



**CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, MARCH 17, 2014
5:30 TO 7:00 PM**

1. Call to Order
2. Work session on Parking Assessment District
3. Public Comments
4. City Council provides directions on options to proceed with a parking assessment district or other options to pay for annual operating and maintenance (O&M) costs for a parking structure
5. Adjournment

MEMORANDUM

#2014-008



To: Mayor John Muhlfeld
City Councilors

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

From: Chuck Stearns, City Manager

Re: Work session on Parking Assessment District

Date: March 10, 2014

The work session on March 17th will be to review progress on the creation of an assessment district for some of the annual operating and maintenance (O&M) costs of a parking structure and discuss options and get some direction from the City Council.

BACKGROUND AND HISTORY

When the City Council approved proceeding with a combination City Hall and Parking Structure last year, there was a condition to research and consider creating an assessment district like a Business Improvement District (BID) or a Special Improvement District (SID) to pay for some or all of the O&M costs of a parking structure. The minutes of the meeting where the project was approved last year are in the work session packet.

Since that time, the City Council held work sessions on the topic last September 3rd and October 7th and my memo and some of the background materials from those work sessions are in the packet. At those work sessions, the City Council provided direction that generally (with some objection), they were okay with proceeding with a SID for O&M costs instead of a BID. They also allowed us to proceed with selecting an architect for City Hall via a design competition which was completed last December. The City Council also provided direction to proceed on the basis of two tiers of assessments based on distance from the parking structure (see map of two tiers in packet). However, we are still operating under a condition that we will not proceed with an architectural contract for the City Hall/Parking Structure until such an assessment district is created or at least decided upon.

ASSESSMENT FRAMEWORK – SPREADSHEET

The March 17th work session is to bring you up to date on the work that city staff and some business representatives have done to show you the potential number of properties in such a SID, the various criteria that could be included in building an assessment for each property, discuss

the level of work needed to create and maintain the SID, get direction on some additional policy questions, and get some direction on whether to proceed with trying to create the SID and, if so, at what level of funding from assessments and what level of funding from leasing spaces in a parking structure.

Attached in the packet is an eight page printout of our current framework spreadsheet for a SID. As shown on the last page, there are approximately 190 properties that would be assessed, but we will have to answer some questions and pin that number down better. Column P shows whether each property would be assessed (A) or exempt (E) from assessments. Properties are exempt from assessment if:

- a. the properties are residential
- b. the properties are vacant (i.e. they don't generate any parking demand)
- c. more than 50% of their lot area is outside Tier 2
- d. federal properties like the Post Office (exempt by federal law or regulation)
- e. outside of City limits (most BNSF properties)

Column R of the spreadsheet shows whether a property is in Tier 1 (closest to the parking structure) or Tier 2 (further from the parking structure).

The current estimate of annual O&M costs that we are using is in the range of \$50,000 to \$70,000 which would include a reserve for capital replacement of \$10,000 to \$15,000 per year.¹ This spreadsheet shows that if the full \$70,000 were assessed against all 190 properties, the average assessment would be \$368.42 on the most simple assessment scheme (not accounting for tiers or other factors that will determine a final assessment).

There was discussion among some downtown business owners that it would be most acceptable to them if we waited until the current downtown parking SID (SID #155 which bought the parking lots at 3rd and Central and 2nd and Spokane) expires after the fall 2015 assessment. That should be no problem as a parking structure won't be built and operational until after that time. Last fall, we assessed 119 downtown properties for SID #155 and the range of assessments was from \$15.68 to \$1,461 with an average assessment of \$210 (a median assessment would be a more representative figure, but that is more work to determine).

LEASE REVENUE OPTION

As described in the August 28, 2013 memo in the packet, lease revenue from the parking structure could pay for a lot or possibly even all of the annual O&M costs. Relying on lease revenue is a little more risky as there is no guarantee that we could lease enough spaces at a high enough rate to generate sufficient revenue to pay for the annual O&M costs. However we could do a survey of businesses and property owners to determine their interest in leasing parking spaces and at what rates.

An advantage of relying on lease revenue would be to avoid the assessment SID and have the parking facility generate the revenue to offset the O&M costs. However, it would be much

¹ August 28, 2013 Memo for September 2013 work session on BID/SID/leased parking options

harder to convince property owners to do an O&M assessment SID once the parking structure was under construction and we can't determine the exact amount of lease revenue we will receive until we open and operate the parking structure. That is why I think the City Council wanted a O&M assessment SID to be decided before we committed to the design and construction of the parking structure.

NEXT STEPS

Once the City Council decides on some policy questions and if it decides that we should go forward with the proposed Special Improvement District, staff will have a lot of data to gather. Attached in the packet is a copy of Section 7-12-4165 MCA which provides the most flexibility in which variables and factors to use in determining assessments on each property.

There are six possible criteria to use in determining the amount of O&M costs to spread to each property. The relative distance of each parcel to the parking facility is handled by our two tier proposal and the two circles in the map in the packet. The other five variables are listed as (b) through (f) in Section 7-12-4165 and they are also shown in another spreadsheet page in the packet. I marked an asterisk by each of the columns in that spreadsheet for each of the variables in state law of (b) through (f).

A big question facing the City Council is which of the variables to use in our assessment. The state law says that the City Council has to "consider" each of the criteria or variables, but you don't have to use all of them. For example, in the prior parking SID #155, the City only used three of the six criteria or variables to do the assessments. We used:

- (a) Distance from the parking facilities (five circles or zones for each of two parking lots)
- (b) Front footage of each property
- (c) Credit for off-street parking places provided by a property

The Parking Assessment District working group (see membership in memo in packet) met on February 19th and decided to recommend that the City Council, that if they go forward with a SID, to use the following variables from state law:

- (a) Distance from our parking facility as represented by the two tiers
- (d) Square footage of each property
- (f) Credit for existing onsite parking space provided by the property

Variable (b) which relies on the use of the property is very difficult to assess (but not impossible) and would require a lot of work each year to determine if a property's use had changed (as much as 190 inspections per year). We feel that variable (d) for square footage is more fair than front footage. We considered using assessed valuation, but tax-exempt properties are given SID assessments. The state does not determine assessed values for tax-exempt properties, so we would somehow have to appraise these tax-exempt properties such as city buildings, churches, etc.

However, I met with representatives of downtown businesses and Heart of Whitefish members on Thursday, March 6th to keep them informed on the status of the project and to get responses to the various options. They supported that the variables be:

- (a) Distance from our parking facility as represented by the two tiers
- (e) The square footage of floorspace in any improvements on the parcel ~~and the various uses of such floorspace~~ (only use the first half of this variable if allowable under law – see discussion on City Council shall consider the variables....)
- (f) Credit for existing onsite parking space provided by the property

Chris Schustrom, Dale Reisch, and I, as members of the working group working on the project also agreed with these variables. A big advantage of these variables is that it will allow for assessments to be based on vertical levels of floors whereas variable (d) is just the square footage of each lot. Thus, variable (d) would assess Casey's the same as the Red Caboose whereas variable (e) would assess Casey's for three levels of floorspace and Red Caboose for one level of floorspace. Again, it is desirable not to have City staff have to check and update the uses of each of the 190 properties each year – that is a lot of work and some property owners might resist or resent us checking up on how they are using their property.

The attendees at the March 6th meeting also supported a square Tier 1 boundary with the boundary of the Tier 1 level of assessment being Depot Street on the north, Spokane Avenue on the east, 4th Street on the south, and O'Brien Avenue on the west. This square is shown superimposed on the map in the packet in red and would replace the green, Tier 1 circle. The outer circle could remain a circle and is not that consequential because at the outer bounds of the Tier 2, blue circle, almost all of the properties are residential.

REQUEST FOR DIRECTION

We will need direction from the City Council on which variables to use if we go forward with a parking O&M SID.

At the March 17th work session, we would like to get direction on the following policy issues:

1. Whether or not to proceed with a SID for assessing the costs of O&M for the parking structure or go forward with relying on lease revenue.
2. Or do a survey to better determine the amount of lease revenue we might be able to obtain before answering this question. If a survey, when is it best to survey (at end of summer when people are tired of parking problems or sooner?)
3. If the Council direction is to proceed with a SID, how much revenue should we assess and how much should we anticipate from lease revenue. It was the consensus and recommendation from the working group that the City Council either rely entirely on the lease revenue for O&M costs or assess for 50% of the O&M costs and assume we can get the other 50% from lease revenue. At some point, the effort to create and maintain the SID is not worth it for the amount of revenue we would receive. The basic three options are :
 - a. Lease only revenue to pay for O&M costs

- b. SID assessment only to pay for O&M costs (and then what to do with lease revenue?)
 - c. Blending of the two options – the working group consensus was either a above or a 50-50% blending of lease revenue and SID assessment, meaning we would assess for probably \$35,000 with possibly an inflation factor built in, if possible.
4. If we don't use all of the lease revenue from the parking structure for O&M costs, what else should we do with the excess lease revenue? The working group is in agreement that any lease revenue from the parking structure should be used to pay for annual O&M costs of the parking structure and thereby reduce the assessment on property owners.² While we don't have to decide this issue yet, it is good to be thinking about it. We could add excess lease revenue to the capital replacement reserve for the parking structure that we are going to establish or we could dedicate the excess lease revenue to obtaining and building additional parking lots (surface or structure) elsewhere in the downtown area.
 5. What criteria or variables of the six provided for in state law should we use to fairly assess the O&M costs. The working group recommendation is above for variables (a), (d), and (f).
 6. Consider giving us authority to proceed to a first step of architectural and engineering design for the future City Hall/Parking Structure so that the architect can begin interviews with departments and updating the space needs study and so the engineer can begin the further evaluation of the raft design where there could be one underground level of parking below a stand-alone City Hall with surface parking as proposed by CTA Architects/Engineers. I feel we need to evaluate or vet that option further before proceeding with a parking structure with City Hall as one underground level at this site and at 2nd and Spokane, if feasible at the costs proposed by CTA, could give the same number of parking spaces and allow for limited surface development above the one level of underground parking.
 7. Consider whether the inner circle of Tier 1 should remain the blue circle or use a square as was advocated by the business owners who attended the March 6th meeting. See the map in the packet with the red square for this option superimposed.
 8. Other questions or issues.

² August 28, 2013 Memo for September 2013 work session on BID/SID/Leased Parking options

Councilor Mitchell asked and Manager Stearns said as long as Mills and Beougher own lots 4 or 6 then the City will consult with them prior to doing any work on the R-O-W adjacent to their lots.

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

Councilor Kahle offered a motion, seconded by Councilor Anderson, to approve Resolution No. 13-09; A Resolution vacating the South seventy-five (75) feet of Scott Avenue, lying between West 8th Street and West 9th Street, and widening the South seventy-five (75) feet of O'Brien Avenue, lying between West 8th Street and West 9th Street, of Block 6, First Addition to South Whitefish, the City of Whitefish. The motion passed unanimously.

7b. Consideration of proceeding with design for a new City Hall with an attached parking structure versus a new City Hall with surface parking, other parking structures in downtown Whitefish, and other parking options such as surface parking lots (p. 103)

City Manager Stearns said the City Council held work sessions to discuss parking and parking structures on Monday, April 15th and scheduled a public hearing on the topics for tonight. He said beginning with the downtown Master Plan in 2006-2007 the City has been discussing the need for a new City Hall. He said TIF revenues have increased and are projected to provide funding for a parking structure if the Council so chooses. The Council asked the staff to do a parking feasibility study and the City hired Kimley-Horn. There has been a lot of public interest and input. He said the Council previously decided that the new City Hall would be built at this site. The primary decision was to be between whether it would be built with a parking garage or surface parking. There are concerns about what is needed and how to meet that need. Councilor Mitchell asked when they want to talk about the TIF money versus the parking. Mayor Muhlfeld suggested they proceed with the public hearing first.

Mayor Muhlfeld opened the public hearing and asked that everyone hold a respectful attitude as people voice their opinions tonight.

Chris Schustrom, 504 Spokane Avenue, said he supports building a parking structure with TIF funds on this site. He said he is also a founding member of the Whitefish Downtown Association, which includes over 100 business owners. He said some have said that using TIF funds would favor downtown businesses over other businesses. He thanked Manager Stearns for a list which shows that over half of the 28 TIF projects have been outside of the downtown business district. He said TIF funds were used in 1999 to landscape Highway 93 South in partnership with MDOT. TIF funds were used to extend 13th Street and will be used to fund lighting on Hwy. 93 west of town. He said there are multiple projects in different areas and the TIF funds have been used equitably. He said he asked Planning & Building Director Taylor and confirmed that this would meet zoning; a parking structure this size (over 7500 feet) would require approval through an application for a Conditional Use Permit (CUP). He said the Wave is currently expanding and will exceed 15,000 feet and will need to meet those same regulations with an application for a CUP, and the new downtown hotel will have the same standards to meet. He said the building requirements allow the City to have detailed oversight over the design and safety of the structure. He said three studies in the past few years have recommended a parking structure near to downtown. He said a parking structure was identified in 2006 as the most important priority for downtown. Since then there have been multiple meetings over this issue. He asked them to rely on the facts and the suggestions made by the consultants and public. He said it will be a pro-business vote for now and into the future.

Jan Metzmaker, 915 Dakota Avenue, said she attended the Crandall-Arambula presentation and liked the designs they showed for a parking garage. She said the projection is that they will need 750 parking spaces in the near future, so she thinks this should be built downtown with the TIF funds. She read a note from Susan Schnee who also spoke in support.

Rhonda Fitzgerald, 412 Lupfer Avenue, said Bruce Boody sent a letter with her and she submitted it to the Council. Boody said he was in support of the existing City Hall site. He is a long time downtown business owner and asked them to adopt this site for City Hall and a parking structure. He said the Kimley-Horn study confirmed the recommendations from the earlier study by Crandall/Arambula. Fitzgerald said there is a need for more parking; it has always been tight in Whitefish. She said 25 years ago an urban renewal document was adopted and it cited a need for more parking downtown; it is not a new problem. She said location is also an issue and the parking consultants have said that parking needs to be within 250 feet of downtown and developable land. It is also a valuable link to the Railway District and the O'Shaughnessy Center. She said TIF funds were specifically identified for this kind of project. In the original Urban Development Plan they called out the need for parking and the revitalization of the downtown area to stimulate the economy. She said design should be controlled by the Council and the community. She said there are 10 pages of parking structure examples in their staff report that are attractive. She said the parking structure should harmonize with the environment around it and it should meet the standards listed by Crandall/Arambula. If shoppers don't find parking they will go elsewhere.

Vanice Woodbeck, 1041 Creekview Drive, said she is an employee of the City and in 2006 an analysis was done that showed they need 18,000 square feet for the City Hall, including the Council Chambers. She said alternative 2 is 17,500 square feet and it is not large enough if they need to grow. She said alternative 1-A-1 would work but doesn't leave much room for growth. She said she spoke with the City Clerk in Billings who said they have outgrown all available space and are unable to expand because of the attached parking structure. She said there would be a lack of windows for a lot of the offices and the staff will hear the traffic all day. She said there will need to be patrolling of the parking garage or safety will be an issue. She suggested that the parking structure not be tied into City Hall in case they need to grow in the future.

John Constenius, 2302 Houston Point Drive, said he is concerned for the need for parking. The downtown has developed. If you build it, they will come. He said they need parking, but it also creates traffic congestion. He said the Wisconsin/Baker traffic conflicting with the Highway 93 traffic is possibly a recipe for failure. He is opposed to the parking garage and doesn't feel it fits the community. He is concerned that there are two competing entities—the City Hall and the parking lot. He said it needs to be looked at more carefully. He said a parking lot is more critical than City Hall at this location. He said a City Hall with underground parking might be a better decision.

Turner Askew, 3 Ridge Crest Court, applauded the Council for the research and expert opinions they have collected. He said Walker Parking Consultants indicate that they don't have a big parking problem in Whitefish. He said if they build City Hall here with a surface parking lot then they can expand later. They can't do that if there is a parking structure. He is concerned about the cost of the maintenance of a parking structure. There are transient issues in Whitefish and it might create safety issues. He encouraged them to ask the people in town whether they think the parking structure is necessary. He thinks there are a small group of people who come to meetings and express their

opinions, but there are a lot of taxpayers who think they won't be listened to so they don't show up. The people who have talked to him aren't in support of the parking structure.

Porter Gifford, 1034 Mountain Park Drive, supported Councilor Mitchell's comment in the Pilot about bringing this issue to the public for a vote. He said he thinks the structure is a mistake for aesthetic and safety reasons. He said he thinks the City should consider additional locations for their building. He said the WB-3 parking issue hasn't been adequately addressed by the Council and Planning Board. He is concerned that a District may end up taxing his building to support this parking garage and he doesn't want that because he provides 50 parking places for his building, it should be on the burden of the businesses that benefit from it.

Ryan Friel thanked the Council for their efforts. He spoke in support of using TIF funds for a parking structure. He said there is a need for it.

Rebecca Norton, 530 Scott Avenue, said she is in favor of pursuing the parking structure at this location, with TIF funds. She said she went into a parking structure in Banff and it was great. She attended the Crandall/Arambula meeting and felt it was a very positive option. She said the planners have said they need it to be easy to get downtown to shop. She appreciated Vanice Woodbeck's comments and said it should be nice for the City staff. She said there has been a lot of input about this site at all of the meetings she has attended. She encouraged people to attend meetings regularly and stay involved so they know what is going on and understand the reasoning behind it.

Tom Kraus, 6475 Highway 93 South, thanked the Council for their considerations and work. He has experience with parking issues at the Whitefish Mall. He said one thing they try to do is to get the employees out of the prime parking spaces and leave them for the customers. He said business owners are asking them to provide parking to improve their businesses. He said maintenance issues will continue to escalate on the parking garage year after year. He said if they do decide to build this then the businesses that are going to benefit from it should help pay for it. They can do that with a Special Improvement District. He said TIF money was not appropriate as the only funding source.

Craig Drynan, 232 Central Avenue, read a letter from Mary Witbrod who is in favor of the parking structure and City Hall. Drynan said a lot of people say there is no need for parking. He said he worked the weekend and even on Sunday the guests could not find parking. He said this is the slow season and there is still a shortage. He worked on the parking commission in the 80's and this was an issue even back then.

Susan Drynan, 232 Central Avenue, said she is also in favor of the parking structure downtown. She said she knows they have been working on it for a long time and it is time to move on it.

Terri Feury, Packrat Lane, said there has been a lot of input and public hearing opportunities and she said the time to act is now. She is in favor of using TIF money to have a parking structure and City Hall on this same site.

Doug Rhodes, 144 E. 2nd Street, thanked the Council for giving this project a lot of attention. He said they could get 76 spaces on one level and that seems more appropriate. He is concerned they will build the huge structure and people won't use it. He said the elderly have a hard time getting in and out of parking structures. He wasn't sure it was time for this type of project.

Michelle Howke, 697 Waverly Place, said that in 15 years the City has moved multiple times and has been split into 3 locations. It makes it hard to have one-stop service for people. She said a parking structure won't be accessible for builders. She said they need to talk to the retail employees to see what they would use. They use the downtown spaces and prevent shoppers from using the spaces.

Cassie Ferguson, 419 E. 2nd Street, said she is in favor of the parking structure. She works downtown and they need parking. She said businesses are growing and parking is a huge issue.

Marilyn Nelson, 565 Blanchard Lake Road, is a co-owner of Nelson Ace Hardware. She is in support of this location with a parking structure paid for by TIF funds. She addressed Councilor Mitchell's letter in the Pilot. She said the idea that meeting the parking needs of the downtown only benefits the downtown isn't accurate. She doesn't like the insinuation that there is an "us versus them" mentality with the Highway 93 businesses. She said if they take care of the heart of downtown then the extremities benefit, too. She said the idea that the downtown merchants are freeloaders is disappointing. She said they have been paying higher property taxes than those that aren't in the downtown core. She said they have also been paying into a special improvement district for more than 20 years to provide parking. They have been working to pay for more parking for their customers. They have to depend on the City to wisely spend the money they have provided through the years. She challenged the idea that this should be put out to the voters. She said the Council is a representative government and they have done the research to determine what is best. She said they need to address the parking shortage and not kick the can down the road.

Rick Nelson, 565 Blanchard Lake Road, is also a co-owner of Nelson's Hardware. He said he supports the construction of the parking structure with the City Hall on this site. He said they confront the lack of parking every day and it is obvious there is a deficit of parking. He said the City owns this site and there are no other properties this close to downtown. He urged them to approve this location and structure because it will encourage more development in Whitefish and keep the core strong.

Fred Jones, 10 Tides Way, thanked the Councilors for their service. He voiced caution in that trying to address all of their needs in one spot seems to be difficult. He said this will be a large, block building that is hard to do much with creatively. He said maybe they are trying to put too much in this spot. He said they need to address what their greatest need is for this location.

Mike Jenson said he is also a member of the SID downtown that is still paying for parking downtown. He said they are short-sighted in their planning. They should be looking 50 years ahead. This parking structure is going to be an insignificant part of their parking problems in the future. They need to acquire property as cheaply as possible and hold it until there is time to build structures. They can use the property for surface parking in the meantime. He said Whitefish is not going to remain a 3-block downtown corridor forever. He said they can't solve their problem by spending the remaining TIF money on one structure. He said the parking regulations also need to change. They need to build 5-10 year parking on their holding-pattern parking areas. He said they aren't taking money off the tax rolls when they support businesses that will increase values ten-fold.

John Frandsen, 12 Dakota Avenue, said sometimes governments need to act like a business. He said the product the City offers is a good quality of life. The Downtown Master Plan was created to protect that quality of life and has worked well. He said parking garages don't seem interesting, but this proposal meets the need for parking and a new City Hall. It would be nice to have a separate location for City Hall, but all of the locations have been researched and the best use of the money is to try to do

both. The numbers have been crunched. If they don't take the opportunity now then they will look back 10-15 years from now and regret it. He is in favor of the structured parking as well as City Hall at this location.

Jen Frandsen, 12 Dakota Avenue, spoke in support of City Hall and the parking structure here, built with TIF funds. She congratulated everyone for doing something right because they are growing downtown. She said they need parking for employees and for shoppers now and in the future.

Ben Cavin, 2130 Houston Drive, submitted copies of his letter to the Council. He said he is a civil engineer and interested in this problem. He is in favor of keeping City Hall at this location, but he thinks the parking garage should be separate, not combined. He said a parking structure needs to be set back from the road, with green space and a public restroom. He said the combined design only includes 193 spaces. The City doesn't need 193 parking stalls. He believes that underground parking might be a better option, especially for staff. He agreed with Turner Askew who said they should talk to people who don't want to stand before the Council to talk. He said he is a member of the Whitefish Wastewater Committee and they are having trouble raising money for preliminary engineering. If they don't build a massive parking garage they could fund the preliminary engineering. He said it is particularly important for Lion Mountain and Lazy Bay where there is septic leachate into the Whitefish Lake.

Leslie Hunt, 2497 KM Ranch Road, said she is the coordinator for Montana Coffee Traders. She supported the parking garage and City Hall combination. She like the design of some of the parking structures in the packet. She encouraged the Council to address the downtown employee parking situation. She said whether they use parking permits, a designated parking lot or create a parking garage, the employees need parking.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, said she appreciated the civil dialogue tonight. She said the City has done 7 years of study and analysis and she commended them for their work. The studies show that there is a need for this facility and it is the first step in the long range vision for the community. She said the TIF funds are generated from commercial activity and are intended to stimulate additional commercial activity, so this project fits. She disagreed with statements that this doesn't help everyone in the community. She said there is a lot of benefit from tourism and it re-circulates in the community. She said when she travels with her kids or dogs she looks for shaded parking areas. A parking garage provides that for her.

Tex Page, 154 Stumptown Loop, manages the downtown Coffee Traders and said the downtown merchants and employees need parking, as do the tourists. He said the two-hour parking situation doesn't work, so that is why he is supporting the parking garage. If it is done the right way it can blend in well. The parking garage could allow long term parking for visitors who want to shop and eat, too.

Joan Vetter Ehrenberg, 744 Hidden Valley Drive, thanked them for their service and she thanked the staff. She read a letter from Sandy Carpenter who said the parking garage is the way to proceed. She doesn't want to see it on the ballot; she wants them to approve it. Vetter Ehrenberg said she supports the parking garage here and it surprises her. She said they need to support Main Street and small businesses. The community thrives on visitors. They need short term goals for this summer and long term goals for the future, as Mike Jenson said. She said the Council was elected to make decisions and they need to move forward. They have been talking about parking problems for seven years.

George Gardner, 2339 Nordic Loop, said he has been trying to be optimistic about the new City Hall. He would like a stand alone City Hall with surface parking. He said the preliminary design by Kimley-Horn should be placed in the dust bin. It is not suitable with the rest of downtown. He said this structure will be the most important decision they make.

Mayor Muhlfeld closed the public hearing and called a 10-minute recess.

Councilor Anderson thanked everyone who spoke tonight. This has been a decision that has been brewing for several years. He said the decision is not set in stone. It is difficult for many people. He has had several weeks to gather input from a broad spectrum here and in other communities. He thinks the other Councilors have done that as well. Regarding TIF dollars the Council got an updated TIF projection and the total available cash is about \$10 million. If they added the \$2.5 from City Hall, \$2.0 million for Depot Park and Skye Park, that totals about \$15 million in available TIF funds. If they subtracted the money for City Hall and the Parking Structure there is still \$3.5 million available. He agreed with Mike Jenson that the City needs to look 50 years out. He said some of the surface parking could fit in that \$3.5 million. He said after looking through the packet, listening to the public and going through the work session notes and then have a business downtown like he has; he has come to realize that this is the perfect spot for structured parking. The community benefit is significant. It improves the entire community to solve the parking situation with a structure right here. It will help the Railway District as well. He has concern for the on-going costs. He said a Business Improvement District is an option, as well as paid parking.

Councilor Hildner said he liked the idea that everyone can come together whether they agree or disagree and that is the beauty of democracy. He said he was in the audience when they discussed parking at Second Street and Spokane. He wasn't in favor of a parking structure then. He contacted communities around the west to learn about their parking situations. He said several of the other communities are building structured parking. The Traverse City, MI staff said they have two parking structures and they are almost always full. Park City, UT has structured parking that is full about 80% of the time. He asked the parking facilitators about public safety in surface parking versus structured parking. They said the crime rate didn't differ. He said he thinks structured parking on this site will best meet their short term needs. He thinks they also need to be looking long term, as Mike Jenson said. He said structured parking with City Hall makes the most sense at this point.

Councilor Mitchell asked about the budget and Manager Stearns said they used the estimates from the 2007 space needs study and put in \$4.8 million. Councilor Mitchell asked and Manager Stearns said \$2.487 million will be needed in addition to the City Hall Construction fund to which the City currently contributes \$250,000 annually. Councilor Mitchell asked and Manager Stearns said it is the same cost as the 2007 space needs study projected. Councilor Mitchell asked and Manager Stearns said the updated TIF spreadsheet is a pro-forma going forward. Councilor Mitchell said the parking study shows they are at 67% capacity for parking, so he doesn't think they need a parking structure at this time. He said that Rhonda Fitzgerald said she thought a parking structure here would be used for the O'Shaughnessy or Depot Park, but that is more than 250 feet away and he doesn't think it will happen. Councilor Mitchell said he hasn't heard from the Heart of Whitefish about a fair share for the care of the parking garage. He said Marilyn Nelson said they are supposed to make this decision, but it is hard for him to hear that when they went around the Council on the donut issue by getting a referendum. Councilor Anderson said Councilor Mitchell's comments directed at a specific member of the public are inappropriate. Councilor Mitchell said employee parking is an issue, but he thinks they need to consider the parking lot north of the library. He keeps hearing that they are a tourist town so they have to look at

what the tourists want. He appreciated hearing about a BID. He said this will probably be the most important decision he will make tonight. He has also called dozens of communities about their parking situations. He said there is probably a 25% failure of parking facilities. He said maintenance is a major issue for a parking garage and he asked them to remember that issue. He said some communities solved their problems without parking structures. He said most City staff doesn't want a parking structure here and they don't want City hall here. He said he heard from 23 people in response to his letter to the editor who said they were opposed to the parking structure. He said there are other options to address parking. He said they are asking the City hall and the parking structure to fight for the same spot. He said City Hall could be 2-3 blocks away from downtown. He suggested they ask the taxpayers of the town what they want and let them vote on it.

Councilor Sweeney said he feels strongly about this in both directions. He said construction cost is a large part of this because of the sub-structures in Whitefish. Parking, however, is a need. The City has been talking about parking for over 7 years and they need to make a decision to deal with parking. He'd like to go underground, but it isn't an option here because of the soils. He said most people agree they need parking. He said he doesn't know the cost of maintaining a parking structure versus a surface lot, but they both require repair. He said he would like to see some participation for supporting this parking from the businesses. He said the parking structures range in price from \$25,000-\$30,000/space. If they acquired and built parking on lots that are available, those would cost \$23,000-\$29,000/space. Some would say that they were taking private land, land that could be developed, off the tax rolls. He agreed with Mike Jenson that they need to plan for expansion and parking 50 years out. He said this block and the current building are already a solid mass. He said Central Avenue has two story buildings that are a significant mass, but most of us are used to it. He addressed Councilor Mitchell and said this was not a matter that was easily addressed in a referendum. It would be difficult to explain on a ballot for a public vote. He thinks at some point they will have to go up to provide parking.

Councilor Kahle said they heard comments about City Hall being at this location, as well as comments about parking. He said part of the goal was to build a legacy building for City Hall. Instead the design they received looks like a Nordstrom's attached to a parking structure. He said in 2008 they were given alternatives by Walker to provide long term employee parking, surface lots, striping of alleys, stricter enforcement and structured parking. He said he didn't think any of the other options were given their just due. He agrees that this is a long term problem. If they move forward with this structure they need to understand how they will take care of the maintenance annually. He thinks they would need an SID or BID before this progresses. He asked and Manager Stearns said an SID is a special improvement district that finances the capital costs of many public improvements like streets, parking lots, sidewalks. They issue bonds to finance it so the assessments on property owners have a term on them, usually 20 years. Councilor Kahle asked and Manager Stearns said it would not be appropriate for an SID to pay for maintenance costs. Manager Stearns said a Business Improvement District (BID) doesn't fund capital infrastructure, but it finances ongoing operations and maintenance of public common spaces, usually at a higher level of service than the City can provide. It gives downtowns a means to finance the amenities you might find downtown and is usually based on the size of a lot. To form a BID there has to be a petition by property owners owning more than 60% of the property affected.

Councilor Kahle said he has a concern with the long term maintenance and the possibility that the costs will increase over time. Manager Stearns said they could create language that says there is a proposed cost for the first year and then state that it won't increase beyond a certain percentage each year. Manager Stearns said the tax increment district goes away in 2020. He thought O & M (Operation and Maintenance) could be paid for by the \$1.5 million the City gets back in the General Fund after the

tax increment district ends, unless the Council decreases taxes. Councilor Kahle said downtown parking is a problem, but the solution seems unclear. He thinks they can do a better job than this proposed structure. He said if they do go forward he wants to be sure they handle the cost of O & M. Councilor Hyatt passed out a map of the City showing 270 feet out from the block they are on right now. He said he was never in support of this project being paid for with more than 50% of the TIF funds and 50% SID; and now his thinking is going more towards 25% TIF and 75% SID. He asked and Manager Stearns said the current SID ends in 2014. Councilor Hyatt said they have shoe-horned a lot into this space; and he said all the historic planning documents are works in progress—they can be changed. He agreed that they need to look at some other parking avenues as they go forward.

Mayor Muhlfeld said Councilor Kahle said once that this is a multi-faceted problem and will need multiple views. He said he agreed that the downtown should pay for the ongoing maintenance of the parking garage. He said Planner Compton-Ring's report showed that Whitefish is the only one out of the mountain towns surveyed that doesn't require cash-in-lieu of parking downtown. He said there has been about 90,000 new square feet has been added to downtown Whitefish and if there had been a cash-in-lieu in the WB3 they would have a significant amount of money for the parking structure. He addressed the parking needs for employees. He said there is currently long term parking at Lot 46 and at the library's north lot. He said they need to deal with a BID, employee parking and cash-in-lieu of parking. He said they need a parking commission again. Councilor Kahle said those issues will take some time. He would like them to table the decision on the structure itself until they have some of those decisions made. Councilor Mitchell said unless the BID is in place, if they approve a structure, then the City will have to start paying the maintenance until the BID is in place. He said the BID needs to be resolved first. Councilor Sweeney asked about the timing if they tabled this issue. He would question a motion to table after seven years of working on this. He said this decision is not going to get any easier. He could agree to a short term table while they worked on specific issues, but he would be hesitant to leave it open-ended.

Councilor Kahle said he would want to table to a date certain and make a decision before the end of this year. Councilor Hyatt asked and Manager Stearns said a BID would take some research. Staff would need to learn from other cities how to form a district and assessment methodology, come up with a boundary, and do some figuring on the cost to be assessed. He said he thought they could complete that research and be ready to propose a BID in 2-3 months. He said that beyond the O & M cost, they need to see if the businesses are willing to pay for other costs of parking downtown; i.e. with an SID or Cash in Lieu policy. He said all City facilities would pay an assessment including the Library, City Hall and the O'Shaughnessy center.

Councilor Hildner said to table this is to kill it. They would have to move to postpone rather than to table. He said the consideration before them is to proceed with a design that includes an attached parking structure. They could look at a BID at the same time, to accompany it. He didn't think they should postpone this decision. Councilor Kahle it is his intent to postpone and not to kill this proposal. He said there are too many unknowns, but in his opinion, either the City or a BID pays for the ongoing O & M. Councilor Anderson asked about the timetable for the design and Manager Stearns the next step would be that the City Hall Steering Committee would reconvene to find an architect to work with the engineer on a design for the joint City Hall and parking structure. He said it could be WBM, who has partnered with Kimley-Horn in the parking feasibility, but it doesn't have to be. There is a lot to be done for the design of a City Hall building, whether it is attached to a parking structure or not. He thinks they need to update the space needs analysis before design and it will be at least a one-year process. Councilor Anderson asked and Manager Stearns said the committee would make a recommendation for

an architectural firm and then Kimley-Horn would have to come up with a contractual amount for working on the next phase of the design for the parking structure. He said that is when they will spend a large amount of money. Councilor Anderson asked about the timing and Manager Stearns said it would take a couple of months before they would be interviewing architectural firms. Councilor Anderson asked and Manager Stearns said it would take 2-4 months to explore parameters, introduce, explain and answer questions, advertise and get signatures from 60% of the people to create a BID; he wasn't sure that it would be an easy task. Councilor Anderson said he wants to send a clear signal of support for a joint parking and City Hall structure.

Councilor Hyatt asked and Manager Stearns said it could take a while to get 60% of the businesses to petition this BID. Some people might think it should be paid for by daily or monthly parking fees. Councilor Hyatt said that might be the vote of the people. Councilor Sweeney said the existing City Hall spaces needs to be analyzed. Manager Stearns said the architect they select performs that analysis. Councilor Sweeney said if they were talking about surface parking would they also be talking about a BID. He said this is the first night he has heard anyone talk about instituting a BID to support the parking garage. Councilor Hyatt said he mentioned before that the only way he would go forward with this was with an SID and a BID. Councilor Kahle said there has been a lot of good discussion tonight; but he thinks there is enough uncertainty that it would be a good idea to reinstate the parking commission.

Councilor Kahle offered a motion, seconded by Councilor Hyatt, to keep the public hearing open, to postpone this to a date certain, no later than early September, so the Council can consider the ongoing maintenance of the parking structure and to reinstitute the parking commission and to consider an SID.

Manager Stearns said it would be premature to re-instate a parking commission which requires an ordinance. He said a parking commission is a semi-autonomous entity and they need to give it further consideration. Councilor Kahle said a parking commission might not be what they are looking for, but they need to address the estimated maintenance costs and the method for paying for them. He thought a panel might be helpful in answering some of these questions. Manager Stearns said if the Council gives them direction then staff can bring forward SID or BID or payment-in-lieu options. He said the Council is pretty well-educated on the parking issues. Councilor Kahle said it seems that there is support for the structure, but he is concerned about how they will pay for the ongoing maintenance. He said he doesn't want to obligate the City to 100% of the ongoing maintenance. Manager Stearns said they could link the motion to the BID or SID. Mayor Muhlfeld said they are getting pretty broad in their thinking; and he felt a parking commission is a separate issue from tonight's consideration. He said staff has volunteered to research the BID. He said this should not require an SID because the commercial tax payers have paid already. It isn't fair to tax them twice.

Kahle withdrew the parking commission and the SID from his motion and the second agreed to delete the parking commission but not the SID.

Councilor Hyatt disagreed with Mayor Muhlfeld and said the commercial properties aren't taxed twice.

Councilor Anderson said he thinks the motion is fatally flawed. Councilor Hyatt asked and Attorney VanBuskirk suggested that they could move to postpone the decision on structure versus

surface parking in order to consider the ongoing maintenance costs. The public hearing is carried over and consideration will be given to an SID to pay for the costs.

Councilor Anderson said an issue this big shouldn't be gobblydeegooked together. Councilor Mitchell disagreed with Councilor Anderson. He thought the motion was fine. Councilor Mitchell said he also disagreed with Mayor Muhlfeld's comments that downtown businesses are taxed twice. Councilor Hildner said he won't vote for the motion as long as the SID is incorporated in it. Councilor Sweeney said he understood Councilor Hildner's concerns. He said they would only commit to considering an SID for paying for part of the cost of the structure. It is not a requirement for an SID. Councilor Hildner said these two should not be mixed. Mayor Muhlfeld said the commercial TIF has been paid in part by the commercial district; they've paid for an SID for downtown parking already, and that is why he thinks it is excessive to require another SID or BID. Councilor Kahle said the consideration of an SID would have to be proposed by this body and voted upon. He said they could look at it, though. He said if they decide they're happy using just TIF funds for the building, then that is fine. Councilor Hyatt asked and Manager Stearns said the SID purchased the land on Second Street and developed some of those old lots there. Then, when they rebuilt it as a surface lot in 2009 it was built with TIF funds.

Councilor Kahle offered a motion, seconded by Councilor Anderson, to extend the meeting to 11:30 p.m. The motion passed unanimously.

Councilor Mitchell said when they ask who is going to pay for this and they say the City is, then they are really saying the taxpayers will pay for it.

The vote on the motion was tied with Councilors Mitchell, Kahle and Hyatt voting in favor. Councilors Sweeney, Anderson and Hildner voted in opposition. Mayor Muhlfeld voted in opposition and the motion failed.

Councilor Anderson offered a motion, seconded by Councilor Hildner, to proceed with design for a new City Hall with an attached parking structure.

Councilor Kahle said if this passes then the maintenance will be the ongoing responsibility of the City. Manager Stearns said that is not clear from the motion yet. He said there is the money from the expiration of the TIF, but Councilor Kahle said if this motion passes then the structure gets built and it will be maintained by the City. Councilor Hyatt said he would have to vote against it for the lack of fiscal responsibility. Councilor Anderson said he hears that the O & M is the concern. He said O & M costs will be an issue, but that is not covered in his motion, so he is not being fiscally irresponsible.

Councilor Anderson amended his motion to direct staff to proceed with presenting a BID option to Council by the first meeting in September. Councilor Hildner, the second, accepted the amended motion. Councilor Kahle asked if the BID failed; would they move forward with the parking structure? Councilor Anderson said they will have a chance, before they spend any money, to cancel this motion.

Councilor Mitchell said he would have to have a condition for the BID. He said this is gobblydeegook, too. Councilor Anderson asked and Manager Stearns said he thought they could come up with a BID petition within 3 months, by the first Council meeting in September.

Councilor Anderson withdrew his motion and the second agreed.

Councilor Anderson offered a motion, seconded by Councilor Hildner, to proceed on design of the City Hall with an attached parking structure, and to consider the passage of a BID to finance the operations and maintenance of the structure, and back to the City Council by the September 3rd Council meeting for consideration. (During discussion on this motion staff advised Council that a BID must be brought forward from the participating business/property owners, and staff can research the parameters of creating the BID including the boundary and cost estimates by the September 3rd Council meeting for Council consideration.)

Councilor Hyatt said he has always said it is an SID and a BID. He said if they vote something through then what does it take to bring it back up. Attorney VanBuskirk said it has to be brought up for reconsideration by a party who voted for the successful motion, or suspension of the rules. Mayor Muhlfeld said that means it gives the Council options and Councilor Hyatt agreed.

Councilor Sweeney said he took umbrage with Councilor Mitchell's comment on who the taxpayers are in the City. All of the members of the downtown are taxpayers and they pay significant taxes. They should be included in the definition of taxpayers. He said the City is going to need structure parking to begin to solve the parking needs downtown. He is not necessarily committed to that parking structure as part of City Hall. He said in the past he wasn't keen on a structure at the corner of Second and Spokane. He said they might want to consider whether they want a separate structure. He isn't saying a City Hall can't be married to a parking structure; that is a design issue. He said conditioning anything they do on a BID means it applies to any decision they make to deal with parking problems downtown.

Councilor Kahle suggested they add a date. Manager Stearns said staff can't have the BID created by the first meeting in September, that is the date staff could bring the concept and parameters of a BID to the Council. Councilor Anderson said he thought the petition could be done by that date. Manager Stearns explained if they give all the property owners a petition without education and public meetings then the result would probably be negative. He can't predict how long the public process will take; and following public meetings there could be follow-up sessions with individuals, the time factor is an unknown. City Attorney VanBuskirk suggested they continue the public hearing until Sept. 3rd so the business community could be asked if they were willing to be a partner for the ongoing O & M costs.

A 10-minute recess was called.

Councilor Hildner offered a motion, seconded by Councilor Kahle, to continue the meeting past 11:30 p.m. in order to complete tonight's business. The motion passed unanimously.

Mayor Muhlfeld said there is a motion on the floor to approve structured parking with a city hall, and in parallel staff will research and bring back whether the feasibility for a BID by the September 3, Council Meeting. Staff has indicated it wouldn't be a completed BID at that time but they would bring back a proposal with parameters for the creation of a BID. City Attorney Van Buskirk has suggested continuing the public hearing to that time; and that is where we pick up.

Councilor Anderson said there is a motion on the table and he would like to move forward, but he would be willing to reconsider if staff told them they couldn't get a BID completed by September 3, 2013. Councilor Sweeney clarified the motion is to proceed on design of the attached parking structure

conditioned on passage of a BID to finance the operations and maintenance of the structure by the September 3rd Council meeting. If the BID was not passed then the parking structure would not move forward. Councilor Anderson said procedurally, the design of a structure and the feasibility of the BID could move on parallel paths. They don't have to approve a dollar until they are comfortable with the feasibility of the BID. Without that comfort, the project would then die. Councilor Kahle said he thinks City Attorney VanBuskirk's proposal is easier and simpler. He said they need to decide on the BID first.

Councilor Mitchell said this doesn't tell the City Hall committee what to do. They don't know whether they should hire architects to move forward. The parameters aren't set; there aren't any clear answers. He blamed the Council and staff for not addressing who is going to pay for this until now. Mayor Muhlfeld said there's no value in laying blame. It's a complicated problem and we are trying to find a solution. What Councilor Anderson has laid out in front of you this evening is his motion that asks for you to approve, in concept, a city hall with a structured parking facility as well as directing staff to initiate the feasibility of the process that would be required to develop a BID. It is as simple as that; and he feels the motions articulately states the point that we aren't committing funds and it will be back in front of this body before any funds are expended or the project moves forward. He also recognizes that the New City Hall Steering Committee desires to continue working on this project; he just wants to remind the Council that this is a major project for the City of Whitefish, and if we need to push the Steering Committee off for a couple months to get answers to these critical questions that the Council is being asked to make decisions on, he is sure the Committee will understand.

Councilor Kahle said he thought the approval was conditioned on the implementation of a BID or at least getting it started, but Councilor Anderson said that was not correct. It is as Mayor Muhlfeld just stated, we need the information in front of us to understand the feasibility of a BID, and it is as simple as that. Mayor Muhlfeld said there won't be any money spent until the feasibility is before them. Councilor Kahle said if the BID is not approved then he can't vote on the structure.

Mayor Muhlfeld said your vote either acknowledges that yes, you agree with this concept, or no, that you do not agree with this concept and simply, no expenditures made and no decisions are made until the feasibility (of the BID) comes back to you. He said he imagines there will be more discussion at that time regarding the next steps. Councilor Kahle said he could only support the project if it includes a BID. Mayor Muhlfeld said when they look at the feasibility of the BID they need to send an opinion that they are in favor of the concept in order to get support and buy in from the business people. Councilor Kahle said by conditionally approving it, that is what they are saying. He doesn't want to have to figure out how to pay for it later.

Councilor Anderson said this motion gives them all of that. He said the passage of this motion says the Council supports a city hall with an attached parking structure. If it is conditioned on a BID then it will kill the BID. Councilor Mitchell said he disagreed 100%. Manager Stearns asked for clarification; when he first heard the motion he thought the City Hall Steering could start the architectural selection process. Now he heard the Mayor say that they would put off the committee. Mayor Muhlfeld said they could at least do the RFQ's and Manager Stearns said they could go through the interviews. Councilor Mitchell asked and Mayor Muhlfeld said the committee had discussed holding a design charrette with the community. Councilor Mitchell asked and Mayor Muhlfeld said they wouldn't be paying for designs yet. Councilor Sweeney disagreed that the BID would be dead out of the box if the motion had that condition. He said they are giving the clarification that they are willing to move forward, but are looking at a BID as either a way to pay for, or part of a way to pay for the ongoing maintenance of that structure. He didn't think that is mattered if it was a condition; Councilor

Anderson said it just made it more challenging. Councilor Mitchell clarified that the vote will approve, or not, a city hall with structured parking, and between now and September 3rd there will be research on a BID.

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

8. COMMUNICATIONS FROM FIRE DEPARTMENT DIRECTOR

8a. Contract awards for fire apparatus and ambulance (three motions) (p. 171)

Fire Chief Kennelly said staff opened bids on four pieces of Fire and Ambulance equipment—a fire pumper, an ambulance, a brush fire truck, and a water tender. There was only one bidder for each piece of equipment despite sending out the bid packets to a number of vendors and manufacturers. He said that the bidders did not know there was no one else bidding, so they feel the bids are competitive. The bids are close to the projected price estimate on two of the four pieces of equipment; and within our budgeted amounts. Staff is recommending rejecting the other two bids, revising the specs, and re-advertising for bids.

Councilor Mitchell said on page 171 the report said both of these vehicles exceed life expectancy, but he wondered if it was based on years or miles. He asked about the NFPA standards and Chief Kennelly said the standards cover everything and they are replacing a 1994. He said the standard is 10-12 years and they've had it for 19 years. Councilor Sweeney said the bids include site visits for looking at the product. Chief Kennelly said that is standard procedure; they have the expertise to look at exactly where the controls and discharge valves go. It is important that the final product is reviewed and meets all the specifications.

Councilor Kahle offered a motion, seconded by Councilor Hildner, to approve entering into a contract with General Fire Apparatus of Spokane, WA to purchase one Type 1 1,500 gpm Rosenbauer, LLC fire apparatus for up to \$495,112. The motion passed unanimously.

Councilor Kahle offered a motion, seconded by Councilor Hildner, to approve entering into a contract to purchase one Type 1 ambulance from Braun NW for \$155,597. The motion passed unanimously.

Councilor Kahle offered a motion, seconded by Councilor Sweeney, to reject the bids for the Tender and Brush Truck, revise the specifications for these vehicles to bring them in line with projected budgeted financial resources available, and then again issue a request for bids from various manufacturers. The motion passed unanimously.

9. COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

9a. Contract award for construction of Dodger Lane (p. 187)

Public Works Director Wilson said the Public Works Department opened bids for the Dodger Lane Construction Project on May 10th and recommend the City Council award a construction contract to the low bidder, Schellinger Construction, in the amount of \$229,794.



MEMORANDUM

#2013-037

To: Mayor John Muhlfeld
City Councilors

From: Chuck Stearns, City Manager

Re: Business Improvement District (BID) or other assessment district for Parking Structure
O&M costs – update and request for direction/concurrence

Date: August 28, 2013

On May 20, 2013, the City Council, on a 4-3 vote with the Mayor breaking a 3-3 tie, approved the following motion:

Mayor Muhlfeld said there is a motion on the floor to approve structured parking with a city hall, and in parallel staff will research and bring back whether the feasibility for a BID by the September 3, Council Meeting. Staff has indicated it wouldn't be a completed BID at that time but they would bring back a proposal with parameters for the creation of a BID.

A BID/Assessment District working group was formed to research and work on concepts for such a district. The working group consists of the following members:

Dave Boye – Chamber of Commerce representative
Marcus Duffey - Chamber of Commerce representative
Dale Reisch - Heart of Whitefish representative
Chris Schustrom - Heart of Whitefish representative
Necile Lorang - City staff – Administrative Services Director/City Clerk
Rich Knapp - City staff – Assistant City Manager/Finance Director
Chuck Stearns - City Staff – City Manager

The working group met three times (July 22, August 2, August 14) , to discuss and analyze the various options for assessment districts and the parameters for such a district. They also reviewed and commented on this memo. The primary issues are discussed below.

Types of Assessment Districts

There appear to be three types of assessment districts that would work for parking structure O&M costs. Four different options were reviewed, but only three appear to be viable. The four types of assessment districts and their attributes are described in an attached chart.

The working group decided to focus on the Special Improvement District (SID) (7-12-4101 et. seq. MCA) for the following reasons:

- Many downtown Whitefish businesses are familiar with an SID because there is currently a parking SID (SID#155) in effect.
- One or two people felt that, because the City Council initiated the construction of the parking structure, the City Council, not the business owners, should initiate the assessment district.
- Rather than requiring a petition from 60% or 100% of the business owners to initiate the district, a SID does not require a petition to initiate it. The City Council can initiate the district.
- Affected property owner can prevent the district if property owners bearing more than 50% of the cost protest the creation of the district.
- The SID laws allow the off-street parking method of assessment such as was done with SID #155 (see attachment for assessment variables allowed by 7-12-4165 MCA)

The working group would like direction or concurrence from the City Council on the method of assessment to pursue.

Annual cost of O&M for parking structure

The working group began discussion of the annual cost estimates for the O&M of the new parking structure. I presented information from Kimley – Horn and Associates that annual O&M costs might be in the \$100,000 to \$125,000 range (see attachment in packet - \$492 per space per year cost). Chris Schustrom disagreed with that estimated level of cost because other parking structures in Montana do not spend nearly that level for annual O&M costs. He cited information gathered from Missoula, Bozeman, Billings, and the National Parking Maintenance Manual:

Missoula downtown structure - \$24,000 - \$36,000 annual O&M costs for 265 space structure

Bozeman - \$146 per space per year for O&M –multiplied by the number of spaces in our proposed structures (216 -244) would equal \$31,536 - \$25,624.

Billings – they aggregate costs for 3 structures – probably \$30,000 - \$50,000 for a similar structure

National Parking Association – 2001 study of one structure - \$147/space per year therefore \$31,752 - \$35,868 for a structure of 216-244 spaces.

Crandall Arambula – they felt \$250/space/year for maintenance would be upper limit, therefore \$54,000 - \$61,000.

After discussion, the working group felt comfortable in the range of \$50,000 to \$75,000 which would include a reserve for replacement of \$10,000 to \$15,000 per year (i.e. for an elevator or

other high-cost item). However, the annual O&M costs could change once we are in design for a parking structure and once it opens and is operating.

Leasing of some spaces and lease revenue

The working group also discussed revenues that could be generated from leased spaces. Leased spaces make up a large part of the occupancy of parking structures researched in Missoula, Bozeman, and Billings. We are all in agreement that any lease revenue from the parking structure should be used to pay for annual O&M costs of the parking structure and thereby reduce the assessment on property owners. Depending on the extent and fee for the leased parking spaces, the lease revenue could pay for a significant portion of the annual O&M and reserve cost.

It is quite possible that the number of spaces to be leased will fluctuate in the future. A goal of any new parking structure is obtain a high amount of use as soon as possible so people are accustomed to using the parking structure. Leased spaces can help achieve high use, especially early on. Then later, as there is more demand for retail parking, the number of leases might be reduced.

Our lease experience in the 3rd and Central lot and in the old lot at 2nd and Spokane was as follows:

3rd and Central – four 24 hour spaces and thirteen 12 hour spaces. Our rate initially was \$20 per month for the 12 hour spaces and \$25 per month for the 24 hour spaces.

2nd and Spokane – four 24 hour spaces and twenty-six 12 hour spaces. Lease rates were the same.

When we rebuilt the 2nd and Spokane lot, the City Council declined to do any leases in the rebuilt lot, leaving it just for retail parking. The 3rd and Central lot was turned into retail only parking while Central Avenue was re-built to offset the loss of some on street parking on Central. When the Central Avenue project was completed, the City Council has declined, so far, to restore any lease spots in the 3rd and Central lot.

During the reconstruction of Central Avenue, initially we moved the leased spaces to the temporary parking lot at Block 46 (Third and Spokane). However, the City Council at the same time, decided to increase the lease rate from \$20 to \$40 per month for a 12 hour space and from \$25 to \$50 per month for a 24 hour space. After one quarter, everyone stopped leasing the spaces in that lot because it was further away from their business, the rate increase, and the fact that there was plenty of free parking in the same parking lot.

Prior to the change, all of the spaces in the 3rd and Central lot were leased and there was a waiting list. Typically all of the spaces at the 2nd and Spokane lot were leased, but there was more turnover and no waiting list.

It is always good to lease the top level of any parking structure to ensure that this level gets used. If we started out leasing the top two levels of the parking structure and left the bottom level for retail, in one design that would mean leasing 135 spaces. The other design (City Hall on Baker) has 190 spaces on levels 2 and 3 with only 43 on level 1, so we likely want more retail spaces than 43.

For example, if we leased 135 spaces initially for \$40 per month, that would equal \$64,800 of annual revenue, which could pay all of the O&M. If we only leased 70 spaces initially, that would equal \$33,600 of annual revenue, leaving \$36,400 for the assessments. Of course in any leasing scheme, we might have a higher cost for the covered spaces and a lower cost for the roof top spaces. Also, it is likely that City Hall employee parking might be on the top level and that will be 40-50 spaces of lease revenue.

At least one member of the committee is concerned that there may not be enough demand for leased spaces, so we may not attain the revenues discussed above.

Boundaries of Assessment District

The working group looked at assessment boundaries primarily using circles with a radius from the center of the parking structure as that was the method used for the SID #155 Downtown Parking SID. However, that parking SID had three lots with 5 levels of assessment for each of the three lots, so its formulation was very complex. The working group also looked at going block by block, but we felt that using circles resulted in an assessment that was less likely to be challenged as being unfair or arbitrary. Whether a lot was included in the SID 155 tiers depended on whether more than 50% of the lot was inside a respective circle, which seems fair.

The working group evaluated circles with a radius from the center of the parking structure of 300 feet, 600 feet, 660 feet (1/8th mile corresponding to Crandall and Arambula retail planning circle), 900 feet, 1200 feet, and 1320 feet (1/4 mile corresponding to Crandall and Arambula retail planning circle). After considering many factors, the working group's consensus was to begin by using two circles of 660 foot radius and 1,320 foot radius. See the attached map.

These two circles were felt to represent the very direct beneficiaries of a parking structure (660 foot radius) and the less direct beneficiaries (1,320 feet). Within those circles, we would exclude assessing any single family and duplex residential units. Whether to assess multi-unit complexes as a commercial use is still under consideration and requires some more research. We would likely use the Department of Revenue classification differences as guidance for those types of property. Any BNSF properties outside of City limits would not be assessed.

When to begin assessments

The working group also discussed when to begin assessments. Obviously a district could be formed before the parking structure is built, but we would not want to or be able to assess

property for O&M until the structure is open and operating. That will depend on a construction schedule which is not yet available.

Based on preliminary discussions with a handful of downtown property owners who were involved with the creation of SID #155, the Heart of Whitefish feels that, because the Downtown Parking SID #155 assessments end after the fall 2015 assessments, it could be acceptable to downtown businesses to begin any new assessment on or after the fall 2016 assessments. With the end of assessments for the construction of the SID #155 parking lots, those businesses could then more easily afford to continue some level of assessment, even if it were increased. It seems that this timing would also work as I doubt a parking structure would be built and opened before January of 2016. The current assessments on properties for SID #155 are typically between \$200 and \$300 annually. The working group also agreed that it will be important to keep downtown business/property owners informed of this process so as to avoid any misunderstanding of what is being proposed.

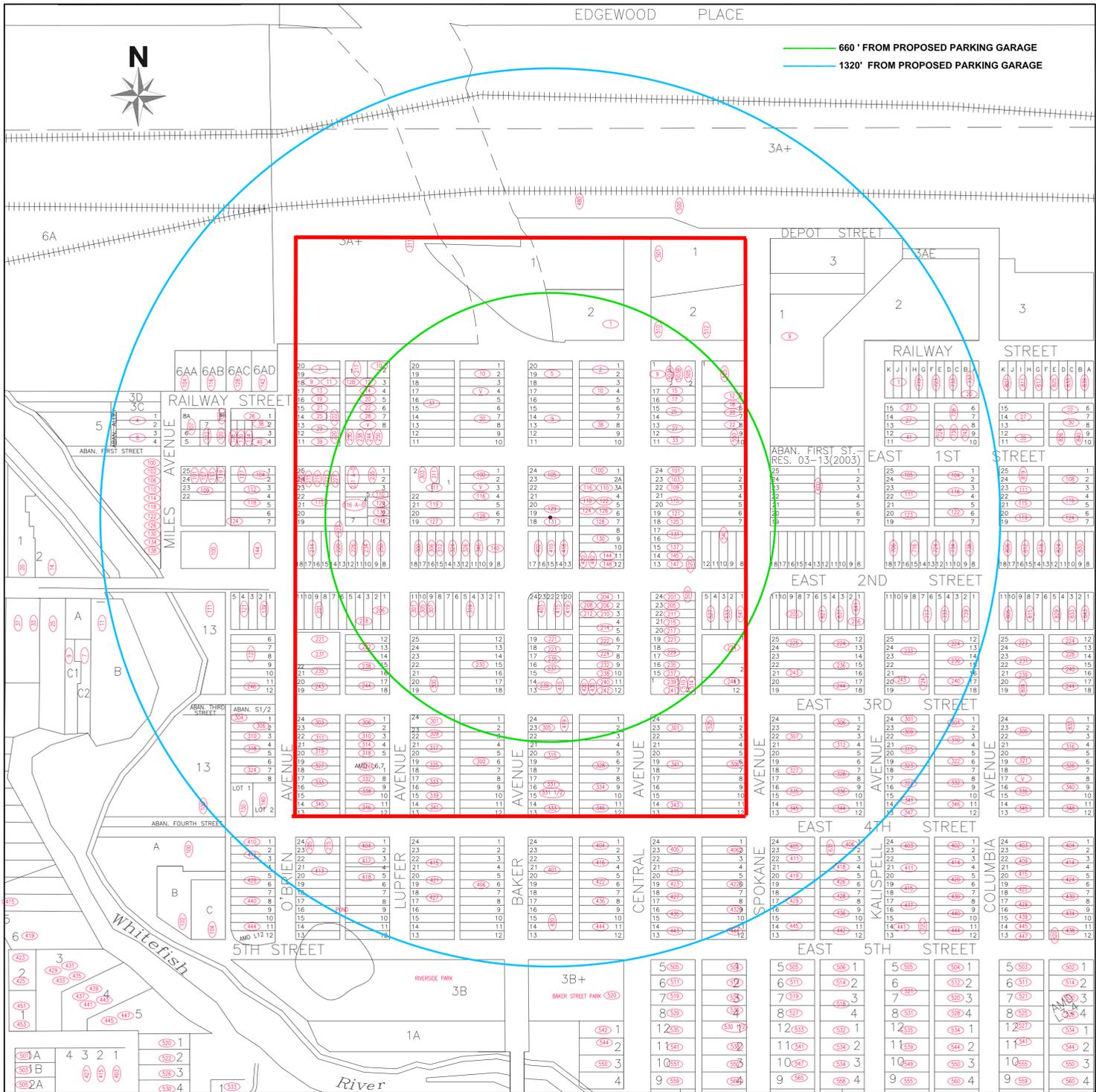
Summary and request for concurrence and direction

Before we formulate a concept with specific assessment levels or a range of levels to go to businesses with, we need some guidance and direction on many of the above issues.

1. Assessment District – ok with proceeding with a SID instead of BID and pursue assessment method similar to SID #155 with using variables in 7-12-4165 MCA?
2. Estimates of O&M annual costs to focus on - okay with range of \$50,000 to \$75,000 including a reserve of \$10,000 to \$15,000?
3. Clarification of what percentage of O& M costs would be assessed? –
4. Lease revenue – what assumptions should we use for lease revenue?
5. Boundaries – is the Council okay with two tiers of boundaries at 660 feet and 1,320 feet for two tiers of assessments? How different are the assessment levels between the two tiers?
6. When to begin assessments?
7. Can the City Hall committee continue on process to select an architect and bring a architectural and engineer design contract forward for consideration?
8. Does the City Council want to do any polling of businesses?

Parking O&M Assessment Options
8/26/2013

Type of District	Statutory Authorization	Assessment Options	Who Initiates	Duration	Other Aspects
Business Improvement District	7-12-1101 et. seq. MCA	Area, per lot, taxable valuation, square footage and flat fee	Initiated by a petition of owners of more than 60% of the area of the property proposed for inclusion in district	Not more than 10 (ten) years at a time	Creates a separate board to run district Protest above 50% prevents it
Special District	7-11-1001 et. seq. MCA	Area, per lot, taxable valuation lineal front footage, vehicle trips mill levy or any combination	Initiated by petition of 40% of registered voters or 40% of owners of real property	Determined in petition	Definition excludes parking districts, BID's, SID's, so did not pursue
Off Street Parking Improvement District	7-14-4701 et. seq. MCA	Area, taxable value, equal amount, lineal front footage, utility service connections, off-street parking options (7-12-4165)	Petition from 100% of real property owners in district	Determined in petition	Can issue bonds
Special Improvement District	7-12-4101 et. seq. MCA	Area, taxable value, equal amount, lineal front footage, utility service connections, off-street parking options (7-12-4165)	City Council initiates by Resolution of Intention	cannot exceed 20 years	Protest from property owners bearing more than 50% of the cost of proposed work prevents it



	A	B	C	D	F	G	O	P	Q	R
1	Prepared:	January 31, 2013	Was originally file name from County: Copy of WFSH CITY PARKING GARAGE 12032013 L18 19 B36 WFSH 1320FT.xls							
2	Control q hides rows									
3	ASSRNO	TRACT_ID	GEOCODE	REC_CD	MP_TAG	Addr1		Assessed or exempt	Reason Exempt	Tier
4										
5										
129	0000955	3122X36-WHT-15-BLK52	07429236151010000	22	P	343 CENTRAL AVE		A		2
140	0000958	3122X36-WHX-2	07429236114020000	1M	P	10 LUPFER AVE		E		1
142	0001345	3122X36-BRL-UNIT-1	07429236119130000	1M	P	300 E 2ND ST		A		1
143	0001550	3122X36-WHT-4-BLK36	07429236121100000	1M	P	122 CENTRAL AVE		A		1
152	0004461	3122X36-WHT-4-BLK26	07429236112040000	1M	P	16 BAKER AVE		A		1
153	0004549	3122X36-WIB-2	07429236118100000	1M	P	303 E 1ST ST		A		1
156	0005195	3122X36-WHT-15-BLK37	07429236119090000	1M	P	312 E 2ND ST		A		1
160	0005501	3122X36-WH5-2	07429236234120000	21	P	140 E 4TH ST		E		2
162	0005743	3122X36-DUC-UNIT-2	07429236109157002	1M	P	9 CENTRAL AVE		A		1
165	0005744	3122X36-DUC-UNIT-1	07429236109157001	1M	P	503 RAILWAY ST		A?		1
166	0008708	3122X36-SPE-UNIT2-GARAGE	07429236165087002	1M	P	419 UNIT 2 SPOKANE AVE		E		2
169	0008709	3122X36-SPE-UNIT3-GARAGE	07429236165087003	1M	P	419 UNIT 3 SPOKANE AVE		E		2
172	0008710	3122X36-SPE-UNIT4-GARAGE	07429236165087004	1M	P	419 UNIT 4 SPOKANE AVE		E		2
175	0008740	3122X36-ZMU-UNIT-C	07429236210017030	1M	P	144 UNIT 301 E 2ND ST		A		2
176	0009801	3122X36-LFT-2	07429236116250000	1M	P	130 LUPFER AVE		A		1
179	0009802	3122X36-LFT-3	07429236116240000	1M	P	120 LUPFER AVE		A		1
180	0009803	3122X36-LFA-UNIT-A	07429236116307001	1M	P	116 UNIT A LUPFER AVE		A		1
182	0009893	3122X36-WH6-8B	07429236208250000	21	P	111 RAILWAY ST		A?		2
187	0009953	3122X36-LUP-UNIT-A	07429236116207001	1M	P	110 UNIT A LUPFER AVE		A		1
191	0010220	3122X36-WHT-14-E40-BLK25	07429236115030000	1M	P	222 E 1ST		E?		2?
193	0010257	3122X36-LUP-UNIT-B	07429236116207002	1M	P	110 UNIT B LUPFER AVE		A		1
195	0010258	3122X36-LUP-UNIT-C	07429236116207003	1M	P	235 E 1ST ST		A?		1
196	0011580	3122X36-RAI-UNIT221-E1STST	07429236116097221	1M	P	221 E 1ST ST		E?		2?
199	0011581	3122X36-RAI-UNIT215-E1STST	07429236116097215	1M	P	215 E 1ST ST		E?		2?
200	0011582	3122X36-RAI-UNIT227-E1STST	07429236116097227	1M	P	227 E 1ST ST		E?		2?
203	0011586	3122X36-LUP-UNIT-D	07429236116207004	1M	P	231 UNIT D E 1ST ST		E?		1?
205	0011587	3122X36-LUP-UNIT-E	07429236116207005	1M	P	231 UNIT E E 1ST ST		E?		1?
207	0011588	3122X36-LUP-UNIT-F	07429236116207006	1M	P	231 UNIT F E 1ST ST		E?		1?
209	0011589	3122X36-LUP-UNIT-G	07429236116207007	1M	P	231 UNIT G E 1ST ST		E?		1?
210	0011645	3122X36-WHT-15-BLK38	07429236117150000	1M	P	214 E 2ND ST		A		2
229	0011742	3122X36-WHT-16-BLK60	07429236169010000	1M	P	420 E 5TH ST		A		2
230	0011886	3122X36-WHT-23-BLK39	07429236209200000	1M	P	109 MILES AVE		E		2
233	0012464	3122X36-WHT-1-BLK57	07429236233250000	21	P	410 O'BRIEN AVE		E		2
241	0012484	3122X36-TEL-UNIT-115-2	07429236116057002	1M	P	115 UNIT 2 O'BRIEN AVE		E		2
245	0012485	3122X36-TEL-UNIT-115-3	07429236116057003	1M	P	115 UNIT 3 O'BRIEN AVE		E		2
246	0012486	3122X36-TEL-UNIT-115-4	07429236116057004	1M	P	115 UNIT 4 O'BRIEN AVE		E		2
248	0012487	3122X36-TEL-UNIT-115-5	07429236116057005	1M	P	115 UNIT 5 O'BRIEN AVE		E		2
251	0012488	3122X36-TEL-UNIT-115-6	07429236116057006	1M	P	115 UNIT 6 O'BRIEN AVE		E		2
252	0012489	3122X36-TEL-UNIT-115-7	07429236116057007	1M	P	115 UNIT 7 O'BRIEN AVE		E		2
254	0012490	3122X36-TEL-UNIT-115-8	07429236116057008	1M	P	115 UNIT 8 O'BRIEN AVE		E		2
257	0012528	3122X36-WHT-3-BLK51	07429236153040000	1M	P	312 KALISPELL AVE		E		2
267	0012637	3122X36-WHT-9-BLK51	07429236153100000	1M	P	336 KALISPELL AVE		E		2
271	0012670	3122X36-ZNA-UNIT107E1STST	07429236209227107	21	P	107 E 1ST ST		E		2
276	0012671	3122X36-ZNA-UNIT113E1STST	07429236209227113	1M	P	113 E 1ST ST		E		2
305	0012714	3122X36-WHT-9-BLK47	07429236135010000	1M	P	233 KALISPELL AVE		A		2
306	0012718	3122X36-WHT-13-BLK51	07429236152010000	3M	P	345 SPOKANE AVE		E		2
315	0013269	3122X36-CO9-UNIT2-OBRIEN	07429236201017002	1M	P	2 O'BRIEN AVE		E?		2
317	0013270	3122X36-CO9-UNIT150-RAILWAY	07429236201017150	1M	P	158 UNIT 150 RAILWAY ST		E?		2
320	0013271	3122X36-CO9-UNIT152-RAILWAY	07429236201017152	1M	P	152 UNIT 152 RAILWAY ST		E?		2
322	0013272	3122X36-CO9-UNIT6-OBRIEN	07429236201017006	1M	P	6 O'BRIEN AVE		E		2
323	0013273	3122X36-CO9-UNIT4-OBRIEN	07429236201017004	1M	P	4 O'BRIEN AVE		E		2
325	0013274	3122X36-CO9-UNIT154-RAILWAY	07429236201017154	1M	P	154 RAILWAY ST		E		2
328	0013275	3122X36-CO9-UNIT156-RAILWAY	07429236201017156	1M	P	156 RAILWAY ST		E		2

	A	B	C	D	F	G	O	P	Q	R
332	0013420	3122X36-OLE-UNIT-244	07429236114157244	21	P	244 E 1ST ST		E		1
334	0013421	3122X36-OLE-UNIT-238	07429236114157238	1M	P	238 E 1ST ST		E		1
336	0013422	3122X36-OLE-UNIT-250	07429236114157250	1M	P	250 E 1ST ST		E		1
338	0013815	3122X36-LFA-UNIT-C	07429236116307003	1M	P	116 UNIT C LUPFER AVE		E		1
339	0013816	3122X36-LFA-UNIT-D	07429236116307004	1M	P	116 UNIT D LUPFER AVE		E		1
342	0013945	3122X36-WA7-1	07429236146090000	1M	P	326 LUPFER AVE		E		2
344	0013988	3122X36-WHT-23-BLK35	07429236122190000	1M	P	103 CENTRAL AVE		A		1
346	0014057	3122X36-KRV-2-EXPARCELA	07429236206180000	1M	P	14 W 2ND ST		E	Mostly out of tier 2	
348	0014362	3122X36-BRL-UNIT-2	07429236119130000	1M	P	300 E 2ND ST		A		1
350	0014363	3122X36-BRL-UNIT-3	07429236119130000	1M	P	304 E 2ND ST		A		1
352	0017998	3122X36-WHT-19-BLK37	07429236118010000	1M	P	127 LUPFER AVE		E		1
355	0025650	3122X36-WHT-5-BLK50	07429236155080000	1M	P	322 COLUMBIA AVE		E	Out of tier 2	
357	0025830	3122X36-WHT-16-BLK28	07429236109090000	1M	P	17 CENTRAL AVE		A		1
362	0026450	3122X36-WHT-22-BLK59	07429236171100000	1M	P	415 LUPFER AVE		E		2
365	0028240	3122X36-WHT-17-BLK54	07429236147100000	1M	P	333 LUPFER AVE		E		2
370	0029250	3122X36-WHT-6-BLK33	07429236126050000	1M	P	122 COLUMBIA AVE		E		2
380	0029300	3122X36-WHT-23-S2-BLK54	07429236147040000	21	P	309 LUPFER AVE		E		2
381	0031401	3122X36-WHT-11-BLK53	07429236150130000	1M	P	346 CENTRAL AVE		A		2
386	0031800	3122X36-WHT-2-E68-BLK24	07429236208030000	1M	P	38 O'BRIEN AVE		E		2
387	0031850	3122X36-WHT-1-BLK24	07429236208010000	1M	P	26 O'BRIEN AVE		E		2
401	0039000	3122X36-WHT-16-BLK27	07429236111010000	1M	P	9 BAKER AVE		A		1
404	0042750	3122X36-WHT-16-BLK47	07429236134060000	1M	P	240 COLUMBIA AVE		E		2
411	0062371	3122X36-WHT-7-BLK51	07429236153080000	1M	P	328 KALISPELL AVE		E		2
417	0062601	3122X36-WHT-25-BLK46	07429236136260000	1M	P	225 SPOKANE AVE		A		2
418	0079877	3122X36-ROP-UNIT1	07429236210030000	1M	P	102 E 2ND ST		A		2
423	0089710	3122X36-WHT-18-BLK59	07429236171060000	1M	P	427 LUPFER AVE		E		2
424	0089711	3122X36-WHT-3-BLK50	07429236155030000	1M	P	310 COLUMBIA AVE		E	Majority out of tier 2	
428	0089712	3122X36-WHT-4-BLK55	07429236146060000	1M	P	314 LUPFER AVE		E		2
431	0102710	3122X36-WHT-16-BLK37	07429236119110000	1M	P	306 E 2ND ST		A		1
432	0104900	3122X36-WHT-23-BLK62	07429236165120000	1M	P	405 SPOKANE AVE		E		1
436	0105400	3122X36-WH5-1	07429236234100000	1M	P	130 E 4TH ST		E		2
440	0105800	3122X36-WHT-13-BLK50	07429236154140000	1M	P	347 KALISPELL AVE		E		2
442	0113370	3122X36-WHT-4-BLK47	07429236135060000	1M	P	733 E 2ND ST		E		2
446	0120000	3122X36-WHT-1-BLK37	07429236118120000	1M	P	100 BAKER AVE		A		1
451	0123150	3122X36-WHT-6-N2-BLK53	07429236150080000	1M	P	328 CENTRAL AVE		A		2
499	0125850	3122X36-WTA-8-W30-BLK30	07429236104150000	23	P	724 E 1ST ST		E		2
517	0126715	3122X36-WHT-20-BLK45	07429236138120000	1M	P	219 CENTRAL AVE		E		1
518	0126715	3122X36-WHT-20-BLK45	07429236138120000	1M	P	219 1/2 CENTRAL AVE		E		1
519	0126715	3122X36-WHT-20-BLK45	07429236138120000	1M	P	217 CENTRAL AVE		A		1
520	0127460	3122X36-WHT-3-BLK33	07429236126030000	1M	P	116 COLUMBIA AVE		E		2
524	0130750	3122X36-WHT-1-BLK60	07429236168010000	1M	P	404 CENTRAL AVE		E		2
529	0130850	3122X36-WHT-16-BLK25	07429236115130000	1M	P	19 O'BRIEN AVE		E		2
535	0133500	3122X36-WHT-24-BLK42	07429236144160000	1M	P	231 O'BRIEN AVE		E		2
539	0134850	3122X36-WHT-6-BLK61	07429236166040000	1M	P	422 SPOKANE AVE		E		2
543	0135610	3122X36-ODC-UNIT-1A	0742923614001001A	1M	P	242 UNIT D CENTRAL AVE		A		1
548	0136040	3122X36-WHT-24-BLK35	07429236122200000	1M	P	101 CENTRAL AVE		A		1
551	0142600	3122X36-WTA-J-BLK30	07429236105010000	1M	P	1 KALISPELL AVE		E		2
555	0144626	3122X36-WHT-5-BLK25	07429236114070000	1M	P	20 LUPFER AVE		A?		1
558	0152365	3122X36-MCC-UNIT-A	0742923613814000A	1M	P	215 UNIT A CENTRAL AVE		A		1
559	0152366	3122X36-WHT-17-BLK42	07429236144100000	1M	P	244 LUPFER AVE		A	Short term rental	2
564	0152812	3122X36-WHT-11-BLK61	07429236166100000	1M	P	444 SPOKANE AVE		A		2?
569	0162050	3122X36-WHT-18-BLK51	07429236152050000	1M	P	327 SPOKANE AVE		A		2
575	0180350	3122X36-TEL-UNIT-115-1	07429236116057001	1M	P	115 UNIT 1 O'BRIEN AVE		E		2
580	0180500	3122X36-WHT-17-BLK50	07429236154100000	1M	P	327 KALISPELL AVE		E		2
582	0187179	3122X36-WHT-1-BLK33	07429236126010000	1M	P	104 COLUMBIA AVE		E		2
585	0190450	3122X36-WHT-3-BLK39	07429236209060000	1M	P	112 O'BRIEN AVE		E		2
592	0190600	3122X36-WHT-16-BLK61	07429236167030000	1M	P	435 CENTRAL AVE		E		2
593	0192140	3122X36-WHT-5-S2-BLK62	07429236164080000	1M	P	426 KALISPELL AVE		E		2

	A	B	C	D	F	G	O	P	Q	R
598	0192237	3122X36-CVT-2	0742923610810000	1M	P	12 SPOKANE AVE		A		1
600	0193950	3122X36-WHT-12-BLK33	07429236127050000	1M	P	724 E 2ND ST		E		2
604	0195800	3122X36-WHT-18-BLK27	07429236111100000	1M	P	5 BAKER AVE		A		1
611	0199500	3122X36-WHT-22-S2-BLK42	07429236144140000	1M	P	235 O'BRIEN AVE		E		2
618	0200600	3122X36-WHT-18-BLK62	07429236165040000	1M	P	429 SPOKANE AVE		E		2
622	0202150	3122X36-WHT-23-BLK32	07429236129050000	1M	P	111 COLUMBIA AVE		E	out of tier 2	OUT
624	0206930	3122X36-WHT-18-BLK32	07429236128010000	1M	P	806 E 2ND ST		E	OUT OF TIER 2	OUT
626	0210950	3122X36-WHT-12-BLK42	07429236144010000	1M	P	222 LUPFER AVE		E		2
634	0233250	3122X36-WHT-4-BLK37	07429236118150000	1M	P	140 BAKER		A		1
637	0233889	3122X36-WHT-20-E49-BLK47	07429236134080000	1M	P	724 E 3RD ST		E		2
642	0233890	3122X36-WHT-20-BLK44	07429236140210000	1M	P	419 E 2ND ST		A		1
645	0234040	3122X36-ROP-UNIT2	07429236210050000	1M	P	106 E 2ND ST		A		2
647	0238950	3122X36-WTA-G-BLK30	07429236105050000	1M	P	719 RAILWAY ST		E		2
663	0247961	3122X36-WHT-9-BLK46	07429236136010000	1M	P	205 UNIT B SPOKANE AVE		A		2
670	0250000	3122X36-WHT-19-BLK52	07429236151050000	1M	P	341 CENTRAL AVE		A		2
678	0251750	3122X36-WHT-5-W55-BLK24	07429236208180000	21	P	107 RAILWAY ST		E		2
684	0252850	3122X36-WH6-8A	07429236208200000	1M	P	107 RAILWAY ST		E		2
689	0253201	3122X36-WHT-8-BLK38	07429236117010000	1M	P	250 E 2ND ST		A		1
692	0254015	3122X36-WHT-17-BLK28	07429236109110000	1M	P	15 CENTRAL AVE		A		1
694	0254016	3122X36-WHT-3-BLK58	07429236172080000	1M	P	412 LUPFER AVE		E	Residential	2
698	0256285	3122X36-WHT-1-BLK58	07429236172100000	1M	P	404 LUPFER AVE		E	Residential	2
703	0262290	3122X36-WHT-19-BLK25	07429236115190000	1M	P	7 O'BRIEN AVE		E		2
709	0269050	3122X36-WHT-1-BLK23	07429236207010000	1M	P	4 MILES AVE		E?	VACANT LOT	2
721	0269100	3122X36-WHT-4-BLK23	07429236207100000	1M	P	8 MILES AVE		E?	VACANT LOT	2
725	0272371	3122X36-WHT-5-E50-BLK24	07429236208130000	1M	P	120 E 1ST ST		E	R	2
731	0281750	3122X36-WHT-13-E50-BLK35	07429236122010000	1M	P	520 E 2ND ST		A		1
732	0289101	3122X36-WHT-17-BLK25	07429236115150000	1M	P	13 O'BRIEN AVE		A		2
735	0291961	3122X36-WHT-3-BLK56	07429236234190000	1M	P	310 O'BRIEN AVE		E	R	2
737	0292565	3122X36-WHT-1-BLK50	07429236155010000	1M	P	304 COLUMBIA AVE		E	R & LESS THAN 50% IN	
741	0327000	3122X36-WHT-3-BLK57	07429236233200000	1M	P	412 O'BRIEN AVE		E	R	2
750	0327310	3122X36-WTA-9-E50-BLK30	07429236104010000	1M	P	742 E 1ST ST		E	R	2
752	0335930	3122X36-WHT-14-BLK33	07429236127070000	1M	P	716 E 2ND ST		E	R	2
759	0341700	3122X36-WHT-12-BLK46	07429236136130000	1M	P	224 KALISPELL AVE		E	R	2
766	0347575	3122X36-WHT-25-E25-BLK39	07429236209240000	1M	P	119 E 1ST ST		E	R	2
768	0351520	3122X36-WHT-3-BLK25	07429236114030000	1M	P	12 LUPFER AVE		E	R	2
776	0356555	3122X36-WHT-4-BLK61	07429236166010000	1M	P	406 SPOKANE AVE		E?	VACANT - PAVED PARKING LOT	2
781	0359001	3122X36-WHT-1-BLK41	07429236211040000	1M	P	139 E 2ND ST		E?	VACANT	2
786	0360051	3122X36-WHT-1-BLK51	07429236153010000	1M	P	306 KALISPELL AVE		E	R	2
800	0365962	3122X36-WHT-16-BLK26	07429236113010000	1M	P	37 LUPFER AVE		E	R	2
815	0369926	3122X36-WHT-2-BLK26	07429236112010000	1M	P	10 BAKER AVE		A		1
823	0382550	3122X36-WHT-9-BLK61	07429236166080000	1M	P	432 SPOKANE AVE		A	ASSESSED AS RESIDENTIAL	2
825	0395039	3122X36-SCS-1	07429236137100000	1M	P	224 SPOKANE AVE		A		1
828	0395050	3122X36-WTA-14-BLK30	07429236104200000	1M	P	27 KALISPELL AVE		E	R	2
833	0404815	3122X36-WHT-23-S20-BLK50	07429236154040000	1M	P	309 KALISPELL AVE		E	R	2
835	0405005	3122X36-VSC-UNIT-1	07429236138010001	1M	P	239 UNIT 1 CENTRAL AVE		A		1
837	0407720	3122X36-ROP-UNIT3	07429236210070000	1M	P	110 E 2ND ST		A		2
838	0412350	3122X36-WHT-19-E2-BLK44	07429236140120000	1M	P	221 BAKER AVE		A		1
841	0416900	3122X36-WHT-4-S2-BLK58	07429236172060000	1M	P	418 LUPFER AVE		E	R	2
855	0417900	3122X36-WHT-11-E100-BLK60	07429236168090000	1M	P	444 CENTRAL AVE		E	R	2
857	0417900	3122X36-WHT-11-W30-BLK60	07429236168090000	1M	P	444 1/2 CENTRAL AVE		E	R	2
862	0429630	3122X36-WIB-1	07429236118080000	1M	P	311 E 1ST ST		A		1
864	0430700	3122X36-WHT-14-BLK28	07429236109060000	1M	P	27 CENTRAL AVE		A		1
869	0434545	3122X36-WHT-21-BLK32	07429236129030000	1M	P	115 COLUMBIA AVE		E	R	NOT IN
874	0443950	3122X36-OLE-UNIT-230	07429236114157230	1M	P	230 E 1ST ST		E	R	1
877	0444176	3122X36-WHT-1-W30-BLK52	07429236151300000	1M	P	525 E 3RD ST		E?	VACANT - PAVED PARKING LOT	2
880	0456465	3122X36-WHT-1-E2-BLK62	07429236164040000	1M	P	406 KALISPELL AVE		E	R	2
886	0460770	3122X36-WHT-1-S37.56-BLK42	07429236143160000	1M	P	218 LUPFER AVE		E	R	1
899	0460800	3122X36-WHT-1-BLK55	07429236146010000	1M	P	306 LUPFER AVE		E	R	2

	A	B	C	D	F	G	O	P	Q	R
902	0465600	3122X36-WHT-19-BLK35	07429236122140000	1M	P	123 CENTRAL AVE		A		1
906	0467650	3122X36-WHT-14-BLK47	07429236134040000	1M	P	236 COLUMBIA AVE		E	R	2
913	0469170	3122X36-WHT-20-BLK32	07429236129010000	21	P	119 COLUMBIA AVE		E	R	NOT IN
920	0469200	3122X36-WHT-21-S2-BLK55	07429236145100000	1M	P	319 O'BRIEN AVE		E	R	2
924	0469203	3122X36-WHT-14-W90-BLK25	07429236115090000	1M	P	25 O'BRIEN AVE		A		2
925	0471200	3122X36-WHT-11-W19-BLK38	07429236117060000	21	P	226 E 2ND ST		E	R	1
937	0471250	3122X36-WHT-11-E40-BLK25	07429236115010000	1M	P	220 E 1ST ST		E	R	2
940	0471250	3122X36-WHT-12-E40-BLK25	07429236115010000	1M	P	222 E 1ST ST		E	R	2
943	0471300	3122X36-WHT-1-W34.5-BLK39	07429236209010000	1M	P	127 E 1ST ST		E	R	2
950	0471400	3122X36-WHT-25-BLK33	07429236125080000	1M	P	105 KALISPELL AVE		E	R	2
951	0471450	3122X36-WHT-11-BLK51	07429236153120000	1M	P	344 KALISPELL AVE		E	R	NOT IN
955	0471500	3122X36-CO9-UNIT142-RAILWAY	07429236201017142	1M	P	142 RAILWAY ST		A?	COMMERCIAL - CONDO?	2
958	0472829	3122X36-WHT-19-BLK61	07429236167070000	1M	P	423 CENTRAL AVE		E	R	2
961	0473749	3122X36-WHT-24-W65-BLK58	07429236173030000	1M	P	205 E 4TH ST		E	R	1
963	0477150	3122X36-WHT-6-BLK25	07429236114090000	1M	P	22 LUPFER AVE		E	MF	1
965	0477200	3122X36-WHT-7-BLK25	07429236114110000	1M	P	28 LUPFER AVE		A		1
968	0484010	3122X36-ROP-UNIT4	07429236210090000	1M	P	100 UNIT 4 E 2ND ST		A		2
970	0486301	3122X36-WHT-19-W2-BLK44	07429236140100000	1M	P	221 BAKER AVE		A		1
972	0493835	3122X36-WTA-E-BLK30	07429236105070000	1M	P	723 RAILWAY ST		E	R	2
976	0496030	3122X36-WHT-1-W2-BLK62	07429236164010000	1M	P	631 E 4TH ST		E	R	NOT IN
982	0499450	3122X36-WHT-5-BLK60	07429236168050000	1M	P	422 CENTRAL AVE		E	R	2
990	0500191	3122X36-WHT-17-BLK55	07429236145050000	1M	P	333 O'BRIEN AVE		E	MF	2
991	0500193	3122X36-WHT-17-BLK45	07429236138080000	1M	P	229 CENTRAL AVE		A		1
996	0502194	3122X36-BWL-B	07429236212550000	1M	P	WEST 2ND		A	VACANT COMMERCIAL	NOT IN
997	0504950	3122X36-WHT-6-BLK47	07429236135040000	21	P	717 E 2ND ST		E	R	2
1005	0506150	3122X36-SPE-UNIT1-GARAGE	07429236165087001	1M	P	419 UNIT 1 SPOKANE AVE		A?	ASSESSED AS RESID	2
1012	0510490	3122X36-WHT-15-BLK55	07429236145010000	1M	P	345 O'BRIEN AVE		E	R	2
1013	0513447	3122X36-WHT-24-BLK32	07429236129070000	1M	P	819 E 1ST ST		E	R	NOT IN
1016	0514300	3122X36-WHT-13-BLK37	07429236119070000	1M	P	324 E 2ND ST		A		1
1020	0517450	3122X36-WHX-1	07429236114010000	21	P	217 RAILWAY ST		E	R	2
1026	0517901	3122X36-WHT-23-BLK44	07429236140160000	1M	P	403 E 2ND ST		A?	VACANT	1
1029	0524675	3122X36-WHT-1-2-EXEMPTPTN-BLK56	07429236234220000	1M	P	304 O'BRIEN AVE		A?	COMMERCIAL?	2
1031	0524675	3122X36-WHT-1-2-EXEMPTPTN-BLK56	07429236234220000	1M	P	306 O'BRIEN AVE		A?	COMMERCIAL?	2
1037	0532400	3122X36-WHT-8-BLK55	07429236146100000	1M	P	332 LUPFER AVE		E	R	2
1046	0557200	3122X36-WHT-9-BLK27	07429236110100000	1M	P	38 CENTRAL AVE		E?	VACANT PAVED PARKING LOT	1
1050	0561651	3122X36-WHT-14-BLK44	07429236140040000	1M	P	239 BAKER AVE		A		1
1052	0565300	3122X36-WHT-12-N7INCHES-BLK28	07429236109040000	1M	P	27 CENTRAL AVE		A		1
1058	0565900	3122X36-WHT-21-BLK50	07429236154060000	1M	P	315 KALISPELL AVE		E	R	2
1062	0568250	3122X36-WHT-24-BLK54	07429236147010000	1M	P	301 LUPFER AVE		E	R	2
1065	0577050	3122X36-RHC-UNIT-102MILES	07429236207207102	1M	P	102 MILES AVE		E	R	2
1066	0577150	3122X36-ZNA-UNIT101E1STST	07429236209227101	1M	P	101 E 1ST ST		E	R	2
1072	0585420	3122X36-WHT-20-BLK33	07429236125010000	1M	P	123 KALISPELL AVE		E	R	2
1078	0586975	3122X36-WHT-22-BLK55	07429236145120000	1M	P	311 O'BRIEN AVE		E	R	2
1081	0587700	3122X36-WHT-11-W90-BLK25	07429236115050000	1M	P	39 O'BRIEN AVE		E	R	2
1087	0588000	3122X36-WHT-19-BLK55	07429236145080000	1M	P	327 O'BRIEN AVE		E	R	2
1094	0588110	3122X36-WHT-22-BLK58	07429236173080000	1M	P	413 O'BRIEN AVE		E	R	2
1098	0589500	3122X36-WHT-4-BLK62	07429236164060000	1M	P	418 KALISPELL AVE		E	R	NOT IN
1105	0595540	3122X36-WHT-18-BLK61	07429236167050000	1M	P	427 CENTRAL AVE		E	R	2
1106	0600341	3122X36-WHT-18-BLK35	07429236122120000	1	P	125 CENTRAL AVE		A		1
1117	0616450	3122X36-WHT-21-BLK53	07429236149100000	1M	P	315 BAKER AVE		A?	R	2
1118	0616450	3122X36-WHT-21-BLK53	07429236149100000	1M	P	315 1/2 BAKER AVE		A?	R	2
1126	0616500	3122X36-WHT-17-BLK53	07429236149150000	1M	P	331 BAKER AVE		E	R	2
1127	0616500	3122X36-WHT-17-BLK53	07429236149150000	1M	P	331 1/2 BAKER AVE		E	R	2
1130	0618450	3122X36-WHT-8-BLK44	07429236139090000	1M	P	224 CENTRAL AVE		A		1
1132	0618500	3122X36-WHT-6-BLK44	07429236139070000	1M	P	220 CENTRAL AVE		A		1
1140	0618501	3122X36-WHT-8-BLK33	07429236127010000	21	P	738 E 2ND ST		E	R	2
1145	0623375	3122X36-WTA-15-BLK30	07429236104220000	1M	P	21 KALISPELL AVE		E	R	2
1152	0636415	3122X36-WHT-25-W75-BLK38	07429236116070000	1M	P	205 E 1ST ST		E	R	2

	A	B	C	D	F	G	O	P	Q	R
1154	0657546	3122X36-CVT-1	07429236108010000	1M	P	525 RAILWAY ST		A		1
1156	0676932	3122X36-WHT-15-BLK35	07429236122070000	1M	P	141 CENTRAL AVE		A		1
1161	0677200	3122X36-WHT-19-BLK50	07429236154080000	1M	P	323 KALISPELL AVE		E	R	2
1163	0685101	3122X36-WHT-4-BLK44	07429236139050000	1M	P	214 CENTRAL AVE		A		1
1169	0685350	3122X36-WHT-21-BLK54	07429236147060000	1M	P	317 LUPFER AVE		E	R	2
1174	0686280	3122X36-WHT-20-BLK59	07429236171080000	1M	P	421 LUPFER AVE		E	R	2
1179	0686354	3122X36-WHT-16-BLK44	07429236140060000	1M	P	237 BAKER AVE		A		1
1183	0686800	3122X36-WHT-3-BLK45	07429236137040000	1M	P	533 E 2ND ST		A		1
1188	0686900	3122X36-WHT-9-BLK53	07429236150100000	1M	P	334 CENTRAL AVE		A		2
1198	0687126	3122X36-WHT-8-BLK42	07429236143010000	1M	P	201 E 2ND ST		A		2
1205	0688154	3122X36-WHT-21-BLK61	07429236167090000	1M	P	415 CENTRAL AVE		E	R	2
1206	0688158	3122X36-WHT-19-BLK45	07429236138100000	1M	P	221 CENTRAL AVE		A		1
1208	0688698	3122X36-WHT-8-BLK25	07429236114130000	1M	P	10 LUPFER AVE		E?	VACANT RES	1
1210	0688699	3122X36-WHT-15-BLK25	07429236115110000	1M	P	21 O'BRIEN AVE		E	R	2
1213	0693755	3122X36-WHT-4-BLK56	07429236234170000	1M	P	318 O'BRIEN AVE		E	R	2
1216	0695305	3122X36-WHT-10-BLK33	07429236127030000	1M	P	734 E 2ND ST		E	R	2
1221	0699933	3122X36-WHT-12-BLK37	07429236119050000	1M	P	326 E 2ND ST		A		1
1237	0708950	3122X36-WHT-23-BLK60	07429236169100000	1M	P	401 BAKER AVE		A		2
1241	0709681	3122X36-WHT-3-BLK37	07429236118130000	1M	P	100 BLOCK BAKER		E?	VACANT PAVED PARKING LOT	1
1246	0710376	3122X36-WHT-14-BLK53	07429236149180000	1M	P	333 BAKER AVE		A		2
1247	0714600	3122X36-WHT-16-BLK35	07429236122090000	1M	P	131 CENTRAL AVE		A		1
1254	0720820	3122X36-WHT-24-BLK50	07429236154010000	1M	P	301 KALISPELL AVE		E	R	2
1256	0720821	3122X36-WHT-1-N79-BLK46	07429236136110000	1M	P	641 E 2ND ST		E?	VACANT	2
1259	0720822	3122X36-WHT-1-S30-BLK46	07429236136090000	1M	P	216 KALISPELL AVE		E	R	2
1264	0720823	3122X36-WHT-3-BLK46	07429236136070000	1M	P	631 E 2ND ST		E	R	2
1267	0724240	3122X36-WHT-9-BLK44	07429236139110000	1M	P	232 CENTRAL AVE		A		1
1269	0739080	3122X36-WHT-11-BLK41	07429236211250000	1M	P	246 O'BRIEN AVE		E	R	2
1279	0745800	3122X36-WHT-4-BLK25	07429236114050000	1M	P	14 LUPFER AVE		A		1
1283	0747450	3122X36-WHT-19-BLK54	07429236147080000	1M	P	325 LUPFER AVE		E	R	2
1285	0752330	3122X36-WHT-3-BLK55	07429236146040000	1M	P	310 LUPFER AVE		E	R	2
1289	0755650	3122X36-WHT-8-BLK60	07429236168070000	1M	P	436 CENTRAL AVE		E	R	2
1294	0755800	3122X36-WHT-17-BLK46	07429236136180000	1M	P	244 KALISPELL AVE		E	R	2
1318	0756460	3122X36-WHT-8-BLK52	07429236151250000	1M	P	306 SPOKANE AVE		A		2
1321	0764350	3122X36-WHT-4-S2-BLK39	07429236209080000	1M	P	118 O'BRIEN AVE		E	R	2
1331	0769300	3122X36-WHT-23-BLK33	07429236125050000	1M	P	111 KALISPELL AVE		E	R	2
1333	0769810	3122X36-WHT-12-BLK47	07429236134010000	1M	P	224 COLUMBIA AVE		E	R	2
1338	0770750	3122X36-WHT-11-BLK36	07429236121160000	1M	P	144 CENTRAL AVE		A		1
1339	0777509	3122X36-WHT-23-SPT-BLK45	07429236138160000	1M	P	205 CENTRAL AVE		A		1
1342	0780390	3122X36-WHT-10-BLK44	07429236139140000	1M	P	238 CENTRAL AVE		A		1
1346	0788200	3122X36-WHT-9-BLK55	07429236146140000	1M	P	338 LUPFER AVE		E	R	2
1347	0789725	3122X36-WHT-7-BLK36	07429236121120000	1M	P	128 CENTRAL AVE		A		1
1352	0792215	3122X36-WHT-21-EXN1-BLK35	07429236122160000	1M	P	115 CENTRAL AVE		A		1
1354	0796290	3122X36-WHT-5-W25OFE75-BLK24	07429236208150000	1M	P	112 E 1ST ST		E	R	2
1362	0796970	3122X36-WHT-7-BLK37	07429236118200000	1M	P			E?	VACANT PARKING LOT	1
1365	0806700	3122X36-WHT-11-BLK55	07429236146160000	1M	P	346 LUPFER AVE		E	R	2
1371	0815450	3122X36-WTA-A-BLK30	07429236105130000	1M	P	20 COLUMBIA AVE		E	R	2
1377	0818650	3122X36-WHT-22-BLK45	07429236138150000	1M	P	209 CENTRAL AVE		A		1
1384	0818850	3122X36-WHT-22-BLK46	07429236136240000	1M	P	243 SPOKANE AVE		E?	VACANT COMMERCIAL	2
1390	0824209	3122X36-WIA-2A	07429236121010000	1M	P	110 CENTRAL AVE		A		1
1395	0824770	3122X36-WHT-24-E65-BLK58	07429236173010000	1M	P	215 E 4TH ST		E	R	2
1397	0828750	3122X36-WHT-5-BLK55	07429236146080000	1M	P	318 LUPFER AVE		E	R	2
1399	0834100	3122X36-WHT-3-E68-BLK24	07429236208050000	1M	P	40 O'BRIEN AVE		E	R	2
1404	0835140	3122X36-WHT-15-BLK54	07429236147120000	21	P	339 LUPFER AVE		E	R	2
1411	0837002	3122X36-WHT-13-S18OFW90-BLK25	07429236115070000	21	P	29 O'BRIEN AVE		E	R	2
1416	0837350	3122X36-WHT-15-BLK45	07429236138030000	1M	P	237 CENTRAL AVE		A		1
1420	0839425	3122X36-WHT-14-BLK54	07429236147140000	1M	P	341 LUPFER AVE		E	R	2
1421	0848400	3122X36-WHT-5-BLK37	07429236118170000	1M	P	100 BLOCK BAKER		E?	VACANT PARKING LOT	1
1426	0848850	3122X36-WHT-15-BLK46	07429236136150000	1M	P	236 KALISPELL AVE		E	R	2

	A	B	C	D	F	G	O	P	Q	R
1430	0857810	3122X36-WHT-12-BLK36	07429236121180000	1M	P	420 E 2ND ST		A	BARBER SHOP	1
1431	0857810	3122X36-WHT-12-BLK36	07429236121180000	1M	P	492 E 2ND ST		A	REALTY	1
1432	0857810	3122X36-WHT-12-BLK36	07429236121180000	1M	P	148 CENTRAL AVE		A	BOZEMAN WATCH	1
1440	0863650	3122X36-WHT-9-BLK37	07429236119010000	1M	P	140 BAKER AVE		A		1
1442	0864850	3122X36-WHT-17-BLK33	07429236127090000	1M	P	706 E 2ND ST		E	R	NOT IN
1445	0865900	3122X36-WHT-8-BLK28	07429236108160000	1M	P	22 SPOKANE AVE		A		1
1448	0865990	3122X36-ROP-UNIT5	07429236210110000	1M	P	100 UNIT 5 E 2ND ST		A		2
1450	0865995	3122X36-ROP-UNIT6	07429236210130000	1M	P	140 E 2ND ST		A		2
1451	0872300	3122X36-WHT-6-BLK56	07429236234150000	1M	P	324 O' BRIEN AVE		E	R	2
1458	0878150	3122X36-WHT-1-EXTRA-BLK45	07429236137060000	1M	P	541 E 2ND ST		E?	VACANT PAVED PARKING	1
1460	0880875	3122X36-WHT-1-N71.44-BLK42	07429236143100000	1M	P	206 LUPFER AVE		A		1
1462	0880875	3122X36-WHT-3-N71.44-BLK42	07429236143100000	1M	P	233 E 2ND ST		A		1
1486	0882150	3122X36-WHT-7-BLK54	07429236148010000	1M	P	300 BAKER AVE		A		2
1494	0888675	3122X36-WHT-25-BLK42	07429236144180000	1M	P	221 O' BRIEN AVE		E	R	2
1502	0889350	3122X36-WTA-8-EXE50ANDW30-BLK30	07429236104050000	1M	P	736 E 1ST ST		E	R	2
1510	0890170	3122X36-WHT-24-E42-BLK53	07429236149060000	1M	P	419 E 3RD ST		A		1
1512	0891400	3122X36-WHT-10-BLK28	07429236108180000	1M	P	550 E 1ST ST		A		2
1514	0891400	3122X36-WHT-9-BLK28	07429236108180000	1M	P	28 SPOKANE AVE		A		2
1516	0895850	3122X36-WTA-C-BLK30	07429236105110000	1M	P	733 RAILWAY ST		E	R	2
1520	0897100	3122X36-WHT-14-BLK35	07429236122050000	1M	P	147 CENTRAL AVE		A		1
1521	0900390	3122X36-WHT-3-BLK60	07429236168030000	1M	P	416 CENTRAL AVE		E	R	2
1526	0913301	3122X36-WHT-13-W80-BLK35	07429236122030000	1M	P	147 CENTRAL AVE		A		1
1527	0915356	3122X36-WHT-5-BLK46	07429236136050000	1M	P	627 E 2ND ST		E	R	2
1536	0915359	3122X36-WHT-24-BLK61	07429236167110000	1M	P	405 UNIT 3 CENTRAL AVE		E	R	2
1537	0915359	3122X36-WHT-24-BLK61	07429236167110000	1M	P	405 UNIT 1 CENTRAL AVE		E	R	2
1538	0915359	3122X36-WHT-24-BLK61	07429236167110000	1M	P	405 UNIT 4 CENTRAL AVE		E	R	2
1539	0915359	3122X36-WHT-24-BLK61	07429236167110000	1M	P	405 UNIT 2 CENTRAL AVE		E	R	2
1542	0915364	3122X36-WHT-3-E22OFW40-BLK24	07429236208090000	1M	P	130 E 1ST ST		E	R	2
1548	0915365	3122X36-WHT-3-W18-BLK24	07429236208110000	1M	P	128 E 1ST ST		E	R	2
1553	0924050	3122X36-WHT-21-BLK44	07429236140190000	1M	P	415 E 2ND ST		A		1
1556	0924100	3122X36-WHT-13-BLK38	07429236117080000	1M	P	220 E 2ND ST		A		1
1565	0924350	3122X36-WHT-24-BLK55	07429236145140000	21	P	303 O' BRIEN AVE		E		2
1568	0924700	3122X36-ZMU-UNIT-A1	07429236210017011	1M	P	144 UNIT 102 E 2ND ST		A		2
1570	0931620	3122X36-TMC-UNIT-1A	0742923613818001A	1M	P	201 UNIT 1A CENTRAL AVE		A		1
1573	0932675	3122X36-RAI-UNIT219-E1STST	07429236116097219	1M	P	219 E 1ST ST		E		2
1577	0933700	3122X36-WHT-3-E22OFW62-BLK24	07429236208070000	1M	P	134 E 1ST ST		E		2
1581	0934050	3122X36-DSC-SPACE-1	07429236141150000	1M	P	307 E 2ND ST		A		1
1584	0934980	3122X36-WHT-20-BLK42	07429236144120000	1M	P	243 O' BRIEN AVE		E?	MF	2
1586	0936254	3122X36-WHT-6-S22.5-BLK39	07429236209120000	1M	P	124 O' BRIEN AVE		A		2
1590	0943501	3122X36-WHT-22-BLK39	07429236209180000	1M	P	100+ MILES		E?	VACANT LOT	2
1593	0948700	3122X36-WHT-1-BLK47	07429236135080000	1M	P	739 E 2ND ST		E		2
1601	0961560	3122X36-WTA-12-BLK30	07429236104180000	1M	P	41 KALISPELL AVE		E		2
1603	0965875	3122X36-WHT-1-E95.5-BLK39	07429236209040000	1M	P	104 O' BRIEN AVE		A		2
1607	0966000	3122X36-WHT-3-BLK27	07429236110010000	1M	P	10 CENTRAL AVE		A		1
1612	0968057	3122X36-CNC-UNIT-1	07429236118030001	1M	P	119 UNIT 1 LUPFER AVE		E		1
1615	0968058	3122X36-CNC-UNIT-2	07429236118030002	1M	P	119 UNIT 2 LUPFER AVE		E		1
1617	0968059	3122X36-CNC-UNIT-3	07429236118030003	1M	P	119 UNIT 3 LUPFER AVE		E		1
1618	0968060	3122X36-CNC-UNIT-4	07429236118030004	1M	P	119 UNIT 4 LUPFER AVE		E		1
1620	0968061	3122X36-CNC-UNIT-5	07429236118030005	1M	P	119 UNIT 5 LUPFER AVE		E		1
1623	0968062	3122X36-CNC-UNIT-6	07429236118030006	1M	P	119 UNIT 6 LUPFER AVE		E		1
1625	0968063	3122X36-CNC-UNIT-7	07429236118030007	1M	P	119 UNIT 7 LUPFER AVE		E		1
1627	0968063	3122X36-CNC-UNIT-7	07429236118030007	21	P	119 UNIT 7 LUPFER AVE		E		1
1629	0968064	3122X36-CNC-UNIT-8	07429236118030008	1M	P	119 UNIT 8 LUPFER AVE		E		1
1630	0969414	3122X36-WHT-10-BLK38	07429236117040000	1M	P	234 E 2ND ST		A		1
1635	0971026	3122X36-WHT-1-BLK44	07429236139010000	1M	P	204 CENTRAL AVE		A		1
1637	0972050	3122X36-SCS-2	07429236137140000	1M	P	244 SPOKANE AVE		A		2
1655	0972167	3122X36-WHT-24-EXN7OFE55-BLK43	07429236141010000	1M	P	300 E 3RD ST		A		1
1665	0972167	3122X36-WHT-3-BLK43	07429236141010000	1M	P	319 E 2ND ST		A		1

	A	B	C	D	F	G	O	P	Q	R
1676	0972551	3122X36-DSC-SPACE-2	07429236141150002	1M	P	305 E 2ND ST SPACE 2		A		1
1679	0972552	3122X36-DSC-UNIT-1A	0742923614115001A	1M	P	301 1A E 2ND ST		A		1
1680	0972553	3122X36-DSC-UNIT-1B	0742923614115001B	1M	P	301 1B E 2ND ST		A		1
1682	0972554	3122X36-DSC-UNIT-1C	0742923614115001C	1M	P	301 1C E 2ND ST		A		1
1684	0972555	3122X36-DSC-UNIT-1D	0742923614115001D	1M	P	301 1D E 2ND ST		A		1
1687	0972556	3122X36-DSC-UNIT-2A	0742923614115002A	1M	P	301 2A E 2ND ST		A	NEW SHORT TERM RENTAL	1
1688	0972557	3122X36-DSC-UNIT-2B	0742923614115002B	1M	P	301 2B E 2ND ST		E		1
1690	0972558	3122X36-DSC-UNIT-2C	0742923614115002C	1M	P	301 2C E 2ND ST		E		1
1692	0972559	3122X36-DSC-UNIT-2D	0742923614115002D	1M	P	301 2D E 2ND ST		E		1
1694	0972560	3122X36-DSC-UNIT-2E	0742923614115002E	1M	P	301 2E E 2ND ST		E		1
1697	0972561	3122X36-DSC-UNIT-2F	0742923614115002F	1M	P	301 2F E 2ND ST		E		1
1699	0972562	3122X36-DSC-UNIT-2G	0742923614115002G	1M	P	301 2G E 2ND ST		E		1
1700	0972563	3122X36-DSC-UNIT-2H	0742923614115002H	1M	P	301 2H E 2ND ST		E		1
1704	0973203	3122X36-MCC-UNIT-B	0742923613814000B	1M	P	215 UNIT B CENTRAL AVE		A		1
1706	0973204	3122X36-MCC-UNIT-C	0742923613814000C	1M	P	215 UNIT C CENTRAL AVE		A		1
1709	0973205	3122X36-MCC-UNIT-D	0742923613814000D	21	P	215 UNIT D CENTRAL AVE		A		1
1712	0973206	3122X36-MCC-UNIT-E	0742923613814000E	1M	P	215 UNIT E CENTRAL AVE		A		1
1718	0973715	3122X36-TMC-UNIT-1B	0742923613818001B	1M	P	505 E 2ND ST		A		1
1721	0973716	3122X36-TMC-UNIT-2A	0742923613818002A	1M	P	201 UNIT 2A CENTRAL AVE		A		1
1723	0973717	3122X36-TMC-UNIT-2B	0742923613818002B	1M	P	201 UNIT 2B CENTRAL AVE		A		1
1725	0973718	3122X36-TMC-UNIT-2C	0742923613818002C	1M	P	201 UNIT 2C CENTRAL AVE		A		1
1727	0974096	3122X36-ODC-UNIT-1B	0742923614001001B	1M	P	240 CENTRAL AVE		A		1
1729	0974097	3122X36-ODC-UNIT-1C	0742923614001001C	1M	P	242 CENTRAL		A		1
1731	0974098	3122X36-ODC-UNIT-1D	0742923614001001D	1M	P	420 E 3RD ST		A		1
1732	0974099	3122X36-ODC-UNIT-2A	0742923614001002A	1M	P	430 E 3RD ST		E		1
1735	0974205	3122X36-RHC-UNIT-106MILES	07429236207207106	1M	P	106 MILES AVE		E		2
1736	0974206	3122X36-RHC-UNIT-110MILES	07429236207207110	1M	P	110 MILES AVE		E		2
1740	0974207	3122X36-RHC-UNIT-114MILES	07429236207207114	21	P	114 MILES AVE		E		2
1743	0974208	3122X36-RHC-UNIT-118MILES	07429236207207118	1M	P	118 MILES AVE		E		2
1744	0974209	3122X36-RHC-UNIT-122MILES	07429236207207122	1M	P	122 MILES AVE		E		2
1746	0974210	3122X36-RHC-UNIT-126MILES	07429236207207126	1M	P	126 MILES AVE		E		2
1748	0974211	3122X36-RHC-UNIT-130MILES	07429236207207130	1M	P	130 MILES AVE		E		2
1751	0974212	3122X36-RHC-UNIT-134MILES	07429236207207134	1M	P	134 MILES AVE		E		2
1753	0974213	3122X36-RHC-UNIT-138MILES	07429236207207138	1M	P	138 MILES AVE		E		2
1755	0974241	3122X36-ROP-UNIT7	07429236210150000	1M	P	100 UNIT 7 E 2ND ST		A		2
1762	0975003	3122X36-WHT-15-BLK50	07429236154120000	21	P	341 KALISPELL AVE		E		2
1765	0975008	3122X36-WHT-14-S17-BLK42	07429236144060000	1M	P	238 LUPFER AVE		E		2
1772	0975278	3122X36-WHT-14-BLK61	07429236167010000	1M	P	443 CENTRAL AVE		E		2
1774	0975491	3122X36-WHT-16-BLK45	07429236138050000	1M	P	235 CENTRAL AVE		A		1
1778	0975865	3122X36-WHT-16-BLK51	07429236152030000	1M	P	335 SPOKANE AVE		E		2
1781	0975888	3122X36-WT8-2	07429236138020000	1M	P	516 E 3RD ST		A		1
1785	0976968	3122X36-WHT-24-W88-BLK53	07429236149010000	1M	P	305 BAKER AVE		A		1
1788	0977414	3122X36-WHT-12-EXN7INCHES-BLK28	07429236109010000	1M	P	33 CENTRAL AVE		A		1
1790	0977458	3122X36-WHT-22-BLK62	07429236165100000	1M	P	411 SPOKANE AVE		A		2
1796	0977676	3122X36-WHT-9-BLK36	07429236121140000	1M	P	130 CENTRAL AVE		A		1
1799	0977771	3122X36-VSC-UNIT-2	07429236138010002	1M	P	241 CENTRAL AVE		A		1
1806	0977773	3122X36-VSC-UNIT-4	07429236138010004	1M	P	514 E 3RD ST		A		1
1809	0977779	3122X36-WHT-6-BLK28	07429236108140000	1M	P	20 SPOKANE AVE		A		1
1818	0978374	3122X36-WHT-23-BLK51	07429236152100000	1M	P	307 SPOKANE AVE		A		2
1827	0979352	3122X36-DEU-1-100	07429236106250000	1M	P	400 RAILWAY ST		E?	PAVED PARKING LOT	2
1829	0980186	3122X36-WHT-2-BLK44	07429236139020000	1M	P	206 CENTRAL AVE		A		1
1831	0980187	3122X36-WHT-3-BLK44	07429236139030000	1M	P	208 CENTRAL AVE		A		1
1833	0980771	3122X36-BAF-UNIT1	07429236140080001	1M	P	235 BAKER AVE		A		1
1835	0980771	3122X36-BAF-UNIT1-COMMONAREA	07429236140080001	1M	P	233 BAKER AVE		A	SAME ASSESSOR #	1
1837	0980772	3122X36-BAF-UNIT2	07429236140080002	1M	P	223 BAKER AVE		A		1
1840	0980913	3122X36-LFA-UNIT-B	07429236116307002	1M	P	116 UNIT B LUPFER AVE		A		1
1842	0981980	3122X36-WHT-1-BLK27	07429236110030000	1M	P	2 CENTRAL AVE		A		1
1847	0982130	3122X36-ZMU-UNIT-A2	07429236210017012	1M	P	144 UNIT 100 E 2ND ST		A		2

	A	B	C	D	F	G	O	P	Q	R
1848	0982131	3122X36-ZMU-UNIT-B1	07429236210017021	1M	P	144 UNIT 201 E 2ND ST		A		2
1849	0982131	3122X36-ZMU-UNIT-B1	07429236210017021	21	P	144 UNIT 201 E 2ND ST		A		2
1852	0982132	3122X36-ZMU-UNIT-B2	07429236210017022	1M	P	144 UNIT 200 E 2ND ST		A		2
1856	E000125	3122X36-WHT-24-BLK59	07429236171120000	1M	P			E		2
1860	E000327	3122X36-WHT-4-5-ABDALLEY-BLK41	07429236211010000	1M	P	121 E 2ND ST		E?	PAVED PARKING LOT	2
1867	E000345	3122X36-WHT-IMP1348ON5BLK41	07429236211011348	1M	P	121 E 2ND ST		A		2
1872	E000616	3122X36-WHT-5-W40-BLK35	07429236123200000	1M	P	2ND AND SPOKANE		E?	PAVED PARKING LOT	1
1874	E000714	3122X36-WHT-5-EXW40-BLK35	07429236123140000	1M	P	118 SPOKANE AVE		E?	PAVED PARKING LOT	1
1883	E001112	3122X36-WHT-9-BLK35	07429236123080000	1M	P	540 E 2ND ST		E?	PAVED PARKING LOT	1
1885	E001244	3122X36-DSA-2	07429236106150000	1M	P	504 RAILWAY ST		A		1
1888	E001265	3122X36-LFT-1	07429236116260000	1M	P	140 LUPFER AVE		A		1
1894	E001274	3122X36-WHT-8-TRA-BLK37	07429236119010000	1M	P	ALLEYS		E		1 AND 2
1896	E001284	3122X36-WHT-23-BLK36	07429236120120000	1M	P	105 BAKER AVE		A		1
1899	E025065	3122X36-WHT-13-S50-BLK41		1M	P	119 E 2ND STREET		A	KAY BELLER PARK	2
1914	E025100	3122X36-WHT-9-NWPT-BLK41	07429236211100000	1M	P	119 E 2ND STREET		A	KAY BELLER PARK	2
1915	E025550	3122X36-WHT-10-SEPT-BLK41	07429236211180000	1M	P	119 E 2ND STREET		A	KAY BELLER PARK	2
1921	E025650	3122X36-WHT-21-BLK36	07429236120100000	1M	P	129 BAKER AVE		E?	PAVED PARKING LOT	1
1929	E026495	3122X36-WHT-6-BLK26	07429236112080000	1M	P	20 BAKER AVE		A		1
1941	E027150	3122X36-WHT-24-BLK52	07429236151150000	1M	P	301 CENTRAL AVE		A		1
1944	E027200	3122X36-WHT-13-BLK43	07429236142180000	1M	P	230 BAKER AVE		E	VACANT	1
1945	E027250	3122X36-WHT-12-BLK43	07429236142190000	1M	P	230 BAKER AVE		E	VACANT	1
1948	E027300	3122X36-WHT-14-BLK43	07429236142120000	1M	P	230 BAKER AVE		A	CHURCH	1
1959	E027301	3122X36-WHT-2-BLK54	07429236148140000	1M	P	319 BAKER AVE		E?	PAVED PARKING LOT	1
2010	E027350	3122X36-WHT-9-BLK34	07429236107010000	1M	P	600 E 2ND ST		A	MIDDLE SCHOOL	2
2012	E027470	3122X36-WHT-15-BLK59	07429236171040000	1M	P			E		2
2018	E027471	3122X36-WHT-4-BLK59	07429236170030000	1M	P	424 BAKER AVE		E		2
2023	E027472	3122X36-WHT-10-BLK59	07429236170080000	1M	P			E		2
2032	E027473	3122X36-WHT-11-BLK59	07429236170010000	1M	P			E		2
2046	E027600	3122X36-WHT-13-BLK56	07429236234010000	1M	P	100 E 4TH ST		E		NOT IN
2048	E038022	3122X36-WHT-1-TRA-BLK45	07429236137990000	1M	P			E	ROW	2
2052	E038115	3122X36-DEV-1	07429236106090000	21	P	9 SPOKANE AVE		A	PLAYGROUND	2
2058	E038199	3122X36-WHT-1-BLK53	07429236150010000	1M	P	421 E 3RD ST		E?	PAVED PARKING LOT - 3RD & CEN	1
2066	E038238	3122X36-WHT-5-BLK53	07429236150050000	1M	P	421 E 3RD ST		E?	PAVED PARKING LOT - 3RD & CEN	2
2076	E038476	3122X36-WHT-2-BLK35	07429236123010000	1M	P	2ND AND SPOKANE		E?	PAVED PARKING LOT	1
2078	E038722	3122X36-WHT-15-BLK36	07429236120050000	1M	P	410 E 2ND ST		A	CITY HALL PORTION	1
2080	E038795	3122X36-WHT-13-BLK36	07429236120010000	1M	P	418 E. 2ND ST		A	CITY HALL PORTION	1
2084	E038906	3122X36-DEU-2	07429236106200000	1M	P	1 CENTRAL AVE		A	O'SHAUGHNESSY CENTER	1
2092	E038907	3122X36-DEV-2-100	07429236106050000	21	P			A	PLAYGROUND	2
2094	S003737	3122X36-WHT-4-BLK45		1M	P	527 E 2ND ST		A	CENTRALLY ASSESSED TELECOM	1
2098	U003000	3122X36-WHT-17-BLK58	07429236173100000	1M	P			A	RIVERSIDE PARK	NOT IN
2101								A =	179	
2102								A? =	11	
2103								TOTAL	190	
2104						\$70,000 / 190 =			\$368.42	
2105						CURRENT SID #155 RANGE			\$15.68 TO \$1,461	
2106						119 ASSESSED IN TY13			Average assessment was \$210	
2107										
2108										

Montana Code Annotated 2013

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7-12-4165. Assessment of costs -- offstreet parking option. (1) When the purpose of the assessment is for the establishment and/or improvement of offstreet parking as provided in this section, the city council or commission shall assess, against the real property specifically benefited by the offstreet parking facilities, the cost of the developments involved in proportion to the benefits received by each benefited tract of land within said district.

(2) In determining the benefit to be received by each parcel of land, the council or commission shall consider:

(a) the relative distance of the parking facility from each parcel of land within the area of the special improvement district;

(b) the relative needs of parking spaces for each parcel of land located within the boundaries of said district, either as established by the city zoning ordinance, if any, or otherwise, with relation to the use of said parcel;

(c) the assessed value of each parcel within said district;

(d) the square footage of each parcel within said district as it relates to the whole;

(e) the square footage of floorspace in any improvements on the parcel and the various uses of such floorspace;

(f) the availability of existing onsite parking space on any parcel of land within the district.

History: En. Sec. 14, Ch. 89, L. 1913; re-en. Sec. 5238, R.C.M. 1921; amd. Sec. 1, Ch. 163, L. 1925; re-en. Sec. 5238, R.C.M. 1935; amd. Sec. 1, Ch. 39, L. 1955; amd. Sec. 1, Ch. 330, L. 1971; amd. Sec. 1, Ch. 85, L. 1973; R.C.M. 1947, 11-2214(part); amd. Sec. 40, Ch. 665, L. 1985.

Provided by Montana Legislative Services

	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE
1													
2													
3	Use	# of Parking Spaces required for use	% of Parking Spaces required for use 25.00%	Assessed Value	% of Total Assessed Value 25.00%	Square footage of Parcel	% of square footage of Parcel 25.00%	Square footage of floorspace	% of square footage of floorspace 25.00%	# of Existing onsite parking spaces	Credit for existing onsite parking		Annual Assessment - SID #155 (SID that expires after 2015)
4													
5			1% assessment = \$		1% assessment = \$		1% assessment = \$		1% assessment = \$				
129													
140													
142													
143													

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, March 17, 2014, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 14-03. Resolution numbers start with 14-08.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) PRESENTATIONS
 - a) Presentation by TD&H Engineering Firm on Skye Park pedestrian bridge (p. 124)
 - b) Proclamation – Proclaim April 5, 2014 as 2nd Annual Million March against Child Abuse Day (p. 51)
- 4) 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)
- 5) COMMUNICATIONS FROM VOLUNTEER BOARDS
- 6) 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 March 3, 2014 Council regular meeting (p. 53)
 - b) Ordinance No. 14-02; An Ordinance amending Zoning Regulations in Whitefish City Code Section 11-3-23 to streamline review standards and length of permits for mobile food vendors not associated with a community event in the Limited Business District (WB-1), Secondary Business District (WB-2) and General Business District (WB-3) Zoning Designations (2nd Reading) (p. 69)
- 7) 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) Ordinance No. 14-___; An Ordinance amending Zoning Regulations in Whitefish City Code Section 11-2K-3 to identify shipping and packaging services as a conditional use in the Secondary Business District (WB-2) (First Reading) (p. 76)
- 8) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR
 - a) Consideration of approving going out to bid for public restrooms addition to O'Shaughnessy Center (p. 116)

9) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Consideration of approving moving to final design stage for Skye Park Bridge and amendment of contract with TD&H Engineers for final design work (Three motions) (p. 124)

10) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 133)
- b) Other items arising between March 12th and March 17th

11) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Select a City Council member to participate on interview committee for Parks and Recreation Director

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



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

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

Adopted by Resolution 07-09
February 20, 2007

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March 12, 2014

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

Mayor Muhlfeld and City Councilors:

Monday, March 17, 2014 City Council Agenda Report

There will be a work session beginning at 5:30 p.m. on the assessment district for the parking structure operating and maintenance . 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 March 3, 2014 Council regular meeting (p. 53)
- b) Ordinance No. 14-02; An Ordinance amending Zoning Regulations in Whitefish City Code Section 11-3-23 to streamline review standards and length of permits for mobile food vendors not associated with a community event in the Limited Business District (WB-1), Secondary Business District (WB-2) and General Business District (WB-3) Zoning Designations (2nd Reading) (p. 69)

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

Item a is an administrative matter; item b is a legislative matter.

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

- a) Ordinance No. 14-___; An Ordinance amending Zoning Regulations in Whitefish City Code Section 11-2K-3 to identify shipping and packaging services as a conditional use in the Secondary Business District (WB-2) (First Reading) (p. 76)

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

Background:

At the City Council meeting on March 3, 2014, the Council did not recommend approval of a new definition of 'Business Services' nor add it as a permitted use the WB-2 (Secondary Business District). Instead the Council directed staff to come back to the March 17th meeting 'with an alternative option for shipping and packaging services as a conditional use in the WB-2 zone.'

The Council identified concerns including adding a broad range of uses to the WB-2 that would include more than just shipping and packaging services. The Council was interested in focusing the amendment to address the shipping and packaging services and not include an expanded definition of multiple 'Business Services' uses. The minutes are attached.

Staff Analysis:

A conditional use by its nature is a use that, unless mitigated, could have a negative impact on the immediate neighborhood. The zoning establishes the review criteria (§11-7-8) and projects are evaluated by the Council to consider traffic implications, impacts on public infrastructure, noise, odor smoke, hours of operation, compatibility within the neighborhood and site suitability. The zoning regulations have the following definition:

§11-9-2 – CONDITIONAL USE: Those uses requiring the granting of a conditional use permit. Because of characteristics peculiar to the uses, or because of the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, these uses require a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same area. (emphasis added)

The WB-2 has the following permitted uses (§11-2K-2):

- Antique stores and auction barns.
- Automobile, boat, and recreational vehicle sales, rentals, parts, repair and service.
- Automotive service stations and convenience stores within.
- Bed and breakfast establishments.
- Bowling establishments.
- Building supplies outlets.
- Bus depot.
- Churches or similar places of worship.
- Daycare centers (13 or more individuals).
- Financial institutions and professional services.
- Frozen food lockers, not including slaughtering.
- Furniture and floor coverings stores.
- Grocery stores.

- Hair salons.
- Hospitals, and associated related nursing homes, retirement homes, congregate housing and personal care facilities in a campus setting.
- Hotels, motels, and other hospitality and entertainment uses.
- Household appliance and electronics stores.
- Laundry and dry cleaning.
- Machinery and equipment sales, rental and repair.
- Medical clinics and associated therapeutic health services.
- Military surplus stores.
- Mortuaries and crematories.
- Professional offices.
- Public buildings.
- Recreational facilities, private and commercial.
- Residential:
 - * Caretaker's units.
- Restaurants.
- Seed and grain sales.
- Theaters.
- Vendors.
- Veterinary office, small animal.
- Wholesale and warehousing.

These permitted uses would have similar hours, similar impacts to public services and facilities, similar impacts on the transportation system, etc. as the proposed 'shipping and packaging services' use.

The following is a list of Conditional Uses in the WB-2 (§11-2K-3):

- Accessory apartments.
- Bars/lounges.
- Boat and recreational vehicle storage.
- Casinos within a casino overlay zone.
- Colleges, business and trade schools.
- Light assembly and light manufacturing.
- Manufactured home subdivisions.
- Microbreweries.
- Ministorage.
- Personal care facilities when not in association with a hospital in a campus setting.
- Recreational vehicle parks, campgrounds and amusement parks (2 acres minimum size).
- Truck stops.
- Veterinary hospital.

A review of the list of Conditional Uses shows a pattern of uses with a possible impact on a neighborhood with noise, lack of compatibility, excessive use of public infrastructure, incompatible hours, etc. These conditional uses all deserve extra scrutiny from the community and the Council in a public forum through the Conditional Use Permit process.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering testimony at the public hearing, the Planning Board recommendation, and the staff recommendation, approve an Ordinance amending Zoning Regulations in Whitefish City Code Section 11-2K-3 to identify shipping and packaging services as a conditional use in the Secondary Business District (WB-2). However, staff has recommended that shipping and packaging services be a permitted use, rather than a condition use in the WB-2 zone.

This item is a legislative matter.

COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) Consideration of approving going out to bid for public restrooms addition to O'Shaughnessy Center (p. 116)

From Parks and Recreation Director Karl Cozad's final staff report:

For many years the downtown core area of Whitefish has been without a designated public restroom. Visitors have typically used the restroom facilities at the Library, or on occasion, the restrooms at the Train Depot, neither of these facilities is designed, nor maintained, for the ever increasing demand as generated by the increased popularity of downtown Whitefish. Over the years special events and weekly events during the course of the summer and fall seasons continue to grow in size and scope and create even greater attendance in Depot Park and surrounding venues. In 2012 the city adopted the Depot Park Master Plan for the development and enhancement of Depot Park. Within the Depot Park Master Plan, it was proposed to consider the opportunity to add a public restroom to the exterior of the O'Shaughnessy Performing Arts Center (see Depot Park Master Plan). This option appears to be a viable solution to meeting the needs of providing a designated public restroom in the downtown area of Whitefish. It should also be noted that the development of a downtown restroom facility has been on the city council "goals list" for the past few years.

Over the course of the past year, staff has been working with Millette Architecture, P.C., and Morrison and Maierle Engineering, along with representatives of the O'Shaughnessy Performing Arts Center, in developing plans for the construction of a restroom addition to the O'Shaughnessy Performing Arts Center. (see elevation drawings) It is feeling that with this addition we will meet the goals of both the city council and the Depot Park Master Plan in meeting the identified needs of providing a downtown public restroom facility. The downtown restroom facility would be open to the public 12 months of year and would have lockable doors with designated hours of

operation very similar to our current operations at Baker Park, City Beach, and Grouse Mountain Park, with only difference being that these facilities are only open seasonally.

The estimate of construction as provided by the Architect and Engineering firms is \$191,838. (see attached breakdown). Proposed funding for this project would be the utilization TIF funds as part of the Depot Park Development Plan as identified in the Depot Park Master Plan.

RECOMMENDATION – Staff respectfully recommends the Whitefish City Council authorize the public notice and solicitation for bids for the construction of the downtown restroom project.

This item is a legislative matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Consideration of approving moving to final design stage for Skye Park Bridge and amendment of contract with TD&H Engineers for final design work (Three motions) (p. 124)

From Public Works Director John Wilson's staff report:

The City Council approved a contract in January 2013 for TD&H engineers to design the Skye Park Bridge and adjacent paths. The Council made it clear at the time that they wanted the detailed design work to wait until the required license was secured from BNSF. We have now secured that license, preliminary engineering is complete and we are ready to move forward with final design.

An illustration of the current design concept is attached in the packet. The project schedule calls for bidding in April, a contract award in May and construction starting as early as possible this summer.

We met and discussed the project with adjacent property owners and also held a public meeting on Thursday, February 27th. The design has progressed slowly while we worked through BNSF's procedures and coordinated with improvements for the Birch Point sewer pump station. The pump station is located near the south end of the bridge and TD&H is providing engineering services for those improvements, as well. Our intent is to bid and manage all these improvements as a single construction project.

Besides being a very useful bicycle and pedestrian route to City Beach, the new bridge and path will provide a means for emergency vehicles to access the Birch Point neighborhood when the railroad crossing is blocked. The design team has coordinated with the Fire Department to ensure the trail and bridge will meet the needs of their equipment.

It has been very challenging to meet the ADA standards for maximum grades on the path between Birch Point Drive and the bridge. In order to stay below maximum allowable grades, as required by the trail grant funding program, we will have to rebuild the east end of Birch Point Drive and start sloping the trail down toward the river at a point roughly 100 feet back from the existing edge of pavement. The added construction cost for this item is estimated to be \$30,000.

Staff also proposes to expand the scope of work to include 200 feet of new water main, which would tie an existing dead end main into the water transmission main crossing the river just upstream from the railroad trestle. This loop would improve the flow capacity and provide better security for the water system serving the Birch Point, West Lakeshore and Ramsey Avenue neighborhoods. The added construction cost for this item is estimated at \$15,000, which we propose to pay out of the Water Fund.

Our current consultant contract provides for engineering services through final design and up to bidding at a cost not to exceed \$77,810. We have negotiated additional tasks necessary to rebuild the east end of Birch Point Drive and complete the water main extension for a fee not to exceed \$6300. This consists of \$4180 for survey and design on the road work and \$2120 for design of the water main extension. This would bring the total amount of our engineering contract up to \$84,110.

Although we are not asking for approval of any construction expenditure tonight, some discussion about the updated project budget may of interest as the Council considers our recommendation to expand the scope of work and move forward with final design.

When we last talked about costs for the bridge and trail work in January 2013, our overall project estimate was at \$668,000. The Council agreed at that time, in concept, to finance the project using roughly \$350,000 in CTEP grant money, plus some amount to be determined from the Wastewater Fund, with the balance of approximately \$300,000 coming from the Tax Increment Fund.

With the project now better defined, we have an updated cost estimate of \$745,000 for the bridge and trail, plus \$15,000 for the proposed water main extension. A copy of the cost estimate for the trail and bridge work is attached.

This increase from \$668,000 to \$745,000 is largely due to the need to rebuild the east end of Birch Point Drive and the need for retaining walls and fill material to keep the project up and out of the flood plain.

And while the final funding package should be established as the Council acts to award a construction contract, we anticipate staff will propose to use \$350,000 in CTEP money from the State, \$15,000 from the Water Fund, approximately \$20,000

from the Wastewater Fund, and the balance of approximately \$360,000 from the Tax Increment Fund.

RECOMMENDATION: (Three motions)

Staff respectfully recommends the City Council direct staff to proceed with final design and development of construction documents for the Sky Park Bridge and Bicycle/Pedestrian Path project.

Staff also recommends the City Council approve the expanded scope of design necessary to rebuild the east end of Birch Point Drive and complete a water main loop in that vicinity.

And finally, Staff recommends the City Council approve an amendment to our engineering contract with TD&H in an amount not to exceed \$6300 for design work necessary to rebuild the east end of Birch Point Drive and complete a water main loop in that vicinity.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 133)
- b) Other items arising between March 12th and March 17th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Select a City Council member to participate on interview committee for Parks and Recreation Director

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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CITY OF WHITEFISH
OFFICE OF THE MAYOR
P R O C L A M A T I O N

- WHEREAS, Nationally, it is estimated that more than 1,770 children die each year from child abuse and neglect. In 2012, Montana had 1,324 Child Abuse/Neglect Reports. In 2013, Flathead County had 1,559 reports of neglect, 39 sexual abuse and 165 were from physical abuse; 100 were from other abuse.
- WHEREAS, Child abuse is considered to be one of the most serious public health issues, with scientific studies documenting the link between the abuse and neglect of children and a wide range of medical, emotional, psychological and behavioral disorders, including depression, alcoholism, drug abuse and juvenile delinquency; and
- WHEREAS, Child abuse costs our nation an estimated \$124 billion each year, and
- WHEREAS, Preventing child abuse and neglect is a community problem, we all have a responsibility; as individuals, neighbors, community members and citizens of Flathead County to help create healthy, safe and nurturing experiences for children, and
- WHEREAS The majority of child abuse cases stems from situations and conditions that are preventable in an engaged and supportive community. The United States has the worst record in the industrialized nation –losing 5-10 children every day due to abuse related deaths.

NOW, THEREFORE, I, John Muhlfeld, Mayor of the City of Whitefish, do hereby proclaim April 5, 2014 as

2nd ANNUAL MILLION MARCH AGAINST CHILD ABUSE

In Whitefish, and urge all citizens to work together to help stop child abuse and neglect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Office of Mayor, City of Whitefish, Montana to have affixed this 17th day of March, 2014.

John Muhlfeld
Mayor

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WHITEFISH CITY COUNCIL MINUTES

March 3, 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, Senior Planner Compton-Ring, Planner II Minnich and Public Works Director Wilson. Approximately 20 people were in attendance.

2. PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked former Deputy Mayor Bill Kahle 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 attended the Michigan Bioreactor Project meeting with the County Commissioners. She said there are 22,000 septic systems in the Flathead Valley and when they pump those they dump them on farm fields, even when the ground is frozen, and it is a major public health issue. She asked them to research this further because the process they are using in Michigan injects the liquid into the landfill and produces methane. The methane gas production rises and they are able to generate energy from that. She said the Beacon had an article that said the Columbia Falls City Councilors were dismayed by the lack of action by the County Commissioners on the septic systems. She urged the Whitefish City Councilors to look into it. She said there are no places to dump this waste and there is no safe way to deal with this. She said the Michigan Bioreactor Project is a good solution to a bad problem.

Kate Orozco, 690 Woodside Lane, said she was here with Bill Kahle to talk about the new High School project. On February 22, 2014 they had the first learning tour. On March 16, and March 22nd they will hold additional learning tours. She said the public will be able to see the inside of the school and learn about the innovative learning options in the new school. She said they would like to give updates to the Councilors at future City Council meetings.

Bill Kahle, 1037 Creekview Drive, said he is fired up about the new High School. He said that this building is going to buck the stigma of Whitefish as a tourist town. The building is beautiful and the most exciting thing, as a parent, was to talk to the teachers who are motivated and energized by the new building. He said Mr. Spangler has a plan to blend physics and welding with a robotics program. He said his boys can't wait to get to High School. He said parents should be excited and proud that this is taking place in our town.

Mac McCracken said he owns the Pin and Cue and he is here as a member of the Chamber of Commerce Board tonight.

4. COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Hildner said the Bike/Ped Path Committee met this morning and said TD & H will be presenting and seeking approval of their final design for the Skye Park Bridge at the next Council meeting. He said Bruce Boody put together plans for an extension of the bike/ped path to the Town Pump and that will really connect a huge piece of the bike trail. Initial cost estimates are about \$30,000 for gravel and about \$60,000 for asphalt, but it is possible that volunteer help will cut costs. They would like to get on this project this summer so they will be coming back to staff to see if there are funds for this project. He said there is interest in a striping machine in the next budget, but in the meantime, the Committee would like the striping down early in the season.

Councilor Feury said the Insurance Committee met on Friday, but the information is in the Manager's Report which they will discuss later.

Councilor Anderson said the Resort Tax Committee met, but no action was taken because there wasn't a quorum. He said collections are healthy.

Mayor Muhlfeld said Whitefish Lake Institute meeting didn't really offer anything new; they have two vacancies to fill on the board.

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 February 18, 2014 Council regular meeting (p. 138)

5b. Ordinance No. 14-01; An Ordinance amending discharge time limits and penalty provisions of the Fireworks Regulations in Whitefish City Code Section 9-1-6(C) and (E) (2nd Reading) (p. 149)

5c. Consideration of approving application from Don Robb of Blackhawk Capital Corporation for Whitefish Lake Lakeshore Permit (#WLP-14-W01) to install a 515.45 square foot 'F' shaped EZ dock, construct approximately 20 feet of dry-set stone stairs, remove an existing pump house, and replace an existing waterline within the Lakeshore Protection Zone at 2072 Houston Drive subject to 27 conditions (p. 153)

5d. Consideration of approving the final plat for Whitefish Lakefront Estates, a two lot subdivision by City Beach (p. 178)

Councilor Sweeney 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)

6a. Ordinance No. 14-02; An Ordinance amending Zoning Regulations in Whitefish City Code Section 11-3-23 to streamline review standards and length of permits for mobile food vendors not associated with a community event in the Limited Business District (WB-1), Secondary Business District (WB-2) and General Business District (WB-3) Zoning Designations (First Reading) (p. 209)

Planning and Building Director Dave Taylor reported on a request by the City of Whitefish to streamline review standards and length of permits for mobile food vendors not associated with a community event in the WB-1, WB-2 & WB-3 zoning designations.

This proposed change amends the current code, which was adopted about 5 years ago, to streamline the permitting process for Mobile Food Vendors. Currently, vendors are approved administratively with a thirty day trial permit, then a 90-day permit, then another 90-day permit in a calendar year, for a total of seven months. He said he wasn't sure why this was proposed except that they wanted to keep down the competition with existing 'brick and mortar' businesses. Also, a food vendor can come in with a new application under a different LLC with a new business license after the previous one expires, enabling them to legally get around the seven month a year limitation anyway. Currently it is difficult to administer; it puts the burden on staff to track the expiration dates three times in a year. Staff is proposing to amend the code so that vending permits are good for one year, and renewable if no issues have arisen. Also, anytime during that year a permit can be revoked by the zoning administrator or City Council if the vendor does not follow all the conditions of approval, so a 30-day trial permit is not necessary. The intent section will also be amended slightly to facilitate this change of policy.

He gave a summary of the proposed changes:

11-3-23-A, Purpose - The Purpose section will need to be slightly amended to remove the part that references the seven month limitation that is being removed. Limitations on hours of operation and the total number of vendors are adequate to encourage vendors to eventually seek a permanent location without discouraging the service they provide to the public: late night quick food to go.

11-3-23-B-4, Vendor Standards - The cart sign section is proposed to be amended to remove reference to permanent building signage. Signs on a temporary vending cart should not make a difference to overall sign area allowed on a property, and we've never enforced that. Each cart is allowed a small affixed sign, and each cart must be removed off-site each night.

22-3-23-D-1, Vendor Permit Process - These proposed changes remove the 30-day trial period and change the two 90-day periods to a one-year approval with a streamlined renewal process. Anytime during the one-year approval a permit may be revoked by the zoning administrator or the City Council if a vendor does not meet the standards and requirements of the code.

The Whitefish City-County Planning Board held a public hearing on February 20, 2014. Following the hearing, the Planning Board unanimously recommended approval of the above referenced text amendments, and adopted the findings of fact contained within the staff report. At the public hearing, there was one public comment received regarding the proposed text amendments. Comments were received from Michael Tigue, who owns a previously approved mobile vending operation. Mr. Tigue was in support of the changes.

Councilor Sweeney asked and Director Taylor said there has been instances of attempts go get around the regulations with name changes. Councilor Hildner said page 212, # 8, addresses County food service permits, and he wondered if they received report cards where grades are listed; i.e. A, A-, B, etc. Director Taylor said the carts are inspected by the County, but he doesn't remember seeing a report card. He said there is a whole list that the vendors have to meet before they are approved.

Mayor Muhlfeld opened the public hearing.

Michael Tigue, 186 2nd Ave. WN, Columbia Falls, said he operates the cart in front of the VFW and is favor of extending the mobile vendor permits. He is able to do this for a few hours on the weekend evenings. He said he has played within the rules in the past and only operated his business seven months per year, but this change would help him have year-around work. He said this would keep him working in the off season. He said he didn't think it would affect the brick and mortar businesses.

Rhonda Fitzgerald, 412 Lupfer Avenue, said quite a few of the mobile vendors participate at the Farmer's Market, but she doesn't think they receive a report card, they just get a license. She said it might not be part of the process for mobile trucks.

Mayor Muhlfeld closed the public hearing.

Councilor Anderson offered a motion, seconded by Councilor Barberis, to approve Ordinance 14-02 amending Zoning Regulations in Whitefish City Code Section 11-3-23 to streamline review standards and length of permits for mobile food vendors not associated with a community event in the Limited Business District (WB-1), Secondary Business District (WB-2) and General Business District (WB-3) Zoning Designations at first reading and approve the staff report as findings of fact (WZTA 14-01), 1st reading.

Mayor Muhlfeld said this provides more certainty for the business owners. He thinks it is a good step in the right direction for the vendors and for staff.

The motion passed unanimously.

6b. Ordinance No. 14 - __; An Ordinance amending Zoning Regulations in Whitefish City Code Section 11-3-14 regarding issuance of a Conditional Use Permit (CUP) for multiple uses on the same lot (First Reading) (p. 235)

Planner II Minnich reported on a request by the City of Whitefish to amend criteria #6 within Section 11-3-14(B) for issuance of a Conditional Use Permit (CUP) for multiple uses on the same lot. This is a zoning text amendment proposed by the City to clarify a section of the regulations regarding the criteria used to issue a conditional use permit for multiple uses on the same lot. Currently a Conditional Use Permit for multiple uses on the same lot can only be denied on the basis that the permit is being sought to avoid subdivision requirements if the proposed multiple uses are unrelated.

The section was originally adopted in October 1997 by Ordinance #97-2. The previous zoning regulations only permitted one primary use per lot. In 1997, the Whitefish City Council adopted the current language found in Section 11-2-3(B)(12) and the special provisions in 11-3-14(B) as additional criteria when reviewing a conditional use permit application for multiple uses. Based on the minutes from the Whitefish City Council meeting on October 6, 1997, the intent of the criteria was to *'address potential problems associated with the development of a site.'* The minutes further state that staff noted *'there are some uses that are compatible with each other and could be approved by conditional use permit as well as there will be some uses that would conflict...however, if it seems the only intent for such an application is to circumvent subdivision then in that case the conditional use permit would be denied and subdivision recommended.'*

Criteria #6 currently reads in the City code of ordinances as:

A conditional use permit shall not be granted in cases where the proposed uses are unrelated and the conditional use permit process is being used as an alternative to subdivision.

The current proposal is based on the result of a previous Zoning Administrator interpretation which identified a potential conflict with the criteria. A previous application for multiple uses on the same lot argued that since the uses were related, the second half of the criteria did not apply in consideration of the conditional use permit, even if it was obvious the application was being used to circumvent subdivision review with its required criteria of parkland dedication, sidewalks, street lights, landscaping, etc. Staff is proposing to modify the existing language slightly in order to close a potential loophole in the review process. The new proposed language would replace ‘and’ with ‘or,’ replace ‘shall not be granted’ with ‘may be denied,’ and replace ‘unrelated’ with ‘incompatible.’ This would allow a CUP the potential of being denied if the uses are related but the proposal can be documented as an evasion of subdivision.

She said that the Whitefish City-County Planning Board held a public hearing on February 20, 2014. Following the hearing, the Planning Board recommended approval of the proposed amendment with the exception of retaining ‘shall not be granted’ (see packet page 240) instead of ‘may be denied’ as recommended by staff (see packet page 245) and adopted the supporting findings of fact in the staff report. The motion carried 5-1. At the public hearing, no member of the public wished to speak on the proposed amended draft ordinance. Staff continues to recommend approval of the text amendment as originally proposed in the attached staff report. She has written why staff wants the changes on pages 237-239 of their packet, but based on the discussion which occurred at the Planning Board meeting, staff has decided to explain in more detail the reasoning behind the proposed language amendment.

The change from ‘*shall not be granted*’ to ‘*may be denied,*’ is the modification which the Planning Board ultimately decided not to propose amending because they liked how stringent and predictable this statement made the criteria. However, staff is recommending this amendment because it will allow the flexibility of an application to be approved if the applicant can demonstrate that two uses are compatible with each other on the same lot or that the application is not being utilized as an alternative to subdivision review. This would permit an application to be reviewed and approved with conditions related to subdivision improvements such as roads, utilities, streetlights, parkland dedication etc., in case the property eventually came through for a subdivision. If the Planning Board recommendation is approved, Planning Staff would be required to recommend denial of application or not accept an application at all. If an application is denied by the Whitefish City Council, the applicant’s only option would be to appeal the decision to District Court. If the Planning Director denies the proposal through a Zoning Administrator Interpretation, then an appeal would go before the Whitefish Board of Adjustment. Staff considers this as something better reviewed on a case-by-case basis.

Councilor Sweeney said he had a hard time following why they want to say “may be denied.” He said “shall not be denied” would offer them the same opportunity. He said there is no reason why they couldn’t discuss why it wasn’t a harmonious use. Planner II Minnich said “shall not be granted” would mean she wouldn’t even have them make the application. She said this puts the burden on staff and if they said “no” then the applicant goes to the Board of Adjustment instead of the City Council. Director Taylor said they could also provide additional conditions that require screening, or other conditions. He said staff would ask the applicant to show that the uses could be made compatible—or the property is set up to be subdivided later. He said people condo stuff all the time. He said with the

“shall not” staff cannot even honor it. Staff felt like the flexibility was important, but they wanted to close the loophole.

Councilor Sweeney said he hears staff say that “may be denied” allows them flexibility if they are not trying to evade subdivision regulations. He said he would like to see how people could comply, philosophically. He thought someone could approach with a proposal and show that it was harmonious with the “shall not” language. Director Taylor said “shall” is hard and fast, where “may” has flexibility and allows them to be heard before the Council. Planner II Minnich said staff would have to recommend denial if it says, “shall not.” Councilor Sweeney said someone has to show that it is compatible and not an evasion of subdivision regulations. He said “shall not” doesn’t compel them not to consider it. Director Taylor said if the uses are incompatible they would have to deny, even if they could be mitigated.

Councilor Frandsen said that in her opinion the language doesn’t prevent a person from applying and they could apply with any combination of uses. Planner II Minnich agreed and added that in these cases staff would have to recommend denial. Frandsen said the CUP permit may not be granted. Planner II Minnich said the new language would give them more flexibility. Councilor Anderson asked and Director Taylor said there could be two permitted uses or two conditional uses or one of each. Director Taylor said they see a lot of multiple use options. Staff doesn’t want to limit the ideas people can come up with. Councilor Anderson asked and Director Taylor said the final decision is made by the City Council. City Attorney VanBuskirk said permissive criteria still leaves the burden of proof on the applicant, and whether to grant a conditional use permit rests in the discretion of the City Council as a matter of grace.

Mayor Muhlfeld opened the public hearing.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West, in Kalispell, said she appreciated the discussion. She said it is a very confusing proposal. She asked that this come back to the Council after more work is done. She wondered if it would be helpful to add a definition for incompatible. It seems discretionary. It isn’t clear what criteria defines it. She is confused about how changing the language gives the Council the right to review it instead of the Board of Adjustment. She said the two uses still have to meet the subdivision regulations and she wondered if they could change the language to say the applicant has to meet the subdivision criteria now and not on a later date. She said if they both have to be subdivided then she didn’t see why they couldn’t have the same standards.

Mayor Muhlfeld closed the public hearing.

Councilor Hildner said there is enough confusion that he feels this needs more work for them to make a rational decision.

Councilor Hildner offered a motion, seconded by Councilor Sweeney, to table an Ordinance amending Zoning Regulations in Whitefish City Code Section 11-3-14 regarding issuance of a Conditional Use Permit (CUP) for multiple uses on the same lot. The motion passed 5-1 with Councilor Feury voting in opposition.

6c. Ordinance No. 14-___; An Ordinance amending Zoning Regulations in Whitefish City Code Section 11-2K-2 to identify Business Services as a permitted use in the Secondary Business District (WB-2) and adding the definition of Business Services and amending the

**definitions of Personal Services and Professional Services in Section 11-9-2, (WZTA 14-01)
(First Reading) (p. 251)**

Senior Planner Wendy Compton-Ring reported that the City is proposing to add a new definition, Business Services, to the zoning regulations and make it a permitted use in the WB-2 zone. The zoning regulations have the following two definitions related to service; they are ‘personal services’ and ‘professional services’. The zoning has been silent on the use of business services in the WB-2 and the zoning has not clearly defined the term business services.

Personal Services are defined as:

A use that provides a service to an individual customer designed to accommodate a specialized need, provide a convenience, or cater to a particular lifestyle. Such services shall be those types that require mechanical skill or manual dexterity, as differentiated from mental disciplines generally requiring licensing or certification such as those listed under professional services (see definition of Professional Services). Examples of personal services would include, but are not limited to: delivery and pick up, catering, event planning, recreational guiding and outfitting, personal training, tattoo, and personal spa and grooming services such as manicure, facial, hairstylists, and makeup consulting. Personal services should not involve retail sales except on an incidental basis such as the selling of hair products at a salon.

Professional Services are defined as:

Conduct of a service business which is commonly identified as a profession and which may be licensed by the state. Such services include engineers, architects, planners, surveyors, designers, lawyers, accountants, real estate brokers, insurance agents, dentists, physical therapists, massage therapists, chiropractors, or physicians. Additionally, accounting, journalism, research, editing, administration or analysis; the conduct of a business by salespersons, sales representatives or manufacturer's representatives, or the conduct of business by professionals is included. Professional services do not include veterinarians, showrooms, manufacturing, repair, testing, retail sales, the storage, sale or delivery of goods located on the premises, or other occupations requiring physical skill such as those found under personal services (see definition of Personal Services).

There is not a definition for ‘business services’ in the zoning. Business Services is a distinct and different use from both ‘professional services’ and ‘personal services’. Staff reviewed the US Department of Labor *Standard Industrial Classification* (<https://www.osha.gov/pls/imis/sicsearch.html>) which is a system used to classify industry in a uniform manner. Some municipalities use it as a way to identify use categories in zones, while it isn’t always a practical tool, it can be a good starting point for discussion. Staff found a separate listing for Business Services (Division I Services; Major Group 73) from Personal Services (Division I Services; Major Group 72). Business services are those uses that provide a service for businesses – such as advertising, credit reporting, graphic design, copying, building maintenance, equipment/computer rental, leasing and repair, computer programming, etc. Personal services are specifically geared toward the support of an individual and professional services are services provided by individuals that may be licensed by the state. Professional offices are allowed in the WB-2 zone, whereas personal services, with the exception of hair salons, are not. Business services may have a need for larger parking areas to service the delivery and pick-up of larger items, which makes it a compatible use within the WB-2 zone and the stated intent.

Over the years the City has allowed 'business service' types of uses to go into the WB-2 as staff has considered them professional services, but they technically were a business service. There may be some concerns that adding business services to the list of permitted uses in the WB-2 zone may pull business from the downtown, but these types of uses are already permitted in the WB-1 and the WBSD. The WB-1 permits all services less than 4,000 square feet and the Business Service District (Highway 40 and Dillon/Conn Road) permits certain business services such as 'private postal and shipping' and 'printing, publishing, etc'. The WB-4 south of the Wave, and the WI allows some parcel delivery services and Big Mountain Village allows all sorts of uses.

An example of this type of use is the UPS store. This business has been in the WB-2 zoning district since the 1980s in various locations. It has most recently moved to a new building adjacent to the Walgreens from the Mountain Mall. The UPS store provides shipping, packaging, mailing and copying services. This particular use does not neatly fit within the personal services or professional services. In addition, there are a number of other existing uses within the WB-2 district that also provide similar services to businesses so it made some sense to create a 'business service' use in this district to capture these various uses. She said there are sign business and computer software businesses out there.

Staff proposes the following amendments: a definition for 'Business Services', an amendment to both Personal and Professional Services, and identifying Business Services as a permitted use in the WB-2.

Amendment #1 – add BUSINESS SERVICES to §11-9-2 and amend PERSONAL SERVICES and PROFESSIONAL SERVICES:

BUSINESS SERVICES: Uses that are primarily engaged in rendering services to business establishments on a contract or fee basis. Such uses include advertising, bookkeeping, building service, credit reporting, collection of claims, computer services, data processing, graphic design, mailing, photocopying, publishing, reproduction, security, shipping, sign making, office equipment rental, lease and repair services, and other similar services. This is differentiated from uses that provide services to an individual (see definition of Personal Services) or services provided by a professional (see definition of Professional Services). Business services should not include retail sales except on an incidental basis. Plus additional language in Personal and Professional Services regarding Business Services.

Amendment #2 – add the following permitted use to §11-2K-2:

- Business Services.

She said they received nine emails as of 4:30 p.m. She said there were concerns that they were going to allow small retail or rezoning the whole area and those are not true. There was a suggestion to revisit a corridor study with this process.

The Whitefish City-County Planning Board held a public hearing on February 20, 2014. Following this hearing, the Planning Board unanimously recommended approval of the amendments and adopted the supporting findings of fact in the staff report.

Councilor Feury asked and Planning Director Taylor said this issue came up because it wasn't in their definitions. It didn't come up in the discussions of the WB-2 committee work. This is part of a

staff work list, an ongoing list of things staff would like to address, and items can come to the forefront when there is a problem. He said the UPS was a conforming use because it was in the mall. Councilor Feury asked and Director Taylor said the UPS store move was the impetus for bringing this forward. Councilor Frandsen said they are trying to add business services. Councilor Frandsen said she thought the public was against adding this in 2010 and 2011. Director Taylor said the concern in the past was about personal services, not business services.

Mayor Muhlfeld said the City has allowed business services in this zone in the past and Planner Compton-Ring agreed and said there are some computer businesses, graphic design folks and the Summit Signs business in this district.

Mayor Muhlfeld opened the public hearing.

Lin Akey, 1000 E 9th Street, spoke in favor of the proposed amendment. He said he runs Glacier Bank and he has been involved in the community for years. He spoke in favor of the UPS Store. He said it is convenient to be able to park in front of a store when you want to haul packages. He said the builder of this building is a man of high integrity and they have invested well in the community. He finds this proposal favorable.

Bill Halama, 235 Good Medicine Drive, said they wouldn't have pulled a building permit without being confident this was allowed. He said business services exist elsewhere and he doesn't think it has had a negative impact downtown. He said the UPS store wouldn't be appropriate downtown. He said it is a compatible use in the WB-2 zone as the other business services are. He said the distinction between business services and professional services is hair-splitting. He said professional services require a license from the state. An accounting service could exist, but a bookkeeper could not, so that seems illogical to him. He said State licensing is required as a form of protection for consumers—that is different from land use and zoning issues. He said if a contractor wanted to open a business office, but they don't have to be licensed in Montana, then they wouldn't qualify. He didn't think this was a drastic change, it was just a cleanup.

Patty Olson, 215 Spencer Trail, is the owner of the UPS store and said they recently moved from the Mall and they were out on Highway 93 before. She said they have worked hard to make this a successful business in Whitefish. She said they have 300 mailbox holders. There are small business owners who need a mail box and physical address. She said they are there for small business owners. She would love to have them support this request.

Sallie LaPan, 81 Wagonwheel Road, spoke in behalf of the UPS store. She said they provide an important service to the community. It cannot be provided in the downtown. It would not be feasible with the parking situation. She said the UPS is a good business and they have chosen to relocate which has increased their ability to serve the community. They can do this best in their new location.

Mayre Flowers, Citizens for a Better Flathead (CBF), passed out a letter to the Councilors. She said this zone text amendment violates procedures and regulations under the Whitefish Statutes and therefore, should be denied on this basis alone. The ordinance states that the City initiated the zone change, but it was directed by the Planning Director without the direction or authorization that should have been given by the City Council under Whitefish Zoning Regulations. This zone was initiated by the Planning Director based on the fact that the UPS store had moved to the Walgreen's building. She said violations like this should be brought to the Council, but Planning Staff proposed this amendment

instead of enforcing the regulations about the types of uses that are appropriate in the W-2 zone. The Zoning Administrator is supposed to update the regulations and map as directed by the Council and report recommended changes to the Council. The changes are supposed to be directed by the City Council. It was advertised on February 5, 2014. It should have been made public 15 days before the hearing. Failure to follow this procedure make it a de-facto spot zoning because it was initiated by the Zoning Administrator on behalf of a small group that would directly benefit. The Whitefish Zoning regulations do not allow for the Zoning Administrator to make a change when a problem occurs. She said the regulations require a zoning compliance permit prior to a change in use or expansion of a use. She said if this occurs without a compliance permit, an after-the-fact permit must be applied for and charged to the applicant to make this a fair system.

She said that the UPS store was a legally grandfathered use in the mall, but it is not just the UPS store they are looking at tonight—it is any business that doesn't follow their regulations. They worked to come to a consensus in 2011 to avoid a piecemeal zoning process. The City Council amended the WB-2 zone in 2011. The staff report is misleading and inconsistent with the 2011 process. The findings for the 2011 zone change are important for them to remember. It said the 2007 Growth Policy had several pertinent issues including, "to preserve the character of the small town," limiting the size of buildings and limiting businesses that compete with downtown. The report concluded that it was an attempt to mitigate the effects of City oversight when they allow illegal uses to proliferate. She said in 2011 they tried to stop the very thing that is before them tonight. She said the staff report doesn't have a factual basis for saying this zone has been silent on the use of business services in the WB-2. Montana zoning statutes are very clear than zoning districts can limit the uses and distinguish the uses permitted in one district from another in 76-2-302. She said they have to ask the question, if this has been a problem, why it wasn't brought to the core of the WB-3 district which is their center core instead of the WB-2. She said additional growth does not have to be encouraged on the Highway 93 corridor. They want to keep the business focus on downtown.

She said the staff report argues that the UPS has been in different locations in the WB-2 zone since 1980, but it fails to state that it was located in the Whitefish Mall as a grandfathered use. She said the staff report is not consistent with the 2011 Growth Policy amendments nor is it supported by other standards of review for a zone change. Under finding #1 staff says this supports diversification, but the 2011 Growth Policy said they want to strengthen the downtown. She said they want to protect the synergy downtown.

Mayor Muhlfeld noted it had already been 12 minutes and asked her to wrap it up. Mayre Flowers said she has gone through the findings and identified where she thinks they are deficient. It is important that they comply with their own regulations and require a zoning compliance permit. Those changing a permit must be familiar with zoning regulations. The failure of the City staff to notice the zoning regulations violation shall not excuse the applicant from complying. She asked them to reject the proposed findings of fact as unacceptable and asked them to comply with their 2011 regulations.

Rhonda Fitzgerald, 412 Lupfer Avenue, said when she saw the packet she was upset. Just two years ago the City discussed this very situation. They were assured by staff in 2011 that the new regulations would tamp down the possibility of this happening. She was on the stakeholder committee and they spent months determining what uses should be allowed in the WB-2. She is surprised this came up so soon. She said in 2009 they began the discussion on business uses and in 2010 the Council was looking at adopting commercial uses, but 80% of the public comments were opposed to the changes. A petition with 500 signatures was submitted by those opposed to more businesses in the strip.

She said the Flathead Beacon ran an online survey about expanding retail uses on Highway 93 south and 77% of the respondents said they didn't want it. She said the community wants them to honor protecting the downtown core. She said there are 2 dozen businesses in the downtown core that engage in these very businesses. She is amazed that people would say those can't occur downtown. She said the WB-2 is a secondary business district for those that require large storage and floor areas.

Sean Frampton, 341 Central Avenue, said the UPS store was in the WB-2 and it is still in the WB-2. He said he doesn't see why Citizens for a Better Flathead only wants a better downtown rather than a better Flathead.

Mayor Muhlfeld closed the public hearing.

Councilor Sweeney said he was concerned by the genesis of this request and the appearance of the function of asking for forgiveness for something they should have asked permission for. He would be less concerned if it was independent of a specific business, especially in this zone. He said they visited this issue when he came on the Council in 2011. He sees this as more than a mere correction to a zone description.

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to table this item until March 17, 2014. The motion failed 4-2 with Councilors Anderson and Sweeney voting in favor.

Councilor Hildner said they are being asked to approve something after the fact. It was the responsibility of Mr. Halama to come up with the necessary zoning compliance permit. He said he could not favor it. Councilor Frandsen asked and Manager Stearns said he had received the notice that this was not compliant. Director Taylor said there is a separate issue with the business license. Councilor Frandsen said there is a business that is non-compliant, but they haven't received a non-compliant notice. Director Taylor said the Council doesn't receive a notice on every violation. Councilor Hildner asked if they were pursuing the violation. Director Taylor said if this remedy is not successful then they will have to pursue it as a violation. Councilor Frandsen said in the 2010 minutes a similar issue got tabled because Councilor Turner Askew said there could be and would be a Corridor Study on the Highway 93 S. Corridor. She said former Councilor Hyatt said the Corridor Study was a must at that time as well. She said they are still in the same spot. It is a conundrum and they are continuing to perpetuate the problem from 2010 and 2011. She said they are in this situation because of a non-compliant business and that does not settle well with her.

Mayor Muhlfeld offered a motion, seconded by Councilor Anderson, to call a 5-minute recess. The motion passed unanimously. The Council reconvened at 8:55 p.m.

Councilor Anderson recognized Mr. Frampton.

Mr. Frampton said this has gone for a legislative issue to a personal issue. He said he is a representative of Bill Halama. On August 15 Mr. Halama emailed the Planning Department and said he heard that Virgil Bench had approved the permit and it had gone to Planning. He wrote that they were eager to start the project and eager to avoid winter weather. He noted that a portion of the ground floor of Building B would be occupied by the UPS Store and they wanted to be sure that it would not face any zoning issues in the use of this space. He said that Mr. Halama received an email from Planner Compton-Ring that said "she just signed off," meaning she approved the application. He said Bill

Halama wrote an email and thanked Wendy Compton-Ring and said the builder would begin the foundation. He said by receiving her email he would take it as permission to let the UPS store know they had been approved.

Councilor Sweeney asked if they ever received any application from Mr. Halama or the UPS store for a zoning compliance permit. Director Taylor said they never received a zoning compliance permit.

Councilor Feury offered a motion, seconded by Councilor Sweeney, to approve Ordinance 14-03; amending Zoning Regulations in Whitefish City Code Section 11-2K-2 to identify Business Services as a permitted use in the Secondary Business District (WB-2) defining Business Services to include only shipping and packaging services, and amending the definitions of Personal Services and Professional Services in Section 11-9-2, at first reading and to approve the staff report as findings of fact.

Councilor Feury said he didn't like doing planning this way, but he won't be the guy to stomp all over the UPS store. He said Mr. Halama didn't do his homework, or maybe he did. He said they are going over semantics of emails and they could be interpreted many different ways. He said they are being asked to create a zoning text amendment to serve one business. He said he thinks the UPS store could be in the WB-2 zone, but all of those other described business services uses are a problem and raise the hackles of folks from 2011. And rightfully so. He feels bad for the UPS store. He said the City has accommodated problems in the past. He said Mambos poured its foundation way too close the sidewalk on a Saturday and Virgil Bench didn't come to work until Monday, so they let it go.

Councilor Sweeney said he agreed with Councilor Feury. He said one of the reasons that concerns him is because this request to change should have come to them as a predicate. The applicant should have been required to obtain, prior to moving in, the business license or the business compliance permit. That's why it was put in the ordinances because the past Council saw the inconsistencies. He said he would like to get this fixed.

Councilor Barberis asked if there was any way to grandfather in a business that did exist before the 2011 Growth Policy without changing the whole business services issue. Director Taylor said grandfathering is specific to a location. Councilor Anderson said there is still a need for a zoning compliance permit. He asked what the fine is and how long the UPS store has been operating and Director Taylor said it has been about a month. He said staff hasn't issued the business license yet; it is still on hold. Councilor Feury said he knows his motion is fraught with a lot of challenges. He asked and Attorney VanBuskirk said there is a way for the UPS store to operate until they can decide this.

Attorney VanBuskirk said the Council can permit the UPS store to continue operations until the Council has made its decision, reserving all rights as stated by Councilor Anderson, instruct staff to put together a different zoning proposal, and hold off on working toward a penalty for a failure to apply for a zoning compliance permit or taking any further enforcement action.

Councilor Hildner recognized Mayre Flowers. She pointed out that this is one situation and what happens with the next situation. She said they have to draw a line in the sand and make some type of motion so they don't find themselves here again.

Mayor Muhlfeld said the motion was well stated. He thinks it speaks to whether or not they add a new service type to the WB-2 or take the uses and add them to professional services, which states that a business "may be licensed." It doesn't have to be a whole new service category.

Attorney VanBuskirk said a shipping, receiving store could be a specific conditional use or a permitted use. Councilor Anderson said they could make it a conditional use in this district. Councilor Hildner said he wonders if they should table and ask staff to come back with a revised proposal that may be more palatable. He said they could create a new Business Services or add something to professional services. He said he would vote against it in the hope that they could come up with a better solution.

The motion failed 5-1 with Councilor Sweeney voting in favor.

Councilor Anderson offered a motion, seconded by Councilor Feury, to direct staff to come back with an alternative option for shipping and packaging services as a conditional use in the WB2 zone.

Councilor Feury said he could support this motion. Manager Stearns said a CUP would add another step in the application process. Director Taylor said the applicant would have to go through 2-3 months of waiting while it went through the Planning Board process. Councilor Feury suggested they not move with a non-compliance violation, allowing the UPS store to function and reserving all rights for both parties.

The motion passed 5-1 with Councilor Frandsen voting in opposition.

7. COMMUNICATIONS FROM CITY MANAGER

7a. Written report enclosed with the packet. Questions from Mayor or Council? (p.267) None.

7b. Other items arising between February 26th and March 3rd

Manager Stearns said the Insurance Committee met and discussed the potential medical increase of 5-8%. There would be no change in rates for dental or vision programs. The Insurance Committee met and voted to continue membership in MMIA. There is a 3-year waiting period to get back in MMIA if they leave it. It is the best choice they have right now.

7c. Resolution No. 14-05; A Resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (InterCap Revolving Program), Approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto – Fire Ambulance (p. 273)

Manager Stearns said this year's budget anticipated purchasing a new Fire Ambulance and financing it through the State of Montana INTERCAP program. The INTERCAP financing program provides short term financing (up to 10 years) for capital equipment and other capital assets with a variable interest rate which is reset each February. The current interest rate is 1.00% which is a very good interest rate. For the ambulance purchase the City is doing a five year loan. It is a variable rate that is adjustable annually in February. He said it is a good deal for the City when they need to do short term borrowing. This is the first of two intercap resolutions for an ambulance and a fire tender.

The INTERCAP program has approved our application and sent us the documents which we need to execute for the loan. The documents enclosed in the packet are:

1. A Resolution authorizing the loan
2. A Loan Agreement

3. A Promissory Note
4. A Security Agreement

City Attorney Mary VanBuskirk and Manager Stearns have reviewed these documents and found them to be in order.

For the next five years, each year's budget will have to include approximately \$30,000 - \$32,000 per year (decreasing as the principal balance is paid off) to repay this loan. Councilor Frandsen asked and Manager Stearns said they would have outlined the 5-year term in the budget, so this is consistent with that.

Councilor Hildner offered a motion, seconded by Councilor Anderson, to approve Resolution No. 14-05; A Resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (Intercap Revolving Program), Approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto – Fire Ambulance. The motion passed unanimously.

- 7d. Resolution No. 14-06; A Resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (Intercap Revolving Program), Approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto – Police Chief pickup truck (p. 307)**

Councilor Feury offered a motion, seconded by Councilor Frandsen, to approve Resolution No. 14-06; A Resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (Intercap Revolving Program), Approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto – Police Chief pickup truck. The motion passed unanimously.

- 7e. Resolution No. 14-07; A Resolution approving and adopting the Montana Municipal Interlocal Authority Revised and Restated Workers' Compensation Program Agreement dated July 1, 2014 (p. 341)**

Manager Stearns said the City of Whitefish has been a member of the Montana Municipal Interlocal Authority (MMIA) Workers' Compensation program for the required workers' compensation insurance since 1987. MMIA provides very good rates and very good training on avoiding accidents for this insurance program. When the City approved participation in 1987, the City had to approve a program agreement which defines the terms and regulations of the program.

At their January Board meeting, the MMIA Board authorized some changes to the Workers' Compensation Program Agreement. The revised Program Agreement needs approval from each of its members, including the City of Whitefish. As described in an attached memo from MMIA's Executive Director, these changes provide a more quantitative method for determining capital reserves and adjusting rates as compared to the current method. The program agreement also describes all of the regulations and procedures regarding the program, most of which are unchanged.

City Attorney Mary VanBuskirk and Manager Stearns have reviewed these documents and found them to be in order. It is not anticipated that these changes have any direct or predictable effects on the City's workers' compensation rates. While rates may change because of their quantitative methods, such rates could go up or down and can't be predicted at this time.

Councilor Anderson offered a motion, seconded by Councilor Barberis, to approve Resolution No. 14-07; A Resolution of the City Council of the City of Whitefish, Montana, approving and adopting the Montana Municipal Interlocal Authority Revised and Restated Workers' Compensation Program Agreement dated July 1, 2014. The motion passed unanimously.

7f. Mid-year financial report – Assistant City Manager/Finance Director Corey Swisher (p. 371)

Assistant City Manager/Finance Director Corey Swisher said the property tax supported funds are up 15% and the General Fund is up 22%, compared to this time last year. He said Resort Tax is up about 5% and last year was also a good year. He said water and wastewater revenues are up about 6% due to more customers, modest rate increases and additional consumption. He said building permit revenue is doing well. They received a large permit for the High School, but even without that, it is a good year. Overall, the City's finances are getting much better and FY14 looks to be a good financial year. Councilor Hildner asked and Swisher said he would get them a report of the growth without the High School permit.

8. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

8a. Letter from Sean Frampton regarding potential annexation of Houston Drive area

(p. 381) Mayor Muhlfeld said this was addressed in the work session.

8b. Email from Mary Ciganek about Resort Tax street reconstruction priorities and Texas Avenue (p. 384) No comments.

8c. Proposal from Mayor Muhlfeld and Whitefish Lake Institute for budget for Aquatic Invasive Species work in FY15 (p. 386)

Mayor Muhlfeld said the City funded the 2013 AIS inspection work. He met with Mike Koppel and they are asking the Council to give an indication of their willingness to provide \$40,000 again for this project in 2014. Mayor Muhlfeld reviewed the line items and costs: Highway 2 (near Coram) Boat Inspection Station - \$15,000, Beaver Lake Eurasian Watermilfoil (EWM) Monitoring/Control - \$5,000, Early AIS Plant Detection Monitoring of nearby lakes - \$7,500, eDNA Analysis - \$7,500, and City Beach Boat Launch Risk Assessment - \$5,000. He said they don't have budget authority tonight, but he would like their input.

Councilor Hildner said the Basin Commission said they got the most activity between 7-8 p.m. and wondered if they should adjust the hours. Mayor Muhlfeld said they could look at these hours. Councilor Frandsen asked if they would also monitor over at State Park and Mayor Muhlfeld said that falls under the State regulations. It is a huge gap. Mayor Muhlfeld said there are volunteers who inspect over there. He said they reduced the City's contribution to the Coram check station and they are hoping other entities will come on board.

Councilor Anderson expressed his support and the other Councilors agreed.

Councilor Frandsen said adding the text amendment to the WB-2 should allow for a lot of public input and she would like to see them pursue the Highway 93 Corridor Study. Councilor Feury said there is a reason that Houston Drive gets bandied around and anyone can see that it is surrounded by City property. He said for residents to think they don't use City services is naïve, at best. He said they use the streets, City beach and other services. It is not fair for the neighbors to pay for those services. He said the problem is they know that annexing Houston Drive is a guaranteed lawsuit. He said what the City really needs is responsible tax relief and they need it to come from the legislators. He is on the fence about having Houston Drive as number one on the list. Councilor Feury asked for a cost/benefit analysis for what they're going to put into it versus what they will get out of it.

Mayor Muhlfeld reminded them that he needs performance reviews turned in for Manager Stearns and Attorney VanBuskirk. He said after the WB-2 discussion he was thinking that they need some procedural changes. He isn't comfortable having folks acknowledged after a motion is cast. He said he has been neglectful on that and he said he will lead in that direction in the future. Manager Stearns said it is different if the Councilors have questions and want someone to clarify something. Mayor Muhlfeld agreed.

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 9:37 p.m.

Mayor Muhlfeld

Jane Latus Emmert, Recording Secretary

Attest:

Necile Lorang, City Clerk

ORDINANCE NO. 14-02

An Ordinance of the City Council of the City of Whitefish, Montana, amending Zoning Regulations in Whitefish City Code Section 11-3-23 to streamline review standards and length of permits for mobile food vendors not associated with a community event in the Limited Business District (WB-1), Secondary Business District (WB-2) and General Business District (WB-3) Zoning Designations.

WHEREAS, the City of Whitefish initiated an effort to streamline review standards and length of permits for mobile food vendors not associated with a community event in the Limited Business District (WB-1), Secondary Business District (WB-2) and General Business District (WB-3) Zoning Designations; and

WHEREAS, in response to the proposal to amend Title 11, Chapter 3, Section 23 in the Whitefish City Code, the Whitefish Planning and Building Department prepared Staff Report WZTA-14-01, dated February 20, 2014; and

WHEREAS, at a lawfully noticed public hearing on February 20, 2014, the Whitefish City-County Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA-14-01, invited public comment, and thereafter voted to recommend approval of the proposed text amendments; and

WHEREAS, at a lawfully noticed public hearing on March 3, 2014, the Whitefish City Council received an oral report from Planning staff, reviewed Staff Report WZTA-14-01, invited public input, and thereafter voted to recommend approval of the proposed text amendment; and

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

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

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

Section 2: Staff Report WZTA-14-01 is hereby adopted as Findings of Fact.

Section 3: Amendments to Whitefish City Code Section 11-3-23, VENDORS, as provided in the attached Exhibit "A", with insertions shown underlined and deletions shown with strikethrough, are hereby adopted.

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

Section 5: 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 6: 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"

Whitefish City Code Title 11, Chapter 3, Section 23 ZONING REGULATIONS - SPECIAL PROVISIONS - VENDORS

- A. Purpose: Food vendors are permitted to operate on private property or on public property if city policy allows such, outside of community wide events or private catering contracts upon issuance of a vendor permit. Vendor operations are temporary in nature and ~~not intended to operate long term, therefore there is a limit on allowed renewals within a given year~~provide a unique service to the community by providing affordable food to go and by helping incubate small businesses. Businesses with permanent locations are an integral part of the local economy, ~~and year round vendors may compete unfairly with established businesses.~~ To limit competition for brick and mortar businesses, the hours of operation and number of food vendors allowed in each zoning district is restricted. Vendor locations are restricted to those zoning designations where listed as a permitted use as specified within chapter 2 of this title.
- B. Vendor Standards: Vendors operating outside of a community wide or special event shall be limited to food and beverage sales only with the exception of seasonal uses such as produce stands, fireworks stands and Christmas tree lots administered under temporary uses. Conditions of approval for vendor operations shall include:
1. Payment of a permit fee as established by the city council.
 2. No seating or other customer service.
 3. Proof that all setbacks will be met and that the vendor's structure and activity will not affect the required parking of the primary use of the property.
 4. Signs advertising the activities of vendors shall be attached to the surface of the cart or sales facility. Such signs shall be unlighted. Maximum allowable signage shall be twenty (20) square feet, ~~provided, however, the area of signage for the vendor is subject to the provisions of section 11-5-6 of this title establishing the maximum sign area allowance for the property.~~ Sidewalk or sandwich board signs and banners are not permitted.
 5. All vendors must have their method of providing sewer and water service approved by the Flathead city-county health department, where appropriate, and the Whitefish building official and the Whitefish zoning administrator.

6. No temporary or permanent water, sanitary sewer or storm drainage connections are permitted from vendor operations/vehicles to public or private utility systems.
7. All vendors must have their method of providing electricity from a generator or an electrical outlet via a portable cord that is in conformance with the electrical code as adopted by the city of Whitefish.
 - a. Electrical lines are not allowed overhead or lying on a sidewalk.
 - b. The outlet location must be placed outside the walkways which are accessible to public and private use.
 - c. Length of electrical hookup must be within fifteen feet (15') of the stand.
 - d. No extension cords will be allowed.
 - e. Hookup must be permanently wired to the retail stand and meet national electrical code requirements as to type, size and grounding, terminating in an approved outside weatherproof type receptacle.
 - f. Each vendor stand/location shall require an electrical permit unless previously approved, and will require inspection prior to the operation of the stand.
8. All vendors engaged in the sale of food must have a valid Flathead city-county food service permit and shall comply with all applicable laws, rules and regulations regarding food handling and preparation. All vehicles used for the sale of food by mobile vendors shall comply with all the laws, rules and regulations respecting such vehicles, and the appearance of such shall be approved by the zoning administrator prior to issuance of a permit.
9. A drive-through is not permitted in conjunction with a vendor.
10. Vendors shall not operate in public rights of way, public parking spaces, driveways or fire lanes or within fifteen feet (15') of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp unless otherwise authorized by the city manager.
11. All facilities and equipment used by vendors shall be portable. This requirement shall be deemed met if setup time does not exceed thirty (30) minutes.
12. Vendors shall not operate more than six (6) consecutive hours per day. An additional hour is allowed for setup and take down for a maximum time

allowed on any property of seven (7) hours. In no case shall a vendor stand or equipment be on a property beyond three o'clock (3:00) A.M.

13. A five (5) pound ABC fire extinguisher is required if a heating or cooking appliance is used by the vendor.
14. Proof of an insurance policy, issued by an insurance company licensed to do business in the state: a) for public liability insurance in an amount of not less than five hundred thousand dollars (\$500,000.00) for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; and b) property damage insurance in an amount of not less than twenty five thousand dollars (\$25,000.00) for damages on account of any one accident or occurrence.
15. Proof of permission for employees to use restroom facilities nearby.

C. Prohibited Conduct: No vendor shall:

1. Leave any stand unattended;
2. Store, park or leave any stand overnight;
3. Sell food or beverages for immediate consumption unless he or she has available for public use a public litter receptacle which is available for patrons' use;
4. Leave any location without first picking, removing and disposing of all trash or refuse remaining from sales made by the vendor.

D. Vendor Permit Process:

1. Upon receipt of a completed application that meets all requirements of this section and any associated fees, the zoning administrator may grant a ~~trial~~ thirty (30) day one-year permit for operations. Upon receipt of a Flathead County certified property owner list from the applicant, the zoning administrator shall notify all property owners within one hundred fifty feet (150') of the pending ~~trial~~ permit. A public notice of the ~~trial~~ vendor permit shall be placed in a newspaper of general circulation no less than fourteen (14) days before the ~~start of the thirty (30) day trial period~~ effective date of the permit. If the applicant complies with all standards associated with the approved permit, state law and city ordinances, has not generated any adverse traffic or safety problems, maintained the structure in good repair, and kept the premises clean and orderly, ~~after thirty (30) days~~ the zoning administrator may administratively renew the ~~trial~~ permit ~~into a fully approved vendor permit by allowing the permit to remain in effect for an additional ninety (90) days. One additional ninety (90) day permit renewal may be approved without the trial period, provided that the beginning date of the~~

~~second ninety (90) day period was identified in the vendor's application. The second period does not need to be consecutive to the first. In no case shall a vendor be allowed to operate more than seven (7) months within a twelve (12) month period commencing at the issuance of the trial permit without notification at the request of the applicant.~~ If there is a valid complaint ~~during the trial period or any point thereafter~~ that the vendor does not meet one or more of the standards outlined in this section, the zoning administrator may, at his own discretion or at the direction of the city council, cancel the permit and/or deny any renewals. A vendor may appeal that decision in writing, and in such cases a hearing before the city council shall be scheduled on the renewal. The decision of the city council shall be final.

2. All vendor permits shall be approved in writing through the granting of a vendor permit by the zoning administrator on a case by case basis. At his discretion, conditions, in addition to those included in this section, may be imposed on the use in order to promote neighborhood compatibility or to mitigate health and safety issues.
3. A list of items to be sold by the vendor must be submitted for review prior to issuance of a permit. Only those items listed on the permit shall be authorized to be sold. In approving the list of items authorized for sale the zoning administrator shall be guided by city council policy, and by the impact on safety and the cleanliness of the area.
4. Food vendor permits are limited to ten (10) total, no more than five (5) in any one zoning district. The zoning administrator shall determine the allowable number of street vendors and shall exercise this discretion based upon the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic and other similar considerations. If the zoning administrator determines there are significantly more applicants than available permits in a specific area, he/she shall have the authority to create a lottery system designed to fairly distribute the available vending licenses. Vendor operations shall be limited to one per lot unless otherwise approved through the conditional use permit process outlined in section 11-7-8 of this title.

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ORDINANCE NO. 14-_____

An Ordinance of the City Council of the City of Whitefish, Montana, amending Zoning Regulations in Whitefish City Code Section 11-2K-3 to identify shipping and packaging services as a conditional use in the Secondary Business District (WB-2).

WHEREAS, the City of Whitefish initiated an effort to identify business services as a permitted use in the Secondary Business District (WB-2) in Section 11-2K-2, and add the definition of business services and amend the definition of personal services and professional services in Section 11-9-2; and

WHEREAS, in response to the proposal to amend Title 11, Chapter 2, Article 2K, Section 2 and Title 11, Article 9, Section 2 in the Whitefish City Code, the Whitefish Planning and Building Department prepared Staff Report WZTA-14-03, dated February 13, 2014; and

WHEREAS, at a lawfully noticed public hearing on February 20, 2014, the Whitefish City-County Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA-14-03, invited public comment, and thereafter voted to recommend approval of the proposed text amendments; and

WHEREAS, at a lawfully noticed public hearing on March 3, 2014, the Whitefish City Council received an oral report from Planning staff, reviewed Staff Report WZTA-14-03, invited public comment, and thereafter voted to direct staff to come back to the next City Council meeting with an option for shipping and packaging services as a conditional use in the WB-2 District; and

WHEREAS, at a lawfully noticed public hearing on March 17, 2014, the Whitefish City Council received an oral report from Planning staff, reviewed Staff Report WZTA-14-03, invited public comment, and thereafter voted to recommend approval of the proposed text amendments; and

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

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

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

Section 2: Staff Report WZTA-14-03 is hereby adopted as Findings of Fact.

Section 3: An amendment to Whitefish City Code Section 11-2K-3, WB-2 Secondary Business District Conditional Uses, as provided below, with the insertion shown underlined, is hereby adopted:

* Shipping and packaging services.

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

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

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

John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

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



March 11, 2014

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

Re: Zoning Text Amendment – Business Services: WZTA 14-03 – Tabled from March 4, 2014 Council Meeting

Honorable Mayor and Council:

Background:

At the City Council meeting on March 3, 2014, the Council did not recommend approval of a new definition of 'Business Services' nor add it as a permitted use the WB-2 (Secondary Business District). Instead the Council directed staff to come back to the March 17th meeting 'with an alternative option for shipping and packaging services as a conditional use in the WB-2 zone.'

The Council identified concerns including adding a broad range of uses to the WB-2 that would include more than just shipping and packaging services. The Council was interested in focusing the amendment to address the shipping and packaging services and not include an expanded definition of multiple 'Business Services' uses. The minutes are attached.

Council Recommendation:

The attached find the draft ordinance, within the Conditional Uses (11-2K-3):

- Shipping and packaging services

Staff Analysis:

A conditional use by its nature is a use that, unless mitigated, could have a negative impact on the immediate neighborhood. The zoning establishes the review criteria (§11-7-8) and projects are evaluated by the Council to consider traffic implications, impacts on public infrastructure, noise, odor smoke, hours of operation, compatibility within the neighborhood and site suitability. The zoning regulations have the following definition:

§11-9-2 – CONDITIONAL USE: Those uses requiring the granting of a conditional use permit. Because of characteristics peculiar to the uses, or

because of the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, these uses require a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same area.
(emphasis added)

The WB-2 has the following permitted uses (§11-2K-2):

- Antique stores and auction barns.
- Automobile, boat, and recreational vehicle sales, rentals, parts, repair and service.
- Automotive service stations and convenience stores within.
- Bed and breakfast establishments.
- Bowling establishments.
- Building supplies outlets.
- Bus depot.
- Churches or similar places of worship.
- Daycare centers (13 or more individuals).
- Financial institutions and professional services.
- Frozen food lockers, not including slaughtering.
- Furniture and floor coverings stores.
- Grocery stores.
- Hair salons.
- Hospitals, and associated related nursing homes, retirement homes, congregate housing and personal care facilities in a campus setting.
- Hotels, motels, and other hospitality and entertainment uses.
- Household appliance and electronics stores.
- Laundry and dry cleaning.
- Machinery and equipment sales, rental and repair.
- Medical clinics and associated therapeutic health services.
- Military surplus stores.
- Mortuaries and crematories.
- Professional offices.
- Public buildings.
- Recreational facilities, private and commercial.
- Residential:
 - * Caretaker's units.
- Restaurants.
- Seed and grain sales.
- Theaters.
- Vendors.
- Veterinary office, small animal.
- Wholesale and warehousing.

These permitted uses would have similar hours, similar impacts to public services and facilities, similar impacts on the transportation system, etc. as the proposed 'shipping and packaging services' use.

The following is a list of Conditional Uses in the WB-2 (§11-2K-3):

- Accessory apartments.
- Bars/lounges.
- Boat and recreational vehicle storage.
- Casinos within a casino overlay zone.
- Colleges, business and trade schools.
- Light assembly and light manufacturing.
- Manufactured home subdivisions.
- Microbreweries.
- Ministorage.
- Personal care facilities when not in association with a hospital in a campus setting.
- Recreational vehicle parks, campgrounds and amusement parks (2 acres minimum size).
- Truck stops.
- Veterinary hospital.

A review of the list of Conditional Uses shows a pattern of uses with a possible impact on a neighborhood with noise, lack of compatibility, excessive use of public infrastructure, incompatible hours, etc. These conditional uses all deserve extra scrutiny from the community and the Council in a public forum through the Conditional Use Permit process.

Staff Recommendation:

After careful consideration of the Council direction and discussion with the city attorney and zoning administrator, staff recommends the new proposed use be included in the list of 'permitted uses' as opposed to 'conditional uses' so as to be consistent with the rest of the zoning code. 'shipping and packaging services' has no more impacts to the WB-2 zoning district than a grocery store or a professional office nor does it warrant additional scrutiny through the Conditional Use Permit process that the Council typically reviews.

Another item to consider for consistency within the zoning regulations is to use the same term that is already established in the WBSD (Business Service District), 'private postal services and shipping services' instead of 'shipping and packaging services'.

Staff recommends the City Council add the following permitted use to §11-2K-2:

- Private postal services and shipping services.

This item has been placed on the agenda for your regularly scheduled meeting on March 17, 2014. Should Council have questions or need further information on this matter, please contact the Planning & Building Department.

Respectfully,

A handwritten signature in black ink that reads "Wendy Compton-Ring". The signature is written in a cursive, flowing style.

Wendy Compton-Ring, AICP
Senior Planner

Att: Council Transmittal, 3-4-14 Meeting

c: w/att Necile Lorang, City Clerk

received
3 - 3 - 14

Subject: consumption junction in whitefish?
From: Diane Carter <diane@dancehammer.com>
Date: 3/2/2014 7:19 PM
To: nlorang@cityofwhitefish.org

Please follow the Zoning Compliance Permit System that IS in place.
The people elected this and expect it to be followed.

Do we want the entrance to Whitefish to look like the north entrance to Kalispell?

Where did common sense go? I'm also wondering if our plow guys resigned due to the bulbed out street corners?

Diane Carter

Subject: Zoning Compliance Permit system
From: Linda Katsuda <l.katsuda@bresnan.net>
Date: 3/2/2014 10:16 PM
To: nlorang@cityofwhitefish.org

received
3 - 3 - 14

City Clerk Lorang

It has come to my attention that violations to Whitefish Zoning Compliance Permit system regarding Highway 93 S. corridor are not being dealt with. Now the city planning office and planning board is asking the City Council to change the existing WB-2 zone to accommodate these violations. It has only been 3 years ago that this system was put in place to maintain the unique small town feel of Whitefish and to keep the health and vitality of our downtown area. Let's keep and enforce our city rules as is.

Respectfully,
Linda Katsuda
420 Geddes Ave.

Subject: comments on Whitefish zoning
From: Amanda Lanier <amandalanier@me.com>
Date: 3/3/2014 10:06 AM
To: nlorang@cityofwhitefish.org

received
3-3-14

Dear City Council,

I am writing regarding the zone change proposal that would allow more commercial businesses on the highway corridor to Whitefish. I hope that you will enforce the Zoning Compliance Permit System, deny the zone change in order to improve the character of Whitefish, and attempt to stop sprawl on Highway 93 south of town.

I understand that it is very expensive to start a business and find places to rent in downtown Whitefish. I hope you will look at other ways to encourage local residents to find and afford space besides turning Highway 93 into a sprawling and unattractive strip shopping mall.

Sincerely,

Amanda Lanier
25-B Iowa Ave.
Whitefish, MT

Subject: zoning compliance
From: "Susan Schnee" <schnee@aboutmontana.net>
Date: 3/3/2014 11:46 AM
To: <nlorang@cityofwhitefish.org>

received
3-3-14

City Council Members:

I would like to address the topic of the city planning dept. attempting to change the zoning for the Hwy South Corridor.

I would like you to follow the rules and enforce the Zoning Compliance Permits. Deny this zone change to create a new Business Services Zone, for yet another illegal use, as it will erode the strength and character of the WF downtown core. Hold the line on continued attempts to allow more uses and a sprawling pattern of development along the Hwy 93 South entrance.

Thank you,
Susan Schnee
1405 East Second St
Whitefish, MT 59937
406-863-9856

Subject: Allowing small retail on 93 South
From: "Imagination Station" <whitefishtoy@montanasky.com>
Date: 3/3/2014 11:54 AM
To: <nlorang@cityofwhitefish.org>

received
3-3-14

Unfortunately, I will be unable to attend tonight's meeting, but would like to express my feelings about expanding small retail along 93 South.

As part of the process to come to a consensus on growth for 93 South, I feel that if you allow spot zoning changes, you will basically be saying that that whole process was a waste of time for all those involved. This was not just an afternoon, or two, it took a considerable amount of time, energy and emotion to come to a consensus two years ago. Allowing spot changes basically says to those business and community participants that they should've spent their time in more productive ways that to try to help shape the growth of Whitefish. During that process, everyone had to make compromises to come up with a usable document, please don't belittle those compromises by disregarding the hard choices that we had to make just two years ago.

Thank you, Mary Witbrod Imagination Station

Subject: Whitefish Zoning Text Changes Regarding Business Services
From: Patrick Malone <communitybydesign@hotmail.com>
Date: 3/3/2014 7:23 AM
To: "nlorang@cityofwhitefish.org" <nlorang@cityofwhitefish.org>
CC: Patrick Malone <communitybydesign@hotmail.com>

received
3 - 3 - 14

To whom it may concern.

Having reviewed the staff report and public hearing comments, I understand the need to add and/or clarify the category of "business services" within the City's zoning code. An obvious omission from the beginning.

As these changes pertain to the development pattern, appearance and functionality along Highway 93 however, I am concerned at the long-term build out implications of allowing more and more uses to proceed south in a strip development pattern. The overall development along 93 between Whitefish and Kalispell is already undermining the character of the corridor and is a regrettable trend which can not be reversed once allowed.

I request that you NOT adopt this text change until further study as to the long-term impacts of development along Highway 93 can receive further study. It would be nice to see the result of such changes in a possible built-out scenario 20 years into the future and an environmental review of such impacts.

Sincerely,
Patrick Malone.

Patrick Malone, Co-Principal
COMMUNITY-BY-DESIGN

"Facilitating Sustainable Communities and Organizations Since 1987"
PO Box 113, Spokane WA 99210 or 6 Iris Court, Kalispell MT 59901
509.279.5107

"We must learn to invest as if food, farms and fertility mattered. We must connect investors to the places where they live, creating vital relationships and new sources of capital for small food enterprises." – *Slow Money Principle IV*

received
3-3-14

Subject: Request For Zone Change
From: "sherman" <sherman@montanasky.net>
Date: 3/3/2014 10:34 AM
To: <nlorang@cityofwhitefish.org>

Dear Whitefish City Council:

For three years of intense consideration of the appropriate business uses for the Highway 93 S. corridor, in 2011 the Whitefish City Council adopted a Zoning Compliance Permit system to put an end to growing zoning violations in the south corridor area. The council rejected suggestions to allow many new uses in this corridor and agreed only to make minor changes to the WB-2 zoning in the area to "... mitigate the negative effects of city oversight when it comes to allowing illegal uses to proliferate..."

I am requesting that the City Council deny any requests for a zone change and that Council follow their rules as well as enforce the Zone Compliance Permit System. Do not allow any illegal use that would have negative effects on the character of downtown Whitefish.

Thank you,

Roger Sherman
280 Brimstone Dr.
Whitefish MT

received
3-3-14

Subject: zoning change
From: Andrew Zimet <azimet@icloud.com>
Date: 3/2/2014 6:05 PM
To: nlorang@cityofwhitefish.org

Dear Council members,

We are writing to strongly protest the proposed zoning change. Downtown Whitefish should be the center of commercial activity, and continued sprawl along 93 S should be minimized. Lets preserve the wonderful character of our town.

Sincerely,

Andrew and Linda Zimet
2646 SNowghost Dr
Whitefish MT



To: Whitefish City Council

Re: Amending Zoning Regulations in Whitefish City Code Section 11-2K-2 to identify Business Services as a permitted use in the Secondary Business District (WB-2) and adding the definition of Business Services and amending the definitions of Personal Services and Professional Services in Section 11-9-2.

Date: March 2, 2014

Citizens for a Better Flathead appreciates this opportunity to comment on the zone text change before you tonight. Our organization was founded in 1992 and we represent some 1500 supporters throughout the county. Our mission is to foster informed and active citizen participation in the decisions shaping the Flathead's future, and to champion the democratic principles, sustainable solutions, and shared vision necessary to keep the Flathead *Special Forever*. We believe that thoughtfully planned growth can and should occur without diminishing the very special characteristics of the Flathead Valley that play such an important role in attracting and retaining investments that grow the Flathead's economy.

We are asking that you to deny this proposed text amendment for the following reasons:

1. This zone text amendment, proposed by the Whitefish Planning Director and Zoning Administrator, violates required procedures and regulations under Whitefish City statutes and, therefore, should be denied on this basis alone.

- A. While the ordinance before you states that the City of Whitefish initiated this zone text change, this is misleading as it was more specifically drafted and submitted by the Whitefish Planning Director without the direction or authorization that should have first been given by the city council under Whitefish Zoning regulations. (see citations to these regulations below)
- B. Furthermore, this zone change was initiated by the Whitefish Planning Director in direct response to the fact that a UPS Store had already occupied a new commercial building, next to Walgreens. The UPS store is not a permitted use in the WB-2 zone. The Whitefish Zoning Regulations clearly require the Planning Director/ Zoning Administrator to report findings to the city council and file a complaint when a violation like this occurs. **Instead of enforcing compliance with Whitefish Zoning Regulations requiring a Zoning Compliance Permit and notification of the city council of any violation of this permit process,**

the Planning Director / Zoning Administrator drafted this zone change, which is clearly an attempt to accommodate this illegal use and a violation of the city's duty to follow its own regulations.

11-7-3: ZONING ADMINISTRATOR:

10. Receive and investigate allegations of noncompliance or violation of these regulations, **report findings to the city council, and file a complaint** where such allegations are based in apparent fact.

11-7-3: ZONING ADMINISTRATOR:

B. Powers And Duties: The zoning administrator, his assistant or designee will:

5. Update these regulations and the official zoning map **as directed by the city council.**

8. Report to the city council any recommendations for changes and improvements in these regulations and the procedures therein.

C. Restrictions: The zoning administrator shall not:

1. Make any changes in the uses categorically permitted in any zoning classification or zoning district, or make any changes in the terms of these zoning regulations, or make any changes in the terms, classifications or their boundaries on the official zoning map **without the prior specific direction of the city council requesting that he do so.**

2. Failure to follow Whitefish City procedures and regulations make this requested zone text amendment before you de facto spot zoning as it was initiated by the zoning administrator on behalf of an individual or small group of individuals who will benefit directly as a result of this change at the expense of the larger community, if this change is approved.

The Whitefish zoning regulations provide for how these zoning regulations are to be amended. These regulations do not allow for a zoning administrator to recommend amendments as a way to address a zoning violation. The Whitefish Zoning Regulations do not allow for a zoning administrator to propose a zone change for another party who has failed to meet their legally required duty, under your regulations, to pay a fee and apply for a zoning compliance permit prior to building or establishing a new use within the Whitefish City limits.

11-7-9: ZONING COMPLIANCE PERMIT:

A. Purpose: The purpose of the zoning compliance permit is to ensure that proposed development complies with the standards of these zoning regulations.

B. Zoning Compliance Permit Required: A zoning compliance permit is required prior to a change in use, prior to any new or expanded permitted or accessory use or structure within the city limits or Whitefish planning jurisdictional area excluding any single-family residential development.

C. Zoning Compliance Permit Optional: A zoning compliance permit is not required prior to any single-family residential development within the Whitefish planning jurisdictional area, but is offered as an optional service of the city of Whitefish. Full compliance with all provisions of the applicable codes and zoning regulations is required regardless of whether or not a zoning compliance permit is applied for. The city will not charge a fee for a single-family residential zoning compliance permit.

Should construction, development, or expansion of a permitted or accessory use be undertaken without first obtaining a zoning compliance permit, and said activity is subsequently found to be not in compliance with applicable codes and regulations, an after the fact zoning compliance permit must be obtained as set forth in subsection 1 of this section and a review fee will be charged.

11-7-1: ENFORCEMENT

These regulations shall be enforced by the zoning administrator duly appointed by the city council, or by his assistant or designee, who shall have the authority to request entry to any building, structure, or premises, or any part thereof, at any and all reasonable times, for the purpose of performing his official duties. Any reference herein to the zoning administrator shall include his assistant or designee. (Ord. 01-04, 2-20-2001)

11-7-2: COMPLIANCE REQUIRED:

No building permit shall be issued for any proposed use, construction or action, which is not in compliance with the ordinances of the city. (Ord. 01-04, 2-20-2001)

11-7-12: AMENDMENTS:

A. Amendments Allowed: The provisions of these regulations may, from time to time, and for the furtherance of public necessity, convenience and welfare and in recognition that circumstances and conditions may be altered substantially as time passes, be amended, supplemented, changed, modified or replaced.

B. Procedures:

1. Requests to amend the text of these regulations may be initiated by any affected party or entity on a form provided by the zoning administrator.

11-7-13: VIOLATIONS AND PENALTIES:

A. Any person, partnership, association, company, corporation or individual who violates, disobeys, omits, neglects or refuses to comply with the provisions of these regulations shall be deemed guilty of a misdemeanor offense, and upon conviction

thereof, shall be punished as prescribed by this code⁴. Each day a violation of these regulations remains after notice to the offending party, as described below, shall constitute a separate misdemeanor offense.

B. Any person, partnership, association, company, corporation or individual who violates, disobeys, omits, neglects or refuses to comply with the provisions of these regulations shall be deemed to have committed a municipal infraction and, upon proof of violation, shall be assessed a civil penalty as prescribed by this code⁵. Each day a violation of these regulations remains after notice to the offending party, as described below, shall constitute a separate municipal infraction.

F. Any person applying for a permit or other land use approval under these regulations, or who is otherwise required to comply with these regulations, shall be responsible for becoming familiar with these regulations and for complying fully with such regulations. The failure of city officials to identify a violation of these regulations in an application or proposal, or the failure of city officials to notify a person submitting an application or proposal of a particular requirement or restriction contained in these regulations, shall not excuse the applicant or the person making the proposal from the obligation to comply fully with such regulations. Any permit or land use approval issued in violation of these regulations, or which includes terms or omits terms in violation of these regulations, shall be deemed to be invalid. (Ord. 09-18, 10-19-2009; amd. Ord. 11-04, 4-18-2011; Ord. 12-04, 2-6-2012)

3. The proposed zone text change to add a new definition of Business Services and to amend the definition of Personal Services and Professional Service is not supported by the 2011 findings of fact and the record of decision the city council made in 2011 in amending the WB-2 zone text. The council rejected similar zone text changes at that time.

- A. Staff Report #WZTA 14-03 is deficient and misleading in not including, discussing and considering the need for consistency with the extensive review and adoption of text changes and findings for the WB-2 zone in 2011. This zone change was the subject of three years of discussion by the city and the community. Packed public hearings during this review showed overwhelming support for limiting additional uses in the WB-2 zone and for keeping the WB-3 zone the central strong commercial retail district of the city by not allowing additional or similar uses to the WB-2 zone. A Stakeholder Committee appointed by the City Council to find consensus on changes to the WB-2 zone made similar recommendations. These recommendations became the basis of the minor changes made to the WB-2 zone in 2011.
- B. The findings adopted by the city council for the 2011 zone change to the WB-2 district cited the Whitefish Growth Policy guidance on the need to protect the unique WB-3 zoning in part by citing the growth policy;

“The 2007 Whitefish City-County Growth Policy has several pertinent references to this particular zoning text amendment in the Land Use section. Future Land Use

goals include:

1. Preserve and enhance the character, qualities, and small town feel and ambience of the Whitefish Community. The proposed changes conform to that goal by limiting the size of buildings and requiring a public review process for approval of uses that compete with downtown.
2. Strengthen the role of Downtown Whitefish as the commercial, financial, and administrative center of the community. By minimizing changes to the WB-2 zone, the proposed amendments do their best to continue to support downtown Whitefish.
3. Under Recommended Actions, 7. The City shall develop special regulations for "big box" commercial structures to ensure that the scale and character of the community are maintained. The Committee has recommended a Corridor Study to address that issue. "

The report concluded that "The proposed text changes attached from the Stakeholder Committee are a reasonable attempt to update the code and mitigate the negative effects of city oversight when it comes to allowing illegal uses to proliferate.. The majority of changes proposed are consistent with the "intent" of the WB-2 zone, and consistent with the adopted 2007 Growth Policy."

- C. The 2011 zone text review did not recommend the future need to adopt a "Business Service District." Rather, it recommended that a zoning compliance ordinance be put in place –and this was adopted on the same evening of the WB-2 zoning text amendments. Additionally the 2011 zone text review identified the need for a corridor study to precede further changes to the zoning in the area now covered by WB-2 zoning.

4. The staff report assertion and finding that a new definition for Business Services is needed or is legitimate because similar uses are found in other business districts in Whitefish is not supported by Montana statutes nor does the staff report establish a factual basis to support such a finding.

- A. The staff report asserts that "The zoning has been silent on the use of Business Services in the WB-2 and the zoning has not clearly defined the term Business Services. " The staff report also argues that Business Services are already permitted within other Whitefish zones including WB-1 and WBSD. These arguments, however, are without merit. Montana zoning statutes are very clear that zoning districts can limit the uses and distinguish the uses permitted in one district from another:

" 76-2-302. Zoning districts. (1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(2) All regulations must be uniform for each class or kind of buildings throughout

each district, but *the regulations in one district may differ from those in other districts.*"

- B. Furthermore, the Whitefish Growth Policy supports the existing WB-3 zoning. The Whitefish Growth Policy provides the clear basis for limiting additional uses and thus for denying this proposed zone change for the addition of Business Services in the WB-2 zone. The Whitefish Growth Policy includes policies that establish the following goals:

1. *Preserve and enhance the character, qualities, and small town feel and ambience of the Whitefish Community.*
2. *Strengthen the role of Downtown Whitefish as the commercial, financial, and administrative center of the community.*

The Whitefish Growth Policy also recognizes that the development capacity of the downtown area means that additional development does not need to be encouraged in the Highway 93 South corridor:

"From a physical standpoint, the plan recognizes a market-supported build-out scenario that includes 140,000 SF of new retail, existing and/or renovated retail totaling 175,000 SF, over 330 new residential units, and 740 structured parking spaces. How that space could be distributed throughout the downtown area is shown in a Capacity Diagram on page 5 of the plan. Growth potential of this magnitude would present the community with the opportunity to keep the business focus on downtown as opposed to continued development of the Hwy. 93 South corridor, or allowing additional commercial striping farther south along Hwy. 93 or along Montana Hwy. 40."

- C. The 2011 findings that supported very limited changes to the WB-2 zone, stated that the limited changes adopted were to primarily "mitigate the negative effects of city oversight when it comes to allowing illegal uses to proliferate." The findings also stated:

"By minimizing changes to the WB-2 zone, the proposed amendments do their best to continue to support downtown Whitefish."

- D. The Staff Report notes that the UPS store has been in the WB-2 zone since 1980, but it fails to state that the UPS store was located in the Whitefish Mall as a grandfathered use in that location. As noted earlier the move of the UPS store from the Whitefish Mall to the building next to Walgreens was done in violation of Whitefish zoning regulations that have been in place or were additionally put in place by the City of Whitefish with adoption of the Zoning Compliance Permit requirement in 2011.

5. The Text Amendment as proposed is neither consistent with the council's findings regarding Whitefish Growth Policy in its 2011 amendments to the WB-2 zone nor is it supported by other standards of review for a zone change.

- A. Finding #1 for this zone amendment (see below) is not consistent with the growth policy findings for the 2011 limited changes to the WB-2 zoning district.

"Finding 1[of this zone request]: The Growth Policy promotes a diversification of the economy. Providing opportunities for a variety of uses supports this diversification; therefore, the proposed amendment is in accordance with the Growth Policy."

"Findings [of the 2011 zone request] The 2007 Whitefish City-County Growth Policy has a several pertinent references to this particular zoning text amendment in the Land Use section. Future Land Use goals include:

1. Preserve and enhance the character, qualities, and small town feel and ambience of the Whitefish Community. The proposed changes conform to that goal by limiting the size of buildings and requiring a public review process for approval of uses that compete with downtown.

2. Strengthen the role of Downtown Whitefish as the commercial, financial, and administrative center of the community. By minimizing changes to the WB-2 zone, the proposed amendments do their best to continue to support downtown Whitefish."

- B. Finding #3 and finding #9 respectively of this proposed zone text change provides no supporting evidence but state:

"Finding 3: The proposed amendments promote public health, public safety and general welfare by providing additional compatible uses within the zoning district."

Finding 9: The proposed code amendments do not affect the value of buildings."

Yet the zone text amendment to add Business Services to the WB-2 zone proposes to add multiple additional uses including "advertising, bookkeeping, building service, credit reporting, collection of claims, computer services, data processing, graphic design, mailing, photocopying, publishing, reproduction, security, and shipping" to the WB-2 zone most of which are small scale uses that are currently active in the WB-3 district. To add these specific uses to the WB-2 District would allow these uses to move out of the WB-3 district and this can negatively impact the general welfare and vitality of the downtown core and those invested in this area. The proposed zone change would facilitate not only the moving of the UPS store from a legally grandfathered location in the Whitefish Mall, but it could allow for other such grandfathered uses in the mall to relocate, thus creating undesirable vacancies at that location.

- C. Finding #7 states with no supporting evidence:

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

Yet as noted above, to add these uses to the WB-2 District would allow these uses to move from out of the WB-3 district and negatively impact the general welfare of the downtown core and those invested in this area. Additionally, finding # 7 fails to consider that the distinct zones such as WB-3 and WB-2 and the intent of these zones that define the appropriate location for specific uses such as small scale retail are essential to defining compatible urban growth in the Whitefish zoning jurisdictions where there has been strong opposition to allowing strip commercial develop to define the entrance corridors to Whitefish.

"The WB-3 district is a broad commercial district intended to accommodate financial, retail, governmental, professional, institutional and cultural activities. The WB-3 district also encompasses two (2) unique commercial areas, which require special considerations: the Old Town central district (Railway to Third, Baker to Spokane), and the Old Town railway district (Railway to Second, Miles to Lupfer). This zoning classification is not intended for general application throughout the Whitefish area. (Ord. 08-23, 11-17-2008)"

"The WB-2 district is intended to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. This district depends on proximity to highways or arterial streets and may be located in business corridors or islands. (Ord. 11-05, 5-2-2011)"

- D. Finding 8 states and dismisses the significance of the particular "suitability of the property for the particular use," as not an applicable criteria for review of this zoning text amendment:

Finding 8: The character of the district and its particular suitability of the property for the particular use is not applicable to this code amendment as it pertains more to site development than community wide zoning regulations. However, the district is characterized by larger lots with large parking areas suitable to the 'Business Services' use. In addition, the Purpose and Intent of the zoning chapter describes the WB-2 as a district intended for 'services'.

Yet the character of the WB-3 District as the downtown center of commerce for Whitefish is dependent on having a particular community of uses in a concentrated geographic location. This concentration provides the necessary density of compatible uses, which in turn attracts the active public, tourist, and employee base who use and make the downtown core area vibrant and successful. This success in turn attracts quality development investment. The success of the Whitefish downtown area can be directly attributed to the careful planning that has gone into the type and pattern of uses to be encouraged in the downtown area that is governed by WB-3 zoning and supported by the downtown master plan.

Additionally to suggest as Finding #8 does that the mere use of the word services in the wording of the purpose and intent of the WB-2 District is a rationale for adding a Business Services category is without supporting evidence. It is a far stretch to suggest that the word service as used in the intent of the WB-2 zoning is a direct reference to a need for business services as proposed in this zone text change.

In conclusion we urge you to deny this zone change proposal and to:

- Comply with your own regulations that call for enforcing and requiring all new or changing uses in a district to first obtain a zoning compliance permit.
- Recognize that your own regulations require that those changing a use or proposing a new use are responsible for becoming familiar with the City Zoning Regulations and for complying fully with such regulations. The failure of city officials to identify a violation of these regulations in an application or proposal, or the failure of city officials to notify a person submitting an application or proposal of a particular requirement or restriction contained in these regulations, shall not excuse the applicant or the person making the proposal from the obligation to comply fully with such regulations.
- Reject attempts by a few business interests to use the planning office to propose changes to existing zoning regulations for their benefit as a form of de facto spot zoning.
- Reject the proposed findings of fact as inadequate and unsupportable.
- Be consistent with your 2011 decision of zone changes to the WB-2 zone, by not allowing piecemeal changes, as represented in the proposed zone text changes before you, that dilute the character and economic stability of the downtown core area.

Wendy Compton-Ring

From: Necile Lorang <nlorang@cityofwhitefish.org>
Sent: Tuesday, March 04, 2014 1:55 PM
To: Wendy Compton-Ring
Subject: Fwd: WB-3 proposed zoning change

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

Subject:WB-3 proposed zoning change
Date:Tue, 04 Mar 2014 11:54:24 -0700
From:Crystal Winters <crystalwinters@bresnan.net>
To:nlorang@cityofwhitefish.org

3/4/2014

Dear Whitefish City Council Members,

As yet another attempt is being made to re-zone for a "special interest" may we remind the council of all the time and effort spent on establishing the WB-3 zoning just a few years ago, and the reasons behind those regulations.

We as a small business community need to protect our downtown core. The zoning regulations require a zoning compliance permit, as such any proposed business should be aware of what uses ARE permitted within the zone. To be effective these regulations MUST be enforced as they are written, the plan must be followed if it is to be successful! The City must follow their own regulations or all is lost.

Having been in business in Whitefish for 35 years we can truly appreciate the determination of the city council to maintain our vibrant downtown. Just look at Columbia Falls for example, to see where the downtown has suffered due to lack of zoning protection.

Please reject any piecemeal changes to the WB-3 zoning and stand up for what makes our Whitefish a unique and viable city for small business.

Craig and Susan Drynan
Crystal Winters LLC
232 Central Ave.
Whitefish, MT 59937

ORDINANCE NO. 14-_____

An Ordinance of the City Council of the City of Whitefish, Montana, amending Zoning Regulations in Whitefish City Code Section 11-2K-2 to identify Business Services as a permitted use in the Secondary Business District (WB-2) and adding the definition of Business Services and amending the definitions of Personal Services and Professional Services in Section 11-9-2.

WHEREAS, the City of Whitefish initiated an effort to identify business services as a permitted use in the Secondary Business District (WB-2) in Section 11-2K-2, and add the definition of business services and amend the definition of personal services and professional services in Section 11-9-2; and

WHEREAS, in response to the proposal to amend Title 11, Chapter 2, Article 2K, Section 2 and Title 11, Article 9, Section 2 in the Whitefish City Code, the Whitefish Planning and Building Department prepared Staff Report WZTA-14-03, dated February 13, 2014; and

WHEREAS, at a lawfully noticed public hearing on February 20, 2014, the Whitefish City-County Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA-14-03, invited public comment, and thereafter voted to recommend approval of the proposed text amendments; and

WHEREAS, at a lawfully noticed public hearing on March 3, 2014, the Whitefish City Council received an oral report from Planning staff, reviewed Staff Report WZTA-14-03, invited public input, and thereafter voted to recommend approval of the proposed text amendment; and

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

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

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

Section 2: Staff Report WZTA-14-03 is hereby adopted as Findings of Fact.

Section 3: An amendment to Whitefish City Code Section 11-2K-2, WB-2 Secondary Business District Permitted Uses, as provided below, with the insertion shown underlined, is hereby adopted:

* Business services.

Section 4: Amendments to Whitefish City Code Section 11-9-2, Definitions, as provided below, with insertions shown underlined, are hereby adopted:

BUSINESS SERVICES: Uses that are primarily engaged in rendering services to business establishments on a contract or fee basis. Such uses include advertising, bookkeeping, building service, credit reporting, collection of claims, computer services, data processing, graphic design, mailing, photocopying, publishing, reproduction, security, shipping, sign making, office equipment rental, lease and repair services, and other similar services. This is differentiated from uses that provide services to an individual (see definition of Personal Services) or services provided by a professional (see definition of Professional Services). Business services should not include retail sales except on an incidental basis.

PERSONAL SERVICES: A use that provides a service to an individual customer designed to accommodate a specialized need, provide a convenience, or cater to a particular lifestyle. Such services shall be those types that require mechanical skill or manual dexterity, as differentiated from mental disciplines generally requiring licensing or certification such as those listed under professional services (see definition of Professional Services) and services provided primarily to business such as those listed under business services (see definition of Business Services). Examples of personal services would include, but are not limited to: delivery and pick up, catering, event planning, recreational guiding and outfitting, personal training, tattoo, and personal spa and grooming services such as manicure, facial, hairstylists, and makeup consulting. Personal services should not involve retail sales except on an incidental basis such as the selling of hair products at a salon.

PROFESSIONAL SERVICES: Conduct of a service business which is commonly identified as a profession and which may be licensed by the state. Such services include engineers, architects, planners, surveyors, designers, lawyers, accountants, real estate brokers, insurance agents, dentists, physical therapists, massage therapists, chiropractors, or physicians. Additionally, accounting, journalism, research, editing, administration or analysis; the conduct of a business by salespersons, sales representatives or manufacturer's representatives, or the conduct of business by professionals is included. Professional services do not include veterinarians, showrooms, manufacturing, repair, testing, retail sales, the storage, sale or delivery of goods located on the premises, or other occupations requiring physical skill such as those found under personal services (see definition of Personal Services) and services

provided primarily to business such as those listed under business services (see definition of Business Services).

Section 5: 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 6: 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

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



February 24, 2014

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

Re: Zoning Text Amendment – Business Services: WZTA 14-03

Honorable Mayor and Council:

Summary of Requested Action: This application is a request by the city of Whitefish to add a definition for 'business services' and add 'business services' as a permitted use in the WB-2 zone.

Planning Board Recommendation: The Whitefish City-County Planning Board held a public hearing on February 20, 2014. Following this hearing, the Planning Board unanimously recommended approval of the amendments and adopted the supporting findings of fact in the staff report. (Anderson was absent)

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

Public Hearing: At the public hearing, one member of the public spoke in favor of the proposed amended draft ordinance. The draft minutes of the Planning Board hearing are included.

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

Respectfully,

A handwritten signature in black ink that reads "Wendy Compton-Ring". The signature is written in a cursive, flowing style.

Wendy Compton-Ring, AICP
Senior Planner

Att: Exhibit A, Planning Board recommendation, 2-20-14
Draft minutes of the 2-20-14 Planning Board meeting
Staff Report, WZTA 14-03, 2-13-14

c: w/att Necile Lorang, City Clerk

Exhibit A
WTZA 14-01
Whitefish City-County Planning Board
Recommendation
February 20, 2014

Amendment #1 – add BUSINESS SERVICES to §11-9-2 and amend PERSONAL SERVICES and PROFESSIONAL SERVICES:

BUSINESS SERVICES: Uses that are primarily engaged in rendering services to business establishments on a contract or fee basis. Such uses include advertising, bookkeeping, building service, credit reporting, collection of claims, computer services, data processing, graphic design, mailing, photocopying, publishing, reproduction, security, shipping, sign making, office equipment rental, lease and repair services, and other similar services. This is differentiated from uses that provide services to an individual (see definition of Personal Services) or services provided by a professional (see definition of Professional Services). Business services should not include retail sales except on an incidental basis.

PERSONAL SERVICES: A use that provides a service to an individual customer designed to accommodate a specialized need, provide a convenience, or cater to a particular lifestyle. Such services shall be those types that require mechanical skill or manual dexterity, as differentiated from mental disciplines generally requiring licensing or certification such as those listed under professional services (see definition of Professional Services) and services provided primarily to business such as those listed under business services (see definition of Business Services). Examples of personal services would include, but are not limited to: delivery and pick up, catering, event planning, recreational guiding and outfitting, personal training, tattoo, and personal spa and grooming services such as manicure, facial, hairstylists, and makeup consulting. Personal services should not involve retail sales except on an incidental basis such as the selling of hair products at a salon.

PROFESSIONAL SERVICES: Conduct of a service business which is commonly identified as a profession and which may be licensed by the state. Such services include engineers, architects, planners, surveyors, designers, lawyers, accountants, real estate brokers, insurance agents, dentists, physical therapists, massage therapists, chiropractors, or physicians. Additionally, accounting, journalism, research, editing, administration or analysis; the conduct of a business by salespersons, sales representatives or manufacturer's representatives, or the conduct of business by professionals is included. Professional services do not include veterinarians, showrooms, manufacturing, repair, testing, retail sales, the storage, sale or delivery of goods located on the premises, or other occupations requiring physical skill such as those found under personal services (see definition of Personal Services) and services provided primarily to business such as those listed under business services (see definition of Business Services).

Amendment #2 – add the following permitted use to §11-2K-2:

- Business Services.

“may be denied” as recommended in the staff report.

VOTE

The motion passed 5-1 with Workman voting in opposition. (Scheduled for City Council on March 3, 2014.)

**CITY OF WHITEFISH
ZONING TEXT
AMENDMENT REQUEST**

A request by the City of Whitefish for a Zoning Text Amendment to Section 11-2-K-2, WB-2 Secondary Business District, Permitted Uses, to add Business Services, and to 11-9-2, Definitions, to add a definition of Business Services.

STAFF REPORT WZTA 14-03

Senior Planner Compton-Ring reported that the City is proposing to add a new definition, Business Services, to the zoning regulations and make it a permitted use in the WB-2 zone. The zoning regulations have two definitions related to services -- ‘personal services’ and ‘professional services’, but the zoning has been silent on the use of business services in the WB-2 and the zoning has not clearly defined the term business services.

Business Services is a distinct and different use from both ‘professional services’ and ‘personal services’. Staff reviewed the US Department of Labor *Standard Industrial Classification* (<https://www.osha.gov/pls/imis/sicsearch.html>) which is a system used to classify industry in a uniform manner. Some municipalities use it as a way to identify use categories in zones, while it isn’t always a practical tool, it can be a good starting point for discussion. There is a separate listing for Business Services from Personal Services. Business services are those uses that provide a service for businesses – such as advertising, credit reporting, graphic design, copying, building maintenance, equipment/computer rental, leasing and repair, computer programming, etc. Personal services are specifically geared toward the support of an individual and professional services are services provided by individuals that may be licensed by the state. Professional offices are allowed in the WB-2 zone, whereas personal services, with the exception of hair salons, are not. Business services may have a need for larger parking areas to service the delivery and pick-up of larger items, which makes it a compatible use within the WB-2 zone and the stated intent.

Over the years the City has allowed ‘business service’ types of uses to go into the WB-2 as staff has considered them professional services, but they technically were a business service. There may be some concerns that adding business services to the list of permitted uses in the WB-2 zone may pull business from the downtown, but these types of uses are already permitted in the WB-1 and the WBSD. Staff also pointed out that the WB-4, the WI and the WBMV also permit service-type uses.

An example of this type of use is the UPS store. This business has

been in the WB-2 zoning district since the 1980s in various locations. It has most recently moved to a new building adjacent to Walgreens. The UPS store provides shipping, packaging, mailing and copying services. This particular use does not neatly fit within the personal services or professional services. In addition, there are a number of other existing uses within the WB-2 district that also provide similar services to businesses so it made some sense to create a 'business service' use in this district to capture these various uses.

Staff proposed a definition for 'Business Services', an amendment to both Personal and Professional Services, and identifying Business Services as a permitted use in the WB-2.

Director Taylor said this solves the problem of business services that the city has been considering professional offices.

PUBLIC HEARING

The public hearing was opened to those who wished to speak on the issue.

PUBLIC HEARING

Bill Halama, 235 Good Medicine Drive, said he owns the shopping center that the UPS store moved into recently. He said this is not a use that would fit downtown. He said this business is a perfectly compatible use in this area. He said the UPS store has been in business for a long time in this zone. He said this text amendment just cleans up the language.

No else one wished to speak and the public hearing was closed.

MOTION

Phillips moved and Ellis seconded Whitefish to adopt staff report WZTA 14-03 as findings of fact and recommend that the City Council approve a request by the City of Whitefish for a Zoning Text Amendment to Section 11-2-K-2, WB-2 Secondary Business District, Permitted Uses, to add Business Services, and to 11-9-2, Definitions, to add a definition of Business Services.

VOTE

The motion passed unanimously. (Scheduled for City Council on March 3, 2014.)

**CITY OF WHITEFISH
ZONING TEXT
AMENDMENT REQUEST**

A request by the City of Whitefish for a Zoning Text Amendment to Section 11-3-23, Vendors, to streamline the permitting process, allowing for a one-year permit for food vendors rather a 30-day and two 90-day permits.

Ellis asked if the vendors had to be on private property and Director Taylor said they do, but there is limited private property downtown. He said it is a nice business incubator for some small businesses. There is nowhere to get food after 10 p.m. so the vendors do meet a need. Gunderson asked and Director Taylor said the vendors pay

PROPOSED CODE AMENDMENTS
TITLE 11, CHAPTER 2K: SECONDARY BUSINESS DISTRICT
TITLE 11, CHAPTER 9: DEFINITIONS
STAFF REPORT # WZTA 14-03
February 13, 2014

This is a staff report to the Whitefish City-County Planning Board and Whitefish City Council amending the permitted uses in the Secondary Business District (WB-2), adding a definition and amending two definitions. The Planning Board public hearing is scheduled for **February 20, 2014** and a subsequent hearing is scheduled before the City Council on **March 3, 2014**.

BACKGROUND INFORMATION

The city is proposing to add a new definition, Business Services, to the zoning regulations and make it a permitted use in the WB-2 zone. The zoning regulations have the following two definitions related to services they are 'personal services' and 'professional services'. The zoning has been silent on the use of business services in the WB-2 and the zoning has not clearly defined the term business services.

Personal Services are defined as:

A use that provides a service to an individual customer designed to accommodate a specialized need, provide a convenience, or cater to a particular lifestyle. Such services shall be those types that require mechanical skill or manual dexterity, as differentiated from mental disciplines generally requiring licensing or certification such as those listed under professional services (see definition of Professional Services). Examples of personal services would include, but are not limited to: delivery and pick up, catering, event planning, recreational guiding and outfitting, personal training, tattoo, and personal spa and grooming services such as manicure, facial, hairstylists, and makeup consulting. Personal services should not involve retail sales except on an incidental basis such as the selling of hair products at a salon.

Professional Services are defined as:

Conduct of a service business which is commonly identified as a profession and which may be licensed by the state. Such services include engineers, architects, planners, surveyors, designers, lawyers, accountants, real estate brokers, insurance agents, dentists, physical therapists, massage therapists, chiropractors, or physicians. Additionally, accounting, journalism, research, editing, administration or analysis; the conduct of a business by salespersons, sales representatives or manufacturer's representatives, or the conduct of business by

professionals is included. Professional services do not include veterinarians, showrooms, manufacturing, repair, testing, retail sales, the storage, sale or delivery of goods located on the premises, or other occupations requiring physical skill such as those found under personal services (see definition of Personal Services).

There is not a definition for 'business services' in the zoning. Business Services is a distinct and different use from both 'professional services' and 'personal services'. Staff reviewed the US Department of Labor *Standard Industrial Classification* (<https://www.osha.gov/pls/imis/sicsearch.html>) which is a system used to classify industry in a uniform manner. Some municipalities use it as a way to identify use categories in zones, while it isn't always a practical tool, it can be a good starting point for discussion. Staff found a separate listing for Business Services (Division I Services; Major Group 73) from Personal Services (Division I Services; Major Group 72). Business services are those uses that provide a service for businesses – such as advertising, credit reporting, graphic design, copying, building maintenance, equipment/computer rental, leasing and repair, computer programming, etc. Personal services are specifically geared toward the support of an individual and professional services are services provided by individuals that may be licensed by the state. Professional offices are allowing in the WB-2 zone, whereas personal services, with the exception of hair salons, are not. Business services may have a need for larger parking areas to service the delivery and pick-up of larger items, which makes it a compatible use within the WB-2 zone and the stated intent.

Over the years the city has allowed 'business service' types of uses to go into the WB-2 as we have considered them professional services, but they technically were a business service. There may be some concerns that adding business services to the list of permitted used in the WB-2 zone may pull business from the downtown, but these types of uses are already permitted the WB-1 and the WBSD. The WB-1 permits all services less than 4,000 square feet and the Business Service District (Highway 40 and Dillon/Conn Road) permits certain business services such as 'private postal and shipping' and 'printing, publishing, etc'.

An example of this type of use is the UPS store. This business has been in the WB-2 zoning district since the 1980s in various locations. It has most recently moved to a new building adjacent to the Walgreens from the mall. The UPS store provides shipping, packaging, mailing and copying services. This particular use does not neatly fit within the personal services or professional services. In addition, there are a number of other existing uses within the WB-2 district that also provide similar services to businesses so it made some sense to create a 'business service' use in this district to capture these various uses.

PROPOSAL

Staff proposes the following amendments: a definition for 'Business Services', an amendment to both Personal and Professional Services, and identifying Business Services as a permitted use in the WB-2.

Amendment #1 – add BUSINESS SERVICES to §11-9-2 and amend PERSONAL SERVICES and PROFESSIONAL SERVICES:

BUSINESS SERVICES: Uses that are primarily engaged in rendering services to business establishments on a contract or fee basis. Such uses include advertising, bookkeeping, building service, credit reporting, collection of claims, computer services, data processing, graphic design, mailing, photocopying, publishing, reproduction, security, shipping, sign making, office equipment rental, lease and repair services, and other similar services. This is differentiated from uses that provide services to an individual (see definition of Personal Services) or services provided by a professional (see definition of Professional Services). Business services should not include retail sales except on an incidental basis.

PERSONAL SERVICES: A use that provides a service to an individual customer designed to accommodate a specialized need, provide a convenience, or cater to a particular lifestyle. Such services shall be those types that require mechanical skill or manual dexterity, as differentiated from mental disciplines generally requiring licensing or certification such as those listed under professional services (see definition of Professional Services) and services provided primarily to business such as those listed under business services (see definition of Business Services). Examples of personal services would include, but are not limited to: delivery and pick up, catering, event planning, recreational guiding and outfitting, personal training, tattoo, and personal spa and grooming services such as manicure, facial, hairstylists, and makeup consulting. Personal services should not involve retail sales except on an incidental basis such as the selling of hair products at a salon.

PROFESSIONAL SERVICES: Conduct of a service business which is commonly identified as a profession and which may be licensed by the state. Such services include engineers, architects, planners, surveyors, designers, lawyers, accountants, real estate brokers, insurance agents, dentists, physical therapists, massage therapists, chiropractors, or physicians. Additionally, accounting, journalism, research, editing, administration or analysis; the conduct of a business by salespersons, sales representatives or manufacturer's representatives, or the conduct of business by professionals is included. Professional services do not include veterinarians, showrooms, manufacturing, repair, testing, retail sales, the storage, sale or delivery of goods located on the premises, or other occupations requiring physical skill such as those found under personal services (see definition of Personal Services) and services provided

primarily to business such as those listed under business services (see definition of Business Services).

Amendment #2 – add the following permitted use to §11-2K-2:

- Business Services.

REVIEW AND FINDINGS OF FACT

The proposed changes shall be evaluated based on the criteria for consideration for amendments to the provisions of the Zoning Regulations per Section 11-7-12E.

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

Finding 1: The Growth Policy promotes a diversification of the economy. Providing opportunities for a variety of uses supports this diversification; therefore, the proposed amendment is in accordance with the Growth Policy.

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

Finding 2: The proposed code amendment is unrelated to securing safety from fire and other dangers.

- ii. *Promote public health, public safety and general welfare*

Finding 3: The proposed amendments promote public health, public safety and general welfare by providing additional compatible uses within the zoning district.

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

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

2. *In the adoption of zoning regulations, the city shall consider:*
 - a. *Reasonable provision of adequate light and air*

Finding 5: The proposed code amendment is unrelated to reasonable provisions of adequate light and air.

- b. *The effect on motorized and nonmotorized transportation systems*

Finding 6: The proposed code amendment has no impact on motorized and nonmotorized transportation systems.

c. *Promotion of compatible urban growth*

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

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

Finding 8: The character of the district and its particular suitability of the property for the particular use is not applicable to this code amendment as it pertains more to site development than community wide zoning regulations. However, the district is characterized by larger lots with large parking areas suitable to the 'Business Services' use. In addition, the Purpose and Intent of the zoning chapter describes the WB-2 as a district intended for 'services'.

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

Finding 9: The proposed code amendments do not affect the value of buildings.

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

Finding 10: This criterion is not applicable to this code amendment as it pertains more to site development than community wide zoning regulations.

ADDITIONAL FINDINGS

Finding 11: Staff finds the considerations in Section 11-7-12(E) are either met or are not applicable;

Finding 12: Whereas, legal public notice according to the Whitefish City Code was published in the *Daily Interlake* on February 5, 2014;

Finding 13: Whereas, staff sent a notice February 5, 2014 to twenty-three (23) reviewing agencies, departments and other service providers regarding the zoning regulation update.

We find it is in the best interest of the City of Whitefish to amend the Secondary Business District (WB-2) to add business services as permitted use, add a definition of Business Services and amend Personal Services and Professional Services.

OVERALL RECOMMENDATION

Staff recommends the Planning Board **approve** the recommendations set forth in the staff report to amend §11-2K-2 and §11-9-2 of the Zoning Regulations and adopt the findings of fact and transmit same to the Whitefish City Council for further action.

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March 17, 2014

Mayor Muhlfeld and Whitefish City Council
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and City Councilors,

Recommendation to solicit bids for downtown restroom project

Introduction/History

For many years the downtown core area of Whitefish has been without a designated public restroom. Visitors have typically utilized the restroom facilities at the Library, or on occasion, the restrooms at the Train Depot, neither of these facilities is designed, nor maintained, for the ever increasing demand as generated by the increased popularity of downtown Whitefish. Over the years special events and weekly events during the course of the summer and fall seasons continue to grow in size and scope and create even greater attendance in Depot Park and surrounding venues. In 2012 the city adopted the Depot Park Master Plan for the development and enhancement of Depot Park. Within the Depot Park Master Plan, it was proposed to consider the opportunity to add a public restroom to the exterior of the O'Shaughnessy Performing Arts Center (see Depot Park Master Plan). This option appears to be a viable solution to meeting the needs of providing a designated public restroom in the downtown area of Whitefish. It should also be noted that the development of a downtown restroom facility has been on the city council "goals list" for the past few years.

Current Report

Over the course of the past year, staff has been working with Millette Architecture, P.C., and Morrison and Maierle Engineering, along with representatives of the O'Shaughnessy Performing Arts Center, in developing plans for the construction of a restroom addition to the O'Shaughnessy Performing Arts Center. (see elevation drawings) It is feeling that with this addition we will meet the goals of both the city council and the Depot Park Master Plan in meeting the identified needs of providing a downtown public restroom facility. The downtown restroom facility would be open to the public 12 months of year and would have lockable doors with designated hours of operation very similar to our current operations at Baker Park, City Beach, and Grouse Mountain Park, with only difference being that these facilities are only open seasonally.

Financial Requirement

The estimate of construction as provided by the Architect and Engineering firms is \$191,838. (see attached breakdown). Proposed funding for this project would be the utilization TIF funds as part of the Depot Park Development Plan as identified in the Depot Park Master Plan.

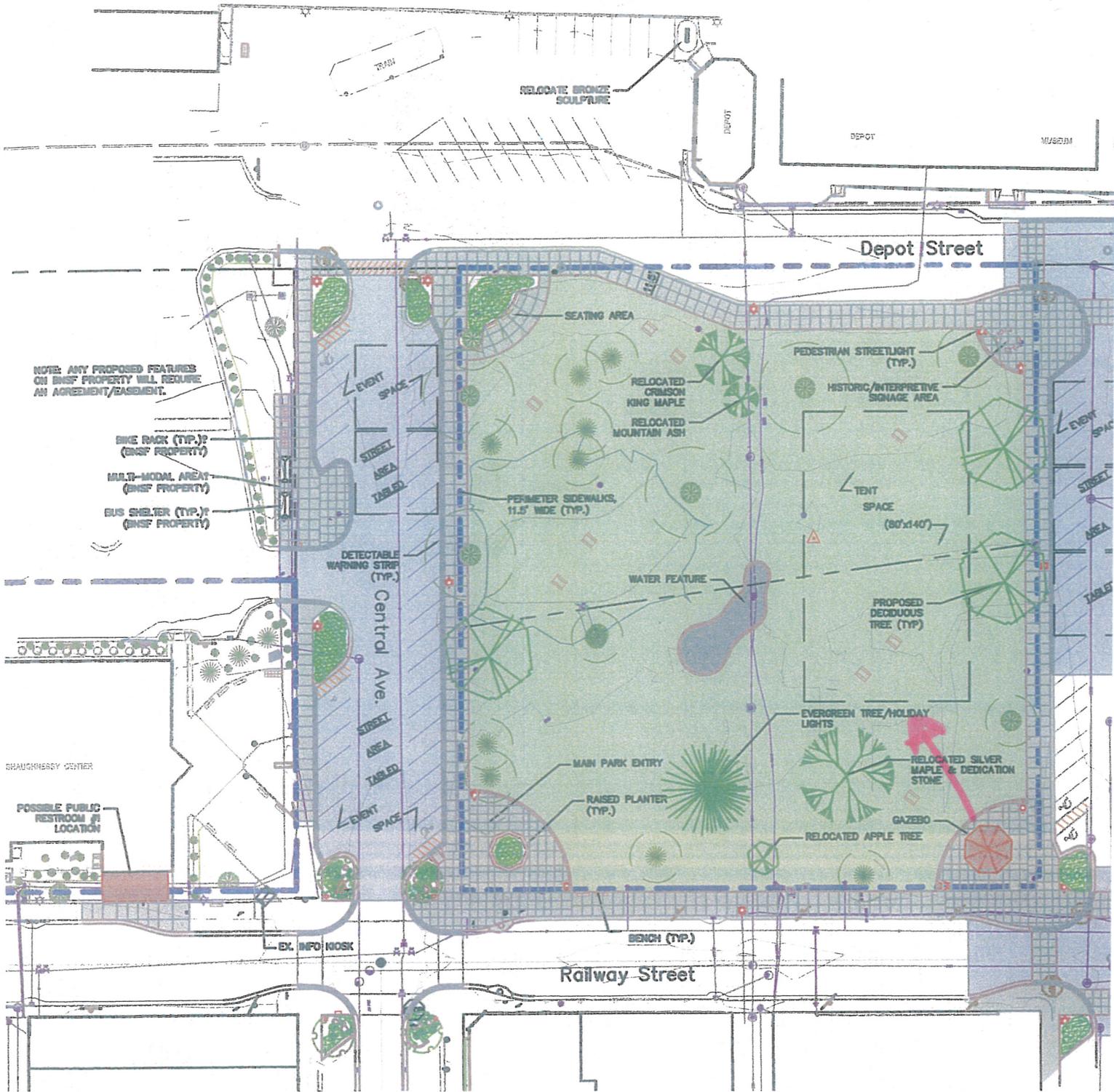
Recommendation

It is the staff recommendation that the Whitefish City Council authorize the public notice and solicitation for bids for the construction of the downtown restroom project, with the first notice being given on Sunday, March 23, 2014, and bid opening scheduled for Monday, April 14, 2014.

Sincerely,

A handwritten signature in blue ink that reads "Karl Cozad". The signature is written in a cursive, flowing style.

Karl Cozad
Director
Parks, Recreation, and Community Services

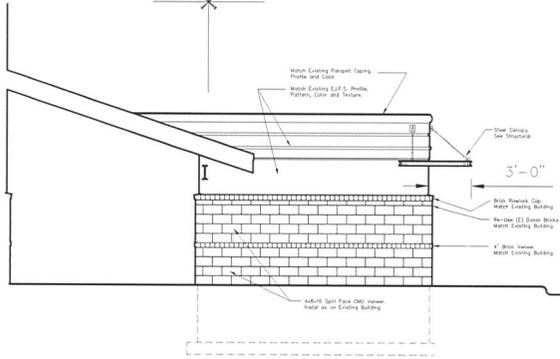


DEPOT PARK FINAL MASTER PL

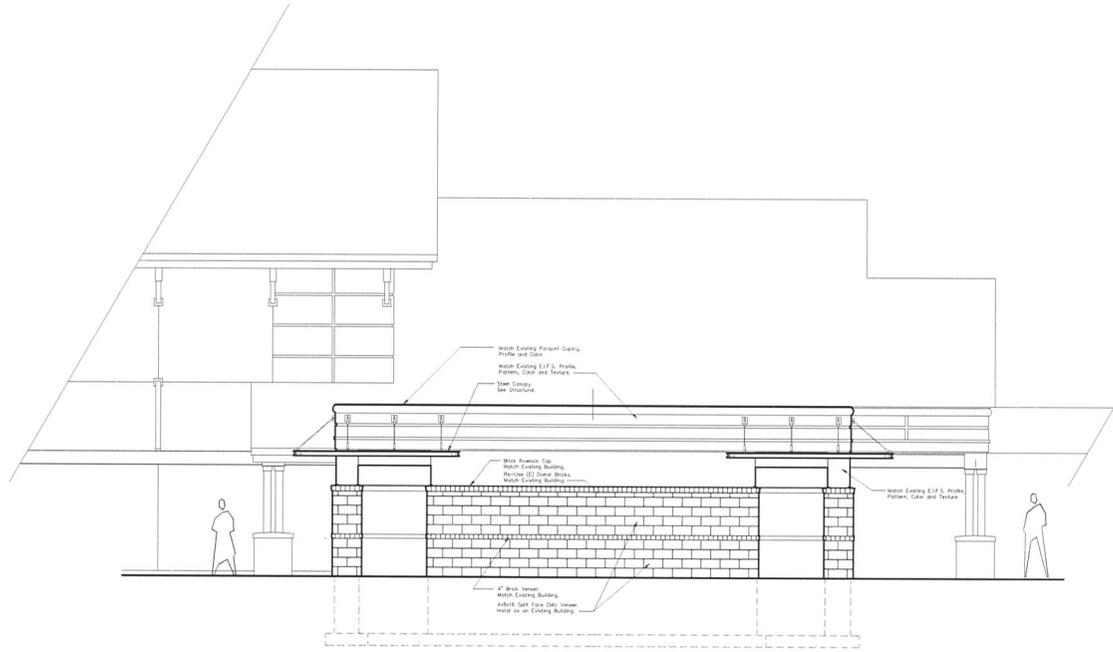
SHEET 2 OF 2

FEBRUARY 14, 2012

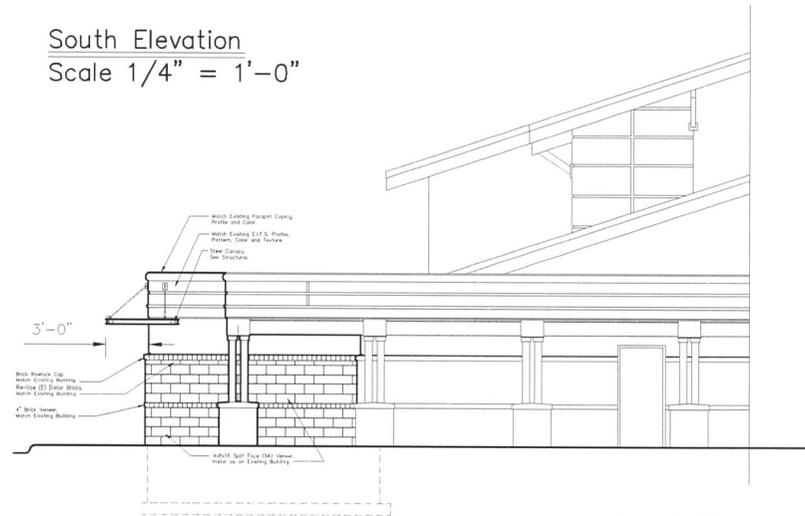
New Construction Existing Constr.



West Elevation
Scale 1/4" = 1'-0"



South Elevation
Scale 1/4" = 1'-0"



East Elevation
Scale 1/4" = 1'-0"

PRELIMINARY
NOT for CONSTRUCTION

The architect and user verify the accuracy, completeness and consistency of the information and drawings made by the architect and user. The architect is not responsible for the accuracy, completeness and consistency of the information and drawings made by the user. The architect is not responsible for the accuracy, completeness and consistency of the information and drawings made by the user.

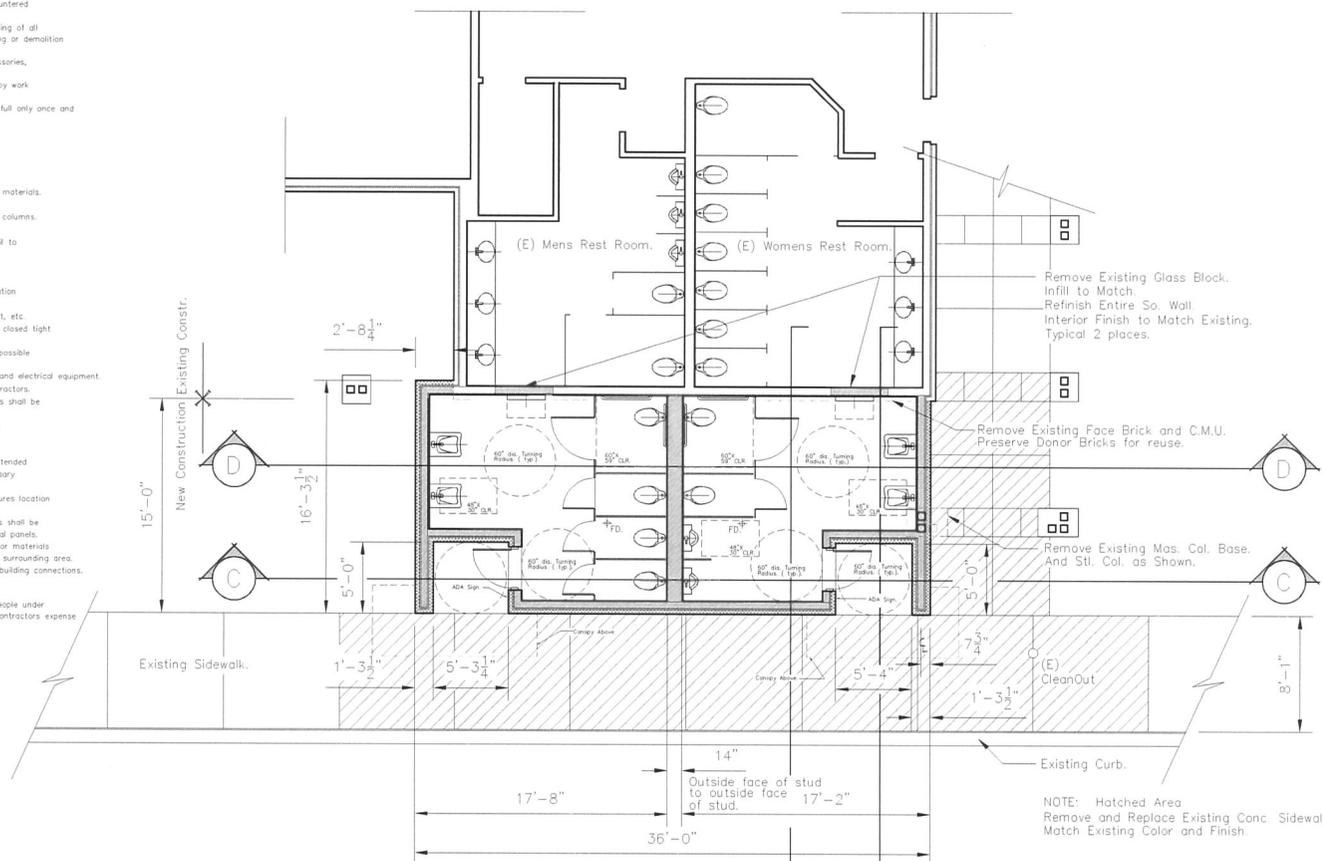
Millette Architecture, P.C.
P.O. Box 2065
200 Standard Road
Wright, Kansas 64477
Phone: 406 / 862-9700
Fax: 406 / 862-9701

Whitefish Depot Park Restrooms
February 6, 2014
Whitefish, Montana

SHEET No.
A-3
Whitefish Depot Park - 3.dwg

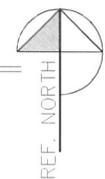
General Notes

- General Contractor shall verify dimensions and conditions the Existing Building.
- The term "Contractor" refers to General Contractor unless otherwise noted.
- All final responsibility for on-site coordination is with the the General Contractor.
- All Shop Drawing dimensions to be checked and verified in the field by the Contractor who will be responsible for same.
- General Contractor is responsible for patching of all holes or damage encountered in work done by himself or any other trade or Contractor.
- General Contractor shall be responsible for the complete repair and refinishing of all work to match existing conditions as a result of necessary cutting, patching or demolition by all trades while performing the work.
- General Contractor to provide all required blocking and anchorage for accessories, mill work, trim, grab bars, mechanical and electrical items.
- Construction limit time is approximate, access to other areas as required by work is acceptable by approval of the Owner.
- In general, repetitive features drawn to more than one scale are shown in full only once and repetitions are not completed in every detail as shown in original instance.
- Details which occur both right- and left-hand are shown only once.
- Partitions are located by one of the following methods:
 - Where possible, by relationship to adjacent structure.
 - Typical relationship to large scale details.
 - By dimension from structure or partition already located.
- Metal Corner Bead around all edges of gypsum board walls abutting other materials. Leave 1/4" gap from wall for sealant.
- Where Columns and stud walls align, gypsum board to be continuous over columns.
- Gypsum Board in toilet and shower areas to be W.R. Gypsum Board.
- Where condition of finish arises that no detail or note covers, match detail to existing situation of similar condition.
- Rubber base shall be installed on all Gypsum board walls and toe caps, unless otherwise detailed or scheduled.
- Patch floors as required to leave level smooth surface required for installation of floor finish.
- Seal openings in floor around ducts, pipes, vents, soil-pipes, traps, conduit, etc.
- All penetrations through walls above ceiling and below structure are to be closed tight around penetration. Contractor to coordinate.
- All mechanical & electrical lines are to be installed tight to structure where possible in all instances.
- General Contractor to provide all concrete pads necessary for mechanical and electrical equipment. Location to be provided as necessary by mechanical and electrical subcontractors.
- In painted or finished rooms, all horizontal and vertical piping and conduits shall be furred to match room finishes indicated or scheduled.
- When ductwork, pipes and mechanical units are exposed in painted rooms, they will be painted as directed by Architect.
- Paint all exposed steel unless otherwise noted.
- Heating plumbing and electrical plans where shown diagrammatically are intended to indicate capacity, size and location and general arrangements. All necessary features of construction will be required if shown in detail.
- Where mechanical and electrical equipment locations conflict electrical fixtures location shall take preference.
- Where plumbing occurs in stud wall with horizontal or vertical piping, studs shall be constructed deep enough to accommodate the piping. Same for all electrical panels.
- No materials or tools may be left in spaces not requiring work. Any dirt or materials dropped enroute to work areas must be cleaned in the existing building or surrounding area.
- General Contractor shall be responsible for ensuring that all New/Existing building connections, including walls, floor and roof connections create and maintain a weather and water proof seal.
- Damages: Any and all damages caused by the Contractor and or other people under direct supervision of the contractor shall be replaced and or repaired at contractors expense with no cost inraction on Owner.



RAILWAY STREET

Floor Plan
Scale 1/4" = 1'-0"



PRELIMINARY
NOT for CONSTRUCTION

The contractor shall verify the accuracy of the information shown on this drawing and shall be responsible for the accuracy of the information shown on this drawing. The contractor shall be responsible for the accuracy of the information shown on this drawing. The contractor shall be responsible for the accuracy of the information shown on this drawing.

Millette Architecture, P.C.
170 De Loois
300 Broadway/1st Floor, Wagon 5407
OMCL 406 / 462-270
RX 406 / 462-578

Whitefish Depot Park Restrooms
February 6, 2014
Whitefish, Montana

SHEET No:
A-1

WHI Depot Park-3.dwg

WHITEFISH DEPOT PARK REST ROOMS

Construction Cost Estimate February 2014			
Qty	Description	Unit	Total
Architectural			
	Sitework and Excavation		\$ 4,905
	Foundation and Flatwork		\$ 7,960
	Carpentry Labor-Framing, Siding, and Finish		\$ 6,395
	Framing Materials		\$ 3,000
	Exterior Finishes		\$ 9,969
	Roofing		\$ 6,720
	Exterior Doors		\$ 1,200
	Door Hardware		\$ 600
	Masonry		\$ 18,088
	Insulation		\$ 500
	Drywall and Plaster		\$ 1,344
	Interior Finish Materials		\$ 800
	Flooring Material Allowance: Tile		\$ 1,000
	Specialty - Partitions		\$ 6,500
			\$ 68,981
Plumbing			
2	Water closets, battery mount, wall hung, side by side, first closet	Ea.	\$ 5,340
4	Water closets, battery mount, wall hung, side by side, each additional water closet, add	Ea.	\$ 9,740
1	Urinals, battery mount, side by side, first urinal	Ea.	\$ 1,360
1	Urinals, battery mount, side by side, each additional urinal, add	Ea.	\$ 1,365
4	Lavatory w/trim, wall hung, vitreous china, 20" x 27", handicap	Ea.	\$ 8,720
1	Roof drain, DWV PVC, 4" diam, diam, 10' high	Ea.	\$ 1,130
75	Pipe cast iron, soil, no-hub, service weight, 6" diameter-STORM	L.F.	\$ 3,435
50	Pipe cast iron, soil, no-hub, service weight, 4" diameter	L.F.	\$ 1,790
75	Pipe cast iron, soil, no-hub, service weight, 2" diameter	L.F.	\$ 1,883
50	Copper tubing, hard temper, solder, type K, 1-1/2" diameter	L.F.	\$ 1,465
50	Copper tubing, hard temper, solder, type K, 3/4" diameter	L.F.	\$ 783
50	Copper tubing, hard temper, solder, type K, 1/2" diameter	L.F.	\$ 579
50	Pipe plastic, PVC, DWV, schedule 40, 2" diameter	L.F.	\$ 974
75	Pipe plastic, PVC, DWV, schedule 40, 6" diameter	L.F.	\$ 3,221
2	Hot & Cold Wall Hydrant	Ea.	\$ 1,800
1	Cold Water Wall Hydrant	Ea.	\$ 560
4	Foor Drain	Ea.	\$ 1,132
		Subtotal	\$ 45,276
Mechanical			
2	Exhuast Fan	Ea.	\$ 2,300
4	Unit Heater	Ea.	\$ 3,000
		Subtotal	\$ 5,300
Electrical			
1	Panel RR	Ea.	705.00 \$ 705
30.000	EMT 1-1/2"	L.F.	8.55 \$ 257
1.300	#1 CU	C.L.F.	349.20 \$ 454
0.400	#8 CU	C.L.F.	98.69 \$ 39
4	Type B	Ea.	364.31 \$ 1,457
2	Tyep BE	Ea.	442.20 \$ 884
4	Type C	Ea.	412.96 \$ 1,652
2	Type E1	Ea.	465.30 \$ 931
1	Relocation of Existing Wall Light	LS	500.00 \$ 500
4	Occupancy Sensors	Ea.	242.00 \$ 968

4 Fire Alarm Devices	Ea.	330.00	\$	1,320
4 Heater Connections	Ea.	192.00	\$	768
		Subtotal	\$	9,935
Site Electrical				
Costs below assume tele/data pedestals and existing power transformer and Junction Box remain in place.				
75 PVC, Sched 40 - 1"	L.F.	5.90	\$	443
3 #10 CU	C.L.F.	67.60	\$	169
130 PVC, Sched 40 - 2"	L.F.	9.61	\$	1,249
150 PVC, Sched 40 - 3"	L.F.	16.19	\$	2,429
125 Trenching	L.F.	10.00	\$	1,250
1 FEC Fee	LS	2,071	\$	2,071
1 CenturyLink Fee	LS	5,000	\$	5,000
		Subtotal	\$	12,610
Subtotal				\$ 142,102
Building Permit Fees, etc				15% \$ 21,315
Contingency				20% \$ 28,420
Total Costs				\$ 191,838

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March 11, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Recommendation to Proceed with Final Design of the
Skye Park Bridge Bicycle/Pedestrian Path**

Introduction/History

This memo is to request authorization to proceed with final design of the Skye Park Bridge and Bicycle/Pedestrian Path project. Staff is also recommending Council approval for an expanded scope of work and a related engineering contract amendment.

The City Council approved a contract in January 2013 for TD&H engineers to design the Skye Park Bridge and adjacent paths. The Council made it clear at the time that they wanted the detailed design work to wait until the required license was secured from BNSF. We have now secured that license, preliminary engineering is complete and we are ready to move forward with final design.

An illustration of the current design concept is attached. The project schedule calls for bidding in April, a contract award in May and construction starting as early as possible this summer.

Current Report

We met and discussed the project with adjacent property owners and also held a public meeting on Thursday, February 27th. The design has progressed slowly while we worked through BNSF's procedures and coordinated with improvements for the Birch Point sewer pump station. The pump station is located near the south end of the bridge and TD&H is providing engineering services for those improvements, as well. Our intent is to bid and manage all these improvements as a single construction project.

Besides being a very useful bicycle and pedestrian route to City Beach, the new bridge and path will provide a means for emergency vehicles to access the Birch Point neighborhood when the railroad crossing is blocked. The design team has coordinated with the Fire Department to ensure the trail and bridge will meet the needs of their equipment.

Updated Construction Cost Estimates

It has been very challenging to meet the ADA standards for maximum grades on the path between Birch Point Drive and the bridge. In order to stay below maximum allowable grades, as required by the trail grant funding program, we will have to rebuild the east end of Birch Point Drive and start sloping the trail down toward the river at a point roughly 100 feet back from the existing edge of pavement. The added construction cost for this item is estimated to be \$30,000.

Staff also proposes to expand the scope of work to include 200 feet of new water main, which would tie an existing dead end main into the water transmission main crossing the river just upstream from the railroad trestle. This loop would improve the flow capacity and provide better security for the water system serving the Birch Point, West Lakeshore and Ramsey Avenue neighborhoods. The added construction cost for this item is estimated at \$15,000, which we propose to pay out of the Water Fund.

Financial Requirement

Our current consultant contract provides for engineering services through final design and up to bidding at a cost not to exceed \$77,810. We have negotiated additional tasks necessary to rebuild the east end of Birch Point Drive and complete the water main extension for a fee not to exceed \$6300. This consists of \$4180 for survey and design on the road work and \$2120 for design of the water main extension. This would bring the total amount of our engineering contract up to \$84,110.

Although we are not asking for approval of any construction expenditure tonight, some discussion about the updated project budget may of interest as the Council considers our recommendation to expand the scope of work and move forward with final design.

When we last talked about costs for the bridge and trail work in January 2013, our overall project estimate was at \$668,000. The Council agreed at that time, in concept, to finance the project using roughly \$350,000 in CTEP grant money, plus some amount to be determined from the Wastewater Fund, with the balance of approximately \$300,000 coming from the Tax Increment Fund.

With the project now better defined, we have an updated cost estimate of \$745,000 for the bridge and trail, plus \$15,000 for the proposed water main extension. A copy of the cost estimate for the trail and bridge work is attached.

This increase from \$668,000 to \$745,000 is largely due to the need to rebuild the east end of Birch Point Drive and the need for retaining walls and fill material to keep the project up and out of the flood plain.

And while the final funding package should be established as the Council acts to award a construction contract, we anticipate staff will propose to use \$350,000 in CTEP money from the State, \$15,000 from the Water Fund, approximately \$20,000 from the Wastewater Fund, and the balance of approximately \$360,000 from the Tax Increment Fund.

Recommendation

The Public Works Department respectfully recommends the City Council direct staff to proceed with final design and development of construction documents for the Sky Park Bridge and Bicycle/Pedestrian Path project.

We also recommend the City Council approve the expanded scope of design necessary to rebuild the east end of Birch Point Drive and complete a water main loop in that vicinity.

And finally, we recommend the City Council approve an amendment to our engineering contract with TD&H in an amount not to exceed \$6300 for design work necessary to rebuild the east end of Birch Point Drive and complete a water main loop in that vicinity.

Sincerely,



John C. Wilson
Public Works Director



Skye Park Bridge Project - Whitefish, MT
 Engineer's Preliminary Construction Cost Estimate



Date: 6-Mar-14

Bid Item #	Description	Quantity	Unit	Unit Price	Subtotal
General					
1	Mobilization & Bonding (Not to Exceed 5%)	1	LS	\$ 32,190.00	\$ 32,190.00
2	Construction Surveying	1	LS	\$ 5,500.00	\$ 5,500.00
3	Erosion Control	1	LS	\$ 3,000.00	\$ 3,000.00
4	Earthwork (Embankment/Excavation)	1	LS	\$ 55,000.00	\$ 55,000.00
Bridge					
5	Fabrication & Delivery (180' /40' Spans)	1	LS	\$ 250,000.00	\$ 250,000.00
6	Abutment Construction and Installation	1	LS	\$ 175,000.00	\$ 175,000.00
Path Improvements					
7	12" CMP Culvert	50	LF	\$ 45.00	\$ 2,250.00
8	Remove Existing Septic Tank	1	LS	\$ 4,000.00	\$ 4,000.00
9	(3") - Asphalt Concrete Pavement	860	SY	\$ 16.00	\$ 13,760.00
10	(4") - 3/4" Minus Crushed Base Course	110	CY	\$ 35.00	\$ 3,850.00
11	Stabilization Fabric	860	SY	\$ 2.00	\$ 1,720.00
12	Bollards	2	EA	\$ 500.00	\$ 1,000.00
13	Signs - No Motor Vehicle, Trail Name, etc.	8	EA	\$ 300.00	\$ 2,400.00
14	Bear Proof Garbage Can	1	EA	\$ 1,500.00	\$ 1,500.00
15	Bench	2	EA	\$ 1,000.00	\$ 2,000.00
16	Retaining Wall (Type T.B.D.)	800	SF	\$ 40.00	\$ 32,000.00
17	Relocate Existing Overhead Power	1	LS	\$ 25,000.00	\$ 25,000.00
18	Path Lighting / Electrical (Pull Boxes, Conduit, Lights, etc.)	1	LS	\$ 12,000.00	\$ 12,000.00
Street Improvements					
19	Street Excavation/ Grading	1	LS	\$ 5,000.00	\$ 5,000.00
20	(4") - Asphalt Concrete Pavement	475	SY	\$ 18.00	\$ 8,550.00
21	(4") - 3/4" Minus Crushed Leveling Course	55	CY	\$ 35.00	\$ 1,925.00
22	(10") - 1 1/2" Minus Crushed Base Course	130	CY	\$ 25.00	\$ 3,250.00
23	Stabilization Fabric	475	SY	\$ 2.00	\$ 950.00
24	Curb & Gutter	175	LF	\$ 20.00	\$ 3,500.00
25	New Curb Inlet	1	EA	\$ 2,500.00	\$ 2,500.00
26	8" PVC Storm Drain	75	LF	\$ 30.00	\$ 2,250.00
Miscellaneous					
27	Striping / Crosswalk Markings	1	LS	\$ 750.00	\$ 750.00
28	Landscaping, Topsoil & Seeding	1	LS	\$ 25,000.00	\$ 25,000.00

Subtotal = \$ 675,845.00
10% Contingency = \$ 67,585.00
Total = \$ 743,430.00

From: [Necile Lorang](mailto:Necile.Lorang)
To: cstearns@cityofwhitefish.org
Subject: Fwd: Letter on Sky Park Bridge
Date: Thursday, February 27, 2014 4:11:01 PM

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

Subject: Letter on Sky Park Bridge

Date: Wed, 26 Feb 2014 22:13:14 -0600

From: RC Beall <rc@texascoffeetraders.com>

To: nlorang@cityofwhitefish.org <nlorang@cityofwhitefish.org>, Wilson John
<jwilson@cityofwhitefish.org>, khilding@cityofwhitefish.org
<khilding@cityofwhitefish.org>

CC: Beall Beth <beth@coffeetraders.com>, Candles Heather
<heather@aboutmontana.net>, Welch Anita <awelch@aboutmontana.net>

Rc Beall here. 12 Washington

Please submit this letter to the council.

I am not able to attend the public meeting Thursday February 27, 2014 on the Sky Park Bridge. I am not sure of the meeting format but would like this letter presented for public comment at the meeting.

Please confirm receipt and that it can be presented.

Concerning the Sky park Bridge bike path elevations affecting the immediate property owners in the City Beach area. The City Beach visitors already impact the safety, traffic, parking, noise level and privacy of the established neighborhood and home owners.

The city has held meetings with the affected neighborhood shareholders - R.C. Beall, Heather Mull and Jeanne Black to discuss the impact of the proposed trail and receive feedback and concerns from the property owners.

The Oregon owners and [12 Washington Ave.](#) owners are directly impacted by the proposed trail in that it will affect both the privacy and security of their properties. Where the path currently runs along the edge of the property, the proposed bike path will be six to ten feet higher allowing path users full visual access into the only private yard that [12 Washington Ave.](#) has had for over 100 years.

This is an original home built in 1905 by the original train station master of Whitefish so he could monitor the trains even while at home.

Since the goal is to allow for ADA access, have all design plans been studied that allow for ADA access but don't tear up established neighborhood plans that have been in place for over a century?

Some suggestions are:

1. ADA turn out rest spots that allow for the trail to remain closer to the presently existing lower elevation.
2. No need for ADA going east from bridge tying into existing bike path thereby keeping the natural lay of the land and preexisting elevations.
3. There is new ADA up Oregon towards City Beach, there is already ADA connecting the bike path from town to City Beach along Edgewood and Washington Ave, this ADA also is connecting to City Beach parking lots, the bike path along the river and RR tracks from City Beach to downtown is ADA. Where is there is missing element or access?
4. The point is access.

Protecting a home owners right to privacy, maintaining existing elevations that preserve the lay of the land and saving the expense of altering the natural feel of the old public boat dock area are all practical and appropriate requests concerning the proposed bike path project.

Sincerely
Rc and Beth Beall
12 Washington Ave.
Whitefish
Rc@Coffeetraders.com
Cell text 512-848-8392

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MANAGER REPORT

March 12, 2014



PARKS AND RECREATION DIRECTOR – INTERIM APPOINTMENT AND HIRING PROCESS

After some discussions with Karl about whether he would be interested in continuing on a half-time basis during a transition, he has decided not to do that, so he is going to retire on March 21st. Karl has offered to help with phone calls and he has agreed to be on the interview panel for his replacement. Therefore, I have named Jason Loveless to be the Interim Parks and Recreation Director beginning on March 24th. Given our vacancy savings policy (where we hold the position vacant while the termination payouts of accrued vacation, personal, and ¼ of sick leave time is paid out), we can hire Karl's replacement as early as June 1st.

I have come up with the following rough schedule for an interview and hiring process.

- March 12-21 - In-house advertisement period pursuant to our Personnel Policy
- March 24-25 - Initial interview any in-house candidates (if any)
- March 26-28 - Follow-up interview of in-house candidates (if any). These interviews would be with the entire interview panel (see below).
- April 1 -18 - If no in-house candidates are selected, advertise externally for candidates. Ads would be in Whitefish Pilot/Daily Interlake, National Recreation and Parks Association website, and Jobs Available in the Public Sector.
- April 21 - 25 First screening of applications.
- April 28 - 30 Second screening of applicants (by interview panel) and selection of candidates to interview.
- May 12-16 Interviews with a public open house on one evening (dates TBD)
- June 1-15 Selected candidate starts

I think a good interview panel would consist of me, Mayor Muhlfeld, one City Council member, one Park Board member, Karl Cozad, and one Parks and Recreation staff person.

THE TRUST FOR PUBLIC LAND'S CONSERVATION EASEMENT WITH STOLTZE LAND AND LUMBER COMPANY FOR 3000 ACRES IN HASKILL BASIN

We received official notification and a press release on Monday, March 10th indicating that the application for grant funding to the U.S. Forest Service's Forest Legacy Program for part of the cost of the Haskill Basin conservation easement was ranked the #1 project of all applications for federal fiscal year 2015. This news is tremendous, but the grant will only provide partial funding of the conservation easement purchase, so it is anticipated that there will be local philanthropy fundraising, other grants, and the possibility of city funding. A copy of the Press Release is contained in the packet with this report.

MONTANA FWP PROCESS FOR CONSIDERING LIMITING A PORTION OF THE WHITEFISH RIVER TO ELECTRIC MOTORS AND MANUAL POWERED CRAFT

The Montana Fish, Wildlife, and Parks Department has established a tentative schedule for the rule-making process to consider limiting a portion of the Whitefish River to electric motors and manual powered craft as requested by the City in our petition pursuant to Resolution No. 13-34. A copy of their tentative schedule is attached in the packet. The date of a public hearing is now set for Thursday, April 10th from 5:30 to 8:30 in the City Council Chambers. It will be important for the Mayor, Richard Hildner, and as many City Council members as possible to attend that meeting. I am also including in the packet the maps showing the limits of the proposal on the Whitefish River.

MEETINGS

Downtown Business Owners (5/6) – I met with several downtown business owners in a meeting organized by Chris Schustrom to discuss the status of the proposed special assessment district for the parking structure O&M costs. As I reported in my memo for the work session on this topic in the packet, we received several good ideas and questions from the business owners at the meeting.

Meeting with Rest Haven property owners (5/10) – John Wilson, Greg Acton, and I met with five property owners from the Rest Haven area to answer questions about the sewer rates for their STEP systems, the trend of rate increases since 1999, and how the single master meter works to measure the sewer discharge for all 57 properties. While they weren't happy with rate increases over the years, they did leave with a better understanding of how the rates for their STEP systems are calculated and what options they might have.

UPCOMING SPECIAL EVENTS

REMINDERS

City Council Annual Goal Setting work session – Monday, April 7th

Respectfully submitted,



Chuck Stearns, City Manager

THE
TRUST
for
PUBLIC
LAND



NEWS

For Immediate Release
March 10, 2014

Contact: Deb Love, 406-579-6931
deb.love@tpl.org

MONTANA PROJECT RANKED NO. 1 PRIORITY IN FEDERAL BUDGET

WASHINGTON, D.C. – The protection of land and water in western Montana’s Haskill basin is the nation’s top-ranked working forest conservation project for the U.S. Forest Service, The Trust for Public Land announced today.

Last summer, The Trust for Public Land and F.H. Stoltze Land & Lumber Co., Montana’s oldest family-owned lumber company, announced a plan to conserve more than 3,000 acres of Stoltze-owned land. The property straddles the Haskill basin drainage and provides about 75% of Whitefish’s drinking water supply. It will be permanently protected for water, wildlife and recreation, as well as continued sustainable forest management.

Deb Love, Northern Rockies Director of The Trust for Public Land, said, “We knew Haskill basin was one of the most important projects in the country and this budget proposal just confirms that. Not only will conservation of Haskill basin ensure continued timber jobs in the area, it protects outstanding wildlife habitat, a popular trail system, and most importantly, Whitefish’s drinking water supply.”

“More funding is needed to permanently protect this land,” Love noted. “The Trust for Public Land will be working with the local community to raise additional money from private donors and various public funding sources to make possible the protection of this beloved resource.”

The project was top-ranked by the Forest Service for its Forest Legacy Program, which makes grants to states to purchase permanent conservation easements and other property interests that protect forest land resources. The Forest Service would provide \$7 million of the estimated \$17 million total cost.

The Forest Service ranks the Stolze project as its highest priority for the program in Fiscal Year 2015, which begins next Oct. 1. President Obama sent the government-wide budget to Capitol Hill last week. It will now be considered by Congress.

The request was part of the broader budget for the Land and Water Conservation Fund (LWCF), the federal government's premier program for protecting land around the nation. Obama proposed to fully fund LWCF at \$900 million.

F. H. Stoltze Land & Lumber Company Vice President and General Manager Chuck Roady said, "We are very excited and appreciative of receiving the highest priority national ranking for the 2015 Forest Legacy Program. This #1 rank reflects the significance, importance, and broad recognition of the Haskill Basin project to the City of Whitefish municipal watershed, to the western Montana recreational community, and to the continuous commitment by Stoltze to sustainable forest management for this critical area."

"Making smart, responsible decisions about forest management and recreation will strengthen our economy and make sure our kids and grandkids can enjoy our treasured lands," said Sen. Jon Tester, D-Mont., a senior member of the Appropriations subcommittee that will consider this part of the budget. "The Haskill basin initiative is critical not only for preserving 3,000 acres of Montana forest for recreation, but also for protecting Whitefish's water supply and making sure we can continue to sustainably manage our lands."

"This project is important to Stoltze Land and Lumber and surrounding communities to help sustain logging and recreational use of the Haskill Basin for generations to come," said U.S. Rep. Steve Daines, R-Mont. "I was happy to lend my support for this project and am pleased that it continues to be recognized as a priority for northwestern Montana."

"Montanans deeply understand the unbreakable connection between land, water, resource-related employment, and life in our communities," said Sen. John Walsh, D-Mont. "I appreciate the willingness of Stoltze Lumber to conserve this special property and to maintain important jobs in the woods, and the Forest Service has appropriately recognized the unique significance of this property. I look forward to working with my colleagues to secure this critical conservation success."

Stoltze was founded in 1912, although its genesis was the State Lumber Co., which began in 1891.

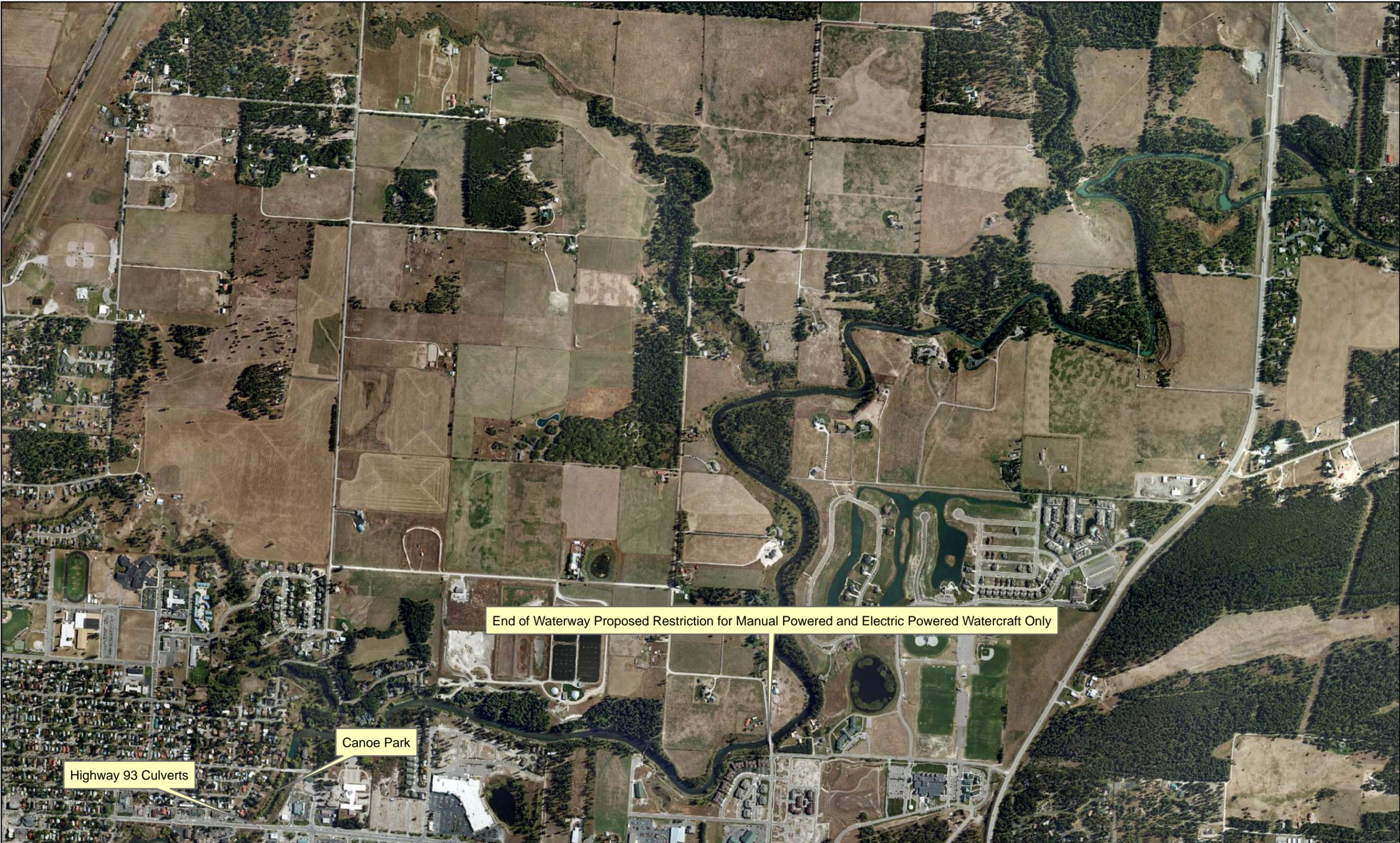
The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come. Nearly ten million people live within a ten-minute walk of a Trust for Public Land park, garden, or natural area, and millions more visit these sites every year. Learn more at tpl.org.

###

Whitefish River Petition

		Responsible Party	Date Due
Notify Bill Sponsor & Gov Office if needed		Division/Region	
Coversheet to Legal (Wed before Pre-Com Meeting)		Division/Region	
PreCommission Meeting			
Coversheet to Tom Palmer and Legal (Friday after Pre-com)		Division/Region	
Materials to Coleen		Division/Region	
Commission Meeting			Feb 13
File Proposal Notice with Secretary of State		Legal	March 3
Proposal Notice Published			March 13
Proposal Notice posted on FWP Website		Legal	March 13
Press Releases Submitted & Published in Newspapers		Division/Region	March 13
Proposal Notice Distributed		Division/Region & Legal	March 13
Hearing One in Whitefish	April 7-10		
Comments from Hearing Summarized and Distributed		Division/Region	April 18
Public Comment Ends			April 18
Send All Comments in Original Format to Legal		Division/Region	May 2
Coversheet to Legal (Wed before Pre-Com Meeting)		Division/Region	May 14
PreCommission Meeting			May 20
Coversheet to Tom Palmer and Legal (Friday after Pre-com)		Division/Region	May 23
Comment Summary and Analysis (not responses) to Legal		Division/Region	May 23
Materials to Coleen		Division/Region	May 29
Commission Meeting			June 12
Responses to Comments to Legal		Division/Region	July 11
File final action with Secretary of State		Legal	July 28
Final action published		Legal	Aug 7
Adoption Notice posted on FWP		Legal	Aug 7
Press Releases Submitted & Published in Newspapers		Division/Region	Aug 7
Adoption Notice Distributed		Division/Region & Legal	Aug 7
Rule in Effect			Aug 8





Highway 93 Culverts

Canoe Park

End of Waterway Proposed Restriction for Manual Powered and Electric Powered Watercraft Only

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

Rec'd at Work Session
3-17-14

I have been out of town, and just returned. I apologize for the late delivery.

I have serious concerns about the numbers that are being used for the maintenance and replacements. I am concerned that after the warranty period, the costs will rise quickly.

Maintenance and replacements can be the repair of the cement that is failing or the elevator that quit working; personnel to solicit, bill and monitor leased parking areas, collect parking fees, if free parking only-- monitor vehicles parked for more than 24 hours or for days at a time (trainmen, snow and sun birds, vacationers, etc.), clean the parking and rest room areas, remove excess water, mud, snow, haul garbage out, respond to calls for assistance (I left my keys in the car, I can't find my car, my car won't start, someone dented my car, someone is watching me), monitor vagrants moving in for the weather conditions and removal of their stuff, remove abandoned vehicles and find a place to keep them safe like an impound area, etc.

Your biggest problem I am afraid will be graffiti inside and outside the building in the long term. Removal is a problem.

I know you are looking at a Parking Assessment District, and I just ask you to make sure you are using a large enough figure.

Turner Askew

*Rec'd at work session
3-17-14*

March 17, 2014

To City Council,

I believe that there is too much emphasis on promoting high end retail in downtown Whitefish. By doing this, we are putting all of our eggs in one basket. People move to Whitefish the quality of life, and that means a historic downtown. We are destroying old buildings and putting up new ones at an alarming pace.

We now have a City Hall building that is going to be demolished. I believe that if this building can be saved, it should be saved. One option would be to remodel only the original building, and put a large parking lot behind it. This would help solve the downtown parking problem, and not require the expense of an obtrusive parking structure.

This approach was mentioned to me by Chris Hyatt, but as far as I know, it was never one of the options considered by the council. Perhaps a museum could be put in the old city hall building to enhance the downtown. The Stump Town Museum could be moved from its cramped location in the train station. An alternate location for a new city hall building could be found. It doesn't have to be at its current location.

Saving this historic building would be crucial to saving the historic quality of downtown Whitefish. There are two empty lots downtown (next to Craggy Range and next to the Great Northern) that will eventually be developed. There also will most likely be a boutique hotel eventually located on Spokane and Second Street. All these newer buildings will destroy the historic quality of downtown Whitefish. In Chicago where I used to live, they are renovating old factories and converting them to condos, because old brick buildings are truly beautiful – even if they are not overly ornate buildings.

A recent article in the Daily Interlake by Greg Gianforte of RightNow Technologies has stated that he would like to attract more high tech companies to Montana. With Whitefish having a ski mountain and a large lake, and Glacier Park only 25 miles away, it is a very desirable place for small start-up companies to locate. These companies will pay their employees much more than \$8.00 an hour for retail jobs. We should spend some resources trying to attract companies to relocate here. But it also requires that we have a desirable downtown.

Let's keep the downtown historic, and also have a balanced approach to development.

Thanks,

Chris Bernat
119 Wedgewood Ln.
Whitefish, MT 59937
cbernat@cyberport.net
(406) 863-2995



Rec'd after packet
at 3-17-14
Council meeting

PROPOSED FINDINGS
For
Shipping and packaging services: Conditional Use Permit
March 17, 2014

The proposed changes shall be evaluated based on the criteria for consideration for amendments to the provisions of the Zoning Regulations per Section 11-7-12E.

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

Finding 1: The Growth Policy promotes a diversification of the economy. Providing opportunities for a variety of uses supports this diversification; therefore, the proposed amendment is in accordance with the Growth Policy.

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

Finding 2: The proposed code amendment is unrelated to securing safety from fire and other dangers.

- ii. *Promote public health, public safety and general welfare*

Finding 3: The proposed amendments promote public health, public safety and general welfare by providing additional compatible uses within the zoning district.

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

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

2. *In the adoption of zoning regulations, the city shall consider:*
 - a. *Reasonable provision of adequate light and air*

Finding 5: The proposed code amendment is unrelated to reasonable provisions of adequate light and air.

- b. *The effect on motorized and nonmotorized transportation systems*

Finding 6: The proposed code amendment has no impact on motorized and nonmotorized transportation systems.

- c. *Promotion of compatible urban growth*

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

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

Finding 8: The character of the district and its particular suitability of the property for the particular use is not applicable to this code amendment as it pertains more to site development than community wide zoning regulations. However, the district is characterized by larger lots with large parking areas suitable to the 'shipping and packaging services' use. In addition, the Purpose and Intent of the zoning chapter describes the WB-2 as a district intended for 'services'.

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

Finding 9: The proposed code amendments do not affect the value of buildings.

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

Finding 10: This criterion is not applicable to this code amendment as it pertains more to site development than community wide zoning regulations.

ADDITIONAL FINDINGS

Finding 11: Staff finds the considerations in Section 11-7-12(E) are either met or are not applicable;

Finding 12: Whereas, legal public notice according to the Whitefish City Code was published in the *Daily Interlake* on February 5, 2014;

Finding 13: Whereas, staff sent a notice February 5, 2014 to twenty-three (23) reviewing agencies, departments and other service providers regarding the zoning regulation update.

Finding 14: Whereas, the Council at the March 3, 2014 public hearing directed the staff to create a 'shipping and packaging services' use to be a Conditional Use within the WB-2 (Secondary Business District).

We find it is in the best interest of the City of Whitefish to amend the Secondary Business District (WB-2) to add 'shipping and packaging services' as a conditional use.

received
3-4-2014

Subject: UPS Store zoning
From: brownwfishmt@yahoo.com
Date: 3/3/2014 4:55 PM
To: "nlorang@cityofwhitefish.org" <nlorang@cityofwhitefish.org>,
"store2029@theupsstore.com" <store2029@theupsstore.com>

Whitefish City Council

I have been doing business with the Whitefish UPS Store for over 10 years. For our convenience, we receive all of our mail there and we use them for sending over-night shipments of documents and materials.

I consider the UPS Store to be a BUSINESS SERVICE provider and NOT to be a RETAIL STORE per se. Their customers very seldom go there to purchase any merchandise but rather to seek their services. Just today, I sent an over-night package out of state which needed to arrive in Florida by Weds. March 5. I don't know of any other place in Whitefish where I could send periodic shipments of this type. I, therefore, consider them to be a BUSINESS SERVICE provider and definitely NOT A RETAIL STORE.

Please consider the above in your zoning decision tonight.

Harry Brown
704C West 13th St.
Whitefish, MT 59937

received
3-17-14

Subject: Re: UPS Store zoning
From: Pete and Deb Forthofer <petedebforthofer@gmail.com>
Date: 3/17/2014 3:36 PM
To: nlorang@cityofwhitefish.org

As residents of Whitefish & business owners, we urge city council members to approve the zoning request of the UPS Store. It makes no sense that moving a few hundred yards down the street to what we feel is a better location for this business would not be allowed. UPS Store provides invaluable services for BUSINESSES, along with tourists & residents of our town. Use common sense and stop making our city the enemy of good, clean & necessary businesses.

Pete & Deb Forthofer
5535 Hwy. 93 South
Whitefish, MT

A red rectangular stamp with the word "received" in a bold, sans-serif font. Below the word, the date "3/17/14" is handwritten in blue ink.

Subject: compliance UPS store
From: Debbie Biolo (debbiebski@yahoo.com)
To: nlorang@cityofwhitefish.org;
Date: Monday, March 17, 2014 12:56 PM

Dear City Council Members:

I am writing to urge you to vote for the change needed for the UPS store to receive its business license that is on hold and meet their zoning compliance needs with the city. Due to their moving into the building that developer understood was approved with no indication from the city of zoning issues, this small business owner is in jeopardy and in need of the cooperation of city officials, not threats of withheld license and threats of the city pursuing zoning violations. The city knew when it's Senior Planner "signed off" for the building permit that UPS was the first new business to move into the building.

The newspaper reporting states that the city has allowed "business services" to operate in the WB-2 over the years. There is no reason for this business owner to be treated any differently. There is no negative to be found in public safety or any other adverse affects to the community by allowing UPS to be a compliant tenant.

There will be great adverse affects to the small family business who have invested in the move in good faith if the city acts unreasonably towards them.

Please use this instance to reconsider how absurd many of your ordinances and restrictions are to the community and its many small businesses. As you strive to "narrow" and restrict opportunities for business people in Whitefish people are getting trampled in ridiculous examples like this one where UPS is not "technically accurate" to function next door to Verizon.

This small business is not in the wrong, the ordinances are in the wrong and need to be reconsidered in the light of expanding business opportunities and health to our community, not narrowing and limiting with ridiculous examples like this one.

Please do the right thing in light of these circumstances that UPS has found themselves in through no wrong doing of their own, and give them the support that any business would hope for from their city officials.

I appreciate the opportunity to have citizen's input considered in your decision making.
Sincerely,
Debbie Biolo
Whitefish resident

|

Rec'd at Council mtg
3-17-14

PO Box 771 • 35 4th Street West
citizens@flatheadcitizens.org



Kalispell, Montana 59903
T: 406.756.8993 • F: 406.756.8991

To: Whitefish City Council

Re: Amending Zoning Regulations in Whitefish City Code Section 11-2K-3 to identify shipping and packaging services as a conditional use in the Secondary Business District (WB-2)

Date: March 17, 2014

Citizens for a Better Flathead appreciates this opportunity to comment on the zone text change before you tonight. Our organization was founded in 1992 and we represent some 1500 supporters throughout the county. Our mission is to foster informed and active citizen participation in the decisions shaping the Flathead's future, and to champion the democratic principles, sustainable solutions, and shared vision necessary to keep the Flathead *Special Forever*. We believe that thoughtfully planned growth can and should occur without diminishing the very special characteristics of the Flathead Valley that play such an important role in attracting and retaining investments that grow the Flathead's economy.

We are asking that you to table this proposed text amendment for the following reasons:

1. This zone text amendment is not supported by required findings of fact that are specific and carefully crafted to support the proposed text amendment and, therefore, should be tabled on this basis alone. Even if you were to craft after the close of this hearing new findings of fact the public would not have the ability to review and comment on these, which is not acceptable.

- A.** The ordinance before you states that you should adopt Staff Report WZTA-14-03 as findings of fact. This staff report does not even reference the proposed conditional use permit and the findings in this report instead support adding an additional string of permitted uses that were rejected by this council last meeting and are contrary to the request you made of the planning board to bring you a totally different zone text amendment.
- B.** This council, as was pointed out in our comments at the last council meeting, is already standing on the slippery slope of adopting a zone change for the benefit of a single business. And while we recognize that you find yourself in a situation where you are trying to make a fair decision under difficult circumstances given prior inappropriate actions by your planning staff, we urge you to give careful consideration to drafting clear and defensible findings to support the proposed

single zone text change before you tonight. Table this action before you until this is achieved.

- C. The Ordinance before you has additional issues that need correcting. The fifth and sixth whereas clauses refer to your **“reviewing the WZTA-14-03 and recommending approval of the proposed text amendments; and...”** This confusing wording suggests that you are approving the multiple text amendments that were the subject of that staff report. I full hope that this is not your intent and that this wording and the following Whereas that also references plural amendments be totally reworded to reflect the single three word text change which I think is the actual subject of this hearing tonight.

2. **The staff memo in your packet dated 3/11/2014 from your senior planner is based on a flawed and legally troublesome analysis when it states---“shipping and packaging services has no more impacts to the WB-2 zone district than a grocery store or a professional office nor does it warrant additional scrutiny through the Conditional Use Permit process that the Council typically reviews.”**

- A. Suggesting that a criterion for amending your zoning be based on similar impacts is not supported a primary criteria for a zone change under your own regulations or under state law.¹ And to base your decision on this proposed text amendment on a broad and loose reasoning in this 3/11/2014 is to invite others to come before you and challenge potential denial of any future proposed change to this WB-2 zoning district on the rationale that their proposed use also creates

¹ 11-1-2: INTERPRETATION AND PURPOSE:



- A. These zoning regulations are adopted with the intent and purpose of:
 1. Implementing and promoting the master plan;
 2. Lessening congestion in the streets and providing safe access to streets from private property;
 3. Securing safety from fire, panic and other dangers;
 4. Promoting the public interest, health, comfort, convenience, safety, and general welfare;
 5. Providing adequate light and air;
 6. Preventing the overcrowding of land;
 7. Avoiding undue concentration of population;
 8. Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
 9. Giving reasonable consideration to the character of the district;
 10. Giving consideration to the peculiar suitability of the property for particular uses;
 11. Protecting and conserving the value of buildings;
 12. Encouraging the most appropriate use of land throughout the community by assuring orderly community growth.

B. In its interpretation and application, the provisions of these regulations shall be held to be minimum requirements. (Ord. A-407, 3-15-1982)

no greater impact. This flawed argument should be rejected now, and this zone change returned for a rewrite of clearly defensible findings.

- B. But even more significantly Montana zoning law clearly spells out the legal basis for allowing some uses in one district and not in another. Montana zoning statutes are very clear that zoning districts can limit the uses and distinguish the uses permitted in one district from another:

" 76-2-302. Zoning districts. (1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(2) All regulations must be uniform for each class or kind of buildings throughout

each district, but the regulations in one district may differ from those in other districts."

- C. The intent of the Whitefish Zoning Districts WB-2 and WB-3 are clear examples of districts that were established with the intent that uses in one district would be different than another district.

- D. ~~One basis of your~~ ^{The} decision to limit the zone text change before you ~~to~~ should be tied to a finding recognizing the intent of these zones and state law. *and not this 3/11/2014 State memo*

- E. Furthermore, the Whitefish Growth Policy should be another basis for a finding to support any proposed text amend. The Whitefish Growth Policy provides the clear basis for limiting additional uses and thus for limiting this proposed zone change. The Whitefish Growth Policy includes policies that establish the following goals:

1. Preserve and enhance the character, qualities, and small town feel and ambience of the Whitefish Community.

2. Strengthen the role of Downtown Whitefish as the commercial, financial, and administrative center of the community.

The Whitefish Growth Policy also recognizes that the development capacity of the downtown area means that additional development does not need to be encouraged in the Highway 93 South corridor:

"From a physical standpoint, the plan recognizes a market-supported build-out scenario that includes 140,000 SF of new retail, existing and/or renovated retail totaling 175,000 SF, over 330 new residential units, and 740 structured parking spaces. How that space could be distributed throughout the downtown area is shown in a Capacity Diagram on page 5 of the plan. Growth potential of this magnitude would present the community with the opportunity to keep the business focus on downtown as opposed to continued development of the Hwy. 93 South

corridor, or allowing additional commercial stripping farther south along Hwy. 93 or along Montana Hwy. 40."

- A. The 2011 findings that supported very limited changes to the WB-2 zone, stated that the limited changes adopted were to primarily "mitigate the negative effects of city oversight when it comes to allowing illegal uses to proliferate." The findings also stated:

"By minimizing changes to the WB-2 zone, the proposed amendments do their best to continue to support downtown Whitefish."