



**CITY COUNCIL SPECIAL SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, MAY 19, 2014, 5:00 TO 7:00 PM**

1. Call to Order

2. Interviews

- 5:10 George Gardner – Architectural Review Committee
- 5:20 Scott Freudenberger – Architectural Review Committee
- 5:30 Julia Olivares – Resort Tax Monitoring Committee
- 5:40 Ken Stein – Resort Tax Monitoring Committee
- 5:50 Bruce Boody – Tree Advisory Committee
- 6:00 Dan Cassidy – Tree Advisory Committee
- 6:10 Luke Walrath – Whitefish Convention & Visitors Bureau Committee
- 6:20 Jason St. Clair – Whitefish Convention & Visitors Bureau Committee
- 6:30 Matt Cuff – Whitefish Convention & Visitors Bureau Committee
- 6:40 Jennifer Fisher – Whitefish Convention & Visitors Committee

3. Public Comment

4. Appointments – All are Councilor appointed

- a. Architectural Review Committee – open to residents of the City or the Zoning Jurisdiction who are either employed by or is an owner of a business in the city of Whitefish, or owner of property in the city of Whitefish. One position is open for licensed architects or licensed design professionals, one opening for a Member at Large. 2 Positions, 3-year terms.
- b. Resort Tax Monitoring Committee – applicants can be an owner, operator or representative of any of a Bar/Restaurant, Lodging Business, or a Retail Business in the City Limits of Whitefish, or an interested City resident as a Member at Large. The two (2) positions expiring this year are both Members at Large. 3-year terms.
- c. Tree Advisory Committee - open to residents of the City or the Zoning Jurisdiction, who have maintained their residency for a minimum of one year prior to appointment. 2 Positions, 2-year terms.
- d. Whitefish Convention & Visitors Bureau Committee - Three (3) Committee positions expire this year – 3-year terms. Open to residents of the City of Whitefish and the Whitefish planning jurisdiction. Up to 2 positions may be residents in Flathead County outside of the Whitefish Planning Jurisdiction if they are an owner or manager of a business located and operating within the City of Whitefish zoning jurisdiction. Committee Membership includes representatives of Whitefish Mountain Resort, Finance, Large and Small Lodging properties, Restaurant and Bar Businesses, Retail Businesses, Transportation Businesses and the Whitefish Lake Golf Course. Openings include preference for representatives of Retail Businesses, Transportation Businesses, and one for any category.
- e. Affirm other recommendations for representatives on other committees
 - 1. Terri Dunn – Park Board representative on the Tree Advisory Committee
 - 2. Ron Brunk – Park Board representative on the Pedestrian & Bicycle Path Advisory Committee
 - 3. Bailey Minnich – Whitefish Curling Club representative to Ice Rink Advisory Committee

Note - If time runs out before all appointments are made, time has been set aside to make them during the Regular Council Session under Communications from Mayor and City Councilors.

5. Adjourn



PUBLIC NOTICE

THE CITY OF WHITEFISH HAS POSITIONS OPEN ON THE FOLLOWING VOLUNTEER COMMITTEES

PARK BOARD – Residency requirement: Applicants must have resided within the City Limits for 2 years and within the State for 3 years, and must be at least 21 years old. 2 Positions, 2-year terms.

POLICE COMMISSION – Open to City residents who have maintained residency within the City for one year prior to appointment to the Commission. 1 Position, 3-year term.

ARCHITECTURAL REVIEW COMMITTEE – open to residents of the City or the Zoning Jurisdiction who are either employed by or is an owner of a business in the city of Whitefish, or owner of property in the city of Whitefish. One position is open for licensed architects or licensed design professionals, one opening for a Member at Large. 2 Positions, 3-year terms.

PEDESTRIAN & BICYCLE PATH ADVISORY COMMITTEE – open to residents of the City or the Zoning Jurisdiction, who have maintained their residency for a minimum of one year prior to appointment. Vacancies this year are for two Members at Large, one who lives inside the City Limits, and one who lives outside the City Limits but within the Zoning Jurisdiction. 2 Positions, 2-year terms.

TREE ADVISORY COMMITTEE – open to residents of the City or the Zoning Jurisdiction, who have maintained their residency for a minimum of one year prior to appointment. 2 Positions, 2-year terms.

WEED CONTROL ADVISORY COMMITTEE – open to residents of the City and the Zoning jurisdiction. 2 Positions, 2-year terms.

RESORT TAX MONITORING COMMITTEE – applicants can be an owner, operator or representative of any of a Bar/Restaurant, Lodging Business, or a Retail Business in the City Limits of Whitefish, or an interested City resident as a Member at Large. The two (2) positions expiring this year are both Members at Large. 3-year terms.

WHITEFISH CONVENTION AND VISITOR BUREAU COMMITTEE - Three (3) Committee positions expire this year – 3-year terms. Open to residents of the City of Whitefish and the Whitefish planning jurisdiction. Up to 2 positions may be residents in Flathead County outside of the Whitefish Planning Jurisdiction if they are an owner or manager of a business located and operating within the City of Whitefish zoning jurisdiction. Committee Membership includes representatives of Whitefish Mountain Resort, Finance, Large and Small Lodging properties, Restaurant and Bar Businesses, Retail Businesses, Transportation Businesses and the Whitefish Lake Golf Course. Openings include preference for representatives of Retail Businesses, Transportation Businesses, and one for any category.

LIBRARY BOARD OF TRUSTEES – One (1) position open to residents who live inside the City Limits. 5-year term.

IMPACT FEE ADVISORY COMMITTEE – 2-Year term – One (1) Position – The open position is for a person from the Development Community. Committee specifications require the applicant either lives or works within the Whitefish zoning jurisdiction. The Committee meets once a year.

WHITEFISH CITY-COUNTY PLANNING BOARD – One (1) position to fill the remainder of a term expiring December 31, 2014. Applicants must reside within the City Limits.

Please submit a letter of interest to serve on any of the above committees to the Whitefish City Clerk's Office at 418 E. 2nd Street or mail to P.O. Box 158, Whitefish, MT 59937, by **Wednesday, April 23, 2014**. Interviews will be scheduled for May and June as needed. Thereafter, if vacancies still exist, letters of interest will be accepted until the positions are filled. If you have any questions please call the City Clerk's Office at 863-2400. These are also posted on the City's website: www.cityofwhitefish.org.

*****THANK YOU FOR YOUR INTEREST!*****
City Council Packet May 19, 2014 page 2 of 152

received
4/1/14

5:10 pm



City of Whitefish, City Clerk's Office
418 E. 2nd Street, PO Box 158
Whitefish, Mt 59937
406-863-2400
nlorang@cityofwhitefish.org

March 27, 2014

Dear George:

Your term on the Architectural Review Committee

expires this year on May 31, 2014

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is April 23, 2014. Interviews with the Council will be scheduled in May and June as needed; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

I have enclosed a copy of the ad we will be running.

If you are not planning to 're-up' for your position again, please let me know.

Thank you, and thank you for your service to the community of Whitefish!

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the _____

I am interested in the Arch. Review Comm.

P. S. Gardner
Signature

863-9321
Daytime Phone #

ARCHITECTURAL REVIEW COMMITTEE

- **2-10-1: COMMITTEE ESTABLISHED:**
- There is hereby established an architectural review committee, hereinafter "committee". (Ord. 03-26, 9-15-2003)

- **2-10-2: PURPOSE, POWERS AND DUTIES:**
- **Primary Purpose:** The primary purpose of the committee shall be to review and act on applications submitted to the committee by individuals or entities proposing to construct commercial, industrial, public or municipal buildings, or fiveplex or greater residential structures within the city of Whitefish zoning jurisdiction, as provided more fully in the city of Whitefish architectural review standards. Upon receipt of a formal application that has been determined by the committee or its staff, as appropriate, to be complete, the committee shall conduct a meeting regarding the proposed application, and its compliance with the city of Whitefish architectural review standards. The committee shall make one of the following decisions at the time of the meeting: to approve, to approve with conditions, to table the application pending submission of revisions or additional materials, or to deny the applicant's proposal. The committee's decision shall be announced at the meeting, and its decision, together with findings supporting its decision, shall be provided to the applicant, in writing, within five (5) working days of such meeting. The applicant may appeal a decision of the architectural review committee to the city council by delivering a written letter of appeal to the city manager within ten (10) days of the committee's issuance of its written decision. More information regarding the necessary content of an appeal, and the process before the city council, may be found in the Whitefish zoning jurisdiction regulations¹.

- **Secondary Purpose:** The secondary purpose of the committee shall be to make recommendations to the city's planning staff with respect to proposed amendments to the city of Whitefish architectural review standards, or the procedures utilized by the committee. (Ord. 03-26, 9-15-2003)
- **2-10-3: MEMBERSHIP:**
- **Appointment; Compensation:** The committee shall have seven (7) members who are either residents of the Whitefish zoning jurisdiction area, employed or own a business in the city of Whitefish, or own property in the city of Whitefish. Members shall be appointed by the city council. Two (2) of the committee members shall be Montana licensed architects and one of the members shall be a licensed design professional (i.e., either architect, engineer or landscape architect). If, within the discretion of the city council, less than two (2) licensed architects or one licensed design professional, as described above, is identified after publication of a notice of position vacancy, the city council may make an appointment of an individual that is not a licensed architect or licensed design

professional. No member of the committee shall concurrently serve on the Whitefish city council, the Whitefish city-county planning board or the Whitefish board of adjustment. No member of the committee with any interest in a project may sit in review of that project, or attempt to influence other members of the committee other than through the normal application and public meeting process. Committee members shall receive no compensation.

- Terms; Positions: Committee terms shall be three (3) years. There are hereby created positions numbered 1 through 7 inclusive. The initial term of members in each position shall begin on June 1, 2003, and terminate on the date specified below for each position:

• <u>Position Number</u>	• <u>Position Specification</u>	• <u>Initial Expiration Date</u>
• 1	• Member	• May 31, 2004
• 2	• Member	• May 31, 2004
• 3	• Member	• May 31, 2004
• 4	• Member	• May 31, 2005
• 5	• Member	• May 31, 2005
• 6	• Member	• May 31, 2006
• 7	• Member	• May 31, 2006

- In making the initial appointments, the city council shall determine which appointees shall serve one, two (2) or three (3) year terms. Thereafter members appointed to each position shall serve for three (3) year terms. At the discretion of the city council, members may be appointed for more than one term.
- Removal Of Member: A member of the committee serves at the pleasure of the council and may be removed by a majority vote of the same. Absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year shall constitute grounds for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the chairperson or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting.
- Vacancy: Pursuant to subsections A and B of this section, any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. (Ord. 03-26, 9-15-2003)
- **2-10-4: ORGANIZATION:**

- The committee, at its first meeting after June 1 of each year, shall elect a chairperson, vice chairperson and secretary for the next twelve (12) month period. Upon the absence of the chairperson, the vice chairperson shall serve as chairperson pro tem. If both the chairperson and the vice chairperson are absent from a specific meeting, the attending members shall elect a chairperson pro tem for the meeting. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chairperson, vice chairperson or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 03-26, 9-15-2003)
- **2-10-5: MEETINGS, RULES AND REGULATIONS:**
- Five (5) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business or conduct any proceedings before the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. The committee shall meet as frequently as is necessary in order to provide a timely decision with respect to all applications that it considers. The committee shall decide the time, place and date of meetings. All meetings shall be open to the public. (Ord. 03-26, 9-15-2003)
- **2-10-6: STAFF SUPERVISION:**
- The committee shall have no supervisory control and shall not direct city staff in the performance of their official duties. (Ord. 03-26, 9-15-2003)
- **2-10-7: EXPENDITURES:**
- The committee shall not have authority to make any expenditures on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds except as has been included in the city budget and after the city council shall have authorized the expenditure by resolution, which resolution shall provide the administrative method by which funds shall be drawn and expended. (Ord. 03-26, 9-15-2003)

Footnote 1: See section 11-7-6 of this code.

ARCHITECTURAL REVIEW COMMITTEE – WCC 2-10-1 - Terms – 3 years – 1st Tuesday - 8:45 a.m.

In Council Conference Room

- | | | | | | |
|----|--------------------------|--------------------------|----------------------------|--------------|-------------------------|
| 1. | Duane Reisch | 209 Fairway Drive | 862-3025 | May 31, 2016 | Owens Markus Foods |
| 2. | Kathryn Skemp, SCARB | 6300 Locarno Dr., Unit K | 262-424-1680 | May 31, 2016 | Architect |
| 3. | Ian Collins | 898 Blue Herron Dr, WF | 863-9376, 270-7047 | May 31, 2016 | Architect in Training |
| 4. | George Gardner | 2339 Nordic Loop, WF | 863-9321 | May 31, 2014 | Museum Planning Conslt. |
| 5. | Scott Freudenberger | PO Box 1354 | 862-3600 | May 31, 2014 | Member at Large |
| 6. | Matthew Lawrance (V-Chr) | 309 Kalispell Ave | 508-472-8947, 862-8152 (W) | May 31, 2015 | Architect in Training |
| 7. | John Constenius (Chrm) | 210 Park Hill Drive | 862-4818 | May 31, 2015 | Licensed Architect* |

*Ordinance 03-26 includes provision to appoint others at the discretion of the Council, (if not 2 Licensed Architects, 1 Design Professional)

5:30 pm



City of Whitefish, City Clerk's Office
418 E. 2nd Street, PO Box 158
Whitefish, Mt 59937
406-863-2400
nlorang@cityofwhitefish.org

March 27, 2014

Dear Julia:

Your term on the Resort Tax Monitoring Committee
expires this year on May 31, 2014

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is April 23, 2014. Interviews with the Council will be scheduled in May and June as needed; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

I have enclosed a copy of the ad we will be running.

If you are not planning to 're-up' for your position again, please let me know.

Thank you, and thank you for your service to the community of Whitefish!

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Resort Tax
Monitoring Committee

Julia Alvarez 406-270-1135
Signature Daytime Phone #

5:40 pm

Subject: Resort Tax Monitor Committee
From: "Ken Stein" <ken@kenstein.us>
Date: 5/8/2014 11:00 AM
To: "'Necile Lorang'" <nlorang@cityofwhitefish.org>

Necile,
I understand there is an opening on this committee, if so how do I apply? Does this take care of that?
Thank you,

Ken Stein, CRS, GRI



RE/MAX Of Whitefish
509 E. 6th ST.
Whitefish, Mt 59937
"Big Sky Country"
406.250.0599 (Cell)
www.kenandcindystein.com
ken@kenstein.us
team@kenandcindystein.com



RESORT TAX MONITORING COMMITTEE

2-4-1: COMMITTEE ESTABLISHED:

There is hereby established a resort tax monitoring committee for the city, hereinafter referred to as the committee. (Ord. 01-07, 2-20-2001)

2-4-2: PURPOSE, POWERS AND DUTIES:

The purpose of the committee is to monitor, review and advise the city council on the use of resort tax funds pursuant to title 3, chapter 3 of this code. The committee may also advise the city council on proposed changes to title 3, chapter 3 of this code. The committee shall report to the city council on matters of pertinence and interest related to the resort tax as the committee may deem appropriate or as the city council may request. The committee's powers shall be advisory only. Nothing in this chapter shall be construed to provide the committee with the power to authorize or prohibit the use of resort tax funds. (Ord. 01-07, 2-20-2001)

2-4-3: MEMBERSHIP:

A. Appointment; Compensation: The committee shall have seven (7) members. Members shall be appointed by the city council. The city council shall attempt to appoint one member who is a lodging business owner, operator, or representative; one member who is a restaurant/bar owner, operator, or representative; one member who is a retail business owner, operator, or representative; and one business owner at large, who may, but need not, own one of the types of businesses listed above. Any member designated as a business owner, operator, or representative of one of the above listed business categories, as well as the business owner at large, shall do so in relation to an associated business located within the corporate boundaries of the city of Whitefish, although personal residency shall not be required. The city clerk shall make appropriate notation of a member's business category affiliation on the official committee roster. If, within the discretion of the city council, an individual appropriate to fill a vacancy in any of the above listed business categories is not identified after publication of a notice of position vacancy, the city council may make a general membership appointment. In such case, the city council shall attempt to make such business category appointment with the next available vacancy where an incumbent member has not applied for reappointment or the city council decides not to reappoint an incumbent member. One position shall be specified for the mayor or a city councilor. The remaining positions shall be general membership positions and shall require residency within the corporate boundaries of the city of Whitefish. Committee members shall receive no compensation.

B. Terms; Positions: Committee terms shall be three (3) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the committee. The terms of those appointees holding positions on the effective date of this chapter shall continue until the termination date listed below:

<u>Position Number</u>	<u>Position Specification</u>	<u>Initial Expiration Date</u>
1	Mayor or councilor	May 31, 2008

2	Member	May 31, 2008
3	Member	May 31, 2008
4	Member	May 31, 2006
5	Member	May 31, 2006
6	Member	May 31, 2007
7	Member	May 31, 2007

Thereafter members appointed to each position shall serve for three (3) year terms; the first of such terms beginning on June 1 of the year in which the initial term for the position expires. At the discretion of the city council, members may be appointed for more than one term. (Ord. 06-14, 6-5-2006)

- C. Removal Of Member: A member of the committee serves at the pleasure of the city council and may be removed by majority vote of the same. Absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year, shall constitute grounds for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his inability to attend a specific meeting shall notify the chair or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting.
- D. Vacancy: Pursuant to subsections A and B of this section, any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. (Ord. 01-07, 2-20-2001)

2-4-4: ORGANIZATION:

At its first meeting after June 1 of each year, the committee shall elect a chair, vice chair and secretary for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If both the chair and the vice chair are absent from a specific meeting, the attending members shall elect a chair pro tem for the meeting. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chair, vice chair or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 01-07, 2-20-2001)

2-4-5: MEETINGS, RULES AND REGULATIONS:

Four (4) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business or conduct any proceedings before the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. The committee

shall meet as frequently as is necessary and convenient within the judgment of the committee, but shall meet not less than once every three (3) months. The committee shall decide the time, place and date of meetings. All meetings shall be open to the public. (Ord. 06-14, 6-5-2006)

2-4-6: EXPENDITURES:

The committee shall have no authority to make any expenditures on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds except as has been included in the city budget and after the city council shall have authorized the expenditure by resolution, which resolution shall provide the administrative method by which funds shall be drawn and expended. (Ord. 01-07, 2-20-2001)

RESORT TAX MONITORING COMMITTEE - WCC 2-4-1 - 3 Year Terms – City Council Appointments
Meet 3rd Wednesday-7AM

Position #				TERM EXPIRATION DATE	
1.	John Anderson	PO Box 158	863-9681 (O)	May 31, 2016	Council Representative
2.	Vacancy			May 31, 2014	Member at Large
3.	Julia Olivares	333 W. 6 th Street	862-6401	May 31, 2014	Member at Large
4.	Brian Averill	1476 Barkley Lane	250-2038	May 31, 2015	Member at Large
5.	Doug Reed, Whitefish Lake Golf Club Restaurant, <u>Chairman</u>	PO Box 1719	862-5285	May 31, 2015	Restaurant/Bar member
6.	Chris Schustrom,	504 Spokane Avenue	862-3440	May 31, 2016	Lodging member
7.	Trek Stephens	122 Central Ave	862-2271	May 31, 2016	Retail member- Secretary

5:50 pm

received
4/16/14



City of Whitefish, City Clerk's Office
418 E. 2nd Street, PO Box 158
Whitefish, Mt 59937
406-863-2400
nlorang@cityofwhitefish.org

March 27, 2014

Dear Bruce:

Your term on the Tree Advisory Committee
expires this year on May 31, 2014

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is April 23, 2014. Interviews with the Council will be scheduled in May and June as needed; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

I have enclosed a copy of the ad we will be running.

If you are not planning to 're-up' for your position again, please let me know.

Thank you, and thank you for your service to the community of Whitefish!

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:
I am interested in serving another term on the Tree Advisory Committee

Bruce Beady 8602-4755
Signature Daytime Phone #

6:00 pm

SECOND NOTICE

4-15-14



City of Whitefish, City Clerk's Office
418 E. 2nd Street, PO Box 158
Whitefish, Mt 59937
406-863-2400
nlorang@cityofwhitefish.org

March 27, 2014

Dear Dan:

Your term on the Tree Advisory Committee
expires this year on May 31, 2014

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is April 23, 2014. Interviews with the Council will be scheduled in May and June as needed; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

I have enclosed a copy of the ad we will be running.

If you are not planning to 're-up' for your position again, please let me know.

Thank you, and thank you for your service to the community of Whitefish!

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:
I am interested in serving another term on the Tree Advisory Board

Dan Canj 751-2247
Signature Daytime Phone #
City Council Packet May 19, 2014 page 16 of 152 250-4599

WHITEFISH TREE ADVISORY COMMITTEE

2-7-1: COMMITTEE ESTABLISHED:

There is hereby established a Whitefish tree advisory committee for the city, hereinafter referred to as the committee. (Ord. 02-19, 6-3-2002)

2-7-2: PURPOSE, POWERS AND DUTIES:

The purpose and duties of the committee are to provide advice and recommendations to the city council, park board of commissioners and city staff on matters of pertinence and interest related to the city's urban forest. The committee shall report its advice and recommendations primarily to the park board of commissioners and city staff. The committee shall act in an advisory capacity only. Nothing in this chapter shall be construed to provide the committee with the power to authorize or prohibit the use of public funds. (Ord. 02-19, 6-3-2002)

2-7-3: MEMBERSHIP:

A. Appointment; Compensation: The committee shall have seven (7) members. Members shall be appointed by the city council. Not less than four (4) members shall reside within the corporate limits of the city. Two (2) members may reside within the Whitefish planning jurisdictional boundary. Two (2) members who are practicing professional arborists, landscapers and landscape architects, who also maintain a business within the Whitefish planning jurisdictional boundary, may serve without regard to residential standing. Members shall have maintained residency within specified boundary requirements for one year prior to appointment to the committee. The city council shall appoint members according to the following representation categories: one member who is also the mayor or a city councilor; one member who is also a member of the park board of commissioners; and five (5) members who are citizen members at large. The city council shall attempt to appoint up to two (2) members of the aforementioned five (5) members at large who are practicing professional arborists, landscapers or landscape architects. The city clerk shall make appropriate notation of a member's representation category on the official committee roster. Committee members shall receive no compensation. Contracted consultants and city staff shall not serve as members, but may assist and participate in the facilitation of committee business.

B. Terms; Positions: Committee terms shall be two (2) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the committee. Except for the positions specified for the mayor or a city councilor and the park board member, the committee existing at the time of enactment of this chapter shall determine by lot which members shall fill which positions. The initial terms for members serving pursuant to this chapter shall begin with the effective date of this chapter and terminate on the date specified below for each position:

<u>Position Number</u>	<u>Position Specification</u>	<u>Initial Expiration Date</u>
1	Mayor or councilor	May 31, 2002

2	Park board	May 31, 2002
3	Member at large	May 31, 2002
4	Member at large	May 31, 2002
5	Member at large	May 31, 2003
6	Member at large	May 31, 2003
7	Member at large	May 31, 2003

Thereafter members appointed to each position shall serve for two (2) year terms; the first of such terms beginning on June 1 of the year in which the initial term for the position expires. At the discretion of the city council, members may be appointed for more than one term.

- C. **Removal Of Member:** A member may be removed from the committee by majority vote of the city council for cause upon written charges and after a public hearing. Wilful disregard of this chapter and the rules of procedures of the committee, or absences from three (3) consecutive meetings, including regular and special meetings, or absences from more than fifty percent (50%) of such meetings held during the calendar year, shall constitute cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his inability to attend a specific meeting shall notify the chair or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting.
- D. **Vacancy:** Pursuant to subsections A and B of this section, any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 02-19, 6-3-2002)

2-7-4: ORGANIZATION:

At its first meeting after June 1 of each year, the committee shall elect a chair, vice chair and secretary for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chair, vice chair or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 02-19, 6-3-2002)

2-7-5: MEETINGS, RULES AND REGULATIONS:

Four (4) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or

matter before the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at least once every three (3) months or at the call of the chair or the parks and recreation director, and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 02-19, 6-3-2002)

2-7-6: STAFF SUPERVISION:

The committee shall have no supervisory control and shall not direct city staff in the performance of their official duties. (Ord. 02-19, 6-3-2002)

2-7-7: EXPENDITURES:

The committee shall have no authority to make any expenditures on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds. (Ord. 02-19, 6-3-2002)

TREE ADVISORY COMMITTEE – WCC 2-7-1 - Two-year terms, meet 2nd Tuesday - January, April, July, October, at 6:00 pm, before Park Board meets *(Minimum of 4 Whitefish City Limit residents required)*

Position #

				Term Expiration Date
1.	* Pam Barberis, Councilor	PO Box 158	871-0223	May 31, 2016
2.	*Terri Dunn, Park Board Representative,	6211 D Shiloh Ave	862-8276, 250-7182	May 31, 2014
3.	*Dan Cassidy, Member at Large	565 Somers Ave	862-0808	May 31, 2014
4.	Bruce Boody, Member at Large	301 E. 2nd St. #1B	862-4755	May 31, 2014
5.	*Matt Kennedy	806 Columbia Ave	471-5613	May 31, 2015
6.	*Tanya Island (824 E. 10 th St.)	PO Box 10931, Kalispell, MT 59904	253-6034	May 31, 2015
7.	*Tyler Hope	517 Somers Ave	270-9360	May 31, 2015

received
4/23/14

6:10 pm

April 23, 2014

Dear City of Whitefish:

This letter is to serve as notice that I intend to retain my position on the Whitefish CVB Board of Directors. I have been honored to serve the city in this way and would like to continue. Thank you for your consideration.



Stay inspired,
Luke Walrath
Alpine Theatre Project

6:20 pm
received
4/23/14

To: Whitefish City Council

My name is Jason St. Clair and I'm writing in hopes of being considered for the Whitefish Convention and Visitors Bureau Committee. I moved to Whitefish in July of 2013 to take the Senior Sales Manager position with Glacier Park Inc. I moved from the coast of North Carolina where I worked in the hotel industry for 8 years starting at the front desk and working my way up to Director of Sales. I was also a member of the Wrightsville Beach Marketing Advisory Committee for 4 years...2 of which I sat as the Chairman. I worked very closely with the Wilmington CVB and learned the value of a strong support team. After being in Whitefish for only a few months I can honestly say I really love this community and I'm looking forward to volunteering my time and experience in hopes of providing input on community matters specific to the Convention and Visitors Bureau.

I've listed my contact information below. Please feel free to contact me with any questions.

Jason St. Clair
312 Edgewood Pl Unit – A
Whitefish MT 59937
910.617.6361
jst.clair@glacierparkinc.com

6:30pm
received
4/23/14

To whom it may concern:

My name is Matt Cuffe, I am interested in the position that is currently open on the Whitefish Convention and Visitors Bureau Board. I am a lifelong resident of the Flathead Valley, with family connections reaching back to the days of Stumptown. I grew up on a small family farm just east of Whitefish where I raised sheep, cattle, horses, and an occasional rabbit or two. I attained an Environmental Studies degree from the University of Montana, with an emphasis in Environmental Justice.

I am proud to say, I am raising my two young sons as sixth generation Montanans living in the Flathead. I currently hold the position of Sales Manager at Montana Coffee Traders, as well as manage the *Glacier Sales Territory*. This territory runs from Eureka to Babb. Including the majority of Glacier National Park's Lodges, and nearly all other restaurants, cafes, gift shops, espresso bars, and coffee shops along the way. I have grown my territory vastly during my tenure at Montana Coffee Traders, and am very happy with opportunities MCT has provided for me and my family. I also currently serve on the Board of Directors for the Shepherd's Hand Clinic & Community Meal. The Shepherd's Hand Clinic has been a wonderful addition to my life, and allowed me to witness first-hand the kindness and generosity of the Whitefish community. The Shepherd's Hand Clinic has experienced great growth in recent times. With the addition of a Dental Clinic, Wellness Program, and expanding Community Meal. We are geared to make tremendous impacts on our patients and the surrounding community...exciting times!

I have a deep love for the mountains and rivers that make our place so great. Before my time at Montana Coffee Traders, I worked for Glacier National Park as a member of different Trail Crews throughout the many districts of The Park. It is here where I developed my real love for Montana and all things wild. Glacier Park feels like my true home, and is where my spirit lingers. I have spent much time running, hiking and climbing the mountains and trails of GNP. Glacier has taught me many things about the natural world, real true work, and about myself. I will forever be in debt to these mountains, and I feel honored to have had the opportunity to be a part of something so grand and everlasting.

I spend many days each year deep in the wilderness of the Bob Marshall, clearing, scouting, camping, and hunting. This *wild Montana* is part of what keeps me satisfied, sane, and moving forward. The beauty and delicacy of the wild is something all humans should witness, understand and respect. These are the values and lessons my wife and I are attempting to instill into our young sons. It is for similar reasons I am interested in serving on the Whitefish Convention and Visitors Bureau Board. I am proud to be a Montanan, and the thought of being able to share this passion and convey the respect this great place deserves with others, give me great excitement and pride. If anyone wishes to discuss my interest/qualifications further, please don't hesitate to call or email. Thank you for your consideration.

Matt Cuffe

(406)249-9234
matt@coffeetraders.com



6:40 pm
received
4-23-14

April 21, 2014

Whitefish City Clerk
PO Box 158
Whitefish, MT 59937

To Whom It May Concern:

I am interested in serving on the Whitefish Convention and Visitor Bureau Committee and ask to be considered as a representative for Transportation Businesses. I have worked at Kandahar Lodge for twelve years. I was the Front Office Manager for a few years and then became the Director of Sales and Marketing. Previous to this employment I helped my husband operate a property management company on Big Mountain and did the sales and marketing for that business as well.

I have been the President of the Big Mountain Commercial Association for several years. The main task of the Commercial Association is to fund the free S.N.O.W. bus providing shuttles between Whitefish and Whitefish Mountain Resort. The BMCA also participates in funding of the AERO. The Association has taken part in discussions regarding additional public transportation in and around Whitefish.

I propose that my marketing and sales experience and my position on the BMCA Board of Directors make me a good candidate for the WCVB committee.

Thank you for your consideration.

Sincerely,

Jennifer Fisher
Director of Sales & Marketing

CONVENTION AND VISITOR BUREAU COMMITTEE

2-12-1: STANDING COMMITTEE ESTABLISHED:

There is hereby established a standing committee to be called the "Whitefish convention and visitor bureau committee", hereinafter referred to as the committee. (Ord. 06-05, 3-20-2006)

2-12-2: PURPOSE, POWERS, PROCESSES AND DUTIES:

The purpose and duties of the committee are:

- A. To be the designated nonprofit convention and visitors' bureau for the city of Whitefish;
- B. To develop an annual marketing plan and budget for each fiscal year, which annual marketing plan and budget will be presented to the Whitefish city council for approval;
- C. To submit the annual marketing plan approved by the Whitefish city council to the Montana tourism advisory council and receive approval by the tourism advisory council of such annual marketing plan;
- D. To contract with the Montana department of commerce to receive lodging tax revenues earmarked for tourism promotion and disbursed pursuant to section 15-65-121, Montana Code Annotated;
- E. To implement the annual marketing plan referenced above, and use the proceeds distributed by the Montana department of commerce pursuant to the budget approved by the Whitefish city council;
- F. To comply with all of the provisions contained under the category "eligible organizations" in the "Regulations And Procedures For Regional/CVB Tourism Organizations Use Of Lodging Facility Use Tax Revenue" promulgated by the Montana department of commerce;
- G. To provide recommendations and advice to the Whitefish city council, as appropriate, regarding tourism promotion;
- H. To solicit nonvoting members residing in or owning a business located in the city of Whitefish zoning jurisdiction, if the committee determines it to be in the best interests of the committee and in the best interests of tourism promotion; such members may be required by the committee to pay an annual fee for membership;
- I. To conduct such additional activities with regard to tourism promotion as are determined by the committee to be in the best interests of the committee and of the city of Whitefish; and (Ord. 06-05, 3-20-2006)
- J. To create a new classification of members, to be called "lodging associate members", which would have the following characteristics:
 - 1. The associate member must have a Whitefish street address (including 59937 zip code) and a Whitefish telephone number.
 - 2. The associate member must provide a significant activity, experience or service that is not already provided in the Whitefish zoning jurisdiction, as determined annually by the board of the WCVB.
 - 3. The associate member must agree to all obligations and duties applicable to regular members of the WCVB.
 - 4. The associate member must be nominated by a convention and visitor bureau standing city committee member (board member of the WCVB) and be approved by a majority of the standing city committee (board of the WCVB).

Associate members cannot participate in the nomination or recommendation of board positions, nor can they serve on the board. Otherwise, however, they will have the same rights as other members. (Ord. 07-23, 7-16-2007)

Nothing in this chapter shall be construed to provide the committee with the power to authorize the use of public funds other than those funds specifically identified in the committee's annual budget and approved by the Whitefish city council. The committee shall be entitled to conduct fundraising activities, including charging a membership fee, and expend any funds raised for purposes related to tourism promotion. In conducting fundraising activities, the committee shall not be entitled to incur indebtedness that could be charged against the city. (Ord. 06-05, 3-20-2006)

2-12-3: MEMBERSHIP:

A. Appointment; Compensation: The committee shall have up to nine (9) members. Members shall be appointed by the city council. All members shall reside in the city of Whitefish zoning jurisdiction. The city council shall endeavor to appoint members who represent one of the following business categories, and that have broad experience in and a current understanding of the following types of businesses:

- Finance
- Large lodging properties
- Restaurant and bar business
- Retail businesses
- Small lodging properties
- Transportation business
- Whitefish golf course
- Whitefish Mountain Resort

The city clerk shall make a notation of a member's representation category to facilitate appointment to categories not represented. However, the city council shall be entitled to appoint those individuals that it determines most qualified, regardless of representation category. The city council may appoint one of its members to serve as an ex officio (nonvoting) member of the committee. Committee members shall receive no compensation.

B. Terms Of Members: Committee terms shall be for three (3) years, although several of the terms of the initial appointees may be slightly longer than three (3) years. There are hereby created positions numbered 1 through 9 inclusive of the members of the committee. Three (3) of the initial appointees shall serve three (3) year terms. Two (2) of the initial appointees shall serve two (2) year terms. Two (2) of the initial appointees shall serve one year terms. Terms shall be assigned to the initial appointees randomly.

<u>Position Number</u>	<u>Position Specification</u>	<u>Initial Expiration Date</u>
1	Member	May 31, 2009
2	Member	May 31, 2009
3	Member	May 31, 2009
4	Member	May 31, 2008
5	Member	May 31, 2008
6	Member	May 31, 2007
7	Member	May 31, 2007
8	Member	May 31, 2014
9	Member	May 31, 2013

Thereafter members appointed to each position shall serve for three (3) year terms; the terms beginning on June 1 of the year in which the term for the position expires. At the discretion of the city council, members may be appointed for more than one term. (Ord. 12-10, 7-2-2012)

C. Removal Of Member: A member may be removed from the committee by majority vote of the city council for cause upon written charges and after a public hearing. Wilful disregard of this chapter and the rules of procedure or bylaws of the committee, or absences from three (3) consecutive meetings, including regular and special meetings, or absences from more than fifty percent (50%) of such meetings held during the calendar year, shall constitute cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the chairperson or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting.

D. Vacancy: Any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 06-05, 3-20-2006)

2-12-4: ORGANIZATION:

At its first meeting after the initial appointment of committee members, and thereafter at its first meeting after June 1 of each year, the committee shall elect officers, including a chairperson (also known as the president), vice chairperson (also known as the vice president), treasurer and secretary for the next twelve (12) month period. Upon the absence of the chairperson, the vice

chairperson shall serve as chairperson pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chairperson, vice chairperson, treasurer or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 06-05, 3-20-2006)

2-12-5: MEETINGS, RULES AND REGULATIONS:

Five (5) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or matter before the committee. The committee shall adopt bylaws for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at least once every other month or at the call of the chairperson, and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 12-10, 7-2-2012)

2-12-6: STAFF SUPERVISION:

The committee shall have no supervisory control and shall not direct city staff in the performance of their official duties. (Ord. 06-05, 3-20-2006)

2-12-7: EXPENDITURES:

Other than those funds specifically identified in the committee's annual budget and expenditure of which has been approved by the Whitefish city council, the committee shall have no authority to make any expenditure on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds. (Ord. 06-05, 3-20-2006)

2-12-8: COMMITTEE AS BOARD OF DIRECTORS:

The committee shall serve as the board of directors of the Whitefish Convention And Visitor Bureau, Inc., a Montana nonprofit corporation (the "nonprofit corporation"). The officers of the committee shall serve in the same capacity as officers of the nonprofit corporation. The articles of incorporation of the nonprofit corporation shall be amended, as necessary and appropriate, to conform to the terms of this chapter, and shall further provide that such articles of incorporation shall not be further amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, shall adopt bylaws that conform to the terms of this chapter and to the amended articles of incorporation, and thereafter such bylaws shall not be amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, may provide that that nonprofit corporation may have members, and may solicit dues or other contributions from such members; provided, however, that all of such members shall be nonvoting members, and shall not be able to elect or remove members of the board of directors, or amend the articles of incorporation or bylaws of the nonprofit corporation. (Ord. 06-05, 3-20-2006)

WHITEFISH CONVENTION AND VISITOR BUREAU COMMITTEE – WCC 2-12-1 3 YEAR TERMS**(Meetings/second Monday every other month (even months); Rocky Mountain Lodge at 3 pm)**

1	Rhonda Fitzgerald (Small Lodging Properties)	862-3440	412 Lupfer Avenue	May 31, 2015
2	Erica Coffman (Restaurant/Bar)	249-4035	121 W. 2 nd Street	May 31, 2015
3	Zak Anderson (Whitefish Lake Golf Course)	250-5256	122 Dakota Avenue	May 31, 2015
4	Transportation			May 31, 2014
5	Luke Walrath Alpine Theatre Project	862-9050 (W)	PO Box 1959, WF	May 31, 2014
6	Scott Ringer (Large Lodging Properties)	871-0393	CEO, The Lodge at Whitefish Lake, 1380 Wisconsin Ave, WF	May 31, 2016
7	Nick Polumbus (Whitefish Mountain Resort)	862-1955	Director of Marketing & Sales Whitefish Mountain Resort, PO Box 1400 WF	May 31, 2016
8	Retail			May 31, 2014
9	Jake Cook	885-3650	630 Woodside Lane	May 31, 2016

Park Board Meeting Minutes April 8, 2014

Park Board Members Present: Doug Wise, Ron Brunk, Jim DeHerrera, Terri Dunn, Frank Sweeney and Susan Schnee

Park Board Members Absent: Chris Hyatt

Ice Rink Advisory Committee Chair: Gregg Esakoff

City Staff Present: Jason Loveless, Mary Blubaugh, Andy Hergesheimer, Maria Butts and Mary VanBuskirk

- A. Call to Order: 7:10 pm
- B. Approval of the April 8, 2014 Agenda – Member Sweeney made a motion to approve. Member Dunn seconded. It was approved as it stands.
- C. Approval of March 11, 2014 Minutes – Member Sweeney moves to accept the minutes. Vice President Brunk seconds. All ayes.
- D. Public Comments –

E. Committee Reports

a. Bicycle/Pedestrian Committee – Vice President Brunk reported the Skye Park Bridge has been held up due to an unfinished land exchange. Member Sweeney asked why the design has been delayed as the land swap has more to do with the sewer system. Jason Loveless said the design is mostly done, but how the bridge ties into the bike path does depend somewhat on this land exchange. On Thursday, April 10th Fish, Wildlife and Parks Department will hold a Public Hearing regarding the non-motorized section of the river. This will be the only public hearing on this topic. The West 7th Street project was scheduled for 2015 but may be pushed back to 2016 due to lack of funds.

b. Tree Advisory Committee – The \$7,000 in grant money still available will go toward an Urban Forestry Master Plan. The plan will be looking at maintaining the City's Urban Forest and preserving canopy on Spokane and Baker and Hwy 93 West.

c. Ice Rink Advisory – Vice President Brunk said his report will go under New Business.

d. Dog Park – President Wise said the WAG Board will make a presentation to the Resort Tax Committee to get funds for the pond expansion. The WAG Race will be May 18th at 11:00 am.

F. Public Hearings – none

G. Old Business - Consideration of Recommended Proposals from the Ice rink Advisory Committee - Chad Goodwin stated Chuck Stearns comments from last year's budget meetings regarding subsidies for the Ice Rink was one reason the Figure Skating Club stepped up to take on this project. Andy Palchak told the board the economic impact the Ice Den has on the community is very high.

Vice President Brunk stated the purpose of the Ice Rink Committee is to improve operations of the facility; to be able to do more with the same amount of expense or even less. He gave a brief overview of what has developed to this point. John Wilson, Ron Brunk, Jason Loveless and Greg Esakoff met to discuss the mechanical upgrades. John Wilson suggested the Figure Skating Club handle this project privately. Jason reported Chuck Stearns gave his ok for the project to be handled privately as long as Jason oversees everything and all construction/building procedures and permits are followed. Ron said the locker rooms at the Ice Den were a private project as well. That same process can happen in this case.

Vice President Brunk recommends to the Board that they give their blessing to Glacier Skate to purchase and install the cooling systems as recommended by Arena Products, that the FY 2015 budget requests \$56,623.00 for the purchase and installation of a Low E Ceiling and the necessary plumbing work, that Glacier Skate and other Ice Den user groups raise the necessary funds for the backup compressors and that all groups are aware there will be no year round ice until the entire project is completed as advised by Arena Products.

President Wise asked if there were any questions from the Board or if they were comfortable with Ron's recommendations.

Member Dunn asked if there would be a MOU stating this project be done to specs and recommendations.

Ron said yes.

Member Sweeney said the caution voiced at City Council is the city expects the cost of operating year round to be subsidized by whatever groups wanting to use the facility year round.

Member DeHerrera said it makes sense.

Member Schnee said she is much more comfortable now that the City Manager has been involved and given his opinion.

Greg Esakoff said he found the out of state engineering firm can also be licensed in Montana at no additional cost and this can be done in just a few days. They will continue fundraising.

Jason Loveless said \$75,000 has been put in the budget and has been submitted to the City Manager.

Josh Steele said there will be a substantial decrease in the operational cost right away with this equipment.

Vice President Brunk made a motion to give the Glacier Skate group approval to order, purchase and install the evaporative cooling system as recommended by Arena Products.

Member Sweeney seconds the motion.

There was no further discussion.

A vote was taken with all ayes.

Vice President Brunk would like the minutes to reflect the Board tasks the Glacier Skate group and any other Ice Den user groups to continue fundraising for the purchase and installation of the backup compressors.

He hopes we can open early this summer and Chad can run his program as well. This does not allow us to go year round though. We must have the complete package to run year round.

H. New Business

A Consideration of New Junior Hockey Team Proposal from Ice Rink Advisory Committee for FY 14/15 season – Vice President Brunk said two proposals were given to the committee regarding the Junior Hockey Team. A vote was taken and the committee recommends the Park Board accept the proposal from the Whitefish Wolverines to be the Junior Hockey Team at the Stumptown Ice Den. Their proposal has more ice time being booked. Their game schedule would also free up some key ice time which could be scheduled for Public Skate. Public Skate would bring in more revenue as well as allowing the community to have more access to the rink.

Jason Loveless agrees the new team has a better schedule and would bring in more revenue. Andy Hergesheimer gives his full endorsement to the new team.

Josh Steele, who is part owner and coach of the Whitefish Wolverines, spoke on the philosophy of the team.

President Wise asked if they were affiliated with a league already or do they need the ice time to get the affiliation. Mr. Steele told the Board he must have the go ahead from the Park Board to okay the rink contract before the team can join a league. The leagues need that backing first. He feels very comfortable they will be able to get that franchise.

Vice President Brunk said the Ice Rink Advisory Committee still needs to be involved in the marketing decisions as it is a public facility.

Ron then makes a motion to accept the Whitefish Wolverines as the new Junior Hockey Team for the Stumptown Ice Den.

Member Dunn seconds.
A vote was taken with all ayes.

Andy Hergesheimer said he will get Mary VanBuskirk's approval of the contract for the Whitefish Wolverines.

B. Appointment of the Park Board members to the Bicycle/Pedestrian committee, Tree Advisory Committee. Vice President Brunk and Member Dunn both plan to re-up after their terms expire. They will continue to be members of their respective committees.

C. Mary VanBuskirk asked how the Park Board would like the MOU to read for the Verizon cell tower. What special parts would we like in the license? The parties in this license should be the City of Whitefish and Verizon. In the MOU, the license payments should be deposited into the Park fund and the board should make the decisions on the disbursement of funds to the Twins and how they use their funds. She believes the Park Board should be in control of the funds. How would the Board like to set up the protocol? President Wise agrees the fund should go to the city versus the Twins.

Member Sweeney said the Twins felt they should have all the monies allocated to them. They would use the revenue to enhance and maintain the park. City Council felt the Verizon lease is a long lease and the Twins have a right to renew their lease. They could effectively align with the Verizon's lease. This was an open discussion. No motion or ordinance had been made.

President Wise said how much goes back to the Twins is one issue.

Mary said a recommendation to City Council from the Park Board is best.
Member Dunn asked if improvements by the Twins require city oversight. Mary said just the usual construction permits. Vice President Brunk said it should be spelled out that the Twins can only use the funds for capital Improvements or reconstruction of the field.

President Wise said a work session is needed as there are many issues that need to be covered.

Member Sweeney said a work session is appropriate. The Twins may need to be a part of that as well.

President Wise suggested a work session with Mary the week of April 28th. Tuesday April 29th at 6:10 pm in the council chamber was the decided date and time. Member Sweeney said he would let the Twins know we would like them to attend.

From: "Jack Minnich" <jack.minnich@gmail.com>

Date: Apr 29, 2014 7:03 PM

Subject: Ice Rink Advise

To: "Bailey Minnich" <bailey.iott@gmail.com>

Cc:

The Curling Club recommends the reappointment of Bailey Minnich as the Representative for the Whitefish Curling Club on the Ice Rink Advisory Committee.

--

-Jack Minnich

President of the Whitefish Curling Club

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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, May 19, 2014, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 14-05. Resolution numbers start with 14-14.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 4) COMMUNICATIONS FROM VOLUNTEER BOARDS
- 5) CONSENT AGENDA (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 May 5, 2014 Council special meeting, executive session, and regular meeting (p. 48)
- 6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Resolution No. 14-___; A Resolution establishing fees for temporary food vendor permits as allowed by Whitefish City Code §11-3-23(B)(1), and to establish the fee for appeal of an Architectural Review Committee decision to the City Council as allowed by Whitefish City Code §2-10-2 (p. 59)
- 7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
 - a) Consideration of amendment #2 to storm drainage engineering design contract with Robert Peccia and Associates (p. 64)
 - b) Resolution No. 14-___; A Resolution authorizing the City transfer a 3.24 foot-wide strip of right-of-way located along the southern edge of Lots 1 and 2, a 36-square foot right-of-way on the southwest edge of Lot 1, and its interest in a roadway cul-de-sac easement located on the southeast corner of Lot 1 and southwest corner of Lot 2, Birch Point, in order to assist reconstruction and future work on the Birch Point Sewer Pump Station (p. 67)

8) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 87)
- b) Other items arising between May 14th and May 19th
- c) Consideration of a request for \$400,000 of Tax Increment Funds to assist an exterior façade renovation at the Mountain Mall, 6475 Hwy 93 South (p. 106)
- d) Consideration of a request from NDI Inc. (Sean and Brian Averill) for a preliminary commitment of Tax Increment Funds to relocate and improve infrastructure for a proposed boutique hotel on Block 46 – SE corner of 2nd Street and Spokane Avenue (Hwy 93) (p.121)

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Email from Heather Mull regarding Birch Point Drive railroad crossing quiet zone and City Manager's response (p.144)
- b) Discussion and direction on when and how to proceed with Hwy 93 South Corridor study (p. 146)
- c) Committee/board appointments not made during prior Special Meeting

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



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

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

Adopted by Resolution 07-09
February 20, 2007

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May 14, 2014

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

Mayor Muhlfeld and City Councilors:

Monday, May 19, 2014 City Council Agenda Report

There will be a work session beginning at 5:00 p.m. for interviews for various boards and commission vacancies. 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 May 5, 2014 Council special meeting, executive session, and regular meeting (p. 48)

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

Item a is an administrative matter.

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

- a) Resolution No. 14-___; A Resolution establishing fees for temporary food vendor permits as allowed by Whitefish City Code §11-3-23(B)(1), and to establish the fee for appeal of an Architectural Review Committee decision to the City Council as allowed by Whitefish City Code §2-10-2 (p. 59)

From Planning and Building Director Dave Taylor's staff report:

Two items on the current planning and zoning fee schedule need to be revised. The items staff is requesting fee changes for include revising the Food Vendor permit fee

to reflect the recent code revision that allows a one-year permit, as well as a fee to appeal an Architectural Review Board decision to City Council.

Staff proposes to amend two application fees for services provided by the Planning Department. If not listed, then the current fees remain the same. Proposed new fees are as follows:

Fee	Current	Proposed
Food Vendor Permits		
Commercial <u>and non-profit</u> (30 day trial)	\$150	No change
Commercial (90-day permit)	\$150	Delete
Commercial (additional 90-days)	\$150	Delete
Non-Profit (30+60+90)	\$150	Delete
Commercial (One year permit)	n/a	\$300
Non-Profit (One year permit)	n/a	\$200
Permit renewal	n/a	50% of original fee
Appeal of Denial to City Council	\$150	No change
Architectural Review		
Appeal of ARC decision to City Council	n/a	\$490

Food Vendor Permit

The food vendor permit process has been modified by a recent zoning text amendment where previously a prospective vendor had to first get a 30-day trial permit with the option for two additional 90-day permits. We wish to keep a reduced fee 30-day permit (\$150) in case there are vendors that only wish to operate a few days or weeks, and add a 12-month permit for \$300. The fees for non-profits are reduced to \$200 for the year. Fees for 30 day trials, and 90-day permits are being removed. A renewal fee is set at 50% of the original fee. Fees represent up-front costs to the city plus average staff time. The legal ad and 150' notification required costs the city a minimum of \$150, plus there are several hours of staff time required reviewing the application and all requirements, inspecting carts, and preparing the notification mailing.

Architectural Review Decision Appeal

Decisions by the Architectural Review Committee can be appealed to the City Council. However, the city has never established a specific fee for an ARC appeal. Here is the procedure:

2-10-2.A. The applicant may appeal a decision of the architectural review committee to the city council by delivering a written letter of appeal to the city manager within

ten (10) days of the committee's issuance of its written decision. More information regarding the necessary content of an appeal, and the process before the city council, may be found in the Whitefish zoning jurisdiction regulations

Staff is proposing a \$490 fee to appeal an Architectural Review Board decision before the City Council. Under the code noted above, the appeal is treated the same way an appeal of a zoning administrator decision is handled before the Board of Adjustment. Zoning administrator appeal fees are set at \$990, which would be the amount in lieu of creating this new fee. This new fee would be a significant reduction from that. The fee covers the cost of advertising the public hearing, placing notices in the newspaper, and creating a staff report for the city council. Also, depending on what is being appealed, material samples and or architectural drawings may need to be reproduced.

RECOMMENDATION: Staff respectfully recommends the City Council adopt a Resolution establishing fees for temporary food vendor permits as allowed by Whitefish City Code §11-3-23(B)(1), and to establish the fee for appeal of an Architectural Review Committee decision to the City Council as allowed by Whitefish City Code §2-10-2.

This item is a legislative matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Consideration of amendment #2 to storm drainage engineering design contract with Robert Peccia and Associates (p. 64)

From Public Works Director John Wilson's staff report:

The City entered into a consultant agreement with Robert Peccia and Associates last August for the 2013 Storm Drainage Improvements Project. The scope of work provided for field investigations and preliminary engineering for drainage solutions in the Crestwood, Birch Hill Drive and Armory Park areas, as well as measures to mitigate bilge water pollution at the City Beach boat ramp.

Preliminary engineering is complete and we are ready to move on to final design and construction. This memo is to recommend the City Council approve Amendment No. 2 for this consultant agreement, providing engineering services to complete these improvements.

RPA worked with City staff to identify needs and preliminary drainage solutions, including new storm inlets, manholes and collection piping in the Crestwood, Birch Hill and Armory Park areas, as well as some new ditches and regarding of existing conveyances. A trench drain and filtration system at the City Beach boat ramp will enact best management practices and reduce pollution from bilge water that is released when boats are pulled from the lake.

The initial contract for preliminary engineering and investigation was in the amount of \$41,700. Amendment No. 1 was approved by the City Manager and provided final design and construction staking for improvements at the City Beach boat ramp, plus topographic survey work in the Birch Hill Drive area, for an additional cost of \$9600. Small amendments such as this are generally approved at the administrative level.

Amendment No. 2 provides for final design and construction related services for the Crestwood, Birch Hill Drive and Armory Park areas for an additional fee not to exceed \$25,700, resulting in a contract ceiling of \$77,000. City Council approval is required, given that this amendment would amount to more than 60% of the original contract amount.

If approved, these costs would be paid out of the Stormwater Fund, which has sufficient funds remaining in the FY 2014 budget.

RECOMMENDATION: Staff respectfully recommends the City Council approve Amendment No. 2 to our consultant agreement with Robert Peccia and Associates for the 2013 Storm Drainage Improvements Project in the amount of \$25,700.

This item is a legislative matter.

- b) Resolution No. 14-___; A Resolution authorizing the City transfer a 3.24 foot-wide strip of right-of-way located along the southern edge of Lots 1 and 2, a 36-square foot right-of-way on the southwest edge of Lot 1, and its interest in a roadway cul-de-sac easement located on the southeast corner of Lot 1 and southwest corner of Lot 2, Birch Point, in order to assist reconstruction and future work on the Birch Point Sewer Pump Station (p. 67)

From Public Works Director John Wilson's staff report:

The City has been working with TD&H Engineers to design the Skye Park Bridge and connecting trails in conjunction with the Birch Point sewer pump station project. The trail and the pump station will occupy a narrow, sloped strip of land between the BNSF tracks and a private parcel at the east end of Birch Point Drive.

The private parcel in question is owned by the Hagg family, with whom we have negotiated an agreement that will provide the City with adequate room for construction and future replacement of these facilities. This memo is to present that agreement, prepared by the City Attorney, and recommend a resolution authorizing certain actions related to that agreement. Copies of the agreement and the resolution are attached in the packet.

Background information and details of these land transfers, easements and abandonment are provided in the attached draft agreement and resolution.

The agreement provides terms whereby Hagg will pay one half of the City's costs for professional services and recording fees to accomplish these land transfers, easements and abandonment. The City's share of these costs is estimated at around \$1800.

RECOMMENDATION: Staff respectfully recommends the City Council approve a Resolution authorizing the City transfer a 3.24 foot-wide strip of right-of-way located along the southern edge of Lots 1 and 2, a 36-square foot right-of-way on the southwest edge of Lot 1, and its interest in a roadway cul-de-sac easement located on the southeast corner of Lot 1 and southwest corner of Lot 2, Birch Point, in order to assist reconstruction and future work on the Birch Point Sewer Pump Station

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 87)
- b) Other items arising between May 14th and May 19th
- c) Consideration of a request for \$400,000 of Tax Increment Funds to assist an exterior façade renovation at the Mountain Mall, 6475 Hwy 93 South (p. 106)

Tom Kraus, manager of the Mountain Mall for the Carrington Company, called and met with me several times since last October regarding a project he was working on to remodel the Mall and attract a new large tenant. Included in the project would be an exterior renovation to complement the exterior renovation recently completed by Sportsman & Ski Haus. (FYI - Super 1 Foods and Sportsman & Ski Haus own their portion of the building – The Carrington Company owns everything in between them). Tom has worked and re-worked his project to the point where he is ready to present it to the Mayor and City Council for consideration.

Attached in the packet is a letter of request with attachments from Tom Kraus describing the project and the request for \$400,000 of Tax Increment Funds. I have worked with Tom to refine the property tax and valuation calculations and his TIF calculations are done correctly, given his assumptions. He assumes a 6% growth in the annual valuation which assumes that the 2015 Legislature would again phase in increased valuations over a 6 year period. Moreover, in his proposal, he says that if Tax Increment revenues plus increased Resort Tax collections do not equal the \$400,000 by 2020, they will pay a check back to the City for the balance. The details of this aspect and other aspects would be defined and detailed in a future development agreement.

The Tax Increment Fund is where this sort of project belongs and we have funded exterior renovations historically through an interest rate buy-down program (see the brochure in the packet). Early on, Tom said that a loan or interest rate buy-down would not work for their project and he said he did not get much interest in a loan for the exterior façade improvements when he approached a local bank. Thus, they

proposed their request as a grant which would be returned to the City via increased Tax Increment property tax payments and increased Resort Tax.

The TIF fund could afford this contribution in this fiscal year budget (FY14) as we are not spending much of the \$600,000 Skye Park Bridge budget, only a portion of the \$547,000 Depot Park Master Plan Phase II project, and there are untouched budgets of \$100,000 for business assistance and \$300,000 in contingency. Also, the funding contribution would not likely come until the FY15 budget after July 1st as we would not make any payment until after construction was complete.

RECOMMENDATION: City staff respectfully recommends that the City Council consider approving the request of \$400,000 of Tax Increment Funds towards the exterior improvements at the Mountain Mall and direct staff to work with the applicant on a development agreement. I personally feel it is an appropriate request for several reasons:

- It is less than 9% of one year's worth of TIF revenue (\$4,635,214 budgeted for FY15), so it is not a huge impact.
- TIF repayments by 2020 would be more than half of that amount and Tom says that increased Resort Tax payments would more than make up the difference. If it doesn't Tom says they would write a check for the balance.
- We have put a lot of Tax Increment Funds into the downtown area in recent years and propose to do so with the City Hall/Parking Structure project and it would be good to provide some assistance on Hwy 93 South (even if there are more blighted properties out there than the mall – however, owners of those properties have not come forward with redevelopment proposals).
- The proposed business might diminish the leakage of retail sales out of Whitefish for the products they sell.

This item is a legislative matter.

- d) Consideration of a request from NDI Inc. (Sean and Brian Averill) for a preliminary commitment of Tax Increment Funds to relocate and improve infrastructure for a proposed boutique hotel on Block 46 – SE corner of 2nd Street and Spokane Avenue (Hwy 93) (p. 121)

Sean and Brian Averill and others recently approached City staff to try to resurrect a boutique hotel on the Block 46 site (block bounded by 2nd Street, Spokane Avenue, 3rd Street, and Kalispell Avenue). They, dba NDI, Inc. apparently have a contract to purchase the block after a short due diligence period. They met with me and John Wilson, Public Works Director to discuss several topics such as the relocation of the sewer main line which runs under Block 46, street improvements, and possible Tax Increment Fund assistance to help pay for the infrastructure costs.

Attached in the packet is the proposal from NDI, Inc. (Averills) for an 80 room boutique hotel on Block 46. They are not as far along as Orlan Sorenson was with

his project last year, but they are still gathering information. If the City Council were to make a preliminary commitment of Tax Increment Funds (TIF) to the project for infrastructure, City staff would begin work to estimate the design and cost of the infrastructure associated with the project.

As shown in a spreadsheet in the packet which I prepared, the proposed \$10,000,000 hotel with \$2,000,000 of furniture, fixtures, and equipment would generate \$128,408 of TIF each year as long as the Department of Revenue Assessor assessed the property at those values. Thus, the TIF return by the end of the district in 2020 would be estimated at \$513,633. That chart assumes the construction is completed by December 31, 2015. In addition, the Averills estimate that the project would pay \$35,000 - \$40,000 annually in Resort Taxes. Also, lodging guests at the hotel would generate additional Resort Taxes for meals and other purchases in the City. The City Council would have to decide how much TIF they would want to contribute to the project – last year the City Council gave a preliminary commitment of \$543,345 to Orlan Sorenson’s project last year, but the project was withdrawn before we could approve and execute a development agreement.

RECOMMENDATION: City staff respectfully recommends that the City Council consider a preliminary commitment of up to \$513,633 in TIF funds or the amount which the City Council feels is appropriate for infrastructure assistance for this Block 46 boutique hotel and direct staff to work with the applicant on a development agreement.

This item is a legislative matter.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Email from Heather Mull regarding Birch Point Drive railroad crossing quiet zone and City Manager’s response (p. 144)
- b) Discussion and direction on when and how to proceed with Hwy 93 South Corridor study (p. 146)

Dave Taylor has a memo in the packet describing the status of this project and some options for consideration.

- c) Committee/board appointments not made during prior Special Meeting

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

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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WHITEFISH CITY COUNCIL MINUTES
MAY 5, 2014
SPECIAL SESSION, 5:15 PM TO 6:45 PM
CLOSED EXECUTIVE SESSION, 6:50 PM TO 7:10 PM

1. Call to Order

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

2. Interviews

The Mayor and Council conducted interviews with Scott Sorensen and Scott Wurster to fill a vacancy on the City-County Planning Board. Jim Trout was interviewed for the Police Commission. Ron Brunk was interviewed for the Park Board; Susan Schnee was scheduled for an interview for the Park Board but was not in attendance. John Phelps, Jim DeHerrera, Emily Hutchins and Dylan Boyle were interviewed for the Pedestrian & Bike Path Advisory Committee.

3. Public Comment - None

4. Appointments

4a. Mayor Muhlfeld appointed Jim Trout for another 3-year term on the Whitefish Police Commission, the Council gave unanimous consensus.

4b. Councilor Sweeney offered a motion, second by Councilor Feury, to appoint Scott Wurster to fill the remainder of a term on the City-County Planning Board which expires December 31, 2014. The motion passed unanimously.

4c. Mayor Muhlfeld appointed both Ron Brunk and Susan Schnee, each for another 2-year term on the Park Board, the Council gave unanimous consensus.

4d. Councilor Anderson offered a motion, second by Councilor Frandsen, to appoint Jim DeHerrera for another 2-year term on the Pedestrian & Bike Path Advisory Committee for the position of City Member at Large. The motion passed unanimously. Councilor Frandsen offered a motion, second by Councilor Feury, to appoint John Phelps for another 2-year term on the Pedestrian & Bike Path Advisory Committee for the position of the Extra-territorial Member at Large. The motion passed unanimously.

The Mayor and Council appreciated all the applications and expressed their hopes that those who applied and were interviewed but not appointed would continue their interest and pursue positions on other committee and boards.

5. Adjournment - Mayor Muhlfeld adjourned the Special Session at 6:45 p.m. and the Council went into a closed Executive Session with the Mayor and Council and City Manager Stearns from 6:50 p.m. to 7:10 p.m., pursuant to §2-3-203(3) MCA.

Attest:

Mayor Muhlfeld

WHITEFISH CITY COUNCIL MINUTES
MAY 5, 2014
REGULAR SESSION 7:10 PM
CLOSED EXECUTIVE SESSION 8:50 PM TO 9:45 PM

1. CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Sweeney, Anderson, Feury, Barberis and Frandsen. Councilor Hildner was absent. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Planning and Building Director Taylor, Senior Planner Compton-Ring, Public Works Director Wilson, Police Chief Dial, and Fire Chief Kennelly. Approximately 9 people were in attendance.

2. PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Jane Latus Emmert to lead the audience in the Pledge of Allegiance and presented her with a plaque and flowers for her years of service as Recording Secretary.

3. PRESENTATION – FY13 Audit presentation for fiscal year ended June 30, 2013 – Denning, Downey and Associates (p. 41) (CD 1:41)

Bob Denning with Denning, Downey and Associates reported that for the past several years they've been talking about cash controls and old bonds in the City Court. That is now all corrected and he gave special thanks to the Judge and the Court Clerk. He said last year they had issues regarding some of the Federal grants. This year, there are no issues. He said last year they had issues regarding how the financial statements were presented and they had recommendations for improvements and that was also corrected. The best thing an auditor can say is nothing. He is pleased with the City's work and it has received the highest opinion, which is called, "unmodified." He said that is considered as a clean opinion and he hoped that good news would make the newspaper.

Councilor Frandsen asked about a missing column on the spreadsheet on page 77 in the packet on the long term debt and Mr. Denning explained where those details are listed. Manager Stearns said there are a few pages that deserve their attention. He said page 59 of the packet gives a capsule view of the City's finances. The bottom line of the cash balance shows an increase over the year's beginning balance. Page 62 of the packet shows the same thing for the water and sewer fund, reflecting that both water and sewer had a good financial performing year. Bob Denning discussed page 59 of the packet and said it shows that the City paid over \$500,000 in Capital Outlay, and still ended with an increased yearend balance. Manager Stearns said page 71 explains the Cost Allocation Plan for administrative costs. On page 84 of the packet, #9 shows some of the inter-fund loans that have been made over the past number of years and the City's progress in paying the loans back to the other funds. Mr. Denning said on page 90 of the packet, under the Resort Tax ordinance, the money has to be earmarked for three different purposes. This report shows where that money is earmarked for. Mayor Muhlfeld said 25% goes to tax relief and it will be rebated in the following year.

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to approve the FY13 Audit. The motion passed unanimously.

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) (CD 15:49)

Mark VanNyhuis, 415 Geddes Avenue, had sent the Council information late this afternoon which they should now have copies of. He said the Geddes Avenue street project started three years ago and involved a lot of neighborhood meetings. He negotiated an easement for his property so he could get the parking they needed. Following the project's completion, the no-parking signs went up and some mysteriously disappeared, and it has created chaos in their neighborhood. The streets aren't wide enough for parked cars and through traffic. He said the City hired good engineers for that construction project and they worked well with the neighbors. City Standards call for 20'; he measured these in the neighborhood and they range from 19' 10" to 20' 3". He talked to the Fire Chief and Fire Marshall as well as the Fire Department in Kalispell, they need an unobstructed 20' driving lane. He said Whitefish Fire Department has a ladder truck on their wish list. Kalispell said their ladder truck is 10' wide, plus three feet for outriggers so it could barely make it down a 20' road. The narrowness of the road caused a delay for an ambulance because people were parked on both sides of the road. He said parking enforcement is an issue. Plowing is an issue on narrow streets, so snow builds up and then that causes run-off issues in the spring. He noted some of the other neighborhoods in town with narrow streets and parking restrictions. He said the research he did shows that there should be no parking on 20' streets.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, addressed the decision-making process on land use issues. She said the Council and the public need more time to have adequate time to review the issues. She is concerned about issues that are coming up and would like better notice available for the public. Better notice through the website and email would give the public more time to have the chance to be better prepared. She thinks some issues haven't had adequate public participation time. She said the West Highway 93 Corridor Plan had a public comment period in the beginning, but there hasn't been anything since. She requested updates from the Planning Office, but they said nothing has been available. She thought phases of the report should be available to the public along the way. She said the Planning Staff is bringing changes to the Growth Policy for their two year review and she feels it hasn't been advertised well. She thinks they can do better at providing information for the public and staff to review materials and give comments in an earlier time frame. She asked if they were open to a work session on public participation.

Neil Wilke, 432 Geddes Avenue, said he was concerned that when they put the utility boxes and power pole in, then didn't fill it in well. He said it should be leveled off. When they put the sewer down 5th Street, they put City service on both sides of him, but there is no sewer jack on either side. He had asked them to provide a sewer jack so he wouldn't have to dig the road up if he ever had to connect. He wondered if they were going to fix the ditch. He said the heavy truck broke the asphalt on the edges of 5th Street. He agreed with Mark VanNyhuis about not allowing parking, and he thinks the corner of 3rd and Jennings should be re-done before there is a critical accident. He said the new boulevards took away parking, and when they designed that street they should have taken snow removal into consideration.

John Lyman, 228 Somers Avenue, said he has lived there since 1972. He said Somers Avenue is dangerous due to potholes, and supports moving it up as a priority for Resort Tax Street Projects.

5. COMMUNICATIONS FROM VOLUNTEER BOARDS – None.**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) (CD 40:31)**6a. Minutes from the April 21, 2014 Council regular meeting (p. 110)****6b. Consideration of approving the Declaration of Condominium Covenants, Conditions, and Restrictions for Great Northern Heights Phases 3 and 3A Subdivisions (p. 118)****6c. Resolution No. 14-12; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1726 West Lakeshore Drive, for which the owner has petitioned for and consented to annexation (p. 134 and incorporated herein)****RESOLUTION NO. 14-12****A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1726 West Lakeshore Drive, for which the owner has petitioned for and consented to annexation.**

WHEREAS, Richard W. Bennet, III, as Trustee of the Richard W. Bennet, III, Revocable Trust Agreement dated October 26, 2001, has filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owner of real property representing 50% or more of the total area to be annexed, described and shown more fully on Exhibit A, attached hereto and made a part hereof. Therefore, the City Council will consider this petition for annexation pursuant to the statutory Annexation by Petition method set forth in Title 7, Chapter 2, Part 46, Montana Code Annotated; and

WHEREAS, services to the annexed area will be provided according to the City of Whitefish Extension of Services Plan, adopted by the City Council by Resolution No. 09-04 on March 2, 2009, as required by and in conformity with §§7-2-4610 and 7-2-4732, MCA, available at the office of the City Clerk; and

WHEREAS, it is the considered and reasoned judgment of the City Council of the City of Whitefish that the City is able to provide and has been providing municipal services to the area proposed for annexation. Further, it is hereby determined by the Whitefish City Council to be in the best interest of the City of Whitefish, and the inhabitants thereof, as well as the current and future inhabitants of the area to be annexed described herein, that the area be annexed into the City of Whitefish and it is hereby declared to be the intent of the City of Whitefish that the corporate boundaries of the City of Whitefish be extended to include the boundaries of the area described in the Petition for Annexation within the limits of the City of Whitefish.

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

Section 1: The corporate boundaries of the City of Whitefish are hereby extended to annex the boundaries of the area herein described in the Petition for Annexation, according to the map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana, and legally described as:

Lot 19 of Block 2 of Lake Park Addition to Whitefish, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana.

and

That portion of Lyford Street located in the Lake Park Addition to Whitefish, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana.
Known as Tract 1 Certificate of Survey No. 16472.

Section 2: The minutes of the City Council of the City of Whitefish, Montana, incorporate this Resolution.

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the May 5, 2014 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to §7-2-4607, MCA, this annexation shall be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 5th DAY OF MAY, 2014.

/S/ John M. Muhlfeld, Mayor

ATTEST:

/S/ Necile Lorang, City Clerk

City Manager corrected Item 6b, noting that consideration of this is for the initial approval of those covenants, not an amendment as stated on the Agenda. Councilor Frandsen inquired about the declarations on page 132, if the City responsibilities were standard and Director Wilson said they are fine.

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to approve the Consent Agenda. The consent agenda, as amended, passed unanimously.

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)

None.

8. COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR (CD 42:34)**8a. Resolution No. 14-13; A Resolution establishing "No Parking" Zones along portions of West Sixth Street, West Fifth Street, Geddes Avenue, Jennings Avenue, West Third Street and Good Avenue, between Baker Avenue and West Second Street (p. 146)**

Public Works Director Wilson said that the Public Works Department presented a proposal at the April 21st City Council meeting to create No Parking zones along all or portions of West 6th Street, West 5th Street (aka North Street), Geddes Avenue, Jennings Avenue, West 3rd Street and Good Avenue, between Baker Avenue and West 2nd Street, as was contemplated during design of the 6th and Geddes Street Reconstruction Project. After discussion at the meeting the City Council directed Public Works to prepare a resolution for consideration at this meeting, including provisions for No Parking zones and limited areas with parking allowed on one side of the street. Councilor Anderson asked and Director Wilson said he doesn't think they need to indicate no-parking near the fire hydrant. The blanket rule allows parking one vehicle on each side of the fire hydrant with the 10' setbacks. Attorney VanBuskirk said she believes that this is the rule and Chief Dial agreed, but said people have to park 15' from the hydrant.

Mayor Muhlfeld said the only difference since the last meeting is a loading zone on Good Avenue and a few parking spaces. He wondered if it would affect the business if this area is listed as open parking versus a loading zone and he wondered if they could protect that parking for the business. Director Wilson said it was his goal to help mitigate the impact on this business, so he thought the loading zone was a good idea; but he really wants to have no parking except for the loading zone. Councilor Frandsen asked and Director Wilson said the asphalt width is 21 feet. Chief Kennelly said the Fire Marshall couldn't make it, but he supports no parking on either side of the road. They need the full width of the street for emergency vehicle access. Councilor Anderson asked how the Resolution should be re-worded to reflect the changes. Director Wilson said in Section g regarding the loading zone: the 90 foot section on the east side of the road should be designated as a 30-minute zone. In d and e, delete "excluding" and all wording after it. Director Wilson said the parking changes were recommended in comments from Michael Jamieson at the April Council meeting because of his concerns about limited parking, and Manager Stearns said Mr. Jamieson's testimony also dealt with the traffic speed on the streets. Mr. Jamieson thought that wide open streets without parking allows traffic to travel at higher speeds, so he supported parking for guests in the neighborhood and said it would also slow traffic speeds. Councilor Anderson recognized Mark VanNyhuis for more discussion. Mark continued to support no parking and thought strict enforcement important. Councilor Frandsen said that at the last meeting Staff was asked to consider options, but facts show the recommendation for no parking for these widths of streets is best. Mayor Muhlfeld said this is a matter of public policy and living up City road standards. He said that the Public Works Director and Emergency Services staff all recommend limiting the parking. He has a problem with someone coming to the City after the no-parking signs have been up for one year to request their removal.

Councilor Feury offered a motion, seconded by Councilor Sweeney, to adopt Resolution No. 14-13; A Resolution establishing "No Parking" Zones along portions of West Sixth Street, West Fifth Street, Geddes Avenue, Jennings Avenue, West Third Street and Good Avenue, between Baker Avenue and West Second Street, eliminating conditons d and e starting with and

after the word, “excluding” and to redesignate the section listed in g as a 30-minute designated loading zone only. The motion passed unanimously.

8b. Consideration of a recommendation from the Resort Tax Monitoring Committee to move Somers Avenue up on the Resort Tax street reconstruction priority list to be the next project after the West 7th Street project (p. 161) (CD 59:51)

Public Works Director Wilson reported that in April the Resort Tax Monitoring Committee (RTMC) voted to recommend Somers Avenue be designated as the project to follow West 7th Street on the Street Reconstruction Priority List. The scope of work would include roadway reconstruction, water main replacement and drainage improvements from East 2nd to East 8th Street, with new curb, gutters, sidewalks and street lights. Public Works had planned to reconstruct Somers in phases, but it isn't realistic. By holding off for a couple of years it can be done right. Councilor Sweeney asked and Director Wilson said that originally the funding was to come from street and water funds. Now, the funds will come strictly from the Resort Tax. The proposed action does not involve an immediate financial requirement. Although a detailed estimate is not available, they expect the cost of engineering and construction for a Somers Avenue project would be around \$1,500,000 to \$1,750,000 in today's dollars.

Councilor Frandsen offered a motion, seconded by Councilor Anderson, to amend the Street Reconstruction Priority List to rank Somers Avenue as the #2 project, immediately following the West 7th Street project.

Councilor Anderson said he sits on the Resort Tax Committee and it seemed clear that the patchwork fix they hoped to implement was not going to work. The committee supports this change.

The motion passed unanimously.

9. COMMUNICATIONS FROM CITY MANAGER (CD 1:02:29)

9a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 166) - None.

9b. Other items arising between April 30th and May 5th – None.

9c. Consideration of awarding a construction contract to Meredith Construction for Depot Park restrooms as an addition to the O'Shaughnessy Center (p. 169)

City Manager Stearns said that Karl Cozad, former Parks and Recreation Director, came to the City Council on March 17th, 2014 for authorization to go out to bid for the Depot Park Restrooms as an addition to the O'Shaughnessy Center. The City Council approved going out to bid for the restrooms which had an engineer's estimate of \$191,838. Karl's staff report, architectural drawings, and the engineer's cost estimate are attached in the packet. Staff opened bids on April 16th and the following were the bid results:

Meredith Construction -	\$191,500.00
Swank Enterprises -	\$213,500.00
Camas Creek Contracting -	\$218,757.00

All three bidders said they could meet the August 8, 2014 completion date.

The original budget request one year ago was \$100,000 so that is what was budgeted in the Tax Increment Fund. However, the rest of Depot Park Master Plan Phase 2 project had an additional budget of \$547,000 in the TIF, so this contract award will cut into the remainder of the Depot Park Phase 2 improvements. The primary remaining improvement in Phase 2 is the construction of a gazebo in the southeast corner of Depot Park.

Councilor Anderson said signage for the restrooms will be important. Manager Stearns said the Parks Department could try to deal with something like that or it could be done through the way finding signs project. He said people will point folks in the right direction. Councilor Sweeney said the original budget amount was \$100,000, so they missed it by quite a lot. Manager Stearns said he didn't know how Director Cozad came up with the estimate—he must not have had all of the information he needed a year ago because the plans hadn't been finalized.

Councilor Anderson offered a motion, seconded by Councilor Sweeney, to award the construction contract for the Depot Park Restrooms at the O'Shaughnessy Center to Meredith Construction in the amount of \$191,500.00 and direct staff to return the bid security at the appropriate time. The motion passed unanimously.

9d. Consideration of approving an architectural agreement with Mosaic Architects of Helena, MT for the design of a new City Hall and Parking Structure (p. 179)

Manager Stearns said Section 4 (Payment) in the contract on page 181, has a typo to be corrected; the amount in parenthesis (\$65,700) is correct, but the written amount needs to be amended.

A new City Hall was one of the specific projects of the Urban Renewal Plan adopted in 1987. In December 11, 2013, the City Hall Steering Committee held a design competition among four architectural firms who were the finalists selected for the City Hall architectural design project, resulting in the City Hall Steering Committee's recommendation for Mosaic Architecture of Helena, MT as the preferred architectural firm to negotiate a contract with. The City Council approved their recommendation that staff negotiate a contract with Mosaic Architecture at the City Council meeting on January 21, 2014.

Since January, staff has worked on contract negotiations and scope of services with Mosaic Architecture. The contract will outline all the phases of architectural and engineering work, however, staff will only authorize proceeding with one phase at a time. The contract can be terminated by either party at the end of each phase, so the City's initial obligation is only for Phase 1 work of design and development. Much of that work will involve meeting with each department that will be located in City Hall and meeting with the City Hall Steering Committee.

Councilor Anderson said the language in the services exhibit indicate that some work has been done and Manager Stearns said in 2005 there was a "space needs" analysis completed in all City departments in order to help with the planning of the new City Hall. That needs to be updated, so the architects will meet with each department and the Steering Committee to consider the workings between departments and how best to design for optimum results.

Councilor Frandsen had a question on page 184, B-1-2-1 which says they'll review the City's Downtown Master Plan. She wondered if they would have to do that twice. Manager Stearns said they would have them review the initial plan as well as the updated plan. He said they'll just have to read the plans to get the flavor of what the City is trying to do, so he doesn't anticipate extra costs. Councilor Sweeney said if the initial part of the contract is boiler plate, he wondered about the liability insurance cost. Manager Stearns said their standard insurance coverage is \$1.5 million dollars because beyond that they are covered by governmental immunity. He said the certificate of insurance is on page 204 of the packet. Councilor Sweeney said the professional liability covers errors and omissions and it is only \$1 million. Attorney VanBuskirk said the first phase is only for analysis, so it is a preliminary phase only. Councilor Sweeney asked and Attorney VanBuskirk said if they go into development then those amounts will be reviewed and amended. Mayor Muhlfeld asked and Manager Stearns said this includes geo-tech investigations as part of this phase.

Councilor Sweeney offered a motion, seconded by Councilor Frandsen, to approve a Professional Architectural Services Contract with Mosaic Architecture of Helena, MT with the first phase not to exceed \$65,700. The motion passed unanimously.

10. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 1:18:10)

10a. Consideration of making temporary appointments to the Whitefish City-County Planning Board to ensure a quorum until permanent appointments are made (p. 206)

Mayor Muhlfeld said at the last meeting he asked for information from Attorney VanBuskirk about their options for appointments to the Planning Board. Attorney VanBuskirk said they have statutory authority for the City/County Planning Board. She said there was a lack of a quorum at the last Planning Board meeting, so every project had to be carried forward. She said the City wants to be sure that the quorum issue isn't based on a failure of appointment. At tonight's Special Session the City has filled its vacancy. Now, by law, if there is a citizen vacancy the City and County can take turns appointing an additional person to the Planning Board. The third option is for the Council to serve as a designated hitter so that if there is a lack of quorum a Councilor could serve as a temporary appointment. She cited Ordinance 02-02 which said a citizen appointee should be a citizen. This would preserve the quasi-judicial function for the Councilors. Attorney VanBuskirk said the county has filled all but one opening, so the City could appoint an end-of-term appointment for a citizen member. Mayor Muhlfeld said he feels it should be a citizen and not a Council member. He prefers the second option unless there are objections from the Council and he thinks it should be filled by someone from the extra-jurisdictional area. The Council discussed the options.

Mayor Muhlfeld moved to appoint Karen Reeves to the City/County Planning Board.

Councilor Anderson offered a motion, seconded by Councilor Feury, to ratify Mayor Muhlfeld's recommendation to appoint Karen Reeves to the City/County Planning Board. The motion passed unanimously.

10b. Committee/board appointments not made during prior Special Meeting – None.

Councilor and Mayor Comments:

Councilor Sweeney said Mark VanNyhuis’ research was helpful and he thanked him. Councilor Feury talked about the restroom at the O’Shaughnessy Center. He said that in the past the Farmer’s Market talked about helping to raise money for park improvements and he thought it would be good to ask them about helping financially. Councilor Anderson said they’ve talked about the Highway 93 South Corridor study for years and he would like to see that as an agenda item to get that project kicked off. Manager Stearns said he and Councilor Anderson talked about this, but the Planning & Building staff said they need to work on one corridor study at a time due to staff limitations. Right now the Whitefish West Corridor Plan is in process. Councilor Anderson wanted to know if they could overlap the two studies. Manager Stearns said he has no problem if the Council wants to put it on an agenda. He said staff also has to balance work load with all of the applications that come in the door. Director Taylor said he would be happy to discuss it or have a work session on it. Councilor Anderson said he would like to have it as a voting item to have this move forward. Director Taylor said during goal setting there was discussion to bump the Highway 93 South plan for the Wisconsin Avenue plan, because there is still no indication regarding the City’s extra-territorial jurisdiction. Councilors Barberis, Frandsen and Sweeney supported the agenda item.

Councilor Barberis said this week is Teacher’s Appreciation Week and she thanked the teachers.

Mayor Muhlfeld asked about the status of the Highway 93 Corridor Plan and Director Taylor said they just received the initial draft. The draft goes to the Steering Committee and they should be ready for a public hearing at the Planning Board in July. It will be posted on the City website.

Mayor Muhlfeld said they need to talk to the Park Board about weeds in Soroptimist Park.

11. ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority) (CD 1:35:27)

Mayor Muhlfeld adjourned the Regular Session at 8:45 p.m., and announced that the Council will reconvene in a closed Executive Session with the Mayor and Council and City Manager Stearns pursuant to §2-3-203(3) MCA., and adjourned at 9:45 p.m.

Mayor Muhlfeld

Jane Latus Emmert, Recording Secretary

Attest:

Necile Lorang, City Clerk

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RESOLUTION NO. 14 __

A Resolution of the City Council of the City of Whitefish, Montana, establishing fees for temporary food vendor permits as allowed by Whitefish City Code §11-3-23(B)(1), and to establish the fee for appeal of an Architectural Review Committee decision to the City Council as allowed by Whitefish City Code §2-10-2.

WHEREAS, by MCA §7-6-4013, the City has the authority to regulate, establish and change fees that are imposed for services to the public served by the local government as long as the fees are reasonable and related to the cost of providing the service; and

WHEREAS, by Ordinance No. 14-02, the City Council approved amendments to WCC §11-3-23 concerning standards and conditions of approval for temporary food vendors, including payment of a permit fee, to be established by the City Council for vendor operations; and

WHEREAS, WCC §2-10-2(A) provides an applicant the option to appeal a decision of the Architectural Review Committee (ARC) to the City Council by delivering a written letter of appeal to the City Manager within ten (10) days of the ARC's issuance of its written decision, but does not establish a fee for an appeal; and

WHEREAS, City staff requests the City Council establish revised permit fee amounts for temporary food vendors established by Ordinance No. 14-02, and also the amount of the fee for an ARC decision appeal; and

WHEREAS, at a lawfully noticed public hearing on May 19, 2014, the City Council reviewed the proposed planning fee changes to establish a fee for a one-year food vendor permit and the fee to appeal an ARC decision to the City Council, and amendments to the Planning fee schedule, invited input from the public, and thereafter determined the proposed amendments are reasonable and related to the City's cost of providing the service, and that it would be in the best interests of the City, and its inhabitants, to adopt the Planning fee changes.

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

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

Section 2: The changes and fees set forth below are hereby approved to be implemented as the reasonable and related cost of providing the service:

<u>Fee</u>	<u>Current</u>	<u>Proposed</u>
Food Vendor Permits:		
Commercial and Non-Profit (30 day trial)	\$150	No Change
Commercial (90 day permit)	\$150	Delete
Commercial (additional 90 days)	\$150	Delete
Non-Profit (30+60+60)	\$150	Delete
Commercial (One year permit)	N/A	\$300
Non-Profit (One year permit)	N/A	\$200
Permit Renewal	N/A	50% of Original Fee
Appeal of Denial to City Council	\$150	No Change
Architectural Review:		
Appeal of ARC Decision to City Council	N/A	\$490

Section 3: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

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

John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

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



May 19, 2014

Mayor Muhlfeld and City Councilors
 City of Whitefish
 Whitefish, Montana

PROPOSED PLANNING FEE CHANGES

Introduction

Two items on the current planning and zoning fee schedule need to be revised. The items staff is requesting fee changes for include revising the Food Vendor permit fee to reflect the recent code revision that allows a one-year permit, as well as a fee to appeal an Architectural Review Board decision to City Council.

Current Report

Staff proposes to amend two application fees for services provided by the Planning Department. If not listed, then the current fees remain the same. Proposed new fees are as follows:

Fee	Current	Proposed
Food Vendor Permits		
Commercial and non-profit (30 day trial)	\$150	No change
Commercial (90-day permit)	\$150	Delete
Commercial (additional 90-days)	\$150	Delete
Non-Profit (30+60+90)	\$150	Delete
Commercial (One year permit)	n/a	\$300
Non-Profit (One year permit)	n/a	\$200
Permit renewal	n/a	50% of original fee
Appeal of Denial to City Council	\$150	No change
Architectural Review		
Appeal of ARC decision to City Council	n/a	\$490

Food Vendor Permit

The food vendor permit process has been modified by a recent zoning text amendment where previously a prospective vendor had to first get a 30-day trial permit with the option for two additional 90-day permits. We wish to keep a reduced fee 30-day permit (\$150) in case there are vendors that only wish to operate a few days or weeks, and add a 12-month permit for \$300. The fees for non-profits are reduced to \$200 for the year. Fees for 30 day trials, and 90-day permits are being removed. A renewal fee is set at 50% of the original fee. Fees represent up-front costs to the city plus average staff time. The legal ad and 150' notification required costs the city a minimum of \$150, plus there are several hours of staff time required reviewing the application and all requirements, inspecting carts, and preparing the notification mailing.

Architectural Review Decision Appeal

Decisions by the Architectural Review Committee can be appealed to the City Council. However, the city has never established a specific fee for an ARC appeal. Here is the procedure:

2-10-2.A. The applicant may appeal a decision of the architectural review committee to the city council by delivering a written letter of appeal to the city manager within ten (10) days of the committee's issuance of its written decision. More information regarding the necessary content of an appeal, and the process before the city council, may be found in the Whitefish zoning jurisdiction regulations

Staff is proposing a \$490 fee to appeal an Architectural Review Board decision before the City Council. Under the code noted above, the appeal is treated the same way an appeal of a zoning administrator decision is handled before the Board of Adjustment. Zoning administrator appeal fees are set at \$990, which would be the amount in lieu of creating this new fee. This new fee would be a significant reduction from that. The fee covers the cost of advertising the public hearing, placing notices in the newspaper, and creating a staff report for the city council. Also, depending on what is being appealed, material samples and or architectural drawings may need to be reproduced.

Recommendation

Staff recommends the City Council adopt the attached resolution amending the Planning fee schedule as proposed.



David Taylor, AICP

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May 9, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Recommendation to Approve Amendment No. 2 to a Consultant Agreement for the
2013 Storm Drainage Improvements Project**

Introduction/History

The City entered into a consultant agreement with Robert Peccia and Associates last August for the 2013 Storm Drainage Improvements Project. The scope of work provided for field investigations and preliminary engineering for drainage solutions in the Crestwood, Birch Hill Drive and Armory Park areas, as well as measures to mitigate bilge water pollution at the City Beach boat ramp.

Preliminary engineering is complete and we are ready to move on to final design and construction. This memo is to recommend the City Council approve Amendment No. 2 for this consultant agreement, providing engineering services to complete these improvements.

Current Report

RPA worked with City staff to identify needs and preliminary drainage solutions, including new storm inlets, manholes and collection piping in the Crestwood, Birch Hill and Armory Park areas, as well as some new ditches and regarding of existing conveyances. A trench drain and filtration system at the City Beach boat ramp will enact best management practices and reduce pollution from bilge water that is released when boats are pulled from the lake.

Financial Requirement

The initial contract for preliminary engineering and investigation was in the amount of \$41,700. Amendment No. 1 was approved by the City Manager and provided final design and construction staking for improvements at the City Beach boat ramp, plus topographic survey work in the Birch Hill Drive area, for an additional cost of \$9600. Small amendments such as this are generally approved at the administrative level.

Amendment No. 2 provides for final design and construction related services for the Crestwood, Birch Hill Drive and Armory Park areas for an additional fee not to exceed \$25,700, resulting in a contract ceiling of \$77,000. City Council approval is required, given that this amendment would amount to more than 60% of the original contract amount.

If approved, these costs would be paid out of the Stormwater Fund, which has sufficient funds remaining in the FY 2014 budget.

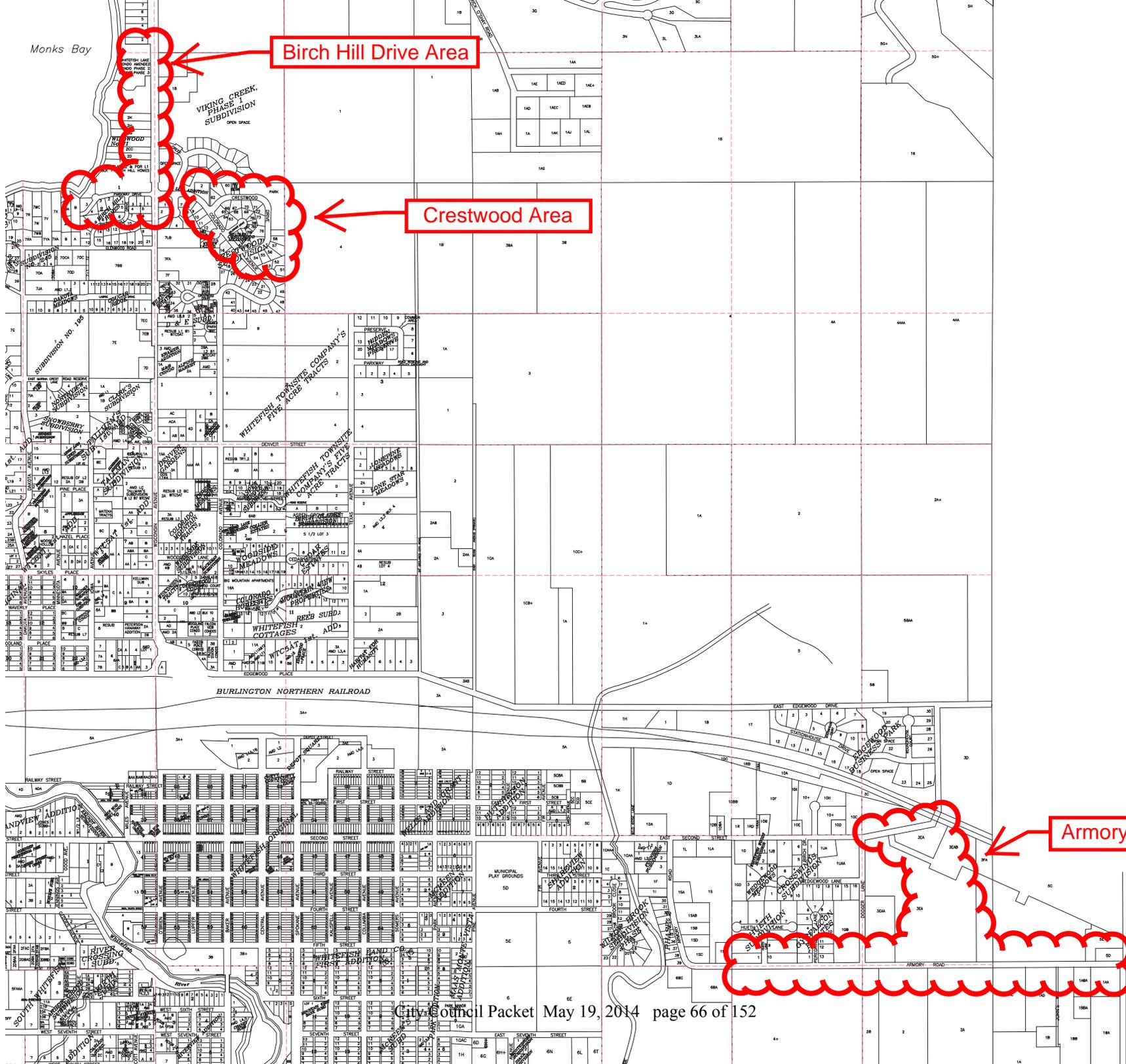
Recommendation

We respectfully recommend the City Council approve Amendment No. 2 to our consultant agreement with Robert Peccia and Associates for the 2013 Storm Drainage Improvements Project in the amount of \$25,700.

Sincerely,



John C. Wilson
Public Works Director



Birch Hill Drive Area

Crestwood Area

Armory Park Area

RESOLUTION NO. 14-____

A Resolution of the City Council of the City of Whitefish, Montana, authorizing the City transfer a 3.24 foot-wide strip of right-of-way located along the southern edge of Lots 1 and 2, a 36-square foot right-of-way on the southwest edge of Lot 1, and its interest in a roadway cul-de-sac easement located on the southeast corner of Lot 1 and southwest corner of Lot 2, Birch Point, in order to assist reconstruction and future work on the Birch Point Sewer Pump Station.

WHEREAS, at the March 21, 2014 City Council meeting, the City Council approved the financing to build the Skye Park Bridge and Bicycling-Pedestrian Path project for a future connection from City Beach to Birch Point, West Lakeshore and the Lion Mountain segment of the Whitefish Trail. The bicycle and pedestrian trail and bridge have been designed to the City Engineering Standards to support the travel of emergency vehicles on the trail bed and across Skye Park Bridge for access to the Birch Point neighborhood in the event the railroad crossing is blocked; and

WHEREAS, at the same City Council meeting the City Council also approved the financing for the construction of improvements to its Birch Point Sewer Pump Station to enable reconstruction and future work on the pump station located within its utility easement and 200 feet of new water main to improve the flow capacity and security for the water system serving the Birch Point Drive, West Lakeshore Drive and Ramsey Avenue neighborhoods. The entire project and improvements will be referred to as the "Project" as depicted on the attached drawing as Exhibit A; and

WHEREAS, the City Public Works Department requested the adjacent property owner John A Hagg (Hagg), who owns Birch Point Landing, Lots 1 and 2, to grant the City construction easements to enable reconstruction and future work on the Birch Point lift station; and

WHEREAS, as a result of the Department of Public Works' negotiations with Hagg, Hagg proposed an exchange of right-of-way and roadway cul-de-sac easement for a parcel of Hagg's Property and utility easement on Hagg's Property, as depicted on the attached drawing, Exhibit A, described as follows:

1. The City transfer its interest, if any, in a 3.24-foot wide strip of right-of-way along the southern edge of Lots 1 and 2;
2. The City transfer its interest, if any, in a 36-square foot right-of-way on the southwest edge of Lot 1;
3. The City transfer its interest, if any, in the roadway cul-de-sac easement located on the southeast corner of Lot 1 and southwest corner of Lot 2;
4. Hagg transfer a 10.54-foot wide trapezoid parcel in Lot 1 to the City; and
5. Hagg transfer 10-foot and 6.76-foot utility easements in Lot 1 to the City;

and;

WHEREAS, in addition, Hagg proposes to pay one-half of the City's total costs incurred to date for the engineering, surveying, recording and other out-of-pocket costs and to complete the proposed transfers of property as lot line adjustments; and

WHEREAS, Montana has established a statutory process and procedure pursuant to MCA §7-8-4201 for the transfer of municipal property which requires a resolution of the City Council of the City of Whitefish passed by a two-thirds vote of all members of the Council; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants for the City to acquire adjacent property interests to assist reconstruction and future work on the Birch Point Sewer Pump Station and transfer and exchange City interests in right-of-way and the roadway cul-de-sac easement to Hagg for Hagg's parcel of property and grant of easement and Hagg's agreement to pay one-half of the City's incurred engineering, surveying, recording and other out of pocket costs, as provided in the attached proposed Agreement, Exhibit B.

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

Section 1: The City Council of the City of Whitefish, Montana, hereby approves the exchange of property as depicted on the drawing attached as Exhibit A and approves the terms and conditions of the draft Agreement attached as Exhibit B.

Section 2: The City Manager is authorized and directed to execute all documents necessary in connection with the proposed Agreement and transfer of the City's interest in right-of-way and the roadway cul-de-sac easement, Hagg's transfer of Hagg's property and utility easements and Hagg's agreement to pay one-half of the City-incurred engineering, surveying, recording and other out-of-pocket costs to complete the transfers of right-of-way, property and roadway cul-de-sac easement as lot line adjustments.

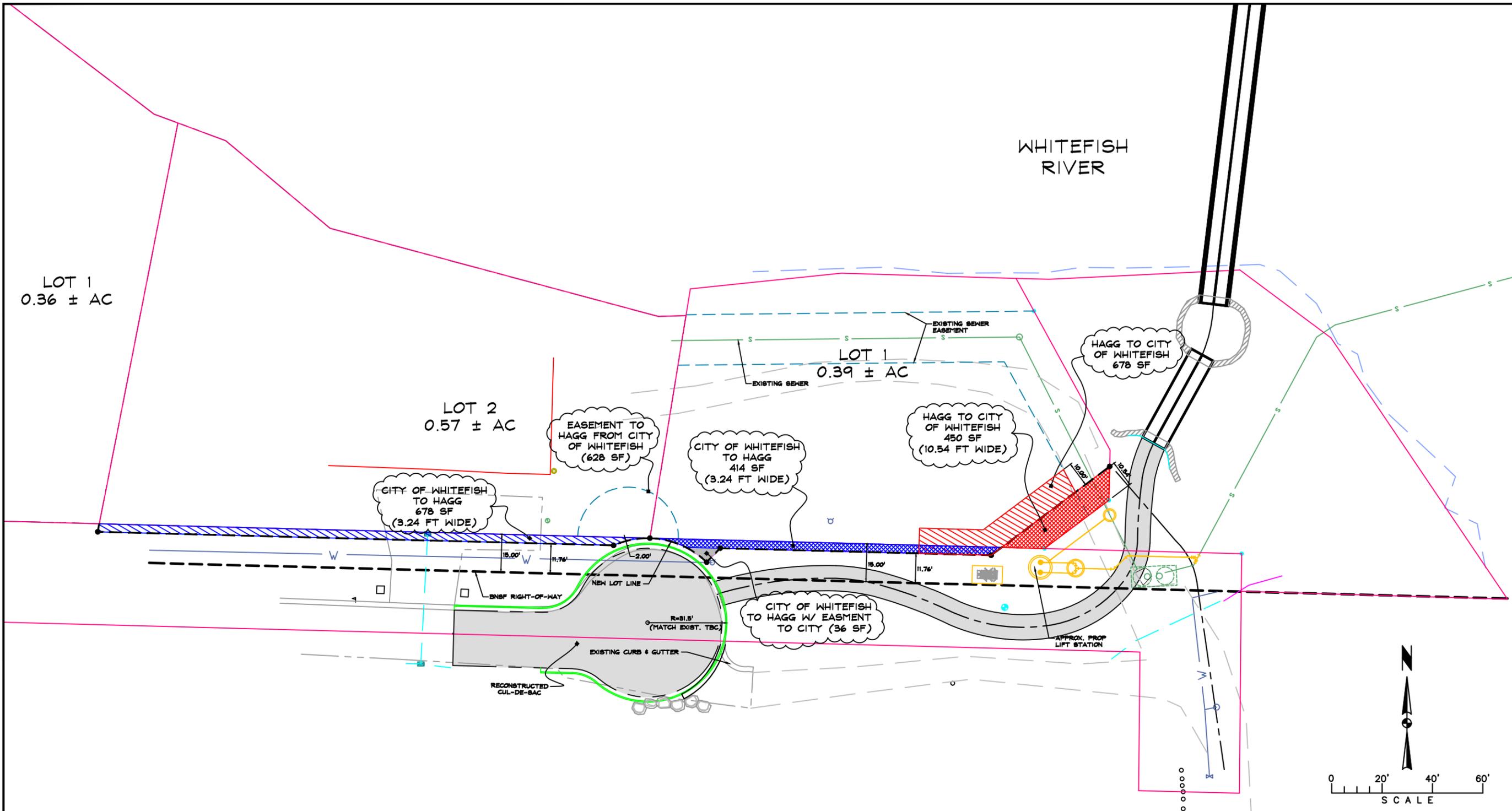
Section 3: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

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

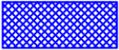
John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk



LEGEND

-  EASEMENT TO HAGG (678 SF)
-  EASEMENT TO CITY (678 SF)
-  LAND TRANSFER TO HAGG (450 SF)
-  LAND TRANSFER TO CITY (450 SF)

**CITY OF WHITEFISH - HAGG LAND EXCHANGE
EXHIBIT - DRAWING
05-13-14**



REVISIONS	
BY	DATE


TD&H
 Engineering
GREAT FALLS, BOZEMAN, KALISPELL, MONTANA, SPOKANE, WASHINGTON, LEWISTON, IDAHO

DRAWN BY: _____
 DESIGNED BY: _____
 QUALITY CHECK: _____
 DATE: 5.12.2014
 JOB NO. _____
 FIELDBOOK _____

**HAGG LAND EXCHANGE DRAWING
EXHIBIT 'A'**

Return to: City Attorney
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

DRAFT
AGREEMENT

This Agreement made and entered into as of the ___ day of _____, 2014, by and between John A. Hagg, 706 Birch Point Drive, Whitefish, Montana ("Hagg") and the City of Whitefish, a municipal corporation, 418 E. 2nd Street, PO Box 158, Whitefish, Montana ("City"), with respect to the following facts:

1. The City Council approved the Skye Park Bridge and Bicycling-Pedestrian Path project to connect the City Beach with Birch point, West Lakeshore and the Lion Mountain segment of the Whitefish Trail. The bicycle and pedestrian trail and bridge will be designed to City Engineering Standards to support the travel of emergency vehicles on the trail bed and across Skye Park Bridge for access to the Birch Point neighborhood in the event the railroad crossing is blocked. The City Council also approved the construction of improvements to its Birch Point Sewer Pump Station to enable reconstruction and future work on the pump station located within its utility easement and 200 feet of new water main to improve the flow capacity and security for the water system serving the Birch Point, West Lakeshore and Ramsey Avenue neighborhoods. The entire project and improvements will be referred to as the "Project" as depicted on the attached drawing, Exhibit A.

2. The Project was made possible by the extension of the May 20, 2005 License Agreement with the BNSF Railway Company to license the City's construction and maintenance of the Project within BNSF property subject to the terms and conditions of the License. The term of the License is 25-years, until May 19, 2030.

3. Hagg is the owner of that real property known as, and described as Lot 1 and 2, Birch Point, Whitefish, Flathead County, Montana ("Hagg's Property"), as depicted on the attached drawing. Hagg's Property is subject to a 20-foot radius half-moon cul-de-sac, a condition of approval and as recorded in 1982 as a "Roadway Easement" on The Amended Plat of Lot 2 of the Resubdivision of a part of Lot 18 Birch Point. Hagg's Property is also subject to a 20-foot sewer easement granted by multiple parties in 1974 to the City. The Roadway Easement and sewer easement are depicted on the drawing attached as Exhibit A.

4. Hagg understands that any transfer and exchange of City's Property requires the two-thirds vote of all members of the Council to adopt a Resolution to approve the proposed transfer of the City's Property. Therefore, this Agreement is contingent upon and subject to the City Council's adoption of a Resolution, by the

necessary two-thirds vote of all members of the City Council.

5. Upon the City Council's approval of the transfer of City property, the City will execute and deliver to Hagg a quitclaim deed to transfer the following interests to the extent of the City's interest, by quitclaim deed, in the form attached as Exhibit B-1 ("City's Property"):

- a. The City will transfer its interest, if any, in a 3.24-foot wide strip of right-of-way along the southern edge of Lots 1 and 2, described as:

[Legal Description Following Survey]

- b. The City will transfer its interest, if any, in a 36-square foot right-of-way on the southwest edge of Lot 1, described as:

[Legal Description Following Survey]

- c. The City will transfer its interest, if any, in the roadway cul-de-sac easement located on the southeast corner of Lot 1 and southwest corner of Lot 2, described as:

[Legal Description Following Survey]

In exchange for the City's transfer of the City's Property, Hagg will execute and deliver to the City a warranty deed and utility easement in the form attached as Exhibits B-2 and B-3 and will transfer his interests in Hagg's Property as follows:

- d. Hagg will transfer a 10.54-foot wide trapezoid parcel to the City, described as:

[Legal Description Following Survey]

- e. Hagg will transfer 10-foot and 6.76-foot utility easements in Lot 1, described as:

[Legal Description Following Survey]

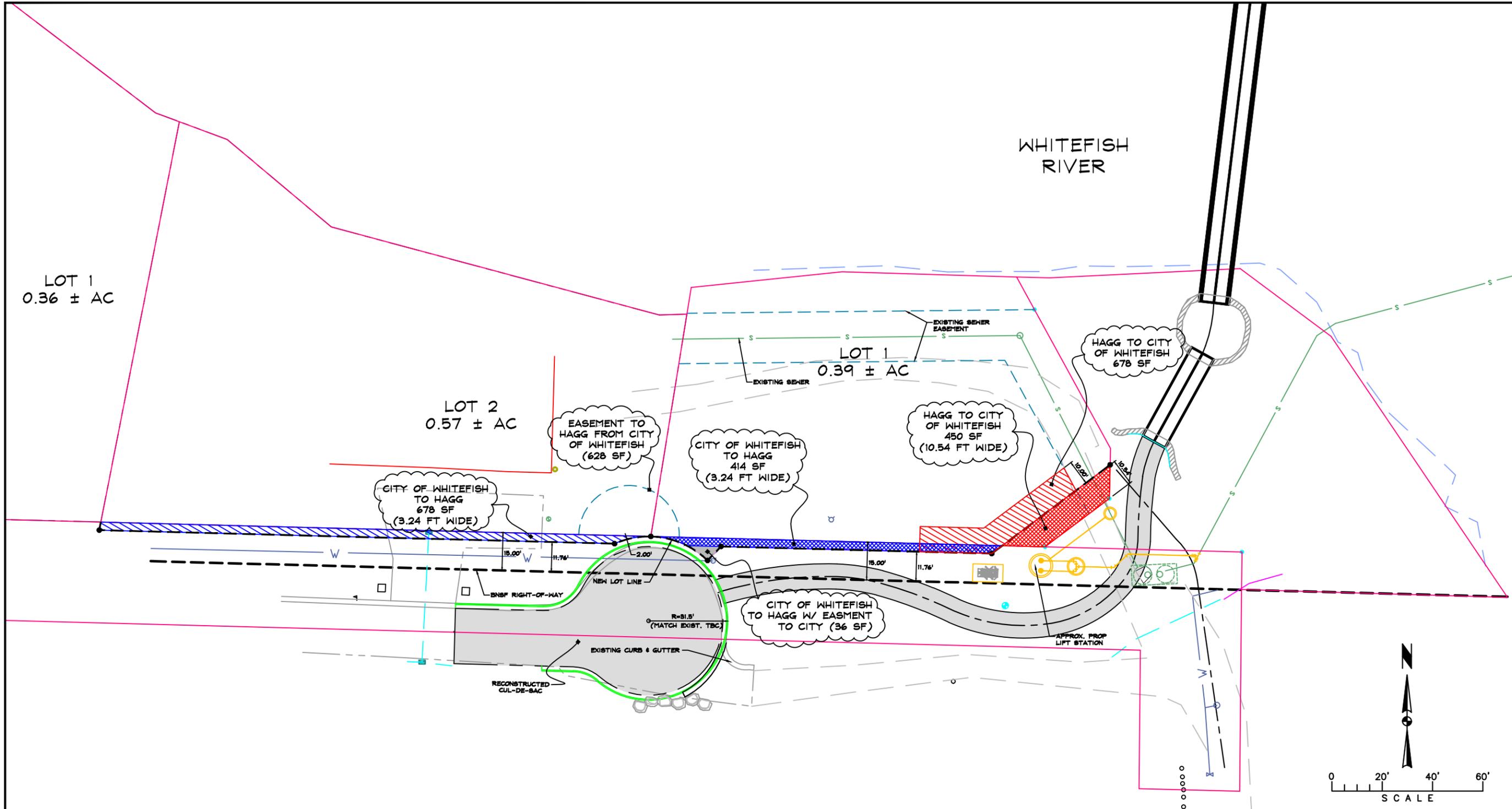
6. Hagg accepts the City's transfer of its interest in the City's Property on an "as-is with all faults" basis with any and all patent and latent defects, including those relating to the environmental condition of the City's Property, and is not relying on any representation or warranties, express or implied, of any kind whatsoever from City as to any matters concerning the City's Property, including, but not limited to the physical condition of the City's Property; zoning status; tax consequences of this transaction; compliance by the City's Property with federal, state, and local environmental laws or other laws, statutes, ordinances, decrees, regulations and other requirements applicable to the City's Property; the presence of any hazardous substances, wetlands, asbestos, lead, lead-based paint or other lead containing structures, urea formaldehyde, or other

environmentally sensitive building materials in, on, under, or in proximity to the City's Property; the condition or existence of any of the above ground or underground structures or improvements, including utility, water and sewer lines and appurtenances on or under the City's Property; the condition of title to the City's Property, and the leases, easements, permits, orders, licenses, or other agreements, affecting the City's Property. Hagg represents and warrants to City that Hagg has not relied and will not rely on, and City is not liable for or bound by, any warranties, guaranties, statements, representations or information pertaining to the condition of the City's Property or relating thereto made or furnished by City, its employees, officers, or agent representing or purporting to represent City, to whomever made or given, directly or indirectly, orally or in writing. City does not warrant its right, title or interest to the City's Property nor undertake to defend Hagg in the peaceful enjoyment or possession of the City's Property. No covenant of quiet enjoyment is made.

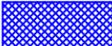
7. Although Hagg is considering building on Lot 1 and has engaged engineering and surveying services at his sole expense to configure Lot 1 for a proposed building site and use, any use of Hagg's Property is subject to Hagg's full compliance with all federal, state and local laws and regulations including City building standards and building, planning and zoning ordinances and procedures. The use of Hagg's Property may require a variance, exemptions from the Water Quality Protection Ordinance, stormwater regulations, City building standards, review and approval of setback requirements, zoning and building permits and possible waivers of other requirements. Such requirements are not being reviewed, approved or waived by the City by this Agreement. This Agreement and past conversations with City staff do not constitute or satisfy requirements for a variance, Reasonable Use Exemption (RUE), permission and approval for any building or use on Hagg's Property, a building permit, zoning permit, waiver, exemption or permission by the City for any use, planning and zoning purpose contemplated by Hagg.

8. Hagg also understands and acknowledges that by this Agreement and the City Council's adoption of the Resolution to approve a transfer of the City's Property does not provide Hagg any right, title or interest to any access or right-of-way to Hagg's Property. In particular, the City disclaims any representation or warranty of access to Hagg. The City specifically states that the City has no representations to the contrary and lacks the authority to grant Hagg any access rights. In the negotiations of this Agreement and in the Council's deliberation and action on the Resolution, there have been no representations, or warranties of access created by the City upon which Hagg may rely to the contrary. Hagg's access to the Hagg Properties is by public roadway, available to any member of the public, as no separate easement, right-of-way or license to access Hagg's Property, permissive or otherwise, is granted by the City.

9. This Agreement contains the entire agreement of the parties hereto, and supersedes any prior written or oral agreements between them concerning the subject matter contained herein. There are no representations, agreements, arrangements, or understandings, oral or written, between the parties hereto relating to the subject matter contained in this Agreement, which are not fully expressed herein. The



LEGEND

-  EASEMENT TO HAGG (678 SF)
-  EASEMENT TO CITY (678 SF)
-  LAND TRANSFER TO HAGG (450 SF)
-  LAND TRANSFER TO CITY (450 SF)

**CITY OF WHITEFISH - HAGG LAND EXCHANGE
EXHIBIT - DRAWING
05-13-14**



REVISIONS	
BY	DATE


T&H Engineering
idhengineering.com
 GREAT FALLS, BOZEMAN, KALISPELL, MONTANA
 SPOKANE, WASHINGTON, LEWISTON, IDAHO

DRAWN BY: _____
 DESIGNED BY: _____
 QUALITY CHECK: _____
 DATE: 5.12.2014
 JOB NO. _____
 FIELDBOOK _____

**HAGG LAND EXCHANGE DRAWING
EXHIBIT 'A'**

Return to: City Attorney
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

QUITCLAIM DEED

THIS INDENTURE, made the _____ day of _____, 2014, between **CITY OF WHITEFISH**, a Montana municipal corporation, of PO Box 158, Whitefish, Montana 59937, hereinafter "Grantor", and John A. Hagg, of 706 Birch Point Drive, Whitefish, Montana 59937, hereinafter "Grantee".

WITNESSETH: That the said Grantor, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does convey, remise, release and forever quit claim, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, unto the said Grantee, and to his successors and assigns, all its right, title and interest, if any, in the real estate subject, however, to all existing interests, including but not limited to all reservations, right-of-way and easements of record or otherwise, situated in the County of Flathead and State of Montana, hereinafter called "Property", being more particularly described as follows:

A tract of land in the City of Whitefish, County of Flathead, State of Montana, described as follows:

[Legal Description Following Survey]

Grantee covenants and agrees as follows:

A. Grantee's interest shall be subject to the rights and interests of other third parties in and to all existing roads, utilities, fiber optic lines, wires and easements of any kind whatsoever on the Property whether owned, operated, used or maintained by the Grantor or other third parties and whether or not of public record.

B. Grantee has been allowed to make an inspection of the Property. Grantee accepts the Grantor's transfer of its interest in Grantor's Property on an "as-is with all faults" basis with any and all patent and latent defects, including those relating to the environmental condition of the Property, and is not relying on any representation or warranties, express or implied, of any kind whatsoever from Grantor as to any matters concerning the Property, including, but not limited to the physical condition of the Property; zoning status; tax consequences of this transaction; utilities; operating history or projections or valuation; compliance by the Property with federal, state and local environmental laws or other laws, statutes, ordinances, decrees, regulations and other

requirements applicable to the Property; the presence of any Hazardous Substances, wetlands, asbestos, lead, lead-based paint or other lead containing structures, urea formaldehyde, or other environmentally sensitive building materials in, on, under, or in proximity to the Property; the condition or existence of any of the above ground or underground structures or improvements, including utility, water and sewer lines and appurtenances, on or under the Property; the condition of title to the Property, and the leases, easements, permits, orders, licenses, or other agreements, affecting the Property. Grantee represents and warrants to Grantor that Grantee has not relied and will not rely on, and Grantor is not liable for or bound by, any warranties, guaranties, statements, representations or information pertaining to the Property or relating thereto made or furnished by Grantor, its employees, officers, or agent representing or purporting to represent Grantor, to whomever made or given, directly or indirectly, orally or in writing.

The covenants and agreements set forth in paragraphs A through B, above, shall be binding upon Grantee and his heirs, successors and assigns, and shall be covenants running with the land benefitting Grantor and its heirs, successors and assigns.

TO HAVE AND TO HOLD the Property unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its authorized representative on the day and year first above written.

CITY OF WHITEFISH, a
municipal corporation

By: _____
Charles C. Stearns, City Manager

STATE OF MONTANA)
 : ss
County of Flathead)

On this _____ day of _____, 2014, before me personally appeared CHARLES C. STEARNS, to me known to be the City Manager of the City of Whitefish, that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the City of Whitefish for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of the City of Whitefish.

Notary Public for the State of Montana

Return to: City Attorney
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

WARRANTY DEED

FOR VALUE RECEIVED, **JOHN A. HAGG** ("Grantor"), does hereby grant, bargain, sell and convey unto the **CITY OF WHITEFISH**, a municipal corporation ("Grantee"), a parcel of land situated in the County of Flathead and State of Montana, being more particularly described as follows:

[Legal Description Following Survey]

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT covenants, conditions, restrictions, reservations, easements, rights and rights of way apparent or of record, and that he will warrant and defend the same from all lawful claims whatsoever.

DATED this _____ day of _____, 2014.

John A. Hagg

STATE OF MONTANA)
 :SS
County of Flathead)

On this _____ day of _____, 2014, before me, the undersigned Notary Public for the State of Montana, personally appeared JOHN A. HAGG, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Printed Name: _____
Notary Public for the State of Montana
Residing at _____, Montana
My commission expires _____

DRAFT

Return to: City Attorney
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

**RIGHT-OF-WAY AND UTILITY EASEMENT
TO THE CITY OF WHITEFISH**

JOHN A. HAGG, 706 Birch Point Drive, Whitefish, Montana 59937 ("Grantor"), owner of real property described as [Following Survey], City of Whitefish, records of Flathead County, Montana ("Real Property"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant the CITY OF WHITEFISH, a municipal corporation, ("Grantee"), its successors and assigns, a permanent utility easement and right-of-way across the Real Property for the purpose of constructing, maintaining, repairing, removing, and replacing utility lines, stormwater pipes, water and sewer mains, lift stations, and all necessary or normal facilities and appurtenances over, under, upon and across the Real Property, using such machinery and equipment that may be reasonably necessary on such Real Property, more particularly described as follows:

[Legal Description Following Survey]

If it is necessary for Grantee to excavate in order to install, maintain, repair or replace its construction, facilities and appurtenances, Grantee shall restore Grantor's Real Property to a similar condition that existed prior to such excavation, so long as it does not materially increase the cost of construction or create a hazardous condition.

This Grant of Easement shall run with the land, and shall be binding upon the heirs, personal representatives, successors, and assigns of Grantor.

DATED this _____ day of _____, 2014.

JOHN A. HAGG

STATE OF MONTANA)
 : ss
County of Flathead)

On this _____ day of _____, 2014, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared JOHN A. HAGG, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

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

DRAFT



May 9, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Approve the Hagg Family Land Transfer and Easement Agreements

Introduction/History

The City has been working with TD&H Engineers to design the Skye Park Bridge and connecting trails in conjunction with the Birch Point sewer pump station project. The trail and the pump station will occupy a narrow, sloped strip of land between the BNSF tracks and a private parcel at the east end of Birch Point Drive.

The private parcel in question is owned by the Hagg family, with whom we have negotiated an agreement that will provide the City with adequate room for construction and future replacement of these facilities. This memo is to present that agreement, prepared by the City Attorney, and recommend a resolution authorizing certain actions related to that agreement. Copies of the agreement and the resolution are attached.

Current Report

Background information and details of these land transfers, easements and abandonment are provided in the attached draft agreement and resolution.

Financial Requirement

The agreement provides terms whereby Hagg will pay one half of the City's costs for professional services and recording fees to accomplish these land transfers, easements and abandonment. The City's share of these costs is estimated at around \$1800.

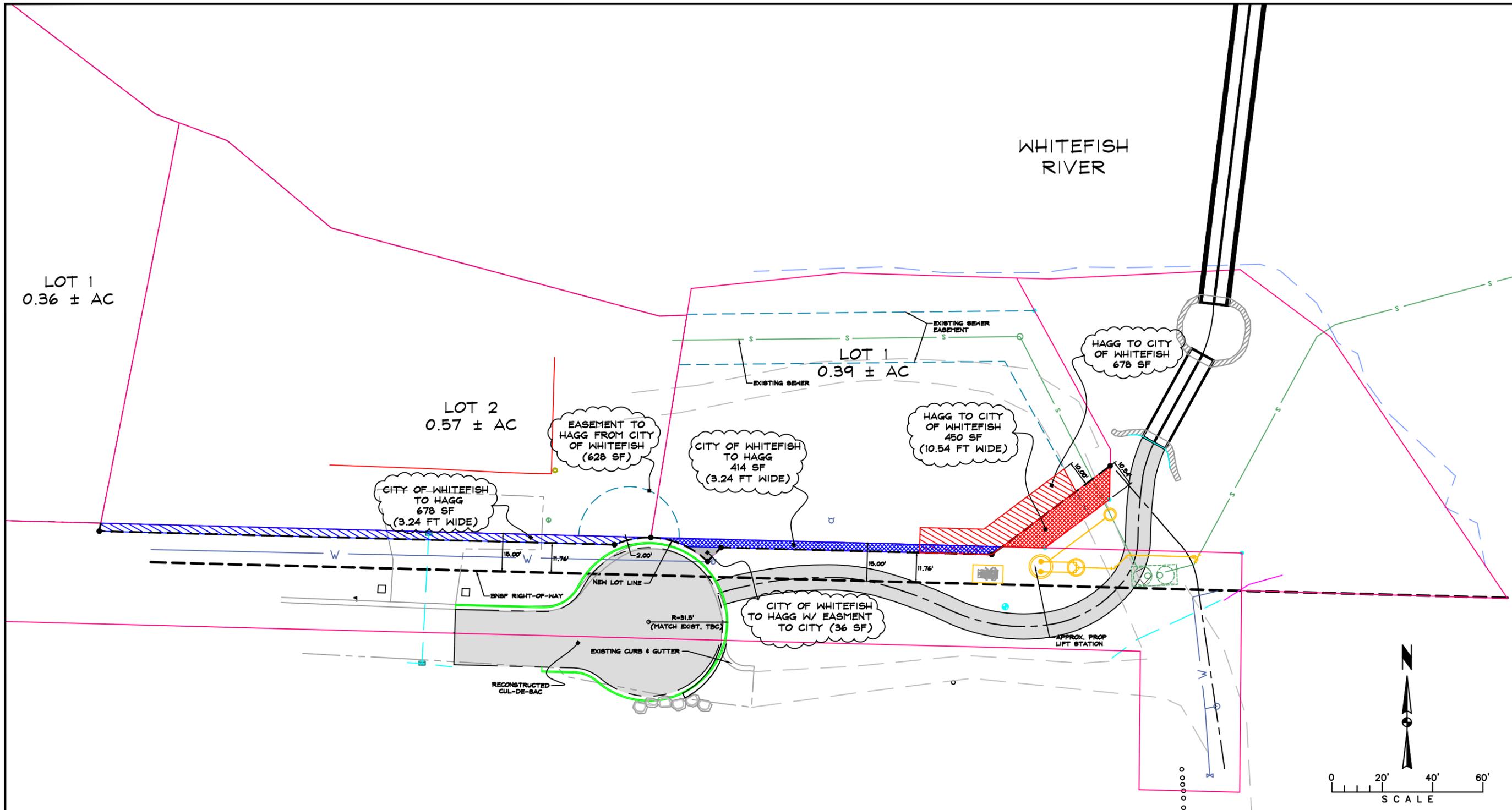
Recommendation

We respectfully recommend the City Council adopt the attached resolution, authorizing certain land transfers and new easements, approving the abandonment of an existing easement, and authorizing the City Manager to execute and record related documents.

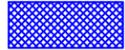
Sincerely,



John C. Wilson
Public Works Director



LEGEND

-  EASEMENT TO HAGG (678 SF)
-  EASEMENT TO CITY (678 SF)
-  LAND TRANSFER TO HAGG (450 SF)
-  LAND TRANSFER TO CITY (450 SF)

**CITY OF WHITEFISH - HAGG LAND EXCHANGE
EXHIBIT - DRAWING
05-13-14**



REVISIONS	
BY	DATE

T&H
Engineering

idhengineering.com
MONTANA
WASHINGTON
IDAHO

GREAT FALLS BOZEMAN KALISPELL
SPOKANE LEWISTON

DRAWN BY:
DESIGNED BY:
QUALITY CHECK:
DATE: 5.12.2014
JOB NO.
FIELDBOOK

**HAGG LAND EXCHANGE DRAWING
EXHIBIT 'A'**



LEGEND

-  EASEMENT TO HAGG (678 SF)
-  EASEMENT TO CITY (678 SF)
-  LAND TRANSFER TO HAGG (450 SF)
-  LAND TRANSFER TO CITY (450 SF)

**CITY OF WHITEFISH - HAGG LAND EXCHANGE
EXHIBIT - DRAWING
05-13-14**



REVISIONS	
BY	DATE

T&H Engineering
 idtheengineering.com
 GREAT FALLS, BOZEMAN, KALISPELL, MONTANA
 SPOKANE, WASHINGTON, LEWISTON, IDAHO

DRAWN BY: _____
 DESIGNED BY: _____
 QUALITY CHECK: _____
 DATE: 5.12.2014
 JOB NO. _____
 FIELDBOOK _____

HAGG LAND EXCHANGE DRAWING

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MANAGER REPORT

May 12, 2014



RESORT TAX

Resort Tax collections were up by 4.25% or \$5,341 in March, 2014 compared to March of 2013. For the year to date, collections are up by 5.42% or \$83,475. There is a chart and graphics of recent collections trends in the packet with this report.

CITY BEACH BOAT BILGE TRENCH DRAIN PROJECT

Last week I signed an application for a Whitefish Lake and Lakeshore Permit to install a boat bilge trench drain at City Beach in order to capture and provide some treatment for boat bilge when people empty their bilges upon departing from the boat ramp. Whitefish Lake Institute has suggested and requested some sort of project for treatment of boat bilge for several years. This past year, we hired Robert Peccia and Associates engineering firm to research and propose some options. The information for the proposed project is attached in the packet, but it may change somewhat as we have received some good comments and suggestions from Mike Koopal of Whitefish Lake Institute.

PARKS AND RECREATION DEPARTMENT DIRECTOR FINALISTS

An interview committee and I have narrowed down the applicants that we will interview for the Parks, Recreation, and Community Services Director to five applicants, but one of the five finalists withdrew. The finalists are (in alphabetical order):

Maria Butts –	Whitefish, MT
Tom Carosello -	Pagosa Springs, CO
Rob Carter -	Arlington, VA
Jennifer Young -	Kalispell, MT

We are going to have a public open house to meet the candidates on Wednesday, May 21st from 7:00 p.m. to 8:30 p.m. at Grouse Mountain Lodge. Interviews will be on Thursday, May 22nd. I will post the applications and resumes of all applicants on the website this week.

FECC-911 CENTER FUNDING PROPOSAL

County Administrator Mike Pence, County Commissioner Gary Kreuger, and County staff person Larry Johnson came up with a new funding concept to fund the Flathead Emergency Communications Center (911 Center). The new concept would do away with annual appropriations from the three cities and replace it with the current countywide levy of 5.921 mills (may get rounded to 6 mills?) and a countywide Special District Assessment similar to the Landfill assessment on the tax bill for properties with structures. This Special District fee or assessment would be an additional \$25 per residential unit and \$50 per commercial billing unit with a cap of 30 commercial billing units. A copy of the 911 Funding Sub-committee recommendation is included in the packet with this report. The FECC -911 Board will make a decision at their meeting on Wednesday, May 14th regarding a possible recommendation of this proposal to the Board of County Commissioners

MEETINGS

Governor Bullock speaking about his Main Street Program and tourism (5/6) – I attended a gathering featuring Governor Steve Bullock at the Great Northern Brewery. Governor Bullock talked about his Main Street Program some and the importance of tourism to Montana.

UPCOMING SPECIAL EVENTS

FEMA Floodplain Public Meeting – Wednesday, May 21st from 6-8 p.m. in City Council Chambers

Open House to meet Parks and Recreation Director finalists – Wednesday, May 21st at 7:00 p.m. at Grouse Mountain Lodge.

REMINDERS

1st Budget Work Session – Tuesday, May 27th – 5:30 p.m.

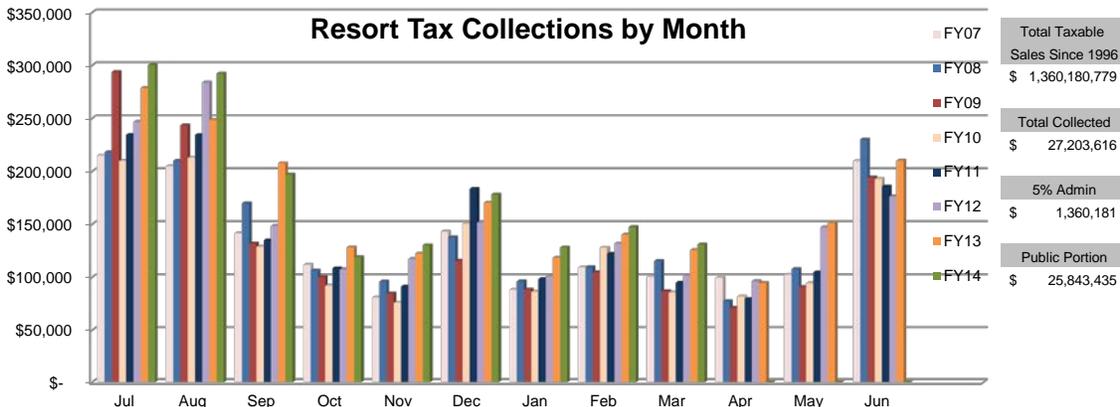
Respectfully submitted,



Chuck Stearns, City Manager

Resort Tax Report
Reported in the Month Businesses Paid Tax

Month/Year	Bars & Restaurants				Retail	Collected	% Chng Mnth to Pr Yr Mnth	% Chng Quarter to Pr Yr Quarter	Interest	Total
	Lodging	Restaurants								
Jul-08	57,424	80,928	155,462	293,814			35%	\$ 3,040	\$ 296,854	
Jul-09	41,463	71,552	96,808	209,823			-29%	\$ 5,828	\$ 215,652	
FY09 vs FY10	-9.0%	-4.1%	-2.6%	-4.2%			or \$ (67,489)	TaxableSalesFY10	\$ 81,019,064	
Jul-10	54,499	81,857	98,267	234,624			12%	\$ 2,423	\$ 237,047	
Aug-10	69,698	79,873	84,842	234,413			10%	1,023	235,436	
Total FY11	\$ 274,688	\$ 651,321	\$ 747,615	\$ 1,673,624			Compared to Prv Yr	\$ 38,004	\$ 1,711,629	
FY10 vs FY11	12.0%	15.5%	2.4%	8.7%			or \$ 134,262	TaxableSalesFY11	\$ 88,085,492	
Jul-11	56,106	90,212	100,325	246,642			5%	\$ 979	\$ 247,621	
Aug-11	85,621	91,408	106,860	283,889			21%	7,833	291,722	
Sep-11	28,154	58,830	61,535	148,519			10%	593	149,112	
Oct-11	17,944	45,919	43,610	107,473			-1%	496	107,969	
Nov-11	14,351	39,054	63,758	117,162			28%	479	117,641	
Dec-11	16,531	51,195	84,000	151,726			-17%	526	152,252	
Jan-12	10,032	44,089	46,905	101,026			3%	515	101,541	
Feb-12	14,585	56,427	60,780	131,793			8%	578	132,371	
Mar-12	11,008	42,952	47,682	101,643			7%	557	102,200	
Apr-12	9,353	39,367	47,657	96,377			21%	610	96,987	
May-12	15,461	51,207	80,526	147,194			40%	6,993	154,187	
Jun-12	35,584	68,403	72,472	176,460			-5%	625	177,085	
Total FY12	\$ 314,731	\$ 679,063	\$ 816,110	\$ 1,809,903			Compared to Prv Yr	\$ 20,785	\$ 1,830,688	
FY11 vs FY12	15%	4%	9%	8%			or \$ 136,279	TaxableSalesFY12	\$ 95,258,076	
Jul-12	69,418	94,341	115,149	278,908			13%	\$ 643	\$ 279,551	
Aug-12	53,361	92,463	102,812	248,636			-12%	444	249,080	
Sep-12	57,000	77,503	73,232	207,734			40%	533	208,267	
Oct-12	24,519	54,631	49,137	128,288			19%	434	128,722	
Nov-12	8,099	40,326	74,122	122,547			5%	393	122,941	
Dec-12	15,490	66,046	88,956	170,492			12%	363	170,855	
Jan-13	13,152	51,930	53,396	118,478			17%	413	118,891	
Feb-13	18,023	55,180	66,995	140,198			6%	405	140,603	
Mar-13	16,171	56,231	53,318	125,720			24%	465	126,185	
Apr-13	10,105	42,230	42,325	94,660			-2%	427	95,087	
May-13	19,009	52,303	80,090	151,402			3%			
Jun-13	41,222	74,833	94,085	210,140			19%			
Total FY13	\$ 345,570	\$ 758,018	\$ 893,617	\$ 1,997,205			Compared to Prv Yr	\$ 4,520	\$ 1,640,183	
FY12 vs FY13	10%	12%	9%	10%			or \$ 187,301	TaxableSalesFY13	\$ 105,116,040	
Jul-13	81,828	98,642	120,028	300,497			8%	488	300,986	
Aug-13	77,809	108,131	106,422	292,362			18%	496	292,858	
Sep-13	50,377	77,416	69,328	197,120			-5%	434	197,555	
Oct-13	16,851	48,015	54,271	119,137			-7%	434	119,571	
Nov-13	6,831	47,701	75,780	130,312			6%	434	130,746	
Dec-13	21,782	64,884	91,585	178,251			5%	25,945	204,196	
Jan-14	16,848	54,481	56,839	128,169			8%	0	128,169	
Feb-14	22,323	58,758	66,487	147,568			5%	1,213	148,781	
Mar-14	15,770	64,178	51,114	131,061			4.25%			
Apr-14	-	-	-	-						
May-14	-	-	-	-						
Jun-14	-	-	-	-						
Total FY14	\$ 310,419	\$ 622,206	\$ 691,854	\$ 1,624,478			YTD Compared to Last Year	\$ 29,445	\$ 1,522,862	
YTD vs Last Year	12.8%	5.7%	2.2%	5.4%			or \$ 83,475	TaxableSalesFY14	\$ 85,498,850	
FY14 % of Collections	19%	38%	43%					\$ 772,413	\$ 19,510,104	
Grand Total	\$ 4,591,416	\$ 9,645,250	\$ 11,606,768	\$ 25,843,435					3.0% Average / since '96	
% of Total Collections	18%	37%	45%							





ROBERT PECCIA & ASSOCIATES

Technical Memorandum

TO: Karin Hilding
FROM: Ryan Mitchell and Brandon Theis
SUBJECT: 13117.000 – 2013 Whitefish Storm Drainage
City Beach Boat Bilge Water Structural BMP Device
DATE: December 13, 2013

Dear Karin,

This memo will discuss RPA's review, evaluation and recommendations for the City Beach Boat Bilge Water Structural Best Management Practices (BMP) Device including Preliminary Engineering Drawings.

Purpose:

The City Beach boat ramp is one of the main public boat ramps on Whitefish Lake. The boat ramp primarily serves power boats and other motorized watercraft.

When these vehicles exit the lake, it is common for the operators to drain the boats on the boat ramp, while the vehicle is inclined on the ramp. The boat bilge water that is drained from these vehicles does not contain just lake water. The boat bilge water consists of lake water, gasoline, motor oil, grease, power steering fluid, etc. This boat bilge water currently is drained onto the concrete boat ramp and flows directly into Whitefish Lake.

A study of Gasoline Constituent Loading and Motorized Watercraft Levels, Whitefish Lake, Montana, 2005-2006 was published by the Whitefish Lake Institute (WLI) in 2007. This study looked at the relationship between gasoline constituents loading in the form of BTEX (benzene, toluene, ethyl-benzene and xylene) and motorized watercraft densities on Whitefish Lake. In the executive summary of this report it states:

"The data suggest that secondary inputs, indirectly related to total motorized watercraft numbers, occur at the City Beach Boat Launch site. Secondary BTEX inputs could range from irresponsible fuel confinement by boat owners, the draining of boat hull effluent by pulling transom plugs on the boat ramp, and excessive engine idling in the area."

The recommended infrastructure improvements are designed to capture any boat bilge water and direct it to a Structural BMP device that will remove the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage should be installed that will inform operators to not spill fuel when fueling and to ensure that any boat bilge water is captured by the trench grate.

HELENA, MT
 P.O. Box 5653
 825 Custer Avenue
 Helena, MT 59604
 Tele 406.447.5000
 Fax 406.447.5036

KALISPELL, MT
 P.O. Box 5100
 102 Cooperative Way, Suite 300
 Kalispell, MT 59903
 Tele 406.752.5025
 Fax 406.752.5024

FORT COLLINS, CO
 400 Remington Street,
 Suite B
 Fort Collins, CO 80524
 Tele 970.484.3206
 Fax 970.484.3209

Site Review:

A site review was conducted on August 27th, 2013 of the area. During that site review the following items were examined:

- Existing Boat Ramp
- Access Road into and out of the boat ramp
- Existing storm water runoff from areas up gradient of the boat ramp

During this site review, RPA completed a field review of the site survey that was completed previously for this area. The site survey will be utilized for preliminary engineering drawings and ultimately for the design and construction of the recommended infrastructure improvements. SEE ATTACHMENT 1 – SITE SURVEY.

Existing Conditions:

The City Beach boat ramp consists of a concrete ramp that is approximately 40' wide by 85' long. Approximately 10' of the boat ramp is located above the high water elevation.

Any boat bilge water, and other parking lot or roadway runoff, drains down the boat ramp and flows directly into Whitefish Lake.

Below are some photographs of the existing boat ramp.



Figure 1 - Aerial View of Boat Ramp



Figure 2 - Boat Ramp

Recommended Infrastructure Improvements:

The recommended infrastructure improvements for the City Beach Boat Ramp are intended to capture and direct any surface runoff from the parking lot area and any boat bilge water to a superior oil/water separator.

The surface runoff and boat bilge water will be collected via a trench drain that will be installed on the boat ramp. This trench drain shall be installed above the high water elevation. The trench grate can be installed by saw cutting the existing concrete boat ramp and installing the trench grate. The trench grate shall be a Dura Slope with an H-20 rated cast iron cover. From the trench drain, the water will be directed to superior oil/water separator. A tee will be installed with valves that will allow the City to by-pass the superior oil/water separator during the off-season and allow for flow to be discharged to the Lake. It is anticipated that this by-pass could be used during the winter months.

The VortClarex system is a superior oil/water separator that utilizes coalescing media to efficiently remove freely dispersed oil and other liquid pollutants from runoff and other discharges. The VortClarex is specifically designed for those sites where removal of oil and grease is the greatest concern and where oil and grease effluent targets are specified.

Below is a schematic of the VortClarex:

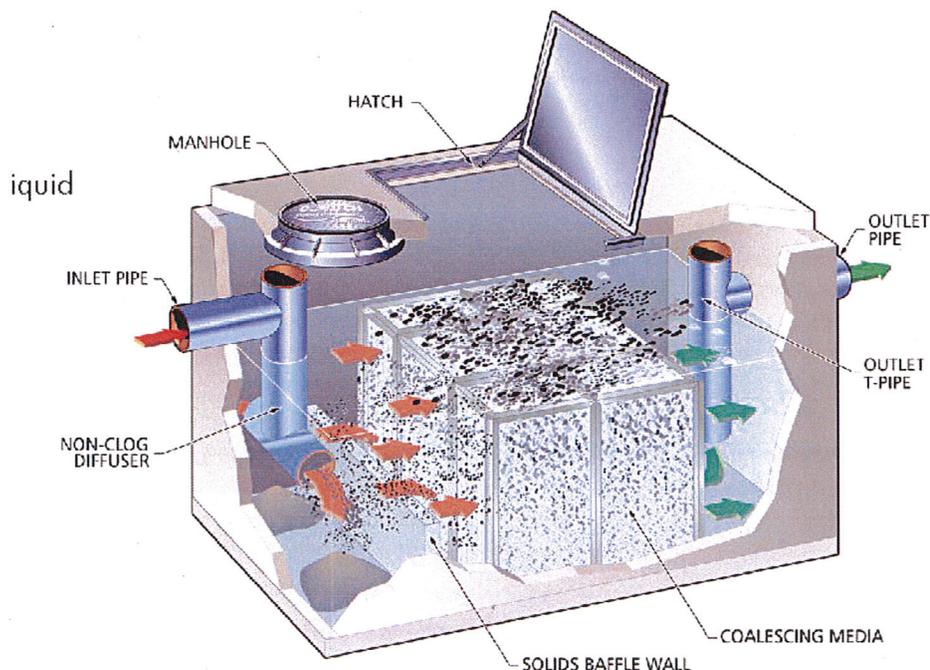


Figure 3 - VortClarex Schematic

The VortClarex builds on the conventional oil water separator design by using a highly efficient coalescing media to maximize the surface area and optimize the treatment volume available for oil/ water separation.

The VortClarex Oil/Water Separator provides:

- Polypropylene coalescing media
 - Removes up to 99% of free oil droplets down to 60 microns (standard design)
 - Releases TPH effluent with a quality of 10 mg/L or less.
- Non-turbulent flow through the system
 - Maximizes efficiency by increasing rise rate and size of droplets
- Precast concrete structure housing
 - Ensures durability
 - Meets HS-20 loading requirements
 - Provides for a shallow installation

The maintenance of this system is similar to that of a typical oil/water separator. The City can utilize their vacuum truck to clean out the manhole/vault. The coalescence element requires cleaning by spraying clean water with a hose (10 -15 psi) and can be done in the vault or by removing it.

In addition to the trench grate and the VortClarex, signage should be added at the boat ramp area informing operators to eliminate oil/fuel spills and to ensure that they pull their boats far enough ahead to allow any boat bilge water drained from the boat to enter the trench grate and subsequent VortClarex.

Below are some examples of possible signage that RPA has developed.

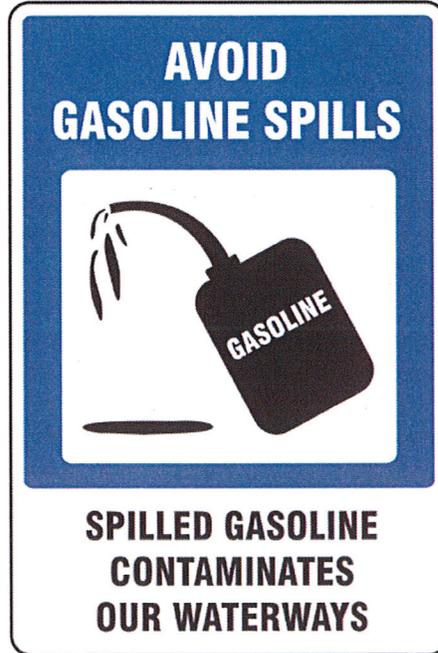


Figure 4 - Example No. 1 of Signage

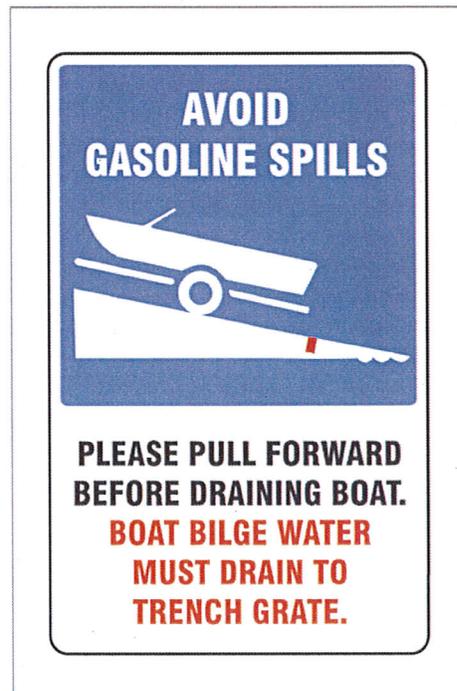


Figure 5 - Example No. 2 of Signage

With this, RPA has developed the recommended infrastructure improvements. SEE ATTACHMENT 2 – RECOMMENDED INFRASTRUCTURE IMPROVEMENTS.

The estimated project cost to complete this work, including surveying and engineering fees, is \$37,900. Below is a detailed summary of the estimated project costs:

Engineers Opinion of Probable Project Costs CITY BEACH BOAT RAMP IMPROVEMENTS Revised 12/13 by REM						
		Robert Peccia & Associates, Inc. 825 Custer Avenue * Helena * Montana * (406) 447-5000 102 Cooperative Way, Suite 300 * Kalispell * Montana * (406) 752-5025				
Item No.	Quantity	Unit	Unit Description	Engineer's Estimate		
				Unit Price (Figures)	Total Price (Figures)	
Engineering Fees						
1	1	LS	Engineering Design	\$3,500.00	\$3,500.00	
2	1	LS	Bidding - Limited Solicitation/Small Works Contract	\$1,000.00	\$1,000.00	
3	1	LS	Construction Staking, Materials Testing & Observation	\$2,000.00	\$2,000.00	
TOTAL ESTIMATED ENGINEERING FEES:					\$6,500.00	
Construction Costs						
1	1	LS	VortClarex - Equipment Only	\$15,000.00	\$15,000.00	
2	1	LS	Installation of VortClarex	\$5,000.00	\$5,000.00	
3	40	LF	Dura Slope Trench Grates	\$150.00	\$6,000.00	
4	4	EA	Signs	\$500.00	\$2,000.00	
5	1	LS	Traffic Control	\$600.00	\$600.00	
6	1	LS	Mobilization, Bonding and Submittals (10% Max)	\$2,800.00	\$2,800.00	
TOTAL ESTIMATED CONSTRUCTION COSTS:					\$31,400.00	
TOTAL ESTIMATED PROJECT COSTS:					\$37,900.00	

Summary:

The above recommended infrastructure improvements and attached drawings should be used as a planning tool for City staff to determine if and when they want to proceed with this project.

To complete the work as recommended, we have reviewed various permits and have determined that the only permits needed would be:

- Lakeshore Permit (City of Whitefish)

December 13, 2013
Karin Hilding
Page 7 of 7

- Erosion Control Plan (City of Whitefish)

The proposed work would be exempt from the following permits:

- 404 (ACOE) – Not needed because staying above high-water elevation
- Floodplain Development Permit (City of Whitefish) – Exempt under 14-5-3.A
- Water Quality Protection (aka Critical Conveyance, City of Whitefish) – Exempt under 11-3-29. B.1.b

With this preliminary planning and surveying completed the engineering and permitting for this work could be completed in a relatively short timeframe. This project could easily be ready for construction in late-spring 2014, if the City wished to proceed.

Thank you and please call if you have any questions.

Cc: John Wilson
File

Attachments

K:\Kal-Proj-Data\13117.000 - Whitefish Storm Drainage\F. Design Correspondence\1. Client\Tech Memos\City Beach Boat Ramp\131213kh.Memo - City Beach-Final.Doc

CITY OF WHITEFISH STORMWATER PROJECT

City Beach Boat Ramp



RYAN E. MITCHELL, P.E., P.L.S.

Prepared for
City of Whitefish, Montana

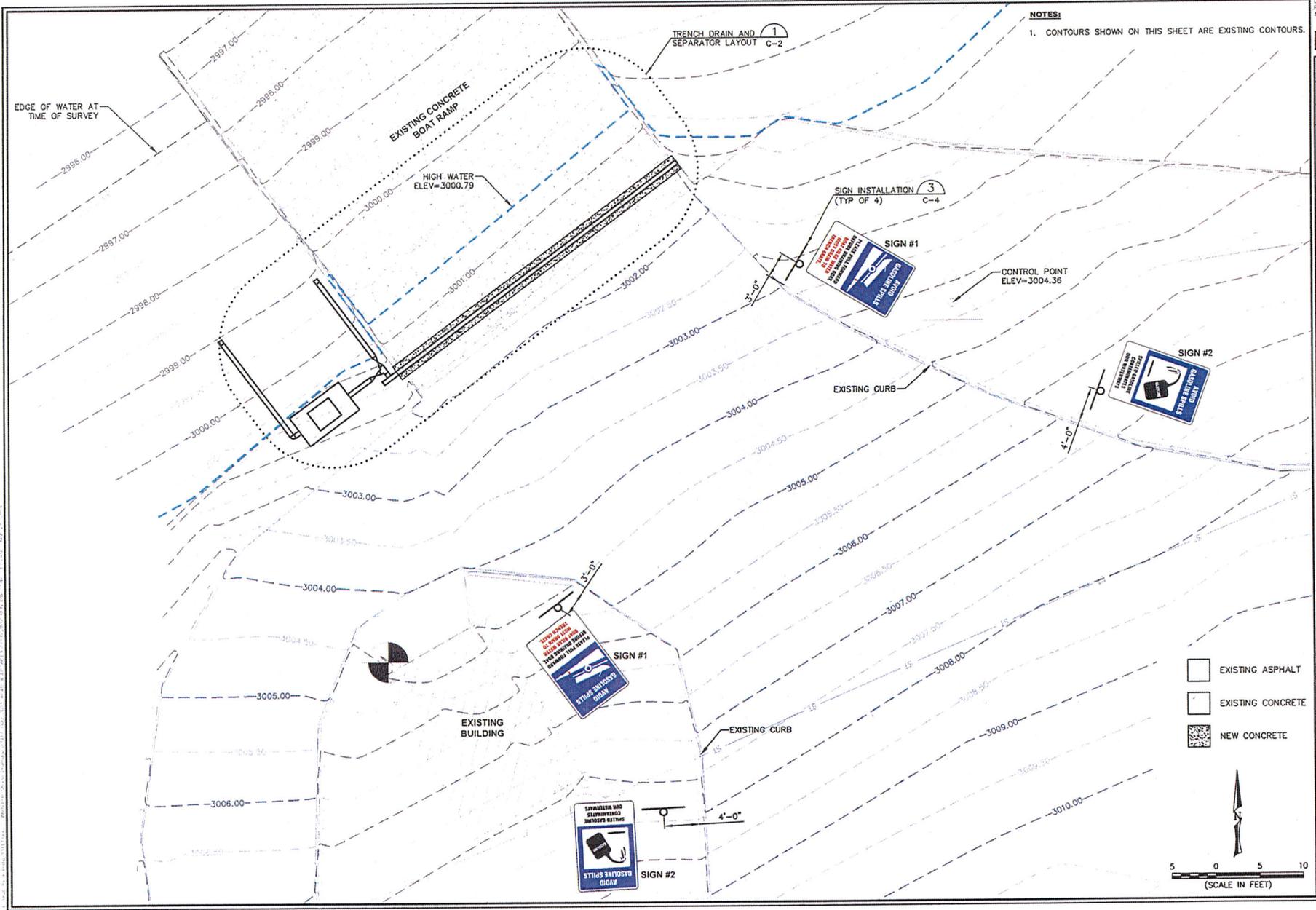


Prepared by
Robert Peccia & Associates
Kalispell, Montana

Designed By: Brandon M. Theis, P.E.
Drawn By: Mark Rogers
Checked By: Ryan Mitchell, P.E., P.L.S.
Approved By: Keith Jensen, P.E.

Project Number: 13117.000
Date: April 2014

Set Number _____



NOTES:
 1. CONTOURS SHOWN ON THIS SHEET ARE EXISTING CONTOURS.



REVISED BY	DATE
REVISION	PRELIMINARY
SYD	NOT FOR CONSTRUCTION

DESIGNED BY	DATE
DESIGNED BY	March 2014
DRAWN BY	PROJECT NO
DRAWN BY	13117.000
CHECKED BY	SUB. CBS
CHECKED BY	FILE

PROJECT TITLE
**CITY OF WHITEFISH
 STORMWATER PROJECT**
Whitefish, Montana

SHEET TITLE
**CITY BEACH
 BOAT RAMP
 OVERVIEW**

SHEET
C-1



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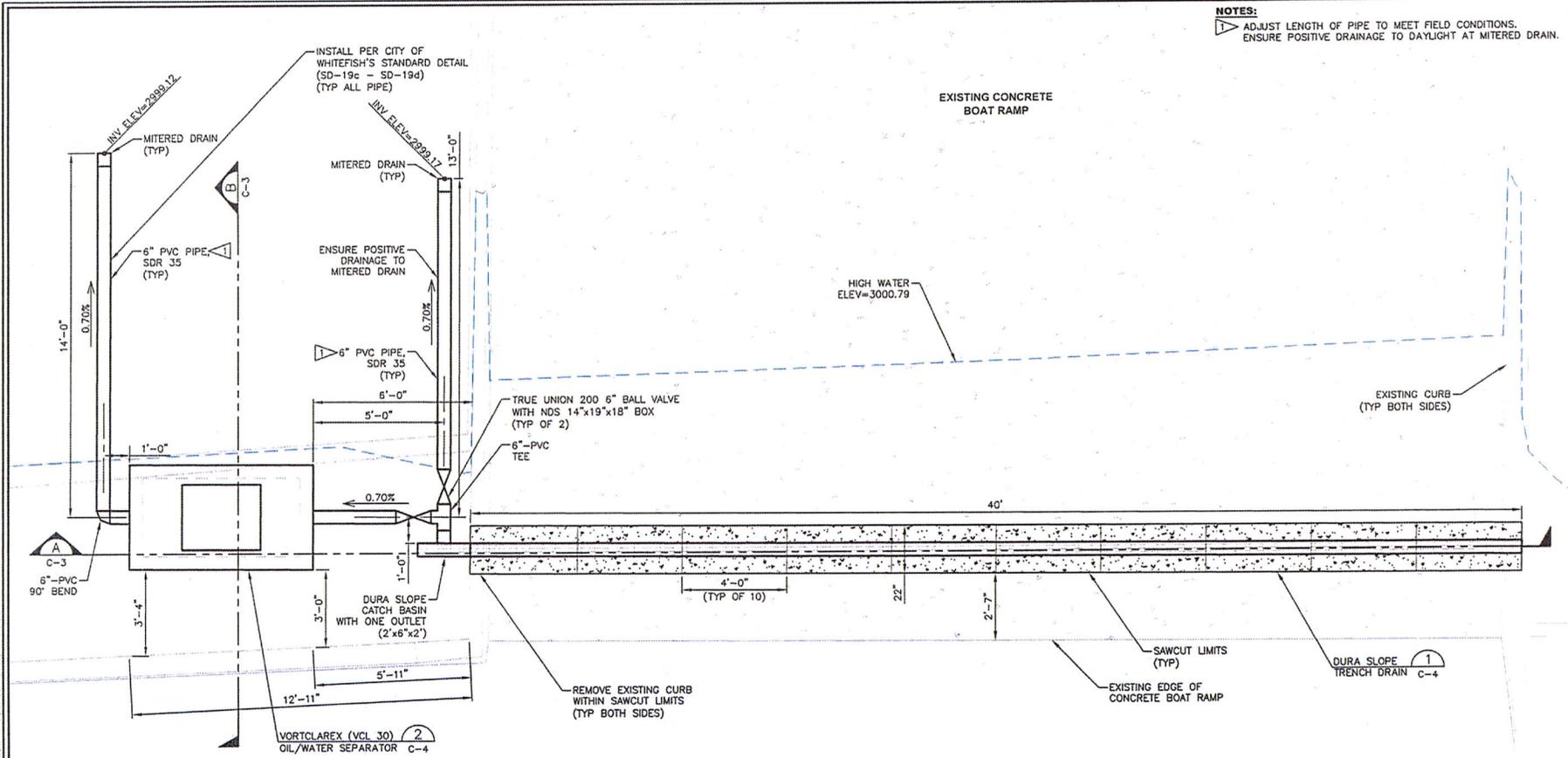
March 2014	13117.000	Sub CBS
DESIGNED BY	DRAWN BY	CHECKED BY
MJ RONES	RAMZUP	

PROJECT TITLE
**CITY OF WHITEFISH
 STORMWATER PROJECT**
 Whitefish, Montana

SHEET TITLE
**TRENCH DRAIN
 AND SEPARATOR
 LAYOUT**

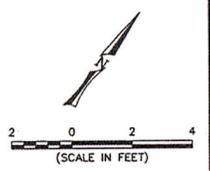
SHEET
C-2

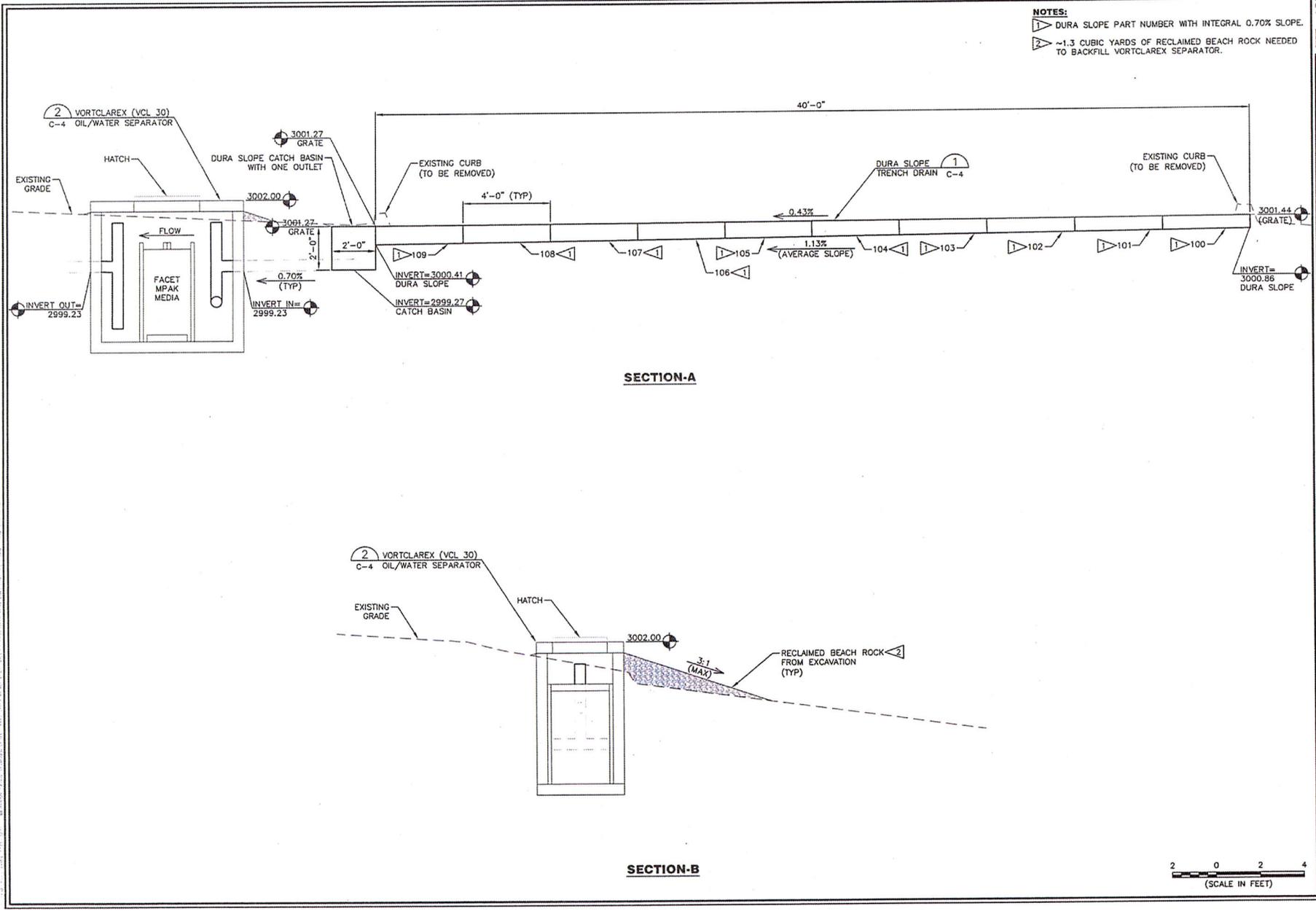
NOTES:
 ADJUST LENGTH OF PIPE TO MEET FIELD CONDITIONS.
 ENSURE POSITIVE DRAINAGE TO DAYLIGHT AT MITERED DRAIN.



TRENCH DRAIN AND SEPARATOR LAYOUT 1/2 C-1

- EXISTING ASPHALT
- EXISTING CONCRETE
- NEW CONCRETE





NOTES:
 ▷ DURA SLOPE PART NUMBER WITH INTEGRAL 0.70% SLOPE.
 ▷ ~1.3 CUBIC YARDS OF RECLAIMED BEACH ROCK NEEDED TO BACKFILL VORTCLAREX SEPARATOR.



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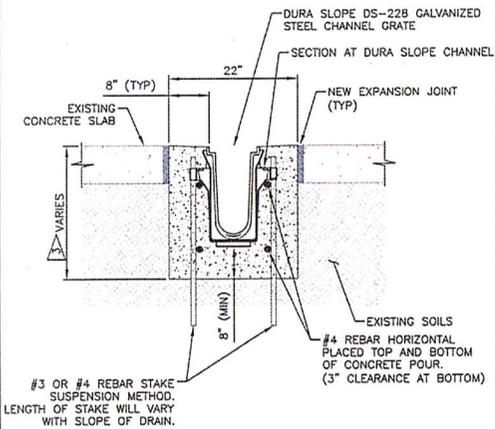
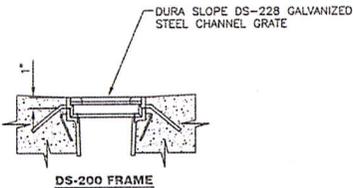
DATE	March, 2014
DESIGNED BY	MJ ROODS
DRAWN BY	RAM/2014
CHECKED BY	
PROJECT NO	13117.000
SHE. CBS	
FILE	

PROJECT TITLE
**CITY OF WHITEFISH
 STORMWATER PROJECT**
Whitefish, Montana

SHEET TITLE
SECTIONS

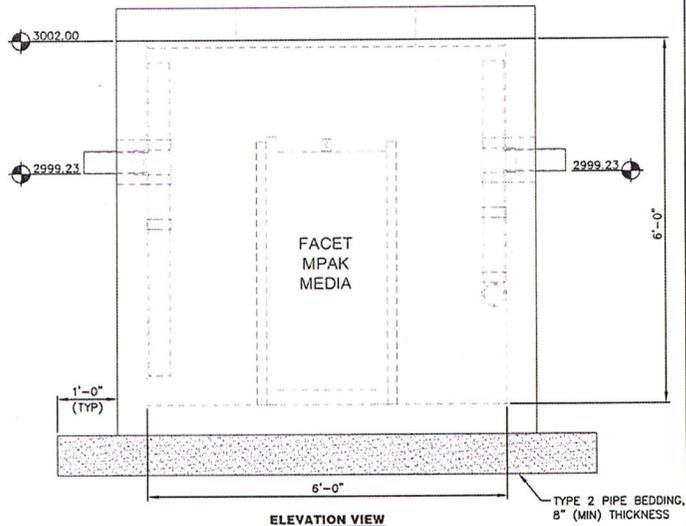
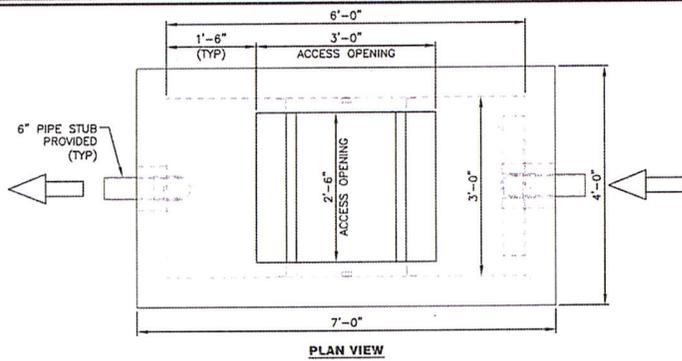
SHEET
C-3





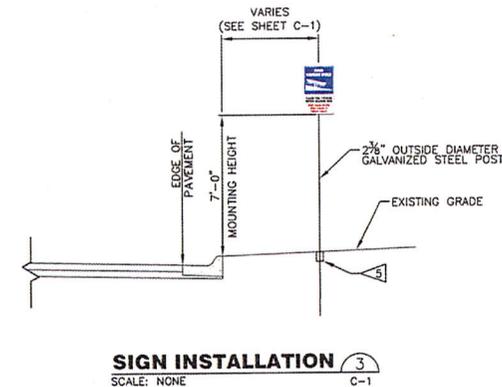
DURA SLOPE TRENCH DRAIN 1
SCALE: NONE C-2 - C-3

- NOTES:**
- CHANNELS TO BE INSTALLED WITH GRATE. GRATE TO BE PROTECTED FROM CONCRETE POUR (COVER HOLES WITH TAPE).
 - SET TRENCH DRAIN IN CHANNEL SURROUNDED BY 8" OF CONCRETE. CONCRETE SLAB WITH A MINIMUM OF 3,500 PSI. AVOID FULL LOAD TRAFFIC FOR 28 DAYS OR UNTIL CONCRETE HAS COMPLETELY CURED.
- ▽ TRENCH DEPTH VARIES WITH SLOPE OF TRENCH.



VORTCLAREX (VCL 30) OIL/WATER SEPARATOR 2
SCALE: NONE C-2 - C-3

- NOTES:**
- FLOWLINE IN AND OUT OF THE VORTCLAREX ARE THE SAME ELEVATION.
 - MANUFACTURER SHALL BE RESPONSIBLE FOR INSTALLATION OF INTERNAL COMPONENTS.
 - VAULT IS DESIGNED TO MEET HS20 MINIMUM LOAD REQUIREMENTS.
 - RECTANGULAR HATCH SUPPLIED WITH SYSTEM (NOT INSTALLED).
 - HATCH RISERS, GRADE RINGS OR BLOCK REQUIRED BETWEEN THE TOP OF THE VORTCLAREX SYSTEM AND BASE OF THE HATCH (NOT SUPPLIED BY MANUFACTURER).
 - CONTRACTOR TO CONNECT THE PROVIDED PIPE STUB TO THE EXTERNAL PIPE BY MEANS OF A COUPLER (NOT SUPPLIED BY MANUFACTURER).
 - VORTCLAREX BY CONTECH STORMWATER SOLUTIONS: PORTLAND, OR - (800) 548-4667; SCARBOROUGH, ME - (877) 907-8676; LINTHICUM, MD - (866) 740-3318



- NOTES:**
- ALL SIGN BLANKS SHALL BE .080 GAUGE FLAT ALUMINUM STOCK.
 - ALL SIGN MATERIALS AND CONSTRUCTION PROCEDURES SHALL CONFORM TO THE 'STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION,' 2006 EDITION, DISTRIBUTED BY THE MONTANA DEPARTMENT OF TRANSPORTATION (MDT).
 - SEE MDT STANDARD DRAWING 619-16 FOR ADDITIONAL MOUNTING DETAILS.
 - UNIFORM MANUAL NUMBERS ARE REFERENCED TO THE 'MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES' BY THE FEDERAL HIGHWAYS ADMINISTRATION.
 - CONTRACTOR SHALL USE V-LOC 23-VR4 (034-00113), OR APPROVED EQUAL. (INSTALL PER MANUFACTURER'S RECOMMENDATIONS)
 - CONTRACTOR SHALL BE PAID PER EACH "SIGN" INSTALLED. A "SIGN" IS DEFINED BY EACH POLE INSTALLED WITH SIGN(S). REGARDLESS OF THE NUMBER OF SIGNS INSTALLED ON THE POLE.



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BY	
APPROVED	
REVISION	
SYMBOL	
PRELIMINARY NOT FOR CONSTRUCTION	

THIS SHEET DESIGNED BY	March 2014
MESSAGE	DATE
DRAWN BY	13117.000
PLANNED BY	PROJECT NO.
CHECKED BY	Sub. CDS
	FILE

CITY OF WHITEFISH STORMWATER PROJECT
Whitefish, Montana

DETAILS

C-4

FLATHEAD EMERGENCY COMMUNICATIONS FUNDING PLAN

Background:

In 2009 Flathead County, Kalispell, Whitefish and Columbia Falls entered into an interlocal agreement that consolidated dispatch and communication services from four separate operations to one central operation in Kalispell. This consolidation was a significant achievement after many years of discussion and research into the concept. Change is not easy and there were some definite bumps in the road that have been overcome. Our citizens are well served by this consolidation with a well-trained dedicated staff and state of the art dispatch and radio communications systems.

A key provision of Section I of the interlocal agreement stated that, “the board shall appoint a committee within three months of the execution of this agreement to study funding issues and to search for funding mechanisms that are more appropriate and acceptable to the parties to this agreement”. There was a definite understanding between the county and the three participating cities that a “future funding committee” would be established to make every effort to find a fair and equitable funding mechanism to replace the population based funding formula approved as part of the interlocal agreement.

This committee was formed and a number of funding alternatives have been researched and presented to the Flathead Emergency Communications Center Board and the Board of County Commissioners for their consideration. Due to the effects of the recession, the idea of pursuing a ballot issue for a voted mill levy or another form of funding was not considered viable so the status quo has been in effect for several years now.

The funding options explored to date include (1) a voted mill levy, (2) vehicle license fee surcharge allowed by state law, (3) collection of additional revenue from rural fire districts, federal/state/local government agencies and private emergency providers – i.e. all user agencies would pay on a per call cost basis, (4) formation of a special emergency communications district, and (5) continuation of the current funding method that does not provide any funding for critical capital improvement needs.

The key funding issue is fairness. Under the current formula, all taxpayers pay on a mill levy basis for the 66% share that comes from the sheriff’s levy. So both rural and city taxpayers pay the same mill rate for that part of the revenue contribution. Then the three cities each levy taxes to their citizens to fund their allocation, so city taxpayers pay both the county and city levies for the same services. So there is a big disparity involved as you look at contribution dollars for this service between rural and city taxpayers where everyone has the same right and ability to dial 911 – see attached chart with residential property examples of the same value house in each jurisdiction.

Recommendation:

The funding committee concluded that the best funding option to take to our citizens for their consideration is the creation of a special emergency communications district. This option would continue the collection of the county mill levy where all taxpayers pay on an equitable property value basis. The balance of the funding needed to operate the FECC would be generated from newly formed special district flat rate fees collected in the same manner the county collects funds for the solid waste

district landfill operations. Using this combined funding formula, all taxpayers would pay the same mill rate to the county to provide for capital improvement funding and the portion of the emergency communications operations that involves costly radio communications, GIS, and IT services. The flat rate special district fees would provide funding for the dispatch center staff, facility maintenance, equipment and operations. This combined funding approach provides a fair balance with a combination mill levy and flat rate that apply equitably to city and rural taxpayers and different classifications of taxpayers.

The estimated annual cost to operate all of the emergency communications components outlined above for the next five years is \$3.9 million. We receive approximately \$625,000 from the state from a one dollar (\$1.00) monthly phone user tax paid to the telephone companies to assist in the operation of county and city dispatch centers. So the net amount we need to fund at the county and city level is about \$3.3 million. Our proposed funding plan will cover all the operational costs and a critically needed \$500,000 annual contribution for the capital improvement program over the next twenty years. We propose to continue the property tax levy at about the six mill level from the county sheriff's office budget that totals approximately \$1.5 million. The proposed special district funding would require an additional estimated \$1.9 million to fully fund this operation that has been in place for the past five years. The new funding required that has not been achieved under the current funding system is the \$500,000 needed for the capital improvement program.

We are proposing to continue the sheriff's levy that is currently a little less than six (6) mills and our proposed flat rate for the special district would be a \$25 flat rate fee for residential properties annually and \$50 per commercial unit not to exceed 30 units for commercial properties.

We strongly feel this combined funding formula creates fairness and provides the revenue needed to be able to provide needed facilities, equipment, personnel and state of the art communications systems to meet the emergency needs for all the citizens of Flathead County.

Conclusion:

It is critical that a new funding solution be put into place in the near future since we have been unable to generate any new funds for capital improvement needs under the current funding formula due to levy limits set by state law for the county and the three cities. We hope our citizens will support formation of a special communications district with some additional funding to allow us to provide the best level of service we can for the critical emergency communications system our citizens deserve and expect.

County and city officials feel the best approach to take in regard to securing a fair and equitable funding solution is to properly inform the public of the funding needs to provide the best emergency communications we can. It is the desire of the Flathead County Board of Commissioners to place the question of the potential formation of a special emergency communications district on the ballot to provide the level of service needed to protect our citizens. The question is proposed to be placed on the November 2014 general election ballot.

Recommendation:

The 911 Funding Sub-committee reviewed this report and conclusion and voted unanimously by email proxy of those responding (5-0) in May, 2014 to recommend that the FECC Board and the Flathead Board of County Commissioners pursue the creation of this special district and countywide funding sources.



Chuck Stearns
911 Funding Sub-committee Chair
May 6, 2014

Mike Pence
Funding Plan Report Author
May 6, 2014

		Comparison of 911 Costs on Tax Bills versus Cost of Special District Fee Proposal						
		Prepared by Chuck Stearns, City Manager of Whitefish		on	4/8/2014			
						Current Tax Cost	Proposed Fee Cost	Motor Vehicle Fee
							5.921 mills on value	Surcharge Option
							plus \$25 fee	
\$300,000	House in County	Market Value						
		DOR Appraised Value (MV *.53)	1	\$300,000				
		DOR Assessed Value (above * .0247) (Taxable Value)		\$159,000				
		DOR Assessed Value (above * .0247) (Taxable Value)		\$3,927				
		Cost - County Mills (5.921 mills/1000) * Taxable Value	2		\$23.25	\$23.25		
		Special District Fee, MV Tax, or other			\$0.00	\$25.00		
		Total Cost			\$23.25	\$48.25		
\$300,000	House in Kalispell	Market Value		\$300,000				
		DOR Appraised Value (MV *.53)	1	\$159,000				
		DOR Assessed Value (above * .0247) (Taxable Value)		\$3,927				
		Cost - Kalispell Mills (12.133 mills/1000) * Taxable Value	3		\$47.65	\$0.00		
		Plus - Cost of County 5.921 mills			\$23.25	\$23.25		
		Special District Fee, MV Tax, or other			\$0.00	\$25.00		
		Total Cost			\$70.90	\$48.25		
\$300,000	House in Whitefish	Market Value		\$300,000				
		DOR Appraised Value (MV *.53)	1	\$159,000				
		DOR Assessed Value (above * .0247) (Taxable Value)		\$3,927				
		Cost - Whitefish Mills (6.870 mills/1000) * Taxable Value	4		\$26.98	\$0.00		
		Plus - Cost of County 5.921 mills			\$23.25	\$23.25		
		Special District Fee, MV Tax, or other			\$0.00	\$25.00		
		Total Cost			\$50.23	\$48.25		
\$300,000	House in Columbia Falls	Market Value		\$300,000				
		DOR Appraised Value (MV *.53)	1	\$159,000				
		DOR Assessed Value (above * .0247) (Taxable Value)		\$3,927				
		Cost - CF equivalent Mills (16.263 mills/1000) * Taxable Value	5		\$63.87	\$0.00		
		Plus - Cost of County 5.921 mills			\$23.25	\$23.25		
		Special District Fee, MV Tax, or other			\$0.00	\$25.00		
		Total Cost			\$87.12	\$48.25		
	Footnotes							
	1. Section 15-6-222 exempts 47% of market value for Class 4 Residential properties							
	2. County mills equal \$1,431,807 budget for 911 divided by County mill value of \$241,807							
	3. Kalispell mills equal \$477,268 cost divided by Kalispell mill value of \$39,334.85							
	4. Whitefish mills equal \$151,859 cost divided by Whitefish mill value of \$22,105.76							
	5. Columbia Falls mills equal \$108,470 cost divided by Col Falls mill value of \$6,669.52							

MEMORANDUM

#2014-017



To: Mayor John Muhlfield
City Councilors

From: Chuck Stearns, City Manager

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

Re: Staff Report – Mountain Mall Tax Increment Fund request

Date: May 13, 2014

Introduction/History

Tom Kraus, manager of the Mountain Mall for the Carrington Company, called and met with me several times since last October regarding a project he was working on to remodel the Mall and attract a new large tenant. Included in the project would be an exterior renovation to complement the exterior renovation recently completed by Sportsman & Ski Haus. (FYI - Super 1 Foods and Sportsman & Ski Haus own their portion of the building – The Carrington Company owns everything in between them). Tom has worked and re-worked his project to the point where he is ready to present it to the Mayor and City Council for consideration.

Current Report

Attached in the packet is a letter of request with attachments from Tom Kraus describing the project and the request for \$400,000 of Tax Increment Funds. I have worked with Tom to refine the property tax and valuation calculations and his TIF calculations are done correctly, given his assumptions. He assumes a 6% growth in the annual valuation which assumes that the 2015 Legislature would again phase in increased valuations over a 6 year period. Moreover, in his proposal, he says that if Tax Increment revenues plus increased Resort Tax collections do not equal the \$400,000 by 2020, they will pay a check back to the City for the balance. The details of this aspect and other aspects would be defined and detailed in a future development agreement.

The Tax Increment Fund is where this sort of project belongs and we have funded exterior renovations historically through an interest rate buy-down program (see the brochure in the packet). Early on, Tom said that a loan or interest rate buy-down would not work for their project and he said he did not get much interest in a loan for the exterior façade improvements when he approached a local bank. Thus, they proposed their request as a grant which would be

returned to the City via increased Tax Increment property tax payments and increased Resort Tax.

Financial Requirement

The TIF fund could afford this contribution in this fiscal year budget (FY14) as we are not spending much of the \$600,000 Skye Park Bridge budget, only a portion of the \$547,000 Depot Park Master Plan Phase II project, and there are untouched budgets of \$100,000 for business assistance and \$300,000 in contingency. Also, the funding contribution would not likely come until the FY15 budget after July 1st as we would not make any payment until after construction was complete.

Recommendation

City staff respectfully recommends that the City Council consider approving the request of \$400,000 of Tax Increment Funds towards the exterior improvements at the Mountain Mall and direct staff to work with the applicant on a development agreement. I personally feel it is an appropriate request for several reasons:

- It is less than 9% of one year's worth of TIF revenue (\$4,635,214 budgeted for FY15), so it is not a huge impact.
- TIF repayments by 2020 would be more than half of that amount and Tom says that increased Resort Tax payments would more than make up the difference. If it doesn't Tom says they would write a check for the balance.
- We have put a lot of Tax Increment Funds into the downtown area in recent years and propose to do so with the City Hall/Parking Structure project and it would be good to provide some assistance on Hwy 93 South (even if there are more blighted properties out there than the mall – however, owners of those properties have not come forward with redevelopment proposals).
- The proposed business might diminish the leakage of retail sales out of Whitefish for the products they sell.

MOUNTAIN MALL

Whitefish, Montana
(406) 862-6255

**The Carrington Company
Mountain Mall Office
6475 Hwy. 93 S.
Whitefish, MT 59937**

May 13, 2014
Mayor John Muhlfeld & Whitefish City Council
418 E. Second Street
Whitefish, MT 59937

Dear Council Members and Mayor Muhlfeld,

The Mountain Mall has an opportunity to remodel the face of the building between Sportsman and Ski Haus and Super 1 Foods. The Sportsman and Ski Haus has done a spectacular job of updating their Whitefish store and the mall owners would like to expand on that image.

The 1980's design, of the Mountain Mall, served its purpose but no longer reflects the "feel" or "look" of Whitefish. The brick façade has fallen into disrepair with no simple or economically feasible fix. The exterior of the mall has been described as "blighted" and I believe it fits the definition of blighted in Montana code annotated.

The Carrington Company general manager and I approached the Whitefish Chamber of Commerce, board of directors, in June of 2013. We asked them what type of retailer is Whitefish missing and what is needed in our community. The overwhelming response was an affordably priced general merchandise and clothing store. The Mountain Mall businesses have heard the same response, throughout the years, from our local customers and visitors.

The Mall has entered into lease negotiations for a ShopKo Hometown Store. ShopKo Hometown is the small town format of the ShopKo chain. This store will offer affordably priced general merchandise and clothing, which ideally fits the needs related to us from the Whitefish community.

This project will allow us to remodel the exterior of the shopping center far beyond the face of the new retailer. The lease agreement is contingent upon the Mall getting an exterior facelift and the facelift is contingent upon the mall getting help in the form of TIF funding.

The complete project cost estimate is approaching \$3,700,000.00. The cost of the exterior remodel is now estimated at \$650,000.00. The TIF funding would be used to pay only for exterior remodel items.

The amount of TIF funding that the Mall is requesting is \$400,000.00 or approximately 10.8% of the total project. The funding will be contingent upon the Full execution of a lease agreement with ShopKo Stores Operating Co., LLC., which is contingent upon Whitefish Architectural Committee approval.

The investment will be repaid through the increase in property and Resort taxes. We are prepared to guarantee that The City will receive full repayment of the \$400,000.00 through a combination of TIF contributions and Resort Tax increases by 2020.

I have included a, cost-based, spreadsheet demonstrating how the tax base and TIF Fund will be increased by the investment in construction. I have prepared 2 other, income-based, spreadsheets that Chuck Stearns has reviewed and can verify the cumulative projected TIF return in the range of \$175,000 - \$237,000, by 2020.

I have also included a spreadsheet demonstrating that the Resort tax cumulative contribution increase, from one business, should return over \$400,000.00 by 2020.

If our projections are off; we are prepared to write a check for the balance of the \$400,000.00 not repaid. The details will be defined in a development agreement.

This is the 1st time that the Mountain Mall has had the ability to provide adequate space for this type of retailer, the level of interest, in Whitefish, from this type of retailer, and the economic feasibility to complete a project this large. I feel that this window of opportunity will not repeat itself any time soon.

Please consider that this project benefits, not just one business, but will benefit all 24 businesses in the mall. It will also create an attractive facility within the gateway to Whitefish and keep millions of dollars per year within our community rather than being spent outside.

The Carrington Company respectfully requests that the City of Whitefish grant TIF funding, in the amount of \$400,000.00 (Four Hundred Thousand Dollars), for the exterior remodel of the Whitefish Mountain Mall.

Major Points:

- The Mountain Mall exterior is a blighted property
- Blighted property is appropriate investment for TIF funding
- The mall has an opportunity to bring a business to Whitefish that is requested by the Whitefish community
- The TIF funding will only be used for exterior remodel work
- The TIF moneys will be paid back with TIF and Resort tax funds.
- The project will show a significant increase in resort tax dollars
- The TIF investment will help over 20 businesses
- The project creates an attractive gateway business for entry to Whitefish
- Estimated net Job increase of 20+
- Current resort tax contribution from Mountain Mall - \$102,829 -2013
- Estimated accumulated resort tax contribution, from single new tenant, is greater than \$400,000.00 cumulative by 2020.
- Current TIF contribution from Mountain Mall - \$0.00
- Estimated TIF Contribution with new tenant - \$200,000 - \$250,000, cumulative, by end of 2020.
- Whitefish Architectural Committee has shown support for the design project in its May 6th preliminary meeting.

Sincerely,
Tom Kraus

A handwritten signature in cursive script that reads "Tom Kraus".

Manager/ Mountain Mall
Operations/Leasing for The Carrington Company

INFORMATION HERIN IS BASED ON ESTIMATES AND FOR ILLISTRATIVE PURPOSES ONLY.

Montana Code Annotated 2013

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

7-15-4206. Definitions. The following terms, wherever used or referred to in part 43 or this part, have the following meanings unless a different meaning is clearly indicated by the context:

- (1) "Agency" or "urban renewal agency" means a public agency created by [7-15-4232](#).
- (2) "Blighted area" means an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, that substantially impairs or arrests the sound growth of the city or its environs, that retards the provision of housing accommodations, or that constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:
 - (a) the substantial physical dilapidation, deterioration, age obsolescence, or defective construction, material, and arrangement of buildings or improvements, whether residential or nonresidential;
 - (b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
 - (c) inappropriate or mixed uses of land or buildings;
 - (d) high density of population and overcrowding;
 - (e) defective or inadequate street layout;
 - (f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
 - (g) excessive land coverage;
 - (h) unsanitary or unsafe conditions;
 - (i) deterioration of site;
 - (j) diversity of ownership;
 - (k) tax or special assessment delinquency exceeding the fair value of the land;
 - (l) defective or unusual conditions of title;
 - (m) improper subdivision or obsolete platting;
 - (n) the existence of conditions that endanger life or property by fire or other causes; or
 - (o) any combination of the factors listed in this subsection (2).
- (3) "Bonds" means any bonds, notes, or debentures, including refunding obligations, authorized to be issued pursuant to part 43 or this part.
- (4) "Clerk" means the clerk or other official of the municipality who is the custodian of the official records of the municipality.
- (5) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (6) "Local governing body" means the council or other legislative body charged with governing the municipality.
- (7) "Mayor" means the chief executive of a city or town.
- (8) "Municipality" means any incorporated city or town in the state.
- (9) "Neighborhood development program" means the yearly activities or undertakings of a municipality in an urban renewal area or areas if the municipality elects to undertake activities on an annual increment basis.
- (10) "Obligee" means any bondholder or agent or trustee for any bondholder or lessor conveying to the



Mountain Mall Resort Tax Projections

Current Resort Taxes Paid

2012	\$ 94,629.26
2013	\$ 102,829.09

Projected Resort Tax Increase from single new tenant Occupancy*

2014	\$ -	No increase - Moving thru approvals and providing space
2015	\$ 48,000	Based on 6 months sales from new tenant opening June 2015
2016	\$ 72,000	Based on 1 year sales from New tenant
2017	\$ 73,440	2nd Year Resort Tax based on 2% sales increase for new tenant
2018	\$ 74,908	3rd Year Resort Tax based on 2% Sales increase for new tenant
2019	\$ 76,407	4th Year Resort Tax based on 2% Sales increase for new tenant
2020	\$ 77,935	5th Year Resort Tax sales based on 2% Sales increase for new tenant
Total	\$ 422,690	**

*The Resort Tax Projections are based upon 60% of Store sales qualifying for Resort tax

** These sales projection do not include increases from Sportsman and Ski Haus, Super 1 Foods or additional business synergy from the addition of the new tenant.

Mountain Mall projected TIF Contribution

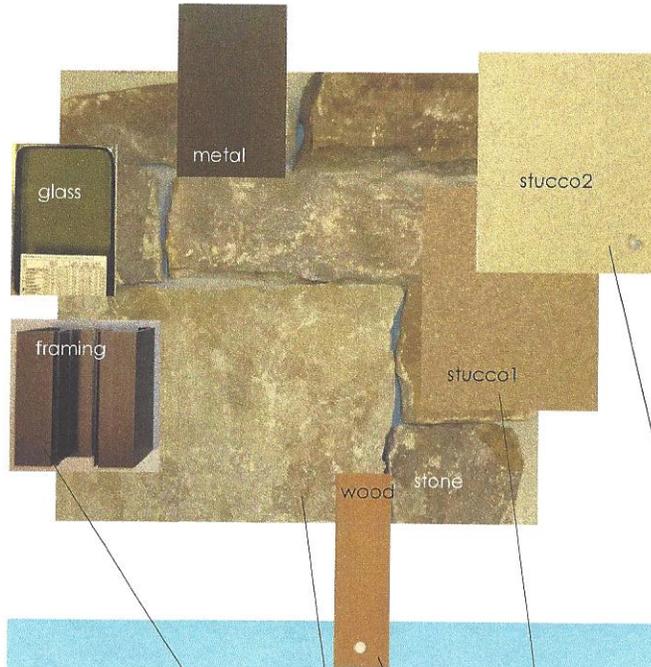
Cost Approach w/6%annual increase

Base TIF Value \$ 5,607,330 Base state value necessary for TIF contributions to begin

Current Base Value 2013 \$ 3,506,728 Current annual TIF Contribution = \$0.00

Year	Add	Retail market value	State market value	Taxable value	Incremental Taxable Value	TIF Contribution
2014		\$ 4,651,604	\$ 3,651,509.14	\$ 90,192.28		
2015*	3,000,000	\$ 7,651,604	\$ 6,006,509.14	\$ 148,360.78		
2016		\$ 8,110,700	\$ 6,366,899.69	\$ 157,262.42		
2017		\$ 8,597,342	\$ 6,748,913.67	\$ 166,698.17	\$ 76,505.89	\$ 42,002
2018		\$ 9,113,183	\$ 7,153,848.49	\$ 176,700.06	\$ 86,507.78	\$ 47,493
2019		\$ 9,659,974	\$ 7,583,079.40	\$ 187,302.06	\$ 97,109.79	\$ 53,313
2020		\$ 10,239,572	\$ 8,038,064.16	\$ 198,540.18	\$ 108,347.91	\$ 59,483
Total						\$ 202,291

* Projected Construction Completion at a cost of \$3,000,000



Design Intent Narrative:

- Structural bulk and masonry. The renovation of the existing Mountain Mall facade is generally an aesthetic material upgrade, leaving the majority of the masonry in-situ. The exception to this is in the center area (shown below) where two canopies (one that is basically unused) will be removed and a new facade is intended to be reconstructed, in an effort to lease this entire portion of the mall to one retailer. Related to other buildings in the area, these changes are still quite relative in scale.
- Scale. The current scale of the Whitefish Mountain Mall consists of fairly neutral, long concrete block walls. While the scale is indeed broken up, the materials are somewhat hodge-podge and dated—basically the opposite of what Whitefish's Building Design Standards asks for. The new design adds a great deal of texture, warmth, improved materials and consistent scale, attempting to clean up and simplify the elevation, and attract people with more pedestrian scale by adding a gracious new entry canopy, large shop windows, ample natural stone, and wood. The new entry form is intended to be an attractor from the roadway while clearing up this area, and fitting in with the scale of the other entry masses on site.
- Context of existing neighborhood. The current mall design has a rather 'random' exterior facade (see photos), as are the other buildings in the area (across the street, etc); there is not really a consistent "neighborhood style" to build upon for this project. So, the design intent of the remodeled exterior of the Whitefish Mountain Mall is to bring a fresh and distinctive look to the store, in a manner that is more in step with the character of the greater community of Whitefish as a whole, using wood, stone, warm tones, and much more glass to see activities within the store—much the way the stores in downtown Whitefish are designed. The intent is to use materials, scale, texture, and storefront windows to achieve a look that is more consistent with the design of stores in the desirable downtown of Whitefish. Now that the Sportsman Ski Haus is complete, this also serves as an excellent benchmark for the design.
- Because the majority of the materials found on the existing Mountain Mall are concrete block, the materials chosen for this renovation project generally exceed the quality of those used elsewhere in the area, essentially "taking the bar" in the hopes that others in the area will follow suit.
- Overall, the design uses natural stone (not cultured stone) as a base material, wood glulam posts, beams, and rafters, a warm-toned stucco as a background element, metal fascias and canopy edges, and warm bronze-tinted glass and framing.
- Of all the structures in the neighborhood, both the new Sportsman design and the Mountain Mall's large entry sign at the corner best reflects the design intent of the new Mall renovation, with stone, wood, and stucco (please refer to the photo).



whitefish mountain mall: exterior remodeling

existing



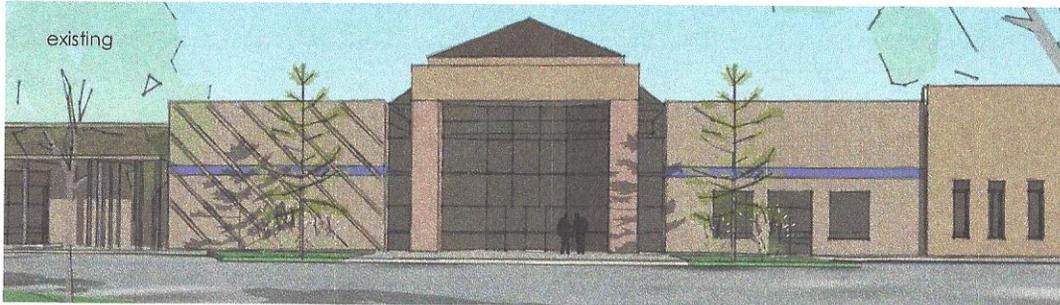
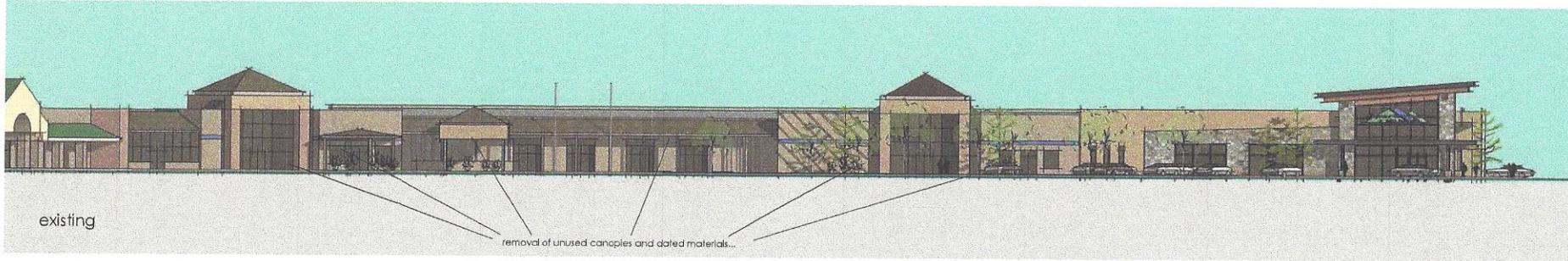
proposed

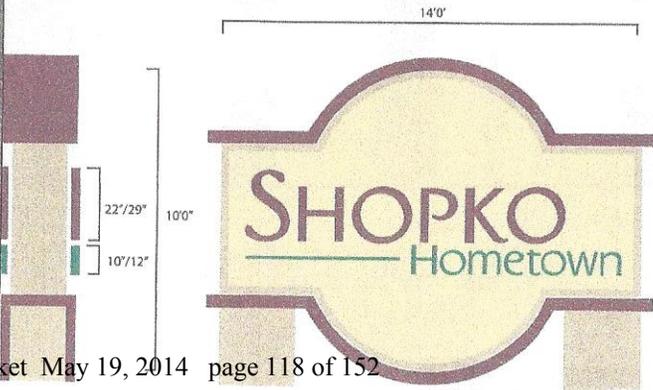
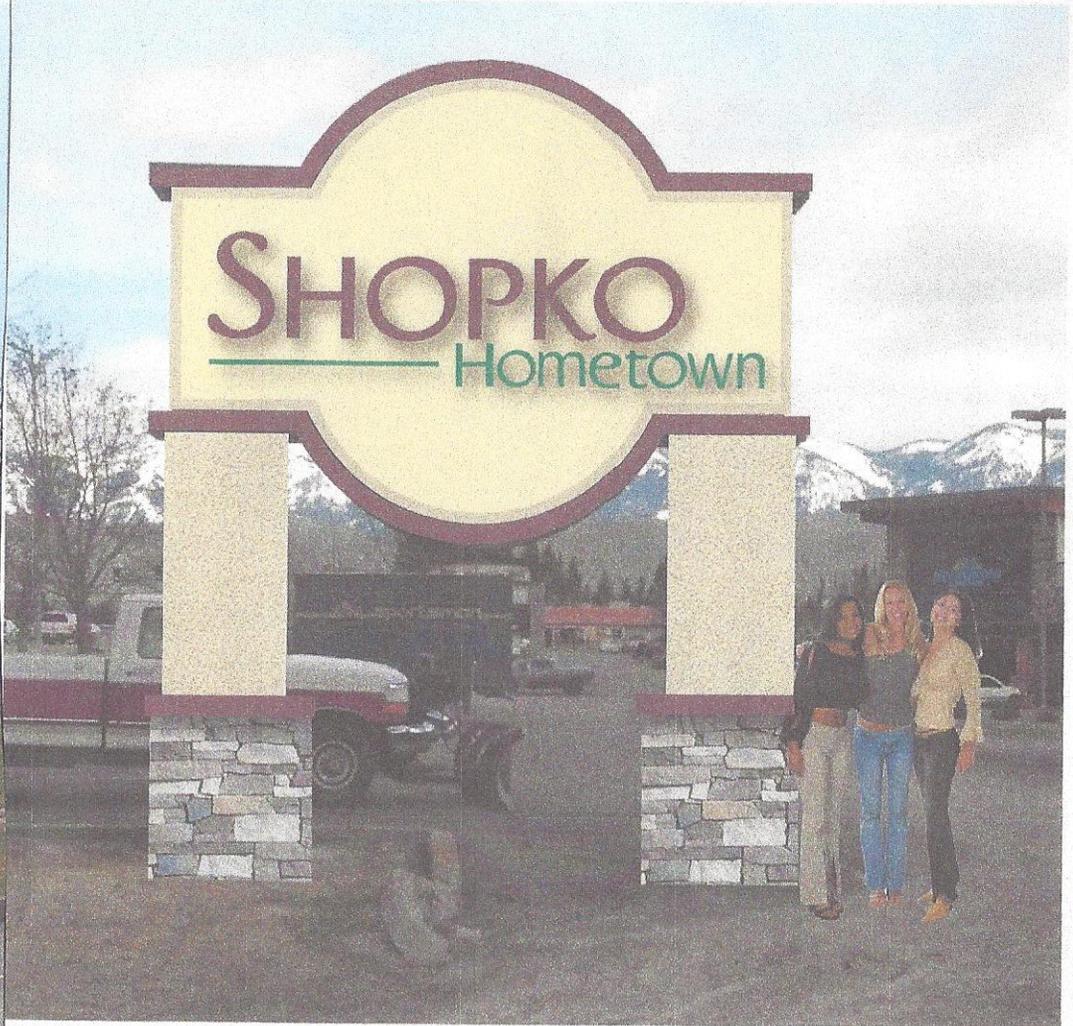


proposed



existing





REMODEL EXISTING D/F PYLON DISPLAY. NEW FABRICATED GALVANEAL POLE COVERS AND CAP. TEXTURE PRIME AND PAINT. NEW PAINTED ALU-PANEL BACKGROUND. NEW FABRICATED STAINLESS STEEL REVERSE PAN CHANNEL LETTERS. PAINT SMOOTH. 3" RETURNS. CLEAR PLEXIGLASS BACKS. ILLUMINATION WHITE LEDS. STUD MOUNT 1 1/2" FROM BACKGROUND. REPAINT CABINET AND FILLERS. REMOVE EXISTING FLOOD LIGHTS. FAUX STONE BASES.



PARTICIPATING LENDERS

The Whitefish Credit Union

American Bank of Whitefish

Glacier Bank of Whitefish

First Interstate Bank of Whitefish

Mountain West Bank

ParkSide Federal Credit Union

ELIGIBILITY

Property owners and/or tenants located within the Tax Increment District are eligible applicants to the Whitefish Business Rehab Program. Please call if you have questions whether your business is within the TIF District.

Eligible renovation work includes only work which requires a City building or plumbing permit and includes:

- Renovations to eliminate building code deficiencies
- Upgrading or creating handicapped access
- Capital Improvements to the real estate (permanent fixtures)
- Exterior storefront improvements (including signs)

Items NOT eligible include:

- Acquisition of Property
- New construction on a vacant lot or post-demolition
- Landscaping or paving unless part of a bigger project which requires a building permit.



THE WHITEFISH BUSINESS REHABILITATION LOAN PROGRAM

The City of Whitefish and local lenders are offering low interest loans to assist Whitefish businesses make physical improvements to their buildings.

The Whitefish Business Rehabilitation Program

The Whitefish Business Rehabilitation Program was created to assist Whitefish businesses make physical improvements to existing buildings.

The City of Whitefish is buying down the interest rates in order to offer low interest loans. The Program will buy down half of the interest rate up to a maximum of five points. The program will buy down five points from the lowest interest rate available at the lending institution at the time of the loan or 50% whichever is less.

The financial institutions are funding and securing the principle to the loan amount. Subsidized business rehab loans through this City program typically obtain an interest rate of 3.5 percent or less.

The interest subsidy is funding through the use of Tax Increment Funds (TIF) from the Whitefish Urban Renewal District. The use of these public funds is intended to improve the tax base and to stimulate the revitalization of the Whitefish business community.

LOAN TERMS

The program was created to aid business finance repairs or improvements that they would be unable to complete without the Program. Therefore application must be approved before any work begins.

The maximum buy down amount is \$30,000.

Loan terms are five years. Loans will vary, but the interest should be figured using 5 year terms.

The City of Whitefish is buying down the interest rate. The City is paying the interest up front. Businesses must qualify by the standards set by the participating financial institution.

This program is only for long term or mortgage loans, not for new construction loans.

PROCEDURE

1. Fill out an application and submit to:

Lori Collins
Whitefish Business Rehab Program
PO Box 1237
Whitefish, MT 59937-1237
862-4146
2. Staff will review your application for eligibility and conformance to program guidelines.
3. You apply to one of the participating lenders listed in this brochure.
4. Once you are approved by both the business rehab program and the lending institution, the loan officer will contact the program with the total loan amount. The loan officer will then compute the finance charges and interest rates at the lowest bank rate you qualify for and then compute the finance charges and interest at five points below that rate or half that rate, whichever is less.
5. The loan officer will send a letter to the program clearly stating the difference between the interest rates.
6. The City will send a check to the lending institution for the interest buy down amount.

MEMORANDUM

#2014-018



To: Mayor John Muhlfield
City Councilors

From: Chuck Stearns, City Manager

Re: Staff Report – NDI, Inc. (Averills) Tax Increment Fund request

Date: May 13, 2014

Introduction/History

Sean and Brian Averill and others recently approached City staff to try to resurrect a boutique hotel on the Block 46 site (block bounded by 2nd Street, Spokane Avenue, 3rd Street, and Kalispell Avenue). They, dba NDI, Inc. apparently have a contract to purchase the block after a short due diligence period. They met with me and John Wilson, Public Works Director to discuss several topics such as the relocation of the sewer main line which runs under Block 46, street improvements, and possible Tax Increment Fund assistance to help pay for the infrastructure costs.

Current Report

Attached in the packet is the proposal from NDI, Inc. (Averills) for an 80 room boutique hotel on Block 46. They are not as far along as Orlan Sorenson was with his project last year, but they are still gathering information. If the City Council were to make a preliminary commitment of Tax Increment Funds (TIF) to the project for infrastructure, City staff would begin work to estimate the design and cost of the infrastructure associated with the project.

Financial Requirement

As shown in a spreadsheet in the packet which I prepared, the proposed \$10,000,000 hotel with \$2,000,000 of furniture, fixtures, and equipment would generate \$128,408 of TIF each year as long as the Department of Revenue Assessor assessed the property at those values. Thus, the TIF return by the end of the district in 2020 would be estimated at \$513,633. That chart assumes the construction is completed by December 31, 2015. In addition, the Averills estimate

that the project would pay \$35,000 - \$40,000 annually in Resort Taxes. Also, lodging guests at the hotel would generate additional Resort Taxes for meals and other purchases in the City. The City Council would have to decide how much TIF they would want to contribute to the project – last year the City Council gave a preliminary commitment of \$543,345 to Orlan Sorenson’s project last year, but the project was withdrawn before we could approve and execute a development agreement.

Recommendation

City staff respectfully recommends that the City Council consider a preliminary commitment of up to \$513,633 in TIF funds or the amount which the City Council feels is appropriate for infrastructure assistance for this Block 46 boutique hotel and direct staff to work with the applicant on a development agreement.

	A	B	C	D	E	F	G	H	I	J	K	L
1			Estimate of Value of Tax Increment revenues from Averill Boutique Hotel proposed on Block 46									
2				Project:	Boutique Hotel on block 46							
3				Prepared:	5/13/2014							
4												
5												
6	Assumptions:											
7	1. Assessor's building valuation equals valuation on building permit - caution, may not be the case											
8	2. Machinery and Furniture, Fixtures and Equipment (FFE) is valued at acquisition cost											
9	3. Construction starts - Fall 2014											
10	4. Construction ends - December, 2015											
11	5. New building, machinery, and FFE is assessed at full value as of 1/1/16											
12	6. First year of full taxation is 2016 tax year, FY17 with first tax bill issued October, 2016											
13	7. City tax mills equal				120	*** may change over time						
14	8. Elementary SD mills equal				60	*** may change over time						
15	9. High SD mills equal				87	*** may change over time						
16	10. Flathead County mills equal				119	*** may change over time						
17	11. Mills applicable to TIF equal				549	*** may change over time						
18												
19												
20				less 21.5%								
21			Market	exemption	Appraised		Tax Rate		Taxable		Total Taxes	
22			Valuation	in 15-6-222 MCA	Market Value		Multiplier		Valuation		@ 549 mills	
23												
24	Building		\$10,000,000	times .785 =	\$7,850,000		0.0247		\$193,895		\$106,448	
25	Machinery		\$0				0.02		\$0		\$0	
26	FFE		\$2,000,000	not applicable	\$2,000,000		0.02		\$40,000		\$21,960	
27												
28	Totals		\$12,000,000						\$233,895		\$128,408	
29												
30												
31												
32	Tax Year	FY		TIF Tax Revenue:	General Fund Revs							
33												
34	2016	17		\$128,408								
35	2017	18		\$128,408								
36	2018	19		\$128,408								
37	2019	20		\$128,408								
38	2020	21			\$28,067							
39	2021	22			\$28,067							
40	2022	23			\$28,067							
41	2023	24			\$28,067							
42	2024	25			\$28,067							
43	2025	26			\$28,067							
44												
45	Totals			\$513,633	\$168,404							
46												

May 6, 2014

Mr. Chuck Stern – City Manager
John Wilson – Public Works Director
Members Whitefish City Council
418 East 2nd St.
Whitefish, MT 59937

**Re: Block 46 Hotel Development –Whitefish
Scope of Project, Estimated Costs & TIF Request**

As per our meeting of April 28, 2014 with Mr. Stern and Mr. Wilson this letter is to introduce to council our proposal to develop a hotel on the SWC of Spokane and 2nd St. in Whitefish, commonly referred to as Block 46.

NDI Inc. proposes to build an approx. eighty-room hotel on this site complete with streetscape & parking lot. Conceptual plot plan by Mr. Bruce Boody and conceptual layout with elevation renderings from Montana Creative accompany this introduction.

Additionally we need to address the relocation of the 3rd Street sewer so that the existing sewer main crossing Block 46 can be abandoned as well as road reconstruction (including mill and overlay) of East Third St. and Kalispell.

In preliminary stages of development our due diligence process uncovered the work details and estimates provided to Mr. Orlan Sorensen by Robert Pescia & Associates in June 2013. Mr. Sorensen had a similar proposal for Block 46 and a copy of this work detail and separate estimate costs accompanies this letter for your review. Mr. Sorensen has since abandoned this project.

NDI hotel plans and parking lot design vary from those presented by Mr. Sorensen however for this downtown hotel to become reality we will need to rely on the support of the City of Whitefish. We look to the city to fund sewer relocation, streetscape work including site/civil engineering (outside the perimeter of Block 46) and street reconstruction. According to Mr. Stern TIF amount was approx. \$540,000 at the time but with the new scope of work the requested amount could exceed that requested by Mr. Sorensen. (Please refer to RPA letter dated June 7, 2013 for detailed estimates in this regard). At this time NDI is still accumulating cost estimates but we anticipate total hotel construction costs to slightly exceed \$10,000,000 with an additional \$2,000,000 in FF&E and approx. \$2,000,000 for land.

NDI Inc. 1380 Wisconsin Ave. Whitefish, Montana 59937

It is understood that the City of Whitefish will have to turn to the public sector to refresh bid numbers for this work and NDI Inc. will continue to accumulate all cost estimates in order to determine final city contribution. From this project we anticipate yearly resort tax contributions to the City of Whitefish to be approx. \$35 - \$40,000 annually.

Sincerely,



Sean Averill
NDI Inc. - President



Brian Averill
NDI Inc. - Secretary

NOT FOR CONSTRUCTION



1 FACING NW ENTRANCE
ARC 9



2 FACING SE ENTRANCE
ARC 9

OVERVIEWS

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional architect under the laws of the State of Montana, practicing in Whitefish, Montana.

14-10

Reg. No. 2932 Date: 5-8-2014
AARON J. WALLACE

THESE PLANS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF MONTANA CREATIVE ARCHITECTURE AND DESIGN. ANY REPRODUCTION OR REUSE OF THESE DOCUMENTS IS FORBIDDEN WITHOUT WRITTEN PERMISSION FROM MONTANA CREATIVE ARCHITECTURE AND DESIGN.

Project Number: 14-10
Date: 5-8-2014
Drawn By: Author
Checked By: Checker
Revisions: 07/04/07

Montana Creative
architecture + design

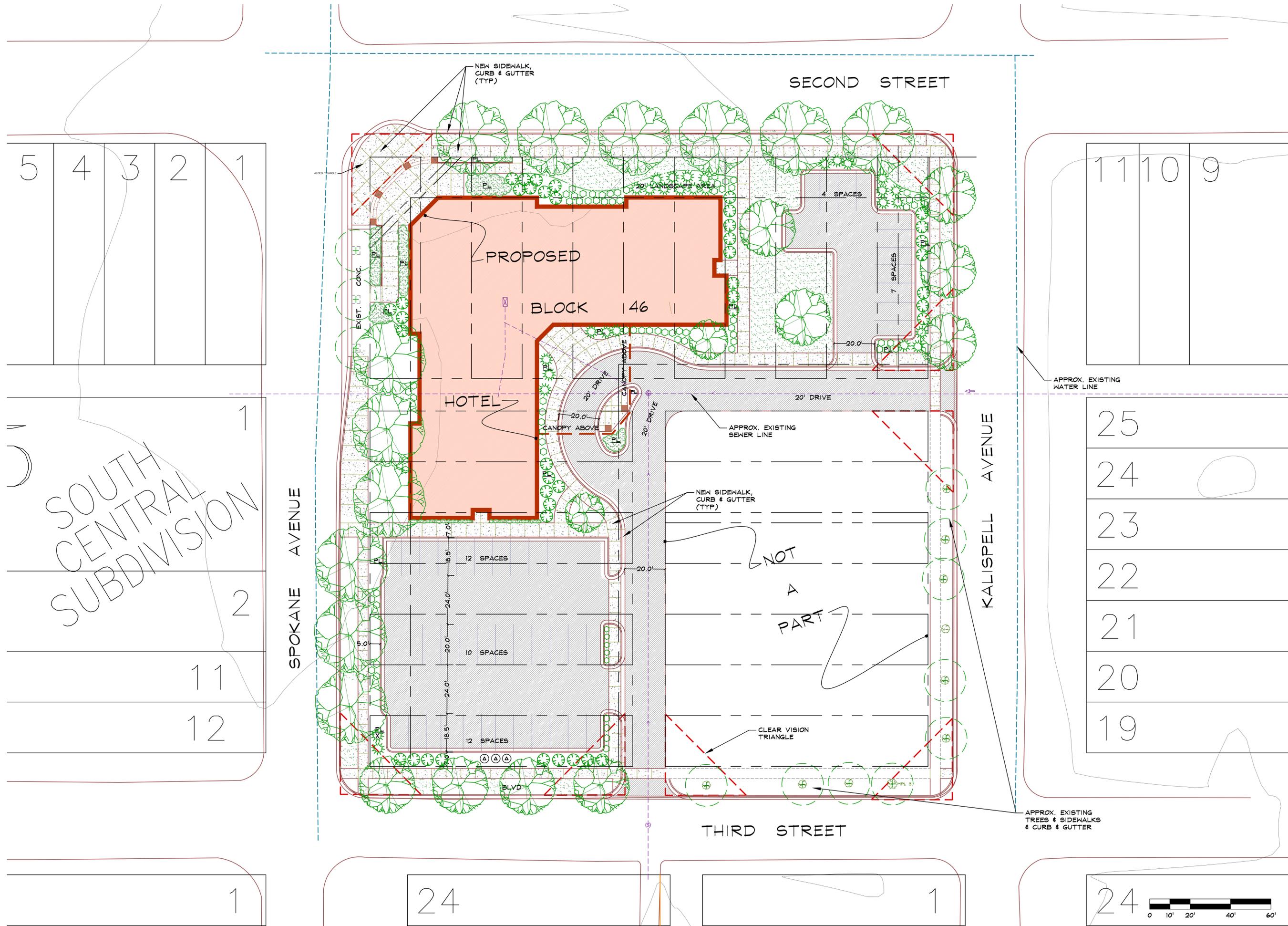


MONTANA CREATIVE
ARCHITECTURE + DESIGN
158 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

BLOCK 46 HOTEL

WHITEFISH, MT

ARC 9



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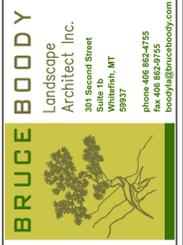
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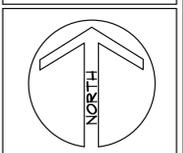


BRUCE BOODY
Landscape Architect Inc.
301 Second Street
Whitefish, MT 59937
phone 406.862.4755
fax 406.862.9755
boody@bruceboody.com

SURVEY BY:
BASE INFO.
FROM 2006
CITY MAP

Revisions:

BLOCK 46
WHITEFISH, MT
SEC 36, T31N, R22W



SCALE: 1" = 20'
DATE: 05-12-14
JOB #: 14-09

REVISED SCHEMATIC SITE PLAN

SHEET 1 OF 1







FILE

June 7, 2013

Applied Mechanical, Inc.
 c/o Orlan Sorensen
 5116 Montana Highway 35
 Kalispell, MT 59901

**RE: Block 46 Development – Whitefish, Montana
 Summary of Estimated Project Costs**

Per our meeting on May 30, 2013, it was requested of RPA to develop detailed project cost estimates for several “areas” of proposed work.

We have completed this work. Enclosed are several detailed cost estimates pertaining to the proposed Block 46 Development. We have included detailed and separate costs estimates for each of the following “areas” of proposed work:

1. Block 46 – Streetscape & Parking Lot: This estimate includes the site/civil construction work to be completed within the interior portions of the Block 46 site. This work largely includes the construction of a parking lot, interior sidewalks, building utilities, landscaping, drainage and lighting. Applied Mechanical, Inc. will oversee the construction of this work. This work will be privately funded by the Developer. The total estimated project cost for this work is \$519,885.
2. Block 46 – Streetscape: This estimate includes the site/civil construction work outside of the perimeter of the Block 46 site. The area will be split between existing public right-of-way and a future public easement area. This work is largely sidewalks, landscaping and lighting. It is understood that the Developer will administer the construction of this work and will be reimbursed by the City. This work will be funded by the City of Whitefish. The total estimated project cost for this work is \$341,456.
3. Block 46 – Angled Parking Asphalt: This estimate includes asphalt surfacing of the proposed angled parking along East Third Street and Kalispell Avenue. It is understood that the Developer will administer the construction of this work and will be reimbursed by the City. This work will be funded by the City of Whitefish. The total estimated project cost for this work is \$12,800.
4. 3rd Street Sewer: This estimate includes the construction of a new sewer main, along East Third Street, so that an existing sewer main that crosses Block 46 can be abandoned. It is understood that the City of Whitefish will administer and publically bid this work. This

HELENA, MT
 P.O. Box 5653
 825 Custer Avenue
 Helena, MT 59604
 Tele 406.447.5000
 Fax 406.447.5036

KALISPELL, MT
 P.O. Box 5100
 102 Cooperative Way, Suite 300
 Kalispell, MT 59905
 Tele 406.752.5025
 Fax 406.752.5024

FORT COLLINS, CO
 400 Remington Street,
 Suite B
 Fort Collins, CO 80524
 Tele 970.484.3206
 Fax 970.484.3209

work will be funded by City of Whitefish. The total estimated project cost for this work is \$247,650.

5. Mill & Overlay – Third and Kalispell: This estimate includes the milling and overlaying of East Third Street from Spokane Avenue to the alley between Kalispell and Columbia Avenues. This estimate also includes the milling and overlaying of Kalispell Avenue from East Second Street to East Third Street. It is understood that the City of Whitefish will administer and publically bid this work. This work will be funded by the City of Whitefish. The total estimated project cost for this work is \$80,900.

6. Reconstruction of East Third Street (Kalispell to Columbia): This work is being proposed as an “Additive Alternate”. The work generally includes the partial reconstruction of East Third Street (from curb to curb, but keeping the original curbs) from Kalispell to Columbia Avenues. Since this work overlaps the above mentioned “Mill & Overlay – Third and Kalispell” work, credits have been included in this estimate. If chosen, it is understood that the City of Whitefish will administer and publically bid this work. This work will be funded by the City of Whitefish. The total estimated project cost for this work is \$54,035.

Enclosed is an exhibit that shows the locations of the areas described above.

Below is a summary of the work and cost estimates described above:

<i>Item #</i>	<i>Total Costs</i>	<i>Developer Funded</i>	<i>City Funded</i>
1	\$519,885	\$519,885	
2	\$341,456		\$341,456
3	\$12,800		\$12,800
4	\$247,650		\$247,650
5	\$80,900		\$80,900
Total =	\$1,202,691	\$519,885	\$682,806
6	\$54,035		\$54,035
Total =	\$1,256,726	\$519,885	\$736,841

As you review these costs, please do not hesitate to call either Ryan or myself if you have any questions. Thank you for providing us with the opportunity of assisting you with this project!

Sincerely,
 ROBERT PECCIA AND ASSOCIATES



Brandon Theis, PE
 Project Manager

Orlan Sorensen
June 7, 2013
Page 3 of 3

Enclosures

Cc: Chuck Stearns – City of Whitefish, City Manager
John Wilson, PE – City of Whitefish, Public Works Director
Bruce Boody, RLA, ASLA, CSLA – Bruce Boody Landscape Architect, Inc.
File

K:\kal-proj-data\13113.000 - block 46 development\c. design correspondence\1. client\130604os.ltr.doc

Engineers Opinion of Probable Cost
#1 - BLOCK 46 STREETScape & PARKING LOT
 Revised 6/6/13 by BMT



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

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
CONSTRUCTION COSTS					
1	1.75	ACRE	Site Preparation	\$11,500.00	\$20,125.00
2	1	LS	Excavation and Embankment	\$10,000.00	\$10,000.00
3	1	EA	Manhole - 48" Combination Manhole Inlet with Concrete Apron	\$3,500.00	\$3,500.00
4	4	EA	Inlet - 30" Catch Basin and Area Drain	\$1,500.00	\$6,000.00
5	74	LF	Pipe - Buried: 12" Storm Drain - SDR 35 PVC Pipe	\$35.00	\$2,590.00
6	122	LF	6" Underdrains	\$35.00	\$4,270.00
7	100	CY	Imported Trench Backfill	\$20.00	\$2,000.00
8	1	EA	Water Service - 2" IPS HDPE SDR 7	\$5,000.00	\$5,000.00
9	1	EA	Fire Service - 4" C-900 CL 200 PVC Pipe	\$5,000.00	\$5,000.00
10	1	EA	Sanitary Sewer Service with Cleanouts - Sch. 40 PVC Pipe	\$4,000.00	\$4,000.00
11	500	LF	Conduit - 1-1/4" PVC Sch 40	\$3.00	\$1,500.00
12	5	EA	Pull Box - Type I	\$300.00	\$1,500.00
13	2	EA	Street Light & Base - Downtown Double Light	\$5,500.00	\$11,000.00
14	1	LS	Electrical Wiring and Misc. Items	\$3,000.00	\$3,000.00
15	3,160	SY	Stabilization Fabric	\$1.50	\$4,740.00
16	1,320	CY	Crushed Base Course - 3/4" Minus (15" Thick)	\$35.00	\$46,200.00
17	0.4	TON	Asphalt Tack Coat (Undiluted, SS-1)	\$2,000.00	\$800.00
18	700	TON	Asphalt Concrete Pavement	\$90.00	\$63,000.00
19	1,090	LF	Concrete Curb and Gutter	\$16.00	\$17,440.00
20	1,175	SY	4" Concrete Sidewalk	\$50.00	\$58,750.00
21	140	SY	6" Concrete Driveway	\$65.00	\$9,100.00
22	16	SY	Concrete Stairs	\$300.00	\$4,800.00
23	25	SY	Concrete Ramps with Walls	\$150.00	\$3,750.00
24	6	EA	New Sign	\$300.00	\$1,800.00
25	1,300	LF	Waterborne Striping - 4" Solid	\$1.20	\$1,560.00
26	3	EA	International Symbol of Accessible Parking Space Marking	\$100.00	\$300.00
27	4	EA	Monitoring Well Adjustment	\$300.00	\$1,200.00
28	106	LF	Brick Wall Around Refuse Area (5.5' Ht Avg)	\$125.00	\$13,250.00
29	2	EA	Brick Columns	\$1,000.00	\$2,000.00
30	8	EA	Benches	\$1,695.00	\$13,560.00
31	1	EA	Trash Receptacles	\$1,295.00	\$1,295.00
32	19	EA	Interior Trees	\$425.00	\$8,075.00
33	6,100	SF	Ornamental Planting Areas	\$6.00	\$36,600.00
34	6,100	SF	Automatic Irrigation System	\$1.30	\$7,930.00
35	135	CY	Bioswale Amended Soils	\$30.00	\$4,050.00
36	1	LS	Concrete Irrigation Vault	\$4,000.00	\$4,000.00
37	1	LS	Utility Relocations - Gas	\$0.00	\$0.00
38	1	LS	Utility Relocations - Power	\$0.00	\$0.00
39	1	LS	Utility Relocations - Phone	\$0.00	\$0.00
40	1	LS	Utility Relocations - Cable	\$0.00	\$0.00
41	1	LS	Construction Surveys & Material Testing	\$11,500.00	\$11,500.00
42	1	LS	Mobilization, Bonding and Submittals (4% Max)	\$15,800.00	\$15,800.00
43	1	LS	Contingency (10%)	\$41,100.00	\$41,100.00
SUBTOTAL CONSTRUCTION COSTS =					\$452,085.00
PROFESSIONAL FEES					
1	1	LS	DESIGN FEES	\$45,200.00	\$45,200.00
2	1	LS	CONSTRUCTION OBSERVATION FEES	\$22,600.00	\$22,600.00
SUBTOTAL PROFESSIONAL FEES =					\$67,800.00
TOTAL PROJECT COSTS:					\$519,885.00

**Engineers Opinion of Probable Cost
#2 - BLOCK 46 STREETScape
Revised 6/6/13 by BMT**



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

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
CONSTRUCTION COSTS					
1	0.60	ACRE	Site Preparation	\$11,500.00	\$6,900.00
2	1	LS	Excavation and Embankment	\$10,000.00	\$10,000.00
3	1	EA	Manhole - 48" Combination Manhole Inlet with Concrete Apron	\$3,500.00	\$3,500.00
4	3	EA	Inlet - 30" Catch Basin and Area Drain	\$1,500.00	\$4,500.00
5	145	LF	Pipe - Buried: 12" Storm Drain - SDR 35 PVC Pipe	\$35.00	\$5,075.00
6	100	CY	Imported Trench Backfill	\$20.00	\$2,000.00
7	1,500	LF	Conduit - 1-1/4" PVC Sch 40	\$3.00	\$4,500.00
8	8	EA	Pull Box - Type I	\$300.00	\$2,400.00
9	2	EA	Street Light & Base - Residential Single Light	\$2,500.00	\$5,000.00
10	4	EA	Street Light & Base - Downtown Single Light	\$4,500.00	\$18,000.00
11	3	EA	Street Light & Base - Downtown Double Light	\$5,500.00	\$16,500.00
12	1	EA	Street Light Service Assembly Complete	\$3,200.00	\$3,200.00
13	1	LS	Electrical Wiring and Misc. Items	\$6,000.00	\$6,000.00
14	450	SY	Stabilization Fabric	\$1.50	\$675.00
15	185	CY	Crushed Base Course - 3/4" Minus (15" Thick)	\$35.00	\$6,475.00
16	708	LF	Concrete Curb and Gutter	\$20.00	\$14,160.00
17	63	LF	Concrete Straight Curb	\$30.00	\$1,890.00
18	249	LF	Concrete Valley Gutter	\$30.00	\$7,470.00
19	1,175	SY	4" Concrete Sidewalk	\$50.00	\$58,750.00
20	250	SY	4" Concrete Sidewalk with Thickened Edge	\$60.00	\$15,000.00
21	100	SY	6" Concrete Driveway	\$70.00	\$7,000.00
22	20	SY	Concrete Stairs	\$300.00	\$6,000.00
23	10	EA	New Sign	\$300.00	\$3,000.00
24	400	LF	Waterborne Striping - 4" Solid	\$1.20	\$480.00
25	60	LF	Brick Seat Wall	\$45.00	\$2,700.00
26	4	EA	Brick Columns	\$1,000.00	\$4,000.00
27	7	EA	Bike Rack	\$495.00	\$3,465.00
28	3	EA	Trash Receptacles	\$1,295.00	\$3,885.00
29	20	EA	Street Trees	\$425.00	\$8,500.00
30	1,081	SF	Ornamental Planting Areas	\$6.00	\$6,486.00
31	3,228	SF	Sodded Lawn	\$1.50	\$4,842.00
32	4,310	SF	Automatic Irrigation System	\$1.30	\$5,603.00
33	1	LS	Concrete Irrigation Vault	\$4,000.00	\$4,000.00
34	1	LS	Construction Surveys & Material Testing	\$7,600.00	\$7,600.00
35	1	LS	Mobilization, Bonding and Submittals (4% Max)	\$10,400.00	\$10,400.00
36	1	LS	Contingency (10%)	\$27,000.00	\$27,000.00
SUBTOTAL CONSTRUCTION COSTS =					\$296,956.00
PROFESSIONAL FEES					
1	1	LS	DESIGN FEES	\$29,700.00	\$29,700.00
2	1	LS	CONSTRUCTION OBSERVATION FEES	\$14,800.00	\$14,800.00
SUBTOTAL PROFESSIONAL FEES =					\$44,500.00
TOTAL PROJECT COSTS:					\$341,456.00

Engineers Opinion of Probable Cost
#3 - BLOCK 46 ANGLED PARKING ASPHALT
 Revised 6/6/13 by BMT



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

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
CONSTRUCTION COSTS					
1	0.1	TON	Asphalt Tack Coat (Undiluted, SS-1)	\$2,000.00	\$200.00
2	110	TON	Asphalt Concrete Pavement	\$90.00	\$9,900.00
3	1	LS	Contingency (10%)	\$1,000.00	\$1,000.00
SUBTOTAL CONSTRUCTION COSTS =					\$11,100.00
PROFESSIONAL FEES					
1	1	LS	DESIGN FEES	\$1,100.00	\$1,100.00
2	1	LS	CONSTRUCTION OBSERVATION FEES	\$600.00	\$600.00
SUBTOTAL PROFESSIONAL FEES =					\$1,700.00
TOTAL PROJECT COSTS:					\$12,800.00

Engineers Opinion of Probable Cost
#4 - 3RD STREET SEWER
 Revised 6/6/13 by BMT



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

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
CONSTRUCTION COSTS					
1	300	CY	Imported Trench Backfill	\$30.00	\$9,000.00
2	960	LF	Pipe - Buried: 12" Sanitary Sewer Main - SDR 35 PVC Pipe	\$65.00	\$62,400.00
3	12	EA	Sanitary Sewer Service with Cleanouts - Sch. 40 PVC Pipe	\$1,500.00	\$18,000.00
4	7	EA	Manhole - 48" Sanitary Sewer	\$3,500.00	\$24,500.00
5	800	SY	Stabilization Fabric	\$2.00	\$1,600.00
6	310	CY	Crushed Base Course - 3/4" Minus	\$35.00	\$10,850.00
8	180	TON	Asphalt Concrete Pavement (4" Thick, Includes Tack Coat)	\$90.00	\$16,200.00
9	160	CY	Flowable Fill	\$100.00	\$16,000.00
10	1	LS	Construction Surveys & Material Testing	\$4,800.00	\$4,800.00
11	1	LS	Traffic Control	\$12,700.00	\$12,700.00
12	1	LS	Mobilization, Bonding and Submittals (4% Max)	\$7,000.00	\$7,000.00
13	1	LS	10% Contingency	\$18,300.00	\$18,300.00
SUBTOTAL CONSTRUCTION COSTS =					\$201,350.00
PROFESSIONAL FEES					
1	1	LS	DESIGN FEES	\$30,200.00	\$30,200.00
2	1	LS	CONSTRUCTION OBSERVATION FEES	\$16,100.00	\$16,100.00
SUBTOTAL PROFESSIONAL FEES =					\$46,300.00
TOTAL PROJECT COSTS:					\$247,650.00

Engineers Opinion of Probable Cost
#5 - MILL & OVERLAY - 3RD ST (SPOKANE TO ALLEY) & KALISPELL AVE (2ND ST TO 3RD ST)
 Revised 6/6/13 by BMT



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

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
CONSTRUCTION COSTS					
1	1,200	SY	Asphalt Milling	\$6.00	\$7,200.00
2	10	EA	Adjust Water Valve Box to Grade	\$225.00	\$2,250.00
3	10	EA	Adjust Manhole to Grade	\$450.00	\$4,500.00
4	2	EA	Survey Box	\$500.00	\$1,000.00
5	0.5	TON	Asphalt Tack Coat (Undiluted, SS-1)	\$2,000.00	\$1,000.00
6	325	TON	Asphalt Concrete Pavement (2" Overlay)	\$90.00	\$29,250.00
7	1	LS	Crushed Base Course - 3/4" Minus	\$2,000.00	\$2,000.00
8	100	SY	6" Concrete Driveway	\$65.00	\$6,500.00
9	1	LS	Waterborne Striping	\$2,000.00	\$2,000.00
10	1	LS	Construction Surveys & Material Testing	\$1,700.00	\$1,700.00
11	1	LS	Mobilization, Bonding and Submittals (4% Max)	\$2,300.00	\$2,300.00
12	1	LS	Contingency (10%)	\$6,000.00	\$6,000.00
				SUBTOTAL CONSTRUCTION COSTS =	\$65,700.00
PROFESSIONAL FEES					
1	1	LS	DESIGN FEES	\$9,900.00	\$9,900.00
2	1	LS	CONSTRUCTION OBSERVATION FEES	\$5,300.00	\$5,300.00
				SUBTOTAL PROFESSIONAL FEES =	\$15,200.00
				TOTAL PROJECT COSTS:	\$80,900.00

Engineers Opinion of Probable Cost
#6 -3RD STREET RECONSTRUCT - KALISPELL TO COLUMBIA (30' X 300')
 Revised 6/6/13 by BMT



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

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
CONSTRUCTION COSTS					
1	1	LS	Excavation and Embankment	\$7,500.00	\$7,500.00
2	4	EA	Adjust Water Valve Box to Grade	\$225.00	\$900.00
3	4	EA	Adjust Manhole to Grade	\$450.00	\$1,800.00
4	1	EA	Survey Box	\$500.00	\$500.00
5	1,000	SY	Stabilization Fabric	\$1.50	\$1,500.00
6	335	CY	Crushed Base Course - 3/4" Minus (12" Thick)	\$35.00	\$11,725.00
7	0.2	TON	Asphalt Tack Coat (Undiluted, SS-1)	\$2,000.00	\$400.00
8	250	TON	Asphalt Concrete Pavement (4" Thick)	\$90.00	\$22,500.00
9	1	LS	Waterborne Striping - 4" Solid	\$1,000.00	\$1,000.00
10	1	LS	Construction Surveys & Material Testing	\$1,400.00	\$1,400.00
11	1	LS	Mobilization, Bonding and Submittals (4% Max)	\$2,000.00	\$2,000.00
12	1	LS	Contingency (10%)	\$5,100.00	\$5,100.00
OVERLAY CREDITS					
1	(240)	SY	Asphalt Milling	\$6.00	(\$1,440.00)
2	(4)	EA	Adjust Water Valve Box to Grade	\$225.00	(\$900.00)
3	(4)	EA	Adjust Manhole to Grade	\$450.00	(\$1,800.00)
4	(1)	EA	Survey Box	\$500.00	(\$500.00)
5	(0.1)	TON	Asphalt Tack Coat (Undiluted, SS-1)	\$2,000.00	(\$200.00)
6	(65)	TON	Asphalt Concrete Pavement (2" Overlay - 30' x 150')	\$90.00	(\$5,850.00)
7	(1)	LS	Crushed Base Course - 3/4" Minus	\$400.00	(\$400.00)
8	(20)	SY	6" Concrete Driveway	\$65.00	(\$1,300.00)
				SUBTOTAL CONSTRUCTION COSTS =	\$43,935.00
PROFESSIONAL FEES					
1	1	LS	DESIGN FEES	\$6,600.00	\$6,600.00
2	1	LS	CONSTRUCTION OBSERVATION FEES	\$3,500.00	\$3,500.00
				SUBTOTAL PROFESSIONAL FEES =	\$10,100.00
				TOTAL PROJECT COSTS:	\$54,035.00

ROBERT PECCIA & ASSOCIATES



Technical Memorandum

TO: John Wilson
FROM: Ryan Mitchell
SUBJECT: 3rd Street Sewer Extension
 Proposed Option 3 and Cost Estimate
DATE: May 2, 2013

John,

Per your request, RPA has evaluated a third option for the proposed 3rd Street Sewer Extension. You requested that RPA prepare a cost estimate which includes all work shown in Option 2 and also includes replacing the existing 8" line in the alley between Central Avenue and Spokane Avenue.

Option 3 Design and Cost Estimate:

See attached drawing showing the sewer line that would be replaced under this option. RPA has reviewed and used the sewer invert elevations provided to perform a preliminary design for this option. *It should be noted that we recommend a field survey of the manholes to verify invert elevations prior to any final design.* For this option, utilizing the minimum pipe slopes allowed by MDEQ, RPA has determined that the City would need to install a 12" PVC pipe and request a deviation from MDEQ for the oversized pipe. The minimum grade for a 12" PVC is 0.22%.

With eliminating the 0.10-foot drop through each manhole and a 12" pipe at a slope of 0.22%, and it appears that this option is viable.

The cost for constructing this option is summarized below. A detailed cost estimate is attached.

Construction Costs = \$201,350
 Consultant Fees = \$47,450
Total Project Costs = \$248,800

Contaminated Soils:

RPA is aware that contaminated soils were encountered at the southwest corner of 3rd Street and Spokane Avenue during the reconstruction of 3rd Street. Because of this, we want to discuss what typically happens if contaminated soils are encountered and a cost estimate for this work.

If contaminated soils are encountered during construction, the pipe would need to be changed to Ductile Iron with Nitrile Gaskets, the contaminated soil will need to be hauled away to an approved land disposal site and imported trench material would need to be utilized as backfill. Additionally, there is some testing of the soils that is required to determine exactly what the contamination is and what concentration. We have no idea to estimate the amount, if any, of contaminated soil that will be encountered. So, we have prepare a cost on a per station (per 100-foot) basis.

The increase in cost for dealing with contaminated soils, on a per station basis, is summarized below. A detailed cost estimate is attached.

Construction Costs = \$25,100
 Consultant Fees = \$4,000
Total Project Costs = \$29,100

HELENA, MT
 PO Box 5854
 823 Central Avenue
 Helena, MT 59604
 Tel: 406.447.5000
 Fax: 406.447.5000

KALISPELL, MT
 PO Box 5100
 102 Cooperative Way, Suite 308
 Kalispell, MT 59908
 Tel: 406.752.5025
 Fax: 406.752.5024

FORT COLLINS, CO
 400 Remington Street,
 Suite B
 Fort Collins, CO 80524
 Tel: 970.484.3705
 Fax: 970.484.3209

May 2, 2013
John Wilson
Page 2 of 2

It is our estimate that if contaminated soils are encountered that it would cost approximately \$29,100 per station. This equates to a cost of about \$291 per foot. This is a cost increase above any bid prices.

It will not be known how much, if any contaminated soil will be encountered during construction. I would conservatively estimate at least 100 feet (\$29,100) be included in any budgets.

As you review this information, please do not hesitate to contact me if you have any questions. Attached are .PDF files of the Option 3 and Detailed Cost Estimates.

Thank you.

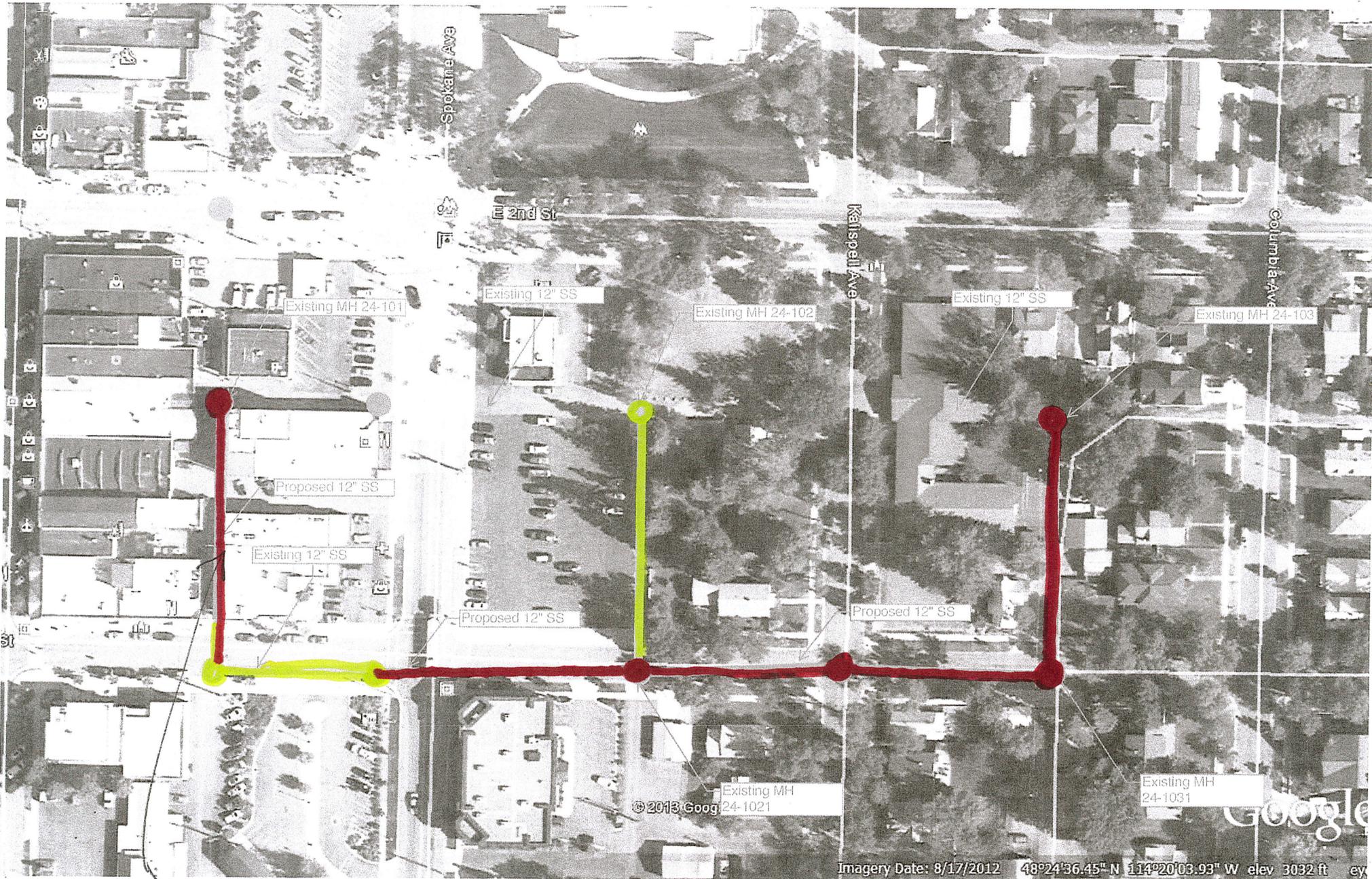
K:\Kal-Proj-Data\13107.000 - 3rd Street Sewer Extension\130502jw.Memo - Proposed Option 3 & Cost Estimates.Doc

**Engineers Opinion of Probable Cost
3RD STREET SEWER - OPTION 3
Revised 5/02/13 by REM**



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

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
CONSTRUCTION COSTS					
1	300	CY	Imported Trench Backfill	\$30.00	\$9,000.00
2	960	LF	Pipe - Buried: 12" Sanitary Sewer Main - SDR 35 PVC Pipe	\$65.00	\$62,400.00
3	12	EA	Sanitary Sewer Service with Cleanouts - Sch. 40 PVC Pipe	\$1,500.00	\$18,000.00
4	7	EA	Manhole - 48" Sanitary Sewer	\$3,500.00	\$24,500.00
5	800	SY	Stabilization Fabric	\$2.00	\$1,600.00
6	310	CY	Crushed Base Course - 3/4" Minus	\$35.00	\$10,850.00
8	180	TON	Asphalt Concrete Pavement (4" Thick, Includes Tack Coat)	\$90.00	\$16,200.00
9	160	CY	Flowable Fill	\$100.00	\$16,000.00
10	1	LS	Construction Surveys & Material Testing	\$4,800.00	\$4,800.00
11	1	LS	Traffic Control	\$12,700.00	\$12,700.00
12	1	LS	Mobilization, Bonding and Submittals (4% Max)	\$7,000.00	\$7,000.00
13	1	LS	10% Contingency	\$18,300.00	\$18,300.00
TOTAL CONSTRUCTION COSTS:					\$201,350.00
CONSULTANT FEES					
1	1	LS	Preliminary Engineering Phase	\$6,000.00	\$6,000.00
2	1	LS	Design Phase	\$24,200.00	\$24,200.00
3	1	LS	Bid to Award Phase	\$6,500.00	\$6,500.00
4	1	LS	Construction Phase (5 Weeks @ 24 Hours per Week)	\$10,750.00	\$10,750.00
TOTAL ENGINEERING FEES:					\$47,450.00
TOTAL PROJECT COSTS:					\$248,800.00



+ New 8"
==

option #3
12" @ 0.22%

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Chuck Stearns

From: Chuck Stearns <cstearns@cityofwhitefish.org>
Sent: Monday, May 05, 2014 8:47 AM
To: 'heather@aboutmontana.net'; 'nlorang@cityofwhitefish.org'
Cc: 'editor@whitefishpilot.com'
Subject: RE: To Mr. Chuck Stearns and the Whitefish City Council RE: Railroad Crossing at Birch

Ms. Mull: (cc: Necile, Whitefish Pilot editor, John Muhlfeld, City Council members, John Wilson)

Regarding your email below, we recently met with the appropriate BNSF officials regarding an upgraded crossing at Birch Point Drive which would allow a “quiet zone” to be installed. Unfortunately, under federal law, we do not believe we can compel BNSF to upgrade the crossing by themselves, however, they indicated BNSF can contribute some funding towards an effort to do that. They are not willing to contribute more than they have done for other crossings, but there is also some state grant money available for a small amount of the cost.

Unfortunately, the cost to improve the crossing and the road in that area to enable the crossing to be improved will likely be a very expensive project. BNSF officials are helping us put together a current cost estimate for such a project, but it is quite likely that the neighborhood would have to pay a significant portion of the cost through a Special Improvement District (a bond or loan paid over 20 years with interest with annual assessments on the private property owners). BNSF, the City, and the State will likely contribute significant portions of the cost, but the cost of the project will likely still require a significant portion of the cost from the neighborhood surrounding the Birch Point Drive crossing as that neighborhood will benefit the most from such an improvement. The City is proposing it’s contribution in next year’s budget (which begins July 1st), but we are still waiting to hear what the entire project will cost from BNSF.

Chuck Stearns
City Manager
City of Whitefish
P.O. Box 158
418 E. 2nd Street
Whitefish, MT 59937-0158
406-863-2406
Fax 406-863-2419



From: Heather Mull [mailto:heather@aboutmontana.net]
Sent: Sunday, May 04, 2014 11:37 AM
To: cstearns@cityofwhitefish.org; nlorang@cityofwhitefish.org
Cc: editor@whitefishpilot.com
Subject: To Mr. Chuck Stearns and the Whitefish City Council RE: Railroad Crossing at Birch

Dear Mr. Stearns and the Whitefish City Council;

After reading in today's paper (Sunday, May 4th) about BNSF's plans for improving the railways along the high line it occurred to me that this might be a good opportunity to have them include an upgraded, no whistle crossing at Birch Point. In the most heavily populated part of Whitefish lies the only crossing in Whitefish that is a 'no whistle' crossing. With the ever increasing train traffic this is becoming ever more stressful to many of our residents. We "get used to it" up to a point, but there is never a time when the whistles aren't demanding to be heard – day and night. I can tell you I know the 2am to 6am schedules almost by heart even though it is during sleep hours. Those whistles are always there to be heard.

When I moved to Whitefish over 30 years ago there were about half as many trains every day as there are now. Often, especially in summer when doors and windows are open, conversations are interrupted until the train whistles are completed. It is definitely a noise pollution situation. We may not be able to control the oil tankers and completely avert that potential danger to our community, but in return (as in "what goes around, comes around"), an upgraded 'no whistle' crossing to help improve our quality of life in terms of noise, safety and stress should be a reasonable trade off.

I would like to see our City address this issue with BNSF and insist on this upgrade to help lessen the impact of the ever increasing traffic on their tracks to the citizens living in the center of Whitefish, and I hope others will join the pressure to do so. In my opinion, at a time when BNSF company is spending money to improve the tracks for their increasing business and revenues, a relatively small portion should be spent here in Whitefish to improve the safety and noise at this crossing. If others see this as an issue worth pursuing, I would like to encourage them to make their voices heard.

Sincerely,

Heather Mull

Whitefish, MT

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



May 19, 2014

Mayor Muhlfield and City Councilors
City of Whitefish
Whitefish, Montana

RE: Agenda Item to Discuss Highway 93 South Corridor Plan

Mayor Muhlfield and councilors,

At the last City Council meeting, Councilor Anderson asked that an item be placed on the agenda to discuss the Highway 93 South Corridor Plan and how the City could take action to move forward with that plan.

During the meeting, I neglected to mention that staff is currently bringing the two-year review of the 2007 Growth Policy to the Whitefish City-County Planning Board on May 15 and to the City Council in June. Part of that review requires the Planning Board to make recommendations to the City Council with regard to implementation priorities for major projects, including the Highway 93 South Plan. The staff report for that review includes a detailed analysis of all major implementation projects and sets a recommended priority list. There will be an opportunity for the council to have an in-depth discussion of all of our Growth Policy action items and major projects, and the council will at that time set the staff priority list for those projects. Staff recommends that the council wait on this item until the Planning Board has had an opportunity to review it and exercise their role by making a formal recommendation to you on the list of priority projects. In order to give you a head start on your review I have attached the Implementation chapter from the staff report given to the Planning Board to review at their May 15 meeting.

I will also address Mr. Anderson's question about what we could do immediately to start on this project. Highway 93 South has a huge array of complex issues associated with it. Any long range planning project first requires a detailed Scope of Work to be compiled, wherein all relevant aspects necessary to such a plan are outlined. The Growth Policy itself outlines a significant number of issues that need to be addressed in that corridor (see attached report on Implementation Priorities and excerpts from Growth Policy relevant to Highway 93 South), and several more have cropped up since that plan was adopted, including:

- aspects of conflict between retail uses on the strip and downtown;

- lack of consistent Future Land Use designation from Monegan Road to Highway 40;
- lot sizes and uses inconsistent with the intent of the WB-2 on Spokane Avenue from the Whitefish River crossing at Riverside Avenue to East 6th Street;
- the various issues associated with protecting the corridor South of Highway 40 should the county regain planning control of the doughnut

Staff is also concerned that, without joint cooperation from the county or assurance we have indefinite control of planning in the doughnut, the needs of Tee Bauer and other property owners South of Highway 40 will not get a fair shake with regard to future land uses and zoning in a plan. It is safer to allow things to remain as they are than to potentially apply any sort of newly created performance and aesthetics oriented 'neighborhood commercial', 'business service,' or limited professional office' type land use along the highway without the assurance of county equivalent zoning and agreement to a plan. Currently all county commercial zones do not restrict uses in any fashion, and they have no architectural review and minimal landscaping and sign requirements. Assurance we have permanent control of the doughnut or a new inter-local agreement with the county would move a Highway 93 South Corridor Plan toward the top of the list.

The Scope of Work for the corridor plan has to anticipate how each of those issues should be satisfactorily resolved, and then it needs to be determined what items our planning staff can accomplish in-house, and what items need to be farmed out to a consultant. Once that is established, then a ideal timeline for the project is compiled and, depending on the amount needed to be contracted out, an RFP is compiled and published. It should be noted that the planning staff is currently extremely busy accommodating reviews of new construction and development proposals, as well as finishing the Two-Year Growth Policy Review and finalizing the Highway 93 West Corridor Plan for review by the steering committee, public, and Planning Board for a June work session. Once the Highway 93 West plan is adopted, staff will then be working on bringing forward all zoning changes and other implementation items associated with that plan. Initiating a Highway 93 South plan would be challenging until that is complete.

Again, staff recommends waiting until the Whitefish City-County Planning board makes a recommendation to you on Growth Policy project implementation priorities and you've had a chance to review all the information for the hearing scheduled for June 19 before making a decision on whether to move forward on a Highway 93 South Corridor Plan. We look forward to the discussion and will help you find a satisfactory solution.



David Taylor, AICP

Enc. Portion of Staff Report to Planning Board on Growth Policy Implementation Priorities

Enclosure

From the May 15, 2014 staff report to Planning Board on the Biennial review of the 2007 Whitefish City-County Growth Policy:

Implementation Element

The Implementation Element is the priority list for the Recommended Actions of the Growth Policy. The original 2007 Whitefish City-County Growth Policy stated the following with regard to the review of implementation priorities:

It is recommended that immediately upon adoption of this Growth Policy, the City Council and City Manager, in consultation with the Planning Board and Whitefish Planning & Building Director, establish a priority list of programs and regulations for the next two years. Upon the biennial review of the Growth Policy by the Planning Board (as set forth in this element under Periodic Review), implementation priorities shall again be set for the next two-year period.

The original implementation priorities that have already been completed by staff include:

- Update of the subdivision regulations as required by amendments to Montana law enacted in 2005
- Critical Areas Ordinance (amended to be the Water Quality Protection Regulations)
- Parks and Recreation Master Plan

Implementation Priorities that have not been completed include:

- Highway 93 West Corridor Plan (underway, once adopted it will require several months of code changes to implement the plan)
- Wisconsin Avenue Corridor Plan
- Highway 93 South Corridor Plan
- Rewrite of the zoning code to adopt “character based” regulations and to address other issues set forth in this Growth Policy (character-based zoning is being explored in the Highway 93 West Corridor Plan)
- Evaluation of additional affordable housing programs and/or regulations (staff is looking at several non-mandatory options to improve the stock of affordable housing)

Additionally, the Growth Policy specifies that new priorities should be added from the plans Recommended Actions.

Since the Growth Policy was adopted, staff has been completing the elements in the implementation plan as well as the Recommended Actions of the Growth Policy. Major

projects such as the Critical Areas Ordinance and the Subdivision Regulations update were both addressed in 2008 with assistance from consultants. In 2009, elimination of budget monies for consultants coupled with the loss of three planning staff members and re-assignment of code enforcement duties impacted time available by staff for long range planning assignments. The Planning Department was able to add another staff person in late 2013 as well as add some consultant monies to the budget, which, while we are still short handed for long range planning, will enable us to tackle some of the implementation priorities in 2014.

Staff recommends the following be the revised priority implementation list:

- Wisconsin Avenue Corridor Plan

With the ever increasing traffic on Wisconsin Avenue and East Lakeshore Drive as well as the massive development potential of several large properties along that State highway corridor, there is a definite need to make a corridor and land use plan for Wisconsin a priority. Here is what the Growth Policy states about Wisconsin Avenue:

The Wisconsin Ave. corridor on the north side of Whitefish has its own unique set of issues. This corridor has **multiple** land uses, heavy seasonal traffic, is an active pedestrian area, and will soon have a major bike route as well. Land uses include commercial, offices, restaurants, lodging, a major resort facility (The Lodge at Whitefish Lake), multi-family residential, public, and semi-public uses. Zoning is a mixture of WB-1 (Neighborhood Commercial), and high-density residential (WR-3 and WR-4). Average daily traffic for 2005 was around 9,000 vehicles just north of Edgewood Drive. In this corridor the plan must address the mix of uses and the transition to residential both east and west of the roadway. It must also address connections to the adjacent residential neighborhoods, orientation and connections to the new bike route, scale issues, landscaping/screening, and circulation/access. Most of the existing commercial is located in the WB-1 (Limited Business) zoning district, and that scale and intensity of commercial activity should be preserved.

- Re-write of 'clustering' chapter in the zoning and subdivision regulations to enhance community character and protect environmentally sensitive areas.

This is part of the implementation item to rewrite the code to implement 'character based' standards for zoning and subdivision. The current clustering chapter in the zoning is cumbersome and ineffective. We have never had an applicant use the existing chapter in the experience of any of the current staff. An incentivized clustering chapter would create much more attractive and functional subdivisions. Such amendments have long been a staff priority. The policy states:

For newly developed areas, regulations shall provide for cluster and "conservation" subdivisions in order to preserve rural character and environmentally sensitive areas.

- New Public Lands and Facilities zoning district for parks, schools, and government property

This is an Recommended Action item for both the Growth Policy and the Parks Master Plan

- Re-write existing Warehousing and Industrial zoning district to Planned Industrial

This is an Recommended Action item of the Growth Policy

- Evaluation of Affordable Housing Programs

Mandatory workforce housing has been a hot topic for many years. Due to a slowdown in new subdivisions due to the economy, this item was previously put on the backburner on the priority list by the Council. The Council will need to take the lead on any mandatory programs. Staff plans on introducing text amendments to streamline 'accessory apartment' regulations in multi-family zones to help facilitate more affordable housing opportunities.

- Create conditional use criteria for buildings over 15,000 square feet

The city currently requires CUP's for new buildings or expansions of buildings to 15,000 square feet or greater. Conditional Use Permit criteria needs to be added to the code that would require an economic impact analysis and other criteria for big box stores, etc.

- Open Space Designation and Acquisition Strategic Plan

Staff was hoping that such a plan would be implemented as part of the recent Parks and Recreation Master Plan, but it was not.

- Rewrite Zoning Code to "character based" regulations

Here is what the Growth Policy Recommended Action states with regard to 'character based' regulations:

1. In order to protect and preserve the character, scale, and qualities of existing neighborhoods, the City of Whitefish shall revise the Zoning Jurisdiction Regulations and adopt "character based" standards and "neighborhood conservation" districts for new development, redevelopment, and infill. For newly developed areas, regulations shall provide for cluster and "conservation" subdivisions in order to preserve rural character and environmentally sensitive areas.

Adding 'character based' zoning to our residential zoning requirements will require significant revisions of the code. That will likely be a long, drawn out process using steering committees and engaging stakeholders. The latest nationwide trends in 'character based' codes are moving away from strictly character based zoning and toward a blend of tradition zoning and character based codes. For instance, the character based zoning code that former Planning Director Bob Horne developed in

Jackson Hole is currently being revised to be more of a blend of traditional zoning because the character based code wasn't working well for them. Blended zoning is a tactic staff recommends pursuing. We are exploring implementing some character based zoning as part of the implementation recommendations of the Highway 93 West Corridor Plan, which will provide a 'test subject' for redevelopment of that area. The main task is adding Floor Area Ratio (FAR), Landscaping Ratio (LSR) standards and impervious surfaces limits to zoning district standards. It should be noted that Whitefish's Architectural Review Standards already provide a solid baseline of some existing "character based" standards and regulations to go with our standard zoning requirements for multi-family and commercial projects. The last part of the Action Item involves amendments to our clustering and subdivision regulations, which staff feels should be a higher priority (and is noted as such above).

- Corridor Plan for Highway 93 South

A Highway 93 South Corridor Plan was a major priority of the Growth Policy. It was put on the back burner when the extra-territorial jurisdiction 'donut' dispute arose. It remains important, but is highly dependent on planning jurisdiction issues being resolved because most of the major planning issues involve properties outside city limits. Here is what the Growth Policy states with regard to Highway 93 South:

Hwy 93 South is characterized by a number of commercial establishments of various kinds. Many are legal non-conforming uses, but most are legal permitted and conditional uses under the SAG-5 Flathead County zoning district (administered by the City of Whitefish within the jurisdictional area). Most of this corridor is heavily timbered, and many of the commercial buildings are of high quality. These two factors make the corridor far less visually distracting than many commercial strips in unincorporated Flathead County. Still, the corridor suffers from a lack of screening and landscaping, and from multiple uncontrolled highway approaches. Widening of the highway and growth in traffic have made the residential environment increasingly hostile. Because of this factor, there has been disinvestment in residential property resulting in some of those properties taking on a rundown appearance. ADT is approximately 15,000.

While the issues facing the Hwy 93 South corridor are complex and will be difficult to solve, the Whitefish community has long history of discouraging this area from becoming a "commercial strip". Policy 6.3 of the 1996 Master Plan states, *Avoid the spread of strip commercial activity south of the Highways 93 and 40 intersection.* In 2004 when the North Valley Hospital Neighborhood Plan was adopted, it included the following goal: *In no way promotes or encourages commercial development south of the Highway 40 intersection.* As concluded earlier in this element of the Growth Policy, visioning session participants expressed very little support for extending additional commercial development in either the Hwy 93 South or Hwy 40 corridors. Finally, it is important to remember that the existing zoning in the corridor was put in place in 1993 by the Blanchard Lake Area Zoning District, and one of the reasons for the SAG-5 zoning along the highway itself was that additional commercial development was not

supported by the master plan in effect at that time. Therefore, any corridor plan for Hwy 93 South **must successfully address** at least the following issues:

- Commercial growth- Commercial growth will continue to be discouraged by the City of Whitefish.
- Scale- The existing modest scale of commercial and residential structures should be maintained. No “big box” retail or office buildings should be proposed.
- Architectural standards- Any successful plan must include high standards of architectural design that is compatible with the wooded environs of the corridor.
- Landscaping/screening- The corridor plan must include standards for replacement of existing forest stands, on-site landscaping, and screening of parking and service areas.
- Utilities- Water and sewer service must be provided, or, the corridor plan should support no more development than can be served by well and septic systems **without** adversely affecting water quality or wells on neighboring properties.
- Trip generation- With growing traffic volumes on Hwy 93 already, additional non-residential uses should not be of a nature that attracts large numbers of additional vehicle trips. The corridor plan must include a traffic impact and access analysis.
- Traffic safety, circulation, and access- Traffic safety will be a major concern with any new growth in this corridor. The proliferation of access points can cause both safety and traffic access problems. An access and circulation component must be a product of the over-all corridor plan.
- Bike/pedestrian facilities- Bicycle and pedestrian ways must be provided within the corridor itself, and should link to the existing commercial areas north of Hwy 40.

Due to the complexity of the corridor, staff estimates that utilizing consultants a thorough plan would likely take around a year to accomplish, and will cost at least 70-80K. For comparison, the Highway 93 West plan, which is a much less complicated corridor, has taken the consultant team over twelve months and cost \$54,000. Doing the plan in house may still require up to \$40-50K in consultants for mapping and landscape architecture, and a longer timeline. However, some cooperation may be achieved with other interested parties. Staff has been in dialogue with a contract planner that represents a group of Highway 93 frontage property owners south of Highway 40 about initiating some joint planning of the area, and at least \$10,000 has been offered up by a private individual (Tee Bauer) toward consultant fees for corridor planning at Highway 40 and Highway 93 South.

A corridor plan for Highway 93 for just property in the city limits could be developed. However, the WB-2 commercial use boundaries are well established and other issues are minimal compared to south of Highway 40. We also have an existing but outdated plan for that area. It would also leave out the portion of the highway most prioritized by the 2007 Growth Policy and a large group of citizens that want the corridor zoning reviewed. Without the county’s cooperation, it will be difficult to find a solution for the area south of Highway 40 that permanently protects land use and aesthetics in the corridor.

(Note: The entire staff report on the Growth Policy review is available on the City Website under /Boards and Committees/Planning Board)