



**CITY COUNCIL WORK SESSION AND SPECIAL SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
1005 BAKER AVENUE
POSSIBLY MONDAY, SEPTEMBER 19, 2016
5:30 TO 7:00 PM**

1. Call to Order
2. **IF NEEDED** Monday, September 19, 2016 5:30 – 7:00 P.M. **SPECIAL SESSION - CLOSED EXECUTIVE SESSION:** Deliberation and possible decision on hiring of new City Manager. Pursuant to §2-3-203(3) MCA, the presiding officer may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceeds the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.
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, September 19, 2016, at **7:10 p.m.** at Interim City Hall, 1005 Baker Avenue.

Ordinance numbers start with 16-18. Resolution numbers start with 16-51.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) PRESENTATIONS - Whitefish Convention and Visitor's Bureau – quarterly presentation of tourism dashboard statistics (p. 15)
- 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 September 6, 2016 Regular Meeting (p. 19)
 - b) Ordinance No. 16-17; An Ordinance rezoning approximately 4.14 acres of land legally described as Parcels A, B and C of Certificate of Survey No. 20226, and Parcels A, B and D of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, from County R-1 (Suburban Residential) to Whitefish WSR (Suburban Residential District), and adopting findings with respect to such rezone (Second Reading) (p. 29)
- 7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Ordinance No. 16-___; An Ordinance rezoning certain tracts of recently annexed land on West Lakeshore Drive from County R-3 (One Family Residential) to City WR-1 (One-Family Residential District), and adopting findings with respect to such rezone (First Reading) (p. 33)
- 8) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR
 - a) Resolution No. 16-___; A Resolution adjusting the cash-in-lieu payment in connection with affordable housing to \$12,000.00 per unit (p. 70)

9) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Resolution No. 16-___; A Resolution establishing "No Parking" Zones along portions of West 7th Street (p. 77)

10) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 82)
- b) Other items arising between September 14th and September 19th

11) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Consideration of a request from the Whitefish Hotel Group to increase the previously approved City's Tax Increment contribution to the site improvements in the public right-of-way at the Firebrand Hotel site on Block 46 from \$147,000 to \$170,817.16 (p. 96)
- b) Consideration of cancelling the second meeting in December – December 19, 2016
- c) Possible action – Ratification of job offer to City Manager candidate

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



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

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

Adopted by Resolution 07-09
February 20, 2007

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September 14, 2016

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

Mayor Muhlfeld and City Councilors:

Monday, September 19, 2016 City Council Agenda Report

There may be a work session at 5:30 p.m., if needed, in a closed executive session to discuss the hiring of the next City Manager and a possible job offer. Food will be provided if the session is held.

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

CONSENT AGENDA

- a) Minutes from September 6, 2016 Regular Meeting (p. 19)
- b) Ordinance No. 16-17; An Ordinance rezoning approximately 4.14 acres of land legally described as Parcels A, B and C of Certificate of Survey No. 20226, and Parcels A, B and D of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, from County R-1 (Suburban Residential) to Whitefish WSR (Suburban Residential District), and adopting findings with respect to such rezone (Second Reading) (p. 29)

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

Item a is an administrative matter; item b 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) Ordinance No. 16-___; An Ordinance rezoning certain tracts of recently annexed land on West Lakeshore Drive from County R-3 (One Family Residential) to City WR-1 (One-Family Residential District), and adopting findings with respect to such rezone (First Reading) (p. 33)

From Planner II Bailey Minnich's transmittal memo:

Summary of Requested Action: This is a request by the City of Whitefish for a rezone on multiple parcels with the zoning designation of County R-3 to City WR-1 (One Family Residential District). The subject properties are located at 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. The properties range in various sizes with the smallest approximately 0.2 acres.

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

Public Hearing: No member of the public spoke at the public hearing. The draft minutes from the Planning Board for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on August 18, 2016 and considered the requested rezone. Following the public hearing, the Planning Board unanimously recommended approval of the above referenced rezone and adopted the staff report as findings of fact.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering testimony at the public hearing and the recommendations from staff and the Planning Board, adopt an Ordinance rezoning certain tracts of recently annexed land on West Lakeshore Drive from County R-3 (One Family Residential) to City WR-1 (One-Family Residential District), and adopting findings with respect to such rezone (First Reading).

This item is a quasi-judicial matter.

COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a) Resolution No. 16-___; A Resolution adjusting the cash-in-lieu payment in connection with affordable housing to \$12,000.00 per unit (p. 70)

From Planning Director Dave Taylor's staff report:

Section 11-2S-3(B)(1) of the code provides that the Cash-in-Lieu fees for affordable housing be reviewed annually by the City Council. Attached in the packet is a memo from Lori Collins, Director of the Whitefish Housing Authority, with an analysis and a recommendation. She is recommending increasing the cash-in-lieu fee from \$8,000 to \$12,000 per housing unit because of rising housing costs.

The Planned Unit Development District (PUD), Chapter 2, Title 11 of the Whitefish City Code, contains voluntary provisions that allow a 50% density bonus if affordable housing is provided at a rate of at least 10% of the project. Paragraph B.1 provides that the density bonus may also be taken by providing “cash-in-lieu” in an amount set by City Council resolution. That number is currently \$8,000 per total number of housing units in the proposed development.

An “affordable” unit is defined as one which can be purchased by someone earning up to 120% of the median family income in Flathead County, without being cost-burdened. Generally, a homeowner is considered cost-burdened when mortgage payments (PITI) exceed 30% of their monthly income. The Whitefish Housing Authority and the Whitefish Area Land Trust operate permanent affordable housing programs which buy down the price of a home to the affordable mortgage price.

According to the numbers provided in the attached memo from Lori Collins of the Whitefish Housing Authority, a payment in lieu amount of \$12,000 per market rate unit makes up 100% of the difference between an affordable mortgage and a market rate home mortgage. Therefore, the Housing Authority recommending increasing the cash-in-lieu amount from \$8,000 per unit to \$12,000 per unit.

Staff has reviewed their request, and while there is a currently a study underway on affordable housing solutions due in November and the PUD chapter is currently being reviewed for possible amendments, staff sees no reason why the fee per unit should not be increased at this time to meet current cost of living standards. In 2008, the Council raised the per unit fee from \$6,000 to \$11,000. In 2012, it was reduced to \$8,000 by the Council because no one had yet opted to provide cash-in-lieu and subdivision development was still stagnant. Subdivision activity is increasing, and we anticipate that future developers may want to take advantage of the cash-in-lieu option to get additional density. It makes sense to have a cash-in-lieu fee that reflects current affordability standards.

RECOMMENDATION: Based on the recommendation of the Whitefish Housing Authority, staff respectfully recommends the City Council adopt a Resolution to increase the affordable housing cash-in-lieu per unit fee for future Planned Unit Developments to \$12,000.

This item is a legislative matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Resolution No. 16-___; A Resolution establishing "No Parking" Zones along portions of West 7th Street (p. 77)

From Public Works Director Craig Workman’s staff report:

As the City nears completion of the West 7th Street Reconstruction Project, the Public Works Department is recommending City Council designate No Parking zones along the corridor. Specifically, we are recommending that no parking be allowed on the north and south sides of West 7th Street from Baker Avenue to Karrow Avenue, as described in the enclosed resolution. This was discussed with the residents during the public meetings that were held for the project and mentioned during previous council presentations on W. 7th Street.

The reconstruction of West 7th Street is nearly complete from Baker Avenue to Fairway Drive. The majority of the public right-of-way was consumed along this corridor to construct curb and gutter, two 12' drive lanes, bicycle and pedestrian facilities, streetlights, and utility improvements. In order to accommodate these features, some of which did not previously exist, the roadway is too narrow to reasonably accommodate on-street parking with two-way traffic.

Staff recommends both sides of West 7th Street from Baker Avenue to Karrow Avenue be designated as No Parking zones at this time. The recommended No Parking zones will help ensure the safe passage for traffic and emergency vehicles and will enable snow removal in a more efficient and effective manner. Curb and gutter was not installed between Karrow Avenue and Fairway Drive, thus allowing room for continued parking along this stretch of W. 7th Street.

The cost to install the necessary No Parking signs in the recommended zones is approximately \$1,000. The work would be performed by the Public Works crews and the cost would be paid out of the Street Fund.

RECOMMENDATION: Staff respectfully recommends the City Council adopt a Resolution establishing "No Parking" Zones along portions of West 7th Street.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 82)
- b) Other items arising between September 14th and September 19th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Consideration of a request from the Whitefish Hotel Group to increase the previously approved City's Tax Increment contribution to the site improvements in the public right-of-way at the Firebrand Hotel site on Block 46 from \$147,000 to \$170,817.16 (p. 96)
- b) Consideration of cancelling the second meeting in December – December 19, 2016
- c) Possible action – Ratification of job offer to City Manager candidate

ADJOURNMENT

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

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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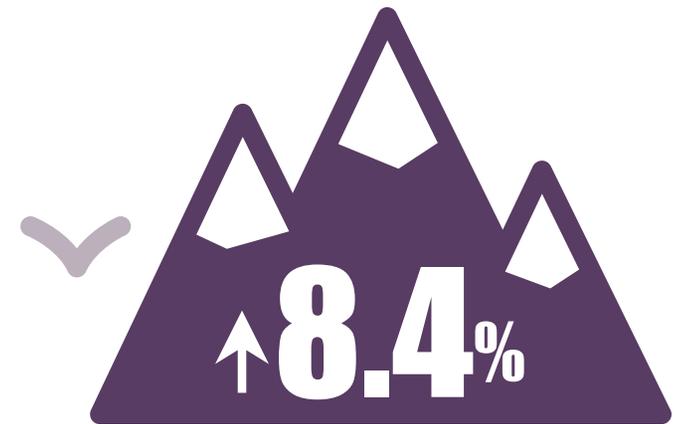
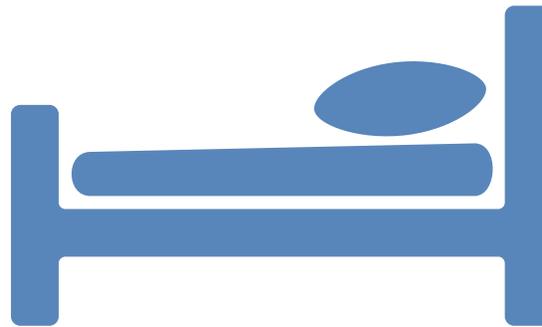
VISITATION

Percentages shown represent the change over last year for same time period.

Lodging Occupancy Rates

These numbers show how full lodging properties were for the month.

May 46% June 68%



648,074 Park Visitation

Glacier National Park

April -17.24% May +32.27% June +3.67%



72,809 Website Visits

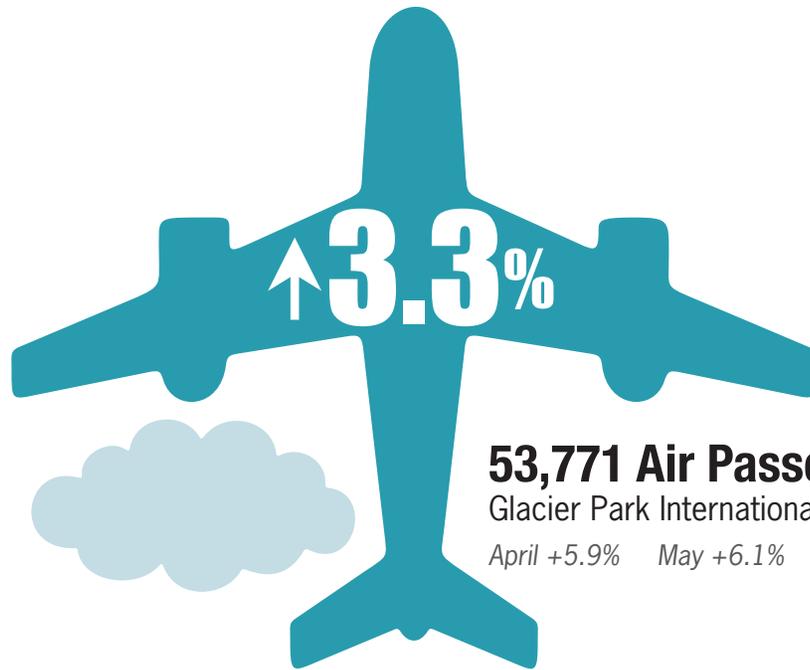
ExploreWhitefish.com

April +23.75% May +18.39% June -0.76%



TRANSPORTATION

Percentages shown represent the change over last year for same time period.



53,771 Air Passenger Deboardings

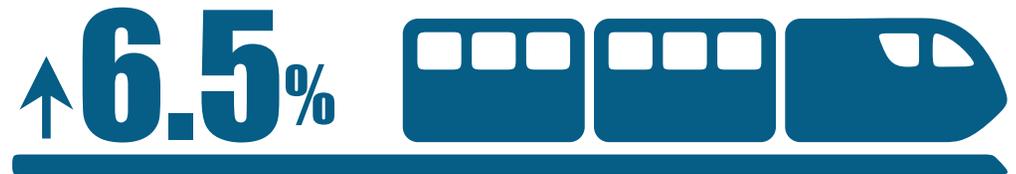
Glacier Park International Airport (FCA)

April +5.9% May +6.1% June +0.3%

**United Winter
2016/2017 Seasonal Flights**

San Francisco (SFO)
Saturday direct (new service): Dec. 17, 2016 - Mar. 25, 2017

Chicago (ORD)
Saturday direct: Dec. 17, 2016 - Apr. 1, 2017
Sunday direct (expanded service, new this year):
Dec. 18, 2016 - Jan. 1, 2017



5,268 Train Passenger Deboardings

Whitefish Train Depot

April -16.8% May +22.8% June +11.6%

TAX REVENUE & COLLECTIONS

Percentages shown represent the change over last year for same time period.



State Lodging Tax

Montana Lodging Facility Use & Sales Tax

(Reporting on revenue collected within city limits for the 7% tax.)

↑ **4%**

\$164,137 Lodging Tax
Montana Department of Commerce

State of Montana reported -3%
Flathead county reported -1%



City Resort Tax

Whitefish Resort Tax

(Reporting on 2% tax revenue, collected within city limits, to show year-over-year.)

↑ **5.2%**

\$522,520 City Resort Tax
Montana Department of Commerce



WCVB TPA Collections

WCVB Tourism Promotion Assessment

(1% on lodging & restaurant member sales; annual fee for other member categories)

↑ **2.2%**

TPA Collections
Whitefish Convention & Visitors Bureau

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WHITEFISH CITY COUNCIL
September 6, 2016
7:10 P.M.

1) CALL TO ORDER

Deputy Mayor Hildner called the meeting to order. Councilors present were Feury, Barberis, Frandsen, Sweeney, and Williams. Mayor Muhlfeld 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, Fire Chief Page and Senior Planner Compton-Ring. Approximately 14 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Deputy Mayor Hildner asked Patty Scruggs to lead the audience in the Pledge of Allegiance.

3) PRESENTATIONS - Update on the City Hall/Parking Structure construction progress – Owner’s Representative Mike Cronquist (p. 69)

Owner’s Representative Mike Cronquist gave his staff report that is included in the packet on the website. The pour for the first Parking Structure ramp will take place Thursday night between 10:00 pm and last for 6 or more hours. There are 300 yards and 15,000 square feet to place. Tonight 2nd Street will be closed to install the HVAC system on the roof of the City Hall. Overall there are about 4 of these pour elements to the Parking Structure. It will take four weeks to rotate forms, and pour each deck. The alley is expected to be closed for two weeks for brick work on the southeast corner of the alley of City Hall.

Councilor Sweeney asked and Mike said the parking construction pour should be complete by the middle of November.

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)

Bruce Tate, 1800 West Lakeshore Drive, has a letter on the agenda and he is here for any questions the Council might have.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 12:24)

Councilor Frandsen gave an update from the Montana Economic Development Board, they have just retained a new President and CEO, Jerry Meerks who will be replacing Kelly Danielson who has left the state to be closer to family.

Deputy Mayor Hildner reported the Bike/Ped committee met and the public draft of the Bike/Ped Master Plan is on the City website. There is a community public meeting Wednesday, September 7th at 6:30 in the temporary City Hall to review the bike plan. The Skypark Bridge dedication is planned to coincide with Bike to School the week of October 2nd through 7th. Paving will begin on the Stumptown to Pine Lodge segment of the bike path and millings will be used and placed on the Rygg section of the path. This will save us about \$11,000 under the original estimate. In the works is a plan to have Connect Whitefish take on the role of the

former Fish Trails, this will be a community based organization that will work in conjunction with the City and others. New pavement will be placed on the Rocksund portion of the trail by the Wastewater Treatment Plant. There is an idea of a medical prescription trail, where doctors write a script to patients to encourage the use of the bike and pedestrian ways. This a cooperative effort between North Valley Hospital, the Flathead County Health Department and the City of Whitefish.

6) CONSENT AGENDA

- a) **Minutes from August 15, 2016 Special Meeting (p. 78)**
- b) **Minutes from August 15, 2016 Regular Meeting (p. 79)**
- c) **Ordinance No. 16-14; An Ordinance amending Zoning Regulations in Whitefish City Code Title 11 to add recreational guides and outfitters to the list of Conditional Uses in WB-2 Secondary Business District (Second Reading) (p.)**
- d) **Ordinance No. 16-15; An Ordinance repealing the portion of Ordinance No. 14-13 that established Whitefish Animal Group, Inc. as an advisory committee to the Board of Park Commissioners (Second Reading) (p. 93)**
- e) **Consideration of approving application from Steven and Stacie Gorder for Whitefish Lake Lakeshore Permit (#WLP-16-W17) at 1716 West Lakeshore Drive to replace an existing retaining wall within the Lakeshore Protection Zone subject to 16 conditions (p. 96)**
- f) **Consideration of approving the Final Plat for the Maple Ridge subdivision, a 20 lot subdivision off Haugen Heights Road (p. 116)**
- g) **Resolution No. 16-49: A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 6.42 acres of land known as 835 West Seventh Street, and legally described as Lot 1 of the Plat of Torgerson Subdivision, located in the NW1/4SW1/4 of Section 36, Township 31 North, Range 22 West, P.M., M., records of Flathead County, Montana, for which the owners have petitioned for and consented to annexation (p. 170)**

RESOLUTION NO. 16-49

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 6.42 acres of land known as 835 West Seventh Street, and legally described as Lot 1 of the Plat of Torgerson Subdivision, located in the NW1/4SW1/4 of Section 36, Township 31 North, Range 22 West, P.M.,M., records of Flathead County, Montana, for which the owners have petitioned for and consented to annexation.

WHEREAS, TIMOTHY K. TORGERSON and TERESA M. TORGERSON, 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:

Lot 1 of the Plat of Torgerson Subdivision, located in the NW1/4SW1/4 of Section 36, Township 31 North, Range 22 West, of Section 36, Township 31 North, Range 22 West, records of 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 September 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 SEPTEMBER, 2016.

/S/ Richard S. Hildner

Richard S. Hildner, Deputy Mayor

ATTEST:

/S/ Michelle Howke

Michelle Howke, City Clerk

Councilor Feury made a motion, second by Councilor Frandsen to approve the consent agenda. Councilor Frandsen had a correction on page 91 of the packet, first paragraph under Council Comments, last sentence to read "...planning before the end of FY17..." **The motion passed unanimously.**

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

a) Consideration of an applications from Tanner Babcock for a Conditional Use Permit to construct a second residence at 26 O'Brien Avenue (p. 185) (WCUP 16-07) (CD 16:32)

Senior Planner Compton-Ring gave her staff report that is provided in the packet on the website. Deputy Mayor Hildner asked how we check for compliance in terms of sprinklers whether it is short term rental versus long term rental. Planner Compton-Ring said if they are constructing it for short term rental is would happen at the building permit stage, and Chief

Page confirmed that. Councilor Sweeney asked if they initiate it as a long term rental, and then decide in a year, they want to make it a short term rental; will they be required to retrofit sprinklers into the facility? Fire Chief Page said it could be a request at that time, he was not sure if it could be demanded he would have to consult with Fire Marshal Kennelly.

Deputy Mayor Hildner opened the Public Hearing

Jillian Lawrence, the Associate Architect with Montana Creative Architecture and Design, is the owner's representative for 26 O'Brien Avenue. She thanked Planner Compton-Ring for a very thorough and accurate report. She had a correction to the Planning Board minutes; the roof overhang is 13 1/2' to the street. This is recommended approval by both the Planning Board and Planning Staff. Councilor Frandsen asked and Jillian said the stairs will be just external for access.

There being no further public comment, Deputy Mayor Hildner closed the Public Hearing and turned the matters over to the Council for their consideration.

Councilor Barberis made a motion, second by Councilor Williams to approve application WCUP 16-07 from Tanner Babcock for a Conditional Use Permit to construct a second residence at 26 O'Brien Avenue and the Findings of Fact and eight conditions of approval.

Councilor Sweeney asked and Planner Compton-Ring said if short term was added by the Planning Board, the Council can take that off, knowing it is in a zoning district that could allow that and require that it be sprinkled. Conversation followed between Councilor Sweeney and Architect Lawrence regarding sprinkling the facility. Building Code requirements will be met whether the facility is a short term rental or long term rental. The applicant is going at the project with both ideas in mind.

City Manager Stearns stated condition number 9; the garage is intended for required off street parking, might be better to say "is required for off street parking". Intentions and realities are two different things. Planner Compton-Ring said that is great and suggested to take out "intended" and say "the garage is required to be used". Councilor Barberis who made the original motion agreed to the change along with Councilor Williams who seconded. **The motion with the amendment passed 5-1 with Councilor Sweeney voting in opposition.**

b) Ordinance No. 16-17; An Ordinance rezoning approximately 4.14 acres of land legally described as Parcels A, B and C of Certificate of Survey No. 20226, and Parcels A, B and D of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, from County R-1 (Suburban Residential) to Whitefish WSR (Suburban Residential District), and adopting findings with respect to such rezone (First Reading) (p. 221) (WZC 16-03) (CD 33:29)

Senior Planner Compton-Ring gave her staff report that is provided in the packet on the website.

Deputy Mayor Hildner opened the Public Hearing. There being no further public comment, Deputy Mayor Hildner closed the Public Hearing and turned the matters over to the Council for their consideration.

Councilor Feury made a motion, second by Councilor Sweeney to approve Ordinance No. 16-17; An Ordinance rezoning approximately 4.14 acres of land legally described as Parcels A, B and C of Certificate of Survey No. 20226, and Parcels A, B and D of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, from County R-1 (Suburban Residential) to Whitefish WSR (Suburban Residential District), and adopting findings with respect to such rezone, staff report WZC 16-03. The motion passed unanimously.

c) Resolution No. 16-50; A Resolution revising water and wastewater service rates and policies (p. 241) (CD 36:35)

Public Works Director Workman gave his staff report that is provided in the packet on the website. There are three different service classes within the wastewater department to deal with the different levels of pumping, as well as dedicated rates with separate users such as Rest Haven, and different Grinder and Septic Tank Effluent Pumping (STEP) systems. The City also provides wastewater service to the Big Mountain Sanitary District. The water rates are based on the topography of the City, and deal with several different zones inside and outside the City as well as different pressure zones. It is a standard industry practice a rate study be performed at least every five years or upon the commencement of a significant capital project. The City has reached both of those objectives. Primary goal of the study is to come out with revised rates that get those revenues and expenses within 10% of each other. Another primary goal of the rate study was to determine the rates to move forward with the Wastewater Treatment Plant project. This project is necessary to meet stringent new DEQ requirements for wastewater discharge to the Whitefish River. The estimated cost of the Wastewater Treatment Plant is currently \$17 million and in order to meet the permit requirements, construction will need to be completed in just a few years. The City currently provides a 75% discount on the fixed base rate portion of the water and wastewater bills to elderly and low income customers. One of the recommendations that came out of the rate study was the removal of the age based criteria and move forward with an income verification policy. There are 418 participants on the list, and currently only 15 that are known to qualify for the low income assistance program. Assuming other 403 residents would not qualify or meet the means test based on the number we are anticipating approximately \$171,000 additional annual revenue by making this policy change. An average City resident with a 5/8' meter using 4,000 gallons of water a month will see a water bill that goes up about 1%, or a \$.25 increase. The monthly wastewater bill for this customer will go up about 13% or \$4.53 increase. Irrigation customers that use 10,000 gallons of irrigation water per month, will be a 15% increase or \$5.34 increase. With all factors together on any summer month when using 4,000 gallons of domestic water and wastewater and 10,000 gallons of irrigation water the customer will see a total of 9% or \$10 increase.

Deputy Mayor Hildner opened the Public Hearing

David Trousdale, 2763 Rest Haven Drive, stated homeowners of Rest Haven Drive met with Manager Stearns and City Staff a couple years ago about their rates, and went through great lengths to explain the STEP systems and the pumping of the effluent into the plant. The

latest increase strikes them as unfair, and he read from a letter that was drafted and signed by members of the neighborhood that is appended to the packet on the website.

Karen Larsen, 155 Arielle Way, wondered if any consideration was given to grandfather those who are currently a part of the senior discount program. The loss of the program will be a challenge for many people.

Ron Hauf, 2834 Rest Haven Drive, followed up on Dave Trousdale's comments on the fairness of the wastewater increases. He was involved in putting in the STEP systems for Rest Haven Drive. He points out those on STEP systems have a base rate, then they share in the effluent that goes to the wastewater treatment plant. He asks why the City wants to discriminate against certain sectors as opposed to the City? They pay for the effluent to be taken to the Wastewater Treatment Plant, why should there be any difference? He doesn't think it is fair. He would like somebody to explain to him how they came up with this methodology. Why should they be discriminated against for a \$2-\$3 increase as opposed to \$.25 increase. It is the principle of the issue. He would like to ask the Council to reconsider how to charge everybody, it should be fair and equal.

Tim Babiak, 2767 East Lakeshore Drive, said when the STEP system was put in, it was to be serviced by the City and in 20 years he has never had it serviced by the City. He has had issues with the City with regards to pumping his system and has had to hire an attorney. If the City is going to put in STEP systems, service them, because if something happens, then what? Another attorney.

Kenria Schoepp, 2742 Plaza Road, said she has one bathroom, one kitchen sink, no washing facilities. She just paid \$116.69 this month. She spends no time at the cabin in the winter, and she is billed all winter long for not using any water. It has never gone below \$50. She sees what this is coming to and it is pretty pathetic. She hopes someone can resolve this some way.

Patty Scruggs, 1026 Meadow Lark Lane, said she was following Director Workman's comments, 418 people on the aged based low income, 15 qualify for low income, that means there are 403 that do not qualify. However, the City will make \$171,000 on this increase, that means seniors will average between \$450 and \$500 a year increase with this recommendation. She thinks that is a huge shock for most seniors in Whitefish. We need to have a diverse community, we need to embrace seniors and we need to help them. She asks the Council to consider the seniors, who are asked all of a sudden to have a \$450-\$500 increase per year. Perhaps the Council could consider instead of a 75% discount lower it to 50% or something that is more tolerable for the seniors.

Janet Reynolds, 265 West 6th Street, has lived there for four years, and she has paid into the system for four years and yes rates have increased over the four years. She feels the rate increase is highly unfair. She feels it should be a flat rate for everybody.

Alissa LaChance, 1646 East 2nd Street, speaks for a lot of young people her age. She lives with 5-6 people, in a four-bedroom home. She thinks the whole system needs to be adjusted, not just the rate increase. The increased rates go in line with how many fixtures are in the home and usually when more people live in a home there is going to be more fixtures. If they don't use any of the fixtures, it is \$90 per month, her water bill is usually \$200-\$300 a month. They don't use excess amounts of water. It seems wrong, something is off and she knows a lot of people her age cannot afford to live here. She said she understands we need to upgrade the system but was that considered when we decided to put in a new City Hall. It seems pretty crummy that such an expensive building is going in and the residents have to pay for this improvement to the water system.

Ron Hauf, 2834 Rest Haven Drive, does commend the City for taking the initiative to put this Wastewater Treatment Plant in, it is certainly needed. He just questions the mathematics, when in the off season he gets a bill for \$80, and in the summer time the bill is \$115. He has seen the rates increase since they took the initiative to put the STEP system in for the good of the lake.

There being no further public comment, Deputy Mayor Hildner closed the Public Hearing and turned the matter over to the Council for their consideration.

Councilor Frandsen asked Director Workman to explain the methodology. Director Workman said all the concerns are covered in the rate study provided in the packet on the website. There are two components to the rate structure, the first covers the cost to maintain all of the distribution and collection elements that are in the system, for example; water mains, water valves, fire hydrants on the water side. On the sewer side there are sewer mains, lift stations, and man holes. Regardless of whether anybody uses any water all of the infrastructure in the ground needs to be maintained and there is a cost associated with that. The next element is the volumetric fee; there is cost associated with producing the water, treating the water and getting the water out into the distribution system. There are costs associated with operating the lift stations to pump from high zone to low zone, and the cost to treat the water to the current standards in the permit. There is still standard septic tank maintenance that goes along with STEP systems, however every time we dispatch a truck to go out to service septic tanks, they are serving 1-2 residence as opposed to several people. In regards to the senior discount, there was an Attorney General ruling from a Bozeman case that is referenced in regards to senior discounts, that is a fairly strong warning to municipalities that are offering a senior discount that they should be phased out. They had been proven to be a form of discrimination towards, not elderly but other customers, and when you look at the industry standard for water and wastewater rates, elderly discounts are pretty few and far between.

Councilor Frandsen asked Director Workman to explain why there are different rate increases for the different areas. Director Workman said there are three different rate classes for sewer; SC1, SC2 and SC3. The standard SC1 customers simply discharge directly to the treatment plant where it is then pumped to the main lift station into the treatment plant, SC2 essentially pumped twice, SC3 pumped three or more times. In addition to those three rate classes, there are rates for the Grinder pump customers that have grinder pumps in their homes that are serviced by the City that go directly into the wastewater system. In addition to that is the STEP systems, and the Big Mountain Sewer District. On the water side, the customers inside city limits that are not in a pressure zone, customers inside city limits that are in a pressure zone, and customers outside the city limits. During the rate study they looked at sewer rate classes and water rate classes and looked at all the expenses that go into servicing those customers individually. Overall Rest Haven is 11.10% increase and the SC class is 26.2%.

City Manager Stearns said the reason for the cost of service study is to make sure there is equity in the billing system. The cost of the service study is intended to relate revenues to the cost to provide the service and therefor try to ensure equity. Rest Haven is out of the City so they have a surcharge on their bill, if they annex they can avoid that surcharge. Right now the total cost of the Wastewater Treatment Plant improvements and funding sources are not far enough along to know the cost and revenue. We have tried to delay and use the lagoon system for as long as possible and trying to build up to avoid these increase shocks. Everyone in the country is facing more stringent water quality standards because we all like a clean Flathead Lake with no algae. There are a lot of other contributors to wastewater or water degradation

but the EPA only regulates cities and industrial users who put a pipe into the river. We carry a bit of the burden for all the other users.

Deputy Mayor Hildner pointed out that this first year is just the first year of the rate structure. If there is grant money available, that number will come down. He would also like to address the fact that we have given the senior citizens (anybody over 65) on their base rate a 75% reduction, he thinks if we are sincere about helping the less fortunate, those that are on fixed income will qualify under the guidelines of LEAP. This will be more justifiable across the board.

Councilor Feury said it doesn't make sense to him we have the fixed cost and the fixed cost covers the infrastructure. He doesn't understand why the volumetric charge should be so much higher? STEP systems pay their own electricity. If base rate covers the cost of the infrastructure, then the volumetric charges should only be a function of additional electricity to move it through the lines or pump stations that is goes through beyond that. He has been on the STEP system for twenty years, and has been pumped once, and had half a dozen service calls. He can't justify in his own head that significant of a difference in the volumetric charges.

Director Workman said there are two criteria used to measure waste strength, Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). At the Wastewater Treatment Plant, we are tasked to reduce to the most stringent of standards. The waste that comes from STEP tanks is more concentrated than the more typical diluted waste that comes from a home with a grinder pump or a gravity pump. The primary driver in that volumetric cost is the cost to treat the waste that is coming from those systems. There is additional cost to maintain the infrastructure.

Manager Stearns said there was a bit of a complaint about the fact we charge base rates throughout the year. In order to avoid the constant turning on and off of water to avoid the base rate charge, once hooked up customers pay a base rate regardless if the water is on or off. In a city where there is a fairly high turnover rate of people moving out we were turning on and off many people several times throughout the year. That changed a few years ago. He also said the mail notice this year cost the City \$3,400 plus the three legal adds which will take it up to \$5,000. That is not big in the scheme of things, but he would like the Council to understand it. The rate study was \$60,000.

Director Smith said one of the things that came out of the rate study is a rate model, for both the water and wastewater so that as these rates are implemented, each year we can go through what the effects are, what revenue we have generated and what costs we have coming up. The benefit of the rate study has given us a very complex rate model to work with, in the next five years.

Councilor Frandsen made a motion, second by Councilor Feury to approve Resolution No. 16-50; A Resolution revising water and wastewater service rates and policies.

Councilor Frandsen said we are still looking to lower the cost of the capital improvement for the Wastewater Treatment Plant, currently estimated at \$17 million, to get a few grants is in our best interest and looking out for the tax payers. The reason why we have to do the Wastewater Treatment Plant is due to the EPA standards. She knows quite a few are facing higher rate increases than others; all she would say is that quite a few others have been footing the bill for those additional costs for some time and that is why we do a water and wastewater study, to understand if we are spreading our costs equally or not. That is part of the reason for

the rising cost, the equitability across the board of making sure we are paying our fair share for the impact we put on the systems. She wishes we could offer a senior rate at a what feels like should be ethical, but what has been recommended to us has been potentially legal challenges down the road. She thinks the only option at this point is a state recognized system for low income standards and hopefully that program will grow in the future to some other standards so that it can be upheld without discrimination. It troubles her the increases are quite significant and for the years to come it is going to be very tough, she understands the predicament a lot of folks are in for the increasing rates. She wishes we would have been planning well before now so that the increases weren't quite steep as they are. We have to start somewhere and we have quite a few years to get there and hopefully it is not as much as what we are looking at.

The motion passed unanimously.

Deputy Mayor Hildner thanked everyone for coming in, it is important that the Council hear from the residents even though answers may not be the ones they hoped to hear.

8) COMMUNICATIONS FROM CITY MANAGER (CD 1:35:26)

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 297)

-None

b) Other items arising between August 31st and September 6th

Manager Stearns sent out an email to the Mayor and Council trying to schedule the next tour of the City Hall Parking Structure, he has heard from a number but if the rest could respond he will get a date set.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 1:36:22)

a) Letter from Bruce and Susan Tate requesting reconsideration of annexing one of their lots, #TR4, in the annexation of West Lakeshore properties done via Resolution No. 16-30 (p. 300)

Councilor Sweeney addressed Mr. Tate's concern. He said on a personal level if there was any way for him to figure out how we could logically and equitably de-annex his property, he would like to do it. He can't see one and he apologizes for that.

Deputy Mayor Hildner also appreciates the effort Mr. Tate has put in and his consideration and discussion with Council. As Councilor Sweeney pointed out, Council made that decision. Mr. Tate asked if the Council knows of any other lot on the lake that is permanently unbuildable. He said he thinks he might have the only one, it is unique, and is a crippled lot. Councilor Frandsen said she has thought quite a bit about it, but she keeps coming back to, unbuildable is unbuildable and there are several lots within the City that are unbuildable. So to apply that logic across the board leaves us with property that is in city limits that is unbuildable, therefore when annexing she would have to apply that same logic.

Mr. Tate said it is ironical with the value of the lot and he will argue the value down over time. There is no way that lot is worth \$276,000. Deputy Mayor Hildner said that would be an issue between him and the appraiser during the reappraisal. Mr. Tate will be looking at other efforts.

Council Comments

Councilor Williams said Councilor Frandsen spoke towards the water and wastewater rates very eloquently and she wanted to state she is concerned about pricing people out of Whitefish. We need to start looking at long-term financial solutions and planning for projects in the future, and try to figure out where our priorities will be set forth in front of us. We need to make sure we can keep the people in this town who embody its greatness and its genuine character. She can feel the pension and she knows a lot of other people stemming from ages 20-85 can start to feel that pension. If we can find ways to help them out in the future and find ways to make some sustainable long term financial planning within the city and recognize our immediate priorities and goals, we need to start focusing on that. She also encourages everyone to continue looking for outside funding solutions for years to come.

Councilor Frandsen reminded everybody of the Meet and Greet September 15th at Casey from 7 to 8:30 pm for the upcoming City Manager candidates. She encourages everyone to show up and ask questions of these potential City Manager candidates and meet them and tell us what you think.

Deputy Mayor Hildner echoed Councilor Frandsen's comment regarding the Meet and Greet for the City Manager candidates. He also reminded the Council who have not given their interview questions to Sherri to do so as soon as possible.

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

Deputy Mayor adjourned the meeting at 8:51 pm.

Richard S. Hildner, Deputy Mayor

Attest:

Michelle Howke, City Clerk

ORDINANCE NO. 16-17

An Ordinance of the City Council of the City of Whitefish, Montana, rezoning approximately 4.14 acres of land legally described as Parcels A, B and C of Certificate of Survey No. 20226, and Parcels A, B and D of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, from County R-1 (Suburban Residential) to Whitefish WSR (Suburban Residential District), and adopting findings with respect to such rezone.

WHEREAS, the City of Whitefish initiated a rezone with respect to property north of Highway 93 West and west of State Park Road, located at 1970, 2010 and 2042 Highway 93 West and two are unaddressed, and legally described as Parcels A, B and C of Certificate of Survey No. 20226, and Parcels A, B and D of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana; and

WHEREAS, in response to the City-initiated rezone, the Whitefish Planning & Building staff prepared Staff Report WZC 16-03, dated August 11, 2016, which analyzed the proposed rezone and recommended in favor of its approval; and

WHEREAS, at a lawfully noticed public hearing on August 18, 2016, the Whitefish Planning Board reviewed Staff Report WZC 16-03, received an oral report from Planning staff, invited public comment, and thereafter voted to recommend in favor of the proposed zone change; and

WHEREAS, at a lawfully noticed public hearing on September 6, 2016, the Whitefish City Council reviewed Staff Report WZC 16-03 and letter of transmittal, received an oral report from Planning staff, and invited public comment; and

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

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

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

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

Section 2: Staff Report WZC 16-03 dated August 11, 2016, together with the August 30, 2016 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: The real property located north of Highway 93 West and west of State Park Road, located at 1970, 2010 and 2042 Highway 93 West and two are unaddressed, and legally

described as:

Parcels A, B and C of Certificate of Survey No. 20226, and Parcels A, B and D of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

previously zoned County R-1 (Suburban Residential) is hereby rezoned to Whitefish WSR (Suburban Residential District).

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

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

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

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

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

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ORDINANCE NO. 16-___

An Ordinance of the City Council of the City of Whitefish, Montana, rezoning certain tracts of recently annexed land on West Lakeshore Drive from County R-3 (One Family Residential) to City WR-1 (One-Family Residential District), and adopting findings with respect to such rezone.

WHEREAS, the City of Whitefish initiated a rezone with respect to various tracts and parcels of land that were recently annexed within the boundaries of the City, as described on the attached Exhibit "A," in Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana; and

WHEREAS, in response to the City-initiated rezone, the Whitefish Planning & Building staff prepared Staff Report WZC 16-06, dated August 11, 2016, which analyzed the proposed rezone and recommended in favor of its approval; and

WHEREAS, at a lawfully noticed public hearing on August 18, 2016, the Whitefish Planning Board reviewed Staff Report WZC 16-06, received an oral report from Planning staff, invited public comment, and thereafter voted to recommend in favor of the proposed zone change; and

WHEREAS, at a lawfully noticed public hearing on September 19, 2016, the Whitefish City Council reviewed Staff Report WZC 16-06 and letter of transmittal, received an oral report from Planning staff, and invited public comment; and

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

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

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

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

Section 2: Staff Report WZC 16-06 dated August 11, 2016, together with the September 12, 2016 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: The property described and shown on Exhibits "A" and "B," attached hereto and incorporated herein by reference, previously zoned County R-3 (One Family Residential) is hereby rezoned to City WR-1 (One-Family Residential District).

Section 4: The official Zoning Map of the City of Whitefish, Montana, shall be amended, altered and changed to provide that the rezone and zoning map amendment of the real property identified on the map attached hereto as Exhibit "B", and incorporated herein by reference, shall

be designated City WR-1 (One-Family Residential District). The Zoning Administrator is instructed to change the City's official Zoning Map to conform to the terms of this Ordinance.

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

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

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

John M. 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 #19

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

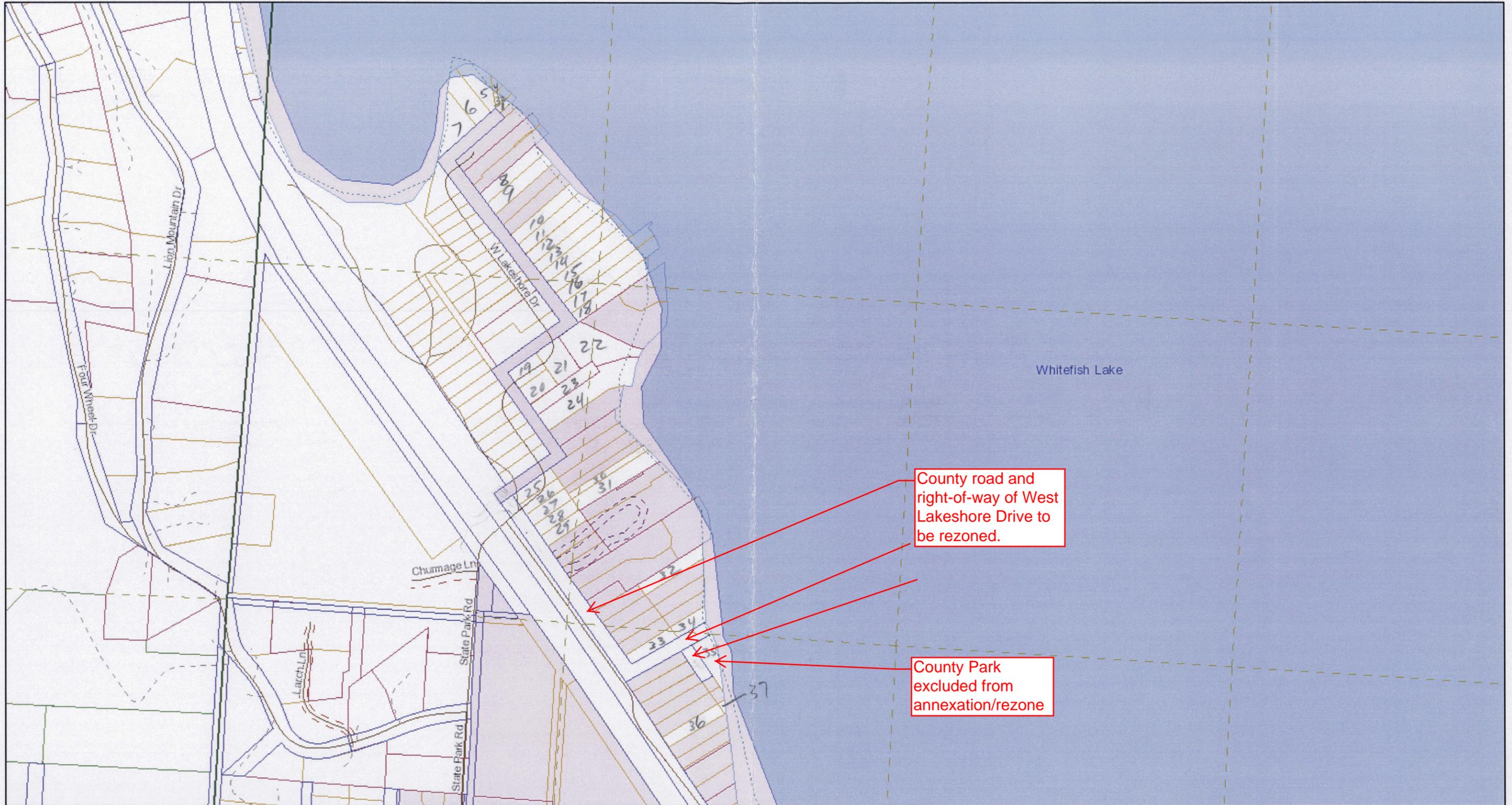
No Address – Vacant - Assessor No. 0721200

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

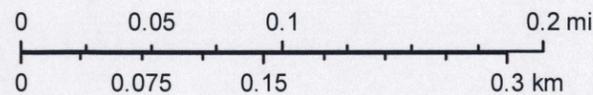
Full width of any public streets or roads, including the rights-of-way, that are adjacent to the wholly surrounded area being annexed.



February 22, 2016

White, numbered properties 1-37, excluding #35, are the properties to be rezoned. Property #35 is a county-owned park which is excluded from annexation/rezone.

1:4,431



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

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



September 12, 2016

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

RE: City of Whitefish Zone Change: WZC 16-06

Honorable Mayor and Council:

Summary of Requested Action: This is a request by the City of Whitefish for a rezone on multiple parcels with the zoning designation of County R-3 to City WR-1 (One Family Residential District). The subject properties are located at 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. The properties range in various sizes with the smallest approximately 0.2 acres.

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

Public Hearing: No member of the public spoke at the public hearing. The draft minutes from the Planning Board for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on August 18, 2016 and considered the requested rezone. Following the public hearing, the Planning Board unanimously recommended approval of the above referenced rezone and adopted the staff report as findings of fact.

Proposed Motion:

- I move to approve WZC 16-06 and adopt the Findings of Fact in the staff report, as recommended by the Whitefish Planning Board on August 18, 2016.

This item has been placed on the agenda for your regularly scheduled meeting on September 19, 2016. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Bailey Minnich, AICP, CFM
Planner II

Att: Draft Minutes of 8-18-16 Planning Board Meeting

Exhibits from 8-11-16 Staff Packet

1. Staff Report WZC-16-06, 8-11-16
2. Adjacent Landowner Notice, 7-29-16
3. Advisory Agency Notice, 7-29-16

The following was submitted by the applicant:

4. Application for Zoning Map Amendment, 7-18-16

c: w/att Michelle Howke, City Clerk

Draft

STAFF REPORT WZC 16-03 (Compton-Ring)	<p>Planner Compton-Ring reviewed her staff report and findings. To date, no comments have been received.</p> <p>Staff recommended adoption of the findings of fact and conditions of approval within staff report WZC 16-03, and for approval to the Whitefish City Council.</p>
BOARD QUESTIONS OF STAFF	None.
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	<p>Acting Chair Qunell opened the public hearing. Carl Denny, President of the Whitefish County Water District Board used to own Parcel 2CAA adjacent to the project and provided some history regarding stormwater conveyance issues. He offered to write a letter to the Planning staff and Board, and Taylor said that would be useful to them, and also to the Public Works Department. Additionally, Mr. Denny pointed out the City put a water line through there, which affected how the water gets out to the west.</p> <p>There being no further comment, Acting Chair Quenell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
MOTION / BOARD DISCUSSION	Ellis moved and Laidlaw seconded to adopt the findings of fact within staff report WZC 16-03.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on September 6, 2016.
PUBLIC HEARING 3: CITY OF WHITEFISH REZONE REQUEST 6:40 pm	<p>A request by the City of Whitefish to rezone parcels recently annexed into City limits under Resolution 16-30 from County R-3 (One Family Residential) to WR-1 (One-Family Residential District). The subject parcels are 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 all in Section 26, Township 31N, Range 22W.</p>

Draft

<p>STAFF REPORT WZC 16-06 (Minnich)</p>	<p>Planner Minnich reviewed her staff report and findings. To date, no comments have been received. Minnich pointed out one unique criteria, compliance with our Growth Policy designation. Our future Land Use Map designates this area as Suburban Residential which typically corresponds with our WCR, WER and WSR. However, the intent of this area being designated Suburban Residential instead of Urban, which would comply with the WR-1, was to maintain the area around Whitefish Lake to be more rural and limit the amount of subdivision and higher impact zones that might apply. Prior to the termination of our Inter-local Agreement with Flathead County, it still was zoned a County R-3. This area had never been rezoned to a City zone. Therefore, the WR-1 is the most equivalent to the R-3 and is similar to the areas that have already been annexed into the City of Whitefish.</p> <p>Staff recommended adoption of the findings of fact within staff report WZC 16-06, and for approval to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Laidlaw asked and Minnich said these lots have already been annexed into the City.</p> <p>Acting Chair Qunell asked if there have been any studies about the setbacks, since some of the setbacks on the front yards are different, and whether this action would rezone any of these homes into noncompliance. Minnich said she does not know what the setbacks are for the homes there, and Taylor said we have to change them to a Whitefish zone regardless. If it makes them nonconforming, they are nonconforming, and there is nothing we can do about that. Acting Chair Qunell asked and Minnich said no comments were received from the people they noticed, but this would affect the property owners if they wanted to subdivide or even rebuild a nonconforming deck or add an addition.</p>
<p>APPLICANT / AGENCIES</p>	<p>None.</p>
<p>PUBLIC COMMENT</p>	<p>Acting Chair Qunell opened the public hearing; there being no comment, he closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Ellis moved and Laidlaw seconded to adopt the findings of fact within staff report WZC 16-06 as proposed by City Staff.</p>

Draft

VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on September 19, 2016.
NEW BUSINESS 6:47 pm	None.
GOOD AND WELFARE 6:47 pm	<p>1. Matters from Board. Norton asked about the Firebrand Hotel deviating from what they presented to the Board when they said a small place for guests to obtain food would be included, and now they have a restaurant. She feels there will be a lot more traffic going there and more people crossing the already busy intersection. They said since they would not have a restaurant they would be directing people to other downtown businesses to get meals, which is no longer true. They also took away one of the homes and are now using the space to park a tractor. She heard they are charging \$20 for parking and the proposed agreement with the Downtowner for employee parking never went through. A lot of the streets around the school are full of out-of-state license plates, and they do not seem to have enough parking for their guests. She feels there will be more issues with the Firebrand and wondered what we could do about it. Taylor said without a Condition precluding a restaurant, it is allowed in the zoning district they are in, so there is nothing we can do about that. On the parking issue, there were Conditions related to parking on the Conditional Use Permit and Planning staff can look into that to make sure they are adhering to the Conditions. Acting Chair Qunell asked and Taylor said it normally starts with a complaint. Taylor heard a rumor they are charging \$12 a day for parking and Laidlaw said he heard \$15. Ellis said he can assure us that people who live in that neighborhood will be filing a complaint if that parking lot, which is not allowed in that district, remains after a reasonable time for them to finish construction, probably by October. That parking area where they tore the house down is gravel now and is zoned residential. Laidlaw said he checked with Taylor about the status of their liquor license because the intention they presented to the Planning Board was not that it would be a full restaurant. Laidlaw said it is tough to go out into the public once you have had a meeting and the Averills know exactly what they said here. Now they are promoting they have the only place in all of Whitefish that has cast ale. It is not the first time it has happened that what we approve is not what ends up being built. Norton said it changes the use pattern of that very busy intersection in terms of pedestrians crossing and drinking and crossing, as well as the way parking is being used in that very busy neighborhood. She asked what we can do in the future to be sure they stick to the plan they have presented; is there a way to put a Condition on things? Taylor said you cannot restrict the commerce if it is an allowed use. It becomes very difficult and invites lawsuits if you try to overregulate certain things.</p>

Draft

**CITY OF WHITEFISH
ZONE CHANGE WZC 16-06
EXHIBIT LIST
AUGUST 11, 2016**

1. Staff Report – WZC 16-06, 8-11-16
2. Adjacent Landowner Notice, 7-29-16
3. Advisory Agency Notice, 7-29-16

The following was submitted by the applicant:

4. Application for Zoning Map Amendment, 7-18-16

**CITY OF WHITEFISH
ZONE CHANGE
STAFF REPORT WZC 16-06
AUGUST 11, 2016**

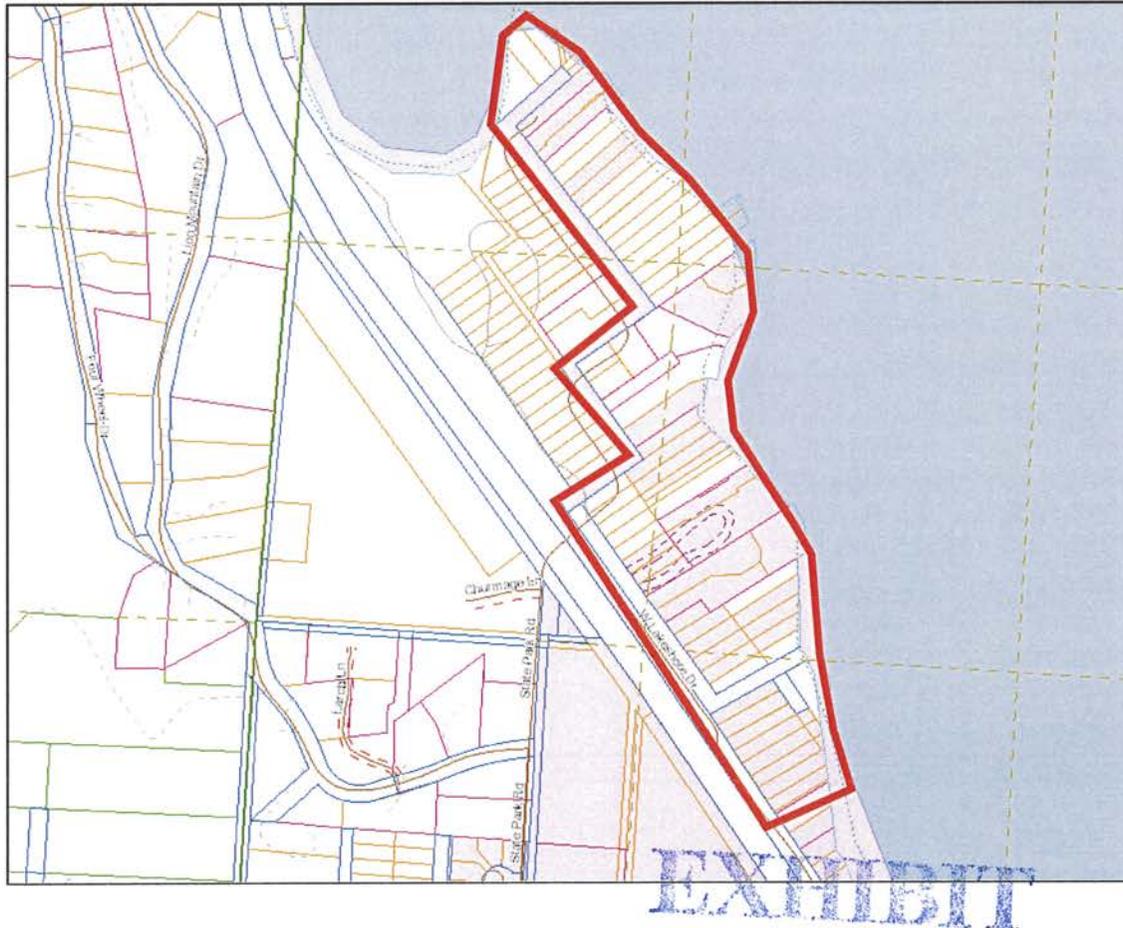
A report to the Whitefish Planning Board and the Whitefish City Council regarding a request by the City of Whitefish to rezone multiple parcels from County R-3 (One Family Residential) to City WR-1 (One-Family Residential District) at various parcels along West Lakeshore Drive. This request is scheduled before the Whitefish Planning Board for public hearing on Thursday, **August 18, 2016** at 6:00 PM. A recommendation will be forwarded to the City Council for a subsequent public hearing on Monday, **September 19, 2016** at 7:10 PM. Both hearings will be held in the Whitefish City Council Chambers.

PROJECT SCOPE

The City is requesting a zone change on multiple parcels from County R-3 (One Family Residential) to City WR-1 (One-Family Residential District). The parcels are located along West Lakeshore Drive. The parcels are now located within the city limits.

The purpose of rezoning the properties to a City zone is due to the adoption of Resolution 16-30 which annexed the properties into Whitefish City limits on July 18, 2016. As the properties are now within the City, the zoning must be changed from a County zoning designation to a City zoning designation.

Figure 1: Location of subject parcels outlined in red.



Purpose of WR-1: The WR-1 district is intended for residential purposes to provide for single-family dwellings in an urban setting connected to all municipal utilities and services.

	<u>WR-1 (proposed zoning)</u>	<u>R-3 (existing zoning)</u>
Minimum lot area:	10,000 square feet	10,000 square feet
Front yard setback:	25 feet	20 feet
Side yard setback:	10 feet	10 feet
Rear yard setback:	20 feet	20 feet
Maximum height:	35 feet	35 feet
Permitted lot coverage:	35% maximum	30% maximum

A. Property Owners:
Multiple Owners

Applicant:
City of Whitefish
PO Box 158
Whitefish, MT 59937

B. Location and Size:

The subject properties are located at 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 all in Section 26, Township 31N, Range 22W. The properties range in various sizes with the smallest approximately 0.2 acres.

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

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

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

North:	residential	City WR-1	Suburban Residential District
South:	residential	City WR-1	Suburban Residential District
East:	Whitefish Lake	Unzoned Lake	Whitefish Lake
West	W. Lakeshore Drive and Railroad	Flathead County R-3	Suburban Residential District

E. Public Notice:

A notice was mailed to adjacent land owners within 150-feet of the subject parcels on July 29, 2016. Advisory agencies were noticed on July 29, 2016. A notice was published in the Whitefish Pilot on August 3, 2016. As of the writing of this report, no public comments have been received.

F. Utilities

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

REVIEW AND FINDINGS OF FACT:

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

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

A. Made in Accordance with a Growth Policy.

The Growth Policy Future Land Use Map designates the parcels within the Suburban Residential designation. That designation indicates it is generally for WCR, WER, and WSR. The intent of this area being designated Suburban Residential, instead of an Urban to comply with the underlying zoning, was intended to maintain the area surrounding Whitefish Lake more rural and limit the amount of subdivision and higher impact land uses associated with the Urban designation (typically WLR, WR-1, and WR-2). Prior to the termination of the inter-local agreement with Flathead County, the properties were still zoned County R-3. The City never rezoned this area to an equivalent City zoning district. The proposed WR-1 zoning is equivalent to the County R-3 zoning designation.

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

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

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

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

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

Public services and utilities are available to the properties and will be extended to serve the individual lots.

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

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

Water and sewer has been extended along West Lakeshore Drive adjacent to the properties, and extensions have been constructed to the properties along the road. The area is located adjacent to a City maintained road, which is paved. The school district will not change due to the recent annexation, and the subject properties are located either adjacent to or down the road from the Whitefish State Park, which is a state maintained public park.

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

E. Reasonable Provision of Adequate Light and Air.

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

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

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

The properties are located in the city limits and are served by West Lakeshore Drive, a paved City maintained road. The proposed zone change from a County R-3 zone to the City WR-1 zone will not have an effect on the motorized and non-motorized transportation systems because the proposed uses in each district are very similar.

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

G. Promotion of Compatible Urban Growth.

The subject properties are located in an area identified as Suburban Residential by the Growth Policy's Future Land Use Map. The Growth Policy designates Suburban Residential as including WCR, WER, and WSR zoning. However, prior to the termination of the inter-local agreement with Flathead County, the area was still zoned County R-3. The area around the annexed parcels is a mixture of County R-3 and City WR-1. The proposed change to WR-1 (One-Family Residential District) zoning is consistent with the surrounding zoning designations. Also, the annexed area is currently served by public services.

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

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

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

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

I. Conserving the Value of Buildings.

The majority of the subject properties are currently developed with residential uses. The WR-1 zoning specifically only permits single-family dwellings. Therefore, the value of surrounding buildings will not be negatively impacted by the proposed zone change.

Finding 9: The proposed zone change will conserve the value of buildings because the properties are currently developed with residential uses, and the value of surrounding buildings will be maintained as the WR-1 zoning only permits single-family residences.

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

As previously stated, the area encompassing the subject properties is listed as Suburban Residential in the Whitefish Growth Policy. The proposed zoned change to WR-1 would encourage the most appropriate use of land as it would be the most similar to adjacent properties currently developed as residential.

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

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

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

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt staff report WZC 16-06 findings of fact and recommend to the Whitefish City Council the zoning map amendment be **approved**.



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that the City of Whitefish is proposing to rezone parcels recently annexed into City limits under Resolution 16-30 from County R-3 (One Family Residential) to WR-1 (One-Family Residential District). The subject parcels are 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 all in Section 26, Township 31N, Range 22W.

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

Thursday, August 18, 2016
6:00 p.m.
Whitefish City Council Chambers, City Hall
1005 Baker Avenue, Whitefish MT 59937

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, September 16, 2016** at 7:10 p.m., also in the Whitefish City Council Chambers.

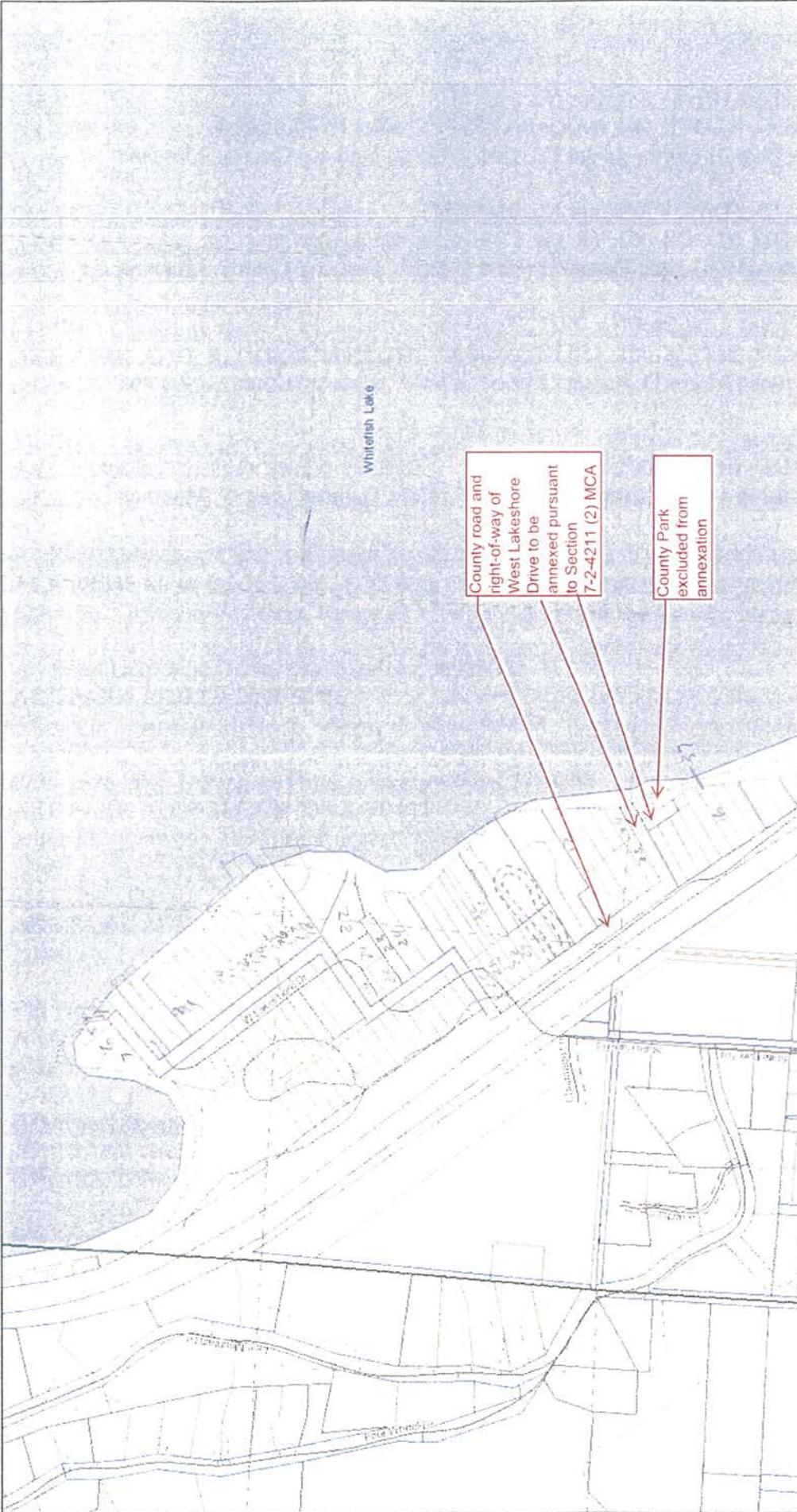
On the back of this flyer is a map showing the subject property. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at bminnich@cityofwhitefish.org. Comments received by the close of business on Monday, August 8, 2016, will be included in the packets to the Planning Board members. Comments received after the deadline will be summarized to the Planning Board members at the public hearing.

EXHIBIT

2

PLEASE SHARE THIS NOTICE WITH YOUR NEIGHBORS

EXHIBIT B TO RESOLUTION



February 22, 2016



1:4,431

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 "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

Full width of any public streets or roads, including the rights-of-way, that are adjacent to the wholly surrounded area being annexed.

SCURLOCK TRUST, JON M
1440 W LAKESHORE DR
WHITEFISH, MT 59937

BUCKLEY, RICK
244197 RANGE RD 33
CALGARY, AB T3Z 2E8 Canada

STATE OF MONTANA
PO BOX 200701
HELENA, MT 59620

TORFASON, LOIS
244197 RANGE RD 33
CALGARY, AB T3Z 2E8 Canada

BENNET III REVOCABLE TRUST
AGREEMENT, RICHARD W
765 CELLA RD
SAINT LOUIS, MO 63124

BRUS, JEFFREY J & KELLIE A
1508 W LAKESHORE DR
WHITEFISH, MT 59937

MOTES-CONNERS, JAMES S &
FRANCES SUE
1444 W LAKESHORE DR
WHITEFISH, MT 59937

LUCKE, JAMES M
1518 W LAKESHORE DR
WHITEFISH, MT 59937

WHITEHEAD, DAVID R & PATTI AKA
PATTI D
1550 W LAKESHORE DR
WHITEFISH, MT 59937

CHAUNER LIVING TRUST, RONALD M
PO BOX 8782
ASPEN, CO 81612

WEINBERG REVOCABLE TRUST,
DANIEL C
1524 W LAKESHORE DR
WHITEFISH, MT 59937

BENDHEIM FAMILY TRUST
2006 SHIPWAY LN
NEWPORT BEACH, CA 92660

MITCHELL, PHILIP B & BELINDA ANNE
1450 W LAKESHORE DR
WHITEFISH, MT 59937

SHAPIRO, SHEILA A
1520 W LAKESHORE DR
WHITEFISH, MT 59937

BENDHEIM QUALIFIED RESIDENCE
TRUST NO 2, DEBRA S
2006 SHIPWAY LN
NEWPORT BEACH, CA 92660

RHODES, DOUGLAS C & MARIE LE
MOYNE AKA MARIE L
PO BOX 1646
WHITEFISH, MT 59937

ARCHER JR, CHARLES J & KIM H
1645 W LAKESHORE DR
WHITEFISH, MT 59937

DMH 37TH GP LLC
5305 VILLAGE CREEK
PLANO, TX 75093

MORTENSON, DALE & JAMEE
1692 W LAKESHORE DR
WHITEFISH, MT 59937

SAN DIEGO PINECONE LTD
1696 W LAKESHORE DR
WHITEFISH, MT 59937

1315594 ALBERTA LTD
2905 PARKSIDE DR
LETHBRIDGE, AB T1J 1M9 Canada

LOVE, MARY PAT
PO BOX 175
WHITEFISH, MT 59937

PANTELUK, KELLY W & JO-ANN
1310 BARABASH BAY
ESTEVAN, SK S4A 2S5 Canada

PESCHEL FAMILY TRUST
1404 W LAKESHORE DR
WHITEFISH, MT 59937

TYM CO INDUSTRIES LTD
429 39TH ST N
LETHBRIDGE, AB T1H 5T2 Canada

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



Date: July 29, 2016
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, August 18, 2016 at 6:00 pm in the Whitefish City Council Chambers at **1005 Baker Avenue**. During the meeting, the Board will hold a public hearing on the items listed below. Upon receipt of the recommendation by the Planning Board, the Whitefish City Council will also hold a subsequent public hearing for items 1-2 on Tuesday, September 6, 2016 and item 3 on Monday, September 16, 2016. City Council meetings start at 7:10 pm at **1005 Baker Avenue** in the Whitefish City Council Chambers.

1. A request by Tanner Babcock for a Conditional Use Permit to construct a 2nd primary use. The property is zoned WB-3 (General Business District). It is located at 26 O'Brien Avenue and can be legally described as Lot 1, Block 24, Whitefish Original Townsite in S36 T31N R22W. (WCUP 16-07) Compton-Ring
2. A request by the City of Whitefish to rezone five parcels recently annexed into City limits from County R-1 (Suburban Residential) to WSR (Suburban Residential District). The subject properties are located on Highway 93 W and can be legally described as Parcels A, B and C of Certificate of Survey No. 20226, and Parcels A, B and D of Certificate of Survey No. 20213, in the Southwest Quarter of the Northwest Quarter of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana. (WZC 16-03) Compton-Ring
3. A request by the City of Whitefish to rezone parcels recently annexed into City limits under Resolution 16-30 from County R-3 (One Family Residential) to WR-1 (One-Family Residential District). The subject parcels are 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 all in Section 26, Township 31N, Range 22W. (WZC 16-06) Minnich

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 510 Railway Street during regular business hours. Inquiries are welcomed. Interested parties are invited to attend the hearing and make known their views and concerns. Comments in writing may be

EXHIBIT

forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: dtaylor@cityofwhitefish.org. For questions or further information regarding these proposals, phone 406-863-2410.



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

File #: _____
 Date: _____
 Intake Staff: _____
 Date Complete: _____

ZONING MAP AMENDMENT - ANNEXATION

INSTRUCTIONS:

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

A. PROJECT INFORMATION:

Project Address: West Lakeshore Drive Annexed Properties

Assessor's Tract No.(s) _____ Lot No(s) _____
 Block # _____ Subdivision Name _____
 Section _____ Township _____ Range _____

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

 Owner's Signature¹

 Date

Multiple Owners - See Resolution 16-30

 Print Name

 Applicant's Signature

 Date

City of Whitefish

 Print Name

 Representative's Signature

 Date

 Print Name

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

EXHIBIT

4

APPLICATION CONTENTS:

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

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

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

B. OWNER(S) OF RECORD:

Name: Multiple Owners - See Resolution 16-30 Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

APPLICANT:

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

Mailing Address: P.O. Box 158

City, State, Zip: Whitefish, MT 59937

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

City Annexed area on July 18, 2016 under Resolution 16-30. Zoning must now be changed from County R-3 to City WR-1, similar to surrounding area already annexed.

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

PROPOSED ZONING:

CURRENT ZONING DISTRICT: _____

PROPOSED ZONING DISTRICT: _____

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

RESOLUTION NO. 16-30

A Resolution of the City Council of the City of Whitefish, Montana, extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of wholly surrounded land on West Lakeshore Drive.

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," were 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

WHEREAS, by Resolution No. 16-21, the City Council of the City of Whitefish indicated its intent to consider annexing within the corporate limits of the City certain wholly surrounded land as described on Exhibit "A," gave notice, and set a public hearing at the City Council's regular Council meeting on July 18, 2016, to be held at 7:10 o'clock p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers located at 1005 Baker Avenue in Whitefish, Montana; and

WHEREAS, by the same Resolution No. 16-21, the City Council of the City of Whitefish approved the May 31, 2016 Report on Extension of Services in City Manager memorandum #2016-015, now dated as June 7, 2016, as the plan for provision of services required by § 7-2-4506, MCA; and

WHEREAS, at a lawfully noticed public hearing on July 18, 2016, after receiving public comment and reviewing a City Manager recommendation for the annexation of wholly surrounded land described on Exhibit "A," the Whitefish City Council reviewed the recommended wholly surrounded properties for annexation and found them reasonable and appropriate; and

WHEREAS, it is the considered and reasoned judgment of the City Council of the City of Whitefish to be in the best interests of the City of Whitefish and the inhabitants thereof, as well as the current and future inhabitants of the lands to be annexed that are described herein on Exhibit "A," that the said lands described herein be annexed into the City of Whitefish and it is hereby declared to be the intent of the City of Whitefish that the corporate limits of the City of Whitefish be extended to include said lands described herein 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: That the corporate limits of the City of Whitefish be extended to annex the tracts of land herein described on Exhibit "A," according to the map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana.

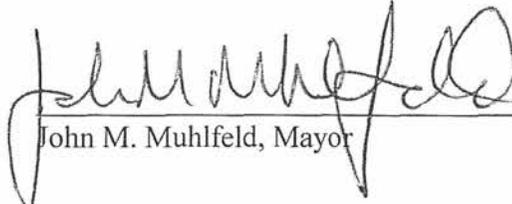
Section 2: That the minutes of the City Council meeting of the City of Whitefish, Montana, incorporate this Resolution.

Section 3: That, if the City annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the City pursuant to this City annexation Resolution or any provision of this Resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the City or the remaining provisions of this Resolution. The City Council hereby declares that it would have passed this Resolution and annexed each lot(s), parcel(s), block(s) or tract(s) of land into the City as well as each provision of this Resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the City or provision of this Resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s) or tract(s) of land or any provision of this Resolution should be declared invalid or unconstitutional, the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land and Resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

Section 4: That the City Clerk is hereby instructed to certify a copy of said Resolution so entered upon said minutes. 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 become effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

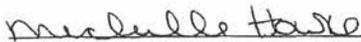
Section 5: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS 18TH DAY OF JULY, 2016.



John M. Muhlfield, 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 PKADDL3-5B3L1AMDLPKADDL1-3B2AM 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 PKADDL3-5B3L1AMDLPKADDL1-3B2AM 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 PKADDL3-5B3L1AMDLPKADDL1-3B2 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

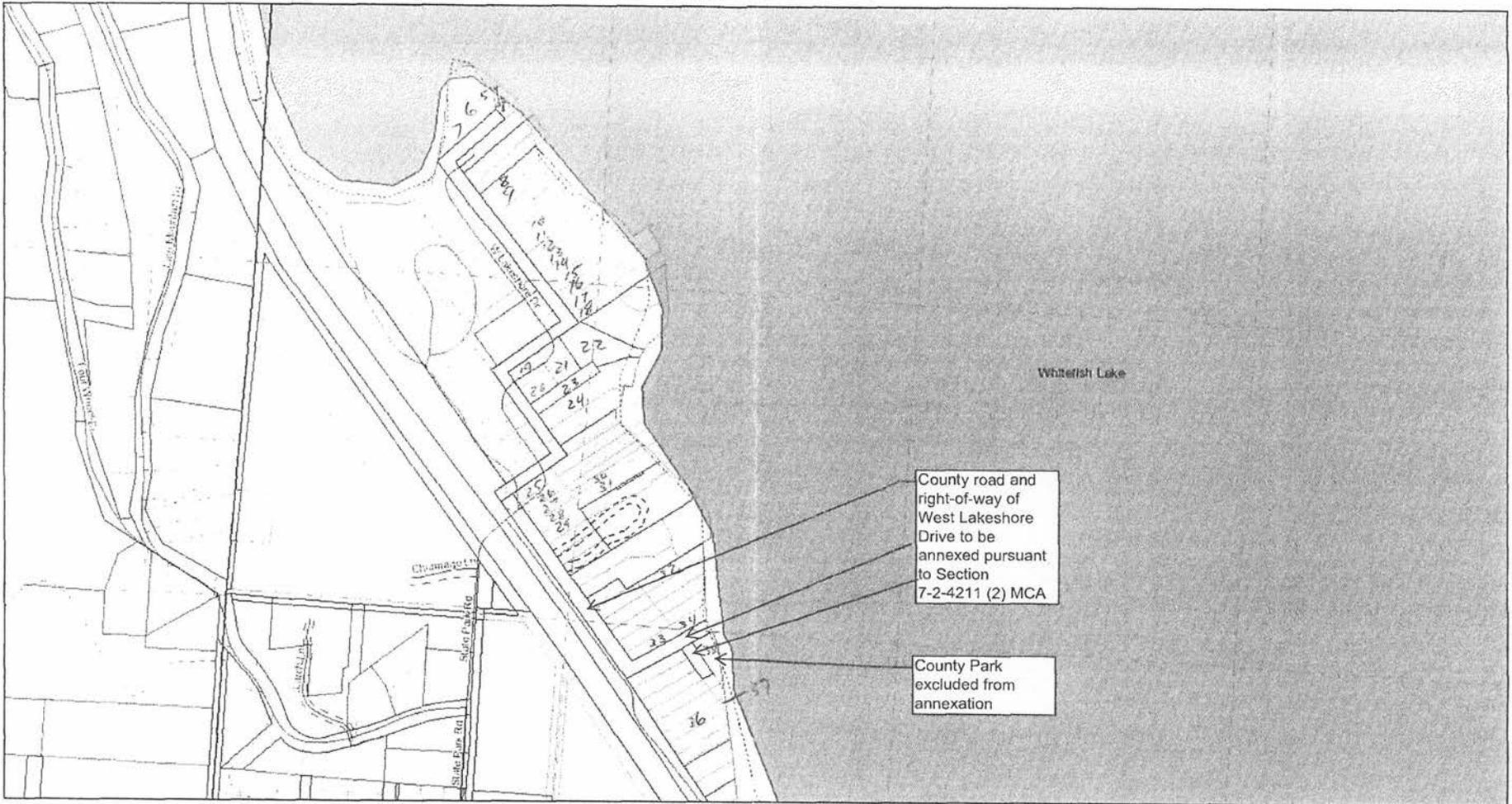
LAKE PARK ADD, BLOCK 001, 150 FT X 100 FT TR 5 IN BLK 1,
Section 26, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

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

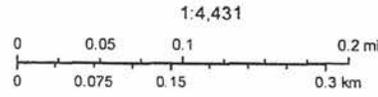
Full width of any public streets or roads, including the rights-of-way, that are adjacent to the wholly surrounded area being annexed.

EXHIBIT B TO RESOLUTION



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

**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 of the City Council of the City of Whitefish, Montana, extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of wholly surrounded land on West Lakeshore Drive (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 July 18, 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 18th day of July 2016.



Michelle Howke
Michelle Howke, City Clerk

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RESOLUTION NO. 16-___

A Resolution of the City Council of the City of Whitefish, Montana, adjusting the cash-in-lieu payment in connection with affordable housing to \$12,000.00 per unit.

WHEREAS, the Whitefish Housing Authority through its Homeownership Program assists low and moderate income households to finance the purchase of a home; and

WHEREAS, Whitefish City Code § 11-2S-3(B), which appears under the heading "Planned Unit Development District", provides that developers shall be allowed a density bonus when a minimum of ten percent (10%) of the total number of units within the development is dedicated for affordable housing or when the developer makes a cash payment in lieu of an affordable housing dedication, by paying a fixed amount per housing unit developed; and

WHEREAS, City Code Section § 11-2S-3(B)(1) provides that the cash-in-lieu fees for affordable housing be reviewed and set annually by Resolution of the Whitefish City Council; and

WHEREAS, pursuant to Ordinance No. 06-11, adopted by the Whitefish City Council on May 15, 2006, the cash-in-lieu payment per developed unit was originally set at six thousand dollars (\$6,000.00) per market rate lot and/or unit; and

WHEREAS, in 2008, the City Council adjusted the cash-in-lieu amount to eleven thousand dollars (\$11,000.00) by Resolution No. 08-31, and the amount was maintained at \$11,000.00 through the subsequent adoption by the City Council of Resolution Nos. 09-42, 10-42 and 11-49; and

WHEREAS, at the request of the Whitefish Housing Authority, and recommendation of the City Planning and Building Department, the City Council reduced and maintained the cash-in-lieu amount from eleven thousand dollars (\$11,000.00) to eight thousand dollars (\$8,000.00) by adopting Resolution Nos. 12-32, 13-26, 14-42 and 15-39; and

WHEREAS, the Whitefish Housing Authority has requested that the City Council raise the cash-in-lieu amount to twelve thousand dollars (\$12,000.00) and the City Planning and Building Department has also recommended that the amount be raised; and

WHEREAS, it will be in the best interests of the City of Whitefish and its inhabitants to raise the cash-in-lieu amount to twelve thousand dollars (\$12,000.00) in order to institute a cash-in-lieu fee that accurately reflects current affordability standards.

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

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

Section 2: The cash-in-lieu payment per unit shall be increased to twelve thousand dollars (\$12,000.00) per market rate lot and/or unit, applicable to any subdivision for which application is

received by the City after the effective date of this Resolution.

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

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

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

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



September 19, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and City Councilors:

Recommendation on Cash-in-Lieu for Affordable Housing Fees

Introduction/History

Section 11-2S-3(B)(1) of the code provides that the Cash-in-Lieu fees for affordable housing be reviewed annually by the City Council. Attached is a memo from Lori Collins, Director of the Whitefish Housing Authority, with an analysis and a recommendation. She is recommending increasing the cash-in-lieu fee from \$8,000 to \$12,000 per housing unit because of rising housing costs.

Current Report

The Planned Unit Development District (PUD), Chapter 2, Title 11 of the Whitefish City Code, contains voluntary provisions that allow a 50% density bonus if affordable housing is provided at a rate of at least 10% of the project. Paragraph B.1 provides that the density bonus may also be taken by providing "cash-in-lieu" in an amount set by City Council resolution. That number is currently \$8,000 per total housing unit in the proposed development.

An "affordable" unit is defined as one which can be purchased by someone earning up to 120% of the median family income in Flathead County, without being cost-burdened. Generally, a homeowner is considered cost-burdened when mortgage payments (PITI) exceed 30% of their monthly income. The Whitefish Housing Authority and the Whitefish Area Land Trust operate permanent affordable housing programs which buy down the price of a home to the affordable mortgage price.

According to the numbers provided in the attached memo from Lori Collins of the Whitefish Housing Authority, a payment in lieu amount of \$12,000 per market rate unit makes up 100% of the difference between an affordable mortgage and a market rate home mortgage. Therefore, the Housing Authority recommending increasing the cash-in-lieu amount from \$8,000 per unit to \$12,000 per unit.

Staff has reviewed their request, and while there is a currently a study underway on affordable housing solutions due in November and the PUD chapter is currently being reviewed for possible amendments, staff sees no reason why the fee per unit should not be increased at this time to meet current cost of living standards. In 2008, the Council raised the per unit fee from \$6,000 to \$11,000. In 2012, it was reduced to \$8,000 by the Council because no one had yet opted to provide cash-in-lieu and subdivision development was still stagnant. Subdivision activity is increasing, and we anticipate that future developers may want to take advantage of the cash-in-lieu option to get additional density. It makes sense to have a cash-in-lieu fee that reflects current affordability standards.

Recommendation:

Based on the recommendation of the Whitefish Housing Authority, staff recommends the council adopt a resolution to increase the affordable housing cash-in-lieu per unit fee for future Planned Unit Developments to \$12,000.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Taylor".

David Taylor, AICP
Director of Planning & Building

The Whitefish Housing Authority
PO Box 1237, 100 East 4th Street, Whitefish, MT 59937
Phone: 862-4143 Fax: 862-4107

September 7, 2016

Annual Update of the Payment In Lieu of Housing

As you can see from our analysis below and using current market rate numbers and household incomes as we see them, an increase to the PILOH amount is warranted.

The Whitefish Housing Authority **recommends a change** from the current set amount of \$8,000 to \$12,000 as payment in lieu of housing option in the Whitefish Inclusionary Zoning Ordinance.

HISTORY

The Whitefish Homeownership Program aids low and moderate income households finance the purchase of a home. A mortgage is considered affordable if the monthly payment of the mortgage, taxes and insurance does not exceed 30% of the household's income. A household is considered low or moderate income (LMI) if their income does not exceed 80% of the area median income as determined by HUD.

At present, the Whitefish Housing Authority has determined that an affordable mortgage for an LMI household (80% AMI) of three earning \$43,500 a year is approximately \$117,000 - \$150,000 (5% interest with no debt). The Homeownership Program uses a subsidy to bridge the gap between what a low income household earns and the price of a qualifying, market rate home.

Since 2014, the Homeownership Program aided three households purchase a home; one was a new sale and two were re-sales of previously purchased homes.

- The average subsidy was \$82,600.
- The appraised value of the homes averaged \$248,500.
- The average bank loan secured by the homebuyers was \$133,000.

ANALYSIS

The Whitefish Housing Authority's analysis of the payment in lieu of housing (PILOH) is based on the assumption that the PILOH option would serve the same number of households as the option to include the affordable units in the development (10% of the total units).

Using an example development of 20 homes and the voluntary use of the options in the Ordinance by a development:

- A developer choosing to include the affordable homes in their development could expect to build two homes (10% of total) to be sold in the \$117,000 - \$133,000 range; affordable to low and moderate income households.
- From recent sales, we would expect the homes to have market value in the \$240,000 range. The developer contribution for the two homes (in exchange for the incentives of Inclusionary Zoning including an increase in density) would therefore be \$240,000 total or an average of \$120,000 per home for two homes.
- A PILOH of \$12,000 per unit ($\$12,000 \times 20 = \$240,000$ total contribution) is therefore needed to be able to serve the same number of households at large in the community on average.

WHA RECOMMENDATION

At this time, the Whitefish Housing Authority recommends a change to the payment in lieu of housing to **\$12,000** per each house in the subdivision. As development again grows in Whitefish, the housing authority continues to support the inclusion of affordably priced homes in the new developments.

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City of Whitefish
Department of Public Works
1005 W. 10TH Street, PO Box 158
Whitefish, MT 59937
(406) 863-2460 Fax (406) 863-2419

September 13, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Resolution to Establish No Parking Zones Along West 7th Street

Introduction/History

As the City nears completion of the West 7th Street Reconstruction Project, the Public Works Department is recommending City Council designate No Parking zones along the corridor. Specifically, we are recommending that no parking be allowed on the north and south sides of West 7th Street from Baker Avenue to Karrow Avenue, as described in the enclosed resolution. This was discussed with the residents during the public meetings that were held for the project and mentioned during previous council presentations on W. 7th Street.

Current Report

The reconstruction of West 7th Street is nearly complete from Baker Avenue to Fairway Drive. The majority of the public right-of-way was consumed along this corridor to construct curb and gutter, two 12' drive lanes, bicycle and pedestrian facilities, streetlights, and utility improvements. In order to accommodate these features, some of which did not previously exist, the roadway is too narrow to reasonably accommodate on-street parking with two-way traffic.

Staff recommends both sides of West 7th Street from Baker Avenue to Karrow Avenue be designated as No Parking zones at this time. The recommended No Parking zones will help ensure the safe passage for traffic and emergency vehicles and will enable snow removal in a more efficient and effective manner. Curb and gutter was not installed between Karrow Avenue and Fairway Drive, thus allowing room for continued parking along this stretch of W. 7th Street.



Financial Requirement

The cost to install the necessary No Parking signs in the recommended zones is approximately \$1,000. The work would be performed by the Public Works crews and the cost would be paid out of the Street Fund.

Recommendation

We respectfully recommend the City Council adopt the attached resolution to establish enforceable No Parking zones along the north and south sides of West 7th Street from Baker Avenue to Karrow Avenue, as described.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Workman".

Craig Workman, P.E.
Director of Public Works

RESOLUTION NO. 16-__

A Resolution of the City Council of the City of Whitefish, Montana, establishing "No Parking" Zones along portions of West 7th Street.

WHEREAS, Section 6-2-4(A) of the Whitefish City Code provides that the City Council may, on motion, create "No Parking" zones within the City; and

WHEREAS, the Public Works Department is recommending that the City Council officially designate "No Parking" zones along both sides of West 7th Street from Baker Avenue to Karrow Avenue; and

WHEREAS, on September 19, 2016, the City Council determined that it is in the best interests of the City and its inhabitants to establish "No Parking" zones along portions of West 7th Street, as depicted on the map attached as "Exhibit A".

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

Section 1: There is hereby established a "No Parking" zone on the north and south sides of West 7th Street between Baker Avenue and Karrow Avenue, subject to this Resolution, as depicted on the map attached hereto as "Exhibit A" and incorporated herein by reference.

Section 2: It shall be unlawful for anyone to park in the "No Parking" designated zone.

Section 3: The Public Works Department is authorized and directed to mail notices of "No Parking" zones to all adjacent property owners and install appropriate signage notifying the public of these restrictions.

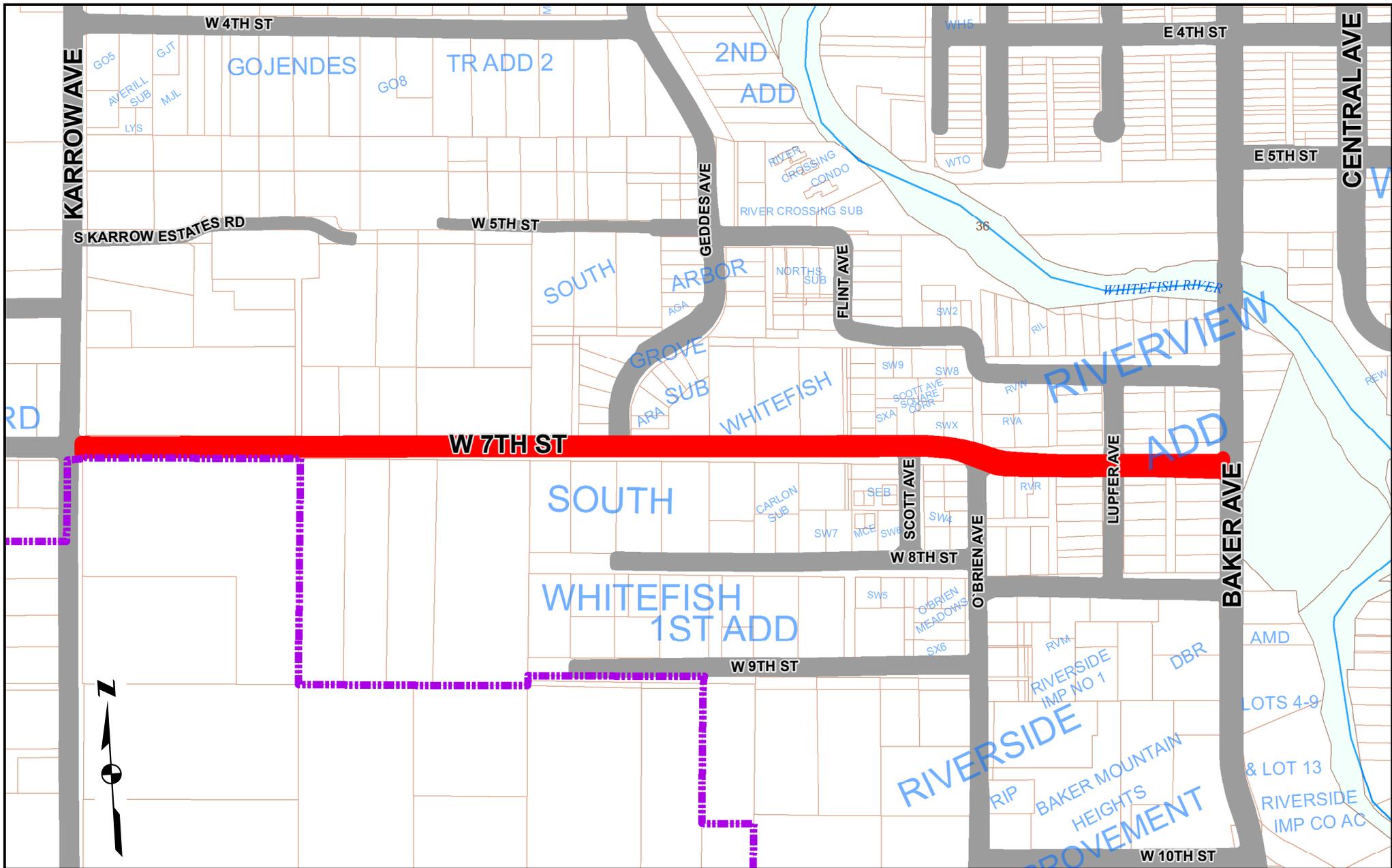
Section 4: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

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



Legend

- No Parking Zones
- Whitefish City Limits



City of Whitefish

1005 Baker Avenue, P.O. Box 158
 Whitefish, MT 59937
 (406) 863-2400
 www.cityofwhitefish.org



Date: 9/13/2016

Exhibit "A"

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MANAGER REPORT

September 14, 2016



RESORT TAX COLLECTIONS

Resort Tax collections in July were up by 8.3% or \$38,227 for July of 2016 as compared to July, 2015. July is our largest month for Resort Tax collections, so an 8.3% increase in July is very significant. Also, there were two significant lodging properties that were delinquent in July and had they paid on time, it would have added another \$20,000 to \$25,000 to this total. A great month! It does not appear that limited parking in the downtown area hampered Resort Tax collections.

There is a chart of recent monthly collections attached to this report in the packet. On a comparable basis, Resort Tax collections were only up 2.12% for the entire fiscal year 2016 as compared to 2015 when the figures are adjusted to take out the effects of the increase from 2% to 3% in the Resort Tax that became effective on July 1, 2015.

WEST 7TH STREET RECONSTRUCTION PROJECT UPDATE

From the construction engineer's latest project report:

<p>1. Rough Estimate of Percent Completion to Date of Construction Phases (Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</p> <p>LHC, Inc. is 121 days into an estimated 143 day operation (accounting for 3 weather days and 20 contract days granted thus far) which equates to the project being about 84.6% complete. When looking at job costs to date (for items installed or billable to), the project is projected at 81.6% complete when adjusted for imported Trench Backfill over-runs.</p>
<p>2. Work Completed or in Progress this period</p> <p>LHC Inc.: LHC had a small gravel prep crew onsite all week. The shared use path was prepped for asphalt from the Geddes intersection to the Karrow intersection. Concrete driveways were also prepped along this stretch. They also began to prep the Concrete sidewalk from the Geddes intersection towards Baker.</p> <p>Glacier Traffic Control: Detours were taken down and temporary stop signs were added at the Karrow and O'Brien intersections at the request of the City. Fence and handrail construction resumed.</p> <p>Stillwater Electric: All wire was pulled and the service assembly was completed. Luminaires were delivered to the City shop.</p>

6. Describe Anticipated Work by Contractor for Next Period

LHC Inc.: Sidewalk, shared use path, and driveway approach gravel grading. LHC may hire a sub-contractor to finish paving the project.

Sandon Construction: Sandon is currently scheduled to be back onsite Thursday, September 8th. Concrete driveways in the shared use asphalt path will be their priority along with ADA ramps at the Baker intersection.

Stillwater Electric: Luminaires will be installed from Geddes to Baker. The luminaries from Geddes to Karrow will be installed after paving the shared use path.

Glacier Traffic Control: Fence and handrail installation will continue. Some signs will also be installed.

NEW EMPLOYEE

Dave Perry was recently hired to be the new Building Inspector/Code Enforcement Officer. Dave has been a carpenter and contractor in the Flathead Valley for a long time. He will begin work on September 19th.

CITYHALL/PARKING STRUCTURE CONSTRUCTION UPDATE

Our Owner's Representative, Mike Cronquist, has an update on construction progress attached to this report in the packet.

MEETINGS

Park Board (9/13) – I attended the Park Board meeting to participate in the discussion about the problem and potential problems with dogs at the Farmers' Market and other large events in Depot Park. A committee was appointed to try to work out a solution and a fenced, food court idea was floated as a possible option.

UPCOMING SPECIAL EVENTS

Two Bear Marathon – Sunday, September 18th – WAVE, Whitefish Trail, and various paths and streets – in the morning

Octoberfest – Depot Park – September 29-October 1 and October 6-8

REMINDERS

Thursday, September 15th – City Council Closed Executive Session regarding City Manager candidates at Casey's, 101 Central Avenue – 6:00 p.m. to 7:00 p.m.

Thursday, September 15th – Public session to meet and greet City Manager candidates at Casey's – 7:00 p.m. to 8:30 p.m.

Friday, September 16th – Interviews with City Manager candidates

Monday, October 10th – City Hall closed for the Columbus Day holiday

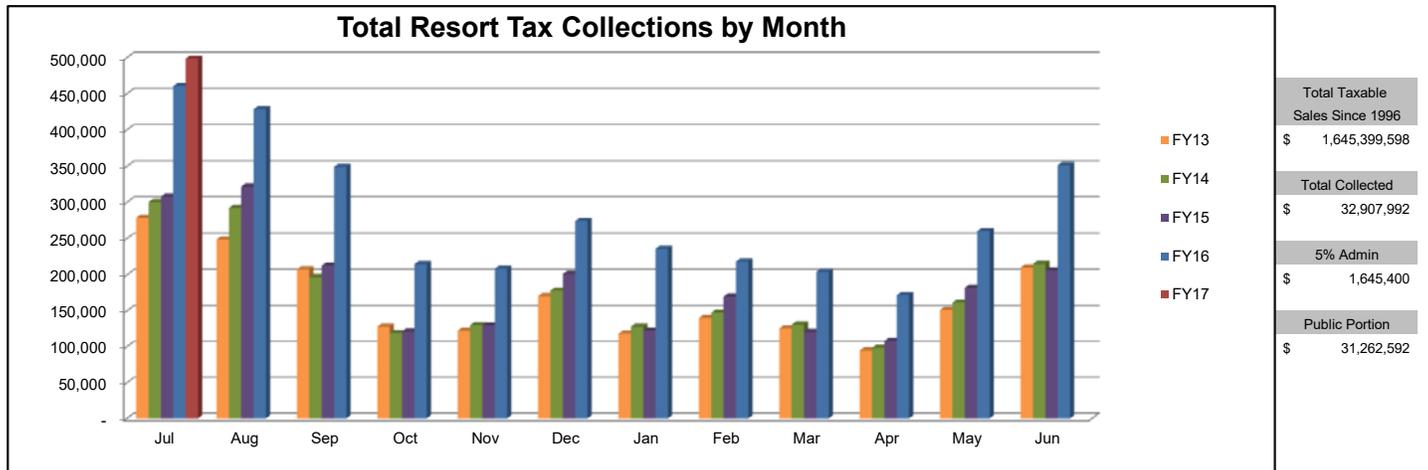


Respectfully submitted, Chuck Stearns, City Manager

Resort Tax Report Reported in the Month Businesses Collected Tax

(Starting FY16 Resort Tax Rate Increased from 2% to 3%)

Month/Year	Lodging	Bars & Restaurants	Retail	Collected	% Chng Mnth to Pr Yr Mnth	% Chng Quarter to Pr Yr Quarter	Interest	Total
July 2014	84,053	104,935	118,876	307,864	2.5%		440	308,304
August 2014	93,049	117,674	111,016	321,739	10.0%		498	322,236
September 2014	49,804	84,149	78,813	212,767	7.9%	6.6%	246	213,013
October 2014	18,589	50,665	52,266	121,519	2.0%		604	122,123
November 2014	8,530	43,076	78,311	129,917	-0.3%		359	130,276
December 2014	20,944	74,617	105,885	201,446	13.0%	5.9%	293	201,739
January 2015	15,285	52,940	54,543	122,768	-4.2%		281	123,049
February 2015	25,805	74,286	69,705	169,795	15.1%		166	169,961
March 2015	16,336	51,183	53,368	120,887	-7.8%	1.6%	227	121,114
April 2015	11,755	50,637	45,835	108,227	10.0%		263	108,490
May 2015	23,911	61,756	96,773	182,441	13.0%		288	182,728
June 2015	39,483	78,394	88,316	206,194	-4.1%	4.6%	301	206,495
YTD Compared to Last Year								
Total FY15	\$ 407,543	\$ 844,313	\$ 953,707	\$ 2,205,564		5.05%	\$ 3,966	\$ 2,209,529
FY14 vs FY15	6.04%	6.59%	3.32%	5.05%	or \$	106,094	Taxable Sales FY15	\$ 116,082,301
July 2015	117,769	166,601	176,012	460,383	-0.3%		377	460,760
August 2015	104,061	172,434	152,226	428,722	-11.2%		375	429,097
September 2015	113,548	112,210	123,398	349,156	9.4%	-2.0%	410	349,565
October 2015	28,753	95,909	90,167	214,829	17.9%		545	215,373
November 2015	12,917	65,378	130,291	208,586	7.0%		527	209,113
December 2015	27,515	112,463	134,468	274,446	-9.2%	2.7%	484	274,929
January 2016	26,527	105,037	104,312	235,876	28.1%		505	236,381
February 2016	30,945	85,771	101,640	218,356	-14.3%		500	218,856
March 2016	24,069	96,976	83,334	204,379	12.7%	6.2%	977	205,356
April 2016	18,683	77,007	75,952	171,643	5.7%		1,047	172,690
May 2016	33,058	95,579	131,878	260,515	-4.8%		1,112	261,628
June 2016	83,753	127,974	139,896	351,622	13.7%	5.2%	1,990	353,612
YTD Compared to Last Year - See Note Below								
Total FY16	\$ 621,599	\$ 1,313,338	\$ 1,443,575	\$ 3,378,512		2.12%	\$ 8,849	\$ 3,387,361
FY15 vs FY16 (2% vs 2%)	1.68%	3.70%	0.91%	2.12%	or \$	46,777	Taxable Sales FY16	\$ 118,544,269
July 2016	117,574	200,804	180,232	498,610	8.3%		765	499,375
August 2016	-	-	-	-	-		-	-
September 2016	-	-	-	-	-		-	-
October 2016	-	-	-	-	-		-	-
November 2016	-	-	-	-	-		-	-
December 2016	-	-	-	-	-		-	-
January 2017	-	-	-	-	-		-	-
February 2017	-	-	-	-	-		-	-
March 2017	-	-	-	-	-		-	-
April 2017	-	-	-	-	-		-	-
May 2017	-	-	-	-	-		-	-
June 2017	-	-	-	-	-		-	-
YTD Compared to Last Year - See Note Below								
Total FY17	\$ 117,574	\$ 200,804	\$ 180,232	\$ 498,610		8.30%	\$ 765	\$ 499,375
FY16 vs FY17 (3% vs 3%)	-0.17%	20.53%	2.40%	8.30%	or \$	38,227	Taxable Sales FY17	\$ 17,495,085
FY17 % of Collections	24%	40%	36%					
Grand Total	\$ 5,501,637	\$ 11,551,375	\$ 13,723,621	\$ 30,776,633			\$ 769,374	\$ 31,546,558
% of Total Collections	18%	38%	45%				2.5% Average since '96	



NOTE: The increases from the prior year in FY16 are calculated at a 2% vs. 2% rate. However, the dollar figures collected are actual collections at the 3% rate. FY17 figures are all calculated and reported at 3% vs. 3%.



PROJECT REVIEW

DATE: 13 September 2016

CITY OF WHITEFISH

NEW CITY HALL and PARKING STRUCTURE

REPORT TO CITY COUNCIL and STAFF for 19 September, 2016 COUNCIL MEETING

ACTIVITIES COMPLETED – THIS PERIOD

- Completed first concrete pour for Parking Structure ramps from grid lines 14 -20 / L – M.
- Received and set the roof-mounted Air Handling Units (AHU) on the mechanical room equipment pads. There were seven sections that were placed and connected.
- Received brick for the south alley wall.
- Completed plumbing rough-in for City Hall rest rooms.
- Completed roof drain assemblies.
- Received roofing materials.
- Completed penthouse (mechanical room) framing.
- Completed metal stud parapet walls on City Hall roof.

ACTIVITIES IN PROGRESS

- Began stressing Post-Tension (PT) tendons in the first PS elevated deck on Tuesday, September 13th.
- Preparation for the second ramp element in the PS – involves removal of concrete forms, reshoring the new decks, moving and setting up forms for second ramp section.
- Installation of trim and misc. duct connections - HVAC ductwork – first and second floors, City Hall.
- Mechanical rough-in - CH. – connections to Air Handling Units (AHU's)
- Misc. electrical rough-in – all areas.
- Piping to / from AHU.s.
- Completion of City Hall exterior framing, sheeting and damp proofing (Tyvek wrap).

ACTIVITIES PLANNED (3 WEEK LOOK AHEAD)

- Place PT concrete – second ramp section, PS
- Continue elevated ramp concrete construction efforts.
- Begin setting up forms and supports for the third deck section, PS.
- Continue mechanical and electrical work – CH.

- Boiler and AHU tie-in work.
- Begin brick work – City Hall, south face (2nd Street).
- Finish City Hall roofing.

FUTURE SCHEDULED ACTIVITIES

- Form and pour third and fourth ramp sections – Parking Structure
- Continue exterior brick installation -west face, City Hall.
- Begin exterior brick work – PS, west face.
- Continue mechanical and electrical connections for Heating and Cooling systems.
- Begin ductwork connections to AHU's.
- Begin CMU for elevator shafts.
- Begin prep work for elevators.

CONTRACT ACTIVITIES

- None, this period.

COMMUNICATIONS TO THE PUBLIC

- A press release was scheduled for Wednesday, September 14, addressing the closure of the alley adjacent to the City Hall for brick installation. The Owners' Representative has also met with business owners along the alley.

AREAS OF CONCERN

- There are no immediate concerns at this time.

Mike Cronquist

Owners Representative

Fig.s 1 & 2 – Start of Deck Pour – approximately 1:00 AM



Fig. 2



Fig.s 3 & 4 Deck pour – approximately 7:30 AM



Fig. 4



Fig. 5 Post Tensioning tendons laid in place prior to concrete. (Blue Cables)

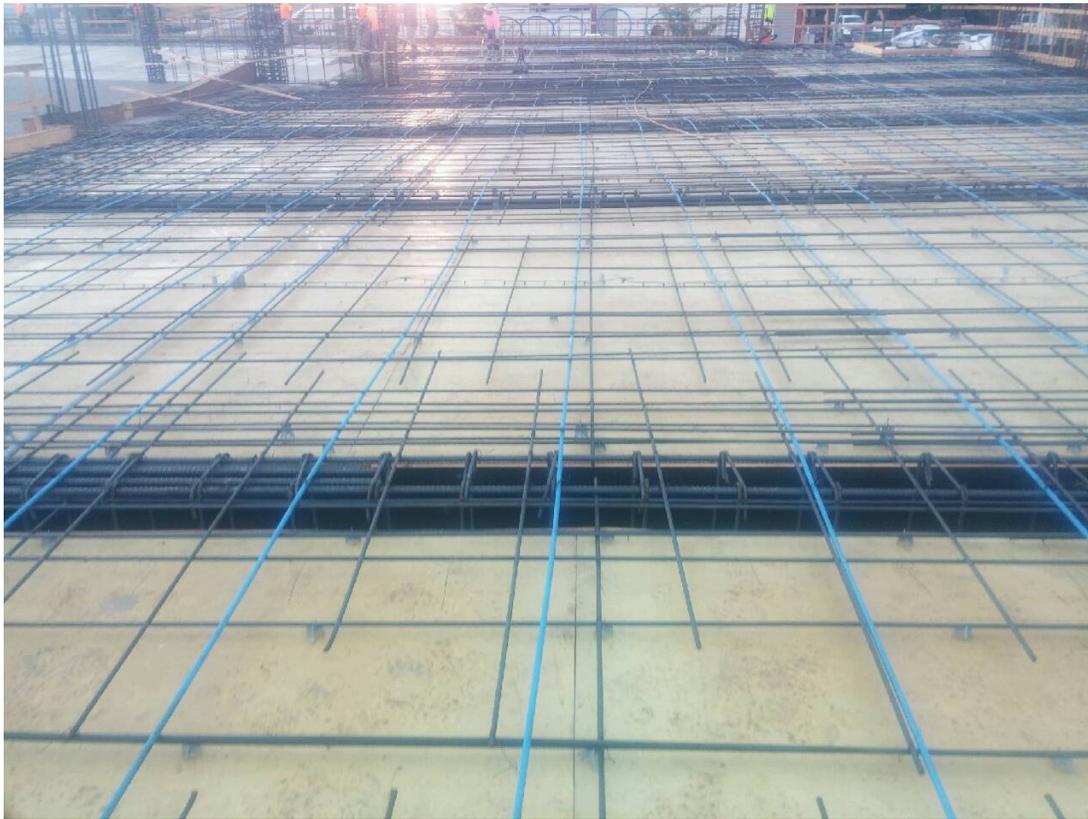


Fig.6 Overview of deck prior to concrete.

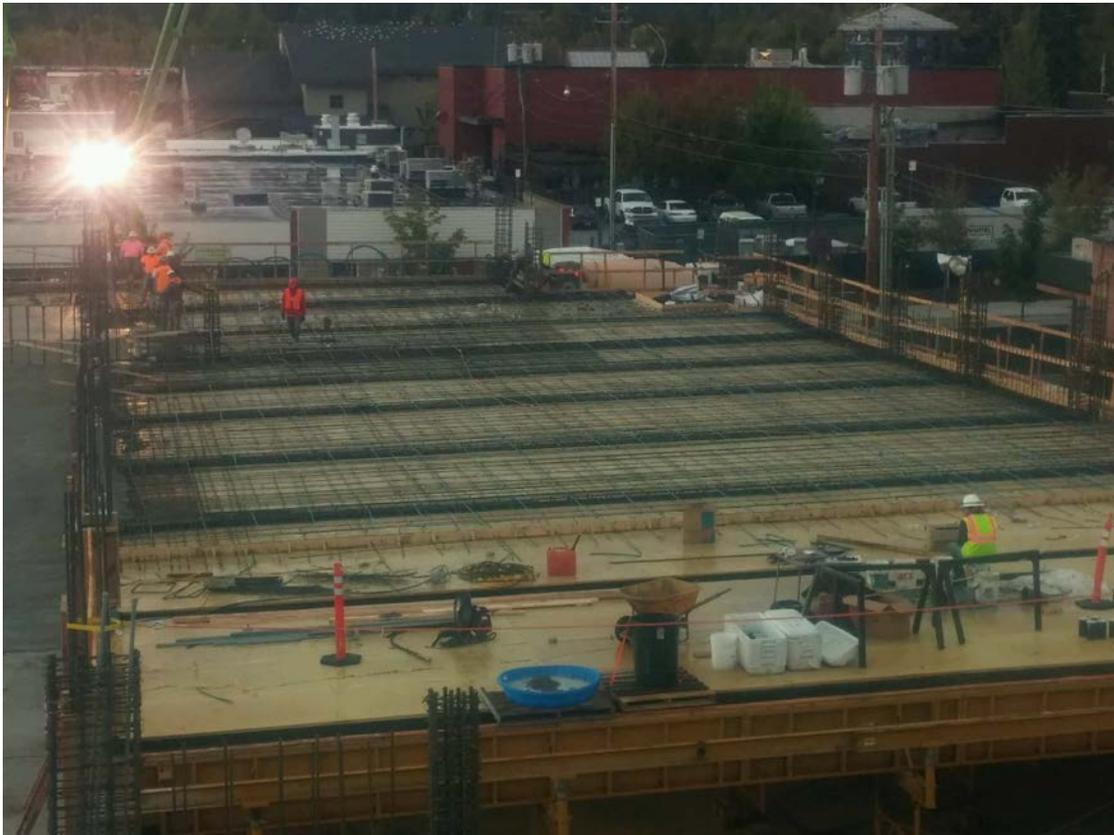


Fig.s 7 & 8 Tensioning equipment.

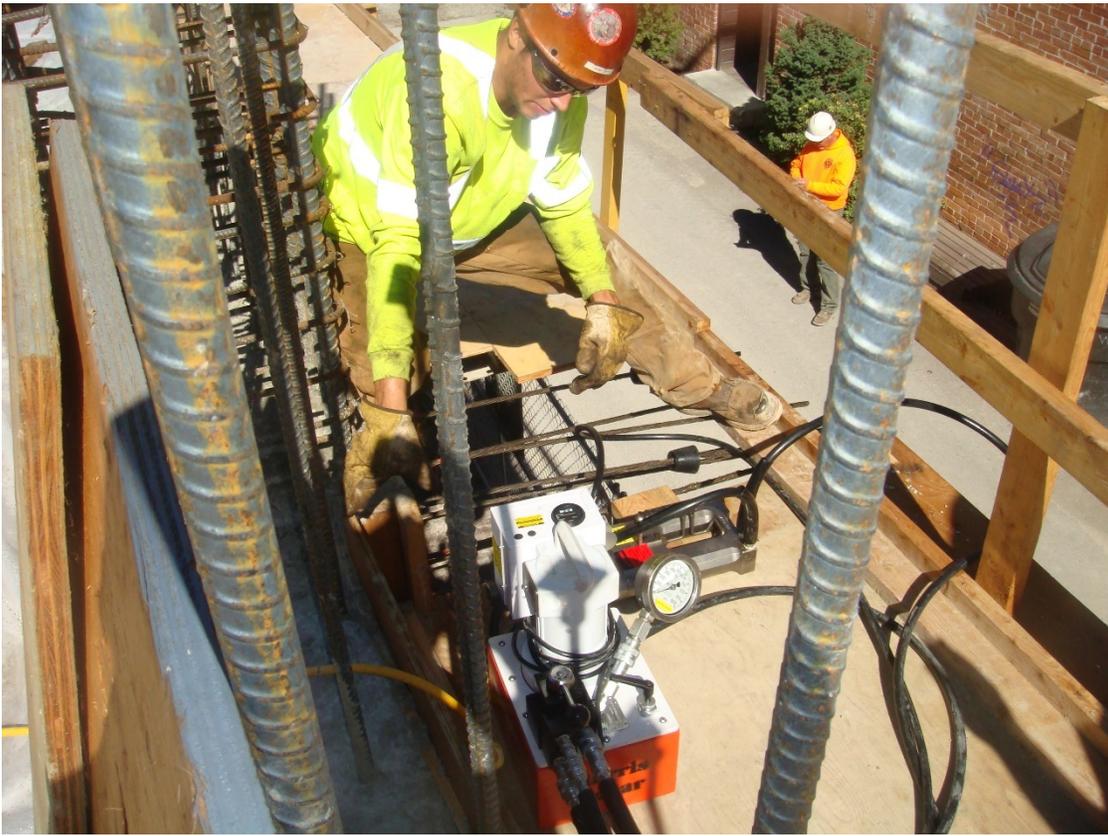


Fig. 8



Fig.s 9 & 10 – Oversized brick on the alley wall.



Fig. 10



Fig. 11 HVAC Condensing Unit



Fig. s 12 & 13 AHU Equipment in the roof top mechanical room.



Fig. 13



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10/24/16

Mr. Chuck Stearns
City Manager
City of Whitefish

Whitefish Hotel Group
650 E. 3rd St.
Whitefish, MT 59937

RE: TIF submittal Block 46 Firebrand Hotel

Dear Mr. Stearns,

Accompanying please find copies of original TIF estimate prepared by Bruce Boody along with copies of invoices from the different subcontractors in regards to TIF related expenses for the Block 46 Firebrand Hotel. A point to note is that Bruce did not include any survey, engineering or architectural services associated in his TIF estimate which we believe should have been included.

Some subcontractors were able to provide invoices that were specific to their TIF expenses. For those invoices/submittals that weren't TIF specific we have reviewed with sub, subtotaled and submitted only those TIF related expenses.

Note for instance the Giles Electric submittal included a residential light pole that was not TIF related. The \$2760 for this pole was subtracted from their invoice total of \$19,821.40 bringing their TIF related expenses to \$17,061.40.

I spoke with Toronto Fabricating this a.m. and the benches, bike racks and trash cans are due to arrive in October.

As you're aware Council approved \$147K in TIF improvements and when all is said and done The Hotel Group has incurred \$170,817.60 in improvement expenses. Please keep in mind that no management or supervision expenses were passed along to the city. The Group would like to recoup all TIF related expenses.

Should questions arise please don't hesitate to contact me at the phone or email address provided below.

Best Regards,

Jeffrey Badelt
Montana Development Group
406.890.8195
jeff@mtdevgroup.com

TIF Portion Firebrand Hotel

8/11/2016

Vendor	Scope of work	Total
Sands Surveying	Survey	\$ 4,835.20
Bruce Boody Landscaping	Landscape Architecture Services	\$ 5,080.50
Toronta Fabricating	Benches, bike racks, trash cans	\$ 14,920.00
John Ledyard Construction	Excavation	\$ 25,952.56
Northwest Landscaping	Landscaping	\$ 40,595.00
Sandon Concrete	Curbs & gutters	\$ 58,545.00
Rob Giles Electric	Site Lighting	\$ 17,061.40
Montana Creative Architect	Architectural review	\$ 3,827.50
TIF Grand Total		\$ 170,817.16

Manager Stearns noted the County will be doing some maintenance bridge work on their Baker Avenue Bridge from July 13th – July 16th. Our Public Work's Department will assist the County with routing traffic detours and signage. Bridges in Flathead County are owned and maintained by the County with funding from property owners paying county taxes. The Council gave staff input on routes for traffic detours.

c) Consideration of a request from the Whitefish Hotel Group for \$147,000 of Tax Increment Funds for sidewalk, bicycle promenade, and streetscape improvements in the public right-of-way around Block 46 in conjunction with the development of the hotel on the site (p. 429) (CD 1:41:23)

From the staff report, Manager Stearns said a projected tax increment yield for the new hotel on Block 46 is on page 432 in the packet; and when the increment district expires, those funds will go into the General Fund. The staff report included some of the history of this project and an explanation of the project as it relates to its qualification as an urban renewal project. In this case, instead of the City constructing the improvements; the developers will install the improvements, according to City Standards, then upon submittal of the detailed invoice will be reimbursed by the City as provided for in state law. Upon a question from Council, Jeff Baldelt, 157 Arielle Way, said that the TIF dollars will be for the improvements along Spokane Avenue then replacing curb and gutter all as shown on page 436 in the packet identified as the Public Benefit Area, and all contained within the City's Urban Renewal District. The City is not being charged any overhead, but will just be billed for the improvements. It has been reviewed by the Public Works Department and will be built according to City Standards.

Councilor Sweeney made a motion, second by Councilor Frandsen, to approve the site improvements in the public right-of-way as an urban renewal project and approved reimbursing the Whitefish Hotel Group up to \$147,000 for those improvements. The motion passed unanimously.

d) Resolution No. 15-17; A Resolution approving a Real Estate Purchase and Sale Agreement with respect to Lot 10 of Block 17, of Whitefish, Montana for a future parking lot near City Beach (p. 437) (CD 1:51:57)

Manager Stearns reported from his staff report on page 454, that the property can be purchased from the TIF District as it qualifies as a blighted property and meets the following criteria from the Urban Renewal Plan:

2. The development of new infrastructure that eliminates congestion, provides recreational improvements and provides new infrastructure that is necessary to protect public health and safety;

8. The expansion and redevelopment of the City Parks in an effort to improve the recreational resources of the city that attract tourists and attract permanent residents to Whitefish'

The resolution provides that the intended use is to provide for additional off-street parking near City Beach to help alleviate congestion. The staff report provides history of the project. It is



MEMORANDUM

#2015-020

To: Mayor John Muhlfield
City Councilors

From: Chuck Stearns, City Manager

Re: Staff Report – Whitefish Hotel Group (Averills and Jeff Badelt) Tax Increment Fund request

Date: June 26, 2015

Introduction/History

Sean and Brian Averill, Jeff Badelt and others, aka the Whitefish Hotel Group, are currently constructing the hotel on Block 46 at East Second Street and Spokane Avenue. On May 19, 2014, the City Council gave preliminary approval to a request to use \$513,633 of Tax Increment Funds (TIF) to relocate a sanitary sewer main line from Block 46 to Third Street and other associated sidewalk and infrastructure improvements in conjunction with the construction of the hotel. However, during design of the hotel, the owners decided not to build the hotel over the sanitary sewer line and to leave the sanitary sewer line in place.

Current Report

Attached in the packet is a different request from Jeff Badelt of the Whitefish Hotel Group for the City to use \$147,000 of TIF funds to provide sidewalk improvements around Block 46, including a wider sidewalk that can be used in the future for the bicycle promenade as called for in the 2015 Downtown Master Plan update. The funds would be used for sidewalks, curb and gutter, street trees and grates, benches, trash cans, and other landscaping improvements, all done within the City's Right-of-Way.

The improvements would be similar to and consistent with the other downtown street improvements done on Central Avenue and adjacent streets. The applicants cover letter, cost estimate, and site plan for such improvements are attached to this report in the packet. As the developers point out in their letter, the unpaved parking lot that existed prior to the hotel development would qualify as a "blighted" and under-used property. This downtown hotel has long been considered a "catalyst" project for downtown development and redevelopment.

This project and proposal qualify as an “urban renewal project” in our 1987 Urban Renewal Plan, as amended, by meeting the following redevelopment objectives in the Urban Renewal Plan:

1. The redevelopment and rehabilitation of blighted areas;
2. The development of new infrastructure that eliminates congestion, provides recreational improvements and provides new infrastructure that is necessary to protect public health and safety;
9. The redevelopment and revitalization of the downtown area order to attract new businesses to Whitefish and to stimulate the upgrading of the existing businesses in the downtown area;
11. The development of tourism facilities which will provide the community with a means to attract tourist and convention business to Whitefish;

Rather than have the City perform this work, the developers would install these improvements at the same time and with the same contractor that they will use for their own, on-site improvements such as parking lots, interior curb and gutters, and interior sidewalks. This arrangement is specifically authorized by Section 7-15-4255 MCA as follows:

7-15-4255. Authority to provide or contract for services related to urban renewal. (1) Every municipality shall have power to:

(a) provide or arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, or roads in connection with an urban renewal project;

(b) install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements.

(2) Every municipality shall have power to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards in the undertaking or carrying out of an urban renewal project and to include in any contract let in connection with such a project provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

History: En. Sec. 7, Ch. 195, L. 1959; amd. Sec. 3, Ch. 210, L. 1969; R.C.M. 1947, 11-3907(b).

Financial Requirement

As shown in a spreadsheet in the packet which I prepared, the proposed \$7,500,000 hotel with \$2,000,000 of furniture, fixtures, and equipment would generate an estimated \$52,355 of TIF revenue each year as long as the Department of Revenue Assessor assessed the property at those values. Thus, the TIF return by the end of the district in 2020 would be estimated at \$157,066. That chart assumes the construction is completed by June 1, 2016. In addition, the Averills estimate that the project would pay \$35,000 - \$40,000 annually in Resort Taxes. Also, lodging guests at the hotel would generate additional Resort Taxes for meals and other purchases in the City.

Thus, we would be using an equivalent of 94% of the new or additional tax increment that the project will generate in the last three years of the Tax Increment Fund. The City has done 100% of such costs for other projects in the downtown area and the developer accommodated the City in providing additional right-of-way for the bicycle promenade. Moreover, the General Fund of the City will benefit from hotel property taxes each year by approximately \$17,696 per

year beginning in FY21 and the estimated Resort Tax revenues, both direct and indirect, are described above.

Recommendation

City staff respectfully recommends that the City Council approve the site improvements in the public right-of-way as an urban renewal project and approve reimbursing the Whitefish Hotel Group up to \$147,000 for the site improvements in the public right-of-way.

	A	B	C	D	E	F	G	H	I	J	K	L	
1			Estimate of Value of Tax Increment revenues from Averill Boutique Hotel proposed on Block 46										
2				Project:	Boutique Hotel on block 46								
3				Prepared:	6/26/2015								
4													
5													
6	Assumptions:												
7	1. Assessor's building valuation equals valuation on building permit - caution, may not be the case												
8	2. Machinery and Furniture, Fixtures and Equipment (FFE) is valued at acquisition cost												
9	3. Construction starts - Spring, 2015												
10	4. Construction ends - June, 2016												
11	5. New building, machinery, and FFE is assessed at full value as of 1/1/17 - first \$500,000 is exempt; next \$1,500,000 is taxed at 1.5%												
12	6. First year of full taxation is 2017 tax year, FY18 with first tax bill issued October, 2017												
13	7. City tax mills equal				143	*** may change when reappraisal figures are known and over time in future							
14	8. Elementary SD mills equal				66	*** may change when reappraisal figures are known and over time in future							
15	9. High SD mills equal				95	*** may change when reappraisal figures are known and over time in future							
16	10. Flathead County mills equal				130	*** may change when reappraisal figures are known and over time in future							
17	11. Mills applicable to TIF equal				580	*** may change when reappraisal figures are known and over time in future							
18	12. Land and buildings on Block 46 prior to hotel had a taxable value in TY14 of \$35,373.												
19													
20													
21			Market		Appraised		Tax Rate		Taxable		Total Taxes		
22			Valuation		Market Value		Multiplier		Valuation		@ 580 mills		
23													
24	Building		\$7,500,000		\$7,500,000		0.0135		\$101,250		\$58,725		
25	Existing Value		\$0				0.015		\$35,373		-\$19,420		
26	FFE		\$2,000,000		\$1,500,000		0.015		\$22,500		\$13,050		
27													
28	Totals		\$9,500,000						\$159,123		\$52,355		
29													
30					Existing Building &								
31					Subsequent City								
32	Tax Year	FY		TIF Tax Revenue	General Fund Revs								
33													
34	2017	18		\$52,355	\$5,058								
35	2018	19		\$52,355	\$5,058								
36	2019	20		\$52,355	\$5,058								
37	2020	21			\$17,696								
38	2021	22			\$17,696								
39	2022	23			\$17,696								
40	2023	24			\$17,696								
41	2024	25			\$17,696								
42	2025	26			\$17,696								
43	2026	27			\$17,696								
44					etc.								
45	Totals			\$157,066	\$139,049								
46													

2015 estimate

	A	B	C	D	E	F	G	H	I	J	K	L	
1			Estimate of Value of Tax Increment revenues from Averill Boutique Hotel proposed on Block 46										
2				Project:	Boutique Hotel on block 46								
3				Prepared:	9/13/2016								
4													
5													
6	Assumptions:												
7	1. Assessor's building valuation equals valuation on building permit - caution, may not be the case												
8	2. Machinery and Furniture, Fixtures and Equipment (FFE) is valued at acquisition cost												
9	3. Construction starts - Spring, 2015												
10	4. Construction ends - July, 2016												
11	5. New building, machinery, and FFE is assessed at full value as of 1/1/17 - first \$500,000 is exempt; next \$1,500,000 is taxed at 1.5%												
12	6. First year of full taxation is 2017 tax year, FY18 with first tax bill issued October, 2017												
13	7. City tax mills equal				134	*** may change when reappraisal figures are known and over time in future							
14	8. Elementary SD mills equal				66	*** may change when reappraisal figures are known and over time in future							
15	9. High SD mills equal				99	*** may change when reappraisal figures are known and over time in future							
16	10. Flathead County mills equal				138	*** may change when reappraisal figures are known and over time in future							
17	11. Mills applicable to TIF equal				609	*** may change when reappraisal figures are known and over time in future							
18	12. Land and buildings on Block 46 prior to hotel had a taxable value in TY14 of \$35,373.												
19													
20													
21			Market		Appraised		Tax Rate		Taxable		Total Taxes		
22			Valuation		Market Value		Multiplier		Valuation		@ 580 mills		
23													
24	Building		\$7,500,000		\$9,000,000		0.0135		\$121,500		\$73,994		
25	Existing Value		\$0				0.015		\$35,373		-\$19,420		
26	FFE		\$2,000,000		\$1,500,000		0.015		\$22,500		\$13,703		
27													
28	Totals		\$9,500,000						\$179,373		\$68,276		
29													
30					Existing Building &								
31					Subsequent City								
32	Tax Year	FY		TIF Tax Revenue	General Fund Revs								
33													
34	2017	18		\$68,276	\$5,058								
35	2018	19		\$68,276	\$5,058								
36	2019	20		\$68,276	\$5,058								
37	2020	21			\$20,592								
38	2021	22			\$20,592								
39	2022	23			\$20,592								
40	2023	24			\$20,592								
41	2024	25			\$20,592								
42	2025	26			\$20,592								
43	2026	27			\$20,592								
44					etc.								
45	Totals			\$204,829	\$159,319								
46													

Same spreadsheet as the page before, but updated for \$9,000,000 building valuation per applicant. Also updated for last year's property tax mill levy actual rates. Assessor typically doesn't assess it at the full construction cost however.

WHITEFISH HOTEL GROUP
· PO Box 250 Bigfork, MT 59911·

Mr. Chuck Stearns
City Manager
418 East Second Street
P.O. Box 158
Whitefish, MT 59937

June 12, 2015

Re: Block 46 Hotel Project and TIF Fund Allocation

Dear Mr. Stearns,

This letter is in regards to the Block 46 Hotel project and our request for use of TIF funds for the creation of the “Promenade”.

A condition of the approval was to provide space to accommodate the “Promenade/Public Benefit Space” along the Spokane Avenue side of Block 46. The attached “Promenade” site plan created by Bruce Boody is designed to meet the specifications outlined in the City’s master plan for the “Promenade”. The hotel building was shifted nearly 18 feet east and room count reduced to allow for the “Promenade”.

The public benefit areas are meant to expand the downtown streetscape to this block, at the primary entrance intersection to the core business district. All materials proposed for this project are derived directly from the Downtown Streetscape project, including: concrete materials and design, street lights, trees and grates, tree species and landscape materials, furnishings; trash receptacles, benches, etc.

The widened concrete sidewalk area is meant to accommodate the Promenade; trees, grates, signage and streetlights are aligned within a band of inlayed brick paving, which will act as the “striping” to separate the bikeway from the pedestrian area. Should the bikeway never be implemented, this area will remain a broad tree-lined pedestrian area, fitting in scale with the hotel, re-built intersection of Spokane and Second St, and adjacent downtown areas. It will be a fitting entrance into the downtown at this primary intersection.

The proposed project meets the intent and criteria for TIF funding. For years this has been one of the most blighted areas in the downtown, both visually and due to contamination from the former gasoline stations that occupied the west half of the block. The proposed use of the funds is very similar to the uses of TIF monies on the Downtown Streetscape project, also the Mountain Mall. TIF funds have also been applied to residential street and sidewalk projects throughout the community.

We have estimated the cost for the creation of the “Promenade” to be \$147,000 which includes a \$19,000 contingency. See attachment for cost breakdown. Please note that there is no contractor’s

WHITEFISH HOTEL GROUP

· PO Box 250 Bigfork, MT 59911 ·

fee associated with this estimate and any contractor's fees are covered under the hotel development cost.

Over the next five years, the Block 46 Hotel project is expected to contribute approximately \$85,000 per year, for a total of \$425,000 into the TIF fund.

Following is a brief description of how the requested TIF funding would be used for improvements: (see Schematic Site Plan and Preliminary Cost Estimate attachments)

PUBLIC BENEFIT AREAS

1. Streetscape

Spokane Avenue (design based on WF Downtown Master Plan-Promenade)

South ½ includes new curb and gutter, asphalt patch

11 ft. concrete two way bike lane

+7 ft. pedestrian way

Includes 4 ft. tree grates, streetlights, paver band

· Street trees, landscaping, irrigation

Monitoring well accommodation and relocation

2nd Street East

New curb and gutter, asphalt patch

New sidewalk, 5 ft.

Irrigation

Kalispell Avenue

New residential streetlight

3rd Street

New curb and gutter, asphalt patch (up to drive apron)

New sidewalk, 5 ft. (to drive apron)

Sod, irrigation

2. Seating/Amenity Areas

Corner Spokane & 3rd

New curb and gutter, asphalt patch

HC ramp, detectable warning

Seating area, benches, trash receptacles, bike rack

Landscaping, irrigation

SW Corner of Hotel

Raised planter, irrigation

Seating area, benches, trash receptacles, bike rack

Sincerely,


Jeff Badelt

Attachment: Schematic Site Plan/Public Benefit Area
Schematic Design Cost Estimate for TIF Funding

Bruce Boody Landscape Architecture, Inc.
Preliminary Opinion of Probable Cost

Type Estimate: **Construction of:** **Improvement of:**
 Prelim.Design Softscape Block 46 Public Benefit Area (TIF)
 Final Hardscape City of Whitefish

Based on Plan: Design Development-Public Benefit Area TIF **Project #:** 14-09
Dated: 5/26/2015 **Prepared by:** E. Gray

Item #	Description	Quantity	Unit	Unit Price	Total
1	Demolition				
	Demolition and Excavation	1	LS	\$15,000.00	\$15,000.00
Demolition Subtotal					\$15,000.00
2	Site Work				
	Curb & Gutter	246	LF	\$20.00	\$4,920.00
	Asphalt Patching (with gravels)	489	LF	\$2.50	\$1,222.50
	Detectable Warning Strip (3rd & Spokane)	1	LS	\$1,000.00	\$800.00
	Relocation of Existing Tree Grates (new frames)	3	EA	\$120.00	\$360.00
	Option: Relocate Existing HWY 93 Sign				
Site Work Subtotal					\$7,302.50
3	Hardscape Improvements				
	4" Concrete Paving (natural, broom finish), incl. gravels	6732	SF	\$5.50	\$37,026.00
	Pavers -mortared on 4" conc. Incl. gravels	1297	SF	\$13.00	\$16,861.00
	Brick Veneer Seat/Planter Wall w/ Concrete Cap	50	LF	\$55.00	\$2,750.00
Hardscape Subtotal					\$56,637.00
4	Landscape Improvements				
	Acer truncatum 'Warrenred'	3	EA	\$425.00	\$1,275.00
	Ulmus wilsoniana 'Prospector'	4	EA	\$350.00	\$1,400.00
	Planting Areas	360	SF	\$6.00	\$2,160.00
	Sod (with 4" sandy loam soils)	670	SF	\$1.50	\$1,005.00
	Shredded Cedar Bark Mulch (3" Depth, In Shrub & Tree Areas)	1.25	CY	\$40.00	\$50.00
	Soil Pep Mulch (3" Depth, In Areas of Groundcovers & Perennials)	0.66	CY	\$60.00	\$39.60
	Topsoil, 3-Way (12" In Landscape Areas)	9	CY	\$30.00	\$270.00
	Weed Fabric	25	SY	\$1.25	\$31.25
	Tree Root Barriers	112	LF	\$15.00	\$1,680.00
	Automatic Irrigation System (as a % of overall cost)	1	LS	\$10,000.00	\$7,500.00
Landscape Improvements Subtotal					\$15,410.85
5	Site Amenities				
	Single Light Pole	2	EA	\$3,400.00	\$6,800.00
	Relocate Existing Light Pole	1	EA	\$1,500.00	\$1,500.00
	Tree Grates	4	EA	\$715.00	\$2,860.00
	Bench	4	EA	\$2,350.00	\$9,400.00
	Trash Receptacle	2	EA	\$1,850.00	\$3,700.00
	Path Signage and/or pavement markings (to be determined)				not incl.
	Bike Rack	2	EA	\$700.00	\$1,400.00
Site Amenities Subtotal					\$25,660.00
Grand Subtotal					\$127,510.35
15% Contingency					\$19,126.55
GRAND TOTAL					\$146,636.90

*Unit price includes installation

* Relocation of existing signage and/or utilities not included

Copies of bills submitted as documentation for 2016 cost increase request

BILLING STATEMENT

Page 1 of 1

Date: 4/13/16
Billing Period: March
Name: Montana Development Group
Address: Jeff Badelt (via email)
 Whitefish, MT 59937
Project No: 14-09
Location: Block 46 Hotel
Project Description: Parking Lot

Work Item: Front Entry Staking Plan for Surveyors
 Principal @ \$110.00 x Hrs.
 Landscape Arch @ \$ 90.00 x Hrs.
 Technician @ \$ 70.00 x 2.75 Hrs. 192.50
 Draftsman @ \$ 55.00 x Hrs.

Work Item: Tree Grate Locations
 Principal @ \$110.00 x Hrs.
 Landscape Arch @ \$ 90.00 x Hrs.
 Technician @ \$ 70.00 x Hrs.
 Draftsman @ \$ 55.00 x 0.50 Hrs. 27.50

Work Item: Public Benefit Area Definition (TIF)
 Principal @ \$110.00 x Hrs.
 Landscape Arch @ \$ 90.00 x Hrs.
 Technician @ \$ 70.00 x Hrs.
 Draftsman @ \$ 55.00 x 2.00 Hrs. 110.00

Work Item:
 Principal @ \$110.00 x Hrs.
 Landscape Arch @ \$ 90.00 x Hrs.
 Technician @ \$ 70.00 x Hrs.
 Draftsman @ \$ 55.00 x Hrs.

Work Item:
 Principal @ \$110.00 x Hrs.
 Landscape Arch @ \$ 90.00 x Hrs.
 Technician @ \$ 70.00 x Hrs.
 Draftsman @ \$ 55.00 x Hrs.

Administrative: @ \$30.00 x Hrs.

Work Item Total \$330.00

Reimbursable Expenses:
 Copies/Prints
 Postage/Delivery
 Travel Expenses @ \$30.00 x Hrs.
 Other

Reimbursable Expenses Total \$0.00

Current Billing Total \$330.00
Previous Balance \$12,706.50
Payments Received \$0.00
Total Balance Due \$13,036.50

301 Second Street
 Suite 1b
 Whitefish, MT
 59937

phone 406 862-4755
 fax 406 862-9755

Montana Development Group
 Block 46 Hotel, Whitefish, MT
 Project Summary 4/12/16

Billing Statements Breakdown by Task

Billing Date/Task	Pre Estimate* Design Fees	Design Development	Construction Documents	Reimbursables	Fee Based Total To Date	Additional Services Hourly Fees **	Total Billed
5/10/2014	4,915.00				4,915.00		4,915.00
6/10/2014	1,510.75				1,510.75		1,510.75
7/7/2014	1,677.50				1,677.50		1,677.50
9/25/2014	2,899.50				2,899.50		2,899.50
11/15/2014		550.00		27.00	577.00	4,565.00	5,142.00
1/15/2015		5,110.00			5,110.00	8,833.00	13,943.00
2/3/2015					0.00	5,764.00	5,764.00
3/6/2015		1,935.00		13.50	1,948.50		1,948.50
4/13/2015		5,831.25	3,150.00	33.00	9,014.25	1,760.00	10,774.25
5/15/2015			2,170.00	31.50	2,201.50	795.00	2,996.50
6/8/2015			1,635.00	9.00	1,644.00	1,197.50	2,841.50
7/15/2015					0.00	515.00	515.00
7/21/2015			875.00		875.00		875.00
8/10/2015			290.00	40.50	330.50		330.50
10/12/2015					0.00	703.00	703.00
12/10/2015			2,475.00	90.00	2,565.00		2,565.00
1/11/2016				20.00	20.00	267.50	287.50
3/9/2016				80.00	80.00	1,512.50	1,592.50
4/13/2016					0.00	330.00	330.00
Total	11,002.75	13,426.25	10,595.00	344.50	35,368.50	26,242.50	61,611.00

Project Summary/Comparison to Estimate

Task	Estimate	Total to Date	Balance Est****
Pre Fee Estimate*	11002.75	11,002.75	0.00
Design Development	13,430.00	13,426.25	3.75
Construction Document	10,600.00	10,595.00	5.00
Reimbursables	1,200.00	344.50	855.50
Hourly Fees**	NA	26,242.50	NA
Total	36,232.75	61,611.00	864.25

Payments Received

Date	Payment Amount
3/10/2015	14,647.00
4/10/2015	23,153.25
6/12/2015	10,774.25
Total	48,574.50
Balance Due	13,036.50

*Fee estimate included bills previously submitted for services through 9/24/14

**As stated in fee estimate changes and revisions to the schematic after 9/24/14

are outside the scope of fee estimate and billed hourly. Additional services not included in estimate are billed hourly.

***Balance of Estimate remaining

Bruce Boody bill breakdown

Block 46 Hotel
Additional Services Breakdown
4/13/16

Invoice Date	Schm Rev	CUP	TIFF	Total Billed
11/15/2014	4,565.00			4,565.00
1/15/2015	3,125.00	5,708.00		8,833.00
2/3/2015		5,764.00		5,764.00
4/13/2015			1,760.00	1,760.00
5/15/2015			795.00	795.00
6/8/2015			1,197.50	1,197.50
7/15/2015			515.00	515.00
10/12/2015			703.00	703.00
1/11/2016		267.50		267.50
3/9/2016	1,512.50			1,512.50
4/13/2016		220.00	110.00	330.00
Total	9,202.50	11,959.50	5,080.50	26,242.50



Subcontract Change Order

307 Spokane Avenue STE 203A
 PO Box 667
 Whitefish MT 59937
 (406) 863-4933

Subcontract #: 18

Change#: 4

Order Date: 06/08/2016

License: Contractors Reg.# 42302

To: Rob Giles Electric, Inc
 PO Box 8526
 Kalispell MT 59904

Project: 1410
 Downtown Hotel, Whitefish
 650 East 3rd Street
 Whitefish MT 59937

You are hereby directed to make the following changes to the subcontract(s) listed below.

Plans Attached

Specifications Attached

Description of work	Amount
25" Site Per HWY Spec	10,450.00
Residential Style Light Pole	2,760.00
Shipping	1,250.00
Shop Rate to install	1,170.00
Wire	1,452.00
Shop Rate	1,216.80
Fuses & Holder	213.60
Shop Rate	117.00
Concrete Pull Box	958.00
Shop Rate	234.00

Notes

See attachment A

Amount of Change **19,821.40**

The original Subcontract Sum was	534,205.97
Net change by previous Change Orders	45,491.89
The Subcontract Sum prior to this Change Order	579,697.86
The Subcontract Sum will be changed by this Change Order	19,821.40
The new Subcontract Sum including this Change Order will be.....	599,519.26

Owner: _____ Date: _____
 Contractor: _____ Date: _____

ATTACHMENT A

Rob Giles Electric Inc
P.O. Box 8526
Kalispell, MT 59904-1526

CHANGE ORDER

DATE C.O. #
 5/10/2016 2888

Rocky Mountain Builders
 307 Spokane Ave 203 A
 PO Box 667
 Whitefish, MT 59937

			PROJECT
			Block 46 Hotel
DESCRIPTION	QTY	COST	TOTAL
Change order to Add (2) 25' Site Light Poles in TIFF area			
25" Site Per HWY Spec	2	5,225.00	10,450.00
Residential Style Light Pole	1	2,760.00	2,760.00
SHIPPING		1,250.00	1,250.00
Shop Rate to install	15	78.00	1,170.00
THHN-4-BLK-19STR-CU WIRE	1,200	1.21	1,452.00
Shop Rate	15.6	78.00	1,216.80
FUSES & FUSEHOLDER	6	35.60	213.60
Shop Rate	1.5	78.00	117.00
CONCRETE PULL BOX	2	479.00	958.00
Shop Rate TO INSTALL	3	78.00	234.00
This bid includes Site Light Poles along hwy tied into existing pole on NW corner and assuming residential pole tied into circuitry located in junction box PB8 on eastern approach			
Bid does not include: Underground electrical conduit, trenching or light pole bases.			
		TOTAL	\$19,821.40

Fax #
406-755-5801

SANDS SURVEYING, INC.

2 VILLAGE LOOP ROAD
KALISPELL, MT 59901

(406) 755-6481
(406) 755-6488

DATE	INVOICE NO.
6/28/2016	28238

PAID
07/28/2016

BILL TO
Rocky Mountain Builders P.O. Box 667 Whitefish, MT 59937

PROGRESS BILLING

**Outstanding Balances over 30 days will be
subject to an 18% Service Charge.**

DESCRIPTION	TERMS	PROJECT	JOB DESCRIPTION	
	Net 10	212713	Stk Hotel Const. Blk 46 WF	
DESCRIPTION		QTY	RATE	AMOUNT
Computing 6/3	per hour	0.75	130.00	97.50
2-Man Crew 6/7	per hour	2	215.00	430.00
Mileage	per mile	27	0.95	25.65
Stakes	each	10	0.75	7.50
Computing 6/14	per hour	1.5	130.00	195.00
2-Man Crew 6/16	per hour	4	215.00	860.00
Mileage	per mile	15	0.95	14.25
Stakes	each	40	0.75	30.00
Computing 6/20	per hour	0.75	130.00	97.50
Computing 6/21	per hour	1	130.00	130.00
Computing 6/22	per hour	0.5	130.00	65.00
Computing 6/23	per hour	0.5	130.00	65.00
3-Man Crew 6/24	per hour	2.5	285.00	712.50
Mileage	per mile	15	0.95	14.25
Stakes	each	8	0.75	6.00

Thank you for your business.

Total	\$2,750.15
Payments/Credits	-\$2,750.15
Balance Due	\$0.00

SANDS SURVEYING, INC.

2 VILLAGE LOOP ROAD
KALISPELL, MT 59901

(406) 755-6481
(406) 755-6488

DATE	INVOICE NO.
7/28/2016	28383

BILL TO
Rocky Mountain Builders P.O. Box 667 Whitefish, MT 59937

PROGRESS BILLING

**Outstanding Balances over 30 days will be
subject to an 18% Service Charge.**

DESCRIPTION	TERMS	PROJECT	JOB DESCRIPTION	
	Net 10	212713	Stk Hotel Const. Blk 46 WF	
DESCRIPTION		QTY	RATE	AMOUNT
2-Man Crew 6/22	per hour	4	215.00	860.00
Mileage	per mile	11	0.95	10.45
Stakes	each	20	0.75	15.00
2-Man Crew 7/8	per hour	1.5	215.00	322.50
Mileage	per mile	15	0.95	14.25
Stakes	each	14	0.75	10.50
2-Man Crew 7/20	per hour	1	215.00	215.00
Computing 7/22	per hour	0.5	130.00	65.00
2-Man Crew 7/25	per hour	2.5	215.00	537.50
Mileage	per mile	28	0.95	26.60
Stakes	each	11	0.75	8.25

Thank you for your business.

Total	\$2,085.05
Payments/Credits	\$0.00
Balance Due	\$2,085.05

Montana Creative Architecture and Design

158 RAILWAY ST
 WHITEFISH MT 59937-2617

Phone # 406-862-8152
 Fax # 406-862-8153

Customer

Jeff Badelt
 Montana Development Group
 406.890.8195 C
 PO Box 275
 Bigfork, MT 59911

Invoice

Date	Invoice #
6/3/2015	14-10-8

Project Name: Block 46 Hotel
 Architect's Proj. No.: 14-10

Item	Description	Quantity	Rate	Amount
Construction Docu...	Design team Block 46 Hotel Construction Documents 98% complete of contract amount	1	27,488.30	27,488.30
Construction Admi...	Contract Documents and Admin and Bidding 16% complete of contract amount	1	5,086.25	5,086.25
Consulting Landsc...	Landscape Architect Billing for TIF and public benefit areas outside of original contract	1	795.00	795.00
			Total	\$33,369.55

Montana Creative Architecture and Design

158 RAILWAY ST
 WHITEFISH MT 59937-2617

Phone # 406-862-8152
 Fax # 406-862-8153

Customer

Jeff Badelt
 Montana Development Group
 406.890.8195 C
 PO Box 275
 Bigfork, MT 59911

Invoice

Date	Invoice #
8/4/2015	14-10-10

Project Name: Block 46 Hotel

Architect's Proj. No.: 14-10

Item	Description	Quantity	Rate	Amount
Construction Docu...	100% complete of Construction Documents per revised contract	1	5,175.60	5,175.60
Construction Admi...	22% complete of Bidding and Construction Administration of contract	1	5,302.95	5,302.95
	Reimbursable not under original contract			
Consulting Landsc...	Landscape Architecture Tiff DT Hotel	1	515.00	515.00
Consulting Landsc...	Landscape Architecture Tiff DT Hotel (invoice dated 4/13)	1	1,760.00	1,760.00
			Total	\$12,753.55

Montana Creative Architecture and Design

158 RAILWAY ST
 WHITEFISH MT 59937-2617

Phone # 406-862-8152
 Fax # 406-862-8153

Customer

Jeff Badelt
 Montana Development Group
 406.890.8195 C
 PO Box 275
 Bigfork, MT 59911

Invoice

Date	Invoice #
12/11/2015	14-10-11

Project Name: Block 46 Hotel

Architect's Proj. No.: 14-10

Item	Description	Quantity	Rate	Amount
Construction Admi...	Montana Creative	1	3,201.45	3,201.45
Construction Admi...	JE Engineering	1	1,175.40	1,175.40
Construction Admi...	Je Engineering Snow Melt	1	435.40	435.40
Construction Admi...	Beaudette Engineering	1	532.00	532.00
Construction Admi...	Beaudette Shoring Design	1	722.50	722.50
Construction Admi...	TD&H Tiff Funding	1	757.50	757.50
			Total	\$6,824.25



406-756-9242 * 2290 Trumble Creek Road * Kalispell MT 59901

BID PROPOSAL

Date: 3-8-2016

PROJECT NAME: Block 46 (City of WF)

PROJECT LOCATION: Whitefish, Mt

General Contractor is responsible for the following items:

- Installing angle iron tree grate frames during concrete pour (NWL will deliver the frames to job site).
- Preparing subgrades 12" from finish landscape grade in all plant bed areas.
- Preparing subgrades 4" from finish landscape grade in all sod areas.
- Obtaining any necessary permits or impact fees.

General Note:

- All landscape labor and material have 1 year warranty

Landscape & Irrigation Total: \$32,405.00

Sleeve Total: \$5,285.00



2290 Trumble Creek Rd * Kalispell, MT * 59901

BLOCK 46 (City of WF) LANDSCAPE BID PACKAGE

ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION
1	15	CY	Tree Soil and Installation
2	7	EA	4' Chinook Tree Grate w/ Frame
3	9	EA	Deciduous Trees 2" Caliper
4	7	EA	Deeprout 24-2 UB Rootbarrier
5	3	EA	5 Gallon Shrubs
6	200	SF	Landscape Weed Barrier Fabric 3oz
7	2	CY	Annual Bed Plant Mix
8	3	CY	2" Shale Rock Mulch
9	30	CY	Sod Topsoil and Installation (4" Compacted Depth)
10	1,300	SF	Fine Grading Irrigated Lawn Area
11	1,300	SF	Kentucky Blue Grass Sod
12	6	EA	English Garden Flat Steel Hanging Basket



2290 Trumble Creek Rd * Kalispell, MT * 59901

BLOCK 46 (City of WF) IRRIGATION BID PACKAGE

ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION
1	3	EA	Concrete Polymer Valve Boxes
2	500	LF	Multi Conductor 18-8 Control Wire
3	500	LF	HDPE Main Line 1.5"x100PSI
4	500	LF	HDPE Lateral Line 1" x100PSI
5	2	EA	Hunter PGV 1" Zone Valve Kit
6	4	EA	NDS 14"x16" Standard Valve Box
7	2	EA	Hunter ICM600 I-Core 6 Station Moduals
8	45	EA	Hunter 4" MP Rotators
9	3	EA	Hunter PCZ 101 Drip Zone Valve Kit
10	800	LF	LLDPE Drip Pipe 3/4"x50PSI
11	6	EA	Hanging Basket Drip Kits



BLOCK 46 (City of WF) SLEEVE BID PACKAGE

ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION
1	200	LF	4" Sch 40 PVC Sleeves
2	600	LF	2" Sch 40 PVC Sleeves



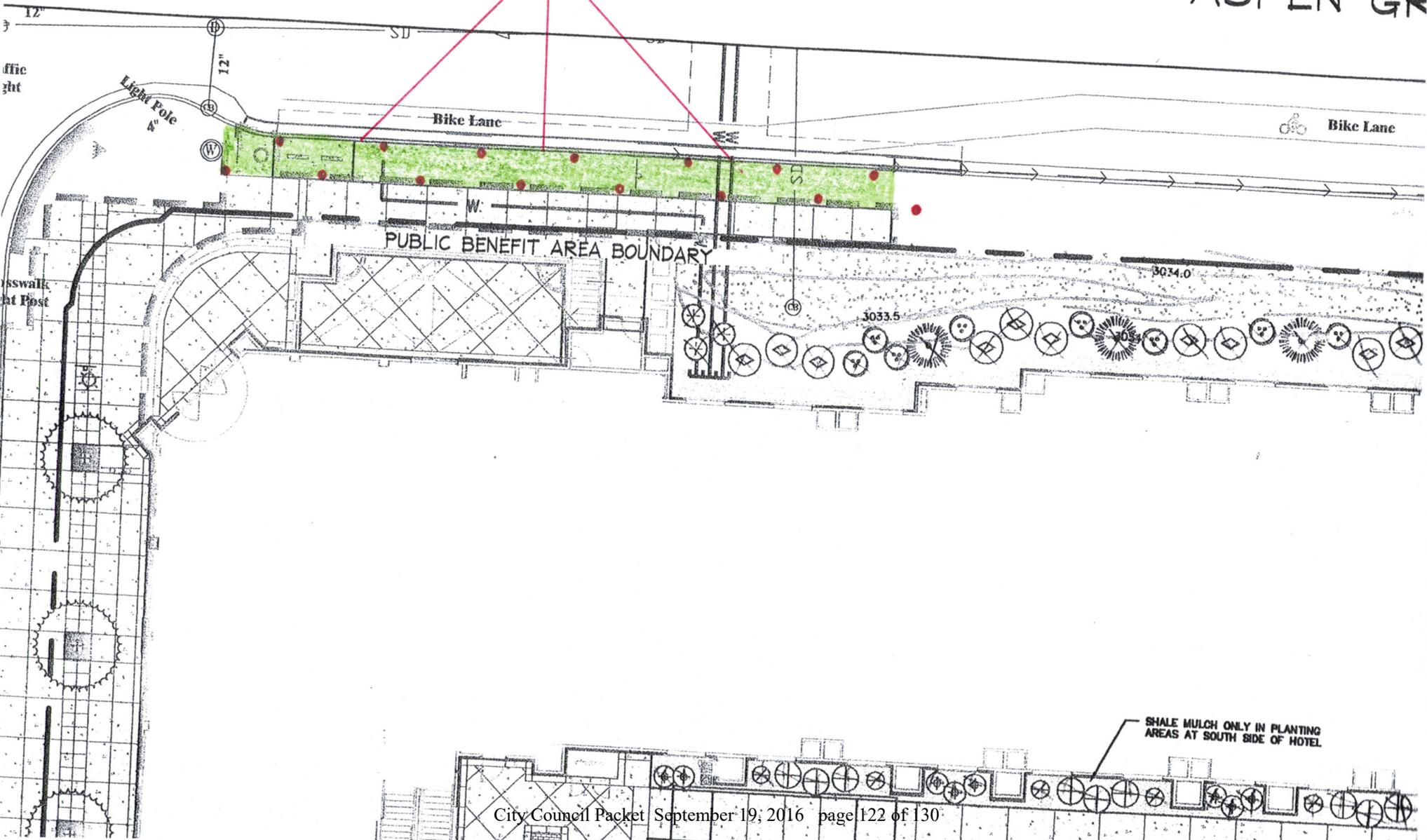
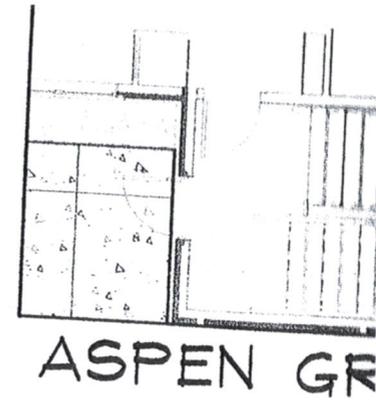
2290 Trumble Creek Rd * Kalispell, MT * 59901

FB HOTEL TIFF (BOULEVARD SOD/IRRIGATION) BID PACKAGE

ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION
1	1	LS	Boulevard Grade Prep
2	14	CY	Sod Topsoil/Installation (6" Compacted Depth)
3	600	SF	Fine Grading Sod Area
4	600	LF	Kentucky Blue Grass Sod
5	6	CY	East Boulevard Topsoil Repair
6	1	LS	East Boulevard Hand Broadcast Seeding
7	6	LF	Sleeve Sch 40 PVC 4"
8	280	LF	Zone Control Wire
9	275	LF	Polyethylene 1" Lateral Line 100PSI
10	1,015	EA	Hunter PROS-04 MP Rotators
11	1	EA	Hunter PGV Zone Valve

TOTAL: \$ 2,905.00

BOULEVARD IRRIGATION / SOD



63



EMAILED

7-21-16

SUBCONTRACT AGREEMENT

This Agreement is made this **15th day of , 2016** between **Rocky Mountain Builders, Inc** (Contractor) and **Sandon Construction** (Subcontractor). The work described in Section 1 below shall be performed in accordance with all plans, specifications, Addendum 1& 2, Memo 1&2 and other contract documents attached to or incorporated for the project known as:

**Block 46 Hotel
Spokane Ave.
Whitefish, MT. 59937**

Section 1. Scope: Subcontractor agrees to furnish all labor, materials, equipment and other facilities required to complete the following work:

** **

**Scope of Work Defined
See Attachment B - TIFF**

Section 2. Price: Contractor agrees to pay Subcontractor for the strict performance of his work (see scope of work) the sum of **Fifty Eight Thousand, Four Hundred Fifty Four Dollars and 40 Cents (\$58,545.40)** subject to adjustments for changes in the work as may be directed in writing by Contractor. Payment shall be made in monthly progress payments of one hundred percent (100%) of labor and material which have been incorporated into the work of improvement; progress payments to Subcontractor shall be made only with sums received by Contractor from Owner for work performed by Subcontractor as reflected in Contractor's applications for payment. Such monthly progress payments shall be made within ten (10) days after receipt of payment from the Owner by the Contractor. Final payment to the Subcontractor shall be made ten (10) days after the entire work required by the prime contract has been fully completed in conformity with the Contract Documents and has been delivered to and accepted by the Owner, Architect, and Contractor, with funds received by the Contractor from the Owner in final payment for work under the prime contract. Subcontractor agrees to furnish, if and when required by Contractor, payroll affidavits, receipts, vouchers, unconditional releases of claims for labor, material, equipment, and from his/her subcontractors performing the work or furnishing materials under this Agreement, all in form satisfactory to Contractor prior to receipt of any payment. Contractor may, at his option, make any payment or portion thereof by joint check payable to Subcontractor and any of its subcontractors, suppliers, and/or material-men.

Section 3. Entire Agreement: This Agreement represents the entire agreement between Contractor and the Subcontractor and supersedes any prior written or oral representations. Subcontractors are bound by the prime contract and any contract documents incorporated

therein insofar as they relate in anyway, directly or indirectly, to the work covered by this Agreement.

Section 4. Time: Time is of the essence of this Agreement. Subcontractor shall provide Contractor with scheduling information in a form acceptable to Contractor and shall conform to Contractor's progress schedules, including any changes made by Contractor in the scheduling of work. Subcontractor shall coordinate its work with that of all other Subcontractors and suppliers so as not to delay or damage their performance.

Section 5. Delay: Subcontractor agrees to furnish the material and labor called for under this Agreement within the following time or times, to-wit:

****Schedule****

See Attachment B

and upon his failure to do so Subcontractor shall pay to Contractor, as liquidated damages and not as a penalty, the sum of \$ 50.00 per day for each and every day of delay, and the payment shall not release Subcontractor from his obligation to fully perform this Agreement. In the event the Subcontractor's work is delayed for any reason, including acts of the Contractor, Subcontractor's sole remedy shall be an extension of time equal to the period of delay, provided Subcontractor has given Contractor written notice of the commencement of delay within 48 hours of its occurrence. In the event that Contractor, in its sole discretion, should seek compensation from the Owner as a result of any delay, Subcontractor shall be entitled to an equitable portion of any amount recovered by Contractor, minus an allotted share of the cost of pursuing said claim. This provision shall not be construed to require the Contractor to pursue any delay claim against the Owner or any other party.

Section 6. Changes in Work: Subcontractor shall make no changes in the work covered by this Agreement without written direction from Contractor. Subcontractor shall not be compensated for any change, which is made without such written direction. No changes in the work covered by this Agreement shall exonerate any surety or any bond given in connection in this Agreement.

Section 7. Claims: If any dispute shall arise between Contractor and Subcontractor regarding performance of the work, any alleged change in the work, Subcontractor shall perform the disputed work in a timely manner and shall give written notice of a claim for additional compensation for the work within ten (ten) days after commencement of the disputed work. Subcontractor's failure to give written notice within the ten (10) day period constitutes an agreement by Subcontractor that he/she/they will receive no extra compensation for the disputed work.

Section 8. Inspection and Protection of Work: Subcontractor shall make the work accessible at all reasonable times for inspection by the Contractor. Subcontractor shall, at the first opportunity, inspect all material and equipment delivered on the job site by others to be used or incorporated in the Subcontractor's work and give prompt notice of any defect therein. Subcontractor assumes full responsibility to protect the work done hereunder until final acceptance by the Architect/Owner and Contractor.

Section 9. Labor Relations: Subcontractor shall maintain labor relations policies in conformity with the directions of the Contractor and shall comply with all of the terms and conditions, including trust fund contributions, required by those labor agreements

applicable to work performed under this Agreement to which the Contractor is bound. The specific agreements to which the Contractor is bound are listed in Section 16.

Section 10. Termination: (I) Should Subcontractor fail to rectify any contractual deficiencies, including failure to pay creditors, within three (3) working days from receipt of Contractor's written notice, Contractor shall have the right to take whatever steps he deems necessary to correct said deficiencies and charge the cost thereof to Subcontractor, who shall be liable for the full cost of Contractor's corrective action, including reasonable overhead, profit and attorney's fees. (ii) Contractor may at any time and for any justifiable reason terminate Subcontractor's services at Contractor's convenience. Cancellation shall be by service of written notice to the Subcontractor's place of business.

Upon receipt of such notice, the Subcontractor shall, unless the notice directs otherwise, immediately discontinue the work and placing of order of materials, facilities and supplies in connection with the performance of this Agreement and shall, if requested, make every reasonable effort to procure cancellation of all existing orders or contracts upon terms satisfactory to the Contractor, or at the option of the Contractor, give the Contractor the right to assume those obligations directly, including all benefits to be derived therefrom. The Subcontractor shall thereafter do only such work as may be necessary to preserve and protect the work already in progress and to protect material and equipment on the job site or in transit thereto.

Upon such termination, the Subcontractor shall be entitled to payment in accordance with Section 4 only as follows: (1) the actual cost of the work completed in conformity with this Agreement; plus (2) such other costs actually incurred by the Subcontractor as are permitted by the prime contract and approved by the Owner; plus 10% of the cost of the work referred to in subparagraph one (1) above for overhead and profit. The markup and allowable costs will be as noted above unless the Contractor's contract with the Owner has a specific clause addressing the issue. If such a clause exists, it will take precedence for any Owner-sponsored termination. Deducted from such sums paid to the subcontractor are the amounts of any payments made to the Subcontractor prior to the date of the termination of this Agreement. The Subcontractor shall not be entitled to any claim or claim of lien against the Contractor or Owner for any additional compensation or damages in the event of such termination and payment. The Subcontractor is not allowed anticipated overhead or profit for any work not performed.

Section 11. Grounds for Withholding Payment: The Contractor may withhold, or on account of subsequently discovered evidence nullify the whole, or part of any payment to the extent necessary to protect the Contractor from loss, including costs and attorneys fees on account of (1) defective work not remedied; (2) claims filed or reasonable evidence indicating probable filing of claims against the Subcontractor; (3) failure of Subcontractor to make payments properly to his subcontractors or for material, labor, union benefits or fringe benefits; (4) a reasonable doubt that this Agreement can be completed for the balance then unpaid; (5) damage to another subcontractor; (6) penalties assessed against the Contractor or Subcontractor for failure of Subcontractor to comply with State, Federal or local laws and regulations; or (7) any other ground for withholding payment allowed by State or Federal law or as otherwise provided in this Agreement. When the above matters are rectified, such amounts as then due and owing shall be paid or credited to the Subcontractor.

Section 12. Indemnification: The fullest extent permitted by law, Subcontractor shall indemnify and hold harmless Owner and Contractor and their agents and employees from claims, demands, causes of actions and liabilities of every kind and nature whatsoever arising out of or in connection with Subcontractor's operations performed under this Agreement. This indemnification shall extend to claims occurring after this Agreement is terminated as well as while it is in force. The indemnity shall apply regardless of any active and/or passive negligent act or omission of Owner or Contractor, or their agents or employees, but Subcontractor shall not be obligated to indemnify any party for claims arising from the sole negligence or willful conduct of Owner or Contractor or their agents or employees or cause solely by the designs provided by such parties. The indemnity set forth in this Section shall not be limited by insurance requirements or by any other provisions of this agreement. All work covered by this Agreement done at the site or in preparing or delivering materials or equipment to the site shall be at the sole risk of the Subcontractor until the completed work is accepted by Contractor.

Section 13. Insurance: Subcontractor shall, at its expense, procure and maintain insurance on all of its operations, with carriers acceptable to Contractor and in amounts acceptable to Contractor and as required by the prime contract, including the following coverage's:

- a. **\$1,000,000.00 Minimum Worker's Compensation and Employer's Liability insurance**
- b. **Comprehensive General Liability or Commercial General Liability insurance covering all operations (Rocky Mountain Builders, Inc. named as additional insured for both ongoing and completed operations.)**
Minimum limits
 - **\$1,000,000.00 combined single limit Bodily Injury and Property Damage each occurrence**
 - **\$1,000,000.00 for personal injury liability**
 - **\$2,000,000.00 aggregate for products-completed operations**
 - **\$2,000,000.00 general aggregate**
- c. **\$1,000,000.00 Automobile Liability insurance, including coverage for all Owner, hired and non-owned automobiles.**

All insurance coverage's shall be in amounts and for duration's acceptable to Contractor and as required by the prime contract. Subcontractor shall provide certificates of insurance to Contractor. The certificates of insurance shall provide that there will be no cancellation or reduction of coverage without thirty (30) days prior written notice to Contractor. The failure of Contractor to enforce in a timely manner any of the provisions of this Section 12 shall not act as a waiver to enforcement of any of these provisions at a later date in the performance of this Agreement.

Section 14. Claims Resolution: Any claims resolution procedure incorporated in the prime contract shall be deemed incorporated in this Agreement, and shall apply to any disputes arising hereunder. In any dispute resolution proceeding between the parties to this subcontract, the prevailing party shall be entitled to recover its attorney's fees.

Section 15. Warranty: Subcontractor warrants to Owner/Architect, and Contractor that all materials and equipment furnished shall be new, free from faults and defects and of good quality. Subcontractor hereby warranties its work against all deficiencies and defects for

the period required by the prime contract or the longest period permitted by the law of this State.

Section 16. Special Provisions: Subcontractor shall, during the course of this project maintain all his supplies and equipment in a neat and orderly fashion. It is the responsibility of the Subcontractor to clean up and dispose of all unused and waste materials used for his portion of the subcontract. If Job site is deemed dirty, unsafe or unsightly because a subcontractor has not cleaned up his materials, the Contractor shall take the necessary steps to remedy the situation at Subcontractor's expense.

In the event the Subcontractor shall use the Contractor's equipment materials, labor, supplies or facilities, the Subcontractor shall reimburse the Contractor at a market rental rate, or as otherwise stated herein. Further, the Subcontractor assumes all responsibility for physical damage to such equipment, materials, labor, supplies, or facilities used by the Subcontractor or his agents, employees, or permittees. In the event that the Contractor's employees are used by the Subcontractor, the Subcontractor shall have full responsibility for all acts or omissions of the Contractor's employees with regard to the Subcontractor's use or employment of them. The Subcontractor accepts any and all of the Contractor's equipment, materials, labor, supplies or facilities as furnished.

The Subcontractor shall not, without written consent of the Contractor, assign, transfer, or sublet any portion or part of the work required by this Agreement, nor assign any payment hereunder to others.

The Subcontractor is responsible for conducting work on project by Osha guidelines.

Section 17. Labor Agreements: The Contractor is signatory to the following labor agreements covering work on this project:

Contractor:
Rocky Mountain Builders, Inc.
307 Spokane Avenue, Suite 203A
PO Box 667
Whitefish, MT 59937

By: [Signature]
Joe Hill/Paul Hill

Date: 7-19-16
Contractors License No. 42302

Subcontractor:
Sandon Contracting
P.O. Box 5557
Kalispell, Mt. 59901

Gregory Apsanow
By: [Signature] PRES
Sign/Print/ Title

Date: _____
Contractors License No. 6841

Procurement Contractor:
Project Pro

By: _____
Dave Krawczyk

Date: _____
Contractors License No. _____

Sandon Construction Company, Inc.
P.O. Box 5557
Kalispell, MT 59903

Estimate

Date
4/13/2016

Phone: 752-4236 Cell: 406-261-3185 Fax: 752-4237

Estimate for:
Rocky Mountain Builders Inc.
P.O. Box 667
Whitefish, MT 59937

ATTACHMENT B

Work Order #	Project Name
	BLOCK 46

Description	Qty	UOM	Rate	Amount
Curb and Gutter	317		13.50	4,279.50
ADA Tiles Per Ea. Cast iron per city of WF	13		240.00	3,120.00
4" Regular Sidewalk, Sealing,doweling,saw cutting etc	8,029		5.10	40,947.90
6' Concrete	390		6.50	2,535.00
Set tree wells	8		100.00	800.00
Concrete Pump Truck Rental per day	1		800.00	800.00
Drain inlet Apron	1		275.00	275.00
1' wide concrete border. separate pour Bruce wanted separate price for City Of Whitefish	422		13.50	5,697.00
			Total Estimate Amount :	\$58,454.40

TORONTO FABRICATING

& MFG. CO.

1021 RANGEVIEW ROAD, MISSISSAUGA ONTARIO CANADA L5E 1H2.
 TELEPHONE: 905 891-2516 FAX: 905 891-7446 www.tfmc.com EMAIL:sales@tfmc.com

QUOTATION

CUSTOMER:

Rocky Mountain Builders

William Shine

406 219 9150



ORDER NO.	DATE	VIA	F.O.B. FACTORY	TERMS	SEE BELOW
QUOTATION	<i>12/1/16</i>				
CODE	QTY	DESCRIPTION		UNIT PRICE	TOTAL AMOUNT
	<i>4</i>	<i>benches: # 2559-ms-6 6' Long, metal Slats Assemble</i>		<i>1795.00</i>	<i>7180.00</i>
	<i>2</i>	<i>Trash Can # 919 sb- Plain lid, side door lid to be removable</i>		<i>1595.00</i>	<i>3190.00</i>
	<i>2</i>	<i>bicycle rack # 937.5m For surface mounting name cast on frame: " City of White Fish "</i>		<i>525.00</i>	<i>1050.00</i>
		<i>All # 1 degree galvanneal painted to match gal: 6005</i>			
	<i>1</i>	<i>Freight + Crating zip code: 59937</i>			<i>3500.00</i>
		<i>log: City of White Fish</i>			
					<i>14920.00</i>
				G.S.T	
				P.S.T.	
				TOTAL AMOUNT	<i>14920.00</i>

ALL GOODS ARE F.O.B. FACTORY. TAXES AND FREIGHT ARE EXTRA. TERMS ARE C.O.D. UNLESS OTHERWISE STATED OR ARRANGED. 35% DEPOSIT WITH P.O., BALANCE UPON PICK UP OR TO BE PAID IN FULL BEFORE ORDER IS SHIPPED. ALL GOODS REMAIN IN THE FULL TITLE OF TORONTO FABRICATING & MFG. CO. UNTIL FULLY PAID. TFMC DOES NOT THUS RECOGNIZE HOLD BACKS FOR WORK DONE. ALL GOODS ARE MANUFACTURED AND SUPPLIED ONLY. NO SET UP OR INSTALLATION. NO HARDWARE SUPPLIED FOR INSTALLATION. ALL SALES ARE FINAL. YOUR TERMS ARE THUS STATED AND SAME IS EXPECTED TO BE FULFILLED.

*payable in US Funds.
Before Goods are shipped*

Whitefish Hotel Group, LLC
P.O. Box 275
Bigfork, MT 59911

Stockman Bank of Montana
93-524/929

6119

7/22/2016

PAY TO THE ORDER OF Toronto Fabrication & Mfg. Co.

\$ **14,920.00

Fourteen Thousand Nine Hundred Twenty and 00/100 ***** DOLLARS

Toronto Fabrication & Mfg. Co.
1021 Rangeview Road
Mississauga Ontario Canada L5E 1H2

Bill

MEMO

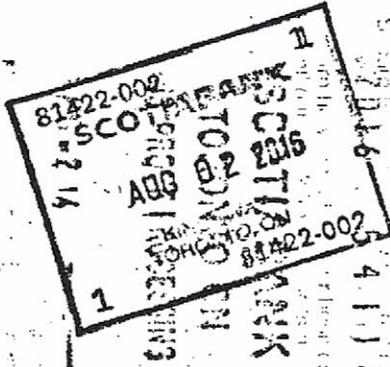
Line 41

⑆006119⑆ ⑆092905249⑆4510005261⑆

⑆0001492000⑆

By endorsement hereon, the endorser do hereby release any liens, and specifically subordinate any lien, claim or demand the payee or endorser have, or may have on account of labor or material furnished prior to 7/22/16 upon the property of Whitefish Hotel Group, LLC, Whitefish, MT.

5558217312-11



RE-CATERING, ENDORSE ON ALL CHECKS THIS CHECK IS EXPIRED BY DEFUNCT DUE TO CHECK KLOCK FOR SECURITY FEATURES

SECURITY FEATURES: DO NOT CASH IT:

• Payment on front of check does not vary in color from front to back.

• Word "Check" or "Cash" not visible in paper when held to light.

• Ink on front of check does not bleed through to back.

• Paper on front of check does not vary in color from front to back.

• Word "Check" or "Cash" not visible in paper when held to light.

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