



**CITY COUNCIL SPECIAL SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
1005 BAKER AVENUE
MONDAY, MAY 2, 2016, 5:05 TO 7:00 PM**

1. Call to Order

2. Interviews

- 5:05 Ross Doty – Police Commission
- 5:15 Theodore Roosendahl – Whitefish Lake and Lakeshore Protection Committee
- 5:25 Chris Schustrom – Resort Tax Monitoring Committee
- 5:35 Ray Boksich – Park Board Committee
- 5:45 Anne Shaw Moran – Library Board of Trustees
- 5:55 Greg Gunderson – Park Board Committee-
- 6:05 Ron Brunk – Park Board Committee
- 6:15 Eric Mulcahy – PUD Re-Write Steering Committee
- 6:25 Robert Horne Jr. – PUD Re-Write Steering Committee
- 6:35 Susan Schnee- Park Board Committee
- 6:45 Don Spivey – PUD Re-Write Steering Committee

3. Public Comment

4. Appointments

- a. Police Commission – 1 Position – Mayoral Appointment, confirmed by Council – 3-year term – 1 re-applied
- b. Whitefish Lake and Lakeshore Protection Committee – 1 Position – term ending Dec. 31, 2017-Council Appointment -County Lakefront owner
- c. Resort Tax – 2 Positions – Council Appointment, 3 – year terms – 1 re-applied
- d. Park Board – 3 Positions – Mayor Appointment – confirmed by Council - 2 – year terms
- e. PUD Re-Write Steering Committee – Council Appointment
 - a. 1 member from Whitefish development community
 - b. 2-4 members either Whitefish residents or own property within boundaries or within ½ mile of boundaries
- f. Library Board -Mayoral Appointment-1 Position – 3-year term – 1 re-applied

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

VACANCIES ON CITY BOARDS/COMMITTEES

IMPACT FEE ADVISORY COMMITTEE – Three Positions, 2-Year terms. Openings are for a person from the Development Community, a Certified Public Accountant, and a Member at Large. Applicant either lives or works within the Whitefish zoning jurisdiction. The Committee meets once a year.

WHITEFISH LAKE & LAKESHORE PROTECTION COMMITTEE - One position open for terms ending December 31, 2017. 1 non-city resident who owns Whitefish Lakefront property outside the City Limits.

PARK BOARD COMMITTEE-Three positions, 2-Year term. 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.

RESORT TAX MONITORING COMMITTEE- Two positions, 3-Year terms. The two (2) positions expiring this year is a Lodging member and a Retail member. Applicants can be an owner, operator or representative of a Lodging Business and Retail Business in the City limits.

LIBRARY BOARD OF TRUSTEES- 1 position, 5-Year term. Applicant must reside within the City Limits.

WHITEFISH CONVENTION AND VISITOR BUREAU COMMITTEE- Three positions, 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. Openings include preference for representatives of Large Lodging Properties, Whitefish Mountain Resort, and Retail. One (1) position, Large Lodging, to complete 1-year term ending May 31, 2017

POLICE COMMISSION- 1 position, 3-Year term. Applicant shall have maintained residency within the City for one year prior to appointment to the Commission.

ARCHITECTURAL REVIEW COMMITTEE – Three positions, 3-Year terms, open to residents of the City, or 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. At least two members of the Committee should be Montana licensed architects or a licensed design professional.

PLANNED UNIT DEVELOPMENT RE-WRITE STEERING COMMITTEE- Five positions open to 1 member from the Whitefish development community, 2 to 4 either Whitefish resident, or who owns property within the City's boundaries or within one-half mile of the boundaries. Committee will meet no less than bi-weekly, and will disband no later than August, 2018

Interested citizens – Please submit a letter of interest to serve on the above committees to the Whitefish City Clerk's Office at 1005 Baker Avenue or mail to P.O. Box 158, Whitefish, MT 59937, by Friday, April 22, 2016. Interviews will be scheduled in May 2016 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 or visit the City's website: www.cityofwhitefish.org
*THANK YOU FOR YOUR INTEREST
City of Whitefish
May 2, 2016 page 2 of 289

received
4-15-16

April 15, 2016

Michelle Howke
City of Whitefish
PO Box 158
Whitefish, Mt. 59937

It would be a pleasure to serve another term as a Whitefish Police Commissioner. I have thoroughly enjoyed serving my past two terms and I look forward to continuing to help the city.

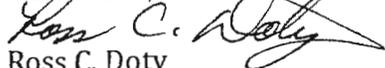
My feelings are that I am qualified to fill the position and consider it a privilege to give back to my community by serving another term as Police Commissioner.

As for my qualifications, I have been a property owner since 1995 and a full time resident of Whitefish for 9 years. My qualifications are as follows:

- 37 years in the pharmaceutical industry serving as a sales manger with Pharmacia/Upjohn & Daiichi-Sankyo.
- 20 years of law enforcement experience with the Shelby County Sheriff's Department in Memphis, Tennessee. After graduation from college I became a Reserve Deputy Sheriff working weekends, special events and emergency situations. I started as a Patrol Officer, promoted to Sergeant in the Detective Division, the Vice & Narcotics Division and during my last three years served as a Lieutenant in the DWI Squad. My last assignment included responding to all types of criminal calls and traffic enforcement in the Metro Memphis area.
- Graduated from Memphis State University with a BS Degree in Industrial Technology with a minor in Education.

Presently I am a member of the Whitefish Rotary Club and a Elder in the Whitefish Presbyterian Church. I enjoy helping others and believe everyone should give back to their community. We are so fortunate to live in the beautiful City of Whitefish and I look forward to discussing this position in more detail.

Thank You,



Ross C. Doty
2019 Ridgecrest Dr.
Whitefish, Mt. 59937
406-730-2926(Hm)

received



City of Whitefish, City Clerk's Office
1005 Baker Avenue, PO Box 158
Whitefish, MT 59937
406-863-2400
mhowke@cityofwhitefish.org

April 11, 2016

Dear Ross Doty:

Your term on the Police Commission
expires on May, 2016.

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 Friday, April 22, 2016. Interviews with the Council will be scheduled for May 2, and May 16, 2016. 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 that as well.

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

Michelle Howke

Michelle Howke
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Police Commission

Ross C. Doty
Signature

406-730-2926
Daytime Phone #

POLICE COMMISSION - WCC 2-5 - 3 YEAR TERMS – Mayoral Appointments confirmed by Council
TERM EXPIRATION

DATE			
Ross Doty 2016	2019 Ridgecrest Drive	730-2926	First Monday of May,
Hap Peters 2018	730 Somers Ave	871-1238	First Monday of May,
Jim Trout 2017	PO Box 695	863-2265 (W)	First Monday of May,

Chapter 5 POLICE COMMISSION

2-5-1: COMMISSION ESTABLISHED:

There is hereby established a police commission for the city, hereinafter referred to as the commission. (Ord. 02-08, 4-1-2002)

2-5-2: PURPOSE, POWERS, PROCESSES AND DUTIES:

The powers and duties of the commission are set forth in Montana code 7-32-4151 through 7-32-4164, this chapter and rules of procedure adopted by the commission. Consistent with state statutes and this chapter, these powers and duties of the commission shall include:

- A. Review of police officer applicants when such review is sought by the chief of police or city manager;

- B. Hear and decide appeals by any member or officer of the police department who has been disciplined, suspended, removed or discharged by an order of the city manager; and

- C. Provide comment and recommendations to the chief of police or city manager on matters related to the police department. (Ord. 02-08, 4-1-2002)

2-5-3: MEMBERSHIP:

- A. Appointment; Compensation: The commission shall have three (3) members. Members shall be appointed by the mayor and ratified by the city council. Members shall reside within the corporate limits of the city and shall have maintained residency within the city for one year prior to appointment to the commission. Commission members shall receive no compensation.

B. Terms; Positions: Commission terms shall be three (3) years. There are hereby created positions numbered 1 through 3 inclusive of the members of the commission. Members serving on the effective date of this chapter shall be assigned to positions that correspond with the expiration dates of their existing terms:

Number	Term Expiration Date
1	First regular council meeting in May 2002
2	First regular council meeting in May 2003
3	First regular council meeting in May 2004

As each of the above listed expiration dates is completed, members shall be appointed successively to three (3) year terms. Terms shall begin upon appointment at the first regular city council meeting held in May of each year. However, a member serving on the commission during an appeal proceeding under Montana code 7-32-4155 shall continue to serve on the commission until such time that a decision on the appeal is rendered. In such case, a new member may not sit on the commission for business. At the discretion of the city council, members may be appointed to more than one term.

C. Removal Of Member: A member may be removed from the commission by majority vote of the city council for cause upon written charges and after a public hearing. Wilful disregard of state statutes, city ordinances and the rules of procedures of the commission, 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 commission 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 commission shall be filled by the mayor and ratified 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 commission. (Ord. 02-08, 4-1-2002)

2-5-4: ORGANIZATION:

At its first meeting after June 1 of each year, the commission 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 commission shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the commission and shall keep an accurate record of all commission proceedings. (Ord. 02-08, 4-1-2002)

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

Two (2) members of the commission shall constitute a quorum. Not less than a quorum of the commission may transact any business or conduct any proceedings before the commission. The concurring vote of two (2) members of the commission shall be necessary to decide any question or matter before the commission. The commission shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the commission shall be held at least once every three (3) months or at the call of the chair, chief of police or city manager, and at such other times as the commission may determine. All meetings shall be open to the public. (Ord. 02-08, 4-1-2002)

2-5-6: ENFORCEMENT OF DECISIONS:

Pursuant to Montana code 7-32-4161, the city manager shall make orders enforcing the decisions of the commission. (Ord. 02-08, 4-1-2002)

2-5-7: STAFF SUPERVISION:

The commission shall have no supervisory control and shall not direct the chief of police or other staff in the performance of their official duties. Commission involvement in the operations of the police department shall be limited to comment and recommendations. (Ord. 02-08, 4-1-2002)

2-5-8: EXPENDITURES:

The commission 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. 02-08, 4-1-2002)

received
4-21-16

THEODORE M. ROOSENDAHL

April 21, 2016

I would be most willing to serve on the
Whitefish & Lakeshore Protection Committee.

Having owned and lived in the county at
1624 W. Lakeshore Dr. since August 1975 I
am well aware of lake issues.

I can be reached at T_ROOSENDAHL@YAHOO.COM

Sincerely,
Phil

WHITEFISH LAKE & LAKESHORE PROTECTION COMMITTEE -WCC 2-16 - 2 YEAR TERMS

(2nd Wednesday; Planning & Building Department Conference Room)

***2 City who own or reside on lakefront property, 2 City at Large, 2 County who own or reside lakefront property, & 1 other**

			TERM EXPIRATION DATE	
*Joe Malletta owner	1240 Birch Hill Dr.	862-6343	12/31/2018	City Lakefront
*Herb Peschel, Chair owner	1404 W. Lakeshore Dr.	862-4503 (H)	12/31/2018	City Lakefront
Donna Emerson Large	PO Box 4793	471-2295	12/31/2017	City Member at
Brian Sullivan Large	932 Columbia Ave	407-5070	12/31/2017	City Member at
Koel Abell, Vice-Chair owner	355 Lost Coon Trail	730-1409 (H), 407-1962 (C)	12/31/2018	County Lakefront
			12/31/2017	County Lakefront
owner				
Jim Laidlaw other -2yr term	1230 Lion Mountain Drive	406-250-1473	12/31/2017	Planning Board or

Chapter 16

WHITEFISH LAKE AND LAKESHORE PROTECTION COMMITTEE

2-16-1: STANDING COMMITTEE ESTABLISHED:

Pursuant to and under the provisions of Montana Code Annotated sections 75-7-201 et seq., the city council of the city of Whitefish does create and establish the Whitefish Lake and lakeshore protection committee as a standing committee of the city, consistent with state law. (Ord. 15-10, 6-1-2015)

2-16-2: PURPOSE, POWERS AND DUTIES:

By this chapter, the city council of the city of Whitefish grants and delegates to the Whitefish Lake and lakeshore protection committee all of the rights, privileges, powers, duties, and responsibilities thereto appertaining. The Whitefish Lake and lakeshore protection committee shall have such jurisdiction as provided by state law. (Ord. 15-10, 6-1-2015)

2-16-3: MEMBERSHIP:

The Whitefish Lake and lakeshore protection committee shall consist of seven (7) members, to be appointed as follows:

- A. The Whitefish city council shall appoint a total of six (6) members, two (2) members shall reside within the corporate limits of the city of Whitefish, two (2) shall be lakefront property owners and residents within the corporate limits of the city of Whitefish, and two (2) members shall reside outside the corporate limits of the city of Whitefish and shall be lakefront property owners.

- B. The seventh member shall be appointed by the Whitefish planning board, reside within the corporate limits of the city of Whitefish, and be a member of the planning board. He/she shall serve for a two (2) year term unless he/she requests removal or is removed by a majority vote of the planning board.

Committee members shall receive no compensation. (Ord. 15-10, 6-1-2015)

2-16-4: TERMS; POSITIONS:

Committee terms shall be two (2) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the Whitefish Lake and lakeshore protection committee. Members serving on the effective date of this chapter shall be assigned to positions that correspond with the following expiration dates:

Position Number	Term Expiration Date
1	December 31, 2017
2	December 31, 2017
3	December 31, 2017
4	December 31, 2017
5	December 31, 2018
6	December 31, 2018
7	December 31, 2018

As each of the above listed expiration dates has passed, a member appointed to the position shall serve for a two (2) year term. Terms shall begin on January 1 following the initial expiration of the preceding term. At the discretion of the city council, members may be appointed for more than one term. (Ord. 15-10, 6-1-2015)

2-16-5: REMOVAL OF MEMBER:

A member of the Whitefish Lake and lakeshore protection committee 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 state statutes, city ordinances and the rules of procedure of the committee, or absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year shall constitute cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the chair or city staff member assigned to the Whitefish Lake and lakeshore protection committee at least twenty four (24) hours prior to any scheduled meeting. (Ord. 15-10, 6-1-2015)

2-16-6: VACANCY:

Pursuant to sections 2-16-3 and 2-16-4 of this chapter, any vacancy on the Whitefish Lake and lakeshore protection 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 Whitefish Lake and lakeshore protection committee. (Ord. 15-10, 6-1-2015)

2-16-7: ORGANIZATION:

The Whitefish Lake and lakeshore protection committee, at its first meeting after January 1 of each year, shall elect a chair and vice chair for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If a vacancy occurs in the chair or vice chair positions, the committee shall elect a member to fill the vacancy at the next meeting. (Ord. 15-10, 6-1-2015)

2-16-8: MEETINGS; RULES AND REGULATIONS:

Four (4) members of the Whitefish Lake and lakeshore protection committee constitute a quorum to conduct business. Not less than a quorum of the committee may transact any business or conduct any proceedings before the committee. The concurring vote of four (4) members of the committee shall be necessary to decide any question or matter before the committee, except a motion for a continuance and motions to elect a chair and vice chair may be decided by a simple majority vote of 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 the call of the chair and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 15-10, 6-1-2015)

2-16-9: EXPENDITURE AUTHORIZED:

The Whitefish Lake and lakeshore protection 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. 15-10, 6-1-2015)

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

Position #					TERM EXPIRATION DATE	
1.	Andy Feury	PO Box 158	250-4179	May 31, 2018	Council Representative	
2.	Ken Stein	509 E. 6 ^t	250-0599	May 31, 2017	Member at Large	
3.	Julia Olivares	333 W. 6 th St	862-6401	May 31, 2017	Member at Large	
4.	Brian Averill	1476 Barkley Ln	250-2038	May 31, 2018	Member at Large	
5.	Doug Reed, WF Lake Golf Club Restaurant, <u>Chairman</u>	PO Box 1719	862-5285	May 31, 2018	Restaurant/Bar member	
6.	Chris Schustrom	504 Spokane Ave	862-3440	May 31, 2016	Lodging member	
7.	Trek Stephens	122 Central Ave	862-2271	May 31, 2016	Retail member- Secretary	

Chapter 4

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:

Position Number	Position Specification	Initial Expiration Date
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)



City of Whitefish, City Clerk's Office
1005 Baker Avenue, PO Box 158
Whitefish, MT 59937
406-863-2400
mhowke@cityofwhitefish.org

April 11, 2016

Dear Ray Boksich:

Your term on the Park Board

expires on May 1, 2016.

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 Friday, April 22, 2016. Interviews with the Council will be scheduled for May 2, and May 16, 2016. 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 that as well.

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

Michelle Howke

Michelle Howke
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Park Board

Ray Boksich
Signature

212-0261
Daytime Phone #

received
4-22-16

April 18, 2016

Attention: Whitefish City Clerk

To Whom It May Concern,

This letter is to express my interest in serving on the Whitefish Park Board Committee. Please feel free to contact me with any questions or to schedule an interview.

Sincerely,



Greg Gunderson
840 First St.
Whitefish, MT 59937
406.261.8407 cell

received
4-15-14



City of Whitefish, City Clerk's Office
1005 Baker Avenue, PO Box 158
Whitefish, MT 59937
406-863-2400
mhowke@cityofwhitefish.org

April 11, 2016

Dear Ron Brunk:

Your term on the Park Board

expires on May 1, 2016.

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 Friday, April 22, 2016. Interviews with the Council will be scheduled for May 2, and May 16, 2016. 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 that as well.

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

Michelle Howke

Michelle Howke
Whitefish City Clerk

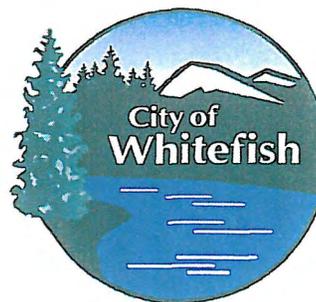
To Whitefish City Council:

I am interested in serving another term on the Park Board

Ron Brunk
Signature

802-64416
Daytime Phone #

received
4-21-14



City of Whitefish, City Clerk's Office
1005 Baker Avenue, PO Box 158
Whitefish, MT 59937
406-863-2400
mhowke@cityofwhitefish.org

April 11, 2016

Dear Susan Schnee:

Your term on the Park Board

expires on May 1, 2016.

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 Friday, April 22, 2016. Interviews with the Council will be scheduled for May 2, and May 16, 2016. 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 that as well.

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

Michelle Howke

Michelle Howke
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Park Board

Jim Jim
Signature

406-212-8334
Daytime Phone #

New Address
City Council Packet May 2, 2016 page 2389 2389 Wedgewood Lane
WF

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

			TERM DATE	
Councilor Frank Sweeney Alternate)	PO Box 158	863-4848 (O)	Mayor/Designee	(Richard Hildner,
Susan Schnee	135 Wedgewood Lane	863-9856	5/01/2016	
Ron Brunk	130 E. 4 th St	862-6446, 862-6858	5/01/2016	
Ray Boksich	223 Columbia Ave	862-3430, 212-0261	5/01/2016	
Doug Wise	1000 Birch Point Dr	862-1463, 407-0927	5/01/2017	President
Terri Dunn	6211 D Shiloh Ave	862-8276, 250-7182	5/01/2017	
Jim DeHerrera	339 Fairway Drive	407-730-2424	5/01/2017	

Chapter 2

BOARD OF PARK COMMISSIONERS¹

2-2-1: BOARD CREATED; MEMBERSHIP:

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

A. Term Of Office:

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

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

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

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

2-2-2: ORGANIZATION OF BOARD:

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

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

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

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

- B. A majority of the entire board shall be necessary to constitute a quorum for the transaction of the business of the board. (Ord. 96-15, 2-18-1997)

2-2-4: POWERS AND DUTIES:

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

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

- C. Park Board Powers And Duties:
 - 1. The board of park commissioners shall have the management and control of all parks belonging to the city.

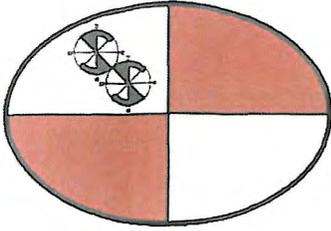
2. The board of park commissioners shall have the following powers and be charged with the following duties:
 - a. To lay out, establish, improve and maintain parkways, drives and walks in the parks of the city; and to determine when and what parks shall be opened to the public;
 - b. To plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the parks belonging to the city;
 - c. If directed by the city council, to plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the streets, avenues, boulevards and public places in the city and for that purpose to establish and maintain nurseries for the growth of trees and plants;
 - d. Upon receiving approval from the city council, to purchase or otherwise acquire, and sell or otherwise transfer, real property; to make plats thereof; and to file the same in the office of the city clerk;
 - e. To provide written comments and recommendations to the city council prior to any action by the city council to acquire or transfer land used, or to be used, for a city park;
 - f. To pay all obligations authorized to be incurred by the provisions of this part;
 - g. To exercise all other powers incident to the duties enjoined by the provisions of this part. (Ord. 96-15, 2-18-1997)

2-2-5: CONTRACTS AND EMPLOYMENT:

- A. The board of park commissioners has the following powers and duties:
 1. To employ and discharge workers, laborers, engineers, foresters and others, and to fix their compensation; and
 2. To make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon the board by this part; provided, however, that any contract having a term of more than five (5) years must be approved by the city council.
- B. All contracts made by the board must be in the name of the city and must be signed by the city clerk and by the president of the board or, in the president's absence, by the vice president of the board; provided, however, that any contract having a term of one year or less may be signed by the parks and recreation director.

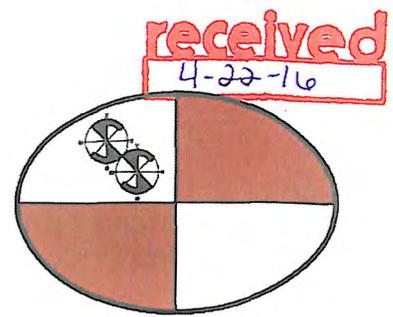
- C. An order or resolution authorizing the making of any contract may not be passed or adopted except by a yea and nay vote, which must be recorded in full in the minutes by the city clerk.

- D. The board may elect to have all, or certain, personnel decisions made by the mayor, the city manager or the parks and recreation director pursuant to the policies and regulations governing other city personnel decisions. (Ord. 96-15, 2-18-1997)



SANDS SURVEYING, INC.

2 Village Loop Road
Kalispell, MT 59901
406-755-6481
Fax 406-755-6488



April 22, 2016

Whitefish City Council
P.O. Box 158
Whitefish, MT 59937

RE: Position on the PUD Re-write Committee.

Dear Mayor and City Council:

I am interested in serving on the Whitefish Planned Unit Development Re-Write Committee as a development community member. I have experience in administering zoning and PUD regulations as a past city planner and in my current position as the City of Columbia Falls contract planner. I also have substantial experience in using the PUD zoning mechanism for development projects in numerous jurisdictions including: Whitefish, Flathead County, Kalispell, and Polson.

It would be an honor to serve the City of Whitefish as a committee member. I am available at your convenience for an interview.

Sincerely,

Eric H. Mulcahy, AICP
Sands Surveying Inc.

received
4-22-16

Robert Horne, Jr., AICP
151 Wedgewood Lane
Whitefish, MT 59937
(406) 250-6632
rhorne@appcom.net

City of Whitefish
P.O. Box 158
Whitefish, MT 59937-0158
Via e-mail

April 22, 2016

Re: PUD Committee

Honorable Mayor and members of Council:

I am writing to ask to be considered for appointment to the ad hoc committee that will be assigned the task of rewriting the PUD in the City zoning code. I am a professional community planner with over 40 years of experience in both the public and private sectors, and I reside and own property in Whitefish.

Thank you very kindly for your consideration.
Respectfully submitted,

Robert Horne, Jr., AICP

received
4-15-16

April 14, 2016

Whitefish City Clerk's Office

1005 Baker Avenue

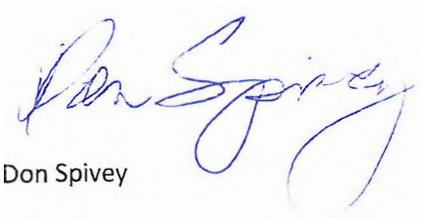
Whitefish, MT 59937

Subject: **Planned Unit Development** Re-Write Steering Committee

To whom it may concern,

I would like to be considered for a steering committee membership for the subject re-write. I live within a couple of hundred yards of the city limits on Park Knoll Lane. I also own a lot in the River's Edge Subdivision. I have had and continue to have an active interest in this project.

Respectfully,



Don Spivey

117 Park Knoll Lane

Whitefish, MT

862-7733

RESOLUTION NO. 16-15

A Resolution of the City Council of the City of Whitefish, Montana, establishing the Planned Unit Development Re-write Steering Committee.

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

Section 1: There is hereby established the Planned Unit Development Re-Write Steering Committee (the "Committee").

Section 2: The general purpose of the Committee will be to re-write, as needed, the Planned Unit Development ordinances contained in Article S of Title 11, Chapter 2 of the City Code to remedy various concerns raised by the public, including the averaging of density across underlying zoning districts when a Planned Unit Development overlays more than one district.

Section 3: The Committee will consist of not less than five (5) but not more than seven (7) individuals with representation as follows: One (1) City Council Member; One (1) staff member from the City's Planning Department; One (1) member from the Whitefish development community; and Two (2) to Four (4) members who are either Whitefish residents or who own property within the City's boundaries or within one-half mile of the boundaries. The Committee members shall select a Chairperson and a Vice-Chairperson from the members of the Committee. The Committee shall appoint one member as Secretary of the Committee, who shall keep minutes of all meetings and submit them to the City Clerk. A majority of the members shall constitute a quorum. The Committee shall meet as often as necessary to accomplish its general purpose, as described above, but not less than bi-weekly. The Committee shall cease to exist as provided in Section 4.

Section 4: The Committee will begin its deliberations as soon as practical after creation of the Committee. The Committee shall meet not less than bi-weekly with the goal of having a finalized draft of the revised Planned Unit Development ordinances prepared and ready to present to the Planning Board by September 1, 2016. The Committee shall be disbanded as of the date the City Council passes an ordinance adopting the changes to Article S of Title 11, Chapter 2 of the City Code but, in any case, no later than August 16, 2018.

Section 5: A member of the Committee may be removed by the City Council, after a hearing for misconduct or nonperformance of duty. Absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year shall constitute grounds for removal. The circumstances of the absences shall be considered by the City Council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the Chairperson of the Committee at least twenty-four (24) hours prior to any scheduled meeting.

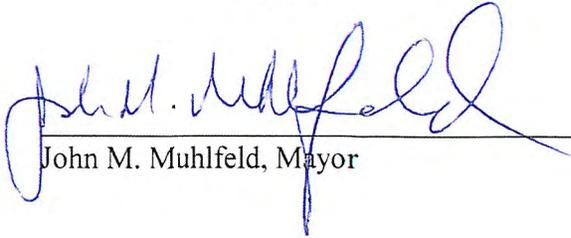
Section 6: Any vacancy occurring on the Committee will be filled in the same manner that the initial position was filled.

Section 7: The Committee will not have authority to make any expenditure on behalf of the City or disburse any funds provided by the City or to obligate the City for any funds.

Section 8: The Committee will have no authority to direct City staff with respect to any matter, but may request information and assistance from City staff.

Section 9: This Resolution will take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 21ST DAY OF MARCH, 2016.



John M. Muhlfeld, Mayor

ATTEST:



Michelle Howke, City Clerk

Anne Shaw Moran
432 W. Third Street Lower
P.O. Box 4472
Whitefish, MT 59937
(406) 862-7342
email: asm@digisys.net

received
4-21-16

April 19, 2016

Hon. Mayor John Muhlfeld
Whitefish City Council
c/o Michelle Howke, City Clerk
City of Whitefish
1005 Baker Ave
Whitefish, MT 59937

Dear Mayor Muhlfeld and City Councilors:

Please accept this letter as my application for re-appointment as a Trustee on the Whitefish Community Library (WCL) Board.

It would be my pleasure to continue serving this community as a WCL Trustee. I have been a Trustee since the WCL's inception, and have served the last few years as chair of our board. Since the WCL went independent from Flathead County in 2011, we have experienced phenomenal growth and community support. Thanks to our great Library Director, staff, volunteers, and a caring community, our collection has almost doubled since we opened the WCL's doors. In addition, our patronage has more than doubled from approximately 3,000 cardholders to over 7,000. While we remain frugal in our fiscal management at the WCL, that community support has been manifest in thousands of dollars of grants, donations, bequests, and endowment proceeds both directly to the WCL and through the Whitefish Library Association for the WCL's benefit. And, while we are proud of the many professional awards the WCL has received, our greatest reward is hearing new (or returning) patrons exclaim, "I love this place!"—and we hear it almost daily, thanks to our staff's competence and creativity.

Today, the Whitefish Community Library is the 8th largest library in Montana. We continue to survey our community regularly (both formally and informally) to insure the WCL stays in touch with Whitefish's needs and desires. We are so grateful for the City's outstanding support, which is critical to the library's success. After our long "sprint" to get up and running, the WCL has evolved to a period of stability and we are enjoying planning proactively with our patrons, staff, volunteers and other cooperators for the WCL's bright future.

Participating in the WCL's growth and development is a joyful endeavor and I would like to continue my service for another term if it is the Mayor and City Council's pleasure that I do so. Thank you for your consideration.

Sincerely,



Anne Shaw Moran
Chair, Board of Trustees
Whitefish Community Library

LIBRARY BOARD OF TRUSTEES – WCC 2-14, 5 YEAR TERMS, (Second Wednesday of the Month – 7:00 pm)

MAYORAL APPOINTMENTS

Roger Barber	1029 Park Ave	265-6594	6/30/2019	
Vice Chair: Anne Shaw Moran	PO Box 4472, WF	862-7342	6/30/2016	
Secretary: Alison Pomerantz	342 Plantation Dr, Kalispell	314-4882, 617-803-9697	6/30/2018	In School District, Out of City
Treasurer: Mary L. Vail	PO Box 515, WF	862-3562	6/30/2020	
Mitchell Drachman	6002 St. Moritz Drive Unit F	730-8465	6/30/2017	

Chapter 14

WHITEFISH COMMUNITY LIBRARY BOARD OF TRUSTEES

2-14-1: BOARD OF TRUSTEES ESTABLISHED:

There is hereby established a board of trustees to be called the "Whitefish Community Library board of trustees", hereinafter referred to as the board of trustees. (Ord. 10-19, 12-6-2010)

2-14-2: PURPOSE, POWERS, PROCESSES, AND DUTIES:

As provided by Montana law, the board of trustees shall have exclusive control of the expenditure of the public library fund, construction or lease of library buildings, and the operation and care of the library. The board of trustees shall have the powers and duties currently provided in Montana Code Annotated, section 22-1-309, as amended:

- A. Adopt bylaws and rules for its own transaction of business and for the government of the library, not inconsistent with law;
- B. Establish and locate a central public library and may establish branches thereof at such places as are deemed necessary;
- C. Have the power to contract, including the right to contract with regions, counties, cities, school districts, educational institutions, the state library, and other libraries, to give and receive library service, through the boards of such regions, counties, and cities and the district school boards, and to pay out or receive funds to pay costs of such contracts;
- D. Have the power to acquire, by purchase, devise, lease or otherwise, and to own and hold real and personal property in the name of the city or county or both, as the case may be, for the use and purposes of the library and to sell, exchange or otherwise dispose of property real or personal, when no longer required by the library and to insure the real and personal property of the library;

- E. Pay necessary expenses of trustees of the library staff when on business of the library;
- F. Prepare an annual budget, indicating what support and maintenance of the public library will be required from public funds, for submission to the appropriate agency of the governing body. A separate budget request shall be submitted for new construction or for capital improvement of existing library property;
- G. Make an annual report to the governing body of the city or county on the condition and operation of the library, including a financial statement. The trustees shall also provide for the keeping of such records as shall be required by the Montana state library in its request for an annual report from the public libraries and shall submit such an annual report to the state library;
- H. Have the power to accept gifts, grants, donations, devises, or bequests of property, real or personal, from whatever source and to expend or hold, work, and improve the same for the specific purpose of the gift, grant, donation, devise, or bequest. These gifts, grants, donations, devises, and bequests shall be kept separate from regular library funds and are not subject to reversion at the end of the fiscal year; and
- I. Exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library. (Ord. 10-19, 12-6-2010)

2-14-3: MEMBERSHIP:

The board of trustees shall have five (5) trustees. Trustees shall be appointed by the mayor with the advice and consent of the city council. Four (4) trustees shall reside within the boundaries of the city of Whitefish and one trustee shall reside within the boundaries of the current school district 44 but outside the boundaries of the city of Whitefish. Trustees shall receive no compensation. (Ord. 10-19, 12-6-2010)

2-14-4: TERMS OF TRUSTEES:

Trustee terms shall be for five (5) years, although initially the appointments must be made

for one, two (2), three (3), four (4), and five (5) year terms. Annually thereafter, trustees must be appointed before July 1 of each year, in the same manner as the original appointments for a five (5) year term, a trustee to take the place of the retiring trustee. Trustees may not serve more than two (2) full terms in succession. (Ord. 10-19, 12-6-2010)

2-14-5: VACANCY:

Any vacancy on the board of trustees shall be filled for the unexpired term in the same manner as the original appointment. (Ord. 10-19, 12-6-2010)

2-14-6: ORGANIZATION:

At its first meeting after the initial appointment of the board of trustees, and thereafter at its first meeting after July 1 of each year, the trustees shall meet and elect a presiding officer and other officers that they consider necessary for one year terms. (Ord. 10-19, 12-6-2010)

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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 2, 2016, at **7:10 p.m.** at Interim City Hall, 1005 Baker Avenue.

Ordinance numbers start with 16-09. Resolution numbers start with 16-17.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) PRESENTATION – Update on City Hall/Parking Structure construction – Owner’s Representative Mike Cronquist (p.57)
- 4) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 5) COMMUNICATIONS FROM VOLUNTEER BOARDS
- 6) CONSENT AGENDA
 - a) Minutes from the April 18, 2016 Council regular meeting (p.68)
 - b) Ordinance No. 16-08; An Ordinance approving the Mckay Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish (Second Reading) (p.76)
 - c) Consideration of approving application from Bruce Boody on behalf of Covey Family Trust for Whitefish Lake Lakeshore Permit (#WLP-16-W02) at 2524 East Lakeshore Drive to install dry set stone stairs, placement of gravel, and a gravel bypass swale for stormwater management subject to 20 conditions (p.83)
 - a) Consideration of approving application from Doepker Landscape, Inc. on behalf of Curtis and Jodi Thew for Whitefish Lake Lakeshore Permit (#WLP-16-W03) at 1490 Barkley Lane to remove existing non-native vegetation and re-landscape within the Lakeshore Protection Zone, install a slide onto an existing dock, and remove a log from the lake which is creating a safety hazard subject to conditions (p.99)
- 7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Consideration of an application from the VFW Lion Mountain Post #276 for a Conditional Use Permit for the expansion of a non-conforming use to install five (5) new

gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3 (General Business District). The property is located at 20 Baker Avenue (p.122)

- b) Ordinance No. 16-___; An Ordinance rezoning approximately 1.203 acres of land located at 6232 US Highway 93 South, in Section 1, Township 30 North, Range 22 West, Whitefish, Montana, from County SAG-10 (Suburban Agricultural District) to City WA (Agricultural District) and adopting findings with respect to such rezone (First Reading) (p.148)
 - c) Consideration of an application for a preliminary plat approval from Triple S Landgroup and Daniel Scheffer for a 6-lot subdivision that contains four (4) detached single family homes and two (2) attached single family homes. The property is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights (p.176)
- 8) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR
- a) Consideration of awarding a contract for engineering services for Riverside Park Tennis Courts and new City Beach Parking Lot (55 Woodland Place) to TDH Engineering (p.237)
- 9) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
- a) Resolution No. 16-___; A Resolution adopting the final Environmental Assessment for the Wastewater Treatment Plant Improvements Project (p.243)
 - b) Resolution No. 16-___; A Resolution authorizing the City Manager to submit an application to the Montana Department of Commerce for TSEP and DNRC-RRGL grant funding associated with the Wastewater Treatment Plant Improvements Project (p.258)
 - c) Resolution No. 16-___; A Resolution authorizing support for a Department of Natural Resources and Conservation RRGL for government facilities grant application for the "Optimization of the Whitefish Water Treatment Plant" project and the work that would be funded under the grant (p.259)
- 10) COMMUNICATIONS FROM CITY MANAGER
- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.264)
 - b) Other items arising between April 27th and May 2nd
 - c) Third Quarter Financial Report – Finance Director Dana Smith (p.266)
- 11) COMMUNICATIONS FROM CITY ATTORNEY
- a) Review and discuss memo on options for delaying annexations for areas around Whitefish Lake with demonstrated septic leachate problems including the Lion Mountain area (p.280)
- 12) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
- a) Letter from Michael Henson of Whitefish Community Garden requesting an increase in water allowance from \$300 per year to \$600 per year as support for community garden (p.284)
 - b) Discuss and set dates for budget work sessions for FY17 budget and set date for the preliminary public hearing on the budget for the June 20th meeting (p.285)
 - c) Resolution No.16- ___: A Resolution establishing annual goals for the City (p.286)
 - d) Consideration of any appointments to volunteer committees not made during tonight's work session (p.1)

13) 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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April 27, 2016

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

Mayor Muhlfeld and City Councilors:

Monday, May 2, 2016 City Council Agenda Report

There will be a work session at 5:00 p.m. for interviews for appointments to boards, commissions, and committees. Food will be provided.

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

CONSENT AGENDA

- a) Minutes from the April 18, 2016 Council regular meeting (p.68)
- b) Ordinance No. 16-08; An Ordinance approving the Mkey Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish (Second Reading) (p.76)
- c) Consideration of approving application from Bruce Boody on behalf of Covey Family Trust for Whitefish Lake Lakeshore Permit (#WLP-16-W02) at 2524 East Lakeshore Drive to install dry set stone stairs, placement of gravel, and a gravel bypass swale for stormwater management subject to 20 conditions (p.83)
- d) Consideration of approving application from Doepker Landscape, Inc. on behalf of Curtis and Jodi Thew for Whitefish Lake Lakeshore Permit (#WLP-16-W03) at 1490 Barkley Lane to remove existing non-native vegetation and re-landscape within the Lakeshore Protection Zone, install a slide onto an existing dock, and remove a log from the lake which is creating a safety hazard subject to conditions (p.99)

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

Item a is an administrative matter, items b-d are quasi-judicial matters.

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

- a) Consideration of an application from the VFW Lion Mountain Post #276 for a Conditional Use Permit for the expansion of a non-conforming use to install five (5) new gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3 (General Business District). The property is located at 20 Baker Avenue (p. 122)

From Planner II Bailey Minnich's transmittal memo:

Summary of Requested Action: The VFW Lion Mountain Post #276 is requesting a Conditional Use Permit for the expansion of a non-conforming use, for the installation of five (5) new gaming machines at 20 Baker Avenue. The property is developed with an existing commercial use which currently has nine (9) gaming machines. The applicant is not expanding the existing lounge area to accommodate the new machines. The subject property is zoned WB-3. The Whitefish Growth Policy designates this property as 'Core Commercial.'

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with eight (8) conditions set forth in the attached staff report.

Public Hearing: The commander and manager of the VFM spoke at the public hearing on April 21, 2016. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 21, 2016 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with eight (8) conditions as contained in the staff report and adopted the staff report as findings of fact.

RECOMMENDATION: Staff respectfully recommends the City Council approve a Conditional Use Permit for VFW Lion Mountain Post #276 for the expansion of a non-conforming use to install five (5) new gaming machines at 20 Baker Avenue along with the Findings of Fact in the staff report and the eight (8) conditions of approval, as recommended by the Whitefish Planning Board.

This item is a quasi-judicial matter.

- b) Ordinance No. 16-___; An Ordinance rezoning approximately 1.203 acres of land located at 6232 US Highway 93 South, in Section 1, Township 30 North, Range 22 West, Whitefish, Montana, from County SAG-10 (Suburban Agricultural District) to City WA (Agricultural District) and adopting findings with respect to such rezone (First Reading) (p.148)

From Planner II Bailey Minnich's transmittal memo:

Summary of Requested Action: This is a request by the City of Whitefish on behalf of Marie Hedman and First Baptist Church for a rezone of one parcel with the zoning designation of County SAG-10 to City WA (Agricultural District). The property is located behind the existing church at 6232 Highway 93 South and totals 1.203 acres.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced rezone.

Public Hearing: A representative of the Hedman family spoke at the public hearing. The draft minutes from the Planning Board for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 21, 2016 and considered the requested rezone. Following the public hearing, the Planning Board unanimously recommended approval of the above referenced rezone and adopted the staff report as findings of fact.

RECOMMENDATION: Staff respectfully recommends the City Council adopt Ordinance No. 16-___; An Ordinance rezoning approximately 1.203 acres of land located at 6232 US Highway 93 South, in Section 1, Township 30 North, Range 22 West, Whitefish, Montana, from County SAG-10 (Suburban Agricultural District) to City WA (Agricultural District) and adopting findings with respect to such rezone (First Reading) and adopt the Findings of Fact in the staff report, as recommended by the Whitefish Planning Board on April 21, 2016.

This item is a quasi-judicial matter.

- c) Consideration of an application for a preliminary plat approval from Triple S Landgroup and Daniel Scheffer for a 6-lot subdivision that contains four (4) detached single family homes and two (2) attached single family homes. The property is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights (p.176)

From Planner II Bailey Minnich's transmittal memo:

Summary of Requested Action: This is a request by Triple S Landgroup and Daniel Scheffer for a 6-lot preliminary plat called SW Subdivision. The proposed subdivision will contain four (4) detached single family homes and two (2) attached single family homes. The property is currently developed with a single family home and is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights Road and is 1.09 acres.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced preliminary plat subject to 20 conditions set forth in the attached staff report.

Public Hearing: The applicant spoke at the public hearing, along with three (3) members of the public. One of the members also submitted additional written comments during the public hearing. All of the comments, both written and verbal, were in support of the project. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 21, 2016 and considered the requested preliminary plat. Following the public hearing, the Planning Board unanimously recommended approval of the project with 20 conditions as contained in the staff report, and adopted the staff report as findings of fact.

RECOMMENDATION: Staff respectfully recommends the City Council approve a preliminary plat for the 6-lot SW Subdivision that contains four (4) detached single family homes and two (2) attached single family homes and adopt the Findings of Fact in the staff report and the 20 conditions of approval, as recommended by the Whitefish Planning Board on April 21, 2016.

This item is a quasi-judicial matter.

COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) Consideration of awarding a contract for engineering services for Riverside Park Tennis Courts and new City Beach Parking Lot (55 Woodland Place) to TDH Engineering (p.237)

From Parks and Recreation Director Maria Butts staff report:

The Parks and Recreation Department has advertised a Request for Qualifications from engineering consultants, interviewed finalists and negotiated a contract with the top ranked consultant to provide engineering services for the Riverside Tennis Courts and Woodland Parking Lot Projects.

This memo is to recommend approval of Phase I of a contract with TD&H, for services to include topographical surveying. Once this phase is complete, TD&H will be able to provide a scope of services for the conceptual design, final design and construction scope of services. Phase I of this proposed contract is for an amount not to exceed \$6,840.

Resort Tax Funds have been committed to the Riverside Tennis Courts Project, and Tax Increment Funds have been committed to the Woodland Parking Lot design. Our plan is to proceed with the topographical surveying for both projects this spring. Once surveying is complete, the Parks and Recreation Department will seek approval of Phase II of the contract to include conceptual design, final design and construction scope of services for both the Riverside Tennis Courts and Woodland Parking Lot

Projects. Final design and construction of the Riverside Tennis Courts are anticipated to be completed by November of 2016. Final design and construction of the Woodland Parking Lot will be contingent upon sufficient available TIF Funds.

The Parks and Recreation Department and TD&H have negotiated a contract for the services described above in an amount not to exceed \$6,840. This amount will be paid out of both the Resort Tax and Tax Increment Funds. Currently, \$120,000 has been set aside for the Riverside Tennis Courts Project and \$14,000 for the design of the Woodland Parking Lot Project this fiscal year.

RECOMMENDATION: Staff respectfully recommends the City Council authorize the execution of Phase I of a consultant contract with TD&H, in an amount not to exceed \$6,840, for engineering services for the Riverside Tennis Courts and Woodland Parking Lot Projects.

This item is a legislative matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Resolution No. 16-__ ; A Resolution adopting the final Environmental Assessment for the Wastewater Treatment Plant Improvements Project (p.243)

From Public Works Director Craig Workman's staff report:

The City was issued an Administrative Order on Consent (AOC) by the Montana Department of Environmental Quality (DEQ) on October 5, 2012. The AOC was issued as a result of several violations of the City's wastewater discharge permit. Late last year the AOC was updated to incorporate a Compliance Plan detailing the completion dates that must be met in order to bring the WWTP into compliance. The first milestone date is October 1, 2016, when the Preliminary Engineering Report (PER) is due. Upon acceptance of the PER, design plans will then be due by February 1, 2018, and construction must be completed by May 1, 2021.

In order to reach these compliance dates, the Public Works Department is recommending the City submit grant and loan applications to the DNRC-Renewable Resource Grant & Loan Program (RRGL), the MDOC-Treasure State Endowment Program (TSEP) and the USDA-Rural Development Grant Program (RD). RRGL and TSEP grants are due in May for consideration in the next legislative cycle, whereas RD applications are accepted continuously.

This project does not qualify for a categorical exclusion, which means the potential exists for the project to have a significant effect on the human environment. With that in mind, an environmental assessment (EA) is required for the project and has been completed. Based on the results of the EA, an environmental impact statement (EIS) may be warranted.

Anderson Montgomery Consulting Engineers (AMCE) has prepared RRGL & TSEP applications for the City in 2000, 2006, 2008, 2012 and 2014. Each application has been successful, bringing over \$2.5 million dollars to the community for water and wastewater improvements. Additionally, AMCE has been successful in obtaining Federal Stimulus (ARRA) funds for the City when they were available in the past.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 16-___; A Resolution adopting the final Environmental Assessment for the Wastewater Treatment Plant Improvements Project.

This item is a legislative matter.

- b) Resolution No. 16-___; A Resolution authorizing the City Manager to submit an application to the Montana Department of Commerce for TSEP and DNRC-RRGL grant funding associated with the Wastewater Treatment Plant Improvements Project (p. 258)

See staff report above.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 16-___; A Resolution authorizing the City Manager to submit an application to the Montana Department of Commerce for TSEP and DNRC-RRGL grant funding associated with the Wastewater Treatment Plant Improvements Project.

This item is a legislative matter.

- c) Resolution No. 16-___; A Resolution authorizing support for a Department of Natural Resources and Conservation RRGL for government facilities grant application for the "Optimization of the Whitefish Water Treatment Plant" project and the work that would be funded under the grant (p. 259)

From Public Works Director Craig Workman's staff report:

The City of Whitefish owns and operates a Public Water Supply (PWS) that serves approximately 6,500 residents through roughly 3,500 connections. System infrastructure includes a Contact Absorption Clarifier (CAC) Water Treatment Plant with an eight-million-gallon ground reservoir, two steel tanks on Grouse Mountain, a lake pumping station, four pressure boosting stations, and 44 miles of distribution piping.

Source water is obtained from Whitefish Lake through an intake located approximately 1,200 feet off Mountain Harbor at a depth of approximately 50 to 60 feet. The City also operates three intakes which are located on perennial streams within the Haskill Basin north of the City of Whitefish. One of those intakes is on Haskill Creek, the other

two are on unnamed creeks designated as Second and Third Creeks—tributaries to Haskill Creek.

Second and Third Creeks are currently the primary source of municipal water for the City of Whitefish with approximately 90% of the total volume used annually coming from the Haskill Basin. Over the past ten years, that number has been as high as 97% and as low as 80% annually.

The CAC treatment chain uses a two-stage filtration process and requires a routine backwashing process. Backwash from cleaning the cartridge units is conveyed to a settling pond used to maintain compliance with the City's discharge permit. The water is then spilled out into Viking Creek at approximately 150 gpm over the course of four hours. In 2013, a report prepared by Applied Water Consulting estimated a considerable amount of excess water being used in the treatment process.

In 2016, the Haskill Basin Easement was finalized. The easement protects the Whitefish municipal watershed from development and allows permanent access to the City's water intakes and infrastructure. The Montana Legislature established the RRGL Program to enhance Montana's renewable resources. The program provides grants up to \$125,000 for eligible renewable resource and public facility projects. The Flathead Conservation District would like to sponsor and administer an application for an RRGL grant to design and construct improvements to optimize certain operations at the City's water treatment plant. The Whitefish Lake Institute would also be a partner in this project, in an effort to create an optimization plan for the water plant. This plan will serve as an integrated engineering/natural resource investigation to increase water consumption efficiencies at the plant for long-term cost savings to municipal rate payers and to protect in-stream flows and water quality in Haskill Creek, Viking Creek and Whitefish Lake.

The Public Works Department is hoping to realize the following primary goals through this project:

- Reduced water treatment costs to municipal rate payers through more efficient management of source waters from Haskill Basin and Whitefish Lake
- Extension of the municipal water intake device on Whitefish Lake to a deeper portion of the lake to reduce organics and to lower pH which will reduce treatment costs, and potentially backwashing needs of the WWTP cartridge filtering media
- Implementation of software and telemetry devices to control head gates to maximize water use consumption and diversion management
- Prevent seepage that is occurring at the base of the earthen impoundment for the reservoir.
- Optimization of hydropower production

Incorporation of these objectives will serve to generate the following environmental and ecological benefits:

- Retention of in-stream flows in Haskill Creek to improve cutthroat trout fishery.

- Reduction of fluctuating flows to Viking Creek to control sediment loading to Whitefish Lake.
- Prepare a preliminary readiness plan for the City of Whitefish should a catastrophic fire occur in the Haskill Basin resulting in large sediment loading to the WWTP reservoir.
- Build upon past restoration successes in lower Haskill Creek by the Flathead Conservation District and Whitefish High School Project FREEFLOW.

The Flathead Conservation District is currently working with Anderson Montgomery Consulting Engineers (AMCE) to prepare and submit the RRGL application. Although a cost estimate has not been established for the list of projects, this will be one of the first outcomes of the management plan. The City is being asked to contribute up to \$10,000, towards the project, which will be made as a one-time payment in FY 2018.

RECOMMENDATION: Staff respectfully recommends the City Council adopt Resolution No. 16-___; A Resolution authorizing support for a Department of Natural Resources and Conservation RRGL for government facilities grant application for the "Optimization of the Whitefish Water Treatment Plant" project and the work that would be funded under the grant.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- Written report enclosed with the packet. Questions from Mayor or Council? (p.264)
- Other items arising between April 27th and May 2nd
- Third Quarter Financial Report – Finance Director Dana Smith (p.266)

Finance Director Dana Smith has a comprehensive, 10 page quarterly report in the packet. She will review it at the meeting and answer questions.

COMMUNICATIONS FROM CITY ATTORNEY

- Review and discuss memo on options for delaying annexations for areas around Whitefish Lake with demonstrated septic leachate problems including the Lion Mountain area (p.280)

From City Attorney Angela Jacobs' memo:

Background

In 1988, the City passed Resolution No. 88-20 which set forth a written policy for deferred annexation for areas outside City limits. Resolution No. 88-20 provided the City would allow areas contiguous or noncontiguous to connect to City services if property owners signed a waiver of protest of annexation with the understanding the City would wait for at least two years to annex the property.

In 1998, the City passed Resolution No. 98-45 which rescinded the City's written policy regarding deferred annexation. As set forth in Resolution No. 98-45, the City determined annexations should occur when they are in the best interest of the City rather than being subject to an arbitrary two-year waiting period. The City further determined the two-year delay served no legitimate City interest and could be detrimental to the City's ability to annex properties that receive City services.

It is now the City's policy to require property owners to sign an Agreement for Annexation in order to connect to City services. The City generally annexes property soon after the property owner executes the Agreement for Annexation. In 2002, however, the City and the Big Mountain County Sewer District entered into an agreement under which the boundaries of the District were significantly expanded. As part of the agreement, the City consented not to annex the Big Mountain area for at least twenty years, even if it becomes contiguous to the City. In addition, in the late 1980s or early 1990s, the City agreed to defer annexation of the Rest Haven area until it was contiguous to the City.

In 2011, the Whitefish Lake Institute completed a study for the Whitefish County Water and Sewer District that identified three confirmed areas of septic leachate contamination in Whitefish Lake and identified two other areas of high potential for septic leachate contamination. One of the areas the Whitefish Lake Institute identified as having a high potential for contamination is at the Dog Bay/State Park located below the Lion Mountain Planning Area. The Lion Mountain Planning Area is located outside City limits.

In 2015, the City agreed to provide up to \$60,000 for Preliminary Engineering Reports for the Lion Mountain and East Lakeshore areas. In April of 2016, Carver Engineering completed the PER for Lion Mountain. The PER considered five alternatives to address wastewater management in the Lion Mountain area to resolve the problem of septic leachate reaching Whitefish Lake. The preferred alternative identified by Carver was to extend a section of the City's public wastewater collection system to serve all existing and proposed residences in the Lion Mountain Planning Area and to install individual packaged grinder pump systems at each residence. The lots served by the community wastewater system in Phase 6 of the Lion Mountain subdivision would be connected to the new main with a single new pump system and pressure service line. Carver estimated the cost of the design and construction of the preferred alternative to be \$2,902,851 and operations and maintenance costs to be approximately \$86,877 per year. Carver estimated the total monthly cost for each lot connected to the City sewer system to be between \$140.76 and \$172.09 for developed lots and between \$85.06 and \$116.39 for vacant lots.

On April 4, 2016, the City held a public work session to discuss the PER for Lion Mountain and providing possible incentives for the Lion Mountain area to connect to City sewer. The City's current policy regarding annexation was discussed at the work session and representatives from the Lion Mountain area expressed strong

opposition to annexation. At the City Council meeting held the same evening, Council directed staff to present some options with respect to the issue. Specifically, Council requested staff to research whether the City can equitably and legally extend the option of deferred annexation to areas that have a direct link to water quality degradation in order to incentivize them to connect to City sewer while preserving the right not to extend that option to other areas that do not have a direct link to water quality degradation.

Discussion:

Following are annexation options to require or incentive the Lion Mountain area to connect to City sewer:

(1) Annexation

The City could conceivably annex the area using the “Annexation of Contiguous Land” method set forth in §§ 7-2-4301, *et seq.*, MCA. The “Annexation of Contiguous Land” method, however, allows property owners to protest annexation. If a majority of landowners disapprove annexation, the City may not move forward. It is possible, if not probable, that the majority of the property owners within the Lion Mountain area would file written protests if the City were to attempt to annex the area at this time. The City would then be prohibited from attempting another annexation for one year.

(2) Deferred Annexation With No Trigger Date

The City could agree to refrain from annexing the Lion Mountain area for a period of time, such as ten or twenty years, similar as was done with the Big Mountain area. The maximum deferral should be for the length of a Rural Special Improvement District (“RSID”) or 20 years, whichever is shorter. This deferral period should begin to run upon creation of a RSID. This approach would give residents of the area relief from increased property taxes that would result from annexation for a guaranteed period of time during which they are paying the capital costs associated with the new sewer improvements.

The downside of this approach is that while it might provide incentive for the Lion Mountain area to connect to City sewer, it does not provide any incentive to do so in a timely manner. Residents could remain on septic for years before petitioning for a RSID and exercising the deferred annexation option.

Further, the City generally must act in a way that cannot be characterized as arbitrary or capricious. Given the City’s current policy is to require property owners to consent to immediate annexation prior to connecting to City services, the City must articulate a valid reason for declining to follow its general policy with respect to the Lion Mountain area. Preventing further degradation of the water quality of Whitefish Lake would likely qualify as a valid reason. The City, however, should be prepared to

offer the deferred annexation option to other areas that present a direct link to water quality degradation.

(3) Deferred Annexation With a Trigger Date

The City could agree to defer annexation of the Lion Mountain area for a certain period of time as long as the area exercises that option within a defined period of time, such as two years or three years. If the “option period” is two years, it could begin as soon as May 2016 so as to help ensure that a project is put together before May 2018, which is the deadline for the next cycle of State grants.

This approach may have the advantage of incentivizing the Lion Mountain area to timely connect to City sewer. It provides an endpoint for connection rather than allowing the option of deferred annexation years in the future. As noted above, the City should be prepared to offer the option of deferred annexation with a trigger date to other areas that have a direct link water quality degradation.

(4) Monetary Incentives

As set forth in the City Manager’s letter to the Whitefish County Water and Sewer District, the City could agree to provide monetary reimbursement to property owners within the Lion Mountain area for a limited time in exchange for their agreement to connect to City sewer. This approach could be combined with the requirement that the property owners consent to annexation, in which case the monetary reimbursement would likely have to be higher due to the anticipated increase in property taxes. This approach could also be combined with an agreement to defer annexation but for a time period less than the length of the RSID.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Letter from Michael Henson of Whitefish Community Garden requesting an increase in water allowance from \$300 per year to \$600 per year as support for community garden (p. 284)
- b) Discuss and set dates for budget work sessions for FY17 budget and set date for the preliminary public hearing on the budget for the June 20th meeting (p. 285)
- c) Resolution No.16- ___ : A Resolution establishing annual goals for the City (p. 286)
- d) Consideration of any appointments to volunteer committees not made during tonight’s work session (p. 1)

ADJOURNMENT



Sincerely,
Chuck Stearns, City Manager

Table 1: Common Motions Used in a Meeting.¹

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Privileged Motions							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No
Subsidiary Motions							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. . ."	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed"	No	Yes	Yes (16)	No	Majority	(4)
Main Motions							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
Incidental Motions (11)							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing ... can be considered separately."	No	Yes	No	Yes	Majority	No
Renewal Motions (8)							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

¹ Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

*** Refer to Robert's Rules of Order Newly Revised**

- (1) The chair decides. Normally no vote is taken.
- (2) Only made by a member who voted on the prevailing side and is subject to times limits.
- (3) Only the negative vote may be reconsidered.
- (4) Only the affirmative vote may be reconsidered.
- (5) Debatable when applied to a debatable motion.
- (6) Majority with notice, or 2/3 without notice or majority of entire membership.
- (7) Majority or tie vote sustains the chair.
- (8) None of these motions (except Reconsider) are in order when business is pending.
- (9) Rules of order, 2/3 vote—Standing rules, majority vote.
- (10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).
- (11) The Incidental Motions have no precedence (rank). They are in order when the need arises.
- (12) A Main Motion if made when no business is pending.
- (13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.
- (14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.
- (15) Upon a call by a single member, the Orders of the Day must be enforced.
- (16) Has full debate. May go into the merits of the question which is the subject of the proposed action.
- (17) A 2/3 vote in negative needed to prevent consideration of main motion.

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PROJECT REVIEW

DATE: 25 April 2016

CITY OF WHITEFISH

NEW CITY HALL and PARKING STRUCTURE

REPORT TO CITY COUNCIL and STAFF for 02 May, 2016 COUNCIL MEETING

ACTIVITIES COMPLETED – THIS PERIOD

- The VOC (Volatile Organic Compounds – hydrocarbons) Evacuation system was completed in the basement, under slab, area of the City Hall.
- The sump for the foundation and VOC was installed. The pipe connections to / from the sump will be done at a later time.
- The stepped portion of the common wall footing at the west end was completed.
- Waterproofing and insulation has been installed on the previously poured basement walls.
- Work was started on the north basement / stairwell wall forming and rebar installation.
- There are nearly 675 CY of concrete in place to date. The breakdown is ~ 450 CY – CH and 225 CY – PS.
- The first loads of structural steel were received onsite Monday and Tuesday, 4/18 & 19.

ACTIVITIES IN PROGRESS

- Work on final elements of the basement wall system.
- Preparation for pouring the basement slab, including fine grading, block-outs and reinforcing steel.
- One storm drain tie-in has been completed. Preparations are being made for the last one, which requires a new manhole. Details were finalized at the 4/20 OAC meeting. (Note: this is not added scope – simply location adjustments.)
- Misc. backfill in and around the basement foundations is continuing.
- Rough in work for plumbing and electrical installations in the CH areas.
- Prep work and inspections for setting structural steel columns and first floor framing.
- Foundation wall damp-proofing

ACTIVITIES PLANNED (3 WEEK LOOK AHEAD)

- Completion of the basement wall system.
- Delivery of additional structural steel elements.
- Installation of the structure steel framing – basement walls – now scheduled for May 9th. (Various activities have been switched about to accommodate the removal of sheet pile shoring and alley backfill. There is no overall schedule slippage due re-sequencing.)
- Continuation of mechanical and electrical rough-in.
- Completion of structural fill around the basement area.
- Completion of PS foundations along the alley.

- Removal of shoring and installation of structural backfill along the alley.

CONTRACT ACTIVITIES

- No new activities at this time.

FUTURE SCHEDULED ACTIVITIES

- Completion of City Hall concrete work.
- Continuation of concrete foundation work in the PS.
- Continue backfill efforts.
- Increase the plumbing and electrical efforts – all areas.

COMMUNICATIONS TO THE PUBLIC

- Alley closures, will continue intermittently, and will continue to be addressed by the Owner's Representative by visits to business owners, and press releases, as appropriate.
- Relations and communications with the local business owners, and the community in general, remain positive.

AREAS OF CONCERN

- There are no new concerns at this time.

Mike Cronquist
Owners Representative

SITE PHOTOS

FIRST LOADS OF STRUCTURAL STEEL





WEST SIDE STEP FOOTING PLACED APRIL 13TH . FORMWORK FOR THE NORTH BASEMENT WALL CAN BE SEEN IN THE BACKGROUND





CONVEYOR VEHICLE USED BY WATSON TO PLACE FILL IN HARD TO REACH AREAS.



COMPLETED BASEMENT WALLS WITH INSULATION AND WATERPROOFING INSTALLED



ANCHOR BOLT DETAIL – SE CORNER OF CITY HALL



FORMWORK – NE CORNER OF CITY HALL FOUNDATION WALL



NORTH BASEMENT WALL – SCHEDULED FOR CONCRETE ON APRIL 26TH.



BEGINNING INSTALLATION OF FORMWORK FOR THE COMMON WALL. NOTE THE REBAR CAGE BEING LOWERED INTO PLACE IN THE CENTER BACKGROUND



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WHITEFISH CITY COUNCIL

April 18, 2016

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Barberis, Frandsen, and Williams, Feury and Sweeney were absent. City Staff present were City Manager Stearns, City Clerk Howke, City Attorney Jacobs, Finance Director Smith, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Senior Planner Compton-Ring. Approximately 35 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Leo Keane to lead the audience in the Pledge of Allegiance.

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

Leo Keane, 514 Pine Place, asked the City Council to consider a problem of over populated deer in town. He suggested eliminating the deer to a sustainable population by either live capture and relocate or provide as food for the food bank.

Judy Spivey, 117 Park Knoll Lane, complimented the Planning Board for turning down the Marriott Motel project. If the project is presented again, the Council should ask if Whitefish needs it, and if Whitefish wants it. She doesn't want Whitefish to become America Town USA.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Hildner reported the Bicycle and Pedestrian Committee had a special meeting this morning to review with WGM Group and BJ Grieve the status of the Bike/Ped Master Plan update. A few things of interest for the community is on April 29 there is a community bike ride starting at 10:00 from the temporary City Hall location to look at the bicycle and pedestrian system. There will also be two community forums on May 19th and May 23rd at the Whitefish High School Cafeteria from 7:00 p.m. to 8:00 p.m. He encourages all the members of the public to attend.

5) CONSENT AGENDA

a) Minutes from the April 4, 2016 Council regular meeting (p.19)

Councilor Hildner had a correction to the minutes on page 22 of the packet, last paragraph, instead of "goal revenue" change to "revenue goal".

Councilor Hildner made a motion, second by Councilor Frandsen to approve the Consent Agenda. The motion passed unanimously.

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

- a) ~~Ordinance No. 16 ___; A request by Whitefish TP LLC for a Conditional Use Permit and a Planned Unit Development to construct a 111-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6405 Highway 93 S (proposed Marriott Hotel) (Withdrawn and to be re-submitted)~~
- b) **Consideration of authorizing grant applications for the Montana DNRC Renewable Resource Grant and Loan Program and the Montana Department of Commerce Treasure State Endowment Program for a proposed project that will install significant improvements to the City's wastewater treatment facilities (p. 26) (CD1 10:27)**

Director Workman gave his staff report that is provided in the packet and also introduced Scott Anderson with Anderson Montgomery Consulting Engineers (AMC). The materials from Scott Anderson's presentation along with a copy of the Environmental Review Checklist is appended to the end of the packet.

Councilor Hildner asked and Scott stated the two 40-year old lagoon cells located at the northern most point of the property is no longer active and could be repurposed for other use such as a tree nursery.

Councilor Hildner asked and Scott said around 1,200 acres would be required to land apply all of the wastewater. A large storage cell is also required. Currently there is 20 acres available for land application, which would be about 10% of the flow in the summer time. The land application systems, in order to function, has to be an agricultural operation.

Councilor Hildner stated the City is actively pursuing a Climate Action Plan, he asked Scott how this fits in with the Plan in terms of reducing not only carbon footprints but perhaps an alternative that actually generates energy, rather than consumes energy? Scott said there are some new technologies out there that allow better use of energy, such as more efficient aeration devises and more efficient blower devises. Councilor Hildner mentioned he would like to see some additional information on energy conservation pursuant to our search for a Climate Action Plan. Scott stated they do an energy analysis of all the alternatives, it would be easy for AMC to do that. Councilor Hildner also stated he did not see odor reduction in the analysis. Scott reported they included that into the aesthetics, and it is a consideration in all of the processes, that is one benefit of a mechanical plant over a lagoon system, is the ability to collect and treat odors because it is smaller.

Mayor Muhlfeld mentioned that the City is the first community to develop a nutrient trading plan for the State of Montana, he is curious on how much value that's informing the design of the plant. Scott said there is a chapter in the plan, they are going to look at two alternatives for land application. It is definitely a component in the planning process. It will be most effective in supplementing a treatment plant.

Mayor Muhlfeld opened the public hearing.

There being no comment, Mayor Muhlfeld closed the public comment and turned it over to the Council for their consideration. No formal action is needed.

c) Ordinance No. 16-08 An Ordinance approving the Mkey Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish (WPP 15-07/WPUD 15-01) (First Reading) (p.35) (CD 1 48:04)

Senior Planner Compton-Ring gave her staff report that is provided in the packet on the website. The applicant is proposing to develop the plan in three phases; single family detached lots, apartments, townhouses. The developer is proposing to an east to west right-of-way on the north side of the property, and extend Whitefish Avenue south to JP Road. A variety of open space areas for the residents in the multifamily portion of the development, along Whitefish River and a pedestrian connection from Whitefish Avenue to the river. The applicant is extending the paved public trail from the north property line to the south property line. Within the 18-unit apartment building 4-units will be provided to the Housing Authority for affordable housing. The Fire Marshal is requesting full fire suppression sprinkler and alarm systems on structures built on lots 4,7,11,14,15,16. Staff is satisfied with the zoning deviation to the smaller lot sizes and width, and feel it is complimentary to the subdivision to the north. The Planning Board approved the project with 28 conditions, staff recommended amendments to Condition #19 and #20 and added Condition #28.

Senior Planner Compton-Ring responded to a few public comments that townhouses are not a permitted use in the PUD, she stated that in the PUD Chapter multifamily is listed as a permitted residential use. The definition of multifamily, is a building or buildings that is attached to each other and containing three or more dwelling units. This is intended to apply to types such as triplexes, four-plexes or apartments. The definition of townhouses or condos is how the unit is constructed. The benefits being provided by the project is up to the Council to decide. The Citizens for a Better Flathead handed a letter to the Planning Board, with questions regarding to the location and legal description of WB-2, it was s 1965 description and reflects the zoning north of the Whitefish River along Spokane Avenue, it doesn't pertain to this particular area. Multifamily is a commercial use because it can potentially be rented, therefor it is not permitted within the PUD. Tom Tornow had emailed Senior Planner Compton-Ring comments that were handed to the Council and also appended to the packet.

Councilor Hildner mentioned in Condition #17, during the Planning Board discussion on refuse disposal areas, the need or desire for containers that can be used particularly for cardboard and plastic.

Mayor Muhlfeld opened the Public Hearing.

Michael Morton, 101 Lakeside Boulevard, is the managing general partner for Mkey Enterprises. Michael stated he is offering to the City in exchange of the PUD; to build Akers Lane that will connect Highway 93 with Whitefish Avenue, the extension of Whitefish Avenue to JP Road, extend the Whitefish River Trail from the northern boundary to the southern boundary of the project property, and agreed to 4 units of the 18-unit apartment building to be assigned to the Whitefish Housing Authority for rental. When the project was started there was some substantial objection from the Rivers Edge Subdivision, they have

amended the plan and addressed their issues and at the Planning Board the president of the Rivers Edge HOA supported the project. Michael has marked every tree on the property and will put forth their very best efforts to save the large trees on the property, and added a strong covenant to require written approval for cutting any tree on the project.

Councilor Hildner mentioned at the Planning Board meeting of some discussion about waiving the HOA dues for the affordable housing, Michael said the dues are paid by the owner not by the tenants, it will not be a part of any rental agreement.

Bruce Boody, 301 Second Street, Landscape Architect, responded to the letter Tom Tornow addressed. The first half of Condition # 10 is almost an exact copy of what is written in Senior Planner Compton-Ring's conditions. Bruce feels that "not shine directly on or into neighboring properties" should be included in Condition #10. Condition #20 is there to make sure that there are four (4) affordable housing units, the additional language seems this condition is going to control all the other market rate units the developer is creating. Units can't be added in a subdivision but you can reduce the number of units. Bruce thinks Condition #20 is good as is. Condition #26 needs to stay, because Lot 17 is still a part of a plat but is removed from the PUD. Condition #29, are townhomes on sub-lots and are available for sale; if the owner wants to keep some of those lots, he can. The developer is fine with Condition #30 if they want to add another condition to further substantiate the drawings. Bruce stated they have worked with staff real hard to make peace and provide assurances to the neighbors.

Don Spivey, 117 Park Knoll Lane, is representing two parties. He received a call from the Rivers Edge Home Owners Association, in regards to Condition #29, with the sale of the townhouses. He will report back to the Rivers Edge HOA. Don did decide the project has done some good things in terms of the single family homes near the river, they eliminated the ingress and egress from the townhouses onto the Whitefish Avenue, which reduces congestion and contamination. He thinks it is a good thing and we get 4 more affordable houses. Lot 17 is the lot against Highway 93, subject of potential development or a variety of sorts, not necessarily another PUD but it could be anything. He mentioned we have to be careful with Lot 17 and what happens to it. He is delighted the City is working with the Department of Transportation to mitigate some of the traffic challenges that are occurring between the signal at JP Road and the Mountain Mall.

Leo Keene, 514 Pine Place, is pleased the developer is recognizing and acknowledging the trees on the property. It is a nice entry into Whitefish, and is important the developer is taking responsibility in preserving the trees. He wished the City would acknowledge the importance as well by codifying tree retention in developments.

Hunter Holmes, 216 Midway Drive, works in the real estate community, and he has seen numerous residential communities developed and he thinks this is one of the best developments presented that preserves the trees, the setback off the highway and improving the access for not only this development but also for Rivers Edge, and building a section of trails to get the community to the Rocksund Bridge is very important. It will improve the housing demand in town as well the employee housing.

There being no further comment Mayor Muhlfeld closed the public comment and turned it over to the Council for their consideration.

Councilor Frandsen made a motion, second by Councilor Hildner to approve the staff report (WPP 15-07/WPUD 15-01), and the findings of fact, and approve the first reading of Ordinance No. 16-08; approving the Mky Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South.

Councilor Hildner made an amendment, second by Councilor Barberis to include an addition to Condition #17 to include facilities for recycling of cardboard and plastics. The motion passed unanimously.

Councilor Frandsen made an amendment, second by Councilor Hildner to add Condition #29, the twenty-foot access trail and landscape buffer easement on the north edge of the property shall be substantially as depicted in the plan in section elevation presented by the developer during the public hearing. The motion passed unanimously.

Councilor Frandsen stated she is very pleased with how the plan worked out, but is concerned of the congestion on Highway 93 as a result of additional development coming along. She hopes to continue along and build alternate access ways keeping in mind there is going to be more congestion. She would hate to see stop light after stop light on Highway 93. The only thing that concerns her is Lot 14, 15, 16 area, the entire middle of that section is all parking access. It would have been nice to a little more people interaction space, where kids are playing and neighbors are interacting through sidewalks and walking dogs. As moving along maybe some more opportunity for landscaping to enhance the neighbor's interaction.

Councilor Hildner wanted to applaud everyone, just based on what he heard at the Planning Board level and what he heard tonight. The cooperative effort between the developers and the neighbors and everybody involved. He thinks this is a nice blue print on how we move forward with these sorts of things. He is also glad to see at least 4 affordable units.

The original motion with amendments to Condition #17 and adding Condition #29 passed unanimously.

7) COMMUNICATIONS FROM CITY MANAGER (CD 1 01:37:31)

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.334) None**
- b) Other items arising between April 13th and April 18th - None**
- c) Discussion and possible authorization to proceed with a "wholly surrounded" annexation process for the area around West Lakeshore Drive (Lake Park Addition) (p. 348)**

City Manager Stearns gave his staff report that is provided in the packet on the website. The Council originally met in a work session on March 3, 2014 to discuss properties outside the City that have utility connections and look for areas of annexation. At the time, the first priority was the Houston Drive area on East Lakeshore Drive, the second priority is the West Lakeshore Drive. The East Lakeshore Drive annexation effort stalled and a lawsuit was filed trying to

prevent from annexing with a “wholly surrounded” method. The City won that lawsuit at the District Court level, March 21, 2016, by that time staff had begun working on the West Lakeshore annex proposal.

Councilor Frandsen asked and City Manager Stearns said we currently do not have any volunteer petitions to annex. There are a number of waivers signed by property owners saying they won't protest the annexation. If we have a waiver on hand, we don't have to count their protest. Councilor Frandsen also asked and City Manager Stearns stated the rest of the properties south on West Lakeshore are annexed until closer to Ramsey Avenue. City Manager Stearns stated State Park would likely remain outside city limits, which was a condition of a sewer line easement agreement.

Discussion between City Manager Stearns, Councilor Hildner and Mayor Muhlfeld confirmed 11 properties are on sanitary sewer.

Councilor Hildner made a motion, second by Councilor Frandsen to authorize the City Manager to proceed with a “wholly surrounded” annexation process for the area around West Lakeshore Drive (Lake Park Addition) including adopting the schedule. The motion passed unanimously.

d) Discuss request for renewal or extension of lease of Cemetery land for Veteran's Peace Park (p.357)

City Manager Stearns stated the term ends on August 1, 2016, the Great Northern Veterans Peace Park Foundation has the option to renew this lease from year to year. City Manager Stearns received an email from Ryan Zinke earlier this year requesting to renew for a ten-year lease. This is currently known as the sledding hill, and is planning on having parking at the Peace Park and the western part of his parcel for sledding.

Councilor Frandsen asked and City Manager Stearns stated the topography of the property is not viable to extend the Cemetery usage, it was looked into but it would require a lot of fill and a retaining wall and would not be cost effective for a cemetery.

Councilor Hildner asked if there has been any further discussion with Ryan as to developing the entire area as an event area? City Manager Stearns was not sure of Ryan's development plans. Planning and Building Director Taylor mentioned he thought maybe one event a year. He has used it as a staging area for the highway construction company. The property is in the county, tract 4c+ is inside city limits.

Councilor Hildner would like to know Ryan's plans for the property which could have a bearing on the length of the lease.

Councilor Frandsen agrees, the use for the particular lot that would be leased specifically says it should be open to the public without charge for no other purpose without the written consent of the City. She suggests shortening the term of the lease if there is concern of the development of the property.

Mayor Muhlfeld stated Ryan would have to come to the Council if it were to be converted from an open space to another use. He suggests going back to Ryan and stating the Council is open to a one-year lease, or a five-year lease, if he presents an overall plan of his vision for the park.

Council unanimously agreed to have City Manager Stearns contact Ryan with his intentions of the property.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 2 09:35)
a) Consideration of an email from Justin Lawrence of Lakestream Outfitters and Fly Shop for the City to initiate a text amendment to the WB-2 zoning district (p. 367)

Councilor Hildner hopes in the communication with Justin Lawrence the angst the City went through to come up with the zoning for the WB2 with regards to the WB3.

Mayor Muhlfeld will contact Justin Lawrence.

b) Discuss and set dates for budget work sessions for FY17 budget and set date for the preliminary public hearing on the budget for the June 20th meeting (p.368)

City Manager Stearns stated May 31 and June 13 are tentative dates for the budget meetings. Councilor Frandsen will not be available for May 31, she prefers the Council to proceed if she is the only one missing. Councilor Feury and Councilor Sweeney are not present to confirm their schedule.

Councilor Frandsen made a motion, second by Councilor Barberis to postpone until May 2, 2016. The motion passed unanimously.

c) Resolution No. 16-16; A Resolution establishing the Wisconsin Avenue Corridor Plan Steering Committee (p.369)

Planning and Building Director Taylor stated the Council authorized to proceed with the Wisconsin Avenue Plan. Councilor Hildner wanted to avoid any criticism as such as the Highway 93 Neighborhood Plan. Director Taylor stated this has more residential property owners than members at large.

Councilor Frandsen made a motion, second by Councilor Williams to approve Resolution No. 16-16, a Resolution establishing the Wisconsin Avenue Corridor Plan Steering Committee. The motion passed unanimously.

d) Consideration of appointing an additional representative to Whitefish Legacy Partners committees (p. 373)

Parks and Recreation Director Butts stated it would be the City's best interest to have two members on the Legacy Lands Advisory Committee. Currently Councilor Williams is serving on both committees.

Councilor Frandsen made a motion, second by Councilor Hildner to appoint Councilor Williams to the Whitefish Trail Operations Committee and the Legacy Lands Advisory Committee and Councilor Barberis to the Legacy Lands Advisory Committee. The motion passed unanimously.

Communications from the Council

Councilor Hildner will be absent at the May 2nd meeting.

Councilor Frandsen would like to find a way to work towards bringing something to the Council for a deer relocating program for review. She thought a few of the Council could get together. Councilor Hildner agreed.

Public Works Director Workman reiterated the public outreach program regarding the Bicycle Pedestrian Master Plan. He encourages the community to visit the City's website to participate in the survey. The bike ride on May 29th is at 10am at the temporary City Hall.

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

Mayor Muhlfeld adjourned the meeting at 9:51 p.m.

Mayor Muhlfeld

Attest:

Michelle Howke, Whitefish City Clerk

ORDINANCE NO. 16-08

An Ordinance of the City Council of the City of Whitefish, Montana, approving the Mky Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish.

WHEREAS, Michael Morton of Mky Enterprises (Applicant), applied to the Whitefish Planning and Building Department for a Preliminary Plat and Planned Unit Development (PUD) overlay to develop 9.48 acres into 41 units (18 apartment units, 10 attached single family units and 13 detached single family units), on the real property at 6361 and 6365 Highway 93 South, and legally described as Tracts 1BDB and 1BD in Section 1, Township 30 North, Range 22 West, P.M.M., Whitefish, Flathead County (WPP 15-07/WPUD 15-01); and

WHEREAS, in exchange for the zoning deviations, the applicant proposes the following community benefits: 1) provide four (4) affordable rental units within the multi-family portion of the project; 2) extend Whitefish Avenue to the southern extent of the project; 3) construct a new east-west public right-of-way which will connect Highway 93 South to Whitefish Avenue; and 4) construct a 10-foot wide paved trail for public use within a 20-foot easement dedicated to the City along the Whitefish River which will connect to the public trail to the north; and

WHEREAS, in response to such application for PUD, the Whitefish Planning & Building Department prepared Staff Report WPP 15-07/WPUD 15-01, dated March 10, 2016, which reviewed and analyzed the proposed Preliminary Plat and PUD, deviations to the zoning standards regarding minimum lot area and minimum lot width, and recommended that the Whitefish City Council approve the proposed Preliminary Plat and PUD, adopt the proposed findings of fact, grant the deviations to zoning, all subject to 28 conditions of approval; and

WHEREAS, following adjacent landowner notice, at a lawfully noticed public hearing on March 17, 2016, the Whitefish Planning Board received an oral report from Planning Staff and Applicant, reviewed the Preliminary Plat/PUD staff report WPP 15-07/WPUD 15-01, proposed findings of fact, deviation to the zoning and the 28 conditions of approval, invited public comment, discussed the proposed preliminary plat and PUD, deviations to zoning, amended the proposed conditions of approval and thereafter recommended approval of the subdivision and PUD, subject to 28 conditions of approval, as amended and attached as Exhibit "A"; and

WHEREAS, at a lawfully noticed public hearing on April 18, 2016, the Whitefish City Council received an oral report from Planning Staff and Applicant, reviewed the Mky Enterprises Staff Reports WPP 15-07/WPUD 15-01, proposed findings of fact, deviations to the zoning, subject to 28 conditions of approval in favor of the subdivision and PUD, the Planning Board's recommendation of approval of the subdivision and PUD, the zoning deviations and subdivision variances and amended conditions of approval, invited public comment, and thereafter voted to approve the Mky Enterprises Subdivision and PUD, March 10, 2016 Staff Reports, WPP 15-07/WPUD 15-01, Findings of Fact, deviations to zoning, , all subject to the amended 28 conditions of approval attached as Exhibit "A", and incorporated herein by reference; and; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to approve the Subdivision, PUD, Staff Report WPP 15-07/WPUD 15-01, and zoning deviations,

subject to the 28 conditions of approval, attached as Exhibit "A", and adopt the Findings of Fact.

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

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

Section 2: The City Council hereby approves the Mkey Enterprises Preliminary Plat and Planned Unit Development, and zoning deviations, subject to 28 conditions of approval, shown on Exhibit "A", Staff Report WPP 15-07/WPUD 15-01, and adopts the Findings of Fact.

Section 3: The City Council hereby approves the requested Mkey Enterprises Subdivision Planned Unit Development to overlay the real property to develop 6.82 acres into 41 dwelling units on 17 lots, subject to the conditions of approval, shown on Exhibit "A".

Section 4: The official zoning map of the City of Whitefish, Montana, shall be amended, altered and changed to provide that the real property identified as: Beginning at the northwest corner of Tract 1 of COS 11155 (the true point beginning for the original COS). Thence S89° 36' 26"E 394.71 feet to the true point of beginning of the PUD legal description. Thence continuing S89° 36' 26"E 850.50 feet. Thence S00° 02' 45"E 330.00 feet. Thence N89° 36' 26.00"W 878.78 feet. Thence N04° 51' 18"E 330.99 feet to the PUD point of beginning in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, shall have a Planned Unit Development Overlay, which shall modify the requirements of the underlying WR-1 (One Family Residential District) and WB-2 (Secondary Business District) zones and shall be subject to all of the requirements shown on Exhibit "A".

Section 5: The Zoning Administrator is hereby authorized and directed to amend the official zoning map to conform to the terms of this Ordinance.

Section 6: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 7: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS _____ DAY OF _____, 2016.

John M. Muhlfield, Mayor

ATTEST:

Michelle Howke, City Clerk

Exhibit "A"
Mkay Enterprises Subdivision
WPP 15-07/WPUD 15-01
Approved Zoning Deviation and
Conditions of Approval

Zoning Deviations:

- Minimum Lot Area Varied, but less than the WR-1 zoning standards
- Minimum Lot Width Varied, but less than the WR-1 zoning standards.

Conditions of Approval:

1. The subdivision shall comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.
2. Except as amended by these conditions, the development of the subdivision and planned unit development shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as "approved plans" by the City Council.
3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)
4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)
5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works. The plan shall include, but may not necessarily be limited to, the following:

- Dust abatement and control of fugitive dust.
 - Hours of construction activity.
 - Noise abatement.
 - Control of erosion and siltation.
 - Routing for heavy equipment, hauling, and employees.
 - Construction office siting, staging areas for material and vehicles, and employee parking.
 - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
 - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
 - Notation of any street closures or need to work in public right-of-way.
- (City Engineering Standards, 2009)

6. A road extension of Whitefish Avenue shall be fully constructed to the southern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of this roadway extension shall be determined by the Public Works Director. (Finding 1, 4, 6, 8; Subdivision Regulations, §12-4-15; City Engineering Standards 2009)
7. A 60-foot right-of-way shall be fully constructed connecting Highway 93 South to Whitefish Avenue with Phase I of the subdivision. The full 60-foot right-of-way shall be dedicated to the City. (Finding 1, 4, 6, 8; Subdivision Regulations, §12-4-15; City Engineering Standards 2009)
8. A new approach permit shall be obtained from Montana Department of Transportation. Road plans shall be submitted to MDT for review and approval – this shall also include the drainage plan. (Finding 1)
9. The applicant shall work with the Public Works Department and Montana Department of Transportation on appropriate intersection improvements at Highway 93 South, including conduit for a future stop light. (Finding 1, 8)
10. Street lighting shall be required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting shall be dark sky compliant and meet the requirements of the City's Outdoor Lighting ordinance. (Zoning Regulations §11-3-25; City Engineering Standards, 2009)
11. The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation and fire access. (IFC; Subdivision Regulations §12-4-18; Engineering Standards, 2009)
12. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)

13. The Whitefish trail shall be installed the entire length of the Whitefish River frontage connecting to trail in the Rivers Edge subdivision. The final details of the trail installation shall be submitted to the Public Works Department for review and approval. (Finding 4; Subdivision Regulations §12-4-11; Pedestrian-Bicycle Plan, 1999)
14. The developer shall enter into a perpetual public access easement agreement with the City of Whitefish for the Whitefish River trail. This easement shall be recorded with the first phase of the subdivision. (Finding 4)
15. An open space plan for each phase shall be submitted to the Planning Department for review and approval. Such plan shall include: landscaping, details on the active pocket parks, trail signage – limiting public access and identifying the path for foot traffic only, outdoor lighting, weed abatement, and plan for the open spaces behind and next to the single family lots to ensure usability, natural surveillance and delineation between private property and neighborhood open spaces. (Finding 4; Subdivision Regulations §12-4-11)
16. The installation of both the public and private trails shall meet the full requirements of the Water Quality Protection regulations and, if necessary, the Floodplain regulations. (Zoning Regulations §11-3-29 and §11-7-10)
17. Refuse disposal areas shall be reviewed and approved by the Public Works Department and North Valley Refuse. Such refuse areas shall also include provision for recycling areas for cardboard and plastic. (Engineering Standards, 2009, Whitefish City Council Meeting, 4-18-16)
18. Architectural Review approval is required for the multi-family structures prior to the issuance of a building permit. (Zoning Regulations §11-3-3)
19. The applicant shall provide the City a financial guarantee in the amount of the cash in lieu of affordable housing pursuant to the Planned Unit Development regulations with Phase I of the plat. This financial guarantee, in the amount of \$328,000.00, shall be held by the City until such time as the four (4) affordable units are constructed and the Affordable Rental Housing Restrictive Covenant and Agreement with the City has been recorded on Lot 16. In the event the preliminary plat expires or the applicant fails to construct the units, the City shall use the financial guarantee to put toward affordable housing needs within the City limits. (Finding 7, Zoning Regulations §11-2S-3B(1), Resolution No. 15-39)
20. Four (4) affordable apartments shall be designated within Lot 16. A maximum of two (2) affordable apartments shall be designated per building. Apartments shall have a variety of number of bedrooms and location to serve the greatest variety of clients. The applicant shall enter to an Affordable Rental Housing Restrictive Covenant and Agreement with the City to ensure long-term affordability. This Affordable Rental Housing and Restrictive Covenant and Agreement shall be submitted to the Planning Department for review and recorded on Lot 16 at the time of final plat. (Zoning Regulations §11-2S-3B; Finding 7)
21. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described

- by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners' association. (Subdivision Regulations §12-4-30)
22. Full fire suppression sprinkler and alarm systems shall be installed in structures built on Lots 4, 7, 11, 14, 15 and 16. (IFC; Finding 1)
 23. The following notes shall be placed on the face of the plat:
 - House numbers shall be located in a clearly visible location.
 - Full fire suppression sprinkler and alarm systems shall be installed in structures built on Lots 4, 7, 11, 14, 15 and 16.
(Subdivision Regulations §12-4-6; Staff Report Finding 5; City Engineering Standards, 2009)
 24. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)
 25. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) providing for:
 - Long-term maintenance of the open spaces – including proper mitigation for wildland fire protection and annual maintenance.
 - Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat.
 - Long-term maintenance plan for drainage and storm water management facilities.
 - The cul-de-sac shown on the final plat is intended to be privately owned and maintained and open to the public. It is understood and agreed that these internal roadways do not conform to City requirements for public roadways. Because of the road configuration, grades and right-of-way widths, these roads are not suitable for all-season maintenance by the public authority. The owners (and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roadway by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadway will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadways. Thus, the area encompassed by said private roadway will not be separately taxed or assessed by any government agency or public authority. (Finding 3; Subdivision Regulations §12-4-30; City Engineering Standards, 2009)
 26. This approval does not grant any approval or residential density to Lot 17. Any residential development of Lot 17 will be subject to a new PUD application. (Zoning Regulations, §11-2S)
 27. The Mky Enterprises preliminary plat and planned unit development is approved for three years from Council action. (Subdivision Regulations, §12-3-8)

28. Provide a legal description so that the Planned Unit Development overlay only includes Lots 1-16 and Lot 18.
29. The 20-foot access trail and landscape buffer easement on the north edge of the property shall be substantially as depicted in the Plan and Section Elevation presented by the developer during public hearings. The proposed vegetated landscape buffer shall have different heights and kinds of deciduous and conifer shrubs and trees to provide the best sound and sight screening possible between users of the walking path and adjoining properties. Plantings will be responsive to existing site conditions. Buffer will be completed prior to the construction of homes. (Whitefish City Council Meeting, 4-18-16)

**COVEY FAMILY TRUST
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-16-W02
May 2, 2016**

Property Owner:	Covey Family Trust
Mailing Address:	1436 E. Park Lane Spokane, WA 99203
Applicant:	Bruce Boody Landscape Architect, Inc.
Mailing Address:	301 2 nd Street, Suite 1b Whitefish, MT 59937
Telephone Number:	406.862.4755
Contractor:	Malmquist Construction
Mailing Address:	335 Spokane Avenue Whitefish, MT 59937
Telephone Number:	406.862.7846
Property Legal Description:	Lot 7 of WFSH Lake Summer Homes Add 1 Amd Subdivision in Section 14, Township 31 North, Range 22 West
Property Address:	2524 E. Lakeshore Drive
Lake:	Whitefish Lake
Lake Frontage:	110.7' per COS #11967
Project Description:	Install dry set stone stairs, placement of gravel, and a gravel bypass swale for stormwater management within the Lakeshore Protection Zone.

Proposal: The applicant is proposing multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the installation of dry-set stone stairs approximately 4 feet wide, extending through the lakeshore protection area for approximately 7.5 feet. The stairs will equal approximately 30 square feet of impervious coverage. The second activity is the removal of non-native grass and weeds with the placement of approximately 6.5 cubic yards of gravel back in the area. Pictures from the previous lakeshore permit application in 2007 show this area used to consist of gravel but has since been overtaken by non-native grasses and weeds. Additionally, to the side of this area, the applicant is proposing to install a gravel bypass swale to channel and dissipate occasional/seasonal stormwater flows. In 2013, a retention pond upstream of the subject property failed, sending a large amount of additional runoff through the subject property. While the pond has been repaired, the proposed project will direct any flows exceeding the 10-year design on the property. The project has been reviewed by an engineer for stormwater management.

The total amount of proposed impervious constructed area, including the existing dock and existing boat house, is approximately 881 square feet.

Frontage and allowable constructed area: The subject property has 110.7 feet of lakeshore frontage, and is eligible for 885.6 square feet of constructed area.

Existing Constructed Area: There is an existing dock on the property approved under WLP-07-W16. The dock is 611 square feet of constructed area. There is also an existing boat house partially within the Lakeshore Protection Zone. The amount of constructed area within the LPZ is approximately 240 square feet. The total amount of existing constructed area is approximately 851 square feet.

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

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

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
3. The proposed project dimensions specified on the application project drawing shall not be exceeded unless modified by conditions of the approved permit. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.
7. All work shall be done when the lake is at low pool and the construction site is dry.
8. Any existing or disturbed areas inside the lakeshore zone may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.

Stone Stairs & Gravel Placement

9. The stone stairs shall have a maximum width of four feet (4') and shall be designed to provide access only.

10. The stone stairs shall be located as shown on the application project drawing. The stone/rock used shall be free of silts, sands or fines.
11. Stairways and walkways constructed of impervious material, including dry laid stone, are subject to the maximum allowable constructed area.
12. Cultured or natural stone or rock shall be used for the proposed work within the lakeshore protection zone. The stones or rock to be used shall be dry set.
13. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.
14. Application of gravel is allowed only where the predominant existing surface is gravel.
15. All fill shall be clean, washed gravel of three-fourths inch ($\frac{3}{4}$ "") to one and one-half ($1 \frac{1}{2}$ "") diameter, free of silts, sands and fine materials. Gravel type and color shall approximate that existing on the adjacent lakeshore.
16. Maximum fill depth is four inches (4'') to six inches (6'').
17. The volume of fill shall not exceed one (1) cubic yard per eight (8) linear feet of lake frontage.
18. Placement of gravel directly into the lake is prohibited.
19. Any fill/gravel material over the approved amount shall be completely removed from the lakeshore protection zone.
20. The stairs shall not exceed 30 square feet of constructed area within the Lakeshore Protection Zone.

Report by: Bailey Minnich

WHITEFISH LAKESHORE PROTECTION COMMITTEE
MINUTES OF April 13, 2016

The meeting was called to order at 6:01pm by Chairman Herb Peschel.

MEMBERS PRESENT:

- Herb Peschel, Donna Emerson, Brian Sullivan, Koel Abell, and Joe Malletta via phone. Bailey Minnich of the Whitefish Planning Office was also present.

MEMBERS ABSENT: Jim Laidlaw

ADDITIONS/CORRECTIONS TO TONIGHT'S AGENDA: none

APPROVAL OF NOVEMBER MINUTES:

- Donna moved to approve the November minutes as presented. Koel seconded the motion. All in favor and motion carried.

GENERAL PUBLIC COMMENT: none

Old Business: none

NEW BUSINESS

WLP-16-W02 – Covey Family Trust – Stairs, Gravel Beach, Swale

[Present: Bruce Boody, Applicant's Representative]

Discussion:

Staff began with a presentation of the proposed project and draft lakeshore permit report. Discussion was held regarding a discrepancy between the applicant's constructed area amount and staff's constructed area amount. Staff indicated that the square footage the applicant used also included the area outside of the lakeshore protection zone, while Staff's calculation is only the amount located within the lakeshore protection zone. Further discussion followed regarding how the non-native vegetation would be removed from the lakeshore protection zone.

Motion:

- Brian moved to approve with one additional condition regarding a maximum of 30 square feet permitted for the stairs within the lakeshore protection zone. Herb seconded the motion. All in favor and the motion carried.

WLP-16-W03 – Curtis Thew – Landscaping/Revegetation, Slide, Log Removal

[Present: Jodi Thew, Applicant]

Discussion:

Staff began with a presentation of the proposed project and draft lakeshore permit report. Discussion was held regarding if a permit was even required for pulling a log from the lake since it is not dredging or filling, is within the lake but not the lakeshore protection zone, and they will

not be using any machinery. Further discussion followed regarding the existing concrete steps. While not part of this permit, the Committee would encourage the applicant to look at replacing with dry-set stone stairs in the future.

Motion:

- Donna moved to approve with the staff recommended conditions. Brian seconded the motion. All in favor and the motion carried.

STAFF NOTICE

Staff discussed the proposed amendments to the Flathead County Lakeshore Regulations which will be presented during a public hearing to the Flathead County Planning Board on May 11th. Staff had attended a previous work session with the County Planning Board in March, presenting comments on behalf of the City of Whitefish. A number of those comments have been addressed in the revised version of the proposed regulations, however, staff will be present at the public hearing to voice concerns over the remaining items. Staff encouraged the Committee members to review the proposed regulations and offer any additional comments or concerns to the Flathead County Planning Board, or attend the meeting in-person with City staff. Additionally, since the public hearing is on May 11th, it coincides with the regular Lakeshore Protection Committee meeting. Staff requested the meeting be moved to May 10th if any applications are submitted.

ADJOURNMENT

The meeting was adjourned at 6:45pm.

NEXT MEETING

**May 10th, 2016 * 6:00pm
Whitefish Planning & Building Office
510 Railway Street – Whitefish, MT**

**COVEY FAMILY TRUST
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-16-W02
April 13, 2016**

Property Owner:	Covey Family Trust
Mailing Address:	1436 E. Park Lane Spokane, WA 99203
Applicant:	Bruce Boody Landscape Architect, Inc.
Mailing Address:	301 2 nd Street, Suite 1b Whitefish, MT 59937
Telephone Number:	406.862.4755
Contractor:	Malmquist Construction
Mailing Address:	335 Spokane Avenue Whitefish, MT 59937
Telephone Number:	406.862.7846
Property Legal Description:	Lot 7 of WFSH Lake Summer Homes Add 1 Amd Subdivision in Section 14, Township 31 North, Range 22 West
Property Address:	2524 E. Lakeshore Drive
Lake:	Whitefish Lake
Lake Frontage:	110.7' per COS #11967
Project Description:	Install dry set stone stairs, placement of gravel, and a gravel bypass swale for stormwater management within the Lakeshore Protection Zone.

Proposal: The applicant is proposing multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the installation of dry-set stone stairs approximately 4 feet wide, extending through the lakeshore protection area for approximately 7.5 feet. The stairs will equal approximately 30 square feet of impervious coverage. The second activity is the removal of non-native grass and weeds with the placement of approximately 6.5 cubic yards of gravel back in the area. Pictures from the previous lakeshore permit application in 2007 show this area used to consist of gravel but has since been overtaken by non-native grasses and weeds. Additionally, to the side of this area, the applicant is proposing to install a gravel bypass swale to channel and dissipate occasional/seasonal stormwater flows. In 2013, a retention pond upstream of the subject property failed, sending a large amount of additional runoff through the subject property. While the pond has been repaired, the proposed project will direct any flows exceeding the 10-year design on the property. The project has been reviewed by an engineer for stormwater management.

The total amount of proposed impervious constructed area, including the existing dock and existing boat house, is approximately 881 square feet.

Frontage and allowable constructed area: The subject property has 110.7 feet of lakeshore frontage, and is eligible for 885.6 square feet of constructed area.

Existing Constructed Area: There is an existing dock on the property approved under WLP-07-W16. The dock is 611 square feet of constructed area. There is also an existing boat house partially within the Lakeshore Protection Zone. The amount of constructed area within the LPZ is approximately 240 square feet. The total amount of existing constructed area is approximately 851 square feet.

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

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

Recommended Conditions of Approval:

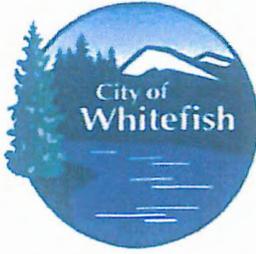
1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed project dimensions specified on the application project drawing shall not be exceeded unless modified by conditions of the approved permit. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.
7. All work shall be done when the lake is at low pool and the construction site is dry.
8. Any existing or disturbed areas inside the lakeshore zone may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.

Stone Stairs & Gravel Placement

9. The stone stairs shall have a maximum width of four feet (4’) and shall be designed to provide access only.

10. The stone stairs shall be located as shown on the application project drawing. The stone/rock used shall be free of silts, sands or fines.
11. Stairways and walkways constructed of impervious material, including dry laid stone, are subject to the maximum allowable constructed area.
12. Cultured or natural stone or rock shall be used for the proposed work within the lakeshore protection zone. The stones or rock to be used shall be dry set.
13. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.
14. Application of gravel is allowed only where the predominant existing surface is gravel.
15. All fill shall be clean, washed gravel of three-fourths inch ($\frac{3}{4}$ ") to one and one-half ($1 \frac{1}{2}$ ") diameter, free of silts, sands and fine materials. Gravel type and color shall approximate that existing on the adjacent lakeshore.
16. Maximum fill depth is four inches (4") to six inches (6").
17. The volume of fill shall not exceed one (1) cubic yard per eight (8) linear feet of lake frontage.
18. Placement of gravel directly into the lake is prohibited.
19. Any fill/gravel material over the approved amount shall be completely removed from the lakeshore protection zone.

Report by: Bailey Minnich



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

File # WLP-11-W02
 Date 3/22/2016
 Intake Staff: BM
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT APPLICATION

WHITEFISH or LOST COON LAKE

FEE ATTACHED \$ ~~666~~ 130.00

A permit is required for any work, construction, demolition, dock/shorestation/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone – an area extending 20 horizontal feet landward from mean high water of:

- 3,000.79' msl (NAVD 1988) for Whitefish Lake
- 3,104' msl (NAVD 1988) for Lost Coon Lake

INSTRUCTIONS:

- 1. Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **three (3) weeks prior** to the Lakeshore Protection Committee meeting at which this application will be heard.
- 2. The regularly scheduled meeting of the Lakeshore Protection Committee is the second Wednesday of each month at 6:00 PM in the Planning & Building Department Meeting Room.
- 3. After the Lakeshore Protection Committee meeting, the application will be forwarded along with the Committee's recommendation to the next available City Council meeting for final action, unless it is a committee approved permit.
- 4. All work will be inspected for conformity with permit. Permits are valid for one year from date of approval and can be renewed by the governing body upon request.

A. LEGAL DESCRIPTION OF PROPERTY:

Street Address 2524 ~~2544~~ E. Lakeshore Drive

How many feet of the lake frontage do you own? 110.7 LF Per COS 11967

Assessor's Tract No.(s) 0704450, Tract ID: 3122x14-WSA-7 Lot No(s) 7
 Block # _____ Subdivision Name Whitefish Lake Summer Homes, 1st Add. Amd.
 1/4 Sec NW1/4 Section 14 Township 31N Range 22W

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process

Michael Covey
 Owner's Signature

03-22-2016
 Date

Michael Covey, Member Covey Family Trust
 Print Name

May be signed by the applicant or representative; authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

Bruce Boody ASLA
Applicant's Signature

03-22-2016
Date

Bruce Boody Landscape Architect, Inc.
Print Name

Representative's Signature
Same as Above

03-22-2016
Date

Print Name

APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- X Lakeshore Construction Permit Application
- X Written description how the project meets the criteria in Sections C-F
- X Site Plan drawn to scale
- X Project Drawing that is drawn to scale
- X Vicinity Map
- X Minimum of three (3) photos: 1 photo of property from lake; 2 photos showing lakeshore protection zoning from property boundary toward the other property boundary (e.g., from the north property line across property to the south) and photos of each existing structure or constructed area within the lakeshore protection zone (dock, boathouse, stairs, etc.)

B. OWNER(S) OF RECORD:

Name: Covey Family Trust Phone: 509-290-0847

Mailing Address: 1436 E. Park Lane

City, State, Zip: Spokane, WA 99203

Email: mike.covey@potlatchcorp.com

APPLICANT (if different than above):

Name: Bruce Boody Landscape Architect, Inc. Phone: 406-862-4755

Mailing Address: 301 Second Street

City, State, Zip: Whitefish, MT 59937

Email: boodyla@bruceboody.com

CONTRACTOR:

Name: Malmquist Construction Phone: 406-862-7846

Mailing Address: 335 Spokane Ave

City, State, Zip: Whitefish, MT 59937

Email: _____

C. NATURE OF THE PROPOSED WORK: (describe what you propose to build, demolish or install. Give dimensions, material and list heavy equipment, if any to be used.)

NOTE: FOR SUMMARY OF EXISTING DRAINAGE WORK, PLEASE SEE ATTACHED "COVEY BYPASS" LETTER.

The Covey property has 110.17' LF of lakeshore measured in a straight line between the intersections of the property line and average high water. The allowable covered area is 881.36 SF. The existing boat house covers 363 SF, leaving a remaining 518 SF. This application proposes an additional 126 SF of impervious surface (dryset stone), leaving a balance of 392 SF. A dry set stone path with stairs is proposed within the lakeshore protection zone. The proposed dryset stone and hardscape surface is approximately 126 SF. Our plan proposes excavating soils in a 352 SF level area between upper and lower rip-rap slopes currently occupied by a non-native mix of grass and weeds in disturbed, non-native gravely clay soils. The excavated soils would be replaced with weed barrier and 6" of clean washed gravel (6.5 CY Total). Additionally, a gravel bypass swale is proposed to channel and dissipate occasional/seasonal non-infiltrated flows. Please see attached "Covey Bypass, Description by TD&H Engineering" letter for details concerning site stormwater management engineering.

D. Describe any Environmental Impacts (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.

The proposed changes should not have any detrimental environmental impacts, increased sedimentation, water quality or fish and wildlife habitat, etc. The majority of stormwater channeled through the bypass will be groundwater from infiltration chambers and an existing stone riprap detention area and infiltration basin. The bypass is to address additional flows from a 10-year storm event. The bypass swale is comprised of washed gravels & rocks (1" -18" Dia.) mimicking a stream channel. The gravel in the swale will dissipate velocity of the flow and prevent suspended solids from entering the lake. Additionally, Best Management Practices will be in put place for the construction period so that sediment is retained within the boundaries of the site, outside of the lakeshore protection zone.

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

An existing 363 SF boat house is to remain within the lakeshore protection zone. Adjacent to the existing boat house is a 352 SF level area between upper and lower rip-rap slopes currently occupied by a non-native mix of grass and weeds in disturbed, non-native gravely clay soils. This area provides access between the existing boathouse and the lakeshore. Due to the foot traffic, existing conditions, and potential of fine materials running off and reducing water quality, our plan proposes excavating 6" the existing non-native soils (see C above).

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

N/A

Covey Bypass, Description by TD&H Engineering

In the original submittal to the City of Whitefish, the stormwater collection system at the Covey property consisted of a series of drywells. The drywells were sized to infiltrate all runoff associated with a 10-year design storm. Additionally, the site was graded to ensure flows greater than the 10-year event were channeled around essential structures and facilities. The City approved these plans in November of 2012.

In August of 2013 a retention pond upstream of the Covey property experienced a major failure when one of the earth-bermed walls was undermined. This failure completely changed the hydrology of the drainage basin above the Covey project and caused a large amount of additional runoff to be directed on to Mr. Covey's property. In an attempt to mitigate the additional runoff the site was experiencing, a bypass system was implemented into the existing drywell structures. This system was designed to collect water in the drywells and hard-pipe runoff not able to be infiltrated around essential structures and roadways; it was also used to ease the construction as earthwork contractors were experiencing major groundwater issues. This bypass system was not originally approved by the City though they were informed on the issue.

The retention pond has since been rebuilt and run-on from the surrounding area has significantly diminished based on a March 15, 2016 site inspection. TD&H Engineering expects that, as long as the upstream pond is functioning properly, the drywells will infiltrate flows up to the 10-year event. Any flows exceeding the 10-year design storm will be directed around all essential facilities via the bypass system.



Property Lakeshore
View SE



Property Lakeshore
View NW



Property Lakeshore



Existing Boathouse



Existing grass/weed area near boat house



Existing soil conditions near boat house



Proposed Lakeshore changes

THEW
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-16-W03
May 2, 2016

Property Owner:	Curtis & Jodi Thew
Mailing Address:	309 Fairway Drive Whitefish, MT 59937
Telephone No.:	702.250.8361
Contractor:	Doepker Landscape, Inc.
Mailing Address:	605 Capistrano Drive Kalispell, MT 59901
Telephone No.:	406.755.2372; 406.261.0653 (Jim)
Property Legal Description:	Lot 20 of Barkley Tracts Subdivision in Section 24, Township 31 North, Range 22 West
Property Address:	1490 Barkley Lane
Lake:	Whitefish Lake
Lake Frontage:	70' per plat
Project Description:	Remove existing non-native vegetation and re-landscape within the Lakeshore Protection Zone, install a slide onto an existing dock, and remove a log from the lake which is creating a safety hazard.

Proposal: The applicant is proposing multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the removal of non-native juniper trees from the Lakeshore Protection Zone, then revegetating the area with native plants and landscaping. The area to be re-vegetated is approximately 20 feet by 20 feet, or 400 square feet. Some topsoil will be added to help establish the new plants, as well as drip irrigation, and mulch. The topsoil, drip irrigation, and mulch are permitted activities within the lakeshore protection zone. The second activity is the installation of a slide onto the existing dock. The dock was permitted under WLP-14-W33. The lakeshore regulations permit accessory attachments onto docks if they are added into the constructed area calculations of the property, and comply with required setbacks. The slide would add approximately 6 square feet to the constructed area of the property. The last activity is the removal of a log from the lake and lakeshore which is creating a safety hazard. The log is currently exposed, not buried under material within the lake. It would be removed with hand tools only; no machinery would be used within the lake or lakeshore.

The total amount of impervious constructed area, including the existing dock, is approximately 446 square feet.

Frontage and allowable constructed area: The subject property has 70 feet of lakeshore frontage, and is eligible for 560 square feet of constructed area.

Existing Constructed Area: There is an existing dock on the property approved under WLP-14-W33. The dock is 380 square feet of constructed area. Additionally, there is an existing concrete

walkway and stairway approximately 60 square feet. The total amount of existing constructed area is 440 square feet.

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

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

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
3. The proposed project dimensions specified on the application project drawing shall not be exceeded unless modified by conditions of the approved permit. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.
7. All work shall be done when the lake is at low pool and the construction site is dry.
8. Any existing or disturbed areas inside the lakeshore zone may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department.
9. A finely ground bark (less than ½ inch in size) or compost is recommended for ground cover in conjunction with the native plants.
10. Application of fertilizer, pesticide, insecticide, or herbicide is prohibited in the lakeshore protection zone.
11. Buried ½ inch drip line irrigation is allowed within the lakeshore protection zone; exposed spray heads for sprinkler systems are prohibited.
12. Topsoil is permitted in quantities necessary for establishing and maintaining new plantings

only.

13. Any material which is excavated from the lake or lakebed shall be removed entirely from the lake and lakeshore protection zoned and deposited in such a manner so as to prohibit reentry of the material into the lake.

Report by: Bailey Minnich

WHITEFISH LAKESHORE PROTECTION COMMITTEE
MINUTES OF April 13, 2016

The meeting was called to order at 6:01pm by Chairman Herb Peschel.

MEMBERS PRESENT:

- Herb Peschel, Donna Emerson, Brian Sullivan, Koel Abell, and Joe Malletta via phone. Bailey Minnich of the Whitefish Planning Office was also present.

MEMBERS ABSENT: Jim Laidlaw

ADDITIONS/CORRECTIONS TO TONIGHT'S AGENDA: none

APPROVAL OF NOVEMBER MINUTES:

- Donna moved to approve the November minutes as presented. Koel seconded the motion. All in favor and motion carried.

GENERAL PUBLIC COMMENT: none

Old Business: none

NEW BUSINESS

WLP-16-W02 – Covey Family Trust – Stairs, Gravel Beach, Swale

[Present: Bruce Boody, Applicant's Representative]

Discussion:

Staff began with a presentation of the proposed project and draft lakeshore permit report. Discussion was held regarding a discrepancy between the applicant's constructed area amount and staff's constructed area amount. Staff indicated that the square footage the applicant used also included the area outside of the lakeshore protection zone, while Staff's calculation is only the amount located within the lakeshore protection zone. Further discussion followed regarding how the non-native vegetation would be removed from the lakeshore protection zone.

Motion:

- Brian moved to approve with one additional condition regarding a maximum of 30 square feet permitted for the stairs within the lakeshore protection zone. Herb seconded the motion. All in favor and the motion carried.

WLP-16-W03 – Curtis Thew – Landscaping/Revegetation, Slide, Log Removal

[Present: Jodi Thew, Applicant]

Discussion:

Staff began with a presentation of the proposed project and draft lakeshore permit report. Discussion was held regarding if a permit was even required for pulling a log from the lake since it is not dredging or filling, is within the lake but not the lakeshore protection zone, and they will

not be using any machinery. Further discussion followed regarding the existing concrete steps. While not part of this permit, the Committee would encourage the applicant to look at replacing with dry-set stone stairs in the future.

Motion:

- Donna moved to approve with the staff recommended conditions. Brian seconded the motion. All in favor and the motion carried.

STAFF NOTICE

Staff discussed the proposed amendments to the Flathead County Lakeshore Regulations which will be presented during a public hearing to the Flathead County Planning Board on May 11th. Staff had attended a previous work session with the County Planning Board in March, presenting comments on behalf of the City of Whitefish. A number of those comments have been addressed in the revised version of the proposed regulations, however, staff will be present at the public hearing to voice concerns over the remaining items. Staff encouraged the Committee members to review the proposed regulations and offer any additional comments or concerns to the Flathead County Planning Board, or attend the meeting in-person with City staff. Additionally, since the public hearing is on May 11th, it coincides with the regular Lakeshore Protection Committee meeting. Staff requested the meeting be moved to May 10th if any applications are submitted.

ADJOURNMENT

The meeting was adjourned at 6:45pm.

NEXT MEETING

**May 10th, 2016 * 6:00pm
Whitefish Planning & Building Office
510 Railway Street – Whitefish, MT**

**THEW
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-16-W03
APRIL 13, 2016**

Property Owner:	Curtis & Jodi Thew
Mailing Address:	309 Fairway Drive Whitefish, MT 59937
Telephone No.:	702.250.8361
Contractor:	Doepker Landscape, Inc.
Mailing Address:	605 Capistrano Drive Kalispell, MT 59901
Telephone No.:	406.755.2372; 406.261.0653 (Jim)
Property Legal Description:	Lot 20 of Barkley Tracts Subdivision in Section 24, Township 31 North, Range 22 West
Property Address:	1490 Barkley Lane
Lake:	Whitefish Lake
Lake Frontage:	70' per plat
Project Description:	Remove existing non-native vegetation and re-landscape within the Lakeshore Protection Zone, install a slide onto an existing dock, and remove a log from the lake which is creating a safety hazard.

Proposal: The applicant is proposing multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the removal of non-native juniper trees from the Lakeshore Protection Zone, then revegetating the area with native plants and landscaping. The area to be re-vegetated is approximately 20 feet by 20 feet, or 400 square feet. Some topsoil will be added to help establish the new plants, as well as drip irrigation, and mulch. The topsoil, drip irrigation, and mulch are permitted activities within the lakeshore protection zone. The second activity is the installation of a slide onto the existing dock. The dock was permitted under WLP-14-W33. The lakeshore regulations permit accessory attachments onto docks if they are added into the constructed area calculations of the property, and comply with required setbacks. The slide would add approximately 6 square feet to the constructed area of the property. The last activity is the removal of a log from the lake and lakeshore which is creating a safety hazard. The log is currently exposed, not buried under material within the lake. It would be removed with hand tools only; no machinery would be used within the lake or lakeshore.

The total amount of impervious constructed area, including the existing dock, is approximately 446 square feet.

Frontage and allowable constructed area: The subject property has 70 feet of lakeshore frontage, and is eligible for 560 square feet of constructed area.

Existing Constructed Area: There is an existing dock on the property approved under WLP-14-W33. The dock is 380 square feet of constructed area. Additionally, there is an existing concrete

walkway and stairway approximately 60 square feet. The total amount of existing constructed area is 440 square feet.

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

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

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
3. The proposed project dimensions specified on the application project drawing shall not be exceeded unless modified by conditions of the approved permit. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.
7. All work shall be done when the lake is at low pool and the construction site is dry.
8. Any existing or disturbed areas inside the lakeshore zone may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department.
9. A finely ground bark (less than ½ inch in size) or compost is recommended for ground cover in conjunction with the native plants.
10. Application of fertilizer, pesticide, insecticide, or herbicide is prohibited in the lakeshore protection zone.
11. Buried ½ inch drip line irrigation is allowed within the lakeshore protection zone; exposed spray heads for sprinkler systems are prohibited.
12. Topsoil is permitted in quantities necessary for establishing and maintaining new plantings

only.

13. Any material which is excavated from the lake or lakebed shall be removed entirely from the lake and lakeshore protection zoned and deposited in such a manner so as to prohibit reentry of the material into the lake.

Report by: Bailey Minnich



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

File #: WLP-11-W03
 Date: 3/20/2014
 Intake Staff: BM
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT APPLICATION

WHITEFISH or LOST COON LAKE

FEE ATTACHED \$ 490⁰⁰

A permit is required for any work, construction, demolition, dock/shorestation/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone – an area extending 20 horizontal feet landward from mean high water of:

- 3,000.79' msl (NAVD 1988) for Whitefish Lake
- 3,104' msl (NAVD 1988) for Lost Coon Lake

INSTRUCTIONS:

- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **three (3) weeks prior** to the Lakeshore Protection Committee meeting at which this application will be heard.
- The regularly scheduled meeting of the Lakeshore Protection Committee is the second Wednesday of each month at 6:00 PM in the Planning & Building Department Meeting Room.
- After the Lakeshore Protection Committee meeting, the application will be forwarded along with the Committee's recommendation to the next available City Council meeting for final action, unless it is a committee approved permit.
- All work will be inspected for conformity with permit. Permits are valid for one year from date of approval and can be renewed by the governing body upon request.

A. LEGAL DESCRIPTION OF PROPERTY:

950 CODE
07429224 23 4 050000

Street Address 1490 BARKLEY LN.

How many feet of the lake frontage do you own? 70'

Assessor's Tract No.(s) 3122 X 24 - BAR - 20 Lot No(s) 20

Block # _____ Subdivision Name BARKLEY TRACTS

1/4 Sec _____ Section 24 Township 31 N Range 22 W

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process.

James E. Doepken
 Owner's Signature¹

3-20-14
 Date

JAMES E. DOEPKEN.
 Print Name

¹ May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included

Applicant's Signature

Date

Print Name

James E. Moepker
Representative's Signature

3-28-16
Date

JAMES E. NOBACON.
Print Name

APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- _____ Lakeshore Construction Permit Application
- _____ Written description how the project meets the criteria in Sections C-F
- _____ Site Plan drawn to scale SITE HAS BEEN SURVEYED.
- _____ Project Drawing that is drawn to scale
- _____ Vicinity Map
- _____ Minimum of three (3) photos: 1 photo of property from lake; 2 photos showing lakeshore protection zoning from property boundary toward the other property boundary (e.g., from the north property line across property to the south) and photos of each existing structure or constructed area within the lakeshore protection zone (dock, boathouse, stairs, etc.)

B. OWNER(S) OF RECORD:

Name: CURTIS J THEW SR Phone: 702-250-8361

Mailing Address: 1490 BARKLEY LN.

City, State, Zip: WHITEFISH, MT 59937

Email: c+thew99@gmail.com

APPLICANT (if different than above):

Name: SAME. Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

CONTRACTOR:

Name: DOOPKER LANDSCAPE, INC Phone: 406-755-2372

Mailing Address: 605 CAPISTRANO DR. J.M. 241-0653

City, State, Zip: KAUSPELL, MT 59901

Email: doopkerlandscape@montanasky.com

C. NATURE OF THE PROPOSED WORK: (describe what you propose to build, demolish or install. Give dimensions, material and list heavy equipment, if any to be used.)

WE INTEND TO REMOVE EXISTING ORNAMENTAL JUNIPERS IN THE LAKESHORE PROTECTION ZONE AND REPLACE THEM WITH A MIX OF NATIVE PLANTS THAT ARE PRESENTLY ON THE SITE. SOME TOPSOIL WILL BE ADDED TO HELP ESTABLISH PLANTS. DRIP IRRIGATION WILL BE INSTALLED. GLACIER GOND MULCH WILL BE USED AS MULCH.

THE OWNERS WOULD ALSO LIKE TO ADD A SWIDE TO THEIR DOCK.

D. Describe any Environmental Impacts (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.

COULD BE SEDIMENTATION. WE WILL INSTALL A SILT SOCK AT HIGHWATER LINE. WE WILL WORK ON A DRY DAY. ALL WORK WILL BE COMPLETED IN A TWO DAY PERIOD SO NO RAW SOIL IS EXPOSED TO EROSION.

WE WILL USE A 9,000^{LB} MINI EXCAVATOR TO REMOVE JUNIPERS. WE WILL USE A SMALL MT55 TRACK MINI LOADER TO BRING IN TOPSOIL.

NO EQUIPMENT WILL ENTER THE AREA BELOW HIGH WATER LINE.

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

1. CONCRETE WALKWAY 3'6" - 4'-0" X 20' LONG = 75^{sq}

2. FLOATING DOCK 8'X20' WALKWAY, 6'X40' DOCK, 8'X10' WING = 380^{sq}
(SEE ATTACHED DRAWING)

3. BOARD FENCE ON EAST LINE, 6' TALL BOARDS

4. CHAIN LINK FENCE ON WEST LINE (ON NEIGHBORS) 4'-6" TALL

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

NO VARIANCE REQUESTED.

NOTE:

IF POSSIBLE THE OWNERS WOULD LIKE TO REMOVE ONE "SINKER" LOG IN FRONT OF THEIR LOT IN THE LAKE. IT IS A BOAT & SWIMMING HAZARD.

IT WOULD BE RETRIEVED BY HAND. NO MACHINERY WOULD BE USED IN LAKE OR LAKESHORE.

LOG IS EXPOSED, NOT BURIED IN LAKEBED. IT IS 24' LONG AND 58' OUT FROM HIGH WATER MARK.

FEES:

Administrative Permit no committee meeting: waterlines, dead trees, buoys, burning etc.	\$75
Administrative Permit: docks under 60', shore stations	\$255
Standard Permit (construction, rip rap, stairs, dredging, filling, excavation, clearing, machinery operations) <i>EMSA CLEARING 350 -</i> <i>SHAE ADDITION 140 -</i> } <i>490.00</i>	\$350 base fee (1 activity) \$140 each additional activity (Activity is defined as a separate component or project that by itself would require a permit)
Variance – Minor	\$490/variance – added to standard permit fee; supplemental application required
Variance – Major	\$1,400/variance – added to standard permit fee; supplemental application required
“After-the-Fact” Permit	4 times the normal fee

Doepker Landscape, Inc.

605 Capistrano Drive.

Kalispell Mt, 59901

City Of Whitefish
Planning & Building Dept.
P.O. Box 158
510 Railway Street
Whitefish, MT 59937

3/23/16

City Of Whitefish,

This is the application for the Thew Residence at 1490 Barkley Lane on Whitefish Lake.

I have included a map, site map, site plan, and details about our project. Basically, the owners are interested in re-landscaping this lakeshore area. The existing lakeshore is about 1/3 native plants. The balance is old, worn out, overgrown junipers that they want to replace with native plantings. The finished landscape will have organic bark mulch and drip irrigation; we will add a little native rock cobbles using existing rock on site. Topsoil will be added to planting area.

All grades on site will remain the same, no other major changes.

The Thew's would like to also put a slide on the end of their existing floating dock. We have included a drawing of the existing 60' dock.

All native trees, native areas, and other existing areas will remain.

There is an existing 4' wide concrete stairway on site that will remain

Please let me know if you have any questions.

Thanks

Jim Doepker
Doepker Landscape, Inc
605 Capistrano Dr.
Kalispell, MT 59901

MAR 28 2016



Google earth



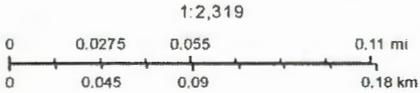
NOTE:

PICTURE OF LOG IN LAKE

LOG IS 24' LONG AND IS
50' OUT FROM HIGH WATER LINE.



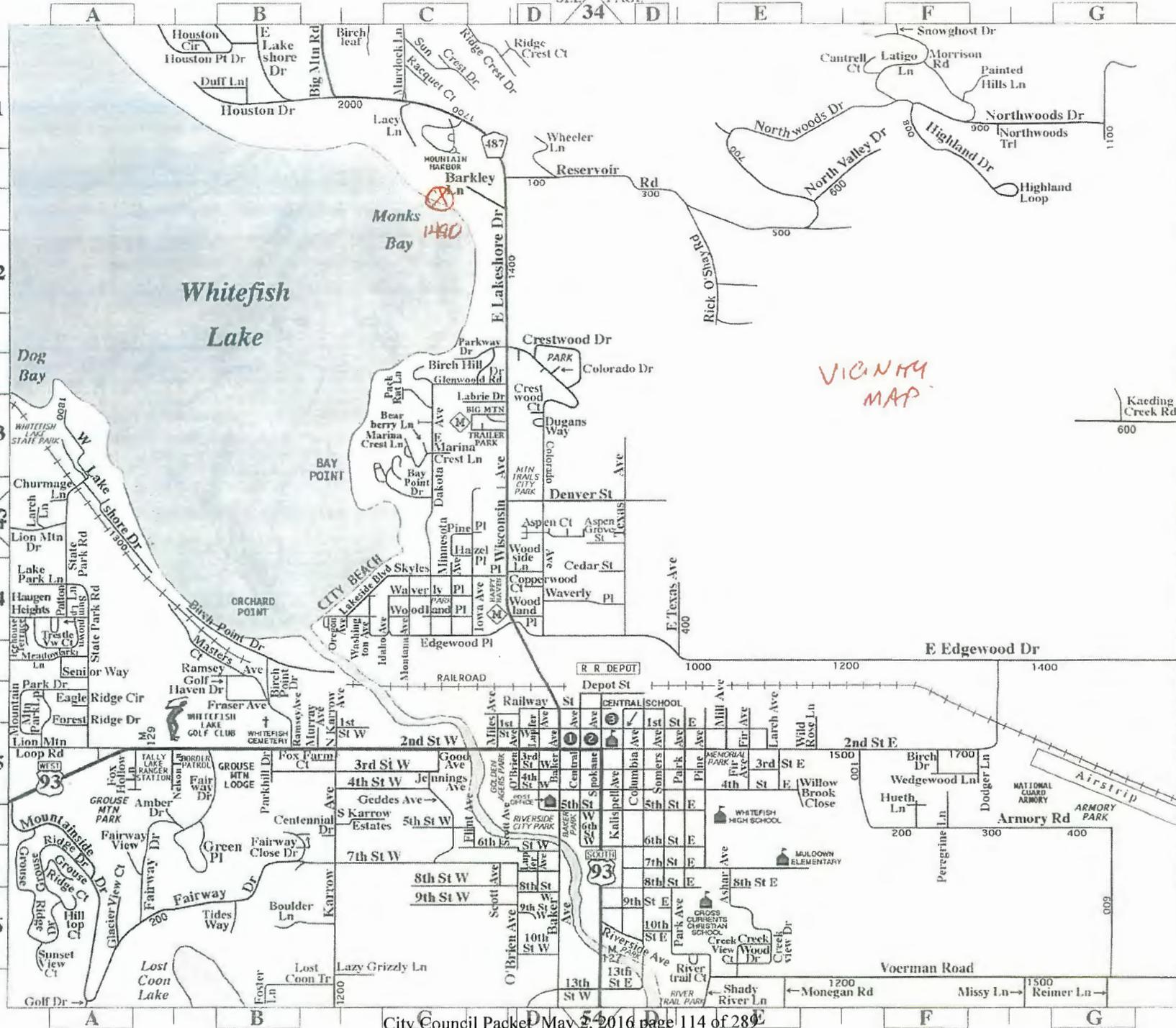
March 24, 2016



No warranty is made by Flathead County for the use of GIS data for purposes not intended by Flathead County.

Flathead County GIS
 800 South Main Street
 Kalispell, MT 59901
 (406) 758-5540

WHITEFISH 59937
CORRESPONDING AREA MAP PAGE 4



VICINITY MAP

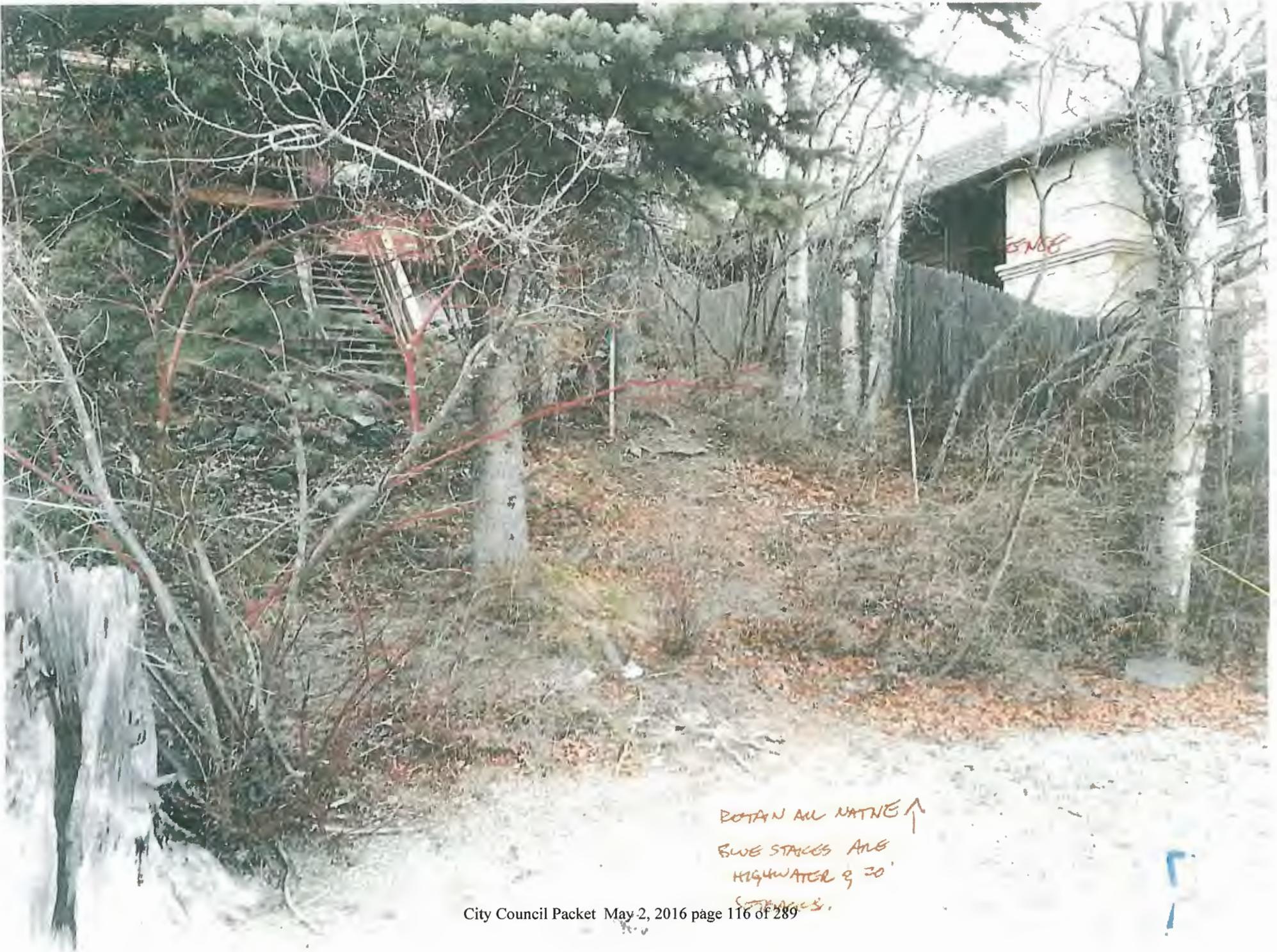
- ① SEE D5
- CITY HALL
- FIRE DEPT
- POLICE DEPT
- ANIMAL CONTROL
- ② SEE D5
- CHAMBER
- ③ SEE D5
- LIBRARY

TOWNSHIP RANGE SECTION

T31N	T31N
R22W	R21W
2524	2021
2625	2928
3536	3233

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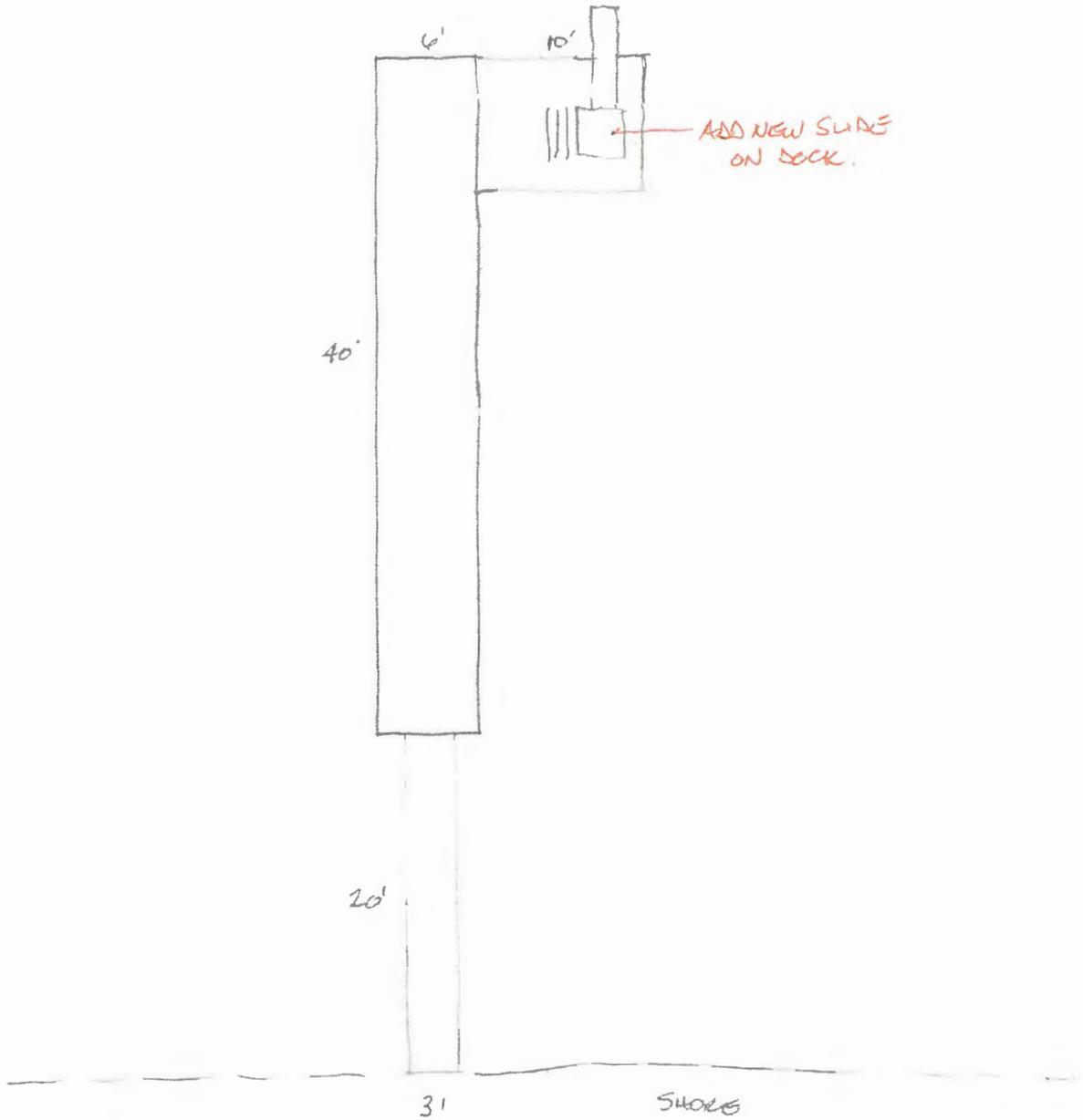
SEE PAGE 45



THEW

FLOATING DOCK DIMENSIONS.

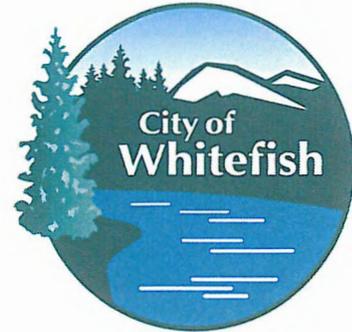
1" = 10'-0"





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



April 26, 2016

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

RE: VFW Lion Mountain Post 276 – Non-Conforming Use Expansion; (WCUP 16-03)

Honorable Mayor and Council:

Summary of Requested Action: The VFW Lion Mountain Post #276 is requesting a Conditional Use Permit for the expansion of a non-conforming use, for the installation of five (5) new gaming machines at 20 Baker Avenue. The property is developed with an existing commercial use which currently has nine (9) gaming machines. The applicant is not expanding the existing lounge area to accommodate the new machines. The subject property is zoned WB-3. The Whitefish Growth Policy designates this property as 'Core Commercial.'

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with eight (8) conditions set forth in the attached staff report.

Public Hearing: The commander and manager of the VFM spoke at the public hearing on April 21, 2016. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 21, 2016 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with eight (8) conditions as contained in the staff report and adopted the staff report as findings of fact.

Proposed Motion:

- I move to approve WCUP 16-03 along with the Findings of Fact in the staff report and the eight (8) conditions of approval, as recommended by the Whitefish Planning Board.

This item has been placed on the agenda for your regularly scheduled meeting on May 2, 2016. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Bailey Minnich, AICP, CFM
Planner II

Att: Exhibit A: Recommended Conditions of Approval
Draft Minutes of 4-21-16 Planning Board Meeting

Exhibits from 4-14-16 Staff Packet to Planning Board:

1. Staff Report – WCUP 16-03, 4-14-16
2. Adjacent Landowner Notice, 3-31-16
3. Advisory Agency Notice, 4-5-16
4. Application for Conditional Use Permit, 2-24-16

c: w/att Michelle Howke, City Clerk

c: w/o att Ken Herrmann, VFM Post Commander

Exhibit A
VFW Lion Mtn Post 276/Herrmann
WCUP 16-03
Whitefish Planning Board
Recommended Conditions of Approval
April 21, 2016

1. The project shall be in compliance with the site plan submitted on February 24, 2016, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
3. The approval is only for an additional five (5) gaming machines, for a total of 14 machines.
4. The applicant shall maintain and demonstrate continued compliance with all State of Montana Licensing, including the Gambling Control Division.
5. Necessary business licenses and sign permits shall be obtained. (§3-1, §11-5-7, WCC)
6. All on-site lighting shall be dark sky compliant. (§11-3-25, WCC)
7. Approval from the Architectural Review Committee shall be obtained prior to any remodel of the exterior of the building. (§11-3-3B, WCC)
8. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)

like to keep the homes in an affordable range. In agreement with the staff recommended conditions of approval.

Rebecca asked the applicant to explain the drainage. Mr. Snowden introduced his engineer, Brian Nelson, 12 Teton Street, with APEC Engineering, who described the proposed method for stormwater management.

PUBLIC COMMENT

6:18pm

Daniel Fischer, 166 Stumptown Loop. Here to support the builders. The project will be an improvement to the site and compliment the neighborhood.

Phil Mitchell, 1450 W Lakeshore Drive. Handed out a letter and read it into the record. This project supports this infill project. Also indicated the support of neighbor Joe Brus who was unable to attend tonight's meeting.

John Schuler, 18 Pinecone Lane, applicant, described how pedestrians will access the front of the project across the stormwater swale.

Jay Snowden, applicant, further described the public outreach to the neighborhood to make sure the design of the project would make the neighbors happy.

Closed the public hearing.

MOTION / BOARD DISCUSSION

Rebecca moved and Ken S. seconded to adopt the findings of fact within staff report WPP 16-01, with the twenty (20) Conditions of Approval, as proposed by City Staff.

Rebecca described the trees she was concerned with but they are in poor shape and it's no longer a concern.

Melissa complimented the applicant for working with the neighborhood and agreed with Rebecca regarding the trees.

VOTE

Ken M. called for the question and the motion to approve passed unanimously. The matter is scheduled to go before the Council on May 2, 2016.

**PUBLIC HEARING 2:
VFW LION
MOUNTAIN POST
#276**

A request by the VFW Lion Mountain Post #276 for a Conditional Use Permit for the expansion of a non-conforming use to install five (5) new gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3

CONDITIONAL USE PERMIT
6:25 pm (General Business District). The property is located at 20 Baker Avenue and can be legally described as Lots 5, 6, 7, 8, 9, 10 of Whitefish Subdivision in S36 T31N R22W.

STAFF REPORT WCUP 16-03 (Minnich)
Planner Minnich reviewed the staff report and findings. Staff recommended adoption of the findings of fact and conditions of approval within staff report WCUP 16-03, and for **approval** to the Whitefish City Council.

BOARD QUESTIONS OF STAFF
John asked about the relationship between a nonconforming use and change in ownership. Staff described the nonconforming requirements and standards in the Zoning Regulations.

Rebecca asked about gaming in the downtown and the Casino District. Staff described the background on the Casino Overlay District, the state licensing requirements and the nonconforming status of gaming in the downtown.

Ken M. asked about the applicant requesting a 2nd expansion and staff responded that a 50% expansion of a nonconforming use can only be used once. They cannot come back later and request another expansion.

APPLICANT / AGENCIES
Cindy Fredericks, manager of the VFW, supports the conditions of approval and described their interest in the expansion is to provide customers with a variety of gaming.

John asked if the VFW is charitable organization.

Ken Herrmann, commander of the VFW stated that the VFW is a nonprofit organization established in order to help veterans past and present. All profit goes to the post in town, state and nationwide to help veterans with expenses. In MT there is a law to allow the public to use the VFW, as a guest.

PUBLIC COMMENT
6:41pm None

Closed the public hearing.

MOTION / BOARD DISCUSSION
Ken S. moved and John seconded to adopt the findings of fact within staff report WCUP 16-03, with the eight (8) Conditions of Approval, as proposed by City Staff.

VOTE
Ken M. called for the question and the motion passed unanimously. The

matter is scheduled to go before the Council on May 2, 2016.

**PUBLIC HEARING 3:
CITY OF WHITEFISH
ZONE CHANGE**

6:41 pm

A request by the City of Whitefish to rezone parcels recently annexed into City limits from County SAG-10 (Suburban Agricultural) to WA (Agricultural District). The property is developed with a residential use and existing church. The subject property is located at 6232 Highway 93 West and can be legally described as Tract 3BB-100 in Section 01, Township 30N, Range 22W.

**STAFF REPORT
WZC 16-01
(Minnich)**

Planner Minnich reviewed the staff report and findings. Staff recommended adoption of the findings of fact within staff report WZC 16-01, and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS
OF STAFF**

None.

**APPLICANT /
AGENCIES**

None.

PUBLIC COMMENT

6:47 pm

Mark Morris, representative of the family land indicated that the single family home will be used as a parsonage for the Baptist Church.

Closed the public hearing.

**MOTION / BOARD
DISCUSSION**

Rebecca moved and John seconded to adopt the findings of fact within staff report WZC 16-01, as proposed by City Staff.

VOTE

Ken M. called for the question and the motion passed unanimously. The matter is scheduled to go before the Council on May 2, 2016.

NEW BUSINESS

6:47 pm

None.

**GOOD AND
WELFARE**

6:48 pm

1. Matters from Board.

None.

2. Matters from Staff.

There will be no Planning Board meeting in May, as we have no applications.

The Board had a discussion of the big box standards and the purpose the CUP and its opportunities.

Staff handed out the American Institute of Certified Planner's (AICP) Code of Ethics. Staff could review a few of these standards at each meeting for the Board.

Board continued the discussion on their role, development of findings of fact and reviewing our projects according to the criteria.

3. Poll of Board members available for the next meeting on June 16, 2016. All indicated they thought they would be available.

ADJOURNMENT
7:11 pm

Ken S moved and John seconded to adjourn the meeting at approximately 7:11 p.m. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board will be held on June 16, 2016, at 6:00 pm, at 1005 Baker Avenue.

Ken Meckel, Chair of the Board

Wendy Compton-Ring, Recording Secretary

APPROVED AS SUBMITTED / CORRECTED: _____

VFW LION MTN POST 276/HERRMANN
CONDITIONAL USE PERMIT
WCUP 16-03
APRIL 14, 2016

1. Staff Report – WCUP 16-03, 4-14-16
2. Adjacent Landowner Notice, 3-31-16
3. Advisory Agency Notice, 4-5-16

The following were submitted by the applicant:

4. Application for Conditional Use Permit, 2-24-16

**VFW LION MTN POST 276/HERRMANN
CONDITIONAL USE PERMIT
WCUP 16-03
APRIL 14, 2016**

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a conditional use permit for the expansion of a non-conforming use, for the installation of five (5) new gaming machines. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, **April 21, 2016**. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, **May 2, 2016**.

PROJECT SCOPE

The applicant is requesting a Conditional Use Permit for the expansion of a non-conforming use, specifically for the installation of five (5) new gaming machines. The subject property is zoned WB-3 (General Business District), and is developed with an existing commercial use which currently has nine (9) gaming machines. Under the current zoning regulations, new casinos may only be located within the WB-2 district in a location specifically designated as a casino overlay zone. This area is located along the west side of Highway 93 South, between West 15th Street and Commerce Street. However, the regulations further indicate under §11-3-7, casinos located outside of this district shall be considered non-conforming and the addition of any gambling machines or gambling devices or increase in number of gambling machines or gambling devices shall be considered an expansion of use under §11-7-11D. This section references the expansion of non-conforming uses, subject to a Conditional Use Permit, as long as the expansion is not an increase of more than 50%. The applicant is not expanding the existing lounge area to accommodate the new machines.

A.

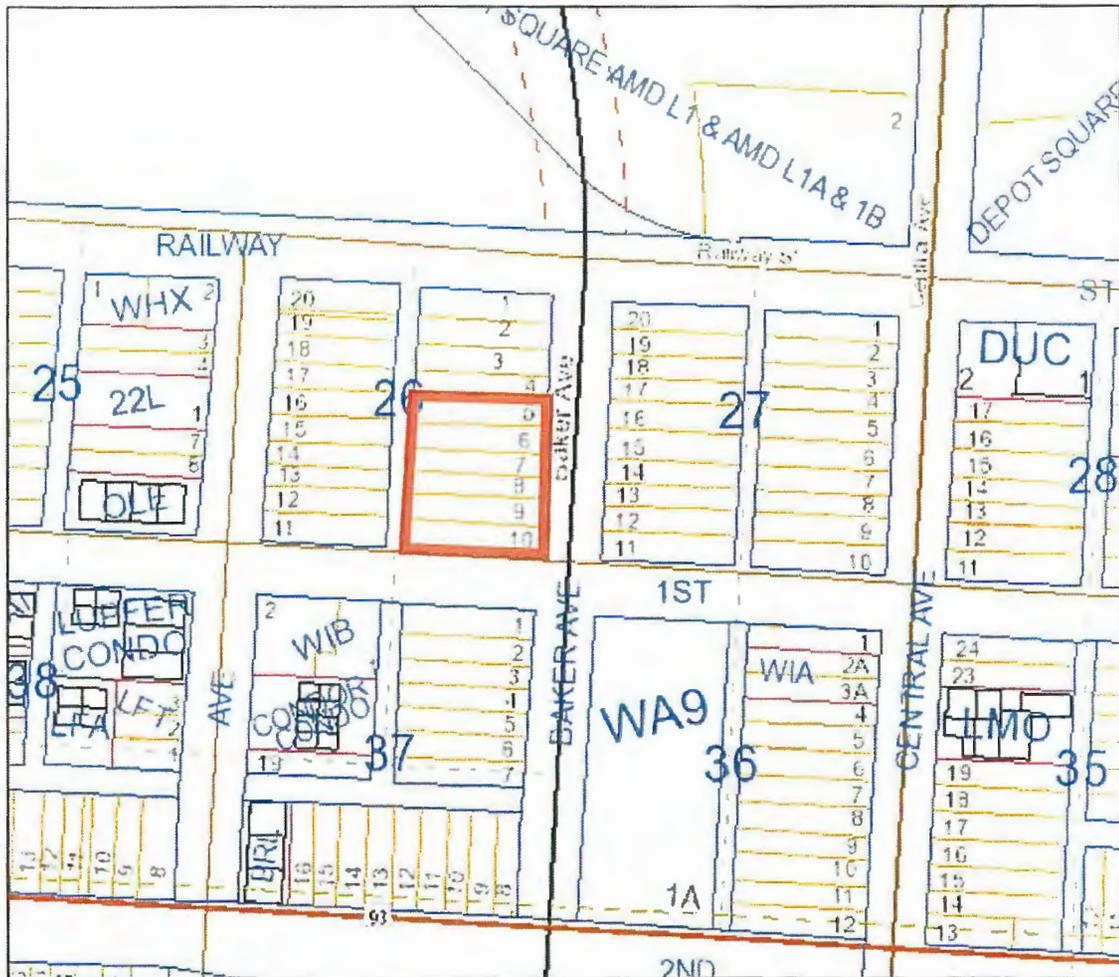
OWNER:

VFW Lion Mtn Post #276
c/o Kenneth Herrmann
20 Baker Avenue
Whitefish, MT 59937
(406) 862-4949

B. SIZE AND LOCATION OF PROPERTY:

The property is located at 20 Baker Avenue, and is approximately 19,500 square feet. The property can be legally described as Lots 5, 6, 7, 8, 9, 10 of Whitefish Subdivision in S36 T31N R22W, P.M.M., Flathead County, Montana.

Figure 1: Location of subject property outlined in red.



C. EXISTING LAND USE:

The subject property is currently developed with a commercial bar and casino.

D. ADJACENT LAND USES AND ZONING:

North:	Commercial Use	WB-3
West:	Commercial Use	WB-3
South:	Commercial Use	WB-3
East:	Commercial Use	WB-3

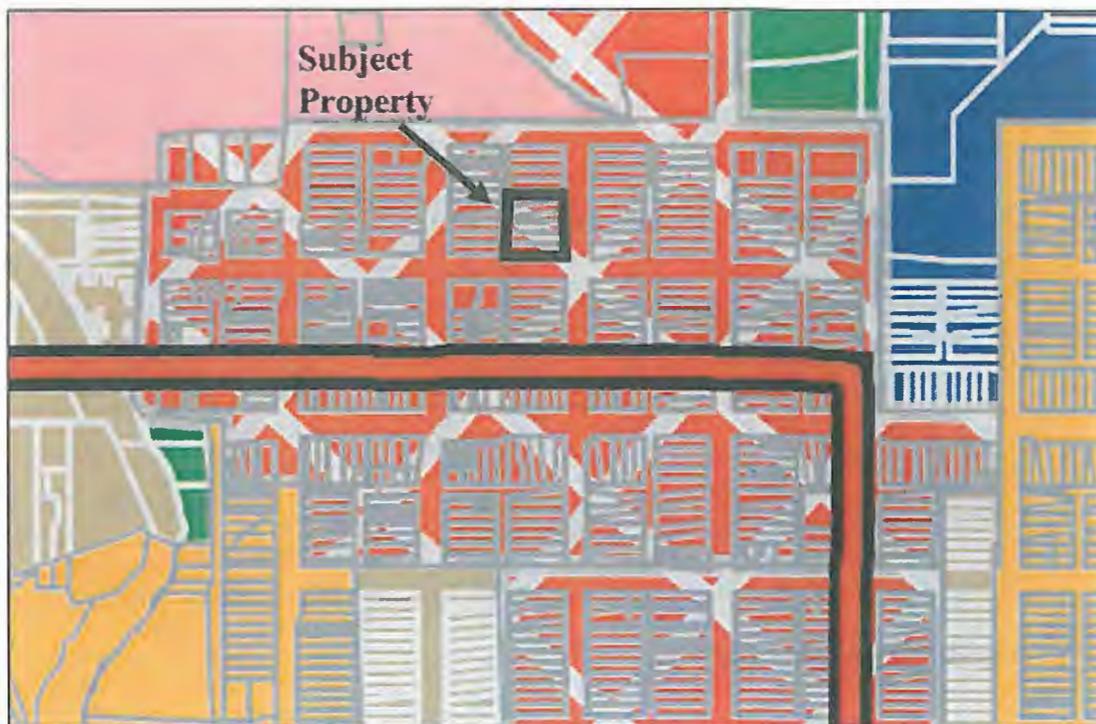
E. ZONING DISTRICT:

The property is zoned WB-3 (General Business District). The purpose of the WB-3 District is 'a broad commercial district intended to accommodate financial, retail, governmental, professional, institutional and cultural activities.'

F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation is Core Commercial which corresponds to the WB-3 zoning district. (See Figure 2). The Core Commercial "describes the downtown area of Whitefish as well as surrounding transitional and mixed use areas. The major uses are retail commercial, professional and government offices, financial institutions, restaurants and taverns, hotels, and art galleries and studios."

Figure 2: Growth Policy designation.



G. UTILITIES:

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Electric:	Flathead Electric Co-op
Natural Gas:	Northwestern Energy
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	Whitefish Fire Department

H. PUBLIC COMMENTS:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on March 31, 2016. A notice was emailed to advisory agencies on April 5, 2016. A notice of the public hearing was published in the *Whitefish Pilot* on April 6, 2016. As of the writing of this report, no comments have been received.

REVIEW AND FINDINGS OF FACT

This application is evaluated based on the "criteria required for consideration of a Conditional Use Permit," per Section 11-7-8(J) of the Whitefish Zoning Regulations.

1. **Growth Policy Compliance:** The Growth Policy designates this area as Core Commercial which is consistent with the WB-3 zoning district.

Finding 1: The proposed use complies with Growth Policy Designation of Core Commercial because the property is zoned WB-3 (General Business District).

2. **Compliance with regulations. The proposal is consistent with the purpose, intent, and applicable provisions of these regulations.**

The property is zoned WB-3, General Business District. The purpose of the WB-3 district is 'a broad commercial district intended to accommodate financial, retail, governmental, professional, institutional and cultural activities.' The existing commercial bar is allowed as a conditional use within the WB-3. However, gaming machines are only permitted within the casino overlay district in the WB-2. The existing gaming machines within the building are considered a non-conforming use, and can only be expanded with the approval of a conditional use permit. The proposed expansion will be continued within the existing building, which has been constructed in compliance with the required setbacks. No addition to the existing building is proposed at this time.

Finding 2: The project complies with the zoning regulations because all the zoning standards are being met or will be met with conditions of approval.

3. **Site Suitability. The site must be suitable for the proposed use or development, including:**

Adequate usable land area: The subject parcel is adequate to serve the proposed expansion as it is approximately 19,500 square feet, and the new machines will be located entirely within the existing building.

Access that meets the standards set forth in these regulations, including emergency access: All access requirements are being met. In addition, emergency access is being met with the surrounding rights-of-way.

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The subject property is not located within the 100-year floodplain and there are no other environmental constraints on-site. The subject property is already developed with an existing commercial building and parking lot.

Finding 3: The proposed expansion is suitable for the site because there is adequate usable land area, the existing access meets emergency standards and there are no environmental constraints.

4. Quality and Functionality. The site plan for the proposed use or development has effectively dealt with the following design issues as applicable.

Parking locations and layout: The subject property currently has a paved parking lot. No additional parking is required as the proposed expansion will be located within an existing building, and parking is not required within the WB-3.

Traffic Circulation: The traffic will circulate off Baker Avenue and East 1st Street, both paved public streets. The property is an existing corner lot and has legal access to both streets.

Open space: There is no maximum permitted lot coverage for the WB-3 zoning district. The proposed expansion will be located entirely within the existing commercial building.

Fencing/Screening: No fencing or screening is required or proposed since the proposed expansion will be located within the existing building.

Landscaping: The subject property is built lot line to lot line with an existing commercial building and paved parking lot. Since the proposed expansion will be located within the existing building, no additional landscaping is required.

Signage: Staff has not seen any proposed signage. All new signage is required to obtain a permit from the Planning & Building office.

Undergrounding of new and existing utilities: New utilities will be underground, if possible or required.

Finding 4: The quality and functionality of the proposed development has effectively dealt with the site design issues because there is adequate parking for the use, traffic circulation has been evaluated and the proposed use will be located entirely within the existing commercial building.

5. Availability and Adequacy of Public Services and Facilities.

Sewer: Sewer is in place and adequate to service the project.

Water: Water services are currently available on site.

Storm Water Drainage: The subject property currently has an existing building and paved parking lot. No additional impervious surface will be constructed as part of this project.

Fire Protection: The Whitefish Fire Department serves the site and response times and access are good. The proposed use is not expected to have significant impacts upon fire services.

Police: The City of Whitefish serves the site; response times and access are adequate. The proposed use is not expected to have significant impacts upon police services.

Streets: The project is adjacent to Baker Avenue and East 1st Street. No street improvements are proposed along either side.

Finding 5: The availability of public services is adequate because municipal water and sewer are available, no additional impervious area will be constructed, response times for police and fire are not anticipated to be affected due to the proposed development, and the property has adequate access to surrounding rights-of-way.

6. Neighborhood/Community Impact:

Traffic Generation: No impacts to existing roads is anticipated from the proposed expansion, as the request is only for five (5) additional gaming machines. No traffic generation above the existing levels is anticipated. The project is adjacent to Baker Avenue and East 1st Street, both City maintained roads. The current roads should be able to handle any additional traffic.

Noise or Vibration: No impacts are anticipated beyond what would be expected from a typical commercial use.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from a typical commercial use.

Smoke, Fumes, Gas, and Odor: No impact is anticipated with regards to smoke, fumes or gas.

Hours of Operation: The hours of operation will be the same as current hours. No change is proposed.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because the existing roads should be able to handle anticipated traffic, noise, dust, smoke, odor or other environmental nuisances are not expected, and any outdoor lighting is required to meet city standards.

7. Neighborhood/Community Compatibility:

The surrounding neighborhood is a combination of commercial and high-density residential uses. The property and surrounding area is zoned WB-3. The structural bulk and massing, density and scale of the project will not be modified from the current configuration as the proposed use will be within an existing commercial building. No exterior changes are proposed at this time.

Finding 7: The project is compatible with the existing uses in the neighborhood because the subject property and surrounding area is zoned WB-3, no changes are proposed to the exterior of the building, and the existing use fits within the context of the neighborhood and community character.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 16-03 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project shall be in compliance with the site plan submitted on February 24, 2016, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
3. The approval is only for an additional five (5) gaming machines, for a total of 14 machines.
4. The applicant shall maintain and demonstrate continued compliance with all State of Montana Licensing, including the Gambling Control Division.
5. Necessary business licenses and sign permits shall be obtained. (§3-1, §11-5-7, WCC)
6. All on-site lighting shall be dark sky compliant. (§11-3-25, WCC)
7. Approval from the Architectural Review Committee shall be obtained prior to any remodel of the exterior of the building. (§11-3-3B, WCC)

8. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)

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



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that the VFW Lion Mountain Post #276 is requesting a Conditional Use Permit for the expansion of a non-conforming use, for the installation of five (5) new gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3 (General Business District). The property is located at 20 Baker Avenue and can be legally described as Lots 5, 6, 7, 8, 9, 10 of Whitefish Subdivision in S36 T31N R22W.

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

Thursday, April 21, 2016
6:00 p.m.
Whitefish City Council Chambers, City Hall
1005 Baker Avenue, Whitefish MT 59937

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, May 2, 2016** at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at bminnich@cityofwhitefish.org. Comments received by the close of business on Monday, April 11, 2016, will be included in the packets to the Planning Board members. Comments received after the deadline will be summarized to the Planning Board members at the public hearing.

EX-111

2



KITCHEN AREA

Rest Room

Rest Room

Office

Lounge

AREA

Liquor Storage

WALK INN cooler

BAR

1360
1360
1360

EXIT

EXIT

EXIT

U.F.W. Post. 276

20 BAKER AVE

WHITE FISH, MT. 59937.

Walk

590 Feet

590

UP 11880
1210

276

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



Date: April 5, 2016
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, April 21, 2016 at 6:00 pm in the Whitefish City Council Chambers at **1005 Baker Avenue**. During the meeting, the Board will hold a public hearing on the item listed below. Upon receipt of the recommendation by the Planning Board, the Whitefish City Council will also hold a subsequent public hearing for items 1-3 on Monday May 2, 2016. City Council meetings start at 7:10 pm at **1005 Baker Avenue** in the Whitefish City Council Chambers.

1. A request by Triple S Landgroup and Daniel Scheffer for a 6-lot subdivision that contains four (4) detached single family homes and two (2) attached single family homes. The property is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights and can be legally described as Lot 3A of Lake Park Add Resub S2 L3, BLK 11 in Section 26, Township 31N, Range 22W, P.M.M., Flathead County. (WPP 16-01) Minnich
2. A request by the VFW Lion Mountain Post #276 for a Conditional Use Permit for the expansion of a non-conforming use to install five (5) new gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3 (General Business District). The property is located at 20 Baker Avenue and can be legally described as Lots 5, 6, 7, 8, 9, 10 of Whitefish Subdivision in S36 T31N R22W. (WCUP 16-03) Minnich
3. A request by the City of Whitefish to rezone parcels recently annexed into City limits from County SAG-10 (Suburban Agricultural) to WA (Agricultural District). The property is developed with a residential use and existing church. The subject property is located at 6232 Highway 93 West and can be legally described as Tract 3BB-100 in Section 01, Township 30N, Range 22W. (WZC 16-01) Minnich

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 510 Railway Street during regular business hours. Inquiries are welcomed. Interested parties are invited to attend the hearing and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: dtaylor@cityofwhitefish.org. For questions or further information regarding these proposals, phone 406-863-2410.

EXHIBIT

3



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

File #: WUP 14-03
 Date: 2/24/16
 Intake Staff: BM
 Date Complete: _____

CONDITIONAL USE PERMIT

FEE ATTACHED \$ 2055.00
 (See current fee schedule)

INSTRUCTIONS:

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: _____
- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 1005 Baker Avenue.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project Name: Gaming Expansion
 Project Address: 20 Baker Ave Whitefish, Mt 59937
 Assessor's Tract No.(s) - Lot No(s) -
 Block # - Subdivision Name -
 Section - Township - Range -

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish staff to be present on the property for routine monitoring and inspection during the approval and development process.

Kenneth A. Heermann Commander 2-24-16
 Owner's Signature¹ Date

KENNETH A. HEERMANN
 Print Name

 Applicant's Signature Date

 Print Name

 Representative's Signature Date

 Print Name

¹ May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- Conditional Use Permit Application – 8 copies
- Written description how the project meets the criteria in Section D – 8 copies
- Site Plan – 8 copies The site plan, drawn to scale, which shows in detail your proposed use, your property lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc.
- Reduced copy of the site plan not to exceed 11" x 17" – 1 copy
- Where new buildings or additions are proposed, building sketches and elevations shall be submitted.
- Electronic version of entire application such as .pdf
- Any other additional information requested during the pre-application process

When all application materials are submitted to the Planning & Building Department, the application will be scheduled for public hearing before the Planning Board and City Council.

B. OWNER(S) OF RECORD:

Name: VFW Lion Mt Post # 276 Phone: 862-4949
 Mailing Address: 20 Baker Ave
 City, State, Zip: Whitefish, Mt. 59937
 Email: macyfr@hotmail.com

APPLICANT (if different than above):

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

TECHNICAL/PROFESSIONAL:

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

C. DESCRIBE PROPOSED USE:

ZONING DISTRICT: _____

D. **FINDINGS:** The following criteria form the basis for approval or denial of the Conditional Use Permit. The burden of satisfactorily addressing these criteria lies with the applicant. Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the criteria, describe how it will be mitigated.

1. Describe how the proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy.

We are expanding a nonconforming use for gaming machines, we have state approval already.

2. Describe how the proposal is consistent with the purpose, intent and applicable provisions of the regulations.

expansion of five gaming machines

3. How is the property location suitable for the proposed use? Is there adequate usable land area? Does the access, including emergency vehicle access, meet the current standards? Are environmentally sensitive areas present on the property that would render the site inappropriate for the proposed use?

We have our own parking so there would be no change outside. Inside would be adding five new machines for gaming.

4. How are the following design issues addressed on the site plan?
 - a. Parking locations and layout
 - b. Traffic circulation
 - c. Open space
 - d. Fencing/screening
 - e. Landscaping
 - f. Signage

- g. Undergrounding of new utilities
- h. Undergrounding of existing utilities

None of the above mentioned items would be affected, we are an existing building.

5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
- a. Sewer
 - b. Water
 - c. Stormwater
 - d. Fire Protection
 - e. Police Protection
 - f. Street (public or private)
 - g. Parks (residential only)
 - h. Sidewalks
 - i. Bike/pedestrian ways – including connectivity to existing and proposed developments

None of the above items would change, we are already developed

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.
- a. Excessive traffic generation and/or infiltration of traffic into neighborhoods
 - b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

No impact on the neighborhood, we are only giving our customers choices

7. What are the proposed hours of operation?

Same hours

AM

9:00 - 2:00

- 8 How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:
- a. Structural bulk and massing
 - b. Scale
 - c. Context of existing neighborhood
 - d. Density
 - e. Community Character

Again nothing changes we are zoned commercial, have our own parking and ~~are~~ are just providing a larger option of play for our customers.

(This page left blank intentionally to separate printed sections)

ORDINANCE NO. 16-___

An Ordinance of the City Council of the City of Whitefish, Montana, rezoning approximately 1.203 acres of land located at 6232 US Highway 93 South, in Section 1, Township 30 North, Range 22 West, Whitefish, Montana, from County SAG-10 (Suburban Agricultural District) to City WA (Agricultural District) and adopting findings with respect to such rezone.

WHEREAS, the City of Whitefish initiated a rezone with respect to property located at 6232 US Highway 93 South, and legally described as Tract 3BB-100, in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana; and

WHEREAS, in response to the City-initiated rezone, the Whitefish Planning & Building staff prepared Staff Report WZC 16-01, dated April 14, 2016, which analyzed the proposed rezone and recommended in favor of its approval; and

WHEREAS, at a lawfully noticed public hearing on April 21, 2016, the Whitefish Planning Board reviewed Staff Report WZC 16-01, received an oral report from Planning staff, invited public comment, and thereafter voted to recommend in favor of the proposed zone change; and

WHEREAS, at a lawfully noticed public hearing on May 2, 2016, the Whitefish City Council reviewed Staff Report WZC 16-01 and letter of transmittal, received an oral report from Planning staff, and invited public comment; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to approve the proposed rezone; and

WHEREAS, the proposed rezone meets zoning procedure and the criteria and guidelines for the proposed rezone required by MCA §§76-2-303 through 76-2-305 and WCC §11-7-12.

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

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

Section 2: Staff Report WZC 16-01 dated April 14, 2016, together with the April 26, 2016 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: The real property located 6232 US Highway 93 South, and legally described as:

That portion of the Southwest one-quarter (SW1/4) of the Southeast one-quarter (SE1/4) of Section One (1), Township Thirty North (T.30 N.), Range Twenty-two West (R.22 W.), Principal Meridian Montana, Flathead County, Montana, more particularly described as follows:

Beginning at the Northwest corner of Tract 1 of Certificate of Survey No. 16386, a map or plat of which is on file at the Clerk and Recorder's Office, Flathead County,

Montana;
thence S05°52'00"E 198.21 feet; thence N89°39'36"W 284.47 feet; thence
N03°20'55"W 184.37 feet; thence N87°38'22"E 269.98 feet to the Point of
Beginning and containing 1.203 acres of land more or less

previously zoned County SAG-10 (Suburban Agricultural District) is hereby rezoned to City
WA (Suburban Agricultural District).

Section 4: The official Zoning Map of the City of Whitefish, Montana, shall be amended,
altered and changed to provide that the rezone and zoning map amendment of the real property
identified on the map attached hereto as Exhibit "A", and incorporated herein by reference, shall
be designated City WA (Suburban Agricultural District). The Zoning Administrator is instructed
to change the City's official Zoning Map to conform to the terms of this Ordinance.

Section 5: In the event any word, phrase, clause, sentence, paragraph, section or other
part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such
judgment shall affect only that part held invalid, and the remaining provisions thereof shall
continue in full force and effect.

Section 6: This Ordinance shall take effect thirty (30) days after its adoption by the City
Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

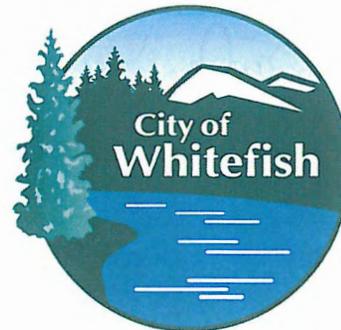
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
WHITEFISH, MONTANA, ON THIS _____ DAY OF _____, 2016.

John M. Muhlfield, Mayor

ATTEST:

Michelle Howke, City Clerk

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



April 26, 2016

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

RE: Hedman/City of Whitefish Zone Change: WZC 16-01

Honorable Mayor and Council:

Summary of Requested Action: This is a request by the City of Whitefish on behalf of Marie Hedman and First Baptist Church for a rezone of one parcel with the zoning designation of County SAG-10 to City WA (Agricultural District). The property is located behind the existing church at 6232 Highway 93 South and totals 1.203 acres.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced rezone.

Public Hearing: A representative of the Hedman family spoke at the public hearing. The draft minutes from the Planning Board for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 21, 2016 and considered the requested rezone. Following the public hearing, the Planning Board unanimously recommended approval of the above referenced rezone and adopted the staff report as findings of fact.

Proposed Motion:

- I move to approve WZC 16-01 and adopt the Findings of Fact in the staff report, as recommended by the Whitefish Planning Board on April 21, 2016.

This item has been placed on the agenda for your regularly scheduled meeting on May 2, 2016. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Bailey Minnich, AICP, CFM
Planner II

Att: Draft Minutes of 4-21-16 Planning Board Meeting

Exhibits from 4-14-16 Staff Packet

1. Staff Report WZC-16-01, 4-14-16
2. Adjacent Landowner Notice, 3-31-16
3. Advisory Agency Notice, 4-5-16

The following was submitted by the applicant:

4. Application for Zoning Map Amendment, 1-13-16

c: w/att Michelle Howke, City Clerk

matter is scheduled to go before the Council on May 2, 2016.

**PUBLIC HEARING 3:
CITY OF WHITEFISH
ZONE CHANGE**

6:41 pm

A request by the City of Whitefish to rezone parcels recently annexed into City limits from County SAG-10 (Suburban Agricultural) to WA (Agricultural District). The property is developed with a residential use and existing church. The subject property is located at 6232 Highway 93 West and can be legally described as Tract 3BB-100 in Section 01, Township 30N, Range 22W.

**STAFF REPORT
WZC 16-01
(Minnich)**

Planner Minnich reviewed the staff report and findings. Staff recommended adoption of the findings of fact within staff report WZC 16-01, and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS
OF STAFF**

None.

**APPLICANT /
AGENCIES**

None.

PUBLIC COMMENT
6:47 pm

Mark Morris, representative of the family land indicated that the single family home will be used as a parsonage for the Baptist Church.

Closed the public hearing.

**MOTION / BOARD
DISCUSSION**

Rebecca moved and John seconded to adopt the findings of fact within staff report WZC 16-01, as proposed by City Staff.

VOTE

Ken M. called for the question and the motion passed unanimously. The matter is scheduled to go before the Council on May 2, 2016.

NEW BUSINESS
6:47 pm

None.

**GOOD AND
WELFARE**

6:48 pm

1. Matters from Board.

None.

2. Matters from Staff.

There will be no Planning Board meeting in May, as we have no applications.

The Board had a discussion of the big box standards and the purpose the CUP and its opportunities.

Staff handed out the American Institute of Certified Planner's (AICP) Code of Ethics. Staff could review a few of these standards at each meeting for the Board.

Board continued the discussion on their role, development of findings of fact and reviewing our projects according to the criteria.

3. Poll of Board members available for the next meeting on June 16, 2016. All indicated they thought they would be available.

ADJOURNMENT

7:11 pm

Ken S moved and John seconded to adjourn the meeting at approximately 7:11 p.m. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board will be held on June 16, 2016, at 6:00 pm, at 1005 Baker Avenue.

Ken Meckel, Chair of the Board

Wendy Compton-Ring, Recording Secretary

APPROVED AS SUBMITTED / CORRECTED: _____

**HEDMAN/FIRST BAPTIST CHURCH/CITY OF WHITEFISH
ZONE CHANGE WZC 16-01
EXHIBIT LIST
APRIL 14, 2016**

1. Staff Report – WZC 16-01, 4-14-16
2. Adjacent Landowner Notice, 3-31-16
3. Advisory Agency Notice, 4-5-16

The following was submitted by the applicant:

4. Application for Zoning Map Amendment, 1-13-16

**HEDMAN/FIRST BAPTIST CHURCH/CITY OF WHITEFISH
ZONE CHANGE
STAFF REPORT WZC 16-01
APRIL 14, 2016**

A report to the Whitefish Planning Board and the Whitefish City Council regarding a request by the City of Whitefish on behalf of Marie Hedman and First Baptist Church to rezone one parcel from County SAG-10 (Suburban Agricultural) to City WA (Agricultural District) at 6232 Highway 93 South. This request is scheduled before the Whitefish Planning Board for public hearing on Thursday, **April 21, 2016** at 6:00 PM. A recommendation will be forwarded to the City Council for a subsequent public hearing on Monday, **May 2, 2016** at 7:10 PM. Both hearings will be held in the Whitefish City Council Chambers.

PROJECT SCOPE

The City is requesting a zone change on one parcel from County SAG-10 (Suburban Agricultural) to City WA (Agricultural District). The parcel is located behind the First Baptist Church and is being added into the church parcel which fronts on Highway 93 South. The parcel is located within the city limits.

The purpose of rezoning the properties to a City zone is due to the adoption of Resolution 16-12 which annexed the properties into Whitefish City limits on February 16, 2016. As the property is now within the City, the zoning must be changed from a County zoning designation to a City zoning designation.

Figure 1: Location of subject property outlined in red.



Purpose of WA: The WA district is intended for areas for silviculture, agricultural functions, outdoor recreation purposes, open spaces or future development, and for detached single-family homes with customary farm and/or accessory buildings situated in a setting conducive to a rural lifestyle.

	<u>WA (proposed zoning)</u>	<u>SAG-10 (existing zoning)</u>
Minimum lot area:	15 acres	10 acres
Front yard setback:	50 feet	20 feet
Side yard setback:	20 feet	20 feet* [for non-conforming properties with lot widths less than 150 feet – 10 feet; less than 50 feet – 5 feet]
Rear yard setback:	20 feet	20 feet
Maximum height:	35 feet	35 feet
Permitted lot coverage:	20% maximum	20% maximum

A. Property Owners:

Marie Hedman	First Baptist Church
P.O. Box 2105	6232 Highway 93 South
Kalispell, MT 59903	Whitefish, MT 59937

Applicant:

City of Whitefish
 PO Box 158
 Whitefish, MT 59937

B. Location and Size:

The subject property is located behind a property adjacent to Highway 93 South. The property can be legally described as Tract 3BB-100 in Section 01, Township 30N, Range 22W. The subject properties total approximately 1.203 acres in size.

C. Existing Land Use, Zoning and Growth Policy Designation:

The property is currently developed with a single-family residence. The Growth Policy identifies the parcels as Suburban Residential on the Whitefish City-County Growth Policy Future Land Use Map. The text within the Growth Policy relating to the classification states this designation is for lower density residential areas at the periphery of the urban service area, predominantly single family residential. Zoning is generally WCR, WER, and WSR.

D. Adjacent Land Uses, Zoning and Growth Policy Designations:

North:	vacant	Flathead County SAG-10/B-2	Suburban Residential District/General Commercial District
South:	Church	City WA	Suburban Residential District
East:	Church	City WB-2	General Commercial District

West vacant Flathead County SAG-10 Suburban Residential District

E. Public Notice:

A notice was mailed to adjacent land owners within 150-feet of the subject parcels on March 31, 2016. Advisory agencies were noticed on April 5, 2016. A notice was published in the Whitefish Pilot on April 6, 2016. As of the writing of this report, no public comments have been received.

F. Utilities

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Electric:	Flathead Electric Co-op
Natural Gas:	Northwest Energy
Phone:	Centurylink
Police:	City of Whitefish
Fire:	City of Whitefish
Roads:	State of Montana

REVIEW AND FINDINGS OF FACT:

This request is reviewed in accordance with the Whitefish Zoning Regulations Section 11-7-10 and based on statutory criteria on the purposes of zoning (76-2-304 & 305 M.C.A.).

The Whitefish Zoning Jurisdiction Regulations set forth the process for rezoning property and the considerations that both the Planning Board and the City Council must make in order to approve an amendment. While some of these considerations are not applicable as the existing and proposed zoning districts already address them, several considerations need to be reviewed in light of the proposed zoning district. The following is a review and discussion of considerations applicable to the proposed zoning district.

A. Made in Accordance with a Growth Policy.

The Growth Policy Future Land Use Map designates the parcel within the Suburban Residential designation. That designation indicates it is generally for WCR, WER, and WSR. However, prior to the termination of the inter-local agreement with Flathead County, the property was zoned WA. The City has made the interpretation that if a property is annexed, it should be re-zoned the same zoning it was prior to the agreement termination. The proposed change to WA (Agricultural District) zoning is consistent with the zoning designation prior to the inter-local termination.

Finding 1: While the proposed zone change to WA is not in accordance with the Growth Policy designation of Suburban Residential, it is consistent with the zoning designation prior to the termination of the inter-local agreement with Flathead County.

B. Secure safety from fire, panic and other dangers.

The property is served by the City of Whitefish Police and Fire Departments. Any future development will meet all City requirements for roadway widths and Fire Department standards.

Finding 2: The proposed zone change will secure safety from fire, panic and other dangers because the city standards and zoning standards will be reviewed at the time of development.

C. Promote the public health, public safety and general welfare.

Public services and utilities are available to the property and will be extended to serve the site.

Finding 3: The proposed zone change promotes public interest, health, comfort and general welfare because public services are available to the property.

D. Facilitate the Adequate Provision of Transportation, Water, Sewerage, Schools, Parks and other Public Requirements.

Water and sewer has been extended along Highway 93 South adjacent to the property, and extensions have been constructed back to the existing house. The property is located adjacent to a State maintained road, which is paved. The school district will not change due to the recent annexation, and the subject property is located approximately 0.78 miles northwest of Smith Sports Complex, which is a City maintained public park.

Finding 4: The proposed zone change facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements because it is located inside city limits and is served by all public services and facilities.

E. Reasonable Provision of Adequate Light and Air.

The proposed zoning designation include setbacks, maximum building height and lot coverage. In addition, all construction will require conformance with the Building Code.

Finding 5: The proposed zone change provides reasonable provision of adequate light and air because the zoning and other city standards will prevent the overcrowding of the land through lot coverage, setbacks and conformance with the Building Code.

F. The Effect on Motorized and Non-motorized Transportation Systems.

The property is located in the city limits and is served by Highway 93 South, a paved State maintained road. The proposed zone change from a County SAG-10 zone to the City WA zone will not have an effect on the motorized and non-motorized transportation systems because the proposed uses in each district are very similar.

Finding 6: The proposed zone change will not have an effect on motorized and non-motorized transportation systems because the property is served by a paved State maintained road, and the proposed uses in each district are very similar.

G. Promotion of Compatible Urban Growth.

The subject property is located in an area identified as Suburban Residential by the Growth Policy's Future Land Use Map. The Growth Policy designates Suburban

Residential as including WCR, WER, and WSR zoning. However, prior to the termination of the inter-local agreement with Flathead County, the property was zoned WA. The City has made the interpretation that if a property is annexed, it should be rezoned the same zoning it was prior to the agreement termination. The proposed change to WA (Agricultural District) zoning is consistent with the zoning designation prior to the inter-local termination. Also, the subject property is currently served by public services.

Finding 7: The proposed zone change will promote compatible urban growth because the property is served by public services, and the proposed zoning is the same zoning utilized prior to the termination of the inter-local agreement.

H. Consideration to the character of the district and its particular suitability for particular uses.

The character of the district is predominately single family residential and commercial along the highway. The lot sizes are comparable, and the proposed zoning will be the most equivalent.

Finding 8: The proposed zone change considers the character of the district and its particular suitability for particular uses because it is a predominately single family neighborhood with some commercial along the highway, the lot sizes are comparable between both zones, and the proposed zoning will be the most equivalent.

I. Conserving the Value of Buildings.

The subject properties are currently developed with residential and commercial uses. The WA zoning specifically only permits single-family dwellings. Therefore, the value of surrounding buildings will not be negatively impacted by the proposed zone change.

Finding 9: The proposed zone change will conserve the value of buildings because the properties are currently developed with residential and commercial uses, and the value of surrounding buildings will be maintained as the WA zoning only permits single-family residences.

J. Encouraging the Most Appropriate Use of Land Throughout the Jurisdictional Area.

As previously stated, the area encompassing the subject properties is listed as Suburban Residential in the Whitefish Growth Policy. The proposed zoned change to WA would encourage the most appropriate use of land as it would be the most similar to adjacent properties currently developed as residential.

Finding 10: The proposed zone change encourages the most appropriate use of land throughout the jurisdictional area because it will be the most similar to adjacent properties.

K. That Historical Use and Establish Use Patterns and Recent Change in Use Trends will be Weighed Equally and Consideration not be Given One to the Exclusion of the Other.

Finding 11: The Planning Board and the City Council should consider the historical and established use patterns, including trends, when making a decision on the project.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt staff report WZC 16-01 findings of fact and recommend to the Whitefish City Council the map amendment be **approved**.

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



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that The City of Whitefish is proposing to rezone parcels recently annexed into City limits from County SAG-10 (Suburban Agricultural) to WA (Agricultural District). The property is developed with a residential use and existing church. The subject property is located at 6232 Highway 93 West and can be legally described as Tract 3BB-100 in Section 01, Township 30N, Range 22W.

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

**Thursday, April 21, 2016
6:00 p.m.
Whitefish City Council Chambers, City Hall
1005 Baker Avenue, Whitefish MT 59937**

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, May 2, 2016** at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a map showing the subject properties. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at bminnich@cityofwhitefish.org. Comments received by the close of business on Monday, April 11, 2016, will be included in the packets to the Planning Board members. Comments received after the deadline will be summarized to the Planning Board members at the public hearing.

EX-1017

2

PLANNING & BUILDING DEPARTMENT

PO Box 158

510 Railway Street

Whitefish, MT 59937

(406) 863-2410 Fax (406) 863-2409



Date: April 5, 2016
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, April 21, 2016 at 6:00 pm in the Whitefish City Council Chambers at **1005 Baker Avenue**. During the meeting, the Board will hold a public hearing on the item listed below. Upon receipt of the recommendation by the Planning Board, the Whitefish City Council will also hold a subsequent public hearing for items 1-3 on Monday May 2, 2016. City Council meetings start at 7:10 pm at **1005 Baker Avenue** in the Whitefish City Council Chambers.

1. A request by Triple S Landgroup and Daniel Scheffer for a 6-lot subdivision that contains four (4) detached single family homes and two (2) attached single family homes. The property is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights and can be legally described as Lot 3A of Lake Park Add Resub S2 L3, BLK 11 in Section 26, Township 31N, Range 22W, P.M.M., Flathead County. (WPP 16-01) Minnich
2. A request by the VFW Lion Mountain Post #276 for a Conditional Use Permit for the expansion of a non-conforming use to install five (5) new gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3 (General Business District). The property is located at 20 Baker Avenue and can be legally described as Lots 5, 6, 7, 8, 9, 10 of Whitefish Subdivision in S36 T31N R22W. (WCUP 16-03) Minnich
3. A request by the City of Whitefish to rezone parcels recently annexed into City limits from County SAG-10 (Suburban Agricultural) to WA (Agricultural District). The property is developed with a residential use and existing church. The subject property is located at 6232 Highway 93 West and can be legally described as Tract 3BB-100 in Section 01, Township 30N, Range 22W. (WZC 16-01) Minnich

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 510 Railway Street during regular business hours. Inquiries are welcomed. Interested parties are invited to attend the hearing and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: dtaylor@cityofwhitefish.org. For questions or further information regarding these proposals, phone 406-863-2410.



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

JAN 13 2016

File #: WZC110-01
 Date: _____
 Intake Staff: _____
 Date Complete: _____

ZONING MAP AMENDMENT - ANNEXATION

INSTRUCTIONS:

- Submit the completed application with annexation form and appropriate attachments to the Whitefish City Clerk's Office.
- After annexation, the rezone application will be scheduled at the next available meeting of the City Planning Board, which meets on the third Thursday of each month at 6:00 PM in the City Council Chambers at 1005 Baker Avenue.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project Address: 6232 & 6260 Highway 93 South Whitefish, MT 59937
 Assessor's Tract No.(s) E038817 & 0595750 Lot No(s) _____
 Block # _____ Subdivision Name _____
 Section ¹ _____ Township ^{30N} _____ Range ^{22W} _____

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish staff to be present on the property for routine monitoring and inspection during the approval and development process.

H. Marie Hedman _____ Date 1/12/16
 Owner's Signature¹ _____

H. Marie Hedman
 Print Name _____

Mark Morris _____ Date 1-12-16
 Applicant's Signature _____

First Baptist Church
 Print Name _____

Mark Morris Cy Wahl _____ Date 1/13/16
 Representative's Signature _____

Craig Wickham
 Print Name _____

¹ May be signed by the applicant or representative. authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

EXHIBIT
 4

APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- Zoning Map Amendment – Annexation Application
- Map showing the location and boundaries of the property
- Copy of Approved Resolution annexing property into City limits or Date of City Council Meeting _____

When all application materials are submitted to the Planning & Building Department, the application will be scheduled for public hearing before the Planning Board and City Council.

B. OWNER(S) OF RECORD:

Name: H. Marie Hedman / First Baptist Church Phone: 250-6354

Mailing Address: 6234 & 6260 Highway 93 South

City, State, Zip: Whitefish, MT, 59937

Email: mhedmana@centurytel.net

APPLICANT:

Name: City of Whitefish Phone: 406-863-2410

Mailing Address: P.O. Box 158

City, State, Zip: Whitefish, MT 59937

C. State the changing conditions that make the proposed amendment necessary:

WE ARE ADJUSTING THE BOUNDARY OF THE CHURCH PROPERTY TO INCLUDE THE MORRIS RESIDENCE.

----- For City Staff Use Only -----

PROPOSED ZONING:

CURRENT ZONING DISTRICT: _____

PROPOSED ZONING DISTRICT: _____

After Recording Return to:
Necile Lorang, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

 20160003255
Page: 1 of 3
Fees: \$21.00
7/18/2016 2:46 PM
Debbie Pierson, Flathead County MT by NC

RESOLUTION NO. 16-12

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a portion of a certain tract of land known as 6260 US Highway 93 South, for which the owner has petitioned for and consented to annexation.

WHEREAS, H. Marie Hedman, 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. 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 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, legally described as:

That portion of the Southwest one-quarter (SW1/4) of the Southeast one-quarter (SE1/4) of Section One (1), Township Thirty North (T.30 N.), Range Twenty-two West (R.22 W.), Principal Meridian Montana, Flathead County, Montana, more

2/18/16 88 0595750 (PT)
Approved

**CERTIFICATE AS TO RESOLUTION
AND ADOPTING VOTE**

I, the undersigned, being the duly qualified and acting recording officer of the City of Whitefish, Montana (the "City"), hereby certify that the attached resolution is a true copy of a resolution entitled: "A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a portion of a certain tract of land known as 6260 US Highway 93 South, for which the owner has petitioned for and consented to annexation" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on February 16, 2016, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, Councilors voted unanimously in favor thereof.

WITNESS my hand and seal officially this 16th day of February 2016.





Necile Lorang, City Clerk

Return to: Necile Lorang, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158



Debbie Pierson, Flathead County MT by MC

201600003256
Page: 1 of 2
Fees: \$14.00
2/18/2016 2:46 PM

PETITION
BEFORE THE CITY COUNCIL
OF THE
CITY OF WHITEFISH

PETITION FOR ANNEXATION TO CITY

Dated this 27 day of January, 2016.

The undersigned Property Owner hereby petitions the City Council of the City of Whitefish, pursuant to Section 7-2-4601(3)(a), MCA, requesting annexation of the following real property into the City of Whitefish and to remove the following real property from the Rural Fire District.

This petition is pursuant to the Contract Agreement for Annexation and City Water and/or Sanitary Sewer Service dated the 2nd day of February, 2016.

Petitioner agrees that this annexation petition is irrevocable, and that the City may act on this petition, and actually accomplish the annexation of such real property, at any time in the future, without limitation. Petitioner has had an opportunity to review the City of Whitefish Plan for Extension of Services applicable to such real property, and Petitioner is satisfied with such Plan.

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED:

SEE ATTACHED EXHIBIT "A"

0595750

PROPERTY ADDRESS:

6260 Hwy 93 S Whitefish MT 59937

ZONED AS:

WA/SAG 10

H Marie Hedman
H MARIE HEDMAN

[Printed Name]

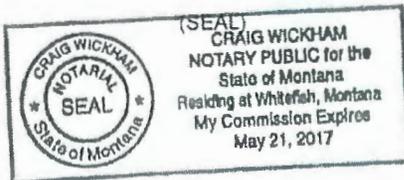
[Printed Name]

STATE OF MONTANA

County of FLATHEAD

On this 27 day of January, 2016, before me, the undersigned, a Notary Public in and for the state aforesaid personally appeared H. MARIE HEDMAN and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same

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



Craig Wickham

Notary Public for the State of MONTANA
Print or Type Name of Notary: CRAIG WICKHAM
Residing at WHITEFISH, MT
My Commission expires: MAY 21, 2017

Return to: Necile Lorang, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158



Debbie Pierson, Flathead County MT by NC

20160003257

Page: 1 of 7

Fees: \$49.00

2/18/2016 2:46 PM

CONTRACT AGREEMENT FOR ANNEXATION AND CITY WATER AND/OR SANITARY SEWER SERVICE

THIS AGREEMENT is entered into as of 2nd day of February, 2016,
by and between the City of Whitefish, a municipal corporation ("CITY") as grantor of City
water and/or sanitary sewer services, and H MARIE HEDMAN
("OWNER"), as grantee recipient(s) of City water and/or sanitary sewer services, whose
mailing address is P O BOX 2105 KALISPELL, MT 59903 with respect to the following facts:

- A. CITY owns and operates a municipal water and sanitary sewer system.
- B. OWNER is the sole owner of the real property that is legally described below,
or as fully disclosed and shown on Exhibit "A" attached and made a part of this Agreement
("OWNER'S REAL PROPERTY"):

LEGAL DESCRIPTION

SEE ATTACHED EXHIBIT "A"

C. OWNER'S REAL PROPERTY is located outside of the current corporate limits
of the CITY.

D. OWNER desires to obtain municipal water/sewer service from the CITY to
serve OWNER'S REAL PROPERTY.

E. The parties desire to enter into an Agreement pursuant to MCA §§ 7-13-4312
and 7-13-4314, for the CITY to furnish municipal water and/or sanitary sewer service at
rates adopted in accordance with Montana State Law in return for OWNER'S agreement
that OWNER'S REAL PROPERTY may be annexed to the corporate limits of the CITY at
any time.

In consideration of the performance of the terms and conditions of this Agreement
on the part of each party, and pursuant to MCA §§ 7-13-4312 and 7-13-4314, it is hereby

0595750

sewer extension lines. If any portion of the lateral extension is constructed on land owned by OWNER at the time OWNER transfers their interest in the sanitary sewer extension line to the CITY, they shall also grant the CITY an appropriate easement for construction, repair, and maintenance of the municipal water and/or sanitary sewer extension lines. The CITY shall not be required to accept any previously constructed water or sewer lines unless they are properly located in the right-of-way or a valid easement.

(4) Maintenance: Upon completion and acceptance of construction and the approval of access to the municipal water and/or sanitary sewer lines constructed in easements, maintenance, and repair of the mains servicing OWNER'S REAL PROPERTY shall become and remain the responsibility of CITY. Maintenance and repair of the lateral service lines serving the OWNER'S REAL PROPERTY shall become and remain the responsibility of the OWNER.

(5) Rates, Rules and Policies: OWNER agrees to pay to the CITY such charges, rates, and fees, including but not limited to connection fees and impact fees, as are established by the CITY in accordance with Montana Law. In addition, OWNER agrees to comply with and be subject to all of the CITY'S rules, regulations and policies, as amended from time to time, with respect to the operation of the CITY'S municipal water and/or sanitary sewer system.

(6) Consent to Annexation: OWNER acknowledges and agrees that the CITY is willing to provide municipal water and/or sanitary sewer services only if OWNER provides all of the promises and representations contained in this Agreement. Pursuant to MCA § 7-13-4314, the CITY requires that any person, firm, or corporation outside of the incorporated CITY limits is required, as a condition to initiate such service(s), to consent to and petition for annexation of the tract served by the CITY, and in consideration for the CITY'S agreement to provide municipal water and/or sanitary sewer service, OWNER agrees to consent to annexation under the following conditions and in the following manner:

- a) OWNER hereby irrevocably consents to the annexation of OWNER'S REAL PROPERTY, and OWNER irrevocably waives any right of protest to any annexation proceedings initiated by the CITY. OWNER agrees that the CITY may initiate annexation of OWNER'S REAL PROPERTY, relying upon this consent and waiver of protest, at any time in the future, without limitation. OWNER acknowledges that, but for this waiver, OWNER would have a right to protest the annexation of OWNER'S REAL PROPERTY.
- b) OWNER hereby petitions to have OWNER'S REAL PROPERTY annexed to the CITY, pursuant to MCA § 7-2-4601, et seq. OWNER agrees that the CITY may act on this petition at any time in the future, without limitation. OWNER furthermore expressly waives the provisions of MCA § 7-2-4608, which provides, in effect, that no property used for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purposes or for any purpose incident thereto shall be annexed pursuant to the provisions of MCA § 7-2-4601, et seq.

all subsequent holders or owners of OWNER'S REAL PROPERTY.

(8) **Future Deeds:** Subsequent to this Agreement all deeds to parcels of land within the property subject to this Agreement granted by OWNER shall contain the following consent to annexation and waiver:

The Owner hereby covenants and agrees that acceptance of this deed does constitute a waiver of the statutory right of protest against any annexation procedure initiated by the City of Whitefish with respect to the property described herein. Owner also agrees that acceptance of a deed constitutes an obligation on the part of Owner to initiate annexation procedures per the Petition to Annex on file at the City Clerk's Office.

This consent to annexation and waiver shall run with the land and shall forever be binding upon the Owner, transferees, successors and assigns.

OWNER agrees that this Agreement shall be binding even if OWNER fails to include the language set forth above in future deeds. After annexation of OWNER'S REAL PROPERTY, future deeds need not contain the language set forth above.

(9) **Term:** This Agreement shall be in perpetuity.

(10) **Entire Agreement:** This Agreement contains the entire agreement between the parties and any additional agreement hereafter made shall be ineffective to alter, change, modify or discharge it in whole or in part, unless such additional agreement is in writing and signed by the parties hereto.

(11) **Partial Invalidity:** Each term, covenant, condition or provision of this Agreement shall be viewed as separate and distinct, and in the event that any such term, covenant, condition or provision shall be held by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

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

CITY OF WHITEFISH

OWNER(S)

By: Charles C. Stearns
Charles C. Stearns, City Manager

Marie Hedman
MARIE HEDMAN
[Printed Name]

[Printed Name]

EXHIBIT "A"

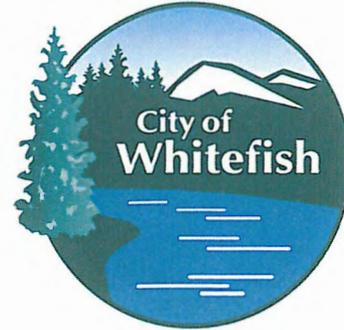
That portion of the Southwest one-quarter (SW1/4) of the Southeast one-quarter (SE1/4) of Section One (1), Township Thirty North (T.30 N.), Range Twenty-two West (R.22 W.), Principal Meridian Montana, Flathead County, Montana, more particularly described as follows:

Beginning at the Northwest corner of Tract 1 of Certificate of Survey No. 16386, a map or plat of which is on file at the Clerk and Recorder's Office, Flathead County, Montana;

thence S05°52'00"E 198.21 feet; thence N89°39'36"W 284.47 feet; thence N03°20'55"W 184.37 feet; thence N87°38'22"E 269.98 feet to the Point of Beginning and containing 1.203 acres of land more or less.

(This page left blank intentionally to separate printed sections)

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



April 26, 2016

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

RE: SW Subdivision, 235 Haugen Heights; (WPP 16-01)

Honorable Mayor and Council:

Summary of Requested Action: This is a request by Triple S Landgroup and Daniel Scheffer for a 6-lot preliminary plat called SW Subdivision. The proposed subdivision will contain four (4) detached single family homes and two (2) attached single family homes. The property is currently developed with a single family home and is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights Road and is 1.09 acres.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced preliminary plat subject to 20 conditions set forth in the attached staff report.

Public Hearing: The applicant spoke at the public hearing, along with three (3) members of the public. One of the members also submitted additional written comments during the public hearing. All of the comments, both written and verbal, were in support of the project. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 21, 2016 and considered the requested preliminary plat. Following the public hearing, the Planning Board unanimously recommended approval of the project with 20 conditions as contained in the staff report, and adopted the staff report as findings of fact.

Proposed Motion:

- I move to approved WPP 16-01, adopt the Findings of Fact in the staff report and the 20 conditions of approval, as recommended by the Whitefish Planning Board on April 21, 2016.

This item has been placed on the agenda for your regularly scheduled meeting on May 2, 2016. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Bailey Minnich, AICP, CFM
Planner II

Att: Exhibit A: Whitefish Planning Board Recommended Conditions of Approval
Minutes of 4-21-16 Planning Board Meeting

Exhibits from 4-21-16 Staff Packet

1. Staff Report – WPP 16-01, 4-14-16
2. Element Review, 3-8-16
3. Sufficiency Review, 3-22-16
4. Adjacent Landowner Notice, 3-31-16
5. Advisory Agency Notice, 4-5-16
6. Memo to Park Board, 4-11-16
7. Public Comment, 4-10-16

The following item was submitted by the applicant:

8. Application for Preliminary Plat, 2-22-16

The following items were received after the Planning Board packet was mailed:

9. Letter, Donovann, 4-18-16
10. Letter, Conway, 4-20-16
11. Letter, Mitchell, 4-21-16

The following item was received at the Planning Board Hearing:

12. Letter with signatures, Phil Mitchell, 4-22-16

c: w/att Michelle Howke, City Clerk

c: w/o att Jay Snowden, Triple S LandGroup
Christine Bleyhl

Exhibit A
SW Subdivision
WPP 16-01
Whitefish Planning Board
Recommended Conditions of Approval
April 21, 2016

1. The subdivision shall comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.
2. Except as amended by these conditions, the development of the subdivision shall be in substantial conformance with the approved preliminary plat that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as “approved plans” by the City Council.
3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish’s design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)
4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)
5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works. The plan shall include, but may not necessarily be limited to, the following:
 - Dust abatement and control of fugitive dust.
 - Hours of construction activity.

- Noise abatement.
 - Control of erosion and siltation.
 - Routing for heavy equipment, hauling, and employees.
 - Construction office siting, staging areas for material and vehicles, and employee parking.
 - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
 - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
 - Notation of any street closures or need to work in public right-of-way.
- (City Engineering Standards, 2009)
6. All roads within the subdivision shall be built to City of Whitefish Public Works Standards and the Whitefish Subdivision Regulations unless otherwise approved by the Public Works Director. (City Engineering Standards, 2009)
 7. The entire length of Salmon Run, from Haugen Heights to Lake Park Lane will be maintained and plowed for emergency access until such time as the remainder of Salmon Run is constructed to current City standards. (Finding 4)
 8. A 10-foot wide easement along the west side of Salmon Run and the north side of Haugen Heights shall be shown on the face of the final plat for utilities, sidewalks, and landscaped boulevards. (Subdivision Regulations §12-4-29)
 9. Street lighting shall be required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting shall be dark sky compliant and meet the requirements of the City's Outdoor Lighting ordinance. (Zoning Regulations §11-3-25; City Engineering Standards, 2009)
 10. The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation and fire access. (IFC; Subdivision Regulations §12-4-18; Engineering Standards, 2009)
 11. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)
 12. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners' association. (Subdivision Regulations §12-4-30)
 13. Refuse disposal areas shall be reviewed and approved by the Public Works Department and North Valley Refuse. (Engineering Standards, 2009)

14. Cash in lieu of parkland dedication shall be paid at the time of final plat to the equivalent of 0.10351 acres (4,508.89 square feet). (Subdivision Regulations §12-4-11E)
15. A tree retention plan shall be submitted to the Planning Department for review and approval. Appropriate trees outside building envelopes, driveways and roads shall be preserved. Any additional tree removal shall be approved by the Planning Department (§12-4-5)
16. Architectural Review is required for the townhouse structures prior to the issuance of a building permit. (Zoning Regulations §11-3-3)
17. The following notes shall be placed on the face of the plat:
 - House numbers shall be located in a clearly visible location.
(Subdivision Regulations §12-4-29, §12-4-6; City Engineering Standards, 2009)
18. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)
19. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) for SW Subdivision Homeowners' Association (HOA) providing for:
 - Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
 - Long-term maintenance plan for drainage and storm water management facilities.
 - Long-term maintenance and plowing of Salmon Run from Haugen Heights to Lake Park Lane, until such time as the remainder of Salmon Run meets current City roadway standards.
(Subdivision Regulations §12-4-30; City Engineering Standards, 2009)
20. The SW Subdivision preliminary plat is approved for three years from Council action.
(Subdivision Regulations, §12-3-8)

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
APRIL 21, 2016**

**CALL TO ORDER
AND ROLL CALL**

Chair Ken Meckel called the regular meeting of the Whitefish Planning Board to order at 6:02 pm. Board members present were Chair Ken Meckel, John Ellis, Rebecca Norton, Melissa Picoli Philips and Ken Stein. Frank Sweeney and Jim Laidlaw were absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring and Planner II Bailey Minnich represented the Whitefish Planning and Building Department.

There were approximately 10 people in the audience.

**APPROVAL OF
MINUTES**

6:03 pm

Rebecca moved and John seconded to approve the March 17, 2016 minutes as amended. The motion passed unanimously.

**COMMUNICATIONS
FROM THE PUBLIC
(ITEMS NOT ON
THE AGENDA)**

6:04 pm

None.

OLD BUSINESS:

6:04 pm

None.

**PUBLIC HEARING 1:
SW SUBDIVISION
PRELIMINARY PLAT**

6:05 pm

A request by Triple S Landgroup and Daniel Scheffer for a 6-lot subdivision that contains four (4) detached single family homes and two (2) attached single family homes. The property is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights and can be legally described as Lot 3A of Lake Park Add Resub S2 L3, BLK 11 in Section 26, Township 31N, Range 22W.

**STAFF REPORT
WPP 16-01
(Minnich)**

Planner Minnich reviewed the staff report and findings. Additional comments were received after the packets were mailed. Staff handed these out to the Board and all comments are in favor. Staff recommended adoption of the findings of fact and conditions of approval within staff report WPP 16-01, and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS
OF STAFF**

Rebecca – asked a question about the comment letter requesting a different zoning setback, Planner Minnich responded that zoning deviations can only be approved through a zoning variance or a PUD application. The applicant has not submitted those types of applications.

**APPLICANT /
AGENCIES**

Jay Snowden, 164 Old Ranch Road. He is the applicant and here on behalf of the property owner. He described the pricing of the homes and would

like to keep the homes in an affordable range. In agreement with the staff recommended conditions of approval.

Rebecca asked the applicant to explain the drainage. Mr. Snowden introduced his engineer, Brian Nelson, 12 Teton Street, with APEC Engineering, who described the proposed method for stormwater management.

PUBLIC COMMENT
6:18pm

Daniel Fischer, 166 Stumptown Loop. Here to support the builders. The project will be an improvement to the site and compliment the neighborhood.

Phil Mitchell, 1450 W Lakeshore Drive. Handed out a letter and read it into the record. This project supports this infill project. Also indicated the support of neighbor Joe Brus who was unable to attend tonight's meeting.

John Schuler, 18 Pinecone Lane, applicant, described how pedestrians will access the front of the project across the stormwater swale.

Jay Snowden, applicant, further described the public outreach to the neighborhood to make sure the design of the project would make the neighbors happy.

Closed the public hearing.

MOTION / BOARD DISCUSSION

Rebecca moved and Ken S. seconded to adopt the findings of fact within staff report WPP 16-01, with the twenty (20) Conditions of Approval, as proposed by City Staff.

Rebecca described the trees she was concerned with but they are in poor shape and it's no longer a concern.

Melissa complimented the applicant for working with the neighborhood and agreed with Rebecca regarding the trees.

VOTE

Ken M. called for the question and the motion to approve passed unanimously. The matter is scheduled to go before the Council on May 2, 2016.

**PUBLIC HEARING 2:
VFW LION
MOUNTAIN POST
#276**

A request by the VFW Lion Mountain Post #276 for a Conditional Use Permit for the expansion of a non-conforming use to install five (5) new gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3

CONDITIONAL USE PERMIT 6:25 pm (General Business District). The property is located at 20 Baker Avenue and can be legally described as Lots 5, 6, 7, 8, 9, 10 of Whitefish Subdivision in S36 T31N R22W.

STAFF REPORT WCUP 16-03 (Minnich) Planner Minnich reviewed the staff report and findings. Staff recommended adoption of the findings of fact and conditions of approval within staff report WCUP 16-03, and for **approval** to the Whitefish City Council.

BOARD QUESTIONS OF STAFF John asked about the relationship between a nonconforming use and change in ownership. Staff described the nonconforming requirements and standards in the Zoning Regulations.

Rebecca asked about gaming in the downtown and the Casino District. Staff described the background on the Casino Overlay District, the state licensing requirements and the nonconforming status of gaming in the downtown.

Ken M. asked about the applicant requesting a 2nd expansion and staff responded that a 50% expansion of a nonconforming use can only be used once. They cannot come back later and request another expansion.

APPLICANT / AGENCIES Cindy Fredericks, manager of the VFW, supports the conditions of approval and described their interest in the expansion is to provide customers with a variety of gaming.

John asked if the VFW is charitable organization.

Ken Herrmann, commander of the VFW stated that the VFW is a nonprofit organization established in order to help veterans past and present. All profit goes to the post in town, state and nationwide to help veterans with expenses. In MT there is a law to allow the public to use the VFW, as a guest.

PUBLIC COMMENT 6:41pm None

Closed the public hearing.

MOTION / BOARD DISCUSSION Ken S. moved and John seconded to adopt the findings of fact within staff report WCUP 16-03, with the eight (8) Conditions of Approval, as proposed by City Staff.

VOTE Ken M. called for the question and the motion passed unanimously. The

matter is scheduled to go before the Council on May 2, 2016.

**PUBLIC HEARING 3:
CITY OF WHITEFISH
ZONE CHANGE**
6:41 pm

A request by the City of Whitefish to rezone parcels recently annexed into City limits from County SAG-10 (Suburban Agricultural) to WA (Agricultural District). The property is developed with a residential use and existing church. The subject property is located at 6232 Highway 93 West and can be legally described as Tract 3BB-100 in Section 01, Township 30N, Range 22W.

**STAFF REPORT
WZC 16-01
(Minnich)**

Planner Minnich reviewed the staff report and findings. Staff recommended adoption of the findings of fact within staff report WZC 16-01, and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS
OF STAFF**

None.

**APPLICANT /
AGENCIES**

None.

PUBLIC COMMENT
6:47 pm

Mark Morris, representative of the family land indicated that the single family home will be used as a parsonage for the Baptist Church.

Closed the public hearing.

**MOTION / BOARD
DISCUSSION**

Rebecca moved and John seconded to adopt the findings of fact within staff report WZC 16-01, as proposed by City Staff.

VOTE

Ken M. called for the question and the motion passed unanimously. The matter is scheduled to go before the Council on May 2, 2016.

NEW BUSINESS
6:47 pm

None.

**GOOD AND
WELFARE**
6:48 pm

1. Matters from Board.

None.

2. Matters from Staff.

There will be no Planning Board meeting in May, as we have no applications.

The Board had a discussion of the big box standards and the purpose the CUP and its opportunities.

Staff handed out the American Institute of Certified Planner's (AICP) Code of Ethics. Staff could review a few of these standards at each meeting for the Board.

Board continued the discussion on their role, development of findings of fact and reviewing our projects according to the criteria.

3. Poll of Board members available for the next meeting on June 16, 2016. All indicated they thought they would be available.

ADJOURNMENT

7:11 pm

Ken S moved and John seconded to adjourn the meeting at approximately 7:11 p.m. The motion passed unanimously. The next regular meeting of the Whitefish Planning Board will be held on June 16, 2016, at 6:00 pm, at 1005 Baker Avenue.

Ken Meckel, Chair of the Board

Wendy Compton-Ring, Recording Secretary

APPROVED AS SUBMITTED / CORRECTED: _____

**SW SUBDIVISION
PRELIMINARY PLAT: WPP 16-01
EXHIBIT LIST
APRIL 14, 2016**

1. Staff Report – WPP 16-01, 4-14-16
2. Element Review, 3-8-16
3. Sufficiency Review, 3-22-16
4. Adjacent Landowner Notice, 3-31-16
5. Advisory Agency Notice, 4-5-16
6. Memo to Park Board, 4-11-16
7. Public Comment, 4-10-16

The following were submitted by the applicant:

8. Application for Preliminary Plat, 2-22-16

**SW SUBDIVISION
STAFF REPORT
PRELIMINARY PLAT
WPP 16-01
APRIL 14, 2016**

A report to the Whitefish City Planning Board and the Whitefish City Council regarding a request by Triple S Land Group for a Preliminary Plat for 6-lots on 1.09 acres. A public hearing is scheduled before the Whitefish City Planning Board on **April 21, 2016** and a subsequent hearing is set before the City Council on **May 2, 2016**.

I. PROJECT SCOPE

The applicant is proposing a 6-lot subdivision on a total of 1.09 acres. The four lots located along the west side of Salmon Run will be detached single family and the two lots located along Haugen Heights will be townhouse lots. Gross density of the subdivision is 5.50 dwelling units per acre. All lots front on a public right-of-way, either Haugen Heights or Salmon Run, although all lots are proposed to access only from Salmon Run. Salmon Run is currently an unimproved 20-foot wide narrow city right-of-way, but will be improved to a 40-foot wide right-of-way with an additional 10-foot wide easement, and a 20-foot wide paved travel surface to the end of the subject property. The remainder of the road, up to its intersection with Lake Park Lane, will be graveled and maintained as a primitive road for emergency vehicle access. The west side of Salmon Run will be designed to meet city standards with curb, gutter, sidewalks, landscape boulevard, and street trees. Since the east side is already an existing right-of-way and not part of this subdivision, improvements including a sidewalk or boulevard will not be required.

In lieu of dedicating parkland, the applicant is proposing to provide cash that is equivalent to 0.10351 acres, or 4,508.89 square feet. The Park Board is recommending the Council accept the cash in lieu of the land dedication.

A. Owner/Applicant:

Daniel Scheffer
c/o Jay Snowden
164 Old Ranch Road
Whitefish, MT 59937

Technical Assistance:

Christine Bleyhl
1705 James Avenue South
Minneapolis, MN 55403

B. Location:

The subject property is located at 235 Haugen Heights Road to the north of the Old Town neighborhood. It is described as Lot 3A of Lake Park Add Resub S2 L3, Block 11 Subdivision in Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

Staff: BM

Figure 1: Location of subject property outlined in red.



C. Existing Land Use and Zoning:

The property is developed with a single family residence and the current zoning is WR-2 (Two-Family Residential District).



D. Adjacent Land Uses and Zoning:

North:	residential	County R-4
West:	residential	County R-4
South:	urban single family lots	WR-2/PUD
East:	residential	WR-2

E. Utilities:

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

F. Public Notice:

A notice was mailed to adjacent land owners within 300-feet of the subject parcel on March 31, 2016. A sign was posted on the property on April 1, 2016. Advisory agencies were noticed on April 5, 2016. A notice was published in the Whitefish Pilot on April 6, 2016. As of the writing of this report, one comment in favor has been received.

II. REVIEW AND FINDINGS OF FACT

This request is reviewed in accordance with statutory criteria and the Whitefish Zoning and Subdivision Regulations.

A. Effects of Health and Safety:

Fire: The Whitefish Fire Marshal reviewed and will approve the final placement and design of all fire hydrants prior to their installation and emergency access for the proposed Salmon Run. At this time, no additional comments have been received from the Fire Department.

Wildland Urban Interface: The property is at the base of Lion Mountain and is partially forested. The applicant is proposing to remove the majority of the vegetation, but will attempt to keep a number of larger trees on the property that do not interfere with building envelopes. There are a number of standards within the Subdivision Regulations that address the Wildland Urban Interface in order to protect the residents of the proposed

neighborhood and the adjoining neighborhoods. Staff will recommend these as conditions of approval.

Flooding: Pursuant to the FEMA flood insurance rate map, community panel 30029C1090J, the property is outside the 100-year floodplain.

Access: The subdivision is proposed to access off Salmon Run, although the proposed townhouse lots (Lot 5 & 6) have frontage along Haugen Heights. Both Haugen Heights and Salmon Run are public streets. The applicant is proposing to improve Haugen Heights by installing a sidewalk and boulevard trees. Salmon Run is proposed to be improved to a 40-foot wide right-of-way with a 10-foot wide easement, and a 20-foot wide paved travel surface. No parking is proposed on either side of Salmon Run. The road is proposed to be improved to the end of the subject property, then maintained as a gravel primitive city road for emergency access up to Lake Park Lane. As a condition of approval, the entire length of Salmon Run, from Haugen Heights to Lake Park Lane will need to be maintained and plowed for emergency access. Lake Park Lane is currently in process of improvement to a paved 20-foot wide surface as a condition of a neighboring subdivision. No other improvements will be made to Lake Park Lane, as it will function similar to an alley.



Traffic Impacts: The project will generate approximately 60 total daily trips. No Traffic Impact Study is required, as it is less than 200 trips. The streets affected by the proposal are operating at a Level 'A' and will continue to do so after build-out of the development.

Finding 1: The proposed subdivision will not have a negative effect on public health and safety because the Fire Department has reviewed the proposal for conformance with the fire code; the property is not located within a mapped floodplain; access will be off improved public streets; each lot will have physical access from a public street; and the amount of traffic generated will not have an adverse effect on the local streets.

B. Effects on Wildlife and Wildlife Habitat: The area is not mapped by the Montana Department of Fish, Wildlife and Parks as important winter range for big game. Nor is the area mapped by the Montana Natural Heritage Program as an area containing plant or animal species of concern. However, it is likely that deer and other animals use the site.

Finding 2: The subdivision should not have a negative effect on wildlife and wildlife habitat because it is not mapped by Montana Department of Fish, Wildlife and Parks as critical habitat.

C. Effects on the Natural Environment:

Surface and groundwater: The developer will extend municipal water and sewer to the subdivision thereby minimizing any potential impacts to the groundwater.

Slopes: The site is relatively flat. No steep slopes are present.

Drainage: The applicant is proposing a stormwater detention facility along the western property lines of Lots 2-4, the western and southern property lines of Lot 5, and a portion of the southern property line of Lot 6. The applicant is proposing the detention facility to capture the stormwater from the lots where it will be collected then conveyed via pipe to the central stormwater management system in the southern and southeastern corner of the project. This plan will be reviewed by the city and will be required to meet all current stormwater standards.



Finding 3: The subdivision should not have a negative impact on the natural environment because municipal water and sewer will be extended to the development, the topography of the property will be retained to the greatest extent practical and city staff will review the stormwater plan with the final engineering plans.

D. Effects on Local Services:

Water: The project proposes to utilize the City water system. The extensions from the main will be designed and constructed to City specifications to ensure minimum domestic and fire flow capability.

Sewer: The project proposes to utilize the City sewer system. The sewer facilities will be designed and constructed to City specifications.

Streets: The main street, Salmon Run, will be privately constructed and maintained, but owned by the city, until such time as the remainder of Salmon Run is constructed to current City standards. Salmon Run will be designed to meet the city standards including curb, gutter, sidewalk, planter strip, street trees and street lighting. After multiple discussions with the Public Works Director, the street will include a 40-foot wide right-of-way, with a 20-foot wide paved travel surface, and a 10-foot wide easement for utilities and sidewalks. It will be signed with 'no parking either side.' It will be improved up to the end of the subject property, then will be a gravel and maintained primitive road for emergency vehicle access to its intersection with Lake Park Lane. As a requirement for a neighboring subdivision approval, Lake Park Lane was to be improved to a



Staff: BM

WPP 16-01
SW Subdivision
page 5 of 10

20-foot wide paved surface up to its intersection with State Park Road. Additionally, a 10-foot wide easement along Haugen Heights shall be shown on the final plat for a sidewalk and boulevard.

Schools: The site is within the Whitefish School District #44. At completion, using 2011 census information for Flathead County student generation rate of 0.31 students per single family unit, this subdivision could generate approximately 2 school-age children.

Parks and Open Space: According to the Subdivision Regulations §12-4-11, the parkland dedication requirement is 0.10351 acres, or 4,508.89 square feet. Instead of dedicating land, the applicant is proposing pay cash in lieu of the land dedication. The Parks Board reviewed the proposal at their regular meeting on April 12, 2016 and is recommending to the Council to accept the cash instead of the land. In making their determination, the Park Board found the location and size undesirable for a public park. The cash will be paid at the time of final plat and will be used within the district of the subdivision to acquire or develop parkland. According to state and local law, no more than 50% of the money can be used for park maintenance.

Police: The project is in the City of Whitefish and will be served by the City Police Department. The proposed development will have some impact on the Whitefish Police Department; however, this subdivision is not anticipated to impact current levels of service.

Fire Protection: The Whitefish Fire Department serves the property. The proposed development will have some impact on the Whitefish Fire Department; however, this subdivision is not anticipated to impact current levels of service.

Solid Waste: North Valley Refuse is under contract with the City of Whitefish to handle solid waste for the city. Solid waste is taken to the Flathead County Landfill. There is sufficient capacity within the landfill to accommodate the additional solid waste generated from this subdivision.

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

Finding 4: The proposed subdivision does not pose any negative effects on local services because city staff has reviewed the preliminary plans for streets, water, sewer and stormwater, road improvements will be made that meet city standards, the fire department has reviewed the proposal for conformance with the fire code and additional services, such as police and schools, are not anticipated to be affected.

E. Effects on Agriculture and Agricultural Water User Facilities:

This property has not been used for any agricultural purpose in the recent past. The property is located within the city limits and will be connected to city water and sewer.

Finding 5: The proposed subdivision does not pose any negative effects on agriculture or agricultural water users because there are no adjacent agricultural uses and the project will be connected to municipal water.

F. Compliance with Growth Policy:

The Whitefish Growth Policy designates this area as Urban which generally corresponds to WLR, WR-1 and WR-2. The existing WR-2 complies with the Growth Policy.

Finding 6: The project complies with the Growth Policy because the WR-2 zoning complies with the Urban designation.

G. Compliance with Zoning:

The subdivision is zoned WR-2. The proposed lots exceed the minimum square footage required, and it appears that setbacks and lot coverage will be met as they are proposing single family on Lots 1-4 and a townhouse on lots 5 & 6, which are permitted uses in this zone. The setbacks and lot coverage will be confirmed at the time of building permit approval.

Finding 7: The project complies with the Zoning regulations because all zoning standards are being met.

H. Compliance with Whitefish Subdivision Regulations:

With the imposition of conditions, the subdivision complies with the Whitefish Subdivision Regulations.

Finding 8: The proposed subdivision complies with the Whitefish Subdivision Regulations because it meets all the standards contained within Title 12 of the Whitefish City Code.

I. Compliance with the Montana Subdivision and Planning Act:

Staff has reviewed the proposal for compliance with the Montana Subdivision and Platting Act and found that the requirements have been met.

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

RECOMMENDATION

It is recommended that the Whitefish City Planning Board adopt the findings of fact within staff report WPP 16-01 and recommend to the Whitefish City Council the preliminary plat for the SW Subdivision be **approved**, as submitted by the applicant, subject to the following conditions:

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

2. Except as amended by these conditions, the development of the subdivision shall be in substantial conformance with the approved preliminary plat that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as "approved plans" by the City Council.
3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)
4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)
5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works. The plan shall include, but may not necessarily be limited to, the following:
 - Dust abatement and control of fugitive dust.
 - Hours of construction activity.
 - Noise abatement.
 - Control of erosion and siltation.
 - Routing for heavy equipment, hauling, and employees.
 - Construction office siting, staging areas for material and vehicles, and employee parking.
 - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
 - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
 - Notation of any street closures or need to work in public right-of-way.(City Engineering Standards, 2009)

6. All roads within the subdivision shall be built to City of Whitefish Public Works Standards and the Whitefish Subdivision Regulations unless otherwise approved by the Public Works Director. (City Engineering Standards, 2009)
7. The entire length of Salmon Run, from Haugen Heights to Lake Park Lane will be maintained and plowed for emergency access until such time as the remainder of Salmon Run is constructed to current City standards. (Finding 4)
8. A 10-foot wide easement along the west side of Salmon Run and the north side of Haugen Heights shall be shown on the face of the final plat for utilities, sidewalks, and landscaped boulevards. (Subdivision Regulations §12-4-29)
9. Street lighting shall be required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting shall be dark sky compliant and meet the requirements of the City's Outdoor Lighting ordinance. (Zoning Regulations §11-3-25; City Engineering Standards, 2009)
10. The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation and fire access. (IFC; Subdivision Regulations §12-4-18; Engineering Standards, 2009)
11. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)
12. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners' association. (Subdivision Regulations §12-4-30)
13. Refuse disposal areas shall be reviewed and approved by the Public Works Department and North Valley Refuse. (Engineering Standards, 2009)
14. Cash in lieu of parkland dedication shall be paid at the time of final plat to the equivalent of 0.10351 acres (4,508.89 square feet). (Subdivision Regulations §12-4-11E)
15. A tree retention plan shall be submitted to the Planning Department for review and approval. Appropriate trees outside building envelopes, driveways and roads shall be preserved. Any additional tree removal shall be approved by the Planning Department (§12-4-5)

16. Architectural Review is required for the townhouse structures prior to the issuance of a building permit. (Zoning Regulations §11-3-3)
17. The following notes shall be placed on the face of the plat:
 - House numbers shall be located in a clearly visible location.
(Subdivision Regulations §12-4-29, §12-4-6; City Engineering Standards, 2009)
18. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)
19. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) for SW Subdivision Homeowners' Association (HOA) providing for:
 - Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
 - Long-term maintenance plan for drainage and storm water management facilities.
 - Long-term maintenance and plowing of Salmon Run from Haugen Heights to Lake Park Lane, until such time as the remainder of Salmon Run meets current City roadway standards.
(Subdivision Regulations §12-4-30; City Engineering Standards, 2009)
20. The SW Subdivision preliminary plat is approved for three years from Council action.
(Subdivision Regulations, §12-3-8)



Element Review Preliminary Plat Application

RE: Element Review for: SW Subdivision

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

- ✓ Contains all the required Elements to begin a Sufficiency Review

Is missing the following Elements:

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



Staff Signature

3-8-16

Date

EX-111





Sufficiency Review Preliminary Plat Application

RE: Sufficiency Review for: SW Subdivision

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

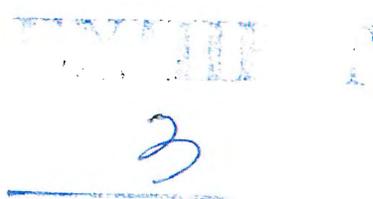
- Contains sufficient detail to commence review of the application. Your application will be scheduled for Planning Board on April 21st, 2016 and City Council on May 2nd, 2016.
- Is lacking required detail in the following Elements:

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


Staff Signature

3-22-2016

Date



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



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Triple S Landgroup and Daniel Scheffer are proposing a 6-lot subdivision that contains four (4) detached single family homes and two (2) attached single family homes. The property is currently developed with a single family home and is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights and can be legally described as Lot 3A of Lake Park Add Resub S2 L3, BLK 11 in Section 26, Township 31N, Range 22W, P.M.M., Flathead County.

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

**Thursday, April 21, 2016
6:00 p.m.
Whitefish City Council Chambers, City Hall
1005 Baker Avenue, Whitefish MT 59937**

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, May 2, 2016** at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at bminnich@cityofwhitefish.org. Comments received by the close of business on Monday, April 11, 2016, will be included in the packets to the Planning Board members. Comments received after the deadline will be summarized to the Planning Board members at the public hearing.

EXHIBIT
4

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



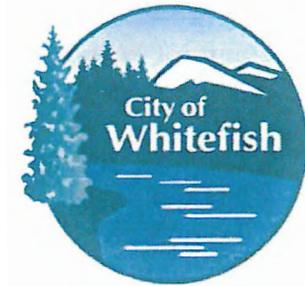
Date: April 5, 2016
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, April 21, 2016 at 6:00 pm in the Whitefish City Council Chambers at **1005 Baker Avenue**. During the meeting, the Board will hold a public hearing on the item listed below. Upon receipt of the recommendation by the Planning Board, the Whitefish City Council will also hold a subsequent public hearing for items 1-3 on Monday May 2, 2016. City Council meetings start at 7:10 pm at **1005 Baker Avenue** in the Whitefish City Council Chambers.

1. A request by Triple S Landgroup and Daniel Scheffer for a 6-lot subdivision that contains four (4) detached single family homes and two (2) attached single family homes. The property is zoned WR-2 (Two-Family Residential District). The property is located at 235 Haugen Heights and can be legally described as Lot 3A of Lake Park Add Resub S2 L3, BLK 11 in Section 26, Township 31N, Range 22W, P.M.M., Flathead County. (WPP 16-01) Minnich
2. A request by the VFW Lion Mountain Post #276 for a Conditional Use Permit for the expansion of a non-conforming use to install five (5) new gaming machines. The property is developed with an existing commercial use which currently has nine (9) gaming machines, and is zoned WB-3 (General Business District). The property is located at 20 Baker Avenue and can be legally described as Lots 5, 6, 7, 8, 9, 10 of Whitefish Subdivision in S36 T31N R22W. (WCUP 16-03) Minnich
3. A request by the City of Whitefish to rezone parcels recently annexed into City limits from County SAG-10 (Suburban Agricultural) to WA (Agricultural District). The property is developed with a residential use and existing church. The subject property is located at 6232 Highway 93 West and can be legally described as Tract 3BB-100 in Section 01, Township 30N, Range 22W. (WZC 16-01) Minnich

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 510 Railway Street during regular business hours. Inquiries are welcomed. Interested parties are invited to attend the hearing and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: dtaylor@cityofwhitefish.org. For questions or further information regarding these proposals, phone 406-863-2410.

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



Date: April 11, 2016
To: Maria Butts, Parks and Recreation Director
From: Bailey Minnich, AICP, CFM, Planner II
Subject: SW Subdivision – Parkland Dedication

BACKGROUND

Triple S Land Group is proposing a 6-lot major subdivision (4 detached single family and 2 attached single family (aka townhouses)) located at 235 Haugen Heights. The subject property is 1.09 acres. The lot sizes will average between 5,227 square feet and 7,666 square feet. Since the lot sizes are less than 21,780 square feet (or ½ acre), the parkland dedication is eleven percent (11%) of the net acreage of the subdivision. Therefore, the parkland dedication is 4,508.89 square feet.

REGULATIONS

Montana State Subdivision and Platting Act and the Whitefish Subdivision Regulations require parkland dedications for subdivisions either in the form of land, cash in lieu of land or a combination of the two. (§12-4-11)

ROLE OF WHITEFISH PARK BOARD

Parkland Dedication

The Park Board is identified in both the Whitefish Subdivision Regulations (§12-4-11B) and the Montana Subdivision and Platting Act (M.C.A., 76-3-621(4)) as providing recommendations on parkland dedications to the governing body.

The preliminary application submitted to staff indicates the applicant is proposing cash in lieu of parkland dedication. This request is consistent with §12-4-11(D)(4) which states that *"if the required park land dedication is less than 10,000 square feet, unless the land is immediately adjacent to an existing or planned future park area or is developed as a micropark, it shall be considered an inappropriate size and the city shall request cash in lieu of park land dedication."* For the purposes of cash in lieu of parkland, the fair market value is the value of the undivided, unimproved land at the time of final plat submittal. Until a final plat application is submitted to our office, the actual cash amount equivalent to the required 4,508.89 square feet could vary. However, using the

current land value from the state of Montana department of revenue, the cash amount would be approximately \$8,854.00.

The final decision as to whether the parkland is a land donation, cash donation or a combination of both rests with the City Council. Our office's initial finding is that the proposed cash in lieu of parkland would be acceptable in this situation due to the size of parkland required. However, we feel that any required parkland dedication or cash in lieu proposal should be brought to the attention of the Park Board for your consideration.

PARK BOARD RECOMMENDATION TO THE PLANNING BOARD & CITY COUNCIL

Staff respectfully requests the Park Board support the applicant's request to have the parkland as cash-in-lieu and recommend the same to the Planning Board and City Council.

This matter is scheduled for a public hearing before the Planning Board on April 21st and before the City Council on May 2nd.

Bailey Minnich

From: D. Lutes <dclutes@gmail.com>
Sent: Sunday, April 10, 2016 2:36 PM
To: Bailey Minnich
Subject: Comments regarding Triple S Landgroup/Daniel Scheffer subdivision

Bailey. In general I find the the proposed subdivision acceptable. I'm very encouraged by the 5' sidewalk and boulevard, and retention of trees (where possible). I would prefer to see a required small (~ 3') setback from the Salmon Run sidewalk to any fence or other permanent structure built near the sidewalks. This will make the sidewalk less constricted (easier to walk side-by-side) and will allow the home owners a place to move snow on both sides of the sidewalk.

Regards,

Duncan Lutes
843 Patton Ln.

7



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

File # WPP-112-01
 Date: 2/22/16
 Intake Staff: BM
 Element Review: _____
 Sufficiency Review: _____

MAJOR PRELIMINARY PLAT APPLICATION

FEE ATTACHEDS _____
 (See current fee schedule)

INSTRUCTIONS:

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: _____
- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department. The City recommends complete applications be submitted a minimum of sixty (60) days prior to the Planning Board meeting at which this application will be heard.
- Schedule a Date and Time with City Staff to Submit the Application: _____ (Date/Time)
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 1005 Baker Avenue.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project /Subdivision Name: SW Subdivision
 Street Address 235 Haugen Heights
 Assessor's Tract No.(s) 0183600 Lot No(s) 3A
 Block # 11 Subdivision Name Lake Park Addition Re-sub S2, L3, B11
 1/4 Sec SW 1/4 SW1/4 Section 26 Township 131N Range 22W

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish staff to be present on the property for routine monitoring and inspection during the approval and development process.

Daniel Scheffer _____
 Owner's Signature Date

Daniel Scheffer _____
 Print Name

Jay Snowden _____
 Applicant's Signature Date

Jay Snowden _____
 Print Name

Christine Bleyhl _____
 Representative's Signature Date

Christine Bleyhl, Architect
 Print Name

¹ May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners a letter authorizing one owner to be the authorized representative for all must be included

FEB 22 2016

8

APPLICATION CONTENTS:

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

Attached

- _____ Preliminary Plat Application
- _____ 8 copies of the preliminary plat
- _____ One reduced copy of the preliminary plat not to exceed 11" x 17"
- _____ Electronic version of plat such as .pdf
- _____ One reproducible set of supplemental information.
- _____ Deed and Encumbrance Report (aka 'title report') no more than 90 days old
- _____ Environmental Assessment
- _____ Applicable items from Appendix B of the Whitefish Subdivision Regulations (can be found at: www.cityofwhitefish.org)
- _____ Any additional information requested during the pre-application process
- _____ Fair Market Appraised Value
- _____ Recommendation from the Parks Board – unless exempt 12-4-10(C)
- _____ \$100.00 deposit for sign to be posted on-site during the duration of the public process (submit a separate check, which will be returned to you after you return the sign to the Planning Office)

When all application materials are submitted to the Planning & Building Department and it is found complete, the staff will schedule the subdivision for a public hearing pursuant to §12-3-5(D). The Council must act within 60 working days or 80 working days if the subdivision has 50 or more lots.

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

_____ 2-16-2016
 Applicant Date

B. OWNER(S) OF RECORD:
 Name: Daniel Scheffer Phone: _____
 Mailing Address: _____
 City, State, Zip: _____
 Email: _____

APPLICANT (if different than above):
 Name: Jay Snowden Phone: 206-730-5648
 Mailing Address: 164 Old Ranch Road
 City, State, Zip: Whitefish, MT 59937
 Email: jsnowden@triplesg.com

TECHNICAL/PROFESSIONAL:

Name: Christine Bleyhl Phone: 612-961-1371

Mailing Address: 1705 James Avenue South

City, State, Zip: Minneapolis MN 55403

Email: cbleyhl@me.com

C. GENERAL DESCRIPTION OF SUBDIVISION

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

ZONING DESIGNATION: WR-2

If proposing to change the underlying zoning, proposed zoning: NA

LOTS AND ACREAGE:

Total Acreage in Subdivision: 1.09 Number of Lots or Rental Spaces: 6
 Maximum Size of Lots or Spaces: .176ac Minimum Size of Lots or Spaces: .114ac
 Total Acreage in Lots: .932ac Total Acreage in Streets or Roads: .158ac ROW

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

Single Family: 4 Townhouse: 2 units Mobile Home Park: _____ Duplex: _____ Apartment: _____
 Recreational Vehicle Park: _____ Commercial: _____ Industrial: _____
 Planned Unit Development: _____ Condominium: _____ Multi-Family: _____ Other: _____

CRITICAL AREAS ON-SITE OR NEARBY:

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

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

- Date of Parks Board Meeting (prior to submitting an application): Dec 3, 2015
- Market Value before Improvements: \$94,265
- Total Acreage in Parks, Open Spaces and/or Common Areas: TBD for stormwater

IMPROVEMENTS TO BE PROVIDED:

Roads: Gravel Paved Curb Gutter Sidewalks Alleys Other (explain) _____
Water System: Individual Multiple User Neighborhood Public Other (explain): _____
Sewer System: Individual Multiple User Neighborhood Public Other (explain): _____

Other Utilities: Cable TV Telephone Electric Gas Other (explain): _____

Solid Waste: Home Pick Up Central Storage Contract Hauler Owner Haul

Mail Delivery: Central Individual

Fire Protection: Hydrants Tanker Recharge

Drainage System: Stormwater overflow located on Haugen Heights.

D. VARIANCES:

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

Deviation request has been submitted to Public Works, see attached document from APEC engineering for description of variance.

Property Record Card

Summary

Property Category: **RP** Subcategory: **Real Property**
 Geocode: **07-4292-26-3-28-10-0000** Assessment Code: **0000183600**
 Primary Owner: **SCHEFFER DANIEL M** PropertyAddress: **235 HAUGEN HTS**
4899 US HIGHWAY 93 S **WHITEFISH, MT 59937**
WHITEFISH, MT 59937-8520 COS Parcel:
NOTE: See the Owner tab for all owner information

Certificate of Survey:
 Subdivision: **LAKE PK ADD RESUB S2 L3, B11**
 Legal Description:
LAKE PK ADD RESUB S2 L3, B11, S26, T31 N, R22 W, BLOCK 011, Lot 03A, LAKE PARK
ADD RESUB S2 L3, BLK 11 LOT 3A
 Last Modified: **10/14/2015 7:59:21 PM**

Neighborhood: **210.0** Property Type: **RU - Residential Urban**
 Living Units: **0** Levy District: **07-033403-74 - L**
 Zoning: Ownership %: **100**
 Linked Property:

No linked properties exist for this property

Exemptions:
 No exemptions exist for this property

Condo Ownership:
 General: **0** Limited: **0**

Topography: **1** Fronting: **4 - Residential Street**
 Utilities: **5,8** Parking Type:
 Access: **1** Parking Quantity:
 Location: **0 - Rural Land** Parking Proximity:

Land Type	Acres	Value
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	1.090	00.00

Basic Information

Doc Date	Doc #	Page	Recorded Date	Document Number	Document Type
----------	-------	------	---------------	-----------------	---------------

Owners

Default Information:

SCHEFFER DANIEL M
 4899 US HIGHWAY 93 S
 Ownership %: 100
 Primary Owner: "Yes"
 Interest Type: Conversion
 Last Modified: 11/13/2007 10:47:36 PM

Legal Owners

Name	Type
WATTS MELODY	L Additional Legal Owners

Other Addresses

No other address

Appraisals

Appraisal History

Year	Land Value	Building Value	Total Value	Method
2015	93245	1020	94265	COST
2014	158730	911	159641	COST

Market Land

Method: Acre

Type: 1 - Primary Site
 Width: Depth:
 Square Feet: 00 Acres: 1.09

Class Code: 2201

Value:

Dwellings

Existing Dwellings:

No dwellings exist for this parcel

Other Buildings/Improvements

Quantity and Improvement #:

Type: Residential Description: RRS1 - Shed, Frame
 Quantity: 1 Year Built: 1940 Grade: L
 Condition: Functional: Class Code: 3501

Dimensions:

Width/Diameter: 26 Length: 26 Size/Area: 624
 Height: Bushels: Circumference:

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel

Alliance Title & Escrow Corp.

1.800.826.1801



Invoice

Date: 02/09/2016

Number: 94180

Triple S Land Group, LLC
164 Old Ranch Rd.
Whitefish, MT 59937

Property Address:
235 Haugen Heights
Whitefish, MT 59937

Please Remit Payment To:
Alliance Title & Escrow Corp.
Attn: Accounts Receivable
380 E. Parkcenter Blvd Suite 105
Boise, ID 83706

File Number	Transactee	Client's File #	Class/Description	Memo	Amount
301501	Scheffer, Daniel		Non-Insured Title Report	Non-Insured Title Report	\$85.00
Total					\$85.00
Total Due					\$85.00

Buyer (Borrower) - Daniel M. Scheffer and Melody Watts
Seller (if any) -
Loan Amount (if any) -
Sales Price (if any) -



"Deed and Encumbrance Report"
Effective Date: January 29, 2016, at 7:30 a.m.

Important Notice: This is not an insurance product. Please review the enclosed Contractual Limitation of Liability carefully.

Alliance Title & Escrow Issuing Office: **\$85.00**
501 S Main St., PO Box 879
Kalispell, MT 59901
No: 301501

Prepared for: Triple S Land Group, LLC **D & E Report**
164 Old Ranch Rd.
Attn: Jay Snowden
Your Ref No.:

Subject Property Address: 235 Haugen Heights, Whitefish, MT 59937
Legal Description:

Lot 3A of the Resubdivision of the South Half of Lot 3 of Block 11 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.

Grantee(s) on the Last Deed purporting to transfer title shown in our records:

Daniel M. Scheffer and Melody Watts
Deed # 2000-284-1622-0, dated October 9, 2000 recorded October 10, 2000

Encumbrances: (Includes only recorded Mortgages, Deeds of Trust, recorded liens, claims of lien and federal tax liens). Our search is only from the date of the last deed of record purporting to transfer title to the date of this report.

General Taxes for the year 2015 a Lien, the first half is paid and the second half is now due and payable.
Parcel No.: 74-0183600
In the original amount of: \$1,254.72

Releases: (Includes only recorded releases from the date of the last deed of record)
Copies of the recorded document are available for an additional \$10.00 charge.

County Online Tax Information:
Parcel No. 74-0183600
Amount / Year \$1,254.72/2015

CONTRACTUAL LIMITATION OF LIABILITY

THIS REPORT IS BASED UPON A LIMITED SEARCH OF REAL PROPERTY RECORDS AS SHOWN BY OUR TRACT INDICES OF THE COUNTY RECORDS. -NO EXAMINATION HAS BEEN MADE OF THE RECORDS OF ALLIANCE TITLE & ESCROW CORPORATION MAINTAINED AND INDEXED BY NAME. THIS IS NOT A TITLE OR OWNERSHIP REPORT AND NO EXAMINATION OF THE TITLE OF THE REAL PROPERTY DESCRIBED HEREIN HAS BEEN MADE. THIS REPORT DOES NOT PURPORT TO ASSURE OR GUARANTEE THE CONDITION OF TITLE FOR ANY PURPOSE. FOR THESE REASONS, NO LIABILITY BEYOND THE AMOUNT PAID FOR THIS REPORT IS ASSUMED HEREUNDER, AND ALLIANCE TITLE & ESCROW CORPORATION IS NOT RESPONSIBLE BEYOND THE AMOUNT PAID FOR THE REPORT IN CONNECTION WITH ANY ERRORS AND/OR OMISSIONS CONTAINED HEREIN. NO REPORT, ASSURANCE, GUARANTEE, OR REPRESENTATION IS MADE REGARDING ANY DEED(S) OF TRUST/MORTGAGE(S), LIENS, CLAIM OF LIEN, DEFECTS OR ENCUMBRANCES. IF THE INFORMATION IN THIS REPORT WAS REQUESTED BY REFERENCE TO A STREET ADDRESS, NO ASSURANCES OR GUARANTEES ARE MADE THAT THE AFOREMENTIONED REAL PROPERTY IS THE SAME AS THE ADDRESS PROVIDED TO ALLIANCE TITLE & ESCROW CORPORATION. NO EXAMINATION HAS BEEN MADE WITH RESPECT TO THE IDENTITY OF THE PARTY NAMED IN THE LAST RECORDED INSTRUMENT PURPORTING TO TRANSFER TITLE TO THE AFOREMENTIONED REAL PROPERTY, OR WITH RESPECT TO THE VALIDITY, LEGAL AFFECT OR PRIORITY OF ANY MATTER REFLECTED IN THIS REPORT. ALLIANCE TITLE & ESCROW CORPORATION, AS THE TITLE INSURANCE AGENT FOR CERTAIN UNDERWRITERS AND TITLE INSURANCE COMPANIES, ISSUES TITLE INSURANCE POLICIES TO CUSTOMERS WHO NEED PROTECTION AND ASSURANCES OF STATED AMOUNTS WHICH WOULD BE IN EXCESS OF THE FEE PAID FOR THIS REPORT. AND IF YOU DESIRE SUCH ADDITIONAL PROTECTION, YOU MUST PAY A PREMIUM FOR AND PURCHASE SUCH TITLE INSURANCE. YOU AGREE THAT ALLIANCE TITLE & ESCROW HAS NOT BEEN REQUESTED TO CONDUCT A SEARCH OF TITLE AND UNDERWRITING ANALYSIS THAT WOULD BE THE BASIS OF ASSUMING THE RISK OF A TITLE INSURANCE POLICY. AND FOR THAT REASON, YOU AGREE THAT LIMITING LIABILITY TO THE AMOUNT PAID FOR THIS REPORT IS A REASONABLE AND FAIR ESTIMATE OF DAMAGES FOR ANY ERRORS AND OMISSIONS. FOR FURTHER INFORMATION AS TO THE NATURE, AVAILABILITY AND COST OF ADDITIONAL PROTECTIONS PROVIDED BY TITLE INSURANCE, PLEASE CONTACT YOUR LOCAL REPRESENTATIVE OF ALLIANCE TITLE & ESCROW CORPORATION.

Alliance Title & Escrow Corporation

By: Branely Woods



January 27, 2015

Ms. Karin Hilding, P.E.
Senior Project Engineer
Public Works Department
City of Whitefish
504 Central Avenue
P.O. Box 158
Whitefish, Montana 59937-0158

RE: **DEVIATION REQUEST #1 — CITY OF WHITEFISH (PWSID#MT000035)
SALMON RUN
SETBACKS**

Dear Ms. Hilding:

APEC Engineering Inc. (APEC) has prepared the following deviation request for Salmon Run's residential development, just off Haugen Heights. This request corresponds to Cities Engineering Standards Section "5.8 Setbacks". Where a detention pond's setback is required 20 foot and 50 foot from a property line and building foundations, respectively.

- There are special physical circumstances or conditions affecting the property that may prohibit the application of some of the Basic Requirements in this Manual;
As this is a small subdivision, maintaining these setbacks consumes noteworthy amount of property and restricts the lots function/ development of this site. Please refer to the attached site layout, which is based on preliminary stormwater calculations.
- Every effort has been made to find alternative ways to meet the objectives of the Basic Requirements;
We are requesting this variance, to maintain the adequate ponds sizes and building setbacks. The owner has reduced the building footprint to a minimum while maintaining their functional needs.
- Approving the design deviation will not cause adverse impact on down-gradient properties, public health or welfare; and,
The setback will not adversely effect the downstream properties as the toe of the slopes are with the property boundary.
- Approving the design deviation will not adversely affect the recommendations of any applicable comprehensive drainage plan.
Said drainage plan will improve due with a controlled detention area which enhances the regional drainage plan.

APEC ENGINEERING INC.

A handwritten signature in black ink, appearing to read 'Justin Ahmann', is written over a horizontal line.

Justin Ahmann, P.E.
Director of Engineering

jda

Attachment: Preliminary Layout



PO Box 1659, Whitefish, MT 59937

March 6, 2016

Bailey Minnich ALCP, CFM
Planner II
City of Whitefish
510 Railway Street
PO Box 158
Whitefish MT, 59937

RE: SW Subdivision CC &Rs

Triple S Land Group LLC is in the process of developing an operation agreement for the shared driveways and shared stormwater detention facility for the SW Subdivision.

Thank you.

Jay Snowden

A handwritten signature in dark ink, appearing to read "Jay Snowden", is written over a light-colored, possibly embossed or faded, signature area.

Manager

Triple S Land Group, LLC

POSTMASTER
UNITED STATES POSTAL SERVICE



February 19,2016

Triple S Land Group
PO Box 1659
Whitefish, MT 59937

RE: Salmon Run subdivision

Mail delivery for subdivision located off Salmon Run has been approved for mail delivery.

Mail service will consist of CBU(lock box) for the resident.

If you have any questions or concerns , you may reach me at 406-892-7621

Thank you

Steve Kvapil

A handwritten signature in black ink, appearing to read "Steve Kvapil". The signature is stylized and cursive.

Postmaster
Whitefish, MT 59937
406-862-2151

Appendix F Environmental Assessment

SW Subdivision at Haugen Heights Road and Salmon Run



Location map courtesy of Google Maps

February 2016 Preliminary Plat Submittal

Client:

Triple S Land Group, LLC
164 Old Ranch Road
Whitefish, Montana 59937

Prepared by:

Happy Medium, LLC
Christine Bleyhl, Architect
Montana Lic # 5524

Please see the Preliminary Plat application package for the Preliminary Plat, Civil Engineering guidelines, vicinity map, and exhibits. The proposed subdivision, presently referenced as the SW Subdivision, is located west of Downtown Whitefish at the northwest quadrant of the intersection of Haugen Heights Road and Salmon Run.

Part I: Resource Assessment

1. Surface Water
 - a. No natural water systems are on the project site. See Appendix A for Basin Maps.
 - b. A stormwater detention area will be constructed in the current low area of the site. It currently works as a stormwater runoff area for the site, and standing or ponding water has not been detected at this point. See C103.
 - c. The stormwater detention area has been designed with design criteria for diurnal changes. See C103 and C200 of the Civil Engineering Preliminary Plat application.
 - d. The project site is in flood Zone X and having a .2% chance of annual flooding. See FEMA FIRM map in Appendix A
 - e. The project does not entail of any proposed alterations to the stream banks, lake beds, or stream channels as none exist on the site, as seen through site observation and Vicinity map.
2. Groundwater
 - a. In 1977 water was hit at 32.67 feet. According to the attached well log, there does not appear to be a confining layer, therefore, septic systems and stormwater infiltration does impact the nearest aquifer. This project is replacing an existing septic system with City of Whitefish sanitary services. Stormwater will pool with an opportunity to infiltrate similar to pre-development conditions. See Exhibit 2.a. Well Log.
 - b. The project's stormwater pollution prevention plans (SWPPP) with a stormwater operation and maintenance plan reduces the degradation of said recharge areas. See Appendix D and C200.
3. Topography, Geology, and Soils
 - a. There are no native ground slopes 15% or greater. The designed stormwater detention area will have slopes of 4:1 in the developed area and will be compacted and lined with vegetation. See pages 92 and 107 of the compiled Civil Engineering submittal and the Preliminary Plat for topography.
 - i. The 1.09 acre site is gravel and gravel/sand mix and has a 7' even grade which slopes to the southwest over 321'. According to Exhibit 2 a. there does not appear to be shallow bedrock.
 - ii. There are no signs of slope stability failure, tension cracks, sloughing, or steep slopes.
 - iii. There appears to be a clayey silt and coarse gravel mixed with tan silt. Subsequently, unstable or expansive clays don't appear to be on this site.
 - iv. See ii. above
 - b. A. No visible slides, slumps are present on the site. Snowfall is notable and a regular occurrence in the project area. Proper snow plowing and prevention of slips are suggested through normal homeownership and by City of Whitefish and private road maintenance. B. No rock outcroppings are present on the site. C. Whitefish is in a seismic design D-1 location, and Montana is one of the most seismically active states, according to the US Geological Survey, with the western

third of Montana being the most active. Flathead County is in the inter-mountain seismic belt. Structures built on the site will be built to minimum state and local prevailing building codes, and to D-1 design criteria. See usgs.gov for seismic maps. D. The water table appears to be near 32 feet, as seen in the Exhibit 2.a. Well log, therefore high ground water does not appear to be present. Homes on this site will be built with raft slab foundations or crawlspaces due to the naturally occurring hydrology of the area.

- c. See above and thinning of trees will be necessary for development of the lots and the installation of public sidewalks. Vegetation will be planted in and along the steep slopes of detention pond using native plants and trees acceptable for detention ponds and geo-mesh for erosion and sediment control. See Section 02901 and Trenching and Excavation.
- d. This project does not have cut and fill of more than three feet. The SWPPP will outline proper MBP's to limit the amount of erosion, increase sediment control, and reclaim topsoil (e.g. covered stockpiles). See C103.

4. Vegetation

- a. i. The project site is a mixed forest of birch, pine, fir, and larch, with areas of scrub brush and grasses. New public improvements of Haugen Heights and Salmon Run, as well as the expansion and grading of the stormwater detention area will eliminate some of the existing mature trees and low scrub brush areas. Some significant trees will remain and will be protected at the drip line to limit soil and root compaction. See plat map and A0/L1 for existing trees and brush. ii. The project will utilize shared driveways to minimize site impact and maximize permeable and planted areas. See A0/L1 for proposed sidewalks, preliminary building footprints and driveway relationships to trees.
- b. i. The majority of the site is not vegetated with significant trees aside from the southern-most area. ii. There are no known critical plant communities within the proposed site. The plants will mimic native vegetation through xeriscaping techniques. iii. Removing the low scrub brush and tall grasses, planting turf boulevards will limit the amount of flammable vegetation around the building sites. The site will utilize city fire hydrants to service the area. iv. No known noxious weeds are present at the site. Measures through replanting will be taken to eliminate any identified noxious weeds or invasive species. See Vicinity map and also field observation.

5. Wildlife

- a. Typical woodland and grassland wildlife groups at the site may include, but are not limited to, deer, birds, rodents, and small predators. There are no lakes or streams and therefore no aquatic species. The proposed detention pond and other landscaping will continue to be an animal habitat. This site is not mapped as a Crucial Big Game winter range (Whitefish City – County Growth Policy) but is in the Moose Winter Range, as is most of Whitefish.
- b. The project site is not mapped as a Crucial Big Game winter range.
- c. The vegetated stormwater detention area will replace existing scrub brush for wildlife habitat. See Montana Fish Wildlife and Parks-Species of Concern and Crucial areas, and Montana Natural Heritage Program.

Part II: Summary of Probable Impacts

1. Effects on Agriculture

- a. The proposed subdivision is not located near known prime farmland and is located within city jurisdiction, according to Flathead County Growth Policy.

- b. The site is not within areas designated as farmland or timber lands, according to Flathead County Growth Policy.
 - c. The proposed subdivision would not create any conflicts with nearby agricultural operations, if any.
 - d. The proposed subdivision would not create any nuisances to agriculture or timber production.
 - e. The proposed subdivision would not have any effects on nearby agricultural lands, if any. See C100 Vicinity Map and field observation.
2. Effects on Agricultural Water User Facilities
- a. The proposed subdivision does not pose a conflict on agricultural water user facilities. There are no known agricultural water user facilities on the property, such as reservoirs or others on the property. See Department of Natural Resources – Water Resources.
 - b. No known agricultural facilities will be negatively affected with the development of the proposed subdivision. See Department of Natural Resources – Water Resources.
3. Effects on Local Services
- a. The proposed subdivision consists of four single-family lots and one townhome lot (two separate lots with one structure and two separate residences). The proposed subdivision is in compliance with the current zoning of WR-2. The proposed subdivision is connected to all municipal services and utilities. See A-1 and City of Whitefish public information.
 - b. Municipal water, sewer, fire protection, solid waste, and private natural gas and electrical systems will be expanded into the proposed subdivision area.
 - i. All improvements (roads, water, sewer, storm, etc.) within the proposed subdivision will be constructed to the standards established by the City of Whitefish and privately financed by the developer and paid for by the purchasers of the properties. It is anticipated that the majority of any additional costs would be predicated from long term maintenance and standard public services.
 - ii. All improvements (roads, water, sewer, storm, etc.) within the proposed subdivision will be privately financed by the developer and constructed to the standards established by the City of Whitefish. Road, water, and sewer mains will be extended at the expense of the developer and future purchasers of the properties, but long term maintenance is provided by the City of Whitefish. Costs for law enforcement, fire protection, parks and recreation and schools will be paid by the taxpayers within the service jurisdictions and future purchasers of the properties.
 - iii. The City of Whitefish enacted impact fees for public facilities in order for new development to pay its way. As with most fees and taxes, there is always a lag between the increase in new users and the accumulation of funds to upgrade or expand existing public facilities. The service providers should be able to maintain the level of services.
 - iv. No known costs to other jurisdictions are known at this time.
 - c. The location of the proposed subdivision creates a link between two or more residential areas to the south and northwest while installing a paved road, fire protection, and other municipal and private services to city specifications and removes a primitive road (partially), septic system, and propane system. See Plat Map, A-1, City of Whitefish public information.
 - d. No known special bonding or other improvement districts are being proposed for this subdivision. See City of Whitefish public information and field observation.

4. Effects on the Historic or Natural Environment
 - a. No known historic, paleontological, or other sites or objects exist on the site. See Montana Historical Society online listing of National Register of Historic Places for Flathead County.
 - b. The proposed development will maintain pre-development stormwater flow rates. The proposed subdivision will keep existing soils on the site. New slopes will be created at the stormwater detention area.
 - i. No streambanks or shorelines will be altered.
 - ii. No known groundwater contamination would occur, however, the burden of contamination will rest with the future purchasers of the properties.
 - iii. The construction of the road and driveways will be balanced cut and fill, and not within steep slopes. There are established requirements that establish the minimum and maximum slopes for road and lot access. The City of Whitefish and Montana Department of Environmental Quality mandate erosion control measures will be taken during construction. The proposed subdivision will be serviced by the City of Whitefish public sewer system, and the developer will be removing a septic system.
 - iv. The area of disturbed soils will likely exceed 1 acre, as this includes the installation of a new roadway and a detention pond. Vegetation removed from the site will be replaced, and BMPs for temporary and long term erosion control measures and sediment transport are considered in the SWPPP for this project. Such practices may include silt fences, ditch blocks, mulch, slope protection, and other commonly accepted control measures.
 - v. Removing the existing structures and brush and replacement with new houses will enhance the value of the proposed site and neighboring properties. There are no known historical, visual, or open space features of this property.
 - vi. The proposed subdivision will follow state and local codes and guidelines that consider snow, seismic, and wind loads. For development of public utilities, detention pond, and individual lots, the development will maintain a moderate vegetative density. The slopes of the detention pond will be sufficiently planted to prevent soil erosion. See C103 and C200, Plat map, and A-1 as well as Section 02901 and Trenching and Excavation of
 - c. The proposed subdivision will maintain similar scale and mass as adjacent properties and subdivisions. The majority of subdivisions in the vicinity are 10 years old or newer. The subdivision is within the City of Whitefish and will maintain a typical front yard-facing approach. See A-1 and Plat map.
5. Effects on Wildlife and Wildlife Habitat
 - a. The proposed subdivision is not expected to have any impact on wildlife as the property is not mapped with big game winter range, located on migration routes, located in nesting areas, or habitat for endangered species. The subdivision is on the urban edge of the City of Whitefish. See Montana Fish Wildlife and Parks – Species of Concern and Crucial Areas, as well as Montana Natural Heritage Program.
 - b. Wildlife is commonly found throughout the entire area in and around Whitefish and commonly interacts with human and pet activities. The proposed subdivision supports Fish Wildlife and Parks recommendation for refuse storage and pick-up. See Montana Fish Wildlife and Parks – Species of Concern and Crucial Areas, as well as Montana Natural Heritage Program.
6. Effects on Public Health and Safety
 - a. Health and safety hazards can occur in any area, urban and rural, new and old subdivisions. A free-standing trailer and propane tank and septic system will be removed and their related hazards eliminated. The proposed subdivision is

implementing required city standards and recommendations, and therefore should be mitigated. Wildfire and landslides in the area are probable, and the probability should be reduced by the proposed development through brush clearing and replanting of the site. High voltage power lines are not proposed for the site. See C100 Vicinity map, Plat map, and field observation.

- b. No known listed hazards or conditions impact the proposed development.
- c. No known adverse effects to the adjacent properties and land uses. The property directly to the west of the proposed subdivision is a single-family property; the property to the north is undeveloped land, and is otherwise bound by Haugen Heights Road and Salmon Run. Properties to the east across Salmon Run are single-family lots. The single-family properties to the south of Haugen Heights Road are part of the Old Town subdivision. There will be short-term nuisances during the construction of the new roadway, site, and utilities, as well as during the vertical construction phase. See C100 Vicinity map and field observation.
- d. Traffic resulting from the proposed subdivision will utilize Haugen Heights Road, State Park Road, and the newly constructed intersection at Highway 93. No known hazards with regards to fire or water can be attributed directly to this subdivision. See C100 Vicinity map and field observation.

Part III: Community Impact Report

1. Water, Sewage, and Solid Waste Facilities

- a. The proposed subdivision will utilize City of Whitefish municipal water and sewage treatment facilities. The 6 lots will have an 8-inch sewer and water main along Salmon Run that ties into existing water main on Haugen Heights Road. The proposed subdivision will be provided with an extension to the City of Whitefish municipal sewage conveyance system. Both systems will run under the proposed improvement to Salmon run and set up for future connection at the north end of the proposed subdivision from a matching system coming from Lake Park Lane. See C300 and C400.
- b. The installation of the municipal water and sewage treatment system will be installed by the developer and tied into, and operated by the City of Whitefish system along Haugen Heights, with costs to be determined.
- c. Permission to extend the water and sewage systems may be granted once the detailed plans and specifications are reviewed and approved by the City of Whitefish and the Montana Department of Environmental Quality. See City of Whitefish Preliminary Plat Application submittals and public meeting minutes.
- d. The developer is utilizing the DEQ application form, and plans and specifications for the connections of the City of Whitefish water and sewage systems will be reviewed and approved by the City and the Montana DEQ prior to construction. See City of Whitefish Preliminary Plat Application submittals.
- e. Solid waste will be collected using North Valley Portables for each lot in the proposed subdivision.
- f. North Valley Portables is located at 5445 US Highway 93 S, Whitefish MT 59937

2. Roads and Maintenance

- a. Data collected from a subdivision west of the proposed subdivision maintains that approximately 10 vehicle trips per day per lot (with 6 lots), with approximately 60 vehicle trips per day will travel on the proposed Salmon Run, Haugen Heights Road,

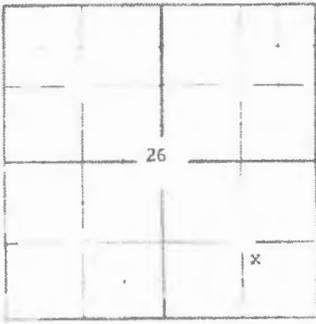
and State Park Road as a result of the proposed subdivision. See Maple Ridge Appendix F.

- b. New roads and road improvements have been made to Haugen Heights and State Park Road, with a new intersection at Highway 93. The addition of Salmon Run as a paved road will add to the safety and reliability of the traffic flow.
 - c. Haugen Heights Road, State Park Road and future improvements to Salmon Run are maintained by the City of Whitefish and designed, or will be designed, to the City of Whitefish standards. See C103 and Specifications for Salmon Run Road Water and Sanitary Sewer Services Extension.
 - d. New private and new public roads will be designed to the City of Whitefish design standards with no parking along either side of the proposed Salmon Run.
 - i. Salmon Run will be installed with curb and gutter directed to Haugen Heights, and a storm sewer line collecting storm water and directing it to the detention pond with an overflow back to Haugen Heights Road.
 - ii. New private shared driveways at the development site will be asphalt with concrete curbs. The proposed Salmon Run will be crowned to shed stormwater and snow melt, with the second half of Salmon Run to the north being gravel and privately maintained until further development.
 - iii. There are no stream banks, however a storm sewer will be installed under Salmon Run to capture stormwater runoff and direct it to the detention pond on the proposed site.
 - iv. Temporary measures such as silt fence, straw bio-rolls and other erosion control measures will be used during the construction of the site. At the completion of construction, all rough grade and final grade will be planted, with the addition of a bio-retention mesh used at the banks of the detention pond. See C103 and C200.
 - e. Salmon Run will be modified from it's current state as a primitive alley to a paved road to the north end of the development, with the northerly half of Salmon Run being graded and plowed for utility and fire/safety vehicles by a private company to Lake Park Lane until further development occurs on the northerly half of Salmon Run. See C103 and future agreement between City of Whitefish Public Works and Developer.
 - f. Salmon Run is proposed to be the primary road to access the individual lots, as the properties are approximately 127' deep after roadway and sidewalk development. Salmon Run will service other residences along, and adjacent, to it. See C100 Vicinity Map and C102.
 - g. The proposed subdivision does not require any special easements or rights-of-way to the development. Easements and agreements will be drafted for the shared driveways at the development site. A 10' utility easement has been requested by the City of Whitefish on the eastern boundary of the proposed development. A separate agreement will be submitted and part of the final platting of the property for use of the storm water detention pond. See Plat map.
 - h. The roadway for Salmon Run is expected to be complete by or around Fall of 2016 and installed by the developer, owned, maintained, and plowed by the City of Whitefish, with private driveways being maintained and plowed by the individual homeowners. Costs for the new roadway, sidewalks, boulevard, and other mandated improvements will be burdened by the developer. Costs are unknown at this time.
3. Fire, Police Protection, and Emergency Services

- a. The proposed subdivision is within Whitefish City limits and is serviced by fire, police protection, and emergency services. i. Public Works and the Fire Marshall will review and may approve the proposal to connect to the Whitefish water system. A new fire hydrant will be installed on Salmon Run at the north end of the development. The remaining portion of Salmon Run is being graded and maintained for emergency vehicles. The proposed development area is serviced by the fire department. ii. The proposed development is within the jurisdiction of City of Whitefish Police Department and the area is currently serviced by the police department. See onsite visits and public documents available at the City of Whitefish.
 - b. Future police and fire services shall meet the needs and demands of the proposed subdivision. City of Whitefish Impact Fees and taxes should off-set or mitigate the potential impacts new developments within the jurisdiction make on the system. See City of Whitefish public documents available at the city.
4. Education and Busing
 - a. Whitefish public school system #44, Flathead Valley Community College, and other private daycare, elementary, and secondary educational facilities are in the service area of the proposed development. Flathead County is Montana's second fastest growing region, with a significant percentage being retirees who will not have demands on schools and education. See Flathead County Statistical Report of Schools 2015. See Montana West Economic Development
 - b. A national average of 1.7 children per family (with a statistical average of .31 school age children per Flathead County home), and 6 residences in the development would allow for between 2 and 10 children in the proposed subdivision. See Flathead County Statistical Report of Schools 2015.
 5. Payment for extension of Capital Facilities
 - a. The developer will pay for the cost of extending capital facilities resulting from expected impacts directly attributable to the subdivision through private funds. The developer is paying for, and installing, the infrastructure as an initial cost. The long-term cost of maintaining said infrastructure is part of the City's finance structure.

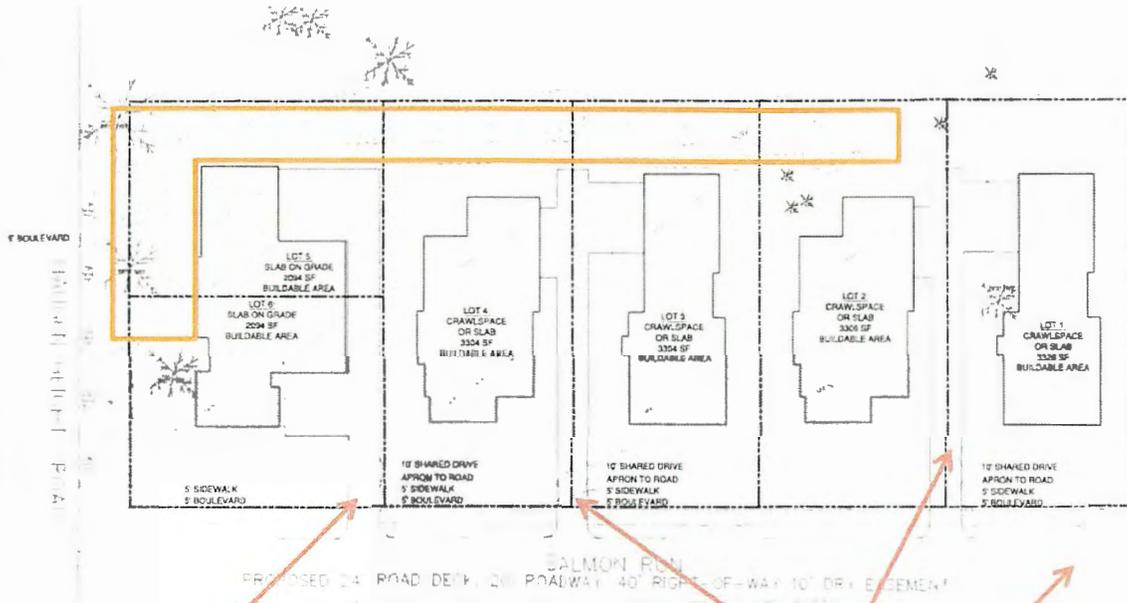
SW Subdivision Exhibit 2.a

029 310 224 26 DOB PLATHHEAD
 STATE OF MONTANA
 Department of Natural Resources and Conservation
WELL LOG REPORT
 GOLD ORDER

1 WELL OWNER Name: <u>City of Whitefish</u>	2 CURRENT MAILING ADDRESS <u>City Clerk</u> <u>Whitefish, MI 59937</u>																																				
3 PROPOSED USE Domestic (include lawn and garden) <input type="checkbox"/> stock <input type="checkbox"/> municipal <input type="checkbox"/> industrial <input type="checkbox"/> Irrigation <input type="checkbox"/> other (specify) <u>Test well - Columbia Avenue</u>																																					
4 WELL LOCATION  Township <u>31</u> N Range <u>22</u> E Section <u>26</u> City <u>Whitefish</u> County <u>Flathead</u> Elevation <u>3010</u> Accuracy <input checked="" type="checkbox"/> 10' 50' 100'	8 WELL TEST DATA <input type="checkbox"/> pump <input type="checkbox"/> hoist <input checked="" type="checkbox"/> other (if other specify) <u>Air Lift Pump</u> Pumping level below land surface: <u>41.5</u> ft after <u>9</u> hrs. pumping <u>800</u> gpm ft after _____ hrs. pumping _____ gpm																																				
9 WAS WELL PLUGGED OR ABANDONED? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, how? _____																																					
10 DATE STARTED <u>4/28/77</u> DATE COMPLETED <u>5/24/77</u>																																					
11 WELL LOG Depth (ft.) <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>From</th> <th>To</th> <th>Formation</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>11</td> <td>Black dirt with scattered rocks and gravel mixed</td> </tr> <tr> <td>11</td> <td>76</td> <td>Tan silty clay with seams of very light tan clay</td> </tr> <tr> <td>11</td> <td>76</td> <td>Tan clayey silt</td> </tr> <tr> <td>76</td> <td>95</td> <td>Tan clayey silt with thin layers of gray green sand. Seeps of silty, sandy water.</td> </tr> <tr> <td>95</td> <td>114</td> <td>Green - gray silt, scattered thin stringers of fine sand. Seeps of silty, sandy water.</td> </tr> <tr> <td>114</td> <td>127</td> <td>Tan sandy, silty clay</td> </tr> <tr> <td>127</td> <td>146</td> <td>Medium to fine green and purple gravel embedded in gray green silty clay</td> </tr> <tr> <td>146</td> <td>161</td> <td>Coarse green and purple gravel. water, 500 GPM plus.</td> </tr> <tr> <td>161</td> <td>174</td> <td>Coarse gravel mixed with tan silt. 100 GPM plus of very silty water.</td> </tr> <tr> <td>174</td> <td>193</td> <td>Alternate layers of coarse silty gravel and tan clay. 50 GPM plus of very silty water.</td> </tr> <tr> <td>193</td> <td>208</td> <td>Coarse gravel embedded in tan silty clay</td> </tr> </tbody> </table>		From	To	Formation	0	11	Black dirt with scattered rocks and gravel mixed	11	76	Tan silty clay with seams of very light tan clay	11	76	Tan clayey silt	76	95	Tan clayey silt with thin layers of gray green sand. Seeps of silty, sandy water.	95	114	Green - gray silt, scattered thin stringers of fine sand. Seeps of silty, sandy water.	114	127	Tan sandy, silty clay	127	146	Medium to fine green and purple gravel embedded in gray green silty clay	146	161	Coarse green and purple gravel. water, 500 GPM plus.	161	174	Coarse gravel mixed with tan silt. 100 GPM plus of very silty water.	174	193	Alternate layers of coarse silty gravel and tan clay. 50 GPM plus of very silty water.	193	208	Coarse gravel embedded in tan silty clay
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5 DRILLING METHOD <input type="checkbox"/> cable, <input type="checkbox"/> bored, <input type="checkbox"/> forward rotary, <input type="checkbox"/> reverse rotary, <input type="checkbox"/> jetted. <input checked="" type="checkbox"/> other (specify) <u>Air Rotary</u>																																					
6 WELL CONSTRUCTION AND COMPLETION <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Name of Method</th> <th>Size of casing (inches)</th> <th>Depth (ft.)</th> <th>Perforations (ft.)</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>8"</td> <td>28.55 lbs/ft x 5/8"</td> <td>+2'4"</td> <td>206'10"</td> <td>slots x/8" x 2 1/2" 149' 159'</td> </tr> </tbody> </table> Was casing left up inside? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so what material? _____ Was the well gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Was the well grouted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so what depth? _____ Material used in grouting? _____ Well head completion: Packer <input type="checkbox"/> adapter <input type="checkbox"/> If in above grade _____ other <input checked="" type="checkbox"/> (if other specify) <u>2'4" above ground level</u> Pump horsepower _____ pump type _____ Pump intake level _____ feet below land surface Power (electric, diesel, etc.) _____		Name of Method	Size of casing (inches)	Depth (ft.)	Perforations (ft.)	Remarks	8"	28.55 lbs/ft x 5/8"	+2'4"	206'10"	slots x/8" x 2 1/2" 149' 159'																										
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7 WATER LEVEL Static water level <u>32.8"</u> feet below land surface If flowing, closed-in pressure _____ gpm _____ gpm flow through _____ inch pipe Controlled by _____ valve _____ reducer, _____ other (if other, specify) _____																																					
12 DRILLER'S CERTIFICATION This well was drilled under my jurisdiction and this report is to the best of my knowledge <u>11/12/80</u> Liberty Drilling Co. 3850 Hwy. 93 South Kalispell, MI 59901 <i>William F. Osborne</i> William F. Osborne License No. 52 No. 88061																																					

2.a. Well log attached as an exhibit

SW Subdivision Exhibit 3.a-b



Plowable to end of driveway. Snow kept on-site

Plowable to Lake Park Lane



3.a-iv. Denotes area of slopes 4:1



3.b. A. Snow removal

SW Subdivision Exhibit 1.d of Part III

MUNICIPAL FACILITIES EXCLUSION CHECKLIST (formerly called master plan exclusion)

Below, please find the information required under § 76-4-127 MCA regarding a municipal facilities exclusion for this subdivision within a growth policy area or first-class or second-class municipality

- 1 Is this subdivision exempt from the Montana Platting and Subdivision Act §76-3 MCA?
Yes No **If yes, then you may not use the Municipal Facilities Exclusion for this subdivision**
- 2 Does this subdivision affect property with a Title 76-4 Approval? Yes No **If yes, then you may not use the Municipal Facilities Exclusion for this subdivision**
- 3 Name of Subdivision SW Subdivision
- 4 Name and address of the applicant Triple S Land Group, LLC
164 Old Ranch Road, Whitefish, MT 59937
- 5 Name and address of engineer APEC Engineering, Inc
111 Legend Trail Kalispell, MT 59901
- 6 Copy of the preliminary, final or amended plat if available and letter of approval by the governing body as defined in §76-3-103 MCA Attached
- 7 Number of parcels in the subdivision 6
- 8 A copy of any applicable zoning ordinances in effect: _____
- 9 How construction of the sewage disposal and water supply systems or extensions will be financed (method of financing) _____
- 10 Certification that the subdivision is within a jurisdictional area that has adopted a growth policy or within a first-class or second-class municipality _____
- 11 Copy of Growth Policy On file Attached: _____
- 12 Location of the subdivision to the city or town, vicinity map attached Yes No
- 13 Are adequate municipal facilities, as defined in §76-4-102 MCA, for the supply of water and disposal of sewage and solid waste available or will they be provided under §76-3-507, MCA Yes No
- 14 Has the governing body reviewed and approved plans to ensure adequate storm water drainage
Yes No
- 15 Will an extension of the existing sewer main(s) be necessary to serve this subdivision?
Yes No
- 16 Will an extension of the existing water main(s) be necessary to serve this subdivision?
Yes No
- 17 Exclusion Checklist review fee. (\$100) included Yes No
- 18 I certify that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided under §76-3-507 MCA, and I certify that the governing body has reviewed and approved plans to ensure adequate storm water drainage. I further certify that I am authorized to sign this form on behalf of the governing body

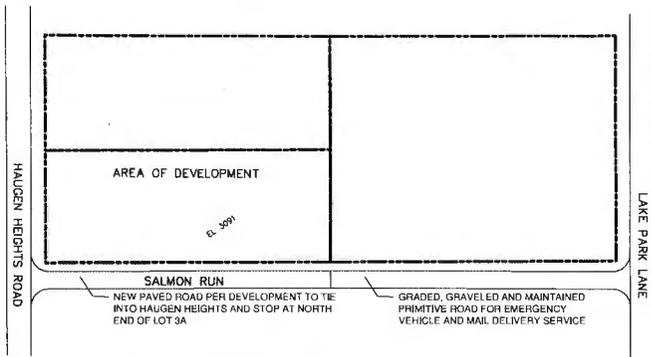
Name _____ Signature _____
Dept _____ Title _____
City _____ Zip _____ Phone _____

Please sign and send with the \$100.00 review fee to

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
SUBDIVISION REVIEW SECTION, PERMITTING AND COMPLIANCE DIVISION
PO BOX 200901
HELENA, MT 59620

SW Subdivision Exhibit 4 b of Part III

Letter from School Administrator stating the student load is suitable



1 VICINITY PLAN SCALE: NTS NORTH

SHEET SCHEDULE:

AD/L1 PRELIMINARY SITE, LANDSCAPING PLAN SURVEY AND PRELIMINARY PLAT CIVIL ENGINEERING PLANS

GENERAL SITE CONDITIONS:

1. CALL UDIG BEFORE YOU DIG - 1-800-551-UDIG
2. PROTECT ALL EXISTING TREES AND SITE FEATURES TO REMAIN
3. ALL SOILS TRACKED ONTO PAVED SURFACES ON SITE AND ROADWAYS SHALL BE REMOVED DAILY.
4. INSTALL AND MAINTAIN EROSION CONTROL DEVICES AS NECESSARY TO PREVENT SEDIMENT TRANSPORT OFF-SITE.
5. MATERIAL EXCAVATED FROM TRENCHES OR GENERAL SITE GRADINGS MAY BE USED FOR BACKFILL TO PROPOSED SUBGRADE ELEVATIONS.
6. VERIFY ALL SETBACKS, EASEMENTS, PROPERTY LINES, CONSTRUCTION LIMITS AND REQUIREMENTS THEREOF WITH GOVERNING AUTHORITY PRIOR TO WORK
7. WEED MANAGEMENT PLAN SHALL BE IN PLACE ONCE IT IS DETERMINED ANY NOXIOUS WEEDS ARE PRESENT ON THE SITE (SEASONAL CONDITIONS PREVENT VERIFICATION).
8. UNITED STATES POSTAL SERVICE DELIVERY TO CENTRAL MAIL COLLECTION BOX LOCATED AT INTERSECTION OF SALMON RUN AND HAUGEN HEIGHTS AND IS SUBJECT TO USPS REVIEW
9. CONTACT NORTH VALLEY REFUSE FOR WASTE HAULING - DETERMINATION OF 300 SERIES UNITS OR INDIVIDUAL SERVICE IS SUBJECT TO REVIEW

PROPOSED USE:

6 LOT SUBDIVISION

ZONING:

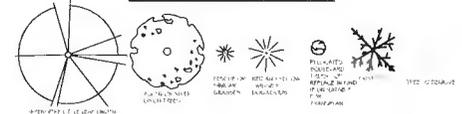
WR-2 TWO-FAMILY SUBDIVISION

PARCEL SIZE:

TOTAL ORIGINAL 1.09 ACRES (47,480 SQ/FT) INCLUDING RIGHTS-OF-WAY AND DRY EASEMENTS

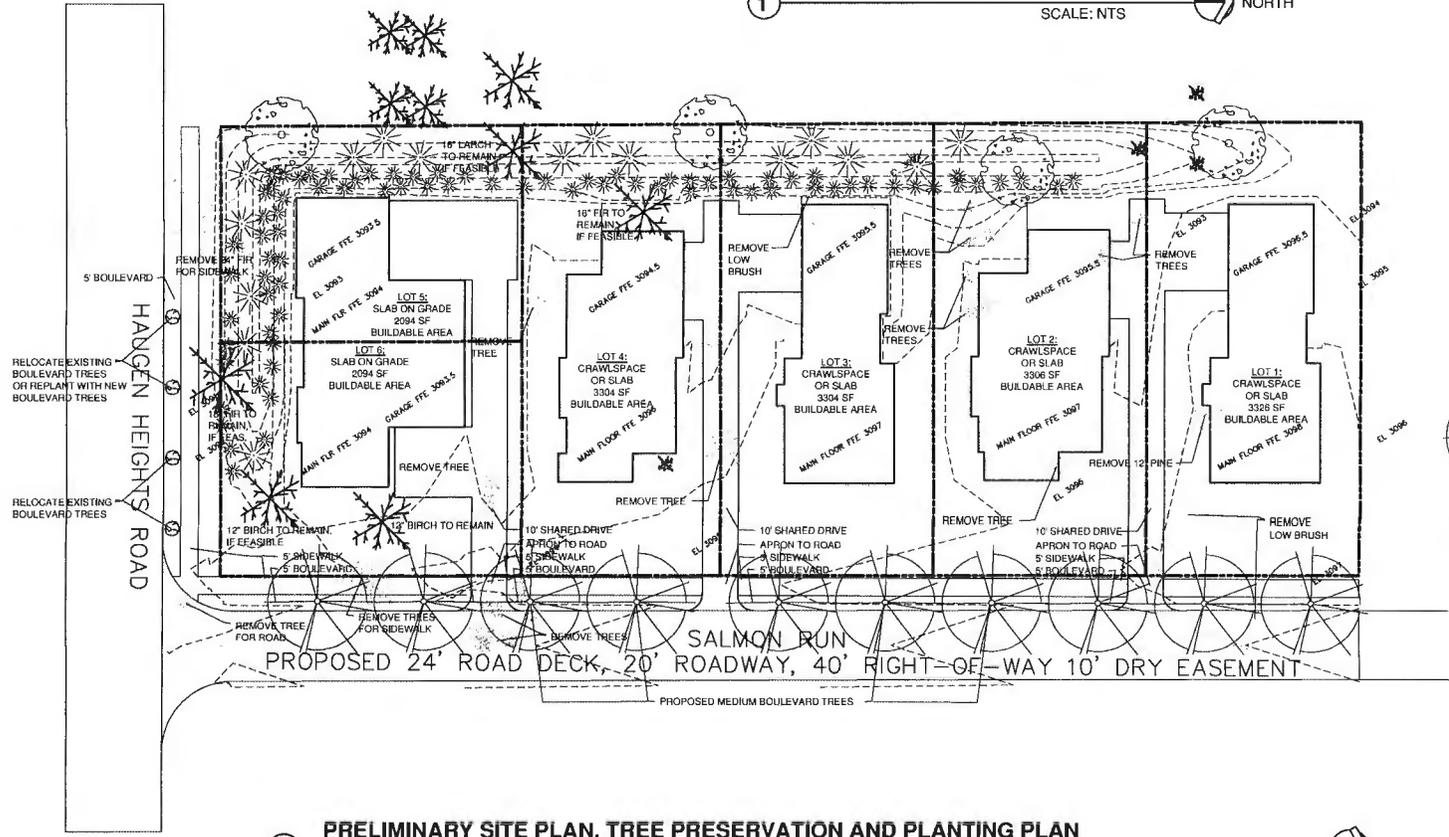
LOT #	GROSS	NET
LOT 1:	.176 AC	.162 AC
LOT 2:	.178 AC	.162 AC
LOT 3:	.176 AC	.162 AC
LOT 4:	.164 AC	.151 AC
LOT 5:	.120 AC	.120 AC
LOT 6:	.129 AC	.129 AC
TOTALS:	.941 AC (LESS R.O.W.)	.866 AC (LESS EASEMENT)

TREE PRESERVATION AND PLANTING KEY:



TREE PRESERVATION NARRATIVE:

SOME SIGNIFICANT TREES EXIST ON THE SITE. NEW ROADWAYS, SIDEWALKS, AND OTHER UTILITIES REQUIRE THE REMOVAL OF TREES. OTHER TREES ARE ELIMINATED TO LOWER ELEVATIONS AT THE DETENTION POND AND BUILDING SITES. NEW TREES WILL BE PLANTED WITHIN AND AROUND THE DETENTION POND AND THE NEWLY CREATED BOULEVARDS. EVERY EFFORT WILL BE TAKEN TO PRESERVE EXISTING TREES, WHERE POSSIBLE.



2 PRELIMINARY SITE PLAN, TREE PRESERVATION AND PLANTING PLAN

SCALE: 1/16"=1'-0" NORTH

SW SUBDIVISION TRIPLE S LAND GROUP, LLC WHITEFISH, MT



HAPPY MEDIUM, INC. CHRISTINE B. WHITEFISH, AIA MONTANA LICENSE #1111

PRELIMINARY SUBDIVISION SET 02.16.2016 REVISED 04.07.2016

A0/L1

OWNERS: DANIEL M. SCHEFFER & MELODY WATTS
DATE: APRIL 7, 2016

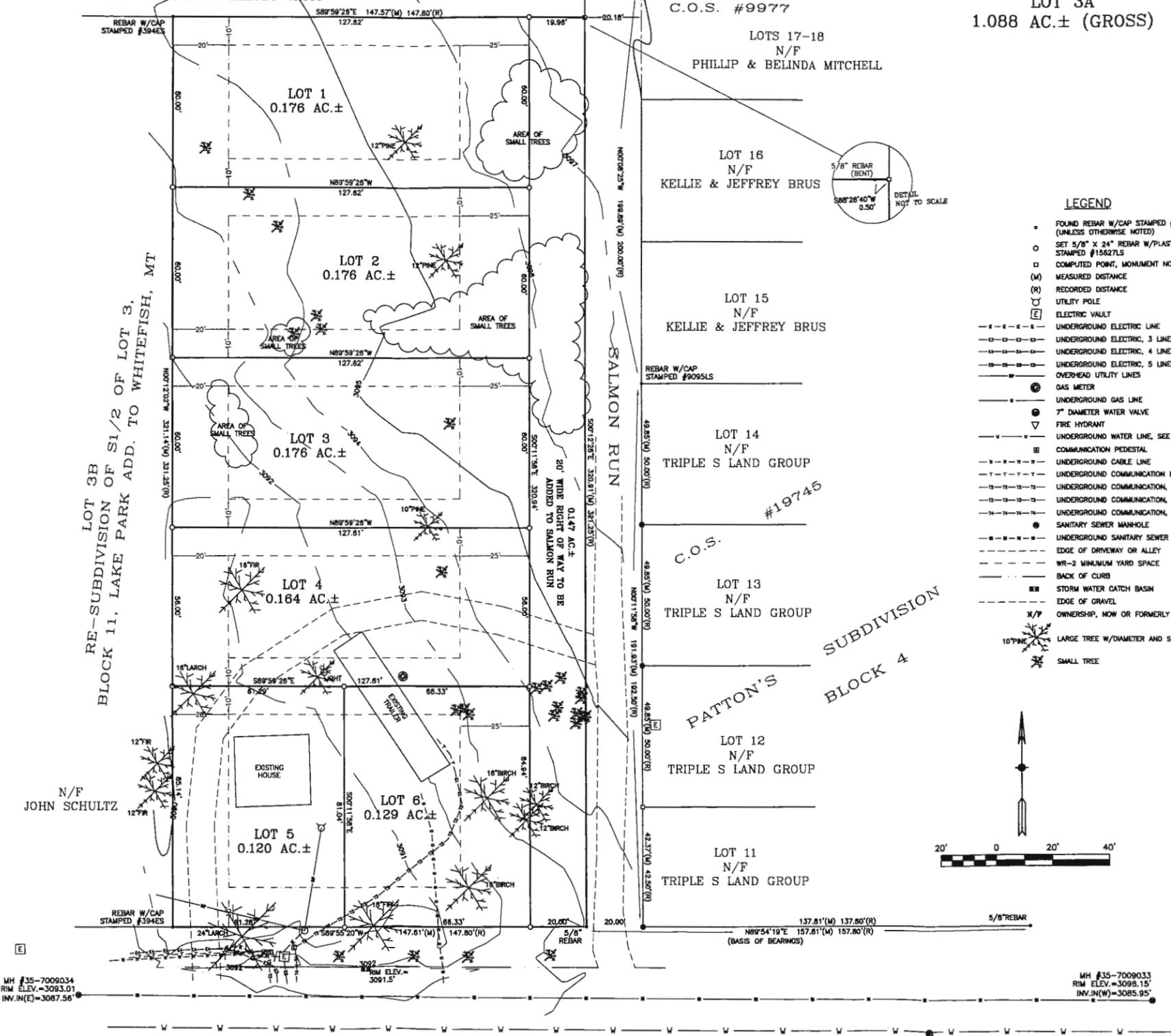
PRELIMINARY PLAT OF SW SUBDIVISION

LOT 3A OF THE RE-SUBDIVISION OF THE S1/2 OF LOT 3, BLOCK 11, LAKE PARK ADDITION TO WHITEFISH, MT
IN THE SW1/4 SW1/4, SEC. 26, T31N, R22W, P.M.,M., FLATHEAD COUNTY

N1/2 OF LOT 3,
BLOCK 11, LAKE PARK ADD. TO WHITEFISH, MT

N/F
DANIEL SCHEFFER & MELODY WATTS

LOT 3A
1.088 AC.± (GROSS)



REBAR W/CAP STAMPED #9344
C.O.S. #9977
LOTS 17-18
N/F
PHILLIP & BELINDA MITCHELL

LOT 16
N/F
KELLIE & JEFFREY BRUS

LOT 15
N/F
KELLIE & JEFFREY BRUS

LOT 14
N/F
TRIPLE S LAND GROUP
#19745

C.O.S.
LOT 13
N/F
TRIPLE S LAND GROUP

PATTON'S SUBDIVISION
LOT 12
N/F
TRIPLE S LAND GROUP

LOT 11
N/F
TRIPLE S LAND GROUP

- ### LEGEND
- FOUND REBAR W/CAP STAMPED #15527LS (UNLESS OTHERWISE NOTED)
 - SET 5/8" x 24" REBAR W/PLASTIC CAP STAMPED #15527LS
 - COMPUTED POINT, MONUMENT NOT SET
 - (M) MEASURED DISTANCE
 - (R) RECORDED DISTANCE
 - ⊕ UTILITY POLE
 - ⊞ ELECTRIC VAULT
 - — — — — UNDERGROUND ELECTRIC LINE
 - — — — — UNDERGROUND ELECTRIC, 3 LINES
 - — — — — UNDERGROUND ELECTRIC, 4 LINES
 - — — — — UNDERGROUND ELECTRIC, 5 LINES
 - — — — — OVERHEAD UTILITY LINES
 - ⊙ GAS METER
 - — — — — UNDERGROUND GAS LINE
 - ⊕ 7" DIAMETER WATER VALVE
 - ▽ FIRE HYDRANT
 - — — — — UNDERGROUND WATER LINE, SEE NOTE #
 - ⊞ COMMUNICATION PEDESTAL
 - — — — — UNDERGROUND CABLE LINE
 - — — — — UNDERGROUND COMMUNICATION LINE
 - — — — — UNDERGROUND COMMUNICATION, 2 LINES
 - — — — — UNDERGROUND COMMUNICATION, 3 LINES
 - — — — — UNDERGROUND COMMUNICATION, 4 LINES
 - ⊙ SANITARY SEWER MANHOLE
 - — — — — UNDERGROUND SANITARY SEWER LINE
 - — — — — EDGE OF DRIVEWAY OR ALLEY
 - — — — — WR-2 MINIMUM YARD SPACE
 - — — — — BACK OF CURB
 - STORM WATER CATCH BASIN
 - — — — — EDGE OF GRAVEL
 - N/F OWNERSHIP, NOW OR FORMERLY
 - 10" PINE LARGE TREE W/DIAMETER AND SPECIES
 - SMALL TREE

CERTIFICATE OF DEDICATION

We, Daniel M. Scheffer and Melody Watts, the undersigned property owners, do hereby certify that we have caused to be surveyed and platted into lots of the following described property as described in the Certificate of Dedication, and shown by the annexed plat or map and situated in Flathead County, Montana:

That portion of the Southwest one-quarter of the Southwest one-quarter (SW1/4 SW1/4) of Section Twenty-eight (28), Township Thirty-one North (T31N), Range Twenty-two West (R22W), Principal Meridian, Montana, more particularly described as follows:

Lot 3A of the Re-subdivision of South one-half (S1/2) of Lot Three (3), Block Eleven (11), Lake Park Addition to Whitefish, Montana and containing 1.088 acres of land, gross measure, more or less. All as shown hereon.

Subject to and together with all appurtenant easements of record.

The above described tract of land shall hereafter be known as "SW SUBDIVISION."

In witness whereof, I have caused my hand to be set on this _____ day of _____, 2016.

DANIEL M. SCHEFFER
MELODY WATTS

STATE OF _____)
County of Flathead) SS

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Daniel M. Scheffer and Melody Watts, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Signature _____
Print Name _____
Notary Public for the State of Montana
Residing at _____
My Commission expires _____

CERTIFICATE OF CITY COUNCIL

We, _____ Mayor for the City of Whitefish, and _____ City Clerk of Whitefish, do hereby certify that the accompanying plat was duly examined and approved by the City Council of the City of Whitefish at its regular meeting held on _____ day of _____, 2016.

Mayor of Whitefish, Montana
City Clerk of Whitefish, Montana

CERTIFICATE OF CITY ATTORNEY

I, _____ City Attorney for the City of Whitefish, do hereby certify that I have examined the Certificate of Title by a licensed title company on the land described in the Certificate of Dedication on the Plat of SW SUBDIVISION, and find that _____ are the owners in fee simple of the land so platted. Dated this _____ day of _____, 2016.

City Attorney for the City of Whitefish

CERTIFICATE OF CITY ENGINEER

I, _____ City Engineer for the City of Whitefish, Montana, do hereby certify that the accompanying plat conforms to the adjoining additions of plots in the City of Whitefish, Montana, which are already platted, as near as circumstances will permit.

City Engineer of Whitefish, Montana
Reg. No. _____

- ### NOTES
- 1) VERTICAL CONTROL IS BASED UPON THE RIM ELEVATION OF THE SANITARY SEWER MANHOLE IN HAUGEN HEIGHTS ROAD SOUTHEAST OF SALMON RUN. MANHOLE #35-7009033, RIM ELEVATION = 3098.15' (NAVD 88) PER CITY OF WHITEFISH AS-BUILT PLANS.
 - 2) THE SETBACKS FROM THE PROPERTY LINES SHOWN HEREON ARE THE MINIMUM YARD SPACES WITHIN THE CITY OF WHITEFISH ZONING DISTRICT WR-2.
 - 3) NO PARK DEDICATION REQUIRED - EXCEPTION CONTAINED IN SECTION 76-3-621(3)(a), MCA.
 - 4) HOUSE NUMBERS ARE REQUIRED TO BE POSTED ON THE HOUSE A CLEARLY VISIBLE LOCATION OR AT THE DRIVEWAY ENTRANCE.
 - 5) CABLE TV, ELECTRIC, GAS, AND TELEPHONE INFORMATION SHOWN HEREON WAS LOCATED FROM PAINT MARKS ON THE GROUND AS MARKED BY THE UTILITY COMPANIES, AND ARE NOT A RESULT OF ANY EXCAVATION DONE BY THIS FIRM FOR EXACT LOCATION.
 - 6) THE UNDERGROUND WATER LINE SHOWN HEREON WAS SCALED FROM A SCHEMATIC DRAWING PROVIDED TO THIS FIRM BY THE CITY OF WHITEFISH. ALSO, IT IS KNOWN THAT A PRIVATE WATER LINE EXISTS ACROSS THE PARENT LOT OF THIS SUBDIVISION AND WITHIN THE RIGHT OF WAY OF SALMON RUN; HOWEVER, THE EXACT LOCATION IS NOT KNOWN.
 - 7) NO LOCATION OR EXCAVATION WAS PERFORMED BY THIS FIRM TO VERIFY THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES; THEREFORE, BEFORE ANY EXCAVATION IS DONE U-DIG MUST BE NOTIFIED (1-800-551-8344) TO VERIFY THE EXACT LOCATION OF ALL UTILITIES.
 - 8) THE SUBJECT PROPERTY SHOWN HEREON WAS SNOW-COVERED DURING THE TIME THAT THIS SURVEY WAS PERFORMED. THERE MAY BE IMPROVEMENTS LOCATED ON THE PREMISES THAT ARE NOT DEPICTED ON THIS PLAT DUE TO OBSCURED GROUND VISIBILITY.

CERTIFICATE OF SURVEYOR

THOMAS SCHOENBERGER REG. NO. 19027LS
APPROVED: _____

EXAMINING LAND SURVEYOR REG. NO. 5028
STATE OF MONTANA SS
County of Flathead

Filed on the _____ day of _____, A.D. _____ at _____ o'clock _____ M.

CLERK AND RECORDER
BY: _____ DEPUTY
INSTRUMENT REC. NO. _____

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

HAUGEN HEIGHTS
(60' WIDE RIGHT OF WAY)

OLD TOWN - PHASE 1

OWNERS: DANIEL M. SCHEFFER & MELODY WATTS
DATE: APRIL 7, 2016

PRELIMINARY PLAT OF SW SUBDIVISION

LOT 3A OF THE RE-SUBDIVISION OF THE S1/2 OF LOT 3, BLOCK 11, LAKE PARK ADDITION TO WHITEFISH, MT
IN THE SW1/4 SW1/4, SEC. 26, T31N, R22W, P.M.,M., FLATHEAD COUNTY

N1/2 OF LOT 3,
BLOCK 11, LAKE PARK ADD. TO WHITEFISH, MT
N/F
DANIEL SCHEFFER & MELODY WATTS

LOT 3A
1.088 AC.± (GROSS)

CERTIFICATE OF DESIGNATION

We, Daniel M. Scheffer and Melody Watts, the undersigned property owners, do hereby certify that we have caused to be surveyed and plotted into lots on the following described property as recorded in the Certificate of Designation, and shown by the annexed plat or map and situated in Flathead County, Montana.

That portion of the Southwest one-quarter of the Southwest one-quarter (SW1/4 SW1/4) of Section Twenty-two (22), Township Thirty-one North (31N), Range Twenty-two West (22W), Principal Meridian, Montana, more particularly described as follows:

Lot 3A of the Re-subdivision of South one-half (S1/2) of Lot Three (3), Block Eleven (11), Lake Park Addition to Whitefish, Montana and containing 1.088 acres of land, grass meadows, more or less. All as above herein.

Subject to and together with all appurtenant assessments of record.

The above described tract of land shall hereafter be known as "the SUBDIVISION"

In witness whereof, I have caused my hand to be set on this
day of _____, 2016.

DANIEL M. SCHEFFER MELODY WATTS

STATE OF _____)
County of _____) 55

On this _____ day of _____, before me, the undersigned, a Notary Public for the State of _____, personally appeared Daniel M. Scheffer and Melody Watts, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same, in witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Signature _____

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

CERTIFICATE OF CITY COUNCIL

We, _____ Mayor for the City of Whitefish, Montana, do hereby certify that the accompanying plat was duly examined and approved by the City Council of the City of Whitefish at its regular meeting held on _____ day of _____, 2016.

Mayor of Whitefish, Montana: _____

City Clerk of Whitefish, Montana: _____

CERTIFICATE OF CITY ATTORNEY

I, _____ City Attorney for the City of Whitefish, Montana, do hereby certify that the accompanying Certificate of Title by a licensed title company on the land described in the Certificate of Designation on the Plat of SW SUBDIVISION, and that the

owners in fee simple of the land so plotted. Dated this _____ day of _____, 2016.

City Attorney for the City of Whitefish: _____

CERTIFICATE OF CITY ENGINEER

I, _____ City Engineer for the City of Whitefish, Montana, do hereby certify that the accompanying plat conforms to the adjoining additions of plats in the City of Whitefish, Montana, which are already plotted, as near as circumstances will permit.

City Engineer of Whitefish, Montana: _____

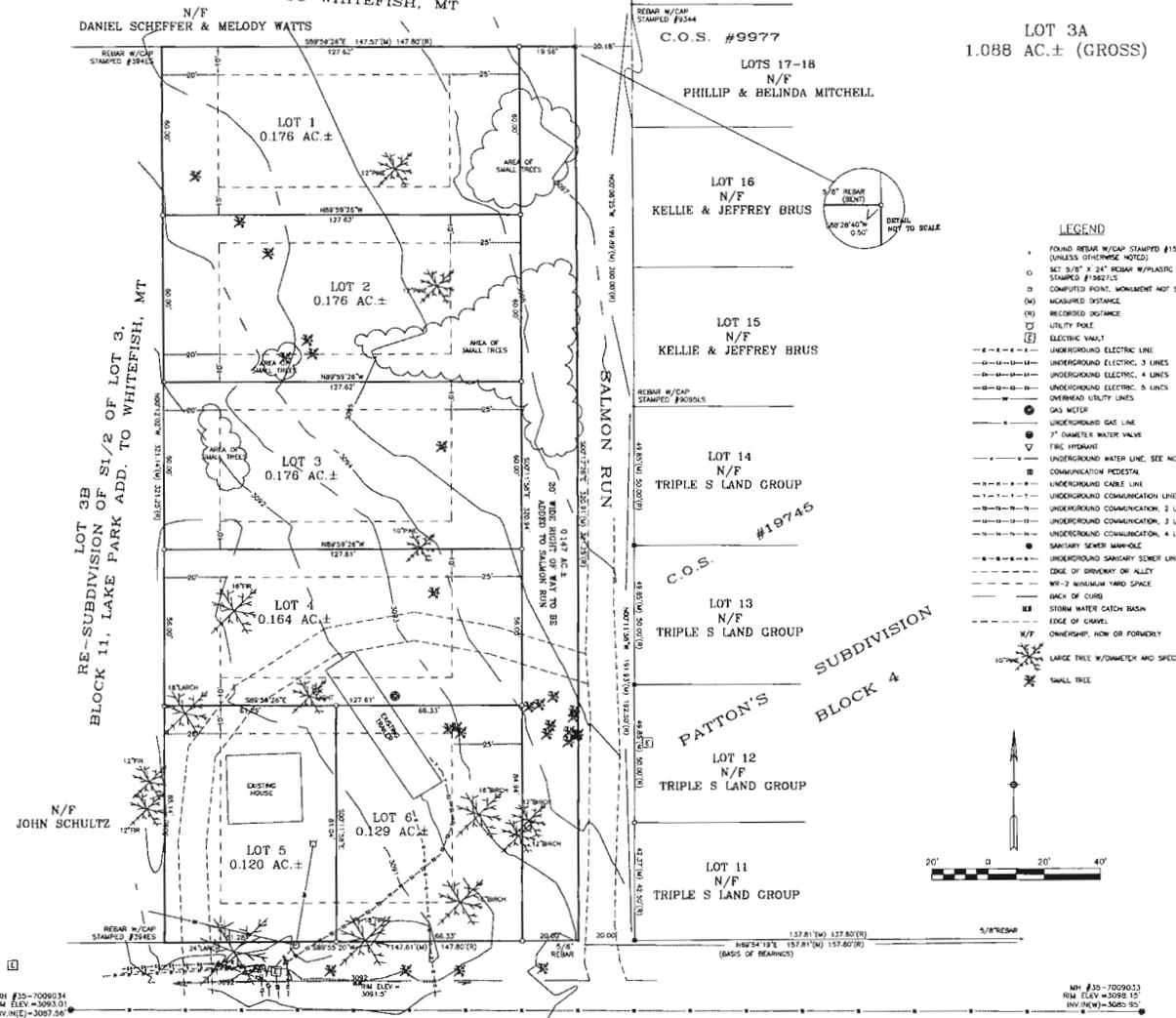
Reg. No. _____

NOTES

- 1) VERTICAL CONTROL IS BASED UPON THE RIM ELEVATION OF THE SANITARY SEWER MANHOLE IN HAUGEN HEIGHTS ROAD SOUTHWEST OF SALMON RUN. MANHOLE #35-7009033, RIM ELEVATION = 3098.15' (NAVD 83) PER CITY OF WHITEFISH AS-BUILT PLANS.
- 2) THE SETBACKS FROM THE PROPERTY LINES SHOWN HEREON ARE THE MINIMUM YARD SPACES WITHIN THE CITY OF WHITEFISH ZONING DISTRICT NR-2.
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- 8) THE SUBJECT PROPERTY SHOWN HEREON WAS SNOW-COVERED DURING THE TIME THAT THIS SURVEY WAS PERFORMED. THERE MAY BE IMPROVEMENTS LOCATED ON THE PREMISES THAT ARE NOT DEPICTED ON THIS PLAT DUE TO OBSCURED GROUND VISIBILITY.

CERTIFICATE OF SURVEYOR

REGISTERED LAND SURVEYOR
STATE OF MONTANA
SS
I, _____
do hereby certify that the foregoing plat conforms to the adjoining additions of plats in the City of Whitefish, Montana, which are already plotted, as near as circumstances will permit.
DEPARTMENT OF LAND
TITLE
DEPUTY
INSTRUMENT REG. NO. _____



- ### LEGEND
- FOUND REBAR W/CAP STAMPED #159215 (UNLESS OTHERWISE NOTED)
 - SET 3/8" X 24" REBAR W/PLASTIC CAP STAMPED #182215
 - COMPUTED POINT, MONUMENT NOT SET
 - (M) MEASURED DISTANCE
 - (N) RECORD DISTANCE
 - UTILITY POLE
 - ⊕ ELECTRIC VAULT
 - — — — — UNDERGROUND ELECTRIC LINE
 - — — — — UNDERGROUND ELECTRIC, 3 LINES
 - — — — — UNDERGROUND ELECTRIC, 4 LINES
 - — — — — UNDERGROUND ELECTRIC, 5 LINES
 - — — — — OVERHEAD UTILITY LINES
 - ⊕ GAS METER
 - — — — — UNDERGROUND GAS LINE
 - ▽ 7" DIAMETER WATER VALVE
 - ▽ FIRE HYDRANT
 - — — — — UNDERGROUND WATER LINE, SEE NOTE #
 - — — — — COMMUNICATION PEDESTAL
 - — — — — UNDERGROUND CABLE LINE
 - — — — — UNDERGROUND COMMUNICATION LINE
 - — — — — UNDERGROUND COMMUNICATION, 2 LINES
 - — — — — UNDERGROUND COMMUNICATION, 3 LINES
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 - SANITARY SEWER MANHOLE
 - — — — — UNDERGROUND SANITARY SEWER LINE
 - — — — — EDGE OF DRIVEWAY OR ALLEY
 - — — — — NR-2 MINIMUM YARD SPACE
 - — — — — BACK OF CURB
 - — — — — EDGE OF CURB
 - STORM WATER CATCH BASIN
 - — — — — EASE OF CARE
 - N/F OWNERSHIP, NOW OR FORMERLY
 - ⊗ LARGE TREE W/DIAMETER AND SPECIES
 - ⊗ SMALL TREE

SAM CORDI
REGISTERED LAND SURVEYOR
574 COLORADO AVE.
P.O. BOX 302
WHITEFISH, MT 59907
PHONE: (406) 863-9977

HAUGEN HEIGHTS
(60' WIDE RIGHT OF WAY)
OLD TOWN - PHASE 1

April 15, 2016

Bailey Munnich
City of Whitefish
510 Railway Street
PO Box 158
Whitefish MT, 59931

Dear Ms Munnich:

I am writing in support of the proposed subdivision at 235 Haugen Heights. This is the type of infill subdivision already existing in the neighborhood (old town and maple ridge). It does not ask for maximum zoning or a variance to increase zoning. The project will as get rid of a known police problem across the street at 235 Haugen and finally rid the neighborhood of ugly out-buildings and trailer.

Sincerely,



Tim Donovan
Owner at 225 Haugen Heights
Whitefish MT, 59937



APR 18 2016

9

4/21/2016

City of Whitefish Planning Board

My wife Liz and I will be purchasing 775 Salmon Run next month. The home is a beautiful two story with a design that drastically improves this part of the city. I am aware of the proposed subdivision that may be built across from our home near the intersection of Haugen Heights Road and Salmon Run. That section of land is currently occupied by several dilapidated trailers and houses that simply do not fit in with this market location. Not only are the properties an eye sore, but everything on the property is not at all aesthetically pleasing. Broken down cars, garbage, and generally poorly maintained property are what the residents see on a daily basis from their homes that cost a significant amount of money to buy. There is no doubt that the solution to this problem is replacing it with newer, beautiful, well designed homes that fit with what the City of Whitefish represents.

While home development is an issue not taken lightly by Montanans, the simple fact is that people want to live here. The City of Whitefish is one of the most beautiful places in the entire country and it is noticed more and more every day.

Due to the new neighborhood being built just west of Salmon Run, property built near our home will be fill in as opposed to expansion. In addition, the proposed subdivision would be built by some of the most professional, knowledgeable, and caring builders in the Flathead Valley.

My family and I have purchased this property as a long term home to raise our 3 year old son and daughter who will be born in July. Our family is looking for a safe, family oriented neighborhood that will meet our needs. Salmon Run is a perfect example of what we looked so hard to find. Much of the decision to purchase the home on Salmon Run was based on the understanding that the run down trailers across the street would be gone by the time we move in.

We have no reservations what so ever about new homes replacing the run-down properties that currently exist at this location.

Kevin and Liz Conway
775 Salmon Run
Whitefish, MT 59937

IN

APR 20 2016

Planning & Building Dept.
510 Railway Street
Whitefish, Mt. 59937

4/21/2016

Planning Board:

Project: Triple S Landgroup / Daniel Scheffer Subdivision

I own a number of lots & homes (20+) to the east of this project. When I was on City Council "infill" was always talked about as they way to develop property in Whitefish 1st. This fits the use of the property and fits this thought. There have already been 2 developments to the West that have already been approved over the last couple of years that are further out of town (to the West) than this project. As a major neighbor to the east I am in full support of this 6 lot sub-division. Thank you for your time tonight.

Phil & Belinda Mitchell

Phil & Belinda Mitchell
1450 West Lakeshore Dr.
Whitefish, Mt. 59937
406-261-4495

APR 21 2016

Planning & Building Dept.
510 Railway Street
Whitefish, Mt. 59937

4/21/2016

Planning Board:

Project: Triple S Landgroup / Daniel Scheffer Subdivision

I own a number of lots & homes (20+) to the east of this project. When I was on City Council "infill" was always talked about as they way to develop property in Whitefish 1st. This fits the use of the property and fits this thought. There have already been 2 developments to the West that have already been approved over the last couple of years that are further out of town (to the West) than this project. As a major neighbor to the east I am in full support of this 6 lot sub-division. Thank you for your time tonight.

1) Phil & Belinda Mitchell

Phil & Belinda Mitchell
1450 West Lakeshore Dr.
Whitefish, Mt. 59937
406-261-4495

2) Dr. Brns also agrees with this.
(Neighbor on the side of Salmon Run)
Dr. Brns

RECEIVED

12

Received at
P.B. 4/21/16

(This page left blank intentionally to separate printed sections)

April 26, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Recommendation to Award an Engineering Consultant Contract for the
Riverside Tennis Courts and Woodland Parking Lot Projects**

April 26, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Introduction/History

The Parks and Recreation Department has advertised a Request for Qualifications from engineering consultants, interviewed finalists and negotiated a contract with the top ranked consultant to provide engineering services for the Riverside Tennis Courts and Woodland Parking Lot Projects.

This memo is to recommend approval of Phase I of a contract with TD&H, for services to include topographical surveying. Once this phase is complete, TD&H will be able to provide a scope of services for the conceptual design, final design and construction scope of services. Phase I of this proposed contract is for an amount not to exceed \$6,840.

Current Report

Resort Tax Funds have been committed to the Riverside Tennis Courts Project, and Tax Increment Funds have been committed to the Woodland Parking Lot design. Our plan is to proceed with the topographical surveying for both projects this spring. Once surveying is complete, the Parks and Recreation Department will seek approval of Phase II of the contract to include conceptual design, final design and construction scope of services for both the Riverside Tennis Courts and Woodland Parking Lot Projects. Final design and construction of the Riverside Tennis Courts are anticipated to be completed by November of 2016. Final design and construction of the Woodland Parking Lot will be contingent upon sufficient available TIF Funds.

Financial Requirement

The Parks and Recreation Department and TD&H have negotiated a contract for the services described above in an amount not to exceed \$6,840. This amount will be paid out of both the Resort Tax and Tax Increment Funds. Currently, \$120,000 has been set aside for the Riverside Tennis Courts Project and \$14,000 for the design of the Woodland Parking Lot Project this fiscal year.

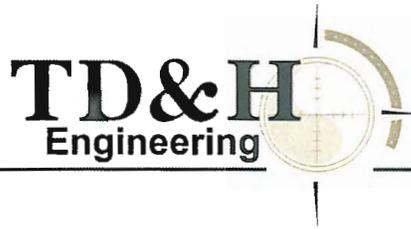
Recommendation

Staff respectfully recommends the City Council authorize the execution of Phase I of a consultant contract with TD&H, in an amount not to exceed \$6,840, for engineering services for the Riverside Tennis Courts and Woodland Parking Lot Projects. Services will include topographical surveying for Phase I. Additional services for final engineering design and construction management will be subject to future negotiations and Council approval.

Sincerely,

Maria Butts

Director of Parks, Recreation and Community Services



**RIVERSIDE PARK TENNIS COURTS & WOODLAND PLACE PARKING
LOT PROJECTS
SURVEY SCOPE OF SERVICES – PHASE I
EXHIBIT ‘A’**

Topographic Survey

TD&H Engineering will conduct a complete topographic survey of both the Riverside Park tennis courts and the Woodland Place parking lot locations prior to developing a final design scope of services. The survey will include the following: a detailed topographic survey of both project locations; existing features (concrete, asphalt, fences, trails, etc.) and roadway features; existing trees; existing utility information and location of existing property boundaries.

The topographic survey will be processed and will include property boundaries as recorded, easements, rights-of-way, one foot contours, underground & overhead utilities, detailed location of all existing street and path features and any other physical features within the proposed project limits. All survey data will be incorporated into a base map using AutoCAD which will be used as the basis for all design and construction documents. Attached is a spreadsheet of our estimated fee for the surveying scope of work as outlined above.

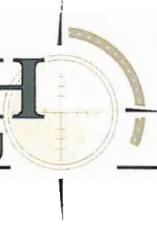
Conceptual Design

Bruce Boody Landscape Architect (BBLA) will lead the conceptual design phase of the project. The layout of the proposed Woodland Place parking lot will be designed to reflect the City’s goals, feasibility, constructability, budget, aesthetics, and staff comments. The conceptual design will identify any conflicts with existing utilities, ROW widths, storm drainage, layout concepts and preliminary grading. Based on previous conversations with City staff, there may be some design options/variations to maximize the amount of new parking spaces provided with this project. During this phase, TD&H and BBLA will work with the City to determine the preferred layout; a final design and construction scope of services can then be developed based on the option selected.



Engineering Fee Estimate - Topographic Survey (Phase I)
Riverside Tennis Courts & Woodland Place Parking Lot
Whitefish, MT
April 2016
Exhibit 'B'

Task No.	Task	(Principal In-Charge)	Doug Pappemeier (Project Manager)	Craig Nadeau (Geotech Engineer)	Doug Kauffman (Tech/CAD Drafter)	CAD Drafter	Engineer I	Number of Tests / Samples	Rick Swan (Survey Party Chief)	Survey Crew	Laurie Happ (Clencal)	Manhours	Mileage (mile)	Blueprints (square ft.)	Photocopies (pages)	CAD Station (hourly rate)	Engineering Software (hourly)	Plotter - Color Laser	Laboratory Testing Fee	GPS (day)	Total Station (daily)	Nuclear Density (per day)	Misc. Reimbursables (dollars)	Line Item Subtotal (dollars)	
1	Project Management		2									2												\$236.20	
	a. Project Management																								\$236.20
2	Riverside Park Survey																				1			\$100.00	
	a. Office Prep./Research/U-Dig							1				1												\$76.77	
	b. Crew Travel Time								1			1												\$116.19	
	c. Field Time									7		7												\$813.33	
	d. Process Topo / Draft Basemap				4			8				7												\$921.24	
	e. QA/QC		1									1	34											\$135.50	
																					1			\$100.00	
3	Woodland Place Survey																							\$100.00	
	a. Office Prep./Research/U-Dig							1				1												\$76.77	
	b. Crew Travel Time								1			1												\$116.19	
	c. Field Time									7		7												\$813.33	
	d. Process Topo / Draft Basemap				4			8				7				4								\$961.24	
	e. QA/QC		1									1	34											\$118.10	
																								\$118.10	
4	Conceptual Layout - Woodland Pl. Parking Lot																							\$1,320.00	
	a. Conceptual Layout (Bruce Boody)												32											\$440.00	
	b. Design Coord. & Meeting w/ City Staff		4																					\$331.60	
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April 21, 2016

City of Whitefish – Park & Recreation Department

Attn: Jason Loveless
Superintendent
510 Railway Street
Whitefish, MT 59937

Re: TD&H Billing Rates - 2016

Dear Jason:

This letter is to certify TD&H's billing rates for the Riverside Tennis Courts and Woodland Place parking lot projects. Each invoice for this particular project will show individual rates for each person working on the project based on our FAR's audit approved overhead rate of 1.515.

Each invoice will show the following:

(actual wage) x (1 + 1.515) = (professional service rate)
(professional service rate) x (hours worked) = total amount for professional service
Profit of 10 % will be added to the 'total amount for professional service'
Reimbursables and subconsultants will be shown separately with no markup.

Please let me know if you have any questions or need any additional information.

Sincerely,

TD&H Engineering, Inc.

A handwritten signature in blue ink that reads "Douglas Peppmeier". The signature is written in a cursive style and is positioned above the printed name and title.

Douglas Peppmeier, P.E.
V.P. / Regional Manager

DAP/dap

Attachment(s): Scope of Services
Fee Estimate

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RESOLUTION NO. 16-__

A Resolution of the City Council of the City of Whitefish, Montana, adopting the final Environmental Assessment for the Wastewater Treatment Plant Improvements Project.

WHEREAS, the City of Whitefish has completed an assessment to identify potential environmental impacts associated with improvements to the Whitefish wastewater treatment plant; and

WHEREAS, at a lawfully noticed public hearing on April 8, 2016, the Whitefish City Council reviewed the draft Environmental Assessment, received written and oral reports from Public Works staff, and received public comment; and

WHEREAS, the City of Whitefish has determined that the Wastewater Treatment Plant Improvements Project will not significantly affect the quality of the human environment and accordingly the City of Whitefish has determined an Environmental Impact Statement is not necessary.

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

Section 1: The City of Whitefish hereby approves the final Environmental Assessment for the Wastewater Treatment Plant Improvements Project, a copy of which is attached as Exhibit "A" and incorporated herein by reference.

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 _____, 2016.

John M. Muhlfield, Mayor

ATTEST:

Michelle Howke, City Clerk

DRAFT

**CITY OF WHITEFISH
2016 WASTEWATER SYSTEM IMPROVEMENTS PROJECT**

Environmental Review Form

1. Alternatives: Describe Reasonable Alternatives To The Project.

The proposed project is to upgrade the City of Whitefish wastewater treatment plant as needed to comply with regulatory requirements regarding discharges to state waters. Initial alternatives considered include the No-Action alternative, lagoon based options and mechanical treatment plants including the following:

- Parkson Biolac Advanced Lagoon System
- EDI IDEAL Advance Lagoon System
- Three Cell Lagoon System with ammonia Removal
- Sequencing Batch Reactor (SBR)
- Membrane Bioreactor (MBR)
- Oxidation Ditch

These options were further screened with a full evaluation of the following three wastewater treatment plant alternatives:

- Parkson Biolac Advanced Lagoon System
- Sequencing Batch Reactor (SBR)
- Oxidation Ditch

Pending staff and public review, the Sequencing Batch Reactor has been identified as the most cost-effective and environmentally sound treatment alternative.

2. Mitigation: Identify Any Enforceable Measures Necessary To Reduce Any Impacts To An Insignificant Level.

Measures to mitigate construction related impacts will be required of the construction contractor by specification including dust control, noise limitations, control of runoff and erosion and obtaining all required construction permits related to mitigation of potential environmental impacts.

3. Is an EA or Environmental Impact Statement (EIS) required? Describe whether or not an EA or EIS is required, and explain in detail why or why not.

The decision was made that the Environmental Assessment Process, including completion of the environmental checklist and public review of the proposed project, sufficiently addresses

environmental impacts associated with the proposed work. The project does not qualify for a Categorical Exclusion as allowed under the Montana Environmental Policy Act. The project was determined to not adversely affect the quality of the human environment and a full EIS is not necessary.

4. **Public Involvement:** A project meeting was held with the City staff to discuss the project on September 23, 2015. A Whitefish Council work session, with the inclusion of the public, was held November 16, 2015 to discuss the planning process and potential treatment options. A public hearing was held April 18, 2016 to further discuss the project and associated environmental impacts identified through the public review. A final decision regarding the environmental Assessment was made by City Council on May 2, 2016.
5. **Person Responsible for Preparing:** Scott Anderson, P.E., President of Anderson-Montgomery Consulting Engineers, prepared the Environmental Checklist.
6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment (EA).

Agencies contacted or that will be contacted include the Montana Department of Environmental Quality, Montana Department of Natural Resources and Conservation, the State Historical Society, the Montana Department of Fish, Wildlife and Parks, the US Fish and Wildlife Service and the US Army Corps of Engineers.

Charles C. Stearns, City Manager

Date

City of Whitefish

DRAFT

ENVIRONMENTAL REVIEW CHECKLIST

NAME OF PROJECT:	Whitefish 2016 Wastewater System Improvements Project
PROPOSED ACTION:	Upgrade Wastewater Treatment System
LOCATION:	Whitefish _____, Montana

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
PHYSICAL ENVIRONMENT		
Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information:</i> Previous AMCE geotechnical reports
N		Poor soil conditions on site will require removal and replacement with structural fill.
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information:</i> Prior work on site
N		No adverse impacts anticipated.
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		<i>Response and source of information:</i> City staff, prior experience on site.
B		Work proposed is to upgrade an existing wastewater plant, which has had periodic odor problems in the past. The new system should be less prone to generating odors and appropriate odor control mechanisms will be employed in the design of new facilities. Construction dust will be control the contract specification and contractor oversight.
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole

Key Letter:	
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required	
B	source aquifers)
	<i>Response and source of information:</i> Prior engineering work on site
	Existing lagoon system does not meet current DEQ standards for liners, consequently some leakage of treated wastewater to groundwater may be occurring. New system will employ concrete basins and potential for leakage greatly reduced.
Key	5 Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
B	<i>Response and source of information:</i> DEQ MPDES discharge permit
	New water quality standards have been imposed in the DEQ discharge permit. The proposed project is intended to upgrade the system to comply with standards, which were established to preserve and enhance beneficial uses of surface water.
Key	6 Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
N	<i>Response and source of information:</i> FEMA Flood Insurance Map
	Project is not located within designated floodplain.
Key	7 Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
N	<i>Response and source of information:</i> 2008 Whitefish Wastewater PER prepared by AMCE
	Project does not impact wetlands.
Key	8 Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
N	<i>Response and source of information:</i> Prior engineering work on site

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
N		No impact to farmlands, forestlands, etc is anticipated. All work within site of existing wastewater treatment plant.
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats)
N		<i>Response and source of information:</i> Prior correspondence with FWP, Fish and Wildlife Service
		No impacts anticipated, FWP, Fish and Wildlife Service has been contacted on previous work on site and will be allowed to comment on this project.
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
N		<i>Response and source of information:</i> Montana FWP, 2008
		No significant impacts anticipated. FWP did mention that grizzly bears frequent the Whitefish area and that construction activities should be conducted to avoid negative impacts - proper food storage, etc.
Key	11	Unique Natural Features (e.g., geologic features)
N		<i>Response and source of information:</i> Prior technical studies on site
		No impacts anticipated
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i> City staff

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
N		Public walking path currently exists through site. Proposed project will have not impact on this trail. New plant could improve general aesthetics in area.
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i> Prior engineering experience with site
N		New facilities located within confines of existing treatment plant site, located at present site for many years. Aesthetics of site should improve with decommissioning of old lagoon system.
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i> Prior engineering experience with site
B		Some concern/complaints raised in past with odors from lagoon system. The proposed project should reduce potential for odors.
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i> Prior engineering experience with site
B		Noise has been a problem with some nearby residents in the past due to blower noise. The new project will allow resolution of this problem by use of low noise blowers and mitigation of sources of noise.
Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i> MT Historical Society, 2008 comments

Key Letter:		
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N		The Montana Historical Society has indicated that the proposed project site has been previously disturbed and their records indicate that no recorded historic or archaeological sites are known to exist within the project area.
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i> City staff
N		No impacts anticipated, new facilities are being sized for projected population growth.
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i> Prior engineering experience with site
M		No direct impacts anticipated. However, the cost of the new treatment facilities is significant and housing affordability may be impacted as rates increase. Financial assistance is being pursued to mitigate financial impacts.
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
N		No long-term impacts anticipated.
Key	8	Public Health and Safety
		<i>Response and source of information:</i> DEQ MPDES discharge permit

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
N		The regulatory discharge permit for wastewater treatment facilities is written to protect the health and safety of the public. The new facilities will allow full compliance with the discharge permit thereby assuring protection of the public.
Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i> Prior engineering experience with site
N		No adverse impact anticipated
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i> City staff, Whitefish Growth Policy
N		No adverse impacts anticipated. City's Growth Policy advocates use of compliant wastewater treatment facilities.
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i> City Staff, City Planning Documents
B		Appropriate wastewater treatment facilities which protect water quality and the local environment will serve to enhance the tourist and recreational industries, which support the tax base within the community.
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
N		No adverse impact anticipated
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
		<p><i>Response and source of information:</i> City Staff, Local Planning Documents</p> <p>Appropriate wastewater treatment facilities which protect water quality and the local environment will serve to enhance the tourist and recreational industries allowing growth and prosperity.</p>
Key	14	Health Care – Medical Services
		<p><i>Response and source of information:</i></p> <p>No adverse impacts anticipated</p>
N		
Key	15	Social Services – Governmental Services (e.g., demand on)
		<p><i>Response and source of information:</i></p> <p>No adverse impact anticipated.</p>
N		
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<p><i>Response and source of information:</i></p> <p>No adverse impact anticipated.</p>
N		
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<p><i>Response and source of information:</i> Prior engineering experience with site</p>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
N		The proposed facilities fall within the confines of the existing site, which has been used for wastewater treatment facilities for many years. Generally this would continue to be the best use of the land for this site. Land development around the site is occurring and the new plant, with improved aesthetics, could create a more compatible condition.
Key	18	Energy Resources - Consumption and Conservation
M		<i>Response and source of information:</i> Engineering experience The new facilities will increase energy use over the current plant's demand. Use of improved energy efficient blowers will mitigate this increase in energy use. The plant will allow for better control of the treatment process which will enable more effective use of energy. The new plant should allow for a significant reduction in chemical use which requires energy resources to produce.
Key	19	Solid Waste Management
N		<i>Response and source of information:</i> Engineering experience The new plant may increase production of biosolids. Adequate facilities are available on site to allow for proper treatment and drying of biosolids. With a reduction in chemical use, the biosolids will be more suitable as a soil amendment or for use in a compost generating plant.
Key	20	Wastewater Treatment - Sewage System
B		<i>Response and source of information:</i> Engineering experience The project is being proposed to upgrade the existing treatment allowing for full compliance with regulatory standards. Measurable beneficial impacts are anticipated.
Key	21	Storm Water – Surface Drainage
N		<i>Response and source of information:</i> DEQ Permits A stormwater permit will be required by the regulatory agency for construction. The permit will require proper control of stormwater to preclude runoff and erosion.
Key	22	Community Water Supply
		<i>Response and source of information:</i> Engineering experience, compliance with regulatory standards

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
B		Further treatment of the Whitefish wastewater, discharged into the Whitefish River, could potentially improve this source of water for downstream uses, including water supply.
Key	23	Public Safety – Police
		<i>Response and source of information:</i>
N		No adverse impacts anticipated.
Key	24	Fire Protection – Hazards
		<i>Response and source of information:</i>
N		No adverse impacts anticipated.
Key	25	Emergency Medical Services
		<i>Response and source of information:</i>
N		No adverse impacts anticipated.
Key	26	Parks, Playgrounds, & Open Space
		<i>Response and source of information:</i>
N		No adverse impacts anticipated.

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		<i>Response and source of information:</i>
N		No adverse impacts anticipated.
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		<i>Response and source of information:</i> Engineering experience with site
N		No adverse impacts anticipated. Project site is not located near airports or major transportation routes.
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		<i>Response and source of information:</i> City Staff, Local Planning Documents
N		Compliance with local ordinance will be reviewed during project design phase.
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		<i>Response and source of information:</i> City Staff
N		No known impact or regulatory action associated with private property rights.



April 26, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Approval of RRGL & TSEP Grant Applications and the Environmental Assessment for
the Wastewater Treatment Plant Design and Construction**

Introduction/History

The City was issued an Administrative Order on Consent (AOC) by the Montana Department of Environmental Quality (DEQ) on October 5, 2012. The AOC was issued as a result of a several violations of the City's wastewater discharge permit. Late last year the AOC was updated to incorporate a Compliance Plan detailing the completion dates that must be met in order to bring the WWTP into compliance. The first milestone date is October 1, 2016, when the Preliminary Engineering Report (PER) is due. Upon acceptance of the PER, design plans will then be due by February 1, 2018, and construction must be completed by May 1, 2021.

Current Report

In order to reach these compliance dates, the Public Works Department is recommending the City submit grant and loan applications to the DNRC-Renewable Resource Grant & Loan Program (RRGL), the MDOC-Treasure State Endowment Program (TSEP) and the USDA-Rural Development Grant Program (RD). RRGL and TSEP grants are due in May for consideration in the next legislative cycle, whereas RD applications are accepted continuously.

This project does not qualify for a categorical exclusion, which means the potential exists for the project to have a significant effect on the human environment. With that in mind, an environmental assessment (EA) is required for the project and has been

completed. Based on the results of the EA, an environmental impact statement (EIS) may be warranted.

Financial Requirement

Anderson Montgomery Consulting Engineers (AMCE) has prepared RRGL & TSEP applications for the City in 2000, 2006, 2008, 2012 and 2014. Each application has been successful, bringing over \$2.5 million dollars to the community for water and wastewater improvements. Additionally, AMCE has been successful in obtaining Federal Stimulus (ARRA) funds for the City when they were available in the past.

Recommendation

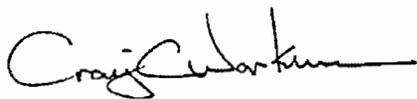
It is the opinion of the Public Works Department that the EA process is the appropriate level of environmental review for this project based on the following:

- The analysis of impacts as considered in the Environmental Checklist and;
- Lack of significant public comment that would suggest that an EIS is needed;
- The primary environmental impacts of the project to the Human Environment are beneficial;
- Adverse environmental impacts as a result of the project are minor and can readily be mitigated.

Based on these factors, it is the recommendation of the Public Works Department that council adopt the following resolutions:

1. A resolution authorizing the submittal of the TSEP & RRGL grant applications, and;
2. A resolution determining an Environmental Impact Statement is not necessary and adopting the Environmental Assessment for the project.

Sincerely,



Craig Workman, P.E.
Public Works Director

RESOLUTION NO. 16-__

A Resolution of the City Council of the City of Whitefish, Montana, authorizing the City Manager to submit an application to the Montana Department of Commerce for TSEP and DNRC-RRGL grant funding associated with the Wastewater Treatment Plant Improvements Project.

WHEREAS, the City of Whitefish is applying to the Montana Department of Commerce for financial assistance from the Treasure State Endowment Program (TSEP) in the amount of \$750,000 and the Montana Department of Natural Resources and Conservation – Renewable Resource Grant and Loan Program (RRGL) in the amount of \$125,000 to design and construct improvements to the City's wastewater treatment plant; and

WHEREAS, the City of Whitefish has the legal jurisdiction and authority to construct, finance, operate, and maintain the City's wastewater treatment and collection system.

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

Section 1: The City of Whitefish agrees to comply with all State laws and regulations and the requirements described in the TSEP and DNRC-RRG Application Guidelines and those that are described in the TSEP Project Administration Manual.

Section 2: The City of Whitefish commits to provide local matching funds as proposed in the TSEP and DNRC applications for the Wastewater Treatment Plant Improvements Project.

Section 3: The Whitefish City Manager, or his designee, is authorized to submit this application to the Montana Department of Commerce, on behalf of City of Whitefish, and is directed to take any further steps necessary with respect to such applications.

Section 4: 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 _____, 2016.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

RESOLUTION NO. 16-__

A Resolution of the City Council of the City of Whitefish, Montana, authorizing support for a Department of Natural Resources and Conservation RRGL for government facilities grant application for the "Optimization of the Whitefish Water Treatment Plant" project and the work that would be funded under the grant.

WHEREAS, the Flathead Conservation District wishes to sponsor and administer an application to the Montana Department of Natural Resources and Conservation – Renewable Resource Grant and Loan Program (RRGL) for a \$125,000 grant to design and construct improvements to optimize certain operations at the City's water treatment plant; and

WHEREAS, the City of Whitefish wishes to be a partner in this project and support the Flathead Conservation District in this RRGL application; and

WHEREAS, Whitefish Lake Institute, Anderson-Montgomery Consulting Engineers, Haskill Basin Watershed Group and Whitefish High School Project FREEFLOW also wish to be partners in this project and support the Flathead Conservation District in this RRGL application.

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

Section 1: The City Council hereby approves the application by the Flathead Conservation District to the DNRC Renewable Resources Grant and Loan Program (RRGL) for a grant of up to \$125,000, and agrees to pledge a portion of matching funds up to \$10,000 in a one-time payment in Fiscal Year 2018 and beyond.

Section 2: The City Council determines that the City has the legal jurisdiction and authority to construct, improve, operate and maintain the proposed water treatment system improvements if the grant is awarded.

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 _____, 2016.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk



April 26, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Approval of RRGL Grant Applications
Submitted by Flathead Conservation District
For Water Plant Optimization Projects**

Introduction/History

The City of Whitefish owns and operates a Public Water Supply (PWS) that serves approximately 6,500 residents through roughly 3,500 connections. System infrastructure includes a Contact Absorption Clarifier (CAC) Water Treatment Plant with an eight-million-gallon ground reservoir, two steel tanks on Grouse Mountain, a lake pumping station, four pressure boosting stations, and 44 miles of distribution piping.

Source water is obtained from Whitefish Lake through an intake located approximately 1,200 feet off Mountain Harbor at a depth of approximately 50 to 60 feet. The City also operates three intakes which are located on perennial streams within the Haskill Basin north of the City of Whitefish. One of those intakes is on Haskill Creek, the other two are on unnamed creeks designated as Second and Third Creeks—tributaries to Haskill Creek. Second and Third Creeks are currently the primary source of municipal water for the City of Whitefish with approximately 90% of the total volume used annually coming from the Haskill Basin. Over the past ten years, that number has been as high as 97% and as low as 80% annually.

The CAC treatment chain uses a two-stage filtration process and requires a routine backwashing process. Backwash from cleaning the cartridge units is conveyed to a settling pond used to maintain compliance with the City's discharge permit. The water is then spilled out into Viking Creek at approximately 150 gpm over the course of four hours. In 2013, a report prepared by Applied Water Consulting estimated a considerable amount of excess water being used in the treatment process.

Current Report

In 2016, the Haskill Basin Easement was finalized. The easement protects the Whitefish municipal watershed from development and allows permanent access to the City's water intakes and infrastructure. The Montana Legislature established the RRGL Program to enhance Montana's renewable resources. The program provides grants up to \$125,000 for eligible renewable resource and public facility projects. The Flathead Conservation District would like to sponsor and administer an application for an RRGL grant to design and construct improvements to optimize certain operations at the City's water treatment plant. The Whitefish Lake Institute would also be a partner in this project, in an effort to create an optimization plan for the water plant. This plan will serve as an integrated engineering/natural resource investigation to increase water consumption efficiencies at the plant for long-term cost savings to municipal rate payers and to protect in-stream flows and water quality in Haskill Creek, Viking Creek and Whitefish Lake.

The Public Works Department is hoping to realize the following primary goals through this project:

- Reduced water treatment costs to municipal rate payers through more efficient management of source waters from Haskill Basin and Whitefish Lake
- Extension of the municipal water intake device on Whitefish Lake to a deeper portion of the lake to reduce organics and to lower pH which will reduce treatment costs, and potentially backwashing needs of the WWTP cartridge filtering media
- Implementation of software and telemetry devices to control head gates to maximize water use consumption and diversion management
- Prevent seepage that is occurring at the base of the earthen impoundment for the reservoir.
- Optimization of hydropower production

Incorporation of these objectives will serve to generate the following environmental and ecological benefits:

- Retention of in-stream flows in Haskill Creek to improve cutthroat trout fishery.
- Reduction of fluctuating flows to Viking Creek to control sediment loading to Whitefish Lake.
- Prepare a preliminary readiness plan for the City of Whitefish should a catastrophic fire occur in the Haskill Basin resulting in large sediment loading to the WWTP reservoir.
- Build upon past restoration successes in lower Haskill Creek by the Flathead Conservation District and Whitefish High School Project FREEFLOW.

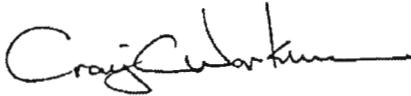
Financial Requirement

The Flathead Conservation District is currently working with Anderson Montgomery Consulting Engineers (AMCE) to prepare and submit the RRGL application. Although a cost estimate has not been established for the list of projects, this will be one of the first outcomes of the management plan. The City is being asked to contribute up to \$10,000, towards the project, which will be made as a one-time payment in FY 2018.

Recommendation

Based on the engineering, economic, and ecological benefits that could be realized by this project, it is the recommendation of the Public Works Department that Council adopt a resolution authorizing support for the grant application and pledge funds in FY 2018 to design and carry out these projects to optimize the Whitefish Water Treatment Plant.

Sincerely,



Craig Workman, P.E.
Public Works Director

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MANAGER REPORT

April 27, 2016



WEST 7TH STREET ROAD RECONSTRUCTION PROJECT

The West 7th Street road reconstruction project is scheduled to begin on Monday, May 2nd. The natural gas, electric, telephone, and CATV utilities have already started work in preparation for our project. LHC is the contractor and they plan to have two work crews. They will begin work west of Karrow Avenue and also in the gully for the pedestrian-bicycle path.

NEW EMPLOYEE

Carla Belski began work on April 18th as the Parks and Recreation Community Services Coordinator position. This position mostly oversaw City Beach and the Ice Rink operations in the past. Now, without the Ice Rink, the position will oversee City Beach, Special Events, initiate special and community events, coordinate our involvement with the Whitefish Trail, and do some grant applications for projects. Carla formerly worked at Whitefish Legacy Partners.

FY17 BUDGET

Most of the work in the past two weeks involved the FY17 budget, so there is not that much else to report on.

MEETINGS

WAVE Board Meeting (4/21) – The bi-monthly meeting of the WAVE Board was held. We heard reports from the manager and a program director. Most of the meeting was to discuss capital equipment and capital outlay items for 2017. The board authorized spending up to \$168,000 on equipment replacements and major facility maintenance projects.

Affordable Housing Task Force (4/26) - There was a meeting of the Task Force scheduled for today, but only three members showed up. Submittals from vendors for the Housing Needs Assessment are due by May 9th to the Chamber of Commerce.

UPCOMING SPECIAL EVENTS

REMINDERS



Respectfully submitted,
Chuck Stearns, City Manager

Staff Report



To: Mayor John Muhlfeld and City Councilors
 From: Dana Smith, Finance Director *Dana*
 Date: April 26, 2016
 Re: 3rd Quarter Financial Report for Fiscal Year 2016

This quarterly financial report provides a summary version of the financial results of the City during and at the end of the third quarter of fiscal year 2016. The first section is an overview of the City's financial condition specifically related to property tax supported funds. Subsequent sections provide further analysis and details of the third quarter ended March 31, 2016.

Financial Condition – Property Tax Supported Funds

An analysis of available cash in property tax supported funds provides an effective insight into the City's financial condition. The following table lists the FY14 third quarter cash balance in column (a), the FY15 third quarter cash balance in column (b) and the FY16 third quarter cash balance in column (c) for comparison purposes.

	Cash Balance in Property Tax Supported Funds			
	<i>a</i>	<i>b</i>	<i>c</i>	<i>d (c-b)</i>
	Mar 31, 2014 Cash Balance	Mar 31, 2015 Cash Balance	Mar 31, 2016 Cash Balance	One Year Change
General	\$820,938	\$806,396	\$747,969	(\$58,427)
Parks & Recreation	(\$72,215)	\$127,451	(\$1,075)	(\$128,526)
Law Enforcement	\$36,035	(\$11,954)	\$75,918	\$87,872
Library	\$11,799	\$75,578	\$101,691	\$26,113
Fire & Ambulance	\$414,279	\$310,724	\$231,788	(\$78,936)
Total (See Row 39)	\$1,210,836	\$1,308,196	\$1,156,291	(\$151,905)

Total cash in property tax supported funds as of March 31, 2016 is down \$151,905 or 11.6% compared to the balance on March 31, 2015. The decrease in the General Fund, Parks & Recreation Fund, and the Fire & Ambulance Fund was partially offset by the increase in the Library and Law Enforcement Funds. The changes in each property tax supported fund from the prior year third quarter are discussed in detail below.

General Fund – The General Fund cash balance compared to a year ago has decreased by \$58,427 or 7.3%. Revenues have grown by 2% while expenditures have grown at a faster rate of 3%. This change has resulted in expenditures exceeding revenues and at a somewhat higher rate than the prior year. Based on the FY16 budget providing for the spend-down of cash on-hand in the General Fund this is expected. It is important to note the declining trend that has occurred over the past three years, which correlates with the budgeted decrease in General Fund cash balance in the FY14-FY16 budgets with only minor capital (one-time) purchases.

Parks & Recreation Fund – The Parks & Recreation Fund continues to have a negative cash balance as of March 31, 2016, but it has improved since the second quarter as expected. If the amount due from Whitefish Legacy Partners was received during the quarter, the cash balance would be \$4,279 instead of (\$1,075). Compared to last year the cash balance for the third quarter of FY16 is \$128,526 lower.

There are a few factors to consider regarding the cash balance for the Parks & Recreation Fund. First, the FY15 third quarter was one of the first times cash has been in the positive, which is likely due to more revenue being collected by the end of the third quarter in FY15 and minimal repair and maintenance issues at the ice rink compared to the prior year and current year fiscal year. Secondly, the Department had unexpected costs (higher water usage due to the dry spring/summer), lower transfers from the General Fund (property tax support), the transition of the ice rink management resulting in delayed collection of revenue, and the timing of revenue collections for other programs coming later in the year. All of these factors have contributed to the negative cash balance. As of March 31, 2016, expenditures exceed revenues by \$90,528 for the ice rink. We are currently working toward the final payment, but the amount reported at the end of the third quarter has already been reduced by \$14,877 in the first part of April. An approximate \$32,000 of additional revenue is anticipated from the management group to bring the difference to \$45,000, or a \$45,000 loss for the year. The collection of summer day camp fees in starting in April will also help improve the cash balance of the fund. The projected year-end cash balance is \$134,860.

Law Enforcement Fund – The Law Enforcement Fund had a cash balance of \$75,918 as of March 31, 2016 with revenues exceeding expenditures by \$109,122. The increase in revenue is primarily due to the increase in property tax support from the General Fund. Three-quarters of the on-behalf payments (retirement contributions to MPORS) from the State was recorded in both revenue and expenditures so both will appear higher than the prior year third quarter. Based on the projected future revenues and expenditures, the estimated ending cash balance for FY16 is still a concern and could even be less than the original budgeted ending available cash of \$5,664 if the grant revenues are not collected as budgeted. Another factor that can change the cash projection is whether spending is reduced in the last quarter of the year.

Library Fund – Although revenues overall are down and expenditures have increased compared to the third quarter of the prior year, the Library Fund continues to have a solid cash balance with revenues exceeding expenditures. The fund is tracking as expected with a projected ending cash balance of about \$119,000 for year-end FY16.

Fire & Ambulance Fund – The Fire and Ambulance Fund ended the third quarter of FY16 with a lower cash balance than the prior year third quarter by \$78,936, or 25.4%. Although revenues exceeded expenditures at the end of the third quarter, the cash balance decreased due to the majority of that revenue being added to ambulance accounts receivable instead of cash balance. Overall ambulance billing is caught up and revenue is slightly down from the prior year. Now we are waiting on the collection of those billings, which we hope to see over the next three months.

Summary – Overall the decrease in the total cash balance from the prior year third quarter is mostly expected when looking at all property tax supported funds. Expenditures are tracking as expected with some deviations that are discussed in further detail later in this report. Most revenues are following the budget and the anticipated trend, with some minor delays in collections due to the timing of programs and grant revenue. Major impacts include the change in the ice rink management, budgeted spend-down of cash on hand for non-capital items, and ambulance billing resulting in delayed cash collections. The City finances remain in generally good condition with areas to monitor during the remainder of the fiscal year and some factors will need to be taken into account for the next fiscal year budget.

Financial Highlights and Concerns

- The Columbia Falls Building Code Contract revenues collected through the third quarter of FY16 are 23% higher than the prior third quarter and are already at 131% of the FY16 budget.
- License and permit revenues in the Building Code Fund are up by 6% for the same period last year and are at 71% of the FY16 budget. These figures do include building permit fees for the City Hall/Parking Structure Project.
- Impact Fees are at 122% of the budgeted revenue for FY16 due to the large building projects in the City. The 122% of budgeted revenue is further broken down among the various impact fees as follows: Paved Trails (62% of budget), Park Maintenance Building (62% of budget), Emergency Service Center (139% of budget), City Hall (132% of budget), and Stormwater (102% of budget). These figures include impact fees for the City Hall/Parking Structure Project.
- Planning Fees, Zoning Plan Review Fees, Conditional Use Fees, and Architectural Review Fees all continue to generate revenue above expectations. Total fees collected are already 100%, 88%, 96%, and 113% of the budgeted revenue to be received in FY16.
- The Resort Tax collections depict an increase of 45%, but that is skewed by the increase in the Resort Tax rate from 2% to 3% as of July 1, 2015. Year-to-date the Resort Tax collections are at 79% of the FY16 budget. On a comparative 2% basis, Resort Tax has been tracking similar to the prior year as a whole with minimal sustained growth.
- Water Impact Fees continue to track higher than expected and are at 100% of the budgeted revenue to be received. Wastewater Impact Fees are at 77% of the FY16 budget. These figures include the anticipated impact fees collected from the City Hall/Parking Structure project.

- On December 31, 2015, Ambulance Service Charges were down 43% from the prior year second quarter, or \$216,656. However, at the end of the third quarter, that difference has been reduced to \$20,944, or down only 3% since staff was able bring the billing up-to-date. A concern and potential impact that is currently unknown is the collectability of those late billings. Staff is hopeful that the billing and collections by the contracted ambulance billing company out of Missoula will improve collections over the next three months. We will know more by year-end.
- The Fines and Fees of the Municipal Court are down 7% at the of the third quarter, or \$10,481. A steady decline in the Fines and Fees collected has been on-going since 2012.
- Based on a trend analysis and the rate of collection as of March 31, 2016, property tax revenue collections appear to be trending lower than the prior two years. Therefore, a collection rate of 98-99% is expected at year-end, which is unlike FY15 that ended up at 103%. However, there still could be protested tax collections or prior year collections that could help that figure improve. The dollar value of 1% is about \$28,600.

Expenditure Review

Total expenditures in the majority of funds at the end of the third quarter were at or below the expected percentage of budget authority to be used (75%), except the Residential Light District #1 Fund (85%), the Commercial Light District #4 Fund (82%), the Parkland Acquisition & Development Fund (96%), and the Water Fund (239%).

The Water Fund is more of a budgeting issue instead of an overspending of expenditures. In the FY16 budget, the Haskill Basin Conservation Easement acquisition and debt issuance was budgeted in the Resort Tax Fund. However, based on discussions with our bond counsel and auditors, this bond issue has been recorded in the Water Fund. There will be a budget amendment at year end for this transaction. Without the Haskill Basin Conservation Easement acquisition and bond issuance, the Fund would be at 47% of the budget at the end of the third quarter. The Parkland Acquisition & Development Fund had higher expenditures during the first three quarters of FY16 due to the timing of the Skye Park Bridge project. Furthermore, to benefit from discounts available for bulk purchases, both Lighting Districts have also had an increase in repair and maintenance supplies. Staff is aware of the budget constraints for both of these funds and spending is being monitored closely.

In addition to the fund totals, a review of line-items revealed the following potential issues that will be monitored throughout this year since they are significantly higher than expected by the end of the third quarter:

- **Various Salary Paying Funds**
 - The pay-off of vacation, sick, personal, and comp time for three employees was included in the FY16 budget. The total pay-off was within the total budgeted amount. However, because the amount paid to each person varied from the budget and is distributed differently among funds, some funds did exceed the budget for this line-item. No additional expenditures are expected through year-end.

○ **Parks & Recreation Fund**

- *Youth Program - Seasonal/Temporary* wages was 212% of the budget at the end of the third quarter. This higher than expected amount is likely due to the budget being decreased by \$5,200 based on the re-allocation of Seasonal/Temporary wages among the different activities of the Parks & Recreation Department with no changes made in staffing at the program level. This problem has been addressed in preparing the proposed FY17 budget.
- *Summer Camp - Seasonal/Temporary* wages account was 93% of the budget, but this is expected due to the timing of the summer camp program. This line-item continues to track similar to prior years.
- *City Parks & Properties - Contracted Workers* was also higher than expected in the Parks & Recreation Fund, especially since no budget was identified for this line-item in the FY16 budget. Based on discussions with the Parks & Recreation Director, however, contracted labor was necessary due to issues filling Seasonal/Temporary positions due to a lack of applicants. The total Seasonal/Temporary wages was at 62% and when taking into account the \$25,270 of Contracted Workers that is in a separate line-item, Seasonal/Temporary wages would be 103% of the budget. The prior year did not follow this trend. Another issue compounding this is that the budget for Seasonal/Temporary workers in the City Parks & Properties activity was decreased by \$12,000 due to a re-allocation of Seasonal/Temporary wages. The spring season may impact this further as more workers are needed for the maintenance of City Parks.
- The *City Parks & Properties - Utility Services* line-item was at 125% at the end of the third quarter. This overage is attributed to additional parks and properties being added to the Parks Department, as well as the need to irrigate park properties more heavily from July through September due to the unusually dry summer last year. This will continue to rise as watering becomes necessary. The increase in properties being irrigated has been included to the proposed FY17 budget.
- The *Repairs and Maintenance Services for City Beach* was 98% of the budget at the end of the third quarter. These expenditures will likely increase when City Beach operations startup again for the summer of 2016, but this has been the trend for the past two years.
- *Ice Rink - Repair and Maintenance Services* was 165% of the budget. Due to the numerous equipment issues at the facility, this overage was expected when reviewing accounts. It is estimated that \$60,000 in unexpected repairs were necessary.

- **Street, Water, Wastewater and Solid Waste Funds**
 - The *Contracted Workers* in each fund listed above as of March 31st is 212%, 105%, 297%, and 276%, respectively. The total charged to these accounts, however, is offset in each fund by savings in the salaries and wages and employer contributions line-items. These line-item differences are related to the customer service clerk position in public works department that has not been filled to-date, but for which help was needed. Instead of filling the position, temporary help has been used and will continue to be used through the end of the fiscal year. All of these funds are still within the expected expenditure trends through the third quarter.

- **Building Codes Fund**
 - *Contracted Workers* is 287% of the budget, which is expected since the department needed additional help due to staffing issues, a delay in hiring the new position, and an increase in workload.

 - The City also contracted with Kalispell for some commercial plan review and we have had to contract out for some electrical inspections after our only electrical inspector passed away. This change in operations has resulted in *Professional Services* reporting at 919% of the budget for FY16 at the end of the third quarter, or \$23,740. However, Tad Lisowski, our new Chief Building Official, passed his residential electrical certification last week so he will now be doing all of the residential electrical inspections. Only commercial inspections will now be contracted out. Overall the Fund is only 68% of the budget as of March 31, 2016 and should be able to cover these additional expenses. If not, a budget amendment will be required at year-end.

- **Fire & Ambulance Fund**
 - Repair & Maintenance Services is at 147% of the budget at the end of the third quarter for Ambulance Services. Despite purchasing new fire and ambulance vehicles/equipment during the past few years, some of the fleet is very old and is requiring additional repairs. Since these costs will likely increase during the last quarter of FY16 we will monitor the line-item and fund closely. As of March 31, 2016 the total fund expenditures are 71% of the budget.

- **Residential and Commercial Lighting Districts**
 - As mentioned above, the Repair and Maintenance Supplies line item is at 111% and 110% of the budget, respectively, with each fund at 85% and 82% at the end of the third quarter.

Additional Detailed Analysis

The following discussion further highlights the attached three spreadsheets.

General Fund Revenue (line 9 to 17)

Total General Fund revenues are 75% of budget and have increased by 2% from the prior year third quarter. The increase is primarily noted in property tax revenue and charges for services from the Planning Department. The increase, although slightly lower than last quarter, is expected since the FY16 budget provides for an increase in property tax revenue over the prior year. Miscellaneous revenue is lower than the prior year third quarter, but this type of revenue varies year to year.

General Fund Expenditures, Net Revenue, & Cash (line 20 to 33)

Total General Fund expenditures are on track at 72% of the FY16 budget.

The General Fund cash balance was \$747,969 compared to \$806,396 at the end of the prior year's third quarter (see J33). The graph on page 1 of the spreadsheets shows the General Fund cash balance trends for the past three years. December, January, June, and July are months that tend to have higher cash balances due to the collection of property taxes. Building cash reserves in the General Fund to a minimum of 12% (preferably 15%-20%) each year is important to ensure an adequate cash balance throughout the year, which was also the direction received from the City Council during the budget process for the FY16 Budget.

Other Property Tax Supported Funds (p.2, line 71 to 97)

The funds supported by property taxes have revenues exceeding expenditures similar to the prior year at the end of the third quarter (see H97). When compared to a year ago, these funds experienced an overall decrease in cash with detailed discussion above. Also compared to the prior year, overall revenues and expenditures are up. The increase in revenue is less than the increase in expenditures and is primarily driven by ice rink revenues not being collected during the majority of the season, but with unexpected and expected expenditures having been incurred before contracting out the management of the facility.

Other Tax, Fee, & Assessment Supported Funds (p.2, line 103 to 141)

These funds located on the second half of the second page of the spreadsheet receive no general property tax support.

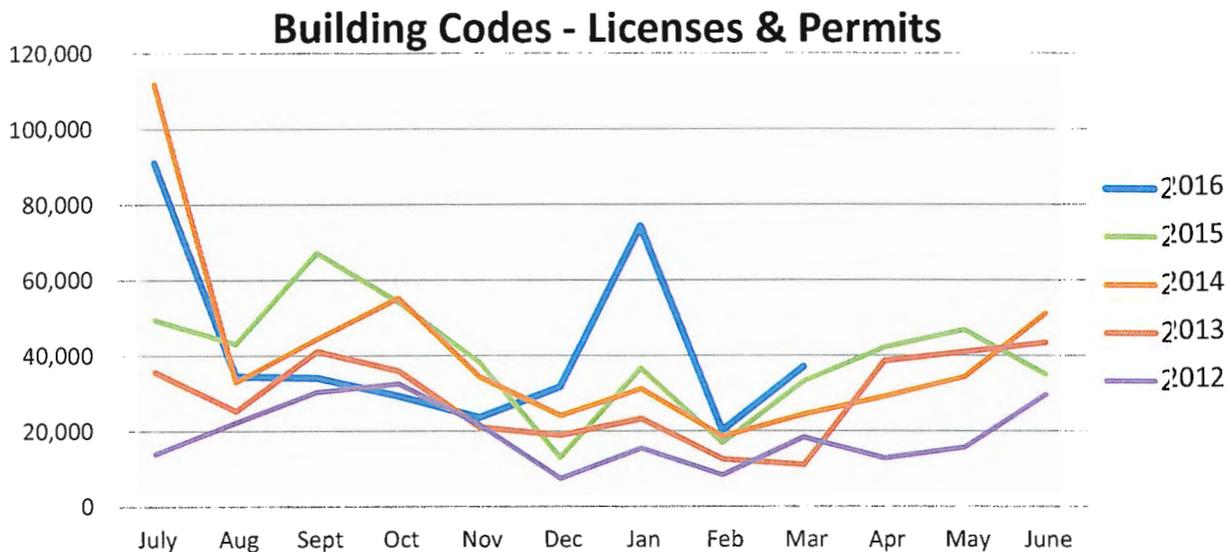
Resort Tax collections are at 79% of the budgeted revenues as of the end of the third quarter of FY16. Compared to the prior year there is a significant increase, but this is expected since the Resort Tax rate was increased from 2% to 3% as of July 1, 2015. Growth in the collections is important as the City looks to repay the revenue bond for the Haskill Basin Conservation Easement. Expenditures are expected to increase over the remainder of the fiscal year as the West 7th Street construction begins.

Street and Alley operations are in good financial condition even though expenditures exceeded revenues. The increase in expenditures (see J111) through the third quarter was expected since two years' worth of street overlay projects were completed this past summer.

During the third quarter, the *Tax Increment Fund* had a decrease in expenditures of 11% or \$442,365. This decrease is only temporary as the budget provides for additional transfers to the debt service fund to pay both the Series 2015 and 2016 Bonds on July 15th. The transfer will be about \$3,000,000. However, included in the figures as of March 31st is the transfer of \$2,250,080 from the Tax Increment Fund to the City Hall/Parking Structure Construction Fund, which was only \$250,000 in FY15.

Impact Fee revenues have increased \$118,246 (see J121) compared to the third quarter of FY15. This increase is due to the numerous large building projects in the City. The current figures are trending even higher than FY13 when impact fees were paid for the new high school building. During the next quarter, the final 50% of all budgeted transfers for impact fees will be recorded. Projects that have used impact fees in FY16 include Skye Park Bridge and the installation of stairs at the 2nd Street Bridge.

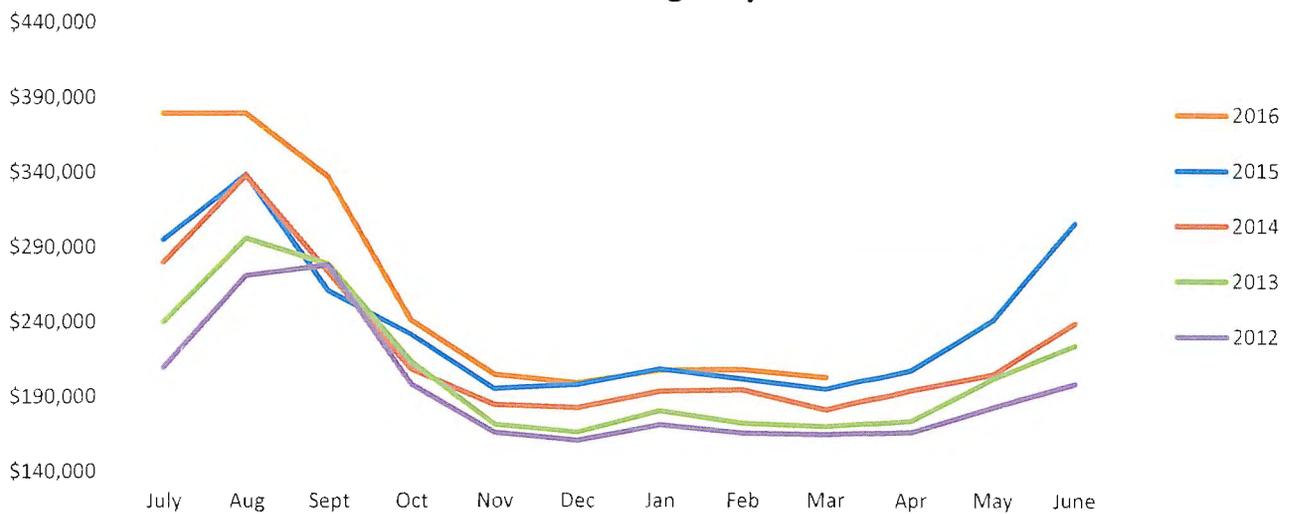
The higher revenue in the *Building Code Fund* from both the City of Whitefish and the contract with the City of Columbia Falls has continued into FY16. Due to staffing difficulties, the City contracted with the City of Kalispell Building Department to complete the plan review for some commercial projects, which has used some of the plan review revenue in the past few months. However, other permit revenue is included in the licenses and permits revenue of the fund. As depicted in the graph below, it is evident when permit fees were paid by the City for the City Hall/Parking Structure Project (January). Based on 14-year trend, the City can likely expect to receive about another 29% of revenue projected, which is over \$100,000.



Enterprise Funds (p.3)

Metered Water Sales and Wastewater Services Charges continue to be up about 10%, or \$220,677 and \$174,762, respectively. As depicted in the graph below, Water Sales increased significantly from May 2015 through September 2015. The growth in revenue in the first quarter was not related to an increase in rates, but instead was attributed to the increase in water usage by customers during the dry summer months when the City experienced minimal precipitation and higher temperatures starting in May. This change in usage also affected the Wastewater Charges. During the third quarter, the usage decreased, but growth has been tracking as expected due to the rate increases of only 1.3% for Water and 2.3% for Wastewater that went into effect as of October 1, 2015.

Water Meter Charges by Month



Capital expenditures in the Water and Wastewater Funds are significantly more than the prior year third quarter as expected due to the various projects budgeted each year. A few of the major capital projects that the City has financed (shown as proceeds from bonds) or paid for includes the Highway 93-Phase II Utility Improvement Project (Water and Wastewater), the Birch Point Lift Station Project (Wastewater), the Cow Creek Extension Project (Wastewater), and the Haskill Basin Conservation Easement (Water).

The Solid Waste Fund had an increase in revenues of 2% through the third quarter. A 3% rate increase also became effective as of October 1, 2015. Expenditures are down 7% at the end of the third quarter due to North Valley Refuse (NVR) invoicing the City for services later than normal. As we move forward, revenues will dramatically diminish since NVR is now managing the billing and collection of fees for solid waste services.

Debt Summary

The City closed on bonds for the Haskill Basin Conservation Easement in February and the City Hall/Parking Structure Project on March 1, 2016. Below is a summary of outstanding debt and the change from the prior year.

<u>Description of Long-Term Liability</u>	<u>Balance as of March 31, 2016</u>	<u>Balance as of March 31, 2015</u>	<u>Change</u>
TIF 2015 Refunding (ESC)*	\$ 7,183,000	\$ 9,365,000	(2,182,000)
TIF 2016 (City Hall/Parking Structure)*	\$ 9,800,000	\$ 0	9,800,000
Water Revenue Bonds*	\$ 2,670,000	\$ 3,033,000	(363,000)
Water Revenue Bond – Haskill Basin C.E.*	\$ 8,219,500	\$ 0	8,219,500
Wastewater Revenue Bonds*	\$ 3,595,563	\$ 2,745,218	850,345
SID 166 Bond	\$ 725,000	\$ 795,000	(70,000)
Ice Rink Loan	\$ 47,803	\$ 79,363	(31,560)
Ambulance Loan	\$ 93,070	\$ 123,520	(30,450)
Police Vehicle Loan	\$ 5,488	\$ 10,935	(5,447)
Fire Engine Loan	\$ 414,716	\$ 461,318	(46,602)
Fire Pumper Loan	\$ 181,739	\$ 211,000	(29,261)
Fire SCBA Loan	\$ 230,453	\$ 0	\$230,453
TOTAL	<u>\$33,166,332</u>	<u>\$16,824,354</u>	<u>\$16,341,978</u>

**Revenue bonds secured by and repaid by future revenues.*

Other Items

The City has been investing proceeds from the City Hall/Parking Structure Bonds and other available cash in the Short Term Investment Program (STIP), which has resulted in an increase in earnings from 0.25% to 0.55%. Although not a great rate compared to years before when it was upwards of 4.0%, this is an improvement over the last year that will be recognized in the last quarter of FY16, especially in the City Hall/Parking Structure Fund.

The Fiscal Year 2015 audit is scheduled for onsite work in May, which is later than we typically have had our audit. This is due to the auditor's schedule and the City not being required to have a Federal (A-133) Audit, which would have pushed up the due date from June 30, 2016 to March 31, 2016.

Overall the City's finances remain in generally good condition with areas to monitor during the remainder of the fiscal year. Also, there are areas that will need to be addressed during the FY17 budget process.

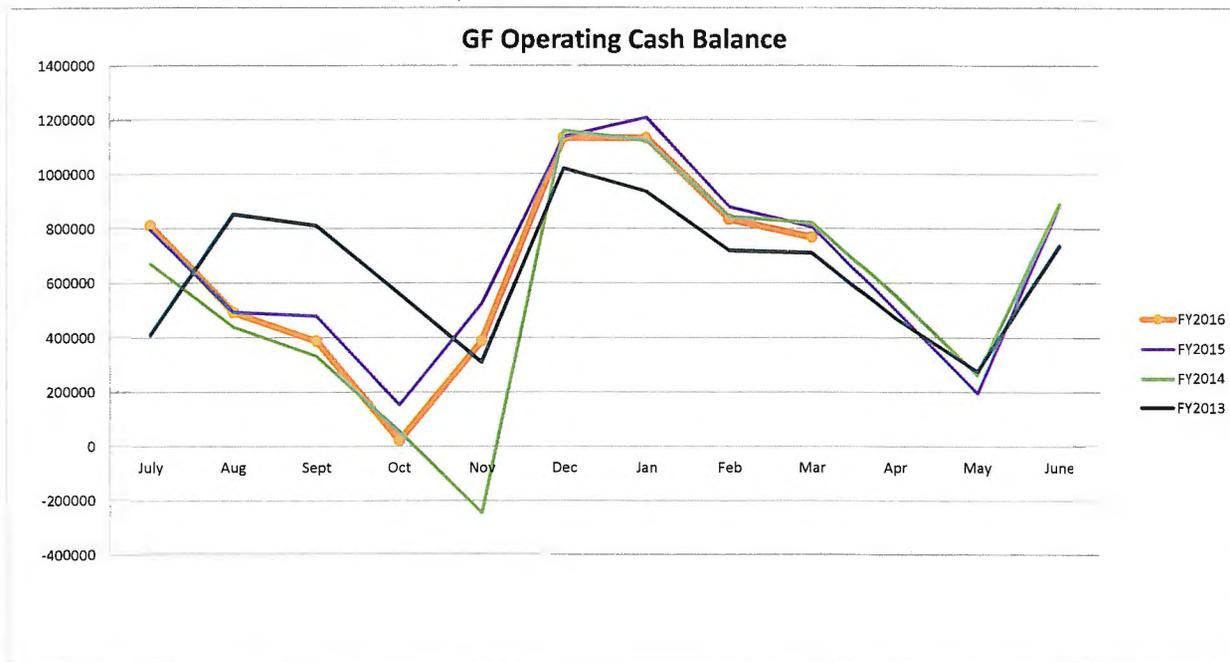
Please contact me if you have any questions or concerns relating to this report.

City of Whitefish
 Quarterly Financial Review
 Third Quarter of Fiscal Year 2016
 January 1, 2016 - March 31, 2016

75% of Fiscal Year Complete



	YTD Mar 31, 2014		YTD Mar 31, 2015		YTD Mar 31, 2016		Chng Prev YR	% Chng Prev Yr
	Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Budget		
General Fund Revenues								
Property Taxes	\$1,327,537	69%	\$1,453,283	72%	\$1,482,427	68%	\$29,144	2%
Total Licenses and Permits	\$45,116	75%	\$47,775	79%	\$49,822	77%	\$2,047	4%
Intergovernmental Revenue	\$577,625	75%	\$605,825	74%	\$622,331	74%	\$16,506	3%
Charges for Services	\$207,154	100%	\$179,262	75%	\$201,669	90%	\$22,407	12%
Fines and Forfeitures	\$162,822	64%	\$152,375	67%	\$141,894	64%	(\$10,481)	-7%
Miscellaneous	\$53,883	133%	\$18,021	38%	\$10,697	20%	(\$7,324)	-41%
Investment Earnings	\$17,644	88%	\$11,723	78%	\$10,713	71%	(\$1,009)	-9%
Resort Tax - Property Tax Relief	\$693,432	100%	\$668,831	100%	\$679,023	100%	\$10,192	2%
Total General Fund Revenues	\$3,085,214	61%	\$3,137,095	77%	\$3,198,576	75%	\$61,481	2%
General Fund Expenditures								
Municipal Court	\$193,747	69%	\$198,303	67%	\$195,042	66%	(\$3,260)	-2%
Prosecution Services	\$86,885	89%	\$70,654	64%	\$0	0%	(\$70,654)	-100%
Administrative Services	\$56,563	69%	\$55,493	70%	\$80,086	75%	\$24,593	44%
Legal Services	\$26,452	67%	\$28,242	66%	\$45,940	44%	\$17,698	63%
Community Planning	\$229,180	66%	\$243,890	61%	\$245,882	65%	\$1,992	1%
Transfer to Park Fund	\$452,250	75%	\$534,419	77%	\$488,428	75%	(\$45,991)	-9%
Transfer to Law Enforcement Fund	\$1,383,750	75%	\$1,413,750	75%	\$1,563,750	75%	\$150,000	11%
Transfer to Fire Fund	\$431,250	75%	\$611,250	75%	\$626,250	75%	\$15,000	2%
Transfer to Library Fund	\$25,778	75%	\$25,778	75%	\$25,778	75%	\$0	0%
Cemetery/Other	\$109,726	92%	\$57,777	70%	\$59,521	61%	\$1,744	3%
Total General Fund Expenditures	\$2,995,582	74%	\$3,239,556	73%	\$3,330,679	72%	\$91,122	3%
General Fund Revenues Less Expenditures	\$89,632		(\$102,461)		(\$132,102)		(\$29,641)	29%
General Fund Operating Cash Balance	\$820,938		\$806,396		\$747,969		(\$58,427)	-7%
Prop Tax Supported Funds (no General) Net	\$272,331		\$412,808		\$268,059		(\$144,749)	
Prop Tax Supported Funds (no General) Cash	\$389,898		\$501,800		\$408,321		(\$93,478)	
Total General & Prop Tax Supported Funds Net	\$361,963		\$310,347		\$135,956		(\$51,617)	
Total General & Prop Tax Supported Funds Cash	\$1,210,835		\$1,308,196		\$1,156,291		(\$151,905)	



	A	D	E	F	G	H	I	J	K
68	Property Tax Supported Funds	Mar 31, 2014		Mar 31, 2015		Mar 31, 2016			
69		Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Budget	Chng Prev YR	% Chng Prev Yr
71	Parks and Rec Operating Cash Balance	(\$72,215)		\$127,451		(\$1,075)		(\$128,526)	-101%
72	Parks, Rec & Community Services Revenues	\$1,145,650	69%	\$1,224,871	72%	\$1,078,908	60%	(\$145,963)	-12%
73	Parks, Rec & Community Services Exp.	\$1,105,060	71%	\$1,064,493	67%	\$1,156,863	67%	\$92,370	9%
74	Revenues less Expenditures	\$40,590		\$160,378		(\$77,955)		(\$238,333)	
75									
76	Law Enforcement Operating Cash Balance	\$36,035		(\$11,954)		\$75,918		\$87,872	735%
77	Law Enforcement Revenues	\$1,455,998	66%	\$1,515,782	62%	\$1,896,928	73%	\$381,146	25%
78	Law Enforcement Expenditures	\$1,487,316	66%	\$1,544,976	63%	\$1,787,806	69%	\$242,830	16%
79	Revenues less Expenditures	(\$31,319)		(\$29,194)		\$109,122		\$138,316	
80									
81	Library Operating Cash Balance	\$11,799		\$75,578		\$101,691		\$26,113	35%
82	Library Revenues	\$136,328	62%	\$159,418	76%	\$154,412	70%	(\$5,006)	-3%
83	Library Expenditures	\$144,915	69%	\$140,626	60%	\$149,132	58%	\$8,506	6%
84	Revenues less Expenditures	(\$8,586)		\$18,792		\$5,280		(\$13,511)	
85									
86	Fire & Ambulance Cash Balance	\$414,279		\$310,724		\$231,788		(\$78,936)	-25%
87	Fire & Ambulance Taxes, Penalty and Interest	\$361,451	68%	\$396,779	72%	\$356,725	70%	(\$40,054)	-10%
88	Ambulance Services Revenue	\$810,421	85%	\$807,552	81%	\$786,608	72%	(\$20,944)	-3%
89	Total Fire & Ambulance Revenue	\$2,189,594	60%	\$2,697,513	74%	\$2,706,573	75%	\$9,060	0%
90	Fire & Ambulance Expenditures	\$2,093,278	54%	\$2,552,630	68%	\$2,585,645	71%	\$33,016	1%
91	Revenues less Expenditures	\$96,315		\$144,883		\$120,927		(\$23,956)	
92									
93	Total Property Tax Supported Funds (not including General Fund)								
94	Total Property Tax Supported Cash	\$389,898		\$501,800		\$408,321		(\$93,478)	-19%
95	Total Property Tax Supported Revenue	\$5,348,758		\$6,004,016		\$6,277,710		\$273,694	5%
96	Total Property Tax Supported Expenditures	\$5,076,427		\$5,591,208		\$6,009,652		\$418,443	7%
97	Revenues less Expenditures	\$272,331		\$412,808		\$268,059		(\$144,749)	
98									
99	Other Tax, Fee & Assessment Supported Funds								
100									
103	Resort Tax Operating Cash Balance	\$1,890,235		\$1,388,656		\$3,044,143		\$1,655,488	119%
104	Resort Tax Collections	\$1,697,049	88%	\$1,802,923	86%	\$2,607,141	79%	\$804,218	45%
105	Resort Tax Investment Earnings	\$6,155	103%	\$3,114	62%	\$4,699	94%	\$1,585	51%
106	Resort Tax Expenditures and Transfers	\$1,955,193	64%	\$2,278,157	70%	\$1,226,946	11%	(\$1,051,212)	-46%
107	Revenues less Expenditures	(\$251,989)		(\$472,121)		\$1,384,895		\$1,857,016	
108									
109	Street and Alley Operating Cash Balance	\$1,106,079		\$1,375,182		\$1,159,827		(\$215,355)	-16%
110	Street and Alley Revenues	\$958,830	72%	\$1,052,030	77%	\$996,898	71%	(\$55,132)	-5%
111	Street and Alley Expenditures	\$880,154	51%	\$771,008	35%	\$1,252,663	58%	\$481,655	62%
112	Revenues less Expenditures	\$78,676		\$281,022		(\$255,764)		(\$536,787)	
113									
114	Tax Increment Operating Cash Balance	\$2,027,778		\$1,693,155		\$2,873,815		\$1,180,660	70%
115	Tax Increment Property Taxes, Penalty & Interest	\$3,127,217	70%	\$3,453,564	75%	\$3,611,942	70%	\$158,378	5%
116	Total Tax Increment Revenues	\$3,235,068	70%	\$3,601,261	72%	\$3,861,656	68%	\$260,395	7%
117	Tax Increment Expenditures & Transfers	\$3,066,045	56%	\$3,907,672	64%	\$3,465,307	45%	(\$442,365)	-11%
118	Revenues less Expenditures	\$169,023		(\$306,411)		\$396,350		\$702,761	
119									
120	Impact Fees Cash Balance	\$603,014		\$828,564		\$431,672		(\$396,892)	-48%
121	Impact Fee Collections - Revenues	\$220,158	171%	\$166,651	72%	\$284,897	122%	\$118,246	71%
122	Impact Fee Collections - Expenditures	\$43,578	12%	\$2,650	0.3%	\$253,529	44%	\$250,879	9467%
123	Revenues less Expenditures	\$176,580		\$164,001		\$31,368		(\$132,633)	
124									
125	Street Lighting #1 Operating Cash Balance	\$42,869		\$51,203		\$32,105		(\$19,098)	-37%
126	Street Lighting District #1 (Rsdntl) Revenues	\$53,763	70%	\$56,679	74%	\$55,262	72%	(\$1,417)	-3%
127	Street Lighting District #1 (Rsdntl) Exp.	\$74,268	78%	\$49,902	60%	\$67,589	85%	\$17,687	35%
128	Revenues less Expenditures	(\$20,505)		\$6,777		(\$12,327)		(\$19,104)	
129									
130	Street Lighting #4 Operating Cash Balance	\$22,932		\$24,448		\$1,627		(\$22,821)	-93%
131	Street Lighting District #4 (Cmmrcial) Revenues	\$45,101	74%	\$48,918	73%	\$50,701	68%	\$1,784	4%
132	Street Lighting District #4 (Cmmrcial) Exp.	\$87,961	69%	\$54,805	60%	\$67,572	82%	\$12,767	23%
133	Revenues less Expenditures	(\$42,860)		(\$5,888)		(\$16,871)		(\$10,983)	
134									
135	Building Codes Operating Cash Balance	\$176,267		\$113,017		\$115,248		\$2,231	2%
136	Payable to the General Fund	(\$460,977)		(\$171,699)		(\$21,158)		\$150,541	88%
137	License and Permits Revenues	\$378,674	122%	\$353,541	84%	\$375,618	71%	\$22,077	6%
138	Building Codes Expenditures without C. Falls	\$224,953	73%	\$266,538	72%	\$305,715	70%	\$39,177	15%
139	Columbia Falls Contract Revenues	\$42,514	142%	\$52,891	132%	\$65,271	131%	\$12,380	23%
140	Columbia Falls Contract Expenditures	\$20,905	72%	\$21,946	73%	\$24,490	57%	\$2,545	12%
141	Revenues less Expenditures	\$175,330		\$117,949		\$110,684		(\$7,265)	
142									
143									
144									

	A	D	E	F	G	H	I	J	K
145	Enterprise Funds	Mar 31, 2014		Mar 31, 2015		Mar 31, 2016			
		Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Budget	Chng Prev YR	% Chng Prev Yr
146									
147									
148	Water Operating Cash Balance	\$1,968,597		\$2,333,114		\$3,345,031		\$1,011,917	43%
149	Water - Impact Fee Cash Balance	\$714,566		\$897,750		\$1,105,655		\$207,905	23%
150	Water - Reserved Debt Service Cash Balance	\$696,669		\$649,821		\$892,988		\$243,167	37%
151	Water - Metered Water Sales	\$2,034,348	84%	\$2,122,481	85%	\$2,343,158	82%	\$220,677	10%
152	Water - Operating Revenues	\$2,166,659	86%	\$2,390,211	72%	\$2,592,136	82%	\$201,926	8%
153	Water - Operating Expenditures	\$1,040,189	65%	\$1,166,999	68%	\$1,228,547	70%	\$61,549	5%
154	Operating Revenues less Expenditures	\$1,126,471		\$1,223,212		\$1,363,589		\$140,377	
156									
157	Non Operating Revenue (Grants/Misc.)	\$101,407	4056%	\$1,359	272%	\$55,078	10800%	\$53,719	3953%
158	Proceeds from Bonds	\$0	0%	\$0	0%	\$8,839,500	1871%	\$8,839,500	n/a
159	Water Capital Expenditures	\$237,759	18%	\$333,770	20%	\$8,176,906	479%	\$7,843,136	2350%
160	Water Debt Service	\$271,388	50%	\$272,630	49%	\$271,770	47%	(\$860)	0%
161									
162									
163	Wastewater - Operating Cash Balance	\$849,786		\$1,466,162		\$1,703,032		\$236,870	16%
164	Wastewater - Impact Fee Cash Balance	\$612,199		\$215,867		\$203,801		(\$12,065)	-6%
165	Wastewater - Reserved Debt Service Cash Balance	\$326,027		\$224,945		\$255,319		\$30,373	14%
166	Wastewater - Sewer Service Charges	\$1,627,169	79%	\$1,680,500	80%	\$1,855,263	77%	\$174,762	10%
167	Wastewater - Other Operating Revenues	\$1,816,834	82%	\$1,890,519	83%	\$2,030,923	77%	\$140,404	7%
168	Wastewater - Operating Expenditures	\$1,034,117	62%	\$1,023,934	58%	\$1,162,656	62%	\$138,722	14%
169	Operating Revenues less Expenditures	\$782,717		\$866,585		\$868,267		\$1,682	
171									
172	Non Operating Revenue	\$10	0%	\$20,112	13%	\$106,018	14%	\$85,906	427%
173	Proceeds from Bonds	\$452,300	33%	\$185,454	13%	\$1,024,345	30%	\$838,891	452%
174	Wastewater Capital Expenditures	\$609,580	29%	\$281,013	11%	\$1,817,236	52%	\$1,536,223	547%
175	Wastewater Debt Service	\$97,195	33%	\$112,225	39%	\$121,534	33%	\$9,309	8%
176									
177									
178	Solid Waste Operating Cash Balance	\$87,994		\$141,528		\$235,101		\$93,573	66%
179	Solid Waste Revenues	\$579,666	77%	\$608,685	75%	\$618,269	76%	\$9,584	2%
180	Solid Waste Expenditures	\$565,193	77%	\$575,788	75%	\$536,567	67%	(\$39,221)	-7%
181	Revenues less Expenditures	\$14,473		\$32,897		\$81,702		\$48,804	
182									
183									
184	Capital Project Funds								
185									
186	City Hall Project Cash Balance	\$2,012,525		\$2,184,699		\$10,744,064		\$8,559,365	392%
187	City Hall Project - Revenues and Bond Proceeds	\$5,784	2%	\$254,106	98%	\$11,053,461	93%	\$10,799,355	4250%
188	City Hall Project - Expenditures	\$20,454	5%	\$322,108	32%	\$103,878	16%	(\$218,230)	-68%
189	Revenues less Expenditures	(\$14,669)		(\$68,002)		\$10,949,583		\$11,017,584	
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To: Mayor and City Council Members

From: Angie Jacobs, City Attorney

Date: April 26, 2016

Re: Lion Mountain Options

Background

In 1988, the City passed Resolution No. 88-20 which set forth a written policy for deferred annexation for areas outside City limits. Resolution No. 88-20 provided the City would allow areas contiguous or noncontiguous to connect to City services if property owners signed a waiver of protest of annexation with the understanding the City would wait for at least two years to annex the property.

In 1998, the City passed Resolution No. 98-45 which rescinded the City's written policy regarding deferred annexation. As set forth in Resolution No. 98-45, the City determined annexations should occur when they are in the best interest of the City rather being subject to an arbitrary two-year waiting period. The City further determined the two-year delay served no legitimate City interest and could be detrimental to the City's ability to annex properties that receive City services.

It is now the City's policy to require property owners to sign an Agreement for Annexation in order to connect to City services. The City generally annexes property soon after the property owner executes the Agreement for Annexation. In 2002, however, the City and the Big Mountain County Sewer District entered into an agreement under which the boundaries of the District were significantly expanded. As part of the agreement, the City consented not to annex the Big Mountain area for at least twenty years, even if it becomes contiguous to the City. In addition, in the late 1980s or early 1990s, the City agreed to defer annexation of the Rest Haven area until it was contiguous to the City.

In 2011, the Whitefish Lake Institute completed a study for the Whitefish County Water and Sewer District that identified three confirmed areas of septic leachate contamination in Whitefish Lake and identified two other areas of high potential for septic leachate contamination. One of the areas the Whitefish Lake Institute identified as having a high potential for contamination is at the Dog Bay/State Park located below the Lion Mountain Planning Area. The Lion Mountain Planning Area is located outside City limits.

In 2015, the City agreed to provide up to \$60,000 for Preliminary Engineering Reports for the Lion Mountain and East Lakeshore areas. In April of 2016, Carver Engineering

completed the PER for Lion Mountain. The PER considered five alternatives to address wastewater management in the Lion Mountain area to resolve the problem of septic leachate reaching Whitefish Lake. The preferred alternative identified by Carver was to extend a section of the City's public wastewater collection system to serve all existing and proposed residences in the Lion Mountain Planning Area and to install individual packaged grinder pump systems at each residence. The lots served by the community wastewater system in Phase 6 of the Lion Mountain subdivision would be connected to the new main with a single new pump system and pressure service line. Carver estimated the cost of the design and construction of the preferred alternative to be \$2,902,851 and operations and maintenance costs to be approximately \$86,877 per year. Carver estimated the total monthly cost for each lot connected to the City sewer system to be between \$140.76 and \$172.09 for developed lots and between \$85.06 and \$116.39 for vacant lots.

On April 4, 2016, the City held a public work session to discuss the PER for Lion Mountain and providing possible incentives for the Lion Mountain area to connect to City sewer. The City's current policy regarding annexation was discussed at the work session and representatives from the Lion Mountain area expressed strong opposition to annexation. At the City Council meeting held the same evening, Council directed staff to present some options with respect to the issue. Specifically, Council requested staff to research whether the City can equitably and legally extend the option of deferred annexation to areas that have a direct link to water quality degradation in order to incentivize them to connect to City sewer while preserving the right not to extend that option to other areas that do not have a direct link to water quality degradation.

Discussion:

Following are annexation options to require or incentive the Lion Mountain area to connect to City sewer:

(1) Annexation

The City could conceivably annex the area using the "Annexation of Contiguous Land" method set forth in §§ 7-2-4301, *et seq.*, MCA. The "Annexation of Contiguous Land" method, however, allows property owners to protest annexation. If a majority of landowners disapprove annexation, the City may not move forward. It is possible, if not probable, that the majority of the property owners within the Lion Mountain area would file written protests if the City were to attempt to annex the area at this time. The City would then be prohibited from attempting another annexation for one year.

(2) Deferred Annexation With No Trigger Date

The City could agree to refrain from annexing the Lion Mountain area for a period of time, such as ten or twenty years, similar as was done with the Big Mountain area. The maximum deferral should be for the length of a Rural Special Improvement District ("RSID") or

20 years, whichever is shorter. This deferral period should begin to run upon creation of a RSID. This approach would give residents of the area relief from increased property taxes that would result from annexation for a guaranteed period of time during which they are paying the capital costs associated with the new sewer improvements.

The downside of this approach is that while it might provide incentive for the Lion Mountain area to connect to City sewer, it does not provide any incentive to do so in a timely manner. Residents could remain on septic for years before petitioning for a RSID and exercising the deferred annexation option.

Further, the City generally must act in a way that cannot be characterized as arbitrary or capricious. Given the City's current policy is to require property owners to consent to immediate annexation prior to connecting to City services, the City must articulate a valid reason for declining to follow its general policy with respect to the Lion Mountain area. Preventing further degradation of the water quality of Whitefish Lake would likely qualify as a valid reason. The City, however, should be prepared to offer the deferred annexation option to other areas that present a direct link to water quality degradation.

(3) Deferred Annexation With a Trigger Date

The City could agree to defer annexation of the Lion Mountain area for a certain period of time as long as the area exercises that option within a defined period of time, such as two years or three years. If the "option period" is two years, it could begin as soon as May 2016 so as to help ensure that a project is put together before May 2018, which is the deadline for the next cycle of State grants.

This approach may have the advantage of incentivizing the Lion Mountain area to timely connect to City sewer. It provides an endpoint for connection rather than allowing the option of deferred annexation years in the future. As noted above, the City should be prepared to offer the option of deferred annexation with a trigger date to other areas that have a direct link water quality degradation.

(4) Monetary Incentives

As set forth in the City Manager's letter to the Whitefish County Water and Sewer District, the City could agree to provide monetary reimbursement to property owners within the Lion Mountain area for a limited time in exchange for their agreement to connect to City sewer. This approach could be combined with the requirement that the property owners consent to annexation, in which case the monetary reimbursement would likely have to be higher due to the anticipated increase in property taxes. This approach could also be combined with an agreement to defer annexation but for a time period less than the length of the RSID.

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Whitefish Community Garden, Inc.
1150 Wisconsin Avenue
Whitefish, MT 59937
Mailing Address: PO box 5415.
Tax ID: 27-2974015

received
4-15-16

Whitefish City Council
City of Whitefish
P.O. Box 158
Whitefish, MT 59937

Mayor Muhlfield and council members,

On behalf of the Whitefish Community Garden we want to thank you for all you have done and continue to do to support us, but would like to have you consider some modest additional support. Today you give us a credit of \$300/year on our city water bill, which really helps, but would hope that could be increased to as much as \$600/year, particularly, as we now understand we will be facing increased water rates in the not too distant future. Recently, we have exceeded the current allowance, even though we try to use water wisely. Here is some information for you about our community garden and who we support.

Whitefish Community Garden is open to anyone wishing to participate. The garden is located on open space offered by Whitefish Methodist Church on Wisconsin Ave.

We started with just 20 beds, no fence and no city water. We now have 48 individual raised beds, a fence, water and a 16 tree apple, cherry and plumb orchard. We provide scholarships for up to 10% of our beds for gardeners who cannot pay the \$50 annual use charge for a bed. The number of beds increases each year. We also dedicate 7 beds exclusively for the North Valley Food Bank and last year donated over 1000 lbs. of fresh fruits and vegetables to them. Our \$ 50 charge provides each gardener with a 4 X 12 foot raised bed with soil, fertilizer, water and advise on how to garden. Some of our gardeners have never had a garden of their own. The plot fees together with donations from generous individuals and organizations provide funds for bed materials, scholarships, the beds devoted to the food bank and for general upkeep and maintenance of the garden. If you visit, you will find a garden well maintained and a delight to visit—a credit to the community.

We also try to support the community in other ways as well. Each year since we opened in 2009, Central School 8th grade students spend a day on site developing a project, learning about growing a garden and the importance of sharing with others. The Boy Scouts helped install our underground water system. We frequently support young students needing to do community service. Last year we helped 2 college students and a high school student earn community service points needed for graduation. We often have visitors from Whitefish and out of town who admire the gardens. If gardeners are, by chance, working when they visit, they answer questions and, when produce is ready, share some of their produce with the visitors. It turns out to be excellent PR for the City of Whitefish.

In our small way, we try to be an asset to the City of Whitefish and hope you will consider increasing you water use credit for the coming years.

Respectfully,

Michael Henson, Pres Whitefish Community Garden.



City of Whitefish FY2017 Budget Calendar

- Feb 1 Finance Director begins reformatting budget spreadsheets, updating historical budget data, and estimating final year end revenues and expenditures for FY16.
- Feb 19** Department Directors to submit individual updated 5 year Capital Improvement Plans to Finance Director.
- Feb 26 Finance Director to submit newly compiled 5-year Capital Improvement Plan to City Manager.
- Mar 1 Finance Director submits budget preparation instructions and materials to all Department Heads.
- March City Manager meets with Mayor and Council members in groups to get preliminary comments on budget.
- Mar 25** All Department Directors submit estimates of expenditures and revenues to the Finance Director.
- April 1 Optional notice deadline for City Council or Municipal Judge to submit request for an adjustment in Municipal Judge's compensation other than automatic cost of living. (Ordinance)
- Apr 4 City Council consideration of Capital Improvement Program. (Optional every other year – completed FY16 will do for FY18)
- May 1 City Manager to provide Municipal Judge with proposed “status quo” Municipal Court Budget.
- May 2 Finance Director produces budget document and it is distributed to Mayor and City Council.
- May 15 Municipal Judge's deadline to submit his Municipal Court budget proposal. (Ordinance)
- May 31** **Tentative Budget Meeting** - City Manager presents proposed budget to Mayor and City Council. Department Directors other than Public Works present budget requests.
- June 13** **Tentative Budget Meeting** – Public Works and Municipal Court present budgets.
- June 20** **Preliminary Public Hearing and City Council adopts Preliminary Budget.**
- Jul 1 City begins fiscal year using preliminary budget as approved by the City Council.
- Aug 1 DOR to submit Certified Taxable Value.
- Aug 3 & 10 Advertise notice of public hearing on budget for August 15, 2015.
- Aug 15** Public hearing on budget. Final budget adopted by resolution.

Bold denotes deadlines

RESOLUTION NO. 16-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ESTABLISHING ANNUAL GOALS FOR THE CITY.

WHEREAS, the City Council of the City of Whitefish is committed to the continuing advancement and improvement of the community, City, and City services; and

WHEREAS, the City Council has adopted annual goals since 1999; and

WHEREAS, the Mayor and City Council met in a work session with the City Manager on April 18, 2016 to establish short term, long term, and on-going goals for items needing more than two years to accomplish; and

WHEREAS, Exhibit "A", attached hereto, is a list of the above referenced goals which the Mayor, City Council, and City Manager established.

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

Section 1: The Whitefish City Council hereby approves the list of goals as provided in Exhibit A.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 2nd DAY OF May, 2016.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

EXHIBIT A
 CITY OF WHITEFISH – MAYOR AND COUNCIL GOALS
 FY17
 PREPARED: April 20, 2016

Mayor/Council Short Term Goals (no particular order)	Mayor/Council Longer Term Goals (no particular order)	Mayor/Council Ongoing Goals (no particular order)	Staff Goals (no particular order)
Implement Downtown Master Plan (including viaduct enhancements)	Riverside Park protection and improvement for erosion	Economic Development – Public-Private Partnerships and targeted business assistance	Ped-Bike Master Plan update
Downtown Parking (including this summer)	Evaluate possibilities of new TIF Districts	BNSF – cleanup of CECRA site, maintain good relationship on all issues; work on disaster preparedness	Explore extent of waivers for utility contracts
	Open space funding	Whitefish Trail - work with Whitefish Legacy Partners	Long Term Financial Planning and Sustainability
Depot Park Phase II Redevelopment	Climate Action Plan	Water quality improvements and projects (AIS, Septic Leachate, Stormwater pond improvements)	Consider a General Obligation Bond for Fire Equipment and precinct station
Hire New City Manager	Hwy 93 South Corridor Plan	Affordable Housing	Ambulance Fee evaluation
New Cemetery development	Birch Point Quiet Zone	Growth Policy Implementation Items	Maintenance Programs for City Facilities
PUD Process Re-write	Begin review of zoning code – district by district	Code Enforcement	Planning – in house priorities and text amendments – e.g. landscaping, clustering, and parking
Update Extension of Services Plan for Utilities and Annexation		City Beach Parking	City Hall – finish and move in
Wisconsin Avenue Corridor Study			Water and Wastewater Rate Increases
			Hwy 93 South Access Study

ATTACHMENT A
 CITY OF WHITEFISH – MAYOR AND COUNCIL GOALS
 FY17
 PREPARED: April 20, 2016



Proposed changes shown in redline and ~~strikeout~~

Mayor/Council Short Term Goals (no particular order)	Mayor/Council Longer Term Goals (no particular order)	Mayor/Council Ongoing Goals (no particular order)	Staff Goals (no particular order)
Implement Downtown Master Plan (<u>including viaduct enhancements</u>) and <u>Hwy 93 West Corridor Plan</u>	Riverside Park protection and improvement for erosion	Economic Development – Public-Private Partnerships and targeted business assistance	Ped-Bike Master Plan update
Downtown Parking (<u>including this summer</u>)	<u>Evaluate possibilities of new TIF Districts</u>	BNSF – cleanup of CECRA site, maintain good relationship on all issues; work on disaster preparedness	Explore extent of waivers for utility contracts
<u>City Hall (moved to Staff goals)</u>	Open space funding	Whitefish Trail - work with Whitefish Legacy Partners	Long Term Financial Planning and Sustainability
Depot Park Phase II Redevelopment	Climate Action Plan	Water quality improvements and projects (AIS, <u>City Beach, Septic Leachate</u> , Stormwater pond improvements)	<u>Green Initiatives Consider a General Obligation Bond for Fire Equipment and precinct station</u>
<u>Whitefish Lake—Retail uses—licensing and/or zoning Hire New City Manager</u>	Hwy 93 South Corridor Plan	Affordable Housing	<u>Reeyeling Improvements Ambulance Fee evaluation</u>
New Cemetery development	<u>Birch Point Quiet Zone</u>	Growth Policy Implementation Items	Maintenance Programs for City Facilities
<u>Begin review of zoning code—district by district PUD Process Re-write</u>	<u>Begin review of zoning code – district by district</u>	Code Enforcement	Planning – in house priorities and text amendments – e.g. <u>landscaping, clustering, and parking</u>
<u>Update Extension of Services Plan for Utilities and Annexation Stoltze Conservation Easement—completion and funding</u>		City Beach Parking	<u>Northside Fire/Police Precinct Station City Hall – finish and move in</u>
Wisconsin Avenue Corridor Study			<u>Water and Wastewater Rate Increases</u>

ATTACHMENT A
CITY OF WHITEFISH – MAYOR AND COUNCIL GOALS
FY17
PREPARED: April 20, 2016

<u>Birch Point Quiet Zone</u>			<u>Hwy 93 South Access Study</u>
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The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.



EDUCATION:

MASTER OF SCIENCE – PLANNING,
FLORIDA STATE UNIVERSITY.

BACHELOR OF ARTS – GEOGRAPHY,
UNIVERSITY OF SOUTH FLORIDA.

CERTIFICATION:

AMERICAN INSTITUTE OF CERTIFIED
PLANNERS (AICP)

EMPLOYMENT:

APPLIED COMMUNICATIONS
OWNER - PRINCIPAL
2007 to PRESENT

WHITEFISH, MT – PLANNING DIRECTOR
2005-2007

WALLA WALLA, WA – PLANNING
DIRECTOR, 2003-2005

GREAT FALLS, MT – PLANNING
DIRECTOR, 1997 – 2003

JACKSON, WY – PLANNING DIRECTOR,
1989-1997

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

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

COLORADO SPRINGS, CO – PRINCIPAL
PLANNER, 1980- 1984

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, 1978-1980

EAST ALABAMA REGIONAL PLANNING
COMMISSION, PRINCIPAL PLANNER 1975-
1978

AFFILIATIONS:

AMERICAN PLANNING ASSOCIATION



American Planning Association

MONTANA ASSOCIATION of PLANNERS

WESTERN PLANNER

ROBERT HORNE JR., AICP

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

REPRESENTATIVE PROJECT EXPERIENCE:

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

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

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

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

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

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

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

ADDITIONAL EXPERIENCE:

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