 | Ph: 406.752.1824
Kalispell, MT 59904 | Fax: 406.752.1825
KBeengineering@verizon.net

UNDERPASS ELECTRICAL PLAN
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA

REVISIONS:

NO.	DESCRIPTION	DATE

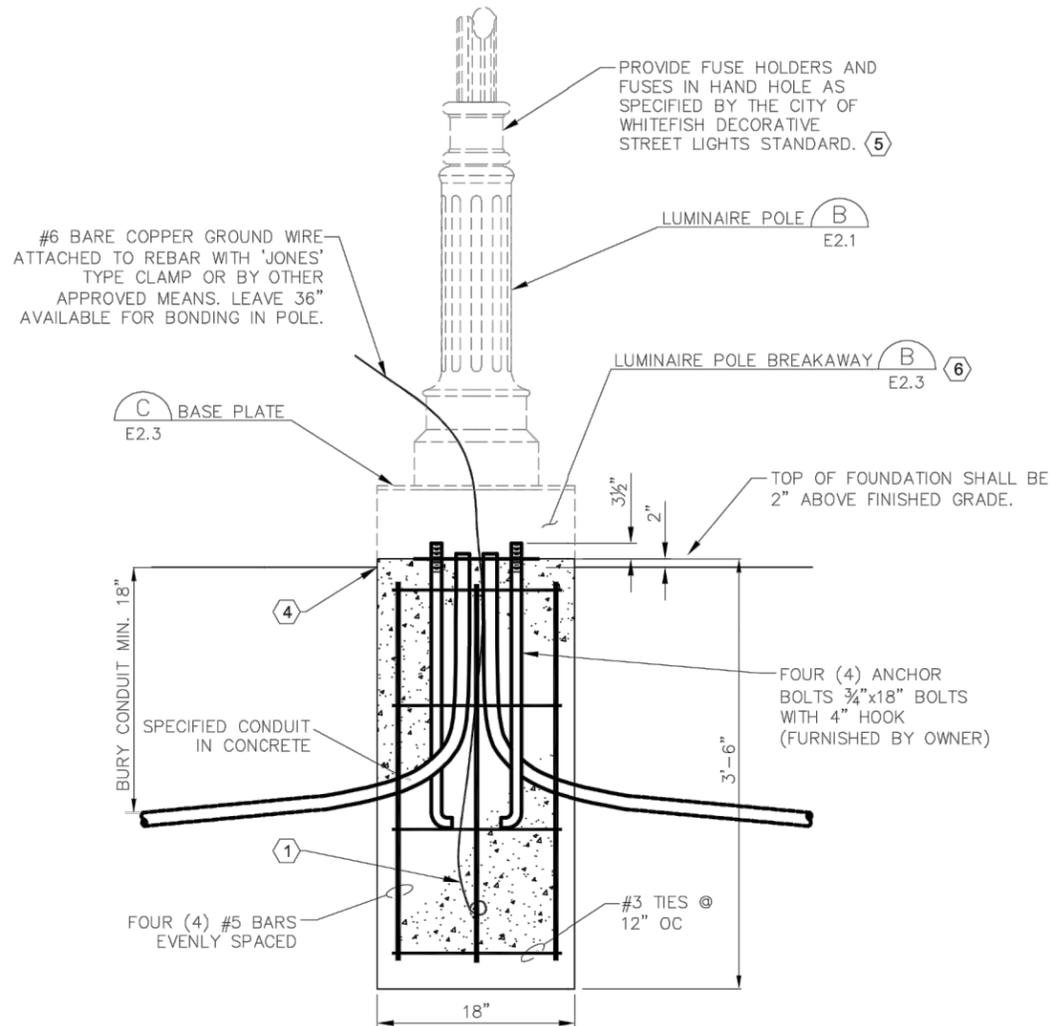
PROJECT:
LAYOUT:
SURVEYED:
DESIGN:
DRAFT:
APPROVE:
DATE:

MAY 7, 2020
E1.1

1 UNDERPASS ELECTRICAL PLAN
SCALE: 1/8" = 1'-0"



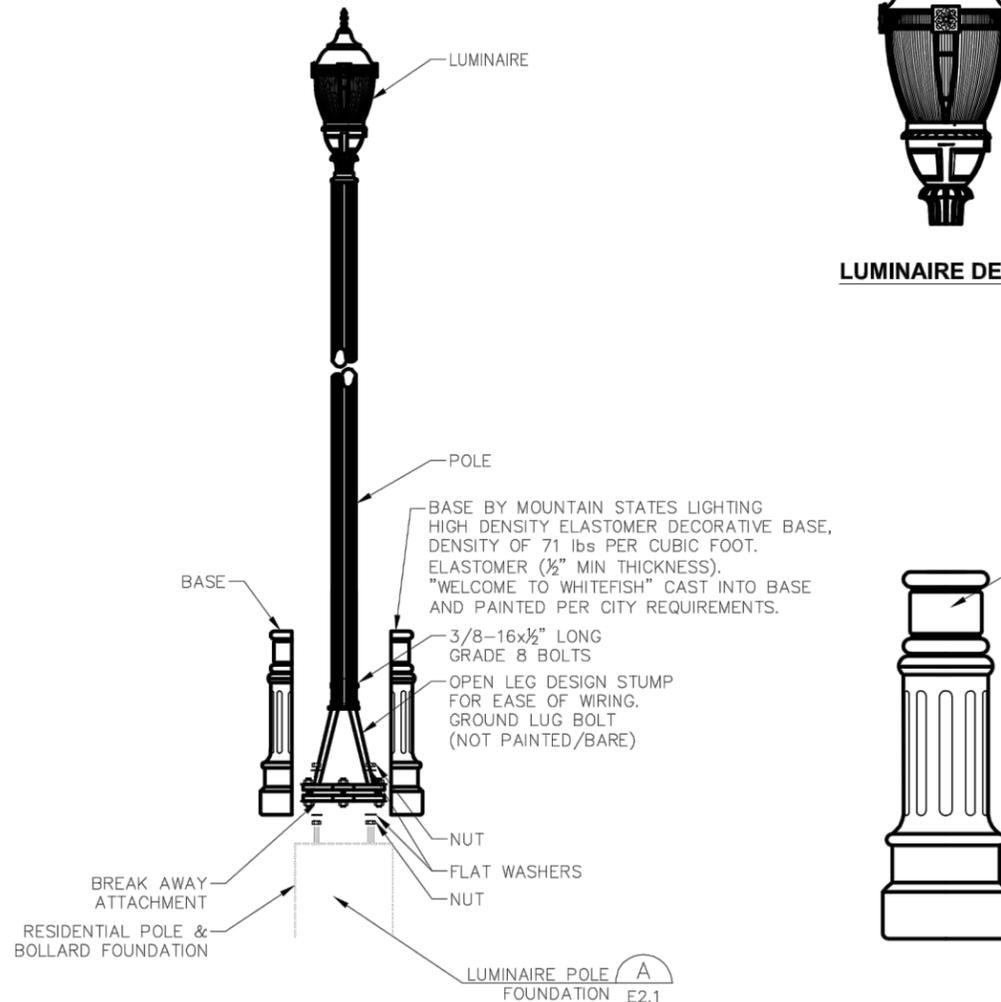
FILE: C:\Users\VB Engineering\Projects\WGM Group\Baker Ave Underpass\Draw\E1.0 ELEC SITE.dwg



A LUMINAIRE POLE FOUNDATION DETAIL
SCALE: N.T.S. (PATHWAY LIGHTING)

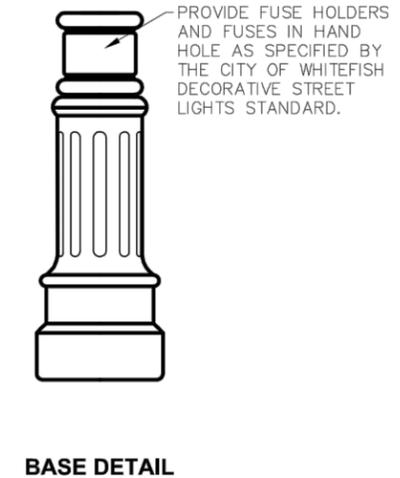
- NOTES:**
- GROUND LIGHT POLE BASES PER MANUFACTURER'S RECOMMENDATIONS. ALL GROUNDING MATERIAL AND LABOR TO BE INCLUDED IN PRICE OF BASE.
 - SET ANCHOR BOLTS WITH 3-1/2" OF THREADS EXPOSED.
 - ALL LIGHT POLE FOUNDATIONS SHALL BE CAST IN PLACE. PRECAST LIGHT POLE FOUNDATIONS SHALL NOT BE USED.
 - LIGHT POLE FOUNDATION SHALL BE BACKFILLED USING SUITABLE ON-SITE MATERIAL. BACKFILL TO BE COMPACTED TO 95% OF ASTM D-698.
 - EACH LUMINAIRE SHALL HAVE TWO WATER TIGHT BREAK AWAY FUSE HOLDERS WITH DUAL ELEMENTS 3 AMP MIDGET FUSES. HOMAC BRAND FUSE HOLDER #SLK-MD, OR APPROVED EQUAL, WITH BUSSMANN BRAND FUSE #FNM-3, OR APPROVED EQUAL.
 - LUMINAIRE POLE BREAKAWAY ONLY APPLIES TO LUMINAIRE POLE FOUNDATIONS USED ON LUMINAIRE POLES. DOES NOT APPLY TO OTHER STREET SIGNAGE.
 - TOP OF FOUNDATION SHALL BE PLUMB SO THAT BASE SITS FLAT ON FOUNDATION.

LUMINAIRE: CYCLONE #AG10T4D-VS3AR-3MHS-34W-2200K-120-277-F30-PT-SD-GM-SM-CP5493
POLE: MSL #14EFA-5-TT/3x3-16.5WF(NAME)-LEG-J (GREEN)
BASE: MSL #WF-16.5"Wx48"H-50D-HDEB-J (GREEN)
COLOR: "J" GREEN



B LUMINAIRE POLE DETAIL
SCALE: N.T.S. (PATHWAY LIGHTING)

- NOTES:**
- STREET LIGHTING LUMINAIRES, POLES AND BASES TO BE PROVIDED BY THE OWNER. STREET LIGHTING LUMINAIRES, POLES AND BASES TO BE ASSEMBLED AND INSTALLED BY THE CONTRACTOR.



WGM GROUP
WWW.WGMGROUP.COM



ELECTRICAL CONSULTANT
K.B. Engineering, Inc.
P.O. Box 9898 Ph: 406.212.1824
Kalispell, MT 59904 Fax: 406.756.1925
kben@kbenengineering.com

LUMINAIRE DETAILS
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA

NO.	DESCRIPTION	DATE

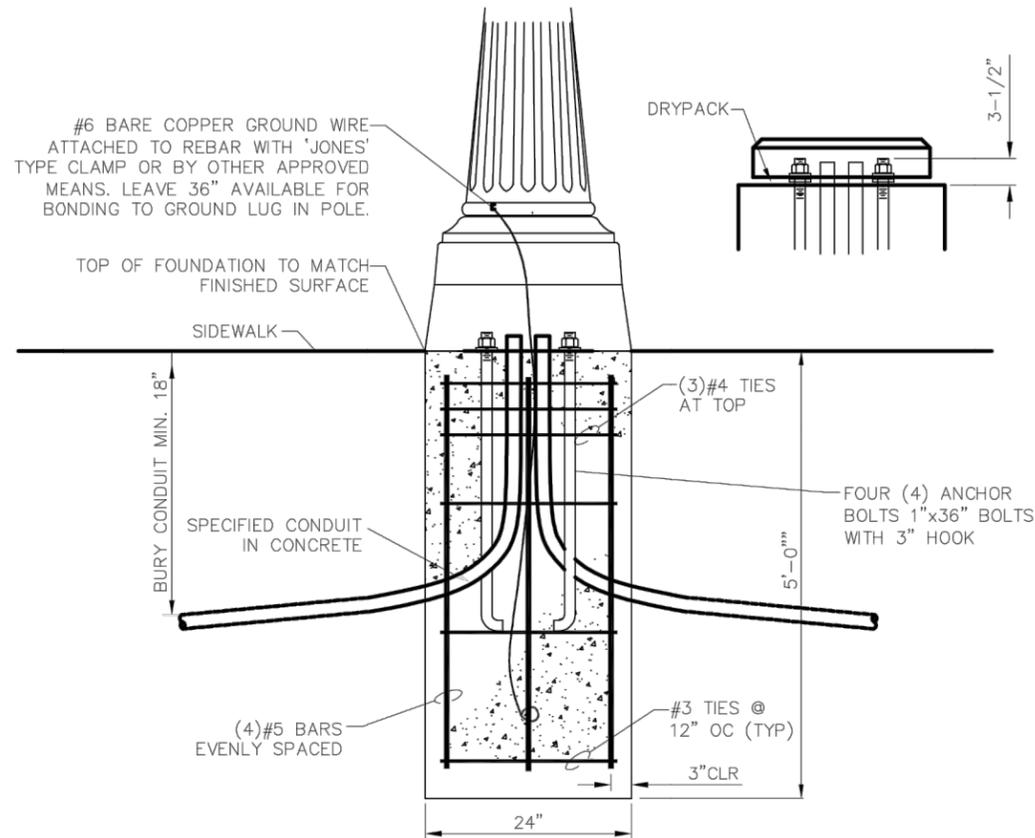
PROJECT:
LAYOUT:
SURVEYED:
DESIGN:
DRAFT:
APPROVE:
DATE:

MAY 7, 2020

SHEET **E2.1**

LUMINAIRE: CYCLONE #AG10T4D-VS3AR-3MHS-50W-2200K-120-277-F30-PT-SD-GM-SM-MG
 SINGLE ARM POLE: MSL #22TFS-SA/17/2'x2.375"/SCR-22"
 MAD(Madison)-C2316AF1XT-(1)BA-J (GREEN)
 DOUBLE ARM POLE: MSL #22TFS-DBLSA/17/2'x2.375"/SCR-22"
 MAD(Madison)-C2316AF1XT-(2)BA-J (GREEN)
 BASE: MSL #MAD(Madison)-22"Wx38"H-HDEB-J

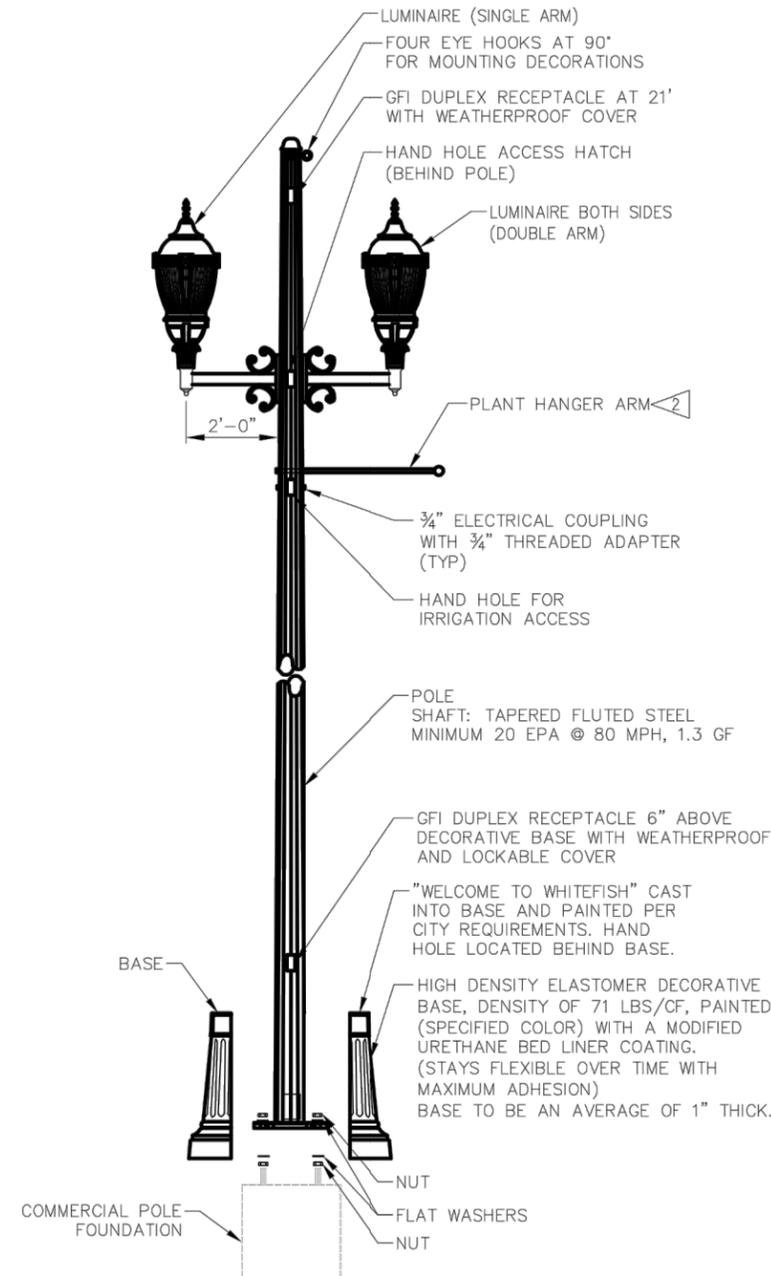
COLOR: "J" GREEN



A LUMINAIRE POLE FOUNDATION DETAIL
 SCALE: N.T.S. (STREET LIGHTING)

NOTES:

- GROUND LIGHT POLE BASES PER MANUFACTURER'S RECOMMENDATIONS. ALL GROUNDING MATERIAL AND LABOR TO BE INCLUDED IN PRICE OF BASE.
- SET ANCHOR BOLTS WITH 3-1/2" OF THREADS EXPOSED.
- ALL LIGHT POLE FOUNDATIONS SHALL BE CAST IN PLACE. PRECAST LIGHT POLE FOUNDATIONS SHALL NOT BE USED.
- LIGHT POLE FOUNDATION SHALL BE POURED IN PLACE. ALL CONCRETE SHALL BE CLASS DD PER MDT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND HAVE A MINIMUM COMPRESSIVE STRENGTH OF F'C = 3000 PSI AT 28 DAYS, NORMAL WEIGHT.
- LIGHT POLE FOUNDATION SHALL BE BACKFILLED USING SUITABLE ON-SITE MATERIAL. BACKFILL TO BE COMPACTED TO 95% OF ASTM D-698.
- IRRIGATION CONDUITS SHALL BE PROVIDED. (NOT SHOWN FOR CLARITY)
- SEE IRRIGATION PLANS FOR ADDITIONAL CONDUIT REQUIREMENTS.



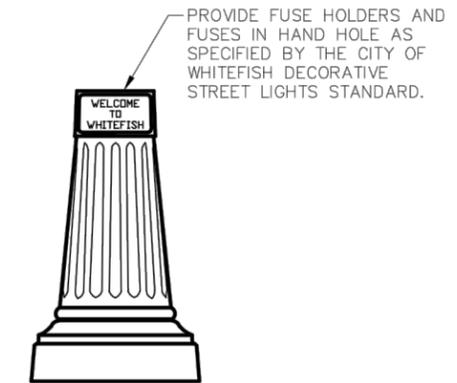
B LUMINAIRE POLE DETAIL
 SCALE: N.T.S. (STREET LIGHTING)

NOTES:

- STREET LIGHTING LUMINAIRES, POLES AND BASES TO BE PROVIDED BY THE OWNER. STREET LIGHTING LUMINAIRES, POLES AND BASES TO BE ASSEMBLED AND INSTALLED BY THE CONTRACTOR.
- PLANT HANGER ARM COMES OUT OF SHEET ON DOUBLE LIGHT POLE; NOT SHOWN FOR CLARITY.



LUMINAIRE DETAIL



BASE DETAIL

PROVIDE FUSE HOLDERS AND FUSES IN HAND HOLE AS SPECIFIED BY THE CITY OF WHITEFISH DECORATIVE STREET LIGHTS STANDARD.



WGM GROUP
 WWW.WGMGROUP.COM



ELECTRICAL CONSULTANT
K.B. Engineering, Inc.
 P.O. Box 9898 Ph: 406.272.1824
 Kalispell, MT 59904 Fax: 406.756.1925
 kbengineering@earthlink.net

LUMINAIRE POLE DETAILS
BAKER AVENUE PEDESTRIAN UNDERPASS
WHITEFISH, MONTANA

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT:
 LAYOUT:
 SURVEYED:
 DESIGN:
 DRAFT:
 APPROVE:
 DATE:

MAY 7, 2020

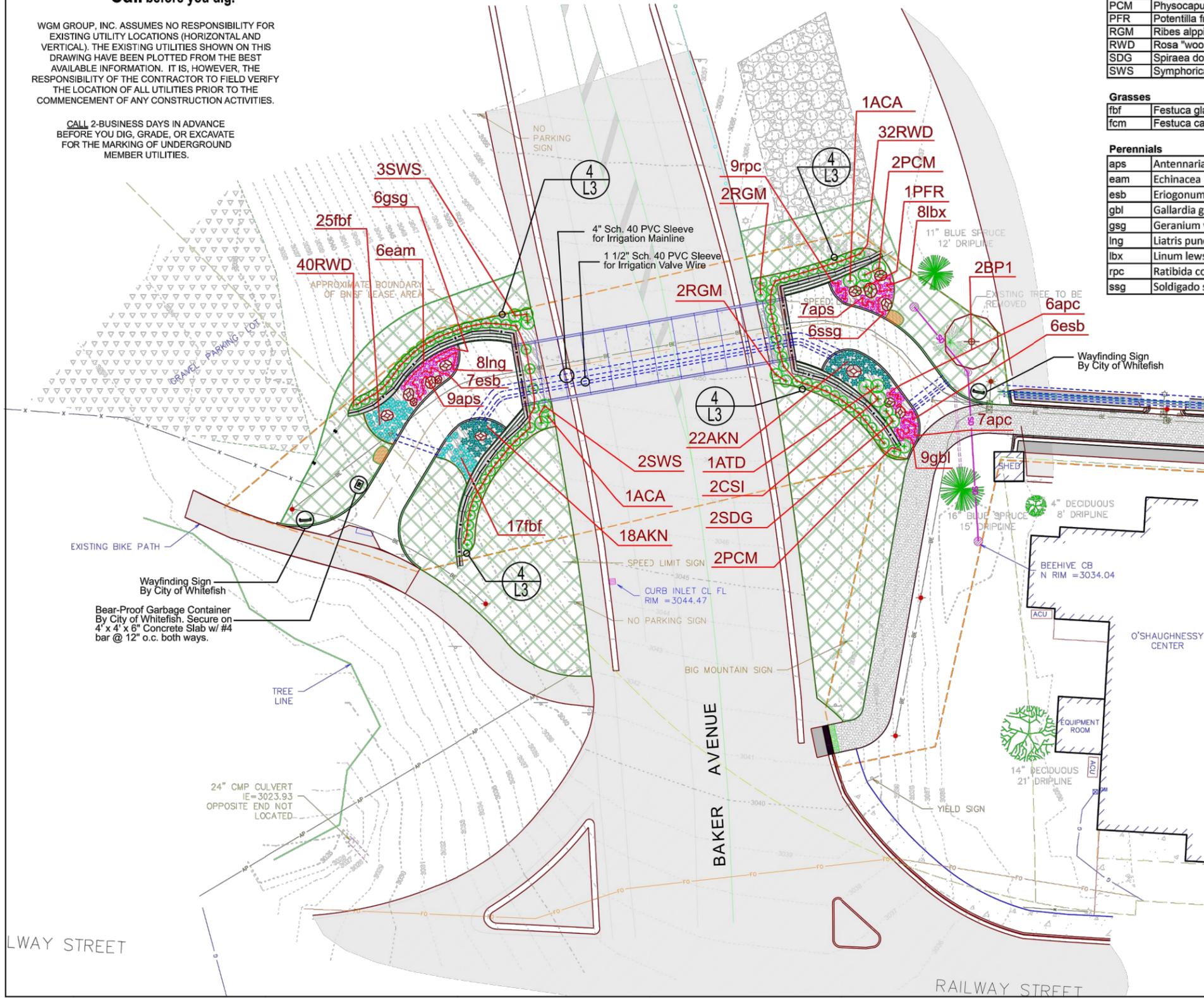
SHEET
E2.2



Know what's below.
Call before you dig.

WGM GROUP, INC. ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL AND VERTICAL). THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



Plant Material List

Botanical Name	Common Name	Amount	Size
Trees			
BP1	Betula papyrifera	1	2.5" cal
		TOT	1
Shrubs			
ACA	Artemisia cana	2	5 gal.
ATD	Artemisia tridentata	1	5 gal.
AKN	Arctostaphylos uva-ursa	40	1 gal.
CSI	Cornus sericea 'Isanti'	2	5 gal.
PCM	Physocarpus monogynus	4	5 gal.
PFR	Potentilla fruticosa	1	5 gal.
RGM	Ribes alpinum 'Green Mound'	4	5 gal.
RWD	Rosa "woodsii"	72	2 gal.
SDG	Spiraea douglasii	2	5 gal.
SWS	Symphoricarpos albus	5	5 gal.
		TOT	135
Grasses			
fbf	Festuca glauca 'Elijah Blue'	20	1 gal.
fcm	Festuca campestris	Seed	9894 sf
		TOT	20 9894 sf
Perennials			
aps	Antennaria microphylla	29	1 gal.
eam	Echinacea 'Emily Saul'	6	1 gal.
esb	Eriogonum umbellatum	13	1 gal.
gbl	Gallardia grandiflora 'Goblin'	9	1 gal.
gsg	Geranium viscosissimum	6	1 gal.
lng	Liatris punctata	8	1 gal.
lbc	Linum lewisii	8	1 gal.
rpc	Ratibida columnifera	9	1 gal.
ssg	Solidago sphacelata	6	1 gal.
		TOT	94

Grass Seeding Notes

Seed with a drill at a depth of 1/4 to 1/2 inch depending on soil texture, coarse soils deeper, fine textured soils shallower. The single species seeding rate recommended would be about 5 pounds Pure Live Seed (PLS) or about 23 PLS per square foot. If used as a component of a mix, adjust to percent of mix desired, for broadcast plantings seed at a rate of 40 to 50 PLS per square foot. A clean, firm, weed free seedbed is required for establishment. Seed in very early spring on heavy to medium textured soils and in late fall on medium to light textured soils. Late summer (August to mid-September) seeding is not recommended unless irrigation is available. Dormant fall seeding will pre-chill seed and may improve germination.

Symbol Key

- 3PFP Plant Type
- Plant Quantity
- Plant Symbol
- Rough Fescue Seed (Festuca campestris) 9,851 Sq. Ft.
- Medium Shredded Cedar Mulch undrain w/ 3 oz. Woven Weed Barrier Fabric 2719 Sq.Ft.
- Native Tree Type
- Native Ground Cover Shrub
- Native Shrub
- Native Perennial
- Elijah Blue Fescue (Festuca ovina 'glauca')
- Aluminum Landscape Edging
- Landscape Boulder 1/2 to 1 Ton
- Irrigation Sleeving See Irrigation Plan



MASTER LANDSCAPE PLAN
BAKER AVENUE UNDERPASS
WHITEFISH, MONTANA

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
LAYOUT: Layout Name
SURVEYED: KLM
DESIGN: BFL
DRAFT: BFL
APPROVE: SAR
DATE: MAY 2020

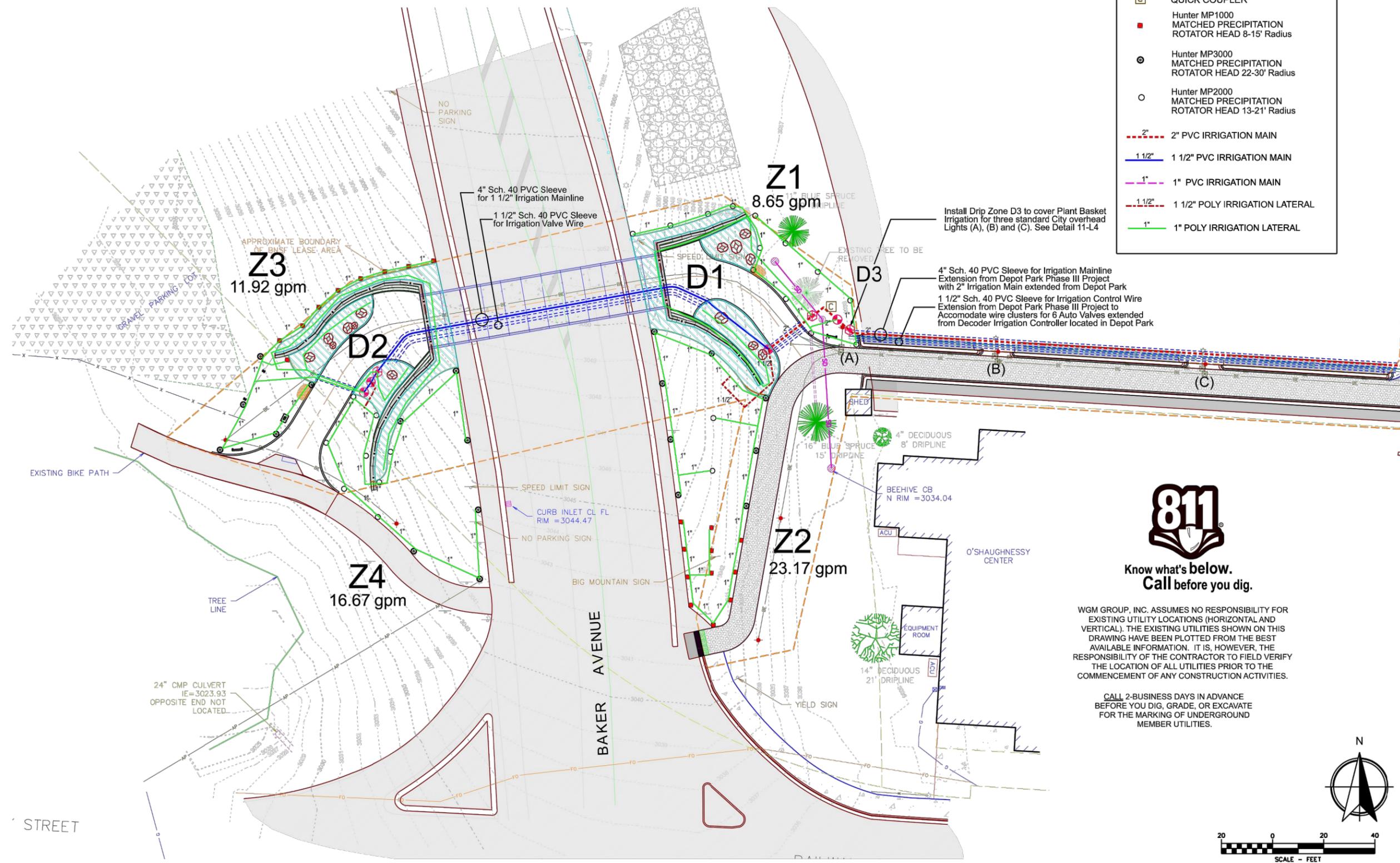
SHEET L-1

Irrigation Zone Summary

Zone Number	Zone GPM	Valve Size-in.	Head Type	Head Quantity	
Z1	8.65	1"	Hunter MP2000	13	see plan
Z2	23.17	1 1/2"	Hunter MP1000,2000 & 3000	11,2,8	see plan
Z3	11.92	1"	Hunter MP1000 & 3000	8,5	see plan
Z4	16.67	1 1/2"	Hunter MP2000 & 3000	8,6	see plan
D1	NA	New Drip 1"	Emitters (1/peren, 2/shrub)	194	1or2 per plant
D2	NA	New Drip 1"	Emitters (1/peren, 2/shrub)	194	1or2 per plant
D3	NA	New Drip 1"	Bubblers (2 per basket)	6	see detail

Irrigation Key

- Z1 MP Rotator Irrigation Zone
- D1 Drip Irrigation Zone
- AUTO SPRAY IRRIGATION VALVE & BOX
- 1" AUTO DRIP IRRIGATION VALVE & BOX
- 4" Sch. 40 IRRIGATION SLEEVING
- QUICK COUPLER
- Hunter MP1000 MATCHED PRECIPITATION ROTATOR HEAD 8-15' Radius
- Hunter MP3000 MATCHED PRECIPITATION ROTATOR HEAD 22-30' Radius
- Hunter MP2000 MATCHED PRECIPITATION ROTATOR HEAD 13-21' Radius
- 2" PVC IRRIGATION MAIN
- 1 1/2" PVC IRRIGATION MAIN
- 1" PVC IRRIGATION MAIN
- 1 1/2" POLY IRRIGATION LATERAL
- 1" POLY IRRIGATION LATERAL



IRRIGATION MASTER PLAN
BAKER AVENUE UNDERPASS
WHITEFISH, MONTANA



**Know what's below.
Call before you dig.**

WGM GROUP, INC. ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL AND VERTICAL). THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 19-11-15
 LAYOUT: Layout Name
 SURVEYED: KLM
 DESIGN: BFL
 DRAFT: BFL
 APPROVE: SAR
 DATE: MAY 2020



SHEET **L2**

(This page left blank intentionally to separate printed sections)

Staff Report



To: Mayor John Muhlfeld and City Councilors

From: Angela Jacobs, City Attorney

Date: June 9, 2020

Re: Building on the Corner of O'Brien and 2nd St. E
and the Whitefish Community Center

Introduction/History

Construction on the mixed-use building located at the corner of O'Brien and 2nd St. E, which was approved by the City through a conditional use permit, began well over two years ago. Unfortunately, the building began "sinking" when it was partially completed. The sinking also caused damage to the adjacent Whitefish Community Center. The Whitefish Community Center is owned by Flathead County. The City, however, owns the land on which it is located.

Current Report

139 Lofts (the building owner), Malmquist Construction, C & H Engineering and Surveying, Slopeside Engineering, and Archer Excavating have been involved in litigation over the building for the last two years. They are close to reaching a settlement. As part of that process, the parties also engaged the County in discussions regarding remediation of the Whitefish Community Center. Given the remediation plan contemplates driving helical piers into the City's land, the parties wish the City to be a party to the proposed settlement agreement and release, a draft of which is attached hereto.

The proposed settlement agreement and release provides that the companies involved with the construction will pay \$177,000 (with \$15,000 of that amount reserved to the County for out-of-pocket costs) to remediate the Whitefish Community Center. It further provides that each party to the agreement releases and discharges each other from future claims. However, it does not release future claims related to the remediation work performed by Malmquist, Slopeside and Archer on the Whitefish Community Center.

Financial Requirements/Impacts

There are no immediate financial requirements or impacts of approving the proposed settlement agreement.

Recommendation

Staff respectfully requests that the City Council approve the proposed settlement agreement.

GLOBAL MUTUAL, FINAL AND IRREVOCABLE RELEASE OF CLAIMS AND SETTLEMENT AGREEMENT

1. Parties

- 1. Flathead County and the City of Whitefish (“Owners”)
- 2. 139 East 2nd Street Lofts, LLC, including its owners, members, investors and managers, (“139 Lofts”)
- 3. TCF Enterprises, Inc. d/b/a Malmquist Construction, (“Malmquist”)
- 4. C&H Engineering and Surveying, Inc., (“C&H”)
- 5. Slopeside Engineering, LLC, (“Slopeside”)
- 6. Archer Excavating, LLC, (“Archer”)
- 7. Owners, 139 Lofts, Malmquist, C&H, Slopeside and Archer may also be referred to as the Parties.

DATE OF CASUALTY: November 2018.

DESCRIPTION OF CASUALTY: All claims, by and between the Parties and arising from or related to the settlement of the Community Center, all costs incurred to remediate the Community Center, including all associated diminution of value loss, market value loss, consulting fees, attorneys fees and all other damage claims of any nature. The Description of Casualty does not include claims as specifically set forth in Paragraph 8 (b) below.

3. Terms of Settlement

A. Payment to Owners – Flathead County and City of Whitefish.

Payment of the total sum of **\$177,000**, to Owners from the Parties, with the Parties and/or their liability carriers, issuing payment of the total sum as follows:

Malmquist: \$122,000.00

Archer: \$55,000.00

TOTAL \$177,000.00

The Parties agree these settlement funds will be paid to the trust account of Hammer, Quinn and Shaw, PLLP, counsel for Malmquist.

Further, the Parties agree that \$15,000 of the above-identified sum shall be reserved to pay Flathead County for reimbursement of out-of-pocket expenses it incurs in connection with the Remediation Plan, including further oversight of the Remediation Plan for the Community Center. The remainder of the funds shall be paid to Malmquist to implement the Remediation Plan.

4. Release

It is agreed and understood by the Parties that the foregoing payments identified above - and in conjunction with the payments identified in the separate 139 Lofts Confidential Settlement - are made as consideration for the global resolution all claims for which this release is given, regardless of the amount of each individual payment or whether any party directly contributed monetary funds to this settlement.

The Parties acknowledge payment and/or receipt of the above sums of money, and in consideration for payment and/or receipt of such sums, fully and forever mutually release and discharge each other and their heirs, executors, personal representatives, successors, assigns, agents, partners, investors, parent companies, subsidiary companies, employees, insurers, reinsurers, and attorneys from any and all actions, claims causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the casualty described above, **EXCEPT** as excluded in paragraph 8(b) below.

5. Future Damages

Inasmuch as the injuries, damages, and losses resulting from the events described herein may not be fully known and may be more numerous or more serious than it is now understood or expected, the Parties agree, as further consideration of this agreement, that this Mutual Release applies to any and all injuries, damages and losses resulting from the casualty described herein, even though now unanticipated, unexpected and unknown, as well as any and all injuries, damages and losses which have already developed and which are now known or anticipated, **EXCEPT** as excluded in paragraph 8(b) below.

6. Release of Insurers and Their Agents

In consideration of the payments made by the insurers on behalf of their insureds, the Parties further release each Insurer contributing to this settlement or the settlement concerning 139 Lofts including the insurers' agents, from all obligations under any part of their insurance policies arising out of all claims, as set forth in the above-described casualty, and from any and all claims arising out of the investigation, handling, adjusting, defense or settlement of the claims including, without limitation, any claims for breach of contract, in tort, violation of the covenant of good faith and fair dealing, violation of Montana Code Annotated §§ 33-18-201 et seq., all common-law claims of bad faith, and any claims for attorneys' fees.

Notwithstanding the foregoing, the above-referenced insurers, to the extent those insurers provided or are currently providing coverage to Malmquist in connection with Malmquist's work on the actual building or Malmquist, Archer or Slopeside work on the remediation the Project are not released from their coverage obligation in relationship to that work.

7. No Admission of Liability

It is understood that the settlement sums are accepted and paid as the sole consideration for full satisfaction and accord to compromise disputed claims, and that neither the payment of the sums nor the negotiations for settlement shall be considered as an admission of liability.

8. Apportionment of Payment to Lienholders

The sum of settlement shall be apportioned by Owners to all individuals, owners, companies, agencies, political subdivisions, insurers, financial institutions or attorneys who may have valid liens, rights for reimbursement or rights of subrogation or reimbursement to any of the said funds.

9. No Additional Claims - Exceptions

- a. The Parties represent that no additional claims are contemplated against any other party potentially liable for the losses, damages, and injuries for which this Mutual Release is given, excepting Malmquist's claim against Central Insurance Agency. In the event any of these Parties make any additional claim which directly or indirectly results in additional liability exposure to any other Party for the losses, injuries, and claims for which this release is given, the Party making the claim covenants and agrees to indemnify and save the others harmless from all additional claims and demands, including attorneys' fees and other expenses necessarily incurred.
- b. Notwithstanding the above, this Release shall not apply to potential future claims

directly related to specific work performed by Malmquist, Slopeside and Archer that is part of the Remediation Plan, as more specifically described below:

1. Malmquist: No claims in connection with Malmquist's work performed in furtherance of the Remediation Plan, are subject to this release. All other claims are released.

In addition, Malmquist reserves its insurance related claims against Central Insurance Agency. In the event this claim directly or indirectly results in additional liability exposure to any other Party for the losses, injuries, and claims for which this release is given, Malmquist agrees to indemnify and save the others harmless from all additional claims and demands, including attorneys' fees and other expenses necessarily incurred

2. Slopeside: No claims in connection with Slopeside's work performed in furtherance of the Remediation Plan, are subject to this release. All other claims are released.
3. Archer: No claims in connection with Archer's work, performed in furtherance of the Remediation Plan, are subject to this release. All other claims are released.

10. Future Cooperation

All Parties agree to cooperate fully, to execute any and all additional documents and to take all additional actions that may be necessary or appropriate to give full force and effect to the terms and intent of this Release.

11. Disclaimer

The Parties have carefully read the foregoing, discussed its legal effect with their attorneys, understand the contents thereof, and sign the same of their own free will and accord.

This Release shall be binding upon the Parties' heirs, successors, personal representatives and assigns.

12. Taxation

The Parties' attorneys make no representations about the taxability of any portion of the consideration made in exchange for this Mutual Release. Owners shall bear the sole responsibility for any and all tax consequences related to receipt of its settlement

payment.

13. Severability

Should any provision of this Agreement be determined to be unenforceable, all remaining terms and clauses shall remain in full force and effect and shall be fully severable.

14. Choice of Law

The laws of the State of Montana shall apply to the interpretation of this Agreement.

15. Final Agreement

This written agreement constitutes the final agreement between the Parties and shall supersede any prior oral or written agreements. This Agreement may only be amended in writing.

16. Joint Authorship

This Agreement is the product of the negotiations of the Parties. By virtue of the signature of all Parties herein, this Agreement shall be deemed to have been drafted by all Parties jointly, and any ambiguity herein shall not be construed for or against any Party.

17. Counterparts

This Release and all instruments or documents in accordance herewith may be executed in one or more counterparts or duplicates, and via electronic or facsimile, each of which shall be deemed to be an original copy of the Release and all of which, when taken together, shall be deemed to constitute one and the same release.

Each person executing the Release affirms and warrants that they have all necessary authority to enter this release on behalf of their respective corporation.

DATED this ____ day of June, 2020.

CAUTION: READ BEFORE SIGNING!

Flathead County

By _____

Print _____
Its _____

APPROVED BY:

Attorney for Flathead County

By _____
Tara R. Fugina

CAUTION: READ BEFORE SIGNING!

City of Whitefish

By _____
Print _____
Its _____

APPROVED BY:

Attorney for City of Whitefish

By _____
Angela Jacobs

CAUTION: READ BEFORE SIGNING!

139 East 2nd Street Lofts, LLC

By _____

Print _____

Its _____

APPROVED BY:

Attorneys for 139 East 2nd Street Lofts, LLC.

Johnson, Berg & Saxby, PLLP

By _____
Sarah D. Simkins

DATED this ____ day of June, 2020.

CAUTION: READ BEFORE SIGNING!

TCF Enterprises, Inc. d/b/a Malmquist
Construction

By _____

Print _____

Its _____

APPROVED BY:

Attorneys for TCF Enterprises, Inc. d/b/a Malmquist Construction

Hammer, Quinn & Shaw, PLLC

By _____

Marcel A. Quinn

DATED this ____ day of June, 2020.

CAUTION: READ BEFORE SIGNING!

C&H Engineering and Surveying, Inc.

By _____

Print _____

Its _____

APPROVED BY:

Attorneys for C&H Engineering and Surveying, Inc.

Crowley Fleck PLLP

By _____

Scott D. Hagel

DATED this ____ day of June, 2020.

CAUTION: READ BEFORE SIGNING!

Slopeside Engineering, LLC

By _____

Print _____

Its _____

APPROVED BY:

Attorneys for Slopeside Engineering, LLC

Garlington, Lohn & Robinson, PLLP

By _____

Randall J. Colbert

DATED this _____ day of June, 2020.

CAUTION: READ BEFORE SIGNING!

Archer Excavating, LLC

By _____

Print _____

Its _____

APPROVED BY:

Attorneys for Archer Excavating, LLC

Boone Karlberg, P.C.

By _____

Dean A. Stensland

GENERAL STRUCTURAL NOTES

- PROJECT: WHITEFISH COMMUNITY CENTER
 LOCATION: 121 E. 2ND STREET - WHITEFISH, MT
- THESE DRAWINGS IDENTIFY THE SCOPE OF WORK NECESSARY TO STABILIZE AND LEVEL THE EXISTING FOUNDATION ALONG THE NORTH AND EAST WALL USING HELICAL PIERS. THE ENGINEER HAS NOT ANALYZED THE BUILDING IN PART OR AS A WHOLE AND TAKES NO RESPONSIBILITY FOR THE DESIGN OF THE BUILDING. FOUNDATION STABILIZATION HAS BEEN DESIGNED FOR THE LOADING NOTED IN THE DESIGN LOAD & CRITERIA SECTION ONLY.
 - THE INTERIOR SLAB ON GRADE WILL BE STABILIZED AND VOIDS BELOW THE SLAB WILL BE GROUTED HOWEVER, THE SLAB WILL NOT BE SUPPORTED BY PIERS. IT IS ASSUMED THAT FURTHER SETTLEMENT WILL NOT OCCUR BELOW THE SLAB ONCE THE FOUNDATION IS STABILIZED.
 - CONTRACTOR SHALL VERIFY CONDITIONS AND DIMENSIONS IN THE FIELD AND NOTIFY STRUCTURAL ENGINEER OF ANY MAJOR DISCREPANCIES PRIOR TO PROCEEDING WITH WORK. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES AND SAFETY, AND FOR COORDINATING ALL PORTIONS OF THE WORK.
 - THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING A SAFE PLACE TO WORK AND FOR MEETING THE REQUIREMENTS OF ALL APPLICABLE JURISDICTIONS, INCLUDING OSHA. THE CONTRACTOR SHALL EXECUTE THEIR WORK TO ENSURE THE SAFETY OF PERSONS AND ADJACENT PROPERTY AGAINST DAMAGE BY FALLING DEBRIS AND OTHER HAZARDS ASSOCIATED WITH THE WORK.
 - THE ENGINEER HOLDS NO LIABILITY FOR UNAUTHORIZED CHANGES TO THE CONSTRUCTION DOCUMENTS MADE BY THE OWNER, CONTRACTOR, BUILDING OFFICIAL, OR OTHER INVOLVED PARTY. IF CHANGES ARE NECESSARY CONTACT ENGINEER FOR WRITTEN APPROVAL.
 - GEOTECHNICAL ENGINEER SHALL BE ON SITE TO OBSERVE HELICAL PIER INSTALLATION AND CONFIRM DESIRED CAPACITY HAS BEEN ACHIEVED AND EXTENT OF PIERS IS APPROPRIATE TO MITIGATE FOUNDATION SETTLEMENT. IF ADDITIONAL PIERS ARE NEEDED STRUCTURAL ENGINEER WILL PROVIDE DEMAND REQUIREMENTS.
 - STRUCTURAL ENGINEER SHALL BE ON SITE TO OBSERVE EXISTING FRAMING AFTER FOUNDATION HAS BEEN LIFTED TO CONFIRM THAT FRAMING CONDITIONS ARE SATISFACTORY.

DESIGN LOADS & CRITERIA

- BUILDING CODE: 2012 INTERNATIONAL BUILDING CODE (IBC)
- GRAVITY LOADS:

ROOF	DL: 20 PSF	SL: 60 PSF	TL: 80 PSF
FRAMED WALL	DL: 10 PSF		
FOUNDATION WALL	DL: 350 PLF (8" THICK x 42" TALL)		
FOOTING	DL: 200 PLF (10" THICK x 18" WIDE)		
SLAB ON GRADE	DL: 50 PSF (4" SLAB ON GRADE)		
- WALL LOADING

NORTH WALL: DESIGN TOTAL LOAD = 1,000 PLF
 EAST WALL: DESIGN TOTAL LOAD = 2,400 PLF

HELICAL PIER FOUNDATION

- A. HELICAL PIERS SHALL BE MANUFACTURED BY A.B. CHANCE CO AND INSTALLED BY MONTANA HELICAL PIERS
- B. MATERIALS
- LEAD SECTION: SOLID STEEL, ROUNDED CORNER SQUARE SHAFTS CONFIGURED WITH A MINIMUM OF 2 WELD HELICAL BEARING PLATES
 - EXTENSION SECTION: SOLID STEEL, ROUNDED CORNER SQUARE SHAFT WITH BOLTED COUPLER.
 - ALL COMPONENTS SHALL BE CORROSION PROTECTION BY HOT DIP GALVANIZATION.
 - UNDERPINNING BRACKET:
- C. INSTALLATION:
- INSTALLATION EQUIPMENT SHALL BE CAPABLE OF DEVELOPING THE MINIMUM TORQUE REQUIRED TO MEET THE CAPACITY NOTED ON THE DRAWINGS.
 - MONITOR TORQUE AND DEPTH OF LEAD SECTION THROUGHOUT THE INSTALLATION PROCESS.
 - DOCUMENT THE FINAL DEPTH AND TORQUE ALONG WITH THE CALCULATED CAPACITY OF THE PIER FOR EACH LOCATION.
 - INSTALLED UNDERPINNING BRACKET TO PIER EXTENSION SHAFT AFTER PIER IS TO DESIRED DEPTH AND TORQUE. SECURE UNDERPINNING BRACKET EXISTING FOUNDATION AND PREP FOR LEVELING.

CAST-IN-PLACE CONCRETE

- CONCRETE WORK SHALL BE PERFORMED IN ACCORDANCE WITH ACI 301 "STANDARD SPECIFICATIONS FOR STRUCTURAL CONCRETE" AND IBC STANDARDS UNLESS MORE STRINGENT REQUIREMENTS ARE INDICATED.
- PROVIDE MIX DESIGN REQUIREMENTS AS FOLLOWS:

CLASS A CONCRETE: (LEAN CONCRETE MIX/GROUT)	CONTRACTOR TO SUBMIT PROPOSED MIX DESIGN FOR REVIEW AND APPROVAL
CLASS B CONCRETE: (INTERIOR SLAB-ON-GRADE)	PORTLAND CEMENT ASTM C150 TYPE I / II
	WATER/CEMENT RATIO = 0.5 MAXIMUM (INCLUDES FLY ASH)
	28 DAY FC = 4000 PSI
	ENTRAINED AIR 2% MAXIMUM
	3/4" MAX. NORMAL WEIGHT AGGREGATE
- DURABILITY REQUIREMENTS: PROVIDE TOTAL AIR CONTENT AND MAXIMUM WATER-TO-CEMENTITIOUS-MATERIAL RATIO IN ACCORDANCE WITH EXPOSURE CLASS F2 IN ACCORDANCE WITH ACI 318, CHAPTER 4, PER THE FOLLOWING TABLE. TOLERANCE ON AIR CONTENT AS DELIVERED SHALL BE +/- 1.5%.
- UNAUTHORIZED ADDITIONS TO THE MIX SHALL NOT BE MADE AT THE JOB SITE. BATCH PLANT SHALL PROVIDE MIX DESIGN AND ALLOWABLE WATER QUANTITY TO BE ADDED AT THE JOB SITE. CONCRETE QUALITY, MIXING AND DELIVERY SHALL BE IN ACCORDANCE WITH ASTM C 94.
- DO NOT USE CHLORIDE ADMIXTURES IN CONCRETE.
- ROUGHEN CONCRETE SURFACES OF CONSTRUCTION JOINTS AND AT LOCATIONS WHERE CONCRETE IS CAST AGAINST EXISTING CONCRETE TO 1/4" AMPLITUDE AND CLEAN OF LAITANCE, FOREIGN MATTER, AND LOOSE PARTICLES.

SCOPE OF WORK:

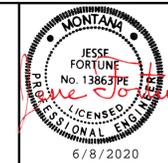
- EXCAVATE ALONG THE NORTH SIDE OF THE BUILDING TO EXPOSE FOOTING AND INSTALL REMAINDER OF THE HELICAL PIERS. REFERENCE IMPROVEMENT PLAN.
- AS NECESSARY, SAW CUT EXISTING SLAB EACH SIDE OF CRACK TO RELIEVE EDGE FOR LIFTING.
- PREPARE INTERIOR OF THE EXISTING STRUCTURE FOR FOUNDATION AND SLAB LIFTING.
- INITIATE LIFTING OPERATION. TAKE CARE TO LIFT FOUNDATION IN SMALL INCREMENTS AND UNIFORMLY AS POSSIBLE TO LIMIT STRESS ON THE FOUNDATION, FRAMING AND FINISHES.
- FILL VOIDS BELOW AND REPAIR INTERIOR SLAB AS NECESSARY. USE GROUT OR HIGH DENSITY POLYURETHANE FOAM TO FILL VOIDS- REFERENCE DETAIL.
- FILL VOIDS BELOW FOOTING AND BACKFILL - REFERENCE DETAIL.
- INSPECT ROOF TRUSSES, ROOF TRUSS CONNECTION TO EXTERIOR WALL, AND EXTERIOR WALL CONNECTION TO FOUNDATION TO MAKE SURE NO STRUCTURAL DEFICIENCIES WERE CREATED WITH THE FRAMING DURING THE SETTLEMENT AND LIFTING OF THE FOUNDATION.
- REPAIR INTERIOR FINISHES AS NECESSARY.

TEMPORARY SHORING PLAN SCOPE:

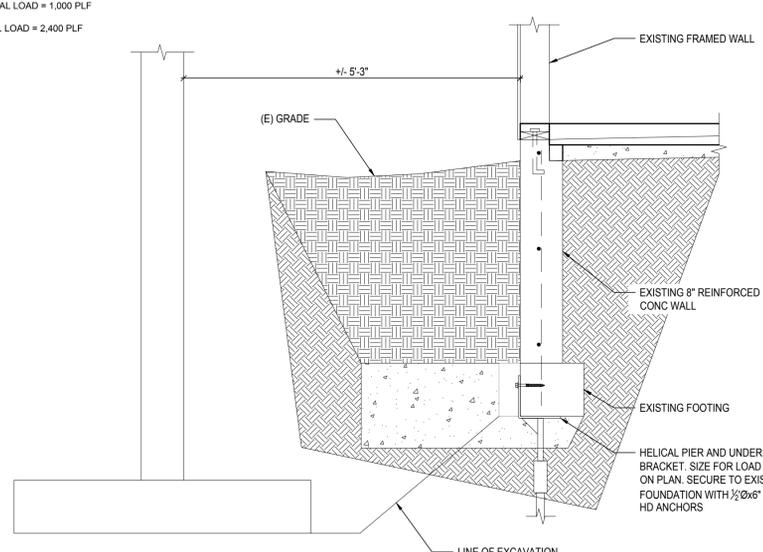
- EXCAVATE ALONG THE EAST WALL BETWEEN THE BUILDINGS TO EXPOSE THE FOUNDATION OF THE COMMUNITY CENTER. INSTALL SHORING PIERS AS NOTED ON THE PLAN. THIS SHEET. INSTALL TEMPORARY BRACING @ 11'-0" OC AS WALL BECOMES EXPOSED.
- FINISH EXCAVATION ALONG THE EAST WALL TO EXPOSE THE FOUNDATION OF THE ADJACENT 139 2ND STREET LOFTS BUILDING. INSTALL HELICAL PIERS ON AS NOTED IN THE IMPROVEMENT PLAN FOR THAT BUILDING.
- ONCE PIERS AT 139 2ND ST HAVE BEEN INSTALLED AND BUILDING LIFTING PHASE IS COMPLETE AT 139 2ND ST, PROCEED TO COMMUNITY CENTER FOUNDATION REPAIR. REFERENCE PERMANENT SCOPE OF WORK PLAN FOR REMAINDER OF WORK.

SHEET INDEX

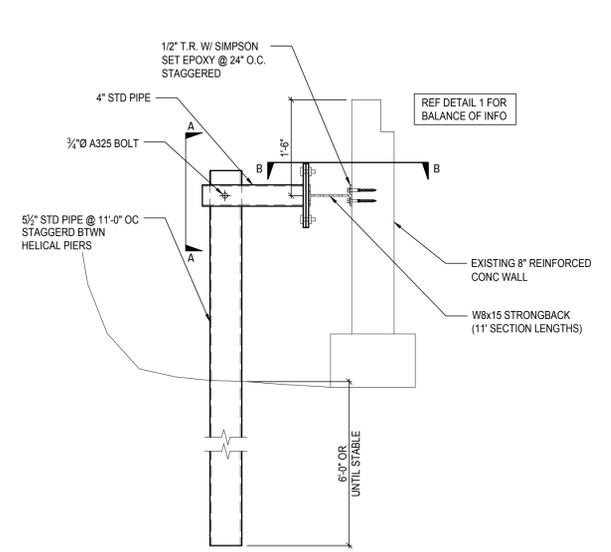
SHEET #	DESCRIPTION
S0	GENERAL NOTES & TEMPORARY SHORING PLAN
S1	FOUNDATION & FRAMING IMPROVEMENT PLAN & DETAILS



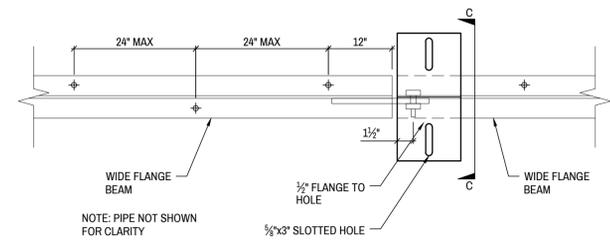
**WHITEFISH COMMUNITY CENTER UPGRADE
 CENTER UPGRADE
 WHITEFISH, MT**



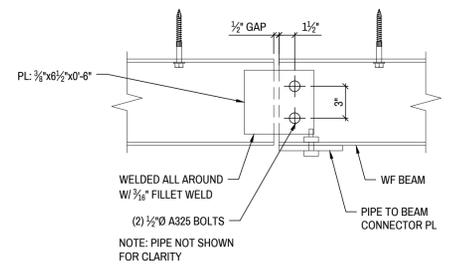
1 HELICAL PIER UNDERPINNING DETAIL
 SCALE: 3/4" = 1'-0"



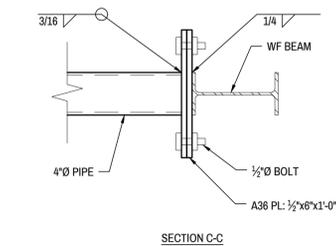
2 TEMP WALL BRACING
 SCALE: 3/4" = 1'-0"



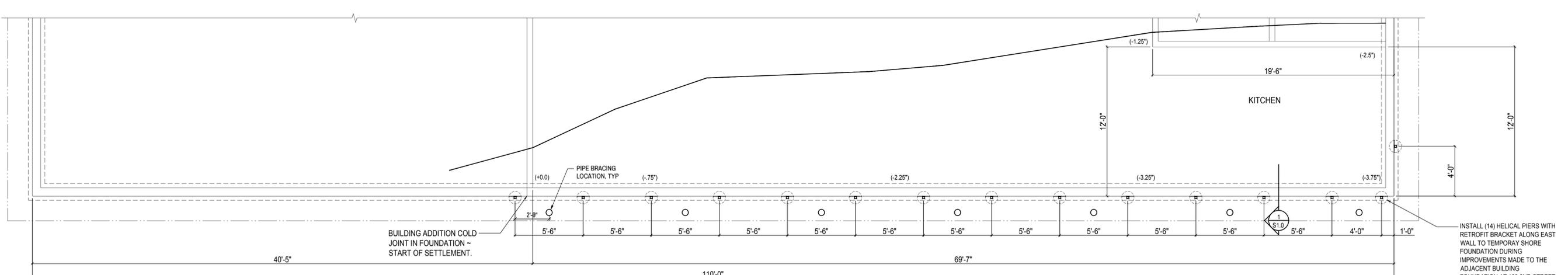
SECTION A-A



SECTION B-B



SECTION C-C



TEMPORARY SHORING PLAN
 SCALE: 1/4" = 1'-0"

INSTALL (14) HELICAL PIERS WITH RETROFIT BRACKET ALONG EAST WALL TO TEMPORARY SHORE FOUNDATION DURING IMPROVEMENTS MADE TO THE ADJACENT BUILDING FOUNDATION AT 139 2ND STREET.
 36,000 LB ULTIMATE

REVISIONS

NO.	DESCRIPTION

GENERAL NOTES & TEMP SHORING PLANS

PROJ. #: 19-07-131
 CHECKED BY: TMB
 DRAWN BY: JMB
 DATE: 06.08.20
 SHEET:

S0



ECLIPSE
ENGINEERING
933 WISCONSIN AVE, SUITE 102
WHITEFISH, MT 59937
ECLIPSE-ENGINEERING.COM
(406) 562-1492

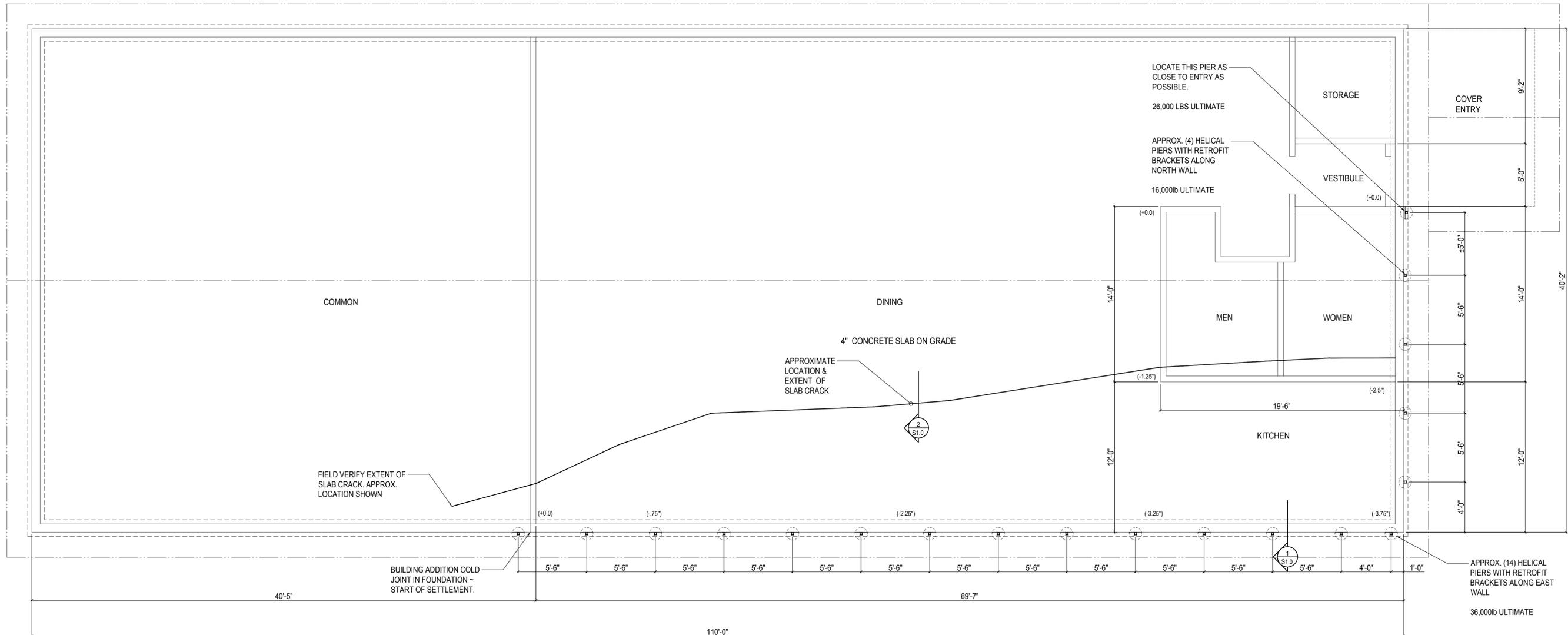
**WHITEFISH COMMUNITY CENTER UPGRADE
CENTER UPGRADE
WHITEFISH, MT**

REVISIONS

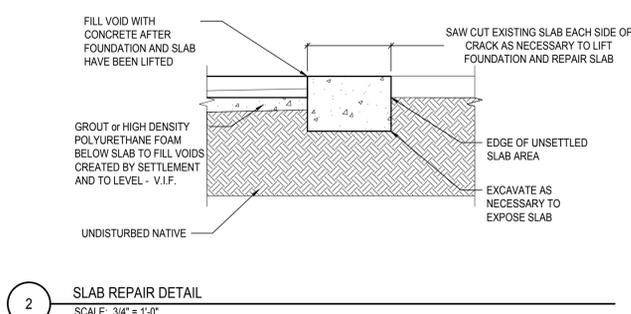
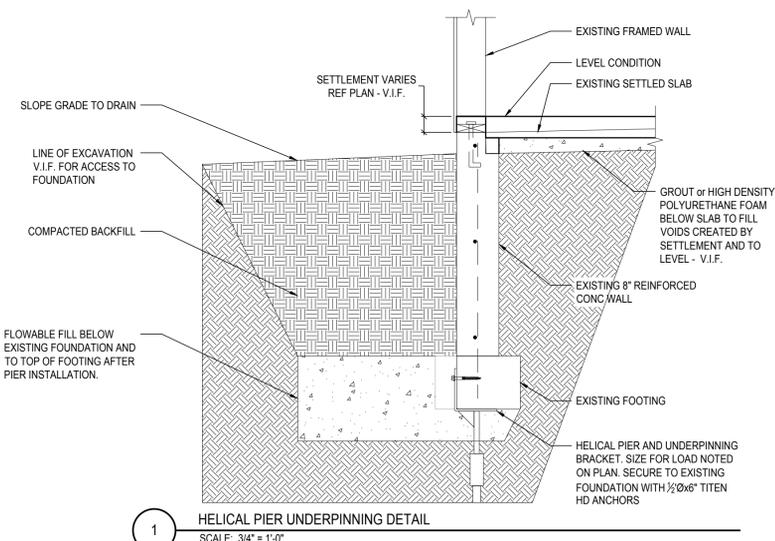
FOUNDATION PLAN & DETAILS

PROJ. # 19-07-131
CHECKED BY: TMB
DRAWN BY: JMB
DATE: 06.08.20
SHEET:

S1



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



(This page left blank intentionally to separate printed sections)

CITY MANAGER'S REPORT

June 9, 2020



PROPOSED FY21 CITY COUNCIL GOALS

A work session on July 6, 2020, has been scheduled for the City Council to review the staff proposed Fiscal Year 2021 City Council Goals. I have included the list of proposed goals with this report and more detailed information is available upon request.

COVID-19 PANDEMIC UPDATE

As of the date of this report, Flathead County has not reported a new case of COVID-19 since the last positive case on April 14th. While reassuring, we must continue to be vigilant in our efforts to prevent the spread in our community as the State reopens and visitors return.

The City and Whitefish Convention and Visitors Bureau continue to work together to provide responsible messaging and marketing. Our new website asking citizens and visitors to support us staying *Clean, Careful, and Connected* is now live! For more information visit the new site at www.WhitefishCovidCares.com. We have provided a link to this site at the top of our city's website and will be hanging a banner above Hwy 93 on Spokane Avenue soon.

I am continuing to work with the Flathead Community Health Center to setup a testing site for voluntary surveillance testing of employees in Whitefish. The Whitefish School District has agreed to allow us to use the Whitefish High School's parking lot starting June 15th for most of the summer. As the program is finalized, we will be providing information to the public.

While many event organizers are canceling events throughout Montana, the City anticipates certain special events to continue this summer. As directed by the Governor, the City will require all special event organizers to work with the Flathead City-County Health Department to ensure their event has put into place all safety measures to meet the Governor's guidelines for Phase Two prior to the City's approval. The Health Department has noted that the turn-around for event reviews is about three days.

With the unknown duration of Phase Two, the need for certain meetings to resume to efficiently and effectively move projects forward, and the ability to physically distance participants in our larger spaces, starting Monday, June 8, 2020 all committees and boards may now elect to meet during Phase Two in person. Physical distancing must be maintained, and a quorum of members must be available and willing to meet. Remote meetings will no longer be utilized for public meetings.

WHITEFISH FIRE SERVICE AREA

On June 3, 2020, Fire Chief Page, City Councilor Sweeney, and I met with two members of the Whitefish Fire Service Area (WFSA) Board and Commissioner Mitchell to discuss our contract and the possibility of future negotiations. We provided clarification about our intentions and responded to questions about the City's budget used to prepare our initial offer. The WFSA Board plans to meet and decide if they will continue contracting with the City for fire services at their next meeting on June 16, 2020. I was encouraged by our discussions and anticipate that we will meet with them the following evening to begin negotiations.

REMINDERS AND OTHER INFORMATION

City Hall will be closed on July 3, 2020, in observation of Independence Day.

NEXT COUNCIL MEETING

The next City Council meeting will be held on Monday, July 6th, in the City Council Chambers. The work session will begin at 5:00 p.m. for the City Council to review goals for Fiscal Year 2021.

Respectfully submitted,



Dana M. Smith, CPA
City Manager

(This page left blank intentionally to separate printed sections)

EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING

This Agreement, entered into this 6th day of July, 2011 by and between the City of Whitefish, a municipal corporation ("City"), and Whitefish Legacy Partners, Inc. ("WLP"), a Montana nonprofit corporation, with respect to the following facts:

A. In November 2004, the City, State of Montana (by and through the Montana Board of Land Commissioners) and Flathead County, adopted the Whitefish Area Trust Lands Neighborhood Plan (Neighborhood Plan) with respect to certain State Trust Lands near the City.

B. The City and WLP (fka Flathead Gateway Partners) have entered multiple agreements since 2005 to accomplish the purposes outlined in the Neighborhood Plan, the most prominent of which has been the development of the Whitefish Trail (fka "Trail Runs Through It").

C. In September 2008, the City and WLP/FGP authorized the establishment of an advisory "Steering Committee" comprised of two WLP-appointed members and two City-appointed members. The committee was charged with overseeing the development of the first phase of the Whitefish Trail (Lion Mountain to Beaver Lake Road), maintaining the City's Land Use License for the Trail with the State of Montana, and developing land conservation strategies on state and other lands. The first phase of the Whitefish Trail system was completed in 2010.

D. Since the primary task of the "Steering Committee" has been completed, the parties seek to reorganize the current committee structure with the Legacy Lands Advisory Committee, as proposed.

E. In December 2008, City, WLP and Michael Goguen entered a supplemental Agreement outlining parties' commitments and obligations. Mr. Goguen agreed to donate funds to achieve the objectives of the Neighborhood Plan, including but not limited to trail construction and maintenance; and acquiring conservation and recreation easements, or other interests. The funds were to be held by the City and disbursed subject to the approval of City and WLP, and were to be turned over by the City to a foundation dedicated to accomplishing the conservation/recreation objectives of the Neighborhood Plan. In addition, the parties agreed to earmark one million dollars to pay for conservation/recreation related transactions on State Trust Lands.

F. Instead of establishing a new foundation, WLP and City wish to use the philanthropic products and services available through the Whitefish Community Foundation, to carry out of the intent of the donor and best achieve the objectives of the December 2008 Agreement.

G. The parties now desire to take steps necessary to invest the donated funds with Whitefish Community Foundation and to establish a public/private advisory

committee to achieve the revenue generating, conservation, and recreation purposes of the Neighborhood Plan.

NOW THEREFORE, WLP and City agree as follows:

1. Allocation of Funds. City and WLP agree to establish and allocate the necessary fund(s) to accomplish the following objectives:

a. **Whitefish Trail System Support Fund:** This endowed fund will be established at the Whitefish Community Foundation with the purpose of providing a permanent annual revenue stream to support basic operations, maintenance and management of the Whitefish Trail system.

b. **Legacy Lands Transaction Fund:** This separate, segregated fund of at least one million dollars will be established at the Whitefish Community Foundation. The purpose of this fund is to cover costs associated with short term, long term and permanent recreation and conservation based transactions on key area lands. These transactions may include the purchase of trail easements, leases, or the purchase of development rights.

c. **Whitefish Trail Grant Fund:** The primary purpose of this allocation of funds is to ensure adequate funds are available to pay for basic planning, design, and construction costs through the term of the Recreational Trails Program (RTP) matching grant awarded in 2010 to WLP for the grant period of 2011 - 2014. The fund will be managed by the City of Whitefish and funds will be disbursed subject to the approval of City and WLP. At the expiration of the term of the RTP grant, the parties will decide how to allocate remaining funds, if any.

2. Legacy Lands Advisory Committee. City and WLP agree to revise the purpose, mission, and name of the Steering Committee, in order to implement other aspects of the Neighborhood Plan. The Steering Committee shall now be known as the "Legacy Lands Advisory Committee."

a. **Purpose:** To advise and assist City and WLP in achieving the recreation, conservation, and revenue goals of the Neighborhood Plan.

b. **Composition:** The City and WLP will each appoint two members to the Legacy Lands Advisory Committee. The City Council will appoint the City's two members who may be the Mayor and one Councilor or two Councilors. The WLP shall appoint the WLP's two members from its Board of Trustees.

c. **Responsibilities:**

i. Develop and implement an annual work plan, approved by City and WLP, to achieve the goals and objectives of the Neighborhood Plan.

ii. Assist in the development and implementation of the Neighborhood Plan, and sub-plans, including the "Trail Runs Through It" Master Plan,

and the proposed Beaver/Spencer/Swift Forest, Recreation and Conservation Management Plan.

iii. Engage the technical expertise from their respective staffs and the Montana Department of Natural Resources and Conservation, Montana Fish, Wildlife & Parks and other key stakeholders in its process.

iv. Advise and assist with strategies, proposals and transactions to implement other land conservation goals of the Neighborhood Plan and to protect watershed values for Whitefish.

v. Oversee and provide input on the planning, design, construction and management of the Whitefish Trail and related recreation facilities.

vi. Review and consider proposed projects within the Neighborhood Plan area.

vii. Meet monthly and establish a regular meeting day/date each month; making decisions by a majority vote of at least three of its members. All meetings shall be open to the public as provided by Montana law.

viii. Develop and adopt Legacy Lands Advisory Committee's working rules, policies and operating guidelines to define respective responsibilities among the public and private partners, with a clearly-defined method of resolving disputes between partner members.

ix. Partner members have no authority to obligate any partner to the expenditure of funds or to enter binding contractual obligations without the express, prior written consent of all partner members.

x. Legacy Lands Advisory Committee may form other standing and ad hoc working committees.

3. Whitefish Trail Operations Committee. Legacy Lands Advisory Committee will establish a four member Whitefish Trail Operations Committee (WTOC) made up of two current members of the Legacy Lands Advisory Committee (one City appointee and one WLP appointee), the City Director of Parks & Recreation, and the Executive Director of WLP, or its designee.

a. **Purpose:** The purpose of the WTOC will be to oversee the Whitefish Trail and advise and inform the Legacy Lands Advisory Committee on the planning, design, construction and management of the Whitefish Trail and related recreation facilities.

b. **Meetings:** The WTOC will meet monthly and establish a regular meeting day/date each month; making its decisions by a majority vote of at least three of its members. All meetings shall be open to the public as provided by Montana law.

4. Transaction Partnership: City and WLP will continue its long-standing

cooperative venture which optimizes the unique attributes each entity brings toward accomplishing the goals of the Neighborhood Plan.

a. **City Contribution:** The City's primary contribution to the Legacy Lands and Whitefish Trail projects shall be in the form of legal status as a municipality under Montana law, time, non-financial resources, and the professional talents of its staff. The City's standing as a municipal entity provides stability, predictability and access to public sector resources. The City may, but is not required to, contribute funds to the Legacy Lands/Whitefish Trail effort. No funds will be contributed by the City without specific City Council approval. The City shall be the primary applicant in any pre-application or application filed with the Montana Department of Natural Resources and Conservation to develop the Whitefish Trail or to conserve state trust lands. The City shall be responsible for providing appropriate public notice and conducting any necessary public hearings.

b. **WLP Contribution:** WLP shall also contribute the time and professional talents of its board, officers, and agents. In furtherance of such fundraising efforts, WLP shall at all times maintain its qualification with the Internal Revenue Service as a Section 501(c)(3) tax-exempt entity.

c. **Public/Private Collaboration:** City and WLP will develop a partnership agreement outlining the roles and responsibilities of each party in achieving the conservation and recreation objectives of the Neighborhood Plan.

5. Necessary Acts. Each party to this Agreement agrees to perform any further acts and execute and deliver any further documents that may be reasonably necessary to carry out the provisions of this Agreement.

6. Counterparts. This Agreement may be executed in one or more identical counterparts, all of which shall together constitute one and the same instrument when each party has signed one such counterpart.

7. Entire Agreement. This Agreement contains the entire agreement of the parties hereto, and supersedes any prior written or oral agreements between them concerning the subject matter contained herein.

8. Governing Law. The construction of this Agreement, and the rights and liabilities of the parties hereto, shall be governed by the laws of the State of Montana.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement on the date set forth above.

CITY OF WHITEFISH

WHITEFISH LEGACY PARTNERS, INC.

By: 
Charles C. Stearns, City Manager

By: 
Lindsay Akey, Chair

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
 Planning & Building Dept
 418 E 2nd St | PO Box 158
 Whitefish, MT 59937
 Phone: 406-863-2460
 Fax: 406-863-2419

File #: _____
 Date: _____
 Intake Staff: _____
 Check #: _____
 Amount: _____
 Date Complete: _____

FINAL PLAT APPLICATION

FEE ATTACHED \$ 4974⁰⁰
 (see current fee schedule)

INSTRUCTIONS:

- Submit the application fee, a complete application, with appropriate attachments, to the Whitefish Planning & Building Department no less than **ninety (90) days** prior to expiration date of the preliminary plat.
- When **all** application materials are submitted to the Planning & Building Department, and the staff finds the application is complete, the staff will submit a report to the City Council. Incomplete submittals will not be accepted and will not be forwarded to the Council for approval. Changes to the approved preliminary plat may necessitate reconsideration by the Planning Board.
- The regularly scheduled meetings of the City Council are the first and third Mondays of each month at 7:10PM in the Council Chambers at 418 E 2nd Street.

A. PROJECT INFORMATION:

Project/Subdivision Name: Colorado View Subdivision
 Legal Description of the Property: E 1/2 E 1/2 Lot 1 Block 6 Whitefish Townsite
 Date of Preliminary Plat Approval: MARCH 4, 2019 COMPANY FIVE AVE TRACTS
 NW 1/4 SE 1/4 SEC. 25, T31
 R 22 W

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.

[Signature]
 Owner's Signature**

5/29/2020
 Date

FRANK ZOCHO JR
 Print Name

[Signature]
 Applicant's Signature

5/29/2020
 Date

FRANK ZOCHO JR
 Print Name

 Representative's Signature

 Date

 Print Name

**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.

B. APPLICATION CONTENTS:

All applicable items required by *Appendix C: Final Plat Contents* of the Whitefish Subdivision Regulations must be submitted with the application for final plat including the following. Check items attached or not applicable.

Not
Applicable Attached

(MUST CHECK ONE)

- | | | |
|--------------------------|-------------------------------------|---|
| Required | <input checked="" type="checkbox"/> | Electronic version of the entire application and supplemental information (i.e. pdf) |
| Required | <input checked="" type="checkbox"/> | Cover letter listing each condition of approval and individually state how each condition is specifically met. In cases where documentation is required, such as an engineer's certification, State Department of Health certification, etc., original letters shall be submitted. Blanket statements stating, for example, "all improvements are in place" are not acceptable. |
| Required | <input checked="" type="checkbox"/> | Montana DEQ Health Department Certification (<i>Original</i>) |
| Required | <input checked="" type="checkbox"/> | Title Report, not more than 90 days old |
| Required | <input checked="" type="checkbox"/> | Tax Certification (<i>Property taxes must be paid</i>) |
| <input type="checkbox"/> | <input type="checkbox"/> | Consent(s) to Plat (<i>Originals and notarized</i>) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Engineer's Certification (<i>Original</i>) |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Subdivision Improvements Agreement (<i>Attach collateral</i>)</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Engineering Improvements (<i>sidewalks, walkways, street lights, street signs, solid waste facilities, utilities</i>) |
| <input type="checkbox"/> | <input type="checkbox"/> | Landscaping Improvements (<i>landscaping, street trees, parkland improvements – trails, park facilities,)</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Parkland Cash-in-Lieu (<i>Check attached payable to City of Whitefish</i>) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Maintenance Agreement (<i>as applicable: stormwater facility, private roads, parks, etc</i>) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Articles of Incorporation and Conditions, Covenants & Restrictions |
| <input type="checkbox"/> | <input type="checkbox"/> | Original Legacy Home deed(s) ready for City Manager signature |
| <input type="checkbox"/> | <input type="checkbox"/> | Approach Permit (<i>when applicable</i>) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Plat: One (1) 24x36 paper copy and two (2) mylars signed by all owners of record, the surveyor, and the examining land surveyor. |

****NOTE:** Please be advised that the County Clerk & Recorder and the City of Whitefish request that all subdivision final plat applications be accompanied with digital copies.

**A digital copy of the final plat in an AutoCAD file format (.dwg), consisting of the following layers:

1. Exterior boundary of subdivision
2. Lot or park boundaries
3. Easements
4. Roads or rights-of-way
5. A tie to either an existing subdivision corner or a corner of the public land survey system

C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: FNB INVESTMENTS, LLC Phone: 503-740-9394
Mailing Address: P.O. Box 1961
City, State, Zip: SEASIDE, OR 97138
Email: ZOLFLAND@DSL.COM

APPLICANT (if different than above):

Name: _____ Phone: _____
Mailing Address: _____
City, State, Zip: _____
Email: _____

OTHER TECHNICAL/PROFESSIONAL:

Name: Brent Foley Engineering Phone: 406-291-3331
Mailing Address: 26 Ullrich Loop Rd
City, State, Zip: KATISNAE MT 59901
Email: Brent@Foleyeng.com

D. GENERAL DESCRIPTION OF SUBDIVISION

PROJECT DESCRIPTION:

Type of Subdivision: Residential Industrial Commercial PUD Other _____
Total Number of Lots in Subdivision: 12
Land in Project (acres): 1.174 Parkland (acres): 1.254
Cash-in-Lieu: \$ 43026.37 Exempt
Legacy Homes # of units: _____ rent _____ own Alternative Option Exempt

NUMBER OF LOTS BY TYPE:

Single Family: 2 Townhouse: 10 Mobile Home Park: _____
Duplex: _____ Apartment: _____ Recreational Vehicle Park: _____
Commercial: _____ Industrial: _____ Planned Unit Development: _____
Condominium: _____ Multi-Family: _____ Other: _____

FNB Investments, LLC
PO Box 1961
Bend, OR 97709

City of Whitefish
418 E. 2nd St.
Whitefish, MT 59937

May 27, 2020

RE: Colorado View Subdivision
Condition of Approval
Checklist

Dear Wendy,

Attached is a list of how the conditions of approval for the Colorado View Subdivision were met:

1. Per the Colorado View staff report preliminary plat WWP-18-16, dated February 14, 2019, pages 8-9 confirm the subdivision complies with whitefish subdivision regulations and platting act.
2. Per submitted final plat, the proposed final plat of the subdivision conforms substantially with the approved preliminary plat, site plans and elevations
3. Engineered plans for Colorado view subdivision has been submitted and approved by the whitefish public works department fall 2019. The improvements and developments have been designed by Foley engineering, a licensed engineer in the state of Montana, In accordance with the city of whitefish is designed and construction standards
4. A detailed engineer design had been submitted and approved by public works in the fall 2019 by Foley engineering. Through review of drainage plans, The density and a number of building lots did not change. Lot #2 area size needed to change for final plat. Accommodations for the drainage facility and retentions needs were designed and approved according to the City of Whitefish engineering standards
5. Prior to any groundbreaking activities, A set of plans outlying dust abatement, hours of construction activity, noise abatement and erosion control, etc was submitted and approved by public works and the planning/building departments
6. A engineering design approval and certificate of subdivision approval via a Municipal Facilities Exclusion was issued by DEQ and written approval by Whitefish Public Works Approving stormwater drainage, water and sewer facilities is provided within this package
7. A geotechnical report, dated 7/22/19 is provided by Td&H engineering and addresses groundwater
8. The existing driveway approach on Colorado Avenue has been removed and revegetated. Installation of new curb and gutter along Colorado Avenue has been installed. One tree, per parks request will be planted in the new Boulevard Strip. Two additional trees have been planted where one larger tree had been removed in fall 2019 from planting strip.
9. Areas disturbed because of construction activities will be monitored for reseeding as necessary. All noxious weeds will continue to be removed throughout the life of the development by recorded property owner or HOA.
10. Cash in lieu of Parkland dedication is provided in the amount of 11% of net acreage. 1.14 net acreage provided by surveyor. \$43026.37 due at time of final plat application

11. A tree preservation plan has been provided, protecting five remaining trees. HOA agrees that replacement trees to remain healthy for not less than five years. The plan is included in the CC&R's provided
12. Driveway/private access road has been included in this designed and approved by the city of whitefish public works department. Per recommendation of the public works director, a Subdivision improvement agreement has been suggested for this request. An estimate of improvements remaining to be completed has been provided within the SIA along with a guarantee in the amount of 125% of the estimated cost of remaining improvements.
13. Per city Council's request, a sidewalk has been constructed along Denver street frontage. A subdivision improvement agreement is also attached for the deferral of the 20' approach section of sidewalk.
14. All lots comply on final plat with required minimum lot area identified in the zoning regulations.
15. City clerk has assigned addresses to the subdivision for final plat
16. Per request, the required notes are labeled and placed on the face of the final plat pertaining to house numbers, noxious weeds, garbage storage, 2012 international wildland urban interface code and internal road information
17. A mail facility is being provided by the developer with approval by the post office master. Please see attached email
18. Individual garbage and recycling carts will be stored within garages. no outdoor storage will be needed. Operations supervisor with garbage company agrees to individual cart pickup. Please see attached email
19. Long term maintenance of open spaces, weed management plan, Stormwater management facility plan and private access road maintenance all included in provided CC&R's
20. Final plat is being requested within the three year period from preliminary plat approval by Council.

**SUBDIVISION IMPROVEMENT AGREEMENT
COLORADO VIEW SUBDIVISION**

THIS AGREEMENT, made and entered into this 28th day of MAY, 2020, by and between **FNB Investments, LLC**, hereinafter called the Subdivider, and the City of Whitefish, State of Montana:

WHEREAS, subdivisions are subject to the provisions of Title 76, Chapter 3, Parts 1 through 6, M.C.A., said provisions being known as the "Montana Subdivision and Platting Act," hereinafter referred to as the Act: and,

WHEREAS, the Act requires that Governing Bodies adopt and provide for the enforcement of subdivision regulations; and,

WHEREAS, the Governing Body of Whitefish, being the City Council, has adopted a body of ordinances entitled "Whitefish Subdivision Regulations" hereinafter referred to as the Regulations; and,

WHEREAS, the regulations provide that:

- A. One of the conditions which must precede approval of the final plat of a subdivision by the Governing Body is an approved guarantee of completion of public improvements which are described and provided for in the subdivision plat.
- B. The Regulations authorize various alternative methods of effecting the necessary and prerequisite guarantees and one such method is a written agreement between the Subdivider and the Governing Body; and,

WHEREAS, it is the intent and purpose of both Subdivider and Governing Body to hereby enter into an agreement which will guarantee the full and satisfactory completion of all public improvements within the subdivisions hereinafter described and by this agreement to satisfy the public improvement guarantee conditions for final plat approval.

THEREFORE, it is covenanted and agreed as follows:

This agreement pertains to and includes the proposed subdivision which is designated and identified as **Colorado View Subdivision**.

This agreement specifically includes the following improvements described on Exhibit "A" attached hereto and incorporated herein by reference, their projected construction completion date and estimated construction costs. All such improvements shall be done in a workman-like manner and shall be completed by **June 30, 2021**, a date at least sixty (60) days before the expiration of the collateral held by the City of Whitefish. Exhibit "A" includes a certification by an engineer licensed in the state of Montana to the effect that it represents a comprehensive and detailed list of all incomplete items and their actual cost, and that all information contained on it is true and accurate.

As a guarantee of performance to install the above designated improvements, the Subdivider hereby and concurrently with the subscription and execution of this agreement and the City's Subdivision Regulations which require that a subdivider shall provide a financial security of 125% of the estimated total cost of construction of said improvements, provides the City of Whitefish, Montana with a guarantee in collateral in the amount of \$ 79246.56.

The Subdivider does hereby confirm that said guarantee is from a bank or other reputable institution or individual and acceptable to the Whitefish City Council. This guarantee shall be deposited with the City of Whitefish and certify to the following:

- a. That the creditor guarantees funds in an amount equal to the cost, as estimated by the Subdivider, and approved by the governing body, of completing the required improvements.
- b. That if the Subdivider fails to complete the specified improvements within the required time period, the creditor will pay to the City of Whitefish immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit given in the letter.
- c. That this letter of credit may not be withdrawn, or reduced in any amount, until released by the City of Whitefish, Montana.

Performance by the Subdivider of the covenants set out in this agreement and in conformance with the time schedule set forth in this agreement is the essence; accordingly, the Subdivider expressly understands and agrees that failure to meet the time schedule to the specifications described herein shall be deemed to be a breach to this agreement. The Subdivider hereby waives any notice of breach.

Upon any breach of this agreement as herein defined, the Subdivider shall be subject to the penalties and enforcement outlined in the Regulations.

In consideration of the covenants and acts of the Subdivider, the Whitefish City Council does hereby agree that the public improvement guarantee provision has been satisfied for **Colorado View Subdivision**, which is the subject of this agreement, provided that nothing herein shall be construed to be final plat approval or assurance of final plat approval.

This agreement shall inure to the benefit of and be binding upon any successors in interest, heirs, or assignees.

IN WITNESS WHEREOF, the parties to this agreement have executed the same on the day and year first above written:

FNB Investments, LLC

By: 
Frank Zolfo, Managing Member

EXHIBIT A

COLORADO VIEW SUBDIVISION
Subdivision Improvements Agreement
Cost Estimate of Items Remaining to be Completed
May 29, 2020

Item #	Item Description	Quantity	Units	Unit Cost	Total Cost
Sitework					
1	Embankment and Site Grading:	1	L.S.	\$8,000.00	\$8,000.00
2	6" Concrete Drive Section	100	S.F.	\$10.00	\$1,000.00
3	Curb & Gutter	324	L.F.	\$19.50	\$6,318.00
4	Private Access Road/Driveway Asphalt Paving	7985	S.F.	\$2.25	\$17,966.25
5	10" of 1 1/2" Minus Subbase Gravel	288	C.Y.	\$38.00	\$10,944.00
6	4" of 3/4" Minus Base Gravel	108	C.Y.	\$32.00	\$3,456.00
7	Woven Geotextile	1042	S.Y.	\$1.50	\$1,563.00
8	Mail Facility Cluster Boxes	1	L.S.	\$500.00	\$500.00
Dry Utilities					
9	Single Phase Electrical Vaults:	2	E.A.	\$1,200.00	\$2,400.00
10	3" Electrical Conduit w/ Trench:	385	L.F.	\$10.00	\$3,850.00
11	Flathead Electric Service Cost	1	L.S.	\$7,400.00	\$7,400.00

TOTAL AMOUNT OF WORK REMAINING: \$63,397.25

125% BONDING AMOUNT: **\$79,246.56**

As Engineer for the Colorado View Subdivision I certify that this schedule is, to the best of my knowledge, representative of the required work remaining to satisfy preliminary plat conditions at this date, these are sound estimates of cost, and the improvements completed to-date have been done so in substantial conformance with the approved plans and specifications. Improvements are to be completed by June 30, 2021.

Signed: _____



Brent Foley, P.E.

Foley Engineering, Inc.
26 Village Loop
Kalispell, MT 59901

Date: _____

5/29/20





September 24, 2019

Brent Foley, PE
Foley Engineering
26 Village Loop
Kalispell, MT 59901

Re: **City of Whitefish – PWSID#MT000357**
Colorado View Subdivision – Sanitary Sewer Main Extension
EQ#20-1135 Approval

Dear Mr. Foley:

Thank you for the plans and specifications and engineering report for the proposed sewer main extension associated with the Colorado View subdivision in Whitefish, received August 12 – September 13, 2019, under the Professional Engineer's seal of Brent Foley, #49474PE. The sewer main extension was reviewed in accordance Circular DEQ-2 design standards, 2016 Edition. City of Whitefish approval was received on September 13, 2019.

The Colorado View Subdivision development received approval of the Municipal Facility Exclusion on September 24, 2019, referenced by EQ#20-1136. As such, the City of Kalispell is responsible for the on-site storm water runoff review within this development.

The plans and specifications for the sanitary sewer main proposed in Colorado View, received September 13, 2019, are hereby approved. One copy of the plans and specifications bearing the approval stamp of the Department of Environmental Quality is enclosed. A second set will be retained as Department Record.

The Colorado View Subdivision is proposed to serve 12 residential lots (2 single family and 10 townhomes). The existing water main located in Colorado Ave and Denver Street will serve the development through 12 direct service connections.

The sanitary sewer main extension includes installation of: approximately 300 feet of 8-inch diameter gravity sewer main (SDR 35 PVC), 2 new manholes and connection to one existing manhole in Denver Street. 12 residential service connections are planned as a part of this project.

Approval is given with the understanding that any deviation from the approved plans and specifications will be submitted to the Department for reappraisal and approval. The project may not be placed into service until the project engineer or designer certifies by letter to the Department that the activated portion of the project was constructed in substantial accordance with the plans and specifications approved by the Department and there are no deviations from the design standards other than those previously approved by the department. Within 90 days after the completion of construction, a complete set of certified "as-built" drawings must be signed and submitted to the department.

It is further understood that construction will be completed within three years of this date. If more than three years elapse before completing construction, plans and specifications must be resubmitted and approved before construction begins. This three-year expiration period does not extend any compliance schedule requirements pursuant to a Department enforcement action against a public water or sewage system.

City of Whitefish – PWSID#MT000357
Colorado View Subdivision – Sanitary Sewer Main Extension
EQ#20-1135 Approval
September 24, 2019
Page 2 of 2

Department approval of this project covers only those portions of the plans and specifications that are subject to the Department's review authority under the Public Water Supply Laws (MCA 75-6) and the Administrative Rules promulgated thereunder (ARM 17.38). This approval does not cover items found within the plans and specifications that are outside of the Department's review authority, including but not limited to: electrical work, architecture, site grading or water and sewer service connections.

Thank you for your efforts regarding this submittal. If you have any further questions, please contact me at (406) 755-8979 or egillespie@mt.gov

Sincerely,



Emily J. Gillespie, P.E.
Engineering Bureau

C: FNB Investments, P.O. Box 1961, Bend, OR 97709
Craig Workman, City of Whitefish Public Works
Wendee Jacobs, Flathead County Environmental Health
MDEQ Plan Review File



September 24, 2019

Brent Foley
Foley Engineering
26 Village Loop
Kalispell MT 59901

RE: Final Plat of Colorado View Subdivision
Municipal Facilities Exclusion
EQ# 20-1136
City of Whitefish
Flathead County

Dear Mr. Foley;

This is to certify that the information and fees received by the Department of Environmental Quality relating to this subdivision are in compliance with 76-4-127, MCA. Under 76-4-125(1)(d), MCA, this subdivision is not subject to review, and the plat can be filed with the county clerk and recorder.

Plans and specifications must be submitted when extensions of municipal facilities for the supply of water or disposal of sewage are proposed 76-4-131. Construction of water or sewer extensions prior to DEQ, Public Water Supply Section's approval is prohibited, and is subject to penalty as prescribed in Title 75, Chapter 6 and Title 76, Chapter 4.

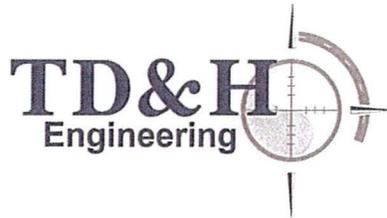
Sincerely,

A handwritten signature in blue ink that reads "Rachel Clark".

Rachel Clark
Department of Environmental Quality
Engineering Bureau
Public Water & Subdivision Review
(406) 444-6722
email rclark@mt.gov

cc: City Engineer
County Sanitarian
Owner
file

450 Corporate Drive
Suite 101
Kalispell, MT 59901



406.751.5246
tdhengineering.com

July 19, 2019

Mr. Frank Zolfo
FNB Investments, LLC
PO Box 1961
Bend, OR 97798-1961



RE: COLORADO AVENUE – WHITEFISH, MONTANA
TD&H ENGINEERING JOB NO. K19-055

Dear Mr. Zolfo,

Per your request, TD&H Engineering completed a geotechnical investigation of the proposed development located on the southwest corner of the intersection between Denver Street and Colorado Avenue in Whitefish, Montana. This letter is intended to summarize the findings of our field investigation and provide a recommended pavement section for use on the project

FINDINGS

As part of our field investigation, two test pits were excavated within the project limits to a depth of 8.2 feet each. The test pits were logged by our field engineer and samples sent to our AASHTO accredited laboratory in Great Falls for processing. In general, both test pits consisted of sandy lean clay topsoil for the uppermost 0.5 to 0.8 feet. The topsoil is underlain by lean clay which extends to depths of 5.7 and 5.6 feet, respectively, for TP-1 and TP-2. The lean clay is underlain by sandy silt in both test pits. The sandy silt zone in TP-1 was relatively thin, and the materials transitioned to poorly-graded sand with silt at a depth of 6.2 feet. This material continued throughout the remainder of the excavation depth. Test pit TP-2 remained in the sandy silt throughout its excavation depth and did not encounter similar poorly-graded sands. Ground water was not encountered in either of these test pits within the depth of excavation. These conditions are generally consistent with our work performed in early 2019 on the adjacent property.

Laboratory testing included measurements of soil moisture, a single gradation, one Atterberg Limits test, and a standard proctor test. Soil moistures of the topsoil were measured at 21.4 and 33.6 percent and reflect the high concentration of organic material within these samples. The underlying lean clay exhibited moisture contents ranging from 14 to 28 percent, while the underlying sandy silt ranged from 23 to 30 percent. The poorly-graded sand with silt encountered in TP-1 exhibited moisture contents of 6 to 8 percent. A bulk sample of the lean clay obtained from TP-1 was tested and contained no gravel, 3.3 percent sand, and 96.7 percent fines. The fines portion was classified as lean clay based on the Atterberg Limits analysis which indicated a liquid limit of 44 percent and a plasticity index of 23 percent. A proctor test performed using the standard method outlined in ASTM D698 resulted in a maximum dry density for this material of 101.6 pounds per cubic foot (pcf) when compacted at the optimum moisture content of 20.2 percent.

ENGINEERING ANALYSIS

The on-site soils and ground water conditions are not anticipated to pose a significant engineering risk to the proposed project provided the infrastructure is properly designed and construction utilizes the typical standard of care of the industry. Proper compaction and subgrade preparation will be critical to the long-term performance of the site development and future structures within the subdivision. Based on our limited geotechnical scope for this project, we anticipate the use of conventional foundation systems complying with the minimum building code requirements to be feasible for small single-story structures. If larger buildings are considered, they may warrant subsurface improvements or alternative foundation systems to mitigate potential settlement of the fine-grained clay. Our investigation was not intended to evaluate foundation performance or provide recommendations for the design and construction of buildings. Thus, additional investigation and evaluation is warranted for all building construction within this development area to assess site-specific engineering concerns and provide recommendations suitable for each building.

Pavement Section

Our geotechnical scope of work for this project was limited to the assessment of the subsurface conditions and preparation of geotechnical recommendations pertaining to the pavement systems required for the development. A pavement section is a layered system designed to distribute concentrated traffic loads to the subgrade. Performance of the pavement structure is directly related to the physical properties of the subgrade soils and the magnitude and frequency of traffic loadings. Pavement design procedures are based on strength properties of the subgrade and pavement materials, along with the design traffic conditions. Traffic information was not available at the time of this report. We have assumed that traffic for the development will be limited to passenger-type vehicles with occasional mid-size truck traffic associated with trash collection and deliveries. This project is not anticipated to include any main truck routes that would warrant consideration of large commercial traffic. Based on these assumptions, use of a minimum design equivalent single axle load (ESAL) of 50,000 is generally sufficient.

The potential worst-case subgrade material is the lean clay which is classified as an A-7-6 soil in accordance with the American Association of State Highway and Transportation Officials (AASHTO) classification. AASHTO considers this soil type to be a poor subgrade material due to its poor drainage properties and reduced strength when wetted. Typical California Bearing Ratio (CBR) values for this type of soil range from 3 to 5 percent. As part of the pavement construction, it will be necessary to properly compact the subgrade soils prior to placing fill material associated with the pavement section. This often requires moisture conditioning of the subgrade stratum which should incorporate scarification for similar fine-grained soils.

Our analysis of the pavement system was performed using the AASHTO design equation and an assumed CBR value of 3 percent along with our pavement design experience in the Whitefish area. The inclusion of a separation geotextile consisting of a woven Mirafi 500X or equivalent product should be considered between the fine-grained clay subgrade and the pavement section gravels. This will help to prevent the loss of aggregate into the subgrade, the transfer of fines into the base

course gravels, and prolong the life expectancy of the pavement system. However, the Mirafi 500X is not intended to provide any stabilization of the subgrade and areas which encounter weak or non-compactible materials may require additional base course thickness or use of stronger stabilization geotextiles.

RECOMMENDATIONS

1. All topsoil and organic material should be removed from the proposed building and pavement areas and any areas to receive site grading fill. For planning purposes, a minimum stripping thickness of 6 inches should be sufficient to remove the majority of the organic material; however, thicker stripping depths may be warranted in localized areas to remove all detrimental organics as determined once actual stripping operations are performed.
2. All fill and backfill should be non-expansive, free of organics and debris and should be approved by the project geotechnical engineer. The on-site soils, exclusive of topsoil, are suitable for use as general site grading fill on this project. All fill should be placed in uniform lifts not exceeding 8 inches in thickness for fine-grained soils and not exceeding 12 inches for granular soils. All materials compacted using hand compaction methods or small walk-behind units should utilize a maximum lift thickness of 6 inches to ensure adequate compaction throughout the lift. All fill and backfill shall be moisture conditioned to near the optimum moisture content and compacted to the following percentages of the maximum dry density determined by a standard proctor test which is outlined by ASTM D698 or equivalent (e.g. ASTM D4253-D4254).

- a) Below Streets 95%
- b) General Landscaping or Nonstructural Areas..... 90%

3. The following pavement section or an approved equivalent section should be selected in accordance with the discussions in the Engineering Analysis.

Pavement Component	Component Thickness
Asphaltic Concrete Pavement	3"
Crushed Base Course	12"
Total	15"

4. Gradations for the crushed base courses shall conform to Section 02235 of the Montana Public Works Standard Specifications (MPWSS). All gradations outlined in this specification are acceptable for this application based on the local availability and contractor preference.
5. Where the existing grades will be raised more than the thickness of the pavement section, all fill should be placed, compacted and meet the general



requirements given in Item 2 above.

6. The asphaltic cement utilized on this project should be a Performance Graded PG 58-28 binder. This oil is the most commonly available product in the local market which will provide a reasonable pavement reliability. Alternative oil grades are not warranted for this project.
7. A geotextile is recommended between the pavement section and the prepared clay subgrade to prevent the migration of fines upward into the gravel and the loss of aggregate into the subgrade. A Mirafi 500X or equivalent geotextile is appropriate.

LIMITATIONS

This report has been prepared in accordance with generally accepted geotechnical engineering practices in this area for use by the client for design purposes. The findings, analyses, and recommendations contained in this report reflect our professional opinion regarding potential impacts the subsurface conditions may have on the proposed project and are based on site conditions encountered. Our analysis assumes that the results of the exploratory test pits are representative of the subsurface conditions throughout the site, that is, that the subsurface conditions everywhere are not significantly different from those disclosed by the subsurface study. Unanticipated soil conditions are commonly encountered and cannot be fully determined by a limited number of test pits and laboratory analyses. Such unexpected conditions frequently require that some additional expenditures be made to obtain a properly constructed project. Therefore, some contingency fund is recommended to accommodate such potential extra costs.

Our scope of work excluded the consideration of building foundations within the subdivision limits; thus, no laboratory testing or analysis was performed regarding potential structures. Based on our experience, we do not anticipate the need to specialized foundation systems on this project; however, additional geotechnical engineering is warranted for all future building construction to evaluate the site-specific requirements for the intended construction and recommend the necessary design parameters appropriate to properly support the foundations and mitigate any potential settlement concerns.

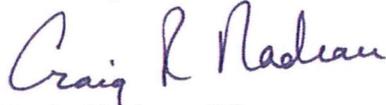
The recommendations contained within this report are based on the subsurface conditions observed in the test pits and are subject to change pending observation of the actual subsurface conditions encountered during construction. TD&H cannot assume responsibility or liability for the recommendations provided if we are not provided the opportunity to perform limited construction inspection and confirm the engineering assumptions made during our analysis. A representative of TD&H should be retained to observe all construction activities associated with subgrade preparation. Unforeseen conditions or undisclosed changes to the project parameters or site conditions may warrant modification to the project recommendations.

TD&H should be involved throughout the construction process to observe construction, particularly the subgrade preparation and placement and compaction of all fill. Retaining the geotechnical engineer who prepared your geotechnical report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

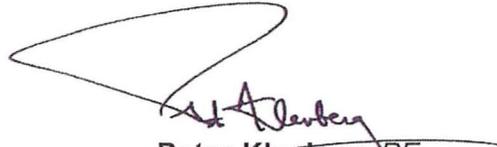
This report was prepared for the exclusive use of the owner and architect and/or engineer in the design of the subject facility. It should be made available to prospective contractors and/or the contractor for information on factual data only and not as a warranty of subsurface conditions such as those interpreted from the test pit logs and presented in discussions of subsurface conditions included in this report.

We trust this information is sufficient for your needs at this time. Please let us know if you have any additional questions or if we can be of any additional assistance.

Sincerely,



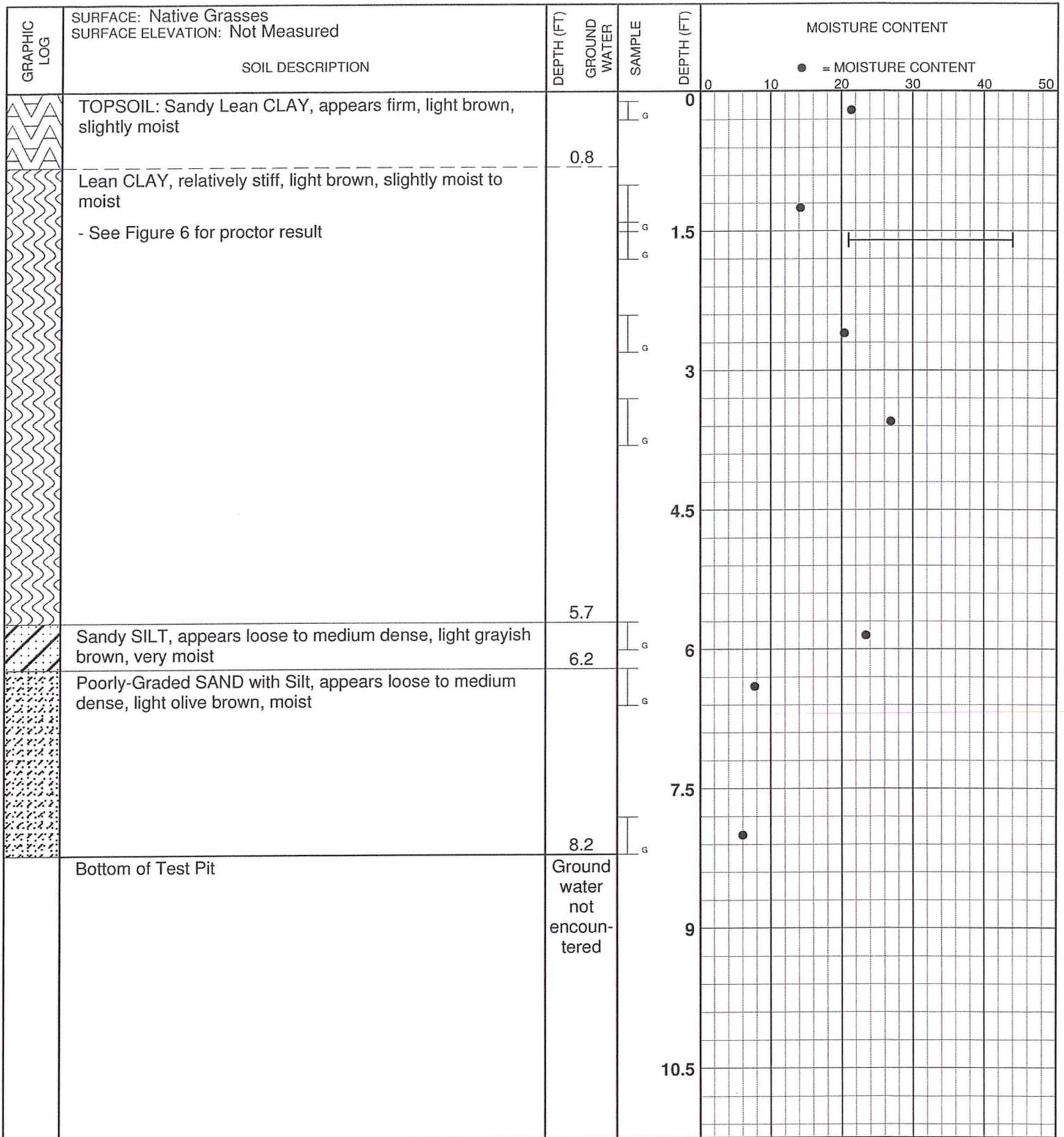
Craig Nadeau PE
Geotechnical Discipline Manager
TD&H ENGINEERING



Peter Klevberg PE
Sr. Geotechnical Engineer
TD&H ENGINEERING

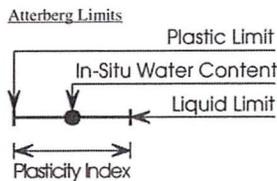
ATTACHMENTS: TEST PIT LOGS (FIGURES 1 AND 2)
 LABORATORY TEST REPORTS (FIGURES 3 THROUGH 5)
 SOIL CLASSIFICATION AND SAMPLING TERMINOLOGY
 CLASSIFICATION OF SOILS FOR ENGINEERING PURPOSES

J:\2019\K19-055 Colorado Ave\GEOTECH\REPORTS\Colorado Avenue 2019.07.19.doc



LEGEND

- Field Moisture content
- ▼ Groundwater Level
- ⊥ Grab/composite sample



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF TEST PIT TP-1

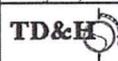
Colorado Avenue
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Excavated by: Cutting Edge
CAT 305.5 Mini-Excavator

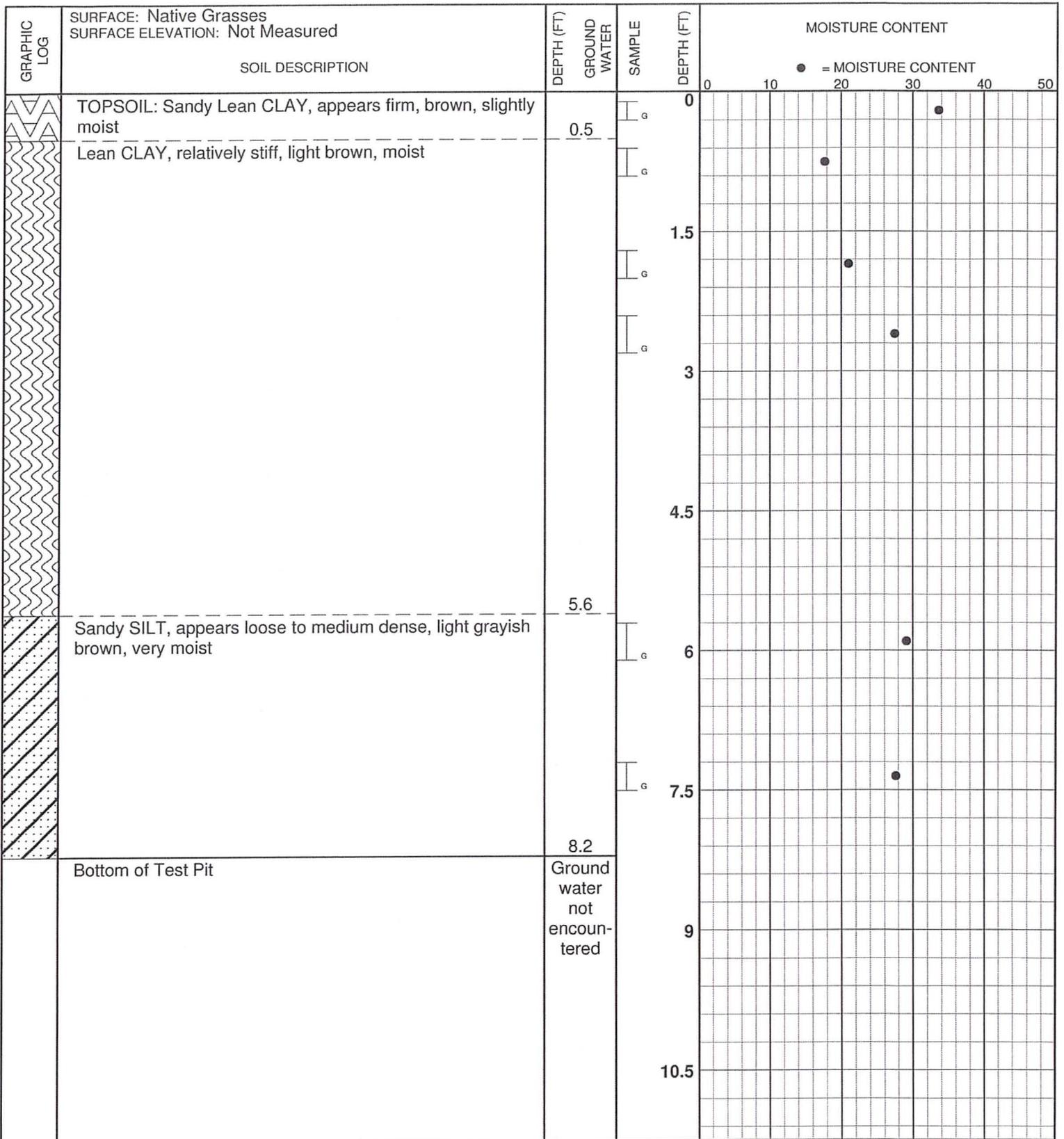
July 8, 2019

K19-055



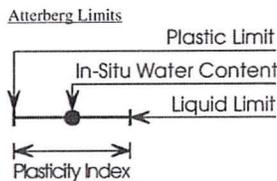
THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS
GREAT FALLS - BOZEMAN - KALISPELL - HELENA
MONTANA
SPOKANE
LEWISTON

Figure No. 1
Sheet



LEGEND

- Field Moisture content
- ▼ Groundwater Level
- ⊥ Grab/composite sample



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF TEST PIT TP-2

Colorado Avenue
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Excavated by: Cutting Edge
CAT 305.5 Mini-Excavator

July 8, 2019

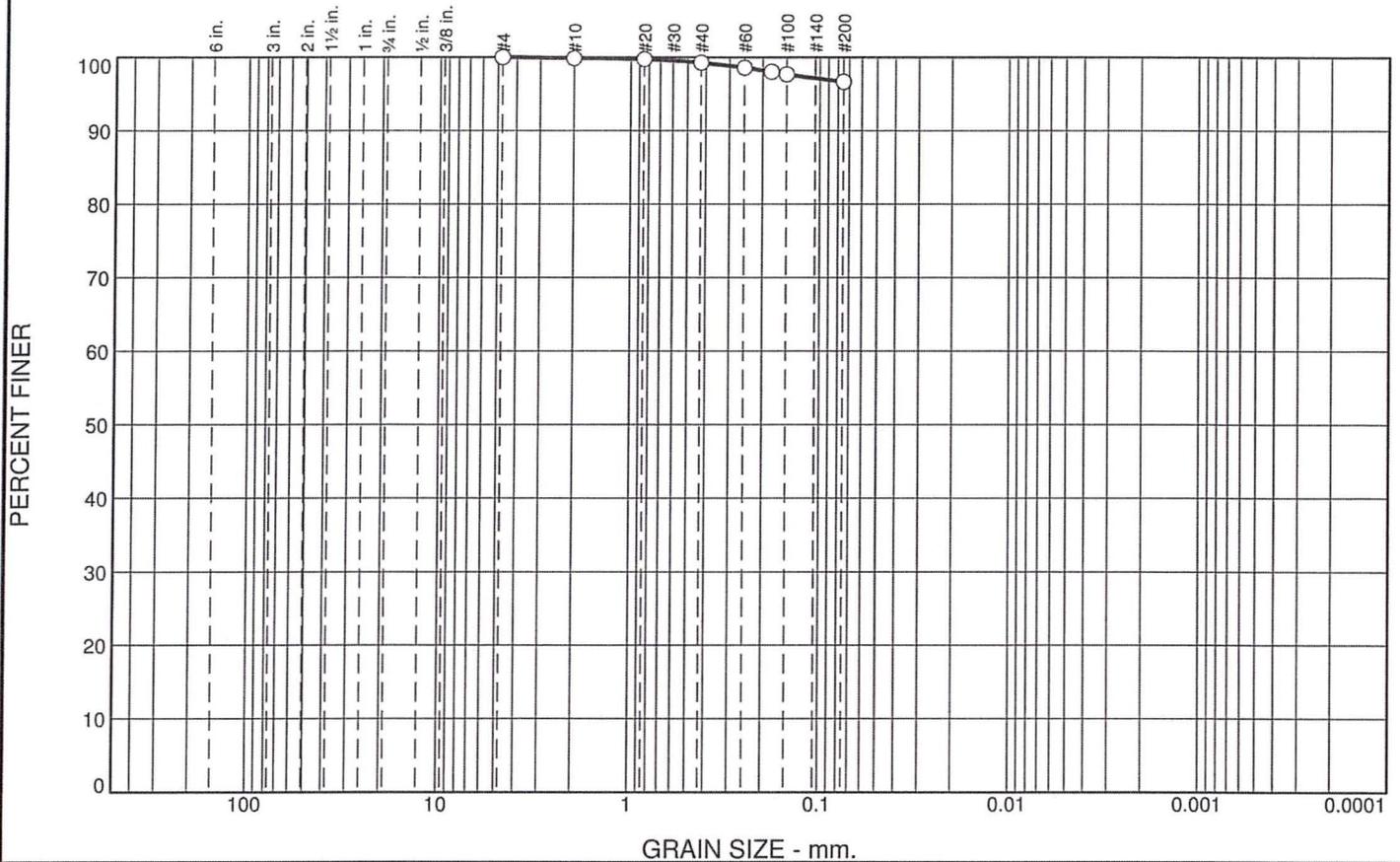
K19-055

TD&H THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS
GREAT FALLS - BOZEMAN - KALISPELL - HELENA
FOOTWALL LEWISTON

Figure No. 2
Sheet

1 of 1

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	0.0	0.1	0.7	2.5	96.7	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#4	100.0		
#10	99.9		
#20	99.7		
#40	99.2		
#60	98.6		
#80	98.0		
#100	97.7		
#200	96.7		

Material Description

Lean CLAY

Atterberg Limits

PL= 21 LL= 44 PI= 23

Coefficients

D₉₀= D₈₅= D₆₀=
D₅₀= D₃₀= D₁₅=
D₁₀= C_u= C_c=

Classification

USCS= CL AASHTO= A-7-6(24)

Remarks

Report No. A-19937-206

* (no specification provided)

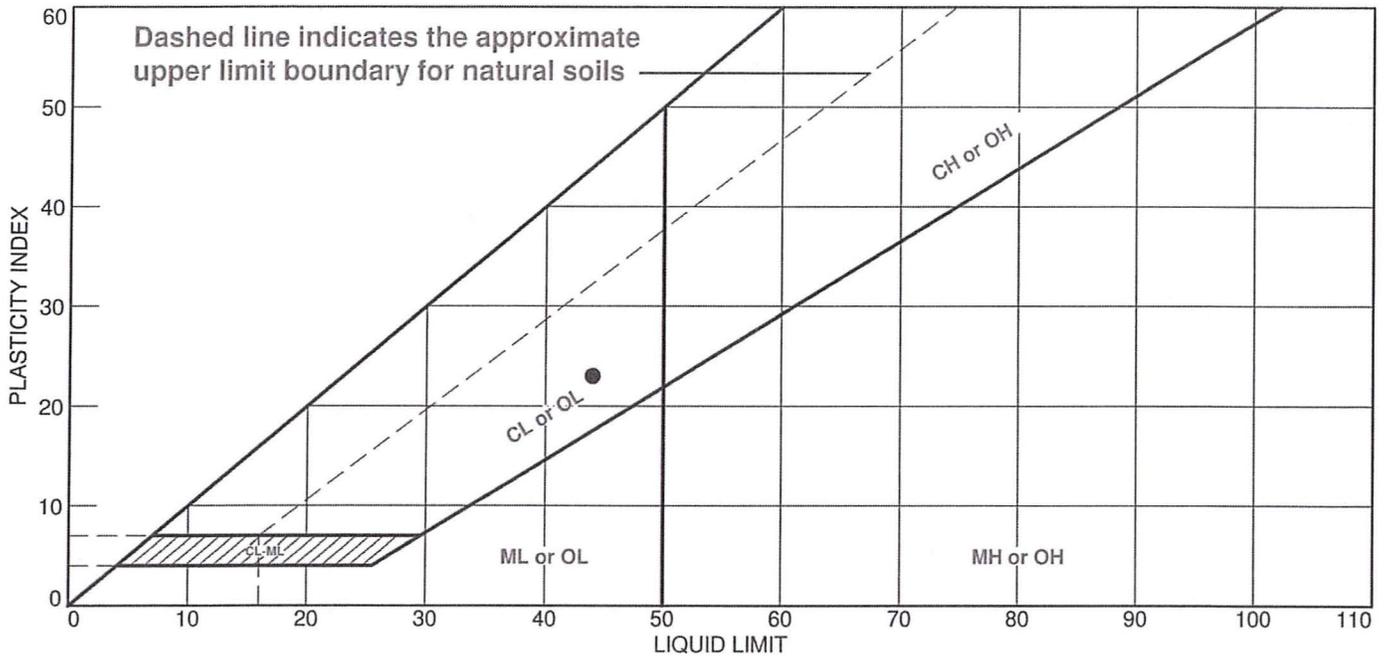
Location: TP-1 Sample Number: A-19937 Depth: 1.4 - 1.8 ft Date: 7-18-2019

	Thomas, Dean & Hoskins, Inc. Engineering Consultants	Client: FNB Investments, LLC Project: Colorado Avenue Whitefish, Montana Project No: K19-055	Figure 3
---	---	---	----------

Tested By: JS

Checked By: *Craig R. Madigan*

LIQUID AND PLASTIC LIMITS TEST REPORT



MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
Lean CLAY	44	21	23	99.2	96.7	CL

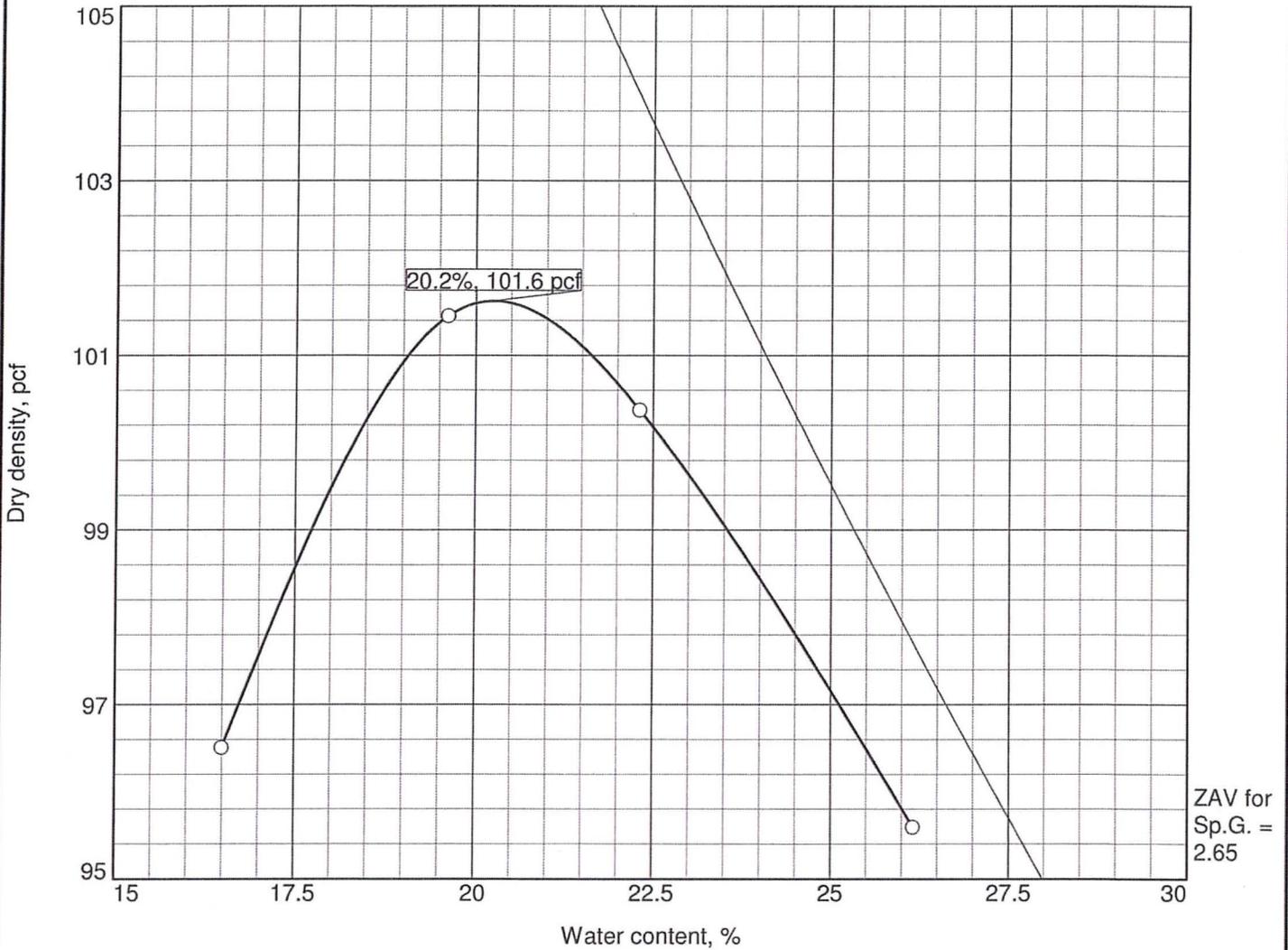
Project No. K19-055 Client: FNB Investments, LLC Project: Colorado Avenue Whitefish, Montana Location: TP-1 Sample Number: A-19937 Depth: 1.4 - 1.8 ft	Remarks: • Report No. A-19937-207 Date: 7-19-2019
TD&H Engineering	Thomas, Dean & Hoskins, Inc. Engineering Consultants

Figure 4

Tested By: JS

Checked By: Craig R Nadeau

Moisture-Density Test Report



Test specification: ASTM D 698-12 Method A Standard

Elev/ Depth	Classification		Nat. Moist.	Sp.G.	LL	PI	% > #4	% < No.200
	USCS	AASHTO						
1.4 - 1.8 ft	CL	A-7-6(24)		2.65	44	23	0.0	96.7

TEST RESULTS	MATERIAL DESCRIPTION
Maximum dry density = 101.6 pcf Optimum moisture = 20.2 %	Lean CLAY

Project No. K19-055 **Client:** FNB Investments, LLC
Project: Colorado Avenue
 Whitefish, Montana
 Location: TP-1 **Sample Number:** A-19937

Remarks:
 Report No. A-19937-204
 Date: 7-18-2019



Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Figure 5

Tested By: TF

Checked By: Craig R Madigan

STANDARD PENETRATION TEST (ASTM D1586)

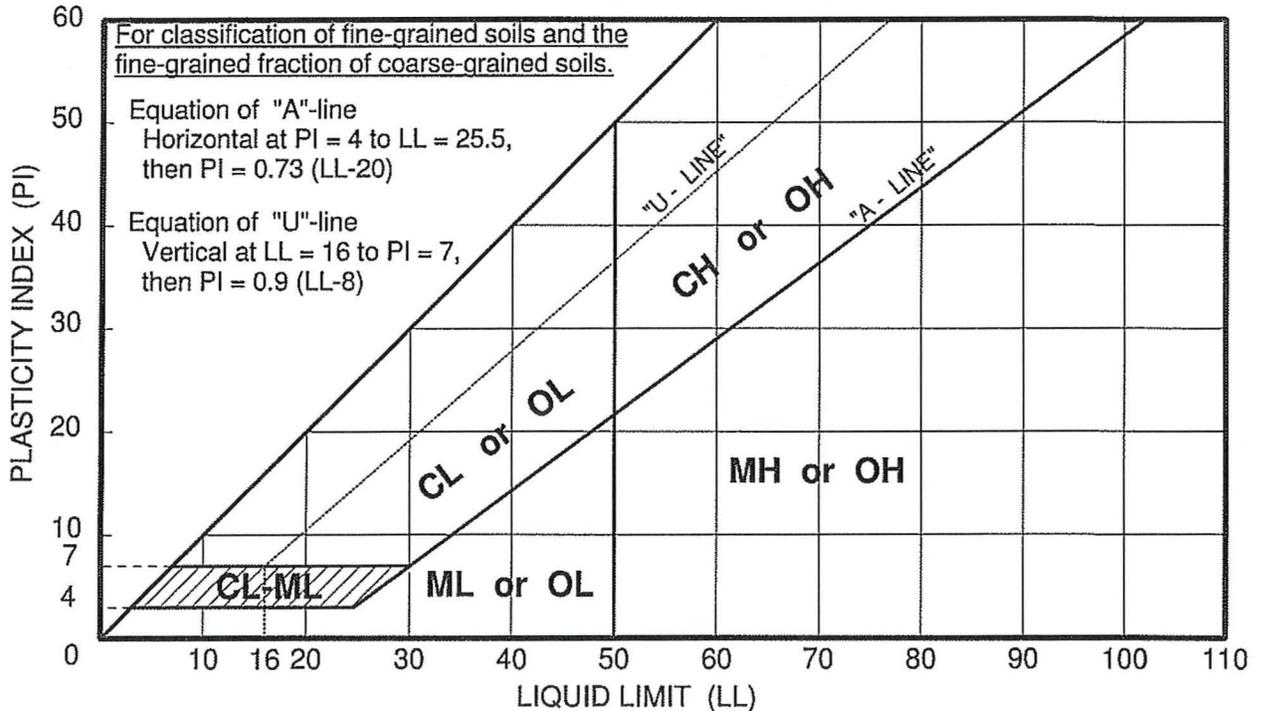
RELATIVE DENSITY*		RELATIVE CONSISTENCY*	
Granular, Noncohesive (Gravels, Sands, & Silts)	Standard Penetration Test (blows/foot)	Fine-Grained, Cohesive (Clays)	Standard Penetration Test (blows/foot)
Very Loose	0-4	Very Soft	0-2
Loose	5-10	Soft	3-4
Medium Dense	11-30	Firm	5-8
Dense	31-50	Stiff	9-15
Very Dense	+50	Very Stiff	15-30
		Hard	+30

* Based on Sampler-Hammer Ratio of 8.929 E-06 ft/lbf and 4.185 E-05 ft²/lbf for granular and cohesive soils, respectively (Terzaghi)

PARTICLE SIZE RANGE

Sieve Openings (Inches)				Standard Sieve Sizes			
12"		3"		3/4" No.4		No.10 No.40 No.200 <No.200	
BOULDERS	COBBLES	GRAVELS		SANDS			SILTS & CLAYS
		Coarse	Fine	Coarse	Medium	Fine	(Distinguished By Atterberg Limits)

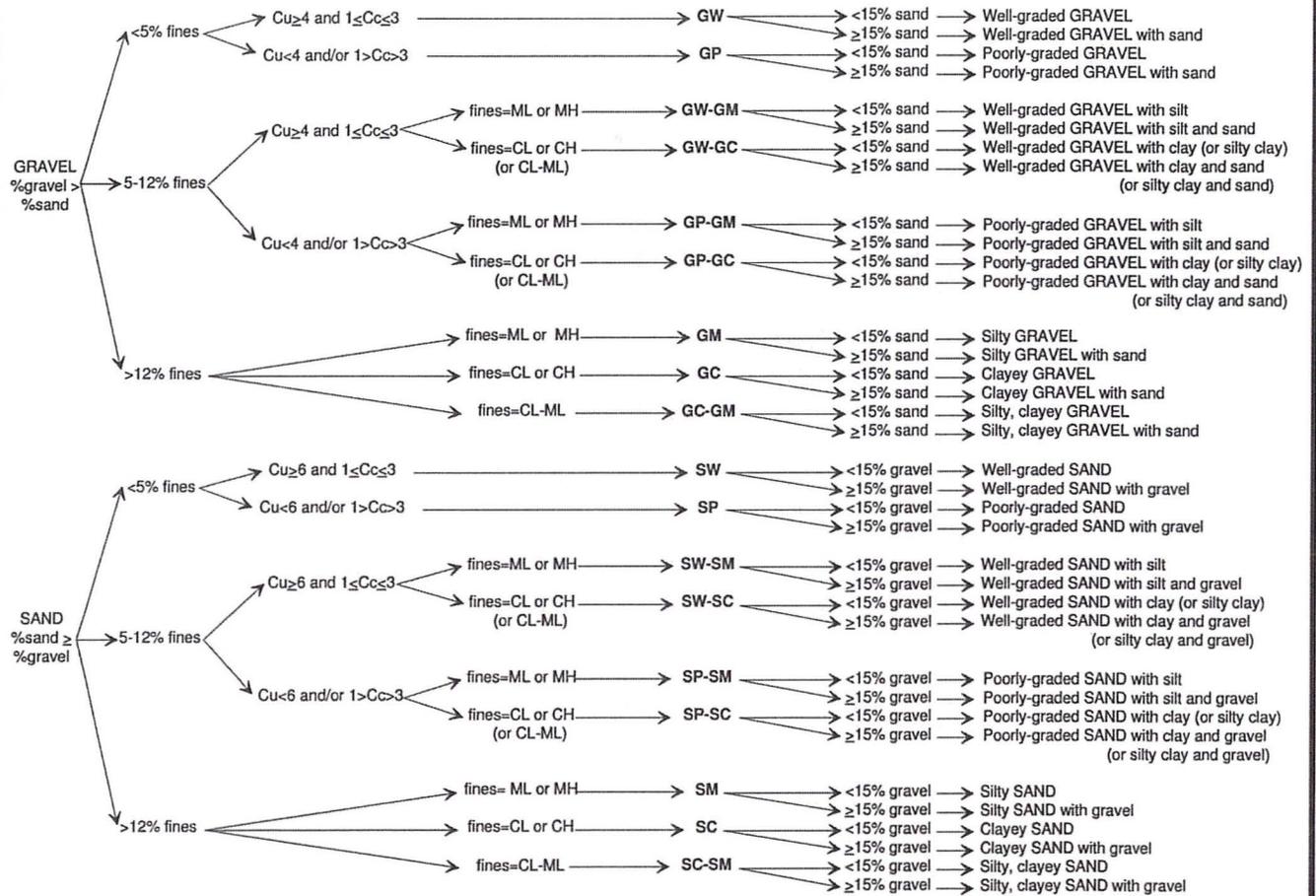
PLASTICITY CHART



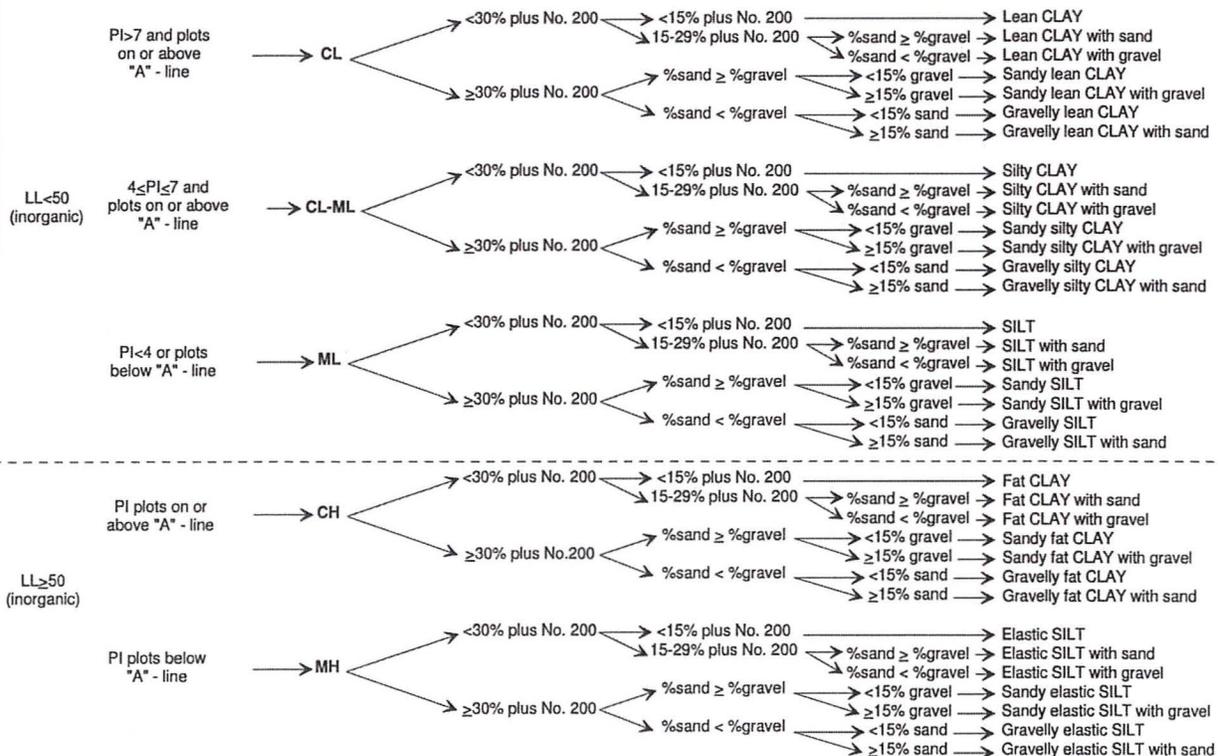
GW - Well-graded GRAVEL
GP - Poorly-graded GRAVEL
GM - Silty GRAVEL
GC - Clayey GRAVEL

SW - Well-graded SAND
SP - Poorly-graded SAND
SM - Silty SAND
SC - Clayey SAND

CL - Lean CLAY
ML - SILT
OL - Organic SILT/CLAY
CH - Fat CLAY
MH - Elastic SILT
OH - Organic SILT/CLAY



Flow Chart For Classifying Coarse-Grained Soils (More Than 50 % Retained On The No. 200 Sieve)



Flow Chart For Classifying Fine-Grained Soils (50 % Or More Passes The No. 200 Sieve)



City of Whitefish
Department of Public Works
418 E. 2nd Street | PO Box 158
Whitefish, MT 59937
(406) 863-2460 | Fax (406) 863-2419

August 30, 2019

Mr. Brent Foley, P.E.
Foley Engineering Inc.
26 Village Loop
Kalispell Montana 59901

Re: Colorado View Subdivision Plan Review

Dear Brent:

This letter is regarding the Colorado View Subdivision Plans and Specifications. The plans, dated August 21, 2019, have been reviewed and approved by the Public Works Department. The City's water and sewer system have adequate capacity to serve this project. Approval is given with the understanding that any deviation from the approved plans and specifications will be submitted to the Public Works Department for review and approval.

Approval is subject to the following conditions:

- The access and utility easements must be recorded prior to Final Plat.
- The Stormwater Facility Operation and Maintenance Plan must be incorporated into the Homeowner Association Conditions, Covenants, and Restrictions (CC&Rs).
- The engineer must consult with the Parks Department to consider measures to protect the Engelman Spruce located in the northwest corner of the property within the public right of way. The public tree protection requirements are provided in Section 7-5-6 and 7-5-7 of the City Code. To protect the tree the sidewalk may need to be moved further south requiring an easement.

Upon project completion and before final acceptance, the Professional Engineer shall submit record drawings and certify in writing that the construction meets the requirements of the approved construction documents. Also, prior to final acceptance of infrastructure improvements, the property owner, developer, or contractor shall provide the City with a maintenance bond of ten percent of the total value of the improvements. The bond shall remain in place for a two-year period after acceptance of the City infrastructure.

Any contractor working in the City right-of-way must fill out a right-of-way permit with the associated insurance and bonding requirement. Additional approvals from other agencies may be required for this project to proceed. Please call to schedule a pre-construction meeting prior to

the start of the project. If you have any questions, please call me at 863-2450.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Hilding', with a large, stylized flourish at the end.

Karin Hilding, P.E.
Senior Project Engineer

Fwd: Colorado View Subdivision

Frank Zolfo <zolfland@msn.com>

Fri 5/29/2020 1:46 PM

To: The UPS Store #2029 <store2029@theupsstore.com>

*
Approved By PHILIP HODGE
w/ PARKS

Sent from my iPhone

Begin forwarded message:

From: "brent@foleyeng.com" <brent@foleyeng.com>
Date: November 15, 2019 at 4:05:50 PM MST
To: "ZOLFLAND@msn.com" <ZOLFLAND@msn.com>
Cc: William McKinney <mckinneymontana@centurytel.net>
Subject: FW: Colorado View Subdivision

Condition #
8

Hello Frank,

Please reference the below email from Maria Butts (City Parks & Rec Director), just so you are aware of the trees that the City is wanting to be placed in the Boulevard along Colorado Avenue. Her email stems from the fact that Bill ended up removing a small tree in the boulevard so that he would have better access while excavating in the street. He had asked permission to remove the tree from Randy Reynolds (City Construction Inspector) and Randy told him that it was okay to remove it, he would just have to replace it. Apparently the Parks Department wasn't too happy after they were informed of the tree removal by a neighbor. They are requiring that two trees be planted to replace the one larger tree that was removed, and we will need to coordinate with the Parks department to plant a third boulevard tree in the location where the existing approach will be removed. I do not anticipate any of this planting to be done until next spring, but I wanted to make sure you were aware of the requirements from the Parks Department. Please let me know if you have questions on any of this.

Thank You,

Brent Foley, P.E.
President/Principal Engineer

Foley Engineering, Inc
26 Village Loop
Kalispell, MT 59901
406.291.3331
brent@foleyeng.com

next page

From: Maria Butts <mbutts@cityofwhitefish.org>
Sent: Thursday, November 14, 2019 2:01 PM
To: brent@foleyeng.com
Cc: Karin Hilding <khilding@cityofwhitefish.org>; Jennifer Sybrant <jsybrant@cityofwhitefish.org>; Bailey Minnich <bmminnich@cityofwhitefish.org>
Subject: FW: Colorado View Subdivision

Brent,

boulevard that was supposed to be protected according to your plans and as a condition of your approval letter from Public Works. This tree was a hawthorn approximately 14'6" in height according to our tree inventory. Our City Code states that,

"F. Removal Of Public Trees, Replacement, And Allocation Of Costs:

1. No person or property owner is to remove a public tree from the boulevard for the purpose of construction, or for any other reason, without first obtaining written permission from the Director of Parks and Recreation.
2. Public trees removed under subsection F1 of this section must be replaced as deemed appropriate by the Director of Parks and Recreation. The person or property owner shall bear the cost of removal and replacement of all public trees removed, unless trees are being removed at the request of the City."

Replacement trees in the valley are typically around 10' in height and 2" in diameter. In order to replace the true value of the tree, you will need to plant a 2" in diameter Swedish Columnar Aspen in the same location and at least one more farther to the north. You will need to meet with Jen Sybrant, Urban Forestry Foreman, to determine the location of the trees.

As well, when you submit your landscape plan, we will be looking for a tree where the approach was removed, as stated as a condition of final plat. You will need to discuss placement and species type with Jen on this tree as well. ~~Please let me know if you have any questions.~~

Maria

From: Karin Hilding <khilding@cityofwhitefish.org>
Sent: Thursday, August 22, 2019 4:26 PM
To: Maria Butts <mbutts@cityofwhitefish.org>
Subject: FW: Colorado View Subdivision

FYI

From: brent@foleyeng.com <brent@foleyeng.com>
Sent: Thursday, August 22, 2019 4:12 PM
To: Karin Hilding <khilding@cityofwhitefish.org>
Subject: RE: Colorado View Subdivision

Hello Karin,

Thanks for letting me know. The more I look at this tree, I am about 99% sure it will have to come down due to the new City sidewalk. The contractor will absolutely have to coordinate with parks department for a tree of that size, particularly in City ROW. I am already anticipating this being a talking point during a preconstruction meeting.

I finalized the plan set after relocating the storm main within a 20' easement and I am working on minor amendments to the engineering report. We should have our resubmittal to you soon to address all of your comments.

Thank You,

Brent Foley, P.E.
President/Principal Engineer

Foley Engineering, Inc

406.291.3331

brent@foleyeng.com

From: Karin Hilding <khilding@cityofwhitefish.org>

Sent: Thursday, August 22, 2019 3:52 PM

To: brent@foleyeng.com

Subject: FW: Colorado View Subdivision

Brent,

Just note that we will list Maria's comment below as a condition in our approval letter. I am not sure if you've determined if the tree she references is coming down.

Thanks,

Karin

From: Karin Hilding

Sent: Tuesday, July 16, 2019 5:24 PM

To: brent@foleyeng.com

Subject: Colorado View Subdivision

Brent,

I have attached comments on the Colorado View Subdivision. I received the additional comment from Maria Butts.

I have reviewed the plan for the Colorado View Subdivision. I am okay with the plan as is: existing street trees are to be protected, and if the one on the northwest of the project is deemed to need to be removed, developer will need to work with the Parks Urban Forestry crew prior to removal.

Thanks,

Karin

Karin Hilding, PE

Senior Project Engineer

City of Whitefish | 418 E. 2nd Street

P.O. Box 158 | Whitefish, MT 59937

O: (406) 863-2450 | F: (406) 863-2419



EXTERNAL SENDER verified by City of Whitefish IT

After recording return to:
Lori B. Miller, P.C.
P.O. Box 4955
Whitefish, MT 59937

COPY

EASEMENT AND MAINTENANCE AGREEMENT

This Agreement is entered into by and between:

FNB Investments, LLC (FNB) as owner of the real property legally described as the East Half of the East Half of Lot 1, Block 6 of Whitefish Townsite Company's Five Acre Tracts, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana. Certificate of Survey 19721 (the FNB Property) and

Half Full, LLC (Half Full) as purchaser of the real property legally described as Lot 1 of Half Full Subdivision, being an amended plat of lots 2 and 3 of Densin Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County (the Half Full Property).

FNB and Half Full Agree as follows:

- 1. Extension.** For good and valuable consideration, as set forth in this Agreement, FNB shall install pipe 7 and ST-Weir 1 to extend the existing stormwater facility connection on the FNB property to the eastern boundary of the half-full property, and install pipe 5 to Connect the existing stormwater facility on the FNB property to ST-MH1, then to the city of whitefish stormwater services, as shown in the attached exhibits A & B. The dimensions and materials are specified in exhibits A&B. This work shall be completed on or before May 31, 2020.
- 2. Liquidated Damages.** The parties agree that it would be difficult to determine the damages to Half Full if the work required by this Easement And Maintenance Agreement is not completed on or before May 31, 2020 but agree that a fair estimate of these damages would be the amount Half Full has paid to FNB prior to May 31, 2020. Accordingly, if the work required by this Easement and Maintenance Agreement is not completed on or before May 31, 2020, FNB shall be liable to Half Full for all amounts Half Full has paid to FNB prior to May 31, 2020. However, if FNB is delayed at any time in the progress or completion of the work required by this easement by any cause beyond the control of FNB, FNB shall be entitled to an equitable extension of the time of performance. Examples of causes beyond the control of FNB, include,

but are not limited to, the following: (a) encountering hazardous materials, or concealed or unknown conditions; (b) fire; (c) adverse governmental actions; (d) unavoidable accidents or circumstances; or (e) adverse weather conditions not reasonably anticipated. If any delays are encountered, FNB shall notify Half Full and take reasonable steps to mitigate the effect of such delays.

3. Consideration. As consideration for this Agreement, Half Full shall pay to FNB \$55,000 by certified check or cashier's check. Half Full shall pay FNB \$45,000 of this amount on or before November 5, 2019 and shall pay FNB \$10,000 of this amount upon the completed installation and inspection of the improvements addressed in this Easement and Maintenance Agreement.

4. Additional Costs. Half Full shall be responsible for all labor and material costs for the pipe and manhole (connecting the existing stormwater facility to the Half Full Property) that exceed \$10,000. FNB and Half Full shall equally share responsibility for all labor and material costs for the pipe and connection to the City of Whitefish services (connecting the existing stormwater facility to the City of Whitefish services) that exceed \$30,000.

5. Perpetual Easement from FNB. FNB hereby grants to the owner(s) of the Half Full Property, and to their successors and assigns, a perpetual, non-exclusive easement over and across the FNB Property for the purposes of using, maintaining, and repairing the existing stormwater facility and the associated pipes accessing the City of Whitefish stormwater and sewer services on Colorado Avenue (as shown on Exhibit A). FNB also hereby grants to the owner(s) of the Half Full Property, and to their successors and assigns, a perpetual, non-exclusive easement over and across the FNB Property for the purposes of installing, using, maintaining, and repairing a manhole and pipe connecting the existing stormwater facility to the eastern boundary of the Half Full Property.

6. Permission. To the extent necessary, Half Full hereby grants to FNB and/or its agents permission to enter the Half Full Property for the construction/installation of the pipe to connect the existing stormwater facility on the FNB Property to the eastern boundary of the Half Full Property.

7. Notice, Monitoring, and Communication. During the construction of the extensions (as specified in Section I), FNB and/or its agents shall regularly communicate with Half Full and/or its agents regarding progress and any complications with the construction. Specifically, FNB shall provide Half Full's contractor, Boon Schnieder and/or Wood Roots Construction, with reasonable notice of any complications that arise during the construction prior to addressing any such complications and shall provide Boon Schnieder and/or Wood Roots Construction access to the FNB property to inspect and monitor such complications. If such notice is not timely given, Half Full shall not be responsible for any portion of the Additional Costs that may be associated with the complication.

8. Maintenance. The owners of the Half Full Property shall pay any and all fees and costs for the maintenance, repair, operation, and replacement of pipe 7. The owners of the Half Full Property and the owners of the FNB Property shall equally pay any and all fees and costs for the maintenance, repair, operation, and replacement of ST-Weir1 through Pipe 5. . Please see Exhibit A. Any excavation or disruption of the FNB Property caused by maintenance, repair, or replacement activities in regard to the manhole and the pipe from the eastern boundary of the Half Full Property to the manhole shall be promptly restored at the Half Full Property owner's sole cost and expense.

9. **Right to Use.** The owners of the FNB Property reserve the right to use the easement area for purposes that will not interfere with any rights granted by this Agreement.
10. **No Other Benefitted Property.** The perpetual easement granted by this Agreement shall not be construed to serve any property other than the Half Full Property.
11. **Appurtenance.** The benefits and burdens of this Easement will run with the title to each Lot/Tract/Parcel/Unit of the FNB Property and the Half Full Property, whether or not this Agreement is referred to in conveyances of those properties.
12. **Binding Authority.** It is the intent hereto that this instrument be recorded and that any party who subsequently transfers, obtains, purchases, or otherwise acquires an interest in any of the FNB Property or Half Full Property, subject hereto, or any part thereof by acceptance or delivery of deed and/or conveyance to or of said property shall be deemed to have consented to and become bound by the terms of this Agreement.
13. **Amendment.** Except as otherwise provided herein, this Agreement may be amended or modified only by a written instrument executed by the owners of the FNB Property and the owners of the Half Full Property.
14. **Additional Binding Authority.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, administrators, and assigns.
15. **Attorney's Fees.** If there is a dispute arising concerning the enforcement of any term or provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs.

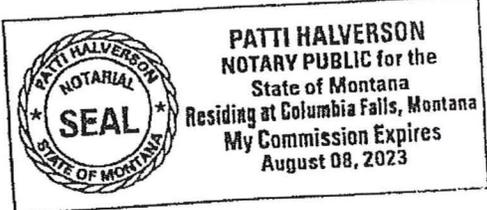
Dated 11/5/19

FNB INVESTMENTS, LLC
 X [Signature]
 FRANK ZOLFO, Member

STATE OF Montana ; COUNTY OF Flathead :

This instrument was acknowledged before me on the 5th day of November, 2019, by Frank Zolfo as Member of FNB Investments, LLC.

X Patti Halverson



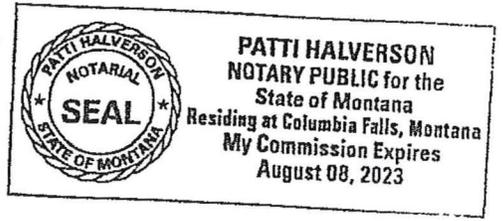
Dated 11/5/2019

HALF FULL, LLC
 X [Signature]
 HENRY ROBERTS, Member

STATE OF Montana ; COUNTY OF Flathead :

This instrument was acknowledged before me on the 5th day of November, 2019, by Henry Roberts as Member of Half Full, LLC.

X Patti Halverson



Return after recording to:
Lori B. Miller, P.C.
P.O. Box 4955
Whitefish, MT 59937

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

This Declaration of Covenants, Conditions, and Restrictions is made as of the 28th day of May, 2020, by FNB INVESTMENTS, LLC (the "Declarant").

1. THE PROPERTY. This Declaration of Covenants, Conditions, and Restrictions binds the real property described in the attached Exhibit A (individually a "Lot" and collectively the "Property").
2. AMENDMENT. The Declarant is the owner of the Property.
3. DECLARATION. Declarant hereby declares that commencing on the date of recording this Declaration, the Property shall be held, sold, used, and conveyed subject to the covenants, conditions, and restrictions herein, which shall run with the title to the Property. This Declaration shall be binding on and shall inure to the benefit of all parties having any right, title, or interest in the Property, or any part thereof, their heirs, successors, and assigns; and to their tenants, invitees, and guests.
4. DEFINITIONS.
 - 4.1 Owner. "Owner" is any record owner of the Property.
 - 4.2 Association. "Association" is the Colorado View Homeowners Association, Inc. or any successor organization.
5. PURPOSE, USE, AND ACTIVITIES. The following protective covenants are designed to provide a uniform plan for the ownership, use, and development of the Property.
 - 5.1 No noxious or offensive activities shall be carried on upon the Property, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood including, but not limited to, the accumulation of scrap, junk, non-operable vehicles, or trash.
 - 5.2 All buildings and improvements on the Property shall be kept in good repair and appearance. Each Owner of a Lot on which there is a structure shall provide exterior maintenance upon such Lot and all structures, to include painting and repairing of the structure(s); snow removal from the Owner's driveway and sidewalks on the Lot, and maintaining the lawn and grounds.

5.3 Owners may install one personal-use satellite dishes per Lot that is less than one meter in diameter. To the extent possible, the dish must be installed on the back of the structure in a location that is not in public view.

5.3 The Property, or any building or improvements erected thereon, shall not at any time be used for manufacturing, trade, or commercial enterprise of any description, excepting that a Property may be used for a home occupation provided that such use does not increase traffic or otherwise become an annoyance or nuisance to the neighborhood, and is otherwise allowed by and in conformity with local law. No garage, shed, or other impermanent structures such as tents or recreational vehicles shall be used as a dwelling.

5.4 The discharge of firearms, fireworks, or explosives on the Property is strictly prohibited.

5.5 No animals, livestock, or poultry of any kind shall be raised, bred or kept on Property, excepting that no more than two dogs and two cats may be kept on each Lot, provided that they are not kept, bred, or maintained for any commercial purpose. The Owner must prevent those animals from becoming an annoyance or nuisance.

5.6 Owners and their guests shall park only in their designated parking spaces. Owners shall comply with all "no parking" signs.

5.7 Owners shall comply with all local, state, and federal laws and regulations, including, but not limited to City of Whitefish outdoor lighting standards.

5.8 No boat, motorhome, or other recreational vehicle shall be permanently stored on the Property. Temporary storage (48 hours or less) is allowed.

5.9 All trash and garbage must be stored in garage until garbage pick-up day. Garbage must be moved back in the garage within 24 hours.

5.10 No signs shall be erected or maintained on the Property except one sign of not more than one square foot per Lot identifying the Lot Owners or their approved home occupation, and one sign of not more than two square feet per Lot advertising the Lot for sale or rent. Declarant may erect or maintain other signs on the Property to promote the development and sale of the Property.

6. OWNERS' ASSOCIATION.

6.1 Each Owner shall be a member of the Association, which is a Montana nonprofit corporation, and shall be bound by the Bylaws adopted by the Association and any administrative rules and regulations adopted pursuant thereto.

6.2 Each Lot shall have the number of votes designated in the Bylaws.

6.3 The Association shall be responsible for: architectural control; necessary maintenance and improvement of any real or personal property conveyed to the Association (open spaces); compliance with the Association's tree preservation/retention plan (described below);

maintaining liability insurance on that property owned or controlled by the Association; adopting and carrying out a long-term maintenance plan and schedule for Association-owned and maintained improvements, including maintenance of drainage and storm water management facilities (including, but not limited to those facilities described in the Easement and Maintenance Agreement dated November 5, 2019 and recorded as document number 201900029521 in the records of the Flathead County Clerk and Recorder), and maintenance of the private access road and turn-around in all seasons allow for emergency access. At Your Service property management, or such other property manager designated by the Association, will manage noxious weed removal, lawn maintenance in common areas, and maintain the private driveway in all seasons to allow for emergency access.

6.4 The Association shall establish assessments and collect assessments as provided in the Bylaws.

6.5 The Association shall enforce the terms of this Declaration.

6.6 The Association shall have such additional authority as is reasonably necessary to carry out its obligations under this Declaration and to perform all other lawful acts in support of such functions, including the authority to adopt reasonable rules and regulations for common areas and Association controlled property.

7. ARCHITECTURAL CONTROL COMMITTEE. The architectural control committee shall consist of the Board of Directors of the Association, or of a special architectural control committee of at least three or more persons appointed by the Board, all of whom must be members of the Association. All Owners, except the Declarant, intending to construct a dwelling or build any type of structure upon any Lot, shall first submit their plans and specification, in writing, to the architectural control committee. Construction plans and specifications shall include the following

- a. Site plan, including building(s);
- b. Exterior elevations of all structures;
- c. Exterior finishes, including paint color; and
- d. Description of all fencing and landscaping.

No house, building, fence, or other structure shall be erected, placed, or altered on the Property until the construction plans and specifications along with the proposed site therefore have been approved in writing by the architectural control committee in accordance with architectural review guidelines adopted by the Association, and approved by the City of Whitefish. Changes to the design, color, or structure of any house, building, fence, or other structure requires the written approval of the architectural control committee. Planting of trees, landscaping, or other plantings, and any alteration or removal of trees, landscaping, or other plantings require the written approval of the architectural control committee.

8. TREE PRESERVATION/RETENTION PLAN. The Association hereby adopts a tree preservation and retention plan, as set forth in the City of Whitefish Subdivision Regulation §12-4-5, which is incorporated herein by reference. In accordance with that plan, the subdivision layout shows the location of existing vigorous native trees or vigorous tree species appropriate for northwest Montana to be preserved. The Association shall preserve those identified trees in accordance with American National Standards Institute (ANSI) A-300 standards and

International Society of Arboriculture (ISA) recommendations for proper barricading. If encroachment into a tree protection area causes irreparable damage to a tree, the Association shall replace that tree (as specified in the City of Whitefish Subdivision Regulations) and the replacement tree must remain healthy for 5 years. If the replacement tree does not remain healthy for 5 years, the Association will replace the tree and it must similarly remain healthy for 5 years. The Association will replace trees that are not retained during the development of the subdivision, and the replacement trees must remain healthy for 5 years. If a replacement tree does not remain healthy for 5 years, the Association will replace the tree and it must similarly remain healthy for 5 years.

9. LONG-TERM NOXIOUS WEED PLAN. The Association hereby adopts a noxious weed management plan in accordance with the Montana County Noxious Weed Control Act, and City of Whitefish Ordinance 12-4-30, which are incorporated herein by reference. All noxious weeds must be removed by the recorded property Owner.

10. ENFORCEMENT. The Association or any Owner shall have the option and right to enforce, by any proceedings at law or in equity, all restrictions, conditions, covenants, reservations, and charges now or hereafter imposed by the provisions of this Declaration. The method of enforcement may include proceedings to enjoin the violation, to recover damages, or both.

11. AMENDMENT/ TERMINATION.

11.1 This Declaration may be amended by an instrument signed by Owners representing two-thirds of the total number of authorized votes. Any amendment shall be in writing and shall be recorded with the Clerk and Recorder of Flathead County and approved by the City of Whitefish.

11.2 The provisions of the Declaration shall be binding for a term of 25 years from the date of this Declaration, after which time the Declaration shall be automatically extended for successive periods of 10 years.

12. GENERAL PROVISIONS.

12.1 Invalidation of any one of part of this Declaration by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect. If any provision of this Declaration is superseded by county or other regulations, it shall in no way affect any of the other provisions, which shall remain in full force and effect.

12.2 No failure by a party to insist upon the strict performance of any term herein, or to exercise any right, power, or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or of any term of this Declaration.

12.3 If an action is successfully brought for a violation of this Declaration, reasonable attorney's fees shall be assessed in addition to any other damages.

FNB INVESTMENTS, LLC

X 

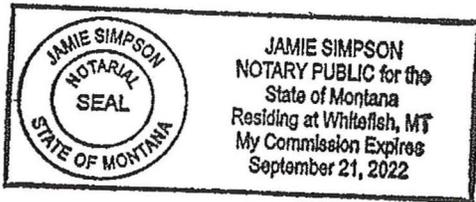
EXHIBIT A- PROPERTY DESCRIPTION

The East Half of the East Half of Lot 1, Block 6 of Whitefish Townsite Company's Five Acre Tracts, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana. Certificate of Survey 19721.

FRANK ZOLFO, Member

STATE OF Montana; COUNTY OF Flathead:

This instrument was acknowledged before me on the 28 day of May, 2020, by Frank Zolfo as Member of FNB Investments, LLC.



X Jamie Simpson

**ARTICLES OF INCORPORATION
OF
Colorado View Homeowners Association, Inc.**
A Montana Nonprofit mutual benefit corporation

ARTICLE I

The name of the corporation is Colorado View Homeowners Association, Inc.

ARTICLE II

The corporation is a nonprofit mutual benefit corporation and is not organized for the private gain of any person.

ARTICLE III

The corporation will have members.

ARTICLE IV

The corporation is organized exclusively as a homeowners association.

ARTICLE V

No substantial part of the activities of the corporation shall be the carrying on of propaganda as it is defined within the meaning of § 501(c)(3) of the Internal Revenue Code, or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements concerning) any political campaign on behalf of (or in opposition to) any candidate for public office.

ARTICLE VI

The property of the corporation is irrevocably dedicated to the purposes meeting the requirements for exemption. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to any director or officer of the corporation, or any other private person, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered to or for the corporation and to make payments and distributions in furtherance of the purposes set forth in Article Four.

ARTICLE VII

In the event of dissolution or final liquidation of the corporation, all of the remaining assets and property of the corporation shall, after paying or making provision for the payment of all of the liabilities and obligations of the corporation and for necessary expenses thereof, be distributed to the members

ARTICLE VIII

The corporation will not discriminate against any person based on race, color, or religion.

ARTICLE IX

The incorporator of the corporation is Frank Zolfo, currently of P.O. Box 1961, Bend, Oregon 97709.

ARTICLE X

The address of the initial commercial registered office of the corporation is 100 Central Avenue, Whitefish, MT 59937 and the name of the initial commercial registered agent at that office is Lori B. Miller, P.C.

DATED this 29th day of MAY, 2020.

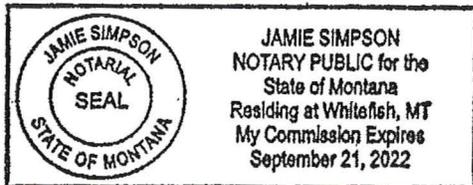

FRANK ZOLFO, Incorporator

REGISTERED AGENT ACCEPTANCE

Having been named as registered agent, I certify that I am familiar with and accept the duties and responsibilities as agent for the foregoing corporation until such time as I resign, or I am replaced by another registered agent.

LORI B. MILLER, P.C.

DATE





**BYLAWS OF THE
COLORADO VIEW HOMEOWNERS ASSOCIATION, INC.**

**ARTICLE I
NAME AND OFFICES OF ASSOCIATION**

1.1 The name of this association shall be COLORADO VIEW HOMEOWNERS ASSOCIATION, INC. (the "Association").

1.2 The principal office of the Association shall be at any place the Board of Directors shall determine.

**ARTICLE II
PURPOSES**

2.1 The Association is organized and shall be operated to exercise the power and authority and perform all the duties and obligation of the Association required by the Declaration of Covenants, Conditions, and Restrictions for the Association (the "CC&Rs"), including but not limited to the establishment, assessment, collection and enforcement of payment of all dues and fees, the ownership, control, maintenance, and improvement of any real or personal property conveyed to the Association, and for any and all other lawful purposes in support of such functions.

2.2 Further, the Association shall have and exercise all rights and powers conferred on nonprofit corporations under Section 35-2-118 of the Montana Nonprofit Corporation Act, provided, however, that the Association shall not engage in any activities or exercise any powers that are not in furtherance of the primary purpose of the Association.

**ARTICLE III
MEMBERSHIP**

3.1 The Association shall have one class of members.

3.2 Every record owner of a lot within Colorado View Subdivision shall be a member of the Association, provided however, that the purchaser under a recorded contract for deed or notice of purchaser's interest shall be deemed to be the record owner for such purposes.

3.3 Membership shall automatically transfer with a transfer of ownership of the lot within Colorado View Subdivision. Membership shall be appurtenant to and may not be separated from ownership of the lot.

3.4 Each member shall comply with these Bylaws and with any administrative rules and regulations adopted pursuant thereto; and each member shall cause all occupants, tenants, and invitees of their respective properties to comply with the same. Failure to comply therewith shall be grounds for an action maintainable by the Association or by an aggrieved member.

ARTICLE IV
MEETINGS OF MEMBERS

4.1 The annual meeting of the members of the Association shall be held at the principal office of the Association in the state of Montana, or at such other place within the state of Montana as may be determined by the Board of Directors and as may be designated in the notice of such meeting. The first annual meeting shall be held as soon as possible following the adoption of these Bylaws and shall be held at that same time and place, and on that same day and month each year thereafter. If said day is a legal holiday, the meeting shall be held on the next succeeding day not a legal holiday. The business to be transacted at such meeting shall be the election of the directors, the adoption of the annual budget, and such other business as shall be properly brought before the meeting.

4.2 If the annual meeting is not held on the day herein designated for the annual meeting, or at any adjournment of such meeting, the Board of Directors shall call a special meeting of the members as soon as possible thereafter. At such meeting, the election of directors shall take place.

4.3 Special meetings of the members may be called by any two directors, the President, Vice President, or Secretary, or by the members holding of at least 10% of the membership interests entitled to vote at such a meeting.

4.4 Notice of any annual meeting or special meeting of the members shall be given by the Secretary not less than 10 days, and not more than 30 days prior to the date of the meeting. if notice is mailed by certified mail is shall be given not less than 30 or more than 60 days before the meeting date.

4.5 Each member of record shall be given written notice of the purpose and the time and place of every meeting of the members. If mailed, the notice shall be addressed to the member's address as it appears on the books of the Association, unless the member has requested the Secretary to mail the notice to some other address. Notice shall be deemed given upon personal delivery or three days after the date of mailing.

4.6 A member may waive the notice of meeting by attendance, either in person or by proxy, at the meeting, or by so stating in writing, either before or after such meeting. Attendance at a meeting for the express purpose of objecting that the meeting was not lawfully called or convened shall not, however, constitute a waiver of notice. Except where otherwise required by law, notice need not be given of any adjourned meeting of the members.

4.7 Members may participate in a meeting by conference telephone, or electronic video communication.

4.8 At any meeting of members, a member entitled to vote may vote by proxy executed in writing by the member or by the member's duly authorized attorney in fact. No proxy will be valid after 9 months from its date of execution unless otherwise provided in the proxy.

4.9 The presence in person or by proxy of members representing a majority of the votes entitled to be cast on a matter shall constitute a quorum.

4.10 The Board of Directors may fix a date as the record date for the determination of members. Such date shall be no more than 30 days prior to the date of the meeting or other action that requires such determination. If no record date is fixed for the determination of the members, the date of notice of the meeting or other action shall be the record date for the determination of members.

4.11 The President shall preside over meetings of the members.

4.12 At any meeting of the members, each member of the Association entitled to vote at such meeting shall have as to each matter submitted to a vote, one vote in person or by proxy. If more than one person is an owner of a lot pursuant to the provisions of a deed or recorded contract for deed or notice of purchasers' interest, the person whose name appears first therein shall be the voting member. Any entity owner shall designate its voting member in writing 20 days prior to any meeting. Each lot shall have only one vote regardless of the number of owners, excepting that during the period of Developer control (as defined in Section 5.2), the Developer shall have 10 votes for each lot owned by the Developer.

4.13 A majority vote of those members entitled to vote and present or represented at the meeting in which a quorum is present shall be the act of the members.

4.14 Any action required or permitted to be taken by the members may be taken without a meeting, if all members shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the members and shall have the same force and effect as the unanimous vote of such members. The Board may adopt any form or procedure to obtain such consent electronically.

ARTICLE V *BOARD OF DIRECTORS*

5.1 Subject to any limitations in the Articles of Incorporation or these Bylaws, the activities and affairs of the Association shall be conducted, and all corporate powers shall be exercised by or under the direction of the Board of Directors without the necessity for approval by the members. Board duties shall include, but are not limited, to assessing and collecting dues and assessments chargeable to the members of the Association, enforcement of the CC&Rs, adoption of reasonable rules and regulations to govern the use of Association property, and maintenance of the Association property. The Board may delegate the management of the activities of the Association to any person or persons, a management company, or committee or committees, provided that the activities and affairs of the Association shall be managed, and all corporate powers shall be exercised under the ultimate direction of the Board.

5.2 The initial Board shall be composed of three directors. The number of directors of the Association shall be not less than three, and not more than 10, with the exact number of directors

to be fixed from time to time, within such limits, by approval of the Board. The developer of Colorado View Subdivision is FNB Investments, LLC (the "Developer"). During the time that the Developer owns 20% or more of the lots in the Colorado View Subdivision (the "period of Developer control"), the Developer may appoint remove or replace all the directors of the Association. The Developer may release this right to appoint, remove, or replace by delivery of a written release to the Association.

5.3 Following the period of Developer control, or if the right to appoint, remove, or replace directors has been released by the Developer, Directors shall be elected at the annual meeting of the members and each director shall serve for a term of one year and until his successor shall be elected and qualified. Each director shall be a member of the Association.

5.4 Following the period of Developer control, the Board may remove a director at any time when such removal is determined by the Board to be in the best interests of the Association. Any director may resign by giving written notice to the Chairman of the Board, the President, the Secretary, or the Board of Directors.

5.5 Following the period of Developer control, a vacancy in the Board of Directors, by reason of the death, resignation, or removal of any director, or increase in the number of directors, shall be filled by a vote of the majority of the remaining directors. Any director elected to fill a vacancy shall hold office until the next annual meeting and until his successor is elected and qualified.

5.6 The Board of Directors shall hold an annual meeting for the purpose of electing the officers, and all other business as may properly come before the Board.

5.7 Special meetings of the Board of Directors may be called at any time by the Chairman of the Board, the President, any Vice President, the Secretary, or any two directors.

5.8 Meetings of the Board of Directors may be held at any place within or without the state of Montana that has been designated in the notice of the meeting.

5.9 Notice of any annual meeting or special meeting of the Board shall be given by the Secretary not less than 10 days, and not more than 30 days prior to the date of the meeting. Each director shall be given in person, or by first class mail, written notice of the purpose and the time and place of every meeting of the directors. If mailed, the notice shall be addressed to the director's address as it appears on the books of the Association, unless the director has requested the Secretary to mail the notice to some other address. Notice shall be deemed given upon personal delivery or three days after the date of mailing. The first meeting of the Board of Directors shall be held immediately following the first meeting of the Members, for the purposes of electing officers and adopting these Bylaws. The Board of Directors shall hold an annual meeting for the purpose of electing the officers, and all other business as may properly come before the Board, at that same time and place, and on that same day and month each year thereafter. If said day is a legal holiday, the meeting shall be held on the next succeeding day not a legal holiday.

5.10 Members of the Board of Directors may participate in a meeting by conference telephone, or electronic video screen communication.

5.11 A majority of directors constitutes a quorum of the Board for the transaction of business. Unless a greater number is required by law, the Articles of Incorporation or these Bylaws, every action taken, or decision made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the Board.

5.12 Any action required or permitted to be taken by the Board of Directors may be taken without a meeting, if all members of the Board shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the Board and shall have the same force and effect as the unanimous vote of such directors. The Board may adopt any form or procedure to obtain such consent electronically.

5.13 The Board may, by resolution adopted by a majority of the number of directors then in office, provided that a quorum is present, create one or more committees, each consisting of two or more directors, to serve at the pleasure of the Board. Appointments to such committees shall be by a majority vote of the directors then in office. Any such committee to the extent provided in the resolution of the Board, shall have all the authority of the Board except with respect to:

- (a) The approval of any action that the Montana Nonprofit Corporation Law requires approval of the Board or of a majority of the Board;
- (b) The election, appointment, or removal of any officer or director;
- (c) The adoption, amendment, or repeal of any Bylaws or Articles;
- (d) The amendment or repeal of any resolution of the Board that by its express terms is not amendable or repealable;
- (e) The appointment of committees of the Board or the members thereof; and
- (f) The approval of any self-dealing transaction.

5.14 Regular and special meetings and actions of committees of the Board of Directors shall be governed by the provisions of this Article applicable to meetings and actions of the Board; provided however, that the Board may adopt rules for the conduct of the business of any committee consistent with these Bylaws, or in the absence of rules adopted by the Board, the committee may adopt such rules.

5.15 Directors shall not be entitled to compensation for their services as directors.

ARTICLE VI *OFFICERS*

6.1 The officers of the Association shall be a President (also referred to as Chairperson), a

Vice-President, a Secretary, and a Treasurer. The Board may empower the President to appoint such other officers as the business of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as are provided in these Bylaws or as the Board from time to time may determine.

6.2 During the period of Developer control the Developer may appoint, remove, or replace all the officers of the Association. The Developer may release this right to appoint, remove, or replace by delivery of a written release to the Association. Following the period of Developer control, or if the right to appoint, remove, or replace officers has been released by the Developer, the officers shall be elected annually by majority vote of the Board of Directors. Each officer shall be elected for a term of one year and shall hold office until their successors are duly elected and qualified, or until his or her death, resignation, or removal.

6.3 Any officer may be removed with or without cause by the Board of Directors at any time or, in the case of an officer not chosen by the Board, by any officer upon whom such power of removal may be conferred by the Board. Any such removal shall be without prejudice to the rights, if any, of the officer under any contract of employment. Any officer may resign at any time by giving written notice to the Board without prejudice to the rights, if any, of the Association under any contract to which the officer is a party. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein.

6.4 A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these Bylaws for regular election to such office, provided that such vacancies shall be filled as they occur and not on an annual basis.

6.5 The President is the general manager and chief executive officer of the Association and, subject to the control of the Board of Directors, shall be responsible for the general supervision, direction, and control of the business and officers of the Association. The President shall preside at all meetings of the Board as Chairperson of the Board. The President has the general powers and duties of management usually vested in the office of president and general manager of a corporation and such other powers and duties as may be prescribed by the Board.

6.6 In the absence or disability of the President, the Vice President, if any, shall perform all the duties of the President and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the President. The Vice President shall have such other powers and perform such other duties as from time to time may be prescribed by the Board.

6.7 The Secretary shall keep or cause to be kept, at the principal office of the Association or such other place as the Board of Directors may order, a book of minutes of all meetings of the Board and its committees. The minutes shall include the time and place of meetings, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at Board and committee meetings, and the proceedings thereof. The Secretary shall keep, or cause to be kept, at the principal office, the original or a copy of the Association's Articles and Bylaws, as amended to date. The Secretary shall give, or cause to be given, notice of all meetings of the Board and its committees required by law or by these Bylaws to be given, and shall have such other powers and perform such other duties as may be prescribed by the Board.

6.8 The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the properties and business transactions of the Association. The books of account shall be open at all reasonable times to inspection by any director. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the Association with such depositaries as may be designated by the Board. The Treasurer shall disburse the funds of the Association as may be ordered by the Board, shall render to the President and the directors, whenever requested an account of all transactions as Treasurer and of the financial condition of the Association, and shall have such other powers and perform such other duties as may be prescribed by the Board.

ARTICLE VII.

Indemnification, Insurance and Director Liability

7.1 For the purposes of this Article VII, "agent" means any person who is or was a director, officer, employee, or other agent of the Association; and "proceeding" means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative.

7.2 To the extent provided in Mont. Code Annotated Section 35-2-447, the Association shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding by reason of the fact that such person is or was an agent of the Association, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Association and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Association or that the person had reasonable cause to believe that the person's conduct was unlawful.

7.3 To the fullest extent permitted Montana Law, as now in effect or as may hereafter be amended, there shall be no personal liability to a third party for monetary damages on the part of a volunteer director or volunteer executive officer of a nonprofit corporation, caused by the director's negligent act or omission in the performance of that person's duties as a director or officer, provided that the person's act or omission was (1) within the scope of the director's or executive officer's duties, performed in good faith and not reckless, wanton, intentional or grossly negligent, and (2) either the damages are covered by liability insurance or the director or executive officer and the Board of Directors had made all reasonable efforts in good faith to obtain available liability insurance.

7.4 The Association shall have power to purchase and maintain insurance on behalf of any director, officer, employee or agent of the Association against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such.

ARTICLE VIII
FINANCE AND ASSESSMENTS

8.1 The Board of Directors shall prepare an annual operating budget for the Association. A copy shall be distributed to each member of the Association at least 15 days prior to the annual meeting of the members. The Board shall present the budget for approval by majority vote of the members entitled to vote at an annual meeting. The budget shall include establishment of a reserve fund for capital expenditures.

8.2 The Board of Directors shall establish annual assessments and fees in an amount sufficient to meet the annual expenses of the Association pursuant to the duly approved budget.

8.3 The Board of Directors may also assess special assessments to be used to meet any deficiency which may result from any inadequate estimated cash requirement, unbudgeted expenses, or as a result of delinquencies in the payment of operating assessment by members.

8.4 The Board of Directors may also assess individual assessments against any owner for all fees, fines or other amounts owed by the owner as a result of violation of the terms of the CC&Rs, the Bylaws, or any other rules adopted by the Association, or any other liability, indebtedness or other obligation of the owner to the Association.

8.5 Each lot within the Colorado View Subdivision shall be assessed an equal share of annual and special assessments. Individual assessments shall be assessed against the owner incurring such cost or expense.

8.6 All Association property and all property owned by the Developer shall be exempt from the assessments created herein.

8.7 The funds of the Association shall be deposited in such bank or banks, building and loan or savings and loan associations as the Directors shall designate and shall be withdrawn only upon the check or order of an officer of the Association duly authorized by the Board of Directors, or by a manager if so authorized. The reserve fund shall be deposited in a separate account.

8.8 The Board may establish billing and payment schedule for annual and special assessments.

8.9 Each member is obligated to pay the annual and special assessments, which shall be a lien on the property against which the assessment was made. No member may exempt himself or herself from liability for assessments by waiver or lease of the use or enjoyment of any of their lot or the Association property.

8.10 All successors to a lot, will be jointly and severally liable with the prior owner or owners thereof for any and all unpaid assessments, interest, late charges, costs, expenses, and attorneys' and legal assistants' fees against such lot, without prejudice to any such successor's right to recover from any prior owner any amounts paid by such successor.

8.11 Any installment of any assessment that is not paid within 30 days after its due date will be delinquent. If any installment of an assessment becomes delinquent, the Association, in its sole discretion, may take any or all the following actions.

- (a) Assess a late payment penalty for each delinquency at uniform rates set by the Board of Directors from time to time;
- (b) Charge interest from the date of delinquency at the rate of 10% per year;
- (c) Suspend the voting rights of the Member during any period of delinquency; or
- (d) Bring an action at law against any Member personally obligated to pay the delinquent assessment charges.

The remedies provided under this Article are not exclusive, and the Association may exercise any other remedies to collect delinquent assessments as may be provided by law or the CC&Rs.

8.12 With approval by majority vote of the members entitled to vote at a duly called meeting, the Directors shall have the authority to borrow money to meet any deficiency in the payment of Association expenses or to meet any emergency that may arise in the management of the property.

8.13 The Board of Directors or the manager shall keep detailed records of the action of the Board of Directors and the manager, minutes of the meetings of the Board, minutes of the meetings of the Members, and financial records and books of account of the Association, including a chronological list of receipts and expenditures, as well as a separate account for each lot, which among other things shall contain the account of each assessment against such lot, the date due, the amounts paid, and the balance remaining unpaid.

8.14 A written report summarizing all receipts and expenditures of the Association in the prior year shall be distributed by the Board of Directors to all members not later than 15 days prior to the annual meeting. All books and records may be reviewed by an independent auditor upon a majority vote of the members entitled to vote at a duly called meeting.

8.15 The Board has authority to make any election to qualify under Internal Revenue Code Section 528 by filing form 1120H.

ARTICLE IX *MISCELLANEOUS*

9.1 The Association will not have or use a corporate seal.

9.2 These Bylaws may be amended by majority vote of the members entitled to vote.

9.3 All notices to the Board of Directors shall be sent by registered or certified mail in care of the manager or if there is no manager, to the office of the Board of Directors as may be

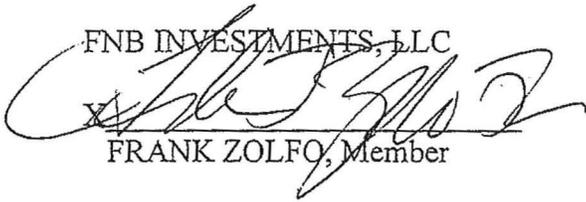
designated from time to time, said notices to be effective upon receipt.

9.4 The invalidity of any part of these Bylaws shall not affect or impair in any manner the validity, enforceability, or effect of the balance of these Bylaws. In the event of any conflict between these Bylaws and the CC&Rs, the CC&Rs shall prevail.

9.5 No restriction, condition, obligation, or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, regardless of the number of violations or breaches thereof which may occur.

9.6 All Members are responsible for informing the Association of their current mailing address and all changes to that address.

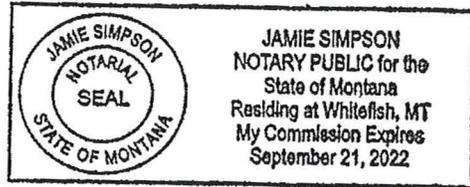
FNB INVESTMENTS, LLC

X 
FRANK ZOLFO, Member

STATE OF Montana ; COUNTY OF Flathead :

This instrument was acknowledged before me on the 28 day of May, 2020, by Frank Zolfo as Member of FNB Investments, LLC.

X 



tree Preservation PLAN

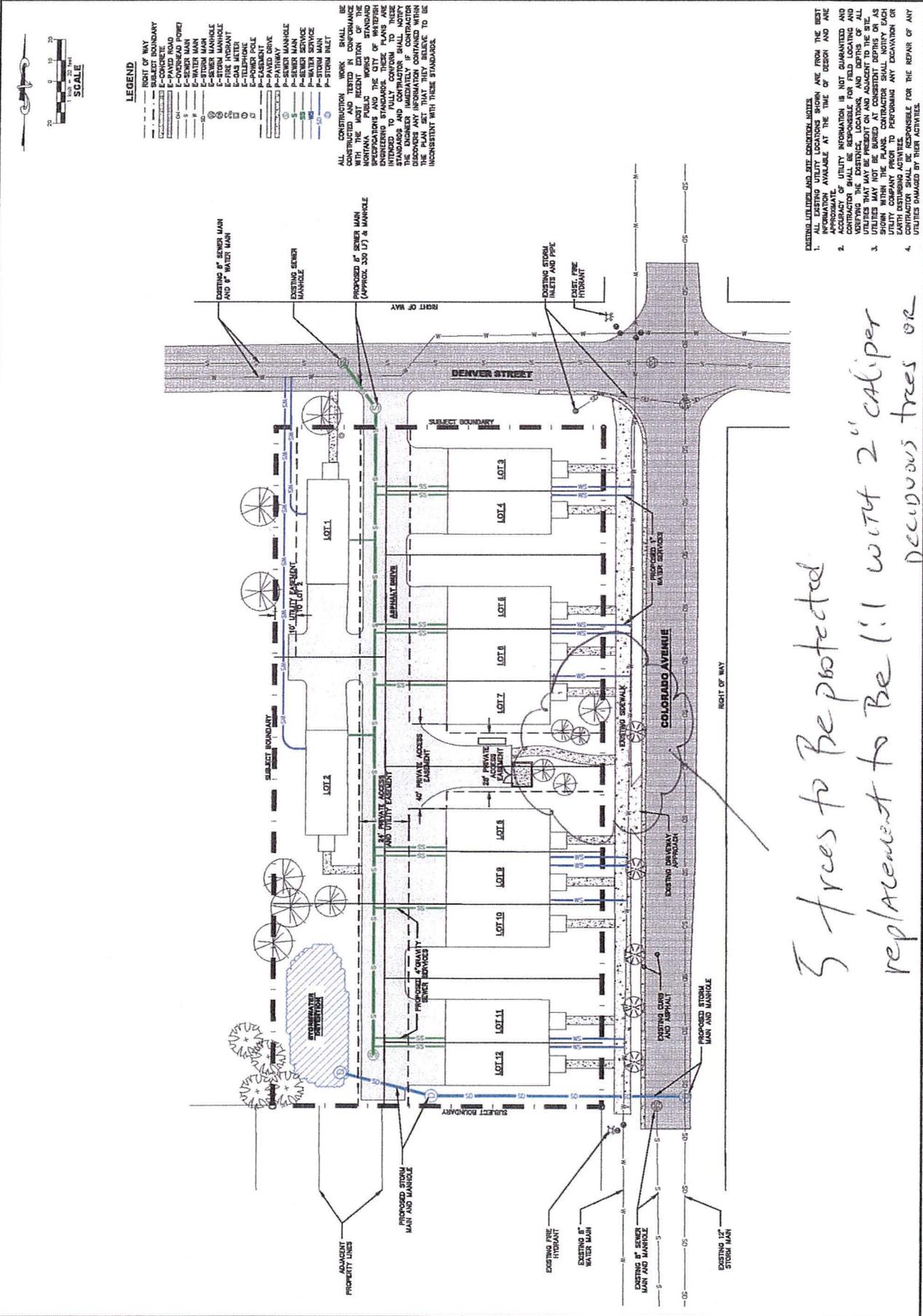


SEAL

PRE-PLAT UTILITY EXHIBIT
 COLORADO VIEW
 WHITEFISH, MONTANA

NO.	REV.	DATE

PROJECT NO. _____
 DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 DATE: DECEMBER 17, 2018
 SHEET: _____



5 trees to be protected
 replacement to be 1" with 2" caliper
 deciduous trees or
 AN 8" conifer tree

Tree preservation plan: 540 Colorado Ave

20 trees, 6" or more in diameter have been identified on the subject property, in which ~~10~~ ⁵ will be preserved to balance with the the newly constructed site. *LOST A FEW TREES WINTER 2020 DUE TO WIND STORMS*

Tree protection areas and protective barriers will be provided to ensure protection zones will not be disturbed. All protective tree fencing and erosion control barriers will be installed prior to site clearing and maintained through the construction process.

If possible a replacement ratio of 1:1 with 2 inch caliper deciduous trees or an 8' conifer tree will be used.

Parkland dedication calculations:

Per site review meeting on 12//13/18, a cash in lieu land dedication will be assessed

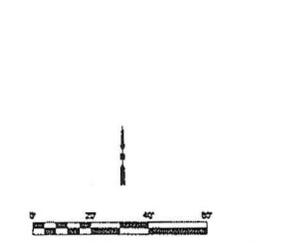
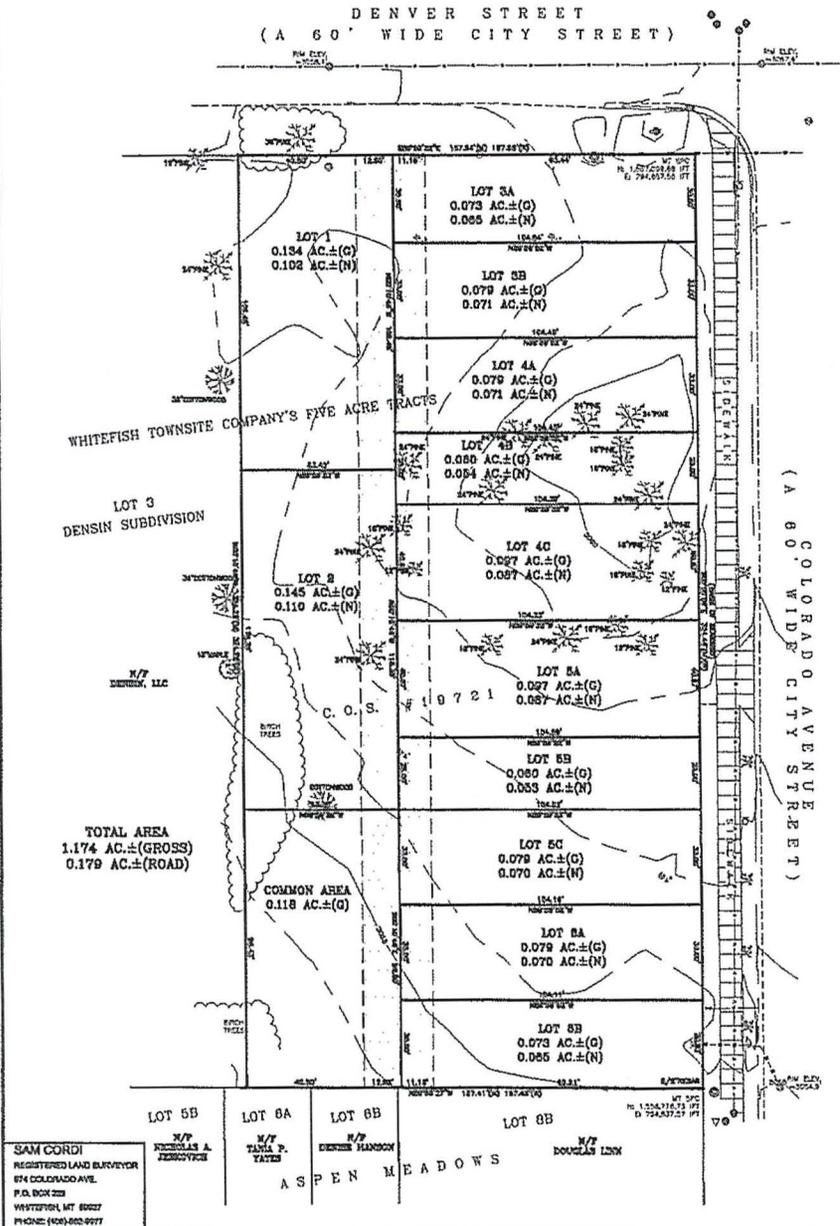
Common area maintenance plan (CAM):

Assume that declaration of covenants, conditions, restrictions and easements and the bylaws of a homeowners association will be a condition of the subdivision.

OWNER: FNB INVESTMENTS, LLC
DATE: DECEMBER 4, 2018

PRELIMINARY PLAT OF COLORADO VIEW SUBDIVISION

E1/2 E1/2 OF LOT 1, BLOCK 6,
WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS
IN THE NW1/4 SE1/4, SEC. 25, T31N, R22W, P.M.,M.,
CITY OF WHITEFISH, FLATHEAD COUNTY, MT



- LEGEND**
- FLUSH NEAR ROAD STRAPED FINISH (DASHED CONTOUR NOTED)
 - UNGRADED DISTANCE
 - RECORDED DISTANCE
 - UTILITY POLE
 - OVERHEAD UTILITY LINE
 - CITY FIRE AND JUNCTION
 - 6 IN. L.I.C.
 - WATER MAIN
 - 1" BRASSER WATER VALVE
 - FIRE HYDRANT
 - UNDERGROUND WATER LINE, SEE NOTE #4
 - WATER SERVICE LINE
 - SANITARY SEWER MANHOLE
 - UNDERGROUND SANITARY SEWER LINE, SEE NOTE #4
 - PG&E 1/2" DIA. W/COVER
 - SANITARY SEWER SERVICE LINE
 - BACK OF CURB
 - EDGE OF PAVEMENT
 - CHALKLINE POINTE
 - SEE NOTE FROM OWNER
 - STORM SEWER CATCH BASIN
 - STORM SEWER MANHOLE
 - CONCRETE, NOW OR FORMERLY
 - LANDS TREES, W/ DIMENSION AND SPECIES
 - SMALL ORNAMENTAL TREES
 - 1' CONTAINS 3/4" LINES
 - PROPOSED 34" SIDE ACCESS & UTILITY EGRESS
 - GRASS AREA
 - NET AREA

- NOTES**
- 1) VERTICAL CONTROL IS BASED ON NAD 83 DATUM USING THE NGS GPS SOLUTION FOR THE NORTHEASTERLY CORNER OF THE SUBJECT PROPERTY (ELEVATION = 3088.42 LEFT).
 - 2) NO PARK DEMONSTRATION REQUIRED - EXCEPTION CONTAINED IN SECTION 78-3-821(3)(M), MCA.
 - 3) HOUSE NUMBERS ARE REQUIRED TO BE POSTED ON THE HOUSE A CLEARLY VISIBLE LOCATION OR AT THE DRIVEWAY ENTRANCE.
 - 4) THE UNDERGROUND WATER AND SANITARY SEWER LINES SHOWN HEREON ARE DERIVED FROM A CORROBORATION OF PAST RECORDS ON THE GROUND AND CITY MAPS.
 - 5) THE COMMUNICATION UTILITY COMPANY MARKED THAT THERE ARE NO UNDERGROUND LINES WITHIN THE SUBJECT PROPERTY.
 - 6) NO LOCATION OR CORROBORATION WAS PERFORMED BY THIS FIRM TO VERIFY THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES THEREFORE, BEFORE ANY DEMONSTRATION IS DONE U-DIG MUST BE NOTIFIED (1-800-551-8344) TO VERIFY THE EXACT LOCATION OF ALL UTILITIES.
 - 7) THE SUBJECT PROPERTY SHOWN HEREON WAS SNOW-COVERED DURING THE TIME THAT THIS SURVEY WAS PERFORMED. THERE MAY BE IMPROVEMENTS LOCATED ON THE PREMISES THAT ARE NOT DEPICTED ON THIS PLAT DUE TO OBSCURED GROUND VISIBILITY.
 - 8) THE SUBJECT PROPERTY IS NOT WITHIN A DESIGNATED 100-YEAR FLOODPLAIN.

CERTIFICATE OF DEMONSTRATION

I, Frank Sells, managing member of FNB Investments, LLC, the undersigned property owner, do hereby certify that I have caused to be surveyed and plotted the lots of the following described property as described in the Certificate of Dedication, and shown by the annexed plat or map and situated in Flathead County, Montana.

The portion of the Northwest one-quarter of the Southeast one-quarter (NW1/4 SE1/4) of Section Twenty-Six (26), Township 31-N, Range Twenty-two West (R22W), Principal Meridian, Montana, more particularly described as follows:

The East one-half of the East one-half (E1/2 E1/2) of Lot One (1), Block Six (6) of Whitefish Townsite Company's Five Acre Tracts, records of Flathead County, Montana, and subdividing 1.174 acres of land, grass pasture, more or less. All as shown hereon.

Subject to and together with all appurtenant easements of record.

The above described tract of land shall hereafter be known as "COLORADO VIEWS SUBDIVISION".

In witness whereof, I have caused my hand to be set on this _____ day of _____

FRANK SELLS, Managing member of FNB Investments, LLC

STATE OF _____ }
County of _____ } SS

On this _____ day of _____ before me, the undersigned, a Notary Public for the State of _____ the foregoing personally appeared FRANK SELLS, known to me to be the person whose name is subscribed to the foregoing Certificate and acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal this _____ day and year first above written.

Signature: _____
Notary Public for the State of _____
Residing at _____
My Commission expires _____

CERTIFICATE OF CITY COUNCIL

We, the _____ Mayor for the City of Whitefish, and _____ City Clerk of said City do hereby certify that the accompanying plat and map are duly recorded and approved by the City Council of the City of Whitefish at its regular meeting held on _____ day of _____, 2018.

Mayor of Whitefish, Montana _____
City Clerk of Whitefish, Montana _____

CERTIFICATE OF CITY ATTORNEY

I, _____ City Attorney for the City of Whitefish, do hereby certify that I have examined the Certificate of Dedication of the lots as described in the Certificate of Dedication on the Plat of _____ and find that same is in the proper legal form.

Witness to the signing of the said plat, dated this _____ day of _____, 2018.

City Attorney for the City of Whitefish _____

CERTIFICATE OF CITY ENGINEER

I, _____ City Engineer for the City of Whitefish, Montana, do hereby certify that the accompanying plat and map are the original plat and map of the subdivision of lots in the City of Whitefish, Montana, which are being plotted, as per an acknowledgment to permit.

City Engineer of Whitefish, Montana _____
Reg. No. _____

CERTIFICATE OF SURVEYOR

REGISTERED LAND SURVEYOR
APPROVED: _____
STATE OF MONTANA
County of Flathead SS
Plat on the _____ day of _____, 2018.
A.S. _____ of _____, M.T.

PLAT AND RECORD NUMBER
BY: _____ DEPUTY
INSTRUMENT REC. NO. _____

SAM CORDI
REGISTERED LAND SURVEYOR
874 COLORADO AVE.
P.O. BOX 229
WHITEFISH, MT 59227
PHONE: (406) 862-9977

Mailbox Approved

From: Foster, Scott T - Whitefish, MT
scott.t.foster@usps.gov

Subject: RE: Site plan 540 Colorado Ave

Date: Apr 17, 2019 at 3:21:59 PM

To: Frank Zolfo ZOLFLAND@msn.com

Frank,

The location I recommended earlier is still a good location for the mailboxes.

Scott Foster
Postmaster Whitefish

From: Frank Zolfo [mailto:zolfland@msn.com]
Sent: Wednesday, April 17, 2019 11:01 AM
To: Foster, Scott T - Whitefish, MT <scott.t.foster@usps.gov>
Subject: [EXTERNAL] Fwd: Site plan 540 Colorado Ave

Hi Scott,

Hi Scott, just had a phone conversation with the engineer designing the utility map for 540 Colorado and just wanted to confirm with you that your suggested placement of the mailboxes is where you wanted them to be. We had noticed that this location is consistent with other mailboxes on the street where the mail delivery driver can just drive up and place the mail and the designated mailboxes without creating a designated pull over area.

Please contact him via email or you may reach me at [503-740-9394](tel:503-740-9394). Thank you so much for your time,

Frank

Sent from my iPhone

Begin forwarded message:

From: Frank Zolfo <ZOLFLAND@msn.com>
Date: April 11, 2019 at 2:35:06 PM PDT
To: "Foster, Scott T - Whitefish, MT" <scott.t.foster@usps.gov>
Subject: Re: Site plan 540 Colorado Ave

Hi Scott,

Thanks for your response a few months ago. We have already noted your requested placement of mailboxes on our site plans for the development of 540 Colorado Ave. Her other mailbox placements on Denver Avenue, just wanted to confirm that this placement of the mailbox will be in a city planter strip of grass between newly installed sidewalk, per city requirements, and Denver street. This will allow the mail delivery truck to drive up and place mail in mailboxes from Denver Street.

I believe there may be other mailboxes on Denver Street where the mail delivery driver drives up to those boxes as well from the street.

Please confirm that this is what you'd like to see as we are finalizing our site plan.

Thank you so much for your quick response and cooperation,

Frank Zolfo

503-740-9394

Sent from my iPhone

On Jan 8, 2019, at 12:08 PM, Foster, Scott T - Whitefish, MT <scott.t.foster@usps.gov> wrote:

Frank,

We prefer the mailboxes to be outside of the resident parking areas. In the location you have requested the carrier would have to drive into the complex everyday and then back up to leave. Postal regulations do not allow us to place any new mailboxes in a area where backing the vehicle is a regular occurrence.

I would like the mailbox location to be on Denver just East of the driveway, a minimum of 12 feet.

Thanks

Scott Foster

Postmaster Whitefish

406-862-2151

<image003.jpg>

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

From: Frank Zolfo [<mailto:zoffland@msn.com>]

Sent: Monday, January 7, 2019 5:16 PM

To: Foster, Scott T - Whitefish, MT <scott.t.foster@usps.gov>

Subject: [EXTERNAL] Site plan 540 Colorado Ave

Hi Scott,

ASSIGNED ADDRESSES FOR 540 COLORADO AVE.

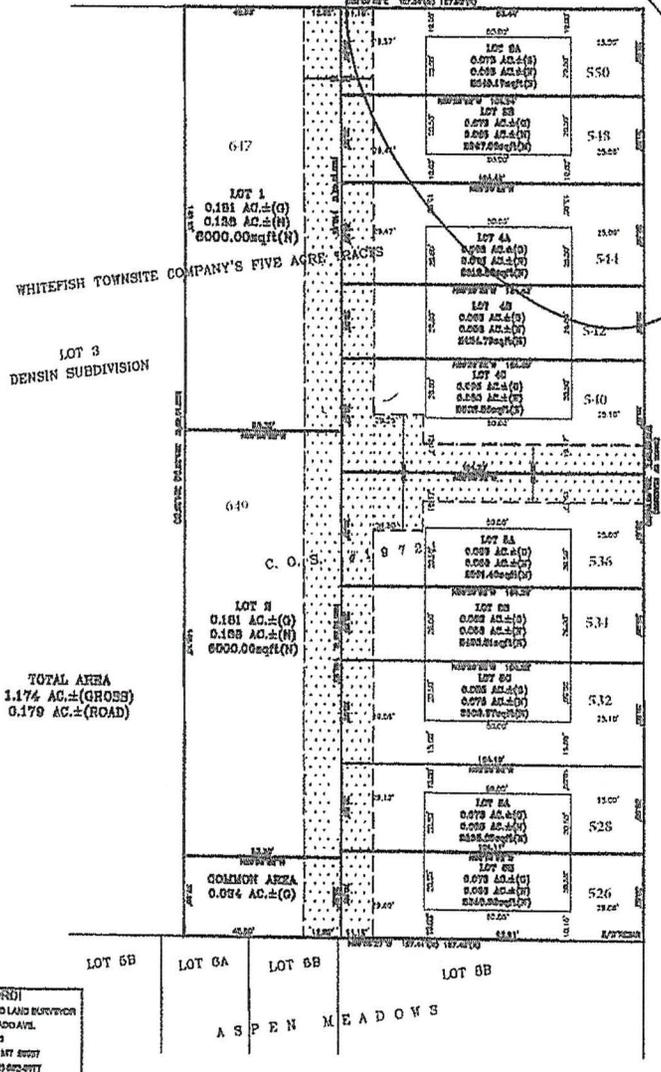
OWNER: FHS INVESTMENTS, LLC
DATE: FEBRUARY 20, 2019

FINAL PLAT OF COLORADO VIEW SUBDIVISION
E1/2 E1/2 OF LOT 1, BLOCK 6,
WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS
IN THE NW1/4 SE1/4, SEC. 25, T31N, R22W, P.M.,M.,
CITY OF WHITEFISH, FLATHEAD COUNTY, MT

DENVER STREET
(A 60' WIDE CITY STREET)

526, 550 Colorado Avenue
617, 619 Denver Street

Subject
papers - 550
543
Colorado Ave



WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS
LOT 3
DENSIN SUBDIVISION

TOTAL AREA
1.174 AC.±(GROSS)
0.179 AC.±(ROAD)

(A 60' WIDE CITY STREET)



- LEGEND
- FENCED PERM. R/W/WY STRIPES (NOTES)
 - UNFENCED PERM. R/W/WY STRIPES
 - UNFENCED EASEMENT
 - UNFENCED EASEMENT

CERTIFICATE OF DESIGN

I, Frank Zeitz, Managing Member of FHS Investments, LLC, the undersigned property owner, do hereby certify that I have caused to be surveyed and plotted into lots of the following described property as described in the Certificate of Design, and shown by the attached plat or map and situated in Flathead County, Montana:

That portion of the Northeast one-quarter of the Northeast one-quarter (NE1/4 NE1/4) of Section Twenty-five (25), Township Thirty-one North (T31N), Range Twenty-two West (R22W), Flathead National Forest, more particularly described as follows:

The East one-half of the East one-half (E1/2 E1/2) of Lot One (1), Block Six (6) of Whitefish Townsite Company's Five Acre Tracts, records of Flathead County, Montana, and containing 1.174 acres of land, gross measure, more or less. All as shown herein.

Subject to and together with all easements appurtenant thereto.

The above described tract of land shall hereafter be known as "COLORADO COTTAGE SUBDIVISION."

In witness whereof, I have caused my hand to be set on this _____ day of _____

FRANK ZEITZ, Managing Member of FHS Investments, LLC

STATE OF _____)
County of _____)

On this _____ day of _____, 2019, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Frank Zeitz, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same, in witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Signature _____
Print Name _____
Notary Public for the State of _____
Residing at _____
My Commission expires _____

CERTIFICATE OF CITY COUNCIL

We, the _____ Mayor for the City of Whitefish, and _____ City Clerk of Whitefish, do hereby certify that the accompanying plat was duly adopted and approved by the City Council of the City of Whitefish at its regular meeting held on _____ day of _____, 2019.

Mayor of Whitefish, Montana
City Clerk of Whitefish, Montana

CERTIFICATE OF CITY ATTORNEY

I, _____ City Attorney for the City of Whitefish, do hereby certify that I have examined the Certificate of Title by a licensed title company on the land described in the Certificate of Design on the Plat of SW SUBDIVISION, and find that

_____ are the owners in fee simple of the land so parcel, based this _____ day of _____, 2019.

City Attorney for the City of Whitefish

CERTIFICATE OF CITY ENGINEER

I, _____ City Engineer for the City of Whitefish, Montana, do hereby certify that the accompanying plat conforms to the existing boundaries of plots in the City of Whitefish, Montana, which are already platted, on record or otherwise as will permit

City Engineer of Whitefish, Montana
Reg. No. _____

CERTIFICATE OF SURVEYOR

REGISTERED PROFESSIONAL SURVEYOR
APPROVED: _____
STATE OF MONTANA
County of Flathead 05
Plat on the _____ day of _____, A.D. _____ of A.M. 2019.
_____ SURVEYOR
P.O. _____ DEPUTY
DISTRICT REG. NO. _____

- NOTES
- 1) NO PARK INDICATION REQUIRED - EXCEPTION CONTAINED IN SECTION 70-3-61(4)(a), MCA.
 - 2) HOUSE NUMBERS ARE REQUIRED TO BE POSTED ON THE HOUSE A CLEARLY VISIBLE LOCATION OR AT THE DRIVEWAY ENTRANCE.

SAM CONDI
REGISTERED LAND SURVEYOR
674 COLORADO AVE.
P.O. BOX 823
WHITEFISH, MT 59907
PHONE: (406) 862-2277

GARBAGE APPROVAL

From: Persinger, Jacob JPersinger@republicservices.com
Subject: New garage location
Date: Dec 19, 2019 at 6:09:05 AM
To: Frank Zolfo ZOLFLAND@msn.com

Hello Frank, looking at drawing I would like to know if the area between the triplex's is going to be a parking area or designated no parking? If it is used for extra parking it would eliminate the turnaround location making it unsuitable. I would approve either option assuming the location between the triplex's will not be a designated parking area. I would prefer the front load container over individual carts, that being said the individual containers would be acceptable so long as the city is ok with the enclosures that hide the containers.

Jacob Persinger
OPERATIONS SUPERVISOR

5445 HWY 93 S
WHITEFISH MT 59937
e JPersinger@republicservices.com
o 406 862-4381 c 406 250-5442
f 406 862-4387 w RepublicServices.com

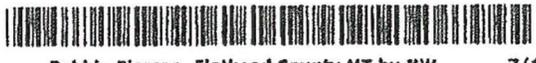


We'll handle it from here.

From: Frank Zolfo [<mailto:zolfland@msn.com>]
Sent: Wednesday, December 18, 2019 6:19 PM
To: Persinger, Jacob
Subject: New garage location

Note that (zolfland@msn.com) is an external email. Report suspicious emails by clicking on "Report Phishing"

Hi Jacob,
Last year, at the initial stages of planning for a small 12 lot townhouse subdivision at 540 Colorado Ave in Whitefish, you approved the location of a dumpster placement.



Debbie Pierson, Flathead County MT by NW

This Document Prepared By:
Fidelity National Title Company of Flathead Valley, LLC
284 Flathead Avenue Ste 101
Whitefish, MT 59937

After Recording Return To:
FNB Investments, LLC
P.O. Box 1981
Bend, OR 97709

Order No.: FT1585-181445-SH

Recorded by Fidelity National Title
FNT 1585-181445

WARRANTY DEED

For Value Received 540 Colorado, LLC, a Montana limited liability company, the grantor(s), do(es) hereby grant, bargain, sell and convey unto FNB Investments, LLC, a Montana limited liability company, of P.O. Box 1981, Bend, OR 97709, the grantee(s), the following described premises, in Flathead County, Montana, to wit:

The East Half of the East Half of Lot 1, Block 6 of Whitefish Townsite Company's Five Acres Tracts, according to the map or plat thereof and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Certificate of Survey No. 19721

TO HAVE AND TO HOLD unto the Grantee and to the heirs and assigns forever, subject, however, to:

- A. All reservations and exceptions of record and in patents from the United States or the State of Montana;
- B. All existing easements and rights of way of record, building, use zoning, sanitary and environmental restrictions;
- C. Taxes and assessments for the year 2018 and subsequent years;
- D. All prior conveyances, leases or transfers of any interest in minerals, including oil, gas and other hydrocarbons;

Except with reference to items referred to in paragraphs above, this Deed is given with the usual covenants expressed in §30-11-110, Montana Code Annotated.

This conveyance is made and accepted upon the express agreement that the consideration heretofore paid constitutes an adequate and full consideration in money or money's worth.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

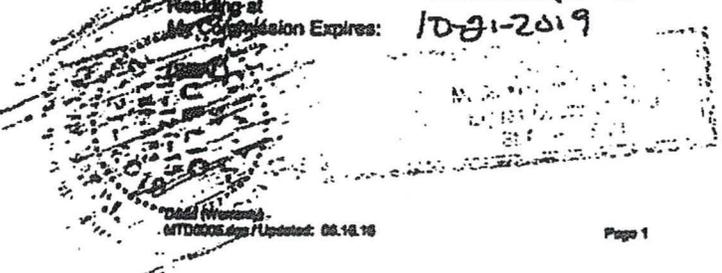
540 Colorado, LLC, a Montana limited liability company

BY: [Signature]
Ian B. Collins
Manager

State of St Croix, VT
County of Christiansburg

This instrument was acknowledged before me on 17th July, 2018 by Ian B. Collins, Manager of 540 Colorado, LLC, a Montana limited liability company.

[Signature]
Notary Public for the State of St Croix, VT
Residing at
My Commission Expires: 10-31-2019



0810250
★
★



Plat Room
 Flathead County, Montana
 800 S. Main St.
 Kalispell, MT 59901
 (406) 758-5510

This Form is for Subdivisions Only

BY : Sam Cordi

FOR : FNB Investments LLC

DATE : 5/19/2020

DESCP : Colorado View Sub on
 E1/2E1/2 L1 Blk 6 WTCFAT

PURPOSE : Subdivision

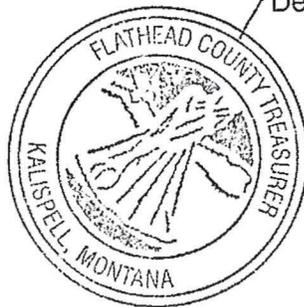
YEARS	ASSESSOR #
2015 Thru 2019	0816250
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I hereby certify that there are no outstanding taxes on the property assigned the assessor numbers listed above, for the years indicated for each assessor number.

MAY 19 2020

Judy Lindley

Deputy Treasurer
 (seal)



2020 MAY 19 10:10 AM

Return after recording to:
Lori B. Miller, P.C.
P.O. Box 4955
Whitefish, MT 59937

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

This Declaration of Covenants, Conditions, and Restrictions is made as of the ____ day of _____, 2020, by FNB INVESTMENTS, LLC (the "Declarant").

1. **THE PROPERTY.** This Declaration of Covenants, Conditions, and Restrictions binds the real property described in the attached Exhibit A (individually a "Lot" and collectively the "Property").
2. **AMENDMENT.** The Declarant is the owner of the Property.
3. **DECLARATION.** Declarant hereby declares that commencing on the date of recording this Declaration, the Property shall be held, sold, used, and conveyed subject to the covenants, conditions, and restrictions herein, which shall run with the title to the Property. This Declaration shall be binding on and shall inure to the benefit of all parties having any right, title, or interest in the Property, or any part thereof, their heirs, successors, and assigns; and to their tenants, invitees, and guests.
4. **DEFINITIONS.**
 - 4.1 **Owner.** "Owner" is any record owner of the Property.
 - 4.2 **Association.** "Association" is the Colorado View Homeowners Association, Inc. or any successor organization.
5. **PURPOSE, USE, AND ACTIVITIES.** The following protective covenants are designed to provide a uniform plan for the ownership, use, and development of the Property.
 - 5.1 No noxious or offensive activities shall be carried on upon the Property, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood including, but not limited to, the accumulation of scrap, junk, non-operable vehicles, or trash.
 - 5.2 All buildings and improvements on the Property shall be kept in good repair and appearance. Each Owner of a Lot on which there is a structure shall provide exterior maintenance upon such Lot and all structures, to include painting and repairing of the structure(s); snow removal from the Owner's driveway and sidewalks on the Lot, and maintaining the lawn and grounds.

5.3 Owners may install one personal-use satellite dishes per Lot that is less than one meter in diameter. To the extent possible, the dish must be installed on the back of the structure in a location that is not in public view.

5.3 The Property, or any building or improvements erected thereon, shall not at any time be used for manufacturing, trade, or commercial enterprise of any description, excepting that a Property may be used for a home occupation provided that such use does not increase traffic or otherwise become an annoyance or nuisance to the neighborhood, and is otherwise allowed by and in conformity with local law. No garage, shed, or other impermanent structures such as tents or recreational vehicles shall be used as a dwelling.

5.4 The discharge of firearms, fireworks, or explosives on the Property is strictly prohibited.

5.5 No animals, livestock, or poultry of any kind shall be raised, bred or kept on Property, excepting that no more than two dogs and two cats may be kept on each Lot, provided that they are not kept, bred, or maintained for any commercial purpose. The Owner must prevent those animals from becoming an annoyance or nuisance.

5.6 Owners and their guests shall park only in their designated parking spaces. Owners shall comply with all "no parking" signs.

5.7 Owners shall comply with all local, state, and federal laws and regulations, including, but not limited to City of Whitefish outdoor lighting standards.

5.8 No boat, motorhome, or other recreational vehicle shall be permanently stored on the Property. Temporary storage (48 hours or less) is allowed.

5.9 All trash and garbage must be stored in garage until garbage pick-up day. Garbage must be moved back in the garage within 24 hours.

5.10 No signs shall be erected or maintained on the Property except one sign of not more than one square foot per Lot identifying the Lot Owners or their approved home occupation, and one sign of not more than two square feet per Lot advertising the Lot for sale or rent. Declarant may erect or maintain other signs on the Property to promote the development and sale of the Property.

6. OWNERS' ASSOCIATION.

6.1 Each Owner shall be a member of the Association, which is a Montana nonprofit corporation, and shall be bound by the Bylaws adopted by the Association and any administrative rules and regulations adopted pursuant thereto.

6.2 Each Lot shall have the number of votes designated in the Bylaws.

6.3 The Association shall be responsible for: architectural control; necessary maintenance and improvement of any real or personal property conveyed to the Association (open spaces); compliance with the Association's tree preservation/retention plan (described below);

maintaining liability insurance on that property owned or controlled by the Association; adopting and carrying out a long-term maintenance plan and schedule for Association-owned and maintained improvements, including maintenance of drainage and storm water management facilities (including, but not limited to those facilities described in the Easement and Maintenance Agreement dated November 5, 2019 and recorded as document number 201900029521 in the records of the Flathead County Clerk and Recorder), and maintenance of the private access road and turn-around in all seasons allow for emergency access. The private access road maintenance plan is attached as Exhibit C. The stormwater maintenance plan is attached as Exhibit D. At Your Service property management, or such other property manager designated by the Association, will manage noxious weed removal, lawn maintenance in common areas, and maintain the private driveway in all seasons to allow for emergency access.

6.4 The Association shall establish assessments and collect assessments as provided in the Bylaws. Each member is obligated to pay the annual and special assessments, which shall be a lien on the property against which the assessment was made.

6.5 The Association shall enforce the terms of this Declaration.

6.6 The Association shall have such additional authority as is reasonably necessary to carry out its obligations under this Declaration and to perform all other lawful acts in support of such functions, including the authority to adopt reasonable rules and regulations for common areas and Association controlled property.

6.7 Common areas shall be perpetually reserved to the Association.

7. ARCHITECTURAL CONTROL COMMITTEE. The architectural control committee shall consist of the Board of Directors of the Association, or of a special architectural control committee of at least three or more persons appointed by the Board, all of whom must be members of the Association. All Owners, except the Declarant, intending to construct a dwelling or build any type of structure upon any Lot, shall first submit their plans and specification, in writing, to the architectural control committee. Construction plans and specifications shall include the following

- a. Site plan, including building(s);
- b. Exterior elevations of all structures;
- c. Exterior finishes, including paint color; and
- d. Description of all fencing and landscaping.

No house, building, fence, or other structure shall be erected, placed, or altered on the Property until the construction plans and specifications along with the proposed site therefore have been approved in writing by the architectural control committee in accordance with architectural review guidelines adopted by the Association, and approved by the City of Whitefish. Changes to the design, color, or structure of any house, building, fence, or other structure requires the written approval of the architectural control committee. Planting of trees, landscaping, or other plantings, and any alteration or removal of trees, landscaping, or other plantings require the written approval of the architectural control committee.

8. TREE PRESERVATION/RETENTION PLAN. The Association hereby adopts a tree preservation and retention plan, as set forth in the City of Whitefish Subdivision Regulation §12-

4-5, which is incorporated herein by reference. In accordance with that plan, the subdivision layout shows the location of existing vigorous native trees or vigorous tree species appropriate for northwest Montana to be preserved. The Association shall preserve those identified trees in accordance with American National Standards Institute (ANSI) A-300 standards and International Society of Arboriculture (ISA) recommendations for proper barricading. If encroachment into a tree protection area causes irreparable damage to a tree, the Association shall replace that tree (as specified in the City of Whitefish Subdivision Regulations) and the replacement tree must remain healthy for 5 years. If the replacement tree does not remain healthy for 5 years, the Association will replace the tree and it must similarly remain healthy for 5 years. The Association will replace trees that are not retained during the development of the subdivision, and the replacement trees must remain healthy for 5 years. If a replacement tree does not remain healthy for 5 years, the Association will replace the tree and it must similarly remain healthy for 5 years.

9. LONG-TERM NOXIOUS WEED PLAN. The Association hereby adopts a noxious weed management plan in accordance with the Montana County Noxious Weed Control Act, and City of Whitefish Ordinance 12-4-30, which are incorporated herein by reference. All noxious weeds must be removed by the recorded property Owner as set forth in Exhibit B.

10. ENFORCEMENT. The Association or any Owner shall have the option and right to enforce, by any proceedings at law or in equity, all restrictions, conditions, covenants, reservations, and charges now or hereafter imposed by the provisions of this Declaration. The Association may receive complaints about violations, in writing, from any Owner. The method of enforcement may include proceedings to enjoin the violation, to recover damages, or both. The city of Whitefish is a party to this restrictive covenant and may enforce any provisions required by the city.

11. AMENDMENT/ TERMINATION.

11.1 This Declaration may be amended by an instrument signed by Owners representing two-thirds of the total number of authorized votes. Any amendment shall be in writing and shall be recorded with the Clerk and Recorder of Flathead County and approved by the City of Whitefish.

11.2 The provisions of the Declaration shall be binding for a term of 25 years from the date of this Declaration, after which time the Declaration shall be automatically extended for successive periods of 10 years.

12. GENERAL PROVISIONS.

12.1 Invalidation of any one of part of this Declaration by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect. If any provision of this Declaration is superseded by county or other regulations, it shall in no way affect any of the other provisions, which shall remain in full force and effect.

12.2 No failure by a party to insist upon the strict performance of any term herein, or to exercise any right, power, or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or of any term of this Declaration.

12.3 If an action is successfully brought for a violation of this Declaration, reasonable attorney's fees shall be assessed in addition to any other damages.

FNB INVESTMENTS, LLC

X _____
FRANK ZOLFO, Member

STATE OF _____; COUNTY OF _____:

This instrument was acknowledged before me on the ___ day of _____, 2020, by Frank Zolfo as Member of FNB Investments, LLC.

X _____

EXHIBIT A- PROPERTY DESCRIPTION

[INSERT SUBDIVISION DESCRIPTION]

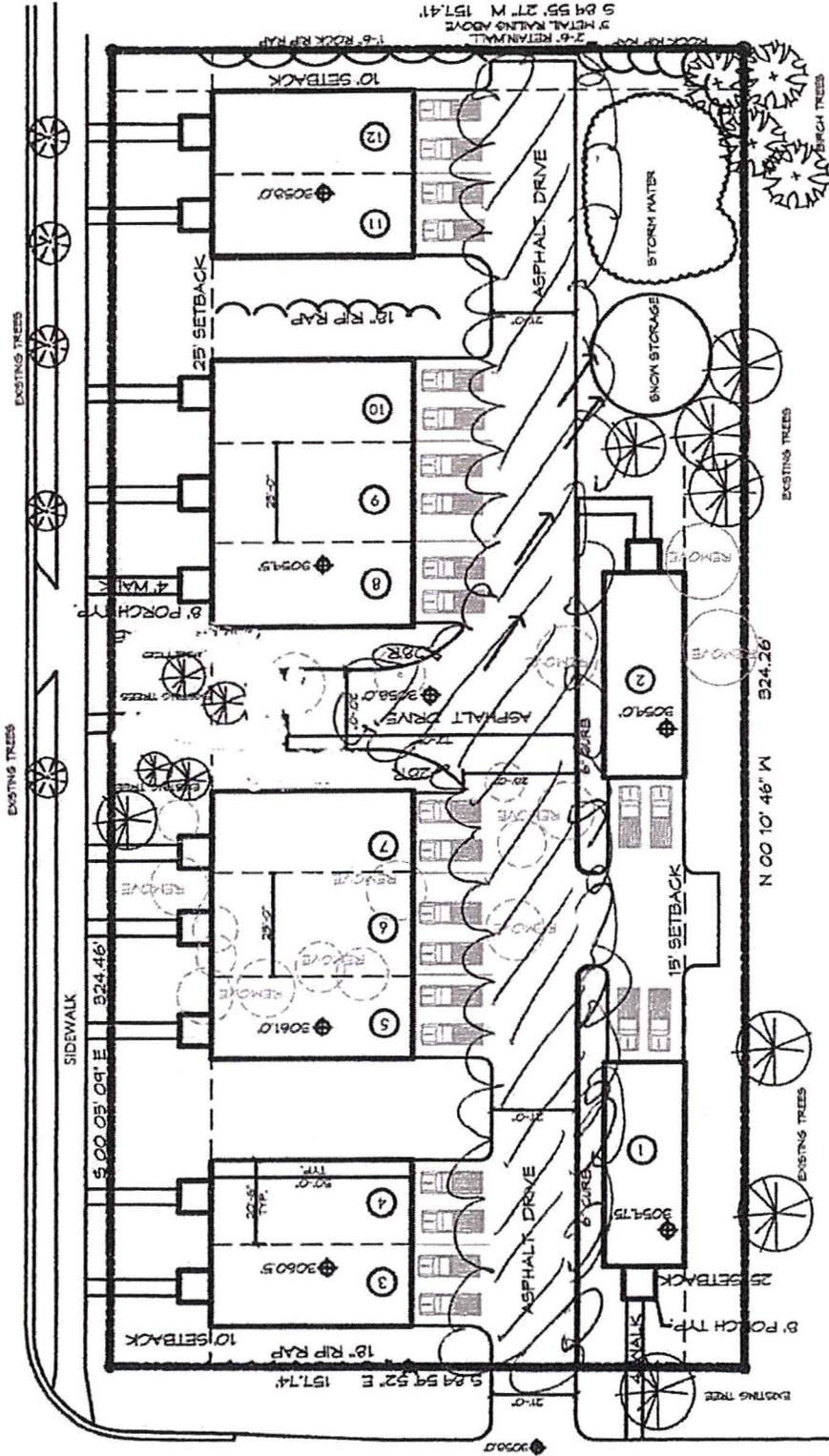
EXHIBIT B
Weed Management Plan

The Association hereby adopts a noxious weed management plan as set forth in the City of Whitefish subdivision regulation 12-4-30, which is incorporated herein by reference. Each Owner of a Lot (and the Association for Association-owned property) shall take necessary steps, to include mowing, pulling, and applying herbicide or biological controls to eradicate noxious weeds as defined in Whitefish City Ordinance 4-3-1. The Association and Owners of any Lot shall not permit noxious weeds to grow on the Lot, common area, or on any adjacent boulevard, street, or roadway. The Association understand that such noxious weeds shall constitute a public nuisance and that any violation of this Weed Management Plan is a violation of these Covenants, Conditions, and Restrictions, and such violation may be a misdemeanor as set forth in Whitefish City Ordinance 1-4-1. A map identifying noxious weeds is attached to this Weed Management Plan.

EXHIBIT C
Private Access Road Maintenance Plan

The internal access road within the Colorado View Subdivision is intended to be privately owned and maintained by the HOA, yet open to the public. The Association shall maintain the access road and turn around in all seasons to allow for access, including emergency access, to include snow removal and road repair, if necessary. The Association may contract with At Your Service Property Management or such other property manager designated by the Association, to provide road maintenance services. A map identifying roadways to be maintained is attached to this Private Access Road Maintenance Plan.

COLORADO AVENUE



DENVER STREET



Private Access Road

Maintenance PLAN - Limited to the 20' width
to BACK @ 320' Deep 4-

EXHIBIT D
Stormwater Maintenance Plan

All stormwater facilities should be maintained at a minimum as follows:

I. Quarterly or after every rainfall producing runoff, whichever comes first:

- a. Remove debris from grates and detention device.
- b. Check and clear orifice of detention device of any obstructions.
- c. Inspect the discharge outlets for erosion, debris, etc.

II. Semi-Annually:

- a. Inspect the collection system (i.e., detention basin, conveyance systems, catch basins) for proper function. Clear accumulated trash from catch basins, outlet control structures and basin bottoms, and check conveyance systems for obstructions.
- b. Repair any broken pipes or defective joints.

The complete Colorado View Subdivision Stormwater Facility Operation and Maintenance is available at the offices of the Association.

Return after recording to:
Lori B. Miller, P.C.
P.O. Box 4955
Whitefish, MT 59937

**BYLAWS OF THE
COLORADO VIEW HOMEOWNERS ASSOCIATION, INC.**

ARTICLE I
NAME AND OFFICES OF ASSOCIATION

- 1.1 The name of this association shall be COLORADO VIEW HOMEOWNERS ASSOCIATION, INC. (the "Association").
- 1.2 The principal office of the Association shall be at any place the Board of Directors shall determine.

ARTICLE II
PURPOSES

- 2.1 The Association is organized and shall be operated to exercise the power and authority and perform all the duties and obligation of the Association required by the Declaration of Covenants, Conditions, and Restrictions for the Association (the "CC&Rs"), including but not limited to the establishment, assessment, collection and enforcement of payment of all dues and fees, the ownership, control, maintenance, and improvement of any real or personal property conveyed to the Association, and for any and all other lawful purposes in support of such functions.
- 2.2 Further, the Association shall have and exercise all rights and powers conferred on nonprofit corporations under Section 35-2-118 of the Montana Nonprofit Corporation Act, provided, however, that the Association shall not engage in any activities or exercise any powers that are not in furtherance of the primary purpose of the Association.

ARTICLE III
MEMBERSHIP

- 3.1 The Association shall have one class of members.

3.2 Every record owner of a lot within Colorado View Subdivision [INSERT SUBDIVISION LEGAL DESCRIPTION] shall be a member of the Association, provided however, that the purchaser under a recorded contract for deed or notice of purchaser's interest shall be deemed to be the record owner for such purposes.

3.3 Membership shall automatically transfer with a transfer of ownership of the lot within Colorado View Subdivision. Membership shall be appurtenant to and may not be separated from ownership of the lot.

3.4 Each member shall comply with these Bylaws and with any administrative rules and regulations adopted pursuant thereto; and each member shall cause all occupants, tenants, and invitees of their respective properties to comply with the same. Failure to comply therewith shall be grounds for an action maintainable by the Association or by an aggrieved member.

ARTICLE IV *MEETINGS OF MEMBERS*

4.1 The annual meeting of the members of the Association shall be held at the principal office of the Association in the state of Montana, or at such other place within the state of Montana as may be determined by the Board of Directors and as may be designated in the notice of such meeting. The first annual meeting shall be held as soon as possible following the adoption of these Bylaws and shall be held at that same time and place, and on that same day and month each year thereafter. If said day is a legal holiday, the meeting shall be held on the next succeeding day not a legal holiday. The business to be transacted at such meeting shall be the election of the directors, the adoption of the annual budget, and such other business as shall be properly brought before the meeting.

4.2 If the annual meeting is not held on the day herein designated for the annual meeting, or at any adjournment of such meeting, the Board of Directors shall call a special meeting of the members as soon as possible thereafter. At such meeting, the election of directors shall take place.

4.3 Special meetings of the members may be called by any two directors, the President, Vice President, or Secretary, or by the members holding of at least 10% of the membership interests entitled to vote at such a meeting.

4.4 Notice of any annual meeting or special meeting of the members shall be given by the Secretary not less than 10 days, and not more than 30 days prior to the date of the meeting. if notice is mailed by certified mail is shall be given not less than 30 or more than 60 days before the meeting date.

4.5 Each member of record shall be given written notice of the purpose and the time and place of every meeting of the members. If mailed, the notice shall be addressed to the member's address as it appears on the books of the Association, unless the member has requested the Secretary to mail the notice to some other address. Notice shall be deemed given upon personal delivery or three days after the date of mailing.

4.6 A member may waive the notice of meeting by attendance, either in person or by proxy, at the meeting, or by so stating in writing, either before or after such meeting. Attendance at a meeting for the express purpose of objecting that the meeting was not lawfully called or convened shall not, however, constitute a waiver of notice. Except where otherwise required by law, notice need not be given of any adjourned meeting of the members.

4.7 Members may participate in a meeting by conference telephone, or electronic video communication.

4.8 At any meeting of members, a member entitled to vote may vote by proxy executed in writing by the member or by the member's duly authorized attorney in fact. No proxy will be valid after 9 months from its date of execution unless otherwise provided in the proxy.

4.9 The presence in person or by proxy of members representing a majority of the votes entitled to be cast on a matter shall constitute a quorum.

4.10 The Board of Directors may fix a date as the record date for the determination of members. Such date shall be no more than 30 days prior to the date of the meeting or other action that requires such determination. If no record date is fixed for the determination of the members, the date of notice of the meeting or other action shall be the record date for the determination of members.

4.11 The President shall preside over meetings of the members.

4.12 At any meeting of the members, each member of the Association entitled to vote at such meeting shall have as to each matter submitted to a vote, one vote in person or by proxy. If more than one person is an owner of a lot pursuant to the provisions of a deed or recorded contract for deed or notice of purchasers' interest, the person whose name appears first therein shall be the voting member. Any entity owner shall designate its voting member in writing 20 days prior to any meeting. Each lot shall have only one vote regardless of the number of owners, excepting that during the period of Developer control (as defined in Section 5.2), the Developer shall have 10 votes for each lot owned by the Developer.

4.13 A majority vote of those members entitled to vote and present or represented at the meeting in which a quorum is present shall be the act of the members.

4.14 Any action required or permitted to be taken by the members may be taken without a meeting, if all members shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the members and shall have the same force and effect as the unanimous vote of such members. The Board may adopt any form or procedure to obtain such consent electronically.

ARTICLE V *BOARD OF DIRECTORS*

5.1 Subject to any limitations in the Articles of Incorporation or these Bylaws, the activities and affairs of the Association shall be conducted, and all corporate powers shall be exercised by or under the direction of the Board of Directors without the necessity for approval by the members. Board duties shall include, but are not limited, to assessing and collecting dues and assessments chargeable to the members of the Association, enforcement of the CC&Rs, adoption of reasonable rules and regulations to govern the use of Association property, and maintenance of the Association property. The Board may delegate the management of the activities of the Association to any person or persons, a management company, or committee or committees, provided that the activities and affairs of the Association shall be managed, and all corporate powers shall be exercised under the ultimate direction of the Board.

5.2 The initial Board shall be composed of three directors. The number of directors of the Association shall be not less than three, and not more than 10, with the exact number of directors to be fixed from time to time, within such limits, by approval of the Board. The developer of Colorado View Subdivision is FNB Investments, LLC (the "Developer"). During the time that the Developer owns 20% or more of the lots in the Colorado View Subdivision (the "period of Developer control"), the Developer may appoint remove or replace all the directors of the Association. The Developer may release this right to appoint, remove, or replace by delivery of a written release to the Association.

5.3 Following the period of Developer control, or if the right to appoint, remove, or replace directors has been released by the Developer, Directors shall be elected at the annual meeting of the members and each director shall serve for a term of one year and until his successor shall be elected and qualified. Each director shall be a member of the Association.

5.4 Following the period of Developer control, the Board may remove a director at any time when such removal is determined by the Board to be in the best interests of the Association. Any director may resign by giving written notice to the Chairman of the Board, the President, the Secretary, or the Board of Directors.

5.5 Following the period of Developer control, a vacancy in the Board of Directors, by reason of the death, resignation, or removal of any director, or increase in the number of directors, shall be filled by a vote of the majority of the remaining directors. Any director elected to fill a vacancy shall hold office until the next annual meeting and until his successor is elected and qualified.

5.6 The Board of Directors shall hold an annual meeting for the purpose of electing the officers, and all other business as may properly come before the Board.

5.7 Special meetings of the Board of Directors may be called at any time by the Chairman of the Board, the President, any Vice President, the Secretary, or any two directors.

5.8 Meetings of the Board of Directors may be held at any place within or without the state of Montana that has been designated in the notice of the meeting.

5.9 Notice of any annual meeting or special meeting of the Board shall be given by the Secretary not less than 10 days, and not more than 30 days prior to the date of the meeting. Each director shall be given in person, or by first class mail, written notice of the purpose and the time and place of every meeting of the directors. If mailed, the notice shall be addressed to the director's address as it appears on the books of the Association, unless the director has requested the Secretary to mail the notice to some other address. Notice shall be deemed given upon personal delivery or three days after the date of mailing. The first meeting of the Board of Directors shall be held immediately following the first meeting of the Members, for the purposes of electing officers and adopting these Bylaws. The Board of Directors shall hold an annual meeting for the purpose of electing the officers, and all other business as may properly come before the Board, at that same time and place, and on that same day and month each year thereafter. If said day is a legal holiday, the meeting shall be held on the next succeeding day not a legal holiday.

5.10 Members of the Board of Directors may participate in a meeting by conference telephone, or electronic video screen communication.

5.11 A majority of directors constitutes a quorum of the Board for the transaction of business. Unless a greater number is required by law, the Articles of Incorporation or these Bylaws, every action taken, or decision made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the Board.

5.12 Any action required or permitted to be taken by the Board of Directors may be taken without a meeting, if all members of the Board shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the Board and shall have the same force and effect as the unanimous vote of such directors. The Board may adopt any form or procedure to obtain such consent electronically.

5.13 The Board may, by resolution adopted by a majority of the number of directors then in office, provided that a quorum is present, create one or more committees, each consisting of two or more directors, to serve at the pleasure of the Board. Appointments to such committees shall be by a majority vote of the directors then in office. Any such committee to the extent provided in the resolution of the Board, shall have all the authority of the Board except with respect to:

- (a) The approval of any action that the Montana Nonprofit Corporation Law requires approval of the Board or of a majority of the Board;
- (b) The election, appointment, or removal of any officer or director;
- (c) The adoption, amendment, or repeal of any Bylaws or Articles;
- (d) The amendment or repeal of any resolution of the Board that by its express terms is not amendable or repealable;
- (e) The appointment of committees of the Board or the members thereof; and
- (f) The approval of any self-dealing transaction.

5.14 Regular and special meetings and actions of committees of the Board of Directors shall be governed by the provisions of this Article applicable to meetings and actions of the Board; provided however, that the Board may adopt rules for the conduct of the business of any committee consistent with these Bylaws, or in the absence of rules adopted by the Board, the committee may adopt such rules.

5.15 Directors shall not be entitled to compensation for their services as directors.

ARTICLE VI *OFFICERS*

6.1 The officers of the Association shall be a President (also referred to as Chairperson), a Vice-President, a Secretary, and a Treasurer. The Board may empower the President to appoint such other officers as the business of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as are provided in these Bylaws or as the Board from time to time may determine.

6.2 During the period of Developer control the Developer may appoint, remove, or replace all the officers of the Association. The Developer may release this right to appoint, remove, or replace by delivery of a written release to the Association. Following the period of Developer control, or if the right to appoint, remove, or replace officers has been released by the Developer, the officers shall be elected annually by majority vote of the Board of Directors. Each officer shall be elected for a term of one year and shall hold office until their successors are duly elected and qualified, or until his or her death, resignation, or removal.

6.3 Any officer may be removed with or without cause by the Board of Directors at any time or, in the case of an officer not chosen by the Board, by any officer upon whom such power of removal may be conferred by the Board. Any such removal shall be without prejudice to the rights, if any, of the officer under any contract of employment. Any officer may resign at any time by giving written notice to the Board without prejudice to the rights, if any, of the Association under any contract to which the officer is a party. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein.

6.4 A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these Bylaws for regular election to such office, provided that such vacancies shall be filled as they occur and not on an annual basis.

6.5 The President is the general manager and chief executive officer of the Association and, subject to the control of the Board of Directors, shall be responsible for the general supervision, direction, and control of the business and officers of the Association. The President shall preside at all meetings of the Board as Chairperson of the Board. The President has the general powers and duties of management usually vested in the office of president and general manager of a corporation and such other powers and duties as may be prescribed by the Board.

6.6 In the absence or disability of the President, the Vice President, if any, shall perform all

the duties of the President and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the President. The Vice President shall have such other powers and perform such other duties as from time to time may be prescribed by the Board.

6.7 The Secretary shall keep or cause to be kept, at the principal office of the Association or such other place as the Board of Directors may order, a book of minutes of all meetings of the Board and its committees. The minutes shall include the time and place of meetings, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at Board and committee meetings, and the proceedings thereof. The Secretary shall keep, or cause to be kept, at the principal office, the original or a copy of the Association's Articles and Bylaws, as amended to date. The Secretary shall give, or cause to be given, notice of all meetings of the Board and its committees required by law or by these Bylaws to be given, and shall have such other powers and perform such other duties as may be prescribed by the Board.

6.8 The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the properties and business transactions of the Association. The books of account shall be open at all reasonable times to inspection by any director. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the Association with such depositories as may be designated by the Board. The Treasurer shall disburse the funds of the Association as may be ordered by the Board, shall render to the President and the directors, whenever requested an account of all transactions as Treasurer and of the financial condition of the Association, and shall have such other powers and perform such other duties as may be prescribed by the Board.

ARTICLE VII.

Indemnification, Insurance and Director Liability

7.1 For the purposes of this Article VII, "agent" means any person who is or was a director, officer, employee, or other agent of the Association; and "proceeding" means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative.

7.2 To the extent provided in Mont. Code Annotated Section 35-2-447, the Association shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding by reason of the fact that such person is or was an agent of the Association, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Association and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Association or that the person had reasonable cause to believe that the person's conduct was unlawful.

7.3 To the fullest extent permitted Montana Law, as now in effect or as may hereafter be amended, there shall be no personal liability to a third party for monetary damages on the part of a volunteer director or volunteer executive officer of a nonprofit corporation, caused by the director's negligent act or omission in the performance of that person's duties as a director or officer, provided that the person's act or omission was (1) within the scope of the director's or executive officer's duties, performed in good faith and not reckless, wanton, intentional or grossly negligent, and (2) either the damages are covered by liability insurance or the director or executive officer and the Board of Directors had made all reasonable efforts in good faith to obtain available liability insurance.

7.4 The Association shall have power to purchase and maintain insurance on behalf of any director, officer, employee or agent of the Association against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such.

ARTICLE VIII *FINANCE AND ASSESSMENTS*

8.1 The Board of Directors shall prepare an annual operating budget for the Association. A copy shall be distributed to each member of the Association at least 15 days prior to the annual meeting of the members. The Board shall present the budget for approval by majority vote of the members entitled to vote at an annual meeting. The budget shall include establishment of a reserve fund for capital expenditures. If the member fails to approve a budget, the prior-year annual operating budget, increased by 10%, shall be the current-year budget.

8.2 The Board of Directors shall establish annual assessments and fees in an amount sufficient to meet the annual expenses of the Association pursuant to the duly approved budget. Annual expenses of the Association include, but are not limited to, liability insurance premiums, local taxes, the cost to maintain Association owned or maintained facilities, and the cost to enforce the Covenants, Conditions, and Restrictions.

8.3 The Board of Directors may also assess special assessments to be used to meet any deficiency which may result from any inadequate estimated cash requirement, unbudgeted expenses, or as a result of delinquencies in the payment of operating assessment by members.

8.4 The Board of Directors may also assess individual assessments against any owner for all fees, fines or other amounts owed by the owner as a result of violation of the terms of the CC&Rs, the Bylaws, or any other rules adopted by the Association, or any other liability, indebtedness or other obligation of the owner to the Association.

8.5 Each lot within the Colorado View Subdivision shall be assessed an equal share of annual and special assessments. Individual assessments shall be assessed against the owner incurring such cost or expense.

8.6 All Association property and all property owned by the Developer shall be exempt from the assessments created herein.

8.7 The funds of the Association shall be deposited in such bank or banks, building and loan or savings and loan associations as the Directors shall designate and shall be withdrawn only upon the check or order of an officer of the Association duly authorized by the Board of Directors, or by a manager if so authorized. The reserve fund shall be deposited in a separate account.

8.8 The Board may establish billing and payment schedule for annual and special assessments.

8.9 Each member is obligated to pay the annual and special assessments, which shall be a lien on the property against which the assessment was made. No member may exempt himself or herself from liability for assessments by waiver or lease of the use or enjoyment of any of their lot or the Association property.

8.10 All successors to a lot, will be jointly and severally liable with the prior owner or owners thereof for any and all unpaid assessments, interest, late charges, costs, expenses, and attorneys' and legal assistants' fees against such lot, without prejudice to any such successor's right to recover from any prior owner any amounts paid by such successor.

8.11 Any installment of any assessment that is not paid within 30 days after its due date will be delinquent. If any installment of an assessment becomes delinquent, the Association, in its sole discretion, may take any or all the following actions.

- (a) Assess a late payment penalty for each delinquency at uniform rates set by the Board of Directors from time to time;
- (b) Charge interest from the date of delinquency at the rate of 10% per year;
- (c) Suspend the voting rights of the Member during any period of delinquency; or
- (d) Bring an action at law against any Member personally obligated to pay the delinquent assessment charges.

The remedies provided under this Article are not exclusive, and the Association may exercise any other remedies to collect delinquent assessments as may be provided by law or the CC&Rs.

8.12 With approval by majority vote of the members entitled to vote at a duly called meeting, the Directors shall have the authority to borrow money to meet any deficiency in the payment of Association expenses or to meet any emergency that may arise in the management of the property.

8.13 The Board of Directors or the manager shall keep detailed records of the action of the Board of Directors and the manager, minutes of the meetings of the Board, minutes of the meetings of the Members, and financial records and books of account of the Association, including a chronological list of receipts and expenditures, as well as a separate account for each lot, which among other things shall contain the account of each assessment against such lot, the

date due, the amounts paid, and the balance remaining unpaid.

8.14 A written report summarizing all receipts and expenditures of the Association in the prior year shall be distributed by the Board of Directors to all members not later than 15 days prior to the annual meeting. All books and records may be reviewed by an independent auditor upon a majority vote of the members entitled to vote at a duly called meeting.

8.15 The Board has authority to make any election to qualify under Internal Revenue Code Section 528 by filing form 1120H.

ARTICLE IX
MISCELLANEOUS

9.1 The Association will not have or use a corporate seal.

9.2 These Bylaws may be amended by majority vote of the members entitled to vote.

9.3 All notices to the Board of Directors shall be sent by registered or certified mail in care of the manager or if there is no manager, to the office of the Board of Directors as may be designated from time to time, said notices to be effective upon receipt.

9.4 The invalidity of any part of these Bylaws shall not affect or impair in any manner the validity, enforceability, or effect of the balance of these Bylaws. In the event of any conflict between these Bylaws and the CC&Rs, the CC&Rs shall prevail.

9.5 No restriction, condition, obligation, or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, regardless of the number of violations or breaches thereof which may occur.

9.6 All Members are responsible for informing the Association of their current mailing address and all changes to that address.

9.7 The Association may be dissolved only after obtaining consent from the Whitefish City Council.

FNB INVESTMENTS, LLC

X _____
FRANK ZOLFO, Member

STATE OF _____; COUNTY OF _____:

This instrument was acknowledged before me on the ____ day of _____, 2020, by Frank Zolfo as Member of FNB Investments, LLC.

X _____

COLORADO VIEW SUBDIVISION

Stormwater Facility Operation and Maintenance

Stormwater management facilities are structures that are used to remove pollutants from stormwater, prevent stream damage and erosion, prevent flooding, and protect public health. These structures can be located on the surface (bioswales, channels, stormwater retention and detention basins, catch basins, etc.), underground (stormwater conveyance piping, flow spreaders, infiltration trenches, underground storage structures, etc.) These facilities require periodic maintenance to operate effectively.

Underground utilities sometimes do not receive the attention that they deserve until they fail. This includes the facilities that collect and transfer stormwater from impervious surfaces to local distribution areas, streams and waterways. Stormwater management facilities must receive periodic maintenance to ensure their continued operation. Stormwater management facilities that are not properly maintained or upgraded can result in flooding, erosion, and damage to property. **(See attached plan set for facility overview)**

ONSITE STORMWATER MANAGEMENT FACILITIES:

This site utilizes a single CDS hydrodynamic separator treat stormwater prior to conveying it to an underground CMP stormwater detention facility, which is located in the south west side of the property. The Stormwater outlet control structure is located just south of the CMP facility. This facility provides detention and a controlled release rate for the 2, 10 and 100-year storm events. The outlet control structure releases the water via a 12" pvc storm drain pipe that connects to an existing storm pipe located along Colorado Ave.

Stormwater components reside partially within lots and within a utility easement to protect and provide access to all stormwater facilities. No owners of any lots shall encroach upon or construct any permanent or semi-permanent features within the easements recorded for the stormwater components.

1.) STORMWATER QUANTITY CONTROL (CMP Detention Facility)

The intent of stormwater quantity control facilities is to slow down stormwater flow discharged to the environment from developed sites. Impervious surfaces, such as roads, roofs, and sidewalks increase the rate of stormwater runoff into drainageways which can create flooding. Stormwater quantity control facilities mitigate the increased runoff by providing temporary storage and controlling the release rate from the site to prevent flooding and erosion. There is one stormwater quantity control facilities located on site, a CMP detention system. Operation and maintenance for this detention system should follow the manufacturer's recommendations as stated in the attached Contech Inspection and Maintenance Guide.

2.) STORMWATER CONVEYANCE SYSTEMS

Conveyance systems intercept and transport stormwater and typically consist of inlets that collect water and pipes and/or open channels (ditches). Stormwater conveyance systems are designed to provide capacity for a specific maximum flow rate.

A. CONVEYANCE STORMWATER PIPE & MAINTENANCE:

Inlet and outlet stormwater pipes convey stormwater in, through, and out of stormwater facilities. Storm sewer pipes convey stormwater. Stormwater pipes should be cleaned to remove sediment

or blockages when problems are identified and must be clear of obstructions and breaks to prevent localized flooding. All stormwater pipes should be in proper working order and free of defects. Plugging commonly occurs due to sediment and large debris washed from adjacent surfaces. Reduced conveyance system capacity results in localized flooding and possible property damage. Remove trash, yard debris, and excess vegetation; also remove sediment if it impedes water flow. Inspect for vegetation overgrowth and remove vegetation if it reduces the free movement of water. Inspection frequency should be quarterly and after storms.

3.) STORMWATER QUALITY CONTROL (PRETREATMENT)

There are a several Best Management Practices (BMPs) utilized for stormwater quality control. These systems provide stormwater treatment through a combination of filtration, sediment settling, plant nutrient uptake, and physical separation. This site utilizes a Contech CDS hydrodynamic separator to remove oils, chemicals, metals, and sediment from stormwater runoff prior to being discharged to the underground stormwater detention system. Operation and maintenance for this hydrodynamic separator should follow the manufacturer's recommendations as stated in the attached Contech CDS Inspection and Maintenance Guide.

All stormwater facilities should be maintained at a minimum as follows:

- I. **Quarterly or after every rainfall producing runoff, whichever comes first:**
 - a. Remove debris from grates and detention device.
 - b. Check and clear orifice of detention device of any obstructions.
 - c. Inspect the discharge outlets for erosion, debris, etc.
- II. **Semi-Annually:**
 - a. Inspect the collection system (i.e., detention basin, conveyance systems, catch basins) for proper function. Clear accumulated trash from catch basins, outlet control structures and basin bottoms, and check conveyance systems for obstructions.
 - b. Repair any broken pipes or defective joints.

CDS[®] Inspection and Maintenance Guide



Maintenance

The CDS system should be inspected at regular intervals and maintained when necessary to ensure optimum performance. The rate at which the system collects pollutants will depend more heavily on site activities than the size of the unit. For example, unstable soils or heavy winter sanding will cause the grit chamber to fill more quickly but regular sweeping of paved surfaces will slow accumulation.

Inspection

Inspection is the key to effective maintenance and is easily performed. Pollutant transport and deposition may vary from year to year and regular inspections will help ensure that the system is cleaned out at the appropriate time. At a minimum, inspections should be performed twice per year (e.g. spring and fall) however more frequent inspections may be necessary in climates where winter sanding operations may lead to rapid accumulations, or in equipment washdown areas. Installations should also be inspected more frequently where excessive amounts of trash are expected.

The visual inspection should ascertain that the system components are in working order and that there are no blockages or obstructions in the inlet and separation screen. The inspection should also quantify the accumulation of hydrocarbons, trash, and sediment in the system. Measuring pollutant accumulation can be done with a calibrated dipstick, tape measure or other measuring instrument. If absorbent material is used for enhanced removal of hydrocarbons, the level of discoloration of the sorbent material should also be identified during inspection. It is useful and often required as part of an operating permit to keep a record of each inspection. A simple form for doing so is provided.

Access to the CDS unit is typically achieved through two manhole access covers. One opening allows for inspection and cleanout of the separation chamber (cylinder and screen) and isolated sump. The other allows for inspection and cleanout of sediment captured and retained outside the screen. For deep units, a single manhole access point would allow both sump cleanout and access outside the screen.

The CDS system should be cleaned when the level of sediment has reached 75% of capacity in the isolated sump or when an appreciable level of hydrocarbons and trash has accumulated. If absorbent material is used, it should be replaced when significant discoloration has occurred. Performance will not be impacted until 100% of the sump capacity is exceeded however it is recommended that the system be cleaned prior to that for easier removal of sediment. The level of sediment is easily determined by measuring from finished grade down to the top of the sediment pile. To avoid underestimating the level of sediment in the chamber, the measuring device must be lowered to the top of the sediment pile carefully. Particles at the top of the pile typically offer less resistance to the end of the rod than consolidated particles toward the bottom of the pile. Once this measurement is recorded, it should be compared to the as-built drawing for the unit to determine whether the height of the sediment pile off the bottom of the sump floor exceeds 75% of the total height of isolated sump.

Cleaning

Cleaning of a CDS system should be done during dry weather conditions when no flow is entering the system. The use of a vacuum truck is generally the most effective and convenient method of removing pollutants from the system. Simply remove the manhole covers and insert the vacuum hose into the sump. The system should be completely drained down and the sump fully evacuated of sediment. The area outside the screen should also be cleaned out if pollutant build-up exists in this area.

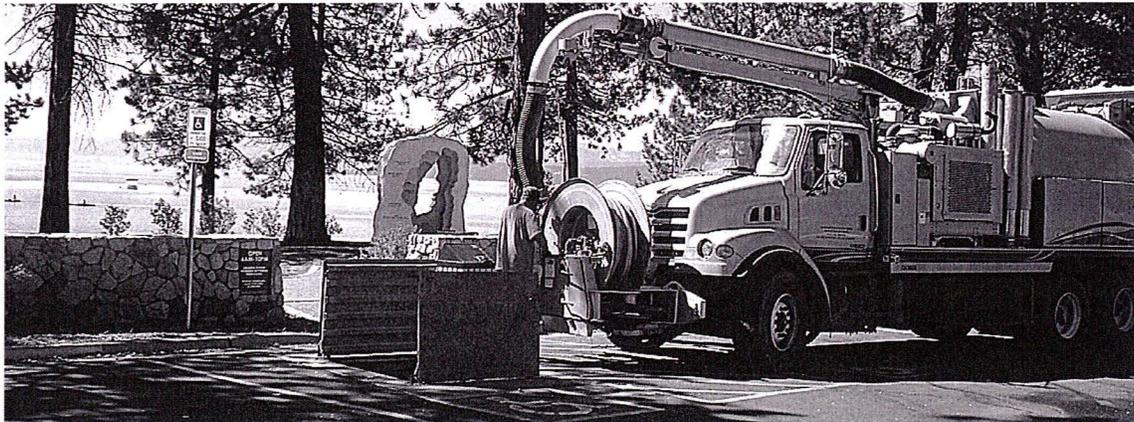
In installations where the risk of petroleum spills is small, liquid contaminants may not accumulate as quickly as sediment. However, the system should be cleaned out immediately in the event of an oil or gasoline spill should be cleaned out immediately. Motor oil and other hydrocarbons that accumulate on a more routine basis should be removed when an appreciable layer has been captured. To remove these pollutants, it may be preferable to use absorbent pads since they are usually less expensive to dispose than the oil/water emulsion that may be created by vacuuming the oily layer. Trash and debris can be netted out to separate it from the other pollutants. The screen should be power washed to ensure it is free of trash and debris.

Manhole covers should be securely seated following cleaning activities to prevent leakage of runoff into the system from above and also to ensure that proper safety precautions have been followed. Confined space entry procedures need to be followed if physical access is required. Disposal of all material removed from the CDS system should be done in accordance with local regulations. In many jurisdictions, disposal of the sediments may be handled in the same manner as the disposal of sediments removed from catch basins or deep sump manholes.



CDS Model	Diameter		Distance from Water Surface to Top of Sediment Pile		Sediment Storage Capacity	
	ft	m	ft	m	y ³	m ³
CDS1515	3	0.9	3.0	0.9	0.5	0.4
CDS2015	4	1.2	3.0	0.9	0.9	0.7
CDS2015	5	1.3	3.0	0.9	1.3	1.0
CDS2020	5	1.3	3.5	1.1	1.3	1.0
CDS2025	5	1.3	4.0	1.2	1.3	1.0
CDS3020	6	1.8	4.0	1.2	2.1	1.6
CDS3025	6	1.8	4.0	1.2	2.1	1.6
CDS3030	6	1.8	4.6	1.4	2.1	1.6
CDS3035	6	1.8	5.0	1.5	2.1	1.6
CDS4030	8	2.4	4.6	1.4	5.6	4.3
CDS4040	8	2.4	5.7	1.7	5.6	4.3
CDS4045	8	2.4	6.2	1.9	5.6	4.3
CDS5640	10	3.0	6.3	1.9	8.7	6.7
CDS5653	10	3.0	7.7	2.3	8.7	6.7
CDS5668	10	3.0	9.3	2.8	8.7	6.7
CDS5678	10	3.0	10.3	3.1	8.7	6.7

Table 1: CDS Maintenance Indicators and Sediment Storage Capacities



Support

- Drawings and specifications are available at www.contechstormwater.com.
- Site-specific design support is available from our engineers.

©2017 Contech Engineered Solutions LLC, a QUIKRETE Company

Contech Engineered Solutions LLC provides site solutions for the civil engineering industry. Contech's portfolio includes bridges, drainage, sanitary sewer, stormwater, earth stabilization and wastewater treatment products. For information, visit www.ContechES.com or call 800.338.1122

NOTHING IN THIS CATALOG SHOULD BE CONSTRUED AS AN EXPRESSED WARRANTY OR AN IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. SEE THE CONTECH STANDARD CONDITION OF SALES (VIEWABLE AT WWW.CONTECHES.COM/COS) FOR MORE INFORMATION.

The product(s) described may be protected by one or more of the following US patents: 5,322,629; 5,624,576; 5,707,527; 5,759,415; 5,788,848; 5,985,157; 6,027,639; 6,350,374; 6,406,218; 6,641,720; 6,511,595; 6,649,048; 6,991,114; 6,998,038; 7,186,058; 7,296,692; 7,297,266; 7,517,450 related foreign patents or other patents pending.

Contech® CMP Detention Inspection and Maintenance Guide

Underground stormwater detention and infiltration systems must be inspected and maintained at regular intervals for purposes of performance and longevity.

Inspection

Inspection is the key to effective maintenance of CMP detention systems and is easily performed. Contech recommends ongoing, quarterly inspections. The rate at which the system collects pollutants will depend more on site specific activities rather than the size or configuration of the system.

Inspections should be performed more often in equipment washdown areas, in climates where sanding and/or salting operations take place, and in other various instances in which one would expect higher accumulations of sediment or abrasive/corrosive conditions. A record of each inspection is to be maintained for the life of the system.

Maintenance

CMP detention systems should be cleaned when an inspection reveals accumulated sediment or trash is clogging the discharge orifice.

Accumulated sediment and trash can typically be evacuated through the manhole over the outlet orifice. If maintenance is not performed as recommended, sediment and trash may accumulate in front of the outlet orifice. Manhole covers should be securely seated following cleaning activities. Contech suggests that all systems be designed with an access/inspection manhole situated at or near the inlet and the outlet orifice. Should it be necessary to get inside the system to perform maintenance activities, all appropriate precautions regarding confined space entry and OSHA regulations should be followed.

Systems are to be rinsed, including above the spring line, annually soon after the spring thaw, and after any additional use of salting agents, as part of the maintenance program for all systems where salting agents may accumulate inside the pipe.

Maintaining an underground detention or infiltration system is easiest when there is no flow entering the system. For this reason, it is a good idea to schedule the cleanout during dry weather.

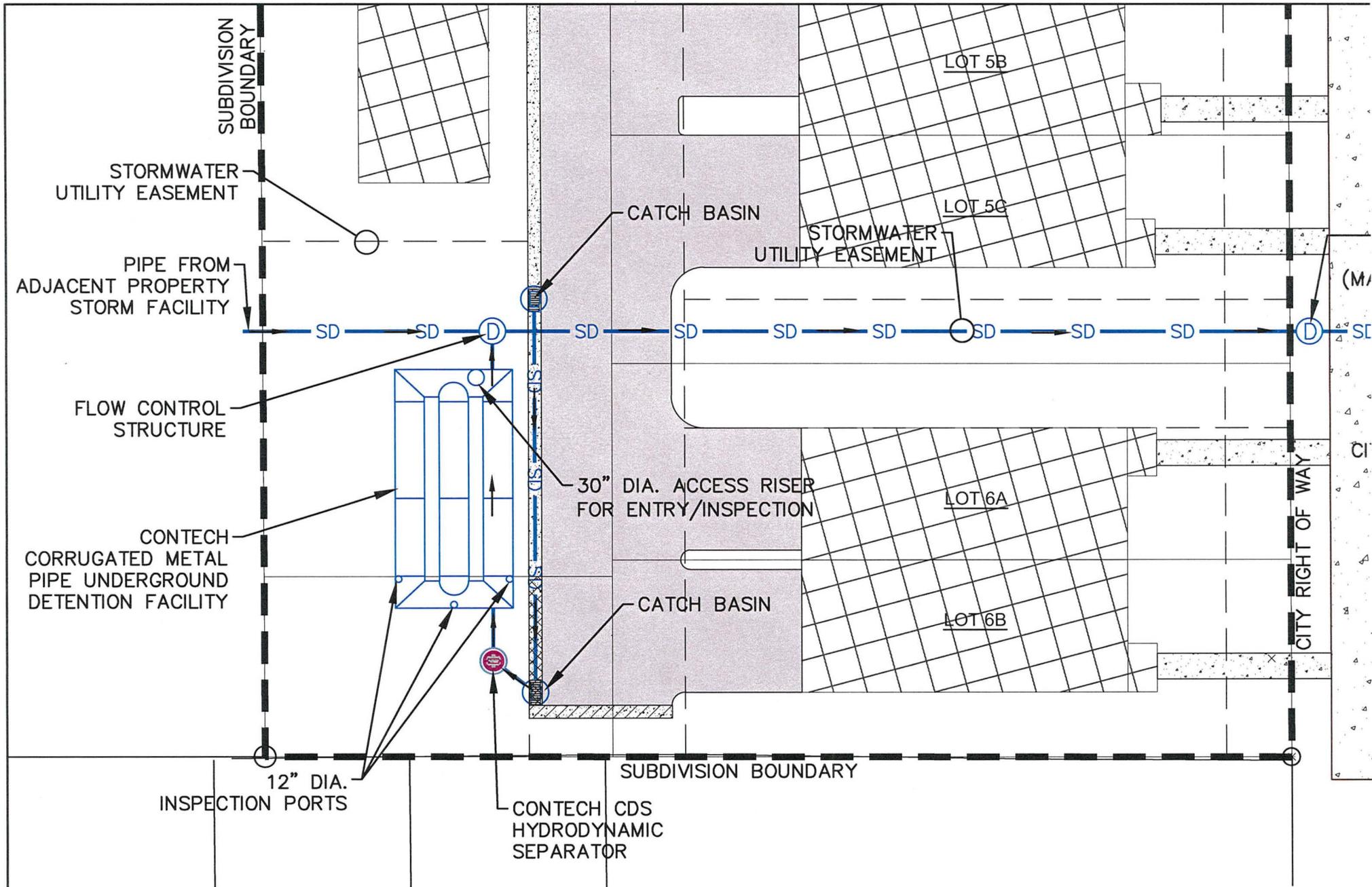
The foregoing inspection and maintenance efforts help ensure underground pipe systems used for stormwater storage continue to function as intended by identifying recommended regular inspection and maintenance practices. Inspection and maintenance related to the structural integrity of the pipe or the soundness of pipe joint connections is beyond the scope of this guide.



NOTHING IN THIS CATALOG SHOULD BE CONSTRUED AS A WARRANTY. APPLICATIONS SUGGESTED HEREIN ARE DESCRIBED ONLY TO HELP READERS MAKE THEIR OWN EVALUATIONS AND DECISIONS, AND ARE NEITHER GUARANTEES NOR WARRANTIES OF SUITABILITY FOR ANY APPLICATION. CONTECH MAKES NO WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, RELATED TO THE APPLICATIONS, MATERIALS, COATINGS, OR PRODUCTS DISCUSSED HEREIN. ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND ALL IMPLIED WARRANTIES OF FITNESS FOR ANY PARTICULAR PURPOSE ARE DISCLAIMED BY CONTECH. SEE CONTECH'S CONDITIONS OF SALE (AVAILABLE AT WWW.CONTECHES.COM/COS) FOR MORE INFORMATION.



COLORADO VIEW SUBDIVISION STORMWATER OPERATION AND MAINTENANCE LAYOUT



From: [Jennifer Sybrant](#)
To: [Wendy Compton-Ring](#)
Cc: [Maria Butts](#)
Subject: 540 Colorado Ave
Date: Monday, June 8, 2020 6:28:29 AM

Wendy,

The Parks Department is satisfied with the (3) Quaking Aspens that were planted in the boulevard for the 540 Colorado Ave project.

Please sign off on that part for Frank.

Thanks,

Jen Sybrant
Urban Forestry/Landscape Foreman
City of Whitefish Parks Department
O: (406) 863-2474 C: (406) 260-5133

Remit Payment To:

Fidelity National Title Company of Flathead Valley, LLC
1807 3rd Ave E
Kalispell, MT 59901
Phone: (406)755-7004

INVOICE

Due upon receipt

Frank Zolfo c/o FNB Investments LLC
ATTN: Frank Zolfo
P.O. Box 1961
Bend, OR 97709

Order Number: FT1585-201872 **Invoice Date:** 6/2/2020
Invoice Number: FT1585-201872-1
Operation: 01585.350200

Buyer/Borrower(s): FNB Investments, LLC, a Montana limited liability company
Title Officer: Karla Kemm (MG)

Property Description (1):

540 Colorado Ave., Whitefish, MT 59937

Policies Applied For: Subdivision Guarantee/Certificate \$10,000.00

Bill Code	Description	Amount
TP	Loan Policy (Coverage \$10,000.00) (Subdivision Guarantee/Certificate)	150.00
Invoice total amount due:		\$150.00

**Thank you for the opportunity to serve you.
Please return a copy of this invoice with your payment**

SUBDIVISION

Issued By:

Guarantee/Certificate Number:



Fidelity National Title
Insurance Company

FT1585-201872

FIDELITY NATIONAL TITLE INSURANCE COMPANY
a corporation, herein called the Company

GUARANTEES

Sam Cordi Land Surveying, its successors and/or assigns as their respective interests may appear.

herein called the Assured, against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

Fidelity National Title Insurance Company

By:

President

Fidelity National Title Company of Flathead Valley, LLC
1807 3rd Ave E
Kalispell, MT 59901

Attest:

Secretary

Countersigned By:

Authorized Officer or Agent



ISSUING OFFICE:
Title Officer: Karla Kemm (MG) Fidelity National Title Company of Flathead Valley, LLC 1807 3rd Ave E Kalispell, MT 59901 Main Phone: (406)755-7004 Email: Karla.Kemm@fnf.com

SCHEDULE A

Liability	Premium	Tax
\$10,000.00	\$150.00	\$0.00

Effective Date: May 27, 2020 at 08:00 AM

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matter relative to the following described property:

The East Half of the East Half of Lot 1, Block 6 of Whitefish Townsite Company's Five Acres Tracts, according to the map or plat thereof and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Certificate of Survey No. 19721

To Be Known As: Colorado View Subdivision

Title to said real property is vested in:

FNB Investments, LLC, a Montana limited liability company

subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

END OF SCHEDULE A

SCHEDULE B

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the Land including, but not limited to, insufficient or impaired access and matters contradictory to any survey plat shown by the Public Records.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. (a) unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters accepted under (a), (b), (c) are shown by the Public Records.
- f. Taxes to special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- g. County road rights-of-way, not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21 MCA, including, but not limited to any right of the public to use and occupy those certain roads and trails.
- h. Mineral rights, claims or title to minerals in or under said land, including but not limited to metals, oil, gas, coal, or other hydrocarbons, sand, gravel, or stone, and geothermal energy rights, and easement or other rights or matters relating thereto, whether express or implied, recorded, or unrecorded.

SPECIAL EXCEPTIONS:

1. General Taxes for the year 2019
1st Half: \$1,794.96 PAID
2nd Half: \$1,794.95 PAID
Tax ID No.: 74-0816250
2. General County Taxes for the year 2020 and subsequent years, which are a lien but not yet due or payable.
3. Any possible additional tax assessments because of construction and/or improvements to the property.
4. Delinquent water and service charges of the City of Whitefish, if any, for which no investigation has been made.
5. Taxes, charges and assessments of Whitefish County Water District, payable with the general taxes.
6. Recitals, notes, dedications, easements, certificates and covenants as contained on the plat of Whitefish Townsite Company's Five Acre Tracts. Reference is hereby made to the plat for more particulars.

SCHEDULE B
(continued)

7. Ordinance No. 98-11 for annexation to the City of Whitefish

Recording Date: December 31, 2002

Recording No.: 2002-365-16560

and

Notice of Rescission of Annexation

Recording Date: July 7, 2003

Recording No.: 2003-188-08010

8. Ordinance No. 04-21 for annexation to the City of Whitefish

Recording Date: December 28, 2004

Recording No.: 2004-363-09460

9. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 19721. Reference is hereby made to the survey for more particulars.

10. Declaration of Easement

Recording Date: June 6, 2014

Recording No.: 201400009768

Re Recording Date: January 9, 2019

Re Recording No.: 201900000518

11. Easement and Maintenance Agreement

Recording Date: November 14, 2019

Recording No.: 201900029521

12. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: May 29, 2020

Recording No: 202000014107

13. Liens and assessments, if any, due or to become due, as set out in Declaration of Covenants, Conditions, and Restrictions recorded May 29, 2020 as Document No. 202000014107.

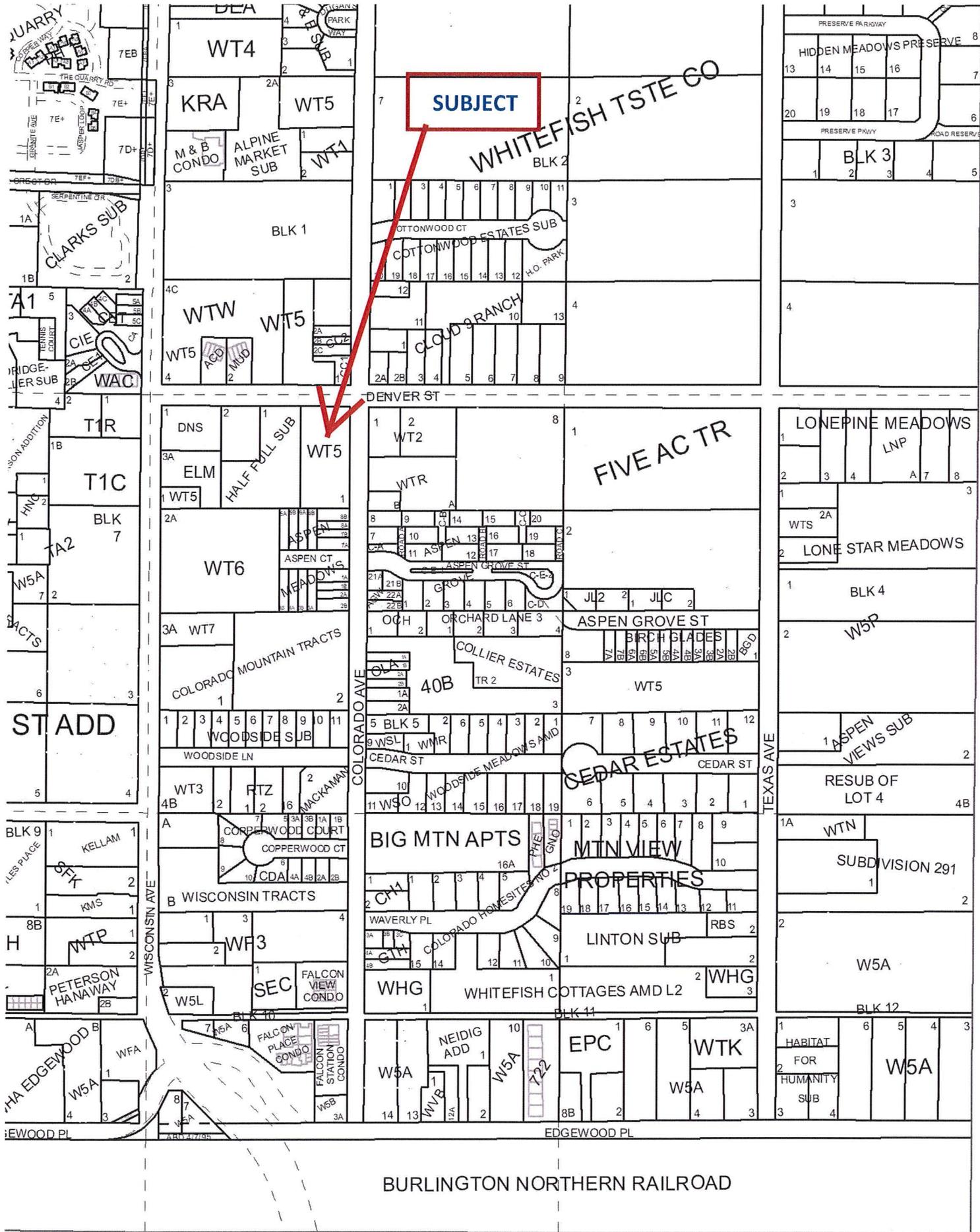
SCHEDULE B

(continued)

- 14. Recitals, notes, dedications, easements, certificates and covenants as contained on the proposed plat of Colorado View Subdivision. Reference is hereby made to the plat for more particulars.
- 15. Supporting documentation, if any, to be filed with the proposed plat of Colorado View Subdivision.
- 16. A deed of trust to secure an indebtedness in the amount shown below,
 - Amount: \$1,500,000.00
 - Dated: July 18, 2018
 - Trustor/Grantor: FNB Investments, LLC, a Montana limited liability company
 - Trustee: Fidelity National Title Company of Flathead Valley, LLC
 - Beneficiary: Frank Zolfo, Inc.
 - Recording Date: July 19, 2018
 - Recording No.: 201800014834
- 17. The land described in the commitment/policy shall not be deemed to include any home trailer or mobile home located on the property.
- 18. Exceptions and reservations contained in Patents of record.

Common address: 540 Colorado Ave., Whitefish, MT 59937

END OF SCHEDULE B



The map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



The map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

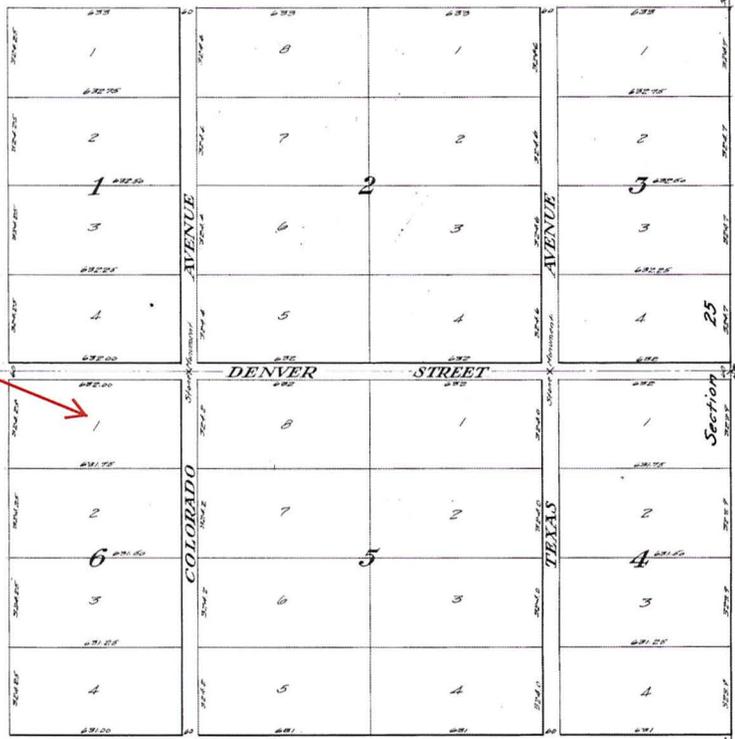
N
4-2-11 59

Map of WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS

lying in the
S½ of NE¼ and N½ of SE¼ Sec. 25 T.31 N. R.22 W.
Flathead County, Montana

Certificate of Dedication

Scale 1"=200'



The WHITEFISH TOWNSITE COMPANY, a corporation duly organized existing and doing business under and by virtue of the laws of the State of Montana at Whitefish, in the County of Flathead, in said State, does hereby certify that it has caused to be surveyed, subdivided and platted into five-acre tracts, streets and avenues, as shown by the annexed map or plat and certificate of survey thereto attached, all of the following described parts of land, to-wit: The North Half of the Southwest Quarter, and the South Half of the Northeast Quarter, all of and in Section Twenty-five (25) Township Thirty-one North, Range Twenty-two West, T.31 N., R.22 W., containing one hundred sixty acres, more or less, according to the government survey, thereby to be designated as the WHITEFISH TOWNSITE COMPANY'S FIVE-ACRE TRACTS, being independent of and not an addition to the town of WHITEFISH, MONTANA, that the lands included in the streets and avenues shown on the annexed map or plat, are hereby granted and donated to the use of the public forever.

IN WITNESS WHEREOF, the said Whitefish Townsite Company, by authority of its by-laws and a resolution of its Board of Directors, duly passed, has caused these presents to be executed and subscribed by its President, Fred B. Grinnell, and attested and its corporate seal attached by James Stoddard, its Secretary, on this ___ day of February, A.D. 1910.

Attest: James Stoddard
Secretary

WHITEFISH TOWNSITE COMPANY
By Fred B. Grinnell
President

State of Washington } ss.
County of Spokane }

On this 18th day of February, A.D. 1910, before me, H.S. Burdick, a Notary Public in and for the State aforesaid, personally appeared Fred B. Grinnell, known to me to be the President of the Whitefish Townsite Company, the corporation that executed the above certificate of dedication, and acknowledged to me that said corporation executed the same for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

H.S. Burdick
Notary Public in and for the State of Washington, residing at Spokane, Washington.
My commission expires Feb. 28th 1911.

State of Minnesota } ss.
County of Ramsey }

On this 23rd day of Feb. A.D. 1910, before me, Earle W. McElroy, a Notary Public in and for the County and State aforesaid, personally appeared James Stoddard, known to me to be the Secretary of the Whitefish Townsite Company, the corporation that executed the above certificate of dedication, and acknowledged to me that said corporation executed the same for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Earle W. McElroy
Notary Public in and for the County of Ramsey, State of Minnesota, residing at St. Paul, Minnesota. My commission expires April 18th 1911.

State of Montana } ss.
County of Flathead }

I, F.E. Marsh, a civil engineer and surveyor, do solemnly certify and swear that between the 15th and 20th days of August, A.D. 1909, I made a careful and accurate survey of the North Half of the Southwest Quarter (N½ SW¼) and South Half Northeast Quarter (S½ NE¼) of Section Twenty-five (25) Township Thirty-one (31) North, Range Twenty-two (22) West, in Flathead County, Montana, and divided the same into (2) Five-Acre tracts, and surveyed streets and avenues therethrough, all as more particularly shown on the annexed map or plat and described in the foregoing certificate of dedication. That said map or plat was made in strict conformity to said survey and that I set stone monuments at the intersections of said streets and avenues therein shown, and set stone monuments at the points of intersection of the boundary lines of said tracts, and that all angles and measurements shown on the plat are true and correct and as actually made. That said survey does not conflict or interfere with any Public Highways, and that said survey as made and represented upon said plat, is true and correct to the best of my knowledge, information and belief.

F.E. Marsh

Subscribed and sworn to before me this 17th day of February, A.D. 1910

Hans Walchli
Notary Public for the State of Montana
Residing at Kalispell, Montana.
My commission expires May 21, 1911.

State of Montana } ss.
County of Flathead }

Filed on the 7th day of March, A.D. 1910 at 12 o'clock P.M.

C.T. Young
County Clerk & Recorder

File 928 Pl.

STATE OF MONTANA } ss.
County of Flathead }

We, Robert W. Main, John E. White, and Joseph A. Edge, County Commissioners in and for the County of Flathead, State of Montana, do hereby certify that at a meeting of the Board of County Commissioners of said County, held on the 7th day of Feb. A.D. 1910, the annexed map or plat of the Whitefish Townsite Company's Five-Acre Tracts was examined and approved by said Board of County Commissioners, and the streets and avenues shown thereon were declared to be public highways.

IN WITNESS WHEREOF we have hereunto set our hands and caused the seal of Flathead County, Montana to be affixed on this 7th day of March, A.D. 1910.

ATTEST: C.T. Young
County Clerk and Recorder

R.W. Main Chairman
J.E. White Commissioner
Joseph A. Edge Commissioner



59

L-1 T.A.E 1/2 E 1/2 = 0816250

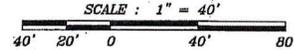
By: SANDS SURVEYING, Inc.
2 Village Loop
Kalispell, MT 59901
(406) 755-6481

CERTIFICATE OF SURVEY



Sec. 25

in NW1/4SE1/4 SEC. 25, T.31N., R.22W., P.M.M., FLATHEAD COUNTY, MONTANA



JOB NO: 414601
DRAWING DATE: April 11, 2014
COMPLETED DATE: 5/7/14
FOR: IAN COLLINS
OWNER: DENGIN LLC

PURPOSE: RETRACEMENT

The map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



SUBJECT



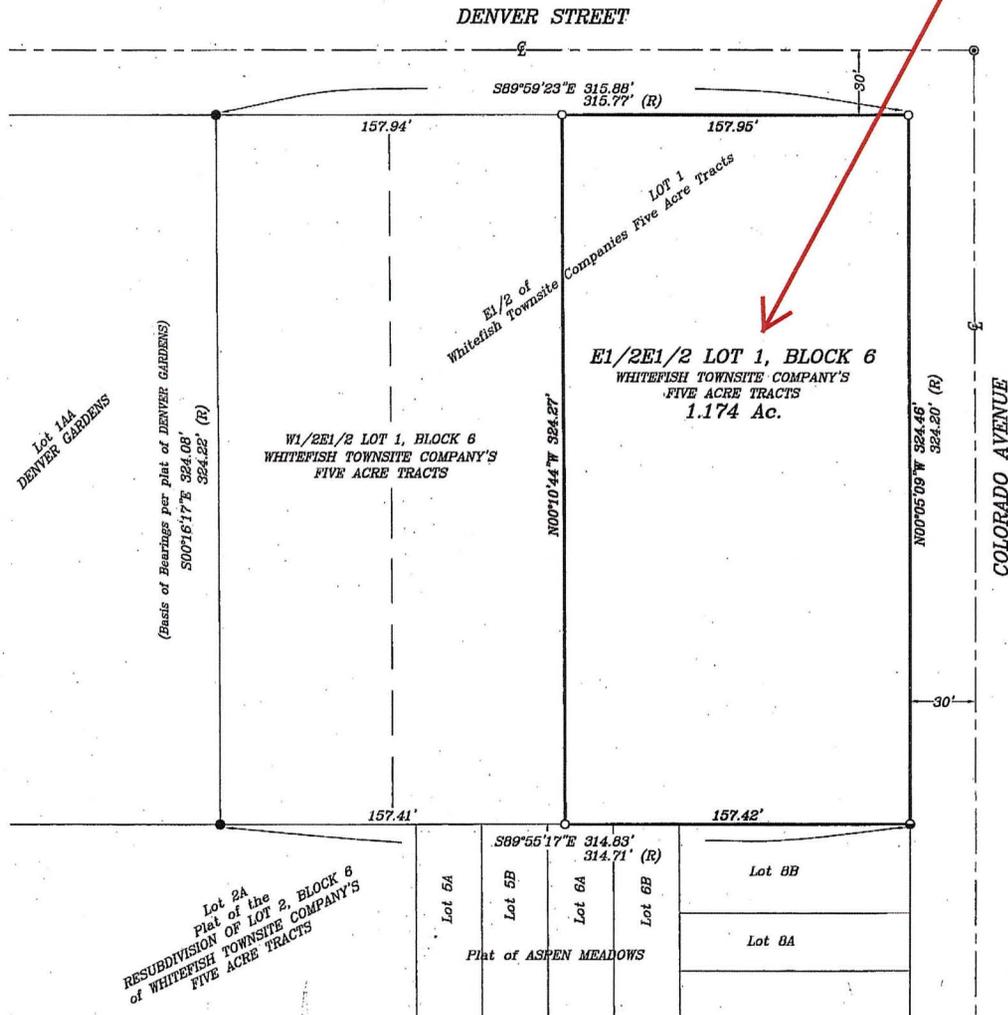
DESCRIPTION:

A TRACT OF LAND, SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

The E1/2E1/2 of Lot 1, Block 6 of Whitefish Townsite Company's Five Acre Tracts (records of Flathead County, Montana) and containing 1.174 ACRES; Subject to and together with all appurtenant easements of record.

LEGEND:

- Set 1/2"x24" Rebar & Cap (7975S)
- Found 3&1/4" Aluminum Cap
- Found 5/8" Rebar & Cap (unreadable)
- Found 5/8" Rebar
- (R) Record Information Per Plat of LUND SUBDIVISION
- POB Point of Beginning



CERTIFICATE OF SURVEY

Thomas E. Sands
THOMAS E. SANDS 7975S

APPROVED: 5/1, 2014

Paula Robinson
EXAMINING LAND SURVEYOR
REG. No. 5428S

STATE OF MONTANA) SS
COUNTY OF FLATHEAD)
FILED ON THE 7 DAY OF May, 2014
AT 12:13 PAID FEE 25.50
Paula Robinson
CLERK & RECORDER
BY *Nora Christensen*
DEPUTY

INSTRUMENT REC. No. 201400007744

COS# 19721
201400007744 Fees: \$25.50 by: NC
by SANDS SURV
Date 5/7/2014 Time 12:13 PM
Paula Robinson, Flathead County Montana

SHEET 1 OF 1

CERTIFICATE OF SURVEY No. 19721



FLATHEAD COUNTY 2019 REAL ESTATE TAX BILL

Adele Krantz, Treasurer
935 1st Ave W Ste T Kalispell MT 59901
(406) 758-5680
http://flathead.mt.gov/property_tax



FNB INVESTMENTS LLC
PO BOX 1961
BEND OR 97709

ASSESSOR NUMBER: 0816250
TAX BILL NUMBER: 201946157
SCHOOL DISTRICT: 74
GEO CODE: 07429225404520000

Property Location:

540 COLORADO AVE
WHITEFISH MT 59937

Property Description

25 31 22 WFSH TSTE CO 5 AC TR LOT 1 TR A E2E2 BLK 6

Parties with ownership interest as of January 1, 2019
Owner of Record.....FNB INVESTMENTS LLC

Type of Property	Market Value	Taxable Value
Real Estate	343,113	4,632.00
No Buildings Assessed	0	0
Totals	343,113	4,632.00

Description	Percentage	Amount
County Functions	16.73%	600.91
Education	47.94%	1721.30
City Functions	34.84%	1250.98
Other	0.46%	16.72

SUMMARY OF TAXES, LEVIES & FEES

COUNTY	.062220	288.19	SHERIFF	.042750	198.02
CO PERM MED LEVY	.013430	62.21	NOXIOUS WEEDS	.001840	8.52
COUNTYWIDE MOSQUITO	.000930	4.31	911 GENER OBLIG BOND	.001880	8.71
PERM SRS LEVY	.000690	3.20	BOARD OF HEALTH	.005990	27.75
SUBTOTAL - TAXES FOR COUNTY FUNCTIONS...			.129730	600.91	
STATE - UNIVERSITY	.006000	27.79	GENERAL SCHOOLS	.102910	476.68
STATE - SCHOOL AID	.040000	185.28	FLAT VAL COM COLLEGE	.015000	69.48
WHITEFISH HI SCHOOL	.061930	286.86	WFSH CITY ELEM 74	.139310	645.29
FVCC PERMIS MED LEVY	.006460	29.92			
SUBTOTAL - TAXES FOR EDUCATION.....			.371610	1721.30	
WHITEFISH CITY	.121510	562.84	RESORT TAX RELIEF	-.051914	-240.47
WF PERM MED LEVY	.024040	111.35	WF FIRE / AMBULANCE	.024000	111.17
WFSH LT 1		81.06	WFSH CITY STREETS		387.00
WFSH PRK/GRNWX MNT 1		160.50	WFSH STRMWR IMP&MNT		77.53
SUBTOTAL - TAXES FOR CITY FUNCTIONS.....			.117636	1250.98	
SOIL & WATER CONSERV	.001610	7.46	WF COUNTY WATER DIST	.002000	9.26
SUBTOTAL - OTHER TAXES AND FEES.....			.003610	16.72	
Total Mills Levied	0.622586				
Total Taxes and Fees . . .			3589.91		

45867 1st Installment due 11/30/2019 = 1794.96
 2nd Installment due 05/31/2020 = 1794.95

Tax paid receipts will be mailed only if a self-addressed stamped envelope is enclosed.
To pay or view taxes online, go to http://flathead.mt.gov/property_tax.
A 3% fee will be charged on all credit/debit card payments. There is no fee to pay by e-check.
Payments made after 5:00 pm or postmarked after the due date must include 2% penalty & monthly interest of 5/6 of 1% (0.008333).
Flathead County no longer accepts checks drawn on Canadian Banks

Keep upper portion for your records.

Return stub with payment. Payment must be hand delivered, paid online, or postmarked by 5:00 pm on: **MAY 31, 2020**

Make checks payable to **FLATHEAD COUNTY TREASURER**

Please include your tax bill number on your check.

Pay by e-check, credit/debit card online at http://flathead.mt.gov/property_tax

DO NOT PAY THIS IF IT IS INCLUDED IN YOUR MORTGAGE PAYMENT

If your address has changed, please make corrections below.

FNB INVESTMENTS LLC
PO BOX 1961
BEND OR 97709

ASSESSOR NUMBER: 0816250
TAX BILL NUMBER: 201946157
SCHOOL DISTRICT: 74

No additional notice will be sent for this installment.

Tax Amount Due: 1794.95



2ND 2019 REAL ESTATE

Return stub with payment. Payment must be hand delivered, paid online, or postmarked by 5:00 pm on: **NOVEMBER 30, 2019**

Make checks payable to **FLATHEAD COUNTY TREASURER**

Please include your tax bill number on your check.

Pay by e-check, credit/debit card online at http://flathead.mt.gov/property_tax

DO NOT PAY THIS IF IT IS INCLUDED IN YOUR MORTGAGE PAYMENT

If your address has changed, please make corrections below.

FNB INVESTMENTS LLC
PO BOX 1961
BEND OR 97709

Tax Amount Due: 1794.96



1ST 2019 REAL ESTATE

3589.91



This Document Prepared By:
Fidelity National Title Company of Flathead Valley, LLC
284 Flathead Avenue Ste 101
Whitefish, MT 59937

After Recording Return To:
FNB Investments, LLC
P.O. Box 1961
Bend, OR 97709

Order No.: FT1585-181445-SH

Recorded by Fidelity National Title

FNT 1585-181445

WARRANTY DEED

For Value Received 540 Colorado, LLC, a Montana limited liability company, the grantor(s), do(es) hereby grant, bargain, sell and convey unto FNB Investments, LLC, a Montana limited liability company, of P.O. Box 1961, Bend, OR 97709, the grantee(s), the following described premises, in Flathead County, Montana, to wit:

The East Half of the East Half of Lot 1, Block 6 of Whitefish Townsite Company's Five Acres Tracts, according to the map or plat thereof and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Certificate of Survey No. 19721

TO HAVE AND TO HOLD unto the Grantee and to the heirs and assigns forever, subject, however, to:

- A. All reservations and exceptions of record and in patents from the United States or the State of Montana;
- B. All existing easements and rights of way of record, building, use zoning, sanitary and environmental restrictions;
- C. Taxes and assessments for the year 2018 and subsequent years;
- D. All prior conveyances, leases or transfers of any interest in minerals, including oil, gas and other hydrocarbons;

Except with reference to items referred to in paragraphs above, this Deed is given with the usual covenants expressed in §30-11-110, Montana Code Annotated.

This conveyance is made and accepted upon the express agreement that the consideration heretofore paid constitutes an adequate and full consideration in money or money's worth.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

540 Colorado, LLC, a Montana limited liability company

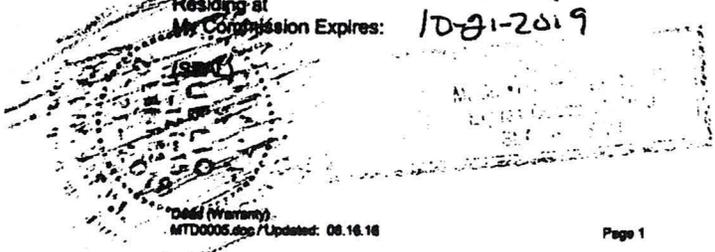
BY: [Signature]
Ian B. Collins
Manager

State of St Croix, VT

County of Christiansburg

This instrument was acknowledged before me on 17th July, 2018 by Ian B. Collins, Manager of 540 Colorado, LLC, a Montana limited liability company.

[Signature]
Notary Public for the State of St Croix, VT
Residing at _____
My Commission Expires: 10-31-2019

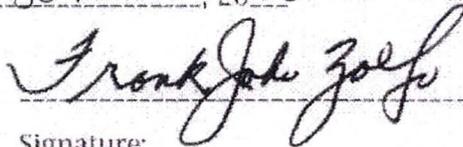


Frank Zolfo Inc.
7600 Bayshore Drive
Apt#1201
Treasure Island, FL 33706
727-363-7682

CONSENT TO PLATTING

Pursuant to §76-3-612, MCA, (I), (We) the undersigned, as beneficiary of a mortgage or other indenture to secure payment in the principle sum of \$1,500,000.00, recorded Warranty Deed as Document #1585-181445, hereby consents to the platting of a tract of land to be known and named as Colorado View Subdivision.

IN WITNESS WHERE OF, said party has caused their name to be subscribed hereto on the 5th day of June, 2020



Signature:

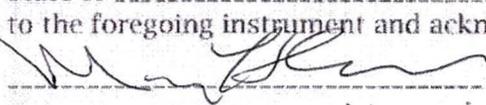
Frank John Zolfo, President

Printed Name and Title:

STATE OF North Carolina) SS
COUNTY OF Wake)



On this 5th day of June, 2020, before me a Notary Public for the State of North Carolina, personally appeared whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same.

 Signature

Printed Name of Notary Marie L. Shemanski

Notary Public for State of North Carolina

Residing at: 3304 Bentwinds Bluffs Lane, FORTYVALE, NC 27526

My Commission Expires: 10/25/2020

June 8, 2020

City of Whitefish
Public Works Department
Attn: Karin Hilding
418 East Second Street
Whitefish, MT 59937

**Subject: Colorado View Subdivision
Engineer's Certification of Work Completed To-Date**

Dear Ms. Hilding:

As Engineer for the Colorado View Subdivision project, I certify that improvements installed to-date were completed in substantial conformance with the approved plan set and applicable City and DEQ requirements and there are no deviations from the design standards unless previously approved by the City. Primary components installed to-date include; sewer main extension, storm main pipe and manholes, storm water quality unit, underground storm detention facility, and 4" depth sidewalk along Denver Street. Construction observation was performed by the Engineer, or their Representative, throughout construction. Observation reports to-date have been provided to the City Construction Inspector. Applicable testing was performed on the sewer main extension which is summarized as follows:

Sewer Main Air Test

Air tests on all sections of sewer main pipe were completed on May 26, 2020 in accordance with MPWSS, Section 02730 3.4.E. No pressure losses were noted during the testing period. Randy Reynolds was on-site for testing as a representative for the City of Whitefish.

Manhole Vacuum Test

Vacuum tests for the 2 new manholes were completed on May 26, 2020 in accordance with ASTM C1244-11 test method guidelines. No loss of pressure was noted during the testing period. Randy Reynolds was on-site for testing as a representative for the City of Whitefish.

T.V. Inspection

The T.V. inspection was performed on May 7, 2020 and the video was reviewed on May 11, 2020 and sent to Randy Reynolds for his records and review. The video did not appear to show any components as being out of specification. Mr. Reynolds concurred with this evaluation and communicated that the T.V. inspection was acceptable to the City.

Please do not hesitate to contact me if you have any questions regarding any of the completed improvements.

Sincerely,



Brent Foley, P.E.
President/Principal Engineer
Foley Engineering, Inc.

T 406.314.6490
C 406.291.3331
E brent@foleyeng.com



June 8, 2020

City of Whitefish
Public Works Department
Attn: Karin Hilding
418 East Second Street
Whitefish, MT 59937

**Subject: Colorado View Subdivision
SIA Cost for Eventual Submittal of Record Drawings**

Dear Ms. Hilding,

This letter is in response to the question recently raised by the City regarding the inclusion of engineering costs for the eventual preparation of record drawings for the Colorado View Subdivision. As we discussed, Foley Engineering was paid in-advance in the amount of \$1,000 by FNB Investments LLC (Developer) for the preparation of record drawings for the Colorado View Subdivision. Our office will submit record drawings to the City following the finalization of items included within the Engineer's Estimate of work remaining within the Subdivision Improvements Agreement.

If you have any other questions or require further clarification, please do not hesitate to contact me at (406) 291-3331.

Sincerely,

Brent Foley, P.E.
President/Principal Engineer
406-291-3331
brent@foleyeng.com

From: brent@foleyeng.com
To: [Wendy Compton-Ring](#); "Frank Zolfo"
Cc: [Karin Hilding](#); [Craig Workman](#); [Randy Reynolds](#); [Maria Butts](#); [Travis Tveidt](#); "Skip Sibson"
Subject: RE: Final Plat application: Colorado View
Date: Tuesday, June 9, 2020 10:45:53 AM
Attachments: [125.02 - SIA Certification Letter \(6.08.20\).pdf](#)
[SIA Rec Dwg Cost Letter \(06.08.20\).pdf](#)
[Revised Storm O & M \(06.05.20\).pdf](#)

Hello Wendee,

On behalf of the Developer, Frank Zolfo, I have addressed a portion of these items as follows:

1. Attached please find the Engineer's certification for improvements completed to-date.
2. A walkthrough for items completed to-date was performed with Karin Hilding on 6/8/20 at 10am.
3. As-Builts (aka Record Drawings) were paid to the engineer in-advance and are therefore not included within the SIA estimate. Please reference the attached letter on this subject.
7. Please see the attached stormwater maintenance plan. I believe Frank has included this within the revised CC&R's he will be submitting. Per the request of the Public Works Department, language was added to state "*Stormwater components reside partially within lots and within a utility easement to protect and provide access to all stormwater facilities. No owners of any lots shall encroach upon or construct any permanent or semi-permanent features within the easements recorded for the stormwater components.*" This language was include within the body of the maintenance plan (Paragraph 4), as well as in a note on the layout exhibit attached to the plan. Additional items mentioned to be included within the CC&R's are anticipated to be forthcoming from Mr. Zolfo.

It is our belief that we have adequately addresses the identified portions of the comments, however please do not hesitate to contact us with any questions.

Thank You,

Brent Foley, P.E.

President/Principal Engineer

Foley Engineering, Inc

26 Village Loop
Kalispell, MT 59901
406.291.3331
brent@foleyeng.com

From: Wendy Compton-Ring <wcompton-ring@cityofwhitefish.org>

Sent: Thursday, June 4, 2020 4:41 PM

To: Frank Zolfo <zolfland@msn.com>

Cc: Karin Hilding <khilding@cityofwhitefish.org>; Craig Workman <cworkman@cityofwhitefish.org>;

Randy Reynolds <rreynolds@cityofwhitefish.org>; Maria Butts <mbutts@cityofwhitefish.org>; Travis Tveidt <ttveidt@cityofwhitefish.org>; Brent Foley (brent@foleyeng.com) <brent@foleyeng.com>; Skip Sibson (tesibson@hotmail.com) <tesibson@hotmail.com>

Subject: Final Plat application: Colorado View

Frank: We've done a review of your application & attachments and still need the following:

1. Engineer's Certification
2. Final Walk Through – schedule with Public Works
3. As-Builts need to be included within the SIA which will likely change the amount of the SIA and we'll need an updated Engineer's Estimate
4. Original Consent to Plat
5. The CC&Rs need to have the following language: "The city of Whitefish is a party to this restrictive covenant and may enforce any provisions required by the city." (Subdivision Regulations, 12-2-6B)
6. Confirm all requirements in 12-2-6C, Subdivision Regulations, are within the Colorado View CC&Rs
7. I didn't see the stormwater maintenance plan, a weed management plan (referenced in Section 9., but I didn't see it) or a maintenance plan for the private access road within the CC&Rs
8. Were the boulevard trees planted on Colorado? If not, should they be included in the SIA. If they did, I would like to get an email from the Parks Department that the trees were planted and they have met their specs.

Wendy Compton-Ring, AICP

Senior Planner

City of Whitefish | www.cityofwhitefish.org

418 E 2nd Street | PO Box 158

Whitefish, MT 59937

O: 406-863-2418 | wcompton-ring@cityofwhitefish.org

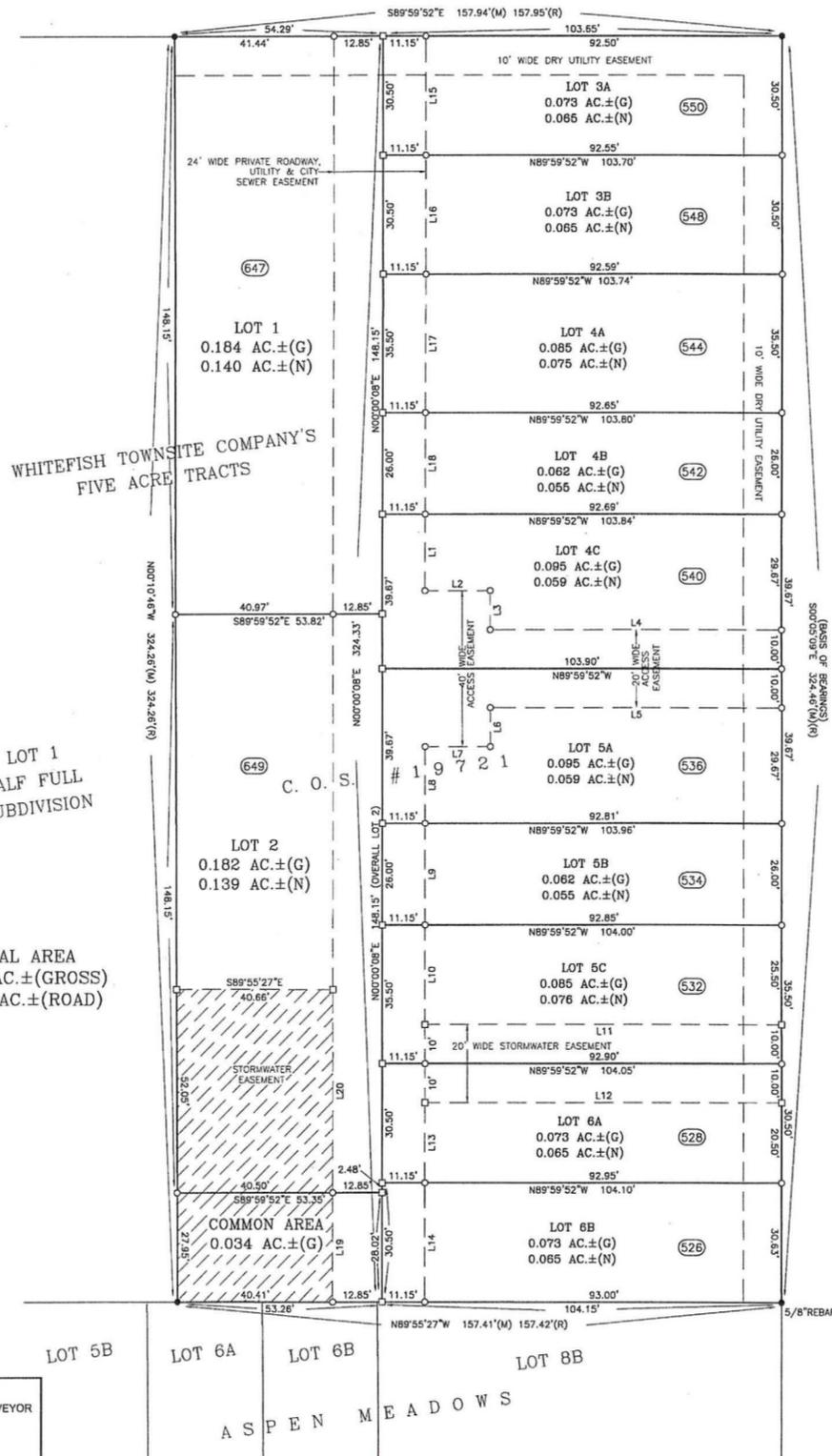
EXTERNAL SENDER verified by City of Whitefish IT

OWNER: FNB INVESTMENTS, LLC
DATE: MAY 11, 2020

FINAL PLAT OF COLORADO VIEW SUBDIVISION

E1/2 E1/2 OF LOT 1, BLOCK 6,
WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS
IN THE NW1/4 SE1/4, SEC. 25, T31N, R22W, P.M.M.,
CITY OF WHITEFISH, FLATHEAD COUNTY, MT

DENVER STREET
(A 60' WIDE CITY STREET)



A 60' WIDE CITY STREET



LEGEND

- FOUND REBAR W/CAP STAMPED #79755 (UNLESS OTHERWISE NOTED)
- SET 5/8" X 24" REBAR W/PLASTIC CAP STAMPED #15627LS
- COMPUTED POINT
- (M) MEASURED DISTANCE
- (R) RECORD DISTANCE
- (G) GROSS ACREAGE
- (N) NET ACREAGE
- Ⓢ ADDRESS

LINE	BEARING	DISTANCE
L1	S00°00'08"W	19.67'
L2	S89°59'52"E	17.00'
L3	S00°00'08"W	10.00'
L4	S89°59'52"E	75.73'
L5	N89°59'52"W	75.76'
L6	S00°00'08"W	10.00'
L7	N89°59'52"W	17.00'
L8	S00°00'08"W	19.67'
L9	S00°00'08"W	26.00'
L10	S00°00'08"W	25.50'
L11	S89°59'52"E	92.89'
L12	N89°59'52"W	92.92'
L13	S00°00'08"W	20.50'
L14	S00°00'08"W	30.51'
L15	S00°00'08"W	30.50'
L16	S00°00'08"W	30.50'
L17	S00°00'08"W	35.50'
L18	S00°00'08"W	26.00'
L19	N00°00'08"E	28.00'
L20	N00°00'08"E	52.00'

NOTES

- 1) HOUSE NUMBERS MUST BE LOCATED IN A CLEARLY VISIBLE LOCATION AND SHALL CONFORM TO THE CURRENT FIRE CODE, AS ADOPTED BY THE CITY COUNCIL.
- 2) ALL NOXIOUS WEEDS, AS DESCRIBED BY THE WHITEFISH CITY CODE, MUST BE REMOVED THROUGHOUT THE LIFE OF THE DEVELOPMENT BY THE RECORDED PROPERTY OWNER.
- 3) GARBAGE MUST BE STORED IN A SECURE LOCATION UNTIL THE DAY OF PICK UP OR IN A BEAR RESISTANT CONTAINER PURSUANT TO WHITEFISH CITY CODE §4-2-4A.
- 4) THE ENTIRE CITY OF WHITEFISH FALLS WITHIN THE WILDLAND URBAN INTERFACE. THE CITY OF WHITEFISH HAS ADOPTED THE 2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE.
- 5) THE INTERNAL ROADWAY SHOWN HEREON THE FINAL PLAT IS INTENDED TO BE PRIVATELY OWNED AND MAINTAINED, AND OPEN TO THE PUBLIC. IT IS UNDERSTOOD AND AGREED THAT THIS INTERNAL ROADWAY DOES NOT CONFORM TO CITY REQUIREMENTS FOR PUBLIC ROADWAYS. THE OWNERS (AND SUCCESSORS IN INTEREST) OF THE LOTS DESCRIBED IN THIS PLAT WILL PROVIDE FOR ALL-SEASON MAINTENANCE OF THE PRIVATE ROADWAY BY CREATION OF A CORPORATION OR ASSOCIATION TO ADMINISTER AND FUND THE MAINTENANCE. THIS DEDICATION IS MADE WITH THE EXPRESS UNDERSTANDING THAT THE PRIVATE ROADWAY WILL NEVER BE MAINTAINED BY ANY GOVERNMENT AGENCY OR PUBLIC AUTHORITY. IT IS UNDERSTOOD AND AGREED THAT THE VALUE OF EACH DESCRIBED LOT IN THIS PLAT IS ENHANCED BY THE PRIVATE NATURE OF SAID ROADWAY. THUS, THE AREA ENCOMPASSED BY SAID PRIVATE ROADWAY WILL NOT BE SEPARATELY TAXED OR ASSESSED BY ANY GOVERNMENT AGENCY OR PUBLIC AUTHORITY.

CERTIFICATE OF DEDICATION

I, Frank Zolfo, Jr., managing member of FNB Investments, LLC, the undersigned property owner, do hereby certify that I have caused to be surveyed and platted into lots all the following described property as described in the Certificate of Dedication, and shown by the annexed plat or map and situated in Flathead County, Montana:

That portion of the Northwest one-quarter of the Southeast one-quarter (NW1/4 SE1/4) of Section Twenty-five (25), Township Thirty-one North (T31N), Range Twenty-two West (R22W), Principal Meridian, Montana, more particularly described as follows:

The East one-half of the East one-half (E1/2 E1/2) of Lot One (1), Block Six (6) of Whitefish Townsite Company's Five Acre Tracts, records of Flathead County, Montana, and containing 1.174 acres of land, gross measure, more or less. All as shown hereon.

Subject to and together with all appurtenant easements of record.

The above described tract of land shall hereafter be known as "COLORADO VIEW SUBDIVISION."

Also, Colorado View Subdivision is exempt from review by the Montana Department of Environmental Quality pursuant to Section 76-4-125(1)(d), M.C.A., as the division is located within a jurisdictional area that has adopted growth policies for which the governing body certifies that adequate storm water drainage and adequate municipal facilities will be provided by the governing body.

In witness whereof, I have caused my hand to be set on this

28th day of May, 2020

Frank Zolfo, Jr.
FRANK ZOLFO, JR., Managing Member of FNB Investments, LLC

STATE OF Montana)
County of Flathead) SS

On this 28th day of May, 2020, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Frank Zolfo, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Jamie Simpson
Signature

Jamie Simpson
Print Name

Notary Public for the State of Montana
Residing at Whitefish, Montana
My Commission expires 9-21-22



CERTIFICATE OF CITY COUNCIL

We, _____ Mayor for the City of Whitefish, and _____ City Clerk of Whitefish, do hereby certify that the accompanying plat was duly examined and approved by the City Council of the City of Whitefish at its regular meeting held on _____ day of _____.

Mayor of Whitefish, Montana

City Clerk of Whitefish, Montana

CERTIFICATE OF CITY ATTORNEY

I, _____ City Attorney for the City of Whitefish, do hereby certify that I have examined the Certificate of Title by a licensed title company on the land described in the Certificate of Dedication on the Plat of COLORADO VIEW SUBDIVISION, and find that

_____ are the owners in fee simple of the land so platted. Dated this _____ day of _____.

City Attorney for the City of Whitefish

CERTIFICATE OF CITY ENGINEER

I, _____ City Engineer for the City of Whitefish, Montana, do hereby certify that the accompanying plat conforms to the adjoining additions of plats in the City of Whitefish, Montana, which are already platted, as near as circumstances will permit

City Engineer of Whitefish, Montana
Reg. No. _____

CERTIFICATE OF SURVEYOR

Sam Cordi
THOMAS SIBSON REGISTRATION NO. 15627LS
EXAMINED: 5-28-2020

STATE OF MONTANA
County of Flathead) SS

Filed on the _____ day of _____
A.D. _____ at _____ o'clock _____ M.

CLERK AND RECORDER

BY: _____
DEPUTY

INSTRUMENT REC. NO. _____

SAM CORDI
REGISTERED LAND SURVEYOR
974 COLORADO AVE.
P.O. BOX 323
WHITEFISH, MT 59937
PHONE: (406)-862-9977

Michelle Howke

From: Jenny Alvauaje-Howard <[REDACTED]>
Sent: Thursday, June 4, 2020 1:28 PM
To: Michelle Howke
Subject: Public Comment for 15 June Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I hope that the City of Whitefish can continue to support its black community members. It is not enough for Montanans to just protest - which is why I am reaching out. I am calling for and demanding a decrease in police funding, and reformation on police training to ensure no more black people - in Whitefish and beyond - are killed simply for being black. I ask the City Council of Whitefish to publicly acknowledge the existence of White Supremacy, as its existence along with systemic racism has allowed too many black lives to be lost. Most recently, this loss is due to the novel coronavirus disproportionately impacting and devastating black communities. This has been exasperated by police brutality towards black individuals, and the echos of George Floyd's murder are seen, heard, and felt across our nation. In order to protect black Montanans, we must reform our budget and law enforcement systems. We need education enrichment, better public transit, living wages, rights that protect LGBTQ+ folks, investment in our minority communities, and affordable housing. We do not need more police. The recent uprisings indicate that the current budget and set of laws do not align with the values of our residents across the board.

Thank you for your continued fight for our community.

Sincerely,
Jenny Howard

[REDACTED]
Whitefish, MT
59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Marvin Parker <[REDACTED]>
Sent: Monday, June 15, 2020 3:36 PM
To: Michelle Howke
Subject: Salaries

In todays Inter Lake June 15th I saw where there is a proposed 4% salary increase for employees. I think at this time, when so many have lost jobs, which is having an impact on revenue. Loss in revenue may cause lay offs. A better approach would be to reduce salaries about 10%. Doing this employees would not have to be laid off. Keeping employees has a positive effect that services can still be provided.



Virus-free. www.avast.com

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dana Smith
Sent: Monday, June 15, 2020 4:21 PM
To: Patrice LaTourelle
Cc: Michelle Howke
Subject: RE: Council Meeting 6/15/20

Thank you for the email. I have copied Michelle Howke to ensure this is received by the City Council this evening.

Thank you,

Dana Smith, CPA

City Manager
City of Whitefish
418 E. 2nd Street
P.O. Box 158
Whitefish, MT 59937
Ph: 406-863-2406
Fax: 406-863-2419



From: Patrice LaTourelle [REDACTED]
Sent: Monday, June 15, 2020 4:19 PM
To: Dana Smith <dsmith@cityofwhitefish.org>
Subject: Council Meeting 6/15/20

I am unable to attend the meeting tonight but wanted to voice my concern on a couple of subjects.

Covid, inflation and a recession are upon us but Whitefish seems not to care what is happening not only to the business community but also the town at large.

* 4% increase in employee wages. At a time when small businesses are tightening their belts and having difficulty filling positions because of the dollars being earned on Unemployment, I feel the city is in error to raise the wages and increase staff. You should be cutting staff and looking to "hold the line". We do not know how long this economic/covid situation is going to last, therefore expanding the payroll base and wages is foolish.

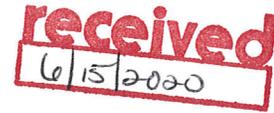
* My second complaint comes from having realtors and tourists knocking on my door asking if my house is FOR SALE. I find the atmosphere in the real estate market to be appalling and the fact that the council continues to approve building permits to increase the tax base is only driving out the citizenry that has made Whitefish a "Last Best Place". I would like not to see one more "multi use" building replacing the "charm and character" buildings that are being torn down, Changing the frontage does not change what they are and it is adding to the downfall as the economy is hitting the skids. Empty buildings or unfinished buildings are not a positive appearance for the town. How long do we have to look at the structure next to the senior center?

We are becoming a renters paradise with only a few that can afford to call it home. And on a final note:
How many employees that are paid by the city live in the city limits????

Pat LaTourelle

Michelle Howke

From: Joan Vetter Ehrenberg [REDACTED]
Sent: Monday, June 15, 2020 3:34 PM
To: Michelle Howke
Subject: Ban Open Displays of Confederate Flag



Greetings Honored Mayor Muhlfeld and City Councilors,

I would like to ask our City to ban open displays of the Confederate Flag.

For 155 years, black americans have been reminded of their slavery. Currently in our divisive political climate, this flag has incited violence and hate.

Please consider following the lead of other states, Nascar and other communities to ban this open display of white power, hatred, discrimination, abuse and suffering.

Thank you,

Joan

Joan Vetter Ehrenberg
[REDACTED]
[REDACTED]
Whitefish, Montana 59937
[REDACTED]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Joan Vetter Ehrenberg <[REDACTED]>
Sent: Monday, June 15, 2020 3:40 PM
To: Michelle Howke
Subject: Mandatory Mask Wearing

received
6/15/2020

Greetings Honored Mayor and City Council,

Thank you for your excellent leadership in relation to the Covid-19 Crisis. You have handled the situation excellently.

I would like to ask that you take one more critical step and require all employees, residents and visitors to wear masks.

We are at great risk of expanded exposure and could have to revert back to Phase one. Other cities (Portland) just put the yellow light on Phase 2.

If we could put in place handwashing stations, mask centers for pick up and perhaps even washing masks, and public information in a readily accessible location (The Gazebo at Depot Park? or in front of City Hall?) folks could team up and get visitor information, alternate route planning, and be Covid-Safe.

Let's continue to be leaders and set the example for others.

Thank you for your time and your leadership,

Best to you all,
Joan

Joan Vetter Ehrenberg

[REDACTED]
Whitefish, Montana 59937
[REDACTED]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Joan Vetter Ehrenberg <[REDACTED]>
Sent: Monday, June 15, 2020 4:27 PM
To: Michelle Howke
Subject: Apology on June 2nd Flag Issue and Healing for our Community

Greetings Honored Mayor Muhlfeld and City Councilors,

On Tuesday, June 2, our MT Primary Day, I was planning to go to our City Hall to do what we call a 'Honk & Wave' to say "Vote here Today". I showed up with another young gal.

Bonnie Zepnick insisted she would be there with a BLM Protest for George Floyd. I said we can all be together. They had 3 people the first night, 10 pp the next and 70pp on Tuesday, June 2nd. For me, Election day is very special, and I had my flags in the car. I said "do you want a flag" Bonnie said "yes, I'll take one, I will carry it upside down" Unfortunately, I let that happen. Bonnie was parading in the street and dragging the flag on the ground and leading the group of teenagers in chants. Kenny, from Ken's Automotive walked by, I saw him and said "hey I know this is very hard for you and thank you for your service". He was pretty upset. He went up to the block to cross to the Whitefish VFW and circled back towards American Bank. He then walked diagonally across the street and stood in the middle of the street ripping Bonnie a new one. He was very upset because she had the flag dragging on the ground.

Bonnie later put my flag up against city hall, upside down. I was not happy, put it back in my car. And left. The next night I organized a more peaceful protest on 2nd & Spokane, with masks, social distancing, and the message was "Equality=Justice and Peace."

Jay Snowden, went by the first night and was very upset on Tuesday. He came back Wednesday and said to me he was upset about the flag being dragged on the ground. We all know what happened after, he yelled at the crowd and lost his temper in an awful way.

On Wednesday of this week, I reached out to Jay, as I feared that he would commit Suicide, with all of the death threats to him and his children and so much anger headed his way. Jay is an Iraq War Vet, suffers from PTSD, is separated from his wife, has anger management issues, deep rooted family trauma and had been drinking. Since that time, I have been offering him support to help him during this difficult time.

I took him to my visit with my priest, Father Charlie Knuth on Thursday evening. They met in our church, All Saints Episcopal Church on Conn Road. Jay poured out his soul and made amends, and then Father Charlie said "Jay, do you know that I was the priest that was there?" Jay replied, 'No' and they actually both laughed about it. They talked for some time.

Mayor Muhlfeld and all City Councilors and staff, I want to apologize for being a part of the disruption on Tuesday, June 2nd.

I kept trying to move Bonnie's dog as he was blocking the entrance, and I continued to be sure City residents were able to get into City Hall to vote, and thanked them for voting.

Sidenote on my safety threats:

Veterans could have perceived me as an antagonist on Tuesday, June 2nd. At this time, I have made police reports on Saturday & Sunday to the Flathead County Sheriff's Deputy Camersville and Deputy Richardson and with the Whitefish City Police - Bridger Kelch (only left messages, no responses at this time).

A dark grey Tesla, with no front plates and black windows was circling my neighborhood, with two other cars (a silver open bed pickup, and a silver sedan with a kayak on it). My neighbor was cutting her lawn and saw them circle 3 times and the Tesla & stop at the end of my driveway. She texted and asked if I was expecting anyone. I replied no, went out to my porch and saw the Tesla.

I think this car is related to some local folks organizing and "ginning" up the Vets.

Veterans could have perceived me as an antagonist on Tuesday, June 2nd. At this time, I have made police reports on Saturday & Sunday to the Flathead County Sheriff's Deputy Camersville and Deputy Richardson and with the Whitefish City Police - Bridger Kelch (only left messages, no responses at this time).

Topic #2

Healing Hate in our Community

I would like to recommend that we review this guide and begin the healing process to bring our community together. Interestingly, I had the old guide in my files and when looking found this one revised in 2017, after the Charlottesville incident with Richard Spencer. I believe it is vital for our community to not "kick the can down the road" and make a stand that "Hate Stops Here", "Heal Hate" "Lead with Love". The following guide is a blueprint for all facets of the community. If you could support a task force, or City Sponsored adoption of a program like this or the attached blueprint of the following, I truly believe that would be very helpful.

Everyone has a perspective, has trouble and makes mistakes. We have to lead with fostering commonality, looking for places that we can unite our community members and leave the politics and antagonism aside. A great plan that would solve much of this, is to ask Jay Snowden to build truly affordable housing, with community members and volunteers, like our own Habitat for Humanity, but be sure the homes go to the BIPOC (Black/Indigenous/People of Color) Vets, Disabled, or single parents, to be sure these folks can integrate, and also, live where they work.

It is time for all of us to be leaders. Here is a link to the Southern Poverty Law Center's "Ten Ways to Fight Hate" A community Resource Guide"

<https://www.splcenter.org/20170814/ten-ways-fight-hate-community-response-guide> that I invite you to review.

Thank you for your service, your consideration and for your time,

All the best,

Joan

Joan Vetter Ehrenberg

[REDACTED]

Whitefish, Montana 59937

[REDACTED]

EXTERNAL SENDER verified by City of Whitefish IT

Richard Hildner
104 5th St.
Whitefish, MT 59937

received
6-15-2020
2:00 p.m.

Honorable Mayor and Council:

When I departed council in January I reminded you that renaming Lost Coon Lake should become one of your highest priorities. Recent events bring a sense of urgency to this issue. The time for change is now.

You will find some of my language offensive. I do. Given the historical context, there is no other option. From the early settlement days of Whitefish, Lost Coon Lake was known locally as Nigger Lake. However, this name does not appear on any USGS topographic map. Not until 1964 was there any attempt to change the name as evidenced by a front page *Whitefish Pilot* article:

"Nigger Lake Name Changed

Nigger Lake, south of Whitefish, will be designated on forest service and geological survey maps in the near future as Lodgepole Pond, Don Jensen announced this week.

Jensen, who operates a lumber yard in Whitefish, has been active for the past year in getting the name of the lake changed.

'Actually,' Jensen observed, 'The lake had no official name, since it has been unnamed on official maps until now.'

Jensen said he had polled the property owners and had come up with a majority in favor of the name change."

So, what happened? Nothing! A USGS map published in 1983 shows the name Lost Coon Lake but the 1994 and 1995 maps again show no name for the lake. The name Lost Coon Lake reappears in 2011, 2014 and 2017 on USGS Quads and so it remains today.

About six years ago I was part of a small group of community members who began exploring an appropriate name change. There were three City Council members, one or two golf association members as well as representation by the Whitefish Convention and Visitor Bureau. The committee encountered several roadblocks and the initiative languished. In the meantime, the Golf Association, recognizing the offensive nature of the Lost Coon Lake name, began publishing their brochures with the name "Lost Loon Lake."

With that history behind us, now is the time to look forward and petition the State Board of Geographic Names for a name change. Concurrently, Lost Coon Trail, the name for the road near the lake, must also be changed.

Now is the time for action in changing the names of Lost Coon Lake and Lost Coon Trail. A resolution to do so by this Council is urgently needed. Such action is consistent with the City's Non Discrimination Ordinance and rights what has too long been ignored.

My recommendation to you is to seriously consider Lodgepole Pond and Lodgepole Trail as appropriate name changes, as suggested by Mr. Jensen in 1964. These place names are not found elsewhere in the state of Montana.

I intend to stick around this evening for Comments from Council and look forward to hearing your favorable response.

As always, thanks for your time and attention to this matter.

Michelle Howke

From: Rachel Johnson [REDACTED]
Sent: Monday, June 15, 2020 3:08 PM
To: Michelle Howke
Subject: Kelly and Courtney Laab

received
6/15/2020

I support the Laabs 100% ! You should too !! They will love and respect this land ! They will raise their two amazing girls here and they will also love and respect this land. Say NO to the big guys and say YES to the Laabs. PLEASE do the right thing.

Thank you for your time.

Rachel Johnson

[Sent from Yahoo Mail on Android](#)

EXTERNAL SENDER verified by City of Whitefish IT

June 15, 2020

received
10/15/2020

Tracy Rossi

████████████████████
Whitefish, MT 59937

Dear Michelle,

I am writing in regard to Kelly and Courtney Laabs and their boundary line adjustment on Dakota. I am friends with Kelly and Courtney, and have known them for the past 6 years. When I met them, they lived in Marina Crest, they were able to move on from Marina Crest and then go on to build their own home, now they are ready to move back over onto a beautiful piece of land on Dakota next to Marina Crest. They have 2 young children which they want to be near their family member who would become a neighbor.

The community of Whitefish is very important to the Laabs, they are not looking to subdivide their land but merely perform a boundary line adjustment. They want to preserve the beauty and uniqueness of this property on Dakota as much as possible by not creating a subdivision for more housing since there are other areas nearby which are densely populated.

As a member of our community, I would be in favor of a boundary line adjustment on this property vs another subdivision.

Thank you,

Tracy Rossi

June 15th, 2020



Whitefish City Council / City of Whitefish
418 E. Second Street
Whitefish, MT 59937

Council Members,

We are Kristi & Mike Barham, and we reside at 429 East Marina Crest Lane. We also own an adjacent lot at 433 East Marina Crest.

Thank you for allowing us to appear before you & comment on an issue that's of extreme importance to us. We've always taken a proactive role regarding adjacent development & we have appeared before the council in the past (*both in-person and via letters*) regarding the adjacent Quarry development.

Our home is across East Marina Crest from 777 Dakota Avenue, and a literal "stone's throw" away. EVERY DAY that we LEAVE OUR HOUSE, we PASS THIS LOT, so we have "skin in the game."

As direct neighbors to the parcel under discussion, we would like to register the following comments:

1. We are supportive of the Boundary Line Adjustment (*BLA*).
2. The proposed project appears consistent (*from our review*) with BLA laws.
3. There is no intent to evade WR-2 zoning or development.
4. There is a desire to construct residential homes (*that both their own family and immediate family will own & reside in*) in a manner entirely consistent with the ideals of Whitefish & WR-2 zoning.
5. Frankly, we prefer to see the lot Boundary Line Adjusted into 4 or 5 lots with residential homes than subdivided in the future into dozens of smaller lots. We've spoken to 3-4 immediate NEIGHBORS who agree.
6. Given the family owns 100% of the land in question (*& isn't looking to rezone it*), this issue seems to be pushing into the gray areas of property rights.
7. The Laabs' lived in this neighborhood for five years and still know many of the neighbors personally. We know Kelly & Courtney personally and would not be here if a) they were developers or b) if their plans were detrimental to the immediate area.
8. Kelly & Courtney have been positive members of the Whitefish community since they've lived here, and we're happy to provide a testament to their character.

As residents of the neighborhood most directly impacted, we will happily answer any questions the council may have.

Thank you,

Mike & Kristi Barham



received
6/14/2020

Michelle Howke

From: Laura Pesche [REDACTED]
Sent: Sunday, June 14, 2020 5:56 PM
To: Michelle Howke
Subject: Fwd: Laabs Property

I'm writing in support of Kelly and Courtney Laabs and their proposed homesite. I understand the City has denied their requests for various reasons, but I assure you they want nothing more than to build a home for their family. They care deeply about Whitefish and would not do anything to damage it. There are no ulterior motives or objectives. They are well respected, successful, contributing members of our community. They would be wonderful neighbors to the surrounding homeowners. I hope you will take this into consideration.

Sincerely,

John and Laura Peschel

[REDACTED]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

received
6-15-2020
2:00 p.m.

To whom it may concern-

We are writing this letter on behalf of the Laabs Family and their efforts to build a home on Marina Crest Lane. We have been close friends with the Laabs family for over 10 years and can speak with confidence to their character and intentions.

They are very engaged and supportive members of the community and the kind of people that the citizens of Whitefish want to look after the interests of this beautiful town.

They were very excited to purchase the property in discussion and have been clearly interested in building a home for themselves and other like-minded families who desire open space and room to raise their young children.

We were surprised and unsettled by the city's planning department decision to label them as "developers" as opposed to granting them the requested boundary line adjustment. "Developers" move into communities and shoe-horn as many houses on a piece of property in order to maximize their profits. This is clearly not what is going on here and not the Laabs family's intentions.

The planning department appears to be resorting to this label purely to extract more leverage, control and fee revenue from this family at the expense of them and their neighbors. This is disturbing and we feel, an unfair misrepresentation of their efforts to build a home that is in alignment with the residents of this town and their neighbors.

We urge you to prevent this unusual, selective and unfair treatment of this family and grant them a boundary line adjustment so they can do what they, their neighbors and the citizens of Whitefish want.

Thank you,
Kim and Ian Hudson


Whitefish, MT 59937

received
6-15-2020
2:00 p.m.

Whitefish City Council,

Our family has called Whitefish home since 2008 and home to our business since 2013. We live on Glenwood Rd near Dakota Ave and enjoy the quiet neighborhood where our four-year-old daughter can ride her bicycle safely on the street and wave at neighbors as they drive slowly past while often stopping to chat. We enjoy walking and biking to city beach, Soroptimist Park, and downtown using Dakota Ave because of the slow, minimal traffic and because of the open grassy field where we enjoy watching abundant wildlife. To see that same field lost to high-density development would not only dismay almost every single nearby neighbor but would also represent a change in course of the unique character of our town.

Courtney and Kelly Laabs are generous contributors to many Whitefish community programs and represent the epitome of upstanding Whitefish citizens working hard to raise a family while giving to the community they love. Their stewardship for the land on Dakota Ave will reflect their appreciation for the outdoors, and we can see no better use of that property than for Courtney and Kelly to raise their children and call home.

Respectfully,

Steven, Gabrielle, and Naomi Cahoon

████████████████████

Whitefish, MT 59937

received
6/15/2020
2:07:00 p.m.

To whom it may concern-

We are writing this letter on behalf of Kelly and Courtney Laabs. They have both worked hard to built a life here in Whitefish and have been actively involved in the community. They have generously given of their time and resources to many community related charities and non-profits. They are not developers and are looking to use the land they bought to continue to raise their family here in Whitefish. I think we have to be aware of the message we are sending to good upstanding families when were try to impose the wishes of city council on the citizens of Whitefish. We would much rather see the land in question remain open vs seeing another high density housing project. I am sure the neighbors feel the same way.

Courtney and Kelly are exactly the type of families The City Council wants in Whitefish as they continually support the community and neighborhood. There is no ulterior motive in this building project they simply have found a great piece of land and want to build a beautiful home and rase their children in a great neighborood.

Thank you,
Jack and Kiersten Alton
[REDACTED]
Whitefish, MT 59937

received
6/15/2020
2:00 p.m.

Whitefish City Council,

Kelly and Courtney Laabs have built a life here in Whitefish. Both have been able to make a living while also raising a family. They have been wonderful citizens to our community and have donated their time and money to multiple community programs. They have paid their taxes and supported the city of Whitefish. Kelly and Courtney have worked hard and been rewarded with the opportunity to buy a piece of land they would love to raise their family on. They are not developers and just want a place to raise their kids.

I have been in Whitefish most of my adult life and am a native Montanan. I love it here. I know these guys well and we want them to thrive here and keep adding to good and healthy growth to our town. If the neighbors had an option, I'm sure it would be in favor of the Laabs.

This is a small town that thrives on tourists, but we can't forget about the tax paying citizens of Whitefish, Montana.

Please support those who support us and have chosen to spend their lives here.

Sincerely,


Scott Darkenwald
Whitefish, Montana

received
6/15/2020
2:00 P.M.

Dear Whitefish City Council,

I have had the pleasure of getting to know Kelly and Courtney Laabs over the last several years. I can personally speak to their integrity and their commitment to their community.

I have recently been brought up to speed on their Boundary Line Adjustment and am in full favor. These are the kind of neighborhoods that make Whitefish such a special place. To have this special piece retain so much green space would be incredible.

Young families are the backbone of this community and these folks are great members of the community looking to preserve rather than develop. We are in full support. We also call Whitefish home and are excited for the future of this special land.

Thanks for your consideration,

Doug Houda



A large black rectangular redaction covers the signature area. A small handwritten mark is visible above the redaction.



received
6/15/2020
27:00 p.m

kelly laabs <laabs@ gmail.com>

(no subject)

1 message

Trek Stephens [REDACTED]

Mon, Jun 15, 2020 at 4:49 PM

To: [REDACTED]

Whitefish city council members,
I own a home and reside at 440 Glenwood Rd in Whitefish. I am writing to express my full support for Courtney and Kelly Laabs proposal for a boundary line adjustment to create 4 lots on the 10.5 acres off Dakota Ave. I strongly believe this to be a great option for the neighborhood to keep density down and traffic.
Best regards,

Trek Stephens
[REDACTED]

Michelle Howke

From: Daniel Lard <[REDACTED]>
Sent: Monday, June 15, 2020 5:07 PM
To: Michelle Howke
Subject: City Council Meeting - 15JUN20

Dear City Council,

My name is Dan Lard, my wife and I have lived at 144 Dakota avenue for the last nine years. During this time, I have become good friends with the Laabs, and have had the opportunity to raise our kids together in this extraordinary place. My family has been in Montana for five generations, and when I left the Navy, I made a point to move back home so that my children could be raised here. Why is this relevant? Well, I grew up in a time where you could walk into your neighbor's house or pick up the phone and call them when you needed something, and they would drop everything to help you. You cared for your neighbors, and they cared for you. A place where you say hello to someone as you pass them on the street and wave to them as you drive past in the car.

When I spoke with Courtney and Kelly recently, I was troubled to hear about the resistance they were receiving from the city to complete a boundary line adjustment. From my position, it seems the city makes accommodations for developers time and time again, all the while forgetting about the wonderful families that make up our community. The Laabs have always been the sort of friends and neighbors I remember from my childhood, the sort that are always willing to help, the sort that makes our quickly growing city feel like a true community with a wave and a smile as you pass by. I would encourage you to view them as they are; terrific parents and neighbors. A family that is simply looking to complete an adjustment so that they can build a home close to friends and family.

Respectfully,

Daniel C. Lard
[REDACTED]

Whitefish, MT 59937

Daniel C. Lard
[REDACTED]

Whitefish, MT
[REDACTED]

EXTERNAL SENDER verified by City of Whitefish IT

received
6/15/2020
@ 7:00 p.m.

Councilmen and Councilwomen,

We are writing this letter in support of Kelly & Courtney Laabs and their recently purchased land at 777 Dakota.

Kelly and Courtney have worked hard to build a life here in Whitefish, Montana. They are dedicated hard working individuals and have been rewarded with the opportunity to buy a piece of land they see fit to raise their family on. Not only are they passionate about raising their children in Whitefish, they have been upstanding citizens to the community and have donated their time and money over the years to multiple community programs.

We hope the city can see their true intentions of creating a beautiful place for their family to live.

I, Kris Archer, grew up in Whitefish and always knew I wanted to raise my family surrounded by the same community and values that helped shape who I am. It would be a shame to see more multi family housing on a lot that is so perfect for a family to grow on.

Being members of this community, we are confident in saying that the neighbors of this property would prefer a few custom homes done tastefully, rather than multi-family housing jammed in by a developer.

We support the Laabs and their vision for this community.

This is a small town that thrives on tourists but we have to remember who is most important. The tax paying citizens of Whitefish, Montana.

Kris Archer & Andie Sabourin