



**CITY COUNCIL WORK SESSION  
CITY COUNCIL CHAMBER CONFERENCE ROOM  
MONDAY, JULY 1, 2013, 5:30 TO 6:30 PM**

1. Call to Order
  2. 5:30 P.M. – CLOSED EXECUTIVE SESSION – Quarterly litigation update with City Attorney
  3. Adjournment
- 

**CITY COUNCIL SPECIAL SESSION  
CITY COUNCIL CHAMBER CONFERENCE ROOM  
MONDAY, JULY 1, 2013, 6: 30 TO 7:00 PM**

1. Call to Order
2. Interviews – Whitefish Highway 93W Corridor Plan Steering Committee – Member at Large
  - 6:40 – Edward (Jay) Wolfe
  - 6:50 – William J. Schnebel

Previously interviewed in applicant pool: Frank Barnes, Rob Pero and Nancy Woodruff
3. Public Comment
4. Appointments (Items a. and c. are Council Appointments, Item b. is Mayoral Appointment)
  - a. Whitefish Highway 93W Corridor Plan Steering Committee – Member at Large
  - b. WHA – 2 positions – one to expire 12-31-14, and one to expire 12-13-15.  
Previously interviewed: John Middleton
  - c. Council confirmation of Park Board representatives to:
    - (1) Ice Rink Advisory Committee – Laurel Grady
    - (2) Weed Control Advisory Committee – Jim DeHerrera

Note - If time runs out before the appointments are made, they can be made during the Regular Council Session – Agenda # 10-F.

5. Adjourn

# The City of Whitefish has new vacancies on the



## HIGHWAY 93 WEST CORRIDOR PLAN STEERING

**COMMITTEE:** One Position for an 'at large' community member or property owner.

**HOUSING AUTHORITY** – to fill the remainder of two (2) terms; one will expire on 12-31-2014 and the other expires on 12-31-2015. Two Positions – 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](http://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 5993; or email to [nlorang@cityofwhitefish.org](mailto:nlorang@cityofwhitefish.org). Deadline for letter submittals is **Tuesday, June 25, 2013 at noon**. Interviews will be scheduled for July 1st. Thereafter, if the vacancies still exists, letters of interest will be accepted until the positions are filled.

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

6:40 pm

received  
5-29-13

12:50 pm

May 28, 2013

Whitefish City Clerk  
418 E 2<sup>nd</sup> Street  
Whitefish MT, 59937

Letter of interest to serve on the Whitefish Highway 93 west Corridor plan steering committee

Referencing the Whitefish public notice # 2138 of May 22, 2013

To whom it may concern,

I would be interested in being on the steering committee for this corridor. I live at 532 West 2<sup>nd</sup> and have an interest in seeing this neighborhood/business corridor become a special place in the in the community of Whitefish.

Please feel free to call me on my cell at 250-5595 or email anytime at [Little skylodge@yahoo.com](mailto:Little skylodge@yahoo.com)

Thank you for your time!

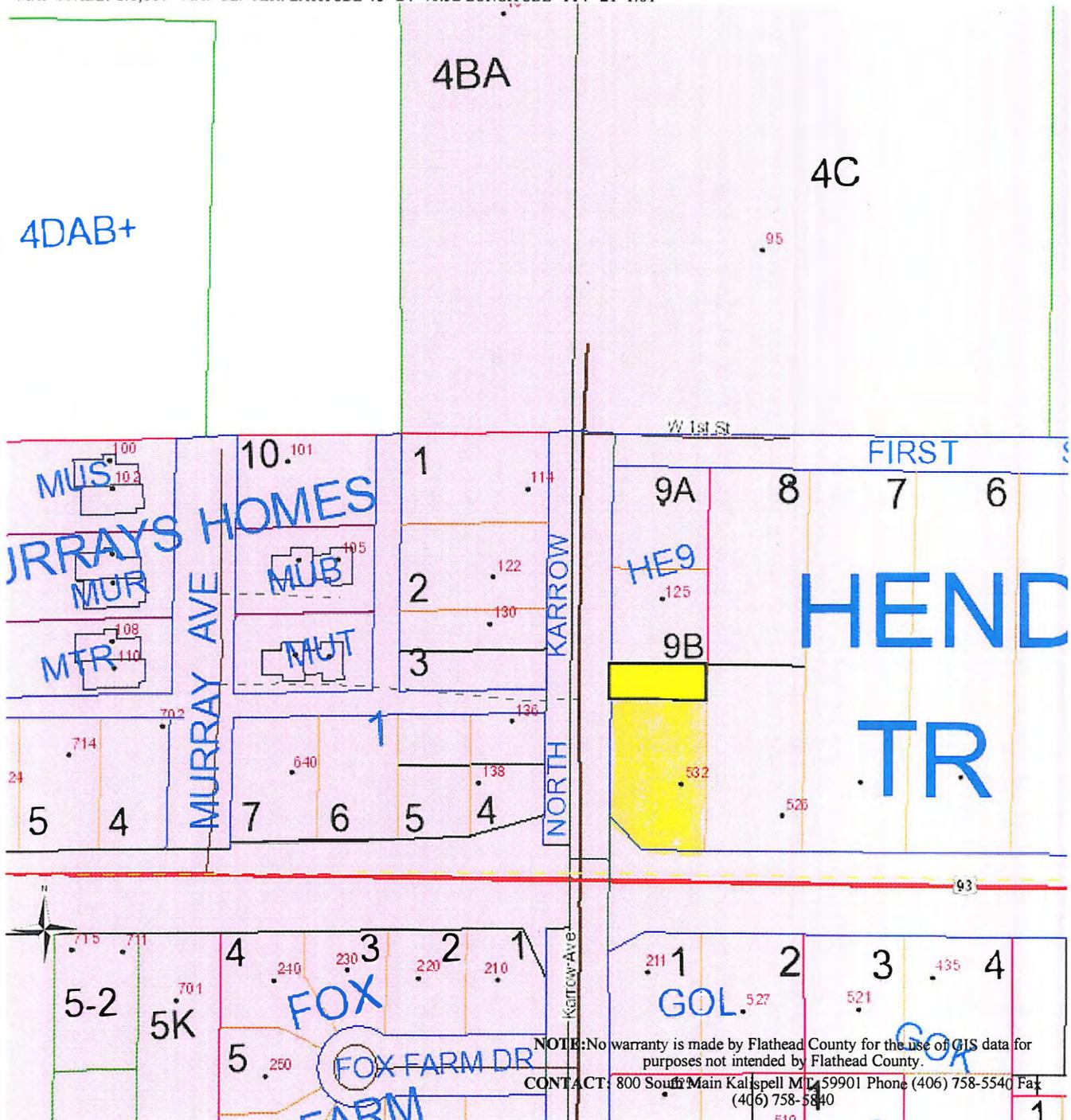
Edward A. Wolfe (Jay)



# FLATHEAD COUNTY GIS

KALISPELL, MONTANA

MAP SCALE: 1:1,807 MAP CENTER: LATITUDE 48° 24' 41.52 LONGITUDE -114° 21' 1.01



NOTE: No warranty is made by Flathead County for the use of GIS data for purposes not intended by Flathead County.  
 CONTACT: 800 South Main Kalispell MT 59901 Phone (406) 758-5540 Fax (406) 758-5840

28 May 6:50pm

received  
5/28/13 2:40pm

To Whom it may concern:

My name is William J. Schnebel. I am a property owner and resident of the property on Highway 93 West. (2055 Hwy 93 W) and I am extremely interested in being on the Highway 93 W Corridor Plan Study Committee. Thank you for your consideration.

*WJ Sch*

William J. Schnebel  
PO Box 1551  
Whitefish, MT  
59937  
863-9112



received  
5-28-13

May 27, 2013

City of Whitefish

City Clerk's Office

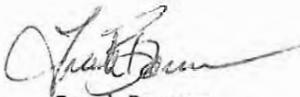
P.O. Box 158

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

received  
5/28/13

May 27, 2013

TO: CITY OF WHITEFISH

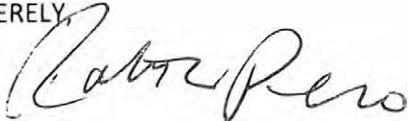
FROM: ROBERT PERO

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

**received**

5-31-13

*City Clerk's Office***Necile Lorang**

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**From:** "Nancy Woodruff" <nwoodruff@bresnan.net>  
**To:** <nlorang@cityofwhitefish.org>  
**Sent:** Thursday, May 30, 2013 10:36 PM  
**Subject:** Whitefish Highway 93 West Corridor Plan Steering Committee

Whitefish City Councilors,

I'm writing to ask to be appointed to the Whitefish Highway 93 West Corridor Plan Steering Committee. I live at 545 Ramsey Ave., so I reside in the neighborhood and travel that stretch of highway every time I go to and from town.

I realize the deadline for application to the committee was May 28, but I heard that perhaps not all the spots were filled.

Thanks for considering me,  
Nancy Woodruff

**Necile Lorang**

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**From:** "Nancy Woodruff" <nwoodruff@bresnan.net>  
**To:** "Necile Lorang" <nlorang@cityofwhitefish.org>  
**Sent:** Thursday, June 06, 2013 9:42 AM  
**Subject:** Re: Whitefish Highway 93 West Corridor Plan Steering Committee

Hi Necile,

I'm not sure whether I need to reapply for the position now that it is being advertised again, but if so please consider this my letter of application. I am still interested in serving on the committee.

I'm guessing the council will not want to spend time interviewing me again, but if they do I'm happy to come in.

Thank you. Enjoy the weather :-),

Nancy

On 5/31/2013 8:39 AM, Necile Lorang wrote:

> Hello Nancy - thank you for your letter of interest; we now have  
> received three letters of interest that arrived past the advertised  
> deadline - and more could possibly come in throughout the day, and  
> Monday. All letters received after the deadline will be copied and  
> taken to the Council at their Special Session for scheduled interviews  
> on June 3, 2013 that starts at 4:30 p.m. We received 9 letters that  
> arrived before the deadline and those nine people have interviews at  
> the Special Session. I'll get back with you on the Council's  
> decision. Have a good weekend Nancy!

>

>

>

> Necile Lorang, CMC

>

> City of Whitefish

>

> Administrative Services Director/City Clerk

>

> PO Box 158

>

**HWY 93W CORRIDOR PLAN STEERING COMMITTEE – RES 13-10, Disbands January 1, 2014 or earlier**

Doug Reed, Resort or Recreation business owner in corridor, Whitefish Lake Restaurant, PO Box 1719, WF  
Cora Christensen, Commercial or Professional business owner in corridor, 750 W. 2<sup>nd</sup> St, Ste A, WF  
Anne Shaw Moran, Residential owner-occupied property owner, PO Box 4472, WF  
Ryan Zinke, residential owner-occupied property owner, 409 W. 2<sup>nd</sup> St, WF  
Jim Laidlaw, residential investment or multifamily property owner 1230 Lion Mountain Dr, WF  
Ian Collins, WB-3 District property owner, 898 Blue Heron Dr, WF  
Member at Large, community member or property owner - Vacancy  
Phil Mitchell and Frank Sweeney, Whitefish City Council  
Chad Phillips, City-County Planning Board, City representative  
Ken Meckel, City-County Planning Board, County representative  
Ad hoc members: MDOT, Idaho Timber

## 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.

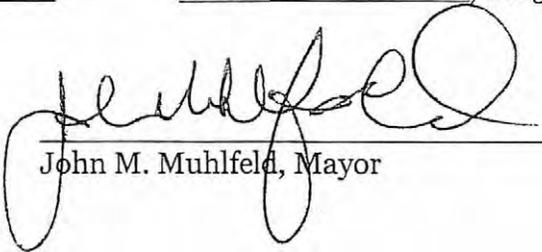
Section 6: Any vacancy occurring on the Committee will be filled in the same manner that the initial position was filled.

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.

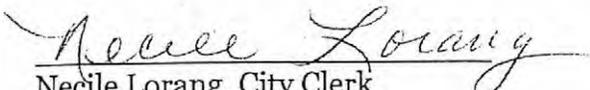
Section 8: The Committee will have no authority to direct City staff with respect to any matter, but may request information and assistance from City staff.

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

## **Necile Lorang**

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**From:** "John Middleton" <john@nationalparksrealty.com>  
**To:** <nlorang@cityofwhitefish.org>  
**Sent:** Tuesday, June 04, 2013 4:02 PM  
**Subject:** Letter of Interest - Whitefish Housing Authority  
To Whom it May Concern:

I heard about the opening on the Whitefish Housing Authority Board and would like to express my interest in filling that vacancy.

Thank you, looking forward to this possibility!

John Middleton  
National Parks Realty  
406.862.8458 (office)  
406.862.7200 (direct)  
406.862.8400 (fax)  
[www.flyreeltor.com](http://www.flyreeltor.com)  
[www.facebook.com/flyreel](http://www.facebook.com/flyreel)

**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 <sup>th</sup> 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 <sup>th</sup> Street	12/31/2014	2 yr. Term
Myrna Fleming	104 Railway Street	862-3568	12/31/2016	
<b>VACANCY</b>			<b>12/31/2015</b>	
<b>VACANCY</b>			<b>12/31/2014</b>	
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).

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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, July 1, 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 June 17, 2013 Council special session (p. 30)
  - b) Minutes from the June 17, 2013 Council regular session (p. 31)
  - c) Consideration of approving application from Rob Pero for Whitefish Lake Lakeshore Permit (#WLP-13-W12) to install a 587 sq ft I-shaped EZ dock at a new development on Oregon Avenue next to City Beach subject to 12 conditions (p. 41)
  - d) Consideration of approving application from Duane and Valerie Bauch for Whitefish Lake Lakeshore Permit (#WLP-13-W18) to stone steps at 2190 Houston Drive subject to 17 conditions (p. 57)
- 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 an application from William Montgomery and Karen Ellingson for a Conditional Use Permit for a Bed and Breakfast at 178 East Blanchard Lake Road (p. 71)
  - b) Consideration of an application from Graham Hart of Bonsai Brewing for a Microbrewery and Tasting Room in the Mountain Mall at 6475 Hwy 93 South, space #45 (p. 98)

- 7) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR
  - a) Resolution No. 13-\_\_\_; A Resolution approving a five-year lease agreement with the Flathead Valley Ski Education Foundation, for the Saddle Club at Mountain Trail Park located at 705 Wisconsin Avenue (p. 122)
  
- 8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
  - a) Resolution No. 13-\_\_\_; A Resolution approving an Application for a \$15,000.00 TSEP Infrastructure Planning Grant and Committing Matching Funds (p. 127)
  
- 9) COMMUNICATIONS FROM CITY MANAGER
  - a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 137)
  - b) Other items arising between June 26<sup>th</sup> and July 1<sup>st</sup>
  
- 10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
  - a) Standing budget item
  - b) Letter from Michael Morton of 101 Lakeside Avenue regarding limiting parking to one side of the street on Waverly Place just east of Washington Avenue (p. 151)
  - c) Email from Zane Perryman regarding places for a local band to play (p. 155)
  - d) Select an elected official to participate in the selection process for an engineering firm to design the 3<sup>rd</sup> Street sewer and road project associated with the Block 46 development project (p. 157)
  - e) Schedule date for next budget work session (p. 159)
  - f) Appointments to Committees and Boards that were not made at tonight's Special Session before the meeting
  
- 11) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)



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

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

Adopted by Resolution 07-09  
February 20, 2007

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June 26, 2013

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

Mayor Muhlfeld and City Councilors:

### **Monday, July 1, 2013 City Council Agenda Report**

There will be an executive session beginning at 5:30 p.m. a Quarterly Litigation Update and a special session at 6:30 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 June 17, 2013 Council special session (p. 30)
- b) Minutes from the June 17, 2013 Council regular session (p. 31)
- c) Consideration of approving application from Rob Pero for Whitefish Lake Lakeshore Permit (#WLP-13-W12) to install a 587 sq ft I-shaped EZ dock at a new development on Oregon Avenue next to City Beach subject to 12 conditions (p. 41)
- d) Consideration of approving application from Duane and Valerie Bauch for Whitefish Lake Lakeshore Permit (#WLP-13-W18) to stone steps at 2190 Houston Drive subject to 17 conditions (p. 57)

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

**Items a and b are administrative matters, items c and d are quasi-judicial matters.**

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

- a) Consideration of an application from William Montgomery and Karen Ellingson for a Conditional Use Permit for a Bed and Breakfast at 178 East Blanchard Lake Road (p. 71)

From Planning and Building Director Dave Taylor's staff report:

**Summary of Requested Action:** This item is a request by William Montgomery and Karen Ellingson for a conditional use permit to operate a bed & breakfast at 178 E Blanchard Lake Road. The property is zoned SAG-5, Flathead County Suburban Agricultural.

**Planning Board Action:** The Whitefish City-County Planning Board met on June 20, 2013 to consider the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with the thirteen (13) conditions from the staff report and adopted the staff report as findings of fact. (Konopatzke and Vail were absent).

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced conditional use permit with thirteen (13) conditions set forth in the attached staff report.

**Public Hearing:** The applicant, Bill Montgomery, spoke at the public hearing in support of his project.

There is a full staff report, documents and minutes in the packet for this item.

**RECOMMENDATION:** Staff respectfully recommends that the City Council, after considering public testimony and the recommendations from staff and the Planning Board, approve an application from William Montgomery and Karen Ellingson for a Conditional Use Permit for a Bed and Breakfast at 178 East Blanchard Lake Road with 13 conditions and the staff report as findings of fact.

**This item is a quasi-judicial matter.**

- b) Consideration of an application from Graham Hart of Bonsai Brewing for a Microbrewery and Tasting Room in the Mountain Mall at 6475 Hwy 93 South, space #45 (p. 98)

From Planning and Building Director Dave Taylor's staff report:

**Summary of Requested Action:** This item is a request by Graham Hart for a conditional use permit to operate a Microbrewery and Tasting Room called Bonsai Brewing on property owned by the Carrington Company at the Mountain Mall Space #45, 6475 Highway 93 South. The property is zoned WB-2, Secondary Business District.

**Planning Board Action:** The Whitefish City-County Planning Board met on June 20, 2013 to consider the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with the five conditions from the staff report and adopted the staff report as findings of fact. (Konopatzke and Vail were absent).

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced conditional use permit with five (5) conditions set forth in the attached staff report.

**Public Hearing:** The applicant spoke at the public hearing in support of his project.

There is a full staff report, documents and minutes in the packet for this item.

**RECOMMENDATION:** Staff respectfully recommends that the City Council, after considering public testimony and the recommendations from staff and the Planning Board, approve an application from Graham Hart of Bonsai Brewing for a Microbrewery and Tasting Room in the Mountain Mall at 6475 Hwy 93 South, space #45 with 5 conditions and the staff report as findings of fact.

**This item is a quasi-judicial matter.**

#### COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) Resolution No. 13-\_\_\_; A Resolution approving a five-year lease agreement with the Flathead Valley Ski Education Foundation, for the Saddle Club at Mountain Trail Park located at 705 Wisconsin Avenue (p. 122)

From Parks and Recreation Director Karl Cozad's staff report:

The Flathead Valley Ski Education Foundation approached the City of Whitefish Park Board in May of 2013 with the desire to discuss the opportunity to lease the Saddle Club, which is located in Mountain Trails Park, for the purpose of creating a home for a local skiing hall of fame and museum to be operated by the FVSEF. Following the initial discussion at the May 2013 Park Board meeting, direction was given to both city staff and representatives of the Flathead Valley Ski Education Foundation to develop an acceptable lease that would serve the best interests of both parties. Over the course of time before the June 2013 Park Board meeting, such a document was prepared and presented to the Park Board for their endorsement and recommendation to the Whitefish City Council for approval at their July 1, 2013, City Council meeting. By unanimous action, the Park Board endorsed the proposed lease for use by the Flathead Valley Ski Education Foundation at their June 11, 2013 meeting. The historical use of the Saddle Club has been to serve as a facility that could handle special events such as birthday parties, family reunions, and other gatherings where participation levels would be less than 35 people.

The current status of the Saddle Club is that demand for use is very limited due to the fact that it is not very “user friendly” to participants that may have special needs, such as elderly, or physically challenged individuals. The restroom facility, as well as the building entrance, does not meet ADA requirements, which again limits the use of Saddle Club. In addition, the kitchen area and restroom elements that were added to the original building a number of years ago have not fared well over time and are in desperate need of major renovation.

In response to this situation, an element within the lease document identifies that the responsibility of making these upgrades will rest upon the Flathead Valley Ski Education Foundation as part of the compensation for the use of the Saddle Club. The City of Whitefish has the good fortune of owning and operating the Roy Duff Armory Building located in Armory Park, which can accommodate any and all of the previous uses of the Saddle Club, so we are still capable of meeting the community demands of rental building space to host gatherings of many types and sizes. The opportunity to partner with a non-profit organization in providing the resources necessary to improve the functionality of the Saddle Club and to provide another cultural attraction within our community will serve as a benefit to both the Flathead Valley Ski Education Foundation and our community.

During the past 5 years the annual expenditures required to maintain the operations of the Saddle Club have exceeded the annual revenues associated with the use of the Saddle Club by approximately \$2500 per year. With the execution of the proposed lease, all operational expenses, i.e. utilities, materials, supplies, etc. that will be necessary to operate the Saddle Club will be the responsibility of the Flathead Valley Ski Education Foundation, in addition to all necessary building improvements as proposed by the FVSEF, thus there will be no financial requirement placed upon the City as a result of this proposed lease. In fact, we would anticipate a savings to the City should we move forward with this proposal.

**RECOMMENDATION:** Staff respectfully recommends the City Council approve a Resolution approving a five-year lease agreement with the Flathead Valley Ski Education Foundation, for the Saddle Club at Mountain Trail Park located at 705 Wisconsin Avenue.

**This item is a legislative matter.**

#### COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Resolution No. 13-\_\_\_; A Resolution approving an Application for a \$15,000.00 TSEP Infrastructure Planning Grant and Committing Matching Funds (p. 127)

From Public Works Director John Wilson’s staff report:

The Public Works Department has prepared an application to the State Department of Commerce for a \$15,000 TSEP Infrastructure Planning Grant. This memo is to

recommend the City Council adopt the attached resolution, authorizing the City Manager to submit the application and committing to provide matching funds.

A copy the planning grant application is attached. These funds would be used to prepare a preliminary engineering report (PER) and application for a \$500,000 TSEP Construction Grant, due in March 2014. The focus of the construction grant application will be the rehabilitation and replacement of sewer mains and manholes to reduce the inflow and infiltration (I & I) of clear water to the sewage collection and treatment system.

Engineering services have been negotiated and added by amendment to our consultant contract for the Wastewater Permitting and Facility Improvements Project to prepare a PER and TSEP Construction Grant application for a fee not to exceed \$69,210. This includes extensive field work and evaluation to identify critical manholes, pipe sections and areas where storm drainage and ground water are entering the sewage collection system.

This amendment was approved by the City Council on April 1, 2013 and \$70,000 has been included for this purpose in the proposed FY14 Wastewater Fund Budget. If successful, the \$15,000 TSEP Infrastructure Planning Grant and a related \$15,000 DNRC Planning Grant would offset \$30,000 of this expense.

While there is no direct financial requirement associated with the attached resolution, it is a critical step in the process described above.

**RECOMMENDATION:** Staff respectfully recommends the City Council adopt a Resolution approving an application for a \$15,000.00 TSEP Infrastructure Planning Grant and committing matching funds.

**This item is a legislative matter.**

#### COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 137)
- b) Other items arising between June 26<sup>th</sup> and July 1<sup>st</sup>

#### COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Standing budget item
- b) Letter from Michael Morton of 101 Lakeside Avenue regarding limiting parking to one side of the street on Waverly Place just east of Washington Avenue (p. 151)
- c) Email from Zane Perryman regarding places for a local band to play (p. 155)
- d) Select an elected official to participate in the selection process for an engineering firm to design the 3<sup>rd</sup> Street sewer and road project associated with the Block 46 development project (p. 157)
- e) Schedule date for next budget work session (p. 159)

- f) 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

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

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**WHITEFISH CITY COUNCIL MINUTES**  
**JUNE 17, 2013**  
**SPECIAL SESSION, 6:30 TO 7:00 PM**

**1. Call to Order**

Mayor Muhlfeld called the meeting to order. Councilors present were Anderson, Hildner, Sweeney, Hyatt and Kahle. Councilor Mitchell came at 6:48 pm. City Staff present were City Manager Stearns, City Clerk Lorang, and City Attorney VanBuskirk.

**2. Interviews**

The Mayor and Council conducted interviews with John Middleton, applicant to fill a vacancy on the Whitefish Housing Authority Board, and Joe Malletta and Dave Spangler (Spangler was via a phone call), both applicants to fill a vacancy on the Whitefish Lake & Lakeshore Protection Committee.

**3. Public Comment**

None

**4. Appointments**

Mayor Muhlfeld noted that the application period to fill the vacancy on the Whitefish Housing Authority Board does not close until Tuesday, June 25<sup>th</sup> at noon, and if additional applications come in by that time they will be scheduled for interviews at a session to be held on July 1<sup>st</sup>. Additionally, the city just received a notice of another board member stepping down so there are now two vacancies on that board. No appointments were made to that board at this time.

The Council discussed the Lakeshore Committee's vacancy and all agreed both applicants are equally qualified and would be good members on the committee, but there is only one vacancy.

**Councilor Mitchell offered a motion, seconded by Councilor Anderson, to appoint Joe Malletta to fill the remainder of a term expiring 12-31-2013 on the Whitefish Lake and Lakeshore Committee. The motion was approved unanimously.**

**5. Adjournment**

Mayor Muhlfeld adjourned the Special Session at 7:05 p.m.

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Mayor Muhlfeld

Attest:

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Necile Lorang, City Clerk

## WHITEFISH CITY COUNCIL MINUTES

June 17, 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 10 people were in attendance.

### **2. PLEDGE OF ALLEGIANCE**

Mayor Muhlfeld asked Bob Denning to lead the audience in the Pledge of Allegiance.

### **3. PRESENTATION**

#### **3a. Presentation and acceptance of FY12 Financial Audit – Bob Denning (p. 21)**

Bob Denning from Denning, Downey and Associates presented the FY12 Financial Audit. He said the City once again got an unqualified opinion. It is their highest opinion and means the City received a clean report. The financial statements presented to the public are fairly stated. He commended the staff for their good work. He introduced John Paul Holman, who performed the bulk of the audit.

John Paul Holman said the City Court finding deals with the outstanding bonds debts and internal controls at the City Court. He said the outstanding bonds are decreasing and getting better every year. Councilor Sweeney said they've heard this concern before. He asked and Mr. Holman said the internal control issue relates to segregation of duties. The court is set up with two clerks who both receive the money and handle the collections. Bob Denning said they use the State's Full Court software system which is a good system but it is on its way out. A new system which is starting to be used by some courts and by the Montana Highway Patrol will allow the transactions to automatically go into the court's bank account, so when the State has that system set up for the courts it should handle the checks and balances. Councilor Sweeney said he wanted to be sure there wasn't anything else the City should be doing. Bob Denning said the City Court is doing much better at handling the outstanding balances. Councilor Hyatt asked about the slow collections of fees and Mr. Holman said that is because there are outstanding bonds in the City Court and the money doesn't come quickly to the City. Mr. Holman continued with the 6 conditions found in financial reporting; all 6 have been corrected or addressed. Councilor Mitchell asked about page 60 which says a deficiency in internal controls exists; and Mr. Holman explained that pages 60 and 61 are definitions. Councilor Mitchell asked and Mr. Holman said the auditee responses are found at the end of each listing. Mr. Holman discussed the Schedule of Expenditures of Federal Awards (SEFA) that were not properly reported with the required governmental names for pass-through funds. But again, all of the findings have been addressed.

**Councilor Kahle offered a motion, seconded by Councilor Hildner, to approve the FY12 Financial Audit.**

Councilor Hildner thanked Finance Director Knapp and the staff for the fine job they did on this.

Councilor Hyatt asked about the pre-purchase of power from Flathead Electric Coop and Finance Director Knapp said they will probably hit that power production level well before the eight years are up. Public Works Director Wilson said the production is way ahead of schedule and City Manager Stearns said that was part of the agreement that was approved by Council.

**The motion passed unanimously.**

- 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)

Kellie Danielson, 12 Wheatgrass Lane, said she works at Montana West Economic Development. She said they appreciate working with City Manager Stearns and all of the staff. She said they wanted to express their support of the Hurraw! project.

**5. COMMUNICATIONS FROM VOLUNTEER BOARDS**

Councilor Hyatt said the Park Board finished up the Master Plan review and it will come before the Park Board on July 9<sup>th</sup> and before the Council in August. Parks and Recreation Director Cozad said 12-15 people stopped by the office to give comments at the last Farmer's Market.

- 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 June 3, 2013 Council special session (p. 96)**

**6b. Minutes from the June 3, 2013 Council regular session (p. 97)**

**6c. Consideration of approving request from Whitefish Credit Union for a 2 year extension of the Preliminary Plat for Lookout Ridge subdivision (p. 104)**

**Councilor Hildner asked to remove Item 6c from the Consent Agenda.**

Councilor Hildner said the request for an extension from Lookout Ridge presents them with an opportunity to exam the benefits of this project and to look at it again. He said a project of this size and scope should be re-examined. Instead of making a decision tonight about extending this plat, he would like to extend the period of the current plat for 90 days which will allow Senior Planner Compton-Ring and the loan officer from the Credit Union to be present and comment on this issue. They could then just extend the plat for 21 months to equal the normal 2-year extension. Councilor Hyatt said the Council has been working with every bank and landowner so far on similar requests, so he is disappointed in Councilor Hildner's actions. Councilor Hildner said one of his main concerns about Lookout Ridge is that this is where there was a major landside a couple of years ago. This gives the holder of the plat a chance to propose changes and perhaps improve this plat. Councilor Mitchell said they have been extending plats through difficult times. He feels there have been precedents set that indicate that they should approve this request. He thinks Councilor Hildner is asking for a different treatment of this particular plat and he didn't think it was fair to hold them up. He thought it would be good to have a work session on this whole issue and not pick out one plat.

Councilor Sweeney said this is a request to extend a plat where they know there have been problems with movement of ground. He said it is a reasonable thing to ask the current owner of the plat to look at it in detail. The extension is a last minute request, so giving them 90 days is reasonable. He thinks the Council will ultimately extend it, but it gives them a mechanism to address problems. He hopes the Credit Union will agree. Councilor Hyatt said this is different than the Big Mountain request they saw last month. Big Mountain was the owner when the original plat was approved and they still own the land. He said that in this case the Credit Union had the loan and now owns the land and this would create a hardship for them. He has a problem with treating them differently.

Councilor Kahle asked what their options were and Attorney VanBuskirk said the City's review criteria provides for extensions where good faith is shown in working toward final plat. Councilor Kahle said if they extend it for 90 days and have a discussion regarding the preliminary plat with the Credit Union, and then the City decides they don't like the current layout of the plat, do they have the discretion to make any changes? Attorney VanBuskirk said they cannot impose additional conditions or make any changes to the plat, but they can entertain a request for changes from the applicant. Manager Stearns said they cannot change the conditions of the plat, but they can force it by rejecting the plat. Obviously, the applicants have an interest in maintaining as much of the plat as they can. He said the Council can't be arbitrary or capricious and they must state their reasons and findings. Manager Stearns said the 90 days would give each party time to review it.

Councilor Anderson asked and Manager Stearns said a motion to take some action would be appropriate. Councilor Kahle said there was some instability in the soil and a landside. He only wants to see them address that issue, not the lot sizes or details of the plat. He said no one wants this to work well more than the Credit Union. Councilor Hildner said 90 days gives them time to make sure that the interests of the Credit Union and the City are considered and that is his goal. He wants to protect water quality. He said Ryan Purdy is in the audience to answer questions. He said he also talked with the CEO from the Credit Union and they are willing to have the 90 day delay.

Ryan Purdy said he wanted to clarify that the Credit Union does not own the property. They are going through the foreclosure process now, which may take a long time. He said they would be more than happy to have a conversation, but 90 days doesn't get them anywhere. They can't touch it until they own it which could be for many months. He asked if this would be the first extension or just a postponement of the first extension. Purdy said the 2<sup>nd</sup> extension is more onerous on the applicant and the City. City Attorney VanBuskirk said City law allows more than one extension and the Council's discussion included a possible extension for a period of months with a possible additional extension up to 24 months. He said in his notes the 2<sup>nd</sup> extension is \$750 and they have to notify all landowners who are adjacent. City Attorney VanBuskirk said the discussion was about a 90-day extension, which may be later extended up to 2 years. Purdy said he did a site review two weeks ago and saw the landslide issue. He said if a plat expires and there aren't any changes to the original plat or City regulations then it is usually approved. He said if they can't add new conditions why have a 90-day discussion. He said the Whitefish Credit Union (WCU) will want to turn this property over and sell it. Councilor Anderson said they have a letter from WCU and a representative from WCU, but no representation from Lookout Ridge. Purdy said the Credit Union has been appointed as the agent to apply for the extension of this preliminary plat. Councilor Mitchell said he looked at the property and he thinks some best management practices weren't adhered to and then there was a really wet year. He doesn't think it is going to happen again. He thinks a 90-day delay is a hardship for the WCU and he thinks they would be treating this application differently.

Councilor Sweeney said if WCU is an agent for the current owner, they could perhaps come in and discuss the issues along with the existing owners during this time period. He asked and Attorney VanBuskirk city code provides that if the developer lets the plat expire then the City would review the resubmitted plat and whether there have been substantial change from the previous preliminary plat, the conditions of the previous approval, city regulations or standards. Director Taylor said there have been several changes in regulations and standards but he didn't know which ones would apply. Purdy said he didn't know if they could go back to Mr. Cossett on behalf of Lookout Ridge. Councilor Anderson said he thinks Mr. Cossett gave him that authority in the letter. Purdy said he hasn't had that conversation and doesn't feel they have the authority to get an engineer up there. Councilor Kahle said he thinks they need to be really careful what they do here. They don't know why the land slid. If they don't extend this plat they will leave the WCU with a property that has no value. They are aware of the problem, so he would like to grant the extension. The subsequent owners will realize there will be potential problems and the Council will get to see this again when they come for the final plat.

Mayor Muhlfeld said when this landslide occurred he went up there when Iron Horse had Carver Engineering do a geotechnical study. The road was not built to standards and was built after the preliminary plat was approved. There is an engineer's report on record that indicates why it slid. He cautioned them that it is in their interest to protect the interests of the adjacent property owners, including Iron Horse, who are concerned that this not happen again. Councilor Kahle asked if it was fixed and Mayor Muhlfeld said the City cleared the slide from the road giving emergency and other access to adjacent properties because the owner had been unresponsive. Councilor Kahle said they need to keep people engaged so that they don't unplug the whole situation. He asked and Director Taylor said there are conditions on the plat to deal with the drainage issues and road conditions. If they get to final plat then the problem will be permanently fixed. Director Wilson said it would be logical for the problem to be fixed. He said the place where it failed, everyone will watch. He said the problem is that the road was only partially constructed and they can definitely watch that spot. Councilor Hildner said he is merely asking them to consider a 90-day extension of this preliminary plat. He said there are new regulations and one of the reasons for allowing plats to expire is to deal with the upgraded standards.

**Councilor Hildner offered a motion, seconded by Councilor Anderson, to extend the Lookout Ridge Plat Second Amended Preliminary Plat/PUD from 2010 for a period not to exceed 90-days at which point the Council will make a decision on whether to extend the Preliminary Plat/PUD further.**

Councilor Anderson said there are a lot of issues here that need to be addressed. He wondered whether 90 days would be enough because the court moves slowly. He wondered if they should give them 6 months.

**Councilor Anderson offered an amendment, seconded by Councilor Sweeney, the extend for 6 months.**

Councilor Hildner wondered if that would make any follow-up requests be a 2<sup>nd</sup> request and would kick-in the \$750 fee? Purdy asked and Attorney VanBuskirk said the possible two-step extension was the first extension and the amount of the fee would be negotiable. Purdy asked them to give them as much time as possible. Manager Stearns agreed the next request for extension is \$750, but there is some discretion on the Council's part to say this 6-month extension is part of an extension of anytime up

to two years for a \$50 fee; that is up to the Council. Councilor Hildner said he was okay with the amendment.

**The amendment passed 5-1 with Kahle voting in opposition.**

Councilor Sweeney said, to clarify, he would like the Council to consider including Manager Stearns' comment that any extension up to two years is part and parcel of the first extension giving the applicant sufficient time to address these issues. He doesn't want to see an additional \$750 fee when they come back in 6 months, it would just be part of this extension. Councilor Hildner and the rest of the Councilors agreed.

Councilor Hyatt asked and Purdy said the WCU is okay with 6 months, but he can't be sure they'll have this resolved. Ryan Purdy said once the property is under the Credit Union's ownership they will meet with the City to address these issues. Councilor Hyatt said he will vote for this because Purdy said it is okay, but he is disappointed that this ever came up; and Councilor Mitchell agreed.

Councilor Mitchell suggested that the motion state that there is a one-time \$50 fee for extensions for up to 2 years. The other Councilors said it was already implied.

Councilor Kahle said he thinks the 6-month extension is a waste of time, so he will vote against it. He would like to have a policy discussion about preliminary plats and what they look at when they come before them. He thinks they need a work session. He said they could nit-pick any preliminary plat and that is a dangerous process. Councilor Anderson said he doesn't think they're singling anyone out because they worked out a water quality issue with Big Mountain when they came back for a plat extension. They are trying to deal with commonsense concerns before they approve a long extension of a subdivision. Mayor Muhlfeld agreed with Councilor Anderson's comments. He reassured the Credit Union that they won't have to bring the project under current standards, but to address the issues that have been brought to their attention.

**The original motion, as amended, passed 4-2 with Councilors Kahle and Mitchell voting in opposition.**

**Councilor Anderson offered a motion, seconded by Councilor Sweeney, to approve Agenda Items 6a and 6b on the Consent Agenda. 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. FY14 Budget - Consideration of approving City Manager's proposed budget as the FY14 preliminary budget and setting final public hearing on the FY14 budget for August 19, 2013 (p. 114)**

City Manager Stearns said the proposed budget for FY14 was enclosed with the packet. He said that the City Council held two work sessions on the budget so far, on May 28<sup>th</sup> and June 10<sup>th</sup>. There will be another work session scheduled in July or August prior to adoption of the budget on August 19<sup>th</sup>. In the past the City Council has been comfortable adopting the City Manager's proposed budget as the preliminary budget which the Council is required by state law to adopt by June 30<sup>th</sup>. After adoption of the Preliminary budget, the City Council then makes changes to the budget in July and August prior to final adoption which is scheduled for August 19<sup>th</sup>.

He said they will maintain the same property tax mill levy rate. The year end cash balance is \$197,932 which is still above 10%, which was the Council's goal. It should be at 10.5% for FY14. They anticipate the mill value base to grow by 4% and there is a 2.5% increase in premiums for medical insurance. The proposed budget provides funding for a 3.7% pay increase. The budget includes funding for additional staff for the Parks and Recreation Department and for hiring an additional planner for the Planning and Building Department. He said they believe that this upcoming year will be a good year financially as the City is continuing to grow. Councilor Hyatt thanked staff and said the City has come a long way financially.

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

Councilor Mitchell asked about the \$71,000 subsidy at the Ice Den. Director Cozad said to address this problem, the rule now is that if someone wants to extend the season they have to pay for it up front. Manager Stearns said the Council will receive a list of the changes that have been made during the budget work sessions. One more work session will be scheduled after July 1<sup>st</sup> when we will have the final numbers for FY13 along with that list. Councilor Mitchell asked if they could have that list as soon as possible and Manager Stearns said yes, he would get that to them.

**Councilor Hyatt offered a motion, seconded by Councilor Sweeney, to adopt the FY14 proposed budget as the FY14 Preliminary Budget and set a public hearing on August 19<sup>th</sup> on the final budget. The motion passed unanimously.**

## **8. COMMUNICATIONS FROM CITY MANAGER**

### **8a. Written report enclosed with the packet. Questions from Mayor or Council? (p. 230)**

Councilor Mitchell said the new way finding sign is tilted a bit toward the cemetery and needs to be straightened. Councilor Hyatt said there is one on Second Street and it is hidden behind a tree. Manager Stearns said they decided to use an existing street light pole and it is a bit hidden; the tree has been trimmed but they can look at it again.

### **8b. Other items arising between June 12<sup>th</sup> and June 17<sup>th</sup>**

Manager Stearns said he sent the Council an email stating that they received an increasing number of calls on the painting of streets and curbs by a business called the Kalispell Youth Project. He said the City required and issued a business license. He said he received a lot of phone calls that they were being too aggressive in their approach. He has the right to revoke their license if the concerns continued. Mayor Muhlfeld asked about the right to paint on public property by a private entity. Public Works Director Wilson said he remembers one other time when they allowed the school to paint the paw prints on the right-of-way. Councilor Hildner said he received a call that it was an aggressive, unpleasant situation. The property owner felt bullied, brow beaten and was accused of being non-patriotic if he didn't get his curb painted. He said the \$40 donation was expected. Council Hildner said someone is making a lot of money on this project and he was concerned that someone was making money on minimum wage labor.

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Councilor Hyatt said they came to his house and they present it as if you've bought it before you've even paid for it. Councilor Mitchell asked and Manager Stearns said they are out of Kalispell, but he didn't know if they were a profit or a non-profit. Councilor Mitchell asked and Manager Stearns said anyone, even from out of town, is required to get a business license to conduct their business in Whitefish. Councilor Hyatt said they use the term "donation," but if it's not a 501-c-3 corporation then it is not a donation. Councilor Sweeney asked if they have any way to control the situation and Manager Stearns said he talked to the owner of the business and he said he would tone it down and lessen his enthusiasm. Mayor Muhlfeld said if there is an emergency response and the street number they paint is incorrect then what is the City's liability? He wondered if they were offering a service or a disservice. He also wondered if they wanted to burden staff with 10-15 calls a day. Councilor Hildner asked and Chief Kennelly said it has no net positive effect in their emergency response times. He objects to the fact that people felt intimidated and he said the emergency services departments felt like they were being used as part of the sales pitch. Councilor Mitchell said he'd like to see the license revoked. Manager Stearns said the City Manager has the right to cancel the license for fraud or mismanagement. He said before he could consider revoking it he would have to find cause.

Councilor Hyatt said there was an article in 2011 in the Daily Interlake that said this applicant charged \$20 to paint the address on the street and now it is \$40. Councilor Anderson asked and Manager Stearns said the applicant did not mark this as a non-profit corporation. Councilor Anderson said he agrees with Councilor Hildner that this man is making a good profit at the expense of youth and using the public right-of-way. Councilor Hildner said he worries about the vulnerability of the elderly. The Councilors agreed that staff should look into revoking this license.

Councilor Mitchell said he wanted to address the Kimley-Horn issue for the rest of the City Hall project. Manager Stearns said that question came up at the City Hall Committee meeting and he said they spent \$100,000 on conceptual designs from Kimley-Horn. To hire a new design team would cost more money. In the original Request for Qualifications it states, "The City may choose to expand an engineering project for this design..." so they aren't tied to Kimley-Horn, but he thinks they should keep them. Councilor Mitchell said the City Hall Committee needs to know whether to ask for just an architect or an architect/engineering firm. Mayor Muhlfeld asked if there were any concerns with retaining Kimley-Horn for the next step of the engineering process. Councilor Sweeney said he wants to see City Hall with a parking structure. He asked if they will incur extra expenses if they change the design compared to the pictures Kimley-Horn originally offered. Manager Stearns said the original designs were very conceptual. The next step will be based on their specific requests so the design will be more suited to what they are requesting. He said he assumes the final design will be much different than the conceptual design. Mayor Muhlfeld said the designer said the designs were very preliminary drawings to indicate if the building could be built on this property. The Councilors agreed that they supported the idea of keeping Kimley-Horn for the next step of the project.

**8c. Consideration of a request from Neil Stuber and Corrie Colbert representing Hurraw! Balm, LLC for commitment of Tax Increment Financing Funds for water line and sewer line costs and payment of impact fees, and discussion of property tax incentives for new and expanding industry with their proposed new manufacturing facility at 267 Flathead Avenue (p. 232)**

Manager Stearns said that Corrie Colbert and Neil Stuber, owners of Hurraw! Balm, LLC (hereinafter Hurraw) contacted him a couple of years ago during their search for a light manufacturing building in Whitefish to accommodate their expanding lip balm manufacturing business. While their

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search for an existing building did not yield a viable building, he also mentioned to them at that time that, if they chose to build a new building, the City might be able to assist with infrastructure related costs from Tax Increment Funds and that state law had some tax incentives for new and expanding industries.

After a couple of years of work and business expansion, they have been planning to build a new manufacturing building in Baker Commons subdivision, south of the Food Bank building currently under construction and north of our Emergency Services Center. He met with them again last fall and then talked with them again recently because their plans had progressed to the point of consideration by the City’s Architectural Review Committee. At that point, Neil Stuber sent him information on costs for their planned building and an application for property tax incentives starting on page 238 in the Council Packet. Somewhat similar, but on a different scale to what the City Council recently considered and tentatively approved for the proposed boutique hotel on Block 46, Hurraw would like the City Council to consider one or both types of incentives and assistance for their building project.

The first type of assistance would be reimbursement of eligible costs for infrastructure development associated with their project as allowed by Section 7-15-4288 (4) MCA (packet page 237). This type of assistance is also contemplated in the 1987 Urban Renewal Plan. The direct assistance that Hurraw is requesting would entail:

- |    |                                                                                                                           |                 |
|----|---------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. | Payment of impact fees for the project, estimated at                                                                      | \$ 9,296        |
| 2. | Payment of costs to excavate and connect the water and sanitary sewer services from the main to the building estimated at | <u>\$10,165</u> |
|    | Total                                                                                                                     | \$19,461        |

The second type of incentive that Hurraw is requesting is consideration of the property tax incentives allowed in state law for new and expanding industries. Again, this incentive was discussed and reviewed during the Block 46 boutique hotel presentation, although that project is not going to ask the City for such tax incentives, they only plan to go to Flathead County for the incentives the County can grant. Hurraw would like the City Council to consider approving such property tax incentives. The incentives requested would reduce their property taxes on the building by 50% for the first five years and that incentive would reduce to 40% in year six, 30% in year seven and so on until full taxes were paid in year ten after construction.

As shown in a spreadsheet on packet page 254, the City could grant incentives totaling an estimated \$13,229.20 for the ten years of tax reductions. If Hurraw were to apply to Flathead County for the same tax incentives, they could possibly obtain an additional \$5,857.95 of property tax reductions as shown on the spreadsheet:

- |                                                                                                                          |              |
|--------------------------------------------------------------------------------------------------------------------------|--------------|
| Direct financial assistance from a TIF reimbursement for impact fees and water and sewer line connections – estimated at | \$ 19,461    |
| Property tax incentives for new and expanding industry over ten years                                                    | \$ 13,229.20 |

The process for granting the property tax incentives requires a public hearing and approval of a Resolution, so staff is not asking for that at tonight’s meeting. Rather than present a resolution at this time, he wanted to present the topic and get direction from the City Council on whether they would want

June 17, 2013

to approve either form of assistance or both. Based on the direction staff receives from the City Council, they would come back for approval of resolutions at the appropriate time.

Councilor Kahle asked and Manager Stearns said staff always argues that the building permit fees are there to offset the cost of inspection so they never recommend that they waive those.

Corrie Colbert and Neil Stuber said they moved here in 2009 and started a cosmetic business. They wanted to find a building to buy in Whitefish. He said Kellie at Montana West has been very helpful to them, too. They passed out the building design and samples to the Councilors. He said the current building design has not gone through ARC review yet. Mayor Muhlfeld asked and Stuber said they have 7 employees and have been in the international market for 4 years. They have 22 products and they are in 43 states. He said they look at locations and the quality of the locations for placing their products. Mayor Muhlfeld asked and Neil Stuber said all of the manufacturing will be done here. Councilor Hildner asked how the brand of the company pairs with the branding of Whitefish and Stuber said Whitefish and Montana are very special and they go well together. Councilor Hyatt asked and Stuber said they are limiting their growth as they like to reinvest in research and development, but they hope to expand to 12-15 employees within 3 years.

Mayor Muhlfeld said they have two options—the TIF funding and the property tax incentives.

Councilor Kahle said this is exciting and he applauded them for what they've done. He said he thinks it is important that the City throw their support behind this project. Councilor Mitchell said the numbers come to over \$19,000 and he wondered if they'd be paid from the TIF funds. Manager Stearns said the applicant would pay it up front and the City would reimburse them from TIF. Councilor Mitchell asked and Manager Stearns said it wouldn't take any funding from projects that are already established; Mayor Muhlfeld said there is a line item for miscellaneous urban renewal projects with \$15,000 in the budget.

**Councilor Hyatt offered a motion, seconded by Councilor Sweeney to approve up to \$19,461 to reimburse for water and sewer infrastructure and impact fees but not the building permit.**

Councilor Anderson said he would abstain because his wife is an employee of Hurraw.

**The motion passed unanimously with 5 (five) aye votes, with Councilor Anderson abstaining.**

Councilor Hyatt asked if they've approached the County and Stuber said they haven't done that yet. Stuber said he doesn't want their company to be a burden on the City, so they'd like to talk to the County. The other Councilors agreed. Manager Stearns said the applicant can approach both the City and the County. He said staff would work with the applicants as they go through this process with the County.

## **9. COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**

**9a. Standing budget item - None.**

**9b. Appointments to Committees and Boards that were not made at tonight's Special Session before the meeting.**

Mayor Muhlfeld said all appointments were made during the Special Session, but they are holding off on the Housing Authority position because there is an additional position on the Housing Authority that must be filled. He encouraged the public to send in letters of interest as those can be accepted until Tuesday, June 25<sup>th</sup> at noon. There are now 2 (two) positions to fill on that Board.

**Councilor's comments:**

Councilor Sweeney said the Whitefish Credit Union would do what was right for that property. He said what they did this evening was appropriate to investigate and make sure that those issues are addressed.

Councilor Hyatt said the new bike racks don't work without a kickstand.

Councilor Hildner said the barrier by the Craggy Range is a cable. He doesn't think it enhances the look of that parking lot and he hopes they can change it. He also got a call about the house at 345 O'Brien because it smells and they are worried that mold is coming out of it. He didn't know if it could be listed as a blighted property.

Mayor Muhlfeld asked if they could get the list of the budget items to the Council and Manager Stearns said he would try to get it out as soon as possible. Mayor Muhlfeld said there are cottonwood trees that need to be trimmed on the bike trail on Wisconsin Avenue. He said he has been getting a few comments on the way finding signs. Manager Stearns said they could send the comments to him. He said most of the comments have been positive. He said there is some concern that the decimal points are too small and he is looking at the cost of replacing them. One person felt there were too many signs and they were getting sign pollution. Mayor Muhlfeld said Manager Stearns took the time to go pick up the signs in Billings and he thanked him for this effort. The project came in on budget. He thanked Public Works for their help installing the signs. He said he was happy to see a unanimous vote on the budget and he thanked the Council for the hard work they've put into the budget over the years, along with staff. He said he will be out of town until the next meeting.

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

Mayor Muhlfeld adjourned the meeting at 9:30 p.m.

---

Mayor Muhlfeld

---

Jane Latus Emmert, Recording Secretary

Attest:

---

Necile Lorang, City Clerk

**ROB PERO**  
**WHITEFISH LAKE LAKESHORE PERMIT**  
**STAFF REPORT #WLP-13-W12**  
**JUNE 12, 2013**

<b>Property Owner:</b>	Rob Pero
<b>Mailing Address:</b>	1290 Birch Point Drive Whitefish, MT 59337
<b>Telephone Number:</b>	406.253.6247
<b>Contractor:</b>	Whitefish EZ Dock
<b>Mailing Address:</b>	14 Scullers Wy Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.7332
<b>Property Legal Description:</b>	Tract 1, Gov't Lot 6 Section 26, Township 31 North, Range 22 West
<b>Property Address:</b>	No Address - Oregon Avenue
<b>Lake:</b>	Whitefish Lake
<b>Lake Frontage:</b>	100'
<b>Project Description:</b>	Installation of a 587 sq ft I-shaped EZ dock

**Discussion:**

Proposal: The applicant is requesting to install a 587 square foot I-shaped EZ dock. The dock would be 99' in overall length. It is comprised of a 79' by 80" wide main section and a gangway of 3' x 20' gangway. The dock is proposed for the middle of the property, meeting the required 20' riparian setbacks. The length of the dock exceeds 60' in length therefore a water depth profile has been included with the application.

Additional Information: The property owner is in the process of applying for a subdivision to divide the subject property into two separate lots. He would like to have the dock installed as a shared dock between the two future lots.

The subject property is currently vacant and does not have an address. It is adjacent to City Beach off of Oregon Avenue - to the west of the dock on the city property.

Frontage and allowable constructed area: The property is eligible for 800 square feet of constructed area based on the lake frontage.

Existing Constructed Area: The property is currently undeveloped.

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

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

**Recommended Conditions of Approval:**

1. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
2. The proposed dock dimensions specified on the application project drawing shall not be exceeded. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.

**Dock Conditions:**

3. Any wood used in construction of the new dock shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly encouraged. Use of painted material, plywood, particle board or other glued composite board is not allowed.
4. If foam logs or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely encased in solid wood or a suitable impervious, non-corrosive material such as a synthetic, aluminum or galvanized sheet metal to avoid the breakup or scattering of materials. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the Lakeshore Protection Zone. All foam shall be extruded closed-cell polystyrene (blue or pink logs) unless encased in synthetic "rotomolded" floats.
5. Flotation-encased docks (i.e., Superdeck, EZ-Dock, Glacier Dock) or docks with rotomolded floats are strongly recommended for durability and longer-life
6. No additional dock access gangway is allowed unless included in the permit application and in the approved total dock length.

7. The dock shall be constructed outside of the Lakeshore Protection Zone. Upon completion the components may be brought to the lakeshore area and launched.
8. The floating dock shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods for the dock are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks.
9. Due to the proximity to City Beach, the dock shall be placed in the middle of the property ownership. If the dock is moved from the middle of the property it must be located no closer than twenty (20) feet from the riparian property line and may only be moved towards the western property line.
10. If the property is subdivided, this dock shall be considered a shared dock between the two proposed properties.
11. Only one lakeshore dock is permitted per property ownership.
12. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Whitefish Planning and Building Department for inspection.

Report by: Nikki Bond

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

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

05-20-13 P02:26 IN

### Submit Application To:

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

OWNER	APPLICANT (If Other Than Owner)
Name <u>ROBERT PERO</u> Phone <u>253-6147</u>	Name _____ Phone _____
Mail Address <u>1290 BIRCH POINT DR</u>	Mail Address _____
City, State, Zip <u>WHITEFISH MT 59937</u>	City, State, Zip _____
Project address (if other than above) <u>N/A Oregon Ave</u>	
Email address (staff reports are sent via email): <u>RS Pero @ ABOUT MONTANA . NET</u>	

How many feet of the lake frontage do you own?  <u>100'</u>	Legal Description (available from annual property tax notice) Lot/Tract#: _____ Section: _____ Township: _____ Range: _____ <u>Tract 1 Gov't 416 26 31N 22W</u> Subdivision Name: _____
-------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

CONTRACTOR: WHITEFISH ER DOCK PHONE#: 862-7332  
 Mail Address: 14 SCULLERS WY  
WHITEFISH MT 59937

**FEES:**

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

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

INSTALL DOCK

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

N/A

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

NONE

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

NA

4. The following Project Information must be included.

Is VICINITY MAP attached?

yes

Is a "to scale" SITE PLAN attached?

yes

Is a "to scale" PROJECT DRAWING attached?

yes

Are at least 3 PHOTOS of work site attached?

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

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

*Robert W. Pero*

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

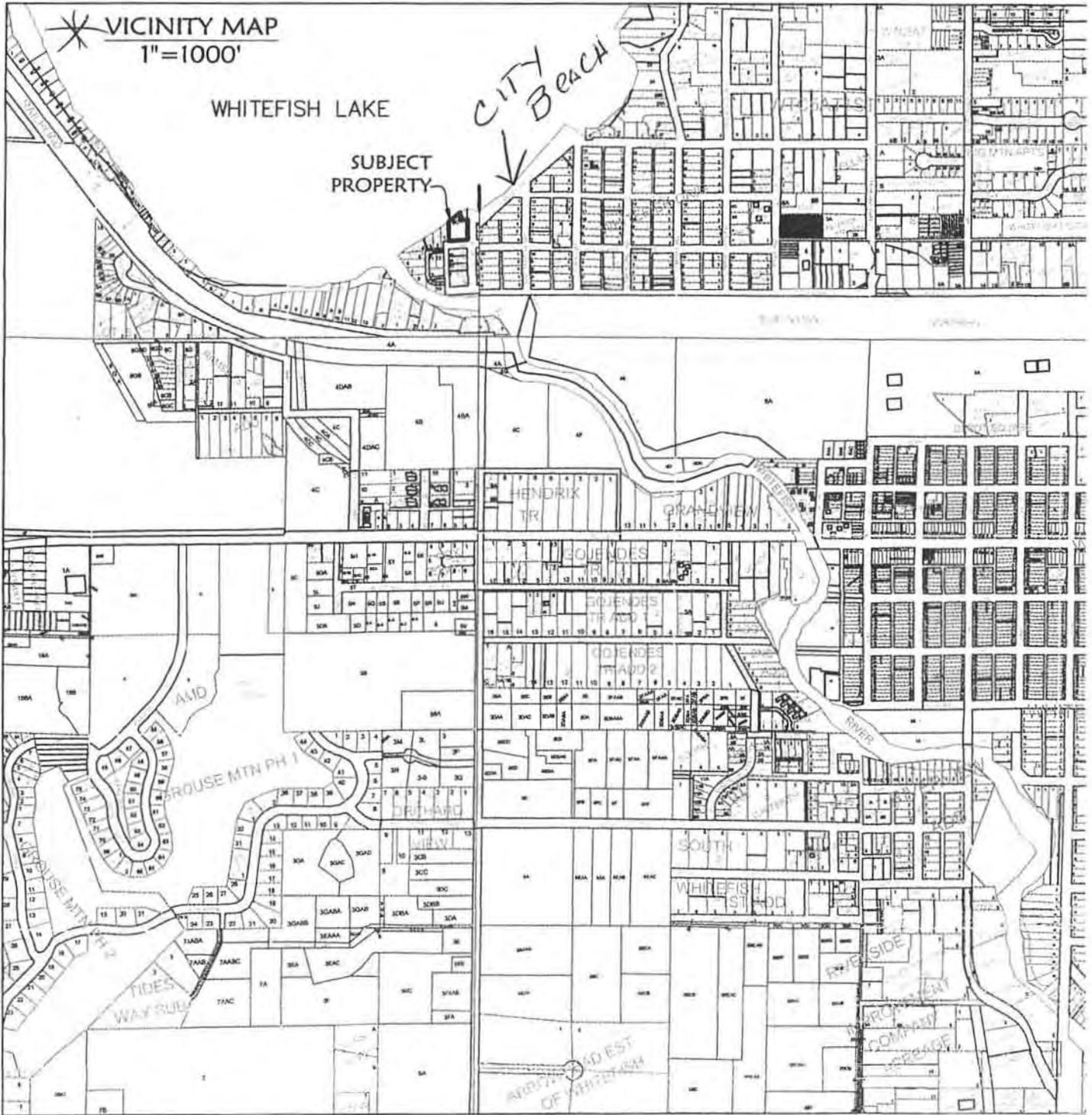
5/19/13

Date:

ROBERT W. PERO

Print Name

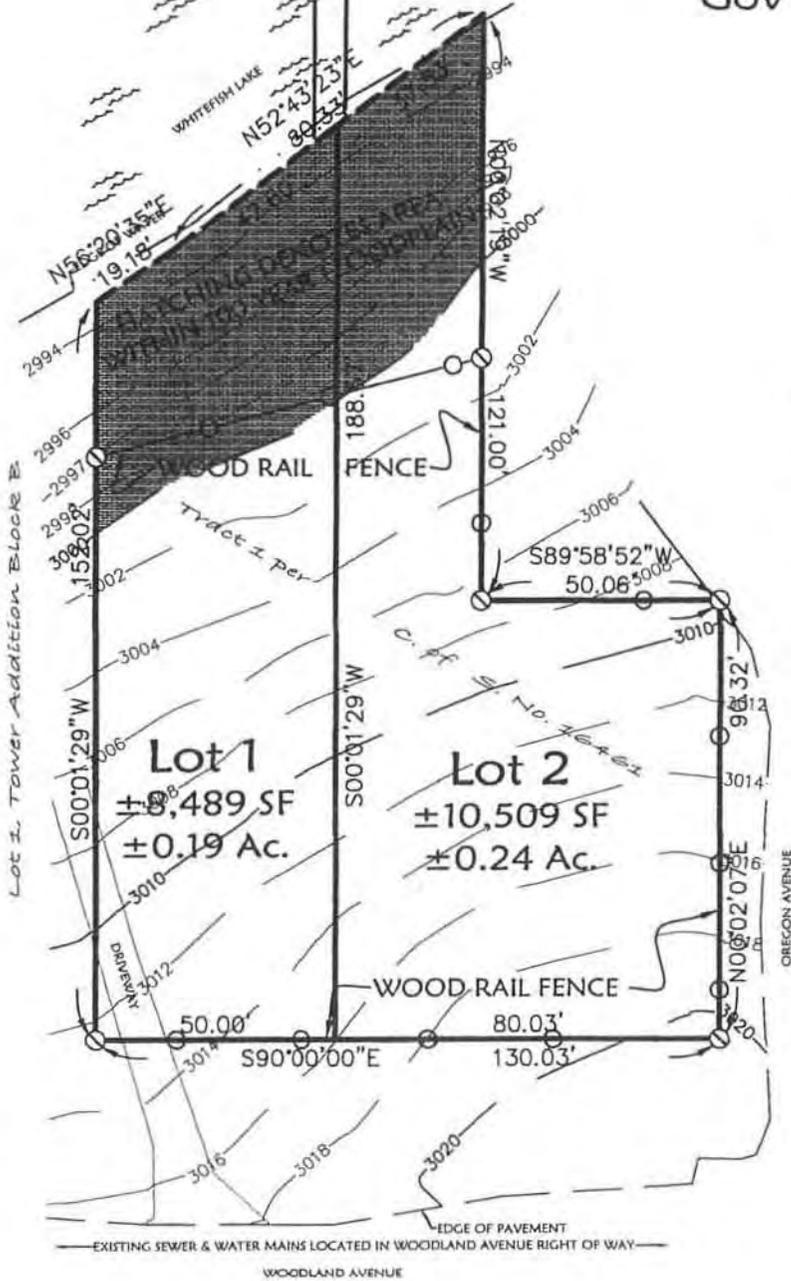
All work will be inspected for conformity with permit. The permit is valid for one year from date of approval. The permit can be renewed by the governing body upon request.



**Marquardt**  
**Surveying**

201 3rd Ave. West (406) 755-6285  
Kalispell, MT 59901 info@mmsurvey.net

**PROPOSED SUBDIVISION  
 WHITEFISH LAKEFRONT ESTATES  
 Tract 1 per C. of S. No. 16461  
 Gov't Lot 6, Section 26, T31N R22W  
 Flathead County, Montana**



**LEGEND & NOTES:**

⊙ FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "SULLIVAN 90955"

PROJECT ELEVATIONS PER RIVER DESIGN GROUP ALUMINUM CAP BENCHMARK SET AT THE WHITEFISH CITY BEACH (BENCHMARK ELEVATION 2998.34')

CONTOUR INTERVAL IS 2' 100 YEAR FLOOD ELEVATION: 3000.3'

FIELD SURVEY COMPLETED AUGUST 18, 2008

THERE ARE NO WETLANDS ON THE SUBJECT PROPERTY

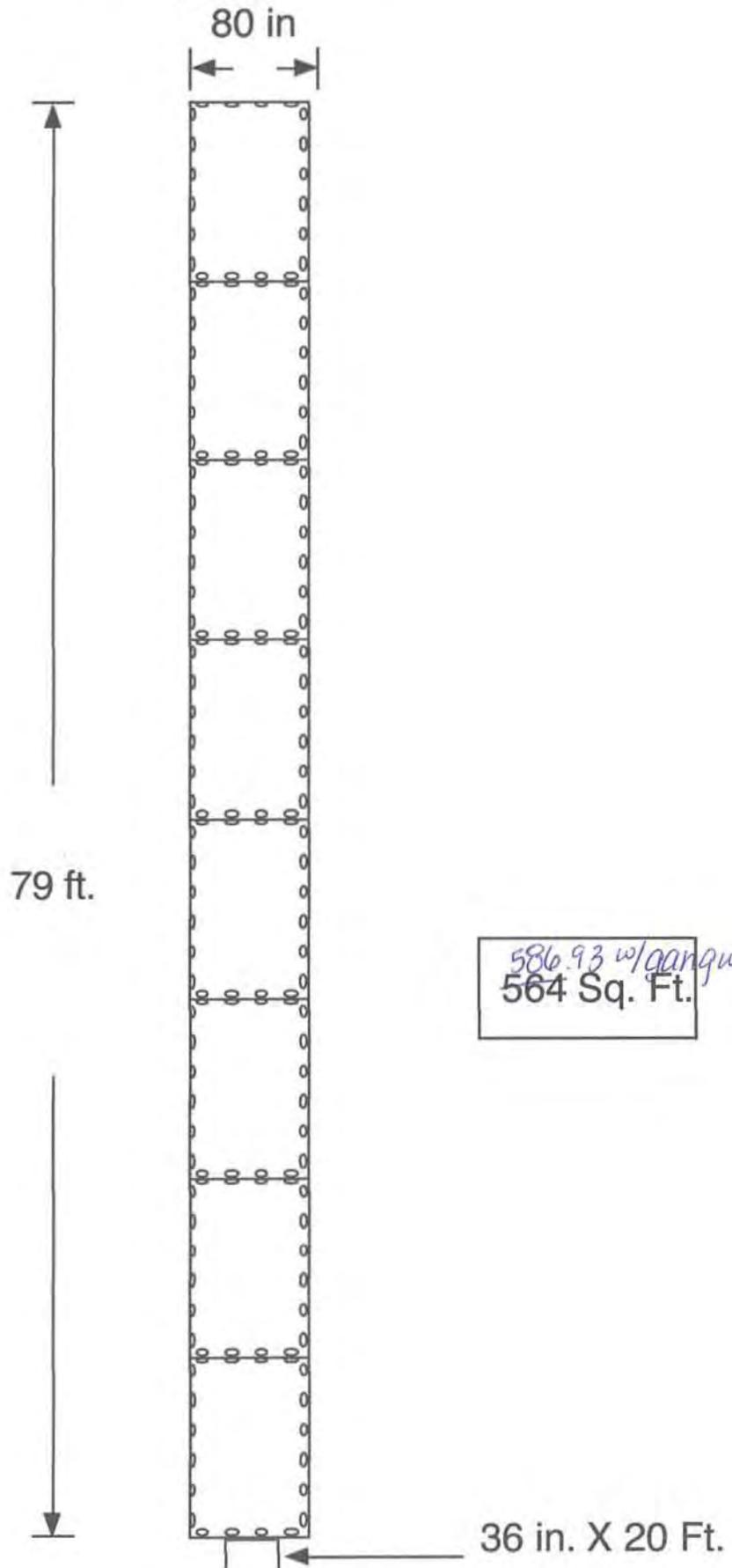
THERE ARE NO BUILDINGS ON THE SUBJECT PROPERTY



SCALE: 1" = 40'



E Z Dock Drawing For :  
Pero



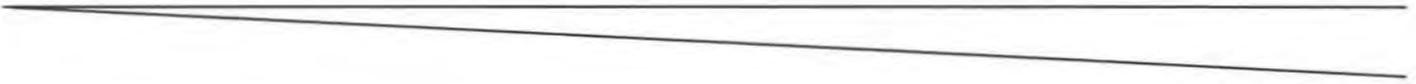
# Bottom Profile For: Pero

Distance  
from shore  
in feet.

10      20      30      40      50      60      70      80      90      100

Depth

1 ft      1.9 ft.      2.5 ft.      2.8 ft.      2.9 ft.      3 ft.      3.3 ft.      3.5 ft      3.7 ft.      3.8 ft



BK B (Trk) 079750

Owners: Jacqueline M. Knight  
Mary Flavia Morgan

F & H Land Surveying, Inc.  
144 Second Street East  
P.O. Box 114  
Whitefish, MT 59917  
406-862-2386

Date: August 9, 2011

Job# FLN-104

# CERTIFICATE OF SURVEY

GOVT. LOT 6 SECTION 26, T.31 N., R.22 W., P.M.,M.  
FLATHEAD COUNTY, MONTANA

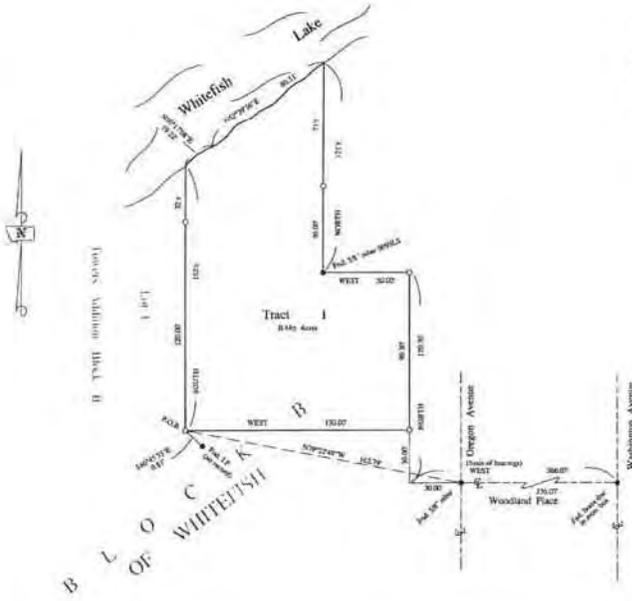


- LEGEND**
- ⊕ Section corner (see notes)
  - 1/4 corner (see notes)
  - Corner 1/4 distance (see notes)
  - 1/16 corner (see notes)
  - Point of interest
  - C. See 1/16 1/2 1/4 notes with adjacent plat titled "SULLIVAN 8085LS"

**RECAP OF SURVEY READJUSTMENT**

**DESCRIPTION**

This portion of the Government Lot 6 (1/4) of Section Twenty-six (26), Township Thirty-one North (T.31 N.), Range Twenty-two West (R.22 W.), Third Principal Meridian, Flathead County, Montana described as follows: Commence at the intersection of Woodland Place and Oregon Avenue in Whitefish, Montana; thence S79°22'48" W 122.70 feet to the TRUE POINT OF BEGINNING of the tract of land herein described; thence S45°11'21" W 122.70 feet to the WEST 3/16th corner; thence NORTH 121 feet more or less to the shore of Whitefish Lake; thence substantially and along the shore of Whitefish Lake 100 feet more or less as a point which bears NORTH from the point of beginning; thence SOUTH 112 feet more or less to the point of beginning and containing 0.44 acres of land as shown herein.



CERTIFICATE OF SURVEY  
 I, Paula Romano  
 Licensed Land Surveyor for the State of Montana  
 do hereby certify that the foregoing is a true and correct copy of the original survey as shown on the plat hereon filed.  
 Witness my hand and the seal of my office this 9th day of August, 2011.  
 Paula Romano  
 Licensed Land Surveyor  
 MONTANASURVEYING INC. NO. 2004351/1400  
 SHEET 1 OF 1 SHEETS

CERTIFICATE OF SURVEY NO. 16461  
 MCKNIGHT/MORGAN





**WHITEFISH LAKESHORE PROTECTION COMMITTEE**  
**MINUTES OF JUNE 12, 2013**

The meeting was called to order at 6:00pm by Chairman Herb Peschel, and conducted roll call of those present.

***MEMBERS PRESENT:***

- X Greg Gunderson, Ron Hauf, Sharon Morrison, Herb Peschel, and Jeff Jensen. Dennis Konapatzke attended via conference call. Nikki Bond of the Whitefish Planning Office was also present.

***MEMBERS ABSENT:*** The seat vacated by Marcia Sheffels remains unappointed by the City. Scott Ringer was unable to attend the meeting.

***ADDITIONS/CORRECTIONS to TONIGHT'S AGENDA:***

- X None.

***GENERAL PUBLIC COMMENT:***

- Two members of the public were present, Dave Stephens & Tim Healy, and had no comments. They were attending on behalf of Whitefish Lake Services which had permits on the agenda.

***ADOPTION of MINUTES from LAST MEETING:***

- Greg Gunderson moved to approve the Minutes of May 8, 2013. Motion was seconded by Ron Hauf and motion carried unanimously.

***OLD BUSINESS:*** <none>

***NEW BUSINESS:***

**WLP-13-W12 – Rob Pero – Dock**

**[Present: no applicant present]**

***Discussion:***

Nikki summarized the Staff Report for the committee. Due to the location of the property near City Beach, staff included a recommended condition of approval to require the dock be placed in the middle of the property ownership (even if the property is subdivided as it will become a shared dock) and if it is not within the middle of the property then it should only be moved towards the western property line (away from City Beach).

***Motion:***

- Ron Hauf moved to accept Application #WLP-13-W12 as submitted, subject to the conditions detailed in the Planner's staff report. Sharon Morrison seconded. No further discussion. All in favor and motion carried.

**WLP-13-W14 – Byron Kluth – Dock**

**[Present: no applicant present]**

***Discussion:***

Nikki reviewed the Staff Report for committee. She noted that there was a boathouse in the lakeshore protection zone that was not noted on the application. Staff revised the staff report to

note the structure for future applications. The property is still well under the allowable constructed area with the boat house so the recommended conditions of approval did not change.

*Motion:*

- Ron Hauf moved to accept Application #WLP-13-W14 subject to the changes and conditions detailed in the Planner's staff report. Sharon Morrison seconded. No further discussion. All in favor and motion carried.

#### **WLP-13-W15 – Murray Knechtel – Dock**

**[Present: no applicant present]**

*Discussion:*

Nikki noted staff had no further comments or changes regarding the application.

*Motion:*

- Jeff Jensen moved to accept Application #WLP-13-W15 subject to the conditions detailed in the Planner's staff report. Ron Hauf seconded. No further discussion. All in favor and motion carried.

#### **WLP-13-W16 – Gerry Erlam – Shore Station**

**[Present: Dave Stephens & Tim Healy, Whitefish Lake Services]**

*Discussion:*

Nikki noted staff had no further comments or changes regarding the application.

*Motion:*

- Greg Gunderson moved to accept Application #WLP-13-W16 subject to the conditions detailed in the Planner's staff report. Jeff Jensen seconded. No further discussion. All in favor and motion carried.

#### **WLP-13-W17 – George Loslen – Buoy**

**[Present: Dave Stephens & Tim Healy, Whitefish Lake Services]**

*Discussion:*

Nikki noted staff had no further comments or changes regarding the application.

*Motion:*

- Ron Hauf moved to accept Application #WLP-13-W17 subject to the conditions detailed in the Planner's staff report. Sharon Morrison seconded. No further discussion. All in favor and motion carried.

\*Side Note: During review of the buoy permit, Ron Hauf had questions regarding buoys with light requirements at night. Dave Stephens stated that it was a State requirement and that there are buoys available with solar panels to power the lights. He said that the buoys he installs on Whitefish Lake are for swim areas and deep water mooring balls.

#### **WLP-13-W18 – Duane & Valerie Bauch – Stone Steps**

**[Present: no applicant present]**

*Discussion:*

Nikki stated that the applicant had requested to change the number of steps to 20 after the staff report had been mailed out. The staff report has been amended to reflect the change. Staff overestimated the amount of constructed area needed for the installation of the steps as the area shown on the applicant's site plans was smaller than what would be needed. A condition was

included to require a site visit to record the final constructed area after completion of project so the corrected total could be reflected in the applicant's file.

*Motion:*

- Dennis Konapatzke recused himself from the permit review as the property owners are his neighbors. Sharon Morrison moved to accept Application #WLP-13-W18 subject to the conditions detailed in the Planner's staff report and recommend approval to the City Council. Ron Hauf seconded. No further discussion. All in favor and motion carried.

#### **WLP-13-W20 – Launching Eagle LLC – Dock**

**[Present: Dave Stephens & Tim Healy, Whitefish Lake Services]**

*Discussion:*

Nikki noted staff had no further comments or changes regarding the application.

*Motion:*

- Ron Hauf moved to accept Application #WLP-13-W20 subject to the conditions detailed in the Planner's staff report. Jeff Jensen seconded. No further discussion. All in favor and motion carried.

#### **WLP-13-W21 – Cabe Family Trust - Dock**

**[Present: no applicant present]**

Nikki noted staff had no further comments or changes regarding the application.

*Motion:*

- Greg Gunderson moved to accept Application #WLP-13-W21 subject to the conditions detailed in the Planner's staff report. Ron Hauf seconded. No further discussion. All in favor and motion carried.

#### **WLP-13-W22 – Joe Eve – Dock**

**[Present: Dave Stephens & Tim Healy, Whitefish Lake Services]**

Nikki noted staff had no further comments or changes regarding the application. She did mention the application had come in after the deadline but staff put the dock on the agenda as time permitted since the permit was straight-forward. Dave Stephens stated the previous dock had taken a few beatings during recent storms which caused it to become unusable. It had been removed from the property the previous day.

*Motion:*

- Jeff Jensen moved to accept Application #WLP-13-W22 subject to the conditions detailed in the Planner's staff report. Sharon Morrison seconded. No further discussion. All in favor and motion carried.

#### **By-laws Discussion**

Sharon Morrison provided a quick overview of the bylaws she was drafting. The committee is a citizen committee with legislative statutes which turns authority over to local jurisdictions. She is recommending including wording regarding attendance for committee members such as after missing three (3) meetings the committee would report the absence to the governing body who appointed the committee member. Further discussion on the bylaws will take place at the July meeting.

***ADJOURNMENT***

Meeting was adjourned at 6:45 pm

**NEXT MEETING**

**July 10, 2013 \* 6:00pm**

**Whitefish Planning & Building Office – Conference Room  
510 Railway Street -- Whitefish**

DRAFT

**DUANE & VALERIE BAUCH  
WHITEFISH LAKE LAKESHORE PERMIT  
STAFF REPORT AMENDED#WLP-13-18  
JUNE 12, 2013**

**Owner:** Duane & Valerie Bauch  
**Mailing Address:** 2190 Houston Drive  
Whitefish, MT 59937  
**Telephone Number:** 406.862.2044  
**Contractor:** Mike Sandifer  
**Mailing Address:** Diamond Sprinkler Systems  
417 Hidden Valley Lane  
Columbia Falls, MT 59937  
**Telephone Number:** 406.212.8713  
**Property Legal Description:** Tract 1 ABB in Lot 1, Houston Tracts in Section  
23, Township 31 North, Range 22 West  
**Property Address:** 2190 Houston Drive  
**Lake:** Whitefish Lake  
**Lake Frontage:** 68.57'  
**Project Description:** Installation of Stone Steps

**Discussion:**

Proposal: (Staff Note: The application received is also for a waterline replacement and removal of an abandoned water line into the lake. The waterline permit is being issued separately as it is administrative). The applicant is requesting to install stone slabs/steps from the existing trail to the lake. There are stones located around the pump house that could be considered steps but they are in bad shape and not in any particular order. The new stone steps will replace the old stones and provide a safer walking surface around the pump house. The application requests the placement of ~~12-15~~ **20** rock slabs - the attached drawing show the maximum dimension of each at roughly 2' x 2'. Staff is estimating the installation of the stone steps at the largest size possible so a violation or permit amendment won't be needed after work begins if it is determined that more steps may be required than originally thought. Staff would estimate the area need at roughly 60 square feet from the drawings but would err on the side of caution with 100 square feet as the property is well within the allowable constructed area. After installation of the steps, a site visit can be performed to document the size of the completed project.

Frontage and allowable constructed area: The property is eligible for 548.56 square feet of constructed area based on 68.57 of lake frontage.

Existing Constructed Area: The property currently has 296 square feet of constructed area within the lakeshore protection zone consisting of a dock and a non-conforming shed/pump house. If the steps are installed at 100 square feet the property will have 396 square feet of constructed area.

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

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

**Recommended Conditions of Approval:**

1. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.

**Stone Steps**

2. The dimensions of 100 square feet of constructed area for the steps shall not be exceeded. Changes or modifications to increase any dimension or change the materials or construction methods described in the application must be approved through permit amendment.
3. The area disturbed by construction shall be restored to the condition prior to construction. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.
4. Hand railings are permitted. The railing shall not extend higher than four feet (4') above the stairway and landing walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
5. The steps shall have a maximum width of four feet (4') and shall be designed to provide access only. The existing path may not be modified except for the installation of steps.
6. Clean, washed gravel may be used in setting the steps but cannot be used to modify existing terrain.

7. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.
8. Cultured or natural stone or rock shall be used for the proposed work within the lakeshore protection zone. The stones or rock to be used shall be dry set.
9. All work shall be done when the lake is at low pool, before April 20<sup>th</sup> or after August 15<sup>th</sup>, and when the construction site is dry. Construction dates can be modified with approval by the Planning Department to account for fluctuations with high water and low water cycles dependent on late thawing or early lowering of lake levels.
10. The natural protective armament of the lakebed and lakeshore shall be preserved wherever possible.
11. The work authorized under this permit shall be completed in substantial compliance with the methods and materials described within the application.
12. At no time shall the wheels of any vehicle come in contact with the lake. All equipment tracks shall be raked or otherwise removed by hand.
13. If lake siltation occurs, work will be immediately halted and the City of Whitefish Planning Department shall be contacted.
14. Temporary storage of equipment or construction materials in the lakeshore protection zone is prohibited.
15. Prior to the start of any construction activity, an effective siltation barrier shall be installed at the lakeshore protection zone boundary. The barrier shall be designed and constructed to prevent silt and other debris from the construction site entering the lakeshore protection zone, and shall be maintained until such a time as permanent erosion control and site stabilization are established on the property.
16. All work shall be done when the lake is at low pool and the construction site is dry.
17. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, contact the Whitefish Planning and Building Department for inspection so the overall dimensions of the finished project can be noted in the file.

Report by: Nikki Bond

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

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

### Submit Application To:

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

<b>OWNER</b> Name <u>Duane + Valerie Bauch</u> Phone <u>862-2044</u> Mail Address <u>2190 Houston Drive</u> City, State, Zip <u>Whitefish MT 59937</u> Project address (if other than above) _____	<b>APPLICANT (If Other Than Owner)</b> Name _____ Phone _____ Mail Address _____ City, State, Zip _____
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------

Email address (staff reports are sent via email): valeriebauch@gmail.com

How many feet of the lake frontage do you own?  <u>68.57 feet</u>	Legal Description (available from annual property tax notice) <table border="0" style="width: 100%;"> <tr> <td style="width: 25%;">Lot/Tract#:</td> <td style="width: 25%;">Section:</td> <td style="width: 25%;">Township</td> <td style="width: 25%;">Range:</td> </tr> <tr> <td><u>1 ABF / NLI</u></td> <td><u>23</u></td> <td><u>31</u></td> <td><u>22</u></td> </tr> <tr> <td colspan="4">Subdivision Name: <u>Houston Tracts</u></td> </tr> </table>	Lot/Tract#:	Section:	Township	Range:	<u>1 ABF / NLI</u>	<u>23</u>	<u>31</u>	<u>22</u>	Subdivision Name: <u>Houston Tracts</u>			
Lot/Tract#:	Section:	Township	Range:										
<u>1 ABF / NLI</u>	<u>23</u>	<u>31</u>	<u>22</u>										
Subdivision Name: <u>Houston Tracts</u>													

<b>CONTRACTOR:</b> <u>Mike Sandifer</u>	<b>PHONE#:</b> <u>212-8713</u>
Mail Address: <u>Diamond Sprinkler Systems</u> <u>417 Hidden Valley Lane</u> <u>Columbia Falls MT 59912</u>	

**FEES:**

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

1. Nature of the Proposed Work (describe what you propose to build, demolish, or install. Give dimensions, material and list heavy equipment, if any to be used).  
4'-6" deep and 4" wide at base trenching from house to lakeshore shed to replace waterline with 1" plastic pipe, and to bury powerline. A trenching machine with 42" wide track will be used. Also place approximately 12-15 rock slabs from existing trail down to shed and around north side to door

2. Describe any Environmental Impacts (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.  
No environmental impact. Contractor will use plywood to block any dirt or rocks from rolling down hill.

3. Describe existing improvements on the property within the lakeshore protection zone along with the square footage of each such as an existing dock, stairs, deck or patio and when they were constructed, if known, or the permit number.  
shed/pumphouse - 68 sq feet, constructed prior to 1975, added window in 2008, #WLP-08-W30  
dock - 228 sq feet, constructed 2011 to replace old dock #WLP-10-W34

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

4. The following Project Information must be included.

Is VICINITY MAP attached?	<input checked="" type="checkbox"/>
Is a "to scale" SITE PLAN attached?	<input checked="" type="checkbox"/>
Is a "to scale" PROJECT DRAWING attached?	<input checked="" type="checkbox"/>
Are at least 3 PHOTOS of work site attached?	<input checked="" type="checkbox"/>

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

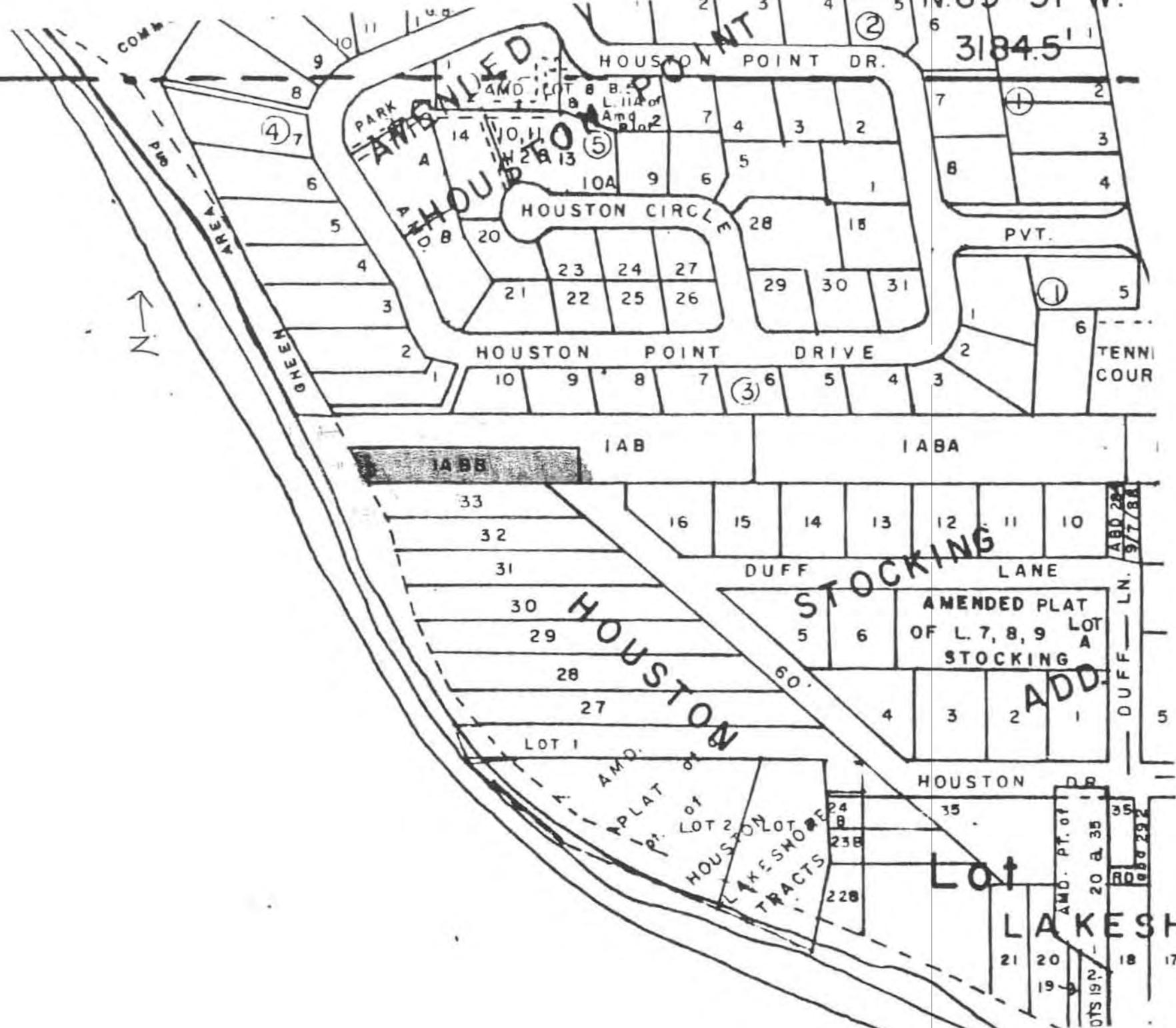
I hereby state that the statements contained herein and the materials attached hereto are a true and complete statement of all proposed work and its effects (or probable effects) on the lake and lakeshore and that I have answered all questions in the application. The signing of this application signifies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

Valerie J. Bauch 5.20.13  
Owners Signature (May be signed by applicant but authorization letter from owner must be attached.) Date:  
Valerie J. Bauch

Print Name

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

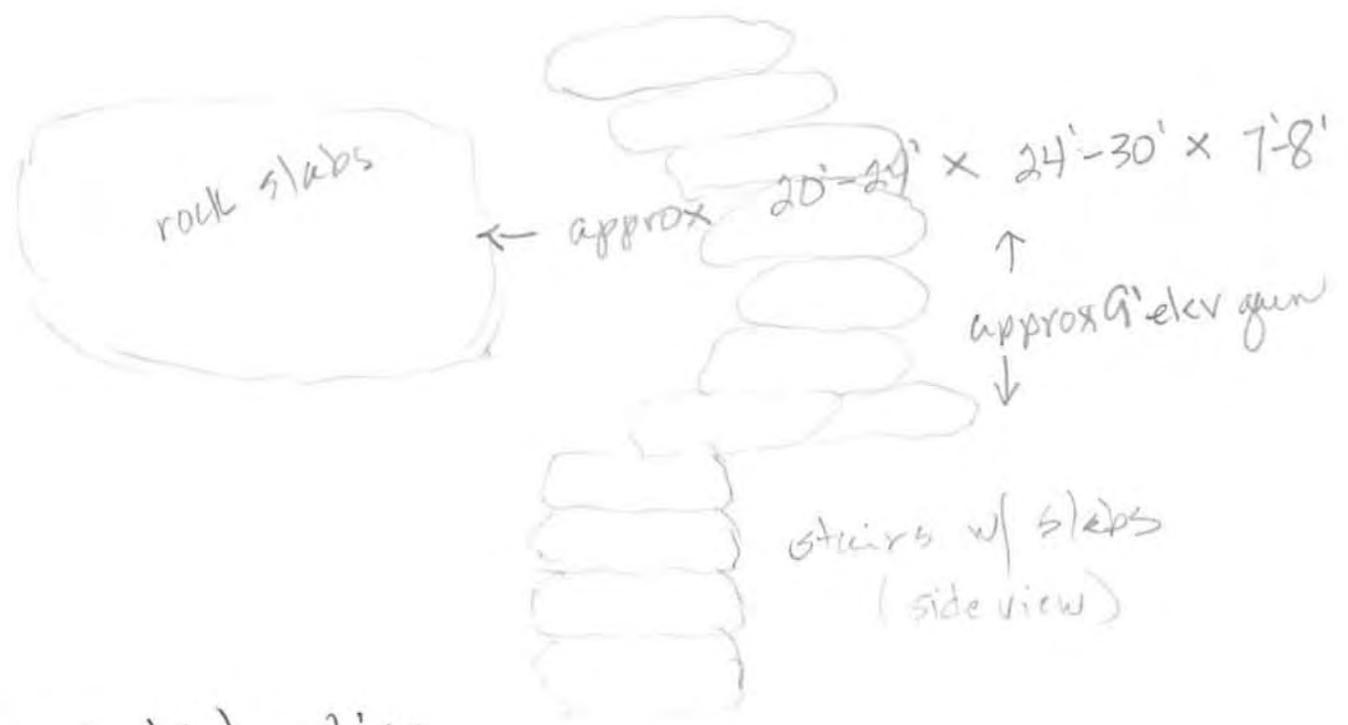
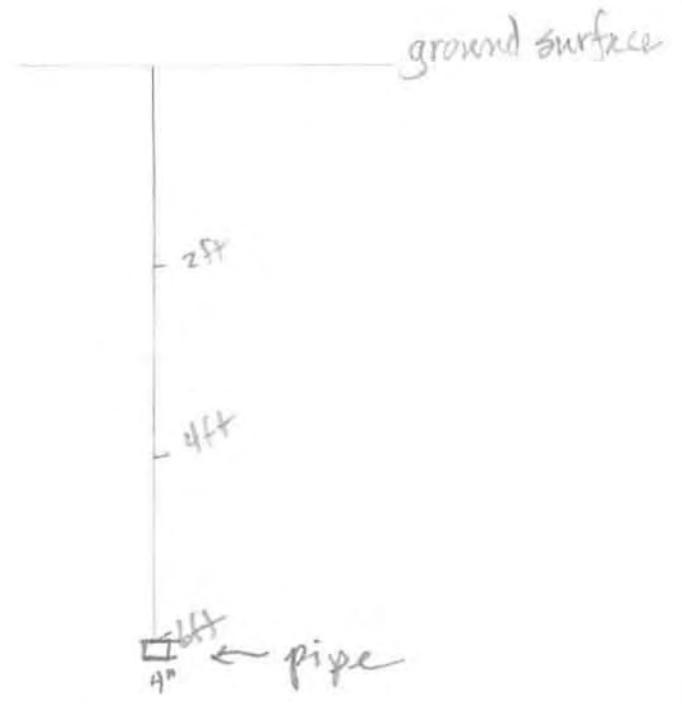
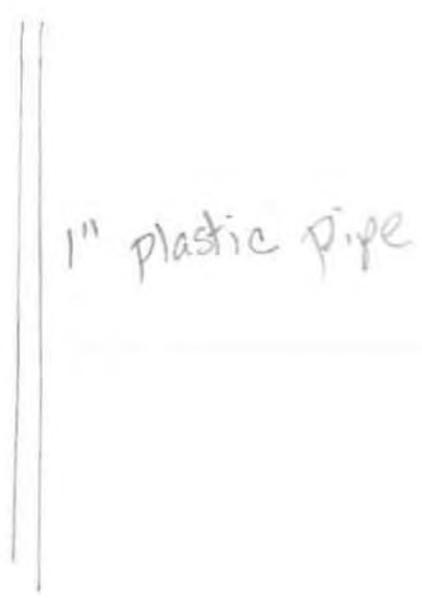
*Nearby Map*





Site Plan 2 (with full dock)

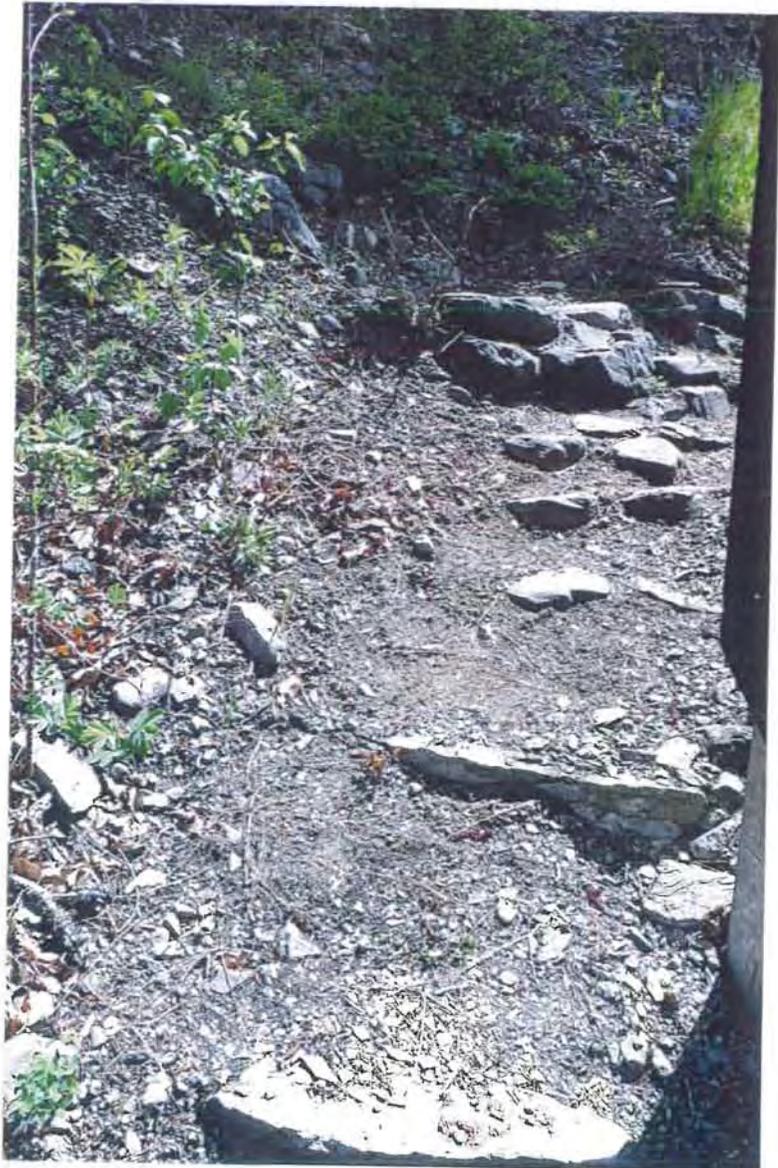




project drawing









Nikki Bond &lt;nicknackmt@gmail.com&gt;

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**Lakeshore Permit**

2 messages

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**Nikki Bond** <nicknackmt@gmail.com>

Thu, Jun 6, 2013 at 6:41 PM

To: valeriebauch@gmail.com

Hi Valerie,

Here is the link to the dropbox account with the staff report and agenda for the lakeshore meeting next week. Please let me know if you have any questions regarding the report or if you have any issues accessing the files.

Thanks,

Nikki Bond

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**Valerie Bauch** <valeriebauch@gmail.com>

Fri, Jun 7, 2013 at 10:57 AM

To: Nikki Bond &lt;nicknackmt@gmail.com&gt;

Hi Nikki,

Thanks for the email. I am requesting that we change the number of stone steps from 12 to 20. I doubt we will use that many but would like to avoid any problems. We are comfortable with the footage you estimated for us.

Sincerely,

Valerie

**From:** Nikki Bond [mailto:nicknackmt@gmail.com]**Sent:** Thursday, June 06, 2013 6:41 PM**To:** valeriebauch@gmail.com**Subject:** Lakeshore Permit

[Quoted text hidden]

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



July 1, 2013

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

**RE: Montgomery/Ellingson B&B**

Honorable Mayor and Council:

**Summary of Requested Action:** This is a request by William Montgomery and Karen Ellingson for a conditional use permit to operate a bed & breakfast at 178 E Blanchard Lake Road. The property is zoned SAG-5, Flathead County Suburban Agricultural.

**Planning Board Action:** The Whitefish City-County Planning Board met on June 20, 2013 to consider the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with the thirteen (13) conditions from the staff report and adopted the staff report as findings of fact. (Konopatzke and Vail were absent).

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced conditional use permit with thirteen (13) conditions set forth in the attached staff report.

**Public Hearing:** The applicant, Bill Montgomery, spoke at the public hearing in support of his project.

This item has been placed on the agenda for your regularly scheduled meeting on July 1, 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 blue ink, appearing to read "David Taylor", is written over a light blue horizontal line.

David Taylor, AICP, Director

Att: Exhibit A: Recommended Condition of Approval  
Draft Minutes of 6-20-13 Planning Board Meeting

***Exhibits from 6-20-13 Staff Packet***

1. Staff Report, 6-20-13

**The following exhibits were submitted by the applicant:**

2. Conditional Use Permit Application & Supporting Materials, 5-1-13

c: w/att Necile Lorang, City Clerk  
Karen Ellingson

**Exhibit A**  
**Montgomery/Ellingson B&B CUP**  
**WCUP 13-07**  
**Whitefish City-County Planning Board**  
**Recommended Conditions of Approval**  
**July 1, 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 four 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. The owner 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. There shall be a minimum of six off-street parking spaces maintained and contained on the site.
10. Prior to commencing the bed and breakfast use, the applicant shall schedule a site inspection with the Fire Marshal and comply with any required changes.
11. The applicant shall secure a sign permit for any signage associated with the bed and breakfast and the signage shall comply with the residential standards of the Whitefish Zoning Jurisdiction Regulations and shall not flash, rotate, or blink.

12. 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.
13. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun or proof is provided prior to expiration that the applicant is diligently working toward commencing the use.

**MONTGOMERY AND  
ELLINGSON  
CONDITIONAL USE  
PERMIT REQUEST**

William Montgomery and Karen Ellingson have requested a Conditional Use Permit to operate a four-room Bed and Breakfast at 178 East Blanchard Lake Road. The subject property is zoned SAG-5 (Suburban Agricultural). The 1.1 acre property is legally described as Lot 3ABCC in section 13, Township 30N, Range 22W, P.M.M., Flathead County, Montana. (WCUP 13-07 Taylor)

**STAFF REPORT WCUP-13-  
07**

Planning Director Taylor reported that the applicant is requesting a conditional use permit (CUP) in order to operate a four room Bed & Breakfast at their house located at 178 E Blanchard Lake Road.

The property, which is outside of city limits, is zoned SAG-5 (Suburban Agricultural). The SAG-5 zoning district requires a Conditional Use Permit (CUP) for Bed & Breakfasts (2005 FCZR 3.08.030).

The County Code defines Bed and Breakfast as the following: *A single-family detached dwelling containing in addition to living accommodations, for the resident manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public for compensation, lodging, bathroom facilities, and breakfast only to overnight patrons.*

Section 4.02 of the 2005 FCZR provides for specific criteria and operational requirements for Bed & Breakfast facilities (11-3-4). The request meets those provisions.

The applicant's site plan shows there are twelve available off street parking spaces, double what is required. Because this property is outside of city limits in a SAG-5 zone, no additional paving or landscaping is required.

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 30, 2013. He did receive one call with concerns about the traffic on the private road. If it becomes an issue they could create a condition requiring dust control. No other comments were received.

This application is evaluated based on the "criteria required for consideration of a Conditional Use Permit," per Section 2.06.080 of the Flathead County Zoning Regulations.

Staff finds that the project meets the development requirements for Bed and Breakfast Establishments found in FCZR 4.02, the Conditional Use Permit requirements found in FCZR 2.06.080, and is consistent with the adopted 2007 Whitefish City-County Growth Policy.

It is recommended that Whitefish City-County Planning Board adopt

the staff report WCUP-13-07 and findings-of-fact and recommend to the Whitefish City Council the conditional use permit 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 four 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. The owner 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. There shall be a minimum of six off-street parking spaces maintained and contained on the site.
10. Prior to commencing the bed and breakfast use, the applicant shall schedule a site inspection with the Fire Marshal and comply with any required changes.
11. The applicant shall secure a sign permit for any signage associated with the bed and breakfast and the signage shall comply with the residential standards of the Whitefish Zoning Jurisdiction Regulations and shall not flash, rotate, or blink.
12. 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.

13. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun or proof is provided prior to expiration that the applicant is diligently working toward commencing the use.

**PUBLIC HEARING**

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

Bill Montgomery, applicant, said they will probably improve the road themselves and chip in for the plowing to make sure it is a good place for the neighborhood. He said they've had requests from people from all over for another B & B.

Meckel asked and Mr. Montgomery said there is only one other house on the road and they have a rental on their property, too.

**PUBLIC HEARING**

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

**BOARD DISCUSSION**

Gunderson mentioned that his business partner did some landscaping for this property last year, but he didn't see it as a conflict of interest.

**MOTION**

Smith moved and Phillips seconded to adopt staff to adopt staff report WCUP-13-07 and findings-of-fact and recommend to the Whitefish City Council to approve the Montgomery/Ellison conditional use permit request for a B & B.

**VOTE**

The motion passed unanimously. (Scheduled for City Council on July 1, 2013.)

**SORENSEN/LANDMARK CONSTRUCTION MGMT PUD AND CONDITIONAL ZONING REQUEST.**

Orlan Sorenson of Landmark Construction Mgmt has requested a Planned Unit Development overlay and Conditional Zoning in order to construct a 3-story 80 room hotel with 72 off-street parking spaces. The property is zoned WB-3 (General Business District) and WR-4 (high Density Multi-Family Residential District.)

**STAFF REPORT WPUD 13-02/WZC 13-03**

Director Taylor said the applicant has withdrawn this request from the agenda for tonight. It will be rescheduled for the July meeting.

**NEW BUSINESS**

None.

**GOOD AND WELFARE**

1. Matters from Board  
Netteberg asked and Director Taylor said they won't be addressing the sign issue right now because they are swamped with big projects and they are waiting for a new planning staff person in the new budget.

2. Matters from staff

**MONTGOMERY/ELLINGSON B&B  
STAFF REPORT  
WCUP-13-07  
JUNE 20, 2013**

This is a report to the Whitefish City-County Planning Board and the Whitefish City Council regarding a request by William Montgomery and Karen Ellingson for a conditional use permit to operate a bed & breakfast at 178 E Blanchard Lake Road. A public hearing is scheduled before the Whitefish City-County Planning Board on June 20, 2013 and a subsequent hearing is set before the City Council on July 1, 2013.

**PROJECT SCOPE**

The applicant is requesting a conditional use permit (CUP) in order to operate a four room Bed & Breakfast at their house located at 178 E Blanchard Lake Road.

The property, which is outside of city limits, is zoned SAG-5 (Suburban Agricultural). The SAG-5 zoning district requires a Conditional Use Permit (CUP) for Bed & Breakfasts (2005 FCZR 3.08.030).



The County Code defines Bed and Breakfast as the following: *A single-family*

*detached dwelling containing in addition to living accommodations, for the resident manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public for compensation, lodging, bathroom facilities, and breakfast only to overnight patrons.*

Section 4.02 of the 2005 FCZR provides for specific criteria and operational requirements for Bed & Breakfast facilities (11-3-4). The request meets those provisions.

The applicant's site plan shows there are twelve available off street parking spaces, double what is required. Because this property is outside of city limits in a SAG-5 zone, no additional paving or landscaping is required.

## BACKGROUND INFORMATION

### A. Applicant/Owners:

Karen Ellingson/William Montgomery  
178 E Blanchard Lake Road  
Whitefish, MT 59937

### B. Size and Location:

The subject property is addressed as 178 E Blanchard Lake Road. The property is just over an acre, which is still under the five acre required lot size for the SAG-5 zoning designation (most lots in that area are substandard in size).

The property is located on the east side of Highway 93 South, accessed via a private drive off of E Blanchard Lake Road. The site is described as the Lot 3ABCC in section 13, Township 30N, Range 22W, 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 SAG-5, Suburban Agricultural.

### D. Adjacent Land Uses:

North:	Mini-storage	SAG-5
West:	Commercial	SAG-5
South:	Residential	SAG-5
East:	Residential	SAG-5

### E. Growth Policy Designation:

The Growth Policy designation for this area is Rural Residential which is intended for lots 2.5 to 10 acres in size of rural character. The SAG-5 zoning is consistent with this land use designation.

### F. Utilities:

Sewer:	Private on-site
Water:	Private well
Solid Waste:	North Valley Refuse
Gas:	Northwestern Energy
Electric:	Flathead Electric Co-op
Phone:	CenturyLink

Police: Flathead County Sheriff  
Fire: Whitefish Fire Department

**G. Public Notice:**

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 30, 2013. A notice was mailed to advisory agencies on June 3 2013. A notice of the public hearing was published in the *Whitefish Pilot* on June 5, 2013.

As of the date of this report, no comments have been received.

**REVIEW AND FINDINGS OF FACT**

This application is evaluated based on the "criteria required for consideration of a Conditional Use Permit," per Section 2.06.080 of the Flathead County Zoning Regulations.

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

Adequate usable space: The tract is approximately 1.1 acres in size. The two-story residence sits near the center of the property. There is ample parking and the property is surrounded by trees providing screening from adjoining properties.

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

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. No new construction is planned.

**Finding 1:** 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.

**2. Appropriateness of Design. 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, since the bed and breakfast has a maximum of four rentable rooms, a live-in manager, and no outside employees, the site would be required to have six parking spaces. The applicant has submitted a site plan showing twelve spaces.

Circulation: The circulation will come from Highway 93 South and E Blanchard Lake Road.

Open Space: The lot is over one acre, is landscaped, and has buffers of trees around the house. No neighboring houses are visible from the property.

Landscaping and Screening: The property is extensively landscaped at a residential scale with a gate and fencing around the entire perimeter.

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

Lighting: The property is required to have dark skies compliant lighting.

**Finding 2:** The quality and functionality of the proposed development requires no modifications. Parking and circulation are adequate. The design is appropriate.

## **5. Availability of Public Services and Facilities.**

Sewer and water: The property has private septic and a well.

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

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

Police: The Flathead County Sheriff's office serves the site, response times and access is adequate. The proposed use is not expected to have significant impacts upon police services.

Streets: The subject property is accessed off of East Blanchard Lake Road and a private access easement.

**Finding 3:** Private 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 East Blanchard Lake Road and the highway.

**6. Immediate Neighborhood Impact:**

Traffic Generation: Highway 93 South is a major arterial that serves traffic from Whitefish to Columbia Falls and Kalispell 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 4:** 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 moderate 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, existing non-conforming commercial uses, and a mini-storage facility. 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 5:** 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 Section 4.02 of the 2005 County Zoning Code:

*A. The operation of a bed and breakfast establishment shall be limited to single-family residences. Houses on or eligible to be placed on the National Register of Historic Places are preferable locations for such establishments. .*

**Finding 6:** The proposal is to convert a single family house into a B&B. It is not eligible for the National Register of Historic Places.

*B. Location on collector or arterial streets is encouraged.*

**Finding 7:** The bed and breakfast is near Highway 93 South, a major arterial, but accessed from a private drive off of East Blanchard Lake Road.

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

**Finding 8:** The structure will not be modified further to provide sleeping rooms or look non-residential.

*D. Signs shall be architecturally compatible to the residence and shall not flash, rotate or blink, and shall be in conformance with the sign ordinances applicable to the district.*

**Finding 9:** All proposed signage will be reviewed when a required sign permit is obtained.

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

**Finding 10:** The owner will live at and manage the facility and maintain use of the kitchen.

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

**Finding 11:** 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 meal service to the guests.*

**Finding 12:** 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 non-boarding customers is permitted. No alcoholic beverages will be sold on the premises.*

**Finding 13:** 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 FCZR 4.02, the Conditional Use Permit requirements found in FCZR 2.06.080, 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-13-07 and findings-of-fact and recommend to the Whitefish City Council the conditional use permit 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 four 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. The owner 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 uses 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. There shall be a minimum of six off-street parking spaces maintained and contained on the site.

10. Prior to commencing the bed and breakfast use, the applicant shall schedule a site inspection with the Fire Marshal and comply with any required changes.
11. The applicant shall secure a sign permit for any signage associated with the bed and breakfast and the signage shall comply with the residential standards of the Whitefish Zoning Jurisdiction Regulations and shall not flash, rotate, or blink.
12. 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.
13. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun or proof is provided prior to expiration that the applicant is diligently working toward commencing the use.



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** \_\_\_\_\_ (See current fee schedule)

OWNER(S) OF RECORD:

Name: Karen Ellingson

Mailing Address: 178 East Blanchard Lake Road

City/State/Zip: WF, MT 59937 Phone: 406-730-2616 h  
" 250-6576 c

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

Name: William Montgomery - Karen Ellingson

Mailing Address: 178 E. Blanchard Lake Rd

City/State/Zip: WF, MT 59937 Phone: 406-890-4243 Bill Cell  
406-250-6576 Karen Cell

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street Address: 178 E. Blanchard Sec. 30 Town-ship 22 Range No. 13

Subdivision Name: \_\_\_\_\_ Tract No(s). \_\_\_\_\_ Lot No(s). 3ABCC Block No. \_\_\_\_\_

DESCRIBE PROPOSED USE: Bed & Breakfast 4 rooms plus live in inn-keeper

ZONING DISTRICT: SAG-5

**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.

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.

Karen R. Ellingson  
Applicant's Signature

\_\_\_\_\_  
Date

Karen R. Ellingson  
Print Name

APPLICATION FOR CONDITIONAL USE PERMIT CITY OF WHITEFISH

BY: Karen Ellingson, 178 E Blanchard Lake Rd. Whitefish MT

Addendum

A.

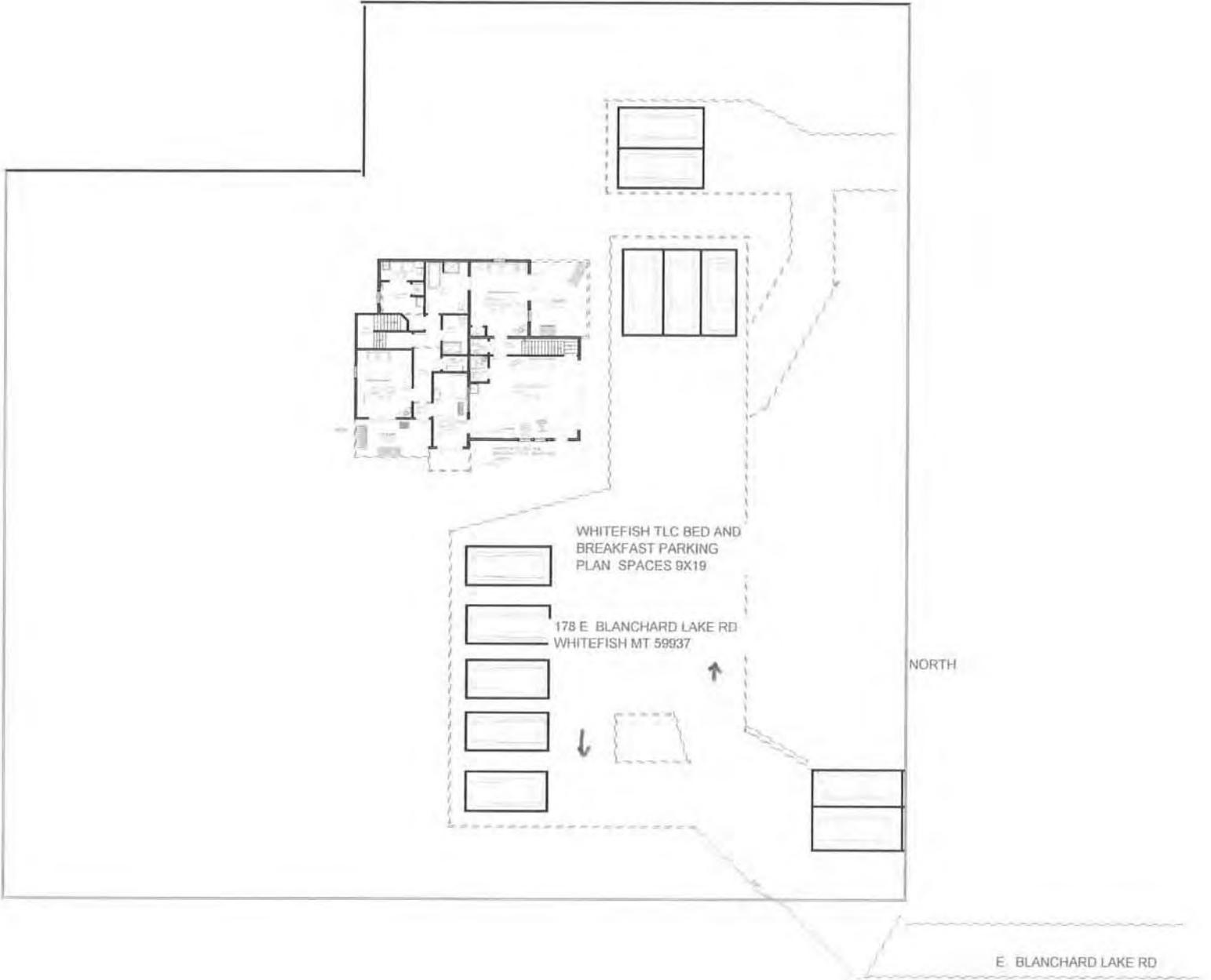
1. Provides additional accommodations for growth in tourism and community businesses.
2. Bed and Breakfast are an allowed use in this SAG-5 Zone. It meets code specifications in Section 11-3-4
3. Property is over one acre with adequate parking for 12 vehicles or more (see attached drawing), there is good access from US Hwy 93 and room for emergency vehicles to access property and exit. There are no environmentally sensitive areas on the property. Landscaping is consistent with the area and includes wildflowers and natural materials.
4.
  - a. Parking for min of 12 vehicles with good flow. See attached map/drawing
  - b. Circular flow , with 20' entrance gate.
  - c. Natural wooded area with large lawn area and wildflower garden.
  - d. Entire property is fenced, There are no viewable residential neighbors.
  - e. Property is wooded, with rock and flower gardens, sprinkled lawns and circular wildflower garden and fireplace/sitting area.
  - f. Minimal signage, TLC 178 on entrance lane.
  - g. All utilities are underground.
  - h. All utilities are underground.

5

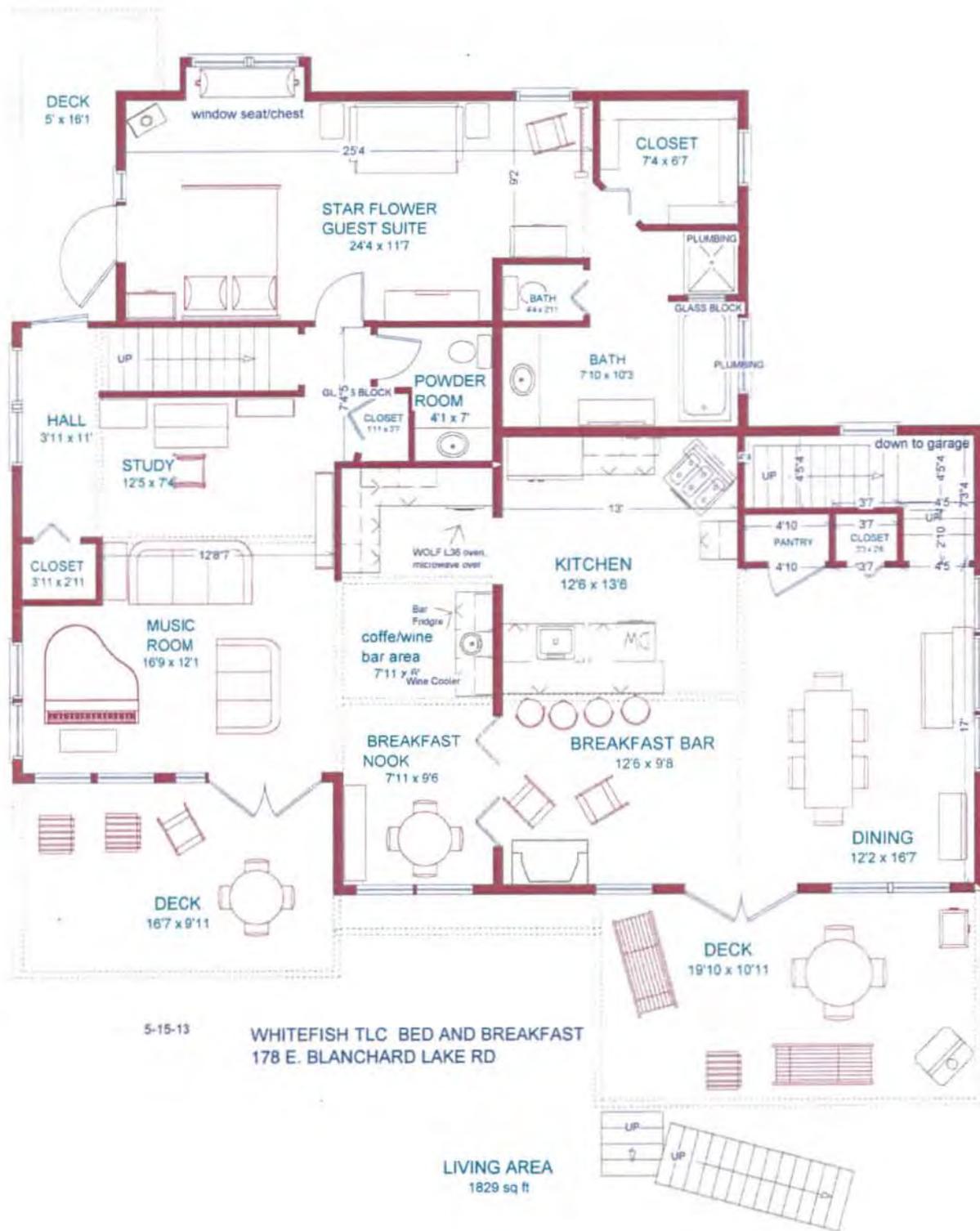
- a. Sewer has been upgraded and approved.
- b. Water is private well. Adequate flow, and has passed testing by Montana Environmental Lab
- c. Outside city limits.
- d. Outside city limits. (but 2 miles from WF Fire Unit)

- e. Outside city limits. Flathead County Sheriff Dept
  - f. Private
  - g. Outside city limits
  - h. Outside city limits
  - i. Outside city limits
- 6.
- a. Minimal Impact
  - b. Little dust, could be mitigated by way in dry season.
7. Hours of operation: Daily, Check in 3PM, Check out 11 AM
- 8 Existing building which fits the context and character of this rural residential area.

Property owner list: provided.









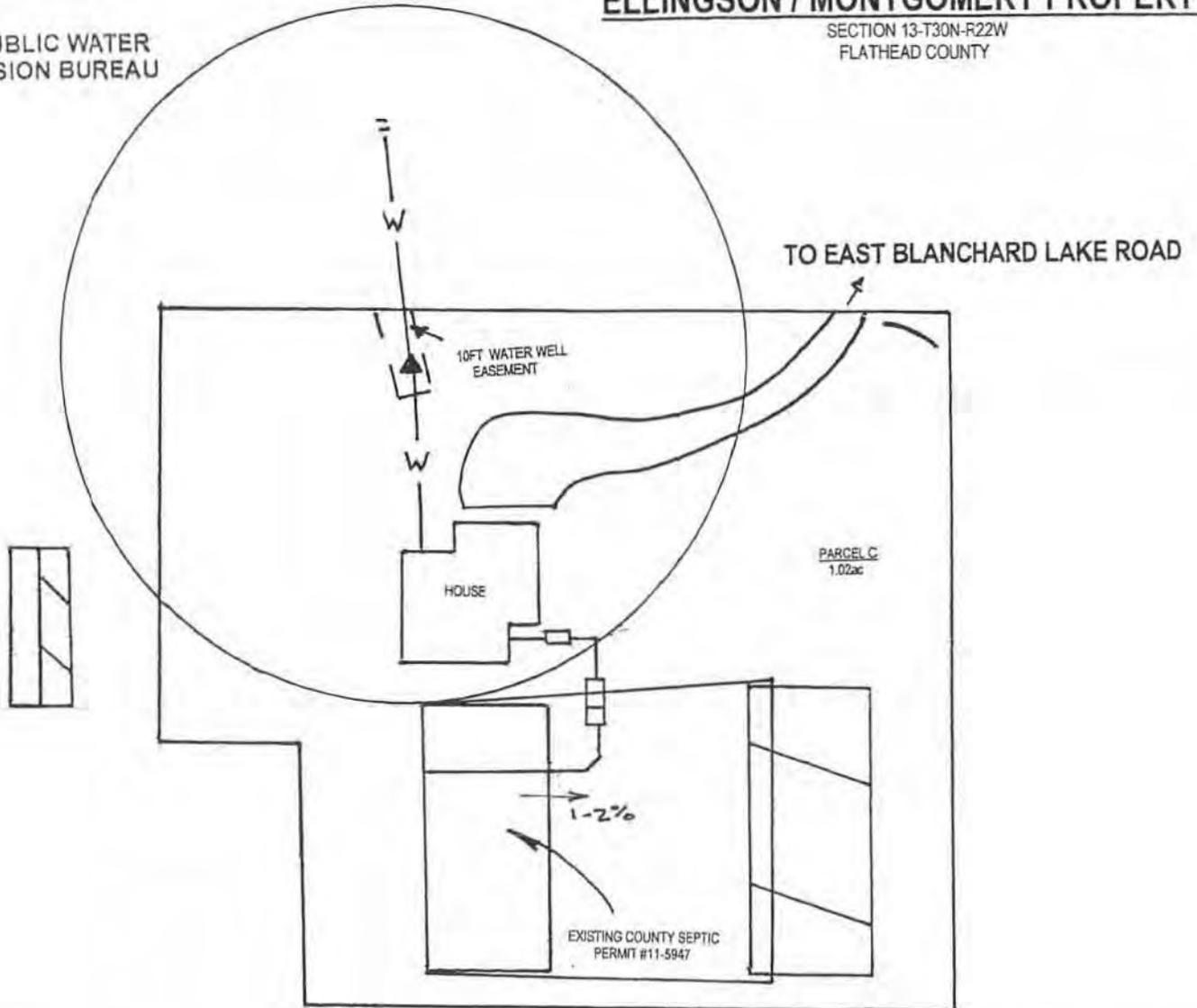
RECEIVED

MAY 15 2012

MT DEQ PUBLIC WATER & SUBDIVISION BUREAU

ELLINGSON / MONTGOMERY PROPERTY

SECTION 13-T30N-R22W  
FLATHEAD COUNTY



LEGEND

-  PRIMARY / REPLACEMENT DRAINFIELD
-  EXISTING WELL
-  TEST HOLE
-  PERC TEST
-  DETENTION SWALE
-  WATERLINE



Reviewed by the reviewing Authority  
Under contract with the  
Department of Environmental Quality / PCD

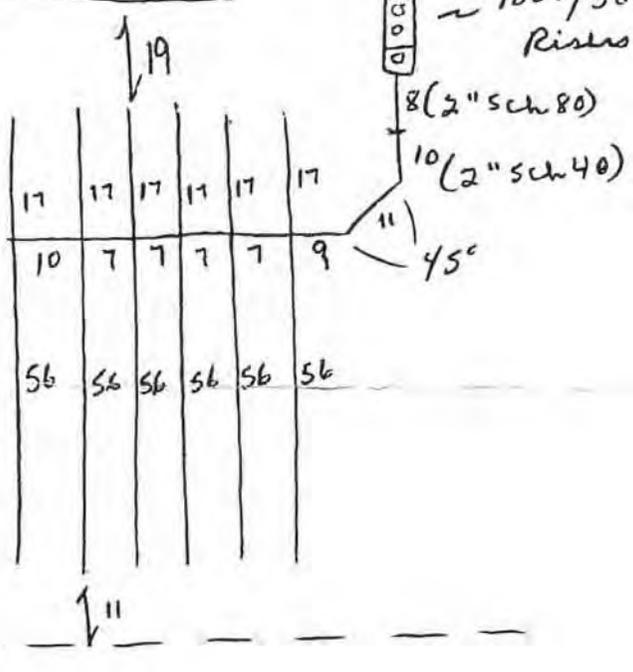
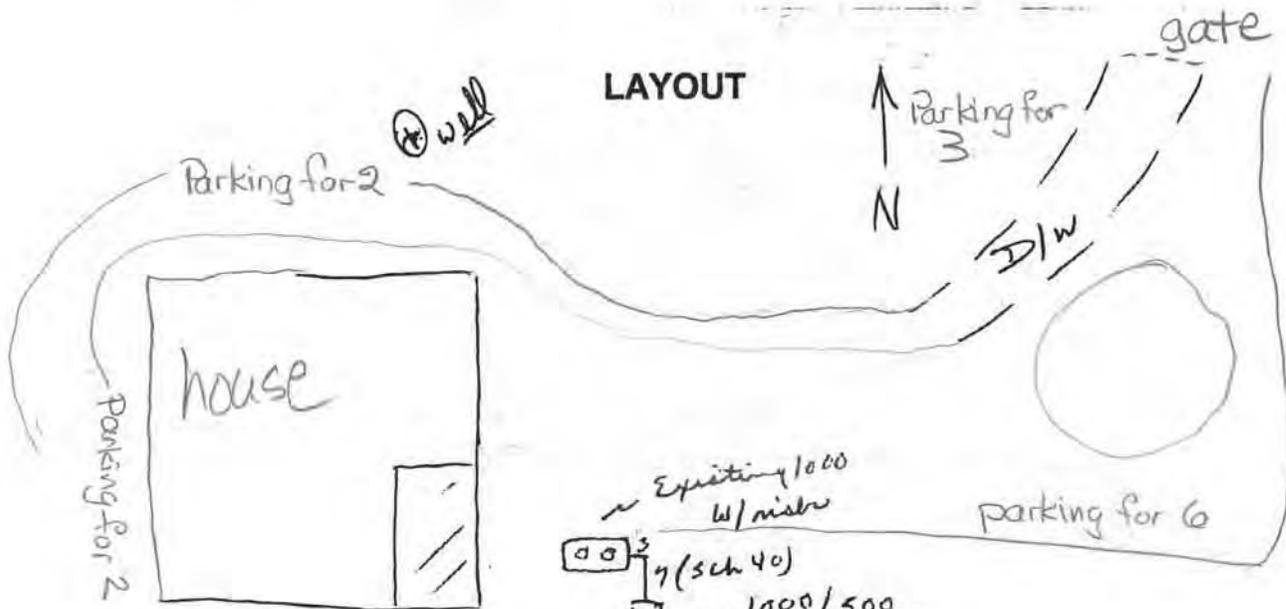
*Blair Gray* R.S. 5/14/12  
Local Reviewer Date

Accepted under contract  
*Janet Skarland* 5/16/2012  
DEQ Representative Date

*Jere Johnson, R.S.*  
Environmental Health Consulting  
4572 Whitefish Stage Road  
Whitefish MT 59937

EQ# 12-1740

**LAYOUT**



GPS Location: North

Deg.

West

Deg.

Water source developed at time of inspection? YES  NO

Distribution YES  NO

Disapproved/Date \_\_\_\_\_

Comments \_\_\_\_\_

Approved/Date 11/16/11

Comments 438 LF x 3 = 1314 ft<sup>2</sup> (rock supply)

Pump Mylex MESO

Tested - left head

Inspectors Signature Glenn Gray

Name of Installer/Phone Chris Srentke P/S-4500

(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**



July 1, 2013

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

**RE: Graham Hart “Bonsai Brewing” CUP**

Honorable Mayor and Council:

**Summary of Requested Action:** This is a request by Graham Hart for a conditional use permit to operate a Microbrewery and Tasting Room called Bonsai Brewing on property owned by the Carrington Company at the Mountain Mall Space #45, 6475 Highway 93 South. The property is zoned WB-2, Secondary Business District.

**Planning Board Action:** The Whitefish City-County Planning Board met on June 20, 2013 to consider the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with the five conditions from the staff report and adopted the staff report as findings of fact. (Konopatzke and Vail were absent).

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced conditional use permit with five (5) conditions set forth in the attached staff report.

**Public Hearing:** The applicant spoke at the public hearing in support of his project.

This item has been placed on the agenda for your regularly scheduled meeting on July 1, 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 blue ink, appearing to read "David Taylor".

David Taylor, AICP, Director

Att: Exhibit A: Recommended Condition of Approval  
Draft Minutes of 6-20-13 Planning Board Meeting

***Exhibits from 6-20-13 Staff Packet***

1. Staff Report, 6-20-13, including full text of comment by Tom Krause.

**The following exhibits were submitted by the applicant:**

2. Conditional Use Permit Application & Supporting Materials, 5-1-13

c: w/att Necile Lorang, City Clerk  
Graham Hart

**Exhibit A**  
**Graham Hart CUP**  
**WCUP 13-06**  
**Whitefish City-County Planning Board**  
**Recommended Conditions of Approval**  
**June 20, 2013**

1. Except as amended by these conditions, the use of the conditional use permit shall be in substantial conformance with the uses described in the application for a microbrewery.
2. Necessary Business Licenses and Sign Permits must be obtained.
3. The Fire Department requires the applicant to comply with all city fire codes for this classification of occupancy.
4. All wastewater discharges must be in compliance with all the rules and regulations of the wastewater utility per the Public Works Department.
5. The conditional use permit is perpetual, but shall terminate in 18 months unless commencement of the authorized activity has begun or the applicant contacts staff prior to the expiration and provides proof that they are diligently working toward commencing the activity without lapse and obtains an extension.

**WHITEFISH CITY PLANNING BOARD  
MINUTES OF MEETING  
JUNE 20, 2013  
CITY PROJECTS**

**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, Zak Anderson, Diane Smith, Chad Phillips, Ole Netteberg and Greg Gunderson. Mary Vail and Dennis Konapatzke were absent. Planning Director Taylor represented the Whitefish Planning & Building Department.

**APPROVAL OF MINUTES**

Smith moved and Blake seconded to approve the City minutes of May 16, 2013 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.

**HART CONDITIONAL USE  
PERMIT REQUEST**

A request by Graham Hart has requested a Conditional Use Permit to operate a small Microbrewery and Tasting Room, Bonsai Brewing, on property owned by the Carrington Company at the Mountain Mall at 6475 Highway 93 South, Space #45. The subject property is zoned WB-2 (Secondary Business District).

**STAFF REPORT WCUP-13-  
06**

Planning Director Taylor Reported on a request by Graham Hart for a conditional use permit to operate a Microbrewery and Tasting Room called Bonsai Brewing on property owned by the Carrington Company at the Mountain Mall Space #45, 6475 Highway 93 South. The property is zoned WB-2, Secondary Business District.

The subject application is to operate a micro-brewery in conjunction with a tasting room. The WB-2 zoning district requires a Conditional Use Permit (CUP) for a microbrewery (WCC 11-2L-3). The location is within the Mountain Mall facility which has a multitude of different uses, both commercial and retail. There have been full service bars in the mall in the past (i.e., Sherwoods). The location of the brewery will be adjacent to the food court area of the mall.

The brewery and tap room will operate under State Liquor Board requirements which limits hours of operation to 10 am to 8 pm daily, and they can only serve each customer a maximum of 48 ounces of beer per day. The focus will be on selling craft beer in the tap room. The applicant stated that he may sell a few kegs to local businesses, but has no current plans for bottling or greater distribution. While this brewery is technically a nano-brewery, our code does not differentiate between a nano-brewery and a micro-brewery, so the same

requirements apply.

About two years ago, the City Council amended the zoning code to add microbreweries to the list of allowed conditional uses in the WB-1, WB-2, WB-3, and WI zones. Previously, breweries would be looked at either as a light manufacturing use or possibly as a bar/lounge if it qualified as a brewpub. They do not fit cleanly in either category.

Microbreweries come in many forms, including brew pubs and nano-breweries. Under the standard definition, microbreweries produce between 9,000 and 60,000 barrels of beer a year. While nano-brewery has no official definition, they typically produce no more than four US beer barrels at a time. Brew pubs typically have restaurants and produce up to 9,000 barrels a year. During the code amendment process, the planning board discussed whether to differentiate between microbreweries and smaller production facilities such as nano-breweries, but ultimately decided to lump them together even though a nano-brewery may have considerably less concerns than other types.

Breweries do have some impacts beyond what a typical restaurant or bar might have. There is a strong roasting grain smell produced by the manufacturing process that is generally non-objectionable. Grain dust generated from milling on-site can ignite and explode if exposed to open flames used for heating kettles, so fire marshal review is important. Harsh cleaning chemicals are often used on the vats/kettles, and yeast waste can be hard on public wastewater systems. The public works director is comfortable with how the effluent gets diluted before it gets to the sewer plant. However, a condition will be placed on the approval that all wastewater discharges must be in compliance with the rules and regulations of the wastewater utility.

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 31, 2013. A notice was published in the *Whitefish Pilot* on June 5, 2013.

The following comment was received from Tom Krause, manager of the Mountain Mall, on 6-7-13:

*'I am in favor of the city granting a conditional use permit for this business. This is a suitable business for the location and an attraction for both the Mountain Mall and local customers. I feel that this business will add vitality and energy to the location and still operate well in a family friendly environment.'*

Staff recommends that Whitefish City-County Planning Board adopt staff report #WCUP-13-06 findings-of-fact and recommend to the

Whitefish City Council the conditional use permit for Graham Hart and Bonsai Brewing be approved subject to the following conditions:

1. Except as amended by these conditions, the use of the conditional use permit shall be in substantial conformance with the uses described in the application for a microbrewery.
2. Necessary Business Licenses and Sign Permits must be obtained.
3. The Fire Department requires the applicant to comply with all city fire codes for this classification of occupancy.
4. All wastewater discharges must be in compliance with all the rules and regulations of the wastewater utility per the Public Works Department.
5. The conditional use permit is perpetual, but shall terminate in 18 months unless commencement of the authorized activity has begun or the applicant contacts staff prior to the expiration and provides proof that they are diligently working toward commencing the activity without lapse and obtains an extension.

**PUBLIC HEARING**

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

Graham Hart, 314 2<sup>nd</sup> Street West, said he is hoping this goes through. It will be a small business, but he hopes it will serve the valley well.

**PUBLIC HEARING**

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

**BOARD DISCUSSION**

Blake said he was glad someone wanted to open a business in Whitefish and he wished him good luck.

**MOTION**

Meckel moved and Anderson seconded to adopt staff report WCUP-13-06 and findings-of-fact and recommend to the Whitefish City Council to approve the conditional use permit for Graham Hart and Bonsai Brewing.

**BOARD DISCUSSION  
VOTE**

The motion passed (Scheduled for City Council on July 1, 2013.)

**GRAHAM HART “BONSAI BREWING”  
CONDITIONAL USE PERMIT REPORT  
WCUP-13-06  
JUNE 20, 2013**

A report to the Whitefish City-County Planning Board and the Whitefish City Council regarding a request by Graham Hart for a conditional use permit to operate a Microbrewery and Tasting Room called Bonsai Brewing on property owned by the Carrington Company at the Mountain Mall Space #45, 6475 Highway 93 South. The property is zoned WB-2, Secondary Business District. A public hearing is scheduled before the Whitefish City-County Planning Board on June 20, 2013 and a subsequent hearing is set before the City Council on July 1, 2013.

**BACKGROUND INFORMATION**

The subject application is to operate a micro-brewery in conjunction with a tasting room. The WB-2 zoning district requires a Conditional Use Permit (CUP) for a microbrewery (WCC 11-2L-3). The location is within the Mountain Mall facility which has a multitude of different uses, both commercial and retail. There have been full service bars in the mall in the past (ie, Sherwoods). The location of the brewery will be adjacent to the food court area of the mall.



The brewery and tap room will operate under State Liquor Board requirements which limits hours of operation to 10 am to 8 pm daily, and they can only serve each customer a maximum of 48 ounces of beer per day. The focus will be on selling craft beer in the tap room. The applicant stated that he may sell a few kegs to local businesses, but has no current plans for bottling or greater distribution. While this brewery is technically a nano-brewery, our code does

not differentiate between a nano-brewery and a micro-brewery, so the same requirements apply.

About two years ago, the City Council amended the zoning code to add microbreweries to the list of allowed conditional uses in the WB-1, WB-2, WB-3, and WI zones. Previously, breweries would be looked at either as a light manufacturing use or possibly as a bar/lounge if it qualified as a brewpub. They do not fit cleanly in either category.

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Breweries do have some impacts beyond what a typical restaurant or bar might have. There is a strong roasting grain smell produced by the manufacturing process that is generally non-objectionable. Grain dust generated from milling on-site can ignite and explode if exposed to open flames used for heating kettles, so fire marshal review is important. Harsh cleaning chemicals are often used on the vats/kettles, and yeast waste can be hard on public wastewater systems. The public works director is comfortable with how the effluent gets diluted before it gets to the sewer plant. However, a condition will be placed on the approval that all wastewater discharges must be in compliance with the rules and regulations of the wastewater utility.

## **PROJECT SCOPE**

The applicant is requesting approval of a conditional use permit to operate a microbrewery and tap room at 6475 Highway 93 South.

### **A. Applicant:**

Graham Hart  
314 Second St W  
Whitefish MT 59937

### **Property Owner:**

The Carrington Company  
PO Box 1328  
Eureka, CA 95502

### **B. Size and Location:**

The subject site is addressed as 6475 Highway 93 South #45, and is located within the Mountain Mall site. The property is approximately 17.3 acres. The subject site is legally described as Lots 1L and 1LA, Whitefish Townsite, in Section 1, Township 30N, Range 22W, P.M.M., Flathead County, Montana.

**C. Existing Land Use and Zoning:**

The site is currently zoned WB-2, Secondary Business District. The building currently houses a number of retail and commercial establishments.

**D. Adjacent Land Uses:**

North:	Grocery Store (Super 1)	WB-2
West:	Commercial	WB-2
South:	Undeveloped /pond	WB-2
East:	Residential	WR-1

**E. Growth Policy Designation:**

The Growth Policy designation for this area is Commercial which corresponds to the downtown area of Whitefish. The major uses are retail, commercial, professional offices, financial institutions, restaurant and taverns, hotels and art galleries.

**F. Utilities:**

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Gas:	Northwestern Energy
Electric:	Flathead Electric Co-op
Phone:	CenturyTel
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 May 31, 2013.

A notice was published in the *Whitefish Pilot* on June 5, 2013.

The following comment was received from Tom Krause, manager of the Mountain Mall, on 6-7-13:

*'I am in favor of the city granting a conditional use permit for this business. This is a suitable business for the location and an attraction for both the Mountain Mall and local customers. I feel that this business will add vitality and energy to the location and still operate well in a family friendly environment.'*

## 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 General/Highway Commercial designation which is for the Highway 93 South area.

**Finding 1:** The proposed use complies with Growth Policy Designation of General Commercial.

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

The underlying zoning is WB-2 (Secondary Business District). The purpose and intent of this zoning category is intended as a focusing on auto-oriented commercial and service uses. The proposal is consistent with the purpose and intent of the applicable regulations.

**Finding 2:** The proposed use complies with the zoning regulations and intent for the WB-2 district based on conditionally permitted uses.

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

There is adequate space within the existing structure for the proposed use. Being within a mall that currently has a wide range of uses and ample parking, there should be minimal impacts associated with this use.

No physical hazards or sensitive areas are apparent on the site. The site is currently developed.

Access to the site is existing and meets the city requirements. The subject property has access from Highway 93 South. The highway allows adequate access for emergency situations.

**Finding 3:** Site suitability is addressed through the existing use and development on the property. There are no environmental hazards present on the site and adequate access to the property.

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

Building Design: The proposed use is located within an existing mall building. No building design standards are applicable to this application.

Parking: The mall site has adequate parking facilities.

Landscaping: There is no landscaping required for this application. There is no new construction associated with the property and the site is currently developed.

Signage: The Mountain Mall has an existing Overall Sign Plan. Any new signage for the proposed use shall meet the requirements of the Sign Regulations chapter (WCC 11-5) and, specifically, the standards for the Highway District.

**Finding 4:** The site is currently developed in compliance with City of Whitefish regulations and no new development is associated with the project.

## **5. Availability and Adequacy of Public Services and Facilities.**

Sewer and water: City sewer and water currently connect to the site.

Storm Water Drainage: City stormwater is available along Highway 93 South.

Police: The City of Whitefish serves the site, response times and access is adequate.

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

Streets: The site is accessed off Highway 93 South with a dedicated turn signal.

**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 proposed development. The property has adequate access.

## **6. Neighborhood/Community Impact:**

Traffic Generation: Staff does not anticipate any significant impact to traffic flow due to the long-term history of retail and restaurant establishments housed in the building and surrounding area.

Noise or Vibration: No impact is anticipated.

Dust, Glare, or Heat: Not applicable.

Smoke, Fumes, Gas, and Odor: Breweries emit a slight odor of roasting cereal grain, but most people find the odor pleasant.

Hours of Operation: Hours of operation for businesses are not regulated by the zoning regulations contained within Title 11 of Whitefish City Code.

**Finding 6:** The proposed use for a microbrewery is not anticipated to have a negative neighborhood impact. Odors from roasting cereal grain are minimal and generally not unpleasant.

**7. Neighborhood/Community Compatibility:**

The Mountain Mall is home to a variety of commercial and retail uses. It formerly housed Sherwood's Sports Bar for many years. The proposed use is consistent with the surrounding uses. No new construction is associated with the micro brewery. The structural bulk and massing, density and scale of the project will not be changed from the current configuration.

**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.

**RECOMMENDATION**

It is recommended that Whitefish City-County Planning Board adopt staff report #WCUP-13-06 findings-of-fact and recommend to the Whitefish City Council the conditional use permit for Graham Hart and Bonsai Brewing be **approved** subject to the following conditions:

1. Except as amended by these conditions, the use of the conditional use permit shall be in substantial conformance with the uses described in the application for a microbrewery.
2. Necessary Business Licenses and Sign Permits must be obtained.
3. The Fire Department requires the applicant to comply with all city fire codes for this classification of occupancy.
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5. The conditional use permit is perpetual, but shall terminate in 18 months unless commencement of the authorized activity has begun or the applicant contacts staff prior to the expiration and provides proof that they are diligently working toward commencing the activity without lapse and obtains an extension.

# City of Whitefish

## Conditional Use Permit Application Packet for Bonsai Brewing Project 5-6-2013

Mountain Mall  
6475 Highway 93 South, Space #45  
Whitefish, MT 59937

contact  
Graham Hart  
406-253-0116  
bonsaibrew@gmail.com

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 (See current fee schedule)

OWNER(S) OF RECORD:

Name: The Carrington Company  
Mailing Address: PO Box 1328  
City/State/Zip: Eureka, CA 95502 Phone: Tom Kraus 406.862.6255

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

Name: Graham Hart  
Mailing Address: 314 Second St. W  
City/State/Zip: Whitefish, MT 59937 Phone: 406-253-0116

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street Address: 6475 Highway 93S, Space #45 Sec. 1 Town-ship 30 Range No. 22

Subdivision Name: \_\_\_\_\_ Tract No(s). 12A/16 Lot No(s). \_\_\_\_\_ Block No. \_\_\_\_\_

DESCRIBE PROPOSED USE: Wang brewery + tap room. To manufacture, sell, and distribute beer and other merchandise related to the brewery.

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.
  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

5-6-13

Date

Graham Hart

Print Name

## A. Findings

### 1. Whitefish City-County Growth Policy

Bonsai Brewing Project is dedicated to the community of Whitefish and the potential that this area has for producing a good experience. My goal for this company is to reflect localized economy values and self sustainability as a motto for future success in the Flathead Valley. All spent grains from the brewing process will be fed to local livestock and the interior fixtures of the taproom will be constructed of recycled materials. I would also like to put some attention into increasing bike access to the mall and connecting the city bike path structure in general, to promote bike transportation.

I was born and have grown up in Whitefish, and I've witnessed the growth of this town over the years. The Mountain Mall has always struggled, and needs a few more elements to generate a larger draw to locals and tourists. Breweries are notorious for stimulating economy in depressed areas, due to high startup cost and risk they often need to seek out low rent or property values to survive. Setting up in these areas and providing a good customer experience then makes the area more appealing to other businesses.

Desert Mountain Brewing Company recently opened in Columbia Falls and has been doing very well. The company has a similarly structured business to what I am doing and caters solely to taproom patrons having a few pints and filling growlers to go. Despite opening in the off season they have seen great community support and are helping to generate a better downtown experience for the city.

Montana breweries are gaining acclaim in the country, and we currently host the second most breweries per capita in the US, soon to overtake Vermont when Kalispell Brewing Company, and Homestead Ales in Eureka, open this year. The success and dedication of the Great Northern Brewery show that Whitefish is a good fit and has room for another brewery. I intend to take a different direction and focus on my taproom sales, distribution will be minimal and I don't plan on canning or bottling soon. I am focused on creating a good environment and great product for patrons to enjoy.

### 2. Consistency with Provisions of the Regulations

The Mountain Mall sits in a WB-2 zone, which allows microbreweries to operate with a conditional use permit. I intend to operate lawfully under all city, state and federal laws.

### 3. Location Suitability

I have chosen a location in the Mountain Mall because it was the most suitable spot I have found in Whitefish that is within my price range. I plan to draw my

own customer base to the mall by word of mouth and strategic advertising. Space #45 has been used as a food service kitchen for years and has all the facilities I need to operate successfully and lawfully. This is not my ideal location but I'm optimistic that this situation will benefit the mall and myself.

4. Design Issues

A. Space #45 is located at relatively equal distances from all 5 main entrances to the mall which are connected directly to large parking lots for mall patrons. I intend to inform my regular customers to park in the east lot by the movie theater, or the west lot near Café Max.

B. The mall parking lot is well designed for traffic circulation with 3 entrances from Highway 93 and also a parking lot in the rear of the building

C. There is adequate open space around the unit including a commons area and deck that are open to all mall patrons. Outside there is a large pond directly south of the building.

D. There is no fencing or screening necessary. The space is entirely enclosed within the mall premises. The interior of the space will have the working area partitioned off from customers with moveable partition sections.

E. Landscaping is the responsibility of the Mountain Mall.

F. No new utilities are needed.

G. No rerouting of utilities is needed.

5. Public Services and Facilities

A. Space #45 is connected to municipal sewer service and has adequate floor drains for the proposed use. All organic solids and dense wastewater material will be collected and recycled for livestock feed and/or compost.

B. The space is connected to municipal water service and has adequate supply and pressure for the proposed use. The forecasted water usage per year average for the first three years of open business is between 80,000-150,000 gallons.

C. Storm water drainage is the responsibility of the Mountain Mall.

D. Space #45 is equipped with an overhead sprinkler system and is monitored for security 24 hours daily. There is sufficient access for the fire department which is located within 1 mile of the Mountain Mall.

E. The Mountain Mall is monitored for security 24 hours daily. There is also sufficient access for the police department which is located within 1 mile of the building.

F. The Mountain Mall is located on US Highway 93 and is accessible to all public.

G. There are no parks located adjacent to the mall.

H. Sidewalks are adequate and well maintained in all directions from the mall.

I. The bike path network in Whitefish is disconnected in many places and needs to be completed. However, there is still adequate access to the mall for bikes and pedestrians via sidewalks.

6. Impact on Neighborhoods

A. The increase of traffic to the already high traffic area of the mall parking lots will be insignificant to the surrounding neighborhood.

B. Very little disturbance will reach the surrounding areas except for some aromas of hot cereal grains. I am confident that this small impact will go unnoticed or be unoffensive to the neighbors.

7. Hours of Operation

Hours of operation will be confined to between 10 am and 8 pm, and I can only serve 48 ounces of beer per customer per day, subject to Montana brewery laws.

8. Compatibility with Neighbors and Community

A. The Bonsai Brewing Project is a very small brewery that is designed to provide a high quality product to a local customer base.

B. The small size of this business makes it an easy fit into our community. The Great Northern Brewing Company is our competition in town and is a much larger company that packages their products. I am confident that neither of us will impact the other in any negative way.

C. The mall representative and I both think that this will be a benefit for each other. The surrounding businesses could benefit from my traffic and I could also gain customers from them.

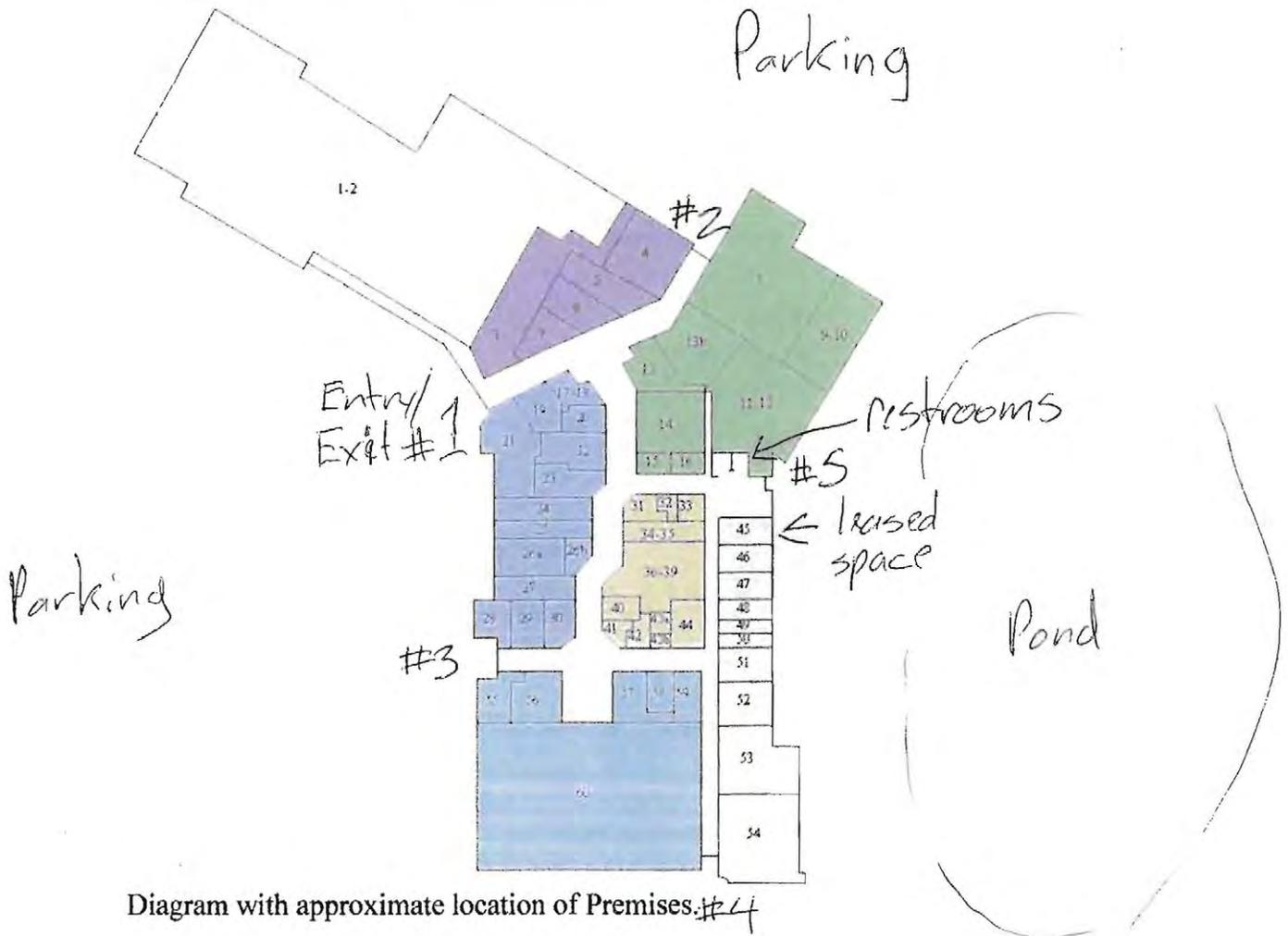
D. The population of the Flathead Valley can easily support another brewery of this size. The mall itself is in need of tenant growth.

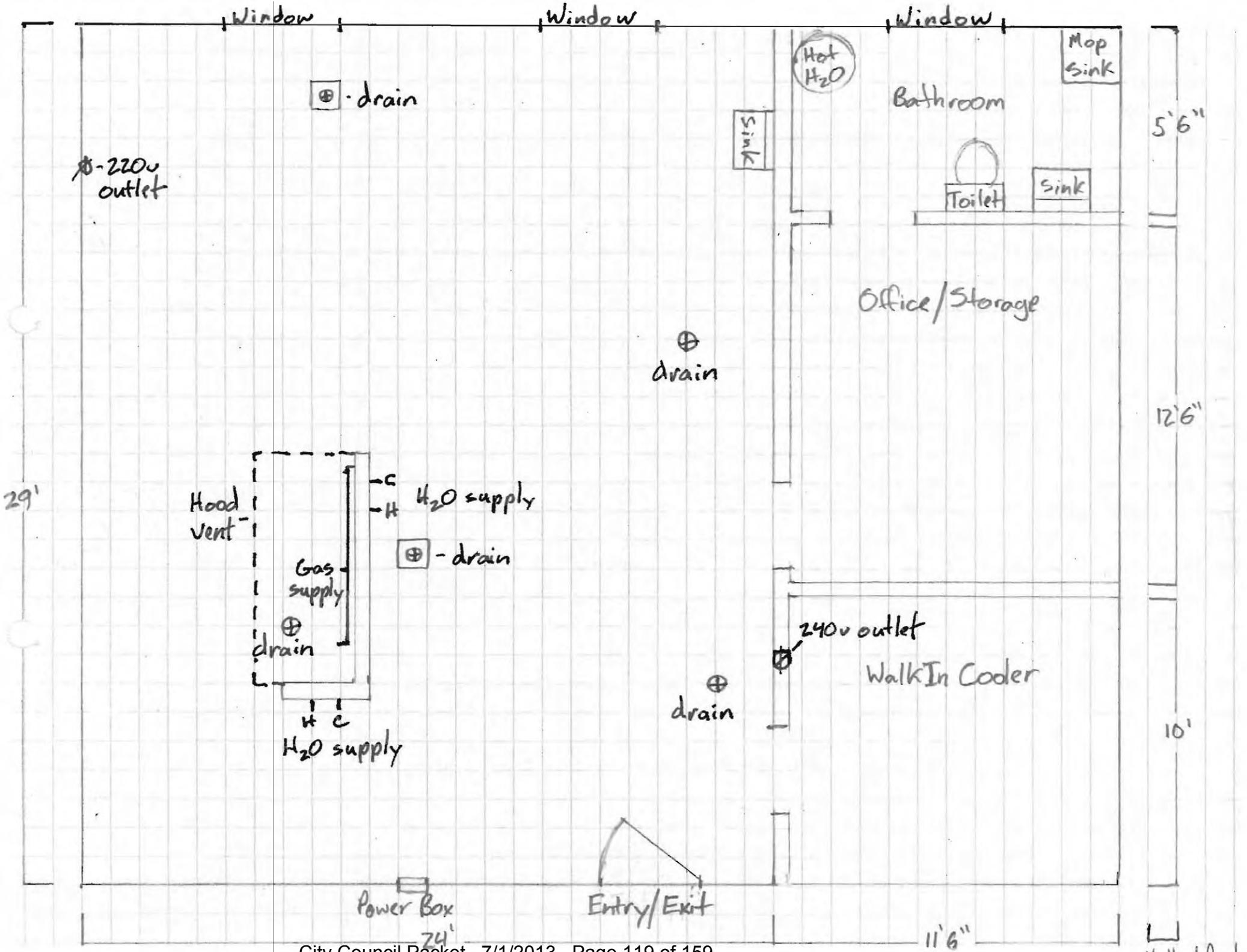
E. This business will have a focus on sustainable practices. I am going to

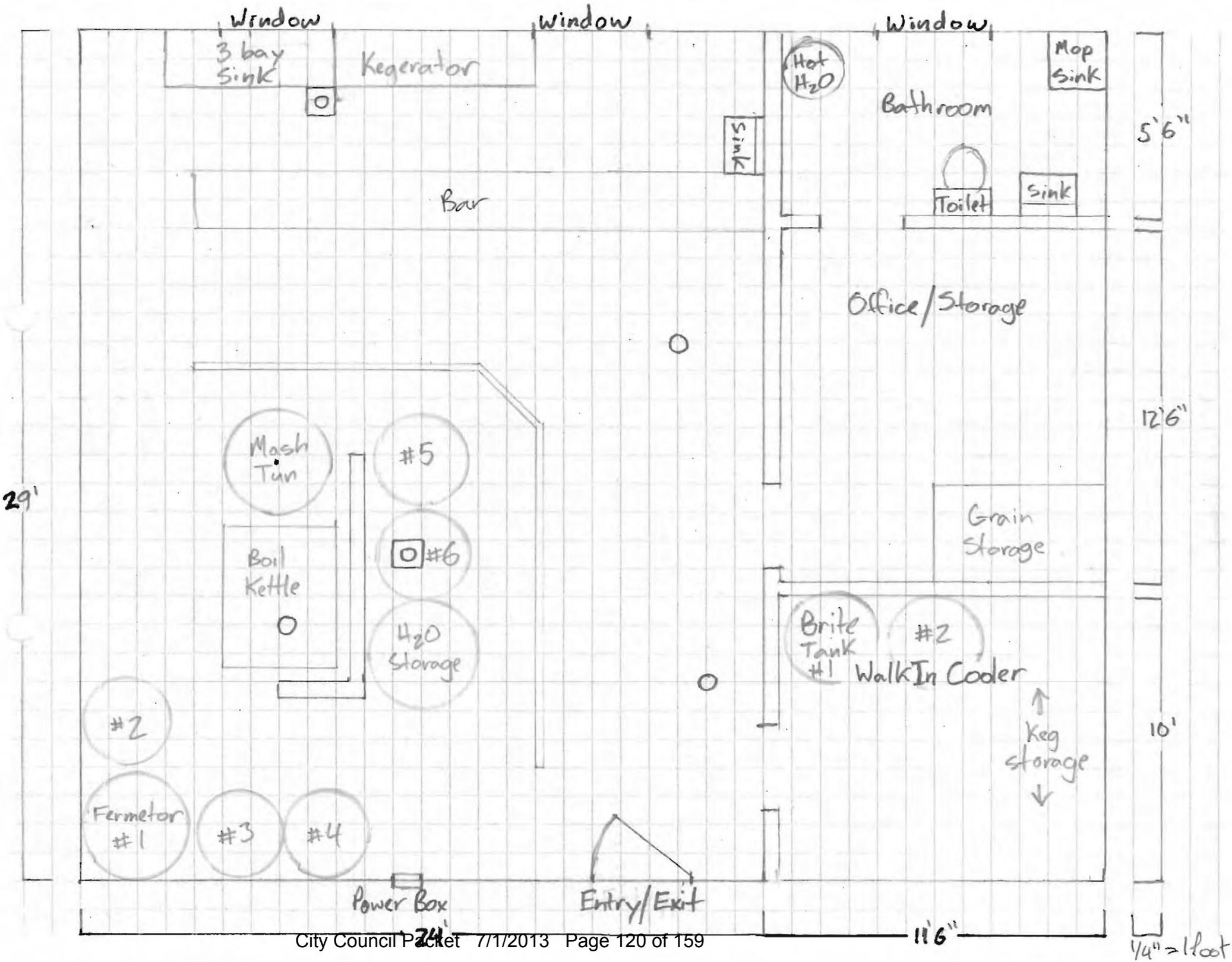
construct the bar, stools, and tables of recycled materials acquired from the area, and incorporate natural elements into the designs. The intent of this size of brewery is to entice people to buy local goods and to contain those goods in reusable containers, which cuts down on energy use and waste produced from packaging. All organic waste matter from the brewing process will be saved to feed livestock or be used for compost. This type of lifestyle epitomizes what it is to be a Montanan to me, and my goal is to reflect that attitude on my customers.

**EXHIBIT A**  
**TO**  
**LEASE**

FLOOR PLAN SHOWING PREMISES







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RESOLUTION NO. 13-\_\_\_\_

A Resolution of the City Council of the City of Whitefish, Montana, approving a five-year lease agreement with Flathead Valley Ski Education Foundation, for the Saddle Club at Mountain Trail Park located at 705 Wisconsin Avenue, Whitefish, Montana, and more particularly described as Lot 3 of Block 1, Whitefish Townsite Company's Five Acre Tracts of Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

WHEREAS, the City is the owner of the Saddle Club at Mountain Trail Park, 705 Wisconsin Avenue, City of Whitefish, which is legally described as:

Lot 3 of Block 1, Whitefish Townsite Company's Five Acre Tracts of Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

("Premises"); and

WHEREAS, Flathead Valley Ski Education Foundation (FVSEF), a 501(c)(3) nonprofit organization, has supported youth alpine ski racing in the Flathead Valley since 1973, and a Master's ski racing program, and hosted a variety of ski races each year at the Whitefish Mountain Resort,

WHEREAS, at the May 14, 2013 City Park Board meeting the FVSEF inquired about the availability of the Premises for the FVSEF ski museum and ski hall of fame and in consideration for the lease, the FVSEF offered to repair and maintain the historical structures; and

WHEREAS, at the June 11, 2013 City Park Board meeting, the Park Board heard a presentation made by the FVSEF members to lease, repair and maintain the Premises and to work with the Park Board and develop a strategy to expand all levels of ski training, racing, and hosting competitions in Whitefish and to develop a Flathead Skiing Heritage Center as a showcase of the rich and colorful history of skiing in Whitefish; and voted to recommend approval of the lease to the City Council; and

WHEREAS, at the July 1, 2013 City Council hearing, the City Council considered the recommendation from the Park Board to lease the Premises to the FVSEF as proposed by the FVSEF, and took public comment; and

WHEREAS, in order for the City Council to approve the lease of Premises to the FVSEF, the approval of the Lease Agreement of municipal property must be made by an ordinance or resolution passed by a two-thirds vote of all the members of the council, in compliance with Section 7-8-4201 MCA; and

WHEREAS, it is a good practice to keep space occupied to provide for the maintenance and upkeep of such space; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, for the City Council to approve the Lease Agreement; and

WHEREAS, FVSEF wishes to lease the Premises in order to expand its ski racing programs and competitions, to develop and house the Flathead Skiing Heritage Center with a ski museum and ski hall of fame, and to operate its administrative offices.

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

Section 1: The Lease Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, is hereby approved by the City Council.

Section 2: The City Manager is authorized to execute the Lease Agreement.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

\_\_\_\_\_  
Necile Lorang, City Clerk

June 25, 2013

Mayor Muhlfeld and Whitefish City Council  
City of Whitefish  
Whitefish, Montana

Mayor Muhlfeld and City Councilors,

## **Recommendation to lease Saddle Club to Flathead Valley Ski Education Foundation**

### **Introduction/History**

The Flathead Valley Ski Education Foundation approached the City of Whitefish Park Board in May of 2013 with the desire to discuss the opportunity to lease the Saddle Club, which is located in Mountain Trails Park, for the purpose of creating a home for a local skiing hall of fame and museum to be operated by the FVSEF. Following the initial discussion at the May 2013 Park Board meeting, direction was given to both city staff and representatives of the Flathead Valley Ski Education Foundation to develop an acceptable lease that would serve the best interests of both parties. Over the course of time before the June 2013 Park Board meeting, such a document was prepared and presented to the Park Board for their endorsement and recommendation to the Whitefish City Council for approval at their July 1, 2013, city council meeting. By unanimous action the Park Board endorsed the proposed lease for use by the Flathead Valley Ski Education Foundation at their June 11, 2013 meeting. The historical use of the Saddle Club has been to serve as a facility that could handle special events such as birthday parties, family reunions, and other gatherings where participation levels would be less than 35 people.

### **Current Report**

The current status of the Saddle Club is that demand for use is very limited due to the fact that it is not very “user friendly” to participants that may have special needs, such as elderly, or physically challenged individuals. The restroom facility, as well as the building entrance, does not meet ADA requirements, which again limits the use of Saddle Club. In addition, the kitchen area and restroom elements that were added to the original building a number of years ago have not fared well over time and are in desperate need of major renovation. In response to this situation an element within the lease document identifies that the responsibility of making these upgrades will rest upon the Flathead Valley Ski Education Foundation as part of the compensation for the use of the Saddle Club. The City of Whitefish has the good fortune of owning and operating the Roy Duff Armory Building located in Armory Park, which can accommodate any and all of the previous uses of the Saddle Club, so we are still cable of meeting the community demands of rental building space to host gatherings of many types and sizes. The opportunity to partner with a non-profit organization in providing the resources necessary to improve the functionality of the Saddle Club, and to provide another cultural attraction within our community, will serve as a benefit to both the Flathead Valley Ski Education Foundation and our community.

### **Financial Requirement**

During the past 5 years the annual expenditures required to maintain the operations of the Saddle Club have exceeded the annual revenues associated with the use of the Saddle Club by approximately \$2500 per year. With the execution of the proposed lease, all operational expenses, i.e. utilities, materials, supplies, etc. that will be necessary to operate the Saddle Club will be the responsibility of the Flathead Valley Ski Education Foundation, in addition to all necessary building improvements as proposed by the FVSEF, thus there will be no financial requirement placed upon the city as a result of this proposed lease. In fact, we would anticipate a savings to the city should we move forward with this proposal.

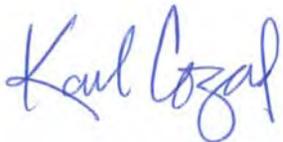
### **Recommendation**

It is the recommendation of staff and the City of Whitefish Park Board, to enter into a lease agreement for the use of the Saddle Club as proposed, with the Flathead Valley Ski Education Foundation.

### **Requested Action**

Motion to approve Resolution 13- \_\_, a resolution of the City Council of the City of Whitefish, Montana, approving a five-year lease agreement with the Flathead Valley Ski Education Foundation, for the Saddle Club at Mountain Trail Park located at 705 Wisconsin Avenue, Whitefish, Montana.

Sincerely,

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

Karl Cozad  
Director  
Parks, Recreation, and Community Services

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**RESOLUTION NO. 13-\_\_\_\_\_**

**A Resolution of the City Council of the City of Whitefish, Montana, approving an Application for a \$15,000.00 TSEP Infrastructure Planning Grant and Committing Matching Funds.**

WHEREAS, the City wastewater collection system experiences significant clear water infiltration and inflow (I&I) which has an adverse effect upon domestic treatment performance at the City wastewater plant because clear water I&I dilutes the raw wastewater, reduces the available detention time in the treatment lagoons and also lowers treatment temperatures; and

WHEREAS, the City desires to evaluate previous I&I data and studies, and previous and on-going mitigation efforts with the planning objective for the reduction of I&I as well as the identification of where future I&I mitigation work is warranted, initiation of planning for upgrades, and identification of ways to increase wastewater plant treatment efficiency; and

WHEREAS, the City is applying to the Montana Department of Commerce for financial assistance from the Treasure State Endowment Program (TSEP) to identify sources and seek methods to eliminate clear water infiltration & inflow into the City's wastewater collection system; and

WHEREAS, the City has the legal jurisdiction and authority to plan, construct, finance, operate, and maintain the City wastewater collection system and treatment plant; and

WHEREAS, the City seeks a \$15,000.00 TSEP Infrastructure Planning Grant, which when combined with matching funds the City commits to provide as described in the TSEP Infrastructure Planning Grant Application, would pay for the preparation of a preliminary engineering report; and

WHEREAS, the TSEP program requires a resolution confirming the City's commitment of matching funds, and its approval of the application for the planning grant; and

WHEREAS, it will be in the best interests of the City and its inhabitants, to apply for the TSEP Infrastructure Planning Grant and prepare a preliminary engineering report.

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

Section 1: The City hereby approves the application for a \$15,000.00 TSEP Infrastructure Planning Grant to fund the preparation of a preliminary engineering report, and authorizes Chuck Stearns, City Manager, to complete and submit the City's application to the Montana Department of Commerce, and provide such additional information as may be required, on behalf of the City of Whitefish.

Section 2: The City commits to direct funds from a \$15,000.00 DNRC Planning Grant and provide local matching funds in the amount of \$39,210.00 as may be necessary, in the event that the TSEP planning grant is awarded.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
John, Muhlfeld, MAYOR

ATTEST:

\_\_\_\_\_  
Necile Lorang, City Clerk



June 25, 2013

Mayor Muhlfeld and City Councilors  
City of Whitefish  
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Recommendation to Adopt a Resolution Approving an  
Application for a TSEP Infrastructure Planning Grant**

Introduction/History

The Public Works Department has prepared an application to the State Department of Commerce for a \$15,000 TSEP Infrastructure Planning Grant. This memo is to recommend the City Council adopt the attached resolution, authorizing the City Manager to submit the application and committing to provide matching funds.

Current Report

A copy the planning grant application is attached. These funds would be used to prepare a preliminary engineering report (PER) and application for a \$500,000 TSEP Construction Grant, due in March 2014. The focus of the construction grant application will be the rehabilitation and replacement of sewer mains and manholes to reduce the inflow and infiltration of clear water to the sewage collection and treatment system.

Engineering services have been negotiated and added by amendment to our consultant contract for the Wastewater Permitting and Facility Improvements Project to prepare a PER and TSEP Construction Grant application for a fee not to exceed \$69,210. This includes extensive field work and evaluation to identify critical manholes, pipe sections and areas where storm drainage and ground water are entering the sewage collection system.

This amendment was approved by the City Council on April 1, 2013 and \$70,000 has been included for this purpose in the proposed FY14 Wastewater Fund Budget. If successful, the \$15,000 TSEP Infrastructure Planning Grant and a related \$15,000 DNRC Planning Grant would offset \$30,000 of this expense.

Financial Requirement

While there is no direct financial requirement associated with the attached resolution, it is a critical step in the process described above.

Recommendation

We respectfully recommend the City Council adopt the attached resolution, approving the application for a \$15,000 TSEP planning grant and committing to provide matching funds. The City Attorney recommends the following language if someone chooses to make a motion:

*Motion to approve Resolution No. 13- \_\_\_, a resolution of the City Council of the City of Whitefish, Montana, approving an Application for a \$15,000.00 TSEP Infrastructure Planning Grant and Committing Matching Funds.*

Sincerely,

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

John C. Wilson  
Public Works Director

# TSEP INFRASTRUCTURE PLANNING GRANT APPLICATION FORM

**Applicant Information:**

- 1. Name of Applicant: City of Whitefish
- 2. Type of Governmental Entity: Incorporated Municipality
- 3. Federal Tax Identification Number: 81-6001325
- 4. Applicant's Primary Contact Person: Chuck Stearns

Title: City Manager  
 Applicant: City of Whitefish  
 Street/P.O. Box: P.O. Box 158  
 City/State/Zip: Whitefish MT 59937  
 Telephone/Fax Numbers: (406) 863-2400 Fax (406) 863-2419  
 Email address: cstearns@cityofwhitefish.org

**Type of Grant Applied For (check one):**

- Preliminary Engineering Report (PER)
- Capital Improvements Plan (CIP)
- Other (Documentation of Commerce approval required)

**Proposed Budget:**

	SOURCE: <i>TSEP Grant</i>	SOURCE: <i>DNRC Grant</i>	SOURCE: <i>Local Match</i>	TOTAL
Professional Services	\$15,000	\$15,000	\$39,210	\$69,210

**Proposed Implementation Schedule:**

**Estimated Start Date of Infrastructure Planning: April 2013**

**Estimated Completion Date of Infrastructure Planning: March 2014**

Attach a proposed implementation schedule. This schedule should include the major milestones including field activities, draft report preparation and review, and final report preparation and submittal (see Attachment 1).

**Proposed Project Description:**

For an infrastructure planning grant that is to be used to prepare a preliminary engineering report, provide a brief description of the project that is being proposed for construction after the preliminary engineering is completed, and the proposed activities and work schedule in completing the preliminary engineering:

1. The type of project; The wastewater collection system currently experiences significant clear water infiltration & inflow (I&I) which has an adverse effect upon domestic treatment performance at the City's wastewater plant. Clear water I&I dilutes the raw wastewater, reduces the available detention time in the treatment lagoons and also lowers treatment temperatures. This results in poor pollutant removal efficiencies, less effective treatment during colder weather, and the unnecessary overuse of treatment chemicals. The objective of the planning project is to implement projects for removal of excessive I&I. The goal is to provide better treatment and pollutant removal, lower pumping costs and reduced use of treatment chemicals.
2. The project location; The planning project encompasses the entire wastewater collection system within the City of Whitefish. The system covers an area of approximately 3.5 square miles and includes approximately 45.7 miles of conventional gravity sewer mains, 16 raw wastewater lift stations and two septic tank effluent pump or "STEP" systems. Most of the collection system is to the east and south of Whitefish Lake.
3. A brief history of the system, and its known or presumed deficiencies; The City of Whitefish conducted an Infiltration and Inflow study in 1999 which quantified approximately 45% of the total yearly WWTP flow was I&I. During wet times of the year, this number can climb to roughly 62%. The I&I Study was updated in 2006, confirming the presence of significant I&I into the system. In 2010, the City undertook a sewer project that rehabilitated approximately 19,800 lineal feet of sewer main throughout the collection system. In 2011, the exceedingly wet year produced significant I&I and the City's goals are to characterize the affect of the 2010 rehabilitation project on reducing I&I as well as determining where future I&I mitigation work is warranted.
4. Any related compliance issues; The City is currently under an Administrative Order on

Compliance (executed October 2012) for: whole effluent toxicity violations; permit limit exceedences and five separate sanitary sewer overflows (SSO's). To some extent, the contemporary SSO's and historic SSO's are attributable to clear water I&I into the collection system. Reducing the I&I will help the City avoid and/or reduce the magnitude of future SSO's

5. A brief description of alternatives that are being considered at the time of this application; While the alternative analysis has not yet begun in earnest, the City utilized rehabilitation and replacement techniques on over 14,000 lineal feet of sewermain in a 2010 project. It is anticipated that similar alternatives will be considered in the latest planning project.
  
6. Activities that will take place (including the process to be used to procure an engineer) and products produced. The City of Whitefish procured an engineering consultant (in observance of M.C.A. Title 18) in 2012 to initiate planning for upgrades to its wastewater system. One element of the planning effort is to identify ways to increase treatment efficiency and reduce ammonia in the effluent. The ongoing I&I Mitigation effort represents an important tool in the City's strategy of improving treatment through increased temperatures and detention times. Activities that will be undertaken in the planning phase include:
  - Evaluate previous I&I data and studies
  - Install flow meters to measure sewage flow throughout collection system
  - Evaluate flow meter data to determine source of persistent high flows
  - Late-Night-Observations to measure and track sources of high flows
  - CCTV inspection and sewermain assessments.
  - Draft Preliminary Engineering Report with identification of needs, alternative analysis, recommendations and funding strategy.

For capital improvement plans provide a brief description of the plan that is being proposed and the types of infrastructure that will be evaluated and planned for. The CIP must be comprehensive and should identify the current and future infrastructure needs of the jurisdiction. Include a proposed work plan and a proposed table of contents. **Not Applicable**

**Required Attachments:**

1. Documentation showing the legal creation of the district (if a County Water and Sewer District); **Not Applicable**
  
2. Documentation (i.e. resolution) showing the commitment of matching funds; **Attached by City**
  
3. Proposed implementation schedule. **Attached**

**Authorizing Statement:**

I hereby declare that the information included in, and all attachments to, this application is true, complete, and accurate to the best of my knowledge. I further declare that, on behalf of The City of Whitefish, Montana, I am legally authorized to enter into an agreement with the Montana Department of Commerce if a TSEP grant is awarded.

- 1) I further declare that if a TSEP grant is awarded, and if that grant is to be used to prepare a preliminary engineering report, then the PER will follow the format that meets the requirements of the *Uniform Preliminary Engineering Analysis for Montana Public Facility Projects* outline and will include a completed Environmental Checklist.
- 2) Or, if that grant is to be used to prepare a Capital Improvements Plan (CIP), then the CIP will be comprehensive and in accordance with criteria acceptable to Commerce.

I understand that Commerce will only review the final PER in an attempt to ensure that the information presented in the PER meets the basic requirements of the *Uniform Preliminary Engineering Analysis for Montana Public Facility Projects* outline, and that Commerce will not certify the quality of the PER. I further understand that the review and approval of the content of the PER by Commerce does not guarantee that a subsequent application to TSEP for a construction project would result in the maximum number of points being assigned in the scoring of the engineering problem or design during the TSEP ranking process.

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Title** \_\_\_\_\_

**ATTACHMENT 1**  
**IMPLEMENTATION SCHEDULE**

<b>TASK</b>	<b>MONTH / YEAR</b>
<b>ADVERTISEMENT FOR PROFESSIONAL SERVICES</b>	
Publish RFP	June 2012
Select firm	September 2012
Execute agreement with firm	October 2012
<b>MAJOR ACTIVITIES/MILESTONES</b>	
Evaluate previous I&I data and studies	May 2013
Flow meter installation & recovery	April – July 2013
Flow meter data recovery, conversion & analysis	May – August 2013
Late-Night-Observations (LNO's)	June - July 2013
Flow data summary, CCTV review & needs	July – August 2013
Draft I&I PER	August – December 2013
Public Involvement	September 2013
<b>TSEP Drawdowns</b>	
Submit draft report and request first drawdown of funds	December 2013
Submit final report and request final drawdown of funds	March 2014

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# MANAGER REPORT

June 26, 2013



## **FIRE DEPARTMENT PROMOTION**

Chief Tom Kennelly, after conducting a multi-faceted assessment center and interview process, has appointed Sarah Peterson to replace Dave Baker as a Fire Captain. Sarah will be captain of the “A” Shift, the shift on which she currently works. The City has three 24 hour shifts with the other Captains being Travis Tveidt and Justin Woods. Sarah began as a volunteer firefighter on January 20, 2004, was elevated to part-time firefighter on February 7, 2005, and was hired as a full-time professional firefighter on 7/12/2007. Chief Kennelly believes that Sarah may be the first female captain in any professional Fire Department in Montana.

## **DRAFT FLOOR PLAN FOR DOWNTOWN BATHROOMS ATTACHED TO O’SHAUGHNESSY CENTER**

Karl Cozad has received the first draft of a floor plan for the downtown public restrooms which will attach to the south side of the O’Shaughnessy Center. A copy of the floor plan is included in the packet with this report. Karl will work with the O’Shaughnessy Center staff and architect Duie Millette to revise these drawings and get them ready for bidding.

## **GROUNDWATER READINGS ON POTENTIAL NEW CEMETERY SITE**

We finished the groundwater test hole readings for a potential new Cemetery site on Gene Lamb’s property on Karrow Avenue. Unfortunately, the groundwater was typically 3-5 feet below the surface of the ground and sometimes it was within 1 ½ feet of the ground surface. Therefore, this property will not be suitable as a new Cemetery site. The groundwater report is attached to this report in the packet.

The Cemetery Committee is continuing to look for and evaluate alternative sites.

## **RESORT TAX**

Resort Tax collections were down 2% in April of 2013 compared to April of 2012. The April 2013 collections equaled \$94,660 compared to \$96,377 last year. For the year-to-date through April, our collections are at \$1,635,663 which is \$245,790 or 10.1% higher than last year at this time. A chart and graph of recent collections is included in the packet with this report.

## **STATE OF MONTANA RESERVE WATER RIGHTS COMPACT WITH CONFEDERATED SALISH AND KOOTENAI TRIBES AND U.S. GOVERNMENT**

The 2013 Legislature did not approve the proposed Reserved Water Rights Compact with the Confederated Salish and Kootenai Tribes (CSKT) and the U.S. Government. Another bill to extend the Reserved Water Rights Compact Commission (RWRCC) another two years was vetoed by Governor Bullock. In a June 4<sup>th</sup> letter, a copy of which is in your packet with this report, the Chair of the RWRCC says that they are to prepare a report to the Governor addressing questions raised about the proposed compact. In this letter, they ask interested parties to submit their questions, so I prepared and sent a letter with our municipal questions. A copy of that letter is also in the packet with this report.

Also, a representative of people opposing the compact came to see me. They are organizing a meeting on July 18<sup>th</sup> at FVCC about their opposition and the reasons for their opposition. A copy of the flyer for that meeting is also included in this packet.

### **MEETINGS**

WAVE Board Meeting (6/20) – I attended the regular WAVE Board meeting. A revised construction amount was approved for the building expansion that is underway. Also, loan details were discussed and a motion authorizing a new loan was approved. Construction of the expansion is planned to start on June 24<sup>th</sup>.

Ad-hoc Cemetery Committee (6/20) – I attended the monthly meeting of the Cemetery Committee. The committee reviewed some new properties found by Joe Basirico and Charlie Abell. I discussed the groundwater testing results found on Gene Lamb's property. The committee is going to continue looking for possible sites for a new Cemetery.

### **UPCOMING SPECIAL EVENTS**

Saturday, June 29<sup>th</sup> – Whitefish Lake Run

July 5-7 – Art Fair in Depot Park

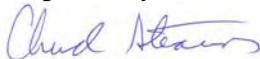
Saturday, July 6<sup>th</sup> – Glacier Challenge – Riverside Park and on trails/streets

### **REMINDERS**

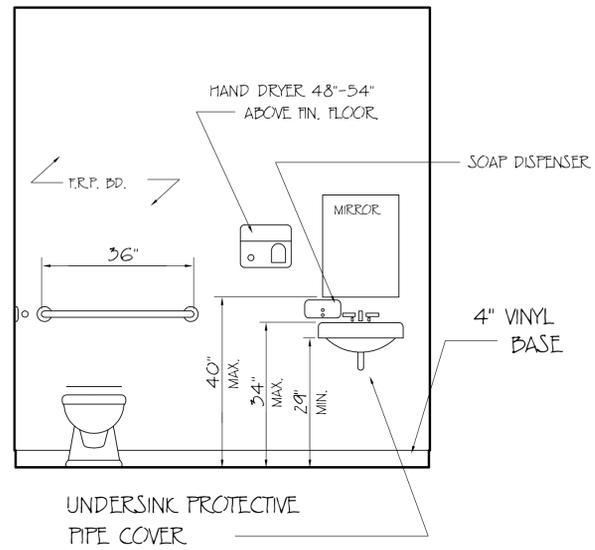
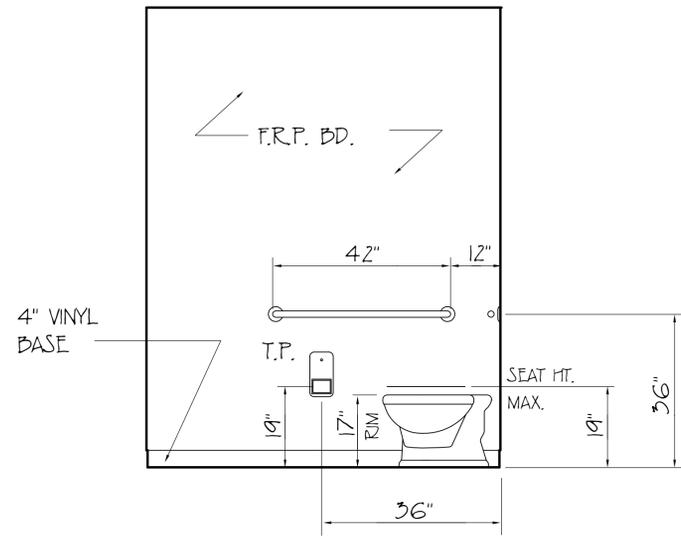
Monday, July 1, 2013 – Happy new fiscal year!

Thursday, July 4, 2013 – 4<sup>th</sup> of July Holiday – City Hall closed.

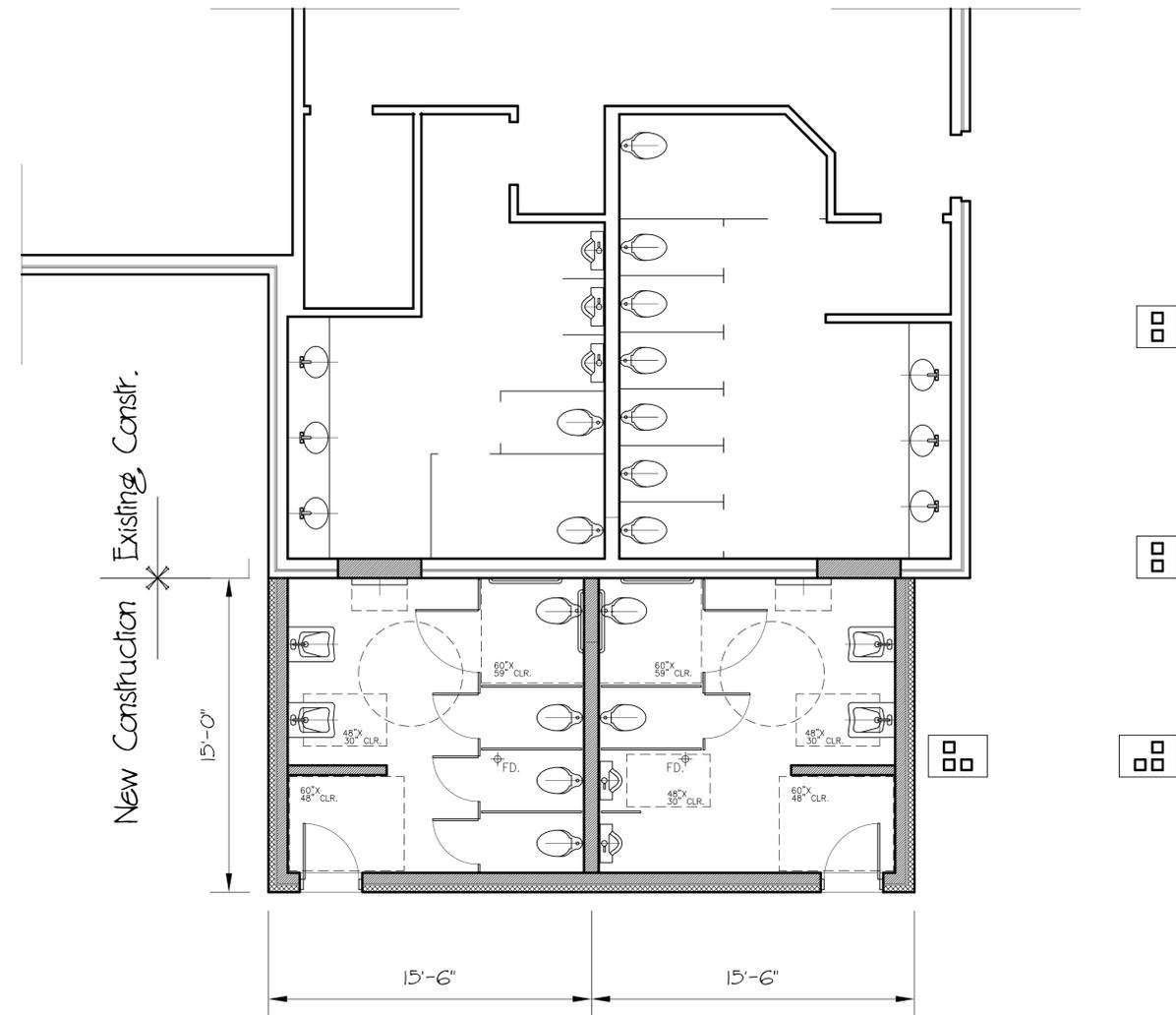
Respectfully submitted,



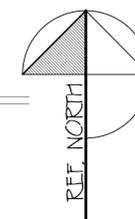
Chuck Stearns  
City Manager



**(C) BATHROOM ELEVATIONS** (MENS. SIM.)  
NO SCALE



Floor Plan  
Scale 1/4" = 1'-0"



**PRELIMINARY**  
NOT for CONSTRUCTION

Client Approval: \_\_\_\_\_  
Floor Plan only.

Date: \_\_\_\_\_

Note:  
These drawings show intent only. Structural calculations have not been performed.  
Owner assumes all responsibility that this project meets all State & Local Building Codes and Regulations.

The contractor shall verify all levels, datums, and dimensions prior to commencement of the work. All errors and omissions must be reported to the ARCHITECT immediately.  
This drawing must not be scaled.  
Copyright Reserved. All parts of this drawing are the exclusive property of DUANE MILLETTE ARCHITECT, and shall not be used without permission.

**Millette Architecture, P.C.**

P.O. Box 2065  
323 Standard Bldg Whitefish, Montana 59907  
OFFICE 406 / 862-8710  
FAX 406 / 862-8711

Whitefish Depot Park Restrooms  
Whitefish, Montana  
May 20, 2013

SHEET No:  
**A-1**  
W11 Depot Park.dwg

received  
6/24/13 CS

**JERE D. JOHNSON, R.S.**  
ENVIRONMENTAL HEALTH CONSULTING  
4572 Whitefish Stage Road  
Whitefish MT 59937  
406-270-3635  
406-863-9990 (FAX)  
jdj@bresnan.net

June 21, 2013

Chuck Stearns  
City Manager  
City of Whitefish  
418 E 2<sup>nd</sup> Street  
Whitefish MT 59937

**Subject:** Groundwater monitoring, Lot 2, Assembly of God Sub., Section 1, T30N, R22W,  
Flathead County

Dear Chuck:

As per your request the above noted property has completed the 2013 groundwater monitoring season. Six (6) testholes were excavated and groundwater monitoring pipes installed on March 6, 2013. I have enclosed a copy of the results.

All 6 pipes had groundwater shallower than the desired use for cemetery specifications. As far as a County septic permit being issued 4 pipes passed (1-4) this spring which would require an elevated sand design.

The soil conditions were consistent throughout the test sites being a compact glacial till. The soils exhibit very low internal drainage. This is typical of glacial till soils in that they have high porosity but low permeability. Pore spaces that are not interconnected.

Should you have any questions or concerns please give me a call at your earliest convenience.

Sincerely,

  
Jere Johnson, R.S.

**GROUNDWATER MONITORING**

Year 2013

Zone 2

Date Registered 3/17/2013 Date Returned \_\_\_\_\_

Pre Subdivision \_\_\_\_\_  
 GWM Only \_\_\_\_\_  
 Septic Application \_\_\_\_\_

**ENSURE INFORMATION IS CORRECT. LAYOUT MAP OF SITE & DIRECTIONS MUST BE SUBMITTED. IF PROPERTY IS DIFFICULT TO ACCESS, PLEASE PROVIDE DETAILED DIRECTIONS. ALL MEASUREMENTS MUST INCLUDE NUMBERS EVEN IF THE PIPE IS DRY .**

Owner (Print) Gene Lamb Signature \_\_\_\_\_ Date 3/6/2013

Property Address 1555 Karrow Ave WF

Mailing Address 1535 Karrow Ave WF

Contact (if not owner) Jere Johnson Phone (     ) 270-3635

Legal Description (S) 1 (T) 30 (R) 22 Assessor/Tract # \_\_\_\_\_ -(or)-

Subdivision Name Assembly of God Sub. Lot 2 Block \_\_\_\_\_

Initial	Date MM/DD/YY	Site # 1			Site # 2			Site # 3			Site # 4		
		A	B	A-B	A	B	A-B	A	B	A-B	A	B	A-B
	<u>3/6/2013</u>	<u>TEST HOLE</u>			<u>EXCAVATED</u>								
	<u>3/27</u>	<u>57"</u>	<u>12"</u>	<u>45"</u>	<u>62"</u>	<u>12"</u>	<u>50"</u>	<u>55"</u>	<u>12"</u>	<u>43"</u>	<u>63"</u>	<u>12"</u>	<u>51"</u>
	<u>4/4</u>	<u>58</u>	<u>1</u>	<u>46</u>	<u>65</u>	<u>1</u>	<u>53</u>	<u>53</u>	<u>1</u>	<u>41</u>	<u>63</u>	<u>1</u>	<u>51</u>
	<u>4/11</u>	<u>60</u>		<u>48</u>	<u>72</u>		<u>60</u>	<u>52</u>		<u>40</u>	<u>65</u>		<u>53</u>
	<u>4/20</u>	<u>59</u>		<u>47</u>	<u>70</u>		<u>58</u>	<u>51</u>		<u>39</u>	<u>60</u>		<u>48</u>
	<u>4/30</u>	<u>57</u>		<u>45</u>	<u>68</u>		<u>56</u>	<u>51</u>		<u>39</u>	<u>55</u>		<u>43</u>
	<u>5/6</u>	<u>54</u>		<u>42</u>	<u>63</u>		<u>51</u>	<u>48</u>		<u>36</u>	<u>51</u>		<u>39</u>
	<u>5/17</u>	<u>60</u>		<u>48</u>	<u>85</u>		<u>53</u>	<u>50</u>		<u>38</u>	<u>54</u>		<u>42</u>
	<u>5/25</u>	<u>70</u>		<u>58</u>	<u>83</u>		<u>71</u>	<u>61</u>		<u>49</u>	<u>62</u>		<u>50</u>
	<u>6/7</u>	<u>81</u>		<u>69</u>	<u>91</u>		<u>79</u>	<u>65</u>		<u>53</u>	<u>71</u>		<u>59</u>
	<u>6/15</u>	<u>90</u>		<u>78</u>	<u>101</u>		<u>89</u>	<u>72</u>		<u>60</u>	<u>81</u>		<u>69</u>
	<u>6/21</u>	<u>97</u>		<u>85</u>			<u>DRY</u>	<u>84</u>		<u>72</u>	<u>90</u>		<u>78</u>

SEE REVERSE SIDE FOR MONITORING PIPE INSTALLATION AND MONITORING GUIDELINES  
**GWM MUST BE REGISTERED WITH ENVIRONMENTAL HEALTH AT START OF MONITORING SEASON**

Monitoring for this parcel shall be conducted from \_\_\_\_\_ through \_\_\_\_\_

A measurement must be taken every 7-10 days. Less frequent monitoring may void monitoring for the current period and result in monitoring the site through the next groundwater monitoring season. I hereby certify that the above monitoring measurements and information are true, complete and correct to the best of my knowledge.

**GROUNDWATER MONITORING**

Year 2013

Zone 2

Date Registered 3/17/2013 Date Returned \_\_\_\_\_

Pre Subdivision \_\_\_\_\_  
 GWM Only \_\_\_\_\_  
 Septic Application \_\_\_\_\_

(2ND PAGE)

**ENSURE INFORMATION IS CORRECT. LAYOUT MAP OF SITE & DIRECTIONS MUST BE SUBMITTED. IF PROPERTY IS DIFFICULT TO ACCESS, PLEASE PROVIDE DETAILED DIRECTIONS. ALL MEASUREMENTS MUST INCLUDE NUMBERS EVEN IF THE PIPE IS DRY .**

Owner (Print) Gene Lamb Signature \_\_\_\_\_ Date 3/6/2013

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Contact (if not owner) Jere Johnson Phone (406) 270 3635

Legal Description (S) 1 (T) 30 (R) 22 Assessor/Tract # \_\_\_\_\_ -(or)-

Subdivision Name Assembly of God Sub Lot 2 Block \_\_\_\_\_

Initial	Date MM/DD/YY	Site # <u>5</u>			Site # <u>6</u>			Site #			Site #		
		A	B	A-B	A	B	A-B	A	B	A-B	A	B	A-B
	<u>3/6/2013</u>	<u>TEST HOLE EXCAVATED</u>											
	<u>3/27</u>	<u>43"</u>	<u>12"</u>	<u>31"</u>	<u>48"</u>	<u>12"</u>	<u>36"</u>						
	<u>4/4</u>	<u>42</u>		<u>30</u>	<u>48</u>		<u>36</u>						
	<u>4/11</u>	<u>41</u>		<u>29</u>	<u>46</u>		<u>34</u>						
	<u>4/20</u>	<u>48</u>		<u>36</u>	<u>45</u>		<u>33</u>						
	<u>4/30</u>	<u>29</u>		<u>17</u>	<u>40</u>		<u>28</u>						
	<u>5/6</u>	<u>32</u>		<u>20</u>	<u>35</u>		<u>23</u>						
	<u>5/17</u>	<u>35</u>		<u>23</u>	<u>40</u>		<u>28</u>						
	<u>5/25</u>	<u>39</u>		<u>27</u>	<u>51</u>		<u>39</u>						
	<u>6/7</u>	<u>44</u>		<u>32</u>	<u>61</u>		<u>49</u>						
	<u>6/15</u>	<u>52</u>		<u>40</u>	<u>62</u>		<u>50</u>						
	<u>6/21</u>	<u>68</u>		<u>56</u>	<u>75</u>		<u>63</u>						

SEE REVERSE SIDE FOR MONITORING PIPE INSTALLATION AND MONITORING GUIDELINES  
**GWM MUST BE REGISTERED WITH ENVIRONMENTAL HEALTH AT START OF MONITORING SEASON**

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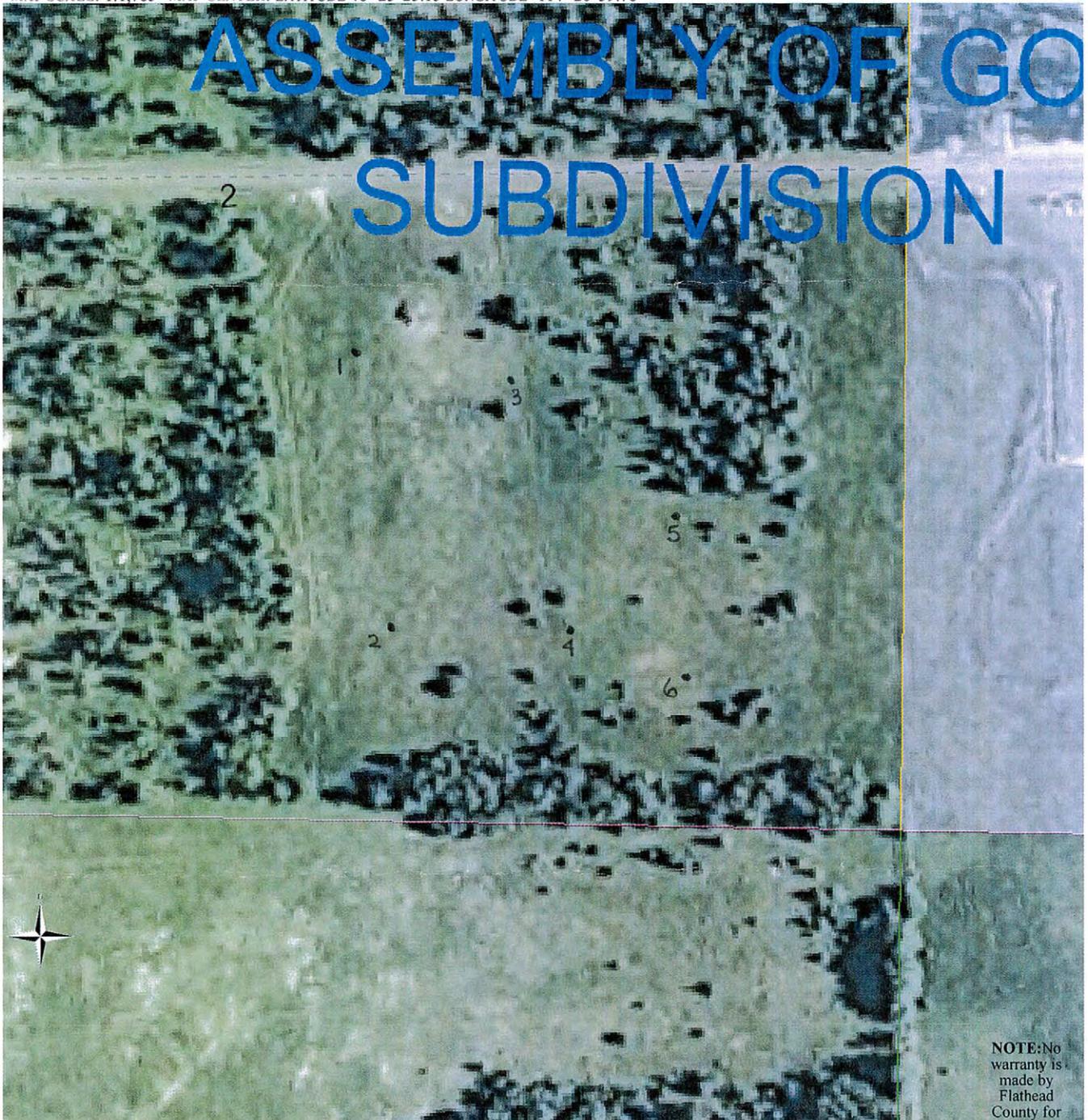


# FLATHEAD COUNTY GIS

KALISPELL, MONTANA

MAP SCALE: 1:1,785 MAP CENTER: LATITUDE 48° 23' 23.15 LONGITUDE -114° 20' 39.78

# ASSEMBLY OF GO SUBDIVISION



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

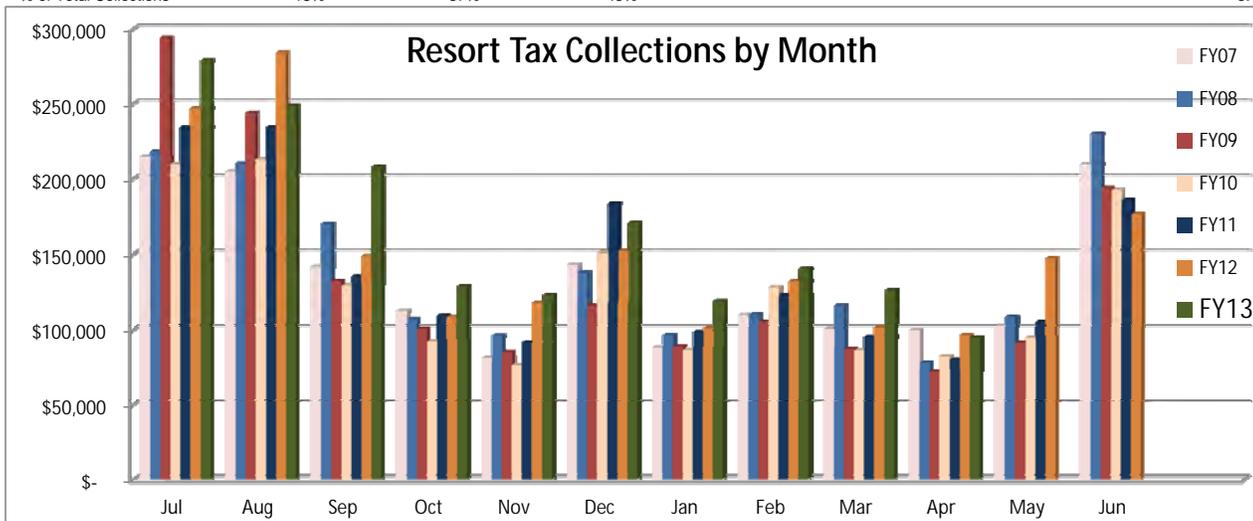
**CONTACT:**  
800 South Main  
Kalispell MT, 59901  
Phone (406) 758-5540

**Resort Tax Report**  
Reported in the Month Businesses Paid Tax

Month/Year	Lodging	Bars & Restaurants		Retail	Collected
		Restaurants			
Apr-08	8,642	34,215		34,691	77,549
Apr-09	8,056	31,819		31,409	71,283
<b>Total FY09</b> FY08 vs FY09	<b>\$ 269,389</b> -4.1%	<b>\$ 587,889</b> -7.2%		<b>\$ 749,573</b> -1.5%	<b>\$ 1,606,851</b> -4.1%
Mar-10	7,178	32,891		45,796	85,865
Apr-10	8,034	34,568		39,245	81,847
<b>Total FY10</b> FY09 vs FY10	<b>\$ 245,171</b> -9.0%	<b>\$ 563,798</b> -4.1%		<b>\$ 730,393</b> -2.6%	<b>\$ 1,539,362</b> -4.2%
Mar-11	12,010	40,790		42,246	95,046
Apr-11	7,571	35,595		36,466	79,633
May-11	12,083	47,608		45,096	104,788
Jun-11	27,106	60,935		97,797	185,838
<b>Total FY11</b> FY10 vs FY11	<b>\$ 274,688</b> 12.0%	<b>\$ 651,321</b> 15.5%		<b>\$ 747,615</b> 2.4%	<b>\$ 1,673,624</b> 8.7%
Jul-11	56,106	90,212		100,325	246,642
Aug-11	85,621	91,408		106,860	283,889
Sep-11	28,154	58,830		61,535	148,519
Oct-11	17,944	45,919		43,610	107,473
Nov-11	14,351	39,054		63,758	117,162
Dec-11	16,531	51,195		84,000	151,726
Jan-12	10,032	44,089		46,905	101,026
Feb-12	14,585	56,427		60,780	131,793
Mar-12	11,008	42,952		47,682	101,643
Apr-12	9,353	39,367		47,657	96,377
<b>Total 10 Months</b>	<b>263,685</b>	<b>559,452</b>		<b>663,112</b>	<b>1,486,250</b>
May-12	15,461	51,207		80,526	147,194
Jun-12	35,584	68,403		72,472	176,460
<b>Total FY12</b> FY11 vs FY12	<b>\$ 578,416</b> 111%	<b>\$ 1,238,515</b> 90%		<b>\$ 1,479,222</b> 98%	<b>\$ 3,296,153</b> 97%
Jul-12	69,418	94,341		115,149	278,908
Aug-12	53,361	92,463		102,812	248,636
Sep-12	57,000	77,503		73,232	207,734
Oct-12	24,519	54,631		49,137	128,288
Nov-12	8,099	40,326		74,122	122,547
Dec-12	15,490	66,046		88,956	170,492
Jan-13	13,152	51,930		53,396	118,478
Feb-13	18,023	55,180		66,995	140,198
Mar-13	16,171	56,231		53,318	125,720
Apr-13	10,105	42,230		42,325	94,660
<b>Total FY13</b> YTD vs Last Year	<b>\$ 285,338</b> 8.2%	<b>\$ 630,882</b> 12.8%		<b>\$ 719,442</b> 8.5%	<b>\$ 1,635,663</b>
FY13 % of Collections	17%	39%		44%	
<b>Grand Total</b> % of Total Collections	<b>\$ 4,174,033</b> 18%	<b>\$ 8,833,155</b> 37%		<b>\$ 10,711,998</b> 45%	<b>\$ 23,719,186</b>

	% Chng	
	Mnth to Pr Yr Mnth	Quarter to Pr Yr Quarter
<b>Total Taxable Sales FY08</b>		
	-8%	
<b>Compared to Prv Yr</b>		
or \$	-4.1%	
	(67,919)	
	-1%	7.1%
<b>Compared to Prv Yr</b>		
or \$	-4.2%	
	(67,489)	
	11%	5.3%
	-3%	
	11%	
	-4%	0.3%
<b>Compared to Prv Yr</b>		
or \$	8.7%	
	134,262	
	5%	
	21%	
	10%	12.4%
	-1%	
	28%	
	-17%	-1.9%
	3%	
	8%	
	7%	5.9%
	21%	
	40%	
	-5%	414.9%
<b>Compared to Prv Yr</b>		
or \$	96.9%	
	1,622,529	
	13%	
	-12%	
	40%	8.3%
	19%	
	5%	
	12%	11.9%
	17%	
	6%	
	24%	14.9%
	-2%	
<b>YTD Compared to Last Year</b>		
	10.1%	
	\$ 245,790	

Interest	Total
3,102	80,652
30,957	102,240
<b>\$ 139,585</b>	<b>\$ 1,746,436</b>
TaxableSales FY09 \$	84,571,113
1,500	87,365
2,729	84,576
<b>\$ 53,679</b>	<b>\$ 1,593,041</b>
TaxableSales FY10 \$	81,019,064
1,363	96,409
1,407	81,040
1,386	106,174
1,377	187,215
<b>\$ 38,004</b>	<b>\$ 1,711,629</b>
TaxableSales FY11 \$	88,085,492
\$ 979	\$ 247,621
7,833	291,722
593	149,112
496	107,969
479	117,641
526	152,252
515	101,541
578	132,371
557	102,200
610	96,987
6,993	154,187
625	177,085
<b>\$ 20,785</b>	<b>\$ 1,830,688</b>
TaxableSales FY12 \$	173,481,740
\$ 643	\$ 279,551
444	249,080
533	208,267
434	128,722
393	122,941
363	170,855
413	118,891
<b>\$ 3,223</b>	<b>\$ 1,278,307</b>
TaxableSales FY13 \$	86,087,527
<b>\$ 746,191</b>	<b>\$ 19,510,104</b>
	3.1% Average i since '96



<b>Total Taxable Sales Since 1996</b>	\$ 1,248,378,231
<b>Total Collected</b>	\$ 24,967,565
<b>5% Admin</b>	\$ 1,248,378
<b>Public Portion</b>	\$ 23,719,186

# RESERVED WATER RIGHTS COMPACT COMMISSION



STEVE BULLOCK, GOVERNOR

CHRIS D. TWEETEN, CHAIRMAN

## STATE OF MONTANA

Senator Debby Barrett  
Dorothy Bradley  
Gene Etchart  
Rep. Daniel Salomon

Senator Dick Barrett  
Mark DeBruyker  
Richard Kirn  
Rep. Kathleen Williams

June 4, 2013

Montana Legislators  
Interested Citizens and Parties

RE: Report on the Proposed CSKT – Montana Compact

Dear Montanans:

Governor Bullock has directed the Reserved Water Rights Compact Commission (RWRCC) to prepare a report addressing the questions raised during the 2013 Legislative session about the water rights compact negotiated with the Confederated Salish and Kootenai Tribes (CSKT). The compact was approved by the RWRCC and brought to the Legislature as HB 629. The compact bill was tabled in the House Judiciary Committee. The Governor's directive is articulated in the letter documenting his veto of SB 265, an act extending the suspension of water rights adjudication and requiring an interim study of the compact. The letter is available at:

<http://data.opi.mt.gov/bills/2013/AmdHtmS/SB0265GovVeto.pdf>

In order to ensure that the report addresses all relevant questions and issues, I am asking for input from interested parties. We would like to hear from you regarding your questions and concerns about the proposed compact. It will be very helpful to the RWRCC if, for specific questions and concerns, you reference the applicable section of the proposed compact generating the issue. For those concerns that don't relate to specific parts of the compact, please provide specific information to help RWRCC understand the cause of your concern.

For access to compact and appendices:

The compact (including the Unitary Management Ordinance) in bill format as considered by the 2013 Legislature as HB 629 is at:

<http://data.opi.mt.gov/bills/2013/billpdf/HB0629.pdf>

The compact and all appendices are located at:

<http://www.dnrc.mt.gov/rwrcc/Compacts/CSKT/Default.asp>

If you would like to receive a disk with the compact and appendices included, please contact:

Sonja Hoeglund, RWRCC, PO Box 201601, Helena, MT 59620-1601

406-444-6843

[shoeglund@mt.gov](mailto:shoeglund@mt.gov)

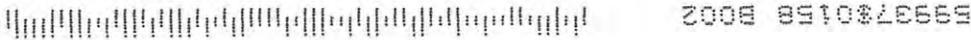
**Please send your comments by July 1, 2013 to:**

Arne Wick, RWRCC  
PO Box 201601  
Helena, MT 59620-1601  
Email [AWick@mt.gov](mailto:AWick@mt.gov)

The compact addresses some of the most pressing natural resource issues facing our state. Your assistance in reviewing and commenting on the proposed Compact is important, and we hope you will take time to help.

Regards,

Chris Tweeten, Chair,  
Montana Reserved Water Rights Compact Commission



CHUCK STEARNS  
CITY OF WHITEFISH  
418 E 2ND STREET  
PO BOX 158  
WHITEFISH MT 59937-0518

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
HELENA, MT  
PERMIT NO. 89

Reserved Water Rights Compact Commission  
PO Box 201601  
Helena, MT 59620-1601



June 25, 2013  
Letter #2013-066

Arne Wick  
RWRCC  
P.O. Box 201601  
Helena, MT 59620-1601

Dear Mr. Wick:

This letter is in response to Chris Tweeten's letter of June 4, 2013 related to addressing questions raised about the proposed Water Rights Compact with the Confederated Salish and Kootenai Tribes (CSKT) and the U.S. Government. I attended many of the public meetings in Polson and Pablo during the negotiations and the one public meeting in Kalispell after the compact was nearly in its final form for presentation to the Legislature. I want to say that I found the meetings informative and useful and the members of the negotiating parties and staff on all sides were very helpful and responsive.

The only question that the City of Whitefish was concerned about is whether the compact would have any effect on our current water rights and on our ability to expand our water rights in the future (primarily pumping from Whitefish Lake). Our concern focused on two areas:

1. Whether the proposed resolution of the CSKT "off-reservation" water rights, with the State of Montana agreeing to co-ownership of the State's "Murphy rights" (Article III, D-4), could force more or earlier water calls on our existing water rights. My final understanding was that it probably would not change the call dynamics or parameters because of co-ownership of the "Murphy rights", but any clarification that the RWRCC can provide on that topic would help us.
2. Whether the agreement for "on-reservation" water rights, especially as it relates to Flathead Lake water (and replenishment from Hungry Horse reservoir) could increase the likelihood of a call on our existing water rights or limit our ability to get new and additional water rights (probably from acquisition of creek water rights or filing for additional pumping water rights from Whitefish Lake). Again, any clarification of the potential for these impacts will be appreciated.

Our current water rights are shown on the reverse and the current proposal for adjudication of these water rights would give us 1,454.30 acre feet of water for this 18 cfs of historic water right.

**CITY OF WHITEFISH WATER RIGHTS**

Claim #

May 5, 1958 - Whitefish Lake Pumping (Mountain Harbor)	17980
August 10, 1918 - First Creek of Haskill Creek	17982
August 10, 1918 - Second Creek of Haskill Creek	17983
July 28, 1929 - Third Creek of Haskill Creek	17984

I hope I have phrased our concerns with the proposed water rights compact with the CSKT and the federal government clearly enough. After attending all of the meetings, I did not feel our current water rights would be affected at all and that we would still be able to acquire new water rights either by purchase or by filing for additional pumping from Whitefish Lake. We do see a need to provide additional, clean water supply to a growing population in the future and we want to be able to obtain and provide that additional water supply.

Thank you very much for considering our concerns and you or staff may call me with any clarification questions or to discuss these matters.

Sincerely,



Chuck Stearns

City Manager

[cstearns@cityofwhitefish.org](mailto:cstearns@cityofwhitefish.org)

cc: Mayor John Muhlfield  
City Council Members  
John Wilson, Public Works Director

# THE GREAT WATER DEBATE

COME, LISTEN, QUESTION, AND PARTICIPATE

in this MOST CRITICAL discussion and debate

**LEARN THE FACTS FROM SPECIALISTS**

Thurs. July 18, 2013

6:30 p.m. to 9:00 p.m.

Flathead Community College

777 Grandview Drive, Kalispell

Media Center

*The Mt. State Legislature voted against  
proposed 1200 page Reserved Water Rights Compact.  
The Governor vetoed extension bill. Now seeks more public opinion.*

All of us must become informed, speak and be heard!  
**THIS DECISION ON WATER RIGHTS APPLIES TO  
eleven counties, "on and off" the CSKT Reservation**

This compact will control availability and use of all NW Montana water

**NOW AND IN THE FUTURE - FOREVER!**

**Water determines property values and economy  
for everyone.**

Tribal needs - adequate water

Farmers – Irrigation- Livestock

Home-owners especially on Lakes

Business and Industry – Investors

Tourists – Hunting–Fishing - Boating



(This page left blank intentionally to separate printed sections)

Michael & Wanda Morton  
6400 Hwy. 93 South  
Whitefish, MT 59937  
406-862-3459  
morton@montana.com



June 14, 2013

Chuck Stearns  
City Manager  
City of Whitefish  
P.O. Box 158  
Whitefish, MT 59937

Re: Proposed Parking Restrictions

Dear Mr. Stearns,

I am writing to you at the suggestion of John Wilson regarding a traffic and parking problem where I live. I own the house at 101 Lakeside Blvd. which is on the corner of Washington/Lakeside and Waverly (just opposite the exit from City Beach). Waverly runs up the hill and in the summer visitors to City Beach park on both sides of the street making it difficult to impossible to drive up or down Waverly. The bigger vehicles park on my and my neighbors' lawns in an attempt to keep a traffic lane open. I am requesting the placement of "No Parking This Side of Street" signs on one side of Waverly to better manage the summer traffic and parking near City Beach.

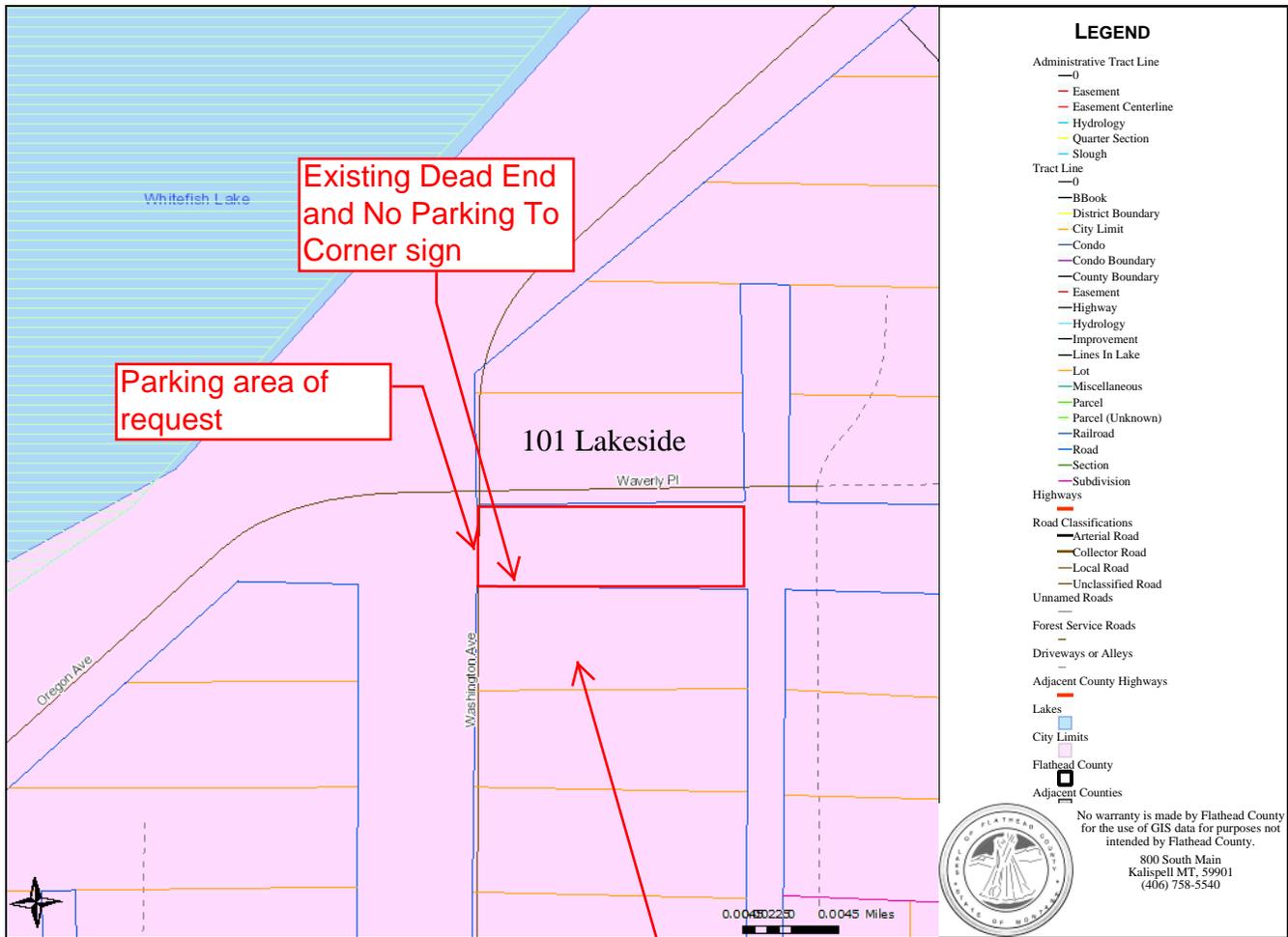
I am confident that my neighbors will confirm my complaint and support this request.

Sincerely,

A handwritten signature in black ink that reads "Michael Morton".

Michael Morton

Cc: John Wilson  
City Engineer



**Owner: NUSSER LIVING TRUST**  
**ADDRESS:(M) 1285 BARING BLVD # 251 SPARKS NV 89434**  
**ADDRESS:(P) 117 WAVERLY PL WHITEFISH MT 59937**



Picture taken on Sunday, 6/23/13 at about 1:00 p.m. This day was a light to medium day of activity at City Beach

**6-2-4: PROHIBITED AND RESTRICTED PARKING:** 🇺🇸

A. No Parking Zones: The following zones or areas are designated by the city council to be no parking zones wherein the parking of vehicles is prohibited except at the times and under the circumstances therein set forth.

The no parking zones designated by the city council are as follows:

1. No automobile or vehicle shall be parked on the north side of Second Street, between Spokane Avenue and Kalispell Avenue; no automobile or vehicle except school buses when actually engaged in loading or unloading pupils shall be parked within a distance of one hundred feet (100') south of that part of the east side of Spokane Avenue extending from directly in front of the west entrance of the public school building, the distance of one hundred feet (100') shall be measured from the north side of the west entrance of the building and the area created shall be designated a no parking zone, and reserved exclusively for the use of school buses, loading and unloading pupils transported by such buses to and from the Whitefish public school; this no parking area shall not apply during the summer months when school is not in session.
2. All no parking zones must be either posted with a suitable sign or marked with a yellow curb. (Ord. A-85, 12-5-1955; amd. Ord. A-237, 6-4-1973; Ord. 86-15, 7-7-1986; Ord. 09-15, 9-21-2009)

## Chuck Stearns

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**From:** Chuck Stearns [cstearns@cityofwhitefish.org]  
**Sent:** Tuesday, June 25, 2013 8:37 AM  
**To:** 'zmanwader@hotmail.com'  
**Cc:** 'Necile Lorang'; 'Whitefish Parks and Recreation'; 'Rhonda Fitzgerald'  
**Subject:** RE: Local Event

Zane:

You might check with our Parks and Recreation Department at 863-2470. There are various park facilities that might be feasible for you to rent such as gazebos at City Beach, different parks, maybe something at the Skate Park? You could also check with Rhonda Fitzgerald of the Farmers Market at 862-3440 as they have entertainment at every Farmers Market on Tuesdays and they might need a fill-in in case of cancellation some time?

Chuck Stearns  
City Manager  
City of Whitefish  
P.O. Box 158  
418 East 2nd Street  
Whitefish, MT 59937-0158  
Telephone - 406-863-2406  
Fax - 406-863-2419  
Cell -  
[cstearns@cityofwhitefish.org](mailto:cstearns@cityofwhitefish.org)



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

**From:** [zane.perryman](mailto:zane.perryman)  
**To:** [nlorang@cityofwhitefish.org](mailto:nlorang@cityofwhitefish.org)  
**Sent:** Monday, June 24, 2013 8:25 PM  
**Subject:** Local Event

Dear Whitefish City Council,

My name is Zane Perryman, I am a local musician and I am looking for some help, I represent a few bands who are young, yet experienced musicians. It seems impossible to find a place to play, since we are mostly under 18, so that is why I am emailing you. I was wondering if there was a way we could set up a concert, a public event that could bring the community together.

We just want to entertain people and have some fun. My own band, Plaid Theory, has a set list of songs ready to go, and also another band that are all good friends of mine, Interrobang, also has a setlist ready to play. If there is anything you could do, to give us some information to set something up this summer, we would all thank you deeply.

Thank you,  
Zane Perryman

Sent from Windows Mail



June 25, 2013

Mayor Muhlfeld and City Councilors  
City of Whitefish  
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Consultant Selection for the  
3<sup>rd</sup> Street Roadway and Sewer Improvements Project**

Introduction/History

The Public Works Department has advertised a Request for Qualifications (RFQ) from engineering consultants interested in providing services for the 3<sup>rd</sup> Street Roadway and Sewer Improvements Project. This memo is to invite the City Council to designate one of its members to participate in the consultant selection process.

Current Report

The proposed project would involve design and construction of roughly 1000 feet of new 12 inch diameter gravity sewer main, with associated alley and street improvements. The purpose of the project is to bypass and abandon a gravity sewer main which runs beneath an existing church and the commercial development site in the 200 block of Kalispell Avenue. Roadway improvements may include asphalt repairs, some repaving and/or road widening to provide diagonal parking. Design details and construction scheduling would be closely coordinated with the private construction project proposed for Block 46.

Statements of Qualifications (SOQs) were received on June 26<sup>th</sup>. The selection committee will meet as soon as possible, preferably during the week of July 8<sup>th</sup>, and rank the firms to identify three finalists. These three firms will be invited to interviews, where a final ranking will be made later this month. Staff will commence negotiations immediately with the highest ranked firm.

Possible action to award a consultant contract will wait until the City Council considers and acts on a proposal to support the Block 46 development project with infrastructure improvements using Tax Increment funds.

Financial Requirement

None at this time.

Recommendation

We respectfully ask that the City Council designate one of its members to participate in this consultant selection process.

Sincerely,



John C. Wilson  
Public Works Director

Changes to FY14 Budget Since Preliminary Budget - DRAFT OF 6/26/13

Description of Budget Change	Amount Change	Notes
1 WFSA contribution to fire equipment deposited in FY13 – therefore reduced for FY14	\$100,000	Check from WFSA received in June, 2013 instead of in FY13
2 Carryover amount for Fire union FY13 pay increase - 3.7% retro to 7/1/12		Taken from reserves
3 Enter 7/1/13 beginning of year cash balances into each fund	varies	Actual cash balances now known, so budget was updated
4		
5		
6 Add 1.7% COLA for municipal judge pay increase		
7 Add 3.7% pay increase for City Manager		
8 Add budget amounts for MDT Whitefish West project phase II -		
9 Delete or change other water and wastewater projects to accommodate item #8		Changes were:
10 Revised Skye Park budget in TIF to reflect other funding sources		
11 May be able to eliminate FY14 TIF budget for Downtown Master Plan if finished?		
12 May be able to eliminate budget for Wayfinding signs in FY14 if all or mostly finished?		
13 Eliminate Chamber Trolley project as specified project and increase contingency by same \$		
14 Revised Block 46 infrastructure budget in TIF		
15 Revised TIF budget for Depot Park Phase II		
16 Added budget for two bulbouts at 1st and Baker as part of MDT Baker overlay project - TIF	\$100,000	
17 Added money for Local Government Review election in June, 2014 at primary election	\$2,250	