



**CITY COUNCIL SPECIAL SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, JUNE 3, 2013
4:30 TO 7:00 PM**

1. Call to Order
2. Interviews for applicants
 - a. WF Hwy 93W Corridor Plan Steering Committee
 - 4:40 - Cora Christensen
 - 4:50 – Doug Reed
 - 5:00 – Frank Barnes (Phone Call)
 - 5:10 – Katie Williams
 - 5:20 – Anne Shaw Moran
 - 5:30 – Ryan Zinke
 - 5:40 – Rob Pero
 - 5:50 – Jim Laidlaw
 - 6:00 – Ian Collins
 - b. Whitefish Housing Authority and Weed Control Advisory Committee
 - 6:10 – Life Noell
 - 6:20 – Jake How (Just Weed Control Advisory Committee)
 - c. Tree Advisory Committee
 - 6:30 – Tyler Hope
 - 6:40 – Tanya Island
 - 6:50 – Matt Kennedy
3. Public Comment
4. Appointments – 4b is a Mayoral Appointment, 4a, 4c, 4d and 4e are Council Appointments
 - 4a. WF Hwy 93W Corridor Plan Steering Committee, per Res 13-10 (pg. 15)
 - 4b. Whitefish Housing Authority, to fill the remainder of a term expiring 12-31-2014 (pg. 26)
 - 4c. Weed Control Advisory Committee – 2 positions (pg. 28)
 - 4d. Tree Advisory Committee – 3 positions (pg. 31)
 - 4e. Council confirmation of group recommendations for their representatives (pg. 35)
 - Doug Reed, Resort Tax Monitoring Committee Representative to the Pedestrian & Bicycle Path Advisory Committee

Note - If time runs out before all appointments are made, remaining appointments can be made during the Regular Council Session – Agenda # 8-c

5. Adjourn

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



June 3, 2013

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Work Session: Highway 93 West Corridor Plan Steering Committee Appointments

Summary

The City Council authorized staff to pursue a contract with WGM Group out of Missoula to develop a land use plan for the Highway 93 West corridor. We have done that, and are moving forward on developing our public involvement strategy. The City Council authorized staff to advertise for volunteers for a planning steering committee. Attached are the applications received by the 3 pm May 28 deadline for the various positions on the committee to assist as you interview and appoint candidates. If any additional letters arrive past the deadline prior to the packet going out, we will include them, but we are unable to accommodate more interviews.

Discussion

The steering committee will be the primary sounding board to work through the planning process to establish a development policy. Below are the applicants for each position.

- One business owner in the corridor representing resort or recreation interests

Doug Reed (Whitefish Lake Restaurant)
Ryan Zinke (Snowfrog B&B)

- One business owner representing commercial or professional interests

Frank Barnes (Westside Gas and Grocery)
Cora Christensen (Signature Plaza, 750 2nd St W)

- Two residential owner-occupied property owners

Anne Shaw Moran (432 W 3rd)
Ryan Zinke (409 W 2nd)
Katie Williams, 427 W 2nd

- One residential investment or multifamily property owner

Rob Pero (244, 314, 322 W 2nd)
Jim Laidlaw (owns 224, 226, and 230 W 2nd)
Ryan Zinke (410 W 3rd, 409, 415 W 2nd)

- One WB-3 District property owner
Ian Collins (10 Baker, 37 Lupfer)
- One 'at large' community member or property owner

In addition, the committee will have the following two ad-hoc positions. We are assuming the business or agency listed will appoint their own member should they choose to.

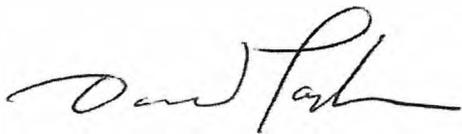
- One representative from the Montana Department of Transportation (ad hoc member)
- One representative from Idaho Timber (ad hoc member)

Additionally, the following additional appointments were already made:

- Two City Council representatives
Phil Mitchell and Frank Sweeney
- One Whitefish City-County Planning Board city representative
Chad Phillips
- One Whitefish City-County Planning Board city or county representative
Ken Meckel

Recommendation

Staff respectfully asks the City Council to interview the applicants and appoint qualified individuals to the available Steering Committee positions.



David Taylor, AICP

1,410 ballots cast in the election.

Libby, MT near Airport
Meadowlarklog.com | (406) 293.8707

high-speed Internet service up to 1.5Mbps for \$9.95* per month for the first 12 months of service. Further details are available at centurylink.com/internetbasics.

EGALS

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hardware, drywall,
staining, acoustical
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Documents will be
beginning Wednesday,
2013 and may be
by contacting the
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Suite 101, Bozeman, MT
Phone (406) 585-3420.
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Contract Documents may
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Great Falls, Helena,
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contractors submitting a
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their proposal using the
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be directed to Loren
l with Langlas &
ates (406) 585-3420 or
lorenc@langlas.com.

nce must be given to
ts of Montana per MCA
13.

May 22, 2013

37

1a Eleventh Judicial
Court, Flathead County

THE MATTER OF THE
E OF
D WOLFE
sed.

2-13-071 (B)

Robert B Allison

TO CREDITORS

IS HEREBY GIVEN
e undersigned has been
ted Personal
entative of the
named Estate. All
is having claims against
id Deceased are required
ent their claims within four
nths after the date of the
ublication of this Notice or

LEGALS

said claims will be forever
barred.

Claims must either be mailed to
GALE MARIE BIRGENSMITH,
the Personal Representative, c/o
Sean R. Gilchrist, Esq.,
Johnson-Gilchrist Law Firm,
P.C., 6336 Hwy. 93 South,
Whitefish, Montana 59937, or
filed with the Clerk of the
above-entitled Court.

I declare under penalty of perjury
under the laws of the State of
Montana that the foregoing is
true and correct.

DATED this 29th day of April,
2013.

/s/ Gale Marie Birgensmith
GALE MARIE BIRGENSMITH
Personal Representative

/s/ Sean R. Gilchrist
JOHNSON-GILCHRIST LAW
FIRM, P.C.
Attorney for Personal
Representative
6336 Highway 93 South
Whitefish, Montana 59937

May 15, 22, 29, 2013

No. 2138

WHITEFISH HIGHWAY 93 WEST CORRIDOR PLAN STEERING COMMITTEE

The Whitefish City Council is
looking for individuals to fill
volunteer positions on a land use
planning committee for Highway
93 West. The individuals must
own property within the study
area (on Highway 93 West, or a
block to either side, from Miles
Avenue to Mountainside Drive)
unless otherwise stated. The
Steering Committee will work
with City Planning Staff, WGM
Group, the Planning Board and
the City Council to establish a
development policy for the
corridor. It is anticipated there
will be about six two-hour
meetings involved.

The volunteer positions are as
follows:

- One (1) business owner (or designee) representing resort or recreation interests
- One (1) business owner representing commercial or professional interests
- One (1) business owner from the downtown WB-3 zoning district
- Two (2) residential owner-occupied property owners
- One (1) residential investment or multi-family property owner
- One (1) 'at large' property owner from the community

LEGALS

Two members of the City
Council and two members of the
Whitefish City-County Planning
Board will also be appointed, as
well as ad-hoc representatives
from MDOT and Idaho Timber.

Please submit a letter of interest
to serve on the above committee
to the City of Whitefish City
Clerk's Office at 418 E 2nd St, or
mail to P.O. Box 158, Whitefish,
MT 59937, by May 28th, 2013 at
3 pm. You can also e-mail letters
to nlorang@cityofwhitefish.org.
Appointments will be at the City
Council's discretion in the
following weeks. For more
information, contact Planning
Director Dave Taylor at
863-2416.

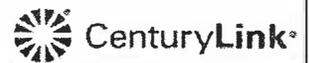
THANK YOU FOR YOUR
INTEREST!

May 15, 22, 2013

If you live in a CenturyLink service area, please call 1-888-833-9522 or visit centurylink.com/lifeline with questions or to request an application for the Lifeline program.

*CenturyLink Internet Basics Program – Residential customers only who qualify based on meeting income level or program participation eligibility requirements, and requires remaining eligible for the entire offer period. First bill will include charges for the first full month of service billed in advance, prorated charges for service from the date of installation to bill date, and one-time charges and fees described above. Qualifying customers may keep this program for a maximum of 60 months after service activation provided customer still qualifies during that time. Listed High-Speed Internet rate of \$9.95/mo. applies for first 12 months of service (after which the rate reverts to \$14.95/mo. for the next 48 months of service), and requires a 12-month term agreement. Customer must either lease a modem/router from CenturyLink for an additional monthly charge or independently purchase a modem/router, and a one-time High-Speed Internet activation fee applies. A one-time professional installation charge (if selected by customer) and a one-time shipping and handling fee applies to customer's modem/router.

General – Services not available everywhere. CenturyLink may change or cancel services or substitute similar services at its sole discretion without notice. Offer, plans, and stated rates are subject to change and may vary by service area. Deposit may be required. Additional restrictions apply. Terms and Conditions – All products and services listed are governed by tariffs, terms of service, or terms and conditions posted at centurylink.com. Taxes, Fees, and Surcharges – Applicable taxes, fees, and surcharges include a carrier Universal Service charge, carrier cost recovery surcharges, state and local fees that vary by area and certain in-state surcharges. Cost recovery fees are not taxes or government-required charges for use. Taxes, fees, and surcharges apply based on standard monthly, not promotional, rates.



EARLY DEADLINES

We have Early ADVERTISING Deadlines for the week of May 27th due to the Memorial Day Holiday

- West Shore News - Thurs., May 23, 4 p.m.
- Bigfork Eagle - Fri., May 24, noon
- Classified Display - Fri., May 24, noon
- Hungry Horse News - Fri., May 24, noon
- Whitefish Pilot - Fri., May 24, noon
- North Valley Classified Liners - Tues., May 28, noon

4:40 pm

Income Tax Service
Cora Christensen, EA, LLC

750 2nd St W, Ste A
Whitefish, MT 59937

tel: (406)863-2668 fax: (406)863-2375
ccora000@centurytel.net

May 28th, 2013

City of Whitefish City Clerk
418 E 2nd Street
Whitefish, MT 59937

Re: Application to Serve on the Whitefish HWY 93 W Corridor Steering Committee

Reference: (a) Whitefish Pilot Public Notice No 2138 of May 22, 2013

To Whom It Concerns:

I am writing in regards to the Whitefish Highway 93 S West Corridor Plan Steering Committee. I am a business owner at Signature Plaza on the corner of 93 & Ramsey Ave. I will be impacted by the road construction and new plans of the road and would like to be able to participate. I am also the President of Signature Plaza Association and aware of the concerns of other business owners at Signature Plaza. I have also talked to many home owners and renters on 3rd Street and I am aware of many of their concerns as well. I have been in contact with the DOT and City Council in the past year about the new road construction about my concerns and I feel I am informed on the plans and the effects. Thank you for your consideration of my application.

Sincerely,

Cora Christensen

4:50 pm

Necile Lorang

From: "Doug and Nikki Reed" <nreed@bresnan.net>
To: "Necile Lorang" <nlorang@cityofwhitefish.org>
Sent: Saturday, May 25, 2013 8:44 AM
Subject: 93 West corridor study

Hello Necile,

I would like to serve on the steering committee for the 93 West Corridor study. Please consider this email my letter of intent.

Thank you,
Doug Reed

5:00 - phone call

received
5-28-13

May 27, 2013

City of Whitefish

City Clerk's Office

P.O. Box 158

Whitefish, Montana 59937

Whitefish City Council:

As a Business/Property owner along the Highway 93 West Corridor, I would like to express my interest in being appointed to the Whitefish Highway 93 West Corridor Plan Steering Committee.

Respectfully,



Frank Barnes

Westside Gas and Grocery

P.O. Box 4269

145 West 2nd Street

Whitefish, MT 59937

406-253-1643

5:10 pm

received

5-28-13

1:20 pm

Katherine Williams
427 West 2nd Street
Whitefish, MT 59937

May 26, 2013

Reference:
WF Pilot Public Notice No 2138
Dated May 22, 2013

City of Whitefish City Clerk
418 E 2nd Street
Whitefish, MT 59937

SUBJECT: LETTER OF INTEREST TO SERVE ON WHITEFISH HIGHWAY 93 W
CORRIDOR PLAN STEERING COMMITTEE

Dear City Clerk,

The purpose of this letter is to request your possible consideration for my selection to serve on the Whitefish Highway 93 West Corridor Plan Steering Committee. My family has owned our home on Highway 93 dating back to 1993. Throughout the years, I have seen the evolution of the corridor and understand the importance of a balanced, productive, and sustainable plan for the future development of the area. As a second generation resident in the area who is in constant contact with the public I can help bring a unique prospective to the committee. Under the conditions set forth in the Public Notice No. 2138, I would qualify for the following volunteer position:

-Residential owner-occupied property owner (427 W 2nd Street)

Thank you for your time and consideration. If you have any questions please feel free to contact me by my cell phone at: (406) 210-2181 or by email at: katherine.williams.mt@gmail.com.

Regards,



Katie Williams

5:20 pm
received
5-22-13
City Clerk's Office

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

May 20, 2013

Ms. Necile Lorang
City Clerk
City of Whitefish
P.O. Box 158
Whitefish, MT 59937

To Whom It May Concern:

Please accept this letter of interest to serve on the Highway 93 West Corridor Planning Steering Committee.

Given my personal and professional history, I think I can offer useful and productive insights to this effort. I can assist with many years' history of that area, as since 1991 I have resided, as well as owned multi-family rental properties (on the north side of West Third Street), which immediately abut the Highway 93 corridor properties. Back in the "dark ages" (1980s) I participated (as a Whitefish councilor) in developing Whitefish's first City/County Master Plan as well as corresponding zoning regulation updates. I have been a residential and commercial landlord both personally and professionally for over 25 years, so can appreciate the critical importance of balancing the needs of both businesses and residences in that area. During my tenure at Winter Sports, Inc. (now Whitefish Mountain Resort), as well as participating in numerous resort-wide planning, subdivision, and environmental efforts, I was an officer of the Big Mountain Development Corporation and helped coordinate with Flathead County to develop for our properties not only the first County resort zoning designations, but also its only Overall Development Plan to date, and was instrumental in developing Sunrise Ridge Phases I-V, Wood Run Phases I-II, Moose Run, Kintla Lodge and diverse commercial projects. I have been a comptroller and departmental manager for three large businesses so understand and appreciate the financial importance of property investment and values to landowners/entrepreneurs. For almost a decade, as a professional land planner for the State of Montana, I have worked on literally hundreds of diverse commercial, residential, and recreational projects as well as formulating processes for securing land entitlements for thousands of acres of state trust lands. Personally and professionally I have served on more public boards and committees than I can count, so I am familiar and comfortable with that process and could contribute to a solid "deliverable" for the committee's efforts.

Page 2
Moran/Lorang
May 20, 2013

Most important, I both do business in as well as reside in the study area. I love our Whitefish community and plan to stay here indefinitely, and I care deeply that we have solid, balanced, and predictable growth along Highway 93 West that will enhance Whitefish, its businesses, and its residents.

Because I both reside and own multi-family rental property in the corridor planning area, it is my understanding that my application may qualify for any of several different committee seats (the residential investment/multifamily property owner, either of the residential owner-occupied property owners, or the "at large" community member). Though my professional experience may lend unique support to the first position, I am able and pleased to serve in any of these capacities if so desired.

Many thanks to the Mayor, Council, Planning Board, and Planning Staff for proceeding with this study effort. It will undoubtedly benefit our community and my neighborhood, and I appreciate the opportunity to volunteer. Please feel free to contact me with any questions pertaining to my application, and thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Anne Shaw Moran". The signature is written in a cursive style with a large initial "A" and "M".

Anne Shaw Moran
432 and 436 W. Third Street

5:30 pm
received
5/28/13

May 25, 2013

City of Whitefish City Clerk
418 E 2nd Street
Whitefish, MT 59937

**SUBJ: LETTER OF INTEREST TO SERVE ON WHITEFISH HIGHWAY 93 WEST
CORRIDOR PLAN STEERING COMMITTEE**

Reference: (a) Whitefish Pilot Public Notice No. 2138 of May 22, 2013

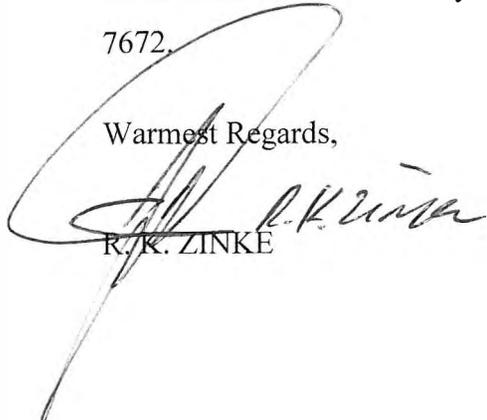
Dear City Clerk,

I respectfully request your consideration for selection to serve on the Whitefish Highway 93 West Corridor Plan Steering Committee. Our family has lived on the Highway 93 corridor for three generations and fully understand the importance of a balanced and forward looking plan for the future. As the largest property owner within the corridor and under the conditions set forth in reference (a), I would qualify for the any of the following volunteer positions:

- Residential owner-occupied property owner (409 W 2nd Street)
- Residential investment or multi-family property owner (415, 336 and 338 W 2nd Street, 410 W 3rd)
- Business owner representing resort or recreational interests (Veterans Peace Park, SNOW FROG)

Should you have any questions, or if I can be of any further assistance in this manner, please do not hesitate to contact my by email at: ryanzinke@yahoo.com or by phone at: (406) 871-7672.

Warmest Regards,


R./K. ZINKE

5:40 pm
received
5/28/13

May 27, 2013

TO: CITY OF WHITEFISH

FROM: ROBERT PERO

RE: SECOND STREET COMMITTEE

I am a multiple property owner of Second Street in Whitefish. I am concerned with what the future look of Second Street might be. We definitely need to address this in the near future so we will have something to be proud of in the years to come. One thing we need is a comprehensive plan that will guide us as Whitefish continues to grow. This is the perfect time to implement a new plan with the new road going in. This is going to improve the look of our northern town entrance. I look forward to working with the committee to implement a comprehensive plan for the future of Whitefish. Please consider me for the new committee.

owns Residential properties at 244, 314, 322 W 2nd

SINCERELY,



ROBERT W. PERO

1290 BIRCH POINT DRIVE

WHITEFISH, MT. 59937

406-253-6147

5:50 pm

Necile Lorang

From: "Jim Laidlaw" <jimlee41@gmail.com>
To: <nlorang@cityofwhitefish.org>
Sent: Thursday, May 23, 2013 6:23 PM
Subject: Hwy 93 W Corridor Steering Comm

To The Sterring Committe,

As an owner of Lots 10 and 11 Grandville Sub (224-226-230 W 2nd Street I submit my name for Consideration as a volunteer to serve on the Study Committee.

Should you require further information from me please advise. I currently serve on the Whitefish Community Wastewater Management Committee and as we are in the final stages of completing our work I will be available to devote 100% effort to the 93 W Corridor Committee.

Thank you for your consideration,

James L Laidlaw
1230 Lion Mtn Dr
Whitefish
406-250-1473

Sent from my iPad

6:00 pm

Necile Lorang

From: "Ian Collins" <ianbcollins@gmail.com>
To: "Necile Lorang" <nlorang@cityofwhitefish.org>
Sent: Monday, May 27, 2013 7:26 PM
Subject: Highway 93 West Corridor Plan Steering Committee

Dear Ms. Lorang:

I would like to submit my name for a volunteer position on the Highway 93 West Corridor Plan Steering Committee. I could fill either the business owner from the downtown WB-3 district or the 'at large' committee positions.

I think I could be an asset to the committee because I have been involved in various planning projects throughout the community over the last 10 years. I am also the current chair of the Heart of Whitefish downtown organization.

I also served as a volunteer on the WB-2 Ad Hoc Committee and the subsequent WB-2 mediation process conducted by Brian Muldoon. Both of these committees faced many of the issues which will be discussed on the 93 West Committee. This process resulted successfully in a negotiated agreement, which I am proud of.

I appreciate your consideration, and look forward to hearing from you.

Sincerely,

Ian Collins
898 Blue Heron Drive
Whitefish, MT 59937

RESOLUTION NO. 13-10

A Resolution of the City Council of the City of Whitefish, Montana, establishing the Highway 93 West Corridor Plan Steering Committee.

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

Section 1: There is hereby established the Highway 93 West Corridor Plan Steering Committee (the "Committee").

Section 2: The general purpose of the Committee will be to serve as the primary sounding board to work through the planning process with the consultant and members of the public to establish a development policy for the Highway 93 West Corridor study district.

Section 3: The Committee will consist of eleven (11) individuals with representation as follows: Two (2) City Council members, one (1) business owner in the corridor representing resort or recreation interests, one (1) business owner representing commercial or professional interests, two (2) residential owner-occupied property owners, one (1) residential investment or multifamily property owner, one (1) "at large" community member, and one (1) WB-3 (General Business) member, all appointed by the City Council, and two (2) members from the Whitefish City-County Planning Board, one (1) from the City, and one (1) from the City or County. The Committee will also have two ad hoc members, one (1) representative from the Montana Department of Transportation, and one (1) representative from Idaho Timber, appointed by their respective organizations. City staff may be appointed as ex officio members. The Committee members shall select a Chairperson from the members of the Committee. The Committee shall appoint one member as Secretary of the Committee, who shall keep minutes of all meetings and submit them to the City Clerk. Six (6) members shall constitute a quorum. The Committee shall meet as often as necessary to accomplish its general purpose, as described above. The Committee shall cease to exist as provided in Section 4.

Section 4: The Committee will begin its deliberations as soon as practical after creation of the Committee. The Committee shall meet for two hours at a time on at least six occasions, with the dates and times to be determined by the Planning Consultant, WGM Group. The Committee shall be disbanded as of January 1, 2014, or earlier if the City Council completes its consideration of the Committee's report prior to that date.

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

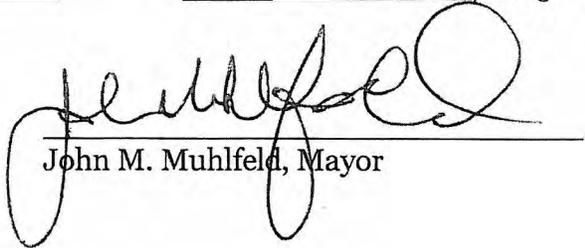
Section 6: Any vacancy occurring on the Committee will be filled in the same manner that the initial position was filled.

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

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 20TH DAY OF MAY, 2013.



John M. Muhlfeld, Mayor

ATTEST:



Necile Lorang, City Clerk

**THE CITY OF WHITEFISH HAS NEW
VACANCIES ON THE**



**WHITEFISH LAKE & LAKESHORE PROTECTION
COMMITTEE** – to fill the remainder of a 3-year term that will expire
on 12-31-2013. It is One Position - Applicants must reside on, or own,
lakefront property within the Whitefish City Limits.

HOUSING AUTHORITY – to fill the remainder of 5-year term that
will expire on 12-31-14. It is One Position – Open to city residents or
residents within a 10-mile radius of the City of Whitefish.

If you have any questions please call the City Clerk's Office at 863-2400.
These are also posted on the City's website: www.whitefish.govoffice.com. Please submit a letter of interest to serve on the above committees
to the Whitefish City Clerk's Office at 418 E. 2nd Street or mail to P.O.
Box 158, Whitefish, MT 59937, by May 10th, 2013. Interviews will be
scheduled for May 20th or June 3rd. Thereafter, if the vacancies still
exists, letters of interest will be accepted until the positions are filled.

*******THANK YOU FOR YOUR INTEREST!*******



PUBLIC NOTICE



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

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

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

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

ICE RINK ADVISORY COMMITTEE - open to residents of the City or the Zoning Jurisdiction, who have maintained their residency for a minimum of one year prior to appointment. Two positions open for Members at Large, 2-year terms.

PEDESTRIAN & BICYCLE PATH ADVISORY COMMITTEE– open to residents of the City or the Zoning Jurisdiction, who have maintained their residency for a minimum of one year prior to appointment. 3 Positions, 2-year terms.

TREE ADVISORY COMMITTEE – open to residents of the City or the Zoning Jurisdiction, who have maintained their residency for a minimum of one year prior to appointment. 3 Positions, 2-year terms.

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

RESORT TAX MONITORING COMMITTEE – applicants can be an owner, operator or representative of any of a Bar/Restaurant, Lodging Business, or a Retail Business in the City Limits of Whitefish, or an interested City resident as a Member at Large. Two positions expiring this year; one representing Lodging, one representing Retail. 3-year terms.

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

LIBRARY BOARD OF TRUSTEES – One position open to residents who live outside of City Limits, but within the Whitefish School District. 5-year term.

If you have any questions please call the City Clerk's Office at 863-2400. These are also posted on the City's website: www.whitefish.govoffice.com. **Please submit** a letter of interest to serve on any of the above committees to the Whitefish City Clerk's Office at 418 E. 2nd Street or mail to P.O. Box 158, Whitefish, MT 59937, by **Friday, April 26, 2013**. Interviews will be scheduled for May and June if needed. Thereafter, if vacancies still exist,

letters of interest will be accepted until the positions are filled.
*****THANK YOU FOR YOUR INTEREST!*****

received
5-10-13

6:10 pm
5/10/2013
FRIDAY

To whom it may concern,

I would like to express an interest in the advertised position to be filled on the Haring Authority Committee.

As a resident of Whitefish, I feel it is important to be involved in the happenings of our city, and I am fully prepared to do so, at whatever capacity needed.

I expect to be available for the remainder of the advertised term, and it is something I am sure to enjoy.

Thank you for your time and consideration,

Sincerely,

Life E. Naell. #212.0002.

P.O. Box 5505
W.F., MT. 59937

6:10 pm

Necile Lorang

From: "Life Noell" <lifenoell@yahoo.com>
To: "Necile Lorang" <nlorang@cityofwhitefish.org>
Sent: Sunday, April 28, 2013 1:24 PM
Subject: Weed Control

Necile~

Please consider me for a position on the Weed Control Advisory Committee.

Life Noell
212.0002

6:20 pm

received
3-4-13
City Clerk's Office



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

February 12, 2013

Dear Jake How:

Your term on the Weed Control Advisory Committee expires this year on 5-31-13.

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application/and to receive your letter of interest if you want to reapply to serve another term, is April 26, 2013. Interviews with the Council will be scheduled for May, and June if necessary; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Weed Advisory Committee

[Handwritten Signature]
Signature

250-8757
Daytime Phone #

6:30 pm

received
2-28-13
City Clerk's Office



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

February 12, 2013

Dear Tyler Hope:

Your term on the Tree Advisory Committee expires this year on 5-31-13.

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application/and to receive your letter of interest if you want to reapply to serve another term, is April 26, 2013. Interviews with the Council will be scheduled for May, and June if necessary; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Tree Committee

Signature

270-9360 or 863-3540
Daytime Phone #

6:40 pm

received
3/4/13
City Clerk's Office



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

February 12, 2013

Dear Tanya Island:

Your term on the Tree Advisory Committee expires this year on 5-31-13.

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application/and to receive your letter of interest if you want to reapply to serve another term, is April 26, 2013. Interviews with the Council will be scheduled for May, and June if necessary; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the tree advisory
committee

Tanya Island
Signature

406-253-6034
Daytime Phone #

received
4/12/13

6:50 pm



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

February 12, 2013

Dear Matt Kennedy:

Your term on the Tree Advisory and Weed Control Advisory Committees both expire this year on 5-31-13.

As a matter of course, the City will also be advertising these positions along with others also expiring at this time. The deadline to receive letters of application/and to receive your letter(s) of interest if you want to reapply to serve another term, is April 26, 2013. Interviews with the Council will be scheduled for May, and June if necessary; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest. (Matt, this can work for both Committees if you wish).

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

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

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

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the _____

Tree Advisory Committee

Signature

406-471-8613
Daytime Phone #

Necile Lorang

From: "Necile Lorang" <nlorang@cityofwhitefish.org>
To: <nlorang@cityofwhitefish.org>
Sent: Tuesday, May 28, 2013 3:26 PM
Subject: Fw: 93 West corridor study

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

From: Doug and Nikki Reed
To: 'Necile Lorang'
Sent: Tuesday, May 28, 2013 12:08 PM
Subject: RE: 93 West corridor study

I think I was re-appointed by default. I reached out to John Vail but got no response. I'll continue on the committee.

Thanks,
Doug

From: Necile Lorang [mailto:nlorang@cityofwhitefish.org]
Sent: Tuesday, May 28, 2013 11:22 AM
To: Doug and Nikki Reed
Subject: Re: 93 West corridor study

Doug - at last week's RTMC meeting - did the committee appoint you as their rep to the Ped/Bike Path Adv Comm again?

Necile

HOUSING AUTHORITY – MCA 7-15-4431 - City Resident or Within a 10 mile radius – 5 YEAR TERMS – MAYORAL APPOINTMENTS

			TERM EXPIRATION DATE	
Ralph Ammondson Vice-Chairman	Apt 222 – Mountain View Manor (Resident) 100 E. 4 th Street	862-8160	12/31/2013	2 yr. Term
Laura E. Rutherford	PO Box 483, Whitefish Apt 107 - Mountain View Manor (Resident)	862-2401 100 E. 4 th Street	12/31/2014	2 yr. Term
Myrna Fleming	104 Railway Street	862-3568	12/31/2016	
Maureen Cleary RN	116 Somers Avenue, WF	862-6838	12/31/2015	
VACANCY			12/31/2014	
Spencer Weimar, Chairman	24 Iowa Avenue, WF	862-3687 (W)	12/31/2013	
Sandra McDonald	PO Box 4722	862-9182	12/31/2017	

MONTANA CODE ANNOTATED 2011

7-15-4431. Appointment of commissioners. (1) An authority consists of seven commissioners appointed by the mayor. The mayor shall designate the first presiding officer. A commissioner may not be a city official.

(2) Two of the commissioners must be directly assisted by the housing authority and are known as resident commissioners. The staff of the housing authority may not involve itself in the nomination or appointment of resident commissioners, except that the housing authority shall notify all of the households directly assisted by the housing authority when a resident commissioner position is vacant.

(3) The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner, and the certificate is conclusive evidence of the proper appointment of the commissioner.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 2, Ch. 514, L. 1989; amd. Sec. 5, Ch. 472, L. 1997; amd. Sec. 1, Ch. 197, L. 2001.

7-15-4432. Term of office. (1) Subject to subsection (2), the commissioners who are first appointed must be designated by the mayor to serve for terms of 1, 2, 3, 4, and 5 years, respectively, from the date of their appointment. After the initial appointments, the term of office is 5 years.

(2) The resident commissioners who are first appointed shall serve for terms of 1 and 2 years, respectively, from the date of their appointment. After the initial appointments, the term of office is 2 years.

(3) A commissioner shall hold office until the commissioner's successor has been appointed and qualified.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 3, Ch. 514, L. 1989; amd. Sec. 2, Ch. 197, L. 2001.

7-15-4433. Compensation of commissioners. A commissioner may not receive compensation for services, but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of authority duties.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 621, Ch. 61, L. 2007.

7-15-4434. Vacancies. Vacancies shall be filled for the unexpired term.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part).

**WEED CONTROL ADVISORY COMMITTEE – WCC 2-11-1 – Two year terms, meet Last Friday/monthly, 9:00 am
Planning & Building Dept**

No.	Position Specification (*Minimum of 5 Whitefish City Residents Required)	Expiration Date
1.	City Staff, City of Whitefish 863-2410	Continuous
2.	*(Mayor or Councilor) Richard Hildner, PO Box 158, WF 862-2831	5-31-2014
3.	*Member at Large – VACANCY	5-31-2013
4.	*Member at Large – Jake How, 11 Idaho Ave 862-8757	5-31-2013
5.	*Member at Large - Dave Ring, 429 Columbia Ave, WF 863-9221	5-31-2014
6.	*Member at Large - Jan Metzmaker, 915 Dakota Avenue, WF 862-6110, 862-7960	5-31-2014
7.	*Park Board Representative,	5-31-2014

WEED CONTROL ADVISORY COMMITTEE

2-11-1: ESTABLISHED:

There is hereby established a weed control advisory committee (the "committee") as a permanent city committee. (Ord. 06-15, 6-5-2006)

2-11-2: PURPOSE:

The mission of the committee shall be to assist in identifying and reporting noxious weed infestations to the city's code enforcement officer, to develop recommendations to the city council for a permanent weed control strategy, to educate the public to create an increased awareness and knowledge of methods of controlling noxious weeds, and to advise city staff regarding the need for weed control on city owned properties. The committee shall have no independent authority to commit or spend city funds, or to direct city staff. (Ord. 06-15, 6-5-2006)

2-11-3: MEMBERSHIP; TERMS:

A. Appointment; Compensation: The committee shall consist of seven (7) members, who shall be appointed by the city council, and who shall serve at the pleasure of the city council. One member shall be a city councilor. One member shall be a member of the city park board. One member shall be the city's code enforcement officer. Four (4) members shall be from the public and shall reside within the Whitefish zoning jurisdiction. The city clerk shall make appropriate notation of a member's category on the official committee roster. Committee members shall receive no compensation. Contracted consultants and city staff shall not serve as members, but may assist and participate in the facilitation of committee business.

B. Term; Positions: Committee terms shall be two (2) years, except for the initial terms identified below, some of which shall be longer than two (2) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the committee, which positions are currently filled as follows:

<u>Position Number</u>	<u>Position Specification</u>	<u>Initial Expiration Date</u>
1	Code enforcement officer	Continuous
2	Mayor or councilor	May 31, 2007
3	Member at large	May 31, 2007
4	Member at large	May 31, 2007
5	Member at large	May 31, 2008
6	Member at large	May 31, 2008
7	Member at large	May 31, 2008

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

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

vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 06-15, 6-5-2006)

2-11-4: ORGANIZATION:

At its first meeting after June 1 of each year, the committee shall elect a chair, vice chair and secretary for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chair, vice chair or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 06-15, 6-5-2006)

2-11-5: MEETINGS, RULES AND REGULATIONS:

Four (4) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or matter before the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at least once every three (3) months or at the call of the chair and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 06-15, 6-5-2006)

2-11-6: ENFORCEMENT OF DECISIONS:

The individual members of the committee shall not directly or personally contact members of the public concerning the need to control noxious weeds on their property, but shall work through the city's code enforcement officer to address individual noxious weed problems or infestations. Individual members of the committee may distribute informational material to members of the public, but all enforcement activity shall be funneled through the city's code enforcement officer. Enforcement decisions shall remain with the code enforcement officer, or his/her supervisor. (Ord. 06-15, 6-5-2006)

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

Position #				Term Expiration Date
1.	*Phil Mitchell, Councilor	PO Box 1567	261-4495	May 31, 2014
2.	*Terri Dunn, Park Board Representative,	6211 D Shiloh Ave	862-8276, 250-7182	May 31, 2014
3.	*Dan Cassidy, Member at Large	565 Somers Ave	862-0808	May 31, 2014
4.	Bruce Boody, Member at Large	301 E. 2nd St. #1B	862-4755	May 31, 2014
5.	*Matt Kennedy	806 Columbia Ave	471-5613	May 31, 2013
6.	*Tanya Island (824 E. 10 th St.)	PO Box 10931, Kalispell, MT 59904	253-6034	May 31, 2013
7.	*Tyler Hope	517 Somers Ave	270-9360	May 31, 2013

WHITEFISH TREE ADVISORY COMMITTEE

2-7-1: COMMITTEE ESTABLISHED:

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

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

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

2-7-3: MEMBERSHIP:

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

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

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

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

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

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

D. **Vacancy:** Pursuant to subsections A and B of this section, any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 02-19, 6-3-2002)

2-7-4: ORGANIZATION:

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

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

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

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

2-7-6: STAFF SUPERVISION:

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

2-7-7: EXPENDITURES:

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

PEDESTRIAN & BICYCLE PATH ADVISORY COMMITTEE – WCC 2-8-1

(Minimum of 4 Whitefish City Limit residents required)

**Two-year terms, 1st Monday/month
@ 8:00 AM Council Conference Room**

Position #				Term Expiration Date
1.	*Richard Hildner, Councilor	PO Box 158	862-2831	May 31, 2014
2.	*Mike Fitzgerald, Member at Large	412 Lupfer Avenue	862-7426	May 31, 2015
			862-9977 (W)	
3.	John Phelps, Extra-territorial Member at Large	615 Monegan Road	862-3333	May 31, 2014
4.	*Doug Reed, Resort Tax Representative	Whitefish Lake Golf Club Restaurant, PO Box 1719	862-5285	May 31, 2013
5.	*Jim DeHerrera, Member at Large	339 Fairway Drive	407-730-2424	May 31, 2014
6.	* Rob Brunk, Park Board Representative,	130 E. 4 th St,	862-6466, 862-6858	May 31, 2014
7.	*Hunter Homes, Member at Large (233 Woodland Pl)	PO Box 194	314-1417	May 31, 2015
Easement Negotiation Delegation - WCC 2-8-8				
City Manager Stearns	PO Box 158, WF		863-2406 (W) 863-2419 (F)	City Manager
Doug Adams	214 Rusty Spur Trail, WF			

PEDESTRIAN AND BICYCLE PATH ADVISORY COMMITTEE

2-8-1: STANDING COMMITTEE ESTABLISHED:

There is hereby established a pedestrian and bicycle path advisory committee (hereinafter "committee"). (Ord. 05-30, 12-5-2005)

2-8-2: PURPOSE, POWERS, PROCESSES AND DUTIES:

The purpose and duties of the committee are to provide advice and recommendations to the city council, park board of commissioners, pedestrian and bicycle path easement negotiators¹ (hereinafter "easement negotiators") and city staff on matters of pertinence and interest related to the development of pedestrian and bicycle trails pursuant to the Whitefish pedestrian and bicycle path master plan. The committee shall report its advice and recommendations primarily to the park board of commissioners and the easement negotiators. The committee shall act in an advisory capacity only. Nothing in this chapter shall be construed to provide the committee with the power to authorize or prohibit the use of public funds. The committee shall be entitled to conduct fundraising activities and expend any funds raised for purposes related to the city's pedestrian and bicycle paths. In conducting fundraising activities, the committee shall not be entitled to incur indebtedness that could be charged against the city. (Ord. 05-30, 12-5-2005)

2-8-3: MEMBERSHIP:

A. Appointment; Compensation: The committee shall have seven (7) members. Members shall be appointed by the city council. Not less than four (4) members shall reside within the corporate limits of the city. Three (3) members may reside within the Whitefish planning jurisdictional boundary. Members shall have maintained residency within specified boundary requirements for one year prior to appointment to the committee. The city council shall appoint members according to the following representation categories: one member who is also the mayor or a city councilor; one member who is also a member of the park board of commissioners; one member who is also a member of the resort tax monitoring committee; and four (4) members who are citizen members at large. The city manager shall serve on the committee in an ex officio capacity. The city clerk shall make appropriate notation of a member's representation category on the official committee roster. Committee members shall receive no compensation. Contracted consultants and city staff, except as otherwise provided for by the city manager, shall not serve as members, but may assist and participate in the facilitation of committee business.

B. Terms; Positions: Committee terms shall be two (2) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the committee. The term for members serving pursuant to this chapter terminate on the date specified below for each position:

<u>Position Number</u>	<u>Representation Category</u>	<u>Expiration Date</u>
1	Mayor or councilor	May 31, 2007

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, June 3, 2013, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 13-06. Resolution numbers start with 13-11.

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **COMMUNICATIONS FROM THE PUBLIC** – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 4) **COMMUNICATIONS FROM VOLUNTEER BOARDS**
- 5) **CONSENT AGENDA** (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Minutes from the May 20, 2013 Council special session (p. 47)
 - b) Minutes from the May 20, 2013 Council regular session (p. 48)
- 6) **PUBLIC HEARINGS** (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Consideration of a Conditional Use Permit for the Wave Aquatic and Fitness Center to expand their facility by 9,200 square feet. The subject property is addressed as 1250 Baker Avenue and is zoned WB-2 (Secondary Business District) (p. 67)
 - b) Consideration of an application from Ryan Zinke Conditional Use Permit to operate a bed and breakfast in an existing house at 409 West Second Street. The subject property is zoned WR-3 (Low Density Multifamily Residential) (p. 89)
- 7) **COMMUNICATIONS FROM CITY MANAGER**
 - a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 127)
 - b) Other items arising between May 29th and June 3rd
- 8) **COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**
 - a) Standing budget item
 - b) Letter from Montana West Economic Development with update on their activities (p. 134)
 - c) Appointments to Committees and Boards that were not made at tonight's Special Session before the meeting
- 9) **ADJOURNMENT** (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)



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

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

Adopted by Resolution 07-09
February 20, 2007

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May 29, 2013

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

Mayor Muhlfeld and City Councilors:

Monday, June 3, 2013 City Council Agenda Report

There will be a special session beginning at 4:30 p.m. for interviews for various board and committee positions. 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)

- a) Minutes from the May 20, 2013 Council special session (p.)
- b) Minutes from the May 20, 2013 Council regular session (p.)

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

Items a and b are administrative matters.

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

- a) Consideration of a Conditional Use Permit for the Wave Aquatic and Fitness Center to expand their facility by 9,200 square feet. The subject property is addressed as 1250 Baker Avenue and is zoned WB-2 (Secondary Business District) (p.)

From Senior Planner Wendy Compton-Ring's staff report:

Summary of Requested Action: CTA Architects on behalf of the Wave Aquatic and Fitness Center is requesting approval of a Conditional Use Permit to construct a

9,200 square foot addition to an existing structure at 1250 Baker Avenue. The property is currently developed with a recreation facility. The property is zoned WB-2 (Secondary Business District) and WB-4 (Business Park District). The Whitefish Growth Policy designates this property as “General Commercial” and “Planned Industrial”.

Planning Board Action: The Whitefish City-County Planning Board met on May 16, 2013 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with seven (7) conditions as contained in the staff report and adopted the staff report as findings of fact. (Anderson, Vail and Smith were absent)

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with seven (7) conditions set forth in the attached staff report.

There is a full staff report, minutes, letters, and drawings in the packet.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering the staff recommendation, the Planning Board recommendation, and the public testimony, approve the Conditional Use Permit for the Wave Aquatic and Fitness Center to expand their facility by 9,200 square feet with 7 conditions and approve the staff report as findings of fact.

This item is a quasi-judicial matter.

- b) Consideration of an application from Ryan Zinke Conditional Use Permit to operate a bed and breakfast in an existing house at 409 West Second Street. The subject property is zoned WR-3 (Low Density Multifamily Residential) (p.)

From Planning Director Dave Taylor’s staff report:

Summary of Requested Action: This is a request by Bruce Boody Landscape Architects on behalf of Ryan Zinke for a conditional use permit to operate a bed & breakfast called the Snowfrog Inn at 409 West Second Street. The property is zoned WR-3, Low Density Multi-family Residential.

Planning Board Action: The Whitefish City-County Planning Board met on May 20, 2013 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with two (2) revised conditions from the staff report and adopted the staff report as findings of fact. (Smith, Anderson, and Vail were absent). The revised conditions are as follows:

~~11. All parking shall be contained on site, and there shall be no overflow parking for the bed and breakfast or for special events on Highway 93 West or Third Street.~~

#11. All daily parking shall be contained on site. A parking plan for any special event shall be on file that does not include parking on Highway 93 West or Third Street.

~~12. The balcony on the south side of the building on the east lot shall be removed and shall only be an emergency exit for the 2nd floor, as required by the building code.~~

#12. The balcony on the south side of the building on the east lot serves an apartment that is for residential use either for the owners or the manager. The railing of this balcony shall be made opaque.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with eighteen (18) conditions set forth in the attached staff report, and we now recommend approval with the two new revised conditions.

Public Hearing: The property owner spoke at the public hearing in support of his project, and noted that he was dark skies compliant. He asked for two revised conditions with regard to parking and the removal of the rear deck.

Ann Shaw Moran, 432 and 436 W Third, spoke generally in favor but outlined some concerns with regard to activities, the lighting, and the mid-block crossing. Susan Prilliman, 334 W 3rd, was largely in favor but had some concerns about lighting and limiting the duration of events. She also summarized a letter from Joe Taller, 426/428 W Third, that was added to the public record. The draft minutes for this item are attached as part of this packet.

There is a full staff report, minutes, letters, pictures, and drawings in the packet.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering the staff recommendation, the Planning Board recommendation, and the public testimony, approve the Conditional Use Permit to operate a bed and breakfast in an existing house at 409 West Second Street with 18 conditions and approve the staff report as findings of fact.

This item is a quasi-judicial matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.)
- b) Other items arising between May 29th and June 3rd

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Standing budget item
- b) Letter from Montana West Economic Development with update on their activities
- c) Appointments to Committees and Boards that were not made at tonight's Special Session before the meeting

Sincerely,

A handwritten signature in blue ink that reads "Chuck Stearns". The signature is written in a cursive, flowing style.

Chuck Stearns
City Manager

"Cheat Sheet" for Robert's Rules

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

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WHITEFISH CITY COUNCIL MINUTES

MAY 20, 2013

SPECIAL SESSION, 4:45 TO 7:00 PM

1. Call to Order

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

2. Interviews

The Mayor and Council conducted interviews with Alison Pomerantz for the Library Board of Trustees. Carol Anderson, Donna Taylor and Mark Van Everen were interviewed for the Ice Rink Advisory Committee, and Eric Matson had been interviewed on May 6th for the Ice Rink Advisory Committee. Hunter Homes, Mike Fitzgerald, Charlie Campbell, Pamela Barberis, and David Downing were interviewed for the Pedestrian & Bicycle Path Advisory Committee, and Michael Blubaugh had been interviewed on May 6th for the Pedestrian & Bicycle Path Advisory Committee and the Convention & Visitors Bureau Committee. Nick Polumbus, Scott Ringer, Jake Cook and Daren Witt were interviewed for the Convention & Visitors Bureau Committee.

3. Appointments

Mayor Muhlfeld appointed Alison Pomerantz for another term on the Library Board of Trustees and the Council concurred.

Councilor Sweeney offered a motion, seconded by Councilor Hyatt, to appoint Carol Anderson for another term as the Open Skate Representative to the Ice Rink Advisory Committee, to appoint Donna Taylor and Mark Van Everen as the two new Members at Large on the Ice Rink Advisory Committee; and to confirm the group recommendations of Gregg Esakoff for the Whitefish Figure Skating Club and Nolan Butkovich for the Adult Hockey representing their groups on the Ice Rink Advisory Committee. The motion passed unanimously.

Councilor Hildner offered a motion, seconded by Councilor Sweeney, to appoint Hunter Homes and Mike Fitzgerald for another term each on the Pedestrian & Bicycle Path Advisory Committee. The motion passed unanimously.

Councilor Anderson offered a motion, seconded by Councilor Kahle, to appoint Scott Ringer (Large Lodging Properties), Nick Polumbus (Whitefish Mountain Resort) and Jake Cook, each again for another term, to the Convention & Visitors Bureau Committee. The motion passed unanimously.

There was discussion among the Mayor and Council about the fact that there were more qualified applicants than were positions to fill, and they hoped those people not appointed will stay interested and continue to watch for other opportunities to serve on City Boards and Committees.

4. Adjournment

Mayor Muhlfeld adjourned the Special Session at 7:00 p.m.

Attest:

Mayor Muhlfeld

WHITEFISH CITY COUNCIL MINUTES

May 20, 2013

7:10 P.M.

1. CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Mitchell, Sweeney, Anderson, Hildner, Kahle and Hyatt. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Assistant City Manager/Finance Director Knapp, Planning and Building Director Taylor, Public Works Director Wilson, Parks and Recreation Director Cozad, Police Chief Dial, and Fire Chief Kennelly. Approximately 40 people were in attendance.

2. PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Kevin Gartland to lead the audience in the Pledge of Allegiance.

3. PRESENTATIONS

3a. Presentation by Eric Wenum, Montana Fish, Wildlife, and Parks regarding bear issues in the City and prevention measures.

Police Chief Dial said there are significant bear issues in the community. The Police Department has been working with Eric Wenum and Bill Lavelle to address this concern. Bears are becoming habituated and are starting to travel throughout the City. His concern is that they may have an injury or even a fatality if they don't work out a plan that will help address the issues. He believes they need to hold the people, who are not being responsible, more responsible for their actions. He said Bill Lavelle is a volunteer who walks the streets and put stickers on garbage containers that aren't meeting the current City ordinance.

Eric Wenum said Whitefish is surrounded by prime bear habitat and they are moving further south than ever before. He said in any 24-hour period from mid April to the end of November there is at least one bear in town at all times. He said the question is whether bears have people problems or people have bear problems. He said bird feeders, fruit trees and dog food are a temptation. The biggest problem, however, is trash management. The current ordinance requires that everything north of Denver and over to Bay Point has specific regulations to avoid problems with animals; he would like to see them make this a City-wide ordinance. He showed a map that depicts the 315 locations where he has had bear encounters and one was as far south as City Hall. He said the garbage cans are an attractant and too often they are put out before the appropriate hours. He said non-fatal maulings cost municipalities about \$13.5 million and if there is a fatality the settlement can be between \$22-25 million. He said he usually gets about 1200 calls per year from his entire territory and he has had 55 from Whitefish already. He said Chief Dial has been enforcing the ordinance and he appreciates the support. Councilor Hildner asked if it made sense to also use bear-proof containers and Mr. Wenum said the bear resistant garbage containers are required by the ordinance. Councilor Hildner asked and Mr. Wenum said the large black commercial containers are also a problem and they are trying to figure that out. The haulers like those containers because they are easy to manage. Councilor Kahle asked if they have held any educational outreach and Wenum said he speaks to school students in Grades 6-8, service clubs like the Lions and the Rotary, Home Owners Associations, neighborhoods and individuals. Wenum said they also try to

use the press to educate the community to their responsibility when they have to put down an animal. Councilor Mitchell said a woman received a warning and called him. She is older and can't move the container by herself. Wenum suggested a bear-resistant container and said neighbors also may be willing to help. Wenum said bears can still get into bear-resistant containers if they have enough time, but the goal is to deny them any reward. Bears are a single response animal and if they don't get a positive reward, they'll move on. Wenum said people say they don't have time in the morning, but he says it should only take a minute, whereas cleaning up the garbage may take 30 minutes. Councilor Hyatt asked and Wenum said he has spoken to a lot of the homeowner's associations.

Chief Dial said he wanted to see if there was agreement from the Council for the Police to move forward with a city-wide ordinance and the Councilors nodded in agreement. Finance Director Knapp said it costs an extra \$1.75/month for a bear resistant container.

4. **COMMUNICATIONS FROM THE PUBLIC**—(This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda.) - None.

5. **COMMUNICATIONS FROM VOLUNTEER BOARDS**

Councilor Kahle said the Resort Tax Monitoring Committee met this week. He said the Chairperson sent a letter asking the right procedure to voice the committee's opinion on the resort hotel. Manager Stearns said the committee could send a letter to the Council.

Councilor Hyatt said the Park Board will have their Master Plan finished shortly. Councilor Mitchell asked and Director Cozad said the Tree Committee had concerns about the landscaped medians on the Highway 93 West Project. Director Cozad said they have met with Bruce Lutz, landscape architect, to discuss concerns about the materials and maintenance of these medians. Mayor Muhlfeld talked about the AIS funding approved by the Council, and said the Hungry Horse Station is now started up and will be manned 10 a.m. to 7 p.m. daily; and the Council will get reports. He said Flathead County Trout Unlimited contributed to that project and he thanked them.

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

6a. Minutes from the May 6, 2013 Council special session (p. 58)

6b. Minutes from the May 6, 2013 Council regular session (p. 59)

6c. Ordinance No. 13-04; An Ordinance approving a zone change for property identified as 1830 and 1840 Baker Avenue (Second Reading) (p. 78)

6d. Ordinance No. 13-05; An Ordinance adopting amendments to the City's Impact Fee Ordinance to reduce impact fees for small projects (Second Reading) (p. 84)

Councilor Hildner offered the following corrections to the minutes. **Page 60: end of first sentence, delete, "the."** **Page 68: last sentence of the next to last full paragraph change "councils" to councilors."** **Page 70: last paragraph, third line, add "is."**

Councilor Kahle offered a motion, seconded by Councilor Hyatt, to approve the consent agenda, as amended. The motion passed unanimously.

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

7a. Resolution No. 13-09; A Resolution vacating the South seventy-five (75) feet of Scott Avenue, lying between West 8th Street and West 9th Street, and widening the South seventy-five (75) feet of O'Brien Avenue, lying between West 8th Street and West 9th Street, of Block 6, First Addition to South Whitefish, the City of Whitefish (SW1/4 of Section 36, T. 31 N., R. 22 W., P.M.M., Flathead County, Montana) (p. 90)

Manager Stearns said at the May 6, 2013 City Council Meeting, the Council passed a Resolution of Intention to consider the vacation and abandonment of this remainder portion of Scott Avenue just north of W 9th Street. In doing so, they set a public hearing for May 20th on the vacation and abandonment; and he reviewed the history. In 2002, at the petition and request of property owners adjacent to Scott Avenue between 8th and 9th Streets, the City vacated and abandoned the northern 180 feet of Scott Avenue between 8th and 9th Streets. Part of the intent of this 2002 street vacation was to permit Rob Pero to re-subdivide and develop some lots he owned adjacent to Scott Street into the O'Brien Meadows subdivision. In return for that re-platting, Mr. Pero dedicated an additional 30 feet of O'Brien Avenue to the City. However, the entire length of Scott Avenue between 8th and 9th Streets was not vacated. The southern 75 feet of Scott Avenue between 8th and 9th Streets was not vacated at the time and remains the property of the City of Whitefish.

Last summer, an adjacent property owner, Dorothy Kvigne, contacted the City wanting to know if the City would vacate the remaining portion of Scott Avenue. After talking with City staff, there seems to be no reason to retain that remainder parcel in City ownership given that the northern portion of Scott Avenue was previously vacated. Staff felt that the entire length of Scott Avenue between 8th and 9th Streets should have been vacated in 2002 and that the City should try to obtain the additional 30 feet of right-of-way (R-O-W) from the owners of Lot 6 of the South Whitefish Addition (renamed Lot A in the attached draft plat in the packet) so as to have a unified width of R-O-W on O'Brien Avenue between 8th and 9th Streets.

Manager Stearns began discussions with Christin Mills and Durand Beougher, the owners of Lot 4 of O'Brien Meadows, adjacent to & north of Lot 6 of the South Whitefish Addition, which they also own. They agreed that the vacation of the back portion of their Lot 6 would improve their property and they also agreed to dedicate the equivalent 30-foot wide parcel of O'Brien Avenue to the City in exchange for the vacation. Mills and Beougher will dedicate 30' of land along O'Brien Avenue in exchange for the City vacating the 60 feet width of Scott Avenue. In any street vacation, one half of the width goes to each adjacent property owner, so the owner of Lot 6 will gain the exact amount of land at the back of their lot for what they are giving up in the front of their lot along O'Brien Avenue. However, once the City had the property surveyed with stakes, the owners realized how far the 30 feet of R-O-W on O'Brien Avenue would come into their property. Staff therefore agreed to consult with them in the future about any plans to bury utilities or otherwise improve that 30 foot portion of O'Brien Avenue R-O-W for as long as they owned the lot. That consultation requirement is contained in a plat note on the plat

He clarified that it is not a project to widen O'Brien Avenue, the road, but just to obtain the additional right-of-way. This resolution will conclude this action and the amended plat will be recorded.

Councilor Mitchell asked and Manager Stearns said as long as Mills and Beougher own lots 4 or 6 then the City will consult with them prior to doing any work on the R-O-W adjacent to their lots.

Mayor Muhlfeld opened the public hearing. No one wished to speak and the public hearing was closed.

Councilor Kahle offered a motion, seconded by Councilor Anderson, to approve Resolution No. 13-09; A Resolution vacating the South seventy-five (75) feet of Scott Avenue, lying between West 8th Street and West 9th Street, and widening the South seventy-five (75) feet of O'Brien Avenue, lying between West 8th Street and West 9th Street, of Block 6, First Addition to South Whitefish, the City of Whitefish. The motion passed unanimously.

7b. Consideration of proceeding with design for a new City Hall with an attached parking structure versus a new City Hall with surface parking, other parking structures in downtown Whitefish, and other parking options such as surface parking lots (p. 103)

City Manager Stearns said the City Council held work sessions to discuss parking and parking structures on Monday, April 15th and scheduled a public hearing on the topics for tonight. He said beginning with the downtown Master Plan in 2006-2007 the City has been discussing the need for a new City Hall. He said TIF revenues have increased and are projected to provide funding for a parking structure if the Council so chooses. The Council asked the staff to do a parking feasibility study and the City hired Kimley-Horn. There has been a lot of public interest and input. He said the Council previously decided that the new City Hall would be built at this site. The primary decision was to be between whether it would be built with a parking garage or surface parking. There are concerns about what is needed and how to meet that need. Councilor Mitchell asked when they want to talk about the TIF money versus the parking. Mayor Muhlfeld suggested they proceed with the public hearing first.

Mayor Muhlfeld opened the public hearing and asked that everyone hold a respectful attitude as people voice their opinions tonight.

Chris Schustrom, 504 Spokane Avenue, said he supports building a parking structure with TIF funds on this site. He said he is also a founding member of the Whitefish Downtown Association, which includes over 100 business owners. He said some have said that using TIF funds would favor downtown businesses over other businesses. He thanked Manager Stearns for a list which shows that over half of the 28 TIF projects have been outside of the downtown business district. He said TIF funds were used in 1999 to landscape Highway 93 South in partnership with MDOT. TIF funds were used to extend 13th Street and will be used to fund lighting on Hwy. 93 west of town. He said there are multiple projects in different areas and the TIF funds have been used equitably. He said he asked Planning & Building Director Taylor and confirmed that this would meet zoning; a parking structure this size (over 7500 feet) would require approval through an application for a Conditional Use Permit (CUP). He said the Wave is currently expanding and will exceed 15,000 feet and will need to meet those same regulations with an application for a CUP, and the new downtown hotel will have the same standards to meet. He said the building requirements allow the City to have detailed oversight over the design and safety of the structure. He said three studies in the past few years have recommended a parking structure near to downtown. He said a parking structure was identified in 2006 as the most important priority for downtown. Since then there have been multiple meetings over this issue. He asked them to rely on the facts and the suggestions made by the consultants and public. He said it will be a pro-business vote for now and into the future.

Jan Metzmaker, 915 Dakota Avenue, said she attended the Crandall-Arambula presentation and liked the designs they showed for a parking garage. She said the projection is that they will need 750 parking spaces in the near future, so she thinks this should be built downtown with the TIF funds. She read a note from Susan Schnee who also spoke in support.

Rhonda Fitzgerald, 412 Lupfer Avenue, said Bruce Boody sent a letter with her and she submitted it to the Council. Boody said he was in support of the existing City Hall site. He is a long time downtown business owner and asked them to adopt this site for City Hall and a parking structure. He said the Kimley-Horn study confirmed the recommendations from the earlier study by Crandall/Arambula. Fitzgerald said there is a need for more parking; it has always been tight in Whitefish. She said 25 years ago an urban renewal document was adopted and it cited a need for more parking downtown; it is not a new problem. She said location is also an issue and the parking consultants have said that parking needs to be within 250 feet of downtown and developable land. It is also a valuable link to the Railway District and the O'Shaughnessy Center. She said TIF funds were specifically identified for this kind of project. In the original Urban Development Plan they called out the need for parking and the revitalization of the downtown area to stimulate the economy. She said design should be controlled by the Council and the community. She said there are 10 pages of parking structure examples in their staff report that are attractive. She said the parking structure should harmonize with the environment around it and it should meet the standards listed by Crandall/Arambula. If shoppers don't find parking they will go elsewhere.

Vanice Woodbeck, 1041 Creekview Drive, said she is an employee of the City and in 2006 an analysis was done that showed they need 18,000 square feet for the City Hall, including the Council Chambers. She said alternative 2 is 17,500 square feet and it is not large enough if they need to grow. She said alternative 1-A-1 would work but doesn't leave much room for growth. She said she spoke with the City Clerk in Billings who said they have outgrown all available space and are unable to expand because of the attached parking structure. She said there would be a lack of windows for a lot of the offices and the staff will hear the traffic all day. She said there will need to be patrolling of the parking garage or safety will be an issue. She suggested that the parking structure not be tied into City Hall in case they need to grow in the future.

John Constenius, 2302 Houston Point Drive, said he is concerned for the need for parking. The downtown has developed. If you build it, they will come. He said they need parking, but it also creates traffic congestion. He said the Wisconsin/Baker traffic conflicting with the Highway 93 traffic is possibly a recipe for failure. He is opposed to the parking garage and doesn't feel it fits the community. He is concerned that there are two competing entities—the City Hall and the parking lot. He said it needs to be looked at more carefully. He said a parking lot is more critical than City Hall at this location. He said a City Hall with underground parking might be a better decision.

Turner Askew, 3 Ridge Crest Court, applauded the Council for the research and expert opinions they have collected. He said Walker Parking Consultants indicate that they don't have a big parking problem in Whitefish. He said if they build City Hall here with a surface parking lot then they can expand later. They can't do that if there is a parking structure. He is concerned about the cost of the maintenance of a parking structure. There are transient issues in Whitefish and it might create safety issues. He encouraged them to ask the people in town whether they think the parking structure is necessary. He thinks there are a small group of people who come to meetings and express their

opinions, but there are a lot of taxpayers who think they won't be listened to so they don't show up. The people who have talked to him aren't in support of the parking structure.

Porter Gifford, 1034 Mountain Park Drive, supported Councilor Mitchell's comment in the Pilot about bringing this issue to the public for a vote. He said he thinks the structure is a mistake for aesthetic and safety reasons. He said he thinks the City should consider additional locations for their building. He said the WB-3 parking issue hasn't been adequately addressed by the Council and Planning Board. He is concerned that a District may end up taxing his building to support this parking garage and he doesn't want that because he provides 50 parking places for his building, it should be on the burden of the businesses that benefit from it.

Ryan Friel thanked the Council for their efforts. He spoke in support of using TIF funds for a parking structure. He said there is a need for it.

Rebecca Norton, 530 Scott Avenue, said she is in favor of pursuing the parking structure at this location, with TIF funds. She said she went into a parking structure in Banff and it was great. She attended the Crandall/Arambula meeting and felt it was a very positive option. She said the planners have said they need it to be easy to get downtown to shop. She appreciated Vanice Woodbeck's comments and said it should be nice for the City staff. She said there has been a lot of input about this site at all of the meetings she has attended. She encouraged people to attend meetings regularly and stay involved so they know what is going on and understand the reasoning behind it.

Tom Kraus, 6475 Highway 93 South, thanked the Council for their considerations and work. He has experience with parking issues at the Whitefish Mall. He said one thing they try to do is to get the employees out of the prime parking spaces and leave them for the customers. He said business owners are asking them to provide parking to improve their businesses. He said maintenance issues will continue to escalate on the parking garage year after year. He said if they do decide to build this then the businesses that are going to benefit from it should help pay for it. They can do that with a Special Improvement District. He said TIF money was not appropriate as the only funding source.

Craig Drynan, 232 Central Avenue, read a letter from Mary Witbrod who is in favor of the parking structure and City Hall. Drynan said a lot of people say there is no need for parking. He said he worked the weekend and even on Sunday the guests could not find parking. He said this is the slow season and there is still a shortage. He worked on the parking commission in the 80's and this was an issue even back then.

Susan Drynan, 232 Central Avenue, said she is also in favor of the parking structure downtown. She said she knows they have been working on it for a long time and it is time to move on it.

Terri Feury, Packrat Lane, said there has been a lot of input and public hearing opportunities and she said the time to act is now. She is in favor of using TIF money to have a parking structure and City Hall on this same site.

Doug Rhodes, 144 E. 2nd Street, thanked the Council for giving this project a lot of attention. He said they could get 76 spaces on one level and that seems more appropriate. He is concerned they will build the huge structure and people won't use it. He said the elderly have a hard time getting in and out of parking structures. He wasn't sure it was time for this type of project.

Michelle Howke, 697 Waverly Place, said that in 15 years the City has moved multiple times and has been split into 3 locations. It makes it hard to have one-stop service for people. She said a parking structure won't be accessible for builders. She said they need to talk to the retail employees to see what they would use. They use the downtown spaces and prevent shoppers from using the spaces.

Cassie Ferguson, 419 E. 2nd Street, said she is in favor of the parking structure. She works downtown and they need parking. She said businesses are growing and parking is a huge issue.

Marilyn Nelson, 565 Blanchard Lake Road, is a co-owner of Nelson Ace Hardware. She is in support of this location with a parking structure paid for by TIF funds. She addressed Councilor Mitchell's letter in the Pilot. She said the idea that meeting the parking needs of the downtown only benefits the downtown isn't accurate. She doesn't like the insinuation that there is an "us versus them" mentality with the Highway 93 businesses. She said if they take care of the heart of downtown then the extremities benefit, too. She said the idea that the downtown merchants are freeloaders is disappointing. She said they have been paying higher property taxes than those that aren't in the downtown core. She said they have also been paying into a special improvement district for more than 20 years to provide parking. They have been working to pay for more parking for their customers. They have to depend on the City to wisely spend the money they have provided through the years. She challenged the idea that this should be put out to the voters. She said the Council is a representative government and they have done the research to determine what is best. She said they need to address the parking shortage and not kick the can down the road.

Rick Nelson, 565 Blanchard Lake Road, is also a co-owner of Nelson's Hardware. He said he supports the construction of the parking structure with the City Hall on this site. He said they confront the lack of parking every day and it is obvious there is a deficit of parking. He said the City owns this site and there are no other properties this close to downtown. He urged them to approve this location and structure because it will encourage more development in Whitefish and keep the core strong.

Fred Jones, 10 Tides Way, thanked the Councilors for their service. He voiced caution in that trying to address all of their needs in one spot seems to be difficult. He said this will be a large, block building that is hard to do much with creatively. He said maybe they are trying to put too much in this spot. He said they need to address what their greatest need is for this location.

Mike Jenson said he is also a member of the SID downtown that is still paying for parking downtown. He said they are short-sighted in their planning. They should be looking 50 years ahead. This parking structure is going to be an insignificant part of their parking problems in the future. They need to acquire property as cheaply as possible and hold it until there is time to build structures. They can use the property for surface parking in the meantime. He said Whitefish is not going to remain a 3-block downtown corridor forever. He said they can't solve their problem by spending the remaining TIF money on one structure. He said the parking regulations also need to change. They need to build 5-10 year parking on their holding-pattern parking areas. He said they aren't taking money off the tax rolls when they support businesses that will increase values ten-fold.

John Frandsen, 12 Dakota Avenue, said sometimes governments need to act like a business. He said the product the City offers is a good quality of life. The Downtown Master Plan was created to protect that quality of life and has worked well. He said parking garages don't seem interesting, but this proposal meets the need for parking and a new City Hall. It would be nice to have a separate location for City Hall, but all of the locations have been researched and the best use of the money is to try to do

both. The numbers have been crunched. If they don't take the opportunity now then they will look back 10-15 years from now and regret it. He is in favor of the structured parking as well as City Hall at this location.

Jen Frandsen, 12 Dakota Avenue, spoke in support of City Hall and the parking structure here, built with TIF funds. She congratulated everyone for doing something right because they are growing downtown. She said they need parking for employees and for shoppers now and in the future.

Ben Cavin, 2130 Houston Drive, submitted copies of his letter to the Council. He said he is a civil engineer and interested in this problem. He is in favor of keeping City Hall at this location, but he thinks the parking garage should be separate, not combined. He said a parking structure needs to be set back from the road, with green space and a public restroom. He said the combined design only includes 193 spaces. The City doesn't need 193 parking stalls. He believes that underground parking might be a better option, especially for staff. He agreed with Turner Askew who said they should talk to people who don't want to stand before the Council to talk. He said he is a member of the Whitefish Wastewater Committee and they are having trouble raising money for preliminary engineering. If they don't build a massive parking garage they could fund the preliminary engineering. He said it is particularly important for Lion Mountain and Lazy Bay where there is septic leachate into the Whitefish Lake.

Leslie Hunt, 2497 KM Ranch Road, said she is the coordinator for Montana Coffee Traders. She supported the parking garage and City Hall combination. She like the design of some of the parking structures in the packet. She encouraged the Council to address the downtown employee parking situation. She said whether they use parking permits, a designated parking lot or create a parking garage, the employees need parking.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, said she appreciated the civil dialogue tonight. She said the City has done 7 years of study and analysis and she commended them for their work. The studies show that there is a need for this facility and it is the first step in the long range vision for the community. She said the TIF funds are generated from commercial activity and are intended to stimulate additional commercial activity, so this project fits. She disagreed with statements that this doesn't help everyone in the community. She said there is a lot of benefit from tourism and it re-circulates in the community. She said when she travels with her kids or dogs she looks for shaded parking areas. A parking garage provides that for her.

Tex Page, 154 Stumptown Loop, manages the downtown Coffee Traders and said the downtown merchants and employees need parking, as do the tourists. He said the two-hour parking situation doesn't work, so that is why he is supporting the parking garage. If it is done the right way it can blend in well. The parking garage could allow long term parking for visitors who want to shop and eat, too.

Joan Vetter Ehrenberg, 744 Hidden Valley Drive, thanked them for their service and she thanked the staff. She read a letter from Sandy Carpenter who said the parking garage is the way to proceed. She doesn't want to see it on the ballot; she wants them to approve it. Vetter Ehrenberg said she supports the parking garage here and it surprises her. She said they need to support Main Street and small businesses. The community thrives on visitors. They need short term goals for this summer and long term goals for the future, as Mike Jenson said. She said the Council was elected to make decisions and they need to move forward. They have been talking about parking problems for seven years.

George Gardner, 2339 Nordic Loop, said he has been trying to be optimistic about the new City Hall. He would like a stand alone City Hall with surface parking. He said the preliminary design by Kimley-Horn should be placed in the dust bin. It is not suitable with the rest of downtown. He said this structure will be the most important decision they make.

Mayor Muhlfeld closed the public hearing and called a 10-minute recess.

Councilor Anderson thanked everyone who spoke tonight. This has been a decision that has been brewing for several years. He said the decision is not set in stone. It is difficult for many people. He has had several weeks to gather input from a broad spectrum here and in other communities. He thinks the other Councilors have done that as well. Regarding TIF dollars—the Council got an updated TIF projection and the total available cash is about \$10 million. If they added the \$2.5 from City Hall, \$2.0 million for Depot Park and Skye Park, that totals about \$15 million in available TIF funds. If they subtracted the money for City Hall and the Parking Structure there is still \$3.5 million available. He agreed with Mike Jenson that the City needs to look 50 years out. He said some of the surface parking could fit in that \$3.5 million. He said after looking through the packet, listening to the public and going through the work session notes and then have a business downtown like he has; he has come to realize that this is the perfect spot for structured parking. The community benefit is significant. It improves the entire community to solve the parking situation with a structure right here. It will help the Railway District as well. He has concern for the on-going costs. He said a Business Improvement District is an option, as well as paid parking.

Councilor Hildner said he liked the idea that everyone can come together whether they agree or disagree and that is the beauty of democracy. He said he was in the audience when they discussed parking at Second Street and Spokane. He wasn't in favor of a parking structure then. He contacted communities around the west to learn about their parking situations. He said several of the other communities are building structured parking. The Travis City, MI staff said they have two parking structures and they are almost always full. Park City, UT has structured parking that is full about 80% of the time. He asked the parking facilitators about public safety in surface parking versus structured parking. They said the crime rate didn't differ. He said he thinks structured parking on this site will best meet their short term needs. He thinks they also need to be looking long term, as Mike Jenson said. He said structured parking with City Hall makes the most sense at this point.

Councilor Mitchell asked about the budget and Manager Stearns said they used the estimates from the 2007 space needs study and put in \$4.8 million. Councilor Mitchell asked and Manager Stearns said \$2.487 million will be needed in addition to the City Hall Construction fund to which the City currently contributes \$250,000 annually. Councilor Mitchell asked and Manager Stearns said it is the same cost as the 2007 space needs study projected. Councilor Mitchell asked and Manager Stearns said the updated TIF spreadsheet is a pro-forma going forward. Councilor Mitchell said the parking study shows they are at 67% capacity for parking, so he doesn't think they need a parking structure at this time. He said that Rhonda Fitzgerald said she thought a parking structure here would be used for the O'Shaughnessy or Depot Park, but that is more than 250 feet away and he doesn't think it will happen. Councilor Mitchell said he hasn't heard from the Heart of Whitefish about a fair share for the care of the parking garage. He said Marilyn Nelson said they are supposed to make this decision, but it is hard for him to hear that when they went around the Council on the donut issue by getting a referendum. Councilor Anderson said Councilor Mitchell's comments directed at a specific member of the public are inappropriate. Councilor Mitchell said employee parking is an issue, but he thinks they need to consider the parking lot north of the library. He keeps hearing that they are a tourist town so

they have to look at what the tourists want. He appreciated hearing about a BID. He said this will probably be the most important decision he will make tonight. He has also called dozens of communities about their parking situations. He said there is probably a 25% failure of parking facilities. He said maintenance is a major issue for a parking garage and he asked them to remember that issue. He said some communities solved their problems without parking structures. He said most City staff doesn't want a parking structure here and they don't want City hall here. He said he heard from 23 people in response to his letter to the editor who said they were opposed to the parking structure. He said there are other options to address parking. He said they are asking the City hall and the parking structure to fight for the same spot. He said City Hall could be 2-3 blocks away from downtown. He suggested they ask the taxpayers of the town what they want and let them vote on it.

Councilor Sweeney said he feels strongly about this in both directions. He said construction cost is a large part of this because of the sub-structures in Whitefish. Parking, however, is a need. The City has been talking about parking for over 7 years and they need to make a decision to deal with parking. He'd like to go underground, but it isn't an option here because of the soils. He said most people agree they need parking. He said he doesn't know the cost of maintaining a parking structure versus a surface lot, but they both require repair. He said he would like to see some participation for supporting this parking from the businesses. He said the parking structures range in price from \$25,000-\$30,000/space. If they acquired and built parking on lots that are available, those would cost \$23,000-\$29,000/space. Some would say that they were taking private land, land that could be developed, off the tax rolls. He agreed with Mike Jenson that they need to plan for expansion and parking 50 years out. He said this block and the current building are already a solid mass. He said Central Avenue has two story buildings that are a significant mass, but most of us are used to it. He addressed Councilor Mitchell and said this was not a matter that was easily addressed in a referendum. It would be difficult to explain on a ballot for a public vote. He thinks at some point they will have to go up to provide parking.

Councilor Kahle said they heard comments about City Hall being at this location, as well as comments about parking. He said part of the goal was to build a legacy building for City Hall. Instead the design they received looks like a Nordstrom's attached to a parking structure. He said in 2008 they were given alternatives by Walker to provide long term employee parking, surface lots, striping of alleys, stricter enforcement and structured parking. He said he didn't think any of the other options were given their just due. He agrees that this is a long term problem. If they move forward with this structure they need to understand how they will take care of the maintenance annually. He thinks they would need an SID or BID before this progresses. He asked and Manager Stearns said an SID is a special improvement district that finances the capital costs of many public improvements like streets, parking lots, sidewalks. They issue bonds to finance it so the assessments on property owners have a term on them, usually 20 years. Councilor Kahle asked and Manager Stearns said it would not be appropriate for an SID to pay for maintenance costs. Manager Stearns said a Business Improvement District (BID) doesn't fund capital infrastructure, but it finances ongoing operations and maintenance of public common spaces, usually at a higher level of service than the City can provide. It gives downtowns a means to finance the amenities you might find downtown and is usually based on the size of a lot. To form a BID there has to be a petition by property owners owning more than 60% of the property affected.

Councilor Kahle said he has a concern with the long term maintenance and the possibility that the costs will increase over time. Manager Stearns said they could create language that says there is a proposed cost for the first year and then state that it won't increase beyond a certain percentage each year. Manager Stearns said the tax increment district goes away in 2020. He thought O & M (Operation

and Maintenance) could be paid for by the \$1.5 million the City gets back in the General Fund after the tax increment district ends, unless the Council decreases taxes. Councilor Kahle said downtown parking is a problem, but the solution seems unclear. He thinks they can do a better job than this proposed structure. He said if they do go forward he wants to be sure they handle the cost of O & M. Councilor Hyatt passed out a map of the City showing 270 feet out from the block they are on right now. He said he was never in support of this project being paid for with more than 50% of the TIF funds and 50% SID; and now his thinking is going more towards 25% TIF and 75% SID. He asked and Manager Stearns said the current SID ends in 2014. Councilor Hyatt said they have shoe-horned a lot into this space; and he said all the historic planning documents are works in progress – they can be changed. He agreed that they need to look at some other parking avenues as they go forward.

Mayor Muhlfeld said Councilor Kahle said once that this is a multi-faceted problem and will need multiple views. He said he agreed that the downtown should pay for the ongoing maintenance of the parking garage. He said Planner Compton-Ring's report showed that Whitefish is the only one out of the mountain towns surveyed that doesn't require cash-in-lieu of parking downtown. He said there has been about 90,000 new square feet has been added to downtown Whitefish and if there had been a cash-in-lieu in the WB3 they would have a significant amount of money for the parking structure. He addressed the parking needs for employees. He said there is currently long term parking at Lot 46 and at the library's north lot. He said they need to deal with a BID, employee parking and cash-in-lieu of parking. He said they need a parking commission again. Councilor Kahle said those issues will take some time. He would like them to table the decision on the structure itself until they have some of those decisions made. Councilor Mitchell said unless the BID is in place, if they approve a structure, then the City will have to start paying the maintenance until the BID is in place. He said the BID needs to be resolved first. Councilor Sweeney asked about the timing if they tabled this issue. He would question a motion to table after seven years of working on this. He said this decision is not going to get any easier. He could agree to a short term table while they worked on specific issues, but he would be hesitant to leave it open-ended.

Councilor Kahle said he would want to table to a date certain and make a decision before the end of this year. Councilor Hyatt asked and Manager Stearns said a BID would take some research. Staff would need to learn from other cities how to form a district and assessment methodology, come up with a boundary, and do some figuring on the cost to be assessed. He said he thought they could complete that research and be ready to propose a BID in 2-3 months. He said that beyond the O & M cost, they need to see if the businesses are willing to pay for other costs of parking downtown; i.e. with an SID or Cash in Lieu policy. He said all City facilities would pay an assessment including the Library, City Hall and the O'Shaughnessy center.

Councilor Hildner said to table this is to kill it. They would have to move to postpone rather than to table. He said the consideration before them is to proceed with a design that includes an attached parking structure. They could look at a BID at the same time, to accompany it. He didn't think they should postpone this decision. Councilor Kahle it is his intent to postpone and not to kill this proposal. He said there are too many unknowns, but in his opinion, either the City or a BID pays for the ongoing O & M. Councilor Anderson asked about the timetable for the design and Manager Stearns the next step would be that the City Hall Steering Committee would reconvene to find an architect to work with the engineer on a design for the joint City Hall and parking structure. He said it could be WBM, who has partnered with Kimley-Horn in the parking feasibility, but it doesn't have to be. There is a lot to be done for the design of a City Hall building, whether it is attached to a parking structure or not. He thinks they need to update the space needs analysis before design and it will be at least a one-year

process. Councilor Anderson asked and Manager Stearns said the committee would make a recommendation for an architectural firm and then Kimley-Horn would have to come up with a contractual amount for working on the next phase of the design for the parking structure. He said that is when they will spend a large amount of money. Councilor Anderson asked about the timing and Manager Stearns said it would take a couple of months before they would be interviewing architectural firms. Councilor Anderson asked and Manager Stearns said it would take 2-4 months to explore parameters, introduce, explain and answer questions, advertise and get signatures from 60% of the people to create a BID; he wasn't sure that it would be an easy task. Councilor Anderson said he wants to send a clear signal of support for a joint parking and City Hall structure.

Councilor Hyatt asked and Manager Stearns said it could take a while to get 60% of the businesses to petition this BID. Some people might think it should be paid for by daily or monthly parking fees. Councilor Hyatt said that might be the vote of the people. Councilor Sweeney said the existing City Hall spaces needs to be analyzed. Manager Stearns said the architect they select performs that analysis. Councilor Sweeney said if they were talking about surface parking would they also be talking about a BID. He said this is the first night he has heard anyone talk about instituting a BID to support the parking garage. Councilor Hyatt said he mentioned before that the only way he would go forward with this was with an SID and a BID. Councilor Kahle said there has been a lot of good discussion tonight; but he thinks there is enough uncertainty that it would be a good idea to reinstate the parking commission.

Councilor Kahle offered a motion, seconded by Councilor Hyatt, to keep the public hearing open, to postpone this to a date certain, no later than early September, so the Council can consider the ongoing maintenance of the parking structure and to reinstitute the parking commission and to consider an SID.

Manager Stearns said it would be premature to re-instate a parking commission which requires an ordinance. He said a parking commission is a semi-autonomous entity and they need to give it further consideration. Councilor Kahle said a parking commission might not be what they are looking for, but they need to address the estimated maintenance costs and the method for paying for them. He thought a panel might be helpful in answering some of these questions. Manager Stearns said if the Council gives them direction then staff can bring forward SID or BID or payment-in-lieu options. He said the Council is pretty well-educated on the parking issues. Councilor Kahle said it seems that there is support for the structure, but he is concerned about how they will pay for the ongoing maintenance. He said he doesn't want to obligate the City to 100% of the ongoing maintenance. Manager Stearns said they could link the motion to the BID or SID. Mayor Muhlfeld said they are getting pretty broad in their thinking; and he felt a parking commission is a separate issue from tonight's consideration. He said staff has volunteered to research the BID. He said this should not require an SID because the commercial tax payers have paid already. It isn't fair to tax them twice.

Kahle withdrew the parking commission and the SID from his motion and the second agreed to delete the parking commission but not the SID.

Councilor Hyatt disagreed with Mayor Muhlfeld and said the commercial properties aren't taxed twice.

Councilor Anderson said he thinks the motion is fatally flawed. Councilor Hyatt asked and Attorney VanBuskirk suggested that they could move to postpone the decision on structure versus

surface parking in order to consider the ongoing maintenance costs. The public hearing is carried over and consideration will be given to an SID to pay for the costs.

Councilor Anderson said an issue this big shouldn't be gobblydeegooked together. Councilor Mitchell disagreed with Councilor Anderson. He thought the motion was fine. Councilor Mitchell said he also disagreed with Mayor Muhlfeld's comments that downtown businesses are taxed twice. Councilor Hildner said he won't vote for the motion as long as the SID is incorporated in it. Councilor Sweeney said he understood Councilor Hildner's concerns. He said they would only commit to considering an SID for paying for part of the cost of the structure. It is not a requirement for an SID. Councilor Hildner said these two should not be mixed. Mayor Muhlfeld said the commercial TIF has been paid in part by the commercial district; they've paid for an SID for downtown parking already, and that is why he thinks it is excessive to require another SID or BID. Councilor Kahle said the consideration of an SID would have to be proposed by this body and voted upon. He said they could look at it, though. He said if they decide they're happy using just TIF funds for the building, then that is fine. Councilor Hyatt asked and Manager Stearns said the SID purchased the land on Second Street and developed some of those old lots there. Then, when they rebuilt it as a surface lot in 2009 it was built with TIF funds.

Councilor Kahle offered a motion, seconded by Councilor Anderson, to extend the meeting to 11:30 p.m. The motion passed unanimously.

Councilor Mitchell said when they ask who is going to pay for this and they say the City is, then they are really saying the taxpayers will pay for it.

The vote on the motion was tied with Councilors Mitchell, Kahle and Hyatt voting in favor. Councilors Sweeney, Anderson and Hildner voted in opposition. Mayor Muhlfeld voted in opposition and the motion failed.

Councilor Anderson offered a motion, seconded by Councilor Hildner, to proceed with design for a new City Hall with an attached parking structure.

Councilor Kahle said if this passes then the maintenance will be the ongoing responsibility of the City. Manager Stearns said that is not clear from the motion yet. He said there is the money from the expiration of the TIF, but Councilor Kahle said if this motion passes then the structure gets built and it will be maintained by the City. Councilor Hyatt said he would have to vote against it for the lack of fiscal responsibility. Councilor Anderson said he hears that the O & M is the concern. He said O & M costs will be an issue, but that is not covered in his motion, so he is not being fiscally irresponsible.

Councilor Anderson amended his motion to direct staff to proceed with presenting a BID option to Council by the first meeting in September. Councilor Hildner, the second, accepted the amended motion. Councilor Kahle asked if the BID failed; would they move forward with the parking structure? Councilor Anderson said they will have a chance, before they spend any money, to cancel this motion.

Councilor Mitchell said he would have to have a condition for the BID. He said this is gobblydeegook, too. Councilor Anderson asked and Manager Stearns said he thought they could come up with a BID petition within 3 months, by the first Council meeting in September.

Councilor Anderson withdrew his motion and the second agreed.

Councilor Anderson offered a motion, seconded by Councilor Hildner, to proceed on design of the City Hall with an attached parking structure, and to consider the passage of a BID to finance the operations and maintenance of the structure, and back to the City Council by the September 3rd Council meeting for consideration. (During discussion on this motion staff advised Council that a BID must be brought forward from the participating business/property owners, and staff can research the parameters of creating the BID including the boundary and cost estimates by the September 3rd Council meeting for Council consideration.)

Councilor Hyatt said he has always said it is an SID and a BID. He said if they vote something through then what does it take to bring it back up. Attorney VanBuskirk said it has to be brought up for reconsideration by a party who voted for the successful motion, or suspension of the rules. Mayor Muhlfeld said that means it gives the Council options and Councilor Hyatt agreed.

Councilor Sweeney said he took umbrage with Councilor Mitchell's comment on who the taxpayers are in the City. All of the members of the downtown are taxpayers and they pay significant taxes. They should be included in the definition of taxpayers. He said the City is going to need structure parking to begin to solve the parking needs downtown. He is not necessarily committed to that parking structure as part of City Hall. He said in the past he wasn't keen on a structure at the corner of Second and Spokane. He said they might want to consider whether they want a separate structure. He isn't saying a City Hall can't be married to a parking structure; that is a design issue. He said conditioning anything they do on a BID means it applies to any decision they make to deal with parking problems downtown.

Councilor Kahle suggested they add a date. Manager Stearns said staff can't have the BID created by the first meeting in September, that is the date staff could bring the concept and parameters of a BID to the Council. Councilor Anderson said he thought the petition could be done by that date. Manager Stearns explained if they give all the property owners a petition without education and public meetings then the result would probably be negative. He can't predict how long the public process will take; and following public meetings there could be follow-up sessions with individuals, the time factor is an unknown. City Attorney VanBuskirk suggested they continue the public hearing until Sept. 3rd so the business community could be asked if they were willing to be a partner for the ongoing O & M costs.

A 10-minute recess was called.

Councilor Hildner offered a motion, seconded by Councilor Kahle, to continue the meeting past 11:30 p.m. in order to complete tonight's business. The motion passed unanimously.

Mayor Muhlfeld said there is a motion on the floor to approve structured parking with a city hall, and in parallel staff will research and bring back whether the feasibility for a BID by the September 3, Council Meeting. Staff has indicated it wouldn't be a completed BID at that time but they would bring back a proposal with parameters for the creation of a BID. City Attorney Van Buskirk has suggested continuing the public hearing to that time; and that is where we pick up.

Councilor Anderson said there is a motion on the table and he would like to move forward, but he would be willing to reconsider if staff told them they couldn't get a BID completed by September 3, 2013. Councilor Sweeney clarified the motion is to proceed on design of the attached parking structure

conditioned on passage of a BID to finance the operations and maintenance of the structure by the September 3rd Council meeting. If the BID was not passed then the parking structure would not move forward. Councilor Anderson said procedurally, the design of a structure and the feasibility of the BID could move on parallel paths. They don't have to approve a dollar until they are comfortable with the feasibility of the BID. Without that comfort, the project would then die. Councilor Kahle said he thinks City Attorney VanBuskirk's proposal is easier and simpler. He said they need to decide on the BID first.

Councilor Mitchell said this doesn't tell the City Hall committee what to do. They don't know whether they should hire architects to move forward. The parameters aren't set; there aren't any clear answers. He blamed the Council and staff for not addressing who is going to pay for this until now. Mayor Muhlfeld said there's no value in laying blame. It's a complicated problem and we are trying to find a solution. What Councilor Anderson has laid out in front of you this evening is his motion that asks for you to approve, in concept, a city hall with a structured parking facility as well as directing staff to initiate the feasibility of the process that would be required to develop a BID. It is as simple as that; and he feels the motions articulately states the point that we aren't committing funds and it will be back in front of this body before any funds are expended or the project moves forward. He also recognizes that the New City Hall Steering Committee desires to continue working on this project; he just wants to remind the Council that this is a major project for the City of Whitefish, and if we need to push the Steering Committee off for a couple months to get answers to these critical questions that the Council is being asked to make decisions on, he is sure the Committee will understand.

Councilor Kahle said he thought the approval was conditioned on the implementation of a BID or at least getting it started, but Councilor Anderson said that was not correct. It is as Mayor Muhlfeld just stated, we need the information in front of us to understand the feasibility of a BID, and it is as simple as that. Mayor Muhlfeld said there won't be any money spent until the feasibility is before them. Councilor Kahle said if the BID is not approved then he can't vote on the structure.

Mayor Muhlfeld said your vote either acknowledges that yes, you agree with this concept, or no, that you do not agree with this concept and simply, no expenditures made and no decisions are made until the feasibility (of the BID) comes back to you. He said he imagines there will be more discussion at that time regarding the next steps. Councilor Kahle said he could only support the project if it includes a BID. Mayor Muhlfeld said when they look at the feasibility of the BID they need to send an opinion that they are in favor of the concept in order to get support and buy in from the business people. Councilor Kahle said by conditionally approving it, that is what they are saying. He doesn't want to have to figure out how to pay for it later.

Councilor Anderson said this motion gives them all of that. He said the passage of this motion says the Council supports a city hall with an attached parking structure. If it is conditioned on a BID then it will kill the BID. Councilor Mitchell said he disagreed 100%. Manager Stearns asked for clarification; when he first heard the motion he thought the City Hall Steering could start the architectural selection process. Now he heard the Mayor say that they would put off the committee. Mayor Muhlfeld said they could at least do the RFQ's and Manager Stearns said they could go through the interviews. Councilor Mitchell asked and Mayor Muhlfeld said the committee had discussed holding a design charrette with the community. Councilor Mitchell asked and Mayor Muhlfeld said they wouldn't be paying for designs yet. Councilor Sweeney disagreed that the BID would be dead out of the box if the motion had that condition. He said they are giving the clarification that they are willing to move forward, but are looking at a BID as either a way to pay for, or part of a way to pay for the

ongoing maintenance of that structure. He didn't think that is mattered if it was a condition; Councilor Anderson said it just made it more challenging. Councilor Mitchell clarified that the vote will approve, or not, a city hall with structured parking, and between now and September 3rd there will be research on a BID.

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

8. COMMUNICATIONS FROM FIRE DEPARTMENT DIRECTOR

8a. Contract awards for fire apparatus and ambulance (three motions) (p. 171)

Fire Chief Kennelly said staff opened bids on four pieces of Fire and Ambulance equipment – a fire pumper, an ambulance, a brush fire truck, and a water tender. There was only one bidder for each piece of equipment despite sending out the bid packets to a number of vendors and manufacturers. He said that the bidders did not know there was no one else bidding, so they feel the bids are competitive. The bids are close to the projected price estimate on two of the four pieces of equipment; and within our budgeted amounts. Staff is recommending rejecting the other two bids, revising the specs, and re-advertising for bids.

Councilor Mitchell said on page 171 the report said both of these vehicles exceed life expectancy, but he wondered if it was based on years or miles. He asked about the NFPA standards and Chief Kennelly said the standards cover everything and they are replacing a 1994. He said the standard is 10-12 years and they've had it for 19 years. Councilor Sweeney said the bids include site visits for looking at the product. Chief Kennelly said that is standard procedure; they have the expertise to look at exactly where the controls and discharge valves go. It is important that the final product is reviewed and meets all the specifications.

Councilor Kahle offered a motion, seconded by Councilor Hildner, to approve entering into a contract with General Fire Apparatus of Spokane, WA to purchase one Type 1 1,500 gpm Rosenbauer, LLC fire apparatus for up to \$495,112. The motion passed unanimously.

Councilor Kahle offered a motion, seconded by Councilor Hildner, to approve entering into a contract to purchase one Type 1 ambulance from Braun NW for \$155,597. The motion passed unanimously.

Councilor Kahle offered a motion, seconded by Councilor Sweeney, to reject the bids for the Tender and Brush Truck, revise the specifications for these vehicles to bring them in line with projected budgeted financial resources available, and then again issue a request for bids from various manufacturers. The motion passed unanimously.

9. COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

9a. Contract award for construction of Dodger Lane (p. 187)

Public Works Director Wilson said the Public Works Department opened bids for the Dodger Lane Construction Project on May 10th and recommend the City Council award a construction contract to the low bidder, Schellinger Construction, in the amount of \$229,794.

This project involves new infrastructure and, as such, is not eligible for Resort Tax infrastructure funds. Elements of the project include the new roadway, a new water main, storm drainage facilities and parks amenities, such as a new roadside bicycle/pedestrian path and utility services for the new Armory Park restrooms. These costs would be incurred in the coming fiscal year and adequate funds are included in the FY14 Preliminary Budget in the Street, Water, Stormwater and Parks funds. Staff respectfully recommends the City Council approve the contract.

Councilor Hildner offered a motion, seconded by Councilor Hyatt, to approve awarding a contract for the Dodger Lane Construction Project to Schellinger Construction in the amount of \$229,794. The motion passed unanimously. Director Wilson said the project will actually be starting a couple weeks later that in states in the staff report.

10. COMMUNICATIONS FROM CITY MANAGER

10a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 192)

Councilor Sweeney asked about the service area rate changes. He has been in support of 24/7 coverage and he wondered if it would reduce insurance rates for homeowners. Manager Stearns said the City has the same rating as before, but the fire insurance rates may change in the rural fire service area. Chief Kennelly said the Whitefish service area rating did change since 1988. You have to be within 5 miles of a fire station—it used to be determined by drawing a 5-mile radius around the fire hall and now they make the determination by actual road miles. He has talked about adding fire stations in the rural areas to keep insurance rates down. Councilor Mitchell said he thinks the Whitefish West project is going well and the police have been monitoring traffic well on Karrow Avenue, so he thanked them.

10b. Other items arising between May 15th and May 20th

Manager Stearns said there is a budget meeting on Tuesday, May 28th.

Councilor Sweeney asked about what they learned about the Jackson Hole air service and Manager Stearns said they raised about \$1 million from area businesses, then the town and county each put in money to guarantee flights.

11. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

11a. Standing budget item - None.

11b. Letter from State Library stating that Whitefish Community Library Director Joey Kositsky has become a state certified Library Administrator (p. 210)

Mayor Muhlfeld congratulated Joey Kositsky for her accomplishment.

11c. Resolution No. 13-10; A Resolution establishing the Highway 93 West Corridor Plan Steering Committee (p. 211)

City Manager Stearns said City Clerk Lorang passed out an updated resolution with the Ad Hoc member make-up.

Councilor Hyatt offered a motion, seconded by Councilor Kahle, to adopt Resolution No. 13-10; A Resolution establishing the Highway 93 West Corridor Plan Steering Committee (p. 211)

Manager Stearns asked if the Council wanted to do interviews or just choose from the letters of interest. The Council indicated that they would like to have interviews.

11d. Appointments to Committees and Boards that were not made at tonight's Special Session before the meeting. None.

Councilor Anderson thanked the Councilors for thoughtful deliberations regarding the City Hall parking structure. Councilor Kahle said they made a big decision to move forward with a very costly project. He thinks there is one glaring issue they have to answer before they move forward and Councilor Sweeney agreed it was a big step but he was glad they did it.

12. 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 12:13 a.m.

Mayor Muhlfeld

Jane Latus Emmert, Recording Secretary

Attest:

Necile Lorang, City Clerk

(This page left blank intentionally to separate printed sections)

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



May 28, 2013

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

RE: Wave Aquatic and Fitness Center Expansion; (WCUP 13-05)

Honorable Mayor and Council:

Summary of Requested Action: CTA Architects on behalf of the Wave Aquatic and Fitness Center is requesting approval of a Conditional Use Permit to construct a 9,200 square foot addition to an existing structure at 1250 Baker Avenue. The property is currently developed with a recreation facility. The property is zoned WB-2 (Secondary Business District) and WB-4 (Business Park District). The Whitefish Growth Policy designates this property as “General Commercial” and “Planned Industrial”.

Planning Board Action: The Whitefish City-County Planning Board met on May 16, 2013 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with seven (7) conditions as contained in the staff report and adopted the staff report as findings of fact. (Anderson, Vail and Smith were absent)

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with seven (7) conditions set forth in the attached staff report.

Public Hearing: No one spoke at the hearing. The draft minutes for this item are attached as part of this packet.

This item has been placed on the agenda for your regularly scheduled meeting on June 3, 2013. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,

A handwritten signature in cursive script that reads "Wendy Compton-Ring".

Wendy Compton-Ring, AICP
Senior Planner

Att: Exhibit A: Recommended Conditions of Approval
Draft Minutes of 5-16-13 Planning Board Meeting

Exhibits from 5-16-13 Staff Packet

1. Staff Report, 5-9-13
2. Adjacent Landowner Notice, 4-29-13
3. Advisory Agency Notice, 4-26-13

The following exhibits were submitted by the applicant:

4. Conditional Use Permit Application & Supporting Materials, 4-29-13

The following exhibits were handed out at the May public hearing:

5. Letter, Whitefish Convention and Visitors Bureau, 5-16-13
6. Letter, Parkside Credit Union, 5-16-13

c: w/att Necile Lorang, City Clerk

c: w/o att City of Whitefish, c/o The Wave 1250 Baker Avenue Whitefish, MT 59937
Corey Johnson, CTA, Inc., 2 Main Street, suite 205 Kalispell, MT 59901

Exhibit A
The Wave
WCUP 13-05
Whitefish City-County Planning Board
Recommended Conditions of Approval
May 16, 2013

1. The project shall be constructed in compliance with the plan submitted on April 29, 2013, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The infrastructure improvements (water, sewer, road, stormwater management, on-site lighting, etc.) shall be designed and inspected by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, the internal road and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works.
3. Approval of the conditional use permit is also subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, the applicant is advised that the number, density and/or location of buildings, as well as the location of the road shown on the Conditional Use Permit site plan may change depending upon constructability of the road, on-site stormwater retention, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion.
4. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works and Planning & Building Department. The plan shall include, but may not necessarily be limited to, the following:
 - Dust abatement and control of fugitive dust.
 - Hours of construction activity.
 - Noise abatement.
 - Control of erosion and siltation.
 - Routing for heavy equipment, hauling, and employees.
 - Construction office siting, staging areas for material and vehicles, and employee parking.

- Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
 - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
 - Notation of any street closures or need to work in public right-of-way.
5. A lot lines under the proposed building additions shall be eliminated prior to the submittal of the building permit. (11-2-3B(3))
 6. All on-site lighting shall be dark sky compliant.
 7. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun.

**WHITEFISH CITY PLANNING BOARD
MINUTES OF MEETING
MAY 16, 2013**

**CALL TO ORDER AND
ROLL CALL**

The regular meeting of the Whitefish City-County Planning Board was called to order at 6:00 p.m. Board members present were Rick Blake, Ken Meckel, Dennis Konapatzke, Chad Phillips, Ole Netteberg and Greg Gunderson. Zak Anderson, Diane Smith and Mary Vail were absent. Planning Director Taylor and Senior Planner Compton-Ring represented the Whitefish Planning & Building Department. Approximately 70 people were in attendance.

APPROVAL OF MINUTES

Konpatzke moved and Meckel seconded to approve the April 18, 2013 City minutes of the Whitefish Planning Board as submitted. On a vote by acclamation the motion passed unanimously.

**PUBLIC ITEMS NOT ON
AGENDA**

No one wished to speak.

OLD BUSINESS

None.

**WAVE CONDITIONAL USE
PERMIT REQUEST**

A request by CTA Architects on behalf of the Wave Aquatic and Fitness Center to expand their facility by 9,200 square feet. The subject property is addressed as 1250 Baker Avenue and is zoned WB-2 (Secondary Business District) and WB-4 (Business Park District).

**STAFF REPORT WCUP 13-
05**

Senior Planner Compton-Ring reported that the Wave is proposing a 9,200 square foot expansion to the southwest of the building. The expansion area will include a reorganization of the locker rooms (men's, girls & boys and family changing rooms), daycare center, party rooms and aerobic room. The driveway access to the back parking lot will remain off Flathead Avenue but will be moved further south. The parking area will be expanded approximately 25-feet to the west and 47 spaces will be located in this lot.

The Wave is required to obtain a Conditional Use Permit under the city's big box standards. Pursuant to §11-2K-4 requires "all new structures with a building footprint of 15,000 square feet or greater, existing structures where an addition causes the total footprint to be 15,000 square feet or greater, and additions to structures where the footprint already is 15,000 square feet or greater, are subject to a conditional use permit pursuant to §11-7-8."

The Architectural Review Standards devote a section to big box standards including pedestrian and bicycle amenities, safe passage for pedestrians through parking lots, additional landscaping, well screened service and loading areas, transit stop, if on the Snow Bus route and building design standards to reduce the impact of massive

structures. This project went to Arch Review on May 7 and the architectural elements of the project were approved subject to additional landscaping along the south side of the building along Flathead Avenue.

Staff provided public notice concerning the project and no comments were received.

The site currently has 184 parking spaces and they are proposing to eliminate 4 parking spaces with the addition. The applicant is providing 180 spaces and, according to the off-street parking requirements, they are required to have 178 spaces.

Fencing is not proposed for screening and the topography of the site lends to naturally provide screening. The floor of the building is nearly 50-feet below the top of the adjacent bluff. Staff finds this topographical screening adequate and doesn't recommend adding a fence or other landscaping, unless adjacent neighbors request it.

Landscaping areas are identified in the submittal. The Architectural Review standards require a doubling of landscaping as part of the 'big box' standards. Since the expansion is in the back of the building, it would seem logical to require the back parking area to meet this standard. According to the application, 47 parking spaces will be located there requiring 8% of the lot to be landscaped – under the 'big box' standards this is increased to 16%. A final landscaping plan will be reviewed and approved at the time of building permit review. Staff recommends approval subject to seven conditions.

PUBLIC HEARING

The public hearing was opened to those who wished to speak on the issue. Corey Johnson with CTA Architects Engineers said they are happy to help the WAVE with this project. He said they agree with the staff report and conditions.

Lin Akey, WAVE board Member, offered two letters of support from the Conventions and Visitors Bureau and the Parkside Credit Union. He spoke in favor of the project as well. He said the parking lot is always full and they are in support of the growth.

PUBLIC HEARING

No one wished to speak and the public hearing was closed.

MOTION

Gunderson moved and Konopatzke seconded Whitefish to adopt staff report WCUP 13-05 as findings of fact and recommend that Whitefish City Council approve a request by CTA Architects on behalf of the Wave Aquatic and Fitness Center to expand their facility by 9,200 square feet.

VOTE

The motion passed unanimously. (Scheduled for City Council on June 3, 2013.)



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that CTA Architects, on behalf of the Wave Aquatic & Fitness Center is proposing a 9,200 square foot addition toward the southwest of the building. The property is developed with the Wave and is zoned WB-2 (Secondary Business District), which requires a Conditional Use Permit for buildings greater than 15,000 square feet. The property is located at 1250 Baker Avenue and is legally described as The Wave Lot 1 Riverside Imp Co Acreage L11 Tract BAA Riverside Imp Co Acreages L12 Tract AAA Riverside Imp Co Acreage Pt L10, 11, 12 Amd in Section 36, Township 31N, Range 22W, P.M.M., Flathead County, Montana.

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

**Thursday, May 16, 2013
6:00 p.m.
Whitefish City Council Chambers, City Hall
402 E. Second Street, Whitefish MT 59937**

The City-County Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on Monday, June 3, 2013 at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at wcompton-ring@cityofwhitefish.org. Comments received by the close of business on Monday, May 6, 2013, will be included in the packets to the Planning Board members. Comments received after the deadline will be summarized to the Planning Board members at the public hearing.

PLEASE SHARE THIS NOTICE WITH YOUR NEIGHBORS



Date: April 26, 2013
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish City-County Planning Board will be held on Thursday, May 16, 2013 at 6:00 pm. During the meeting, the Board will hold public hearings on the items listed below. Upon receipt of the recommendation by the Planning Board, the Whitefish City Council will also hold subsequent public hearings on Monday, June 3, 2013. City Council meetings start at 7:10 pm. Planning Board and City Council meetings are held in the Whitefish City Council Chambers, Whitefish, Montana.

1. Ryan Zinke has requested a Conditional Use Permit to operate a bed and breakfast in an existing house at 409 West Second Street. The subject property is zoned WR-3 (Low Density Multifamily Residential). The property is legally described as the north 178' of Lot 11, Block 2, Gojendes Tracts, in Section 36, Township 31N, Range 22W, P.M.M., Flathead County, Montana. (WCUP-13-04) Taylor
2. CTA Architects on behalf of the Wave Aquatic and Fitness Center to expand their facility by 9,200 square feet. The subject property is addressed as 1250 Baker Avenue and is zoned WB-2 (Secondary Business District). The property is legally described as The Wave Lot 1 Riverside Imp Co Acreage L11 Tract BAA Riverside Imp Co Acreages L12 Tract AAA Riverside Imp Co Acreage Pt L10, 11, 12 Amd in Section 36, Township 31N, Range 22W, P.M.M., Flathead County, Montana. (WCUP 13-05) Compton-Ring
3. William MacDonald and Sean Averill, on behalf of Community Infill Partners llc, are requesting a zoning map amendment to change the zoning designation at 100 Wild Rose Lane from WR-1 (One-Family Residential District) to WR-2 (Two-Family Residential District) and 1500 E 2nd Street from WA (Agriculture District) to WER (Estate Residential District). These properties can be described as Tracts 1K, 1DA and 1D in S32 T31N R21W. This is a continuation from the March Planning Board. (WZC 13-01) Compton-Ring
4. William MacDonald and Sean Averill, on behalf of Community Infill Partners llc, are requesting a residential Planned Unit Development overlay on 23.789 acres at 100 Wild Rose Lane and 1500 E 2nd Street (described as Tracts 1K, 1DA and 1D in S32 T31N R21W). The development will consist of 150 units (112 apartments and 38 condominium units – 29 detached condos and 9

attached condos). This is a continuation from the March Planning Board.
(WPUD 13-01) Compton-Ring

5. The Planning Board will continue their work session on the Sign Code Regulations.

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

Wendy Compton-Ring

From: Wendy Compton-Ring <wcompton-ring@cityofwhitefish.org>
Sent: Friday, April 26, 2013 1:37 PM
To: 'Anne Moran (asmoran@mt.gov)'; Ashley Keltner (a.keltner@flathead.coop); 'Ben DeVall'; Bill Dial (bdialw1@bresnan.net); 'BJ Grieve'; Cal Scott (cscott@flathead.mt.gov); Christina L Schroeder (christina.l.schroeder@usace.army.mil); 'Chuck Curry (ccurry@flathead.mt.gov)'; Columbia Falls Fire Department (cffire@centurytel.net); 'Dave Lawrence (dlawrence@skiwhitefish.com)'; Dennis Oliver (doliver@mt.gov); 'Doug Schuch (douglas.schuch@bnsf.com)'; 'Eric Smith (eric.smith@northwestern.com)'; Gary Engman (gengman@mt.gov); Gary Krueger (gkrueger@flathead.mt.gov); Ginger Kauffman (gingerk@flatheadcd.org); 'James Freyholtz (jfreyholtz@mt.gov)'; 'Joe Page' (jpage@cityofwhitefish.org); 'John Wilson'; 'Judy Williams (juwilliams@mt.gov)'; Karen Reeves; 'Kate Cassidy (kcassidy@flathead.mt.gov)'; Kate Orozco (orozcok@wfps.k12.mt.us); 'Kuennen, Norman'; 'Lisa Timchak (latimchak@fs.fed.us)'; 'Lorch, Steve'; 'Lynn Zanto (lzanto@mt.gov)'; 'Marcia Sheffels (msheffels@flathead.mt.gov)'; 'Mark Baumler (mbaumler@mt.gov)'; 'Mark Deleray (mdeleray@mt.gov)'; North Valley Refuse (nvr@centurytel.net); 'Pamela Holmquist (pholmquist@flathead.mt.gov)'; 'Patti V (pattiv@flathead.mt.gov)'; Paul Nicol (pnicol@flathead.mt.gov); 'Pris, Jeremy'; 'Rita Hanson (for Whitefish Water & Sewer District)'; 'Steve Kilbreath (skilbreath@mt.gov)'; 'Steve Kvapil (steve.j.kvapil@usps.gov)'; 'Stickney, Nicole'; SueAnn Grogan (sgrogan@cityofwhitefish.org); 'Tom Kennelly'; Tony.Hirsch@Centurylink.com; 'Traci Sears'; 'Virgil Bench (vbench@cityofwhitefish.org)'; 'Whitefish Parks and Recreation'
Cc: David Taylor
Subject: May City-County Planning Board
Attachments: 5-2013_PB meeting.pdf

Attached please find the Whitefish City-County Planning Board notice for May.

Wendy Compton-Ring, AICP
Senior Planner
City of Whitefish
406-863-2418

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

APPLICATION FOR CONDITIONAL USE PERMIT
CITY OF WHITEFISH

FEE ATTACHED \$990 (See current fee schedule)

OWNER(S) OF RECORD:

Name: **The WAVE**

Mailing Address: **1250 Baker Avenue**

City/State/Zip: **Whitefish, MT 59937** Phone: **(406) 862-2444**

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: **Corey Johnson - CTA Inc.**

Mailing Address: **2 Main Street, Suite 205**

City/State/Zip: **Kalispell, MT 59901** Phone: **(406) 257-8173**

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street Address: **1250 Baker Avenue** Sec. No. **01/36** Town-ship **30N/31N** Range No. **22W**

Subdivision Name: **N/A** Tract No(s). _____ Lot No(s). _____ Block No. _____

DESCRIBE PROPOSED USE: **Expansion and Renovation of Existing Fitness and Recreational Facility**

ZONING DISTRICT: **WB-2**

CHAPTER 7 OF TITLE 11 WHITEFISH ZONING REGULATIONS REQUIRES THE FOLLOWING:

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

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

EXHIBIT

The general intent of the city growth policy is to maintain Whitefish's character and charm without inhibiting growth or services that improve the quality of life for the city's residents. The WAVE is a

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Y OF WHITEFISH
990.00
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facility that is less an intruding business entity than it is a valuable resource to the entire Whitefish community. The popularity of its services, and thus the underlying demand of the community, is what drives this project proposal. Additionally, this project is not a new use in terms of planning purposes, nor is it a resource that is duplicated within the Whitefish community. This proposal, an expansion and renovation of the WAVE, is meant to better serve the needs of the community while having a minimal impact on its neighbors, community facilities, and the environment and character of the community it dwells within.

The responses that follow will further expand upon the conformity with city growth policy specific to the prompts provided.

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

Please See Responses Below...

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

Eight years ago the WAVE opened its doors as a fitness and recreation facility for the residents of Whitefish and the Flathead Valley in its current location. It has also served as an asset to the tourist community that drives Whitefish's economic engine. This location has already been accepted as suitable for the use; however, it is important to reiterate that it is within an appropriate zoning district, with suitable proximity to the community and any necessary services. The proposed addition is 9,200 square feet built off of the southwest edge of the existing building. The access and parking lot in the rear is largely maintained and does affect access for emergency services, as can be confirmed by studies performed by qualified individuals, as well as the attached site plan. The location does not sit upon a designated environmentally sensitive area, but because increased sustainability is a goal of the community it is important to note that many measures are being taken to minimize any adverse effects that new construction may bring. These are address below with regard to the site plan and public services and facilities.

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

The 9,200 square foot addition, at the south edge of the existing facility, is located on the site with the intent of creating a seamless transition between old and new. Any improvements are well within required zoning setbacks and all utilities remain underground. As can be seen on the attached site plan, the driveway has been pushed further south proportionately with the building addition; otherwise the parking has largely stayed in place. Given the addition's location nestled between the far side of the building and an adjacent hillside, viewing corridors from all adjacent properties have been impacted minimally if at all. With the planting of landscaping consistent with existing conditions, the addition serves to better shield parking from the street while continuing the architectural character residents are accustomed to.

The careful planning of this addition has prevented expansion further into the parcel owned by the WAVE at the property's south end, helping to maintain open space in the area. While increased future enrollment cannot be predicted, it important to note that the primary intent of the addition is to better serve the existing patronage by providing a more functional family entrance and children's facilities and thus improving circulation for other members at the building's front entry.

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

While impervious surfaces are being added in the form of additional parking, the net gain, due to reconfiguration, in those surfaces is minimal in comparison to the current back parking area. The environmental impact this poses, in terms storm water, is actually improved versus the existing conditions, with the addition of on site detention systems as well as erosion control through careful grading and retaining systems where necessary. Stormwater as well as other items including sewer, fire protection, sidewalks, etc., tie directly into existing systems with enough capacity to eliminate any further impact on city resources.

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

As a community resource, the proposed addition serves to better suit the needs of its members and thus the larger community as a whole. All traffic, noise, and related adverse impacts to neighbors will remain consistent with those of the existing facility.

7. What are the proposed hours of operation?

The existing hours of operation will remain unchanged:

Winter Hours:

Monday – Friday - 5:00 AM – 10:00 PM

Saturday & Sunday - 7:00 AM – 8:00 PM

Summer Hours:

Monday – Friday - 5:00 AM – 9:00 PM

Saturday & Sunday - 7:00 AM – 8:00 PM

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

The new mass has a minimized presence due its limited height and its street frontage being obscured by grading on the site, as well as being tucked between the existing building and an adjacent hillside. This addition does not infringe upon any adjacent structures, residential neighborhoods to the west of the site, or their view to mountains beyond. The general intent of the addition is to provide visual interest, tie in all features and materials to the existing facility, while not detracting from the front of the existing facility. The addition's exterior features that contribute to massing, such as peaked canopies and window awnings, are consistent with the existing facilities and thus should not represent something foreign to members of the community. The exterior materials for the addition are consistent with the existing facility and with the intent of architectural standards.

B. PROPERTY OWNER LIST

Submit a list of names with mailing addresses of property owners within **150 feet** of the proposed use (**public street right-of-ways are not counted as part of the 150 feet**). The owner of record must appear exactly as on the official records of Flathead County. This list is obtained from the Flathead County GIS Department using the 'Adjacent Landowner Request' form.

Please See Attached List...

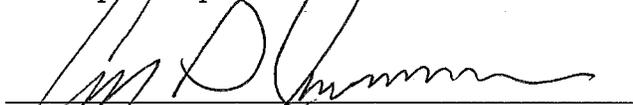
C. SITE PLAN

Submit a site plan, either drawn to scale or with dimensions added, which shows in detail your proposed use, your property lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any

unusual topographic features such as slopes, drainage, ridges, etc. Where new buildings or additions are proposed, building sketches and elevations shall be submitted.

Please See Attached Drawings...

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 Whitefish Planning & Building staff to be present on the property for routine monitoring and inspection during the approval and development process.



Applicant's Signature

4/29/13

Date

Lorsy A. JOHNSON, ARCHITECT

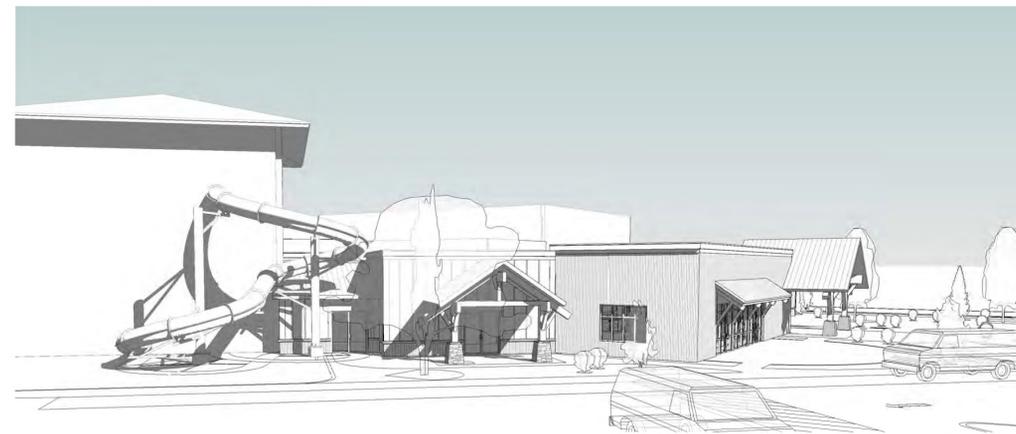
Print Name
(OWNER'S REPRESENTATIVE)



1 PERSPECTIVE RENDERING
NTS



2 PERSPECTIVE - FRONT ENTRY
A202
NTS



3 PERSPECTIVE - WEST EXTERIOR
A202
NTS

NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

REVISIONS

THE WAVE
RENOVATION & EXPANSION
WHITEFISH, MONTANA

CONDITIONAL USE
PERMIT

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CTA, INC.
ALL RIGHTS RESERVED

DRAWN BY:
CHECKED BY:
DATE: 04/26/2013
CTA # WAVEWF_RENO



SHEET
A202

REVISIONS

THE WAVE
RENOVATION & EXPANSION
WHITEFISH, MONTANA

CONDITIONAL USE
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DATE: 04/26/2013
CTA # WAVEWF_RENO

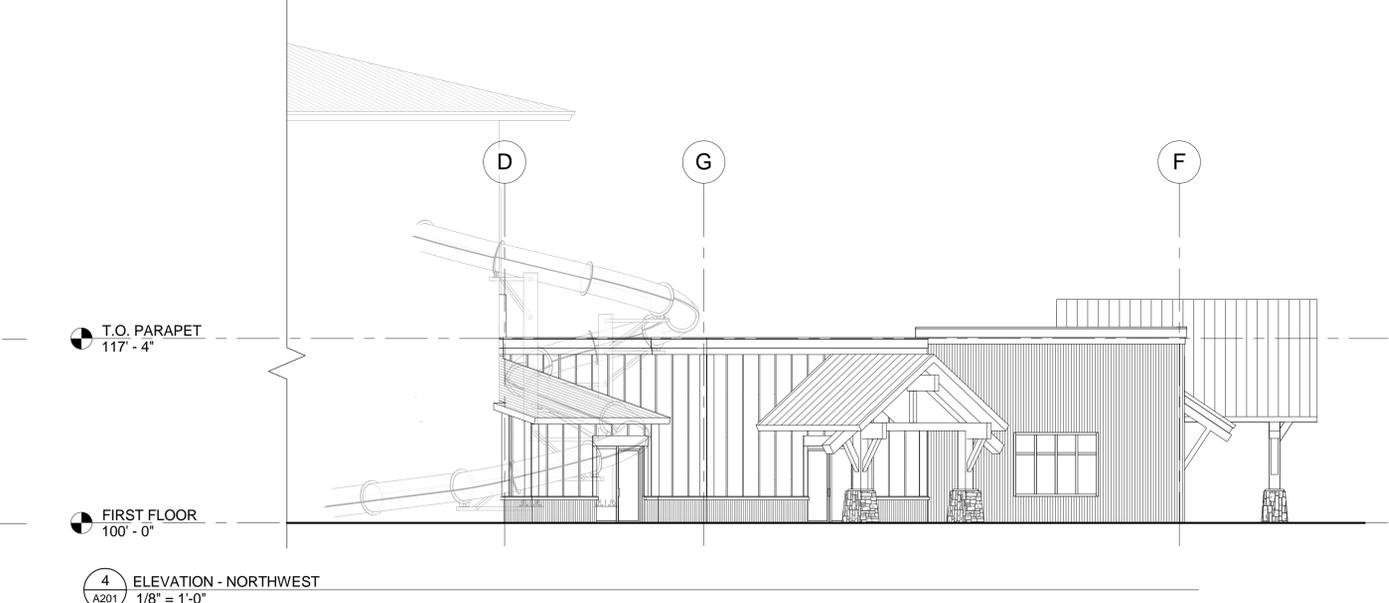
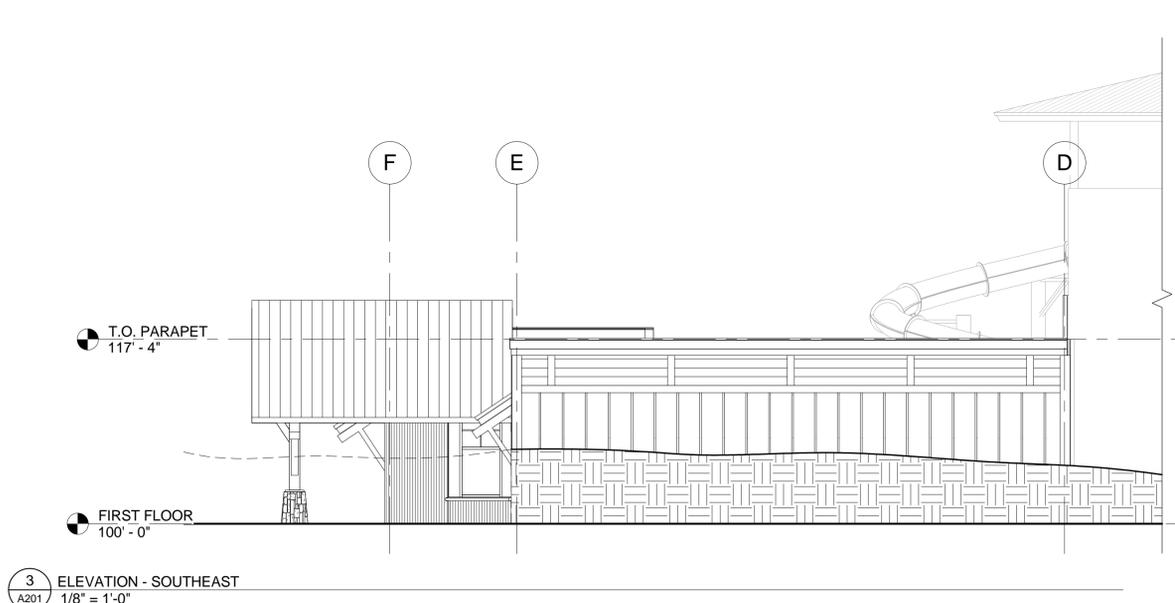
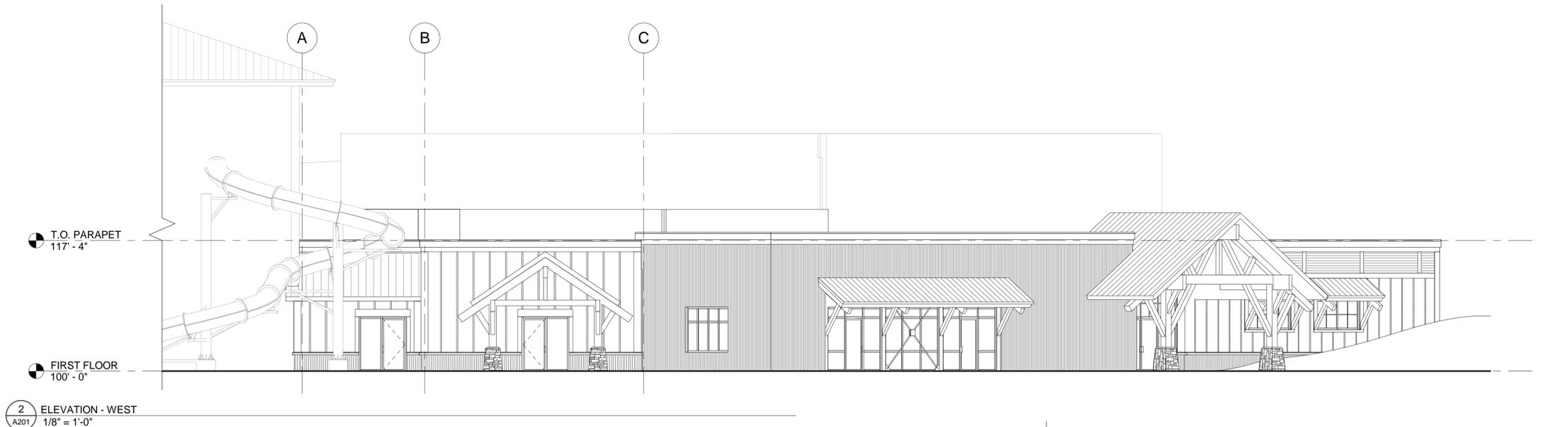
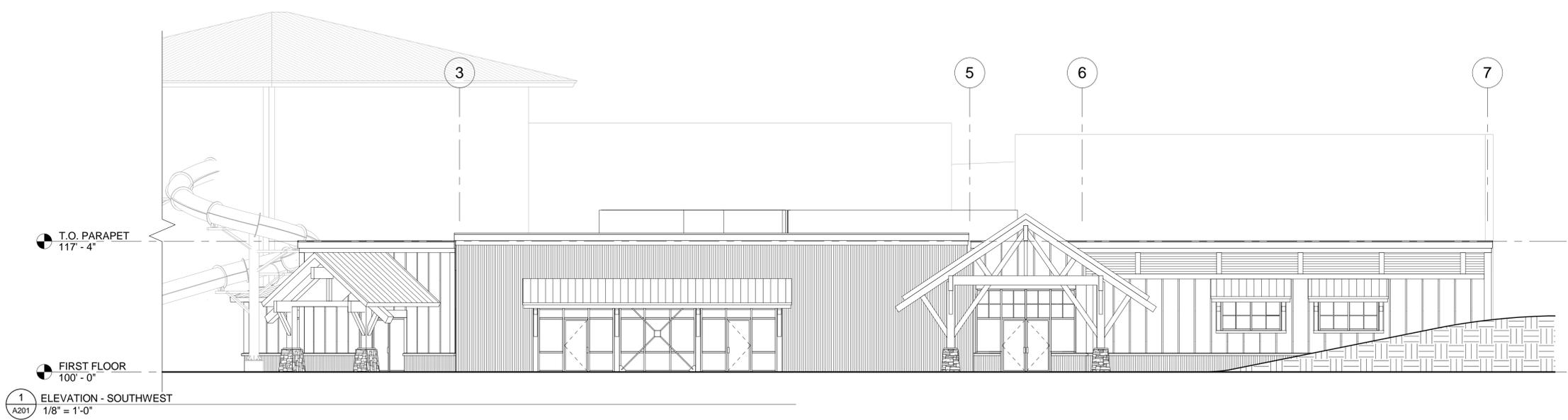


SHEET
A201

NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

MATERIALS LEGEND

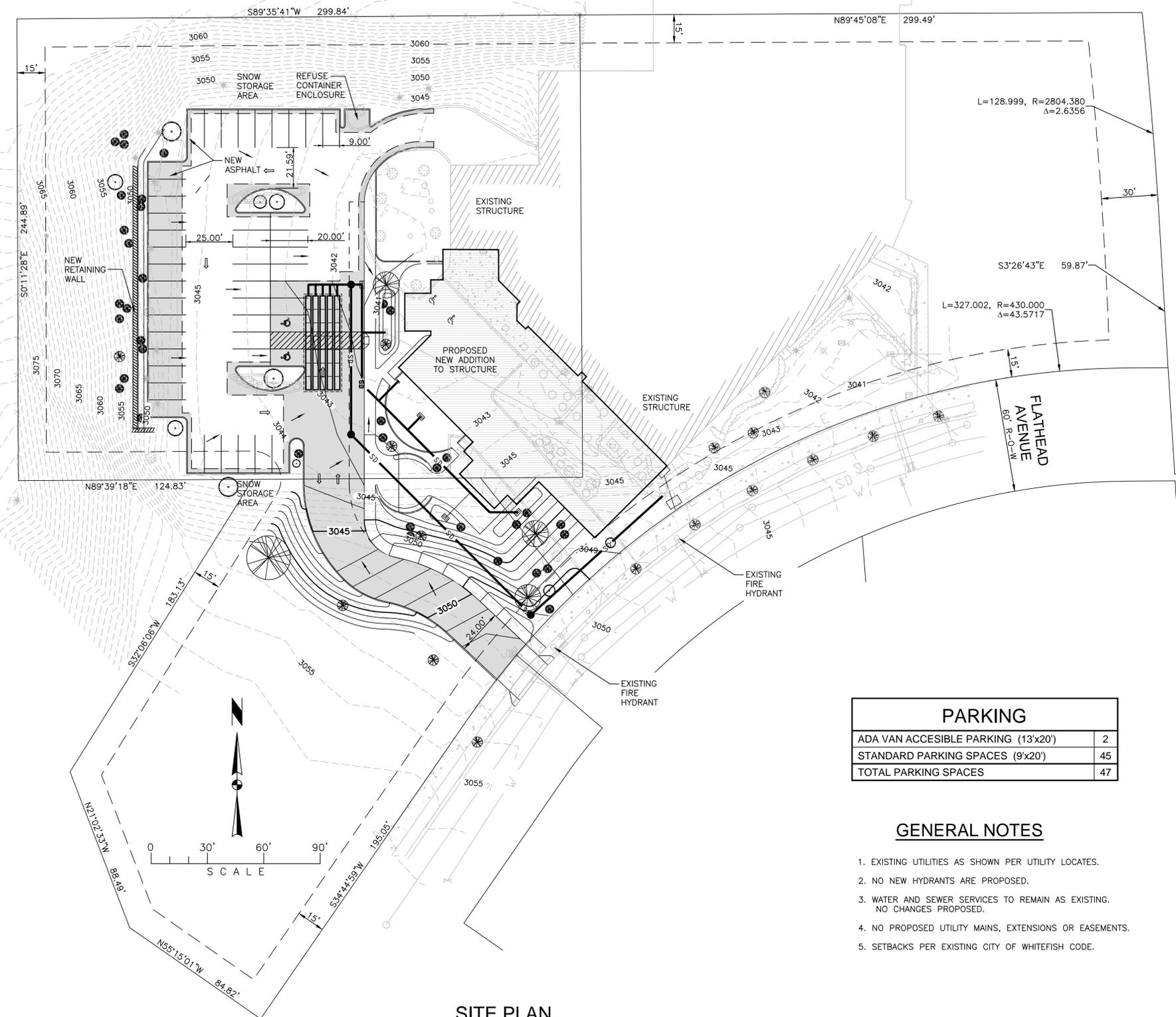
-  BOARD AND BATTEN SIDING
-  LAPPED BOARD SIDING
-  CORRUGATED KORTEN SIDING



THE WAVE ADDITION

WHITEFISH, MONTANA

SEC 01, T30 N, R.22 W, & SEC 36, T31N, R22W, P.M.M., FLATHEAD COUNTY, MONTANA

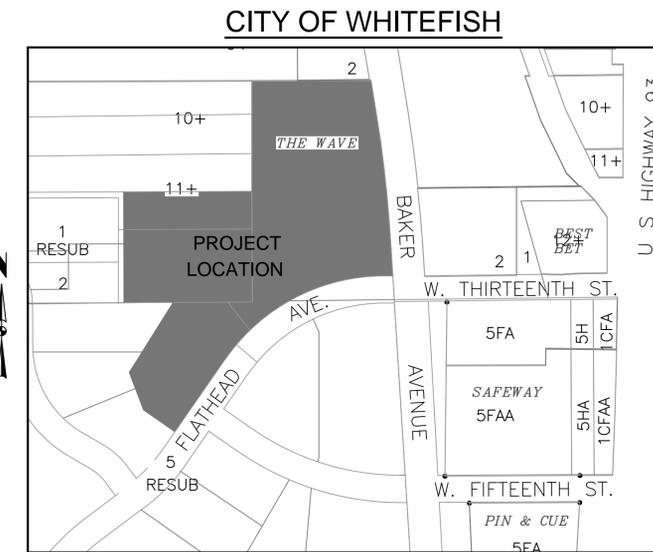


SITE PLAN

PARKING	
ADA VAN ACCESSIBLE PARKING (13'x20')	2
STANDARD PARKING SPACES (9'x20')	45
TOTAL PARKING SPACES	47

GENERAL NOTES

- EXISTING UTILITIES AS SHOWN PER UTILITY LOCATES.
- NO NEW HYDRANTS ARE PROPOSED.
- WATER AND SEWER SERVICES TO REMAIN AS EXISTING. NO CHANGES PROPOSED.
- NO PROPOSED UTILITY MAINS, EXTENSIONS OR EASEMENTS.
- SETBACKS PER EXISTING CITY OF WHITEFISH CODE.



VICINITY MAP
NO SCALE

LEGEND

NEW	EXISTING	DESCRIPTION
[Solid Grey Box]	[Hatched Box]	ASPHALT
[Solid White Box]	[Hatched Box]	BUILDING
[Dashed Line]	[Dashed Line]	SIDEWALK
[Double Line]	[Double Line]	CONCRETE CURB & GUTTER
[Single Line]	[Single Line]	STANDARD CURB
[Dashed Line]	[Dashed Line]	WB4 SETBACKS
[Dashed Line]	[Dashed Line]	GAS LINE
[Dashed Line]	[Dashed Line]	STORM DRAIN LINE
[Dashed Line]	[Dashed Line]	CONTOUR MAJOR
[Dashed Line]	[Dashed Line]	CONTOUR MINOR
[Dashed Line]	[Dashed Line]	WOODEN FENCE
[Dashed Line]	[Dashed Line]	INLET GRATE
[Dashed Line]	[Dashed Line]	TREE - DECIDUOUS
[Dashed Line]	[Dashed Line]	TREE - CONIFEROUS
[Dashed Line]	[Dashed Line]	HYDRANT
[Dashed Line]	[Dashed Line]	WATER VALVE
[Dashed Line]	[Dashed Line]	SANITARY SEWER
[Dashed Line]	[Dashed Line]	UNDERGROUND POWER
[Dashed Line]	[Dashed Line]	MANHOLE
[Dashed Line]	[Dashed Line]	UNDERGROUND CABLE
[Dashed Line]	[Dashed Line]	LUMINAIRE
[Dashed Line]	[Dashed Line]	ROCKERY RETAINING WALL
[Dashed Line]	[Dashed Line]	HEDGE
[Dashed Line]	[Dashed Line]	DRAINAGE PATTERN INDICATOR
[Dashed Line]	[Dashed Line]	TRAFFIC PATTERN INDICATOR
[Dashed Line]	[Dashed Line]	PROPERTY BOUNDARY

REVISIONS
 BY: _____ DATE: _____
 DESCR: _____
 BY: _____ DATE: _____
 DESCR: _____

THOMAS, DEAN & HOSKINS, INC.
 ENGINEERING CONSULTANTS
 MONTANA
 WASHINGTON
 IDAHO
 GREAT FALLS
 BOZEMAN
 LEWISTON



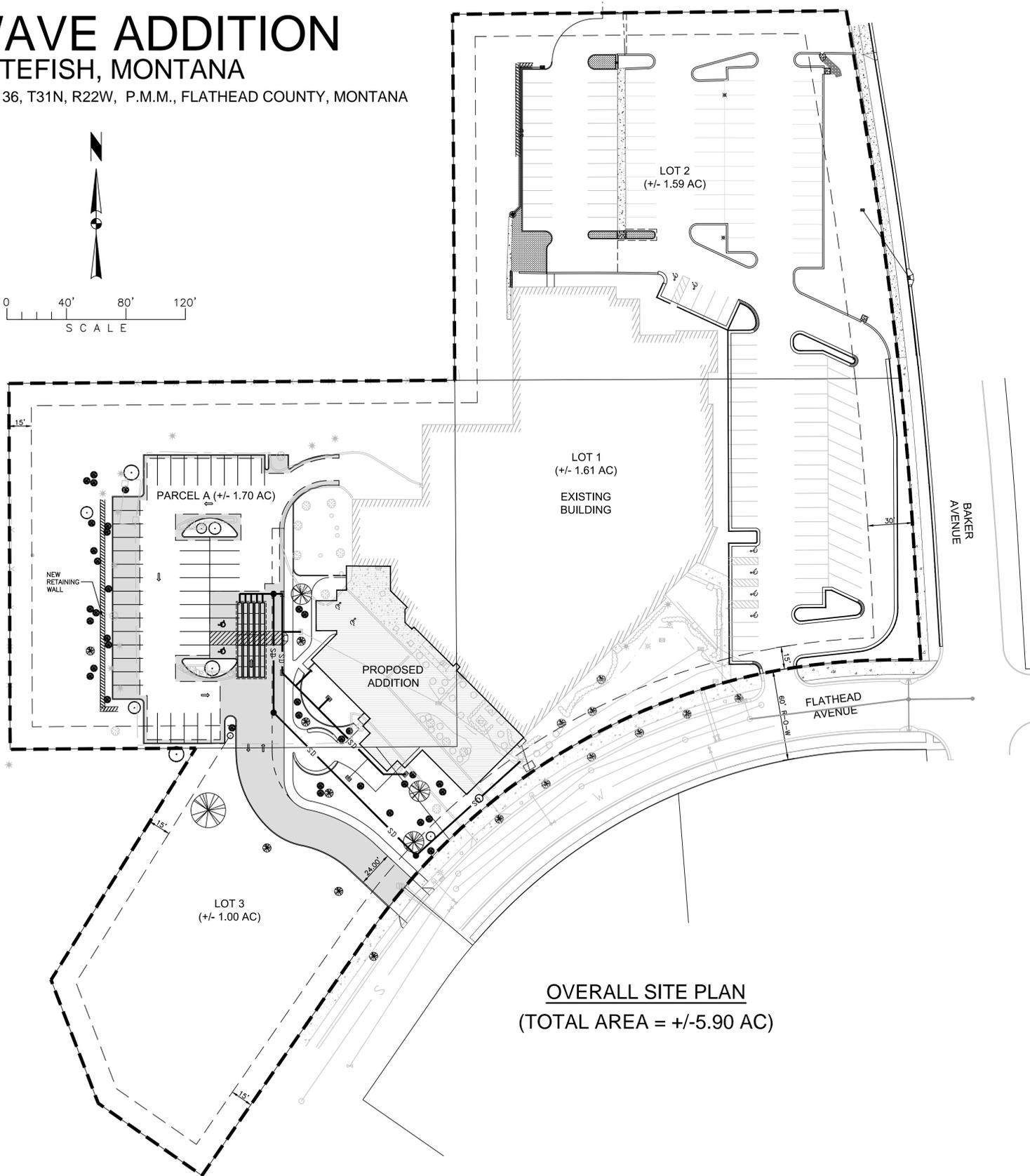
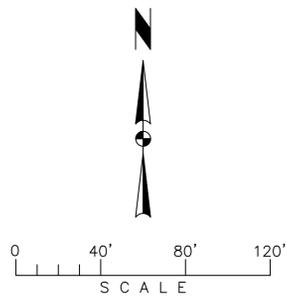
DRAWN BY: DJK
 DESIGNED BY:
 QUALITY CHECK:
 DATE: 4.17.2013
 JOB NO. K13-003
 FIELDBOOK

THE WAVE
WHITEFISH, MT
BUILDING RENOVATION & ADDITION
NEW ACCESS & SOUTHWEST PARKING LOT EXPANSION

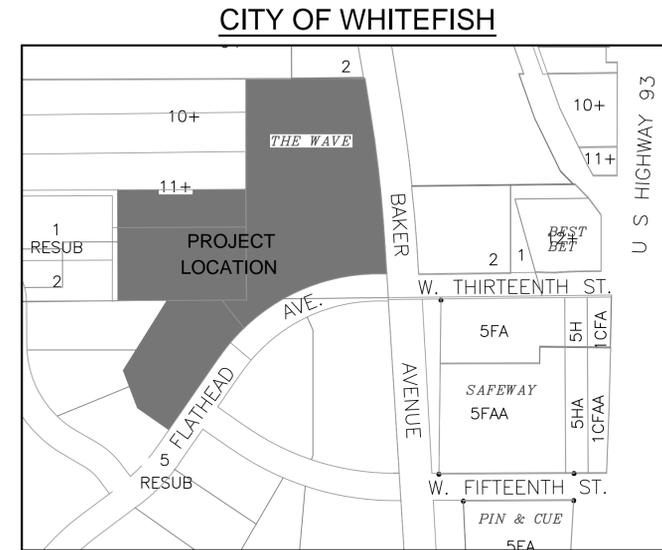
CAD NO. _____ DWG
 SHEET 1 OF 1

THE WAVE ADDITION WHITEFISH, MONTANA

SEC 01, T30 N, R.22 W, & SEC 36, T31N, R22W, P.M.M., FLATHEAD COUNTY, MONTANA



OVERALL SITE PLAN
(TOTAL AREA = +/-5.90 AC)



VICINITY MAP
NO SCALE

LEGEND

NEW	EXISTING	DESCRIPTION
[Solid Grey]	[Hatched]	ASPHALT
[Solid Grey]	[Hatched]	BUILDING
[Solid Grey]	[Hatched]	SIDEWALK
[Solid Grey]	[Hatched]	CONCRETE CURB & GUTTER
[Solid Grey]	[Hatched]	STANDARD CURB
[Solid Grey]	[Hatched]	WB4 SETBACKS
[Solid Grey]	[Hatched]	GAS LINE
[Solid Grey]	[Hatched]	STORM DRAIN LINE
[Solid Grey]	[Hatched]	CONTOUR MAJOR
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[Solid Grey]	[Hatched]	WOODEN FENCE
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[Solid Grey]	[Hatched]	TREE - DECIDUOUS
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[Solid Grey]	[Hatched]	HYDRANT
[Solid Grey]	[Hatched]	WATER VALVE
[Solid Grey]	[Hatched]	SANITARY SEWER
[Solid Grey]	[Hatched]	UNDERGROUND POWER
[Solid Grey]	[Hatched]	MANHOLE
[Solid Grey]	[Hatched]	UNDERGROUND CABLE
[Solid Grey]	[Hatched]	LUMINAIRE
[Solid Grey]	[Hatched]	ROCKERY RETAINING WALL
[Solid Grey]	[Hatched]	HEDGE
[Solid Grey]	[Hatched]	DRAINAGE PATTERN INDICATOR
[Solid Grey]	[Hatched]	TRAFFIC PATTERN INDICATOR
[Solid Grey]	[Hatched]	PROPERTY BOUNDARY
[Solid Grey]	[Hatched]	OVERALL PROPERTY BOUNDARY

REVISIONS

BY	DATE	DESCR
BY	DATE	DESCR

THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS
MONTANA
WASHINGTON
IDAHO

TD&H

DRAWN BY: DJK
DESIGNED BY:
QUALITY CHECK:
DATE: 4.17.2013
JOB NO.: K13-003
FIELDBOOK:

THE WAVE
WHITEFISH, MT

BUILDING RENOVATION & ADDITION
OVERALL SITE PLAN

CAD NO. _____ DWG
SHEET 1 OF 1

WHITEFISH

• MONTANA •

CONVENTION & VISITORS BUREAU

May 16, 2013

To: Whitefish Planning Board

RE: The Wave Expansion Request

Unfortunately, I am attending a conference out of town and was unable to attend the meeting. I am writing in support of The Wave's request to expand its facility. They are a very valuable member and valuable partner of the Whitefish Convention and Visitor Bureau. By providing support for press trips and travel writers, we are able to showcase an exceptional local amenity. They also provide passes for Whitefish High School DECA classes, and any member events we have hosted. The facility is a tremendous asset for our town and is included in marketing we do for Whitefish.

Not only do they assist the WCVB, but they also provide affordable health benefits for the entire community and scholarships for those who cannot afford it. With the expansion, they will be better able to serve the community. The Wave already donates regularly to non-profits and is involved in the Backpack Program that provides weekend food for local children in need.

On a personal note, I am a long time member of the Wave and greatly appreciate all the classes, events, and educational opportunities they provide.

I hope you will support their proposal so they can better serve the community.

Thank you.



Jan Metzmaker,
Director, WCVB



WHITEFISH
1300 Baker Ave
Whitefish, MT 59937
Tel: (406) 862-2652
FAX: (406) 862-4891

COLUMBIA FALLS
1015 9th Street West
Columbia Falls, MT 59912
Tel: (406) 892-3989
FAX: (406) 892-3999

KALISPELL
660 Sunset Blvd
Kalispell, MT 59901
Tel: (406) 755-7283
FAX: (406) 755-4436

EVERGREEN
2181 HWY 2 East Sp. 10
Kalispell, MT 59901
Tel: (406) 755-8600
FAX: (406) 755-3847

www.parksidefcu.com

Voice Response: (406) 863-9098 or toll free (888) 662-2652

5-16-2013

To whom it may concern:

I personally use the Wave on almost a daily basis and truly appreciate the facility we have here in Whitefish. The club is starting to burst at the seams and I fully support the expansion project not only as a member, but also support the expansion as a business located across the street.

We are lucky to have the Wave in our community and again I support the expansion.

Sincerely;

A handwritten signature in black ink, appearing to read "Jeremy Presta".

Jeremy Presta
Wave Member and
President/CEO of Park Side FCU (neighbor)

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



June 3, 2013

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

RE: ZINKE BED AND BREAKFAST CUP

Honorable Mayor and Council:

Summary of Requested Action: This is a request by Bruce Boody Landscape Architects on behalf of Ryan Zinke for a conditional use permit to operate a bed & breakfast called the Snowfrog Inn at 409 West Second Street. The property is zoned WR-3, Low Density Multi-family Residential.

Planning Board Action: The Whitefish City-County Planning Board met on May 20, 2013 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with two (2) revised conditions from the staff report and adopted the staff report as findings of fact. (Smith, Anderson, and Vail were absent). The revised conditions are as follows:

~~11. All parking shall be contained on site, and there shall be no overflow parking for the bed and breakfast or for special events on Highway 93 West or Third Street.~~

#11. All daily parking shall be contained on site. A parking plan for any special event shall be on file that does not include parking on Highway 93 West or Third Street.

~~12 The balcony on the south side of the building on the east lot shall be removed and shall only be an emergency exit for the 2nd floor, as required by the building code.~~

#12. The balcony on the south side of the building on the east lot serves an apartment that is for residential use either for the owners or the manager. The railing of this balcony shall be made opaque.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with eighteen (18) conditions set forth in the attached staff report, and we now recommend approval with the two new revised conditions.

Public Hearing: The property owner spoke at the public hearing in support of his project, and noted that he was dark skies compliant. He asked for two revised conditions with regard to parking and the removal of the rear deck.

Ann Shaw Moran, 432 and 436 W Third, spoke generally in favor but outlined some concerns with regard to activities, the lighting, and the mid-block crossing. Susan Prilliman, 334 W 3rd, was largely in favor but had some concerns about lighting and limiting the duration of events. She also summarized a letter from Joe Taller, 426/428 W Third, that was added to the public record. The draft minutes for this item are attached as part of this packet.

This item has been placed on the agenda for your regularly scheduled meeting on June 3, 2013. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



David Taylor, AICP, Director

Att: Exhibit A: Recommended Condition of Approval
Draft Minutes of 5-20-13 Planning Board Meeting
Photo of back deck submitted by Mr. Zinke 5/20/13

Exhibits from 5-20-13 Staff Packet

1. Staff Report, 5-20-13
2. Copy of public notice
3. Letters from neighbors (3)

The following exhibits were submitted by the applicant:

4. Conditional Use Permit Application & Supporting Materials, 4-1-13

c: w/att Necile Lorang, City Clerk

c: w/o att Bruce Boody, LA, 301 Second Street 1B, Whitefish, MT 59937

**Exhibit A
Zinke B&B CUP
WCUP 13-04
Whitefish City-County Planning Board
Recommended Conditions of Approval
May 20, 2013**

1. The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a nonresidential appearance.
2. The bed and breakfast shall be limited to six guest rooms and a live-in manager.
3. All on-site lighting shall be dark skies compliant.
4. The applicant shall secure necessary permits from the Flathead City-County Health Department for the operation of the Bed and Breakfast.
5. A family or manager must be in permanent residence and maintain full use of the kitchen and at least one bedroom.
6. Sleeping quarters and breakfast facilities shall not be allowed in an accessory building.
7. Overnight lodgers shall not have direct access to cooking facilities, although the permanent residents of the dwelling may provide breakfast service to the guests.
8. Use of the residential structure shall be limited to the exclusive use of the resident dwellers and their overnight guests. With the exception of the occasional special event such as a wedding, no other use such as a restaurant, bar, or other use which attracts non-boarding customers is permitted. No alcoholic beverages shall be sold on the premises.
9. Outdoor weddings, receptions, or parties shall go no later than 10 pm.
10. All parking shall meet the dimensional requirements and standards in the zoning, including paving and landscaping. Parking in the carport may not be used for guest parking.
11. All daily parking shall be contained on site. A parking plan for any special event shall be on file that does not include parking on Highway 93 West or Third Street.

12. The balcony on the south side of the building on the east lot serves an apartment that is for residential use either for the owners or the manager. The railing of this balcony shall be made opaque.
13. Prior to commencing the bed and breakfast use, the applicant shall schedule a site inspection with both the Building Official and the Fire Marshal and comply with any required changes.
14. The applicant shall secure a sign permit for any signage associated with the bed and breakfast and the signage shall comply with the standards of the Whitefish Zoning Jurisdiction Regulations and shall not flash, rotate, or blink.
15. Fencing and additional landscaping must be implemented as shown on the approved site plan
16. The applicant shall obtain a business license.
17. The applicant shall comply with all conditions and the Zoning Administrator shall verify that the conditions have been met prior to occupancy of the bed and breakfast.
18. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun.

**Exhibit A
Zinke B&B CUP
WCUP 13-04
Whitefish City-County Planning Board
Recommended Conditions of Approval
May 20, 2013**

1. The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a nonresidential appearance.
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6. Sleeping quarters and breakfast facilities shall not be allowed in an accessory building.
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14. The applicant shall secure a sign permit for any signage associated with the bed and breakfast and the signage shall comply with the standards of the Whitefish Zoning Jurisdiction Regulations and shall not flash, rotate, or blink.
15. Fencing and additional landscaping must be implemented as shown on the approved site plan
16. The applicant shall obtain a business license.
17. The applicant shall comply with all conditions and the Zoning Administrator shall verify that the conditions have been met prior to occupancy of the bed and breakfast.
18. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun.

ZINKE CONDITIONAL USE PERMIT REQUEST

A request by Ryan Zinke for a Conditional Use Permit to operate a bed and breakfast in an existing house at 409 West Second Street. The subject property is zoned WR-3 (Low Density Multifamily Residential).

STAFF REPORT WCUP 13-04

Planning and Building Director Taylor reported that the applicant is requesting a conditional use permit (CUP) in order to operate a Bed & Breakfast in their historic replica carriage house located at 409 West Second Street. They are requesting six rooms to rent as well as accommodations for a live-in manager, with ten proposed off-street parking spaces on the 17,800 sq ft site.

This property was part of a previous PUD application for a two-building B&B and microbrewery that the applicant withdrew prior to the December, 2012 City Council meeting. This application is for just one building, and requires no variance from B&B standards for approval.

The property is zoned WR-3 (Low Density Multi-family Residential District). The WR-3 zoning district requires a Conditional Use Permit (CUP) for Bed & Breakfasts (11-2I-3) and the Special Provisions section of the Whitefish City Code provides for specific criteria and operational requirements for Bed & Breakfast facilities (11-3-4).

The applicant is proposing to add additional landscaping on the east and south property edges and additional wood fencing along the eastern property line. The existing parking area will be paved and landscaped and ten spaces will be provided. The site plan indicated a portion of the second story deck in the back that looks down upon the neighboring property to the rear would be modified so that just egress is provided. Now the applicant would like to leave it in place for the on-site caretaker, so that condition may need to be modified. The proposal meets the intent of the regulations and the Growth Policy. Preference is given to houses that are on the National Registry. This house is not, but it is a replica of a historical home. Preference is also given to houses that front on main thoroughfares, which this is. Overnight lodgers won't have access to the cooking facilities. They may occasionally host special events like weddings. He said they received 3 letters from neighbors voicing concerns about parking for special events, concerns about the rear balcony and some lighting issues, which have been addressed with special conditions. Susan Prilliman expressed similar concerns and wished to have the deck removed and to have landscaping added. Director Taylor said Joe Taller, 428 W. 3rd also wrote expressing concerns about a center median. Director Taylor said he believes the median doesn't start until after Karrow Avenue. Staff recommends approval with 18 conditions.

PUBLIC HEARING

The public hearing was opened to those who wished to speak on the

issue.

Ryan Zinke said this is a smaller version of what he asked for before. He said the security lights do meet the Dark Skies code. He said he had the property surveyed and his fence was on his property. He said they've always proposed that the parking would not be on Third Street. He said they would have a parking plan on file that does not include parking on Second or Third Street. He said in the original proposal they agreed to modify the balcony to reduce the size. It is 3.5 feet x 7 feet and accommodates a chair and a small table. He said in this proposal that side of the building will be an apartment and there will be no change to what is was originally. He said it was built to be a B&B and the deck and back staircase meet Code. He said they are willing to make the lattice opaque so the apartment renter can't see through it. He asked the Planning Board to allow them to have the deck. He said Second Street needs some work after the major road construction and he is investing in this area. He offered recommended wording for conditions #11 and 12 and submitted it to the Board.

#11. All daily parking shall be contained on site. A parking plan for any special event shall be on file that does not include parking on Highway 93 West or Third Street.

#12. The balcony on the south side of the building on the east lot serves an apartment that is for residential use either for the owners or the manager. The railing of this balcony shall be made opaque.

Ann Shaw Moran, who owns property at 432 and 436 W. Third Street, said she reviewed the request and complimented Mr. Zinke on the many changes to this proposal. She said staff has corrected the issue on the lot coverage. She saw no mention of activities or events in the proposal. She said there are no alley buffers between the properties to the south, so the CUP should have restrictions to prevent impacts on W. 3rd Street. She said lot 11 has little lot space. She said outdoor activities must be limited to that lot because the other lot was not included in the CUP process. She said to preserve the W2 zoning it should prohibit the applicant from using W. 3rd Street for parking. She does not support a mid-street crossing. She said the applicant generally does an excellent job and she appreciates his efforts. She suggested that the lighting impacts be addressed. She thinks this project has the potential to be a benefit to the community, if the conditions are met.

Susan Prilliman, 334 W. 3rd Street, said she shares the northern boundary with the proposed B&B site. She said she is largely in favor of the project, but has a few concerns. She said the lights currently light up her whole backyard. She would like to see that addressed. She said it was preferable to have the manager live in the

apartment versus strangers. She appreciated the addition of a water feature. She has concerns about events being held at this project, especially if they have evening hours and music. She would like to see some limitation on events so neighbors will be comfortable and have some recourse if events get too frequent. She said if there are going to be frequent BBQ's it would be great if it was a gas grill and not made with lighter fluid, which has strong fumes. She said a project that works with the neighbors and honors their concerns will be well received and can integrate well into the neighborhood. She said she hopes they can work together. She summarized comments by Joe Taller, 426 and 428 W. 3rd Street, who will be moving into the neighborhood this summer. He would like to preserve the right to the quiet enjoyment of his home. He would like to limit the guest rooms to 5 instead of 6 and prevent any expansion for restaurant or bars or breweries.

Bruce Boody, landscape architect, said they passed out a few pictures of the existing conditions and said the owner has already gone to extensive lengths to provide buffering to the neighbors. If he hadn't done that the people behind him would not be enjoying the peace and quiet of their neighborhood. He said Ryan Zinke is doing everything he can to protect his neighbors. He said the balcony existed before the neighbors moved in and will be used just as it is used right now. He asked the Planning Board to allow them to leave the balcony and create an opaque railing on it.

No one else wished to speak and the public hearing was closed.

BOARD DISCUSSION

Meckel asked if they ever limited extra activities on a CUP and Director Taylor said they have limited the times of operation and required that the parking remain on site. Meckel asked and Zinke said they installed a light to light the back stairs under the carport as a motion detector. He said the City inspected it and determined that it is not malicious and meets Dark Skies standards. He said the only light that really glows is the City light on 3rd Street. Blake said he wanted to be sure they were consistent with what they required in past B&B approvals and Director Taylor said it was. Phillips asked and Susan Prilliman said she has planted some extra trees as a buffer from her side. Netteberg said she has recourse if there is a party that is too loud--she can let the City Police know.

MOTION

Blake moved and Meckel seconded Whitefish to adopt staff report WCUP 13-04 as findings of fact and recommend that Whitefish City Council approve the Zinke Conditional Use Permit to operate a bed and breakfast in an existing house at 409 West Second Street, subject to the recommended language for Conditions #11 and 12 as recommended by the applicant.

VOTE

The motion passed unanimously. (Scheduled for City Council on



submitted by Applicant 5/20/13

**RYAN ZINKE B&B
WCUP 13-04
EXHIBIT LIST
May 16, 2013**

1. Staff Report, 5-16-13
2. Copy of public notice
3. Letters from neighbors (3)

The following exhibits were submitted by the applicant:

4. Application & Supporting Materials, 4-1-13

**ZINKE BED AND BREAKFAST
STAFF REPORT
WCUP-13-04
MAY 16, 2013**

This is a report to the Whitefish City-County Planning Board and the Whitefish City Council regarding a request by Bruce Boody Landscape Architects on behalf of Ryan Zinke for a conditional use permit to operate a bed & breakfast called the Snowfrog Inn at 409 West Second Street. A public hearing is scheduled before the Whitefish City-County Planning Board on May 16, 2013 and a subsequent hearing is set before the City Council on June 3, 2013.

PROJECT SCOPE

The applicant is requesting a conditional use permit (CUP) in order to operate a Bed & Breakfast in their historic replica carriage house located at 409 West Second Street. They are requesting six rooms to rent as well as accommodations for a live-in manager, with ten proposed off-street parking spaces on the 17,800 sq ft site.

This property was part of a previous PUD application for a two-building B&B and microbrewery that the applicant withdrew prior to the December, 2012 City Council meeting. This application is for just one building, and requires no variance from B&B standards for approval.



The property is zoned WR-3 (Low Density Multi-family Residential District). The WR-3 zoning district requires a Conditional Use Permit (CUP) for Bed & Breakfasts (11-2I-3) and the Special Provisions section of the Whitefish City Code provides for specific criteria and operational requirements for Bed & Breakfast facilities (11-3-4).

The applicant is proposing to add additional landscaping on the east and south property edges and additional wood fencing along the eastern property line. They will also remove a portion of the second story deck in the back that looks down upon the neighboring property to the rear so that just egress is provided. The existing parking area will be paved and landscaped and ten spaces will be provided.



Rear of Structure

BACKGROUND INFORMATION

A. Applicant

Bruce Boody, LA
301 Second Street 1B
Whitefish, MT 59937

Owner:

Ryan Zinke
409 W Second Street
Whitefish, MT 59937

B. Size and Location:

The subject property is addressed as 409 West Second Street. The property is approximately 0.41 acres (17,800 sq ft), which exceeds the minimum 6,000 square feet required lot size for the zoning designation. Lot coverage is 3,867 square feet, or 21.7%.

The property is located on the south side of Highway 93 West. The site is described as the north 178 feet of Lot 11, Gojendes Block 2, in Section 36, Township 31 North, Range 22 West, P.M.M., Flathead County.

C. Existing Land Use and Zoning:

The lot is currently developed with a single-family residence. The property is zoned WR-3, (Low Density Multi-family Residential District).

D. Adjacent Land Uses:

North: Residential WR-3

West:	Residential	WR-3
South:	Residential	WR-2
East:	Residential	WR-3

E. Growth Policy Designation:

The Growth Policy designation for this area is High Density Residential which is intended for multi-family uses and limited commercial such as professional offices along major arterials. The WR-3 zoning is consistent with this land use designation.

F. Utilities:

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

G. Public Notice:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on April 24, 2013. A notice was mailed to advisory agencies on April 26, 2013. A notice of the public hearing was published in the *Whitefish Pilot* on May 1, 2013.

A comment letter was received from Anne Shaw Moran, 432 W Third, on May 7 (attached). That letter generally supports the project but has some concerns about lot coverage shown in the application (there was a typo), impacts and parking for special events, the presence of the proposed mid-block crossing on the site plan, reduction of the rear balcony, and lighting issues.

A comment letter was received from Susan Prilliman, 334 W Third on May 8. While generally supportive of the request, she has concerns about neighborhood character and street safety. Specifically, she wished for a condition to make sure the partial deck removal was accomplished, maximum landscaping between her property and the Zinke's, impacts from special events and parking, and complained about new lighting that she thinks may not be dark sky compliant.

A comment letter was received from Joel Taller, 428 W 3rd St on May 8 expressing concerns about a highway center barrier in front of Mr. Zinke's property causing additional traffic on W Third, supporting Mrs. Prilliman's concerns with regard to

lighting and landscaping, asking for only five bedrooms, and having concerns about special events and commercial ventures.

REVIEW AND FINDINGS OF FACT

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

1. Growth Policy Compliance:

This proposal complies with the Growth Policy's High Density Residential designation which provides for Multi-family residential uses and limited professional uses on urban lots connected to all municipal services and facilities.

Growth Policy Goal 2D in the Economic Development Chapter reads: "Develop and promote Whitefish as a year-around convention and destination resort community providing amenities for visitors and employment opportunities for area residents." A bed and breakfast near the downtown fits that goal.

Finding 1: The proposed use complies with Growth Policy Designation of High Density Residential and advances economic development goals for accommodating the growing visitor industry.

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

The underlying zoning is WR-3, Low Density Multi-family Residential District. The WR-3 district is intended for higher density residential purposes and for limited nonresidential uses that are compatible with a residential setting connected to municipal utilities and services. Conditionally permitted uses include Bed & Breakfasts.

The development proposal is consistent with the purpose and intent of the applicable regulations. The site is already developed with a large single family residence, landscaping and parking which exceeds the requirement for the existing residence. With the proposed paved parking area and additional landscaping, the proposal meets the requirements of the zoning regulations for setbacks, parking and site suitability. The applicant is not requesting any deviations from the standards.

Section 11-3-4-B states preference is given to Bed & Breakfast uses located on collector or arterial streets. The subject property is located along a major arterial, Highway 93 West. The property is in a location suitable for the proposed use due to its proximity to downtown and pending new bike and pedestrian paths. It provides for plenty of off-street parking, open space and they are proposing additional landscaping which minimizes the effects on the existing neighborhood. There is no

limitation on the number of bedrooms a bed and breakfast has, provided it fits in an existing building and meets off street parking standards.

Finding 2: The proposed use complies with the zoning regulations and intent for the WR-3 district based on conditionally permitted uses for Bed & Breakfasts.

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

Adequate usable land area: The tract is approximately 0.41 acres in size. The two-story residence sits on the rear half of the property. There is parking in the front yard along the highway.

Access that meets the standards set forth in these regulations, including emergency access: Access to the site is existing, off of Highway 93 W.

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: There are no apparent physical hazards or sensitive areas on the property. The proposed site is not located within the 100-year floodplain or other geological hazard. The property is flat and is not considered as a steep slope or hazardous for development.

Finding 3: The subject property is suitable for the proposed development with no environmentally sensitive areas present and the property provides ample room for open space. The access to the property is suitable for patrons and emergency services.

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

Parking: A bed and breakfast is required to have two spaces for the resident manager, one space per outside employee at maximum shift and one space per rental unit. In this case, if the bed and breakfast has a maximum of six rentable rooms, a live-in manager, and two outside employees, the site would be required to have ten parking spaces. The applicant has submitted a site plan showing ten spaces. The parking spaces shall meet the parking standards found within the zoning regulations, including paving. Parking in the carport is for the live-in manager.

Circulation: The circulation will come from Highway 93 West.

Open Space: According to the site plan, the applicant has a footprint of approximately 2900 square feet for lot coverage of 16%. The zoning regulations allow a maximum coverage of 40% in the WR-3 zoning District.

Landscaping and Screening: The property is extensively landscaped at a residential scale.

Signage: Signage is required to follow the city sign code regulations and obtain a permit for any signage associated with the Bed & Breakfast.

Undergrounding of new and existing utilities: The utilities are existing on-site.

Finding 4: The quality and functionality of the proposed development requires minimal modifications to the existing site (paving, some fencing and additional landscaping). Parking and circulation are adequate.

5. Availability and Adequacy of Public Services and Facilities.

Sewer and water: The property is served by municipal sewer and water.

Stormwater Drainage: No development is associated with the request so a drainage plan is not required.

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

Fire Protection: The Whitefish Fire Department serves the site and response times and access are good.

Streets: The subject property is accessed off of Highway 93 West. The highway has clear site distance to provide for the accessing the road from the property.

Finding 5: Municipal services are currently in use on-site. Response times for police and fire are not anticipated to be affected due to the existing development. The property has adequate access to highway right-of-way.

6. Neighborhood/Community Impact:

Traffic Generation: Highway 93 West is a major arterial that serves traffic from Canada south to Whitefish and beyond. Traffic generated by the B&B will have minimal impact to traffic totals.

Noise or Vibration: No additional noise or vibration is anticipated to be generated from the proposed use.

Dust, Glare, or Heat: No impact is anticipated beyond what would be expected from the use currently onsite.

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

Hours of activity: The hours are typical of residential use. A condition will be placed that limits special events past 10 pm.

Finding 6: Negative impacts on noise, dust, smoke, odor or other environmental nuisances are not expected to be associated with the use.

7. Neighborhood/Community Compatibility:

Structural Bulk and Massing: The structure is existing and no alterations to the exterior are planned.

Scale: The scale of the structure is a large existing residential building but is not out of scale with other houses in the surrounding area.

Context of Existing Neighborhood: The existing neighborhood contains single family residences, multi-family residences, professional offices, and non-conforming uses such as a convenience store and veterinary clinic. The proposed use is not expected to impact or change the character of the existing neighborhood. The proposed use is consistent with the zoning and uses allowed.

Density: The proposed use would not alter the density of the area.

Community Character: The proposed use will not alter the community character. The use, which is more residential than commercial in nature due to the operation requirements, is in-line with the adjacent and surrounding uses.

Finding 7: The project is compatible with the existing uses in the neighborhood and is consistent with the designs, size and density of the immediate area.

Additionally, this project is reviewed based on the following Bed & Breakfast Establishments requirements of 11-3-4:

- A. *The operation of a bed and breakfast shall be limited to single-family houses. Preference is given to houses on, or eligible to be placed on, the National Register of Historic Places.*

Finding 8: The proposal is in a single family house that, while not on the National Register of Historic Places, resembles a historic carriage house.

- B. *Preference is given to bed and breakfast uses on collector and arterial streets.*

Finding 9: The bed and breakfast will be on a major arterial, Highway 93 West.

C. The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a nonresidential appearance.

Finding 10: While the applicant recently added a dormer window to the structure, the structure will not be modified further to provide sleeping rooms or look non-residential.

D. Signage shall be architecturally compatible to the residence and shall not flash, rotate or blink.

Finding 11: All proposed signage will be reviewed when a required sign permit is obtained.

E. A family or manager must be in permanent residence and maintain full use of the kitchen and at least one bedroom.

Finding 12: A live-in manager is being proposed for the facility that will maintain use of the kitchen.

F. Sleeping quarters and breakfast facilities shall not be allowed in an accessory building.

Finding 13: No sleeping quarters or breakfast facilities will be allowed in accessory buildings.

G. Overnight lodgers shall not have direct access to cooking facilities although the permanent residents of the dwelling may provide breakfast service to the guests.

Finding 14: Overnight lodgers will not have access to cooking facilities. Breakfast may be provided by the live-in manager.

H. Use of the residential structure shall be limited to the exclusive use of the resident dwellers and their overnight guests. No other use such as a restaurant, bar, or other use which attracts nonboarding customers is permitted. No alcoholic beverages will be sold on the premises.

Finding 15: Conditions will be placed on approval that limits the use to dwellers and their guests, with the exception of the occasional special event such as a wedding. No alcoholic beverages will be sold on the premises.

SUMMARY

Staff finds that the project meets the development requirements for Bed and Breakfast Establishments found in 11-3-4, the Conditional Use Permit requirements found in 11-7-8, and is consistent with the adopted 2007 Whitefish City-County Growth Policy.

RECOMMENDATION

It is recommended that Whitefish City-County Planning Board adopt the staff report WCUP-13-04 and findings-of-fact and recommend to the Whitefish City Council the conditional use permit for Ryan Zinke be **approved** subject to the following conditions:

1. The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a nonresidential appearance.
2. The bed and breakfast shall be limited to six guest rooms and a live-in manager.
3. All on-site lighting shall be dark skies compliant.
4. The applicant shall secure necessary permits from the Flathead City-County Health Department for the operation of the Bed and Breakfast.
5. A family or manager must be in permanent residence and maintain full use of the kitchen and at least one bedroom.
6. Sleeping quarters and breakfast facilities shall not be allowed in an accessory building.
7. Overnight lodgers shall not have direct access to cooking facilities, although the permanent residents of the dwelling may provide breakfast service to the guests.
8. Use of the residential structure shall be limited to the exclusive use of the resident dwellers and their overnight guests. With the exception of the occasional special event such as a wedding, no other use such as a restaurant, bar, or other use which attracts non-boarding customers is permitted. No alcoholic beverages shall be sold on the premises.
9. Outdoor weddings, receptions, or parties shall go no later than 10 pm.
10. All parking shall meet the dimensional requirements and standards in the zoning, including paving and landscaping. Parking in the carport may not be used for guest parking.
11. All parking shall be contained on site, and there shall be no overflow parking for the bed and breakfast or for special events on Highway 93 West or Third Street.
12. The balcony on the south side of the building on the east lot shall be removed and shall only be an emergency exit for the 2nd floor, as required by the building code.

13. Prior to commencing the bed and breakfast use, the applicant shall schedule a site inspection with both the Building Official and the Fire Marshal and comply with any required changes.
14. The applicant shall secure a sign permit for any signage associated with the bed and breakfast and the signage shall comply with the standards of the Whitefish Zoning Jurisdiction Regulations and shall not flash, rotate, or blink.
15. Fencing and additional landscaping must be implemented as shown on the approved site plan
16. The applicant shall obtain a business license.
17. The applicant shall comply with all conditions and the Zoning Administrator shall verify that the conditions have been met prior to occupancy of the bed and breakfast.
18. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun.

To Whom It May Concern:

5.8.2013

Re: Ryan Zinke's Application for a B&B at 409 W 2nd Street

I am a neighbor who has two residences in close proximity to Mr. Zinke's proposed project. Our home and parcel is located at 426 and 428 W. 3rd Ave. I have a few concerns with the project and feel they need to be addressed or clarified before this project is approved.

The first concern is the additional traffic that 3rd street will see due to the DOT proposal to construct a center barrier in front of Mr. Zinke's property. This barrier will directly result in additional traffic down our street. How can this be monitored, resolved?

The second concern is lighting and privacy issues per Mrs. Prilliman's letter. Please see her comments..... "For the last several weeks the Zinke's have frequently kept their exterior lights on (sometimes all night) of the house they wish to turn into a B&B. New lights have recently been added under the carport, one of which has been directed over the fence and into my yard. While I appreciate the safety issues of leaving lights on, these lights have become excessive, and I do not believe they comply with the Whitefish Dark Sky Ordinance. I ask that the lights be brought into conformance with the ordinance in terms of the types of fixtures and the wattage, as this is another issue of privacy and respect among neighbors". Again I ask what types of conditions can be placed in his use permit to monitor this concern. In addition to providing landscaping on his property, Mr. Zinke should offer to provide additional landscape on neighboring properties within reason.

Lastly is a request to limit the number of bedrooms from Six to Five. I have been told that the zoning allows for up to five rooms but they are asking for six. By allowing six at this point, does it set the platform for a future request of a future commercial request? I would like to see some language that states all future rights for commercial ventures such as restaurants, bars, breweries, or an event center to hold evening functions (weddings, b-days etc.) will not be allowed.

I hope that the Zinke's and the City Council will take our requests and concerns to heart and that everyone can be comfortable with the outcome.

Regards,

Joel Toller, 428 W. 3Rd St. Whitefish, MT

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

May 7, 2013

David Taylor, Planning Director
Whitefish City/County Planning Board Members
City of Whitefish
Whitefish, MT 59937

Dear Director Taylor and Planning Board Members:

I have reviewed Ryan Zinke's Bed and Breakfast Inn conditional use permit request and would like to compliment him on the many improvements in neighborhood compatibility incorporated in this application.

I have the following comments to offer on the application and proposed conditional use permit (CUP), as follows:

- 1) In looking at the site plan and the application, I am wondering if perhaps there may be a minor error in the "Actual Lot Coverage" calculation in the application? Perhaps I am misreading it, but the percentage there does not appear to coincide with what is actually depicted on the site plan.
- 2) I saw no mention of activities/events in the application proposed for the permit and this would be one area of serious concern. Predictability in this respect is key for neighborhood support. Given that there are no alley buffers between the WR3-zoned proposed project area and the contiguous WR2- zoned properties to the south and to assure the neighbors who have invested in the more restrictively-zoned property that this project will truly be low-impact, the CUP should incorporate restrictions sufficient to limit any event-related impacts on those contiguous neighboring WR2-zoned residential area properties (West Third Street), or the character of our neighboring Third Street area will be jeopardized. Because Lot 11 has little outdoor space and parking is limited to what will serve the B&B Inn, I would assume that any outdoor activities/events will be prohibited or correspondingly limited (perhaps to the north side of Lot 11). (The applicant's other lot to the west of Lot 11 was not included in the application project area nor was it included in generating the CUP scoping list, so if that outdoor space is anticipated for use, the scoping and CUP process would need to be revised and/or amended to accommodate it.)

- 3) In order to preserve the WR2 zoning and character of the contiguous West Third Street neighborhood, the conditional use permit stipulations should include restrictions prohibiting the applicant from using West Third Street for parking and/or any kind of event/activity overflow.
- 4) The site plan depicts a mid-block cross-walk on Hwy 93. I am wondering if this is perhaps an artifact from the prior PUD site plan? The Montana Department of Transportation has recently confirmed to me that they have duly reviewed this request, with their official determination and response being that it is declined. For the safety reasons previously stated, I do not support such a crossing as a necessary component of this or any future project proposal. (Please see my prior comments as submitted on the applicant's withdrawn PUD request detailing my specific concerns.)
- 5) The applicant has done an outstanding job in revising this proposal to make it more consistent with the existing neighborhood environment. When Mr. Zinke does a construction or landscaping project, he generally does an excellent job and I anticipate that this will be no exception. His proposals to reduce the size of the south balcony (and limit its use to safety egress), as well as incorporate buffer landscaping and water features, are excellent and critical mitigations for neighbors, and should be reflected in the CUP requirements for the project. I would also suggest that lighting impacts be addressed on the south side of the property, given its height and proximity to the WR2-zoned residential properties along that boundary.

If the above items are addressed through the CUP stipulations, I think this project has the potential to be a compatible and productive addition to both the neighborhood and the local economy. I appreciate Mr. Zinke's earnest efforts to come up with a more neighborhood-compatible proposal for this property's development.

Sincerely,

Anne Shaw Moran
432 and 436 W. Third Street

May 8, 2013

Attn: David Taylor, Planning Director
Whitefish City/County Planning Board Members

Re: Ryan Zinke's Application for a B&B at 409 W 2nd Street

My home at 334 W 3rd Street shares its northern boundary with the proposed B&B site. My comments on this project are mostly positive, as it appears to be largely compatible with current zoning and consistent with Whitefish requirements for a B&B establishment. I do continue to have a few concerns for the character of our neighborhood and the safety of our street.

I'm glad to see that both the project map and Mr. Zinke's application address the removal of a portion of the building's south-facing balcony which overlooks my back yard. I understand that stairs will likely remain, but I want to be assured that what stays cannot be used for lingering/smoking or anything other than emergency exit purposes. I recommend that Mr. Zinke's conditional use permit reflect this limitation.

The map of the proposed project shows enhanced planting to provide screening on both the east and south sides of the building. Due to such immediate proximity between our back yards – and the clarity with which noise travels between our properties - I hope these plantings will be maximized to provide as much noise buffer as possible. The plantings will also be important to discourage activity on these sides of the house. I am happy to see a water feature in the southwest corner, as again the proximity will require whatever means possible to provide privacy and noise buffer.

While W 2nd Street may accommodate some mixed uses over the years, this corridor is still primarily residential. W 3rd Street is 100% residential and will likely remain that way. There are both owner- and renter-occupied homes here, and in both cases the residents love their quiet enjoyment of their homes and have come to this street for its family and country atmosphere. We have no alley between properties on the north side of W 3rd Street and the south side of W 2nd Street. The proposed B&B building is set back very close to my property line, and therefore the greatest impact may be felt from my back yard and the property of Laira Fonner.

I will have renters living in my home on W 3rd Street for a limited period, but I am as concerned for their rights to quiet and privacy as I have been for my own. I know that Mr. Zinke has expressed concerns for his own quiet enjoyment of his home, and I only ask that he and his live-in manager and guests show this same concern and respect for the surrounding neighbors. I am certain that the guests would like to enjoy a peaceful environment as well. With a higher occupancy than any typical home and the fact that revolving guests will not form relationships as neighbors do with neighbors, this is still a concern.

There is no mention of events being held at the proposed B&B. There is only enough parking there to accommodate the guests, the manager and two outside employees. The character of W 3rd Street would be changed irreparably if events were allowed, forcing overflow traffic to our street. Our neighborhood comes alive with children who ride bikes, tricycles, skateboards, etc. on the street and who play on or near the street. Extra traffic and parking would come with huge safety concerns. The B&B and its guests will be much better received and welcomed into our neighborhood if the quiet and character of our streets and homes are respected.

My last comment has to do with lighting. For the last several weeks the Zinkes have frequently kept the exterior lights on (sometimes all night) of the house they wish to use as a B&B. This is new behavior, and there has been no response to any communication I have sent to them. New additional lights have recently been installed under the carport, and one of these lights has been directed over the fence and into my yard and back bedrooms. These lights have become excessive (at least 7 light fixtures contribute to the "lighting up" of my property), and I do not believe they comply with the Whitefish Dark Sky Ordinance. I recommend that the conditional use permit for this project include some restrictions regarding the number of lights and hours of use, as well as a requirement to conform with the City Ordinance for wattage and types of fixtures. This is another issue of privacy and respect among neighbors and will greatly affect the level of acceptance of this new use in our neighborhood.

I wish the Zinkes well on their project, and I hope that it is done in such a way that it integrates well with our quiet neighborhood - and especially with the private homes that are so close.

Sincerely

Susan Prilliman
334 W 3rd Street

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

APPLICATION FOR CONDITIONAL USE PERMIT
CITY OF WHITEFISH

FEE ATTACHED \$1,980.00 (See current fee schedule)

OWNER(S) OF RECORD:

Name: Ryan Zinke

Mailing Address: 409 W. Second Street

City/State/Zip: Whitefish, MT 59937

Phone: (406) 871-7672

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: Bruce Boody, Bruce Boody Landscape Architect, Inc.

Mailing Address: 301 Second Street, Suite 1B

City/State/Zip: Whitefish, MT 59937

Phone: (406) 862-4755

Name: Rich DeJana

Mailing Address: PO Box 1757

City/State/Zip: Kalispell, MT 59903

Phone: (406) 752-4120

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street	Sec.	Town-	Range
Address: 409 W. Second Street	No. 36	ship T31N	No. R22W

Subdivision	Tract	Lot	Block
Name: Gojendes	No(s). _____	No(s). 11(N 178)	No. 2

DESCRIBE PROPOSED USE: Bed & Breakfast Establishment

ZONING DISTRICT: WR-3

CHAPTER 7 OF TITLE 11 WHITEFISH ZONING REGULATIONS REQUIRES THE FOLLOWING:

- A. FINDINGS - The following criteria form the basis for approval or denial of the Conditional Use Permit. The burden of satisfactorily addressing these criteria lies with the applicant. Review the criteria below and, on a separate sheet of paper,

discuss how the proposal conforms to the criteria. If the proposal does not conform to the criteria, describe how it will be mitigated.

1. Describe how the proposal conforms to the applicable goals and policies of the Whitefish City-County Growth Policy.
2. Describe how the proposal is consistent with the purpose, intent and applicable provisions of the regulations.
3. How is the property location suitable for the proposed use? Is there adequate usable land area? Does the access, including emergency vehicle access, meet the current standards? Are environmentally sensitive areas present on the property that would render the site inappropriate for the proposed use?
4. How are the following design issues addressed on the site plan?
 - a. Parking locations and layout
 - b. Traffic circulation
 - c. Open space
 - d. Fencing/screening
 - e. Landscaping
 - f. Signage
 - g. Undergrounding of new utilities
 - h. Undergrounding of existing utilities
5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
 - a. Sewer
 - b. Water
 - c. Stormwater
 - d. Fire Protection
 - e. Police Protection
 - f. Street (public or private)
 - g. Parks (residential only)
 - h. Sidewalks
 - i. Bike/pedestrian ways – including connectivity to existing and proposed developments
6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.
 - a. Excessive traffic generation and/or infiltration of traffic into neighborhoods
 - b. Noise, vibration, dust, glare, heat, smoke, fumes, odors
7. What are the proposed hours of operation?
8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:
 - a. Structural bulk and massing
 - b. Scale
 - c. Context of existing neighborhood
 - d. Density
 - e. Community Character

B. PROPERTY OWNER LIST

Submit a list of names with mailing addresses of property owners within 150 feet of the proposed use (**public street right-of-ways are not counted as part of the 150 feet**). The owner of record must appear exactly as on the official records of Flathead County. This list is obtained from the Flathead County GIS Department using the 'Adjacent Landowner Request' form.

C. SITE PLAN

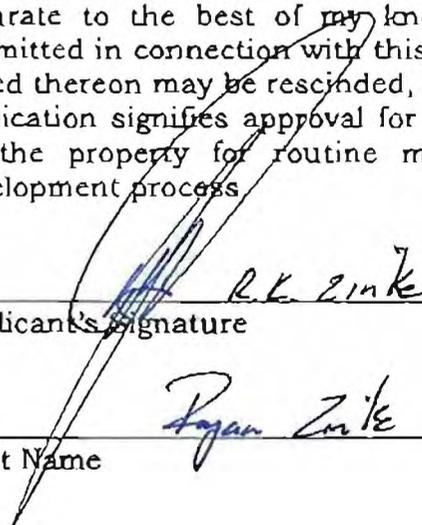
Submit a site plan, either drawn to scale or with dimensions added, which shows in detail your proposed use, your property lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges,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

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 Whitefish Planning & Building staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant's Signature

Date

Print Name


R. K. Zinke
Ryan Zinke

29 MAR 13

Continental Divide Inns LLC
Application for Conditional Use Permit
Lot 11, Gojendes Tracts

List of Exhibits

Exhibit A – Bed & Breakfast Conceptual Site Plan

Project Description

The proposed CUP addresses the north 178’ of Lot 11 (Gojendes Tracts) which currently contains a replicated historic home/carriage house which will be converted into a Bed & Breakfast establishment (Snowfrog Inn). See Exhibit A at the end of this document for proposed design concepts.

It is the desire of the applicant to restore and improve the appearance and character of the Highway 93 Northern corridor into the City of Whitefish by preserving historic structures and creating a neighborhood friendly business on property that has been in his family since the early 1930s. Once dominated by well maintained single family homes, West Second Street has witnessed a significant decline in recent years due in part to increased traffic



volume, dilapidated structures, fewer owner-occupied residences, and a lack of safe walkways. While the planned highway project along the corridor will include many needed improvements, the widening of the highway and the high traffic volume will continue the trend of making the properties fronting the highway less desirable for single-family homes. These changes have been recognized by the City of Whitefish as evidenced by the existence of numerous businesses and special conditions in the zoning of West Second Street. By converting the existing single-family home to a Bed and Breakfast Inn, the corridor entering Whitefish will be enhanced by the preservation of a replicated historic structure and improvements of existing landscaping and gardens. The new use will be established with no measurable negative impact to the surrounding neighborhood. Traffic will enter and exit the site via 2nd Street and there will be ample on-site parking provided. Completion of this project is anticipated within one year of the completion of the Lupfer to Karrow segment of the Highway 93 project.

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

“New growth will provide opportunities for new urban forms to emerge. We welcome new and infill development that is compatible with the character and qualities of Whitefish, that respects existing neighborhoods, and that maintains connections to existing and planned streets, pathways, schools, parks and open spaces (page 10, Whitefish Growth Policy).”

The applicant believes that the proposed CUP represents an improvement for Whitefish and represents the type and scale of infill development / redevelopment envisioned by the authors of the Growth Policy – particularly in light of its location in a neighborhood and highway corridor in transition. The project site is

served by existing city streets, utilities and services; the architecture and scale of the improvements proposed within the project are compatible with the neighborhood in which they are located.

The following are goals enumerated in the Growth Policy that are met or furthered by the proposal:

ECONOMIC DEVELOPMENT GOALS:

- Maintain a healthy and vibrant base economy that sustains an influx of dollars into the community.
- Seek ways to diversify the local base economy with compatible business and industries such that the character and qualities of Whitefish are protected.
- Develop and promote Whitefish as a year-round convention and destination resort community providing amenities for the visitor and employment opportunities for area residents.

The applicant believes that the proposed project will contribute to the overall health of the community by offering small scale unique accommodations. It is anticipated that 3 to 4 new jobs with benefits will be created.

FUTURE LAND USE GOALS

- Protect and preserve the special character, scale and qualities of existing neighborhoods while supporting and encouraging attractive, well-designed, neighborhood compatible infill development.

The applicant believes that the use of this property and structure for the B&B establishment will help set the character for this evolving highway corridor.

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

The zoning of the site is **WR-3, Low Density Multi-Family Residential**. Within this district, in addition to residential uses, certain non-residential uses are allowed as Conditional Uses. Among the conditionally-permitted uses in the WR-3 district is the following:

Bed and Breakfast establishments.

A Bed & Breakfast establishment is allowed as a conditionally-permitted use in an appropriately located WR-3 district. Bed & Breakfast establishments must conform to Parking requirements, signage (Old Town District) and landscaping requirements.

The B&B conforms to the Standards for B&B establishments set forth in 11-3-4:

11-3-4: BED AND BREAKFAST ESTABLISHMENTS:

- A. The operation of a bed and breakfast shall be limited to single-family houses. Preference is given to houses on, or eligible to be placed on, the National Register of Historic Places.
- B. Preference is given to bed and breakfast uses on collector and arterial streets.
- C. The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a nonresidential appearance.
- D. Signage shall be architecturally compatible to the residence and shall not flash, rotate or blink.
- E. A family or manager must be in permanent residence and maintain full use of the kitchen and at least one bedroom.
- F. Sleeping quarters and breakfast facilities shall not be allowed in an accessory building.
- G. Overnight lodgers shall not have direct access to cooking facilities although the permanent residents of the dwelling may provide breakfast service to the guests.
- H. Use of the residential structure shall be limited to the exclusive use of the resident dwellers and their overnight guests. No other use such as a restaurant, bar, or other use which attracts nonboarding customers is permitted. No alcoholic beverages will be sold on the premises. (Ord. A-407, 3-15-1982; amd. Ord. 05-25, 11-21-2005)

The proposed development conforms to the WR-3 zoning standards permitted uses and conditional uses, applicable property development standards;

	<u>Required</u>	<u>Existing</u>
Minimum Yard Space:	Front: 25' Side: 10' Rear: 20'	25' 11.25' 22.5'
Maximum Height:	35'	
<u>Permitted Lot Coverage:</u>	40%	
Existing Total Lot Area:	0.41 acre/17,800 sf	
Existing Total Covered Area	0.09 acre/3,867sf	
Actual Lot Coverage	= 21.7%	

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

The proposed use fits with the evolving character of 2nd Street, which has seen significant changes in use over the years. The proposed establishment preserves the historic character of the existing structure, and maintains the integrity of the landscape and gardens to the extent possible. There is adequate usable land

area to accommodate the proposed use and access and parking requirements. The proposed B&B establishment meets or exceeds the underlying WR-3 zoning standards. The existing and proposed lot covered is only 16%. Access to the proposed establishment is from 2nd Street meets emergency vehicle access standards. There are no environmentally sensitive areas on the property.



Existing parking area & proposed B&B

4. How are the following design issues addressed on the site plan?

a. Parking locations and layout – Parking requirements for a Bed and Breakfast establishment dictate 2 spaces for the resident family/manager (located in the carport); 1 space per room rented (6 parking spaces); and 1 space for each 2 outside employees per maximum shift (2 parking spaces). There are 10 total spaces required and shown on the plan (2 covered and 8 uncovered spaces). See Exhibit A.

b. Traffic circulation – Vehicular access is from 2nd Street (US Highway 93). This access will be improved with the rebuild of this section of Highway 93 in 2013-2014.

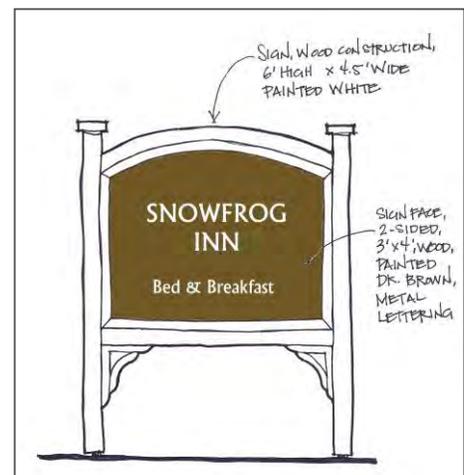
c. Open space – Open space will remain similar to existing conditions, with some additional vegetative screening proposed by the Owner.

d. Fencing/screening - The proposed Bed & Breakfast establishment will retain its existing fencing, however some front yard fencing will be relocated to fit within the new/proposed property line (per WGM Group, see Exhibit A). A portion of the existing wire fence along the eastern property line will be replaced with wood fencing. Vegetation for screening will be planted along the south and east property lines.



e. Landscaping - The existing landscaping is a mix of mature deciduous and evergreen trees, deciduous and evergreen shrubs, perennials, ornamental grasses and groundcovers. Landscape boulders are set into the planting areas as accent features. Current and proposed landscaping features native and naturalized plant materials for environmental and aesthetic reasons.

f. Signage - Signage design will adhere to the Sign Regulations in the Whitefish Zoning Code (Old Town District). Signage for the proposed Bed & Breakfast will be a total of 6' high by approximately 4.5' wide. The sign face, 2-sided, will be 3' x 4' in size. The sign will be wood construction with colors and aesthetics to match existing structures.



g. Undergrounding of new utilities – Undergrounding of new utilities will occur with the rebuild of Highway 93.

h. Undergrounding of existing utilities - Undergrounding of existing utilities will occur with the rebuild of Highway 93.

5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?

a. Sewer – Sewer service is provided to the site by the City of Whitefish and is adequate.

b. Water - Water service is provided to the site by the City of Whitefish and is adequate.

c. Stormwater – On-site stormwater management is the responsibility of the owner of the property. The covered area is only 16%, significantly below the allowed 40%, and will allow for the absorption of the stormwater on site.

d. Fire Protection – This property is within the Whitefish Fire Department service area and access meets City requirements.

e. Police Protection – This property is within the Whitefish Police Department service area and access meets City requirements.

f. Street (public or private) – The City, in conjunction with the Montana Department of Transportation, provides road and traffic management services on 2nd Street/Highway 93. Access is via this public right-of-way.

g. Parks (residential only) –The closest parklands are Kay Beller Park on the Whitefish River (several blocks to the east), and the in-progress Great Northern Veterans Peace Park (approximately 3 blocks to the northwest). These parks will be more than adequate to serve the residents and guests of this project. The public Whitefish Lake golf Course is only 4-5 blocks to the west.

h. Sidewalks – There will be no sidewalks constructed as part of the project. As part of the 2nd Street/Highway 93 Reconstruction Project, a 5-foot wide sidewalk will be constructed on the north side of 2nd Street (see item “i” below).

i. Bike/pedestrian ways – including connectivity to existing and proposed developments – An 8-foot wide bike and pedestrian path is proposed on the south side of the 2nd Street right-of-way and a 5’foot sidewalk on the north side as part of the proposed Highway 93 reconstruction project.

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.

a. Excessive traffic generation and/or infiltration of traffic into neighborhoods – 2nd Street is the main corridor through Whitefish. The B&B is not expected to generate more traffic than is characteristic of the existing neighborhood. Nationally, the average length of stay at a bed & breakfast establishment is three days. The Snowfrog Inn target guest age range is 45-60 years of age.

b. Noise, vibration, dust, glare, heat, smoke, fumes, odors – It is not anticipated that this project will have anything beyond normal residential impacts. All vehicle areas will be paved. The already significant landscaping will be enhanced with additional evergreen trees to help buffer adjacent properties. Screening plantings and a water feature are proposed for the southwest corner of the property for additional noise attenuation.

7. What are the proposed hours of operation?

The proposed hours of operation are consistent with typical bed & breakfast establishments.

8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:

a. Structural bulk and massing – The structural bulk and massing of the existing structure will remain unchanged.

b. Scale – The scale of the existing structure will remain unchanged. Significant landscape also provides scale and context.

c. Context of the existing neighborhood – The proposed B&B establishment fits in context of this evolving neighborhood. The majority of the Gojendes, Grandview and Hendrix Tracts were at one time predominantly owner occupied single family residences. That use is changing along with the entire Highway 93 West Urban Corridor. The Owner has stated that currently there are only 7 owner-occupied homes. Probably much of this is due to the high traffic volumes along Highway 93. This area of the corridor will continue to see conditionally-approved developments. These changes have been anticipated and are reflected in current Zoning. This part of the US 93 corridor through Whitefish is undergoing changes similar to those on the Spokane Avenue portion of the corridor.

d. Density – This project conforms to the WR-3 zoning standards. Allowed lot coverage is 40%. The proposed bed & breakfast establishment coverage is 16%.

e. Community character -- The large single-family home will be converted to a Bed and Breakfast Inn, but will remain unchanged in appearance in order to maintain neighborhood character. Parking will remain in the same location as it has been used by the homeowners, but improved to meet the city's requirements. Existing landscaping will be retained to the extent possible, and additional landscaping and screening introduced for added visual appeal. All traffic will enter and exit from Second Street, thereby keeping additional traffic out of the surrounding neighborhood.

j. Submit site plans, drawings and schematics with supporting narratives where needed that include the following information:

(1). Total acreage and present zoning classifications;

.041 acres

WR-3



PARKING COUNT

MANAGER	2
UNITS	6
OUTSIDE EMPLOYEES	2
TOTAL REQ'D	10

NOTE:
 ALL INFORMATION ON THIS SHEET IS FROM
 CITY MAPS AND AERIAL TOPOGRAPHY/
 PHOTO = NOT BY SURVEY.

SCALE TO BE
 AS SHOWN
 JOB # 11-06
 CONSULTING ENGINEER
 DRB
 CONCEPT
 SITE PLAN
 SHEET 1 OF 1

REVISIONS:

NO. 001	DATE	BY	DESCRIPTION

CONTINENTAL DIVIDE
 INNS LLC
 ZINKE PROPERTY
 1011 S. GARDNER TRAILS
 DENVER, CO 80202

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MANAGER REPORT

May 29, 2013



WAYFINDING SIGNS UPDATE

Mild Fence is finishing up the installation of the Wayfinding Signs this week. We are planning to have City workers install the new gateway entrance sign by Walgreens later in June.

RESCUE CARE

With the time to advertise for renewals of the Rescue Care program upon us, Assistant City Manager/Finance Director Rich Knapp analyzed the revenues and expenditures for the Rescue Care program. Our Rescue Care program charges residents of the City and outlying areas a flat fee per year to pay for the costs of an ambulance response that a person's insurance company doesn't cover. The current fee had been \$59, but Rich recommended that we raise the fee for residents outside the City limits by \$20 to \$79. See his attached memo and documents in the packet.

After Rich researched it further, we discovered that Resolution No. 00-15 (copy in packet) delegated the authority for setting the fees on Rescue Care to city staff. Therefore, after talking with Fire Chief Tom Kennelly, we did decide to raise the fee for Rescue Care subscriptions for people living outside the City limits from \$59.00 to \$79.00. The advertisement that is in this week's paper is also included in the packet.

MEETINGS

UPCOMING SPECIAL EVENTS

REMINDERS

Saturday, June 8th – City Beach opens
Monday, June 10th – 2nd Budget work session at 6:00 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Chuck Stearns". The signature is written in a cursive style.

Chuck Stearns
City Manager

Memo



To: Chuck Stearns, Tom Kennelly
From: Rich Knapp, Assistant City Manager/Finance Director
Date: May 2, 2013
Re: Rescue Care

Rich Knapp

I recommend the city increase Rescue Care for outside city customers from \$59 to \$79, and maintain the \$59 rate for inside city. This recommendation is motivated more from equity and less from increased revenue.

Background

I have attached a packet of the history of Rescue Care. The resolution was passed in May 2000. It looks like staff can and has raised rates without Council approval. By reading minutes it appears there were higher hopes for revenue generation as it was to help pay for two new firefighters. As seen in the worksheet, the original rate was \$39, then \$45 in FY07, and most recently raised to the current \$59 in FY09. The most recent data of FY12 shows a net revenue of a meager \$12,445.

As we know, we raised ambulance rates and added a resident discount in an effort to equalize the payment for ambulance services between resident and non-resident—residents subsidize ambulance costs via property tax.

Fee Increase

Although increasing outside city rates will probably only generate \$4,000, I believe we should raise the fee mostly for equity reasons. The dollar amount is hard to project as we do not know how many of the 475 customers on Rescue Care are outside the city, nor can we anticipate how many of the outside city customers will discontinue the service at the higher rate?

Cost Reduction

In regard to marketing, we have been spending \$3,233 on the flyer and mailing. We at most gain 50 new customers from this effort, resulting in under \$3k in new sign ups. I have asked Michelle to see if we can perhaps reduce the flyer cost by going from two pages (four sides) to one page (two sides) or any other method to reduce marketing costs. Our participants have stayed at around 475 since 2005, implying that most of our customers are repeats that sign up via the renewal notices and not the flyer.

Expanded Coverage

In the attached Dec 5, 2011 minutes two Councilors expressed interest in offering the program to areas beyond the ambulance service area. I am not sure on this, but it sounds like it wouldn't pencil out for us unless it would incentivize these potential customers to use our services rather than another ambulance service—not sure if this is the situation.

	Total Rev	Chng Prv Yr	# of Users		Write -offs	Mailing Rent	Mail Flyer	Printing Flyer	Admin Overhead	Net Revenue
2014	\$ 118									
2013	\$ 30,840	0%	471.86							
2012	\$ 30,967	-2%	474.02		\$ 15,054	235	1,900	1,333 ?		\$ 12,445
2011	\$ 31,439	1%	482.02		\$ 14,056					\$ 17,383
2010	\$ 31,084	1%	476.00		\$ 9,743					\$ 21,341
2009	\$ 30,879	20%	472.53	Rate increase to \$59	\$ 20,371					\$ 10,508
2008	\$ 25,770	10%	506.00		\$ 27,196					\$ (1,426)
2007	\$ 23,328	11%	451.73	Rate increase to \$45	\$ 22,672					\$ 656
2006	\$ 20,940	-1%	460.00		\$ 18,272					\$ 2,668
2005	\$ 21,252	8%	468.00		\$ 9,917					\$ 11,335
2004	\$ 19,653	11%	427.00							
2003	\$ 17,628	32%	375.08							
2002	\$ 13,338		265.08	Rate at \$39						

costs would be outrageous. Councilor Mitchell asked about volunteers and Chief Kennelly said volunteers are not full time employees the city can count on. Councilor Muhlfeld thanked Chief Kennelly for the report. Councilor Muhlfeld asked if there is a requirement for the review of fees in the Rural Fire Service Area and Chief Kennelly said that contract is for fire service only. Chief Kennelly said the Ambulance Response Area is greater than the Fire Service Area. Councilor Askew asked if it would be wise to offer the Rescue Care services at a higher rate in the outlying areas beyond the Fire Service Area and Chief Kennelly said that could be considered. Councilor Muhlfeld asked what percentage Medicare and Medicaid cover and Chief Kennelly said for a Level 2 life support they get about \$780 of the \$1100 fee. Councilor Mitchell asked and Chief Kennelly said he used what Medicare would allow on rural mileage.

Mayor Jenson opened the public hearing. No one wished to speak and the public hearing was closed.

Councilor Muhlfeld offered a motion, seconded by Councilor Kahle, to approve Resolution No. 11-58; A Resolution approving an increase in ambulance fees currently charged by the Whitefish Fire Department.

Councilor Muhlfeld agreed with Councilor Askew that it would be a good idea to offer the Rescue Care plan to the outlying areas.

The motion passed unanimously.

6c. Resolution No. 11-59; A Resolution to establish Encroachment Permit Fees (p. 50)

Public Works Director Wilson said this is a complement to the encroachment permit process adopted by Ordinance 11-18. He said they are proposing a \$50 fee to cover staff time. Councilor Mitchell asked and Director Wilson said currently there is not an encroachment permit fee. They usually take a couple of hours of staff time, but sometimes it takes longer.

Mayor Jenson opened the public hearing. No one wished to speak and the public hearing was closed.

Councilor Friel offered a motion, seconded by Councilor Hyatt, to approve Resolution No. 11-59; A Resolution to establish Encroachment Permit Fees.

Councilor Kahle asked if there was a time limit and Director Wilson said it is a temporary permit, there is no permanent right. Councilor Kahle said if it is a long term encroachment it might make sense to charge more. Director Wilson said their thought was to clean up the existing ordinance and to handle it efficiently. Manager Stearns said permit fees have to be reasonably linked to the cost of processing them. He said use of the right-of-way for other purposes is a different topic. This covers the cost of the process of applying and staff review time. Councilor Kahle asked and Manager Stearns said there are specific rules for Central Avenue store owners. Mayor Jenson asked how it applies to special events and Manager Stearns said special events are different than encroachments and have a different process. The City Manager has the right to approve special events on the public right-of-way.

The motion passed unanimously.

RESOLUTION NO. 00-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, APPROVING THE WHITEFISH FIRE DEPARTMENT'S USE OF A FIREMED-TYPE PROGRAM.

WHEREAS, the City Manager and the City Fire Chief have presented for consideration by the Council a proposal that the City establish a "Firemed-type" program, a program that originated in the State of Oregon and that assists in the payment, on behalf of private property owners, of the cost of ambulance service; and

WHEREAS, according to the Firemed Program, if a property owner pays an annual membership fee, then the Whitefish Fire Department will charge that property owner, during that membership year, only the amount that that property owner's insurance covers, no matter how many ambulance runs are made on behalf of that property owner; and

WHEREAS, it will be in the best interests of the citizens of Whitefish, and those other individuals and property owners served by the Whitefish Fire Department, to approve the Whitefish Fire Department's establishment of a "Firemed-type" program, and to allow individuals to join as members;

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

Section 1: The City of Whitefish, through its Fire Department, is hereby authorized to establish a "Firemed-type" program, and offer the program benefits to residents of the City of Whitefish and others who might receive ambulance service from the Whitefish Fire Department.

Section 2: The City of Whitefish, through its Fire Department, is authorized to charge an annual membership fee for individuals desiring to join the program.

Section 3: The City Manager is authorized to execute such documents as are necessary for the City of Whitefish to establish a "Firemed-type" program, and offer its benefits to individuals in the Whitefish area.

Section 4: Prior to initiating such program, the City Attorney shall contact the State Auditor's Office to determine whether such program would be subject to regulation as an insurance program.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 15th DAY OF May, 2000.

ACL
MAYOR - ANDY FEURY

ATTEST:

Neelie Lorange
City Clerk

PIECE OF MIND IN AN EMERGENCY

2013 Advertisement for Rescue Care program with increased fees.



The Whitefish community is fortunate to have excellent emergency paramedic ambulance service through the Whitefish Fire Department. Of course, this high level of service costs money to provide. Ambulance bills can cost over \$1,400 in a lifesaving emergency. Insurance normally only covers a portion of the full bill, leaving you to pay the difference. In some cases, an insurance company will deny an ambulance claim entirely.

The Whitefish Fire Department's "RescueCare" program takes the worry out of meeting unexpected ambulance bills. For just \$79 a year (\$59 within city limits) the RescueCare program will cover your entire household against the costs for emergency and medically necessary ambulance service in and around Whitefish. Plus, RescueCare will handle the insurance claims and payments. No financial worries, no insurance hassles, and no ambulance bills.

With RescueCare, the cost of ambulance service is covered and you don't get a bill. No one should have to worry about whether they can afford to call an ambulance when they need one. This program offers security and peace of mind.

Contact to enroll:

Michelle Howke
406-863-2403
mhowke@cityofwhitefish.org
City Hall at
418 E. 2nd Street



Enrollment Deadline is July 1st

No one should have to worry about whether they can afford to call an Ambulance when they need one.

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Dear Membership:

Montana West Economic Development is on the cutting edge of issues and solutions for the business community that influences Flathead Valley's economic growth and strength. We want to update you on how we are spending our time and resources. Your member dues help support our operations and we want you to know that your contributions are making a difference. We appreciate that our members are focused on the BIG picture - fostering jobs - and not their own agendas. Our goal as an organization is to influence business investment opportunities, and we take influencing the business environment seriously so businesses can grow and be sustainable.

Our community outreach plans include facilitating seminars for businesses to come together and collaborate on solutions for issues pressing Flathead County. Our upcoming seminar will focus on new investments made by local broadband service providers to provide efficient and affordable bandwidth; this collaboration enhances the future prospects for beneficial economic development in the Flathead. Save the date for our Bandwidth roundtable discussion, (the economic muscle), held on May 21st, at the FVCC Arts and Technology Building, from 8:30a.m.-10:30a.m.

Membership participation allows us to achieve our short and long term goals for community resiliency. As facilitators, we are here to listen, which is why our executive committee is hosting quarterly roundtable discussions led by the executive board members. All membership is invited and encouraged to attend. Please save the date for June 5th, at the Montana West Board Room on Main Street, from 8:00 to 9:00 a.m. Just email Jessica@dobusinessinmontana.com to RSVP. We are interested to learn what you are seeing, hearing and experiencing as it relates to economic development.

FLATHEAD ON THE MOVE

Access to capital, particularly non-traditional capital, is a critical component to funding start-up businesses and supporting business growth. In addition to the lending services Montana West has provided for almost eight years, a microbusiness fund certified by the Montana Department of Commerce was established at Montana West last year. In the past 12 months nearly half of our loan portfolio was paid off by clients refinancing with local lenders. This is a signal lenders are lending, and businesses are gaining traction. Due to hard work from business owners and our staff, there is a pipeline of new projects to fund jobs and investment.

WHAT'S HAPPENING?

- In March a special packet created by Montana West staff targeted toward firearm component manufacturers was mailed to businesses in four states. These states were selected because of the support for legislation that is driving these companies to other locations. As a result we have new leads to chase!
- Montana West is excited for members who chose to participate in the Best Places to Work competition. We trust the employee survey information will be of value to the management for improving and solidifying employee brand.
- Whitefish has the eye of a developer with ties to the city evaluating a convention center / resort to draw more "money" to the area. The feasibility analysis is anticipated to be underway in May.
- The Whitefish Chamber of Commerce has taken a lead facilitator role to begin raising funds to support Glacier Park International Airport's strategies to enhance air service. We have been a long time contributor to those efforts.
- You may have noticed the City of Kalispell sought approval from Council on transferring the ownership of the city's portion of the Gateway West Mall facility to the Flathead County Economic

Development Authority that jointly owns the facility with the City. The 67,000 square foot facility is home to a large employer. We have acted as property manager per an agreement with the City and would continue in that role.

RAIL PARK UPDATES

The rail park project is in the evaluation stage to determine the feasibility and associated costs of development. Flathead County Economic Development Authority's Board of Directors is working in close collaboration with the City of Kalispell on their Core Revitalization project surrounding the rail in downtown Kalispell. This project would dramatically change a tired area, making way for private investment opportunities. Appraisals and market analyses are being conducted on select properties that would be included in the relocation strategy. We expect a decision on the feasibility to be made in June, creating a clear strategy of how to develop the rail park. We are pleased to have Burlington Northern Santa Fe Railroad, Mission Mountain Railroad, and engineering firm KLJ partnering on the planning for this stage of development. The volunteer FCEDA board members have weekly, if not daily, roles in guiding the rail park development planning.

Last week, we had a site visit from an out of state value-added wood products company considering our area for their business expansion. In my follow-up conversation the company requested we keep them informed of the rail park development because their criteria calls for an available large building with rail siding. Another out of state entrepreneur visited the Flathead to speak with Glencore about leasing their large buildings. Some of our board members met with Glencore to influence re-opening the Columbia Falls facility.

LEGISLATIVE UPDATES

The business equipment and machinery tax is being reduced, not eliminated. Current law is as follows:

- The class eight property of a person or business entity that owns an aggregate of \$20,000 or less in market value of class eight properties is exempt from taxation.
- For the first \$2 million of taxable market value it will be taxed at 2%.
- Any amount over the \$2 million will be taxed at 3%.

Senate Bill 96, after the Senate and House agreed to changes in the original bill makes the following changes:

- The class eight property of a person or business entity that owns an aggregate of \$100,000 or less in market value of class eight properties is exempt from taxation.
- For the first \$6 million of taxable market value it will be taxed at 2%.
- Any amount over the \$6 million will be taxed at 3%.

The upcoming years will be exciting as we continue to focus our efforts on key initiatives and programs strengthening our impact. Your membership supports the mission with the resources to perform. When you evaluate Montana West you should expect job and business growth. Following those key components other performance indicators that demonstrate achievement include: taking risk, being creative, engaging hardworking board of directors and staff, well managed funding, and producing satisfied clients. Thank you for your membership and your role as an employer.

Sincerely,

Kellie Danielson | President and CEO