



**CITY COUNCIL SPECIAL SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
TUESDAY, JANUARY 21, 2014, 5:00 TO 7:00 PM**

1. Call to Order

2. Interviews

- 5:05 Chris Hyatt, Park Board
- 5:15 Ray Boksich, Park Board
- 5:25 Trevor Howard, Park Board
- 5:35 Donna Maddux, Mountain Trails Park Master Plan ad hoc Steering Committee
- 5:45 Rett Parker, Flathead Conservation District
- 5:55 Camisha Sawtelle, Flathead Conservation District
- 6:05 John Ellis Jr., Flathead Conservation District
- 6:15 David Spangler, Whitefish Housing Authority - Phone Interview
- 6:25 Denise Hanson, Whitefish Housing Authority
- 6:35 Ron Breese, Whitefish Housing Authority
- 6:45 Spencer Weimar, Whitefish Housing Authority

3. Public Comment

4. Appointments

- a. Park Board – 1 Position - Mayoral Appointment with Council approval
- b. Mountain Trails Park Master Plan ad hoc Steering Committee – Mayoral appointments with Council approval – 2 positions as Members at Large from the public who do not have any affiliation or association with present users of the Mountain Trails Park
- c. Whitefish Housing Authority – Mayoral Appointment - One position to fill a vacancy for a term that expires 12-31-14
- d. City's representative to the Flathead Conservation District Board of Directors – Council appointments - 2 positions

Note - If time runs out before all appointments are made, time has been set aside to make them during the Regular Council Session under Agenda #8d.

5. Adjourn



PUBLIC NOTICE VACANCIES ON CITY BOARDS



HOUSING AUTHORITY - One position to fill the remainder of a term expiring 12-31-14. Open to city residents or residents within a 10-mile radius of the City of Whitefish.

IMPACT FEE ADVISORY COMMITTEE – 2-Year term – One Position – The open position is for a person from the Development Community. Committee specifications require the applicant either lives or works within the Whitefish zoning jurisdiction. The Committee meets once a year.

MOUNTAIN TRAILS PARK MASTER PLAN AD HOC STEERING COMMITTEE
- An ad hoc committee consisting of different interest groups to work through a planning process with the public concerning the overall plan for the Mountain Trails Park located at 705 Wisconsin Avenue. The City is seeking applicants to fill 2 positions as Members at Large from the public who do not have any affiliation or association with present users of the Mountain Trails Park.

PARK BOARD – Residency requirement: Applicants must have resided within the City Limits for 2 years and within the State for 3 years, and must be at least 21 years old. One position open to fill a vacancy and 2-year term ending 5-1-2016.

CITY'S REPRESENTATIVE TO THE FLATHEAD CONSERVATION DISTRICT BOARD OF DIRECTORS – 3-Year term – Two Positions – Applicants must reside within the Whitefish City Limits. Conservation Districts work locally to conserve soil, water, and other natural resources of the state of Montana. One appointee may also serve as the 9th member of the Whitefish City-County Planning Board.

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 Street or mail to P.O. Box 158, Whitefish, MT 59937, by **Friday, January 10, 2014**. Interviews will be held Tuesday, January 21st. Thereafter, if vacancies still exist, letters of interest will be accepted until the positions are filled. If you have any questions please call the City Clerk's Office at 863-2400. This is also posted on the City's website: www.cityofwhitefish.org.

*****THANK YOU FOR YOUR INTEREST!*****

PARK BOARD – WCC 2-2-1 - 2 YEAR TERMS – Mayoral Appointments confirmed by Council (2nd Tuesdays @ 7 pm)

			TERM DATE	
Councilor Frank Sweeney	PO Box 158	863-4848 (O)		Mayor/Designee (Richard Hildner, Alternate)
Susan Schnee	1405 E. 2 nd Street	863-9856	5/01/2014	
Ron Brunk	130 E. 4 th St	862-6466, 862-6858	5/01/2014	
Vacancy			5/01/2016	
Doug Wise	1000 Birch Point Dr	862-1463, 407-0927	5/01/2015	President
Terri Dunn	6211 D Shiloh Ave	862-8276, 250-7182	5/01/2015	
Jim DeHerrera	339 Fairway Drive	407-730-2424	5/01/2015	

BOARD OF PARK COMMISSIONERS

2-2-1: BOARD CREATED; MEMBERSHIP:

The board of park commissioners must be composed of the mayor, or the mayor's designee, and six (6) other persons to be appointed by the mayor, with the approval of the city council. The seven (7) persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by Montana code 7-4-4301 for the office of mayor.**

**Montana Code Annotated 2009:

7-4-4301. Qualifications for mayor. (1) A person is not eligible for the office of mayor unless the person:

- (a) is at least 21 years old;
 - (b) has been a resident of the state for at least 3 years; and
 - (c) has been a resident for at least 2 years preceding the election to office of the city or town or an area that has been annexed by the city or town.
- (2) The office of mayor of a city or town is considered vacant if the individual elected as mayor ceases to be a resident of the city or town.**

A. Term Of Office:

1. Except as provided in subsection A2 of this section, the term of office of each park commissioner shall be two (2) years from and after May 1 of the year in which he is appointed and until his successor is appointed and qualified.
2. Three (3) of the commissioners first appointed shall hold office for the period of one year from and after May 1 and until their successors are appointed and qualified.

B. Vacancy: Any park commissioner who shall refuse or neglect to attend three (3) meetings of the board between May 1 and April 30 of the following year shall be deemed to have vacated his office, and thereupon his successor may be appointed.

C. Compensation: No park commissioner shall receive compensation for his service rendered under the provisions of this chapter, but the actual and necessary expenses incurred by any member of the board while acting under the orders of the board in the transaction of any business in its behalf may be paid upon being allowed and audited by the board.

D. Oath Of Office: Before entering upon the discharge of his duties, each park commissioner shall take and subscribe the oath provided by Montana code 2-16-211. The oath shall be filed in the office of the city clerk. (Ord. 96-15, 2-18-1997)

2-2-2: ORGANIZATION OF BOARD:

A. On the second Tuesday in May in each year, the board of park commissioners shall meet and organize by electing one of their number president and one of their number vice president, who shall hold their offices, respectively, for the term of one year.

B. The city clerk or the city clerk's designee shall be ex officio clerk of the board of park commissioners. (Ord. 96-15, 2-18-1997)

2-2-3: CONDUCT OF PARK BOARD BUSINESS:

- A. The board of park commissioners shall hold an annual meeting on the second Tuesday of May and a meeting at least once in each month in each year at such times as the board shall by rule prescribe. Special meetings may also be held at the call of the president or, in his absence, the vice president, upon giving to each member of the board at least twenty four (24) hours' notice in writing of the time and place of holding such meeting.
- B. A majority of the entire board shall be necessary to constitute a quorum for the transaction of the business of the board. (Ord. 96-15, 2-18-1997)

2-2-4: POWERS AND DUTIES:

A. Officers: Except as provided in Montana code 7-16-4228(2), the president, and in the president's absence the vice president, shall preside at all meetings of the board. (Ord. 96-15, 2-18-1997; amd. 2003 Code)

B. Park Board Minutes: The minutes of the meeting contained in the record book, when approved by the board, shall be prima facie evidence of the matters and things therein recited in any court of this state.

C. Park Board Powers And Duties:

1. The board of park commissioners shall have the management and control of all parks belonging to the city.

2. The board of park commissioners shall have the following powers and be charged with the following duties:

a. To lay out, establish, improve and maintain parkways, drives and walks in the parks of the city; and to determine when and what parks shall be opened to the public;

b. To plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the parks belonging to the city;

c. If directed by the city council, to plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the streets, avenues, boulevards and public places in the city and for that purpose to establish and maintain nurseries for the growth of trees and plants;

d. Upon receiving approval from the city council, to purchase or otherwise acquire, and sell or otherwise transfer, real property; to make plats thereof; and to file the same in the office of the city clerk;

e. To provide written comments and recommendations to the city council prior to any action by the city council to acquire or transfer land used, or to be used, for a city park;

f. To pay all obligations authorized to be incurred by the provisions of this part;

g. To exercise all other powers incident to the duties enjoined by the provisions of this part. (Ord. 96-15, 2-18-1997)

2-2-5: CONTRACTS AND EMPLOYMENT:

A. The board of park commissioners has the following powers and duties:

1. To employ and discharge workers, laborers, engineers, foresters and others, and to fix their compensation; and
2. To make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon the board by this part; provided, however, that any contract having a term of more than five (5) years must be approved by the city council.
 - B. All contracts made by the board must be in the name of the city and must be signed by the city clerk and by the president of the board or, in the president's absence, by the vice president of the board; provided, however, that any contract having a term of one year or less may be signed by the parks and recreation director.
 - C. An order or resolution authorizing the making of any contract may not be passed or adopted except by a yea and nay vote, which must be recorded in full in the minutes by the city clerk.
 - D. The board may elect to have all, or certain, personnel decisions made by the mayor, the city manager or the parks and recreation director pursuant to the policies and regulations governing other city personnel decisions. (Ord. 96-15, 2-18-1997)

received
1-14-14

5:05 pm

Necile Lorang

From: "Chris Hyatt" <chris.hyatt.mt@gmail.com>
To: "Necile Lorang" <nlorang@cityofwhitefish.org>
Sent: Tuesday, January 14, 2014 9:55 AM
Subject: Park Board

Necile,

I am interested in applying for the open Park and Recreation Board seat. I have enjoyed serving on the Park Board for the last four years, and would like to further my participation with the Parks Department.

Thank you for the consideration.

Chris

Chris Hyatt
406-261-7541

1/14/2014

received
1/8/14

5:15 pm

January 9, 2014

Please let this letter serve as my official request to be appointed to the Whitefish Park Board. I have lived within the city limits of Whitefish for over 30 years and at my current residence on Columbia Ave. for equally as long.

I have served on several boards for the city over the years including the Park Board in the late 80's and 90's. I also served as a City Councilmen and Mayor in that time period. As a park board member and board chair we, as a board, were able to get several city projects started and completed in that time period which included rebuilding City Beach, Memorial Park and Riverside Park. I most recently served a term on the library board and am extremely pleased with how well we were able to get through the transition from a county branch to what is now in place as the Whitefish City Library.

I thoroughly enjoyed my years on the park board and am quite proud of what we were able to get accomplished on a next to nothing budget. I would like to be a part of the future planning of the city parks and to help come up with ways to upkeep and maintain the ever growing amount of city land the park board is overseeing.

Please contact me if you have any questions or concerns, rboksich@yahoo.com or Cell # 212-0261 Home # 862-3430.

Thank you for considering my application

Sincerely yours,



Ray Boksich

223 Columbia Ave.

Whitefish, MT 59937.

received
1-10-14

5:25 pm

Trevor Howard
243 W. 4th St
Whitefish, MT 59937
(406) 250-5644
Trevorhoward@gmail.com

1/10/2014

Whitefish City Clerk's Office
418 E. 2nd St
Whitefish, MT 59937

To Whom It May Concern:

I read about the vacancy on the Park Board committee on the City of Whitefish's website and would like to be considered for that position.

Since moving to Whitefish in 2004, I have explored and fully utilized the wealth of resources that we have in our great city and surrounding areas. The community parks that we have are top notch and continue to improve the overall appearance and allure of Whitefish. Now that my wife and I have started a family, it has become abundantly clear how important it is to have safe and clean places for residents to enjoy. The thought of having input into the overall direction and focus of the local parks system excites me and I feel that I can be an asset to the fellow committee members.

I am eager to become more active in our local community and feel that this is a great place for me to start. Please contact me at either (406) 250-5644 or Trevor@whitefishproperty.com. Thank you for your time and consideration.

Best regards,



Trevor Howard

Necile Lorang

From: "Trevor Howard" <trevorhoward@gmail.com>
To: "Necile Lorang" <nlorang@cityofwhitefish.org>
Sent: Friday, January 10, 2014 4:28 PM
Subject: Re: Park Board application

Necile,

Thanks for checking up on that, I left out the specifics of my residency in my letter of intent. I meet both of those criteria, I have been a full-time resident since 2005 and a home owner since 2011. I look forward to meeting with the council and Mayor Mulhfeld.

Thank you,

Trevor

On Fri, Jan 10, 2014 at 3:34 PM, Necile Lorang
<nlorang@cityofwhitefish.org> wrote:

Hello Trevor,

We are in receipt of your letter of interest to serve on the Park Board,
Thank you.

I just wanted to verify your eligibility - that you have resided within
the City Limits for 2 years and within the State for 3 years.

I will be contacting applicants next Monday to schedule interview
times, the Mayor and Council will be holding interviews on Tuesday,
January 21st, between 5:30 and 7:00 p.m.

Thank you,



Necile Lorang, CMC
City of Whitefish
Administrative Services Director/City Clerk
PO Box 158
Whitefish, MT 59937
[406-863-2402](tel:406-863-2402)
nlorang@cityofwhitefish.org

1/10/2014

RESOLUTION NO. 13-30

A Resolution of the City Council of the City of Whitefish, Montana, authorizing the process to develop an amended Mountain Trail Park Master Plan and establishing the Mountain Trails Park Master Plan ad hoc Steering Committee.

WHEREAS, in 1984 the City of Whitefish acquired a 4.48 acre parcel, now known as the Mountain Trails Park, a gift from the Mountain Trails Saddle Club; and

WHEREAS, since its acquisition the Mountain Trails Park has been a popular community recreation area, with an ice rink facility, and miscellaneous buildings completed in 2003 and the Mountain Trails Master Plan was completed in 2004 and approved by the City Council on July 6, 2004; and

WHEREAS, at the September 10, 2013 City Park Board Meeting, due to its popularity and usage, the City Park Board and the City Parks and Recreation Department identified a need for an amended Master Plan for the use and future development of the Mountain Trails Park; and

WHEREAS, at the October 1, 2013 City Park Board meeting, the Park Board approved recommending the City Council establish a Mountain Trails Park Master Plan ad hoc Steering Committee (the "Committee") with the purpose to serve as the primary sounding board to work through the planning process with the current groups using the Mountain Trails Park and members of the public for an overall plan for the Mountain Trails Park and to report their findings to the City Park Board and City Council; and

WHEREAS, upon receipt of the Committee's findings, the City Park Board will conduct a public hearing, at which time the Committee will report its findings and recommendations and following public comment the Park Board will report its recommendations to the City Council for its consideration and action; and

WHEREAS, at the October 7, 2013 City Council Meeting, the City Council received an oral report from Parks and Recreation staff, and approved the establishment of an eleven-member Mountain Trails Park Master Plan ad hoc Steering Committee with Committee members from the City Council, Park Board, Ice Rink Committee representing different interest groups using the Ice Rink, Flathead Valley Ski Education Foundation and members from the general public; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to authorize the creation of the Mountain Trails Park Master Plan Steering Committee for the development of an overall plan for the Mountain Trails Park.

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

Section 1: There is hereby established the Mountain Trails Park ad hoc Master Plan Steering Committee.

Section 2: The general purpose of the Committee will be to serve as the primary sounding committee to work through the planning process with members of the public concerning the overall plan for the Mountain Trails Park, as depicted on Exhibit "A", and present the Committee's findings and report to the Whitefish Park Board, who will propose an overall plan for the Mountain Trails Park, and report their findings and recommendations to the Whitefish Park Board. The Whitefish Park Board will prepare a report for the City Council's consideration and approval.

Section 3: The Committee will prepare its findings and recommendations to the Whitefish Park Board, who will report its recommendations to the City Council for its consideration and action.

Section 4: The Committee will consist of eleven (11) individuals with representation as follows: Two City Councilors, two Park Board members, two Ice Rink Committee members representing different interest groups using the Ice Rink, two representatives from the Flathead Valley Ski Education Foundation, two "at large" community members without affiliation or association with present users of the Mountain Trails Park appointed by Mayor with City Council approval, and the Director of Parks, Recreation and Community Services or designee. The Committee members shall select a Chair from the members of the Committee. The Committee shall appoint one member as Secretary of the Committee, who shall keep minutes of all meetings and submit them to the City Clerk. Six (6) members shall constitute a quorum. The Committee shall meet as often as necessary to accomplish its general purpose, as described above. The Committee shall cease to exist as provided in Section 5.

Section 5: The Committee will begin its deliberations as soon as practical after creation of the Committee. The Committee shall be disbanded as of May 31, 2014, or earlier if the City Council completes its consideration of the Committee's report prior to that date.

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.

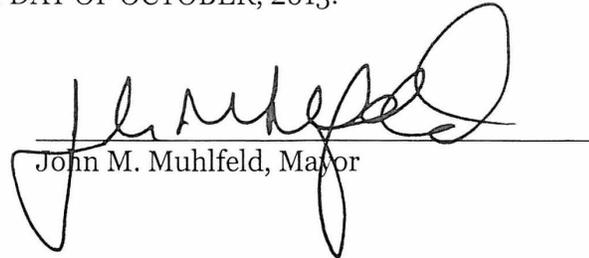
Section 7: Any vacancy occurring on the Committee will be filled in the same manner that the initial position was filled.

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.

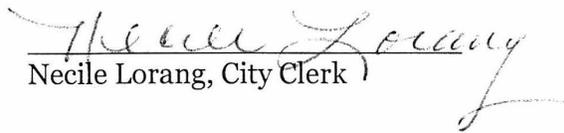
Section 10: This Resolution will take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 7TH DAY OF OCTOBER, 2013.



John M. Muhlfeld, Mayor

ATTEST:



Necile Lorang, City Clerk

5:35 pm

Necile Lorang

From: "Chuck Stearns" <cstearns@cityofwhitefish.org>
To: "Necile Lorang" <nlorang@cityofwhitefish.org>
Sent: Tuesday, December 31, 2013 3:27 PM
Subject: FW: Application for position on the Mtn Trails Park Development Advisory Committee

From: DONNA maddux [mailto:drm59801@hotmail.com]
Sent: Tuesday, December 31, 2013 2:54 PM
To: cstearns@cityofwhitefish.org
Subject: Application for position on the Mtn Trails Park Development Advisory Committee

Dear Mr. Stearns:

I am a retired educator who has held elected office in Whitefish and Flathead County. My husband (also an elected City Official) and I were members of the Mountain Trails Saddle Club, and he wrote the document which deeded the land to the City of Whitefish. It is with that history that I apply for one of the two open advisory positions. For too long the voice of the donors of the park has not been heard in the planning/development of the park. We would like a seat at the table as future planning and development takes place. Sincerely, Donna R. Maddux. PO Box 4816, Whitefish, 59937 Phone: 406-253-1229.

12/31/2013



Flathead Conservation District (www.flatheadcd.org)

Conservation districts (CDs) work locally to fulfill the state's policy to conserve soil, water, and other natural resources of the state. The Flathead Conservation District (FCD) covers all areas within the county boundaries except within the original (1945) city limits of Kalispell and Columbia Falls

From Larry Van Rinsum, Resource Conservationist (March 31, 2005): The Flathead Conservation District is a political subdivision of the state responsible for the enforcement of the 310 law or Natural Streambed & Land Protection Act. The organization is made up of 7 elected non-partisan members that form the Board of Directors. The term for a CD supervisor is 4 years. The roles and responsibilities of the Board are varied. In addition to the 310 law, the supervisors participate in watershed planning activities; serve on other Boards like the Flathead Basin Commission, City/County Planning Board, etc. The overarching role of the district is land and water conservation.

The Board is supported by 3 fulltime staff, and supervisors typically do not maintain an office in the building. Meetings are twice a month, once to consider 310 applications and violations and once for normal business. The position is considered "volunteer" for regular meetings but a modest hourly wage is offered when the supervisors do anything outside the normal meetings. The average supervisor will spend between 20-30 hours a month on District business so it is a major time commitment for most people. However not a pre-requisite, a supervisor is ideally someone with a natural resources background, but anyone with an interest is welcome.

Flathead Conservation District - Contacts

Office: 133 Interstate Lane, Kalispell, MT 59901
Telephone: (406)752-4220
FAX: 752-4077

Staff members may be contacted individually by phone or email list below..

Supervisors may be contacted through the FCD Office at (406)752-4220.

- Daniel Bangeman (Chairman)
- Pete C. Woll
- Ronald Buentemeier
- Frank De Kort
- Mark Siderius

- ~~Ken Meckel~~: City of Whitefish appointee
- Shirley Harrison: Associate Supervisor

Vacancy

Name	Email	Phone	Fax
General Information	info@flatheadcd.org	(406) 752-4220	(406) 752-4077
Larry Van Rinsum	larryvr@flatheadcd.org	(406) 752-4220	(406) 752-4077
Patti Mason	pattim@flatheadcd.org	(406) 752-4220	(406) 752-4077
Ginger Kauffman	gingerk@flatheadcd.org	(406)752-4220	(406)752-

5:45 pm

William M. (Rett) Parker
192 Woodland Star Circle
Whitefish, MT 59937
406.862.6080

January 8, 2014

Dear Whitefish City Council:

This memo is my indication of interest to serve as the City of Whitefish representative to the Flathead Conservation District Board of Directors. I have relevant experience with conservation districts in the western region of Montana, and a working knowledge of the district responsibilities. I look forward to discussing my qualifications with the city council and respectfully request your support.

Please note my background and professional work history was previously submitted to the council in November, 2013.

Best regards,

A handwritten signature in black ink, appearing to read "WRP", followed by a long horizontal line extending to the right.

received
11-18-13

William M. (Rett) Parker
192 Woodland Star Circle
Whitefish, MT 59937
406.862.6080

November 14, 2013

Dear Whitefish City Council:

This letter of interest serves as my request for appointment to the Whitefish City-County Planning Board, specifically the City of Whitefish position becoming available soon. My wife and I moved to Missoula, Montana in 1978 as newlyweds, and have owned property in Montana since 1979. We raised our children in the Seeley-Swan Valley and relocated to the Flathead Valley in January, ²⁰⁰³2013. We have been permanent residents of Whitefish for about 10 years. I graduated from the University of Montana with a B.S. in Forest Resource Management. Additionally, I earned an M.B.A. from the University of Phoenix.

My career has been dedicated to responsible land management, first as a forester with BN Timberlands, and then their successor, Plum Creek Timber Company managing 45,000 acres in the upper and middle Blackfoot River drainage. More recently, I have assumed responsibility for managing the real estate interests of the firm in Montana, and have served in this role since 2003. I maintain my office in Columbia Falls at our regional headquarters. I have designed and/or managed a handful of development projects for the company.

Involvement in land use planning includes an on-going volunteer position with a group located in Bigfork, MT. This group of concerned citizens has worked for several years to develop land use and zoning regulations for the north Lake County area near the community of Bigfork. I was invited to join the group and help develop an appropriate community review process and zoning documents based on the interests of the community members and landowners. This project continues as a work in progress.

Additionally, I attended numerous meetings in Lakeside for a similar purpose. However, the group had a specific agenda which was not collaborative or respectful of divergent opinions. Ultimately, this effort failed for lack of transparency and questionable open-meeting practices.

My personal philosophy relative to land use planning and zoning is quite simple. I support zoning provided the regulations treat landowners equitably, and residents have an opportunity to collaborate in the discussions and process. I look forward to serving the Whitefish community, and becoming a valued and effective member of the planning board.

Thank you for your consideration,



5:55 pm

January 7, 2014

City of Whitefish
City-County Planning Board
418 E. 2nd Street
Whitefish, MT 59937

Hello Whitefish Planning Board,

I am again writing with interest in a vacancy on the Whitefish City County Planning Board as the City's Representative to the Flathead Conservation District Board of Directors. My interest in a position has not changed since I applied for a position in November (please see previous letter of interest attached).

The Conservation District position is of particular interest to me as a biologist turned attorney. As a biologist I worked with the Conservation District to help clients obtain 310 permits to ensure compliance with the Natural Streambed and Land Preservation Act when working in or near a stream. As an attorney I have helped clients overcome alleged violations of the same act.

This seems like a great opportunity to contribute while continuing to learn about issues important to this community. Thanks for your consideration.



Camisha Sawtelle
239 Somers Avenue
Whitefish, MT 59937
406 871-5983
camisha.sawtelle@gmail.com

November 22, 2013

City of Whitefish
City-County Planning Board
418 E. 2nd Street
Whitefish, MT 59937

Hello Whitefish Planning Board,

I am writing with interest in a vacancy on the Whitefish City County Planning Board. I was excited to hear about an opening on this important board.

My husband and I have lived and worked in Whitefish for over 10 years. A few years ago we made the decision to sell our home in Happy Valley to relocate in town with the plan to raise our kids as "town kids". Thus far we are convinced the decision was a good one. We spend much more time walking and biking to all of the wonderful places in Whitefish and are proud to be a part of this community.

The planning board plays a critical role in keeping this community the type of place I will be happy to spend the next thirty years in. As an attorney with 10 years of experience as a biologist prior to law school I have a unique understanding of zoning and land use statutes, ordinances and regulations.

My interest in working on the planning board comes from the realization that it is time for me to re-engage with my community. In the 10 years I have been in the Flathead I have been busy playing hard, working as a biologist, getting married, going to law school, having two kids and working as an attorney. I am now at the point that I need to give back to the community that I often feel so lucky to live in.

Selfishly I am interested in working on the planning board because it will help me be a better lawyer as I explain the nuances of planning ordinances to clients. I am always looking for opportunities to continue learning. I hope that a position on the planning board will allow me to learn while contributing to a board that shapes the community I live in.

Thanks for your consideration,

Camisha Sawtelle
239 Somers Avenue
Whitefish, MT 59937
406 871-5983
camisha.sawtelle@gmail.com

6:05 pm
received
12-27-13
City Club Office

JOHN OLIVER ELLIS, JR.
630 Somers Avenue
Whitefish, MT 59937
(406) 862-3798
December 24, 2013

Ms. Necile Lorang
City Clerk
City of Whitefish
P.O. Box 158
Whitefish, MT 59937

Re: Whitefish Representative To The Flathead Conservation District Board

Dear Ms. Lorang,

I am writing to express my interest in serving as the Whitefish Representative on the Flathead Conservation District Board. It is my understanding that there are currently two vacancies. I am a full-time resident of the City and reside at the above listed address.

I look forward to hearing from you on this matter.

Sincerely yours,



John Oliver Ellis, Jr.

JOHN OLIVER ELLIS, JR.

630 Somers Avenue

Whitefish, MT 59937

(406) 862-3798

Personal History

Born	April 2, 1949 Atlanta, Georgia
Marital Status	Married Wife - Carol Lee Ellis
Children	John Connor Ellis Sophomore, University of Virginia Courtney Sloan Ellis Senior, Whitefish High School

Education

High School	The Westminster School graduated - June, 1967
College	Washington & Lee University BA in History and Spanish June, 1971
Law School	Emory University JD June, 1974

Employment

Barber & Hooper	Real Estate Practice Summers & holidays during law school
United States Army	September, 1974 to September, 1978 Captain, Judge Advocate Generals Corp Basic Airborne Course June, 1973 (while still in college) Student

	<p>Infantry Officer Basic Course September, 1974 to February, 1975 Fort Benning, Georgia Student</p>
	<p>2nd Infantry Division February, 1975 to March, 1976 Tong Du Chong, Republic of Korea Prosecutor for 6 months & Defense Counsel for 7 months</p>
	<p>9th Infantry Division March, 1976 to September, 1978 Fort Lewis, Washington Defense Counsel for 2 years Legal Assistance Officer for 6 months</p>
Sole Practioner	<p>October, 1978 to October, 1979 Atlanta, Georgia Criminal trial and appellate practice in State and Federal Courts</p>
Stroup, Goldstein & Jenkins	<p>October, 1979 to November, 1982 Atlanta, Georgia Criminal trial and appellate practice in State and Federal Courts</p>
Office of the DeKalb County Public Defender	<p>November, 1982 to October, 1983 Decatur, Georgia Assistant Public Defender Represented Defendants in the Superior Court of DeKalb County and in the Georgia appellate courts.</p>
Federal Defender Program, Inc.	<p>October, 1983 to November, 1986 Atlanta, Georgia Staff Attorney Represented Defendants in the United States District Court for the Northern District of Georgia, the United States Court of Appeals for the Eleventh Circuit and The United States Supreme Court</p>

Office of the DeKalb County Public
Defender

November, 1986 to June, 2007
Decatur, Georgia

Assistant Public Defender
November, 1986 to April, 1995

Chief Technology Officer
November, 1986 to June, 2007

Chief Assistant Public Defender
April, 1995 to June, 2007

Represented Defendants in the Superior
Court of DeKalb County, the appellate
courts in the State of Georgia and the
Federal Courts

Designed, installed and maintained the office
information technology systems.

Administration and Personnel Supervision of
a law office with 50 attorney and 30
investigative and staff personnel

Retired June, 2007

Other Interests

Hiking, climbing, playing the guitar, photography, skiing

HOUSING AUTHORITY – MCA 7-15-4431 - City Resident or Within a 10 mile radius – 5 YEAR TERMS – MAYORAL APPOINTMENTS

			TERM EXPIRATION DATE	
Ralph Ammondson Vice-Chairman	Apt 222 – Mountain View Manor (Resident) 100 E. 4 th Street	862-8160	12/31/2015	2 yr. Term
Laura E. Rutherford	PO Box 483, Whitefish Apt 107 - Mountain View Manor (Resident)	862-2401 100 E. 4 th Street	12/31/2014	2 yr. Term
Myrna Fleming	104 Railway Street	862-3568	12/31/2016	
John Middleton	6475 Hwy 93 S, Ste 17	406-862-7200	12/31/2015	
Bill Mulcahy	2 Granite Springs Trail, WF	730-2701	12/31/2018	
Vacancy			12/31/2014	
Sandra McDonald	PO Box 4722	862-9182	12/31/2017	

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).

Phone Interview @ 6:15 pm

received
12/13/12

December 13, 2013

David L. Spangler
270 Glenwood Rd.
Whitefish, MT 59937
406-862-3528
406-249-2407 (c)
spanglerkc@aol.com

To the members of Whitefish City Council:

If selected, I am willing to serve on the Whitefish Housing Authority. I have been a resident of Whitefish for a total of twelve years—from 1978-1983 and from 2006 to the present.

Sincerely,



David L. Spangler

Denise Hanson
827 Kalispell Avenue
Whitefish, MT 59937

6:25 pm



December 19, 2013

City of Whitefish
Attn: City Clerk
418 East 2nd Street
Whitefish, MT 59901

Re: Housing Authority Board Vacancy

To Whom It May Concern:

I am writing to express interest in the Housing Authority Board Vacancy. As a homeowner in Whitefish I have experienced the challenges with the availability of affordable housing and feel that the Whitefish Housing Authority is an excellent resource available to low income residents who want to live in Whitefish.

I am a licensed civil engineer and have worked for a private consulting firm for just over seven years. While employed as an engineer, I worked directly with developers and municipalities on numerous new developments. I understand the challenges with developing affordable housing while maintaining neighborhood characteristics that are desirable to live in.

I recently took a position for a private mortgage lending company in Whitefish and I am working on becoming a licensed mortgage broker. I feel that this new career path will further help me understand the challenges with the availability of affordable housing in Whitefish.

If you would like to contact me to discuss this vacancy further I can be reached at (406) 253-6749 or via email at denise@blackdiamondmortgage.com.

Thank you,


Denise Hanson.

6:35 pm

To: Whitefish City Clerk

1-6-2014

Ref: Letter of interest to serve on the Housing Authority Committee

My wife, Bonnie and I have lived in Whitefish since 1976. Our son Nate, now 26 years old, was born and raised here. I worked at Semitool Inc. for 28 years. For the last 10 years, I was a Product Manager in Sales and Marketing. My job allowed me to travel the world selling Semiconductor Equipment. Prior to Semitool I worked in Civil Engineering designing water and sewer systems for developments and single family homes. Currently I am semi-retired.

I am very interested in serving on the Housing Authority Committee. I believe the city of Whitefish needs additional affordable housing. Everybody that meets the criteria deserves affordable housing. I feel with my experience and knowledge I can help the Committee and the City of Whitefish.

I look forward to interview for this opening.

Thank you,



Ron Breese

270-2878

References: Joe Basirico 253-2278

Gayle Maclaren 862-1276

6:45 pm

Necile Lorang

From: "Spencer Weimar" <sweimar@dangersoup.com>
To: <nlorang@cityofwhitefish.org>
Sent: Monday, December 09, 2013 3:22 PM
Subject: Whitefish Housing Authority

Necile,

My name is Spencer Weimar. I have served on the Whitefish Housing Authority for five years with my term ending December 31, 2013. Upon completion of my term I would like to fill the open position on the board. I have a strong understanding of what the Housing Authority is trying to accomplish and would like continue to serve on the board. Thank you for considering me for the position.

Spencer Weimar

12/9/2013

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on **Tuesday**, January 21, 2014, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 14-01. Resolution numbers start with 14-03.

- 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
 - a) Recommendation from Future City Hall Steering Committee to authorize first negotiating a contract with Mosaic Architecture, PC of Helena, MT as the preferred architect for a future City Hall building and parking structure façade (p.40)
- 5) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Minutes from the January 6, 2014 Council regular meeting (p 92)
 - b) Consideration of approving application from Patrick Montalban for Whitefish Lake and Lakeshore Permit (#WLP-13-W37) at 2520 East Lakeshore Drive to install a 526.88 square foot 'F' shaped dock, construct 24 feet of dry-set stairs and walkway, install a waterline, and place approximately 10.885 cubic yards of fill material within the Lakeshore Protection Zone subject to 34 conditions (p.102)
 - c) Consideration of approving an application from Rob Pero for the final plat for Murray Meadows subdivision, a 2-lot minor residential subdivision located at 101 Murray Avenue (p. 124)
- 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))

None

7) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 152)
- b) Other items arising between January 15th and January 21st
- c) Resolution No. 14-___; A Resolution calling for an election on the question of conducting a local government review and establishing a study commission to do so (p. 157)

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Email from Chris Erler requesting that he not be required to submit a petition to annex his property in Rest Haven and sign a waiver of protest of annexation as a condition of being allowed to connect to the sewer system (p. 163)
- b) Email from Fred Frost regarding excessive use of liquid de-icer on roads (p. 186)
- c) Appointments of City Council Members to Highway 93 West Corridor Plan Steering Committee – Frank Sweeney is incumbent member and Phil Mitchell was formerly a member (p. 187)
- d) Any appointments to Boards and Committees not made during the special session preceding tonight's meeting

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



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

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

Adopted by Resolution 07-09
February 20, 2007

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January 15, 2014

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

Mayor Muhlfeld and City Councilors:

Tuesday, January 21, 2014 City Council Agenda Report

There will be a work session before this meeting at 5:00 p.m. for interviews for appointments to Committees and Boards. Food will be provided.

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

CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

- a) Minutes from the January 6, 2014 Council regular meeting (p. 92)
- b) Consideration of approving application from Patrick Montalban for Whitefish Lake and Lakeshore Permit (#WLP-13-W37) at 2520 East Lakeshore Drive to install a 526.88 square foot 'F' shaped dock, construct 24 feet of dry-set stairs and walkway, install a waterline, and place approximately 10.885 cubic yards of fill material within the Lakeshore Protection Zone subject to 34 conditions (p. 102)
- c) Consideration of approving an application from Rob Pero for the final plat for Murray Meadows subdivision, a 2-lot minor residential subdivision located at 101 Murray Avenue (p. 124)

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

Item a is an administrative matter. 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)

None

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 152)
- b) Other items arising between January 15th and January 21st
- c) Resolution No. 14-___; A Resolution calling for an election on the question of conducting a local government review and establishing a study commission to do so (p. 157)

Article XI, Section 9 of the Montana Constitution requires that, every ten years, each local government jurisdiction put an election ballot question before its voters on whether or not the voters want to study and review the jurisdiction's form and structure of government. The actual language from the constitution is below:

Section 9. Voter review of local government. (1) *The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.*

(2) *The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election.*

This ballot question needs to be a part of the June, 2014 primary election. If voters pass the ballot question, then local government review commissioners would be elected at the November, 2014 election and those commissioners would do their work during 2015.

City Attorney Mary VanBuskirk has prepared a resolution calling for the election question on the June, 2014 primary ballot. The City Council does not need to take any policy position on whether or not a review of local government is desirable, but you certainly could take such a position if you were interested.

We will incur a cost for the June ballot question, but it will likely be less than \$5,000 (the cost in 2004 was \$1,015.36). There would be additional costs to help support the efforts of a local government study commission next year if the voters decide to review the form and structure of the City which we have put in the Resolution as \$5,000.00. The budget for a local government review commission in Whitefish in the mid-1990's was \$5,000, but not all of that was spent. In the mid-2000's, \$2,500.00 was budgeted for a study commission and only \$730.82 was spent.

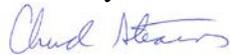
RECOMMENDATION: Staff respectfully recommends the City Council adopt a Resolution calling for an election on the question of conducting a local government review and establishing a study commission to do so.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Email from Chris Erler requesting that he not be required to submit a petition to annex his property in Rest Haven and sign a waiver of protest of annexation as a condition of being allowed to connect to the sewer system (p. 163)
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- d) Any appointments to Boards and Committees not made during the special session preceding tonight's meeting

9) ADJOURNMENT

Sincerely,



Chuck Stearns
City Manager

"Cheat Sheet" for Robert's Rules

Motion	In Order When Another has the Floor?	Second Required?	Debatable?	Amendable?	Vote Required for Adoption	Can be reconsidered?
Main Motion	N	Y	Y	Y	Majority unless other spec'd by Bylaws	Y
Adjournment	N	Y	N	Y	Majority	N
Recess (no question before the body)	N	Y	N	Y	Majority	N
Recess (question before the body)	N	Y	Y	Y	Majority	N
Accept Report	N	Y	Y	Y	Majority	Y
Amend Pending Motion	N	Y	If motion to be amended is debatable	Y	Majority	Y
Amend an Amendment of Pending Motion	N	Y	See above	N	Majority	Y
Change from Agenda to Take a Matter out of Order	N	Y	N	N	Two-thirds	N
Limit Debate Previous Question / Question	N	Y	N	Y	Two-thirds	Yes, but not if vote taken on pending motion.
Limit Debate or extend limits for duration of meeting	N	Y	Y	Y	Two-thirds	Y
Division of Assembly (Roll Call)	Y	N	N	N	Demand by a single member compels division	N
Division of Ques/ Motion	N	Y	N	Y	Majority	N
Point of Information	Y	N	N	N	Vote is not taken	N
Point of Order / Procedure	Y	N	N	N	Vote is not taken	N
Lay on Table	N	Y	N	N	Majority	N
Take from Table	N	Y	N	N	Majority	N
Suspend the Rules as applied to rules of order or, take motion out of order	N	Y	N	N	Two-thirds	N
Refer (Commit)	N	Y	Y	N	Majority	Neg. vote only

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January 13, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Award Architectural Design Contract to Mosaic Architecture of Helena

Introduction/History

The Future City Hall Steering Ad Hoc Committee was established in November 2011 (Resolution No. 11-57) to study, evaluate and recommend ideas and process for the location, design and architectural selection for the future City Hall to City Council. In September 2012 the Committee recommended to City Council to build the future City Hall on the same property where it currently is located. The Committee publicly advertised Requests for Qualifications from Architectural firms for the consultant design teams and received a total of ten responses which was narrowed down to four finalists. The Committee then held a design competition on December 11, 2013 and invited the public to attend and provide comment. On December 19, 2013 the Committee met to discuss and vote on a finalist to recommend to City Council for award of a consultant contract.

Current Report and Recommendation

At our December 19, 2013 meeting the Committee voted unanimously to recommend to City Council to negotiate a Design Consultant Agreement first with Mosaic Architecture. There is a copy of some of Mosaic Architecture's original proposal and the four design competition submittals in the packet with this recommendation.

Sincerely,

A handwritten signature in black ink that reads "Sherri L. Baccaro". The signature is written in a cursive style.

Sherri L. Baccaro
Chair, Future City Hall Committee



WHITEFISH CITY HALL AND PARKING STRUCTURE

WHAT WE KNOW

- CITY HALL WILL ENCOMPASS 18-21,000 SF
- THE PARKING STRUCTURE REQUIRES 230+ SPACES
- THE SITE IS 130'x300' ON BAKER AND 2ND
- THE BUDGET IS APPROXIMATELY \$11 MILLION
- DESIGN MUST ADHERE TO THE WHITEFISH MASTER PLAN AND ARCHITECTURAL REVIEW STANDARDS
- SOFT SOILS INDICATE DEEP FOUNDATION SYSTEM
- 35' HEIGHT LIMIT WITHIN 20' OF STREET SIDE PROPERTY LINE
- -MAXIMUM HEIGHT 45' WITH 120' DIAGONAL FOR PORTION EXCEEDING 35'

WHAT WE HEARD



- CITY HALL SHOULD EMBODY THE COMMUNITY VALUE OF WHITEFISH
- CITY HALL SHOULD BE LOW MAINTENANCE AND EASY TO OPERATE
- NATURAL LIGHT IS EXTREMELY IMPORTANT
- AN OPEN, ICONIC ENTRY AND LOBBY CAN REPRESENT THE 'FRONT DOOR' TO WHITEFISH
- REFERENCING THE HISTORIC CITY HALL AND ARCHITECTURAL LANGUAGE OF WHITEFISH THROUGH A TIMELESS DESIGN IS CRUCIAL TO A SUCCESSFUL SOLUTION.
- NATURAL, INDIGENOUS MATERIAL USE IS PREFERRED TO CONTEMPORARY STEEL AND GLASS
- AWNING COVERED WALKWAYS, TYPICAL OF OLD TOWN CENTRAL DISTRICT, ARE DESIRED
- CITY HALL SHOULD PROVIDE COMMUNITY USE OPPORTUNITIES BEYOND CITY FUNCTIONS
- CONNECTIVITY AND EASY ORIENTATION BETWEEN CITY DEPARTMENTS IS ESSENTIAL
- CELEBRATE THE CULTURE OF WHITEFISH THROUGH A SENSE OF PERMANENCE AND STABILITY IN THE ARCHITECTURE OF CITY HALL



DESIGN ELEMENTS

WHAT WE ENVISION

- ICONIC YET ARCHITECTURALLY APPROPRIATE
- A NOD TO THE ORIGINAL CITY HALL ARCHITECTURE
- A SOPHISTICATED WHITEFISH AESTHETIC THROUGH USE OF NATURAL MATERIALS
- CREATIVE USE OF INTERIOR AND EXTERIOR SPACES
- A CITY HALL THAT FACES BOTH BAKER AND 2ND STREET
- A 'CIVIC' SENSE OF ENTRY FACING 2ND STREET
- AMPLE LANDSCAPING AND PUBLIC SPACE NEAR THE ENTRY
- OPPORTUNITY FOR 'INTERPRETIVE' ELEMENTS
- A GRAND STAIR TO THREE FLOORS
- A TWO STORY OPEN LOBBY WITH LOTS OF DAYLIGHT
- A 1 1/2 STORY COUNCIL CHAMBER SPACE WITH CLEARSTORY DAYLIGHT
- A STAFF/COMMUNITY ROOM OPEN TO OUTSIDE DECK SPACE
- VIEWS OF BIG MOUNTAIN FROM THE THIRD FLOOR SPACES
- AN OPPORTUNITY TO INCLUDE THE 10:00 SIREN IN THE ARCHITECTURAL VOCABULARY



TAKE ADVANTAGE OF VIEWS WITH ROOF TOP COMMUNITY ROOM AND DECK AT THE THIRD LEVEL.



ENHANCE PUBLIC WALKABILITY EXPERIENCE BY USING LANDSCAPING AS MAJOR DESIGN ELEMENT.



RECALL 10:00 P.M. SIREN AS A DESIGN ELEMENT ALONG WITH THE IRRESISTIBLE STAIR.



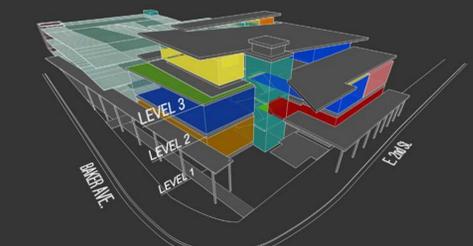
RESPECT HISTORIC QUALITIES AND CREATE A CIVIC SENSE OF ENTRY



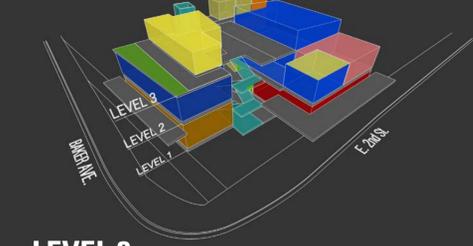
INTEGRATION OF SIDEWALK AWNINGS WILL CONNECT WITH WHITEFISH IDENTITY



MASSING

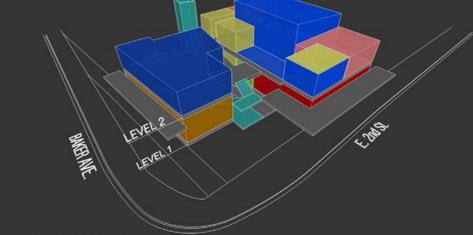


MASSING DIAGRAM



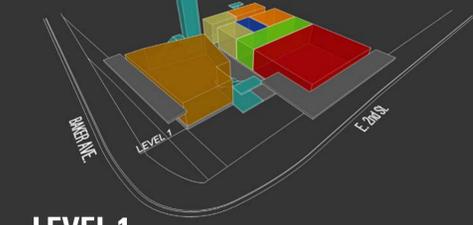
LEVEL 3

- Shared Facilities: Staff Area
- Conference Rooms 1 & 2
- Council Chambers Overlook
- Direct access to Level 3A of Parking Structure
- Community Room



LEVEL 2

- Legal Department
- Administration/Clerks Offices
- Council Chambers



LEVEL 1

- Public Works
- Parks & Recreation
- Building, Planning, & Zoning



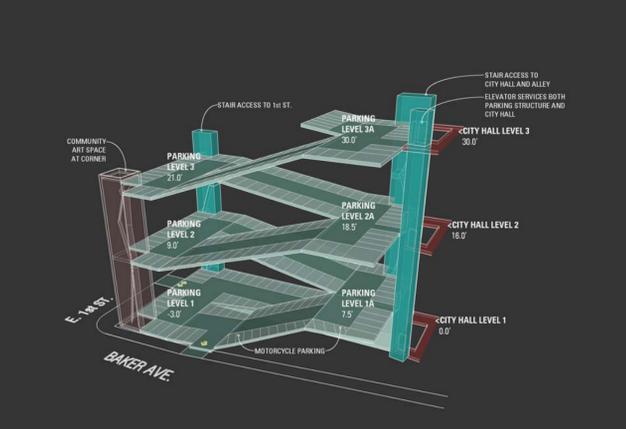
ENTRY



WEST ELEVATION



NORTH ELEVATION



PARKING STRUCTURE DIAGRAM
230+ SPACES



LEVEL 1



LEVEL 2



LEVEL 3

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Whitefish City Hall

MacArthur Means & Wells Architects

View of the new Whitefish City Hall at the corner of 2nd and Baker





First & Baker Building

MacArthur Means & Wells Architects

View of the parking and retail block on the corner of 1st and Baker



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the building should be prominent,
but also warm, and very pedestrian



the structure should be honest, interesting,
even whimsical



1. ABOVE GROUND STRUCTURE



a view of the northern 'courtyard', that provides natural light, views, and exterior gathering spaces



what if an underground structure were created?
 it would provide approximately 50 less spaces than the above ground structure, but it would also be much less costly, allow expansion ability to the city hall over time, while providing ample natural light and views for the building and its occupants



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Our vision for the new Whitefish City Hall and Parking Structure is to fashion a building that encompasses the character and spirit of the citizens of Whitefish in a way that serves residents and visitors of this very special place in a way that is honest, transparent and welcoming. The government functions are located in traditional architectural forms flanking a contemporary glass enclosure which houses the building entry, lobby and open stair. The entry to City Hall is set back from the street creating a public gathering and green space. The parking structure, though utilizing a majority of the site, is designed to be subordinate and complementary to City Hall.

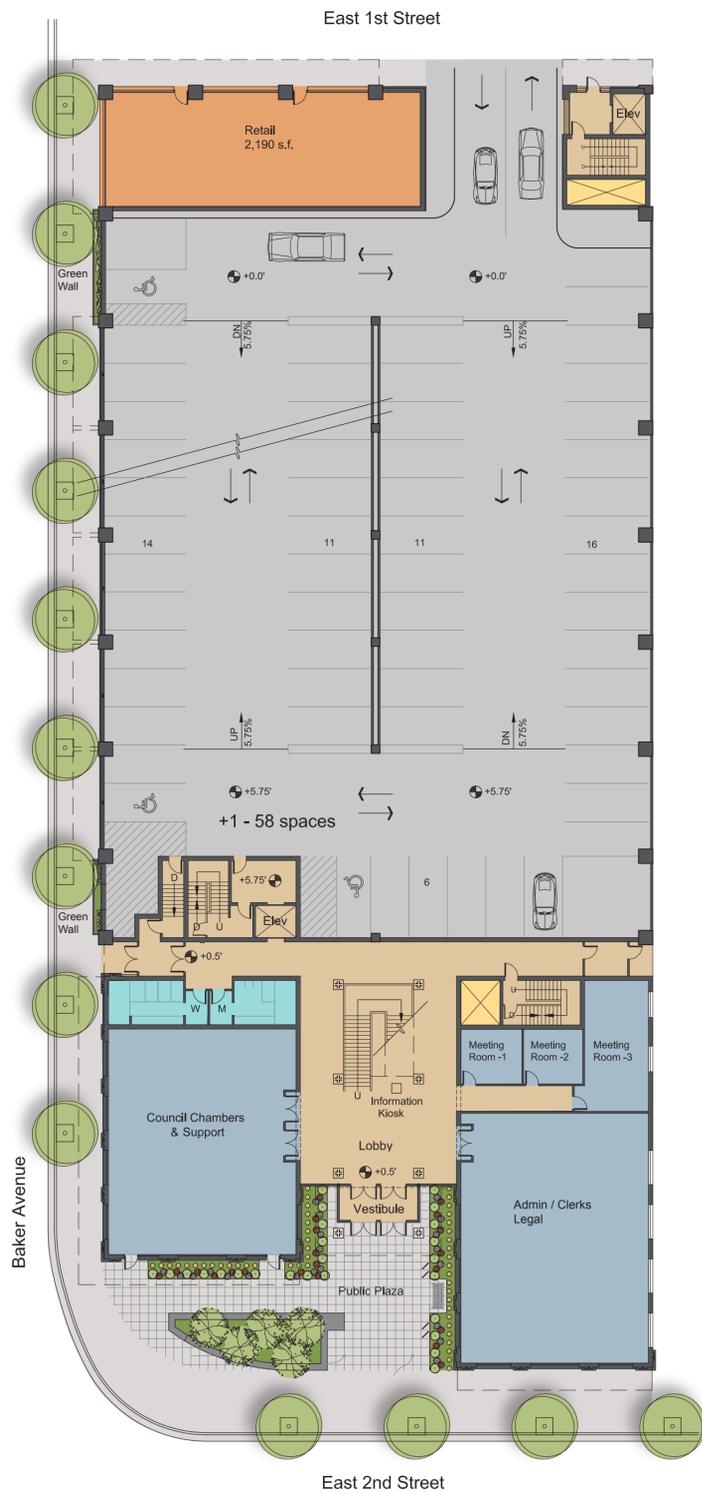
The City Hall and Parking Structure are designed to be timeless and iconic. Exterior materials selected are those with a proven history of limited maintenance. Wood, an important part of the history of Whitefish, will be used in protected locations on the exterior and abundantly in the interior. The built environment will enable public servants to do their best work in efficient, flexible and adaptable space awash in natural daylight.

It is our goal that when completed the building will be an enduring symbol of the pride of Whitefish for current and future generations.

OZ
architects

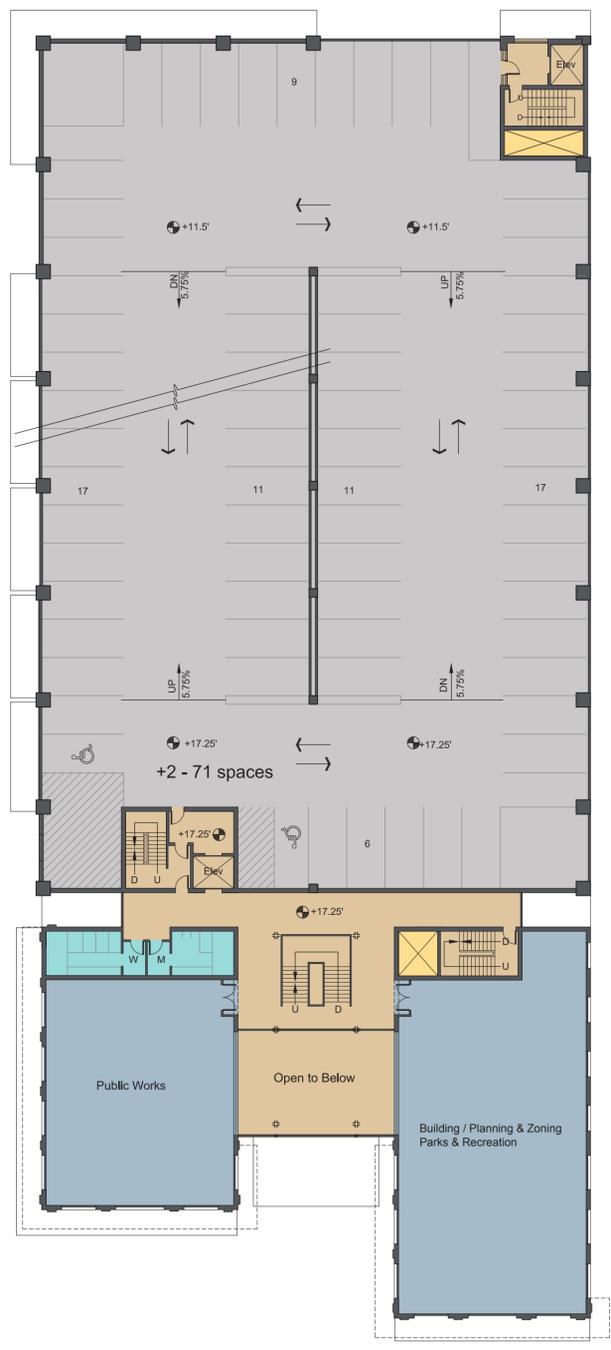
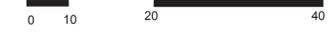
J. Constenius
ARCHITECTS, LTD.

WHITEFISH CITY HALL & PARKING STRUCTURE

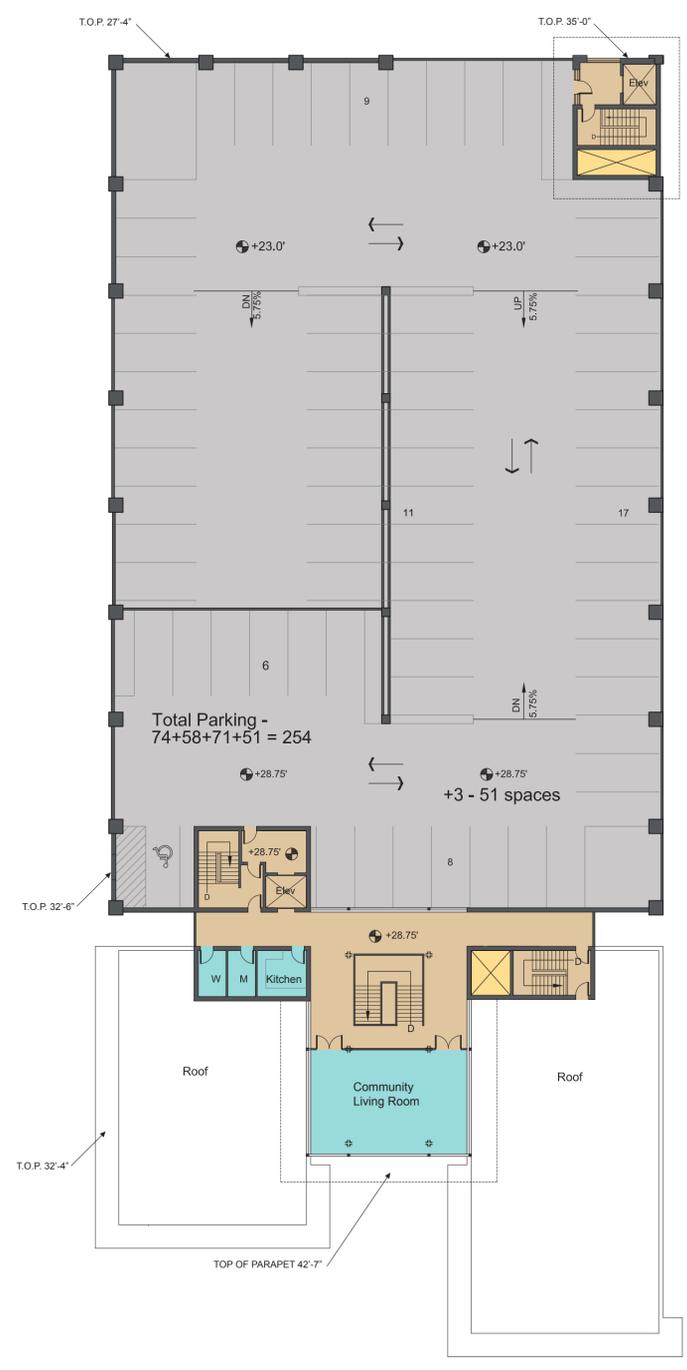


PROJECT NORTH

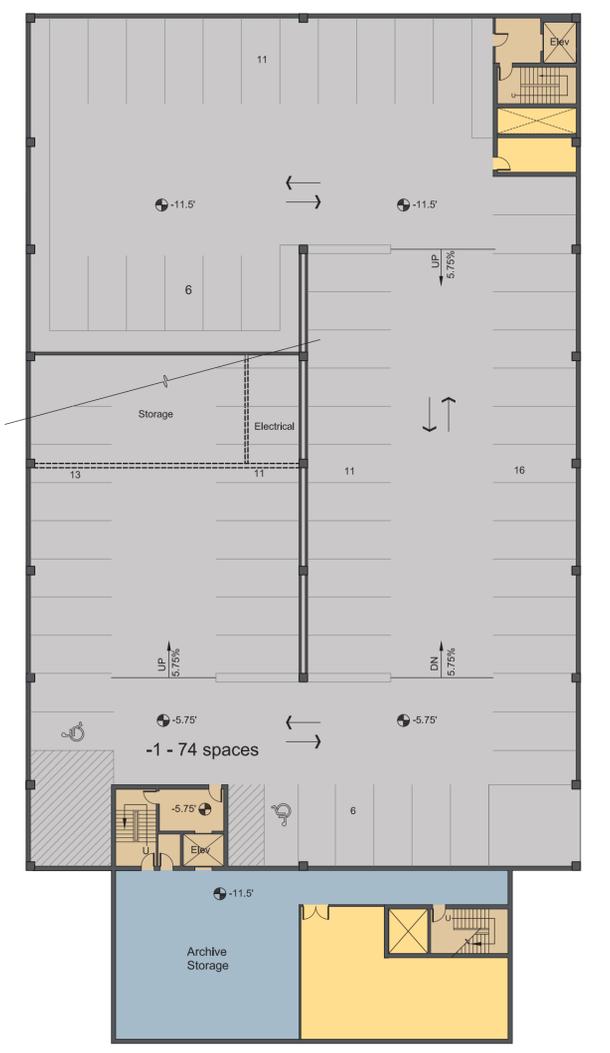
MAIN LEVEL FLOOR PLAN
CITY HALL BUILDING FOOTPRINT 9,950 S.F.



SECOND LEVEL FLOOR PLAN
CITY HALL BUILDING FOOTPRINT 9,790 S.F.



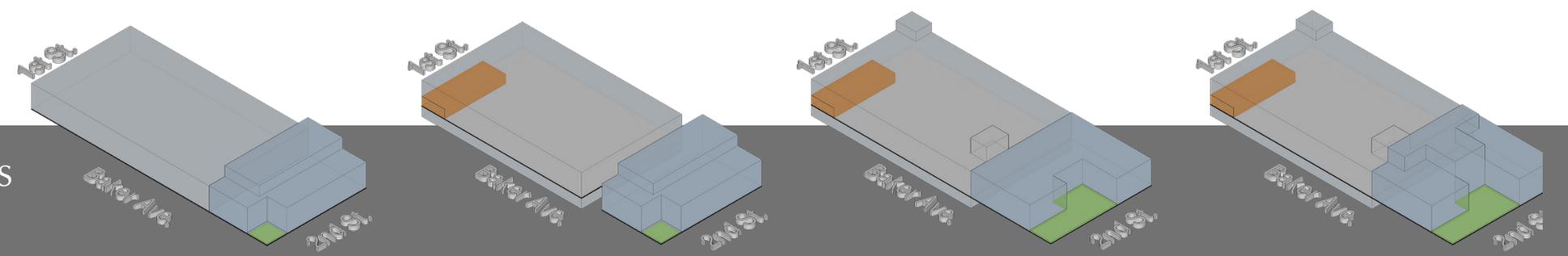
(OPTIONAL) THIRD LEVEL FLOOR
CITY HALL BUILDING FOOTPRINT 3,340 S.F.



BASEMENT FLOOR PLAN
CITY HALL BUILDING FOOTPRINT 3,800 S.F.

- BUILDING LEGEND**
- Pedestrian Circulation
 - Parking Garage
 - City Hall
 - Staff & Public Support
 - Mechanical
 - Retail

SITE DIAGRAMS



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**WHITEFISH CITY HALL
AND PARKING FACADE
WHITEFISH, MONTANA**

PROFESSIONAL SERVICES INFORMATION FORM

Submitted by:

Mosaic Architecture
428 N Last Chance Gulch
Helena, Montana 59601

mosaic
ARCHITECTURE - PLANNING - DESIGN



July 31, 2013

RE: Whitefish New City Hall and Parking Structure Facade Project

Mr. Stearns and Selection Committee:

On behalf of Mosaic Architecture, we are pleased to submit our Statement of Qualifications for the Whitefish New City Hall and Parking Facade. As you will find, we have assembled an exceptionally qualified team that includes Morrison Maierle's Kalispell engineering group. Tom Heinecke, PE will coordinate all engineering and assist in construction administration when a local set of eyes is needed quickly. Combined with Mosaic's design oriented approach specializing in serving community groups with collaborative solutions, our team is ready and able to meet and exceed your project needs. We are excited about the opportunity to work with the Whitefish community in exploring solutions for your project. As you review the enclosed information, we ask that you keep in mind a few points about our team:

Listening and Communication: Mosaic's excellent reputation for collaboration, appropriate design, and project management is well established. We will listen to you and your team to design solutions that meet the project needs. Our goal is to provide a highly collaborative design process that echoes your vision and goals for the City Hall and Parking Façade. This will be achieved while working with all involved stakeholders to garner wisdom, insight and guidance necessary to define the vision for providing employees with an exceptional work environment. We excel at facilitating a sense of empowerment and ownership in our clients.

Depth of Expertise: We recognize the importance of vision, design, coordination, and timing of this planning effort. We have significant experience with large-scale public involvement as well as urban infill of office and parking structure functions.

In particular, our experience facilitating the GC Construction Manager @ Risk delivery method of the recently completed \$30M Montana State Fund and Parking Garage, and the \$6M Hapner & Langford Hall renovations will benefit your project. You can count on us being the "experts" ready to assist you.

Commitment: Good planning and vision begin with a good process. We share similar values and beliefs about community, public service, and the facilities that support them. As a design team, one of our goals is to motivate and encourage project stakeholders with an engaging process. We intend to make the process a fun and exciting experience for all involved while minimizing the anxiety that generally accompanies most building projects.

Sustainable Approach: MOSAIC is committed to providing our clients with the highest performance of buildings. An integral part of that commitment is the inclusion of sustainable design principles in our projects. Every project we undertake is marked by some 'Shade of Green'. The construction of a new City Hall and Parking Façade is an opportunity to explore long term energy efficient solutions and healthy work environments.

Our team pledges to you exceptional architectural services complete with consensus solutions, workable direction, innovative strategies, and successful implementation. Mosaic Architecture has the enthusiasm, proven facilitation techniques, and technical abilities needed to get your community on board and guide you through the design process into construction of your project.

Thank you for your consideration and best regards,

Ben Tintinger, AIA
Principal, Mosaic Architecture

Jeff Downhour, AIA, LEED AP
Principal, Mosaic Architecture

STATEMENT OF QUALIFICATIONS for the Whitefish City Hall Project

PROJECT NAME & LOCATION:

WHITEFISH CITY HALL & PARKING GARAGE FAÇADE Whitefish, Montana

PRIME FIRM INFORMATION:

<p>FIRM NAME:</p> <p>Mosaic Architecture, P.C. 428 N. Last Chance Gulch Helena, Montana 59601 Ph. 406-449-2013 Fax. 406-449-2036</p>	<p>CONTACTS:</p> <p>Principal-in-charge: Ben Tintinger, AIA ben@mosaicarch.com</p> <p>Project Manager/Architect: Gretchen Krumm, AIA, LEED ap gretchen@mosaicarch.com</p> <p>Project Quality Control: Jeff Downhour, AIA, LEED AP jeff@mosaicarch.com</p>																				
<p>CATEGORIES OF WORK FOR CONSIDERATION:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>ARCHITECTURAL:</p> <p>General Practice <input checked="" type="checkbox"/></p> <p>Historic Restoration <input type="checkbox"/></p> <p>Exterior Envelope <input checked="" type="checkbox"/></p> <p>Master Planning/Programming <input checked="" type="checkbox"/></p> <p>Interior Design <input checked="" type="checkbox"/></p> <p>SPECIALTY/OTHER:</p> <p>Acoustics Engineer <input checked="" type="checkbox"/></p> <p>Construction Management <input type="checkbox"/></p> <p>Geotechnical/Materials Testing <input type="checkbox"/></p> <p>Haz. Materials Testing/Mitigation <input type="checkbox"/></p> <p>Parking Garage Consult. <input type="checkbox"/></p> <p>Owner's Consult <input type="checkbox"/></p> </td> <td style="width: 50%; vertical-align: top;"> <p>ENGINEERING:</p> <p>Mechanical <input checked="" type="checkbox"/></p> <p>Electrical <input checked="" type="checkbox"/></p> <p>Structural <input checked="" type="checkbox"/></p> <p>Civil <input checked="" type="checkbox"/></p> <p>Environmental <input type="checkbox"/></p> <p>AV/Comm/Data/IT <input type="checkbox"/></p> <p>LANDSCAPE ARCH:</p> <p>General Practice <input checked="" type="checkbox"/></p> <p>Master Planning <input checked="" type="checkbox"/></p> <p>Environmental <input type="checkbox"/></p> </td> </tr> </table>	<p>ARCHITECTURAL:</p> <p>General Practice <input checked="" type="checkbox"/></p> <p>Historic Restoration <input type="checkbox"/></p> <p>Exterior Envelope <input checked="" type="checkbox"/></p> <p>Master Planning/Programming <input checked="" type="checkbox"/></p> <p>Interior Design <input checked="" type="checkbox"/></p> <p>SPECIALTY/OTHER:</p> <p>Acoustics Engineer <input checked="" type="checkbox"/></p> <p>Construction Management <input type="checkbox"/></p> <p>Geotechnical/Materials Testing <input type="checkbox"/></p> <p>Haz. Materials Testing/Mitigation <input type="checkbox"/></p> <p>Parking Garage Consult. <input type="checkbox"/></p> <p>Owner's Consult <input type="checkbox"/></p>	<p>ENGINEERING:</p> <p>Mechanical <input checked="" type="checkbox"/></p> <p>Electrical <input checked="" type="checkbox"/></p> <p>Structural <input checked="" type="checkbox"/></p> <p>Civil <input checked="" type="checkbox"/></p> <p>Environmental <input type="checkbox"/></p> <p>AV/Comm/Data/IT <input type="checkbox"/></p> <p>LANDSCAPE ARCH:</p> <p>General Practice <input checked="" type="checkbox"/></p> <p>Master Planning <input checked="" type="checkbox"/></p> <p>Environmental <input type="checkbox"/></p>	<p>FIRM PROFILE:</p> <p>Year Firm was established: 1994 (Mosaic in 2003)</p> <p>Number of Offices in MT: 1</p> <p>Total Professionals/Personnel:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Architects <input type="checkbox"/></td> <td style="width: 33%;">Const. Administrator <input type="checkbox"/></td> <td style="width: 33%;">Structural <input type="checkbox"/></td> </tr> <tr> <td>A.I.T. <input type="checkbox"/></td> <td>Production Staff <input type="checkbox"/></td> <td>Civil <input type="checkbox"/></td> </tr> <tr> <td>Interior Designer <input type="checkbox"/></td> <td>Accounting <input type="checkbox"/></td> <td>E.I.T. <input type="checkbox"/></td> </tr> <tr> <td>Landscape Architect <input type="checkbox"/></td> <td>Admin. Support <input type="checkbox"/></td> <td>Environmental <input type="checkbox"/></td> </tr> <tr> <td>Specification Writer <input type="checkbox"/></td> <td>Mechanical <input type="checkbox"/></td> <td>Energy Analysis <input type="checkbox"/></td> </tr> <tr> <td>Cost Estimator <input type="checkbox"/></td> <td>Electrical <input type="checkbox"/></td> <td>Commissioning <input type="checkbox"/></td> </tr> </table>	Architects <input type="checkbox"/>	Const. Administrator <input type="checkbox"/>	Structural <input type="checkbox"/>	A.I.T. <input type="checkbox"/>	Production Staff <input type="checkbox"/>	Civil <input type="checkbox"/>	Interior Designer <input type="checkbox"/>	Accounting <input type="checkbox"/>	E.I.T. <input type="checkbox"/>	Landscape Architect <input type="checkbox"/>	Admin. Support <input type="checkbox"/>	Environmental <input type="checkbox"/>	Specification Writer <input type="checkbox"/>	Mechanical <input type="checkbox"/>	Energy Analysis <input type="checkbox"/>	Cost Estimator <input type="checkbox"/>	Electrical <input type="checkbox"/>	Commissioning <input type="checkbox"/>
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STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

LIST THE FIRM NAME AND ADDRESS FOR EACH OF THE CONSULTANTS ON THIS PROJECT:

MECH./ELECT./PLUMB ENGINEER:

Morrison Maierle, Inc.
 125 Schoolhouse Loop
 Kalispell MT 59901
 Ph. 406-752-2216
 Fax: 406-752-2391

CONTACTS:

Project Manager: Tom Heinecke, PE theinecke@m-m.net
 Mech/Plumb Eng.: Tom Coburn (HVAC) tcoburn@m-m.net
 Tom Heinecke (Plumbing)
 Electrical Eng.: Arian Bloomfield, PE, LEED AP
abloomfield@m-m.net



STRUCTURAL ENGINEER FIRM INFORMATION:

Morrison Maierle, Inc.
 2880 Technology Blvd. West
 Bozeman, Montana 59718
 Ph. 406-587-0721
 Fax. 406-922-6702

CONTACTS:

Structural Eng.: Kurt Keith, PE kkeith@m-m.net
 Jay Fischer, PE jfischer@m-m.net



INTERIOR DESIGN CONSULTANT:

Eleven Eleven Design Studio LLC
 1111 S. Third Ave.
 Bozeman, Montana 59715
 Ph. 406-585-7270 | Fax. 406-449-2036

Principal/Designer: Kelly Livingston
kelly@1111designstudio.com



ACOUSTICAL ENGINEER:

Big Sky Acoustics, LLC
 P.O. Box 27
 Helena, Montana 59624
 Ph. 406-457-0407 | Fax. 406-442-1296

Principal/Designer: Sean Connolly, PE
sean@bigskyacoustics.com



CIVIL ENGINEER:

Morrison Maierle, Inc.
 125 Schoolhouse Loop
 Kalispell MT 59901
 Ph. 406-752-2216

Project Manager: Tom Heinecke, PE theinecke@m-m.net
 Civil Eng.: Ryan Jones, PE rjones@m-m.net



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

SUMMARY OF QUALIFICATIONS

Team Strengths

- *We are a community focused architectural team with a proven Collaborative Design Process and significant related experience.*
- *Excellent budget & schedule performance along with a methodical construction administration process.*
- *Sustainable design approach in all projects we undertake, and we share the value we all place in being stewards of people and the environment.*
- *We understand that the implementation of the project goals through thorough and complete Construction Administration is the key to success of any good facility. We have the ideas, enthusiasm, and process to help see all projects to completion.*

General Information – Mosaic Architecture, P.C. –

- 428 No. Last Chance Gulch, Helena, MT 59601
Ph: 406-449-2013
- Established in 1994
- Total of 9 employees – 5 licensed Architects, 3 Professional Staff, and 1 office manager
- Annual average construction value volume of work - \$20 million.
- Among the leading architectural firms in Montana. Past clients/ references will indicate that our strengths lie in high quality design, project management and facilitation of teams, and construction administration.
- Mosaic has an extensive portfolio of administrative and office buildings along with a 360 car City of Helena parking garage. The majority of our work can be considered as ‘**Community Based Projects**’ including public, non-profit groups, church congregations, and planning projects ranging from \$5000 to \$30,000,000, but also includes institutional work at MSU, UM, Helena College UM, and the Helena School District.

Legal Company Organization/Organizational Chart

Mosaic Architecture, P.C. is a Professional S-type corporation

Owners/Principals: Ben Tintinger, AIA
Jeff Downhour, AIA, LEED ap

Architects: Gretchen Krumm, AIA, LEED ap,
Anna Lindstrand, AIA
Mark Ophus, AIA, LEED ap

Const. Admin.: Aaron Holm

Support Staff: Mark Matheny, AIT
Mary McKittrick, Interiors Intern
Tracey Tintinger, Office Manager

1. Statement of Team’s Experience

Mosaic has significant and recent experience providing design services for master planning, multi-phased projects, city, county, and state government sponsored projects, administration office buildings, parking structure, and existing building renovation (including those occupied during construction). This work is relevant and significant for its research, team building, project management & communication skills, cost estimating, planning, and finally, design process and expertise.

As a design team, Mosaic has teamed with Morrison Maierle many times over the years, including the recently completed projects:

- **Hapner & Langford Hall Renovations** at Montana State University
- **The Flathead Lutheran Bible Camp Dining Hall Expansion**, Lakeside, MT
- **Big Boulder Residences**, a 36 unit multifamily housing project in Boulder, MT
- **Department of Military Affairs** CSSAMO & FRA, a supply/ administrative function at Fort Harrison, MT
- **Our Redeemer’s Lutheran Church**, a 25,000 sf facility including pre-school and administrative offices
- **The Discovery and Expedition Block** office buildings within the Great Northern Town Center, Helena, MT



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

SUMMARY OF QUALIFICATIONS

Keys to Success

Communication

"To create designs that truly respond, we must listen and learn from the culture, the people, & the surroundings of a place, both current and historical. In turn, we communicate our solutions with an understanding that we all perceive our world differently and our communication approach must respond accordingly."

Project Management

"Good spaces represent an appropriate approach to design and a successful implementation of the project goals. They exhibit grace in their presentation and respect for their setting. A good architect will recognize this setting and act as a facilitator in a collaborative design process."

Problem Solving

"The architectural process must have a foundation of skill and experience—in design, in technical problem solving, in sensitivity to site and environmental issues, and the ability to impart life and spirit to a project."

Construction Admin

"Our design team is dedicated to a tried-and-true procedure for overseeing construction. Our track record on Municipal, State and Federal projects as well as private clients during the construction phase is a testament to our thorough completion of the architectural process."

2. A Brief Description of Three Relevant Projects
(see experience section for project sheets and References)

15th Street Parking Garage & Montana State Fund Building - LEED Gold

Mr. Lanny Hubbard, CEO Phone: (406) 495-5000

Mr. Mark Barry, CFO Phone: (406) 495-5109

855 Front Street, Helena, MT 59601

Gery Carpenter, Community Facility Director, City of Helena Phone: (406) 447-8484

340 Neil Ave., Helena, Montana 59601

This recently completed \$31 million project is relevant for its extensive team building, collaboration, design, planning, and project management effort. State Fund is a new 110,000 sf office building with 350 employees. The project focused on office environment, collaboration spaces, and ergonomics stemming from State Fund's expertise in providing and ensuring exceptional and safe work environments for Montana employees.

The City of Helena's newest parking garage is a companion project to the new Montana State Fund Building. This new facility is a post-stressed ramped concrete structure with 360 spaces.



Last Chance Block, Helena, MT LEED Certified pending

DJOM, LLC—Dick Anderson—Owner/Builder (406) 443-1537

Helena, Montana

The newest addition to Last Chance Gulch houses a variety of uses including two main floor dental suites, an insurance office and office space for the Crowley-Fleck law firm. The two dental offices (also designed by Mosaic) will occupy the main floor along with an insurance agency. The Crowley Fleck law firm will reside in 16,000 square feet of space in the upper two levels. The Crowley space will house 44 total staff and feature a conference suite, roof deck patio, and open stair to provide quick circulation between the two levels.

Northwestern Energy General Administration Building, Butte, MT

Danny Kaluza, Director of Support Services Phone: (406) 497-3236

40 East Broadway, Butte MT 59701

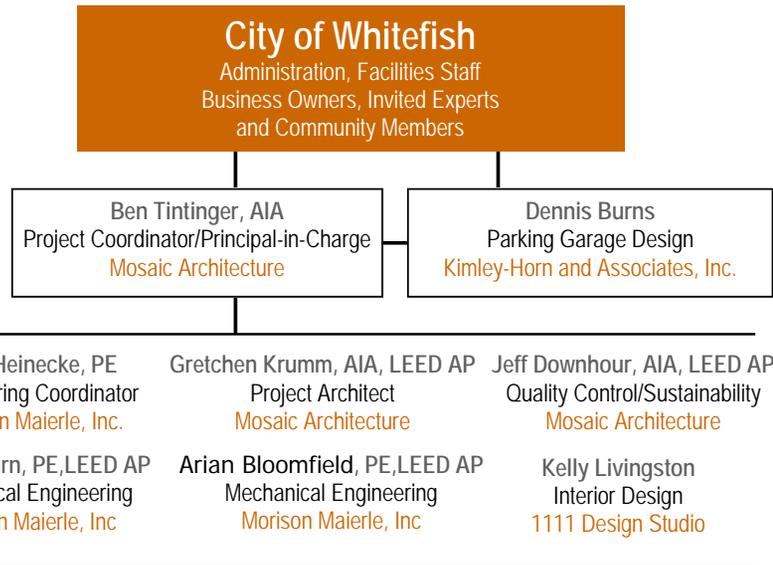
Working in partnership with Butte Silver Bow City/County government, Northwestern Energy is in the final stages of developing new administrative offices and structured parking. Currently in the construction drawing phase of the design, the new Northwestern Energy building is a 100,000 sf urban infill project for uptown Butte. This project will also include a city owned parking garage. The building will house NWEnergy's administrative, engineering, support services, IT group, Finance, and HR as well as other company departments.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

TEAM

3. Team Organizational Chart



Additional professionals, support staff and/or consultants.

Our key team members will be supported by some of the best professionals and support staff in the architectural/engineering industry.

Kurt Keith, PE
Structural Engineering
Morison Maierle, Inc.

Mark Ophus, AIA, LEED AP
Design/Production
Mosaic Architecture

Other Consultants
as-needed

Sean Connolly, PE
Acoustical Engineer
Big Sky Acoustices

Jay Fischer, PE/Land
Structural Engineering
Morison Maierle, Inc.

Anna Lindstrand, AIA,
Interiors Coordination
Mosaic Architecture

- Financial Planner
- Demographer
- Cost Estimator
- Soils Testing
- Hazardous Materials Testing
- Landscape Architect

STRENGTH OF TEAM

Mosaic has hand-selected **an ensemble of diverse leaders in our field** of expertise to lead this collaborative design effort. We bring:

- The horsepower of a design collective that know how to work together, bringing experience with housing programs and will to deliver at the highest level
- A thorough understanding of building codes issues and standards concerning office and parking structure mixed-use projects along with extensive design experience involving community partners in planning and development
- A seasoned architectural and engineering planning collaboration
- Depth of expertise in developing consensus
- Project visualization and coordination capabilities through 3-D modeling to craft a thorough SD set and development materials
- Innovative, collaborative and visionary team, which includes local consultants to maximize the City of Whitefish's project budget

Our team has **exemplary experience** for this project, including:

- Excellent City, County, University and State Government past performance
- Extensive design experience in urban infill, government office, and parking structures for large and complicated projects
- Proven record of on-time, on-budget projects, including Mosaic's 2010 success with the \$30 million, 115,000 s.f. Montana State Fund Building and 15th Street Parking Garage.
- Consultant's integrated building systems design which results in thorough and well coordinated construction documents
- An integrated Quality Assurance / Quality Control process with dedicated staff
- A proven collaborative design process



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

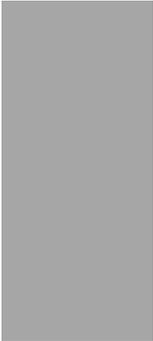
MOSAIC WORKLOAD

Current Mosaic Projects 2013-2014	FTE Equivalent 2014												
	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Complete
Whitefish City Hall & Parking Structure	<i>Design Competition</i>				<i>Design Phase</i>			<i>Construction Drawings</i>					
	2	2	2		1.5	1	0.5	0.5	0.5	0.5	0.5	0.5	
Northwestern Energy Admin Office Building - Phase <i>Const. Drawing</i>	3	3	3	3	3	2.5	2	1.5	1.5	1.5	1.5	1.5	Oct-15
MT Eyecare <i>Design Phase</i>	0.75	1	1.5	1.5	1.5	1	1	0.5	0.5	0.25	0.25	0.25	Nov-14
Various small commercial	1	1	1	1	1	1	1	1	1	1	1	1	
Various small residential	1	1	1	1	1	1	1	1	1	1	1	1	
Total Staff Required	7.75	8	8.5	6.5	8	6.5	5.5	4.5	4.5	4.25	4.25	4.25	
Mosaic Staff Capacity	9	9	9	9	9	9	9	9	9	9	9	9	

Team Capacity and Availability – Mosaic is currently working on one major project, Northwestern Energy’s General Administration Building in uptown Butte, and one midsize project (10,000 sf) in MT Eyecare. While we continue to also work on various small residential and commercial ‘tenant fit-out’ projects, as shown above, we have the capacity and the enthusiasm to include the Whitefish City Hall and Parking Garage into our work load. **This team is ready and able to jump on your project right away.**



APPROACH



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

APPROACH

“Collaboration is about reaching for the highest common denominator in budget, function, aesthetics, and foresight. It is not about presentation, review, revise, presentation, review and compromise.”

PROJECT UNDERSTANDING

The community of Whitefish is embarking on an exciting and challenging endeavor to plan and construct a new City Hall and parking garage within the center of downtown. The unique and complex nature of this project, including collaboration with many user groups and the community, the interface between parking structure and work space, and the urban infill aspect, present opportunities for exploration that our team is uniquely qualified. The MOSAIC team is committed to that exploration in a collaborative, sustainable, and forward thinking design process.

PROCESS

‘Setting the Sideboards’

With the goal of defining the parameters in which the design will emerge, our project team will begin by thoroughly researching project elements including site options, needs assessment, space programming, existing infrastructure and campus history and vision. Project **process, givens, and expectations** will be established early by the **project core team** including the deliverables, contract type, final scope of work and fees, as well as the stake-holders that are critical to the **consensus vision**.

Team Building

Creating a cohesive design team is **key to assuring open discussion, collaboration, understanding and a**



shared vision. One tool that can be used for team building is involving the team in a **case-study road trip**. The trip can be used to research like projects, learn about potential solutions and **create a common ‘language’ among the team**.

Goal Setting

For a collaborative process to succeed, all participants need to understand and support the **primary project goals**. The first workshop is typically geared towards **identification and prioritization of those goals**. In order to encourage broad-based thinking, we ask participants to define goals in each of eight diverse **Design Principles categories**. These categories are project specific, but often include items such as; Budget, Schedule, Social/Community, Privacy, Artistic/Poetic, Program/Function, Technical, Site/History. The goal categories are decidedly broad-based to encourage participants to think beyond their specific job or area of interest. The categories are displayed around a “goals wheel” with the ultimate aim of balancing the wheel to assure the project design is rich in all areas.

Collaborative Design

Collaborative Design Workshops are a series of intense work sessions designed to extract the good ideas and expertise of all participants. Collaboration is not merely taking notes and listening to needs. It is **proactive design** that encourages participants to put their ideas and opinions down on paper, discuss others' ideas, build on combined schemes and finally **come to a consensus**.



Refinement of Design

Ideally the **momentum and consensus defined** during the ‘Design Workshops’ will translate into a **clear site and facility design**. Once a proposition ‘settles to the surface’, our team will offer our passion toward **high quality design** to provide a refined presentation of the design direction.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

APPROACH

Design Development

During this phase the design is further refined and **product selection begins**. Owner meetings specifically directed towards interior and exterior finish selections will be conducted. Consultants will provide **further alternative systems analysis** as needed and finalize design drawings. Again, all of the decision-making made during design development will be compiled and bound into a book for the owner's approval.

Construction Documents

Using **REVIT**, a building image modeling program (BIM), the project and all construction information can easily be modeled in 3D, materials tracked and cost estimates completed, and phased bidding packages issued, if necessary. A digital model allows the design team to investigate system conflicts more clearly and track changes between disciplines.

Drawing, Estimating, and Communication Technology:

- Email communication with designated filing system
- .pdf and .dwf protocol for file sharing
- **REVIT Architecture** – Autodesk product
- **Google Sketchup** – Intuitive modeling program that the owner can use
- **GoToMeeting.com** for online conferencing
- **TeamworkPM** project management website for file sharing

Construction Administration

Our design team is dedicated to a **tried-and-true procedure** for overseeing construction. Our **track record** on Municipal, State, and Federal projects as well as private clients during the construction phase is a **testament to our thorough completion** of the architectural process.



Thorough Construction Administration starts with an **understanding of the time and communication commitment** required. Mosaic will allocate the time and personnel, including **the project architect**, needed to **make your project a success**.

Mosaic has developed a **seamless methodology for utilizing existing software to communicate and track the project** from day one. We insist on **digital communication** from the General Contractor of drawings, submittals, shop drawings, RFI & RFP's, and applications for payment. These **communications can be tracked and dated** for timely response to questions and need for information. It also makes it very easy for the **owner to track communication, review and respond** to design issues, and ask timely questions when needed.



Construction Administration Services include:

- **Weekly construction meetings**
- **Immediate on-site observation when needed**
- **Field Reports with photographs**
- **Digital communication & documentation of all correspondence, RFI and RFP's, submittals and shop drawings, pay requests and schedules, etc.**
- **Adequate fee allocated to the CA phase**
- **Project Architect involvement throughout the project**
- **Thorough punchlist and follow-up for finalization**
- **One-year Warranty walkthrough/punchlist**



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

APPROACH

SUSTAINABLE DESIGN GOALS

Mosaic is very familiar with the State of Montana's High Performance Building Standards and their directive for providing a minimum LEED Silver certified facility. We will leverage our knowledge, as well as our experience in sustainable building practices, to define sustainable design goals and implementation strategies that address budget and schedule issues for the new Whitefish City Hall and Parking Structure that meet the appropriateness and desires of the community of Whitefish.

Mosaic will work closely with city administration, the commissioning agent, energy modelers and the facilities team to develop a building that is not only well planned, but will also be well executed. Our team will continue its work through construction, working with the contractor and commissioning agent to make sure the building performs as designed.

Increase Energy Efficiency by:

- Proper site design and building orientation
- Proper Heating/Cooling system selection and design
- Improved insulation systems
- Advanced framing techniques
- Better glazing systems
- Sun shades
- Lighting design and control
- "Build it tight and ventilate it right"

Healthy Interior Spaces by:

- Selection of benign materials
- Using non-toxic coatings
- Heat recovery ventilation

More enjoyable, more livable spaces by:

- Thoughtful design, utilizing space more efficiently and effectively
- Delivering diffused daylight to living space

Reduced resource utilization by:

- Selection of native or local materials
- Maximizing use of recycled and recyclable content materials
- Reduce water-usage through low-flow fixtures
- Reduce water-use for irrigation through on-site water collection methods and careful plant selection
- Choosing low maintenance materials
- Encourage and monitor on-site recycling during construction

Mosaic LEED & 'Shades of Green' Project List:

Montana State Fund Office Building

Helena, Montana **LEED - GOLD**

This \$26 million high performance office building was completed in June 2010. This is the largest LEED building in the State of Montana. In keeping with the Governor's goals for new energy and sustainability, the State Fund's mission was to create a safe, healthy, and productive work environment. This building will set the precedent for State owned buildings to follow.



ExWorks!,

Helena, Montana **LEED - CERTIFIED**

The Phase One, 14,000 SF interactive museum of science and culture features sustainable design techniques including hot water solar, photovoltaic system, air to air heat exchange, and radiant heat.



Downhour Residence

Helena, Montana **LEED - PLATINUM**

MOSAIC principal Jeff Downhour, AIA, LEED AP designed and built his family's new high performance home on an urban in-fill lot in Helena that includes many sustainable strategies in hopes of achieving LEED Platinum.



The University of Montana - Student Recreation Center

Missoula, Montana

The 78,000 SF Student Recreation Center is a gateway icon for the University of Montana campus. Although LEED certification was not pursued, sustainable building strategies, daylighting and lighting controls helped get this project featured with Better Bricks, a sustainable building organization and achieve a design award through AIA Montana.



The Archie Bray Foundation Resident Artist Studio Complex

Helena, Montana

The new Resident Artist Studio is a 12,000 SF facility designed to achieve LEED certification although it was not pursued. The radiant floor system, daylighting, SIP panels roof, and reuse of on-site brick defines some of the Shades of Green design features.





EXPERIENCE

STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

REFERENCES

References:



City of Helena
15th Street Parking Garage – June 2010 **\$6.2 Million**
 Gery Carpenter, Community Facility Director Phone: (406) 447-8484
 340 Neil Ave., Helena, Montana 59601
 Helena's newest parking garage is a companion project to the new Montana State Fund Building. This new facility is a post-stressed ramped concrete structure with 360 spaces.



Archie Bray Foundation for the Ceramic Arts, Helena, MT
Master Plan & Resident Artist Complex – 2005 \$1.6 Million
Ed. Building & Pottery Remodel (in design phase) **\$1.5 Million**
 Mr. Steve Lee, Current Director Phone: (406) 443-3502
 Mr. Joshua DeWeese, Past Director
 2915 Country Club Ave., Helena, MT 59602
 A new Resident Artist Studio building, kiln building, and community gathering building, which are co-located in a tightly-knit complex of buildings, creating an enclave of support facilities for their year-long residents.



Montana State Fund Office Building
LEED Gold- June 2010 **\$24 Million**
 Mr. Lanny Hubbard, CEO Phone: (406) 495-5000
 Mr. Mark Barry, CFO Phone: (406) 495-5109
 855 Front Street, Helena, MT 59601
 P.O. Box 4759, Helena, MT 59604
 State Fund is a new 110,000 sf office building with 350 employees. The project focused on office environment, collaboration spaces, and ergonomics stemming from State Fund's expertise in providing and insuring exceptional and safe work environments for Montana employees.



Lewis & Clark County Fairgrounds
Exhibition Hall and Grandstands **\$8.4 Million**
Master Plan Refinement
 Keith Hatch, Fairgrounds Manager Phone: (406) 457-8516
 98 West Custer Ave., Helena, Montana 59602
 The new Grandstands and Exhibit Hall project includes a complete catering kitchen, a smaller concessions kitchen, two beverage/concessions bars, one interior and one exterior. The grandstands seat 3200 plus 1000 at each end of the arena in open bleachers.



Great Divide Dentistry, Helena, Montana **\$717,000**
 Dr. Ben Spiger, DDS Phone: (406) 442-8062
 2600 Winne Ave. Suite E, Helena, MT 59601
 A new 3000 sf facility includes six operatories along with lab, exam & support space.

Northwestern Energy, Butte MT
NWEnergy General Office Building **\$22.5 Million**
 Danny Kaluza, Director of Support Services Phone: (406) 497-3236
 40 East Broadway, Butte MT 59701
 Mosaic has been working with Northwestern Energy for the last 3 years in an effort to evaluate existing facilities and define long term options for administrative office functions. Currently the project is moving forward as a new 100,000, 5 story structure in uptown Butte.



Valley Bank of Helena
Main Branch Remodel– Feb. 2011 **\$2.62 million**
Downtown Branch Remodel – June 2006 **\$2.8 million**
 Ms. Ross Duncan, VP Phone: (406) 495-2421
 3030 North Montana Ave, Helena, MT
 Both projects were renovations and included specific ADA improvements, including a new elevators. The downtown branch project won an award for Design Distinction from the Historic Preservation Alliance for historic surroundings while demonstrating a contemporary design.



Flathead Lutheran Bible Camp, Lakeside, MT
Dining Hall Remodel/Addition – 2008 **\$1.2 Million**
 Margie Fiedler, Camp Director Phone: (406) 752-6602
 Brooke Ells, Associate Director (406)8 44-3201
 Camp Office - 603 Main St., Kalispell MT 59901
 The master planning for this pristine 250 acre site included hundreds of Lutherans from around the state. Phase 1 included the addition to, and renovation of, the existing dining hall, construction of a wilderness program site, and new cabins. Construction of the addition to the dining all finished in May 2008.



Department of Military Affairs
Ft. Harrison Dining Halls Reno. – 2011 **\$2.5 Million**
Ft. Harrison Chapel Renovation – 2009 **\$156,000**
 Mr. Wref Balsam, Design & Project Manage Branch Chief (406) 324-3093
 1956 Mt. Majo Street, Fort Harrison, MT 59636
 Our work continues with DMA with the recently completed Dining Hall renovations and the Ft. Harrison Chapel renovation. Both projects were successfully completed within budget.



UM Helena College of Technology
Main Campus Building Reno. – Aug. 2007 **\$6.4 Million**
Airport Campus Reno. – March 2007 **\$2.1 Million**
 Mr. Daniel Bingham, Dean CEO Phone: (406) 444-6875
 1500 Roberts., Helena, MT 59602
 This 12,000 sf renovation and 25,000 sf. addition was designed to be fully accessible including the addition of a new elevator. The project was completed in phases while fully occupied and the major addition was completed before students arrived in the fall of 2007.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY PRIME FIRM THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT:

Project Name & Location:

MONTANA STATE FUND BUILDING Helena, Montana

Cost: \$25 Million

GSF: 110,000 SF

Cost / SF: \$226

Year Completed: June 2010

Owner Contact Info:

Montana State Fund
Lawrence Hubbard, CEO
Mark Barry, CFO
Helena, Montana
(406) 495-5000

Project Relevance:

Project size, sustainability, complexity, and process

Project Description:

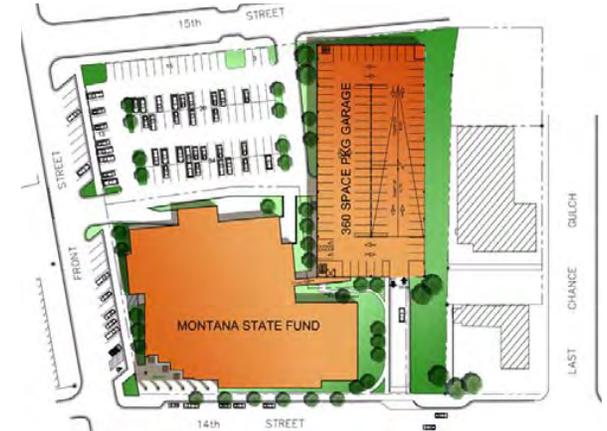
Project delivery method:
Construction Manager at Risk

This facility for the Montana State Fund, along with a parking garage for the City of Helena, create a formidable presence to Helena's growing Great Northern Town Center area. With a 110,000 s.f. office building and 350 employees, they have a great deal of impact on the area. This project focused on office environment, collaboration spaces, and ergonomics stemming from State Fund's expertise in providing and ensuring exceptional and safe work environments for Montana employees.

This project is LEED Gold certified.



2011 Brick in Architecture 'Best in Class Award'



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY PRIME FIRM THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT:

Project Name & Location:

15TH STREET PARKING

Helena, Montana

Cost: \$6.2 million

GSF: 360 space with 100 space surface lot

Cost / Space: \$17,225/space

Year Completed: June 2010

Owner Contact Info:

City of Helena

Mr. Gery Carpenter, City Facilities Manager

(406) 447-8484

Mr. Jim McHugh, HPC Exec. Director

(406) 447-1535

Project Relevance:

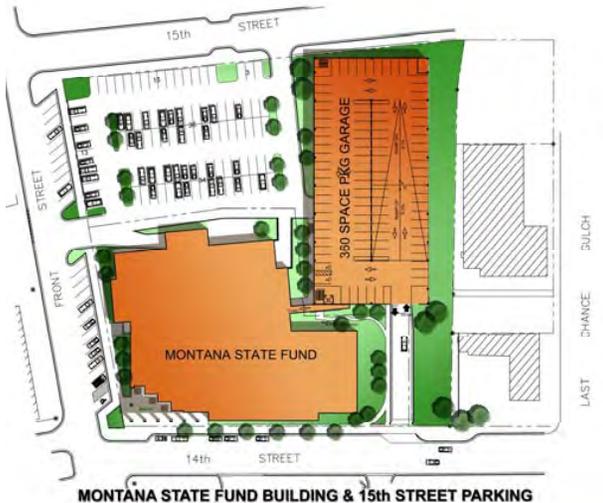
Project type and scope; City government project

Project Description:

This 360-space parking garage was built by the City of Helena. Montana State Fund and the City of Helena collaborated to subdivide the property and draw property lines suitable for the construction of both complimentary buildings with separate ownership.

The parking garage design was planned to attach to and compliment the State Fund office building. Levels were planned to provide direct access for employees from the parking garage to the office building.

This new facility is a post-stressed ramped concrete structure with 360 spaces. The public parking is leased to State Fund during the day.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY PRIME FIRM THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT:

Project Name & Location:

**NORTHWESTERN ENERGY
GENERAL ADMINISTRATION BUILDING**
Butte, Montana

Cost: N/A

GSF: 98,000 SF

Cost/SF: \$200/sf anticipated

Completed: in DD Phase

Owner Contact Info:

Northwestern Energy
Danny Kaluza, Director, Support Services
40 East Broadway, Butte MT 59701
(406) 497-3236

Project Relevance:

Project location, design process

Project Description:

The legacy of Northwestern Energy's continuation as Montana's predominate energy company along with it's bond and history with the community of Butte are not taken lightly as the company takes steps to define its presence for the next 100 years. From Montana Power's beginnings in 1912, housed in the 'Electric Building' in uptown Butte to Northwestern Energy's current occupation four other 'connected' buildings that make up the General Office on Broadway Street, the power company has been a key partner in community for nearly 100 years. The design process has included a series of explorations into company image, mission, and dedication to employees and community that guide the decision making. While the General Office building and other NWE facilities have worn well over time, the inherent functional, maintenance, and image issues along with the life-safety concerns of 100 year old buildings have surpassed that which can be resolved with maintenance budgets. This must be addressed to insure that long term facility, employee, and image goals are achievable.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY PRIME FIRM THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT (limit of 5 projects):

Project Name & Location:

LAST CHANCE BLOCK BLDG

Helena, Montana

Project Relevance:

Similar project size, office use, Design/Build process

GSF: 25,500

Cost / SF: \$226

Year Completed: 2013

Owner Contact Info:

DJQM, LLC

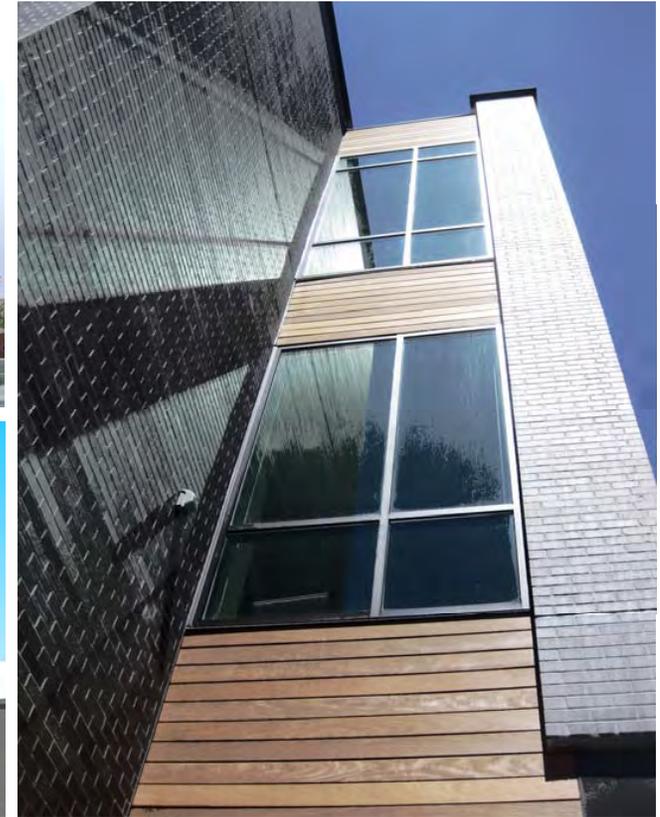
Dick Anderson—Owner/Builder

Helena, Montana

(406) 443-1537

Project Description:

The newest addition to Last Chance Gulch houses a variety of uses including two main floor dental suites, an insurance office and office space for the Crowley-Fleck law firm. The two dental offices, also designed by Mosaic, will occupy the main floor along with an insurance agency. The Crowley Fleck law firm will reside in 16,000 square feet of space in the upper two levels. The Crowley space will house 44 total staff and feature a conference suite, roof deck patio and open stair to provide quick circulation between the two levels.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY PRIME FIRM THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT:

Project Name & Location:

**LEWIS & CLARK COUNTY
FAIRGROUNDS
EXHIBITION HALL AND GRANDSTANDS**
Helena, Montana

Project Relevance:

Work with County Government

GSF: 60,000

Cost / SF: \$140

Year Completed: 2008

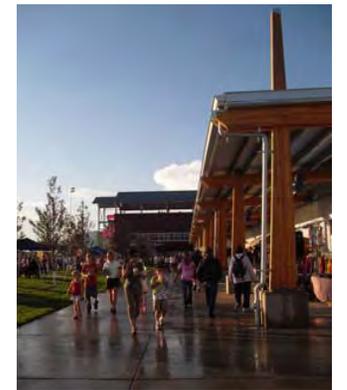
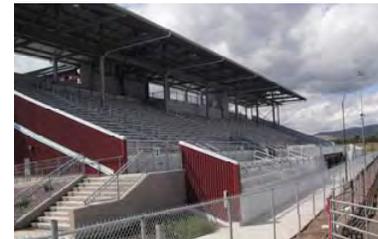
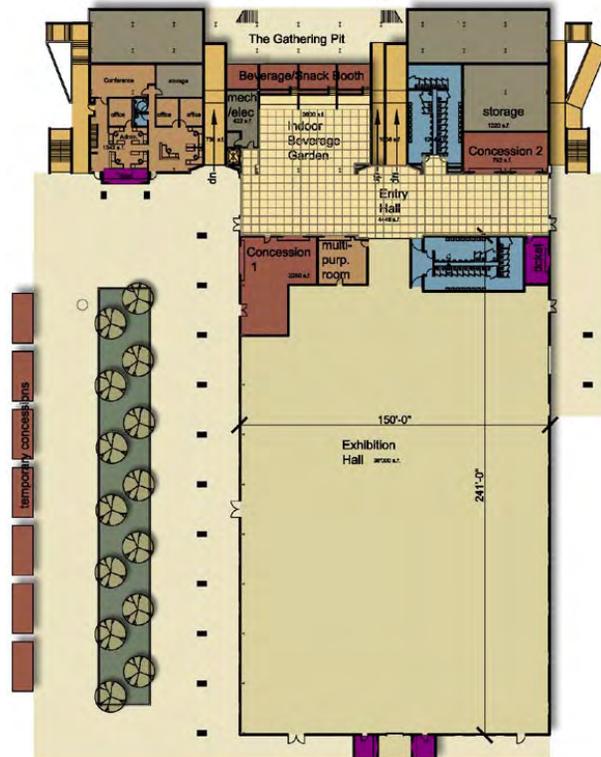
Owner Contact Info:

Lewis & Clark County
Keith Hatch, Fairgrounds Manager
Helena, MT
(406) 457-8516

Project Description:

The history of the Lewis and Clark Fairgrounds is unique in its events, its original buildings and grandstands, and its tradition as a hub for community gathering and celebration. Recognizing that tradition and planning for a continued history will be key to the successful completion of the L&C Fairgrounds master plan.

The new Grandstands and Exhibit Hall project includes a complete catering kitchen, a smaller concessions kitchen, two beverage/concessions bars, one interior and one exterior (under the seating area). The beverage garden seats approximately 200 while the exhibit hall can seat over 1000. The grandstands seat 3200 plus 1000 at each end of the arena in open bleachers.



Mosaic continues to work with the L&C County Fairgrounds in the development of long range facilities planning.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY PRIME FIRM THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT:

Project Name & Location:

GREAT NORTHERN TOWN CENTER
Helena, Montana

This is an ongoing development starting with the master planning effort in 1997. Mosaic has worked with the developer and other private and public clients in the development of many project in the Great Northern Town Center.

Owner Contact Info:

Alan Nicholson, GNTC Developer
Helena, Montana
(406) 443-2160

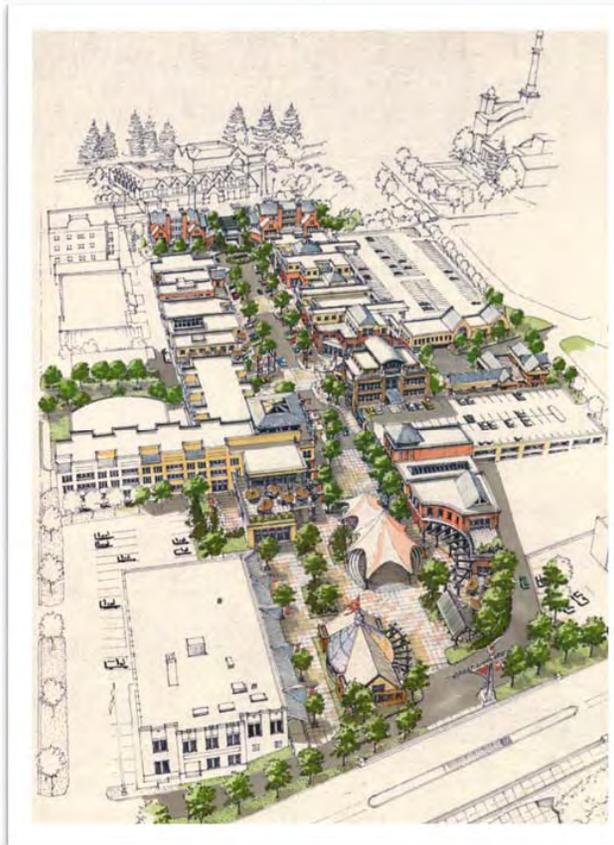
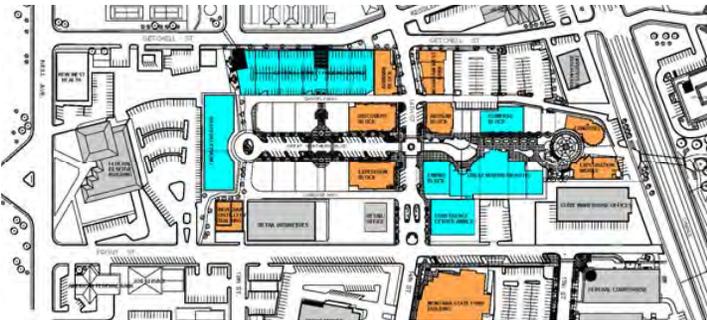
Project Relevance:

Urban infill and development, project complexity

Project Description:

The Great Northern area in Helena was an undeveloped abandoned rail yard in the downtown district comprising over 11 acres. The area has significant historical meaning to the city in that it served as the major rail connection to the rest of Montana and the United States. With the goal of creating a destination place within Helena as an extension of the downtown district the developer initiated a master plan effort for retail, office, housing above main floor stores, an entertainment area including a carousel, and a quality hotel. The area is central to Helena and is surrounded by city services and support amenities.

- Master plan Design Began Oct. 1997
- Ahmann Block and Discovery Block - Completed Fall 2000
- Mountain West Bank - Completed February 2001
- Expedition Block - Completed Spring 2002
- ExWorks! - Children's discovery center—In construction
- Lewis & Clark Montana Experience—Completed Fall 2005
- Montana State Fund & 15th Street Garage—Completed June 2010



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY PRIME FIRM THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT:

<p>Project Name & Location: FLATHEAD LUTHERAN BIBLE CAMP DINING HALL ADDITION/REMODEL Lakeside, Montana</p> <p>Project Relevance: Project location, Planning Experience, Collaboration</p>	<p>Cost: \$1.2M Dining Hall \$500K Pavilion</p> <p>Year Completed: 2004 Master Plan 2008 Dining Hall 2013 Pavilion</p>	<p>Owner Contact Info: Flathead Lutheran Bible Camp Margie Fielder, Executive Director (406) 752-6602</p>
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Project Description:

The master planning for this pristine 250 acre site included hundreds of Lutherans from around the state. In a charrette process that lasted five months and included 10 design workshops with congregation groups throughout the western part of Montana, a master plan and phasing plan have been completed and unanimously approved by the board. Goals for the facilities initially set out by the facilities task force were either confirmed or modified through the process. Phase 1 of the plan, which was a project to expand and renovate the existing dining hall was completed in the Spring of 2008 for use starting that summer season.



1. Court Area Redevelopment
 - a. Court Resurface or reconstruction
 - b. New Half Court
 - c. Game Table area
 - d. Play Structure (Rustic 'Fort')
 - e. Sand Box
 - f. Grass Area
 - g. Grass 'Bowl'
 - h. Ball Storage Structure and Pump
2. Dining Hall Remodel and Addition
 - a. Dining Hall Addition
 - b. Lake Side Deck
 - c. Lake Side Deck
 - d. Dining Hall 'Yard'
 - e. Front Porch
 - f. Kitchen Expansion and Remodel
 - g. Cook's Quarters above and below
3. Welcome Pavilion
 - a. Drive-through Portico
 - b. Stage
 - c. New Canteen
 - d. Bathrooms and Storage
4. Crafts Cabin and Office
 - a. Office Parking
5. New 'Winterized' Cabins w/ bathrooms
 - a. 'Off-Summer' Retreat use parking
6. Hagen Hall Remodel and Addition
 - a. Changed use to meeting Hall and Hagen Hall Addition—View to the Lake side 'Worship Deck'
 - b. Lake side 'Worship Deck'





RESUMES

STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

FIRM PROFILE

Awards and Publications

2011 Brick in Architecture Best in Class Award Brick Institute of America
Montana State Fund Office Building,
Helena, MT

2010 Montana Contractors Association Judges Choice – Award of Excellence
Montana State Fund Office Building,
Helena, MT

2007 Brick in Architecture Best in Class Award Brick Institute of America
Archie Bray Resident Artist Studio,
Helena, MT

2007 Award of Distinction Lewis & Clark Co Historic Preservation Commission
Friendship Center, Helena, MT

2006 Montana AIA Merit Award
Archie Bray Resident Artist Studio,
Helena, MT

2006 Montana AIA Merit Award
Shiland House, Helena, MT

2006 Award of Distinction Lewis & Clark Co Historic Preservation Commission
Valley Bank Downtown Branch, Helena, MT

2004 Montana AIA Merit Award
University of Montana Recreation Center,
Missoula, MT

2002 Top Honors for Precast Concrete
Sweetgrass Rest Area

Mosaic Architecture

Who We Are

MOSAIC is a continued collaboration of two Montana Architects, Ben Tintinger and Jeff Downhour that began a number of years ago in Bozeman under the mentorship of Architect Don McLaughlin. After establishing a new practice in Helena, Montana in 1994, the firm has evolved into the design driven and community oriented studios of MOSAIC Architecture. With a staff of eight, including four registered architects, MOSAIC's studio is located on Last Chance Gulch in Helena, Montana.

What We Do

Through a design philosophy that is grounded in the idea of collaborative design, MOSAIC is committed to providing our clients with the highest quality and performance buildings. As architects, we engage all participants in learning about a place through *its history, its people and its connections* and together, envision a place that defines its own character. Our ability to solve problems, coordinate and organize the project team, and provide appropriate design has been the cornerstone of delivering successful projects throughout the Northwest.

Where We Excel

Mosaic excels at bringing teams of people together to accomplish community projects. We take a great amount of pride in our project management skills and approach to successful architecture. That success is grounded in excellent communication. To create designs that truly respond, we must listen and learn from our culture, the people, & the surroundings of a place, both current and historical. In turn, we communicate our solutions with an understanding that we all perceive our world differently and our communication approach must respond accordingly. The result will be a great project where excellent design, function and collaboration are the by-product.

What is Our Passion

Creating an appropriate architecture for place and space is our passion. An integral part of that commitment is the inclusion of *sustainable design principles* in all our projects. Not only do we have that obligation to our clients, we also feel we have that obligation to our neighborhoods, cities and surrounding environment. Sustainable design can be most simply thought of as designing buildings to have the most positive and least negative long-term impacts on people, their community, natural resources and the environment. Using sustainable design principles, we can design buildings that are healthier for people, improve productivity, lower energy and maintenance costs, and reduce environmental degradation.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

RESUMÉS OF KEY PERSONS OF PRIME FIRM ASSIGNED TO THIS PROJECT:

Name & Title:	Ben Tintinger, AIA Principal	Name & Title:	Jeffery Downhour, AIA, LEED AP Principal
Firm Name:	Mosaic Architecture, P.C.	Firm Name:	Mosaic Architecture, P.C.
Role on This Project:	Principal-in-Charge, Project Coordinator	Role on This Project:	Sustainable Strategies Coordinator, Quality Control Principal
Years with This Firm:	18	Years with This Firm:	15
Education (degree / year):	Bachelor of Architecture, 1989, Montana State University Master of Architecture (retro-active), 2009, Montana State University	Education (degree / year):	Bachelor of Architecture, 1990, Montana State University Master of Architecture (retro-active), 2009, Montana State University
Active Registrations:	1993, Architect, State of Montana, #1717	Active Registrations:	1991, Architect, State of Montana, #1712 2002, LEED Accredited Professional
<p>Experience & Qualifications Relevant to This Project:</p> <p>Montana State Fund Building, Helena, MT A 110,000 s.f. office building for Montana State Fund located in downtown Helena. This building is LEED Gold certified.</p> <p>Hapner and Langford Halls Public Space Improvements, MSU-Bozeman. Design work for \$6.2 million dollar renovation to update the public and common areas and new additions to create new entries to two residences halls at MSU.</p> <p>Big Boulder Residences, Boulder, MT \$6 million low-income housing project. This project for the Rocky Mountain Development Council includes 36 units, a community center, garden and storage building.</p> <p>15th Street Parking Garage, Helena, MT The 360 car parking garage works in partnership with the Montana State Fund Building.</p> <p>Lewis & Clark County Fairgrounds Exhibit Hall & Grandstands, Helena, MT A 60,000 s.f. multipurpose fairgrounds facility, completed in Fall 2008.</p> <p>The Archie Bray Foundation Resident Artist Studio A master plan for the revitalization and expansion of a ceramic artists' campus located on an historic brickyard. The Resident Artist Studio includes studio, kiln, kitchen and gathering space.</p> <p>The University of Montana Student Recreation Center, Missoula, MT A \$10 million student recreation center including a swimming pool remodel, climbing tower, weight rooms and indoor running track as well as a coffee shop.</p> <p>Ben has focused his talents on specialty commercial projects ranging in scale from \$100,000 to \$30 million as well as a number of master planning projects. Ben's skills for conflict resolution and creative problem solving give our firm the clout necessary for moving through and finishing successful projects. Team Management is extremely important when dealing with large groups and diverse views. Pulling these views together into one consensus solution and organizing the team to implement the solution, is an expertise that Ben has developed through many community type projects. These projects include planning and design for the new Montana State Fund Office Building, the facilities master plan for the Archie Bray Foundation, the University of Montana Student Recreation Center, and the collaborative planning and design of the Flathead Lutheran Bible Camp master plan and Dining Hall addition.</p>		<p>Experience & Qualifications Relevant to This Project:</p> <p>Hapner and Langford Halls Public Space Improvements, MSU-Bozeman. Design work for \$6.2 million dollar renovation to update the public and common areas and new additions to create new entries to two residences halls at MSU.</p> <p>Montana State Fund Office Building, Helena, MT A 110,000 s.f. office building for Montana State Fund located in down town Helena. This building is LEED Gold certified.</p> <p>The Helena College of Technology, Helena, MT Construction on phase one of the master plan including a new "door" to the campus and a significant addition to the College's key building.</p> <p>The Discovery and Expedition Blocks, Helena, MT Two mixed-use office/retail buildings in the Great Northern Town Center</p> <p>Great Falls Riverfront Redevelopment Plan, Great Falls, MT The master planning for a 65 acre, riverfront site</p> <p>1001 Oak Street Development, Bozeman, MT Complete development master planning and subsequent completion of phase one of this mixed-use development.</p> <p>ExWorks!, Helena, MT A 21,000 sf children's science and discovery center.</p> <p>With over 20 years of experience, Jeff has been responsible for the design of projects totaling over \$150 million in construction costs. These projects cover a vast array of project types from residential design to entire campus master planning efforts. In addition, Jeff has extensive experience in sustainable design, gleaned from his role as project architect in charge of sustainable design for the Montana State University EpiCenter (an \$80 million science and student center that was designed, but did not proceed through to construction.) Jeff is a graduate of Montana State University, where he received his Bachelor of Architecture degree. He spent two years working with CTA Architects and Engineers in Billings, prior to working with McLaughlin Architecture (now Place Architecture) in Bozeman for six years where he led design as an associate of the firm. He joined DT Architecture as a Principal in 1998 and helped lead the growth of the firm to become a leading architectural firm in the State of Montana.</p>	



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

RESUMÉS OF KEY PERSONS OF PRIME FIRM ASSIGNED TO THIS PROJECT:

Name & Title:	Gretchen Krumm, AIA, NCARB, LEED AP Architect	Name & Title:	Aaron Holm Construction Administrator
Firm Name:	Mosaic Architecture, P.C.	Firm Name:	Mosaic Architecture, P.C.
Role on This Project:	Project Architect	Role on This Project:	Production, Construction Administration
Years with This Firm:	15	Years with This Firm:	15
Education (degree / year):	B.A., Cum Laude, 1992, Studio Art/Art Education, St. Olaf College Masters of Architecture, 1997, University of New Mexico School of Architecture and Planning	Education (degree / year):	Associate of Applied Science, Drafting Technology, 1995 Montana Tech. of The University of Montana
Active Registrations:	2003, Architect, State of Montana, #2541 and 2005, Architect, State of Wyoming, #C-2043 2008, LEED Accredited Professional	Active Registrations:	N/A
Experience & Qualifications Relevant to This Project:		Experience & Qualifications Relevant to This Project:	
<p>Ft. Harrison Dining Facilities remodel, Ft. Harrison, Montana <i>A remodel and expansion of two adjacent and mirrored 4700sf dining facilities at the fort including completely new kitchens.</i></p> <p>Sweetgrass Rest Area, Sweet Grass, Montana. <i>Gretchen took a leadership role in the design and implementation of a new prototype rest area for the Department of Transportation. Located at the Canadian border, it's design integrated passive solar principles, a ground-source heat pump, safety and security concerns, and departmental maintenance concerns.</i></p> <p>Friendship Center, Helena, Montana. <i>Facility provides 12 flexible bedrooms and common cooking and eating space for both an emergency shelter and a transitional shelter for women and children victims of domestic violence.</i></p> <p>Flathead Lutheran Bible Camp Master Plan, Flathead Lake, Montana <i>Master plan of a 250 acre camp on the shores of Flathead Lake and implementation of the first phase of redevelopment, the expansion of the Dining Hall.</i></p> <p>Archie Bray Foundation, Helena, Montana. <i>Mrs. Krumm coordinated the production of all construction documents for this 10,000sf Resident Artist Studio and Kiln Complex at the Archie Bray Foundation in Helena.</i></p> <p>As a registered architect, Gretchen has been involved in all phases of design and construction on a variety of projects since joining Mosaic Architecture in 1998. She brings her artistic background and architectural education into the collaborative design process at Mosaic, helping to lead both small and large group planning meetings and having an active voice during in-studio design charrettes. She has taken a leadership role in managing small commercial projects including the Archie Bray Foundation Resident Studio Complex, the Sweet Grass Rest Area, Our Redeemers Lutheran Church and The Flathead Lutheran Bible Camp.</p>		<p>Hapner and Langford Halls Public Space Improvements, MSU-Bozeman. <i>A \$6.2 million dollar renovation to update the public and common areas and new additions to create new entries to two residences halls at MSU.</i></p> <p>Big Boulder Residences, Boulder, MT <i>\$6 million low-income housing project. This project for the Rocky Mountain Development Council will include 36 units, a community center, garden and storage building.</i></p> <p>Montana State Fund Building, Helena, Montana <i>A 110,000 s.f. office building for Montana State Fund located in down town Helena. This building is LEED Gold certified.</i></p> <p>15th Street Parking Garage, Helena, Montana <i>The 360 car parking garage works in partnership with the Montana State Fund Building.</i></p> <p>Student Recreation Center, The University of Montana <i>Aaron was responsible for construction administration of this 38,000 sf remodel and 40,000 sf addition to an existing recreation and fitness center which was completed in January, 2002.</i></p> <p>South Campus Student Housing, The University of Montana</p> <p>Aaron has taken a lead role in construction administration for most of Mosaic's large projects. His rapport with contractors and his attention to detail have made him invaluable for completing a successful construction process. Aaron has focused his talents on large and small commercial projects ranging in scale from 100,000 dollars to 20 million dollars. Aaron is also involved in the construction drawing stage on all projects. This gives him the intimate knowledge of the building needed when administering a contract during construction. Aaron's previous firm experience includes grocery stores, elementary, middle, and high schools, law enforcement facilities, prisons, large-scale warehouses, military work, healthcare, and with Mosaic, The LEED anticipated Montana State Fund Building, the University of Montana Student Recreation Center, Helena College of Technology and the Helena Housing Authority Wilder Street project</p>	



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

RESUMÉS OF KEY PERSONS OF PRIME FIRM ASSIGNED TO THIS PROJECT:

Name & Title:	Anna Lindstrand, AIA, NCARB Architect	Name & Title:	Mark A Ophus, AIA, NCARB, LEED AP, NCARB Architect
Firm Name:	Mosaic Architecture, P.C.	Firm Name:	Mosaic Architecture, P.C.
Role on This Project:	Staff Architect, Interiors Coordination	Role on This Project:	Staff Architect
Years with This Firm:	7	Years with This Firm:	7
Education (degree / year):	Bachelor of Architecture, 1992, Montana State University Master of Architecture (retro-active), 2009, Montana State University	Education (degree / year):	B.A. Environmental Design, 2005, Montana State University Master of Architecture, 2006, Montana State University
Active Registrations:	2010 - Architect, State of Montana, #3224 2009 - Architect, State of Wisconsin, #10843-5	Active Registrations:	2012, NCARB , Cert #74124 2011, Architect, State of Montana, #3284 2009, LEED Accredited Professional
Experience & Qualifications Relevant to This Project:		Experience & Qualifications Relevant to This Project:	
<p>CAC Seismic Retrofit, MSU-Bozeman. <i>Project Architect for the Creative Arts Complex projects. Work included the design of three building retrofits in conjunction with impacts of seismic work, the design of new windows for Howard and Cheever Halls, the design of a new elevator, and an ADA study of CAC complex.</i></p> <p>Hapner and Langford Halls Public Space Improvements, MSU-Bozeman. <i>Project Architect for \$6.2 million dollar renovation to update the public and common areas as well as new additions to create new entries to two residences halls at MSU.</i></p> <p>Park County Senior Center Remodel, Livingston, Montana <i>Project Architect for \$973,000 remodel to the historic senior center building; updating structural, life-safety, mechanical, electrical and architectural.</i></p> <p>University of Montana Bookstore, Missoula, Montana <i>Design & Construction Documents for a 16,000 s.f. bookstore to be located at a second location to the original University store.</i></p> <p>University Square Façade Remodel, Bozeman, Montana <i>Project Architect for \$550,000 façade, parking and landscaping remodel to an existing shopping center.</i></p> <p>Old Distillery, Helena, Montana <i>Design and renovation of a historic seed building in downtown Helena into a bakery, café, and condominium living units.</i></p> <p>Anna is a graduate of Montana State University with a Bachelor and Master of Architecture. She is a licensed Architect in the States of Montana and Wisconsin. Anna joined Place Architecture in Bozeman upon graduation, completing her internship there while working with Jeff Downhour and Ben Tintinger. She then worked with DT Architecture prior to moving to Wisconsin where she continued with her own residential work. Moving back to Bozeman in 2000, Anna started her own residential studio and completed numerous residential projects in Bozeman and Southwest Montana.</p>		<p>Last Chance Block, Helena, Montana <i>Staff architect - design, documentation, and construction. 25,000sf multi-tenant office building. Currently under construction.</i></p> <p>Crowley Fleck Attorneys, Helena, Montana <i>Staff architect - design, documentation, and construction. 15,000sf law office. Currently under construction.</i></p> <p>Helena Orthodontics, Helena, Montana <i>Staff architect - design, documentation, and construction. 3,000sf orthodontic office. Currently under construction.</i></p> <p>Erwin Dental, Helena, Montana <i>Staff architect - design, documentation, and construction. 2,000sf dental office. Currently under construction.</i></p> <p>Great Divide Dental, Helena, Montana <i>Staff architect - design, documentation, and construction. 3,000sf dental office.</i></p> <p>As a young architect, Mark brings a strong graphic focus and architectural support to Mosaic Architecture. In 2006, having graduated from Montana State University's School of Architecture, Mark moved to the Seattle and began working at what was then Mosaic Architecture's Washington office. In 2011, he moved back to his home state of Montana and began work in the Helena office.</p> <p>During his seven-year tenure at Mosaic; as a project designer and now a licensed architect, he has been able to contribute to a number of different projects of varying archetypes: from a single- and multi-family low-income residential projects to multi-tenant commercial, medical, and light-industrial projects. He has also developed and produced a number of property studies, design presentations, and marketing materials for clients as well as the firm.</p>	



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

FIRM PROFILE:

Morrison-Maierle Firm Profile

Founded in 1945, Morrison-Maierle, Inc. (MMI) provides local services of nationally recognized expertise from eight offices, located in Kalispell, Missoula, Helena, Bozeman, Billings, and Great Falls, Montana; Phoenix, Arizona; and Gillette, Wyoming. We rely on the delivery of high-quality, full-service work to maintain the long-term and repeat clients that we serve. While medium sized, Morrison-Maierle ranks among the “Top 500” design firms in the United States. Primary services are offered in the following major areas of professional practice, with our client’s selecting those disciplines that can best help them achieve their goals:

- MECHANICAL / PLUMBING / ELECTRICAL ENGINEERING
- SITE CIVIL / TRANSPORTATION ENGINEERING
- STRUCTURAL ENGINEERING
- LEED (Leadership in Energy & Environmental Design) CERTIFICATION
- AIRPORTS
- WATER/WASTEWATER SERVICES
- WATER RESOURCES
- SURVEYING AND MAPPING

The firm’s approach to projects is based on commitment, communication and integrity and each project is approached with our client’s satisfaction as the highest business priority. This is reflected in our mission statement: **To provide resources in partnership with clients to achieve their goals.**

Finally, our long-term commitment to our clients is demonstrated by our over 65 years of service to the building community. We plan on continuing this tradition of integrity by standing behind our work into this next millennium. We look forward to providing our resources in partnership with you to achieve your goals.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

RESUMÉS OF KEY PERSONS OF CONSULTING FIRM ASSIGNED TO THIS PROJECT:

<p>Name: Tom Heinecke Title: Mechanical Engineer Firm Name: Morrison-Maierle, Inc. (MMI) Role on This Project: Mechanical Engineer Years with This Firm: 22 Years Education (degree/year): BS Mechanical Engineering; 1977 Active Registrations: Montana State University Department of Energy & BP Certified Technical Assistance Energy Auditor EPA & State of Montana Certified Asbestos Inspector EPA & State of Montana Certified Asbestos Management Planner HAZWOPER –24 Hour Training Professional Engineer: Montana No: 7308E; 1981 Washington No: 28386; 1992 Idaho No: 6737; 1992 Oregon No: 64368PE; 2000 Wyoming No: 9241; 2001</p>	<p>Experience & Qualifications Relevant to This Project:</p>	<ul style="list-style-type: none"> • Whitefish Emergency Services, Whitefish, MT • Whitefish Parks and Recreation Building, Whitefish, MT • Kintla Lodge and Parking Garage, Whitefish Mountain Resort, MT • Whitefish Lake Lodge (Viking Creek), Whitefish, MT • Big Mountain Base Lodge, Whitefish, MT • Iron Horse Clubhouse Remodel and Expansion, Whitefish, MT: • Iron Horse Admin. Building and Underground Cart Parking, Whitefish, MT: • Zoot Enterprises and Parking Garage, Bozeman, MT • Kalispell City Hall Renovation, Kalispell, MT • Superior Volunteer Fire Hall and Town Hall, Superior, MT
<p>Name: Tom Coburn Title: Mechanical Engineer Firm Name: Morrison-Maierle, Inc. (MMI) Role on This Project: Mechanical Engineer Years with This Firm: 8 Years Education (degree/year): BS Mechanical Engineering; 2005 Active Registrations: University of Idaho Professional Engineer: Montana No. 20022; 2010 North Dakota No. PE-7406 LEED AP BD+C</p>	<p>Experience & Qualifications Relevant to This Project:</p>	<ul style="list-style-type: none"> • Whitefish Emergency Services, Whitefish, MT • Whitefish Parks and Recreation Building, Whitefish, MT • Whitefish Lake Lodge (Viking Creek), Whitefish, MT • Big Mountain Base Lodge, Whitefish, MT • Iron Horse Clubhouse Remodel and Expansion, Whitefish, MT: • Iron Horse Admin. Building and Underground Cart Parking, Whitefish, MT: • Kalispell City Hall Renovation, Kalispell, MT • Superior Volunteer Fire Hall and Town Hall, Superior, MT



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

RESUMÉS OF KEY PERSONS OF CONSULTING FIRM ASSIGNED TO THIS PROJECT:

<p>Name: Kurt Keith Title: Structural Engineer Firm Name: Morrison-Maierle, Inc. (MMI) Role on This Project: Structural Engineer Years with This Firm: 22 Years Education (degree/year): MS Engineering (Structural); 1990 Purdue University Active Registrations: BS Engineering Science; 1988 Montana Tech of the University of Montana Professional Engineer: California No. C 49251, 1992 Montana No. 9593 PE, 1993 Washington No. 42551, 2006 Alaska No. CE 12433, 2009</p>	<p>Experience & Qualifications Relevant to This Project:</p>	<ul style="list-style-type: none"> • Zoot Enterprises Building, Four Corners, MT • Montana School Board Association Building, Helena, MT • Expedition Block Office Building, Great Northern Town Center, Helena, MT • Artisan Block Office Building, Great Northern Town Center, Helena, MT • Chamber of Commerce Building, Bozeman, MT • City of Bozeman Swim Center HVAC Improvements, Bozeman, MT • City of Bozeman Fire Station #3 and Gallatin County 911 Dispatch Center, Bozeman, MT • City of Bozeman Fire Stations #1 and #2 Addition and Modifications, Bozeman, MT
<p>Name: Jay Fischer Title: Structural Engineer Firm Name: Morrison-Maierle, Inc. (MMI) Role on This Project: Structural Engineer Years with This Firm: 14 Years Education (degree/year): MS Structural Engineering; 2003 Montana State University Active Registrations: BS Civil Engineering; 1999 University of Idaho Professional Engineer: Montana No. 16836, 2005 Wyoming No. 11244, 2007 Arizona No. 50460, 2009</p>	<p>Experience & Qualifications Relevant to This Project:</p>	<ul style="list-style-type: none"> • Montana State University – Gaines Hall Addition/Renovation, Bozeman, MT • Montana State University – Bozeman, H&PE Fitness Center Renovation/Addition, Bozeman, MT: • Montana State University, Museum of the Rockies Remodel, Bozeman, MT. • University of Montana Law School Addition/Remodel, Missoula, MT • Helena College of Technology Additions/Renovation, Helena, MT. • Montana State University – College of Business, Bozeman, MT (Currently Under Construction)
<p>Name: Arian Bloomfield Title: Electrical Engineer Firm Name: Morrison-Maierle, Inc. (MMI) Role on This Project: Electrical Engineer Years with This Firm: 6 Years Education (degree/year): B.S. Electrical Engineering, 2007, Montana State University Active Registrations: Professional Engineer, No. 28342PE LEED AP BD+C</p>	<p>Experience & Qualifications Relevant to This Project:</p>	<ul style="list-style-type: none"> • Whitefish Emergency Services, Whitefish, MT • Casey's Bar, Whitefish, MT • Viking Creek Lodge, Whitefish, MT • Don K Subaru, Whitefish MT • Superior Volunteer Fire Hall and Town Hall, Superior, MT • City of Bozeman / Gallatin County Fire Hall and 911 Center, Bozeman, MT • Montana Law Enforcement Academy New classroom, Helena, MT



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

RESUMÉS OF KEY PERSONS OF CONSULTING FIRM ASSIGNED TO THIS PROJECT:

Name: Title: Firm Name: Role on This Project: Years with This Firm: Education (degree/year): Active Registrations:	Ryan Jones Office Manager Morrison-Maierle, Inc. (MMI) Civil Engineer 4 Years B.S. Civil Engineering; 2004, Montana State University Professional Engineer, No. 16544PE	Experience & Qualifications Relevant to This Project:	<ul style="list-style-type: none"> • City of Libby WWTP Phase 1 Improvements, Libby, MT • Block 11 Water Main Replacement, Libby, MT • 6th and Main Utility Improvements, Libby, MT • Flower Creek Dam Replacement Project, Libby, MT • 2013 Water Distribution Improvements, Libby, MT • Hilton Homewood Suites, Kalispell, MT • Quartz Mountain Estates, Libby, MT • The Wilderness Club, Eureka, MT
Name: Title: Firm Name: Role on This Project: Years with This Firm: Education (degree/year): Active Registrations:		Experience & Qualifications Relevant to This Project:	
Name: Title: Firm Name: Role on This Project: Years with This Firm: Education (degree/year): Active Registrations:		Experience & Qualifications Relevant to This Project:	



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY CONSULTANTS THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT

Project Name & Location:	Brief Project Description:	GSF, Cost/SF, & Year Completed	Owner Contact Info:
Whitefish Emergency Services Whitefish, MT	This new 33,000 square foot facility houses the Fire, Police, and City Court services for the City of Whitefish. The HVAC system for the Fire Apparatus Bays and the Police Vehicle Bays consist of in-floor radiant heat. A variable air volume air handler supplies heating and cooling to the rest of the building. A complete snow melting system was designed for the building as well for future connection. Special plumbing systems include the installation of sand-oil separators serving the Fire and Police Bays. Morrison-Maierle provided mechanical, electrical, and plumbing design and construction observation services.	33,000,NA,2010	John Wilson Director of Public Works City of Whitefish (406) 863-2455
Kalispell City Hall Renovation Kalispell, MT	This 22,000 square foot building was an old Wells Fargo Bank that we converted into the City of Kalispell City Hall. This building houses The Council Chambers, front office and a number of offices and conference rooms for city employees. The budget on this project was extremely tight and because of that we reused the existing constant volume packaged rooftop unit and installed a Variable Volume and Temperature (VVT) system with rooftop unit bypass.	22,000,NA,2009	Theresa White City Clerk City of Kalispell (406) 758-7756
Zoot Enterprises and Parking Garage Bozeman, MT	The new Zoot office building incorporates a 45,000 square parking garage under a 94,000 square foot office complex. The underground parking garage incorporates a number of unique features: <ul style="list-style-type: none"> • Because of high groundwater, a complete under-slab drainage system was installed. • Heating is provided using in-slab radiant heat using high efficiency boilers. • A Large exhaust unit collects air at inlets throughout the parking area to ensure that the exhaust gases do not accumulate in the space. • A large natural gas indirect fired natural air handling unit provides fresh air to the spaces. • Floor drains are provided in the garage to collect rainwater and snowmelt from the vehicles. Drainage is collected and processed in a very large sand/oil separator before it exits the building. 	94,000,NA,2006	Rob Norman Director of Facilities Zoot Enterprises (406) 556-8980



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

RESUMÉS OF KEY PERSONS OF CONSULTING FIRM ASSIGNED TO THIS PROJECT:

Name & Title:	Kelly Sullivan Livingston Interior designer/owner
Firm Name:	ELEVEN ELEVEN design studio
Role on This Project:	Interior Design
Years with This Firm:	8
Education (degree / year):	Bachelor of Arts- emphasis in Interior Design Montana State University, 1983
Active Registrations:	Registered Interior Designer in the State of Texas, 1991-2003

WHO WE ARE

Kelly holds a degree in Art and Interior Design from Montana State University and has over 18 years of commercial and residential interior design experience. Raised in Montana, Kelly spent ten years working out of state for a variety of firms before returning to Montana in 1999. Kelly lives in Bozeman with her husband and partner of Eleven Eleven design studio, Christopher Livingston, and their two daughters.

Professional Experience

ELEVEN ELEVEN design studio llc - Bozeman, MT
5/2005 - present
Interior Design Consultant, Owner of Eleven Eleven design studio, llc

Laura Fedro Interiors - Bozeman, MT
Interior Designer/Project Manager Residential & commercial interiors
1/2002 – 5/2005

Kelly Livingston Interior Design - Bozeman, MT
Interior Design Consultant Residential & commercial interiors 9/1995 - 1/ 2002

Rockford Business Interiors - Austin, TX
Interior Designer/project manager Commercial interiors 9/1991 – 9/1995

Advent Design - Hartford, CT
Interior Designer/project manager Residential & commercial interiors 9/1987 – 9/1990

Aetna Life and Casualty - Hartford, CT
Interior Design Unit, Field Lease Dept.
Associate Interior Designer, Commercial interiors, Field offices- Seattle, WA, Greensboro, NC, Philadelphia, PA 1/1987 – 9/1987

Furniture Galleries - Denver, CO
Interior Designer and Fabric Coordinator, Residential interiors 2/1986 – 9/1986

Vaughn's Furniture - Bozeman, MT
Interior Designer, Residential interiors 3/1984 - 10/1985

Kent Interiors Ltd. - Bozeman, MT
Design Assistant, Residential interiors 11/1983 - 3/1984

DESIGN PHILOSOPHY

Design is our passion. At Eleven Eleven design studio our goal is to transform your dreams into reality.

We strive to create interiors that will inspire you every day. Our approach is guided by keen listening to you, the client, and by collaborating with you, to design a space that will touch upon all your senses. Our goal is to create a sustainable, healthy and inspiring environment that transforms and enriches your life.

We are known for our client commitment and we use this as a foundation to achieve meaningful design. Since our projects are diverse, each project is approached independently with care and attention to its unique aspects. Our varied clientele value our ability to listen to their needs and goals. At Eleven Eleven design studio, we still maintain a freshness of vision and enthusiasm for our work after 35 years combined experience in the industry.

Our commitment to close client relationships is clearly evidenced in all our work. We insist on a carefully planned and implemented orderly process to ensure your satisfaction.



ARCHITECTURE & ENGINEERING DIVISION
STATEMENT OF QUALIFICATIONS for Specific Projects

PROJECTS BY PRIMARY CONSULTANTS THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT (limit of 3 projects):

Project Name & Location:

Bozeman Public Library
Bozeman, Montana

Interior Design

Project Relevance:
Interiors

GSF:
Cost / SF: \$10,754,000 total
Year Completed: 2007

Owner Contact Info:

City of Bozeman
Terri Dood, Director
626 East Main
Bozeman, MT 59715
406-582-2406



b. Nature of firm's responsibility:

Kelly Livingston interior design with
Laura Fedro Interiors.

The new 52,000 s.f. Bozeman Public Library is a celebrated civic building in historic downtown Bozeman. The architecture is a blend of traditional and modern elements which carries through into the interior. Rich colors and functional materials were used in both finishes and furniture selection giving an inspiring and comfortable space for everyone of all ages to enjoy.

Architect:
Overland Partners and StudioFORMA.



ELEVEN ELEVEN
design studio

ARCHITECTURE & ENGINEERING DIVISION
STATEMENT OF QUALIFICATIONS for Specific Projects

PROJECTS BY PRIMARY CONSULTANTS THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT (limit of 3 projects):

Project Name & Location:
MUSEUM OF THE ROCKIES
Entry Remodel Bozeman, Montana

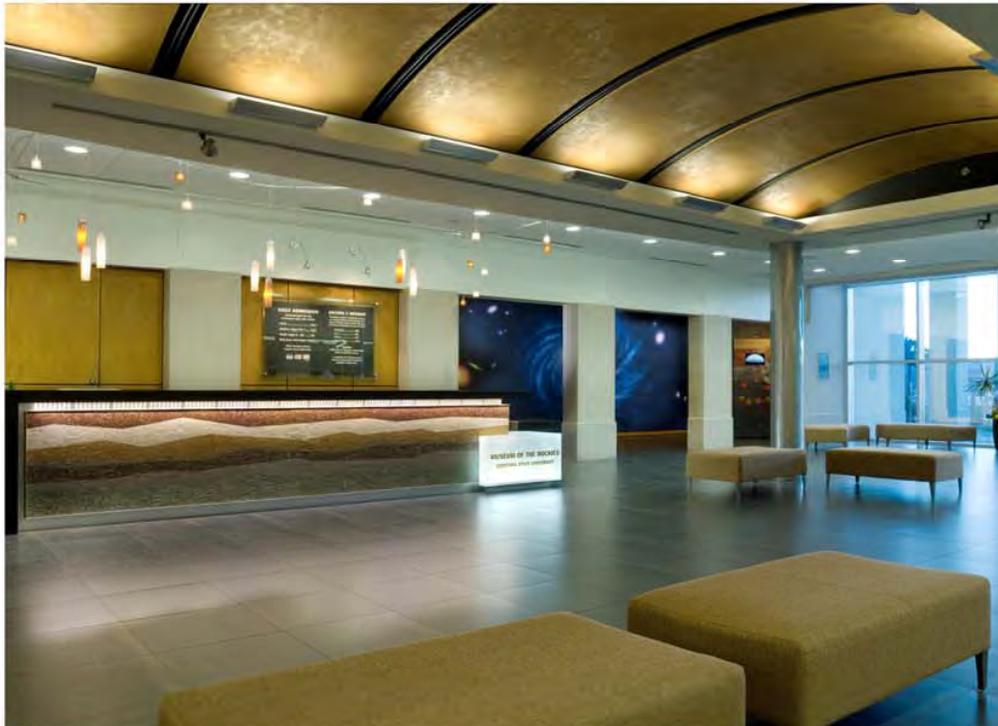
Interior Design

Project Relevance:
Interiors

GSF:
Cost / SF: **\$638,000**
Year Completed: **2009**

Owner Contact Info:

Montana State University
Jean Conover, MOR
600 W. Kagy Blvd
Bozeman, MT 59717
(406) 994-2652 Ph.



b. Nature of firm's responsibility:

Eleven Eleven design studio provided interior design for the main entry remodel to the Museum of the Rockies, Montana's premier natural and cultural history museum. The project included a complete renovation of the main lobby including a newly designed reception desk and conversion of the 2nd floor into the Children's discovery center. The lobby interior is designed to complement the original modern architecture of the building. Selected finishes & furniture are extremely durable due to the high volume of visitors everyday.

Architect:
thinkone



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

FIRM PROFILE:

COMPANY PROFILE

Big Sky Acoustics, LLC (BSA) is a small, independent acoustical consulting firm based in Helena, Montana that specializes in architectural acoustical design and environmental noise assessment. The firm routinely conducts noise studies and provides noise and vibration control recommendations. BSA has extensive experience working on new construction projects and existing facilities. Because noise and vibration concerns can be a significant part of architectural, mechanical and structural design, BSA coordinates with multi-disciplinary teams throughout the design, construction and follow-up project phases.

BSA works closely with a diverse array of clients, including architects, builders, engineers, environmental scientists, planners, developers and government agencies. Areas of expertise include:

- Acoustical design
- Equipment noise
- Environmental noise
- Industrial noise
- Mechanical system noise
- Occupational noise control
- Room acoustics design
- Sound isolation design
- Traffic noise analysis
- Vibration isolation

The consulting services offered by BSA enable the firm to provide effective noise and vibration solutions for a wide variety of project types. The project experience of BSA includes airports, churches, hospitals, industrial facilities, justice facilities, libraries, museums, mines, mixed-use developments, office buildings, pipelines, power generation facilities, residential developments, schools, studios, transportation systems and utilities. BSA provides the following services:

- Precise noise and vibration measurements.
- Computer modeling and contouring to predict noise levels.
- Determination of compliance with noise ordinances, regulations and guidelines.
- Design, development and evaluation of noise control measures.
- Room acoustics, sound isolation, and mechanical system noise control and design.
- Preparation of clear and concise written reports and recommendations.
- Presentation of acoustical information at public hearings and meetings.
- Expert witness testimony.

BSA does not represent or sell acoustical products or materials. Therefore, each client is assured of an unbiased analysis, and that the benefits and limitations of several noise control options are presented. Additional company and project information can be found online at www.bigskyacoustics.com.



STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

RESUMÉS OF KEY PERSONS OF CONSULTING FIRM ASSIGNED TO THIS PROJECT:

Name & Title:	Sean Connolly Acoustical Consultant	<p>Multi-Family Residential: BEAVERHEAD CONDOMINIUMS, Big Sky, MT (2006) Completed a sound isolation analysis and provided recommendations for noise control. BIG SKY VILLAGE CONDOMINIUMS, Big Sky, MT (2005) To increase privacy between units, developed sound isolation recommendations for the design of these luxury condominiums. BLUEGREEN CONDOMINIUMS, Big Sky, MT (2005) Completed a sound isolation analysis of the condominium design. GOAL LLC, Jackson Hole, WY (2008) Completed a sound isolation analysis to provide floor-ceiling construction options between the commercial spaces and residential units. HELENA HOUSING AUTHORITY ASPEN APARTMENTS, Helena, MT (2004) Sound isolation analysis to improve privacy between adjacent residential units. JACKSON HOLE EMPLOYEE HOUSING, Jackson Hole, WY (2013) Provided sound isolation design recommendations to limit transfer of noise between housing units. LODGE AT WHITEFISH LAKE, Whitefish, MT (2005) Developed sound isolation and chiller recommendations for the luxury condominium building. MEADOW LAKE CONDOMINIUMS, Columbia Falls, MT (2006) Evaluated noise levels between adjacent units and provided floor-ceiling recommendations to reduce the noise levels. PINE GLADES CONDOMINIUMS – Jackson, WY (2008) Sound isolation analysis between high-end residential units. RIVER CLUB APARTMENTS HUD, Richland, WA (2010) HUD noise analysis for the new apartment complex. SPANISH PEAKS LODGE, Big Sky, MT (2006-2008) Room acoustics analysis, sound isolation design and indoor/outdoor mechanical system analysis for noise control in the high-end condominium complex. WEST RIDGE CONDOMINIUMS, Great Falls, MT (2006) Completed a sound isolation analysis and provided recommendations to improve privacy between units. YELLOWSTONE CLUB LAKESIDE LODGES, Yellowstone Club, MT (2012) Sound isolation design and mechanical system noise control for the luxury condominium complex and underlying parking garage.</p> <p>Hotels: FAIRFIELD INN, Arlington, TX (2009) Sound isolation analysis of exterior walls and windows to meet corporate noise criteria inside guest rooms due to aircraft and highway traffic. NORTHERN HOTEL, Billings, MT (2012) Sound Isolation analysis of the rooftop condensing unit to limit noise inside the guest rooms. RESIDENCE INN, Duluth, MN (2009) Impact analysis of the floor ceiling construction. TOWNEPLACE SUITES, Missoula, MT (2013) Environmental noise study and sound isolation analysis to limit exterior aircraft, train and traffic noise inside the guest rooms. Provided sound isolation design recommendations to limit transfer of noise between rooms.</p>
Firm Name:	Acoustical Design	
Role on This Project:	Big Sky Acoustics, LLC	
Years with This Firm:	14	
Education (degree / year):	Master of Mechanical Engineering, North Carolina State University, 1995	
Active Registrations:	B.S. Mechanical Engineering, North Carolina State University, 1992	
Experience & Qualifications Relevant to This Project:	<p>Mr. Connolly is directly responsible for design and project management in the areas of architectural acoustics and environmental noise control. Sean has substantial experience in the following areas:</p> <ul style="list-style-type: none"> • Precise noise level measurements. • Computer modeling and contouring to predict noise levels. • Evaluation and design of cost effective noise control measures. • Room acoustics, sound isolation design and mechanical system noise control. 	

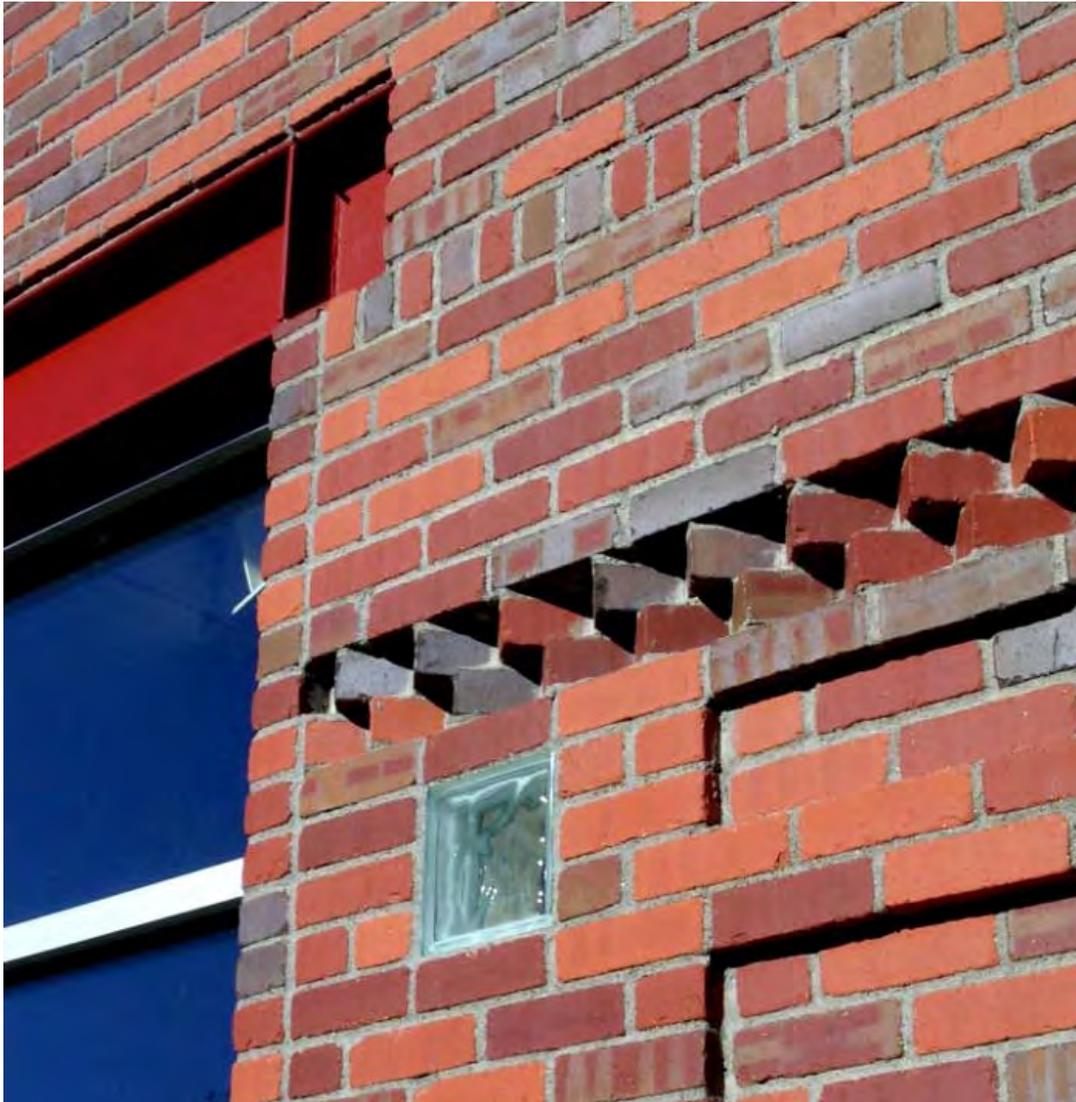


STATEMENT OF QUALIFICATIONS for Whitefish City Hall Project

PROJECTS BY CONSULTANTS THAT BEST ILLUSTRATE QUALIFICATIONS RELEVANT TO THIS PROJECT

Project Name & Location:	Brief Project Description:	GSF, Cost/SF, & Year Completed	Owner Contact Info:
BLACKFEET DORMITORY Browning, MT	Room acoustics, sound isolation and mechanical system noise control design to meet the BIA and LEED requirements.	Completed in 2013	Mr. Kurt Ratz C3, LLC 411 E. Main St, Ste. 101 Bozeman, MT 59715 (406) 585-3031
ROCKY MOUNTAIN COLLEGE RESIDENCE HALL Billings, MT	Sound isolation design of the new residence hall.	Completed in 2003	Ms. Karen Kelly CTA Architects Engineers 13 N. 23 rd Street Billings, Montana 59101 (406) 248-7455
SOUTH DAKOTA STATE UNIVERSITY CALDWELL HALL Brookings, SD	Evaluated the noise of the rooftop mechanical system equipment and determined how to limit the noise in the dorm rooms.	Completed in 2007	Mr. Steve Goldade Lightowler Johnson Associates 700 Main Avenue Fargo, ND 58108 (701) 293-1350





MOSIC TEAM –

Hopefully our SOQ as a whole speaks to why we feel that we are the best team for your project. This is a team that has worked well together for a lot of years and we have honed our skills in delivering a plan that meets and exceeds owner expectations.

We intend to make the process a fun and exciting experience for all involved while minimizing the anxiety that generally accompanies most development projects.

THANK YOU FOR YOUR CONSIDERATION

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WHITEFISH CITY COUNCIL MINUTES

January 6, 2014

7:10 P.M.

1. CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Sweeney, Anderson, Hildner, and outgoing Councilors Mitchell, Kahle and Hyatt. Incoming Councilors Barberis and Frandsen were also present. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Assistant City Manager/Finance Director Swisher, Planning and Building Director Taylor, Senior Planner Compton-Ring, Public Works Director Wilson, Parks and Recreation Director Cozad, Police Chief Dial, and Fire Chief Kennelly. Approximately 30 people were in attendance. Mayor Muhlfeld introduced Assistant City Manager/Finance Director Corey Swisher and welcomed him to Whitefish.

2. PLEDGE OF ALLEGIANCE

Mayor Muhlfeld delegated the task of choosing someone to Councilor Kahle who asked those who live on Creek View Drive to lead the audience in the Pledge of Allegiance.

3. PRESENTATIONS - Presentations of plaques to departing City Council members

Mayor Muhlfeld presented plaques and thanked the out-going Councilors Phil Mitchell, Bill Kahle and Chris Hyatt.

4. CONSENT AGENDA

4a. Minutes from the December 2, 2013 Council special session (p. 15)

4b. Minutes from the December 2, 2013 Council regular meeting and executive session

4c. Ordinance No. 13-11; An Ordinance for a Preliminary Plat and Planned Unit Development for Phase 3 of the Great Northern Heights Subdivision (Second Reading) (p. 34)

Councilor Mitchell offered a motion, seconded by Councilor Kahle, to approve the consent agenda. The motion passed unanimously.

5. OATHS OF OFFICE AND SEATING OF MAYOR AND COUNCIL

5a. Administration of oath of office to three (3) new City Councilors – Mayor Muhlfeld (p. 40)

Mayor Muhlfeld administered the oath of office to new Councilors Pamela Barberis and Jen Frandsen and they were seated on the Council. He said that Councilor Andy Feury was out of town on a trip, but was sworn in at City Offices last week.

5b. Election of Deputy Mayor

Councilor Sweeney offered a motion, seconded by Councilor Anderson, to appoint Councilor Hildner as Deputy Mayor.

Councilor Sweeney said Councilor Hildner has a long history of service, involvement and attendance at meetings and would do a good job as Deputy Mayor.

The motion passed unanimously.

6. 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)

Steve Thompson, 545 Ramsey Avenue, thanked the outgoing Councilors and the incoming Councilors for their service. He said the process for the new City Hall has been going well and he likes the design by Mosaic. He urged the Council to take a long term view and establish, early in the process, some principles for design that include energy conservation and LEED standards. He said it may cost a little more up front, but it will be offset with lower energy costs in the future. It makes sense for the Council to be firm up front with these standards.

Turner Askew, 3 Ridge Crest Court, told the new Councilors they are in for an interesting ride. He said last week he read a paper about City Hall that is 797 pages long. He encouraged them to go through it. He said Aspen, CO is the only other city this size with a new City Hall and they have a much different tax base. He said they also charge \$1.50/hour to park. In the same study it tells you about parking meters and the fact is; Whitefish removed parking meters several years ago. He said he used to be a real estate developer and he worries about the unintended consequences. He wondered if the consultants were stating that they were really going to have to charge for parking.

Joan Vetter Ehrenberg, 744 Hidden Valley Drive, thanked the outgoing Councilors for their service to the community. She asked the Council to consider addressing how they clean the streets in Whitefish. She said there are unpleasant things left on the streets and sidewalks around the bars. She hopes they can do something, perhaps with a private/public partnership, to clean up the streets. She said there is also a great need for a hall that is family friendly. She wondered if the new City Hall could have a room that could be used for double purposes, like an alcohol free location for a high school party as well as City meetings.

7. COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Hildner said the Bike/Ped Committee met and they will request approval for installation of stairs to Miles Avenue on the NE corner of the bridge near Kay Beller Park. He said they had a tentative bid just over \$10,000 but it doesn't include the concrete slab. He said Karin Hilding will start working on this process. He said they are working on the design of the lift station at Skye Park. He said the Building Active Communities Grant will hold a workshop in Bozeman and then visit Whitefish to walk the trails and make recommendations. The grant allows the City to send five people to the workshop.

8. CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

8a. Resolution No. 14-01; A Resolution amending Resolution No. 13-10 to extend the duration of the Highway 93 West Corridor Plan Steering Committee through June 30, 2014 (p. 42)

8b. Consideration of approving the final plat for Dear TRACS subdivision, a 2-lot subdivision located at 6348 Highway 93 S (p. 43)

Councilor Sweeney offered a motion, seconded by Councilor Hildner, to approve the consent agenda. The motion passed unanimously.

9. 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)

9a. Consideration of an application from Brendan Whitcomb for a Conditional Use Permit to have an accessory apartment on the 2nd floor of a recently constructed garage at 637 Somers Avenue (p. 73)

Senior Planner Compton-Ring said Brendan Whitcomb is requesting approval of a Conditional Use Permit to have an accessory apartment at 637 Somers Avenue. The property is currently developed with a single family home and recently constructed garage. The property is zoned WR-2 (Two-Family Residential District). It is reviewed according to the Growth Policy which designates this property as "Urban". It is served by all City services and utilities. There are two existing off-street parking spaces and two in the garage. There are already several accessory apartments in the neighborhood, so it is consistent with uses in the neighborhood.

The Whitefish City-County Planning Board met on December 19, 2013 and considered the request. Following the hearing, the Planning Board unanimously recommended approval. She noted that one standard condition states that the accessory apartment cannot be rented out unless the property owner lives in the main residence.

Mayor Muhlfeld opened the public hearing. No one wished to speak and Mayor Muhlfeld closed the public hearing.

Councilor Hildner said at the Planning Board meeting Ken Stein asked about the applicant building the garage with an upstairs without a conditional use permit and he too wondered if that was appropriate. Planner Compton-Ring said this project has evolved as the applicant talked with staff and she thinks it is fine.

Councilor Sweeney offered a motion, seconded by Councilor Anderson, to approve the Whitcomb Conditional Use Permit to construct an accessory apartment on the 2nd floor of a recently constructed garage at 637 Somers Avenue subject to 6 conditions, adopting the Staff Report (WCUP 13-15) with Findings of Fact and Conditions of Approval. The motion passed unanimously.

10. COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

10a. Consideration of application from Colin and Teri Sellwood for a preliminary plat and approval for the Sellwood subdivision, a two lot subdivision at 3930 Highway 40 (p. 95)

Senior Planner Compton-Ring reported that this application is a request for preliminary plat approval of a two-lot subdivision with an existing single family home and existing commercial building.

This is a minor subdivision. This property was included in the rezone for the Whitefish Business Service District in 2009. As part of the rezone, an application for a site plan was required. This site plan is on page 5 of the staff report.

The property is located on the south side of Highway 40 west of Conn Road. The subject property is 2.199-acres in size and the lots are 1.189 and 1.010 acres. Current zoning is WBSD, Business Service District, intended to “create defined areas that are appropriate for non-retail limited commercial services and light industrial uses. This district is restricted to those areas identified as business service center in the growth policy. The property is served by the Columbia Falls Fire District.

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on December 9, 2013. A sign was posted on the property on December 16, 2013. Advisory agencies were noticed on December 9, 2013 and have submitted several comments. The Columbia Falls Fire Chief had some comments on access and asked for a 20-foot all weather access and t-turnaround. Each lot will have access off Montana State Highway 40 via a shared private driveway/easement ending in a suitable emergency turn around. As this access is now changing to a joint use access with two uses, the Montana Department of Transportation requests a new approach permit. This is included as a recommended condition of approval. The existing home and commercial building are served by an on-site well and septic system. Flathead County Environmental Health requires a new Certificate of Subdivision. This will be added as a recommended condition of approval.

No park and open space is required. The Whitefish City Growth Policy designates this area as Business Service District. As required in the WBSD zone, a site plan was established showing where future development will take place. The zoning chapter has an administrative process to make minor modifications to the site plan and major changes are reviewed and approved by the City Council.

While the lot area and lot width meet the minimum standards in the zone, staff would like to point out a possible future concern with the side yard setbacks. As indicated in the staff report, the setbacks are increased to 30-feet if the use of the adjacent lot is residential. Currently, Lot 1 will be used for commercial purpose and Lot 2 is both residential and commercial purposes which is permitted according to the WBSD. If Lot 2 were to be only a residential use, the side yard setback to the east would increase to 30-feet. As the lot width of Lot 1 near the structure is 82-feet once the 30-foot side yard setbacks is subtracted from both the east and west sides, the developable area would only be 22-feet wide. The applicants’ long-term plan is to completely eliminate the residential use and devote Lot 2 to a commercial enterprise according to the site plan approved in 2009. This isn’t a concern with this application, but could pose challenges in the future depending on how Lot 2 ultimately is developed.

Staff recommends approval with 9 conditions and she reviewed the conditions for approval, noting that the two lots will be sharing the driveway so they will need an HOA for maintaining that driveway.

Councilor Frandsen asked about the current septic service and Planner Compton-Ring said an engineer will have to get an updated certificate of subdivision. She noted that there are two septic systems, one for each building. The staff report incorrectly said there was only one. Councilor Sweeney asked if there is an existing easement for lot two to access the lot and Planner Compton-Ring said there will be an easement with this plat. Councilor Hildner asked about the setback concern and wondered if there should be an added condition addressing it. Planner Compton-Ring said there didn’t need to be a condition, staff just wanted to point it out. Councilor Anderson asked if they could have a road user agreement so they don’t have to an HOA and Planner Compton-Ring said that was a good idea.

Councilor Anderson offered a motion, seconded by Councilor Frandsen, to amend Condition #8 to state: “A Road Owners’ Agreement, signed by all users and recorded with the Flathead County Clerk and Recorders Office, indicating all owners shall be responsible for the long-term maintenance of the shared driveway including snow removal.” The amendment passed unanimously.

Councilor Anderson offered a motion, seconded by Councilor Frandsen, to approve the preliminary plat for the Sellwood subdivision, a two lot subdivision at 3930 Highway 40, adopting the Staff Report (WPP 13-11) with Findings of Fact and Conditions of Approval as amended. The motion passed unanimously.

11. COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

11a. Consideration of contract award for an articulated wheel loader for Public Works (p. 109)

Public Works Director Wilson said the Public Works Department has published an Advertisement for Bids for an Articulated Wheel Loader and received bids from two local companies. He recommends that the City Council approve the purchase of a 2014 Case 521F wheel loader from Titan Machinery of Columbia Falls in the amount of \$92,775.

Councilor Frandsen asked if this came in well under budget and Director Wilson said it did. Councilor Sweeney asked and Director Wilson said they posted the bid request in the Daily Interlake. Councilor Hildner asked if it was a different size than the City’s 20-year old loader and Director Wilson said he did not know, he leaves those details up to his Construction and Maintenance Supervisor. Anderson said the budget was \$138,000 and he was pleased that it came in so much lower.

Councilor Sweeney offered a motion, seconded by Councilor Barberis, to approve the contract award for a 2014 Case 521F wheel loader from Titan Machinery of Columbia Falls in the amount of \$92,775 and return bid security at the appropriate time. The motion passed unanimously.

12. COMMUNICATIONS FROM CITY MANAGER

12a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 113)

Councilor Sweeney appreciated the update of the City Hall design and asked about the next step. City Manager Stearns said the design team will work with Kimley-Horn Engineering. He said the initial action will be to select the firm and give authority for contract negotiations. However, before the contract, staff will bring information back to the Council regarding projected assessments for Operations and Maintenance of the parking structure. Councilor Sweeney said the recommendation of a design firm should include input from the Council about the parking structure. Manager Stearns said the design competition didn’t lock in any design—it was conceptual and allowed them to gather ideas from all four firms. He said the Mosaic firm will be recommended by the committee. The final design may be much different than the design competition presentations. The design team will work with staff, the committee, the public and the Council to gather ideas for the final design.

12b. Other items arising between January 1st and January 6th

Manager Stearns pointed out the map on page 52 of the packet for the Deer Tracks subdivision picturing a conceptual street system in the South Whitefish Neighborhood that was approved back in 2000. He said staff proposed the idea of the need for an east-west connector over to Karrow Avenue several years ago. This is an issue that needs to be addressed by the City and he wanted to point it out to the Council.

12c. Resolution No. 14-02; A Resolution approving a Definite Term Lease Agreement with BNSF Railway Company, for the Whitefish landing, a non-motorized boat launch, located along the Whitefish River, south of the BNSF Roundhouse, Line Segment 0036, Mile Post 1219.55, Whitefish, Montana (p. 122)

Manager Stearns said he and Mayor Muhlfeld met this past summer in June with Allen Stegman, General Director Environmental for BNSF, Barbara Ranf, State Governmental Affairs for BNSF, and Rob Hagler of Kennedy/Jenks Consultants, BNSF environmental consulting firm regarding BNSF's offer of a lease of land on the Whitefish River for use as a public river access point. BNSF wanted to offer the lease of this land, at no cost to the City, as a thank you to the community for enduring three plus years of river closures and river clean-up. Then a public dedication and ribbon cutting for the access point and celebration of the end of the river cleanup was held on August 1st. This is a non-motorized access and there is no boat ramp, so it will be used primarily by kayaks, canoes and paddle boards.

Manager Stearns said that he and Attorney VanBuskirk have worked with BNSF representatives and attorneys on a lease of the land. There were many issues to work through because this lease was different than a normal BNSF lease where the City typically has to accept all of the legal conditions that BNSF requires. Most of these issues deal with insurance, liability, and indemnification. Staff was finally able to work through all of those issues to find a lease acceptable to the staff of both BNSF and the City of Whitefish.

The packet includes a lease agreement for 20 years, although it does allow BNSF to terminate the lease with 30 day's notice. There are some other less than desirable conditions in the lease, mostly dealing with insurance, liability, and indemnification, but staff got BNSF to move on many of those issues as far as they can. He said they would not indemnify BNSF for any environmental issues down there. He said they think that the City can live with the current lease proposal which is Exhibit 1 of the subject resolution. BNSF does reserve the right to use the river landing for their necessary launches of motorized boats and barges associated with any cleanup work.

Councilor Frandsen asked about Section 3a. which says it is a picnic area and allows launching for only canoes and kayaks. Manager Stearns said use of other non-motorized vehicles like paddle boards is implied. He would rather not go back to BNSF with any changes. He thinks paddleboards are within that sort of definition. Councilor Frandsen asked about the insurance and asked if there would be a cost to the City. Manager Stearns said the City has an umbrella insurance policy on land and buildings. He said there are no structures here so they are just insuring vacant land. On liability, they probably assume a little liability. He said governmental immunity statutes protect the City. City Attorney VanBuskirk said it is \$750,000 or \$1.5 million and the contract includes the limit of their liability.

Councilor Sweeney noted that 2b. says if BNSF withdraws the contract the City must remove anything they have on the property within 30 days. Manager Stearns said they aren't planning a lot of improvements and probably will only take picnic benches down there. He said they had an issue with a 20-year lease that BNSF can terminate in 30 days, but they think they can work with this agreement. Councilor Sweeney asked if there will be any improvements they'll need to perform to make the property usable and Manager Stearns said the existing concrete landing may take a little work. He said BNSF language requires that if they do any capitol improvements they have to obtain a special insurance policy. Section 18E lists the insurance requirement. They've had to purchase the insurance before when they wanted to do a Public Works project and the only place you can get it is through BNSF and it was expensive. The City incurs no direct cost for this lease unless they initiate any improvements to the property. Also, the BNSF Foundation has pledged \$25,000 for improvements at the landing (however, much of this grant may be required for a special BNSF insurance policy covering any improvements). Any costs the City incurs will be approved by the City Council in a budget or as approved by the Park Board and/or the City Council.

He said it is a great new riverfront access and that is good, even though the contract isn't perfect. Councilor Sweeney asked about 10b. and Manager Stearns said it is standard language in the BNSF contracts. If the County or anyone imposed special assessments on them then the City agrees to pay that new assessment. Councilor Frandsen asked for clarification for Section 31 regarding public record. Manager Stearns said it means the City won't record it, they just keep it in the City records. Mayor Muhlfeld said he acknowledged and thanked the BNSF team and Manager Stearns and Attorney VanBuskirk for their work on this project.

Councilor Frandsen offered a motion, seconded by Councilor Sweeney, to enact a Resolution 14-02 approving a Definite Term Lease Agreement with BNSF Railway Company, for the Whitefish landing, a non-motorized boat launch, located along the Whitefish River, south of the BNSF Roundhouse, Line Segment 0036, Mile Post 1219.55, Whitefish, Montana. The motion passed unanimously.

13. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

13a. Appointments of City Council Members to Various Boards, Commissions, and Committees (p. 144)

i) Park Board – Mayor or Mayor's Designee – Chris Hyatt was previous designee; (p. 152)

Councilor Anderson offered a motion, seconded by Councilor Hildner, to appoint Councilor Sweeney to this position. The motion passed unanimously.

ii) Resort Tax Monitoring Committee – Mayor or Councilor – Bill Kahle was previous appointee (p. 156)

Councilor Sweeney offered a motion, seconded by Councilor Frandsen, to appoint Councilor Anderson to this position. The motion passed unanimously.

iii) Montana West Economic Development Board – Previously was Bill Kahle and Turner Askew was Alternate (p. 160)

Councilor Sweeney offered a motion, seconded by Councilor Hildner, to appoint Councilor Frandsen to this position. The motion passed with Councilor Anderson abstaining.

Councilor Hildner offered a motion, seconded by Councilor Sweeney, to appoint Councilor Feury as the alternate. The motion passed with Councilor Anderson abstaining.

- iv) Architectural Review Committee – Ex-officio member was Phil Mitchell; ex-officio member not provided for in ordinance nor required (p. 162)**

The Council agreed to eliminate this position at the recommendation of City Attorney VanBuskirk.

- v) Pedestrian & Bicycle Path Advisory Committee – Mayor or Councilor; currently Richard Hildner (p. 166)**

Councilor Sweeney offered a motion, seconded by Councilor Frandsen, to appoint Councilor Hildner to this position. The motion passed unanimously.

- vi) Whitefish Tree Advisory Committee - Mayor or Councilor; previously was Phil Mitchell (p. 172)**

Councilor Sweeney offered a motion, seconded by Councilor Anderson, to appoint Councilor Barberis to this position. The motion passed unanimously.

- vii) Ice Rink Advisory Committee – Mayor or Councilor; currently Frank Sweeney (p. 176)**

Councilor Hildner offered a motion, seconded by Councilor Anderson, to appoint Councilor Sweeney to this position. The motion passed unanimously.

- viii) Weed Control Advisory Committee – City Councilor; currently Richard Hildner (p. 179)**

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to appoint Councilor Barberis to this position. The motion passed unanimously.

- ix) Impact Fee Advisory Committee – City Councilor; previously was Chris Hyatt (p. 182)**

Councilor Sweeney offered a motion, seconded by Councilor Anderson, to appoint Councilor Frandsen to this position. The motion passed unanimously.

- x) Flathead County Regional Wastewater Study Committee –currently John Anderson with Chuck Stearns as staff/alternate (p. 185)**

Manager Stearns said Joe Brenneman got a grant in the past to work on regionalization on wastewater systems. They will meet in February to determine if the committee will continue or not. It is has been a good way to improve communication in the valley.

Councilor Sweeney offered a motion, seconded by Councilor Barberis, to appoint Councilor Anderson to this position. The motion passed unanimously.

- xi) 9-1-1 Administration Board – Currently Chief Dial; alternate is Turner Askew; has to be elected officials or designees (p. 187)**

Mayor Muhlfeld recommended that they keep Chief Dial in this position.

Councilor Hildner offered a motion, seconded by Councilor Sweeney, to appoint Chief Dial to this position. The motion passed unanimously.

Councilor Frandsen offered a motion, seconded by Councilor Sweeney, to appoint Councilor Anderson as the alternate to this position. The motion passed unanimously.

- xii) Insurance (Medical) Committee – Two City Councilors as Ex-Officio members; currently is John Anderson and Frank Sweeney (p. 199)**

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to appoint Councilor Feury to this position. The motion passed unanimously.

Councilor Anderson offered a motion, seconded by Councilor Barberis, to appoint Councilor Sweeney to this position. The motion passed unanimously.

- xiii) Whitefish Arts Council – was Bill Kahle**

Councilor Sweeney offered a motion, seconded by Councilor Anderson, to appoint Councilor Frandsen to this position. The motion passed unanimously.

- xiv) Real Estate Advisors – Mayor and One Councilor; currently is Mayor Muhlfeld and Frank Sweeney;**

Councilor Hildner offered a motion, seconded by Councilor Frandsen, to appoint Mayor Muhlfeld and Councilor Feury to this position. The motion passed unanimously.

- xv) Legacy Lands Advisory Committee – Mayor and one Councilor or two Councilors; currently John Anderson, and Frank Sweeney (p. 205)**

Councilor Hildner offered a motion, seconded by Councilor Frandsen, to appoint Councilors Anderson and Sweeney to this position. The motion passed unanimously.

- xvi) City Hall Steering Ad-Hoc Committee – Mayor and One City Councilor; currently is Mayor Muhlfeld and Councilor was Phil Mitchell (p. 211)**

Councilor Frandsen offered a motion, seconded by Councilor Barberis, to appoint Councilor Hildner to this position. The motion passed unanimously.

- xvii) Whitefish Lake Institute Board – one City elected official; currently is Frank Sweeney;**

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to appoint Councilor Barberis to this position. The motion passed unanimously.

xviii) Mountain Trails Park Master Plan Committee – two City Councilors; (p. 214)

Councilor Anderson offered a motion, seconded by Councilor Barberis, to appoint Councilor Frandsen to this position. The motion passed unanimously.

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to appoint Councilor Hildner to this position. The motion passed unanimously.

Manager Stearns said Director Taylor reminded him that they will also need to add to the Highway 93 committee Council representative, but they can do that at the next meeting.

Councilor Comments:

Councilor Barberis said she was in Kalispell talking with someone who said Whitefish always gets a lot done, so she is excited to be part of the Council.

Councilor Anderson welcomed the new Councilors.

Councilor Frandsen thanked everyone. She is excited to be on the Council and she hopes they get a lot done and build a good relationship with good community involvement.

Councilor Hildner welcomed the new Councilors. Councilor Sweeney echoed those sentiments and thanked the outgoing Councilors—they did a great job for the City.

Mayor Muhlfeld thanked the Parks Department for keeping the trails plowed and available for the public.

14. 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

Jane Latus Emmert, Recording Secretary
Attest:

Necile Lorang, City Clerk

**PATRICK MONTALBAN
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-13-W37
January 21, 2013**

Property Owner: Patrick Montalban
Mailing Address: 33 First Avenue
Cut Bank, MT 59427
Telephone Number: 406.873.2235
Applicant: Bruce Boody Landscape Architect, Inc.
Mailing Address: 301 2nd Street, Suite 1b
Whitefish, MT 59937
Telephone Number: 406.862.4755
Contractor: Malmquist Construction: Andrew Barinowski
Mailing Address: 335 Spokane Avenue
Whitefish, MT 59937
Telephone Number: 406.862.7846
Property Legal Description: Lot 9, Whitefish Lake Summer Homes Addition 1
Amended, Section 14, Township 31 North, Range 22 West
Property Address: 2520 E. Lakeshore Drive
Lake: Whitefish Lake
Lake Frontage: 87.08' per recorded plat
Project Description: Install a 526.88 square foot 'F' shaped dock, construct 24
feet of dry-set stairs and walkway, install a waterline, and
place approximately 10.885 cubic yards of fill material
within the Lakeshore Protection Zone.

Proposal: The applicant is proposing to complete multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the installation of a floating 'F' shaped EZ dock and gangway. The main portion of the dock will be approximately 39 feet long by 6.5 feet wide with a breakwater wing approximately 26 feet long by 6.5 feet wide. The slip wing will be approximately 19.5 feet long by 5 feet wide. The dock will be connected to the shoreline by a gangway approximately 18 feet long by 3 feet wide. The dock and gangway will extend approximately 57 feet out into the lake, and will be placed in the middle of the subject property. The entire dock and gangway will equal approximately 526.88 square feet of impervious coverage.

The second activity will be the construction of a dry-set stairway and walkway, approximately 4 feet wide and 24 feet long, extending through the lakeshore protection area to the proposed dock. The stairs will connect to a series of dry-set flagstones near the high water line. The stairs and walkway will be approximately 161.35 square feet of impervious coverage.

The third activity proposed is the installation of a pump and waterline into Whitefish Lake for the purpose of domestic water and irrigation. There is an existing water right which must be

renewed and updated to include proposed irrigation use. The pump will be positioned under the main portion of the proposed dock, and the connecting waterline will be extended below the dock and gangway. This will limit potential interference with navigation and prevent snagging. The waterline will cross through the lakeshore protection zone, underneath the proposed stairway, avoiding the existing trees.

The final proposed activity is a one-time application of beach gravel to the existing lakeshore. The lakeshore regulations allow 1 cubic yard per 8 linear feet of frontage. Therefore, the applicant is requesting to place approximately 10.885 cubic yards of fill material, installed at a maximum depth of 4-6". The fill must be a minimum ¾" diameter, and be clean washed gravel materials.

The total amount of proposed impervious constructed area is approximately 688.23 square feet.

Frontage and allowable constructed area: The subject property has approximately 87.08 feet of lakeshore frontage, and is eligible for 696.64 square feet of constructed area.

Existing Constructed Area: There are no existing improvements within the Lakeshore Protection Zone or previous lakeshore permits on file for this site.

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

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

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
3. The proposed dock dimensions specified on the amended project drawing submitted January 8, 2014 shall not be exceeded. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.

Dock

6. Only one dock is permitted per property ownership.
7. The dock shall be placed in the middle of the subject property.

8. Any wood used in construction of the new dock shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly encouraged. Use of painted material, plywood, particle board or other glued composite board is not allowed.
9. If foam logs or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely encased in solid wood or a suitable impervious, non-corrosive material such as a synthetic, aluminum or galvanized sheet metal to avoid the breakup or scattering of materials. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the Lakeshore Protection Zone. All foam shall be extruded closed-cell polystyrene (blue or pink logs) unless encased in synthetic "rotomolded" floats.
10. The dock shall be constructed outside of the Lakeshore Protection Zone. Upon completion the components may be brought to the lakeshore area and launched.
11. The floating dock shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods for the dock are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks.

Stairway and Walkway

12. The stairs and walkway shall have a maximum width of four feet (4') and shall be designed to provide access only.
13. Stairways and walkways constructed of impervious material, including dry laid stone, are subject to the maximum allowable constructed area.
14. Elevated stairways shall follow the natural grade of the existing shoreline and no portion of the walking surface of the stairway or landing shall be situated higher than two (2') vertical feet above the underlying lakeshore.
15. Stairways shall be constructed of wood composite (i.e., Trex) or untreated wood left in its natural (unpainted) condition.
16. Hand railings are permitted. The railing shall not extend higher than four feet (4') above the stairway and landing walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
17. Clean, washed gravel may be used in setting the steps but cannot be used to modify existing terrain.
18. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.

Waterline

19. The waterline and pump shall be located as proposed in the application. Under no circumstances shall the waterline be located closer than 10 feet from either riparian property boundary line.
20. Water rights are required to install the water line.

21. All work shall be done when the lake is at low pool and the construction site is dry.
22. During excavation, only the minimum amount of material necessary to lay the line and power cable conduit shall be removed from the trench.
23. Any rock lying over the proposed trench shall be removed prior to excavation and saved. After refilling the trench, said rock shall be restacked over the top to serve as a protective measure to inhibit washing and erosion. Any material which is not replaced back into the trench shall be completely removed from the lakeshore protection zone.
24. A trenching machine may extend its bucket or digger into the lake to extend the trench below low water line of the lake. At no time shall the wheels of any vehicle come in contact with the lake.
25. That portion of the waterline which is not buried and does lie exposed on the bottom of the lakeshore shall be weighted to prohibit floatation or snagging. No waterline shall lie on top of or be attached to a floating dock or raft.
26. A waterline using a submersible pump shall be installed in accordance with the State Uniform Plumbing and Electrical Codes. Conduit is strongly recommended for the power cable to prevent damage by ice/rocks.

Beach Gravel Application

27. Application of gravel shall be permitted one time only to supplement a stable gravel beach. Reapplication of gravel where it washed away, silted in or revegetated over time prohibited.
28. Application of gravel is allowed only where the predominant existing surface is gravel.
29. 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.
30. Maximum fill depth is four inches (4") to six inches (6").
31. The volume of fill shall not exceed one (1) cubic yard per eight (8) linear feet of lake frontage.
32. The volume of fill material may not exceed 10.885 cubic yards.
33. Placement of gravel directly into the lake is prohibited.
34. Any fill/gravel material over the approved amount shall be completely removed from the lakeshore protection zone.

Report by: Bailey Minnich

WHITEFISH LAKESHORE PROTECTION COMMITTEE

MINUTES OF JANUARY 8, 2014

The meeting was called to order at 6:00pm by Chairman Herb Peschel.

MEMBERS PRESENT:

- Ron Hauf, Scott Ringer, Herb Peschel, Greg Gunderson and Koel Abell. Bailey Minnich of the Whitefish Planning Office was also present. Sharon Morrison joined meeting at 6:05pm. Jeff Jensen joined meeting at 6:10pm.

MEMBERS ABSENT: Joe Malletta

ADDITIONS/CORRECTIONS to TONIGHT'S AGENDA:

- None

GENERAL PUBLIC COMMENT: <none>

ADOPTION of MINUTES from LAST MEETING:

- Minutes of October 9, 2013 were reviewed with Greg Gunderson moving to adopt; Ron Hauf seconded. All in favor and motion carried.

NEW BUSINESS

WLP-13-W37 – Patrick Montalban – Dock, Stairs, Waterline, Fill

[Present: Bruce Boody, Applicant Representative]

Discussion:

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 2520 E. Lakeshore Drive. Staff explained that the original permit report sent to the Committee members indicated the amount of shoreline frontage was different than what is documented on an existing 1950 recorded plat map. At this time, the applicant has decided to have the project reviewed using the amount of shoreline from the recorded plat instead of submitting a new survey. The applicant is proposing 4 different activities within the lake and lakeshore protection zone which include the placement of an 'F' shaped dock, a stairway and walkway, the installation of a waterline, and the placement of fill material. Prior to the start of the meeting, the applicant submitted an amended dock design which will comply with the amended frontage allowance. Staff will update the report for the City Council to reflect the new proposed dock design, amount of fill material, and frontage allowance. Staff recommended two modifications to the proposed conditions: Condition #3 to read '*the proposed dock dimensions specified on the amended project drawing submitted January 8, 2014 shall not be exceeded*' and Condition #32 to read '*the volume of fill material may not exceed 10.885 cubic yards.*' Following staff's presentation, the applicant's representative gave a brief discussion on the amended plan and overall project. Discussion was held regarding the existing survey monuments associated with the subject property. The applicant representative also discussed the modified dock design, including a reduction in the over wing length to comply with the regulations. Copies of the modified design were handed out to Committee members.

Board discussion followed, with questions raised regarding the location of the silt fence and

straw waddles, published dimensions of EZ dock designs versus the actual dimensions, necessity for the fill material in the Lakeshore Protection Zone, location of the subject property along E. Lakeshore Drive, stairway/walkway construction, and riparian boundary line locations.

Motion:

- Ron Hauf moved to accept application #WLP-13-W37 as amended by new proposed dimensions of dock and amount of gravel, subject to the conditions outlined and amended by Staff. Scott Ringer seconded. No further discussion. All in favor and motion carried.

OLD BUSINESS

Floating Walkway Discussion

Staff began with a brief overview of the previous discussion in September 2013 regarding the application by Trillium Shores for a floating walkway. The Committee had discussed having Staff propose language for a text amendment to the Lakeshore Regulations to allow this type of activity along Whitefish Lake in limited situations. Staff explained that at this time, it has been determined that a text amendment will not be proposed. The main reasons for this decision are that the Lakeshore Regulations apply to all three lakes and activities permitted in the regulations must be permitted on all three lakes not specific to only one area; the applicants would still have problems complying with the impervious coverage allowances; text amendments are not proposed for individual property owners; and that the situation appears to be better dealt with under a variance permit as it appears there are potential hardships with this property. After some additional discussion the Committee agreed with Staff's determination, and Staff will contact the applicant to explain the situation. Hopefully an application could be submitted for the next Committee meeting.

ADJOURNMENT

Motion to adjourn the meeting was made and seconded. All approved and motion passed. The meeting was adjourned at 7:00 pm.

NEXT MEETING

**February 12, 2014 * 6:00pm
Whitefish Planning & Building Office
510 Railway Street – Whitefish, MT**

Amended Plan Submitted January 8,

LAKESHORE PROTECTION ZONE SQUARE FOOTAGE CALCULATIONS

TOTAL ALLOWABLE IMPERVIOUS CONSTRUCTED AREA:

SHORELINE (PER SURVEY)	93.91 LF	X 8 SF	751.28 SF
SHORELINE (PER 1950 PLAT)	87.08 LF	X 8 SF	696.64 SF

EXISTING CONSTRUCTED AREA: N/A

PROPOSED IMPERVIOUS CONSTRUCTED AREA:

	PROPOSED STONE WALK & STEPS	161.35 SF	
	PROPOSED DOCK & GANGWAY	526.88 SF	
PROPOSED IMPERVIOUS TOTAL:		688.23 SF	

BRUCE BOODY

Landscape Architect Inc.
241 Second Street
Whitefish, MT 59907
phone 406-832-4788
fax 406-832-4788
http://www.bruceboody.com

SURVEY BY:
EBY AND ASSOCIATES,
SURVEYORS
P.O. BOX 7144
KALISPELL, MT 59901-7144
PHN: (406) 755-9529

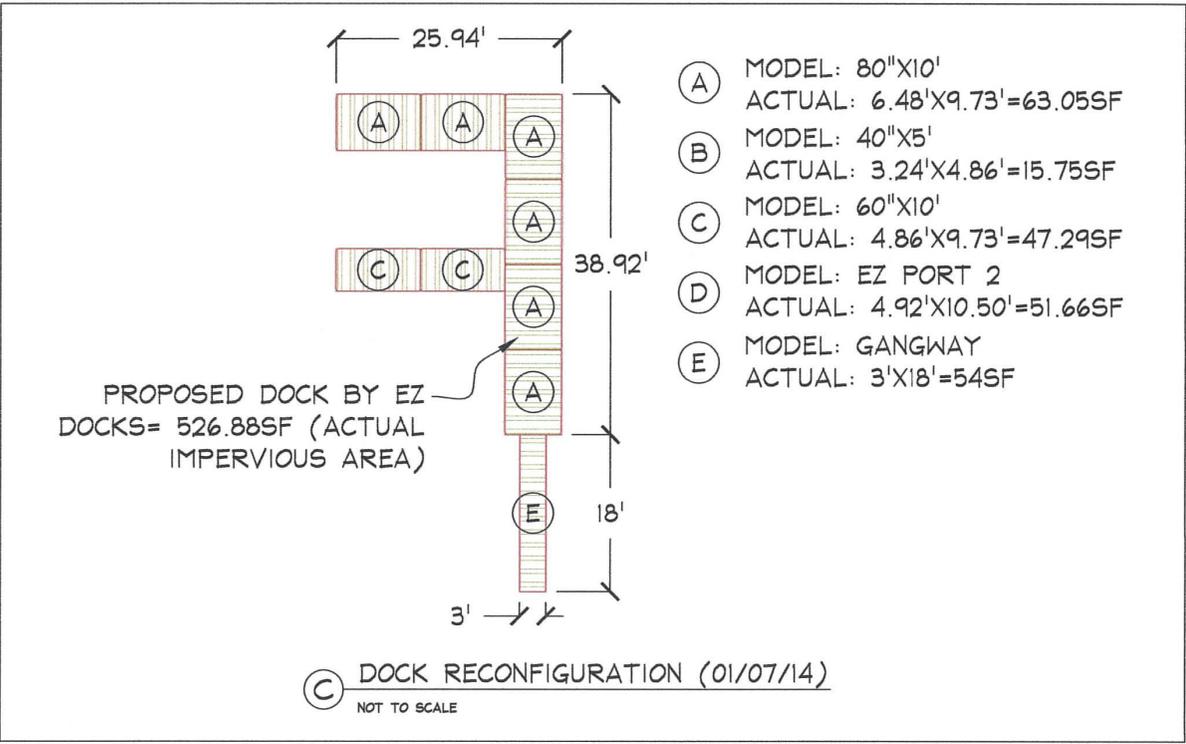
Revisions:
Addendum & Dock
Reconfiguration-01/07/14

MONTALBAN PROPERTY
LOT 9 1ST ADDITION TO WHITEFISH
LAKE SUMMER HOMES AMENDED
2520 E. LAKESHORE DR.
WHITEFISH, MT 59937
S/A, T31, R22

SCALE: N/A
DATE: 01/08/14
JOB #: 13-08

LAKESHORE APPLICATION ADDENDUM

SHEET 1 OF 1



01-08-14 P05:49 IN

**PATRICK MONTALBAN
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-13-W37
DECEMBER 30, 2013**

Property Owner: Patrick Montalban
Mailing Address: 33 First Avenue
Cut Bank, MT 59427
Telephone Number: 406.873.2235
Applicant: Bruce Boody Landscape Architect, Inc.
Mailing Address: 301 2nd Street, Suite 1b
Whitefish, MT 59937
Telephone Number: 406.862.4755
Contractor: Malmquist Construction: Andrew Barinowski
Mailing Address: 335 Spokane Avenue
Whitefish, MT 59937
Telephone Number: 406.862.7846
Property Legal Description: Lot 9, Whitefish Lake Summer Homes Addition 1
Amended, Section 14, Township 31 North, Range 22 West
Property Address: 2520 E. Lakeshore Drive
Lake: Whitefish Lake
Lake Frontage: 93.91'
Project Description: Install a 574.13 square foot 'F' shaped dock, construct 24 feet of dry-set stairs and walkway, install a waterline, and place approximately 11.7 cubic yards of fill material within the Lakeshore Protection Zone.

Proposal: The applicant is proposing to complete multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the installation of a floating 'F' shaped EZ dock and gangway. The main portion of the dock will be approximately 40 feet long by 6.5 feet wide with a breakwater wing approximately 30 feet long by 6.5 feet wide. The slip wing will be approximately 24 feet long by 5 feet wide. The dock will be connected to the shoreline by a gangway approximately 18 feet long by 3 feet wide. The dock and gangway will extend approximately 58 feet out into the lake, and will be placed in the middle of the subject property. The entire dock and gangway will equal approximately 574.13 square feet of impervious coverage.

The second activity will be the construction of a dry-set stairway and walkway, approximately 4 feet wide and 24 feet long, extending through the lakeshore protection area to the proposed dock. The stairs will connect to a series of dry-set flagstones near the high water line. The stairs and walkway will be approximately 161.13 square feet of impervious coverage.

The third activity proposed is the installation of a pump and waterline into Whitefish Lake for the purpose of domestic water and irrigation. There is an existing water right which must be

renewed and updated to include proposed irrigation use. The pump will be positioned under the main portion of the proposed dock, and the connecting waterline will be extended below the dock and gangway. This will limit potential interference with navigation and prevent snagging. The waterline will cross through the lakeshore protection zone, underneath the proposed stairway, avoiding the existing trees.

The final proposed activity is a one-time application of beach gravel to the existing lakeshore. The lakeshore regulations allow 1 cubic yard per 8 linear feet of frontage. Therefore, the applicant is requesting to place approximately 11.7 cubic yards of fill material, installed at a maximum depth of 4-6". The fill must be a minimum ¾" diameter, and be clean washed gravel materials.

The total amount of proposed impervious constructed area is approximately 735.48 square feet.

Frontage and allowable constructed area: The subject property has approximately 93.91 feet of lakeshore frontage, and is eligible for 751.28 square feet of constructed area.

Existing Constructed Area: There are no existing improvements within the Lakeshore Protection Zone or previous lakeshore permits on file for this site.

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

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

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
3. The proposed dock dimensions specified on the application project drawing shall not be exceeded. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.

Dock

6. Only one dock is permitted per property ownership.
7. The dock shall be placed in the middle of the subject property.

8. Any wood used in construction of the new dock shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly encouraged. Use of painted material, plywood, particle board or other glued composite board is not allowed.
9. If foam logs or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely encased in solid wood or a suitable impervious, non-corrosive material such as a synthetic, aluminum or galvanized sheet metal to avoid the breakup or scattering of materials. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the Lakeshore Protection Zone. All foam shall be extruded closed-cell polystyrene (blue or pink logs) unless encased in synthetic "rotomolded" floats.
10. The dock shall be constructed outside of the Lakeshore Protection Zone. Upon completion the components may be brought to the lakeshore area and launched.
11. The floating dock shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods for the dock are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks.

Stairway and Walkway

12. The stairs and walkway shall have a maximum width of four feet (4') and shall be designed to provide access only.
13. Stairways and walkways constructed of impervious material, including dry laid stone, are subject to the maximum allowable constructed area.
14. Elevated stairways shall follow the natural grade of the existing shoreline and no portion of the walking surface of the stairway or landing shall be situated higher than two (2') vertical feet above the underlying lakeshore.
15. Stairways shall be constructed of wood composite (i.e., Trex) or untreated wood left in its natural (unpainted) condition.
16. Hand railings are permitted. The railing shall not extend higher than four feet (4') above the stairway and landing walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
17. Clean, washed gravel may be used in setting the steps but cannot be used to modify existing terrain.
18. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.

Waterline

19. The waterline and pump shall be located as proposed in the application. Under no circumstances shall the waterline be located closer than 10 feet from either riparian property boundary line.
20. Water rights are required to install the water line.

21. All work shall be done when the lake is at low pool and the construction site is dry.
22. During excavation, only the minimum amount of material necessary to lay the line and power cable conduit shall be removed from the trench.
23. Any rock lying over the proposed trench shall be removed prior to excavation and saved. After refilling the trench, said rock shall be restacked over the top to serve as a protective measure to inhibit washing and erosion. Any material which is not replaced back into the trench shall be completely removed from the lakeshore protection zone.
24. A trenching machine may extend its bucket or digger into the lake to extend the trench below low water line of the lake. At no time shall the wheels of any vehicle come in contact with the lake.
25. That portion of the waterline which is not buried and does lie exposed on the bottom of the lakeshore shall be weighted to prohibit floatation or snagging. No waterline shall lie on top of or be attached to a floating dock or raft.
26. A waterline using a submersible pump shall be installed in accordance with the State Uniform Plumbing and Electrical Codes. Conduit is strongly recommended for the power cable to prevent damage by ice/rocks.

Beach Gravel Application

27. Application of gravel shall be permitted one time only to supplement a stable gravel beach. Reapplication of gravel where it washed away, silted in or revegetated over time prohibited.
28. Application of gravel is allowed only where the predominant existing surface is gravel.
29. 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.
30. Maximum fill depth is four inches (4"") to six inches (6"").
31. The volume of fill shall not exceed one (1) cubic yard per eight (8) linear feet of lake frontage.
32. Placement of gravel directly into the lake is prohibited.
33. Any fill/gravel material over the approved amount shall be completely removed from the lakeshore protection zone.

Report by: Bailey Minnich

**WHITEFISH, BLANCHARD & LOST COON LAKE
Lakeshore Construction Permit Application**

Montalban Property

Whitefish Lakeshore Construction Permit Application

Owner:

**Patrick Montalban
2520 E. Lakeshore Dr.
Whitefish, MT 59937**

Date Submitted:

12/11/2013

Prepared By:

**Bruce Boody Landscape Architect, Inc.
301 E. 2nd St.
Whitefish, MT 59937
(406) 862-4755ph**



Bruce Boody Landscape Architect, Inc. Whitefish MT

I hereby authorize Bruce Boody Landscape Architect, Inc. to act on our behalf as applicant in all matters regarding my Whitefish, Blanchard, and Lost Coon Lake Lakeshore Construction Permit Application.



Signature

Patrick M. Montalban
Print Name

12/16/2013
Date



411 West 4th Street | Whitefish, MT 59937
Phone 406-862-7920 | Fax 406-862-7921
www.rossganderson.com | info@rossganderson.com

**Attachment to Whitefish Lakeshore Construction Permit Application
For the Montalban Property (Job #13-08)
Whitefish, Flathead County**

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Bruce Boody Landscape Architect, Inc. Whitefish MT

WHITEFISH, BLANCHARD & LOST COON LAKE Lakeshore Construction Permit Application

A permit is required for any work, construction, demolition, dock/shore station/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, 3,144.80' msl (NAVD 1988) for Blanchard Lake and 3,104' msl (NAVD 1988) for Lost Coon Lake. Please fill in all information, sign and pay the appropriate fees. In order to be on the next Lakeshore Protection Committee Meeting agenda the completed application must be submitted a minimum of **3 weeks** prior to the next regularly scheduled meeting and all required information must be provided in order to be deemed complete and scheduled for the next meeting date. The Committee meets on the second Wednesday of every month. An incomplete application will not be accepted.

Submit Application To:

Whitefish Planning and Building Department
PO Box 158
510 Railway Street
Whitefish MT 59937
Phone (406) 863-2410 Fax (406) 863-2409

OWNER

Name Patrick Montalban Ph. 406.873.2235 (work)
Mail
33 First Ave. SW
City,
Cut Bank, MT 59427
Project address (if other than above):
2520 E. Lakeshore Dr., Whitefish, MT 59937

APPLICANT (If Other Than Owner)

Bruce Boody Landscape
Name Architect, Inc. Phone 406.862.4755
Mail Address 301 2nd St Suite1b
City,
State, Zip Whitefish, MT 59917

How many feet of the lake frontage do you own? 93.91LF (Per Survey)	Legal Description (available from annual property tax notice) <u>Lot/Tract#:</u> <u>Section:</u> <u>Township</u> <u>Range:</u> Lot 9 (Whitefish S14 T31N R22W Lake Summer Homes Addition 1, Amended)
--	---

CONTRACTOR: Malmquist Construction: Andrew Barinowski PHONE#: 406.862.7846

bear@malmquist.com

Mail Address: 335 Spokane Ave., Whitefish, MT 59937

FEES:

Administrative Permit (no committee meeting)	\$75
Administrative Permit (w/ committee meeting)	\$255
Standard Permit	\$350 base fee (1 activity)
<i>(Activity is defined as a separate component or project that by itself would require a permit)</i>	\$140 each additional activity
Variance – Minor	\$490/variance – added to standard permit fee Supplemental Application Required
Variance – Major	\$1,400/variance – added to standard permit fee Supplemental Application Required
“After-the-Fact” Permit	4 times the normal fee

DEC 12 2013

Page | 1

1. 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).

SEE ATTACHED

2. 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.

N/A

3. 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.

N/A

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

N/A

5. The following Project Information must be included.

- Is VICINITY MAP attached? YES
- Is SITE PLAN attached? YES
- Is PROJECT DRAWING attached? YES
- Are at least 3 PHOTOS of work site attached? YES

1 photo of property from lake, 2 photos showing lakeshore protection zone from property boundary towards other property boundary, i.e., from north property line across to south property line, and photos of each existing structure or constructed area within the lakeshore protection zone (dock, rock walls, stairs, etc)

I hereby state that the statements contained herein and the materials attached hereto are a true and complete statement of all proposed work and its effects (or probable effects) on the lake and lakeshore and that I have answered all questions in the application. The signing of this application signifies approval for City Planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Bruce Boody ASLA 12/12/13
Owners Signature (May be signed by applicant but authorization letter from owner must be attached.) Date:

BRUCE BOODY
Print Name

All work will be inspected for conformity with permit. The permit is valid for one year from date of approval. The permit can be renewed by the governing body upon request.

**Attachment to Whitefish Lakeshore Construction Permit Application
For the Montalban Property (Job #13-08)
Whitefish, Flathead County**

Lakeshore Application Description of Existing Conditions and Proposed Work

1. 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).

Lakeshore Activity #1:

The project proposes to build a 4' wide (max.) dry-set stone walkway and dry-set stone stairs down to the lakeshore and dock proposed referenced in Activity #2 below.

Lakeshore Activity #2:

Activity #2 proposes the installation of a dock and gangway (574.13sq. ft.) by EZ Docks.

Lakeshore Activity #3:

Activity #3 proposes the installation of a pump and water line in Whitefish Lake for purposes of domestic water and irrigation. There is an existing water right that needs to be renewed and updated to include irrigation. This is in process and will be acquired by Applied Water Consulting, Inc. Attached is a copy of the existing water right. The course of the water line is such that it will avoid existing trees within the lakeshore protection zone.

Lakeshore Activity #4:

The project has an area at the lakeshore that is predominantly existing native gravel. Activity #4 proposes a one-time application of beach gravel. The property has 93.91 linear feet of lake frontage. Lakeshore regulations allow one cubic yard per eight linear feet of frontage. The gravel quantity shall not exceed 11.7 cu. yd., and shall be installed at a maximum depth of 4-6". The beach gravel shall be clean, washed gravel of ¾" to 1½" diameter, free of silts, sands and fine materials, and shall match the color, size and character of the native gravel existing on the lakeshore.

2. 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.

As a result of this work, we anticipate no negative environmental impacts.

3. 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.

There are no existing improvements in the lakeshore protection zone or previous lakeshore permits on file for this project.

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

N/A



**Attachment to Whitefish Lakeshore Construction Permit Application
For the Montalban Property (Job #13-08)
Whitefish, Flathead County**

Lakeshore Activity Calculations

Bruce Boody Landscape Architecture, Inc.

Square Footage Calculations within Lakeshore Protection Zone:

Total Allowable Impervious Constructed Area: 93.91 LF (Straight Line Measurement) x 8' = 751.28 sq. ft.

Proposed Impervious Constructed Area:

Proposed Dock	574.13 sq. ft.
Proposed Stone Stairs	161.13 sq. ft.
Proposed Total:	735.48 sq. ft.

Total Proposed Impervious Area: 735.48 sq. ft.



Bruce Boody Landscape Architect, Inc. Whitefish MT

Attachment to Whitefish Lakeshore Construction Permit Application
For the Montalban Property (Job #13-08)
Whitefish, Flathead County

Existing Lakeshore Photos:

Bruce Boody Landscape Architecture, Inc.



Photo #1: Existing Lakeshore Looking North



Photo #2: Existing Lakeshore Looking South



Photo #3: Existing Native Gravels at Lakeshore

GENERAL ABSTRACT

Water Right Number: 76LJ 146914 00 STATEMENT OF CLAIM
Version: -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: PATRICK M MONTALBAN
PO BOX 488
CUT BANK, MT 59427

Priority Date: June 14, 1969
Enforceable Priority Date: June 14, 1969

Type of Historical Right: USE

Purpose (use): DOMESTIC

Maximum Flow Rate: 25 GPM

Maximum Volume: 1.50 AC-FT
Households: 1

Source Name: WHITEFISH RIVER (WHITEFISH LAKE)
Source Type: SURFACE WATER

Points of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1	NENWNW	14	31N	22W	FLATHEAD

Period of Diversion: JANUARY 1 to DECEMBER 31
Diversion Means: PUMP
Subdivision: WFSH LAKE SUMMER HOMES ADD1AMD TRACT/LOT: 9

Period of Use: JANUARY 1 TO DECEMBER 31

Purpose (use): DOMESTIC
Place of Use: (1 total records)

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		1	NENWNW	14	31N	22W	FLATHEAD

Subdivision: WFSH LAKE SUMMER HOMES ADD1AMD TRACT/LOT: 9

Geocodes/Valid: 07429214203050000 - Y

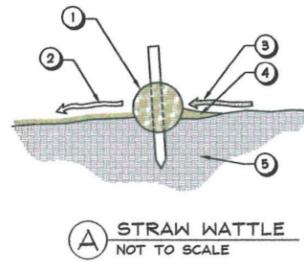
Remarks:

THE VOLUME AND PLACE OF USE WERE AMENDED BY THE CLAIMANT ON 12/10/2008 PURSUANT TO SECTION 85-2-233(6), MCA.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

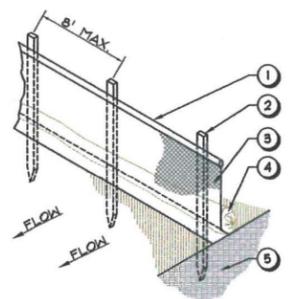
OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 64422 RECEIVED December 10, 2008



- 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

(A) STRAW WATTLE
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" (NOM.); 2 1/2" DIA. WOOD, SCHED 40 STEEL PIPE, OR 1.33 LB/FT MIN. STANDARD "T" OR "U" SECTION STEEL. FENCE POSTS SHALL BE 42" MIN. IN LENGTH, DRIVEN 18" MIN. INTO GROUND.
 - ③ SILT FENCE FABRIC, SEE NOTES
 - ④ INSTALL STRAW WATTLES ON UPHILL SIDE OF FENCE, SEE DETAIL A, THIS SHEET
 - ⑤ EXISTING UNDISTURBED SUBGRADE

NOTES:

1. SILT 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" WIDE X 1/2" LONG), SPACED EVENLY AT 5 PER POST OR NO. 14 GAUGE NAILS (1" LONG WITH 3/8" BUTTON HEAD) SPACED EVENLY AT 4 PER POST.
2. ENDS OF INDIVIDUAL ROLLS OF FABRIC SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST WITH A MINIMUM 6" OVERLAP.
3. ECO BERM OR FILTERSOX IS RECOMMENDED AS A PREFERRED OPTION TO BE USED IN PLACE OF SILT FENCING.

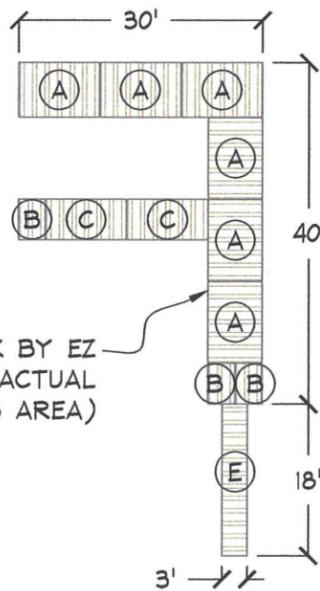
(B) SILT FENCE
NOT TO SCALE

LAKESHORE PROTECTION ZONE SQUARE FOOTAGE CALCULATIONS

TOTAL ALLOWABLE IMPERVIOUS CONSTRUCTED AREA:			
SHORELINE (LINEAR FEET)	93.91 LF	X 8 SF	751.28 SF
EXISTING CONSTRUCTED AREA: N/A			
PROPOSED IMPERVIOUS CONSTRUCTED AREA:			
	PROPOSED STONE WALK & STEPS	161.35 SF	
	PROPOSED DOCK & GANGWAY	574.13 SF	
PROPOSED IMPERVIOUS TOTAL:		735.48 SF	

LAKESHORE PROTECTION ZONE/10' SETBACK PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	QNTY	SIZE	REMARKS
SHRUBS					
⊕	*Rosa woodsii	Woods Rose	3	2 Gal.	
⊕	*Spiraea douglassi	Pink Spirea	16	1 Gal.	
⊖	*Symphoricarpos albus	White Snowberry	2	5 Gal.	
NATIVE RESTORATION/REVEGETATION					
⊗	Restore Native Area = 198.23sf±	Salvage Native Species from onsite availability and purchase remainder.			
	*Aralia nudicaulis	Wild Sarsaparilla	3	10%:Plugs @ 36" o.c.-Irreg. Spacing	
	*Calamagrostis rubescens	Pine Grass	20	20%:Plugs @ 18-24" o.c.-Irreg. Spacing	
	*Clintonia uniflora	Queens' Cup	23	10%:Plugs @ 12-18" o.c.-Irreg. Spacing	
	*Fragaria virginiana	Wild Strawberry	15	15%:Plugs @ 18" o.c.-Irreg. Spacing	
	*Mahonia repens	Creeping Oregon Grape	25	25%:Plugs @ 18-24" o.c.-Irreg. Spacing	
	*Smilacina stellata	Star Flowered False Solomons Seal	20	20%:Plugs @ 18-24" o.c.-Irreg. Spacing	
	* Native Plant Material				



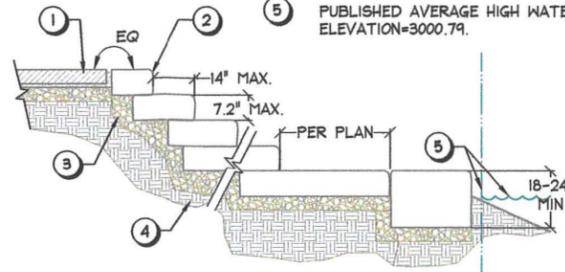
PROPOSED DOCK BY EZ DOCKS= 574.13SF (ACTUAL IMPERVIOUS AREA)

(C) PROPOSED DOCK
NOT TO SCALE

- (A) MODEL: 80"X10'
ACTUAL: 6.48'X9.73'=63.05SF
- (B) MODEL: 40"X5'
ACTUAL: 3.24'X4.86'=15.75SF
- (C) MODEL: 60"X10'
ACTUAL: 4.86'X9.73'=47.29SF
- (D) MODEL: EZ PORT 2
ACTUAL: 4.92'X10.50'=51.66SF
- (E) MODEL: GANGWAY
ACTUAL: 3'X18'=54SF

DETAIL LEGEND

- SYM. DESCRIPTION
- ① PROPOSED DRY-SET STONE PAVING PER PLAN
 - ② OVERSIZE STONE SLAB STEP (4' WIDE MAX.) STONE TO MATCH COLOR & STYLE OF STONE RETAINING WALLS.
 - ③ 1" GRAVEL LEVELING COURSE (NO FINES), MIN. NEEDED FOR LEVELING, COMPACTED TO 95% (TYP.)
 - ④ EXISTING UNDISTURBED COMPACTED SUBGRADE
 - ⑤ PUBLISHED AVERAGE HIGH WATER ELEVATION=3000.79.



(D) DRY-SET STONE SLAB STEPS
NOT TO SCALE

BRUCE BOODY
Landscape Architect Inc.
201 Second Street
Suite 10
Whitefish, VT 05497
PHONE: 802-884-0733
Fax: 802-884-0733
www.bruceboody.com

SURVEY BY:
EBY AND ASSOCIATES, SURVEYORS
P.O. BOX 7144
KALIBPELL, VT 05401-7144
PHN: (406) 795-5529

Revisions:

MONTALBAN PROPERTY
LOT 9 1ST ADDITION TO WHITEFISH LAKE SUMMER HOMES ATTENDED
2020 E. LAKESHORE DR.
WHITEFISH, VT 05497
514, T51, R2Z

SCALE: N/A
DATE: 12/11/13
JOB #: 13-08
LAKESHORE APPLICATION PROJECT PLAN

SHEET 8 OF 8

PLANNING & BUILDING DEPARTMENT
510 Railway Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



January 13, 2014

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

Re: Final Plat for Murray Meadows Subdivision; WFP 13-05

Honorable Mayor and Council Members:

This office is in receipt of a final plat application from Rob Pero with technical assistance from Marquardt & Marquardt Surveying, Inc. This is a 2-lot residential subdivision located at 101 Murray Avenue. The property is zoned WR-2 (Two Family Residential District). The City granted a preliminary plat waiver approval on November 26, 2013, as the waiver criteria outlined in Section 12-3-7 of the Whitefish Subdivision Regulations were met. The City granted the approval subject to 9 conditions.

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 shall comply with Chapter 12-4 of the Whitefish Subdivision Regulations.

- This condition has been met. The final plat conforms to the Whitefish Subdivision Regulations.

Condition 2. The Montana Department of Environmental Quality and Whitefish Public Works Department shall approve the water and sewer facilities.

- This condition has been met. The Montana Department of Environmental Quality has reviewed the proposal and a letter has been submitted with the application for final plat. The City of Whitefish Public Works Department will review the water and sewer facilities at the time a building permit is submitted for Lot 2.

Condition 3. Lot 1 shall be addressed as 101 Murray Avenue and Lot 2 shall be addressed as 103 Murray Avenue. Please place these addresses on the face of the plat.

- This condition has been met. The addresses have been placed on the face of the final plat.

Condition 4. A fee in lieu of installing sidewalks shall be paid prior to final plat. The fee shall be based on a 5-foot wide sidewalk for the Murray Avenue frontage. Contact the Public Works Department for the most recent fee.

- This condition has been met. The applicant has submitted a fee in lieu of installing sidewalks to the Public Works Department.

Condition 5. If impervious surface of the lot exceeds 5,000 square feet, a stormwater plan, designed by an engineer, shall be required.

- This condition has been met. As Lot 2 is undeveloped, a statement has been placed on the face of the final plat stating if impervious surface exceeds 5,000 square feet, a stormwater plan shall be submitted.

Condition 6. A separate water & sewer service shall be provided to each lot in accordance with the City of Whitefish's policies and design standards.

- This condition has been met. Currently water and sewer is available within Murray Avenue. A note has been placed on the face of the final plat that lot owners are responsible for connection from the individual lots to municipal facilities.

Condition 7. The lots shall only access off Murray Avenue. Driveway access shall comply with Section 8.3 of the City of Whitefish Engineering Standards, February 2009 of latest edition. Driveway limitations should appear on the plat.

- This condition has been met. Notes have been placed on the face of the final plat that the first 80 feet of the driveways shall be paved, as well as Section 8.3 of the City of Whitefish Engineering Standards regarding driveway construction.

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

- House numbers shall be located in a clearly visible location.

- This condition has been met. The note has been placed on the face of the final plat.

Condition 9. The preliminary plat approval is valid for three years and shall expire on November 26, 2016.

- This condition has been met. The applicant has submitted the final plat application and complied with all approved conditions prior to the expiration of the preliminary plat on November 26, 2016.

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

Sincerely,



Bailey Minnich, CFM
Planner II

Attachments: 2 reproducible Mylar of final plat
11x17 copy of final plat
Final plat application (received 12-23-13)
Copy of Preliminary Plat Approval letter (11-26-13)
Letter – applicant (12-17-13)
Letter – DEQ, EQ#14-1547 (12-9-13)
Certificate of Title, First American Title Company, File No. 488652-CT (12-2-13)
Treasurer’s Certification (12-12-13)

c/w/att: Necile Lorang, Whitefish City Clerk

c/wo/att: Rob Pero 1290 Birch Point Drive, Whitefish, MT 59937
Marquardt and Marquardt Surveying, 201 3rd Avenue W, Kalispell, MT 59901



City of Whitefish
 Planning & Building Department
 PO Box 158
 510 Railway Street
 Whitefish, MT 59937
 Phone: 406-863-2410 Fax: 406-863-2409

12-23-13 P01:23

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

FINAL PLAT APPLICATION

FEE ATTACHED \$ 2380.00
 (See most current fee schedule)

Project /Subdivision Name: Murray Meadows

OWNER(S) OF RECORD:

Name: Robert W. Pero Phone: 253-6147

Mailing Address: 1290 Birch Point Drive

City, State, Zip: Whitefish, MT 59937

Email: rijpero@aboutmontana.net

APPLICANT (if different than above):

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

TECHNICAL/PROFESSIONAL:

Name: Marguardt Surveying Phone: 755-6285

Mailing Address: 201 3rd Ave W

City, State, Zip: Kalispell, MT 59901

Email: augusta@mmsurvey.net

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

Date of Preliminary Plat Approval: 11/26/13

Type of Subdivision: Residential Industrial _____ Commercial _____ PUD _____ Other _____

Total Number of Lots in Subdivision 2 Land in Project (acres) 0.32 ac

Parkland (acres) _____ Cash-in-Lieu \$ _____ Exempt

NUMBER OF LOTS BY TYPE:

Single Family: Townhouse: _____ Mobile Home Park: _____ Duplex: _____ Apartment: _____

Recreational Vehicle Park: _____ Commercial: _____ Industrial: _____ Planned Unit Development: _____

Condominium: _____ Multi-Family: _____ Other: _____

Legal Description of the Property: Lot 10, Block 1, Murray's Homes in NE 1/4 NE 1/4 of Section 35, T31N R22W - Assessor's Tract No. 0970410

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.

<u>Not</u> <u>Applicable</u>	<u>Attached</u>	(MUST CHECK ONE)
<input checked="" type="checkbox"/>	<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.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Montana DEQ Health Department Certification (<i>Original</i>)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Title Report (<i>Original, not more than 90 days old</i>)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Tax Certification (<i>Property taxes must be paid</i>)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Consent(s) to Plat (<i>Originals and notarized</i>)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineer's Certification (<i>Original</i>)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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 checked="" type="checkbox"/>	Approach Permit (<i>when applicable</i>)
	<input checked="" type="checkbox"/>	Plat: signed mylars: 2, 24" x 36" paper copy: 2, 11" x 17" paper copy: 1 and .pdf The plat must be signed by all owners of record, the surveyor and the examining land surveyor.

A complete final plat application must be submitted no less than **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.

I certify that all information submitted is true, accurate and complete. I understand that incomplete information will not be accepted and that false information will delay the application and may invalidate any approval. The signing of this application signifies approval for Planning & Building staff to be present on the property for routine monitoring and inspection during the approval and development process.



 Owner(s) Signature

12/23/13

 Date

****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 a Drawing Interchange File (DXF) format or an AutoCAD file format, 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

PLANNING & BUILDING DEPARTMENT
510 Railway Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



November 26, 2013

Robert W Pero
1290 Birch Point Dr
Whitefish, MT 59937

RE: Lot 10 Block 1 in Murrays Homes, S35 T31N R22W – Waiver of Preliminary Plat;
WPP 13-05 Murray Meadows

Dear Mr. Pero:

This is in response to your application for a preliminary plat waiver for a residential subdivision at the above described property owned by Robert W Pero. The request would create two single family residential lots. Lot 1 is proposed to be 6,000 square feet and Lot 2 is proposed to be 7,965 square feet. The lots will be accessed from Murray Avenue. The subject property is currently zoned WR-2 (Two Family Residential District). The minimum lot size in this district is 6,000 square feet and the minimum lot width required is 50 feet (§11-2G-4 Whitefish Zoning Regulations (WZR)).

Property owners within 150 feet of the subject property were mailed notice of the public comment period on October 30, 2013. Our office received 5 written comments regarding the proposal. The issues raised included the potential height of a new residence which may block neighboring property views, the location of the access for Lot 2 along the neighboring property line, building density within the neighborhood, concerns regarding construction of a duplex on the new lot, additional traffic generation and parking on Murray Avenue, and the overall size of the proposed lots.

Staff researched the concerns of the neighbors and determined that Lot 2 would not be permitted to construct a multi-family structure as the 'flag' portion of the proposed lot may not be utilized for the total calculated lot area (§11-3-14(A)(2)(b) WZR). Therefore, for building development purposes, Lot 2 would have a maximum lot area of approximately 6,209 square feet, which only permits a single family dwelling. Unfortunately, there is no alternative available to reduce the potential height of a new structure as the WR-2 zoning allows a residential structure to have a maximum height of 35 feet. Additionally, while the zoning regulations do not regulate the location of a potential driveway, the City of Whitefish does have standards for how close a driveway may be located to a property line. The applicant would be required to comply with those standards when a building permit is submitted, as well as pave the first 80 feet of the driveway to comply with the zoning regulations. Also, the applicant has submitted a parking plan showing the location of off-street parking areas for both lots.

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 shall comply with Chapter 12-4 of the Whitefish Subdivision Regulations.
2. The Montana Department of Environmental Quality and Whitefish Public Works Department shall approve the water and sewer facilities.
3. Lot 1 shall be addressed as 101 Murray Avenue and Lot 2 shall be addressed as 103 Murray Avenue. Please place these addresses on the face of the plat.
4. A fee in lieu of installing sidewalks shall be paid prior to final plat. The fee shall be based on a 5-foot wide sidewalk for the Murray Avenue frontage. Contact the Public Works Department for the most recent fee.
5. If impervious surface of the lot exceeds 5,000 square feet, a stormwater plan, designed by an engineer, shall be required.
6. A separate water & sewer service shall be provided to each lot in accordance with the City of Whitefish's policies and design standards.
7. The lots shall only access off Murray Avenue. Driveway access shall comply with Section 8.3 of the City of Whitefish Engineering Standards, February 2009 of latest edition. Driveway limitations should appear on the plat.

8. The following note shall be placed on the face of the plat:
 - a. House numbers shall be located in a clearly visible location.
9. The preliminary plat approval is valid for three years and shall expire on November 26, 2016.

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

Sincerely,



Bailey Minnich, CFM
Planner II

C: Public Works, City of Whitefish
Fire Department, City of Whitefish
Augusta Kickbusch, Marquardt & Marquardt Surveying Inc., 201 3rd Ave W
Kalispell, MT 59901



201 3rd AVENUE WEST
KALISPELL, MONTANA 59901
(406) 755-6285
Fax (406) 755-3055

December 17, 2013

City of Whitefish Planning & Building Department
PO Box 158
Whitefish, MT 59937

Re: Murray Meadows, Section 35, Township 31 North, Range 22 West, P.M., M., Flathead
County, Montana

Enclosed is the Final Plat application for Murray Meadows. Preliminary plat approval was granted on November 26, 2013. The conditions of approval have been met as follows:

1. The Subdivision shall comply with Chapter 12-4 of the Whitefish Subdivision regulations.

The subdivision complies with said regulations.

2. The Montana Department of Environmental Quality and Whitefish Public Works Department shall approve the water and sewer facilities.

The approval is enclosed.

3. Lot 1 shall be addressed as 101 Murray Avenue and Lot 2 shall be addressed as 103 Murray Avenue. Please place these addresses on the face of the plat.

The addresses are shown on the face of the plat.

4. A fee in lieu of installing sidewalks shall be paid prior to final plat. The fee shall be based on a 5-foot sidewalk for the Murray Avenue frontage. Contact the Public Works Department for the most recent fee.

The fee has been paid.

5. If impervious surface of the lot exceeds 5,000 square feet, a stormwater plan, designed by an engineer, shall be required.

This note has been placed on the final plat.

6. A separate water & sewer service shall be provided to each lot in accordance with the City of Whitefish's policies and design standards.

Municipal water and sewer are currently located within Murray Avenue. The Owner is responsible for connection from individual lots to municipal facilities. This note has been placed on the final plat.

7. The lots shall only access off Murray Avenue. Driveway access shall comply with Section 8.3 of the City of Whitefish Engineering Standards, February 2009 of latest edition. Driveway limitations should appear on the plat.

The 'City of Whitefish Engineering Standards, 8.3 Driveways' are listed on the face of the plat.

8. The following note shall be placed on the face of the plat: House numbers shall be located in a clearly visible location.

The note is shown on the face of the plat.

9. The preliminary plat approval is valid for three years and shall expire on November 26, 2016.

The final plat application is herewith submitted before the expiration date.

If you have any question please do not hesitate to call our office.

Sincerely,



Augusta Kickbusch
Marquardt Surveying



Montana Department of
ENVIRONMENTAL QUALITY

Steve Bullock, Governor
Tracy Stone-Manning, Director

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.mt.gov

December 9, 2013

Brandi J Eaton
Marquardt & Marquardt Surveying
201 3rd Avenue West
Kalispell MT 59901

RE: Murray Meadows
Municipal Facilities Exclusion
EQ#14-1547
City of Whitefish
Flathead County

Dear Ms Eaton;

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 and ARM 17.36.602. Under 76-4-125(2)(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 {76-4-111 (3), MCA}. 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,

Janet Skaarland
Compliance Specialist
Subdivision Section
(406) 444-1801 – email jskaarland@mt.gov

cc: City Engineer
County Sanitarian
file



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

This Form is for Subdivisions Only

BY : MARQUARDT

FOR : PERO

DATE : 12/11/13

DESCP : MURRAY MEADOWS
 (L.10 B.1 of Murray's Homes
 in 35-31-22)

PURPOSE : SUB.

YEARS

ASSESSOR #

2009 THRU 2013

0970410

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.



[Signature]
 Deputy Treasurer
 (seal)

DEC 12 2013

GUARANTEE

Issued by

First American Title Company
704 South Main/P.O. Box 1310, Kalispell, MT 59901
Title Officer: Marri Lingle
Phone: (406)752-5388
FAX: (406)752-9617

 <p><i>First American Title</i></p> <p>Guarantee</p>	<p>Guarantee Face Page</p> <p>ISSUED BY First American Title Insurance Company</p> <p>GUARANTEE NUMBER 5010500-488652-CT</p>
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First American Title Insurance Company

Dennis J. Gilmore
President

Timothy Kemp
Secretary

SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
 - (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
 - (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.
2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
 - (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records; (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
 - (c) The identity of any party shown or referred to in Schedule A.
 - (d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee

GUARANTEE CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS.

The following terms when used in the Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

2. NOTICE OF CLAIM TO BE GIVEN BY ASSURED CLAIMANT.

An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice

3. NO DUTY TO DEFEND OR PROSECUTE.

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. COMPANY'S OPTION TO DEFEND OR PROSECUTE ACTIONS; DUTY OF ASSURED CLAIMANT TO COOPERATE.

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.

- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. PROOF OF LOSS OR DAMAGE.

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate

any liability of the Company under this Guarantee to the Assured for that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY.

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.
The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.

- (b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.
To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay. Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.

7. DETERMINATION AND EXTENT OF LIABILITY.

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

Exclusions From Coverage of This Guarantee.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- (a) the amount of liability stated in Schedule A or in Part 2;
- (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. LIMITATION OF LIABILITY.

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. REDUCTION OF LIABILITY OR TERMINATION OF LIABILITY.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. PAYMENT OF LOSS.

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. SUBROGATION UPON PAYMENT OR SETTLEMENT.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company,

the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies. If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. ARBITRATION.

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

13. LIABILITY LIMITED TO THIS GUARANTEE; GUARANTEE ENTIRE CONTRACT.

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

14. NOTICES, WHERE SENT.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at **First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707. Phone: 888-632-1642.**



First American Title

Guarantee

Subdivision Guarantee

ISSUED BY

First American Title Insurance Company

GUARANTEE NUMBER

5010500-488652-CT

Subdivision or Proposed Subdivision: Murray Meadows

Order No.: 488652-CT

Reference No.:

Fee: \$150.00

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION HEREIN CALLED THE COMPANY GUARANTEES:

Marquardt & Marquardt Surveying

FOR THE PURPOSES OF AIDING ITS COMPLIANCE WITH FLATHEAD COUNTY SUBDIVISION REGULATIONS,

in a sum not exceeding \$5,000.00.

THAT according to those public records which, under the recording laws of the State of Montana, impart constructive notice of matters affecting the title to the lands described on the attached legal description:

LOT 10 OF BLOCK 1 OF MURRAY'S HOME ADDITION TO WHITEFISH, ACCORDING TO THE PLAT OR MAP THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, MONTANA.

THE ABOVE LEGAL IS TO BE KNOWN AS MURRAY MEADOWS.

(A) Parties having record title interest in said lands whose signatures are necessary under the requirements of Flathead County Subdivision Regulations on the certificates consenting to the recordation of Plats and offering for dedication any streets, roads, avenues, and other easements offered for dedication by said Plat are:

Robert W. Pero

(B) Parties holding liens or encumbrances on the title to said lands are:

1. 2013 taxes and special assessments are a lien; amounts are determined and payable. The first one-half becomes delinquent after November 30th of the current year, the second one-half becomes delinquent after May 31st of the following year.

General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein:

Year	1st Half	2nd Half	Parcel Number
2013	\$896.41 PAID	\$896.38 PAID	74 0970410

(C) Easements, claims of easements and restriction agreements of record are:

2. 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, M.C.A., including, but not limited to any right of the Public and the County of Flathead to use and occupy those certain roads and trails as depicted on County Surveyor's maps on file in the office of the County Surveyor of Flathead County.
3. Resolution No. B-1006 executed by the City of Whitefish for Annexation, recorded November 14, 1993, in Book 788, Page 517, as Doc. No. 21196 and Corrected Resolution No B-1006 executed by the City of Whitefish for Annexation recorded July 22, 1985, as Doc. No. 85-203-11400, records of Flathead County, Montana.
4. Ordinance No. 98-11, an ordinance of the City Council of the City of Whitefish, Montana, annexing certain contiguous neighborhoods into the city of Whitefish, Montana, recorded December 31, 2002, as Doc. No. 2002-365-16560, records of Flathead County, Montana.
Notice Of Rescission Of Annexation, recorded July 7, 2003, as Doc. No. 2003-188-08010, records of Flathead County, Montana.
Ordinance No. 04-21 for the annexation previously approved by Ordinance No. 98-11, recorded December 28, 2004, as Doc. No. 2004-363-09460, records of Flathead County, Montana.
5. Provisions contained in that Certificate, executed by the State of Montana, Department of Health and Environmental Services.

Date of Guarantee: December 02, 2013 at 7:30 A.M.

First American Title Company

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

By:

Authorized Countersignature



First American

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

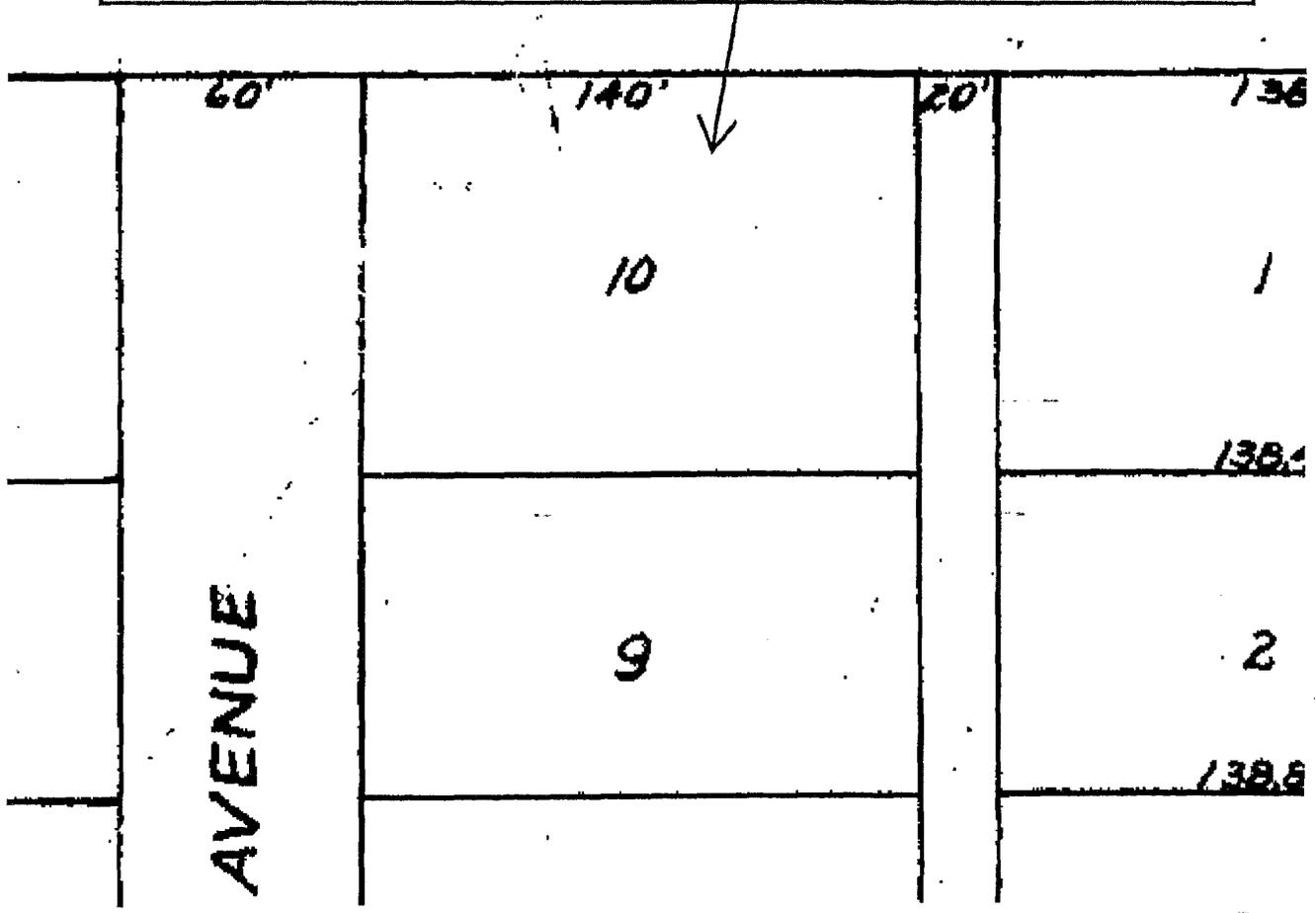
Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

"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

LOT 10 OF BLOCK 1 OF MURRAY'S HOMES



5



101300025208
Page: 1 of 2
Fees: \$14.00
9/30/2013 3:42 PM

Paula Robinson, Flathead County MT by FN

AND WHEN RECORDED MAIL TO:

Robert W. Pero
1290 Birch Pt. Dr.
Whitefish, MT 59937

Filed for Record at Request of:
First American Title Company

Space Above This Line for Recorder's Use Only

Order No.: 476302-WT
Parcel No.: 0970410

WARRANTY DEED

FOR VALUE RECEIVED,

Lilly K. Westerlund

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Robert W. Pero

whose address is: **1290 Birch Pt. Dr., Whitefish, MT 59937**

Hereinafter called the Grantee, the following described premises situated in **Flathead County, Montana**, to-wit:

LOT 10 OF BLOCK 1 OF MURRAY'S HOME ADDITION TO WHITEFISH, ACCORDING TO THE PLAT OR MAP THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, MONTANA.

SUBJECT TO covenants, conditions, restrictions, provisions, easements and encumbrances apparent or of record.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantees and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

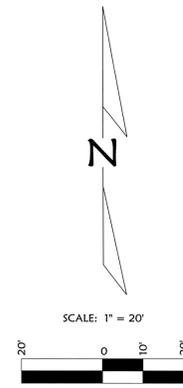
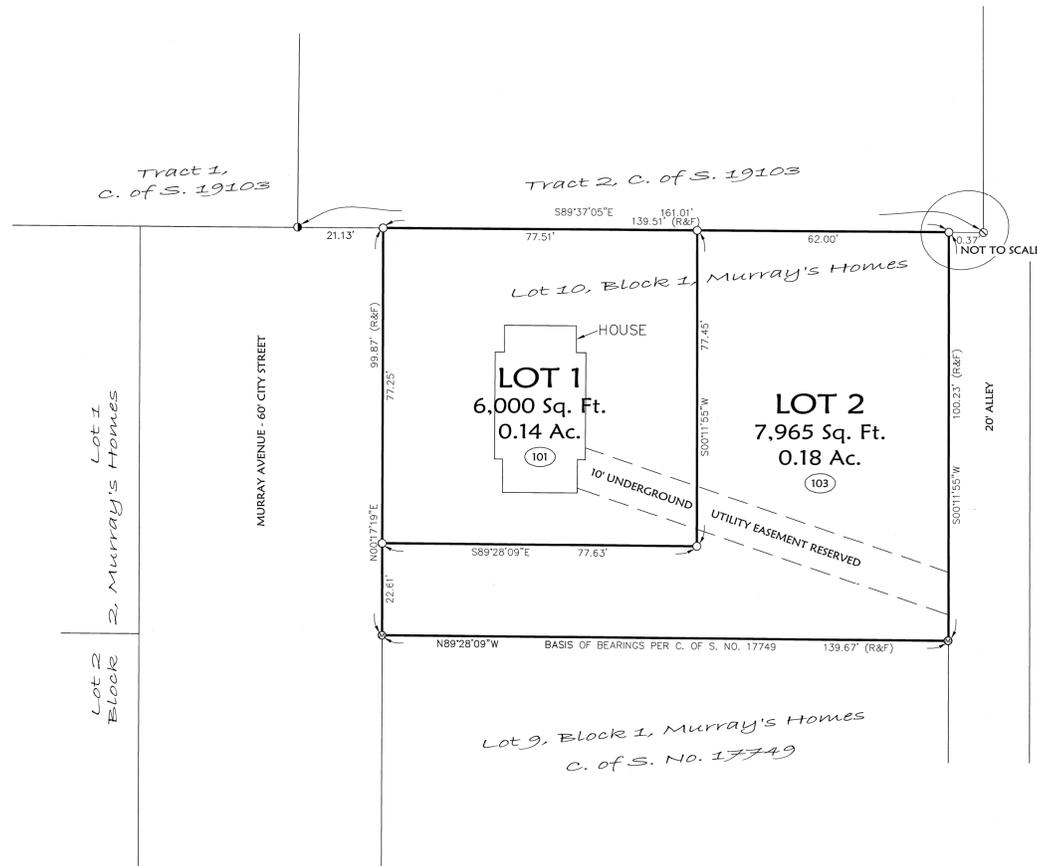
Dated: September 30, 2013

APPROVED 9/30/13A 0970410

OWNERS/
FOR: ROBERT W. PERO
PURPOSE: SUBDIVISION
DATE: DECEMBER 4, 2013

Subdivision Plat of MURRAY MEADOWS

(being an Amended Plat of Lot 10, Block 1, Murray's Homes)
NE1/4 NE1/4, Section 35, T31N R22W, P.M., M.
Flathead County, Montana



- LEGEND**
- ⊙ FOUND 5/8" REBAR WITH CAP "MARQUARDT 73285"
 - ⊙ FOUND 5/8" REBAR WITH CAP "SULLIVAN 90951"
 - ⊙ FOUND 5/8" REBAR (NO CAP)
 - ⊙ SET 5/8" BY 24" REBAR WITH PLASTIC CAP MARKED "MARQUARDT 73285"
 - ### MURRAY AVENUE PHYSICAL ADDRESS (R&F)
 - (R&F) DIMENSIONS ARE RECORD & FOUND PER C. OF S. NO. 17749

NOTES:
House numbers shall be located in a clearly visible location.
If impervious surface of the lot exceeds 5,000 square feet, a stormwater plan, designed by an engineer, shall be required.
Municipal water and sewer are currently located adjacent to the subject lots, lying within Murray Avenue. The Owner is responsible for connection from individual lots to municipal facilities.
Driveway Standards & Limitations per 8-3 Per Title 11 - Zoning Regulations, Chapter 6 - Off Street Parking and Loading, Section 11-6-3-1(D)(2): For newly constructed one- and two-family residential uses, the first eighty feet (80') of any driveway must be a paved hard surface.
City of Whitefish Engineering Standards, 8.3 Driveways:
*Paved hard surface driveways are required except as provided for in the zoning regulations. Driveways are limited to a maximum width of 22-feet except as provided below.
*Primary lots with less than 75 feet of road (street) frontage shall have only one access (driveway) not to exceed 22 feet in width within the right of way. Sublots with less than 40 feet frontage shall be limited to one driveway per lot not to exceed 11 feet in width. (Shared driveways for sublots are preferred with widths not exceeding 22 feet.)
*Driveways for adjoining lots in cul-de-sacs shall be shared when the lots have less than 50 feet of frontage. Shared approaches when required shall be designated on the subdivision plat.
Driveways shall be a minimum of 35 feet from the edge of pavement of any local street intersection.
*Driveway limitations shall appear on the plat.
*In no case shall residential driveway widths exceed 33% of the lot width within any public right-of-way.
*Permits from the Public Works Department are required for all driveway construction (refer to standard approach detail SD15).

CERTIFICATE OF DEDICATION:
I, ROBERT W. PERO, 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, County of Flathead, to-wit:

Legal Description
Lot 10, Block 1, Murray's Homes in the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 31 North, Range 22 West, P.M., M., Flathead County, Montana, containing 0.32 acre of land all as shown hereon.
Subject to and together with easements of record.
Subject to and together with easements as shown hereon.

The above described tract of land is to be known and designated as MURRAY MEADOWS.

Dated this _____ day of _____, 201__

ROBERT W. PERO

STATE OF _____
County of _____ : ss.

This instrument was signed and acknowledged before me on _____, 20__
by ROBERT W. PERO.

Printed Name: _____
Notary Public for the State of _____
Residing at _____
My Commission Expires _____

CERTIFICATE OF FINAL PLAT APPROVAL-CITY:
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, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this ___ day of _____, 20__ at _____ o'clock. Parkland Dedication is exempt per Section 76-3-621(3)(c), MCA.

JOHN MUHLFELD, Mayor
City of Whitefish, Montana
NECILE LORANG, City Clerk
City of Whitefish, Montana

CERTIFICATE OF CITY ATTORNEY:
I, MARY VAN BUSKIRK, City Attorney for the City of Whitefish, Montana, do hereby certify that I have examined the Certificate of Title, issued by a licensed title company, attached hereto, of land described in the Certificate of Dedication of the annexed plat of MURRAY MEADOWS, of Whitefish, Montana, in the city of Whitefish, Montana and find that the owners in fee simple of record have consented to platting of said subdivision.
Dated this ___ day of _____, 20__.

MARY VAN BUSKIRK, City Attorney
City of Whitefish, Montana

CERTIFICATE OF PLANNING DIRECTOR

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

DATED this ___ day of _____, ____.

(Signature)
DAVID TAYLOR
Planning Director
City of Whitefish, Montana

Approved: _____, 201__

Examining Land Surveyor
Registration No. 54285

CERTIFICATE OF SURVEYOR

DAWN MARQUARDT _____ Date _____
Registration No. 73285

STATE OF MONTANA
County of Flathead
Filed on the ___ day of _____, 201__, A.D., at _____ o'clock __m.

County Clerk and Recorder

By: _____
Deputy

Instrument Record No. _____

Date: Nov. 26, 2013	Field Crew: BP CF
Project Name: Pero Murray Homes	Revision Date: n/a
Filename: Final	Project Number: 13-127
	Drawn By: A

Marquardt Surveying
201 3rd Ave. West (406) 755-6285
Kalispell, MT 59901 info@mmsurvey.net

NOTE:
NO SEARCH HAS BEEN MADE FOR EASEMENTS AFFECTING THIS PROPERTY AND THIS SURVEY DOES NOT PURPORT TO SHOW ALL APPURTENANT EASEMENTS.

PERO MURRAY

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MANAGER REPORT

January 15, 2013



UPCOMING SCHEDULE OF WORK SESSIONS

Mayor Muhlfeld asked me to put in this report the upcoming, tentative schedule of work sessions. They are:

- January 21st (Tuesday) – Interviews for committee appointments
- February 3rd – Planned Resort District zoning;
- February 18th (Tuesday) – False Alarm ordinance and fireworks discussion and quarterly litigation update
- March 3rd - Annexation
- March 17th – open (I have a list of possible work sessions)
- April 7th – Annual City Council goals setting session
- April 14th - open (I have a list of possible work sessions)
- May 5th - open (I have a list of possible work sessions)

QUARTERLY REVIEW OF MAYOR AND COUNCIL GOALS

I do a quarterly review of the status of the goals of the Mayor and City Council with both Department Directors, at a staff meeting, and in my Manager Report for the Mayor and City Council. Below is that review. The City Council will work on goals for the next fiscal year in April at a work session.

Hwy 93 South Corridor Plan – This plan is budgeted in the FY14 budget. Dave says this project will have to follow behind the Hwy 93 West Corridor project because of workload. The City Council just extended the Hwy 93 West Corridor Plan Steering Committee to June 30, 2014, so the start of the Hwy 93 South Corridor Plan will depend on when the Hwy 93 West Corridor plan is completed.

Downtown Parking – Necile, Corey, and I are working on the spreadsheet which will help analyze the assessments on properties in the downtown area for some of the annual O&M costs of the parking structure. We have gotten several downloads of the ownership information from Flathead County and have begun work on adding some information. When we get some of the work done, I plan to return to the City Council for an update and additional direction at a future work session.

City Hall Planning – The Future City Hall Steering Committee held a design competition in December among four architectural firms. After the design competition, the Committee met twice to discuss which firm to recommend to the City Council as the preferred firm to negotiate a contract with. At their December 19th meeting, Mosaic Architecture of Helena was the overwhelmingly preferred firm of Committee members. This recommendation from the Committee will be on the agenda for the January 21st City Council meeting. The current direction from the City Council is not to enter into a contract with an architectural firm and Kimley-Horn and Associates as engineers until the assessment district for O&M costs is decided, but a selection on which firm to negotiate with can be made.

Depot Park Phase II – The restroom addition to the O’Shaughnessy Center is currently being designed and Karl hopes to go out to bid in March.

Possible Amendments to the Sign Code – There may be some minor code amendments coming forward, but it does not appear that any major changes will be coming from the Planning Board.

New Cemetery Development – I met with DNRC representatives last fall to discuss the possibility of doing water testing on a 10 acre parcel of DNRC land near the Lion Mountain Loop trailhead for the Whitefish Trail as a possible site for a cemetery. DNRC officials reviewed and discussed the concept and they came back and said they did not think an application to acquire those state trust lands for a cemetery would be supported or approved by DNRC. The primary reason was that they feel the future value of that land for sale or development will be much higher than selling it for current use as a cemetery. Also, they were concerned about the permanent nature of a cemetery (therefore it would have to be a sale, not a lease), and the potential for conflicts between users of the Whitefish Trail (and their dogs) and the adjacent land being used as a Cemetery. This outcome means that we may only do additional water testing on a smaller, five acre site at the south end of the Wastewater Treatment Plant land this spring. The columbarium or cremain vault structure for the current Cemetery is under construction in South Dakota and should be installed this spring.

Address Aquatic Invasive Species (AIS) problem – We helped to fund the operation of a new check station at Hungry Horse last summer, in conjunction with the Flathead Basin Commission and other partners. We also contracted with the Whitefish Lake Institute to do continued monitoring of Beaver Lake and to install a filter screen or bellows to help prevent any Eurasian Milfoil from migrating from Beaver Lake. Caryn Miske of the Flathead Basin Commission is scheduled to do a short presentation on the Hungry Horse check station results and the AIS generally at the February 18th City Council meeting.

Code Enforcement Improvements – Dave Taylor said that Phil Holmes has kept busy on enforcement and is also catching up on the backlog of enforcement issues.

Maintenance Plans for parks, facilities, Riverside Park, Whitefish River erosion – The maintenance plans were part of the Parks Master Plan which was adopted last fall. Karl is working on a budget proposal for the FY15 budget for some bank stabilization projects along the Whitefish River in Riverside Park.

Whitefish River Waterway Development and Improvement – The City Council passed Resolution No. 2013-34 on November 4th to petition the Montana Fish and Wildlife Commission to restrict a portion of the Whitefish River to electric motors and manually powered watercraft only. That petition was forwarded to the Fish and Wildlife Commission on December 5th.

Economic Development – Public/Private Partnerships and Targeted Business Assistance – There was not much activity in this area in the last quarter. Hurrah! Lip Balm was turned down in their request for a Conditional Use Permit in the building that formerly was the Independent High School.

BNSF – CECRA site cleanup, Whitefish River, overall relationship – Jessica Gutting of DEQ gave us this update last summer:

BNSF completed the Whitefish River cleanup as required by EPA under the Oil Pollution Act this summer, and DEQ required some final confirmation sampling in July to be incorporated into the Human Health Risk Assessment for the Whitefish River. Assuming the confirmation sampling confirms cleanup is complete and BNSF incorporates all DEQ comments on the risk assessment, DEQ anticipates approving the document this fall. This would essentially be DEQ's approval of the cleanup that BNSF did on the river.

An interim action work plan is underway to collect some further data to adequately define a trichloroethene (solvent) plume underneath the roundhouse. This work plan has already been reviewed once by DEQ, and is awaiting BNSF's incorporation of comments and re-submission. The collection of this data is slated for Fall 2013. This data will be used to determine the best way to cleanup this plume.

The Supplemental Remedial Investigation Report has been reviewed by DEQ and comments are currently being incorporated into the document by BNSF. Assuming BNSF adequately incorporates DEQ's comments, DEQ expects this document to be approved by November 2013. Once this is completed, then the site can move on to the next phase, which would be the Human Health Risk Assessment for the Facility. DEQ and BNSF have already been meeting to determine the most effective and efficient way to approach this phase. Once the risk assessment is complete, BNSF will complete the Feasibility Study which looks at all of the identified areas of contamination at the facility along with all the interim actions that have been completed and evaluates the best cleanup options to address remaining contamination. Once that is complete, DEQ will identify its preferred cleanup option in the Proposed Plan and solicit public comment. After evaluation and incorporation of public comment, DEQ will issue its decision identifying the final remedy for the facility, which BNSF will implement.

If you have any other questions or need further clarification, please let me know.

*Sincerely,
Jessica Gutting*

Whitefish Trail & work with Whitefish Legacy Partners – The City Council approved the Spencer Trail Recreation Use License. DNRC has not signed it yet as they are awaiting an operational plan required from the previous Whitefish Trail license and easement. The bill of \$1,741,147.52 from DNRC for the required payment on Spencer due by November 19, 2013 was paid by the Whitefish Legacy Partners.

Water Quality Improvements (water rights, City Beach, stormwater projects) – The City Beach bilge catchment area is part of the engineering project that was awarded to Robert Peccia and Associates. WGM Group was awarded conceptual planning for stormwater projects including Monegan Road, the Crestview area, and some other projects. We are still working with BNSF on ownership of the north end the Riverside Park stormwater detention pond. Karin Hilding is going to do an evaluation of all of our stormwater outfalls into the Whitefish River to look for possible improvements. On water rights, our joint application with the Whitefish Lake Golf Club for additional pumping out of Whitefish Lake was advertised on January 8th in the Daily Interlake and is scheduled for consideration after February 21st. Our other supplemental water rights application for additional future pumping out of Whitefish Lake for potable water treatment at our Water Treatment Plant is not far away from getting similar scheduling.

Affordable Housing – On November 18, 2013, the City Council approved using \$86,895 of Tax Increment Funds to allow the Whitefish Housing Authority to renovate the two dilapidated houses on 1st Street that were donated by BNSF to the Housing Authority. Those renovations are currently underway.

MDT – Hwy 93 West Project - The project is open and mostly complete. Landscaping and the rest of the sidewalks and the ped-bike path will be completed in the spring. John Wilson said that MDT is planning to bid out Phase II of the project (Karrow Avenue to just past State Park Road) in May and hopefully begin construction in June.

Parks Master Plan – This plan was approved by the City Council last November. The Mountain Trails Park Master Plan committee was established last fall and will soon begin work.

Explore extent of annexation waivers for utility contracts – At a work session on August 5th, the City Council directed staff to work first on an annexation of properties on East Lakeshore Drive and then work on annexation of the Houston Drive area. While three of the East Lakeshore Drive properties were annexed by petition of the property owners on October 7th, the rest will be done by a different method of annexation. I am working on a schedule for that annexation, but a service plan needs to be prepared and there are many other legal steps before going forward with that annexation. I am going to plan another work session with the City Council on annexation soon prior to beginning those two specific annexation projects.

Long term financial planning and sustainability – Not much occurred in this area in the last quarter.

Green Initiatives – The Future City Hall Steering Committee has talked about the pros and cons of actually getting LEED certification, but we are certainly going to design along those lines regardless of whether or not we go for certification. There may be some future cost versus current cost trade-offs that we will have to consider.

Records Management/Imaging Phase II – Nothing underway at this point.

Redesign City website - The new website was deployed on January 2nd. Some departments are still adding content and filling out some pages.

MEETINGS

Only internal meetings since the last City Council meeting.

UPCOMING SPECIAL EVENTS

Winter Carnival Coronation – Friday January 17th at 7:30 p.m.

Winter Carnival – Friday February 7th through Sunday, February 9th. Parade on Saturday.

REMINDERS

Monday January 20th – Martin Luther King holiday – City Hall is closed

Tuesday, January 21st – City Council meeting because of Monday holiday

Respectfully submitted,



Chuck Stearns
City Manager

RESOLUTION NO. 14-_____

A Resolution of the City Council of the City of Whitefish, Montana, calling for an election on the question of conducting a local government review and establishing a study commission to do so.

WHEREAS, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten (10) years to determine whether the local government will undertake a local government review procedure; and

WHEREAS, § 7-3-173, MCA, requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

WHEREAS, the City Council of the City of Whitefish last called for an election on conducting a local government review in 2004; and

WHEREAS, the City Council of the City of Whitefish must also select ballot language and determine the number of study commission members that will be elected if the voters approve conducting a local government review and establishing a study commission.

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

Section 1: The City Council hereby calls for an election to be conducted at the time of the June 3, 2014, primary, to determine whether the voters of the City of Whitefish desire to conduct a local government review and establish a study commission.

Section 2: The ballot language to be submitted to the voters of the City of Whitefish shall read as follows:

Vote for 1:

- FOR the review of the government of the City of Whitefish and the establishment and funding, not to exceed \$5,000.00, of a local study commission consisting of three (3) members to examine the government of the City of Whitefish and submit recommendations thereon.

- AGAINST the review of the government of the City of Whitefish and the establishment and funding, not to exceed \$5,000.00, of a local study commission consisting of three (3) members to examine the government of the City of Whitefish and submit recommendations thereon.

Section 3: As indicated in the ballot language set forth above, the City Council determines that the appropriate number of study commission members is three (3).

Section 4: If approved by the voters, a study commission comprised of three (3) members shall be elected at the general election of November 4, 2014.

Section 5: 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 _____, 2014.

John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

MEMORANDUM

#2014-002



To: Mayor John Muhlfeld
City Councilors

From: Chuck Stearns, City Manager

A handwritten signature in blue ink that reads "Chuck Stearns".

Re: Staff Report – Resolution calling for an election on Local Government Review –

Date: January 14, 2014

Introduction/History

Article XI, Section 9 of the Montana Constitution requires that, every ten years, each local government jurisdiction put an election ballot question before its voters on whether or not the voters want to study and review the jurisdiction's form and structure of government. The actual language from the constitution is below:

Section 9. Voter review of local government. (1) *The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.*

(2) *The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election.*

This ballot question needs to be a part of the June, 2014 primary election. If voters pass the ballot question, then local government review commissioners would be elected at the November, 2014 election and those commissioners would do their work during 2015.

Current Report

City Attorney Mary VanBuskirk has prepared a resolution calling for the election question on the June, 2014 primary ballot. The City Council does not need to take any policy position on whether or not a review of local government is desirable, but you certainly could take such a position if you were interested.

Financial Requirement

We will incur a cost for the June ballot question, but it will likely be less than \$5,000 (the cost in 2004 was \$1,015.36). There would be additional costs to help support the efforts of a local government study commission next year if the voters decide to review the form and structure of the City which we have put in the Resolution as \$5,000.00. The budget for a local government review commission in Whitefish in the mid-1990's was \$5,000, but not all of that was spent. In the mid-2000's, \$2,500.00 was budgeted for a study commission and only \$730.82 was spent.

Recommendation

Staff respectfully recommends the City Council adopt a Resolution calling for an election on the question of conducting a local government review and establishing a study commission to do so.

From: [Clark, Daniel](#)
To: [Chuck Stearns](#)
Cc: [Blessum, Jennifer](#)
Subject: RE: Voter Review Information
Date: Thursday, January 09, 2014 5:04:31 PM

Chuck,

I have reviewed the data from the voter review from 10 year ago and this is what I have found:

- Typical study commission size was 3-5 members. Missoula County and City of Missoula both had 7 and the largest commission was Butte/Silverbow at 9.
- Several smaller communities elected 5 commissioners (i.e. Walkerville, Virginia City and Sunburst) while some larger communities had only 3 commissioners (i.e. Dillon, Whitefish, Livingston).
- I think 5 commissioners is a good size. It could become overwhelming for 3 volunteers to meet the demands and expectations of the review process and 7-9 could become unwieldy and a challenge to manage.
- When calculating the expenses, I highly recommend budgeting the cost of sending the Study Commissioners to the Local Government Review Study Commission Workshop training in Dec. 2014. The training will teach the commissioner their role and scope and hopefully help them to focus on their charge and not “rabbit trail”. The workshop registration will be \$250/each plus mileage meals and hotel. We are also flirting with the idea of hosting a regional training (Missoula or Kalispell) for study commissioners after their first year when they are beginning to formalize their recommendations. This will likely have a fee and travel associated with it.
- With a rough back of an envelope calculation, I could see a budget for Whitefish be in the range of \$5000 - \$7000. If you have 5 commissioners + 1 ex-officio member and you need to account for mileage to and from Bozeman, meals, registration (\$250/ea), hotel (\$100/ea/night 2-3 nights), printing cost for reports, community open houses, community surveys, additional training/consultants, etc.
- Last Review cycle, Whitefish appointed Gary Marks as the ex-officio member to represent the city on the Study Commission. If he is still around, he could provide some insights into how the process worked in Whitefish.
- All unexpended funds from the voter review process is returned to the City’s general fund. A total of \$1.73 million was unused by city and county study commissioners 10 years ago and was added to their respective general funds.

I hope this is helpful and answers your questions.

Dan

Dan Clark
Director
MSU Local Government Center
Culbertson Hall 235-A
P.O. Box 170535

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Chuck Stearns

From: Necile Lorang [nlorang@cityofwhitefish.org]
Sent: Tuesday, October 08, 2013 9:11 AM
To: cstearns@cityofwhitefish.org
Subject: Fw: Property annexation

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

From: [Chris Erler](#)
To: nlorang@cityofwhitefish.org
Sent: Tuesday, October 08, 2013 9:01 AM
Subject: Property annexation

Hi Necile,

I just built a new home on Rest haven Drive over the past two years and am ready to have my sewer valve turned on. Imagine my surprise when I was told that it wouldn't be turned on unless I basically sign over my entire 4 acre property to the City of Whitefish for annexation, and waive any future rights to appeal an annexation. My property is in the County, but this is a sewer line extension that all residents in the subdivision are paying the full cost of through a levy (RID) on our property tax bill. In addition, no one else in the subdivision that I know of has had to fill out this form as a condition of connecting.

I would like to contact the Mayor, Deputy Mayor, and the City Manager regarding this issue, and possibly bring it before Council as this policy crosses the boundary lines on many levels, not just legally. Please provide me with email addresses for these City officials, or forward this to them so they can reply and discuss this. Also, could you please provide instructions on how to bring this before Council if I cannot get a satisfactory resolution from talking to City officials.

Thank you.

Chris Erler
2855 Rest Haven Drive
Whitefish, MT

Chuck Stearns

From: Chuck Stearns [cstearns@cityofwhitefish.org]
Sent: Tuesday, October 08, 2013 2:21 PM
To: 'erler08@gmail.com'
Cc: 'Necile Lorang'; 'John Muhlfeld'; 'Bill Kahle'; 'Mary VanBuskirk'
Subject: Property annexation

Mr. Erler:

I am responding to your email below regarding our policy of requiring a petition to annex and a waiver of the right to protest a future annexation in return for being allowed to connect onto the City wastewater system.

First, I will address the legality of the policy which you question. Section 7-13-4134 MCA, the relevant Montana state law, shown below, clearly indicates that cities may require consent to annexation as a condition of providing water or sewer services outside the City. This law was originally enacted in 1925 (see highlighting) and has long been a part of Montana law and Montana municipal practice. The legality was tested in court cases and Montana municipalities have prevailed in these cases. I was Finance Director and City Clerk in Missoula, MT in 1989-1991 when the City of Missoula was sued for annexing over 10,000 people, many against their will. The District Court ruled in favor of the City of Missoula and upheld the legality of Missoula's required petitions and waivers.

7-13-4314. Annexation as requirement for receiving service. Any person, firm, or corporation receiving water or sewer service outside of incorporated city limits may be required by the city or town, as a condition to initiate such service, to consent to annexation of the tract of property served by the city or town. The consent to annexation is limited to that tract or parcel or portion of tract or parcel that is clearly and immediately, and not potentially, being serviced by the water or sewer service.

History: En. Sec. 1, Ch. 71, L. 1925; amd. Sec. 1, Ch. 134, L. 1929; re-en. Sec. 5040.1, R.C.M. 1935; amd. Sec. 1, Ch. 6, L. 1955; amd. Sec. 1, Ch. 63, L. 1957; amd. Sec. 1, Ch. 194, L. 1961; amd. Sec. 1, Ch. 229, L. 1971; R.C.M. 1947, 11-1001(4).

The City of Whitefish pursued several, contentious annexations in 1998 using the waivers of protesting annexation and another method of annexation and those annexations were upheld in 2004 at the Montana Supreme Court. However, because of those lawsuits, the City also began requiring Petitions to Annex in addition to waivers of the right to protest annexations because annexations under one section of Montana law are more easily accomplished with a petition to annex rather than just a waiver. However, we still require the waiver in case we don't want to annex a particular property right away. Also as a result of those annexations, the City Council decided generally just to annex people right away when they petition to annex unless there are good reasons not to annex them. These policies have been in place since January 4, 1999.

Regarding Rest Haven, we do have waivers of the right to protest which were signed by property owners who connected onto the RSID sewer line. Some properties may have changed ownership since the waivers were signed which is why we record the waivers and petitions at the Flathead County Clerk and Recorder. Then the documents show up in the Title Report when properties are bought and sold.

We have never chosen to annex Rest Haven yet because it is still pretty far out, however we are certainly moving city limits in that direction. Three properties by the entrance to Les Mason Park were annexed at last night's meeting via petitions they signed for sewer service. The City Council has also directed staff to pursue annexation of other lots in the Jennings Lakeside Road area and follow that annexation up by pursuing annexation of Houston Drive.

While I don't think we will immediately annex your property, that is ultimately a City Council decision. I would imagine the annexation of as much of Rest Haven as possible will be considered in the future.

If you are not satisfied with these explanations of the long held City policies, you may write a letter addressed to the Mayor and City Council and that letter will be put on the agenda for the following meeting of the City Council at which time you could address the Mayor and City Council. If you want to pursue such a letter, please send it to me or Necile Lorang, City Clerk.

If you have further questions regarding our annexation policies, please feel free to call me at 863-2406 or email me. I have copied Mayor John Muhlfeld and Deputy Mayor Bill Kahle with this response, so then you have their email addresses as you requested.

Chuck Stearns
City Manager
City of Whitefish
P.O. Box 158
418 East 2nd Street
Whitefish, MT 59937-0158
Telephone - 406-863-2406
Fax - 406-863-2419
Cell -
cstearns@cityofwhitefish.org



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

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To: nlorang@cityofwhitefish.org
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I would like to contact the Mayor, Deputy Mayor, and the City Manager regarding this issue, and possibly bring it before Council as this policy crosses the boundary lines on many levels, not just legally. Please provide me with email addresses for these City officials, or forward this to them so they can reply and discuss this. Also, could you please provide instructions on how to bring this before Council if I cannot get a satisfactory resolution from talking to City officials.

Thank you.

Chris Erler
2855 Rest Haven Drive
Whitefish, MT

Chuck Stearns

From: Chris Erler [erler08@gmail.com]
Sent: Tuesday, October 08, 2013 3:24 PM
To: Chuck Stearns
Subject: Re: Property annexation

Thanks for the fast reply Chuck.

There are a few issues of concern in your response, the first one being that the law you are quoting is from 1925. Any law that old was probably enacted with an entirely different purpose, and intent, than what the City of Whitefish is using it for - that being a land grab to gain control of all of Whitefish Lake and the tax revenue that goes with it. I imagine that back in 1925 people also had a CHOICE as to whether or not they wanted to connect to the City line; because the DEQ now won't issue a permit for a septic field if there is a sewer line nearby, what you are essentially doing is holding people "hostage" if they don't want to be using an outhouse permanently. It is fine to quote an old law, and legal precedents supporting victories in court, but this is also just simply ethically wrong as there is no other choice for property owners. Another issue is the residents of the subdivision are paying the full cost of the line extension and have turned it over to the City of Whitefish to become your property, in trust, for you to provide service. Was this also the case in 1925, or in the Missoula example? Lastly (for today), my particular parcel was part of a sub division in the 1980's and an easement was recorded to the City of Whitefish in 1994, I believe, for access to any sewer system for construction, maintenance, etc. Everything was done as per the laws and codes that were in effect at that time, and long before Jan.4, 1999, so what I would like to know is when exactly did the sewer extension go into the Rest Haven subdivision, and how many residents out of the total number of homes have signed this?

In my view, and any reasonable person's opinion, paying for the extension through an RID, purchasing all of the sewer equipment for the STEP system and turning it over to you as your property, having an easement on the property for your access, paying the impact fees, paying the deposit, and paying a ridiculously high sewer bill every month should be more than enough for a home owner to acquire sewer service without the added "kick in the pants" of having to sign over their property for annexation. The City needs to wake up and start treating people fairly instead of stepping on them to feed what seems to be a voracious appetite to gain control of the donut area. Just because there is an old law on the books does not mean you need to use it.

I look forward to a reply and an answer to the few questions in this email. Thank you.

Chris Erler

On Tue, Oct 8, 2013 at 2:21 PM, Chuck Stearns <cstearns@cityofwhitefish.org> wrote:

Mr. Erler:

I am responding to your email below regarding our policy of requiring a petition to annex and a waiver of the right to protest a future annexation in return for being allowed to connect onto the City wastewater system.

First, I will address the legality of the policy which you question. Section 7-13-4134 MCA, the relevant Montana state law, shown below, clearly indicates that cities may require consent to annexation as a condition of providing water or sewer services outside the City. This law was originally enacted in 1925 (see highlighting) and has long been a part of Montana law and Montana municipal practice. The legality was tested in court cases and Montana municipalities have

Chuck Stearns

From: Chris Erler [erler08@gmail.com]
Sent: Tuesday, October 08, 2013 5:06 PM
To: Chuck Stearns
Subject: RE: Property annexation

Thanks Chuck,

I really do appreciate your time and the replies but I can't agree with you, and sometimes emails do sound harsh. Nobody minds paying their fair share but my neighbor's sewer bill last month was \$110! Just for sewer, no water, or garbage, or anything else. Do you have any idea how out of line that is? An average sewer bill should be in the neighborhood of about \$30 per month, so if we were to calculate the difference over a year, I am sure we all more than make up for the difference in the fire coverage, etc. It's not even a real sewer, fluids only. And then there is the local tourist tax that everyone pays in a State that does not have a tax, lots of extra revenue there too, we should be able to have a fire truck, police officer, and an ambulance parked on Rest Haven full time, just waiting for something to happen. People in the donut area also keep a lot of your businesses " in business " and spend a major amount of money in your City - we don't just show up and use services. I have personally stimulated your local economy to the tune of about \$400,000 in the last two years. Maybe I should have bought that 12 acres just outside of Lakeside instead. If you think that everyone who comes to your City should pay their way because they sit on a park bench or walk on a sidewalk downtown, maybe you are going to have to try and annex Kalispell and Columbia Falls as well. Whitefish has a poor public image and is already well known for being poorly run and overly expensive, it's maybe time to start changing that. Cheers.

Chris

On 2013-10-08 4:07 PM, "Chuck Stearns" <cstearns@cityofwhitefish.org> wrote:

Mr. Erler:

The law was also amended in 1971 as it shows at the end of the annotations, so it is probably up to date and has been used continuously by cities for annexations. If you want to research when the sewer extensions went in to Rest Haven and how many residents have connected, you should contact our Public Works Department at 863-2460.

Just as you have some harsh comments for the City, you should try to understand it from our perspective. For example, we currently subsidize your Fire service. You get the same Fire Department service that city residents get, yet you pay \$90 per year for that service whereas a house valued for taxes at \$200,000 in Whitefish city limits pays \$247 per year for Fire and Ambulance service. For the same Fire Department and the same level of service, you may think that is fair, but we do not. When we considered a five year transition to end our contract with the Whitefish Fire Service Area a few years ago because they didn't want to pay near the cost for the service, we were again demonized with comments similar to yours. People in the doughnut use City services such as roads, police protection, water, sewer, library, parks, and planning regularly, but do not pay property taxes to support those services and we think people should pay for services that they regularly use.

Chuck Stearns

City Manager

City of Whitefish

P.O. Box 158

418 East 2nd Street

Whitefish, MT 59937-0158

Telephone - [406-863-2406](tel:406-863-2406)

Fax - [406-863-2419](tel:406-863-2419)

Cell -

cstearns@cityofwhitefish.org



From: Chris Erler [mailto:erler08@gmail.com]

Sent: Tuesday, October 08, 2013 3:24 PM

To: Chuck Stearns

Subject: Re: Property annexation

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There are a few issues of concern in your response, the first one being that the law you are quoting is from 1925. Any law that old was probably enacted with an entirely different purpose, and intent, than what the City of Whitefish is using

Chuck Stearns

From: Chris Erler [erler08@gmail.com]
Sent: Friday, October 11, 2013 9:55 AM
To: Chuck Stearns
Cc: Necile Lorang; John Muhlfeld; Bill Kahle; Mary VanBuskirk
Subject: Re: Property annexation

Good morning Chuck,

All arguing and bantering aside, I would like to officially request that I be allowed to connect to the Rest Haven Drive sewer extension line without having to put my entire 4 acre parcel up for annexation by the City of Whitefish. My request is based on the following points:

1. Myself, and the residents of the Rest Haven subdivision are paying the full cost of the sewer line extension through an RID on our property tax bills.
2. I have had to pay the full cost for the Orenco Systems STEP tank/pump, as well as all the excavavtion and installation costs, as specified by the City. This now gets turned over to you and becomes City property.
3. Exception #14 on the Title documents to my property already have recorded an easement granted to the City of Whitefish for the purpose of access to the sewer equipment for maintenance, repairs, etc. I believe this was recorded in 1994, prior to any City "policy" requiring property owners to have their property annexed as a condition of connecting to the sewer. I have not been able to find an official City policy or by-law, in writing, in regards to this - perhaps someone could email it to me.
4. There is no need for the City to annex my property as there currently are no plans for the City to annex the Rest Haven subdivision. In addition, my property is not on the lakeshore and is exempt from most CAO requirements because I am outside of the 200 foot zone.
5. Lastly, and maybe most importantly, residents of Rest Haven currently have no choice but to use your sewer line - the DEQ will not issue a permit for a septic field because the sewer line is nearby. If I did have the choice, your policy may have some merit, but with no choice the poilicy walks a fine line of extorsion and, at the very least, is both ethically and morally wrong. I believe it also goes against the intent of the law that is on the books originating in 1925, that you have quoted me, and against the basic principles of private property and democracy.

I am more than willing to pay my connection/impact fees, and grudgingly pay the very high monthly sewer bills as a customer. I hope reason and common sense will prevail in this matter and if not, I would like to bring this before City Council sometime in the near future. Thank you.

Chris Erler
2855 Rest Haven Drive
Whitefish, MT

On Tue, Oct 8, 2013 at 2:21 PM, Chuck Stearns <cstearns@cityofwhitefish.org> wrote:

Mr. Erler:

Return to: Necile Lorang, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

**CONTRACT AGREEMENT FOR ANNEXATION AND
CITY WATER AND/OR SANITARY SEWER SERVICE**

THIS AGREEMENT is entered into as of _____ day of _____, 20____, by and between the City of Whitefish, a municipal corporation ("CITY") as grantor of City water and/or sanitary sewer services, and _____ ("OWNER"), as grantee recipient(s) of City water and/or sanitary sewer services, whose mailing address is _____ with respect to the following facts:

- A. CITY owns and operates a municipal water and sanitary sewer system.
- B. OWNER is the sole owner of the real property that is legally described below, or as fully disclosed and shown on Exhibit "A" attached and made a part of this Agreement ("OWNER'S REAL PROPERTY"):

LEGAL DESCRIPTION

- C. OWNER'S REAL PROPERTY is located outside of the current corporate limits of the CITY.
- D. OWNER desires to obtain municipal water/sewer service from the CITY to serve OWNER'S REAL PROPERTY.
- E. The parties desire to enter into an Agreement pursuant to MCA § 7-13-4312, for the CITY to furnish municipal water and/or sanitary sewer service at rates adopted in accordance with Montana State Law in return for OWNER'S agreement that OWNER'S REAL PROPERTY may be annexed to the corporate limits of the CITY at any time.

In consideration of the performance of the terms and conditions of this Agreement on the part of each party, and pursuant to MCA §§ 7-13-4312 and 7-13-4314, it is hereby agreed as follows:

(1) Furnishing of Sewer Services: The CITY hereby agrees to furnish municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY. Unless otherwise agreed in writing between the parties, OWNER shall be solely responsible for all costs involved in extending municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY and connecting OWNER'S REAL PROPERTY to the municipal water and/or sewer system. Nothing in this Agreement shall obligate CITY to pay the costs of right-of-way acquisition, engineering, construction and other related costs involved in extending or connecting municipal water and/or sewer service to OWNER'S REAL PROPERTY.

(2) Municipal Water and/or Sanitary Sewer Connections: Upon approval by the CITY Public Works Department of the design and construction of all the municipal water and/or sanitary sewer lines and other facilities necessary to serve OWNER'S REAL PROPERTY, and acceptance of all of such water and/or sewer facilities by the CITY, OWNER will be given permission to connect no more than _____ connection to the CITY'S municipal water and/or sanitary sewer system. Any additional water and/or sewer connections shall require a new application for service and approval obtained from the CITY Public Works Department.

Upon approval by the CITY Public Works Department, OWNER will be given permission to extend _____ water and sanitary sewer stubs from the municipal sanitary via the _____ to the property line of the property described herein. Any additional water and/or sanitary sewer stubs shall require a new application for CITY water and/or sanitary sewer service. Prior to connecting any residential or commercial building or any other structure to the water and/or sanitary sewer service stub-out(s), a request must be submitted to CITY for municipal water and/or sanitary sewer service describing the use of the building proposed to be connected. The request is to be reviewed and approved by CITY prior to any connection of a residential or commercial building, or other structure. No residential or commercial building or any other structure shall be allowed to connect to the municipal water and/or sanitary sewer service extension unless approval has first been obtained from the CITY Public Works Department.

(3) Transfer of Title: Within thirty (30) days of the completion of the construction and CITY acceptance of the said water and/or sanitary sewer extension, OWNER hereby agrees to transfer, or cause to be transferred to CITY by appropriate documents any right, title and interest that OWNER may have in the municipal water and/or sanitary sewer lateral and main extensions to be built by OWNER to provide service to the herein described property.

OWNER agrees to provide necessary utility easements for construction, installation, maintenance, replacement, and repair of CITY utility mains needed to provide requested services to the OWNER'S REAL PROPERTY. OWNER also agrees to transfer

and convey to the CITY any community-served utility systems owned by OWNER that are part of the service to the OWNER'S REAL PROPERTY. OWNER agrees that the municipal water and/or sanitary sewer line extension to the property shall be constructed in a public right-of-way or on land either owned by the OWNER or subject to an appropriate easement approved by CITY, granting OWNER, CITY, and their successors and assigns the right to construct, repair, and maintain the sanitary sewer extension lines. If any portion of the lateral extension is constructed on land owned by OWNER at the time OWNER transfers their interest in the sanitary sewer extension line to the CITY, OWNER shall also grant the CITY an appropriate easement for construction, repair, and maintenance of the municipal water and/or sanitary sewer extension lines.

(4) Maintenance: Upon completion and acceptance of construction and the approval of access to the municipal water and/or sanitary sewer lines constructed in easements, maintenance, and repair of the mains servicing OWNER'S REAL PROPERTY shall become and remain the responsibility of CITY. Maintenance and repair of the lateral service lines serving the OWNER'S REAL PROPERTY shall become and remain the responsibility of the OWNER.

(5) Rates, Rules and Policies: OWNER agrees to pay to the CITY such charges, rates, and fees, including but not limited to connection fees and impact fees, as are established by the CITY in accordance with Montana Law. In addition, OWNER agrees to comply with and be subject to all of the CITY'S rules, regulations and policies, as amended from time to time, with respect to the operation of the CITY'S municipal water and/or sanitary sewer system.

(6) Annexation: OWNER hereby petitions the CITY to annex the OWNER'S REAL PROPERTY. OWNER consents to and waives the right to protest the annexation when the CITY elects annexation. When the CITY annexes the OWNER'S REAL PROPERTY, any obligations of this Agreement not fulfilled or completed survives the annexation and remain a burden upon the property. OWNER acknowledges and agrees that the CITY is willing to provide municipal water and/or sanitary sewer services only if OWNER provides all of the promises and representations contained in this Agreement. Pursuant to MCA § 7-13-4314, the CITY requires that any person, firm, or corporation outside of the incorporated CITY limits is required, as a condition to initiate such service(s), to consent to annexation of the tract served by the CITY, and in consideration for the CITY'S agreement to provide municipal water and/or sanitary sewer service, OWNER agrees to consent to annexation under the following conditions and in the following manner:

- a) OWNER hereby irrevocably consents to the annexation of OWNER'S REAL PROPERTY, and OWNER irrevocably waives any right of protest to any annexation proceedings initiated by the CITY. OWNER agrees that the CITY may initiate annexation of OWNER'S REAL PROPERTY, relying upon this consent and waiver of protest, at any time in the future, without limitation. OWNER acknowledges that, but for this waiver, OWNER would have a right to protest the annexation of OWNER'S REAL PROPERTY.

- b) OWNER hereby petitions to have OWNER'S REAL PROPERTY annexed to the CITY, pursuant to Montana law. OWNER agrees that the CITY may act on this petition at any time in the future, without limitation. OWNER furthermore expressly waives the provisions of MCA § 7-2-4608, which provides, in effect, that no property used for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purposes or for any purpose incident thereto shall be annexed pursuant to the provisions of MCA § 7-2-4601, et seq.
- c) OWNER hereby signs the petition requesting annexation attached to and made a part hereof under this Agreement for municipal water and/or sanitary sewer services at the time of signing this Agreement. Such Petition shall be filed with the City Clerk.
- d) OWNER acknowledges and agrees that OWNER has had an opportunity to inspect the contents of the CITY'S Plan for Extension of Services, as adopted by the CITY, and which describes the manner in which CITY services may be extended to properties annexed by the CITY. OWNER acknowledges and agrees that OWNER is satisfied with the CITY'S Plan for Extension of Services, and that the CITY'S Plan for Extension of Services adequately provides for the extension of CITY services to OWNER'S REAL PROPERTY. OWNER hereby waives the right to object or otherwise challenge the CITY'S Plan for Extension of Services.
- e) OWNER hereby irrevocably waives for all time the right to file an action in court to challenge, for any reason, the CITY'S annexation of OWNER'S REAL PROPERTY, whether such annexation occurs now or in the future.
- f) OWNER acknowledges and agrees that all of OWNER'S REAL PROPERTY, as described above, will clearly and immediately, and not merely potentially, be serviced by the municipal water and/or sanitary sewer service to be provided by the CITY pursuant to this Agreement.
- g) OWNER agrees that if ever OWNER, their heirs, assigns, successors, purchasers, administrators, personal representatives or subsequent holders of title to OWNER'S REAL PROPERTY, breach, challenge, disregard, or otherwise violate any of the terms of this Agreement, the CITY may, after providing twenty (20) days written notice, terminate water and/or sanitary sewer services to OWNER'S REAL PROPERTY, in addition to any other remedies that the CITY may have.
- h) OWNER agrees that if OWNER, in violation of this Agreement, submits a protest to the annexation of OWNER'S REAL PROPERTY, the CITY may disregard such protest, in addition to any other remedies that the CITY may have.

- i) The promises, covenants, representations, and waivers provided pursuant to this Agreement are voluntarily and knowingly given, with full knowledge of the OWNER'S legal rights. OWNER acknowledges and agrees that it is has had an opportunity to consult with legal counsel of its choice regarding the provisions of this Agreement.

(7) Recording; Binding Effect: OWNER agrees that this entire Agreement shall be recorded in the office of the Clerk and Recorder of Flathead County, and OWNER agrees that this Agreement shall run to, with, and be binding upon OWNER'S REAL PROPERTY and OWNER'S title to such real property, and shall be binding upon the OWNER'S heirs, assigns, successors, administrators, personal representatives and any and all subsequent holders or owners of OWNER'S REAL PROPERTY.

(8) Future Deeds: Subsequent to this Agreement all deeds to parcels of land within the property subject to this Agreement granted by OWNER shall contain the following consent to annexation and waiver:

The Owner hereby covenants and agrees that acceptance of this deed does constitute a waiver of the statutory right of protest against any annexation procedure initiated by the City of Whitefish with respect to the property described herein. Owner also agrees that acceptance of a deed constitutes an obligation on the part of Owner to initiate annexation procedures per the Petition to Annex on file at the City Clerk's Office.

This consent to annexation and waiver shall run with the land and shall forever be binding upon the Owner, transferees, successors and assigns.

OWNER agrees that this Agreement shall be binding even if OWNER fails to include the language set forth above in future deeds. After annexation of OWNER'S REAL PROPERTY, future deeds need not contain the language set forth above.

(9) Term: This Agreement shall be in perpetuity.

(10) Entire Agreement: This Agreement contains the entire agreement between the parties and any additional agreement hereafter made shall be ineffective to alter, change, modify or discharge it in whole or in part, unless such additional agreement is in writing and signed by the parties hereto.

(11) Partial Invalidity: Each term, covenant, condition or provision of this Agreement shall be viewed as separate and distinct, and in the event that any such term, covenant, condition or provision shall be held by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

(12) 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

County of Flathead) ss.
)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

(SEAL)

Notary Public for the State of _____

[print or type name of Notary]
Residing at _____
My Commission expires: _____

Points for Council to consider when reviewing the packet, and my request:

1. Page 7 of the packet is the main part of my request to Chuck Stearns to allow me to connect to the sewer line. The couple of emails previous to that, on pages 4 and 5, were not intended for Council but were included by Mr. Stearns - there are some harsh comments but Council needs to know how people feel about the way they are being treated. My main concern is that the City policy of making annexation a condition of connecting to the sewer line is, at the very least, ethically wrong and unfair to home owners especially when taking into account how much we have already paid to have service:

- RSID #131 over a twenty year period to pay for the cost of the line. After talking to some long time residents, the historical context of the project was to improve the water quality of Whitefish Lake – a direct benefit to the City of Whitefish with respect to water treatment costs.
- an easement on my Title documents granted to the City for access.
- CAO rules and regs – an additional \$2500 in engineering fees, and my lot is exempt from most rules.
- \$4000 Orenco sewage system, specified by the City plus approximately \$2000 for installation.
- Connection fees of \$1500 to \$2500 depending on the number of bathrooms in the house.
- after connecting, average monthly sewer bills 3 to 4 times what they are in City limits.
- in addition, the City wants me to sign over the property for annexation AND pay an additional expense of taking it to a lawyer and having it notarized.

2. Page 2 is Mr. Stearns first email reply to me, and I would like Council to **consider the INTENT of the 1925 Law** he references as the basis for the City of Whitefish policy. With any law, the original intent of it is the most important factor to consider – in 1925 I would assume the following:

- municipalities would have used the law to acquire adjacent bare lands for expansion, and to build new homes. It wouldn't have been used to annex existing sub divisions that are miles out of City limits and have no empty lots available. The City should have no interest in Rest Haven as there are only 3 or 4 empty lots.
- the residents at that time would not have paid the full cost of the installation of the utility through an RSID on their property taxes. If this was a sewer line fully paid for by the City, and I had a choice of connecting or not connecting to it, then the City policy might have some merit.

3. Further down on that same page of the packet (page 2), Mr. Stearns states that the City does have waivers to the right to protest from homeowners in the Rest Haven sub division. This led me to believe that most of the homes owners had signed the annexation documents. Further research conducted by the City Clerk, and the Public Works Department shows that only 7 out of a possible 69 lots in Rest Haven have had to sign the annexation documents, and only 1 of the 7 have petitioned the City for annexation. In that same email I received from Public Works, it states that most homes were connected to the sewer because of RSID 131, which my lot was a part of. I have included that email and attachment in this addition to the original packet.

Email response to my request for information on how many homes have signed the annexation documents, received from Public Works November 27th, 2013.

Gmail - FW: 2855 Resthaven

Page 1 of 3



Chris Erler <erler08@gmail.com>

FW: 2855 Resthaven

3 messages

Rose Elliott <relliott@cityofwhitefish.org>
To: Chris Erler <erler08@gmail.com>
Cc: csteams@cityofwhitefish.org

Wed, Nov 27, 2013 at 4:36 PM

Chris,

Attached is a picture of your sewer pumping system, please see email below regarding the approval of your system. If you have questions about the final approval, please contact Randy Reynolds at 406-253-8602. Also attached is information regarding the properties in Rest Haven - per Necile our City Clerk - most of the properties in Rest Haven currently on our sewer is due to the County RSID that was done to get those properties on sewer in the early 1990's.

I have not had the time to get the exact number of accounts on our sewer system, but a rough estimate is around 58 homes.

Rose Elliott
Utility Services Supervisor
City of Whitefish
Phone: (406) 863-2456
Fax: (406) 863-2419
relliott@cityofwhitefish.org

www.whitefish.govoffice.com

. Please consider the environment before printing this email

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

From: Randy Reynolds [mailto:rreynolds@cityofwhitefish.org]
Sent: Friday, November 01, 2013 8:45 AM
To: rose Elliott
Subject: 2855 Resthaven

Rose

On 10/31/13 Tim Johnson and I went out to 2855 Rest haven Drive and did an inspection on their sewer pumping system . They may need to install an anti siphon device because of the elevation of their pump in relation to the main . Tim would like to see the handles on the pump basket secured so the basket cant tip see photo. The City will maintain the system once the two items have been addressed

<https://mail.google.com/mail/?ui=2&ik=86a8c17508&view=pt&cat=2855%20Rest%20H...> 12/16/2013

Document received from City of Whitefish Public Works as the email attachment on November 27, 2013. This shows only 7 homes out of approximately 69 total County lots that have signed annexation documents.

Waivers of Protest Agreements (waiving any and all right to protest in regard to any attempt made or to be made by the City of Whitefish, Montana, to Annex and to make a part of said City of Whitefish) – in Rest Haven:

Lot 4, Block 1 of Rest Haven Addition #1, 2674 Rest Haven Drive (1993)

Lots 32 & 33, Rest Haven, 2814 and 2818 Rest Haven Drive (1997)

Lot 44, Rest Haven, 2862 Rest Haven Drive (1992)

Lot 49 Rest Haven, 2882 Rest Haven Drive (1993)

Lot 50, Rest Haven, 2880 Rest Haven Drive (1992)

Agreement for Annexation and City Sewer Service

Lot 6A of the Amended Plat of Lots 6 & 7, Block 1, of Rest Haven Addition No. 1, 2682 Rest Haven Drive (2007)

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Erler Title Documents – Please Note Exception #14

Plain Language Commitment

Commitment No.: **369174-FT**
Page 6 of 9

11. Terms and Conditions contained in Easement for the installation of a Drainfield by and between Don and Sally Clark, Westwind Co., and Bruce Pfrimmer , recorded September 10, 1981 in Book 724 of , Page 369, as Doc. No. 12600.
12. Easement for a Drainfield granted to L. H. Ullly Holdings, LTD , recorded October 14, 1982 in Book 750 of , Page 495, as Doc. No. 15255.
13. Provisions contained in that Certificate, executed by the State of Montana, Department of Health and Environmental Services, filed with Certificate of Survey No. 11424, recorded October 14, 1993, as Doc. No. 1993-287-11300.
14. Easement for the purposes of construction, maintaining, repairing, altering or reconstructing a STEP (septic tank effluent pump) sanitary sewer collection system granted to the City of Whitefish, recorded February 4, 1994 Doc. No. 1994-035-09100.
15. Agreement upon the terms, conditions and provisions contained therein:
Parties: Can-American Exchange, Inc., NKA Resthaven Landholdings, Inc. and Elbert L. Manzari and Leah N. Manzari
Recorded: August 2, 2004, Doc. No. 2004-215-08520

Addendum to Agreement (Walkway Easement), recorded April 28, 2006, as Doc. No. 2006-118-08090.
16. Exception No. 16 was intentionally deleted on February 22, 2011.
17. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Certificate of Survey No.(s) 11424 and 17123 , but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
18. Covenants, Conditions and Restrictions recorded January 13, 2006 as Doc. No. 2006-013-12140, but omitting any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status, or national origin to the extent that such covenants, conditions or restrictions violate 42 USC 3604(c).
19. Road Maintenance Agreement upon the terms, conditions and provisions contained therein:
Parties: Catherine P. Hurtgen and Catherine C. Dellin
Recorded: January 13, 2006, Doc. No. 2006-013-12150

NOTE: The foregoing numbered exceptions (1-4 and 6) may be eliminated in an ALTA Extended or EAGLE Coverage Policy.

Chuck Stearns

From: Rose Elliott [relliott@cityofwhitefish.org]
Sent: Wednesday, November 27, 2013 4:36 PM
To: 'Chris Erler'
Cc: cstearns@cityofwhitefish.org
Subject: FW: 2855 Resthaven
Attachments: 2855 Resthaven.jpg; Doc1.doc

Chris,

Attached is a picture of your sewer pumping system, please see email below regarding the approval of your system. If you have questions about the final approval, please contact Randy Reynolds at 406-253-8602. Also attached is information regarding the properties in Rest Haven - per Necile our City Clerk - most of the properties in Rest Haven currently on our sewer is due to the County RSID that was done to get those properties on sewer in the early 1990's.

I have not had the time to get the exact number of accounts on our sewer system, but a rough estimate is around 58 homes.

Rose Elliott
Utility Services Supervisor
City of Whitefish
Phone: (406) 863-2456
Fax: (406) 863-2419
relliott@cityofwhitefish.org

www.whitefish.govoffice.com

. Please consider the environment before printing this email

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

From: Randy Reynolds [<mailto:rreynolds@cityofwhitefish.org>]
Sent: Friday, November 01, 2013 8:45 AM
To: rose Elliott
Subject: 2855 Resthaven

Rose

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Randy

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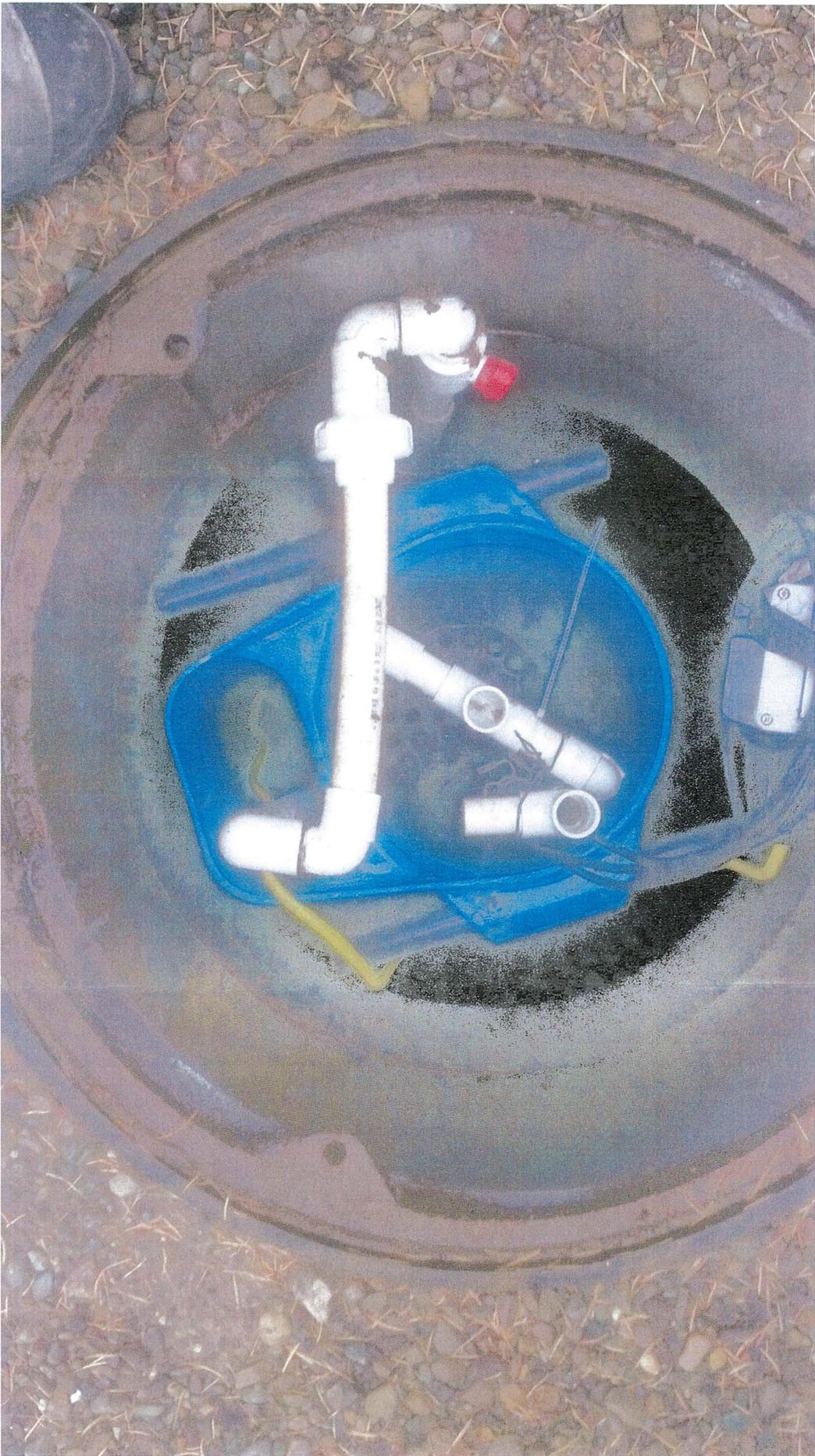
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Agreement for Annexation and City Sewer Service

Lot 6A of the Amended Plat of Lots 6 & 7, Block 1, of Rest Haven Addition No. 1, 2682 Rest Haven Drive (2007)



From: [Necile Lorang](#)
To: cstearns@cityofwhitefish.org
Subject: Fw: To city council
Date: Monday, January 13, 2014 11:46:21 AM

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

From: [Fred Frost](#)
To: nlorang@cityofwhitefish.org
Sent: Saturday, January 04, 2014 2:42 PM
Subject: To city council

Would it be possible to use less liquid snow remover on our streets? Many days I see the truck dumping the stuff on our streets on fairly clear days with no snow in the forecast.

We pay for this double--pay for the solution and employee to put it on and then pay again for our vehicles being ruined and corroded.

Fred Frost
1009 Columbia Ave
Wtfsh

ICE RINK ADVISORY COMMITTEE – WCC 2-6-1 - Two-year terms, meet 1st Tuesday/monthly

(*Minimum of 6 Whitefish City Limit Residents required)

7:00 pm - Council Conference Room

Position #				Term Expiration Date
1.	*Frank Sweeney, Councilor	PO Box 158	863-4848 (O)	May 31, 2016
2.	*Carol Anderson, Open Skating Rep.	PO Box 2067	862-7699	May 31, 2015
3.	Kelly Davidson, Adult Hockey	585 Armory Rd		May 31, 2015
4.	*Gregg Esakoff, Figure Skating Assn.	810 Dakota Ave		May 31, 2015
5.	* Vacancy - Glacier Hockey Assn.			May 31, 2014
6.	*Mark Van Everen, Member at Large	4 Pine Ave	260-1204	May 31, 2015
7.	*Laurel Grady, Park Board Representative	476 Aspen Court	212-6819	May 31, 2015
8.	*Bailey Minnich, Curling Club Representative	902 Kalispell Ave	860-921-6936	May 31, 2014
9.	Donna Taylor, Member at Large (Blanchard Lake Rd)	PO Box 1947	862-4804	May 31, 2015

WEED CONTROL ADVISORY COMMITTEE – WCC 2-11-1 – Two year terms, meet Last Wednesday/monthly, 3:00 pm
Parks & Recreation Dept

No.	Position Specification (*Minimum of 5 Whitefish City Residents Required)		Expiration Date
1.	City Staff, City of Whitefish	863-2410	Continuous
2.	*(Mayor or Councilor) Pam Berberis, PO Box 158, WF	871-0223	5-31-2016
3.	*Member at Large – Life Noell, PO Box 5505, WF	212-0002	5-31-2015
4.	*Member at Large – Jake How, 11 Idaho Ave	862-8757	5-31-2015
5.	*Member at Large - Dave Ring, 429 Columbia Ave, WF	863-9221	5-31-2014
6.	*Member at Large - Jan Metzmaker, 915 Dakota Avenue, WF	862-6110, 862-7960	5-31-2014
7.	*Jim DeHerrera, Park Board Representative, 339 Fairway Drive	407-730-2424	5-31-2015

IMPACT FEE ADVISORY COMMITTEE – WCC 2-13-1 – Two year terms Per Ordinance 10-03 – Annual Meetings

1.	Development community	Bill Halama	235 Good Medicine Dr, WF	863-2301	12-30-2013
2.	Certified public accountant	Myra A. Appel, CPA	PO Box 4223, WF	862-4057	12-30-2014
3.	City Councilor	Jen Frandsen	PO Box 158	270-7249	12-30-2015
4.	Finance Director	Rich Knapp	PO Box 158	863-2405	
5.	Member at Large	Don Kaltschmidt	230 JP Rd	862-2731 (W) 862-3665 (H)	12-30-2014

HWY 93W CORRIDOR PLAN STEERING COMMITTEE – RES 13-10, Disbands January 1, 2014 or earlier

Doug Reed, Resort or Recreation business owner in corridor, Whitefish Lake Restaurant, PO Box 1719, WF
Cora Christensen, Commercial or Professional business owner in corridor, 750 W. 2nd St, Ste A, WF
Anne Shaw Moran, Residential owner-occupied property owner, PO Box 4472, WF
Ryan Zinke, residential owner-occupied property owner, 409 W. 2nd St, WF
Jim Laidlaw, residential investment or multifamily property owner, 1230 Lion Mountain Dr, WF
Ian Collins, WB-3 District property owner, 898 Blue Heron Dr, WF
Nancy Woodruff, Community Member at Large, 545 Ramsey Ave, WF
Chad Phillips, City-County Planning Board, City representative
Ken Meckel, City-County Planning Board, County representative
Ad hoc members: MDOT, Idaho Timber – Todd Featherly and Dave Taugher
City Councilors

AD HOC CEMETERY COMMITTEE, res 11-1-05 & 11-15, 13-02 SUNSETS 1-31-2015, or earlier

Meetings 3rd Thursday of each month, 2 to 4 pm, Whitefish Council Conference Room, 402 E. 2nd Street, 2nd Floor

Necile Lorang, Chair	PO Box 158, Whitefish	863-2402
Vanice Woodbeck, Secretary	PO Box 158, Whitefish	863-2401
Nina Laird	541 Columbia Ave, WF	862-2815
Bonnie Leahy	904 E. 10 th St., WF	862-1811
Charlie Abell	5 Woodland Pl, WF	862-2883
Ole Netteberg	5491 Hwy 93 S, WF	261-8757
Steve Thompson, Vice Chair	PO Box 4471, WF	862-3795

RESOLUTION NO. 13-10

A Resolution of the City Council of the City of Whitefish, Montana, establishing the Highway 93 West Corridor Plan Steering Committee.

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

Section 1: There is hereby established the Highway 93 West Corridor Plan Steering Committee (the "Committee").

Section 2: The general purpose of the Committee will be to serve as the primary sounding board to work through the planning process with the consultant and members of the public to establish a development policy for the Highway 93 West Corridor study district.

Section 3: The Committee will consist of eleven (11) individuals with representation as follows: Two (2) City Council members, one (1) business owner in the corridor representing resort or recreation interests, one (1) business owner representing commercial or professional interests, two (2) residential owner-occupied property owners, one (1) residential investment or multifamily property owner, one (1) "at large" community member, and one (1) WB-3 (General Business) member, all appointed by the City Council, and two (2) members from the Whitefish City-County Planning Board, one (1) from the City, and one (1) from the City or County. The Committee will also have two ad hoc members, one (1) representative from the Montana Department of Transportation, and one (1) representative from Idaho Timber, appointed by their respective organizations. City staff may be appointed as ex officio members. The Committee members shall select a Chairperson from the members of the Committee. The Committee shall appoint one member as Secretary of the Committee, who shall keep minutes of all meetings and submit them to the City Clerk. Six (6) members shall constitute a quorum. The Committee shall meet as often as necessary to accomplish its general purpose, as described above. The Committee shall cease to exist as provided in Section 4.

Section 4: The Committee will begin its deliberations as soon as practical after creation of the Committee. The Committee shall meet for two hours at a time on at least six occasions, with the dates and times to be determined by the Planning Consultant, WGM Group. The Committee shall be disbanded as of January 1, 2014, or earlier if the City Council completes its consideration of the Committee's report prior to that date.

Section 5: 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.

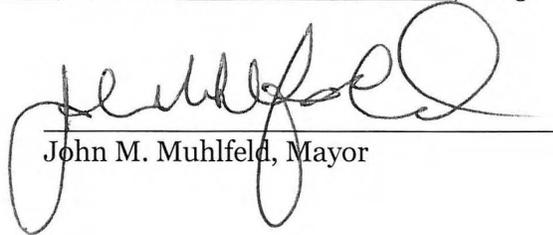
Section 6: Any vacancy occurring on the Committee will be filled in the same manner that the initial position was filled.

Section 7: 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 8: 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 9: 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 20TH DAY OF MAY, 2013.



John M. Muhlfeld, Mayor

ATTEST:



Necile Lorang, City Clerk