



**CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, FEBRUARY 3, 2014
5:00 TO 6:00 PM**

1. Call to Order
 2. **5:00 p.m. – CLOSED EXECUTIVE SESSION** – Quarterly litigation update with City Attorney
 3. Adjournment
-

**CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, FEBRUARY 3, 2014
6:00 TO 7:00 PM**

1. Call to Order
2. Work session on proposal to enact a False Alarm Ordinance with penalties
3. Work session to discuss possible changes to the Fireworks regulation ordinance
4. Public Comments
5. Adjournment

MEMORANDUM

To: Mayor John Muhlfeld

City Councilors

From: Bill Dial, Chief of Police

Re: Staff Report-False Alarms

Date: January 27, 2014

Introduction/History

For many years, false burglar, hold -up and fire alarms have been an ongoing challenge for first responders in Whitefish. Most alarms first responders are dispatched to are false for a plethora of reasons: workers entering a wrong alarm code, home owners leaving doors or windows open and setting the alarm, bank employees inadvertently pushing a panic alarm and mechanical malfunctions. These are the most common reasons, there are numerous other reasons. There is no way a first responder can determine if an alarm is false without going to the residence or business. In some instances officers and fire department personnel will respond with lights and siren exposing the employee and the public to risks. Upon arrival, officers and/or fire fighters are required to investigate the incident and document their findings. Many times the owner or responsible party of the business or residence is not available and there is no one to extinguish the alarm. Some businesses and residences have 10 or more false alarms in a year. First responders are highly trained and are sensitive to complacency. However, routinely answering "false alarms" can lead to an officer or fire fighter letting their guard down and being injured or killed. Additionally, answering false alarms is a waste of resources.

Current Report

Many cities are plagued with false alarms, especially resort communities and communities that are growing. To that end, communities like Whitefish have addressed the false alarm issue by creating a fee schedule to reimburse the city for wasting resources and endangering the public and responders while encouraging home owners and business people to be more responsible for their actions. The attached draft ordinance defines false alarms, property owner responsibilities, appropriate responses by emergency personnel, and a penalty section. In 2013 there were 124 false fire alarms and 285 false burglar, robbery, intrusion alarms. Attached to this memorandum are two options for councils' consideration.

Financial Requirement

Since the current case management system utilized by police and fire, New World, has an application to track and assess fines for false alarms, there will be no financial impact on the city.

Recommendation

The number of false alarms is of great concern to police and fire. Staff recommends the council adopt option 1. We are confident that a fee schedule for false alarms will reduce the number of false alarms significantly while protecting first responders and the public.

OPTION 1
Violation: Fee only

FALSE ALARMS

A. False alarm fee. A false alarm fee shall be charged when City equipment responds, by the City for false fire and police alarms reported to the Dispatch Center from the same location in a one-year period as follows:

	Alarms
First false alarm.....	No Charge
Second false alarm	\$300.00
Third false alarm	\$500.00
Fourth or greater false alarm (per alarm).....	\$500.00

B. Determination of false alarm; rebuttable presumption. For the purpose of this section, there is a rebuttable presumption that the following determination made by the chief of police, fire chief, police officer or fire fighter dispatched to the premises reporting an alarm signal are correct:

1. There is no evidence of a crime, fire, or other activity that would warrant a call for immediate police or fire assistance at the premises;
2. No individual who was on or near the premises, or who has viewed a video communication from the premises, called for a police or fire dispatch or verified a need for an immediate police or fire response; and
3. There is no evidence that violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user caused the activation of the alarm.

C. Alarms caused by factors off-premises. The fee may be waived for alarms caused by factors off-premises if the property owner of the premises can prove to the City Manager that the alarm did not occur on-premises.

D. Property owner responsibility. The property owner of the premises where the City equipment responds in response to the on-premises false alarm shall be responsible for payment of all false alarm fees.

OPTION 2

**False Alarm: No response after 4th
Violation: Possible criminal charge**

False Alarms

Definitions:

- A. "Alarm user" means any individual, partnership, corporation or other form of association that owns or leases a security alarm system or on whose premises a security alarm system is maintained for the protection of the premises.
- B. "False alarm" means an alarm signal eliciting notification to and a response by the police or fire when there is no evidence of a crime or other activity that warrants a call for immediate police or fire assistance and no person who was on or near the property or has viewed a video communication from the property called for the police or fire dispatch or confirmed the need for police or fire assistance. The term "false alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user.
- C. "Security alarm system" means any system, device, or mechanism for the detection and reporting of any unauthorized entry or attempted entry or property damage upon premises protected by the system that may be activated by sensors or other techniques and, when activated, automatically transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside the protected premises and is intended to summon police or fire assistance.

Alarm users.

- A. An alarm user shall:
 - 1. Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms;
 - 2. Review all alarm system operating instructions, including those for verification of an alarm;
 - 3. Maintain a verification process for all monitored security alarm systems in order to prevent unnecessary police and fire dispatches resulting from false alarms;
 - 4. Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm;
 - 5. Not manually activate an alarm except when needing an immediate police or fire response to an emergency;

6. Provide an immediate response to the alarm site in an effort to address the alarm cause and facilitate access to the premises. This response shall be made by the alarm user or their authorized key holder; and
7. Provide the alarm company with a current, accurate, maintained list of authorized key holders.

Determination of False Alarm; Rebuttable Presumption.

- A. For the purpose of this section, there is a rebuttable presumption that the following determination made by the chief of police, fire chief, by a police officer or fire fighter dispatched to the premises reporting an alarm signal are correct:
 1. There is no evidence of a crime, fire, or other activity that would warrant a call for immediate police or fire assistance at the premises;
 2. No individual who was on or near the premises, or who has viewed a video communication from the premises, called for a police or fire dispatch or verified a need for an immediate police or fire response; and
 3. There is no evidence that violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user caused the activation of the alarm.

No-response to frequent false alarms; appeal of no-response determination.

- A. When the chief of police or designee or the fire chief or designee determines whether to make an immediate dispatch in response to notification of a signal from a security alarm system, police or fire may disregard a call for police or fire assistance when:
 1. The call for assistance comes from an alarm system for a premises that has a record of sending four false alarms in the past 12-months; and
 2. The call is the only basis for making the dispatch.
- B. The chief of police or designee or fire chief or designee may consider such a call for assistance as an additional factor in the police or fire's decision to order an immediate police or fire response when an in-person call, verification from a person at or near the premises, or other independent evidence shows a need for immediate police assistance at the premises.
- C. To discourage false alarms, the director shall adopt a process of communication (by letter, telephone or in person) with the alarm user who has had one or more false alarms emphasizing the need to take corrective action, and that four false alarms in a 12-month calendar year shall result in the police or fire disregarding alarms from the premises and not responding to requests for immediate police or fire assistance unless there is an in-

person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police or fire response.

- D. Before determining not to respond to alarms from a premises as specified in subsection C of this section, the chief of police or fire chief shall communicate with the alarm user that:
1. Four false alarms have been received from the property within the past 12-month calendar year;
 2. The remedy authorized in subsection A of this section may be taken;
 3. The alarm system user may request a meeting before the chief of police and fire chief and explain why police and fire should not take the proposed action;
 4. If no meeting is requested, the police and fire departments will, after ten days from the delivery of the notice disregard alarms from the premises unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police or fire response; and
 5. A requirement of an in-person communication or other verification shall remain in effect until adequate corrective action has been completed.
- E. If a meeting is requested, the chief of police and fire chief shall schedule the meeting within ten days of the receipt of the request. At the meeting the chief of police and fire chief may consider such factors as the steps that the alarm user has taken, or is taking, to correct the problem; the frequency of crime in the area of the premises; the facts and circumstances of the false alarms; and other relevant information presented by the alarm user.
- F. The chief of police and fire chief may suspend or cancel the remedy under subsection A of this section if the chief of police and fire chief determine that the alarm user has taken appropriate actions to prevent the recurrence of false alarms.

Violations; Penalties for a false alarm.

- A. A false alarm is an administrative infraction, and upon determination of a false alarm, the alarm system user may be subject to administrative designation under section ____, no-response to frequent false alarms.
- B. An alarm user's failure to comply with any of the requirements of this section shall be a misdemeanor, punishable by a fine of up to \$500.00, unless otherwise specified. Each day of noncompliance shall constitute a separate offense.

MEMORANDUM

To: Mayor John Muhlfeld and City Councilors

From: Bill Dial, Chief of Police

Re: Staff Report- Amendment to Fireworks Ordinance

Date: January 27, 2014

Introduction and History

Over the past several years, fireworks complaints have increased significantly. Fireworks are allowed within the City Limits as specified in Title 9, Ch. 1, Sec.6 (See attached). Despite our increased efforts to inform the public of the ordinance restrictions, a number of individuals choose to ignore the ordinance resulting in terrified pets, citizens losing sleep, increased vandalism and fire danger.

Current Report

My staff and I have made inquiry with Judge Johnson and City Prosecutor Caleb Simpson. It is the consensus of my staff, the Judge and Prosecutor that the minimum fine for violating the ordinance should be increased and that increasing the fine will deter violations. Currently Ordinance 1-4-1 states that a person may be punished by a fine of "NOT MORE THAN \$500", which in some cases has resulted in fines as low as \$50.00. Increasing the fine to \$300 for the first offense and \$500 for a second and subsequent offense will provide an enforcement and prosecution tool to reduce the number of offenses and ensure for a more tranquil setting during the 4th of July.

Financial Requirement

There will be no financial impact on the City.

Recommendation

Staff requests the City Council approve the amendment to Title 9, Ch.1 Sec. 6 of the Whitefish City Code. Should the Council pass the recommended amendment, the police department will conduct a media campaign including radio, television, print and City/Police Web page to make citizens and visitors aware of the ordinance and the subsequent fines.

ORDINANCE NO. 14-_____

An Ordinance of the City Council of the City of Whitefish, Montana, amending Fireworks Regulations in Whitefish City Code Section 9-1-6 regarding penalties.

WHEREAS, the regulations regarding provisions restricting the sale and use of fireworks within the City limits of the City of Whitefish were adopted by the City Council by Ordinance No. 02-34 on November 18, 2002, and amended by Ordinance No. 09-20 on October 19, 2009; and

WHEREAS, the City of Whitefish initiated an effort to amend the Fire Regulations to implement stricter penalties; and

WHEREAS, at a lawfully noticed public hearing on February 3, 2014, the Whitefish City Council received an oral report and written report from City staff with respect to adopting stricter penalties for violation of Whitefish City Code Regulations regarding fireworks; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to adopt stricter penalties for violation of the fireworks regulations.

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

Section 1: The amendments to Title 9, Chapter 1 of the Whitefish City Code, attached hereto as Exhibit "A" and incorporated herein by reference, with insertions shown underlined and deletions shown with strikethrough, are hereby adopted.

Section 2: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 3: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS _____ DAY OF _____, 2014.

John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

Exhibit "A"

**Title 9 - FIRE REGULATIONS
Chapter 1 – Fire Prevention
Section 6 - Fireworks**

9-1-6: FIREWORKS

A. Definitions:

FIREWORKS: Includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes skyrockets, Roman candles, helicopters, daygo bombs, blank cartridges, toy cannons, toy canes or toy guns in which explosives other than toy paper caps are used; the type of balloons which require fire underneath to propel the same; firecrackers, torpedoes, sparklers or other fireworks of like construction; and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance. Nothing in this section shall be construed as applying to toy paper caps containing not more than twenty five hundredths (0.25) of a grain of explosive composition per cap, nor to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor apply to the military or navy forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonials or theatrical or athletic events.

B. Public Displays; Permit And Insurance:

1. The city shall have the power to grant permits for supervised public displays of "fireworks", as defined herein, to be held therein by the city, fair associations, amusement parks and other organizations or groups of individuals.
2. Each such display shall be handled by a competent operator to be approved by the city fire marshal or by the city council and shall be of such character and so located, discharged or fired as, in the opinion of the chief of the fire department or such other officer as may be designated by the city council, after proper inspection, shall not be hazardous to property or endanger any person or persons.
3. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display.
4. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only.

5. No permit granted under this section shall be transferable.
6. The city may require a policy of liability insurance in an amount deemed adequate by the city to ensure against those damages which may be caused either to a person or persons or to property by reason of the licensed display, and arising from any acts of the licensee, his agents, employees or subcontractors.

C. Sale And Discharge Time Limits:

1. **Sales:** It shall be lawful for an individual, adult, firm, partnership, corporation or association to possess for sale, sell or offer for sale at retail within the city limits those and only those permissible fireworks enumerated, described and defined in Montana Code 50-37-105 between the hours of twelve o'clock (12:00) noon and eight o'clock (8:00) P.M. each day from July 2 through July 4 each year.
2. **Discharge:** It shall be lawful for an individual, adult, minor child, firm, partnership, corporation or association to possess and discharge within the city limits those and only those permissible fireworks enumerated, described and defined in Montana code 50-37-105 between the hours of eleven o'clock (11:00) A.M. and ten o'clock (10:00) P.M. each day from July 2 through July 4 of each year.

D. Prohibited Acts:

1. **Sales:** It shall be unlawful for any individual, firm, partnership, corporation or association to possess for sale, sell or offer for sale at retail or discharge within the city any "fireworks", as defined herein, except as specifically permitted in this section.
2. **Discharge:** It shall be unlawful to discharge any "fireworks", as defined herein, within the boundaries and/or within the immediate vicinity of any city park that the city owns and/or maintains and all public thoroughfares and public rights of way.
3. **Minors:** It shall be unlawful for any parent, guardian or custodian of any minor child to permit or consent to the possession or discharge by the minor child in his charge or custody of any "fireworks", as defined herein, except as specifically permitted herein. Possession or discharge by any minor child of any fireworks within the city shall be presumed to be with the permission and consent of such parent, guardian or other person having the custody of such minor child.
4. **Location:** It shall be unlawful to offer for sale, expose for sale, sell at retail or wholesale or discharge any "fireworks", as defined herein, within three hundred feet (300') of any service station or other premises storing,

handling, using or offering for sale distillations, or other combustible explosive petroleum products within the city limits.

- E. Penalty: Any individual, firm, partnership, corporation or association violating the provisions of this section shall be ~~punishable as set forth in the general penalty in section 1-4-1 of this code~~ punished by a fine of three hundred dollars (\$300.00) for the first offense, and five hundred dollars (\$500.00) for the second or subsequent offense, payable to the city, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be deemed to be a separate offense. In addition, any individual, firm, partnership, corporation or association violating the provisions of this section shall be deemed to have committed a municipal infraction, the penalty for which is set forth in section 1-4-4 of this code. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa.

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, February 3, 2014, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 14-01. Resolution numbers start with 14-04.

- 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 Pedestrian and Bicycle Trail Advisory Committee to install a stairway from 2nd Street to the pedestrian trail underneath the 2nd Street Bridge over the Whitefish River (p. 29)
- 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 21, 2014 Council special meeting (p. 33)
 - b) Minutes from the January 21, 2014 Council regular meeting (p. 35)
- 6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Consideration of a request by C Holdings on behalf of Goat Haunt LLP to amend an existing site plan at 3905 Highway 40, the site is approximately 4.88 net acres and is zoned WBSD (Business Service District) (p. 43)
- 7) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR
 - a) Consideration of approving an application from Bevill Limited Partnership for the Preliminary Plat of Orchard Lane 3, a minor, four lot subdivision located at 467 and 469 Colorado Avenue (p. 62)
- 8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
 - a) Consideration of awarding the contract for the clearing and grubbing of the East 2nd Street road and trail project (p. 97)

- b) Consideration of authorizing the issuance of Requests for Proposals (RFP) for design engineering consultants for the future West 7th Street reconstruction project (Baker to Karrow) – a 2015 Resort Tax project (Three motions) (p. 103)

9) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 117)
- b) Other items arising between January 29th and February 3rd
- c) Consideration of contract amendment #2 with Crandall Arambula PC for the Downtown Master Plan Update (p. 129)

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Consideration of appeal of City Manager decision to deny a Special Event Permit for the Great Northern Brewery to close Central Avenue for a Beer Barter on February 8th (p. 145)

11) 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 29, 2014

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

Mayor Muhlfeld and City Councilors:

Monday, February 3, 2014 City Council Agenda Report

There will be an executive session before this meeting at 5:00 p.m. for a quarterly litigation update, followed at 6:00 p.m. for a work session on a proposed false alarm ordinance and possible revisions to the ordinance on discharging of fireworks. 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 21, 2014 Council special meeting (p. 33)
- b) Minutes from the January 21, 2014 Council regular meeting (p. 35)

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

All items are administrative matters.

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

- a) Consideration of a request by C Holdings on behalf of Goat Haunt LLP to amend an existing site plan at 3905 Highway 40, the site is approximately 4.88 net acres and is zoned WBSD (Business Service District) (p. 43)

From Planner II Bailey Minnich's transmittal memo:

Summary of Requested Action: This item is a request by C Holdings on behalf of Goat Haunt LLP to amend an existing site plan approved by the Whitefish City

Council on November 2, 2009 in connection with zone change WZC-09-22. The property is located at 3905 Highway 40 and is currently developed with a three sided storage shelter, a wooden barn, and a small shed. The site is approximately 4.88 net acres and is zoned WBSD (Business Service District). The WBSD zoning district was adopted in 2008 as a district intended '*to create defined areas that are appropriate for nonretail limited commercial services and light industrial uses.*' The district requires a site plan outlining potential buildings, parking areas, access locations, utilities, drainage, landscaping, and signage to be submitted and approved when a change to WBSD zoning is requested. (See attached WBSD Business Service District zoning). The WBSD zoning regulations further state that any desired subsequent changes shall be submitted for approval as an amendment to the site plan, and approved by the City Council if a substantial change.

The previous site plan, approved with the zone change submittal in 2009 (See exhibit 3), identifies the storage shelter currently built on the subject property to remain at 2520 square feet and a 2520 square feet future supply building to be constructed to the east. Two separate future lease space buildings approximately 5184 square feet each would be constructed south of the existing storage building. Also approved in 2009 were three additional future lease space buildings ranging between 5184 square feet to 6500 square feet, located near the southern and eastern property boundaries.

According to Section 11-2V-4(B)(3) of the WBSD zoning designation, substantial modifications to the approved site plan require review and approval by the Whitefish City Council, whereas minor changes can be approved administratively. Substantial modifications include but are not limited to, an increase in the number of buildings, major changes in access or circulation, major changes to signage and landscaping, or an increase in building size by more than ten percent (10%). The applicants' submitted modified site plan proposes the existing storage shelter to be enlarged to 5040 square feet, a two-story office building approximately 6000 square feet to be constructed instead of the future supply building, and the two future lease space buildings to be combined into one large storage building approximately 9999 square feet. (See exhibit 2.) The applicants are proposing the building to be less than 10,000 square feet as the regulations require a structure over that size to be approved through a Conditional Use Permit. The remaining three future lease space buildings are not being modified at this time. If future modifications are proposed for those structures, the site plan would need to be re-evaluated. The submitted amendments to the site plan propose to double the size of the existing storage shelter and more than double the size of the future office building, thereby necessitating review by the Whitefish City Council. No additional changes to parking, access, landscaping, or signage is proposed at this time.

Findings:

1. The proposed modifications to the approved site plan conform to the Business Service Center land use designation on the Whitefish City-County Growth Policy Future Land Use Map.

2. The proposed modifications to the approved site plan are in conformance with the WBSD (Business Service District) zoning designation outlined in the Whitefish Zoning Regulations Section 11-2V-4(B).

Planning Board Action: The Whitefish City-County Planning Board did not meet on January 16, 2014, as a quorum was not present.

Planning & Building Department Recommendation: The Zoning Administrator recommends approval of the above referenced site plan amendments.

Public Hearing: Notification was mailed to adjacent property owners on December 30, 2013. At this time, only one comment regarding the proposal has been received by our office, which is in support of the proposed modifications.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the staff report and testimony at the Public Hearing, approve a request by C Holdings on behalf of Goat Haunt LLP to amend an existing site plan at 3905 Highway 40, the site is approximately 4.88 net acres and is zoned WBSD (Business Service District) and approve the staff report as Findings of Fact.

This item is a quasi-judicial matter.

COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a) Consideration of approving an application from Bevill Limited Partnership for the Preliminary Plat of Orchard Lane 3, a minor, four lot subdivision located at 467 and 469 Colorado Avenue (p. 62)

From Senior Planner Wendy Compton-Ring's staff report:

A report to the Whitefish City Council regarding a request for preliminary plat by Bevill Limited Partnership for a four-lot Minor Subdivision. This request is scheduled before the Whitefish City Council for a public meeting Monday, February 3, 2014 in the Council Chambers at 7:10 p.m.

PROJECT SCOPE

This is a request for preliminary plat approval of a four-lot subdivision. The subject property is approximately 0.821-acres. Currently, a townhouse building is under construction. The townhouse received Architectural Review approval in 2012.

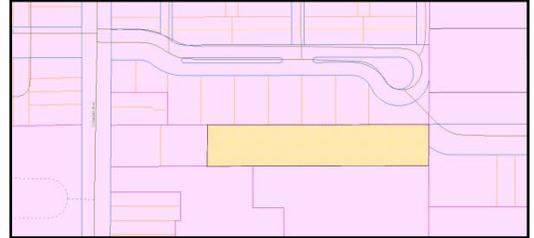
- A. **Owner/Applicant:**
Bevill Limited Partnership
PO Box 4713
Whitefish, MT 59937

Technical Assistance:

F&H Land Surveying
Brian Sullivan
PO Box 114
Whitefish, MT 59937

B. Location:

The property is located on the east side of Colorado Avenue between Aspen Grove Street and Colorado Avenue. The property is addressed as 467 & 469 Colorado Avenue. The property can be legally described as Tract 2, Amended Plat of a Portion of Lot 6, Block 5 Whitefish Townsite Company's Five Acre Tracts in Section 25, Township 31N, Range 22W, P.M.M., Flathead County, Montana.



C. Size:

The subject property is 0.821-acres in size and the lots range in size from 7,119 to 11,219 square feet.

D. Existing Land Use and Zoning:

WR-2, Two-Family Residential District, intended for residential purposes to provide for one and two-family homes in an urban setting connected to all municipal facilities and services.

E. Adjacent Land Uses and Zoning:

North:	residential	WR-2
West:	residential	WR-2
South:	residential	WR-2
East:	residential	WR-2

F. Utilities/Services:

The proposed subdivision lies within the immediate service area of the City of Whitefish. Services will be provided by the following:

- Sewer service: City of Whitefish
- Water service: City of Whitefish
- Solid Waste: North Valley Refuse
- Gas: Northwest Energy
- Electric: Flathead Electric Co-op (underground)
- Phone: CenturyLink (underground)
- Police: Whitefish Police Department
- Fire: Whitefish Fire Department
- Schools: Whitefish School District #44

G. Public Notice:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on January 10, 2014. A sign was posted on the property on January 10, 2014. Advisory agencies were noticed on January 10, 2014. Staff received a letter in opposition to the subdivision from the neighbor to the south of the proposed subdivision. This neighbor obtains access across the applicant's lot and has concerns about the use of this easement for the two proposed western lots.

RECOMMENDATION: Staff respectfully recommends the City Council approve an application from Bevill Limited Partnership for the Preliminary Plat of Orchard Lane 3, a minor, four lot subdivision located at 467 and 469 Colorado Avenue

This item is a quasi-judicial matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Consideration of awarding the contract for the clearing and grubbing of the East 2nd Street road and trail project (p. 97)

From Public Works Director John Wilson's staff report:

The Public Works Department has published an advertisement for bids on the East 2nd Street Reconstruction Project - Phase I. Bids were opened on January 23rd and we received 5 responses. This memo is to recommend the City Council award a construction contract to LHC, Inc. in the amount of \$87,368.76.

The scope of work for Phase I includes clearing brush and trees, excavation, installation of conduits and vaults for private utilities, and related work along the north side of the East 2nd Street right of way between Wild Rose Lane and Dodger Lane. Work is scheduled to begin on March 3rd and be completed by March 24th of this year.

The bids for Phase I work ranged from 18.5% lower to 19.2% higher than the engineer's estimate of \$107,218. A copy of the engineer's bid tabulation is attached.

The City's Phase I work will enable private utility companies, including electric, phone, cable and natural gas, to relocate their infrastructure starting on March 24th, with a schedule to be finished by June 7th.

We will open bids for Phase II construction on February 19th. This work will include street construction, lighting, the bicycle/pedestrian path and City utilities. This second phase of construction is scheduled to start on June 7th and be completed by the end of September.

Public Works is recommending a construction contract award in the amount of \$87,368.76. Adequate funds are included in the FY 2014 Budget under the Resort Tax Fund.

RECOMMENDATION: Staff respectfully recommends the City Council award a construction contract for the East 2nd Street Reconstruction Project - Phase I to LHC, Inc. in the amount of \$87,368.76 and return bid security at the appropriate time.

This item is a legislative matter.

- b) Consideration of authorizing the issuance of Requests for Proposals (RFP) for design engineering consultants for the future West 7th Street reconstruction project (Baker to Karrow) – a 2015 Resort Tax project (Three motions) (p. 103)

From Public Works Director John Wilson's staff report:

The Public Works Department is looking ahead to the street reconstruction project for 2015 and recommends moving forward with design. This memo is to request the City Council confirm West 7th Street as our next priority and direct the Public Works Department to begin the engineering selection process.

The Street Reconstruction Priorities were first adopted in 1998 and revisited in 2004. Copies of our memo to the City Council in November 2004 and the brief meeting minutes are attached. The map attached to that memo may be difficult to read, so we have added a written list of those priorities.

Staff's recommendations were approved by the City Council at that time and priorities number 1, 3, 4 and 5 have since been completed. The Downtown Infrastructure Improvements Project came to life in 2008 and was informally inserted in the priority list and constructed over the next 3 years, prior to the 6th and Geddes Project (priority No 5). That and the following changes had an obvious effect on the intended schedule.

- the Waverly Place Pedestrian Path (priority No 2) was moved to the back burner and forgotten,
- East 7th Street between Kalispell and Columbia Avenue (priority No. 7) was postponed to better coordinate with Highway 93 improvements, and
- the City Council switched priorities No. 6 and 8 (the West 7th Street and East 2nd Street Projects, respectively), in November 2011 at the recommendation of the Bicycle and Pedestrian Path Committee.

The Resort Tax Monitoring Committee (RTMC) reviewed the current priorities at their January 15th meeting and recommended, by motion and unanimous vote, to move forward with the West 7th Street Reconstruction Project.

The preliminary concept is to rebuild the roadway with new curbs and street lights, and to upgrade water, sewer and other utilities as needed, between Baker Avenue and the entrance to the Grouse Mountain subdivision. An important feature would be new sidewalks and a bicycle/pedestrian path to improve safety and add to our growing trail system. A map of the general project area is attached.

The West 7th Street property owners have been notified of this agenda item and invited to attend the meeting. A copy of that notice is attached.

The RTMC will consider the remaining priorities and recommend a 2014 Street Reconstruction Priority List for the City Council's consideration in the coming months. Information provided to the RTMC about completed projects and remaining priorities is attached, as well.

The requested action is to confirm West 7th Street as our next reconstruction project and authorize staff to begin the consultant selection process. There is no financial requirement at this time, but the project is scheduled to cost \$2,150,000 plus any costs to put utilities underground if that decision is made in the future.

RECOMMENDATION: Staff respectfully recommends the City Council accept the RTMC's recommendation to confirm the West 7th Street as our resort tax funded construction project for 2015.

Staff further recommends the City Council direct the Public Works Department to start the engineering selection process for that project.

And finally, the Public Works Department invites a City Councilor to participate as a non-voting member of the Selection Committee. The committee's work is expected to involve three or four hours to review proposals, a one hour meeting for preliminary ranking in mid-March and a half day for interviews around the 1st of April.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 117)
- b) Other items arising between January 29th and February 3rd
- c) Consideration of contract amendment #2 with Crandall Arambula PC for the Downtown Master Plan Update (p. 129)

The City Council adopted the Downtown Master Plan on April 3, 2006 via Resolution No. 06-21. At a March 12, 2012 work session on Tax Increment Priorities, the City

Council members present determined that an update of the Downtown Master Plan was desired and asked staff to contact the consultant, Crandall Arambula for a estimated cost and scope of work for an update.

On April 16, 2012, the City Council approved only Phase I of the proposed work program suggested by the consultants, Crandall Arambula. See attached minutes from the meeting and the contract scope of work for Phase I. The City Council at that time eliminated Phases 2-3 pending further review and approved a contract for \$13,558.

On November 5, 2012, the City Council approved Amendment #1 to the contract for items #1,2,6, and 7 in the amount of \$56,096 for a total contract cost of \$69,654. (See attachment)

That work was completed and an open house was held on the Downtown Master Plan update on May 2, 2013. Following that open house, the Downtown Master Plan Update was completed and the Whitefish City-County Planning Board held a public hearing on it on September 19, 2013 and the City Council held a public hearing on October 7, 2013. Subsequent to that public hearing, the City Council requested a work session on the Downtown Master Plan update and that work session was held on November 4th. At that work session, the City Council requested that Crandall Arambula PC do some additional work to change and complete the Downtown Master Plan Update. Thereafter, Crandall Arambula submitted some proposed work items that Mayor Muhlfeld and I reviewed.

Crandall Arambula have submitted a proposed Amendment #2 for \$30,120 of work and an option of travel expenses for 1 staff person for two meetings at \$7,180 or two staff people for \$13,960. Mayor Muhlfeld and I are recommending Amendment #2 be for the \$37,300 option with only one staff person from Crandall Arambula coming for two meetings – one at the O’Shaughnessy Center and then one at the final City Council public hearing.

The cost of amendment #2 as we recommend would be \$37,300. These costs will be paid from the Tax Increment Fund which has sufficient funds for this project. This amendment would bring the total contract cost to \$106,954.

RECOMMENDATION: Staff respectfully requests the City Council approve contract Amendment #2 with Crandall Arambula for \$37,300 and authorize the City Manager to approve a contract amendment for those items.

This item is a legislative matter.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Consideration of appeal of City Manager decision to deny a Special Event Permit for the Great Northern Brewery to close Central Avenue for a Beer Barter on February 8th (p. 145)

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 28, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Approve Stairway for Connection from Bridge to Miles Avenue

Introduction/History

With construction of the new 2nd Street Bridge by MDT we are left with a bike and pedestrian path that dead-ends on the north side of Highway 93. The long term plan, that has been part of the City's Bicycle and Pedestrian Master Plan for about 15 years, is to construct a path along the river adjacent to the Riverbend Condos. The City has been in discussions with the condo owners over the past few years and is still proceeding with developing a design that is acceptable to both parties. There is an existing bicycle and pedestrian easement that was granted at the time of development of the condos in exchange for abandonment of City right-of-way.

Since construction of this path will not take place for at least a few years, the Bicycle and Pedestrian Committee passed unanimously a resolution, at a recent meeting, that the City construct metal grip strut stairs connecting the dead-end path up to Miles Avenue. This would create a safe route for locals and visitors traveling towards City Beach from Kay Beller Park. Currently tourists get confused at Kay Beller Park as to where to go next on the pathway system.

The Public Works Department has been collecting estimates on the cost of installing the metal staircase. The staircase would consist of 5 to 6 foot wide grip strut metal stairs with hand rails. The location of the proposed stairs is shown on the attached figure.

Karin Hilding has been working with the Bicycle and Pedestrian Committee on this issue and will attend the City Council meeting to answer any questions.

Financial Requirement

To construct and install the entire requested staircase is estimated to cost about \$16,300. This includes concrete pads at the top and bottom of the stairs and sonotubes supports for a midway landing. It also includes painting the stairs, and signage.

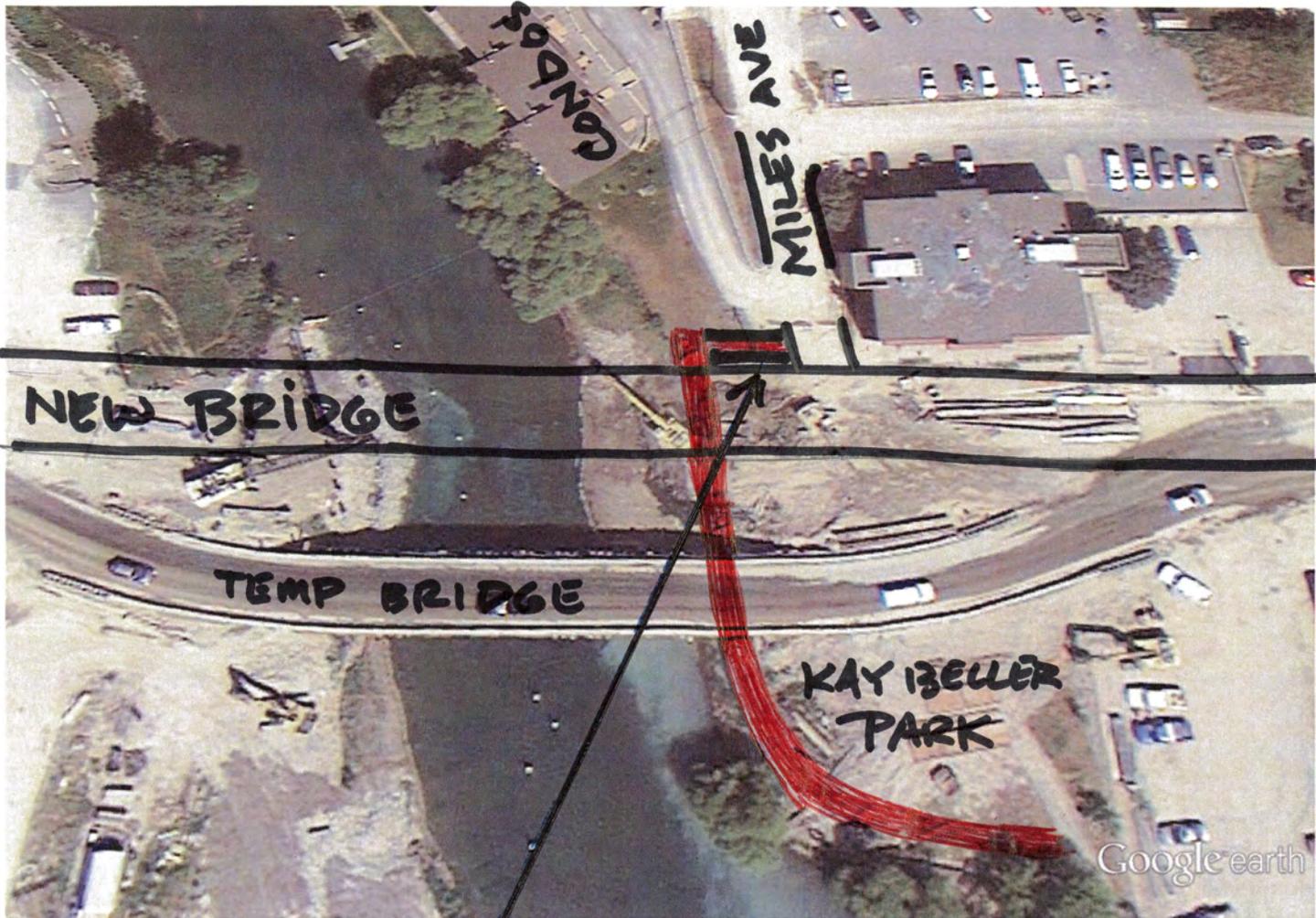
Recommendation

The Public Works Department is recommending that the City Council approve the appropriation of an amount not to exceed \$16,300 for construction of a stairway connecting the path under the 2nd Street Bridge to Miles Avenue. Like recent trail expenditures, we are proposing that the funding come out of the Tax Increment Fund.

Sincerely,



John C. Wilson
Public Works Director



Google earth



Stairs connecting path under
2nd Street bridge to Miles Avenue

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WHITEFISH CITY COUNCIL MINUTES
JANUARY 21, 2014
SPECIAL SESSION, 5:00 PM TO 7:00 PM

1. Call to Order

Mayor Muhlfeld called the meeting to order. Councilors present were Anderson, Sweeney, Barberis, Frandsen and Feury. Councilor Hildner was absent. City Staff present were City Manager Stearns, Assistant City Manager/Finance Director Swisher, and City Clerk Lorang.

2. Interviews

The Mayor and Council conducted interviews as scheduled:

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

During interviews, applicants for the Park Board were advised that there was only one position open on the Park Board, but two positions were open for Members at Large for the Mountain Trails Park Master Plan ad hoc Steering Committee, and they were asked if not appointed to the Park Board would they be interested in the ad hoc committee; and all of the Park Board applicants indicated they would be.

3. Public Comment - None

4. Appointments

Mayor Muhlfeld appointed Spencer Weimar, to fill the remainder of a term on the Whitefish Housing Authority Board expiring 12-31-14. The Council ratified the appointment unanimously.

Mayor Muhlfeld appointed Chris Hyatt to the Park Board to fill a vacancy and a 2-year term ending 5-1-2016. Councilor Feury offered a motion, seconded by Councilor Sweeney, to ratify the appointment. The motion passed unanimously.

Mayor Muhlfeld offered a motion to appoint Donna Maddux as a Member at Large to the Mountain Trails Park Master Plan ad hoc Steering Committee, seconded by Councilor Barberis. The motion passed unanimously.

Mayor Muhlfeld appointed Ray Boksich as a Member at Large to the Mountain Trails Park Master Plan ad hoc Steering Committee. Councilor Feury offered a motion, seconded by Councilor Frandsen, to ratify the appointment. The motion passed unanimously.

Councilor Feury offered a motion, seconded by Councilor Frandsen, to appoint Camisha Sawtelle as a Whitefish Representative to the Flathead Conservation District for a 3-year term. The motion passed unanimously.

Councilor Anderson offered a motion, seconded by Councilor Barberis, to appoint John Ellis Jr. as a Whitefish Representative to the Flathead Conservation District for a 3-year term. The motion passed unanimously.

Council discussion included comments that it was good to see so much interest in serving on the boards and committees, all good applicants; and the Mayor and Council expressed hope that these applicants continue their interest and pursue positions on other committee and boards as they open up.

5. Adjournment - Mayor Muhlfeld adjourned the Special Session at 6:50 p.m.

Mayor Muhlfeld

Attest:

Necile Lorang, City Clerk

WHITEFISH CITY COUNCIL MINUTES
January 21, 2014
7:10 P.M.

1. CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Sweeney, Anderson, Hildner, Feury, Barberis and Frandsen. City Staff present were City Manager Stearns, City Clerk Lorang, Assistant City Manager/Finance Director Swisher, City Attorney VanBuskirk, Planning and Building Director Taylor, Planner II Minnich, Public Works Assistant Baccaro, Public Works Director Wilson, Police Chief Dial, and Fire Chief Kennelly. Approximately 12 people were in attendance. Mayor Muhlfeld welcomed Councilor Feury to the Council.

2. PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Andy Feury to lead the audience in the Pledge of Allegiance.

3. COMMUNICATIONS FROM THE PUBLIC—(This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

Jan Metzmaker, 915 Dakota Avenue, said she has been working with the Railroad District regarding the diesel plume and remediation plan with BNSF. She asked if the Council could get Jessica Gutting and Tracy Stone-Manning to come give a report to the Council. She said they haven't been updated lately. The project goes in spurts and then dies out. She is asking the Council to make this request to help it proceed.

Chris Erler, 2855 Rest Haven Drive, said he is Item 8a. on the agenda. He wants to connect to the sewer without having to annex into the City. Mayor Muhlfeld asked him to wait for the agenda item.

Joe Akey, 180 Willowbrook Close, said he was here representing the Chamber Board. He said the Chamber Board wants to know ways to help the City reach its goals. He said a Chamber member will attend each meeting.

Ben Cavin, 2130 Houston Drive, said he lives in the donut. He passed out written comments to the Council. He said he read Mr. Erler's request that he not be required to waive his right to protest annexation in order to connect to City sewer. He is in support of this request. As a member of the Whitefish Wastewater Committee which met in 2012 and 2013, he and the committee addressed various wastewater issues for Whitefish Lake. In order to successfully address lake contamination it is necessary and desirable for the City to take a softer approach than forcing annexation into the City which results in higher property taxes. He suggested this item be tabled until the upcoming City Annexation Work Session scheduled for March 3, 2014.

4. COMMUNICATIONS FROM VOLUNTEER BOARDS

4a. 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)

Sherry Baccaro, Chair of the City Hall Steering Committee, said the Committee is recommending approval to negotiate a Design Consultant Agreement with Mosaic Architecture from Helena.

Councilor Sweeney asked and Manager Stearns said the City Manager generally handles the negotiations, followed by City Attorney VanBuskirk's review. Councilor Frandsen said there is no real outline for the project, but they're negotiating a contract. City Manager Stearns explained this negotiation is a pre-construction agreement. Terms have to be agreed upon for design and development of the project based on conceptual work already done with the committee, and future meetings with city departments and the community; all working towards the final design and construction contract. If approved, he will be discussing using a template, versus a City contract, with Ben Titingier from Mosaic, who is currently in town. Manager Stearns said that once they negotiate an agreement it comes back to the Council for approval. In the meantime a work session will be scheduled for staff and Council to work together on the assessment district for the operations and management of the parking structure. For an \$11 million building project the construction contract will be in excess of \$1 million and the prior Council didn't want to encumber the City with that expense until an assessment district was in place.

Councilor Sweeney offered a motion, seconded by Councilor Hildner, to authorize the City Manager to proceed with 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, as recommended by the City Hall Steering Committee. The motion passed unanimously.

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)

5a. Minutes from the January 6, 2014 Council regular meeting (p 92)

5b. 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)

5c. 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)

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

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

None.

7. COMMUNICATIONS FROM CITY MANAGER

7a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 152)

None.

7b. Other items arising between January 15th and January 21st

Manager Stearns said a work session calendar is included in the packet on page 152; he is penciling in the parking assessment district for the March 17, 2014 work session. Mayor Muhlfeld said they talked about the schedule and he will be gone on February 3, 2014; Manager Stearns said he would change the work session schedule to do the False Alarm ordinance and fireworks discussion along with the quarterly litigation update on the 3rd and then on the 18th they'll do the Planned Resort District zoning.

7c. Resolution No. 14-03; 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)

Manager Stearns said Article XI, Section 9 of the 1972 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. He said every 10 years they have to put this on the ballot. 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. He said they have had three members for this in the past. The typical number is 3-5 members. The question on the ballot will read, "FOR (or 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."

Manager Stearns said the City Council does not need to take any policy position on whether or not a review of local government is desirable, but they certainly could take such a position if they were interested. The City 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 staff has put in the Resolution as \$5,000.00. The budget for a local government review commission in Whitefish in mid-1990 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.

Councilor Feury offered a motion, seconded by Councilor Barberis, to approve Resolution No. 14-03; A Resolution calling for an election on the question of conducting a local government review and establishing a study commission to do so.

Councilor Frandsen asked about Section 9 - Voter Review of Local Government, which said a majority vote in the general election is necessary to mandate a study commission. She asked if it was correct to do this in the primary instead of the general election. City Attorney VanBuskirk said if voters approve the study commission at the primary election it gives them the opportunity to vote on participants of the commission at the general election. Councilor Feury said this is a good process and he would encourage the community to get behind it.

The motion passed unanimously.

8. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

8a. 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)

Chris Erler, 2855 Rest Haven Drive, said he added three pages to the packet since the December meeting with new information. He said page 3 was an attachment to an email he received from the Public Works Department that states that only seven of the homes of the possible 69 lots have had to sign the annexation waiver of protest. He said he had an email that says most of the properties in Rest Haven that were on sewer were on it due to the County RSID that they have been paying for the last 20 years. He hopes they can get rid of some of the animosity between the City folks and the County folks in Rest Haven.

Councilor Feury asked Chris Erler what his fear was of waiving a protest for annexation. Mr. Erler said it isn't fear, he just isn't sure it is necessary. He said if they look objectively at everything a builder/homeowner has to go through he doesn't think it is an appropriate requirement. Councilor Feury said it isn't saying the City wants to annex the property, but it sets the City up if the growth of the City happens out in that area in the future. He said the intent is that when the orderly growth of the City takes them in a certain direction the City extends infrastructure. Mr. Erler said he understands the City's point of view. He said this subdivision was here many years ago. He said he would like to stay many years. Some people have been here since the 1960's and a lot of the raw sewage used to go into the lake. Then, there were septic systems, but now there is the interest to improve water quality and extend the sewer lines. He said they have already paid for that sewer line through the RSID. He said there seems to be an attitude that the county residents are a burden to the City. He hopes that they can change that.

Councilor Barberis asked if there is a common lake access and Mr. Erler said there is a homeowner's beach. Manager Stearns said he told Mr. Erler that Montana Law recognizes that the City can require annexation for providing water or sewer service. It is a long held policy and has been in affect since 1925 and was updated in 1971. Most cities in Montana rely on that authority to say that if you want City services you have to join the club. He said the Rest Haven RSID was done in the early 1990's and Public Works Director Wilson found a memo from former City Manager Dale Ennor which said each owner must sign an agreement to waive future annexation when the property becomes contiguous to the City; at the time of the RSID and for future connections. He said in 1998 the City pursued annexation over on the Seventh Street area under the method of annexation with sufficient petitions and perhaps wholly surrounded or contiguous properties. He said the City was sued but the City's position was upheld in 2004. Since then, Council has tightened up procedures and requires a waiver of a protest and a petition for annexation to hook up to services. He said the most efficient way to annex property is with a petition for annexation; and the City wanted to annex people immediately to avoid lawsuits. At the work session last year the Councilors listed annexation as an important issue. He said the history is important. The City has been doing this for a long time and it is standard policy in cities around Montana. In 1998 they adopted new resolutions requiring a property owner's consent to annexation as a condition of continued water or sewer service. If they didn't want to annex they could be asked to get off the sewer.

Mr. Erler said if they are getting sued over annexations maybe they shouldn't be annexing. He said he heard Manager Stearns say that if someone wants sewer service then they have to do this and that. He said there is no choice for residents in Rest Haven. He said the DEQ won't allow him to have a septic because there is a sewer line in the area. He said if it was a City line, he could see the City's

argument, but it was paid for by the residents. He said he didn't think it was fair or the right thing to be doing. Mayor Muhlfeld said there will be an annexation workshop on March 3, 2014 and there will be a time for public input. Mayor Muhlfeld said this is a tool the City uses for down the road; it doesn't mean they intend to annex this property in the near future. He encouraged Mr. Erler to attend the work session. Mr. Erler said if they looked at this objectively he doesn't think they can come to the conclusion that this is the right thing for the City to do. He asked them to ignore some of the early emails because he didn't know they would be made public. Mayor Muhlfeld said if the City receives any emails on agenda items they have a policy to publish them. He agreed that they should all commit to respectful dialogue.

Manager Stearns said the Council's decision is needed tonight, because if Chris Erler doesn't sign his petition then he doesn't get connected. Manager Stearns said when people face a 20% increase in taxes they aren't eager to connect. He said City residents subsidize county residents for Sheriff/Deputy expenses and for Fire. A county resident pays a \$90 assessment for Fire, but City residents pay \$270. It really becomes a matter of equity for City and County residents.

Councilor Anderson asked and Manager Stearns said if there is no motion then the scenario is unchanged, the signed forms are required for connection. Councilor Hildner said he is sympathetic, but if they granted Mr. Erler relief then they would put themselves in a difficult position in the future regarding annexation.

Mr. Erler said he has a small family and doesn't use a lot of water and more than half of those houses are part time homes. He said they might use tanks that get pumped out each year because they don't want the cost of the monthly sewer fees. Manager Stearns said the county wouldn't let them have a septic in if they are within 200 feet of a sewer line. Mr. Erler said it is a holding tank, not a septic system. Manager Stearns said he wasn't sure if the county would allow that either. Councilor Feury said he appreciated Mr. Erler's concerns; as Councilor Feury himself is a property owner who is paying \$20,000 over 20 years for an SID. Councilor Feury said the residents in Rest Haven didn't pay for the whole line alone. He said about 75% of the RSID was covered by an EPA grant for Rest Haven. Councilor Feury said they have looked at trying to get people to hook up to sewer who are on the lake. He said water quality is important to everyone in the community. He thinks the Council needs to look at potential changes to sewer issues around the lake and other areas. He said he is uncomfortable making compensation for Mr. Erler as an individual property owner. They have a lot of people they need to take into consideration.

The Council took no action on this item.

8b. Email from Fred Frost regarding excessive use of liquid de-icer on roads (p. 186)

Councilor Sweeney said he is against excessive use. Director Wilson said that he and the Public Works Superintendent want to use resources effectively, and they will try to stay on top of this issue. Manager Stearns said bridges freeze before the road, so the drivers need to be selective on where they apply the de-icer. They may not need it on all of the roads, but they may need it on the bridges.

8c. 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)

Councilor Sweeney will remain on the Committee; and Councilor Feury volunteered to also serve on this steering committee; the Council showed unanimous support.

Councilor Comments:

Councilor Sweeney said he thinks they need a work session for the Ice Den as they consider looking at remaining open year-round. The business plan timing would require them to make a decision on this by the first part of March if this goes forward for the summer of 2014.

Councilor Feury apologized for missing the first meeting of the year. He had a business commitment. He is glad to be back on the Council and thinks they will serve the City well. He thanked the Councilors who just completed their terms and welcomed the new Councilors.

Councilor Frandsen said Whitefish is full of talented people and congratulated the following:

- Ethan Thompson for being selected for American Idol,
- Parker Costain, who placed 4th in ski competition
- Maggie Voison, who is competing in the X games this week and was selected as the youngest Olympic competitor on the ski team.

Councilor Anderson said the Resort Tax Monitoring Committee met and collections are up about 5.4%, which is good, but there was a low dip during the federal government shut down.

8d. Any appointments to Boards and Committees not made during the special session preceding tonight's meeting. None.

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

Mayor Muhlfeld adjourned the meeting at 8:10 p.m.

Mayor Muhlfeld

Jane Latus Emmert, Recording Secretary

Attest:

Necile Lorang, City Clerk

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



January 27, 2014

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

RE: Highway 40 WBSD Zoning Site Plan Amendment: WZC 09-22A

Honorable Mayor and City Council:

Summary of Requested Action: This is a request by C Holdings on behalf of Goat Haunt LLP to amend an existing site plan approved by the Whitefish City Council on November 2, 2009 in connection with zone change WZC-09-22. The property is located at 3905 Highway 40 and is currently developed with a three sided storage shelter, a wooden barn, and a small shed. The site is approximately 4.88 net acres and is zoned WBSD (Business Service District). The WBSD zoning district was adopted in 2008 as a district intended '*to create defined areas that are appropriate for nonretail limited commercial services and light industrial uses.*' The district requires a site plan outlining potential buildings, parking areas, access locations, utilities, drainage, landscaping, and signage to be submitted and approved when a change to WBSD zoning is requested. (See attached WBSD Business Service District zoning). The WBSD zoning regulations further state that any desired subsequent changes shall be submitted for approval as an amendment to the site plan, and approved by the City Council if a substantial change.

The previous site plan, approved with the zone change submittal in 2009 (See exhibit 3), identifies the storage shelter currently built on the subject property to remain at 2520 square feet and a 2520 square feet future supply building to be constructed to the east. Two separate future lease space buildings approximately 5184 square feet each would be constructed south of the existing storage building. Also approved in 2009 were three additional future lease space buildings ranging between 5184 square feet to 6500 square feet, located near the southern and eastern property boundaries.

According to Section 11-2V-4(B)(3) of the WBSD zoning designation, substantial modifications to the approved site plan require review and approval by the Whitefish City Council, whereas minor changes can be approved administratively. Substantial modifications include but are not limited to, an increase in the number of buildings, major changes in access or circulation, major changes to signage and landscaping, or an increase in building size by more than ten percent (10%). The applicants' submitted modified site plan proposes the existing storage shelter to be enlarged to 5040 square feet, a two-story office building approximately 6000 square feet to be constructed instead of the future supply building, and the two future lease space buildings to be combined into one large storage building approximately 9999 square feet. (See exhibit 2.) The applicants are proposing the building to be less than 10,000 square feet as the regulations require a structure over that size to be approved through a Conditional Use Permit. The remaining three future lease space buildings are not being modified at this time. If future modifications are proposed for those structures, the site plan would need to be re-evaluated. The submitted amendments to the site plan

propose to double the size of the existing storage shelter and more than double the size of the future office building, thereby necessitating review by the Whitefish City Council. No additional changes to parking, access, landscaping, or signage is proposed at this time.

Findings:

1. The proposed modifications to the approved site plan conform to the Business Service Center land use designation on the Whitefish City-County Growth Policy Future Land Use Map.
2. The proposed modifications to the approved site plan are in conformance with the WBSD (Business Service District) zoning designation outlined in the Whitefish Zoning Regulations Section 11-2V-4(B).

Planning Board Action: The Whitefish City-County Planning Board did not meet on January 16, 2014, as a quorum was not present.

Planning & Building Department Recommendation: The Zoning Administrator recommends approval of the above referenced site plan amendments.

Public Hearing: Notification was mailed to adjacent property owners on December 30, 2013. At this time, only one comment regarding the proposal has been received by our office, which is in support of the proposed modifications.

Recommended City Council Action: Staff recommends the Whitefish City Council approve the proposed modifications to the adopted site as it is consistent with the established zoning and Section 11-2V-4(B)(3) of the Whitefish Zoning Regulations.

This item has been placed on the agenda for your regularly scheduled meeting on February 3rd, 2014. Should Council have questions or need further information on this matter, please contact the Planning & Building Department.

Respectfully,



Bailey Minnich, CFM
Planner II

- Att: *Exhibits*
1. Application & Proposed Site Plan, 12-19-13
 2. Previously Approved Site Plan, 10-19-09
 3. Adjacent Landowner Notice, 12-30-13
 4. Public Comment, 1-09-14
 5. Site Visit Photos, 1-27-14

c: w/att Necile Lorang, City Clerk

c: w/o att C Holdings, 910 Utah Ave, Libby, MT 59923
David Graham

12-19-12 / 1106-1711

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

**PETITION FOR ZONING MAP AMENDMENT
WHITEFISH ZONING JURISDICTION**

FEE ATTACHED \$660 (See current fee schedule)

NAME OF APPLICANT: C Holdings
MAIL ADDRESS: 910 Utah Ave
CITY/STATE/ZIP: Libby MT 59923 PHONE: 406-291-0131
E-Mail (Optional; not for official notification.) _____
INTEREST IN PROPERTY: _____

PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 3905 Hwy 40 Whitefish, MT 59937
- B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number
(Section, Township, Range) Lot 4 LSL Subdivision
9-30-21
(Attach sheet for metes and bounds)
- C. Land area in zone change (ac) _____
- D. The present zoning of the above property is: WBSD
- E. The ~~proposed~~ zoning of the above property is: WBSD
- F. State the changed or changing conditions that make the proposed amendment necessary:
Change in building sizes.

HOW WILL THE PROPOSED ZONE CHANGE ACCOMPLISH THE FOLLOWING:

A. Promote public health, public safety, and general welfare: _____

EXHIBIT
1

B. Secure safety from fire and other dangers:

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

D. Provide reasonable provision of adequate light and air:

E. Effect motorized and nonmotorized transportation systems:

F. Promote compatible urban growth:

G. Consider the character of the district and its particular suitability for particular uses:

H. Protect and conserve the value of buildings:

I. Encourage the most appropriate use of land throughout the jurisdictional area:

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

The signing of this application signifies approval for Whitefish Planning & Building staff to be present on the property for routine monitoring and inspection during approval process.



(Applicant Signature)

12/16/13

(Date)

C Holdings
Michael Covey

Print Name

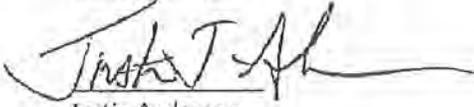
Nicolette Covey

Dear members of the Planning and Building Office, Planning Board, and Whitefish City Council:

We Don Anderson, Sheri Anderson, Justin Anderson, Nina Anderson, members of Goat Haunt LLP, the owner/seller of the property located at 3905 Highway40, Whitefish, Montana (a part of "East Entrance Corridor Business District, Whitefish, Montana"), do authorize C Holdings LLC (buyer), represented by the members, Michael Covey and Nicolette Covey, to apply for an amendment to the district's adopted site plan.

Don Anderson

Sheri Anderson


Justin Anderson

Nina Anderson

Dear members of the Planning and Building Office, Planning Board, and Whitefish City Council:

We Don Anderson, Sheri Anderson, Justin Anderson, Nina Anderson, members of Goat Haunt LLP, the owner/seller of the property located at 3905 Highway40, Whitefish, Montana (a part of "East Entrance Corridor Business District, Whitefish, Montana"), do authorize C Holdings LLC (buyer), represented by the members, Michael Covey and Nicolette Covey, to apply for an amendment to the district's adopted site plan.

Don Anderson

Sheri Anderson

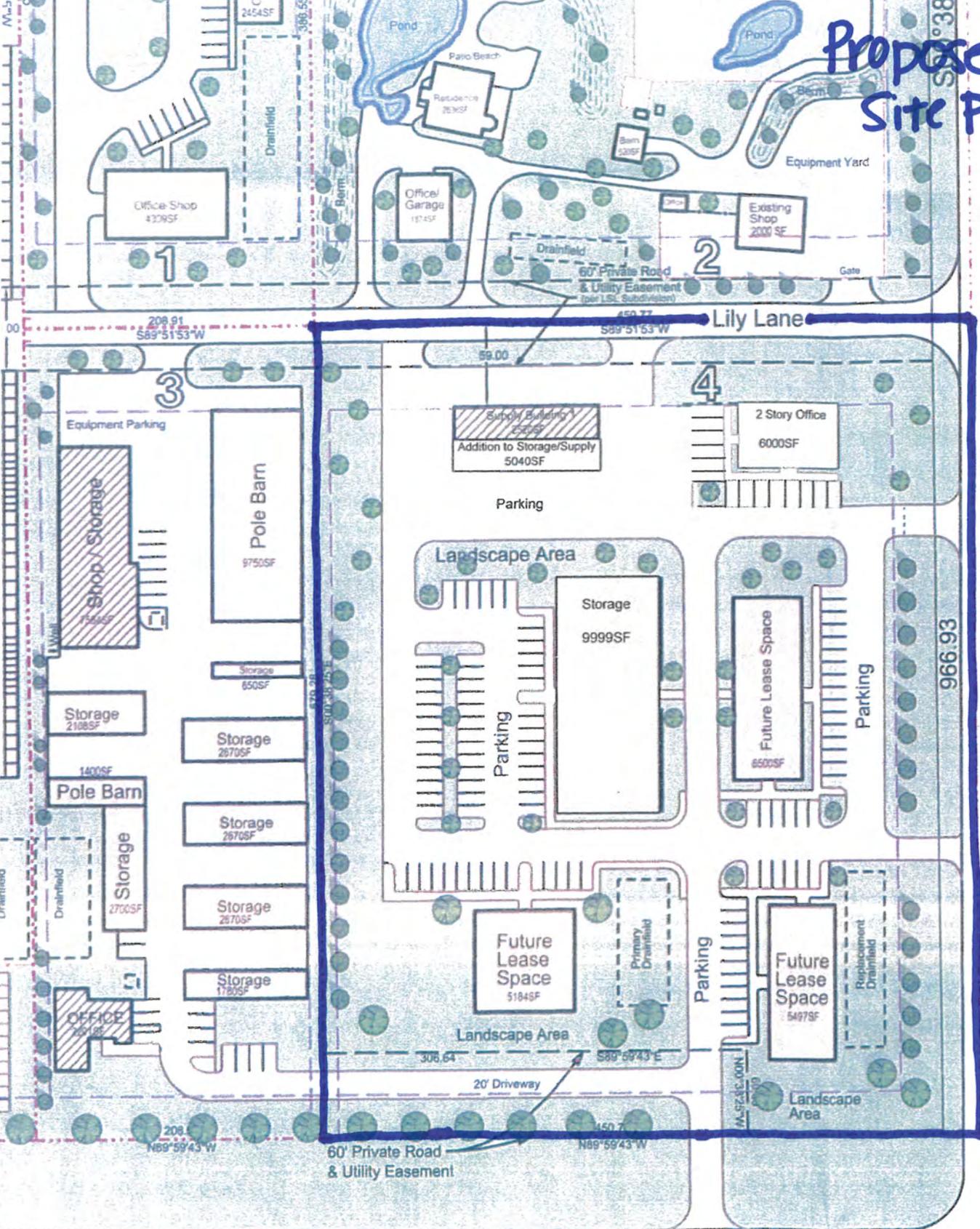
Justin Anderson



Nina Anderson

Proposed Site Plan

4/



7

8

ACE

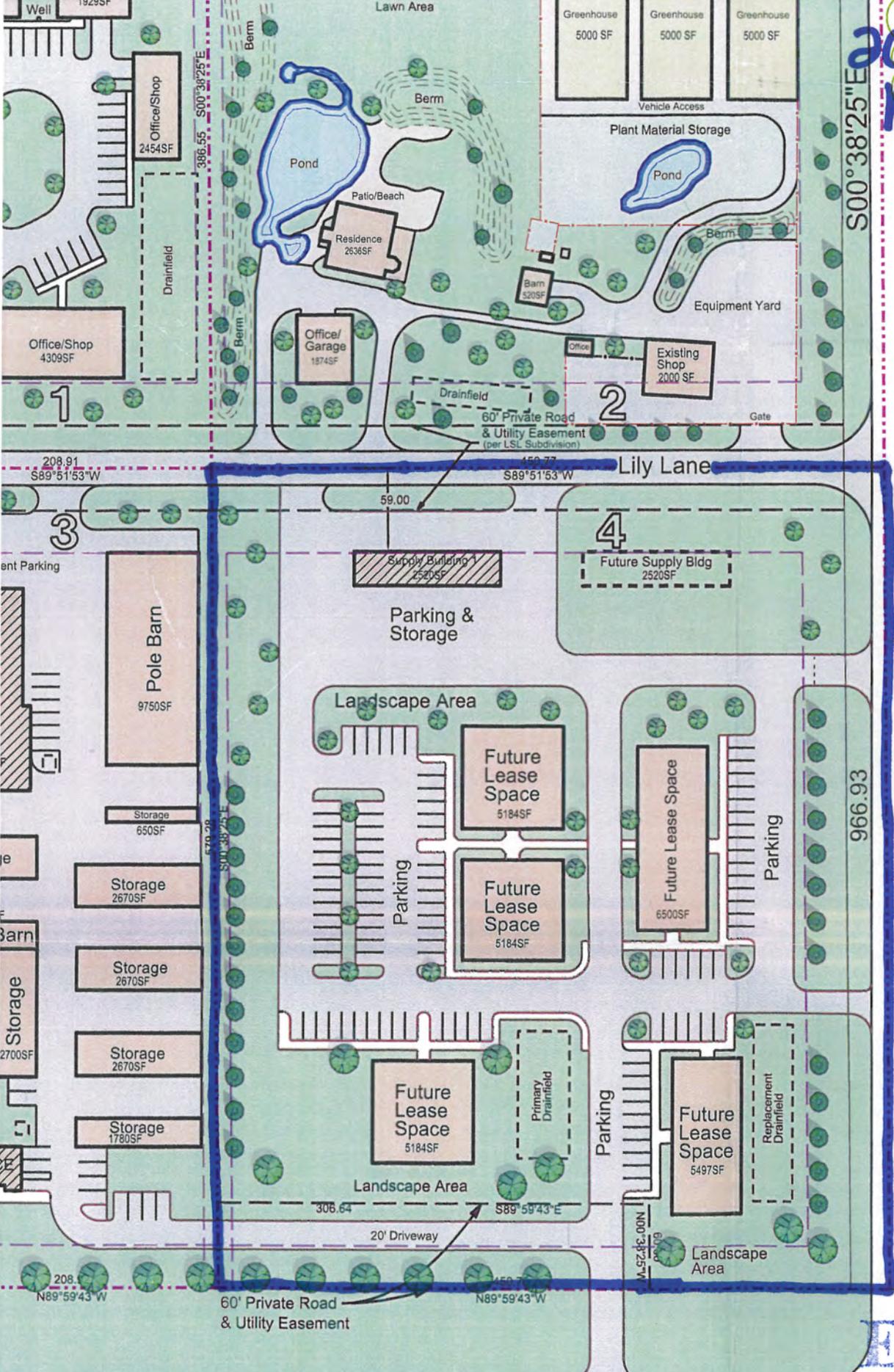
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Dillon Road

Montana Highway No. 40

111B A 111B A A

2009 Approved Site Plan 4AB



7
ACE

8
ACE

1
ACE

Dillon Road

EXHIBIT

Montana Highway No. 40

2



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that C Holdings on behalf of Goat Haunt LLP is proposing to amend an existing site plan approved by the Whitefish City Council on November 2, 2009 with zone change WZC-09-22. The subject property is currently developed with a three sided storage shelter and is zoned WBSD (Business Service District). The property is located at 3905 Highway 40 and can be legally described as Lot 4 of LSL Subdivision in Section 9 Township 30N Range 21W P.M.M., Flathead County.

You are welcome to provide comments on the project. Comments can be in written or email format. The City-County Planning Board will hold a public hearing for the proposed project request on:

Thursday, January 16th, 2013

6:00 p.m.

**Whitefish City Council Chambers, City Hall
402 E. Second Street, Whitefish MT 59937**

The City-County Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on Monday, February 3rd, 2013 at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan outlining the proposed amendments. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at bminnich@cityofwhitefish.org. Comments received by the close of business on Thursday, January 16th, 2013, will be summarized to the Planning Board members at the public hearing. Comments received after the Planning Board hearing will be included in the packet to the Whitefish City Council.

EXHIBIT

3

Bailey Minnich

From: Bill Rice [bill@DenmanConstruction.com]
Sent: Thursday, January 09, 2014 11:49 AM
To: bminnich@cityofwhitefish.org
Subject: Dillon Road/Hwy 40

Follow Up Flag: Follow up
Flag Status: Flagged

I received the Notice for the development of the Goat Haunt LLP property at the corner of Dillion Road and Hwy 40. It appears to conform with the idea of WBSD that we neighbors helped develop. We own the property on the west. I don't see any issues.

Bill Rice



Denman Construction
P.O. Box 5420
Whitefish, MT 59937

c: 406.253.3290
o: 406.863.9925
f: 406.862.3151

www.denmanconstruction.com

EXHIBIT

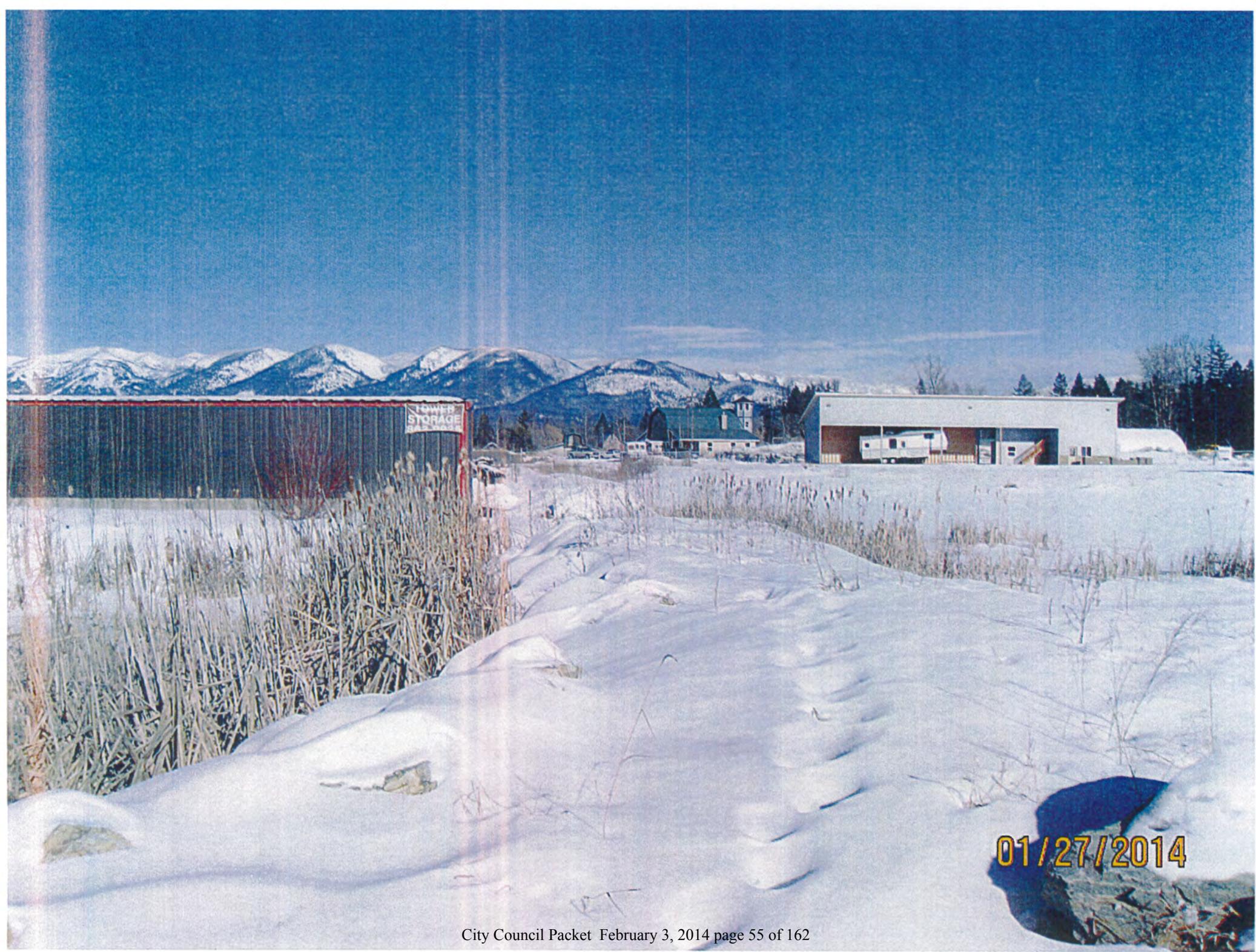
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EXHIBIT

01/27/2014

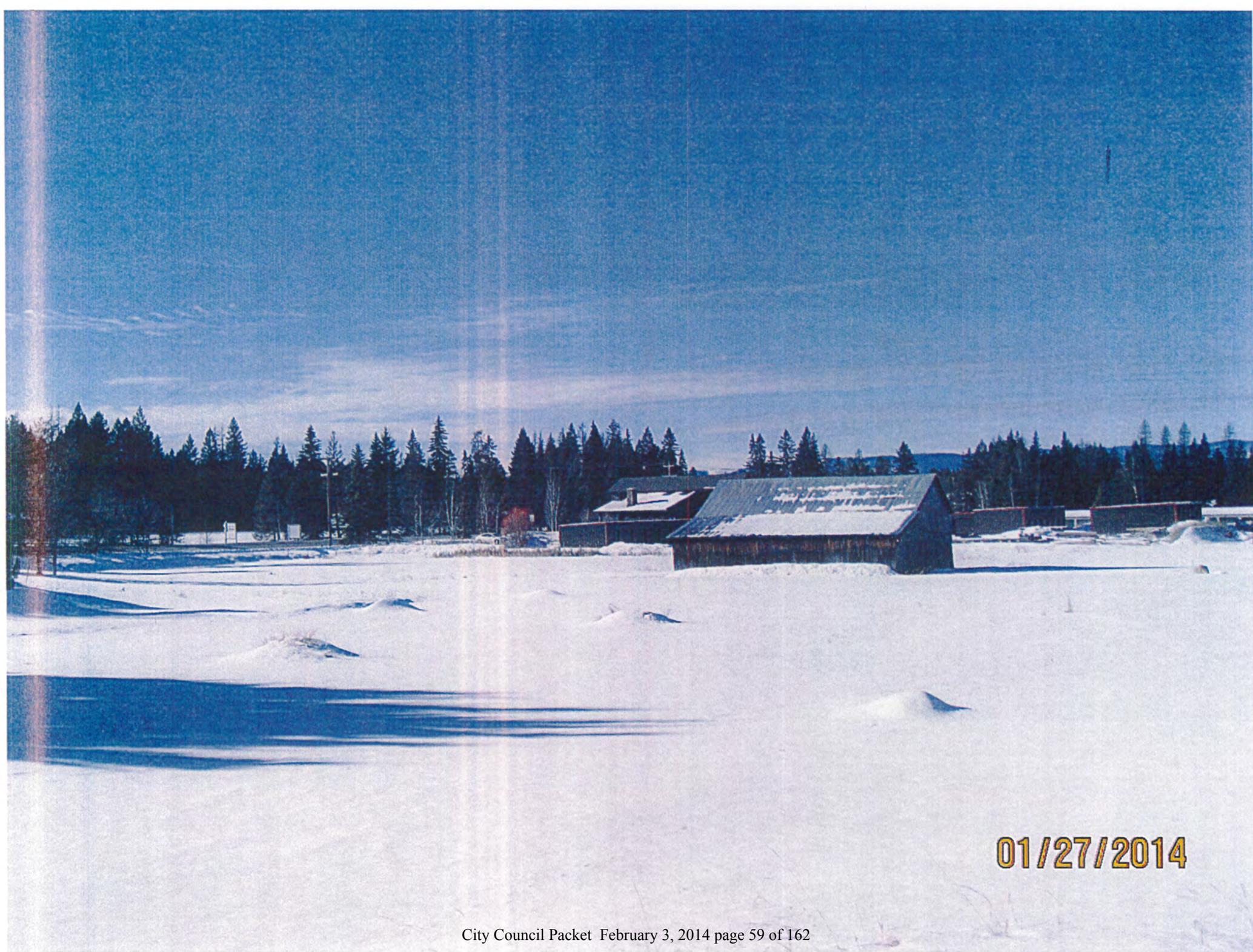




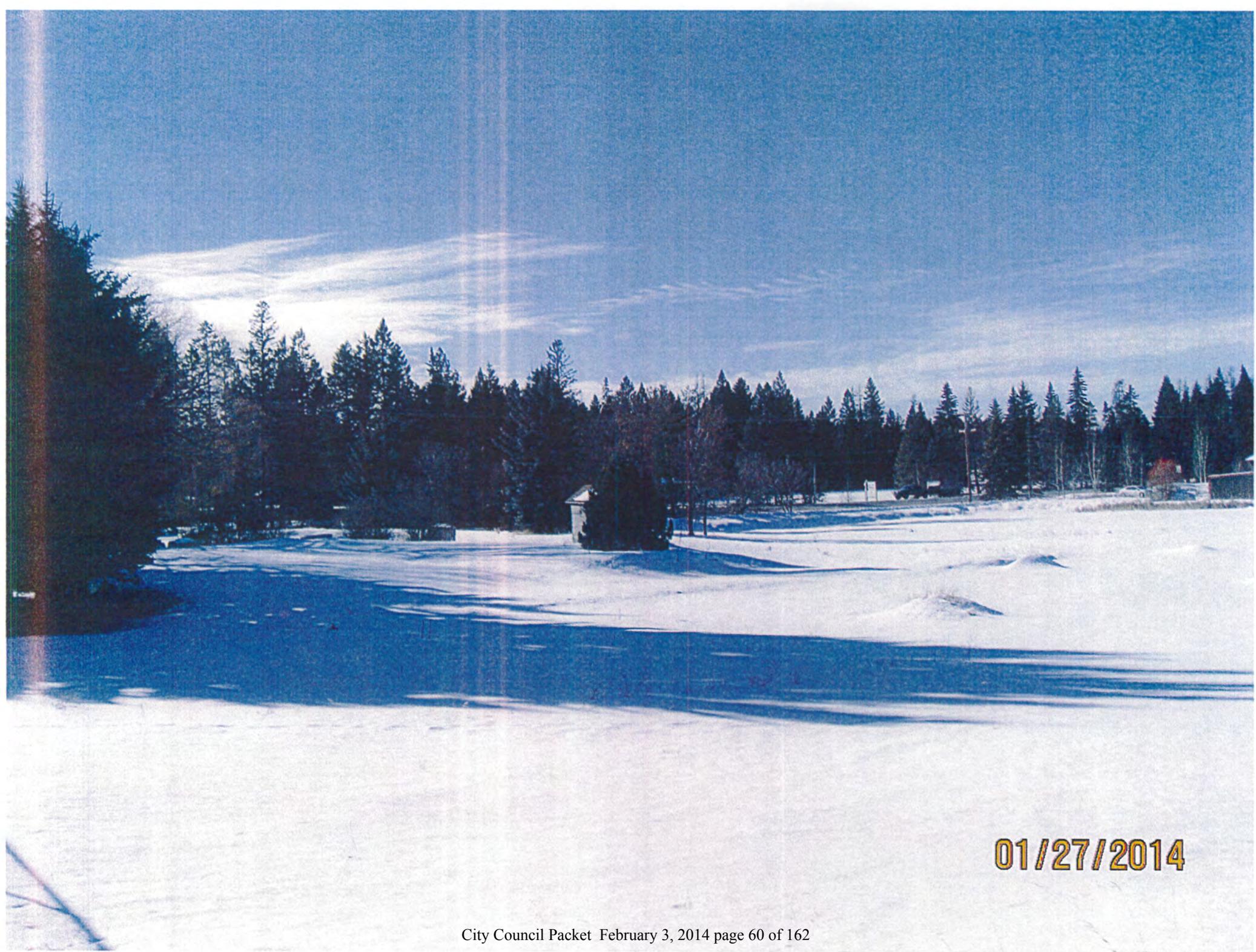




01/27/2014



01/27/2014



01/27/2014

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**ORCHARD LANE 3
STAFF REPORT WPP 14-01
JANUARY 28, 2014**

A report to the Whitefish City Council regarding a request for preliminary plat by Bevill Limited Partnership for a four-lot Minor Subdivision. This request is scheduled before the Whitefish City Council for a public meeting Monday, February 3, 2014 in the Council Chambers at 7:10 p.m.

PROJECT SCOPE

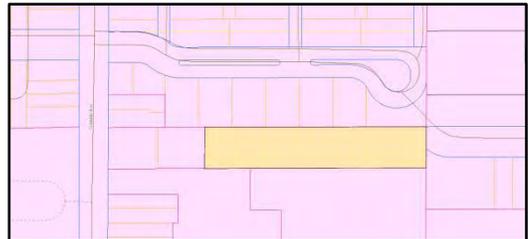
This is a request for preliminary plat approval of a four-lot subdivision. The subject property is approximately 0.821-acres. Currently, a townhouse building is under construction. The townhouse received Architectural Review approval in 2012.

A. Owner/Applicant:
Bevill Limited Partnership
PO Box 4713
Whitefish, MT 59937

Technical Assistance:
F&H Land Surveying
Brian Sullivan
PO Box 114
Whitefish, MT 59937

B. Location:

The property is located on the east side of Colorado Avenue between Aspen Grove Street and Colorado Avenue. The property is addressed as 467 & 469 Colorado Avenue. The property can be legally described as Tract 2, Amended Plat of a Portion of Lot 6, Block 5 Whitefish Townsite Company's Five Acre Tracts in Section 25, Township 31N, Range 22W, P.M.M., Flathead County, Montana.



C. Size:

The subject property is 0.821-acres in size and the lots range in size from 7,119 to 11,219 square feet.

D. Existing Land Use and Zoning:

WR-2, Two-Family Residential District, intended for residential purposes to provide for one and two-family homes in an urban setting connected to all municipal facilities and services.

E. Adjacent Land Uses and Zoning:

North: residential WR-2

West:	residential	WR-2
South:	residential	WR-2
East:	residential	WR-2

F. Utilities/Services:

The proposed subdivision lies within the immediate service area of the City of Whitefish. Services will be provided by the following:

Sewer service:	City of Whitefish
Water service:	City of Whitefish
Solid Waste:	North Valley Refuse
Gas:	Northwest Energy
Electric:	Flathead Electric Co-op (underground)
Phone:	CenturyLink (underground)
Police:	Whitefish Police Department
Fire:	Whitefish Fire Department
Schools:	Whitefish School District #44

G. Public Notice:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on January 10, 2014. A sign was posted on the property on January 10, 2014. Advisory agencies were noticed on January 10, 2014. Staff received a letter in opposition to the subdivision from the neighbor to the south of the proposed subdivision. This neighbor obtains access across the applicant’s lot and has concerns about the use of this easement for the two proposed western lots.

REVIEW AND FINDINGS OF FACT

This application is reviewed as a minor subdivision in accordance with the Whitefish Subdivision Regulations.

A. Effects on Health and Safety:

Fire: The Whitefish Fire Marshal reviewed the proposed project and has determined they have adequate access.

Flooding: Pursuant to the FEMA flood insurance rate map, community panel 30029 1090 G, the property is outside the 100-year floodplain and is located within Zone X – areas determined to be outside the 0.2% annual chance floodplain

Access: The two western lots have access off an existing easement/shared driveway from Colorado Avenue that cross another lot to the south that the applicant also owns. This easement serves the recently constructed townhouses that front on Colorado Avenue and the neighbor to the east. This is the neighbor that is contending, as described above, the applicant cannot grant additional access through this easement.

The two eastern lots will access off of Aspen Grove Street, a public right-of-way. The driveways and private street will be paved and meet emergency access with a 'T' turn-around prior to final plat per the zoning regulations.

Finding 1: The proposed subdivision will not have a negative effect on public health and safety. The fire department has reviewed the proposal for conformance with fire code; the property is not located within a mapped floodplain; access is proposed to be off a new private road onto an existing city street for the western lots and off a shared driveway onto Aspen Grove Street, a public right-of-way for the eastern lots; and the amount of traffic generated will not have an adverse effect on the local streets.

B. Effects on Wildlife and Wildlife Habitat:

The site is located entirely within the urban confines of the City of Whitefish. The area is not mapped by the Montana Department of Fish, Wildlife and Parks as important winter range for big game; however, deer and other animals most likely use the site.

Finding 2: The proposed subdivision is within the urban area and is not mapped as a winter range for big game therefore the subdivision should not have a negative effect on wildlife or wildlife habitat.

C. Effects on the Natural Environment:

Surface and groundwater: Municipal water and sewer facilities will serve the proposed lots.

Drainage: An engineered storm drainage plan is required, as the impervious surface will result in more than 5,000 square feet. The plan should include a long-term maintenance plan for Homeowners' Association implementation.

Slopes: The property is flat.

Finding 3: The subdivision is not located within any environmentally sensitive areas. No effects on surface or groundwater are anticipated and there are no slopes on the property. An engineered storm water plan shall be reviewed by the city, as 5,000 square feet or more impervious area will be created.

D. Effects on Local Services:

Water and Sewer: City water and sewer have been extended to serve the lots within the development.

Roads: The western lots are served by an internal private street ending in a suitable emergency turn-around. The lots on the east will be served by



a shared driveway off Aspen Grove Street.

Schools: The property is within the Whitefish School District and this subdivision will not have a significant impact on the school district.

Parks and Open Space: Parkland dedication is a requirement for this subdivision. Pursuant to §12-4-11A, this subdivision is required to dedicate 0.03 acres/proposed lots. Therefore the parkland dedication is 0.12 acres in either land or cash in lieu of the land dedication. As the parkland will be less than one acre, the City will request cash in lieu of land. This fee will be calculated and paid at the time of final plat. The fee is based on the value of the unimproved land. The applicant has submitted information concerns comparable lots and believe the value of their lot falls between \$42,682.00 and \$46,341.00. Taking the mid-range of these two values at \$44,511.50, the parkland dedication would be: \$6,505.00 due at the time of final plat. This is calculated by using a ratio formula:

$$\frac{\text{Acres of lot}}{\text{Value of lot}} = \frac{\text{Acres of parkland dedication}}{x \text{ (value of parkland dedication)}}$$

$$\frac{0.821}{\$44,511.50} = \frac{0.12}{x}$$

$$0.12(44,511.50) = 0.821(x)$$

$$x = \frac{0.12(44,511.50)}{0.821}$$

$$x = \mathbf{\$6,505.00}$$

Police: This property is currently inside the city limits of Whitefish and would therefore be served by the City of Whitefish Police. The proposed development is not anticipated to impact the current level of service.

Fire Protection: This property is currently served by the Whitefish Fire Department. The proposed development is not anticipated to impact the current level of service.

Solid Waste: Solid waste will be handled by the North Valley Refuse and taken to the Flathead County Landfill. There is sufficient capacity within the landfill to accommodate the additional solid waste generated from this subdivision.

Medical Services: Ambulance service is available from the fire department and ALERT helicopter service. North Valley Hospital is approximately 3 miles from the subdivision site.

Finding 4: The proposed subdivision does not pose any negative effects on local services and facilities. Additional services such as police and schools are not anticipated to be affected. A fee in lieu of parkland dedication shall be paid at the time of final plat.

E. Effects on Agriculture and Agricultural Water User Facilities:

The property is within the City limits and is not agricultural land.

Finding 5: No effects are anticipated upon agriculture and agricultural water user facilities since the subdivision is located within city limits and will utilize the city water system.

F. Compliance with Growth Policy:

The Whitefish City Growth Policy designates this area as Urban.

Urban: This is generally a residential designation that defines the traditional neighborhoods near downtown Whitefish, but it has also been applied to a second tier of neighborhoods both east of the river and in the State Park Road area. Residential unit types are mostly one and two-family, but town homes and lower density apartments and condominiums are also acceptable in appropriate locations using the PUD. Densities generally range from 2 to 12 units per acre. Zoning includes WLR, WR-1, and WR-2.

Finding 6: The density and zoning of the subject property falls within the guidelines for the Urban designation according to the Whitefish Growth Policy.

G. Compliance with Zoning

Finding 7: The proposed subdivision meets the requirements of the zoning regulations contained within Section 11 of the Whitefish City Code.

H. Compliance with the Whitefish Subdivision Regulations:

Finding 8: The proposed subdivision complies with the requirements of the subdivision regulations contained within Section 12 of Whitefish City Code.

I. Compliance with the Montana Subdivision and Platting Act:

Finding 9: The proposed subdivision complies with the Montana Subdivision and Platting Act, MCA 76-3.

RECOMMENDATION

It is recommended that the Whitefish City Council adopt the findings of fact within staff report #WPP 14-01 and **approve** the preliminary plat for Orchard Lane 3, as submitted by the applicant, subject to the following conditions:

1. The development of the subdivision shall be in substantial conformance with the approved preliminary plat.
2. The private road shall be paved prior to final plat. All driveways are required to be paved. (Whitefish Zoning Regulations, §11-6-3-1D; Staff Report, Findings 1 and 4)

3. The access and utility easement shall be amended for access to the two western lots. (Whitefish Subdivision Regulations, §12-4-14, Staff Report Finding 1)
4. The applicant shall submit a site specific drainage plan that shows how runoff water from the impervious surfaces will be retained on site. (Engineering Standards, Chapter 5; Staff Report, Finding 3)
5. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. (Whitefish Subdivision Regulations, §12-4-30)
6. That a common off-street mail facility shall be provided by the developer and approved by the local post office. (Whitefish Subdivision Regulations, §12-4-24)
7. Cash in lieu of parkland dedication shall be paid at the time of final plat. The fee shall be \$6,550.00. (Subdivision Regulations §12-4-11, Finding 4)
8. The emergency access shall be approved by the Fire Marshal prior to final plat. The required emergency access, including the 't' turn around, shall be identified on the plat, signed for 'no parking' and kept clear at all times. (Subdivision Regulations, §12-4-20, UFC, Findings 1, 4)
9. The western lots shall be addressed 467 and 469 Colorado Avenue and the eastern lots shall be addressed 739A and 739B Aspen Grove Street.
10. Signage on Colorado Avenue identifying the addresses of the units off the easement shall be installed. The sign and its installation shall be approved by the Whitefish Fire and Public Works Departments. (Subdivision Regulations, §12-4-20, UFC, Finding 1)
11. The following notes shall be placed on the final plat:
 - a. That house numbers shall be posted on the house in a clearly visible location.
 - b. Garbage shall be stored in a secure location under the day of pick up or in a bear proof container pursuant to §4-5-4A.
 - c. All noxious weeds, as described by the Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner. (Subdivision Regulations, Appendix D)
12. A Road Owners' Agreement, signed by all users and recorded with the Flathead County Clerk and Records Office, indicating all owners shall be responsible for the long-term maintenance of the shared private driveway including snow removal. (Staff Report, Findings 1, 3)
13. The preliminary plat is valid for a period of three years from the date of approval. (Whitefish Subdivision Regulations, §12-3-8)



Sufficiency Review Preliminary Plat Application

RE: Sufficiency Review for: Orchard Lane 3

Pursuant to MCA 76-3-604(2)(a) and Whitefish Subdivision Regulations Section 12-3-4(B) we have determined your application:

Contains sufficient detail to commence review of the application. Your application will be scheduled for Planning Board on n/a and City Council on February 3, 2014.

Is lacking required detail in the following Elements:

Until the above-mentioned items are submitted, no further review will occur on your project.


Staff Signature

January 23, 2014

Date



Element Review
Preliminary Plat Application

RE: Element Review for: Orchard Lane III

Pursuant to MCA 76-3604(1)(a) and Whitefish Subdivision Regulations Section 12-3-4(A) we have determined your application:

- Contains all the required Elements to begin a Sufficiency Review
- Is missing the following Elements:

Until the above-mentioned items are submitted, no further review will occur on your project.

Williamson-R...
Staff Signature

1-9-14
Date

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



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Bevill Limited Partnership is proposing to subdivide a lot into four parcels. The property has a duplex under construction and is proposing to construct another duplex/townhouse and is zoned WR-2 (Two-Family Residential District). The property is located at 467 and 469 Colorado Ave and can be legally described as an Amended Plat of a Portion of Lot 6, Block 5, Whitefish Townsite Company's Fire Acre Tracts S25 T31N R22W.

You are welcome to provide comments on the project. Comments can be in written or email format. The City Council will hold a public meeting for the proposed project request on:

**Monday, February 3, 2014
7:10 p.m.**

**Whitefish City Council Chambers, City Hall
402 E. Second Street, Whitefish MT 59937**

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearing. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at wcompton-ring@cityofwhitefish.org. Comments received by the close of business on Monday, January 27, 2014, will be included in the packet to the Councilors. Comments received after the deadline will be summarized to the Councilors at the public hearing.

*Mailed
1-10-14*

JAN 24 2014

Greg Sandberg
435 Colorado Ave
Whitefish, MT 59937

January 24, 2014

Wendy Compton-Ring
Senior Planner
City of Whitefish, Planning and Zoning Dept.
PO BOX 158
Whitefish, MT 59937

RE: Objection to Proposed Sub-division at 467 & 469 Colorado Ave (City Council Review on Feb 3, 2014)

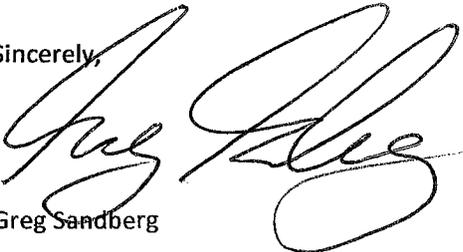
Dear,

I am writing to object to the approval of the proposed sub-division by Bevill Limited Partnership, LLC, scheduled to be reviewed by City Council on February 3, 2014. At this time there are legal disagreements regarding his access to these units and any new approval would make legal matters worse until the dispute is resolved.

Please find attached the supporting documents that I would like to be included as comments in the City Counsel's review of the proposed sub-division scheduled for February 3, 2014. These documents include

- The letter sent to Mr. Bevill from my attorney on 1/24/14 regarding violation of the easement and access to the proposed sub-division.
- A copy of the original easement between Collier (Bevill's Property) and Peplinsky (Sandberg Property).
- A hand Drawing showing the current structures on the properties involved

Sincerely,


Greg Sandberg

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



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Bevill Limited Partnership is proposing to subdivide a lot into four parcels. The property has a duplex under construction and is proposing to construct another duplex/townhouse and is zoned WR-2 (Two-Family Residential District). The property is located at 467 and 469 Colorado Ave and can be legally described as an Amended Plat of a Portion of Lot 6, Block 5, Whitefish Townsite Company's Fire Acre Tracts S25 T31N R22W.

You are welcome to provide comments on the project. Comments can be in written or email format. The City Council will hold a public meeting for the proposed project request on:

Monday, February 3, 2014

7:10 p.m.

**Whitefish City Council Chambers, City Hall
402 E. Second Street, Whitefish MT 59937**

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*mailed
1-10-14*

WAGNER LAW FIRM, PC

Telephone: (406) 862-4884
Fax: (406) 862-7820

121 Wisconsin Avenue
Whitefish, Montana 59937

John M. Wagner
Member
State Bar of Montana
johnmwagner@outlook.com

January 24, 2014

J. Richard Bevill
Bevill Limited Partnership, LLC
P.O. Box 4713
Whitefish, MT 59937
(406) 249-7079

RE: Sandberg Easement and Negative Easement.

Dear Mr. Bevill,

I have reviewed the enclosed documents that govern property rights between my client, Mr. Sandberg, and you. I am **extremely concerned on about your development of your land** adjacent and north of the Sandberg 50' road easement, and adjacent and north of my client's property.

The documents I have reviewed are recorded, which places you on constructive notice that you are aware and understand the contents. This means you are knowingly violating the recorded property rights of Mr. Sandberg as follows:

- 1) The 50' road and utility easement is for ingress and egress of Mr. Sandberg only, with "occasional" use permitted to your property to the south of said easement and zero rights to access your property to the north of said easement. However, you have built several duplexes on the north property and seek to build more in clear violation of the scope of the Sandberg easement. Furthermore, the north property you are developing had access directly off Colorado Avenue at the time you purchased the property and then you abandoned your legal access to build a duplex on the access point and proceeded to illegally use the Sandberg easement instead.
- 2) My client has a negative easement south of the Sandberg easement and east of the existing duplexes that front Colorado Avenue. Your development of this space is contingent on access through the front of the lots with direct access to Colorado Avenue, but two newer duplexes block all road access directly to Colorado Avenue. It appears to me that you are landlocked by prior development done despite the restrictions stated in the recorded documents.

I believe there are likely other issues, but these are the most pressing at this time. Mr. Sandberg would like to find a solution to this matter and is willing to reopen your prior discussions. However, if you ignore this matter and continue construction my client will be

forced to ask the District Court to issue a Temporary Restraining Order to shut down your construction and forbid access to your property on the Sandberg easement. This is an extreme measure for my client to take and he would rather not. However, I believe the court will review the petition and the documents and issue the TRO.

Please contact my office in writing on or before January 31, 2014 to open discussion on this matter as my client seeks a solution and not litigation, but you have forced him to act if you do not participate in a solution. Please be aware that the prevailing party in litigation will have its attorney fees and costs paid by the non-prevailing party.

Thank you.

WAGNER LAW FIRM, PC



~~John M. Wagner, Attorney at Law~~

enclosures



LAW OFFICES

HEDMAN, HILEMAN & LACOSTA, P.L.L.C.

204 CENTRAL AVENUE
WHITEFISH, MONTANA 59937-2662
FAX (406) 862-1140
E-MAIL: law@whitefishlaw.com
TELEPHONE (406) 862-2528

EUREKA OFFICE
222 DEWEY AVENUE
(GLACIER BANK BUILDING)
P.O. BOX 390
EUREKA, MONTANA 59917-0390
TELEPHONE (406) 296-2330

DONALD E. (GENE) HEDMAN
WILLIAM E. HILEMAN, JR.
SUSAN M. LACOSTA
JOHN M. PHELPS
CLIFTON W. HAYDEN
CHRISTINA H. LARSEN
WILFRIED L. ROYER
Of Counsel

PLEASE REPLY TO WHITEFISH OFFICE

LEO FISHER
1921 - 2001

DATE: **October 12, 2004**

TO: **Jo at Leo Tracy's Office** FAX NO. **862-9259**

FROM: **John Phelps**

RE: **Collier/Peplinski**

TOTAL NUMBER OF PAGES: 6 (including the cover sheet). If the number of pages received is different than the total pages indicated, please call 406-862-2528.

COMMENTS:

Jo - Enclosed are copies of the Grant of Easement from Gary Collier to West Peplinski, as well as the Agreement between the two gentlemen. I do not have recorded copies. The surveyor who handled this project, Sam Cordi, picked up the original documents from my office and took them down for recording. If recorded copies are needed, we could probably obtain them from either Sam Cordi or the Clerk and Recorder's Office. Call if we can be of any help. Thanks, John

The original of this fax will be sent by mail. _____

The original of this fax will not be sent by mail. X

The information contained in this fax transmittal is confidential, and is only intended for the use of the recipient named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please call us immediately.

Time sent: _____

By: **Keni**

GRANT OF EASEMENT

CARY COLLIER, of 1013 Mountain Park Drive, Whitefish, Montana 59937 ("Grantor"), owner of Tract 1 of Collier Estates, an amended plat of the South half of the North half of Lot 8 and the North half of the South half of Lot 8, Block 5, Whitefish Township Company's Five Acre Tracts, according to the map or plat thereof on file in the office of the Clerk and Recorder of Flathead County, Montana, for good and valuable consideration, receipt of which is acknowledged, does hereby grant, bargain, and convey unto WEST M. PEPLINSKI, of 436 Colorado Avenue, Whitefish, Montana 59937 ("Grantee"), a fifty foot (50') wide private access and utility easement, in the location set forth on the plat of Collier Estates, an amended plat of the South half of the North half of Lot 8 and the North half of the South half of Lot 8, Block 5, Whitefish Township Company's Five Acre Tracts, according to the map or plat thereof on file in the office of the Clerk and Recorder of Flathead County, Montana. The property to which the easement created herein shall be appurtenant, and the owner of which shall have the right to enforce this easement, is Tract 2 of Collier Estates, an amended plat of the South half of the North half of Lot 8 and the North half of the South half of Lot 8, Block 5, Whitefish Township Company's Five Acre Tracts, according to the map or plat thereof on file in the office of the Clerk and Recorder of Flathead County, Montana.

Grantor, as the owner of the property underlying the easement created herein, shall also be entitled to use this easement for access and utilities.

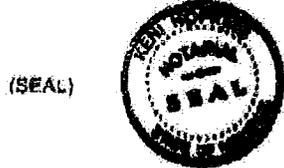
DATED this 11 day of July, 2003.

Cary Collier
CARY COLLIER

STATE OF MONTANA)
County of Flathead)

On this 11th day of July, 2003, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared CARY COLLIER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.



Ken Hoffman
Notary Public for the State of Montana
Residing in Columbia Falls, Montana
My Commission expires: 11-6-2005

RETURN TO:
HEDMAN, HILEMAN, LACOSTA
264 CENTRAL AVENUE
WHITEFISH, MT 59937

AGREEMENT

This Agreement is entered into as of the 12th day of September, 2003, by and between CARY COLLIER ("COLLIER"), and WEST M. PEPLINSKI ("PEPLINSKI"), with respect to the following facts:

A. COLLIER owns Tract 1 of Collier Estates, an amended plat of the South half of the North half of Lot 6 and the North half of the South half of Lot 8, Block 5, Whitefish Township Company's Five Acre Tracts, according to the map or plat thereof on file in the office of the Clerk and Recorder of Flathead County, Montana ("COLLIER'S PROPERTY").

B. PEPLINSKI owns Tract 2 of Collier Estates, an amended plat of the South half of the North half of Lot 6 and the North half of the South half of Lot 8, Block 5, Whitefish Township Company's Five Acre Tracts, according to the map or plat thereof on file in the office of the Clerk and Recorder of Flathead County, Montana ("PEPLINSKI'S PROPERTY").

C. COLLIER'S PROPERTY and PEPLINSKI'S PROPERTY are contiguous, with the west boundary of PEPLINSKI'S PROPERTY being the east boundary of COLLIER'S PROPERTY, as shown on Exhibit "A," attached hereto and incorporated herein by reference.

D. The parties wish to impose restrictions upon COLLIER'S PROPERTY, and provide for the construction of a fence and gate, as set forth herein.

THEREFORE, the parties agree as follows:

1. Restriction on Property. For valuable consideration, receipt of which is hereby acknowledged, COLLIER agrees to impose the following terms and restrictions on COLLIER'S PROPERTY and hereby grants to PEPLINSKI a negative easement, pursuant to which COLLIER agrees that he, and his successors in interest, (a) shall not construct any structures, buildings, or any other improvements, including but not limited to parking lots, parking areas, or driveways, on that portion of COLLIER'S PROPERTY that is shown as cross-hatched on Exhibit "A," attached hereto and incorporated herein by reference, (b) shall obtain primary vehicular access to the units to be constructed on COLLIER'S PROPERTY directly from Colorado Avenue, and shall use the 50' PRIVATE ACCESS & UTILITY EASEMENT (shown on Exhibit "A") only for occasional and limited vehicular access to that portion of COLLIER'S PROPERTY located east of such units, and (c) shall keep the gate which allows access to that portion of COLLIER'S PROPERTY east of such units closed at all times, except when accessing such portion.

2. Construction and Maintenance of Fence. COLLIER and PEPLINSKI shall share equally the initial cost of an attractive wood fence and gate, to be constructed as described herein. COLLIER shall be responsible for constructing such fence and gate in a good and workmanlike manner, and shall complete such construction by the time that COLLIER completes construction of the housing units that COLLIER proposes to

build. Prior to construction, COLLIER shall obtain a written estimate of the cost to construct the fence and gate, and shall provide such written estimate to PEPLINSKI. PEPLINSKI shall, within twenty (20) days of receipt of such estimate, pay to COLLIER one-half of the amount of such estimate. After construction, COLLIER, and then his successors, or such homeowners' association as is created by COLLIER or his successors, shall be responsible for maintaining the fence and gate in a good condition, and for any additional construction or re-construction. The fence and gate shall be located as described herein. The gate shall be installed along the southern boundary of the 50' PRIVATE ACCESS & UTILITY EASEMENT, approximately 105 feet from the eastern end of such EASEMENT. The fence shall be installed for a length of approximately 100 feet immediately to the west of the gate, along the southern boundary of the EASEMENT.

3. Effect of Subdivision by PEPLINSKI. The terms and restrictions set forth in Paragraphs 1 and 2, above, shall remain valid and enforceable unless and until PEPLINSKI subdivides or otherwise splits PEPLINSKI'S PROPERTY into more than one (1) developable parcel, at which time the terms and restrictions set forth in Paragraphs 1 and 2, above, shall automatically terminate, and shall be of no further force and effect.

4. Binding on Successors. It is the desire of the parties to restrict COLLIER'S PROPERTY so that each successive owner of COLLIER'S PROPERTY shall be bound by the terms of this instrument. The parties agree that the terms and restrictions contained herein, and the negative easement created herein, shall bind the assigns, successors in interest, personal representatives, estate, heirs and legatees of COLLIER, and shall run with the land.

5. Who May Enforce. The terms and restrictions set forth herein are in favor of and benefit PEPLINSKI'S PROPERTY, and may be enforced by the owner of PEPLINSKI'S PROPERTY.

6. Forum. Any litigation to enforce or interpret the provisions of this Agreement or the parties' rights and liabilities arising out of this Agreement or the performance hereunder shall be maintained only in the courts in the County of Flathead, Montana.

7. Governing Law. The construction of this Agreement, and the rights and liabilities of the parties hereto, shall be governed by the laws of the State of Montana.

8. Attorneys' Fees. In the event of any litigation or arbitration to enforce or interpret the provisions of this Agreement, or to remedy a breach thereof, the prevailing party shall be entitled to reasonable attorneys' fees as fixed by the court or arbitrator.

9. Counterparts. This Agreement may be executed in one or more identical counterparts, all of which shall together constitute one and the same instrument when each party has signed one such counterpart.

10. Entire Agreement. This Agreement contains the entire agreement of the parties hereto, and supersedes any prior written or oral agreements between them concerning the subject matter contained herein.

11. Necessary Acts. Each party to this Agreement agrees to perform any further acts and execute and deliver any further documents that may be reasonably necessary to carry out the provisions of this Agreement.

DATED this 12th day of September, 2003.

Cary Collier
CARY COLLIER

West M. Peplinski
WEST M. PEPLINSKI

STATE OF MONTANA)
 : ss.
County of Flathead)

On this 12th day of September, 2003, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared, CARY COLLIER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.



(SEAL)

Terri Jackson
Notary Public for the State of Montana
Residing in Columbia Falls, Montana
My Commission expires: 11-6-2006

STATE OF MONTANA)
 : ss.
County of Flathead)

On this 11th day of September, 2003, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared, WEST M. PEPLINSKI, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.



(SEAL)

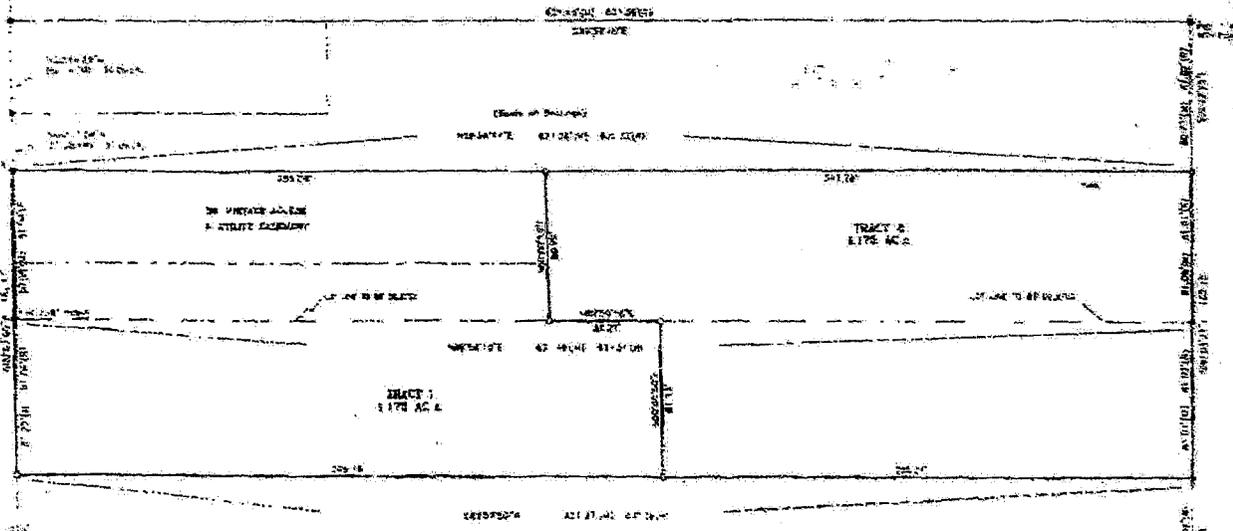
Terri Jackson
Notary Public for the State of Montana
Residing in Columbia Falls, Montana
My Commission expires: 11-6-2006

RETURN TO:
HEDMAN, HILFMAN, LACOSTA
204 CENTRAL AVENUE
COLUMBIA FALLS, MONTANA

COLLIER ESTATES

AN AMENDED PLAT OF THE SOUTH HALF OF THE NORTH HALF OF LOT 6 AND THE NORTH HALF OF THE SOUTH HALF OF LOT 6, BLOCK 5, WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS, NW1/4SE1/4 SEC. 25, T31N, R22W, P.M.M., FLATHEAD COUNTY, MONTANA

THIS SKETCH IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH REFERENCE TO STREETS AND OTHER PARCELS. NO REPRESENTATION IS MADE AS TO ACCURACY AND STERLING TITLE SERVICES ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE THEREON.



CERTIFICATE OF CONSENT

WE, THE UNDERSIGNED, COUNTY CLERK OF FLATHEAD COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF FLATHEAD COUNTY, MONTANA, ON FEBRUARY 3, 2014, AT 12:44 PM.

THE ABOVE DESCRIBED PLAT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF FLATHEAD COUNTY, MONTANA, ON FEBRUARY 3, 2014, AT 12:44 PM.

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CLERK OF COUNTY

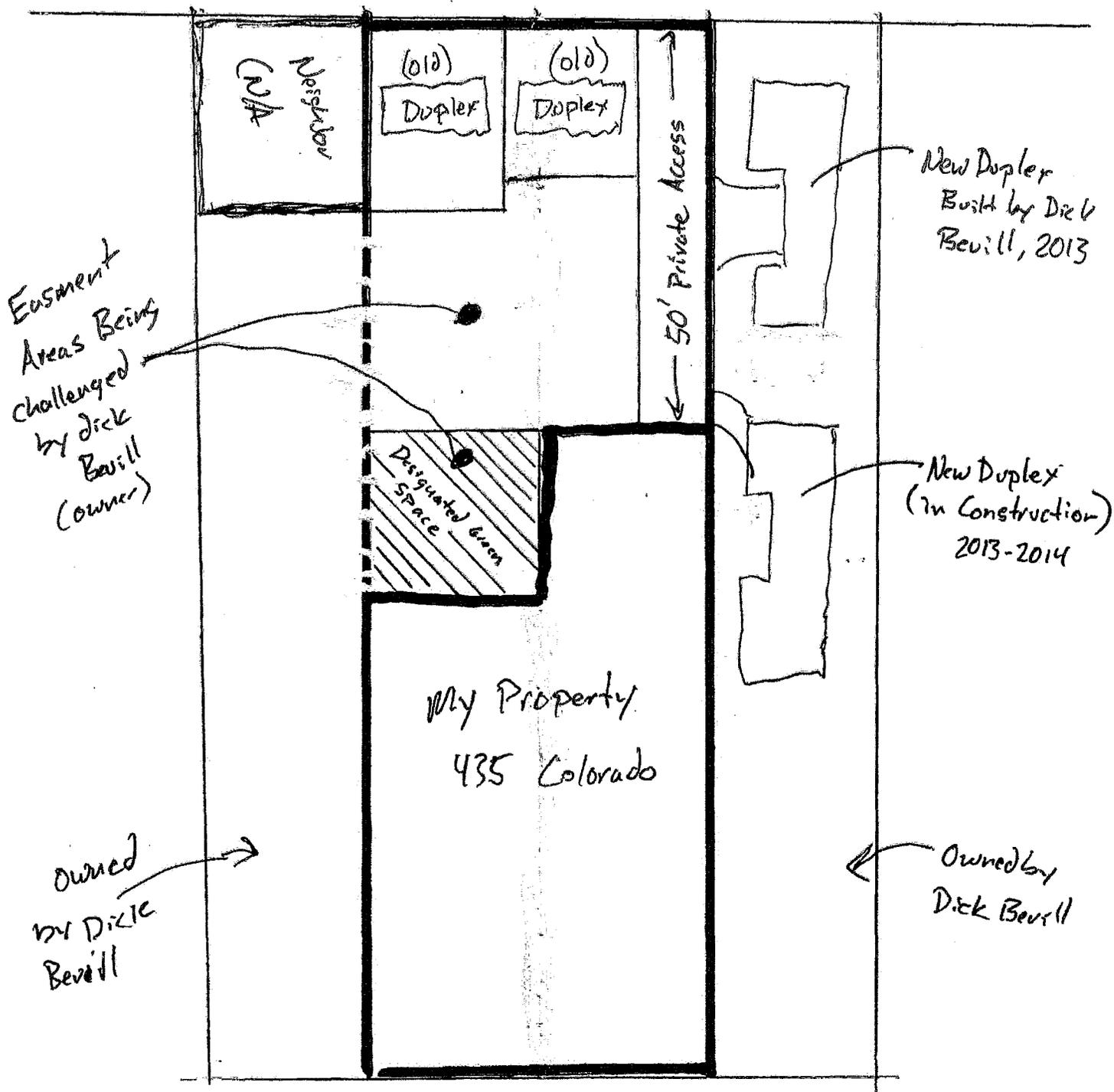
DATE

10-12-36

(Jan 22, 2014)

 = Areas Covered by Easment.

Colorado Ave (North →)





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

File #: WPP 14-01
 Date: 1.2.14
 Intake Staff: WR
 Date Complete: _____

MINOR PRELIMINARY PLAT APPLICATION

Schedule a Time to Submit the Application: _____
 (Date/Time)

FEE ATTACHED \$ 1590.⁰⁰
 (See most current fee schedule)

Project /Subdivision Name: ORCHARD LANE III

- Initial Preliminary Plat
- Amendment to an Approved Preliminary Plat
- Change a Condition of Approval to an Approved Preliminary Plat (attach a narrative explaining which condition you are requesting to be changed and why the condition is no longer valid or warranted)
- Re-file of an Expired Preliminary Plat; date preliminary plat expired: _____

A. OWNER(S) OF RECORD:

Name: BEVILL LIMITED PARTNERSHIP Phone: 406-862-7071

Mailing Address: PO Box 4713

City, State, Zip: Whitefish, MT 50037

Email: christya@izettconsulting.com

APPLICANT (if different than above):

Name: Doug Simonson - BEVILL LIMITED PARTNERSHIP Phone: 425-658-6607

Mailing Address: PO Box 4713

City, State, Zip: Whitefish, MT 59937

Email: djsimonson@gmail.com

TECHNICAL/PROFESSIONAL:

Name: Paul Wells-WMW Engineering Phone: 406-862-7826

Mailing Address: 50 West Second Street

City, State, Zip: Whitefish, MT 59937

Email: paul@wmweng.com

Name: Brian Sullivan Phone: 406-862-2386

Mailing Address: 144 Second Street East

City, State, Zip: Whitefish, MT 59937

Email: brian@fandhsurveying.com

B. LEGAL DESCRIPTION OF PROPERTY: Street Address 467 and 469 Colorado Avenue, Whitefish

Assessor's Tract No.(s) 0375500 Lot No(s) _____ Block # _____

Subdivision Name ORCHARD LANE III 1/4 Sec _____

Section 25 Township 31N Range 22W

C. GENERAL DESCRIPTION OF SUBDIVISION:

ZONING DESIGNATION: WR2

If proposing to change the underlying zoning, proposed zoning: N/A

CRITICAL AREAS ON-SITE OR NEARBY: N/A

- Lake Wetlands Streams Stormwater Conveyance High Groundwater Slopes 10-30%
- Slopes 30%+ Floodplain

PARKLAND/OPEN SPACE PROPOSAL: The following information is required to show how the project meets the parkland dedication requirements of the subdivision regulations (Section 12-4-10). A recommendation from the Park Board is required to be submitted along with the application, unless exempted under the subdivision regulations 12-4-10(C).

- Date of Parks Board Meeting (prior to submitting an application): _____
- Market Value before Improvements: SEE ATTACHED SUMMARY
- Total Acreage in Parks, Open Spaces and/or Common Areas: _____

LOTS AND ACREAGE:

Total Acreage in Subdivision: .821 Acres Number of Lots or Rental Spaces: 1 to 4 lots proposed
 Maximum Size of Lots or Spaces: 11,219 SQFT Minimum Size of Lots or Spaces: 7,119.22 SQFT
 Total Acreage in Lots: .821 Acres Total Acreage in Streets or Roads: 3,289.50 SQFT

PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:

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

IMPROVEMENTS TO BE PROVIDED:

Roads: Gravel Paved Curb Gutter Sidewalks Alleys Other (explain): Private Road and driveways
Water System: Individual Multiple User Neighborhood Public Other (explain): _____
Sewer System: Individual Multiple User Neighborhood Public Other (explain): _____
Other Utilities: Cable TV Telephone Electric Gas Other (explain): _____
Solid Waste: Home Pick Up Central Storage Contract Hauler Owner Haul
Mail Delivery: Central Individual
Fire Protection: Hydrants Tanker Recharge
Drainage System: Onsite Stormwater

D. Application Contents:

All applicable items required by *Appendix B: Preliminary Plat Submittal Requirements*¹ of the Whitefish Subdivision Regulations must be submitted to the Whitefish Planning & Building Department with the application for preliminary plat, including the following:

Attached

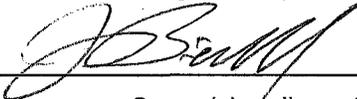
- ~~NA~~ Preliminary Plat Waiver Application
- 20 copies of the preliminary plat
- One reduced copy of the preliminary plat not to exceed 11" x 17"
- Electronic version of plat such as .pdf
- One reproducible set of supplemental information.
- Certified adjacent owners list for properties within 150-feet of subject site
- Any additional information requested during the pre-application process
- Documentation from public records demonstrating the subdivision is a minor
- Fair Market Appraised Value
- Recommendation from the Parks Board – unless exempt 12-4-10(C)
- \$100.00 deposit for sign to be posted on-site during the duration of the public process (submit a separate check, which will be returned to you after you return the sign to the Planning Office)

When all application materials are submitted to the Planning & Building Department, and the staff finds the application is complete, the staff will schedule the subdivision for a public meeting before the City Council. The Council must act within 60 working days or 80 working days if the subdivision has 50 or more lots once an application is determined to be complete pursuant to Section 12-3-5 of the Subdivision Regulations.

E. VARIANCES:

ARE ANY VARIANCES TO THE SUBDIVISION REGULATIONS BEING REQUESTED? Yes/No
If yes, please complete the Variance Section (attached) and submit the applicable fee.

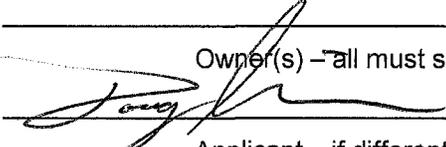
I hereby certify under penalty of perjury and the laws of the State of Montana the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Whitefish Planning & Building staff to be present on the property for routine monitoring and inspection during the approval and development process.



Owner(s) – all must sign the application

Dec 30, 2013

(Date)



Applicant – if different than above

Dec 30, 2013

(Date)

I understand I am responsible for maintaining the public notice sign on the subject property during the entire public process. I understand I will forfeit my \$100.00 deposit, if I do not return the public notice sign to the Planning & Building Department in good condition after the public review.



Applicant

Dec 30, 2012

(Date)

¹ An environmental assessment is not required for a the first minor from a tract of record
City Council Packet February 3, 2014 page 85 of 162
Revised 4-11-12

**Preliminary Plat Application
Submittal / Summary
For: TRACT 2 AMENDED PLAT OF A PORTION OF LOT 6, BLOCK 5,
WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS**

Dear City of Whitefish Planning & Building Department; please accept our Preliminary Plat Application,

Attached are the following documents as well as summary explanations on how we have addresses the Fire Marshall concerns for access from our Site Plan review meeting, as well as public records demonstrating this is a Minor subdivision and lastly our property value assessment for the City Parks Board.

Preliminary Plat Application:

Filled out and attached to create four (4) lots from one legal tract of land we own.

Full size and scale preliminary play drawing:

Attached

Reduced preliminary plat copy 11x17:

Attached

Electronic version of the plat in .pdf format:

On USB thumb drive included here in

One reproducible set of supplemental information:

Included on provided thumb drive

Certified adjacent owners list for properties within 150 feet of subject property:

Attached Flathead county GIS report of owners

Any additional information requested during the pre application process:

During our site plan review meeting, assistant Fire Marshall Joe Ring wanted modifications made to our plan to better provide fire truck access. I met with Joe later one on one and we agreed that a drive way on the north side of the furthest east lot accessed from Aspen Grove as shown on our drawing, as well as creating more rounding of the drive way for fire trucks for the middle lots accessed from Colorado Ave and our private Orchard Lane road fully satisfies his concerns. See attached our modified proposed Preliminary Plat drawing.

Also, the Fire Marshall brought up a concern with the future interior homes to be built on the property having a Colorado Avenue address when they are on our private street Orchard Lane, not Colorado Avenue. He has since told me there are discussions taking place within the city to see if we may be allowed to create a street name of Orchard Lane for a much clearer emergency vehicle access. Further I understand if that cannot happen we would need to put a sign on Colorado Avenue showing all house addresses within the development for emergency services. As the developer, we are open to all suggestions that are mindful of cost and that make good sense for the future home occupants and the city of Whitefish.

Documentation from public records demonstrating the subdivision is a minor:

The Whitefish city Minor Subdivision description reads: A subdivision containing five (5) or fewer lots/spaces/units and this plat and all previous minor plats proposed from the original "tract of record" in existence on July 1, 1973 do not exceed a total of five (5) lots/spaces/units.

Further, the city's definition of a "Tract of Record" reads: A parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the public records of the county clerk and recorder's office.

With this as our framework, we provide the following documents to document with public records we are entitled to a minor subdivision. (See attached)

- Copy of a recorded WARRANTY DEED dated April 4, 1962 that clearly shows that this tract of land was created and existed prior to July 1, 1973.
- Copy of a recorded DEED IN LIEU OF FORCLOSURE dated December 22, 2010, reference PARCEL 2 and a copy of Certificate of Survey NO. 5053 referenced in the description that clearly shows this tract of land the same as it was legally described at least as far back as April 4, 1962.
- Additionally I attach a copy of a recorded Boundary line adjustment we completed on our adjacent Tract 1 recorded on May 25, 2012 that did change the legal description slightly on both our Tract 1 and Tract 2, but also clearly shows these Tracts legally existed the same as they did on July 1, 1973 and before at least back to 1962. Since July 1, 1973 this is the first and only subdivision attempted or recorded, therefore we feel strongly that this Subdivision is a minor.

Fair Market Appraised Value:

Appraisal not applicable (NA) per, 12-4-11 PARK LAND AND OPEN SPACE REQUIREMENTS, E 1&2 (required only when subdivider and city are unable to agree upon the fair market value of unimproved land at the time of final plat submittal).

We do hope to come to an agreement on unimproved land value and the cash in Lieu of Land tax assessed on us by the Whitefish Parks Board. There are so few sales of comparable unimproved land in close proximity to our project, that we feel spending additional money on an appraisal will not yield much different unimproved land value than what we are providing here.

Background: It's important to note here that unlike many other lots in Whitefish at first glance thought to be comparable. Most those lots have good street access and utility hookup capability. We do not have this. Because our lots are mostly land locked flag lots the city required us to add a sewer and water main extension including a fire hydrant and the private orchard lane road to then be able to develop these lots. Because of these significant expenses of over 60,000 dollars to do improvements, we feel strongly that the average unimproved lot value on our land is much lower than most other seemingly comparable lots.

Example one: In 2013 the Flathead County Real estate tax assessor still used the same ASSESSOR NUMBER 0375500 for both the adjacent 0.35 acre Tract 1 as well as the subject 0.82 acre Tract 2. That should change soon of course because we have subdivided, built and sold townhouses on Tract 1. But for our purpose of determining unimproved land value we must take this into a count. The county reassessed the entire property value in 2013 after we completed the townhouse units. The new 2013 tax assessment is 64,023 for the entire of Tract 1 and 2 which after improvements will yield 6 lots. The total unimproved land value would be 10,670.50 per lot. (See Tax Bill attached)

2 Example: Also in 2013 there was a sale of 12 improved adjacent townhouse lots on Aspen Grove. These lots were all fully subdivided and improved, ready to build on, so it too is not the best comparable, but this is the only adjacent property of record that sold in 2013. Those lots closed for 25,000 per townhouse lot, 300,000 for all 12 lots in total. These were improved lots, but the closest thing to what we are developing both in terms of neighborhood location and lot type.

Conclusions: Based on the example 1 above, we feel our unimproved land on Tract 2 that we hope to yield 4 lots from without road; water sewer has a value of 42,682.00. Based on example 2, if we take the actual sales price of the 12 improved lots that sold and closed in 2013, divide that number by 12 to get the 25,000.00 improved value per lot (100,000.00 for 4 lots), we then need to divide that value by 50% to take into account the cost of our improvements to get a unimproved value of 50,000.00. If we average the value between these two examples, the unimproved value of Tract 2 would be 46,341.00, or 11,585.25 per unimproved future lot.

We feel our unimproved Tract 2 land value falls somewhere in between the 42,682.00 and the 46,341.00

Recommendation from Parks Board-unless exempt 12-4-10(C)

Per this code the 4 lots we hope to obtain through the minor subdivision process shall fall under A. 1. Of the Parks board code, which states "In subdivisions that have an average lot size of ten thousand (10,000) square feet or less, the subdivider shall provide a cash or land dedication equal to 0.03 acres per lot;" further I understand that the city is not interested in land dedications of less than 1 acre. So we will need to come to an agreement with the city on our unimproved land value to determine the tax amount for the PARK LAND AND OPEN SPACE REQUIREMENTS.

Again, In light of the fact that we are subject to an additional tax from the Parks Board and under the market conditions showing through our records search of similar sold land so few sales of we feel and hope there is no need to pay for an expensive appraisal on top of the cash in lieu of land we will have to pay.

\$100.00 deposit for sign to be posted on-site during the duration of the public access (submit a separate check, which will be returned to you after you return the sign to the Planning Office)

Enclosed

April 4, 1962

Tract 2

Deeds
445

BOOK 445 PAGE 939
WARRANTY DEED

This INDENTURE, Made this 4th day of April, 1962
between NETTIE LARTER
of Whitefish, Montana, the part Y of the first
part, and CATHERN M. HOLTIEN
of Whitefish, Montana the part Y of the second part.

WITNESSETH; That the said part Y of the first part, for and in consideration of the sum of
One Dollars (\$ 1.00)

to her in hand paid by the said part Y of the second part, the receipt of which is hereby acknowledged,
do hereby grant, bargain, sell and convey unto the said part Y of the second part, and to her heirs
and assigns forever, all the certain lot, piece, or parcel of land situate, lying and being in the
County of Flathead and State of Montana, and particularly described as follows, to-wit:
The North one fourth (N 1/4) of Lot Six (6) of Block Five (5) of WHITEFISH TOWNSITE
COMPANY'S FIVE ACRE TRACTS, a plat of which is of record and on file at the office of
the Clerk and Recorder of Flathead County, Montana and EXCEPTING A TRACT 50 feet by
170 feet in the Northwest corner of the afore said tract already conveyed to

Cathern M. Thomen who is now Cathern M. Holtien which deed was recorded in Deed
Book 323 upon page 563 in the office of the Clerk and Recorder of Flathead County,
Montana and containing 0.98 acres, more or less.

TOGETHER with all and singular the hereinbefore described premises together, with all tenements, hereditaments, and
appurtenances, thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders,
rents, issues, and profits thereof, and also all the estate, right, title, interest, right of dower and right of homestead,
possession, claim, and demand whatsoever, as well in law as in equity, of the said part Y of the FIRST PART, of,
in or to the said premises, and every part and parcel thereof, with the appurtenances, thereto belonging, TO HAVE AND
TO HOLD, all and singular the above mentioned and described premises, together with appurtenances, unto the said part Y
of the second part and to her heirs and assigns, for ever. And the said part Y of the first part and her heirs
do hereby covenant that she will forever Warrant and Defend her right, title and interest
in and to the said premises and the quiet and peaceable possession thereof, unto the said part Y of the second part Y
her heirs and assigns, against the acts and deeds of the said part Y of the first part and all and every person or
persons, whomsoever, lawfully claiming or to claim the same.

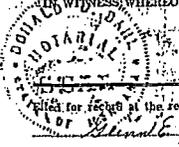
IN WITNESS WHEREOF, the said part Y of the FIRST PART ha g hereunto set her hand and
seal the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of
Nettie Larter (SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF MONTANA } ss.
County of Flathead }
On this 4th day of April, 1962, before me, the undersigned, a Notary
Public for the State of Montana, personally appeared
Nettie Larter of Whitefish, Montana

known to me to be the person whose name is subscribed to the within instrument,
and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notary Seal the day and year first above written.



INDEXED	<input checked="" type="checkbox"/>
COPIED	<input checked="" type="checkbox"/>
COMPARED	<input checked="" type="checkbox"/>

Donald R. Dahl
Notary Public for the State of Montana.
Residing at Kalispell, Montana
My Commission expires January 6th, 1964

Witnessed at the request of Nettie Larter April 4th, 1962, at 4:21 o'clock P.M.
Donald E. Michelson, County Clerk and Recorder. By Dorothy Munn Deputy.

Reception No. 2672 Fee \$ 2.00 Paid.

Return to Nettie Larter, Box 473- Whitefish, Montana

Return To: Ramlow & Rudbach, PLLP
6438 HWY 93 South
Whitefish, MT 59937



Paula Robinson, Flathead County MT by NC

201000029977

Page: 1 of 4

Fees: \$28.00

12/22/2010 2:39 PM

DEED IN LIEU OF FORECLOSURE

FOR TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Centerline Construction Corporation, a Montana corporation, of c/o Jon Lystne, 918 Karrow Avenue, Whitefish, MT 59937, and Milo Lystne of c/o Jon Lystne, 918 Karrow Avenue, Whitefish, MT 59937, ("Grantor") hereby grant, bargain, sell and convey to J. Richard Bevill of P.O. Box 4713, Whitefish, MT 59937 ("Grantee,") the following-described real property located in the County of Flathead, State of Montana, and more particularly described as follows:

0375500

PARCEL 1:

LOT 2 OF THE AMENDED PLAT OF OPEN AREA IN ORCHARD LANE SUBDIVISION AND A PORTION OF LOT 6, BLOCK 5, WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER, FLATHEAD COUNTY, MONTANA.

PARCEL 2:

THAT PORTION OF LOT 6 IN BLOCK 5 OF WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS BEING IN SECTION 25, TOWNSHIP 31 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
TRACTS 1 AND 2 OF CERTIFICATE OF SURVEY NO. 5053

0010483

Approved 12-28-10 YUP

AND the Grantor and Grantor's heirs do hereby covenant that they will forever warrant and defend the Grantee's right, title and interest in and to the said premises and the quiet and peaceful possession thereof unto the Grantee and the Grantee's successors and assigns, against the acts and deeds of the Grantor and all and every person or persons whomsoever lawfully claiming or to claim the same - excepting encumbrances of record.

Certificate of Survey No. 5053

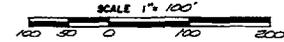
FOR: C. HOLIEN
P.O. BOX 473
WHITEFISH, MONT.

DATE: JULY 20, 1979

BY: FRETHEIM & HELPS
LAND SURVEYING CO.
WHITEFISH, MONT.

CERTIFICATE OF SURVEY

NW 1/4 SE 1/4 SEC. 25, T.31 N., R.22 W., PM., M., FLATHEAD CO.



PURPOSE OF SURVEY: RETRACEMENT

DESCRIPTION:

Five tracts of land situated, lying and being in Lot Six (6) of Block Five (5) of Whitefish Township, Flathead County, Montana, in the Northwest one-quarter of the Southeast one-quarter (S1/4 - S1/4) of Section Twenty-Five (25), Township Thirty-One (31) North, Range West, T10N, R22W, Flathead County, Montana and more particularly described as follows:

TRACT 1
Beginning at the NW corner of Lot 6, Block 5 of Whitefish Township's Five Acre Tracts, a map or plat of which is on file at the Clerk and Recorder's Office; thence along the north line boundary of Lot 6, S89°58'38"W a distance of 170.00 feet to a point; thence S0°0'00"E a distance of 10.00 feet; thence S89°58'38"W a distance of 170.00 feet to the West boundary of Lot 6; thence along said boundary, N0°05'00"W a distance of 10.00 feet to the point of beginning and containing 0.195 acres of land, all as shown hereon.

TRACT 2
Beginning at the NE corner of Lot 6, Block 5 of Whitefish Township's Five Acre Tracts, a map or plat of which is on file at the Clerk and Recorder's Office; thence along the east boundary of Lot 6, S0°03'9"E a distance of 81.02 feet to a point; thence S89°58'11"W a distance of 631.33 feet to a point on the West boundary of Lot 6; thence along said boundary, N0°05'00"W a distance of 31.09 feet to a point; thence S89°58'11"W a distance of 170.00 feet to a point; thence N0°05'00"W a distance of 10.00 feet to point on the North boundary of said Lot 6; thence along said north boundary, S89°58'38"E a distance of 161.36 feet to the point of beginning and containing 0.980 acres of land, all as shown hereon.

TRACT 3
The South half of the North half (S1/2 N1/2) of Lot Six (6) of Block Five (5) of Whitefish Township's Five Acre Tracts, according to the plat on file and of record at the office of the Clerk and Recorder of Flathead County, Montana and containing 1.177 acres of land, all as shown hereon.

TRACT 4
The North half of the South half (S1/2 S1/2) of Lot Six (6) of Block Five (5) of Whitefish Township's Five Acre Tracts, according to the plat on file and of record at the office of the Clerk and Recorder of Flathead County, Montana and containing 1.177 acres of land, all as shown hereon.

TRACT 5
The South one-quarter (S1/4) of Lot Six (6) of Block Five (5) of Whitefish Township's Five Acre Tracts, according to the plat on file and of record at the office of the Clerk and Recorder of Flathead County, Montana and containing 1.177 acres of land, all as shown hereon.

LEGEND

- ⊗ SEC. COR. (AS NOTED)
- ⊙ 1/4 CORNER (AS NOTED)
- ⊙ CENTER SECTION (AS NOTED)
- ⊙ 1/16 CORNER (AS NOTED)
- FOUND (AS NOTED)
- SET 3/8" x 3/4" BRASS WITH CAP STAMPED "FRETHEIM 4735"

CERTIFICATE OF SURVEYOR

Donald R. Hansen
REGISTRATION No. 4735-2

APPROVED: July 31, 1979
Donald R. Hansen
EXAMINING LAND SURVEYOR REG. No. 4735-2

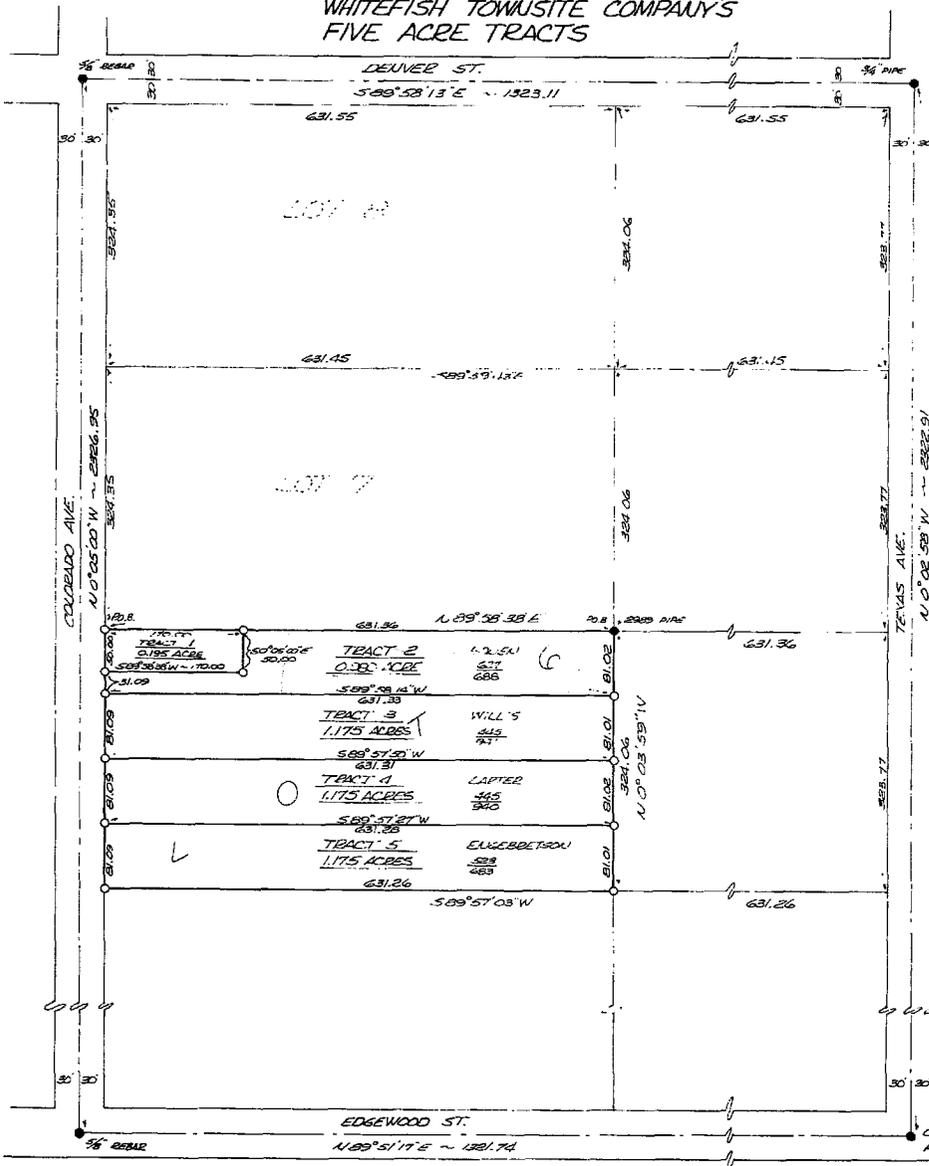
STATE OF MONTANA
COUNTY OF FLATHEAD
FILED ON THE 2nd DAY OF Aug., 1979 A.D.
James S. Anderson
CLERK & RECORDER
BY *Harvey D. Charbonneau*
DEPUTY
BOOK _____ PAGE _____
INSTRUMENT REC. No. 11460

SHEET 1 OF 1 SHEETS

CERTIFICATE OF SURVEY No. 5053

HOLIEN

5053



Recorded Boundary Line Adjustment - May 25, 2012

L. & NW Corner, Tn. 6AB on L. 16 = 0375500

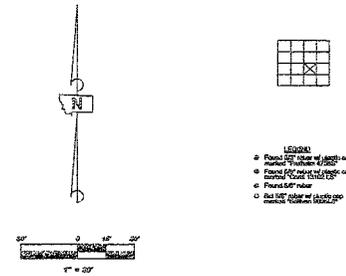
9-1-49

OP. Miller
JF

Owner: J. Richard Davill
Date: 4/6/12
Job# 12-014 Davill
For: J. Richard Davill

F & H LAND SURVEYING, INC.
141 Sunset Street East
P.O. Box 714
Whitefish, MT 59917
406-682-2868

AMENDED PLAT OF
A PORTION OF LOT 6, BLOCK 5
WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS
A SUBDIVISION
IN THE NW1/4 SE1/4 OF SECTION 25, T.31N., R.22W., P.M.,M.
FLATHEAD COUNTY, MONTANA



PURPOSE OF SURVEY: RELOCATION OF COMMON BOUNDARY LINES

CERTIFICATE OF COMMENT

I, Richard Davill being the undersigned property owner, do hereby certify that I have caused to be surveyed, subdivided and platted into lots as shown by the plat and Conditions of Survey hereto appended, the following described tract of land, to-wit:

This portion of the NW1/4 SE1/4 of Section Twenty-Five (25), Township Thirty-one North (T.31N.), Range Twenty-two West (R.22W.), Principal Meridian, Montana, Flathead County, Montana, described as follows:

A portion of Lot 6, Block 5 of Whitefish Townsite Company's Five Acre Tracts, a map or plat of which is on file with the Clerk and Recorder's Office, Flathead County, Montana, more particularly described as follows: Beginning at the Northwest corner of Lot 2 of Amended Plat of Open Area in Orchard Lane Subdivision and A Part of Lot 6, Block 5, Whitefish Townsite Company's Five Acre Tracts there; along the East Right-of-Way of Colorado Avenue N 1/2 12520' W 61.53 feet; thence bearing S 81° 02' 00" W 67' 66" 1/2" E 61.35 feet; thence S 07° 52' 15" E 61.02 feet; thence S 02° 58' 15" W 61.24 feet to the Point of Beginning of the tract of land herein described, containing 1.17 acres of land more or less.

Now to be known and designated as Amended Plat of a Portion of Lot 6, Block 5 of Whitefish Townsite Company's Five Acre Tracts.
I, J. Richard Davill being the undersigned property owner, hereby certify that the purpose for this division of land is to relocate common boundary lines of existing lots in a plat of subdivision; lower than site lots are affected and no additional lots are hereby created; therefore the division of land is exempt from review as a subdivision pursuant to Section 7-3-207 (1)(a), MCA.
I also certify that the lots are located within that class or several other municipalities for which the governing body certifies that adequate storm water drainage and adequate municipal facilities will be provided pursuant to 76-4-125(2)(a), MCA.

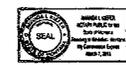
J. Richard Davill
Richard Davill

STATE OF MONTANA)
County of Flathead)

On this 25 day of May, 2012, before me, the undersigned, a Notary Public for the State of Montana, personally appeared J. Richard Davill, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my Notary Seal the day and year first above written.

Armando L. Kiefer
Notary Public for the State of Montana

Armando L. Kiefer
Printed Name
Residence at Whitefish, Montana
My Commission expires March 1, 2015



CERTIFICATE OF SURVEY
J. Richard Davill
Owner

APPROVED *J. Richard Davill* 05/25/12
REGISTERED LAND SURVEYOR Reg. No. 20005
STATE OF MONTANA 05 61030

County of Flathead
Filed on the 11th day of May 2012
A.C. 61030

Paula Fisher
Clerk and Recorder

Plat # 09-01-49 Abstract# NO ABST
201201015580 Fees: \$5.00 by: JL
by F&H LAND SURV
Date 7/16/2012 Time 12:47 PM
Paula Robinson, Flathead County Montana

INSTRUMENT REC. NO. 201201015580
SHEET 1 of 1 SHEETS

FILE 9-1-49 NO ABST



FLATHEAD COUNTY 2013 REAL ESTATE TAX BILL

Adele Krantz, Treasurer
935 1st AVE W STE T Kallispell MT 59901
(406) 758-5680
http://flathead.mt.gov/property_tax



J RICHARD BEVILL
PO BOX 4713
WHITEFISH MT 59937

ASSESSOR NUMBER: 0375500
TAXBILL NUMBER: 201342898
SCHOOL DISTRICT: 74
GEO CODE: 07429225403380000

Property Location:

Multiple Physical Addresses Present

Property Description

25 31 22 WFSH TSTE CO 5 AC TR AMD PTN L6 BLK 5 LOT 1 25 31
22 WFSH TSTE CO 5 AC TR AMD PTN L6 BLK 5 LOT 2

Type of Property	Taxable Market Value	Taxable Value
Real Estate	64,023	1,626.18
Improvements	170,919	4,341.34
Totals	234,942	5,967.52

Description	Percentage	Amount
County Functions	21.70%	789.31
Education	51.73%	1881.56
City Functions	26.26%	955.39
Other	0.29%	10.82

SUMMARY OF TAXES, LEVIES & FEES

COUNTY	.067330	401.79	SHERIFF	.036200	216.02
CO PERM MED LEVY	.005000	29.84	NOXIOUS WEEDS	.001650	9.85
COUNTYWIDE MOSQUITO	.000750	4.48	911 GENER OBLIG BOND	.002070	12.35
BOARD OF HEALTH	.005740	34.25	COUNTY LAND FILL		80.73
SUBTOTAL - TAXES FOR COUNTY FUNCTIONS...			.118740	789.31	
STATE - UNIVERSITY	.006000	35.81	GENERAL SCHOOLS	.106430	635.12
STATE - SCHOOL AID	.040000	238.70	FLAT VAL COM COLLEGE	.014200	84.74
WHITEFISH HI SCHOOL	.060000	358.05	WFSH CITY ELEM 74	.087070	519.59
FVCC PERMIS MED LEVY	.001600	9.55			
SUBTOTAL - TAXES FOR EDUCATION.....			.315300	1881.56	
WHITEFISH CITY	.117174	699.24	RESORT TAX RELIEF	-.031369	-187.20
WF PERM MED LEVY	.010000	59.68	WF FIRE / AMBULANCE	.024000	143.22
WFSH LT 1		16.20	WFSH CITY STREETS		177.39
WFSH PRK/GRNWY MNT 1		34.33	WFSH STRMWTR IMP&MNT		12.53
SUBTOTAL - TAXES FOR CITY FUNCTIONS.....			.119805	955.39	
SOIL & WATER CONSERV	.001570	9.37	WF COUNTY WATER DIST	.000130	0.21
STATE FORESTER		1.24			
SUBTOTAL - OTHER TAXES AND FEES.....			.001700	10.82	
Total Mills Levied	0.555545				

Total Taxes and Fees . . . 3637.08

52472

1st Installment due 11/30/2013 = 1818.57
2nd Installment due 05/31/2014 = 1818.51

Tax paid receipts will be mailed only if a self-addressed stamped envelope is enclosed.

To pay or view taxes online, go to http://flathead.mt.gov/property_tax.

A 3% fee will be charged on all credit/debit card payments. There is no fee to pay by e-check.

Payments made or postmarked after the due date must include 2% penalty & monthly interest of 5/6 of 1% (0.008333).

Keep upper portion for your records.

Return this stub with 2nd half payment. Payment must be hand delivered or postmarked by:

MAY 31, 2014

Make checks payable to **FLATHEAD COUNTY TREASURER**

Please include your tax bill number on your check.

Pay by e-check, credit/debit card online at http://flathead.mt.gov/property_tax

ASSESSOR NUMBER: 0375500

TAXBILL NUMBER: 201342898

SCHOOL DISTRICT: 74

DO NOT PAY THIS IF IT IS INCLUDED IN YOUR MORTGAGE PAYMENT

If your address has changed, please make corrections below.

No additional notice will be sent for this installment.

J RICHARD BEVILL
PO BOX 4713
WHITEFISH MT 59937

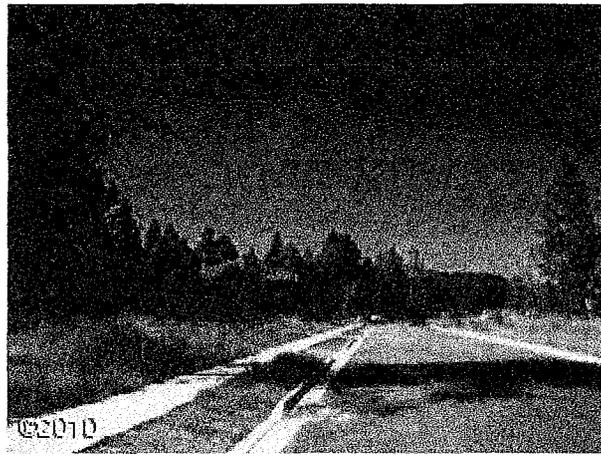
Tax Amount Due: 1818.51



2 lot .03
6

10
6.0

3
3
6



Nhn Aspen Grove Street Whitefish, MT 59937

MLS #316893

Great opportunity to own a finished Subdivision in beautiful Whitefish including city services, sidewalks, CC&Rs and HOA's in place and ready to go. Lots 1A&B-6A&B. Room for 12 Townhouses. Short Sale Agent Owned.

Reports

Property Type	Land	Listing Office	National Parks Realty of Whitefish
---------------	------	----------------	------------------------------------

Contract Data

Property Sub-Type	Multi-Family	Listing Date	01/04/2013
Status	Closed	List Price	300,000
REO/Bank Owned	No	Short Sale	Yes

General Property Description

Lot Size Estimate	.51-1.0	Lot Acres	0.99
Waterfront	None	Waterfront Name	None
Waterfront Footage	None	HOA	None
HOA Dues Amount	N/A		

Legal and Taxes

Covenant	Yes	School District	Whitefish
Zoning	WR-2	Taxes	9,855.11
Tax Year	2012	Subdivision	Birch Glades
Assessor Number	,0394900,0503111,0503112,05031130503114, Section-Town.-Range 25-31-22		
Legal	Lots 1 A&B, 2 A&B, 3 A&B, 4 A&B, 5 A&B, 6 A&B Birch Glades		

Location

Major Area	5x - Greater Whitefish	Area	54A-SW Whitefish Urban
County	Flathead		
Directions	Over Viaduct, right on Edgewood, left on Texas , right on Aspen Grove Street.		

Details

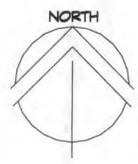
Terms Of Sale:	Cash	Views:	Ski Resort; Trees
Documents On File:	Covenants; Legal Description; Listing Package; Plat Map/Survey; Sellers Disclosure	Road Surface:	Blacktop/Asphalt
Mobiles Permitted:	None	Road Frontage:	City Street
Utilities:	Cable TV Available; City Sewer; City Water; Electricity; Gas; High Speed Internet; Telephone	Possession:	Closing
		Sign:	Sign On Property
		How To Show:	CLA/CLO; Vacant



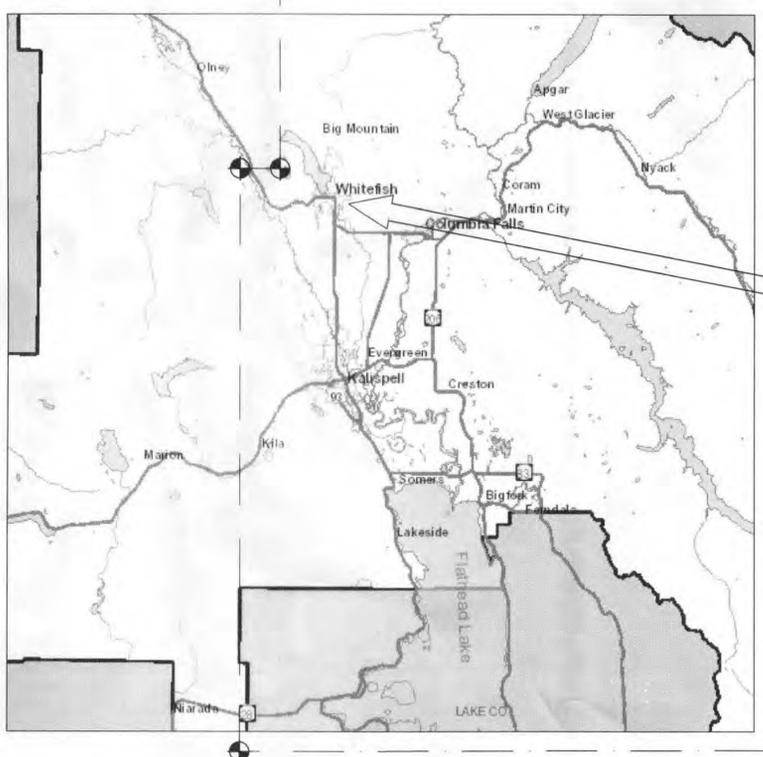
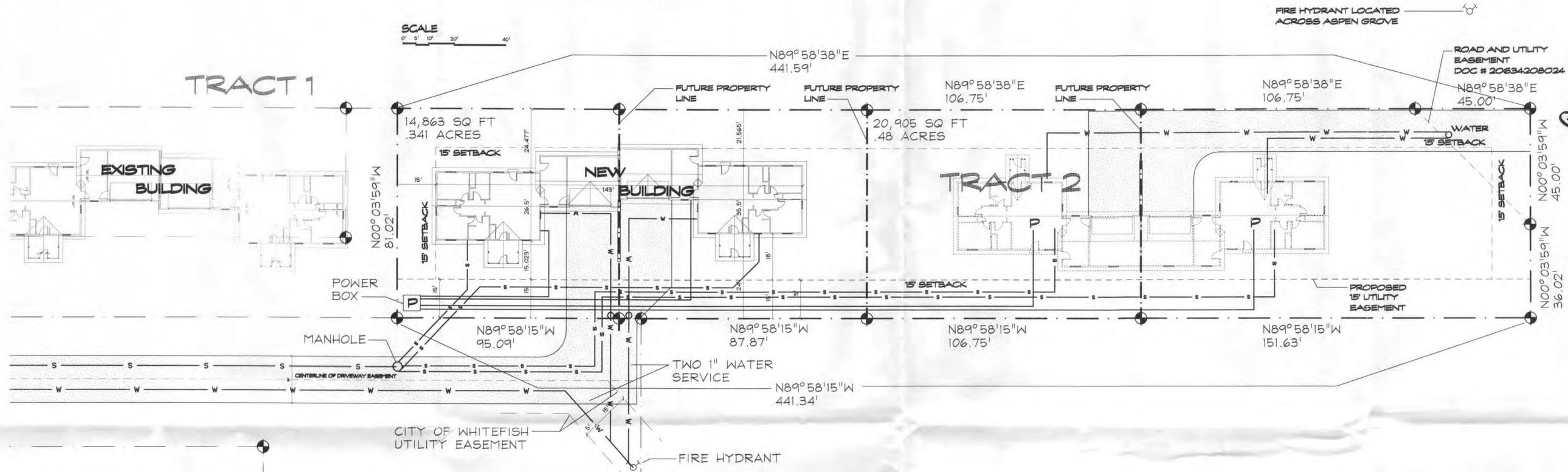
BRAD BUTLER
213. 7TH. AVE. WEST
KALISPELL, MT.
bradbo_1@hotmail.com
www.bradsdesigns.com
C. 406.261.7834
H. 509.850.7597
H. 406.257.9888

TRACT 2 AMENDED PLAT OF A PORTION OF LOT 6, BLOCK 5, WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS

A SUBDIVISION
IN THE NW 1/4 OF THE SE 1/4 SEC. 25, T.31N, R.22W, P.M.M,
FLATHEAD COUNTY, MONTANA



SCALE
0' 5' 10' 20' 40'



PROJECT LOCATION



PROJECT LOCATION

VICINITY MAP

1
S0.1
SITE PLAN

DICK BEVILL
TOWNHOUSE

DRAFTER/DESIGNER IS NOT RESPONSIBLE FOR DESIGN CRITERIA THAT REQUIRE PROFESSIONAL ENGINEERING. THE OWNER SHALL BE RESPONSIBLE FOR SUCH REVIEW AT THEIR OWN EXPENSE. BUILDER IS RESPONSIBLE FOR REVIEW OF PLANS FOR DESIGN ERRORS. BID SET ONLY.

DATE
1 OCT 13
9 OCT 13
16 OCT 13
13 NOV 13
12 DEC 13
SCALE
AS NOTED

SITE PLAN

S0.1

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January 28, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Award a Construction Contract for
the East 2nd Street Reconstruction Project – Phase I

Introduction/History

The Public Works Department has published an advertisement for bids on the East 2nd Street Reconstruction Project - Phase I. Bids were opened on January 23rd and we received 5 responses. This memo is to recommend the City Council award a construction contract to LHC, Inc. in the amount of \$87,368.76.

Current Report

The scope of work for Phase I includes clearing brush and trees, excavation, installation of conduits and vaults for private utilities, and related work along the north side of the East 2nd Street right of way between Wild Rose Lane and Dodger Lane. Work is scheduled to begin on March 3rd and be completed by March 24th of this year.

The bids for Phase I work ranged from 18.5% lower to 19.2% higher than the engineer's estimate of \$107,218. A copy of the engineer's bid tabulation is attached.

The City's Phase I work will enable private utility companies, including electric, phone, cable and natural gas, to relocate their infrastructure starting on March 24th, with a schedule to be finished by June 7th.

We will open bids for Phase II construction on February 19th. This work will include street construction, lighting, the bicycle/pedestrian path and City utilities. This second phase of construction is scheduled to start on June 7th and be completed by the end of September.

Financial Requirement

Public Works is recommending a construction contract award in the amount of \$87,368.76. Adequate funds are included in the FY 2014 Budget under the Resort Tax Fund.

Recommendation

We respectfully recommend the City Council award a construction contract for the East 2nd Street Reconstruction Project - Phase I to LHC, Inc. in the amount of \$87,368.76.

Sincerely,

A handwritten signature in blue ink, appearing to read "John C. Wilson".

John C. Wilson
Public Works Director



**SUMMARY OF BIDS
EAST SECOND STREET RECONSTRUCTION PROJECT - PHASE I
WHITEFISH, MT**

Bid Opening Date / Time / Location:
January 23, 2014 @ 11:30 am
City Hall, Whitefish, Montana

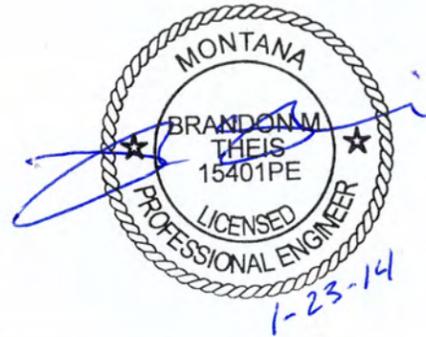
	Acknowledged Addendum No. 1	Bid Bond	MT Contractors Registration No.	BASE BID	Apparent Low Bidder
Engineer's Estimate	n/a	n/a	n/a	\$107,218.00	
Schellinger Const. Co., Inc.	yes	yes	4213	\$127,777.00	
Randy Gembala Excavating Co.	yes	yes	8483	\$99,637.00	
LHC, Inc.	yes	yes	5459	\$87,368.76	X
Paveco, LLC.	yes	yes	31479	\$120,216.96	
Knife River	yes	yes	10089	\$90,277.00	

**SUMMARY OF BIDS
EAST SECOND STREET ROADWAY RECONSTRUCTION PROJECT - PHASE I
WHITEFISH, MT**



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

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate		Schellinger Const. Co., Inc.		Randy Gembala Excavating Co.		LHC, Inc.		Paveco, LLC.		Knife River	
				Unit Price (Figures)	Total Price (Figures)	Unit Price (Figures)	Total Price (Figures)	Unit Price (Figures)	Total Price (Figures)	Unit Price (Figures)	Total Price (Figures)	Unit Price (Figures)	Total Price (Figures)	Unit Price (Figures)	Total Price (Figures)
BASE BID - PHASE I															
1	1.0	ACRE	Site Preparation	\$16,000.00	\$16,000.00	\$36,000.00	\$36,000.00	\$14,181.00	\$14,181.00	\$18,968.00	\$18,968.00	\$31,398.00	\$31,398.00	\$23,000.00	\$23,000.00
2	1	LS	Excavation	\$22,500.00	\$22,500.00	\$21,000.00	\$21,000.00	\$18,000.00	\$18,000.00	\$11,076.00	\$11,076.00	\$34,890.00	\$34,890.00	\$15,000.00	\$15,000.00
3	940	LF	Asphalt Sawcutting	\$2.00	\$1,880.00	\$2.50	\$2,350.00	\$5.00	\$4,700.00	\$1.96	\$1,842.40	\$1.30	\$1,222.00	\$1.00	\$940.00
4	6	EA	Relocate Existing Water Service	\$1,200.00	\$7,200.00	\$1,400.00	\$8,400.00	\$2,000.00	\$12,000.00	\$1,900.00	\$11,400.00	\$500.00	\$3,000.00	\$1,200.00	\$7,200.00
5	627	LF	Pipe - Buried: 4" Temporary Culvert	\$10.00	\$6,270.00	\$7.00	\$4,389.00	\$10.00	\$6,270.00	\$6.52	\$4,088.04	\$7.97	\$4,997.19	\$4.00	\$2,508.00
6	350	LF	Conduit - 6" PVC Sch. 40	\$12.00	\$4,200.00	\$8.50	\$2,975.00	\$7.00	\$2,450.00	\$6.16	\$2,156.00	\$8.32	\$2,912.00	\$7.50	\$2,625.00
7	300	LF	Conduit - 4" PVC Sch. 40	\$8.00	\$2,400.00	\$6.25	\$1,875.00	\$5.00	\$1,500.00	\$3.39	\$1,017.00	\$6.15	\$1,845.00	\$4.50	\$1,350.00
8	250	LF	Conduit - 3" PVC Sch. 40	\$6.00	\$1,500.00	\$5.75	\$1,437.50	\$4.00	\$1,000.00	\$2.76	\$690.00	\$5.90	\$1,475.00	\$4.00	\$1,000.00
9	830	LF	Conduit - 2" PVC Sch. 40	\$4.00	\$3,320.00	\$5.00	\$4,150.00	\$3.00	\$2,490.00	\$1.93	\$1,601.90	\$5.00	\$4,150.00	\$3.00	\$2,490.00
10	12	EA	Power Vault	\$1,500.00	\$18,000.00	\$1,100.00	\$13,200.00	\$1,000.00	\$12,000.00	\$789.00	\$9,468.00	\$819.40	\$9,832.80	\$900.00	\$10,800.00
11	2	EA	Three Phase Junction Can	\$3,000.00	\$6,000.00	\$1,749.50	\$3,499.00	\$1,500.00	\$3,000.00	\$1,353.00	\$2,706.00	\$1,212.70	\$2,425.40	\$1,500.00	\$3,000.00
12	50	CY	Crushed Base Course - 3/4" Minus	\$45.00	\$2,250.00	\$62.75	\$3,137.50	\$25.00	\$1,250.00	\$42.68	\$2,134.00	\$26.00	\$1,300.00	\$80.00	\$4,000.00
13	466	LF	Barbwire Fence	\$3.00	\$1,398.00	\$4.00	\$1,864.00	\$6.00	\$2,796.00	\$4.37	\$2,036.42	\$4.50	\$2,097.00	\$4.00	\$1,864.00
14	1	LS	Traffic Control	\$9,200.00	\$9,200.00	\$11,000.00	\$11,000.00	\$10,000.00	\$10,000.00	\$10,815.00	\$10,815.00	\$11,130.00	\$11,130.00	\$10,000.00	\$10,000.00
15	1	LS	Mobilization, Bonding and Submittals (10% Max)	\$5,100.00	\$5,100.00	\$12,500.00	\$12,500.00	\$8,000.00	\$8,000.00	\$7,370.00	\$7,370.00	\$7,542.57	\$7,542.57	\$4,500.00	\$4,500.00
TOTAL BASE BID					\$107,218.00		\$127,777.00		\$99,637.00		\$87,368.76		\$120,216.96		\$90,277.00



TRUE TABULATION OF BIDS RECEIVED
Robert Peccia & Associates
Today's Date: January 23, 2014



SUMMARY OF BIDS
EAST SECOND STREET RECONSTRUCTION PROJECT - PHASE I
WHITEFISH, MT

Bid Opening Date / Time / Location:
 January 23, 2014 @ 11:30 am
 City Hall, Whitefish, Montana

	Acknowledged Addendum No. 1	Bid Bond	MT Contractors Registration No.	BASE BID	Apparent Low Bidder
Engineer's Estimate	n/a	n/a	n/a	\$107,218.00	
Schellingel Const.	Yes	Yes	4213	127,777 ⁰⁰	
Randy Gembala Excavating	Yes	Yes	8483	99,637 ⁰⁰	
LHC Inc.	Yes	Yes	5459	87,368 ⁷⁶	
Pa. Vevo LLC	Yes	Yes	31479	120,216 ⁹⁶	
Knife River	Yes	Yes	10089	90,227 ⁰⁰	

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January 27, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Confirm Priorities and Direct Staff to Proceed with Engineering Selection for the West 7th Street Reconstruction Project

Introduction/History

The Public Works Department is looking ahead to the street reconstruction project for 2015 and recommends moving forward with design. This memo is to request the City Council confirm West 7th Street as our next priority and direct the Public Works Department to begin the engineering selection process.

Current Report

The Street Reconstruction Priorities were first adopted in 1998 and revisited in 2004. Copies of our memo to the City Council in November 2004 and the brief meeting minutes are attached. The map attached to that memo may be difficult to read, so we have added a written list of those priorities.

Staff's recommendations were approved by the City Council at that time and priorities number 1, 3, 4 and 5 have since been completed. The Downtown Infrastructure Improvements Project came to life in 2008 and was informally inserted in the priority list and constructed over the next 3 years, prior to the 6th and Geddes Project (priority No 5). That and the following changes had an obvious effect on the intended schedule.

- the Waverly Place Pedestrian Path (priority No 2) was moved to the back burner and forgotten,
- East 7th Street between Kalispell and Columbia Avenue (priority No. 7) was postponed to better coordinate with Highway 93 improvements, and
- the City Council switched priorities No. 6 and 8 (the West 7th Street and East 2nd Street Projects, respectively), in November 2011 at the recommendation of the Bicycle and Pedestrian Path Committee.

The Resort Tax Monitoring Committee (RTMC) reviewed the current priorities at their January 16th meeting and recommended, by motion and unanimous vote, to move forward with the West 7th Street Reconstruction Project.

The preliminary concept is to rebuild the roadway with new curbs and street lights, and to upgrade water, sewer and other utilities as needed, between Baker Avenue and the entrance to the Grouse Mountain subdivision. An important feature would be new sidewalks and a bicycle/pedestrian path to improve safety and add to our growing trail system. A map of the general project area is attached.

The West 7th Street property owners have been notified of this agenda item and invited to attend the meeting. A copy of that notice is attached.

The RTMC will consider the remaining priorities and recommend a 2014 Street Reconstruction Priority List for the City Council's consideration in the coming months. Information provided to the RTMC about completed projects and remaining priorities is attached, as well.

Financial Requirement

The requested action is to confirm West 7th Street as our next reconstruction project and authorize staff to begin the consultant selection process. There is no financial requirement at this time.

Recommendation

We respectfully recommend the City Council accept the RTMC's recommendation to confirm the West 7th Street as our resort tax funded construction project for 2015.

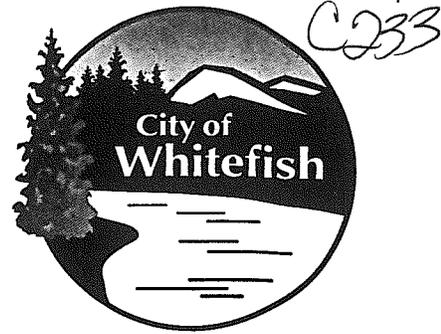
We further recommend the City Council direct the Public Works Department to start the engineering selection process for that project.

And finally, the Public Works Department invites a City Councilor to participate as a non-voting member of the Selection Committee. The committee's work is expected to involve three or four hours to review proposals, a one hour meeting for preliminary ranking in mid-March and a half day for interviews around the 1st of April.

Sincerely,



John C. Wilson
Public Works Director



November 9, 2004

Mayor Feury and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Feury and Councilors

Recommendation to Adopt Street Reconstruction Priorities

Introduction/History

In December 1998 the City Council adopted a Street Reconstruction Priority list to allow the Public Works Department and citizens to plan ahead for major street projects. Over the past 6 years we have completed 13 of these projects, conditions have changed, and several neighborhoods have been annexed into the City; making it necessary to review and update our priorities.

Current Report

The Resort Tax Monitoring Committee has reviewed the attached drawing and recommended the City Council adopt the indicated street reconstruction priorities.

Recommended priority #1, the East Seventh Street Project, was designed last year. Substantial conflicts with an existing natural gas main must be resolved, but we hope to advertise for bids after the first of the year and build the project next summer using Resort Tax Funds.

Recommended priority #2, the Waverly Place Pedestrian Path, is our second choice for a pedestrian route into City Beach from the east. We had hoped to establish a safe pedestrian route over the Skyles hill, but the need to reduce the road to one lane traffic was unacceptable for emergency services. No design work has been performed, nor have we hired a consultant for Waverly Avenue path. This work will not be eligible for Resort Tax funds in terms of reconstructed infrastructure. The plan is to identify appropriate funding, design the project next winter and construct a path in the spring of 2006.

Recommended priority #3 is to mill and overlay West 19th Street and Baker Avenue south of 10th Street during the summer of 2006. This road was built in the mid-1990s but is failing prematurely. The proposed overlay project will prevent the intrusion of moisture, increase structural strength, and substantially extend the useful life of this road at a much lower cost than major reconstruction.

Recommended priority #4 is to reconstruct Colorado Avenue between Edgewood Place and Crestwood Court. This would include the installation of curb and gutter, storm drainage facilities, a bicycle pedestrian path, new sidewalks and street lighting. The plan is to design the project next year and schedule construction in 2 phases. Phase I would be geared to funds available during the summer of 2006 and Phase II would be completed in 2007.

Recommended priority #5 is to reconstruct the 6th Street - Flint Avenue - 5th Street – Geddes – Jennings – Good Avenue connection between Baker Avenue and West 2nd Street. Similar to Colorado Avenue, this would include installation of curb and gutter, storm drainage facilities, water and sewer improvements, a sections of bicycle pedestrian path, new sidewalks and street lighting. The cost will exceed a single year's allotment of Resort Tax funds and so the project will be built in 2 phases during the summers of 2008 and 2009.

As a special note, priority #7 is to reconstruct East 7th Street between Kalispell and Columbia Avenue in concert with the reconstruction of Highway 93. The highway project will include construction of a new bridge across the Whitefish River and a new block of 7th Street between Spokane and Kalispell Avenue. This cross-town connection will provide a much needed alternative to 2nd Street, with a continuous route between Karrow Avenue and the Ashar Avenue / Muldown School area. The timing for the highway project is uncertain at this time and may affect the actual schedule for priority #7.

The general strategy for continuing improvements should be self evident from the attached drawing and it is reasonable to expect we will revisit the priorities before we reach priority # 6 or 7.

Financial Requirement

None at this time.

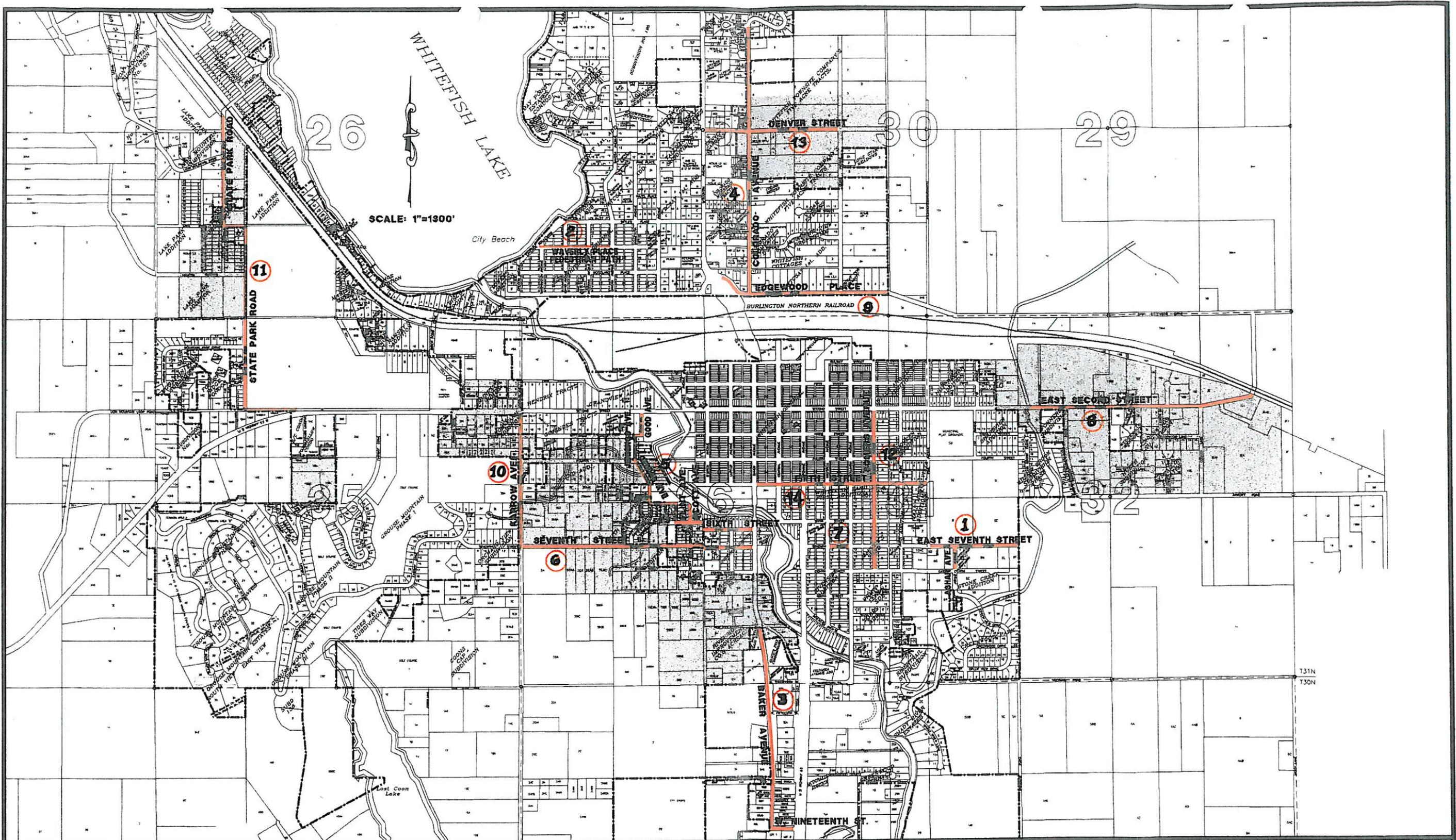
Recommendation

We respectfully recommend the City Council adopt the proposed street reconstruction priorities.

Sincerely,



John C. Wilson
Public Works Director



- - - - - EXISTING CITY LIMITS
 [Red Circle] PROPOSED ANNEXATION AREAS
 [Red Circle with Number] STAFF RECOMMENDED PRIORITIES

PROPOSED WHITEFISH STREET RECONSTRUCTION PROJECTS

DATE: MARCH 31, 2004

UPDATED STREET RECONSTRUCTION PROJECTS FOR FUTURE.DWG

Street Reconstruction Priorities

Adopted by the City Council on November 15, 2004

1. East 7th Street from Pine Avenue to Cow Creek
2. Woodland Place Pedestrian Path (hill above City Beach)
3. Baker Avenue south of 10th Street – Mill and Overlay
4. Colorado Avenue from Edgewood Place to Crestwood Court
5. 6th Street, Geddes, Jennings and Good Avenues from Baker to East 2nd Street
6. West 7th Street from Baker Avenue to Karrow Avenue
7. East 7th Street from Columbia Avenue to Kalispell Avenue
8. East 2nd Street from Cow Creek to the Railroad Tracks
9. Edgewood Place from Wisconsin Avenue to the east City limits
10. Karrow Avenue from West 2nd Street to West 7th Street
11. State Park Road from Highway 93 to the Railroad Tracks
12. Somers Avenue from East 2nd Street to East 8th Street
13. Denver Street from Wisconsin Avenue to Texas Avenue
14. East 5th Street from Baker Avenue to Pine Avenue

Councilor Phillips-Sullivan said she wasn't comfortable moving on this, but Councilor Garberg said a public hearing would serve to gather information. Ms. Knutson said Karin Hilding went down to the County but Director Wilson said the developer went down and then the City approved it.

Councilor Garberg said the Council needs to either table this or move on the motion. He asked and Director Wilson said this proposal doesn't really address the storm drain needs of spring run off. Director Wilson said building used to happen in more logical sites but now contractors are developing in more marginal areas. He said if the City had more information in the beginning they would have denied this subdivision. The utility master plan will definitely give staff more information for situations like this in the future. Director Wilson said he felt the City erred in leaving it up to the developer to talk to the neighbors. He said an extreme possibility would be to require the developer to pump out the water. Councilor Coughlin said she didn't want to pass an "intent to abandon" because it was an intent to discover more.

Councilor Garberg offered a motion, seconded by Councilor Adams, to table the resolution to allow staff time to work with the affected property owners until December. The motion passed unanimously.

6c. Recommendation to authorize matching funds for a "Living with Wildlife" grant.

Director Wilson reported that he received notification that the Living with Wildlife grant program reopened their proposal process. He said the deadline is November 30, 2004 and now he thinks it could be worth their time to develop a comprehensive plan and ask for more than \$5,000 from FW&P. He would like to re-write the proposal asking for \$8,000. The proposal will fare better if the City has a cost sharing agreement in the proposal. Director Wilson asked the Council to authorize City Manager Marks to approve up to \$8,000 in matching funds as staff fine tunes this proposal.

Councilor Garberg offered a motion, seconded by Councilor Adams, to authorize the City Manager to partner with Fish Wildlife and Parks and to allocate \$8,000 in matching funds for the Living with Wildlife grant as detailed in the staff report. The motion passed unanimously.

7. COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

7a. Resolution 04-62; Committing Riverside Bridge easement to a public purpose.

Director Wilson said that in the course of reconstructing the Riverside Park Footbridge he discovered the State requirement that the City declares the easement for a public purpose. This resolution commits to use for a public purpose the proposed easement for the proposed footbridge.

Councilor Adams offered a motion, seconded by Councilor Garberg, to approve Resolution 04-62, Committing Riverside Bridge easement to a public purpose. The motion passed unanimously.

7b. Recommendation to adopt street reconstruction priorities.

Director Wilson said he took this recommendation to the Resort Tax Committee. The street reconstruction plan was originally adopted in 1998 and this is a plan to update that street construction plan. Councilor Adams said priority #3 (asphalt milling and overlay on West 19th Street and Baker

Avenue south of 10th Street) chaps his hide. He wondered why the contractors aren't held accountable for building a bad road. Director Wilson said he inherited the problem when he took this job but it was now way beyond the warranty time for the project. Councilor Adams asked and Director Wilson said the road failure could be attributed to the road substructure. He said south of 10th Street the road structure is weak. Councilor Garberg said there may be blame for both the contractor and the consultant. Councilor Coughlin asked if it would be better to structurally go in and fix the street instead of just overlaying. Director Wilson said the recent study of business development made recommendations at 13th and Baker Avenue. Tom Hudson recommended that heavy traffic go down to 13th Street and then out to the Highway. Director Wilson said Baker could be reconstructed from 10th to 13th street and then place an overlay the rest of the way. Councilor Coughlin asked about the future bridge from Baker to Spokane on 7th Street and wondered if it would be widened to 4 lanes. He said north of 7th Street Spokane will stay the same width.

Councilor Garberg offered a motion, seconded by Councilor Coughlin, to adopt the street reconstruction priorities as presented tonight and as reviewed by the Resort Tax Committee. The motion passed unanimously.

7c. Recommendation to award the 2005 Utility Master Plan consultant contract.

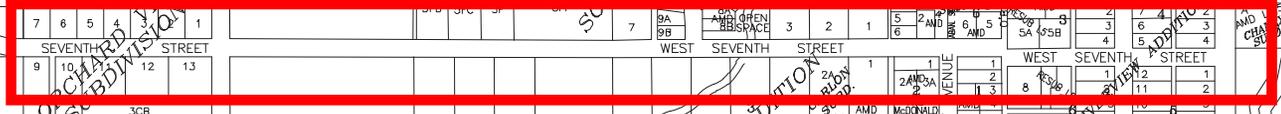
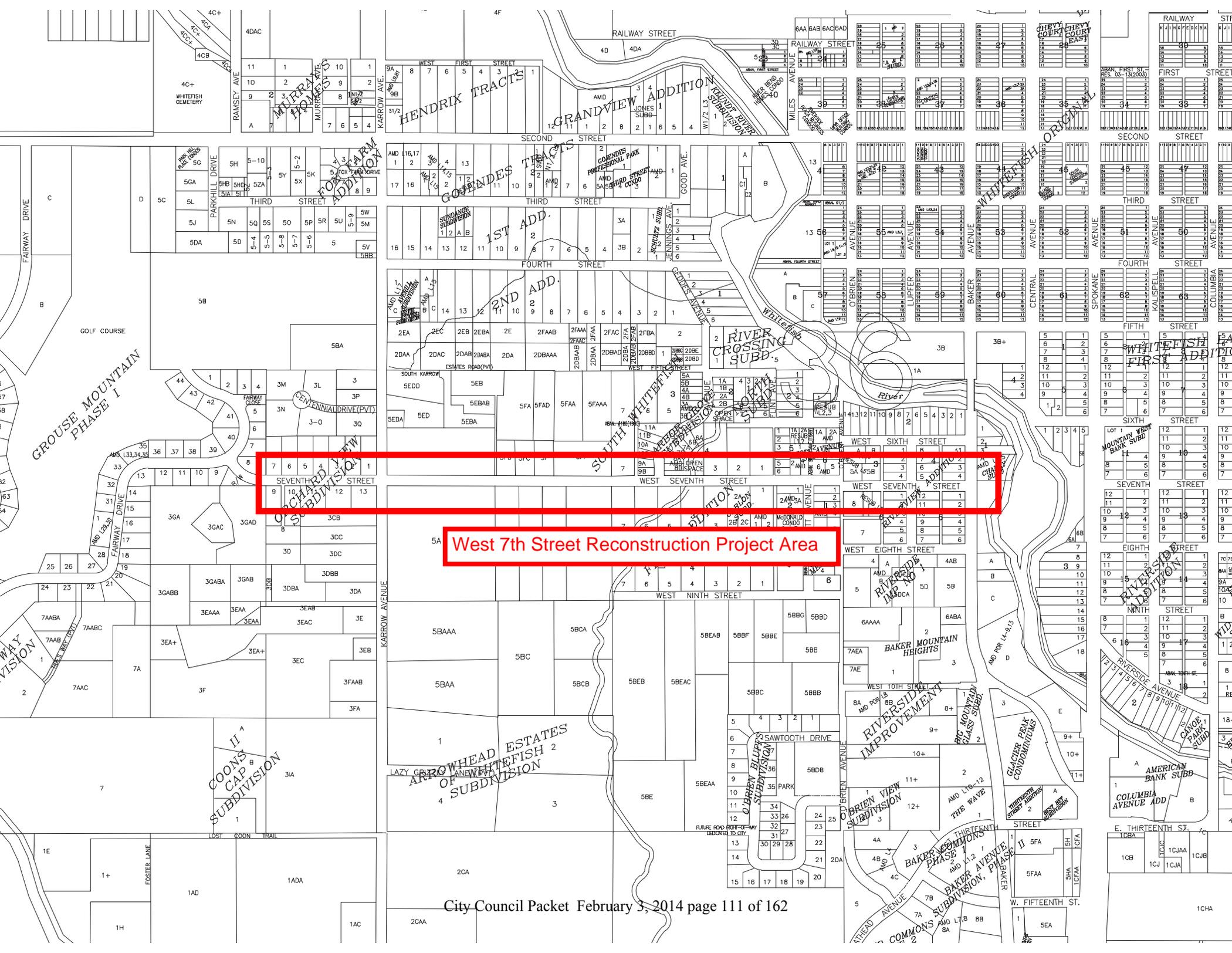
Director Wilson said he and Assistant Engineer Hilding have worked with the Consultant and they believe the City's original estimate was low. This proposal is for a budget of \$205,000 including \$145,000 for the consultant engineering and \$60,000 for aerial photography and topographic mapping. He said there would also be a contour map that would help with long range drainage planning. The consultants are HDR and Anderson Montgomery. Councilor Garberg said he was on the committee and he was in support of the additional cost for this process. Councilor Adams asked and Director Wilson said there was a State mandate to look at water issues in the 1990's. Councilor Adams asked how the staff came up with the original proposed amount of \$125,000 and Director Wilson said it was a figure based on similar proposals in Columbia Falls and Kalispell. Director Wilson said his first number was not based on correct information. He said it would have been accurate for a street project but it was an inadequate estimate for the sewer system. Kalispell's Master Plan was around \$200,000 without the aerial photography. He said they will also ask for community involvement because rate changes might be inevitable. Councilor Garberg asked if they could get information on how to update this in 3-4 years without redoing the whole process. Director Wilson said there is a water model and a storm service model that can be updated.

Councilor Garberg offered a motion, seconded by Councilor Wagner, to authorize staff to enter into an agreement with HDR, Inc. and Anderson Consulting in an amount not to exceed \$205,000. The motion passed unanimously.

8. COMMUNICATIONS FROM CITY MANAGER.

8a. Resolution 04-63; Establishing an Ad Hoc Weed Control Advisory Committee.

Manager Marks reported that on an annual basis the City conducts a City wide survey to see what customers think of the City services. Weed control receives a consistently low rating. This past Spring the City sent out a more extensive survey and the results are in the Council packet. He recommended a citizen committee to help with some guidance issues. The mission of the committee would be to work to identify noxious weed infestation, develop recommendations for a permanent weed



West 7th Street Reconstruction Project Area

Public Work's letter to residents of
West 7th Street



P.O. Box 158 • Whitefish, MT 59937 • (406) 863-2400 • Fax: (406) 863-2419

Date: January 27, 2014
To: West 7th Street Residents and Other Interested Parties
From: John Wilson, Public Works Director
Re: West 7th Street Reconstruction Project

The Whitefish Public Works Department has a goal to reconstruct 5 to 10 blocks of streets and utilities each year. The City's Street Reconstruction Priority List identifies West 7th Street as the project to be built in 2015.

The Public Works Department will ask the City Council to confirm that priority at their next regular meeting on Monday, February 3rd. Direction from the City Council would allow us to start design and plan for construction in 2015.

The preliminary concept for the West 7th Street Reconstruction Project is to rebuild the roadway with new curbs and street lights, and to upgrade water, sewer and other utilities as needed, between Baker Avenue and the entrance to the Grouse Mountain subdivision. Another important feature would be new sidewalks and a bicycle/pedestrian path to improve safety and add to our growing trail system.

City Council meetings begin at 7:10 p.m. in City Hall. The general public is invited to attend and express their views on this or any other subject during the Public Comment period at the start of the meeting.

Written comments may be submitted by email to publicworks@cityofwhitefish.org, via postal service to the Public Works Department at P.O. Box 158, or by dropping a letter or note off at the front counter in City Hall. City Councilors will receive copies of all correspondence arriving before 5:00 p.m. on February 3rd.

A copy of the meeting agenda and information packet will be available on the City web site at <http://cityofwhitefish.org/mayor-and-city-council/agenda-info-2014.php> after Thursday, January 30th. Agendas and information packets are also available on request.

Please feel free to contact Karin, John or Sherri at publicworks@cityofwhitefish.org, 863.2460 or 863.2457 if you need more information.

Whitefish Street Reconstruction Priorities
 Draft Compilation of Completed Work and 2004 Priorities
 November 2013

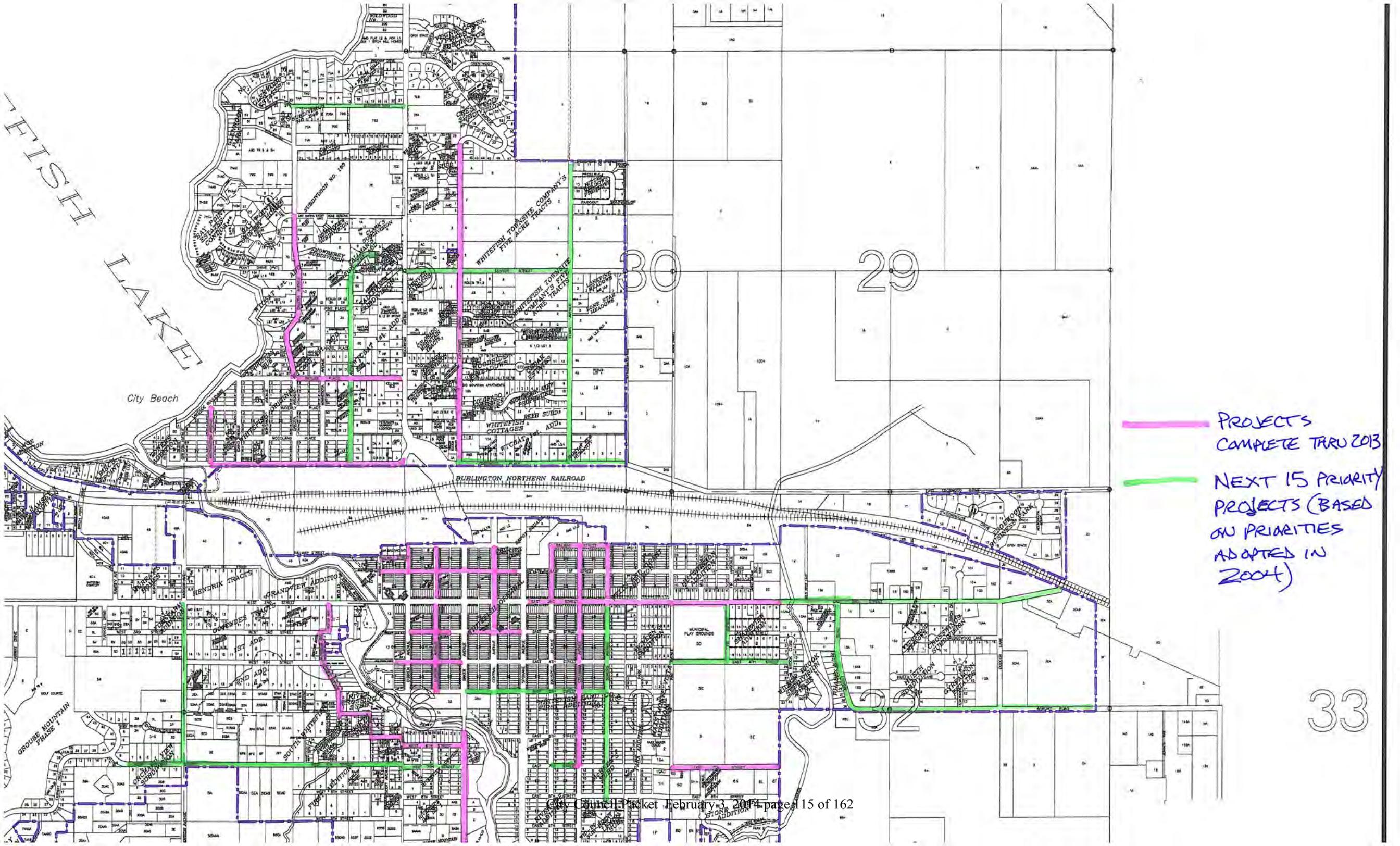
Project	Location
Completed Projects	
1999 Baker Avenue	Whitefish River to 10th Street
2000 Skyles Place	Wisconsin Avenue to Dakota Avenue
2000 East 2nd Street	Spokane Avenue to Cow Creek
2001 Greenwood Drive	
2001 Columbia Avenue	Railway Street to East 7th Street
2001 Dakota Avenue	Skyles Place to Marina Crest Lane
2001 East 1st Street	Baker Avenue to Miles Avenue
2001 East 4th Street	Baker Avenue to Mountain View Manor
2002 Edgewood Place and Washington Avenue	Wisconsin Avenue to Lakeside Boulevard
2002 O'Brien Avenue	East 1st Street to Railway Street
2003 Lupfer Avenue	Railway Street to East 5th Street
2003 East 3rd Street	O'Brien Avenue to Alley east of Lupfer Avenue
2004 Kalispell Avenue	East 2nd Street to Railway Street
2004 Railway Street	Kalispell Avenue to Columbia Avenue
2004 Railway Street	Miles Avenue to O'Brien Avenue
2005 Railway Street	Columbia Avenue to Somers Avenue
2006 East 7th Street	Pine Avenue to Cow Creek
2006 Somers Avenue	East 2nd Street to Railway Street
2006 Baker Avenue - mill and overlay	South of 10th Street and East 19th Street
2007 Colorado Avenue	Edgewood Place to Dugan's Way
2009 East 3rd Street	Spokane Avenue to Baker Avenue
2009-2011 Central Avenue	Railway Street to East 3rd Street
2010 East 1st Street	Spokane Avenue to Baker Avenue
2012/2013 West 2nd Street to Baker Avenue	via Good, Jennings, Geddes, North, Flint and East 6th

Whitefish Street Reconstruction Priorities
Draft Compilaion of Completed Work and 2004 Priorities
November 2013

	Project	Location
Priorities Adoped by City Council - September 2004		
1	East 2nd Street	Cow Creek to the Railroad Tracks
2	West 7th Street	Fairway Drive to Baker Avenue
3	East 7th Street	Kalispell Avenue to Columbia Avenue
4	Edgewood Place	West of Wisconsin
5	Karrow Avenue	West 2nd Street to West 7th Street
6	State Park Road	South of the Railroad Tracks
7	Somers Avenue	South of East 2nd Street
8	Denver Street	Wisconsin Avenue to Texas Avenue
9	East 5th Street	Baker Avenue to Pine Avenue
10	East 4th Street	Pine Avenue to Willow Brook
11	Fir Avenue	East 2nd Street to East 4th Street
12	Armory Road	East 2nd Street to Armory Park
13	Texas Avenue	
14	Glenwood Road	
15	Iowa Avenue	
16	East 6th Street	Central Avenue to Pine Avenue
17	Dakota Avenue	Marina Crest Lane to Glenwood Road
18	10th Street	Baker Avenue to O'Brien Avenue
19	Park Avenue	South of East 7th Street
20	O'Brien Avenue	East 2nd Street to the Whitefish River
21	Oregon Avenue and Woodland Place	East of Washington Avenue
22	Park Avenue	East 2nd Street to East 7th Street
23	Idaho Avenue	
24	Waverly Place	Idaho Avenue to Dakota Avenue
25	Minnesota Avenue	Edgewood Place to Skyles Place
26	Parkway Drive	
27	East 3rd Street	Fir Avenue to Shareview Alley
28	Waverly Place	Dakota to Iowa Avenue
29	Montana Avenue	Edgewood Place to Skyles Place
30	East 3rd Street	Kalispell Avenue to Columbia Avenue
31	Riverside Drive	
32	Birch Hill Drive	
33	East 10th Street	Columbia Avenue to Park Avenue
34	Barkley Lane	
35	Kalispell Avenue	East 4th Street to Riverside Drive
36	West 10th Street	Baker Avenue to Spokane Avenue
37	Cedar Street	
38	East 8th Street	Spokane Avenue to Park Avenue
39	Waverly Place	Colorado Avenue to Texas Avenue
40	Ramsey Avenue	
41	Lakeside Boulevard	Washington Avenue to Skyles Place
42	Skyles Place	Montana Avenue to Dakota Avenue
43	Hazel Place, Minnesota Avenue north of Hazel, and Pine Place	
44	Birch Point Drive	
45	Lupfer Avenue	West 6th Street to West 8th Street
46	Scott Avenue	West 7th Street to West 8th Street
47	Dakota Avenue	Edgewood Place to Skyles Place
48	Woodland Place	Iowa Avenue to Dakota Avenue
49	Parkhill Drive and West 3rd Street	Highway 93 to Good Avenue
50	West 4th Street	Karrow Avenue to Jennings Avenue
51	Central Avenue	South of East 3rd Street

FISH LAKE

City Beach



— PROJECTS COMPLETE THRU 2013
— NEXT 15 PRIORITY PROJECTS (BASED ON PRIORITIES ADOPTED IN 2004)

33

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MANAGER REPORT

January 29, 2013



UPCOMING GATE CLOSURE AT MOUNTAINSIDE DRIVE DURING HIGHWAY 93 NORTH CONSTRUCTION

We have been notified by the President of the Grouse Mountain Estates that they intend to install a temporary steel gate and large boulders to close their private road, Mountainside Drive, so that construction traffic does not try to detour through Grouse Mountain Estates to get to 7th and Karrow and avoid the Hwy 93 construction. They only intend to leave it up until the end of the construction project, but they might install it sooner, even in a few weeks. An attached map shows the location of the upcoming gate closure. The President of the Grouse Mountain Estates Homeowners Association, Kevin Kirwan, met with Fire Chief Tom Kennelly and Assistant Chief Joe Page and addressed all of their concerns. Mr. Kirwan also called me to inform me of their plans and his desire to work with the City regarding this temporary gate and road closure.

We have also heard of a possible gate closure where Fairway Drive leads into Grouse Mountain Phase I, just past Grouse Mountain Lodge for the same reasons. We do not have definite word that this additional gate and road closure will occur, but we believe that the separate homeowners association is considering it.

After we heard of these possible gate closures, we looked at the plats and the conditions of approval for both subdivisions. The road closures are allowable by the plat and the conditions of approval.

MEETING WITH MDT OFFICIALS REGARDING WHITEFISH WEST PHASE II PROJECT – MODIFICATIONS

John Wilson and I met with Ed Toevs, Shane Stack, and Bob Vosen of MDT on January 14th regarding some aspects of the Whitefish West Phase II project, which is scheduled for bidding and construction later this year. It appears that MDT will modify or eliminate some of the medians designed to be in the middle of the road because of the citizens requests, our requests, and most importantly because some adjoining landowners will not give property to MDT that they need for right-of-way (ROW) unless they modify or eliminate the medians. These medians are in the areas of the Border Patrol building, the Professional Office building by Ramsey, and by Fox Hollow Road. There are still some green, irrigated medians in the project, but fewer of them and of shorter length than in the prior plans.

Also, their project is running later than anticipated as they have not yet acquired all of the needed properties for ROW or temporary construction easements. They think that they will be letting bids in late May and have a start in July, although this schedule could slip as well. Because of the late start, there may be a gravel or temporary surface on the project next winter.

MMIA INFORMATION ON AFFORDABLE CARE ACT PROVISIONS

We recently received additional information from our health insurance provider, the Montana Municipal Interlocal Authority (MMIA) about provisions of the affordable care act as they apply to entities insured by MMIA. I am attaching a copy of that information with this report in the packet.

TREE THINNING PROJECT IN LOOKOUT RIDGE SUBDIVISION

F.H. Stoltze Land & Lumber Company representatives met with Wendy Compton-Ring recently regarding a plan to do some tree thinning and logging in the Lookout Ridge subdivision.

As part of the original Lookout Ridge subdivision project, a Forest Management Plan was submitted and made a part of the conditions of approval. Stoltze is proposing to thin the property in accordance with the approved Forest Management Plan and they submitted a document to the Planning staff. In summary, they are interested in retaining trees that will have long-term value within a residential area. They will, however, remove large trees and they will be using the existing roughed-in roads (and putting in some skid trails to get other areas). The haul route will be onto Big Mountain Road. They are interested in starting this winter and would finish this fall with slash burning. In looking at a map provided by Stoltze and attached in the packet, the western part of the lot is more heavily treed than the eastern part. More thinning will take place in this area and less in the eastern part. Very little, if any, logging will take place adjacent to Iron Horse. More logging will occur next to the Ptarmigan subdivision.

You may get inquiries from residents or others about this project. I am also attaching a five page description of their proposal in the packet. Paul McKenzie of F.H. Stoltze Land and Lumber Company is the contact person on this project.

WHITEFISH RATED #1 SKI TOWN FOR REAL ESTATE INVESTMENTS BY REALTYTRAC

City Council Member Jen Frandsen first sent me the information below that a RealtyTrac evaluation had ranked Whitefish as the #1 Ski Resort Town for Real Estate Investing. The chart is below and the full description of the ranking and research methods is at <http://www.realtytrac.com/content/news-and-opinion/best-ski-resort-towns-for-real-estate-investing-7961> .

This ranking is good news and several other people have sent me this information as well. This ranking might lead to additional investment in our town.




THE BEST SKI RESORT TOWNS FOR REAL ESTATE INVESTING

Many folks like the idea of owning a cozy cabin in the snowy woods at the foot of a towering ski mountain, but buying real estate in remote resort towns is not always practical. Prices are often higher than comparable properties in the plains below, and the extra maintenance that comes with the cold can also be costly. Still, buying a second home or investment property near a ski resort can be a smart decision for some — provided you look at good data to help you make that decision.

THE FACTORS

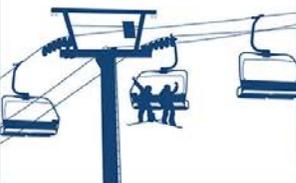
- 1. DISTANCE FROM THE NEAREST AIRPORT**
The property should be easy to get to, both for you and for other vacationers who help drive the local economy.
- 2. UNEMPLOYMENT RATE**
More people with jobs mean more good renters if you need to rent and future buyers if you want to sell.
- 3. MEDIAN LIST PRICE**
All other things being fairly equal, the lower the price the better. Investors make their money when they buy low.
- 4. FORECLOSURE INVENTORY**
More foreclosure inventory is actually good for the investor as it means more bargains available.
- 5. RENTAL VACANCY RATE**
A low rental vacancy rate means strong demand for your home as a regular or vacation rental.
- 6. GROSS RENT YIELD**
The higher the gross yield, the better chance you have to cover or exceed your costs of owning the home.
- 7. 2013 FORECLOSURE RATE**
Although foreclosure inventory is good for bargains, too much recent foreclosure activity could be bad for home values.
- 8. FORECLOSURE RATE DROP FROM 2010**
The bigger the drop since the height of the housing crisis, the faster the market is recovering.
- 9. PURE AWESOMENESS FACTOR**
From our friends at Zrankings, this puts a number on the quality of ski resort in the town.

THE TOWNS

SKI TOWN	NEARBY RESORT(S)	MEDIAN LIST PRICE
1 Whitefish, MT	Whitefish Mountain Resort	\$249,736
2 Vail, CO	Vail Ski Resort	\$626,142
3 Truckee, CA	Squaw Valley	\$379,492
4 Avon, CO	Beaver Creek	\$459,658
5 Jackson, WY	Jackson Hole	\$647,042
6 Bozeman, MT	Bridger Bowl Ski Area, Big Sky	\$406,704
7 Bend, OR	Mt. Bachelor	\$281,314
8 Mammoth Lakes, CA	Mammoth	\$341,425
9 Park City, UT	Snowbird, Alta, Solitude, Brighton, Canyons Resort, Park City Mountain Resort, Deer Valley	\$897,129
10 Telluride, CO	Telluride Ski Resort	\$995,904
11 Steamboat Springs, CO	Steamboat Ski Resort	\$357,497
12 Red Lodge, MT	Red Lodge Mountain Resort	\$338,581
13 South Lake Tahoe, CA	Kirkwood, Alpine Meadows, Heavenly Ski Resort, Sierra at Tahoe	\$321,713
14 Aspen, CO	Aspen Mountain - Ajax, Aspen Highlands	\$2,316,250
15 Ketchum, ID	Sun Valley Ski Resort	\$518,700
16 Taos, NM	Taos Ski Resort	\$274,496
17 Crested Butte, CO	Crested Butte Ski Resort	\$404,329
18 Breckenridge, CO	Breckenridge Ski Resort	\$581,228
19 Snowmass Village, CO	Snowmass Ski Resort	\$1,104,354

METHODOLOGY

We started with towns where there is a population of at least 2,500 and at least one ski resort ranking in the top 50 of the 182 ski resorts analyzed by Zrankings. We then ranked these 19 ski towns by each of the nine different factors listed on the left and combined those rankings for the overall ranking. For more information on the methodology as well as the supporting data behind this analysis visit realtytrac.com/ski or email pr@realtytrac.com.



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MEETINGS

Meeting with several homeowners from Houston Drive (1/21) – At their request, I met with Ben Cavin, Mike Talbot, and Yvonne Slaybaugh regarding the City’s plans for annexing Houston Drive. I explained that the City Council had set some priorities for annexation last year and that I was going to have another work session with the new City Council before proceeding with the annexation of properties around Jennings Landing Road. Houston Drive was the City Council’s second priority area for annexation. I told them I had also heard some concerns from elected officials about annexing the Jennings Landing properties now. For that reason and because there are new City Council members, I wanted to have another work session before proceeding. That work session is tentatively scheduled for the March 3rd work session.

UPCOMING SPECIAL EVENTS

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

REMINDERS

Monday February 17th – President’s Day state holiday – City Hall is closed
Tuesday, February 18th – City Council meeting because of Monday holiday

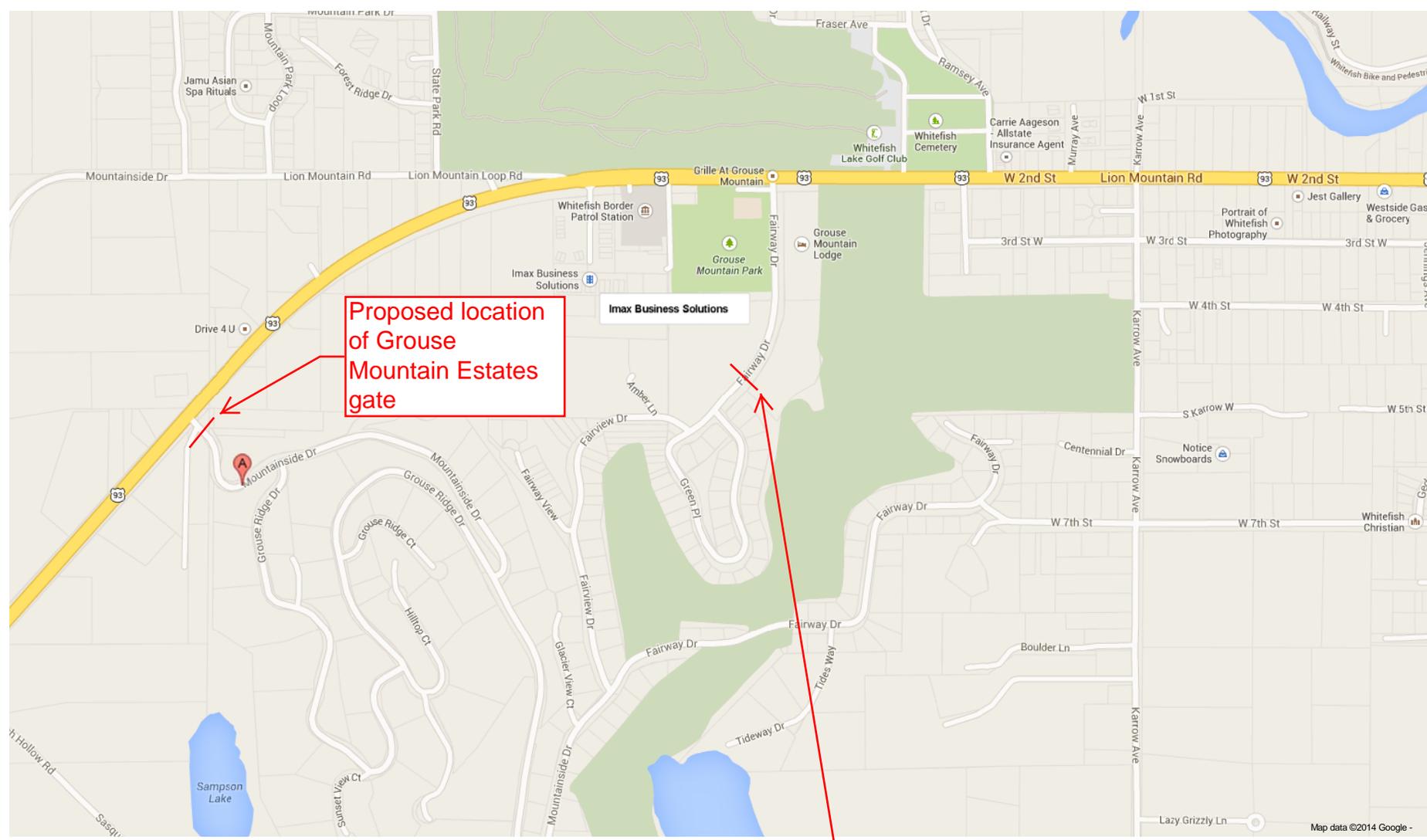
Respectfully submitted,



Chuck Stearns
City Manager



To see all the details that are visible on the screen, use the "Print" link next to the map.



Proposed location of Grouse Mountain Estates gate

Possible gate closure by Grouse Mountain Phase I

Obamacare Confusion

By Amanda Clark and Amber Ireland,

MMIA Employee Benefits department

To say that the federal debate about health care reform is heated is an understatement. Unfortunately, there is a lot of mis-information or unclear details that seem to get talked about the most. MMIA would like to clear up a couple of areas that we have heard about from both our cities/towns and our individual participants. Here are some of the burning questions:

“Is Obamacare going to make our health plan go away?”

The answer is a clear: No, the MMIA Employee Benefits Program is not going away.

We believe this question comes from recent news stories reporting that the President has apologized for health plans going away due to the health reform law. First let’s clarify that the health reform law, or the Affordable Care Act (ACA), has not specified that any existing plans need to be canceled. Rather, some insurers of individual health plans have decided to discontinue offering the plans rather than comply with requirements of the ACA to provide certain benefits deemed as essential by the ACA. Additionally, some corporations may be deciding to discontinue offering group benefits to their employees because the plans that they have previously offered have been minimal in benefits and compliance with the ACA requirements would mean paying more money in order to continue offering benefits.

MMIA plans are all in compliance with the requirements of the ACA and will continue to offer the same great benefits that you are used to.

“Now that there is backtracking on some of the law when it comes to cancelling plans does that mean that the whole law is going away?”

Again, the answer is: No.

The new directive was that if individuals who were at risk of having their individual health insurance plan cancelled wanted to keep it AND their state’s insurance commissioner allowed this AND their insurance company would allow it, then they can keep their coverage for an additional year while some of the system glitches get worked out. Of course, this doesn’t directly affect the participants within MMIA as we are a group plan.

“So, the change doesn’t affect me, the employee, but what about my spouse or children?”

The answer is: Maybe. If your spouse or dependent children thought their plan was being cancelled and now they find it is not (still pending approval by Montana’s Commissioner’s office) then they have a decision to make.

If an individual product is cancelled by a current carrier then that is a qualifying event and that person can then be added to the MMIA coverage. This does need to happen within 31 days of the cancellation and all eligibility standards must be met.

“How does Obamacare impact me?”

The answer is not as complicated as you’d expect. We’ve provided information on specific changes before but, because there has been a lot of recent talk, let’s go over it again.

- Dependents can stay on through age 26.
- Preventative care (physicals, mammograms, colonoscopies, etc.) are covered at 100% without age restrictions or limitations unless imposed by a physician.
- Benefits deemed “essential” no longer can have plan limitations. These are things such as physical therapy after a surgery. The plan can’t include an overall cap of 20 visits but the plan CAN review such services to confirm that they are medically necessary.
- There is no lifetime maximum.
- Pre-existing waiting periods go away as of January 1, 2014.
- Waiting periods to be eligible for the plan cannot exceed 90 days from date of hire.

In addition to the benefit structure changes, plans also had other areas to ensure they were

compliant in, including:

- Newly imposed regulations state that a plan cannot charge administrative fees over 20%. MMIA comes in around 8%.
- Distribution of Summary of Benefits & Coverage (SBC) that is a federally templated benefit outline.
- Determining if the plans hold the required Actuarial Value of 60%. Meaning, overall, the plan covers 60% or more of medical expenses. Each MMIA plan is compliant.
- Employers must pay an annual re-insurance fee of \$63 per covered life in 2014. Each year this reduces until it is phased out in 2018. MMIA pays this on behalf of our member cities.
- Employers must pay an annual research fee of \$1 per covered employee in 2014. MMIA will also be paying this on our member’s behalf.

Although the administrative investigating and implementation has been difficult at times, the financial impacts have been minimal. As of 2013, MMIA has yet to experience financial impact to the rates that we charge. We did implement the required benefit changes in 2010 when the law passed so we have actual claims to rely on when we say it hasn’t cost us. Much of the reason is because our plan was already close to the model plan.

As always with the ACA, our advice is to stay away from the opinions that are on TV, in the news and on the internet. Both sides of the aisle have provided incorrect information and we feel that this does nothing but cause stress to people. If you have any questions, let us know. MMIA is your self-funded piggy bank. We comply with the regulations and want our participants to be fully educated on how your plan works. ■





F.H. STOLTZE LAND & LUMBER COMPANY

Lumber Manufacturers

Box 1429 Columbia Falls, MT 59912
Phone (406) 892-7005 Fax (406) 892-1612

www.stoltzelumber.com

DRAFT Lookout Ridge Project Proposal

Project Location: (See attached map)

Approximately 196Ac located in Sec 12 T31N R22W



Good for you. Good for our forests.™

Member Company

Management Goals: Implement forest management activities consistent with the intent and bounds of the existing Preliminary Plat approval and associated Forest Management Guidelines. Specific desired outcomes of management activities include: Fuel hazard reduction, forest health improvement, maintenance of aesthetic, recreational and wildlife attributes, improved vigor of remaining stand and generation of revenue from products harvested.

Project Description: To meet the stated management goals, a commercial timber harvest is proposed on the property. The harvest will be completed under winter frozen or summer time dry soil conditions to minimize impacts to soils and to limit disruption of seasonal wildlife use. Sawlog trees will be selectively harvested consistent with the harvest prescription. Slash disposal will be through whole tree skidding to designated landing locations where trees will be processed into marketable products. Landing slash will be piled on site for disposal by burning. Adequate buffers will be retained around the water body referred to as “Moose Lake” on the site plan as required by the Montana Stream Side Management Zone law and in accordance to Whitefish City Code 11-3-29.

Harvest Prescription: Individual tree selection harvest, retaining the best trees while thinning existing stand to provide adequate spacing for individual trees to maximize vigor. Resulting stand will maintain a diversity of species, age classes and tree sizes similar to the existing multi storied, multi age classed mixed species stand while enhancing growth potential and minimizing insect and disease activity. Average spacing will generally be 20 to 25 feet for merchantable trees. In some areas, average spacing on larger trees may be closer to 40’ when there is a good stand of healthy younger trees to work with. Non-merchantable (smaller than 8” diameter)) trees will be thinned to reduce fuel ladders while retaining areas of thickets to provide security cover for wildlife. Favor retention of larger healthy overstory western larch, western red cedar and Douglas-fir. Retain snags for habitat when not in conflict with safety measures. Retain older downed large woody debris for habitat and soil amendment purposes.

Logging Plan: Stoltze proposes to use a logging contractor trained through the Montana Logging Association to a minimum of the Accredited Logging Professional level to complete the timber harvest. Mechanical harvesting equipment will be used to fell trees. Grapple skidders will skid whole trees to designated landing areas. Mechanical

processing equipment will process trees into merchantable products, load and haul from the site. Non-sawlog material (2.5" to 5" top diameter and greater than 16' long) will be removed from site if a viable market exists at the time of harvest. If no viable market exists, non sawlog material will be piled in slash piles on landings for disposal by burning. Landing slash will be piled for burning. In woods slash will be reduced through whole tree skidding to comply with State of Montana Slash Hazard Reduction requirements. Some additional in woods slash piling will be necessary to meet the High Hazard Slash Reduction standard per Montana Code. All harvest activities will comply with the Montana Stream Side Management Zone laws and implement Montana Best Management Practices for Water Quality. Road maintenance will be conducted by Stoltz commensurate with use as necessary to ensure road surface water drainage structures are operational.

Post Logging Follow Up: Road maintenance may be necessary, most likely a post haul grading of the haul route to maintain the running surface and ensure drainage features are fully functional. Slash piling will occur concurrently with logging where possible and will be completed the summer of 2014. Slash piles will be burned in the fall of 2014 under safe burning conditions and in compliance with all air quality constraints. Burn piles will be seeded with grass seed after burning to help prevent weed infestation. No additional regeneration activities are anticipated as the stand will remain fully stocked. Some natural regeneration will occur in small openings created by the logging activity.

Forest Management Guidelines Compliance:

Tree Selection and Diversity. The Forest Management Guidelines for Lookout Ridge Subdivision suggest forest management activities retain a diversity of species and age classes while creating a mosaic of variable tree retention densities to simulate the effects of a mixed severity fire regime. By using the concept of best tree management where the healthiest trees are retained regardless of age, size or species and tree spacing is adjusted for the size and species of the identified leave trees, this objective of diversity will be met.

Past management across portions of the property has created a mosaic of forest structures and tree species to work with. While average tree retention will target a 20' to 25' spacing (60-110 trees per acre), tree spacing will vary (closer and wider) depending on the specific trees available to work with in any particular area. The existing diversity of the forest provides options to retain and enhance forest productivity and increase resilience to the effects of wildland fire, while meeting aesthetic and wildlife habitat goals.

Snag retention and Large Woody Debris retention: The forest management guidelines encourage retention of dead trees (snags) for wildlife habitat. Additionally, retention of certain large trees of certain species that are highly defective or may not be healthy but have potential to become useful wildlife snags in the future is also suggested. Given the future use of this property for residential uses and within the constraints of public and

contractor safety, snags and potential snags will be retained across the harvest area. Specifically around "Moose Lake" snag retention will be a priority.

The Forest Management Guidelines also suggest retention of large woody debris, essentially downed woody material larger than 3" in diameter. Efforts will be made to retain larger, especially partially decomposed, large woody debris for moisture retention and wildlife habitat benefits while balancing fuel hazard reduction and aesthetic goals.

Wildlife hiding cover – thermal cover: A mosaic of patches of thickets of small trees will be maintained across the harvest unit to provide thermal and security cover while still meeting the fuel hazard reduction goals.

Compliance with SMZ Law, Slash Hazard Law and water quality BMP's:

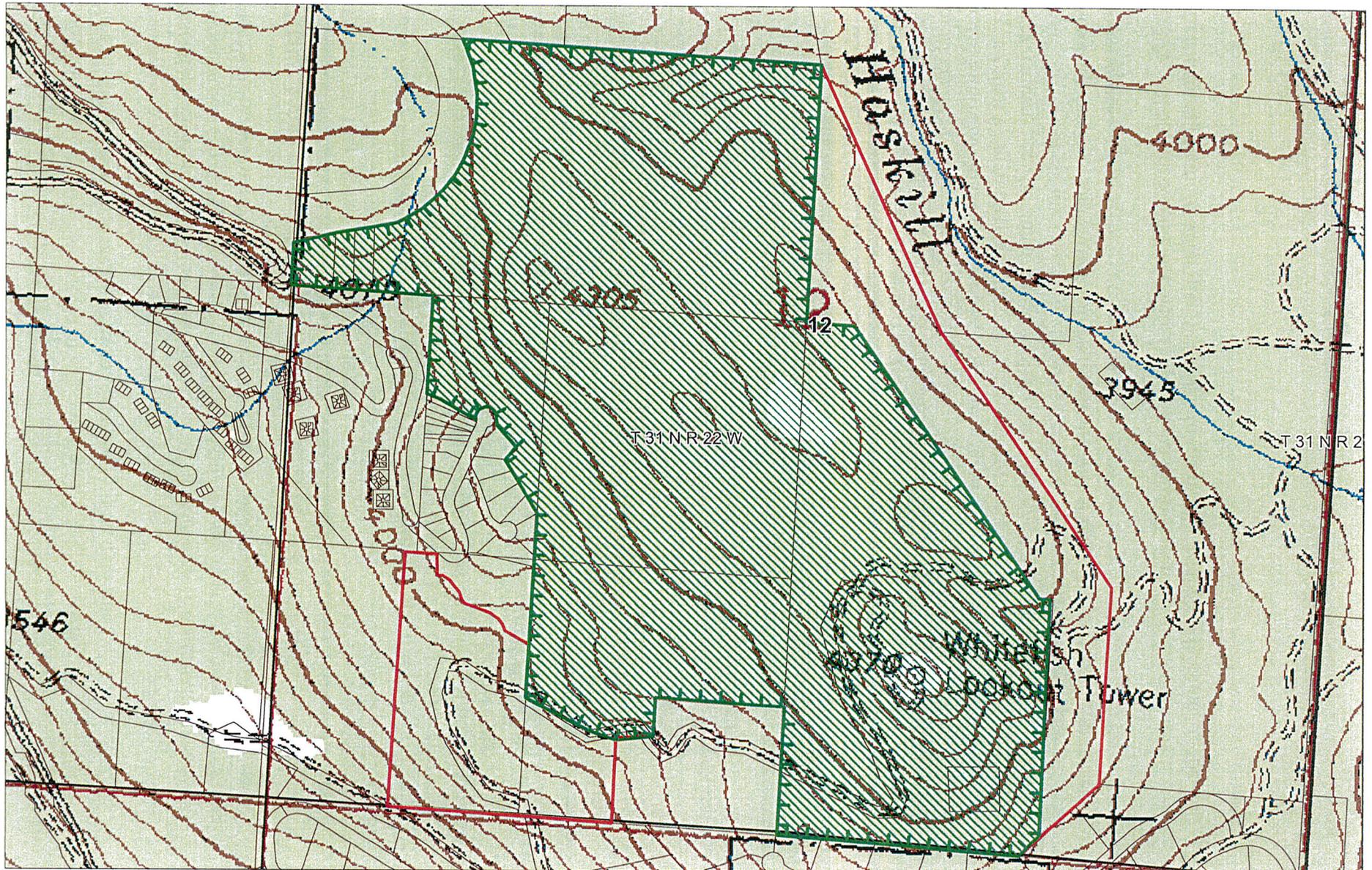
Care will be taken to manage the lands surrounding Moose Lake to ensure the continued health of this lake buffer forest. There is a lot of mortality and blown down timber along the edge of the lake that presents a significant fuel hazard. Moose Lake meets the definition of a "Lake" per the Montana Streamside Management Zone law. The appropriate SMZ buffer, 50' from ordinary high water mark, unless ground slope exceeds 35%, then 100' buffer would apply. The Whitefish Water Quality Protection ordinance requires a 75' buffer around other lakes. The appropriate buffer meeting both Whitefish ordinance and SMZ law will be clearly marked with flagging on the ground and all equipment operation will be excluded from this zone.

An intermittent stream course exists along the northern edge of the property. Appropriate SMZ buffers will be marked and tree retention guidelines of the SMZ law will be implemented.

A few small isolated wetlands that would likely be rated as class III or IV occur across the project area. Appropriate buffering as required in the SMZ law and Whitefish ordinance will be implemented.

No more trees would be removed from the SMZ and buffers than is required to meet the forest health and fuel hazard reduction goals while still meeting the terms of the SMZ law and Whitefish ordinance. The SMZ law allows up to 50% of the merchantable trees greater than 8" in diameter to be removed from this zone down to a minimum number of trees retained per 100 linear feet of buffer zone. This minimum number of trees varies from 5 to 10 depending on classification of the water body being buffered. Sub-merchantable trees and shrubs will be retained to the greatest extent possible in these buffer zones.

Stoltze will ensure compliance with the Montana Slash Hazard Reduction Law and implement appropriate water quality BMP's to roads, skid trails and landings on the site.



1 inch = 688 feet



Proposed Harvest Area



Lookout Ridge Investors Property

Printed: 1/21/2014

Lookout Ridge Timber Harvest Proposal
Approx 196 Ac in S 1/2 Sec 12 T31N R22W



1 inch = 688 feet



Proposed Harvest Area



Lookout Ridge Investors Property

Printed: 1/21/2014

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MEMORANDUM

#2014-003



To: Mayor John Muhlfeld
City Councilors

From: Chuck Stearns, City Manager

Re: Staff Report – Contract Amendment #2 for Downtown Master Plan Update – options for additional work for Crandall Arambula

Date: January 23, 2014

Introduction/History

The City Council adopted the Downtown Master Plan on April 3, 2006 via Resolution No. 06-21. At a March 12, 2012 work session on Tax Increment Priorities, the City Council members present determined that an update of the Downtown Master Plan was desired and asked staff to contact the consultant, Crandall Arambula for a estimated cost and scope of work for an update.

On April 16, 2012, the City Council approved only Phase I of the proposed work program suggested by the consultants, Crandall Arambula. See attached minutes from the meeting and the contract scope of work for Phase I. The City Council at that time eliminated Phases 2-3 pending further review and approved a contract for \$13,558.

On November 5, 2012, the City Council approved Amendment #1 to the contract for items #1,2,6, and 7 in the amount of \$56,096 for a total contract cost of \$69,654. (See attachment)

That work was completed and an open house was held on the Downtown Master Plan update on May 2, 2013. Following that open house, the Downtown Master Plan Update was completed and the Whitefish City-County Planning Board held a public hearing on it on September 19, 2013 and the City Council held a public hearing on October 7, 2013. Subsequent to that public hearing, the City Council requested a work session on the Downtown Master Plan update and that work session was held on November 4th. At that work session, the City Council requested that Crandall Arambula PC do some additional work to change and complete the Downtown Master Plan Update. Thereafter, Crandall Arambula submitted some proposed work items that Mayor Muhlfeld and I reviewed.

Current Report

Crandall Arambula have submitted a proposed Amendment #2 for \$30,120 of work and an option of travel expenses for 1 staff person for two meetings at \$7,180 or two staff people for \$13,960. Mayor Muhlfeld and I are recommending Amendment #2 be for the \$37,300 option with only one staff person from Crandall Arambula coming for two meetings – one at the O’Shaughnessy Center and then one at the final City Council public hearing.

Financial Requirement/Impact

The cost of amendment #2 as we recommend would be \$37,300. These costs will be paid from the Tax Increment Fund which has sufficient funds for this project. This amendment would bring the total contract cost to \$106,954.

Recommendation

Staff respectfully requests the City Council approve contract Amendment #2 with Crandall Arambula for \$37,300 and authorize the City Manager to approve a contract amendment for those items.

The following work tasks will be included in the Master Plan refinement:

- 1) **Depot Park** – Make text changes to be in alignment with the Depot Park Master Plan.
- 2) **Retail Loop in the Railway District** – Make text changes only. Design standards and schematics will not be developed.
- 3) **Connecting Walk from Mountain View Manor east to Baker, and with Lupfer Avenue south to the Footbridge** – Revise drawing and provide text update.
- 4) **Project Priorities** – Organize to reflect a proposed phasing plan.
- 5) **Baker Street Underpass** – Include 2006 concept in update.
- 6) **WR-4 Retail Loop** – Elaborate in text only. Development standards will not be developed.
- 7) **Spokane Improvements** – From 7th Street north, develop concepts for including a protected bikeway. Illustrate with plan view and cross sections only.
- 8) **Adopted Transportation Plan** – Integrate Baker and Spokane three lane couplets.
- 9) **Finalize Master Plan** – Update all graphics and text. Prepare copy ready document. Printing not included.

Budget Estimate

Work Tasks 1 through 9 (labor only) \$ 30,120

Public Outreach/Meetings - Two meetings (labor and expenses)

- One staff person only \$ 7,180

OR

- Two staff persons \$ 13,960

CRANDALL ARAMBULA
Revitalizing America's Cities

The motion passed unanimously.

9f. Consideration of approving a contract with Crandall-Arambula for an update of the Downtown Master Plan (p. 258)

The City Council adopted the Downtown Master Plan on April 3, 2006 via Resolution No. 06-21. At a March 12, 2012 work session on Tax Increment Priorities, the City Council members present determined that an update of the Downtown Master Plan was desired and asked staff to contact the consultant, Crandall-Arambula for an estimated cost and scope of work for an update.

Councilor Anderson said on page 260 of the packet there are several phases proposed by Crandall-Arambula and he would be satisfied by option #1, which would cost about \$13,500. Councilor Mitchell said they talked about spending this money, but he thinks the staff and steering committee have the understanding of the community, along with the footprint Crandall-Arambula originally created, so they don't need to spend more money. Mayor Muhlfeld said most of the proposed changes are intended to allow the City Hall Committee to work out their kinks before bringing in the consultants.

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to approve a contract with Crandall-Arambula for Phase 1 as stated on page 260, for an update of the Downtown Master Plan.

Councilor Hildner asked if they need to remove task 1.5 and Councilor Anderson said it may not be needed. Councilor Anderson said the contract is a not-to-exceed contract, so it allows flexibility. Councilor Hyatt wondered why they were doing this before the City Hall Committee even meets. He thought they could postpone a vote on this to a later date. He agreed with Councilor Mitchell that they didn't need to spend the money. Mayor Muhlfeld said they passed this as a majority vote at their planning meeting. Councilor Anderson said page 260 in the contract says the designing doesn't happen until Phase 2. It facilitates the committee's work to use experts in the field; and with the level of money expenditure it is better to be a penny wise and not a pound foolish. Councilor Hildner said it makes sense to leave point 1.5 in there and then the committee doesn't need to use it unless they have to. Councilor Kahle said he isn't sure Phase 1 matches what he expected. He said it looks like this is focusing on the future location of City Hall. He would like to see a more clearly defined scope of work. Councilor Hyatt said this only deals with City Hall. Mayor Muhlfeld said the Steering Committee for City Hall will be looking at the parking, private/public partnerships and City Hall redevelopment. Councilor Mitchell said the City Hall committee needs to do its work first.

The motion was tied with Councilors Sweeney, Anderson and Hildner voting in favor, and Councilors Mitchell, Kahle and Hyatt voting in opposition. The Mayor voted in favor so the motion passed 4-3.

10. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

10a. Standing budget item – None.

10b. Standing Extraterritorial Planning Jurisdiction (Doughnut area) item

Mayor Muhlfeld said the Council sent a letter where they requested a semi-annual meeting with the county, but the county said since they are currently involved in litigation they have chosen to wait on having a meeting.

Fee Estimate and Scope of Work Whitefish Downtown Tune-Up 4/10/12

SCOPE OF WORK	Expenses	Total Labor Cost Per Task	Crandall Arambula		
			G. Crandall, FAIA and D. Arambula, ASLA	J. Graf	Support Staff
			Mgmt., Public Involvement, Urban Design	Urban Design	Urban Design
			\$165	\$85	\$65
Phase 1 - Starting					
Task 1.1 Telephone Conference Calls to Identify Tune-Up Objectives		\$1,000	4	4	0
Task 1.2 Collect Information on Opportunity Sites		\$670	2	4	0
Task 1.3 Prepare Base Map for Phase 2 Workshop		\$600	0	4	4
Task 1.4 Financial Review of Original Plan Outcomes		\$2,010	6	12	
Task 1.5 Site Visit to Advise City Hall Steering Committee (Trip 1)		\$5,280	32		
Task 1.5 Calculate Existing and Future Parking Needs		\$1,690	2	16	0
Task 1.6 Finalize Project Objectives		\$335	1	2	0
Total Hours - Phase 1			47	42	4
Total Costs - Phase 1	\$1,973	\$11,585	\$7,755	\$3,570	\$260
Phase 2 - Designing					
Task 2.1 Develop Conceptual Design Alternatives*		\$7,280	16	24	40
Task 2.2 Prepare Workshop Presentation Materials		\$2,520	8	8	8
Task 2.3 Workshop and Stakeholder Meetings (Trip 2)		\$5,280	32	0	0
Task 2.4 Prepare Memorandum Summarize Workshop Findings		\$670	2	4	0
Total Hours - Phase 2			58	36	48
Total Costs - Phase 2		\$15,750	\$9,570	\$3,060	\$3,120
Total Costs - Phases 1 & 2		\$27,335			
Phase 3 - Implementing (Not Included)					
Task 3.1 Refine Preferred Alternatives - Conceptual Plans and Massing		\$5,960	8	24	40
Task 3.2 Develop Draft Implementation Strategy - Phasing and Costs		\$2,020	4	16	0
Task 3.3 Prepare Workshop Presentation Materials		\$2,520	8	8	8
Task 3.4 Workshop and Stakeholder Meetings (Trip 3)		\$5,280	32	0	0
Task 3.5 Develop Memorandum Summarizing Implementation Strategy		\$7,320	8	40	40
Total Hours - Phase 3			60	88	88
Total Costs - Phase 3	\$2,434	\$23,100	\$9,900	\$7,480	\$5,720
Total Hours			165	166	140
TOTAL COST (Phase 1,2 & 3)	\$10,660	\$50,435	\$27,225	\$14,110	\$9,100
EXPENSES (Phase 1,2 & 3)					
CA Printing, Telephone and Related Expenses @4% of CA Labor	\$2,017				
Crandall Arambula Rental Car \$75/per day, 3 trips 2 day	\$450				
Crandall Arambula Per Diem @ \$40/per day/per person, 2 people/3 trips/2day	\$480				
Airlines @ \$500/person (3 tickets/2 people)	\$3,000				
Hotel @ \$100/ night for 1 nights/3 trips/2 people	\$600				
TOTAL EXPENSES	\$6,547				
ADDITIONAL SERVICES					
* This cost is based on 2 City Hall sites, additional service can be added for \$3,600 per site					
Advisory Consultation					
On-going advisory consultation can be provided on a time-and-materials basis at the rates stated in this proposal. Prior to start of work, a not-to-exceed amount and scope-of-work will be provided.					

Only Phase I plus Phase I expenses contracted for at this time.

Page from Crandall-Arambula powerpoint presentation
on 8/23/12 at O'Shaughnessy Center

Investment Summary

Private Downtown Investment (2005/2012)

- Renovated Retail \$ 1.2Mill.
- New Retail – 30,000 SF \$ 8.0 Mill.

Private Downtown Investment (After 2012)

- Renovated Retail – 156,000 SF \$ 8.0 Mill.
- Retail – 110,000 SF \$16.5 Mill.
- Second Floor Housing or Commercial – 110,000 SF \$16.5 Mill.
- Boutique Hotel \$ 7.4 Mill.

Total Private \$57.6 Mill.

Public Downtown Investment Stimulators (Local)

- Retail Parking – 2nd and Spokane \$ 0.6 Mill.
- Central Avenue Street Improvements \$ 0.2 Mill.
- New Parking Structure (300 Cars) \$ 7.0 Mill.

Total Public \$ 7.8 Mill.

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- Central Avenue Street Improvements \$ 0.2 Mill.
- New Parking Structure (300 Cars) \$ 7.0 Mill.

Total Public \$ 7.8 Mill.

Whitefish City-Wide Investments

- Great Northern Square (Land Purchase) \$ 3.8 Mill.
- 2nd Street - US Highway 93 (Tiger Grant) \$ 3.5 Mill.
- Future City Hall \$ 5.2 Mill.
- New Emergency Services Building \$ 7.5 Mill.

WHITEFISH TUNE –UP

Draft Proposal
October, 2012

CRANDALL ARAMBULA

*REVITALIZING
AMERICA'S CITIES*

2005 WHITEFISH MASTER PLAN PROJECT OBJECTIVES

**Proposed
Tune-Up Elements**

Downtown Business Vitality

- Keep existing businesses healthy **1) Retail Expansion**
- Provide opportunities for new community-serving businesses **2) Railroad District**
- Better accommodate the tourist industries, including Big Mountain **1) Retail Expansion**
expansion **5) Multi-Modal Center**
- Strengthen retail through proposals for design improvements to streets **1) Retail Expansion**
and facades and retail placement
- Create a pedestrian-friendly environment to encourage visitors and **4) Complete Streets**
residents to use downtown businesses

Transportation

- Ensure that Highway 93 improvements enhance and support the **4) Complete Streets**
downtown
- Accommodate increasing traffic volumes without degrading downtown **5) Multi-Modal Center**
businesses and the retail environment **4) Complete Streets**
- Locate new parking facilities to support downtown businesses and **5) Multi-Modal Center**
retail **1) Retail Expansion**
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Public Facilities

- Identify appropriate public facilities and locations that will **5) Multi-Modal Center**
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- Identify public improvements needed to stimulate **5) Multi-Modal Center**
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Environment

- Protect and connect to the natural environment, which is a central **4) Complete Streets**
feature in the community’s appeal to visitors and residents
- Utilize the unique natural environment in proposals to strengthen **4) Complete Streets**
the downtown business environment

Growth Management

- Identify opportunities for higher density affordable housing in the **3) Downtown Housing**
downtown area
- Demonstrate how Whitefish can stimulate downtown development **All Elements &**
while managing highway corridor development **6) Master Plan Document**

Whitefish Tune-Up
October 10, 2012 (Draft)

			G. Crandall, FAIA and D. Arambula, ASLA	J. Graf	Support Staff
SCOPE OF WORK - Master Plan Elements	Expenses	Total Labor Cost Per Task	Mgmt., Public Involvement, Urban Design	Urban Design	Urban Design
			\$165	\$85	\$65
1) Retail Expansion - Expanding the primary retail area					
Task 1.1 Prepare conceptual design alternatives for extending retail south of 3rd to 4th and connecting to Baker			4	24	24
Task 1.2 Prepare conceptual design alternatives for extending retail on streets crossing Central Ave			4	16	16
Task 1.3 Prepare meeting materials - graphics, educational materials, slide show and response sheets			4	8	16
Task 1.4 Review alternatives with City Council, stakeholders and the public (Costs are in Task 7)			0	0	0
Task 1.5 Refine preferred design alternatives illustrating retail expansion			8	16	40
Total Hours			20	64	96
Total Costs		\$14,980	\$3,300	\$5,440	\$6,240
2) Railway District - Expanding downtown commercial development					
Task 2.1 Identify vacant and underutilized parcels that have potential for new development			4	8	16
Task 2.2 Prepare development alternatives illustrating employment and service uses			8	4	40
Task 2.3 Prepare meeting materials - graphics, educational materials, slide show and response sheets			4	8	16
Task 2.4 Review alternatives with City Council, stakeholders and the public (Costs are in Task 7)			0	0	0
Task 2.5 Refine a preferred alternative			8	16	40
Total Hours			24	36	112
Total Costs		\$14,300	\$3,960	\$3,060	\$7,280
3) Downtown Housing - Increasing downtown activity and retail customers					
Task 3.1 Identify potential housing sites			4	8	16
Task 3.2 Prepare development alternatives illustrating affordable and market rate housing			8	8	40
Task 3.3 Prepare meeting materials - graphics, educational materials, slide show and response sheets			4	8	16
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Task 4.2 Prepare circulation alternatives (possibilities for safe pedestrian/bike connections)			8	16	24
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Task 4.5 Refine a preferred complete street alternative			8	16	40
Total Hours			22	44	88
Total Costs		\$13,090	\$3,630	\$3,740	\$5,720

Whitefish Tune-Up

October 10, 2012 (Draft)

5) Multi-Modal Center - A bus/shuttle/railroad/long term parking center next to the BNSF railroad station					
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Task 6.4 Finalize Master Plan			16	20	20
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7) Whitefish Meeting - Expenses and Labor For 2 CA Staff at Each Meeting					
Rental Car @ \$100 per day	\$200				
Airlines @ \$500 per person	\$1,000				
Hotel @ \$150 per night	\$300				
Per Diem @ \$50 per day	\$100				
CA Labor for 2 days			32	0	0
Total Hours	0		32	0	0
Total Costs per Visit	\$1,600	\$5,280	\$5,280	\$0	\$0
Other Expenses - Telephone, printing, Telephone and Related Expenses @4% of CA Labor	\$3,730				
TOTAL COSTS (task 1 through 7)	\$5,330	\$93,240			
Advisory Consultation					
On-going advisory consultation can be provided on a time-and-materials basis at the rates stated in this proposal. Prior to start of work, a not-to-exceed amount and scope-of-work will be provided.					
Projects needing review or consultation may include: hotel proposals, city hall design, parking feasibility study, parking structure proposals, design review, grant applications and regulatory updates.					



November 9, 2012
Letter #2012-126

George Crandall
Crandall and Arambula
520 SW Yamhill. Roof Suite 4
Portland, OR 97204

Dear George:

In accordance with Article 14 of the April 19, 2012 agreement between the City of Whitefish and Crandall and Arambula, PC for the Downtown Master Plan Update Project, this letter and attachments shall serve as Addendum No. 1 to that agreement.

Exhibit "A" describes additional tasks to be performed and summarizes the compensation for the additional tasks. The City only wants to do items #1, #2, #6, #7, and other expenses which total \$52,400.00 plus expenses of \$3,696.00. The total added cost for these additional services will not exceed \$56,096.00. The total Contract Agreement will not exceed \$69,654.00

Please indicate your acceptance by signing below and returning a copy to me at your earliest convenience.

Sincerely,

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

Chuck Stearns
City Manager
cstearns@cityofwhitefish.org

enclosures

On behalf of Crandall and Arambula, PC, I hereby accept this Addendum No. 1 for the Downtown Master Plan Update Project as described above.

George Crandall
Crandall and Arambula

Exhibit A

WHITEFISH TUNE –UP

Draft Proposal
October, 2012

CRANDALL ARAMBULA

*REVITALIZING
AMERICA'S CITIES*

2005 WHITEFISH MASTER PLAN PROJECT OBJECTIVES

**Proposed
Tune-Up Elements**

Downtown Business Vitality

- Keep existing businesses healthy **1) Retail Expansion**
- Provide opportunities for new community-serving businesses **2) Railroad District**
- Better accommodate the tourist industries, including Big Mountain **1) Retail Expansion**
expansion **5) Multi-Modal Center**
- Strengthen retail through proposals for design improvements to streets **1) Retail Expansion**
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October 10, 2012 (Draft)

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Whitefish Tune-Up

October 10, 2012 (Draft)

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Projects needing review or consultation may include: hotel proposals, city hall design, parking feasibility study, parking structure proposals, design review, grant applications and regulatory updates.					

(This page left blank intentionally to separate printed sections)

From: [Marcus Duffey](#)
To: [Chuck Stearns](#)
Cc: [Jessica Lucey](#); [Orie Roberts](#); [Uwe Schaefer](#); [Joe Barberis](#)
Subject: Re: Beer Barter Special Event Permit
Date: Tuesday, January 28, 2014 11:47:57 AM
Attachments: [image001.png](#)

Hi Chuck,

We are going to proceed by appealing to the City Council. Is there anything more formal that I need to do in order to make Monday's agenda?

Thanks Chuck.

Marcus E. Duffey
Great Northern Brewing Co.
Whitefish, Montana U.S.A.
o: 406.863.1000 ext. 5

GREATNORTHERNBREWING.COM
FACEBOOK.COM/GREATNORTHERNBREWING

IMPORTANT NOTICE: This communication, including any attachment, contains information that may be confidential or privileged, and is intended solely for the entity or individual to whom it is addressed. If you are not the intended recipient, you should contact the sender and delete the message. Any unauthorized disclosure, copying, or distribution of this message is strictly prohibited. Nothing in this email, including any attachment, is intended to be a legally binding signature.

On Fri, Jan 24, 2014 at 4:12 PM, Chuck Stearns <cstearns@cityofwhitefish.org> wrote:

Marcus:

I sent the attached letter out by U.S. Mail yesterday, so hopefully you received it today. I wanted to follow-up and send you a copy by email in case there were any problems with the U.S. Mail.

Chuck Stearns

City Manager

City of Whitefish

P.O. Box 158

418 E. 2nd Street

Whitefish, MT 59937-0158

[406-863-2406](tel:406-863-2406)



January 23, 2014
Letter #2014-015

Marcus Duffy
The Great Northern Brewing Company
2 Central Avenue
Whitefish, MT 59937

Dear Marcus:

I am writing this letter in response to your January 21st application for a Special Event Permit to continue the closure of Central Avenue after the Winter Carnival Parade for the Beer Barter. Pursuant to Section 7-4-1 (B) of the Whitefish City Code (copy enclosed) and upon the strong recommendation of Police Chief Dial, I am **denying** this application for a Special Events Permit for the Beer Barter.

Two years ago, at the inaugural Beer Barter, you did not control the expanded beer and wine premises that the combination of a Catering Permit and a Special Events Permit allowed you to have expanded premises onto the sidewalks and streets of Railway Street. Police Chief Dial warned you after that inaugural event that he would not recommend renewing the permit the following year.

Last year, you talked to Chief Dial and convinced him that you would control the premises and would not allow open containers beyond the controlled premises. Therefore, a Special Events Permit to close Central Avenue and your adjoining sidewalks was granted. However, last year Chief Dial and I observed uncontrolled premises and open containers outside your expanded premises and up and down Central Avenue.

Given your failure to live up to the promises you made last year, Chief Dial has strongly recommended that you not receive a Special Events Permit this year for the Beer Barter to occur on the public rights-of-way. I am concurring with his recommendation and also based upon my personal observance of the event last year, I am denying your application.

Section 7-4-1 (E) of the Whitefish City Code allows you to appeal my decision to the City Council, which may affirm, deny, or modify the City Manager's decision.

The next City Council meeting is on Monday, February 3rd. We close the agenda for this meeting on Tuesday, January 28th, so please let me know by 4:00 p.m. on Tuesday, January 28th if you would like to appeal this decision to the City Council at their February 3rd meeting.

Sincerely,



Chuck Stearns

City Manager

cstearns@cityofwhitefish.org

cc: Mayor John Muhlfeld
City Council Members
Mary VanBuskirk, City Attorney
Police Chief Bill Dial
Michelle Howke, Customer Service Clerk

CHAPTER 4

SPECIAL EVENT PERMITS

SECTION:

7-4-1: Application; Provisions

7-4-1: **APPLICATION; PROVISIONS:**

- A. An individual, company or organization may apply for a special event permit on a form provided by the city as permitted herein.
- B. The city manager is authorized to grant, conditionally grant, or deny an application for a special event permit for events within the city, including, but not limited to, the following:
 - 1. Temporary use or closure of city streets, sidewalks, and other nonpark property, including, but not limited to, such events as bicycle races, footraces, festivals, farmers' markets, parades, street dances, and block parties.
 - 2. Temporary use or closure of a city park, if the application includes the use or closure of other city nonpark property. Applications involving only park property shall not involve special event permits, but shall be made to the director of the parks and recreation department as set forth in this code.
 - 3. Temporary waiver of the city's ordinance prohibiting consumption of alcoholic beverages, or possession of open containers of alcoholic beverages, on public property, as set forth in section 7-3-5 of this title.
- C. The city council is authorized to grant, conditionally grant, or deny an application for a special event permit involving the temporary waiver of a specific zoning jurisdiction regulation for a specific property or properties within the Whitefish zoning jurisdiction, according to the procedure set forth in subsection 11-1-2C of this code.

March 2008

City of Whitefish

- D. The city manager may decline to consider an application for a special event permit, and refer the application to the city council for consideration, if the city manager determines that an application is significant to the public, or might create unnecessary disruption, congestion, controversy or crowding.
- E. An applicant may appeal a decision of the city manager to the city council, which may affirm, deny or modify the city manager's decision. An unsuccessful applicant shall be informed of the right to appeal to the city council.
- F. In considering an application for a special event permit, the city manager and the city council may request input from other city departments and employees. (Ord. 07-31, 10-1-2007)



APPLICATION FOR SPECIAL EVENT

Name of Sponsoring Business or Organization Great Northern Brewing Co.
 Email Address: marcusduffy@greatnorthernbrewing.com
 Contact Person & Phone #: Marcus Duffy 406.863.1000 ext.5

APPLICATION FEE: SEE ON REVERSE PD # 7546 \$125
1/21/14

Title of Event: Great Northern Beer Barter

Dates: Saturday February 8, 2014 Times: 4:00 -ish to 7:00pm
Central Ave - Rouleau St → 1st

Location: 100 block of Central Attendance: 500
per map attached

Any street closure requests? Continued closure from the Grand Parade.
 (if so, provide map showing limits of closure)

Any use of streets or sidewalks or parking lots? Street and sidewalks of
the 100 block of Central - in front of Great Northern Brewery

Any lighting or signs requested? No.

Will alcohol be served on the premises? Yes, see attached letter. (catering permit via Black Star Draught House)
 (if so, please provide a map showing limits of premises and describe on attached sheet the security arrangements made to ensure open containers will be limited to controlled area)

Any vendors or amplified sound or music? Yes.

I hereby certify that the above information is accurate to the best of my knowledge.

M. Duffy 1/16/2014
 Authorized signature Date

Note: Please provide a Certificate of Insurance which names the City of Whitefish as an "Additional Insured"
 Application becomes a permit when the City Manager approves it or if appealed to City Council, then upon City Council Approval.
 Any application creating a necessity for overtime by City employees may require reimbursement of overtime costs by the sponsor.

CONDITIONS OF PERMIT:

1. _____
2. _____
3. _____

Permit Issued: _____ (date) _____ City Manager



Great Northern Brewing Company - 2 Central Avenue - Whitefish, Montana U.S.A 59937

City of Whitefish
Attn: Bill Dial, Chief of Police
275 Flathead Avenue
Whitefish, Montana U.S.A. 59937

January 17, 2014

Dear Mr. Dial,

The City of Whitefish Police Department granted an open container permit for festivities surrounding the Whitefish Winter Carnival and the Great Northern Beer Barter in 2013. The open container permit was valid for the sidewalk in front of the Great Northern Brewery beginning at 11am, and extended into Central Avenue beginning at 4:00pm following the Grand Parade. Unfortunately, we did not have hired security from 11:00am to 4:00pm to monitor and police the sidewalk directly in front of the Great Northern Brewery. Volunteers did not suffice in the manner needed. As a result many of the open containers left the permitted area resulting in several open containers in and around downtown Whitefish. Fortunately, we attempted to reconcile this offense as quickly as possible, and the day ended without Brewery-related infractions (at least to our knowledge).

Realizing the hassle and liability that comes with open container, we want to narrow our scope of request for the special event permit that we have submitted for the Beer Barter. We are seeking your support of the following amendments for operation:

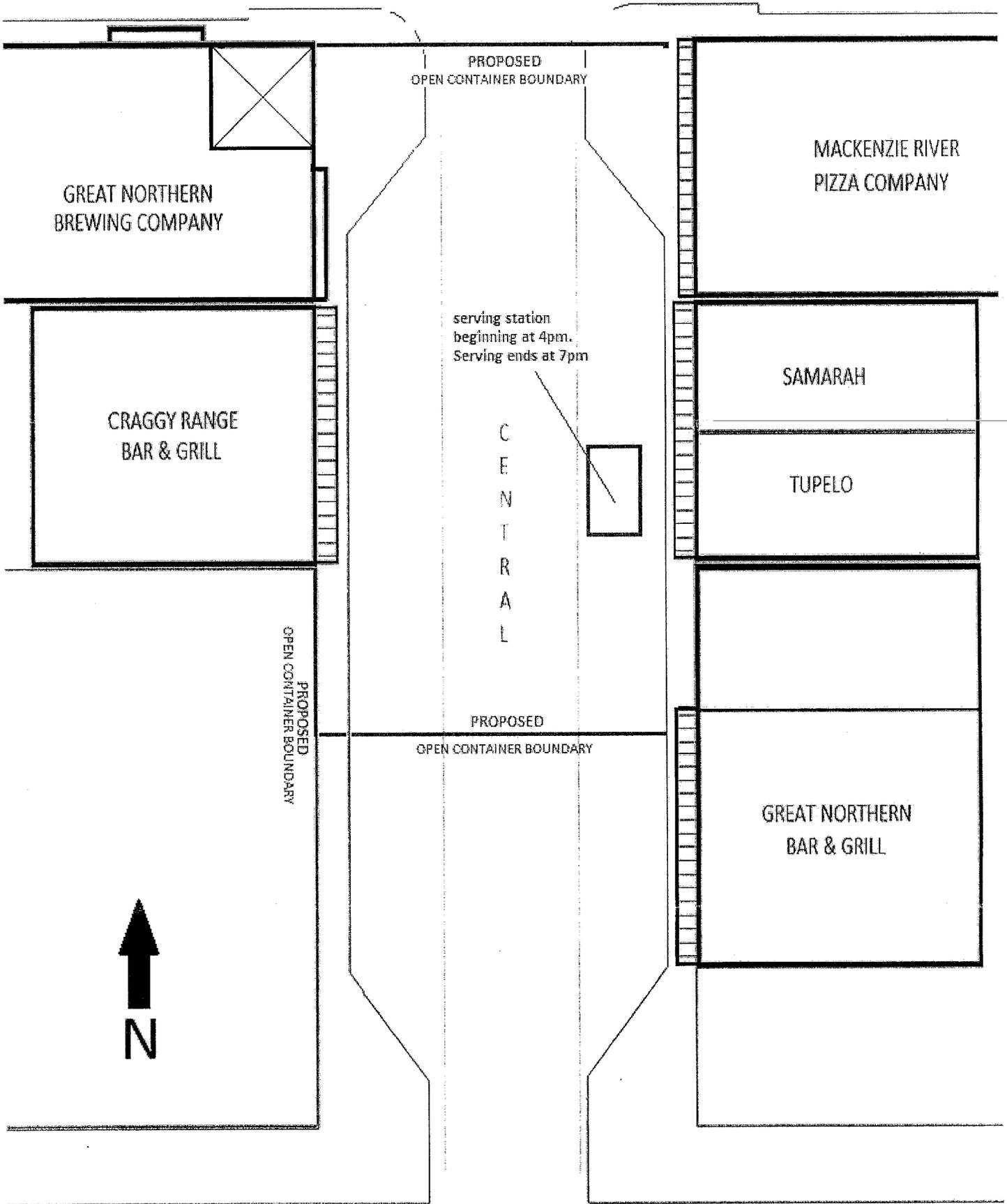
- 1) Eliminate any open container prior to 4:00pm
- 2) Limit open container to the designated area, and ONLY during the operation of the Beer Barter (4:00pm to 7:00pm)
- 3) Serving will conclude 30 minutes prior to the conclusion of the Barter (around 6:30pm)
- 4) Hired and insured security will police the borders of the designated open container area

We are constantly striving to participate and contribute to the community of Whitefish as responsible stewards. Our participation in the Whitefish Winter Carnival via the Beer Barter is a vital part of our desire to grow and be *present* in our community. Please consider our request and know that it's our intention to be respectful of all our city and state laws.

Thank you for your time and consideration.

Marcus Duffey
General Manager
Great Northern Brewing Company
Whitefish, Montana U.S.A.

RAILWAY ST.



FIRST ST.

DEPARTMENTAL APPROVALS

<p><i>J. Thomas Fenelly</i> Fire Chief</p> <p><i>W. D. [Signature] - no/Reject</i> See email Police Chief</p> <p><i>Per email</i> Public Works Director</p> <p><i>N/A</i> Parks and Recreation Director</p>	<p align="center"><i>1/17/14</i> Date</p> <p align="center"><i>1/21/14</i> Date</p> <p align="center"><i>1/21/14</i> Date</p> <p align="center">_____ Date</p>
--	--

FEES

Small Events (little City Services)	Annual Events (more City services)	Recurring Events in one season
Sidewalk sales	Large Parades (Winter Carnival and coronation, Special Olympics, homecoming, Memorial Day parade etc)	Farmers Market
Weekly Runs	Runs – Triathlon, Two Bear Marathon, Whitefish Lake Run, Glacier Challenge	GRUB F. market Beer Garden
Railway Block Party	Whitefish Lake Swim	
Residential Block Parties	Trails Day – Criterium Bike Race	
Closing part of sidewalks for beer garden/food sales	4 th of July – Downtown Street Closure	
Mall Parking Lot Events	Duck Derby	
Pin and Cue Parking Lot events	Octoberfest (did not involve street closure)	
2011 Glacier Swap Meet	Christmas Stroll	
Halloween Parade	Arts Fair	
Wedding Runs	Huckleberry Days	
Iron Horse Fireworks	BBQ Cook off	
Haunted House/Tents	Taste of Whitefish	
Alzheimers Walk at the Springs	Ski-joring (no permit needed, but still impact)	
Homecoming bonfire	Beer Barter ★	
	Penguin Plunge	
	Brewfest	
	Large one time events like the Disney event or a car race	
Fees: \$20 for all except as below: \$40 if street closure is involved except for residential block parties	Fees: \$125 per event \$100 per event non-profit	Fees: \$125 per season \$100 per season non-profit



Dear Special Event Organizer:

The City of Whitefish is pleased to support various Special Events with appropriate donations of City resources. The numbers of special events and requests for support have grown in recent years, compelling us to issue this notice of limitations for legal liability and allocation of materials, equipment, and staff.

All parties are hereby informed that regardless of the City's willingness to provide supporting services, the City itself is not a sponsor and the City does not accept any liability associated with any event unless such sponsorship and acceptance of liability are specifically declared through direct action by the Whitefish City Council.

All parties are likewise informed that although the City agrees in good faith to provide timely services in support of certain special events, unforeseen emergencies or necessities may exert a primary claim on any and all City resources at any time. In the event of an emergency or mission critical demand, City staff, equipment, or other resources may be withdrawn immediately and dispatched to other locations for an indefinite period of time.

The City will make every effort to avoid such an interruption. However, the Special Event Organizer(s) must recognize this potential and make advance arrangements for back-up services to insure their event's success if City resources must be reassigned.

Please feel free to contact the City Clerk at 863-2400 during regular business hours or the Police Dispatch after hours at 863-2420 if you have any questions.

City Manager

Date

This is to acknowledge I have read and understood the preceding statement of limitations for legal liability and allocation of City resources for special events.

Date

Name of Special Event (Please Print)

Event Representative (Please Print Name)

Signature



Great Northern Brewing Company - 2 Central Avenue - Whitefish, Montana U.S.A 59937

January 17, 2014

To Whom It May Concern:

The Great Northern Brewing Company is requesting permitting for the Great Northern Beer Barter on February 8th, 2014. The Beer Barter will commence upon the conclusion of the Whitefish Winter Carnival Parade around 4:30pm. The Beer Barter will extend through 7:00pm. It is during these hours that we're requesting your support for the permit. Your support is required by the City of Whitefish in order for us to extend the street closure through the conclusion of the Beer Barter.

The Beer Barter will bring nearly 1000 people to our block of Central Avenue. It is our belief that this will only enhance the business hours on February. We request your support by signing below.

Thank you and happy Winter Carnival!

Marcus Duffey
General Manager
Great Northern Brewing Company
Whitefish, Montana U.S.A.

MACKENZIER RIVER PIZZA CO.
9 CENTRAL AVENUE

CRAGGY RANGE BAR AND GRILL
10 CENTRAL AVENUE

TUPELO
17 CENTRAL AVENUE

GREAT NORTHERN BAR AND GRILL
27 CENTAL AVENUE

Michelle Howke

From: Bill Dial [bdialw1@bresnan.net]
Sent: Tuesday, January 21, 2014 2:42 PM
To: Michelle Howke
Subject: Re: Beer Barter Catering Permit

This is not approved by police. He has failed the last two years to control ingress and egress resulting in open containers throughout the downtown.

On Tue, 21 Jan 2014 14:34:45 -0700

"Michelle Howke" <mhowke@cityofwhitefish.org> wrote:

> Bill,
>
>
>
> Here is the Catering Permit from Marcus Duffey for the Beer Barter.
>
>
>
> You can either print and sign then email back to me, or respond to the email
> with a your approval/disapproval.
>
>
>
> Thank you,
>
>
>
> Michelle howke
>
> City of Whitefish
>
> Customer Service Clerk/Ambulance Billing Clerk
>
> PO Box 158
>
> Whitefish, MT 59937
>
> 406-863-2403
>
>
>

Bill Dial
Chief of Police
Whitefish, Montana
406 863-2422

Michelle Howke

From: J Barranger [jbarranger@cityofwhitefish.org]
Sent: Tuesday, January 21, 2014 4:08 PM
To: Michelle Howke; 'Assistant Chief Mike Ferda'; 'Tom Kennelly'
Cc: bkelch@cityofwhitefish.org; 'John Wilson'
Subject: Re: Beer Barter
Attachments: jbarranger.vcf

O.K. w/Public Works as long as street closures and all/any required traffic control procedures are properly completed.
Jay

On 1/21/2014 2:38 PM, Michelle Howke wrote:

All:

I will be out of the office Thursday Jan 23-Wed Jan 29. I would like to have this done and off my desk before I leave so that I am not pushing it off on the Vanice.

Thank you, ☺☺

MICHELLE HOWKE
City of Whitefish
Customer Service Clerk/Ambulance Billing Clerk
PO Box 158
Whitefish, MT 59937
406-863-2403



CITY OF WHITEFISH CATERING PERMIT

NAME OF SPONSORING BUSINESS ORGANIZATION: Great Northern Brewing Company

LOCATION OF EVENT: 100 Block of Central Avenue

DATE & TIME OF EVENT: 4:00pm to 7:00pm 2/8/2014

CONTACT PERSON: Marcus Duffey

PHONE: DAY TIME: 406.863.1000 EVENING: 406.871.5141

NAME OF LICENSEE: Gregory W. Burger
Reference to Section 16-4-111 MCA "Catering Endorsement"

BUSINESS ADDRESS OF LICENSEE: 2 Central Avenue

NAME OF CATERER: Black Star Draught House

CATERING ENDORSEMENT NUMBER: 07-937-2635-302

Describe the provisions you have made to provide your own security.
Hired security will patrol all borders of the permitted area.

I hereby certify that the above information is accurate to the best of my knowledge.

[Signature]
Signature of Applicant

1/17/2014
Date

Fee: \$35.00 Check Cash PD # 3035

City Manager: _____ Approve _____ Reject _____

Police Chief: [Signature] Approve _____ Reject



Great Northern Brewing Company - 2 Central Avenue - Whitefish, Montana U.S.A 59937

City of Whitefish
Attn: Bill Dial, Chief of Police
275 Flathead Avenue
Whitefish, Montana U.S.A. 59937

January 17, 2014

Dear Mr. Dial,

The City of Whitefish Police Department granted an open container permit for festivities surrounding the Whitefish Winter Carnival and the Great Northern Beer Barter in 2013. The open container permit was valid for the sidewalk in front of the Great Northern Brewery beginning at 11am, and extended into Central Avenue beginning at 4:00pm following the Grand Parade. Unfortunately, we did not have hired security from 11:00am to 4:00pm to monitor and police the sidewalk directly in front of the Great Northern Brewery. Volunteers did not suffice in the manner needed. As a result many of the open containers left the permitted area resulting in several open containers in and around downtown Whitefish. Fortunately, we attempted to reconcile this offense as quickly as possible, and the day ended without Brewery-related infractions (at least to our knowledge).

Realizing the hassle and liability that comes with open container, we want to narrow our scope of request for the special event permit that we have submitted for the Beer Barter. We are seeking your support of the following amendments for operation:

- 1) Eliminate any open container prior to 4:00pm
- 2) Limit open container to the designated area, and ONLY during the operation of the Beer Barter (4:00pm to 7:00pm)
- 3) Serving will conclude 30 minutes prior to the conclusion of the Barter (around 6:30pm)
- 4) Hired and insured security will police the borders of the designated open container area

We are constantly striving to participate and contribute to the community of Whitefish as responsible stewards. Our participation in the Whitefish Winter Carnival via the Beer Barter is a vital part of our desire to grow and be *present* in our community. Please consider our request and know that it's our intention to be respectful of all our city and state laws.

Thank you for your time and consideration.

Marcus Duffey
General Manager
Great Northern Brewing Company
Whitefish, Montana U.S.A.

RAILWAY ST.

PROPOSED
OPEN CONTAINER BOUNDARY

GREAT NORTHERN
BREWING COMPANY

MACKENZIE RIVER
PIZZA COMPANY

CRAGGY RANGE
BAR & GRILL

serving station
beginning at 4pm.
Serving ends at 7pm

SAMARAH

C
E
N
T
R
A
L

TUPELO

PROPOSED
OPEN CONTAINER BOUNDARY

PROPOSED

OPEN CONTAINER BOUNDARY

GREAT NORTHERN
BAR & GRILL



FIRST ST.