



**CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, APRIL 1, 2013
5:30 TO 7:00 PM**

1. Call to Order
2. 5:30 – 6:50 p.m. - Annual session for City Council Goals – Review, edit, add, and set priorities
3. Public Comments
4. Adjournment

Ore. city council pares down list of goals

The Forest Grove, Ore., City Council has unanimously approved goals that include promoting livable and sustainable neighborhoods, a prudent financial plan and meeting local, state and national needs of the city. The council also established subgoals, which members voted on to be tallied and presented at their next meeting. "At one point, we had a lot of goals," council President Tom Johnston said. "We had way too many goals. We've cut back to three." [The Oregonian \(Portland\)](#)

ATTACHMENT A
 CITY OF WHITEFISH – MAYOR AND COUNCIL GOALS
 FY13
 PREPARED: April 16, 2012

Mayor/Council Short Term Goals (no particular order)	Mayor/Council Longer Term Goals (no particular order)	Mayor/Council Ongoing Goals (no particular order)	Staff Goals (no particular order)
Hwy 93 South Corridor Plan	Economic Development including targeted businesses	Affordable Housing	MDT – Hwy 93 west project and downtown project
Downtown Parking	Code Enforcement improvements	BNSF – cleanup of CECRA site and river	Parks Master Plans
City Hall planning	Maintenance plans for parks, facilities, and buildings	Whitefish Trail, work with Whitefish Legacy Partners, and all trail improvements	Explore extent of waivers for utility contracts
Downtown restroom improvements	Municipal Court – resolve audit findings	Water quality improvements (City Beach, Stormwater pond improvements)	Long Term Financial Planning and Sustainability
BNSF – foster relationship, restore Railway District impacts	Watershed Protection – Intakes, Hydro plant, water rights, Whitefish Lake water quality	Budget/financial condition	Green Initiatives
Possible Amendments to sign code	Whitefish River waterway development and improvement	Economic Development – Public-Private Partnerships and targeted business assistance	Records Management/Imaging
New Cemetery development		Doughnut negotiations	
Depot Park Phase I Redevelopment			

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Downtown Parking	Code Enforcement improvements	BNSF – cleanup of CECRA site and river	Parks Master Plans
City Hall planning	Maintenance plans for parks, facilities, and buildings	Whitefish Trail, work with Whitefish Legacy Partners, and all trail improvements	Explore extent of waivers for utility contracts
Downtown restroom improvements	Municipal Court – resolve audit findings Done?	Water quality improvements (City Beach, Stormwater pond improvements)	Long Term Financial Planning and Sustainability
BNSF – foster relationship, restore Railway District impacts	Watershed Protection – Intakes, Hydro plant, AIS , water rights, Whitefish Lake water quality	Budget/financial condition	Green Initiatives
Possible Amendments to sign code	Whitefish River waterway development and improvement	Economic Development – Public-Private Partnerships and targeted business assistance	Records Management/Imaging
New Cemetery development	Review Resort Tax street project priority list	Doughnut negotiations	Redesign City webpage
Depot Park Phase II Redevelopment			

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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, April 1, 2013, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 13-04. Resolution numbers start with 13-04.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 4) COMMUNICATIONS FROM VOLUNTEER BOARDS
- 5) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Minutes from the March 18, 2013 Council special session (p. 17)
 - b) Minutes from the March 18, 2013 Council regular session (p. 18)
 - c) Consideration of approving application for Whitefish Lake Lakeshore Permit (#WLP-13-W02) for Installation of Dry Set Stone Steps; Gravel Pathway; Beach Gravel; and Low Voltage Pathway Lights at 2500 East Lakeshore Drive subject to 16 conditions (p. 27)
 - d) Consideration of approving application for Whitefish Lake Lakeshore Permit (#WLP-13-W03) for Installation of Dry Set Walkway, Stepping Stones & Low Voltage Pathway Lighting at 422 Dakota Avenue subject to 13 conditions (p. 37)
 - e) Consideration of approving application for Whitefish Lake Lakeshore Variance (#WLV-13-W04) for Replacement of Existing Stone Wall and Stone Steps; Rock Lined Swales; Application of Beach Gravel; installation of native plants and erosion control measures as a subset of the wall replacement and drainage reconfiguration; dock reconfiguration to reduce overall constructed area at 920 Birch Point Drive subject to 39 conditions (p. 46)
- 6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

(none)

- 7) **COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR**
 - a) Consideration of awarding a contract for the construction of Phase II of the 6th and Geddes Resort Tax street reconstruction project (p. 105)
 - b) Consideration of amendment #1 to the engineering contract with Anderson – Montgomery for the Wastewater System Improvements Project engineering design consultant agreement (p. 107)
 - c) Consideration of revisions to the Rules And Regulations For The City Of Whitefish Water, Wastewater And Garbage Utility to reduce impact fees for small types of projects and to eliminate the requirement for separate water and sewer connections for accessory dwelling units (p. 115)

- 8) **COMMUNICATIONS FROM CITY MANAGER**
 - a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 121)
 - b) Other items arising between March 27th and April 1st
 - c) Consideration of a request from North Valley Food Bank to allow temporary parking on West 15th Street during their building construction (p. 128)

- 9) **COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**
 - a) Standing budget item
 - b) Letter from Greg Schaffer and Don Kaltschmidt of Don K Whitefish regarding the sign ordinance (p. 135)
 - c) Letter from Richard DeJana, President and John Sinrud, Executive Director of the Flathead Business and Industry Association regarding the sign ordinance (p. 138)
 - d) Email from Bart DePratu of DePratu Ford Whitefish regarding sign ordinance (p. 139)

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



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

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

Adopted by Resolution 07-09
February 20, 2007



March 27, 2013

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

Mayor Muhlfeld and City Councilors:

Monday, April 1, 2013 City Council Agenda Report

There will be a work session beginning at 5:30 for the City Council's annual goal setting session. We will provide food.

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

CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

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- e) Consideration of approving application for Whitefish Lake Lakeshore Variance (#WLV-13-W04) for Replacement of Existing Stone Wall and Stone Steps; Rock Lined Swales; Application of Beach Gravel; installation of native plants and erosion control measures as a subset of the wall replacement and drainage reconfiguration; dock reconfiguration to reduce overall constructed area at 920 Birch Point Drive subject to 39 conditions (p. 46)

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

Items a and b are administrative matters; items c-e are quasi-judicial matters.

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

(none)

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Consideration of awarding a contract for the construction of Phase II of the 6th and Geddes Resort Tax street reconstruction project (p. 105)

From Public Works Director John Wilson's staff report:

The Public Works Department has opened construction bids for Phase II of the 6th and Geddes Street Reconstruction Project, involving street reconstruction and related utility improvements along Geddes, Jennings and Good Avenues between West 2nd and 5th Streets. This memo is to recommend a construction contract be awarded to LHC, Inc. of Kalispell in the amount of \$765,533. A copy of the bid summary is attached.

We received five bids with prices ranging from 15% below to 26% above the engineer's estimate of \$901,564. The low bid was submitted by LHC, Inc. of Kalispell. Work is scheduled to begin on June 17th and continue through mid-August. LHC was also the low bidder on Phase I of MDT's Whitefish West Reconstruction Project, which will go to construction this summer. Working with a single contractor on these two jobs in close proximity should benefit both the City and the State.

Project costs will be paid out of the Resort Tax Fund which has a sufficient balance.

RECOMMENDATION: Staff respectfully recommends the City Council award a construction contract for Phase II of the 6th and Geddes Street Reconstruction Project to LHC, Inc. in the amount of \$765,533.

This item is a legislative matter.

- b) Consideration of amendment #1 to the engineering contract with Anderson – Montgomery for the Wastewater System Improvements Project engineering design consultant agreement (p. 107)

From Public Works Director John Wilson's staff report:

On October 15, 2012 the City Council approved a contract with Anderson Montgomery Consulting Engineers for our Wastewater Permitting and Facility Improvements Project. Copies of the staff memo and minutes from that Council meeting packet are attached. This memo is to recommend Amendment No 1 to the consultant contract for engineering services to evaluate, recommend measures and

prepare applications for grant funds to reduce clear water flowing into the wastewater collection and treatment system.

As was discussed on October 15th, this is a complex, long term project that will involve many different aspects of planning, design, grant writing, permitting procedures and negotiations with the Department of Environmental Quality for several years into the future.

The scope of work subject to this amendment includes project management evaluation of existing data, field work / data collection and grant writing with the goal of eliminating continuing inflow and infiltration (I&I) of clear water into the wastewater collection system. This work and subsequent construction work to mitigate I&I are vital to our long range mission of upgrading the wastewater treatment plant. Continuing I&I is the source of huge seasonal increases in flows to the wastewater treatment plant; with unwanted clear water contributing up to 2.5 times the volume of base flows at certain times. This surge during spring snow melt and rainfall events has significant impacts on biological treatment processes, as well as the capacities and costs for facilities to treat higher flows. By reducing I&I, we can stabilize the character of the influent to be treated and reduce future construction costs.

The timing is ideal for field evaluation work, as increased I&I is typically evident starting in late April or May and continuing into the early summer months. We are prepared with three portable, in-pipe recording flow meters to monitor conditions in various part of the collection system. This information will be critically important for preparing successful grant applications and directing construction dollars to the worst problem spots.

The Public Works Department has negotiated a fee not to exceed \$69,210 for the scope of services described above. The cost will be paid out of the Wastewater budget which has sufficient funds for work to be completed in FY 13. Although this work was not anticipated in the initial FY 13 Wastewater budget, the fund balance is adequate due to a generator project which is getting a late start. We will include funds for continuing I&I mitigation work in our FY 14 budget proposal.

RECOMMENDATION: Staff respectfully recommends the City Council approve Amendment No. 1 for the Wastewater Permitting and Facility Improvements consultant contract in an amount not to exceed \$69,210.

This item is a legislative matter.

- c) Consideration of revisions to the Rules And Regulations For The City Of Whitefish Water, Wastewater And Garbage Utility to reduce impact fees for small types of projects and to eliminate the requirement for separate water and sewer connections for accessory dwelling units (p. 115)

From Public Works Director John Wilson's staff report:

The City Council recently expressed concerns about water and sewer impact fees for small construction projects. The Public Works staff has evaluated utility impact fees and regulations regarding service connections and is recommending two changes that may reduce costs for small projects. Those recommendations are to 1) update the method of calculating minimum water and sewer impact fees and 2) amend the utility regulations to relax requirements for separate water and sewer services to separate structures.

This memo is to present these recommendations and request direction from City Council. The recommendation concerning impact fees has not been presented to the Impact Fee Advisory Committee, but we can do so if the Council wishes. The means to implement these recommendations would be by resolution. If the Council so desires, we can prepare resolutions for a consideration at a future City Council meeting.

Current City Code provides minimum water and sewer impact fees of \$1563 and \$1575, respectively, for projects with 20 or fewer fixture units. A home with 20 water and 14 sewer fixture units (as defined by the Uniform Plumbing Code) might typically have one full bathroom, a kitchen sink, a dishwasher, a clothes washer, a mop/utility sink and two outside hose bibs. Those same minimum fees would apply to a small business with a toilet and one sink.

We recommend replacing the current minimum water and sewer impact fees with unit fees of \$78.15 per water fixture unit and \$78.75 per sewer fixture unit. Under this proposal, the fee for 20 fixture units would match the current minimum, while the lower fee for small projects would better represent the impact to the water and sewer systems.

Toward that end, staff proposes amending Section 10-2-12 of the City Code as shown on Attachment A in the packet.

The Rules and Regulations for the Water and Wastewater Utility currently require that each separate structure must be service by separate water and sewer service lines. This provision is intended to enable prompt payment and accountability payments and maintenance on utility accounts under separate ownership.

In certain instances, such as the provision of services for an accessory dwelling unit in addition to a primary residence on the same lot, accountability is ensure by common ownership and we recommend relaxing the requirement for separate services. The effect would be to reduce the cost of construction for certain small projects and avoid unnecessary excavation of City streets and alleys.

Staff recommends amending certain provisions of Title 8, Chapters 2 and 3 of the City Code, regarding Water and Wastewater Regulations, if the wishes to implement such a change.

RECOMMENDATION: Staff respectfully recommends the City Council consider the recommendations outlined above and direct staff as to how to proceed.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 121)
- b) Other items arising between March 27th and April 1st
- c) Consideration of a request from North Valley Food Bank to allow temporary parking on West 15th Street during their building construction (p. 128)

I received a letter dated March 12th from the North Valley Food Bank requesting that they and contractors be allowed to park on West 15th Street during the construction of their building this spring, summer, and fall. A copy of the letter is in the Council packet for the April 1st meeting. Currently there is no parking on either side of West 15th Street, west of Baker Avenue.

Whitefish City Code Section 6-2-4 leaves control of on-street parking with the City Council:

6-2-4: PROHIBITED AND RESTRICTED PARKING:

A. No Parking Zones: The following zones or areas are designated by the city council to be no parking zones wherein the parking of vehicles is prohibited except at the times and under the circumstances therein set forth. The city council may from time to time, on motion, create other and further no parking zones within the city. The no parking zones designated by the city council are as follows:

1. No automobile or vehicle shall be parked on the north side of Second Street, between Spokane Avenue and Kalispell Avenue; no automobile or vehicle except school buses when actually engaged in loading or unloading pupils shall be parked within a distance of one hundred feet (100') south of that part of the east side of Spokane Avenue extending from directly in front of the west entrance of the public school building, the distance of one hundred feet (100') shall be measured from the north side of the west entrance of the building and the area created shall be designated a no parking zone, and reserved exclusively for the use of school buses, loading and unloading pupils transported by such buses to and from the Whitefish public school; this no parking area shall not apply during the summer months when school is not in session.

2. All no parking zones must be either posted with a suitable sign or marked with a yellow curb. (Ord. A-85, 12-5-1955; amd. Ord. A-237, 6-4-1973; Ord. 86-15, 7-7-1986; Ord. 09-15, 9-21-2009)

B. Limited Parking Areas: The city council declares the following to be limited parking areas in which certain restrictions on parking are established, and it shall constitute a violation of this title for the owner or operator of any vehicle to violate the provisions hereof. **The city council may, from time to time by motion, when it determines it advisable to do so, establish other and different limited parking areas within the city.** The limited parking areas established which are in effect are as follows:

1. The area on the south side of Second Street extending from the northeast corner of the intersection of Second Street and Lupfer Avenue for a distance of fifty feet (50') from the fire hydrant located on the corner of the intersection is created a limited parking area and the parking of automobiles and other vehicles within said parking area hereby created for a period of more than twelve (12) minutes is forbidden

and prohibited; provided, however, that parking within twelve feet (12') of said fire hydrant is expressly prohibited and forbidden.

2. The parking of trucks and commercial vehicles in excess of twenty feet (20') overall length is prohibited anywhere on Second Street between Spokane Avenue and Lupfer Avenue and also on Central Avenue between Railway Street and Fifth Street.

I discussed this request with Department Directors on March 19th and it was the unanimous consensus that allowing parking on one side of West 15th Street (west of Baker Avenue) would not cause any traffic or emergency vehicle problems if construction did not extend into winter. I checked with Jerry Quinn, Board Chair for the Food Bank and he confirmed that their construction should be done by December 1st.

There will be a small labor cost to take down 2-3 existing No Parking signs and replace them with signs limiting no parking areas to the clear vision triangles at intersections.

RECOMMENDATION: Staff respectfully requests that the City Council approve allowing temporary construction parking on the south side of West 15th Street (west of Baker Avenue) except in the clear vision triangles at intersections from May 15, 2013 to December 1, 2013 for the North Valley Food Bank construction project.

This item is a legislative matter.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Standing budget item
- b) Letter from Greg Schaffer and Don Kaltschmidt of Don K Whitefish regarding the sign ordinance (p. 135)
- c) Letter from Richard DeJana, President and John Sinrud, Executive Director of the Flathead Business and Industry Association regarding the sign ordinance (p. 138)
- d) Email from Bart DePratu of DePratu Ford Whitefish regarding sign ordinance (p. 139)

ADJOURNMENT

Sincerely,



Chuck Stearns
City Manager

"Cheat Sheet" for Robert's Rules

Motion	In Order When Another has the Floor?	Second Required?	Debatable?	Amendable?	Vote Required for Adoption	Can be reconsidered?
Main Motion	N	Y	Y	Y	Majority unless other spec'd by Bylaws	Y
Adjournment	N	Y	N	Y	Majority	N
Recess (no question before the body)	N	Y	N	Y	Majority	N
Recess (question before the body)	N	Y	Y	Y	Majority	N
Accept Report	N	Y	Y	Y	Majority	Y
Amend Pending Motion	N	Y	If motion to be amended is debatable	Y	Majority	Y
Amend an Amendment of Pending Motion	N	Y	See above	N	Majority	Y
Change from Agenda to Take a Matter out of Order	N	Y	N	N	Two-thirds	N
Limit Debate Previous Question / Question	N	Y	N	Y	Two-thirds	Yes, but not if vote taken on pending motion.
Limit Debate or extend limits for duration of meeting	N	Y	Y	Y	Two-thirds	Y
Division of Assembly (Roll Call)	Y	N	N	N	Demand by a single member compels division	N
Division of Ques/ Motion	N	Y	N	Y	Majority	N
Point of Information	Y	N	N	N	Vote is not taken	N
Point of Order / Procedure	Y	N	N	N	Vote is not taken	N
Lay on Table	N	Y	N	N	Majority	N
Take from Table	N	Y	N	N	Majority	N
Suspend the Rules as applied to rules of order or, take motion out of order	N	Y	N	N	Two-thirds	N
Refer (Commit)	N	Y	Y	N	Majority	Neg. vote only

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**CITY COUNCIL SPECIAL SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, MARCH 18, 2013**

CALL TO ORDER:

Deputy Mayor Kahle called the meeting to order at 5:03 p.m. Councilors present were Sweeney, Hildner and Mitchell. Mayor Muhlfeld and John Anderson both arrived at 5:15 p.m. City Staff present were City Manager Stearns, City Attorney VanBuskirk and Assistant City Clerk Woodbeck.

INTERVIEWS FOR APPLICANTS

Council conducted an interview with Ryan Purdy who is applying for the Whitefish Community Wastewater Committee for the Lazy Bay area.

PUBLIC COMMENT-None.

APPOINTMENT

Councilor Mitchell offered a motion, seconded by Councilor Kahle to appoint Ryan Purdy to the Whitefish Community Wastewater Committee. The motion passed unanimously.

ADJOURN

Duty Mayor Kahle adjourned the special session at 5:21 p.m.

Deputy Mayor Kahle

Assistant City Clerk Woodbeck

March 18, 2013

WHITEFISH CITY COUNCIL MINUTES

March 18, 2013

7:10 P.M.

1. CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Mitchell, Sweeney, Hildner and Hyatt. Councilor Kahle was seated at 7:25. Councilor Anderson was seated at 7:50 p.m. Staff present were City Manager Stearns, Assistant City Clerk Woodbeck, City Attorney VanBuskirk, Assistant City Manager/Finance Director Knapp, Planning and Building Director Taylor, Senior Planner Compton-Ring, Public Works Director Wilson, Parks and Recreation Director Cozad, and Police Chief Dial. Approximately 8 people were in attendance.

2. PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Greg Schaffer to lead the audience in the Pledge of Allegiance.

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

Greg Shaffer, an employee at Don K, said he wrote a letter about a portion of the Sign Ordinance that he would like to see revised. He was going to bring the mannequin to the meeting, but it isn't about the mannequin, it is about the Sign Ordinance. He said it needs to be more business friendly and cognizant of the changing business environment. He said he commutes from Somers and sees all the changes that are happening. He thanked Attorney VanBuskirk for her help. He thanked Phil, the enforcer of the Sign Ordinance and Manager Stearns. He is frustrated because Don K has brought a lot of money and time into the City, but this is his first run at coming before the Council. The mannequin decision came down to the sole discretion of the City Manager. Whitefish just lost the Quick Lube on Highway 93. He was interviewing an employee who worked at a Quick Lube in another city and their business has doubled. That means people are going outside of Whitefish to get their oil changed. He said the mannequin and sign were intended to let people know that Don K's business does oil changes. He said the traffic is going 45 mph and the right-of-way is better than 30 feet, so in order to attract and educate people you have to have signs to let them know what you offer. He said the temporary Sign Ordinance allows many sign decisions up to the discretion of the City Council. He said with the changing of the City and with growth and the deep right-of-ways and faster traffic, businesses need new means of advertising and creative marketing. He said it is time for the Council to revise the Sign Ordinance. He suggested a committee with business owners and residents of the community. He said 4-5 years ago he listened to woman brag about how she got the Sign Ordinance together and the sad thing was that she doesn't live here or do business here anymore. He said their employees count on them to generate their incomes. He said the Sign Ordinance is 4-5 pages on how a business can't attract customers. He would suggest a committee and perhaps, different districts. He said the City has to become more business friendly. He said Don K spent \$7 million to bring major franchises into Whitefish and they can't use most of the manufacturer's point-of-purchase materials. He asked them to make a change in the Sign Ordinance. He said he would be the first to volunteer for the committee.

Mark Svennungsen, Lion Mountain, said the articles in the Interlake were not done right. The highway construction is west. He said he would like to see underground utilities. Director Wilson said the \$287,000 extra fee is from Cow Creek out to the railroad tracks. Mark Svennungsen said he would hope they would make underground utilities mandated by the City for City projects. Mayor Muhlfeld clarified the Highway 93 West utilities will be underground.

4. COMMUNICATIONS FROM VOLUNTEER BOARDS

Jan Metzmaker, 915 Dakota Avenue, said WCVB will be bringing the marketing plan in April. She said the Amtrak promotion ended with \$215,000 and 1400 people participating.

Councilor Mitchell asked and Director Cozad said Smith Field will be the recipient of trees for the Arbor Day celebration. Councilor Hyatt asked and Director Cozad said the Park Board meeting overviewed the budget and it will be broken down by project and by area. Councilor Hyatt said they reviewed the fee schedule and the multitude of parks that have come onboard since Director Cozad joined the City.

5. CONSENT AGENDA-(The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

5a. Minutes from the March 4, 2013 Council regular session (p. 28)

5b. Ordinance No. 13-02; An Ordinance amending Whitefish City Code Title 2, Chapter 12, regarding the membership qualifications for the Convention and Visitor Bureau Committee (2nd Reading) (p. 40)

5c. Ordinance No. 13-03; An Ordinance amending the Zoning Regulations in the Whitefish City Code to add Title 11, Chapter 3, Section 35, regarding short term rentals and performance standards, and define Residential, Short Term Rental, in Section 11-9-20 (2nd Reading) (p. 42)

Councilor Mitchell offered a motion, seconded by Councilor Hildner, to approve the consent agenda. The motion passed unanimously.

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

6a. Continuation of public hearing from February 19th - Consideration of a request by Dan Graves on behalf of Winter Sports Inc. for an extension to the Glades preliminary plat, phases 3-13 (p. 47)

Senior Planner Compton-Ring said at the February 19, 2013 public hearing, staff recommended extending three phases of The Glades preliminary plat. These phases – 4 (development Pod 'P'), 6 & 7 (development Pod 'R') – were identified in the Big Mountain Neighborhood Plan as development areas, while the remaining areas of the original plat were either identified for new uses (Haskill Preserve or the Clinic) or were simply not included as development areas. The applicant, Dan Graves, agreed with

staff's assessment and formally requested a 24-month extension to only those phases, allowing the remaining phases to expire. Please see the attached letter and revised preliminary plat map on page 50.

At the public hearing, Council raised the following concerns/questions:

1. How close is the stream to the development? Specifically Units 56 and 57 and the end of the cul de sac were mentioned.

According to the materials and a 'to scale' drawing, the stream is approximately 70-feet from the closest proposed structure and the cul de sac. The current Water Quality Protection regulations require a 100-foot buffer that can be averaged over the project, but can be no less than 50-feet. Even though this particular project pre-dates the WQP regulations, the project appears to meet this standard.

2. Is the Council being asked to abandon the Neighborhood Plan?

No, the Neighborhood Plan was a cooperative planning process between the City, the mountain and the various property owners and was adopted as part of the City's Growth Policy. This request further implements the Neighborhood Plan.

3. Can the Council extend only portions of the preliminary plat and let remaining phases expire?

Yes, as was described in the previous staff report, the amendments to the Subdivision Regulations gave Council maximum flexibility in extending preliminary plats.

It is important to note that additional conditions of approval cannot be added to an already approved preliminary plat. 76-3-610(2), M.C.A.

The phases include 52 townhouses and 22 cabins for a total of 74 units – a reduction from the original preliminary plat of 178 units. One new road is being proposed and it meets the City's private road standards. The project is served by the Big Mountain Water Company and the Big Mountain Sewer District. No comments have been received from neighbors.

Staff recommends the Council approve Phase 4, 6 and 7 of The Glades preliminary plat, as depicted on the revised preliminary plat map dated February 25, 2013 for 24 months, expiring on August 18, 2015 based on the findings of fact in the staff report.

Councilor Mitchell said the main issue was how close they were to water. The map really helped him understand it tonight. Mayor Muhlfeld said with the buffer averaging it will meet those standards. Councilor Hildner asked Planner Compton-Ring for her assurance that the water quality protection is as good as if the current water quality protection standards were in place and she said Dan Graves said they would make sure they followed those standards. Councilor Hildner asked where the storm water and melt water runs off. Planner Compton-Ring said the applicants are not subject to the City's stormwater standards; they get reviewed by the State. Councilor Hildner said he wants to be sure they don't get run off into First Creek and their water supply. Mayor Muhlfeld said they have rights there, but they don't

currently draw from First Creek. Councilor Kahle asked and Councilor Hildner confirmed he was talking about the impervious surfaces.

Mayor Muhlfeld opened the public hearing.

Dan Graves, 2309 Dillon Road, Whitefish Winter Sports, said he was available to answer questions. He said the neighborhood plan will not be abandoned. The storm water drainage will be determined by the DEQ and State during the time of construction.

Rebecca Norton, 530 Scott Avenue, read from the Critical Areas Committee report. She said City Engineer Karin Hilding did a report on the history of stormwater management solutions. In 1997 Whitefish adopted runoff standards. About 5-6 years ago an engineering consulting firm, HDR, mapped critical conveyances and recommended an ordinance to limit development in these areas. It was adopted in April 2006. The ordinance provides protection for critical conveyance areas and prohibits development on steep slopes. The slope regulation was challenged, but the court upheld the City's position. The Federal Safe Drinking Water Act requires special protection of drinking water which includes Whitefish Lake and First and Second Creeks. The City needs to protect environmentally sensitive areas. The main reason they want larger buffers is because water quality is determined by what they receive from many smaller tributaries and streams. The buffers are larger than those required for commercial forestry land uses. She said if they lose the donut they will lose oversight of how people build. She said if they don't act on this they could lose the right to protect water quality for the City. She said this is not a hardship for Whitefish Mountain. She asked them to preserve the water supply at all costs.

Mayor Muhlfeld closed the public hearing.

Councilor Kahle said if the Mountain brought this in today and it was reviewed; it meets the minimum setbacks of the current water protection plan.

Councilor Mitchell offered a motion, seconded by Councilor Kahle, to approve the Winter Sports Inc. request for an extension to the Glades preliminary plat, Phase 4, 6 and 7, based on the findings of fact.

Councilor Mitchell thanked Dan Graves for his letter and said it explained things well. He said WSI needs to continue to spend money wisely and in a well-timed manner. Councilor Mitchell said this is a resort area that is trying to run a business during tough economic times. He said they haven't asked to cut any corners. It is a good business decision for both the mountain and the City. Mayor Muhlfeld said he sat on the Critical Areas Ordinance Committee and said they need to remember that when this was adopted in 2006 it required a buffer and now there is a 70% reduction in the number of units. He said the State does a good job with reviewing applications and stormwater plans.

The motion passed unanimously with Councilor Anderson abstaining.

7. COMMUNICATIONS FROM CITY MANAGER

7a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 72)

Councilor Kahle said he saw the Baker Avenue overlay and it seems there was something in the process that was different. There was a tremendous amount of dust and it seemed like the gravel was not washed. He received comments from several concerned citizens. Director Wilson said the dusty work was a chip seal. An overlay is a layer of asphalt.

Councilor Hildner said on page 72 he read about the Baker Avenue milling and overlay scheduled by MDT and he said he thinks it would be good to change the speed limit to 25 across the viaduct. Director Wilson said Baker and Wisconsin Avenues are part of the urban highway and all the City can do is request a speed study by MDT. He didn't know that it would result in a lower speed limit. Councilor Hildner said it was a smart place to slow the traffic into town. Councilor Mitchell asked and Councilor Hildner said the speed limit could change at the stop light. Councilor Hyatt said he ran to Big Mountain today and a dump truck accelerated coming onto Edgewood and it was scary. Councilor Kahle asked and Chief Dial said people aren't going 45 there. Councilor Sweeney said he wasn't opposed to asking MDT. It is a good idea from a safety perspective. Councilor Kahle agreed with Councilor Sweeney, but he didn't want to waste time on it. He wasn't opposed to writing a letter. Mayor Muhlfeld said it is a valid suggestion and the Councilors indicated their willingness to ask Director Wilson to write a letter to MDT. Councilor Mitchell asked and Director Wilson said the milling and overlay, along with the new pedestrian crossing and traffic light bid was \$1 million. Councilor Mitchell asked and Director Wilson confirmed that the construction will occur after Labor Day. Councilor Hyatt asked if they can use the milling elsewhere and Director Wilson said they will check into it.

7b. Other items arising between March 13th and March 18th. None.

7c. Consideration of approving a lease with Whitefish Frontiers, LLC to lease the five vacant lots at the NW corner of 1st Street and Central Avenue (Lots 6-10 of Block 27) for use as a temporary parking lot (p. 78)

Manager Stearns said there have been various discussions about leasing these lots. The Council asked to see a layout and it is in the packet. The City will pay for landscaping, millings and signage. The City will take on the obligation of keeping the sidewalks clear in winter. Councilor Hildner asked about the covering of the berm and Manager Stearns said it will have plantings and wood chips or bark. Councilor Hildner asked the width and Manager Stearns said they are 13x125 feet and they will be the same on First Street. Councilor Mitchell said if they narrow the berms will it give them more parking because 13 feet seems awfully wide to him. Manager Stearns said it doesn't look like they could put another parking space in there if they narrowed it down to the minimum requirement of 7 feet. Councilor Sweeney said this is a 2-year lease and any party can terminate it with 90-days notice. He said the City is investing \$17,000 and it could theoretically end in 90-days and they need to amortize that in. Manager Stearns agreed that this is the primary risk of this proposal. He said he thinks it will go at least 2 years. Councilor Mitchell asked if this has to all come out of the TIF fund or could the Heart of Whitefish help with this project. Manager Stearns said TIF is the logical candidate. TIF derives a lot from business investment. He said going out to business owners could delay the project. Mayor Muhlfeld said many more people benefit than just the Heart of Whitefish. It benefits the whole city if there is an increase in Resort Tax and the rebate that decreases personal property taxes. Mayor Muhlfeld thanked Michael Goguen for his lease proposal because he offered the lot for \$1/year.

Councilor Sweeney offered a motion, seconded by Councilor Hyatt, to approve the parking lot lease with Whitefish Frontiers, LLC to lease the five vacant lots at the NW corner of 1st Street and Central Avenue (Lots 6-10 of Block 27) for use as a temporary parking lot. The motion passed unanimously with Councilor Anderson abstaining.

7d. Discuss scheduling an extra work session to catch up on backlog of work session topics (p. 90)

Mayor Muhlfeld said one question is whether they need another work session to discuss parking. Councilor Mitchell said he didn't want to deal with TIF money until City Hall and the Parking Garage decisions are made. Mayor Muhlfeld suggested an extra work session before a public hearing about City Hall and the parking structure. Councilor Hildner said in the annual goals setting they discussed the Whitefish River waterway issue and he would like to be able to present it to the rest of the Councilors. The Mayor and Councilors agreed.

8. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

8a. Standing budget item-None.

8b. Letter from Greg Shaffer of Don K Whitefish regarding suggested modifications to the sign ordinance (p. 93)

Councilor Mitchell asked if the Council was willing to look at the Sign Ordinance again. Councilor Anderson said he knew that Don K worked on the prior committee to try to ease the tension between downtown and the corridor. He said a 45 mph traffic zone needs to be treated differently. He said a Corridor Study needs to be made of the highway corridor. He said it will take a budget item of about \$25,000 and public participation. He was not necessarily suggesting that the businesses help with funding. Councilor Mitchell said someone offered \$10,000 previously to help with a Corridor Study. He said he thought this was on hold until the donut issue was decided. He was interested in the study. Mayor Muhlfeld said they had \$25,000 budgeted for the 93 S. project, but it was recently moved to the Hyw. 93 West project. He said private individuals have been meeting with a planner about the corridor south, but the Commissioners are waiting until the donut litigation is settled. He said for that reason he doesn't think it is worth putting time and money to that area outside City limits, but he thinks it is appropriate to study within the City limits. Councilor Anderson said it probably has to wait for the budget cycle.

Councilor Mitchell recognized Greg Shaffer who said he is requesting that they put a volunteer committee together to look at the Sign Ordinance especially in areas where the speed limit is 45 mph. He is pleased to see that someone recognizes the need to revisit this issue. Mayor Muhlfeld said the Council has addressed the Sign Code in the last few years and they've acknowledged that some review of sign components are necessary. He said they asked for the Planning Board to give them suggestions and updates and haven't received any, so he suggested that Mr. Shaffer talk to the Planning Board.

8c. Reconsider decision not to place the overhead utilities on the East 2nd Street reconstruction project underground (p. 94)

Councilor Kahle said the City has a policy that requires all new utilities to be placed underground. He asked the definition of new utilities. There are new poles, new lines on the East Second Street project, and yet they are going into the same area. He said the private development community is concerned. He thinks the City should put utilities underground for safety and practical reasons. He said it is not too late on E. Second Street. He heard that they are “not going to get the bang for their buck,” but he didn’t like that wording or concept because that is arbitrary. He said they need to deal with the E. Second Street project, but also with the overall policy on underground utility requirements.

Director Wilson said it is not impossible to go back now, but they would look at re-design costs of about \$45,000 now. If they are going to keep services in place they will have to go on the south side of property and get private easements. Councilor Mitchell said he can see both sides. He thanked Mark Svennungsen for his letter. He thinks if they are putting them underground to the west they should do it to the east as well. He said 20 years from now they would be glad if the wires were underground. He said Chris Schustrom asked them to look at underground services for future projects, but he wonders when they want to start. His concern is that if they put money toward this then it affects other projects. Director Wilson said it does affect money they have to reconstruct streets. Councilor Kahle said he intended to make this a discussion about policy. They will be facing this issue again. The policy needs to be consistent and clear, not based on individual projects. Mayor Muhlfeld said he thinks some policy change will be considered and he thinks it would be short-sighted not to bury these lines for continuity. Director Wilson reminded the Council that at the February 19th meeting he told them Flathead Electric will not underground utilities at Rose Lane or down by Armory Park and those would be some of the most visible lines on E. Second Street. Councilor Hildner agreed that there are two different issues. He agrees that the first priority should be to underground utilities whenever and wherever possible. He said the Second Street project doesn’t offer much in the way of underground options. He said the Resort Tax Committee voted 4-1 not to use Resort Tax funds on Second Street at this time and he thinks they should be heard. He is an advocate for underground utilities.

Mayor Muhlfeld said there are three options: 1)Do nothing; 2)underground the utilities and maintain overhead services or: 3)underground the utilities and convert overhead services to underground. Director Wilson said he is not concerned about future policy, he is concerned about where they are on this project now and the cost of changing mid stream. Councilor Mitchell asked and Director Wilson said the gas main will be relocated this summer and the major build will happen in 2014. Councilor Sweeney asked if there is a cost or rule-of-thumb per 100 feet of putting utilities underground. He said \$300,000 seems like a lot of money. Director Wilson said they haven’t done enough of it for him to know a typical per/foot cost. He doesn’t think there are any unique issues to this road. Councilor Kahle said there was a discussion about the Resort Tax committee members and he has spoken to a lot of them and he thinks some minds have been changed.

Councilor Kahle offered a motion, seconded by Councilor Hyatt, adopting option 1, to underground utilities, but maintain overhead services on the E. Second Street project.

The motion was tied with Councilors Hyatt, Kahle, and Mitchell voting in favor and Councilors Sweeney, Anderson, and Hildner voting in opposition. Mayor Muhlfeld voted in favor and the motion passed 4-3.

Councilor Sweeney said they need to address the policy issue and the Council agreed..

8d. Set a date for a public hearing on considering constructing the future City Hall with a parking structure

Councilor Anderson urged that they aim for the first meeting in May. Councilor Hyatt asked for the 2nd meeting in May, which would be May 20th. The Councilors agreed. Councilor Kahle said the solution needs to be a much larger discussion about structural parking downtown. Mayor Muhlfeld suggested they talk about the parking structure at the April 15th work session. Manager Stearns said the discussion options will include City Hall with structure parking or City Hall with surface parking. Mayor Muhlfeld asked if staff could provide a staff report before the meeting and Manager Stearns agreed.

Councilor Kahle said he was approached by a staff member about the current location of City Hall. He said that person has concerns and doesn't feel that the decision was completely vetted, particularly by people who will still be working in this building. Mayor Muhlfeld said they went through several public hearings and a lengthy discussion, so he is comfortable with the decision to stay on this lot.

8e. Email from Cheryl Watkins of Bookworks regarding a boutique hotel at 3rd and Central (p. 107)

Mayor Muhlfeld acknowledged that they received the letter. Manager Stearns said he did respond to her via email to address some of her concerns. Councilor Mitchell said this letter was disturbing to him. They are just gathering information at this time. He wished people would talk to the Councilors first.

Councilor Comments:

Councilor Mitchell asked Councilors Sweeney and Hildner how the bids came in on the High School project. Councilor Sweeney said the bids came in for the gym and were under budget about 5-10%. The 2nd bid package has been opened, but they haven't been awarded yet. Several of the items were much higher than they anticipated so they are going back to re-visit that bid. It came in over bid by 10-15%. The 3rd bid package won't happen until June. Councilor Mitchell asked about Emergency Services Center final numbers and Manager Stearns said they are pretty close. The Tester grant expired December 31st so some supplies will have to be paid for from the tax increment fund. They will hope to have these finalized by June 30, 2013. Councilor Mitchell asked and Director Taylor said they got four bids for the Highway 93 West project and expect it to start in April. Councilor Sweeney said he appreciated Cheryl Watkin's letter, but he agreed with Councilor Mitchell that the public needs to understand that the Council is just beginning to discuss whether they should or should not allow the boutique hotel. He said he would like to have a policy discussion on the underground utility issue. He thinks they should have a public hearing on this issue. He would like to see some sort of Corridor Study for Highway 93 S. whether it incorporates the donut area or not. Mayor Muhlfeld said they could add these issues to the goal setting session.

Councilor Kahle said he got to attend an award event and an academic achievements award ceremony at the High School . He said Whitefish is much more than a resort town; it is a heart town. Councilor Hyatt thanked the school staff and police department as they were out helping to change the routing of the traffic for school drop offs this morning. He said it went quite smoothly. Councilor Hildner said this is a great town and a great community and that is why they are here. Mayor Muhlfeld said there is a Whitefish River clean-up meeting with EPA Thursday at 3 p.m. He said they had the opportunity for annual reviews with Manager Stearns and City Attorney VanBuskirk and he wished there was a chance to sit down and tell the rest of the staff how important they are to the Council and to the City. He thanked all the staff and their departments.

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

Mayor Muhlfeld adjourned the meeting at 9:05 p.m.

Mayor Muhlfeld

Jane Latus Emmert, Recording Secretary

Attest:

Vanice Woodbeck, Assistant City Clerk

JACKSON
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-13-W02
APRIL 1, 2013

Owner: Suzanna Jackson
Mailing Address: 253 Polhemus Ave.
Atherton, CA 94027
Applicant: White Cloud Design
Mailing Address: PO Box 67
Whitefish, MT 59937
Telephone Number: 406.863.2828
Contractor: Archer Excavation
Mailing Address: 200 Park Hill Drive
Whitefish, MT 59937
Telephone Number: 406.253.5289
Property Legal Description: Lots 19, First Add. To WF Lake Summer Homes,
Section 14, Township 31N, Range 22W
Property Address: 2500 East Lakeshore
Lake: Whitefish Lake
Lake Frontage: 76.04
Project Description: Installation of Dry Set Stone Steps; Gravel
Pathway; Beach Gravel; and Low Voltage
Pathway Lights

Discussion:

Proposal: The applicant is proposing to install 20 dry set stone steps (60 square feet) along the existing pathway (shown on the site plan as "old path"); place gravel along the existing path; install seven (7) low voltage pathway lights along the path and apply a layer of beach gravel along the beach (9 cubic yards).

The path is existing and is currently covered in mulch. The applicant is requesting to cover the path in washed gravel. The path traverses the hillside and the gravel from the path would not come into contact with the lake. According to Lakeshore Regulations, Section 13-3-1-W, only the stone or timber steps of a pathway are subject to maximum allowable constructed area. The request to place gravel on the existing pathway does not increase the constructed area total within the Lakeshore Protection Zone.

Frontage and allowable constructed area: The property has 76.04 feet of lake frontage and is eligible for 608.32 square feet of constructed area.

Existing Constructed Area: The property was previously part of several additional lake front tracts, with 141.35 sq ft of impervious surface with an existing wood deck, and timber and gravel stairs, all of which are were removed with permit WLP-12-W34. The property has a 537 square foot dock. The permit at hand would increase the constructed area by 60 square feet bringing the total constructed area to 597 square feet.

Other Information: A permit was issued in 2012 to remove a wood deck and timber/gravel stairs; install a new dock and create an mulch path as an extension of the “old path” once the stairway was removed (WLP-12-W34).

Staff was unable to find previous permits for the subject property for application of beach gravel. Staff believes that the request complies with the one-time application that is allowed under Section 13-3-1-P. Additionally, the gravel application is limited to a portion of the beach area. The applicant is requesting 9 cubic yards of gravel application; regulations allow up to one (1) cubic yard per eight (8) linear feet of lake frontage.

Conclusion: The proposed work complies with Section 13-3-1 General Construction Standards of the Whitefish Lake and Lakeshore Protection Regulations.

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

Recommended Conditions of Approval:

1. The Lakeshore Protection Zone shall be defined as the lake, lake bed, and all land within 20 horizontal feet of the perimeter of the lake and adjacent wetlands when the lake is that the mean annual high water elevation of 3,000.79' (NAVD 1988).
2. Temporary storage of equipment or construction materials in the lakeshore protection zone is prohibited.
3. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.

Stone Steps/Gravel Path

4. The proposed dimensions specified on the application project drawing shall not be exceeded. Changes or modifications to increase any dimension or change

the materials or construction methods described in the application must be approved through permit amendment.

5. All work shall be done when the lake is at low pool and the construction site is dry.
6. The area disturbed by construction shall be restored to the condition prior to construction. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.
7. Hand railings are permitted. The railing shall not extend higher than four feet (4') above the stairway and landing walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
8. The stairs shall have a maximum width of four feet (4') and shall be designed to provide access only. The existing path may not be modified except for the installation of steps.
9. Clean, washed gravel may be used in setting the path but cannot be used to modify existing terrain.
10. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.

Beach Gravel Application

11. All fill shall be clean, washed gravel of three-fourths inch ($\frac{3}{4}$ ") to one and one-half ($1 \frac{1}{2}$ ") diameter, free of silts, sands and fine materials. Gravel type and color shall approximate that existing on the adjacent lakeshore.
12. Maximum fill depth is four inches (4") to six inches (6").
13. Application of gravel shall be permitted one time only to supplement a stable gravel beach. Reapplication of gravel where it washed away, silted in or revegetated over time prohibited.

Pathway Lighting

14. Low voltage pathway lighting, no greater than two feet (2') in height may be permitted. Lighting shall be downcast, shielded and dark skies compliant.

Additional Conditions

15. At no time shall the wheels of any vehicle come in contact with the lake.
16. This permit shall be valid for one year from the date of issuance. Upon completion of the work, please contact the Planning Department for an inspection.

Report by: Nikki Bond

WHITEFISH, BLANCHARD & LOST COON LAKE

Lakeshore Construction Permit Application

A permit is required for any work, construction, demolition, dock/shore station/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone - an area extending 20 horizontal feet landward from mean high water of 3,000.79' msl (NAVD 1988) for Whitefish Lake, 3,144.80' msl (NAVD 1988) for Blanchard Lake and 3,104' msl (NAVD 1988) for Lost Coon Lake. Please fill in all information, sign and pay the appropriate fees. In order to be on the next Lakeshore Protection Committee Meeting agenda the completed application must be submitted a minimum of **3 weeks** prior to the next regularly scheduled meeting and all required information must be provided in order to be deemed complete and scheduled for the next meeting date. The Committee meets on the second Wednesday of every month. An incomplete application will not be accepted.

Submit Application To:

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

OWNER

Name SUZANNA JACKSON Phone 650-714-8213
 Mail Address 253 POLHEMUS AVE.
 City, State, Zip ATHERTON, CA. 94027
 Project address (if other than above)

APPLICANT (If Other Than Owner)

Name WHITECLOUD DESIGN Phone 863-2828
 Mail Address Box 67
 City, State, Zip WHITEFISH, MT. 59937

Email address (staff reports are sent via email): WHITECLOUDDESIGN@YAHOO.COM

How many feet of the lake frontage do you own?	Legal Description (available from annual property tax notice)
	Lot/Tract#: Section: Township Range:
Subdivision Name:	
<u>76.04'</u>	<u>WFSH LAKE SUMMER HOMES ADD 1 AND, S14 T31N R22W Lot 19</u>

CONTRACTOR:

PHONE#:

Mail Address:

ARUTHER EXCAVATION, LLC 200 PARK HILL DRIVE, WHITEFISH, MT. 59937

FEES:

Administrative Permit (no committee meeting) (waterlines, dead trees, buoys, burning, etc)	\$75
Administrative Permit (w/ committee meeting) (docks under 60', shore stations)	\$255
Standard Permit (construction, rip rap, stairs, dredging, filling, excavation, clearing, machinery operations)	\$350 base fee (1 activity) \$140 each additional activity <i>(Activity is defined as a separate component or project that by itself would require a permit)</i>
Variance - Minor	\$490/variance - added to standard permit fee Supplemental Application Required
Variance - Major	\$1,400/variance - added to standard permit fee Supplemental Application Required
"After-the-Fact" Permit	4 times the normal fee

1. Nature of the Proposed Work (describe what you propose to build, demolish, or install. Give dimensions, material and list heavy equipment, if any to be used).

- INSTALL (20) 3'x6'x6-8" THICK DRYSET STONE STEPS ON THE EXISTING PATHWAY FROM THE BEACH. LANDINGS TO BE GRAVEL.
- APPLY 9 C.Y. OF 1" - WASHED GRAVEL TO BEACH.

- INSTAN (7) 3LED. LOW VOLTAGE PATHWAY LIGHTS TO PROVIDE SAFE TRAILS

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

NONE. ALL WORK TO BE DONE AT LOW POOL.

NO HEAVY EQUIPMENT BELOW HIGH WATER LEVEL

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

DOCK AS PER EXISTING PERMIT - STAFF REPORT #NLP-12-W34

10-3-12

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

4. The following Project Information must be included.

Is VICINITY MAP attached?

Is a "to scale" SITE PLAN attached?

Is a "to scale" PROJECT DRAWING attached?

Are at least 3 PHOTOS of work site attached?

1 photo of property from lake, 2 photos showing lakeshore protection zone from property boundary towards other property boundary, i.e., from north property line across to south property line, and photos of each existing structure or constructed area within the lakeshore protection zone (dock, boat house, stairs, etc)

I hereby state that the statements contained herein and the materials attached hereto are a true and complete statement of all proposed work and its effects (or probable effects) on the lake and lakeshore and that I have answered all questions in the application. The signing of this application signifies approval for City Planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

 Owners Signature (May be signed by applicant but authorization letter from owner must be attached.) 22 Feb 12
 Date:

SUZANNE JACKSON

 Print Name

All work will be inspected for conformity with permit. The permit is valid for one year from date of approval. The permit can be renewed by the governing body upon request.

Jackson Residence
 WFSH LAKE SUMMER HOMES ADD1AMD
 S14, T31 N, R22 W, Lot 019,
 2500 E. Lakeshore Dr.
 Whitefish, MT 59937



Project Notes:

- See Sheet 2 for Plan View
- See Sheet 3 for Section View
- See Sheet 4 for Site Photos
- See Application for further descriptions of proposed work to be performed.
- The topographical file used set the elevation reference of 3000.8'.

Sheet 1

Lakeshore
 Permit
 Application



Johnny McDonald
 ASLA, Associate
 PO Box 67
 Whitefish, MT 59937
 Office: 406.863.2828
 Cell: 406.863.2827
 www.whitecloudesign.com

Jackson Residence
 WFSH Lake Summer Homes ADD1AMD
 2500 E. Lakeshore Dr.
 Whitefish, MT 59937

2-22-13

VICINITY MAP



Sheet 2

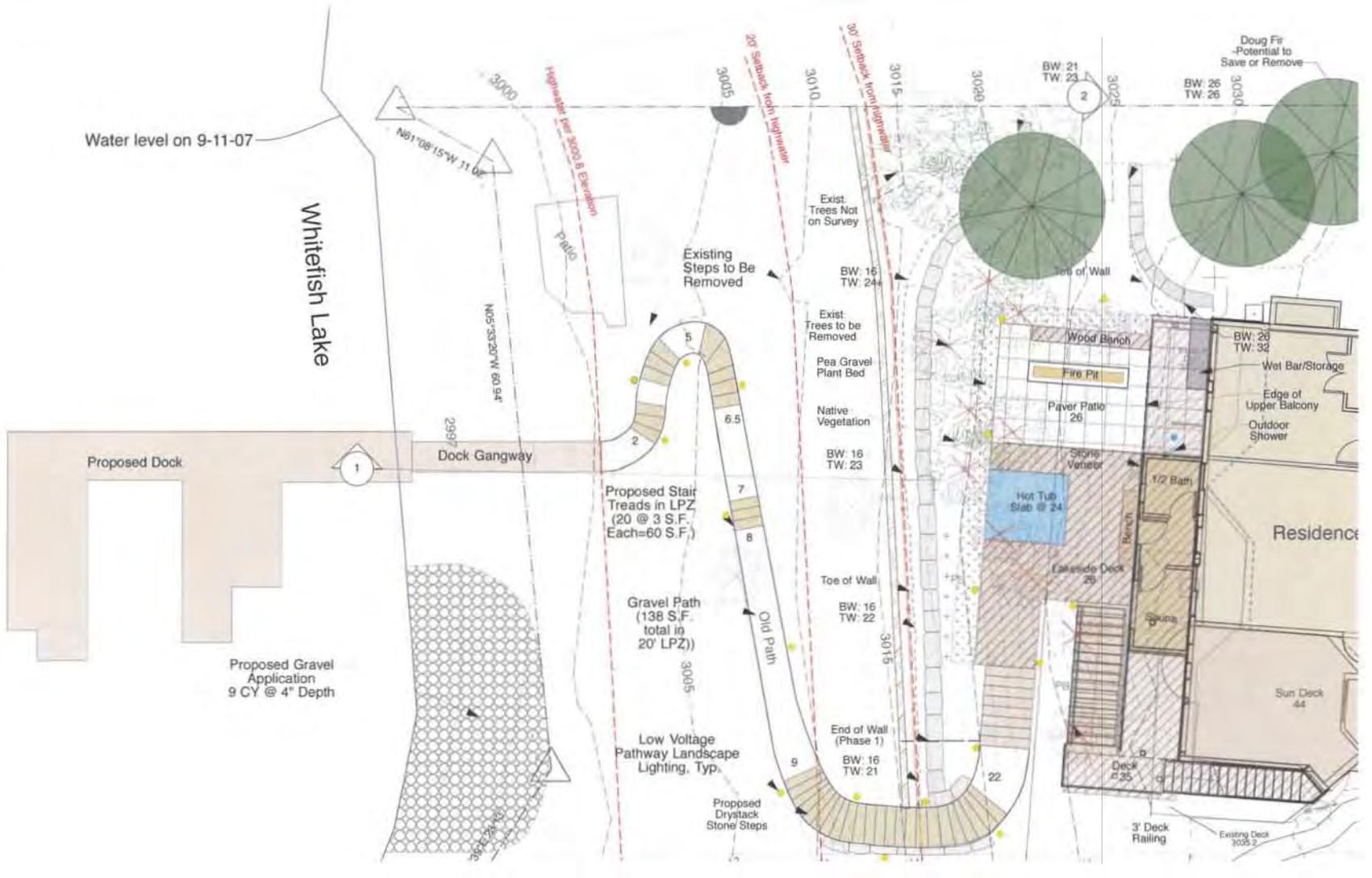
Lakeshore
Permit
Application



Manny McDonald
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Office: 406.863.2828
Cell: 406.863.2827
www.whitecloudloggi.com

Jackson Residence
WFSL Lake Summer Homes ADDIAMD
2500 E. Lakeshore Dr.
Whitefish, MT 59937

2-22-13



SITE PLAN

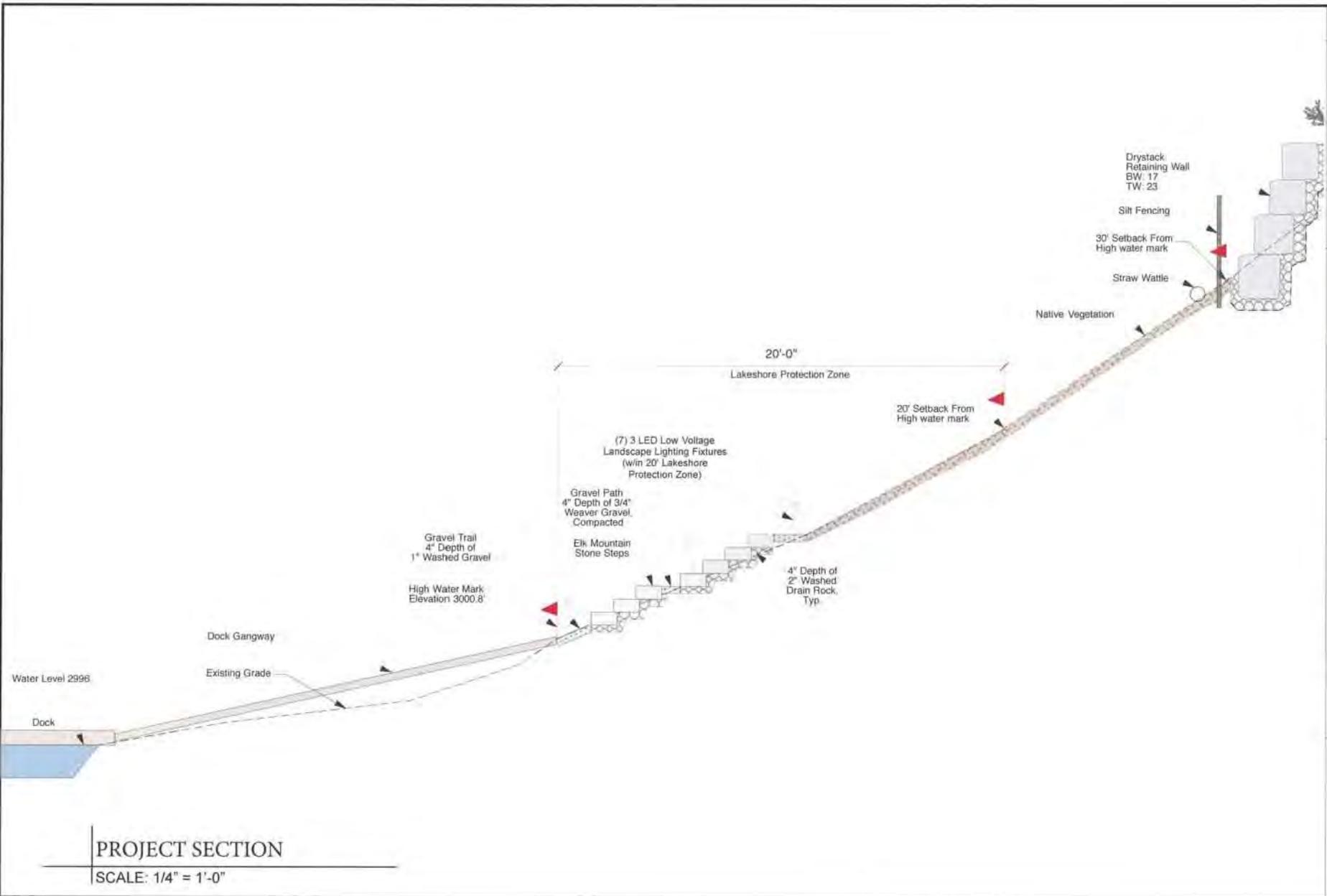
Scale 1"=10'





Jackson Residence
 WFSH Lake Summer Homes ADDIAMD
 2500 E. Lakeshore Dr.
 Whitefish, MT 59937

2-22-13



PROJECT SECTION

SCALE: 1/4" = 1'-0"

Sheet 4

Lakeshore
Permit
Application



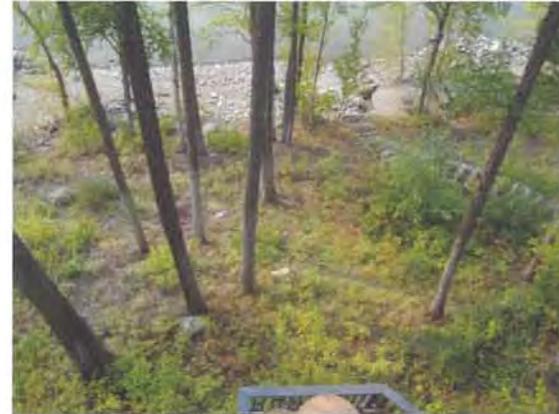
Johnny McDonald
ASLA, Associate
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Whitefish, MT 59937
Office: 406.863.2828
Cell: 406.863.2827
www.whitecloudinc.com

Jackson Residence
WFESH Lake Summer Homes ADD1A1MD
2500 E. Lakeshore Dr.
Whitefish, MT 59937

2-22-13



View Looking Northwest to Lakefront



View looking West to Lake



View of Lakeshore looking Southeast from Lakeshore



View looking North from Lakeshore

SITE PHOTOS

**504 PROPERTIES
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-13-W03
APRIL 1, 2013**

Owner: Anibal Duarte/504 Properties
Mailing Address: 301 Miracle Mile
Coral Gables, FL 33134
Applicant: White Cloud Design
Mailing Address: PO Box 67
Whitefish, MT 59937
Telephone Number: 406.863.2828
Contractor: Malmquist Construction
Mailing Address: 335 Spokane Avenue
Whitefish, MT 59937
Telephone Number: 406.862.7846
Property Legal Description: Lot 1, Amd. Lot 20, Portion Lot 21, Block 8,
1st Addition to Whitefish Townsite 5 Acre Tracts,
Section 25, Township 31N, Range 22W
Property Address: 422 Dakota Avenue
Lake: Whitefish Lake
Lake Frontage: 85'
Project Description: Installation of Dryset Walkway, Stepping Stones
& Low Voltage Pathway Lighting

Discussion:

Proposal: The applicant is proposing to remove an existing concrete walkway and replace with dry set flagstone on a gravel base (94.5 square feet); add stepping stones from the walkway to gangway (46.5 square feet); and install seven (7) low voltage pathway lights. Only the natural shape of each stone will be excavated. Washed chip gravel free of fines will be laid as a base. All work will be done by hand, with no heavy equipment.

The dry set flagstone and stepping stones will be replacing an existing concrete walkway of 141 square feet. The replacement flagstone walkway will be 94.5 square feet and the stepping stones will be 46.5 square feet. The installation of the pathway and stepping stones will consist of the same square footage of the existing concrete walkway that is being removed. The final constructed area of the completed project and existing dock will be 677 square feet.

Frontage and allowable constructed area: The property has 85 feet of lake frontage and is eligible for 680 square feet of constructed area.

Existing Constructed Area: The property currently has a 536 square foot dock and two uncovered shore stations. There is also an existing 141 square foot concrete walkway. The property currently has 677 square feet of constructed area which is 3 square feet under the allowable total of 680 square feet.

Other Information: This property received a lakeshore permit in 2012 (WLP-12-W15) to place two (2) uncovered shore stations upon agreeing to remove a portion of the "L" on the dock. Both shore stations were approved by City Council with the provision that the shore stations were to remain uncovered, riparian setbacks must be met and water depth must be adequate. Due to the shallow nature of the lake at this property, prior Lakeshore meeting minutes reflect that the riparian area is reduced from the concave nature of the bay.

Conclusion: The proposed work complies with Section 13-3-1 General Construction Standards of the Whitefish Lake and Lakeshore Protection Regulations.

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

Recommended Conditions of Approval:

1. The Lakeshore Protection Zone shall be defined as the lake, lake bed, and all land within 20 horizontal feet of the perimeter of the lake and adjacent wetlands when the lake is that the mean annual high water elevation of 3,000.79' (NAVD 1988).
2. Temporary storage of equipment or construction materials in the lakeshore protection zone is prohibited.
3. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.
4. The proposed dimensions specified on the application project drawing shall not be exceeded. Changes or modifications to increase any dimension or change the materials or construction methods described in the application must be approved through permit amendment.
5. All work shall be done when the lake is at low pool and the construction site is dry.

Walkway & Stone Steps

6. The stone walkway and stepping stones shall be located as shown on the application project drawing. The stone/rock used shall be free of silts, sands or fines.
7. Cultured or natural stone or rock shall be used for the proposed work within the lakeshore protection zone. The stones or rock to be used shall be dry set.
8. Clean, washed gravel may be used in setting the path but cannot be used to modify existing terrain.
9. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.
10. The stone stairway and path shall have a maximum width of four feet (4') and shall be designed to provide access only.

Pathway Lights

11. Low voltage pathway lighting, no greater than two feet (2') in height may be permitted. Lighting shall be downcast, shielded and dark skies compliant.

Additional Conditions

12. The area disturbed by construction shall be restored to the condition prior to construction. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.
13. This permit shall be valid for one year from the date of issuance. Upon completion of the work, please contact the Planning Department for an inspection.

Report by: Nikki Bond

WHITEFISH, BLANCHARD & LOST COON LAKE

Lakeshore Construction Permit Application

A permit is required for any work, construction, demolition, dock/shore station/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone - an area extending 20 horizontal feet landward from mean high water of 3,000.79' msl (NAVD 1988) for Whitefish Lake, 3,144.80' msl (NAVD 1988) for Blanchard Lake and 3,104' msl (NAVD 1988) for Lost Coon Lake. Please fill in all information, sign and pay the appropriate fees. In order to be on the next Lakeshore Protection Committee Meeting agenda the completed application must be submitted a minimum of **3 weeks** prior to the next regularly scheduled meeting and all required information must be provided in order to be deemed complete and scheduled for the next meeting date. The Committee meets on the second Wednesday of every month. An incomplete application will not be accepted.

Submit Application To:

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

OWNER

Name ANIBAL DUARTE Phone 954-694-0104
 Mail Address 307 MIRACLE MILE
 City, State, Zip CORAL GABLES FL 33134
 Project address (if other than above)

APPLICANT (If Other Than Owner)

Name WHITEWOOD DESIGN Phone 963-2828
 Mail Address Box 67
 City, State, Zip WHITEFISH, MT. 59937

Email address (staff reports are sent via email): WHITEWOODDESIGN@YAHOO.COM

How many feet of the lake frontage do you own? <u>84'</u>	Legal Description (available from annual property tax notice)
	Lot/Tract#: Section: Township Range:
	Subdivision Name:
<u>WFSH TL SAT ADD 1 L 20, PT 21 BOARD 525, T 31N, R 22W</u>	

CONTRACTOR: _____ **PHONE#:** 962-7846

Mail Address: MALMQUIST CONSTRUCTION, 335 SPOKANE AVE WHITEFISH, MT 59937

FEES:

Administrative Permit (no committee meeting) (waterlines, dead trees, buoys, burning, etc)	\$75
Administrative Permit (w/ committee meeting) (docks under 60', shore stations)	\$255
Standard Permit (construction, rip rap, stairs, dredging, filling, excavation, clearing, machinery operations)	\$350 base fee (1 activity) \$140 each additional activity <i>(Activity is defined as a separate component or project that by itself would require a permit)</i>
Variance - Minor	\$490/variance - added to standard permit fee Supplemental Application Required
Variance - Major	\$1,400/variance - added to standard permit fee Supplemental Application Required
"After-the-Fact" Permit	4 times the normal fee

1. Nature of the Proposed Work (describe what you propose to build, demolish, or install. Give dimensions, material and list heavy equipment, if any to be used).

- DEMO APPROX. 141 SF OF EXISTING CONCRETE WALKWAY AND REPLACE W/ DRYSET FLAGSTONE.
- SET APPROX. 46.5 S.F. OF STEPPING STONES TO DOCK GANGWAY
- INSTALL (7) 3LED LOW VOLTAGE PATHWAY FIXTURES

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

NONE. ALL WORK TO BE DONE AT LOW WATER.

NO HEAVY EQUIPMENT IN LPZ.

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

DOCK & STAIR STATIONS, SEE PAST APPLICATIONS.

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

4. The following Project Information must be included.

Is VICINITY MAP attached? _____

Is a "to scale" SITE PLAN attached? _____

Is a "to scale" PROJECT DRAWING attached? _____

Are at least 3 PHOTOS of work site attached? _____

✓
✓
✓
✓

1 photo of property from lake, 2 photos showing lakeshore protection zone from property boundary towards other property boundary, i.e., from north property line across to south property line, and photos of each existing structure or constructed area within the lakeshore protection zone (dock, boat house, stairs, etc)

I hereby state that the statements contained herein and the materials attached hereto are a true and complete statement of all proposed work and its effects (or probable effects) on the lake and lakeshore and that I have answered all questions in the application. The signing of this application signifies approval for City Planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Owners Signature (May be signed by applicant but authorization letter from owner must be attached.)

Anibal Duarte

02/23/13
Date:

Print Name

ANIBAL DUARTE

All work will be inspected for conformity with permit. The permit is valid for one year from date of approval. The permit can be renewed by the governing body upon request.

Pascal Residence
 WFSH TC5AT ADD1 L20, PT21B8AMD
 Sec. 25, T. 31 N., R 22 W.
 Lot 001, WFSH TSTEE CO 5 A
 422 Dakota Ave.
 Whitefish, MT 59937



VICINITY MAP



Project Notes:

- See Sheet 2 for Plan View
- See Sheet 3 for Section View
- See Sheet 4 for Site Photos
- See Application for further descriptions of proposed work to be performed.
- The topographical file used set the elevation reference of 3000.8'.

Sheet 1

Lakeshore
 Permit
 Application



White
 Cloud
 JENNIFER McDONALD
 ASLA Associate
 PO Box 67
 Whitefish, MT 59937
 Office: 406.863.2828
 Cell: 406.863.2827
 www.whitedesigns.com

Pascal Residence
 WFSH TC5AT ADD1 L20, PT21B8AMD
 Sec. 25, T. 31 N., R 22 W.
 Lot 001, WFSH TSTEE CO 5 A
 422 Dakota Ave.
 Whitefish, MT 59937

2-22-13

Sheet 2

Lakeshore
Permit
Application



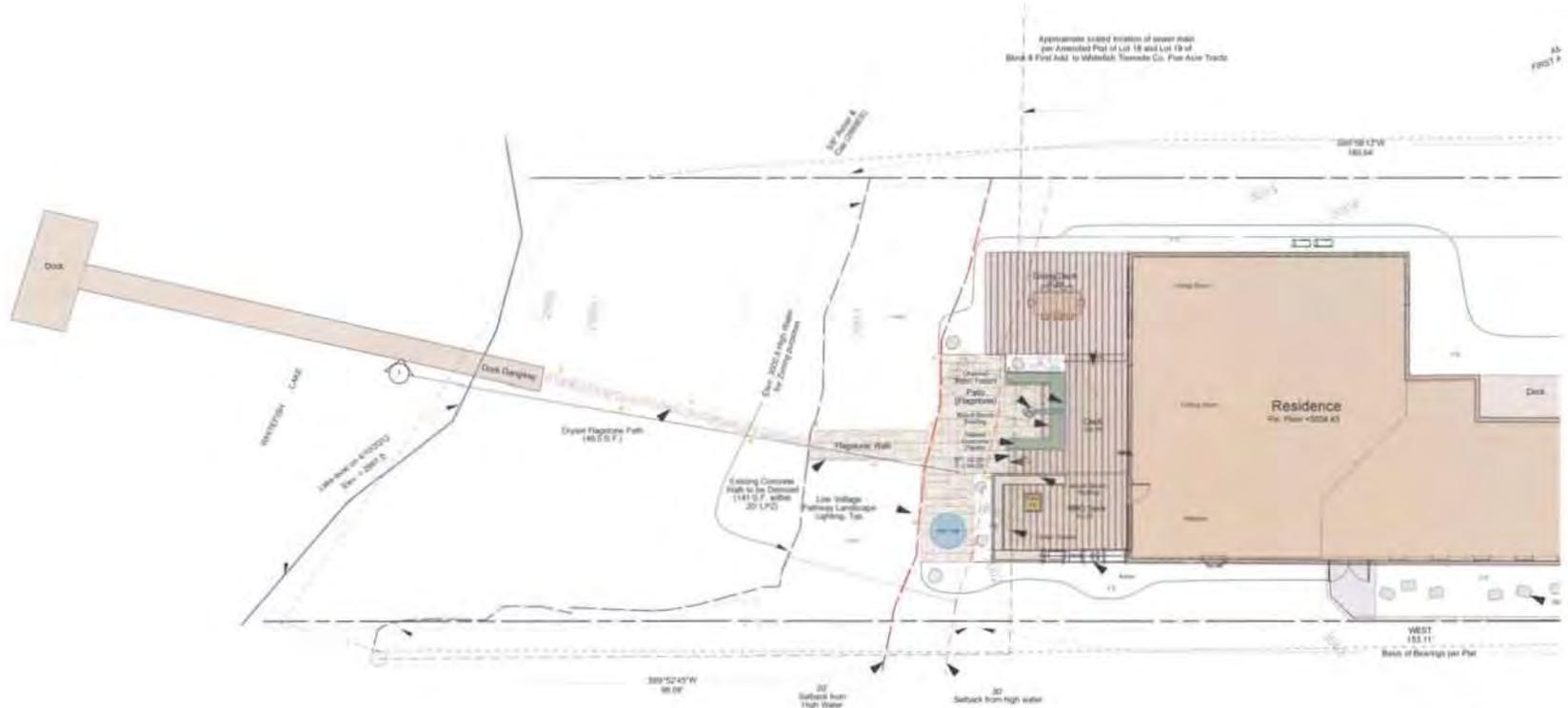
Johnny McDonald
ASA, Associate
P.O. Box 67
Whitefish, MT 59937
Office: 406.863.2828
Cell: 406.863.2827
www.whitecloudesign.com

Pascal Residence
WFSH TCSAT ADD1 L20, FT21B8AMD
Sec. 25, T. 31 N., R. 22 W.
Lot 001, WFSH TSTEE CO 5 A
422 Dakota Ave.
Whitefish, MT 59937

2-22-13

SITE PLAN

Scale 1"=20'



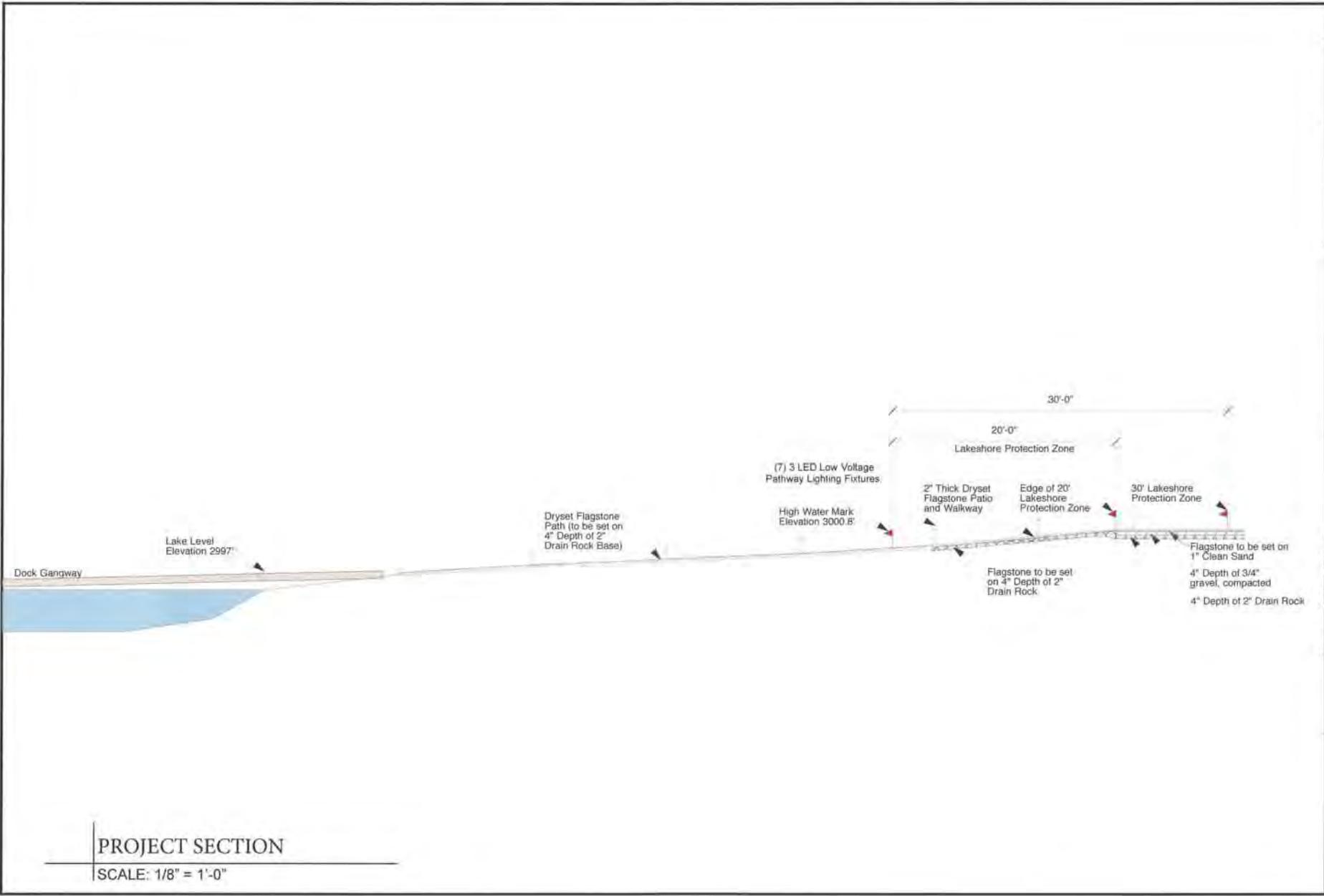
LOT 9
AMENDED PLAT OF
LOT 25 AND A PORTION OF LOT 11 OF BLOCK 9
WFSH ADD TO WHITEFISH TOWNSITE CO FIVE ACRE TRACTS





Johnny McDonald
ASLA, Associate
PO Box 87
Whitefish, MT 59917
Office: 406.863.2828
Cell: 406.863.2827
www.whitecloudesign.com

Pascal Residence
WFSH TCSAT ADD1 L20, FT21BSAMD
Sec. 25, T. 31 N., R. 22 W.
Lot 001, WFSH TSTEE CO 5 A
422 Dakota Ave.
Whitefish, MT 59937



PROJECT SECTION

SCALE: 1/8" = 1'-0"

Sheet 4

Lakeshore
Permit
Application



Johnny McDonald
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F0346 67
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Office: 406.863.2828
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Pascal Residence
WFESH TCSAT ADD1 L20, FT2188AMD
Sec. 25, T. 31 N., R. 22 W.
Lot 001, WFESH TSTEE CO 5 A
422 Dakota Ave.
Whitefish, MT 59937

2-22-13



View Looking West to Lakefront



View looking East from Lake



View of North Property Boundary



View of South Property

SITE PHOTOS

**BRIAN MCNAUGHTON
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-13-W04
APRIL 1, 2013**

Owner: Brian McNaughton
Mailing Address: 920 Birch Point Drive
Whitefish, MT 59937
Telephone Number: 406.862.5138
Applicant/Contractor: Bruce Boody
Landscape Architect
Mailing Address: 301 2nd Street, Suite 1B
Whitefish, MT 59937
Telephone Number: 406.862.4755
Property Legal Description: Lot 6 (Lot B of Amended Plat of Lots 5&6 of Birch Point) in Section 26, Township 31N, Range 22W
Property Address: 920 Birch Point Drive
Lake: Whitefish Lake
Lake Frontage: 79' per Plat
75.74' reported in application along shoreline
Project Description: Replacement of Existing Stone Wall and Stone Steps; Rock Lined Swales; Application of Beach Gravel. The project will also install native plants and erosion control measures as a subset of the wall replacement and drainage reconfiguration. Dock reconfiguration to reduce overall constructed area.

Discussion:

Background: The subject application was originally submitted as a Minor Variance for exceeding the allowable constructed area. At the meeting of March 13, 2013, the property owner worked with the Lakeshore Protection Committee and agreed to reduce the square footage of his existing dock by at least 52 square feet in order to remove the need for a variance. (The updated dock drawing is attached to the staff report)

Proposal: The applicant is applying for three (3) multi-faceted activities: the replacement and reduction of an existing wall and stone steps, rock lined swales for drainage and the one-time application of beach gravel.

1. Total constructed area on the site is already maxed out with an existing dock (526 square feet) and rock wall with steps (233.08 square feet) and lighting pedestals (1.64 square feet). The total existing constructed area is 760.72 square feet. The replacement of the wall and stone steps will reduce the

constructed area by 76.38 square feet for a total of 684.34 square feet. Only 632 square feet of constructed area is allowed. The applicant will reduce the square footage of the existing dock by at least 52 square feet to be within the allowable constructed area for the property.

2. The applicant states that the existing wall and steps are failing, are a danger to the property owners and are causing sedimentation to be deposited within Whitefish Lake. Rip rap alone will not mitigate the issue as there is an existing wall onsite that needs to be replaced. They feel that the wall will diminish damaging wave action that is causing the shoreline to erode. Riprap will be placed at the base of the lower wall to minimize the impact of erosion to the wall.

Section 13-3-1-O, Riprap and Retaining Walls, requires that replacement walls be constructed in the same location of the existing wall and shall be constructed to the minimum height necessary to stabilize the bank. The submitted materials provide the required details and document the need for a replacement wall and steps for access.

3. The current dewatering system has piping within the lakeshore protection zone that terminates groundwater from the property directly into Whitefish Lake. Staff noted during an initial meeting with the applicant that the existing dewatering system could not be replaced as the lakeshore regulations require "Any point source runoff which is diverted to the lake shall be terminated and filtered prior to entering the lakeshore protection zone," (WCC 13-3-1-C-3). The applicant revised their site plans to terminate all point source runoff in areas outside of the lakeshore protection zone.

The applicant is proposing to replace a failing non-conforming dewatering system with rock-lined swales. The existing dewatering system has become ineffective and the property is water-logged. The application states that the new system will "provide soil stability, reduce erosion on the slope and reduce lake-siltation caused by erosion." The rock-lined swales do not count as impervious surface. The trenches will be dug at an incline and filled in with gravel and rocks to facilitate the drainage from the property into areas that will not further deteriorate the lakeshore zone. The rock lined swales are located to the sides of the property and draw water from the site towards the lake and not pool it behind the wall which would cause another failure.

The proposal is congruent with a dewatering system outside of the lakeshore protection zone that utilizes filtration systems. The applicant included a copy of a Water Quality Dewatering Design Report prepared by Applied Water Consulting. Staff notes that the report is not a requirement of the permit application but it contains additional background information and documentation on site conditions.

4. Staff was unable to find previous permits for the subject property for application of beach gravel. Staff believes that the request complies with the one-time application that is allowed under Section 13-3-1-P. Additionally, the gravel application is limited to a portion of the beach area. The applicant is requesting 9.44 cubic yards of gravel application; regulations allow up to one (1) cubic yard per eight (8) linear feet of lake frontage.

Frontage and allowable constructed area: The property has 79 feet of lake frontage according the plat. The allowable constructed area based on 8 square feet per lineal foot of frontage is 632 square feet. The application as submitted requests a total of 684.32 square feet of constructed area. (Staff Note: The application states the property has 75.54' of lake frontage and calculates the allowable constructed based on that figure. The plat shows 79' which is the figure that will be recognized for the property based on previous lakeshore permits issued).

Existing Constructed Area: This property has an existing dock of 526 square feet, stone wall of 172.81 square feet, stone steps of 60.27 square feet, and utility pedestals (lights) of 1.64 square feet for a total of 760.72 square feet.

Conclusion: The proposed work complies with Section 13-3-1 General Construction Standards of the Whitefish Lake and Lakeshore Protection Regulations.

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

Recommended Conditions of Approval:

1. The lakeshore protection zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.6'.
2. Temporary storage of vehicles, trailers, debris, other equipment or construction materials in the lakeshore protection zone is prohibited.
3. The work authorized under this permit shall be completed in substantial compliance with the methods and materials described within the application.
4. At no time shall the wheels of any vehicle come in contact with the lake.
5. All work shall be done when the construction site is dry.
6. Construction materials shall be of a non-reflective nature.
7. If lake siltation occurs, work will be immediately halted and the City of Whitefish Planning Department shall be contacted.

8. All available methods will be made to preserve and protect all of the existing trees in the lakeshore protection zone.
9. The natural protective armament of the lakebed and lakeshore shall be preserved wherever possible.
10. Natural vegetation in the Lakeshore Protection Zone shall be preserved wherever possible.
11. Silt fencing, straw waddles or other erosion and sedimentation measures shall be utilized during construction. An approved plan for erosion and sedimentation during construction shall be required. Approval of the methods proposed shall be issued by the City of Whitefish in compliance with the Critical Areas Ordinance or other development standards.
12. The proposed projects shall not exceed the dimensions or deviate from the proposed location as specified in the application, except as amended by the Whitefish Lake and Lakeshore Protection Regulations. Changes or modification to increase any dimension (or change configuration) must be approved through permit amendment. The owner must request an amendment before the permit expires.
13. All work shall be done when the lake is at low pool, before April 20th or after August 15th, and when the construction site is dry. Construction dates can be modified with approval by the Planning Department to account for fluctuations with high water and low water cycles dependent on late thawing or early lowering of lake levels.

Stone Wall and Steps (and revegetation associated with replacement)

14. The construction of the wall and steps shall be as described by the applicant with the permit application and shall follow best management practices during construction.
15. Any wood used in construction of the stairway shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly recommended. Painted materials, plywood, particle board or other glued composite board are not allowed. Stairways or walkways of poured-in-place concrete are prohibited.
16. Cultured or natural stone or rock shall be used for the proposed work within the lakeshore protection zone. The stones or rock to be used shall be dry set.
17. Rock should be acquired from a site outside of the lakeshore protection zone. Some rock may be hand picked from the lakeshore zone but only if the solid

armament of rock remains in place. The removal of rock which exposes silts, sands, and fines is prohibited.

18. All cutting of stairway materials shall be done outside the lakeshore protection zone. Upon completion, the components may be brought to the lakeshore area and assembled.
19. The stairway shall follow the natural grade of the existing lakeshore and no portion of the walking surface or railing of the stairway shall be situated higher than two vertical feet above the underlying lakeshore. The steps and walkway shall have a maximum width of four feet and shall be designed to provide access only.
20. A stairway hand railing is permitted. The railing shall not extend higher than four feet above the stairway walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
21. The retaining rip rap shall be constructed at or landward of the mean annual high water elevation, shall conform to the contours of the existing shoreline, and shall be placed on a maximum slope of 2 horizontal : 1 vertical, as stated in the application materials.
22. Riprap complying with the dimensions mentioned above shall be placed on the waterward side of the lower retaining wall such that the toe of the riprap shall not extend waterward of high water and the top of the rock shall extend to within at least six inches (6") of the top of the wall where practical.
23. The riprap rock shall be angular and sized property for the specific task. Nominal rock size to be 6-12" (18" maximum) in diameter. Changes or modifications to increase any of these dimensions must be approved through permit amendment.
24. Rock or stone from the immediate lakeshore protection zone may be used for a project if its removal does not reduce the effectiveness of the existing lakeshore armament or expose silts, sands, clays, or fines.
25. Any material which is excavated from the lakebed or lakeshore shall be removed entirely from the lake and lakeshore protection zone and deposited in such a manner as to prohibit re-entry of the material into the lake.
26. The wall shall be built as presented, at or landward of the mean high water elevation, and shall conform to the contours of the existing shoreline. No attempt shall be made to extend the land area into the lake any further.

27. The landward side of the retaining walls shall extend at least two inches (2") but not more than eight inches (8") above the level of backfill to inhibit surface water runoff which may carry fertilizer, herbicides, pesticides, etc.
28. All material excavated for placement of the footings may be used as backfill behind the wall or else be deposited outside of the lakeshore protection zone.
29. Backfill shall be limited to that amount necessary to reestablish the preexisting slope and contours of the landward side.
30. Landscaping shall be hand irrigated to ensure long-term survivability of the vegetation and trees.
31. The trees and vegetation shall be maintained for a ten (10) year period. If the trees and vegetation die within the ten year maintenance period, they shall be replaced to the standards which they were approved.
32. The area disturbed by removal and replacement of the drain system, wall and steps shall be restored to the condition prior to construction. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.

Beach Gravel and Rock-Lined Swales

33. The Rock-Lined Swales shall be limited to those areas as shown on the site plans and as detailed in the Water Quality Dewatering Design Report prepared by Applied Water Consulting.
34. All fill shall be clean, washed gravel of three-fourths inch (¾") to one and one-half (1 ½") diameter, free of silts, sands and fine materials. Gravel type and color shall approximate that existing on the adjacent lakeshore.
35. Maximum fill depth for beach gravel is four inches (4") to six inches (6").
36. Application of gravel shall be permitted one time only to supplement a stable gravel beach. Reapplication of gravel where it washed away, silted in or revegetated over time prohibited.

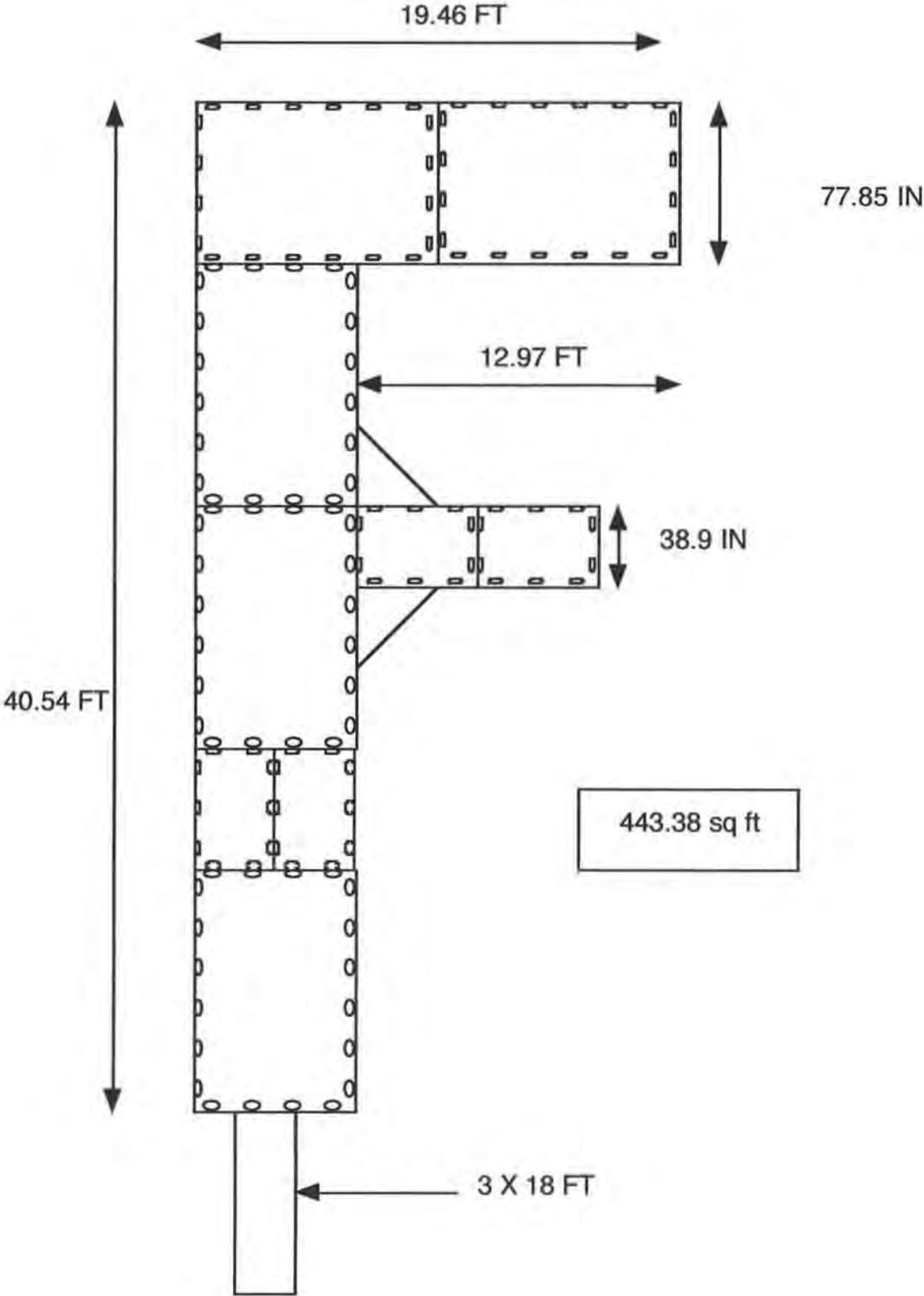
Dock Reconfiguration

37. The property owner shall provide a new dock drawing illustrating reconfiguration inside dock wing to 4' x 18' thereby reducing dock size by at least 50 square feet and removing necessity for minor variance.

38. This permit shall be valid for one year from the date of issuance. Upon completion of the work, please contact the planning department at 863-2410 for an inspection.

Report by: Nikki Bond

**DOCK DESIGN
FOR
MCNAUGHTON
3-18-13**



February 21, 2013

Nikki Bond
City of Whitefish Planning Department
510 Railway Street
Whitefish, MT 59937

Nikki,

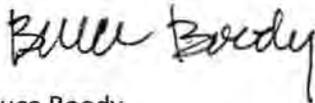
Attached is the McNaughton Lakeshore and Minor Variance application.

As per our meeting, all the proposed dewatering piping has been removed from the LPZ. We wanted to call your attention to the one item that is somewhat different from our pre-application discussion.

Please note the drainage swales called out on the plan and the details for them in the Applied Water Consulting report. Applied Water Consulting, Inc., along with CMG Engineering, Inc. (geotechnical engineers) has stated that the de-watering system, outside the LPZ, must be of a sufficient depth to function. Those proposed depths were determined by the placement of several test holes and monitoring pipes, to determine the ground water levels. The rock lined swales have a sloped, gravel lined trench below them. Without that additional depth, according to the Engineering, the drainage system will likely fail and the site will revert to the saturated and unstable current condition. We went through many different design scenarios to try and simplify and minimize the system, but as stated above, the system simply will not work without the appropriate depth.

Thank you again for meeting with us to review the preliminary design. Please let us know if you have any questions regarding the attached application.

Regards,



Bruce Boody

301 Second Street
Suite 1b
Whitefish, MT
59937

phone 406 862-4755
fax 406 862-9755

BRUCE BOODY
LANDSCAPE ARCHITECT, INC.
301 - 2ND ST. E. SUITE 1B PH. 406-862-4755
WHITEFISH, MT 59937

93-168/929

4124

DATE Feb 19, 2013

PAY TO THE
ORDER OF

Whitefish Planning + Building

\$1,120⁰⁰

One thousand one hundred twenty and 00/100

DOLLARS



Security Features
include
Details on Back



First Interstate Bank

888-752-3336

www.firstinterstatebank.com

MEMO

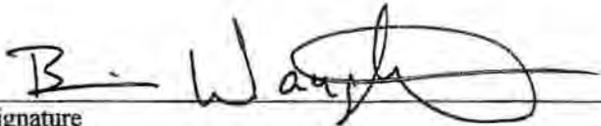
McDonald's Cash

Bruce Boody

MP

⑆092901683⑆4904367630⑆ 4124

I hereby authorize Bruce Boody Landscape Architect, Inc. to act on our behalf as applicant in all matters regarding my Whitefish, Blanchard, and Lost Coon Lake Lakeshore Construction Permit Application.


Signature

Brian McNaughton
Print Name

Jan. 28, 2013
Date

**WHITEFISH, BLANCHARD & LOST COON LAKE
Lakeshore Construction Permit Application**

McNaughton Residence

Whitefish Lakeshore Construction Permit Application

Owner:
Brian McNaughton
920 Birch Point Dr.
Whitefish, MT 59937

Date Submitted:
2/21/2013

Prepared By:
Bruce Boody Landscape Architect, Inc.
301 E. 2nd St.
Whitefish, MT 59937
(406) 862-4755ph



Bruce Boody Landscape Architect, Inc. Whitefish MT

**Attachment to Whitefish Lakeshore Construction Permit Application
For the McNaughton Property (Job #12-27)
Whitefish, Flathead County**

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 Lakeshore Application Vicinity Map & Site Plan 8

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 Lakeshore Application Native Planting Plan, Sections & Wall/Step Detail 10

Lakeshore Minor Variance Application

 Lakeshore Minor Variance Application 11-16

Lakeshore Application Appendix

 Appendix A: Applied Water Consulting-Water Quality Dewatering Design Report 1-67



Bruce Boody Landscape Architect, Inc. Whitefish MT

WHITEFISH, BLANCHARD & LOST COON LAKE

Lakeshore Construction Permit Application

A permit is required for any work, construction, demolition, dock/shore station/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone - an area extending 20 horizontal feet landward from mean high water of 3,000.79' msl (NAVD 1988) for Whitefish Lake, 3,144.80' msl (NAVD 1988) for Blanchard Lake and 3,104' msl (NAVD 1988) for Lost Coon Lake. Please fill in all information, sign and pay the appropriate fees. In order to be on the next Lakeshore Protection Committee Meeting agenda the completed application must be submitted a minimum of **3 weeks** prior to the next regularly scheduled meeting and all required information must be provided in order to be deemed complete and scheduled for the next meeting date. The Committee meets on the second Wednesday of every month. An incomplete application will not be accepted.

Submit Application To:

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

OWNER

Name Brian McNaughton Ph. 406.862.5138 (home)
 Mail
920 Birch Point Drive
 City,
 State, Zip Whitefish, MT 59937
 Project address (if other than above):

APPLICANT (If Other Than Owner)

Bruce Boody Landscape
 Name Architect, Inc. Phone 406.862.4755
 Mail Address 301 2nd St Suite1b
 City,
 State, Zip Whitefish, MT 59917

How many feet of the lake frontage do you own? <p style="text-align: center;">75.54LF</p>	<p style="text-align: center;">Legal Description (available from annual property tax notice)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Lot/Tract#:</th> <th style="text-align: left; border-bottom: 1px solid black;">Section:</th> <th style="text-align: left; border-bottom: 1px solid black;">Township</th> <th style="text-align: left; border-bottom: 1px solid black;">Range:</th> </tr> </thead> <tbody> <tr> <td style="border-bottom: 1px solid black;">Lot 6 (Lot B of Amended Plat of Lots 5&6 of Birch Point)</td> <td style="border-bottom: 1px solid black;">S26</td> <td style="border-bottom: 1px solid black;">T31N</td> <td style="border-bottom: 1px solid black;">R22W</td> </tr> </tbody> </table>	Lot/Tract#:	Section:	Township	Range:	Lot 6 (Lot B of Amended Plat of Lots 5&6 of Birch Point)	S26	T31N	R22W
Lot/Tract#:	Section:	Township	Range:						
Lot 6 (Lot B of Amended Plat of Lots 5&6 of Birch Point)	S26	T31N	R22W						

CONTRACTOR: Whitefish Builders (Curt Comstock)
info@whitefishbuilders.com

PHONE#: 406.862.9507

Mail Address: 20 Spokane Ave., Whitefish, MT 59937

FEES:

Administrative Permit (no committee meeting)	\$75
Administrative Permit (w/ committee meeting)	\$255
Standard Permit	\$350 base fee (1 activity)
<i>(Activity is defined as a separate component or project that by itself would require a permit)</i>	\$140 each additional activity
Variance – Minor	\$490/variance – added to standard permit fee Supplemental Application Required
Variance – Major	\$1,400/variance – added to standard permit fee Supplemental Application Required
“After-the-Fact” Permit	4 times the normal fee

-
1. Nature of the Proposed Work (describe what you propose to build, demolish, or install. Give dimensions, material and list heavy equipment, if any to be used).

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

-
5. The following Project Information must be included.

Is VICINITY MAP attached? YES
Is SITE PLAN attached? YES
Is PROJECT DRAWING attached? YES
Are at least 3 PHOTOS of work site attached? YES

1 photo of property from lake, 2 photos showing lakeshore protection zone from property boundary towards other property boundary, i.e., from north property line across to south property line, and photos of each existing structure or constructed area within the lakeshore protection zone (dock, rock walls, stairs, etc)

I hereby state that the statements contained herein and the materials attached hereto are a true and complete statement of all proposed work and its effects (or probable effects) on the lake and lakeshore and that I have answered all questions in the application. The signing of this application signifies approval for City Planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Bruce Beady ASLA 2/19/13
Owners Signature (May be signed by applicant but authorization letter from owner must be attached.) Date:

Bruce Beady
Print Name

All work will be inspected for conformity with permit. The permit is valid for one year from date of approval. The permit can be renewed by the governing body upon request.

**Attachment to Whitefish Lakeshore Construction Permit Application
For the McNaughton Property (Job #12-27)
Whitefish, Flathead County**

Lakeshore Application Description of Existing Conditions and Proposed Work

1. Nature of the Proposed Work (describe what you propose to build, demolish, or install. Give dimensions, material and list heavy equipment, if any to be used).

Lakeshore Activity #1: Reconstruction of existing stone wall and stone steps. The existing stone wall and steps shall be dismantled, and as much of the stone as possible will be re-used in the reconstruction and/or as rip rap. The stone shall be stock-piled outside of the 20' lakeshore protection zone (see plan). Some additional stone will need to be imported to adequately retain the existing slope. Any stone added to the wall will not affect the impervious constructed area since it will be added to the vertical height of the wall. The proposed wall shall be set two feet behind the Average High Water Elevation 3000.79'. The existing stone wall and stone steps have an impervious constructed area totaling 233.08 sq. ft. The proposed stone wall and stone steps have an impervious constructed area totaling 156.7 sq. ft. The total impervious constructed area has been reduced by 76.38 sq. ft. Rip rap will be placed at the base of the stone wall to a height of 6" below the top of wall, at a slope not to exceed 1.5:1, to reduce the visible wall height and help dissipate wave action. Rip rap will also be used at the ends of the walls to provide further armament against wave action and erosion. Rip rap will be 6-12" in size, not to exceed 18" in any dimension, and will match the native stone existing on the lakeshore.

Lakeshore Activity #2: Rock-lined swale. The site has an existing dewatering system (probably 20-25 years old) that is deteriorating, a very high groundwater table and saturated soils causing saturated conditions along the hillside. A dewatering system will be incorporated with the site improvements outside of the LPZ to provide soil stability, reduce erosion on the slope and reduce lake-siltation caused by erosion. A rock-lined swale is being proposed within the LPZ as a way to direct groundwater from the dewatering system to Whitefish Lake. This system will only redirect water that is currently on the site, and that is already entering Whitefish Lake. It will not add volume or have negative impacts on the quality of the water that re-enters the lake (per water sampling data in Appendix A). Due to the high groundwater table, there are numerous examples of dewatering systems existing along the lakeshore in this area of the lake.

Lakeshore Activity #3: One-time application of beach gravel. The proposed beach gravel has a maximum pervious constructed area of 764.64 sq. ft. The beach gravel shall be clean, washed gravel of ¾" to ½" diameter, free of silts, sands and fine materials. Gravel type and color shall approximate that existing on the adjacent lakeshore. Maximum fill depth shall be 4-6", and maximum import shall not exceed 9.44 cu. yd.

All materials will be moved to the construction area using either CAD truck or a four wheel drive gator with trailer and/or small skid steer on the temporary construction access (see plan) from the top of the property to outside the 20' lakeshore protection zone. The temporary construction access will be inspected by contractor and shored-up as necessary to keep hillside from eroding and to protect the natural landscape. At the end of the temporary construction access (outside the 20' lakeshore protection zone) there shall be a materials landing pad that will be used to stage equipment and materials. At this point materials will be moved by small tracked excavator, small tracked skid-steer, and by-hand.

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

As a result of this work, positive environmental impacts are anticipated as follows:

Lakeshore Activity #1: The dewatering system (outside the LPZ) and the retaining wall will stabilize the slope, and reduce erosion and lake-siltation. The dismantling of the existing stone wall that is currently below average high water, and the use of these materials above average high water, will also have a positive environmental impact by reducing the volume



**Attachment to Whitefish Lakeshore Construction Permit Application
For the McNaughton Property (Job #12-27)
Whitefish, Flathead County**

of material below average high water. A net cut of approximately 2.12 cu. yd. of material will be removed from below average high water. The rip rap will dissipate wave action and is required to a height within 6" from the top of wall per lakeshore regulations. The rip rap at the ends of the walls and at the end of the rock-lined swale will dissipate the erosive forces of groundwater as it leaves the swale and re-enters Whitefish Lake, thereby reducing lake-siltation.

Lakeshore Activity #2: The rock-lined swale will provide a means for groundwater from the dewatering system to reach Whitefish Lake. The groundwater that is seeping out of the slope currently causes erosion, pooling of water at the lakeshore, and lake-siltation. The system as a whole will mitigate these conditions which will improve lake water quality, slope stability and access to the lake.

Lakeshore Activity #3: The beach gravel will be used to mitigate the pooling of groundwater seepage and tracking of silts into the lake.

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

Previous Lakeshore Permits on file:

#96-19 & #96-20: Removal of large Cottonwood Tree within 20' Lakeshore Protection Zone, and Season Location of Swim Dock 120' from shoreline.

#WLP-00-W17: Replacement of existing "Super Deck" dock with an "EZ Dock". Maintain pre-existing swim-dock, but in the new EZ-Dock material. Utility Pedestal Permit for 3' ht. pedestal with 120 volt power, light, and water spigot.

#WLP-03-W9: Install Shore Station within the confines of the existing dock.

#WLP-06-W71: Reconfigure Existing Permitted "EZ Dock". Maintain existing (2) "EZ Port" PWC Docking Ports. Maintain existing Swim Dock (10'x10' by "EZ Dock"). Maintain previously permitted utility pedestal.

#WLP-12-W22: Removal of previously-permitted dock and installation of an "F" Shaped "EZ Dock" and Swim Buoy.

<u>Existing Items</u>	<u>Date Constructed</u>	<u>Constructed Area</u>
Existing Dock	2012-Permit #WLP-12-W22	= 526.00 sq. ft.
Existing Stone Wall	Unknown ("Grandfathered")	= 172.81 sq. ft.
Existing Stone Stairs	Unknown ("Grandfathered")	= 60.27 sq. ft.
Existing Utility Pedestals	2000-Permit #WLP-00-W17	= 1.64 sq. ft.
Total Impervious Constructed Area:		= 760.72 sq. ft.

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

SEE ATTACHED



Attachment to Whitefish Lakeshore Construction Permit Application
For the McNaughton Property (Job #12-27)
Whitefish, Flathead County

Lakeshore Activity Calculations

Bruce Boody Landscape Architecture, Inc.

Square Footage Calculations within Lakeshore Protection Zone:

Total Allowable Impervious Constructed Area: 75.54 LF (Shoreline) x 8' = 604.32 sq. ft.

Existing Impervious Constructed Area:

Existing Dock (to remain)	526.00 sq. ft.
Existing Utility Pedestals (to remain)	1.64 sq. ft.
Existing Stone Wall	172.81 sq. ft.
<u>Existing Stone Stairs</u>	<u>60.27 sq. ft.</u>
Existing Total:	760.72 sq. ft.

Proposed Impervious Constructed Area:

Existing Dock	526.00 sq. ft.
Existing Utility Pedestals	1.64 sq. ft.
Reconstructed Stone Wall	74.75 sq. ft.
<u>Reconstructed Stone Stairs</u>	<u>81.95 sq. ft.</u>
Proposed Total:	684.34 sq. ft.
Net Reduction to Impervious Area:	76.38 sq. ft.

Proposed Pervious Constructed Area:

Proposed Beach Gravel	764.64 sq. ft.
<u>Proposed Rip Rap</u>	<u>354.59 sq. ft.</u>
Proposed Total:	1119.23 sq. ft.



Attachment to Whitefish Lakeshore Construction Permit Application
For the McNaughton Property (Job #12-27)
Whitefish, Flathead County

Existing Lakeshore Photos:

Bruce Boody Landscape Architecture, Inc



Photo #1: Existing Stone Stairs



Photo #2: Existing Stone Wall



Photo #3: Existing Failed Dewatering System where Beach Gravel is Proposed

Attachment to Whitefish Lakeshore Construction Permit Application
For the McNaughton Property (Job #12-27)
Whitefish, Flathead County

Precedent of Existing Dewatering Systems in the Immediate Area:

Bruce Boody Landscape Architecture, Inc



Photo #1: Existing Dewatering System Drain Pipe at Lakeshore



Photo #2: Groundwater Discharged from Existing Dewatering System at Lakeshore



Photo #3: Existing Dewatering System Termination at Rip Rap



Photo #4: Groundwater Discharged from Existing Dewatering System at Lakeshore

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

**SUPPLEMENTAL APPLICATION FOR A VARIANCE
TO THE WHITEFISH LAKE AND LAKESHORE PROTECTION REGULATIONS**

PLEASE READ CAREFULLY

An application for a Whitefish Lake and Lakeshore Construction Permit must accompany the variance request form.

The variance mechanism is not intended to address situations that are a matter of convenience rather than hardship. It is not intended to provide economic relief from a specific standard requirement. A lakeshore variance is not intended to address a violation that does not conform to the lakeshore regulations.

A staff recommendation for approval of a variance does not provide an guarantee that the variance will be approved. The staff makes a recommendation to the Whitefish Lake and Lakeshore Protection Committee who in turn make a recommendation to the Whitefish City Council. The Whitefish City Council has the final authority whether a variance is approved or denied. Any appeal of the decision of the Whitefish City Council must be made in district court as per Section 75-7-215 of the Montana Code.

There is a filing fee for a variance that is non-refundable in the event that a variance is denied.

SITE PLAN AND PROJECT DRAWING – These are required as part of your lakeshore permit application and the request for a variance.

Submit a site plan, either drawn to scale or with dimensions added, which shows in detail your proposed project, your property lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, and any unusual topographic features such as slopes, drainage, ridges, etc. Where new buildings or additions are proposed, building sketches and elevations must be submitted.

A Pre-application meeting is required with City staff. The City of Whitefish will only accepted completed lakeshore variance applications from individuals who have completed a pre-application meeting.

A pre-application meeting was held on: 2/19/13
Date: _____

Belle Easley _____
Applicant Signature City Staff Signature

SECTION 13-6-2 OF THE WHITEFISH LAKE AND LAKESHORE PROTECTION REGULATIONS REQUIRES THE FOLLOWING:

FINDINGS - The following criteria form the basis for approval or denial of the variance request. The burden of satisfactorily addressing these criteria lies with the applicant. These criteria are intended to prevent the circumvention of the lakeshore protection regulations and are typically based on a unique circumstance over which the property owner has no control.

DESCRIBE THE NATURE OF THE VARIANCE REQUEST: (PLEASE ATTACH A SEPARATE DESCRIPTION IF NEEDED)

SEE ATTACHED

EXPLAIN WHICH SPECIFIC SECTION OF THE LAKESHORE PROTECTION REGULATIONS THE VARIANCE WOULD APPLY TO AND THE EXTENT TO WHICH YOUR REQUEST WOULD DEVIATE FROM THE STANDARD.

SEE ATTACHED

EXPLAIN THE REASON WHY THE VARIANCE IS NEEDED.

SEE ATTACHED

DESCRIBE ALTERNATIVES TO THE PROPOSED PROJECT THAT HAVE BEEN EXPLORED AND DESCRIBE WHY SUCH ALTERNATIVES ARE UNACCEPTABLE.

SEE ATTACHED

DESCRIBE THE CONDITIONS OF THE SITE AS THEY NOW EXIST WITHOUT THE VARIANCE.

SEE ATTACHED

6.2.A.1: GENERAL CRITERIA (Applicable to all Variance Requests):

DESCRIBE THE ANTICIPATED IMPACTS AS THEY RELATE TO THE POLICY CRITERIA BELOW: (Note: A "yes" or "no" answer or simple restatement of the question is not acceptable.)

- a. Due to unusual circumstances, a strict enforcement of such requirements and standards would result in undue hardship;

SEE ATTACHED

- b. No reasonable alternatives exist which do meet the standards herein; and,

SEE ATTACHED

- c. Granting of the variance will not have adverse impacts on a lake or lakeshore in terms of the "Policy Criteria for Issuance of a Permit" contained in Chapter 4 of the Whitefish Lake and Lakeshore Protection Regulations.

SEE ATTACHED

- d. Alternatively to (a) and (b), the granting of a variance would result in a general and universal public benefit.

SEE ATTACHED

6.2.A.2: MAJOR VARIANCE CRITERIA (Applicable to Major Variance Requests)

REQUIRES DETAILED ANSWERS TO EACH OF THE FOLLOWING CRITERIA BELOW AND SUBMITAL OF AN ENVIRONMENTAL IMPACT STATEMENT AS OUTLINED IN SECTION 6.2.B.2:

- a. The variance request does not meet the requirements of Section 6.2.A.1;

N/A

b. The variance request deviates substantially from the construction requirements or design standards of these regulations; and;

N/A

c. The variance request creates a major environmental impact.

N/A

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the City of Whitefish staff to be present on the property for routine monitoring and inspection during the approval and development process.

Brian Bodey

Applicant's Signature

2/21/13

Date:

**Attachment to Whitefish Lakeshore Construction Permit Application
For the McNaughton Property (Job #12-27)
Whitefish, Flathead County**

Section 13-6-2

DESCRIBE THE NATURE OF THE VARIANCE REQUEST: (PLEASE ATTACH A SEPARATE DESCRIPTION IF NEEDED).

A variance is requested to allow the reconstruction of the stone wall and steps, which provide access to the beach. The existing stone wall and steps are in an unsafe condition and need to be reconstructed for safety and functionality. The existing dock and gangway account for much of the allowable impervious constructed area, with only 76.68 sq. ft. remaining.

EXPLAIN WHICH SPECIFIC SECTION OF THE LAKESHORE PROTECTION REGULATIONS THE VARIANCE WOULD APPLY TO AND THE EXTENT TO WHICH YOUR REQUEST WOULD DEVIATE FROM THE STANDARD.

Section 5.1.F (page 15)

Constructed Area:

“1. The total of all constructed areas within the lake and lakeshore protection zone shall not exceed eight (8) square feet per each lineal foot of shoreline.”

The proposed construction project conforms to all aspects by definition, location and materials. However, the proposed project incorporates more impervious surface than allowed by the lakeshore regulations. The client has a total of 75.54 lineal feet of Whitefish lake frontage, which allows for 604.32 sq. ft. of impervious constructed area within the LPZ. The existing permitted elements, combined with the existing “grandfathered” elements exceed the allowable impervious coverage. This project proposes to reduce the impervious constructed area by 76.38 sq. ft., however there is 80.02 sq. ft. remaining in excess of the allowable area.

EXPLAIN THE REASON WHY THE VARIANCE IS NEEDED.

The variance is needed to allow for the overage in constructed impervious surface.

DESCRIBE ALTERNATIVES TO THE PROPOSED PROJECT THAT HAVE BEEN EXPLORED AND DESCRIBE WHY SUCH ALTERNATIVES ARE UNACCEPTABLE.

The alternatives would be to leave the existing stone wall and steps in the current condition. The stone wall in its current condition does not function to stabilize the grade change between the existing slope and the beach elevation. Portions of the existing wall are below average high water. The stone steps in their current condition do not provide safe access to the lake.

DESCRIBE THE CONDITIONS OF THE SITE AS THEY NOW EXIST WITHOUT THE VARIANCE.

The stone wall and steps as they exist are eroded, do not function and create a safety hazard.

6.2.A.1: GENERAL CRITERIA

DESCRIBE THE ANTICIPATED IMPACTS AS THEY RELATE TO THE POLICY CRITERIA BELOW:

- a) **Due to unusual circumstances, a strict, enforcement of such requirements and standards would result in undue hardship;**

The hardship is a result of the deterioration of the “grandfathered” stone wall and steps. Left in their current state they create an unsafe access to the lake.



**Attachment to Whitefish Lakeshore Construction Permit Application
For the McNaughton Property (Job #12-27)
Whitefish, Flathead County**

b) No reasonable alternatives exist which do meet the standards herein; and,

The existing permitted elements combined with the existing “grandfathered” elements do not provide enough remaining allowable impervious surface to provide access to the lake. Lakeshore residents have a right to access the lake. To leave the stone wall and steps in their current condition would cause continued erosion, does not provide safe access to the beach and would not be a reasonable alternative.

c) Granting of the variance will not have adverse impacts on a lake or lakeshore in terms of the “Policy Criteria for Issuance of a Permit” contained in Chapter 4 of the Whitefish Lake and Lakeshore Protection Regulations.

1. Construction materials shall not be stored in the LPZ.
2. All construction debris shall be immediately disposed of outside the lake and LPZ.
3. There shall be no mechanical equipment that comes in contact with the lake waters.
4. Any disturbance from construction will be immediately restored to its condition prior to construction by hand.

d) Alternatively to (a) and (b), the granting of a variance would result in a general and universal public benefit.

Granting the variance will not adversely affect the neighboring properties or the public. Rather, granting the variance will help stabilize the slope, reduce erosion and lake-siltation, provide safe access to the lake, and aesthetically improve the appearance of the lakeshore.



Appendix A

Water Quality Analysis & Dewatering Design Plan by:

Applied Water Consulting, LLC

Groundwater is observed discharging to Whitefish Lake through seeps and springs at the McNaughton property. The existing drain system has failed and the lower yard and beach area are oversaturated with groundwater pooling above the lakeshore elevation. Dewatering of the hillside is critical for stabilizing the lakeshore and creating a functioning space. As such, a detailed investigation of the site was performed, including: water quality testing, spring discharge measurements, soil investigations, water level monitoring, and aquifer testing. Information obtained in this investigation determined it is feasible to dewater the site. The following design report describes the investigation process and dewatering plan.



**WATER QUALITY DEWATERING DESIGN REPORT
MCNAUGHTON PROPERTY – 920 BIRCH POINT DRIVE**

Lot 6, (Lot B of Amended Plat of Lots 5&6 of Birch Point) in the NE ¼, SE ¼, NE ¼ of Section 26, Township 31N, Range 22W near Whitefish, Montana



February 19, 2013

Prepared for:

BRUCE BOODY LANDSCAPE ARCHITECT, INC
301 East 2nd Street
Whitefish, MT 59937

Prepared by:

APPLIED WATER CONSULTING
P. O. Box 7667
Kalispell, MT 59904

AWC Project No. 531-12

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1.0 INTRODUCTION

The McNaughton's site restoration plan for their property includes the construction of several new terrace patios and stairways for safe and easy access to Whitefish Lake. As part of these improvements, a groundwater dewatering system is to be constructed to alleviate groundwater seepage from the hillside. Currently, groundwater seepage from the hillside renders the backyard unusable. Dewatering of the hillside is an integral part of developing the property, enhancing the stability of the hillside and reducing sediment migration to Whitefish Lake. In addition to providing a design for the dewatering system, the following report outlines the site conditions, methodology, and design parameters utilized in design the system. The dewatering system is designed to lower the watertable and channel the water around the site, so the backyard can become a useable functioning space.

1.1 Site Description

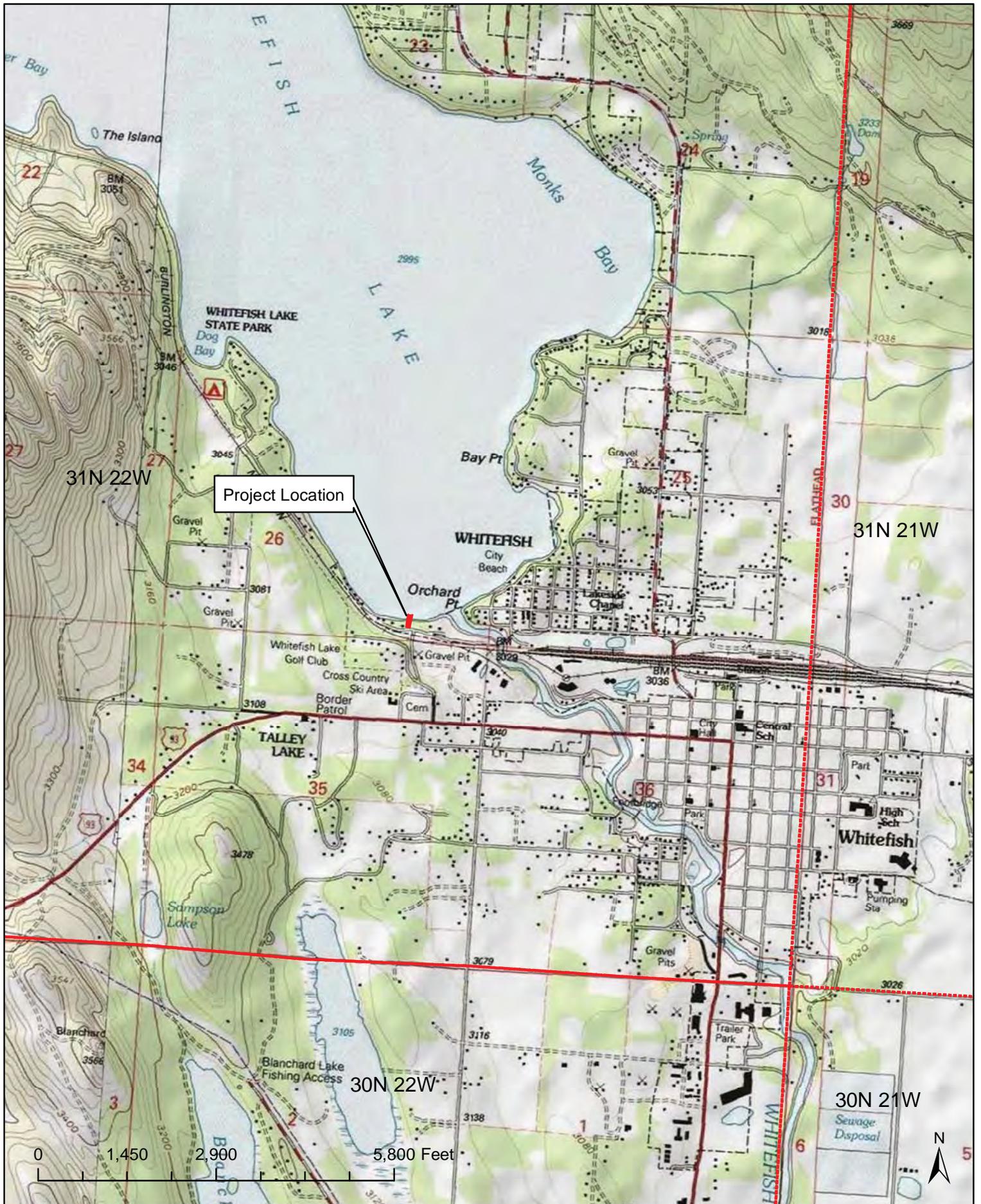
The McNaughton property is located along the south side of Whitefish Lake at 920 Birch Point Drive in Whitefish, Montana. The property encompasses 0.33 acres and the legal land description is Lot 6 (Lot B of Amended Plat of Lots 5&6 of Birch Point) in Government Lot 6 of Section 26, Township 31 North, Range 22 West, Flathead County, Montana (see **Figure 1**).

The project site is bordered by Whitefish Lake to the north, Birch Point Drive to the south, and residential parcels to the east and west. Seeps and springs emanate from the hillside behind the house on the north side of the property. The site topography is displayed on **Figure 2**. As shown, the ground surface slopes toward Whitefish Lake with a maximum gradient of approximately 60 percent occurring immediately behind the existing back deck and patio. The highest elevation is located at the southeast edge of the property at 3,031.3 feet above mean sea level (amsl). The mean annual high water elevation of the lake is approximately 3,000.79 feet amsl.

1.2 Purpose and Scope

The purpose of the work described in this report was to collect hydrogeologic data in order to evaluate for the design of a groundwater dewatering system. The original scope of work consisted of three primary tasks:

1. Hydrogeologic investigation; including a water quality assessment, deep soil boring/monitoring well installation, and hang-auger soil boring/piezometer installation;
2. Design a dewatering system to lower the watertable and divert spring water to the drains prior to surfacing; and
3. Preparation of a construction sequencing plan.



PROJ NO: 531-12	DRAWN: BJB
LOCATION: Whitefish, MT	PROJ MGR: R.NOBLE
1 inch = 2,000 feet	CHECKED:
FILE NAME: McNaughton	DATE: Feb/16/2013

McNaughton Dewatering Design
 Site Vicinity Map

FIGURE
1



PROJ NO: 531-12	DRAWN: BJB
LOCATION: Whitefish, MT	PROJ MGR: R.NOBLE
1 inch = 30 feet	CHECKED:
FILE NAME: McNaughton	DATE: Feb/16/2013

McNaughton Dewatering Design
Site Topography

FIGURE
2

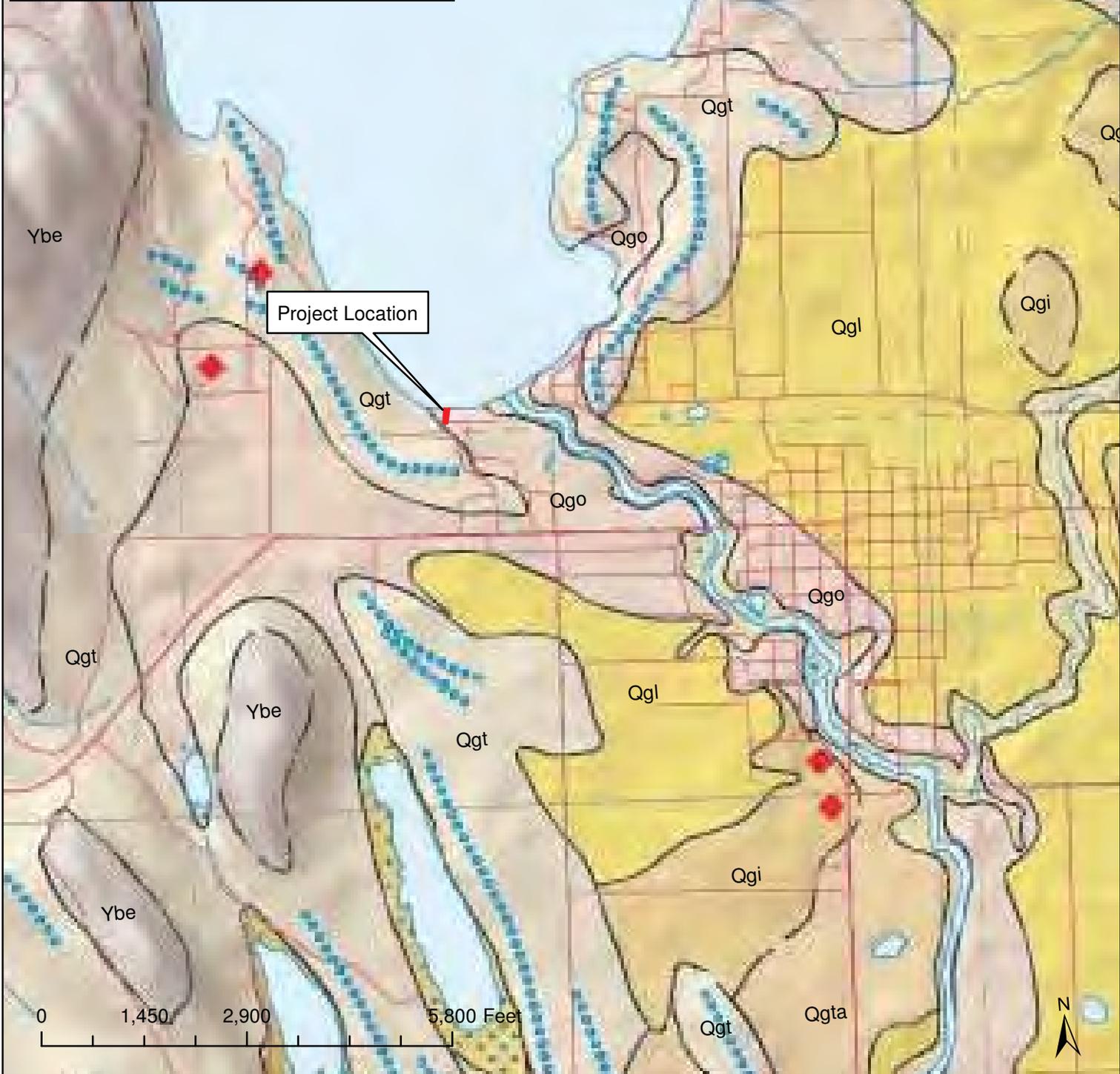
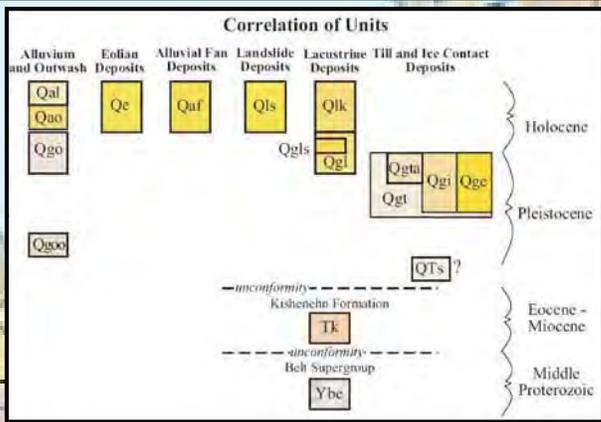
1.3 Hydrogeologic Setting

A geologic map portraying the surficial geology in the vicinity of the McNaughton property is presented as **Figure 3**. According to the geologic map, the McNaughton property overlies glacial outwash deposits (Qgo) of upper Pleistocene age. These deposits are composed of stratified gravel, sand, and silt layers emplaced by glacial melt-water streams (Smith, 2004). Boulder to cobble-size clasts are rare, indicating a low- energy fluvial deposition setting. The soil boring logs indicate there is a larger composition of silt-size material with interlayered sand stringers present in this area (see **Appendix A**).

Konizeski et al (1968) mapped and estimated the extent of a shallow perched aquifer in the Whitefish area. The perched aquifer is described as consisting of “outwash sand and gravel, which fills depressions between drumlins of clayey boulder till northwest of Kalispell.” The McNaughton property is located near the northeastern limit of the “perched aquifer” that occurs in the vicinity of Lion Mountain Road. A historic BNSF gravel pit is located immediately southeast of the site, further demonstrating the outwash deposits typical in this area.

The soil boring log for the monitoring well installed on the McNaughton property (attached in Appendix A) is consistent with hydrogeologic descriptions presented by Smith (2004) and Konizeski (1968). Groundwater is observed discharging to Whitefish Lake through seeps and springs throughout the shoreline in this area. It is particularly bad at the McNaughton property because the existing drain system has failed.

Geology digitized from the Surficial Geologic Map of the Upper Flathead River Valley Area, Flathead County, Northwestern Montana, Montana Bureau of Mines and Geology, December, 2004.



	PROJ NO: 531-12	DRAWN: BJB	McNaughton Dewatering Design	FIGURE
	LOCATION: Whitefish, MT	PROJ MGR: R.NOBLE		
	1 inch = 2,000 feet	CHECKED:	Geologic Map	3
	FILE NAME: McNaughton	DATE: Feb/16/2013		

1.4 Site Specific Soils

Natural Resource Conservation Service (NRCS) Soils Maps describe the entire site is mapped as Typic Eutroboralfs, as shown in **Figure 4**. According to the NRCS, the soils were developed from silty till material and comprise rolling hills. The following information was obtained from the NRCS Soil Survey:

Typical Profile

0 to 2 inches: slightly decomposed plant material;
2 to 6 inches: silt loam;
6 to 24 inches: gravelly silt loam
24 to 42 inches: very gravelly silt loam; and
42 to 60 inches: Extremely gravelly silt loam.

Typic Eutroboralfs Properties and Qualities

Depth to restrictive feature: More than 80 inches.
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 inches per hour).
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Moderate (about 8.0 inches)
Calcium carbonate, maximum content: 35 percent

The onsite boring logs for the shallow piezometers (attached in **Appendix A**) are consistent with the soil descriptions provided by the NRCS.

Soils digitized from the Natural Resources Conservation Service Soil Surveys: Upper Flathead Valley Area, Montana and Flathead National Forest Area, Montana



McNaughton Property

0 265 530 1,060 Feet



PROJ NO: 531-12	DRAWN: BJB
LOCATION: Whitefish, MT	PROJ MGR: R. NOBLE
1 inch = 500 feet	CHECKED:
FILE NAME: McNaughton	DATE: Feb/16/2013

McNaughton Dewatering Design
Site Soil Map

FIGURE
4

2.0 INVESTIGATIVE METHODOLOGY

The site hydrogeologic investigation occurred between August and December of 2012. A detailed investigation of the site was performed, including: testing of water quality, a subsurface drilling investigation, water level monitoring, and slug testing. Groundwater quality analysis was performed by Energy Laboratories in Billings, Montana. A monitoring well was installed by O'Keefe Drilling of Butte, Montana. Five hand-augered soil borings were performed by Applied Water Consulting (AWC); the soil borings were completed as piezometers to enable monitoring groundwater levels. The following sections detail the investigations performed.

2.1 Baseline Water Quality

Water quality samples were collected from the seeps along the beach on August 16, 2012 by Applied Water Consulting. The results from the laboratory analyses have been reviewed to develop an understanding of the water-quality conditions within the perched aquifer below the McNaughton property and determine if any contaminants are flowing into the lake. Complete copies of the laboratory reports, laboratory QA/QC documentation, and chain of custody forms are provided in **Appendix B**.

The results for general indicator parameters and common metals are summarized in **Table 1**. As shown, the groundwater quality of the seeps would be characterized as calcium-magnesium/bicarbonate type. The water quality displays virtually no anthropomorphic influences, as is evidenced by the very low chloride and nitrate concentrations. Total dissolved solids concentration in the sample was 386 mg/L; the secondary maximum contaminant level (SMCL) is 500 mg/L, indicating the groundwater is only slightly mineralized. The value of Specific conductance was 611 umhos/cm at 25°C. Accordingly, the groundwater would be considered a Class I standard. Class I groundwaters are those groundwaters with a natural specific conductance less than or equal to 1,000 µmhos/cm at 25°C (ARM 17.30.1006(1)). A sample from the spring was also analyzed for volatile petroleum hydrocarbons (VPH) and extractable petroleum hydrocarbons (EPH) screen generally associated with hydrocarbons such as gasoline and diesel fuels. No petroleum contaminants were identified in the laboratory analysis.

This water is of background quality and is currently discharging to the lake. As such, diverting the water from below the watertable to the lake should not cause a detriment to the lake. Additionally, diverting water from below the watertable will limit erosion allowing for less sediment to be discharged to the lake.

Table 1 Laboratory Results of McNaughton Spring Water Quality Analysis (all values reported as mg/L except SC as μ mhos/cm)		
Well Name	Beach Seep	Drinking Water Standard
Lab ID	B12081659-001	
Constituent		
Cations		
Calcium	81	-
Magnesium	31	-
Potassium	1	-
Sodium	8	250
Anions		
Bicarbonate	467	-
Chloride	1	250
Nitrate +	ND	10
Sulfate	5	250
Metals		
Arsenic	0.001	0.01
Barium	0.68	2
Chromium	ND	0.1
Iron	1.92	0.3
Manganese	0.135	0.05
Mercury	ND	0.002
Selenium	ND	0.05
Other Parameters		
TDS	386	500
Specific Conductance	611	-
Extractable Petroleum Hydrocarbons	ND	-
Bold values are maximum contaminant level concentrations. Non-bold values are secondary maximum contaminant level concentrations that are non-enforceable. ND – Not detected above the analytical reporting limit; specific to analyte.		

2.2 Piezometer Installation

The initial task was to install piezometers to measure the water levels within the oversaturated terraces on the lakeshore side of the home. Five piezometers were installed from November 6 to 8, 2012. A 2.5-inch hand auger was used to drill a borehole; the piezometers were completed with 2-inch I.D. PVC pipes with the bottom open to the formation. The auger holes were drilled to refusal depth and the soils were logged. In addition to the piezometers near the lakeshore, a 2-

inch monitoring well was installed to a depth of 50 feet in the front of the house. The soils were logged by CMG Engineering. Soil boring logs for the hand-augered piezometers and monitoring well are provided in **Appendix A**.

Upon installation of the piezometers, water levels began to rise above ground surface. Water levels were measured approximately 1.25 feet above the ground surface in piezometers P-2 and P-4 on November 7, 2012. In an attempt to prevent freezing, the piezometers were cut approximately 0.75 feet above ground surface so water would flow from the top. A bentonite surface seal was placed around the piezometers in order to avoid water circulating down the annulus of the piezometer.

2.3 Water Level Monitoring

Static water levels were recorded in the piezometers and monitoring well on November 16, 2012 and December 5, 2012. PVC riser pipes were coupled to the piezometers, allowing the water level to rise above the casing for a static water level to be measured. The riser pipes were installed at least 24-hours in advance of the measurement time, allowing the water level in the piezometers to reach equilibrium with the surrounding groundwater. The dates chosen were selected as mild weather was forecast and therefore the water in the piezometers would not freeze. However, a layer of ice was encountered in each piezometer with water levels above ground surface. The ice potentially created a barrier, preventing the water levels from reaching equilibrium. **Table 2** provides the static water level for the monitoring well and the piezometers.

Table 2		
McNaughton - Static Water Level Monitoring		
Well/Piezometer	November 16,2012	December 5, 2012
MW	3012.30	3012.20
P2	3009.61	3009.63
P3	3008.97	3008.97
P4	3009.47	3009.22
P5	3007.10	3007.54
P6	3004.07	3004.37

3.0 BASIS OF DESIGN

Upon completion of the site investigation, the hydraulic parameters controlling the flow of groundwater were estimated. Darcy's equation was used to estimate the amount of water flowing to the lake from beneath the site. Flow through an aquifer is controlled by the hydraulic gradient, hydraulic conductivity, and size and shape of the aquifer. A survey conducted at the site allowed for the approximation of the hydraulic gradient and slug tests performed on the monitoring well provided reasonable values of hydraulic conductivity. The following sections detail the analysis that provides the basis of the dewatering design.

3.1 Estimation of Hydraulic Gradient

The hydraulic gradient was calculated from the water level in the monitoring well (MW) and the water level in piezometer P2. Static water levels as measured on November 16, 2012 were used to approximate the hydraulic gradient. A static water level of 3012.30 feet amsl was observed in MW and a static water level of 3009.61 feet amsl was observed in P2. MW and P2 are 122.34 feet apart.

The hydraulic gradient was estimated by the following equation: $Hydraulic\ Gradient\ (I) = \frac{\Delta h}{\Delta l}$

$$I = \frac{3012.30 - 3009.61}{122.34} = 0.022$$

The hydraulic gradient utilized in dewatering calculations is 0.022.

3.2 Estimation of Hydraulic Conductivity

Hydraulic conductivity of the aquifer was estimated by performing slug testing on MW. Well development and slug testing occurred on January 3, 2012. The well was developed through combination of surging with a steel bailer and pumping. Originally, water removed from the well had an orange iron stained color to it. After pumping approximately 20 gallons from the well, the water began to clear up. Once 32 gallons was pumped from the well, the water was clear and the well was considered to be developed. A pressure transducer with data logger was utilized to monitor the water level in the well during slug testing. Once the monitoring equipment was put in place, a "slug" of water was poured down the well to raise the water level. After the water level returned to pre-testing levels the test was repeated. A total of four tests were performed.

Slug test data were reduced and analyzed using AQTESOLV® pumping test analysis software (HydroSOLVE, Inc., 2007). Field data were plotted against the theoretical type curves for the Bouwer-Rice (1976) slug test solution for unconfined aquifers and the Hvorslev (1951) slug test solution for overdamped tests in unconfined aquifers. Each test was analyzed using both solutions. **Table 3** provides the estimates of hydraulic conductivity from each of the tests. AQTESOLV plots for each of the analyses are provided in **Appendix C**.

Table 3 McNaughton - Hydraulic Conductivity (feet/day)		
Slug Test ID	Bouwer-Rice Method (1976)	Hvorslev Method (1951)
#1	42.4	44.1
#2	35.0	41.6
#3	75.8	96.4
#4	42.8	54.3
Average	49.0	59.1
Combined Ave.	54.1	
Maximum	96.4	

Textbook values from Fetter (2001) indicate hydraulic conductivity values ranging from 2.8 to 238.5 feet/day for well sorted sands or glacial outwash deposits. As a conservative measure, the hydraulic gradient utilized in dewatering calculations is 100 ft/day.

3.3 Drainage Calculations

Estimating the amount of groundwater flowing beneath the McNaughton property from upslope sources can be achieved by utilization of the Darcy equation. The Darcy equation was modified to provide an estimated flow per unit length of drain:

$$q_u = k_c I A \left(\frac{y}{y + d} \right)$$

Where : q_u = volume rate of flow into drain per unit length, cubic feet per day / foot

K_c = average unit hydraulic conductivity (ft/day)

I = hydraulic gradient normal to groundwater contours

A = saturated area in ft^2/ft

y = maximum height to water surface immediately above proposed drain (ft)

d = distance from drain invert to bottom of aquifer (ft)

For the purposes of estimating the drainage rate, the drain was assumed to be located at the bottom of the aquifer contributing to the drain. Given site elevation restraints pertinent to Whitefish Lake, the lowest potential dewatered elevation is 3001.5 feet. Therefore, the bottom of the flow area is assumed to be at an elevation of 3001.5 feet amsl. A maximum groundwater elevation, assuming a five-foot seasonal increase in water level, is estimated to be 3017.3 feet amsl. Utilizing the parameters identified above, the estimated groundwater flow per unit length was calculated as follows:

$$q_u = 100 \frac{ft}{day} * 0.022 * 15.8 ft^2 * \left(\frac{15.8}{15.8 + 0} \right)$$

$$q_u = 34.76 \frac{ft^3/day}{ft} \text{ or } q_u = 0.181 \frac{gpm}{ft}$$

The total length of the proposed gravel drain to be installed at elevation 3001.0 feet amsl is 66.5 feet. Therefore, estimated flow rate to be intercepted by this drain would be 12.0 gpm.

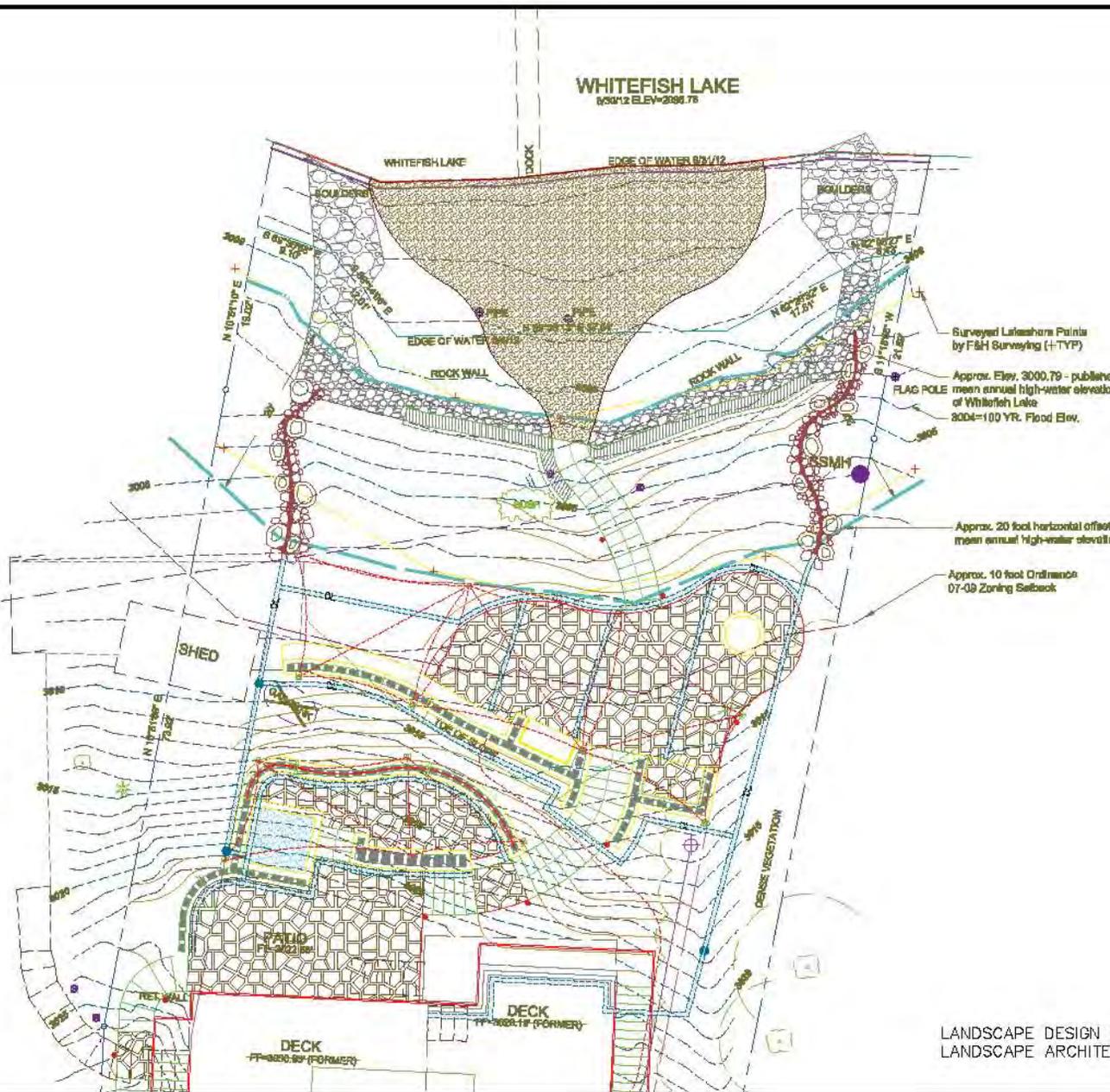
4.0 DEWATERING SYSTEM DESIGN

The proposed landscape design involves the construction of several retaining walls. Engineering practice includes the installation of drains behind all retaining walls, to relieve hydraulic stresses and increase stability of the wall. As such, the dewatering system has been designed to incorporate those drains into the overall site dewatering plan. Based on the location of the retaining walls, a series of drains, running perpendicular to the slope, or parallel to the lake shore, will be constructed to intercept and divert groundwater. These drains are to be placed behind all the retaining walls installed as part of the proposed project (**Figure 5**). Site restraints, regarding construction within 20 feet of the mean annual high-water elevation, require the dewatering system to be split into two systems. The upper system is designed to dewater the aquifer to a depth of 3004.5 feet amsl and the lower system is designed to drain the water below an elevation of 3001.5 feet.

4.1 Upper Dewatering System

Interceptor drains are commonly used for dewatering of hillsides. Interceptor drains, comprised of a perforated pipe placed in a gravel envelope will be placed in a trench excavated into the ground to collect and remove groundwater. **Figure 6** illustrates the layout and elevation of the interceptor drains relative to the proposed landscape features. Drain depth is based on the depth the water table must be lowered to relieve hydrostatic pressures from behind the retaining walls. As such, the depths of the retaining wall footings were utilized to locate the depth of their associated drains. In addition to relieving the hydrostatic pressure from behind the walls, the upper drain system is utilized to protect the patio from the damages of repeated freeze-thaw events. Drain pipe is to be installed below the lowest patio terrace to ensure the elevation of the water table remains below the gravel base below the patio. Given the constraints of the lakeshore protection zone, the lowest elevation practical for placing the upper dewatering system outlet is 3004.0 feet amsl; invert elevations were back calculated from that elevation. Two drain outlets will be located on the eastern and western extents of the property; the outlets are to drain into a rock lined swale designed to mitigate the erosive forces of the water emanating from the drain.

High density polyethylene (HDPE), corrugated, perforated drain pipe shall be installed so as to ensure good soil support from all sides. An envelope material of 1-inch open-graded drain rock a minimum of four-inches thick shall be placed all around the perforated pipe. Filter fabric shall be installed around the gravel so as to encase the drain and keep fine-grained sediment from clogging the perforated pipe. Drains shall have a minimum slope of 1 percent, as shown in **Figure 6**. All interceptor drains located below the elevation of 3010 ft amsl are to be six-inches in diameter. Drains located above that depth shall be four-inches in diameter. Additionally, six-inch drains associated with retaining walls shall be placed behind the footing as shown in **Figure 7**. Four-inch drains can be placed on top of the footing as shown in **Figure 7**. Three cleanouts are proposed as maintenance access locations; refer to **Figures 8** for additional details. Interceptor drains without associated retaining walls are to be placed in a gravel envelope and backfilled with compacted native material (as shown in **Figure 8**).



LANDSCAPE DESIGN BY BRUCE BODDY
 LANDSCAPE ARCHITECT INC.

		PROJ. NO: S31-12 LOCATION: Kalspell, MT SCALE: Not to Scale FILE NAME: AWC-Figures.dwg	DRAWN: BJB PROJ. MGR: R. NOBLE CHECKED: APPVD: DATE:	McNaughton Dewatering Design Landscape Design	FIGURE 5 REV
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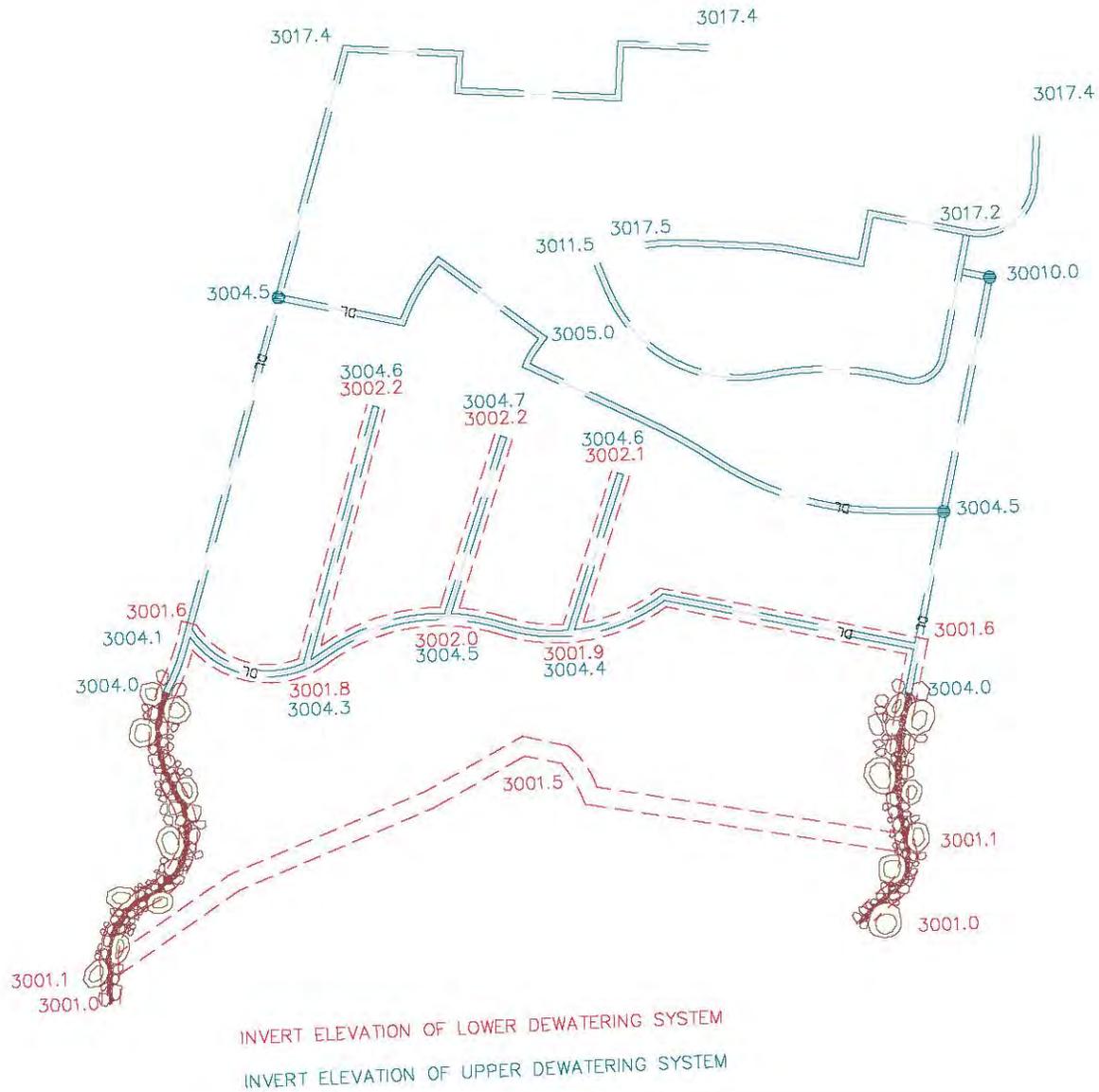


FIGURE
6
REV .

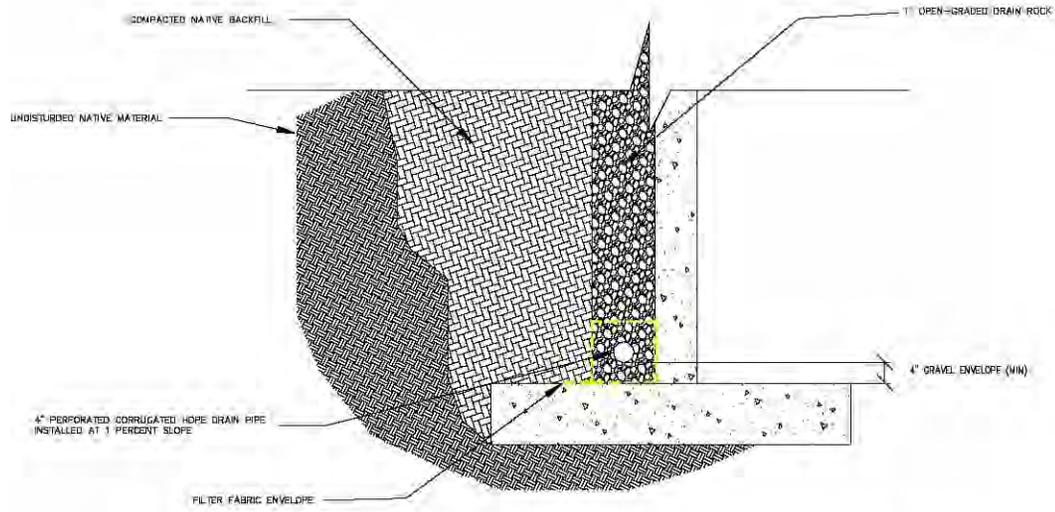
McNaughton Dewatering Design
Interceptor Drain Elevation Details

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LOCATION:	Kalispell, MT	PROJECT MGR:	R. NOBLE
SCALE:	Not to Scale	CHECKED:	APP/DX
FILE NAME:	Dewatering Details B.dwg	DATE:	

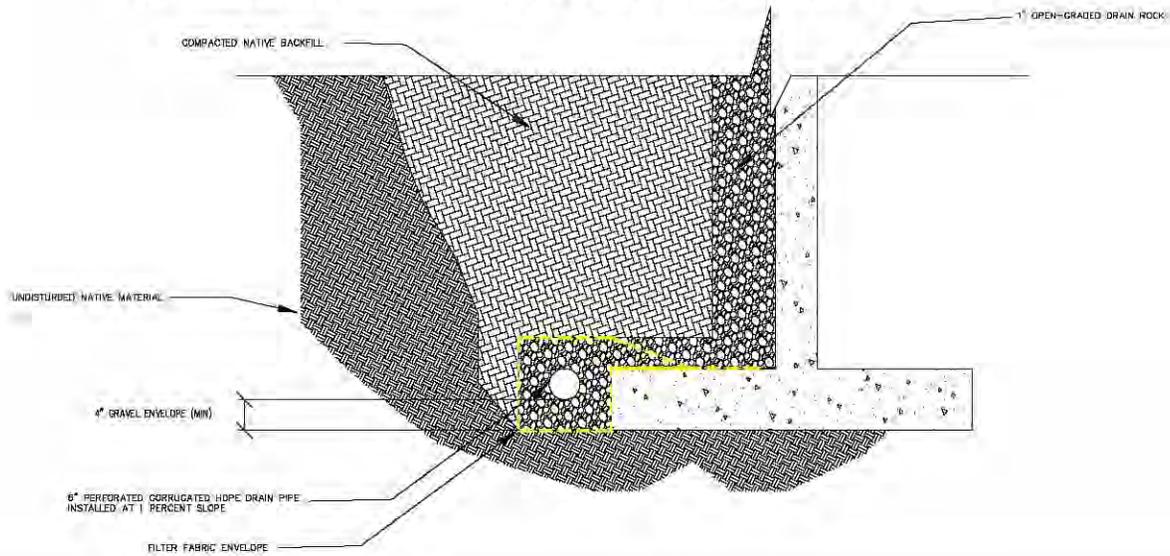
PO BOX 7987
KALISPELL, MT 59904
(406) 755-2550

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CONSULTING LLC

RETAINING WALL DRAINS ABOVE 3010 FT AMSL

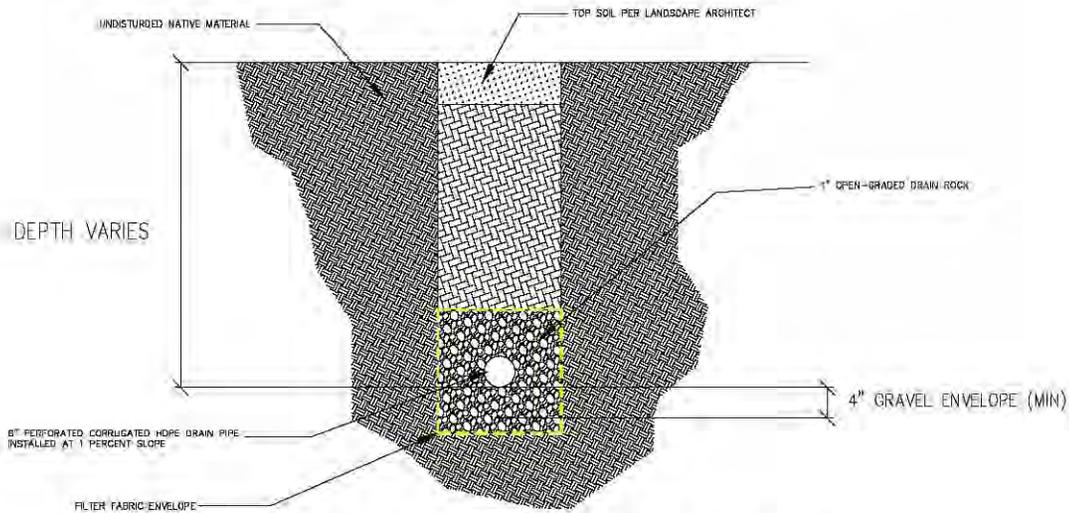


RETAINING WALL DRAINS BELOW 3010 FT AMSL

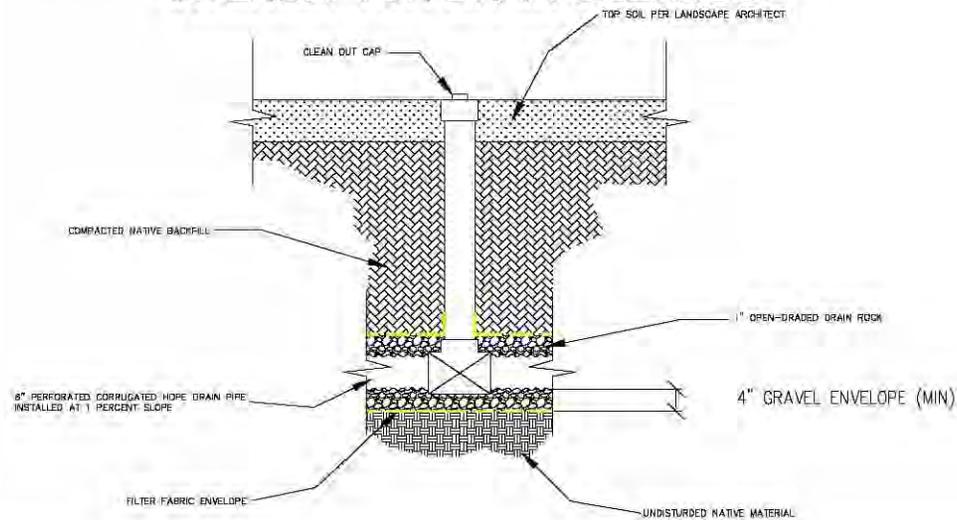


 Applied Water CONSULTING LLC PO BOX 7087 KALISPELL, MT 59904 (406) 735-2550	PROJ NO: 531-12 LOCATION: Kalispell, MT SCALE: Not to Scale FILE NAME: Dewatering Details B.dwg	DRAWN: BJG PROJ MGR: R. NOBLE CHECKED: APF/DK DATE:	FIGURE <h1 style="font-size: 2em;">7</h1>
	McNaughton Dewatering Design Retaining Wall Drain Details		REV

INTERCEPTOR DRAINS W/O RETAINING WALL



INTERCEPTOR DRAIN CLEANOUT



 Applied Water CONSULTING LLC PO BOX 7887 KALISPELL, MT 59804 (406) 735-2550	PROJ NO: 531-12 LOCATION: Kalispell, MT SCALE: Not to Scale FILE NAME: Dewatering Details B.dwg	DRAWN: BJB PROJ MGR: RL NOBLE CHECKED: AP/YS DATE:	FIGURE <h1>8</h1> REV
	McNaughton Dewatering Design Dewatering Design Details		

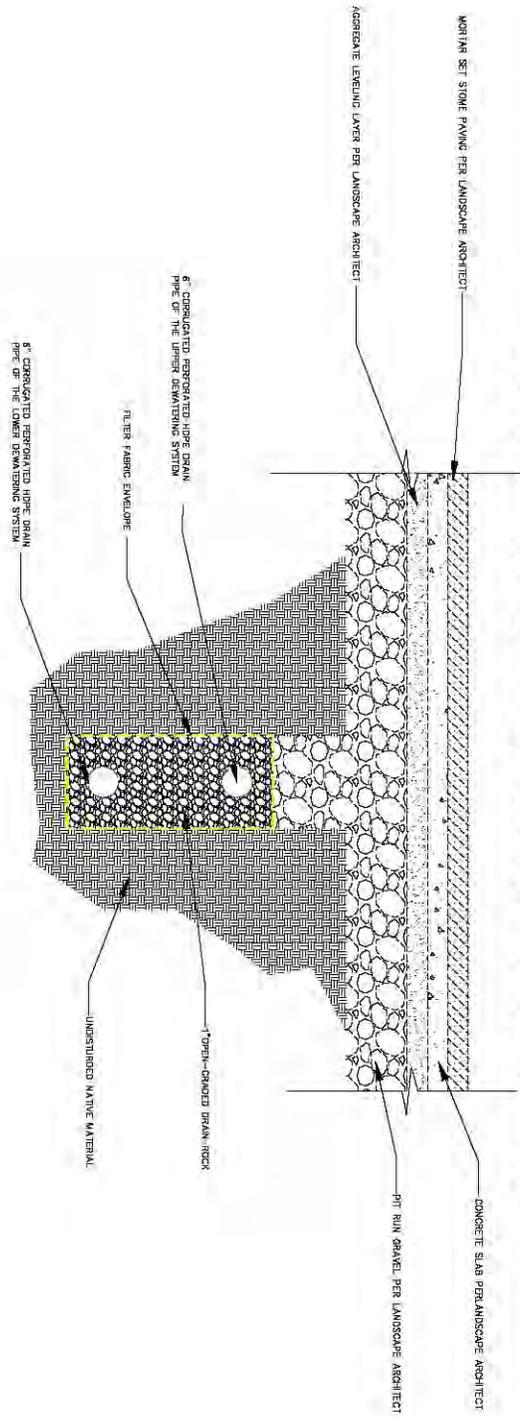
4.2 Lower Dewatering System

In order to achieve dewatering of the main level terrace, gravel drains will be installed below the elevation of 3004.0 ft amsl. The lower dewatering system is designed to capture and drain water between the elevations of 3004.5 to 3001.5 ft amsl. Gravel filled trenches provide a zone of higher hydraulic conductivity, allowing for groundwater to drain from the surrounding formation at a greater rate. Lowering the water level to 3001.5 will limit the hydrostatic pressure behind the proposed dry-stack stone wall near the lakeshore. In addition, the gravel drains will help to channel water away from the stairs which provide access to the beach.

Underneath the lowest patio terrace, the lower dewatering system will also consist of HDPE drain pipe. The drains pipe of the lower dewatering system will be installed directly beneath the upper dewatering system as shown in **Figure 9**. Sections of the lower dewatering system completed with drain pipe are to be constructed as described in the previous section. For ease of construction, both systems will utilize the same trench. Installation of both dewatering systems below the patio provides a measure of safety. In the event that the lower, drain is unable to remove sufficient water the drain pipe of the upper dewatering system will provide an outlet. As shown in **Figure 10**, the drain pipe of the lower dewatering system will discharge to a gravel drain located beneath the rock lined swale.

Where pipes are not installed, the gravel drains shall consist of 18-inch wide trenches filled with 1-inch open-graded drained rock. Filter fabric shall be placed around the gravel so as to encase the drain and keep fine-grained sediment from infiltrating the gravels and decreasing the hydraulic conductivity within the trench. Drains shall have a minimum slope of 1 percent, as shown in **Figure 6**. Construction details associated with the lower dewatering system are provided in **Figures 10 and 11**.

DEWATERING SYSTEM BELOW PATIO TERRACE



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 (406) 756-2550

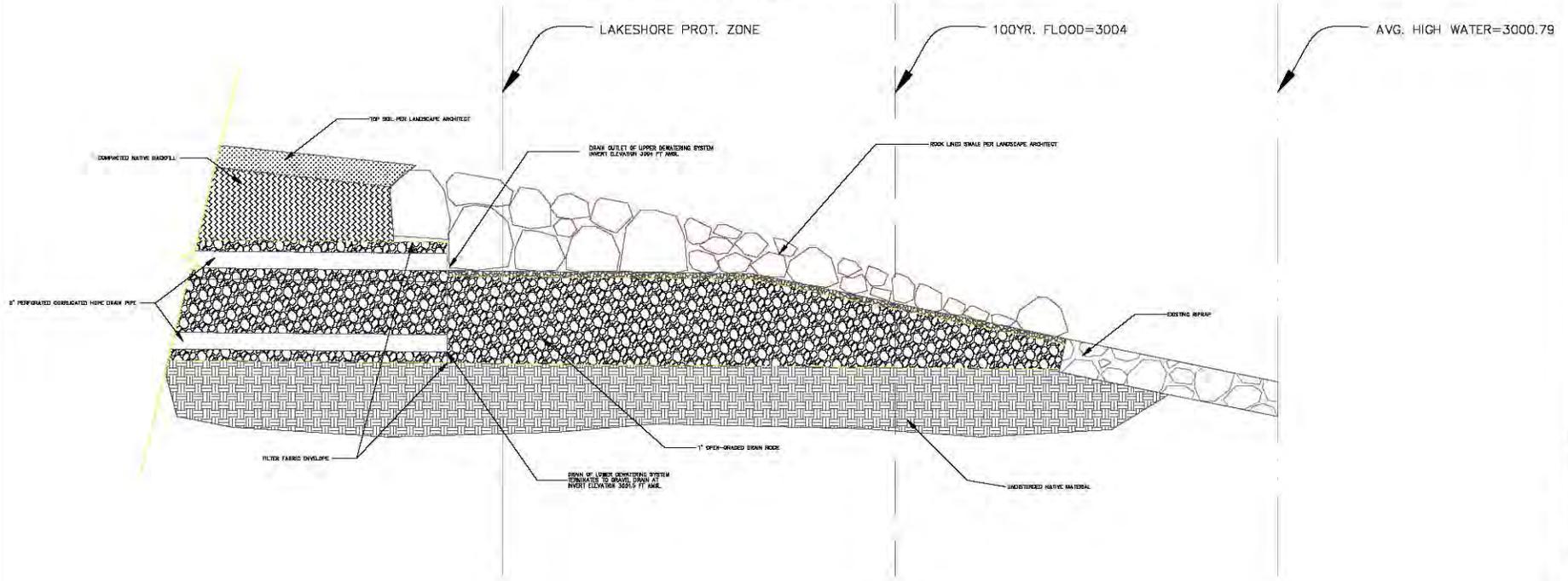
PROJ NO: 531-12
 LOCATION: Kalispell, MT
 SCALE: Not to Scale
 FILE NAME: Dewatering Details B.dwg

DRAWN: BJB
 PROJ MGR: R. NOBLE
 CHECKED: APPVD:
 DATE:

McNaughton Dewatering Design
 Dewatering System Drains below Lower Patio Terrace

FIGURE
9
 REV -

ROCK SWALE AND GRAVEL DRAIN PROFILE



ROCK SWALE AND GRAVEL DRAIN AT DRAIN PIPE TERMINATION

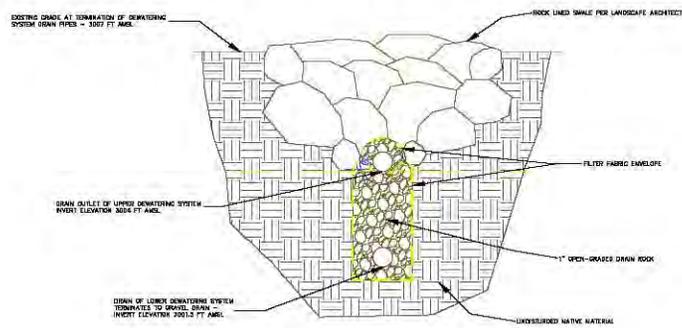


FIGURE
10
REV .

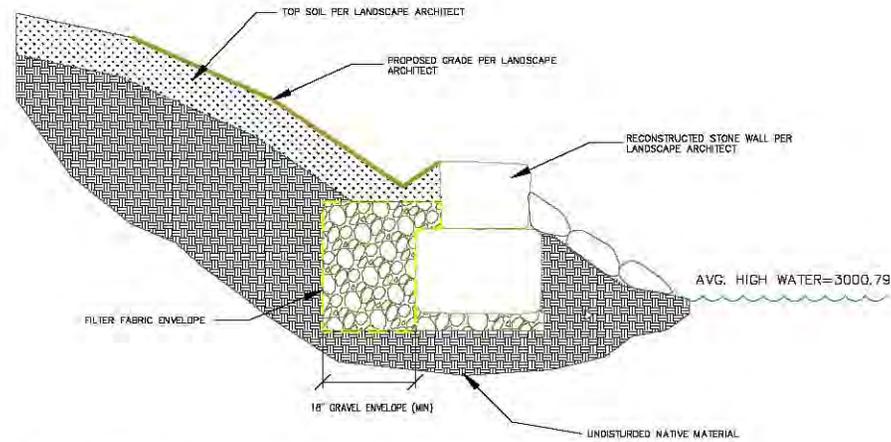
McNaughton Dewatering Design
ROCK LINED SWALE OUTLET DETAIL

PROJ NO:	531-12	DRAWN:	BJB
LOCATION:	Kalispell, MT	PROJ MGR:	RL NOBLE
SCALE:	Not to Scale	CHECKED:	APPROV:
FILE NAME:	Dewatering Details B.dwg	DATE:	

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KALISPELL, MT 59904
(406) 755-2550

Applied Water
CONSULTING LLC

GRAVEL DRAIN BEHIND RECONSTRUCTED ROCK WALL



GRAVEL DRAIN BEHIND STAIRS TO BEACH

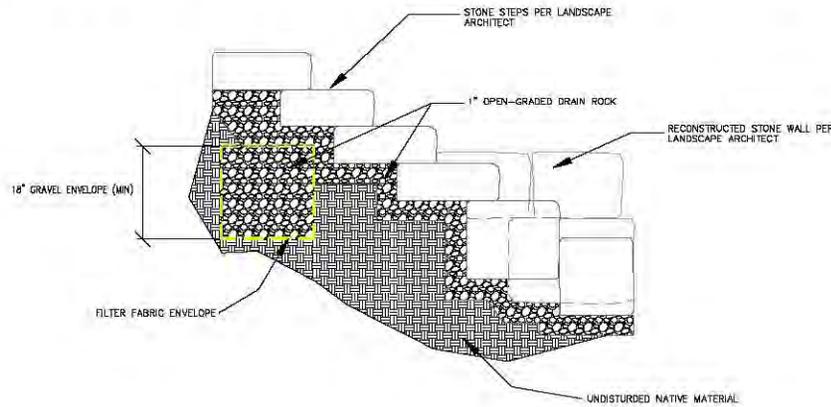


FIGURE
11
REV .

McNaughton Dewatering Design
GRAVEL DRAIN BEHIND ROCK WALL

PROJ NO:	531-12	DRAWN:	BUB
LOCATION:	Kalspell, MT	PROJ MGR:	R. NOBLE
SCALE:	Not to Scale	CHECKED:	APFD
FILE NAME:	Dewatering Details B.dwg	DATE:	

PO BOX 7987
 KALSPELL, MT 59004
 (406) 755-2550

Applied Water
 CONSULTING LLC

4.3 Upper Dewatering System Capacity

The capacity of the upper dewatering system was approximated using Manning's formula for uniform pipe flow at a slope of one percent. Corrugated HDPE drain tile with corrugated inner walls has a Manning's roughness coefficient of 0.025. The following equation was used to estimate the discharge capacity of the system:

$$Q = a * \frac{1.486}{n} * R^{2/3} * S^{1/2}$$

Where : Q= discharge (ft³/sec)

a= cross-sectional area of flow (ft²)

n = coefficient of roughness

R = hydraulic radius (ft): R = area/perimeter

S = slope of pipe (ft/ft)

System capacity was estimated for a six-inch HDPE corrugated drain pipe installed at a 1 percent slope. Capacity was considered to be reached when the drain tile has reached full pipe flow.

$$Q = .189 * \frac{1.486}{0.025} * 1.54^{2/3} * 0.01^{1/2}$$

$$Q = 0.29 \text{ cfs or } 130 \text{ gpm}$$

The designed dewatering system has two drain outlets, one located on the western margin and the other located on the eastern extent of the property. Having two outlets effectively doubles the capacity of the drain system for a total pipe flow capacity of 260 gpm.

4.4 Lower Dewatering System Capacity

The capacity of the lower dewatering system was estimated by Darcy's law:

$$Q = -KAI$$

Where : Q = volume rate of flow at the drain outlet

K_c = average hydraulic conductivity (ft/day)

I = hydraulic gradient normal

A = saturated area in of drain ft²

At the terminus of the gravel drains, the cross sectional surface area shall be 2.25 ft² (1.5 ft by 1.5 ft). The estimated hydraulic conductivity of the one-inch open-graded drain rock is 20,000 ft/day. The allowable hydraulic gradient is assumed to be one percent, or equal to the slope of the gravel drain.

$$Q = 20,000 * 2.25 * .01$$

$$Q = 450 \frac{ft^3}{day} \text{ or } 2.33 \text{ gpm}$$

As designed, the lower dewatering system outlets to the base of the rock line swales running along the western and eastern margins of the property. Having two outlets will double the capacity of the drain system, for a total capacity of 4.6 gpm.

4.5 Dewatering in Construction Sequence

Installation of the dewatering system will follow a sequencing plan. Initially, the gravel drains of the lower dewatering system shall be constructed. Following that, the rock lined swale shall be placed between the lakeshore and the outlet location of the upper dewatering system to mitigate the erosive forces of the discharging water from the upper system. Once the rock lined swale is completed, the upper dewatering system will be constructed in an up-gradient progression. Construction in this manner will allow for most recently installed drains to begin lowering the water table, prior to excavation occurring up-gradient. Progressing in this manner will provide for the driest excavation environment possible.

5.0 REFERENCES

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Fetter, C.W., *Applied Hydrogeology*, Macmillan Publishing Company.

Konizeski, R.L., Alex Brietkrietz, and R.G. McMurtrey, July 1968, Geology and Ground Water Resources of the Kalispell Valley, Northwestern Montana, Montana Bureau of Mines and Geology Bulletin 68, 42p.

LaFave, John I., December 2004, Montana Groundwater Assessment Atlas No. 2, Part B, Map 2; Montana Bureau of Mines and Geology.

Smith, Larry N., December 2004, Surficial Geologic Map of the upper Flathead River valley (Kalispell Valley) Area, Flathead County, Northwestern Montana, Ground Water Assessment Atlas No. 2, Part B, Map 6.

U.S. Bureau of Reclamation, 1978, Drainage Manual: A Water Resources Technical Publication.

U.S. Department of Agriculture, Natural Resources Conservation Service, Flathead National Forest Area Soil Map.

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March 26, 2013

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

**Recommendation to Award a Construction Contract for the
6th and Geddes Street Reconstruction Project – Phase II**

Introduction/History

The Public Works Department has opened construction bids for Phase II of the 6th and Geddes Street Reconstruction Project, involving street reconstruction and related utility improvements along Geddes, Jennings and Good Avenues between West 2nd and 5th Streets. This memo is to recommend a construction contract be awarded to LHC, Inc. of Kalispell in the amount of \$765,533. A copy of the bid summary is attached.

Current Report

We received five bids with prices ranging from 15% below to 26% above the engineer's estimate of \$901,564. The low bid was submitted by LHC, Inc. of Kalispell. Work is scheduled to begin on June 17th and continue through mid-August. LHC was also the low bidder on Phase I of MDT's Whitefish West Reconstruction Project, which will go to construction this summer. Working with a single contractor on these two jobs in close proximity should benefit both the City and the State.

Financial Requirement

Project costs will be paid out of the Resort Tax Fund which has a sufficient balance.

Recommendation

We respectfully recommend the City Council award a construction contract for Phase II of the 6th and Geddes Street Reconstruction Project to LHC, Inc. in the amount of \$765,533.

Sincerely,

A handwritten signature in blue ink, appearing to read "John C. Wilson".

John C. Wilson
Public Works Director



SUMMARY OF BIDS

6TH AND GEDDES ROADWAY RECONSTRUCTION PROJECT - PHASE II WHITEFISH, MT

Bid Opening Date / Time / Location:
March 15, 2013 @ 11:30 am
City Hall, Whitefish, Montana

	Acknowledged Addendum No. 1	Acknowledged Addendum No. 2	Bid Bond	MT Contractors Registration No.	BASE BID	Apparent Low Bidder
Engineer's Estimate	n/a	n/a	n/a	n/a	\$901,564.00	
Noble Excavating, Inc.	yes	yes	yes	10518	\$1,138,988.50	
Sandry Construction Co.	yes	yes	yes	54810	\$868,868.00	
LHC, Inc.	yes	yes	yes	5459	\$765,532.12	X
Knife River	yes	yes	yes	10089	\$988,988.00	
Schellinger Construction Co.	yes	yes	yes	4213	\$1,037,000.00	



March 26, 2013

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Approve Amendment No 1 for the Wastewater System Improvements Consultant Agreement

Introduction/History

On October 15, 2012 the City Council approved a contract with Anderson Montgomery Consulting Engineers for our Wastewater Permitting and Facility Improvements Project. Copies of the staff memo and minutes from that Council meeting packet are attached.

This memo is to recommend Amendment No 1 to the consultant contract for engineering services to evaluate, recommend measures and prepare applications for grant funds to reduce clear water flowing into the wastewater collection and treatment system.

Current Report

As was discussed on October 15th, this is a complex, long term project that will involve many different aspects of planning, design, grant writing, permitting procedures and negotiations with the Department of Environmental Quality for several years into the future.

The scope of work subject to this amendment includes project management evaluation of existing data, field work / data collection and grant writing with the goal of eliminating continuing inflow and infiltration (I&I) of clear water into the wastewater collection system. This work and subsequent construction work to mitigate I&I are vital to our long range mission of upgrading the wastewater treatment plant.

Continuing I&I is the source of huge seasonal increases in flows to the wastewater treatment plant; with unwanted clear water contributing up to 2.5 times the volume of base flows at certain times. This surge during spring snow melt and rainfall events has significant impacts on biological treatment processes, as well as the capacities and costs for facilities to treat higher flows. By reducing I&I, we can stabilize the character of the influent to be treated and reduce future construction costs.

The timing is ideal for field evaluation work, as increased I&I is typically evident starting in late April or May and continuing into the early summer months. We are prepared with three portable, in-pipe recording flow meters to monitor conditions in various part of the collection system. This information will be critically important for preparing successful grant applications and directing construction dollars to the worst problem spots.

Financial Requirement

The Public Works Department has negotiated a fee not to exceed \$69,210 for the scope of services described above. The cost will be paid out of the Wastewater budget which has sufficient funds for work to be completed in FY 13. Although this work was not anticipated in the initial FY 13 Wastewater budget, the fund balance is adequate due to a generator project which is getting a late start. We will include funds for continuing I&I mitigation work in our FY 14 budget proposal.

Recommendation

We respectfully recommend the City Council approve Amendment No. 1 for the Wastewater Permitting and Facility Improvements consultant contract in an amount not to exceed \$69,210.

Sincerely,



John C. Wilson
Public Works Director



October 10, 2012

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Recommendation to Award an Engineering Consultant Contract for the
Wastewater Permitting and Facility Improvements Project**

Introduction/History

The Public Works Department has advertised a Request for Qualifications from engineering consultants, interviewed finalists and negotiated a contract with the top ranked consultant to provide engineering services for the Wastewater Permitting and Facility Improvements Project.

This memo is to recommend a contract with Anderson Montgomery Consulting Engineers (AMCE) for services to include assistance with tasks necessary to comply with a recent Administrative Order on Consent (AOC) discussed below; renewal of our wastewater discharge (MPDES) permit; and preliminary planning for wastewater system improvements including a major upgrade for the wastewater treatment plant. A consultant contract for this first phase of engineering services has been negotiated in an amount not to exceed \$136,500.

Current Report

Administrative Order on Consent (Consent Order)

The AOC, referenced above and in the City Manager's Report, is the result of several violations of our MPDES (Montana Pollutant Discharge Elimination System) Permit over the past 12 months. These include occasions when the treatment plant discharge to the Whitefish River exceeded concentration limits or percent removal requirements for phosphorus, nitrogen or suspended solids, as well as one occasion on which we exceeded the limit for E. coli. These violations are attributed

to an active learning process about the performance of our new flocculating clarifier and disinfection system, especially during high spring flows. Our plant operators have learned from experience and we do not expect this to be a reoccurring problem.

Several other violations were associated with stringent ammonia toxicity tests which our effluent did not pass in the laboratory, but which also did not involve any toxicity risk in the river, whatsoever. This very specific laboratory test is the permit standard and samples taken from our lagoons did not pass during cold weather months. The fact is no conventional lagoon treatment system is capable of removing ammonia under cold weather conditions. All lagoons in Montana subject to Whole Effluent Toxicity tests can be expect to fail this test under similar conditions.

The AOC finally cites five incidents of sanitary sewer overflows (SSO). Please bear in mind, any event where sewage leaves the collection system at a point other than the designated outfall is an SSO by definition. Even if the SSO is contained and cleaned up, without risk to humans or any flow into a body of water, it is still a violation, regardless of how inconsequential the SSO may be.

These comments are not intended to dismiss the importance of permit violations, but to provide some clarity as to the actual risk and consequences involved.

The terms of the AOC include short term requirements for an Optimization Plan to maximize the existing treatment system's capacity for ammonia removal, as well as a Capacity, Management, Operations and Maintenance (CMOM) Plan to identify corrective actions to eliminate preventable SSOs.

Consultant Contract

One of the first tasks in the consultant's Scope of Work is to assist the City in preparing and implementing these plans. Another early task is to prepare an application to renew our MPDES permit, which expires on June 31, 2013. The renewal application is due by January 1st and considerable follow up and negotiation with the Department of Environmental Quality (DEA) is expected over the next 18 to 24 months.

The largest man-hour component in this initial phase of services will be preliminary planning for our eventual treatment plant upgrade. This work includes the following subtasks.

- Consideration of a 20 year planning period, with an evaluation of population growth and projected treatment demands,
- Wastewater characterization studies,
- Assessments of various treatment technologies and visits to other plants,
- Development of nutrient trading options,
- Monitoring of regulatory developments and
- At least one public presentation.

Financial Requirement

The Public Works Department and AMCE have negotiated a contract for the services described above in an amount not to exceed \$136,500. This cost will be covered under the Wastewater Fund's capital line item for Wastewater Improvements. Seventy percent (70%) of this expense will be covered by Impact Fees.

Recommendation

We respectfully recommend the City Council authorize the City Manager to execute a consultant contract for the first phase of engineering services for the Wastewater Permitting and Facility Improvements Project with Anderson Montgomery Consulting Engineers in an amount not to exceed \$136,500. Additional provisions for funding assistance, detailed engineering design, construction management and related services will be subject to future negotiations and City Council approval.

Sincerely,



John C. Wilson
Public Works Director

8a. Consideration of awarding a construction contract for the Haskill Basin Conservation and Preservation project (water intakes improvements) (p. 143)

Public Works Director Wilson said the Public Works Department has advertised for bids on the Haskill Basin Conservation and Preservation Project and received bids from 4 contractors. The low bid was submitted by Les Schlegel Enterprises in the amount of \$98,700. This bid was \$7357 under the engineer's estimate of \$106,057.

The scope of work includes:

- refurbishing the water intake structures at 2nd and 3rd Creeks by reconfiguring existing catwalks and slide gates to reduce potential for damage due to logs and debris hanging up on protruding valve stems and structural supports,
- placing rip rap along the stream bed and banks upstream from the intake structures to prevent erosion,
- removing accumulated sediment load,
- replacing or removing manholes to eliminate leaks in the water transmission line and
- adjusting manhole rim elevations along the transmission line to prevent overflows.

The bid opening involved one irregularity in that the low bidder's documents did not include written acknowledgement of a minor addendum. That acknowledgement has since been provided. State procurement law allows and the City Attorney and Public Works Director recommend the City waive this irregularity and award the contract to Schlegel. An important consideration is the established working relationship between Schlegel and Stolze Lumber Company, on whose property the work will be performed.

The financial package for this project includes a \$100,000 DNRC Renewable Resource Grant and \$60,000 in local Water Funds. If the construction contract is awarded as recommended, we will have commitments of \$98,700 in construction costs against the DNRC grant and \$19,714 for engineering fees paid out of the Water Fund.

Staff respectfully recommends the City Council waive a minor irregularity in the bidding process and award a construction contract for the Haskill Basin Conservation and Preservation Project.

Mayor Muhlfeld said they applied for the Renewal Resource program for \$100,000 and this will only cost the water fund about \$19,000 so this is a good deal for the taxpayers. Councilor Mitchell asked about one bid that wasn't anywhere near the others and Director Wilson said he doesn't know why it was so far off, but three were close to each other and close to the estimate.

Councilor Kahle offered a motion, seconded by Councilor Hildner, to award a construction contract for the Haskill Basin Conservation and Preservation project (water intakes improvements) to Les Schlegel Enterprises in the amount of \$98,700. The motion passed unanimously.

8b. Consideration of awarding an engineering contract for the Wastewater Treatment Plant discharge permit and improvements design project (p. 147)

Public Works Director Wilson said the Public Works Department has advertised a Request for Qualifications from engineering consultants, interviewed finalists and negotiated a contract with the top

October 15, 2012

ranked consultant to provide engineering services for the Wastewater Permitting and Facility Improvements Project.

Staff recommends a contract with Anderson Montgomery Consulting Engineers (AMCE) for services to include assistance with tasks necessary to comply with a recent Administrative Order on Consent (AOC) discussed below; renewal of our wastewater discharge (MPDES) permit; and preliminary planning for wastewater system improvements including a major upgrade for the wastewater treatment plant. A consultant contract for this first phase of engineering services has been negotiated in an amount not to exceed \$136,500. This is the first phase of an engineering contract that is likely to go on for 5-10 years.

Administrative Order on Consent (Consent Order)

Director Wilson said the AOC, referenced above and in the City Manager's Report, is the result of several violations of our MPDES (Montana Pollutant Discharge Elimination System) Permit over the past 12 months. These include occasions when the treatment plant discharge to the Whitefish River exceeded concentration limits or percent removal requirements for phosphorus, nitrogen or suspended solids, as well as one occasion on which we exceeded the limit for E. coli. These violations are attributed to an active learning process about the performance of our new flocculating clarifier and disinfection system, especially during high spring flows. Our plant operators have learned from experience and we do not expect this to be a reoccurring problem.

Several other violations were associated with stringent ammonia toxicity tests which our effluent did not pass in the laboratory, but which also did not involve any toxicity risk in the river, whatsoever. This very specific laboratory test is the permit standard and samples taken from our lagoons did not pass during cold weather months. The fact is no conventional lagoon treatment system is capable of removing ammonia under cold weather conditions. All lagoons in Montana subject to Whole Effluent Toxicity tests can be expected to fail this test under similar conditions.

The AOC finally cites five incidents of sanitary sewer overflows (SSO). Please bear in mind, any event where sewage leaves the collection system at a point other than the designated outfall is an SSO by definition. Even if the SSO is contained and cleaned up, without risk to humans or any flow into a body of water, it is still a violation, regardless of how inconsequential the SSO may be.

These comments are not intended to dismiss the importance of permit violations, but to provide some clarity as to the actual risk and consequences involved. The terms of the AOC include short term requirements for an Optimization Plan to maximize the existing treatment system's capacity for ammonia removal, as well as a Capacity, Management, Operations and Maintenance (CMOM) Plan to identify corrective actions to eliminate preventable SSOs. Staff feels they have a very qualified consulting team and he noted that 70% of this will be eligible for impact fees. Mayor Muhlfeld asked and Director Wilson said Stantech and AE2S also both applied and they interviewed HDR and Great West Engineering.

Councilor Hildner asked if any of the violations can be attributed to the turbidity of the work by BNSF on the river. Director Wilson said no, however, the August wet test (the whole effluent toxicity test) showed that the 100% river water killed the minnows, too. Nobody is happy that the minnows are dying.

October 15, 2012

There will be future amendments to this contract for future design work as well. Additional provisions for funding assistance, detailed engineering design, construction management and related services will be subject to future negotiations and City Council approval.

Councilor Hyatt offered a motion, seconded by Councilor Kahle, to authorize the City Manager to execute a consultant contract for the first phase of engineering services for the Wastewater Permitting and Facility Improvements Project with Anderson Montgomery Consulting Engineers in an amount not to exceed \$136,500.

Councilor Sweeney asked if they are committing themselves to these engineers for the entire process and Director Wilson said they are not committing to future contracts. Manager Stearns clarified that they do have a \$5-10 million dollar project to complete and there will be future phases of engineering. There will be amendments for design engineering coming down the pike. Those aren't in front of them tonight, but they're coming. Councilor Sweeney asked and Director Wilson said the bid is for the full scope of permits, design and construction. It is a multi-year contract. They expect to continue with these folks through the project. He said continuity is very important with this project. Councilor Mitchell asked how they know they are getting good bids on the next steps. Director Wilson said it is not a bid process; they select them on the basis of qualifications and then a reasonable fee is negotiated for each scope of work. He said that is the job they hired him to do and he hopes they feel he does a good job at it. He said if the personality of the firm changes or they ask for an outrageous price, the City can move away from them. He said this is a small company of experts and the principals of the company are the same people they deal with through the whole process. Director Wilson said they work to bring the best price, based on the expertise they need, to the Council. He said it is a matter of trust, too. Manager Stearns said they do monitor what engineering contracts should be as part of the total cost of the project. That amount is 12-18%. He is always checking to be sure that is a reasonable amount. These future amendments will come before the Council for design approval. Director Wilson said this is very unique because of all the regulations that are involved from the State and the EPA. He said they won't probably begin construction until 2015 and the regulations will change by then. That is why the qualifications of the consultants are so important. This could easily be a \$15 million project by the time it is done.

The motion passed unanimously.

9. COMMUNICATIONS FROM CITY MANAGER

9a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 132)

Mayor Muhlfeld asked and Manager Stearns said they would like a joint work session on November 15th with the Planning Board. Director Taylor said it would need to be from 5-6 p.m. or at a Council work session. Manager Stearns said other options include the WCCPB December meeting or a January meeting. Council consensus was to hold a January meeting. Mayor Muhlfeld said he'd like to see a list of the ideas the Planning Board members would like to address. Councilor Mitchell said he thinks they need two hours. Mayor Muhlfeld said after they get a list from the WCCPB they could perhaps meet and raise the issues the Councilors have, too, before they meet with the WCCPB.

9b. Other items arising between March 14th and March 19th



March 26, 2013

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendations to Reduce Utility Related Fees and Costs for Small Construction Projects

Introduction/History

The City Council recently expressed concerns about water and sewer impact fees for small construction projects. The Public Works staff has evaluated utility impact fees and regulations regarding service connections and is recommending two changes that may reduce costs for small projects. Those recommendations are to 1) update the method of calculating minimum water and sewer impact fees and 2) amend the utility regulations to relax requirements for separate water and sewer services to separate structures.

This memo is to present these recommendations and request direction from City Council. The recommendation concerning impact fees has not been presented to the Impact Fee Advisory Committee, but we can do so if the Council wishes. The means to implement these recommendations would be by resolution. If the Council so desires, we can prepare resolutions for a consideration at a future City Council meeting.

Current Report

Water and Sewer Impact Fees

Current City Code provides minimum water and sewer impact fees of \$1563 and \$1575, respectively, for projects with 20 or fewer fixture units. A home with 20 water and 14 sewer fixture units (as defined by the Uniform Plumbing Code) might typically have one full bathroom, a kitchen sink, a dishwasher, a clothes washer, a mop/utility sink and two outside hose bibs. Those same minimum fees would apply to a small business with a toilet and one sink.

We recommend replacing the current minimum water and sewer impact fees with unit fees of \$78.15 per water fixture unit and \$78.75 per sewer fixture unit. Under this proposal, the fee for 20 fixture units would match the current minimum, while the lower fee for small projects would better represent the impact to the water and sewer systems.

Toward that end, staff proposes amending Section 10-2-12 of the City Code as shown on Attachment A.

Utility Regulations for Service Connections

The Rules and Regulations for the Water and Wastewater Utility currently require that each separate structure must be service by separate water and sewer service lines. This provision is intended to enable prompt payment and accountability payments and maintenance on utility accounts under separate ownership.

In certain instances, such as the provision of services for an accessory dwelling unit in addition to a primary residence on the same lot, accountability is ensure by common ownership and we recommend relaxing the requirement for separate services. The effect would be to reduce the cost of construction for certain small projects and avoid unnecessary excavation of City streets and alleys.

Staff recommends amending certain provisions of Title 8, Chapters 2 and 3 of the City Code, regarding Water and Wastewater Regulations, if the wishes to implement such a change.

Financial Requirement

None

Recommendation

We respectfully recommend the City Council consider the recommendations outlined above and direct staff as to how to proceed.

Sincerely,



John C. Wilson
Public Works Director

10-2-10: COMPONENT OF BUDGET:

- A. Pursuant to and consistent with section 7-6-1602(1)(k), Montana Code Annotated, the City's Capital Improvement Program is the component of the City's budget that:
1. Schedules construction of public facility capital improvements to serve projected growth;
 2. Projects costs of the capital improvements;
 3. Allocates collected impact fees for construction of the capital improvements; and
 4. Covers at least a five (5) year period and is reviewed and updated at least every two (2) years.
- B. The annual update of the Capital Improvement Program does not require an update of impact fee calculations unless a project is removed that was used as the basis for calculating impact fees.

10-2-11: REVIEW: Pursuant to and consistent with the requirements of section 7-6-1602(4), Montana Code Annotated, the documentation and impact fee rates may be reviewed and adjusted by the council as it deems necessary and appropriate, but at least once every five (5) years. On an annual basis the city manager or his or her designee shall calculate and present to the City Council for its consideration proposed changes in the amount of all impact fees set forth in Section 10-2-12, based on the amount that the construction cost index published by Engineering News Record has changed for the most recent twelve (12) month period prior to the date of the adjustment. The Council may adopt new impact fee amounts by resolution, after a public hearing, according to Section 7-6-4013, MCA.

10-2-12: IMPACT FEE RATES:

- A. The impact fee rates in this section are generated from the formulas for calculating impact fees set forth in the "Impact Fees for the Water, Wastewater, and Stormwater Utility Systems" dated July 2007, and "Rate Study for Impact Fees for Paved Trails, Park Maintenance Building, Emergency Services Building and City Hall" dated July 7, 2007, which are incorporated herein by reference. Except as otherwise provided for, exemptions in section 10-2-3 of this chapter, credits in section 10-2-4 of this chapter, and independent fee calculations in section 10-2-14 of this chapter, all new development in the City will be charged the impact fee applicable to the type of development:

- B. The impact fee rate for paved trails shall initially be four hundred twenty one dollars (\$421.00) per dwelling unit. Future fee adjustments shall be by City Council resolution.
- C. The impact fee rate for park maintenance building shall initially be twenty eight dollars (\$28.00) per dwelling unit. Future fee adjustments shall be by City Council resolution.
- D. The impact fee rates for emergency services building shall initially be seven hundred seventy five dollars (\$775.00) per dwelling unit and thirty eight cents (\$0.38) per square foot of non-residential development. Future fee adjustments shall be by City Council resolution.
- E. The impact fee rates for city hall shall initially be seven hundred thirty four dollars (\$734.00) per dwelling unit and thirty six (\$0.36) per square foot of non-residential development. Future fee adjustments shall be by City Council resolution.
- F. The impact fee rate for water initially shall be:

Meter Size	Current Weighting Factor	Base Impact Fee	Base Number of Fixture Units	Additional Cost Per Fixture Unit Above Base
5/8"	1.00	\$ 1,563.00 \$0	0	\$78.15
3/4"	1.00	1,563.00	21	\$52.10
1"	1.50	2,345.00	36	52.10
1 1/2"	2.50	3,908.00	66	33.98
2"	5.00	7,815.00	181	26.05
3"	8.00	12,504.00	361	24.87
4"	15.00	23,445.00	801	15.63
6"	25.00	39,075.00	1801	13.96

Future fee adjustments shall be by City Council resolution.

G. The impact fee rate for wastewater (sewer) shall initially be:

Meter Size	Current Weighting Factor	Base Impact Fee	Base Number of Fixture Units	Additional Cost Per Fixture Unit Above Base
5/8"	1.00	\$ 1,575.00 \$0	0	<u>\$78.75</u>
3/4"	1.00	1,575.00	21	\$52.55
1"	1.50	2,363.00	36	52.52
1 1/2"	2.50	3,939.00	66	34.22
2"	5.00	7,874.00	181	26.26
3"	8.00	12,601.00	361	25.06
4"	15.00	23,628.00	801	15.75
6"	25.00	39,375.00	1801	14.06

Future fee adjustments shall be by City Council resolution.

H. The impact fee rate for stormwater shall initially be calculated and applied as follows:

Type of Development	Number of ERUs	Impact Fee
Single-family residential	1.0	\$200.00
Condo (per unit)	1.0	200.00
Duplex	1.8	360.00
Other development	Divide impervious area by 2,400 to determine ERUs	

Future fee adjustments shall be by City Council resolution.

10-2-13: ADMINISTRATIVE FEES: Pursuant to and consistent with the requirements of section 7-6-1601(5)(a), Montana Code Annotated, all development permits subject to the impact fees pursuant to section 10-2-2 of this chapter, or as subsequently adjusted by City Council resolution, shall pay an administrative fee in addition to the impact fee rates in section 10-2-12 of this chapter, in an amount equal to five percent (5%) of the amount of the impact fees.

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MANAGER REPORT

March 27, 2013



BIDS ARE OUT FOR PURCHASE OF FIRE APPARATUS

The Fire Department spent a number of months preparing the specifications for the four pieces of equipment that are in the FY13 budget. The pieces of equipment are a new pumper, a brush truck for wildland fires, a new water tender, and a new ambulance. Contributions from the Whitefish Fire Service Area and the Whitefish Firefighters are helping to fund a couple of pieces of equipment and we will take out Intercap loans from the State of Montana for the other costs.

We begin advertising for bids for the equipment on Wednesday, March 27th and a copy of the legal ad for the bids is included in the packet. Given the bidding date and the time to build and deliver the equipment, the equipment will not be delivered and paid for until FY14. I am also including in the packet copies of the narrative pages from the FY13 budget so you can see the budgeted costs and sources of funding.

WHITEFISH COMMUNITY WASTEWATER COMMITTEE SURVEY

The Whitefish Community Wastewater Committee held two community open forums in the City Council Chambers on Monday, March 25th. In conjunction with those forums, they are circulating a survey for citizens to fill out. I am attaching a copy of their survey in with this packet. The Mayor, City Council, Department Directors and others should fill out the survey and get them back to the City Clerk's office.

MEETINGS

Ad-Hoc Cemetery Committee (3/21) – I attended the monthly meeting of the Cemetery Committee. We discussed options for land purchases and worked on the pro forma spreadsheet for acquisition and development of a new Cemetery site.

UPCOMING SPECIAL EVENTS

REMINDERS

City Hall closed on Friday, March 29th for Good Friday holiday
April 29th - 5th Monday meeting with other jurisdictions. Details to be announced

Respectfully submitted,

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

Chuck Stearns
City Manager

INVITATION TO BID

Notice is hereby given that sealed bids will be received at the City Clerk's Office, City Hall, 418 East 2nd Street- P.O. Box 158, Whitefish, Montana, 59937-0158 until 3:00 p.m., Friday, April 26, 2013 and will be opened and publicly read at that time. As soon thereafter as is possible, a contract will be made for furnishing the City of Whitefish with the following:

The purchase of four separately bid items:

1. One (1) 4X4 1,500 gpm Pumper and equipment and/or
2. One (1) 3,000 gallon Fire Water Tender Truck and Equipment and/or
3. One (1) Type 6 Fire Brush Truck and Equipment and/or
4. One (1) Type III Ambulance and Equipment

Bidders must state their best delivery dates. The City desires prompt delivery and may take into account promptness offered by each bidder in determining the lowest and best bid.

Bidders shall bid on City bid proposal forms, addressed to the City Clerk's Office, City of Whitefish, enclosed in a separate, sealed envelope marked plainly on the outside, "Bid for _____, Opening April 26, 2013". (list one of the above items on each separate envelope for each separate item)

Each and every bid must be accompanied by cash, a certified check, bid bond, cashier's check, bank money order or bank draft (personal or company checks not allowed) payable to the City of Whitefish, Montana, and drawn and issued by a federally chartered or state chartered bank insured by the FDIC for an amount which shall not be less than ten percent (10%) of the bid, as a good faith deposit. The bid security shall identify the same firm as is noted on the bid proposal forms.

Pursuant to Section 18-1-102 Montana Code Annotated, the City is required to provide reciprocal purchasing preferences to resident Montana vendors if the state of a vendor submitting a bid enforces a purchasing preference for its residents and vendors.

No bid will be considered which includes Federal excise tax, since the City is exempt therefrom.

The City reserves the right to reject any and all bids and if all bids are rejected, to re-advertise under the same or new specifications, or to make such an award as in the judgment of its officials best meets the City's requirements. The City reserves the right to waive any technicality in the bidding which is not of a substantial nature.

Any questions or objections to published specifications must be filed in written form with the Fire Chief at least 10 days prior to bid opening at 3:00 PM April 26, 2013. Bidders may obtain further information and specifications from the City Fire Department (406) 863-2483.

Necile Lorang
City Clerk

PUBLISH: March 27, 2013
 April 10, 2013
 April 17, 2013

Purpose

The purpose of the Fire and Ambulance Fund is to provide budget authority for the delivery of fire prevention and suppression, rescue services, and ambulance and advanced life support service to the City of Whitefish, the rural fire service area, and surrounding areas.

FY 2013 Objectives

The objective of the Fire and Ambulance Fund for this fiscal year is to provide fire suppression, fire and accident rescue, hazardous materials incident response, fire code enforcement, ambulance and advanced life support service, and community education on related issues.

Significant policy issues in the FY13 Budget are:

- Whitefish voters authorized a 24 mill levy increase to implement the 24/7 service in August, 2008. In FY10, the City decided reduce the mill levy by 11.64 mills or \$234,080, the amount equal to FY10's SAFER Grant distribution. The FY11 & FY12 budget levied the full 24 mills to cover operating costs.
- Whitefish fire equipment has aged to point of reducing safety and increasing maintenance costs. This budget anticipates borrowing from the State InterCap Loan program, soliciting a contribution from the Rural Fire District and the WFFA, and using some of the \$300k given to the city from the Rural Fire District a couple of years ago to replace some of the aging equipment.

Significant or changed appropriations during FY13 are:

Item/Project	Cost
Revenue Changes	
• Decrease in 5 year SAFER Grant –FY14 goes to \$0	\$51,900
Expenditure Changes	
• Fire -Capital Expense – 2011 AFG Grant match for \$200,000 SCBA	\$20,000
• Fire –Capital Expense – Extrication Tool	\$45,000
• Fire –Capital Expense – Brush Engine (\$70k Rural Fire , rest debt)	\$160,000
• Fire –Capital Expense – Structural Pumper (\$70k Fire Association , rest debt)	\$452,000

Fire and Ambulance Fund

FY 2013

• Fire –Capital Expense – Tenders (\$70k from the \$300k , rest debt)	\$275,000
• Amb –Capital Expense – Cot (debt financed)	\$15,000
• Amb –Capital Expense – Ambulance (debt financed)	\$150,000

**Whitefish Community Wastewater Committee
Community Forum Public Comments**

WHAT IS THE ISSUE?

Septic "leachate" is the liquid that remains after wastewater drains through septic solids. The liquid contains elevated concentrations of bacteria and organic compounds from waste, detergents, and other household materials. These compounds threaten human health; the economic health of our community; and the ecological health of the lake and downstream waterways of the Flathead Watershed. When properly functioning, septic systems are designed to neutralize these contaminants before they enter ground or surface water. However, septic systems that are improperly installed or maintained, or that have outlived their finite life expectancy fail to remove these contaminants. In 2011, a study was conducted to investigate septic leachate contamination in Whitefish Lake and to identify:

- Public health risks from pathogenic viruses and bacteria;
- Ecological threats to the lake such as eutrophication due to the increased loading of nutrients; and
- Economic threats to community such as unsafe or unappealing water for recreation due to decreased water quality.

Study results showed that septic leachate compounds are present in Whitefish Lake.

The City of Whitefish faces many conservation challenges typical of a lake-based urban community, most notably declining water quality. Whitefish Lake is a major source of drinking water for the City of Whitefish and a heavily used recreational area, which includes two Montana State Parks and the popular City Beach. It is the heart of the Whitefish economy, one that is driven by recreation and tourism. Located in the headwater of the Columbia River Basin, the health of Whitefish Lake affects not only the people, economics, and fish and wildlife of Whitefish Lake, but also influences all waterways between the lake and Flathead Lake, and toward the outfall to the Pacific Ocean. Protecting and enhancing the waterways in and around the City of Whitefish is important for economic, social and environmental durability.

The problem is not new and it is not a Whitefish only problem. It is shared by many lakeside communities in the U.S. that have septic systems close to waterbodies. The good news is that there are a number of actions that can be taken to prevent further water quality degradation. These actions will take time, money, community support, and dedicated resources. The Whitefish Community Wastewater Committee was assembled to develop a long-term program to identify options and funding mechanisms that lead to long-term solutions, and we want your input!

WHAT DO YOU THINK?

Please use the attached *Public Comment Form* to provide your comments to the Committee.

MAIL Postmark by Monday, April 22, 2013
City Clerk, WCWC Comments, PO Box 158, Whitefish, MT 59937-0158

EMAIL: Scan and email no later than 5:00 PM on Thursday April 25, 2013 to nlorang@cityofwhitefish.org

DELIVER No later than 5:00 PM on Thursday April 25, 2013 to the City Clerk's office at 418 E 2nd St, Whitefish

FAX: No later than 5:00 PM on Thursday April 25, 2013 to N. Lorang at 406.863.2419

Public Comment Form
Whitefish Community Wastewater Management

1. How important to you is the water quality and health of Whitefish Lake?

Very important Somewhat Important Not Important

2. How important to you is the health of your drinking water?

Very important Somewhat Important Not Important

3. How important to you is the cleanliness of the lake water for swimming, fishing, boating, and other recreation?

Very important Somewhat Important Not Important

4. Did you know that the City of Whitefish gets its drinking water supply from Whitefish Lake at certain times of the year?

Yes No

5. Is your home on-

Individual Septic System Communal Septic System City Sewer Don't know

5a. If you are on an individual septic system, how often do you have your septic system inspected and pumped?

Never have Every 0-5 years Every 5-10 years Every 10+ years

5b. If you are on a septic system, what are your top concerns about maintaining your system (please rank in order of importance, 1 being the most important and 5 being the least important).

the cost of pumping and other maintenance

the cost of inspections

disruption to your household

the possible need to upgrade your system

other _____

6. How likely would you be to attend a free wastewater management program that included information about sewer and septic systems, a tour of the Whitefish Wastewater Treatment plant, a tour of a communal septic system, or a tour of a facility that manufactures wastewater systems?

Very likely Somewhat likely Not likely

7. Have you previously heard about the *Investigation of Septic Leachate to the Shoreline Area of Whitefish Lake, Montana* study conducted by the Whitefish Lake Institute in 2011 and published in 2012?

Yes No

8. Do you live in Whitefish ...?

Full time Part time

9. Do you live in the Whitefish extraterritorial area...?

Full time Part time

Comments: Please feel free to submit other comments here: _____

Thank You!

MEMORANDUM

#2013-020



To: Mayor John Muhlfeld
City Councilors

From: Chuck Stearns, City Manager

Re: Staff Report – Request from North Valley Food Bank to allow temporary parking on West 15th Street during their building construction

Date: March 20, 2013

Introduction/History

I received a letter dated March 12th from the North Valley Food Bank requesting that they and contractors be allowed to park on West 15th Street during the construction of their building this spring, summer, and fall. A copy of the letter is in the Council packet for the April 1st meeting. Currently there is no parking on either side of West 15th Street, west of Baker Avenue.

Current Report

Whitefish City Code Section 6-2-4 leaves control of on-street parking with the City Council:

6-2-4: PROHIBITED AND RESTRICTED PARKING:

A. No Parking Zones: The following zones or areas are designated by the city council to be no parking zones wherein the parking of vehicles is prohibited except at the times and under the circumstances therein set forth. The city council may from time to time, on motion, create other and further no parking zones within the city. The no parking zones designated by the city council are as follows:

1. No automobile or vehicle shall be parked on the north side of Second Street, between Spokane Avenue and Kalispell Avenue; no automobile or vehicle except school buses when actually engaged in loading or unloading pupils shall be parked within a distance of one hundred feet (100') south of that part of the east side of Spokane Avenue extending from directly in front of the west entrance of the public school building, the distance of one hundred feet (100') shall be measured from the north side of the west entrance of the building and the area created shall be designated a no parking zone, and reserved exclusively for the use of school buses, loading and unloading pupils transported by such buses to and from the Whitefish public school; this no parking area shall not apply during the summer months when school is not in session.

2. All no parking zones must be either posted with a suitable sign or marked with a yellow curb. (Ord. A-85, 12-5-1955; amd. Ord. A-237, 6-4-1973; Ord. 86-15, 7-7-1986; Ord. 09-15, 9-21-2009)

B. Limited Parking Areas: The city council declares the following to be limited parking areas in which certain restrictions on parking are established, and it shall constitute a violation of this title for the owner or operator of any vehicle to violate the provisions hereof. **The city council may, from time to time by motion, when it determines it advisable to do so, establish other and different limited parking areas within the city.** The limited parking areas established which are in effect are as follows:

1. The area on the south side of Second Street extending from the northeast corner of the intersection of Second Street and Lupfer Avenue for a distance of fifty feet (50') from the fire hydrant located on the corner of the intersection is created a limited parking area and the parking of automobiles and other vehicles within said parking area hereby created for a period of more than twelve (12) minutes is forbidden and prohibited; provided, however, that parking within twelve feet (12') of said fire hydrant is expressly prohibited and forbidden.

2. The parking of trucks and commercial vehicles in excess of twenty feet (20') overall length is prohibited anywhere on Second Street between Spokane Avenue and Lupfer Avenue and also on Central Avenue between Railway Street and Fifth Street.

I discussed this request with Department Directors on March 19th and it was the unanimous consensus that allowing parking on one side of West 15th Street (west of Baker Avenue) would not cause any traffic or emergency vehicle problems if construction did not extend into winter. I checked with Jerry Quinn, Board Chair for the Food Bank and he confirmed that their construction should be done by December 1st.

Financial Requirement

There will be a small labor cost to take down 2-3 existing No Parking signs and replace them with signs limiting no parking areas to the clear vision triangles at intersections.

Recommendation

Staff respectfully requests that the City Council approve allowing temporary construction parking on the south side of West 15th Street (west of Baker Avenue) except in the clear vision triangles at intersections from May 15, 2013 to December 1, 2013 for the North Valley Food Bank construction project.



311 E. 1st STREET
WHITEFISH, MT 59937
(406) 862-5863

Executive Committee:
June Munki-Feenan, Executive Director
Dennis Theissen, Vice President
Phyllis Garlitz, Secretary/Treasurer
Jerry Quinn, Board Chair

Members:
Ron Behrendt Dale Reisch
Dan Comerford Pat Sapa
Pam Gerwe Mark Schmidt

Advisory:
Jerry Hoadley, CPA
Stephanie Walls, Board Attorney

www.northvalleyfoodbank.org

admin@northvalleyfoodbank.org

March 12, 2013

Chuck Stearns
City Manager
City of Whitefish
PO Box 158
Whitefish, MT 59937

Re: North Valley Food Bank Building
251 Flathead Avenue

Dear Mr. Stearns,

North Valley Food Bank is planning to begin construction on our new 4748 square foot building approximately May 20, 2013. *through December 1st, 2013.*

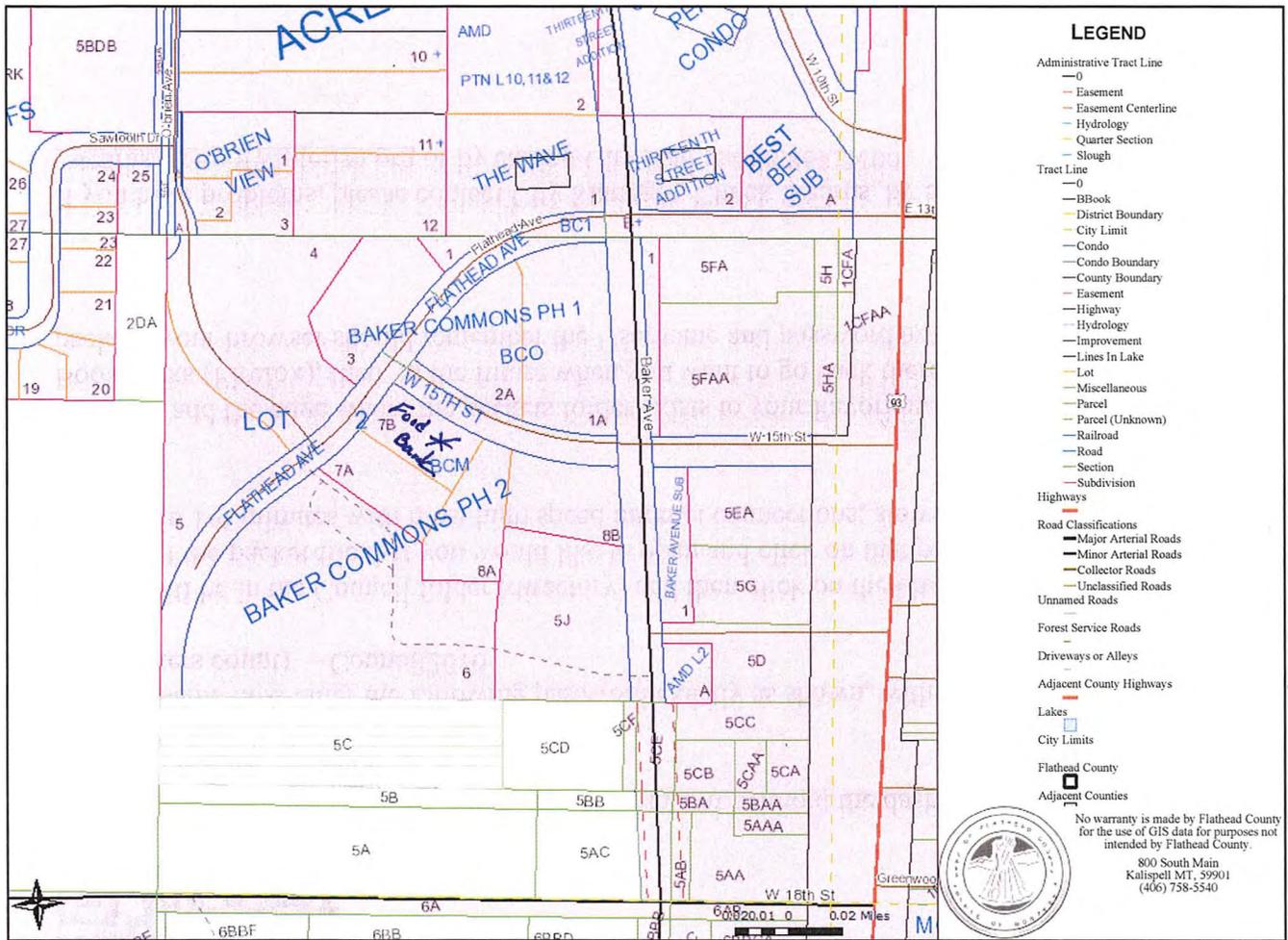
The excavation for the building and relocation of the storm drainage and erosion control area will use up any parking spaces that will be needed during the construction. We would really appreciate being able to designate at least one side of West 15th Street for parking. We feel that by utilizing West 15th this would not interfere with emergency traffic as Flathead Avenue is the main route used by Police and Fire Departments. By having on street parking, this would enable the streets to be kept cleaner and would allow for much needed parking during construction.

While we debated the lot purchase and on the actual day of purchase in September 2010, there were no signs restricting street parking. Much later, signs were posted for "No Parking" on either side of the street. Had we been aware of this, we may not have purchased this particular piece of property.

If the City would grant our request with regard to these parking issues, we would be very appreciative. Thank you for your consideration.

Sincerely,


Jerry Quinn
Board Chair



Chuck Stearns

From: John Wilson [jwilson@cityofwhitefish.org]
Sent: Thursday, March 21, 2013 8:36 AM
To: 'Chuck Stearns'
Cc: 'J Barranger'
Subject: RE: Parking Set Backs

Chuck

Here's some info from J, with respect temporary Food Bank parking on 15th St. Let us know if you need anything else from Public Works.

JCW

From: J Barranger [mailto:jbarranger@cityofwhitefish.org]
Sent: Wednesday, March 20, 2013 2:56 PM
To: John Wilson
Subject: Parking Set Backs

John,

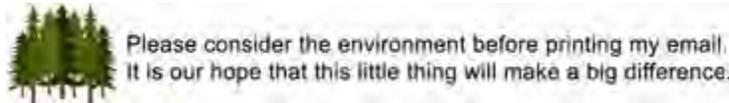
In regards to the construction and parking at the food bank site. Ordinance 10.28.010 states "no vehicle shall stop or stand within the intersection of any street..... within 15' of any street corner".

MUTCD (figure 3B-18) shows typical set backs of 20 to 30' from the back of the ped crossing.

Let me know if you have any questions.

Jay

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received
3/26/13

Whitefish City Council
Whitefish City Planning Department

03/25/2013

Dear Council and Planning Department,

On March 18, 2013 I presented the need to review the sign ordinance on Highway 93 South due to the fact that businesses are experiencing a totally different environment. With highway speeds at 45 miles per hour and right of ways exceeding 30 feet it is very hard for us to market and advertise with the current restrictions.

I also brought up the need for change to the restriction of the temporary sign ordinance and the permit. Currently it only allows us to display one 24 square foot approved sign for 30 consecutive days and each sign permit cannot be within 4 months of each other. That basically gives us two times a year we can put a 24 square foot approved sign or attractant out for display.

The other part of the need for change is the sign ordinance has too many loop holes and is at the entire discretion of the City Manager as the end result. Once you get thru the City Attorney, then the Sign Enforcement Official, then the final say is the City Manager. Depending on how well you state your case or influence each individual is how well your outcome will turn out.

At the Council meeting I found the majority of the members in favor of a review. In fact they stated they have been waiting for the suggestion from the Planning Department for quite some time. The Mayor advised me that I needed to go to the Planning Department and have them recommend the review so it can be sent to the City Council for approval. By the end of the Council meeting in closing comments from 2 of the Council members it was stated they wanted to have the review as one of their goals going forward.

I then went to the Planning Board Meeting on Thursday March 21st. Although the agenda did not have Public Comment in the schedule I was allowed to get up and speak. I advised the Planning Department of the need for change because of the different environment and asked them to please recommend the review of the 93 South Corridor as the Council was waiting for them. When it came to questions from the board, no member had any questions at that time.

So this is where we are at this point.

We need the recommendation from the Planning Department as soon as possible so it can be presented to the Council. We need the Council to put it on their list of goals going forward so something can be done to help the businesses on 93 South. It would be beneficial and fair to make sure whoever is on the review board includes business owners and actual residents of Whitefish that are directly involved with the 93 South Corridor. The Council suggestion would be to limit the review to the southern most city limit of 93 as not to get into the donut area. Which would put it I believe right at Hwy 93 and 40 intersection.

Thank you for the support and consideration in this very important issue that all businesses are facing in this area of Whitefish.

Sincerely,



Greg Shaffer
Don K Whitefish
6219 HWY 93 South



Donald Kaltschmidt
Owner
Don K Whitefish

11-5-4: EXEMPT, PROHIBITED AND SPECIAL STANDARDS:

A. Exempt Signs: The following signs are exempt from the overall sign allowance and do not require permits but must comply with all other requirements of the district, such as size, height, location, materials, etc.:

1. Official traffic or government signs; public utility, public service or railroad signs that aid in safety; off premises hospital signs, community watch signs, community entrance signs and other signs of a community or official nature. (Ord. 01-04, 2-20-2001)
2. On site traffic, directional and/or informational signs that do not exceed two (2) square feet per face and three feet (3') in height. (Ord. 03-12, 5-19-2003)
3. Signs that cannot be read from a public right of way. (Ord. 01-04, 2-20-2001)
4. Nonilluminated window displays, window signs and painted window lettering, with the exception that, in the Old Town district, such signs are allowed a limited area (see subsection [11-5-6-2A10](#) of this chapter). (Ord. 08-23, 11-17-2008)
5. Identification of a single-family or duplex housing, which does not exceed four (4) square feet. (Ord. 01-04, 2-20-2001)
6. One subdivision sign per entrance on streets with different names not exceeding twenty four (24) square feet per face nor exceeding four feet (4') in height. The subdivision may have multiple signs at the entrance, provided the total square footage of signs at the entrance does not exceed twenty four (24) square feet. (Ord. 03-12, 5-19-2003)
7. Nameplates for public entrances of buildings, provided they do not exceed two (2) square feet.
8. Signs for events of a general nature, citywide, civic or public benefit as authorized by the city council or the city manager, which must be removed within two (2) days after the conclusion of the event.
9. Barber poles, religious symbols, commemorative plaques and street numbers.
10. Construction or contractor signs not exceeding sixteen (16) square feet per face which are removed either at time of substantial completion or occupancy. Multiple contractors on a single development site are entitled to display signage, provided it is consolidated on a single sign and does not exceed thirty two (32) square feet per face.
11. Garage sale signs that must be removed within two (2) days after the end of sale.
12. Holiday signs including the display of flashing or blinking lights, objects and materials temporarily displayed on traditionally accepted civic, patriotic and religious days, provided that such decorations are maintained in safe condition and do not constitute a fire hazard. Special holiday displays are allowed ten (10) days before Thanksgiving through the weekend after Winter Carnival in February.
13. Campaign and election signs not exceeding thirty two (32) square feet, located on private property which are erected not more than ninety (90) days prior to the election and removed not more than seven (7) days after the election. (Ord. 01-04, 2-20-2001)
14. Political signs located on private property not exceeding thirty two (32) square feet for commercially or industrially zoned properties and sixteen (16) square feet for residential and resort residential zoning designations. (Ord. 09-22, 11-16-2009)
15. Real estate "for sale", "for rent" or "open house" signs which do not exceed six (6) square feet per face for residential properties and sixteen (16) square feet for commercial properties.
16. Menu display boxes up to six (6) square feet are allowed for each restaurant, bar and lounge for the purpose of displaying menus. The area exceeding six (6) square feet shall be counted against the total allowable sign area. This does not apply to menu display boxes that are not intended to be seen from a public right of way.
17. Works of art including wall graphics, carvings and sculptures with no advertising matter, which are not used in connection with a commercial promotion or as an advertising device. (Ord. 01-04, 2-20-2001)
18. Temporary signs that advertise or identify a special, unique or limited activity, service, business moved, product for sale of a duration not to exceed thirty (30) consecutive days in a six (6) month period, but no two (2) periods shall be closer than four (4) months apart. Any community wide sales event, whether sponsored by the local chamber, community service group or promoted by the city, shall not count toward the allowable days in this subsection. A single temporary sign is allowed per business. No more than two (2) temporary signs shall be displayed for multi-tenant locations. Display of banners up to twenty four (24) square feet, pennants, festoons, balloons, tethered objects, strings of flags, streamers, inflated objects or any other device intended as an attractant which is affected by the natural movement of the air may be temporarily allowed under this section. A business must apply for a special temporary sign permit from the city zoning administrator to qualify under this subsection A. Only the

specific items approved on the special temporary sign permit may be used by the applicant. Items not approved on the special temporary sign permit remain prohibited.

Balloons would specifically be allowed under these temporary sign regulations for a duration not to exceed thirty (30) days in a six (6) month period.

Any business, organization, or community group whose access, visibility, or patronage is detrimentally affected by a government street, excavation, or infrastructure project, as determined by the zoning administrator, may obtain up to two (2) temporary signs totaling not more than twenty four (24) square feet combined, for the duration of the project without regard to the limit of thirty (30) consecutive days in a six (6) month period in the previous paragraph. There shall be no fees assessed for such temporary signs during a government project. (Ord. 10-05, 2-16-2009)

19. The flag, pennant or insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization or educational institution, providing the flag, pennant or insignia conform to the following limitations:
 - a. Flags and pennants shall not exceed the proportions which have been established by presidential declaration: three feet by five feet (3' x 5') when hung from a building or five feet by seven feet (5' x 7') when hung from a freestanding flagpole.
 - b. Flags shall have a minimum clearance of eight feet (8') when they project over public sidewalks and fifteen feet (15') when projecting over streets or roads.
 - c. Flags, pennants and insignia shall be maintained in a clean and undamaged condition at all times.
 - d. The display of national flags, pennants and insignia shall be governed by the standard rules of international protocol.
 - e. No more than three (3) flags, either mounted on a single flagpole or three (3) separate flagpoles installed as a group.
 - f. No new flagpole permit shall be granted for flags displayed over thirty five feet (35') in height measured from the ground.
20. Signs on motor vehicles or trailers which are being operated or stored in the normal course of business such as signs indicating the name of the owner or business on delivery trucks, trailers and the like; provided that the primary purpose of such vehicles is not for use as signs and provided that such vehicles are parked or stored in areas appropriate to their use as vehicles. (Ord. 03-12, 5-19-2003)
21. A single changeable copy sign associated with a religious assembly or public park facility (see subsection [11-5-5K](#) of this chapter).
22. A single changeable copy sign per convention center. (Ord. 12-12, 11-5-2012)
23. Signs not more than two (2) square feet in size displaying the words "Vacancy" and "No Vacancy". (Ord. 01-04, 2-20-2001)
24. A shared service club sign erected in cooperation with the city that can be used to advertise established organizations within the city. One may be located on Highway 93 South and one may be located on Highway 93 North. (Ord. 03-12, 5-19-2003)
25. Neighborhood identification signs. (Ord. 01-14, 8-20-2001)
26. Building identification signs, provided they are flush mounted and do not exceed six (6) square feet. (Ord. 09-22, 11-16-2009)

B. Prohibited Signs: The following types of signs or attractive devices are prohibited in all districts:

1. Abandoned signs or any sign which identifies or advertises an activity, business, product, service or special event which is no longer produced, conducted, performed or sold on the premises where the sign is located.
2. Animated, rotating, flashing or blinking signs, strobe lights and searchlights except electronic message signs displaying time and temperature as provided elsewhere in these regulations. Barbers' poles are not regulated under this section.
3. Signs that have been unlawfully or illegally erected and/or maintained.
4. Signs that constitute a traffic hazard or a nuisance that are detrimental to the health, safety and welfare of the public.



received
3/26/13

*BUSINESS ORIENTED
COMMUNITY MINDED*

John Sinrud
Executive Director
118 Main Street
Kalispell, MT 59901
March 25, 2013

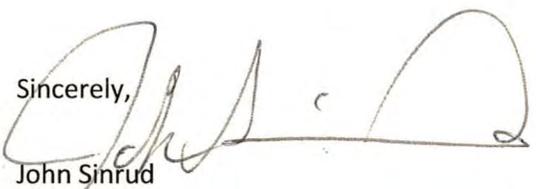
Whitefish City Council
Whitefish City Planning Department
P.O. Box 158
Whitefish, MT 59937

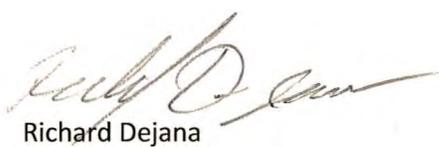
Dear Whitefish City Council:

Flathead Business and Industry Association is a member based organization that consists of over 170 Flathead County businesses. We are requesting the Whitefish City Council and the Planning Department place on its yearly agenda a formal review of the current City of Whitefish sign ordinance. With the current business climate in the Flathead Valley, we believe that every opportunity should be taken to improve our business in the Valley. By working with those businesses that are located on the south highway 93 corridor, we can better improve their business by modifying the current sign codes. We have been working the USSC (United States Sign Council) to have a better understanding of driver safety when it comes to outdoor advertising so that we can pass along to our local city councils and planning boards new standards that have been working their way across the United States.

The FBIA would relish the opportunity to sit down with the City Council and the Planning Department to introduce some of these new standards that encourage business advertising as well as driver safety. We have been afforded the opportunity to have one the of USSC's district representatives give a presentation to the City at your convenience to answer any and all questions. In closing the FBIA would encourage the City to move forward with a sign ordinance review and look forward to working with you in this important endeavor?

Sincerely,


John Sinrud
Executive Director


Richard Dejana
President

Chuck Stearns

From: Necile Lorang [nlorang@cityofwhitefish.org]
Sent: Wednesday, March 27, 2013 10:50 AM
To: cstearns@cityofwhitefish.org
Subject: Fw: Hwy 93 S. sign ordinance

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

From: [Bart DePratu](#)
To: nlorang@cityofwhitefish.org
Cc: dtaylor@cityofwhitefish.org
Sent: Tuesday, March 26, 2013 11:56 AM
Subject: Hwy 93 S. sign ordinance

Whitefish City Counsel
Whitefish City Planning Department

Dear Counsel and Planning Department,

DePratu Ford would like voice it's support of a review of the sign ordinance on Hwy 93 S as Greg Shaffer (Don K) has outlined in his letter to you.

Thank you for your consideration.

Bart DePratu
DePratu Ford Whitefish
6331 Hwy 93 South