



**CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
1005 BAKER AVENUE
MONDAY, JUNE 6, 2016
6:00 TO 7:00 PM**

1. Call to Order
2. **6:00 p.m. – CLOSED EXECUTIVE SESSION –**
 - a) Pursuant to Section 2-3-203 (4) M.C.A. - Quarterly litigation update and strategy with City Attorney
3. Adjournment

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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, June 6, 2016, at **7:10 p.m.** at Interim City Hall, 1005 Baker Avenue.

Ordinance numbers start with 16-10. Resolution numbers start with 16-21.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) PRESENTATION – Owner’s Representative Mike Cronquist – Update on the construction progress of the City Hall/Parking Structure project (p.20)
- 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 May 16, 2016 Special Meeting (p. 28)
 - b) Minutes from the May 16, 2016 Regular Meeting (p. 30)
 - c) Resolution No. 16-___; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 325 Haugen Heights Road, for which the owners have petitioned for and consented to annexation (p. 36)
 - d) Resolution No. 16-___; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of land known as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, for which the owner has petitioned for and consented to annexation (p. 47)
 - e) Consideration of approving application from Cory Izett on behalf of Randy Dunlop for Whitefish Lake Lakeshore Permit (#WLP-16-W06) at 736 Birch Point Drive to Replace existing dock with a new EZ Dock, jet ski port, and install a boat lift subject to 16 conditions (p. 58)

- 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 Stewart Cardon, on behalf of The Gallery Development LLC, for a sign variance to transfer the square footage allowed for a free-standing sign to two (2) wall signs, instead of only one (1) wall sign at the Galleries building at 403 East 2nd Street (p. 82)
- 8) **COMMUNICATIONS FROM FIRE CHIEF**
- a) Resolution No. 16-___; A Resolution declaring a 2000 Ford Econoline / Horton Ambulance as surplus property and authorizing its transfer to the Smith Valley Fire Department for \$8,500 (p. 104)
- 9) **COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR**
- a) Ordinance No. 16-___; An Ordinance amending Whitefish City Code Title 2, Chapter 8, as it pertains to members of the Pedestrian and Bicycle Path Advisory Committee to allow an additional committee member (p. 108)
- 10) **COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR**
- a) Public Works Director's Report on increase in odors at the Wastewater Treatment Plant and remedial steps that the Public Works Department has taken (p. 120)
 - b) Consideration of authorizing the purchase of the street light poles and appurtenances for the West 7th Street Reconstruction Project – Resort Tax (p. 132)
- 11) **COMMUNICATIONS FROM CITY MANAGER**
- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 166)
 - b) Other items arising between June 1st and June 6th
 - c) Resolution No. 16-21; A Resolution of the City Council of the City of Whitefish, Montana, indicating its intent to consider annexing certain wholly surrounded land into the City of Whitefish, Montana, describing the land to be so considered, providing for notice and publication as provided by law, providing for a date of hearing such proposed annexation, and approving the Report on Extension of Services (p. 176)
- 12) **COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**
- a) Consideration of a request from Annika Gordon to operate a commercial pedi-cab carriage on certain streets in the City (p. 196)
- 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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June 1, 2016

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

Mayor Muhlfeld and City Councilors:

Monday, June 6, 2016 City Council Agenda Report

There will be a work session at 6:00 p.m. for an executive session on the quarterly litigation update. Food will be provided.

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

CONSENT AGENDA

- a) Minutes from the May 16, 2016 Special Meeting (p. 28)
- b) Minutes from the May 16, 2016 Regular Meeting (p. 30)
- c) Resolution No. 16-___; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 325 Haugen Heights Road, for which the owners have petitioned for and consented to annexation (p. 36)
- d) Resolution No. 16-___; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of land known as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, for which the owner has petitioned for and consented to annexation (p. 47)
- e) Consideration of approving application from Cory Izett on behalf of Randy Dunlop for Whitefish Lake Lakeshore Permit (#WLP-16-W06) at 736 Birch Point Drive to Replace existing dock with a new EZ Dock, jet ski port, and install a boat lift subject to 16 conditions (p. 58)

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

Items a and b are administrative matters. Items c and d are legislative matters. Item e is a quasi-judicial matter.

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

- a) Consideration of an application from Stewart Cardon, on behalf of The Gallery Development LLC, for a sign variance to transfer the square footage allowed for a free-standing sign to two (2) wall signs, instead of only one (1) wall sign at the Galleries building at 403 East 2nd Street (p. 82)

From Planner II Bailey Minnich's staff report:

Stewart Cardon, on behalf of The Gallery Development LLC, is requesting a variance to transfer the square footage allowed for a free-standing sign to two (2) wall signs, instead of only one (1) wall sign.

The variance request is to:

- §11-5-5(A)(1) which establishes the number of signs the allowable square footage for a free-standing may be transferred to.

Sign Measurement and Allowable Signage:

The subject site is located within the Old Town Sign District, and is zoned WB-3. Both free-standing/ground-mounted and wall signage is permitted in the district. For a multi-tenant building in the Old Town district, the allowable square footage for a free-standing sign is a maximum of 24 square feet plus five (5) square feet per tenant. The Galleries building will have a total of 6 tenants: 5 store fronts on the ground floor and 1 lodging business upstairs. Therefore, the maximum allowable square footage for a free-standing sign is 54 square feet [$24 + (5*6) = 54$].

For wall signage, the total allowable sign square footage is based on the building lineal frontage, which is 79.5-feet. The building frontage on a corner lot is defined as "*the shorter of the two (2) lines adjacent to the streets as platted.*" For The Galleries building, the shorter line is East 2nd Street. This number is then multiplied by 0.5 for a multi-tenant building to obtain the total maximum square footage permitted. As there are 6 tenants, the maximum square footage for wall signage is 39.75 square feet [$79.5 * 0.5 = 39.75$] total for all tenants combined. This maximum square footage also includes the size of any sign placed under the awning of the building, which can be a maximum of eight (8) square feet. Both side of an under awning sign must be calculated into the total proposed square footage.

The WB-3 zoning allows business to build property line to property line with no setbacks. Therefore, almost all of the business in the downtown area transfer the square footage from the free-standing sign to a wall sign. This is permitted under §11-5-5(A)(1) which states "*the allowable square footage for a free-standing sign may be*

transferred to one building mounted sign if a free-standing sign is not used on the property.”

The applicant is proposing to install a total of 6 wall signs and 6 under awning signs. The applicant is proposing to divide up the total allowable wall sign square footage so that business 1, 2, and 3 are allowed 10 total square feet for all signage. This includes one wall sign (8.75 square feet) and one awning sign (1.25 square feet). Business 4 would receive the remainder of the wall signage allowance with 9.75 square feet to divide between a wall sign (8.5 square feet) and one awning sign (1.25 square feet). These signs would all comply with the regulations. The remaining business 5 and the lodging on the 2nd story (business 6) are the subject of the variance request. The applicant proposes to divide the square footage allowable for a free-standing sign with business 5 receiving a total of 10 square feet to divide up similar to the other store fronts, and business 6 to receive a total of 15.83 square feet in order to have a wall sign 14.58 square feet in size and an under awning sign. The remaining balance of the free-standing sign (approximately 28 square feet) would not be utilized by any business.

There are pictures and a full staff report in the packet.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering the staff report and comments at the public hearing, approve the sign variance to transfer the square footage allowed for a free-standing sign to two (2) wall signs, instead of only one (1) wall sign at the Galleries building at 403 East 2nd Street subject to three conditions and based on the findings of fact in the staff report:

Conditions:

1. Relief from the strict provisions of the code is to be construed specifically and narrowly. No further relief is granted nor implied.
2. The free-standing signage is only permitted to transfer to the signs specified in the application dated April 28th, 2016, specifically the signage proposed for Store 5 and the 2nd Floor Lodging.
3. A sign permit shall be submitted by applicants and once approved, applicant will pay the sign permit fee within two weeks of variance approval.

COMMUNICATIONS FROM FIRE CHIEF

- a) Resolution No. 16-___; A Resolution declaring a 2000 Ford Econoline / Horton Ambulance as surplus property and authorizing its transfer to the Smith Valley Fire Department for \$8,500 (p. 104)

From Fire Chief Joe Page’s staff report:

While reviewing our fleet of Fire and EMS apparatus I have determined that a fleet of three ambulances is ample to handle the current and predicted call volume at our current staffing levels. The fourth ambulance is our oldest, a 2000 Ford, 2-wheel drive Horton that is not currently fully stocked with expensive EMS supplies. The

expense of stocking and maintaining this older vehicle, just to keep it in reserve, does not make sense.

When we purchased our 2013 Dodge Ambulance we did not trade in our older ambulance. The proposed budget for FY17 has a new ambulance which would come close to keeping us on schedule with our vehicle rotation schedule. I hope we'd purchase a new ambulance every 3-years, moving them from 1st due, to 2nd due, to 3rd due then trading them in with the purchase of a new one.

I recently learned that West Flathead EMS soon will no longer be providing Paramedic Ambulance service. They are one of only eight Paramedic services that cover the whole Flathead County. As part of the Flathead County EMS system we've all agreed to respond as dispatched. We already respond with our Paramedics up into Olney and have even run into Eureka. With the loss of West Flathead EMS we could be requested into the West Valley Fire District more. To help fill this gap the Smith Valley Fire Department is going to start providing transport ambulance service hopefully at the Paramedic level. With this short notice and until they can establish the funding to acquire a newer ambulance they approached us about obtaining one of our older ambulances. Timing was perfect.

At this time, I'd like permission for an intergovernmental transfer of our surplus 2000 Ford Horton Ambulance to the Smith Valley Fire District for \$8,500.

Doing this transfer would not cost the City anything and we would receive \$8,500 in revenue. We might also a little money on our property insurance.

RECOMMENDATION: Staff respectfully recommends the City Council approve a Resolution declaring a 2000 Ford Econoline / Horton Ambulance as surplus property and authorizing its transfer to the Smith Valley Fire Department for \$8,500.

This item is a legislative matter.

COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) Ordinance No. 16-___; An Ordinance amending Whitefish City Code Title 2, Chapter 8, as it pertains to members of the Pedestrian and Bicycle Path Advisory Committee to allow an additional committee member (p. 108)

From Parks and Recreation Director Maria Butts' staff report:

The Bicycle Pedestrian Path Advisory Committee, a sub-committee of the Park Board of Commissioners, is currently made up of seven voting members: a City Council representative, four citizen members at large, a Resort Tax Committee representative, and a Park Board representative.

In consideration of recent high school student interest in the city's bicycle and pedestrian trails, during the March 7th Bicycle and Pedestrian Path Advisory Committee meeting, the committee voted unanimously to recommend the Park Board add a high school representative to the committee, increasing the number of positions from seven to eight. On April 12, 2016, the Park Board voted unanimously to recommend the City Council add a high school student position to the Bicycle and Pedestrian Path Advisory Committee for a one year term (May-May) as a voting member, with a selection process for this position. The board clarified that this position would not be a mandatory fill.

There is no financial requirement.

RECOMMENDATION: Staff respectfully recommends the City Council adopt Ordinance No. 16-___; An Ordinance amending Whitefish City Code Title 2, Chapter 8, as it pertains to members of the Pedestrian and Bicycle Path Advisory Committee to allow an additional committee member.

This item is a legislative matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Public Works Director's Report on increase in odors at the Wastewater Treatment Plant and remedial steps that the Public Works Department has taken (p. 120)

From Public Works Director Craig Workman's staff report:

The City of Whitefish has a complex wastewater collection system that has over 58 miles of sewer main and 16 lift stations, with portions of the system over 100 years old. Wastewater treatment is provided by an aerated lagoon system followed by a flocculating clarifier. The system has been modified several times over the last 35 years and much of the plant is at the end of its useful design life.

The City is currently designing upgrades to its wastewater treatment plant in response to the latest discharge permit, issued by MDEQ in August 2015. The new permit includes limitations that will require the WWTP to remove ammonia and nutrients, as well as nitrates. The upgrades necessary to comply with these new limitations will be significant and costly. 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

One issue that the City has struggled with in the past, which is inherent to wastewater lagoon systems, is odors. Lagoons typically have turnovers which occur in the early spring after ice melts off the surface and in late fall when surface water temperatures

are decreasing. Unfortunately, when a turnover occurs it usually brings poorly aerated septic solids from the bottom of the lagoon to the surface. If a lagoon is properly designed and well operated, odor problems are usually just a temporary problem likely caused by a seasonal turnover, lasting just a couple of weeks at most. If the odor problem is severe, making operational changes to the lagoon may be necessary.

Whitefish does not stand alone with this challenge, and it is common this time of year for our waste stabilization ponds to experience problems with offensive odors. Odors have been a general nuisance with the lagoons in Whitefish and have often resulted in complaints. The initial reaction is to conclude that these lagoons are experiencing odor problems due to turnovers caused by the typically difficult winter conditions, and that may be the case to some extent. However, there have been many accusations that the lagoons in Whitefish are overloaded and additional work is required to solve the odor problems.

Sludge testing this spring has revealed that there is a significant accumulation of sludge in the first half of Cell 1, which may be partially responsible for the odor issues this year. While sludge always accumulates in partially mixed lagoons, I believe we have more than usual due to historical malfunctioning of the aeration diffusers in the first cell. These historical malfunctions can be attributed to an accumulation of rags which prevent property airflow and mixing and ultimately slow the breakdown of the accumulated solids. While we have eliminated the source of the rags with the River Lakes force main extension and bar screen improvements, there remains a residual accumulation of rag material which requires nearly continuous removal from the aerators. One benefit to the early spring is that it has given us a chance to get out on the lagoons earlier than normal to perform typical maintenance on the aerators.

Cell #1 was dredged in summer/fall of 2002, during the same project that the aeration system was installed. The dredging was done with a specialized dredge which floated on the cell during the operation. Because the cells were constructed with clay liners the City allowed a factor of safety of about 2.0 feet during dredging to insure that the cutter head did not eat through the liner, which would have been disastrous. The cost of the dredging was \$105,000 in 2002. Cell #1 had a disproportionate amount of sludge in it because all of the precipitated alum from the flocculating clarifier was discharged to the cell for several years until the sludge drying beds were constructed. While dredging now would be possible, working within the diffuser air laterals would add a degree of difficulty and the cost would likely reflect this.

It is my opinion that the odors we typically experience this time of year due to spring turnover have been exacerbated by a couple of issues. They are as follows:

1. We have had an unseasonably warm spring, which began early, causing an early turnover. Unfortunately, we have also experienced, and continue to experience, average nighttime air temps. This has kept the water temperature in Cell #1 in the low to mid-teens (°C).

2. We typically keep Cell #1 low during the spring months in anticipation of spring runoff and precipitation. With the early spring temperatures and our below average precipitation, we have not received the typical surge in spring flows.
3. The city has done some considerable I&I reduction work over the past couple years in anticipation of the plant upgrade project. This I&I work has been effective at reducing influent dilution, which has also served to increase influent BOD & TSS.

In an effort to counteract some of these issues, we have begun treating Cell #1 of the treatment system with a probiotic (BioLynceus) to increase the efficiency of the sludge digestion in the lagoons. The City has used this product in the past and seen measurable decreases in the sludge blanket during past applications.

We have also begun 24-hour recirculation of treated water from Cell #3 back into Cell #1. This strategy has served to increase the dissolved oxygen in Cell #1 of the lagoon system, as well as to bring the water level up, providing additional water cover above the sludge.

In addition, City staff recently met with Bill Bahr from the Montana Department of Environmental Quality (MDEQ). Although Bill agreed we were dealing with a common spring lagoon issue, he also noted that our typical prevailing northwesterly winds have not been quite as predominant this spring, and we have seen more easterly breezes. This would further explain why so many people have been affected by the spring odor conditions. We showed Bill the work that was being done with the aerators, as well as the operational changes that were being made to mitigate the odiferous conditions. Bill commented that we appeared to be addressing the situation as best we could. He also suggested we consider bypassing the influent flow directly to Cell #2 to allow the first cell to recover. While this may be a good short term measure to alleviate the Cell #1 turnover problem, he cautioned that it should only be a temporary operational change. This modification was made at his recommendation, and we have since switched to operating the lagoon cells in parallel, where the raw flow is split between the first two cells.

Financial Requirement

I recently met with Ned Nixon, a concerned resident who is leading the campaign for the City to deal “more proactively” with the odor conditions at the plant. Ned requested the City reach out to an individual that he had talked to by the name of Steve Harris. Steve is an independent consultant from Arizona who has provided lagoon optimization and troubleshooting services for municipalities for decades. He has worked with MDEQ on several guidance documents, written his own textbook on lagoon management (which we have a copy of), and performs training seminars and presentations throughout the country. I talked to Steve last week and explained our situation. Steve has submitted two proposals for his firm to complete a “stem to stern” analysis of our system to help improve effluent quality for spring time odor control. I

am currently evaluating these proposals, which range from \$2,495 to \$5,275, depending on whether or not a site visit is warranted.

RECOMMENDATION: This item is just a discussion and information item. No action is required at this time.

- b) Consideration of authorizing the purchase of the street light poles and appurtenances for the West 7th Street Reconstruction Project – Resort Tax (p. 132)

From Public Works Director Craig Workman’s staff report:

Introduction/History

The first Decorative Street Lights in Whitefish were installed in the early 1900’s, somewhere around the time of the original City Hall Construction. They were tear drop fixtures on decorative poles with incandescent lamps and overhead supply wires. Over time they were replaced with Power Company Lights mounted on Wooden Power Poles and paid for on a monthly basis.

In 1998 the first major downtown renovation started with the BN Railroad cleanup project. The New Library, Viaduct, O’Shaughnessy Center and Depot Park requiring 89 decorative street lights with 175-watt metal halide (MH) lamps. The lighting was deemed too bright and toned down to 100 watt MH lamps.

In 2000 began the rebirth of the city wide decorative lighting System. The first residential project was in 2000, when Second Street Reconstruction project was completed from Spokane Ave. to Cow Creek. After the initial design was reviewed it was deemed that there were too many lights and the 100 Watt MH bulbs were too bright. A group of city officials walked the project in the evenings and the public was encouraged to comment. The city reduced the amount of lights by 1/3rd and the bulbs were changed to 50 Watt High Pressure Sodium (HPS). The project was deemed a success. So much so that the entire original downtown street scape was changed to HPS bulbs.

In 2005 the City moved forward with the creation of a “Lighting Ad Hoc Committee”. This committee was charged with the task of developing “Outdoor Lighting Standards, which requires street rebuilds and developments to conform to a basic public roadway lighting system. The standards went into effect in 2006 and were put in place to promote public safety, while at the same time, protect our night sky. The newly created standards required full compliance for all outdoor lighting, including the Flathead Electric, by 2009. The intent was for all residential, commercial and public outdoor lighting to comply with the “Dark Skies Initiative”.

With the addition of W. 7th Street to the system, there will be 929 lights, plus four areas under bridges, supplied by 62 electrical services with approximately 28 miles of

underground conduit including hundreds of ground boxes with approximately 100 miles of wire. There are six types of fixtures with wattages ranging from 35W HPS to 250 Watt HPS. The City has a designated area at the street department for storage and maintenance, and an appropriate Bucket truck.

Current Report

As with past Resort Tax roadway projects, the designs for the W. 7th Street project includes decorative lighting. This plan incorporates the City's standard 50W High Pressure Sodium (HPS) luminaries approximately every 180 feet. Some questions and criticism towards the lighting plan for this project came up during the 2/1/2016 council meeting. In addition, some residents have spoken in opposition to the lighting plan at subsequent meetings and through various other means of correspondence.

The City has held Public Information Meetings for the W. 7th project on 12/10/2014, 2/11/2015, 3/25/2015, and 4/20/2016. A summary of the historical lighting discussions on the W. 7th Street Reconstruction Project is presented as an attachment to this memo. This information was presented to the Bike & Pedestrian Committee on 3/7/2016, after which a recommendation to install the lighting plan as designed was unanimously approved.

It is the opinion of the Public Works Department that the desires of the neighborhood as a whole are to keep the lighting levels as low as possible in order to maintain safe vehicular and pedestrian travel. We feel these desires are accomplished by the existing lighting plan, and accomplishes the goal of providing a safe design.

It is also recommended that LED lighting be installed for the four (4) fixtures between Baker and O'Brien in order to evaluate the effectiveness of this lighting technology on future projects. The use of LED fixtures on this portion of W. 7th will likely lead to significant energy savings as we design future projects.

Financial Requirement

There is a section in the City Budget with two subsections designated for funding and maintenance of the lighting system. In the FY 2016 Budget it is estimated that \$62,000 will be spent on utility services (cost of electricity). As mentioned above 62 electrical services supply this system. The basic nonresidential meter charge is \$34.35/month X 62 services X 12 months = \$25,556.00 or 40% of the "Utility Services Cost".

The Public Works Department has completed the statutory bidding process for the West 7th Street Reconstruction Project. The final engineer's estimate for the project was \$2,284,444. Five (5) bids were received, ranging from 5.4% below final estimate, to 22.7% above final estimate. The project was awarded to LHC, Inc. on 3/21/2016 in the amount of \$2,161,378.52. As awarded, the project includes the conduit, wire, and concrete bases for the street lighting system. This price also includes the installation of

the poles and fixtures that were intended to be purchased separately by the City in order to maintain City standards and avoid contractor markup. The cost for these poles and fixtures is \$53,560, as shown on the enclosed estimate. This purchase is included in the budgeted cost of the project.

RECOMMENDATION: Staff respectfully requests that the City Council approve the purchase of the poles and fixtures for the W. 7th Street Reconstruction Project in the amount of \$53,560 as proposed.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 166)
- b) Other items arising between June 1st and June 6th
- c) Resolution No. 16-21; A Resolution of the City Council of the City of Whitefish, Montana, indicating its intent to consider annexing certain wholly surrounded land into the City of Whitefish, Montana, describing the land to be so considered, providing for notice and publication as provided by law, providing for a date of hearing such proposed annexation, and approving the Report on Extension of Services (p. 176)

There is a full staff memo outlining the schedule and providing an analysis and Plan of Services for the annexation in the packet. This resolution begins the formal annexation process. If approved, the public hearing for the proposed annexation would be on July 18th.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 16-21; A Resolution of the City Council of the City of Whitefish, Montana, indicating its intent to consider annexing certain wholly surrounded land into the City of Whitefish, Montana, describing the land to be so considered, providing for notice and publication as provided by law, providing for a date of hearing such proposed annexation, and approving the Report on Extension of Services.

This item is a legislative matter.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Consideration of a request from Annika Gordon to operate a commercial pedi-cab carriage on certain streets in the City (p. 196)

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: 27 May 2016

CITY OF WHITEFISH

NEW CITY HALL and PARKING STRUCTURE

REPORT TO CITY COUNCIL and STAFF for 06 June, 2016 COUNCIL MEETING

ACTIVITIES COMPLETED – THIS PERIOD

- First Street was opened to one-way traffic on May 26th.
- Martel's office trailer and construction operations were relocated to the south part of the parking area south of the Craggy Range the previous day, May 25th.
- The concrete effort on the PS foundations and walls was accelerated, resulting in completion of the walls and columns along the alley by May 26th.
- Structural steel erection in the basement area has been completed.
- The floor framing over the basement and installation of pan decking is complete.
- Backfill in and around the basement is complete.
- Sheet piling along the south and east sides of the City Hall has been removed.
- Backfill in those areas is also complete.

ACTIVITIES IN PROGRESS

- Placement of slurry and structural backfill is in progress along the alley from grid line 10 to grid line 22 (the remainder of the alley.)
- Structural steel erection – City Hall.
- Preparation for placing the first floor concrete above the basement.
- Prep first floor of City Hall for concrete slab on grade.
- Excavation & compaction for shear walls – grid lines 10 to 15 – PS (southwest corner).
- Electrical rough-in work for power and communication services.
- Under-slab mechanical and electrical rough-in – City Hall first floor.

ACTIVITIES PLANNED (3 WEEK LOOK AHEAD)

- Completion of first floor, City Hall concrete slab on grade.
- Continuation of structure steel framing.
- Continuation of mechanical and electrical rough-in.
- Layout & formwork for PS shear walls at south west corner.
- Continuation of PS footing and foundation work.
- Begin preparation for PS slab on grade.

FUTURE SCHEDULED ACTIVITIES

- Increase mechanical and electrical activities in the City Hall areas.
- Install pan decking – second floor – City Hall
- Redirect the concrete efforts to foundation work in the PS.
- Begin slab on grade in the PS.
- Increase the plumbing and electrical efforts – all areas.
- Complete final elements of structural steel erection.

CONTRACT ACTIVITIES

- No new activities at this time

COMMUNICATIONS TO THE PUBLIC

- A press release was issued by the City Manager during the week of May 23rd addressing the opening of First Street and the Central alley.
- Feedback, so far, has been positive regarding First Street and reorganized parking on First and in the “Craggy Range” parking lot.
- 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

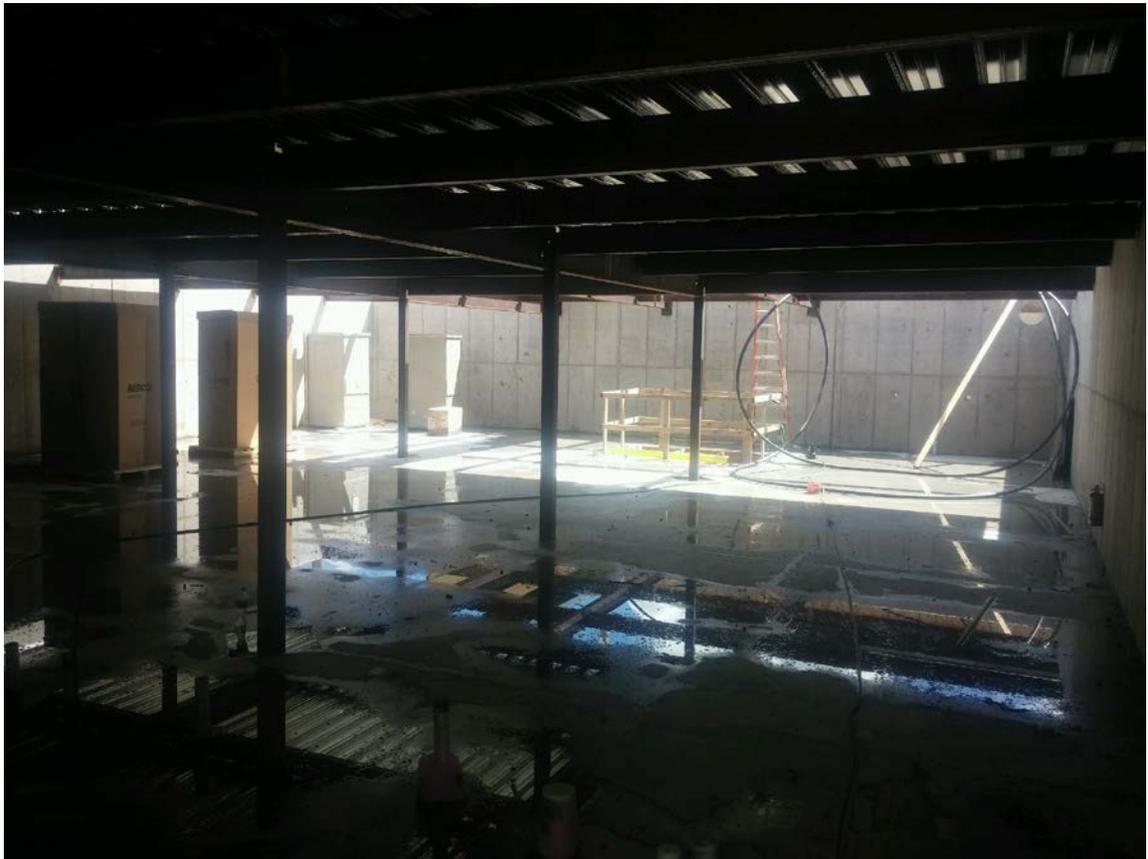
SITE PHOTOS

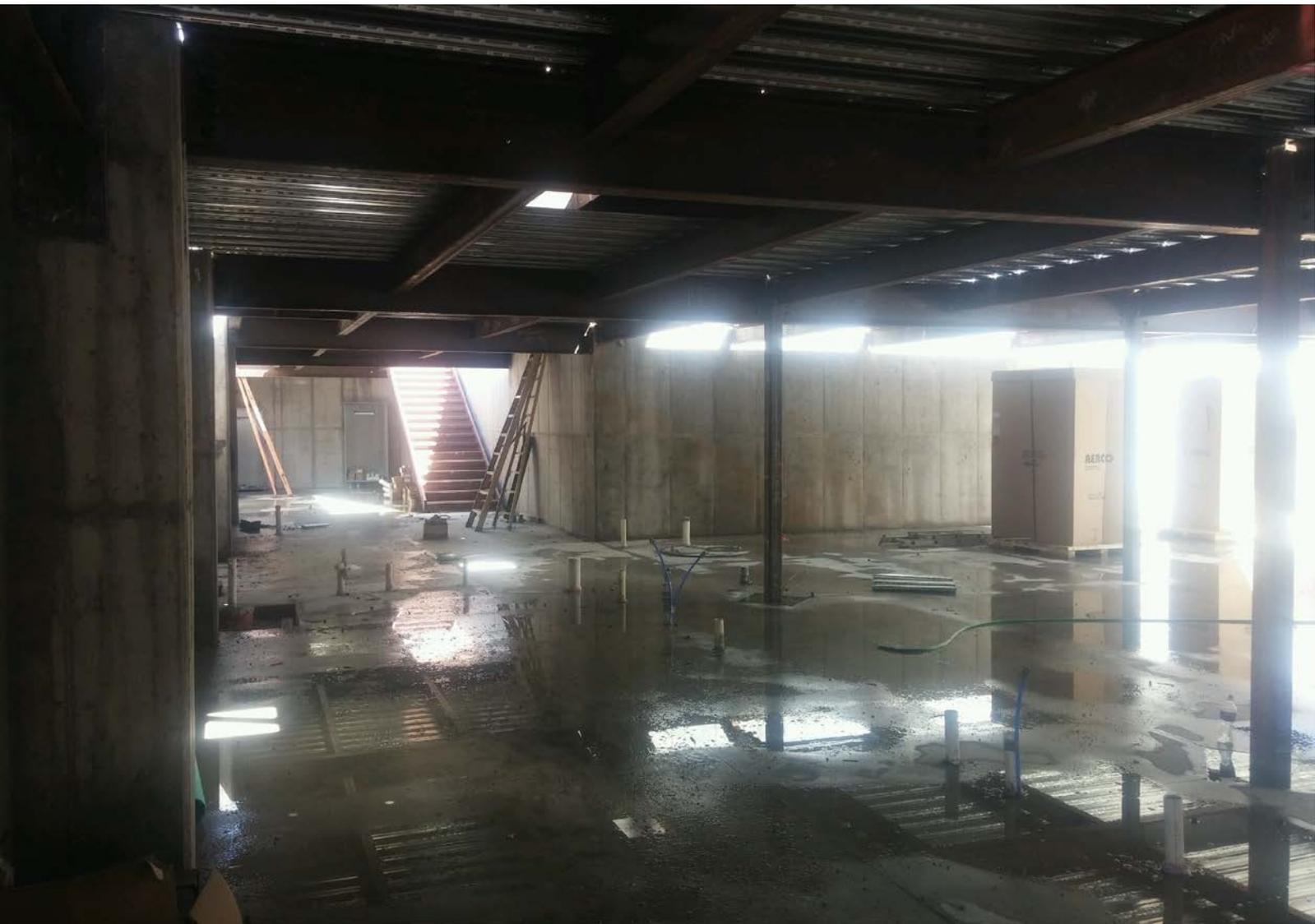
COMPLETED FOUNDATIONS AND COLUMNS ALONG CENTRAL ALLEY





CITY HALL BASEMENT – LOOKING SOUTH





STAIRWELL – EAST SIDE OF CITY HALL BASEMENT

SHEET PILE EXTRACTION ALONG SECOND STREET





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WHITEFISH CITY COUNCIL MEETING
MAY 2, 2016
SPECIAL SESSION, 5:05 TO 7:00 PM

1. Call to Order

Mayor Muhlfeld called the meeting to order. Councilors present were Frandsen, Williams, Hildner, and Barberis. Councilor Sweeney arrived at 5:24p.m. Councilor Feury was absent. City staff present were City Clerk Howke, Planning and Building Director Taylor, and City Manager Stearns arrived late.

1. Interviews

The Mayor and Council interviewed applicants Dave Hunt and Mayre Flowers for the Planned Unit Development Re-Write Steering Committee. Incumbent Duane Reisch and applicant Charlie Deese was interviewed for the Architectural Review Committee, incumbent Kathryn Skemp did not show for her interview for the Architectural Review Committee. Edna White, Rebecca Baker, and Kim Schierl were interviewed along with incumbents Nick Polumbus and Jake Cook for the Whitefish Convention and Visitors Bureau. Incumbent Trek Stephens did not show for his interview for the Resort Tax Monitoring Committee.

2. Public Comment

Discussion followed between Rhonda Fitzgerald, Dylan Boyle and Mayor Muhlfeld regarding the need for another Large Lodging Representative verses a Retail Representative for the Whitefish Convention and Visitor Bureau (WCVB). Mayor Muhlfeld and Dylan Boyle came to the conclusion to re-advertise for a Retail representative to complete the term ending May 31, 2017.

3. Appointments

Councilor Sweeney made a motion, second by Councilor Frandsen to appoint Don Spivey, Robert Horne Jr. and Dave Hunt as the citizen's representative to the PUD Re-Write Steering Committee. The motion passed unanimously

Councilor Hildner made a motion, second by Councilor Barberis to appoint Mayre Flowers as the Development community for the PUD Re-Write Steering Committee. Discussion followed regarding whether Mayre Flowers was considered as a development community versus Eric Mulcahy and whether two former planners are the best for the committee. **The motions passed unanimously.**

Mayor Muhlfeld appointed Edna White as Large Lodging representative and re-appointed Nick Polumbus as Whitefish Mountain Resort representative and Jake Cook as Member at Large to the Whitefish Visitor and Convention Bureau. Councilor

Sweeney made a motion to ratify the motion. The motion failed for lack of a second. Council discussion followed regarding the best applicant for the Large Lodging representative.

Councilor Frandsen made a motion, second Sweeney to appoint Charlie Deese and re-appoint Duane Reisch and Kathryn Skemp to the Architectural Review Committee. The motion passed unanimously.

Council chose to re-advertise for one Retail position for the Resort Tax Monitoring Committee and one Retail position for the Whitefish Convention and Visitor Bureau.

4. Adjourn

Mayor Muhlfeld adjourned the Special Session at 7:03 pm.

Mayor Muhlfeld

Attest:

Michelle Howke, City Clerk

WHITEFISH CITY COUNCIL

MAY 16, 2016

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Barberis, Frandsen, Sweeney, and Williams. Councilor Feury was 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, Police Chief Dial and Fire Chief Page. Approximately four people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Heidi Desch 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)

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Kevin Gartland, Executive Director for the Whitefish Chamber of Commerce reported the update on the Housing Task Force. Advertisements went out a month ago for Consultants, six responses were received. The Screening and Selection Committee will meet May 19th to interview the applicants. The plan is to have the study kicked off by mid-June, beginning with a joint meeting with the City Council, Whitefish Chamber of Commerce and the Whitefish Housing Authority. The assessment is expected to be completed prior to the holidays. Currently they are working on Phase II and have hired a grant writer. The goal is to have the study ready to put together a plan by January 2017.

Councilor Hildner reported the Bike to School was a terrific success. The temporary bike lanes were a great idea.

5) CONSENT AGENDA

- a) **Minutes from the May 2, 2016 Special Meeting (p. 45)**
- b) **Minutes from the May 2, 2016 Regular Meeting (p. 46)**
- c) **Ordinance No. 16-09; 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 (Second Reading) (p. 54)**

Councilor Hildner had a correction to the minutes on council packet page 46, Councilor Hildner was absent for the May 2, 2016 meeting.

Councilor Sweeney made a motion, second by Councilor Frandsen to approve the consent agenda as corrected. The motion passed unanimously

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

None

7) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

a) Consideration of accepting or rejecting construction bids for the Depot Park Gazebo project (p. 58) (CD 7:48)

Parks and Recreation Director Butts gave her staff report that is provided in the packet on the website. The Park Board recommends the Council reject the two bids received and directed staff to look into a prefabricated gazebo design and gather cost estimates.

Mayor Muhlfeld asked Director Butts the cost for the learning gazebo for the Legacy Trails and she replied \$66,000 total but that they also had a lot of in-kind donations.

Councilor Sweeney made a motion, second by Councilor Hildner to reject the construction bids for the Depot Park Gazebo project. Councilor Sweeney expressed how frustrated he and the Park Board is with the fact we hire consultants, who bring us assurances that they are going to be able to bring this project in on budget and give us estimations based on that, and then miss it by half. We need to examine what expertise we can get, and where we get them because we are not getting what we've paid for. We awarded a contract amendment to RPA for this project and we can't go forward. The Park Board worked really hard at this and were given assurances that did not pan out. **The motion passed unanimously.**

8) COMMUNICATIONS FROM CITY MANAGER (CD 11:58)

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 63)

Mayor Muhlfeld asked with the Public Works union collective bargaining agreements resolution for working weekends, is this going to allow Public Works to plow on weekends in the winters? City Manager Stearns stated even with the last contract they kind of had Item No. 5 resolved so there is one employee that Director Workman and Supervisor Barranger could direct to work on the weekends. Basically what they agreed to is that if the employees know upon being hired that they may be required to work weekends they are okay with it. The existing employees who felt that they were hired for 8-5, Monday-Friday and don't want to be required to work weekends, then Item Nos. 6 and 8 are incentives to work on weekends if Director Workman and Supervisor Barranger choose to use them.

Mayor Muhlfeld also asked City Manager Stearns about the issue for reopening East 1st Street. City Manager Stearns said the retail businesses on East 1st Street where the street is closed are very adamant to get the street open. The best solution they could come up with would be to open the north lane of East 1st Street for westbound traffic from Central Avenue to Baker Avenue. Martel would move their trailer and some staging materials to the south half of the parking lot at East 1st and Central Avenue next to Craggy Range. This will take up 10-20 parking spaces in that parking lot. City Manager Stearns said Director Workman thinks temporary diagonal parking can be created on East 1st Street on the South side next to Piney Creek Interior to create up to 10 spaces instead of the current 3-4 parallel spaces. Estimated cost for the change order is \$13,000 and there would be a net loss of 10-14 parking spaces.

Discussion followed between Mayor Muhlfeld and City Manager Stearns regarding Martel using the north side of the Craggy Range lot, with clear demarcation for public parking. This will help the retail parking component as well as the risk that if they are located on the south side it would block access to the north side of that lot. This has been a complaint of downtown merchants. City Manager Stearns said he will visit with Martel about that, but they did say that there is an efficiency component going to the south side because they go from there to the job site frequently throughout the day. Mayor Muhlfeld also said we agreed to free up the snow lot for the use of their sub-consultants and contractors for parking and shuttling into the work area on a daily basis. This is not happening and it should be enforced on a daily basis. City Manager Stearns said he will reinforce that with Martel.

Councilor Frandsen asked City Manager Stearns to explain what the deal is with the business interruption claims. City Manager Stearns said there hasn't been many in the past, but they try to say that the closure greatly affected their business. He is trying to find a middle ground before that happens. Councilor Frandsen noticed there is a lot of grass around the equipment in the snow lot and asked if there is a plan to mow it. City Manager Stearns said the lot doesn't get mowed more than once or twice a summer, and if needed, Martel might need to arrange to have it mowed. Martel will start bringing more equipment and start using the space out at the City Shops in 18th and the storage lot.

Councilor Sweeney was wondering what the worst impact would be on the businesses on East 1st, is the loss of 14 parking spaces directly adjacent to their businesses worth having one-way lane traffic available? City Manager Stearns stated the businesses were unanimous on getting East 1st Street open, without cars and traffic going by, their inset alcove has become a transient neighborhood at night where people aren't seen. More than one stated they are concerned for their safety. A few of the businesses have elderly and disabled clients and they really want a quick drop off in front of the business at the sidewalk rather than crossing the alley and coming down the sidewalk.

b) Other items arising between May 11th and May 16th - None

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 33:33)

- a) Letter from Barbara Palmer opposing the culling of deer from within city limits (p. 88) -None**
- b) Email from Mark and Catherine Owens of Shady River Lane regarding odors from wastewater treatment plant (p. 90)**

Public Works Director Workman said Public Works is very much aware of the odor situation; it appears the odors are worse this Spring than in the past. Some analysis has been done on the first cell in the lagoon system. There is apparently a higher level of sludge than in years past, along with some difficult weather patterns this year. They have put some operational changes into place and seen some positive results, and have started treating the first lagoon with an enzyme to try to break down the sludge. They will continue to evaluate. DEQ visited and had no suggestions.

Councilor Frandsen stated and the Council agreed that given the level of interference this has had on the neighbors lives, it warrants being an agenda item.

c) Consideration of a request from Stacy Reid to operate a commercial horse-drawn carriage on certain streets in the City (p. 93)

City Manager Stearns included in the packet on the website the City Code addressing this request along with a map. Councilor Frandsen asked and City Manager Stearns stated this is for use of the public right of ways. Councilor Sweeney stated following his initial look at this he has concerns with putting a horse on busy City roads. Horses and traffic don't work well. Councilor Hildner thinks it is a great idea, and it is worth looking at but wants the City absolved from any liability. Councilor Frandsen said according to the map provided, there are only a handful of City streets we could decide on, and she looks at the public benefit and thinks it is going to be more of a traffic hindrance than an advantage to the community.

Stacy Reid, 965 Northwood's Drive, stated she looked at traffic patterns, number of lanes and speed limit, and she is very open to changing her route. Mayor Muhlfeld asked about days of operation and Stacy said she would be operating initially on weekends for the summer, and maybe into the fall. Councilor Williams asked about hours of operation and Stacy said she would initially probably operate noon – 10:00 pm and would also take reservation, which would affect times. Councilor Hildner asked if there will be other drivers and Stacy will be the only one and has one carriage.

Police Chief Dial was in support of the idea, his only concern is that she follows state laws with the carriage lighted, and equipped with a slow moving vehicle sign. He would discourage being on Hwy 93, and thinks it would be a great thing downtown.

City Manager Stearns said we could get a Certificate of Insurance naming the City as an additional insured. Mayor Muhlfeld said he has issues with traffic safety and congestion, especially on Wisconsin, and doesn't agree with the proposal. Councilor Hildner wondered if there is a possibility of a trial period.

Councilor Hildner made a motion, second by Councilor Barberis to permit a horse drawn carriage, subject to Certificate of Insurance for Liability adding the City as additional insured on a trial basis for 45 days.

Councilor Frandsen suggested doing a shorter trial period, and a smaller area and figure the small area first. She does not feel comfortable with the proposed route.

The motion failed with a 3 -2 vote, Councilors Sweeney, Frandsen and Williams voting in opposition.

d) Appointment of a City Council member(s) to the PUD re-write committee (p. 97)

Councilor Frandsen made a motion second by Councilor Williams to appoint Councilor Sweeney to serve on the PUD re-write committee. The motion passed unanimously with Councilor Sweeney abstaining.

e) Appointment of two City Council members to the Wisconsin Avenue Corridor Study committee (p. 99)

Councilor Sweeney made a motion, second by Councilor Hildner to appoint Councilor Barberis and Councilor Feury to the Wisconsin Avenue Corridor Study committee. The motion passed unanimously.

f) Consideration of any appointments to volunteer committees not made during tonight's work session (p.1)

Mayor Muhlfeld reported appointments were made in the earlier Work Session to the PUD Re-Write and the Architectural Review Committees, and elected to re-advertise for the Resort Tax Monitoring Committee.

Mayor Muhlfeld re-motined to appoint Edna White representing large lodging, and re-appointed Nick Polumbus and Jake Cook as the member at large to the Whitefish Convention and Visitor Bureau (WCVB) and deferred the fourth appointment as he would like to fill that position with a retail merchant. Councilor Sweeney made a motion, second by Councilor Hildner to ratify the motion. Councilor Frandsen abstained from the vote, she is owner of Old Town Creative which is the digital agency of record for the WCVB. The motion passed unanimously with Councilor Frandsen abstaining from the vote.

Council Comments:

Councilor Barberis agreed with Councilor Hildner regarding the success of the Bike to School Day. She would like to hear from those who live near or used the pop up bike lanes and find out their thoughts.

Councilor Hildner received a call from Nelson's Hardware with regards to North Valley Refuse discontinuing the two cardboard recycle bins located in the alley approximate to Nelson's Hardware. Those bins have not been charged in the past and all of a sudden we are not able to recycle cardboard from those businesses unless a business steps up to be the point of contact for billing. Councilor Hildner would like to find an equitable solution to making sure we can recycle the cardboard that accumulates in the alley. City Manager Stearns said it seems to be an unintended consequence moving the recycling to the central recycling location. Other businesses have decided to have their own cardboard bins, but they don't want the public using them because they are being charged for the usage. The current situation is people either get their own bin and pay for it or take their recycling to the central recycling location. Councilor Hildner would like to explore some other resolution.

Councilor Hildner asked if the building wash lighting on the motel on Hwy 93 S. has been dealt with and what the status is. Planning and Building Director Taylor notified the owner of the issue; and they brought up additional buildings in town that have similar issues. With Phil moving out of the Code Enforcement position, the issue has been hanging there. City Attorney Jacobs said she was in contact with the building owner and made plans to meet on site but with no Enforcement Officer it has been lagging. Once the Enforcement position is filled, they will do a follow up.

Councilor Frandsen reiterated some wise words from Chief Dial from having personal experience, keep your doors locked.

Mayor Muhlfeld gave the Council and public a brief update on the hiring process for the City Manager position. City Manager Stearns, Human Resource Director Baccaro and Mayor Muhlfeld met and discussed the schedule in order to be able to get someone into the position by year-end. The tentative plan is to start advertising for the position in mid-July; and start screening the applications early to mid-August. City Manager Stearns and Director Baccaro will do the initial screening and Councilors Frandsen, Feury, Hildner and Mayor Muhlfeld are willing to serve on a sub-committee to help short list the application pool to approximately five candidates. After some discussion between Mayor Muhlfeld and the City Council, Friday September 16th, Council agreed to be the interview date. The interviews will be an all-day event with three committees, 1) City Council and Mayor, 2) staff, and 3) an at large group as was done when City Manager Stearns was hired. City Manager Stearns can help give the candidates a tour of the facilities. A public open house will be held the night of September 15th.

Mayor Muhlfeld mentioned in the work session two applicants to the Architectural Review Committee (ARC) brought up follow up with the ARC conditions of approval to ensure projects are actually built to their standards. Director Taylor stated the materials are given to the Building Department to keep tabs on. Changes are supposed to be approved. He will talk to Senior Planner Compton-Ring about ways to address the concern. Mayor Muhlfeld would like some feedback regarding follow-up inspections.

Councilor Hildner would like the City to follow up with the Washington State Department of Ecology with regards to the Millennium Bulk Terminal EIS in consistent with the City Resolution 14-39. He suggested a letter to go out under Mayor Muhlfeld's signature and said he would be happy to work on that. The Council agreed to proceed.

Director Workman reminded the Council and the public of the two workshops for the Bike & Pedestrian Master Plan that will be held at the Whitefish High School Cafeteria on May 19 and May 23 from 7-8pm.

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

Mayor Muhlfeld adjourned the meeting at 8:26 pm.

Mayor Muhlfeld

Attest:

Michelle Howke, Whitefish City Clerk

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

RESOLUTION NO. 16-___

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 325 Haugen Heights Road, for which the owners have petitioned for and consented to annexation.

WHEREAS, Andree' Larose and D. Henry Elsen, have filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owners 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:

Tract 1 of Certificate of Survey No. 10428, lying and being within the Southeast Quarter of the Southeast Quarter of Section 27, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

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

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the June 6, 2016 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to §7-2-4607, MCA, this annexation shall be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

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

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

**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 certain tract of land known as 325 Haugen Heights Road, for which the owners have 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 June 6, 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 6th day of June 2016.

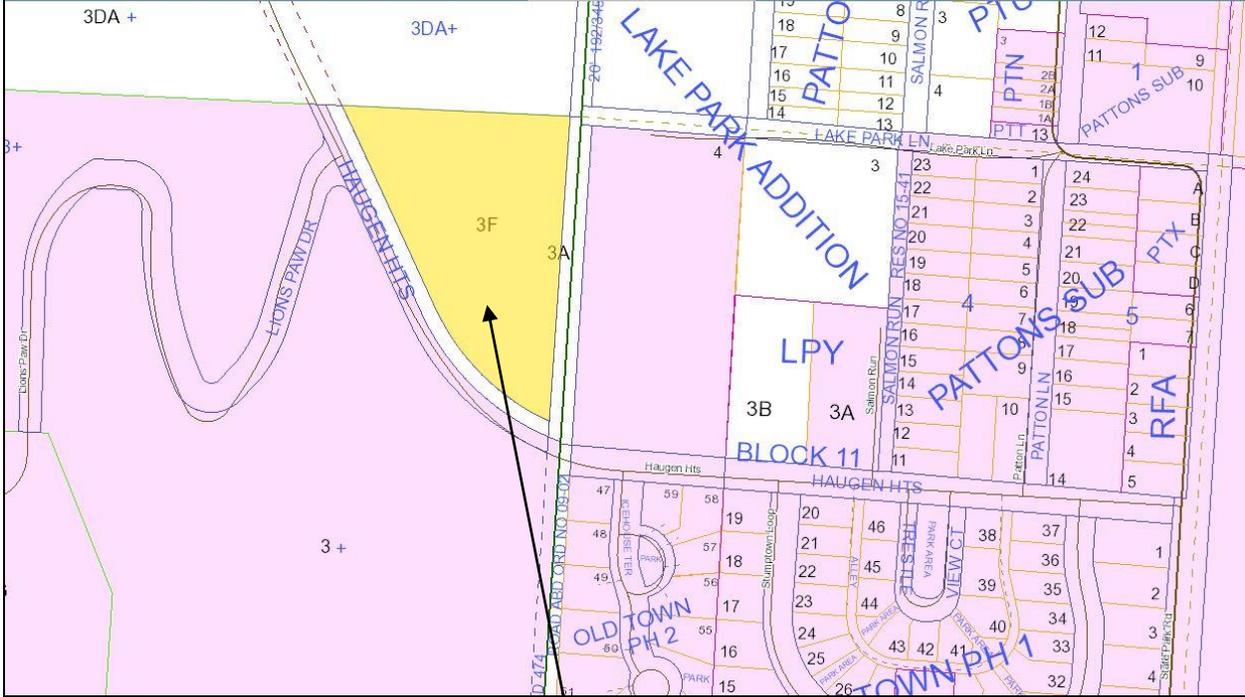
Michelle Howke, City Clerk

FLATHEAD COUNTY GIS

KALISPELL, MONTANA

Downloadable Data | Search | Help | Contact Us

53 MAP CENTER: LATITUDE 48° 24' 58.80 LONGITUDE -114° 22' 19.08 ACTIVE TOOL: RECENTER MAP ACTIVE LAYER: Parcel Owners Physical Address



325 Haugen Heights Road
Assessor No. 0979161

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

PETITION
BEFORE THE CITY COUNCIL
OF THE
CITY OF WHITEFISH

PETITION FOR ANNEXATION TO CITY

Dated this 5th day of May, 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 23rd day of May, 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:

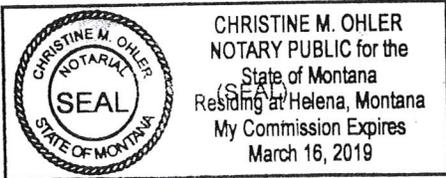
325 HAUGEN HEIGHTS RD, WHITEFISH, MT
ASSESSOR TRACT 3F SE 1/4 SE 1/4, SEZ 27, T31N, R22W
COS # 10428 (TRACT 1)

PROPERTY ADDRESS: 325 HAUGEN HEIGHTS RD, WHITEFISH, MT
ZONED AS: CURRENT: COUNTY R-2.5
PROPOSED: WHITEFISH WER.
D. HENRY EISEN [Printed Name] Andree Larose [Printed Name]

STATE OF MONTANA)
County of LOUIS & CLARK) :ss

On this 5th day of MAY, 2016, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared D. HENRY EISEN and ANDREE LAROSE, 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.



Christine M. Ohler
Notary Public for the State of _____
Print or Type Name of Notary: _____
Residing at _____
My Commission expires: _____

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

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

THIS AGREEMENT is entered into as of 23rd day of May, 2016,
by and between the City of Whitefish, a municipal corporation ("CITY") as grantor of City
water and/or sanitary sewer services, and ANDRÉE LAROSE + HENRY ELSEN
("OWNER"), as grantee recipient(s) of City water and/or sanitary sewer services, whose
mailing address is 901 STUART ST; HELENA, MT with respect to the following facts:
59601

- 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

325 HAUGEN HEIGHTS RD, WHITEFISH, MT
ASSESSOR TRACT 3F SE 1/4, SE 1/4, SEC 27, T31N, R22W
COS # 10428 (TRACT 1)

- 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

agreed as follows:

(1) **Furnishing of Sewer Services:** The CITY hereby agrees to furnish municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY. Unless otherwise agreed in writing between the parties, OWNER shall be solely responsible for all costs involved in extending municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY and connecting OWNER'S REAL PROPERTY to the municipal water and/or sewer system. Nothing in this Agreement shall obligate CITY to pay the costs of right-of-way acquisition, engineering, construction and other related costs involved in extending or connecting municipal water and/or sewer service to OWNER'S REAL PROPERTY.

(2) **Municipal Water and/or Sanitary Sewer Connections:** Upon approval by the CITY Public Works Department of the design and construction of all the municipal water and/or sanitary sewer lines and other facilities necessary to serve OWNER'S REAL PROPERTY, and acceptance of all of such water and/or sewer facilities by the CITY, OWNER will be given permission to connect no more than 5 (PROPOSED) connection to the CITY'S municipal water and/or sanitary sewer system. Any additional water and/or sewer connections shall require a new application for service and approval obtained from the CITY Public Works Department.

Upon approval by the CITY Public Works Department, OWNER will be given permission to extend 5 (PROPOSED) water and sanitary sewer stubs from the municipal sanitary main to the property line of the property described herein. Any additional water and/or sanitary sewer stubs shall require a new application for CITY water and/or sanitary sewer service. Prior to connecting any residential or commercial building or any other structure to the water and/or sanitary sewer service stub-out(s), a request must be submitted to CITY for municipal water and/or sanitary sewer service describing the use of the building proposed to be connected. Any connections must comply with the Rules and Regulations for the City of Whitefish Water, Wastewater and Garbage Utility. The request is to be reviewed and approved by CITY prior to any connection of a residential or commercial building, or other structure. No residential or commercial building or any other structure shall be allowed to connect to the municipal water and/or sanitary sewer service extension unless approval has first been obtained from the CITY Public Works Department.

(3) **Transfer of Title:** Within thirty (30) days of the completion of the construction and CITY acceptance of the said water and/or sanitary sewer extension, OWNER hereby agrees to transfer, or cause to be transferred to CITY by appropriate documents any right, title and interest that OWNER may have in the municipal water and/or sanitary sewer lateral and main extensions to be built by OWNER to provide service to the herein described property.

OWNER agrees that the municipal water and/or sanitary sewer line extension to the property shall be constructed in a public right-of-way or on land either owned by OWNER or subject to an appropriate easement approved by CITY, granting OWNER, CITY, and their successors and assigns the right to construct, repair, and maintain the sanitary

sewer extension lines. If any portion of the lateral extension is constructed on land owned by OWNER at the time OWNER transfers their interest in the sanitary sewer extension line to the CITY, 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.

- c) OWNER hereby signs the petition requesting annexation attached to and made a part hereof under this Agreement for municipal water and/or sanitary sewer services at the time of signing this Agreement. Such Petition shall be filed with the City Clerk.
- d) OWNER acknowledges and agrees that OWNER has had an opportunity to inspect the contents of the CITY'S Plan for Extension of Services, as adopted by the CITY, and which describes the manner in which CITY services may be extended to properties annexed by the CITY. OWNER acknowledges and agrees that OWNER is satisfied with the CITY'S Plan for Extension of Services, and that the CITY'S Plan for Extension of Services adequately provides for the extension of CITY services to OWNER'S REAL PROPERTY. OWNER hereby waives the right to object or otherwise challenge the CITY'S Plan for Extension of Services.
- e) OWNER hereby irrevocably waives for all time the right to file an action in court to challenge, for any reason, the CITY'S annexation of OWNER'S REAL PROPERTY, whether such annexation occurs now or in the future.
- f) OWNER acknowledges and agrees that all of OWNER'S REAL PROPERTY, as described above, will clearly and immediately, and not merely potentially, be serviced by the municipal water and/or sanitary sewer service to be provided by the CITY pursuant to this Agreement.
- g) OWNER agrees that if ever OWNER, their heirs, assigns, successors, purchasers, administrators, personal representatives or subsequent holders of title to OWNER'S REAL PROPERTY, breach, challenge, disregard, or otherwise violate any of the terms of this Agreement, the CITY may, after providing twenty (20) days written notice, terminate water and/or sanitary sewer services to OWNER'S REAL PROPERTY, in addition to any other remedies that the CITY may have.
- h) OWNER agrees that if OWNER, in violation of this Agreement, submits a protest to the annexation of OWNER'S REAL PROPERTY, the CITY may disregard such protest, in addition to any other remedies that the CITY may have.
- i) The promises, covenants, representations, and waivers provided pursuant to this Agreement are voluntarily and knowingly given, with full knowledge of the OWNER'S legal rights. OWNER acknowledges and agrees that it has had an opportunity to consult with legal counsel of its choice regarding the provisions of this Agreement.

(7) **Recording; Binding Effect:** OWNER agrees that this entire Agreement shall be recorded in the office of the Clerk and Recorder of Flathead County, and OWNER agrees that this Agreement shall run to, with, and be binding upon OWNER'S REAL PROPERTY and OWNER'S title to such real property, and shall be binding upon the OWNER'S heirs, assigns, successors, administrators, personal representatives and any and

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

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

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

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

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

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

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

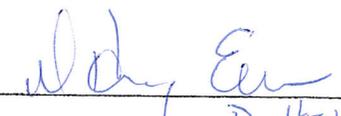
(11) **Partial Invalidity:** Each term, covenant, condition or provision of this Agreement shall be viewed as separate and distinct, and in the event that any such term, covenant, condition or provision shall be held by a court of competent jurisdiction to be invalid, the remaining provisions shall continue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

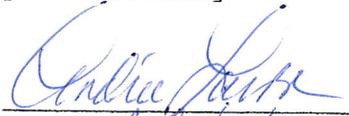
(12) **Necessary Acts:** Each party to this Agreement agrees to perform any further acts and execute and deliver any further documents that may be reasonably necessary to carry out the provisions of this Agreement.

CITY OF WHITEFISH

By: 
Charles C. Stearns, City Manager

OWNER(S)


D. HENRY ELSÉN
[Printed Name]


Andree Larose
[Printed Name]

ATTEST:

Michelle Howke

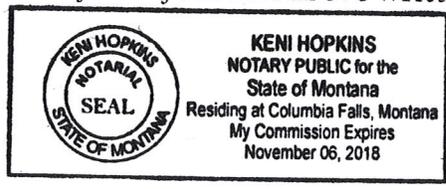
Necile Lorang, City Clerk
Michelle Howke

STATE OF MONTANA)
) ss.
County of Flathead)

On this 23rd day of May, 20 16, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared CHARLES C. STEARNS and NECILE LORANG, known to me to be the City Manager and City Clerk of the City of Whitefish, whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

Michelle Howke

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



Keni Hopkins

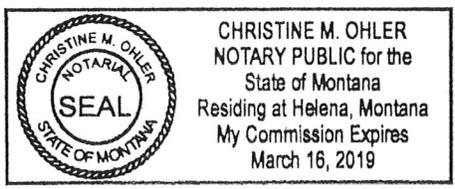
Notary Public for the State of Montana

STATE OF MONTANA)
) ss. LEWIS & CLARK
County of Flathead)

On this 5th day of MAY, 20 16, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared D. HENRY ELSEN and ANDREE LAROSE, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

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

(SEAL)



Christine M. Ohler

Notary Public for the State of _____

[print or type name of Notary]
Residing at _____
My Commission expires: _____

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

RESOLUTION NO. 16-___

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of land known as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, for which the owner has petitioned for and consented to annexation.

WHEREAS, GMJ, LLC, by and through its member, Garth Boksich, has filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owners 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:

The Easterly ten feet of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Easterly ten feet of the North 216.11 feet of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

Excepting therefrom that portion deeded to the State of Montana for highway purposes, recorded February 19, 2014, as Instrument No. 2014-00003072 and February 19, 2014, as Instrument No. 2014-00003073.

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

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the June 6, 2016 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to §7-2-4607, MCA, this annexation shall be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 6TH DAY OF JUNE, 2016.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

**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 certain tracts of land known as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, 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 June 6, 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 6th day of June 2016.

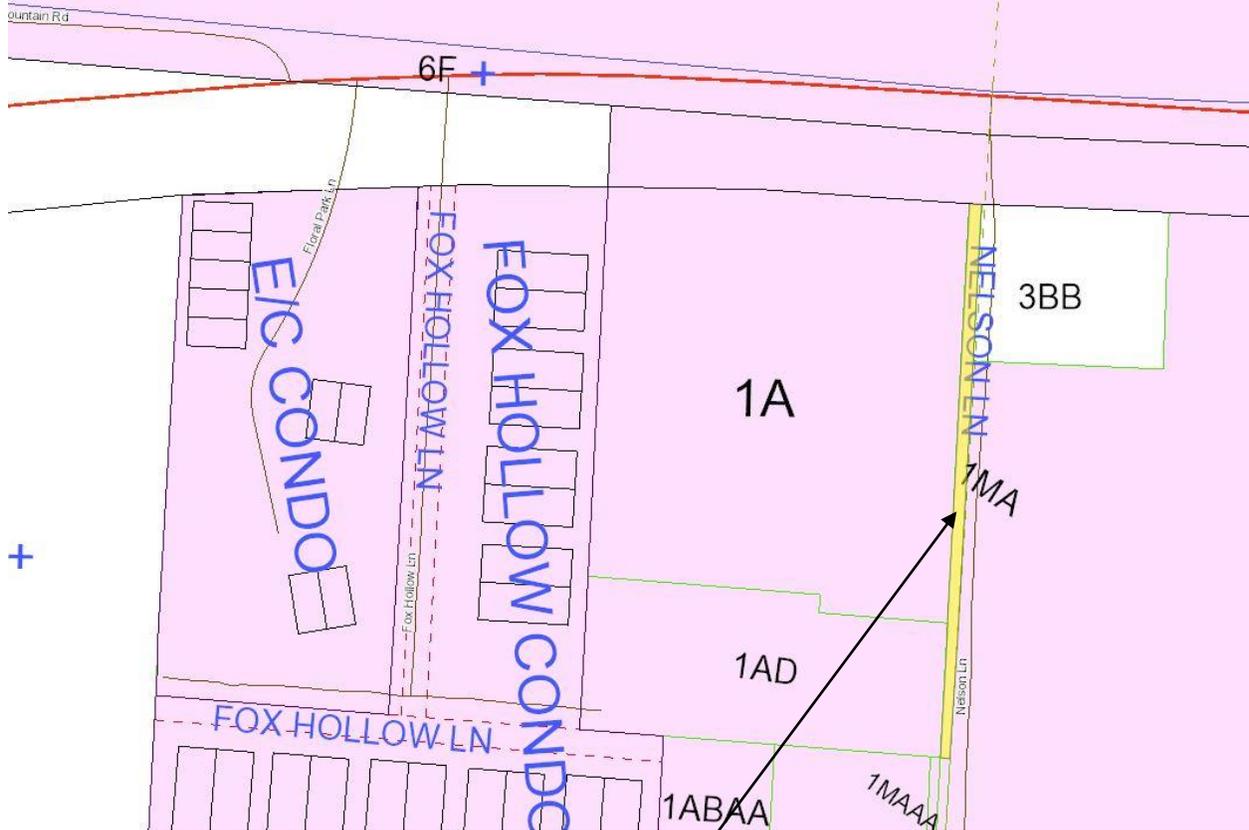
Michelle Howke, City Clerk

FLATHEAD COUNTY GIS

KALISPELL, MONTANA

Downloadable Data | Search | Help | Contact Us

MAP CENTER: LATITUDE 48° 24' 35.20 LONGITUDE -114° 21' 47.54 ACTIVE TOOL: ZOOM OUT MAP ACTIVE LAYER: Parcel Owners Physical Address



TR 1MA IN SE¼NW¼ NORTHERN PORTION
TR 1B, TR 1-0 IN SE¼NW¼ SOUTHERN PORTION
Assessor Nos. 0006303 and 0613050

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

PETITION
BEFORE THE CITY COUNCIL
OF THE
CITY OF WHITEFISH

PETITION FOR ANNEXATION TO CITY

Dated this 27th day of May, 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 Whitefish Fire Service Area.

This petition is pursuant to the Contract Agreement for Annexation and City Water and/or Sanitary Sewer Service dated the 31st day of May, 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:

TR 1MA in SE4 NW4 - Northern Portion
TR 1B, TR 1-O in SE4 NW4 - Southern Portion

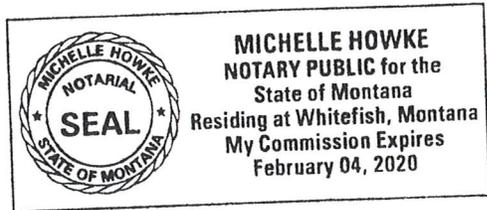
PROPERTY ADDRESS: Nelson Lane (1305 US Highway 93W)
ZONED AS: County RZ-1

Garth Boksich GMS LLC _____
[Printed Name] [Printed Name]

STATE OF Montana)
County of Flathead) :ss

On this 27 day of May, 2016 before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared Garth Boksich 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.



Michelle Howke

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

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

THIS AGREEMENT is entered into as of 31 day of May, 2016 by and between the City of Whitefish, a municipal corporation ("CITY") as grantor of City water and/or sanitary sewer services, and G.M.J. LLC ("OWNER"), as grantee recipient(s) of City water and/or sanitary sewer services, whose mailing address is PO Box 4274, Whitefish MT 59937 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

TR 1MA in SE 4 NW 4 - Northern Portion of
TR 1B, TR 1-O in SE 4 NW 4 - Southern Portion
Assessor #s 006303 & 0613050

- 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 agreed as follows:

(1) **Furnishing of Sewer Services:** The CITY hereby agrees to furnish municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY. Unless otherwise agreed in writing between the parties, OWNER shall be solely responsible for all costs involved in extending municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY and connecting OWNER'S REAL PROPERTY to the municipal water and/or sewer system. Nothing in this Agreement shall obligate CITY to pay the costs of right-of-way acquisition, engineering, construction and other related costs involved in extending or connecting municipal water and/or sewer service to OWNER'S REAL PROPERTY.

(2) **Municipal Water and/or Sanitary Sewer Connections:** Upon approval by the CITY Public Works Department of the design and construction of all the municipal water and/or sanitary sewer lines and other facilities necessary to serve OWNER'S REAL PROPERTY, and acceptance of all of such water and/or sewer facilities by the CITY, OWNER will be given permission to connect no more than 0 connection to the CITY'S municipal water and/or sanitary sewer system. Any additional water and/or sewer connections shall require a new application for service and approval obtained from the CITY Public Works Department.

Upon approval by the CITY Public Works Department, OWNER will be given permission to extend 0 water and sanitary sewer stubs from the municipal sanitary main to the property line of the property described herein. Any additional water and/or sanitary sewer stubs shall require a new application for CITY water and/or sanitary sewer service. Prior to connecting any residential or commercial building or any other structure to the water and/or sanitary sewer service stub-out(s), a request must be submitted to CITY for municipal water and/or sanitary sewer service describing the use of the building proposed to be connected. Any connections must comply with the Rules and Regulations for the City of Whitefish Water, Wastewater and Garbage Utility. The request is to be reviewed and approved by CITY prior to any connection of a residential or commercial building, or other structure. No residential or commercial building or any other structure shall be allowed to connect to the municipal water and/or sanitary sewer service extension unless approval has first been obtained from the CITY Public Works Department.

(3) **Transfer of Title:** Within thirty (30) days of the completion of the construction and CITY acceptance of the said water and/or sanitary sewer extension, OWNER hereby agrees to transfer, or cause to be transferred to CITY by appropriate documents any right, title and interest that OWNER may have in the municipal water and/or sanitary sewer lateral and main extensions to be built by OWNER to provide service to the herein described property.

OWNER agrees that the municipal water and/or sanitary sewer line extension to the property shall be constructed in a public right-of-way or on land either owned by OWNER or subject to an appropriate easement approved by CITY, granting OWNER, CITY, and their successors and assigns the right to construct, repair, and maintain the sanitary sewer extension lines. If any portion of the lateral extension is constructed on land owned by OWNER at the time OWNER transfers their interest in the sanitary sewer extension line to the CITY, 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.*
- c) OWNER hereby signs the petition requesting annexation attached to and made a part hereof under this Agreement for municipal water and/or sanitary sewer services at the time of signing this Agreement. Such Petition shall be filed with the City Clerk.

- d) OWNER acknowledges and agrees that OWNER has had an opportunity to inspect the contents of the CITY'S Plan for Extension of Services, as adopted by the CITY, and which describes the manner in which CITY services may be extended to properties annexed by the CITY. OWNER acknowledges and agrees that OWNER is satisfied with the CITY'S Plan for Extension of Services, and that the CITY'S Plan for Extension of Services adequately provides for the extension of CITY services to OWNER'S REAL PROPERTY. OWNER hereby waives the right to object or otherwise challenge the CITY'S Plan for Extension of Services.
- e) OWNER hereby irrevocably waives for all time the right to file an action in court to challenge, for any reason, the CITY'S annexation of OWNER'S REAL PROPERTY, whether such annexation occurs now or in the future.
- f) OWNER acknowledges and agrees that all of OWNER'S REAL PROPERTY, as described above, will clearly and immediately, and not merely potentially, be serviced by the municipal water and/or sanitary sewer service to be provided by the CITY pursuant to this Agreement.
- g) OWNER agrees that if ever OWNER, their heirs, assigns, successors, purchasers, administrators, personal representatives or subsequent holders of title to OWNER'S REAL PROPERTY, breach, challenge, disregard, or otherwise violate any of the terms of this Agreement, the CITY may, after providing twenty (20) days written notice, terminate water and/or sanitary sewer services to OWNER'S REAL PROPERTY, in addition to any other remedies that the CITY may have.
- h) OWNER agrees that if OWNER, in violation of this Agreement, submits a protest to the annexation of OWNER'S REAL PROPERTY, the CITY may disregard such protest, in addition to any other remedies that the CITY may have.
- i) The promises, covenants, representations, and waivers provided pursuant to this Agreement are voluntarily and knowingly given, with full knowledge of the OWNER'S legal rights. OWNER acknowledges and agrees that it has had an opportunity to consult with legal counsel of its choice regarding the provisions of this Agreement.

(7) **Recording; Binding Effect:** OWNER agrees that this entire Agreement shall be recorded in the office of the Clerk and Recorder of Flathead County, and OWNER agrees that this Agreement shall run to, with, and be binding upon OWNER'S REAL PROPERTY and OWNER'S title to such real property, and shall be binding upon the OWNER'S heirs, assigns, successors, administrators, personal representatives and any and all subsequent holders or owners of OWNER'S REAL PROPERTY.

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

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

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

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

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

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

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

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

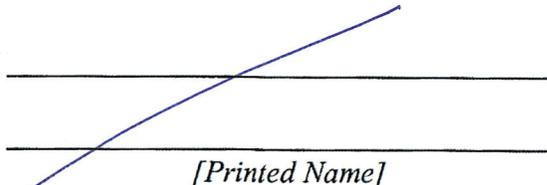
OWNER(S)

OWNER(S)





Garth Boksich
[Printed Name]


[Printed Name]

CITY OF WHITEFISH

ATTEST:

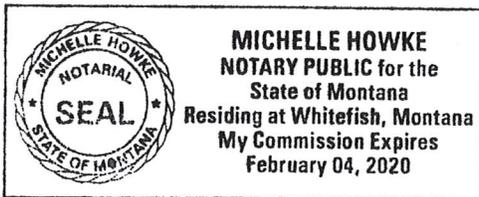
By: 
Charles C. Stearns, City Manager


Michelle Howke, City Clerk

STATE OF Montana)
) ss.
County of Flathead)

On this 27 day of May, 2016, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared Garen Boksich 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.

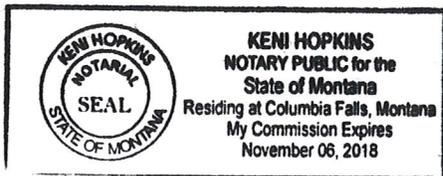


Michelle Howke

STATE OF MONTANA)
) ss.
County of Flathead)

On this 31st day of May, 2016, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared CHARLES C. STEARNS, and MICHELLE HOWKE, to me known to be the City Manager and City Clerk respectively of the City of Whitefish, that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the City of Whitefish for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of the City of Whitefish.

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



Keni Hopkins

RANDY DUNLOP
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-16-W06
MAY 31, 2016

Property Owner: Randy Dunlop
Mailing Address: P.O. Box 1234
Lethbridge, AB T1J4A4 Canada

Applicant/Contractor: Cory Izett Whitefish Lake Services
Mailing Address: 14 Scullers Way P.O. Box 5521
Whitefish, MT 59937 Whitefish, MT 59937

Telephone Number: 406-862-7332 406-471-5723

Property Legal Description: Lot 1 of Lake Point Subdivision in Section 26, Township
31 North, Range 22 West

Property Address: 736 Birch Point Drive

Lake: Whitefish Lake

Lake Frontage: 87.93' per plat

Project Description: Replace existing dock with a new EZ Dock, jet ski port,
and install a boat lift.

Proposal: The applicant is proposing to replace an existing dock. No permit has been issued for the existing dock since it was installed prior to the effective date of the lakeshore regulations. The new dock will be 'L' shaped, approximately 4.8 feet wide by 78 feet long, with an attached gangway 3 feet wide by 20 feet long. The breakwater wing will be 8 feet wide by 24.5 feet long. The applicant is also proposing to install a jet ski port inside the breakwater wing, approximately 67 square feet. The proposed constructed area for the new dock is 660.8 square feet. The dock will be located in the middle of the subject property.

The Whitefish Lake and Lakeshore Protection Regulations state that docks may be permitted to exceed 60 feet in length, *"if the water depth at 60 feet from low water is less than 4 feet in depth, and cannot be moved to a location on the property to achieve 4 feet depth, then the total dock length may be increased to the point at which water depth equals 4 feet, but not to exceed 100 feet in maximum length, including gangway."* (§13-3-1(K)(5)(a) WLLPR) The applicant has submitted a depth profile for the subject property which demonstrates that at 100 feet from the shoreline, the water depth is roughly 3'11" feet deep. This coincides with water depth profiles for this area of the lake.

The second activity proposed is the installation of a new shore station on the outside of the dock. The shore station is not permitted to extend past the furthest end of the dock. Additionally, no canopy is proposed on the shore station as the remaining constructed area allowance is too small to include a canopy.

The constructed area for the new dock is 660.8 square feet, which is within the property allowance.

Frontage and allowable constructed area: The subject property has 87.93 feet of lakeshore frontage and is eligible for 703.44 square feet of constructed area.

Existing Constructed Area: There is no other development within the lakeshore protection zone.

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

Recommended Conditions of Approval: The Whitefish Lakeshore Protection Committee recommended approval of the requested lakeshore construction permit on May 10th, 2016 to the Whitefish City Council subject to the following conditions:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed dock dimensions specified on the application project drawing shall not be exceeded 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.

Dock

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

Shore Station

12. The shore station shall not be located farther into the lake than the permitted dock length.
13. The shore station shall be located no closer than twenty-five (25) feet from the side riparian boundary line.
14. The highest point of the shore station shall not exceed ten (10) feet in height above the current water elevation of the lake.
15. The shore station shall be located along the dock, as depicted on the submitted site plan.
16. Due to the amount of constructed area permitted for the subject property, the shore station is *not permitted* to include a canopy at this time. If the property owner wishes to install a canopy in the future, an amended permit must be granted which includes the entire surface of the canopy in the constructed area calculation.

Report by Bailey Minnich

WHITEFISH LAKESHORE PROTECTION COMMITTEE
MINUTES OF May 10, 2016

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

MEMBERS PRESENT:

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

MEMBERS ABSENT: none

ADDITIONS/CORRECTIONS TO TONIGHT'S AGENDA: none

APPROVAL OF NOVEMBER MINUTES:

- Joe moved to approve the April minutes as presented. Brian seconded the motion. All in favor and motion carried.

GENERAL PUBLIC COMMENT: none

Old Business: none

NEW BUSINESS

WLP-16-W06 – Randy Dunlop – Dock and Shore Station

[Present: Cory Izett, Applicant's Representative]

Discussion:

Staff began with a presentation of the proposed project and draft lakeshore permit report. Discussion was held regarding where the subject property is located, the existing dock which will be replaced with this permit application, and shared dock standards. Further discussion occurred on whether the dock should continue to be located in the middle of the subject property or further to the west in order to limit potential navigational issues near the mouth of the Whitefish River. However, there are issues with the water depth both to the west and east of the current dock location. Also, staff discussed the difference between permits for docks on Whitefish River and docks on Whitefish Lake.

Motion:

- Jim moved to approve the permit as presented. Brian seconded the motion. Motion approved 5-2 (Malletta and Abell opposed); the motion carried.

Discussion on Administrative Permits

Staff began with why certain administrative permits are no longer seen by the Committee. These include docks less than 60 feet long that comply with all required dock standards, shore stations, and buoys. Previously, staff could only approve domestic water lines, burning, and dead tree

removal permits administratively. Discussion was held regarding a permit issued by staff in the past winter, and if staff should not have issued the permit. Staff explained the interpretations made by the Planning Office which allowed the permit to ultimately be approved. Further discussion occurred on the validity of previously issued permits, and that approved permits run with the property, not the current property owner. Some members of the Committee would like to develop a way for them to see administrative permit applications before staff issues a permit, in order to review the application for potential problems. Staff explained the potential issues that could occur with time limits and the overall process. It was discussed that staff put any received applications in the private Lakeshore Committee folder on Dropbox and allow interested Committee members a chance to review the applications. However, this process would need to be discussed with the Planning Director and potentially the City Attorney.

STAFF NOTICE

Staff mentioned the Flathead County Planning Board meeting will be held the next evening, regarding updating the County's lakeshore regulations, and invited the committee members to attend. Staff will be present to provide comments on behalf of the City of Whitefish, which are the same as the comments Staff presented at the County Planning Board Work Session in March. Also discussed was how the City of Whitefish determined the high water elevation of Whitefish Lake in April 2015. Brian has provided data to the Whitefish Lake Institute for summer 2015 levels which could be used to calculate the last 5 consecutive years' high water elevation, and potentially change the high water elevation on Whitefish Lake. Staff indicated they would contact the WLI and start that process.

ADJOURNMENT

The meeting was adjourned at 6:54pm.

NEXT MEETING

**June 8, 2016 * 6:00pm
Whitefish Planning & Building Office
510 Railway Street – Whitefish, MT**

RANDY DUNLOP
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-16-W06
MAY 3, 2016

Property Owner: Randy Dunlop
Mailing Address: P.O. Box 1234
Lethbridge, AB T1J4A4 Canada

Applicant/Contractor: Cory Izett Whitefish Lake Services
Mailing Address: 14 Scullers Way P.O. Box 5521
Whitefish, MT 59937 Whitefish, MT 59937

Telephone Number: 406-862-7332 406-471-5723

Property Legal Description: Lot 1 of Lake Point Subdivision in Section 26, Township 31 North, Range 22 West

Property Address: 736 Birch Point Drive

Lake: Whitefish Lake

Lake Frontage: 87.93' per plat

Project Description: Replace existing dock with a new EZ Dock, jet ski port, and install a boat lift.

Proposal: The applicant is proposing to replace an existing dock. No permit has been issued for the existing dock since it was installed prior to the effective date of the lakeshore regulations. The new dock will be 'L' shaped, approximately 4.8 feet wide by 78 feet long, with an attached gangway 3 feet wide by 20 feet long. The breakwater wing will be 8 feet wide by 24.5 feet long. The applicant is also proposing to install a jet ski port inside the breakwater wing, approximately 67 square feet. The proposed constructed area for the new dock is 660.8 square feet. The dock will be located in the middle of the subject property.

The Whitefish Lake and Lakeshore Protection Regulations state that docks may be permitted to exceed 60 feet in length, *"if the water depth at 60 feet from low water is less than 4 feet in depth, and cannot be moved to a location on the property to achieve 4 feet depth, then the total dock length may be increased to the point at which water depth equals 4 feet, but not to exceed 100 feet in maximum length, including gangway."* (§13-3-1(K)(5)(a) WLLPR) The applicant has submitted a depth profile for the subject property which demonstrates that at 100 feet from the shoreline, the water depth is roughly 3'11" feet deep. This coincides with water depth profiles for this area of the lake.

The second activity proposed is the installation of a new shore station on the outside of the dock. The shore station is not permitted to extend past the furthest end of the dock. Additionally, no canopy is proposed on the shore station as the remaining constructed area allowance is too small to include a canopy.

The constructed area for the new dock is 660.8 square feet, which is within the property allowance.

Frontage and allowable constructed area: The subject property has 87.93 feet of lakeshore frontage and is eligible for 703.44 square feet of constructed area.

Existing Constructed Area: There is no other development within the lakeshore protection zone.

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

Recommended Conditions of Approval: Staff recommends that the Whitefish Lakeshore Protection Committee recommend approval of the requested lakeshore construction permit subject to the following conditions:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
3. The proposed dock dimensions specified on the application project drawing shall not be exceeded 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.

Dock

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

Shore Station

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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-WALD
 Date: 4/25/14
 Intake Staff: BM
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT APPLICATION

WHITEFISH or LOST COON LAKE

FEE ATTACHED \$ _____

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:

Street Address 736 Birch Pt. Dr.
 How many feet of the lake frontage do you own? 88
 Assessor's Tract No.(s) See Attached Lot No(s) _____
 Block # _____ Subdivision Name _____
 1/4 Sec _____ 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.

[Signature]
 Owner's Signature¹

4-24-16
 Date

Cory TzeH
 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

Cory Izett
Applicant's Signature

4-24-16
Date

Cory Izett
Print Name

Cory Izett
Representative's Signature

4-24-16
Date

Cory Izett
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
- 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: Randy Dunlap Phone: _____

Mailing Address: Box 1234

City, State, Zip: Whitefish mt.

Email: randy.dunlap@dunlapwesternstar.com

APPLICANT (if different than above):

Name: Cory Izett Phone: 862-7332

Mailing Address: 14 Scallers Way

City, State, Zip: Whitefish mt.

Email: cnizett@hotmail.com

CONTRACTOR:

Name: Whitefish Lake Services Phone: 471-5723

Mailing Address: Box 5521

City, State, Zip: Whitefish mt. 59937

Email: dave@whitefishlakeservices.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.)

Remove existing old dock + install new
E2 Dock,
install Boat Lift see attached Drawings

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.

None

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.

None

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?

From: "Randy Dunlop" <randy.dunlop@dunlopwesternstar.com>
Subject: **docks**
Date: April 20, 2016 11:08:17 AM MDT
To: <cnizett@hotmail.com>
Reply-To: <randy.dunlop@dunlopwesternstar.com>

To whom it concerns .i I Randy Dunlop give permission to Cory Izett of Whitefish EZ Dock to apply for my permitting for docks at 736 BIRCH POINT DR WHITEFISH

Property Record Card

Tax Year

[Print](#)

Summary

Primary Information

Property Category: RP

Subcategory: Real Property

Geocode: 07-4292-26-4-06-07-0000

Assessment Code: 0000966415

Primary Owner:

PropertyAddress: 736 BIRCH POINT DR

DUNLOP RANDY T

WHITEFISH, MT 59937

BOX 1234

COS Parcel:

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: LAKE POINT

Legal Description:

LAKE POINT, S26, T31 N, R22 W, Lot 1

Last Modified: 4/22/2015 5:34:02 PM

General Property Information

Neighborhood: 239.0

Property Type: RU - Residential Urban

Living Units: 1

Levy District: 07-0334-74 - MAIN

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

Property Factors

Topography: 1

Fronting: 4 - Residential Street

Utilities: 3, 8, 9

Parking Type:

Access: 1

Parking Quantity:

Location: 5 - Neighborhood or Spot

Parking Proximity:

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
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	0.000	00.00

Deed Information:

Property Record Card

Tax Year

[Print](#)

Summary

Owners

Appraisals

Market Land Info

Market Land Item #1

Method: Frontage and Depth

Width: 88

Square Feet: 00

Valuation

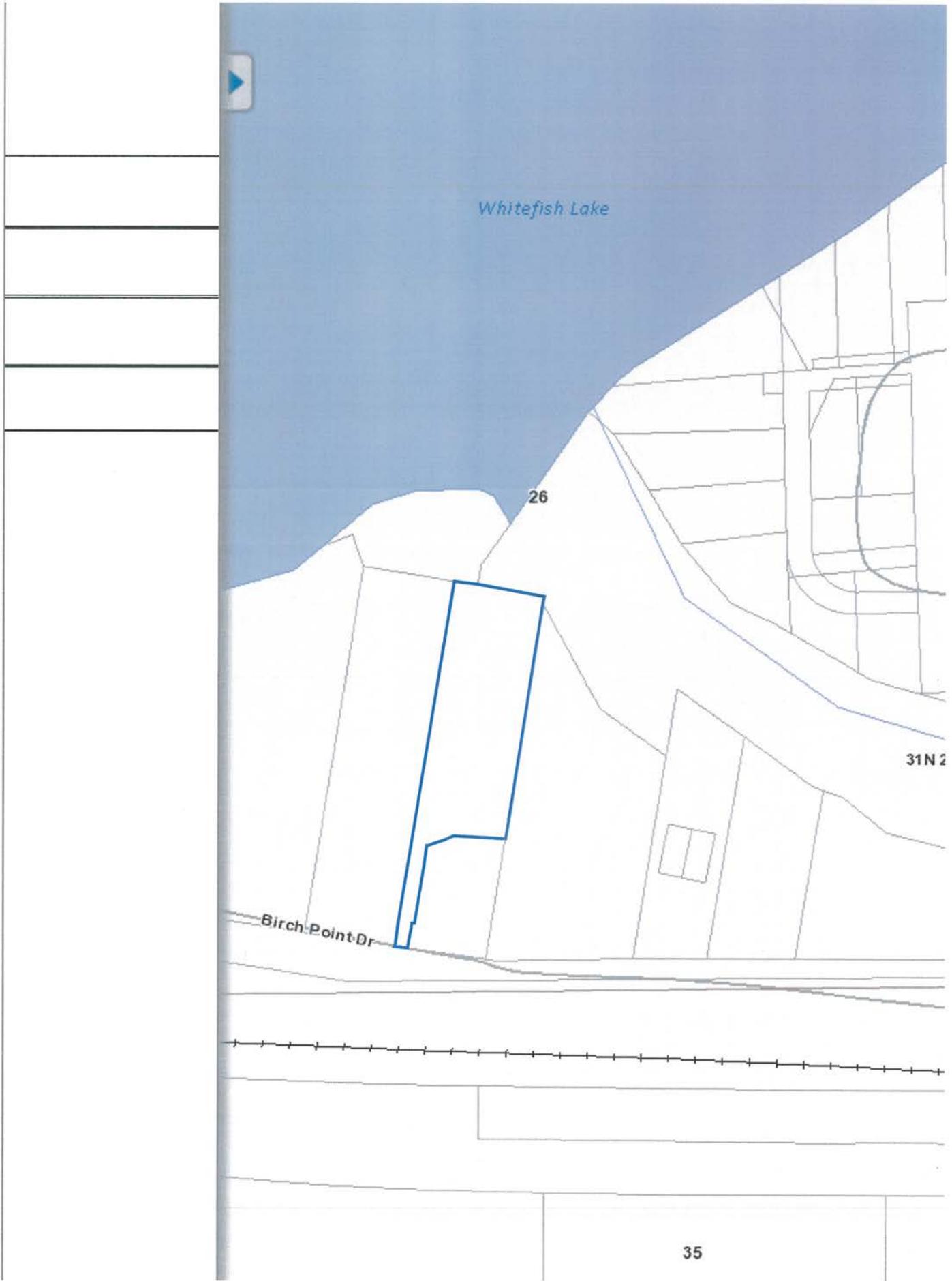
Class Code: 2201

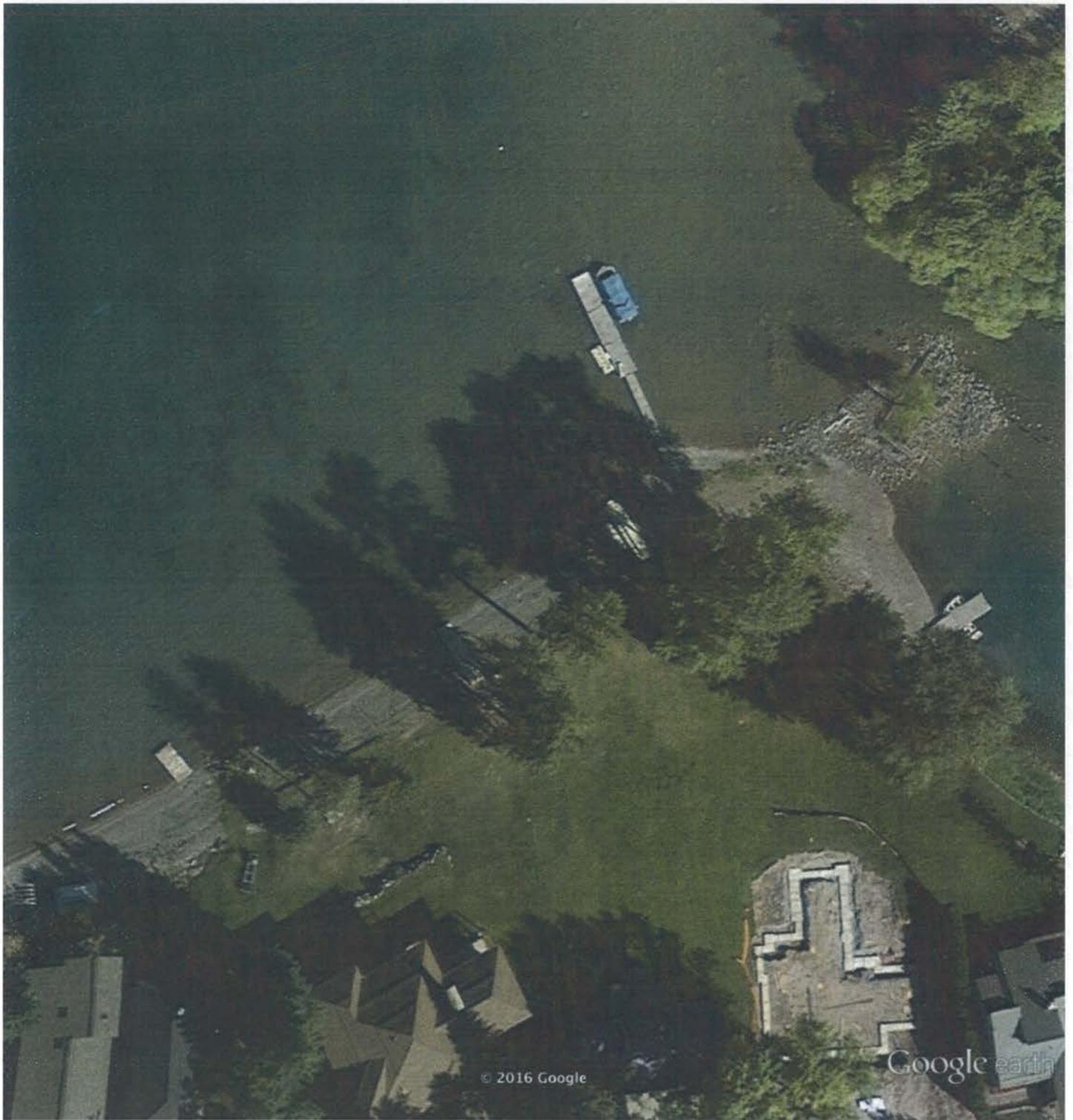
Type: FR2 - Fronting Category 2

Depth: 257

Acres:

Value:

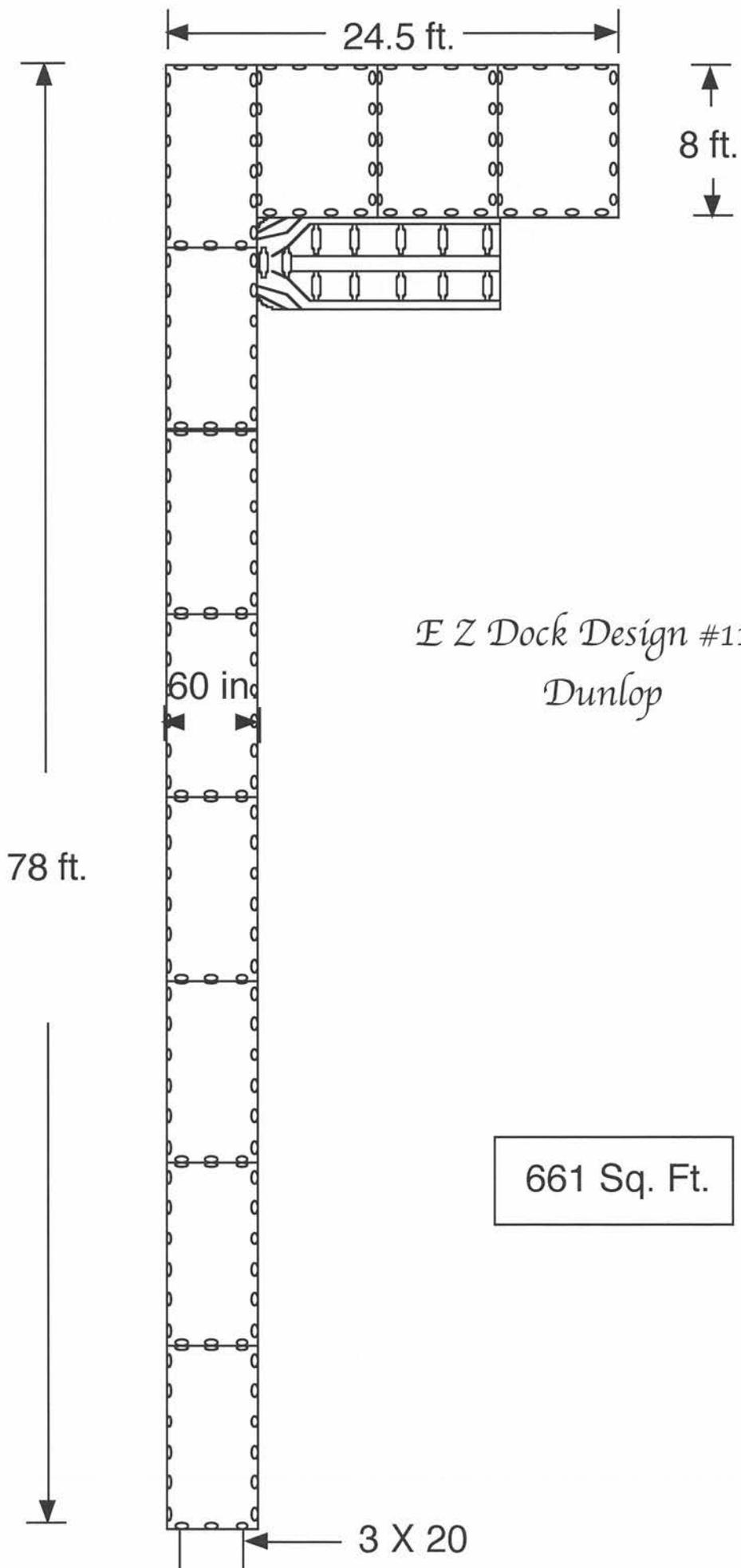




Google earth







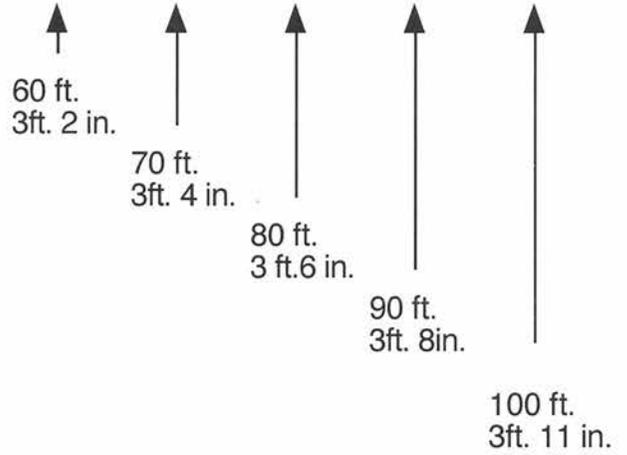
Site Plan For : Dunlop



Depth Profile For: Dunlop



Distance from shore and
corresponding depth





NO SWIMMING

CAUTION
WATER DEPTH
VARIABLE





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**THE GALLERIES
SIGN VARIANCE REQUEST
STAFF REPORT #WZV-16-01
May 31, 2016**

This is a report to the Whitefish City Council for a variance from the sign regulation requirements of the Whitefish Zoning Regulations. This request is scheduled for a public hearing before the Whitefish City Council on Monday, June 6, 2016 at 7:10 p.m.

A. NATURE OF REQUEST:

Stewart Cardon, on behalf of The Gallery Development LLC, is requesting a variance to transfer the square footage allowed for a free-standing sign to two (2) wall signs, instead of only one (1) wall sign.

The variance request is to:

- §11-5-5(A)(1) which establishes the number of signs the allowable square footage for a free-standing may be transferred to.

Sign Measurement and Allowable Signage:

The subject site is located within the Old Town Sign District, and is zoned WB-3. Both free-standing/ground-mounted and wall signage is permitted in the district. For a multi-tenant building in the Old Town district, the allowable square footage for a free-standing sign is a maximum of 24 square feet plus five (5) square feet per tenant. The Galleries building will have a total of 6 tenants: 5 store fronts on the ground floor and 1 lodging business upstairs. Therefore, the maximum allowable square footage for a free-standing sign is 54 square feet $[24 + (5*6) = 54]$.

For wall signage, the total allowable sign square footage is based on the building lineal frontage, which is 79.5-feet. The building frontage on a corner lot is defined as *"the shorter of the two (2) lines adjacent to the streets as platted."* For The Galleries building, the shorter line is East 2nd Street. This number is then multiplied by 0.5 for a multi-tenant building to obtain the total maximum square footage permitted. As there are 6 tenants, the maximum square footage for wall signage is 39.75 square feet $[79.5 * 0.5 = 39.75]$ total for all tenants combined. This maximum square footage also includes the size of any sign placed under the awning of the building, which can be a maximum of eight (8) square feet. Both side of an under awning sign must be calculated into the total proposed square footage.

The WB-3 zoning allows business to build property line to property line with no setbacks. Therefore, almost all of the business in the downtown area transfer the square footage from the free-standing sign to a wall sign. This is permitted under §11-5-5(A)(1) which states *"the allowable square footage*

for a free-standing sign may be transferred to one building mounted sign if a free-standing sign is not used on the property.”

The applicant is proposing to install a total of 6 wall signs and 6 under awning signs. The applicant is proposing to divide up the total allowable wall sign square footage so that business 1, 2, and 3 are allowed 10 total square feet for all signage. This includes one wall sign (8.75 square feet) and one awning sign (1.25 square feet). Business 4 would receive the remainder of the wall signage allowance with 9.75 square feet to divide between a wall sign (8.5 square feet) and one awning sign (1.25 square feet). These signs would all comply with the regulations. The remaining business 5 and the lodging on the 2nd story (business 6) are the subject of the variance request. The applicant proposes to divide the square footage allowable for a free-standing sign with business 5 receiving a total of 10 square feet to divide up similar to the other store fronts, and business 6 to receive a total of 15.83 square feet in order to have a wall sign 14.58 square feet in size and an under awning sign. The remaining balance of the free-standing sign (approximately 28 square feet) would not be utilized by any business.

Figure 1: View of subject property along 2nd Street looking south.



Figure 2: View of subject property along Baker Avenue, looking east.



The total allowable signage and proposed signage for 403 E. 2nd Street are as follows:

	Sign Code Requirements	Request
Wall signs	<ul style="list-style-type: none"> • Two (2) signs per business due to multi-tenant building with exposed side wall • One (1) under awning sign per business; maximum eight (8) square feet • Total 39.75 square feet ($79.5 * 0.5 = 39.75$) 	<ul style="list-style-type: none"> • 1 wall sign per business • 1 under awning store blades per business • Business 1, 2, 3, and 4 total signage = 39.75
Freestanding signs	<ul style="list-style-type: none"> • 1 sign maximum • maximum 24 square feet plus 5 square feet per tenant • Total 54 square feet [$24 + (5*6) = 54$] • This signage can be transferred to one wall sign, if a freestanding sign is not used. 	<ul style="list-style-type: none"> • Transfer to two (2) wall signs and two (2) under awning signs (4 total) • Business 5 and 6 total signage = 25.83
Other signage	Permits one 'A' frame: no greater than 2-feet wide; 6-square feet per side maximum; 44-inches of clearance; not counted into square footage	<ul style="list-style-type: none"> • Total signage proposed = 65.58 • Left over = 28.17

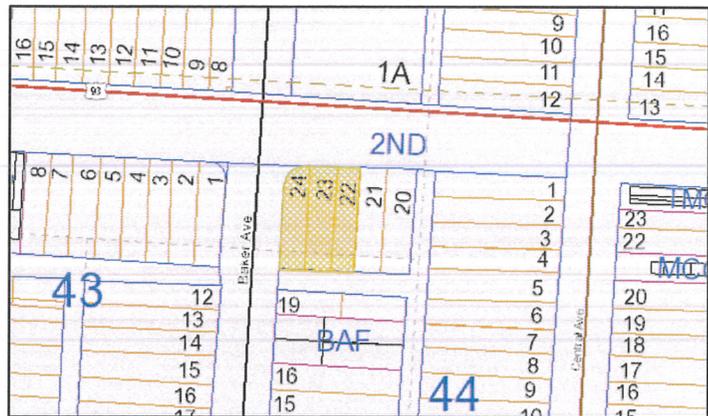
A copy of the applicant's response to the variance criteria is attached. How multi-tenant signs are allowed and sized is an item staff has had on a list of possible house keeping amendments to clarify. Most municipalities size multi-tenant building signs by the lineal frontage per business so that the last tenant is not penalized if all the allowable building signage is utilized.

B. OWNER:
Tres Lund
4100 W 50th Street
Edina, MN 55424

REPRESENTATIVE:
Stewart Cardon
P.O. Box 1890
Whitefish, MT 59937

C. LOCATION OF PROPERTY:

The property is located 403 East 2nd Street, on the southeast corner of E 1st Street and Baker Avenue. It can be legally described as Lots 23, 24, and 22-EXESTRIP in Block 44 of Whitefish Subdivision, Section 36 Township 31 North Range 22 West, P.M.M., Flathead County.



D. ZONING AND SIGN DISTRICT:

The property is within the city limits, zoned WB-3 (General Business District), and located within the Old Town Sign District.

E. PUBLIC NOTICE:

Staff placed a legal in the paper on May 18th, 2016 and mailed an adjacent land owner notice for parcels within 150-feet on May 13th, 2016. As of the writing of this report, only one comment was received via email.

F. EVALUATION OF THE REQUEST:

The criteria set forth in Section 11-7-7 of the City of Whitefish Zoning Jurisdiction Regulations for the review of variances provides no variance shall be granted unless the City Council finds all the following conditions are met or the conditions are found to be not pertinent to the particular case:

1. Strict compliance with the terms of these regulations will:

a. Limit the reasonable use of the property

This criterion is not applicable. The applicant enjoys reasonable use of the property whether or not the variance is granted.

b. Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

The Galleries development has the same right to sign area based on building lineal frontage as other properties in the Old Town Sign District. The building frontage proportionally assigns the amount of overall sign square footage permitted by the sign code. Under §11-5-6-2(A)(2) the sign code refers to building frontage whereas the definitions in the zoning regulations refer to property frontage. Building frontage is not defined, but staff has traditionally used the property frontage definition to determine which side of a building to measure for allowable sign area.

However, the property is somewhat unique in the downtown area as the building has two (2) frontages. If the definition of the property frontage were to allow the longer side of the building to be utilized instead, the total amount of square footage for wall signs would be 54.335 square feet. That is approximately a difference of 14.58 square feet. While that would be enough square footage to accommodate the signage for business 5, the applicant would still require a variance for the signage proposed for business 6 in order to split the allowable free-standing square footage to one wall sign and one under awning sign.

2. The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control.

This criterion is not applicable as the hardship is not the result of lot size, shape or topography. Even if the longer building frontage length were able to be utilized, the applicant would still require a variance to divide the allowable square footage to two signs.

3. The hardship is peculiar to the applicant's property.

The hardship is somewhat peculiar to the subject property. The subject property is comprised of multiple rectangular lots which are approximately the same size as others in the downtown area. Also, there are numerous buildings within the downtown which have two frontages, however, most of them are single tenant buildings. The applicant constructed this building in order to provide multiple business with street frontage.

4. The hardship was not created by the applicant.

While the applicant did construct the building on the lot, the sign regulations do not permit the free-standing signage allowance to be split among multiple signs without receiving a variance from the sign regulations.

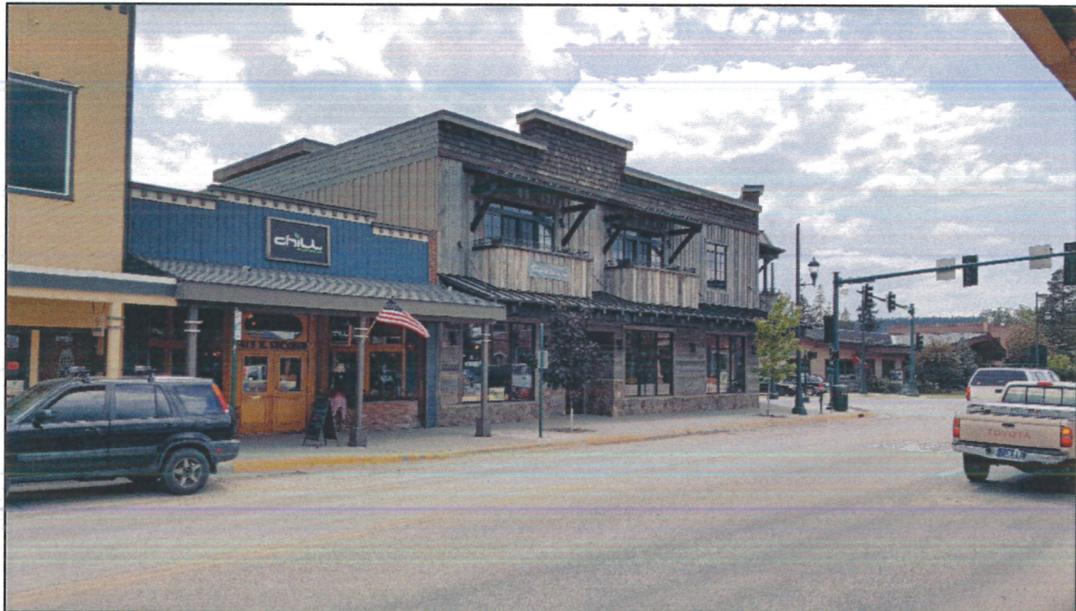
5. The hardship is not economic (when a reasonable or viable alternative exists).

The applicant is not claiming an economic hardship.

6. Granting the variance will not adversely affect the neighboring properties or the public.

The location and size of the proposed signs do not block other signs in its vicinity. Also, the proposed signs do not appear to be any larger than other signs on neighboring businesses, and actually will be smaller than many of the surrounding wall signs.

Figure 3: Location of existing building and neighboring signage along 2nd Street.



7. The variance requested is the minimum variance that will alleviate the hardship.

This is a difficult criterion to evaluate for signage. The amount of signage for the Old Town District is proportional to the building lineal frontage. A smaller building is allowed less signage and larger building is allowed more signage. This standard presumes that a smaller building has less need to advertise than a larger building, but this is not always necessarily true. There is no true standard to measure 'adequate signage.' Nonetheless, the sign allocation standards within the Old Town District attempt to prevent sign clutter by proportionally assigning sign square footage and number of signs.

The applicant is requesting to only transfer a portion of the total allowable square footage for a free-standing sign to the wall signs. There will be a

balance of 28.17 square feet that the applicant will not be utilizing. This means that unless the applicant applies for another variance, or applies for a new sign permit to redistribute the allowed signage, they will “lose” the remaining balance. Therefore, it appears the applicant is requesting the minimum variance needed to alleviate the hardship.

8. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

As explained above, signs are based proportionally on the size of the building. This business is a fairly typical sized building compared to the other large buildings in the downtown area, and does contain multiple tenants instead of just one single tenant. The applicant is requesting fewer wall signs than they actually could be permitted for (only one per business instead of two per business), and they are only utilizing the minimum extra square footage they need to allow all 6 business to have the same size signs. Instead, the applicant could combine all the allowable signage into one large sign for all the businesses with a maximum square footage of 93.75 square feet. However, based on the character and existing business signage within the downtown, it seems a better alternative to allow an extra smaller wall sign and extra under awning sign.

G. FINDINGS OF FACT:

Finding 1: The property is located in the Whitefish city limits and is addressed as 403 East 2nd Street.

Finding 2: The property is zoned WB-3 (General Commercial District).

Finding 3: The property is located within the Old Town Sign District.

Finding 4: City sign regulations allow the following signage at 403 East 2nd Street:

- Two (2) signs per business due to multi-tenant building with exposed side wall; One (1) under awning sign per business; maximum eight (8) square feet; total 39.75 square feet ($79.5 * 0.5 = 39.75$);
- 1 sign maximum; maximum 24 square feet plus 5 square feet per tenant; total 54 square feet [$24 + (5*6) = 54$]; this signage can be transferred to one wall sign, if a freestanding sign is not used.; and
- One ‘A’ frame that is no greater than 2-feet wide; 6-square feet per side maximum; 44-inches of clearance.

Finding 5: Granting the variance will not adversely affect neighboring properties or the public.

Finding 6: Granting the variance is the minimum needed to alleviate the hardship.

Finding 7: Granting the variance will not confer a special privilege that is denied other similar properties in the district.

H. RECOMMENDATION

Staff finds that the conditions for granting relief from the code set forth in Section 11-7-7 are met. Staff recommends the Council adopt the findings in staff report WZV-16-01 and **approve** the variance as requested subject to the following condition of approval:

Conditions:

1. Relief from the strict provisions of the code is to be construed specifically and narrowly. No further relief is granted nor implied.
2. The free-standing signage is only permitted to transfer to the signs specified in the application dated April 28th, 2016, specifically the signage proposed for Store 5 and the 2nd Floor Lodging.
3. A sign permit shall be submitted by applicants and once approved, applicant will pay the sign permit fee within two weeks of variance approval.



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Stewart Cardon on behalf of The Gallery Development LLC is requesting approval of a sign variance to transfer the square footage allowed for a free-standing sign to two (2) wall signs, instead of only one (1) wall sign. The property is developed with a mixed use building containing commercial on the ground floor and residential on the 2nd floor, is zoned WB-3 (General Business District) and is located within the Old Town sign district. The property is located at 403 E. 2nd Street and is legally known as Lots 23, 24, & 22-EXESTRIP in Block 44 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 City Council will hold a public hearing for the proposed project request on:

**Monday, June 6, 2016
7:10 p.m.**

**Whitefish City Council Chambers, City Hall
1005 Baker Avenue, Whitefish MT 59937**

On the back of this flyer is a drawing of the proposed sign. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearing. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at bminnich@cityofwhitefish.org. Comments received by the close of business on Monday, May 27, 2016, will be included in the packets to the City Council. Comments received after the deadline will be summarized to the City Council at the public hearing.

TO: rooney@dailyinterlake.com

PLEASE PUBLISH THE FOLLOWING LEGAL NOTICE ONCE ON
May 18th, 2016.

PLEASE BILL: City of Whitefish

Do not publish above this line

**WHITEFISH CITY COUNCIL
NOTICE OF PUBLIC HEARING**

At the regular meeting of the Whitefish City Council on Monday, June 6th, 2016 at 7:10 pm, the Council will hold a public hearing on the item listed below. The City Council meets in Whitefish City Council Chambers, at **1005 Baker Avenue**, Whitefish, Montana.

1. A sign variance request by Stewart Cardon on behalf of The Gallery Development LLC to transfer the square footage allowed for a free-standing sign to two (2) wall signs, instead of only one (1) wall sign. The property is addressed at 403 E. 2nd Street and is located within the Old Town Sign District. (WZV 16-01) Minnich

Documents pertaining to this agenda item are available for review at the Whitefish Planning & Building Department, 510 Railway Street, Whitefish, Montana 59937 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: bminnich@cityofwhitefish.org. For questions or further information regarding this request, phone 406-863-2410.

WHITEFISH CITY COUNCIL
John Muhlfeld, Mayor

Bailey Minnich

From: Toby Scott <tobyscott2@gmail.com>
Sent: Monday, May 30, 2016 6:40 PM
To: Bailey Minnich
Subject: Propose Land Us Action - Stewart Cardon sign variance

Planning department;

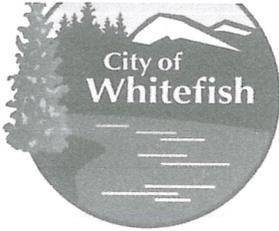
I don't see a problem with allowing Mr Cardon to have the two signs on the wall of the building. It is at the same level as the units he intends on renting and the design of the signs is unobtrusive.

Recommend approval to the City Council.

Thank you,

Toby Scott

Cabin 6 Studio
420 E Third St #B
Whitefish, MT 59937
406-250-7004



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

Date: WZV 10-01
 Intake Staff: BM
 Date Complete: _____

VARIANCE APPLICATION

FEE ATTACHED \$ 935.00
 (Nonrefundable)

Variations are granted only when specific conditions can be met. Applicants are advised to carefully read this application packet in its entirety before completing the form. The Board of Adjustment/City Council cannot approve a variance request unless, in their judgment, each of the eight (8) criteria are either met or are not pertinent to the specific application. As such, applicants are advised to pay special attention to the portion of the application seeking explanations as to how the applicant believes the criteria are either met or are not pertinent to the specific application.

Please be aware the application fee cannot be refunded if the request is denied.

INSTRUCTIONS:

- A pre-application meeting with city staff is required. Date of pre-application meeting: 4.25.2016
- 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 Board of Adjustment or City Council meeting at which this application will be heard.
- Staff will notice property owners within 150-feet of the subject property and place a legal notice in the *Whitefish Pilot* concerning the variance request prior to the public hearing.
- The regularly scheduled meeting of the Board of Adjustment is the first Tuesday of each month at 6:00 PM in the City Council Chambers at 1005 Baker Avenue.
- Sign variance requests, heard by the City Council, are the first and third Mondays of the month at 7:10 PM in the City Council Chambers at 1005 Baker Avenue.
- Decisions of the Board of Adjustment/City Council are final unless appealed to District Court.

A. PROJECT INFORMATION:

Project Address: 403 E 2nd Street, Whitefish, Montana
 Assessor's Tract No.(s) 0517901 Lot No(s) 22, 23 & 24
 Block # 44 Subdivision Name _____
 Section _____ Township _____ Range _____

FOR DEPOSIT ONLY
 GLACIER BANK OF WHITEFISH, CIT
 Y OF WHITEFISH
 WZV 16-01 935.00
 05/06/2016 10:50:19 AM

APR 28 2016

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.

Tres Lund
Owner's Signature

4.22.16
Date

Tres Lund
Print Name

Tres Lund
Applicant's Signature

4.22.16
Date

Tres Lund
Print Name

Stewart Cardon
Representative's Signature

4.22.16
Date

Stewart Cardon
Print Name

APPLICATION CONTENTS:

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

- Variance Application – **8 copies**
- Written description how the project meets the criteria in Section D – **8 copies**
- Site Plan, drawn to scale, which shows in detail the lot dimensions, property lines and pin location. Identify the front rear and sides of your property. Show the location of all existing structures and their location relative to the property lines. Identify all easements and their location – **8 copies**
- Reduced copy of the site plan not to exceed 11" x 17" – **1 copy**
- Show the location of your requested variance requirement, including dimensions and location relative to the front, side or rear yards – **8 copies**
- Any other additional information requested during the pre-application process

SIGN VARIANCE:

- Variance Application – **1 copy**
- Written description how the project meets the criteria in Section D – **1 copy**
- A diagram, drawing or picture of the proposed or subject sign, along with its dimensions, method of mounting the sign to the ground or wall, the overall height measured from the natural grade of the ground and the landscaping plan relevant to the sign – **1 copy**
- Plot plan of the property showing the location of the proposed or subject sign – **1 copy**
- Description of the materials to be used to construct the proposed sign – **1 copy**

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

- _____ Diagrams and written description of the lighting plan for the proposed sign – **1 copy**
- _____ 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 Board of Adjustment or City Council depending on the variance request.

B. OWNER(S) OF RECORD: Tres Lund

Name: _____ Phone: 952-915-2623
 Mailing Address: 4100 W 50th Street,
Edina, MN 55424
 City, State, Zip: _____
 Email: tres.lund@lfhi.com

APPLICANT (if different than above):

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

TECHNICAL/PROFESSIONAL:

Name: Stewart Cardon Phone: 249-4049
 Mailing Address: PO Box 1890
 City, State, Zip: Whitefish, MT 59937
 Email: stewartcardon@bisoncreekpllc.com

C. NATURE OF THE VARIANCE REQUEST:

Provide a building mounted projecting sign for a business on the second floor of a new building.

PRESENT USE OF THE PROPERTY: Mixed use; commercial 1st floor, lodging 2nd floor

D. FINDINGS: "No variance shall be granted unless the Board finds all the following conditions are met or found to be not pertinent to the particular case." Respond to the following requirements.

1. Strict compliance with the terms of these regulations will:

a. Limit the reasonable use of the property and

Building is being used as intended but equating "building frontage" to mean the same as "property frontage" has limited the available SF of signage to be distributed among the building tenants. Based on this property frontage calculation 39.75 SF must be distributed between 6 businesses (6.63 SF ea). The 39.75 SF is being distributed to 4 of the street level store fronts (9.94 SF ave)

b. Deprive the applicant of rights enjoyed by other properties similarly situated in the district.

Each business in the district is entitled to it's own building mounted sign by code. The sign requested for this business would be similar to adjacent existing businesses.

2. The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control.

The hardship results because the allowable signage SF is determined by the property frontage. This concept assumes one business per lot. In this case, the building wraps around the corner and has building frontage and business entrances on two sides instead of one.

3. The hardship is peculiar to the applicant's property.

The hardship is peculiar to this building because, while the building occupies 3 lots it contains 6 businesses each with their own street frontage.

4. The hardship was not created by the applicant.

The hardship is not created by the applicant because the zoning code assumes one building per lot, or one entrance per building.

5. The hardship is not economic (when a reasonable or viable alternative exists).

The hardship is economic in that the business on the second floor has no building mounted signage.

6. Granting the variance will not adversely affect the neighboring properties or the public.
Granting the variance will not adversely affect the neighboring properties because the sign will be similar to those of adjacent businesses and keeping with the character of the neighborhood.

7. The variance requested is the minimum variance which will alleviate the hardship.
The SF requested is less than allowed by transferring the ground signage SF to a building mounted sign (54 SF). The request is for this SF to be used for two signs instead of one (10 SF is currently assigned to store 5). The request is for a 14.58 SF sign and 1.25 SF awning hanging sign for the 2nd floor business, both sign types are allowed by code.

8. Granting the variance will not confer a special privilege that is denied other similar properties in the district.
This variance does not grant a special privilege in that it gives a business a building mounted sign, which is allowed by code, that is similar to the signs enjoyed by the other businesses on the street.

Galleries Signage Areas - SF

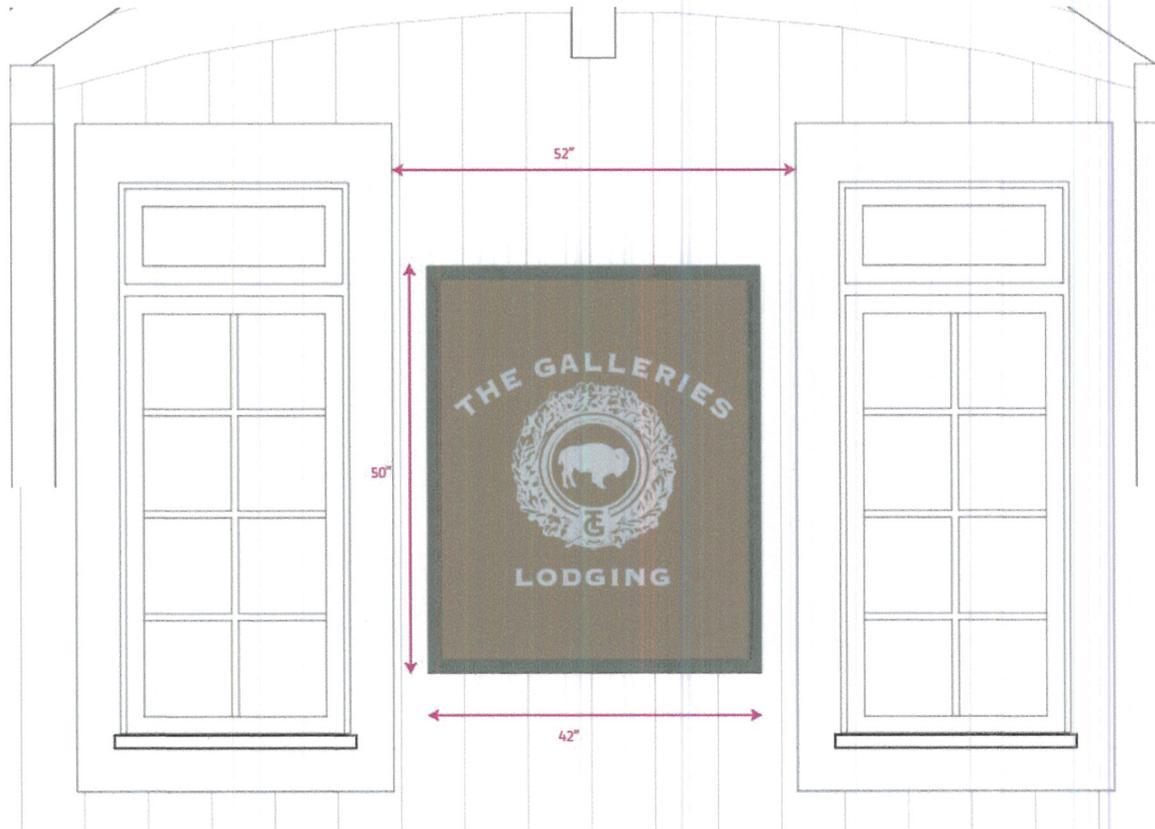
ELEVATION	LF	FACTOR	SF	BUILDING	LODGING 2nd FL	STORE 1	STORE 2	STORE 3	STORE 4	STORE 5
NORTH	79.5	0.5	39.75			10.00	10.00	10.00	9.75	
CORNER			0.00							
WEST	108.67	0	0.00							
Ground Sign	24	30	54.00		15.83					10.00
TOTAL			93.75							
BALANCE			28.16							
ALLEY					6					
SF Allocation			Stores 1,2,3,5			Store 4			Lodging 2nd FL	
Dimension	5' -10"	1' -6"		5' -8"	1' -6"		3' -6"	4' -2"		
Building Sign SF	5.83	1.5	8.75	5.67	1.5	8.5	3.5	4.17	14.58	
Dimension	1' -8"	9"								
Awning Blade SF	1.67	0.75	1.25			1.25			1.25	
Total Each Store			10.00			9.75			15.83	

THE GALLERIES SIGNAGE CONCEPT 4 - EXTERIOR BUILDING SIGN

April 28, 2016



www.schnelldesigns.com | 612.910.7007



1 WEST ELEVATION



WEST ELEVATION



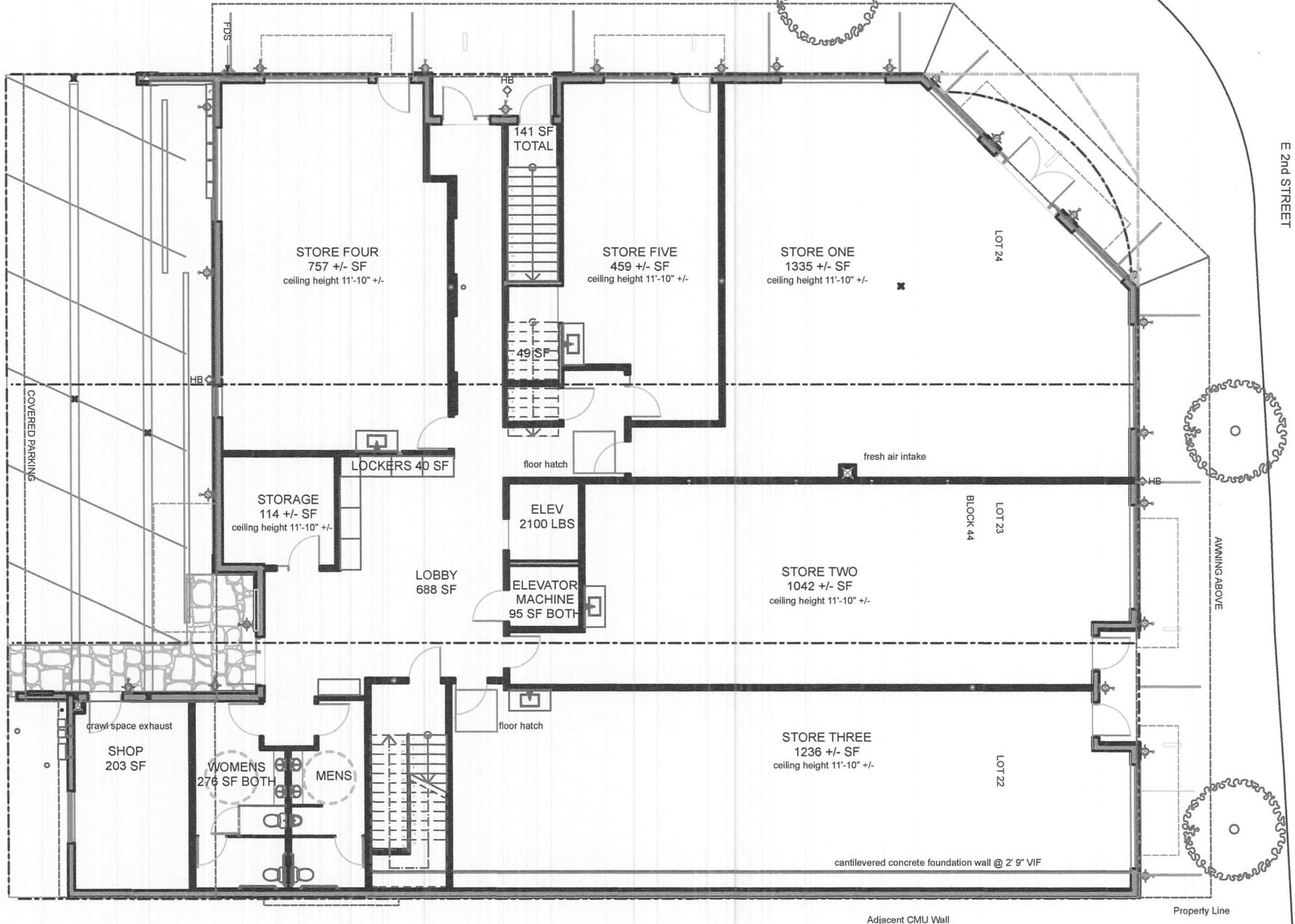
BAKER AVENUE

NEW BOULEVARD

AWNING ABOVE

E 2nd STREET

ALLEY BLOCK 44



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RESOLUTION NO. 16-_____

A Resolution of the City Council of the City of Whitefish, Montana, declaring a 2000 Ford Econoline / Horton Ambulance as surplus property and authorizing its transfer to the Smith Valley Fire Department for \$8,500.

WHEREAS, §7-1-4124 (9), MCA, gives the City of Whitefish the power to make grants of property for public purposes; and

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

WHEREAS, the Whitefish Fire Department has a 2000 Ford Econoline / Horton ambulance that is no longer needed and can be declared as surplus property; and

WHEREAS, the Whitefish Fire Department has received a request from the Smith Valley Fire Department for the intergovernmental transfer of the 2000 Ford Econoline / Horton ambulance and is willing to pay \$8,500.00 for the ambulance.

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

Section 1: The City Council of the City of Whitefish, Montana, hereby declares the 2000 Ford Econoline / Horton ambulance as surplus property.

Section 2: The City Council hereby approves the sale and transfer of the 2000 Ford Econoline / Horton ambulance to the Smith Valley Fire Department for a public purpose and in exchange for \$8,500.00.

Section 3: The City Manager is authorized and directed to execute all documents necessary in connection with the sale and transfer of the 2000 Ford Econoline / Horton ambulance to the Smith Valley Fire Department.

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

Staff Report



To: Major John Muhlfeld and City Councilors
From: Joe Page, Fire Chief
Date: May 26, 2016
Re: Surplus Ambulance transfer to Smith Valley FD

Introduction/History

While reviewing our fleet of Fire and EMS apparatus I have determined that a fleet of three ambulances is ample to handle the current and predicted call volume at our current staffing levels. The fourth ambulance is our oldest, a 2000 Ford, 2-wheel drive Horton that is not currently fully stocked with expensive EMS supplies. The expense of stocking and maintaining this older vehicle, just to keep it in reserve, does not make sense.

When we purchased our 2013 Dodge Ambulance we did not trade in our older ambulance. The proposed budget for FY17 has a new ambulance which would come close to keeping us on schedule with our vehicle rotation schedule. I hope we'd purchase a new ambulance every 3-years, moving them from 1st due, to 2nd due, to 3rd due then trading them in with the purchase of a new one.

Current Report

I recently learned that West Flathead EMS soon will no longer be providing Paramedic Ambulance service. They are one of only eight Paramedic services that cover the whole Flathead County. As part of the Flathead County EMS system we've all agreed to respond as dispatched. We already respond with our Paramedics up into Olney and have even run into Eureka. With the loss of West Flathead EMS we could be requested into the West Valley Fire District more. To help fill this gap the Smith Valley Fire Department is going to start providing transport ambulance service hopefully at the Paramedic level. With this short notice and until they can establish the funding to acquire a newer ambulance they approached us about obtaining one of our older ambulances. Timing was perfect.

At this time, I'd like permission for an intergovernmental transfer of our surplus 2000 Ford Horton Ambulance to the Smith Valley Fire District for \$8,500.

Financial Requirement and Revenues

Doing this transfer would not cost the City anything and we would receive \$8,500 in revenue. We might also a little money on our property insurance.

Recommendation

Staff respectfully recommends the City Council approve A Resolution declaring a 2000 Ford Econoline / Horton Ambulance as surplus property and authorizing its transfer to the Smith Valley Fire Department for \$8,500

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ORDINANCE NO. 16-__

An Ordinance of the City Council of the City of Whitefish, Montana, amending Whitefish City Code Title 2, Chapter 8, as it pertains to members of the Pedestrian and Bicycle Path Advisory Committee to allow an additional committee member.

WHEREAS, the City Council established the five-member Pedestrian and Bicycle Path Advisory Committee as a standing committee by Ordinance No. 02-11 on April 1, 2002; and

WHEREAS, Ordinance No. 02-11 has been codified as Title 2, Chapter 8, of the Whitefish City Code; and

WHEREAS, the City Council amended Ordinance No. 02-11 to add two additional members to the Committee by Ordinance No. 03-18 on July 7, 2003; and

WHEREAS, the City Council amended Ordinance No. 02-11 to change residency requirements of the Committee members by Ordinance No. 15-05 on April 6, 2015; and

WHEREAS, the City Council desires to be able to appoint an eighth member to the Pedestrian and Bicycle Path Advisory Committee; and

WHEREAS, it will be in the best interests of the City of Whitefish and its inhabitants to approve the amendment to Title 2 of the Whitefish City Code.

NOW, THEREFORE, be it ordained by the City Council of the City of Whitefish, Montana, as follows:

Section 1: Whitefish City Code Section 2-8-3(A) is hereby amended in its entirety to provide as follows:

A. Appointments; Compensation: The committee shall have seven (7) members and may have eight (8) members. Members shall be appointed by the city board of park commissioners. Not less than four (4) of the mandatory members shall reside within the corporate limits of the city. Three (3) of the mandatory members may reside within the school district 44 area. Members shall have maintained residency within specified boundary requirements for one year prior to appointment to the committee. The city board of park commissioners shall appoint members according to the following representation categories: one member who is also the mayor or a city councilor; one member who is also a member of the park board of commissioners; one member who is also a member of the resort tax monitoring committee; and four (4) members who are citizen members at large. The city board of park commissioners may, but is not required to, appoint an eighth member who is a High School Representative and who lives within the Whitefish School District. The city manager shall serve on the committee in an ex officio capacity. The city clerk shall make appropriate notation of a member's representation category on the official committee roster. Committee members shall

receive no compensation. Contracted consultants and city staff, except as otherwise provided for by the city manager, shall not serve as members, but may assist and participate in the facilitation of committee business.

Section 2: Section 2-8-3(B) is hereby amended in its entirety to provide as follows:

B. Terms; Positions: Committee terms shall be two (2) years, except for the High School Representative which shall be a one (1) year term. There are hereby created positions numbered 1 through 8 inclusive of the members of the committee. The term for members serving pursuant to this chapter terminate on the date specified below for each position:

<u>POSITION NUMBER</u>	<u>REPRESENTATION CATEGORY</u>	<u>INITIAL EXPIRATION DATE</u>
1	Mayor or Councilor	May 31, 2007
2	Member at Large	May 31, 2007
3	Member at Large	May 31, 2007
4	Resort Tax Committee	May 31, 2006
5	Member at Large	May 31, 2006
6	Park Board	May 31, 2006
7	Member at Large	May 31, 2006
8	High School Representative	May 31, 2017

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

Section 3: Section 2-8-5 is hereby amended in its entirety to provide as follows:

Meetings; Rules and Regulations: Four (4) members of the committee shall constitute a quorum if the city board of park commissioners does not appoint a High School Representative. Five (5) members of the committee shall constitute a quorum if the city board of park commissioners does appoint a High School Representative. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or matter before the committee. The High School Representative is a voting member. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at least once every three (3) months or at the call of the chairperson or the easement negotiators, and at such other times as the committee may determine. All meetings shall be open to the public.

Section 4: All other provisions of Title 2, Chapter 8, shall remain unmodified.

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. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk



May 18, 2016

To: Mayor Muhlfeld and Whitefish City Council
From: Maria Butts, Director of Parks, Recreation and Community Services

A handwritten signature in blue ink, appearing to read "Maria", is written over the "From:" line.

AMENDMENT TO THE WHITEFISH CITY CODE ESTABLISHING A HIGH SCHOOL MEMBER TO THE BICYCLE AND PEDESTRIAN PATH ADVISORY COMMITTEE, AMENDING THE WHITEFISH CITY CODE, TITLE 2, CHAPTER 8

Introduction/History

The Bicycle Pedestrian Path Advisory Committee, a sub-committee of the Park Board of Commissioners, is currently made up of seven voting members: a City Council representative, four citizen members at large, a Resort Tax Committee representative, and a Park Board representative.

Current Report

In consideration of recent high school student interest in the city's bicycle and pedestrian trails, during the March 7th Bicycle and Pedestrian Path Advisory Committee meeting, the committee voted unanimously to recommend the Park Board add a high school representative to the committee, increasing the number of positions from seven to eight. On April 12, 2016, the Park Board voted unanimously to recommend the City Council add a high school student position to the Bicycle and Pedestrian Path Advisory Committee for a one year term (May-May) as a voting member, with a selection process for this position. The board clarified that this position would not be a mandatory fill.

Financial Requirement

There is no financial requirement.

Recommendation

Staff respectfully requests that the Whitefish City Council adopt Ordinance 16-___, amending the Whitefish City Code, Title 2, Chapter 8, thereby adding an optional high school representative position to the Bicycle and Pedestrian Path Advisory Committee to serve under a one year term (May-May) as a voting member.

Sincerely,
Maria Butts, Parks and Recreation Director

City of Whitefish Bicycle Pedestrian Committee Meeting Minutes

Meeting: Monday March 7, 2016

In Attendance: John Phelps, Richard Hildner, Jim DeHerrera, Doug Reed, Hunter Homes, Mike Fitzgerald, John Repke, Doug Adams, Bruce Boody, Greg Gunderson, Craig Workman, Karin Hilding and Maria Butts.

Also attending: Don Spivey, Rachel Dunlap, WHS student; Marissa Warnick, WHS student; Wendy Compton-Ring, Senior Planner, City of whitefish; BJ Grieve, Senior Planner, WGM Group; Theresa Majeski, Flathead City-County Health Department; Dave Downing.

Meeting was called to order at 8:29 AM by Committee Chair, John Phelps

The agenda for the March 7, 2016 meeting was modified such that New Business items could be given priority and addressed before Old Business with the understanding that Old Business items would be addressed if time allowed.

The minutes of the February 1, 2016 meeting were approved.

Public Comment: Don Spivey brought to the committee's attention an advertisement by peopleforbikes.org which highlights the relationship between bike riding and performance in school.

New Business:

Bike Share Program – Rachel Dunlap and Marissa Warnick presented a summary of their proposed Whitefish bike share program to the committee. Questions and discussion followed. The committee expressed its support for the program and asked to be kept informed of developments in the program.

River Trail Extension – Wendy Compton-Ring informed the committee that the developer of the property along the Whitefish River between the Rivers Edge subdivision and the Les Schwab property is planning to construct, at their expense, a bike/pedestrian trail in the public easement along the river. The trail will be an extension of the existing trail in the Rivers Edge subdivision. Wendy asked for comments from the committee. The committee was strongly supportive and appreciated the developer's proposal.

West 7th Street Street/Path Lighting – Craig Workman presented the proposed lighting plan to be installed as part of the West 7th Street reconstruction and also gave background on the public comments on the plan. He asked the committee for input. Discussion ensued considering the concerns of the residents as well as the safe public use of the pathway. Doug Reed made a motion to recommend approval of the lighting plan as drafted. Jim DeHerrera seconded, and the committee voted unanimously in favor.

Committee Expansion – Richard Hildner asked the committee to consider adding a full voting member position on the committee to be filled specifically by a high school student. The committee was generally supportive and the ensuing discussion focused on ideas around how the position would be filled and structured. Richard made a motion to send a recommendation to the Park Board regarding the position. Doug Reed seconded the motion and the committee voted unanimously in favor.

Old Business:

BNSF Landing Update – No change. It was re-confirmed that the property exchange discussion needs to happen directly between Kajiwaras and BNSF. Kajiwaras wants to resolve the issue before he sells the property, which he wants to do this spring. Karen and Maria will meet with Kajiwaras to discuss.

Skye Park Bridge – No discussion.

Town Pump Path Update – No discussion.

2nd Street / Stumptown Inn Stairways – No discussion

Volunteer Projects – No discussion.

Birch Point/West Lakeshore – No discussion.

Riverbend Condo Easement – Craig reported that WGM has submitted a plan for the path along the Riverbend Condos. He will review and share with the committee at the April meeting. Having a design proposal to review with the HOA at their meeting in July remains the goal.

Committee Project Priorities – Karin is continuing to work on the priority list. She is adding narratives and cost estimates. The updated/enhanced list is to be distributed prior to the April meeting.

Bike/Ped Master Plan - BJ Grieve gave an update on the Master Plan. A number of initiatives are underway. Theresa Majeski also talked about the efforts of the Flathead County Health Department to support the development of the Master Plan through surveying and other methods of determining the needs and desires of the public. She also introduced Dave Downing who developed the “Connect Whitefish” logo and tagline as a way to provide unified, consistent branding of the effort.

Negotiator Report – No discussion

Parks and Recreation Report – No discussion

Public Works Report – Craig, Karin, Maria, and Greg Gunderson will be the delegation from Whitefish attending the ‘Building Active Communities’ workshop in Great Falls. The Whitefish Promenade will be the case study used at the workshop.

The meeting was adjourned at 9:55.

Park Board Meeting Minutes
April 12, 2016

Park Board Members Present: Richard Hildner, Jim DeHerrera, Ron Brunk, Terri Dunn, Susan Schnee, and Ray Boksich

Park Board Members Absent: Doug Wise, Frank Sweeney

Guest:

City Staff Present: Maria Butts and Liz Records

A. Call to Order: 7:00 pm

B. Approval of April 12, 2016 Agenda- Member DeHerrera made a motion to approve the agenda. Member Dunn seconded. The vote was all ayes to approve.

C. Approval of the March 8, 2016 Minutes – Member Boksich made a motion to approve the February minutes. Member DeHerrera seconded. A vote was taken with all ayes. The minutes were approved.

D. Public Comments –

Olie Ervin- owner of O. C. Ervin Land Surveying Inc., Columbia Falls wants to help improve property of Cottonwood Estates- 5 acres of land across from Ice Den on Colorado Ave. Has now been through site-review. Brought and handed out property design. Olie would like board to keep property in mind, and he is planning to attend the next Park Board meeting with new design. He would also like to have a joint park with an adjacent property owner.

Colby Shaw, 89 Tronstad Drive, Glacier Hockey Association- Colby stated that there has been a 25% increase in program membership, which has led to creating more teams. Colby is looking for more creative ways to find more ice time outside of Stick and Puck time. Colby would like the Park Board to consider allowing GHA to rent Public Skate time.

Public comment then ended.

E. Committee Reports

a. Bicycle/Pedestrian Committee – Member DeHerrera – The last Bicycle/Pedestrian meeting was very long. The main focus of the meeting was to put together the new Bike/Ped Master Plan, but they ran out of time. The Committee has scheduled a special meeting to address the Master Plan on Monday, April 18, 2016 and 8:30am. Member DeHerrera also said the new Skye Park Bridge is still not complete. As of now, Public Works does not have a plan for when it will be done, but they know it needs to be done. Member Hildner added that while Public Works does not have a set date on the Skye Park Bridge completion, they were waiting for the bugs to get worked out at the asphalt plants in town. They did not want the first load of asphalt from the plant. Member Hildner said that Craig Workman, Public Works Director, suggested that it will be the end of April or early May before the final paving and grating will be complete. Director Butts agreed with Member DeHerrera’s comments and stated that she will get minutes from the Master Plan meeting for the Park Board members. She said that the minutes from the April Bicycle/Pedestrian meeting have not been updated yet. Vice President Brunk stated that Mike Fitzgerald was very pleased about how the work by the bridge turned out and that they were planning to remove the tree by the bridge.

b. Tree Advisory Committee – Member Dunn – Arbor Day is April 29th. Second graders from Muldown will be planting a ponderosa and a larch at Memorial Park at approximately 10:45am. Two aspens will also be planted at the Rocksund gazebo by the river.

The committee will do another walk-through of the 7th Street project to look at what species would be optimal for replanting. There has been a new awareness that we do not have a city-wide tree ordinance in place; the tree committee is researching comparable communities' tree ordinances. The one we have in place is for subdivisions and does not apply to leased lands or park properties and other designated areas in the city. The driver that damaged the tree on 1st and Central is contesting his violation. Member DeHerrera added that one of the reasons that there is a discussion about a new tree ordinance is because of all the trees that were cut on the golf course this year. He would like to work more closely with the golf course in the future. Member Dunn agreed and stated that the golf course usually does work with the city on potential tree removal but that did not happen this time.

Member Hildner stated that out of 37 hazardous trees in the city, 20 have been removed. What is the plan for the other 17? Director Butts stated that they are in the FY17 Budget to be removed.

c. WSFF Board Meeting – Vice President Brunk – There will be a presentation from that group tonight, so nothing new to report. Provided March minutes and financial report in packet. WSFF has presented budget to Director Butts. Any questions should be addressed to presenters.

d. WAG Board Rep Committee – Director Butts- The committee is moving forward with the dog wash. They have raised funds for that event, and Karl Cozad is leading that project. Looking at north field project, the focus is on drainage, irrigation, and surveying. This project will take place next year.

MOU- committee has a list of changes that Director Butts and Angie Jacobs worked together on. Director Butts will also meet with Tom Tornow to solidify the MOU for Park Board to review. Spring clean-up happened April 2nd. They are planning for the WAG Race and summer picnic. New benches were donated and will be installed very soon. Pond water will be going down and will be open to community in next few weeks.

F. Presentations

a. Stumptown Ice Den Management Update- Judah Gersh and Gregg Esakoff
-Public Skate Schedule- They presented the public skate schedule to Director Butts about a month ago and she was pleased with it. There is always a demand for ice time during “prime hours” or “early hours.” Stick and Puck is considered public skate. The proposed budget for FY17 was also presented. They are hoping for \$50,000 surplus next year again. Next year’s budget does include funds for a compressor repair/replacement. Skate rentals, concessions, and school groups were good revenue builders, and they did well with advertising. Director Butts stated that the public skate schedule needs to be approved by the Park Board. She reviewed the schedule, and it meets all of the requirements asked of the Board. Vice President Brunk suggested that the Stick and Puck time be broken down into age groups. Member Hildner made a motion to approve 2016/2017 public skate schedule as presented.

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

-Sign Design- sign design presented, Director Butts stated that the sign had been sent on to Bailey to review. There was some initial confusion about the reader board permits. However, Bailey confirmed that reader boards are not permitted **except** in city parks. Therefore, the reader board does not need to change. Fees and sign request will go through the

Planning Department to be reviewed. Member Dunn made a motion to approve the sign as presented.

Member DeHerrera seconded.

Discussion- Member Hildner stated that a font change would be nice for the new sign, and night time lighting will be important to Council. Member Hildner would like to see the rope light around the sign to be removed. Vice President Brunk stated that the City needs to finish off their part of the sign.

A vote was taken with all ayes.

Director Butts mentioned that the transition period ends April 17th. Dana sent out final payment due April 17th, unless an extension is made, which would be understandable. WSFF will contact Director Butts about that. The PLC is coming in on April 18th. Arena Products need to get electrical permits.

-2016/2017 Budget- Vice President Brunk stated there is no action needed on the budget. It was something that was presented to Director Butts, and she was okay with it. No questions on budget.

b. Gazebo Update- Director Butts- Everything is on schedule, some minor changes underground per the engineers. Gazebo will look the same. They will be going out to bid in the next few weeks. Construction is set to begin end of May, beginning of June, with construction completion date being pushed to July 1st with the understanding that there will be sod and plants that will need to take. The area around the gazebo will be closed off for a couple more weeks so that the landscaping will not be damaged.

G. Public Hearings

H. Old Business –

I. New Business –

a. Consideration to Add High School Student Position to the Bicycle/Pedestrian Committee

Director Butts presented the Board with the city code with the make-up of the Bike/Ped Committee. New change to the code is that the board had decided to add the school district into the boundary, not just the city limits. Member Hildner suggested that Student Council find someone for this position. He also recommended that it is not mandatory for the position to be filled. Open to public and private schools.

Member DeHerrera asked if the board envisioned a voting member of the community. Member Hildner said yes. Vice President Brunk agreed. Director Butts noted that the city code states that 3 consecutive meetings missed could result in possible removal. Member Dunn replied that City Council decides on removal, and that they may consider missed meetings if it is school-related. Member Boksich does not think Student Council would know which students would be interested in a position. Vice President Brunk thinks a recommendation from Student Council would be good but would not be required.

Director Butts inquired about the selection process. The board agreed that it would remain the same as it is for other committee members. She also added that the board's motion would go to Angie Jacobs for language review and then the Council. It would then return to the board, looking at June for a return date. Board decided to let Director Butts inform board via email about changes.

Member Hildner made a motion to recommend to the City Council to add a high school student to Bicycle/Pedestrian Committee under a 1 year term (May-May) as a voting member, with a selection process for this position. The position is not a mandatory fill.

Member DeHerrera seconded. A vote was taken with all ayes.

b. Consideration of Allowing Commercial Donor Recognition Signs in Parks
Director Butts presented the sign ordinance to the board. Maria explained that Bailey had pointed out that there are some exemptions to the sign ordinances. She felt that Donor Recognitions Signs fell under that exemption and could be placed in parks. Director Butts stated that the Rotary would like some recognition for the gazebo that they helped fund. Vice President Brunk would like any signs to be tasteful, not carried away. Member Hildner would like to limit the number of plaques in parks to prevent vandalism. Vice President Brunk would like to gather information from other communities on how they handle signs. Member Dunn stated that there must be standards on signs. An artistic, environmentally friendly approach would be best. Member DeHerrera supports the concept as funding for parks seems to be decreasing. Member Schnee suggested a project-by-project decision.
Director Butts suggested a no-sign policy, only plaques, but the department would still need to consider location of signs. Member DeHerrera stated that if there are members of the public that are willing to help fund our parks, we can provide them with recognition of some kind. Director Butts anticipates that this will be an ongoing conversation. She is willing to research other communities' approach on this issue.

No motion was made.

J. Items from Parks and Recreation Department

a. Administrative Report- Director Butts reviewed her report with the Board. The Parks and Recreation Department hired a Community Service Coordinator, Carla Belski. She will begin on April 18th. There were significant cuts to Parks budget, there will be no capital projects funded out of the general fund this coming year. The department will be scaling back on seasonal staff and will propose a rate increase to several programs and facility rentals. Resort Tax will be going to the Armory remodel and the Bakke parking lot. That parking lot is changing from a 10 stall to a 5 stall lot. Sharing facilities with the school district is going to go into writing. Director Butts met with the Steering Committee, and will the Park Board will need to decide what to do with the Depot Park building.

b. Recreation Coordinator – Update provided

c. Parks Maintenance – Update provided

K. Correspondence – Bailey from the Planning Department- A subdivision in Haugan Heights is going up. Each lot is less than ½ acre. Parkland dedication is 11% of net acreage= 4,508 square feet. Would the Park Board like the \$8,854 for cash in lieu of this property?

Member Dunn makes a motion to accept the donation of \$8,854 as cash in lieu for the Parkland Dedication.

Member DeHerrera seconded.

Discussion- Member DeHerrera- we are stuck with the 11%; that's state law, but the land will be worth a lot more than that when a house is put on it.
A vote was taken with all ayes.

L. Items from Park Board:

Ray Boksich – Parent request for baby swing to be put in at Memorial Park. Director Butts replied that placing one in the park would change liability with City.

Susan Schnee –Correspondence from Ed at Paddleboard. Discussion about workers compensation for his workers. The Board is satisfied with the Paddlefish contract.

Jim DeHerrera - none

Terri Dunn – Pleased with Ice Den management.

Ron Brunk – Hard work by Ice Den Management, lean budget.

M. Adjourn: The meeting was adjourned at 9:00 pm

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May 31, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Update on Wastewater Plant Odor Situation

Introduction/History

The City of Whitefish has a complex wastewater collection system that has over 58 miles of sewer main and 16 lift stations, with portions of the system over 100 years old. Wastewater treatment is provided by an aerated lagoon system followed by a flocculating clarifier. The system has been modified several times over the last 35 years and much of the plant is at the end of its useful design life.

The City is currently designing upgrades to its wastewater treatment plant in response to the latest discharge permit, issued by MDEQ in August 2015. The new permit includes limitations that will require the WWTP to remove ammonia and nutrients, as well as nitrates. The upgrades necessary to comply with these new limitations will be significant and costly. 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

One issue that the City has struggled with in the past, which is inherent to wastewater lagoon systems, is odors. Lagoons typically have turnovers which occur in the early spring after ice melts off the surface and in late fall when surface water temperatures are decreasing. Unfortunately, when a turnover occurs it usually brings poorly aerated septic

solids from the bottom of the lagoon to the surface. If a lagoon is properly designed and well operated, odor problems are usually just a temporary problem likely caused by a seasonal turnover, lasting just a couple of weeks at most. If the odor problem is severe, making operational changes to the lagoon may be necessary.

Whitefish does not stand alone with this challenge, and it is common this time of year for our waste stabilization ponds to experience problems with offensive odors. Odors have been a general nuisance with the lagoons in Whitefish and have often resulted in complaints. The initial reaction is to conclude that these lagoons are experiencing odor problems due to turnovers caused by the typically difficult winter conditions, and that may be the case to some extent. However, there have been many accusations that the lagoons in Whitefish are overloaded and additional work is required to solve the odor problems.

Sludge testing this spring has revealed that there is a significant accumulation of sludge in the first half of Cell 1, which may be partially responsible for the odor issues this year. While sludge always accumulates in partially mixed lagoons, I believe we have more than usual due to historical malfunctioning of the aeration diffusers in the first cell. These historical malfunctions can be attributed to an accumulation of rags which prevent property airflow and mixing and ultimately slow the breakdown of the accumulated solids. While we have eliminated the source of the rags with the River Lakes force main extension and bar screen improvements, there remains a residual accumulation of rag material which requires nearly continuous removal from the aerators. One benefit to the early spring is that it has given us a chance to get out on the lagoons earlier than normal to perform typical maintenance on the aerators.

Cell #1 was dredged in summer/fall of 2002, during the same project that the aeration system was installed. The dredging was done with a specialized dredge which floated on the cell during the operation. Because the cells were constructed with clay liners the City allowed a factor of safety of about 2.0 feet during dredging to insure that the cutter head did not eat through the liner, which would have been disastrous. The cost of the dredging was \$105,000 in 2002. Cell #1 had a disproportionate amount of sludge in it because all of the precipitated alum from the flocculating clarifier was discharged to the cell for several years until the sludge drying beds were constructed. While dredging now would be possible, working within the diffuser air laterals would add a degree of difficulty and the cost would likely reflect this.

It is my opinion that the odors we typically experience this time of year due to spring turnover have been exacerbated by a couple of issues. They are as follows:

1. We have had an unseasonably warm spring, which began early, causing an early turnover. Unfortunately, we have also experienced, and continue to experience,

average nighttime air temps. This has kept the water temperature in Cell #1 in the low to mid-teens (°C).

2. We typically keep Cell #1 low during the spring months in anticipation of spring runoff and precipitation. With the early spring temperatures and our below average precipitation, we have not received the typical surge in spring flows.
3. The city has done some considerable I&I reduction work over the past couple years in anticipation of the plant upgrade project. This I&I work has been effective at reducing influent dilution, which has also served to increase influent BOD & TSS.

In an effort to counteract some of these issues, we have begun treating Cell #1 of the treatment system with a probiotic (BioLynceus) to increase the efficiency of the sludge digestion in the lagoons. The City has used this product in the past and seen measurable decreases in the sludge blanket during past applications.

We have also begun 24-hour recirculation of treated water from Cell #3 back into Cell #1. This strategy has served to increase the dissolved oxygen in Cell #1 of the lagoon system, as well as to bring the water level up, providing additional water cover above the sludge.

In addition, City staff recently met with Bill Bahr from the Montana Department of Environmental Quality (MDEQ). Although Bill agreed we were dealing with a common spring lagoon issue, he also noted that our typical prevailing northwesterly winds have not been quite as predominant this spring, and we have seen more easterly breezes. This would further explain why so many people have been affected by the spring odor conditions. We showed Bill the work that was being done with the aerators, as well as the operational changes that were being made to mitigate the odiferous conditions. Bill commented that we appeared to be addressing the situation as best we could. He also suggested we consider bypassing the influent flow directly to Cell #2 to allow the first cell to recover. While this may be a good short term measure to alleviate the Cell #1 turnover problem, he cautioned that it should only be a temporary operational change. This modification was made at his recommendation, and we have since switched to operating the lagoon cells in parallel, where the raw flow is split between the first two cells.

Financial Requirement

I recently met with Ned Nixon, a concerned resident who is leading the campaign for the City to deal “more proactively” with the odor conditions at the plant. Ned requested the City reach out to an individual that he had talked to by the name of Steve Harris. Steve is an independent consultant from Arizona who has provided lagoon optimization and troubleshooting services for municipalities for decades. He has worked with MDEQ on several guidance documents, written his own textbook on lagoon management (which

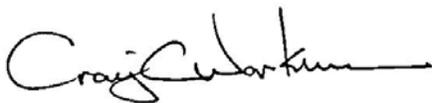
we have a copy of), and performs training seminars and presentations throughout the country. I talked to Steve last week and explained our situation. Steve has submitted two proposals for his firm to complete a “stem to stern” analysis of our system to help improve effluent quality for spring time odor control. I am currently evaluating these proposals, which range from \$2,495 to \$5,275, depending on whether or not a site visit is warranted.

Recommendation

Each and every wastewater system needs to evaluate its own situation before deciding how to respond to a seasonal lagoon turnover. Spring turnover events and resultant odors are difficult to avoid in a facultative or partially mixed lagoon system even under the best of circumstances and sometimes the best solution is to do nothing. In my opinion, there has been significant decrease in the odors emanating from the plant in the last couple weeks, although it is not unusual for our nighttime temperature inversion to create some lingering issues.

Based on conversations with staff, regulatory agencies, and other wastewater professionals, I think the City is currently taking the proper steps to deal with the odor situation. That said, I think the analysis that could be performed by H&S Environmental is money well spent in order to help optimize our operations. I am currently evaluating the proposals that were presented by Steve Harris, and plan to execute one of them shortly. This work will be covered in the operational budget of the wastewater plant, and does not require any action from the Council, however I will continue to keep you apprised of the progress that is made.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Workman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig Workman, P.E.
Public Works Director



- Performance Evaluations
- Troubleshooting & Optimization
- Hydraulics Optimization
- Training

Environmental, LLC.

2122 East Leland Circle Mesa, AZ 85213

1 (480) 274-8410

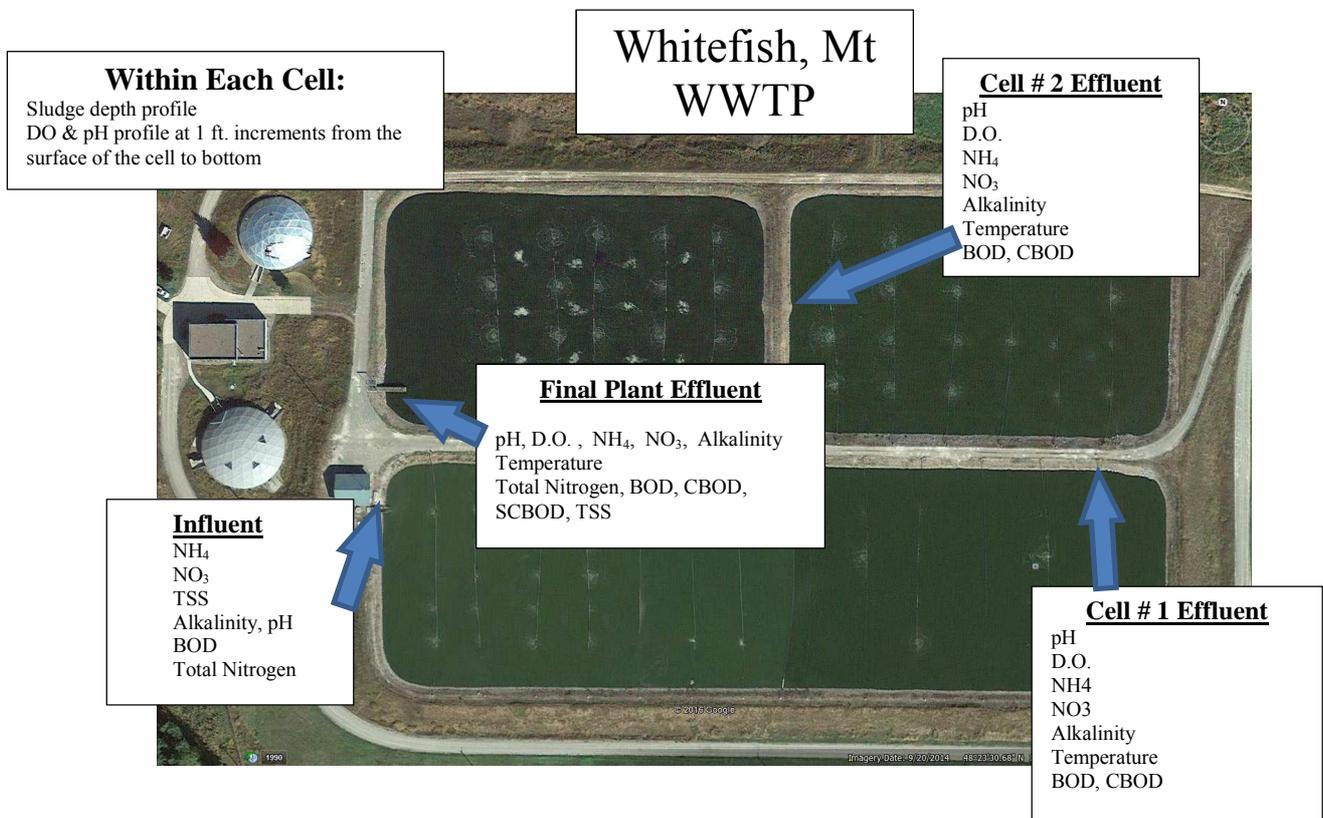
May 23, 2016

Craig C. Workman, P.E.
 Director of Public Works
 City of Whitefish
 P.O. Box 158
 1005 Baker Avenue
 Whitefish, MT 59937

RE: Proposal for Optimizing and Troubleshooting for Odor Control at the City of Whitefish's Wastewater Lagoon System

Craig,

The following is a suggested optimization protocol for your system. This testing protocol is the basis for understanding what is happening biologically and biochemically in your lagoon so you can make decisions to optimize your system for odor control.



hssenvironmental@earthlink.net

WWW.Lagoonops.com

Pinpointing the source ***and location*** of a lagoon system's biochemistry saves you time and money by selecting the right troubleshooting or optimization course of action. It also provides you with a greater understanding of how and **where** your lagoon system works and why your system performs the way it does.

Here is how the optimization process works; the primary treatment cell is responsible for removing up to eighty percent (80%) of a system's influent BOD. If the Primary treatment cell is not accomplishing this it tells us that there is:

1. Short-circuiting
2. Too much sludge accumulation
3. Too little air for the load
4. A need for pre-treatment (toxicity / loading control)
5. A need for headworks modification or maintenance
6. Too great of a load (septage waste, portable toilet waste, vault waste, or industrial waste)

If the primary treatment cell can remove 80% of the influent BOD₅ then other cells are free to effectively remove **nitrogen**, settle solids, and kill pathogens. Not removing 80% of the influent BOD just "pushes" the job of BOD removal to subsequent treatment cells. Getting the primary treatment cell to do its job is critical to successful ammonia removal in a wastewater lagoon system. This allows the lagoon system to accomplish what the engineer designed the system to do and the six (6) things mentioned above interfere with accomplishing this goal.

To complicate the matter aerated lagoons can make their own BOD through the production of algae, the sludge blanket feeding BOD back into the water column, and the growth of nitrifying bacteria. The tests mentioned above can tell the operator if the pond itself is manufacturing BOD and where. If the source of the BOD can be identified then a solution to high ammonia can more easily be implemented. Past data show nitrification has occurred in the system.

Because nitrification requires a large amount of dissolved oxygen relative to carbon oxidation, nitrification can be a source of BOD in aerated ponds who cannot remove ammonia within the system itself. Nitrification in the BOD₅ test bottle suggests too much ammonia is getting into the BOD₅ test bottle because of short-circuiting, insufficient alkalinity, and or lack of attachment sites for nitrifiers, freezing temperatures, or other factors. By tracking BOD removal, you can more easily determine where nitrification (ammonia removal) is most likely to occur.

The same concept can be applied to the evaluation of solids (TSS) leaving the effluent. Sludge particles for example would be evident by the black particles left on the TSS filter. This of course may indicate the need to desludge. Other solids types leaving with his effluent can tell the operator a lot about what is happening in the system and tell him what corrective actions to take to resolve ammonia issues.

H&S Environmental proposes to come to Whitefish to test the system "stem to stern" to help improve effluent quality for spring time odor control. Testing in this manner pinpoints the location and source of treatment and shows that lagoons are more than an un-discernable black box and that you have much more control over you lagoon systems than you ever thought. There is a where, a when, and a why to solving lagoon problems. Understanding this gives you greater control over your system for odor control. We will be pulling water samples from within the treatment cells themselves for ammonia, nitrate, nitrite, DO, pH, and alkalinity analysis. We are looking for where treatment is occurring. We will also be testing during different times during the day over a three (3) day period.

With past operating data rightly organized into spreadsheets, you can trend data to predict things like pond turnover, algae bloom, color changes, the potential for odors, and the cessation of nitrogen removal among other things.

With tools like these and a simple understanding of lagoon biology and biochemistry, you can begin operating your lagoon systems much like an activated sludge operator operates his mechanical plant...by making decisions, changes, and course corrections based on test results, data evaluation, and careful observations.

This is how you will get the most out of the system you are already using.

Testing like this requires between two (2) and three (3) days. It is expected that you have a boat and would be willing to get into the boat for sampling for at least two (2) hours each day.

The eight (8) BOD and two (2) Total Nitrogen and two (2) Total Suspended sampled pulled during our visit would be analyzed by your own lab at Whitefish's expense.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Steve Harris". The signature is stylized and cursive.

Steve Harris
President
H&S Environmental, LLC

H & S Environmental, L.L.C.

PROPOSAL

2122 E. Leland Circle
 Mesa, AZ 85213
 Phone (480) 274-8410 Fax (480) 833-0807



DATE: May 23, 2016
Proposal / Quote
Customer Contact: Craig Workman
Quote Number: 5002DT - 2016

Bill To: Craig C. Workman, P.E.
 Director of Public Works
 City of Whitefish
 P.O. Box 158
 1005 Baker Avenue
 Whitefish, MT 59937
 O: (406) 863-2455

Ship To: Craig C. Workman, P.E.
 Director of Public Works
 City of Whitefish
 P.O. Box 158
 1005 Baker Avenue
 Whitefish, MT 59937
 O: (406) 863-2455

Comments or Special Instructions:

Proposal for Desktop, Lagoon Optimizing, Troubleshooting, and Diagnostics Review for the City of Whitefish, MT

Quantity	DESCRIPTION	UNIT PRICE	AMOUNT
1 Lagoon System (25 hrs)	This is a price quotation for a desktop wastewater diagnostic review for the purpose of optimizing the treatment plant for odor remediation This entails using USEPA ECHO data for the City of Whitefish's lagoon system H&S will use USEPA data to analyze Ammonia, Nitrate, pH, Dissolved Oxygen, BOD, TSS Total Nitrogen, Phosphorous, E.coli, and Organic Nitrogen statistically H&S Environmental, LLC will construct the charts necessary to analyze Eureka's pond system for odor remediation optimization and create a report on best practices for odor control optimization	\$ 2,495.00	2,495.00
		SUBTOTAL	\$ 2,495.00
		TAX RATE	0.00%
		SALES TAX	
		SHIPPING & HANDLING	
		TOTAL	\$ 2,495.00

If you have any questions concerning this proposal contact Steve Harris, (480) 274-8410
hssenvironmental@earthlink.net

This proposal is valid through July 20, 2016, due to changing laboratory charges and travel expense

H & S Environmental, L.L.C.

PROPOSAL

2122 E. Leland Circle
 Mesa, AZ 85213
 Phone (480) 274-8410 Fax (480) 833-0807



DATE: May 23, 2016
Proposal / Quote
Customer Contact: Craig Workman
Quote Number: 5001ST - 2016

Bill To: Craig C. Workman, P.E.
 Director of Public Works
 City of Whitefish
 P.O. Box 158
 1005 Baker Avenue
 Whitefish, MT 59937
 O: (406) 863-2455

Ship To: Craig C. Workman, P.E.
 Director of Public Works
 City of Whitefish
 P.O. Box 158
 1005 Baker Avenue
 Whitefish, MT 59937
 O: (406) 863-2455

Comments or Special Instructions:

Proposal for On Site, Advanced Wastewater Lagoon Optimizing, Troubleshooting, and Diagnostics Testing at the City of Whitefish, MT

Quantity	DESCRIPTION	UNIT PRICE	AMOUNT
1 Lagoon System	<p>This is a price quotation for on-site wastewater diagnostic testing for the purpose of optimizing treatment plant odor remediation. This entails testing each cell in the City of Whitefish's lagoon system for: Ammonia, Nitrate, Nitrite Alkalinity, pH, Dissolved Oxygen, & Sludge Depth, BOD, CBOD, and TSS. These tests will be performed as explained in the letter attached to this proposal.</p> <p>The City of Whitefish will provide a boat and a boat operator, H&S will provide testing, sampling, and all metering and lab equipment and testing reagents. BOD & TSS samples will be sent to a lab of the City of Whitefish's choice and lab work by this lab will be paid for by the City of Whitefish. H&S Environmental, LLC will construct charts necessary to analyze Eureka's pond system for troubleshooting and optimization opportunities. Charts will show each cell with analysis of the biochemistry and its effect on the system as a whole. The City of Whitefish will receive a report detailing the steps that can be taken to control spring odors.</p> <p>This proposal includes all travel and testing reagents used on-site</p>	\$ 5,275.00	5,275.00
Price quote is good for thirty (30) days due to changing travel costs		SUBTOTAL	\$ 5,275.00
		TAX RATE	0.00%
		SALES TAX	
		SHIPPING & HANDLING	
		TOTAL	\$ 5,275.00

If you have any questions concerning this proposal contact Steve Harris, (480) 274-8410
hssenvironmental@earthlink.net

From: Mark_E_Owens@amat.com [mailto:Mark_E_Owens@amat.com]

Sent: Monday, May 09, 2016 10:15 AM

To: Craig Workman <cworkman@cityofwhitefish.org>; Necile Lorang <nlorang@cityofwhitefish.org>

Cc: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>; Pam Barberis <pbarberis@cityofwhitefish.org>; Richard Hildner <rhildner@cityofwhitefish.org>; Jen Frandsen <jfrandsen@cityofwhitefish.org>; Andy Feury <afeury@cityofwhitefish.org>; Frank Sweeney <fsweeney@cityofwhitefish.org>; Katie Williams <kwilliams@cityofwhitefish.org>; lcoco@aboutmontana.net; ironworking@yahoo.com; kellytalsma@bresnan.net; Mark_E_Owens@amat.com; catyadams40@gmail.com; audreyweigl@yahoo.com; texasowens@mac.com

Subject: RE: Waste Water Treatment Plant

Craig,

We have been experiencing particularly strong smells from “turd lake” since Feb this year. I spoke with the person running the facility there and he agreed that this is the first time in 20 years he has experienced this problem.

Additionally, we are expecting it to get worse going into the summer without intervention. Intervention is what is needed to drastically change the approach with outside experienced engineering consultants, as the folks currently working at the plant clearly do not have this under control.

Mayor Muhlfeld,

You of all people can appreciate the concern here given your background in the water industry. Our expectation is that you are addressing this problem as one of your highest priorities and that you are personally involved in finding a quick

solution. We cannot go into this summer with that overwhelming stench not allowing us to open our windows and cool off at night, not to mention our concerns for the health and wellbeing of people/ children surrounding this area.

We expect an articulated plan from your team with a clear plan of action, short term and longer term, as part of the agenda for this next city council meeting.

Mark Owens, PMP
Director Etch Operations | Silicon Systems Group | Applied Materials
974 E. Arques Ave. | Sunnyvale, CA 94085 | USA
Office: 408.563.8832 | Mobile: 512.657.6503

From: Catherine Owens [<mailto:texasowens@mac.com>]
Sent: Sunday, May 08, 2016 8:57 PM
To: Craig Workman; nlorang@cityofwhitefish.org
Cc: jmuhlfeld@cityofwhitefish.org; pbarberis@cityofwhitefish.org; rhildner@cityofwhitefish.org; jfrandsen@cityofwhitefish.org; afeury@cityofwhitefish.org; fsweeney@cityofwhitefish.org; kwilliams@cityofwhitefish.org; Coco Linda; Kelly Mary; Kelly Talsma; Mark E Owens; Caty Collinsworth; Oglesby Audrey
Subject: Waste Water Treatment Plant

Dear Craig,

I am writing in regards to the awful stench coming from the waste water treatment plant on Monegan. I have written to you before and you explained the reasons for the smell. Though I appreciate your time, an explanation is NOT solving the problem.

This problem has been going on for at least a year and has been escalating. Last night was positively terrible. People from the Lakes, Shady River Lane, and, I am sure, those behind Don K and elsewhere were affected by the stench.

I know of one couple who has had to leave their home at night because the smell is so bad. People are not opening their windows on hot nights, when they are desperate for cooler air, because the air is so rancid. We are unable to enjoy outdoor visiting and dining during these beautiful Whitefish evenings because the air smells so toxic. All of this and we are paying a sewer bill. Just doesn't make sense.

SOMETHING has to be done, and soon. This is going to have a detrimental affect on property values and will especially hurt those wanting to sell their homes in the near future.

We need an immediate solution. Certainly, others around the country live near water treatment plants and don't smell what we smell. We should not have to, either, especially considering the size of our town. We CANNOT wait for a multi million dollar sewage plant to be built.

Lastly, the drone noise from the motor/fan is also a very large problem. A dampener of some sort may solve that issue. Not sure, but this needs to be addressed as well.

To Necile and the Council: We would appreciate this topic be put on the agenda for the May 16 meeting. This issue cannot wait.

Respectfully,
Mark & Catherine Owens
Shady River Lane, Whitefish

PS

Chuck Stearns

From: Craig Workman
Sent: Monday, May 09, 2016 12:24 PM
To: Chuck Stearns
Subject: Odor situation

Chuck,

I understand that the odors we are experiencing at the wastewater plant this spring are worse than in years past. I gave my explanation for the situation at council last week, but I wanted to give you an update on some of the things we are doing to try and improve the odor situation, in case you want to pass this along to the Mayor & Council:

- I met with John Wilson in Bozeman last month and discussed the history of the plant and past odor control/improvement activities.
- We are adjusting flow controls to raise the water level in cell #1, divert some of the influent wastewater into Cell #2, and increase the recirculation in the lagoon network. I am optimistic that this will increase the dissolved oxygen in Cell #1 and improve the biological activity in this portion of the system.
- I am planning to meet with DEQ to review operations and gather suggestions. They planned to be onsite last week, then cancelled their trip. Indications to Jim Putnam from DEQ staff was that they receive odor complaints from many lagoon systems in the spring and they will come see us when they can.
- We perform continuous dissolved oxygen monitoring in the lagoons and adjust aeration based on our findings. Unfortunately, these adjustments to aeration typically lead to additional noise complaints.
- I have ordered a complete round of probiotic treatment to increase the efficiency of the biological treatment process in the lagoons. However, due to the temperatures we took in cell #1 last week, we had to order the "Arctic Blend" for the initial treatment. This should give residents a pretty good indication that temperature is still playing some role in this situation.
- I am working with a water quality specialist out of California to improve the efficiency of the lagoon aeration system.

Let me know if you would like me to present this information in a formal staff report for the meeting next week, or if I should just plan to address the situation verbally.

Craig C. Workman, P.E.

Director of Public Works

City of Whitefish

P.O. Box 158

1005 Baker Avenue

Whitefish, MT 59937

O: (406) 863-2455

F: (406) 863-2419





May 27, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

W 7th Street Reconstruction Project - Resort Tax

Recommendation to Purchase Light Poles & Fixtures

Introduction/History

The first Decorative Street Lights in Whitefish were installed in the early 1900's, somewhere around the time of the original City Hall Construction. They were tear drop fixtures on decorative poles with incandescent lamps and overhead supply wires. Over time they were replaced with Power Company Lights mounted on Wooden Power Poles and paid for on a monthly basis.

In 1998 the first major downtown renovation started with the BN Railroad cleanup project. The New Library, Viaduct, O'Shaughnessy Center and Depot Park requiring 89 decorative street lights with 175-watt metal halide (MH) lamps. The lighting was deemed too bright and toned down to 100 watt MH lamps.

In 2000 began the rebirth of the city wide decorative lighting System. The first residential project was in 2000, when Second Street Reconstruction project was completed from Spokane Ave. to Cow Creek. After the initial design was reviewed it was deemed that there were too many lights and the 100 Watt MH bulbs were too bright. A group of city officials walked the project in the evenings and the public was encouraged to comment. The city reduced the amount of lights by 1/3rd and the bulbs were changed to 50 Watt High Pressure Sodium (HPS). The project was deemed a success. So much so that the entire original downtown street scape was changed to HPS bulbs.

In 2005 the City moved forward with the creation of a "Lighting Ad Hoch Committee". This committee was charged with the task of developing "Outdoor Lighting Standards, which requires street rebuilds and developments to conform

to a basic public roadway lighting system. The standards went into effect in 2006 and were put in place to promote public safety, while at the same time, protect our night sky. The newly created standards required full compliance for all outdoor lighting, including the Flathead Electric, by 2009. The intent was for all residential, commercial and public outdoor lighting to comply with the “Dark Skies Initiative”.

With the addition of W. 7th Street to the system, there will be 929 lights, plus four areas under bridges, supplied by 62 electrical services with approximately 28 miles of underground conduit including hundreds of ground boxes with approximately 100 miles of wire. There are six types of fixtures with wattages ranging from 35W HPS to 250 Watt HPS. The City has a designated area at the street department for storage and maintenance, and an appropriate Bucket truck.

Current Report

As with past Resort Tax roadway projects, the designs for the W. 7th Street project includes decorative lighting. This plan incorporates the City’s standard 50W High Pressure Sodium (HPS) luminaries approximately every 180 feet. Some questions and criticism towards the lighting plan for this project came up during the 2/1/2016 council meeting. In addition, some residents have spoken in opposition to the lighting plan at subsequent meetings and through various other means of correspondence.

The City has held Public Information Meetings for the W. 7th project on 12/10/2014, 2/11/2015, 3/25/2015, and 4/20/2016. A summary of the historical lighting discussions on the W. 7th Street Reconstruction Project is presented as an attachment to this memo. This information was presented to the Bike & Pedestrian Committee on 3/7/2016, after which a recommendation to install the lighting plan as designed was unanimously approved.

It is the opinion of the Public Works Department that the desires of the neighborhood as a whole are to keep the lighting levels as low as possible in order to maintain safe vehicular and pedestrian travel. We feel these desires are accomplished by the existing lighting plan, and accomplishes the goal of providing a safe design.

It is also recommended that LED lighting be installed for the four (4) fixtures between Baker and O’Brien in order to evaluate the effectiveness of this lighting technology on future projects. The use of LED fixtures on this portion of W. 7th will likely lead to significant energy savings as we design future projects.

Financial Requirement

There is a section in the City Budget with two subsections designated for funding and maintenance of the lighting system. In the FY 2016 Budget it is estimated that \$62,000 will be spent on utility services (cost of electricity). As mentioned above 62 electrical services supply this system. The basic nonresidential meter charge is \$34.35/month X 62 services X 12 months = \$25,556.00 or 40% of the "Utility Services Cost".

The Public Works Department has completed the statutory bidding process for the West 7th Street Reconstruction Project. The final engineer's estimate for the project was \$2,284,444. Five (5) bids were received, ranging from 5.4% below final estimate, to 22.7% above final estimate. The project was awarded to LHC, Inc. on 3/21/2016 in the amount of \$2,161,378.52. As awarded, the project includes the conduit, wire, and concrete bases for the street lighting system. This price also includes the installation of the poles and fixtures that were intended to be purchased separately by the City in order to maintain City standards and avoid contractor markup. The cost for these poles and fixtures is \$53,560, as shown on the enclosed estimate. This purchase is included in the budgeted cost of the project.

Recommendation

Based on the guidance and direction received from Council to date, public outreach that has been conducted, and directive of the City's own Engineering Standards, I respectfully request that Council approve the purchase of the poles and fixtures for the W. 7th Street Reconstruction Project in the amount of \$53,560.

Sincerely,



Craig Workman, P.E.
Public Works Director



Mountain States Lighting
 P.O. Box 449, Conifer, CO 80433
 (303) 838-4430

To: Mark Heider City of Whitefish City Offices P.O. Box 158 City of Whitefish, MT 59937	Proj: WHITEFISH CITY-W. 7TH STREET DIRECT Bid Date: 03/30/16
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Remarks:					
Qty	Type	Mfg	Description	Unit Price	Extd.Price
24		MSL	14EFA-5-TT/3x3-16.5WF(LOGO)-LEG-J GREEN W/ C2316-J3ND50SG 50 HPS FIXTURE	1910.00	\$45840.00
			ADDER FOR SLIP BASE(BREAKAWAY) THAT		
			WILL FIT UNDER THE DECORATIVE BASE		
24		MSL	SB = SLIP BASE SUFFIX TO PART#	205.00	\$4920.00
			- PRICE INCLUDES ANCHOR BOLTS		
			- PRICE DOES NOT INCLUDE FREIGHT		
			(ESTIMATE \$1200.00 LOT FOR FREIGHT)		
Total ====					\$50760.00
F.O.B. Per Mfg			Terms: Standard	Lead time: Various	
Prices firm for entry by:			Shipment by:		
Printed 04/18/16 09:25:27			Per: Paul Plasha		

NOTE: ESTIMATED LED CONVERSION - 4 fixtures @ \$400/each = \$1,600.00
 Total With LED Conversion & Shipping = \$53,560.00
 Paul Plasha 5/27/2016

History of Lighting Discussions on the W. 7th Street Reconstruction Project

Public Meeting No. 1 (December 10, 2014): Attached is a detailed summary from this meeting. I have highlighted every occurrence of the word "light". Residents were informed during this meeting that street lights were planned. Questions and comments show that there were residents for and against street lights. It seems the majority of the concerns regarding lighting emphasized the desire for a "Low Level" of street light, as opposed to "No Lights". The comment of "Need sidewalks so folks can walk. Street lights too for safety" I believe came from Jim Trout. Dee Blank & Judy Hessellund were outspoken about not having street lighting. It should also be noted that the pastor at True Life Church, just east of Dee's & Judy's properties wanted street lights.

Public Meeting No. 2 (February 11, 2015): Meeting focused on collecting information on which roadway typical sections were desired. Not much, if any, discussion on street lighting at this meeting. At this point we did not yet know if overhead utilities were going to be relocated to underground. Much of the meeting was spent discussing the logistics of such a relocation. RPA has reviewed all 30 of the comment sheets from this meeting and not one comment was found on street lighting.

Council Meeting No.1 (March 2, 2015): Council voted not to convert the overhead utilities to underground. I searched the minutes for "light" and found nothing that pertained to this project.

Public Meeting No. 3 (March 25, 2015): The preferred design was presented to residents and the presentation included a discussion on street lighting. Janet Collins was OK with street lights, as long as one was not placed right in front of her house. Based on comments received from residents between Karrow and Geddes, 2 residents supported lighting (pastor Kent & Janet) and 2 residents were opposed to lighting (Dee & Judy). Dee suggested in an email "Any street lights that are installed should have timers that shut lights off in the evening when few people see the lights except residents who have them shining into their windows or who are trying to get some sleep."

Council Meeting No. 2 (April 6, 2015): The West 7th Street project was on the agenda for a presentation on the proposed conceptual design of the project. This included a presentation on preliminary alignment, typical roadway sections and overall project features. Authorization to proceed with RPA on final design was unanimously approved at the meeting. During Communications from the Public Judy Hesslaund stated "with the 7th Street project she would like the bike path smaller and less street lights if they have to have them." In addition, the council had some questions for Ryan on the bike paths/sidewalks and the street lights that would be installed.

Council Meeting No. 3 (February 1, 2016): The West 7th Street project was on the agenda for a presentation on the final design of the project and a recommendation from Public Works to proceed with bidding. I have attached my staff memo that was presented at the meeting, along with the pages from the plans showing the lighting details. Comments were made by several residents in opposition of the street lighting. The item ended in a 5-1 vote in favor of proceeding with bidding. Frank Sweeney was the lone vote against stating he did not see the need for street lights between Karrow & Geddes.

February 16, 2016 Whitefish Pilot Article: Attached

February 23, 2016: Received email from "L. Greg Magone, P.E." of Maple Valley, Washington encouraging the city to not install any street lights along any of West 7th Street. Email thread is attached.

West Seventh Street Reconstruction Project Whitefish, Montana Summary –Public Meeting No. 1 (12/10/14)

This document is intended to summarize Public Meeting No. 1 and comments received by the design team at the meeting.

Public Meeting No. 1 was held on December 10, 2014 at 6:30 pm at the Whitefish City Council Chambers. The meeting was started with a presentation by Ryan Mitchell, followed by a General Question and Answer (Q&A) session, and then closed with several focus groups. See the file for a .pdf copy of the presentation.

Below is a summary of those who attended the meeting and signed in:

City & Engineering Staff:

John Wilson (City of Whitefish)
Karin Hilding (City of Whitefish)
Ryan Mitchell (RPA)
Brandon Theis (RPA)

Members of the Public:

Greg Beck	338 Fairway Dr	cqbeck@bresnan.net	862-7774
Bob & Jean Driggers	535 W 7 th St	bob254@centurytel.net	862-0863
Mike Dowaliby	1037 W 7 th St	50pgapro@cyberport.net	862-4771
Vern Ingraham	1023 W 7 th St	email not given	862-3082
Roland J Newton	1040 W 7 th St	rjnewton@bresnan.net	270-7628
Virgil & Mary Delap	227 W 7 th St	email not given	407-3364
Scott Colgrove	436 W 7 th St	scott.colgrove@gmail.com	250-2664
Daniel Barron	1058 W 7 th St	email not given	# not given
Janet Collins	901 W 7 th St	email not given	862-3379
Betty & Thomas Kuffel	1020 W 7 th St	bettykuffel@gmail.com	862-1397
Gayle MacLaren	331 Fairway Dr	maclaren@cyberport.net	862-1276
Marie Mechel	1129 W 7 th St	email not given	# not given
Maureen Hein	612 Lupfer Ave	maureenmcd@aol.com	864-908-7075
Keith VanBroeke	706 Karrow Ave	kvanbroeke@gmail.com	261-9470
Jim Deherrera	339 Fairway Dr	deherrera13@charter.net	212-4869
Fred Jones	10 Tides Way	fredj@bresnan.net	# not given
Anne Shaw Moran	330 Fairway Dr	asm@digisys.net	862-7342
Marie Corbett	1052 W 7 th St	mariekraft@yahoo.com	253-3084
Bill & Mary Kay Roche	1055 W 7 th St	rochemkb@gmail.com	862-3782
Jim Trout & Diana ?	416 W 7 th St	email not given	# not given
Greg & Linda Roberts	631 Lupfer Ave	linda@whitefishvacation.com	253-3924

David Torgenson	835 W 7 th St	email not given	862-4384
Kent Morrison	600 W 7 th St	church.truelife@yahoo.com	249-7952
Joyce Walkup	610 Geddes Ave	j.walkup@ymail.com	862-1331
MJ Lannaghan	213 W 7 th St	memjaye@yahoo.com	270-8067
Sarah Lundstrum	421 W 7 th St	sarah.lundstrum@gmail.com	871-3706
Mike McCabe	541 W 7 th St	email not given	862-7882
Jeff Selig	314 W 7 th St	email not given	862-3760
Brian Schott	708 Lupfer Ave	brian@briansschott.com	261-6190
Iro & Chris Heitz	544 W 7 th St	email not given	862-4645
Craig Prather	328 Fairway Dr	email not given	260-8202
Paul Johannsen	329 Fairway Dr	email not given	212-4678
Karen Nicoletti	550 Flint Ave	itsjustkaren@hotmail.com	# not given
Dee Blank	725 W 7 th	email not given	# not given

NOTE: MANY OTHERS ATTENDED THE MEETING, BUT DID NOT SIGN-IN. WE ESTIMATE THAT APPROXIMATELY 60 PEOPLE WERE AT THE MEETING.

Below are questions and comment received during the General Q&A session:

Q: How wide is the W 7th Street Right-of-Way (ROW)? How far is the ROW from the existing roadway centerline?

A: W 7th Street ROW is largely 60-foot wide. Centerline of the existing roadway varies in relationship to the existing ROW centerline.

Q: Why has the design not been started and shared at tonight's meeting?

A: RPA and the City decided to first hold a public meeting, process those comments and then start on the design. No design work has been done to date. The design will focus both on safety and public comments.

Comment: Need sidewalks so folks can walk. Street **lights** too for safety.

Q: New sewer, water and gas? Underground Power?

A: Yes to new gas. At this time it is our understanding that Northwestern Energy wants to install a new gas line during the summer months of 2015. Underground power is up for discussion and no decision has been made on that. Not yet sure on the water and sewer details.

Q: Do all roadway elements fit within the 60-foot wide ROW? If not, how does it fit?

A: We try to get all of the improvements to fit within the ROW (road, curb, sidewalks, etc.) If not, it will require easements or ROW acquisition.

Q: In the 2009 Whitefish Transportation Plan, is Karrow Avenue planned to be a Bypass?

A: The City is no longer considering that plan.

Q: Can something be done about the steep grades at the intersection of Baker Avenue and W 7th Street?

A: Maybe. Design staff will be looking into this.

Q: When is it the best time to hook up to water and sewer? What is the timeline and costs for sewer hookups for folks on septic?

A: We will be getting more information out to residents about this topic in the future.

Q: How did Karrow Avenue and W 7th Street become urban collectors? I have lived on this street for 50 years and it was a gravel road then!

A: Based on growth, use patterns, sidewalk needs, etc. These were determinations identified in the 2009 Transportation Plan.

Q: Will there be sidewalks on both sides of the streets?

A: Typically on city street projects, we see sidewalks on at least one side of the street. Both sides?...don't know just quite yet. Need to see where the public comments and feasibility efforts take the design.

Comment: We don't need sidewalks on both sides.

Comment: (From John Wilson): A bike/ped path will likely be installed from Geddes Avenue to Karrow Avenue.

Q: Are their design methods to control speed?

A: Yes. They are called "traffic calming devices". The City has installed some of these in the past with mixed results. Enforcement remains the best practice to control speed. Speed bumps are not recommended on collectors.

Comment: We are going to have a real safety issue. Lots of traffic mixed with children. I am very concerned about this.

Q: What is the typical spacing of the street lights?

A: 150 to 180 feet.

Q: Assuming a bike/ped path is installed, who will be responsible for plowing it?

A: Typically the City Parks Department plows the bike/ped paths. But Public Works has to get their acceptance of these efforts first. Currently, Parks resources are stretched very thin right now.

Q: When will the Karrow Avenue bike/ped path that is planned between W 7th Street and Hwy 93 be installed?

A: Best guess is that this is about 10 years out.

Q: Will the “no trucks” signs be reinstalled? Several of them were taken out due to the Hwy 93 construction work?

A: Not sure yet. We will look into that.

Q: Will the overhead power, phone and cable line be relocated to underground? Hasn't the city council set this standard?

A: The city council did decide to relocate overhead to underground on the E 2nd Street project. It is still too early to say on this project. More discussions will be had on this topic.

Comment: It would be great to go underground with the existing overhead utilities.

Comment: (From John Wilson): This will be a council decision. Keep the comments coming!

Q: How bright are the street lights?

A: Whitefish has low light standards. We recommend that you visit one of the recent projects such as 6th & Geddes or East 2nd Street. All lights have full cutoffs and house-side shields.

Comment: Please make special considerations to speed calming. This is a huge issue. Please keep W 7th Street slow and safe.

Comment: Please reinstall the stop signs at the intersection of W 7th Street and O'Brien Avenue.

Q: Why are speed bumps not recommended?

A: Emergency Service vehicles such as ambulances and fire trucks have a real difficult time with them.

Q: Could a roundabout be installed at the intersection of W 7th Street and O'Brien Avenue?

A: (Crowd: Boo!!) Currently there is not enough available ROW at this intersection to do a roundabout. This intersection is very difficult. During the original platting of the lands east and west of this intersection, a major shift was put into the ROW. At the center of this intersection, there is only about 18-feet of ROW to work with.

Q: Will the steep grade west of the intersection of W 7th Street and O'Brien be reduced? This is a problem.

A: We hope. We will be looking at this issue along with steep grades at other intersections.

Q: Would it make sense to make the intersection of W 7th Street and Scott Avenue a controlled intersection with stop signs?

A: Maybe. We will look at this.

Q: If it is decided that only one sidewalk is installed, not two, does this change the location of the roadway?

A: Typically yes. If a sidewalk is deleted from one side of the street, typically the centerline of the new roadway will be shifted that direction to better center the improvements.

Comment: The Baker Avenue approach from W 7th Street is very steep. Please look close and hard at lessening this slope. The same issue exists at Karrow. These intersections are very dangerous in the winter when it is icy.

Comment: (From Ryan Mitchell): We will be taking a close look at the grades entering and exiting these intersections. When deciding on how much to lower a road, the constraints are typically trees, ROW limits and driveways.

Q: What is going to be done about traffic access during construction?

A: This will come into focus later in the project. Special requirements will be put in place for the contractor to follow. These details will be fleshed out during the design phase. Be forewarned. The construction will be aggressive. It will be dusty and access will be challenging at times.

Q: Could the utility relocations and street reconstruction happen during the same construction season? Seems like this would make the most sense; get it all done at one time instead of dragging it out.

A: This is what we just did on E 2nd Street with limited success. That project is not yet done even though we started construction in March. The contractor will be back in the spring to finish that project. But, it is possible.

Q: What is the plan with storm sewer?

A: If there is curb and gutter, there will be inlets, manholes and pipes. If there is not curb and gutter, there will be ditches, culverts, with some pipes/manholes/inlets. This design has yet to be looked at in any detail.

Q: Will the sewer main be in the middle of the street?

A: Don't yet know. Sewer mains need to be 10' away from water mains.

Q: When will the next public meeting be?

A: Late January or early February.

Ryan then closed the General Q&A session to allow for residents/public to break out into smaller focus groups. Four groups formed with Ryan, John, Karin and Brandon fielding questions at each. Each focus group was for a specific neighborhood along the project. Below are the comments received from those focus groups:

Comments to Brandon:

- There are serious drainage issues near 1055 W 7th Street per the property owners (Roche) that live there.
- There are serious drainage issues at the northeastern corner of Fairway Drive and W 7th Street per a property owner who lives on Fairway Drive. The property owner stated that Grouse Mountain (GM) would be interested in working with the City to resolve this issue with this project. The property owner stated that the GM HOH will be sending a letter to the City about this issue and their willingness to help.
- Two comments: Bike path must be from Geddes to Karrow. Sidewalk then from Karrow to Grouse Mountain
- Property owners at 630 & 706 Karrow Avenue are interested in working with the City, if needed, to help make grades better at the Karrow/W 7th St intersection.

Comments to Karin:

- 421 W 7th Street: Currently have two driveways that they would like to preserve. Also, they stated that their gas service likely runs north to the street from the northwestern corner of their home.
- 910 W 7th Street: Owner wants combined bike/ped path, not separate. No need for on-street parking. Low lighting is important.
- 786 W 7th Street: Owner (Judy Hessellund) wants to know if she can stay on her septic system even if a new public system is installed adjacent to her property. Please bring back the “no trucks” signage. Does not want street lights, on-street parking or sidewalks.
- 600 W 7th Street (True Life Church): Hoping improvements do not conflict with the location of their three crosses. Would like to see grades improved at the intersection of Baker Avenue and W 7th Street. Would like to see the street lights, sidewalks and bike/ped path, and all overhead utilities relocated to underground.
- 544 W 7th Street: Owner (Heitz) would like to see no street lights, but if, make sure they are very low light. Sidewalk or bike/ped path only on one side of street with nothing on the other side.
- 725 W 7th Street: Owner (Dee Blank) does not want street lights. Sidewalk or bike/ped path only on one side of street (north side) with nothing on the other side. Keep power on north side of street with the sidewalk/path to maximize space for trees.
- 611/615 W 7th Street: This is the property that has been donated to the Whitefish Parks and Recreation Department.
- 535 W 7th Street: Owner (Driggers) would prefer “low light” street lights. Sidewalk or bike/ped path only on one side of the street. Would like for the stop signs be kept at the intersection of W 7th Street and O’Brien Avenue.
- 708 Lupfer Avenue: Owner (Schott) would like to see an alley barricade removed and replaced with decorative boulders. The alley barricade is currently placed at the top of the hill north of W 7th Street and west of Lupfer Avenue. Would also like to see a gravel path installed down the hill/alley to provide connection to W 6th Street.

Comments to Ryan:

- 227 W 7th Street: Owner is interested in the storm drainage design and how it might help their property. Requested that a street **light** be installed at the intersection of W 7th Street & Baker Avenue.
- 610 Geddes Avenue: Owner stated that only one sidewalk is necessary.
- 708 Lupfer Avenue: Owner (Schott) had questions about fencing. Does not see the need for any on-street parking except for the block east of O'Brien Avenue.
- Ron Thompson: Stated that there are lots of deer at the culvert east of Geddes. Suggested that a box culvert be installed for animal passage.
- 725 W 7th Street: Owner stated that their water curb stop is located on west side of home/property. Requested that design minimized unnecessary impact to existing trees and vegetation.

k:\kal-proj-data\14105.000 - west 7th street\e. design correspondence\4. residents & public\public meeting #1 - 141210\public meeting no. 1 - summary.doc



January 26, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

W 7th Street Reconstruction Project - Resort Tax
*Authorization to Approve RPA Contract Amendment #3
& Proceed with Bidding*

Introduction/History

The Public Works Staff has completed our review of the final designs for the West 7th Reconstruction Project. This important project will reconstruct West 7th Street from Baker Ave. to Fairway Dr. One of the highest priorities of this job is the enhancements to driver and pedestrian safety that will be realized through intersection improvements, roadway alignment changes, the addition of an off-street shared use path for a portion of the project, and an 8' sidewalk for the remainder.

Maintaining the culture of the four "neighborhoods" that exist within the project area was also paramount during the design of this job and the City has held a total of 3 Public Information Meetings thus far in the project. The first meeting was held on 12/10/2014 where local residents were essentially shown a "blank canvas" of the West 7th Street corridor. Time was spent during this meeting discussing the goals of the project with residents and how these objectives would mesh with past planning efforts which had been completed by the City.

These discussions carried into the second Public Information Meeting, which was held on 2/11/2015. During this meeting, residents were shown two options for each of the four neighborhoods. One option included sidewalks on each side of the road, and the second option included a larger pedestrian path on the north side of the road. Residents were encouraged to comment on the design options, weigh in on certain design alternatives, and give feedback on how the project would affect them directly.

As the plans developed, a third Public Information Meeting was held on 3/25/2015, where residents were presented with a refined set of conceptual options. Attendees of the meeting were asked to vote on their preference of the design options during this third meeting.

The votes were compiled, along with the myriad of comments that were made by the public, and the final conceptual designs were presented to City Council on 4/20/2015. Council was also presented with the option to complete a full underground conversion on the existing overhead utilities during the 4/20/2015 meeting. Based on the additional cost that would be incurred to bury utilities, and the extra year of construction it would create, Council authorized RPA to proceed with the final project designs without burying the existing overhead utilities.

Assuming staff is authorized to proceed with bidding, and the contract is awarded according to the proposed schedule discussed later in this memo, a final Public Information Meeting will be held in April, 2016. This meeting will bring residents up to speed on the final project designs, the proposed construction schedule, and what they can expect to happen as construction begins.

Current Report

Attached to this report are several figures which provide an overview of the final designs for the project. These designs incorporate the preferences of West 7th Street neighborhoods to the best of our ability. The following sections describe the highlights of the final designs which are depicted on the enclosed sheets.

Final Plan Profiles – It should be noted that reconstruction of existing roadways poses a number of difficulties that are not encountered during the construction of new roads. These types of projects often require additional excavation in order to accommodate existing features such as homes, landscaping, fencing, etc. Often times the conversion of a rural road section into an urban section with curb and gutter can serve as a means to mitigate some of these challenges. Although this requires lowering the roadway in most areas to collect water, and the added cost of storm sewer, this solution typically results in less overall disturbance to private property than the alternative of installing properly graded open ditches on either side of the road.

Based on community input, City goals, and project budget, the following chart describes the specific design elements to each segment of the project.

Road Segment	Curb/ Gutter & Storm	Asphalt Road Width	Off-Street Path	Water	Sewer
Fairway to Karrow	No	22'	None	Replace	Extension
Karrow to Geddes	Yes	25'	10' Asphalt-North	Existing	Extension
Geddes to O'Brien	Yes	25'	8' Concrete-North	Replace	Extension
O'Brien to Baker	Yes	25'	8' Concrete-North	Replace	Replace
Gully Path	--	--	10' Asphalt	None	Extension

Intersection Improvements – Specific attention was paid to the safety of each intersection throughout the project. Currently, vehicles traveling eastbound on West 7th (downhill) during the winter have difficulty stopping at each of the three stop signs. With this in mind, “Landing Areas” were created at each stop sign with the intent of reducing the grade just prior to the intersection. These areas are intended to improve stopping conditions and promote increased intersection safety. Another major change that is proposed is making O'Brien one-way northbound between 7th and 8th Streets. This change was incorporated partly at the request of the adjacent property owners, and also serves to mitigate difficulties with the vision triangle at this intersection. Police, Fire, and rescue have also endorsed this concept, and the intersection has been designed to accommodate the turning movement of the City's largest fire truck.

Easements & Property Acquisition – In order to reconstruct the roadway, and install new infrastructure along the gully, a number of easements and property acquisitions were required. The following is a brief summary of these negotiated transactions:

<u>Location</u>	<u>Owner</u>	<u>Agreement Type</u>	<u>Other</u>
O'Brien-South	Zampieri	Easement	O'Brien one-way requirement
O'Brien-North	Niles	Acquisition	Fencing & Retaining Wall
Gully Path	Thompson	Easement	Retaining Wall, sewer/septic work

Lighting – As with past road reconstruction projects, the City will be upgrading this corridor to include decorative lighting. The current design is depicted with the City's standard 50W High Pressure Sodium (HPS) luminaires. However, another lighting alternative that the City will be experimenting with on this project is the inclusion of Light Emitting Diode (LED) technology. The inclusion of some LED fixtures on West 7th Street will likely lead to significant energy savings as we design future projects. However, since the physics behind LED lighting technology differs from that of HPS technology, it will require some experimentation before finalizing it for a future design. With this in mind, staff is requesting some leeway to add a few LED fixtures on this project in order to pave the way for future LED lighting projects.

We are also planning to add some lighting along the gully path and would like to incorporate some pedestrian scale bollards. The design for these bollards has not been finalized with our lighting vendor, but we anticipate that we will have the fixtures finalized, ordered, and delivered to meet the installation schedule.

Traffic Control & Construction Routes – The City has experienced some issues with construction traffic patterns and traffic related control issues on past projects. With this in mind, the West 7th Project will be bid with specific traffic control plans which must be adhered to, as well as a few sheets depicting preferred construction traffic routing. West 7th Street will be open to local traffic throughout the project in order for residents living within the construction zone to access their homes. However, there will be a six-week period when the gully will be closed to any through traffic. This proposed road closure has been discussed in advance with the Fire Marshall and has been endorsed. During this period residents living west of the gully will have to travel west to Karrow, and residents living east of the gully will have to travel east to Baker. Prior notice will be given to emergency response staff and residents before the closure goes into place. It should also be anticipated that staff will be recommending Council approve a future resolution outlawing on-street parking on West 7th Street. This will be discussed at a future meeting during the recommendation of a contract award.

Schedule: The first phase of the project, which included relocation of the gas line by Northwestern Energy, began last fall. The second phase of the project, which includes the completion of the utility relocations, will take place this spring. The final phase of the project includes water and sewer work, reconstruction of the roadway, construction of a pedestrian path and sidewalk, and installation of boulevard lighting is proposed to take place as follows:

2/1/2016 - Council Authorization to Bid
3/10/2016 - Bid Opening
3/21/2016 - Council Contract Award
April 2016 - Final Public Information Meeting
5/2/2016 - Start Construction
September 2016 - Construction Completion

RPA Contract Amendment #3 - Now that the Design Phase for this project has concluded, we need to look at the remaining phases of engineering work to complete the reconstruction of W 7th Street. With that, RPA has prepared the attached Contract Amendment No. 3, which is intended to cover the remaining tasks required to complete the project. This contract amendment includes services for Advertising and Bidding, ¾ Time Construction Observation, and Post-Construction Services. The following is a breakdown of the anticipated total engineering costs for the project, including the proposed Amendment #3:

<u>Document</u>	<u>Approved</u>	<u>Description of Work</u>	<u>Cost</u>
Initial Agreement	7/22/2014	Surveying, Preliminary Engineering, Preliminary Public Outreach	\$78,600
Amendment #1	5/3/2015	Land Acquisition, Final Design	\$212,600
Amendment #2	9/21/2015	Utility Relocates	\$23,200
Amendment #3	Pending	Bidding, Construction Administration	\$122,700
Total Project Engineering Cost			<u>\$437,100</u>

Financial Requirement

This project is slated to be paid by the Resort Tax Fund. The original overall project cost estimate, which was completed in 2014, was \$2,436,200. The current overall project cost estimate is \$2,817,620. A comparison of the changes are as follows:

<u>Estimate #</u>	<u>Utility Relocation</u>	<u>Construction</u>	<u>Easements</u>	<u>Professional Fees</u>	<u>Total</u>
Original	\$25,000	\$2,000,000	\$0	\$411,200	\$2,436,200
March 2015	\$25,000	\$2,390,000	\$0	\$411,200	\$2,826,200
January 2016	\$29,420	\$2,331,000	\$20,100	\$437,100	\$2,817,620

As you can see from these numbers, the estimated construction costs have increased since the original estimate, which was put together in 2014. A significant portion of this increase can be attributed to cast iron water main that was discovered within the project limits. It should also be noted that the original \$2M construction estimate was put together before any preliminary conceptual drawings were completed. That said, we are optimistic that the scale of the project along with the timing of the bid, will attract lots of competition.

Request for Authorization

Based on the guidance and direction received from Council to date, and the public outreach that has been conducted, I respectfully request authorization to proceed with the bidding of the West 7th Street Reconstruction Project as presented in the preliminary design layout. I believe these final designs meet the objectives of the City, and represent an effective use of Resort Fund revenues.

I furthermore recommend that City Council authorize the City Manager to execute Contract Amendment #3 with RPA for the West 7th Reconstruction

Project. RPA has done an outstanding job on this project to date, and I am confident that they will provide sound engineering services necessary to see the project through construction.

Upon completion of the bidding process, a recommendation will be made to the Council regarding the award of a construction contract.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Workman". The signature is fluid and cursive, with a long horizontal stroke at the end.

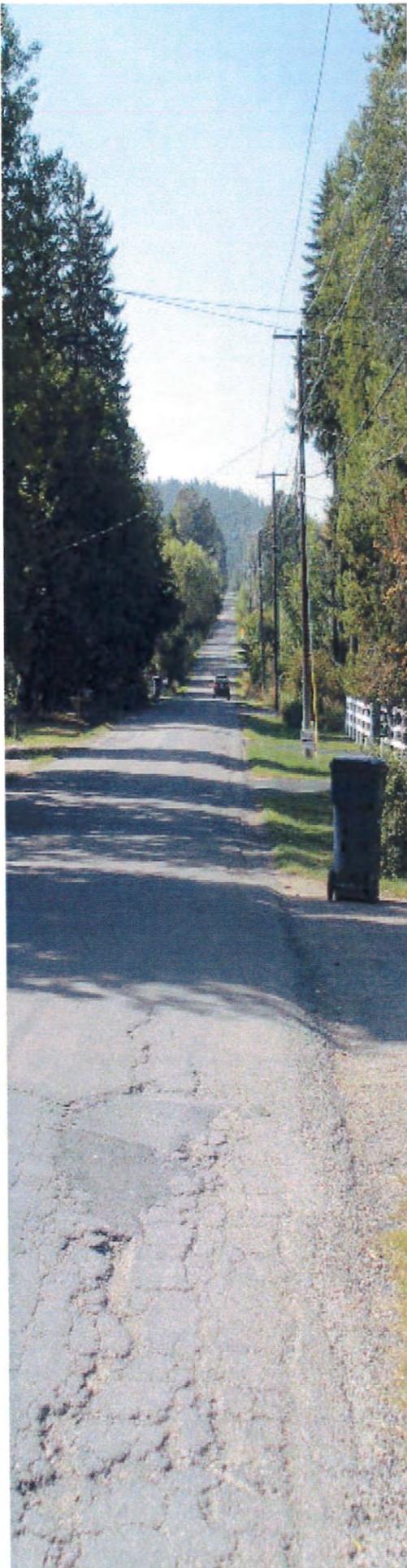
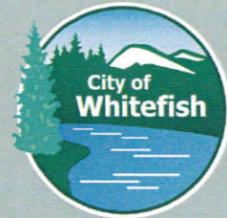
Craig Workman, P.E.
Public Works Director

Construction Drawings

“FOR CONSTRUCTION” SET

West 7th Street Reconstruction Project

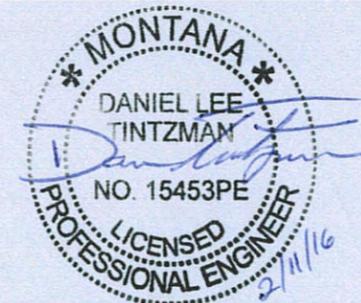
Prepared for:
City of Whitefish, Montana



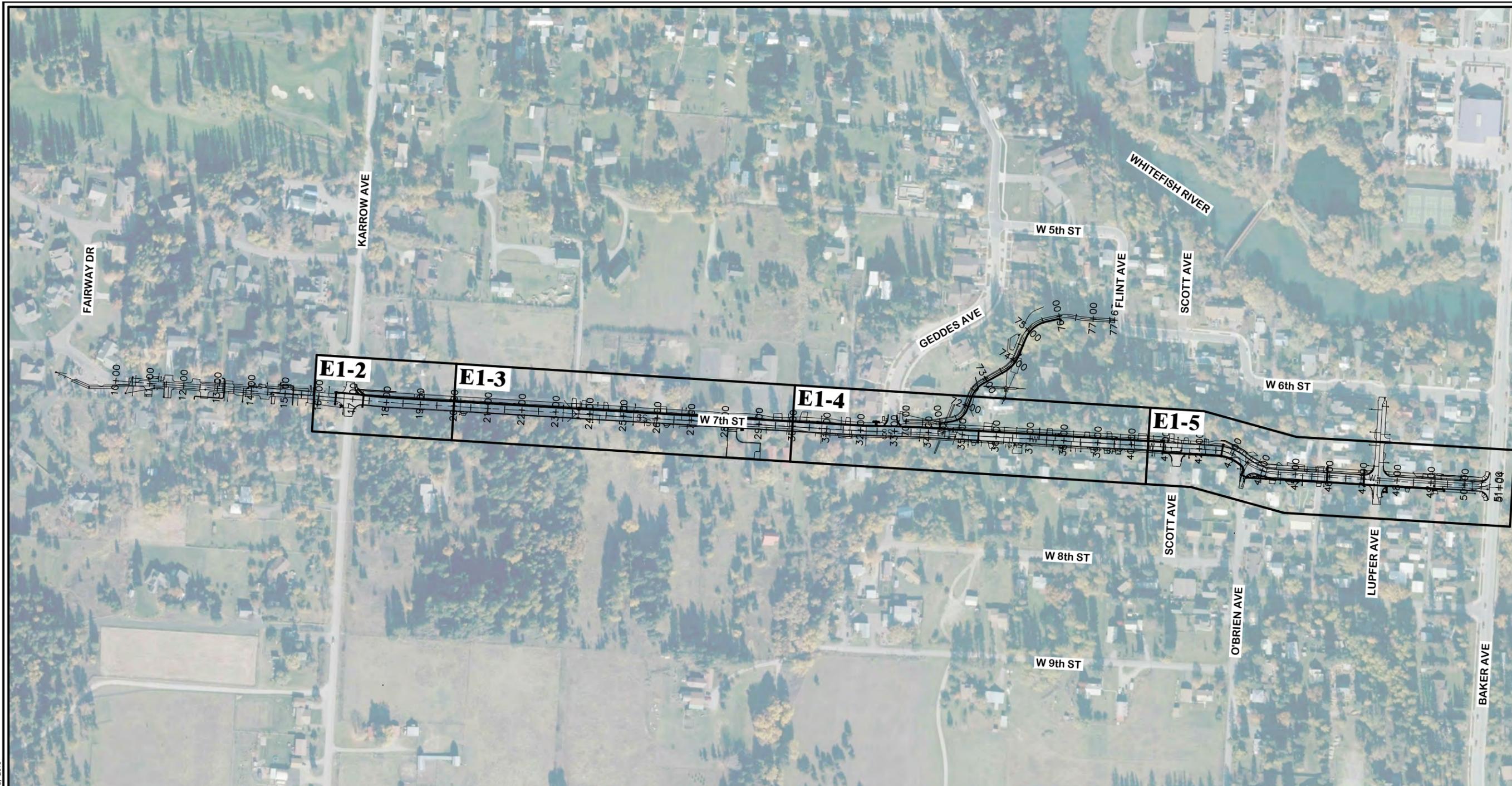

Prepared by:
Robert Peccia & Associates
Kalispell, Montana



Brandon M. Theis, PE
General Sheets: G-1 - G-26
Civil Sheets: ES1-1 - ES1-3, C1-1 - C1-9
C2-1 - C2-57, C3-1 - C3-9
C4-1 - C4-13, C5-1 - C5-9



Daniel L. Tintzman, PE
General Sheets: G-27 - G-29
Electrical Sheets: E1-1 - E1-7
Designed by: Brandon Theis, PE
Drawn by: Mark Rogers
Checked by: Ryan Mitchell, PE, PLS
Approved by: Keith Jensen, PE



SYM	REVISION	BY	APPR.	DATE

D. TINTZMAN DESIGNED BY	FEBRUARY 2016 DATE
M. ROGERS DRAWN BY	14105.000 PROJECT NO.
R. MITCHELL CHECKED BY	Streetlights_W7ST FILE

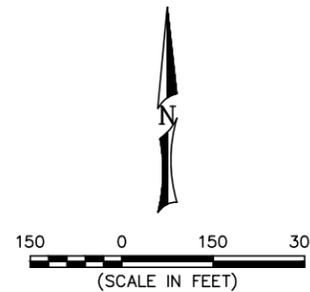
PROJECT TITLE
**WEST 7th STREET
RECONSTRUCTION PROJECT**
Whitefish, Montana

SHEET TITLE
**STREET LIGHTING
OVERVIEW**

SHEET
E1-1

- NOTES:**
- PROPOSED UTILITIES:
 - SS _____ SEE C3-SERIES SHEETS
 - FM _____
 - W _____ SEE C4-SERIES SHEETS
 - ST _____ SEE C5-SERIES SHEETS
 - E** _____ SEE E1-SERIES SHEETS
 - EUP = EXIST UTILITY POLE
SA# = SERVICE ASSEMBLY
PB# = PULL BOX
SL# = SINGLE LIGHT
FC# = FUTURE CONNECTION
LTS = LIGHTING CONDUCTOR
GND = GROUND CONDUCTOR
 - LABEL ALL CONDUCTORS IN PULL BOXES WITH CIRCUIT NUMBERS AND WHAT THEY ARE DESIGNATED FOR.

- ALL EQUIPMENT FURNISHED SHALL BE NEW. MEET THE STANDARDS OF NEMA & UL, BARE THEIR LABELS WHEREVER STANDARDS HAVE BEEN ESTABLISHED AND LABEL SERVICE IS AVAILABLE.
- INSTALL PULL ROPES THROUGH EACH PIECE OF CONDUIT INSTALLED.
- ALL CONDUIT WORK MUST BE INSPECTED BY THE CONTRACTOR'S LICENSED ELECTRICAL CONTRACTOR PRIOR TO BURIAL.
- CONDUIT SHALL BE SEALED FROM DIRT, DEBRIS AND RODENTS (DUX SEAL, PERMA SEAL, ECT.) WHERE ENTERING AND EXITING STREET LIGHT BASES AND PULL BOXES.
- STATION LOCATION CALLOUTS REFER TO PROPOSED ROADWAY CENTERLINE STATIONING. (UNLESS SHOWN OTHERWISE ON PLANS)





SYMBOL	REVISION	BY	APPR.	DATE

D. TINTZMAN	FEBRUARY 2016
DESIGNED BY	DATE
M. ROGERS	14105.000
DRAWN BY	PROJECT NO.
R. MITCHELL	Streelights W7ST
CHECKED BY	FILE

PROJECT TITLE
**WEST 7th STREET
RECONSTRUCTION PROJECT**
Whitefish, Montana

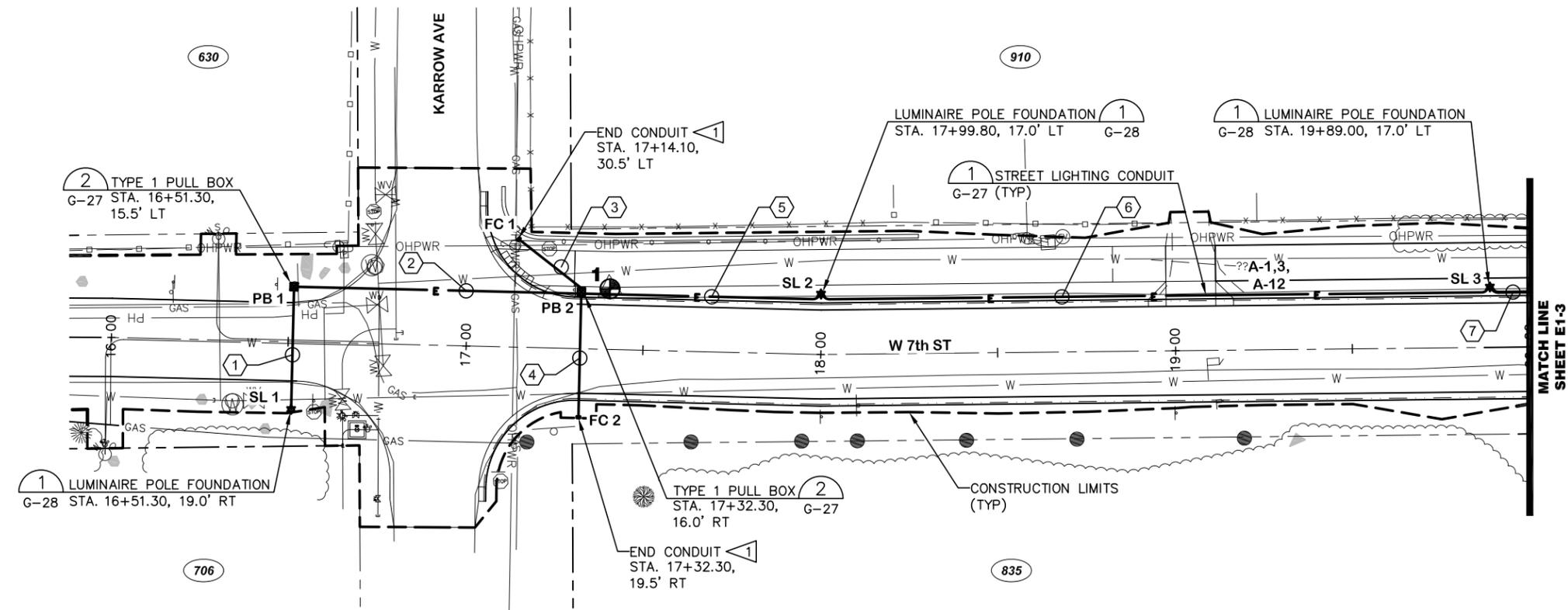
SHEET TITLE
**STREET LIGHTING
PLAN AND
SCHEDULES**

SHEET
E1-2

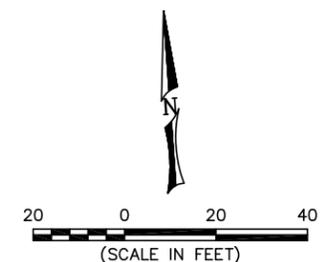
CONDUIT AND WIRE SCHEDULE				
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
1	2"	2#8 LTS, 1#8 GND	SL 1	PB 1
2	2"	2#8 LTS, 1#8 GND	PB 1	PB 2
3	2"		PB 2	FC 1
4	2"		PB 2	FC 2
5	2"	2#8 LTS, 2#6, 1#8 GND	PB 2	SL 2
6	2"	2#8 LTS, 2#6, 1#8 GND	SL 2	SL 3
7	2"	2#8 LTS, 2#6, 1#8 GND	SL 3	SL 4

NOTE: ALL CONDUCTORS SHALL BE TYPE THWN

- NOTES:**
- 1 ALL FUTURE CONNECTIONS SHALL BE CAPPED AT THE END OF THE CONDUIT AND AN 18"x3/8" REBAR SHALL BE PLACED FOR FUTURE LOCATE.
 - 2 INSTALL PULL ROPE WITHIN BLANK CONDUIT.



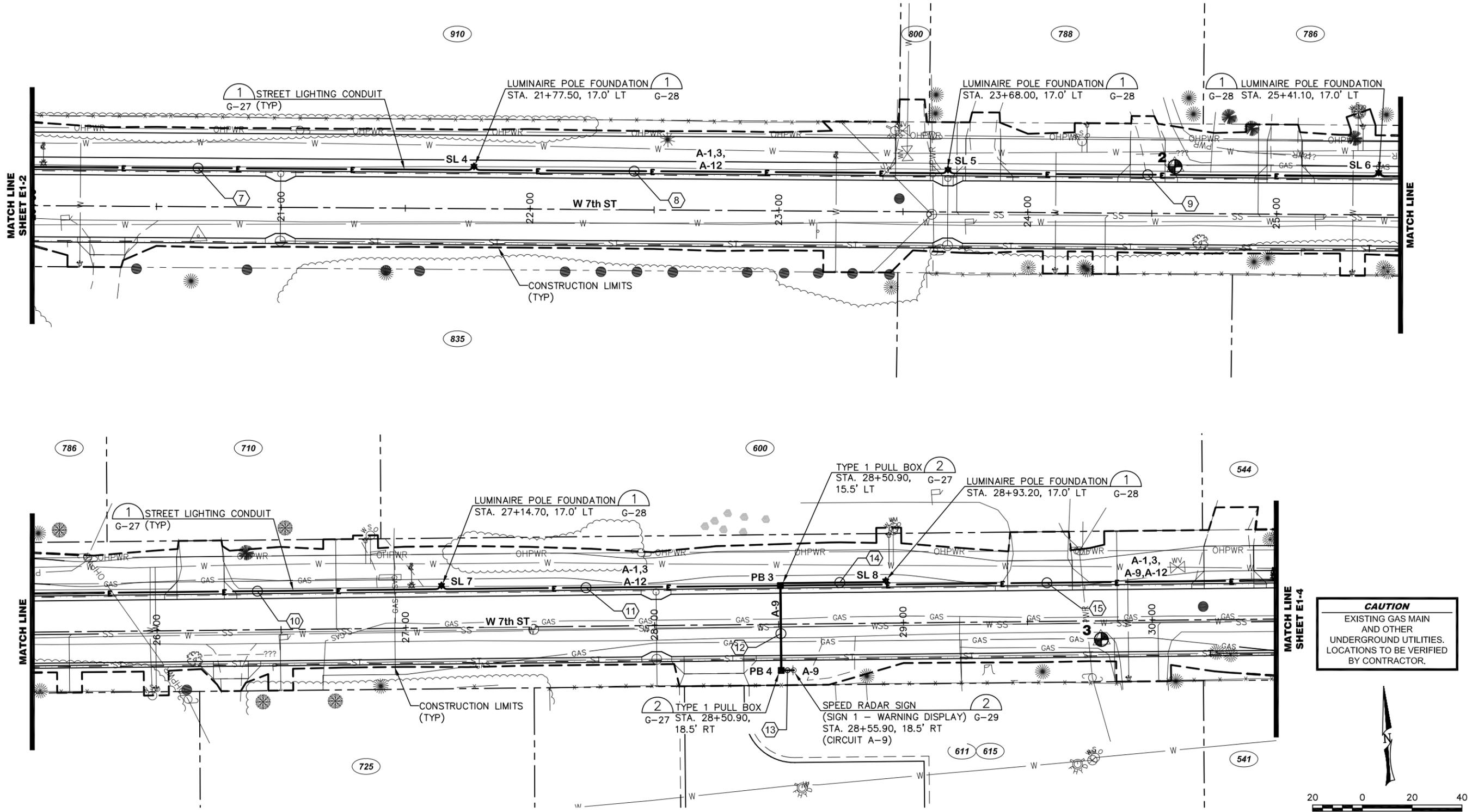
CAUTION
EXISTING GAS MAIN
AND OTHER
UNDERGROUND UTILITIES.
LOCATIONS TO BE VERIFIED
BY CONTRACTOR.



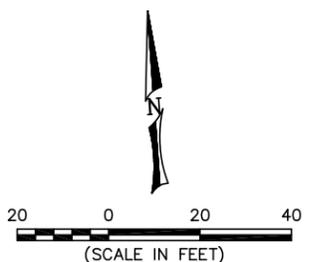


CONDUIT AND WIRE SCHEDULE				
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
7	2"	2#8 LTS, 2#6, 1#8 GND	SL 3	SL 4
8	2"	2#8 LTS, 2#6, 1#8 GND	SL 4	SL 5
9	2"	2#8 LTS, 2#6, 1#8 GND	SL 5	SL 6
10	2"	2#8 LTS, 2#6, 1#8 GND	SL 6	SL 7
11	2"	2#8 LTS, 2#6, 1#8 GND	SL 7	PB 3
12	2"	2#8, 1#8 GND	PB 3	PB 4
13	1 1/4"	2#8, 1#8 GND	PB 4	SIGN 1
14	1 1/4"	2#8 LTS, 1#8 GND	PB 3	SL 8
15	2"	2#8 LTS, 2#8, 2#6, 1#8 GND	PB 3	PB 5

NOTE: ALL CONDUCTORS SHALL BE TYPE THWN



CAUTION
EXISTING GAS MAIN
AND OTHER
UNDERGROUND UTILITIES.
LOCATIONS TO BE VERIFIED
BY CONTRACTOR.



SYN	REVISION	BY	APPR.	DATE

DESIGNED BY: D. TINTZMAN
 DRAWN BY: M. ROGERS
 CHECKED BY: R. MITCHELL
 DATE: FEBRUARY 2016
 PROJECT NO.: 14105.000
 FILE: Streetlights_W7ST

PROJECT TITLE
**WEST 7th STREET
 RECONSTRUCTION PROJECT**
 Whitefish, Montana

SHEET TITLE
**STREET LIGHTING
 PLAN AND
 SCHEDULES**

SHEET
E1-3

k:\Koi-Proj-Data\14105.000 - West 7th Street\CONSTRUCTION_DWG\Streetlights_W7ST.dwg - Feb 11, 2016



SYN	REVISION	BY	APPR.	DATE

D. TINTZMAN	DESIGNED BY	FEBRUARY 2016	DATE
M. ROGERS	DRAWN BY	14105.000	PROJECT NO.
R. MITCHELL	CHECKED BY	Streetslights W/ST	FILE

PROJECT TITLE
WEST 7th STREET RECONSTRUCTION PROJECT
Whitefish, Montana

SHEET TITLE
STREET LIGHTING PLAN AND SCHEDULES

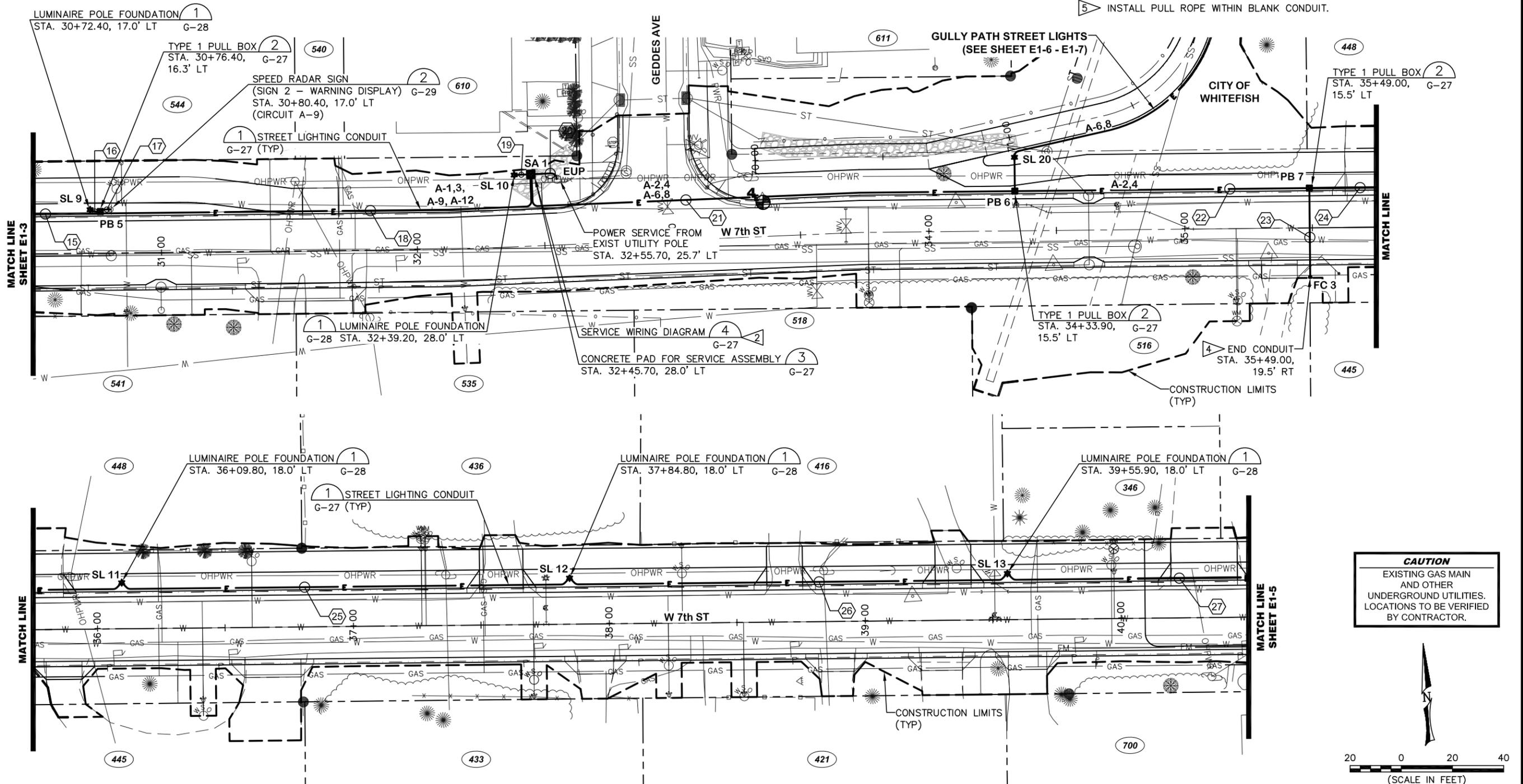
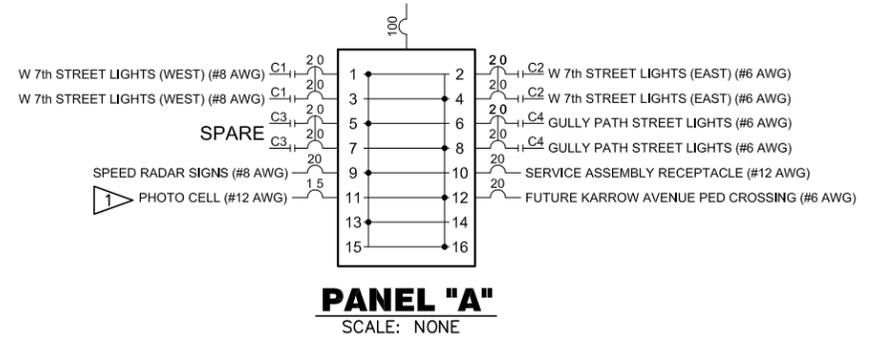
SHEET
E1-4

CONDUIT AND WIRE SCHEDULE				
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
15	2"	2#8 LTS, 2#8, 2#6, 1#8 GND	PB 3	PB 5
16	1 1/4"	2#8 LTS, 1#8 GND	PB 5	SL 9
17	1 1/4"	2#8, 1#8 GND	PB 5	SIGN 2
18	2"	2#8 LTS, 2#8, 2#6, 1#8 GND	PB 5	SA 1
19	1 1/4"	2#12 LTS, 1#8 GND	SA 1	SL 10
20	2"	By Utility Company	SA 1	EUP
21	2"	4#6 LTS, 1#8 GND	SA 1	PB 6
22	1 1/4"	2#8 LTS, 1#8 GND	PB 6	PB 7
23	1 1/4"	2#8 LTS, 1#8 GND	PB 7	FC 3
24	1 1/4"	2#8 LTS, 1#8 GND	PB 7	SL 11
25	1 1/4"	2#8 LTS, 1#8 GND	SL 11	SL 12
26	1 1/4"	2#8 LTS, 1#8 GND	SL 12	SL 13
27	1 1/4"	2#8 LTS, 1#8 GND	SL 13	PB 8

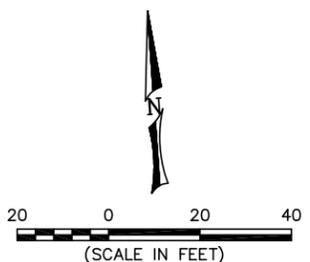
NOTE: ALL CONDUCTORS SHALL BE TYPE THWN

NOTES:

- 1 THE PHOTO CELL SHALL SIMULTANEOUSLY ENERGIZE POLE LIGHTING CONTACTOR: ONE SIX POLE CONTACTOR SHALL SUPPLY CIRCUIT NUMBERS:
 1. A-1,3 = W 7th STREET LIGHTS (WEST)
 2. A-2,4 = W 7th STREET LIGHT (EAST)
 3. A-6,8 = GULLY PATH STREET LIGHTS
 THE SIX POLE CONTACTOR PRODUCT NUMBER SHALL BE CUTLER HAMMER CATALOG #: ECL03C1A6A, OR APPROVED EQUAL, 30 AMP, SIX POLE, 120 VOLT COIL.
- 2 SERVICE ASSEMBLY TO BE PROVIDED BY CONTRACTOR. SERVICE ASSEMBLY SHALL BE MILBANK CP3B11115A22-100 AMP WITH 16 LOAD CENTER CIRCUITS. A DUPLEX, METALLIC, WEATHER PROOF, LOCKABLE GFI RECEPTACLE (LEVITON 7899-GY WITH M5979GY COVER) SHALL BE MOUNTED OUTSIDE. PHOTO-ELECTRIC CELL, LIGHTING CONTACTOR AND H.O.A. SWITCH SHALL BE INTEGRATED INTO THE SERVICE ASSEMBLY BY THE MANUFACTURER. REFER TO SERVICE ASSEMBLY WIRING DIAGRAM ON SHEET G-27, DETAIL #4.
- 3 THE CITY OF WHITEFISH WILL COORDINATE THE INSTALLATION OF THIS CIRCUIT ONCE CONDUIT, PULL ROPE AND SERVICE ASSEMBLY HAVE BEEN INSTALLED BY THE CONTRACTOR.
- 4 ALL FUTURE CONNECTIONS SHALL BE CAPPED AT THE END OF THE CONDUIT AND AN 18"x3/8" REBAR SHALL BE PLACED FOR FUTURE LOCATE.
- 5 INSTALL PULL ROPE WITHIN BLANK CONDUIT.



CAUTION
EXISTING GAS MAIN AND OTHER UNDERGROUND UTILITIES. LOCATIONS TO BE VERIFIED BY CONTRACTOR.





SYMBOL	REVISION	DATE	BY	APPROVED

DESIGNED BY	D. TINTZMAN
DATE	FEBRUARY 2016
PROJECT NO.	14105.000
DRAWN BY	M. ROGERS
CHECKED BY	R. MITCHELL
FILE	Streetslights_W7ST

PROJECT TITLE
**WEST 7th STREET
RECONSTRUCTION PROJECT**
Whitefish, Montana

SHEET TITLE
**STREET LIGHTING
PLAN AND
SCHEDULES**

SHEET
E1-5

CONDUIT AND WIRE SCHEDULE

TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
27	1 1/4"	2#8 LTS, 1#8 GND	SL 13	PB 8
28	1 1/4"	2#8 LTS, 1#8 GND	PB 8	SL 14
29	1 1/4"	2#8 LTS, 1#8 GND	PB 8	PB 9
30	1 1/4"	2#8 LTS, 1#8 GND	PB 9	PB 10
31	1 1/4"	2#8 LTS, 1#8 GND	PB 10	PB 11
32	1 1/4"	2#8 LTS, 1#8 GND	PB 11	SL 15
33	1 1/4"	2#8 LTS, 1#8 GND	PB 11	PB 12
34	1 1/4"	2#8 LTS, 1#8 GND	PB 12	PB 13

CONDUIT AND WIRE SCHEDULE

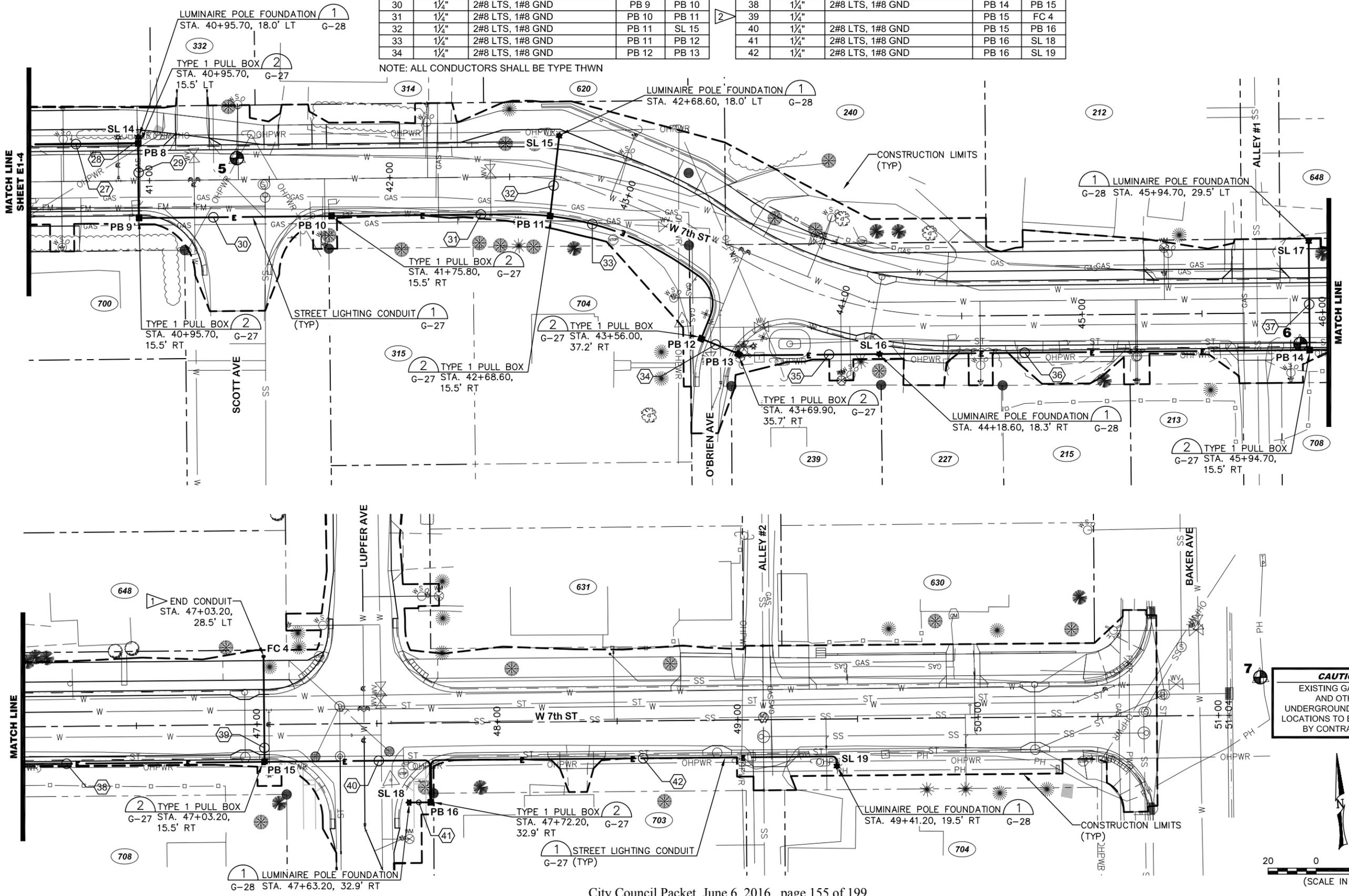
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
35	1 1/4"	2#8 LTS, 1#8 GND	PB 13	SL 16
36	1 1/4"	2#8 LTS, 1#8 GND	SL 16	PB 14
37	1 1/4"	2#8 LTS, 1#8 GND	PB 14	SL 17
38	1 1/4"	2#8 LTS, 1#8 GND	PB 14	PB 15
39	1 1/4"	2#8 LTS, 1#8 GND	PB 15	FC 4
40	1 1/4"	2#8 LTS, 1#8 GND	PB 15	PB 16
41	1 1/4"	2#8 LTS, 1#8 GND	PB 16	SL 18
42	1 1/4"	2#8 LTS, 1#8 GND	PB 16	SL 19

NOTES:

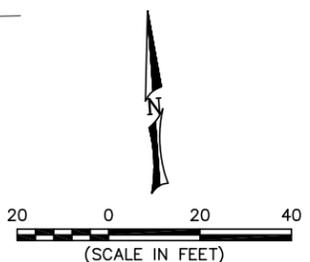
1 ALL FUTURE CONNECTIONS SHALL BE CAPPED AT THE END OF THE CONDUIT AND AN 18"x3/8" REBAR SHALL BE PLACED FOR FUTURE LOCATE.

2 INSTALL PULL ROPE WITHIN BLANK CONDUIT.

NOTE: ALL CONDUCTORS SHALL BE TYPE THWN



CAUTION
EXISTING GAS MAIN AND OTHER UNDERGROUND UTILITIES. LOCATIONS TO BE VERIFIED BY CONTRACTOR.



K:\Kod-Proj-Data\14105.000 - West 7th Street\14105.000_2014_ACAD_W7ST_SHEETS\CONSTRUCTION_DWG\Streetslights_W7ST.dwg Feb 11, 2016

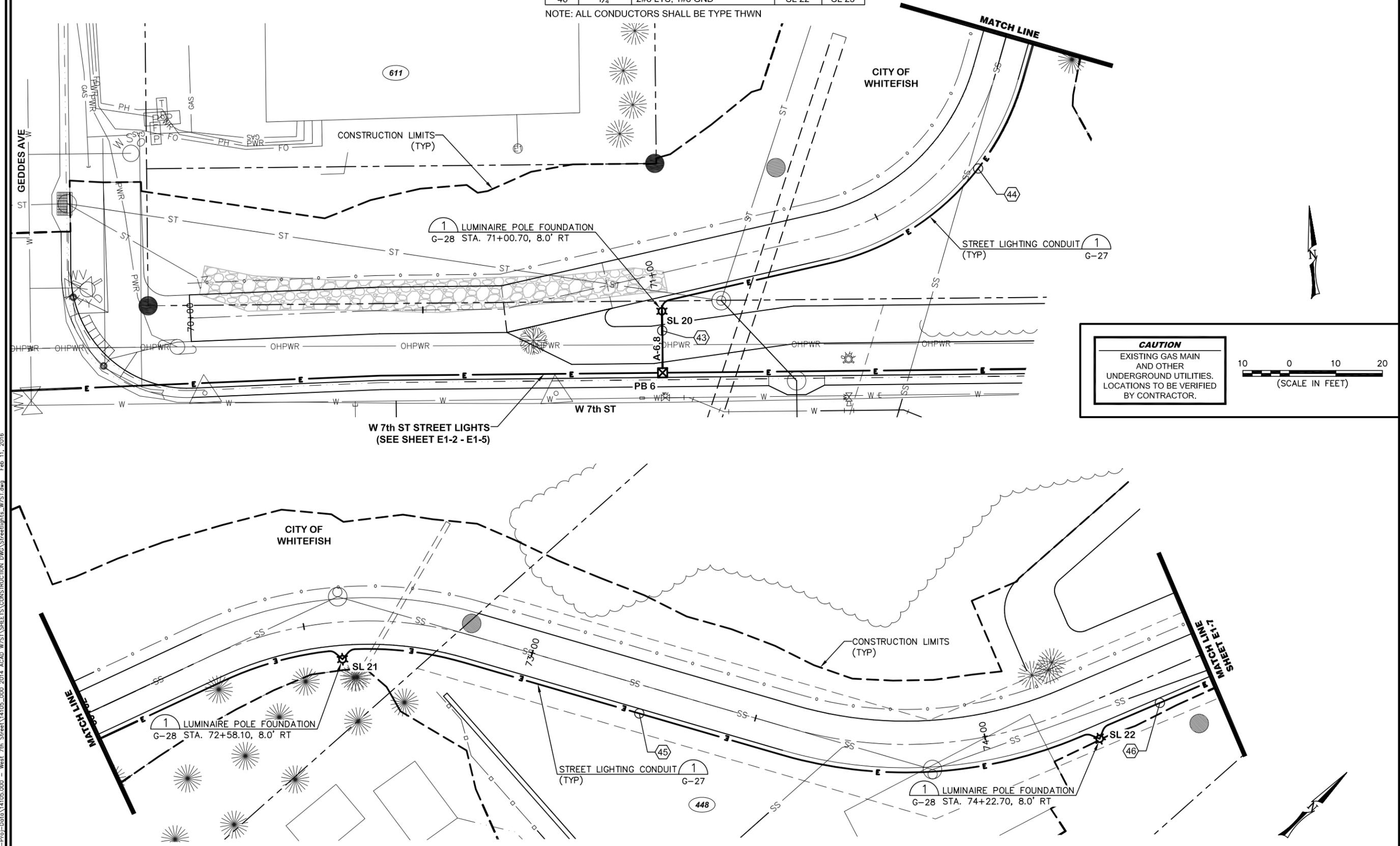


CONDUIT AND WIRE SCHEDULE				
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
43	1 1/4"	2#8 LTS, 1#8 GND	PB 6	SL 20
44	1 1/4"	2#8 LTS, 1#8 GND	SL 20	SL 21
45	1 1/4"	2#8 LTS, 1#8 GND	SL 21	SL 22
46	1 1/4"	2#8 LTS, 1#8 GND	SL 22	SL 23

NOTE: ALL CONDUCTORS SHALL BE TYPE THWN

NOTES:

1. STATION LOCATION CALLOUTS REFER TO PROPOSED GULLY PATH CENTERLINE STATIONING.



CAUTION
EXISTING GAS MAIN
AND OTHER
UNDERGROUND UTILITIES.
LOCATIONS TO BE VERIFIED
BY CONTRACTOR.



K:\Kof-Prod-Data\14105.000 - West 7th Street\14105.000_2014_ACAD_W7ST\SHEETS\CONSTRUCTION_DWG\Streetslights_W7ST.dwg - Feb 11, 2016

SYMBOL	REVISION	BY	APPR.	DATE

D. TINTZMAN	FEBRUARY 2016	14105.000	Streetslights W7ST
DESIGNED BY	DATE	PROJECT NO.	FILE
M. ROGERS			
DRAWN BY			
R. MITCHELL			
CHECKED BY			

PROJECT TITLE
**WEST 7th STREET
RECONSTRUCTION PROJECT**
Whitefish, Montana

SHEET TITLE
**STREET LIGHTING
PLAN AND
SCHEDULES**

SHEET
E1-6

CONDUIT AND WIRE SCHEDULE				
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
46	1 1/4"	2#8 LTS, 1#8 GND	SL 22	SL 23

NOTE: ALL CONDUCTORS SHALL BE TYPE THWN

NOTES:

- STATION LOCATION CALLOUTS REFER TO PROPOSED GULLY PATH CENTERLINE STATIONING.

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Robert Pecora
& Associates



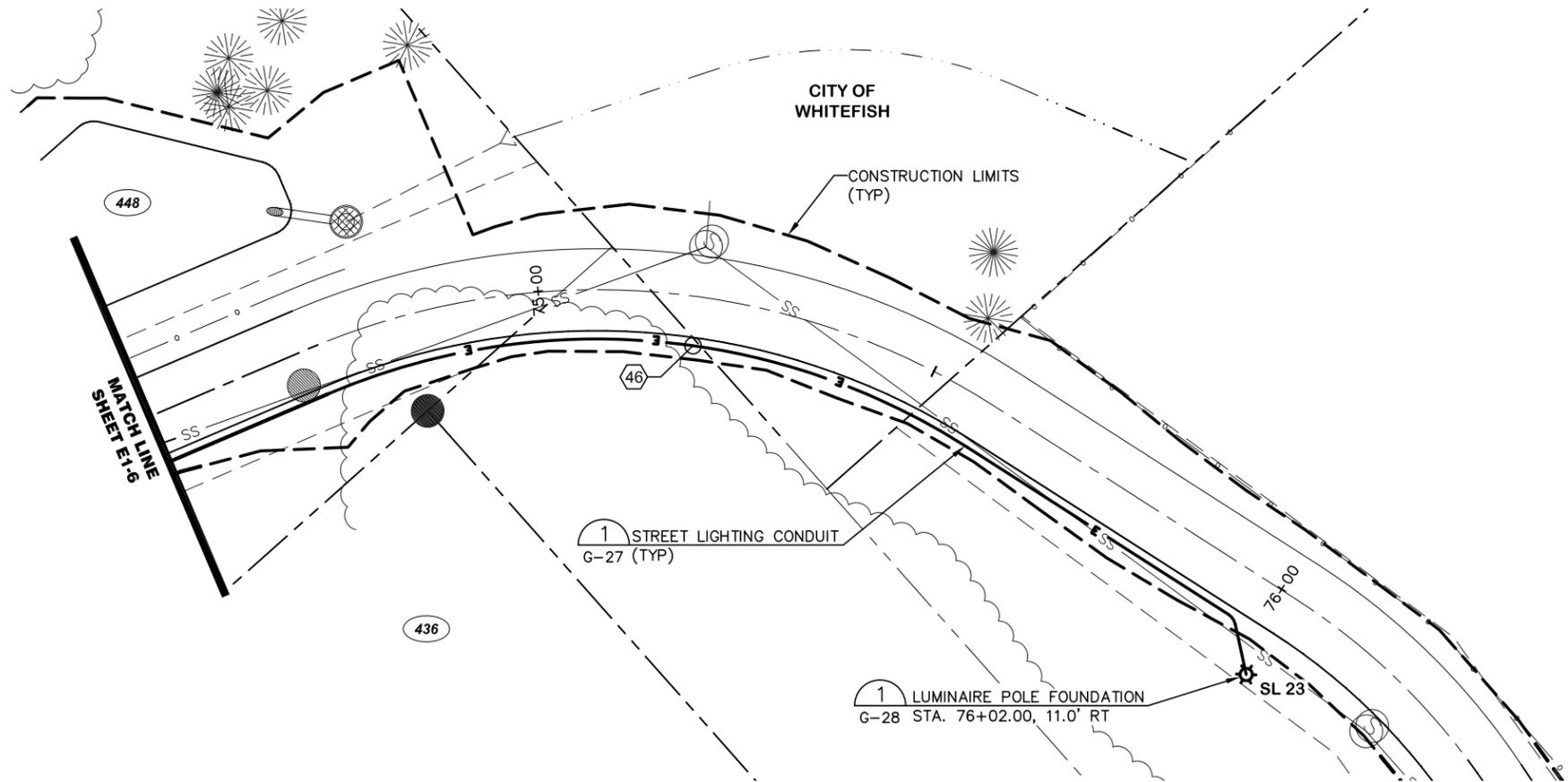
SYM	REVISION	BY	APPR.	DATE

D. TINTZMAN	DESIGNED BY	FEBRUARY 2016	DATE
M. ROGERS	DRAWN BY	14105.000	PROJECT NO.
R. MITCHELL	CHECKED BY	Streelights W7ST	FILE

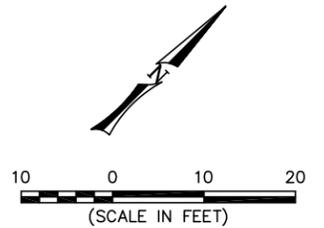
PROJECT TITLE
**WEST 7th STREET
RECONSTRUCTION PROJECT**
Whitefish, Montana

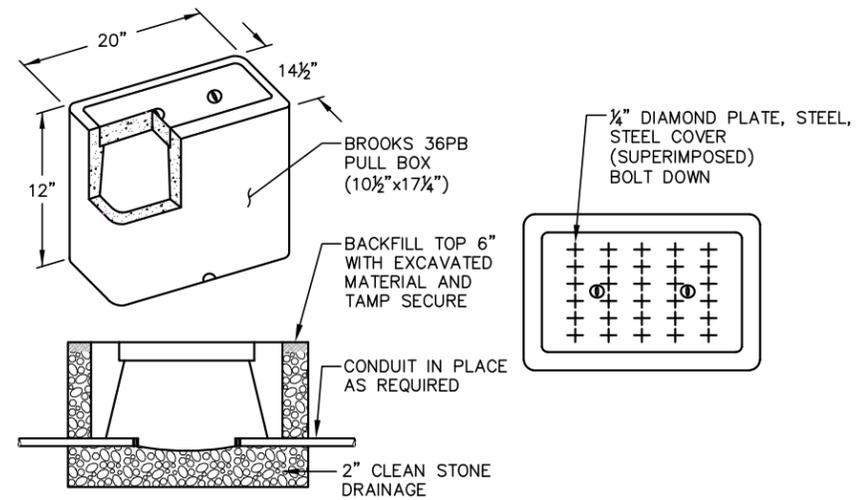
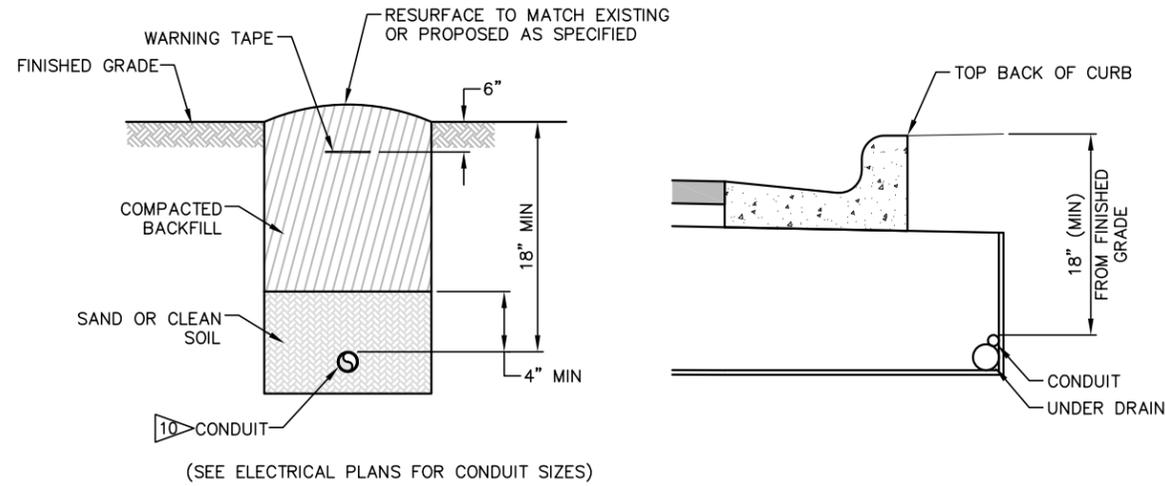
SHEET TITLE
**STREET LIGHTING
PLAN AND
SCHEDULES**

SHEET
E1-7



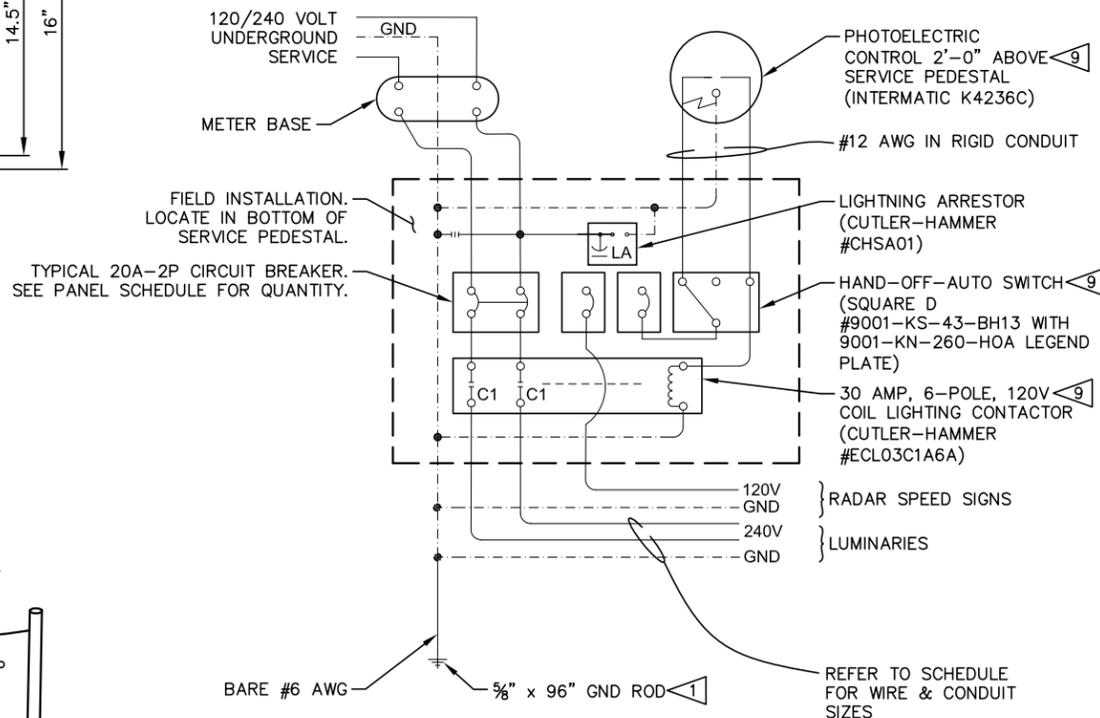
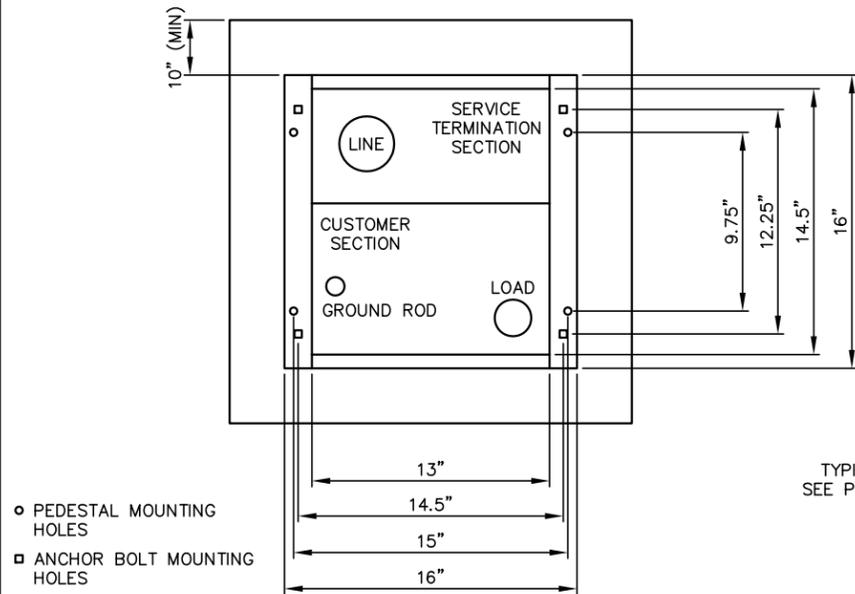
CAUTION
EXISTING GAS MAIN
AND OTHER
UNDERGROUND UTILITIES.
LOCATIONS TO BE VERIFIED
BY CONTRACTOR.



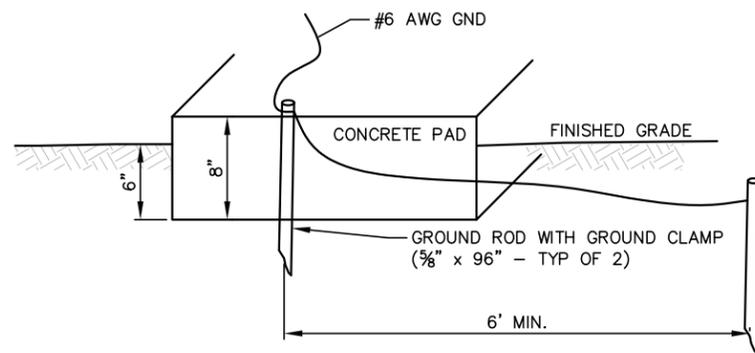


STREET LIGHTING CONDUIT 1
 SCALE: NONE E1-2 - E1-7

TYPE 1 PULL BOX 2
 SCALE: NONE E1-2 - E1-5



- NOTES:**
- INSTALL TWO 8' COPPER CLAD GROUND RODS WITH 6' MIN. SEPARATION. INSTALL #6 AWG GROUND WIRE WITH 6' FREE CONDUCTOR FOR CONNECTION TO SERVICE.
 - CONCRETE PAD TO BE 8" THICK. PLACE 3/8" EXPANSION BOLTS AS REQUIRED.
 - MOUNTING BOLTS TO BE FIELD INSTALLED.
 - INSTALL TOP OF CONCRETE PAD 2" ABOVE FINISHED GRADE (±1/4").
 - ALL CONDUIT WORK COMPLETED BY GENERAL CONTRACTORS IS TO BE INSPECTED BY THE LICENSED ELECTRICAL CONTRACTOR PRIOR TO BURIAL.
 - MINIMUM SIZE CONDUIT TO BE USED IS 1 1/4" SCHEDULE 40 PVC, BURIED AT A DEPTH OF NOT LESS THAN 18". CONDUIT RUNS FROM POWER SOURCE TO SERVICE ASSEMBLY SHALL BE 2" SCHEDULE 40 PVC CONDUIT BURIED AT A DEPTH OF NOT LESS THAN 36".
 - CONDUIT WHERE ENTERING AND EXITING LIGHT BASES AND GROUND BOXES SHALL BE SEALED FROM DIRT, DEBRIS, AND RODENTS (DUX SEAL, PERMA SEAL, ETC.).
 - PULL BOXES SHALL BE OF MATERIAL SHOWN AND INSTALLED FLUSH WITH FINISHED GRADE, OR NO MORE THAN 1" BELOW FINISHED GRADE. PULL BOXES SHALL NOT BE INSTALLED HIGHER THAN FINISHED GRADE. PULL BOXES SHALL BE ARRANGED TO DRAIN (GRAVEL BOTTOM, ETC.).
 - LIGHTING CONTROLS THAT ARE MOUNTED TO THE SERVICE ASSEMBLY BY THE MANUFACTURER ARE ACCEPTABLE.
 - WHEN CONDUITS RUN ADJACENT TO STREET, SEE TYPICAL SECTIONS.



CONCRETE PAD FOR SERVICE ASSEMBLY 3
 SCALE: NONE E1-4

SERVICE WIRING DIAGRAM 4
 SCALE: NONE E1-4

SYMBOL	REVISION	BY	APPR.	DATE

PROJECT TITLE
WEST 7th STREET RECONSTRUCTION PROJECT
 Whitefish, Montana

SHEET TITLE
ELECTRICAL DETAILS

SHEET
G-27



Dee Blank's Property

West 7th residents question plan for street lights

By HEIDI DESCH Whitefish Pilot | Posted: Monday, February 22, 2016 12:00 am

Dee Blank can see far away galaxies from her backyard on West Seventh Street.

“The farthest thing you can see with the naked eye is Andromeda Galaxy, and it’s 2.5 million light-years away,” Blank told Whitefish City Council last week. “I can see it from my backyard. Next year, will we be able to see Andromeda from this neighborhood?”

Blank, along with Judy Hessellund, asked the city to reconsider a plan to install street lights along West Seventh when the street is reconstructed this summer.

“It’s nice to have the dark skies,” Hessellund said. “From my big windows I can watch the fireworks on [Big Mountain.] Once all the lights come on, I won’t be able to.”

West Seventh is set to undergo a major reconstruction from Baker Avenue to Fairway Drive. Steep intersections will be improved, the roadway will be realigned, and an off-street pedestrian path and sidewalk will be installed. The city will upgrade the corridor to include decorative lighting and plans to experiment with LED fixtures with the goal of energy savings.

City public works director Craig Workman says street lights are an important safety feature for the new pedestrian paths.

“We can’t have a bike path and not have lighting,” he said. “When we’re doing bike path projects we have a responsibility to provide safety lighting. I respect the desires of the neighborhood. We have the lighting designed to be the minimum and it’s not going to be a wash of light.”

Still, Blank said the character of the neighborhood was supposed to be taken into consideration in the new street design.

“This is a quiet, low density, edge-of-town neighborhood,” Blank said. “It includes pasture and forest, and is where the new James A. Bakke Nature Preserve is located.”

She says street lights won’t deter accidents or crime, noting that pools of light can create “shadows and hiding places.”



West Seventh Street

West Seventh Street in Whitefish is the next resort tax street reconstruction project.

Blank believes the blue hue of LED bulbs will make light pollution worse and questions how much the lighted pedestrian path will be used.

“For whom, when?” she asked. “In the summer it doesn’t get dark passed 10 p.m., and in the winter it won’t be plowed. How useful is a street light shining at 3 a.m. when no one is using it.”

“I have hope for the energy efficiency of properly designed LED lighting, but Seventh Street from Karrow to Geddes is the wrong place to test this,” she said.

Councilor Frank Sweeney sympathized with Blank’s concerns, saying street lights on the western portion of the project weren’t in keeping with the desires of the neighborhood.

“The presentation tonight was consistent with all I ever heard from those that would be affected by street lighting,” he said at last week’s meeting.

The construction plan breaks West Seventh Street into four distinct areas, which becomes more rural farther to the west.

From Fairway to Karrow, the design calls for a narrower street at 22 feet with no curb and gutter, and no off-street path. From Karrow to Baker, the street will be 25 feet wide and will include curb and gutters.

The off-street path will be 10-feet wide constructed of asphalt from Karrow to Geddes, then from Geddes to Baker the path will be 8-feet wide constructed of concrete.

In addition, a path will connect from Geddes Avenue heading north and ending near the intersection of Flint Avenue and West Sixth Street.

Construction is expected to begin in May and be completed in September for the \$2.8 million resort-tax funded project. The city expects to hold a public information meeting on the project in April.

----- Forwarded Message -----

Subject:Street lights on West 7th Street

Date:Tue, 23 Feb 2016 12:17:55 -0800

From:Greg Magone <greg.magone@gmail.com>

To:nlorang@cityofwhitefish.org

Whitefish City Council,

I strongly encourage you to reconsider the plan of installing street lights along West Seventh Street at this time. This part of Whitefish is rural and street lights are currently out of character for the neighborhood. The money saved from not installing street lights at this time could be better spent on improving roads elsewhere in the city.

I am a native of the Whitefish area, having grown up on Karrow Avenue about a mile south of West Seventh Street. I currently live in Seattle, Washington (area), and observe many areas with much higher traffic, pedestrian, and cyclist densities do not have street lights. I do not see them as being a requirement within city limits in many parts of town.

I urge the City Council to listen to the wishes of the people and not install street lights along West 7th Street at this time.

Sincerely,

L. Greg Magone, P. E.
Maple Valley, Washington
Native - Whitefish, Montana

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MANAGER REPORT

June 1, 2016



HASKILL BASIN CONSERVATION EASEMENT CELEBRATION

We received the following invitation for an event in Depot Park in July. Please mark your calendars.

The Trust for Public Land invites you to celebrate the preservation of Haskill Basin during Montana Open Lands Month.

The basin's recreational open space, pristine water, and forest productivity were protected thanks to the dedicated collaboration of many individuals and organizations. Please join the Montana congressional delegation, government and agency officials, the landowner, and project partners in marking this landmark conservation achievement.

Saturday, July 16

10 a.m. - 12 p.m.

Depot Park, Whitefish, MT

NEW EMPLOYEES

Public Works has hired Neil DeZort as the City's next Utility Operations Supervisor to replace Greg Acton who is retiring June 17th after working for the City of Whitefish for more than 41 years. Neil grew up in Kalispell, graduating and earned a degree in Civil Engineering from MSU. Neil has worked at Great West Engineering in Billings for the past five years in the design and construction phases of water and wastewater systems throughout the state of Montana. Neil will begin work on June 6th to work with Greg Acton for a week and then return to begin full-time work on July 11th.

Janice Seaman of Whitefish began work as the part-time Municipal Court receptionist on May 18th.

WEST 7TH STREET CONSTRUCTION PROJECT UPDATE

From the engineer at Robert Peccia and Associates update on the project:

Work recently completed: LHC Inc.: Clearing & grubbing activities were completed. The asphalt milling on the entire project was completed. Sewer main connection was made at SSMH-14 (Baker) and sewer main was installed west to Alley #2. The existing water main at Baker was cut and capped. The Baker water main connection was made and the new main was installed west to approximately Alley #2. Water main installation was completed West of Karrow. New services were run, but not connected. The storm drain connection was made at Baker (ESD-3) and 55' of 12" storm drain was installed to the west. The retaining walls at the intersection of Karrow and 7th and the "Gully" were completed. A rather large rock was encountered during excavation of water services at station 15+08. LHC mobilized a hydraulic hammer mounted to an excavator to trim the top down to an acceptable elevation.

For the upcoming period: The water main west of Karrow will be tested and services will be hooked up. Water main installation will continue in the Baker Avenue area. The final retaining wall at West 7th & O'Brien will begin. Sewer installation west of Karrow will continue after the water main passes pressure and bacteria testing. Embankment activities will continue in the "Gully" area.

LETTER FROM HUMAN RIGHTS CAMPAIGN

Probably as a result of our passage of Ordinance No. 16-07, the non-discrimination ordinance, the Human Rights Campaign has selected the City of Whitefish for its scorecard and "Municipality Equality Index". We were alerted to this inclusion via a letter dated May 26, 2016 and I am including a copy of that letter in the packet with this report.

MEETINGS

Affordable Housing Task Force (5/19) – On May 19th, I participated in a day long process of interviewing four consulting firms as potential consultants to do the housing needs assessment. Also participating in the interviews was Tom Tornow, Kevin Gartland, Lori Collins, Bob Horne, and Marnie McClary of NW Community Action Program. There was consensus among the interview panel on one firm and the Chamber of Commerce is negotiating a contract and specific scope of services with that firm. When that negotiation is complete, the Chamber will announce the firm. We hope to have representative(s) from that firm in town to talk with the Mayor and City Council as part of the work session on June 20th.

Affordable Housing Roundtable with Senator Tester's Staff (5/25) – Some staff of Senator Tester were in Kalispell for the statewide housing conference last week and they invited me to participate in a roundtable discussion on affordable housing issues and the federal

government's role in solutions. Kevin Gartland also participated from Whitefish and there were several representatives from Kalispell non-governmental organizations.

Annexation meeting with West Lakeshore Property Owners (5/26) – Dave Taylor, Craig Workman, and I met with five property owners from the West Lakeshore Drive proposed annexation area. This informal meeting was scheduled just to inform them of the proposed annexation process and to answer their questions. We answered a number of questions about city services, taxes, and the process. While most or all of them would prefer not to be annexed, they appreciated the opportunity to meet and ask some questions.

UPCOMING SPECIAL EVENTS

Saturday, June 25 – Glacier Challenge and Whitefish Lake Run – Riverside Park and City Beach

REMINDERS

Budget work session, Monday, June 13th at 5:30 p.m.



Respectfully submitted,
Chuck Stearns, City Manager



HUMAN
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Office of City Manager Stearns
418 East Second Street
Whitefish, MT 59937

May 26, 2016

Dear City Manager Stearns,

This letter is to inform you that your city has been selected for inclusion in the Human Rights Campaign's 2016 Municipal Equality Index. The Human Rights Campaign (HRC) is the largest civil rights organization working to achieve equality for lesbian, gay, bisexual and transgender (LGBT) people. The Municipal Equality Index (MEI) is an annual nationwide evaluation of municipal laws, policies, and services affecting the LGBT community.

This year, HRC will evaluate the 408 cities rated last year and 98 new cities, creating a total of 506 cities. Last year's cities included the 50 state capitals, the 200-largest cities in the country, the five largest cities in each state, the cities home to the state's two largest public universities, and 75 cities and census-designated places with high proportions of same-sex couples. This year, cities were selected by popular vote of HRC members and supporters, in conjunction with the Equality Federation. **Your city was selected to be rated in the 2016 MEI.**

HRC will conduct preliminary research on your city and will send you a draft scorecard in June for your review. When you receive your draft scorecard, we ask that you review our research and contact us with corrections and supporting documentation before **August 15th**. The MEI will be published and released in October.

Please note that the MEI utilizes a scorecard which you will find enclosed with this letter along with a detailed explanation of our standards for credit. Your city will be evaluated in five distinct categories: non-discrimination laws, municipality as an employer, municipal services, law enforcement and leadership on LGBT equality. Upcoming changes to next year's scorecard will be detailed in this year's MEI.

At this time, we are writing simply to alert you that your city will be rated this year. If there is a specific person in your office you would like us to communicate with from now on, please let us know. Finally, we ask that you keep us apprised of any relevant city actions that occur after you receive your draft scorecard. The best way to get in contact with us is by emailing mei@hrc.org or by calling 202-216-1531.

We look forward to working with you in ensuring that your city is rated accurately and given all of the credit it deserves.

Sincerely,

Cathryn M. Oakley
Senior Legislative Counsel



2016 MEI Scorecard - City, State

	Max Pts.	State		County		Municipal		Earned Pts.			
		SO	GI	SO	GI	SO	GI				
Part I. Non-Discrimination Law											
A. Employment	10	5/5	0	0	5/5	0	0	5/5	0	0	0
B. Housing	10	5/5	0	0	5/5	0	0	5/5	0	0	0
C. Public Accommodations	10	5/5	0	0	5/5	0	0	5/5	0	0	0
	30	Part I. Standard Points									0
Part II. Municipality As Employer											
Non-Discrimination Policy for City Employees											
A. Non-Discrimination in City Employment	12				6/6	0	0	6/6	0	0	0
Benefits for City Employees											
B. Trans-Inclusive Health Benefits	6				6	0		6	0		0
Contractor Policies											
C. City Contractor Non-Discrimination Ordinance	6				3/3	0	0	3/3	0	0	0
BONUS: Inclusive Workplace	2				2	0		2	0		0
	24	Part II. Standard Points									0
	2	Part II. Bonus Points									0
Part III. Municipal Services											
A. Human Rights Commission	5				5	0		5	0		0
B. LGBT Liaison to City Executives	5				5	0		5	0		0
Schools											
C. Anti-Bullying Policies	6	3/3	0	0	3/3	0	0	3/3	0	0	0
BONUS: Enforcement of HRC	2				2	0		2	0		0
BONUS: City provides services to LGBT youth	2				2	0		2	0		0
BONUS: City provides services to LGBT homeless	2				2	0		2	0		0
BONUS: City provides services to LGBT elderly	2				2	0		2	0		0
BONUS: City provides services to HIV/AIDS pop.	2				2	0		2	0		0
BONUS: City provides services to transgender pop.	2				2	0		2	0		0
	16	Part III. Standard Points									0
	12	Part III. Bonus Points									0
Part IV. Law Enforcement											
A. LGBT Liaison/Task Force in Police Dept	10				10	0		10	0		0
B. Hate Crimes Reporting (2014)	12				12	0		12	0		0
	22	Part IV. Standard Points									0
Part V. Leadership on LGBT Equality											
A. Leadership's Public Position on Equality	0-5				0-5	0		0-5	0		0
B. Recent Pro-Equality Legislative Efforts	0-3				0-3	0		0-3	0		0
BONUS: Openly LGBT Elected or Appointed Leaders	2				2	0		2	0		0
BONUS: City Tests Limits of Restrictive State Law	4				4	0		4	0		0
	8	Part V. Standard Points									0
	6	Part V. Bonus Points									0

Key	
SO = Sexual Orientation	
GI = Gender Identity	

Standard Points Total	0
Bonus Point Total	0
Total Raw Score	0
Final Score	0





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2016 MEI STANDARDS FOR CREDIT



The 2016 Municipal Equality Index includes a slightly revised scorecard. A clarification of what is required to receive points is listed below.

SECTION I. NON-DISCRIMINATION LAWS

- Non-Discrimination in Employment, Housing, and Public Accommodations (Up to 30 points). This category evaluates whether discrimination on the basis of sexual orientation and gender identity is prohibited within the city in areas of private employment, housing, and public accommodations. In each category, cities receive 5 points for prohibiting discrimination on the basis of sexual orientation and 5 points for prohibiting discrimination on the basis of gender identity. There will be a 3-point deduction for non-discrimination protections in public accommodations that contain carve-outs prohibiting individuals from using facilities consistent with their gender identity. All non-discrimination laws ought to be fully inclusive of lesbian, gay, bisexual, and transgender people, and acknowledging sexual orientation-only protections as simply that does not imply they are sufficient; they are not.

SECTION II. MUNICIPALITY AS EMPLOYER

- Non-Discrimination in City Employment (6 points for sexual orientation/6 points for gender identity). This can be established either via an enumerated municipal ordinance that expressly includes city employees or via an enumerated equal employment opportunity policy adopted by the municipality. If the city has an employment non-discrimination ordinance that enumerates sexual orientation and gender identity the city is NOT presumed to be covered by that ordinance; the ordinance must either specifically address city employees or the ordinance must be incorporated by reference in city employment policies. If state or county law is enumerated to include sexual orientation or gender identity this too may be incorporated by reference. An unenumerated non-discrimination policy or ordinance will not be sufficient to earn credit.
- Transgender-Inclusive Healthcare Benefits (6 points). The municipality must provide at least one health insurance plan that provides coverage for transgender healthcare needs (sex reassignment surgeries, hormone replacement therapy, and other gender-affirming care). The policy must expressly include gender-affirming care; a lack of exclusion is not sufficient for an award of points because this care is routinely not covered.
- City Contractor Non-Discrimination Ordinance or Policy (3 points for sexual orientation/3 points for gender identity). These can be established through municipal ordinances or policies that mandate all city contractors to have non-discrimination policies based on sexual orientation and gender identity. Partial credit may be awarded where the city gives a bidding preference to a city



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2016 MEI STANDARDS FOR CREDIT



contractor with an inclusive non-discrimination policy.

- BONUS: Inclusive Workplace (2 bonus points). This section assesses whether a municipality has LGBT-specific programming to attract LGBT applicants and promote diversity in the workplace. Cities will receive credit if they have any of the following: an employee pride alliance, diversity training that is inclusive of LGBT issues, or a recruitment program that actively advertises to the LGBT community.

SECTION III. MUNICIPAL SERVICES

- Human Rights Commission (5 points). A commission or council tasked with eliminating discrimination in a city. Starting in 2014, this commission will be worth four standard points if its purpose is largely or entirely educational. The commission may hold community discussions, screen movies, present panels, take public comment, advise the city on matters of diversity and inclusion, develop policies and strategies for making the city more inclusive, and undertake other similar types of endeavors. The commission must have met recently (within the last three years) and a federal EEOC office located in a city does not garner credit unless the city has contracted with them for the services described above.
- LGBT Liaison to City Executive (5 points). To receive credit in this category, there must be an officially designated liaison to the LGBT community in the city executive's office. The function of a liaison is not simply to be a resource for the city executive, but also to be a resource for the public to elevate the concerns of the LGBT community and ensure they are being heard. Therefore, the liaison's contact information must be made available to the public through the city's website or where other city officials' contact information is published. LGBT persons who work in the city executive's office do not qualify for credit in this category unless their service in this capacity is part of his or her official job; however, LGBT liaisons may have additional job functions unrelated to LGBT issues. Please note that credit is given in part V for openly LGBT city elected or appointed officials.
- Enumerated Anti-Bullying School Policies (3 points for sexual orientation/3 points for gender identity). To receive credit in this category, a city or county ordinance, state statute, or school district/school board policy must specifically prohibit bullying and enumerate the basis of sexual orientation and gender identity as prohibited grounds upon which to bully. Anti-harassment policies that are enumerated and include language that encompasses bullying will be given credit, but hazing or harassment policies that do not encompass bullying will not receive credit. Where there are



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multiple school districts within city limits, credit will only be given at the local level if at least 75% of students within these school districts are covered by enumerated anti-bullying policies.

- BONUS: Non-Discrimination Ordinance Enforcement by Commission/Executive (3 bonus points). Where, in addition to the functions listed above, a Human Rights Commission has the authority to conciliate, issue a right to sue letter, or otherwise enforce non-discrimination protections, that commission will earn three bonus points in addition to the four standard points awarded above
- BONUS: City provides services to/supports LGBT youth (2 bonus points). Cities that provide services, partially provide services, or provide funding for services for LGBT youth will receive two bonus points.
- BONUS: City provides services to/supports LGBT homeless (2 bonus points). Cities that provide services, partially provide services, or provide funding for services for LGBT homeless people will receive two bonus points.
- BONUS: City provides services to/supports LGBT elderly (2 bonus points). Cities that provide services, partially provide services, or provide funding for services for LGBT elders will receive two bonus points.
- BONUS: City provides services to/supports people living with HIV or AIDS (2 bonus points). Cities that provide services, partially provide services, or provide funding for services for people who are HIV positive or living with AIDS will receive two bonus points.
- BONUS: City provides services to/supports transgender-specific programming (2 bonus points). Cities that directly provide or provide funding for transgender-specific programming that isn't already captured by any of the other bonus categories in this section (e.g., employment programs, post-incarceration reentry programs, violence prevention programs, etc.) will receive two bonus points.

SECTION IV. LAW ENFORCEMENT

- LGBT Police Liaison or Task Force (10 points). To get credit in this category, there must be an officially designated liaison to the LGBT community or task force charged with addressing LGBT issues. An LGBT Liaison or task force must be publicly known in order to receive credit. The function of a liaison is not simply to be a resource for the department, but also to be a resource for



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the public to elevate the concerns of the LGBT community and ensure they are being heard. Therefore, the liaison's contact information must be made available to the public through the city's website or where other police contact information is published. LGBT police officers, including high-ranking officers, do not qualify for credit in this category unless their service as liaison is part of his or her official job. Partial credit will be given in this category where the entire police force is trained on LGBT issues.

- Reported 2014 Hate Crimes Statistics to the FBI (12 points). The city must report hate crimes statistics to the FBI in all categories, including sexual orientation and gender identity, and either:
 - Report a positive number of hate crimes in any category in 2014 (i.e. report more than "0" for hate crimes reported in any one or more of the protected categories), OR
 - Report zero hate crimes in 2014 AND have reported a positive number of hate crimes, in any one or more of the protected categories, some year in the past five years of published reports. This second is to recognize that statistically it is possible that no hate crimes of any kind have occurred in a small city this year, but that it is highly improbable that no hate crimes of any kind have occurred in the last five years.

SECTION V. RELATIONSHIP WITH THE LGBT COMMUNITY

- Leadership's Public Position on LGBT Equality (5 points). This section grades, on a sliding scale from zero to five points, how pro-equality the city leadership is in its public statements. City leadership includes the mayor, city manager if applicable, city council, and other government officials. These statements may include joining a pro-equality association such as Mayors for Freedom to Marry, coming out publicly in favor of LGBT rights, supporting LGBT community organizations, etc. It also includes comments made during city council meetings or at other public events. As of 2014, this section also includes participation in Pride events and partnership with LGBT groups to create solutions to city problems.
- Leadership's Pro-Equality Legislative or Policy Efforts (3 points). This section grades, on a sliding scale from zero to three points, how actively the city has been pursuing pro-equality legislation and policies. This includes ordinances introduced, whether passed or not, and city policies, as well as pro-equality city council resolutions.
- BONUS: Openly LGBT Elected or Appointed Municipal Leaders (3 bonus points). The criteria for



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points in this category is the person be a leader – have some kind of a senior elected or appointed position in the city – and that the person be openly LGBT. A state or federal elected representative from the city does not qualify, as the person must be elected or appointed to a position in the municipality being rated.

- BONUS: City Tests Limits of Restrictive State Law (4 bonus points). This category, which we formerly called “Resisting Dillon’s Rule,” gives credit to cities who have a state law of some kind that restricts the city’s ability to pass LGBT-inclusive ordinances and who take distinct actions to push back against that limit either by advocating for change or testing its limits. Simply being in a state with such restrictions is not enough to qualify for these points. Many states do not have this type of law, which means many cities are not qualified to receive these points.

RESOLUTION NO. 16-21

A Resolution of the City Council of the City of Whitefish, Montana, indicating its intent to consider annexing certain wholly surrounded land into the City of Whitefish, Montana, describing the land to be so considered, providing for notice and publication as provided by law, providing for a date of hearing such proposed annexation, and approving the Report on Extension of Services.

WHEREAS, by § 7-2-4501, MCA, the City of Whitefish may include as part of the City any tract or parcel of land that is wholly surrounded by passing a Resolution of Intent, giving notice and passing a Resolution of Annexation; and

WHEREAS, various tracts and parcels of land, as described on the attached Exhibit "A," have been identified as wholly surrounded by the City of Whitefish and on municipal maps as being wholly surrounded within municipal boundaries, as depicted on the attached Exhibit "B," and because they have to travel on and through City streets to access their property; and

WHEREAS, the City Council of the City of Whitefish desires to consider annexing within the corporate limits of the City certain wholly surrounded land as described on Exhibit "A;" and

WHEREAS, § 7-2-4211(2), MCA, requires the City of Whitefish to annex the full width of any public streets or roads, including the rights-of-way, that are adjacent to the wholly surrounded area being annexed; and

WHEREAS, the City Council of the City of Whitefish desires to provide that the appropriate notice be provided to property owners wholly surrounded and desires to provide for the appropriate public hearing to receive comment regarding such proposed annexation.

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

Section 1: The City Council hereby indicates its intent to consider annexing, pursuant to § 7-2-4501, *et seq.*, MCA, the following wholly surrounded land and public streets or roads adjacent to such wholly surrounded land, described and shown on Exhibits "A" and "B," attached hereto and incorporated herein by reference.

Section 2: The City Council hereby approves the draft Report on Extension of Services in City Manager memorandum #2016-015 updated May 31, 2016, and attached as Exhibit "C," as the plan for provision of services required by § 7-2-4506, MCA.

Section 3: The City Council hereby sets a public hearing to be held at 7:10 o'clock p.m., or as soon thereafter as the matter may be heard, at the City Council's regular Council meeting on July 18, 2016, in the City Council Chambers located at 1005 Baker Avenue in Whitefish, Montana.

Section 4: The City Council directs that the appropriate notice of the hearing be provided as required by § 7-2-4501, MCA.

Section 5: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS 6TH DAY OF JUNE, 2016.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

EXHIBIT "A"

1436 West Lakeshore Drive - Assessor No. 0242250

LAKE PARK ADD, BLOCK 007, LOT 009, & ABD ROAD
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1500 West Lakeshore Drive - Assessor No. 0222250

LAKE PARK ADD, BLOCK 005, Lot 001, EX RW, LAKE PARK ADD 1 S2 BLK 6,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1518 West Lakeshore Drive - Assessor No. 0515465

LAKE PARK ADD, BLOCK 006, Lot 004, LAKE PARK ADD LOT 4 BLK 6,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1550 West Lakeshore Drive - Assessor No. 0393850

LAKE PARK ADD, LOT 12 BLK 6 LAKE PARK ADD LOT 13 S2 BLK 6
LAKE PARK ADD LOT 13 NE 130' BLK 5,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1558 West Lakeshore Drive - Assessor No. 0393951

LAKE PARK ADD, BLOCK 005, LOT 014,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1558 West Lakeshore Drive - Assessor No. 0672060

LAKE PARK ADD, BLOCK 005, LAKE PARK ADD LOTS 15-16,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1616 West Lakeshore Drive - Assessor No. 0321600

LK PK AD L1,B2,L1,B3,L17,B6AMD, LOT 001, LAKE PARK ADD LOT 2 BLK 3,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1618 West Lakeshore Drive - Assessor No. 0008976

LAKE PKADDL3-5B3L1AMD LKPKADDL1-3B2AM AM LOT 4,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1620 West Lakeshore Drive - Assessor No. 0008977

LAKE PKADDL3-5B3L1AMD LKPKADDL1-3B2AM AM LOT 5,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1622 West Lakeshore Drive - Assessor No. 0321200

LAKE PKADDL3-5B3L1AMD LKPKADDL1-3B2 AM AM LOT 3,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1624 West Lakeshore Drive - Assessor No. 0857800
LAKE PK ADD L3-5B3&L1AMD LKPKADDL1-3B2AM LOT 1,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1644 West Lakeshore Drive - Assessor No. 0005065
LAKE PARK ADD, BLOCK 002, LOT 004,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1648 West Lakeshore Drive - Assessor No. 0005060
LAKE PARK ADD, BLOCK 2, LOTS 5-6, COS 19903,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1656 West Lakeshore Drive - Assessor No. 0865850
LAKE PARK ADD, BLOCK 002, LOT 007,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1660 West Lakeshore Drive - Assessor No. 0982475
LAKE PARK ADD, BLOCK 002, LOT 008, COS 11881 R,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1664 West Lakeshore Drive - Assessor No. 0093800
LAKE PARK ADD L9-10 BLK 2,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1672 - 1676 West Lakeshore Drive - Assessor No. 0777520
LAKE PARK ADD, BLOCK 002, LOT 011,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1684 West Lakeshore Drive - Assessor No. 0534951
LAKE PARK ADD, BLOCK 002, LOT 012, LAKE PARK ADD L12 BLK 2,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1700 West Lakeshore Drive - Assessor No. 0353530
LAKE PARK ADD, L15-16 BLK 2,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1800 West Lakeshore Drive - Assessor No. 0854100
LAKE PARK ADD, BLOCK 001, LAKE PARK ADD E 75' OF SW 275' BLK 1,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1800 West Lakeshore Drive - Assessor No. 0190000
LAKE PARK ADD, PT TR 4 IN BLK 1,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1825 West Lakeshore Drive - Assessor No. 0720850

LAKE PARK ADD, BLOCK 001, LAKE PARK ADD TR 2 IN BLOCK 1,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

1835 West Lakeshore Drive - Assessor No. 0468650

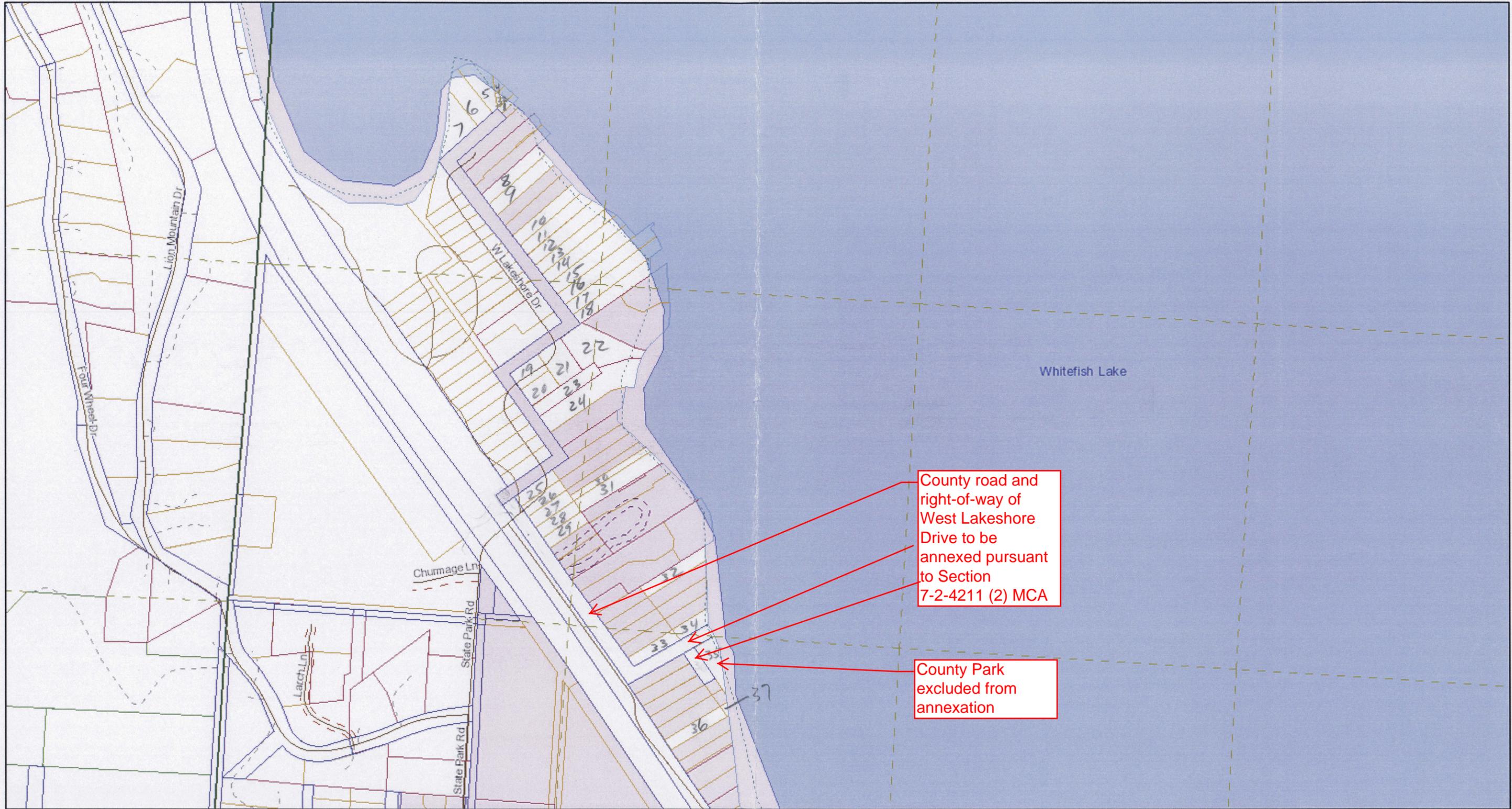
LAKE PARK ADD, BLOCK 001, TR 1 & TR 6 & ROAD ABD,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

No Address – Vacant - Assessor No. 0721200

LAKE PARK ADD, BLOCK 001, 150 FT X 100 FT TR 5 IN BLK 1,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

No Address – Vacant - Assessor No. 0308502

LAKE PARK ADD, BLOCK 005, LOT 012,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

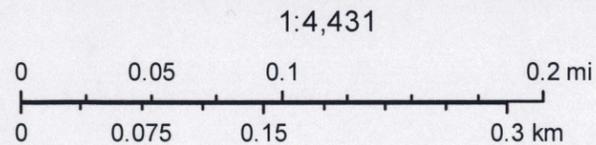


County road and right-of-way of West Lakeshore Drive to be annexed pursuant to Section 7-2-4211 (2) MCA

County Park excluded from annexation

February 22, 2016

White, numbered properties 1-37, excluding #35, are the properties to be annexed. Property #35 is a county-owned park which is excluded from annexation pursuant to Section 7-2-4211 (1) MCA. Purple shaded properties are already in City limits.



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



MEMORANDUM
#2016-015

To: Mayor Muhlfeld
City Council Members

Chuck

From: Chuck Stearns, City Manager

Re: West Lakeshore Drive area Wholly Surround Annexation – Schedule for annexation and draft report on extension of services

Date: Updated on May 31, 2016

Draft for City Council at 4/18/16 and 6/6/16 Council meetings

This memo will present the discussion, rationale, and schedule for considering the annexation of twenty-five (25) properties on West Lakeshore Drive using the wholly surround method of annexation. This memo also presents the maps, plans, and report for the extension of services as required by §7-2-4506, §7-2-4736, and §7-2-4732 MCA.

Most of the requirement for compliance with §7-2-4732 is met by our Extension of Services plan as adopted on March 2, 2009 by Resolution No. 09-04 which is incorporated by reference within this report and is available for review at the City Clerk’s office or on the City website at <http://www.whitefish.govoffice.com/vertical/Sites/%7B8773F417-AD9F-4BFA-B5F7-4D1C73387937%7D/uploads/%7BC460FC0E-43DA-44F9-8CF4-1AB3D8BAB821%7D.PDF>.

DISCUSSION AND RATIONALE

When the Whitefish City Council met in a work session on March 3, 2014 to discuss the extent of utility connections and services provided outside of city limits and possible areas for annexation, the City Council’s first priority expressed at that meeting was to annex the Houston Drive area on East Lakeshore Drive. However, that annexation has been held up by preventive litigation. For that reason, we began working on the next priority annexation area which is the area of West Lakeshore Drive on the northeast side of the railroad tracks where access is gained by the railroad crossing on State Park Road. While we won the Houston Drive lawsuit at the District Court level on March 21, 2016, that case may still be appealed and we have done a lot of work on the West Lakeshore annexation area. Also, there is heightened concern about septic leachate pollution in Dog Bay by the Whitefish State Park, so annexing the West Lakeshore area may help spur some new connections of septic systems to the municipal sewer system already in place in that West Lakeshore area – at least it would take away annexation as a disincentive to connecting onto the municipal sewer system.

This annexation is being pursued using the “Wholly Surrounded Land” method of annexation found in Title 7, Chapter 2, Part 45 of Montana Code Annotated. This separate method of annexation allows the City to annex certain property without the property owners having the right to protest and prevent the annexation. Section 7-2-4502 MCA provides as follows:

7-2-4502. Protest not available. Wholly surrounded land is annexed, if so resolved by the city or town council, whether or not a majority of the real property owners of the area to be annexed object. The question of annexing the wholly surrounded land is not subject to being voted on by the registered voters of the area to be annexed.

A Montana Attorney General Opinion provides additional legal interpretation of when property is “wholly surrounded”. From Montana Attorney General Opinion No. 41; 1987 Mont. AG LEXIS 9; 42 Op. Atty Gen. Mont. No. 41; November 18, 1987:

While not statutorily defined, the term "wholly surrounded" was construed in *Calvert v. City of Great Falls*, 154 Mont. 213, 217, 462 P.2d 182, 184 (1969), to include land which, while not completely contiguous with the municipality, was nonetheless surrounded by it: "The term 'wholly surrounded' means that . . . where all lands on the side of the tract are within the city and where it is impossible to reach the tract without crossing such territory, the tract is 'wholly surrounded'."

THEREFORE, IT IS MY OPINION:

A parcel of land is "wholly surrounded" under section 7-2-4501, MCA, when access may be gained only by crossing through the municipality.

Given that all of these properties proposed for annexation can only gain access to their property by crossing through the municipality on a portion of West Lakeshore Drive which is already in City limits and by State Park Road, these properties are “wholly surrounded”.

On May 26, 2016, the Flathead County Board of Commissioners sent us a letter reminding us of a new law passed at the 2015 Legislature that prevents us from annexing a county-owned park. The new law, codified at Section 7-2-4211 MCA, also requires that we annex the adjacent roads and rights-of-way. So we have amended the Resolution of Intention and the Plan of Services Memo and the charts to exclude the County Park that exists in that area and include the portion of West Lakeshore Drive which is not yet annexed.

SCHEDULE FOR CONSIDERATION OF ANNEXATION

April 18 - City Council reviews draft memo and extension of services plan and authorizes consideration of annexation to proceed.

April 22 - City Manager mails letter and draft plan for extension of service to affected property owners. Letter includes notice of May 26th meeting with property owners.

April 22 – City Manager mails draft plan for extension of service to County, special districts, and WFSAs providing them notice before approval of the report and asking if they want to consult on the orderly transfer of services pursuant to HB575 from 2011 Legislature.

May 26 - City Manager and staff meet with affected property owners at a neighborhood meeting at City Council Chambers.

June 6 – City Council considers a Resolution of Intention to annex pursuant to §7-2-4501 MCA and modifies and/or approves this report as the required plan and report on extension of services provided. After approval, make approved report available to the public.

June 15 and 22 – Publish notice as required by §7-2-4501, §7-2-4313, and §7-1-4127 MCA.

July 18 – Hold public hearing on annexation and if appropriate, adopt Resolution of annexation to annex the properties.

August 2nd - City Clerk makes and certifies a copy of the Resolution and the minutes from the July 20th meeting and files those records with the Flathead County Clerk and Recorder.

PLANS AND REPORT ON EXTENSION OF SERVICES AS REQUIRED BY §7-2-4731 MCA

Section 7-2-4506 and 7-2-4732 MCA requires making of plans and the preparation of a report for the extension of services to any property annexed under this part, Annexation of Wholly Surrounded Land.

This section of this report presents the plans and report on extension of services. A map of the proposed annexation is shown in Exhibit A. The property and area conforms to our Growth Policy adopted on November 19, 2007 and as subsequently amended. The current Growth Policy is available for review in the City Clerk's office or on the City's website at <http://www.cityofwhitefish.org/planning-and-building/long-range-plans.php>.

The following are the statements as to the plans for extending each major municipal service performed within the municipality to the property at the time of annexation.

- Electoral services - voting for municipal offices, ability to run for municipal offices will all be provided to the resident property owners immediately or in conformity to existing, applicable laws.
- Municipal Court – these properties would immediately be afforded all of the protections and services of the Municipal Court.
- Administration – The City Manager, City Clerk, and other administration services would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality. Property owners or residents of the annexed properties would now be subject to business licensing, dog licensing, and resort tax payments if applicable.

- Legal Services – the protections and services of the City Attorney would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.
- Planning and Building – The City would take over providing Planning and Zoning services and regulations from Flathead County. The City provided such services before the Montana Supreme Court rescinded our extra-territorial jurisdiction in 2014. The properties’ zoning would have to be revised pursuant to a separate notification and public hearing process. It is likely that the zoning would likely be zoned as WR-1 which is comparable to the current County zoning of R-3. Building permits and associated impact fees will now be required for new development on these properties and all building services will be immediately available to the property owners. Lake and Lakeshore Regulations for these properties would be restored to the City regulations and the need for two lakeshore permits (one from City and one from County) would be eliminated. Building and Planning Services would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.
- Police – While the Flathead County Sheriff currently provides public safety services to these properties, the City of Whitefish would often be the first responder in the case of an emergency. The Police Department is closely located in the Emergency Services Center to these properties and public safety services should increase greatly because of the reduced response time. Police Department services would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.
- Fire – The City of Whitefish Fire Department currently provides service to these properties under our contract with the Whitefish Fire Service Area. Therefore, there is no change in the level of service for fire protection and fire services. However, their Insurance Services Office (ISO) fire rating for property insurance should decrease from a rating of 6 to 4, thus reducing their annual fire insurance premiums, but it is hard to quantify how much of a decrease that will be. Fire services would all be provided to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.
- Ambulance - The City of Whitefish Fire Department currently provides ambulance service to these properties and that service will continue in the same manner. Property owners and residents will now be able to obtain the \$200.00 discount on any ambulance calls afforded to property owners and residents of Whitefish. Ambulance services would all be provided to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.
- Public Works –Wastewater lines extend throughout the area via a wastewater main that comes up along West Lakeshore Drive from the Birch Point main and lift station (see Exhibit B). As shown on the property owner list and spreadsheet attached to this report

(Exhibit C), there are 11 properties already on the sanitary sewer system. With annexation, their monthly bills for the base rate would decrease by 10.27% and their rate for quantity of water used would decrease by 27.49%. For a house that uses 3,000 gallons of water per month, those reductions would equal \$11.53 per month.

A water main only extends up West Lakeshore Drive from the Birch Point area almost to the Bendheim Subdivision which is the dashed, loop road in Exhibit A near annexation lot number 29 on the map (See Exhibit B). The water main could be extended to provide service throughout the area at homeowner expense or via a Special Improvement District project which is assessed against the benefitted homeowners properties. City staff would be available immediately to work with interested property owners on extending the water main to benefitted properties.

Stormwater services would remain as is until any street reconstruction project installed storm drainage or the residents created a SID for a stormwater system. The City of Whitefish already plows all of the roads in this area under reciprocal arrangements with Flathead County and because part of West Lakeshore Drive is already in City limits. Therefore, there would be no change in snow plowing. If Flathead County gave us the rest of West Lakeshore Drive, then we would do other street maintenance and reconstruction activities for those roads. I may propose adding a street maintenance position as part of future budgets, but that position would work all over the city and increase everyone's level of service.

All Public Works services would all be available to the property owners immediately or when the property owners extend the water main, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality. The property owners would face the normal connection costs when they want to connect to the municipal water or sanitary sewer system.

- Garbage Collection – the properties to be annexed will have garbage collection services provided under our current contract for services with North Valley Refuse. Thus, they will now be able to avail themselves of the quantity discounts and billing efficiencies that our contract for services provides. However, billing for use of the service is mandatory as it is for all other property inside the City. Garbage collection services would be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.
- Parks and Recreation – These properties already benefit from, but are not charged for our greenway maintenance along Hwy 93 North. The property owners would now begin to pay for these services. All other Parks and Recreation services, facilities, and programs would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality. The County Park in the area is excluded from the annexation pursuant to Section 7-2-4211 MCA and it will remain outside the City limits.

- Library – no change in service. Library services would be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality. Property owners may currently use the Whitefish Community Library although, upon annexation, they would begin paying for those services.

A copy of our Extension of Services plan as adopted on March 2, 2009 by Resolution No. 09-04 is incorporated by reference within this report and is available for review at the City Clerk's office or on the City website at

<http://www.whitefish.govoffice.com/vertical/Sites/%7B8773F417-AD9F-4BFA-B5F7-4D1C73387937%7D/uploads/%7BC460FC0E-43DA-44F9-8CF4-1AB3D8BAB821%7D.PDF>.

The validity and applicability the City's Extension of Services Plan was upheld by the Montana Supreme Court in their ruling of September 21, 2004 upholding the City's 1998 annexations in their decision "NO. 03-229, IN THE SUPREME COURT OF THE STATE OF MONTANA 2004 MT 262"

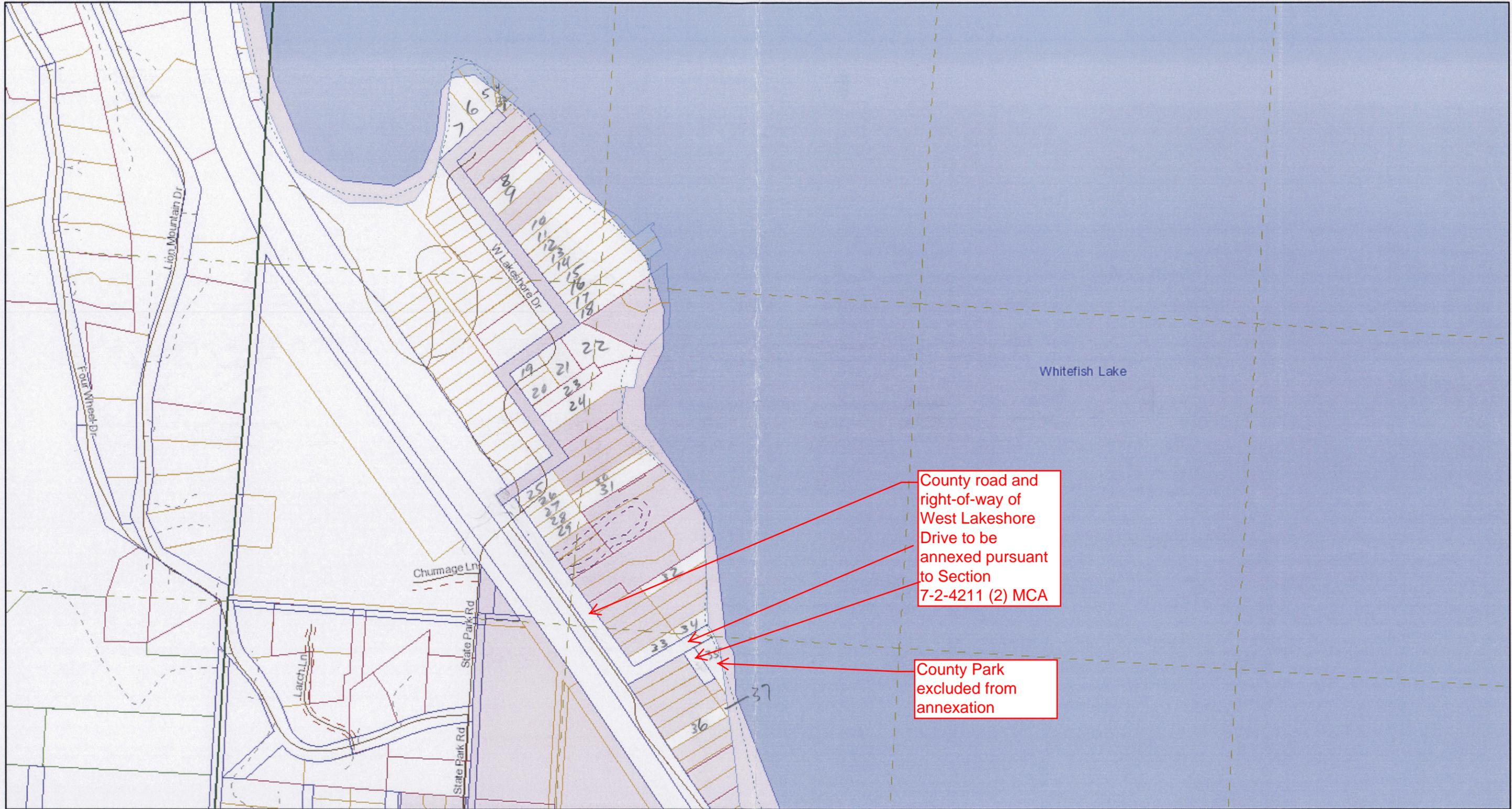
Given that these properties are already using many city services and this annexation is an "in-fill" type of annexation, the financing of all services provided to these properties shall come from the city property tax levies and assessments that will be levied on these properties in the future. The estimated new property taxes from the annexation equal approximately \$48,351.82 and the assessments for streets, greenway, street lights, and stormwater will equal approximately \$5,737.73 for total revenue to the City of approximately \$54,089.55 based on the most recent valuation and the FY16 tax rate (see Exhibit C). The property owner will face the normal connection costs when they choose or need to connect onto the city's sanitary sewer or water system.

Property owners in this area will typically face a 19-21% increase in their property tax bill, with some exceptions for low value, vacant land. The table in Exhibit C shows the City revenue and prospective increase in taxes (based on FY16 property values and mill levies) that each property might face. Of course, mill levies can change each fall and reappraisal occurs every two years, with the next reappraisal coming in 2017, so property values will not change for the fall 2016 property taxes unless people physically altered their property.

The entire municipality tends to share the tax burden for these services, therefore the area may be annexed without a bond issue under the provisions of state law. As in-fill property, we do not anticipate the need to hire additional staff in order to provide the same level of service that is currently provided to other residents and property owners in Whitefish. Any increased costs will be marginal and incremental and offset by the new property taxes and assessments collected.

As this report shows, the City of Whitefish is ready and able to provide its full complement of municipal services to this property. Upon annexation, city services will be provided immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

cc: Department Directors

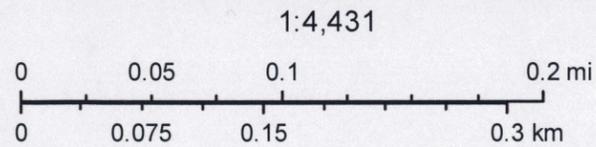


County road and right-of-way of West Lakeshore Drive to be annexed pursuant to Section 7-2-4211 (2) MCA

County Park excluded from annexation

February 22, 2016

White, numbered properties 1-37, excluding #35, are the properties to be annexed. Property #35 is a county-owned park which is excluded from annexation pursuant to Section 7-2-4211 (1) MCA. Purple shaded properties are already in City limits.

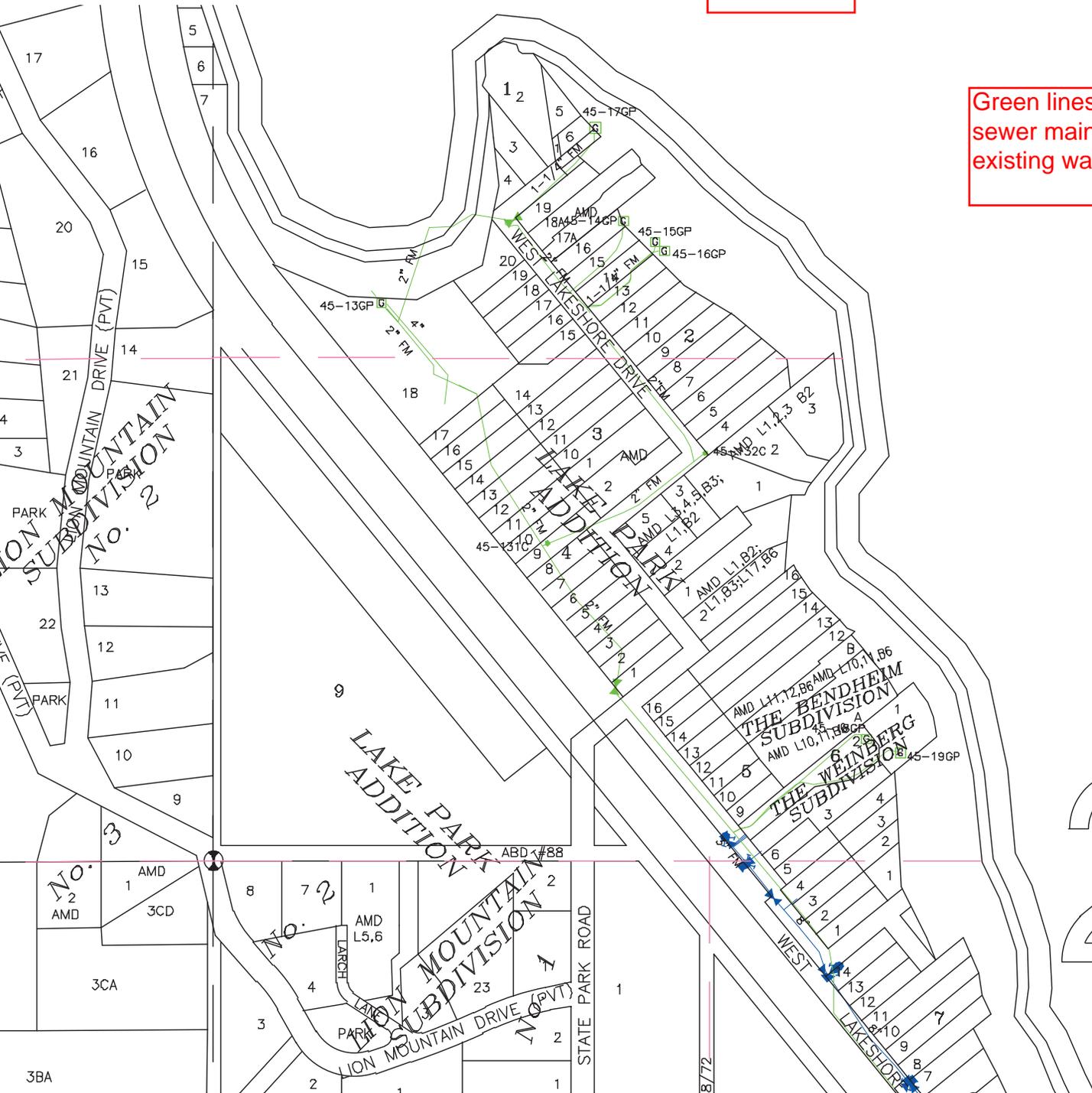


No warranty is made by Flathead County for the use of GIS data for purposes not intended by Flathead County.

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

EXHIBIT B

Green lines denote existing sanitary sewer mains and blue lines denote existing water mains



26

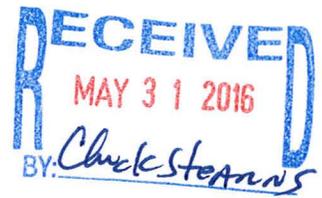
EXHIBIT C

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	
1				West Lakeshore Drive																		
2				2016 Annexation																		
3				Mailing List and Tax Summary																		
4				Prepared:	5/31/2016																	
5																						
6																						
7																						
8																						
9	Map Parcel #s	Assessor Number	First Name	Last Name	Mailing Address	City	State	Zip Code	Physical Address	On City Water or Sewer	City has signed Waiver/contract	Assessor's Market Valuation	Taxable Valuation	Prospective City Property Taxes	Prospective City Assessments	Prospective Total City Revenue	2015 Existing Tax Bill	Annexation	2015 Tax Bill after	Difference	Percent Change	Notes
10																						
11	1-3	0468650		David B. Gamble 1984 Family Trust	1000 Kuhns Road	Whitefish	MT	59937	1835 W. Lakeshore Drive	on sewer		\$1,401,130	\$18,915	\$2,539.18	\$191.63	\$2,730.81	\$9,882.34	\$11,841.36	\$1,959.02	19.82%		
12	4	0721200	Mark Kristopher	Reed	P.O. Box 821061	Kenmore	WA	98028	none - vacant			\$357,120	\$4,821	\$647.18	\$176.66	\$823.84	\$2,493.21	\$3,114.49	\$621.28	24.92%		
13	5	0720850		Robert E Peretto Living Trust	1825 West Lakeshore Drive	Whitefish	MT	59937	1825 West Lakeshore Drive			\$2,500,180	\$33,753	\$4,531.07	\$161.66	\$4,692.73	\$17,424.94	\$20,853.41	\$3,428.47	19.68%		
14	6	0854100	Bruce D and Susan K	Tate	1800 West Lakeshore Drive	Whitefish	MT	59937	1800 West Lakeshore Drive	on sewer	Waiver from Tate - 1991; recorded	\$1,167,080	\$15,755	\$2,114.99	\$243.73	\$2,358.72	\$8,254.75	\$9,946.57	\$1,691.82	20.50%		
15	7	0190000	Bruce D and Susan K	Tate	1800 West Lakeshore Drive	Whitefish	MT	59937	1800 West Lakeshore Drive			\$276,210	\$3,729	\$500.59	\$397.86	\$898.45	\$1,916.83	\$2,691.51	\$774.68	40.41%		
16	8-9	0353530		Bickett of Ponte Vedra Beach LP	510 1st Street	St. Augustine	FL	32084	1700 West Lakeshore Drive	on sewer	Agreement with Bickett for annexation and sewer - 2006; recorded	\$1,822,460	\$24,603	\$3,302.75	\$320.79	\$3,623.54	\$12,773.73	\$15,415.41	\$2,641.68	20.68%		
17	10	0534951	Montana Holdings LLC	Mail to: Atlantic Trust Co.	1700 Lincoln Street, Suite 2550	Denver	CO	80203	1684 West Lakeshore Drive	on sewer	Waiver from Jacobson - 1990 recorded	\$1,485,500	\$20,055	\$2,692.23	\$166.66	\$2,858.89	\$10,421.53	\$12,470.80	\$2,049.27	19.66%		
18	11	0777520		The 1998 Feeny Family LLC	3000 Sand Hill Rd., Bldg. 3 100	Menlo Park	CA	94025	1672 - 1676 West Lakeshore Drive	on sewer	Waiver from Whitbeck - 1990; recorded	\$1,200,300	\$16,204	\$2,175.26	\$166.66	\$2,341.92	\$8,504.26	\$10,164.37	\$1,660.11	19.52%		
19	12-13	0093800	Helen M	Boyd	5604 Bridger CT, Apt. 14	Missoula	MT	59803	1664 West Lakeshore Drive			\$1,615,590	\$21,810	\$2,927.82	\$320.79	\$3,248.61	\$11,353.96	\$13,734.70	\$2,380.74	20.97%		
20	14	0982475	Heidi J	Schley	P.O. Box 244701985	Sioux Falls	SD	57186	1660 West Lakeshore Drive	on sewer		\$1,461,950	\$19,737	\$2,649.54	\$166.64	\$2,816.18	\$10,300.19	\$12,317.30	\$2,017.11	19.58%		
21	15	0865850		1990 Feeny Family Trust A	607 Mountain Home Rd.	Woodside	CA	94062	1656 West Lakeshore Drive	on sewer		\$1,487,700	\$20,084	\$2,696.12	\$166.64	\$2,862.76	\$10,476.58	\$12,528.75	\$2,052.17	19.59%		
22	16-17	0005060		Four Fish Developments LLC	75 Sunmount Court SE	Calgary, AB	Canada	T2X 2X9	1648 West Lakeshore Drive			\$2,268,500	\$30,625	\$4,111.16	\$314.49	\$4,425.65	\$15,834.88	\$19,100.09	\$3,265.21	20.62%		
23	18	0005065	Robert & Virginia	Erlanson	78 Canyon Close W	Lethbridge, AB	Canada	T1K 6W5	1644 West Lakeshore Drive	on sewer	Waiver from Rucinski - 1989; recorded	\$1,396,000	\$18,846	\$2,529.92	\$166.66	\$2,696.58	\$9,847.26	\$11,774.33	\$1,927.07	19.57%		
24	19	0008977	Carole M.	Beaulieu	P.O. Box 66	Whitefish	MT	59937	1620 West Lakeshore Drive			\$64,605	\$872	\$117.06	\$239.00	\$356.06	\$453.91	\$781.02	\$327.11	72.06%		
25	20	0008976	Carole M.	Beaulieu	P.O. Box 66	Whitefish	MT	59937	1618 West Lakeshore Drive			\$64,605	\$872	\$117.06	\$239.00	\$356.06	\$453.90	\$781.01	\$327.11	72.07%		
26	21	0321200	Carole M.	Beaulieu	P.O. Box 66	Whitefish	MT	59937	1622 West Lakeshore Drive			\$97,967	\$1,323	\$177.59	\$335.02	\$512.61	\$683.16	\$1,151.88	\$468.72	68.61%		
27	22	0857800	Carole M.	Beaulieu	P.O. Box 66	Whitefish	MT	59937	1624 West Lakeshore Drive			\$1,098,390	\$14,828	\$1,990.53	\$253.62	\$2,244.15	\$7,772.88	\$9,380.88	\$1,608.00	20.69%		
28	23-24	0321600	Greta M.	Hale	P.O. Box 4746	Whitefish	MT	59937	1616 West Lakeshore Drive	on sewer	Waiver from Hales - 1996; recorded	\$1,704,400	\$23,009	\$3,088.78	\$389.47	\$3,478.25	\$11,963.45	\$14,534.04	\$2,570.59	21.49%		
29	25-26	0672060	1536514 Alberta LTD	Mail to: Al Foder	P.O. Box 1777	Whitefish	MT	59937	1558 West Lakeshore Drive			\$108,900	\$1,470	\$197.34	\$320.79	\$518.13	\$768.51	\$1,237.86	\$469.35	61.07%		
30	27	0393951	1536514 Alberta LTD	Mail to: Al Foder	P.O. Box 1777	Whitefish	MT	59937	1558 West Lakeshore Drive			\$358,680	\$4,842	\$650.01	\$166.66	\$816.67	\$2,707.35	\$3,219.32	\$511.97	18.91%		
31	28 & 30 & 31	0393850	David R & Patti D	Whitehead	1550 West Lakeshore Drive	Whitefish	MT	59937	1550 West Lakeshore Drive			\$1,492,870	\$20,154	\$2,705.52	\$166.66	\$2,872.18	\$10,490.89	\$12,550.16	\$2,059.27	19.63%		
32	29	0308502		Bendheim Family Trust	2006 Shipway Lane	Newport Beach	CA	92660	none - vacant			\$58,950	\$796	\$106.85	\$166.66	\$273.51	\$425.90	\$672.99	\$247.09	58.02%		
33	32	0515465	James M.	Lucke	1518 West Lakeshore Drive	Whitefish	MT	59937	1518 West Lakeshore Drive			\$1,177,300	\$15,894	\$2,133.64	\$166.66	\$2,300.30	\$8,325.41	\$9,954.19	\$1,628.78	19.56%		
34	33-34	0222250	David Wayne & Catherine Anne	Swagar	303 Woodpark PL SW	Calgary, AB	Canada	T2W 2X9	1500 West Lakeshore Drive			\$1,273,800	\$17,196	\$2,308.42	\$166.66	\$2,475.08	\$9,008.52	\$10,768.86	\$1,760.34	19.54%		
35																						
36	36-37	0242250		Western MT Real Estate Fund LLC	1707 KM Ranch Road	Whitefish	MT	59937	1436 West Lakeshore Drive	on water and sewer	Petition to annex on file - never recorded at County	\$740,145	\$9,991	\$1,341.21	\$166.66	\$1,507.87	\$5,346.00	\$6,378.26	\$1,032.26	19.31%		
37																						
38	Totals											\$26,680,332	\$360,184	\$48,351.82	\$5,737.73	\$54,089.55	\$187,884.34	\$227,363.56	\$39,479.22			
39																						

Flathead County
Board of Commissioners

(406) 758-5503

Pamela J. Holmquist
Gary D. Krueger
Philip B. Mitchell



May 25, 2016

Mr. Chuck Stearns, City Manager
City of Whitefish
P. O. Box 158
Whitefish, MT 59937

RE: West Lakeshore Drive Annexation (Letter #2016-033)

Dear Mr. Stearns:

Thank you for your letter (#2016-033) of April 19, 2016, concerning the City of Whitefish's proposed annexation of properties on West Lakeshore Drive. After review of the list of properties, Flathead County confirmed that one of the listed properties is a Flathead County property dedicated and maintained as park property. As such, Flathead County objects to annexation of that property and does not believe that it can be annexed by the City of Whitefish because of the following statute:

7-2-4211 [M.C.A., 2015]. Inclusion of roads, rights-of-way, and parks in annexation. In all instances of annexation allowed under parts 42 through 47 of this chapter, the municipality shall include:

- (1) parks created pursuant to Title 76, chapter 3, except for county-owned parks, that are wholly surrounded by other property being or already annexed; and
- (2) the full width of any public streets or roads, including the rights-of-way, that are adjacent to the property being annexed.

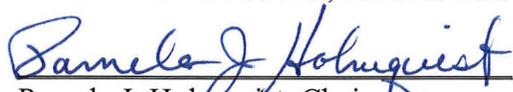
This property is listed by you as Map Parcel 25, with assessor number E020156 and described as "Park on West Lakeshore Drive." A copy of the deed as recorded with the Flathead County Clerk and Recorder is enclosed.

As to the offer to consult regarding the transfer of services to the other properties, Flathead County declines to formally consult with the City of Whitefish at this time. However, please provide the

Chuck Stearns
City of Whitefish
May 25, 2016
Page Two

Board of County Commissioners and the relevant County departments with updates on the proposed annexation so that Flathead County can also plan accordingly.

Sincerely,
BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA


Pamela J. Holmquist, Chairman


Philip B. Mitchell, Member


Gary D. Krueger, Member

c: Whitefish City Council
Flathead County Parks & Recreation

**CITY OF WHITEFISH
NOTICE OF PUBLIC HEARING**

On June 6, 2016, the Whitefish City Council passed Resolution No. 16-21, a Resolution indicating its intent to consider annexing certain wholly surrounded land into the City of Whitefish, Montana, describing the land to be so considered, providing for notice and publication as provided by law, providing for a date of hearing such proposed annexation, and approving the Report on Extension of Services. For a period of 20 days after the first publication of the notice on June 15, 2016, the City Clerk shall accept written comments approving or disapproving the proposed extensions of the boundaries of the City of Whitefish from registered voters, property owners, or anyone residing in the area proposed to be annexed.

The regular meeting of the Whitefish City Council will be held on Monday, July 18, 2016, at 7:10 p.m. in the Whitefish City Council Chambers, 1005 Baker Avenue, Whitefish, MT. During the meeting the City Council will hold a public hearing for the purpose of receiving public input regarding the proposed annexation of those certain tracts of land known as: 1436, 1500, 1518, 1550, 1558, 1616, 1618, 1620, 1622, 1624, 1644, 1648, 1656, 1660, 1664, 1672 - 1675, 1684, 1700, 1800, 1825, and 1835 West Lakeshore Drive, two vacant parcels without addresses (LAKE PARK ADD, BLOCK 001, 150 FT X 100 FT TR 5 IN BLK 1, and LAKE PARK ADD, BLOCK 005, LOT 012), and the full width of the County-owned portion of West Lakeshore Drive, including the rights-of-way.

Individuals may appear or submit written testimony at the hearing to comment on the proposed annexation and report on the extension of services plan to the area proposed to be annexed. The report on the extension of services and legal descriptions of those certain tracts of land are available in the office of the City Clerk as of June 7, 2016, which is at least 14 days prior to the date of the public hearing. Written comments may be delivered or mailed to the Whitefish City Clerk, 1005 Baker Avenue, PO Box 158, Whitefish, MT 59937, or emailed to mhowke@cityofwhitefish.org. Additional information regarding the proposed annexation may be obtained by contacting City Manager Chuck Stearns, 1005 Baker Avenue, PO Box 158, Whitefish; MT, 406-863-2406. Interested parties are invited to attend the hearing and make known their views and concerns.

For publication on June 15 and June 22, 2016, in the Legal Notices Section of the *Whitefish Pilot*.

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Dear Mayor and City Council Members,

My name is Annika Gordon and I am 18 year old Whitefish resident who is planning on operating a Pedicab business this summer. My family and I recently purchased a pedicab that can fit two passengers and that is equipped with a bell, signals, and brake lights. We hope that people will take advantage of the option of a pedicab, and will see it as an eco-friendly and fun method of transportation.

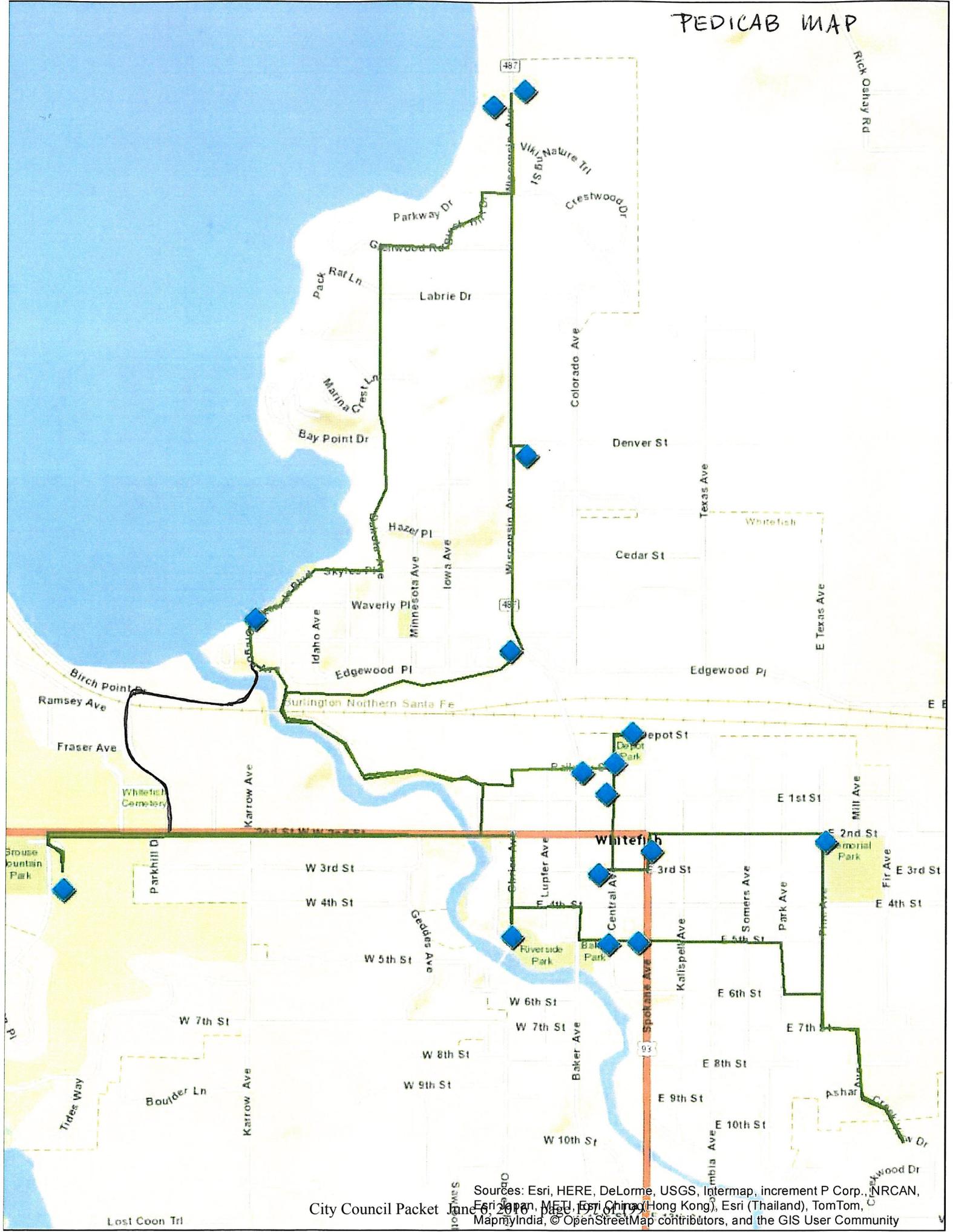
Attached to this letter is a GIS map that I made showing possible pick up/drop off sites and also possible routes to these sites. The routes I choose appear to me to be the most efficient and the most bike-friendly. I will obviously not be limited to these routes, for people may want me to bring them to their houses and other places that are not designated drop off/ pick up spots. I will try to stay clear of Spokane Ave. and will not be taking the path going over the viaduct. Where there are bike paths, I will use them (as long as I fit). When going through the neighborhoods, I will try to stay mostly on 4th avenue because it doesn't have as many uncontrolled intersections. The pick up areas I chose are pretty busy spots with adequate room for the pedicab without taking up too much room on sidewalks or streets. I will not stay at any one pick up area for too long- ten minutes max- so hopefully this will not pose a congestion problem. I will be stopping at a few spots in town, probably mostly in Depot Park and by Sweetpeaks. I am also hoping to pick people up from The Grouse Mountain Lodge, The Lodge at Whitefish Lake, and City Beach. In the pedicab there will be a seat belt for passenger safety, and I will have insurance. Prices for rides will not be set; people can pay what they feel is reasonable.

Thanks for taking the time to review my proposal, and please let me know if you have any questions or concerns!

Sincerely,

Annika Gordon

PEDICAB MAP



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., INRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

6-2-1: STANDING RESTRICTIONS:

A. Use Of Public Ways:

1. The city council is authorized to, by motion, designate such places upon the streets, avenues or highways of the city, as it may deem necessary, desirable or proper for pushcarts, lunch, popcorn or ice cream stands or wagons, and also for public and private hacks, buses and taxicabs to stand when not employed in carrying passengers; no pushcart, lunch, popcorn, ice cream stand or wagon shall stand in or upon or be operated in or upon any public street, highway or other roadway in any place other than that so designated by the city council, and no public or private hack, bus or taxicab shall stand or park upon any street in any business district at any place other than at the bus stop or taxicab or hack stand so designated by the city council, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other parking regulations for the purpose of and while actually engaged in letting passengers into or out of such vehicle. It is unlawful for any driver of any taxicab to seek employment or passengers by persistently driving his vehicle back and forth in a short space so as to interfere with proper and orderly access to or egress from any theater, hall, hotel, public resort, railway station or any place of public gathering, but any driver of any automobile or taxicab may solicit employment by driving through any public street or avenue without stops other than those due to obstruction of traffic or requirement of this title, and may pass or repass any of such places hereinbefore referred to, provided that after passing such public place he shall not turn and repass the same until he shall have gone a distance of two (2) blocks beyond such place.
2. The city clerk and the police department shall keep on file and open to inspection a record showing the location upon the streets or highways set apart and designated as stands where public or private hacks, buses and taxicabs may stand when not employed in the actual carrying of passengers. (Ord. A-85, 12-5-1955)

B. Specific Areas: It is unlawful, at any time, to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device:

1. In any intersection;
2. In any crosswalk;
3. At any place where the vehicle would block the use of a driveway;
4. On any sidewalk, parkway or curb area between any sidewalk and street curb line;
5. Within any alley in such a manner or under such conditions as to leave available less than sixteen feet (16') of the width of the alleyway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrances to any abutting property;
6. At any place where official signs prohibit parking;
7. On any private property without the consent of the owner of the property. (Ord. A-85, 12-5-1955; amd. Ord. A-137, 11-19-1965; Ord. A-155, 8-7-1967; Ord. A-165, 10-7-1968; Ord. 85-14, 10-21-1985)
8. For purposes of this title, "compact and subcompact motor vehicles" shall include only vehicles having a length of less than one hundred ninety inches (190"). (Ord. 03-09, 4-7-2003)

C. Violation; Penalty: A person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine as provided in the general penalty in section [1-4-1](#) of this code. A person who

violates this section shall also be deemed to have committed a municipal infraction, and shall be assessed the civil penalty described in section [1-4-4](#) of this code. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa. Each day that a violation remains shall constitute a separate violation. (Ord. 09-20, 10-19-2009)

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.

THEODORE M. ROSENDAHL

6/1/16

I respectfully suggest the city council only annex properties that are using the existing waste water system and defer annexing additional properties until the waste water system is upgraded and fully operational.

This would be fair and responsible for all concerned.

Sincerely
Phil