

January 7, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Doyle. Also present were Supt. Manyx, City Engineer Carver and City Attorney Fisher.

The minutes of the previous meeting were approved with one correction.

Dan Conners speaking for the Chamber of Commerce asked Council help in trying to curb vandalism and Police Commissioners Minor Stocking, Phyllis Sprunger and John Schumaier requested additional Policemen and inquired about putting the dispatch system in City Hall. Police Chief Wartnow explained his Police Budget did not allow for hiring extra help at this time but requested extra man to cover 16 hours a week to allow Patrolman Dan Voelker more time for investigation work.

Motion Ott to allow on a trial basis the 16 hrs per week to be covered by the extra board. Second Putnam. All aye.

Motion Putnam to allow the Off Street Parking Committee, per their request, permission to withdraw the Parking SID and the hearing be vacated. Second Doxtater. All aye.

Mayor Garretson appointed a Committee of Buster Schrieber, John Kram r, Jack Sessler and Councilman Bjorsness to work with the Police Commission and Police Chief, to check into the needs of the police department.

Decision on the Elmer Smith Annexation - Requested zoning is Highway Commercial. A tract of land in Lot 1 Block 1 Whitefish Townsite Company's Five Acre Tracts. The City County Planning Board recommended this annexation and letter from Charles Abell was presented opposing the annexation, as Highway Commercial. Council suggested property owners consider R-2 Residential.

Motion Ott to deny this annexation as Highway Commercial. Second Brockel. All aye.

John Austin representing the Whitefish Housing Authority told that HUD funds might be available for approximately 20 low-cost housing units. Asked Council to adopt a resolution approving application for a preliminary loan of \$10,000.00 for survey and planning and asked that the Cooperation agreement be approved.

Motion Doxtater to adopt Resolution #B-356, approving the cooperation agreement between the City of Whitefish and the Whitefish Housing Authority. Second Putnam. All voted aye.

Motion Brockel to adopt Resolution #B-357, a Resolution approving application for Preliminary loan for low-rent public housing. Second Ott. All voted aye.

Councilman Brockel thanked the snow removal crew for being out on Monday morning and asked business men to cooperate in removing snow from sidewalks before the crew started in the downtown area.

Motion Brockel to approve three business applications: North Valley Insulation - 109 W 8th St., Cross Currents Christian School - 110 Lupfer Ave. and Whitefish Snow Removal - 130 Dakota Ave. Second Doxtater. All aye.

Motion Ott to accept Building Permits 94, 95, 96, 97 as presented. Second Bjorsness. All aye.

Mayor Garretson read a letter from the County Commissioners stating they concur with City of Whitefish request for extension of Building Codes jurisdiction. Jurisdiction to be same as Interim Zoning. City Attorney Fisher explained we had to wait for State approval.

Motion Brockel to approve water application of Noel DeVries, Lion Mountain Loop Road, Trl DB in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35 T31 R22. Second Doxtater. All aye.

Dale Jessup representing Winter Carnival Committee requested permission for Winter Carnival Parades evening of Feb. 8th and afternoon of Feb. 9th.

Motion Bjorsness Winter Carnival Committee be granted permission for the parades. Second Brockel. All aye.

1-7-80 Cont.

Bud Wilhelm representing the Golf Course Association requested a meeting with the Park Committee. Meeting set for January 14th at 5:00 P.M.

Phyllis Sprunger asked Council again why Deerfoot Park Subdivision off State Park Road could only have city water for the 2 lots adjacent to the State Park Road. (this was council decision of September 4, 1979.) Councilman Putnam explained it was policy of the Council not to extend water service outside City limits more than 100'.

Councilman Bjorsness asked City Attorney Fisher what legal rights the city had in the County Commissioners zoning Bay Point B-6 Resort Commercial, against the wishes of the City Council, he further asked if the City had to furnish sewer and water for Russ Streets expansion at Bay Point. City Attorney Fisher felt that Street could be stopped from expanding, however, he stated the City had no legal recourse in the Commissioners zoning Bay Point B-6.

Bjorsness also explained a letter he had received from Mr. Arkens Department of the Interior asking when the park across from the Golf Course would be completed. Park committee to meet and draw plans and maps of this area, as original plans for the park had been changed.

Motion Ott to pay all bills authorized by the Finance Committee and to accept the Police Chief, Police Judge and Animal Warden Reports for December. Second Doxtater. All aye.

Councilman Ott stated the Council recommended the following to fill vacancies on the City County Planning Board. Charles Abell to replace Minor Stocking, Tom Harding to replace Ray Nelson and John Horn to replace Mel Kastellain March when Mels term expires. Mayor Garretson approved and recommended the above.

Motion Ott to accept appointments of Charles Abell and Tom Harding to replace Minor Stocking and Ray Nelson and John Horn to replace Mel Kastella in March. Second Doxtater. All voted aye.

Mayor to write letter of comendation to present board members. ~~them for the~~

Motion Putnam granting Don Karst leave of absence for 3 months commencing January 1st. Second Ott. All aye.

Motion Putnam authorizing Supt. Manyx to advertise and put up for bids obsolete and or surplus dity equipment. Second Bjorsness. All aye.

Motion Putnam authorizing removal of parking meters from the city parking lot across from the Catholic Church and install the meters on Central Avenue adjacent to BNRR park, leaving 2 places in front of the BN Credit Union as they are, and the 5 authorized spaces in the lot for City Employees to remain - this to be a provisional thing and can be changed at anytime. No parking overnight signs to be placed in the parking lot. Second Doxtater. All voted aye.

Other Business:

Jim Himer requested the leash law be changed

Minor Stocking presented a water bill totaling \$118.45 - water crew to investigate

City attorney Fisher reported the tree causing sewer problems in Shareview had been removed.

Discussion of sewer and water main extensions thru property lines - Council wants enforced.

Motion ott second Putnam to adjourn at 10:23 P.M.


Mayor

ATTEST:


City Clerk

January 21, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Bjorsness. Also present were Supt. Manyx Police Chief Wartnow and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

Jerry Hoadley presented a petition to annex property on the corner of 2nd and Karrow (N $\frac{1}{2}$ lot 17 Block 2, Gojendes Tracts) as R-2 residential.

Motion Putnam to adopt Res. # B-858, a Resolution of intent of consideration annexing the N $\frac{1}{2}$ of Lot 17, Block 2, Gojendes tracts, owned by Jerry Hoadley zoning to be R-2 residential, barring any large number of protests, annexation to be advertised for four weeks with hearing to be February 19, 1980. Second Doyle. All aye.

Motion Ott that John Austin, Red Harding, Ted Lund and Werner Schreiber be re-appointed to the Housing Authority Board. Second Doyle. All voted aye.

The Clerk read a letter from The Department of Administration, Building Codes Division, accepting extension of Building Codes jurisdiction outside City Limits. Jurisdiction to be same as Interim Zoning. Motion Putnam to approve the Building Codes extending into the jurisdiction outside City Limits. Seconded by Doyle. All aye. Two thank you letters were also read from the Chamber of Commerce thanking the City for removing parking meters in the city lot and helping put up and take down Christmas Decorations.

Motion Doxtater to accept three business applications, Escrow Services, Inc., Eric L. Platt and Peter Putzier, Sims Piano & Organ (3 day license) Spokane, Wa. and Bobs Rocks, Robert Baraby owner. Second Ott. All aye except Putnam voted no on Sims Piano & Organ.

Motion ^{Brockel} Putnam to adopt Resolution #B-859, A resolution adopting standard Engineering and Construction Specifications for the City works projects and uniform Contract forms on documents. (Montana Public Works Specifications). Second Brockel. All voted aye.

Councilman Doxtater reported on the Energy Saving meetings he attended at the Peterson School in Kalispell. He thought the City could save money on energy at minimal costs. The Building Committee to pursue to see what the needs are for the City.

Motion Ott to pay all bills authorized by the Finance Committee and to accept the Clerks and Treasurers reports for the month of December. Second Doyle. All aye.

Councilman Ott told that Northwest Mfg. Co. requested half payment of \$10,890.00, on the Asphalt patching and sanding unit as their bid price was firm for 120 days and this time period was up. If the city paid this amount the price would not increase.

Motion Ott to pay half the purchase price \$10,890.00 on the patching and sanding unit. Second Putnam. All voted aye.

Councilman Ott gave a list of the Fire Departments new officers;

Bob Depratu	Chief	Bert May	President
Al Ronseth	Vice president	Larry Netzel	Secretary
Don Phillips	Treasurer		

Board of Directors Jim Hunnewell, Ted Tveidt, Doug Loy and Dave Sipe

Councilman Putnam reported the Street dept. needed parttime help and asked that George Carson be hired on a temporary basis for Feb. and March, and if Employee on sick leave returns to work Mr. Carson would be terminated.

Motion Doyle to hire George Carson on a temporary basis thru March with the understanding that if DonKarst returns to work Carson would be terminated. Second Doxtater. All aye.

January 21, 1980 cont.

Councilman Putnam stated the flag outside City Hall needed to be cleaned or a new flag purchased. Police to put flag up in the morning and take down at night. He requested City Attorney Fisher to check into forming a Parking Commission and asked Mayor to contact Commissioners on moneys available for repairing street Secondary Highway #487 from Baker and 2nd to Viaduct.

Councilman Brockel and Supt. Manyx explained that a plumber had sold and installed 12 - 1" water meters in the Bay Point Condominiums. Greg Blaine Manager of the Condos asked the City to buy the 1" meters from them at a cost of \$143.00 each, and read each meter individually with separate bills on each thus separating them from Russ Streets master meter.

City Attorney Fisher read the Public Service Commission Ruling M-5, the consumer will be required to pay \$1.00 a month for the reading of such secondary meters.

After much discussion it was moved by Brockel second by Doyle to read and send bills to the Condominiums and send Russ Street the difference from the master meter on a trial basis for six months. All voted aye.

Motion Brockel to investigate water department finances in buying the meters, and if not purchased outright to apply water usage to purchase price of meters. Second Doxtater. All voted aye.

Six senior High School boys appeared before Council protesting Alice arrest tactics. Speaking for the group were Dean Fauske, Joe DeLang and Joe Strong. Mayor turned this over to the Police Commission.

Motion Putnam to allow City crews to haul snow for the ice sculpturing but not streets for the Winter Carnival, this year, however, next year an understanding should be reached well in advance of the Carnival. Second Ott. All aye.

City Attorney Fisher asked council if they wished to follow-up and prosecute Mr. Schoenhuth for turning on his water - city had turned off 4 times and each time he turned it back on - Council said definitely to follow-up and prosecute.

Connie Cohn asked if city couldn't get an Attorneys General opinion on the county zoning land over the cities zoning. City Attorney Fisher stated the County can zone over the city.

City Attorney reported a problem in the Schumm, Speer, Walker, Lowe, Stocking, Hoecker annexation. Fred Castor purchased part of the Stocking property and records indicate he is in the City limits. Mr. Castor insists an error must have occurred as he requested not to annex this portion of property with the others. However, all records indicate the intent and notice of annexation were dated 11-19-77, and he did not purchase property until 1-20-78 and did not request changes in boundaries of annexation. Council stated the annexation would remain as is.

Motion Ott the Fred Castor property would remain in the annexation, and annexation would remain as is. Second Doxtater. All aye.

OTHER BUSINESS:

Henry Hoye told Council that he would be interested in buying the old garbage paker when the city receives the new truck. Council explained no decision had been made on disposition of the old garbage truck.

City Attorney Fisher was instructed to write a letter to people in Patton Subdivision stating they must put in separate curb stops by May 1, 1980, or the city would do and charge consumer.

Councilman Putnam requested Supt. Manyx and City Attorney Fisher to contact people and ask their co-operation in not pushing snow from parking lots into the streets.

Supt. Manyx presented a snow removal program.

Council discussed the theft of 5 large batteries stored in the City Barn and the need for replacement of worn out city equipment.
Motion Doyle second Doxtater to adjourn 10:24 P.M.


Mayor

ATTEST:


City Clerk

February 4, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Doxtater. Also present were Supt. Maryx, Police Chief Wartnow and City Attorney Fisher.

The minutes of the previous meeting were approved with one correction.

The clerk read job descriptions for a City Engineer, and after discussion it was moved by Doyle to table advertising for a City Engineer until further investigation could be made, with decision to be Council meeting of February 19. Second Brockel. All voted aye.

Bids were opened for obsolete and/or surplus City equipment.

	Hamilton	John Boyd	Burtch Trucking	Norman Weadt
1954 1/2 ton pick-up	76.00			115.00
1955 2 ton Chev. Dump truck Short bed	365.00	326.65	101.51	
1955 2 ton Chev. Dump truck long bed	365.00	226.75		
1942 Ford Tank truck	410.00		151.51	
1942 Austin Tandem Roller	65.00	251.51		
1967 3/4 ton chev. pick up	126.00		126.66	40.00
Power horse	376.00		376.76	
Ironage Tree sprayer	21.00		51.51	
	<u>1809.00</u>	<u>804.91</u>	<u>807.95</u>	

Bid received from Jim Nadeu was withdrawn.

Motion Ott bids be turned over to the Finance Committee with power to act - high bidder to be given 10 days from time of notification to pick up equipment or it would go to second high bidder. Second Bjorsness. All aye.

Motion Doyle to accept building permits 71, 99 as presented. Second Bjorsness. All aye.

Letter was read from Attorney Leo Tracey regarding clients of his, Billy and Candace Reis who own 20 acres of land which fronts and lies on the east side of the road across from the sewer treatment lagoons, being constructed for the city. The Reis's stated the basement of their residence was always wet due to seepage from the south lagoon - however, after this was drained the basement stayed dry - they also felt not enough bentonite was being used in the construction of the new lagoon system.

City Attorney Fishers answer to this letter was also read - he advised Mr. Tracey that years ago the City investigated this matter and found numerous witnesses who could testify that that area was wet and swampy almost every spring before the city lagoons were ever installed.

Council asked Mayor to get a letter from Morrison-Maierle stating enough bentonite was being used.

Motion Bjorsness to turn proposed new agreement of Duane Johnson and Associates Labor Relations Consultants over to the Finance Committee to study and bring back to council meeting of February 19, 1980. Second Ott. All voted aye.

Jim Himer again asked that the dog leash law be changed. After discussion and City Attorney read the Ordinance it was moved by Putnam that the Dog Ordinance #173 remain as it was read. Second Doyle. All voted aye.

Councilman Bjorsness asked water dept. about two bills totaling \$315.00 for rental of snowbiles and wondered if it was necessary to go up to the reservoir in the winter. Greg Acton water dept. head explained they have to go to clean gravel and sediment from behind the dam at Second Creek.

Motion Ott to pay all bills authorized by the Finance Committee and to accept the Clerks, Treasurers, Police Chief, Judges and Animal Warden reports for January. Second Doyle. All aye.

Councilman Ott reported on inspection of the water dept. tools and commended them for an excellent inventory.

Councilman Putnam reported asking the metermaid to ticket 6 Canadian buses parked by the Burlington Northern Credit Union on central ave. Police Chief Wartnow explained there were 11 buses in town Saturday and parking them was a problem. Wartnow to investigate available parking for buses and bring back to the Council.

February 4, 1980 cont.

Putnam also reported the Chamber of Commerce was restudying City Management type Government for the city and wondered if Government Study money could be given them for this study. City Attorney Fisher said the money could not be given directly to the group, but money could be spent by the city for this.

Councilman Brockel reported the water dept. had investigated water bill of Minor Stocking, and had found a leak. Also Mr Stockings water meter checked out fine. Council stated Mr. Stocking would have to pay the bill.

Brockel also stated that a resident in Shareview on 3rd street that had a water leak wanted city to share cost of fixing the street after city dug down to shut off corporation valve. Supt. Manyx explained the street was ruined from the leak and was not city responsibility. Brockel also thanked the water crew for a fine job of fixing a leak on Central Ave.

Councilman Putnam asked Council opinion on the proposed pornography Ordinance. Council thought it best to wait and see what the County Commissioners were going to do about pornography, due to the way our city limits is spread out, a porno shop could open up on a county lot surrounded by city limits.

Motion Doyle second Putnam Mayor write County Commissioners a letter stating city is concerned about the porno issue and ask what they are going to do about pornography because of county surrounded by city, we would like to know as soon as possible. All voted aye.

City Attorney Fisher reported he had written the letter to people in Patton Subdivision on installing separate curb stops and also on snow removal from private property. He then read the laws he had researched in forming a Parking Commission. Council to study further.

OTHER BUSINESS:

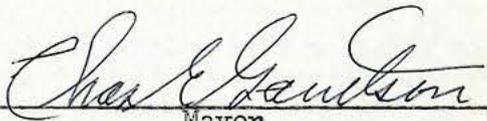
Councilman Putnam stated Arnold Jacobsen would like to be replaced on the Soil Conservation Board.

City Attorney Fisher reported the County Commissioners had budgeted \$25,000.00 for street maintenance for Whitefish and it was available when needed.

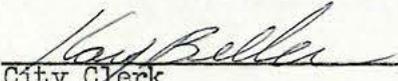
Both City Attorney and Mayor reported on the Tri-City meeting stating discussion was held on a joint city - county street maintenance program.

Supt. Manyx commented on a lift station in the middle of Houston Point Subdivision It should have three phase power and it only has single phase - also he thought a building should be built around it for a safety factor. Council thought developer should take care of this problem as the City has not accepted the lines in this area.

Motion Putnam second Ott to adjourn at 10:15 P.M.


Mayor

ATTEST:


City Clerk

February 19, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Doyle. Also present were Supt. Manyx, Police Chief Wartnow, City Engineer Carver and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

Public hearing was held on the proposed annexation of Jerry Hoadley property - N $\frac{1}{2}$ of lot 17 Block 2, Gojendes. Requested zoning was R-2 residential.

The City County Planning Board recommended annexation of this lot as R-1. Council discussed the zoning and also recommended R-1 zoning only. Decision to be Council meeting of March 17, 1980.

Petitions to annex Lot 2 & 3 of Block 6 Whitefish Townsites Companys Five Acre Tracts, owned by Herriges N&E Development were presented. R-2 zoning was requested.

Motion Brockel to adopt Resolution #B860, a Resolution of intent of consideration of annexation lots 2 & 3 of Block 6 Whitefish townsite Companys Five Acre Tracts - to be zoned R-2, with hearing to be council meeting of 4-7-80. Second Doxtater. All aye.

Council discussed advertising for a City Engineer and terminating the job of Supt. of Public Works, and combining the two jobs into one.

Motion Putnam to combine the positions of Supt. of Public Works and City Engineer into one position. Second Bjorsness. All voted aye.

Motion Bjorsness authorizing the City Clerk to publish for a City Engineer. Second Ott. All voted aye.

Motion Ott to waive a \$25.00 moving fee and permit the 4-H to move a building thru town. Second Doxtater. All aye.

Motion Ott to accept three business applications, Picnic Pocket, 33 Central with the stipulation they have the approval of the Board of Health, Schafer Income Tax Service, 118 O'Brien Ave. and Aqueous Waterbeds, 134 Central Ave. Second Brockel. All aye.

Motion Doxtater to accept Building permits #100, 101, 102 as presented. Second Bjorsness. All aye.

Letter of resignation was read from M. G. Stocking, resigning from the Police Commission. Mayor Garretson recommended Lyle Ruthford to replace Mr. Stocking.

Motion Brockel to accept Minor Stockings resignation. Second Putnam. All aye.

Motion Doxtater to appoint Lyle Ruthford on the Police Commission to replace Mrs Stocking. Second Brockel. All aye.

Mayor Garretson had written the County Commissioners asking what they were going to do on the Pornography issue. Letter was read from the Commissioners stating they have a Pornography Ordinance in draft and would probably be adopting it sometime late in February.

Tom Moe told Council of plans to construct a 31 unit motel, south of town, and requested a variance from Fire zone one to fire zone 2 as the owner wanted wood construction. Fire zone 1 requires masonry, steel etc, in the commercial area. After much discussion it was moved by Bjorsness second Putnam to have the Ordinance Committee - Doxtater, Brockel and Doyle, check the ordinance and Fire zones and report back to the Council at the March 3rd meeting. All voted aye.

Hank Olson, spokesman for the committee studying City Manager Type Government, explained the proposal would be the same as was voted on and defeated in 1976, and they hoped to get this on the November 1980 ballot. He asked for a Council representative to work with the committee. Mayor appointed Doxtater to serve on the committee.

February 19, 1980

Motion Ott the City retain Duane Johnson and Associates, Labor Relations Consultants, for one more year. Second Brockel. All voted aye.

Motion Doxtater to grant City Attorney Fisher permission to leave the state 2-22-80 to 3-9-80. Second Ott. All aye.

City Engineer Carver reported on the lift pump in Houston Point Subdivision. He explained the owners would install a screen for added safety and that the adiphase in question would not be a problem.

In regard to the letter received from Attorney Leo Tracey on the City Lagoon being constructed, Carver promised the City a letter stating both Northern Testing Lab and Morrison-Maierle would guarantee the amount of Bentonite used in the lagoon.

Carver asked Council permission for the Mayor to sign a change order in the amount of \$2234.80, on the Wastewater treatment plant, because the depth of the well went from 300' to 381'.

Motion Ott to allow the change order from 300' to 381'. Second Doxtater, All aye.

Police Chief Wartnow reported on the parking of buses in the city. He told there were no parking spaces available. Traffic Committee to investigate.

Councilman Putnam reported the new garbage truck had been received.

Councilman Ott reported the bids for city equipment were awarded as follows:

1954 1/2 ton Chev. P.U.	\$115.00	Norman Wendt
1955 2 ton Chev Dump Truck	365.00	Howard Hamilton
1955 2 ton chev dump truck	365.00	Howard Hamilton
1942 Tank Truck	410.00	Howard Hamilton
1967 3/4 ton chev. P. U.	126.66	Burtch Trucking
Harris Power Horse	376.76	Burtch Trucking
Tree Sprayer	51.51	Burtch Trucking
1942 Austin Western Roller	251.51	John Boyd

Ott also reported financial problems in the water department. He stated it was a City problem and something must be done.

Motion Ott to pay all bills authorized by the Finance Committee. Second Bjorsness. All voted aye.

Councilman Bjorsness reported attending a meeting with the Chamber of Commerce on a new sign Ordinance for the City.

Supt. Manyx requested Jay Barranger, Micheal O'Mary, and Steve Smith be sent to take Water and Wastewater tests, and Greg Acton to attend a Convention in Billings the 19th of March. After Discussion it was MOVED by Brockel authorizing O'Mary and Acton to go to Billings and if Acton can't go Supt. Manyx to select an alternate. Second Doxtater. All voted aye.

Manyx reported that Walker Trailer Court wants to hook up to the Houston Point water and sewer lines. Council said no more hook-ups to the sewer line until TV'D. However, it was turned over to the Water Committee.

OTHER BUSINESS:

Letter from the Chamber of Commerce was read in favor of Don Jensens proposed Convention Center.

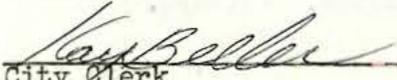
Councilman Bjorsness questioned a bill submitted by the Animal Warden for a socket set he purchased. To be investigated.

Adjourned: 10:17 P.M.



 Mayor

ATTEST:



 City Clerk

March 3, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen Were present. Also present were Supt. Manyx, Police Chief Wartnow and City Attorney Erickson.

The minutes of the previous meeting were approved as read.

Four employees from the water dept. speaking as concerned citizens and taxpayers, were Gennette Wilson, Greg Acton, Mike O'Mary and Mike Wade. They requested a special meeting with the Council to air their views and grievances, also they questioned hiring a city engineer and tried to clarify the overtime in their department. Mayor Garretson said he would try to have a meeting within the week.

Don Jensen asked Council approval of a re-subdivision of lots ¹⁵16-17-18 Birch Point, a tract along the river south of town. Turned over to the City County Planning Board.

Attorney Bill Hileman representing Tim Hartfield, and Jim Roth, explained the two fellows had bought property at 409 West 4th St. and had started construction of a pottery studio which the City Building Inspector shut down as it did not comply with Interim Zoning adopted by the City 11-30-79. He requested either Council recognize this and allow as materials for the studio were ordered before interim zoning went into effect or give a Home Occupation License which would be a temporary license. Council turned this over to the City County Planning Board, as they are the Zoning Commission.

Mayor Garretson asked Council approval of appointment of Jerry Hansen to the Park Board replacing Arnold Jacobsen.

Motion Doyle to accept the Mayors appointment of Jerry Hansen to the Park Board. Second Doxtater. All voted aye.

The Mayor also asked approval of Stanley Dye to the County Health Board, replacing Louis Card.

Motion Doxtater to accept the appointment of Stanley Dye to the County Health Board. Second Doyle. All voted aye.

Discussion was held on Water Application of Richard Wright, Hwy 93 south. It was moved by Bjorsness second Doyle to deny this application as the water is not available to the property. All aye.

Motion Doyle to accept Building permit #103 as presented. Second Brockel. All aye.

Councilman Doxtater reported the Ordinance Committee, Fire Dept. and Building Inspector met on revising the Fire Zone Ordinance #A-321. They recommended Local Commercial and Highway Commercial be changed from Fire Zone 1 and put in Fire Zone 2.

Motion Doxtater to accept this recommendation and amend Ordinance #A321 changing Local Commercial and Highway Commercial from Fire Zone 1 to Fire Zone 2. Second Putnam. All voted aye.

Councilman Doyle reported Supt. Manyx recommended either selling or scraping the city scale. Manyx stated the city was losing money on the scale.

Motion Ott to advertise and sell the City scales. Second Doyle. All aye.

Motion Ott to pay all bills authorized by the Finance Committee and to accept the Treasurers, Police Chief, Judge and Animal Warden reports for February. Second Doyle. All aye.

Councilman Putnam reported that the tires on the new garbage truck were worn and out of line when received. DePratu had already realigned the truck and the company offered \$300.00 toward replacement of the tires. Rotating tires was also considered. After discussion it was moved by Doyle to turn over to the Street and Alley Committee with power to act. Second Doxtater. All aye.

March 3, 1980 cont.

Putnam also requested the Mayor submit a report on CAB(Countywide Administrative Board) for the next council meeting as Council would have to make a decision at this time on whether to stay in CAB. He also outlined procedures for intent of consideration of annexation on large tracts 1/2 acre or more that he himself would follow from now on. The person annexing should be present and have what land use will be, carry request over to the next council meeting, bring in at most restrictive zoning.

A representative from the Viking stated the building inspector had shut down them moving a double wide trailer in for construction sales. Building permit #97 authorized by council on January 7, 1980, only pertained to a temporary trailer for 1 year and it was the understanding it would be a single trailer. Council turned over to the building inspector.

Don Jensen inquired about the proposed Sign Ordinance being constructed by the Chamber of Commerce. John Schumaier and Hank Olson explained the Ordinance was not completed as yet, but committee was still working on it.

Councilman Doyle reported Louis Card the Building Inspector, contract would expire March 31st and recommended trainee Harry Berg be given a chance to sign a contract. He also commended Mr Card for his years of dedicated service and requested the Mayor to write a letter thanking him for a job well done.

OTHER BUSINESS;

Councilman Putnam reported Harley Johnson had resigned from the Garbage Dept. Letter of Commendation to be sent to Mr. Johnson.

Council authorized Supt. Manyx to advertise for sale the Old Garbage Packer.

John Schumaier requested city help in a joint effort of Chamber and City to clean streets when weather permits.

Letter was read from the City County Planning Board informing the council they accept responsibility as the Zoning Commission for Interim Zoning.
Adjourned: 9:35 P.M.

Chas E. Garretson

Mayor

ATTEST:

Gay Bell

City Clerk

March 10, 1980

7:00 P. M.

This special meeting was called to order by Mayor Garretson. All Aldermen were present except Doxtater. Also present were Supt. Manyx and City Attorney Fisher.

This special meeting had been requested by City Employees, at Council meeting of March 3, 1980, purpose to air views and grievances by employees.

Mayor Garretson emphasised only Council and employees would be allowed to speak. and Council would speak first.

Employees present were: Duane Bennett, Henry Ratz, Donald Waldusky, Pop Hamlin, Mike Wade, Mike O'Mary, Greg Acton, Glen Taylor Gennette Wilson, Jay Barranger, and Steve Smith.

Councilman Bjorsness said he did not know what the problem was but he was tired of Council being accused of being stupid, by employees. He explained a lot of thought goes into decision making. He further stated that as long as he was on the Council neither the news media nor employees would make policy.

March 10, 1980 cont.

Councilman Ott explained why he is concerned about the overtime. Total wages last year were \$506,387 of this amount \$49,287 was overtime. Street and Alley \$14,093 and Water Dept. \$35,194. Added concern was the fact that the water dept. spent over \$50,000 more than was taken in last year, leaving a balance at the end of February of \$14,753.86. In his closing statement he stated that if City employees are so unhappy and discontent, they should seek employment elsewhere.

Councilman Doyle thought there was a problem in communications and that grievances should normally be aired with proper grievance procedures. He was dissatisfied with the news media and thought they should check both sides of issue. He further explained a City Supt. was hired to work with foremen and work force.

Councilman Brockel commented on communication gap between employees and Council, however, he felt there was a definite lack of communication between supervisor and employees. he said the supervisor should communicate with council and pass information to proper areas, this is what he is being paid for.

Councilman Putnam stated he was a union man also and had defended employees. He said as chairman of the Street and Alley Committee, the committee set policies, and decisions were handled thru Supt. Manyx and Foreman Bennett. Putnam stated that a Garbage truck, Hot patch truck and an oil tank had been purchased this last year totaling \$103,708. (This was in answer to employees request for new equipment.) Concluding Putnam stated he was in favor of hiring a City Engineer, thought this would solve a lot of problems. He said his decisions would be made not on popularity contests or for personel friends, but on his beliefs.

EMPLOYEES:

Mike O'Mary felt that lack of communication and priority problems should be investigated to see where problems lay and find best way of attacking problems.

Steve smith said he felt problems could be worked out with Council instead of filing a grievance - asked on complaint rumors about employees and doing jobs wrong what steps should be taken. Putnam explained should be thru Supt. Manyx and Foreman.

Street Foreman Bennett listed several projects that the Street Dept. was doing and $\frac{1}{2}$ way thru had been stopped and sent on other trivial jobs. He thought this was a waste of manpower and machinery. One job in particular was the barricading of Waverly. He stated Councilman Ott had ridden the garbage truck with crew and had a page and $\frac{1}{2}$ he was going to check on and so far they had no results.

Councilman Bjorsness stated the barricade was supposed to be installed at Waverly a month before it was done.

Mike Wade said there was a serious problem in communications and stated the need for a meeting with the water committee and also asked for more equipment and manpower, as both backhoes were in poor operating condition and only had 3 dump trucks for the whole city.

Water Dept. Foreman Acton explained employees do not want to make policy, but they do want future planning, stated that commitments given to the Public Service Commission for the last water increase had not been fullfilled. In general Acton said they were asking for help.

Acton said that at this time the city was not in violation of any rules either in water or wastewater.

Gennette Wilson said she felt there was need for Better communications and the need for meetings.

Don Waldusky thought people should be notified on placement of garbage racks in alleys and Henry Ratz asked about picking up garbage if not specified racks and cans. City crews are not obligated to pick up garbage if racks and cans do not meet specifications. Garbage ordinance to be published.

Adjourned 9:03 P.M.


 Mayor

ATTEST:



City Clerk

March 17, 1980

The regular meeting of the Whitefish Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Doyle. Also present were Supt. Manyx, Police Chief Wartnow, Building Inspector Berg and City Attorney Fisher.

The minutes of March 3, and special meeting of March 10 were read and approved with two corrections on the March 3 meeting.

Motion Bjorsness to turn water application of Mark Delamata, 810 South Karrow Avenue over to the Water Committee with power to act. Second Putnam. All voted aye.

Mayor Garretson read a letter of resignation from Councilman Brockel.

Motion Putnam to accept Brockels resignation. Second Bjorsness. All voted aye.

Judge Maddux requested Council permission to attend a salesman school in Hawaii, sponsored by T.J.s Laundry, April 23rd thru May 4th. On the 5th of May he would attend a Supreme Court School in Bozeman and be back on duty the 12th of May. Leo Tracey would set in for him and hold court every day. Maddux requested Council approval of reimbursing Mr. Tracey \$500.00 for filling for him.

Motion Putnam to turn over to the Finance Committee with the power to act. Second Doxtater. All aye.

Decision on the Jerry Hoadley Annexation, The North $\frac{1}{2}$ of lot 17, Block 2, Gojendes tracts, requested zoning was R-2. City County Planning Board had recommended R-1 zoning.

Motion Putnam to deny this annexation as R-2 and offer R-1. Second Bjorsness. All aye.

Kathy Honan representing KTXR Radio, asked permission to cover parking meters the 16th and 17th of May.

Motion Bjorsness KTXR be allowed to bag the parking meters May 16 & 17 for \$50.00 per day. Second Brockel. All aye.

Ron Newbury of the Whitefish Soccer Club, stated the club would like to volunteer their help in the development of the proposed soccer field across from the Golf Course. Councilman Bjorsness, Park Committee Chairman, said he was happy to accept this offer and invited Mr. Newbury to a Park meeting March 25th.

Don Jensen wanted council to know he had sold 1 tract of land containing .929 acres, for a fast foods business, from his land on the east side of Hwy 93 S. He explained this was allowed as you can have 1 occasional sale per year. Jensen requested a letter stating sewer and water were available to this property.

Motion Putnam to accept business application of Mountain Hot Tub Co. second Doxtater. all aye.

Building Inspector Berg stated he had investigated building permit for the Viking Lodge, on the doublewide trailer they had moved in for sales and construction purposes. Said it was temporary and they did intend to remove in one year. Steve Engel asked to install a holding tank for the year instead of hooking to sewer. Council said they had to hook on to sewer and could hook on to line coming from house on temporary basis.

Motion Ott to accept building permits #97, 105, 106, 107, as presented with the following restrictions: #97 Viking - be a temporary office and they must hook on to sewer line instead of installing a holding tank. #106 Mark Delamata at 810 Karrow be approved upon investigation of the water application by the Water Committee. Second Doxtater. All aye.

Motion Ott to approve all bills authorized by the Finance Committee and to approve the Clerks report for February. Second Doxtater. All aye.

Motion Bjorsness to accept new contract between Building Inspector Berg and the City. Agreement to be for one year 4-1980 to 3-31-81. Second Ott. All aye.

REPORTS:

Councilman Doxtater reported he met with the City Manager Study Commission and a petition would be out in about two weeks.

March 17, 1980 cont.

Councilman Bjorsness reported the committee appointed to check needs of Police Dept. had met with Police Commission and Police Dept. on expansion of Police Dept. Stated there is a definite need for more room. They felt the best way to go would be to partition and use the Community Room. Expansion would not be until after budget time. A grant is possible from the Crime Board maybe in June.

Councilman Ott reported that City Treasurer feels that at this time a new backhoe could be purchased. Manyx and Acton had drawn up specs and the Water Committee recommended advertising for bids, with trade of Ford Balmar and also without trade.

Motion Doxtater to advertise for bids for a backhoe, bids to be opened at Council meeting of April 7, 1980. Second Brockel. All aye.

Ott further reported on the water line extension to Don Jensens property Hwy 93S. The city would extend 400' of 1" water line from Texaco Service station to the 2nd fire hydrant. Jensen and Rassmussen would extend 8" line from there past Greenwood Trailer Court and around corner for the fast foods restaurant and Easterly to property line. Jensen would do all digging free.

Councilman Ott stated we were having problems in new subdivisions, duplexes were being built and had installed one water line and 1 curb box. Policy is to have two lines and separate curb boxes. Must be enforced.

Ott also said the water committee was setting up a meeting with people along Highway 93S, in regard to a lift station, river crossing and future expansion of water and sewer lines. The meeting to be March 27.

Putnam reported the street committee had met with Bob DePratu on tires and alignment of new garbage truck. Stated they had accepted the \$300.00 adjustment on the worn tires, and DePratu had aligned the truck. The Committee felt adjustment was fair. He told that the new patch truck had been received.

Putnam asked for a report from Police on the four young men who had come to the January 21st Council Meeting to see what procedures would be on filing a complaint against Police Dept. Police Chief Wartnow said he was waiting for them to come to his office, before a follow up could be done.

Motion Ott to allow Mike O'Mary permission to attend the convention the 20th and 21st with Greg Acton, in Bozeman. Second Doxtater. All aye.

Motion Doxtater that the City Clerk attend meeting in Helena the 26th and 27th. Second Putman. All aye.

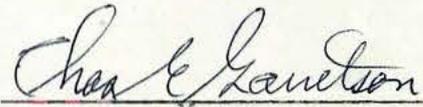
OTHER:

Councilman Bjorsness questioned a bill for carpeting in the reservoir house. Building committee to check.

Putnam asked procedure for filing dog complaints. City Attorney Fisher said they should be filed with the judge.

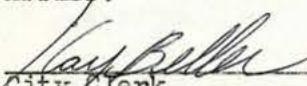
Stanley Dye reported on the Health Board Meeting.

Adjourned 9:44 P.M.



 Mayor

ATTEST:



 City Clerk

March 24, 1980

7:30 P.M.

This special meeting was called to order by Mayor Garretson. Aldermen present were Bjorsness, Putnam, Doyle and Doxtater. Purpose of this meeting was to open bids on the selling of the 1965 garbage packer. Equipment could be bid as one unit or separately - C-600 cab and chassis and the 16 cubic yard Heil Packer.

One bid was received from Henry Hoyer - \$2200.50 for both truck and packer.
800.00 for the packer.

Motion Bjorsness to refer the bid to the Street and Alley Committee with power to act on the packer and turn down the bid for the truck. Second Doxtater. All aye.

Adjourned 7:35 P.M.

Chas E Garretson
Mayor

ATTEST:

Kay Bell
City Clerk

April 7, 1980

The regular meeting of the Whitefish Council was held on the above date with Mayor Garretson presiding. All Aldermen were present. Also present were Police Chief Wartnow, City Engineer Carver, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meetings were approved as read.

Mayor Garretson asked Council approval of Vince Caciari to fill council position vacated by Lee Brockel in the 2nd Ward.

Motion Doyle to accept appointment of Vince Caciari to fill council position vacated by Brockel in the 2nd ward. Second Doxtater. All aye.

City Attorney Fisher then gave Caciari the Oath of Office.

Motion Bjorsness, second Putnam to allow the Whitefish Lake Boat Club the use of the City Beach for their annual Regatta, the 26th and 27th of July, and to waive the open container Ordinance for those two days. All voted aye.

Norm Kurtz, speaking for the Golf Association, reported on the cutting of trees at the Golf Course. He stated trees that were cut were seriously infested with pine beattles. \$4877 was received in sale of trees and all but \$1300 had been expended for clean-up. He assured Council that reforestation would be done.

Council explained that problems had arisen on this tree cutting project and that the Association should have contacted the City before trees were cut.

Margaret M. Jones presented two petitions to rezone, the W 90' of Lot 7 Block 1, and the West 1/2 of Lot 6 and the East 10' of Lot 7 Block 1, Grandview Addition, from R-1 to R-2. (west 2nd st across from Circle K.)

After discussion it was moved by Putnam to refer these two petitions to rezone to the City County Planning Board for recommendation and City Attorney to explain to Mrs. Jones the legal procedures she has to follow. Second Doxtater. All aye.

Three bids were received for a new backhoe.

Davis Modern Machinery - Case-	with trade of ford balmar	28,406.00
	without trade	31,906.00
Davies, Inc. - Missoula- John Deere 310A	with trade	26,490.00
	without trade	28,990.00
410	with trade	28,925.00
	without trade	30,925.00

April 7, Continuing

Western Equipment Co. Case	with trade	28,605.00
1980 Model 580C	without trade	31,605.00
1979 Model 580C	with trade	27,073.00
	without trade	30,073.00

Motion Ott to turn over to the Council to check the bids. Second Doyle. All aye.

Hearing on annexation of the Herriges property, Lots 2 & 3 of Block 6, Whitefish Townsite Company's Five Acre Tracts. Requested zoning is R-2.

Letter was read from the City County Planning Board stating they did not have enough information to make a fair assessment at this time. After discussion it was moved by Putnam to continue the Herriges Annexation Hearing until Council meeting of May 5th, 1980. Second Doxtater All voted aye.

Motion Doyle to send a letter to the City County Planning Board telling them of the extension of this hearing until May 5th. Second Doxtater. All aye.

Motion Bjorsness to allow Mayor Garretson and Councilman Ott permission to attend a DCA-Legislative workshop April 18. Second Putnam. All aye.

At council meeting of March 3, 1980, Attorney Bill Hileman, requested Council either to Grandfather or give a Home Occupational License to Tim Hartfield and Jim Roth, 409 West 4th Street, as they had started construction of a pottery studio prior to adoption of Interim Zoning on 11-30-79. City Building Inspector had shut down construction because they did not comply to Interim Zoning. Council had turned over to the City County Planning Board, the zoning commission for their recommendation.

Letter was read from the City County Planning Board acting as the zoning Commission, recommending the Renaissance Tile Works and Pottery be grandfathered as a prior non-conforming use. Letter was also read from Attorney Hileman requesting Council to take action at this the April 7th meeting.

Motion Putnam to allow Renaissance Tile Works and Pottery to continue construction and be grandfathered as prior non-conforming use. Second Bjorsness. All aye.

Motion Doxtater to accept Business Application of Ads-A-Board, a advertising Co. 2nd Ott. All aye.

Motion Doyle to accept Building Permits 857, 108, 109, 110, 111, 112, 113, 114, 115, as presented. Second Doxtater. All voted aye.

City Engineer reported there was a problem in the 75% sewer grant for Monks Bay and density questionnaires were sent to property owners and as soon as they got them back they would continue on the grant. However, he assured Council this does not jeopardize the grant.

Carver requested City authorize payment to Ferguson Electric, \$3500.00, owed them by Trails End Construction Co., Contractor of the West Shore pump station, upon written authority from Bonding Co. in addition Trails End asked for payment of \$3900.00 if bond co. would release to an Escrow Account. He further explained that Dano Anderson, a sub-contractor, had filed a lien on the job at the pump Station. thus tying up Trails End Constr. Money.

Motion Doxtater to approve payment to Trails End Construction \$3900.00, upon receipt of a letter from the bonding co. and upon recommendation of City Attorney Fisher, after he checks the file. Second Doyle. All aye, except Putnam who voted no.

Motion Bjorsness to pay Ferguson Electric on receipt of a letter from the Bonding Co. \$3356.85 and 33.57 to the state. Second Ott. All voted aye.

City Attorney Fisher reported he had been requested to find out if an SID could be formed with part city and part county participation. He said it could not be done. Also he said Engineer fees if SID is created could be charged to the SID.

REPORTS:

Councilman Doxtater reported meeting with the City Manager Type Government Committee and they were finalizing their petitions.

April 7, cont.

Councilman Doyle reported the County had passed the 1st reading of the Pornography Ordinance, and thought council should review next meeting. Council asked City Attorney Fisher to compare the County Ordinance with the proposed City Ordinance and report back.

Councilman Bjorsness reported the sewer and water lines at the Rifle Club had broken, and collapsed. Park committee to meet with the Rifle Club.

Councilman Ott reported meeting with nine property owners on Hwy 93 South in regard to a proposed river crossing and lift station. A straw vote showed 7 yes and 2 no and he received calls from two more that were in favor. He said at this time it was at a standstill and if Jensen and Wood tie on to the present sewer it would stop future annexations.

Motion Bjorsness to pay all bills authorized by the Finance Committee and to accept the treasurers, Clerks, Animal Warden, Police Chief, and Police Judge reports for the Month of March. Second Doyle. All aye.

Councilman Putnam reported that several people had inquired about the recreation area at Crestwood Subdivision being Public. They thought it should be private and just for residents of the area because of the R-1 zoning. City Attorney Fisher explained it was legal to open up to the public.

Putnam also reported the county had graded Colorado Avenue, and welcomed Vince Caciari to the Council.

Mayor Garretson asked Council permission to program the Burroughs Machine for payroll. Council asked him to get a firm figure on the cost.

Councilman Ott thanked the Water Dept. and Water Committee for helping increase funds in the water dept.

OTHER:

Clerk gave a report on the DCA Meeting she attended in Helena the 26th & 27th of March.

Police Chief Wartnow reported that the four young men who had filed complaints against Police officers had been in and visited with him and officers involved and the boys withdrew complaints, and everyone seemed satisfied.

Mrs. Rocksund asked why Morrison-Maierle refused to give Mr. Reis the specs on the sewer plant. City Engineer Carver said they could not release without city OK. City Attorney Fisher said he was not entitled to them at this time.

City Attorney Fisher told Council the extension for one year of Interim Zoning was being advertised and the hearing would be next Council meeting.

Adjourned 9:59 P.M.


Mayor

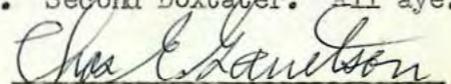
ATTEST:


City Clerk

4-8-80

This special meeting was called for purpose of checking bids and selecting a new backhoe. Three bids had been received: Western Equipment Co. Missoula, Davies, Inc. Kalispell and Davis Modern Machinery, Kalispell.

Call for bid was for a 1980 or newer model and as there was a question on whether some of the bids were for 1979 models, it was moved by Doyle to accept bid of Western Equipment Co. of \$28,605.00, with trade as their machine was the only 1980 as per serial # upon legal O.K. from City Attorney. Second Doxtater. All aye.


Mayor

ATTEST:

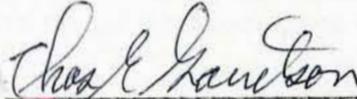

City Clerk

April 16, 1980

At this special meeting of the Whitefish City Council bids on a backhoe were discussed. The Council was undecided as to whether the city would accept the bid with trade or keep the old backhoe for city use or sell it outright.

Motion Putnam to award the bid to Davies, Inc. for the 310A with trade \$26,490.00
without 31,906.00
Council to decide on trade or without trade. Second Doxtater. All aye.

Adjourned at 5:30 P.M.



Mayor

ATTEST:



City Clerk

April 21, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Doxtater. Also present were Police Chief Wartnow, Building Inspector Card and City Attorney Fisher.

The minutes of April 7, April 8 and April 16, were approved as read with one correction.

Lyle Davis representing Davis Modern Machinery questioned the Council decision to accept Davies, Inc. bid on the John Deere 310A backhoe. He stated the machine did not meet the specs and he would appeal this decision. Councilman Ott explained that Asst. City Attorney had checked legality of these bids, however, bids were turned over to City Attorney Fisher to re-check and get back to the Council.

Mayor Garretson opened the hearing on the extension of Interim Zoning for one (1) year.

Gary Elliott spoke in favor of extending Interim zoning for 1 year and there were no protests. Mayor read proposed Ordinance A-370, and closed the hearing.

Motion Putnam to adopt Ordinance A-370, an Ordinance providing for the extension of the application of Interim Zoning Ordinance no A-363 for one year pursuant to the Authority granted under Section 76-2-306, M.C.A., 1979, extension to be until April 30, 1981. Second Doyle. All voted aye.

Petition to annex the DeVall property Hwy 93S was presented - highway Commercial zoning was requested.

Councilmen Putnam and Ott explained to the DeValls that land already annexed in this area when developed would put a burden on the sewer and anymore annexations would overload it. Suggested all people south of Jensen to the Shangri-La annex at one time, making it possible to form an SID for a Lift Station and river crossing needed in this area. Ott told that approximate cost of this project would be \$61,000, and that the lift station would accommodate 3000 people. Ott said he and Bob DePratu would initiate and circulate a petition in the area.

DeValls agreed to table their annexation until next meeting.

Motion Doyle second Putnam to allow Pat Caferro's request to use the picnic area at the City Beach for a family reunion on July 5, 1980. All aye.

Clerk read letter stating the Chamber of Commerce in conjunction with the Community Relations Committee, BMR, was planning a program known as Railroad Heritage Days . July 4 & 5th, requested permission for a parade at noon on the 4th.

April 21, continuing

Motion Putnam to allow the parade on the 4th. Second Caciari. All aye.

Motion Doyle to allow the Chamber of Commerce to have their annual fire works display on the lake the 4th of July. Second Bjorsness. All aye.

OTHER CORRESPONDENCE

Letter from the Dept. of Health and Environmental Sciences approving final plan of operation for the wastewater treatment facilities.

Two letters - One from Bob Lawson Asst Principal of the High School and one from Terry Nelson, Principal of the Grade School commending the Police Dept. and especially Dan Voelker on his investigative work.

Motion Ott to accept Business Application of Alpine Sweep, 917 E. 2nd St, William E. Hayes owner. Second Doyle. All voted aye.

Motion Doyle to accept Building Permits 104, 117, 118, 119, 120, 121, 122, 123 as presented. Second Ott. All voted aye.

Motion Doyle to allow Ott and Putnam permission to go to Missoula the 26th to attend a meeting with Interim Congressional Committee on annexations. Second Bjorsness. All aye.

Mayor announced appointments to City Committees:

Water	Ott, Caciari, Doxtater
Street	Putnam, Doyle, Caciari
Parks	Bjorsness, Doxtater, Putnam
Finance	Bjorsness, Ott, Doxtater
Building	Doyle, Putnam, Doxtater
Fire-Health	Ott, Doyle, Bjorsness
Ordinance	Doxtater, Caciari, Doyle
Traffic	Doyle, Wartnow

Mayor asked Council approval of Vince Caciari as council representative to the City County Planning Board.

Motion Doyle to approve appointment of Caciari to the City County Planning Board. Second Ott. All aye.

REPORTS:

City Attorney Fisher reported checking Trail Ends Construction payment bond from the Bonding Co. and claimants can sue Bonding Co. and not the City. If bonding Company approves we can make payments. He also reported checking the County Pornography Ordinance and it is exactly like ours.

Police Chief Wartnow requested the city pick up Russell Merkley as a permanent Officer, to replace John Carlon, and to waive his probation as he served 1 year on the CETA program and had completed basic in Bozeman.

Motion Ott to put Merkley on as a permanent police officer and to waive his probationary time. Second Doyle. All voted aye.

Wartnow reported needing summer tires for the Police Car. He had gotten bids from Stacey Oil for \$276, for 4 tires mounted and balanced, next lowest bid was Interstate Tires for \$281.

Motion Bjorsness second Caciari to accept bid from Stacey Oil Co. for \$276. All aye.

Wartnow also reported having problems with traffic lights - thought highway dept. should be contacted. Turned over to the Traffic Committee.

Councilman Doyle reported the fire hall roof was leaking again and considered firemen doing the work if the City would furnish the materials., However, Firechief DePratu would get back to him on this. He brought up the Pornography issue and wanted council to have two readings on it. After discussion Council decided to have the final vote on Pornography at the next Council meeting.

Councilman Bjorsness reported on meeting with the Rifle Club on the run down condition of their present facility. They proposed a new building, East of the Tennis Courts on Baker Ave.

April 21, 1980 cont.

Council discussed selling City lots 37 $\frac{1}{2}$ feet where the Rifle Club is now and giving a portion of money for a new facility, the Rifle Club would do all the work and some of their money would go into the building also. The Club asked for light fixtures, plumbing etc. from the old building.

After discussion it was moved by Doyle to advertise for bids the sale of Lot 17, and the South $\frac{1}{2}$ of Lot 18, Block 60, Whitefish Original, with a portion of the money received to be given to the Rifle Club. Title Insurance to be furnished and a list of items the Rifle Club wants from the old building not be included in the sale. Second Ott. All voted aye.

Motion Bjorsness the City furnish paint so the American Legion Baseball group can paint the back of the baseball grandstands. Second Ott. All voted aye.

Motion Bjorsness to pay all bills authorized by the Finance Committee. Second Doyle. All aye.

Councilman Ott reported on the Legislative workshop he and Mayor Carretson attended in Helena on April 18.

Ott also reported wanting to hire three people-preferably High School people to work in the Water Dept. - June, July, and August to be classed as temporary help. One to read meters, one in sewer and one in water. Water Committee to discuss and get back to the Council.

Councilman Putnam reported City clean-up would be May 4th, suggested merchants clean alleys as well as streets, also thought Mayor might declare a clean-up week for residents later. He commended the Street Dept. crew on filling chuck holes and stated priority plan for summer was set. He said temporary summer help would be put on in the Street dept. instead of hiring permanent people.

Councilman Caciari told of receiving phone calls from people concerned about Whitefish not having a Cemetery and thought it should be given consideration.

OTHER:

Jerry Hansen, City County Planning Board announced their meetings were the 4th Monday of every month and everything to be reviewed by them must be in 10 days prior to their meetings.

Roger Johnson expressed concern about the curve on Dakota Ave., thought it very dangerous - Street and Alley Committee to investigate.

Mayor reprimanded Water Dept. crew for leaving machinery running and leaving job. Councilman Doyle explained if someone was injured the City could be held liable.

Mayor announced District Meeting of League of Cities and Towns would be at the Glacier Inn, Col. Falls on May 2nd.

Adjourned 10:45 P.M.

Chas E. Carretson
Mayor

ATTEST:

Kay Bell
CITY CLERK

April 22, 1980

Special meeting of the Whitefish City Council to discuss City Engineer.

Motion by Bjorsness second Doyle that Mr. Paul Wells be offered the position of City Engineer of the City of Whitefish at a salary of \$24,000.00 per year. This salary to be firm until June 1st of 1981. Mr. Wells to be on the job no later than June 2, 1980. The City will not pay moving expenses. All voted aye.

Motion Bjorsness second Ott that the acceptance of the 310A John Deere backhoe from Davis Machine Co. on 4-16-80, be rescinded. All aye.

Motion Bjorsness second Ott to reject all bids presented on 4-7-80, and readvertise for a backhoe with alternatives.. All voted aye.

Chas E Garretson
Mayor

ATTEST:

Kay Bala
City Clerk

May 5, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Doxtater. Also present were Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meetings were approved as read.

PORNOGRAPHY

After much discussion it was moved by Doyle second Caciari to adopt the Pornography Ordinance as presented. Doyle aye, Bjorsness no, Ott aye, Putnam no, Caciari aye. Motion carried 3 to 2.

Because the vote was not unanimous the second reading of the Ordinance will be Council meeting of May 19th.

Mayor Carretson opened the Public Hearing on the Herriges annexation, Lots 2 & 3 Block 6, Whitefish Townsite Company's 5 acre tracts. Requested zoning is R-2.

The City County Planning Board recommended,

1. Annexation into the city
2. zoning to be R-1
3. Recommended a limit of 28 units, with the developer providing water and sewer and also a minimum of 12' of green belt bordering Wisc & Colo Avenues.

Mayor read the annexation report. Gary Tallman representing part of the Herriges family requested Lot 3 be considered separately and explained plans for townhouses. He stated he would annex as R-1 if Council would give a variance to allow for the townhouses. City Attorney Fisher explained a variance would have to go to the Variance Board and in his opinion new construction did not qualify for a variance.

Gary Elliott explained the City County Planning Boards recommendations.

The following protested the annexation: Ray Hinerman, Genelle Burkhart, Pete Wolfe, and Tom Walsh. Bill Hileman spoke in favor of the R-2 zoning.

Motion Ott to close the hearing and accept written protests for 20 days. Second Caciari. All voted aye.

City County Planning Board recommendations were read on petitions to rezone Margaret Jones property at 124 & 134 West 2nd Street (West 90' of Lot 7 Block 1, West 1/2 of lot 6, and East 10' of lot 7 Block 1, Grandview Addition) from R-1 to R-2. The Board recommended the property be left as is since it would constitute spot zoning if rezoned.

Mrs. Jones presented a drawing dividing her property into 4 lots and explained that according to the A.T.S. office she could request a Boundary Change rather than re-subdivide the property. She asked for R-2 zoning on the front lots and R-1 for lots on the river.

May 5, 1980 cont.

Council said there was a need for an easement to back 2 lots, and City Attorney Fisher recommended she find out from the County if they would accept a boundary line adjustment, before holding a public hearing on the re-zoning.

The City County Planning Board gave recommendations on Three Lakeshore Construction Permits as follows: Approval of Benny Bee's if he shortened the deck 2' and denied permits of Robert Hurley and Wildwood Condominiums.

Motion Doyle to concur with the City County Planning Board recommendations and deny Hurley and Wildwood and Accept Benny Bees permit with stipulation deck not be more than 12' from the building and gravel to be put to the high water mark. Second Putnam. All voted aye.

William Hileman presented a petition to annex Lot 1, Block 7 of First Addition to Whitefish Townsite Company's Five Acre Tracts, requested zoning is R-2.

Motion Putnam when a petition to annex is presented the Council take no action until the next regular Council meeting. Second Doyle. All aye.

Motion Doyle to adopt Resolution #B-861, a Resolution of Intent of Consideration annexation of Lot 1, Block 7 of First Addition to Whitefish Townsite Company's Five Acre Tracts, requested zoning R-2. Owner William Hileman. Second Bjorsness. All voted aye except Putnam who said no.

Motion Bjorsness to allow request of Chamber of Commerce to have shoot-out for Stump Town Days. Second Caciari. All aye.

City Attorney Fisher requested permission to hire Morrison-Maierle to get maps of intakes for the water rights application.

Motion Bjorsness second Doyle to hire Morrison-Maierle to prepare maps for the water rights application. All voted aye.

SUMMARY REVIEW

Don Jensens platt of Mc Donalds Addition on the Northwest Corner of Rocky Center was presented for approval.

Motion Ott to accept Summary Review of final platt of McDonald Addition as presented. Second Bjorsness. All aye.

Motion Ott to allow the Clerk to write a letter of Acceptance to Lyford Plumbing accepting the lift station improvements. Second Doyle. All voted aye.

Water foreman Greg Acton reported trouble with the Alunak pump, guaranteed for 1 yr.

Council approved Mayor Garretsons appointment of Merv Senst to the Flathead Conservation District.

Motion Bjorsness to accept Building Permits 116, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136 as presented. Second Caciari. All aye.

REPORTS:

Councilman Doyle read a letter from the Insurance Company on the recent inspection they made of City Hall. They recommended the following:

1. The boiler should be inspected on an annual basis by a state licensed boiler inspector.
2. Illuminated "exit" signs should be posted above exit doors in Library area.
3. The diesel pump located inside the city shop should be removed to the exterior of the building, and provided with no smoking signs.
4. Oil spills on the floor of the shop should be cleaned immediately.

Doyle to check on above and send corrective action.

Doyle also commended the Chamber of Commerce, Fire Dept., City Crews, etc on the City Clean-up, May 4th.

Motion Bjorsness to pay all bills authorized by the Finance Committee and to accept the Treasurers, Animal Warden, Police Judge, and Police Chief reports for Month of April. Second Ott. All voted aye.

May 5, 1980 cont.

Councilman Ott reported on the Interim Congressional Committee meeting in Missoula, and the District meeting of League of Cities and Towns in Col. Falls, he and Councilman Putnam attended.

Ott said he had been approached to install a water hook-up at the PeeWee Baseball field next to the Grade School. Water Committee to investigate. He also asked Council permission to advertise for sale obsolete cast iron pipe the water dept has on hand.

Motion Doyle to advertise and sell to the highest bidder the cast iron pipe. Second Bjorsness. All aye.

Councilman Putnam reported Crestwood Sub Division was in his opinion in violation of the R-1 zoning, because of a Time Shared Ownership business being started, plus a violation of covenants, etc.

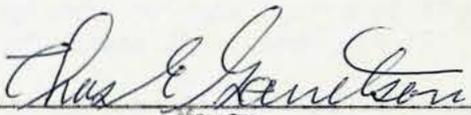
Motion Putnam to turn matter over to the City County Planning Board the zoning commission for investigation. Second Bjorsness. All aye.

OTHER:

Gary Elliott invited Council to a County Park Board Meeting May 21.

Mayor read a letter from the City County Planning Board in which they suggested the City appoint in the near future a Zoning Administrator to be the enforcement officer for the Zoning regulations, preferably the Building Inspector. To be investigated.

Adjourned 11:35 P.M.



Mayor

ATTEST:



City Clerk

May 14, 1980

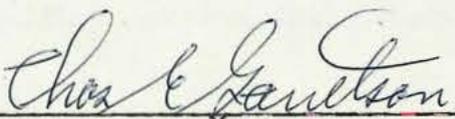
This special meeting was called to order by Mayor Garretson. All Aldermen were present except Caciari. Purpose of the meeting was to open bids for a new backhoe.

Bids received:

Davis Modern Machinery	Case backhoe	with trade Ford Balmar	\$24,900.00
		without trade	27,800.00
Modern Machine	International 1979 - 250A	with trade	23,812.00
		without trade	25,343.55
Davies, Inc.	John Deere 310A	with trade	26,490.00
		without trade	28,990.00
Western Equipment Co.	Case 1980	with trade	28,502.00
		without trade	31,502.00
	1979	with trade	26,677.00
		without trade	29,677.00

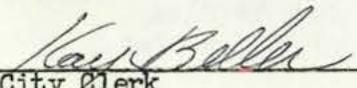
Motion Ott to accept bid of Modern Machinery for 1979 International backhoe for \$23,812. provided it meets all specifications called for in the call for bids. Second Doyle. All voted aye.

Adjourned 5:15 P.M.



Mayor

ATTEST:



City Clerk

May 22, 1980

The regular meeting of May 19, 1980, was postponed to the above date, because of the Volcanic ash fallout from Mt. St Helens. Mayor Garretson presided and all Aldermen were present. Also present were City Engineer Wells, Police Chief Wartnow and City attorney Fisher.

The minutes of the previous meeting were approved as read.

BIDS

One bid was received from Professional Arts Building, on sale of City lots 17 and S $\frac{1}{2}$ of lot 18, Block 60 Whitefish Original. Amount of bid was \$9112.80.

Motion Bjorsness Park and Building Committees take under advisement and report back next council meeting. Second Ott. All voted aye.

Mayor Garretson told that Hamilton and Page would take the city scales and fill in hole and pave street in exchange for the scales.

Motion Doyle to let Hamilton and Page take the scales, however, City Attorney Fisher to draw up a written agreement that they fill in where scales were and pave street, and redo sidewalk. Second Doxtater, All voted aye.

SECOND READING OF THE PORNOGRAPHY ORDINANCE:

Councilman Putnam stated he would change his vote as he had polled 25 homes and asked seven questions on the porno issue and majority of people were in favor of Council passing the Ordinance. Councilman Doyle commended Putnam for this undertaking.

Motion Doyle to accept the Pornography Ordinance as presented and pass on second reading. All aye except Bjorsness who said no.

Third reading to be Council meeting of June 2.

ANNEXATIONS.

Motion Putnam to take under consideration until next council meeting, petition to annex as R-2, property next to Colonial Manor on 7th St. (NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T31N N., R.21 W., P.M.M. Flathead County.) Second Doxtater. All voted aye.

Motion Putnam to amend motion of May 5, 1980, (when a petition to annex is presented the Council take no action until next regular council meeting) amended - to accept single family homes on single lots. Second Doxtater. All voted aye.

Motion Caciari to refer the zoning of Petition to annex the Gene R. Kelch property at 107 Colorado, to the City County Planning Board for their recommendation. Second Doyle. All voted aye.

Motion Bjorsness to allow request of the Class of 1954 & 55 use of the picnic area at City Beach, the 24th of August. Second Ott. All aye.

Motion Putnam to accept business applications of Lowell E. Hall, Jewelry, Emporium, Mark 3 Falcon, Corp., 7105 Farm to Market Rd., Firearms barrel Modification, and Childrens Day Care -Lutheran Church, upon receipt of written statement from the Fire Dept. and O.K. from Building Inspector. Second Doxtater. All aye.

Building Inspector Harry Berg, told Council of receiving a letter from Jackola Engineering, requesting the City waive the 1976 Uniform Building Code, on having smoke detectors in every motel room at the Valley Inn. Berg recommended following the book. Council stated City would stay with the Uniform Building Code.

Motion Doyle to accept building permits, 137,141,143,144,145,146,147,148,149,151,152, 153 as presented. Second Doxtater. All aye.

CRESTWOOD:

Mayor Garretson read a letter from the City County Planning Board on a possible Zoning violation at Crestwood Subdivision. The City Council had referred this to the Zoning Commission on May 2, 1980. The possible violations were handled as two separate items: 1) the recreational complex and 2) the condominium time sharing sales.

May 22, 1980, cont.

1) The recreational complex: The commission voted 7 - 0 that the Commercial Sales of memberships to non-Crestwood owners is in their opinion a violation of the R-1 Zoning.

2) The condominium time-sharing sales: The commission voted 6-1 that the Time sharing condominium sales were also a violation of the R-1 zoning.

DISCUSSION:

Councilmen Putnam, Bjorsness, Ott and Gary Elliott said original intent of recreation facility at time of annexation, was for homeowners only. Keith Gustin agreed, however, he stated City Attorney Fisher had said this recreation facility was allowed in R-1, same as a Golf Course.

Putnam was concerned about time sharing in R-1, using resort type business - and voiced concern about turning our most restrictive zone into a commercial operation. He personally felt it should go to court for a decision. Caciari agreed with Putnam.

City Attorney Fisher explained this should go to the Board of Adjustments for their interpretation. Either party could appeal this interpretation to district court if dissatisfied.

Motion Caciari to refer possible violation of R-1 zoning at Crestwood over to the Board of Adjustments for their interpretation and Council reserves right to accept or reject decision. Second Doxtater. All voted aye.

Sunshine Mountain Co. requested closing Central Ave. for the Whitefish Lake Run 7-5-80, and to obtain a variance on having beer in Baker Street Park.

Motion Ott to turn over to the Park Committee to meet with Sunshine Mountain Co., to resolve problems with this request. Second Doyle. All aye.

REPORTS:

Councilman Doxtater reported the Water and Sewer Committee had selected Deanna Martin, Don Hecimovich, and Charlie Harring as the young people to work in water and sewer depts. for the summer.

Motion Doxtater to approve the young people for the water dept., with them reporting to work June 2, 1980, 8:00 A.M. Second Caciari. All aye.

Doxtater also reported the Kiwanis requested permission to have a street dance in conjunction with Railroad Days 8 to 11 P. M. the 5th of July.

Motion Doxtater Council approve Kiwanis Street dance at the Jr. High on the 5th of July. Second Putnam. All aye.

Motion Doyle to allow up to \$1000.00 in materials to repair the Firehall roof, with the Firemen to do the work. Second Doxtater. All voted aye.

Councilman Doyle reported steps had been taken to rectify the citations the City had received from the Insurance co. He also reported the rumor of a second hand rummage in the Commercial Art Shop at 5th and Somers.

Councilman Bjorsness reported the Park Committee got estimates on renovation of tennis courts on Pine Ave. Total Estimate for 3" base on the two original courts, addition of another court, fencing, basketball court, approximate cost \$20,000.00, with the possibility of the school having the upkeep and buying nets, etc.

Motion Bjorsness to pay all bills authorized by the Finance Committee and accept the clerks report for April. Second Doxtater. All aye.

Motion Ott to authorize the payroll be put on the Burroughs machine. Second Doyle. All Aye

Councilman Putnam reported the following:

1. State Highway Dept. is responsible for highways from curb to curb and if the City maintains, should be re-imbursed. Street and Alley Dept. to investigate.
2. Commercial garbage pick-up has increased and cost should be adjusted. He further explained there were a lot of garbage violations. Crews to get a list of continual violators and violation tickets should be given.
3. According to the Montana League of Citys and Towns if the Mayor is out of town or ill, the Council can by Resolution authorize payment to the President of the Council

May 22, 1980 cont.

for acting in the Mayors capacity and should be put in the budget.

Councilman Doyle read communications between North Valley Hospital and the State Highway Department, regarding the Hospitals request for a reduced speed limit past the hospital. The hospital asked for city support on the matter. Council to sit on this request.

Mayor read letter from Joe Strong, Joel DeLange, Gary Hunnewell, Craig Nelson, Dean Fauske and Gregg Hartman, thanking the Council for their co-operation and assistance in helping them solve problem with Police dept.

City Attorney Fisher reported talking to Commissioners and the County plans to pave Colorado, Texas and Denver this summer. Also he said the proposed annexation south of town, highway 93, should be ready this week and it includes to the Shangri La on the East and Larry Fonner Real Estate on the West.

Water Dept. Foreman Greg Acton told Council the International backhoe had been delivered and did not meet specs. He recommended checking other bids.

Motion Ott to notify Modern Machinery Co., City Attorney Fisher to draft letter stating the backhoe does not meet the specs and they have 7 days to meet with City and explain. Second Doyle. All aye.

Adjourned 10:45 P.M.

NEGOTIATIONS UNION JUNE 4TH, 7:00 P.M.

Chas E Garetson
Mayor

ATTEST:

Kay Bell
City Clerk

5-23-80

Purpose of this special meeting was to decide on the backhoe.

Motion Ott to accept Modern Machinery offer of a 260A rather than the 250A if it meets specs called for, at the same terms and price as the 250A. Second Bjorsness. All aye.

Adjourned: 5:15 P.M.

Chas E Garetson
Mayor

ATTEST:

Kay Bell
City Clerk

June 2, 1980

The regular meeting of the Whitefish City Council was held on the above date with Council President Ott presiding. All aldermen were present. Also present were City Engineer Wells, Police Chief Wartnow, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meetings were approved as read.

BIDS:

one bid was received on the sale of cast iron pipe. Bid was from Glenn A. Stevens 415 Reservoir Road in the amount of \$310.00.

Motion Doyle to turn the bid over to the Water Committee with power to act. Second Doxtater. All aye.

HEARINGS

Public hearing on the William Hileman annexation, Lot 1, Block 7, First Add. to Whitefish Townsite Company's Five Acre Tracts, was postponed until the June 16th meeting, giving Mr. Hileman time to submit an Annexation Report. (14 days before hearing)

DECISION ON ANNEXATION

Herriges Property Annexation Lots 2 & 3 of Block 6, Whitefish Townsites Companys Five Acre Tracts . Requested zoning R-2 Residential.

Councilman Ott read a petition of protest, signed by 48 people in the area, and the City Clerk read the recommendation of the City County Planning Board, which recommended zoning property R-1 residential.

Motion Putnam to deny the Herriges Annexation as R-2. Second Caciari. All voted aye.

NEW ANNEXATIONS

Gene R. Kelch petition to annex the South 110 feet of Lots 13 & 14 of Block 11 of First Addition to Whitefish Townsite Company's Five Acre Tracts. The City County Planning Board recommended R-1 residential zoning.

Motion Doxtater to adopt Resolution #B-863, a Resolution of intent of Consideration of annexation the Gene R. Kelch property, as R-1 residential, to be advertised two weeks, with decision to be Council meeting of July 7, 1980. Second Doyle. All aye.

FINAL (THIRD) READING OF PORNOGRAPHY ORDINANCE

Councilman Bjorsness stated he had called or talked to 30 people on adoption of pornography Ordinance and people did not know what the Ordinance contained as no one had read it. He feels it is a bad Ordinance. After Council discussion it was moved by Doyle to adopt Pornography Ordinance #A-371 on the third reading, as presented. Second Caciari. All aye, except Bjorsness who said no. Motion carried and will be in effect in 30 days.

Stanley Dye city representative to the County Health Board reported on the proposed regulations for Subsurface sewage treatment systems in Flathead County -urged Council to read this proposal and attend a meeting on June 19th. He also complained about the storm sewer emptying into the Sanitary Sewer and stated there were problems on the East side of town. City Engineer to check.

City Clerk read Mr. Dyes letter of resignation from the Health Board.

Motion Doxtater to turn water application of Robert and Jean Burns over to the Water Committee with power to act. Second Doyle. All aye.

Motion Putnam to accept business application of Donald Singer for a t.v., Radio and Stereo repair shop at 721 Spokane Ave. and deny Craig B. Drynan, stained glass and crystal stand, south of Caseys. Second Doyle. All voted aye.

Motion Doxtater to allow Pam Dryers request for use of picnic area at City Beach, June 21st. Second Bjorsness. All aye.

Motion Doyle to allow the Class of 1960 permission to use picnic area at City Beach July 20th. Second Putnam. All aye.

June 2nd Cont.

Motion Doyle to accept Building permits 144, 154, 155, 156, 157, 158, 159, 160, 162, and 163 as presented. Second Doxtater. All aye.

Dale Jessup, North Valley Hospital, approached Council on reducing speed limit from 45 MPH to 35 MPH past the hospital. The State Dept. of Highways had been contacted by the Hospital, and he asked the Council to consider support in a study of the area by the state. Police Chief Wartnow stated he would support a study, but felt a reduced speed limit was not the answer. Due to the amount of traffic in this area it was moved by Doyle the Clerk write a letter to the State Highway Dept. voicing agreement of a traffic study in this area. Second Doxtater. All aye.

Buster Schrieber representing people on North Iowa asked when the city would pave their street. He stated an agreement had been made with the City last year. They gave an easement for a water line in exchange for paving their street. Street and Alley committee to check.

Craig Goble Sunshine Mountain Co. again asked permission to close off Central Avenue for the Whitefish Lake Run July 5, 1980, and have beer in the Baker Street at the end of the race. He said they would do their own Policing with the possibility of the Posse helping.

Motion Bjorsness to allow permission for the run, and the route down Central to the 1st State Bank and not grant the permission for beer in Baker Street Park. Second Caciari. All aye.

Jerry Hansen, President of the City County Planning Board reported they had formed a zoning sub-committee with Gary Elliott as Chairman.

Elliott explained the purpose of the Committee was to write a Planned Development Ordinance. He further explained this would be for development or property wanting to annex that doesn't fit the current zones. He said Council would have to amend the current zoning Ordinance. City Attorney Fisher to check Ordinance and get back to the Council as they were interested.

Lyle Davis asked standing on City accepting the bid for the 250A International backhoe - stated it did not meet the specs. Councilman Ott explained that Modern Machinery had agreed to meet the specs with a better machine for the same price.

City Attorney Fisher reported checking laws on State Highway maintenance City could enter into an agreement on maintenance. Also he reported Park Acquisition funds could be used for purchase of lands and initial parks and playgrounds. He said there was no written agreement with Hamilton as yet on removing the scales.

City Engineer Wells asked about plans on office space he needs. Council explained the Community room was being considered for expansion of the Police Dept. and maybe an office for the Engineer. Also asking the County to move the Library to a new location was discussed.

Councilman Doxtater reported the Golf Association wanted to meet with the Finance Committee to discuss a new lease.

Councilman Bjorsness reported the Park and Building Committees recommended rejecting the bid received from the Professional Arts for \$9112.80 on city lots 17 and S $\frac{1}{2}$ 18 Block 60, Whitefish Original. The rifle club talked about tearing down the old rifle club building and then we could re-advertise.

Motion Bjorsness to reject the bid for \$9112.80 from Professional arts. Second Doyle. All aye.

Motion Bjorsness to pay all bills authorized by the Finance Committee and to accept the Treasurers, Police Chief, Police Judge and Animal Warden Reports for month of May. Second Doxtater. All aye.

Councilman Putnam again reported that Garbage violators would be given citations, and asked clerk to get a copy of garbage ordinance to Councilmen.

Councilman Ott reported on an illegal water hook-up in Hogan Heights (Patton Sub) Felt the city has to start clamping down on these violators. He also reported the proposed water line for Highway 93S had been approved by the Health Dtp.

Motion Caciari to adjourn at 10:50P.M. Second Bjorsness. All aye.

June 2nd cont.

Silent prayer was said for Mayor Garretson as word was received he had taken ill while celebrating his 50th wedding anniversary.

Motion Caciari to adjourn at 10:50 P.M. Second Bjorsness. All aye.

Mayor

ATTEST:

Kay Bell
City Clerk

June 16, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present. Also present were Police Chief Wartnow, City Engineer Wells, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were read and approved with one correction.

HEARINGS:

Mayor Garretson opened the hearing on the Hileman-Bain Annexation, Lot 1 of Block 7, First Addition to Whitefish Townsite Company's Five Acre Tracts, R-2 zoning was requested, and the City County Planning Board also recommended R-2.

James A Iderson protested the R-2 zoning.

The Mayor closed the hearing with decision to be Council meeting of July 7, 1980.

Mayor Garrets on read a letter from the State Highway Dept. concerning the change in the speed limit past North Valley Hospital from 45 MPH to 35 MPH. They Stated after completion of their study an extension of the existing 35 MPH zone to include the hospital was justified. However, Council felt a speed zone change would not alleviate the traffic problems in the area.

Motion Ott to turn over to the Traffic Committee with power to act. Second Doyle. All voted aye.

Motion Ott to accept Business applications of Craig B. Drynan - Crystal Winters - Emporium and Home Harvest Center, food processing equipment at 111 Central. Second Doxtater. All aye.

Motion Doyle to adopt Resolutions levying assessments of the following: B-864 Snow Removal, B-865 Garbage, B-866 SID 132, B867 Light 1, B-868 Light 4, B-869 Lt 6, B-870 Lt 7, B-871 Sprinkling, hearing to be Council meeting of July 7, 1980. Second Doxtater. All aye.

Motion Doyle to accept Building Permits, 164, 165, 166, 167, 168, 169, 170, 171, and 172 as presented. Second Caciari. All aye.

John Garrity told Council that soccer players were letting their dogs run at large, while playing soccer on the High School field, 3rd St. East, and were also violating the open container law and leaving beer cans in the area. Council told him the dog catcher and police would be instructed to patrol the area, to see if problem could be alleviated. Garrity also said he was going to put in a new sidewalk and asked city to check the waterlines.

Councilman Ott reported he and Councilman Putnam had met with Norma Happ, Frank McMasters and the County Commissioners, to try to talk the Commissioners out of funds for the city. He stated the City would get some money but no definite figure was quoted.

Councilman Doxtater requested permission to be gone from 6-17-80 until July 1st on vacation. Permission granted.

Councilman Doyle reported he had asked for bids on repairing the City beach house and had received one from Rainbow Construction for \$970.00. It was decided to budget for this project and do later.

June 16, cont.

It was moved by Doxtater second Doyle to refer to the Building Committee with power to act, the construction of a new diesel fuel building. All aye.

Councilman Doyle reported on remodeling the Community Room, stated he had talked to the City Treasurer on financing and she says money is not available. Doyle also said he would be resigning from the Council on July 1st.

Councilman Bjorsness and Keith Svec explained a proposed Interlocal Agreement between the City of Whitefish and the Flathead County Park Board for the construction of a city building on city land for use as a indoor rifle range. Total Estimate of costs - \$10,000 sale of the old property, \$10,000 County Park Board if approved by Commissioners and Park Board, \$20,000 Rifle Club. City Attorney Fisher pointed out if the Rifle Club did not come up with their part it would revert back to the city.

Motion Doyle to re-advertise for sale present Rifle Club site, Lot 17 & S $\frac{1}{2}$ 18, block 60, Whitefish original, with bids to be opened July 7, 1980. Second caciari. All voted aye.

Council agreed plan site for proposed rifle club would be the East end of Baker Avenue Park.

Councilman Ott reported on the Hogan Heights (Patton Sub) water problems, stating John Franklin was hooked to city water and had no water application, asked water dept. to shut this property off. He also suggested changing city water ordinance to read no more water hook-ups outside city limits.

Motion Ott to turn this over to City Attorney Fisher to draft an ordinance and turn back to council at next council meeting. Second Doxtater. All aye.

Motion Bjorsness to pay all bills authorized by the finance committee and to accept the Clerks report for month of May. Second Ott. All aye.

Tom VanBecham and John J. Pembroke, representatives from McDonalds, requested city to underwrite one million dollars of Industrial Revenue Bonds for the construction of a McDonalds on the N. W. Corner of Rocky Center. Highway 93 S. They asked Council to hold a public hearing on this. Council to study proposal and decide whether or not to hold hearing by next council meeting.

Councilman Putnam reported checking on supposed agreement to pave North Iowa and could find no agreement. He also reported the street dept. priority is to pave from Baker to Spokane Ave. and do all intersections. Putnam also reported the zoning commission would like to have council permission to advertise for a hearing on PUD (Planned Unit Development) Ordinance. Council agreed they should go ahead and advertise.

OTHER:

The County would like a deed for present road across city property on Reservoir road. Council to check.

Zoning Administer was discussed.

Adjourned: 10:45 P.M.

Mayor

ATTEST:



City Clerk

June 19, 1980

This special meeting was called to order by Mayor Garretson. Aldermen present were Bjorsness, Ott, Putnam and Caciari.

Motion Caciari to accept the wage proposal for the Union Employees, signed by them at 9:00 P.M. June 18, 1980. Second Putnam. All voted aye.

Adjourned 5:15 P.M.

Mayor

ATTEST:



City Clerk

July 7, 1980

The regular meeting of the Whitefish City Council was held on the above date with president Ott presiding. All Aldermen were present. Also present were Police Chief Wartnow, City Engineer Wells, Building Inspector Barg, and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

BIDS:

Two bids were received on sale of City lot 17 and the S $\frac{1}{2}$ of lot 18, Block 60, Whitefish Original.

The Whitefish Rifle and Pistol Club bid \$9,999.99
Professional Arts Building bid 10,000.00

Motion Bjorsness to turn the bids over to the Park Committee with power to act. Second Doxtater. All voted aye.

Three bids were received on call for bids on 1300' of 12" and alternate 10" sewer pipe.

Grinnell Corp.	1300'	12"	4.69Ft
		10"	3.33Ft
Alternate		12"	3.94
		10"	2.73
Waterworks Supplies		12"	4.82
		10"	3.34
Missoula Northwest Pipe		12"	4.93
		10"	3.41

Motion Doxtater to turn the bids over to the Water and Sewer Committee with power to act. Second Bjorsness. All voted aye.

DECISION HILEMAN - BAIN ANNEXATION Lot 1 Block 7 of First Addition to Whitefish Townsite Company's Five Acre Tracts, Requested zoning R-2.

Motion Caciari to deny this annexation as presented with the R-2 zoning. Second Doxtater. All aye except Bjorsness who voted no.

HEARINGS

President Ott opened the hearing on the Gene R. Kelch annexation - The South 110 feet of Lots 13 and 14 of Block 11 of First Addition to Whitefish Townsite Company's Five Acre Tracts. (7 Colorado Ave.) Requested zoning is R-1. The City County Planning Board recommended the annexation as R-1. There were no protests. Hearing was closed.

Motion Putnam second Caciari to accept this annexation as R-1. All voted aye. Ord.A372

President Ott opened the hearing on all City Specials. Resolution # B-867 Lighting District #1, B- 868 Lighting District # 4, B-869 Lighting District #6, B-870 Lighting District #7 B-866 SID 132, B-865 Garbage, B- 864 Snow Removal, B-871 Sprinkling, B-872 Del. Water and Sew er. There were no protests and hearing was closed.

Motion Bjorsness to pass all the City Specials as presented. Second Doxtater. All aye.

7-7-80 cont.

Bonnie Prentice (lot 15 of Block 2 of Gojendes Tracts, First Addition to Whitefish) 525 W. 3rd St. Petitioned to be excluded from the Corporate limits - reason Sewer cost extension and installation would be too great for petitioner.

Motion Doxtater to adopt Resolution # B-873, A Resolution of the City Council of intention to alter the boundaries of the said City of Whitefish, by excluding the following described tract or parcel of land: Lot 15 of Block 2 of Gojendes Tracts, First Addition, Owned by Bonnie Prentice. Hearing to be set for July 21, 1980, at 7:30 P.M. Second Putnam. All aye.

Sunny Jones presented her re-subdivision of Lot 7 & west $\frac{1}{2}$ of Lot 6 of Block 1 Grandview Addition, for council approval.

Motion Bjorsness to accept the re-subdivision with understanding the North Boundary of Lot 2 (or bldg) be readjusted to meet set back requirements of R-1. No garbage collection to rear lots - garbage must be brought to front. The 20' road easement be granted. City Attorney to draw up agreement on plat and Mrs. Jones to sign it. Second Doxtater. All voted aye.

Motion Doxtater to grant the County a deed for a 60' right of way across City property on Reservoir Road - County to bear all expense. Second Putnam. All aye.

Motion Caciari to adopt Ordinance #A-373, an Ordinance amending Rule G-1 of Sec. 5, of Ordinance #168, being Section 13.08.020 of Whitefish Municipal Codes - no further new or additional water services hookups shall be allowed, permitted or granted to any premises outside the Municipal boundaries of the City of Whitefish. Second Doxtater. All voted aye.

Motion Caciari to deny the underwriting one million dollars Revenue Bonds, to McDonalds. Clerk to notify McDonalds their request had been denied. Second Doxtater. All aye.

Motion Putnam to set September 9, 1980, as the date for a special election to decide issue of a Charter Form of Government, with a Council Administrator. Second Doxtater. All aye.

Building Inspector Berg reported no action had been taken on the Gilliland house on 2nd street that was supposed to be torn down this spring. City Attorney Fisher to draft a letter to Mr Gililland asking him his intentions and ask him to appear before the Council.

Motion Doxtater to turn Water application of George Lantz and Myron Levenson S60' of N250' of Lt 1 Block 2 Gojendes 1st addition over to the Water Committee with power to act. Second Bjorsness. All aye.

Motion Doxtater to accept Building Permits 173, 174, 175, 176, 177, 179, 180, 181, 182, 183, 184, 185, as presented. Second Bjorsness. All aye.

Letter of resignation was read from Don Doyle effective 7-1-80.

Motion Bjorsness to accept Mr. Doyles resignation. Second Doxtater. All aye.

Doxtater reported the Building for the diesel pumps would cost Approximately \$703.00.

Motion Doxtater to approve this estimate and go ahead with the building for the Diesel pump. Second Caciari. All aye.

Motion Bjorsness to allow permission for Doxtater to leave town the 10th thru the 14th. Second Putnam. All aye.

Councilman Bjorsness reported on finishing the area behind the tennis courts across from the Golf Course, and making 2 soccer fields. Approximate cost to grade and seed would be \$1500.00. Asked Council approval to let the Park Committee draw up agreement and determine what has to be done.

Motion Doxtater to allow the Park Committee to use Park Acquisition funds, and make arrangements to finish the 2 soccer fields. Second Putnam. All aye.

Councilman Putnam read a letter from Larry O'Shaughnessy requesting the City to remove the mercury vapor lights at Win-na-kee Resort. O'Shaughnessy stated residence would install incandescent lamps with hoods at no cost to the City.

Councilman Putnam to check and get back to council next meeting.

July 7, cont.

Motion Bjorsness to pay all bills authorized by the Finance Committee and to accept the Clerks, Treasurers, Police Chief, Judge, and Animal Reports for the Month of June. Second Caciari. All aye.

Councilman Ott read letter from the Board of Adjustments on their interpretation of provisions of the Zoning Ordinance of the City of Whitefish, regarding Crestwood Subdivision.

Answers: Tennis Courts and racquetball courts are considered permitted uses in an R-1 Residential District.

A membership fee may be charged for the use of same and such membership may be sold to a limited number of the public.

The Board finds that the use of one family or two family dwellings in an R-1 residential area on a time sharing ownership basis whereby owners own divided interests in a dwelling is not a violation of R-1 zoning.

City Attorney Fisher reported working on restricting rentals in R-1 - this would be drafted for the next meeting.

Motion Bjorsness to allow ~~City Attorney Fisher~~ ^{Westra} permission to leave the state the 18th thru the 20th. Second Caciari. All aye.

Dale Jessup, North Valley Hospital requested a meeting with the Council on the Communications Center before Oct. 1st, and stated the City owed the Hospital \$490 for hooking on to the 8" water line on Highway 93. Council questioned this. Also Jessup requested City restore grass and put sprinklers back that were removed when city put this water line in. Water Committee to investigate.

Motion Doxtater to adjourn, at 9: 23 P.M. Second Putnam. All aye.

Mayor

ATTEST:

Kay Baller
City Clerk

July 21, 1980

The regular meeting of the Whitefish City Council was held on the above date with President Ott presiding. All Aldermen were present. Also present were Police Chief Wartnow, City Engineer Wells and City Attorney Fisher.

The minutes of the previous meeting were approved with one correction.

President Ott opened the Public Hearing on excluding from the Corporate Limits the Bonnie Prentice property, Lot 15 of Block 9 of Gojendes Tracts First Addition (525 West 3rd St.). Ott explained Miss Prentice had petitioned to de-annex from the City because the sewer cost extension and installation was too great. There were no protests and Ott closed the hearing.

Motion Caciari to adopt ^{Resolution #B-875} Ordinance # A-374, allowing Bonnie Prentice, 525 West 3rd St. to de-annex from the City limits. Second Doxtater. All voted aye.

President Ott asked for comments on the possible zoning violation of Crestwood. He asked for Council comments first. Councilman Bjorsness stated he wanted it clearly understood he had nothing personal against Mr. Gustin and had no vindictive feelings against Crestwood, However, he said he definitely felt the time sharing sales in Crestwood were a direct violation of the intent of R-1 residential zoning and if allowed to stand the City might as well throw out all zoning. Councilmen Doxtater, Putnam, Caciari and Ott all were in agreement with Bjorsness, with Caciari adding he did not accept the Interpretation of the Board of Adjustments and felt Council should stop the violation.

July 21, 1980 cont.

Council accepted input from the audience. Attorney Johnson spoke for Mr Gustin, stating the Board of Adjustment interpretation was binding. Also in favor of the time sharing sales in Crestwood were Mr. Neice, Fritz Royer, Jim Barnes and Rich Guthrie. People against time share sales in R-1 and felt the intent of R-1 was violated were: Gary Stephens, Chuck Abel, Bruce Tate and John Horn.

Councilman Ott read Building Inspector Bergs opinion that Time Sharing as occurring in Crestwood Subdivision was not within the intent of R-1 zoning. Berg is also the Zoning Administrator. The City County Planning Board acting as the zoning commission also found Crestwood in violation. The board of adjustments had a 3 against 2 in favor of Crestwood. Council asked City Attorney Fisher to study and give an opinion on what avenues the City can pursue on this at a special meeting Thursday July 24, 1980.

Lyle Rutherford speaking for the Police Commission asked status of expanding the Police Dept. area into the Community Room. Bjorsness explained funds were not available at this time and back commitments had to be met first.

The Clerk read a letter from Bud Scotten, Time Insurance, explaining the personal injury liability coverages now provided under the cities general liability policy has serious gaps where law enforcement liability is concerned. For additional coverage the annual premium would be \$2618.07.

Motion Bjorsness to turn this insurance over to the Finance and Safety Committee, with power to act. Second Putnam. All aye.

The City County Parks Advisory Committee represented by Fritz Royer and Gary Elliott went on record as apposing the Baker Street Park location for the Rifle Club Building. They presented a petition with 40 signatures of people in the area also apposing this site. Harold Schneider also spoke against this location. The Park Committee to talk to the Rifle Club and check Memorial field as a possible site for construction.

The City had received a letter signed by Mr & Mrs. Leonard Yeats, Mr & Mrs. Thomas Harding, and Mr & Mrs. Terry Triewailer stating prior to purchase of their property in the Brandt-Lenon Subdivision, the 1000 block of 9th street, they were advised by the developer the City would pave this street, after curbs had been completed by the developer. These people wanted to know when the City would pave this street.

Council requested City Attorney Fisher to answer this letter stating the budget for this year was obligated, however, the street must be brought to grade and all curbs in before the city would pave.

Motion Doxtater to adopt Resolution #B-874, authorizing the Mayor and City Clerk to execute a deed on Lot 17 and the S $\frac{1}{2}$ 18, Block 60, Whitefish Original, to the highest bidder. Second Putnam. All voted aye.

Motion Doxtater to approve Business Applications of Diane E. Mateka, 435 Iowa Ave. Garden Products, and Ellingson Real Estate and Insurance, 220 2nd Street. Second Caciari. All aye.

Motion Putnam to accept Building permits 178, 191, 192, 193, 194, 195, 196, approved by the Building Inspector. Second Doxtater. All aye.

Council decided one polling place for the Charter Form of Government Election was enough and President Ott was to call the Golden Agers to see if the City could use their building for this election. Also Council asked City Attorney Fisher to add to the summary that must be published that there is no mill levy limit in the Charter form of Government.

City Attorney Fisher asked Council what they required on the final plat of Wintergrove subdivision. Council stated that all roads would remain private and that no garbage collection on lots that do not abut or border city streets. Another requirement would be a Subdivision Improvement Agreement and a Irrevocable letter of Credit.

Gary Elliott representing the City County Planning Board zoning subcommittee, told they had held their hearing on Planned Unit Development zoning Ordinance, and said it was time for Council to set a hearing.

Motion Bjorsness to set for Public Hearing Ordinance Establishing a Planned Unit Development Zoning Classification. (PUD) to be advertised once with hearing to be Council meeting of August 4, 1980. Second Doxtater. All aye.

July 21, 1980 cont.

Councilman Bjorsness reported putting up no parking signs in boat ramp area of City Beach and no one was obeying them - asked Police Chief Wartnow to check and ticket violators. Wartnow thought there were better solutions than the signs. Safety Committee to check.

Bjorsness also reported the county would do the work at the proposed soccer field across from the Golf Course. Also proposed for this area are: dump station for campers, bathrooms, horsehoe pits and a picnic area. Bjorsness asked to be replaced as chairman of the Parks Committee by next council meeting.

Councilman Putnam inquired about the Gilliland house on second street, and Ott explained Mr. Gilliland requested time to get financing as he wants to rebuild the house.

Motion Bjorsness to give Mr. Gilliland 3 months to get financing and begin construction on the house. Second Caciari. All aye.

Motion Bjorsness to pay all bills authorized by the finance committee and to accept annual Police chief Report for 1979-1980. Second Doxtater. All voted aye.

Councilman Ott reported Grinnell Corp. had been awarded the bid on sewer pipe and Water application of George Lantz and Myron Levenson S60' of N250' of Lot 1 Block 2 Gojendes First Addition had been denied by the Water Committee.

Ott requested Council approval of hiring a man in the sewer Dept. a Utility position was open.

Motion Doxtater to authorize the hiring of a man in the sewer dept. Second Bjorsness. All aye.

Ott announced the following appointments: Doxtater to the Gambling Commission, Putnam to the 208 Board, and Paul Wells to the County Refuse Board.

Requests to be out of the State: Wartnow the 25th July to the 4th August, Putnam 25th July to the 3rd of August, City Clerk the 31st to the 3rd August.

Motion Doxtater to allow the above permission to leave the state. Second Ott. All aye.

Motion Putnam to allow City Engineer Wells permission to negotiate and rent a roller to finish Street and Alley work. Second Bjorsness. All aye.

Motion Putnam to allow City Engineer Wells to trade the City scale for a truck dump bed, with the best deal he can make. Second Doxtater. All aye.

Motion Caciari to adjourn at 11:35 P.M. Second Doxtater. All voted aye.

Mayor

ATTEST:

Kay Beller
City Clerk

July 21, 1980

This special executive meeting was called to discuss behavior of one City Employee. Employee had mouth infection and was off work, but was seen uptown in the bars. He was observed operating equipment not in a satisfactory manner.

After discussion this matter was turned over to the City Engineer with power to take whatever action he desires necessary up to and including termination.

Meeting adjourned 12:00 Midnight.

ATTEST:

Kay Beller
City Clerk

Mayor

July 24, 1980

President Ott opened this special meeting at 7:30 P. M., all aldermen were present. Also present were Building Inspector Berg and City Attorney Fisher.

Purpose of this meeting was Council decision on possible R-1 zoning violation at Crestwood Subdivision.

President Ott made the following statement:

On behalf of the Council of the City of Whitefish I wish to make the following statement.

After consulting with the City Attorney and upon his advise the City Council will take no further action on the Crestwood Matter at this time.

Councilmen Bjorsness and Putnam emphasized Council certainly had no vendetta against Gustin or Crestwood, council interest was the R-1 zoning and effect this would have on it. Bjorsness stated this left the door wide open.

Attorney Richard DeJana stated the statement President Ott made showed there was no vendetta against Crestwood.

President Ott asked Council to consider the amendment to the zoning ordinance as prepared by the City Attorney.

Motion Putnam to pass this amendment to the Zoning Ordinance to the Zoning commission of the City County Planning Board for their recommendation, so the City Council could adopt the changes in R-1. Second Caciari. All aye.

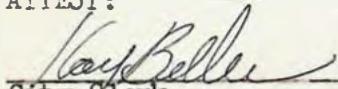
Ott asked Council to consider increasing perdium and mileage - City now pays 15¢ mile and \$20.00 per day perdium. He quoted what the State and County were paying.

Motion Doxtater to pay 18¢ per mile, \$2.00 breakfast, 350 Lunch, 6.50 dinner, and \$21.00 per day (33.00 per dium). Second Caciari. All voted aye.

President Ott repeated there would be no action on Crestwood at this time and closed the meeting.

Mayor

ATTEST:



City Clerk

7-24,1980

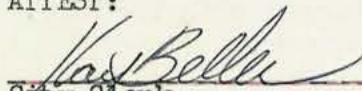
A special meeting was held by the Whitefish Council on the above date at 7:45 P.M. All aldermen were present.

Purpose of this meeting was to review and accept the preliminary Budget for 1980-1981.

Motion Bjorsness Second Doxtater to adopt the Preliminary Budget of \$1,415,280.27 for 1980-1981. All voted aye.

Mayor

ATTEST:



City Clerk

August 4 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Alderman Poxtater. Also present were City Engineer Wells, and City Attorney Leo Fisher.

The minutes of the previous meeting were approved with one correction.

Mayor Garretson presented George Lantz to the council asking the council to approve his appointment to the council from the 3rd Ward to fill out the remaining term of Don Doyle who resigned. Motion by Alderman Caciari to accept the appointment and seconded by Bjorsness. All Aye.

Attorney Fisher gave Alderman Lantz the Oath of Office.

Mayor Garretson read a letter of resignation from John Horn from the City County Planning Board and recommended That Gary Stephens be appointed in his place. A motion by Putman to appoint Stephens and seconded by Ott. All Aye.

Mayor Garretson Appointed Alderman Lantz to the County Health Board replacing Stanley Dye.

One Bid was received for Gasoline from Worley's Texaco:
Lead-Free gasoline---- \$1.266 per gal.
Regular gasoline----- 1.226 per gal.
All prices subject to change due to changes in price from supplier

#2 Diesel Bid from P. & R. Distributing Ron Millard Texaco products
.995 per gallon delivered to shop

Price subject to change due to changes in price from supplier. Motion by Putman The Bids were turned over to the Finance Committee with power to act, seconded by Caciari. All Aye.

Bids on paving Baker Street were received:

Pack & Co. Inc. \$ 7944.00

American Asphalt 7962.00 A motion By Ott and seconded by Bjorsness that the Bids be turned over to the St. & Alley Committee with power to Act. All Aye.

Bid from DePratu Ford was received on used vehicle trade. Bid was turned over to Water Committee & engineer Wells for consideration.

Hearing on Planned Unit Development was opened by Mayor Garretson. Attorney Fisher question Gary Elliott on several green areas, residence rather than dwelling units and is going to research Park payments. Bjorsness & Caciari also questioned 30% green area. /a Motion by Putman and 2nd by Caciari to, postpone until the meeting of the 18th of August. All Aye.

A Motion by Ott and seconded Bjorsness that the Council Adopt salary Ordinance for 1980 -81 fiscal year . All Aye.

A Motion by Ott and seconded by Bjorsness that the James Gregg family be allowed to have city beach area August 10th for family reunion. All Aye.

Business Licenses for the Brass Menagery , & the Grape Northern were read. A motion by Ott and seconded by Bjorsness be approved subject to approval by the Building inspector Berg. All Aye.

Moved by Ott and seconded by Bjorsness that building permits #197-198-199-200-201 203-204-205-206-207-209-210-211. All Aye.

Engineer Wells asked that the Council, consider changing Resolution on the type of pipe used in construction, that the state laws were to restrictive and he could save money if he could use his own discretion. Attorney Fisher questioned the feasibility of this action since it would leave loop-holes for contractors. Council to consider changes.

Engineer Wells also reported that a lot of city equipment is being stolen ,such as signs and construction cones, and asked that the council consider posting a reward for their return. Bjorsness proposed that more publicity be put in paper and ask that if parents see these things in their homes they have them returned with no questions asked.

Motion by Bjorsness and seconded by Putman that the no parking signs be maintained at the City Beach and violators be ticketed. All Aye

Bjorsness Again explained that the City is building 2 Soccer fields and picnic area with horseshoe pits at the park on Hwy #93 west.

Motion by Bjorsness anseconded by Ott that the monthly reports of City Clerk, City Treasurer, Police Judge, Police Chief and Dog Catcher be approved and all bills approved by the finance committee be paid. All Aye.

A motion by Ott and seconded by Putman that Resolution # B-876 receiving bids and letting of the contract for the construction of the improvements in Special Improvement Sewer & Water District # 146 Monks Bay. All Aye. To be Advertised Aug 21, and Aug. 28, 1980 . Bids to be opened Sept 2nd 1980 Council meeting.

A motion by Ott and seconded Bjorsness that the notice for sale of Bonds for SID # 146 be advertised August 18th 21st and 28th. Bids to be opened Sept. 8th 1980. at 7:30 in Coucil Chambers.

Alderman Ott reported that the Hospital answerin g service were asking that the contract with the city be raised from \$1200.00 per mo. to \$1500.00 due to rising Costs. Motion by Bjorsness and seconded by Caciari that the city pay the extra cost. All Aye.

Alderman Ott recommened that the city drop the Anaconda locomotive for lack of interest.

Alderman Ott asked that the Fire Department be allowed to use Memorial Field for their Firemen's picnic and for the city to waive open container law. Motion by Bjorsness and seconded by Putman that the Firemen be allowed to use field and waive the open container law. All Aye.

Alderman Ott reported that the that Golden Agers building would be used for the City Manager election on Sept. 9th 1980 from 8:00 A.m. to 8:00 P.M.

Glenn Ott reported on Flynns water report and council decided to meet with Tom Fynn on Wed. Aug. 6th after 5:00.

Al Bjorsness requested permission to leave the State fromm Aug. 8th to Aug. 17th. Motion by Putman and seconded by Ott that bjorsness be given permission. All Aye

Putman said St. & Alley Committe to meet Tues. at 4:00 to discuss Paving Bids.

Putman also requested Paul Wells City engineer to contact the County Commissioners on repairs to East 2nd street.

Caciari reported that the proponents of the City manager government were satisfied that any council would set a reasonable Mill Levy. Lantz agreed.

Mayor Garretson to attend County Budget meeting for Parks & Recreation at 10:00 in Kalsipell.

Motion by Ott to Adjorn, 9:28 P. M. second Putman. All Aye.

Chas E Garretson
Mayor

ATTEST:

Way Baller
City Clerk

August 6, 1980
5:00 P.M.

Special Meeting of the Whitefish City Council was held on the above date for a public hearing on the preliminary Budget. Mayor Garretson and all Aldermen were present. As there were no protest or public comment. Meeting was adjourned; 5:30

Attest:

Way Baller
City Clerk

Chas E Garretson
Mayor

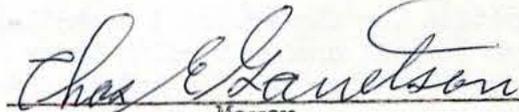
August 11, 1980

A special meeting of the Whitefish City Council was held on the above date at 5:00 P. M. All Aldermen were present except Bjorsness. Also attending was Stanley Dye.

Purpose of the meeting was to accept the final budget for the City of Whitefish, for the year 1980-1981.

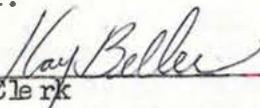
After discussion and additional cuts to the proposed budget it was moved by Putnam to accept the cuts and approve budget as revised, and to adopt Resolution #B-377, accepting and passing Municipal Budget for 1980-1981, and adopt Resolution #B-378, Levying and assessing a tax on all Real Estate within the Corporate limits. Second Doxtater. All voted aye.

Adjourned 6:00 P.M.



 Mayor

ATTEST:



 City Clerk

August 18, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present except Bjorsness. Also present were City Engineer Wells, Police Chief Wartnow, Building Inspector Berg, and City Attorney Fisher.

The Minutes of the previous meeting were approved as read.

Motion Putnam to allow Virginia Wiedholz permission to hold annual Flea Market on the lot between Kastella Taxidermy and Weidholz upholstery. Second Doxtater. All aye.

Petition was presented to annex a tract of land on East 7th Street, owned by Lee A. & Hazel T. Barnes and Robert M & Mary Lee McCutcheon. (A tract of land situated, lying and being in the Northwest Quarter of the Southwest Quarter NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 31 North, Range 21 West, P.M.M, Flathead County, Montana,)

Letters from petitioners explained they wanted to annex property so Health Service Association could construct a senior citizens project known as "Whitefish Manor".

The City County Planning Board recommended annexation of property, as R-1.

A group of Golden Agers said after meeting with representatives from Health Service Association, the majority were in favor of this manor as their biggest objection was the location and distance from town, however, the association promised transportation for tenants, making the project more desirable.

Representatives from Health Services explained their deadline with HUD was Sept. 15th.

After discussion it was moved by Lantz second by Doxtater to adopt Resolution #B-379, a Resolution of Intent of Consideration annexing the Lee Barnes and Robert McCutcheon property, to be advertised four weeks with hearing to be Council meeting of Sept. 15. Zoning to be R-2. Doxtater aye, Lantz aye, Ott aye, Putnam abstained because it involved family and Caciari said no. Motion carried.

PLANNED UNIT DEVELOPMENT ORDINANCE HEARING - EXTENDED FROM AUGUST 4th COUNCIL MEETING

Councilman Putnam stated he and Bjorsness were concerned about being able to require Parkland Acquisition. City Attorney Fisher said this was no problem, can have park donation. Also, Putnam stated he thought Section 3. #2 should be changed from planning Board finds to be compatible and harmonious to City Council finds to be compatible and harmonious. Charles Abell and Gary Elliott gave views on changing Sec. 4 # 3, which states not more than 70% of PUD site shall be devoted to construction of Parking facilities, streets, building and accessory buildings. remaining 30% shall remain as landscaped area. Abell thought should be 60-40 or 50-50 and Elliott thought stay 70-30. Councilman Putnam recommended 60-40 ratio.

August 18, 1980

Mayor Garretson declared hearing closed.

Motion Putnam to accept the PUD Ordinance with following corrections: Section 3 #2, change from planning board to City Council, and Sec. 4 #3 % change from 70-30 to 60-40. Second Doxtater. All voted aye.

Brad Seeley approached Council on ownership of Glenwood water line he installed along Glenwood road in 1953. Council informed him the City owns the line per Council meeting of November 5, 1979.

Motion Doxtater to Allow the VFW use of the picnic area at City Beach the 31st of August. Second Putnam. All aye.

The Committee for the proposed Council-Administrator form of Government requested Council change wording under Mill Levies on the summary report. City Attorney Fisher said he had no objections to changes.

Motion Ott second Lantz to change Summary per request of Committee. All aye.

Motion Putnam to accept Building Permits, 187, 188, 189, 190, 212, 213, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 227, 229, 230. as presented, except 228 (Robert Mehring) which should be sent thru proper channels to comply with the Lakeshore Preservation Act. Second Doxtater. All aye.

Mayor Garretson commented on annexations and filling City limits.

Motion Doxtater to allow Sunshine Mountain Co. use of Baker Street and Golf Course Tennis courts for annual tennis tournament the 21st thru 24th of August. Second Putnam. All aye.

Stanley Dye reported on the County Health Board, stated they had no budget at this time.

Councilman Lantz reported on a meeting he attended at the County Court House on a new computer^{system} county was purchasing. In time the computer should benefit Cities as well as the county.

Councilman Ott reported the Water Committee had gone over auditor Tom Flynn's report and the Committee recommended Flynn start procedures for a water rate increase as the dept. was running \$20,000 short.

Motion Ott to instruct Flynn to start the paper work for a water rate increase. Second Doxtater. All aye.

Councilman Ott also said he would be resigning from the Council, resignation to be effective 1st meeting in Sept.

Motion Ott to pay all bills authorized by the Finance Committee. Second Doxtater. All aye.

Councilman Putnam said he and Ott would not be going to Convention of Cities and Towns this year - thought money better spent in other areas. He also commented on problem of buses parking on street, suggested the Street and Alley Committee and Police Chief check into possible areas for buses.

Councilman Caciari commended City Engineer Wells and Street crews on a fine job of paving Baker Ave.

City Attorney Fisher reported Rand Ogley approached him on Ernest Emory property East of City Lagoon on dropping seepage easement city has on property. Engineer Terry Richmond recommended dropping the easement, but City Attorney Fisher recommended keeping easement. Council agreed with City Attorney.

Council gave permission for City Attorney Fisher to leave the State the week of Sept. 8th.

Police Chief Wartnow requested a meeting with the Council after the regular meeting to discuss the police budget.

Mayor Garretson complimented City Engineer Wells on all the projects he had completed since he had been here.

Motion Lantz to adjourn 9:50 P.M. Second Putnam. All aye.

Kay Beller City Clerk

Mayor

Chas. E. Garretson

September 2, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Wartnow, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved with one correction.

Mayor Garretson showed Council the plaque presented to the people of Whitefish from the Burlington Northern at the Heritage Days Celebration in July. He wondered where it should be displayed. Council suggested either the Library or the showcase as you enter City Hall.

BID OPENINGS:

Two bids were received on construction of the Monks Bay water and sewer lines.

Lyford Plumbing & Heating	10% bid bond	Water \$51,901.00
		Sewer 116,954.75
		Total 168,855.75
Hamilton Enterprises	10% bid bond	Water 55,395.00
		Sewer 107,938.00
		Total 163,333.00

Motion Putnam to turn the bids over to the water & sewer Committee for their recommendation, and contract must be subject to sale of bonds or warrents over 20 years. Second Lantz. All aye.

Councilman Putnam spoke on the City Manager Form of Government. He said he had always supported it in the past, however, because there is no State mill levy limit under this form of Government and people would be putting property in hands of six people he would vote against it strickly because of the tax clause - nothing else.

Mayor Garretson also spoke against this form of Government. Councilmen Lantz and Caciari spoke in favor.

Motion Doxtater to adopt Resolution #B-880, a Resolution determining the amount of City taxes to be raised for all purposes, which would be 79 $\frac{1}{2}$ mills for 1980-1981. Second Putnam. All aye.

Councilman Putnam stated we just now had received the value of the mill, which would be approximately \$12,000 increase, and wondered about putting in the police budget. Finance Committee to study.

Motion Ott to allow Judge Maddux permission to attend school in Billings Sept. 22nd thru the 26th. Second Doxtater. All aye.

Motion Lantz to accept two business applications - Ramblin Rose - 343 somers Ave. and Majestic Printing 232 Central Ave. Second Bjorsness. All aye except Putnam who said no, *on Ramblin Rose - 348 Somers Ave.*

Building Inspector Berg explained William Hileman was constructing additional apartments on Lupfer Avenue, however there would be a yard violation if Hileman did not tear down a house on Lot 18. Hileman requested an agreement be recorded stating he would tear down the house by Sept. 1, 1981.

Motion Caciari to accept this agreement, Second Doxtater. All aye.

Motion Bjorsness to accept Building permits 231, 232, 233, 234, 235, 236, as presented by the Building Inspector. Second Lantz. All aye.

Mayor Garretson read a letter from Father Brown regarding a delinquent water bill charged to St. Charles parish. He said the main reason the bill had not been paid was there was a doubt whether the Parish was responsible for the bill, as the Rectory was never without water during time repair work was in progress. Water Dept. Foreman Greg Acton stated the church had water because there were two water services to the church. After discussion it was turned over to City Engineer Wells to investigate and report back to the Council.

Robert Worley inquired about the gasoline bids, Council assured him he would be notified this week on disposition of the bid.

September 2, 1980 cont.

John Garrity complimented City Engineer Wells on projects completed since he has been with the City.

Motion Bjorsness to pay all bills authorized by the finance committee and to accept Animal Warden, Police Chief, and Police Judge reports for month of August. Second Doxtater. All aye.

Councilman Bjorsness wanted records to show that Council was in favor of the North East corner of the City Lagoon South of town, being designated for the Airplane Club to have their landing field.

Bjorsness also stated he had asked City Engineer Wells to get drawings for a building for bathrooms at the soccer fields west of town -

Councilman Lantz stated he would meet with the Police Chief on traffic regulations and parking by the new school.

Councilman Ott read his resignation letter. He thanked City Engineer Wells, John Thorson, Members of the Council and people in Ward 3. he urged the citizens of Whitefish to get involved in city affairs. Resignation effective 9-3-80.

Councilman Putnam said as long as the swimming pool is no longer planned for Memorial Field the Parks Committee should ask the Pool Committee for a release on promise of Memorial Field for the swim pool, so City can use for other purposes.

Putnam thanked City Engineer Wells for the part he played in the County paving second street.

Motion Doxtater to allow Caciari permission to leave the state the 12th of Sept. and the 24th thru the 28th of Sept. Second Lantz. All aye.

Councilman Caciari reported he attended a meeting at the Golden Agers on the location of the new proposed Manor and they were in favor of the location. He also reported the Rifle and Gun Club location was brought up at the City County Planning Board meeting, the City County Planning Board thought the Council should have asked for their opinion on this location. Caciari said he told them the City Council was the governing body and the decision had been made. Council agreed with Caciari.

City Engineer Wells reported the Edgewood Sewer project was about 75% complete and also requested permission to turn delinquent water repair bills over to a collection agency. Council gave him permission.

John Garrity asked who filled the speed dip at the high school - City to find out.

Motion Bjorsness to adjourn at 9:18 P.M. Second doxtater. All aye.

Chas E. Gantson

ATTEST:

Karl Beller
City Clerk

September 8, 1980

Mayor Garretson opened this special meeting at 7:30 P.M. all Aldermen were present, except Lantz. Also present were Asst City Attorney Erickson and City Engineer Wells.

Purpose of this meeting was to open bids on the selling of \$164,625.00 Amortization or serial bonds for the purpose of paying contractor and engineers of SID Water & sewer District #146 and constructing a sewer and water system in Monks Bay.

No bids were received.

Motion Bjorsness to attempt to negotiate the sale of the bonds. Second Putnam. All aye.

Motion Bjorsness to adopt Resolution No. B-881, A Resolution for the sale of bonds for the Special improvement water and sewer District No. 146. Bid opening to be October 13, 1980. Second Putnam. All aye.

Adjourned 7: 40 P.M.

Mayor

A TEST:

Kay Baker
City Clerk

September 15, 1980

Due to lack of a quorum this meeting was extended until September 22, 1980.

Councilman Bjorsness reported he would be resigning from the Council effective September 30, 1980.

City Attorney reported D. A. Davidson did not like the notice we advertised, for sale of bonds for SID 146, Monks Bay. He also said we could negotiate a private sale, however, the city was re-advertising the sale with hearing to be October 13th.

City Engineer Wells reported the Edgewood sewer line was in operation.

September 22, 1980

The regular meeting of the Whitefish City Council was held on the above date with Mayor Garretson presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Wartnow, Building Inspector Berg and City Attorney Fisher.

The Minutes of the previous meetings were approved as read.

HEARING:

Mayor Garretson opened the hearing on the proposed annexation of Robert McCutcheon and Lee Barnes property to be referred to as Whitefish Manor. Located on the South side of 7th Street East and East of Colonial Manor.

Doyle Enterprises requested a Council decision immediately as extension with HUD would run out October 1, 1980. City Attorney Fisher explained Council could not give a decision sooner than 7 days after hearing. Jerry Arnold representing Health Services Association explained the low cost housing rates, stating they did not know per cent of units to be rented at low income level. As there were no protests Mayor Garretson closed the hearing. Decision to be special Council meeting of September 29, 1980 at 7:30 P.M.

BIDS:

Four bids were received on furnishing the City with gasoline and No. 2 diesel fuel.

Town Pump Inc.	2¢ gallon under posted pump prices
Stacey Oil Co.	2¢ gallon under posted pump prices
	#2 diesel .01¢ per gallon off tank wagon price 96.5¢

September 22, 1980 cont.

Worley's Whitefish Texaco	7.4 cents off pump prices	
	Regular	1.226 per gal.
	lead-free	1.266 per gal
P & R Distributing	Regular	1.205
	unleaded	1.245
	premium	1.255
	#2 diesel	.964 per gal

All bids included 0.4¢ tax which could be deducted.

Motion Lantz to turn over to the Finance Committee with power to act. Second Doxtater. All voted aye.

SETTING DATES FOR FILING DECLARATION OF NOMINATION, PRIMARY ELECTION, SPECIAL ELECTION OF COUNCIL MEMBERS AND MAYOR.

City Attorney explained the petitions of people filing for office deadline must be 50 days before the Primary. The primary must be held 120 days after the election for Council - Administrator Government with special election to be 60 days after the Primary and elected officials would take office 60 days after election.

After much discussion it was moved by Putnam second Doxtater to adopt Resolution #B-382, a resolution setting the dates for filing declaration of nominations, Primary Election, Special Election of Council members and date that said Council shall first meet and take office. Dates as follows:
 October 17, 1980, all declarations for nominations as candidates must be filed.
 December 9, 1980 - Primary Election
 February 10, 1981 - General Election
 April 10, 1981 - First meeting of new governing body

All voted aye.

Motion Lantz second Doxtater that James Putnam be the new President of the Council. All voted aye.

CORRESPONDENCE:

Letter was read from Cecil N. Thompson requesting the Whitefish Police enforce Chapter 10.68 (Nuisance Ordinance) in the parking lot at Big Mountain Apts. located at 265 Colorado Ave.

Motion Doxtater to approve the Police enforcing this ordinance at Big Mtn Apts. second Lantz. All aye.

Mayor Garrets ons letter of resignation was read. Resignation effective Oct. 3. 1980.

John Garritys letter of resignation from the Board of Adjustments was also read. this was effective 9-15-80.

Motion Putnam to adopt Resolution No. B-883, a Resolution appointing Paul Wells, the City Engineer an authorized representative of the City in regards to the E. P. A. Construction Grant Program #C-300206. Second Caciari. All aye.

Motion Doxtater to accept business applications of Alpine Village Market at 711 Wisconsin Ave., Big Sky Outfitters 236 Wisc. Ave. and Highline Automotive Center 244 Spokane Ave. Second Putnam. All aye.

Ben Janik of 1031 First Street, West 99.2 Feet of Lots 1, 2, and 3 of Block 4 of Wells Grant Addition, requested Council accept the following agreement: That for and in consideration of granting a temporary variance to construct a new dwelling duplex, that he Ben Janik would remove the existing dwelling on the lot within one year, September 22, 1981. Agreement to be recorded against property.

Motion Bjorsness to accept this agreement and it be recorded. Second Caciari. All aye.

Building Inspector Berg presented building permit #228, purchased by Robert Mehring, to construct a 1 family dwelling on a small lot at Birch Point. At Council meeting of Aug. 18, 1980, Council had sent this to the City County Planning Board to see if it complied with the Lakeshore Preservation Act. The City County Planning Board denied this application, however, Berg, stated with plan changes the dwelling could still be constructed and would comply with the Lakeshore Preservation Act and the R-1 zoning. Berg to study plans and Council to give decision at Meeting of Sept.29, 1980.

September 22, 1980 Cont.

Motion Caciari to accept Building permits 214, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, as presented by the Building Inspector. Second Lantz. All aye.

Committee to meet with the Police to negotiate wages, Doxtater, Caciari, Putnam.

Councilman Doxtater asked City Engineer Wells why vouchers were not being used when purchasing supplies. Council said vouchers must be used.

Mayor Garretson read a letter from the First National Bank stating they would purchase \$164,625.00 bonds on SID 146 at a rate of 9.750% interest. The offer was intended as a firm bid in the event the City did not find another buyer for the bonds on or before 5:00 P.M. October 14, 1980.

Motion Doxtater to adopt Resolution No. B-884 providing for the awarding and letting of the contract for the construction of the improvements in special improvement District no. 146, to Hilton Enterprises. Second Lantz. All aye.

Councilman Lantz requested City Engineers to see that the Pedestrian crosswalk at the school was painted.

Councilman Putnam wanted clarification that the \$12,825 additional tax money was put in the Police Budget. He also thanked Councilman Bjorsness and Mayor Garretson for their efforts while in office, and thanked Council for appointing him as Council President.

Councilman Caciari inquired about the deadline on Gilliland either removing or remodeling the house on Second Street. October 21, 1980 is the deadline and Council agreed to take action if not met.

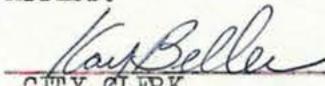
Motion Bjorsness to pay all bills authorized by the Finance Committee. Second Doxtater. All aye.

City Engineer Wells reported he had investigated the water lines at the Catholic Church, they traced lines to where it had been repaired, and he had sent a letter to Father Brown stating they do owe bill. Wells also stated on leaf pickup, he was requesting Citizens to bag the leaves and put at curbs or next to garbage cans.

Meeting Adjourned 9:25 P. M.

Mayor

ATTEST:



CITY CLERK

September 29, 1980

This special meeting was called to order at 9:30 P.M. by Mayor Garretson. All Alder en were present except Bjorsness.

Purpose of this meeting was to give the decision on annexation as R-2 of the McCutcheon - Barnes property Known as the Whitefish Manor and review the Building Permit #228 of Robert Mehring Birch Point Tract B.

Motion Caciari to adopt Ordinance # A-377 Annexing the McCutcheon - Barnes property to be referred to as Whitefish Manor, located on the south side of 7th street east and east of Colonial Manor. Zoning to be R-2. Second Lantz. All aye except Putnam who abs tained.

Council and Archie Smith - Contractor for Robert Mehring, discussed Building Permit #228. Mr. Mehring had been given a conditional variance by the Board of Adjustments on September 27, 1989. The Lakeshore Preservation Committee and the City County Planning Board turned down request to encroach on 20' high water mark. Mr Mehring would revise plans for the house to bring it in complianee, except he still would need a variance.

September 29, 1980 cont.

Motion Putnam to allow Building Permit 228, Robert Mehring, Birch Point Tract B with the following stipulations:

1. It must not encroach on the 20' high water mark
2. the Conditional Variance be revalidated
3. subject to approval of Building Inspector Berg
4. It must meet city set backs and comply to R-1 zoning.

Second Doxtater. All voted aye.

Adjourned 10:05 P.M.

Mayor

ATTEST:

Kay Baller
City Clerk

October 6, 1980

The regular meeting of the Whitefish City Council was held on the above date with Council President Putnam presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Wartnow, Building Inspector Berg, and City Attorney Fisher.

The minutes of September 22, and September 29, 1980 were approved as read.

Due to the resignation of Mayor Garretson, Council President James Putnam will be acting Mayor until such time as the office is filled.

President Putnam requested Council consider Gary Stephens from the 1st Ward and Brad Johnson from the 3rd Ward to fill Council positions vacated by Ott and Bjorsness.

Motion Doxtater to accept the appointments of Stephens in the 1st Ward and Johnson the 3rd Ward. Second Gaciari. All voted aye.

City Attorney gave them the oath of office.

Re-subdivision Lot 7 & West $\frac{1}{2}$ of lot 6 of Block 1 of Grandview addition.

On July 7, 1980, Council reviewed Resubdivision of Sunny Jones (Lot 7 & $\frac{1}{2}$ of lot 6 of Block 1 of Grandview addition) Council accented the re-sub division with following stipulations: the North boundary of Lot 2 or building be readjusted to meet set back requirements of R-1. No garbage collection to rear lots - garbage to be brought to front - 20' road easement be granted.

Mrs. Jones presented a new platt of the re-subdivision and after Council verified that all requirements had been met, it was moved by Cadari to accept the re-subdivision as presented. Second Doxtater. All aye.

CarolLee Kurtz spokesman for the swimming pool committee told that they were trying to raise \$350,000, in donations by November 1, 1980, so they could apply for a B. O.R. Grant. If they can't raise the money they couldn't apply. The saddle club donated the land and this amount was needed for matching funds. She asked the City Council backing on the B. O. R. application stating they needed a Resolution of intent that the City would sponser. City Attorney Fisher explained only a Government entity could apply for B. O. R. Funding and the pool would revert to the City by time of conclusion. However, he assured Council if the City approves we are not obligated to follow thru on project. After much discussion it was moved by Lantz, second Doxtater to adopt Resolution # B-885, supporting the swimming pool project. To acknowledge the donation of land and Community funding available, and make application for BOR funds to complete the swimming pool. All aye.

October 6, 1980 cont.

Jerry Golphenee spokesman for the Parks Advisory Board explained their purpose was to work with all recreation groups in the area. He stated they were against Baker & 5th as proposed site for the Rifle Club building. He gave 4 alternate sites they thought would be better locations. West of town across from Golf Course, Memorial Field, Saddle Club site in conjunction with swimming pool and next to the Armory East of town. He requested a meeting with Keith Svee and the Rifle Club to discuss these possibilities. Also, the board requested a Councilman sit in on their meetings. First Thursdays of Each Mo.

Keith Svee representing the Rifle Club said he wished the Park Board had approached them earlier and problems could have been taken care of. He explained Baker Street was the best accessible site for the young Jr. Rifle Club, but agreed to meet with the Park Board. Susan Abell and Mark Svennumgeen spoke in favor of Baker Street location. Fritz Royer spoke against. Councilman Putnam explained the Baker Street site was not a snap decision on the part of the Council as it had been advertised several times over a four month period. Council decided to make a decision after the Park Board and Rifle Club have their meeting.

City Engineer Wells requested a security light be installed at the City reservoir, because of vandalism. Cost would be \$9.75 per month, installation and maintenance would be free.

Motion Doxtater to allow City Engineer Wells permission to contact Pacific Power & Light to install a security light at the Reservoir. Second Caciari. All aye.

Letter was read from the City County Planning Board stating that at their meeting of September 29, 1980, they had a hearing on the proposed amendment to the R-1 Ordinance. The only comments received were negative. The City County Planning Board acting as the Zoning Commission unanimously voted to recommend a Do Not Pass on this proposed Amendment to the Ordinance.

Ordinance change would be - Restricted use: In order to protect the peace and integrity and provide a stable family environment for this use district.

1. No rental or exchange of use for a period of less than thirty (30) consecutive days shall be allowed or permitted of any dwelling authorized in this use district.

The Council decided to turn over to City Attorney Fisher to research further and bring back next council meeting. October 20, 1980, for Council to set for hearing.

Motion Doxtater to accept Water Applications of Valerie M. Tomlinson, 443 Karrow Ave. and June Munski, West 4th St., S $\frac{1}{2}$ of Lot 8 Block 2, Gojendes, - Application of William and Maryan Heppell, Lots 8 & 9 of Block 4 Patton Subdivision was referred to the Water Committee with power to act. Second Caciari. All voted aye.

Motion Caciari to accept three Business Applications: Alpine Village Laundry 721 Wisc. Ave., P & R Distributing 3rd & Central and Hell Roaring Hot Tubs, 1875 Lacey Lane (Office only) Second Doxtater. All aye.

Motion Lantz to accept Building Permits #259, 260, 261, 262, 263, 265, 266, 267, 268, 269, 270, as presented by the Building Inspector. Second Johnson. All aye.

Building Inspector Berg explained Building permit #259 purchased by Joe Gwaizdon, 20 Iowa Ave. was in violation of R-1 zoning. Mr. Gwaizdon has applied for a variance from the Board of Adjustments.

Motion Doxtater to accept Building #259 subject to: 1. The Board of Adjustments agrees to a variance. and 2. approval of the Building Inspector. Second Lantz. All aye.

Dale Jessup requested garbage rates for North Valley Hospital be dropped or reduced, as they have a private hauler and the City does not pick up their garbage. City Attorney Fisher explained if the service is available people are charged. Turned over to the Street & Alley Committee to study.

Motion Putnam to allow Police Chief Wartnow permission to order 10,000 meter tickets at a cost of \$440.00. Second Doxtater. All aye.

Wartnow told there was a problem with the traffic light system, when put lights on override for the Fire Dept. and then turn back lights at Central & 2nd stick and stay on Red and Yellow. City Engineer Wells had called the Highway dept. and they cant fix them and Mike Lazar doesn't know either. City Clerk to write letter to Helena.

October 6, 1980 cont.

City Attorney Fisher explained the Commissioners wouldn't sign the Interlocal agreement for the Rifle Club until the City has a working agreement with the Rifle Club on what their responsibilities are going to be. Turned over to the Parks Committee.

Councilman Putnam told an amended wage Ordinance was needed as the Police Dept. had accepted the City's wage proposal.

Motion Putnam second Doxtater to adopt Salary Ordinance A-378, amending A-375, setting the Police salaries and compensations. All aye.

City Engineer Wells reported he had started ground work on securing a \$400,00 sewer and storm sewer grant, for area East of Spokane Avenue. This would be a 100% grant, however, he asked Council permission to proceed as the application fee to HUD would be between \$500 & \$1000. Vicinity of 3rd-4th & 5th streets

Motion Lantz authorizing City Engineer Wells to proceed in securing this grant. s econd Stephens. All aye.

Councilman Doxtater reported receiving a letter from Russ Ramlo, on a drainage problem at 708 Park Ave. After much discussion it was turned over to City Attorney Fisher and City Engineer Wells.

Motion Doxtater second Putnam to accept Gary Stephens resignation from the City County Planning Board. All aye.

Motion Lantz to accept John Nelson to replace Mr. Stephens on the City County Planning Board. Second Doxtater. All aye.

Motion Doxtater to approve the Treasurers, Animal Warden, Police Chief, Judges and City Clerk reports, and pay all bills authorized by the Finance Committee. Second Lantz. All aye.

Councilman Putnam assigned the following committees:

Water	Caciari, Doxtater, Johnson
Street & Alley	Putnam, Lantz, Stephens
Parks	Johnson, Putnam, Doxtater
Finance	Doxtater, Caciari, Lantz
Building	Lantz, Johnson, Stephens
Fire & Health	Stephens, Putnam
Ordinance	Stephens, Caciari, Johnson
Traffic	Lantz, Wartnow

Adjourned 10:11 P. M.

ATTEST:

Kay Beller
City Clerk

James C. Putnam
Mayor

October 13, 1980

This special meeting was called to order by President Putnam, All Aldermen were present. Purpose was to open bids on selling of Bonds \$164,625.00 for SID 146 Monks Bay water and sewer. No bids were received.

Motion Doxtater to adopt Resolution # B-886 accepting offer of the First National Bank, interest rate to be 9.75%. Second Johnson. All aye.

Caciari entertained a motion to adjourn at 7:36 P.M.

ATTEST:

Kay Beller
City Clerk

James C. Putnam
Mayor

October 20, 1980

The regular meeting of the Whitefish City Council was held on the above date with President Putnam presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Wartnow, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

Council discussed the proposed amendment of Article 10, use District R-1 Residential, of Ordinance A-135.

Changes would be: A. permitted uses: #3, B. Conditional use #7 and C. Restricted use would be added.

After discussion it was moved by Doxtater second Johnson to advertise and set for Public Hearing, the proposed amendment to the R-1 zoning Ordinance, with hearing to be Council meeting of November 17, 1980. All voted aye.

David Cravath, representing Kamp Karefree in Monks Bay sewer SID 146, stated they were concerned about where the sewer line was going across their property and requested moving it at a future date, with them bearing all costs involved in moving the line. He said they would be willing to grant a new easement, if and when the line was moved.

Motion Doxtater that City Attorney Fisher draw up an agreement between Cravath and the City and bring back to the November 3, 1980, Council meeting. Second Johnson. All voted aye.

Dan Evans from the Recycle Center of Flathead Industries for the handicapped requested permission to park their truck and have a temporary stand in the old Safeway parking lot for two months. They would buy beverage containers from area residents and thus provide additional jobs for the handicapped. They requested 1 day a week, Saturday 12:00 to 6:00 and would remove the truck every night. Asked that the Business License be waived.

Motion Lantz to allow the request and waive Business License. Second Doxtater. All aye.

Motion Caciari that the City renew a five (5) year lease with the Catholic Church on the parking lot at corner of 3rd & Baker. (Lots 1 & 2 Block 54, Whitefish Original.) Second Johnson. All aye.

Motion Doxtater to accept Business Application of H&B Sales, 336 Second St., Second Lantz. All aye.

Building Permits

Building Inspector Berg stated there were 2 building permits for new homes in Huston Point, and asked status of sewer hook-ons in this subdivision. At Council meeting of November 5, 1979, Huston Point, Suncrest and all properties north on Lakeshore drive had been requested to TV sewer lines before City would accept them.

Motion Johnson to accept building permits 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283 as presented by the Building Inspector, except sewer hook-on fees on #277 & 279 Huston point. They can proceed with construction, however, sewer hookons are not allowed, if they proceed they proceed at their peril. Second Doxtater. All aye. in this area

Dr. McIntyre wanted to know if the City wanted the Animal Warden to have rabies shots. Cost would be approximately \$40.00 per shot. Councilman Putnam to talk to the Animal Warden to see if he wants the shots.

Motion Lantz to adopt Resolution #B-887, a Resolution waiving the Primary Election for Councilmen and Mayor set for December 9, 1980. Second Doxtater. All aye.

City Engineer Wells and City Attorney Fisher reported on problem Areas they had checked into.

- 1. 8th and Park - Don Grey had filled and blocked natural drainage, causing problems to neighbor. Turned over to a Committee of Johnson, Lantz and City Engineer Wells.
- 2. Shareview - encroachments on 10' sewer easements, trees, fences, etc. Also stated an easement was needed north and south, from 4th street to lift station between 3rd and 2nd streets. Turned over to Councilman Lantz, he said he would visit with people in area, about these conditions.

October 20, 1980 cont.

City Engineer Wells reported on the \$400,000.00 HUD sewer and storm sewer grant. Asked Council permission to send out a survey form to approximately 260 people in the area of east 3rd, 4th and 5th streets, information necessary for HUD application. Also requested permission to advertise and set for public hearing, two hearing needed. Application due by 11-17-80.

Motion Doxtater to allow City Engineer to send out the survey forms and advertise for two hearings, dates to be November 3rd and 10th. Second Stephens. All aye.

The City Engineer also asked Council to review requirements of TVing sewer lines as adopted in the Montana Works Specifications. Turned over to the Water & Sewer Committee and City Engineer Wells.

Councilman Doxtater reported talking to Brad Seeley about a delinquent bill for work done on the Glenwood water line in 1974. Seeley stated 5 people shared in the installation of this water line and thought all should have been billed. Doxtater to negotiate with Seeley.

Motion Doxtater to approve all bills authorized by the Finance Committee and accept the Clerks report for September. Second Lantz. All aye.

Councilman Stephens reported he had received a complaint from the Brash Subdivision on dust problems and possible mud problems, due to the City working on the Pump house. City Engineer wells explained as soon as City completed the work, the street would be fixed.

Councilman Johnson reported they had a tentative agreement with the Rifle Club.

Councilman Caciari reported City Engineer Wells was to set up a meeting with the Water Association in the Patton Subdivision, and after this meeting his Committee would make recommendation on the Heppell Water Application. Also Caciari reported Mrs. Scull had called him on a delinquent bill sent in for collection. She would be asked to come to the Council meeting and explain.

Councilman Putnam reported he was appointing Lantz as chairman of the Street and Alley Committee, but he would remain on the committee. He also reported the road maintenance agreement between the City and the County had expired. City Engineer Wells to meet with the County Maintenance people and draw up another agreement.

Council to study possibility of filling the Mayors position. ~~Study~~ and bring back next Council meeting.

Johnson, Caciari, and Stephens requested permission to leave the State from the 24th to the 31st of October.

Motion Lantz second Doxtater allowing the three permission to leave the state. all aye.

Motion Lantz second Doxtater to adjourn 10:25 P.M.

ATTEST:

Ray Belter
City Clerk

James C. Putnam
Mayor

November 3, 1980

The regular meeting of the Whitefish City Council was held on the above date with President Putnam presiding. All Aldermen were present except Johnson. Also present were Police Chief Wartnow, City Engineer Wells, Building Inspector Berg, and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

President Putnam opened the Public Hearing on the proposed Grant for new sewer and storm sewer lines proposed East of Spokane Ave. and South of 2nd st.

City Engineer Wells explained because there are a lot of older homes and retired people in this area it met standards of HUD and would qualify for financial assistance. He further explained the grant would pay for replacement of main sewer lines, branch lines, manholes, flush tanks, repaving streets, etc.

There were no protests and hearing was continued until ^{special} Council meeting of November 10, at 7:30 P.M.

Watkins Development, Missoula, presented a minor re-subdivision of Lot 1 Circle Estates, property is zoned R-2 and they want to construct townhouses and subdivide so each home owner has a deed to property.

Motion Caciari to refer re-subdivision of Lt 1 Circle Estates to the City County Planning Board for their recommendation. Second Doxtater. All voted aye.

Ben Cohn presented a resubdivision into two lots, Lot 6 Block 8 1st. addition to Whitefish Townsite Company's Five Acre Tracts. City County Planning Board recommended approval of this re-sub if Mr. Cohn provided 8' for a future alley. After discussion this resub was turned over to Building Inspector Berg who would report back to Council at the November 17, 1980 Council meeting.

City Attorney Fisher reported Dano Anderson, a sub-contractor of Trails End Const. Co. was suing Trails End, Bonding Co. and the City, for \$23,000 still owing him for work done on the West shore pump station. Fisher said he thought the city could get out of it as we have a bond for the full amount and he had filed action to delete. Also he reported the city had received a letter from Frazier Baalim's Attorney, and Mr. Baalim was suing the City, this was turned over to the Insurance Co. Total amount of this suit \$500,000.

Phil Coffin representing the East Shore Association read a letter on TVing sewer lines from Suncrest north to Houston Point Sub. Because their sewer line was completed September 15, 1979, and the city did not require TVing sewer main lines until adopting Public Works Standard Specifications in Jan. 1980, plus paying a substantial fee for engineering inspection at time of construction, they requested of the City Council, that the requirement for TVinspection of the Eastshore sewer main line not be made a prerequisite for city acceptance of same.

City Engineer Wells stated he had no reports or asbuilts for this line. Mr. Coffin said Morrison-Maierle would get them to him. Council requested Wells to study and then Council would make a decision on accepting lines.

Edwin Gilliland property at 833 2nd st.

Building Inspector Berg reported time period given Mr. Gilliland (Oct. 21, 1980) for either tearing down or repairing had elapsed. Turned over to City Attorney Fisher to study procedures involved and get back to council at meeting of November 17, 1980 for final action.

Motion Doxtater second Lantz to allow City treasurer permission to invest money received for SID 146, at her descretion. All aye.

Amy Lester of the Alternative Energy Resources Organization explained their function was to help bring about a society based on appropriate use of renewable energy sources. AERO is new to the Flathead and she requested a representative from Whitefish for the advisory board. First meeting to be 11-18-80, Courthouse East in Kalispell.

Mr. Witcher of 300 Iowa explained he bought ^{his} this property under assumption it was in the county and moved a large trailer house on the lot. Building Inspector Berg informed him the property was in the city and trailers were not allowed. Mr. Witcher requested permission to leave the trailer house just until he could sell it. Council turned this over to City Attorney Fisher and Building Inspector Berg to research and get back to people.

Motion Dextater to accept Business applications of: Kingfisher Enterprises, 200

NOVEMBER 3, 1980 cont.

Wisconsin Ave, Larry's Lock and Key, 5666 Hwy 93 so., Valley Stained Glass Supplies, the Emporium, A.B.C. West Carpet Cleaners, 6300 Hwy 93 So., and Rocky Mountain Tours 219 Minnesota Ave, Group tours by phone only, Cyrus R. Maca. Second Stephens. All aye.

Motion Caciari to accept Building permits, 259, 267, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, and 302 as presented by the Building Inspector. Second Doxtater/ All aye.

Judy Stephens representing homeowners in vicinity of Memorial Field officially protested possibility of the Rifle Club building being constructed on Memorial Field. Council informed her this area had been mentioned but was not being considered.

Gary Elliott told Council he had requested a copy of C. M. Corp. financial statement and had never received it. City had underwritten Revenue Bonds for Colonial Manor several years ago. Elliott said he was interested in Revenue Bonds and wants the program familiar to the city.

City Attorney Fisher reported Grouse Mountain Subdivision would like their letter of credit released. Morrison-Maierle submitted a letter stating subdivision improvements, water and sewer were completed.

Motion Doxtater Second Iantz to release Grouse Mtn. letter of credit. All aye.

Motion Doxtater to accept the Treasurers, Animal Warden, Police Chief, and Police Judges reports for October, and to pay all bills authorized the Finance Committee. Second Putnam. All aye.

Councilman Iantz told that Russ Ramlo would like something done on drainage problem at 8th and Park before the water run-off. Turned over to Iantz and City Engineer to research.

Iantz reported on his survey in Shareview - Two people were in favor of an alley and six said no, however, they were willing to let city crews across property to maintain sewer lines. City still needs easements North and South from 4th street to the lift station between 3rd and 2nd.

Councilman Stephens reported John Horn, Monks Bay, had requested garbage pick-up. City Clerk to check date of annexation.

Stephens also requested NO SMOKING at Council Meetings.

Councilman Caciari said after talking to other councilmen and to Putnam he would like to recommend not appointing another Mayor and leaving President Putnam as acting Mayor. All Councilmen were in favor and Putnam said he would continue until the New Government took over.

Councilman Doxtater read a letter from Bert Sternal, Animal Warden, requesting a pay raise from \$95.00 to \$105.00 per mo. Parking Meter Inspector and from \$225.00 to \$250.00 per mo. as Animal Warden.

Motion Doxtater second Putnam to allow this request with City Attorney Fisher to draw up a new contract. All aye.

Councilman Putnam reported Animal Warden does not want rabies shots and that Dale Jessup's request on garbage rates was referred to next budget year and Mr Jessup was in agreement. He also reported the city had received a letter from the County Parks Dept. stating at their budget meeting Mayor Garretson had said the city would match any funds received on parks and wanted to be advised if this still held true. Putnam said the Parks Committee had agreed to match funds on the soccer field but no more on the softball project until Memorial Field is upgraded. County to be notified.

Health Services Association, requested a letter from the City asking Washington D.C. to extend an 8 $\frac{1}{2}$ % loan for Whitefish Manor. Letter to be written.

Motion Caciari second Doxtater to adjourn 10:16 P.M.

ATTEST:

Kay Belle
City Clerk

James C. Putnam
MAYOR

November 10, 1980

7:30 P. M.

This special meeting was opened by President Putnam, all Aldermen were present.

Purpose of the meeting was to continue the hearing on the proposed \$460,000.00 HUD Grant for sewer and storm sewers.

As there was no input either for or against the hearing was declared Closed and it was moved by Caciari second Doxtater to adjourn at 7:41 p.m.

ATTEST:

Ray Beller
City Clerk

James C. Putnam
Mayor

November 13, 1980

Council held an executive meeting to discuss Police Chief Wartnow, continued until the 14th.

November 17, 1980

The regular meeting of the Whitefish City Council was held on the above date with President Putnam presiding. All Aldermen were present except Doxtater. Also present were Police Chief Wartnow, Building Inspector Berg, City Engineer Wells, and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

President Putnam opened the Public Hearing on the amendment to R-1 zoning Ordinance, and read the proposed changes.

changes are: Section A-#3 - Non-commercial parks, playgrounds, swimming pools, tennis and racquet ball courts, docks and piers.
Section B #7 - Commercial Swimming pools, tennis and racquet ball courts and other similar uses where a fee will be charged for their use.
Section c. Restricted Use: 1. No rental or exchange of use for a period of less than thirty consecutive days shall be allowed or permitted of any dwelling authorized in this use district.

No one spoke in favor of the Ordinance change, however, the following spoke in opposition of the change: Jim Johnson, Keith Gustin, Harry Brown, Dick Peterson, Jim Burns, Larry Fonner, representing himself and Montana State Realtors, Gary Elliott, Bud Baptiste. The City County Planning Board recommended a do not pass on this change.

President Putnam closed the hearing explaining if Council passed the amendment there would be two more hearings - three hearings total.

Motion Stephens, second Iantz to pass amendment to R-1 zoning Ordinance and have second hearing Council meeting of December 1, 1980. All voted aye.

RESUBDIVISION Lot 6, Block 8 First Addition to Whitefish Townsite Company's Five Acre Tracts, owned by Ben Cohn was reviewed.

The City County Planning Board recommended approval and Building Inspector Berg stated Mr. Cohn could comply to city zoning by changing the house to front on Iowa instead of Waverly. Mr. Cohn would deed an 8 foot strip on the north side of property for a future alleyway.

Motion Caciari to allow resubdivision of Lot 6 block 8, first addition to Whitefish Townsite Co's five acre tracts with following stipulations:

1. City get deed for 8' foot strip for future alley, not to be maintained or serviced until additional 8 feet is deeded to the city making a 16 foot thru alleyway.
2. No garbage pick-up on this 8 feet.
3. Structure to be changed so that it complies with city zoning codes.
4. Must be completed in 180 days per Building permit #305.

Second Iantz. All voted aye.

November 17, 1980

Edwin Gilliland property 833 2nd st.

Building Inspector Berg explained he served notice on Mr. Gilliland November 13, 1980, Gilliland then has 60 days to get a permit and 30 days to get the structure down, total of 90 days and if he does not get a permit only 60 days.

City Attorney Fisher told council Mr. Gilliland has the right to appeal to a Board of Appeals. Councilman Putnam to see if the Board of Adjustments would be this Board of appeals for Uniform Code for the Abatement of Dangerous Buildings.

Councilman Putnam asked council approval of appointment of Barbara Schustrom to the Board of Adjustments, she would be replacing John Garrity.

Motion Lantz to approve this appointment second Stephens. All aye.

Motion Putnam second Johnson to accept Business Applications of The Body Shopper, 512 3rd St. and The Palm Cafe, 130 Central Ave. All aye.

Motion Caciari to approve all Building permits as presented 303 thru 306, with stipulations on Cohn permit #305. Second Johnson. All aye.

Motion Stephens to table two Lakeshore Construction Applications, Lockhart-Fodder and Loretta Markus until council meeting of December 1, 1980. Second Johnson. All aye.

Motion Lantz to accept the Police Agreement, second Caciari. All aye.

Councilman Putnam reported a letter of explanation had been sent to the County Parks and Recreation Dept. on their inquiry of matching funds for City Parks, and asked status of the Cravath agreement. City Attorney Fisher said agreement had been sent for signatures. Council asked City Attorney to change 10 foot easements to 16 feet or 20 feet.

Putnam also reported John Peterson, Mountain Loop Road (off St. Park Road) was concerned about Noel Devries hooking on to their private water line, and asked City Engineer and water committee if they had anything to report. Councilman Caciari said he and City Engineer would be working thru Leo Tracey, Mr. Petersons Attorney.

City Attorney Fisher reported he had drafted a Proposed complaint on Police Chief Wartnow to submit to the Police Commission.

Motion Johnson that the complaint be filed with the Police Commission. Second Caciari. All aye.

Motion Putnam to allow City Engineer Wells permission to leave the State the 26th thru the 30th of Nov. Second Lantz. All aye.

City Attorney Fisher reported he did not release Grouse Mountains letter of credit 100% - received another letter of credit for \$10,000.00 until sewer lines have been TV'd.

Gary Elliott inquired if Council would take a stand on Revenue Development Bonds, and if City would be interested in setting aside City property for Industrial Park site. Council said Revenue Bonds should be on a individual basis.

Elliott also reported the new proposed zoning ordinance had been turned over to Nick Verma, at the A. T. S. office, and was about 75% complete.

Larry Fonner asked about representation of people living outside city limits but living in the one mile zoning jurisdiction. Council explained the City County Planning Board was made up of county and city members.

Councilman Lantz asked Council to approve City Engineer Wells to draw up specs and advertise for bids to see what cost would be in repairing storm sewer line at 8th and park.

Motion Lantz second Caciari to allow City Engineer Wells to draw up specs and advertise for bids on repairing this line. All aye.

Councilman Stephens asked about Engineer Inspection reports on Huston Point. City Engineer has not received as yet. Also Stephens said Dick Poepple complained because they got volunteer labor for the softball fields and city used equipment on soccer fields, they want same treatment. Putnam explained Parkland Acquisition funds

December 1, 1980

The regular meeting of the Whitefish City Council was held on the above date with President Putnam presiding. All Aldermen were present. Also present were Police Chief Wartnow, City Engineer Wells, Building Inspector Berg, and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

President Putnam opened the Public hearing, for the second reading of the amendment to the R-1 Zoning Ordinance, and he read the proposed amendment.

Dave Jamieson spoke in favor, however, he presented and read his own proposal.

Motion Putnam, due to public input and disinterest not to allow the entire amendment to the R-1 zoning Ordinance. Second Doxtater. All voted aye.

Jerry Schumm requested Council to allow one home to hook-on to the sewer line in Huston point, he stated Morrison^{Mayerle} would get asblits and records to City Engineer Wells and Council could make decision on accepting Huston Point sewer lines at the next Council meeting.

Motion Stephens to allow the one hook-on only, with stipulation it be reviewed by City Engineer and Water Committee. Second Johnson. All aye.

Motion Johnson to deny request of the Hearing Aid Clinic use of the Community room every Tuesday. Second Doxtater. All aye.

Motion Doxtater to accept recommendation of the City County Planning Board and deny Lakeshore Construction Application of Lockhart-Foder, Tract 3CCB Birch Point and approve Lakeshore Application of Loretta Markus 1450 Wisc. Ave/ Second Putnam. All aye.

Motion Putnam to accept Business Applications of: Whitefish Eye Clinic, 538 Spokane avenue and Accounts Unlimited, 12 Spokane Ave. Second Johnson. All aye.

Motion Caciari to accept Building Permits 307 thru 314, as presented by the Building Inspector. Second Doxtater. All aye.

Motion Lantz to accept sewer and water line AGREEMENT between the City and John L. & Margaret Cravath. Second Caciari. All aye.

Jack Sessler representing Retail Trades, requested the City Council allow free parking from December 8th thru Christmas and enforce the two hour parking limit.

Motion Lantz to allow free parking Dec. 8th thru Christmas with two^{hour} parking limit to be enforced. Second Doxtater. All aye.

President Putnam read a letter from the Dept. of Health and Environmental Sciences stating Mike O'Mary, Steve Smith, Paul Wells, Steve Chemans and Jay Barranger had passed their tests in water and wastewater and had been awarded certificates for Certified Operators for the State of Montana.

Putnam reported the Board of Adjustments would meet Dec. 8th, and let Council know if they would accept being the Board of Appeals for Abatement of dangerous buildings.

City Attorney Fisher explained Board of Appeals were needed for: Building Codes, Mechanical, Housing, Plumbing, and Fire.

Jack Sessler reported on the problem of parking buses, the First State Bank gave permission to park on the safeway lot this year.

Motion Doxtater to accept the Clerks, Treasurers, Police Judge, Police Chief, and Animal Warden reports for month of November and to pay all bills authorized by the Finance Committee. Second Caciari. All aye.

Councilman Stephens voiced concern for the R-1 zone and thought Council should continue studying this problem.

Councilman Johnson reported on the progress of the Interlocal Agreement between the City, Rifle Club and the County. Final draft to be submitted at the next Council meeting. He stated the location of the Rifle Club Building was proposed for behind the Golden Agers at this time.

November 17, 1980 cont.

were used for work done on soccer fields, Park acquisition funds can only be used
on donated land. City did not have funds for softball fields. 1

Stephens also requested the two hour parking be enforced. Council agreed it would be enforced.

Councilman Johnson reported he receives mailings from County Park Board on their programs and would post on bulletin board so people could see time, place, etc.

Councilman Caciari, chairman of the Water Committee asked Council to approve a change in the water billing cards. Proposed: penalty clause be changed from blue to red and change paid date from 30 days to 20 days.

Motion Putnam to change the water billing cards as per Water Committee recommendations. Second Johnson. All voted aye except Stephens who said no.

Caciari also asked Council approval of investing \$40,000.00 water department funds into four \$10,000.00 Money Market Certificates.

Motion Caciari to invest \$40,000.00 water dept. funds into (4) four \$10,000.00 money market certificates. Second Lantz. All aye.

Motion Caciari to pay all bills authorized by the Finance Committee and to accept the Clerks report for October. Second Lantz. All aye.

Councilman Putnam stated Al Goff of Northwestern Telephones requested permission to install pay phones downtown. He and City Engineer to investigate and get back to Council.

President Putnam gave a direct order that the Police Dept. would raise and lower the Flag.
~~OTHER BUSINESS:~~

Rifle Club agreement was tabled, giving the club more time to study.

Dave Brauer invited Council to Park Advisory meeting 12-3-80.

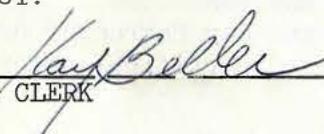
Council discussed behind Golden Agers as possible site for Rifle Club Building.

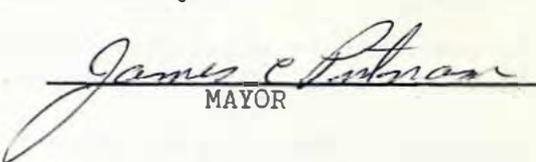
City Attorney Fisher reported the trailer at 300 Iowa had been removed.

Bart Smith, Editor of the Whitefish Pilot, suggested the minutes reflect a mention of Executive meetings held by the Council.

Motion Caciari to adjourn at 11:15 P.M. second Putnam. All aye.

ATTEST:


CITY CLERK


MAYOR

December 1, 1980 cont.

Councilman Putnam requested that all business to come before the Council be in the Clerks office the Thursday before Council meetings. Council agreed.

Motion Doxtater to give City Employees a \$10.00 Christmas bonus, second Johnson. all aye.

OTHER BUSINESS:

Council discussed the two hour parking. City Attorney Fisher to draft Ordinance and bring back next Council meeting.

Police Chief Wartnow asked Council to consider purchasing a new police car.

Council approved Caciari leaving the state the 14th thru 18th.

Motion Lantz Second Doxtater to adjourn 9:14 P.M. All aye.

James Putnam

Mayor

ATTEST

Kay Bell

City Clerk

December 15, 1980

The regular meeting of the Whitefish City Council was held on the above date with President Putnam presiding. All Aldermen were present except Caciari. Also present were Asst Police Chief Lamb, Building Inspector Berg, City Engineer Wells, and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

Jeff Morman, executive officer of the Rifle Club, told Council the Club had the lot behind the Golden Agers surveyed. He showed a sketch of proposed site and said the Rifle Club would accept this location for their new building.

Mildred Harris said this area was donated by Riley Pleas to the City for Park purposes only. Councilman Johnson read the deed which states: for use only as a Public Park and recreational area.

City Attorney Fisher to contact Mr. Pleas and Council would wait to make decision until a reply was received.

Councilman Johnson reported the final draft of the Interlocal agreement, ^{is to be} county, city and Rifle Club was ready but would like to postpone until the next council meeting.

Brad Seeley stated he and four other people had installed the Glenwood water line in 1954. In 1974 the City repaired this line and billed him ^{for} the work done, and in 1978 for city work on line he was billed \$528.60. Both were turned over to a collection agency. Mr. Seeley requested Council drop the 1974 bill as it was not legally collectible because of age, and if Council did drop ~~he~~ ^{it} would guarantee payment of \$528.60 for the 1978 bill.

Motion Lantz to accept this offer and drop the 1974 bill of 605.51, with Mr. Seeley to pay the 1978 bill of 528.60, and Seeley would assume no more after Nov. 79. Second Stephens. All aye except Putnam who said no.

Attorney Sherlock, representing Asst. Police Chief Donald Lamb, presented a formal Petition for Medical Retirement. Sherlock explained Lamb had been injured while on duty in the 1960's and had sustained back injuries which had steadily gotten worse.

President Putnam turned this over to City Attorney Fisher. City Council, City Attorney Fisher to meet with Lamb week between Christmas and New Years to review.

December 15, 1980 cont.

Iamb also requested Police Chief Wartnows salary for the month he would be acting Police Chief.

Motion Putnam to deny this request as this is the duty of the asst. Chief. second Lantz. All aye.

Motion Doxtater to accept Building permits 268, 316 thru 322, as presented by the Building Inspector. Second Johnson. All aye.

Motion Doxtater second Putnam to pay all bills authorized by the Finance Committee. All aye.

Motion Doxtater to appoint the Board of Adjustments (June Peck, Robert Morris, Leo Tracey, Barbara Schustrom and Ray Kasper) as the Board of Appeals for Abatement of Dangerous Buildings. Second Johnson. All aye.

President Putnam reported that at the County wide Planning Board meeting a mass transit system for the valley was discussed, however, more information would be received later.

City Attorney Fisher presented Certificate of Survey on the 60' ^{Right of Way} ~~Road~~ Reservoir road, and said Council permission was needed for Putnam to sign the deed. Council meeting of July 7, 1980, council approved deeding a 60' right of way across city property to the County.

Motion Doxtater second Johnson giving President Putnam permission to sign this deed. All voted aye.

Motion Stephens to adopt Ordinance #A-379, an amendment to Ordinance A-85, relating to regulation of traffic on streets, alleys, highways and bridges of the City of Whitefish. (Enforcement of 2 hr. parking). Second Putnam. All voted aye.

City Engineer Wells reported he had received asbuilts and Engineer Certification on Huston Point sewer lines, but wanted to inspect sections of line before acceptance.

Motion Putnam to allow Councilman Doxtater permission to leave the state from the 19th December until the 4th of January. Second Lantz. All aye.

Councilman Stephens asked Council consideration of appointment of Hank Olson as Mayor.

Motion Stephens to appoint Hank Olson as Mayor effective January 5, 1981. Second Putnam. All voted aye.

Councilman Johnson reported the water committee and City Attorney had met on Noel DeVries hooking to the Peterson Water line, Idon Mtn Loop road. Mr. DeVries had city permission to hook-on to this line, but, City would direct a letter to Mr DeVries stating he must have permission from the private water association also, before he taps the line. Johnson also stated City Engineer Wells had ordered a new drafting table and accessories-suggested advertising and putting up for bids the old drafting table. Council decided to wait until the new table had arrived.

Councilman Johnson suggested drafting an Ordinance to clarify contractors responsibility on water lines. Ordinance would include exact dates of installation and date city would accept lines. Montana Public Works specifications to be reviewed first.

Jack Sessler and Dale Duff acting on behalf of the Chamber of Commerce requested city pay approximately \$400.00 to Pacific Power and Light Co. for cost of lighting Christmas decorations. After discussion it was moved by Doxtater second Putnam to turn matter over to the Finance Committee with power to act. all aye.

OTHER BUSINESS:

Councilman Putnam explained the Parks Advisory Board was a County Board and not City Appointed.

Acceptance of a 50' road of Jensen and assmussen between Greenwood Trailer court and Rocky Center was delayed until next Council meeting so minutes could be checked on previous approval.

Motion Doxtater second Johnson to adjourn 9:31 P.M.

Nay Belle

City Clerk

Mayor

January 5, 1981

The regular meeting of the Whitefish City Council was held on the above date with President Putnam presiding. All Aldermen were present. Also present were Asst. Police Chief Lamb, City Engineer Wells, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

President Putnam reminded Committee Chairmen to check dept. finances as the treasurer had received less tax money than was expected. He thanked the Citizens, Council and City Employees for co-operation while he was acting Mayor.

City Attorney Fisher then swore Henry Olson into the office of Mayor.

Jeff Morman and Hal Bennett requested permission to have the Winter Carnival Parades Friday February 8th and Saturday February 9th, also, asked if the city would haul snow to intersections if needed.

Motion Lantz to allow the Winter Carnival Parades the 8th & 9th of February and haul snow to designated intersections if needed. Second Johnson. All aye.

Councilman Caciari reported receiving complaints on the house of Glen Taylors at 324 Kalispell Avenue. The house was to be torn down as soon as Mr. Taylor finished a garage he was building.

Motion Johnson to send Mr. Taylor a registered letter signed by the Mayor inviting him to the next Council meeting so he could explain the status of this building. Second Doxtater. All aye.

Petition to be excluded from the Corporate limits - Fred J. Caster - Christine E. Caster and Bryce E. Vinyard petitioners. Tracts 1H and 1HA Stocking Addn. (Eastlake Shore).

City Attorney Fisher reported these two tracts were included in the Schumm, Walker, Lowe, Speer, Stocking and Hoecker annexation, in error. Councilman Putnam referred Council to Council meeting of 1-21-80, where this same request had been denied by Council.

After discussion it was moved by Putnam second Stephens to deny the Caster petition to be excluded from the Corporate limits. All voted aye except Lantz who said no.

Don Jensen and Dennis Rasmussen requested the City accept deed for a 50' roadway between Greenwood trailer court and Rocky Center. City Attorney Fisher stated Council could accept the deed to the road, Rasmussen would have to put up bond to put improvements in. when completed final platt would be accepted.

Councilman Putnam asked about Don Jensens 1/2 of the road. Fisher explained this would be on the final platt.

Wayne Veenaman and Ellen Barlow voiced concern on the private well and water lines that would run down middle of this road.

It was moved by Stephens second Putnam to deny acceptance of the deed for the 50' road until subdivision improvements were completed and final platt was approved. All voted aye.

Motion Johnson to accept Building Permits 323, 324, 325 as presented by the Building Inspector. Second Caciari. All aye.

Mark Svennungsen requested the Community room for a small church congregation one Sunday only, February 8th. He explained this church normally meets at the Saddle Club but the Rotary needs tye club for their annual Winter Carnival Breakfast.

Asst Police Chief Lamb said the room would be used by the police and posse on this Sunday.

After discussion it was moved by Putnam second Doxtater to allow the Church for one time only the use of the Council Chambers. All aye.

City Attorney Fisher reported the Court had granted motion to dismiss the City from law suit of Dano Anderson against Trails End and the City.

Councilman Caciari reported Linda Larsen, would be quitting in the water dept. and a replacement would be needed by the middle of January. The position to be advertised. Also Caciari reported City Engineer Wells had set up a meeting with Hogan Height Water association.

January 5, 1981 cont.

Councilman Putnam reported getting calls requesting the City put 10-15 MPH signs on Dakota Avenue, from top of hill to Bay Point. Council decided on caution or slow signs for this area. Also Putnam said as you turn into Lacey Lane off Wisconsin Ave. cars were parking making visibility poor, thought no Parking Anytime signs should be installed. City Attorney Fisher to check with the County, and Street and Alley Committee to investigate. Putnam said once water bills had been turned over to the Collection Agency he felt Council should let them handle the collection and no adjustments should be made at City level.

Motion Duxtater to allow Councilman Johnson permission to leave the State January 12th thru Febr. 4th. Second Iantz. All aye.

Councilman Iantz reported the need of a street light at 8th and Park. To be investigated.

Iantz also reported on the meeting with Don Lamb on his petition for disability retirement. He stated more information was required and another meeting was set for 4:30 P.M. Tuesday January 6th.

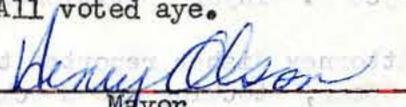
Motion Duxtater to accept the Judges and Minimal Warden reports and to pay all bills authorized by the Finance Committee. Second Caciari. All aye.

OTHER:

Paying Medical Insurance for girls in the Water dept. was turned over to City Attorney Fisher to check the laws.

Council decided to participate in an Energy Consumption Analysis, thru the Dept. of Natural Resources and Conservation at no cost to the City.

Motion Caciari to adjourn 9:33 P.M. Second Duxtater. All voted aye.



Mayor

ATTEST:



City Clerk

January 6, 1981

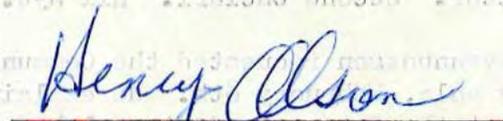
4:30 P.M.

This special meeting was called to order by Mayor Olson. All Aldermen were present except Stephens. Also present were Asst. Police Chief Donald Lamb, his Attorney Pat Sherlock and City Attorney Fisher. Bart Smith, Whitefish Pilot was also present.

Purpose of this meeting was to consider Donald L. Lambs petition for disability and Medical Retirement.

Table discussion was held and after Mr. Lambs testimony and evidence submitted by his Attorney, Pat Sherlock, It was moved by Johnson second Duxtater to grant Petition of Officer Donald L. Lamb for disability Retirement. Retirement to be effective at expiration of accumulated vacation time. January 30, 1981. All voted aye.

Adjourned 6:00 P.M.



Mayor

ATTEST:



City Clerk

January 19, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present except Johnson. Also present were Building Inspector Berg, Police Chief Wartnow and City Attorney Fisher.

Motion Doxtater to approve the minutes of January 5, 1981. Second Caciari. All aye.

Motion Lantz second Doxtater ~~giving~~ Police Judge Maddux permission to leave the State from the 23rd of January until the 4th of February. All voted aye.

Maddux representing the Fire Dept. requested Council permission to draw up specs and advertise for a new fire truck. Cost would be approximately \$90,000 to \$100,000. Explained it would be replacing the 1952 LaFranc and the tanker. Rural Fire Funds would be used in purchasing the new truck.

Motion Putnam to allow the Fire Dept. to draw specs and advertise for bids for a new fire truck, and present to Council for further consideration. Second Stephens. All aye.

Petitions to rezone Lots 3 & 4 Block 54, Whitefish Original, Doug Kohlbeck owner and the Beatrice Foods - South 80 Ft of Lot 1 Block 9, 5 acre tracts were referred to the City County Planning Board for their recommendation.

Adela Awner from the Department of Natural Resources and Conservation, Helena, explained and answered questions on an Energy Consumption Profile to be conducted in the City. Profile would include all energy use in government operations, including projections for future use and future energy costs.

Motion Putnam authorizing Mayor Olson to sign the Interlocal Agreement with the Whitefish Rifle and Pistol Club and the Agreement with Flathead County. Second Caciari. All voted aye.

Noel DeVries water line - Lion Mountain Loop Road. City Attorney Fisher said a letter had been sent to Mr. DeVries stating he had City permission to tap the water line, however, City water crews would not turn water on until private owners agree.

Motion Lantz second Doxtater to put up for bid, City Engineers old drafting table and the water dept. old safe. Specs to include - Buyer must remove and any damage caused in removal of safe buyer must repair. All voted aye.

Council talked to Glen Taylor, about the condition of his house at 324 Kalispell Ave. After discussion it was moved by Caciari second Doxtater instructing City Attorney Fisher to write letter giving Mr. Taylor until October 1, 1981 to tear the house down. All aye.

Motion Doxtater to adopt Resolution #B-888, a Resolution supporting State-Local Revenue Sharing, house bill #73. Second Lantz. All aye.

Motion Doxtater to turn Contract proposal of Duane Johnson, Labor Relations Consultant, over to the Finance Committee, for their recommendation. Second Lantz. All aye.

BUSINESS APPLICATIONS:

Hot Rod & Yox Service & Repair originally applied for plumbing, electrical and appliance repair - changed application to just appliance repair.

Motion Stephens to approve Business applications of Hot Rod & Yox Service and Repair, Inc. Bob Rohr and Richard Yox and Coupe DeVille Cafe, Cadillac Hotel, Liedffrey L. Tobey owner. Second Caciari. All aye.

Motion Putnam to approve Building permits, 326, 327, 328, 329, 330 as presented by the Building Inspector. Second Doxtater. All aye.

Motion Caciari to allow City Treasurer to invest \$10,000 of Water Depreciation Funds. Second Doxtater. All aye.

Jerry Schumm and Charles Abell presented a proposed sign regulation Ordinance for Council Consideration.

Motion Doxtater to turn this over to the Ordinance Committee to study and bring back to Council by February 17, 1981. Second Putnam. All aye.

Charles Abell asked Council to consider making the alley between 1st & 2nd sts (behind Whitefish Credit Union) a one way alley with traffic going North. Turned over to the Traffic Committee.

January 19, 1981 cont.

Motion Doxtater to pay all bills authorized by the Finance Committee and to accept the Clerks and Treasurers Reports for the month of December. Second Caciari. All aye.

Councilman Lantz suggested City Hall have water meters installed, and asked Council to consider doing away with Parking Meters and just enforcing 2 hr parking. He also reported the Traffic Committee had investigated parking problem at Lacey Lane, and could not find any problem. Lantz also commended City Hall janitor Ken Copeland for saving the City approximately \$3200.00 on plumbing fixtures he got from City of Kalispell for the City jail.

Keith Svec, representing the Rifle Club told Council City Engineer did not think the lot behind the Golden Agers was large enough for their building and requested permission to proceed with plans for the Baker Street Site. Council agreed they could proceed.

Mayor Olson read two thank you notes. One from the Chamber of Commerce thanking the City for their help in putting up and removing Christmas Decorations. Second one was from Henry Ratz thanking Council for the Christmas Bonus.

The Mayor also stated at the first meeting with new Council, an Ordinance should be passed limiting the mill levy to not exceed State level. Asked permission to have committee proceed on sending out applications for City Manager and have committee work out a job description. Council said proceed. He reported on meeting with the County Library Board and if Whitefish wants to have a Library, the City has to supply the building, the County won't. At the meeting with the Winter Carnival Committee they stated they would feed the posse and do most of their own snow hauling.

City Engineer Wells reported he would like to hire a lady for the Water Dept. Billing job, but she needed more money - requested the Salary Ordinance be amended. Salary requested was \$4.81 per hour.

Council discussed this request at length and it was moved by Caciari to adopt Ordinance #B-380 amending B-375 Salary Ordinance, increasing Billing Clerk Salary from \$4.53 hr. to \$4.81 hr. Second Doxtater. All aye except Putnam who said no.

City Engineer Wells told Council there was a problem at the Sewer Treatment Plant. One pond had a hole in the bottom and was leaking, two ponds are being used now. Morrison - Maierle or Contractor would pick up cost of fixing.

Motion Doxtater to adjourn at 10:20 P. M. Second Putnam. All aye.

Henry Olson
Mayor

ATTEST:

Kay Belter
City Clerk

February 2, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Ols on Presiding. All Aldermen were present except Stephens and Johnson. The Meeting was called to order at 6:30 P.M. to allow City Water Auditor Tom Flynn time to explain a proposed water rate increase.

Flynn told Council there would be a hearing on Public Service Commission rules in Helena, February 5, 1981, and it was moved by Lantz second Caciari to hire Flynn to represent the City of Whitefish at this hearing. All voted aye.

After Flynn explained the need for a water rate increase it was moved by Putnam second Doxtater to turn this matter over to the Water Committee to meet with Flynn and bring back their recommendation to next Council meeting. All aye.

The minutes of the previous regular meeting were approved as read.

FINAL PLATT OF WINTERGROVE SUBDIVISION-NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.35, T31N,R22W- Owners Famco Enterprises. 6 lots zoned R- 1

City Attorney Fisher reported everything was in order. Preliminary Platt had been approved August 20, 1979, and Platt had the following attachments. Engineers estimate of \$12,200, Letter of Credit from the First State Bank for \$12,200, Subdivision Improvement Agreement and subdivision covenants, and Park donation of \$1453.33 in lieu of land.

Council required Private road, and garbage pickup would not be provided to lots that do not border or abut public roads.

Motion Putnam to accept this Final Platt and allow the Mayor to sign same, and to accept the \$1453.33 park donation in lieu of land. Second Lantz. All aye.

Linda McMasters asked about rezoning the remainder of the property next to Wintergrove (portion not platted) as they had purchased it and wanted it zoned so they could keep horses. Council asked her to work with City Attorney Fisher.

City Engineer Wells requested permission to post the mechanic job. He explained with a full time mechanic there could be scheduled Maintenance on all City equipment, thus saving the city money, and the equipment would be in better shape.

Council discussed this request and it was moved by Putnam City Engineer Wells be allowed to post the mechanic job. Second Doxtater. All aye.

Motion Doxtater to renew contract with Duane Johnson & Associates - Labor Relations Consultants- for one year January 1, 1981 to December 31, 1981. Second Putnam. All aye.

Motion Lantz to have Commercial Parking only, and posted Load and unload 15 minutes, in alley between Central and Baker Avenues. Second Putnam. All aye.

City Engineer Wells told Council that at the last meeting, Council authorized paying \$4.81 hour to girl hired to replace Linda Larsen as billing clerk in the water office. This wage is more than Linda is presently making and she does not feel she can stay and train this person unless she is paid the same wages as the new girl. Wells requested Linda receive the same wage for February.

Motion Putnam to pay Linda Larsen \$4.81 hr. for month of February. Second Doxtater. All aye.

Motion Lantz to accept Building permit # 331 as presented by the Building Inspector. Second Doxtater. All aye.

Gary Elliott requested permission to cover the parking meters Valentines Day, February 14, and pay the City \$50.00 for the day.

Motion Caciari to allow this request. Second Doxtater. All aye.

Motion Doxtater to pay all bills authorized by the Finance Committee and to accept the Clerks, Treasurer, Police Chief, Police Judge and Animal Warden reports for month of January. Second Caciari. All aye.

Councilman Putnam said because of other wage increases that had been granted he felt the city should pay the \$5.08 insurance request of the metermaids. Council agreed.

Putnam reported Interim Zoning extension would be due in April. As this would be the last year allowed, requested Mayor write a letter to Nick Verma, Planning Office asking how the new zoning Ordinance was progressing. Thought this might help expediate the process.

February 2, 1981 cont.

Councilman Caciari requested permission to leave the state the 15th thru the 19th Febr. Council approved.

Motion Caciari to adopt Resolution # B-389, supporting Senate Bill #116, requiring counties to distribute Forest Reserve funds to municipalities. Second Doxtater. All aye.

Council asked the Mayor write a letter requesting the \$50,000, Forest Reserve Funds, from the County - to be used on City Streets, Kalispell and Col. Falls had already put in their requests.

Gary Elliott asked the City to write a letter to the Legislation supporting the Gaines Point Park funding. (Coal Tax Revenue)

City Attorney Fisher reported that the exchange of property between the City and LeRoy and Lilly Brash was complete and ready for the Mayor to sign. Resubdivision of Lot 4 Brash Subdivision. SE $\frac{1}{4}$ Sec. 36, T31N, R22W., P.M.M. Flathead County. (In June 1979, Brash's bid to exchange their property East of their home at 1043 Columbia Avenue for City property on the West. Council Authorized Mayor to sign the Platt of the Resubdivision.

Motion Lantz to turn the purchasing of a car for the Police Detective over to the Finance Committee to investigate and report back next Council meeting. Second Putnam. All aye.

OTHER:

Mayor and Council tabled appointment of another police officer until next Council meeting.

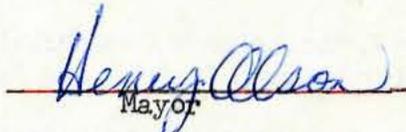
Business Application of Richard & Joe Hagenbarth-40 West 2nd St. Pacific Blue Enterprises - was tabled until next Council meeting - Council requested the Hagenbarths to come and explain what products were being sold as this is a Residential Area.

Councilman Putnam suggested rezoning the parking lot across from the Catholic Church from R-2 to General Commercial. Thought it could be petitioned along with Doug Kohlbecks petition to rezone Lots 3 & 4 Block 54-thus alleviating spot zoning.

Motion Putnam to adjourn 9:34 P.M. Second Doxtater. All aye.

ATTEST:


City Clerk


Mayor

February 17, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. Aldermen present were: Doxtater, Stephens, Johnson and Putnam. Absent: Caciari and Iantz. Also present were City Engineer Wells, Building Inspector Berg, Police Chief Wartnow and Asst City Attorney Erickson.

The minutes of the previous meeting were approved as read.

Mayor Olson congratulated Councilmen on their victories in the February 10th election, and said Councilman Johnson would like to step down allowing Russ Ramlow to assume duties early. Mayor to check with Ramlow.

The following people spoke on the proposed Sign Ordinance: Harry Brown, Dick Christensen, Garrick Hansen, Dale Duff. Councilman Stephens explained the Sign Ordinance was being re-written and the Ordinance Committee would present it at the March 2nd Council meeting. In the meantime Stephens said he would welcome input from interested people.

BUSINESS APPLICATIONS:

Motion Putnam to table Business Application of Roger Bergstrom, The Dog House, a mobil fast food catering truck, until next Council meeting pending legal approval and Mr. Bergstrom to submit a schedule of his route. Second Johnson. All aye.

Application of Pacific Blue Enterprises, 40 W. 2nd St. - Telephone sales advertising, Utilizing Watts phones- was discussed with Richard Hagenbarth, owner, he told Council function of the business was primarily selling advertising to National Veterans magazines, proceeds go to War Veterans, and other specialized programs. They work on a commission basis. Council turned this over to Councilman Caciari to investigate- Mr. Hagenbarth was to call the City Clerk and give name and phone number of the Publisher.

Motion Johnson to accept Business Application of Flathead Industries for the handicapped (to work with Building Inspector on Location) Grape Northern, Wine Distributor(wholesaler) 15½ Central Ave. and Pacific Blue Enterprises, 40 West 2nd St. under conditions stated above and on approval of Councilman Caciari. Second Doxtater. All aye.

Motion Doxtater to accept Resolution #B-890, a Resolution amending and correcting the description contained in Resolution C-665, annexing the Gary Stephens property, a part of Government Lot 4 of Section 24, T31N, R22W, Flathead County. Second Johnson. All aye.

Motion Doxtater to accept Building permits, 332,333, 334,335,336 and 337, as presented. Second Putnam. All aye, except Johnson who abstained on permit #337.

Ben Cohn, North Valley Refuse suggested the City get out of the garbage business. Councilman Putnam explained the city went thru this with the former owner, and after Council had studied for three months decided to stay in the garbage business. Council suggested waiting until a City Manager was hired and he could check into the situation.

Clerk read a letter from the Flathead County Parks & Recreation regarding City request for \$7000.00 for construction of the softball fields and \$2500.00 for construction of the soccer fields. The County stated they require an interlocal agreement between the County and The City of Whitefish before the funds could be released. Councilman Putnam stated the County had given \$4000.00 last year with no strings attached and that an interlocal agreement was not part of the original agreement. He said City should maintain and control City Parks. After discussion it was decided a letter should be written to the County Park Board explaining the cities stand on this issue.

BIDS

Two bids were received and opened on the drafting table.

Blakeley Asphalt and excavation Co.	41.00
Paul Wells	55.00

Motion Doxtater to accept the high bid of Paul Wells for \$55.00. Second Stephens. All aye.

One bid was received on the sale of the city safe.

Blakeley Asphalt and Excavation Co.	76.00
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Motion Johnson to accept the bid of Blakeley Asphalt and Excavation Co. for 76.00, for the safe in the community room, if they comply to the posted stipulations as published. Second Stephens. All aye.

The Water Committee reported meeting with Tom Flynn on the water rate increase and the Committee recommended to approve the \$1.50 rate with all attached implications and ramifications.

February 17, 1981 cont.

Motion Putnam to accept the Water Committee recommendation for a water rate increase, accept and send the petition to adopt water utility rates, charges and regulations to Montana Public Service Commission and to adopt Resolution #B-891, a Resolution specifying water rate and water regulation modification to become effective upon Public Service Commission approval and directing application to the Public Service Commission for approval thereof. Second Doxtater. All aye.

Mayor Olson reported a permanent Police officer would not be hired at this time. The extra board would be utilized.

Police Chief Wartnow requested a pay raise for the Police Dispatcher. The job is bulletined at \$4.25 hr. she currently is at \$4.00 hr. Former Mayor had promised this increase. Councilman Putnam to check with former Mayor.

Tabled until next Council meeting were:

Request of City Judge that the General Penalty Ordinance #A-314 be amended to \$500.00 fine or 6 months imprisonment. Currently 90 days and \$300.00 . and also he requested City adopt a new Ordinance allowing City Court to handle 3rd offense DWI's.

Request to amend and clarify Ordinance A-128 - 10.16.030B, relating to all authorized City vehicles being used or operated on public streets.

Asst. City Attorney Erickson and Ordinance committee to draft Ordinances for Council review.

City Engineer Wells reported the City did not get the \$400,000 HUD Grant, and the water department had received a safety award from American Water Works Association. He asked permission to send a representative to the AWWA Convention in Butte the 26th & 27th.

Motion Doxtater to send Representative per request and pay per diem, mileage, and \$50.00 enrollment fee. Second Johnson. All aye.

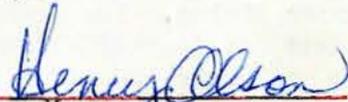
Councilman Stephens requested a City Park Board be appointed, board would be under City control and work with the Council. He also commended the Police Department on the excellent job done during Winter Carnival.

OTHER BUSINESS:

Finance Committee recommended not to buy another car for the Police Department at this time.

Pay increase for Tom Flynn was turned over to the Finance Committee.

Motion Putnam to adjourn 10:35 P.M. Second Johnson. All aye.



 Mayor

ATTEST:



 City Clerk

February 25, 1981

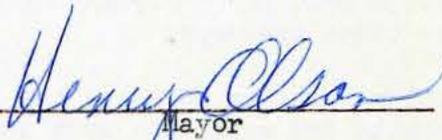
This special meeting was called to order by Mayor Olson at 4:00 P.M. All Aldermen were present. Also present were Police Chief Wartnow, Patrolman Brown and Sgt Herrmann.

Police Chief Wartnow had requested this meeting as the Police Department felt there was a need for an additional full time officer. When Asst Chief Lamb retired it reduced the force to seven people.

Wartnow asked Council to hire a full time Officer, Officer to serve a 6 months probation, at probation pay.

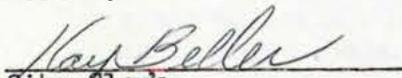
After much discussion it was decided to place this on the agenda and Council would make decision at the March 2, 1981 Council meeting.

Adjourned: 5:50 P.M.



Mayor

ATTEST:



City Clerk

March 2, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Wartnow, and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

The Council wanted to reaffirm position on the site of the Rifle and Pistol Club Building,

Motion Putnam to re-affirm the decision of the past Council and allow the Rifle Club location to be the Baker Street Park area, next to the tennis courts, and re-affirm the Agreement with the Rifle Club and also the Interlocal Agreement with the county. Second Caciari. All voted aye.

Jeff Morman, representing the Rifle Club, presented plans for their building and asked Council to approve them. Council to have a special meeting March 9, 1981, at 4:30 P.M. so Building Inspector and City Engineer could review the plans and report at this meeting.

Motion Johnson to hire a police officer, with one year term of probation, to start March 1, 1981, and be paid \$950.00 per month for the first six months and at the end of six months reconsider escalation of pay scale, and also with the new form of Government and the City Manager, the position is subject to termination. Second Stephens. All voted aye.

Business Applications:

Motion Putnam to accept business application of the Dog House, a mobil fast food truck, owned by Roger Bergstrom, Bergstrom must stay in the Commercial area and comply to the City Ordinance. Second Johnson. All aye.

Motion Lantz to advertise and set for Public hearing two petitions to rezone:

1. Doug Kohlbeck property, Lots 3 & 4 Block 54, Whitefish Original from R-2 to General Commercial.
2. Property at 202 Wisc. Ave. Lot 1B & 1BA Block 9, Whitefish Townsite Company's Five Acre Tracts from R-2 to Highway Commercial.

Hearing to be Council meeting of March 16, 1981. Second Duxtater. All voted aye.

Mayor Olson read letter of resignation from Councilman Johnson, effective date to be March 2, 1981.

Motion Lantz to accept the letter of resignation from Johnson. Second Putnam. All aye.

Mayor requested Council appoint Russ Ramlow to fill this position.

Motion Duxtater to appoint Russ Ramlow to fill the Council position vacated by Johnson. Second Putnam. All voted aye.

March 2, 1981 cont.

City Attorney Fisher gave Mr. Ramlow the oath of office, and he took Johnsons place at the Council table.

Motion Lantz to accept Business Applications of The Palm Hotel, 130 Central Ave. Pacific Blue Enterprises, 40 W 2nd St. telephone sales and Boards N' Brass, 10 Central Ave. the later must be sales only and must comply to building and fire codes. Second Doxtater. All aye.

Harry Brown representing Suncrest Subdivision asked Council approval of Covenant changes for the subdivision. City Attorney Fisher said he read the changes and had no objections. Council tabled until special meeting of March 9, 1981.

Charles Abell representing the Boat Club, requested use of the City Beach July 25th & 26th for their annual regatta and also requested open container be waived for these two days.

Motion Doxtater to allow the Boat Club use of City Beach July 25 and 26 for annual Regatta and waive the open container for the two days. Second Stephens. All aye.

Dave Bauer, County advisory Park Board, defended this board and stated their function was to improve City parks and is not county orientated. Councilman Stephens said he still felt city needs direct control over City Parks and a City Park Board could recommend and work with Council and County Board.

Councilman Putnam reported meeting with Mr. Sward, County Parks and recreation Dept. and explained City position on Interlocal Agreements for City Parks. Mr. Sward said because of a recent audit the agreements gave them better tracts on spending of money. Also Putnam suggested maybe the city could sell the County the land east of town and set money aside for a cemetery. This was turned over to a Committee of Putnam, Doxtater and Lantz to study and recommend.

Hal Bennett of Pacific Power and Light asked that the Police dept. report all street lights that were out. Police Chief Wartnow to check, as they had been reporting them.

Charles Abell voiced concern on the dispatch situation at the hospital. Stated he made a call on vandalism, and was interrupted three times, as the dispatcher was busy. Suggested either they hire more help or change the system. Councilman Stephens and Ramlow to talk to Dale Jessup.

Motion Doxtater to accept the Clerks, Treasurer, Police Judge, Police Chief and Animal Warden Reports for February, and to pay all bills authorized by the Finance Committee. Second Caciari. All aye.

Motion Putnam to publish and set for public hearing the extension of Interim Zoning for one more year. Hearing to be Council Meeting of April 6, 1981. Second Lantz. All voted aye.

City Attorney Fisher reported Councilmen and Mayor elected for two year terms in February, would have to petition and re-run in the November election. Petitions have to be in by July 17, 1981.

Motion Putnam to pass on the first reading Ordinance No. A-381, An Ordinance amending subparagraph (b) of Section 4 of Ordinance No. A-128 and subparagraph B of section 10.16.030 of the Whitefish municipal code relating to the regulation of traffic on the streets, alleys, highways and bridges of the City of Whitefish. (All City owned vehicles and equipment while actually engaged in work upon the surface of the public streets, alleys or highways of the City, or engaged in the repair or installation of water, sewer in course of city business, shall have the right of way. Second Doxtater. All voted aye. Passed on First Reading.

Motion Putnam to pass on the first reading Ordinance No. A-382, An Ordinance amending section 1 of Ordinance No. A-314 and section 1.20.010 of the Whitefish Municipal Code Adopting a general penalty. Second Lantz. All voted aye. Passed on the first reading.

Motion Lantz to pass on the first reading Ordinance No. A-383, an Ordinance amending Section 1 of Ordinance No. A -94 and Section 10.32.010 of the Municipal Code providing that it is unlawful for any person under the influence of alcohol or a narcotic drug to drive or be in active physical control of a motor vehicle upon the streets, alleys highways or bridges of the City. (Third DWI offense.) Second Doxtater. All voted aye. Passed on the first reading.

March 2, 1981 cont.

Motion Doxtater to adopt Salary Ordinance #A-384, amending A-380, increasing Water and Sewer Auditor Tom Flynn's salary 10%, retroactive to July 1, 1980. Second Lantz. All aye.

Motion Stephens to send letter of request to Telephone Co. on placement of outside telephones. Locations requested to be the Corner of Baker & 2nd in front of City Hall and the Toggery corner, S.W. Corner of Central avenue and 1st street. Second Doxtater. All aye.

Motion Lantz to allow City Engineer Wells to advertise for bids on a new or used spreader for the Street dept. Second Doxtater. All aye except Stephens who said no.

Motion Putnam to allow Councilman Stephens permission to leave the state March 7th thru the 9th. Second Caciari. All aye.

Motion Stephens to allow Councilman Ramlow permission to leave the state March 3rd thru the 9th and also the 23rd thru the 27th. Second Doxtater. All aye.

Motion Putnam to deny the request of the dispatcher for a pay increase. Second Stephens. All aye.

Mayor appointed a Committee of Caciari, Lantz and Doxtater to begin process of drawing up a job description for a City Manager, and Councilmen Stephens and Ramlow would work with City Attorney Fisher on Ordinances changes for the new form of Government.

OTHER:

Request of Councilman Caciari for a 4 way stop at 1st street and Baker Avenue, was turned over to the traffic Committee.

Mayor read letter from the Highway Dept. stating a total widening of the highway in the Safeway-Hospital area was not planned.

Motion Caciari to adjourn at 10:50 P.M. Second Putnam. All aye.

Henry Olson
Mayor

ATTEST:

Kay Belk
City Clerk

March 9, 1981

This special meeting was called to order by Mayor Olson at 4:34 P.M. Roll call showed Ramlow and Stephens absent.

Purpose of this meeting was to discuss plans for the Rifle Club Building and also covenant changes of SunCrest Subdivision.

Building Inspector Bergs recommendations of changes in the plans were accepted by the Architect.

Motion Caciari to approve plans for Rifle Club Building and allow bids to be let. Second Putnam. All voted aye.

Gary Elliott and Harry Brown presented covenant changes for SunCrest Subdivision and after discussion it was Moved by Putnam to accept the changes proposed for Suncrest. Second Caciari. All voted aye.

Motion Putnam to adjourn at 5:16 P. M. Second Lantz. All aye.

Henry Olson

ATTEST:

Kay Belk
City Clerk

March 11, 1981

Mayor Olson opened this special meeting at 4:30 P.M., All Aldermen were present except Ramlow. Also present were Asst. City Attorney Erickson, and members of the Whitefish Rifle Club.

Purpose of this meeting was to determine the City's position to take in a legal action. Subject: placement of Rifle Club building on City Park next to tennis courts at 5th and Baker Avenue.

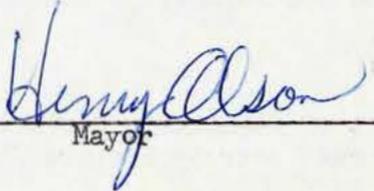
Asst. City Attorney Erickson explained the City of Whitefish was being sued by Michael c. Prezeau on the proposed Rifle Club Site. Prezeau claims this violates restriction of deed and seeks injunction against putting up the Building.

Erickson asked what position Council wanted to take.

After much discussion it was Moved by Doxtater to authorize the City Attorneys to defend the City and pursue the matter to the utmost. Second Stephens. All aye.

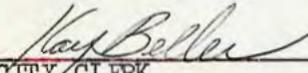
Police Chief Wartnow then told Council he had talked to Sheriff Rierson and the County would no longer house city prisoners. Wartnow told we need a 24 hour jailer and also the jail brought up to state standards. He wanted assurance from the Council to go ahead and put prisoners in jail. Mayor and Council said go ahead and the Building Committee would investigate the jail situation.

Adjourned 5:22 P.M.



 Mayor

ATTEST:



 CITY CLERK

March 16, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. Roll call of Aldermen showed Ramlow absent. Also present were Police Chief Wartnow, City Engineer Wells, Building Inspector Berg and City Attorney Fisher,

The minutes of the previous Council meetings were approved with one correction.

Dennis Rasmussen asked Council to accept a 50' roadway between Greenwood Trailer Court and Rocky Center (Hwy 93 South). this roadway had been accepted by previous Council on 10-3-77. After much discussion it was MOVED by Putnam the City accept this roadway at such time as it is completed - curbed and paved and passes inspection by City Engineer Wells. There must be a 5' easement in all cases around curbs. Road to be 50' with 40' to be paved. Second Doxtater. All voted aye.

City Attorney Fisher to go ahead and sign the final platt.

Laura Hanaway of the Golf Association reported on the improvements the association has made at the Golf Course and invited Council to attend their Tuesday luncheons.

The Clerk read a letter from the City County Planning Board regarding Watkins-Ash Townhouses - Circle Estates Lot 1, Block 7, Whitefish Townsite Company's Five Acre Tracts. Watkins Development wanted to build townhouses and subdivide so each home owner would have a deed to the property. The Board recommended denying the application based on the fact it would constitute a special privilege.

The City Zoning Ordinance does not address Townhouses and lot sizes would violate the R-2 zone.

Motion Caciari to go with the City County Planning recommendation and deny the Townhouses. Second Putnam. All voted aye except Lantz who said no. Motion Carried.

Correspondence was read from Dan Evans of Flathead Industries for the handicapped, in which he requested city permission to park a mobil recycling unit on the lot across from Gordy's Drive Inn two days a week.

Motion Lantz to allow request contingent on a temporary month to month basis and if the Burlington Northern agrees also. Second Doxtater. All aye.

March 16, 1981 cont.

Mayor opened the hearing on the Doug Kohlbeck petition to rezone from R-2 to General Commercial lots 3 & 4 Block 54, Whitefish Original (314 Baker Ave.) Council discussed the fact that this would be spot zoning and it was MOVED by Stephens to readvertise this rezoning including lots 1 & 2 Block 54 Whitefish Original (city parking lot). and advertise all four lots } 1, 2, 3 & 4 Block 54 Whitefish Original from R-2 to General Commercial, with hearing to be April 6, 1981. Second Doxtater. All voted aye.

Mayor Olson opened the public hearing on petition to rezone from R-2 to Highway Commercial 202 Wisconsin Avenue, Lot 1B & 1BA, Block Nine, Whitefish Townsite Company's Five Acre Tracts, First Addition. There were no protests, and the City County Planning Board recommended approval of the zone Change.

Motion Putnam second Stephens to accept recommendation of the City County Planning Board, and adopt Ordinance #A-385, zoning this property Highway Commercial. All aye.

BIDS:

One bid was received from Buffalo Machinery Co. on the asphalt paver.

Super paver Model D550 demo with trailer	\$14,300.00
New paver F525	12,480.00

Shipping charges would be an additional \$600.00

Motion Doxtater to turn the bids over to the Street and Alley Committee with power to act and buy. Second Iantz. All aye.

Second reading of Ordinance A-381, an Ordinance amending subparagraph (B) of Section 4 of Ordinance No A-128, and subparagraph B of Section 10.16.030 of the Whitefish Municipal Code relating to the Regulation of Traffic on the streets, alleys, highways, and bridges of the City of Whitefish, and repealing all other Ordinances, parts of Ordinances or code sections in conflict. (City Vehicles have right of way) There were no protests.

Motion Iantz to pass Ordinance A -381 on the second and final reading. Second Doxtater. All voted aye.

Second reading of Ordinance A-382, An Ordinance of the City of Whitefish, amending section 1 of Ordinance No. A-314 and Section 1.20.010 of the Municipal Code Adopting a General Penalty. There were no protests.

Motion Stephens to pass Ordinance A-382 on the second and final reading. Second Caciari. All voted aye.

Second reading of Ordinance No. A-383, an Ordinance amending Section 1 of Ordinance No. A-94 and Section 10.32.010 of the Municipal Code, and amending Section 15 of Ordinance No. A-85, Third DWI, in hands of City Judge.

Motion Putnam not to adopt Ordinance #A-383 by the city at this time. Second Caciari. All voted aye.

Motion Caciari to renew Building Inspector Bergs contract, to be same as last year, with expiration date to be 3-31-82. Second Doxtater. All Voted aye.

BUSINESS APPLICATIONS

Motion Doxtater to accept business application of S. O. B. of Montana, Gary Tallman and Wayne Shanahan owners, Board Games Sales. Second Putnam. All aye. (431 2nd St.)

Motion Iantz to approve business application of Pin Ball, Stan Hermann & John W. Clark, owners, games - 20 Spokane Ave. Second Stephens. All voted aye.

Craig Scott, representing the Softball Association said he had a letter from the Flathead County Parks and Recreation and the Association was in danger of losing a \$7000.00 Grant. Councilman Putnam explained the former Mayor had been authorized by the Council to request up to \$5000.00 for the soccer fields only, however, Putnam said he had talked to Mr. Sward and Arnold Jacobsen and the grant was not in jeopardy. Scott said the money would be used for a well. Putnam also stated the city was interested in trading or selling this land to the County.

Motion Putnam to accept Building Permits 338 thru 344 as presented by the Building Inspector. Second Doxtater. All aye.

Police Chief Wartnow reported he and officer Van Ham had checked into the maintenance contract with Motorola, on radio repairs and recommended the city drop the contract, and go hourly until budget time. Council agreed.

March 16, 1981 cont.

Motion Stephens to use the First National Bank, The Mountain Bank(1st State) and the City Hall as the three places for posting Ordinances. Second Doxtater. All aye.

City Engineer Wells reported he had investigated better medical coverage for city employees and requested Council permission to switch to Blue Cross of Montana, as they had much better coverage for about the same premium.

Motion Doxtater to allow City Engineer Wells permission to proceed in switching to Blue Cross of Montana. Second Lantz. All voted aye.

Council wanted Police to understand if insurance premiums increase the city would not pay additional.

Councilman Doxtater questioned two bills to be paid for Lonnie Herrmann and Teresa Field, for attending school in Missoula, as Council had not authorized any schools for the Police Dept. Mayor Olson said he had authorized the two to go to the school.

It was moved by Lantz second by Doxtater to pay the two bills. All aye.

Motion Doxtater to pay all bills authorized by the Finance Committee. Second Caciari. All voted aye.

Councilman Lantz reported after investigation, he would definitely recommend a four way stop at 1st and Baker.

Motion Lantz to have stop signs installed on all four corners of 1st and Baker for a 30 day trial period. Second Putnam. All voted aye except Stephens who voted no. Motion carried.

Councilman Lantz also reported the employees had requested a pop machine in City Hall. He said the janitor did not want one and after discussion Council decided not to install one at this time.

Councilman Stephens reported meeting with Dale Jessup on the answering service at the hospital, and the City is getting benefit for dollars spent, but it is not giving the public what they want.

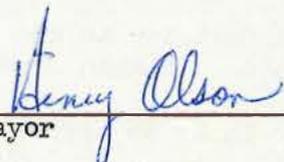
Motion Putnam to allow Councilman Stephens permission to leave the state the 27th, 28th and 29th of March. Second Doxtater. All aye.

Stephens also reported the sign Ordinance would be in Committee a little longer. Thought it would be completed in approximately 2 months.

Councilman Putnam reminded everyone the Agenda was to be closed on Thursdays before the Council meetings and nothing should be added after that. Also, he thought the special meetings should be limited to what is advertised. No special meetings unless important.

Councilman Caciari reported the exposed heat pipes were causing City Hall to be extremely overheated and requested the City Engineer to get an estimate on the cost of insulating pipes.

Motion Lantz to adjourn 11:09 P.M. Second Caciari. All aye.



Mayor

ATTEST:



City Clerk

April 6, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Engineer Wells, Building Inspector Berg, Police Chief Wartnow and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

HEARINGS:

Mayor Olson opened Public Hearing on petition to rezone Lots 1-2-3-4 Block 54, Whitefish Original, from R-2 Residential to General Commercial. (314 Baker Avenue & City Parking Lot).

There were no protest and it was moved by Caciari, second by Doxtater to adopt Ordinance #A-386, rezoning Lots 1-2-3-4 Block 54, Whitefish Original from R-2 Residential to General Commercial. All voted aye.

Hearing was opened on proposed one year extension of Ordinance #A-363, the Interim Zoning Ordinance. Extension would be until April of 1982. There were no protests.

Motion Putnam to adopt Ordinance A-387, final extension of Interim zoning for 1 year. (April 1982). Second Doxtater. All aye.

Bert May representing the Fire Department explained the Dept. was investigating the possibility of building a new fire hall, and the location they desired was Burlington Northern property East of the viaduct on Railroad St. May asked Council to send a letter to the B. N. supporting the Fire Dept. in acquisition of this property.

Motion Caciari to support the Fire Dept and send a letter to the B. N. on acquiring the property for a future building site. Second Putnam. All voted aye.

Clerk read a letter from Roy Kemp-Director of Plant Operations, North Valley Hospital, asking what city's plans were on lowering the speed limit from 45 MPH to 35MPH, in the area of the hospital on Hwy 93S.

County Commissioner Mel Wollan reported he had talked to the Director of Highways and it was his understanding, this area was planned for 4 lanes in the future.

Clerk to answer Mr. Kemps letter and also write to the State Highway Dept. on the possibility of 4 lanes in this area.

Letter was read from the City County Planning Board on establishing a list of priorities and projects to be submitted to the CAB. The CAB would review and establish the 1981-1982 budget. The Board was requesting the staff do work on a parking plan for Central Core (business district) of Whitefish, contingent on positive input from the City Council. Letter to be sent supporting the City County Planning Board.

Other correspondence was from Barrie Robison praising Patrolman Dan Voelker for the professional way he handled investigation of a burglary at his home.

Sue Moorman, representing Beta Sigma Phi Sorority, explained this was their 50th year and requested April 30, 1981, be signified as Beta Sigma Phi Day. Council approved and Mayor Olson signed the Proclamation.

Stanley Dye talked about County Work programs, stating there were general assistance funds available for people that applied for Welfare and were able to work. City Engineer Wells to check with the County.

Ben Cohn had given Council a written analysis of the city's garbage system. Cohn stated it would cost the city less to contract out the garbage. Council tabled until the City Manager is hired and he can study the situation.

Clerk read the City County Planning Boards recommendation on boat dock application of Mr. & Mrs. Robert A. Hofacker, 1260 Birch Point Drive. The Board recommended approval contingent on:

1. The walkway be not over 15 feet.
2. The styrofoam be enclosed.
3. An approved method of anchoring be established.
4. An attempt be made to keep the dock at least 35 feet away from the next dock, with 50 feet being the preferred distance.

Motion Putnam to approve the Boat dock application of Mr. & Mrs. Robert Hofacker contingent on above recommendation from the City County Planning Board. Second Stephens all voted aye.

April 6, 1981 cont.

Councilman Stephens to check with Building Inspector Berg to see if he would follow-up on Lakeshore permits.

Motion Lantz to accept Business Applications of Servo Construction, 4020 Mt. 40 W, Electrical Contractor, Patchwork Junction, 314 Baker Ave. Fabric Shop, and Columbine Landscape, Second Doxtater. All voted aye.

Motion Putnam to accept Building permits 345,346,348,349,350,351,352,353, as presented by the Building Inspector. Second Caciari. All aye.

Discussion was held on the sign installed above the Pastime (Yetti's Den) Bar. Councilmen had received calls from irate citizens.

Motion Ramlow letter be written to the owners of the Yettis Den telling them of the disapproval of townspeople. Second Putnam. All voted aye.

Motion Stephens second Lantz to deny water application of Lewis Larter, Colorado Avenue. All voted aye.

Water application of William Higgins, Colo. Ave. was tabled to allow the Water Committee to investigate.

Motion Doxtater to approve the Clerks, Treasurers, Police Judge and Animal Warden reports for March and to approve all bills authorized by the Finance Committee. Second Caciari. All aye.

Councilman Doxtater reported the American Legion Baseball people would paint the stadium, fix the backstop and brick in copper pipe to water fountain at Memorial field if the city would furnish the materials. Cost would be approximately \$325.00. Motion Doxtater to authorize purchase of paint, wire for the backstop and bricks for the water fountain. Second Stephens. All aye.

Councilman Lantz reported several parking tickets had been issued to people attending the Catholic Church services Sunday, in the 10 minute parking zone. He thought there was an understanding that no tickets would be written during church if the people parked on the west side of the street.

After discussion it was moved by Ramlow second Doxtater to add Monday thru Friday to the 10 minute sign. All voted aye.

Councilman Stephens reported on the dispatch system, stated the hospital would just as soon not have it, however, Stephens, Ramlow, Wartnow to continue investigation.

Councilman Ramlow inquired if Council had done anything in regard to Amtrack cutbacks. Mayor Olson asked Ramlow if he would follow-up on Amtrack.

Councilman Putnam reported he had received complaints on heavy truck traffic on East 2nd Street and thought it should be signed with either weight or size signs to protect city streets. He also stated the soft drink machine Council denied last Council meeting was already in City Hall and employees wanted a picnic fund from proceeds of the machine. He emphasized these things should be approved by the Council.

Motion Putnam to keep the pop machine with proceeds to go thru the City Treasure and kept for a picnic fund. Second Doxtater. All aye.

Putnam said there might be a possibility of the County using our city jail and paying board & room of prisoners and also a jailer. Stephens and Ramlow to investigate.

Putnam also listed requests & needs of City departments. He stressed setting priorities and living within budgets.

Councilman Caciari commended both City Attorneys for a job well done at the hearing March 20, on the Rifle Club building site.

Mayor Olson read letter from Police Chief Wartnow requesting he be transferred from Active Police duty to the reserve list of the Police Department. He further requested his retirement start as of June 1, 1981.

Motion Doxtater to allow this request for retirement as Police Chief Wartnow qualifies for retirement as he has 20 years with the Police force. Effective date to be 6-1-81. Second Putnam. All aye.

April 6, 1981, cont.

Mayor Olson said he would like to donate a 1972 Mercury car to the Police Department, to be used at the Police Chief's discretion.

After discussion it was moved by Lantz to accept the car donated by the Mayor. Second Stephens. All aye except Putnam who said no.

City Engineer Wells asked Council permission to advertise for bids and sell the sewer rodding machine.

Motion Lantz to advertise for bids and sell the sewer rodding machine. Second Doxtater. All voted aye.

Wells also requested permission for him and Duane Bennett to attend an asphalt class in Missoula on April 22, cost would be \$18.00.

Motion Caciari to turn this request over to the Street and Alley Committee with power to act. Second Doxtater. All aye.

Motion Doxtater to allow City Engineer Wells permission to leave the state the 9th thru the 12th of April. Second Lantz. All voted aye.

Motion Lantz to allow City Attorney Fisher permission to leave the state the 18th thru the 26th of April, and Mayor Olson permission to leave the state April 7th thru the 19th. Second Doxtater. All aye.

OTHER:

City County Planning Board meetings have been changed to the fourth Thursday of every month.

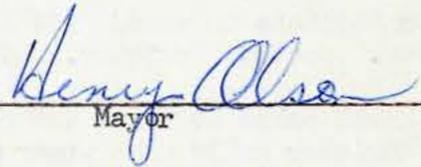
Request of the Methodist Church to remove 4 trees- 2 on Spokane Avenue and 2 on 4th Street was tabled until a later date.

Council set May 4th for bid opening of Rifle Club Building.

Arnold Jacobsen said the Soroptimist Club was ready to plant trees in Soroptimist Park and requested it be pegged where trees should be planted.

Councilmen and Mayor to be sworn into office at 4:15 P.M. April 10th.

Adjourned 11:10 P.M.


Mayor

A TEST:


City Clerk

APRIL 10, 1981

Mayor Olson opened this special meeting at 4:15 P.M. all Aldermen were present except Lantz. Also present was City Attorney Fisher.

Purpose of the meeting was to swear Mayor and Councilmen into office and to discuss the hiring of a new Police Chief.

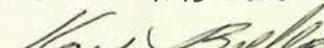
City Attorney Fisher swore all Councilmen and the Mayor into office. Councilmen Lantz was sworn into office on April 13th.

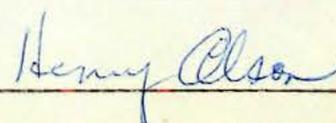
Motion Doxtater to adopt Resolution #B-892, stating this Council and Mayor will run the City until a City Manager is appointed. Second Caciari. All aye.

Motion Caciari to adopt Ordinance # A-388, An Ordinance that the Mill Levy under the new form of government must not exceed the state level, and remain the same as under the old form of government. Second Putnam. All voted aye.
TO HAVE 2 READINGS.

Motion Doxtater to prepare and have ready job description for City Manager and Police Chief, and advertise for both positions. Leave up to committee discretion where they advertise. Second Stephens. All aye.

Adjourned: 4:43 P.M.

 City Clerk

 Mayor

April 20, 1981

The regular meeting of the Whitefish City Council was held on the above date, with Mayor Olson presiding. All Aldermen were present except Lantz. Also present were Building Inspector Berg, City Engineer Wells, Police Chief Wartnow, and Asst. City Attorney Erickson.

The minutes of the previous meetings were approved as read with one correction.

CORRESPONDENCE

The following letters were read:

Roy Kemp-Director of Plant Operations North Valley Hospital again requested the speed limit past the hospital be lowered from 45 to 35MPH.

Councilman Lantz had called the State Highway Dept in Helena, requesting widening Hwy 93 S. in this area and the State said they would investigate. Council tabled until we hear from the State.

City County Planning Board regarding zoning proposal submitted to Council. The letter stated the zoning documents and map were being withdrawn as they felt revisions were necessary before holding Public Hearings. Chuck Kuether, President of the City County Planning Board further explained the proposed zoning Ordinance was withdrawn and a sub committee of the board would make the revisions and then bring back.

Council stated they wanted the City County Planning Board to continue on the Zoning Ordinance, and Councilman Putnam asked City Attorneys to draw up a legal calendar for deadlines for this Ordinance.

The Public Service Commission wrote regarding water hook-up application of Lewis Larter, 415 Colo. Ave. they stated it was the City's duty to give him the water.

After discussion it was Moved by Caciari to approve Water Application of Lewis Larter 415 Colorado Ave. Second Stephens. All voted aye except Putnam who said no. Motion Carried.

Motion Doxtater to have first reading of Ordinance A-389 at the May 4 Council meeting, this Ordinance would amend #A-373 and reverse back to: outside city limits, water/ only if 100' from any water mains abutting property. Second Ramlow. All aye.
Hook-ons

Motion Stephens to amend Building Inspector Bergs contract to include Lakeshore permits. Second Doxtater. All aye.

Herb Knuth asked to lease the pasture around the City Lagoon. Turned over to City Engineer Wells with power to act.

Motion Putnam to allow the Owen Grinde family use of the picnic area at city beach, August 2, 1981, for a family picnic. Grindes to be made aware this area is closed at 10:00 P.M. Second Doxtater. All aye.

Motion Ramlow to allow City Judge Maddux permission to attend school in Bozeman the 3rd thru the 8th of May. Second Putnam. All aye.

Councilman Doxtater representing the City Manager Committee, presented the job description drafted by the committee for a City Manager, and asked Council approval of the Committees recommendations.

Motion Doxtater to accept the recommendation of the City Manager Committee. Second Caciari. All aye.

Motion Doxtater to accept the building inspectors report and to pay all bills authorized by the Finance Committee. Second Stephens. All aye.

Councilman Stephens reported finding Ordinance #72 passed in 1911 and still in effect, creating a City Park Board. He said the Ordinance Committee would study the Ordinance and update it, so we can establish a City Park Board.

April 20, 1981 cont.

Stephens said the Council should investigate legal means to annex properties that have signed waivers of protest, and are using city water.

Motion Putnam to allow Councilman Ramlow permission to leave the state April 28 & 29. Second Doxtater. All voted aye.

Councilman Putnam reported he had stood on the corner of 1st and Baker to investigate complaints on the 4 way stop signs. After standing there for over an hour he said he felt the Council created a traffic problem we don't need.

Putnam also reported he was asked by people, why the night fires were set on Hwy 49, were both Whitefish Policemen there in the Bronco. Police Chief to find out.

In regard to the 4 way stop on 1st & Baker, Caciari said he felt the Police Dept. should have stationed policemen there to help alleviate confusion. All Councilmen said they had received input both for and against the 4 way stop.

Councilman Caciari reporting for the Water and Sewer Committee, explained the Committee had met and established a series of Water and sewer projects to be done this summer. He asked Council to accept the Committees recommendations so the projects could be started.

Motion Caciari to accept the Water and Sewer Committees recommendation and approve priority projects for summer of 1981. Second Doxtater. All aye.

Mayor Olson suggested changing heads on the Parking meters and doing away with the penny slots, just have nickel, dimes and quarters. Also Olson said John Dunnigan 200 block of Lupfer, would like the no parking signs removed. Turned over to the Street and Alley Committee.

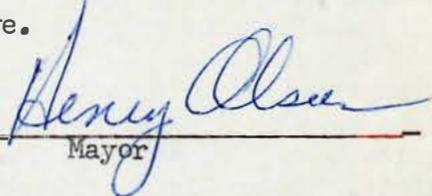
Police Chief Wartnow requested permission to purchase 8 new tires for patrol cars.

Motion Doxtater to give permission to purchase 8 tires for the patrol cars, if money and budget are available. Second Caciari. All aye.

First Reading of Ordinance A-388, An Ordinance of the City of Whitefish, providing and fixing the maximum mill levy to be assessed for tax purposes.

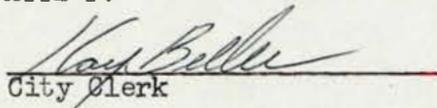
Motion Putnam to pass Ordinance A-388 on the first reading. Second Doxtater. All aye.

Motion Putnam to adjourn 9:25 P.M. Second Doxtater. All aye.



Mayor

ATTEST:



City Clerk

May 4, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. Roll call of Aldermen showed Doxtater absent. Also present at this meeting were Building Inspector Berg, City Engineer Wells, Police Chief Wartnow and City Attorney Fisher.

The minutes of the April 20th meeting were approved as read.

City Attorney Fisher reported receiving the InterLocal Agreement from the County on the Soccer Fields. Purpose of the agreement is to help finance Construction of facilities. County would give \$2500.00 and the City would match with \$2500.00.

Motion Ramlow to adopt Resolution B-893, accepting the InterLocal Agreement between Flathead County and The City. Second Putnam. All aye.

Second reading of Ordinance A-388, An Ordinance providing and fixing the maximum mill levy to be assessed for tax purposes.

Motion Caciari to pass Ordinance A-388 on the second reading. Second Putnam. All aye.

First reading of Ordinance A-389, an Ordinance That no further new or additional water services hookups shall be allowed to any dwelling or structure, where water is to be used outside the Municipal boundaries of the City, unless such dwelling or structure is within 100' of a city owned main water line.

Motion Putnam to pass Ordinance A-389 on the first reading. Second Lantz. All aye.

Two bids were received for the construction of an indoor shooting range. Treweek Construction and Operculum Roofing. Because Treweek did not have the Contractor License number and Operculum omitted the bid bond - IT WAS MOVED BY Putnam second Caciari to reject the two bids and re-advertise. Bids to be submitted by 5:00 P. M. May 20, 1981. All voted aye.

City Engineer Wells recommended the City accept Huston Point sewer lines.

Motion Caciari to accept Engineer Wells recommendation and accept the Huston Point sewer lines. Second Lantz. All voted aye.

Councilman Putnam said he had investigated complaint of No Parking signs on Lupfer Avenue, between 2nd and 3rd streets. He recommended the signs be removed. This was left in committee until next Council meeting.

Councilman Lantz reported he had Police Chief Wartnow clock the speed of cars coming into town on Highway 93 South past the hospital. The survey showed most people drove below the 45MPH speed limit. Lantz said he did not recommend lowering the speed limit. Mayor Olson said Representative John Harp had called him and a bill was passed allocating money for highway construction, suggested the committee pursue this project.

Also Olson said Harp would come to the May 18th Council meeting if Council wanted him to. Council definitely wanted him to.

Tim Grattan requested three (3) things in the construction of Grouse Mountain Golf Course.

1. Approval of constructing a 50' safety net on the driving range. This is 15' higher than the R-1 zone allows. Previous council approved.
2. In building the mens and ladies toilets requested to use a 1100 gallon holding tank for a two year period, rather than hook on to the sewer.
3. Requested to construct an 8' wooden bridge across portion of Lost Coon Lake. Lakeshore preservation committee had checked but had not been approved by the City County Planning Board.

After much discussion on the 3 requests it was MOVED BY LANTZ second Ramlow to approve the 50' safety net as previously agreed upon by the City. All voted aye.

Motion Lantz to approve the 1100 gallon holding tank for the toilet facilities, at the golf course of Grouse Mtn, to be limited to a two year period. Second Stephens. All voted aye except Putnam who said no. Motion Carried.

Motion Lantz to allow the bridge on condition if turned down by the City County Planning Board construction would stop. This must go thru proper channels and be accepted by the City County Planning Board. Second Caciari. All aye.

Jerry Golphenee representing the Soccer Club explained what needed to be done to complete the fields, leveling, clearing rocks, top soil, irrigation system, etc. Water system is number 1 priority. Turned over to City Engineer Wells.

May 4, 1981

Ben Cohn expressed concern over the garbage survey being done by City Engineer Wells, in the downtown area. Survey was to get input on business buying dumpsters.

Engineer Dean Marquardt explained he was representing two property owners, RTD, Inc. and Sunray Land Co. RTD, Inc. was proposing a development in the Stocking Addition, below Huston Point Subdivision and wanted to annex to the city. He asked the procedure to follow. City Attorney Fisher explained annexations start with the City Clerk, and then they go to the City County Planning Board.

Sunray Land Co. requested consideration of an extension of the city sewer to serve the proposed Big Mountain Terrace Development. Mayor and Council said they would not add sewer that far away from the City Limits.

Motion Ramlow to accept water application of Russell Merkley, Lot 5 Cedar Estates. Second Lantz. All aye.

Motion Stephens to approve Business application of LaSalle Lighting and Paint, 6466 Hwy 93 South, Ralph and Carol Fitzpatrick owners. Second Putnam. All aye.

Motion Lantz to pay all bills authorized by the Finance Committee and to accept the Clerks, Treasurers, City Judge, Police Chief, Animal Warden and Building Inspectors Reports for April. (362 thru 382) Second Caciari. All aye.

Councilman Stephens reported the Ordinance Committee were working on revising the City Park Board Ordinance and would appreciate any input from Council.

Dick Poeppell spoke on the softball fields. He asked status of the \$7000.00 the County was supposed to give. Councilman Putnam said the County would probably release the money soon. Poeppell explained the \$7000.00 was designated for a well and asked the city to write a letter to Pacific Power requesting power for a pump for the well. Also requested city mow the fields. Turned over to the Park Committee.

City Engineer Wells to research request of Herb Knuth, that the city ask for 1080 application for rodent control.

Hal Bennett, Pacific Power & Light told council there was a light at Memorial Field, they did not know who to send the bill to. The School said they would pay the electricity for 6 months. Council agreed to pay the bill for remaining 6 months.

Councilman Putnam expressed concern on controlling the crowd at the Waylon Jennings concert May 19th. Police Chief Wartnow said his budget would not allow him to put on extra patrolmen. Wartnow suggested Council draw up an Ordinance setting standards and procedures for future concerts.

Motion Putnam to allow the Methodist Church permission to cut down the first tree on 4th street and the 1st tree on Spokane Avenue, provided they replant. Second Lantz. All aye.

Mayor Olson reported John Schumaier had resigned from the Police Commission and asked Council to approve appointment of Warren Mock to fill the position.

Motion Lantz to accept John Schumaier's resignation and approve appointment of Warren Mock to the Police Commission for a three year term. Second Stephens. All aye.

Olson also reported the Chamber of Commerce would like the Parking meters removed and would like a Committee of two Councilmen, two Chamber people and two citizens. He appointed Lantz and Ramlow to the Committee.

OTHER:

Decision on the four way stop at Baker and First Street would be made next meeting.

Mayor announced that May 18, some of the High School students would be in City Hall and would work with all departments.

Motion Caciari to adjourn at 10:28 P.M. Second Putnam. All aye.


Mayor

ATTEST:


City Clerk

May 18, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Engineer Wells, Building Inspector Berg and City Attorney Fisher.

The minutes of May 4, 1981 were approved as read.

Second Reading of Ordinance #A-389, an Ordinance that no further new or additional water services hookups shall be allowed to any dwelling or structure, where water is to be used outside the Municipal boundaries of the City, unless such dwelling or structure is within 100' of a city owned main water line.

Motion Putnam to pass Ordinance A-389 on the second reading. Second Doxtater. All aye.

Bid openings

Two bids were received for Asphalt mix.

American Asphalt, Inc,

Alternate #1 1200 tons asphalt mix -city pick up- 22.50 per ton = \$27,000.00.

Alternate #2 1200 tons asphalt mix delivered 29.24 per ton = 35,088.00.

Alternate #3 Truck rental beyond the one hour limit #32.00 per hour.

Pack & co.

Asphalt mix at plant 22.35 per ton

Dump truck 37.50 per hour

Trucks charged out for total hours involved. cycle time based on 1 1/2 hrs.

cycle time 1 1/2 hrs @ \$313 per ton - total cost of 25.48 per ton delivered.

Motion Caciari to turn the bids over to the Street and Alley Committee with power to act. Second Doxtater. All voted aye.

Two bids were received for furnishing the City with water pipe and fittings for various water projects scheduled for the summer of 1981.

Waterworks Supplies and Northwest Pipe were the bidders, however, neither bid qualified, because they omitted the bid bond. City Engineer Wells to notify bidders, their bonds must be received before 5:00 P. M. May 20th.

Motion Lantz to turn over to the Water and Sewer Committee with power to act. Second Doxtater. All aye.

Council discussed the 4 way stop at 1st and Baker. Councilman Lantz said the Traffic Committee recommended leaving the stop signs and making it a permanent 4 way stop.

Motion Caciari to accept the Traffic Committee recommendation and make the 4 way stop signs at 1st & Baker permanent. Second Lantz. All voted aye except Stephens and Putnam who said no. Motion Carried.

Motion Caciari to appoint Councilman Lantz as Deputy Mayor. Second Stephens. All aye.

Councilman Putnam reported the Street and Alley Committee recommends removing the No Parking between 2:00 A.M. to 6:30 A.M. signs on Lupfer Ave. between 2nd and 3rd streets and installing No Parking between signs on the east side of the street.

Motion Putnam to accept the Committees recommendation. Second ^(Squid) Putnam. All aye.

Representative John Harp spoke to Council on some of the laws passed by the Legislature that would effect Cities & Towns.

NEW BUSINESS

Motion Stephens to adopt Resolution #B-894, a Resolution in opposition to the exploration and leasing of the land in the Bob Marshall Country. Second Lantz. All aye.

Randy Pugh representing the Chamber of Commerce, requested permission to have a parade Friday Evening July 24th and close off Central Avenue from 1st to 2nd street, for a street dance on July 25th. This would be in conjunction with the Whitefish Lake Regatta.

Motion Caciari to allow the parade July 24th-8:30P.M. to 9:00 P.M and close Central between 1st and 2nd for the street dance July 25th. Second Doxtater. All aye.

May 18, 1981 cont.

Because Council would be studying and considering permits for all Special Events IT WAS MOVED BY PUTNAM to amend Caciari's motion, that request be granted on condition a parade permit be required if enforced at that time. Second Doxtater. All aye.

Motion Doxtater to accept Water Application of Curtis and Carrie Denning, 1319 Hwy 93 West. Second Putnam. All voted aye.

Motion Putnam second Stephens to deny Business Application of Windsport, Sailboat and Windsurfer Rentals, because location of business would be City Beach. All aye.

Councilman Putnam said he talked to Mr. Sward, County Parks & Recreation and the County had approved the \$7000.00 for the softball fields. All money would be handled and approved by the City with the County to get copies of all expenditures.

Chuck Kuether, presented the Interlocal Agreement.

Motion Doxtater to accept the Interlocal Agreement between the County and City on the Softball fields. Minutes of last meeting would govern. Second Lantz. All aye.

Motion Doxtater second Caciari to accept the Building Inspectors report. All aye.

Motion Doxtater to adopt Resolution B-895, increasing gambling fees to coincide with the County Gambling Commission. Second Putnam. All aye.

Motion Stephens to allow rodent control on city property around sewer lagoon, if Herb Knuth will indemnify the City and sign an agreement. Second Lantz. All aye.

Councilman Caciari reported that City Engineer wells had drafted a map showing all city owned water lines. Map to be filed with the Public Service Commission. Also Caciari said a bulldozer with tracts was needed to dredge third creek. Turned over to the Water Committee.

Mayor Olson read letter from George Wartnow resigning his position of Police Chief, effective May 15, 1981. Olson said the two sgts. would run the dept. until a new Chief was hired.

Sgt. Webster requested two extra patrolmen to cover the Waylon Jennings concert May 19, 1981. Council authorized this request.

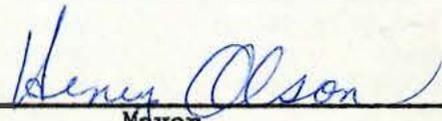
Motion Doxtater to allow a \$200.00 fee for filing water rights. Second Putnam. All aye.

Mayor Olson said he had received calls from residents of north Iowa Ave., because they claim the city promised to pave their street in exchange for gridding in a water line. Councilman Putnam explained the Water Committee at the time the line was gridded, agreed to upgrade this street, not necessarily pave it. Putnam said these things should be brought over the Council table.

Request for Dan Voelker to attend a school in Great Falls was denied by Council, as schools were not budgeted.

City Attorney Fisher went over some of the Ordinances changes necessary for new form of government.

Adjourned 10:03 P.M.



Mayor

ATTEST



City Clerk

May 20, 1981

Mayor Olson opened this special meeting at 5:00 P.M. All Aldermen were present except Lantz.

Purpose of this meeting was to open bids for construction of a new Rifle Club building.

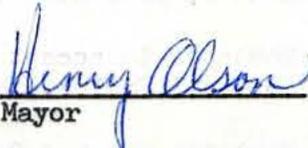
One bid was received from Treewick Construction for \$74,294.00.

Asst. City Attorney Erickson examined the bid, and said it was in order.

Motion Putnam to turn the bid over to the Finance Committee and the Rifle Club to check. Second Caciari. All aye.

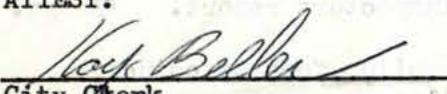
Tuesday May 26th at 5:00 P.M. was set for an interview for Police Chief.

Motion Putnam second Doxtater to adjourn 5:10 P.M.



 Mayor

ATTEST:



 City Clerk

June 1, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Engineer Wells, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

Jack Sessler expressed concern on gambling fees adopted by Council at the May 18, 1981, Council meeting. Gambling fees were increased to coincide with County fees. His main concern was the County and City of Kalispell have no set hours for gaming. The City of Whitefish has Ordinance #A-251, closing all gaming at 2:00 A. M. He requested Council consider changing hours or lowering the fees.

Motion Lantz to turn this request over to the Ordinance Committee, to work with Police Dept. and recommend back to the Council at meeting of June 15, 1981. Second Doxtater. All voted aye.

Petitions to annex:

Motion Caciari to adopt Resolution B-896, a Resolution of intent of consideration, annexing the Ted and Jean Wolfe property: South 189.25 ft of West 95.5 ft of East 215.5 ft of Lot 4, Block 1, Whitefish Townsite Company 5 acre tracts. (next to 640 Denver St.) zoning to be R-2-Petition to be referred to the City County Planning Board for their recommendation, and at the same time the city would start legal process with hearing to be Council meeting of July 6, 1981. Second Doxtater. All aye.

Motion Caciari to adopt Resolution B-896, a Resolution of intent of consideration, annexing the Dick Peterson property, North $\frac{1}{2}$ of Lot 6 of Block 10 of First Addition to Whitefish Townsite Company's Five Acre Tract, Known as 623 Woodland Plane, zoning to be R-2, Petition to be referred to the City County Planning Board for their recommendation and at the same time the City would start legal process with hearing to be Council meeting of July 6, 1981. Second Doxtater. All aye.

Business Application:

Motion Doxtater to table until next meeting Business application of Windsport, 127 Lupfer Ave. Second Lantz. All aye.

REPORTS:

Motion Doxtater to accept the Clerks, Treasurers, Police Chief, Judges, Animal Warden, and Building Inspector Reports for Month of May, and to pay all bills authorized by the Finance Committee. Second Putnam. All aye.

Councilman Doxtater read a letter from the Whitefish Rifle & Pistol Club rejecting Treweek Construction Co.'s bid of \$74,294.00 for construction of their building. The Club will consider reworking the contract for further bidding after a decision has been handed down by Judge Salansky on the location.

June 1, 1981 cont.

Councilman Doxtater reported the City had received approximately 125 applications for City Manager. He said the Committee would review and bring at least 10 of the best applications back to the Council. The City Manager should be hired by July 6th.

Councilman Lantz, Chairman of the Street and Alley Committee, reported the bid for asphalt mix had been awarded to Pack & Co.

Lantz also recommended moving No Parking signs on 3rd st. between Spokane Avenue and Kalispell Avenue (side of Pacific Power & Light building) across the street on Stacey Oil side.

Motion Lantz to adopt Resolution #B-897, a Resolution authorizing moving the signs from the south side to the North side of 3rd street between Spokane Avenue and Kalispell Ave. Second Putnam. All aye.

Council discussed doing away with yield sign at 6th and Pine. Turned over to the Police Department to investigate.

Trees obstructing view of motorists at Park Manor/^{apartments} was turned over to City Engineer Wells to investigate.

Ronald Bolduc requested to change the location of his business "Windsport" on his Business application from 127 Lupfer Avenue to a Commercial area, Flathead Bikes & Boats, West 2nd St. Council agreed to this and IT WAS MOVED BY STEPHENS second Doxtater to approve this Business Application. All aye.

Mayor Olson asked Council approval of his appointment of Howard Seller as Police Chief.

Motion Doxtater to approve the appointment of Howard Sellers to the position of Chief of Police subject to a 6 months probationary period. Second Putnam. All aye.

Councilman Stephens inquired what the City policy was on subdivision regulations, regarding curbs, streets, storm sewers, etc. He was especially concerned about no curbs in Crestwood Subdivision. City Attorney Fisher explained all developers of subdivisions had to sign a subdivision agreement on improvements, however, Council approved the final platt on Crestwood and Gustin refused to sign the agreement. Fisher stated the Council could order him to put in curbs and sidewalks and if he refused, the city could do and bill him for it.

Councilman Putnam reported he and Officer VanHam had investigated the signs "No Parking between signs" at city beach, and the signs are to far apart for people to determine where the signs are, thus causing the Police Department considerable problems. He and Van Ham suggested stripping the area showing where the signs are. Turned over to City Engineer Wells.

Councilman Caciari reported the bid for furnishing the City with water pipe and fittings was awarded to Waterworks Supplies.

WATER APPLICATION John Franklin, Lot 7 Block 4, Lake Park Addition (Patton Subdivision)

Councilman Caciari explained at the June 16, 1980, Council meeting it was reported John Franklin had hooked to city water without a water application, and the Water Department was asked to shut this property off. The Original Agreement with the Patton Subdivision gave 12 owners 2 taps each and they have exceeded this. City Engineer Wells told this was an illegal tap and by the time the water department investigated it was already installed.

After further discussion IT WAS MOVED BY CACIARI second Putnam to deny Water Application of John Franklin, for Lot 7 Block 4 Lake Park Addition (Patton Subdivision). All aye.

Gary Elliott requested permission to have the annual fireworks display at City Beach, July 4, 1981.

Motion Lantz to grant this request, subject to special permit if in effect. Second Doxtater. All aye.

Bill Doyle, a partner in the Webb Subdivision, West 7th Street, inquired status of water permits applied for in 1976. He stated the Water Committee at that time had approved the permits, however, as they were not signed or recorded, Council felt they would have to comply to the current Ordinance.

Part Smith, Editor of the Whitefish Pilot asked City Policy of hiring people. Said

June 1, 1981, cont.

people were unhappy about George Wartnow getting the job in the Garbage Dept. City Engineer Wells said the job had been posted twice, and current employees have first opportunity for jobs.

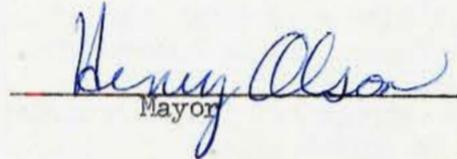
OTHER:

Council authorized the Ordinance Committee to draft a proposal on Special Permits, setting fees for functions such as Parades, Concerts, etc.

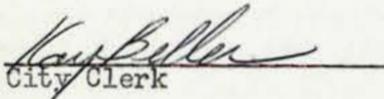
Paving Iowa (north) street to be brought back to next Council meeting.

Mayor Olson said the City needs a Civil Defense Director. Turned over to the Fire Department to recommend a person.

Motion Putnam second Doxtater to adjourn 9:20 P.M.


Mayor

A TTEST:


City Clerk

June 15, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. Aldermen present at rollcall were Doxtater, Lantz, Stephens, and Caciari. Aldermen Ramlow and Putnam arrived later in the meeting. Also present were City Engineer Wells, Police Chief Seller, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

GAMBLING FEES AND HOURS

Councilman Stephens reporting for the Ordinance Committee said the Committee recommended leaving fees and hours as they are and putting the issue on the ballott in November, and letting the people decide. Councilman Doxtater said at the last Gambling Commission meeting, fees and hours were discussed and the County was considering closing gambling at 2:00 A.M. The issue was tabled until we get further reports from the County.

PAVING NORTH IOWA

Councilman Lantz explained the Street and Alley Committee had met and they agree if this stretch is paved, the water department would have to pay for it as it was not a street and alley commitment.

BRANDT LENNON SUBDIVISION

The Street and alley Committee reported Paving this street was in the schedule, and would be done late this summer.

Police Chief Sellers approached Council on Police Car Replacement. His proposal was: That the Police Department purchase two surplus MHP patrol cars, plus a light bar, radio, shotgun, screen, and siren at a maximum cost of \$5099.00, as opposed to buying a new patrol car.

Motion Doxtater to turn this proposal over to the Finance Committee with power to act. Second Lantz. All voted aye.

Sellers also explained the Police Department would not incarcerate prisoners in City jail, but would transport to the County.

Chief Sellers recommended the appointment of Sgt. Lonnie Herrmann to the position of Asst. Chief of Police.

Motion Lantz to accept Sellers recommendation and appoint Lonnie Herrmann as Asst. Chief of Police. Second Doxtater. All aye.

June 15, 1981 cont.

Motion Doxtater to allow "The New Life Coffee House" to have Christian music in the Fogery parking lot, July 4, 1981, from (9:00 P. M. to midnight. Second Caciari. All voted aye.

Bill Chinchon App roached Council on parking meters, and asked if Council was interested in him inquiring on parking regulations of other towns. Council referred him to the Committee studying the City parking meter situation.

Motion Doxtater to pay all bills authorized by the Finance Committee and to accept the Building Inspectors report. Second Caciari. All aye.

Craig Goble requested per mission for the Whitefish Lake Run, Saturday, June 27th.

Motion Caciari to allow the Whitefish Lake Run Saturday, June 27th. Second Lantz. All voted aye.

City Engineer Wells said the Department of Health had requested to install a air monitor at Memorial Field to test the air.

Motion Lantz second Doxtater to allow the Department of Health permission to install the Monitor for air quality check. All aye.

City Engineer Wells suggested using the artesian well already at the softball complex instead of drilling a new one. He said we could have a reservoir and pump out of it for irregation purposes, thus cutting the expense. Turned over to the Park Committee to study.

City Attorney Fisher reported attending a meeting on Election Proceedures. Petitions of Nomination forms would be in the Clerks office. Councilman and Mayor must file by July 27, 1981 and Council must pass a Resolution by August 3, 1981, if a Primary Election is not required.

Motion Caciari Second Putnam allowing Councilman Doxtater permission to leave the State from the 26th to the 28th of June. All aye.

Councilman Lantz reported John Horn was unhappy because the City had not put "No Parking" signs on Barkley Lane where it intersects onto Wisconsin Avenue. Lantz recommended if there is a problem the signs be put up.

Business Application of Creative Sales, 121 Iowa Avenue, was tabled until next meeting.

Councilman Stephens said he looked at the State Subdivision regulations and he could not find any kind of a subdivision format. Suggested Council give thought to drawing up a policy, for subdivisions.

Councilman Putnam requested the Clerk to write a letter to the City County Planning Board, Zoning Commission, stating Council must have their completed recommendation by the 1st of December.

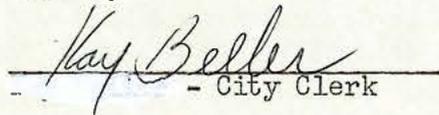
The Clerk read two letters:

1. City County Planning Board stating they had approved the Golf Course Bridge(Lost Coon) thus finalizing the Citys approval of the project.
2. Letter from Chuck Kuether resigning from the City County Planning Board.

Motion Doxtater second Putnam to adjourn 9:13 P.M. All aye.


Mayor

ATTEST:


- City Clerk

July 6, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Sellers, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

Business Application of Creative Sales, 121 Iowa Ave., John and Gary Byers owners, was carried over from the meeting of June 15. Council questioned whether the business was allowed in an R-2 zone. Gary Byers explained they were using three apartments to assemble knife sharpeners, and employed 11 or 12 people.

Motion Stephens to deny business application of Creative Sales, 121 Iowa Ave. as it is in conflict with the R-2 zone. Second Putnam. All voted aye.

Mayor Olson opened the Public Hearing on annexation of the Ted & Jean Wolfe property, 640 Denver Street and Dick Peterson property, 623 Woodland Place. Both requested R-2 zoning. The City County Planning Board recommended annexing both properties.

There were no protests and it was MOVED by Doxtater to adopt Resolution #B-898, a Resolution annexing The South 189.25 feet of the West 95.5 feet of the East 215.5 feet of Lot 4, Block 1, Whitefish Townsite Company's Five Acre Tracts, presently known as the Ted & Jean Wolfe property at 640 Denver Avenue;

AND

The North half of Lot 6 of Block 10 of First Addition to Whitefish Townsite Company's Five Acre Tracts, presently known as the Dick Peterson property at 623 Woodland Place. Both properties shall be zoned as use district R-2 Residential. The motion was second by Caciari. All voted aye.

Tom Sanders requested permission to have a Flea Market on First Street, between Central Avenue and Spokane Avenue, the 25th & 26th of July and Randy Pugh requested permission to launch canoes at City Beach from 6:00 A.M to 10:00 P.M. Saturday August 15th for the Great Lake to Lake Canoe Races.

Motion Caciari to allow the two requests. Second Doxtater. All voted aye.

George Bousliman, representing G. T. Murray & Co., presented a Deferred Pension Plan for Public Employees. Council decided to study further.

RTD, Inc. petition to annex approximately 4.999 acres in the Stocking Addition, was referred back to property owners to get legal signatures and Council requested the Subdivision Platt accompany the Petition to annex.

Motion Doxtater that Don A. Morrison be hired as City Manager per agreement, salary to be \$26,000.00, with 2 weeks vacation the first year. City to pay \$500.00 toward moving him, and pay \$50.00 of medical insurance. Second Lantz. All voted aye.

Stanley Dye commended the City Manager Committee, on a job well done.

Office space for the City Manager was turned over to the Building Committee.

Motion Doxtater to pay all bills authorized by the Finance Committee and to accept the Clerks, Treasurers, Building Inspector, Police Judge and Animal Reports for June. Second Caciari. All aye.

Councilman Lantz reported he had an estimate of \$3495 from Driscoll Plumbing for putting hot water in the City Jail. Driscoll charged an additional \$100.00 for giving the estimate. Police Chief Sellers suggested waiting as Crime Control funds might be available at a later date.

Councilman Stephens said a letter should be written to Businesses on Central Ave. stating the curbs must be cut back, if funds are available Central Avenue will be paved next year. He also suggested changes in garbage collection should be advertised.

Councilman Ramlow reported the Parking Meter Committee had sent letters to other communities for input on alternative ways of handling parking other than Parking meters.

Councilman Putnam reported the Beach area and Buildings at City Beach were in bad shape and need attention. Turned over to the Park Committee to assess the situation and bring back to the Council.

July 6, 1981 Cont.

Putnam also reported the City had received the \$7000.00 for the softball complex and \$2500.00 for the soccer field from the County.

Motion Doxtater Second Iantz to allow Councilman Caciari permission to leave the State the 7th thru the 12th of July. All aye.

Councilman Caciari requested Police enforce the 4 way stop at 1st and Baker.

Mayor Olson reported the new City Manager had rented a house outside the city limits and asked Council approval. City Ordinance reads must live within 15 minutes of the City.

City Attorney Fisher presented a letter from C. H. Phillips, Maintenance Superintendent of Flathead County Roads, stating they had no objections to placing "No Parking" signs on the county right of way on Lacey Lane.

Motion Putnam to adopt Resolution #B-899, A Resolution of intent of Consideration of annexing East Lakeshore Drive from Reservoir Road to the North side of Huston Point Subdivision. Second Doxtater. All aye.

Motion Iantz to remove Park Committee and insert City Manager in Sec. 2,68.010, of Municipal Codes, Administrative Authority of Whitefish Cemetery. Second Doxtater. All voted aye except Stephens who said no.

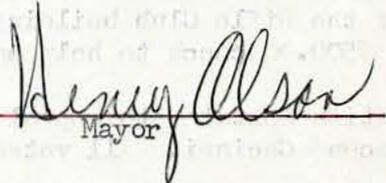
Police Chief Sellers reported the new police cars were here and one was already in operation. Sellers also requested Dan Voelker be promoted to Detective Sgt. Council wanted to wait until after Budgets were reviewed.

OTHER

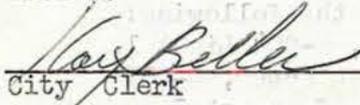
Meeting to go over the Preliminary Budget will be July 13, at 3:00 P.M.

Art Golie told that working people were parking their cars to close to the highway at the Senior Citizens parking lot and were causing a traffic hazard. He requested something be done. Police to check and report back.

Adjourned 10:03 P.M.


Mayor

ATTEST:


City Clerk

JULY 20, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Manager Morrison, Police Chief Sellers, Building Inspector Berg, City Engineer Wells and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

Mayor Olson the Council and the Chamber of Commerce officially welcomed new City Manager, Don Morrison.

OLD BUSINESS

Glen Taylor requested an extension of time on tearing down his building at 324 Kalispell Avenue. This dwelling was found to be a dangerous building and the City had ordered it be demolished by October 1, 1981. Mayor Olson presented a letter from Mr. Taylors doctor stating because of ill health, he was unable to work. Councilman Putnam pointed out Mr. Taylor was supposed to have torn down this building 3 years ago.

After much discussion it was moved by Iantz to give Mr. Taylor an extension until June 1, 1982, (9months) to demolish this building. Second Stephens. Doxtater no, Iantz aye, Stephens aye, Rowley aye, Putnam no, Caciari no. Mayor Olson broke the tie vote by voting aye. Motion Carried.

July 20, 1981 cont.

Jim Christians, representing RTD, Inc. presented a Petition to Annex, 1.40 acres described as Lot #6 and 7, Tract C, Stocking Addition - all property is situated in North ½ of Sec. 23, T31N, R22W, Flathead County Montana. Requested zoning is R-1 residential.

Council decided to send this petition to annex to the City County Planning Board and wait for their recommendation before taking any action/

Ed Grogan, speaking for the Parking Meter Committee, stated the Committee recommended removing Parking Meters for six months on a trial basis.

After discussion Council decided the Committee should hold a Public Hearing before any decisions were made.

Bobbi Cantrell, Manager of the 7-11 Store requested permission to hold a dance in the stores parking lot, Sunday August 30. Proceeds would go to Muscular Dystrophy. Mrs. Cantrell stated she would have the Posse police the dance.

Motion Caciari to allow this request for the dance August 30 from 7:00 P.M. to 11:00 P.M. on parking lot of 7-11 store, with the posse to police. Second Doxtater. All voted aye.

Motion Putnam to allow the VFW permission to have their annual picnic in the picnic area of city beach August 9th, if they police area when finished. Second Doxtater. All aye.

CORRESPONDENCE

The Clerk read three letters:

1. from the Board of Adjustments requesting Council approval of James R. Clegg to fill in as their 5th member. Tabled until next meeting.
2. Letter from Book Publishing Co. quoting a price increase in providing supplement service for the Municipal Codes.
3. The Whitefish Rifle & Pistol Club stating they would like the Council to appeal the decision of Judge Salansky, which was not to allow construction of the Rifle Club building on City property at 5th and Baker. They enclosed a \$500.00 check to help pay legal expenses.

Motion Doxtater to appeal Judge Salansky's decision to the Supreme Court. Second Caciari. All voted aye.

Motion Putnam to adopt Resolutions levying assessments of the following: B-900 SID 132, B-901 Light 6, B-902 Light 4, B-903 Light 7, B-904 Light 1, B-905 Garbage, B-906 Snow Removal, B-908 Delinquent Water & Sewer, B-909 Sprinkling, B-910 SID 146. Hearing to be Council meeting of August 3rd. Second Doxtater. All aye except Stephens who said no. Motion carried.

Motion Doxtater to accept the Building Inspectors report and to pay all bills authorized by the Finance Committee. Second Caciari. All aye.

Councilman Lantz reported talking to the Highway Dept. and they wanted an answer on reducing speed limits coming into town on Hwy 93 south (Hospital Area). The clerk read a letter written by the Traffic Committee with their recommendations.

Councilman Putnam requested \$2000.00 in Revenue Sharing funds to upgrade the buildings, level, strips, fill in with sand, etc. at City Beach. The Park Committee to assess costs of repair.

City Engineer Wells reported the irrigation system at the soccer fields was completed and requested permission to go ahead with the reservoir at the softball complex. Because of the Cities liability a fence would be installed around the reservoir. Council said go ahead.

Mayor Olson reported attending a meeting in Columbia Falls and Judge Shay might be scheduled for 1 day a week in Whitefish, if agreements could be worked out. The Mayor also reported a lady had requested to buy the two city owned lots on Riverside Avenue. Council said no.

City Attorney Fisher reported he checked with the County Commissioners and they must maintain Wisconsin Avenue even if it is annexed to the City. He also read some of the changes in the laws that pertain to the city.

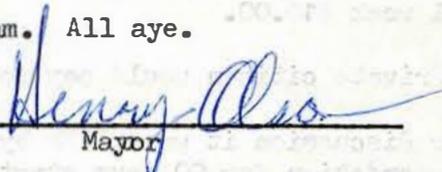
July 20, 1981

OTHER

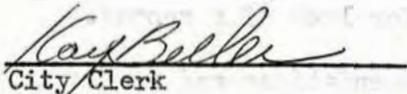
Dan Melich protested a parking ticket he received while parked at City Beach. He was referred back to Judge Maddux.

A proposed Energy Audit of City Hall was turned over to City Manager Morrison.

Motion Doxtater to adjourn 10:02 P.M. Second Putnam. All aye.


Mayor

ATTEST:


City Clerk

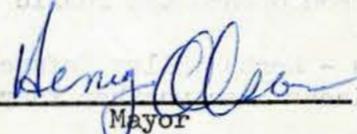
July 23, 1981

Deputy Mayor Lantz called this special meeting to order at 5:00 P.M.. All Aldermen were present except Ramlow.

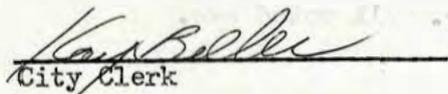
Purpose of the meeting was to adopt the Preliminary Budget for 1981-1982.

Motion Doxtater to accept the Preliminary Budget in the amount of \$1,574,557.07 for fiscal year 1981-1982. Second Stephens. All voted aye.

Adjourned 5:30 P.M.


Mayor

ATTEST:


City Clerk

August 3, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present except Putnam. Also present were Building Inspector Berg, Police Chief Sellers, City Manager Morrison, and City Attorney Fisher.

The minutes of July 20, 1981, were approved as read.

OLD BUSINESS

The appointment of a 5th member to the Board of Adjustments.

Motion Stephens to table this appointment until the next Council meeting. Second Lantz. All aye.

RTD, INC. petition to annex 1.4 acres (lots 6 & 7 Tract C, Stocking Addition) as R-1 and RTD, Inc. Glen Iaggen subdivision request.

The City County Planning Board recommended annexation of the 1.4 acres, and recommended the Summary Review of Glen Iaggen Subdivision be denied because of of the planned access onto East Lakeshore Drive.

After discussion it was MOVED by Stephens to adopt Resolution #B-911, A Resolution of intent of consideration annexing RTD, Inc. lots 6 & 7 Tract C, Stocking Addition as R-1 residential, using the Planned Unit Development Act (long procedure). Second Lantz. All voted aye except Caciari who said no. Motion carried.

The final platt of Glen Iaggen would be considered at the same time as annexation.

August 3, 1981 cont.

PARKING COMMITTEE RECOMMENDATION ON PARKING METERS.

Ed Grogan reported the Parking Committee recommended the following on the parking meters.

1. Remove the meters on a six (6) month trial basis. The Committee would review in 90 days and report to the Council.
2. Enforce the two hour parking. Fines to be \$3.00, after 72 hours \$5.00, after 1 week \$10.00.
3. Private citizen would pay for hooding or removing.

After discussion it was MOVED by Stephens to adopt the Parking Meter Committee recommendation for 90 days starting October 1, 1981 to January 1, 1982, using existing Ordinance for the fine structure. Motion died for lack of a second.

Motion Ramlow to accept the Parking Meter Committee recommendations and remove the meters for the 6 month trial period, starting November 1, 1981. The Committee to review in 90 days and report back to the Council. Second Stephens. All voted aye except Lantz who said no. Motion carried.

Mayor Olson opened the Public Hearing on the City Specials.

Resolutions are as follows: B-910 Water & Sewer SID 146, B-903 Light 7, B-904 Light 1, B-909 Sprinkling, B-900 SID 132, B-901 Light 6, B-902 Light 4, B-906 Snow Removal, and B-908 Delinquent Water & Sewer.

As there were no protests it was MOVED by Caciari to adopt the City Special. Second Doxtater. All voted aye.

Mayor Olson opened the Public Hearing on Resolution #B-905 Garbage.

Ben Cohn - North Valley Refuse protested the garbage rates and the City charging the business area whether they use the service or not.

Motion Lantz to continue the hearing on Resolution B-905 Garbage, until the Budget hearing August 5th at 7:30 P.M. Second Doxtater. All voted aye.

NEW BUSINESS

Walt Dickinson, Crestwood Inc. requested permission to put up a 3'x8' Tourist Information sign at Crestwood.

Motion Stephens to deny this request as Crestwood is in an R-1 zone. Second Caciari. All voted aye.

Trieweiler Lakeshore Construction Application for boat dock and landing.

The Planning Board recommended issuance of a permit contingent on the following:

1. The existing pilings be removed.
2. That no concrete be imbedded in the shore area.
3. That consideration of a 20' dock plus a 10' ramp be considered, rather than a 40' overall dock with a 7' ramp.

Motion Caciari to accept the City County Planning Boards recommendation and approve this Lakeshore Application, if provisions in the letter are followed. Second Doxtater. All voted aye.

Building Inspector Berg said the dock was completed and the pilings had not been removed. Clerk to write letter to Mr. Trieweiler requesting this be done in not less than 60 days.

BUSINESS APPLICATION

Motion Stephens to accept Business application of Jim's Tree Service. Second Ramlow. All aye.

RATIFICATION OF EMPLOYEE UNION CONTRACT AGREEMENT

City Manager Morrison read letter stating on 7-27-81, a tentative agreement was reached with Union employees. Employees to receive 51 cents per hour across the board increase, retro-active to 7-1-81, plus the city to pay \$20.00 more on Medical Insurance, raising the City share to \$70.00. Overall 9% increase.

Motion Doxtater to accept the Employees Union Contract Agreement. Second Lantz. All voted aye.

August 3, 1981 cont.

TERMINATION OF CONSULTING ENGINEERS CONTRACT

Motion Caciari to terminate contract of Morrison-Maierle as consulting engineers, and giving them 30 days notice. Second Stephens. All aye.

APPOINTMENT OF ACTING CITY ADMINISTRATOR.

Motion Doxtater to accept Paul Wells as Assistant City Administrator. Second Caciari. All aye.

ORDINANCE AMENDING UNIFORM BUILDING CODES ORDINANCE A-353

Motion Lantz to pass on the First Reading, Ordinance A-390, an Ordinance amending Section 1 of Ordinance No. A-353 and Section 14.04.070 of the Whitefish Municipal Code relating to the adoption of Uniform Building Code for the City of Whitefish. Second Ramlow. All voted aye.

CORRESPONDENCE

Letter was read from Lily Brash, 1030 Col Ave requesting their road be paved or oiled, and also requested renaming this road. Turned over to City Manager to handle.

ADMINISTRATOR'S REPORTS

Tom Flynn, City water and sewer auditor, gave reports both departments. He asked Council to consider a rate increase of 12% in the sewer department.

Motion Caciari authorizing Tom Flynn to prepare necessary forms for a 12% rate increase in sewer. Second Doxtater. All aye.

Flynn also reported Morrison-Maierle had submitted a bill for \$13,400 over the original contract of \$70,217. City Manager and City Engineer investigated and when the grant was first approved, an O & M Manual wasn't required, now it is and they did not anticipate. EPA would fund 75% of the \$13,400.

OTHER

Motion Ramlow to send Don Morrison to the League of Cities meeting in Billings in September and the City Managers meeting in Missoula, Second Doxtater. All aye.

Motion Doxtater to turn the renovation of the community room into offices over to the Building Committee with power to act. Second Lantz. All voted aye.

Fary Elliott and Chuck Abell told about a Chamber of Commerce sponsored project- "Whitefish Summer Games" to be held September 11, 12, 13,. They requested permission for a dance - parade- and use of City Beach with open container waived.

Motion Caciari to approve use of City Beach and waive open container, also to approve festivities contingent on Schedule of events. Second Doxtater. All aye.

Mayor Olson reported the parking problem at city beach was increasing, the signs are not working. Turned over to the Park Committee.

Motion Doxtater to approve all bills authorized by the Finance Committee. Second Caciari. All aye.

Motion Caciari second Doxtater to adopt Resolution B-912, waiving the Primary Election. All aye.

Motion Lantz to adjourn 10:59 P.M. Second Doxtater, All aye.

ATTEST:

Karl Bell
City Clerk

Henry Olson
Mayor

August 5, 1981

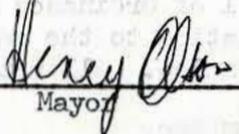
Mayor Olson opened the Public Hearing on City Budgets

Jean Carter spoke in favor of moving the dispatch to city hall and Ben Cohn inquired about the garbage budget.

Randy Pugh, representing the Chamber of Commerce told of a survey the Chamber was conducting in the business area on garbage. He also said they support free enterprise.

J. R. Markette requested the city help in a study of Whitefish Lake. Mayor Olson said the city would do what it could and referred him to the Chamber of Commerce.

This meeting will be left open until August 10th, at which time the budgets will be adopted.



 Mayor

ATTEST:



 City Clerk

August 10, 1981

Mayor Olson called this special meeting to order at 7:30 P.M. All Aldermen were present except Stephens. Also present were City Manager Morrison, City Engineer Wells, and Police Chief Sellers.

Purpose of the meeting was to adopt the final budget for fiscal year 1981 - 1982. Council set the mill at 79% all purpose, 4 fire disability, 2 Police Disability, total of 85% mills.

Motion Caciari to adopt Resolutions #'s B-913, Accepting and passing the Municipal Budget for 81-82. B-914, determining amount of taxes to be raised 85% mills @ 4155 per mill * \$354,213.75. B-915, Levying and assessing a tax on all Real Estate. Second Lantz. All voted aye.

Ben Cohn, North Valley Refuse, protested the garbage Resolution B-905.

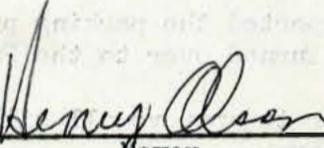
Council discussed and approved garbage rates. Residential to be \$54.00 per year, businesses to increase 50% except those not utilizing the City service - they would remain the same as last year.

Motion Caciari to adopt Resolution B-905 - Garbage. Second Putnam. All aye.

Motion Lantz to accept the Clerks, Treasurers, Police Judge, Animal Warden and Building Inspector reports for month of July. Second Duxtater. All voted aye.

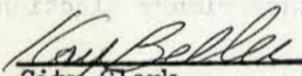
Councilman Caciari commended the City Manager and Dept. Heads for a job well done on the budgets.

Motion Duxtater second Lantz to adjourn 7:40 P. M.



 Mayor

ATTEST:



 City Clerk

August 17, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present except Duxtater. Also present were City Attorney Leo Fisher, City Manager Don Morrison, City Building Inspector Berg and Police Chief Howard Sellers.

The minutes of the previous meetings were approved as read.

Mayor Olson read the resignation letter of Ken Duxtater and expressed his deep feelings of regret that the City was losing such a fine Councilman from the second Ward. Attorney Fisher informed the Mayor and Council that they must replace him within 30 days and the new Councilman would have to run in the November election to fill out the remaining 2 years.

Manager Don Morrison read a letter from the County concerning the agreement with the Library, which expired in July. Mayor Olson expressed the desire to adopt the amendment to continue the agreement until a new agreement could be reached. After much discussion a motion was made by Stephens to extend the amendment for 60 days. seconded by Putman. All A ye

Manager Morrison stated that he had met with Jerry Hoadley about the Golf Course Lease which will expire on Oct. 1st, 1981. It was turned over to the Park Committee for recommendation.

Manager Morrison also stated that we were to receive a \$400.00 grant for a energy study of City hall.

He also read a letter from the Board of County Commissioners terminating the Inter Local Agreement with the City to fund \$10,000.00 dollars to the Whitefish Rifle Club. He was instructed to write a letter to the county asking that we still be considered for the money.

Councilman Stephens reported that after talking to James Clegg that he would recommend that he be appointed to the Board of Adjustments. A Motion by Stephens and seconded by Putman that James Clegg be appointed. All A ye.

Hearing on Resolution B-899 annexing the road from reservoir road to the North side of Houston point was held, since there were no protests a motion by Lantz and seconded by Stephens to pass the resolution. B-916 annexing said road. All Aye.

Gary Elliott reported on the upcoming Summer games to be held Sept. 11th through the 12th and requested that they be given use of the parks and ball fields for the event and to close main street from 1st to second to hold a street dance. He also stated that they would hire some Sheriffs Posse to help police the events with no cost to the city and they would also have a clean up crew to clean up afterwards. Police Chief Sellers reported that he would also have an extra man on Patrol and requested that they put out some waste containers for bottles and cans. Mayor Olson accepted the games.

Gary Elliott and Harry Brown presented a formal petition to the Council on the annexation of Suncrest #2 Sub-division for referral to the City County Planning Board for recommendation. Councilman Caciari questioned the problem of sewage for such a development, and so Elliott read a letter from Engineers Morrison & Maierle stating that our Lagoon was adequate. Putman questioned the problem of broken sewer lines, street widths and if there would any commercial endeavors. after further discussion a motion by Lantz and seconded by Ramlow that the Sub-Division be turned over to the City County Planning Board. All A ye.

Councilman Caciari to head a search committee to find a replacement for John Nelson on the City County Planning Board. Attorney Fisher to check and find out if a member of the Council has to be a member of the City County Planning Board.

A motion by Putman and seconded by Caciari that Ordinances A-391 - A 392 - A -393 & A 394 be passed with changes. All Aye. *1ST READING*

A motion by Caciari and seconded Ramlow that Ordinance A-395 be passed after *FIRST* reading. All Aye. Parking Ordinance.

Daniel Vasquez representing a group requested that the City council turn the tennis courts in Memorial park over to them for a practice field and batting field rather than upgrade the present tennis courts as planned in the budget. after a lengthy discussion Councilman Putman stated that he felt that our Parks should be multi-purpose and something for everyone. Councilman Caciari concurred. Councilman Lantz suggested that they talk to Engineer Wells on a location other than the tennis courts.

A motion by Stephens and seconded by Lantz to accept Business licenses:
Great Bear game & Tackle shop
Goff and Curry Produce

Stephens reported on the bad condition of Iowa st. since installing water line. and suggested that it be repaired. He also suggested that Seventh st. be installed. Attorney Fisher explained that the City had investigated this many times and when you change the grade you must satisfy the property owners on both side, so the city did not pursue the matter.

A motion by Putman and seconded by Ramlow to allow the Fire Dept. to hold their Picnic at Memorial field and waive the open container law. All Aye. Aug. 30, 81

Chief of Police Howard Sellers to check on people getting tickets in handicapped zone.

August 17, 1981

A motion by Caciari and seconded by Ramlow that the City Manager sign the vouchers. All Aye.

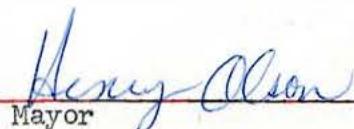
Councilman Caciari asked that City Manager Morrison advise them whether they should meet once or twice a month.

Leo Fisher reported that he had gotten an order of forfeiture on the 1972 Mercury car and he would register it and get the exempt plates on Tuesday.

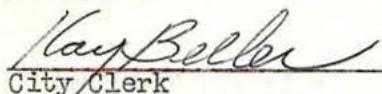
Mayor Olson reported on the parking situation at the city beach after a short discussion it was decided to check with the Burlington Northern to see if it was possible to lease some of their land for extra parking.

A motion by Caciari and seconded by Lantz to pay the vouchers and accept the building permits.

Meeting Adjourned 9:50 P.M.


Mayor

ATT EST::


City Clerk

September 8, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Sellers, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved as read with one correction. Ordinance A-395 was passed on the first reading, minutes stated passed on 2nd reading.

ADMINISTRATORS REPORTS

City Manager Morrison reported the Regional Office had received two petitions to annex with subdivision plats that the City was not aware of.

City Attorney Fisher said subdividers should file two petitions with the City Clerk she gives one to the Council and sends one to the City County Planning Board. Councilman Putnam thought council should consider waiting to act on subdivisions as developers would try and beat the new zoning. Council to consider.

Morrison also reported the resignation of Ken Doxtater, created a vacancy on the Gambling Commission. The County Commissioners would like this vacancy filled as soon as possible. Also the Gambling Commission at their meeting of August 13, approved electronic Bingo and Keno at \$100.00 per machine and suggested the City adopt also.

Motion Stephens to have City Attorney Fisher draft an Ordinance allowing Electronic Keno and Bingo at \$100.00 per machine. Second Lantz. All aye.

Appointment of someone to the site selection committee for the County Courthouse was turned over to Mayor Olson.

CITY PLANNING BOARD VACANCIES

It was moved by Stephens second Caciari to appoint Mike Jensen to the City County Planning Board. He would replace John Nelson. All aye.

Motion Caciari to appoint Toni Irwin to the City County Planning Board. Second Stephens. All aye.

SUNCREST PHASE 11

The City County Planning Board recommended approval of:

1. Amending the Comprehensive Plan to allow development as Urban Residential.
2. Annexation to the City as R-1 Residential.
3. Rezone to PUDZ with specific recommendations.
4. Preliminary Platt.

After discussion it was MOVED by Putnam to set for Public Hearing amending the Comprehensive Plan from 2 units per acre to 4 units per acre for Suncrest Phase 11, provided the annexation is completed. Second Caciari. All voted aye except Stephens who said no. Motion carried.

September 8, 1981 cont.

Motion Caciari to adopt Resolution # B-917, a Resolution of Intent of Consideration of annexation Suncrest Phase 11, as R-1 residential, with PUD, according to the Preliminary Platt submitted. Second Iantz. All aye.

City Attorney Fisher to set dates of hearings. *oct. 19th*

(Suncrest Phase 11 developers approved extension of time on Preliminary Platt -- hearing to be held with annexation.

Dave Bower representing the Little League Association requested permission for the Association to build a 10 X 10 addition to the concession stand at Memorial Field.

Motion Iantz to allow Preliminary Plans if the Building Inspector approves. Second Ramlow. All aye.

The Association would also meet with the Building Inspector on constructing new bleachers east of the A field.

LIBRARY AGREEMENT

Councilman Iantz reported they had met with the County Library Board and the Board proposed to leave the lease agreement at \$1.00 per year. The Building Committee had two proposals.

1. Leave as is provided Columbia Falls does not get the \$5000.00 per year for maintenance.
2. Forget Col. Falls and lease at ~~\$100~~ per year with possibility of levying 1 or 1½ mills for maintaining the Library.

After much discussion it was MOVED by Iantz to extend the agreement an additional 60 days and wait until Col. Falls settles. Second Putnam. All voted aye.

Mayor Olson opened the Hearing on the second reading of the following Ordinances:

1. A-391 Changes Council President to Deputy Mayor
2. A-392 Prescribes which officers of the city shall call the Council Meetings to order.
3. A-393 Duties of the Chief of Police
4. A-394 Providing for the several Municipal Officers of the City and prescribing duties.

There were no protests, so it was moved by Putnam to pass A-391, A-392, A-393, A-394 on the Second and Final reading. Second Caciari. All aye.

Hearing on Ordinance A-395 Two hour on street parking limit downtown, was opened. There were no protests, and it was MOVED by Caciari to pass A-395 on the second and final reading. Second Ramlow. All aye.

Stan Dye requested Council to attend a meeting with the County Sanitarians on the serious condition of Whitefish Lake. This meeting would include the City County Planning Board, Chamber of Commerce, Lake Quality Committee, etc. Meeting was set for Wednesday Sept. 16, 1981.

Fritz Royer requested permission to have a boulevard planting strip at 243 Spokane Ave. he said he would come in 3 feet from the curb and put a crushed gravel walkway, then the planter.

Motion Iantz to approve the boulevard planter, if it was 3 feet from the curb, if problem arises with the gravel, it would have to be changed. Second Ramlow. All aye.

Council decided to leave the Park Committee incharge of the Golf Course Lease renewal.

BUSINESS APPLICATIONS

Motion Stephens to accept Business License of 1. Dawn Stilson, Mfg. Ski Hats, 512 Columbia Ave. 2. Nancy Parker-cleaning service- 223 Iowa Ave. 3. Bill Leonard-Mobil Fire & Security Service-810 Dakota Ave. Second Iantz. All aye.

LAKESHORE CONSTRUCTION APPLICATIONS

Motion Stephens to accept the City County Planning Boards recommendation and accept Lakeshore Application of Whitefish Land Co. (Huston Point). Stipulations of the CCPB must be followed. Second Putnam. All aye.

Motion Stephens to accept the City County Planning Boards recommendation and accept the Trieweiler Lakeshore Application, with the stipulation the retaining wall must be stone. Second Caciari. All aye.

Sept. 8, 1981 cont.

Motion Putnam to accept the Hurley Lakeshore Application as recommended by the City County Planning Board. Second Ramlow. All aye.

Motion Lantz to allow City Manager Morrison permission to issue Business Licenses. Second Putnam. All voted aye.

Motion Caciari to allow City Manager Morrison to sign all warrants (instead of Mayor). Second Lantz. All aye.

OTHER

Motion Lantz allowing Councilman Stephens and Mayor Olson permission to leave the state Sept. 11th thru the 16th. Second Ramlow. All aye.

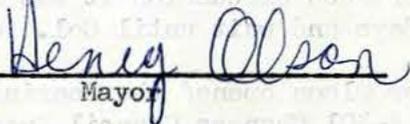
Councilman Putnam reported the 7-11 Store should be instructed to install curbs and clean up rocks as they are a hazard. Letter to be written to the 7-11 Store.

Councilman Caciari reported the dog problems in the city are serious, and something should be done. Police Chief and City Manager to meet with Animal Warden.

Mayor Olson commended City Engineer Wells for the fine job the Street dept. has done on the streets.

Police Chief Sellers reported that at the last street dance enforcement of open container was impossible because the bars issue go cups to patrons. He said something has to be done. Council suggested he check with the Bar Association, to see if they would co-operate.

Motion Putnam second Lantz to adjourn 10:00 P.M. all aye.


Mayor

ATTEST:


City Clerk

September 21, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present except Putnam. Also present were Police Chief Sellers, and City Attorney Fisher.

The minutes of the previous meeting were approved with one correction. (Suncrest Phase 11 - Corrected to read Resolution of Intent with R-1 PWD, according to the Site Plan attached not Preliminary Platt as stated.

City Manager Morrison reminded Council he would be attending the League of Cities Conference September 23rd thru the 25th and explained briefly the "Handbook for Council members" which he had distributed to each Councilman.

Morrison requested Council approval of the Police salary settlement of 10% wage increase effective October 1, 1981, with 8% retroactive to July 1, 1981.

Motion Ramlow to accept the police salary settlement - 10% wage increase effective October 1, 1981 with 8% retroactive to 7-1-81. Second Lantz. All aye.

Three bids were received for furnishing the city with gasoline and Diesel Fuel.

Worleys Husky	Regular	1.44 per gal.
	Lead Free	1.49 per gal.

Town Pump - 2¢ gal. less than posted pump prices	Regular	1.269 (posted)
--	---------	----------------

P & R Distributing	Regular	1.247
	Unleaded	1.297
	Premium	1.369
Diesel #2		1.129

¼¢ Federal Tax would be subtracted from all bids and all were subject to changes due to changes in price from suppliers.

Motion Lantz to turn the bids over to City Manager Morrison with power to act. Second Caciari. All aye.

September 21, 1981 Cont.

APPOINTMENTS

Motion Stephens Second Caciari to appoint Helen Tate to replace Ken Doxtater as Councilperson. All voted aye.

Appointment to the Gambling Commission was postponed until Council Meeting of Oct. 15th.

NEW BUSINESS

Petition to annex as R-1, Deerfoot Park(West of Golf Course off State Park Road) was referred to the City County Planning Board for their recommendation.

Motion Lantz to allow Judge Maddux permission to leave the state the 22nd of September until the 5th of October. Second Stephens. All aye.

POLICY CLARIFICATION ON USE OF ON STREET PARKING STALLS

City Manager Morrison explained Nelson Hardware requested 3 parking meters in front of their store to park a van for demonstration purposes. Council authorized this request and City Manager Morrison to set the fee for the meters.

ANIMAL CONTROL

Police Chief Sellers and City Manager Morrison reported meeting with the animal Warden on better animal control and no definite proposal was reached. Use of a tranquilizer gun was discussed and turned over to Sellers to handle.

SPECIAL EVENTS PERMITS

Council reviewed the Draft for Special Events Permits presented by the City Manager. Mayor Olson appointed a Committee of Stephens and Lantz to talk to the Winter Carnival Committee and the Chamber of Commerce before adopting the Ordinance next Council Meeting.

WHITEFISH LAKE WATER QUALITY

The meeting of September 16th with the County Sanitarians on the condition of Whitefish Lake was discussed. Councilman Caciari said the City should get involved/^{and} pollution of the lake was caused by County people, he thought the city should put pressure on the county to do something. Councilman Stephens agreed and added County Subdivision approvals should be more restrictive. City Manager Morrison to draft a letter to the County Commissioners for Council to review next meeting.

Moratorium on Annexation and subdivision was tabled until next meeting.

OTHER

Motion Lantz second Stephens to adopt Resolution #B-918, levying and establishing Gaming License fees for the City and adding Electronic Bingo & Keno, each machine \$100.00 per year and also the investigation fee of \$75.00. All voted aye.

City Attorney Fisher reported October 19th would be the hearing date set for Suncrest Phase 11, and explained the Site Plan is how a PUD is controlled.

Councilman Lantz reported the city beach area was in dire need of repair and parking was a problem. He said the city owns lots at the corner of Washington and Edgewood avenues which might be considered for parking.

Councilman Ramlow reported the Golf Course Lease was tabled until information on other Municipal Golf Courses was received.

Councilman Caciari reported alleys should be cleaned up, suggested enforcing the Garbage Ordinance.

Mayor Olson read a letter from Lyle Rutherford resigning from the Police Commission effective November 1, 1981.

Gary Elliott inquired if the Council was interested in working with a group on Economic Policy for the City. Turned over to City Manager Morrison/

Adjourned 9: 22 P.M.

Henry Olson
Mayor

ATTEST:
Gay Belle City Clerk

October 5, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were Police Chief Sellers, City Engineer Wells, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

BIDS

Two bids were received for a new fire truck.

Groom and Emergency Products, Inc.	112,500.00
Pierce Mfg. Co.	125,369.00

Motion Lantz to turn the bids over to the Fire Department to study and bring their recommendations back to the Council. Second Caciari. All aye.

City Manager Morrison reported on the League of Cities meeting he attended. He said after meeting with the Asst. Attorney General he found out Self Governing Cities can: create Special Maintenance Districts, are exempt from following the State on benefits (vacation, sick, holiday) can impose fees for revenues above the level to control, have hotel fees (bed tax) and thought the City should consider a cable TV franchise.

ENFORCEMENT OF ANIMAL CONTROL ORDINANCE

Mayor Olson read a letter from Animal Warden, Bert Sternal, explaining his efforts in trying to control the dog problems. Sternal also stated his contract was up Nov. 1st and he would like an increase in pay in the event the city wished to continue his services.

Mayor Olson formed a Committee of City Manager Morrison, and Councilmen Caciari and Stephens to draft amendments to the dog Ordinance and to study the Animal Warden Contract and pay increase and bring back to the next council meeting.

City Manager Morrison reported Lakeview Estates Subdivision was scheduled for a hearing before the City County Planning Board October 22nd. The Subdivision would be 78 lots of 4 plexes and is located north east of Gaines Point. He suggested the city write a letter to the City County Planning Board recommending denial of this subdivision because of the serious impact it could cause the city in the next 15 years.

Motion Stephens City Manager Morrison write letter to City County Planning Board requesting this subdivision be denied because of the impact on City services, pollution of the lake, etc. Copy to be sent to the County Commissioners. Second Putnam. All voted aye except Lantz who said no. Motion Carried.

At Council meeting of September 8, Council approved Lakeshore Construction application of Terry Triewieler per recommendation of the City County Planning Board that the retaining wall be stone. A letter from Mr. Triewieler protesting this decision and stating he would build the wall the way he wants was turned over to City Attorney Fisher.

SWEARING IN HELEN TATE AS COUNCILWOMAN

City Attorney Fisher administered the Oath of Office to Helen Tate and she took her place at the Council table.

APPOINTMENTS

Gambling Commission

Mayor Olson asked Council approval of Jesse Stephens to the Gambling Commission.

Council approved with Stephens abstaining.

Police Commission appointment was tabled until next meeting

PUBLIC HEARING

Mayor Olson opened the Public Hearing on RTD, Inc, annexation and subdivision (lots 6 & 7 Tract C Stocking Addition) zone requested is R-1. The City County Planning Board recommended approval.

Attorney William Astle represented RTD, Inc. and people protesting annexation were, Leo Tracey representing Marie Lockhart, Marie Lockhart, William DeVall, - Letters of protest were received from Eva DeVall, Roy Duff and Judy and Dow Crum.

After much discussion, Mayor Olson closed the hearing. Decision to be Council meeting of October 19.

OCTOBER 5, 1981 cont.

Councilman Putnam said the city should have a moratorium on annexation and zoning. Council should consider holding off annexations and zone changes until the new Zoning Ordinance is finalized.

Motion Putnam to adopt Resolution #B-919, creating a moratorium on zoning and annexations until such time as the new Zoning Ordinance is adopted. This would exclude RTD, Inc and Suncrest II. Second Tate. All voted aye except Lantz and Ramlow. Motion carried.

PENDING BUSINESS

Special Events Permit: Winter Carnival

Chuck Abell representing the Winter Carnival Committee said they were working on their 1982 budget and they needed to know what the city was going to charge them for Winter Carnival. Councilman Stephens said the committee met with the Winter Carnival people and the Committee felt extra garbage pick-ups should be paid by the businesses, and Police charges should not be paid by the Winter Carnival. The Carnival would hire the posse to work under Police Chief Sellers.

After much discussion it was decided that City Manager Morrison would give the Carnival Committee a letter of fees the city would charge, and he and the Ordinance Committee would draft an Ordinance for Special Permits and bring back to the Council.

Letter to County Commissioners regarding Water Quality

Motion Tate to accept City Manager Morrisons letter to the County Commissioners regarding water quality of Whitefish Lake. Second Putnam. All aye.

Meeting date with the Golf Association was set for 5:00 P. M. October 6th in the Council Chambers.

NEW BUSINESS

Petitions to annex Lots 10, 11 & 12 of the Ramsey Addition and Deerfoot Park Subdivision were not discussed because of the Moratorium.

The recommended Application fee schedule in Flathead County for Subdivisions and Zoning was tabled until the next Council meeting.

SET SEWER RATE HEARING DATE

Motion Lantz to set the sewer rate hearing for November 16, 1981, notice to be published three times. Increase to be 22%. Second Caciari. All voted aye.

OTHER

Removal of parking meters was turned over to City Manager Morrison.

Council thought a letter of appreciation to city crews for a fine job done this summer should be written.

Adjourned: 10:47 P.M.

ATTEST:

Kay Baker
City Clerk

Henry Olson
Mayor

October 19, 1981

Mayor Olson called the regular meeting of the Whitefish City Council to order at 7:30 P.M. Roll call showed all Aldermen present. Also present were Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATOR'S REPORTS

PERTINENT CORRESPONDENCE

City Manager Morrison said he had a memo from Police Chief Sellers regarding Insurance coverage for the Posse, and the County does cover the Posse under ~~Workman's Comp.~~ However, they in turn pass the costs on to the requesting parties.

Local officials were invited to a Home Builders Associating meeting October 20th at the Outlaw Inn and to a meeting with the BNRR officials on the 21st at the Viking.

City Manager Morrison gave the Council a quarterly financial report of Receipts and expenditures.

Proposed Burglar Alarm Ordinance and Resolution was turned over to Committee of Councilwoman Tate, Police Chief Sellers and City Manager Morrison to study and bring back.

PUBLIC HEARING

Mayor Olson opened the Public Hearing on Suncrest Phase 11 annexation and Subdivision. R-1 zoning was requested.

Harry Brown and Garry Elliott summarized their request of the 36 acre subdivision and answered Councils questions on: drainage, sewer lines, acceptance of roads, etc. They wanted to deed the roads (when they meet city specifications) to the city and have a Maintenance and repair contract with the Homeowners Association until the tax base is such as the city could maintain. There were no protests and Mayor Olson Closed the hearing.

The Mayor then opened the Public Hearing on the amendment to the Comprehensive Plan. The amendment would change from Suburban Residential (2 dwelling units per acre) to Urban Residential (4 dwelling units per acre) for Suncrest Phase 11.

There were no protests and Mayor Olson closed the hearing.

City Attorney Fisher said Council would consider the Preliminary Platt when they make decision on annexation and Comprehensive plan change.

DECISION ON R.T.D. INC. ANNEXATION AND SUBDIVISION Lots 6 & 7 Tract C Stocking Addition, zone requested is R-1.

Mayor Olson allowed three minutes to each side for discussion. Attorney Bill Asile spoke for the Developers, and objecting homeowners were Marie Lockhart and Bill DeVall. Council was concerned about zoning and density. City Attorney Fisher said the city could control with restrictive covenants.

After much discussion it was moved by Stephens the city would be in favor of this annexation, on the basis they have Restrictive Covenants limiting them to four (4) single family dwellings. Second Tate. All voted aye.

ZONING AND SUBDIVISION FEES were tabled until next Council Meeting.

REVISED ANIMAL CONTROL ORDINANCE was turned back to committee, and would be brought back to the next Council meeting.

POLICY GOVERNING SPECIAL EVENTS

Motion Stephens to adopt Resolution #B-920, A Resolution governing the provisions of facilities and services for Community and Commercial Events conducted in whole or in part with or upon City properties. Second Caciari. All voted aye.

NEW BUSINESS

GOLF COURSE LEASE AGREEMENT

Motion Putnam to accept the Golf Course Lease subject to ratification by the Golf Association and Public Liability limits be raised to one million dollars. Second Tate
All voted aye.

ORDINANCE NO. A-398

AN ORDINANCE OF THE CITY OF WHITEFISH, MONTANA, AMENDING SECTION 1 OF ORDINANCE NO. A-380 OF THE REVISED ORDINANCES OF WHITEFISH FIXING SALARIES AND WAGES FOR ALL CITY OFFICERS AND EMPLOYEES.

BE IT ENACTED BY THE CITY COUNCIL OF WHITEFISH, MONTANA:

Section 1. That Section 1 of Ordinance No. A-380 of the revised Ordinances of the City of Whitefish shall be amended to read as follows:

"Section 1. Effective July 1, 1981 to June 30, 1982 the salaries and wages of all City Officers and employees shall be as follows:

CITY ADMINISTRATOR-----	\$2166.67	per month,	payable semi-monthly
CITY JUDGE-----	517.75	per month,	payable monthly
CITY ATTORNEY-----	875.00	per month,	payable monthly
ASSISTANT CITY ATTORNEY-----	200.00	per month,	payable monthly
CITY TREASURER & CASHIER-----	1417.00	per month,	payable semi-monthly
City Clerk - Sexton-Comptroller*-----	1362.50	per month,	payable semi-monthly
POLICE CHIEF-----	1515.10	per month,	payable semi-monthly
ASST CHIEF OF POLICE-----	1422.45	per month,	payable semi-monthly
POLICE SERGEANT-----	1390.84	per month,	payable semi-monthly
PATROLMAN-----	1330.89	per month,	payable semi-monthly
Patrolman - Extra Board-----	6.00	per hour,	payable semi-monthly
HEAD DISPATCHER-----	5.00	per hour,	payable semi-monthly
FULL TIME DISPATCHER-----	4.36	per hour,	payable semi-monthly
PART TIME DISPATCHER-----	4.25	per hour,	payable semi-monthly
METERMAID-----	4.47	per hour,	payable semi-monthly
CITY HALL JANITOR-----	750.00	per month,	payable semi-monthly
WATER DEPT. BILLING CLERK-----	5.24	per hour,	payable semi-monthly
WATER DEPT. OFFICE HELP - part time-----	3.65	per hour,	payable semi-monthly
WATER DEPT. AUDITOR-----	479.60	per month,	payable monthly
CITY ENGINEER-----	2125.00	per month,	payable semi-monthly
(Lifeguard - New)-----	3.25	per hour,	payable semi-monthly
Senior Lifeguard-----	3.65	per hour,	payable semi-monthly
Experienced Lifeguard-----	3.50	per hour,	payable semi-monthly
Police Officers Night Differential-----	.25	per hour,	6:00 P.M. to 8:00 A.M.
Police Clothing Allowance-----	445.00	per year	
Metermaid Clothing Allowance-----	150.00	per year	
Dispatcher Clothing Allowance-----	100.00	per year	Full time dispatchers
Sanitation Leadman-----	7.27	per hour	payable semi-monthly
Sanitation Crewman-----	7.11	per hour	payable semi-monthly
Street and Alley Foreman-----	7.45	per hour	payable semi-monthly
Heavy Equipment Operator-----	7.21	per hour	payable semi-monthly
Motor Grader Operator-----	7.21	per hour	payable semi-monthly
Truck Driver Labor-----	7.11	per hour	payable semi-monthly
MECHANIC-----	7.26	per hour	payable semi-monthly
Water Dept. Head-----	7.45	per hour	payable semi-monthly
Senior Water & Wastewater Operator-----	7.21	per hour	payable semi-monthly
Utility man-----	7.11	per hour	payable semi-monthly
CLASS 1 certification-----	.18	per hour	
Secretary Judges Office-----	4.36	per hour	payable semi-monthly
Temporary Help-----	3.65 to \$6.00	per hour	

Section 2. Ordinance No. A-380 of the Revised Ordinances of the City of Whitefish and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall become effective from and after its passage by the City Council of the City of Whitefish, Montana, and approval of the Mayor thereof.

Section 4. FINALLY PASSED AND ADOPTED by the City Council of the City of Whitefish Montana, on the 19th day of OCTOBER, 1981, and approved by the Mayor thereof on the same date.

Henry Olson
Mayor

ATTEST: Kay Belle
City Clerk

October 19, 1981 cont.

AMENDMENTS TO "DRIVING UNDER THE INFLUENCE" ORDINANCE

on the First Reading

Motion Stephens to pass Ordinance #A-396, an Ordinance providing that it is unlawful for any person under the influence of alcohol or a narcotic drug to drive or be in active physical control of a motor vehicle upon the streets, alleys, highways or bridges of the City of Whitefish; and providing for penalties for the violation of this Ordinance; and amending Section 15 of Ordinance No. A-85 and repealing all Ordinances, parts of Ordinances or code section in conflict herewith. Second Caciari. All voted aye.

OTHER

Motion Lantz to adopt Ordinance A-398, an Ordinance fixing salaries and wages for all city officers and employees. Second Tate. All aye.

Motion Putnam to allow Councilmen Lantz and Stephens to leave the State: Lantz the 25th thru the 14th of November and Stephens the 31st of October thru the 2nd of November. Second Ramlow. All aye.

Speed limit signs on Denver Street and Yield signs at the Corner of Denver and Colorado were turned over to the Traffic Committee.

Councilman Caciari reported cars were still parking next to the bridge at the Golden Agers. Police Chief Sellers to investigate.

City Attorney Fisher reported he had investigated the Triewieler Lakeshore Construction application and he did not think the city could make him use stone in the retaining wall. Councilman Stephens explained the Lakeshore Study Committee drew up guidelines and established criteria that the lakeshore be kept as natural as possible. Wood retaining walls are undesirable. The Committee wants this enforced. City Attorney Fisher to get an Attorney General opinion.

Mayor Olson thanked Lyle Rutherford for his work on the Police Commission and asked Councilman Stephens about progress of the Sign Ordinance. Councilman Stephens said the sign Ordinance was still being drafted.

Motion Caciari second Lantz to adjourn 10:40 P.M. All aye.

Henry Olson
Mayor

ATTEST:

Way Bolter
City Clerk

October 20, 1981

2:00 P.M.

Bid openings on a Computer System

Bids were received from:
Flathead County - tie in system (I.B.M.)
NCR
Diversified Computer - software I.B.M.
I.B.M.
Big Sky Data Systems
Burroughs

Bids to be turned over to an advisory Committee for review.

November 2, 1981

Mayor Olson called the regular meeting of the Whitefish City Council to order at 7:30 P.M. Roll call showed Tate, Putnam and Caciari present. Absent were Lantz Stephens and Ramlow. Also present were Police Chief Sellers, City Manager Morrison, and City Attorney Fisher. Council lacked a quorum and no official business could be conducted.

The minutes of the previous meeting were approved as read with one correction. Posse-should have been Liability insurance coverage by the County not Workmans Comp.

The Keystone Cops entered the Council room at this point and presented Mayor Olson a small bag of coins, (the last money collected from the Parking Meters). The Mayor thanked them for removing the Parking meters.

CITY MANAGER REPORTS

Morrison reported: The City County Planning Board would have a hearing November 30, on Preliminary Platt and Subdivision request of Woodview Subdivision. (Fred Castor property North Side of Lakeshore drive. Property is in the City.

He stated his memo on Rural Fire Contracts was an informational item only.

Letter from the Attorney Generals office on Commercial Garbage hauling was turned over to city Attorney Fisher.

Letter from R.T.D. Inc. was also turned over to the City Attorney.

SUNCREST PHASE 11 was referred to the November 16th meeting.

Councilman Putnam did question the Annexation Report of Suncrest regarding the streets, and he visited with Gary Elliott and Harry Brown on Covenant changes.

Councilwoman Tate reported Jack Sagen had questioned whether Wisconsin Avenue had enough fire hydrants for adequate fire protection. Fire Chief DePratu and Dick Maddux said the Fire Dept. has enough equipment for protection.

LeRoy Thoring representing the Model Airplane Club asked status of their flying field at the City Lagoon. Turned over to City Manager Morrison.

Business postponed until Council meeting of November 16.

Suncrest Phase 11
Zoning and subdivision fee schedule
Animal Control Ordinance No. A-397
Ordinance No. A -399 Burglary and Fire Alarms.

There was an Executive Meeting following this meeting.

Adjourned 9:09 P.M.

ATTEST:

Ray Belker
City Clerk

Amy Olson
Mayor

NOVEMBER 16, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

PUBLIC HEARING ON INCREASING SEWER RATES

Mayor Olson read a letter explaining House Bill 765 and why the City was requesting the Sewer Rate Increase.

Tom Flynn, City Water & Sewer Department Auditor said the increase would go from \$1.00 to \$1.22 per thousand gallons of water used, (22% increase) and become effective on the January billing. He further explained with the \$4.00 tax collected as a City Special for many years not being assessed, and a drop in connection fees, etc, the 22% did not exceed the amount authorized by House Bill 765.

Stanley Dye questioned some sewer expenditures and emphasized cost control. Art LaBrie, Art Engelter, and Don Jensen protested the increase. After much discussion Mayor Olson closed the hearing. (Hearing was taped and on file in the Clerks Office)

It was moved by Caciari second Lantz to adopt Resolution #B-921, increasing the sewer rate from \$1.00 to \$1.22 per thousand gallons of water used. All voted aye.

PENDING BUSINESS

SUNCREST PHASE 11

Amendment to the Comprehensive Plan
DISCUSSION:

Councilman Stephens was concerned about the visual impact and density of the 8 view lots of the Subdivision, and City Manager Morrison said the streets would have to be 24' paved widths and all improvements would have to meet the Montana Public Works Specifications as amended by the City of Whitefish. Councilman Putnam requested all Covenant changes (tree screening, etc), 35' building height limitation, be brought up and approved by the Council. Also he wanted all agreements and conditions on the Platt. City Attorney Fisher said everything could be attached to the site plan. (This was also taped and on file in the Clerks Office).

Motion Lantz to adopt Resolution B-922 Amending the Comprehensive Plan, from 2 units to 4 units per acre for Suncrest Phase 11. Second Caciari. Roll call vote showed, Tate, Lantz, Ramlow, Putnam and Caciari voting aye and Stephens voted no. Motion Carried.

Motion Caciari to adopt Ordinance #A-400, An Ordinance annexing as R-1 with a PUD overlay Suncrest Phase 11. Second Lantz. Roll call vote showed, Tate no, Lantz aye, Stephens no, Ramlow aye, Putnam aye, Caciari aye. Motion Carried.

Developers asked for a continuance on the Sub Division Platt.

ZONING AND SUBDIVISION FEE SCHEDULE

Motion Putnam second Stephens to adopt the Zoning and Subdivision Fee Schedule. All voted aye.

Ordinance A-397 - Animal Control

Animal Control Fee Schedule

Changes: Instead of graduating fees by the months Council wanted 1 year and $\frac{1}{2}$ year fees.
Word kill to be changed to destroy.

Motion Stephens to pass Ordinance A-397, on the first reading with noted changes. Second Lantz. All voted aye.

Motion Putnam License fee schedule be 1 year and $\frac{1}{2}$ year fees rather than by months. second Stephens. All voted aye.

Animal Control Officer Contract

Motion Caciari to accept the Animal Control Officers Contract for 1 year, 11-1-81 to October 31, 1982. Second Tate. All voted aye.

November 16, 1981 cont.

SECOND READING OF
ORDINANCE NO. A-396, DRIVING UNDER THE INFLUENCE

Motion Tate second Lantz to adopt Ordinance A-396, driving under the influence on the second reading. All voted aye.

APPROVE APPOINTMENT TO POLICE COMMISSION

Motion Lantz to approve appointment of Dale Howke to the Police Commission, replacing Lyle Rutherford. Second Caciari. All voted aye.

ADMINISTRATORS REPORTS

Library Agreement

City Manager Morrison read letter from the Flathead County Library Board requesting Council extend the Whitefish Contract until March 1, 1982.

After much discussion it was moved by Lantz to extend the contract until March 1, 1982. Second Stephens. All voted aye except Putnam who said no. Motion Carried.

Morrison also reported there would be a Tri-City meeting Wed. Nov. 18th at the Whitefish Lake Golf Club.

NEW BUSINESS

Ordinance No. A-399 - Burglary and Fire Alarms

Motion Stephens second Putnam to adopt Ordinance A-399, Burglary and Fire Alarms on the ~~first~~ Reading. All voted aye.

Boundary adjustment to lot 4 of first addition Tallman's Subdivision - Petition to annex.

Because of the Moratorium on Annexations and Zoning this was tabled until a later date.

OTHER

Jim Christians, representing RTD, Inc. asked for a decision on their request to put 6 units (2 single family and 2 duplexes) on the 4 lots (1.4 acres) of Glen Lagen Subdivision.

Council meeting of October 19, 1981, Council said they would be in favor of this annexation on the basis they have restrictive covenants limiting them to 4 single family dwellings. City Attorney Fisher explained the 6 units would not comply to the Comprehensive Plan.

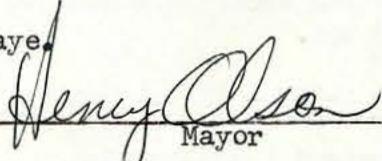
Councilman Putnam recommended giving City Employees a Christmas bonus of \$10.00

Motion Tate to give City employees a \$10.00 Christmas bonus. Second Putnam. All aye.

Police Chief Sellers recommended a 25 MPH speed sign on Denver Street and Councilman Caciari reported Sellers had corrected the parking problem at the Golden Agers.

City Manager Morrison reported he would meet with City employees to discuss his Personnel Policies and Procedures. Council would receive his final draft soon.

Motion Lantz to adjourn 11:04 P.M. Second Tate. All aye.



 Mayor

ATTEST:



 CITY CLERK

SUN CREST PHASE II

FINDINGS OF FACT

The WHITEFISH CITY COUNCIL, having considered the preliminary plat for SUN CREST PHASE II SUBDIVISION, having held a public hearing thereon and having carefully considered the testimony of all interested persons, does hereby make the following FINDINGS OF FACT:

1. As BIG MOUNTAIN continues to expand and as the CITY OF WHITEFISH continues to grow as a prime year-round resort area, the demand for high quality resort-residential housing likewise increases. This Subdivision, designed to be served by City utilities, located in an attractive setting and making full use of non-agricultural property, is found to serve the stated need.

2. Expressed public opinion has been favorable to the proposed Subdivision.

3. The Subdivision will have no adverse impact on agriculture as it is located on timbered property unsuitable for agricultural uses.

4. The proposed Subdivision will gradually place more demand on local services and utilities, which increase will largely be paid for by the property owners at the outset of the subdivision and later compensated for by taxation as the Subdivision is developed.

5. Construction of dwellings and road will naturally disrupt, to a large extent, the natural environment of the area. However, this disruption has been minimized by the subdividers' requirements and plans for underground utilities, clustered housing under a Planned Unit Development, green-belt areas, restrictions on cutting of trees and use of earth tones on structures.

6. Residential development of the area will discourage certain wildlife species, which under more natural conditions might

inhabit these or similar areas.

7. The Subdivision will not create any adverse effects on the public health and safety.

DATED this 7th day of ^{DECEMBER}~~November~~, 1981.

WHITEFISH CITY COUNCIL

By Henry Olson Mayor

December 7, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All aldermen were present except Ramlow. Also present were City Engineer Wells, Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read with the following corrections.

1. First reading on Ordinances #A-397 and A-399, not second as read.
2. 24 feet on road width not 24" as read.

PLANNING BOARD PRESENTATION OF RECOMMENDED ZONING ORDINANCES

Jerry Hanson presented the recommended Zoning Ordinance to the Council. He explained the City County Planning Board had held four (4) hearing and the Board had made changes on the map and a few in the document. Mayor Olson thanked and Commended the Board for a job well done.

Number of hearings the Council should have was discussed. March 15, 1982 would be the Council meeting the Ordinance should be finally adopted as it would become effective 30 days thereafter, thus meeting the April 30, 1982, deadline.

Mayor Olson appointed a Study Committee of Stephens, Putnam and Tate.

IT WAS MOVED by Stephens second Putnam to hold four (4) hearings, two (2) on the North side, January 13th and 20th, and two (2) on the South side, January 26th & 27th. All voted aye.

The Study Committee would review and have any changes ready for publication times. First Publication would be December 24, 1981.

PENDING BUSINESS

Ordinance No. A-400 Annexation of Suncrest Phase II

Councilman Putnam referred to the following two paragraphs in Ordinance #A-400:

AND WHEREAS, water, sewer and streets improvements are to be installed by the property owners and financed by a Special Improvement District;

AND WHEREAS, streets within the area will be dedicated to the City PROVIDED that the obligation for repair, maintenance and snow removal for such streets shall remain the obligation of the property owners until such time as determined by the City Council that sufficient tax revenues are generated from the area to justify the City assuming the obligation. Garbage services will likewise be the obligation of the property owners until such time, as determined by the City Council, that sufficient revenues can be generated from the area to justify the City assuming the obligation.

Putnam said a SID had never been discussed and he was not willing to accept the streets until completed, and the city's tax revenue was sufficient to take over the obligation.

The Ordinance was set aside and Council went to the Resolution of Intent to Create SID for Suncrest Phase II.

Resolution of Intent to Create SID was tabled until City Manager Morrison could determine all city administration and Engineer costs to be applied to the SID.

After much discussion it was MOVED BY PUTNAM to adopt Ordinance #A-400, with the deletion of the two paragraphs stated above and bring these back when they have a solid SID proposal. Second Tate.

Motion Stephens to amend Putnam's motion and strike "and selective trimming or thinning of trees to obtain views shall be kept to a minimum to conform with the maintenance of park-like environment for the entire area," from Ordinance A-400. Second Tate. Vote showed Tate and Stephens aye. Lantz, Putnam, Caciari no. Amendment to motion was defeated 3 to 2.

Rollcall vote on Motion by Putnam second Tate to adopt Ordinance A-400 with stipulated changes. Tate, Stephens, Putnam and Caciari aye, Lantz no. Motion carried.

APPROVAL OF PRELIMINARY PLAT, SUNCREST PHASE II

Motion Putnam Second Caciari to approve the Preliminary Platt with the same deletions as Ordinance A-400. All voted aye.

DECEMBER 7, 1981 cont.

FINDINGS OF FACT SUNCREST PHASE 11

City Attorney Fisher read the Findings of Fact, and it was Moved by Tate second Lantz to adopt Findings of Fact for Suncrest Phase 11. All voted aye.

Back up for City Building Inspector was tabled until contract is due in March.

MUNICIPAL PERSONNEL SYSTEM

Motion Lantz to pass on the first reading, Ordinance A-401, An Ordinance providing for the establishment of a personnel system for the City of Whitefish pursuant to Article IV, Chapter 4.04 of the Whitefish City Charter. Second Putnam. All voted aye.

Mayor Olson appointed a Committee of Lantz, Caciari and Ramlow to study the proposed Personnel System.

ADMINISTRATORS REPORTS

City Manager Morrison reported a meeting had been set with the County Commissioners for 2:00 P.M. Dec. 8th, and invited Council to attend. Purpose of the meeting is to voice concern on the Commissioners approving County subdivisions that will impact the City and prod them on the Lake Quality Study.

Street and Alley - Water/Wastewater projects completed by city crews were summarized by City Engineer Wells and Greg Acton.

Councilman Putnam commended all the city crews.

City Manager Morrison reported on a computer system for the city. He stated bids had been received from Flathead County, IBM, Burroughs and Big Sky Data. A Committee of Morrison, Paul Wells, Rita Bunyak and Councilman Stephens had studied the proposals and Big Sky and Burroughs proposals were nearly equal. He requested Council permission for the Committee to re-evaluate the two proposals and authorize them to purchase.

Motion Lantz to authorize the Committee to re-evaluate and purchase a new Computer System, contingent on City Attorneys opinion as to legality of the bid openings. Second Putnam. All aye.

City Manager Morrison to negotiate a Franchise on Cable TV and bring back to Council.

OTHER

Motion Caciari to pass on the second reading Ordinance A-397, Animal Control. Second Lantz. All aye.

Motion Putnam to pass on the second reading, Ordinance A-399, regulating Burglar and Fire Alarms. Second Caciari. All aye.

Robert Walkers request of amending Ordinance #A-128, "Any motor vehicle not used at least once every 24 hours shall be deemed to be stored in violation" was turned over to the Traffic Committee and City Manager.

Motion Lantz second Tate to allow Judge Maddux permission to leave the State the 23rd thru the 30th of December. All aye.

Council

Councilman Stephens brought attention to the map in the Council Chambers. He explained the pins in the map were lots outside the City Limits that had signed waivers of protest, and suggested Committee evaluate possibility of annexing some of these areas. Tabled until the new zoning is completed.

Handicapped parking space on 3rd street by Lairds Music was turned over to the Traffic Committee.

Motion Stephens second Tate to allow Caciari permission to leave the state the 11th thru the 15th of December. All voted aye.

Adjourn 10: 50 P.M.

ATT EST:

Kay Beller
City Clerk

Henry Olson
Mayor

December 21, 1981

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All aldermen were present. Also present were City Engineer Wells, Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATOR'S REPORTS

Request to sell the patch truck was turned over to the Street and Alley Committee.

Motion Lantz authorizing City Manager to submit application for Energy Conservation Grant from State Department of Natural Resources. Second Putnam. All aye.

It was moved by Caciari second Tate to re-appoint Tom Harding and Charles Abell to the City County Planning Board. All voted aye.

PENDING BUSINESS

Councilman Stephens reported the Zone Committee had reviewed the zone document and had a list of recommended changes to the text. Requested Council accept the changes for the hearings. He said the map would remain the same.

Motion Stephens to accept the recommended changes to the zone text for the hearings. Second Lantz. All aye.

Councilman Lantz reported the Committee had met with City Manager Morrison on Personnel Ordinance A-401, and came up with recommended changes - per memorandum.

Motion Lantz to adopt the Personnel Ordinance A-401, with stipulated changes. Second Caciari. All aye.

Motion Lantz to adopt Resolution B-925, a Resolution establishing Policies and Procedures (Personnel). Second Tate. All aye.

Council commended City Manager Morrison for the excellent job he did in setting up the Personnel System.

City Attorney Fisher gave the oath of office to Police Commissioner Dale Howke.

RESOLUTION NO. B-927, INTENT TO CREATE SID 148: Suncrest Phase 11.

The 1,300,000.00 proposed SID was discussed at length by Council and developers. Council's biggest concern was some kind of guarantee the taxes would be paid as it could put a burden on the Revolving Fund, Taxpayers and the City's financial rating if defaulted. Gary Elliott and Harry Brown said they could give a 100% guarantee there would be no default while they are in control.

Motion Putnam that SID 148 be denied. Second Tate. Stephens, Tate, Putnam Voted aye. Caciari, Lantz and Ramlow voted no. Mayor Olson broke the tie vote by voting no. Motion was defeated.

Motion Lantz to postpone decision on Resolution B-927, Intent to create SID 148, Suncrest Phase 11, until next Council meeting. (1-4-82) Second Caciari. All voted aye.

Councilman Stephens read Resolution #B-926, A Resolution reaffirming intent to zone extraterritorial mile.

It was moved by Stephens to adopt Resolution #B-926. Second Putnam. All voted aye.

NEW BUSINESS

Attorney Leo Tracey introduced Robert Olson, owner of BG's Restaurant in Kalispell, and explained Mr. Olson had plans for a two (2) phase Four (4) million dollar project consisting of a Convention Center, motel-hotel, auditorium, restaurant-lounge, etc. Phase 1 would be located on Spokane Avenue, Lots 7 thru 18, Block 3 Riverside Addition, Phase 2 - Hamilton property across the river on Baker ave. Olson requested the City to underwrite Industrial Revenue Bonds to finance the project.

Motion Stephens to hold public hearing on issuance of Industrial Revenue Bonds for the project. Second Tate. All aye.

December 21 cont.

The Fire Department presented their Cooperative Agreement. After discussion - City Attorney Fisher would rewrite #11 and it WAS MOVED BY RAMLOW second Stephens to adopt Cooperative Agreement with the Fire Department. All voted aye.

Motion Lantz second Caciari to adjourn 10:18 P.M. all aye.

Henry Olson
Mayor

ATTEST

Kay Baker
City Clerk

January 4, 1982

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Aldermen were present. Also present were City Engineer Wells, Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

SWEARING IN OF ELECTED OFFICIALS

City Attorney Fisher gave the oath of office to Mayor Olson, Councilmen Ramlow, Caciari, Stephens and Judge Maddux.

ADMINISTRATOR REPORTS

Treiweiler Lakeshore Construction Permit.

City Attorney Fisher reported he had received the Attorney Generals Opinion on: The City Council having authority, under Section 75-7-204, M.C.A., 1979, to regulate, control and issue conditional permits for the construction and installation of homeowners retaining wall which is constructed for the purpose of preventing erosion to his land by the action of high water and which retaining wall is located within 20 horizontal feet of the mean annual high water elevation.

ANSWER: YES the Council does have authority.

City Attorney Fisher said if the Council wished to proceed he would file suit.

Motion Stephens to pursue enjoining construction of Treiweiler with legal action. Second Caciari. All voted aye.

City Manager Morrison reported receiving a new Agreement from Duane Johnson and Associates for labor relations consultation and service for 1982. Fee to be \$2000.00 plus expenses. Council agreed not to sign an agreement for 1982.

PENDING BUSINESS

Resolution No. B-927; Intent to Create SID 148 - Suncrest Phase 11.

Developer Harry Brown addressed concerns about the SID and stated they would:

- #1. Reduce the original SID request of \$1,300,000.00 to approximately 830,000.00 or 40% and they would install the streets themselves. They still would provide 3% to the Revolving fund and 5% for City Administrative costs, also provide Letter of Credit to cover the Principal and interest for 5 years.
- #2. They would include all utilities and streets in the SID request and provide irrevocable Letter of Credit for total of the SID for the Duration of the SID, which would be reduced as payments were made and as lots were sold and developed. They would provide money for the Revolving Fund and pay all City Administrative costs.

People speaking in favor of the SID were: Tim Grattan, Don Jensen, Robert DePratu.
Against: Stan Dye.

January 4, 1982 cont.

City Manager Morrison said he had done extensive research and recommended approval with 5% for Administrative costs and 2 to 5% of the bond issue for the Revolving Fund.

After much discussion IT WAS MOVED BY LANTZ SECOND CACIARI to adopt Resolution #B-927, creating Special Improvement District #148 for Suncrest Phase II, per Developers proposal #2 with City Attorney Fisher to draft Terms of Condition guarantee Agreement. All voted aye, EXCEPT Stephens who said no. Motion carried.

AMENDMENTS TO SEWER RATE ORDINANCE

Motion Caciari to pass on the first reading Ordinance No. A-402, relating to the minimum rate to be levied on all users who discharge wastewater into the wastewater system operated by the city. Second Putnam. All voted aye.

NEW BUSINESS

Preliminary platt Woodview Addition.

Norman Nelson explained Woodview Subdivision was a 10 acre (40 Lot) subdivision, located on the north side of East Lakeshore Drive just past big mtn turnoff.

Council reviewed the Preliminary Platt, and because of the number of changes recommended by the City County Planning Board, requested Nelson work with the Regional Development Office in Kalispell, make necessary changes and bring back to next Council meeting. Mr. Nelson requested an extension of 60 days for review period.

OTHER

Don Jensen reviewed and brought Council up to date on his Rocky Center project - Convention Center - Shopping Center, etc. on Highway 93 south. He requested the city underwrite Industrial Revenue Bonds for \$10,700,000.00 for this project.

Ed Grogan, President of the Chamber of Commerce said the Chamber endorsed use of Revenue Bonds for the Convention Center, but thought the shopping center should be financed privately.

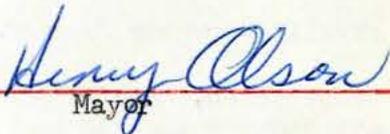
Larry Hilton, Rocky Mountain Lodging voiced concern about this project.

After much discussion it was Moved by Lantz to hold public hearing on issuance of Industrial Revenue Bonds for the project. Second Tate. All aye.

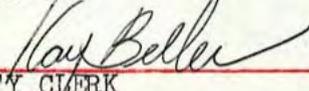
Council and City Manager discussed procedures for conducting the zone ordinance hearings.

Motion Tate to allow Councilman Caciari permission to leave the State from the 9th thru the 13th of January. Second Lantz. All voted aye.

Motion Tate second Caciari to adjourn 10:52 P.M. All aye.


 Mayor

ATTEST


 CITY CLERK

January 13, 1982

PUBLIC HEARING ON PROPOSED NEW ZONING ORDINANCE FOR THE CITY OF WHITEFISH.

Councilman Lantz presided and opened the hearing at 7:30 P.M. in the Community room at North Valley Hospital. All Aldermen were present except Caciari and Ramlow. Also present were City Manager Morrison and City Attorney Fisher.

This hearing concerns everything North of the railroad tracks.

Councilman Stephens gave a Summary Review of the zoning process and reminded everyone the Council had adopted Resolution #B-926, reaffirming intent to zone the one mile beyond the Corporate Limits.

The following people spoke at the hearing.

Jerry Hansen, Chairman, City County Planning Board questioned recommended changes to the text. 1.09.10, 1.11.160 and 1.14.030.

Bill Watkins, Circle Estates developer, questioned Special use permits in WR-3.

Roger Johnson showed concern about Chapter 15, WRR-2 & WR-4, paragraph 2. (recommended changes deleted this paragraph.)

Sidney Smith, requested Lakeview Apartments at 50 Idaho be zoned for Time Sharing. Proposed zoning for area is WR-2 - Two family residential. Mr. Smith presented a petition with 14 signatures of people in area indicating they were not apposed.

Bill Leonard questioned height limitations in business zones and thought Bay Point should be zoned Resort Residential #1. Apposed bars, restaurants, etc. He said area between Glenwood and Bay Point should not be zoned WR-2. Recommended ~~WR-1~~.

Ted Rohla, Dot Ann Ricker and Ima Bohart supported Mr. Johnson and Mr. Leonard. They thought area along the lake from Bay Point to Glenwood should be WR-1 or WLR.

City Manager Morrison explained the hearings were on the recommendations of the City County Planning Board. The Council would take the input and amend if necessary. The First and Second readings of the Ordinance would be additional Public Hearings, for the people.

Larry O'Shaughnessey asked why Winnakee Resort had been down zoned from Resort Commercial to WRR-2. He would like to stay Resort Commercial. Also asked if new zoning followed the Comprehensive Plan. City Attorney Fisher explained the Comprehensive plan would be amended where necessary. Arnold Jacobsen agreed with O'Shaughnessey.

Russell Street said he was happy with the City County Planning Boards recommendation to zone Bay Point WRR-2.

Councilman Putnam thought the Glenwood - Birch Hill area should be zoned WR-1 instead of WR-2.

Phyllis Sprunger supported recommendations for Glenwood - Birch Hill & Colorado Ave.

Gregg Brian, Manager of Bay Point Condo's supported Resort zoning for this area, and asked why some uses had been eliminated in 4.16.02 WRB-1. They were discussed.

Dick Peterson wanted the record to show he was satisfied with the City County Planning Boards recommendation for North Wisc. Ave. (Walker Tr. Crt.)

Dixie Mackaman requested their five acre tract on Wisc. Ave. be zoned for business.

Harry Brown requested remaining property of Suncrest be zoned WRR-1 instead of agricultural.

Councilman Lantz continued the hearing until January 20th.

Adjourned 9:10 P.M.

January 18, 1982

Mayor Olson called the regular meeting of the Whitefish City Council to order at 7:30 P.M. All Aldermen were present. Also present were City Manager Morrison, City Engineer Wells, Police Chief Sellers and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATORS REPORTS

City Manager Morrison gave the Council a six month Financial Report of Receipts and expenditures.

Draft Sections of Administrative Code : Organization of Administrative branch of Government and Purchasing and Disposition of City Property were tabled until next Council meeting.

Manager

City/Morrison reported the city had been awarded an Energy Grant for \$4502.50, to be used for insulation, calking, etc for City Hall. 90% grant 10% City.

Morrison also said the Chamber of Commerce was sponsoring a Logo Contest and thought it was great for the city too. Morrison to work with the Chamber and report back.

Mayor Olson asked about snow removal on Pine Avenue at the High School. He wondered if crews could plow opposite way to prevent covering sidewalks. Council discussed and current Ordinances would be followed.

PENDING BUSINESS

Preliminary Platt - Woodview Addition Nos 1 and 2, was tabled until Council meeting of February 2nd.

ORDINANCE No. A-402 - Sewer Rate Amendments.

Motion Caciari to adopt Ordinance A-402 on the final and second reading. Second Tate. All aye.

Al Seer gave Council a report on a proposed Youth Center for Whitefish and requested permission to put a 10' X 28' building at the ice rink. (Memorial Field) Turned over to the Park Committee.

Ordinance No. A-404 - SID Surcharge and Application was tabled until next Council Meeting.

Ordinance No. A-403 - Industrial Development Bond Surcharge and Pre-Application.

Developers Don Jensen and Ole Olson both petitioners for Industrial Revenue Bonds objected to the 1% surcharge, and after much discussion it was moved by Stephens to adopt Ordinance A-403 on the first reading, changing 3.18.020 to $\frac{1}{2}$ % surcharge. Second Putnam. All aye.

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN OWNER, ENGINEER AND CITY for Suncrest Phase two was tabled until next Council meeting.

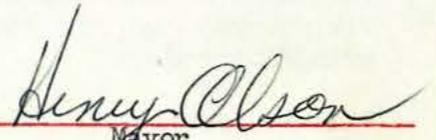
Councilman Ramlow commended City Manager Morrison for the six month financial report, drafting of Ordinances, etc.

Councilwoman Tate reported Judge Maddux requested more signs be placed on the streets, regarding the two hour parking. Turned over to the Traffic Committee.

City Attorney Fisher reminded Council the 2nd meeting in February fell on a holiday. Council set the meeting for February 16th.

Randy Pugh reported the Chamber of Commerce would be making a Community Survey on Tourism, growth, etc.

Motion Putnam second Stephens to adjourn 10:21 P. M.


 Mayor

ATTEST


 City Clerk

1-20-82

PUBLIC HEARING ON PROPOSED NEW ZONING ORDINANCE FOR THE CITY OF WHITEFISH.

Hearing concerns everything North of the railroad tracks.

Councilman Lantz presided and opened the hearing at 7:30 P.M. in the Cafeteria of North Valley Hospital. All Aldermen were present except Ramlow. Also present were City Manager Morrison and City Attorney Fisher.

Councilman Stephens gave a Summary Review of the zoning process and reminded everyone the Council had adopted Resolution #B-926, reaffirming intent to zone the one mile beyond the Corporate Limits.

The following people spoke at the hearing:

Dave Jamieson listed several requests for changes and they are on file in the clerks office. He strongly supported Council Subcommittee changes in WRR-2 and also wanted the record to show he supported the requirement for 10' side yards and 20' rear yards in residential areas.

Dave Speer requested the WRR-1 and WRB-1 zones as originally proposed for the Walker, Love and Speer property north of EastLakeshore Dr. No deletions.

Jerry Hansen explained the four Resort Zones had been carefully studied by the City County Planning Board and to delete from these zones would destroy the balance. He also requested section 2.07.06 be deleted.

Fred Castor supported Hansens statement and because of deletions requested WRB-1 instead of WRR-2 for his property north of Walker Trailer Court - East Lakeshore Drive.

John Eberling requested hotels, motels be deleted from Residential Uses. Thought Bay Point should be zoned WRR- 1 or to return item #4 4.15.20 to allow Bay Point to have meeting rooms and conventions.

Russell Street wanted record show that he didn't want to be discriminated against on zoning. Requested same as other Resort areas such as Win-a-kee, said he would accept zoning if all same.

Dianne Frizelle said there should not be any more development on the Lake until problems of sewer, roads, etc. are solved.

Ima Johnson requested the Bay Point area remain residential.

Keith Gustin asked if there were any more contemplated changes. Councilman Putnam said there could be but people would be made aware of changes. Gustin felt changes were down zoning and unfair.

Tom Harding, City County Planning Board member gave some personel comments on the proposed zoning. (On file in the Clerks office)

Larry O'Shaughnessey stated he would like to keep Resort Commercial zoning, however, he was not in favor of any more building until the city sewer is updated.

Charles Abell asked Council not to sell the future tomorrow for short term economic gains for individuals. Thought should reflect majority opinion of citizenery, which indicates from last elections, conservative planned growth.

Bill Leonard again requested height limitations and asked that the area north of Bay Point thru Glenwood be zoned WLR.

Gary Stephens speaking as a taxpayer said he owned property next to the Viking. This area is proposed as WRB-1 and he requested the WRB-1 not go south of the Viking property line and that the area be zoned WR-1 with Wildwood to be grandfathered.

Bill Touey requested his property on Dakota Ave. remain Resort Commercial.

Randy Schwickert said people on the North and South of Viking prefer the WRE-1 zone as originally proposed, and recommended Council adopt as is. He hoped Councilman Stephens would abstain from voting on the area.

1-20-82

Gregg Brian said the Bay Point Condo's would go with WRR-2.

Dave Cravath representing Kamp Karefree requested WRB-1 without any alterations or reductions.

Hearing was continued until January 26th. This hearing will be on the South Side of the Railroad Tracts.

Adjourned 9:16 P.M.

1-26-82

PUBLIC HEARING ON PROPOSED NEW ZONING ORDINANCE FOR THE CITY OF WHITEFISH.

Hearing concerns everything South of the railroad tracks.

Councilman Stephens presided and opened the hearing at 7:30 P.M. in the Community Room at North Valley Hospital. All Aldermen were present except Lantz. Also present were City Attorney Fisher and City Manager Morrison.

Councilman Stephens gave a Summary Review of the zoning process and reminded everyone the Council had adopted Resolution #B-926, reaffirming intent to zone the one mile beyond the Corporate Limits.

The following people spoke at the hearing.

Herb Knuth asked if proposed WR-2 zone would allow for apartments and also inquired if Council had received a Petition from the City County Planning Board not to zone the one mile.

Councilman Stephens explained WR-2 allowed for duplexes and apartments and said no the Council had not received the petition.

Jerry Hansen gave Council the written input received by the City County Planning Board.

Tim Grattan requested Tracts B & C Grouse Mountain be zoned WRB-1.

Bruce Tate said he felt Council was on the right tract with the whole zoning concept, however, areas requesting commercial zoning should be considered carefully. Especially the area West of Second Street bridge. He was in favor of the way the map reads.

Tim Grattan, Gregg Brian, Dave Speer and Jerry Hansen questioned the Council Committees deletions in the Resort Zones. They suggested changing wording instead of deletions.

Councilman Putnam explained the purpose of the new zoning was not just to accommodate landowners and what they want but has to be based on past usage and a controlled pattern of growth. The City Council has to look at from the city point of view also.

The hearing was continued until January 27.

Adjourned 8:38 P.M.

1-27-82

PUBLIC HEARING ON PROPOSED NEW ZONING ORDINANCE FOR THE CITY OF WHITEFISH.

Hearing concerns everything South of the Railroad tracks.

Councilman Lantz presided and opened the meeting at 7:30 P.M. in the Community room at North Valley Hospital. All Aldermen were present. Also present were City Manager Morrison and City Attorney Fisher.

Councilman Stephens gave the Summary Review of the zoning process.

Jerry Hansen presented a letter from the City County Planning Board regarding zoning compliance with Master Plan. The Board recommended no amendatory action be taken at this time.

Councilman Ramlow gave the Clerk the petition Herb Knuth inquired about at the 1-26-82 hearing. Petition is on file in the Clerks office.

Louis Dachwald, 121 West Second Street presented a petition signed by 11 property owners requesting WR-3 zoning. The area is located directly west of Whitefish river on both sides of West Second Street and North side of West 3rd Street as far west as those properties adjacent to the Circle K on Second Street.

Mr. Dachwald said they were willing to take a lessor zone of WRB-1.

Phyllis Sprunger said A.P. Waggoner of 110, 112, & 114 W. 2nd St. would like to retain their Commercial zoning.

Jerry Hansen explained there were three commercial zones in the area now.

City Attorney Fisher speaking as a private citizen was against Commercial zoning because it would increase traffic. He suggested grandfathering existing Commercial.

Hans Engelke questioned off street parking facilities. Councilman Stephens said off street parking section had been drafted.

Mike Higgins requested his Commercial zone and said he couldn't find a Manufacturing or Industrial zone in the new zoning. City Manager Morrison pointed out the Railroad was Industrial and also a section on Highway 93 South.

Councilman Lantz said Industrial was already established on Colorado Avenue.

Buck Love requested WRB-1 be adopted as originally written - no changes.

Larry Fonner questioned the deletions in WRB-1.

Charles Abell said he felt the changes were good. Too much pressure had been put on the Zone Committee by Resort Industry and they were too liberal.

Marilyn Sellers thought WRB-1 should be adopted as originally presented.

Councilman Putnam questioned how Zone Committee determined historical use. Hansen explained.

Tom Harding said WR-3 zone for area south on 10th and extending east on Monegan road should be WR-2. (Willo-Villa area - Cow Creek)

Hansen agreed with Harding and said a PUD would be adequate for what property owner had requested.

Also Harding thought the area west of the Golf Course WRR-1 areas should be changed to a low residential zone.

Councilman Stephens asked Hansen the following:

1. Site Plan - were single family dwellings intended to take 90 days to get approval.
2. WR-2 zone - site area is less than building size.
3. Wr-2 duplex on 25' subplot side yards reads 5' - normal is 10' side yards.

Hansen answered:

1. No, single family dwellings were not intended
2. All would have to be changed because the side yards had been changed.
3. 5' was oversight - should be consistent.

It was explained Council would hold a Preliminary Hearing on all changes in February. Then there would be two readings of the final Ordinance which must be adopted the first meeting in March.

Adjourned 8:49 P.M.

February 1, 1982

Mayor Olson called the regular meeting of the Whitefish City Council to order at 7:30 P.M. All Aldermen were present. ^{EXCEPT KOOHLOU} Also present were City Engineer Wells, City Manager Morrison, Building Inspector Berg, Police Chief Sellers and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATORS REPORTS

Cable TV Franchise

City Manager Morrison introduced Ken Young, Teleprompter, Inc., and explained briefly about the Franchise. He thought it wise for Council to study, before making any decisions. Turned over to the Finance Committee and City Attorney Fisher.

Morrison also reported he was invited to attend a meeting with the County Commissioners to discuss SID policy in the county.

PENDING BUSINESS

Preliminary Platt - Woodview Addition Nos 1 & 2.

After much discussion it was MOVED by Tate to accept Preliminary Platt of Woodview Subdivision no. 1 & 2 with following stipulations: 1. Roads & Garbage to remain private. 2. Roads to be 50' with 5' easement on both sides for snow removal. 3. There be a 20' greenbelt bordering East Lakeshore Drive. Second Lantz.

Motion Putnam to amend the motion and create a Cul-da-Sac in Woodview #2, center road (Woodview Dr.) covers five pieces of property - 14, 15, 16, 13, and 12. Second Stephens. All voted aye.

All voted aye on Motion by Tate second Lantz to accept the Preliminary Platt.

INDUSTRIAL REVENUE BONDS

Motion Stephens second Caciari to adopt Ordinance A-403, providing for the imposition of a surcharge on all Industrial Development Bonds, and providing for an application fee for industrial development bonds, on the Second and Final reading. All voted aye.

Motion Stephens to adopt Resolution B-928, a Resolution establishing a policy for the consideration of Industrial Development Bonds issued by the City. Second Putnam. All aye.

SUNCREST PHASE 11

Subdivision Improvement Agreement.

Councilman Stephens questioned paragraph E on page 2 and asked City Attorney Fisher for an interpretation as he was concerned about the position of the City in case of default. City Attorney Fisher said the city had the right to sell for total assessment, on property.

After further discussion it was MOVED by Lantz to accept the Subdivision Improvement Agreement, Suncrest Phase 11. Second Caciari. All voted aye except Stephens who said no.

Motion Lantz to adopt Resolution B-930, a Resolution Creating SID 1118, Suncrest Phase 11. Second Caciari. All aye, except Stephens and Tate who said no. Motion carried.

AGREEMENT FOR ENGINEERING SERVICES

Councilman Putnam thought City Engineer should be included in the last paragraph of page 1.

Motion Putnam to accept Agreement for Engineering Services with amendment giving City Engineer authority to inspect and stop order when he feels it necessary. Second Stephens. All voted aye.

NEW BUSINESS

The Golf Association requested permission to remove pine beetle infested trees from the Golf Course.

It was moved by Lantz to allow this request. Second Tate. All aye.

Hearing dates for the Zoning Ordinance Hearings were set for February 17, first reading, March 1st second reading, March 5th third and final reading.

February 1, 1982

COUNCIL DISCUSSIONS

Draft purchasing Ordinance was tabled until next Council meeting.

Draft Organization Ordinance A-405.

Motion Tate to put Ordinance A-405 into final form and proceed with readings.
Second Lantz. All aye.

SID Policy Ordinance and Resolution and Council Subcommittee Assignments were tabled until next Council meeting.

OTHER:

Motion Stephens to approve Lanny Thorsteinson as Fire Chief and Doug Loy as Ass't Fire Chief. Second Tate. All aye.

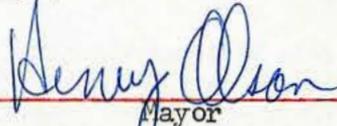
Councilman Stephens said he was concerned about the County Commissioners approving Lakeview Estates Subdivision and the legality of amending the Comprehensive Plan. Council agreed with Stephens and requested City Attorney Fisher to research and pursue.

Mayor Olson suggested Council consider a candidate for Judge Shays office, and said Mickey Mouse, Disney's ambassador to the world would make a whistle stop in Whitefish February 9th.

City Manager Morrison requested Council permission for he and Fire Chief Thorsteinson to pursue a \$2000.00 to \$3000.00 grant. If accepted it would be applied toward the new Fire truck.

Motion Putnam to allow this request. Second Tate. All aye.

Motion Tate Second Caciari, to adjourn 10:09 P.M. All aye.



Mayor

ATTEST



City Clerk

February 16, 1982

Deputy Mayor Lantz called the regular meeting of the Whitefish City Council to order at 7:30 P.M. All Aldermen were present except Tate. Also present were City Manager Morrison, City Engineer Wells, Police Chief Sellers and City Attorney Erickson.

The minutes of the previous meeting were approved as read.

PENDING BUSINESS

ORDINANCE NO. A-406 PURCHASING AND DISPOSITION OF CITY PROPERTY

City Manager Morrison reported revisions were made to the Ordinance. Council discussed and requested additional revisions.

3.19.030, 3.19.040 A, (services omitted), 3.19.040 C recommended open purchase orders be left in first sentence, 3.19.040, open purchase orders amended to \$100.00 limit on anyone purchase, 3.19.050, 3.19.084 Last sentence City Council inserted. Motion Putnam Second Caciari to adopt Ordinance #406 on the first reading with corrections requested. All aye.

COUNCIL SUBCOMMITTEE ASSIGNMENTS

Council agreed that the Mayor should make the appointments and was tabled until a later date.

RESOLUTION NO. B-929, POLICY ON SPECIAL IMPROVEMENT DISTRICTS

Motion Caciari Second Ramlow to pass Resolution B-929. All voted aye.

February 16, 1982

CLARIFICATION WOODVIEW SUBDIVISION

Motion should be amended: City accept Streets - property owners maintain until such time as City Council determines that sufficient tax revenues generated to justify city assuming obligation.

ADMINISTRATORS REPORTS

City Manager Morrison listed priorities he would be concentrating on in the next six months. Internal Operations: administrative code, budget procedures, conversion to Bars, initiate repurchase agreements, etc.

Councilman Lantz inquired about Cable TV Franchise. Morrison said he would meet with TV people 2-17-82 and come back with recommendations.

Jerry Hansen read a letter (which he stated he was speaking strictly as a private individual and property owner) on the Council Subcommittee's proposed zoning map. The letter was negative on changes the subcommittee had proposed.

No other input on the proposed zoning was taken. Councilman Putnam explained the Law requires one hearing and the City had already had four hearings plus the hearing on the Subcommittees changes which was scheduled for February 17, 1982.

Councilman Putnam said he had read Bert Sternals letter resigning as Animal Warden. He thanked Sternal for the service he had given the City. He requested a letter of thanks also be sent to Sternal.

Putnam also said the taxpayers should be concerned about the number of escapes at the State Prison. Asked Council to consider and at a future date make inquiries of the Governor to see what the problem is.

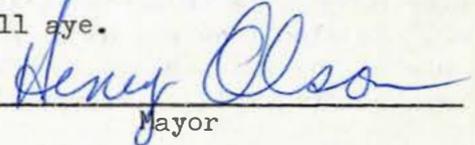
Councilman Stephens reported a State of Montana Flag would be put in the Council Chambers, and asked Council to consider developing a City flag.

Councilman Caciari inquired about the appeal to the Supreme Court on the Rifle Club location.

Asst. City Attorney Erickson said it comes before the Supreme Court on March 3rd.

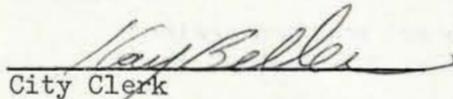
City Manager Morrison reported the city would subcontract with the County on Animal control until a formal solution to the problem is found.

Motion Putnam second Stephens to adjourn 8:51P.M. All aye.



Mayor

Attest!



City Clerk

February 17, 1982

PUBLIC HEARING ON COUNCIL SUBCOMMITTEE CHANGES TO THE PROPOSED ZONING REGULATIONS AND MAP.

Mayor Olson called this Public Hearing to order at 7:30 P.M. in the Community Room of North Valley Hospital. All Aldermen were present. Also present were City Manager Morrison and City Attorney Fisher.

Mayor Olson announced Council would have a work session Monday, Febr. 22, 1982, in City hall. No input would be taken but it would be an open meeting.

Councilman Stephens gave the Summary Review of the Council Subcommittee changes, to the City County Planning Board recommended Map and Document. He explained only 16% of the map and 5% of the document were proposed for changes.

The Sub Committee felt the City County Planning Board proposal lacked residential zones and there was a need for more balance. The Committee plan followed the Comprehensive Plan more closely than did the Planning Boards and Stephens explained the Committee followed the twelve (12) criteria as outlined in Sec. 1.03.010 of the document. He further explained the proposed changes of the Committee and why they proposed the changes.

1. The area north of and including Dos Amegos would be WRR-1 - Dos Amegos would be grandfathered.
2. Some WA was changed to WLR
3. Viking property across from the Viking changed to WR-1. Like a PUD on this property.
4. West 2nd St changed from WRR-2 to WR-3 and people in area requested WR-4.
5. Farther west was reduced to ~~WR-2~~

PEOPLE SPEAKING AT THE HEARING:

Don Jensen wanted to retain General Commercial for Rocky Center. Proposed WB-2 he would live with if use permits would allow his needs. Liked City County Planning Board recommendations.

Dick Peterson liked City County Planning proposal and apposed change of Walker Trailer Court.

Jack Little, Big Mtn Tr. Crt. said he would accept WB-1 for front of property and requested WR-4 for back ½.

Ord Clark requested WB-2 for Tract 7, Five Acre Tracts.

Gene Hedman representing North Valley Hospital asked about zoning of Svee & Cosier properties as North Valley Hospital was purchasing them for expansion. Wanted WB-2. He also inquired about a residential zone for Dave Morris property and he stated the zone change to WRR-1 of Dos Amegos was detrimental to owners as they have a pending sale. He supported the City County Planning Board's proposal.

Sunny Jones asked to retain her Local Commercial on West 2nd St.

Dave Speer supported the City County Planning Board proposal and was against changing his property (north side East Lakeshore Rd.) to WR-2 & North ½ to WSR.

Councilman Stephens said other public input was on file and the Committee had also considered it for decisions that were made.

Charlotte Nelson requested WR-3 for property on Hwy 93 West, adjacent to Grouse Mtn. & Border Patrol.

Jerry Hansen expressed concern on changes to the Resort districts and thought requests of property owners should carry more weight.

Louis Dachwald thanked the committee for considering request of WR-4 for West second st. area.

Bruce Tate supported the Council Subcommittees proposal.

Fritz Royer protested WB-1 and requested WB-2 for property Big Mtn Road-north side of Wisc. Ave.

Keith Gustin asked why the change to WR-1 on his and the Viking property, and protested the change. He supported the City County Planning Boards proposal.

February 17, 1982 cont.

Tim Grattan requested WR-2 instead of the WR-1 proposed for areas in Grouse Mtn.

Leo Tracey representing the Viking Lodge people protested the WR-1 zoning proposed for 27 acres across from the Viking. He stated the 27 acres had annexed as Resort Commercial and now was being down zoned to WR-1. Asked Council to reconsider and zone WRB-2.

Bruce Lutz, planner, landscaper from Kalispell spoke on land uses, etc.

City Attorney Fisher explained the law requires two reading of the Zoning Ordinance. the first reading, changes could be made, the second reading would be the final one. This would be the proposed zoning ordinance of the City Council.

Harry Brown requested WRB-1 for Dos Amegos and WRR-1 on all Suncrest property.

Larry O'Shaughnessey requested WRB-1 not WRR-1 as proposed for Win-na-kee.

Phyllis Sprunger thought Resort Commercial should not be down zoned and people on West 2nd Street should retain their Commercial zoning. West of the Golf Course owners wanted RR-1 rather than what is proposed.

Margaret Murdock, stated property of Bertha Rich off Wisc. Ave. met with their approval as zoned by Council Subcommittee.

Roger Johnson supported Council Subcommittee changes.

Elmer Smith requested Commercial Zoning for his property on Wisc. Ave.

Randy Schweichert requested WRB-1 for Robert & John Hurley property, and run North of the Viking and south to Wildwood.

Norm Nelson supported the City County Planning Boards proposal and recommended WRR-1 for property on State Park Road and on Big Mtn Rd. requested WRR-1.

Larry Fonner requested property west of Suncrest stay WRR-1 as originally proposed. He supported the City County Planning Board proposal.

Robert Olson requested the Hamilton property on Baker Ave be zoned WB-2.

Jack Caughey requested WB-2 for property on Wisc. Ave. (Beatrice Foods)

Ima Johnson commended the Council Subcommittee on their proposal and felt they listened to the people.

Pauline Mathews said people on South O'Brien accepted the proposed zoning for their area. She thought water & sewer should be provided north on East Lakeshore Dr. and Big Mtn road to preserve the lake.

Bill Miller requested WR-2 for his property between Bay Point and Glenwood.

Fred Castor said he could not accept the Subcommittee proposal of WR-2 for his property off big mtn rd. Asked that the City County Planning Board proposal be accepted.

David Cravath was in favor of the Subcommittees recommendations.

Shirley Hought owner of the Viking Lodge supported controlled growth.

Jerry Hansen recommended the Bill Tooey property on Dakota Ave. be given Resort Commercial not WR-2 as proposed.

Mayor Olson Closed the hearing at 11:06 P.M.

February 22, 1982 :

Minutes of the City Council work session of the proposed Zoning Ordinance held Monday, February 22, 1982, at 7:30 P.M. in the municipal Council Chambers. The meeting was open to the public and approximately 40 persons were in attendance. The Mayor and all Councilpersons were in attendance. Also present were City Manager Morrison and City Attorney Fisher.

The Council reviewed the recommended subcommittee changes to the text of zoning regulations. Councilman Stephens explained the changes. The Council agreed with the proposed changes, except that after further review the following additions and/or changes were made:

1.14.030 (3) was changed from two-thirds to three-fourths to comply with state law. The Council also changed the 300 feet to 150 feet allowed for property owner protest so that it too would comply directly with State law.

The Council agreed to add a definition of planning office as they were not exactly sure what body would serve as the Planning office in the future.

George Iantz recommended reducing side yard requirements in the WR-2 zone from 10ft. to 5 ft. The Council agreed.

Mayor Olson questioned the need for a 30 foot setback in the B-2 zone, especially in view of the 150 ft. highway right-of-way along Spokane. After discussion, no change to the subcommittee proposal was made.

Council discussed whether to require a Use Permit for a mall in the WB-2 zone. No decision was made. Council is to discuss the matter further with Don Jensen;

The City Administrator mentioned the possible need for a mall useage in the B-3 district, especially in view of the Emporium and Theatre Mini-malls.

The Council agreed to limit the maximum number of units that could be built in the WRR-1 and WRR-2 zones. It was agreed that a sentence would be added to 4.14.030(3) limiting maximum density in the RR-1 zone to 10 units per acre and maximum density in the RR-2 zone to 15 units per acre.

Council agreed to add sentence to 4.16.020(b) to limit size of any individual shop in a RB-1 zone to 500 square feet, and to add sporting goods shops, garment shops and ice cream shops to the permitted uses.

4.19.040 was amended to include WRR-1 and WRR-2 as underlying zones in a PUD district with the respective maximum density as 10 and 15 units per gross acre. WA was also added as an underlying zone allowable for PUD use with a maximum density of 1/20th unit per acre.

The Council took a five minute break.

The Council reviewed areas which the subcommittee has recommended for a decrease in allowable useage over the current zones. The City Attorney discussed the meaning of down zoning and noted some general legal considerations in down zoning cases. It was noted that the recommendations to down zone certain properties had been based upon findings of fact.

The Council discussed two previous spot zones along Baker Avenue on the 5th and 7th street block. Council decided to leave district as recommended (R-2) it was noted that those commercial lots were not now commercial and had not been used for Commercial for some time, but had been home occupations.

The Council changed lots numbers 40, 110 and 120 between Miles and O'Brien along 2nd street from proposed WR-4 to B-3.

The Sunny Jones, Circle K, Old Madison Grocery and Wagner properties were discussed along with those along West 2nd street. Council discussed leaving the entire area R-3 but allowing professional offices in R-3, and decided to do the same. Thus a number 5 would be added to 4.07.020 allowing professional offices in a WR-3 zone with a Use Permit. The rationale was that the majority of property owners desiring commercial useage desired it for professional offices, and that a significant number of commercial uses in the area were for professional offices.

February 22 1982 cont.

Grouse Mountain Phase 11 was discussed. It was noted that the current zone is WR-1 which was more compatible to the proposed WR-2. It was assumed that the land would be developed under a PUD. The City Administrator noted that the property was in the city limits, had fairly close access to water and sewer, and that Hwy 93 west could handle additional traffic easier than some other areas considered for higher density development. On a 4 to 3 vote the Council voted to leave the area as recommended by the City County Planning Board (WRR-1).

Jim Putnam noted his concerns about the amount and type of growth and its impact on city services. Vince Caciari noted his concerns about the restrictions and urged a common sense approach to the zoning districts. The Council generally discussed and reviewed the efforts of the Planning Board and the Subcommittee to establish sound zoning districts.

The Council discussed the proposal for a convention center on South Spokane and the relative need for additional B-2 zoning for phase 11 of the proposed project. Council agreed to zone from 8th street to the Maverick East of Baker as B-2 as the area had prior commercial uses and was not suitable for the proposed WR-2 designation. Stephens expressed concerns about the additional traffic that could be channeled to Baker as a result of the WB-2 designation.

The Council discussed the area north of the hospital to the river and agreed on a B-2 designation to allow expansion for future health care facilities.

The Council discussed the proposed WLR area off highway 93 west, just west of Grouse Mountain. The Council agreed to increase the zone to WR-1 but declined a higher density as the area is not in the city, is not serviced by sewer or water system, and should be considered as a low density zone. Stephens noted that on the west it abutts a low density county zone and didn't want to see a domino effect of one high density zone leading to another in a area which does not have services available.

Council discussed the B-1 zones just north of the viaduct. Agreed to leave as B-1 because the proposed B-1 uses are substantially the same as the current uses.

Discussed Walker Trailer Park. Council recommended a WR-3 zone in place of the WMP to encourage needed redevelopment of that property.

The Council discussed the Elmer Smith property north of The Place. Council agreed to zone it as B-1 to a depth of 100 feet off Wisconsin. A measurement would need to be taken to assure that the entire B-1 area in question did not exceed the 5 acre district maximum.

The Winakee Resort property was discussed and left as RR-2 as the Planning Board had recommended. Findings were that the existing uses would remain the same, and that a resort business designation would increase congestion in the streets and change the character of the district.

The Council discussed the Tuey property south of Bay Point resort. The uses of the surrounding area were discussed. A WRR-2 designation for both Tuey and Bay Point was discussed. Council agreed to a WRR-1 designation for Tuey and the two lots north of it, and a WRR-2 designation for Bay Point.

The Council discussed the R-1 area in Glenwood vicinity. Agreed to extend the WR-2 district East of Dakota to Glenwood Road.

The Council discussed the Crestwood property. It was decided that it would be left in a WR-2 zone which is compatible to its existing zone.

The Viking property was discussed. several concerns about the physical capabilities of the land were expressed. Concerns about drainage were expressed. The Council discussed the possibilities of zoning the property as low density residential with the understanding that a PUD would be considered. Council instructed the City Attorney to investigate a PUD designation before the fact.

Council discussed the area between Wildwood and the Viking. Council agreed on a WR-3 zone which is compatible to the existing R-2 zone.

At the request and unanimous agreement of the Council the WLR area north of Crestwood was zoned as agriculture.

The Council discussed the Que Pasa restaurant. The problems of a spot zone, downzone, and a nonconforming use was discussed. Agreed to recommend the property as a R-B 1 zone to allow the current resort commercial to continue.

February 22, 1982 cont.

The Council clarified the Kamp Karefree area, and designated the entire Cravath area as an RB-1 zone.

The Council agreed to eliminate the RTD - WLR designation as the RTD annexation had been withdrawn and was previously zoned as part of the county zone.

The Council discussed proposed B-1 zone at the Big Mountain Road turnoff and noted the need for a neighborhood service district in that general vicinity. Council decided to leave the B-1 zone intact as proposed by the subcommittee.

Council discussed the area north of Big Mountain road turnoff. The Council agreed to leave the area in a WA zone as sewer and water services are not available, it is not in the city, has transportation problems, and should be reserved as a holding zone until such time as adequate services are available. It was further agreed to put the WSR zone off Big Mountain road to WA.

It was moved and seconded to adopt the text and map with the recommended changes and present it next Monday night as the first reading of the proposed zoning Ordinance. The vote was unanimous.

Meeting adjourned at 1:55 A. M.

March 1, 1982

Mayor Olson called the regular meeting of the Whitefish City Council to order at 7:30 P.M. All Councilpersons were in attendance. Also present were Building Inspector Berg, City Attorney Fisher and City Manager Morrison.

The minutes of the previous meeting were approved as read.

Councilman/^{Putnam}wanted to clarify his position on Developers and Real Estate People. He said his intent was not to refer to this group as second class citizens.

Mayor Olson opened the Public Hearing on the First Reading of Ordinance A-407, Zoning Ordinance.

Councilman Stephens recommended WB-1 zone for the Whitefish Floral and houses, corner of Wisconsin and Denver and extend WSR District south of North Woods to section lines on map. Also recommended extending the WB-3 zone down alley between Baker and Lupfer and including patchwork Junction and other business, to Fourth Street. (both sides of the street)

Councilman Putnam recommended duplexes be allowed in the WR-1 zone. Lot size to remain 9600 sq. ft.

Motion Stephens to expand the WSR zone for Northwoods, south to the section line - establish a WB-1 district at the corner of Wisconsin and Denver for the Whitefish Floral and houses - expand the WB-3 district south on alley between Lupfer and Baker Avenue to 4th street. (include Patchwork Junction, Parking lot). Second Putnam. All voted aye. Also East side of Baker to 4th St.

Motion Putnam to amend Section 4.05 - WR-1 to call for Single Family and/or Duplexes - allowable minimum lot size to remain 9600 sq. ft. (use #2) Second Tate. All voted aye except Iantz who said no. Motion carried.

Ann Smith requested WB-1 zoning for approximately 2 acres of Elmer Smith property, north of The Place on Wisconsin Avenue.

Council thought the maximum 5 acres of the WB-1 area had already been met with The Place, Alpine Grocery-Mini Storage and the Trailer Court. It was pointed out by Jerry Hansen that the mini storage was a non-conditional use so the Smith property could be included and stay within the 5 acre maximum.

It was MOVED by Stephens to remove the ministorage area and include the 360' X 190' lot of Elmer Smith in the WB-1 zone. Second Tate. All voted aye.

Jack Little, Big Mountain Trailer Court, said he could not accept the WB-1 and WR-3 zones proposed for his property. Requested a combination of WR-4 and WB-1 to be applied at his option. He said WB-1, 4.11.020 #3, 50% of ground floor to be devoted to commercial was too restrictive.

March 1, 1982 cont.

Council said he could not have floating zones but after discussion IT WAS MOVED BY STEPHENS that WB-1 section 4.11.020 #3 be modified to read: Any dwelling use permitted in WSR, WLR, WR-1, WR-2, WR-3, or WR-4. (requires a Use Permit). Second Lantz. All aye.

Motion Stephens to change the zone from WR-3 to WR-4 on back half of Little Trailer Court. Second Caciari. All aye.

Dan Johns requested ^{WLR} ~~WSR~~ instead of the proposed WA for north portion of David Speer property off East Lakeshore Dr. next to Suncrest. He said the WRR-1 on lower portion was acceptable. Council Subcommittee and City Manager Morrison explained the WA was a holding zone until City services are available to the area, and when Speer was ready he could apply for annexation with a PUD.

Requested died for lack of a motion.

Jerry Hansen asked Council Subcommittee about a letter sent out soliciting backing on their proposal. COMMITTEE DID NOT SEND LETTERS, but Bruce Tate explained interested citizens did try to encourage people to look at the map and document and get involved. (Corrected 3-15-82)

Councilman Caciari said he had received a phone call accusing him of selling out to developers and Real estate people. He wanted it understood this was false and that he would never use his position for personal gain. Councilman Putnam wanted the record to show Council deplores this type of calls.

Ed Grogan gave a summary of his idea on what zoning should involve and pointed out there was very little Industrial designation.

Don Richardson said the issue is what it will cost all the city people.

Dave Jamieson asked Council to consider his proposed changes to 1.06.050 Site Plans for 1 - 3 family residence buildings.

Harry Fonner inquired about WB-2 section 4.12.030 - set back requirements. Stated there would be a lot of non conforming uses.

Charlotte and Cecil Nelson requested Council to change zone on 7 acres of their property on SHwy 93 West from WR-1 to WR-3.

Motion Lantz to change the 7 acres to WR-3. Second Ramlow. Tate no, Lantz aye, Putnam no, Ramlow aye, Stephens no, Caciari aye. Mayor Olson broke the tie vote by voting no. Vote 4 no and 3 aye. Motion was defeated.

Mrs. Mathews questioned availability of City services if large annexations took place.

Fritz Royer asked Council to consider changing Sec. 1.09.010, sub section a. Board of Adjustments and increase members from the extraterritorial jurisdiction.

Motion Lantz to change Sec. 1.09.010, Board of Adjustments to at least 3 city members and 2 extra territorial. Motion died for lack of a second.

Dick Peterson, Walker Tr. Court, requested to ^{change WB-1 to} keep the WRR-1 on east side of road and change ~~proposed WB-1~~ on west portion to WR-3. (Corrected 3-15-82)

Motion Stephens to change WB-1 to WR-3 as requested. Second Putnam. All voted aye.

Attorney Jim Johnson, representing Velma and Keith Gustin requested the 11 acres north of Crestwood be changed from WR-1 to WRB-1 or WRB-2, and asked why down zoned from Resort Commercial to residential. The Subcommittee explained they were not trying to take the Commercial zone from them but Council wants a review when built on because of drainage problems. Restrictive Covenants to include the city were suggested. The Viking also would provide restrictive covenants on the 27 acres adjacent to Gustin property. Both could participate in same covenants. Jim Johnson said the Gustins requested WRB-2 and agreed to covenants for the 11 acres.

City Attorney Fisher recommended Council wait until hearing of the 15th to make decision.

Motion Caciari second Tate to postpone decision on zone change to WRB-1 until the second reading. All aye.

March 1, 1982 cont.

Johnson also requested a zone change from proposed WR-2 to WRR-1, to accommodate Time Sharing in Crestwood.

Motion Caciari to change the zone of Crestwood from WR-2 to WRR-1. Second Iantz. Tate aye, Putnam no, Iantz aye, Ramlow aye, Stephens no, Caciari aye. Motion carried. 4 to 2.

Margaret Murdock requested WSR on East 1/2 of 40 acres owned by Bertha Rich south of Reservoir Road.

Motion Tate to grant this request and change East 1/2 of this 40 acres to WSR. Second Stephens. All voted aye.

Norm Nelson requested WR-4 for John & Bonnie Berger property - State Park Road. Died for lack of a motion.

Don and Jeff Jensen requested WB-3 for Rocky Center. They stated the Use Permits called for in WB-2 could cause problems later.

Motion Stephens to eliminate Use Permits requirements for #26, 28, & 29 in the WB-2 zone. Second Caciari. All voted aye except Putnam and Tate who voted no. Motion Carried 4 to 2

Motion Stephens to add #62 Convention Centers & #63 Shopping Malls in WB-3. Second Tate. Tate aye, Putnam no, Iantz no, Ramlow aye, Stephens aye, Caciari aye. Motion carried 4 to 2.

Phyllis Sprunger requested WR-3 for 4 acres at the end of Colorado Ave, adjacent to Crestwood.

Motion Ramlow second Caciari to allow this request. Tate aye, Putnam no, Iantz aye, Ramlow aye, Stephens no, Caciari aye. Motion carried 4 to 2.

Sprunger requested WRR-2 for commercial property on West 2nd St area (Waggoners) and WRR-1 for Deerfoot Park and Forest Ridge located on State Park Road.

Both died for lack of motions.

Randy Schwickert, representing John and Robert Hurley property requested same zoning as the Viking.

Died for lack of a Motion.

Leo Tracey representing the Viking requested WRB-2 for 27 acres across from the Viking. Stated a covenant proposal was being drafted.

Council tabled this request until next Council meeting.

Bill MacKay owner of 5 lots north of the Viking requested WRB-1 for 4 lots and WR-3 for 1 lot (buffer zone).

Died for lack of a motion.

Roger Johnson asked Council to zone the Toohey property on Dakota Avenue from WRR-1 to WR-2.

Bill Toohey thanked Council for zoning this property WRR-1.

Larry O'Shaughnessey requested uses in WB-1 be included in WB-2.

WRONG PROP. DICO. See minutes of 2-19-85 Counciling
James Kane owner of the Shangri-Ia Hwy 93 south, requested WB-2 be extended on his parcel 3E approximately 500' X 1325' or to the river.

Motion Tate to grant this request and extend WB-2, 500' X 1325' to the River. Second Caciari. All voted aye.

Larry O'Shaughnessey requested WB-2 for his property on the corner of Edgewood and Wisconsin Ave. (O'Piccalo's).

Died for lack of Motion.

Transcription of a portion of the Taped Zoning Hearing - Meeting of March 1, 1982:

....."Mayor Olson opened the Public Hearing on the First Reading of Ordinance A-407, Zoning Ordinance.....Councilman Gary Stevens made a motion to make a couple revisions to the proposed Zoning Map: The first was to expand the WSR District in Northwoods.....and the second was to establish a B-1 District at the corner of Denver and Wisconsin to include Whitefish Floral, (at this time Councilman Gary Stevens paused and asked Dick [Lund] if he wanted his house to be included in that zone and Dick [Lund's] reply was 'Yes, and Ted's'.), and Councilman Stevens included those houses in the motion, and there was a third revision in his motion that does not relate to this case. The motion was seconded, and passed unanimously."

I hereby certify that this is a true reproduction of a portion of the tape recording of the First Reading of Ordinance A-407, held March 1, 1982. This tape is on file and of record at the City Clerk's Office, City of Whitefish, Montana. Signed this 4th day of November, 1992.



Kay Beller, City Clerk
City of Whitefish, Montana

March 1, 1982 cont.

Harry Brown requested all of Suncrest property be zoned WRR-1.

Died for lack of a Motion.

Neal Blush requested WSR for his property north of Huston Point.

Motion Stephens second Lantz to include lot 3E & 1CA in the WSR zone. All voted aye.

Keith Taylor requested the zone changed from WR-2 to Industrial for 7 acres on Colorado Avenue (476 Colo. Ave.)

Died for lack of a Motion.

Gregg Bryan questioned the 35' height restrictions and number of stories allowed.

After Discussion it was MOVED by Lantz to remove the number of story designations from zones and stay with the 35' height maximums. Second Caciari. Tate aye, Putnam no, Lantz aye, Ramlow aye, Stephens no, Caciari aye. Motion carried 4 to 2.

Gregg Bryan also thought Council should go back to the City County Planning Board recommended Resort zones, and asked Council to re-instate restaurants and bars in WRR-2.

Died for lack of a Motion.

Jerry Hansen showed maps used by the City County Planning Board, in their studies and proposals. Voiced concern on changes made by Subcommittee.

Tim Grattan asked Council to look at height, ratio and floor coverages.

Oscar Basmit requested WB-1 for the Interstate Tire co., on the corner of Denver and Colorado.

Died for lack of a Motion.

Tom Vlachos, owner of Can-Am Motors, 523 Skyles requested WB-1 instead of WR-3 as proposed.

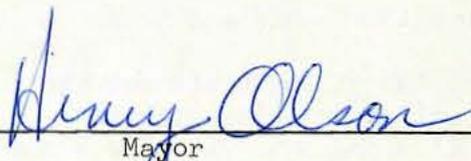
Motion Stephens to allow request and change to WB-1 if it can fit into the 5 acre maximum allowed in WB-1 area. Second Lantz. All voted aye.

Motion Stephens to adopt Ordinance A-407, Zoning Ordinance, as amended on the First Reading. Second Tate. All voted aye.

Motion Lantz to adopt Ordinance A-406, Purchasing Ordinance on the second reading. Second Putnam. All voted aye.

Tabled until next Council meeting were: Letter of Conditional Approval & Finding of Fact - Woodview Subdivision, and approval of the parking lot for Rocky Center.

Motion Tate second Putnam to adjourn 3:56 A.M.



 Mayor

ATTEST



March 15, 1982

Mayor Olson called the regular meeting of the Whitefish City Council to order at 7:30 P.M. All Councilpersons were in attendance. Also present were Building Inspector Berg, City Engineer Wells, City Manager Morrison and City Attorney Fisher. The minutes of the March 1, 1982, meeting were approved with the following changes: Councilman Putnam wanted the record to show on the statement by Bruce Tate about concerned citizens - Council had received 27 letters and a petition with 57 signatures in support of the Council Subcommittee.

The motion by Stephens on Walker Trailer Court should read changed to WRR-1 East Side and West side should be zoned WR-3 as requested.

Dan Johns requested WLR not WSR for the Speer property.

Mayor Olson opened the Public Hearing on the Second Reading of Ordinance A-407, Zoning Ordinance.

Ed Gilliland requested all his property from Wisconsin Avenue to Iowa Ave. (223 Iowa Ave.) be zoned for business. WB-1.

Died for lack of a motion. However, Council wanted it noted the buildings would be included in the WB-1 zone.

Roger Johnson presented a petition with 60 signatures of people in the Dakota Ave. Glenwood Road area protesting the Bill Toohey property being zoned WRR-1. They requested WR-3 instead.

City Attorney Fisher read section 2.08.170 of the Municipal Codes. Motions-Reconsiderations. No motion for reconsideration shall be in order unless made at the same meeting or the meeting following that on which the decision was made, nor shall such motion be made save by one who voted with the majority upon the adoption. Council could not change or zone would revert back to the City County Planning Boards recommendation which was WRR-2.

Request died for lack of a motion.

Leo Tracey representing the Viking requested their 31 acres be given the same zone as the current Resort Commercial, and requested no change in floor coverage and lot coverage. He requested the Clerk to let the record show they would like any vote on the Viking at this time in the way of a motion or when the Second Reading is passed the vote on the motion require 3/4 vote for any change, in the Commercial zone.

City Attorney Fisher stated the Declaration of Covenants proposed by the Viking were satisfactory.

Motion Putnam second Tate to zone the 31 acres of the Viking WRB-2.

Motion Iantz second Ramlow to amend the motion and turn over to City Attorney Fisher and Attorney Tracey to come to a compromise.

City Attorney Fisher suggested Council wait until changes in document were considered.

Ramlow withdrew his second and Iantz withdrew his Motion.

Because the Viking withdrew offer of covenants unless changes were made in WRB-2, Floor ratio, building coverage and the 10% Commercial Ancillary^{use}, Putnam withdrew his motion and Tate withdrew her second.

Motion Ramlow to change the document, in the WRB-2 zone and change the ancillary use from 10% to 20%, and section 4.17.030 #3 be changed to 50% lot coverage and 150% floor area ratio. Second Iantz. Tate no, Putnam no, Ramlow aye, Stephens no, Iantz aye, Caciari aye. Mayor Olson broke the tie vote by voting no. Motion was defeated 4 to 3.

Motion Stephens to change the document, in the WRB-2 zone and change the ancillary use from 10% to 20% and section 4.17.030 #3 to 60% lot coverage and 100% floor area ratio, and change use #2 to include Automotive Service Stations in 4.17.020, (permitted uses:) Second Caciari. Tate aye, Putnam aye, Ramlow no, Stephens aye, Iantz aye, Caciari aye. Motion carried 5 ayes to 1 no.

The Viking people agreed to accept the WRB-2 zone with the above changes and offered the covenants on the 27 acres across from the Viking.

March 15, 1982 cont.

Motion Putnam to zone the 31 acres of the Viking WRB-2 with Declaration of Covenants offered. Second Stephens. Tate aye, Putnam aye, Ramlow aye, Stephens aye, Lantz aye, Caciari aye. Motion carried.

Elmer Smith asked Council what their decision was on zoning 360' X 190' of his property WB-1. Councilman Stephens explained John Kramer, owner of the mini storage had requested WB-1 zone and this would put this zone over the 5 acre limit.

After discussion it was moved by Lantz second Tate to increase the size of the WB-1 district from 5 acres to 7 acres. All voted aye.

Dan Johns requested the WA zone be recinded and revert back to WRR-1 as proposed by the City County Planning Board on the David Speer property, 132 acres adjacent to Suncrest and North of East Lakeshore Drive. Johns explained Speer had filed a Petition to Annex with the City Clerk on 3-15-82, and requested Council to send the petition to the City County Planning Board for their recommendation. He also submitted a letter from Jerry Hansen and wanted it part of the record. Council discussed and requests died for lack of a motion.

Elden Inabnit requested property above the Speer property on North boundary of the 1 mile zone be zoned WRR-1.

Died for lack of a motion.

Steve and Doreen Christian, property owners in the city beach area inquired if people in their area would be notified of rezone requests in this area, they felt with the Toohey property being zoned WRR-1 it would mushroom and move down the beach. They were afraid the beach and lake would be ruined. City Attorney Fisher explained all rezones have to be advertised.

Deanna Frizella, speaking for Stan and Carolyn Watkins, requested WR-2 or WR-3 for the Toohey property.

Marv Bethea was in favor of controlled growth and requested a zone equal to present R-2 for Benny Bee property East Lakeshore Drive. (WRR-1 - WRR-2 and would consider WR-4)

Council applied the 12 criteria of the Master Plan to this piece of property and request died for lack of a motion as it didn't promote the Master Plan. (See corrected minutes 4-5-82)

Jim Johnson representing Keith and Velma Gustin requested 11 acres, Lots 1 & 2 Wildwood be zoned WRB-1 with changes to lot coverage, floor ratio - 40/80%. Gustins also would apply Declaration of Covenants.

It was moved by Stephens to increase floor area ratio - 4.16.030 #3 from 40% to 70% in WRB-1 District. Second Putnam. All voted aye.

Motion Lantz to grant the Gustin request and zone the 11 acres, lots 1 & 2 Wildwood as WRB-1, with covenants presented. Second Caciari. All voted aye.

Oscar Basmit, InterState Tire Co., corner of Colorado Avenue and Denver Street, requested a business zone (WB-1) instead of the proposed WR-2. Councilman Stephens explained the Nonconforming Use and City Attorney Fisher presented a change to Section 1.13.050, paragraph 2, which would read: 2. A nonconforming use may be expanded, subject to a Use Permit, within the confines of the lot or parcel of land upon which it was located at the time of the adoption or amendment of these regulations, provided, however, that the land area and/or size of building or structure being used for said nonconforming use at the time of the adoption or amendment of these regulations is not increased by more than fifty percent (50%).

It was moved by Stephens and second Putnam to amend Section 1.13.050 paragraph 2 as stated above. All voted aye except Lantz who said no. Motion carried 5 to 1.

Mr. Basmits request died for lack of a motion.

Councilman Stephens requested the addition of Grocerette - convenience store in WRB zones. A Grocerette would meet needs of the transient population and should be limited to 500 sq. ft. (Snack type items).

Motion Stephens to add in WRB-1 #2 Item 11, Grocerette - Ancillary service definition: Convenience store - primary use for transient population using complex. Second Tate. All voted aye.

March 15, 1982 cont.

Cecil and Charlotte Nelson requested proposed zone of WR-1 for property south of highway 93 west, adjacent to Grouse Mtn. (lots 1 ABD, 1 ABB, 1 AC, 1A, 3BB, 1BAA, 1BA, 1ABE, and 1BB). be changed to WRR-1.

Motion Iantz to recind motion of February 22, 1982, and revert this property back to the City County Planning Boards recommendation of WRR-1. Tate no, Putnam no, Ramlow aye, Stephens no, Iantz aye, Caciari aye, Mayor Olson broke the tie vote by voting aye. Motion carried 4 to 3.

Fritz Royer questioned the number of City members versus number of extraterritorial members to the Board of Adjustments and ^{also} requested Section 1.09.010, #2 be changed to read OR instead of AND in the last sentence.

Motion Putnam second Tate to grant this request and change to OR instead of AND. All voted aye.

Royer requested WSR zone for Tract 3, 3F and 1CD.

Died for lack of a motion.

John Kramer, Mountain ministorage property, Wisconsin Ave. requested mini storage buildings be allowed in WB-1 zone and requested WB-1 for his property. He thought size should be limited to 10X 30 or 300 sq. ft *each*.

Motion Stephens that in the WB-1 district to add use #5, Section 4.11.020, mini Warehouse storage as a permitted use, and add definition for a mini storage. Definition: Storage facilities intended primarily for local usage and not to exceed 300 sq. ft. per unit. Second Iantz. All voted aye.

Motion Iantz to expand the WB-1 district and include the rest of Kramers warehouse area. Second Caciari. All voted aye.

Gregg Bryan, Bay Point, requested Food and beverage be re-instated in WRR-2 district.

Motion Iantz to recind the motion deleting paragraph 3, and revert back to the City County Planning recommendation. Second Ramlow. Tate no, Putnam no, Ramlow aye, Stephens no, Iantz aye, Caciari no. Motion was defeated 4 to 2.

Bryan also suggested dropping "non commercial purposes" from Section 2.14.08 Meeting Rooms.

Dave Jamieson proposed the following changes in site plans for 1 - 3 family residence buildings: "The site plan shall state whether public and/or private sewer and water systems will be used, including the design and location of proposed sewer and water systems and their relation to site elevations, buildings, driveways parking areas, other utility lines, and lot boundaries. A copy of the permit issued by the County Sanitarian, or signed approval of the County Sanitarian on the site plan, shall be included when a private sewage system is involved."

Motion Putnam second Tate to add Section 1.06.050 as stated above. All voted aye.

Section 4.05.010, Jamieson requested the following sentence be added: "Houses regularly occupied by two families, one or both of which is on a rental basis, shall be connected to an approved multiple family or public sewer system."

Motion Tate to add this sentence to 4.05.010, and include in use #3 duplexes, section 4.05.020. Second Stephens. All voted aye.

Council thought Duplexes should be defined.

Motion Stephens, Duplex should mean single structured designed and constructed-two living units under single roof for occupancy by two families. Second Putnam. All aye.

Jamiesons request for change in Section 4.05.030-(yard, Height and Area Requirements for WR-1) died for lack of a motion.

Leo Tracey requested further clarification of the WRB-2 zone the Viking was given and requested to revert back to the City County Planning Boards recommendation.

Died for lack of a motion.

March 15, 1982 cont.

Randy Schwickert requested Council revert back to the City County Planning Boards recommendation of WRB-1 for the Hurley property Wisconsin Ave.

Died for lack of a motion.

Jerry Hansen expressed concern on the Council Subcommittee changes especially in the Resort zones.

Russ Street requested WR-2 or WRR-1 for 10 acres on Dakota Avenue - adjacent to Bay Point.

Died for lack of a motion.

Larry Fonner presented a list of recommended changes and comments on the proposed zoning regulations.

City Manager Morrison recommended addition of Silva-Culture in the WA zone, Section 4.02.010 and under permitted uses, Section 4.02.020, subparagraph #19.

Motion Stephens to add Silva-culture to the WA zone, Section 4.02.010 and add to permitted uses, Section 4.02.020, subparagraph #19. Second Putnam. All voted aye.

Council and City Manager discussed the requirement to notify property owners within 300' of a zone change, and whose responsibility it was to provide names and addresses of property owners in the area.

Recommendation: Add f to Section 1.11.120 #3 as follows: The applicant for a Use Permit shall include in the application names and addresses of all property owners within 300' of proposed use.

Section 1.14.030 - A -Add: It is the petitioners responsibility to provide names and addresses of property owners within 300' of the proposed amended area.

Section 1.14.030 -b-Change wording in the first sentence to read: The Zoning Commission shall mail a notice to all property owners.....

It was moved by Stephens second Putnam to make changes per above recommendation. All voted aye.

City Attorney Fisher requested Council to recind their last action on Section 5.2.02 Procedure. Action was: Delete "by the Governing Authority" at end of paragraph 3, and substituting words Zoning Administrator for Planning Board or Governing Authority. He explained by State law the Zoning Administrator can not approve sublots, only the Governing Authority can.

Motion Stephens to recind previous motion and change Section 5.2.02 - 1, 2, and 3 back to Governing Authority. Second Tate. All voted aye.

Councilman Stephens discussed changes to section 4.16.030 #7 in WRB-1. However, people at the Hearing felt it was too late to make the changes.

It was moved by Stephens Second Tate to delete #7 Section 4.16.030. All voted aye.

Councilman Ramlow said he had a request for a moderate type Commercial zone for the Mackaman property on Wisc. Ave.

Died for lack of a motion.

Motion Caciari to adopt Ordinance A-407, Zoning Ordinance and the Map on the Second and Final Reading. Second Putnam. Tate, aye, Putnam aye, Ramlow aye, Stephens aye, Lantz aye, Caciari aye. Motion Carried.

WOODVIEW SUBDIVISION

- 1. LETTER OF CONDITIONAL APPROVAL PRELIMINARY PLATT
- 2. FINDINGS OF FACT

Councilman Putnam questioned the Letter of Conditional Approval and wanted cost of installation of streets, water and sewer be born by developer.

Motion Putnam to accept the Findings of Fact and the Letter of Conditional Approval as amended, for preliminary platt, Woodview Subdivision. Second Tate. All voted aye.

Hearings started Jan. 13-82

March 15, 1982 cont.

Mayor Olson appointed a Committee of Caciari, Iantz and Ramlow to work with Don and Jeff Jensen on parking for Rocky Center.

Motion Tate to allow Councilmen Putnam, Stephens and Caciari to leave the State: Putnam March 27th thru April 19th. Stephens the 27th thru the 29th of March and Caciari the 21st thru the 25th of March. Second Putnam. All aye.

Motion Tate second Putnam to adjourn 2:35 A.M. and table the rest of items on the agenda until Council meeting of April 5, 1982. All voted aye.



 Mayor

ATTEST:



 City Clerk

March 17, 1982

4:30 P.M.

Present at this special meeting were: Stephens, Tate, Ramlow, Iantz and Caciari. Also present were City Manager Morrison and Building Inspector Berg.

This special meeting of the Council was called to consider approval of parking spaces for the Grocery Store and Variety-Drug Store Phase 1, Rocky Center.

Committee of Caciari, Iantz and Ramlow recommended approval of 124 parking spaces.

Motion Caciari to grant parking portion of Building Permit #547 and approve 124 parking spaces for the grocery store and variety-drug store, Phase 1, Rocky Center. Second Ramlow. All voted aye.

Adjourned 8:01 P.M.



 Mayor

ATTEST:



 City Clerk

April 5, 1982

Mayor Olson called the regular meeting of the Whitefish City Council to order at 7:30 P.M. Council members in attendance were: Stephens, Ramlow, Caciari and Tate. Absent were Putnam and Lantz.

Also present were City Engineer Wells, Police Chief Sellers, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved with two corrections.

Page 173 the Benny Bee property: should include it did not promote the Master Plan and it would contribute to overcrowding the land. Place unnecessary population in the area. Change the character of the district. Decrease the value of the surrounding buildings. Decrease safety - fire and other danger, plus less light and air.

Special meeting of March 17, 1982, Councilman Stephens requested members present be listed.

Stanley Dye returned a \$12.00 check he had received for Jury duty. He requested it be put back in the General Fund.

ADMINISTRATIVE REPORTS AND REQUESTS

City Manager Morrison read a letter he had drafted thanking the Kiwanis Club for the refuse containers they donated to the city. Council and Mayor signed the letter and commended the Club for the fine job they did.

City Manager Morrison explained a Personnel Advisory Board was being created. The Board would consist of The City Administrator, two employees, a Department Head, and two member of the Council. The purpose would be to review wages, benefits and other personnel matters for the coming fiscal year. It was decided the Finance Committee would be on the Advisory Board.

City Manager Morrison gave a five month analysis of parking meter removal. He estimated annualized loss from meter removal was \$9771, he said the city should look to the downtown for the lost revenue or reduce services. Mayor Olson said everyone, the Council, Chamber of Commerce, Police Department, etc, should study for the next month and decide whether to reinstate the meters or come up with alternative source of revenue.

LAKEVIEW ESTATES OPINION

City Attorney Fisher reported back on whether or not the city would have standing to challenge the County Commissioner's action in approving the Preliminary Plat of Lakeview Estates on the grounds that the Comprehensive Plan was not amended. His opinion was that the Comprehensive Plan has to be amended by both the City and the County Commissioners. He recommended contacting the Commissioners and giving them his opinion. Council requested City Attorney Fisher to pursue the matter.

Whitefish Lake Water Quality Committee report was given by Bill Leonard. He explained function of the Committee and subcommittees and read a draft of objectives. Leonard said a formal plan would be presented in April.

City Manager Morrison requested authority for City Administration to evaluate traffic control signs. He thought it would expedite problems. City Attorney Fisher pointed out the City Ordinance reads "Legislative Body" will control speed limits, etc. City Attorney Fisher to research legality and bring back to next Council meeting.

Morrison also asked for Council input on work projects for the County Planning Staff. Four suggested projects are: Parks plan, subdivision regulations, extension of Municipal services, Update Comprehensive Plan.

The Library Agreement was extended (with same conditions as currently in effect) until 7-1-82. Meeting with the County Librarian was turned over to Committee of Tate, Putnam, and Ramlow.

Council requested City Administrator write a letter to Ord Clark explaining why his property (lot 7) on Wisconsin Avenue was zoned WR-2. Council to approve next meeting.

Gary Elliott reported the Whitefish Area Community Survey was being put on computer and would be completed the first part of May.

NEW BUSINESS

Gerlinde Oliver submitted a request to lease the city beach concession stand. Turned over to Committee of Tate, Putnam and Ramlow.

April 5, 1982 cont.

LEGISLATIVE DISTRICT FOR WHITEFISH

City Manager Morrison suggested sending letters to the Legislative Council stating the City Council was in favor of Whitefish having its own Legislative District.

It was moved by Stephens to send letters to the Legislative Council secretary and members. Second Caciari. All voted aye.

Special Events permit: First National Bank.

Motion Ramlow to allow the Special Events Permit of the First National Bank, for the Dixieland Band and Bar-B-Que, May 1, 1982. Second Tate. All voted aye.

Ben Cohen asked clarification on city policy for the solid waste dumpsters. He also would give the city a proposal to take over the commercial area.

Dick Christiansen and Dick Peterson protested buying dumpsters.

After much discussion Mayor Olson turned the matter over to the Street and Sanitation Committee, City Engineer Wells and City Administrator.

Councilman Stephens reported he would not be at the April 19th meeting. Also questioned policy of people going thru Councilmen to get on the Agenda.

Mayor Olson reported the Golf Association requested permission to reroof the Club House and install heat and air conditioner systems.

Motion Tate to allow the Club House improvements. Second Stephens. All voted aye.

TABLED UNTIL COUNCIL MEETING OF APRIL 19, 1982,

Moratorium on annexations

Mayors appointment of Council Committees

Appointment of City County Planning Board member - replacing Toni Irwin.

Building Inspector Contract.

Motion Stephens to adjourn 10:45 P.M. second Tate. All voted aye.

Benny Olson
Mayor

ATTEST:

Kay Belter
City Clerk

April 19, 1982

Mayor Olson called this special meeting to order at 10:00 A. M.. All Councilpersons were in attendance except Putnam. Also present was Asst. City Attorney Erickson. Purpose of the meeting was to discuss Litigation regarding the Treiweiler suit.

The meeting was postponed until 7:00 P. M. to give City Attorney Erickson time to study the City Insurance policy.

Councilman Putnam was in attendance at the 7:00 P.m. meeting.

Adjourned 7:20 P.M.

April 19, 1982

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Councilpersons were in attendance. Also present were City Engineer Wells, Police Chief Sellers, Building Inspector Berg and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATIVE REPORTS

City Manager Morrison gave a nine month financial report of the general and utility funds of the City.

PENDING BUSINESS

Vacancy on the City County Planning Board was tabled until Council meeting of May 3rd.

Moratorium on Annexations

It was MOVED by Putnam second Tate to lift the Moratorium on Annexations. All voted aye.

Councilman Stephens reported he and Chuck Abell had gone to Helena to support a Legislative District for the Whitefish area. He said Senator Brown and MaryEllen Connolly also testified in favor of Whitefish having its' own Legislative District, however, Stephens felt the Redistricting Committee would not make any changes.

City Attorney Fisher reported back on his research of who has authority to place signs and regulate speed limits. He said placement of signs could be delegated to the City Administrator or the Chief of Police, or both. Council has to regulate speed limits. City Attorney Fisher to draft an amendment to the Ordinance and bring back to next Council meeting.

NEW BUSINESS

City Manager Morrison suggested changing procedures on annexations by giving a Resolution of Intent at the same meeting annexation petitions are presented. He said it would expedite the process and still have ample time for the hearing process. Council Policy in the past was to refer petitions to the City County Planning Board and wait for their recommendation before giving Resolution of Intent.

Motion Lantz to change current Policy and give a Resolution of Intent at the same meeting Petition to Annex is presented and set hearing dates, and send to the City County Planning Board for their recommendation. Second Tate. All aye.

Annexation Petition - Dave Speer

Motion Lantz to pass Resolution #B-931, a Resolution of Intent of Consideration annexing the Dave Speer property, 115.83 acres adjacent to Suncrest Subdivision, with the stipulation it be sent to the City County Planning Board for their recommendation. Second Putnam. All voted aye.

Council set June 7, 1982, hearing date.

Building Inspector Contract was turned over to committee of ^{TATE} Lantz, Putnam, and Stephens.

Position of Zoning Administrator was discussed and until a decision can be made it was MOVED BY Putnam to appoint City Manager Morrison to act as the Zoning Administrator, on a Temporary Basis. Second Stephens. All voted aye.

Zoning Administrator discretionary powers was turned over to Committee of Stephens, Lantz and Putnam to study and bring recommendation back to the Council.

^{TATE} Stan Dye presented Council with tax figures he got from the County. He thought they might help Council make decisions at Budget time.

ORDINANCE NO. A-408, CABLE T W FRANCHISE

Motion Caciari to pass Ordinance No. A-408 on the first reading. Second Lantz. All aye.

April 19, 1982 cont.

SPECIAL EVENTS PERMITS.

1. Regatta - July 24 & 25
2. Summer Games Regatta Sept. 11 & 12.

Motion Tate to allow the Special Events Permits as presented. Second Stephens. All voted aye.

COMMERCIAL SOLID WASTE POLICIES

Councilman Stephens reported he and Councilman Ramlow met with City Engineer Wells, and City Manager Morrison on formulating a Policy on dumpsters for the Commercial area. The Committee recommended purchasing and providing initial 40 dumpsters using Revenue Sharing funds - amount borrowed would be paid back out of the garbage funds. Stephens gave a summary review of the policy on rates for dumpster service and can service. Ben Cohen asked if businesses would be charged if they have a private hauler. Answer was yes.

Dennis Rassmussen questioned fees on trailer courts.

After much discussion it was decided the residential area should be studied too and included in the Draft. Turned back to Committee.

Ben Cohen was very irate because the Council subcommittee which established the policy on dumpsters did not invite him to their meeting and because the Council would not accept his proposal to contract garbage pick-up in the business area. He said the city wanted the fees charged for garbage to pay a City Administrator, City Engineer, Street Supervisor, etc.

City Manager Morrison wanted the record to show that what Ben said was false, and the city would go out for bids if the costs were better. Mayor Olson also told Cohen that the Council had listened to him more than anyone else in the City.

Mayor Olson presented a letter from R. D. Geisy, Superintendent of Schools, on the dog problems at the schools and asked Council for a solution to the problem.

Police Chief Sellers, explained Officers were responding to calls but aggressive pick up of dogs could be a problem and requested Council authorization for the Department to be more aggressive. Council said no - current policy should be followed.

Mayor Olson made the following Council Committee appointments - effective 6-7-82.

Water/Wastewater	Caciari, Ramlow, Stephens
Street and Sanitation	Putnam, Lantz, Ramlow
Land use (Planning, Zoning, Building)	Stephens, Tate, Putnam
Public Safety (Police, Fire, Traffic, Health, Animal Control)	Ramlow, ^{Lantz} Lantz, Caciari
Culture (Parks, Recreation, Library, Cemetery)	Tate, Putnam, Stephens
Administration and Finance	Lantz, Caciari, Tate

Councilman Stephens said all Committee Meetings should be open meetings. After discussion IT WAS MOVED by Stephens Committee meetings be open for Public observation. Second Ramlow. All voted aye except Tate who said no. Motion carried 5 to 1.

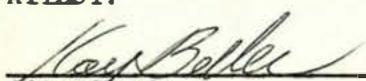
Councilwoman Tate suggested a letter be sent objecting to the small print in the new telephone directory - felt it was a disservice to the Valley. Also she suggested sending a letter to Glen Taylor reminding him that July 1, 1982, was the deadline on tearing down the old house at 312 Kalispell Ave.

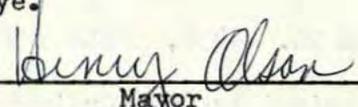
Tate requested permission to leave the State May 8th thru May 22nd.

Motion Putnam second Lantz allowing the above request. All aye.

Motion Lantz second Putnam to adjourn 10:38 P.M. All aye.

ATTEST:


City Clerk


Mayor

May 3, 1982

Mayor Olson called the regular meeting of the Whitefish City Council to order at 7:30 P.M. All Council members were in attendance. Also present were City Engineer Wells, City Manager Morrison, Police Chief Sellers, Building Inspector Berg and City Attorney Fisher.

The Minutes of the previous meeting were approved with two corrections.

Corrections: Committee to review Building Inspector Contract should have been Tate, Putnam and Stephens.
Solid Waste Committee should have been Putnam, Lantz and Stephens,

ADMINISTRATIVE REPORTS AND REQUESTS

City Manager Morrison reported at the last CAB meeting the Judges ruling on the Comprehensive Plan was discussed. He said depending on the ruling by the County Attorney and District Judge could have impact on the city. City Attorney Fisher to review and get ruling.

Representative John Harp, Chairman of the Joint Subcommittee on Highways gave a report on alternative ways proposed by the Subcommittee to finance highways. He requested Council approval for City Manager Morrison to testify in front of the Montana Legislative Committee on highways May 17th and 18th in Helena. Harp said they would pay all Morrisons expenses.

Motion Putnam to allow City Manager Morrison to work with the Subcommittee on Highways. Second Caciari. All voted aye.

PENDING BUSINESS

Mayor Olson opened the Hearing on the Second Reading of Ordinance #A-408, Cable T. V. Franchise.

Larry O'Shaughnessey provided information concerning Pornography on T.V. and Council discussed whether the city Pornography Ordinance covered television. It was established that Ordinance A-408 states the city could regulate. After discussion it was MOVED BY Caciari second Lantz to adopt Ordinance A-408, Cable TV Franchise on the second reading as presented. All voted aye.

BUILDING INSPECTOR CONTRACT

Councilman Stephens reported the Subcommittee had reviewed the Building Inspectors Contract and recommended approval as is for this year, with two changes:

1. City Administrator to be Contract Administrator.
2. Building Inspector Berg would provide a qualified person to act as Building Inspector in his absence.

Motion Stephens to approve the Building Inspectors contract for this year. Second Tate. All voted aye.

SOLID WASTE POLICIES

Councilman Lantz read the Street & Sanitation Committee draft on Policies and Procedures for the Solid Waste Utility.

After discussion the MOTION was made by Putnam to adopt the Policies and Procedures for the Solid Waste Utility as a set Policy for consideration at Budget time. second Caciari. All voted aye.

PLANNING BOARD VACANCY

Motion Stephens to appoint Patricia Jarvi to the City County Planning Board, effective May 1, 1982. Second Tate. All voted aye.

Resolution #B-933, Petition to Annex Policy was turned back to Committee of Stephens, Lantz and Putnam.

Councilman Stephens reported the Committee had reviewed the two businesses that did not comply to current zoning and recommended the Bicycle Shop be considered an analogous use in the B-3 zone - Administrator could make interpretation. The Sporting Goods Store in B-2 zone, the Committee felt was not an analogous use and there were two options: 1. Proceed with Document change thru the City County Planning Board. 2. Use permit for non-conforming use. Zone Administrator to interpret.

May 3, 1982 cont.

GREENWOOD TERRACE

Council approved Park Donation of \$912.18 and a Letter of Credit for \$25,000.00 guaranteeing construction of the road for Greenwood Terrace.

Mayor Olson proclaimed the month as Whitefish Historical Month.

ORDINANCE NO. A-409, Amendment to Traffic Control Ordinance.

Motion Ramlow to pass Ordinance A-409 on the First Reading. Second Putnam. all aye.

RESOLUTION NO. B-932, LIQUOR LICENSE FEES

Motion Caciari to adopt Resolution No. B-932. Second Tate. All voted aye.

REVIEW OF CHAMBER PARKING METER SURVEY

Ed Grogan, President of the Chamber of Commerce gave a report on their survey of parking meter removal. Most businesses favored permanent removal of Parking meters and suggested decreasing costs to offset loss of revenue to the city. After much discussion parking meter removal was turned over to the Finance Committee and City Manager Morrison.

SPECIAL EVENTS PERMITS

1. Regatta Parade and Street Dance - July 23,24
2. Canoe Race - July 10
3. Sidewalk Sale - Sept 3-6
4. Stumptown days - May 20 - 22

Motion Tate to accept the Special Events Permits as presented. Second Iantz. All voted aye.

CITY BEACH CONCESSION BUILDING

Councilwoman Tate reported the Committee had received bids from: Bill Leonard and Ed Gilliland, Larry Chapman, Norm Nelson, and Gerlinde Oliver on leasing the Concession building at city beach. The Committee favored Gerlinde Oliver's bid of \$3090.00 for building improvements. However, as several changes were required it was turned back to Committee with power to act.

OTHER:

City Manager Morrison reported Montana Wilderness Ranch located off Haskill Basin road would be reviewed by the Board of County Commissioners at 9:30 A.M. May 4th. It was his understanding Chairman of the County Commissioners would make a motion recommending this road be public and be extended to Big Mountain. Morrison was concerned as this would be right in the middle of the City water shed. He and City Engineer Wells would attend the hearing and make concerns known, and City Attorney Fisher would research the law protecting water sheds.

Councilman Ramlow wanted clarification on Memorial Day and which day the city would have the cemetery ready.

Motion Stephens the City observe the traditional Memorial Day Holiday May 31st. Second Ramlow. All aye.

Parking problem at City Beach was turned over to Committee of Park Committee, City Manager and City Engineer.

Councilwoman Tate reported she had received a complaint of big vehicles parking on Spokane Avenue, vicinity of Spokane & 3rd St. and was creating hazardous conditions. Turned over to Police Chief Sellers.

Ed Grogan announced the new Chamber of Commerce project would be a City Cemetery.

Norm Nelson requested permission to oil street on 5th between Somers and Columbia avenues. To work with City Engineer Wells.

Mayor Olson read letter from Governor Schwinden designating May 19 as Senior Citizen's Day.

Motion Putnam second Stephens to adjourn 10:23 P.M. All aye.

Mayor

Kay Bell
City Clerk

May 10, 1982

3:00 P. M.

City Engineer Wells opened bids for rehabilitation of Memorial Field Tennis Courts.

Two bids were received:

American Companies, Inc.	Total Base Bid	\$12,560.00	Additive Alternate	\$11,000.00
Pack & Co.	Total Base Bid	14,691.00	Additive Alternate	9,627.12

City Engineer Wells to Study the bids, and make decision at later date.

May 17, 1982

The regular meeting of the Whitefish City Council was held on the above date at 7:30 P.M. with Deputy Mayor Lantz presiding. All Aldermen were present except Tate. Also present were Police Chief Sellers, Building Inspector Berg, City Engineer Wells, and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATIVE REPORTS

City Manager Morrison reported on the city beach work program. He said the docks had been repaired, the change house had been patched and spot painted, Yet to be done: paving section of street in front of beach area, talking to the Burlington Northern on leasing the lot south of the city water pumps for parking, and getting new picnic tables from the county and repairing and painting old tables.

Morrison also reported briefly on the Montana Legislative Committee on Highways meeting and the League of Cities meeting he attended May 17th.

PENDING BUSINESS

Deputy Mayor Lantz opened the Public Hearing on the second Reading of Ordinance A-409, Amendment to the Traffic Control Ordinance. There were no protests and the Hearing was closed.

Motion Putnam to adopt Ordinance A-409, on the Second and final Reading. Second Caciari. All voted aye.

PARKING METERS

Councilman Caciari reported the Finance Committee and City Administrator recommended: 1. The parking meters be removed ~~permanently~~ ^{temporarily}. 2. The current means of parking enforcement be maintained (Metermaid). 3. The City explore means to generate off-setting revenue.

Councilman Putnam said the loss of meters was substantial and felt the Committee should come up with revenue other than increased taxation on the citizens.

After discussion IT WAS MOVED BY CACIARI second by Stephens the removal of parking meters stand for the time being until the Council should decide to the contrary. Putnam no, Bamlow aye, Stephens aye, Caciari aye, Lantz aye. Motion carried 4 to 1.

NEW BUSINESS

Placement of the Hockaday/Community Board requested by the Whitefish Rotary Club was turned over to the Public Safety Committee with power to act.

ANNEXATION REPORT - SPEER PROPERTY

Council questioned the garbage collection section and requested zone change from WA to WRR-1 be included in the report.

Motion Stephens to accept the Annexation Report with change in paragraph 3, page 1 to include zone change from WA to WRR-1. Second Putnam. All aye.

RESOLUTION NO. B-934, INTENT TO CONSIDER ANNEXATION OF DEERFOOT PARK

May 17, 1982 cont.

As all annexation and platt procedures had been met before the Council placed the Moratorium on annexations, Council could proceed on the Deerfoot Park Annexation.

Motion Stephens to adopt Resolution B-934, A Resolution of intent to consider annexing Deerfoot Park a 19.661 acre tract, off State Park Road. Zoning to Be WR-3 and hearing would be Council meeting of June 21st. Second Putnam. All voted aye.

Motion Stephens to set the hearing date for the Subdivision Platt on the 21st of June. Second Putnam. All voted aye.

LAKESHORE CONSTRUCTION PERMITS

The City County Planning Board recommended the following:

1. Viking Lodge -
 1. That the gravel mentioned in Item 7-B be washed gravel.
 2. That chain or poly propolane rope be used to anchor the docks, not cable.
 3. That all pilings not used as anchors be removed.
 4. That planking on side of existing approach dock be removed to allow for more free flow of water.
 5. That styrofoam flotation logs be enclosed
 6. That nontoxic paints and stains be used.
2. John R. Kenyon -
 1. That ropes not be used to anchor dock to shore. That dock be anchored directly with pins.
 2. That concrete wedge or flat metal V shaped pins be used to anchor dock.

Motion Putnam to accept the Lakeshore Applications of the Viking and John Kenyon, with the recommendations of the City County Planning Board. Second Caciari. All aye.

SPECIAL EVENTS PERMITS

1. July 4th Fireworks - City Beach

Motion Putnam to allow the special events permit of the Chamber of Commerce for the July 4th fireworks at City Beach. Second Caciari. All aye.

Councilman Putnam Chairman of the Street and Sanitation Committee gave a report on paving projects scheduled for the summer.

Vavancy on the Soil Conservation Board was tabled until next Council meeting, however, it was mentioned Chuck Abell was willing to serve on this board.

Summer Recreation program proposal was turned over to the Park Committee to review and report back.

City Manager Morrison reported \$15,000.00 had been budgeted in Revenue Sharing for renovation of Memorial Park Tennis Courts. This would cover fence, asphalt surface, posts and nets, however, he requested an additional \$3000.00 for final seal surface.

Motion Putnam to allocate additional \$3000.00 Revenue Sharing for sealing tennis courts. Second Caciari. All aye.

Building Inspector Berg approached Council on the plans to rejuvenate the Beach Concession Stand. He thought some of the remodeling might be in violation of the R-2 zone. City Manager Morrison said it was allowed in a park zone.

Motion Caciari to turn over to the Zoning Administer to make decision. Second Ramlow. All aye.

Councilman Putnam reported that on Park Avenue in vicinity of the Old Hospital a large tree was blocking the view of drivers, causing a traffic hazard. Requested it be investigated.

Motion Stephens the drafting of a Sign Ordinance proposal be turned over to the Land Use Committee. Second Caciari. All aye.

Councilman Stephens reported several months ago the Park Committee had drafted a proposal formulating a City Council Park Board. He suggested this proposal be reviewed.

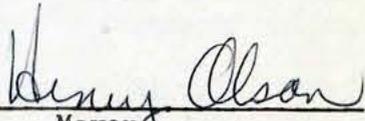
May 17, 1982 cont.

Councilman Caciari reported he felt City law officers were doing a good job but the number of dismissed tickets by the City Judge was disturbing.

City Manager Morrison reported he had received a Use Permit requesting change from laundramat to the Sporting Goods Store. He explained the Zoning Commission would consider first and send recommendation back to the Council.

City Attorney Fisher reported he had received a letter from Attorneys of the Bonding Company regarding Trails End Construction Co. - contractor of the West Shore Pump. They would like to settle the matter, however, City Attorney Fisher requested to research further.

Motion Caciari second Stephens to adjourn 10:00 P.M. All aye.


 Henry Olson
 Mayor

ATTEST:


 City Clerk

June 7, 1982

The regular meeting of the Whitefish City Council was held on the above date at 7:30 P. M. with Mayor Olson presiding. All Aldermen were present. Also present were Building Inspector Berg, Police Chief Sellers, City Engineer Wells and Asst. City Attorney Erickson.

The minutes of the previous meeting were approved with one correction.

(Parking meters be removed for the time being.) Correct #1 of Caciari motion.

ADMINISTRATIVE REPORTS AND REQUESTS

Lockridge sewer problem

Elizabeth Lockridge, Glenwood Road, requested to hook onto private sewer line which she had shared costs of installation with Gary Harding and John Schumaier in 1977. The line stopped short of the Lockridge property and City Ordinance A-282, (Jan. 1977) reads: property owner must have a separate service line and the main extended across full width of property so as to make the main available to adjoining property owners. Mrs. Lockridge said former permission had been given for her to connect to this line by former Mayor and Building Inspector.

City Engineer Wells sent her a letter stating the City would extend the main if she would grant the City an easement. (she had refused easement in 1977)

Council discussed property that had annexed in the past and still were not connected to city sewer.

Motion Caciari second Putnam that anyone annexed into the city and not connected to the sewer be charged at once, at least the minimum of \$5.50 for sewer use. Effective immediately.

Putnam withdrew second and Caciari withdrew this motion.

Motion Caciari second Putnam anyone that is annexed in to the city and not connected to the sewer in three (3) months time be charged the minimum assessment of \$5.50 if sewer is available. All voted aye.

Motion Stephens second Lantz to pass a thirty (30) day moratorium on the three (3) month time limit. All voted aye.

Regarding the Lockridge request Council turned over to the City Attorney to investigate and bring back next Council meeting.

WEST SHORE PUMP DAMAGE WAIVER

Attorney Erickson reported the litigation between Trails End Construction Co. and the Subcontractor had been resolved by the Bonding Company. He said although the station was not yet complete the Bonding Company requested a Resolution by the Council waiving the \$100.00 a day penalty if not completed over the 90 day time limit. The Bonding Company would make the minor repairs that had to be done for completion of the project.

June 7, 1982 cont.

Motion Stephens to adopt Resolution #B-937, waiving the \$100.00 day penalty. Second Tate. All voted aye.

GAMING LICENSE

City Manager Morrison reported the city may be losing approximately \$3500.00 in revenue on the gaming, by belonging to the Interlocal Agreement with the County. The City receives license fees and the county retains all other fees. Morrison said if the city withdrew and both parties (city & county) agreed the agreement could be terminated anytime. If one party only it would be 30 days.

Motion Tate the city withdraw from the Inter Local Agreement and City grant own gaming licenses. Second Ramlow. All voted aye.

Twenty Four (24) hour gambling was turned over to the Administration and Finance Committee (Lantz, Caciari and Tate) to investigate and bring back to the next Council meeting.

CLOSING FIRST STREET DURING LAKE REGATTA

Motion Putnam to allow the closing of First Street during the Regatta with the same conditions as last year on clean-up. Second Lantz. All aye.

Mayor Olson circulated a letter for Council to sign thanking the Beta Sigma Phi Sorority for cleaning City Beach area.

OLD BUSINESS

LIBRARY AGREEMENT

The Committee met with the County Library Board and agreed to accept \$3000.00 from the County, and the Agreement would remain much the same as in the past. Councilman Putnam said they had discussed additional tax at budget time and Committee agreed to the Agreement provided no extra mills were levied on taxpayers.

Mayor Olson tabled until next Council meeting.

SUMMER RECREATION PROGRAM

Councilwoman Tate reported the Committee met and due to lack of funds in the Park department, all they could do was to encourage the group to continue.

ANNEXATION REPORT: DEERFOOT PARK

City Manager Morrison read the report and Councilman Stephens reported for the Land Use Committee.

Committee recommended additions to report: 1. A performance bond be posted for better control that water, sewer and street improvements be in before building permits issued. 2. Annex on same basis as other subdivisions, city take over streets at time tax base allows. 3. Accept cash in lieu of parklands.

Motion Stephens to accept the Annexation Report with the above changes. Second Tate. All aye.

NEW BUSINESS

Speer Property

1. Amend Comprehensive plan from agriculture/silviculture to high density urban residential.
2. Annexation petition
3. Rezone from WA to WRR-1.

Dan Johns addressed the Council and explained the covenants could not be changed without Council approval and developer was willing to place covenants not to exceed 4 units per acre as recommended by the City County Planning Board.

Bruce Lutz showed the Master Plan and explained the land use plan for the 117 acres.

After discussion Mayor Olson opened the Public Hearing on the Amendment to the Comprehensive Plan - Annexation petition - Petition to Rezone. There were no public comments and the Hearing was closed.

The Land Use Committee would study and decision would be Council meeting of June 21.

June 7, 1982

BETHEA USE PERMIT APPLICATION: CHANGE NONCONFORMING USES
(from laundramat/apartment^s to sporting goods store in WB-2 zone)

Mayor Olson opened the Public Hearing and as there were no protest the hearing was closed. (City County Planning Board recommended Use Permit be granted)

Motion Stephens to grant the Use Permit. Second Tate. All voted aye.

Resolution #B-936: Intent to consider annexation Cravath/Jensen property - Monk^s Bay.

Motion Lantz to adopt Resolution #B-936, A Resolution of intent to consider annexing, Tract C, (Monk^s Bay) to be zoned WRB-1, hearing date to be July 19, 1982. Second Tate. All voted aye.

Resolution #B-936, Intent to consider annexation Teichro property.

Motion Lantz to adopt Resolution B-935, a Resolution of intent to consider annexing Tract 1A & 1M in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 31N, Range 22W, containing 2.5 acres, zoning to be WR-1, and hearing date to be July 19, 1982. Second Ramlow. All aye.

Abandonment of Wintergrove Subdivision (7th St. W) presented by Fritz Royer was turned over to the Land Use Committee and City Attorney.

The proposed Sign Ordinance was turned over to the Land Use Committee and the City Park Board was turned over to the Park Committee.

City Manager Morrison to investigate changing of traffic signs on Wisconsin Avenue, (from 35MPH to 45MPH) and report back.

Police Chief Sellers reported the tree on Park Avenue in vicinity of the old hospital was a traffic hazard and needed to be trimmed. Mayor Olson requested Councilwoman Tate to oversee this project.

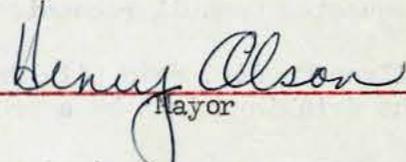
Gary Elliott reported for the Basin Study Group - County Commissioner^s had given tentative approval to do base line study of Whitefish Lake and they would fund 100% of cost.

Mayor Olson said there would be an Executive Session following the meeting.

Motion Tate Second Lantz to adjourn 10:59 P.M. All voted aye.

ATTEST


City Clerk


Mayor

June 21, 1982

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Councilpersons were in attendance. Also present were City Engineer Wells, Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATOR REPORTS AND REQUESTS

City beach concession stand hours:

Gerlinde Oliver requested Council permission to stay open the 4th of July until the fireworks were over.

Motion Putnam to grant this request and extend the hours for the 4th of July night. Second Caciari. All aye.

City Manager Morrison reported there were 7 or 8 consumers in the city limits not connected to the sewer. Council requested the City Administrator to draft a letter notifying these people they are in violation of Ordinance A-402.

Morrison also reported there was a problem in the survey of the final Plat of Greenwood Terrace Subdivision. City Engineer Wells explained there were two surveys made. The McDonald survey shows a 9' difference from the original survey. This would affect the city's 50' road. Owners requested city accept an additional 5' of road dedication to the north. (increasing to 55').

Motion Lantz to accept the 5' additional dedicated road. Second Tate. All aye.

City Manager Morrison said he was still investigating changing of speed limit signs on Wisconsin Avenue.

Gambling Hours

Councilman Lantz reported the Finance Committee had met and unanimously recommended leaving the hours as they are now. (Closing at 2:00 A.M.).

Jessee Stephens, City representative to the County Gambling Commission, protested and requested Council reconsider.

Councilman Caciari said City Ordinance reads bars will close at 2:00 A.M. - he thought drinking might be a problem.

Motion Putnam second Caciari to accept the Finance Committee recommendation and leave gaming hours as they are. Everyone voted Aye.

The Gaming License fees were turned over to the Finance Committee. *Council*
A meeting was set for Monday, June 28, 1982 at 5:00 P.M.

PENDING BUSINESS

Speer Property

1. Resolution No. B-938: Amend comprehensive Plan from AG to Urban Residential
2. Ordinance No. A-410: Annexation
3. Resolution No. B-939: Rezone from WA to WRR-1.

Councilman Stephens reported for the Land Use Committee. Committee recommended: the annexation be approved as agriculture and the Comprehensive Plan Change and Zone Change be denied at this time. Reasons were lack of plats and information.

Dan Johns told Council they were not aware more information was required and asked that they proceed on the recommendation of the City County Planning Board.

Motion Stephens second Tate to accept the Land Use Committee recommendation and annex as Agriculture and deny the rezone and comprehensive plan change.

After discussion Stephens withdrew his motion and Tate her second and it was turned back to the Land Use Committee to meet with developers and iron out problems.

City Manager Morrison introduced Dan Mizner, Director of the Montana League of Cities and Towns.

June 21, 1982 cont.

DEERFOOT PARK

Mayor Olson opened the Public Hearing on the amendment to the comprehensive plan from suburban residential to high density residential. As there was no public input the Hearing was closed.

Mayor Olson opened the Public Hearing on annexation of the 20 acres.

Jack Purdy asked what the developers were planning. Tom Sederstrom Engineer for Thomas, Dean and Hoskins explained the project and said they planned duplexes, four plexes - condo units and they would extend city sewer to the property across the Golf Course if the Golf Association and the city were in agreement. After a short discussion the Hearing was closed.

Mayor Olson Opened the Public Hearing on the Preliminary Plat (Phase 1)

Developers requested to have private park for homeowners in lieu of cash or parkland to the city.

Developers approved an extension of Preliminary Platt until 7-6-82.

The Hearing was closed and Mayor Olson turned over to the Land Use Committee for their final recommendation.

Appointment to the Board of Adjustments was tabled until next Council meeting.

COMMITTEE REPORTS

The Library Agreement was turned over to City Attorney Fisher to review and bring back next Council meeting.

PARKS

Motion Tate to advertise for bids, maintenance of Baker Street Park, with stipulation bids be received from non profit youth organizations. Second Lantz. All aye.

Councilman Lantz reported Mr. Sword from the High School had called him and if the city meters Memorial Park and practice fields and charges them for water, the School District would like to renegotiate the maintenance of the parks. Turned over to the Park Committee.

Councilman Stephens reported for the Park Committee on the proposed establishment of a city Park Board. The Committee recommended Council approval.

Motion Putnam to create a city Park Board and have City Attorney Fisher draw up the Ordinance. Second Stephens. Vote: Tate aye, Putnam aye, Caciari no, Lantz no, Ramlow aye, Stephens aye. Motion Carried 4 to 2.

Councilwoman Tate reported back on the tree causing the traffic hazard on Park Ave. Police Chief Sellers had written a letter and nothing was being done. Council requested a follow up letter be sent stipulating the city would trim and costs would be put on taxes.

NEW BUSINESS

RESOLUTION B-941: Intent to consider annexation of the hospital property - (that part of Lot 13 of Riverside Improvements Company's Acreage, lying east of the easterly boundary of Columbia Avenue, extended South across said lot and south of a line which is parallel to and 114.00 feet North of the South line of said Lot 13) 1315 Columbia Ave.

Motion Caciari to adopt Resolution No. B-941, A Resolution of intent to consider annexing the above described property as WB-2, hearing to be August 2, 1982. Second Stephens. All voted aye.

SPECIAL EVENTS PERMIT FOR WHITEFISH LAKE RUN

Motion Tate to allow the Whitefish Lake Run June 27, 1982. Second Lantz. All aye.

RESOLUTION NO. B-940: amend the general fund budget.

Motion Lantz second Tate to adopt Resolution B-940, a Resolution providing for an amendment to the General Fund Budget to increase appropriations for Police Department maintenance and operations, and decreasing appropriations for maintenance and operations with the General Fund Account known as Miscellaneous General. All voted aye except Putnam who voted no.

June 21, 1982 cont.

Councilwoman Tate reported the ash trees in city boulevards were blighted and needed to be sprayed. Turned over to City Engineer Wells to investigate.

Councilman Caciari requested to be out of the State August 27 thru July 2.

Motion Iantz second Putnam to allow this request. All aye.

Police Chief Sellers suggested flying the flag 24 hours a day at City Hall, with possibility of illuminating it with a spot light. He would get figures and present package at later date.

Motion Iantz second Tate to adjourn 10:33 P.M. All aye.

Henry Olson
Mayor

ATTEST

Kay Bella
City Clerk

June 28 1982

Mayor Olson called this special meeting to order at 5:07 P.M. Present were: Putnam, Tate, Iantz and Stephens. Also present was City Manager Morrison.

Purpose of the meeting was to determine if Gambling Fees should be reduced.

Councilman Iantz reported because of the 2:00 A. M. closing a reduction was in order, and recommended the following:

General Gaming	be reduced from	\$500.00	to	\$400.00.
Poker	reduced from	400.00	to	360.00
Pan	stay at			180.00
Dealer License	reduced from	80.00	to	60.00
Investigation Fee	to remain at			75.00
Electronic Bingo and Keno machines				100.00 each

After discussion it was moved by Iantz second Tate to adopt the following fees: General Gaming \$400.00, Poker \$360.00, Pan \$180.00, Dealer License \$60.00, Investigation \$75.00, Electronic Bingo & Keno \$100.00 per machine. Roll call vote: Putnam no, Tate aye, Iantz aye, Stephens aye.

Councilman Putnam said the vote had to be a majority of the Council and not of the quorum. Mayor Olson voted aye and Motion carried. (Depending upon the legal opinion.)

Meeting was closed at 5:40 P.M.

Henry Olson
Mayor

ATTEST:

Kay Bella
City Clerk

10-6-82
HWP

July 6, 1982

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Councilpersons were in attendance. Also present were Asst Police Chief Herrmann, City Engineer Wells, Building Inspector Berg, City Manager Morrison and City Attorney Fisher.

MINUTES

The minutes of the previous meeting were approved with one addition.

Prior to the meeting Council viewed and inspected the City jail facilities.

ADMINISTRATIVE REPORTS AND REQUESTS

WISCONSIN AVENUE SPEED LIMITS

City Manager Morrison reported a traffic study was being done by the State and the City could review when the study is received.

COMMUNITY DEVELOPMENT BLOCK GRANTS

Morrison reported last year the City had submitted an application for a grant on storm drainage - ranked 16 out of 22 applications. He said Housing was the most fundable and asked Council if they wanted him to apply for a 100% (\$400,000.00) grant for upgrading housing and streets in a depressed area of the city. (Area to be determined in a study). The Council requested Morrison pursue the Grant.

WATER AND SEWER RULES AND REGULATIONS

Turned over to the Water and Sewer Committee to study and report back next Council meeting.

FIREWORK ORDINANCE

Motion Stephens to amend Ordinance #A-206, and allow use of fireworks in the city limits. Second Putna. All voted aye except Tate who said no. Motion carried 5 to 1.

PUBLIC HEARING; proposed uses of revenue sharing funds

City Manager Morrison opened the Public Hearing on approximately \$62,000.00 Revenue Sharing Funds to be received in the 1982-1983 fiscal year.

Brian O'Shaughnessey suggested using for upgrading the sewer system and Mike Jensen suggested using for upgrading Baker Avenue Park - along the river and around the tennis courts.

The Hearing was closed. Revenue Sharing would be included in the Preliminary Budget. Hearing would be August 4, 1982 and final adoption of Budgets to be August 9, 1982.

PENDING BUSINESS

SPEER PROPERTY

1. Resolution No. B-938: amend the Comprehensive Plan from agricultural to urban residential.
2. Adopt Ordinance No. A-410: Annexation.
3. Resolution No. B-939: rezone from WA to WRR-1.

Councilman Stephens reporting for the Land Use Committee said Restrictive Covenants had been offered giving city: 1. review of all plans, plats, and storm water runoff and drainage on the property. 2. Residential units not to exceed 4 dwelling-units per acre.

Stephens requested to add: bottom paragraph 4 "or action thereon" and paragraph 6 "may not be amended without written consent Governing Body."

MOTION Stephens second Caciari to adopt Resolution #B-938, a ending the Comprehensive Plan from Suburban Residential (2 dwelling units per acre) to Urban Residential (4 dwelling units per acre). All voted aye.

MOTION Stephens to adopt Ordinance #A-410, annexing the Speer property, and Declaration of Covenants as amended be approved and recorded. Second Tate. All voted aye.

MOTION Stephens to adopt Resolution #B-939, rezoning the Speer property from WA to WRR-1. Second Tate. All voted aye.

July 6, 1982 cont.

APPOINTMENTS TO BOARD OF ADJUSTMENTS

The City Administrator reported section 1.09.010 (d) of the new Zoning Ordinance requires the City Council to reappoint the entire Board of Adjustments for staggered terms. He recommended the reappointment of the following;

1 year term expiring July 6, 1983	James Clegg
1 year term expiring July 6, 1983	June Peck
2 year term expiring July 6, 1984	Ray Casper
2 year term expiring July 6, 1984	Barbara Schustrom
3 year term expiring July 6, 1985	Dave Jameison

Motion Tate second Iantz to approve the above appointments. All voted aye.

ABANDONMENT OF WINTERGROVE PLAT - FRITZ ROYER

Tabled until next Council meeting.

RULING ON VOTE: SPECIAL COUNCIL MEETING OF JUNE 28

City Attorney Fisher said any vote takes the majority of the Council.
(four (4) votes)

Motion Iantz to adopt Resolution B-944, Gaming fees: Gaming \$400.00, Poker \$360.00, Pan \$180.00, Dealer License \$60.00, Investigation fee \$75.00, Electronic Bingo and Keno machines \$100.00 each. Second Tate. Tate aye, Putnam no, Caciari no, Iantz aye, Ramlow aye, Stephens aye. Motion carried 4 to 2.

NEW BUSINESSDEERFOOT PARK

1. Resolution No. B-942: amend comprehensive plan from suburban residential to high density urban residential.
2. Ordinance no. A-412: annexation
3. Approve preliminary plat - phase 1

Councilman Stephens reported the Land Use Committee recommended the annexation, approval of the Preliminary Plat Phase 1, and the zone change. Stipulations: The sewer line extension to be agreed upon by Council/developer, cash in lieu of parkland be paid on Phase 1 and Phase 11, and conditions set forth by the City County Planning Board be adopted.

- Conditions:
1. Pavement width shall be a minimum of 24 feet.
 2. Water line shall be a minimum 6 inches.
 3. Sewer line shall be a minimum 8 inches.
 4. Pioneer road through Phase 11 or install temporary cul-de-sac at end of Deerfoot Trail until Phase 11 is initiated.
 5. Eliminate half cul-de-sacs.
 6. Utility and drainage plans must be approved by City Engineer before construction begins.
 7. Water, sewer and streets must be built to city specifications.

MOTION Stephens to adopt Resolution #B-942, amending the Comprehensive Plan from suburban residential to high density urban residential. Second Putnam. All voted aye.

MOTION Stephens second Tate to adopt Ordinance A-412, annexing Deerfoot Park. All voted aye.

MOTION Stephens to approve the Preliminary Plat Phase 1, with conditions stated. Second Putnam. All voted aye.

ANNEXATION REPORTSJENSEN/CRAVATH PROPERTY

Council wanted report amended: last paragraph on page 1 amended to read "at such time as tax base allows".

MOTION PUTNAM TO ACCEPT the annexation report with correction as stated above, for the Jensen/Cravath property. Second Caciari. All voted aye.

July 6, 1982 cont.

TEICHRO PROPERTY

MOTION Putnam to accept the annexation report for the Teichro property.
Second Tate. All voted aye.

RESOLUTION # B-943: intent to annex Norm Nelson property (Elmer Smith.)

Resolution tabled because Elmer Smith is still owner of record of this property and owns more than the lot petitioned for annexation. Council policy is property owner must bring in up to five acres of his property when annexing.

WAIVER OF OPEN CONTAINER FOR REGATTA STREET DANCE

MOTION Iantz to waive the open container and turn over to Police Chief Seller and City Manager Morrison to set perimeters. Second Stephens. Tate no, Putnam no, Caciari no, Lantz aye, Ramlow aye, Stephens aye. Mayor Olson broke the tie vote by voting no. Motion was defeated 4 to 3.

ORDINANCE A 411, establishing a City Park Board.
Tabled until next Council meeting.

LIQUOR LICENSE FEES

Motion Caciari combined beer and wine licenses for on premise use be reduced from \$400.00 to \$312.50. If the fee has been paid a refund for the difference would be issued. Second Iantz. All voted aye.

RIFLE CLUB BUILDING COURT DECISION

Council discussed whether or not to put the issue of the Rifle Club building on the ballot, however, Councilman Putnam said the Rifle Club did not want the City to pursue further and Council was in agreement. The issue was dropped.

LAKESHORE CONSTRUCTION PERMIT APPLICATION: Eugene Stefani.

MOTION Stephens to accept Lakeshore Construction permit application of Eugene Stefani as submitted and based on approval of the City County Planning Board. Second Tate. All voted aye.

GLEN TAYLOR HOUSE 324 Kalispell Avenue.

The deadline for Mr. Taylor tearing down this house was July 1, 1982. Council said no more extensions of time would be granted and if not removed immediately the City would do and put on taxes.

WILLIAM HILEMAN HOUSE ON LUPFER

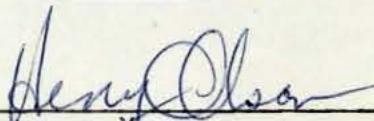
Mr. Hileman requested an extension of time in removing his house from Lot 18 of Block 26, Whitefish Original. Tabled until next Council meeting.

COUNCIL REPORTS

Councilman Putnam reported the City County Planning Board was unhappy with the way the city was handling things and suggested Council have a meeting with them and establish procedures.

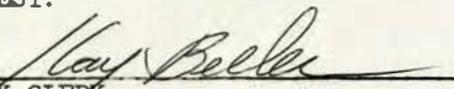
Councilman Caciari asked City Attorney Fisher if he had any communication with Mrs. Lockridges lawyers. City Attorney Fisher said he had explained the situation to two lawyers and they would try to encourage her to give the city the sewer easement across her property, as long as the city would pay for the extension.

MOTION Putnam second Tate to adjourn 10:39 P.M.



Mayor

ATTEST:



CITY CLERK

July 19, 1982

Mayor Olson opened the regular meeting of the Whitefish City Council at 7:30 P. M., on the above date. All Council persons were in attendance. Also present were Police Chief Sellers, City Engineer Wells, Building Inspector Eerg, City Manager Morrison, and Fire Chief Thorsteinson.

The minutes of the previous meeting were approved as read.

ADMINISTRATIVE REPORTS AND REQUESTS

RATIFICATION of tentative agreement between City and AFSCME Local No. 2943.

The City Administrator reported the Union had ratified the Union Contract Agreement. The language had been strengthened and there were some benefit concessions. A 4.6% average wage increase plus Medical Insurance premium was proposed. The Union requested Council ratify the proposal.

Motion Lantz to ratify the tentative agreement. Second Caciari. All voted aye.

PRESENTATION OF PRELIMINARY BUDGET

City Manager Morrison gave a summary review of the Preliminary Budget.

Motion Lantz to set a work session with Department Heads Monday the 26th at 7:00 P. M. Second Tate. All voted aye.

Councilman Putnam said he thought the Mill should be decreased because the removal of the parking meters and lowering the gaming fees had benefited a few people, and lowering the Mill would benefit all the taxpayers.

Councilman Caciari said he had reviewed the budget and City Manager Morrison had done an outstanding job, in preparing the budget.

CITY SPECIALS

City Manager Morrison requested Council adopt the City Specials so they could be published and the Hearing set for same time as Budget Hearings August 4, 1982.

It was MOVED by Putnam second Lantz to adopt Resolution B-946 SID 132, Resolution B-947 Light 1, B-948 Light 4, B-949 Snow Removal, B-950 Sprinkling, B-951 Garbage, and B-952 Delinquent Water and Sewer. All voted aye.

PENDING BUSINESS

Consideration of open container waiver for street dance died for lack of a motion.

Water and sewer rules and regulations.

1. Discussion of draft rules and regulations
2. Discussion of regulatory format

Mayor Olson turned over to Water Committee, City Engineer Wells and City Manager Morrison.

PUBLIC HEARING: NORTH VALLEY HOSPITAL PROPERTY

Mayor Olson opened the Public Hearing on that part of Lot 13 of Riverside improvements Company's acreage, lying East of the Easterly boundary of Columbia Avenue and extended south across said lot and south of a line which is parallel to and 114.00 feet north of the south line of said lot 13, and to be zoned WB-2. There was no public comment and the Hearing was closed.

PUBLIC HEARING: JENSEN PROPERTY

Tract C, (Monks Bay) to be zoned WRB-1.

Mayor Olson opened the Public Hearing on the amendment to the Comprehensive Plan, from Urban Residential to Commercial. There were no Public comments. Mayor Olson closed the hearing.

Mayor Olson opened the Public Hearing on the Annexation of 2.642 acres. The Hearing was closed.

Mayor Olson opened the Public Hearing on the Rezone from WRR-1 to WRB-1. Hearing was closed.

July 19, 1982 cont.

Jensen annexation, Comprehensive Plan change, rezone request were turned over to the Land Use Committee.

FUBLIC HEARING: ORVILLE TEICHROW PROPERTY

Tract 1A and 1M in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 31 north range 22 west, and containing 2.5 acres.

Mayor Olson opened the Public Hearing. Mr. Teichrow said he might extend this annexation because of the extension of the sewer line. Mayor Olson closed the hearing and turned over to the Land Use Committee.

ORDINANCE NO. A-411: PARKS BOARD, FIRST READING

Carol Lee Kurtz, representing the City County Planning Board Park Committee objected to the Ordinance. However, after much discussion it was MOVED BY STEPHENS second Tate to adopt Ordinance A-411 on the first reading.

LIBRARY CONSOLIDATION AGREEMENT

Motion Lantz to accept the Library Consolidation Agreement. Second Stephens. All aye.

RESOLUTION NO. B-945: ABANDONMENT OF WINTERGROVE PLATT

Fritz Royer requested the abandonment of the platt and also requested a refund of \$1453.33 park donation which had been paid.

Motion Lantz to adopt Resolution No. B-945, abandoning Wintergrove Platt, reserving the right of consideration for payment in lieu of parkland. Second Tate. All voted aye.

EXTENSION OF SEWER HOOKUP

Dick Petersons request of a 1 year extension for Walker Trailer Court to hook-on to the sewer was turned over to the Water and Sewer Committee.

Joe Malletta property on Birch Hill was also turned over to the Water Committee.

Bob Kernaghan, owner of lots 13, 14, 15, 16 of the Lake Park Addition requested either annexation or authorization to hook-on to the State Park sewer line.

Because the lots are not contiguous Council suggested he canvas neighbors and initiate a petition to annex.

Councilwoman Tate reported there was one bid received on maintenance of Baker Avenue Park. Bid was for \$1595.00 from the Key Club, and the Committee rejected the bid. City Manager Morrison to write letter thanking them for their bid.

Councilman Putnam reported the fireworks Ordinance should be reviewed before next year as fireworks are allowed from June 26th to July 10th - thought 3 day period sufficient. He complimented the Street crew on the fine job they were doing. He also said the city had made a good effort to spruce up City Beach and people were already defacing it. Thought the people should take pride in the beach too.

Councilman Caciari suggested making a rest area at Baker Avenue Park. Turned over to the Park Committee.

Caciari reported on the hearing he attended on changing the Legislative Districts. He said Whitefish would be put in their own District.

Councilman Stephens reported on the meeting with the City County Planning Board. Recommendation: 1. No annexation hearings be set for 2nd Council meeting of month. 2. Like Council to pass policy that all annexations - long form-have an accompanying preliminary platt.

Motion Stephens to only set annexation hearings for the 1st Council meeting of the month. Second Putnam. All voted aye.

Platts to be discussed by Land Use Committee.

Harry Brown announced that Roy Duff had been appointed to the State Highway Commission.

Motion Lantz second Putnam to adjourn 10:34 P.M.

ATTEST Kay Beller City Clerk

Henry Olson Mayor

July 26, 1982

Deputy Mayor Lantz called this meeting to order at 7:00 P. M. All Councilpersons were in attendance. Also present were City Manager Morrison, City Attorney Fisher, Judge Maddux, City Engineer Wells, Greg Acton, Police Chief Sellers, Bob DePratu, Ted Tveidt, and Doug Loy.

Purpose of the meeting: to meet with department heads on Preliminary Budget requests.

General Fund Preliminary Budget as presented: \$818,969
Mill levy request: 83 mills.

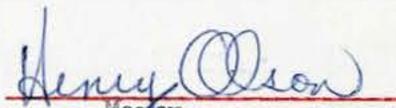
Motion Putnam to lower the mill levy request by 3 mills, lowering it to same as last year (79.25 mills). Second Stephens. Tate, Putnam, Stephens, Caciari voted aye. Ramlow and Lantz voted no Motion carried 4to2

All department heads explained requests and the Council reviewed and suggested changes.

City Manager Morrison would review and make the 3 mill cut.

After much discussion it was MOVED BY TATE second Stephen^s to adopt the Preliminary Budget with changes and condition^s. All voted aye.

Adjourned 12:40 A. M.


Mayor

ATTEST:


City Clerk

August 2, 1982

Mayor Olson opened the regular meeting of the Whitefish City Council at 7:30 P. M. on the above date. All Council persons were in attendance. Also present were Asst Police Chief Herrmann, City Engineer Wells, City Manager Morrison and City Attorney Fisher.

The minutes of the previous two meetings were approved as read with one correction. (Time Preliminary Budget was adopted was before midnight - 11:35 P. M.)

ADMINISTRATIVE REPORTS AND REQUESTS

TREIWEILER SUIT

Assistant City Attorney Erickson reported he had talked to Terry Trieweiler on the retaining wall and he offered to place rocks along the wall, thus being more in compliance with what the Lakeshore Committee wanted. Erickson suggested Council check the area. Council decided to meet Tuesday August 3, 1982, at 4:30 P.M. to look area over.

GREENWOOD TERRACE ROAD/PRIVATE WATER LINE

This was turned over to City Engineer Wells and City Manager Morrison to investigate and bring back to the Council.

GAMING LICENSE PROCEDURES

City Manager Morrison suggested changing the Gaming Ordinance. As it is now the Flathead County Gaming Commission is delegated to investigate and hold hearings. He suggested changing so the City Commission (Morrison, Doyle, Sellers) could act. The Council would be the Board of Appeals.

Motion Lantz to amend the Gaming Ordinance. Second Putnam. All voted aye.

HYDRO MANAGEMENT INC.

Bill Edelman explained they were interested in setting up a small hydro electric generating plant at the water shed. He said their company did all the paperwork, etc. at no cost to the city and the city would receive 20% of gross sales. After discussion this was turned over to the Water Committee to investigate and report back.

August 2, 1982

CBBG APPLICATION ASSISTANCE GRANT

Morrison reported receiving a \$2000.00 grant from the Department of Commerce to help with the HUD Grant. He said a motion was needed from the Council authorizing acceptance of the grant and initiate agreement with the League of Cities.

Motion Ramlow authorizing City Manager Morrison to proceed with the application. Second Stephens. All voted aye.

Mayor Olson requested Council authorization of appointment of ^{FLATHEAD} Charles Abell to the ~~Soil~~ Conservation ~~Board~~. ^{DISTRICT}

Motion Stephens Second Tate authorizing the appointment of Charles Abell to the Soil Conservation ~~Board~~. ^{DISTRICT} All voted aye.

PENDING BUSINESS

ORDINANCE NO. A-413: annexation of hospital property

Motion Stephens Second Lantz to adopt Ordinance A-413, annexing that part of lot 13 of Riverside Improvements Company's Acreage, lying East of the Easterly boundary of Columbia Avenue, extending South across said lot and south of a line which is parallel to and 114.00 feet North of the South line of said lot 13, zoning to be WB-2 (Secondary Business.) (Hospital property) All voted aye.

ORDINANCE A-414: annexation of Teichro property.

Motion Stephens to adopt Ordinance A-414, annexing the Teichro property, Tract 1A and 1M in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 31 North Range 22 West, containing 2.5 acres. Second Lantz. All voted aye.

JENSEN PROPERTY

1. Resolution No. B-953: amend comprehensive plan.
2. Ordinance No. A-415: annexation of 2.64 acres.
3. Resolution No. B-954: rezone from WRR-1 to WRB-1

Councilman Stephens reporting for the Land Use Committee said the Committee voted 2 to 1 to deny the rezone. He explained after going thru the 12 criteria the area best fits the RR-1 zone. Don Jensen presented and explained his proposed project for the area. After much discussion:

Motion Stephens to deny Resolution B-953, Comprehensive Plan amendment. Second Putnam. Tate aye, Putnam aye, Caciari aye, Lantz no, Ramlow no, Stephens aye. Motion carried 4 to 2.

Motion Stephens to deny Resolution B-954, rezone from WRR-1 to WRB-1. Second Putnam. Tate, Putnam, Caciari and Stephens aye, Lantz and Ramlow no. Motion Carried 4 to 2.

Motion Stephens to adopt Ordinance No. A-415, annexing the Jensen property as WRR-1. Second Tate. All voted aye.

ORDINANCE A-411: Park Board - Second Reading.

Motion Tate to adopt Ordinance A-411 on the second and final reading. Second Caciari. All aye.

WATER AND SEWER RULES AND REGULATIONS

Motion Caciari to adopt Resolution B-955, Water and Sewer Rules and Regulations. Second Stephens. All voted aye.

EXTENSION OF SEWER HOOKUP: Walker Trailer Court and Joe Malletta.

Council gave both a one (1) year extension of time to hookon to the sewer line. City Manager Morrison to write letter informing property owners.

August 2, 1982 cont.

WINTERGROVE PLATT

1. Reimbursement of cash in lieu dedication
2. Release of letter of Credit.

Motion Stephens to deny request #1, parkland cash not to be refunded. Second Tate. All voted aye.

Motion Putnam to release the letter of credit. Second Stephens. All voted aye.

NEW BUSINESS

Resubdivision of Lot 18 - Birch Point Drive was turned over to the Land Use Committee.

PUBLIC HEARING: Community Development Block Grant - potential use.

Mayor Olson opened the Public Hearing and as there was no public input the Hearing was closed.

DISCUSSION CHANGING COUNCIL MEETINGS TO ONCE A MONTH

Motion Lantz to amend present Ordinance requiring two meetings a month to one regular meeting a month starting the first meeting in September. Second Putnam.

Motion Stephens to amend the Motion and include 7:00 P. M. as meeting time. Second Caciari. All voted aye.

All voted aye to the Motion.

COUNCIL REPORTS

Councilwoman Tate reported the Park Committee had met at City Beach before ~~the~~ last Council meeting and Committee decided Washington should be made a one way, and also one way around the snack bar, with no parking signs to be placed in front of Olivers snack bar. Also the restrooms were to be left open for public use and not locked at 6:00 P. M., "No Swimming" signs were to be posted at the boat dock. This was turned over to City Manager Morrison and Tate was concerned because these things had not been done. After much discussion this was turned back to City Manager Morrison.

Councilman Putnam commended the Water Department crews for the work they had done this summer.

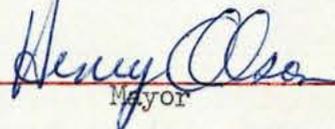
Councilman Caciari asked Council to support the naming of the new wing of Veterans Home in Columbia Falls after Dr. Bennett. City to send a letter of support.

Councilman Lantz requested City Manager Morrison draft a sample Business License Ordinance for Council to study.

Councilman Stephens reported the Land Use Committee recommended: 1. annexation of 2½ acres or larger have a Preliminary Platt - long form. 2. wait the full 20 days before making decisions on annexations.

Motion Stephens to adopt Resolution B-956, following the two procedures stated above, starting immediately. Second Tate. All voted aye.

Motion Putnam second Tate to adjourn 11:00 P. M. All voted aye.



Mayor

ATTEST:



City Clerk

August 4, 1982

Deputy Mayor Lantz opened the Budget Hearing at 7:30 P. M. All Council people were in attendance.

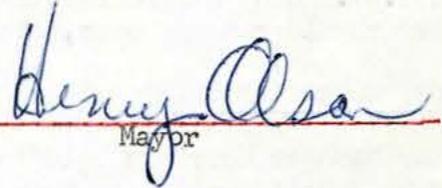
City Manager Morrison reported the mill was \$4080.00 this year - \$300.00 per mill less than last year. He said \$ 9,506.00 adjustment would be required to keep the mill levy the same as last year.

Motion Tate that City Manager Morrison make the cuts where necessary. Second Ramlow. Stephens no, Ramlow aye, Caciari aye, Putnam no, Tate aye, Lantz aye. Motion carried 4to2.

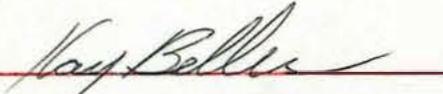
City Manager requested permission to hire Gary Mann to do survey of older parts of town for the block grant. Council approved.

This meeting will be left open until August 9th, at which time the budgets will be adopted.

8:54 P. M.


Mayor

ATTEST


City Clerk

August 9, 1982

Deputy Mayor Lantz called this special meeting to order at 7:30 P. M. Councilpersons present were Tate, Putnam, Caciari, Lantz and Stephens. Absent was Ramlow.

Purpose of the meeting was to adopt the final budget for fiscal year 1982-1983. Council set the mill at $79\frac{1}{4}$ all purpose, 4 fire disability, 2 police pension, total of $85\frac{1}{4}$ mills.

City Manager Morrison explained his expenditure deductions.

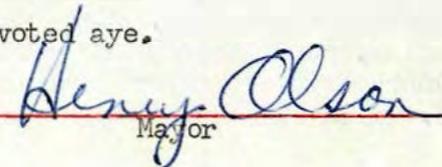
Police department	\$1,950
Finance and Administration	500
Parks	1,000
Nondepartmental (Misc. Gen)	400
Streets	200
Reserve Fund	5,456
Total adjustment	<u>9,506</u>

Motion Caciari to adopt Ordinance A-418, accepting and passing the Municipal Budget for fiscal year commencing July 1, 1982. Second Tate. All voted aye.

Motion Putnam to adopt Resolution No. B-957, determining the amount of city taxes to be raised for all purposes and levying a tax against all property within the city of Whitefish, for fiscal year commencing July 1, 1982, upon all taxable property, both for real and personal. Second Stephens. All aye.

Motion Tate to adopt Resolution B-958, a Resolution of the City Council of the City of Whitefish, Montana, levying and assessing a tax on all real estate within the corporate limits of the City of Whitefish. Second Putnam. All voted aye.

Motion Putnam second Caciari to adjourn 7:41 P. M. All voted aye.


Mayor

ATTEST


City Clerk

August 16, 1982

Mayor Olson opened the regular meeting of the Whitefish City Council at 7:30 P.M. on the above date. All Council persons were in attendance. Also present were City Engineer Wells, City Manager Morrison, Police Chief Sellers and City Attorney Fisher.

The Minutes of the previous meeting were approved with one correction. (One way signs not on Washington but "Do Not Enter" placed on corner going to beach)

ADMINISTRATIVE REPORTS AND REQUESTS

Commercial refuse billing

City Manager Morrison explained the city had the lowest garbage rates in the valley and still people were unhappy and asked Council if they had received complaints. Councilman Ramlow said Coast to Coast was unhappy about a bill of \$178.95. City Engineer Wells explained because rates are based on cubic yards they should cut up boxes, etc.

NEXT COUNCIL MEETING

City Manager Morrison told Council he would be at the League of City Conference next Council meeting - September 7. City Engineer Wells to fill in for him.

PENDING BUSINESS

LOT SPLIT BIRCH POINT #18

Councilman Stephens reporting for the Land Use Committee said they had reviewed the re-subdivision request and voted unanimously in favor with the following recommendations.

1. They provide the service of a cul-de-sac at the top of the hill.
2. The final platt should state: ReSubdivision that portion of Lot 18 Birch Point.
3. The area to be zoned WR-2.
4. The water lines be extended at the Developers expense and to City Specifications.
5. Building sites be delineated on the final platt.

Council discussed the road. When Birch Point annexed 6-16-75 - the Ordinance stated they would receive no snow removal, garbage or road maintenance because of Public access. Council decided to leave the roads as they were when the area annexed.

Motion Stephens to accept the Preliminary Platt of the Re-Subdivision of Lot 18 Birch Point with the above conditions. Second Putnam. All voted aye.

ORDINANCE NO. A-416: Gaming Amendments-Second and Final Reading.

Motion Lantz to adopt Ordinance A-416, amending regulation No. 2.10 (b) of Ordinance No. A-251, being Section 5.28.20 (b) of the Municipal Code, and section 2 of Ordinance A-270, being section 5.28.040 of the municipal code and repealing regulation 5.70 of Ordinance A-251, being code section 5.28.150 relating to rules and regulations for the licensing and control of gambling and providing for the licensing of dealers and repealing all other ordinances, code sections and parts thereof. Second Tate. All voted aye.

NEW BUSINESS

Discussion: Idaho Ave. Lakeview Condo timesharing.

Margaret Bronder, Jackie Creon, and Hugh Roberts spoke against time-share in the Lakeview apartments. City Manager said the new zone R-2 allows single family, duplex, condominiums for residential purposes (30 days or more use). The property owners said all paper work and filing had been done prior to the new Ordinance, and Mr. Smith explained their project.

Mayor Olson closed the discussion and City Attorney Fisher was to investigate the legality of the time-share.

PUBLIC HEARING: proposed CDBG Application.

City Manager Morrison explained a survey of town had been made and the area proposed for the Grant is on the East side of town - from Railway Street to the City Limits on the East - bypass the school to 6th over to eighth - down river and back up alley between Spokane and Kalispell Avenues.

8-16-82 cont.

Morrison said if we received the Grant approximately \$80,000.00 would be for upgrading Streets, storm drains and paving. the rest would be housing rehabilitation loans at low interest or deferred loans. All repayment would come back to the City and if the State ok'd could be put back into the streets.

LAKE SHORE CONSTRUCTION PERMIT: WILDWOOD CONDOS

Motion Stephens to grant approval as submitted. Second Caciari. All voted aye.

SPECIAL EVENTS PERMIT: WHITEFISH SUMMER GAMES

Motion Tate second Lantz to allow the Whitefish Summer Games. All aye.

OTHER

Councilman Caciari reported Mrs. Lockridge had agreed to the sewer easement.

Caciari also expressed concern that the \$10,000.00 received for the sale of the Rifle Club land had been used for other purposes. He thought it was intended for the Baker Avenue Park area. After discussion IT WAS MOVED BY CACIARI second Putnam that in next years budget, \$10,000.00 be earmarked for the Baker Avenue Park area. All voted aye.

Motion Stephens to allow Councilman Ramlow permission to be out of the State August 31 to Sept. 6. Second Tate. All voted aye.

Mayor Olson reported the trailers on the Burlington Northern lot would be removed and requested a letter be sent inquiring what they were going to do with the land.

Adjourned 9:17 P. M.

An Executive Meeting was held at 9:22 P.M. on Treiweiler Suit legal strategy. To be discussed at Council meeting of September 7, 1982.

Kay Belle

Henry Olson

September 7, 1982

Mayor Olson called this executive meeting for 6:30 P.M. on the above date. All Council members were in attendance. Also present were Leo Fisher, City Attorney, Lonnie Herrman, Asst. Police Chief and Paul Wells, City Engineer.

Meeting was called to review and discuss contract submitted to Council by Don Morrison, City Manager. After reviewing each section, with comments from Council and recommendations from Leo Fisher, a motion by Lantz and seconded by Cacairi to accept contract with revisions. All aye except Councilwoman Tate who abstained due to lack of cooperation from the City Manager on her committee recommendations.

Adjourned 7:00 P.M. - Continued 9:00 P.M. to 9:45 P.M.

September 7, 1982
7:00 P.M.

Mayor Olson opened the regular meeting of the Whitefish City Council at 7:00 P.M. on the above date. All Council members were in attendance. Also present were City Attorney Leo Fisher, Asst. Police Chief, Lonnie Herrman, City Engineer, Paul Wells and Building Inspector, Harry Berg.

The minutes of the previous meeting were read and approved

ADMINISTRATIVE REPORTS AND REQUESTS

Treatment Plant Ground Maintenance

Paul Wells, acting City Administrator, reported that Herb Knuth would like an agreement with the city to cut the hay and maintain the acreage at the treatment plant for five (5) years. After a short discussion it was decided that it should be put out for bids to avoid any legal difficulties.

Soccer Field Fertilization

Wells reported that it would cost about \$500 per year to fertilize the soccer fields in order to grow good sod and asked that the Council okay him to divert funds in the amount of \$2,000 to \$3,000 to reseed and fertilize this year to get a good base for next year. The Council okayed the request. He also reported that the county would give us plans for storage building saving the city the expense of buying plans. Councilwoman Tate reported that the soccer members had offered to help to maintain the field.

Library Agreement Revision

Motion by Tate and seconded by Lantz to accept library agreement. All aye.

Trawler Suit

Attorney Fisher reported that both parties were still in discussion and that it would be in continuance until both parties were satisfied.

Hydro Power Agreement

Mr. W. H. Edelman, Jr. appeared before Council to answer questions on agreement with the city. Attorney Fisher questioned paragraph pertaining to the acquiring additional easement, the expense to be borne by both parties, since the project was to cost the city nothing. This paragraph is to be revised. Councilman Stephens questioned size of power lines, voltage and condemnation of private property for expansion. The engineer from Pacific Power and Light explained that the power lines would have to be changed from one (1) phase to three (3) phase at the expense of the Hydro Company and there would not be any contamination. The Hydro Company is to use existing easements and lines held by city and Power Company. A motion by Cacairi and seconded by Tate to accept the agreement with changed recommended by Attorney Fisher. All aye.

Final Plat of Birch Point, Lot 18

Attorney Wileman, on behalf of Lee Zignego, reported that the Res. C-729, pertaining to services, was passed in 1975 and the Birch Point annexation took place in 1971. Engineer Wells reported that it would not be feasible to pick up garbage in the area and it was questionable whether the road was private or public. Parties of subdivision agreed to post a letter of credit and escrow account in the combined amount of \$6,000

Page 141-142 of Book 08 of

minutes

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Date: Oct 30 Initials KZ

September 7, 1982 Cont.

for the term of two (2) years. A motion by Stephens and seconded by Putnam that the final plat be adopted subject to the restrictions listed below:

No services such as snow removal, garbage, street maintenance until city specifications and requirements are met, and all recommendations made by land use committee at the August 16, 1982 meeting are met.

All ayes.

The one way street along beach area was tabled until the traffic committee could meet with Councilwoman Tate to discuss the feasibility and direction signs and traffic.

New Business

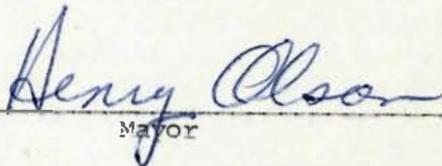
Councilwoman Tate reported on the soft ball field at Armory, as reported to her by the Ron Olsons, that water had filled the hole that had been excavated causing hazard to children in area, and the pile of dirt being unsightly. Paul Wells said he would draw down the water and hoped to put a fence around it as soon as he had men to do the job and he hoped to sell the dirt rather than have the crews remove it.

Councilman Putnam requested that the city pass a resolution against the RPA raising their rates and Don Morrison, Administrator, write a letter to that effect also. Motion by Putnam and seconded by Stephens. All aye.

Councilman Cacairi reported on damage to garbage cans around the city caused by garbage crew. Paul reported that he had taken control of the situation and there should be no more problems.

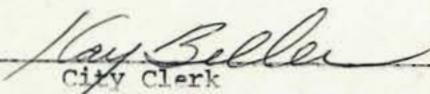
Councilman Stephens requested he be allowed to leave the state from the 11th through the 14th of September. Motion by Tate and seconded by Ramlow allowing him to do so.

Motion by Lantz and seconded by Ramlow that meeting be adjourned at 8:45 P.M.



 Mayor

ATTEST:



 City Clerk

October 4, 1982

Mayor Olson opened the regular meeting of the Whitefish City Council at 7:00 P.M. on the above date. All Council members were in attendance. Also present were City Engineer Wells, Police Chief Seller^o, City Manager Morrison and Asst. City Attorney Erickson.

The minutes of the previous meeting were approved as read.

EXECUTIVE SESSION - UNION LITIGATION

Regarding: Police Department request to open wage negotiations. Council agreed they did not want to open negotiations, and thought it best to leave as is.

ADMINISTRATIVE REPORTS AND REQUESTS

Quarterly financial report was postponed until next Council meeting.

Building removals

City Manager Morrison reported Glen Taylor was slowly tearing the house down at 324 Kalispell Avenue. Council requested Building Inspector Berg talk to Mr Taylor on the progress and Council would make a decision next Council meeting on whether to advertise for bids on removal of the house. (July 1, 1982, was the deadline for removal of the house).

Also Morrison reported William Hileman house on Lupfer Avenue would be removed 10-6-82.

Initiative 92 -expanded gambling

Council would not take a position on this issue.

OTHER REPORTS AND REQUESTS

John Garrity expressed concern on the following:

1. Change of Council meetings and Agenda cut off time not being better advertised.
2. Number of City Cars (City Manager, Police Chief, Detective) and cars being driven home by employees.
3. Too top heavy with administration.
4. Instead of a Motel fee: thought softball, soccer, tennis players, etc. should pay fees and a toll tax be imposed for County people.
5. No drop box for water bills.
6. Ordinances not being enforced.

Mayor Olson to meet with Mr. Garrity and explain above items.

LIBRARY BOARD-facility remodel

Connie Heckathorne representing the Library Board explained the Boards offer of Capital improvements to enhance the library. They would fund the project and it would mainly consist of removal of walls and new carpeting.

Mayor Olson turned over to the Culture Committee (Tate, Putnam and Stephens) to work with the Library Board.

COMMITTEE REPORTS

Councilwoman Tate and Councilman Ramlow reported the Safety Committee had met and recommended: portion of Oregon Avenue and Lakeside Boulevard, from Oregon to Washington Avenue be made a one-way street. The stop sign to be removed from Lakeside Boulevard and left on Washington Avenue.

After much discussion IT WAS MOVED BY TATE to adopt Ordinance A-422, on the first reading, with clarification of Oregon Avenue and Lakeside Boulevard intersecting at Washington Avenue. Second Caciari. All voted aye.

The Safety Committee also reported on the Softball complex reservoir problem. Ramlow said this area was to be fenced a year ago and had not been done. City Engineer Wells said as soon as the weather allows the city would install a 5' fence with three (3) lines of barb wire around the top. Ron Olson also expressed concern about the hazard. After discussion Mayor Olson turned over to the Safety Committee with power to act.

Councilman Ramlow requested a letter of Commendation be sent to the Citizen group (COPS) that bought the video equipment for the police department. Copy to be sent to the Pilot.

October 4, 1982 cont.

Councilman Stephens reported the Land Use Committee was still working on subdivision proposal guidelines and would meet with the Planning Board for comments and ideas formulating policies.

Councilman Lantz recommended Committees meet the second meeting of the month and not the entire Council.

City Manager Morrison reported only one bid had been received on ground maintenance at the treatment plant. Bid was from Herb Knuth.

Morrison asked Council if they wanted all contracted services to come before the Council. The Council agreed that day to day business no - out of the ordinary yes.

Councilman Caciari reported the tennis courts by Memorial Field were completed.

NEW BUSINESS

Letter of credit release - Greenwood Subdivision

Motion Lantz to release the Letter of Credit-Greenwood Subdivision pending approval of the City Engineer. Second Caciari. All aye.

Amendment to CAB interlocal agreement.

1. Give City Manager right to vote if the Mayor is absent.
2. Funding - each city (Col. Falls 4%, Whitefish 5%, Kalispell 29.5%, County 71.5%) plus planing money from the State.

Motion Tate to accept the proposal amending the agreement with the CAB. Second Stephens all voted aye.

Preliminary Platt: resubdivision of Lot 4, block 8
Turned over to the Land Use Committee to study and bring back.

Ordinance No. A-419: firework amendments, first reading.
Turned back to the Safety Committee.

Ordinance No. A-420: business license requirements, first reading.

Mayor Olson opened the Public Hearing.

Councilman Lantz explained only the Ordinance would be considered, the Resolution E-961, fee schedule would be considered at a later date.

The hearing was closed.

Motion Lantz to adopt Ordinance A-420, on the first reading. Second Putnam. All voted aye, except Stephens who said no. Motion carried 5 to 1.

Ordinance A-421: transient occupancy fee, first reading

Changes and wording of the Ordinance were discussed. Councilman Lantz said the Committee did recommend the first reading.

Dick Peterson and Hank Marquardt apposed the Ordinance and Marquardt requested Motel owners and Committee meet,

Motion Lantz to adopt Ordinance A-421 on the first reading, holding the fee open (no fee to be stated). Second Tate. All voted aye except Ramlow who said no. Motion carried 5 to 1.

OTHER

Motion Tate second Ramlow allowing permission for Councilman Lantz to leave the State the 15th for three weeks. All voted aye.

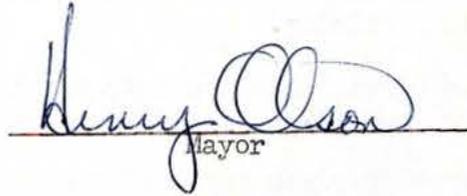
Councilman Stephens asked Council clarification of zone boundary on Baker Ave. The map shows boundary to 5th street and the minutes stated to 4th street. Council agreed boundary was 4th street. (map to be changed)

Motion Stephens to close the Council Agenda Wednesday at noon, allowing for emergencies. Second Putnam. All voted aye except Lantz who said no. Motion carried 5 to 1.

October 6, 1982 cont.

Mayor Olson presented Proclamation declaring the month Handicapped Parking awareness month.

Adjourned 10:15 P.M.


Mayor

ATTEST:


City Clerk

October 5, 1982

3:00 P. M.

Present: City Engineer Wells and Water/Sewer Supervisor Acton.

Purpose: Open bids for furnishing and Construction a steel building for the City of Whitefish.

Five (5) bids were received and opened.

	40 X 60 slab	60 X 90 slab	60 X 130 slab
Sandon Construction (Action Building Systems)	\$44,925 3672	65,846 8104	86,881 11,140
Treweek Construction	41,223.50 -4650	64,895 9820	94,216 -13,925
T & M Construction	42,200 -3310 650	70,687 -7306 -1790	103,525 -10200 -2389
Garco Construction	48,267 -6371	74,592 -8464	128,053 -14975

The above had a 10% bid bond. Hanley & Son was not considered because they had no bid bond.

City Engineer and Water supervisor to review all the bids.

Action Builders were awarded the bid.

November 1, 1982

Mayor Olson opened this special meeting at 6:30 P.M. Councilpersons in attendance were: Tate, Putnam, Caciari, Ramlow and Stephens.

Purpose of the meeting was to try and resolve problems the Police Department had with wage negotiations.

Police Association Representatives were David Kauffman and Joe Van Ham.

Kauffman said there were two problems: 1. Personnel system and way it was presented. 2. Discrepancy in agreed benefits.

Patrolman Russ Merkley said his problem was the promise of a raise and promotion to Patrolman 11, that had not been carried thru.

Council felt a Fact Finder might prove helpful.

After much discussion Mayor Olson turned back to the Finance Committee to meet with the Police Department and try to resolve problems.

November 1, 1982

Mayor Olson opened the regular meeting of the Whitefish City Council at 7:00 P.M. on the above date. All Council members were in attendance except Lantz. Also present were Building Inspector Berg, City Engineer Wells, Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATIVE REPORTS AND REQUESTS

Quarterly financial report

City Manager Morrison gave a brief summary of the quarterly financial report, stated the city was living within their means and offered to answer any questions the Council might have.

ALCOHOLIC BEVERAGE LICENSE ZONE

City Manager Morrison gave a report to the Council clarifying the boundaries of the Alcoholic Beverage License Zone Ordinance.

SUMMER SPRINKLING USAGE

Morrison reported only 5% of the water users had gone over the 60,000 gallon allotment for summer sprinkling. He recommended that the 60,000 gallon limit not be changed. Councilman Caciari said the Water Committee was in agreement with the recommendation.

EXTENDING SEWER OUTSIDE CITY LIMITS

Alice Shero, Lake Park Addition, requested to hook on to the Lake Park Sewer Line. She said she would annex to the city but because of the time involved on annexations, wanted sewer immediately.

Motion Ramlow second Tate to turn this request over to the Water and Sewer Committee with power to act. Stipulations: annexation to be initiated, agreement on sewer signed and understanding there would be no other city services provided. All voted aye.

SUBDIVISION REVIEW OF CONDOMINIUM DEVELOPMENTS

City Attorney Fisher to get opinion from the Attorney General.

PENDING BUSINESS

LIBRARY REMODEL

Mayor Olson said the library remodeling had been turned over to Committee and thought there was a lack of communication between the Library Board and the Committee. He said the Council requested to enlarge the Council Chambers and use a portion of the Library without hurting the Library.

Councilwoman Tate reporting for the Committee stated expansion of the Council Chambers was needed, they did not want to diminish the Library and fully supported it. However, the Committee thought the new proposed lounge could be made smaller allowing for expansion of the Council Chambers.

John Burton, Flathead County Librarian, Mrs. Beck, Harold Schneider, Bill Schustrom, Robert Laird, Polly Peterson John Garrity, Pat Jarvi voiced disapproval of taking space from the Library and named alternatives. Councilmen Putnam and Stephens both said they thought expansion of the Council Chambers was the greater need at this time.

Mayor Olson turned back to the Culture Committee to meet with the Library Board and resolve the problem.

PRELIMINARY PLATT - Lot 4 Block 8, Whitefish Townsite Co. Five Acre Tracts.

Councilman Stephens reporting for the Land Use Committee said they had no problem with the subdivision but recommended changing the proposed sewer line from the middle of the subdivision and extend down Iowa to Skyles. This would benefit the City for future extensions. Suggested either developer be able to recover costs or if the city shares in costs they should also recover costs. Committee recommended Park donation be paid in lieu of land. After discussion it was MOVED BY STEPHENS to approve the Preliminary Platt, park donation to be paid in lieu of land-sewer line ruling to be negotiated with Sewer Committee, City Manager and developer, with Committee to have power to act. Second Putnam. All voted aye.

November 1, 1982 cont.

ORDINANCE NO. A-419- Fireworks amendments, second Reading.

Mayor Olson opened the Public Hearing. There were no comments except Councilman Ramlow suggested distance fireworks could be sold/ from flamable sources to be 300' or discharged

The Mayor closed the hearing.

Motion Putnam to adopt Ordinance A-419, on the second reading with addition of 300' for selling or discharging of fireworks. Second Caciari. All voted aye.

ORDINANCE A-422-City beach traffic, second reading.

Mayor Olson opened the Public Hearing.

Councilman Ramlow reported the Safety Committee met and recommended 5 MPH summer usage and a cross walk from the concession stand to the beach. Committee did not recommend one way traffic.

Councilwoman Tate presented a map of the area and showed why it should be a one way. She felt the 5 MPH would not be enforced. Councilmen Putnam and Caciari agreed with Tate.

After discussion it was moved by Tate to adopt Ordinance A-422 on the second reading, signs to be placed April 1, 1983. Second Putnam. All voted aye except Ramlow who said no. Motion carried 4 to 1.

ORDINANCE NO. A-420: Business license required, second reading.

Mayor Olson opened the Public Hearing, And City Manager Morrison explained the Ordinance. The Hearing was closed and it WAS MOVED BY CACIARI Second Tate to adopt Ordinance A-420 on the second reading. All voted aye.

RESOLUTION NO. B-961: business license fee schedule was tabled until next Council meeting.

ORDINANCE NO. A-421: transient occupancy fee, second reading.

Motion Caciari to table this Ordinance indefinitely. Second Putnam. All aye.

LAKEHORE CONSTRUCTION PERMITS

1. Rowland
2. Hurley
3. Jensen

Motion Stephens to approve the Lakeshore Construction Permits as recommended by the City County Planning Board. Second Putnam. All voted aye.

NEW BUSINESS

CHAMBER OF COMMERCE: FINANCING CITY SERVICES

Ed Grogan, representing the Chamber went over the revenue options received at their board meeting. He said the Chamber would work with the city in any way they could.

Mayor Olson turned this over to the Finance Committee.

Viking Lodge: time extension to sewer hook-up requirement.

Hank Marquard requested a 1 year extension for the house next to the Viking. Stated the septic tank system was good and when the Viking expanded the house would be demolished.

After discussion it was Moved by Putnam not to allow the time extension. Second Stephens. All aye.

RESOLUTION NO. B-962: intent to consider annexation of Lots 10, 11, and 12 Ramsey Addition.

Hank Arno requested the short form of annexation for the three lots.

Motion Stephens to adopt Resolution No. B-962, intent to consider annexation, using the long form. Second Putnam. All voted aye.

November 1, 1982 cont.

COMMITTEE REPORTS

City Manager Morrison reported the Planning Office felt the map error (general commercial boundary on Baker to 4th) should go through the process and change the line back to fourth street. Council said no, because the minutes were correct.

Morrison also reported as a result of Judge Greens decision on the Planning Boards jurisdiction the 12 mile was voided. A $4\frac{1}{2}$ mile area was proposed and the Commissioners were waiting for the city to adopt the area. Councilman Stephen^s said the Land Use Committee recommended the adoption of this area.

Motion Stephen^s Second Putnam to adopt the boundarie^s proposed by the Planning Board. All voted aye.

Councilman Putnam requested status on the Glen Taylor property.

Building Inspector Berg said progress of tearing down the building was slow.

Motion Putnam to notify Mr. Taylor he has 10 days in which to complete the demolition of the house at 324 Kalispell Avenue, and then the city will step in and complete. Second caciari. All voted aye.

Councilman Ramlow reported the property next to Bert Johnson on second street was still not finished and need to be brought up to City Codes.

Building Inspector Berg to investigate.

Councilman Stephen^s suggested Council Committees be cut back to two people instead of three.

Mayor Olson requested the drinking fountain across from the Clerks office be replaced.

Request of KJJR Radio Station, Block^s of Bucks -a special project using 2X4 from Railway to Third Street on Central Avenue to raise money for charitable Organizations was turned over to the Safety Committee with power to act.

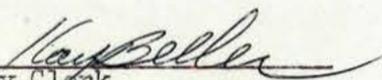
Mayor Olson read a letter of resignation from Stan Dye, resigning from the Flathead County Health Board. Mr. Dye recommended Diane Frizelle as his replacement.

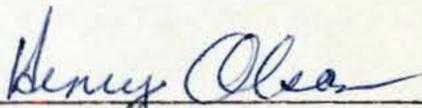
Motion Tate to accept Mr. Dye^s resignation and to appoint Dianne Frizelle on the Flathead County Health Board. Second Stephen^s. All voted aye.

Mayor Olson read letter of resignation from Councilman Putnam. He reluctantly accepted this resignation effective December 7, 1982.

Adjourned: 11:18 P.M.

ATTEST:


City Clerk


Mayor

December 6, 1982

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Councilpersons were in attendance except Ramlow. Also present were City Engineer Wells, Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

The minutes of the previous meeting were approved as read.

ADMINISTRATOR'S REPORTS AND REQUESTS

Status of grant applications.

City Manager Morrison reported the \$35,000.00 Grant for a feasibility study of water at Reservoir and treatment plant had sufficient rank to be funded, however, the HUD Block Grant did not rank high enough to be funded.

He requested Council pass a Resolution to resubmit the 50% Grant for City Beach improvements.

Motion Stephens to adopt Resolution B-965, resubmitting application for Grant on City Beach improvements. Second Tate. All aye.

Christmas Bonus

Morrison requested the \$10.00 Christmas bonus given to all regular employees every year be put into a Christmas banquet for employees. Tentative schedule would be Wednesday the 15th.

Motion Caciari to eliminate the \$10.00 Christmas bonus and apply the \$10.00 toward a Dinner party for city employees. Second Tate. All voted aye.

Street light addition

Two petitions requesting installation of street lights.

1. Corner of Wisconsin Avenue and Barclay Lane.
2. Brandt Lennon Subdivision-1000 9th St.

Morrison asked Council if they wanted requests for street lights published and hearings held or would they like City Administration to handle.

Motion Lantz City Manager be allowed to add new street lights after notifying people-as long as they are in a lighting district. Second Caciari. All voted aye.

PARKING METERS

Morrison requested Council consider City Administrator selling parking meters and cutting the posts off in the spring.

After discussion it was moved by Caciari to first dispose of the parking meters and then remove the posts. Second Lantz. All voted aye.

The Chamber of Commerce to work with City Manager on the disposal of the meters.

STATUS OF INSIDE CITY BUT NOT ON SEWER

Morrison reported only three cabins belonging to Buck Love (behind Walker Trailer Court) had not hooked on to the sewer, all the others had complied to the Ordinance. Mr. Love was extended until August.

REVISION CAB AGREEMENT

Motion Stephens to accept the revision of reviewing the formula every year instead of five years. Second Lantz. All voted aye.

Councilroom Improvement

Council approved building a new Council table for the Councilroom.

UTILITY BILLS ON TAXES

Bill Flint said he had a tenant $1\frac{1}{2}$ years ago that skipped out on a water bill, the City put on his taxes. He did not think he should be responsible.

After discussion Mayor Olson turned this matter over to the Water Committee-City Engineer and City Administrator to report back next Council Meeting.

December 6, 1982 cont.

CHAMBER OF COMMERCE

Ed Crogan, representing the Chamber presented Certificates of Appreciation to Mayor Olson and Police Chief Sellers.

PENDING BUSINESS

LIBRARY REMODEL

Motion Tate that the Library Board be allowed to remodel as they see fit. Second Caciari. All voted aye.

RESOLUTION NO. B-961: business license fees

Councilman Lantz reported the Committee recommended adoption of the Resolution with following changes: eliminate employees over 5, video machines and warehouse. Resolution to be reviewed every two years.

Motion Lantz to adopt Resolution B-961 as recommended by the Committee. Second Tate. All voted aye.

ANNEXATION REPORT: Lots 10, 11, 12 Ramsey Addition

Motion Stephens to approve the Annexation Report for Lots 10, 11, 12 Ramsey Addition. Second Lantz. All aye.

OLD BUSINESS

City Manager Morrison reported the Glen Taylor house at 324 Kalispell Avenue had been put out for bid. Two bids had been received, Pack & Co. for \$3000.00 and Mr. Taylor's son-in-law for \$300.00. The bid had been awarded to the Son-in-law, he tore down the house and waived the fee.

NEW BUSINESS

Alcoholic beverage zone

City Manager Morrison said there were several requests to amend the Alcohol Beverage Zones. He felt with the new zoning Ordinance there was no need for boundaries.

After discussion it was MOVED by Caciari to adopt Ordinance No. A-423 on the first reading and repeal Ordinance A-247, boundaries of Alcohol beverage zone. Second Tate. All voted aye.

RESOLUTION NO. B-964: petition to annex Lot 6, Block 7 Lake Park Addition.

Motion Stephens to adopt Resolution No. B-964, Intent of consideration to annex the Alice Shero property, Lot 6, Block 7 Lake Park Addition. Hearing to be next Council meeting. Short form of annexation to be used. Second Caciari. All voted aye.

REQUESTED RESERVATION OF PORTION OF MEMORIAL PARK FOR RECREATION CENTER.

Council would not reserve a portion of Memorial Park, suggested the Committee come back at a later date when they have their plans ready.

APPOINTMENT TO HOUSING AUTHORITY BOARD

Motion Stephens to appoint Jack Joy to the Housing Authority Board. Second Lantz. All voted aye.

COUNCIL VACANCY

Mayor Olson turned this over to the Council and a meeting was set for Monday the 13th, 3:00 P. M. to review applications.

Other

Council discussed the Animal Warden report for month of November. Number of Citations issued were 26. Police Chief Sellers said enforcement was working well.

Councilwoman Tate was concerned about the traffic on Central Ave. when school was let out. Turned over to Police Chief Sellers.

December 6, 1982

Councilman Caciari mentioned possibility of a study of parking places that would be lost if the city went to parallel parking on Central Avenue. City Manager Morrison said the study would be done.

Councilman Lantz reported there was a garage on blocks with debris behind and around it, he was afraid children might get hurt. Location of the garage is behind 833 2nd street east. Turned over to the Building Inspector.

Councilman Stephens thanked the City for helping with the Christmas decorations.

City Manager reported one of the snow flakes had fallen and put a hole through a car. Wondered whose responsibility this was. (City or Chamber) Both to check.

City Manager Morrison reported Tom Harding was resigning from the City County Planning Board. The City would need to replace him.

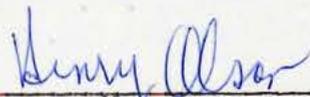
City Engineer Wells requested to switch priorities in the water department budget. Instead of doing improvements at the water shed at this time, he requested to buy a dump truck.

Motion Stephens to turn this over to the Finance Committee with power to act. Second Caciari. All voted aye.

Warren Mock had resigned from the Police Commission and a replacement would be needed for this position.

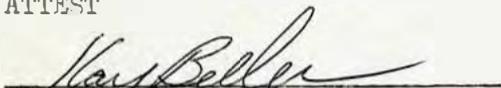
Mayor Olson thanked Councilman Putnam again for all he had contributed to the City, and Councilman Putnam thanked everyone for helping him while in office.

Motion Lantz second Caciari to adjourn 9:26 P.M.



Mayor

ATTEST



City Clerk

December 13, 1982

Mayor Olson opened this Special Meeting of the Whitefish City Council at 3:09 P.M. Councilpersons in attendance were Tate, Caciari, Lantz and Stephens.

Purpose of this meeting was to review Council position applications and appoint a person to replace James Putnam whose resignation was effective 12-7-82.

Applications for Council position Ward 1, Precinct 37 were:

Roger Johnston, Robert Tedrow, Henry C. Marquardt, Patricia LaTourelle and Jerry Hanson.

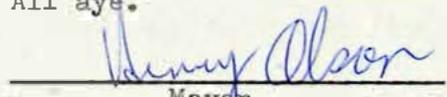
Council cast their ballots and two voted for Johnston and two for LaTourelle. After discussion Mayor Olson broke the tie by voting for LaTourelle.

Motion Lantz to appoint Patricia LaTourelle to replace Putnam on the Council with term ending January 1984. Second Caciari. All voted aye.

Jim Cloud representing Winter Carnival requested Council to approve application for Special Events Permit for the Parade-street games and Whitefish Run 2-5-82.

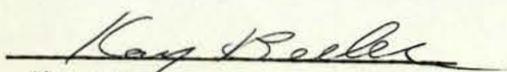
Motion Stephens to approve this Special Events Permit with stipulation details be worked out with City Administrator. Second Tate. All aye.

Motion Lantz to adjourn 3:45 P.M. second Stephens. All aye.



Mayor

ATTEST:



City Clerk

December 23, 1982

2:05 P.M.

Purpose: To open and consider bids for Comprehensive and Liability Insurance for the City of Whitefish, for a three year period.

Three bids were received and opened.

Clegg, Hanson Insurance Agency - Whitefish Northwestern National Casualty Co.	\$17,950.00
Tri-Co Insurance - Kalispell Employee Mutual Casualty Co.	18,589.00
Time Insurance - Whitefish	16,405.00

City Manager Morrison to consider and compare the bids and would let bidders know as soon as possible.

January 3, 1983

Mayor Olson opened the regular meeting of the Whitefish City Council at 7:30 P.M. on the above date. All Councilpersons were in attendance.

Also present were City Engineer Wells, Police Chief Sellers, Building Inspector Berg, City Manager Morrison and City Attorney Fisher.

The Minutes of the previous meeting were approved as read.

City Attorney Fisher administered the oath of office to Pat LaFourelle and she took her place at the Council Table.

ADMINISTRATIVE REPORTS AND REQUESTS

Disposal of surplus library books.

Motion Tate to allow the Library Association to keep the proceeds of sale of old Library books. Second Lantz. All aye.

Amendments to water and sewer utility regulations.

Council reviewed the amendments and Rule XL-rates charged against property was discussed at length. Garrick Hansen spoke against putting delinquent utility bills on property taxes. Mayor Olson turned back to Committee for revaluation and suggested Mr. Hansen attend the Committee meeting scheduled for 1-17-83.

Administrative Organization Ordinance No. A-405.

Ordinance No. A-405 was referred to Committee (Administration & Finance) to review and bring back next meeting.

Downtown parking study progress report.

Police Chief Sellers gave the progress report of the Parking Study he and City Manager Morrison had done on Central Avenue. Sellers said the parallel parking would eliminate approximately 45 parking places. He stated that even after surveying a two block area around Central Avenue only 17 or 18 additional spaces could be found, this would not make up the loss. After discussion Mayor Olson turned over to the Safety Committee.

PENDING BUSINESS

Annexation hearing: Lot 6, Block 7, Lake Park Addition

Mayor Olson opened the Hearing and as there was no Public comments the Hearing was closed.

City Manager Morrison asked Council to consider annexation of this property with effective date to be 12-1-83. He explained if annexed now taxes would not be assessed until 1984 and city services would be rendered free for the year 1983. Mayor Olson turned back to the Land Use Committee.

January 3, 1983

Annexation hearing: Lots 10, 11, 12 Ramsey Addition-Herb Potter owner.

Mayor Olson opened the hearing, there was no public input and the hearing was closed, Mayor Olson referred this annexation to the Land Use Committee.

Ordinance No. A-423: repealing old liquor district.

Mayor Olson opened the Public Hearing. After a brief discussion the hearing was closed and it was Moved by Tate to adopt Ordinance A-423 on the second reading. Second Stephens. all voted aye.

City Annexation Policy: annexation without subdivision

City Manager Morrison reported the Land Use Committee and the City County Planning Board had reviewed the drafts and there was a difference of opinion on whether 2 acres or 5 acres should be annexed without subdividing.

To clarify Council's position - It was Moved by Stephens second Tate to leave 2 acres as a break point for annexations without subdividing. All voted aye.

OLD BUSINESS

Remodeling the Council room and the new Council Table was referred to the Land Use Committee.

NEW BUSINESS

Resolution No. B-966: Intent to consider annexation of 506 W. 3rd.

Motion Stephens second Lantz to adopt Resolution No. B-966, intent to consider annexation 506 West 3rd. Street using the short form of annexation. All voted aye.

Big Mountain Sewer District presentation (Tim Crattan)

Tim Crattan presented proposal of Big Mountain to bring treated sewerage down off the mountain and tie into the city sewer lines. They would have a holding tank and would not run sewerage at the city's peak times. Consensus of the Council was that more information was needed and referred it to City Manager and City Engineer.

Whitefish Basin Water Quality forum (Bill Leonard)

Bill Leonard gave background of the Whitefish Basin Water Quality study and reported a committee would be formed involving City County Planning Board, County Commissioners, Big Mountain, Forest Service etc. requested the Council be represented also. He said there would be a meeting sometime in February. Council would be represented.

Wisconsin Avenue Speed limit

Councilman Stephens reported he had received a report from the State on how they had established the speed limit on Wisconsin Avenue. Because the County Commissioners had reviewed this report and the City should have, Stephens wanted the study reopened. City Manager Morrison to write a letter to the State and reopen the study.

Police Patrol services

Councilman Stephens said there was a need to look at Police priorities and what Council considers priorities. Referred to the Traffic Committee.

Golden Agers service levels

City Manager Morrison said the Golden Agers requests for City services, snow plowing, signs, etc, were increasing and asked clarification of what level of service the city should provide.

January 3, 1983 cont.

Harold Schneider, President of the Golden Agers, said all requests for City Services should come from or thru the President of the group. He also stated they were having sewer problems which they felt the city should correct because of requirements imposed on them when connecting to the sewer line.

Consensus of the Council was that the City Administration should determine level of service provided.

OTHER

City Manager Morrison asked if Councilwoman LaTourelle would replace Putnam on Council Committees. Mayor Olson said he would review the Committees and get back to the Council.

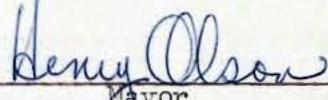
City Attorney Fisher reported a group had filed a law suit involving all entities in the County, including the City of Whitefish pertaining to Motor Vehicle Fees they claim were not budgeted as anticipated income. Fisher said a conference for Attorneys would be Tuesday 1-11-83. Council requested him to attend the meeting.

Councilman Caciari reported the corner of Spokane and 3rd street (Mothers Foods) was a hazard because of snow piled across the sidewalk and boulevard. Councilman Stephen thought they should be contacted and asked their cooperation in removing.

Cross Current School exemption from Business License was referred to the City Manager with power to act.

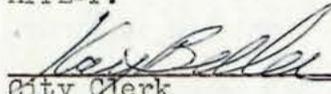
City Manager to find a replacement for Warren Mock on the Police Commission.

Motion Lantz to adjourn 10:15 P.M. second Stephens. All voted aye.



Mayor

ATTEST:



City Clerk

February 7, 1983

The meeting was called to order at 7:00 P. M. in the Whitefish City Council Chambers by Mayor Olson. Members present were: Tate, Caciari, LaTourelle, Lantz, and Ramlow. Absent: Stephens.

Also present were City Engineer Wells, City Manager Morrison and City Attorney Fisher.

APPROVAL OF MINUTES

The minutes of the January 3, 1983, were approved with one correction. Non Profit Business licenses were referred to the Finance Committee, not the City Manager as stated, in the minutes.

ADMINISTRATIVE REPORTS AND REQUESTS

Workers Compensation Audit: City Manager Morrison reported the State auditors for unemployment and worker compensation audited city classifications and raised the rates on several employees for various reasons. He said an appeal had been filed on the classification changes and he would inform Council on the States decision.

Seven month financial report: Morrison reviewed the Financial Report for the Council stating there were no funds in which expenditures were exceeding appropriations, all funds are meeting expectations to this point.

Arbitration hearing: An arbitration hearing has been set for February 28 to hear a grievance from an employee whose employment was terminated by the City.

Approve January salary adjustment: Morrison explained when the Council last adjusted the manager's salary, it was agreed that 5% of the salary adjustment would not become effective until January 1, 1983. He requested Council approval.

Motion Lantz to adhere to the Contract and approve the 5% salary adjustment. Second Caciari. All voted aye.

EPA sewer line grant prospects: City Engineer Wells reported there was a chance of obtaining a 75% Grant in replacing the sewer line from the Golden Ager's to the Columbia Avenue lift station. The total project would be approximately \$500,000.00, 25% of which the city would have to fund.

After discussion Mayor Olson turned over to the Water and Sewer Committee to study.

Update on legal proceedings: City Attorney Fisher said a motion had been filed dismissing suit against Councilman Stephen^s in the Trieweiler Lakeshore suit and Judge Salan^{sky} would take under advisement.

The Stidham case there was nothing new and salary suit was turned over to the Insurance Company.

Tax suit-City Council did anticipate motor vehicle revenue in the budget so the City would be alright in this case.

Mountain Harbor Condominium proposal: City Attorney Fisher said he reviewed the State subdivision statute and in his opinion Lot 26 Barclay Tracts (Mountain Harbor Condominiums) no subdivision review was required.

Council agreed they would proceed under the Zoning and Building Ordinances.

PENDING BUSINESS

Resolution B-967- annexing Lot 6, Block 7, Lake Park Addition, Alice Shero Property.

Motion Lantz to adopt Resolution B-967, annexing Lot 6, Block 7, Lake Park Addition, effective date of annexation to be 12-1-83 and no city services will be rendered until that time. Refuse collection and street maintenance services will not be provided until feasible for the city to provide. Second LaTourelle. All voted aye.

Ordinance A-424: annexing Lot^s 10, 11, 12, Ramsey Addition.

The Land Use Committee recommended annexation effective immediately with refuse collection and street maintenance services not to be provided until feasible for the city to provide.

Motion Lantz to adopt Ordinance A-424 annexing Lot^s 10, 11, 12, Ramsey Addition. Second Caciari. All voted aye.

February 7, 1983 cont.

PUBLIC HEARING: annexation of 506 w. third street property.
1. Resolution No. B-970: annexing 506 W. third street.

Mayor Olson opened the Public Hearing on this annexation and as there was no public comment the hearing was closed.

Motion Tate to adopt Resolution No. B-970, annexing 506 West Third Street, effective date to be December 1, 1983. Second Lantz. All voted aye.

Resolution B-968: adopting annexation policies

Motion Lantz to adopt Resolution B-968, second Caciari. All voted aye.

Ordinance A-405: City administrative organization, first reading

Mayor Olson opened the Public Hearing. There was no comment and the hearing was closed.

Motion LaFourelle to adopt Ordinance A-405 on the first reading. Second Tate. All aye.

Resolution B-973: amendments to water and sewer utility regulations.

Motion Caciari to adopt Resolution B-973, amendments to the water and sewer utility regulations. Second Tate. All aye.

Resolution No. B-969: Business License Fee Schedule

Councilman Lantz reported the Finance Committee recommended the addition of a special category for Nonprofit Educational Corporations with a \$15.00 License fee.

Motion Lantz to adopt Resolution No. B-969, a Resolution providing for a business license fee schedule. Second Ramlow. All voted aye.

Big Mountain Sewer District Connection Agreement.

Council felt that a project of this size should be given more consideration and consensus was that they were not ready to make a decision. Suggested holding a Public Hearing.

Tim Grattan requested timely and full consideration.

After discussion Mayor Olson called a special meeting for Tuesday, February 22, at 7: 00 P. M. , to allow for a Public Hearing on the proposal,

COUNCIL COMMITTEES

Mayor Olson said he would leave Council Committees as they are with LaFourelle replacing Putnam on the Street, Land Use and Culture Committees.

NEW BUSINESS

Resolution B-971: set hearing for IRB hotel/conference proposal

This Resolution would set March 7 as the Public hearing date to consider a proposed Industrial Revenue Bond project for a \$5.5 million hotel/conference center of Grattan and Associates on Highway 93 across from the golf Course. (Grouse Mtn).

Motion Lantz to adopt Resolution B-971, setting the hearing for March 7th. Second Ramlow. All voted aye.

Resolution B-972: set annexation hearing on lot 1305, Riverside Improvement Company.

This annexation was referred to the Land Use Committee, and it was MOVED BY TATE to adopt Resolution B-972, a Resolution of the intention to consider annexing lot 1305 Riverside Improvement Company. Second LaFourelle. All voted aye.

Input to Planning Board's preliminary park masterplan

City Manager Morrison said the Planning Board requested Council input into preliminary draft of the parks plan. The Board would consider all input received and deliver a final Park Masterplan recommendation to Council for consideration in April.

February 7, 1983 cont.

OTHERAppointment to the Planning Board

Motion Caciari to appoint Mrs. Jan Brunk to the City County Planning Board, replacing Tom Harding-term expires 12-31-83. Second LaTourelle. All voted aye.

Police Commission

City Manager Morrison announced the appointment of Bob DePratu to the Police Commission.

Mike Dawaliby gave a brief summary of this years Winter Carnival. He said everything went very well and was probably one of the best Carnivals ever.

Mayor Olson thanked City Engineer Wells for the excellent job he had done for the City - Friday would be Paul's last day.

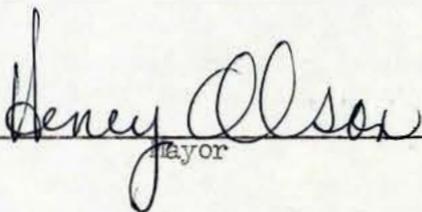
Councilwoman Tate questioned City Manager Morrison's memo on his appointments of Fire Department Officers. She thought Fire Department elected their own Officers. City Manager explained because the Fire Department are classed as city employees it is up to him to appoint officers.

Councilman Caciari said the Chamber of Commerce had approached the State Highway Commission on the unsafe conditions at Spokane and 2nd St. Said he appreciated what the Chamber did but would appreciate more if they had consulted the Council first as he had received comments from Helena. City Manager Morrison said the intent of the group was to be fact finding only - then it would be presented to the Council.

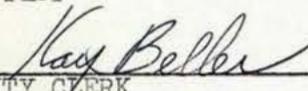
Motion Tate Second Lantz to allow permission for Councilmen Ramlow and Stephens to be out of State for the next Council meeting. All aye.

Motion Tate Second Lantz to allow Councilwomen LaTourelle to be out of State March 9 thru the 17th. All voted aye.

Adjourned 9:22 P. M.


Mayor

ATTEST


CITY CLERK

February 22, 1983

This Special Council meeting was called to order by Mayor Olson at 7:00 P. M. All Council members were in attendance.

Also present were: City Manager Morrison, City Attorney Fisher, Paul Wells, Greg Acton.

WHITEFISH CITY- BIG MOUNTAIN COUNTY SEWER DISTRICT SEWER CONNECTION AGREEMENT.

A. Public Hearing

Mayor Olson opened the Public Hearing.

There was no public comment at this time.

COUNCIL TABLE

LaFourelle Stated that after much investigation the facts proved the City sewer system could handle the effluent from Big Mountain. The City System was at $\frac{1}{4}$ capacity now and Big Mountain would increase it 3%. She said it was a good agreement but suggested addition of a 10 year and 2 year reviewal periods.

Caciari After investigation his enthusiasm for the project dwindled as he did not see any protection for citizens of Whitefish - all would benefit Big Mountain. His Concerns were:

1. The load on the present system would shorten period of time the system would last.
2. Legal district boundaries, future expansion of boundaries and fact city would have no jurisdiction.
3. Present system was not paid for and did not want to burden citizens of whitefish with further expansion.

Caciari also stated he was not against Big Mountain connecting to the City sewer and that their request was good but thought details should be worked out before any hasty decisions were made.

Stephens Asked questions of City Attorney Fisher.

1. Would it be possible for Big Mountain Sewer District to infringe into Whitefish Lake Sewer District territory and annex portion into their district. (Could Big Mtn expand their boundaries) .

City Attorney Fisher said yes. Big Mtn. Board of Directors could vote to enlarge if agreeable both parties.

2. If Big Mtns. anticipated future growth increased flow and expansion of lines, etc. was needed and Big Mtn wanted to share costs - would that money given to the city be considered a rate increase by the PSC.

City Attorney Fisher said yes the PSC would look at both sides but a rate approval would be in order if over the 12% increase.

City Manager Morrison Morrison said he had talked to other cities in the state about jurisdiction of the PSC. He found out there were 3 or 4 Attorneys who are experts in the utility field and suggested the city have the Contract reviewed by these experts.

Lantz Some of Councilman Lantz's concerns were:

1. Size of the district, and expansion of boundaries.
2. Who would own the line in the future.
3. Effect on annexations

Tate Councilwoman Tate said her biggest concern was the effect this would have on annexations

Ramlow Asked Greg Acton what factors might be considered and costs involved to upgrade the system before capacity of 10,000 was reached.

Acton said nothing costly in the next 5 to 10 years.

Ramlow asked Bill Farrier and Paul Mathews to give estimate of expansion of Big Mountain.

February 23, 1983 cont.

Paul Mathews, professional planner for Big Mountain said they project a 6% to 7.5% increase in the next 10 years, after 1992 there would be less than 4%.

Other input at the hearing.

John Garrity, speaking as a tax payer, said he did not disapprove of the Mountain hooking on to city sewer, as long as any additional cost to the system was paid for by Big Mountain.

Hank Starno said he resented the Big Mountain being talked about like the enemy. He explained because of tourism and the money generated by the tourists the Mountain was an asset to the City.

Councilwoman Tate assured Mr. Starno the Council was not putting the Mountain down but everything had to be considered.

Gregg Acton, Water and Sewer Supervisor, gave statistics on treatment plant and capacity of sewer lines. He stated with the rate Big Mountain would pay for using city facilities it would lessen possibility of a future rate increase.

Councilman Stephens questioned the financial part of the contract - thought hook-on fees should be considered, that way everyone would be charged the same and any expansion would be funded.

Mayor Olson asked for input from the audience.

Stanley Barry asked if by allowing this hook-on if it would hinder future annexations.

Mayor Olson requested Council make decision tonight.

However, after further discussion, City Manager Morrison suggested he re-draft the contract proposal and take back to the PSC - also get legal opinion on all questions that Council had.

Council requested to table and make final decision at the next Council meeting March 7, 1983.

LIST OF MAJOR LEGAL ITEMS OF CONCERN TO BE INVESTIGATED.

1. Future annexations
2. If expansion of district boundaries and additional hook-ups to this line could legally be agreed upon by both the City of Whitefish and Board of Directors - Big Mountain. (want binding clause in contract.)
3. A time for review of contract. (10 or 20 yrs with 2 year reviews was suggested)
4. Written consent from the PSC on hook-up.
5. What the service area would be for the city and how it would be set up.
6. If discharge limit per contract was exceeded a penalty should be imposed.
7. Time interval of discharge to be re-checked.
8. Increase storage capacity to 45 - 60 days.
9. Work out Section 11 - Financial.

Norm Kurtz gave summary of how Big Mountain Sewer District was formed and said this was the second time they had requested to hook-on to city sewer. He felt revenue would be good for the city and it was endorsed by the State Health Dept.

Mayor Olson did table until the next regular Council meeting.

Motion Lantz second Tate to adjourn 9:12 P. M.

Henry Olson

Ray Belle

March 7, 1983

The meeting was called to order at 7:00 P. M. in the Whitefish City Council Chambers by Mayor Olson. Members present were: Tate, Caciari, LaTourelle and Lantz. Absent were Ramlow and Stephens.

Also present were Public Works Director Loomis, City Manager Morrison, Firechief Maddux, Police Chief Sellers and City attorney Fisher.

The minutes of the February 7, 1983 and February 22, 1983 meetings were approved as read.

ADMINISTRATIVE REPORTS AND REQUESTS

Residential Dumpster experiment.

The City Administrator reported on putting dumpsters in selected residential areas on an experimental basis.

County Parks Board Grant Requests.

City Manager Morrison said he had submitted minor grant requests to the County Parks Board - restrooms, playground equipment, etc. However, as the County does not have funds for grants they would probably build things for city projects.

FISCAL YEAR 1983-1984 Planning Projects.

City Manager Morrison recommended the Council meet with the Planning Board at their March 24th meeting to discuss potential projects for next year.

Morrison also reported he was evaluating the phone system in City Hall, thought it needed improvement, and that Comprehensive Liability Insurance had been put out for bids. Time Insurance was awarded the bid, cost was approximately \$4000.00 less than last year.

Morrison introduced Joe Loomis, Public Works Director-City Engineer to the Council, he said Loomis was an Architect and was evaluating the space problem in City Hall.

PROCLAMATION

Mayor Olson read Official Proclamation declaring the Month of April as Cancer Control Month.

PENDING BUSINESS

INDUSTRIAL REVENUE BOND FOR HOTEL/CONFERENCE CENTER

PUBLIC HEARING

Mayor Olson opened the Public Hearing.

Carolyn Wert and Dave Jameison spoke in favor of the project and issuance of Industrial Revenue Bonds. Charlotte Nelson was in favor, but was concerned about approaches to the highway and traffic in this area.

Mayor Olson read a letter from Jack Little in favor of the project.

City Manager Morrison explained: Resolution No. B-969 was passed February 7 calling for a March 7 public hearing on a proposed IRB for hotel/conference center. Resolution B-976 has been prepared to induce the project to proceed and approve the Memorandum of Agreement. The next step would be to pass an additional Resolution calling for a final hearing on the project. After Resolution No. B-976 is passed, it will be up to Grattan and Associates to prepare all of the necessary paper work for the bonds and present it to the City for Hearing and approval. He said this was a Preliminary Hearing and that the Final Hearing would be after everything was in-line.

After discussion by the Council, Mayor Olson closed the Public Hearing.

RESOLUTION B-976, Resolution of Inducement.

Motion Caciari to adopt Resolution B-976, A Resolution of Inducement to proceed with Industrial Revenue Bonds for Grattan and Associates to construct a Hotel/Conference Center. Second Tate. Tate aye, Caciari aye, LaTourelle aye, Lantz aye. Motion carried 4 to 0.

Grattan assured Council he would contact the State Highway Department on the traffic and approaches.

March 7, 1983 cont.

CITY-BIG MOUNTAIN COUNTY SEWER DISTRICT CONNECTION AGREEMENT.

Councilman Iantz requested #16 of the Agreement be changed to read: Should a Cow Creek or other interceptor or trunk line become constructed and available to the Parties in the future, and if after twenty (20) years and with no undue hardship to the district, the district will at the request of the City connect to said interceptor at the Districts expense.

Councilman Caciari requested a legal description of the boundaries.

Councilwoman LaTourelle summarized the other amendments that had been made to the agreement and Council discussed dates in #11(eleven).

Motion LaTourelle to accept the Sewer District Connection Agreement per amendments with dates in #11 to read: The sum of \$4,000.00 on or before the 1st day of April, 1984, and thence the like sum of \$4,000.00 on or before the 1st day of April every year thereafter, until such time as the total sum of \$40,000.00 has been paid in full. Second Tate. Iantz aye, LaTourelle aye, Caciari aye, Tate aye. Motion carried 4 to 0.

RESOLUTION NO. B-975: ANNEXING LOT 1305 RIVERSIDE IMPROVEMENT CO.

Motion LaTourelle to adopt Resolution No. B-975, annexing Lot 1305 Riverside Improvement Co. Second Iantz. All voted aye.

ORDINANCE NO. A-405: Administrative Organization, Final Reading.

Motion Iantz to adopt Ordinance No. A-405 on the final reading. Second Tate. All voted aye.

OTHER OLD BUSINESS

City Manager Morrison said there was a party interested in the patch truck and he would keep Council informed.

City Attorney Fisher said in the Skalaney Versus City, a motion had been filed to dismiss the case against the city as the plaintiff is not seeking Economic damages. Under the Montana State law the city is only liable for Economic damages. However, the validity of this law is being questioned across the state and may get to the Supreme Court.

Councilwoman Tate said she would like to reiterate her points at City Beach. She said she had contacted County Attorney Lympus on hiring two men and two women for lifeguards - his opinion was it was not discrimination. She recommended the following for City Beach.

1. Employ two men and two women lifeguards.
2. Lifeguards to keep swimmers away from the boat dock area.
3. Restrooms be left open until police make evening rounds.
4. scarefire the sand early.

Motion Tate the above four points be carried out. Second LaTourelle.

City Manager Morrison pointed out the motion was illegal, as the City Charter prohibits Council preventing Administrator hiring certain types of people. He also took exception of Mr. Lympus's statement on discrimination.

Motion Iantz to table the Motion until the problems were resolved. Second Caciari. All aye.

Councilman Caciari said the Public Safety Committee had met and discussed the problem of violation of Ordinances, Resolutions and having Police officers more visable to the Public. Two Committee members were not in agreement with Committee Chairman and he thought it best to bring before the Council to resolve.

Mayor Olson requested this be tabled until the next Council meeting and asked City Manager to put this on the agenda.

March 7, 1983 cont.

NEW BUSINESS

MINOR SUBDIVISION: Lot split of Portion of Lot 13, Riverside Acreage. Mayor Olson turned this over to the Land Use Committee, to study and bring back next Council meeting.

RESOLUTION NO. B-974: Intent to consider annexing Hutchinson/Tweidt property. City Manager Morrison explained the city received a petition to annex 14 acres east of the High School. The applicant also submitted a PUD rezone and a subdivision application to the Planning office. This Resolution would set a May 2nd hearing date for the annexation.

Motion Lantz to adopt Resolution No. B-974, A Resolution of intent to consider annexing Hutchinson/Tweidt property. Second Caciari. All voted aye. (Wedgewood)

SPECIAL EVENTS PERMIT: Chamber "Bash for Cash" Race

Motion Tate to allow the Special Events Permit for Bash for Cash March 23rd. Second LaTourelle, All voted aye.

RESOLUTION NO. B-977: Intent to Readopt Comprehensive Plan

City Manager Morrison explained The Flathead County Comprehensive Plan was held invalid because of the improper adoption of the Whitefish Planning jurisdiction in 1972. To correct the situation, the Planning Board held a hearing to consider readopting the Comprehensive plan for the planning area. These Resolutions are necessary to revalidate the plan which Judge Green held illegally adopted in 1972.

Motion LaTourelle to adopt Resolution No. B-977, adopting the Comprehensive Plan. Second Lantz. All voted aye.

APPOINTMENTS TO PARKS ADVISORY BOARD

The Park Committee recommended the following for the Board.

1. Susan Abell - 1st ward
2. Carol Peschel - 2nd ward
3. Bob McLeod - 3rd ward

Motion Tate to appoint Susan Abell, Carol Peschel and Bob Mc Leod to the Parks Advisory Board. Second Caciari. All aye.

Mayor Olson appointed Carol Lee Kurtz as the Mayors appointment.

One member to be elected at large.

COUNCIL TABLE

City Manager Morrison said because of occasional problems and misunderstandings on procedures of Council and Council Committees a Resolution setting Policy should be considered. He would draft guidelines for the Committees.

Councilman Caciari reported the lot south of Caseys on Central Avenue was a mess and said a letter should be sent to the owner to clean-up. City Manager to send letter.

Councilman Lantz requested to be out of the State March 10th thru the 18th.

Motion Tate second LaTourelle to allow this request. All aye.

Mayor Olson commended Marty Gilman for his efforts in getting the Gaines Point project accepted by the Legislature.

Motion Tate second LaTourelle to adjourn 8:54 P.M.

Denny Olson
Mayor

ATTEST:

Kay Balle
City Clerk

April 4, 1983

The meeting was called to order at 7:00 P.M. in the Whitefish City Council Chambers by Mayor Olson. All Council members were present.

Also present were City Manager Morrison, Public Works Director Loomis, Police Chief Sellers, Building Inspector Berg, and City Attorney Fisher.

The minutes of the March 7, 1983 meeting were approved as read.

At the request of Councilman Stephens the City Administrator explained the residential dumpster experiment. The dumpsters had been placed in some residential areas for about six months, and residents seemed pleased with them. He felt more study was needed, and said Council would get a full report on the solid waste in about two months.

ADMINISTRATIVE REPORTS AND REQUESTS

CDBG APPLICATION

City Manager Morrison reported applications for HUD Community Development Block Grants were due and asked Council for permission to reapply for a combination of street, curb, gutter and housing improvements. Specific target area would be from 2nd street to Railway-east of Kalispell Avenue.

Motion Stephens to allow City Administrator permission to proceed with the application for the HUD Grant. Second Tate. All voted aye.

COUNCIL WORKSHOP RETREAT

City Manager Morrison requested a one-day workshop for Council to set goals for next Budget year.

Council agreed and set the date of the workshop for May 7, 1983.

STATUS OF STREET DEPARTMENT EQUIPMENT AND TRADE

Public Works Director Loomis said he sold the patch truck to Lewis & Clark for \$60,000.00. The city would take some equipment and \$11,000.00 in cash. After the truck was delivered he received a call and the people he talked to had no authorization from their Commissioners. City might have to let them out of the deal. Loomis said he would report back next Council meeting.

Loomis also said the city equipment was well kept, and the only equipment needed was a garbage truck. A proposal would follow at a later date.

REARRANGEMENT OF CITY HALL WORK SPACE

City Manager explained proposed changes: Council room would be used for his office and data processing. Judges office would be Public Works Director office. The water office would be the Council Chambers, the City Managers office would be the Judges office and part of the Community room would be set aside for dispatch and a meeting room.

This proposal was turned over to the Land Use Committee to study and bring recommendation back next Council meeting.

PENDING BUSINESS

MINOR SUBDIVISION: Lot split portion Lot 13, Riverside (Roy Curry property)

The Land Use Committee recommended approval of the Preliminary Platt with the following recommendations of the City County Planning Board.

1. All easements should conform to the requirements of the Whitefish Subdivision Regulations (as per comments contained in Section 11.E. of the Staff report) All easements shall be shown on the final plat.
2. An access permit be obtained from the State Highway Department and submitted with the final plat.
3. A grading and drainage plan be submitted and approved by the City prior to submittal of the final plat. Said plan shall also include an erosion control plan for the steep sloping bank.

April 4, 1983 cont.

4. Certification, by a registered engineer, be submitted with the final plat stating that no construction hazards exist on the site and, to include soils stress test results and the size and type of building that can be built on site.
5. All required improvements shall be completed prior to approval of the final plat or the developer shall enter into a written subdivision improvements agreement, with the City, guaranteeing the construction and installation of all improvements.

The Committee (Land Use) also recommended the addition of "City Engineer" in #3, including him in the tests of stability of the bank.

Motion Lantz Second LaTourelle to accept the Preliminary Plat per recommendations of the City County Planning Board (Dated February 25, 1983) and the addition of the City Engineer in review process. All voted aye.

RESOLUTION NO. B-978: Readopt Comprehensive Plan

Motion Stephens to adopt Resolution No. B-978, Readopting the Comprehensive Plan. Second Tate. All voted aye.

WEDGEWOOD ANNEXATION REPORT

The Land Use Committee recommended Council establish a lift station policy. Mayor Olson turned this over to the Water and Sewer Committee to investigate and report back.

After Council discussion IT WAS MOVED BY LANTZ to accept the Annexation Report. Second LaTourelle. All voted aye.

Councilwoman Tate recinded her Motion regarding the City Beach and parks of the March 7th meeting and LaTourelle recinded her second to the Motion.

NEW BUSINESS

USE PERMIT-Addition to IDS Church

The City County Planning Board recommended approval of the Use Permit, for addition of a recreation facility and additional worship area to existing church.

Motion Caciari to approve the Use Permit. Second Ramlow. All voted aye.

APPOINTMENT TO REFUSE BOARD

City Administrator recommended Joe Loomis be appointed to the Refuse Board as the City representative.

Motion Ramlow to appoint Joe Loomis to the Refuse Board. Second Lantz. All aye.

SPECIAL EVENTS PERMIT-Whitefish Lake Regatta

Motion Tate to allow the Special Events Permit for the Whitefish Lake Regatta, and waive the open container law for the two days. Second Stephens. All voted aye.

COMMITTEE REPORTS

PUBLIC SAFETY

Lynn Walker, Executive Manager of the Chamber of Commerce read a survey taken in the business area regarding Foot Patrol. Out of 45 surveys sent out 18 were returned, majority of which were not in favor of Foot Patrol.

Councilwoman LaTourelle reported Police Chief Sellers, Sgt. Brown and she met with Superintendent and Principals of the Schools on alternative crosswalk options. She said the schools were willing to set up Safety Programs, bike safety, Police talk to students during home rooms, etc. Schools still felt children should learn safety at home too.

Councilman Ramlow reported on the Safety Committee meeting. Said there were no definite conclusions. Concerns were: large vehicles on central avenue, better visible foot patrol and speed limit on Wisconsin Avenue.

City Manager Morrison reported the State had done a new survey on Wisconsin and city would receive a report.

April 4, 1983 cont.

Councilman Caciari said they had been trying for 4 months to bring the issue of Foot Patrol before the Council and the issue had been evaded. He said there was nothing wrong with Police Department but addition of occasional foot patrol was desired.

Councilwoman Tate agreed and added she felt more infractions of the law would be curtailed.

Police Chief Sellers said he could not change his position on this matter because of lack of manpower, however, he explained Patrolmen were on the streets now, monitoring gambling and policing the bars. Ramlow, Olson and Morrison concurred with Sellers.

Councilman Stephens expressed concern on need for better balance in the Police Department and enforcing Ordinances.

Bob DePratu, Gregg Bryan and Howard Whitney spoke against foot patrol.

After much discussion IT WAS MOVED BY TATE, "that the Council request the City Administrator to institute a foot patrol, the amount of time to be left to the City Administrator and Chief of Police, but occasionally to see a police officer on the Street." Second Stephens. Stephens aye, Ramlow no, Iantz aye, LaTourelle no, Caciari aye, Tate aye. Motion carried 4 to 2.

WATER AND SEWER

Amendment to sewer facilities plan for river interceptor project.

Councilman Caciari reported the Committee recommended amendments to the sewer facility plan and that Council give City Administrator authority to pursue a 75% EPA Grant.

Motion Caciari/^{to}authorize City Manager Morrison to pursue the EPA Grant. Second Ramlow. All aye.

City Manager Morrison recommended the Water and Sewer Committee be review selection panel in hiring an Engineer for the project.

PETITION TO ABANDON STREET: First Street and Miles Avenue to the river. Hearing to be May 2, 1983.

MEMORIAL PARK MAINTENANCE CONTRACT:

Turned over to the Parks Committee to study and bring back.

Councilwoman Tate reported the Flathead County Community College had moved into the Library. This was in violation of the Agreement and Tate requested the City Administrator write them a letter stating this should be requested through the Council.

BUILDING INSPECTOR CONTRACT

The Building Inspector Contract would expire May 1, 1983, however, the City Administrator recommended adopting on a month to month basis. Council to review and bring back next Council meeting.

Councilman Caciari reported he had received a complaint on the caretaker at the Cemetery. City Administrator to investigate.

Caciari requested permission to leave the State April 13 thru the 20th.

Motion LaTourelle second Iantz granting this request. All aye.

FRDO PLANNING PROJECTS

Councilwoman LaTourelle reported the City County Planning Board was at their Committee meeting and after much discussion decided (1) one project needed attention and that is to establish Comprehensive planning design criteria for Comprehensive Plan overhaul. She said there was a special meeting of the CAB April 12, and when request was made they would give scope of what was intended.

LaTourelle requested to be out of the State 24th through the 30th of April.

Motion Caciari second Tate to allow this request. All aye.

Councilman Stephens asked about rezone hearing on Wedgewood. Administrator said the Annexation Hearing and the Rezone Hearing would be May 2, 1983.

Adjourned 9:39 P.M.

Attest: Kay Sellers
City Clerk

Henry Olson
Mayor

April 4, 1983

After the regular Council meeting a Petition charging discrimination against the owners of the Emporium was presented. The Petitioners felt the intent was to discriminate because of religion against Northwind Shirt Co., Lotions and Potions and Puff & Stuff. Their leases had been terminated, and prime retail space in the downtown was limited. They thought the city could help them. 167 people had signed this petition.

The Council took no action as all legal requirements had been met by the owners.

EXECUTIVE SESSION: Labor Negotiations

The City Administrator said he had received a letter from the Union (AFSCM COUNCIL #9) and they were ready to open negotiations. After discussion it was decided the Finance Committee and City Administrator would conduct negotiations for the City.

Adjourned 10:25 P.M.

April 6, 1983

Mayor Olson called this special meeting to order at 4:30 P. M. All Council members were present except Stephens.

Also present were: Building Inspector Berg, Public Works Director Loomis and members of the City County Planning Board. Claire Strickler, Dave Jameson, Mike Jensen, Maurice Cusick and Greg Bryan.

Discussion was on the involvement with the CAB and whether to withdraw and consolidate current part time positions of Building Inspector, Zoning and planning into one full time position.

Consensus of the Council was to refer this matter to the City County Planning Board to be considered at their next meeting and recommend back to the Council.

Adjourned 5:30 P.M.

Kay Seller

Henry Olson

May 2, 1983

The meeting was called to order at 7:00 P. M. in the Whitefish City Council Chambers by Mayor Olson. All Council members were present.

Also present were City Manager Morrison, Public Works Director Loomis, Police Chief Sellers, Building Inspector Berg, and City Attorney Fisher.

The minutes of April 4th and April 6th were approved as read.

ADMINISTRATIVE REPORTS AND REQUESTS

Annual Budget Amendment.

Morrison said at the June 6th Council meeting he would request Council adopt a Resolution to make annual adjustments to the General Fund Budget. There would be no increase in funding.

Council Workshop Retreat: Morrison reminded Council about the May 7th Retreat.

Disposal of parcel of City Land.

City Administrator requested permission to offer for sale-portion of Lot 13 Riverside Improvement Co's acreage. This is a city lot containing approximately 4800 sq. ft, (old dam site, east of Columbia Avenue Bridge abutting lot 1305 Columbia Avenue.) He said developers of the proposed bed and breakfast at 1305 Columbia were interested in purchasing the lot.

Motion Tate to give the City Administrator authority, if the title is transferable, to put the lot up for sale. Second Caciari. All voted aye.

PENDING BUSINESS

Wedgewood annexation/rezone/subdivision.

Michael Richards and Doug Anderson gave presentation of the PUD and Plat. Richards explained where the 31 single family units and 24 townhouses (4 plexes) would be constructed on the 13.394 acre subdivision.

Mayor Olson opened the Public Hearing on the Wedgewood annexation. Location: East of 4th Street and East and West of Armory Road. (Tract 1F and 11, Section 32, T 31 N, R 21 N).

There was no comment on the annexation and the Hearing was closed.

Mayor Olson opened the Public Hearing on the rezone from WR-1 to WR-1 with a PUD overlay.

John Garrity presented a Petition signed by 31 homeowners of the Shareview Addition opposing any change from WR-1 to the PUD. He said they felt it would lower the value of their homes in Shareview and also objected to the increase of traffic in the area.

City Attorney Fisher explained the zone would not change with a PUD, but it allows you to cluster, the density stays the same.

Bruce Lutz, said the density was under what they could have if they constructed duplexes on all the lots.

After discussion Mayor Olson Closed the Public Hearing.

COUNCIL DISCUSSION AND ACTION.

Council and Developers discussed: extension of 4th street, Streets to meet city specs and city taking over in stages, a pedestrian - bike path along cow creek, etc.

Councilman Lantz asked Mr. Garrity to clarify objections of the PUD. Garrity said he was apposed to the subdivision in general-didn't want.

John Frantz also objected to the subdivision and was concerned about the alley off 4th street being a speed-way. Suggested closing alley between 3rd & 4th.

After much discussion Mayor Olson turned back to the Land Use Committee to study and bring back their recommendation to the next Council meeting.

May 2, 1983 cont.

INDUSTRIAL REVENUE BOND for hotel/conference center.

Petitioner: Tim Grattan and Associates (BCG)

Mayor Olson Opened the Public Hearing, and as there was no public comments and no protests the Hearing was closed.

RESOLUTION B-979 authorization to proceed with IRB issue.

Changes to the Resolution: 8 million increased to 9 million. LTD deleted from paragraph 4.

Motion Caciari to adopt Resolution B-979, a Resolution authorizing the City Administrator, City Attorney, and City Clerk to proceed with the sale and issuance of Industrial Development Bonds for proposed motel/conference center project, (approved with corrections.) Second LaTourelle. All voted aye.

ABANDONMENT OF PORTION OF FIRST STREET.

Petitioners: Emma Lou Fredrickson and Elaine Mickle.

Gary Tallman presented the petition to discontinue the Public Street and Alley. "That portion of First Street lying west of Miles Avenue and East of Whitefish River (approximately 248 feet), and the alley lying East of Lot 5, Block 23, and West of lots 1, 2, 3, & 4 of Block 23."

The City Administrator recommended approval with the conditions of approval being:

1. City retain a 20 foot Public use and maintenance easement over the sewer line and manhole from First Street to the river.
2. that the sewer line be rerouted to the corner of First and Miles, and south to the Miles Avenue Manhole,
3. that a public use easement be granted to the City along the river.

Mayor Olson opened the Public Hearing. There was no Public input and the Hearing was closed.

COUNCIL ACTION

IT WAS MOVED BY LATOURELLE to abandon that portion of First Street lying west of Miles Avenue and East of Whitefish River (approximately 248 feet), and the alley lying east of Lot 5, Block 23, and West of lots 1,2,3, & 4 of Block 23, with the following conditions:

1. Developer to relocate sewer line to 1st Street from river and easterly to corner of 1st and Miles & South to manhole on Miles, and install required manholes according to City Engineer Specifications.
2. The City retain the 20' public use & maintenance easement over the sewer line and manhole, from Miles west to river on 1st Street.
3. Date of completion to be six months from this date.
4. Developer to give the City a irrevocable Letter of Credit for \$10,000.00 guaranteeing completion.
5. The developer to grant a Public use easement to the City along the river, the width and exact location of which to be determined by the City and Developer.

Second Tate. All voted aye.

REARRANGEMENT OF CITY HALL WORK SPACE

Public Works Director Loomis explained the sketches and design, and said the total cost of the remodel would be approximately \$9,404.00, this figure included options for Council Chambers.

After Discussion it was moved by Tate to accept the design with options included, and proceed with renovation of City Hall. Second Ramlow.

Motion Stephens to amend the Motion to include easels and/or pin-up boards in the Council Chambers. Second Caciari. All voted aye.

All voted aye to the original Motion.

May 2, 1983 cont.

CONSOLIDATION OF PLANNER/ZONING ADMINISTRATOR/INSPECTOR POSITION

City Administrator gave a summary review of consolidation of the three positions. He reported the proposal had no political support and that the City County Planning Board did not recommend the consolidation. He said everyone was happy with Building Inspector Berg, including himself, however, he said the current positions were not cost effective and suggested the Council consider the change at a future date.

After discussion it was moved by Stephens, the City Administrator negotiate a Contract with Building Inspector Berg and bring back for Council approval. Second Tate. All voted aye.

Other

Public Works Director Loomis reported Lewis & Clark did not buy the patch truck.

NEW BUSINESS

USE PERMITS

Michael Higgins-235 Good Avenue - expansion of a nonconforming use to construct a storage building and addition for Power Sports West.

The City County Planning Board recommended the use permit be granted as submitted.

Motion Stephens to allow the use permit second LaTourelle. All voted aye.

Use Permit of Triple Four Company-lots 10,11,12 Ramsey Addition was turned over to the Land Use Committee. The Committee would bring back their recommendation next Council meeting.

MEMORIAL FIELD FOOTBALL BLEACHERS

City Administrator said a decision needed to be made on whether to close the bleachers or continue to accept the risk and potential liability for their use.

Concensus of the Council was to condemn the bleachers and let the school decide if they wanted to pay for new bleachers.

HUD COMMUNITY DEVELOPMENT BLOCK GRANT USE HEARING

Mayor Olson opened the Public Hearing on the potential uses of the Grant.

City Manager Morrison explained the history of the program and eligible activities were discussed.

The City Administrator would proceed with the survey to determine which area of town would qualify.

The Hearing was closed.

Final Hearing to be June 6th. Application due date is July 1.

ORDINANCE NO. A-425: repeal old code sections superseded by new utility regulations.

Motion Stephens to adopt Ordinance A-425, on the first reading. Second Caciari. All voted aye.

SPECIAL EVENTS APPLICATION

Sunshine Mountain Co. requested approval of their Special Events application for the Whitefish Lake Run to be held June 25th.

Motion Tate to approve the Special Events Application. Second LaTourelle. All aye.

COMMITTEE REPORTS

Councilwoman Tate reported last year letters were sent to the Telephone Co. protesting the telephone directory (small print, etc.) she said this year they had made the requested changes and requested a letter be sent thanking them. she also requested a letter be sent to the Beta Sigma Phi thanking them for the swing seats they purchased for the park.

May 2, 1983 cont.

Tate also: commended the work done at the Cemetery and requested garbage cans be placed at the bottom of the hill at the Baker Street Park.

Councilwoman LaTourelle requested permission to leave the state from the 4th thru the 14th of May.

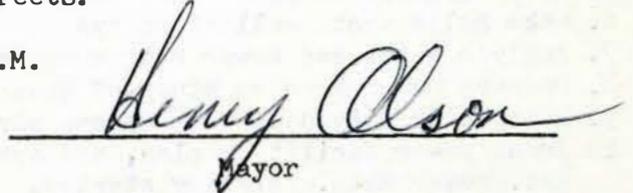
Motion Tate second Ramlow to allow this request. All voted aye.

Councilman Iantz asked that a letter be sent to the Burlington Northern asking them to clean up their property along Edgewood.

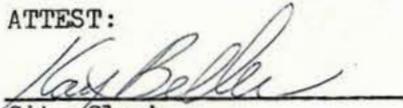
Councilman Stephens reported the City had not received the Annual Financial Reports from the Golf Association and asked that they be requested.

Council also discussed a City wide SID for streets.

Motion Tate second Caciari to adjourn 10:39 P.M.


Mayor

ATTEST:


City Clerk

June 6, 1983

The meeting was called to order at 7:00 P. M. in the Whitefish Council Chambers by Mayor Olson. Council members present were: Iantz, Stephens, Caciari, Tate and Ramlow. Absent: LaTourelle

Also present were City Manager Morrison, Police Chief Sellers, Building Inspector Berg, Public Works Director Loomis and City Attorney Fisher.

The minutes of May 2nd were approved as read.

Consensus of the Council was that the Council meeting minutes would no longer be read aloud at the meetings.

ADMINISTRATORS REPORTS AND REQUESTS

Expiration of Board of Adjustment members.

City Administrator explained terms of June Peck and James Clegg would expire at the end of the month and they would rather not be reappointed.

Mayor Olson turned this over to the Land Use Committee. They would bring back their recommendation next council meeting.

Amendments to proposed Memorial Park Interlocal Agreement.

Morrison reported the school requested two changes to the agreement.

1. The Agreement be for a 5 year term.
2. The new bleachers be property of the School District.

He said there were a few other items yet to be discussed and agreed upon.

Revision of Ward Boundaries.

Section 5.03 of the City Charter requires the Council to equalize ward boundaries as to approximate population after each decennial federal census. The City Administrator presented proposed boundary changes.

After discussion Mayor Olson turned this over to the Finance Committee.

Extension of services plan.

Barbara Clark of the FRDO staff presented a brief overview of the draft extension of services plan.

Mayor Olson turned over to the Land Use Committee to study and bring recommendation to the next Council meeting.

June 6, 1983 cont.

Response to Financial Audit 1981-1982

The City Administrator read City Attorney Fishers response on action taken or planned in regards to violations of law, deficiencies or recommendations in the Audit Report.

Timetable for Council's special project goals

Council adopted special project goals at its May retreat. The City Administrator presented a timetable to accomplish the goals.

1. Comprehensive program to repair and rebuild city streets, would start in August.
2. Extension of service plan and begin annexing properties - July
3. Expand one mile extraterritorial zoning-City County Planning Board to work with Council.
4. Prepare comprehensive study on cemetery expansion-winter project.
5. Adopt sign Ordinance - soon as possible.
6. Make solid waste collection system more cost effective-in progress.
7. Analyze water and sewer rate structure-to be studied.
8. Prepare comprehensive study of downtown parking problem-winter project.
9. Reorganize city hall work space- already started.
- 10 Amend sewer facilities plan, and apply for EPA grant to upgrade river Int. sewer main. Already started.

PENDING BUSINESS

WEDGEWOOD annexation, Ordinance No. A-426, rezone to PUD, preliminary plat.

That portion of the Southeast ½ of the Northwest ½, Section 32, Township 31 North, Range 21 West, Flathead County, Montana, (located along Cow Creek, east of Whitefish High School, south of East 2nd Street and west of Armory Road.)

Petitioners: K & R Properties - Ole Tveidt, Esther Tveidt, William Hutchinson and Dorothy Hutchinson.

The City County Planning Board recommended by a vote of 9 to 0 in favor of annexing the 14.0 acres with following conditions.

1. All municipal services that are extended to the property should meet all requirements of the City of Whitefish and any other related departments or agencies.
2. The developer should waive the right to protest the creation of any future Special Improvement Districts. This waiver does not apply to future individual lot owners.

Zone change

Recommended 8 to 1 to approve the zone change (see conditions.)

PRELIMINARY PLATT

recommended 8 to 1 to approve with conditions.

LAND USE COMMITTEE

The Committee recommended annexation with condition #1 Planning Board-#2 to be rejected. Street Maintenance would be taken over by the City when economically feasible. 3 to 0 vote.

Committee recommended to accept the PUD with Planning Board recommendations and contingent upon improved traffic flow pattern (entrance on 3rd street was mentioned) to relieve traffic on 4th street. 2 to 1 vote.

Committee recommended to accept Preliminary Plat-include City County Planning Board recommendations. All utilities and streets be installed according to the City Engineers specs. An 8' easement for public bike/hike path to be granted to the city the location to be shown on final plat. The proposed park to be a homeowners park. 3 to 0 vote.

Motion Stephens to adopt Ordinance A-426, annexing Wedgewood and to accept Findings of Facts, and City to take roads over when economically feasible. Second Lantz. Lantz aye, Stephens aye, Caciari aye, Tate aye, Ramlow aye. Motion carried 5 to 0.

Motion Lantz to accept the PUD contingent upon improved traffic flow pattern. Second Tate. Lantz aye, Stephens no, Caciari no, Tate aye, Ramlow no. Motion defeated 3 to 2.

Developer requested extension of time on the PUD and Preliminary Platt.

WEDGEWOOD

FINDINGS OF FACT

The WHITEFISH CITY COUNCIL, having considered the preliminary plat for the WEDGEWOOD SUBDIVISION, having held a public hearing thereon and having carefully considered the testimony of all interested persons, does hereby make the following FINDINGS OF FACT:

1. As the CITY OF WHITEFISH continues to grow as a prime residential area, the demand for moderately priced residential housing likewise increases. This Subdivision, designed to be served by City utilities, located in an attractive setting and making full use of underutilized property, is found to serve the stated need.

2. Expressed public opinion has been considered, and adjustments to the proposed Subdivision have been made to make the development more compatible with the expressed public opinion. The Subdivision will have no adverse impact on agriculture as it is located on land largely unsuitable for agricultural uses.

3. The proposed Subdivision will gradually place more demand on local services and utilities, which increase will largely be paid for by the property owners at the outset of the subdivision and later compensated for by taxation as the Subdivision is developed.

4. Construction of dwellings and road will naturally disrupt, to a large extent, the natural environment of the area. However, this disruption has been minimized by the subdividers' requirements and plans for underground utilities, clustered housing under a Planned Unit Development, with green-belt areas.

5. Residential development of the area will not discourage any wildlife species.

6. The Subdivision will not create any adverse effects on the public health and safety.

WEDGEWOOD

FINDINGS OF FACT

The WHITEFISH CITY COUNCIL, having considered the preliminary plat for the WEDGEWOOD SUBDIVISION, having held a public hearing thereon and having carefully considered the testimony of all interested persons, does hereby make the following FINDINGS OF FACT:

1. As the CITY OF WHITEFISH continues to grow as a prime residential area, the demand for moderately priced **residential** housing likewise increases. This Subdivision, designed to be served by City utilities, located in an attractive setting and making full use of underutilized property, is found to serve the stated need.

2. Expressed public opinion has been considered, and adjustments to the proposed Subdivision have been made to make the development more compatible with the expressed public opinion. The Subdivision will have no adverse impact on agriculture as it is located on land largely unsuitable for agricultural uses.

3. The proposed Subdivision will gradually place more demand on local services and utilities, which increase will largely be paid for by the property owners at the outset of the subdivision and later compensated for by taxation as the Subdivision is developed.

4. Construction of dwellings and road will naturally disrupt, to a large extent, the natural environment of the area. However, this disruption has been minimized by the subdividers' requirements and plans for underground utilities, clustered housing under a Planned Unit Development, with green-belt areas.

5. Residential development of the area will not discourage any wild-life species.

6. The Subdivision will not create any adverse effects on the public health and safety.

DATED this 5th day of July, 1983.

WHITEFISH CITY COUNCIL

By Henry Olson Mayor

Attest Ray Buller Clerk

June 6, 1983 cont.

USE PERMIT: MASTERS GREEN(lots 10, 11, 12 Ramsey Addition)

Planning Board and Land Use Committee recommended denial pending resolution of perceived problems, including access and traffic on Ramsey Avenue.

Motion Stephens to deny the use permit based on the following finding of facts:

1. The project would unreasonably aggravate the existing road safety hazard on Ramsey Avenue by more than doubling the use of the road. Ramsey Avenue is a 20' right-of-way. It is narrow and winding and contains an unsigned intersection at a hill.
2. Storm drainage across the area from the golf course is already a problem as testified to by neighboring witnesses. A culvert along the railroad right-of-way sends storm drainage straight to Whitefish Lake, polluting the lake. The proposal omits storm drainage measures to protect the public safety and welfare.
3. The proposal is unreasonably inconsistent with historical uses in the area which are uniformly single-family dwellings.

Motion was second by Iantz. Iantz aye, Stephens aye, Caciari aye, Tate aye, Ramlow aye. Motion carried 5 to 0.

ORDINANCE NO.A-425, water and sewer code amendments, second reading.

Mayor Olson opened the Public Hearing. There were no comments and the Hearing was closed.

Motion Caciari to adopt Ordinance A-425 on the second reading. Second Stephens. All voted aye.

PROVISION OF BUILDING INSPECTION SERVICES.

After a brief discussion by the Council, Mayor Olson turned over to the Finance Committee to study and bring recommendation back next Council meeting.

PUBLIC HEARINGS

HUD CDBG jobs bill grant application.

Mayor Olson opened the Public Hearing.

City Administrator explained the Job Bill proposal was for \$250,000.00. The grant is to create new jobs for low & moderate income people. Morrison further explained the History of the program and eligible activities were discussed. Conclusion: best application would be in Park rehabilitation and construction.

Mayor Olson closed the hearing.

Motion Tate authorizing the City Administrator to pursue the Jobs bill application. Second Ramlow. All voted aye.

Mayor Olson opened Public Hearing on HUD CDBG Comprehensive grant application.

\$500,000.00 comprehensive grant to address street, drainage, curb, gutter, and housing improvements in low-moderate income neighborhood.

Discussion ensued on eligible activities and areas of the City that would qualify for the grant. City administrator to pursue the area.

Mayor Olson closed the hearing.

Motion Iantz authorizing the City Administrator to pursue and apply for the Grant. Second Stephens. All voted aye.

NEW BUSINESS

RESOLUTION NO.B-980: intent to consider annexation of Lot 2 Block 6 Whitefish Five acres tracts. Zoned WR3. Petitioners: Herbert and Mathias A. Herriges. (Wedgewood)

Motion Stephens to adopt Resolution No. B-980, A Resolution on intent of consideration to annex Lot 2 Block 6 Five Acre Tracts. Second Tate. All voted aye.

June 6, 1983 cont.

DEERFOOT PARK

Subdividers requested a one-year extension of the conditional approval of the Preliminary Plat.

Motion Stephens to extend the approval of the Preliminary Plat of Deerfoot Park for 1 year. Second Caciari. All voted aye.

SPECIAL EVENTS PERMITS

1. City Beach fireworks, July 4
2. Lake-to-Lake canoe race, July 19
3. Regatta parade and street dance, July 29-31
4. Crazy Days, August 19

Motion Iantz to approve the above special events permits. Second Stephens. All aye.

RESOLUTION NO. B-981: budget amendments.

Motion Ramlow to adopt Resolution B-981. Second Tate. All voted aye.

ORDINANCE # A-427: Adoption of Building Codes , Housing code, Abatement of Dangerous Buildings, Mechanical Code, Plumbing codes, Model code for energy conservation in new building construction. 1982 Editions.

Motion Ramlow to adopt Ordinance A-427 on the first reading. Second Stephens. All aye.

COUNCIL

Councilman Stephens requested the Hock-A-Day sign be moved back to original place and asked that Ordinances be enforced on tables, signs, etc. on sidewalks all the time.

Councilman Caciari voiced opposition to the City Administrator and Chief of Police removing stop signs from the corner of Baker and First Street.

Councilwoman Tate requested trash cans be placed both at top of hill and bottom of hill in Baker Avenue Park.

Councilman Ramlow asked how the Hydro Electric Co. was progressing.

City Administrator reported they were moving ahead on the project.

Mayor Olson reported the cemetery looked great this year and commended the workers on a good job.

City Attorney Fisher requested Council consider pending litigation-Jack Little VS City, at the Executive session after this meeting.

Adjourned 10:04 P.M.

ATTEST:

Kay Bell
City Clerk

Henry Olson
Mayor

Executive Session

Labor negotiations:

City Manager reported on union negotiations and said health benefits, wages, and contract language had been discussed, however, no decisions were made and negotiations would continue.

City Attorney Fisher went over the pending litigation with the Council - Council turned back to the City Attorney to settle the suit.

Adjourned 11:00 P.M.

Attest:

Kay Bell City Clerk

Henry Olson
Mayor

97 11/14/83

July 5, 1983

The regular meeting of Whitefish City Council was held on the above date with Mayor Henry Olson presiding. All Aldermen were present. Also present Ass. City Attn. Bart Erickson, Police Chief Howard Sellers, Engineer Sid Fredrickson, and Bldg Insp. Harry Berg.

The minutes of the previous meeting were approved. Motion by Lantz and 2nd by Tate. All Aye.

Solid Waste Collection Systems:

City Manager Don Morrison gave his recommendations and comments to the Council after looking over Bids and Costs. Councilwoman LaTourelle asked for an extension before deciding to get more input on accountant and County disposal. A meeting of the Committee was set up for Thursday at 7:00-July 7th. Then a decision could be made at regular Committee meeting in two weeks.

Seventh Street Property Exchange:

Attention: Bart Erickson explained the owner Phil Mitchell would agree to letting City put road through without a law suit if the City would grant him four feet off the proposed road. Leo to draft a notice and to start abandonment proceeding on the 4x50 of 7th street. All Aye.

Manager Don Morrison introduced Sid Fredrickson, new Public Works director the the Council.

Revenue Sharing - PUBLIC HEARING on proposed uses.

Manager Don Morrison explained to Council the holding of a hearing on how money should be spent in past has been spent to replace equipment and needed materials. There was no public comment and the Hearing was closed.

Post Office

The New Site proposed in the 400 Block between Baker & Lupfer. A petition was presented to the Mayor in protest to the site, Geraldine Johnson, Bert Sternal & Mike Fitzgerald gave their views on why they were against the site, saying traffic, noise and parking would be a problem in the Area Gary Stephens drew a diagram to show them the traffic would be on Baker Ave. Harold Schnieder spoke on behalf of the new site as did Jerry Hanson & Chris Royer from Whitefish Land Company. A group from the Golden Agers and Mountain View Manor were in Attendance in support of the proposed site. Pat Sullivan from the Chamber also spoke in favor of the site. Gary explained the Postal Service wants to work with Community and that they would ask Jerry Reynolds from the Governmental Agency for plans how they plan to utilize the site. Ramlow-Aye Caciari-Aye, Tate-Aye, Stephens-Aye, LaTourelle-No, Lantz-No.

Lake Park

Manager Don Morrison to write another letter in favor of Les Mason Memorial Park.

Paul Wells addressed the Council on behalf of the Viking on there proposed Building of a new Complex consisting of Motel, Condo, Racket Clubs, Swimming Pools Marina and etc.-to start in October and planned completion in two years. Costing around Thirty Million Dollars, with a 3/4 millions dallar payroll.

Wedgewood

Stephens reported that the committee is in favor of plimorary Platt with individual houses and street maintenance taken over by City as soon as feasible and alley between third and fourth locked-

July 5, 1983 cont.

Lantz had second thoughts about the decision for later. After further discussion a Motion Stephens and second by Lantz that the platt be approved Subject to All Utilities be installed to City Specification, eight foot bike in lieu of Park City to maintain street when feasible-All Aye.

Mike Richards addressed the Council on the Legal ramifications of how they handled the Wedgewood Sub-Div. and they should be more careful in the future. He also admonished John Garrity & Share-view owners of the way they handled his Sub-Division request.

Building Inspectors Contract

Motion by Lantz and second by Tate the Building Inspectors Contract be approved. All-Aye.

Birch Grove

Motion by Stephens and second by Tate that they approve annexation with the recommendation that the streets should be maintained by home owners until feasible for the city to take over. All-Aye.

Extension of Service Plan

Manager Don Morrison reported that he had received no input into plan by citizens. Claire Strickler reported that she felt the City should study the plan more carefully and put in future designated streets for guide lines for developers. Dave Jamison reported that he felt Karrow Ave. was not a good Truck by pass route according to the plan. Jerry Hanson & Gregg Acton also felt that there were revisions that should be made before the City adopted it. Manager Morrison defended the plan stating that people were interpreting in different ways and that the city should not wait to long before adopting it. Attorney Erickson concurred with him that the City should have a plan. Lantz suggested they wait until further study and Committee consideration.

Board of Adjustments:

Motion by Gary and second by Lantz that Roger Johnson and Mike Levenson to appointed to Board of Adjustments to fill vacancies of June Peck & James Clega. All-Aye.

Ordinance A-427: Building Code Update

Motion by Tate and second by Ramlow Ordinance A-427 be passed. All-Aye.

New Business

A Use Permit for 411 Spokane

Claire Strickler reported that item one from City County Planning Board should be deleted-Approved by them with no conditions. A Motion by LaTourelle and second by Lantz that use permit be granted- All-Aye.

Circle Estates Stect of Lot #2

Motion by LaTourelle and second by Tate that Minor Sub-Div. split of Lot 2Circle Estates be granted. All-Aye.

Resolution B-983 petition to annex Landoe Property 1.73 acres and permission to Hook-up to sewer if available before annexation. Motion by Lantz and second by Gary Stephens to approve annexation All-Aye.

Special Events Permit Babe Ruth Tournament

Motion by LaTourelle and second by Stephens permit be approved. All-Aye.

July 5, 1983 cont.

Birch Point Construction Permit Lot 13

Councilwoman LaTourelle explained the reason for the length of dock was because of low water and large rocks. Motion by LaTourelle and second by Stephens that the 45 foot dock plus and 8 foot extension be allowed. All-Aye except Tate who voted no.

Council Table Talk

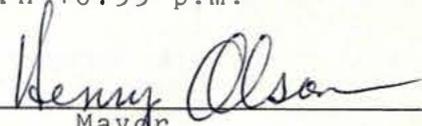
Councilwoman Tate reported on a man cooking his dinner on Central Ave also Big Vans unloading on Central Ave instead of in alley. Suggesting foot patrolmen could stop some of the problem.

Councilman Russ Ramlow reported that since the meetings were running overtime that he felt table talk should be on agenda. He also stated that he took exception to the comments made by Mike Richards on the handling of Wedgewood Sub-Division.

Councilwoman Tate complimented Manager Don Morrison on the Riverside Park, on how nice it looks this year.

Mayor Olson clarified his position on Post Office site and asked Councilwoman LaTourelle if she would spear head input and site plans on new office.

Motion by Lantz and second by Tate to adjourn 10.55 p.m.



Mayor

ATTEST:



City Clerk

July 18, 1983

Mayor Olson called this meeting to order at 7:00 P. M. All Councilpersons were in attendance except Tate. Also present were City Manager Morrison, Police Chief Sellers, Asst. Fire Chief Hegland, Public Works Director Fredrickson.

Purpose of the meeting was to meet with Department Heads on Preliminary Budget requests and to adopt the Preliminary Budget.

City Manager presented the Preliminary Budget for 83-84 fiscal year. The General Fund budget - 88 all purpose mills (including 3 mills for police pension) and 4 mills for fire disability.

Department Heads explained requests and Council reviewed and suggested changes.

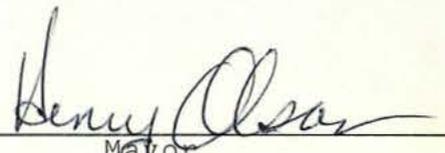
After much discussion it was MOVED BY CACIARI to adopt the Preliminary Budget excluding the 3 mill increase.

Motion died for lack of a second.

Caciari went on record as apposing any increase in the Mill Levy.

Motion Lantz second LaTourelle, to adopt Preliminary Budget and all City Specials., (B-986, Light 1, B-987 Light 4, B-988 Snow Removal, B-989 SID 132, B-985 Delinquent Water Rentals and B-984 Garbage.) All voted aye except Caciari who said no. Motion Carried 4 to 1.

Adjourned 11:00 P.m.



Mayor

Attest;



City Clerk

An Executive Meeting was called after the Committee Meeting.
Council and Administrator discussed progress of negotiations
with the Union.

Adjourned 11:55 P. M.

Henry Olson
Mayor

Attest:

Ray Boller
City Clerk

8-1-83

3:00 P. M.

Bid Opening on water materials.

Present were Public Works Director Frederickson and Water Supervisor Acton.

Three bids were received and opened.

Western Utilities

Total bid: \$ 27,062.09
10% bid bond received - addendum #1 acknowledged

ITT GRINNELL

Total Bid: \$26,729.50
10% bid bond received - no Addendum #1

WATERWORKS INDUSTRIES

Total Bid: \$25,924.00
10% bid bond received - Addendum acknowledged

After taking under advisement Waterworks Industries was awarded the bid.

Henry Olson
Mayor

Attest:

Ray Boller
City Clerk

August 1, 1983

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All ~~Aldermen~~ ^{Councilmen} were present except Ramlow.

Also present were Building Inspector Berg, Police Chief Sellers, Public Director Fredrickson, City Manager Morrison and City Attorney Fisher.

The minutes

Motion LaTourelle second Lantze to approve the minutes of the previous meetings. All voted aye.

ADMINISTRATIVE REPORTS AND REQUESTS

City Manager Morrison gave an update on grant status of LWCF GRANT, Tree planting grant, HUD CDBG Jobs Bill application and HUD CDBG Comprehension application.

City Beach grant would be started soon, with the City matching funds, on everything except machinery and equipment.

The city did not qualify for the Jobs Bill.

State Parks department jobs bill for parks application due August 12th. Council requested City Administrator to apply.

The CDBG Comprehension Application - the City would not hear outcome until later in the fall.

REPORT ON NEW SHOP

The City Engineer and water/sewer Superintendent reported on plans and costs of Public Works Center, south of town. (Old dump road)

They said there was a need for the facility, it would incorporate the Water/Sewer, Street & Alley departments and the mechanic. Incorporation of departments into one building would result in about 10% savings on heat bills.

Cost of building to date: \$90,979.79, which exceeded budget due to increased NBC snow load requirements that had not taken more time to review

Councilman Caciari voiced concern on the Council not being informed on the building. He said the new building was much more than Council had been informed about. He said they thought it would be a storage building for pipe, etc. Felt there was a definite lack of communication and suggested administration and Council work more closely together in the future.

PENDING BUSINESS

Public Hearing - Lot 2 Block 6 Whitefish 5 acre tracts (Birch Grove) ^{Annexation}

Mayor Olson opened the Public hearing .

Fire chief Maddux said the fire department felt there was a definite need for an access thru the subdivision for emergency equipment.

Mayor Olson closed the hearing and turned over to the Land Use Committee for review and recommendation.

Public Hearing Lot IABB E $\frac{1}{2}$ SE $\frac{1}{4}$ (Landoe Property)

Mayor Olson opened the public hearing and as there was no public input he closed the hearing.

Resolution B-993 Annexing the Landoe Property.

Motion Lantz to adopt Resolution B-993, annexing the Landoe property. Stipulation: City Resolution B-821 (Sewer Transmission Line Extension Policy) be followed. Second Tate. All voted aye.

Resolution B-997 - Extension of Services Plan.

After discussion it was MOVED BY STEPHENS to adopt Resolution B-997, extension of services plan. Second LaTourelle. All voted aye.

Mayor Olson turned Resolution B-997 back to the Land Use Committee for further study and refinement, possible

August 1, 1983 cont.

Dr. Petty inquired about extension of city sewer outside the city limits.

The ^{current version of the} Extension of Services plan does not permit hook-ups outside city limits, but the ^{committee would continue to evaluate that possibility,} ~~but the~~

RESOLUTION B-996, update of Montana Public Works Specifications and Whitefish City Construction Design Criteria.

Motion Stephens to adopt Resolution No. B-996, adopting standard engineering and construction specifications for city works projects and uniform contract forms and documents. Second LaTourelle. All voted aye.

Mayor Olson referred Section #2 of design criteria back to the Land Use Committee.

NEW BUSINESS

Resolution B-994, Petition to annex Widener Property Wisconsin Avenue.

Motion Stephens to adopt Resolution B-994, A Resolution of Intent to consider annexing Tr 7LB, (Widener Property, 2 acres on Wisc. Ave.) Second Caciari. All voted aye.

RESOLUTION NO. B-995, set hearing date for annexation of contiguous and wholly surrounded property.

Motion Stephens to adopt Resolution B-995, a Resolution of the intention to consider annexing certain contiguous tracts (wholly surrounded by city limits and waiver of protests property) hearing date to be October 3, 1983. Second Tate.

After discussion Stephens withdrew his motion and Tate her second.

Motion Stephens to adopt Resolution B-995, with Section 1 amended to read contiguous or wholly surrounded tracts. Second Tate. All voted aye.

Resolution No. B-998, Waiving Primary Election.

Motion Lantz to adopt Resolution No. B-998, finding and therefore ordering that the primary election set for September 13, 1983, for the election of Councilmen and Mayor need not be held. Second Stephens. All voted aye.

PETITION TO ABANDON A PORTION OF 7TH STREET

Motion Lantz to set the hearing date of the abandonment of a portion of 7th street for the next regular Council meeting. September 6, 1983. Second LaTourelle, All voted aye.

GOLF COURSE REMODEL

Motion LaTourelle to approve the remodeling project at the Golf Course per the Golf Course Master Plan. Second Lantz. All voted aye.

PETITION TO ANNEX MILT SLOAN PROPERTY

(1013 E. 7th Street, Tr. IGAC & IH approx. 2 1/2 acres.)

Motion Lantz to adopt Resolution B-999, A Resolution of the intention to consider annexation of the Milt Sloan property using the long form of annexation. Second LaTourelle. All voted aye.

Mayor Olson referred this annexation over to the Land Use Committee for study.

COMMITTEE REPORTS

Councilman Caciari requested City Administrator report cost of remodeling City Hall next Council meeting.

Caciari also reported more Police patrol was needed at City Beach. He felt Police were not issuing tickets to violators like they should.

Councilman Stephens requested to attend the next Union negotiation meeting.

Stephens also reported the clean-up after the street dance left a lot to be desired.

August 1, 1983 cont.

He thought both the Chamber and the City should try to alleviate the problem.

Bart Smith voiced concern on the procedures used to pass the Golf Course remodel. He thought the public should be better informed.

Motion Lantz second Caciari to adjourn 8:59 P. M. All voted aye.

Mayor

Attest:

City Clerk



August 1, 1983

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Councilmen were present except Ramlow.

Also present were Building Inspector Berg, Police Chief Sellers, Public Works Director Fredrickson, City Manager Morrison and City Attorney Fisher.

MINUTES

Motion LaTourelle second Lantz to approve the minutes of the previous meetings. All voted aye.

ADMINISTRATIVE REPORTS AND REQUESTS.

City Manager Morrison gave an update on grant status of LWCF Grant, Tree planting grant, HUD CDBG Jobs Bill application and HUD Comprehensive application.

City Beach grant would be started soon, with the City Matching dollar for dollar in force account labor.

The city did not qualify for the jobs bill.

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They said there was a need for the facility, it would incorporate the Water/sewer, Street & Alley departments and the mechanic. Incorporation of departments into one building would result in about 10% savings on heat bills.

Cost of building todate: \$90,979.79, which exceeded budget due to increased UBC snow load requirements.

Councilman Caciari voiced concern that the Council had not taken more time to review the building proposal. He said the new building cost more than Council had appropriated. He said his impression was that it would be a storage building for pipe, etc. He suggested administration and Council work more closely together in the future.

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Mayor Olson turned the Extension of Services Plan back to the Land Use Committee for further study and possible refinement.

August 1, 1983 cont.

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PETITION TO ANNEX MILT SLOAN PROPERTY

(1013 E. 7th Street, Tr. IGAC & IH approx. 2½ acres.)

Motion Lantz to adopt Resolution B-999, A Resolution of the intention to consider annexation of the Milt Sloan property using the long form of annexation. Second LaTourelle. All voted aye.

Mayor Olson referred this annexation over to the Land Use Committee for study.

COMMITTEE REPORTS

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August 1, 1983 cont.

He thought both the Chamber and the City should try to alleviate the problem.

Bart Smith voiced concern on the procedures used to pass the Golf Course remodel. He thought the public should be better informed.

Motion Lantz second Caciari to adjourn 8:59 P. M. All voted aye.

Henry Olson
Mayor

Attest:

Kay Baker
City Clerk

August 3, 1983

BUDGET HEARING: 1983 - 1984 Budget.

Councilman Caciari called the Budget Hearing to order at 7:15 P. M.

Present were LaTourelle, Stephens, Caciari.

Also present were Police Chief Sellers, FireChief Maddux, City Engineer Fredrickson.

PUBLIC COMMENT

Stanley Dye complimented the city Administrator on the preparation of the Budget.

Mr. Dye also: suggested the city protest the County Road Tax (12mills) questioned several items in the budget, suggested the Mayor and Council be paid for their services, questioned the new building and city hall remodel.

City Manager Morrison answered most of Mr Dyes questions to his satisfaction.

Chuck Rhodes, Sheriff of Flathead County spoke to Council on switching from low band to high band radio frequency for all law enforcement and fire depts. in the valley, and summarized the advantages of the high band.

Robert DePratu spoke in support of the fire department budget and also supported the high band change.

Claire Strickler, Dave Jamieson, Susan Abell and Bob McLeod all spoke on the parks budget.

Bart Smith said he had received comments from the public on the streets, his impression was that people would not object to a mill increase if the streets would be fixed. He also thought a more simplified budget should be prepared so every one could understand it.

Rich Hauffman inquired about the garbage budget.

Firechief Maddux spoke in support of the high band radio change, and requested Council not change the fire department requests.

City Manager Morrison explained to the Council why he requested a 1 mill increase for Police Pension.

Jack Faessler inquired about the street department budget and thought more should be done to improve the streets of the city.

Council informed him the streets were number one priority for this year.

This hearing will be continued to August 8, 1983, at 7:00 P. M.

9:45 P. M.

Kay Baker city clerk

Henry Olson Mayor

August 8, 1983

CALL TO ORDER AND ROLL CALL

Mayor Olson called the Hearing to order at 7:00 P.M. All Councilpersons were in attendance.

Mayor Olson continued the Budget Hearing for public comment.

Stan Dye suggested running the City by objective.

There were no additional comments from the public so Mayor Olson closed the public portion of the Hearing.

COUNCIL BUDGET DISCUSSION

Gregg Acton, Water/Sewer supervisor, requested an additional \$8,000.00 from Water Depreciation to be transferred into water operating for capital improvements. He explained the Parkway project they were working on required more pipe than the water map showed and they would not have enough budget to finish all projects anticipated.

Motion Caciari to allow this request and increase water operating \$8,000.00 (to be transferred from Water Depreciation). Second Stephens. All voted aye.

Councilman Stephens gave a summary of items totaling \$73,469.00 he felt could be cut from several departments and transferred to the Street and Alley department for road materials.

After Council discussion IT WAS MOVED BY STEPHENS, \$18,000.00 General Fund and the \$32,000.00 for Police radios in Revenue Sharing be transferred to the Street & Alley Department for road materials. Second Caciari. Lantz no, Ramlow no, Caciari aye, Stephens aye, LaTourelle no, Tate aye. Mayor Olson broke the tie vote by saying no. Motion defeated 4 to 3.

Motion Ramlow \$22,000.00 General Fund and \$10,000.00 Revenue Sharing be transferred to the Street & Alley Department for road improvements. Second Tate. Tate aye, LaTourelle aye, Stephens no, Caciari no, Ramlow aye, Lantz aye. Motion carried 4 to 2.

\$10,000.00 RIFLE CLUB REPLACEMENT MONEY.

Motion Caciari \$10,000.00 be taken out of the reserve to be used for Riverside Park. Second LaTourelle.

Motion Lantz to amend the motion: the \$10,000.00 to be held until after the tax check is received in December to assure having the reserve for the 3rd and 4th quarters. Second Tate. All voted aye.

All voted aye to the original motion.

Motion Stephens second LaTourelle the \$4000.00 due from the Big Mountain in April be placed in a newly created fund called "Sewer Treatment Plant Improvement Fund". All voted aye.

Motion Stephens that \$24,619.00 of Parkland Acquisition money be placed on a non budget status. Second LaTourelle. All voted aye.

COUNCIL ACTION

Motion Lantz second Caciari to adopt following Resolutions:

- B-985-Delinquent water - sewer
 - B-991-Adopting Special Assessments
 - B-984-solid waste Assessments
 - B-986-Residential lighting
 - B-987-Commercial Lighting
 - B-988-Snow removal
 - B-989-SID 132 & Sprinkling
- All voted aye.

RESOLUTION NO. B-992-ADOPTING THE BUDGET

Motion Lantz to adopt Resolution No. B-992, adopting the budget with proposed changes. Second LaTourelle. All voted aye except Stephens who said no. Motion carried 5 to 1.

August 8, 1983 cont.

ORDINANCE NO. A-428 - Adopting salary schedules in the budget.

Motion Tate to adopt Ordinance A-428. Second Lantz. All voted aye except Stephens who said no. Motion Carried 5 to 1.

RESOLUTION NO. B-990, Setting Mill Levy.

Motion Lantz to Adopt Resolution B-990, setting the Mill levy at 86.25 mills. Second Ramlow. All voted aye.

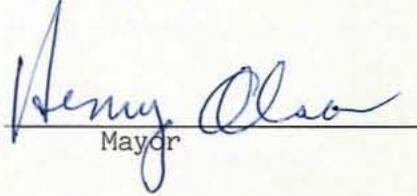
OTHER

SPECIAL EVENTS PERMIT-Chamber of Commerce approved for August 19. Chamber requested change one day either the 18th or 20th.

Motion Ramlow to allow the Special Events permit to be changed one day. Second Tate. All voted aye.

Motion Lantz second Ramlow allowing Councilman Stephens permission to leave the state the 19th thru the 23rd of August. All voted aye.

Motion Caciari second Tate to adjourn 9:48 P.M.



Mayor

ATTEST:



City Clerk

August 17, 1983

Mayor Olson called this special meeting to order at 10:00 A. M. , Councilpeople in attendance were, Lantz, Caciari, Ramlow, LaTourelle and Tate.

PURPOSE OF THE MEETING: to take immediate action on the Street & Sanitation Committees recommendation to proceed with an automated Garbage system-specifically the Heil System.

Council discussed the proposal of H-C-L Equipment on the Heil System. There would be 1 new unit and 1 back-up unit (used) plus all the containers. Total Cost -\$223,776.00.

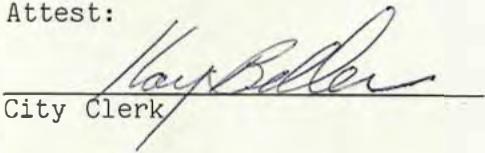
After Council discussion IT WAS MOVED BY LATOURELLE, Second Lantz to go with the Heil System. All voted aye.

Adjourned 10:41 A. M.



Mayor

Attest:



City Clerk

September 6, 1983

The regular meeting of Whitefish City Council was held on the above date with Mayor Olson presiding. All council members were present except for Stephens.

Also present were City Manager Don Morrison, Police Chief Sellers, Building Inspector Harry Berg, Public Works Director Sid Fredrickson and Attorney Leo Fisher.

MINUTES

Minutes were typed and distributed and approved.

ADMINISTRATIVE REPORTS & REQUESTS

City Manager Morrisons letter to the Council requesting Sid Fredrickson be put in charge in his absence was approved by a motion by Ramlow and seconded by Caciari. All aye.

Ramlow reported on the progress of the Public Safety Committee on the parking problems in downtown area. They will schedule another meeting after receiving more input.

Helen Tate reported on the two lights out on Central & 2nd Street. Since they are Highway Dept. Lights Mayor Olson will confer with Hal Bennett on the problem.

City Manager Morrison reported on the set backs of Riverbend Condo's and what constituted property line in case of future developments.

Attorney Fisher explained average mean high water and high water and navigatable waters. Attorney Fisher suggested that this should be included in the Lakeshore Preservation Act.

Manager Morrison also reported on the Parking Facilities and possible encroachment on Miles Ave.

A report was given on the progress with State on the Problem of Trucks turning on the corner of Spokane and 2nd Street. Several alternatives were suggested, such as moving light back, painting curb yellow all along First Federal, cutting back curb 3 or 4 feet along Town Pump Station. The State will get back to city on what their engineers have decided.

Tate reported the problem of children and traffic. LaTourelle reported that the school is having a 60 day trial of alternative busing and loading to alleviate the problem. Tate also reported on the problem of traffic at Safeway suggesting alternate exits and entrances.

Disposition of Park Plan was turned over to the Culture Committee who will attend Park Committee meeting on Wednesday.

PENDING BUSINESS

Manager Morrison reported that he has a request for a Business License for a horse drawn sleigh and wagons, and asked for council input. The matter was turned over to Ordinance Committee for recommendation.

Manager Morrison asked the Council what to do about exacuting contracts. Attorney Fisher read the Charter and stated that contracts are exacuted by the manager with Council approval.

BIRCH GROVE SUB-DIV. ORDINANCE A-429

Motion by Lantz and seconded by LaTourelle to pass Ordinance A-429 Birch Grove Sub. Div. annexation with services to be provided as outlined in the annexation report; property owners to waive the right to protest any future Special Improvement District; all improvements to meet city specifications. All aye.

Motion by Lantz and seconded by LaTourelle to approve Preliminary Plat with a 30 foot utility and emergency access easement between cul-d-sacs, linking Wisconsin and Colorado Avenues to be kept open year-around by property owners;

September 6, 1983 Cont.

with all recommendations of the City-County Planning Board except that there will be cash-in-lieu of park land dedication; with streets privately maintained until taxes generated from the development are sufficient to offset the cost of maintenance. All aye.

RESOLUTION B1001

Motion by Cacairi and seconded by LaTourelle that B-1001 annexing the Widener property be approved. All aye.

SLOAN PROPERTY

The hearing on Milton Sloan property at 1031 7th Street was tabled at the request of the owner.

WAINER PROPERTY ANNEXATION REPORT

Motion by Lantz seconded by LaTourelle to accept annexation report. All aye.

RESOLUTION B-1002

Motion by LaTourelle and seconded by Tate to adopt Resolution B-1002 Public Work Design Criteria. All aye.

Motion by Lantz and seconded by Ramlow to accept agreement of Abandonment of 4ft. x 50 ft. long strip along 7th street. All aye.

NEW BUSINESS

Asphalt Chip Seal. Sid reported on Bids for Asphalt Chip Seal, a motion by LaTourelle and seconded by Lantz to award contract for application to American Asphalt for \$47,265.00. All aye.

Back Hoe. Motion by LaTourelle and seconded by Tate to execute contract for Lease, Purchase of Back Hoe to Davies Machinery (John Deere) for the sum of \$44,841.85 for 5 years at 8% interest. Total financed amount \$51,994.15. All aye.

RESUB. OF LOT 6 BLOCK 8 NW CORNER OF WAVERLY & IOWA

After a short discussion of the merits of accepting 8 foot strip of land for a future alley. A motion by LaTourelle and seconded by Lantz to accept ReSub with recommendations of City County planning Board. All aye.

PRELIMINARY PLAT VIKING

On recommendation by Attorney Fisher on conditions on passing a final Plat it was turned over for further study by committee.

STATE MODEL DIV. ORDINANCE A-430

Motion by Lantz and seconded by LaTourelle to accept Ordinance A-430 on first reading. All aye.

Hurly Lakeshore Permit

Motion by Tate and seconded by LaTourelle that Lakeshore permit to add gravel to lakeshore property of Hurly be granted. All aye.

ORDINANCE A-431

Motion by Lantz and seconded by Tate to adopt Amendment on first reading. All aye.

SPECIAL EVENTS PERMIT Summer Games

Motion by Caciari and seconded by LaTourelle to issue Special Summer Games permit. All aye.

RESOLUTION B-1000 Personal Policy Amendment

Was referred to committee.

September 6, 1983 Cont.

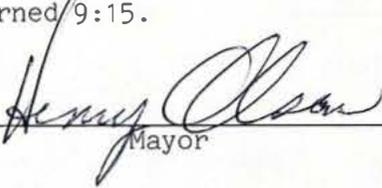
COUNCIL TABLE TALK

Ramlow questioned Sid on the progress on the Golden Agers Sewer problem. Sid explained that they have decided to replace sewer line in the near future and that any future problems would be in there line.

Cacairi reported on the bad conditions that the alleys have been left in after Northwest Telephone systems replaced their lines. Sid to contact phone company & Harp Construction.

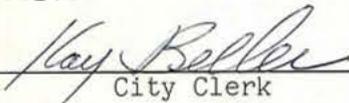
Mayor Olson read letter from United Way requesting the city to designate Oct. 6th United Way Day, referred to next meeting. Also read a letter from the Whitefish Chamber of Commerce commending Manager Don Morrison and the Council on the excellent job they have done on 1983-84 Budget. Mayor Olson asked that Engineer Sid Fredrickson check on noxious weed growing in viaduct area. Mayor Olson reported that he had checked with Postmaster Bob Litchfield on new office progress but he had nothing to report.

Since there was no other Business a motion by Lantz and seconded by Ramlow meeting to be adjourned. All Aye. Meeting adjourned 9:15.



Mayor

ATTEST:



City Clerk

October 3, 1983

10:00 A. M.

Bid opening for 3 C.Y. Front End Loader

Three bids were received.

Day Equipment	Loader-\$76,614.00	Trade - 9,000.00	Base - 67,614.00
Davies, Inc.	" 128,890.00	" 51,254.00	" 77,636.00
Plains Power	" 75,158.00	" 5,000.00	" 70,158.00

The bids were taken under advisement - City Engineer to study and report to the Council.

Adjourned 10:15 A. M.

BIRCH GROVE SUBDIVISION

FINDINGS OF FACT

The WHITEFISH CITY COUNCIL, having considered the preliminary plat for the BIRCH GROVE SUBDIVISION, having held a public hearing thereon and having carefully considered the testimony of all interested persons, does hereby make the following FINDINGS OF FACT:

1. As the CITY OF WHITEFISH continues to grow as a prime residential area, the demand for moderately priced multi-family housing likewise increases. This Subdivision, designed to be served by City utilities, located in an attractive setting and making full use of underutilized property, is found to serve the stated need.

2. Expressed public opinion has been considered, and adjustments to the proposed Subdivision have been made to make the development more compatible with the expressed public opinion. The Subdivision will have no adverse impact on agriculture as it is located on land largely unsuitable for agricultural uses.

3. The proposed Subdivision will gradually place more demand on local services and utilities, which increase will largely be paid for by the property owners at the outset of the subdivision and later compensated for by taxation as the Subdivision is developed.

4. Construction of dwellings, road, and utilities will naturally disrupt, to a large extent, the natural environment of the area. However, this disruption has been minimized by the subdividers' requirements and plans for underground utilities, evenly spaced housing with adequate open space.

5. Residential development of the area will not discourage any wildlife species.

6. The Subdivision will not create any adverse effects on the public health and safety.

DATED this 6th day of September, 1983

By the Whitefish City Council

Henry Olson
Mayor

ATTEST:

Kay Belter
Clerk

VIKING CONDOMINIUM SUBDIVISION

FINDINGS OF FACT

The WHITEFISH CITY COUNCIL, having considered the preliminary plat for the VIKING CONDOMINIUM SUBDIVISION, having held a public hearing thereon and having carefully considered the testimony of all interested persons, does hereby make the following FINDINGS OF FACT:

1. As the CITY OF WHITEFISH continues to grow as a prime recreational area, the demand for resort condominium housing likewise increases. This Subdivision, designed to be served by City utilities, located in an attractive setting and making full use of underutilized property, is found to serve the stated need.

2. Expressed public opinion has been considered, and adjustments to the proposed Subdivision have been made to make the development more compatible with the expressed public opinion. The Subdivision will have no adverse impact on agriculture as it is located on land largely unsuitable for agricultural uses.

3. The proposed Subdivision will gradually place more demand on local services and utilities, which increase will largely be paid for by the property owners at the outset of the subdivision and later compensated for by taxation as the Subdivision is developed.

4. Construction of dwellings, road, and utilities will naturally disrupt, to a large extent, the natural environment of the area. However, this disruption has been minimized by the subdividers' requirements and plans for underground utilities, evenly spaced housing with adequate open space.

5. Residential and recreational development of the area will not discourage any wildlife species.

6. The Subdivision will not create any adverse effects on the public health and safety.

DATED this 3rd day of October, 1983

By the Whitefish City Council

Henry Olson
Mayor

ATTEST:

Ray Bell
Clerk

October 3, 1983

Mayor Olson opened the regular meeting of the Whitefish City Council at 7:00 P.M. in the Hospital Community Room. All Councilpersons were in attendance.

Also present were City Attorney Fisher, City Manager Morrison, Public Works Director Fredrickson, and Asst. Police Chief Herrmann.

MINUTES

Motion Tate second Ramlow to approve the minutes of the September 6, 1983 meeting. All Voted aye.

MAYORAL PROCLAMATION

Mayor Olson proclaimed October 6th as United Way of Flathead County day, and October 3rd thru the 10th as local Fire Prevention Week. National Fire prevention week would also be observed October 9th thru the 15th.

COUNCIL BUSINESS

Ratification of Labor Agreement with AFSCMA #2943

Councilman Lantz reported the Committee recommended approval of the Agreement by a 3 to 0 vote.

Motion Lantz to ratify the Labor Agreement with AFSCME #2943. Second Caciari. All voted aye.

RESOLUTION NO. B-1000: Amendments to Personnel Resolution B-925.

Councilman Lantz reported for the Committee. He said basically amendments pertained to cash compensation, unused leave, GoodFriday & Election days off, Health Insurance to be paid by the City, etc.

Committee recommended adoption with a 3 to 0 vote.

After discussion by the Council it was MOVED BY LANTZ second by Tate to adopt Resolution B-1000. All voted aye.

BUSINESS LICENSE FOR HORSE DRAWN-SLEIGH AND WAGONS.

The Committee recommended issuing a Business License with two (2) restrictions. 1. Use of the Highway to be limited, and 2. Any mess created by the animals would be cleaned up.

Motion Lantz second Caciari to allow the license with the two restrictions. All voted aye.

ALLOCATION OF UNEMCUMBERED PARKS FUNDS TO CITY BEACH GRANT MATCH.

Councilwoman Tate reported the Committee recommended paving parking lot at City Beach using park money allocated but not used for the sewer line at the soccer field. Match would be labor.

Motion Tate second LaTourelle to black top city beach in the spring, funding to be park money allocated but not used for the sewer line at soccer field. All voted aye.

VIKING LAKESHORE INN - Condominum Subdivision and Lakeshore Construction.

Councilman Stephens reported for the Land Use Committee as follows:

LAKESHORE CONSTRUCTION PERMIT was to meet the City County Planning Boards recommendation of 8-23-83, with 6G3 and Marina building to be eliminated, and clarification of 6G2 - detail dock length, material used, etc. Committee clarified: dock to be at same location of existing dock and dock construction must meet all requirements of the City of Whitefish. Committee recommended approval with above conditions.

CONDOMINUM SUBDIVISION - Committee recommended approval of PLAN B with recommendations of City County Planning Board of 8-6-83, with #2, 3, 7A&B, 18 to be eliminated. First Part of #12 eliminated. (City to take cash in lieu of parkland.)

The Viking people were concerned if Plan B was accepted they would not get variances they needed.

October 3, 1983 cont.

City Manager Morrison said the plan as designed would require three (3) variances. 1. set backs. 2. each unit should have 2 parking spaces - they have 1½. 3. there was question on whether the recreation complex should have separate parking.

After much discussion it WAS MOVED BY STEPHENS to grant the Lakeshore Construction permit with the recommendation of the City County Planning Board of 8-23-83, 6G3 and marina building to be eliminated, the dock to be at location of existing dock, dock not to exceed 168' - construction of dock must meet all requirements of the City specifications. Second LaTourelle. All voted aye.

Motion Stephens to approve Condominium subdivision Preliminary Plat -PLAN B - as recommended by the City County Planning Board 8-6-83, with elimination of, #2 - #3 - #7A&B - #18 and first part of #12. Changes in the covenants would have to be approved by the City, and Viking would have to report annually on quality of drainage water. Second Lantz. All voted aye.

SPECIAL-EVENTS PERMIT: Chili Cook-off.

Motion Caciari to allow special events permit for the chili cook-off October 8. Second LaTourelle. All voted aye.

RESOLUTION NO. B-1004: Intent to consider annexation 911 Wisconsin Avenue. (Elmer Smith)

Motion Stephens to adopt Resolution No. B-1004, A Resolution of the intention to consider annexing Lot one (1) of Block One (1) Whitefish Townsite Company's Five Acre Tracts. (Elmer Smith Property, 911 Wisc. Ave.) Second Lantz. All aye.

RESOLUTION NO. B-1005: Intent to consider annexation 105 Colorado Avenue.

Motion Lantz to adopt Resolution No. B-1005, A Resolution of the intention to consider annexing portion of Lot 15 Block 11, of the First addition to Whitefish Townsite Company's Five Acre Tracts. (105 Colorado Ave.) Second LaTourelle. All Voted aye.

RESUBDIVISION LOT 8 BLOCK 6, Riverview and Resubdivision Lot 16 Block 1, Riverside were referred to the Land Use Committee. Council to have special meeting October 17th to consider the two resubdivisions.

ORDINANCE A-431: Amend disturbing the peace - second reading.

Mayor Olson opened the public hearing. There was no public input and the Hearing was closed.

Motion Ramlow to adopt Ordinance A-431 on the second reading. Second Lantz. All voted aye.

ORDINANCE A-430: Adopt update of Model Subdivision Ordinance - Second Reading.

Motion Caciari second LaTourelle to adopt Ordinance A-430 on the second reading. All voted aye.

PUBLIC HEARING: ANNEXATION OF SELECT PARCELS THROUGH PETITION OF THE CITY OF WHITEFISH.

Mayor Olson opened the Public Hearing.

People protesting annexation for various reasons were:

Houston Lakeshore Tracts: Cindy Patterson, Leo Tracy, Roy Duff, Marie Lockhard, Don Slaybaugh, Vern Lindeberg, Mable Ottenbright.

Other: Rex McMurdo - Patton Subdivision, Don Harring, West Lakeshore, Lorraine Torkelson - Hwy 93 West, Jerry Osborne & Royce Satterlee-Reservoir Road, Streichs & Jordons-Glenwood Park, Jerry Hansen, representing McCrackens (4 lots North of Viking), Willow Harris, 5 acre tracts.

Greg Bryan asked how Bay Point would be assessed for taxes, City Manager Morrison explained policy was to charge footage parallel to streets.

Mayor Olson Closed the Public Hearing.

October 3, 1983 cont.

Council would review at meetings of October 17 and final hearing would be November 7th.

ADMINISTRATIVE REPORTS AND REQUESTS.

Public Works Director Fredrickson reported on status of the street projects. He said because of funding and weather it would be spring before majority of work could be done.

BURLINGTON NORTHERN

City Manager Morrison reported the Burlington/^{Northern} called wanting to get on the City sewer for the Round House, etc. Current policy requires annexation to obtain sewer.

Council discussed and felt the annexation policy would remain in force, but that options with the BN should be pursued.

REFUSE SERVICE TO PARKWAY DRIVE.

Citizens at Parkway Drive have requested refuse collection. When annexed it was without garbage service.

Mayor Olson turned this over to the Street and Sanitation Committee.

FINAL PLAT RE-SUBDIVISION OF A PART OF Lot 6 Block 8 of the First Addition to Whitefish Townsite Company's Five Acre Tracts.

Benjamin and Constance Cohen owners.

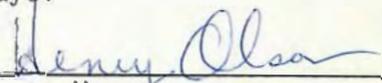
Motion LaTourelle second Stephens to accept the final plat of resubdivision of a part of Lot 6 of Block 8 of First Addition to Whitefish Townsite Company's Five Acre Tracts. All voted aye.

Mayor Olson reported the Golf Association needed to borrow \$45,000.00 to repair the front nine at the Golf Course. If the City would help them borrow the money the interest rate would be a lot lower.

Motion Tate to support the Golf Association.

Died for lack of a Second.

Motion Lantz second Ramlow to adjourn 10:26 P. M. All aye.



Mayor

ATTEST:



City Clerk

October 17, 1983

Councilman Caciari opened this special Council meeting at 7:35 P.M. All council people were in attendance except Lantz. Also present were Building Inspector Berg, City Manager Morrison and Public Works Director Fredrickson.

PURPOSE: Decision on two Preliminary Plats.

Preliminary Plat for resubdivision of Lot 16 Block 1, Riverside Addition, 1009 Columbia Avenue., Bethea.

Motion Stephens to accept the Preliminary Plat for Resubdivision of Lot 16 Block 1, Riverside Addition, 1009 Columbia Avenue, with the recommendations of the Regional Planning Office 9-26-83, #1 & #3 be eliminated and addition of "roadway and private utility easement of 19 feet shall be provided." Second ~~Stephens~~ ^{TRFE} Stephens. All voted aye.

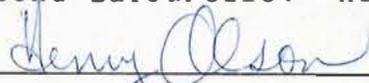
PRELIMINARY PLAT Resubdivision of Lot 8 Block 6, Riverview Addition, 213 W. 7th Street, Cantrall.

Motion LaTourelle to accept the Preliminary Plat for Resubdivision of Lot 8 Block 6, Riverview Addition, as originally presented, with recommendations of Staff Report of Regional Development office of 9-26-83.

1. There should be a driveway access to lot 2 off Seventh Street.
2. All common utility easements should be shown on final plat.
3. A deed, covenant or some other arrangement should be arrived at which specifies how the common utility easements will be maintained. The City should be exempt from such an agreement.

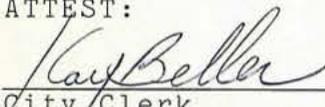
Second LaTourelle. All voted aye.

Motion Stephens to adjourn 7:49 P.M. Second LaTourelle. All aye.



 Mayor

ATTEST:



 City Clerk

October 26, 1983

10:00 A. M.
 Bid opening for High Band Radio Equipment.

Two Bids were received and opened.

General Electric Total package \$35,019.00. With trade of old equipment and 3 options: \$32,000.00.

Motorola, Inc.

Base bid Option #1 35,000.00
 #2 31,404.00
 #3 32,800.00
 #4 31,962.00
 #5 31,962.00

Bids were taken under advisement.

Adjourned 10:20 A. M.

October 31, 1983

BID OPENING COMBINATION SEWER CLEANING MACHINE

10:00 A. M.

Two bids were received and opened.

Flexible Pipe & Tool Co.

Bid Bond: 10,183.20

Base Bid:	114,332.00	Alternate No. 1 & 2: no bid.
Less Trade	10,000.00	
Total	104,332.00	

APR% 11.8% Total Financed amount: 2259.83 per month

PLAINS POWER EQUIPMENT

Bid Bond: 10,000.00

Base Bid:	130,077.00
Less Trade	11,000.00
Total	119,077.00

APR% 11%
Total Financed Amount: 145,208.45

Alternate No. 1: Total amount financed 135,358.95
Alternate no. 2; Total amount financed 121,945.00

Bids were taken under advisement and would be presented to the Council
November 7, 1983.

Adjourned: 10:07 A. M.

December 1, 1983

9:05 A. M.

Purpose of meeting was to open gasoline and diesel fuel bids for the city.

6 bids were received:

Vendor	regular	unleaded	diesel
Grogans	\$1.219	\$1.249	\$.940
Ron Millard			.979
Village Husky	1.230	1.262	
Town Pump	1.159	1.189	
Alpine Market	1.165	1.195	
Stacey Oil	1.219	1.259	.970

Low Diesel Bid: Grogan Tires

Low Gas Bid: Town Pump

Bids would be presented to the Council 12-5-83.

November 7, 1983

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Council members were present.

Also Present were Assistant Police Chief Herrmann, Public Works Director Fredrickson, Asst. City Attorney Erickson, and City Manager Morrison.

The minutes of October 3rd and special meeting of October 17th were approved.

PENDING BUSINESS

Whitefish Peace Alliance Community Portrait.

Chet Hall speaking for the group asked support for their efforts to exchange information with a Soviet sister city in hopes that improved understanding will lessen tension and promote peace. Council requested City Manager write a letter which they would approve and sign.

RESOLUTION NO. B-1006: Annexing wholly surrounded and contiguous properties.

Councilman Stephens reported for the Land Use Committee. The Committee recommended the annexation except for 14 properties which they suggested be eliminated.

Properties are as follows:

PARKHILL: Kenneth & Claudia Melander - Lot 5L and David W & Darlene Long, Lot 5U.

RAMSEY: John & Anne Wallace, W 15' of S220' of 11; S220' 12 Blk 12. Dora L. Wolf, S75' 9, Blk 2.

HIGHWAY 93WEST: Lorraine B. Torkelson, TR IABD, Curtis Denning, TR IBAA.

Glenwood Estates: Edwin W. & Mary Jordan Lot 6, Glenwood #1, William Richard Spicker & Emily Spicker, Lots 7-8-9 Glenwood #1.

FIVE ACRE TRACTS: Brandy Land Co., Lot 8 of Blk 2, Jacque R. & Willo M. Harris Tract 3 & 3B.

RESERVOIR ROAD: Gerald M. Osborne, Royce E & Ruth A Saterlee, Stanley J & Leone I. Walker.

Motion Stephens to adopt Resolution No. B. 1006, annexing the contiguous or wholly surrounded tracts or parcels of land, with exceptions as stated above. Second LaTourelle. Ramlow aye, Lantz aye, Caciari aye, Stephens aye, LaTourelle aye, Tate aye. Motion carried 6 to 0.

Time frame for properties to hook to water and sewer was turned over to the Water and Sewer Committee by Mayor Olson.

PUBLIC HEARING MILT SLOAN ANNEXATION

Mayor Olson opened the Public Hearing and there was no public input the Hearing was closed, Mayor Olson turned back to the Land Use Committee for their final recommendation.

ANNEXATION REPORTS

November 7, 1983 cont.

ANNEXATION REPORTS

MORAN PROPERTY AT 105 Colorado Avenue.

The Land Use Committee recommended to accept the annexation report with three (3) additions.

1. Usage of Woodland to be addressed, additional easement on the North Boundary.
2. Water line be extended thru access easement, and easement be private.
3. The private resident to hook to the sewer line in 1 year.

Motion Stephens to accept the Annexation Report for Moran with the additions listed above. Second LaTourelle. All voted aye.

SMITH PROPERTY Lot 1 of Block 1 of Whitefish Townsite Company's Five Acre Tracts.

The Land Use Committee recommended to accept the Annexation Report with condition existing resident hook onto city sewer in one (1) year.

Motion Stephens to adopt the Annexation Report with the one (1) addition listed above. Second Tate. All voted aye.

MEMORIAL PARK AGREEMENT WITH SCHOOL DISTRICT.

Council discussed this agreement and requested No. B Grant the School exclusive use of the football field, be corrected to read: Exclusive use of the football field during football season.

Motion Tate to accept the Agreement with the School District with the one Correction stated above. Second LaTourelle. All voted aye.

CENTRAL AVENUE PARKING

Councilman Ramlow reported the Safety Committee recommended changing the angle of parking on Central to parallel parking, on a split vote.

After Council discussion IT WAS MOVED BY CACIARI to change the angle of parking to parallel parking on Central Avenue. Second Tate.

Motion Lantz to amend the Motion to include: to be implemented 7-1-84. Second Caciari. Ramlow aye, Lantz aye, Caciari aye, Stephens no, LaTourell no, Tate aye. Amendment to the Motion carried 4 to 2.

Vote on the original Motion was: Ramlow no, Lantz aye, Caciari aye, Stephens no, LaTourelle no, Tate aye. Mayor Olson broke the tie vote by voting no. Motion was defeated 4 to 3. The angle parking would remain in effect.

Mayor Olson asked the Chamber of Commerce to help with the parking problem.

FINAL PLAT Lot 2 Circle Estates

Resubdivision of Lot 2, Circle Estates.

Motion LaTourelle to accept the Final Plat of Lot 2 Circle estates. Second Stephens All voted aye.

NEW BUSINESS

SUNCREST PHASE 11 PLAT AND SID APPROVAL EXTENSION

Developers asked for a 2 year extension to the plat and SID approval.

Motion Tate to grant this request and extend until 12-31-85. Second LaTourelle. All voted aye.

~~RYMER~~ EXTENSION to sewer hook-up requirement.

24 Colorado Avenue.

Motion Stephens to give Mr. rymer a 1 year extension to hook-on to the city sewer. Second LaTourelle. All voted aye.

UPDATE ON POSTAL FACILITY PLANNING

November 7, 1983 cont.

UPDATE ON POSTAL FACILITY PLANNING

Councilwoman LaTourelle said she would compile all input received on the preliminary plan of the Post Office and present it to the Council at a later date.

ADOPTION OF RIVERSIDE PARK MASTER PLAN

Mayor Olson turned this over to the Parks Committee to study and report back to the Council.

ADMINISTRATIVE REPORTS AND REQUESTS

REPLACEMENT OF 1974 AMBULANCE

City Manager Morrison and Fire Chief Maddux explained the need for a new ambulance and stated by the time the ambulance would be received the Fire dept. would have the funding.

Motion Ramlow the Fire Department and City Manager be allowed to proceed with replacing the ambulance, to be budgeted in 84-85. Second Tate. All voted aye.

METER READER CONTRACT

Motion Lantz to approve the agreement between the City of Whitefish, and Karen Zwisler, for reading water meters. Second Ramlow. All voted aye.

DOWNTOWN WHEELCHAIR RAMPS

The placement of additional wheelchair ramps was turned over to the Public Safety Committee by Mayor Olson.

WESTERN RESCUE JOURNAL AD

The Western Journal Rescue Magazine would like the Council to buy an ad for \$100 to support the Journals efforts to teach boy scouts and others outdoor survival skills.

Council said no.

LOADER AND SEWER VAC BIDS

Public Works Director Fredrickson explained the bids received for the loader and sewer vac. He recommended Council approve the purchase from Plains Power.
Loader: \$70,158.00 Sewer Vac: \$119,077.00

Fredrickson and city Manager Morrison requested permission to proceed with the purchase and financing.

Motion Caciari to give City Administration authority to proceed with the bids: Purchase and financing for both the Front Loader and the Sewer Vac. Second Tate. All voted aye.

ANNUAL CHRISTMAS BANQUET

City Manager requested Council to authorize a City Christmas Banquet to be held December 2nd.

Motion Ramlow authorizing this request. Second Lantz. All voted aye.

ROAD ABANDONMENT - WEST FIRST STREET

Morrison explained a realtor asked for abandonment of river portion of undeveloped first street - west of river.

Staff recommended Council disapprove this request.

Council stated they did not want this portion of First Street abandoned.

SET PUBLIC HEARING FACILITY PLAN UPDATE

Motion Stephens to set the Public Hearing on the Facility Plan update for December 5th. Second LaTourelle. All voted aye.

IRB INDUCEMENT RESOLUTION NO. B-1007

November 7, 1983 cont.

IRB INDUCEMENT RESOLUTION NO. B-1007

Don Jensen property -Hwy 93 South next to McDonalds - 22 acres.

Gary McDermitt speaking for developers gave a summary review of the proposed \$8,000,000 project. McDermitt said they planned a theatre, grocery store, drug store, department store, restaurant and Ice skating rink. He requested Council to adopt Resolution B-1007 setting Public Hearing date for December 5, 1983.

Councilman Stephens objected to Council considering IRB's for a shopping Mall.

After discussion it was moved by LaTourelle, second Lantz to adopt Resolution No. B-1007, Setting Public Hearing for December 5th on the issuance of \$8,000,000 Industrial Revenue Bonds. Ramlow aye, Lantz aye, Caciari aye, Stephens no, LaTourelle aye, Tate aye. Motion carried 5 aye votes to 1 no vote.

OTHER

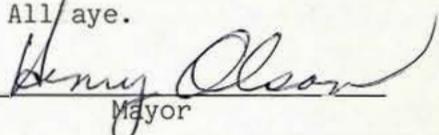
Councilman Lantz requested to be out of the State the 16th thru the 30 th.

Motion Ramlow to authorize this request. Second Tate. All aye.

Councilwoman LaTourelle requested to leave the State the 9th thru the 21st.

Motion Lantz second Tate authorizing this request. All aye.

Motion Tate to adjourn 9:56 P. M. second LaTourelle. All aye.



 Mayor

ATTEST:



 City Clerk

December 5, 1983

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. All Council members were present.

Also present were Police Chief Sellers, Public Works Director Fredrickson, City Attorney Fisher and City Administrator Morrison.

The minutes of the November 7th meeting were approved.

PENDING BUSINESS

Big Mountain Mall Industrial Revenue Bond Application.

Developers presentation.

Carolyn Watkins gave the presentation of the Mall and requested Council approve the Resolution authorizing the IRB's. Gary McDermitt, accountant for the Developers answered questions and explained financing.

Mayor Olson opened the Public Hearing.

People speaking at the hearing were: Roger Johnston, Claire Strickler, Larry O'Shaughnessey, Don Jensen, Jeff Harvey, Steve Williamson, Neal Halprin, Deanna Frizelle, Jerry Hansen, Bob DePratu, Kurt Grass, Dave Jaimesson, Dick Christiansen, Porter Giffore, Ima Johnson,

Mayor Olson closed the Public Hearing.

After Council discussion it was moved by Lantz to adopt Resolution B-1008, authorizing the Industrial Revenue Bonds. Second Ramlow. Ramlow aye, Lantz aye, Caciari aye, Stephens no, LaTourelle aye, Tate no. Motion carried 4 to 2.

ANNEXATION ORDINANCE A-432, Milt Sloan

Motion LaTourelle to adopt Ordinance A-432, with stipulations of Regional Office dated 9-23-83. Second Lantz.

After Council discussion: Lantz withdrew his second and LaTourelle withdrew her Motion.

Motion LaTourelle to adopt Ordinance A-432, annexing the Milt Sloan property. Second Tate. All voted aye.

SMITH PROPERTY 911 Wisconsin Avenue.

Public Hearing

Mayor Olson opened the Public Hearing, and as there was no comment he closed the Hearing, and turned this annexation and Preliminary Plat for resubdivision over to the land use Committee.

MORAN PROPERTY at 105 Colorado.

Public Hearing

Mayor Olson opened the Public Hearing and as there was no comment he closed the hearing and turned the annexation and Preliminary Plat for resubdivision over to the Land Use Committee.

PUBLIC HEARING: Amendment to the Whitefish Sewer Facilities Plan.

Mayor Olson opened the Public Hearing.

City Manager Morrison and Public Works Director Fredrickson gave a brief summary of the amendment.

Mayor Olson closed the hearing.

Motion Caciari to adopt the Amendment to Whitefish Sewer Facilities Plan. Second Stephens. All voted aye.

ADOPTION OF RIVERSIDE PARK DEVELOPMENT PLAN AND WHITEFISH PARKS MASTERPLAN.

Whitefish Parks Masterplan

Councilwoman Tate asked Council to consider adopting Draft #2 as submitted by the Committee of the City County Planning Board. She said the draft consisted of a review of the parks and potentials - mainly she said it was a guide book.

December 5, 1983

Motion Tate second LaTourelle to adopt Draft #2 as submitted by the Committee of the City County Planning Board (Whitefish Parks Masterplan). All voted aye.

Riverside Park Development Plan

Councilman Stephens reporting for the Parks Committee said the park would be developed in 3 phases.

1. Property along Baker to west side of the Tennis Court.
2. Along river and in front of the pond.
3. Back area around the pond.

Phase 1 would include the parking lot, underground sprinkling system, landscaping, etc.

#2 Landscape, sprinkling system, low level lighting and add rest rooms.

#3 Landscape (not in marsh area) build back to a skating rink.

Financing was discussed and the \$10,000.00 from the rifle club building was considered, along with donations from civic organizations.

Motion Tate to adopt the Riverside Park Development Plan. Second LaTourelle. All aye.

Councilwoman Tate requested letters be sent to Mr. Verma, City County Planning Board, Parks Board for the work they had done on this plan.

CORRECTION

City Attorney Fisher explained the Amendment to the Whitefish Sewer Facilities plan would have to be adopted by Resolution and not by Motion as done earlier in the meeting.

Motion Caciari to adopt Resolution B-1010, adopting the Amendment to the Whitefish Sewer Facility Plan. Second Ramlow. All voted aye.

RESUBDIVISION OF W $\frac{1}{2}$, LOT 16 BLOCK 1, RIVERSIDE - FINAL PLAT

City Manager Morrison reported most conditions placed on the Preliminary Plat had been met. The utilities and roadway were not completed.

Motion Stephens to adopt the Final Plat of Resubdivision of W $\frac{1}{2}$ Lot 16 Block 1, Riverside, Developer to give the City a written guarantee on installation of improvements. Time limit for completion to be three (3) years. Second LaTourelle. All voted aye. Final Plat would not be signed until completed.

NEW BUSINESS

Amendments to Suncrest Covenants.

Harry Brown, requested Council approval to the following amendments to the Declaration of Covenants of SunCrest

1. Article 1 Section 1
The name of the Association has been changed from Sun Crest Maintenance Association to the Sun Crest Home Owners Association.
2. ARTICLE VII SECTION 1
The following sentence has been added to this Section: "Residences constructed in Phase 1 shall be restricted to single-family homes or duplex structures even though current or future zoning ordinances by the City of Whitefish may permit a greater density."
3. ARTICLE VIII Section 5
The prior Section has been deleted in full. The new Section reads: "No building constructed hereunder shall exceed 35 feet in height as measured and calculated within the terms of the Whitefish Zoning Ordinance."

Motion Caciari to approve the amendments as presented in letter dated 12-9-83. Second LaTourelle. All voted aye.

RESOLUTION # B-1009: Intent to consider annexation of .206 acre-addition to Landoe property near Forest Service Bldg. Hwy 93 West.

Motion Lantz to adopt Resolution B-1009, A Resolution of intent to annex .206 acre, addition to the Landoe property - Hwy 93 W. Second Ramlow. All voted aye.

December 5, 1983 cont.

SPECIAL EVENTS PERMIT - WINTER CARNIVAL

Motion Tate to allow the special events permit for Winter Carnival. Second Caciari. All voted aye.

APPOINTMENTS TO PLANNING BOARD

Motion Caciari to appoint Chuck Abell and Mike Jensen to the City County Planning Board Second LaTourelle. All aye.

Mayor Olson appointed Jan Brunk for a 2 year term and Pat jarvi for a 1 year term.

Motion Stephens, Chuck Abells term be for 2 years and Mike Jensens term be for 1 year. Second LaTourelle. All voted aye.

ADMINISTRATIVE REPORTS AND REQUESTS

The Annual Fuel Bid award was turned over to City Manager Morrison and Staff to make decision.

SEPECIAL ASSESSMENT POLICY for inner-block developments

Mayor Olson turned this over to the Finance Committee to evaluate and bring back to Council.

GREEN THUMB PROGRAM

City Manager explained this program was for low income people over 55 years of age. If the city would draft a job description the Green Thumb Program would pay all the salary of person hired. Council said go ahead as long as this was temporary and would not obligate the City.

SNOW REMOVAL and salt/sanding

Public Works Director Fredrickson briefly reviewed current snow removal procedures and service levels and sanding/salting operatins.

ANNUAL REPORT

City Manager requested permission to publish an annual report of accomplishments of the city for the citizenry of the city. Council approved.

Marty Gilman said there was a meeting the 19th on the Les Mason Park, requested as many to attend as could. Also requested a letter from the city.

City Manager said Governor Schwinden had called Greg Acton and appointed him to the Water and Wastewater Board of Montana.

police Sellers reported on the Radio bids the cityhad received and recommended the City accept bid from Motorola,

Motion Ramlow the city accept the bid from Motorola. Second Lantz. All voted aye.

City Manager Morrison said there would be a meeting 12-12-83 on the Haskill Creek Road to Big Mountain, meeting to be at City Hall.

Greg Acton reported on the problems with Golden Agers sewer line. He said if the city had to install a pump, cost to the city would be approximately \$4000.00. (The Golden Agers say a city inspector forced them to put the sewer in wrong.) Mayor Olson said the Golden Agers should approach the Council on what the problem is and what the city did.

Motion Tate pictures of Past Mayors be put on the walls in the Council room. Second LaTourelle. All aye.

OTHER:

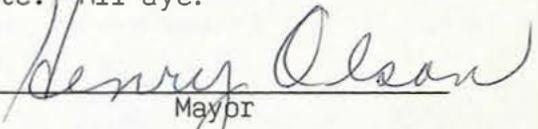
Ed Grogan, representing the Chamber of Commerce presented a cake to Mayor Olson and Councilman Lantz as this would be their last Council meeting. (Also intended for Police Chief Sellers Birthday.)

December 5, 1983 cont.

OTHER:

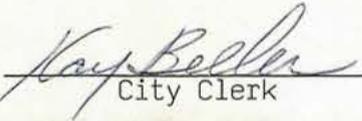
Council Meeting for January to be the 3rd of January.

Motion LaTourelle to adjourn 11:08 P.M. Second Tate. All aye.



 Mayor

ATTEST:



 City Clerk

December 23, 1983

10:00 A. M.

Deputy Mayor Lantz called this special meeting to order at 10:00 A. M.
 Councilmembers present were Tate, LaTourelle, Caciari and Lantz.

Purpose of the meeting was to adopt Resolution B-1011, approving various documents as to form, and the execution and delivery thereof with regard to the issuance of a Principal amount not to exceed \$8,500,000 of its industrial development revenue bonds (Big Mountain Mall Project) series 1983.

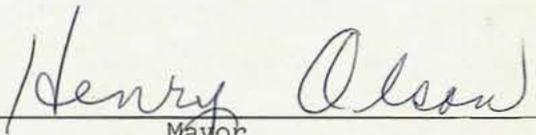
After Council discussion it was MOVED BY CACIARI to adopt Resolution B-1011, with amendments as stated by the City Manager (amend to include the $\frac{1}{2}\%$ due the city) Second LaTourelle. Lantz aye, Caciari aye, LaTourelle aye, Tate no. Motion carried with a 3 to 1 vote.

ANNEXATION OF WHOLLY SURROUNDED PROPERTY

City Manager Morrison explained property owners in Houston & Stocking Tracts had requested to be excluded from the annexation of Wholly Surrounded and waived properties. City Attorneys recommended excluding as the Governor delayed effective date of the law and the city was premature in initiating the annexation.

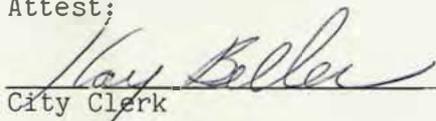
Motion Tate to adopt Resolution B-1012, amending Resolution B-1006, excluding Houston & Stocking tracts with exception of property owners who have signed waivers of Protest. The Houston and Stocking tracts would be taken up at a later date. Second LaTourelle. All voted aye.

Adjourned: 10:25 A. M.



 Mayor

Attest:



 City Clerk

January 3, 1984

The regular meeting of the Whitefish City Council was held on the above date with Mayor Olson presiding. Councilpersons present were: Lantz, Caciari, LaTourelle, and Tate. Absent: Ramlow and Stephens.

Also present were Police Chief Sellers, Public Director Fredrickson, Building Inspector Berg and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of the previous meeting. Second Lantz. All aye.

PENDING BUSINESS

MORAN PROPERTY AT 105 Colorado

The Land Use Committee recommended annexation.

Motion Lantz to adopt Ordinance No. 84-1, annexing the Moran property at 105 Colorado Avenue, effective date to be 1-3-84. Second LaTourelle. All voted aye.

APPROVAL OF PRELIMINARY PLAT (Moran)

The Land Use Committee recommended the resubdivision be approved with the following conditions:

1. The ten (10) inch sewer line shall be extended, prior to development, easterly from its existing point on Woodland Alley to the east boundary of Lot 2; and the water main shall be extended from its existing point on Colorado Ave. to the east boundary of lot 2 prior to development.
2. A seven (7) foot utility easement shall be required along the southern boundaries of lots 1 and 2.
3. All easements shall be shown on the final plat, and shall conform to the City's subdivision Ordinance.
4. The roadway to Lot 2 shall be built prior to or in conjunction with any construction on Lot 2.
5. The applicant shall covenant to construct at least a 40 foot radius turnaround on Lot 2 to provide access for refuse collection. Said driveway shall be paved as required by the City's zoning Ordinance.
6. The applicant shall provide covenants between owners of Lots 1 and 2 to provide maintenance of common utility and roadway easements.
7. All requirements of the City's subdivision, public works construction standards, and design criteria shall be met, including the requirement to install the required improvements or guarantee their installation prior to final plat approval.
8. The preliminary plat approval shall be effective for three (3) years.

After discussion the approval of the preliminary platt was tabled until the Morans could review. They would bring back at a later date.

SMITH PROPERTY at 911 Wisconsin Ave,

The Land Use Committee recommended the annexation be approved.

Motion Lantz to adopt Ordinance No. 84-2, annexing the Smith Property, effective date to be 1-3-84. Second Tate. All voted aye.

APPROVAL OF PRELIMINARY PLAT

The Land Use Committee recommended that the resubdivision of the lot be approved with the following conditions:

1. That all requirements of the City's subdivision Ordinance, public works construction standards and design criteria be met, including the requirement to install the required improvements or guarantee their installation prior to final plat approval.
2. That the applicant waive the right to protest the creation of any future SID which may be required to upgrade improvements in the area to city standards.
3. That a 30 foot utility easement be provided along the entire south boundary of the property.
4. That the sewer line be extended on the east side of Wisconsin Avenue from the North to South boundary of the property, with manholes at each end and a single cross connection to the sewer line on the west side of Wisconsin Avenue.
5. That the water line be extended from its existing location on Wisconsin avenue easterly along the south boundary of the property to a point 250 east of the Southwest point of said parcel.
6. The Preliminary plat approval shall be effective for Three years (3).

January 3, 1984 cont.

Motion Lantz to approve the Resubdivision with the six (6) conditions stated above. Second LaTourelle. All voted aye.

Motion LaTourelle second Tate the annexation be effective immediately (1-3-84). All voted aye.

LANDOE PROPERTY AT HWY 93 WEST

The Land Use Committee recommended annexation.

Motion Lantz to adopt Resolution 84-1, annexing the 50 ft. x 177 ft. addition of the Landoe property. Second LaTourelle. All voted aye.

OTHER

Council approved letter requesting County Designation of Viaduct reconstruction project.

SWEARING IN OF NEW CITY OFFICIALS

Mayor Putnam, Councilwomen LaTourelle and Tate were given the oath of office by City Attorney Fisher, and they took their places at the Council table.

OTHER

Police Chief Sellers reported the study that was done by the Crime control would be explained at the February Council meeting.

Mayor Putnam called a Special Council meeting January 9th, at 7:00 P. M.

Motion Tate second LaTourelle to adjourn 7:42 P.M. All voted aye.

ATTEST:


City Clerk

Mayor



January 9, 1984

Mayor Putnam opened this special meeting of the Whitefish City Council at 7:00 P. M. All Councilpeople were in attendance.

City Attorney Fisher gave the oath of office to John Garrity and he took his place at the Council table.

Mayor Putnam requested Council approval of reappointment of Leo Fisher as City Attorney. (Two year term)

Motion Caciari to appoint Leo Fisher as City Attorney. Second Tate. All voted aye.

DEPUTY MAYOR

Motion Tate Second Garrity to elect Councilman Caciari as Deputy Mayor. All voted aye.

Mayor Putnam explained reason for calling this Special Council Meeting.

He said because of the uncertainty and concern over the election he felt all cards should be put on the table. As Mayor he would uphold Laws of Montana and be fair in his vote when needed. He emphasized he would represent all Citizens in Whitefish including Business People.

Mayor Putman said he would make himself available to the Public and be at City Hall two or three days per week from 4:00 P. M. to 6:00 P. M.

He listed concerns brought to him by citizens.

1. Streets - they want more street improvements.
2. Council-Manager form of Government - they want closer communication with the city.
3. Growth - wanted controlled, quality development.
4. Taxation- wanted taxes to hold the line-thought city should economize even more if possible.
5. Cemetery - much needed, thought the City should establish something whether private or sponsored by city.

MAYOR COMMITTEE APPOINTMENTS

ADMINISTRATION AND FINANCE: Ramlow*, LaTourelle, Tate

WATER: LaTourelle*, Ramlow, Stephens

STREET AND SANITATION: Caciari*, Stephens, Garrity

LAND USE: Stephens*, Garrity, Ramlow

CULTURE: Tate*, Caciari, LaTourelle

Public Safety: Garrity*, Caciari, Tate

COUNCIL

Councilman Garrity said he had received calls regarding parking on corner of Spokane and Railroad. Cars, motorhome parked there were a hinderance to motorists. Also reported a hedge on Park and 4th street as hinderance. Police chief to investigate.

Councilman Stephens said the viaduct should be high priority and suggested it be turned over to a special Committee. Mayor Putnam appointed Stephens as Chairman of this Committee. Stephens also said that at the Council retreat streets were established as #1 priority for the year, but city had fallen behind in program. He felt all additional financing, etc, should be directed toward priority.

Councilman Caciari said when a surplus occurs in the Budget it should not be transferred to other departments. All departments should conserve and stay within their budgets.

Councilman Stephens suggested, because of the new annexations, the Land Use Committee review the 1 mile zone and Building Codes extensions.

January 9, 1984 cont.

Mayor Putnam asked Council and City Administrator to air any gripes they have.

Both felt there could be improvements and co-operation would be necessary on everyones part to run a more efficient government.

OTHER:

Councilwoman Tate requested consideration of having two regular Council meeting a month and also having the minutes read again at Council meetings.

Concensus of the Council was to have the two meetings a month. (1st and 3rd Mondays) Decision would be at the February 6th meeting.

City Attorney Fisher and Councilman Ramlow commended the City Administrator on the additional revenue he had acquired for the city.

City Manager Morrison gave a summary of accomplishments done by the city, and City Attorney Fisher reviewed the changes in the laws.

Motion Ramlow second Tate to adjourn 9:19 P. M. All aye.

ATTEST:

Kay Belle
City Clerk

James C. Putnam
Mayor

January 30, 1984

Mayor Putnam opened this special Council meeting at 7:00 P. M. All Councilmembers were in attendance.

Also present were public Works Director fredrickson and City Manager Morrison.

PURPOSE OF THE MEETING.

To discuss formulating a city position on the disposition and use of Burlington Northern land north of Railway Street between Spokane Avenue and the Viaduct.

Mayor Putnam explained the Fire Department had requested this land for a new firehall, and had received a 30 year lease from the B. N. However, business people had also requested this land from the B. N. for a proposed shopping center.

Seven items were reviewed in relation to the proposed development:

1. Annexation of that portion not in the city limits.
2. Provision of water and sewer to the project.
3. Rezoning from industrial to commercial.
4. Use of the land for other potential purposed.
5. potential use of industrial revenue bonds.
- 6 Viaduct reconstruction.
7. Loss of the City snow removal area.

Gary Tallman representing the business people reviewed their proposal and requested Council backing on the project. He said a letter from the Council to the B. N. would be appreciated.

It was moved by Stephens second Tate to direct a letter of support to the Burlington Northern, in favor of the proposal. A copy to be sent to the Fire Department. All voted aye.

Motion Stephens to adjourn 8:05 P. M. second LaTourelle. All aye.

ATTEST:

Kay Belle City Clerk

James C. Putnam
Mayor

February 6, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P. M. Councilmembers present were, Ramlow, Caciari, LaTourelle, and Garrity. Absent were Tate and Stephens.

Also present were, Public Works Director Fredrickson, Police Chief Sellers, City Manager Morrison and City Attorney Fisher.

MINUTES

The minutes of the previous meetings were approved with one correction. Councilman Caciari corrected minutes of January 9, 1984. Caciari said when a surplus occurs in budget, in any general fund department it should not be transferred to any other general fund department.

ADMINISTRATIVE REPORTS AND REQUESTS

The City Administrator gave reports on:

1. 1983 Building Construction in and around the City. Total valuation \$13,727,870.
2. Mid-Year Financial Report - there are no funds in which expenditures will exceed appropriations. However, he said the Water Fund would require a rate increase this year.
3. Revenue Sharing Handicapped Regulations. The City Manager explained on October 17, 1983, the office of Revenue Sharing published final regulations in the Federal Register prohibiting Handicapped discrimination. He said before October the city needs to do a self evaluation plan and look at services and facility, and address non-structure. In two years evaluate final structure such as City Hall as it is not in compliance.

PRESENTATION BY MONTANA BOARD OF CRIME CONTROL of their assessment of Whitefish Police Department.

Police Chief Sellers introduced Mike Lavin, Larry Peterson, and Clayton Bain from the Montana Board of Crime Control. They gave a summary of their assessment of the Whitefish Police Department. Because of heavy workload, fluctuation of population and 75% higher crime rate than rest of the State they recommended the city hire two (2) additional policemen. (Suggested limiting use of extra Board.)

After discussion Council requested City Administrator write a letter thanking the Board for doing the report.

SEWER TV INSPECTION EQUIPMENT

Public Works Director fredrickson requested Council authorize purchase of a used sewerTV - approximate cost would be \$10,000.00.

Motion LaTourelle to turn over to the Water and Sewer Committee with power to act. Second Caciari. All voted aye.

PENDING BUSINESS

Resubdivision of Moran Property at 105 Colorado Avenue.

The Committee recommended approval with conditions as follows:

1. The ten (10) inch sewer line shall be extended, prior to development, easterly from its existing point on Woodland alley to the east boundary of lot 2; and the water main shall be extended from its existing point on Colorado Ave. to the east boundary of lot 2 prior to development.
2. A seven (7) foot utility easement shall be required along the southern boundaries of lots 1 and 2.
3. All easements shall be shown on the final plat, and shall conform to the city's subdivision Ordinance.
4. The applicant shall covenant to construct at least a 40 foot radius turnaround on Lot 2 to provide access for refuse collection if more than a single family dwelling is built.
5. The applicant shall provide covenants between owners of Lots 1 and 2 to provide maintenance of common utility and/or roadway easements.

February 6, 1984 cont.

6. All requirements of the City's subdivision, public works construction standards, and design criteria shall be met, including the requirements to install the required improvements or guarantee their installation prior to final plat approval.
7. The preliminary plat approval shall be effective until February 6, 1987.

The Morans agreed to the conditions, previously.

Motion LaTourelle to approve the preliminary plat of the Moran property, with the above conditions. Second Ramlow. All voted aye.

PRELIMINARY PLAT APPROVAL OF SMITH PROPERTY at 911 Wisconsin.

The Committee recommended approval with following conditions:

1. That all requirements of the City's subdivision Ordinance, Public works construction standards and design criteria be met, including the requirement to install the required improvements or guarantee their installation prior to final plat approval.
2. That a 30 foot utility easement be provided along the entire south boundary of the property.
3. That water and sewer mains be extended east from their existing point on Wisconsin Ave. to a point 350 feet east, within the easement provided in condition # 2 above.
4. That the conditional preliminary plat approval shall be effective for three (3) years.

Motion LaTourelle to approve the Preliminary Plat for the Smith property with the above conditions. Second Garrity. All voted aye.

LAKESHORE CONSTRUCTION PERMITS

1. 820 Birch Point - Stairway: Steffani.

The City County Planning Board approved the application with the condition that the stairway must be limited to 48" in width and be of natural tones.

Motion La Tourelle to approve the Steffani Lakeshore Construction permit with conditions of the City County Planning Board. Second Ramlow. All voted aye.

2. 910 Birch Point - sea wall, gravel beach: Duncan

The City County Planning Board recommended approval with use of native stone with mortar to help hold it in place, following the natural contours of the land on both planes. The four foot retaining wall is not permitted as the regulations on the application form, item #6 states " no concrete".

Motion Ramlow to approve the Duncan Lakeshore Application with conditions of the City County Planning Board. Second Caciari. All voted aye.

3. 920 Birch Point - natural stone retaining wall: Teichrow.

The City County Planning Board recommended approval to placement of native stones at the high water mark and allow the use of the bobcat to move larger rocks to the high water mark.

Motion LaTourelle to approve the Teichrow Lakeshore Application with conditions of the City County Planning Board. Second Ramlow. All aye.

PROCLAMATION

Mayor Putnam proclaimed February as American Heart Month.

NEW BUSINESS

Roger Wendt and Jim Grant, Machinists from Arco Aluminum, presented the Mayor with a gavel they had made for him.

February 6, 1984 cont.

MINUTES OF THE COUNCIL MEETINGS

Motion Caciari to read the minutes of the Council meetings at all regular meetings. Second LaTourelle. All voted aye.

ORDINANCE NO. 84-3 - providing for two (2) regular Council meetings per month.

Motion Ramlow to adopt Ordinance No. 84-3, second Garrity. All aye.

N. W. HUMAN RESOURCES CHILD ABUSE PRESENTATION.

Paulette Lawrence, Pauline Mathews, and Cherry Larsen gave the presentation and requested financial assistance from the City.

Mayor Putnam referred to the Finance Committee and City Manager.

PRELIMINARY PLAT, MINOR RESUBDIVISION OF LOTS 8 & 9. Block 1, Murray Homes.

The developer agreed to a 45 day extension. Referred back to the Land Use Committee.

OTHER

CITY ADMINISTRATOR POSITION ANNOUNCEMENT.

City Manager Morrison read his letter of resignation, effective date would be February 22, 1984.

The Mayor and Council regretfully accepted, and agreed to Don's resignation.

Mayor Putnam called a special meeting of the Council for Tuesday the 21st of February to discuss applications.

OTHER CONTINUING

Mayor Putnam congratulated Dave Sipe on being elected as Fire Chief. and Thanked Dick Maddux for the outstanding job he did the year before.

Hal Bennett, President of the Whitefish Rotary Club, said the Rotary would like to construct the shelter in Riverside Park. Council accepted the proposal. City manager to send letter to the Rotary expressing appreciation.

Mayor Putnam Appointed Carol Lee Kurtz for a two year term on the Park Board.

The Public Safety Committee to investigate placement of parking blocks at Health Food Store on Spokane Avenue.

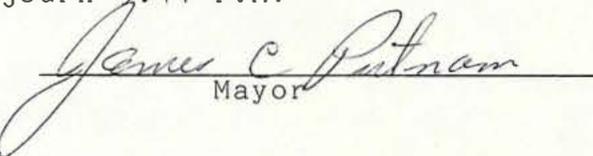
City Manager said he had received inquiries on starting to fill for Seventh Street extension.

Turned over to the Street and Alley Committee.

Motion Ramlow second Garrity to adjourn 9:44 P.M.

ATTEST:


City Clerk


Mayor

February 13, 1984

Mayor Putnam called this special Council meeting to order at 7:07 P. M. All Councilmembers were present.

Also present were City Attorney fisher, Public Works Director Fredrickson, and City Manager Morrison.

PURPOSE OF THIS MEETING was to establish procedures in selecting a new City Manager.

City Manager Morrison had advertised in several publications and applications were already coming in.

Council turned application procedure over to the Finance and Administrative Committee.

Council felt citizenry should be involved. The Council person not on the Finance and Administrative Committee would name a representative from their Ward and the Mayor would name one representative to serve on the Committee. (4 citizens at large and the 3 Councilpeople on the Finance and Administrative Committee would be Committee) The Committee would narrow applications to six (6) with contingency of ten (10).

All Council people were to list priorities and concerns in selection and turn in to City Attorney Fisher for tabulation.

After discussion it was Moved by Ramlow second LaTourelle to adopt the following timetable.

- February 20th Individual lists of priorities were to be turned over to Committee. Committee appointments were to be made.
- February 22nd Application deadline
- February 27th Committee at large to hold 1st meeting.
- March 1st narrow to 10 to 20 finalists
- March 19th Final list of 6 with contingency of 10
- March 19th thru Apr. 2nd interviews would be held
- April 16th decision on finalists and administrator hired.

Mayor Putnam would be authorized to select an investigative Committee. All voted aye.

Transportation and other expenses would be discussed at a later date.

Motion Tate second Caciari to adjourn 8:44 P.M. All voted aye.

ATTEST:

Ray Beller
City Clerk

James C. Putnam
Mayor

February 29, 1984

AMBULANCE BID OPENING
7:00 P. M.

Mayor Putnam opened the bids.

Firefighters apparatus & Equipment Co.	Trade	\$49,847 7,349 <u>42,498</u>	cash \$45,750.00
Starline Equipment Co.	Trade	49,995 5,500 <u>44,495</u>	
Becker Fire Equipment Co. \$1,500.00 del. to Whitefish	Trade	45,000 4,500 <u>40,500</u>	
Ballard Services Inc.		49,043	No trade
Ballard Services Inc.		37,786	No trade
General Emergency Medical	Trade	43,507 3,850 <u>39,657</u>	
McPeck Motor Coach Co.	Trade	46,744 8,850 <u>37,894</u>	
Professional Sales & Service		45,603	No trade
Schetky Northwest		47,466 4,000 <u>43,466</u>	

19 members of the Fire Department and Mayor ^{Putnam} were present at this meeting.

All bids were referred back to the Fire Department and City Administrator to review.

March 5, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilmembers were present except Stephens.

Also present were: Asst. Police Chief Herrmann, Building Inspector Berg, Acting City Manager Fredrickson and City Attorney Fisher.

MINUTES

Motion Tate to approve the minutes of February 6, 1984, second Garrity. All voted aye.

Motion Ramlow to approve the minutes of February 13, 1984, second Tate. All voted aye.

SPECIAL USE PERMIT - CHAMBER OF COMMERCE - BASH FOR CASH.

Motion Caciari to approve the Special Use Permit of the Chamber of Commerce, Bash for Cash, March 17, 1984. Second Tate. All aye.

ADMINISTRATIVE REPORTS AND REQUESTS

City Manager Fredrickson reported three bids had been received for purchasing the Garbage truck and dumpsters. He recommended accepting the bid from Joe Johnson, Eureka, Mt. for \$20,400.00. \$18,600 for the truck and \$1,800 for 32 - 3 yd. dumpsters.

He recommended accepting the bid for the 2 yd. containers of North Valley Refuse for \$3,600.00.

Motion Caciari to award the bid to Joe Johnson for the truck and 3 yd. containers for \$20,400 and award North Valley Refuse the bid for the 2 yd. containers for \$3,600.00. Second Garrity. All aye.

FIRE DEPARTMENT COMPUTOR

The City Manager and Fireman Doug Loy explained the need of a computer in the firehall. Uses would be for Rural Fire Contracts and other training aids. Funding would be moneys received in the sale of the Larrance Fire Truck.

After discussion it was MOVED BY GARRITY to allow the fire department to proceed in the purchase of the computer on condition the fire truck was sold. Second Tate. All voted aye.

CAPITAL IMPROVEMENT UPDATE ON STREET/WATER & SEWER

Mayor Putnam turned this over to the Street & Alley and Water & Sewer Committees. They would have a joint meeting on March 12th.

Extension of Utilities to newly annexed properties was turned over to the Water & Sewer Committee to study and recommend back to the Council. Meeting to be March 12th.

AMBULANCE BIDS

Fire Chief Dave Sipe reported the fire department was still reviewing the ambulance bids received - they would report back Council meeting of March 19th. Sipe invited the Council to a Ambulance showing at the Outlaw Inn the 9th, 10th, and 11th.

PARK BOARD GRANT APPLICATION

The City had requested \$4000.00 from the County Park Board. If received it would be used to update areas at City Beach and possibly the Saddle Club property.

City Attorney Fisher reported the Saddle Club people had voted unanimously on the agreement to deed the property over to the City for a Park. Effective date would be April 15.

Name of Park would be Mountain Trails Park.

March 5, 1984 cont.

City Manager reported the Agreement with the School on Memorial Park had been returned from the Attorney Generals office, however, it was the wrong agreement and would probably have to be redone.

CHILD ABUSE

Councilman Ramlow reported a container had been put on the counter in the City Clerks office for people to contribute. The Committee felt city funds should not be obligated.

PENDING BUSINESS

COMMITTEE REPORT ON WELZENBACH PROPERTY

Councilman Ramlow reported the Welzenbach property is not contiguous to the city limits and would have to be excluded from the annexation. The Committee had no recommendation.

SMITH PROPERTY EASEMENT.

City Manager reported the easement for the North edge of property had been agreed to by Mrs. Smith and everything was in order. The final platt would be presented soon.

ZONING AMENDMENTS UPDATE

Turned over to the Land Use Committee for study.

APPOINTMENTS TO WHITEFISH HOUSING AUTHORITY

Motion Ramlow to reappoint Buster Schrieber, Charles Harding, and Jack Joy to the Whitefish Housing Authority. Second Garrity. All voted aye. *5420 - 1989*

NEW BUSINESS

Ordinance No. 84-4: Creating Street Maintenance District No.1 and Resolution No. 84-2: Establishing Boundaries for Street Maintenance District No. 1 were turned over to the Street Committee to study and bring recommendation back to the Council meeting of the 19th.

CLAIRE STRICKLER- WHITEFISH AREA PLANNING NEEDS AND COMPREHENSIVE PLAN.

Claire Strickler reported the City County Planning Board was reviewing work projects for 1984-1985. Their priorities were:

1. Update comprehensive plan
2. Critical area zoning
3. Transportation plan
4. Sign Ordinance

She requested Council comments and priorities.

She also requested \$15.00 for membership dues for Montana Association of Planners, which the City County Planning Board would like to join. (County would pay \$15.00)

Motion Tate to allow this request second LaTourelle. All aye.

MANAGER SELECTION

Councilman Ramlow reported the Selection Committee came to unanimous conclusion on the top six (6) applicants and also on the next four (4). He gave the criteria used to Mayor Putnam for the Interview Committee to use.

Mayor Putnam commended the Committee for a job well done.

March 5, 1984 cont.

Council received copies of final 10 applicants to study, and Mayor Putnam would call a meeting for final action of the Council.

A letter would be sent to applicants not on the top 10 list and also to local citizens for their participation on the selection committee.

OTHER:

Councilman Caciari commended the street crew for the fine job they are doing in opening storm drains.

Councilman Garrity requested a sign be placed showing where the Police Station is and also that the flag be raised in front of city hall.

City Attorney Fisher reported the complaints at Mothers Health Foods and Home Lumber were being corrected.

Greg Acton reported the city might have to have another Public Hearing on the EPA Grant.

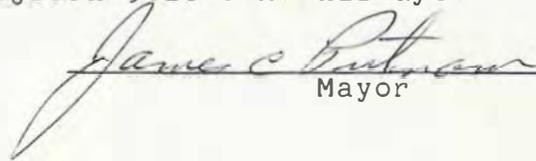
Mayor Putnam said at the study meeting in January a program was laid down and discussed with each committee of accomplishments for this year. At the April 1 meeting he would ask for a update on progress and establish another work session.

Mayor Putnam said he wanted it clearly understood he did not start a petition to change the form of Government.

Extension of Building Inspection jurisdiction was turned over to City Manager and Building Inspector to study.

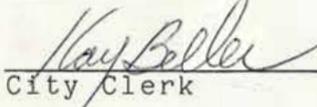
County Resolution adopting Criteria for local determination of evasion of the subdivision and platting act was turned back for Council to study and bring back next Council meeting.

Motion Tate second Caciari to adjourn 9:28 P.M. All aye.



Mayor

ATTEST:



City Clerk

March 12, 1984

Mayor Putnam called this special Council Meeting to order. All Councilpersons were in attendance. Also City Attorney Fisher.

PURPOSE OF THIS MEETING: City Manager Selection.

The Council had reviewed the 6 finalists and everyone listed their top 3 choices.

The three top finalists were: Sid Fredrickson, John R. Adamson, Billings, Mt. and Ben Bifoss, Montevideo Minn.

Motion Tate to bring candidates to Whitefish for interviews and pay their expenses. Second Stephens. All voted aye.

City Attorney Fisher would contact candidates and set up interview times.

Council said salary would be negotiable up to \$30,000.00.

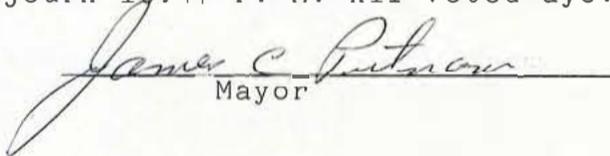
CONTRACT FOR CITY MANAGER

The Mayor, Council and City Attorney Fisher discussed the Contract at length and as there were several changes to the old contract, City Attorney Fisher would draft a new contract for Council to review and accept before hiring a new City Manager.

Councilman Garrity emphasised that city cars be used only for city business and stored at night on city premises. Council agreed.

The Finance Committee was to check where the funds would be taken from to bring the people here for interviews.

Motion Ramlow second Garrity to adjourn 10:47 P. M. All voted aye.



Mayor

ATTEST:



City Clerk

March 19, 1984

Deputy Mayor Caciari opened the regular meeting of the Whitefish City Council on the above date at 7:00 P. M. All Councilpeople were in attendance.

Also present were: Building Inspector Berg, Fire Chief Sipe, Police Chief Sellers, Acting City Manager Fredrickson and City Attorney Fisher.

MINUTES

Motion Tate to approve the minutes of March 5 and March 12. Second Garrity. All voted aye.

ADMINISTRATIVE REPORTS AND REQUESTS

Sewer Interceptor Facility Plan Amendment.

City Manager Fredrickson explained Council would have to have a hearing on the amendment and would like it adopted by June 1. Council asked that it be brought back to the April 2nd meeting.

Mountain Holiday/Sunrise Restaurant - Final Plat

Referred back to Committee.

Building Inspector Limits

Referred to Administration and Finance Committee to meet with Building Inspector and report back.

Short Term Police Patrol Requests and Reimbursement Policy.

City Manager Fredrickson reported Tim Grattan had requested police patrol for Grouse Mountain, work was for two weeks and had been done by off duty police officers. Grattan would reimburse the City for all costs incurred. He said he and Police Chief Sellers authorized this work, however, he requested Council set a policy on whether to allow this type of service, length of time it should be done, etc. Council felt they should have been informed on this, but thought administration should handle.

Setting policy and defining guidelines was referred to the Administration and Finance Committee to study and recommend back to the Council.

Post Office - Alley Paving Request.

Council tabled as this was not a budgeted item.

Bicycle racks in commercial area.

City Manager reported the city had two racks available for bicycle parking.

Referred to Safety Committee and Police Chief Sellers to find locations for the racks.

Park Board Grant.

Fredrickson reported the City had applied for \$4000.00 from the County Parks Department to help with parks. He said they gave 12 picnic tables, and it looked favorable in receiving \$2000.00 park money.

He also reported the Parks Board was anxious to get started on Riverside Park. He would prepare specs and put out for bid, to see what costs would be. (sprinkle system-landscaping).

Councilwoman Tate invited the fire department to demolish and burn bleachers. at the new park (Mountain Trails), also invited other organizations to help in development of parks. Riverside Park would be #1 priority.

Ward Boundaries.

Referred to Administration and Finance Committee for study.

March 19, 1984 cont.

Ambulance bids.

Fireman Rick Anderson reported the fire department would like to accept the bid from Firefighters Apparatus, Inc. for a 1984 Pioneer 111, Yankee Coach, cost \$45,750.00. He said instead of trading in the old ambulance they would like to sell outright, and requested Council to authorize the purchase of the new ambulance and the sale of the old ambulance.

Motion Tate to allow the fire department to proceed with purchase of the ambulance. Second Garrity. All aye.

Motion Garrity to authorize the fire department to sell the old ambulance on the arrival of the new one. Second Tate. all aye.

WATER FACILITY PLAN

City Manager would put out for bids to get costs and then take to Water and Sewer Committee.

PENDING BUSINESS

Chamber of Commerce - Parking Study.

Ed Grogan gave summary of their parking study. After lengthy discussion by Council, Chamber Committee and Fire Dept. the Parking was referred to the Administration and Finance Committee, the Chamber Committee, Fire Department and City Administrator to study and recommend back to Council.

Cantrall property - final plat.

This was tabled and put back into committee.

City Manager Candidates.

Ben Bifoss had pulled his application and Council needed to decide whether to interview just the two candidates or select another candidate.

Motion Garrity to go with the two candidates. Second Tate. Ramlow no, Garrity aye, Tate aye, Stephens no, LaTourelle no, Caciari aye. Motion defeated.

After council discussion it was moved by Stephens to invite Jack Arnold to Whitefish for an interview. Second LaTourelle. Ramlow aye, Garrity no, Tate aye, Stephens aye, LaTourelle aye, Caciari aye. Motion carried 5 to 1.

Council decided to interview Sid Fredrickson Saturday, March 24th at 9:00 A.M. Jack Arnold March 31st or 1st of April.

Motion LaTourelle to have David Weitzel come for interview if Arnold couldn't. Second Ramlow. Ramlow removed his second and LaTourelle her motion.

Motion LaTourelle to go through the top six (6) candidates until we have another candidate. Second Ramlow. All aye.

NEW BUSINESS

Letter to County on Subdivision evasion.

City Manager Fredrickson presented the letter he had drafted.

Motion Stephens to send the letter to the County Commissioners. Second Tate. All aye.

Street Maintenance District

Resolution 84-2 -Establishing and defining the boundaries for special Maintenance district #1.

Motion Stephens to adopt Resolution 84-2. Second LaTourelle. All aye.

Ordinance 84-4 - Creating special maintenance district no. 1.

Motion Stephens to adopt Ordinance 84-4 on the first reading, and notice required by law be given. Second Ramlow. All aye.

March 19, 1984 cont.

Study Commission - Local Government Review.

Motion Ramlow to put before the people to see if they want a Study Commission, and Commission to consist of 3 people. Second Tate. All voted aye.

Public right-of-way Obstruction Ordinance 84-5.

Bart Smith protested removal of newspaper stands and requested Council consider this Ordinance carefully before adopting.

Motion Stephens to table Ordinance 84-5. Second Tate. All aye.

Zoning Amendments.

Referred to the Land Use Committee for study. Bring back 1st meeting in May.

City Attorney recommended the Committee define Time Share.

OTHER

Councilman Garrity reported on the Public Safety Committee meeting. The Committee felt the Chief of Police should wear his uniform more when on duty and questioned purchase of 10 portable radios and 6 mobile units when we have 3 patrol cars. (It was pointed out this was approved at Budget time.) Committee recommended yield signs on 6th street be taken down and placed on Columbia Avenue and areas not painted or signed to enforce parking were pointed out.

Councilwoman Tate reported Claire Strickler had filed as Republican Candidate for county Commissioner.

Motion Stephens Second Ramlow roll call be eliminated from Council meetings. All aye.

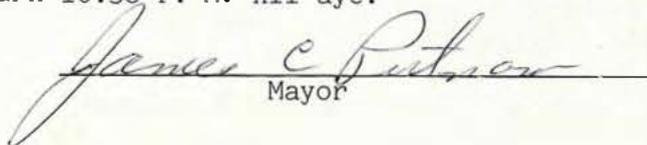
Motion Stephens to appoint Marv Bethea to the Parks Advisory Board, replacing Bob McCleod. Second Tate. All aye.

Council requested the key to the City Managers car be given to the City Clerk until the new manager arrives.

City Attorney Fisher reported the William Scott property, Houston Point would have to be excluded from the annexation.

Motion Stephens to recommend priorities as stated by the city County Planning Board for the 1984-1985 year. Second LaTourelle. All aye. (Update Comprehensive plan, Critical area zoning, transportation plan and sign ordinance.)

Motion Tate Second Stephens to adjourn 10:38 P. M. All aye.



Mayor

ATTEST:



City Clerk

April 2, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P. M. All Councilpersons were in attendance.

Also present were Acting City Manager Fredrickson, Police Chief Sellers, Fire Chief Sipe, Building Inspector Berg and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of March 19. Second Tate. All aye.

COUNTY PRESENTATION OF PROPOSED JUSTICE CENTER

Sheriff Rhodes gave a slide presentation of the proposed Justice Center, and also of the old facility. He explained the new center would cost \$7,603,150.

PENDING BUSINESS

Sewer Interceptor Public Hearing.

Councilwoman LaTourelle reported the Public Hearing was to be held May 7, 1984. Notice of the hearing would be published for 4 weeks.

Parking study recommendations.

Councilman Ramlow reported the Administration and Finance Committee recommended establishment of a five (5) member Parking Commission. After Council discussion it was MOVED BY LATOURELLE to create a five member Parking Commission as established by State Law. Second Ramlow. All voted aye.

Resolution No. 84-4 - Deannexation

Lots 8 and 9, Block 1, Murray Homes Addition - Anthony Welzenbach.
N $\frac{1}{2}$ S $\frac{1}{4}$ of Lot 6 Block 5 Whitefish Townsite Co's Five Acre Tracts. - Lewis Larter.
Tr. 6AH Lot 2 Huston Tracts - William Scott.

Motion Stephens to adopt Resolution 84-4, deannexing the above properties. Second LaTourelle. All aye.

Final Plat Smith Property.

City Manager Fredrickson recommended Council approve the Final Plat, contingent on receiving letter of Credit for \$30,000.00 guaranteeing installation of all required improvements, time limit of two years from adoption of final plat to completion.

Motion Stephens to approve the final plat with above stated conditions. Second LaTourelle. All aye.

Ordinance 84-4 - Creating Special Maintenance District No. 1. - Second Reading.

Mayor Putnam opened the Public Hearing.

Ben Cohn and Gregg Bryan questioned front footage assessments on irregular shaped lots or lots not facing streets.

Mayor Putnam assured them they would receive an answer to questions.

The Public Hearing was closed.

Motion Caciari to adopt Ordinance 84-4 on the second and final reading. Second Ramlow. All voted aye except Stephens who said no. Motion carried 5 to 1.

NEW BUSINESS

Police Commission Appointment.

City Manager Fredrickson recommended Council approve the appointment of Dale Howke to the Police Commission. (2 year term).

Motion Tate to accept the City Manager recommendation and approve appointment Dale Howke to the Police Commission. Second Garrity. All voted aye.

April 2, 1984 cont.

CEMETERY PROPOSAL

To be brought back at a later date.

ADMINISTRATIVE REPORTS AND REQUESTS.

Letter on Annexations.

Fredrickson said he had proceeded on sending letters to newly annexed people explaining various services available to them, and that meetings would be scheduled with different areas on installation of services.

Joint Conference Report - AWWA & WPCF

Fredrickson said he would give a summary of this conference to related committees.

POLICE CHIEF SELLERS

Police Chief Sellers read his letter of resignation - effective date April 27, 1984.

CITY MANAGER SELECTION

Sid Fredrickson requested Council discuss Candidates in executive Session, as he was one of the candidates he felt every one would feel more comfortable.

Mayor Putnam ruled to honor this request, however, he stated the selection would be done in an open meeting.

COUNCIL BUSINESS

Councilman Stephens asked the Street and Alley Committee to consider holding a town meeting on Street maintenance - bond issue -etc. He said public input was needed and the public should be involved.

Street and Alley Committee would review at their Monday Committee meeting.

Councilman Garrity felt people should be made aware of costs imposed by the Federal Govt. to the City. (Water Treatment plant - lagoon - etc.)

Claire Strickler reported all the Planning Boards were putting pressure on the Planning Staff to update the Comprehensive Plan.

Motion Ramlow second Garrity to allow Councilwoman LaTourelle permission to be out of State April 5th to April 11th and City Attorney Fisher permission to be out of the State April 14th thru April 22nd. All aye.

The meeting was closed at 9:15 so Council could go into executive session to discuss City Manager selection.

Convened at 10:30 P. M.

Motion Garrity that a City Manager be selected tonight. Second Tate. All voted aye.

Motion Tate the position of City Manager be offered to Sid Fredrickson. Second Caciari. Ramlow no, Garrity aye, Caciari aye, Tate aye, Stephens no, LaTourelle no, Mayor Putnam Voted no breaking the tie vote. Motion Defeated 4 no - 3 aye.

Motion Stephens the position of City Manager be offered to Jack Arnold. Second LaTourelle. Ramlow aye, Garrity no, Caciari no, Tate no, Stephens aye, LaTourelle aye. Mayor Putnam voted no breaking the tie vote. Motion defeated 4 no to 3 aye.

Motion Stephens se cond LaTourelle that applications for City Manager be reopened. Ramlow aye, Garrity no, Caciari no, Tate no, Stephens aye, LaTourelle aye. Mayor Putnam voted no breaking the tie vote. Motion defeated 4 to 3.

Motion Stephens Second Tate to adjourn. Ramlow aye, Garrity no, Caciari no, Tate no, Stephens aye, LaTourelle aye. Mayor Putnam broke the tie vote by voting no. Motion Defeated 4 to 3.

April 2, 1984 cont.

After Council discussion - Council again went into an Executive Session.

Reconvened 11:46 P. M.

Motion Stephens the position of City Manager be offered to Sid Fredrickson. Second Ramlow. Ramlow aye, Garrity aye, Caciari aye, Tate aye, Stephens aye, LaTourelle aye. Motion carried.

Motion Stephens to adjourn 11:47 P. M. Second Ramlow. All aye.

James C. Putnam
Mayor

ATTEST:

Kay Belle
City Clerk

April 10, 1984

Mayor Putnam opened this Special Meeting of the Whitefish City Council on the above date at 7:03 P.M. All Councilpersons were in attendance except LaTourelle.

Purpose of the Meeting: City Manager

Acting City Manager Fredrickson gave the Mayor and Council a prepared statement, which he read formally withdrawing from the City Managers selection process.

Mayor Putnam said he had visited with Fredrickson about his decision and Sid's only concern was for the City.

Councilwoman Tate told Fredrickson that he was still the best candidate for the job, and she was sorry he was declining.

Councilman Garrity said people in the 3rd ward were happy with work done while Fredrickson was Acting CityManager.

Council discussed voting on the runner up candidate or reopening candidate list.

It was moved by Garrity Second Tate to consider and bring back to the Council meeting of April 16, and then make decision. All voted aye.

Motion Caciari second Tate to adjourn 7:18 P. M. All voted aye.

James C. Putnam
Mayor

ATTEST:

Kay Belle
City Clerk

April 16, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:02 P.M. All Councilpersons were in attendance.

Also present were Acting Administrator Fredrickson, Asst. Police Chief Herrmann, Building Inspector Berg and Asst. City Attorney Erickson.

MINUTES

Motion Caciari to approve the minutes of April 2, 1984 and April 10, 1984. Second Tate. All voted aye.

PROCLAMATION

Mayor Putnam proclaimed the week of April 16, 1984, as Help Young America Week.

ADMINISTRATIVE REPORTS AND REQUESTS

Asst. Police Chief Herrmann reported the Police Department had received a \$4000.00 grant from the State for the purchase of an intoxalyzer. He explained the City would have to purchase and then be reimbursed by the state. The State would maintain and repair the intoxalyzer as long as the city has it. Herrmann requested Council permission to proceed with the purchase.

Motion Garrity to allow the Police Department to purchase the intoxalyzer, which would be reimbursed by the State. Second Tate. All aye.

MEETING WITH COUNTY COMMISSIONERS - Streets

Acting City Manager Fredrickson reported he and Councilmen Caciari and Garrity met with the County Commissioners to see if they would assist in paving Baker (from second st. across the viaduct) and Second Street from Kalispell Avenue to County boundary. He said it sounded promising and he would meet with the County Road Superintendent Thursday to work out the details.

AUDITOR

Fredrickson reported the Auditor would like to have an exit Conference with him and the Finance Committee, Thursday.

PARKING COMMISSION

Fredrickson said he had talked to City Attorney Fisher and in order to create a Parking Commission the boundaries of the District should be defined first. After Council discussion Concensus of the Council was to go ahead and establish a Parking Committee. Members would be from the proposed district (B-3 area). Two members should be appointed by the Chamber - Two appointed by the Council and one member at large. Names should be submitted to the Administration and Finance Committee.

PENDING BUSINESS

Councilwoman Tate said the Committee found by eliminating the roads in the southwest and northwest corners and moving a water line, approximately 600 new graves could be gained in the cemetery. This was the long range plan. She said the short range plan approximately 345 plots could be made available.

Council discussed purchase of a small excavator, flat headstones, raising rates, hiring a permanent park person, etc. As they felt the Citizens of Whitefish should be involved they set a Public Hearing for May 7, 1984.

Jerry Hanson told Council he and several other investors had purchased 20 acres south of town and were going to start work on a new cemetery. (probably within 45 days). However, it would depend on Councils decision as to what they do.

Mayor Putnam turned over to the Committee and Jerry to discuss and review before the public hearing.

Memorial Park Bleachers

Councilman Caciari said there was extensive damage to the bleachers in Memorial Park due to fire. He requested Building Inspector Berg and City Manager investigate.

April 16, 1984 cont.

STREET COMMITTEE - Capital Improvement Plan

Councilman Caciari reported for the Committee. He said the Town meeting was tentatively set for May 16. At that time Acting City Manager Fredrickson would have all the facts to present to the people. (Two or Three options would be made available.)

MOUNTAIN TRAILS PARK

Patsy and Dave Morris and Pat Timmons, representing the saddle club, presented the City with the Deed to Mountain Trails Park.

Mayor Putnam thanked them on behalf of the City.

SAFETY COMMITTEE - Wheelchair ramps.

Councilman Garrity requested Building Inspector check sidewalks in the downtown as there are areas that are very hazardous.

Councilman Ramlow requested City Administrator check with the highway dept. to see if they would help fund wheelchair ramps facing the highway.

The wheelchair ramps would be brought back at budget time.

NEW BUSINESS

BNRR water request.

Tork Torkleson, representing the Burlington Northern Railroad, explained they would like to hook onto the City water system as their present system is inadequate. They would also like to have city sewer.

Turned over to the City Administrator and the Water and Sewer Committee.

SPECIAL USE PERMIT -Chamber of Commerce for Stump Town Days - May 19th and 20th.

Motion Tate to allow the Special Use Permit. Second Ramlow. All aye.

LIFELINE -ALERT PROGRAM

Asst. Police Chief Herrmann explained the program involves elderly people who are confined to their homes. They would wear a radio control sending device so if they were injured they could push a button and it would activate the phone in the police dispatch office. Police would respond to find out what the problem was. The Lifeline Alert requests Council approval to use the city dispatch system at no cost to the city.

Motion Ramlow to support the program on a no cost basis to the city. Second Tate. All aye.

ALLOWED TO LEAVE THE STATE

Motion LaTourelle to allow Councilwoman Tate permission to leave the State May 18 thru June 14. Second Stephens. All aye.

Motion Tate to allow Councilwoman LaTourelle permission to leave the State April 28th thru May 10th. Second Ramlow. All aye.

Motion Stephens to allow Councilman Garrity permission to leave the State April 29th thru May 3rd. Second Tate. All aye.

OTHER

Councilman Garrity said he checked and felt too much comp. time was being taken. Mayor Putnam suggested this be checked at budget time.

Mayor Putnam asked if Council was interested in having the Tri-City meetings again. He would find out what was involved.

April 16, 1984 cont.

APPOINTMENT TO REFUSE DISPOSAL BOARD

Motion Tate to reappoint Sid Fredrickson to the Refuse Disposal Board. Second Garrity. All aye.

Government Study Commission

Motion Ramlow to change from three (3) members to five (5) members on the Government Study Commission. Second LaTourelle. All aye.

CITY MANAGER SELECTION

Councilman Ramlow proposed checking back into the list of candidates and looking past the top 10.

Motion Garrity second Tate to offer Jack Arnold the position.

Tate recinded her second and Garrity recinded his motion.

After much Council discussion IT WAS MOVED BY STEPHENS second Tate to telephone Jack Arnold and see if he is still available for the position of City Manager. All voted aye.

Adjourned 9:10 P. M. for Mayor Putnam to call Mr. Arnold.

Convened 9:26 P.M.

The Mayor reported Mr. Arnold was still available and happy to be considered, and gave permission to check his references.

Mayor appointed Councilman Ramlow, Garrity and Councilwoman LaTourelle to check references.

CONTRACT

Motion LaTourelle a car be available to the City Manager for City business provided it not be abused. All aye except Garrity who voted no. Motion carried 5 to 1.

Termination and severance pay was discussed. Consensus: 1 month - 1st year, 2 months - 2nd year, etc. up to 4 months maximum.

Councilwoman Tate wanted the record to show that Councilwoman LaTourelle provided lodging for all the candidates.

Mayor Putnam set a special Council meeting for April 23rd. 8:00 P.M. to review and finalize City Manager selection.

Motion Tate to adjourn 9:59 P. M. second Stephens. All aye.

ATTEST:

Ray Baker
City Clerk

James C. Putnam
Mayor

April 23, 1984

Mayor Putnam opened this Special Meeting of the Whitefish City Council at 8:04 P.M. All Councilpersons were in attendance. Also present was City Attorney Fisher.

PURPOSE: City Manager Selection and Special Events Permit - VFW.

Special Events Permit - Veterans of Foreign Wars requested to have a Parade May 1st at 11:00 A.M. Also they wanted to present City Hall with a new Flag.

Motion Caciari to allow this Special Events permit. Second Tate. All aye.

Deputy Mayor Caciari would be present to receive the Flag.

City Attorney Fisher reported the Motorola Company was late on delivery of Police radios and the base to the Antenna. After reviewing the Contract there was a late penalty clause which allowed the city to collect \$605.00 in late fees. He recommended this be done.

Fisher also reported that Gary Hutchinson had signed a waiver of protest, and been granted a water permit in 1978 for a new residence on Reservoir Road. The residence had not been constructed at that time, however, it was being done now. He said the city must honor the waiver of protest signed in 1978.

Turned over to the Water and Sewer Committee.

City Manager Selection

Committee of Ramlow, LaTourelle, Garrity and Valerie Starno had called and checked Mr. Arnolds references.

After Council discussion it was moved by Ramlow, second Caciari to try and negotiate a satisfactory contract with Mr. Arnold. All voted aye.

Motion Stephens to offer Mr. Arnold \$30,000.00 initially with a salary review in six (6) months. Second Tate. All voted aye.

Motion Stephens to pay one half his moving expenses. Second LaTourelle.

Motion Ramlow to amend the Motion to: pay Maximum of \$2000.00 of moving expenses. Second Stephens. All aye.

All voted aye on original Motion.

The Meeting was recessed at 9:03 P.M. Mayor Putnam and Councilman Ramlow called Mr. Arnold .

Reconviened 9:18 P.M.

Mayor Putnam said Mr. Arnold would accept the conditions, and requested a written copy of the agreement.

Mr. Arnold would let the Council know in a few days when he could be here to assume duties.

Motion Stephens second Ramlow to adjourn 9:27 P.M.

ATTEST:

Kay Belter
City Clerk

James C. Putnam
Mayor

May 7, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council at 7:00 P.M. on the above date. All Councilpersons were in attendance except LaTourelle.

Also present were Building Inspector Berg, Asst. Police Chief Herrmann, Fire Chief Sipe, and City Attorney Fisher.

APPROVAL OF MINUTES

Motion Caciari to approve the minutes of April 16, 1984. Second Garrity. All aye.

Motion Tate second Garrity to approve the minutes of April 23, 1984. All aye.

PENDING BUSINESS

PUBLIC HEARING - SEWER FACILITY PLAN AMENDMENT

Mayor Putnam opened the Public Hearing.

Mike Frazier, Engineer for Thomas, Dean and Hoskins explained the purpose of the study was to alleviate problem with the Interceptor Sewer line along the river. At times storm water runoff caused overflow into the river. Frazier presented (4) four alternatives to the overflow problem.

- | | |
|------------------------------|-------------------|
| 1. Pressure line | cost: \$1,133,617 |
| 2. New Interceptor | 1,101,337 |
| 3. two lift stations | 1,481,271 |
| 4. Storm drain & replacement | 1,157,684 |

He recommended #2 alternative - replace the existing 18" line with a new 27" line.

Council discussion.

The 75% EPA Grant would require the city funding 25% or \$262,700.00. Revenue Bonds would have to be sold and a 17% rate increase to the consumer would be imposed.

There was no further comment and Mayor Putnam closed this portion of the Hearing.

Mark Weston from the State Water Quality Bureau, proposed Council consider an amendment to the Facility Plan and include, removal of Phosphorous from sewer lagoon.

Mayor Putnam opened Public Hearing on including phosphorous removal at sewer treatment plant to the amendment.

Cost would be approximately \$100,000.00 and if added into the plan it would be 75% Federal funded.

After Council discussion Mayor Putnam closed the Public Hearing.

The Water and Sewer Committee recommended approval of the Sewer Facility Plan Amendment.

Motion Caciari to adopt Resolution 84-6, approving the Sewer Facility Plan Amendment and approving Alternative #2 - New Interceptor Line. Second Tate. All voted aye.

Motion Stephens instructing City administrator to proceed with Phosphorous removal addition to the Sewer Facility Plan amendment. (included in Resolution 84-6.) Second Ramlow. All voted aye.

CEMETERY STUDY

Councilwoman Tate gave a summary review of the Cemetery Plan, the roads in the SW corner and NW corner would be closed, and a water line would be moved allowing room for 600 new graves. 300 would be plotted as soon as possible.

Mayor Putnam opened the Public Hearing, and as there was no public input he closed the hearing.

The Committee recommended blocking the two entrances (SW & NW corners) now and reopen for Memorial Day, contacting surveyors for prices, and sell lots in advance.

May 7, 1984 cont.

Motion Tate second Stephens authorizing the City Administrator to proceed on interrogating surveyors for costs, sell lots in advance, and close North & South gates except for Memorial day. All voted aye.

NEW BUSINESS

SPECIAL EVENTS PERMIT - Memorial Day Parade VFW

Motion Ramlow second Garrity to approve special events permit for the Memorial Day parade, May 30th. All aye.

WHITEFISH COMMUNITY DEVELOPMENT CORPORATION.

Jerry Hanson, President of the organization, said their purpose was to promote Historical Heritage of Whitefish. He explained goals and said basically they wanted Council aware of direction they were heading and requested Council support.

Motion Tate, Council support Whitefish Community Development Corporation concept. Second Caciari. All aye.

WHITEFISH COUNTY SEWER DISTRICT - JO MESSEX

Jo Messex, Manager, Whitefish County Sewer District, explained the district had approached the County Commissioners for \$102,000.00 Revenue Sharing moneys to fund a Natural Resources Study. She requested Council send letter of support to the Commissioners.

Council requested Acting City Manager draft a letter of support to the Commissioners.

ADMINISTRATIVE REPORTS AND REQUESTS

Street Finance Study progress.

acting
Asst City Manager Fredrickson reported the study was almost completed but he needed input from the Street and Alley Committee. A meeting was set for May 10th. The Committee set a Town Meeting for May 16th, so citizens could be informed on what the City proposals are and to receive public comment,.

WATER STUDY-ENGINEERING PROPOSAL UPDATE

Fredrickson reported the Engineer proposal had been received and narrowed to six firms. They would be screened to three. He suggested the Water and Sewer Committee study and bring back to the Council for final Ratification. He said \$35,000 had been budgeted for the Study this year, and more should be budgeted next year.

Compensation Time leave - Policy Request

Fredrickson requested a change in the Personel Policy for comp. time and Holidays.

After discussion, Mayor Putnam said the Personel Policy had been approved by the Council. He turned this over to the Administration and Finance Committee and Acting City Manager.

Jaycees - Request to use Saddle Club for meetings.

Mayor Putnam turned over to the Park Committee and City Manager to meet with the Jaycees Thursday, 8:00 P. M.

PROCLAMATION

Mayor Putnam declared May 1984, as Registration awareness month.

He also asked people to support the Glacier Twins auction which would be held at the Legion Field.

May 7, 1984 cont.

COUNCIL TABLE

Mayor Putnam requested the Land Use Committee study extension of zoning limits - and Building Inspector limits. Also, asked that annexation procedures be started on Mountain Trails Park.

He Thanked Deputy Mayor Caciari for the welcome speech he gave at the Airport, and receiving the flag from the VFW for the City.

The Land Use Committee would study zone extension and zone amendments and report back next Council meeting.

Councilman Garrity reported the bike racks had not been installed, and he felt the city was not getting moneys worth on the animal warden. Garrity also felt the telephone system should be reviewed - bills are much to high.

Councilwoman Tate agreed with Garrity, she said the newest telephone installation was not necessary, some phones should be eliminated.

Finance Committee to meet with Asst. City Manager on phone system.

Councilman Stephens reported the Sign Ordinance was ready for review, said he would present to the Rotary and it would go to the City County Planning Board for review. Stephens requested to set the hearing for the first meeting in June. After Discussion it was Moved by Stephens to set the Sign Ordinance for Public Hearing June 4, 1984, to be advertised once before the Hearing, there would be three readings. Second Tate. All voted aye.

Mayor Putnam reported Jack Arnold would be on the job June 4th.

Fire damage repair to bleachers at Memorial field was turned over to the Park Committee and Asst. City Manager.

Council accepted 8' alley Iowa Avenue Sub. (Ben Cohn), City Attorney Fisher to proceed with the deed.

Motion Ramlow second Tate to adjourn 9:48 P.M. All aye.

ATTEST:

Kay Baker
City Clerk

James C. Putnam
Mayor

May 21, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council at 7:00 P.M. on the above date. All Councilpersons were in attendance except LaTourelle.

Also present were Acting City Manager Fredrickson, Building Inspector Berg Asst. Police Chief Herrmann and City Attorney Fisher.

MINUTES

The minutes of May 7, 1984 were approved as read.

LETTER OF RESIGNATION

Mayor Putnam read Councilwoman Tates letter of resignation. He commended her highly. He appointed Committee of Caciari and Stephens to interview candidates for the position, and bring recommendation back to the full Council for final approval.

PROCLAMATION

Mayor Putnam declared the week of May 27, 1984, as Whitefish Tourism Week.

May 21, 1984

NEW BUSINESS

Special Events Permit - July 4th Fireworks.

Motion Ramlow second Caciari to allow the Special Events Permit for July 4th fireworks. All aye.

Mark Payne - Taxi Service

Mark Payne explained he would like to have taxi service in Kalispell, Col. Falls, and Whitefish, would have a hearing before the Public Service Commission, May 22nd. He requested Council support at this hearing.

Council discussed sending a letter of support, however, Randall Johnson said he already had P. S. C. approval for taxi service for 15 mile radius of Whitefish proper starting June 25, 1984.

After further discussion it was Moved by Garrity second Stephens not to write letter. All aye.

PARK ADVISORY BOARD

Susan Abell said the Park Advisory Board would like Council support and she and Mike Fitzgerald said they felt there was a lack of communication with the Council Park Committee. They would appreciate being heard, but assured Council they were an advisory board only.

Gary Elliott said the City County Planning Board, by statue, was a recommending body, a parks sub committee of this board should be established. Council should consider using the body they already have.

After much Council discussion it was Moved By Caciari to give vote of confidence to existing Park Advisory Board and commend them for a job well done. Second Stephens. All aye.

PHASE 11 GROUSE MOUNTAIN

Tim Grattan agreed on extension of Preliminary Plat until July 2, 1984.

Motion Stephens to set Public Hearing for the Rezone and Preliminary Plat of Grouse Mountain Phase 11, for June 18, 1984. Second Garrity. All aye.

CITIZEN REQUEST

Dorothy Hurd, representative for Montana Mountain Artists Association proposed moving a house onto property behind the Golden Agers. Purpose: to have art classes, etc. She said the building would be brought up to code and turned over to the City of Whitefish. City Attorney Fisher explained this land was given the City for Park purposes and he did not think this could be done, however, he and City Manager would check into this for them.

Resolution No. R-84-7, Intent to annex B.N.R.R. property.

Resolution No. R-84-8, Intent to annex Mountain Trails Park.

Motion Stephens to adopt Resolution No. R-84-7, Intent to annex the Burlington Northern Property and to adopt Resolution No. R-84-8, Intent to annex Mountain Trails Park property using the short form of annexation. Second Garrity. All voted aye.

B.N.R.R. property is north of Railway Street; easterly of the viaduct and its approach; south of a predetermined line which lies 15.00 feet south of an existing electrical transmission line; West of Central Ave all which contains 0.939 acres of land.

Mountain Trails Park - Lot 3 of Block 1, Whitefish Townsite Company's Five Acre tracts.

PENDING BUSINESS

LAND USE COMMITTEE REPORTS.

Committee recommended commencing with paperwork and drafting of the extra-territorial and Building Inspection limits.

WHITEFISH CITY COUNCIL
Committee Agenda
March 26, 1984
7:00 P.M.

- I. Land Use
 - 7:00 A. Zoning Amendments
 - 7:15 B. Cantrall Property - Final Plat?
 - 7:25 C. Mountain Holiday/Sunrise Restaurant

- II. Administration and Finance
 - 7:35 A. Building Inspector Limits
 - 7:45 B. Short Term Police Patrol - Reimbursement
 - 8:00 C. Ward Boundaries
 - 8:05 D. Parking Study

- III. Street and Sanitation
 - 8:15 A. Capital Improvement Plan

- IV. Safety
 - 8:45 A. Bicycle Racks
 - 8:55 B. Curbs - Painting of No Parking
 - 9:05 C. Signing - No Parking Areas

- V. Culture
 - 9:15 A. Riverside park Improvements
 - 9:30 B. Mountain Trails Park
 - C. *Cemetery Planning*

- VI. Water and Sewer
 - 9:45 A. Interceptor Sewer Facility Plan

- 10:00 Adjourn

May 21, 1984 cont.

Motion Stephens second Garrity to start the process of expanding the extra-territorial and building inspection limits. Refer to City County Planning Board so they can hold proper hearings. All voted aye.

ZONING AMENDMENTS

The Committee recommended setting a hearing for July 2nd.

Motion Stephens second Garrity to set the Zoning Amendments for Public Hearing July 2nd. All voted aye.

WATER/WASTEWATER REPORTS

BIG MOUNTAIN MALL

Council discussed:

Developer installing a lift station and river crossing with possibility of reimbursement.

All utilities would be installed in compliance with city standards

Building Permit would be issued by Administration on progressive prints.

Motion Ramlow the Administrative Staff issue the building permit as per rules and regulations, Water and Sewer Committee to be involved in negotiations of lift station concept and possible reimbursement requirements. Second Garrity. All voted aye.

HUTCHINSON PROPERTY - RESERVOIR ROAD

Gary Hutchinson had signed a waiver of protest, and been granted a water permit in 1978. Because of changes in Water regulations after this date, the Water and Sewer Committee had to review this permit.

After discussion it was moved by Stephens to grant the water permit unconditionally. Second Garrity. All voted aye.

PHOSPHORUS REMOVAL

The Water/Wastewater Committee requested Council permission to negotiate and select an engineering firm to complete phosphorus removal facility plan amendment. Work to include grant application.

Motion Caciari to give the Water/Wastewater Committee authority to select and negotiate with an engineering firm to complete phosphorus removal facility plan amendment. Work to include Grant Application. Not to exceed \$2500.00. Second Stephens. All voted aye.

STREET AND SANITATION REPORT

Councilman Caciari commended Acting City Manager Fredrickson on the excellent presentation he made at the Town Meeting on the Street Program.

As there were questions on who would be assessed, etc. the street proposals were put back into Committee.

CULTURE COMMITTEE

Councilman Caciari reported the Committee met with the Park Advisory Board, and the Jaycees on use of the Saddle Club Building. Recommendation: No one was to use the building because of the run down condition of it. The Election Department should be allowed use of the building for the election June 5, 1984.

Motion Caciari to accept the Committee recommendation with exception of the Election Department and they could use June 5, 1984 for the election. Second Stephens, All voted aye.

OTHER

Councilman Caciari reported repair of bleachers at Memorial Field would be completed this week.

Councilman Garrity reported the bike racks and parking signs had not been placed - suggested this be done. Also Garrity requested a letter be sent to Councilwoman Tate thanking her for service on the Council/.

May 21, 1984 cont.

Mayor Putnam read a letter from the Secretary of State, advising that the Interlocal Cooperation Agreement dated March 9, 1984, between the City and the School District for the purpose of use of Memorial Park had been filed.

Councilman Stephens said it was his intention the sign Ordinance be a part of the Zoning Ordinance so it can be included in the extra-territorial zones. He said the timetable should be changed to allow the Planning Board more time. The Planning Board would hold one hearing and the Council would hold one hearing. (Council hearing would be middle of July.)

Motion Stephens the proposed Sign Ordinance be submitted as a section of the Zoning Document. Second Caciari. All aye.

Motion Stephens to adjourn 9:56 P.M. Second Garrity. All voted aye.

ATTEST:

Kay Baker
City Clerk

James C. Putnam
Mayor

June 4, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P. M. All Councilpersons were in attendance.

Also present were City Manager Jack Arnold, City Engineer Sid Fredrickson, Assistant Police Chief Lonnie Herrmann, and City Attorney Leo Fisher.

MINUTES

Motion Ramlow to approve the minutes of May 21. Second Garrity. All aye.

NEW ADMINISTRATOR

Mayor Putnam introduced new City Manager to the public attending the meeting and asked that they stay after the meeting and introduce themselves to him.

ADMINISTRATIVE REPORTS AND REQUESTS

A. Sewer Rate Study Report:

Public Works Director Fredrickson asked for more time to bring the study to the Waste Water Committee for rate review and phosphorus study before bringing it back to council for review.

B. Tennis Court Use:

Councilman Caciari reported he contacted the Advisory Board of the county and was assured that the instructor would be paid all the fees collected for the lessons and he recommended that the Council approve the use of the Courts. Motion by Caciari and seconded by LaTourelle that the County use the Courts. All voted Aye. Caciari thanked the Park Advisory Board for their help.

PENDING BUSINESS:

A. Grouse Mountain Subdivision

Phase II was again referred back to committee-hearing to be held on the 18th of June.

B. BN Property Annexation Report

The annexation report was referred to committee to study regional planning report. Hearing to be held on July 2.

C. Council Member Selection:

Councilman Caciari and Councilman Stephens reported that they had three applications, but wanted to advertise once more before bringing their recommendation to the Council at the June 18 meeting.

D. Cantrall Property:

Public Works Director Fredrickson recommended they approve the plat since all the condition had been met. Motion by Stephens and seconded by Ramlow that the plat be approved subject to all the conditions. *all aye*

E. Trieweller Suit - Lakeshore:

Public Works Director Fredrickson reported that Trieweller was willing to settle provided he be paid \$594.00 and be able to keep the retaining wall as is. City Attorney Fisher said that if the insurance company would pay, he advised they settle, if the City had to pay the City should go to court if the Council so chose. Council referred the matter to wait until next meeting to get a report from Leo.

JUNE 4, 1984 cont.

NEW BUSINESSA. Hendrix Tracts - Mountain Willow Townhouses

Public Works Director Fredrickson recommended Mountain Willow Townhouses be turned over to the Land Use Committee for review.

B. Special Events:

Motion by Councilwoman LaTourelle and seconded by Councilman Ramlow to allow the permit be issued by the Safety Committee, conditional to requirements of revised application. All voted Aye.

C. Letter and Certificate of Appreciation to Helen Tate:

The Letter and Certificate of Appreciation to be presented to Helen Tate upon her return from her trip.

MANAGER CONTRACT REVIEW

The Manager contract review after the meeting was adjourned.

Council Reports:

Caciari reported that the bleachers were completed and that Harry Berg completed the fencing around the top of the bleachers. Mayor Putnam commended Harry for his work.

Stephens questioned the closing of roads at the cemetery and was assured they were all open except the southwest gate which was closed temporarily.

Stephens asked Ramlow the status of Parking Committee. Ramlow said he was waiting for more public input.

Stephens also reported that the difference in the County and City Lakeshore permits were causing difficulties. Mayor Putnam said he would bring it up at the next C.A.B. meeting, Leo suggested he take a copy of our Codes.

Caciari questioned contractors tearing up the streets to connect to water and sewer lines. Fredrickson reported that the contractors are Bonded and that they would be more strict in making them repair the streets in a better condition than in the past and recommended that they review and update the bonding requirements.

Garrity asked Fredrickson about road limit signs on Second Street. Sid said he had them and would put them up.

Motion by LaTourelle and seconded by Garrity to allow Ramlow to be out of state the last week in June. *all aye*

Manager Jack Arnold ^{would} get pictures of Mayors for Council Room.

Mayor Putnam reported new Vista Information Center to be dedicated by Governor, June 13th in Kalispell and asked council to think of something to be put in the time capsule.

Requested City Attorney Fisher to check on the status of Dave Jamieson serving on the Board of Adjustments since he has been annexed into the City.

Mayor Putnam reported that Councilman Caciari's talk at the Dedication of the Soldiers Home new wing was very inspiring.

Motion by Councilman Ramlow and seconded by Garrity to adjourn 8:22 P.M. All voted Aye.

James Putnam

Mayor

ATTEST:

Kay Beller

City Clerk

June 18, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance except Ramlow.

Also Present were City Manager Arnold, Building Inspector Berg, Fire Chief Sipe, Asst. Police Chief Herrmann, Public Works Director Fredrickson and City Attorney Fisher.

MINUTES

Motion Caciari second Garrity to approve the minutes of June 4, 1984, as read. all aye.

PAVING OF SECOND STREET AND BAKER AVENUE.

County Commissioner, Henry Oldenberg said the Commissioners agreed to furnish the hot mix in paving East Second Street and would definitely look at Baker Avenue. He strongly urged the city to proceed on Second so the load limit could be lifted, as the County wanted to pave Wisconsin Avenue.

Public Works Director Fredrickson explained, Charlie Phillips, County Road Supt. only offered two or three loads of hot mix and was not cooperative.

Council requested a written commitment from the Commissioners, and the Street Committee, PublicWorks Director, City Manager would meet with them this week, to work out an agreement.

Motion LaTourelle to give the Street committee power to act on the Agreement between the County and the City. Second Stephens. All voted aye.

PUBLIC HEARING

Grouse Mountain Phase 11, Zone Change and Preliminary Platt.

Tim Grattan explained he had a meeting with the people apposing his proposal, and had made changes to lot 10 & 11 to alleviate traffic problems. The Preliminary Platt would be redrawn.

Mayor Putnam opened the Public Hearing on the Preliminary Platt.

People speaking in favor of the Grouse Mtn. Phase 11 were: Carol Amos, Phillip Mitchell, Doug Pitman, Stuart MacKenzie, Mike Fitzgerald.

Councilman Stephens inquired on what the proposed Parkland would be. Grattan said the green belt and the parkland had been met on Phase 1.

Mayor Putnam closed the Public HEaring on the Preliminary Platt, and Opened the Hearing on the Zone Change to PUD.

Jerry Hansen and Dave Jamieson spoke in favor of the zone change. Public Works Director Fredrickson gave the staff report.

After discussion Mayor Putnam closed the hearing and turned Grouse Mtn Phase 11, over to the Land Use Committee for review. Decision would be at the Council Meeting of July 2nd.

Public Hearing Mountain Trails Park.

Mayor Putnam opened the Hearing on annexation of Mountain Trails Park. There was no public comment and the Hearing was closed.

Motion Garrity second Stephens to adopt Resolution No. 84-9, annexing Mountain Trails Park, Lot 3 of Block 1, Five acre Tracts into the City. All voted aye.

PENDING BUSINESS

Councilmember Appointment.

The Committee recommended Council approve the appointment of Ray Boksich to vacant position in Ward 11.

Motion Caciari second Stephens to appoint Ray Boksich as Councilman in Ward 11. All voted aye.

June 18, 1984 cont.

City Attorney Fisher swore Mr. Boksich into office and he took his seat at the Council Table.

SET WORK SESSION WITH CITY MANAGER

Meeting was set for Monday, June 25th at 5:00 P.M.

NEW BUSINESS

Whitefish Community Development Corporation.

Jerry Hansen requested Council endorse the Corporation in raising funds (approximately \$15,000,00) for a needs assessment study of the Community.

City Manager recommended Council endorse.

Motion Stephens Council endorse the Whitefish Community Development Corporations efforts to do needs assessment of Community. Financial Statements of this money to be presented twice a year to the Council. Second LaTourelle. All voted aye.

City Manager to write letter of approval.

BOARD OF ADJUSTMENT APPOINTMENTS.

Mayor Putnam explained two members terms would expire July 6, 1984. Ray Kasper and Barbara Schustrom - neither wished to be re-appointed.

The County appointment was referred to the Land Use Committee.

Motion Stephens to appoint Dave Jamieson to a four (4) year term on the Board of Adjustments, commencing July 6, 1984. Replacing Ray Kasper. Second Caciari. All aye.

CITY COUNTY PLANNING BOARD APPOINTMENT.

This appointment was turned over to the Land Use Committee. Mike Jensens resignation would be effective immediately.

Mayor Putnam requested the City Manager draft letters thanking these three people for outstanding job they had done.

CITY SPECIALS

City Specials would be brought back next Council Meeting for approval.

SPECIAL EVENT PERMITS

1. Whitefish Art Fair
2. Whitefish Lake Run
3. Citizens for Cohn
4. Chamber for regatta Events
5. Boat Club for Regatta Events

Motion Garrity to allow the above Special Event Permits. Second LaTourelle. All voted aye.

ROB BONNER - 428 West 3rd - Lot Split.

Public Works Director Fredrickson explained there would be two (2) lots. 50'X 122' . sewer and water are available. The garage on the one lot would be removed before any construction would start.

Motion Stephens to grant the lot split with condition the garage be removed before any structure is built. Second LaTourelle. All aye.

BOAT CLUB - LES MEASON PARK BOAT RAMP

Bert Sternal requested either the Mayor or City Manager be permitted to write a letter to the Fish & Game requesting boat dock construction at Les Mason Park(Boat Ramp).

Mayor Putnam was not in favor of the city endorsing a boat ramp. Rhonda Fitzgerald spoke against the boat ramp. Rob Bonner felt the City Council should not get involved. Al Schoenhueth spoke in favor.

June 18, 1984, cont.

After discussion it was Moved by Stephens, City Manager send a letter to the Fish & Game endorsing the boat ramp installation. Second Garrity. All voted aye except Boksich who voted no. Motion carried 5 to 1.

COMMITTEE REPORTS

The Water - Wastewater Committee requested \$2000 additional funds or up to \$4500 to allow for study of all phases of phosphorus removal. The additional funding would allow study of more than one alternative. Morrison-Maierle had been contracted to do the Study.

After discussion it was moved by Garrity to allow up to \$4500 for the phosphorus Removal study. Second LaTourelle. All voted aye.

Councilman Caciari reporting for the Parks Committee said the Parks Advisory Board would get estimate on repairing the Mountain Trails Park building, and the Board also recommended charging for use of the building.

Councilman Garrity reported the new intoxilizer in the Police Department was an excellent piece of equipment.

Mayor Putnam reported that candidates for Government Study Commission must file before september 7, 1984.

Mayor Putnam thanked the following:

1. Sid Fredrickson, for the excellent job of filling in as City Manager until Mr. Arnold arrived.
2. Pat LaTourelle & Jon Bos for the wonderful dinner they sponsored for the Fire & Police Departments, City Administration, Council and Mayor.

The Mayor announced Valerie Starno, reporter for the InterLake, would not be covering Council meetings anymore and thanked her for her excellent and fair reporting. Valerie introduced her replacement - Patty Bordo.

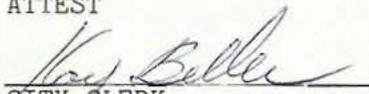
City Manager Arnold reported Union Contract negotiations would be held Wednesday evening at 7:30 P.M. he would report to the Finance Committee.

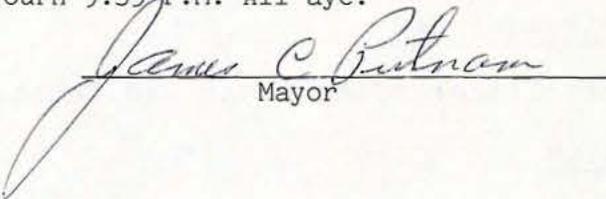
Arnold also suggested Council consider going to the Montana League of Cities Convention in the fall.

Lynn Walker, Manager of the Chamber of Commerce announced the City members for the Parking Commission are Jim McKenzie and Nancy Svennungsen.

Motion Caciari second Stephens to adjourn 9:35 P.M. All aye.

ATTEST


CITY CLERK


Mayor

June 25, 1984 cont.

Mayor Putnam opened this special meeting of the Whitefish City Council at 5:08 P. M. All Councilpersons were in attendance except Stephens and Ramlow.

Also present was City Manager Arnold.

PURPOSE of the meeting was to have a work session with the City Manager.

Mayor Putnam asked each Council Committee what their priorities were for the next budget year.

STREET
LAND USE COMMITTEE

Councilman Caciari reported the street program had not changed from the 83 - 84 budget, however, he said a meeting would be scheduled to draft proposals of financing which would be put on the ballot for November election.

SAFETY COMMITTEE

Councilman Garrity reported priorities were installing signs, (2 hr. parking-intersection, etc.)

Concerns: 4th & Spokane pedestrian crossing and school children crossing at 2nd & Spokane, enforcing snow removal ordinance.

WATER -- WASTEWATER

Councilwoman LaTourelle reported the Committee had checked into the City being responsible for the water line from the shut off valve to the main. Because of PSC rules and regulations it would effect our rate increases and is not possible at this time.

She also reported extension of services to newly annexed properties was being done on a one case basis.

LaTourelle said water taps, etc, would be increased substantially this would hold down the amount of increase to consumers. She also referred to letters from Jo Messex, Mgr. Whitefish Water and Sewer District regarding development of Big Mountain and study of water shed. LaTourelle said a masterplan should be done before there is any further developing on the mountain.

CULTURE-PARKS

Priorities: City Beach and Cemetery.

MAYOR

1. Establish reasonable expenditures City Manager be allowed to spend without Council approval. (City Manager said Council should approve all specs and approve all major projects and purchases.)
2. Asked Finance Committee to review all city owned property, and put up for sale the property not needed.
3. Wanted accounting of dumpsters sent to Havre.
4. Reminded Council they should work as Committees-CityManager should not have seven bosses.

CITY MANAGER

PRIORITIES: Replacement of street signs, squad cars and either repair or replace the sweeper.

OTHER

Motion LaTourelle: to allow Councilman Garrity permission to leave the State June 28, 1984. Second Caciari. All voted aye.

Motion Garrity to allow the City Manager to negotiate with the Union and the Finance Committee would be the Advisory Committee. Second Caciari. All aye.

June 25, 1984 cont.

OTHER

Council requested City Manager review cars needed for the City - the Personnel Resolution - Animal Control contract.

The #1 priority is Streets -

Other: Budget - Cemetery - Better Communication between County Commissioners and City, also schools - Police Chief.

Motion LaTourelle second Caciari to adjourn 7:29 P.M. All aye.

James C. Putnam
Mayor

ATTEST:
Kay Bell
CITY CLERK

TWN 3/6/85

July 2, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were City Manager Arnold, Building Inspector Berg, Fire Chief Sipe, Acting Police Chief Herrmann, Public Works Director Fredrickson and City Attorney Fisher.

MINUTES

Motion LaTourelle second Boksich to approve the minutes of June 4, 1984, as read. All aye.

Councilman Caciari corrected the minutes of June 25, 1984, instead of the Land Use committee - should have been Street Committee.

Motion Garrity to approve the minutes of June 25, 1984, with the one correction. Second Caciari. All aye.

Mayor Putnam presented former Councilwoman Helen Tate with a letter and Certificate of Appreciation.

PUBLIC HEARING

ANNEXATION OF 0.939 Acres -Burlington Northern

Mayor Putnam opened the Public Hearing on the annexation, as there was no comment he closed the hearing and turned it over to the Land Use Committee for their recommendation.

The Land Use Committee recommended approval of the annexation.

Motion Stephens to adopt Resolution #85-6, annexing the .939 acres -Burlington Northern property. Second Garrity. All voted aye.

ZONE CHANGE

Request by Burlington Northern for zone change of 1.92 acres from WI to WB-3.

Mayor Putnam opened the Public Hearing and as there was no comment he closed the hearing.

The Land Use Committee recommended approval.

Motion Stephens to adopt Ordinance #84-6, granting the rezone from WI to WB-3. Second LaTourelle. All voted aye.

July 2, 1984 cont.

PENDING BUSINESS

CITY SPECIALS

Motion Stephens to adopt the following Resolutions: 85-0, Maintenance District #1, 85-1-Light 1, 85-2-Light 4, 85-3 - Snow Removal, 85-4 - Delinquent Water Rentals 85-5 - Garbage, as presented and set July 16th for the Hearing. Second LaTourelle. All voted aye.

APPOINTMENTS TO THE BOARD OF ADJUSTMENTS AND CITY COUNTY PLANNING BOARD

Committee recommended appointment of John Lentz, owner of Alpine Village Market to the City County Planning Board replacing Mike Jensen.

Motion Caciari to appoint John Lentz to the City County Planning Board. Second Ramlow. All aye. (term would expire 12-31-84)

The two appointments to the Board of Adjustments was again referred back to the committee.

GROUSE MOUNTAIN PHASE 11

PRELIMINARY PLAT & ZONE CHANGE

Tim Grattan presented a revised map and explained changes.

Councilman Stephens reporting for the Land Use committee, said the Committee recommended approval with following conditions.

1. intersection of Eagle Drive and Fairway Drive will contain traffic control devices to limit entry from Eagle Drive going East.
2. traffic control - five (5) speed bumps full width.
3. two (2) pedestrian crosswalks
4. follow Planning Board recommendations 4-5-6-7-11-12-13

City County Planning Board recommendations listed.

4. A detailed flow study of both the existing and future sewer systems should be provided prior to preliminary plat approval and be approved by the city Public Works Department. The cost of any necessary improvements to the existing system is to be borne by the developer. The sewer system should meet City of Whitefish standards and State Health Department requirements.
5. In order to provide adequate fire flows for fire protection purposes, a booster station should be provided and its location shown on the preliminary plat. The water system should meet City of Whitefish Public Works standards and State Health Department requirements.
6. Garbage collection should be handled by a private hauler and the city should be exempt from providing future garbage collection service.
7. Anticipated storm flows should be shown along the streets. Also, overland flow that has been collected from several lots should have a drainage easement shown. The drainage unto Lot 8 and along the property line of Lots 15 and 16 should have either recorded easements or a declaration within the covenants.
11. Taxes on streets and open space shall be paid for by the homeowners association.
12. The covenants should be recorded.
13. Any amendments to the covenants should be approved by the City Council.

Council would agree on phase contiguous development - installation as needed, and approved by City Manager.

If booster station is required to maintain necessary water pressures or flows the cost shall be born by the developer - agreed to by water department and maintenance agreement by homeowners association-until City rate structures warrent take over.

Guarantee Improvement Agreement be entered into as phases are requested.

The Committee also recommended approval of the requested zone change to WPUD.

Motion Stephens to approve the Zone Change of WRR-1 with WPUD overlay. Second LaTourelle. All voted aye.

Motion Stephens to adopt the Preliminary Plat with the above stated conditions. Second Caciari. All voted aye.

July 2, 1984 cont.

MOUNTAIN WILLOW TOWNHOUSES

Preliminary Plat Application for Re-subdivision of Lot 2, Block 1, Hendrix Tracts.

The Land Use Committee recommended approval of the re-subdivision with the following conditions:

City County Planning Recommendations.

1. The driveway should be labeled "driveway and utility easement." All easements should be clearly delineated on the final plat and should conform to both Whitefish subdivision regulations and the Whitefish Public Works Standards.
2. In order to assure adequate ingress and egress to all lots, a cul-de-sac with minimum radius of 35 feet should be provided at the end of the private roadway as required under the Whitefish Subdivision Regulations.
3. Parking should be prohibited in the roadway and cul-de-sac which should both be paved.
4. A garbage collection site should be provided off West Second Street to prevent garbage trucks having to serve each lot individually.
5. At the time of issuance of building permits, all requirements of the Whitefish Zoning Ordinance in relation to building setbacks and number and location of parking spaces should be met.
6. All required improvements shall be completed prior to approval of the final plat or the developer shall enter into a written subdivision improvements agreement with the city guaranteeing the construction and installation of all improvements or a guarantee agreement furnished.
7. The subdivider will pay cash-in-lieu of the parkland requirement. based on appraised value of \$6,371.00 for the lots, the cash in lieu of would be 1/9th or \$708.00.
8. Homeowners covenants limit construction to duplex units.

There should be a maintenance agreement on the lift station.

Motion Stephens to approve the Preliminary Plat of Mountain Willow Townhouses with the above conditions. Second LaTourelle. All voted aye except Garrity who said no. Motion carried 5 to 1.

NEW BUSINESS

APPLICATION BY N.T. & M. ASSOCIATES for Industrial redevelopment bond financing.

Bond issue \$2,250,000

Motion Stephens to set the IRB HEARING For August 6, 1984. Second Ramlow. All aye.

SPECIAL EVENT PERMIT - Kramer family Wedding.

Motion Garrity to grant the special event permit. Second Ramlow. all voted aye, except Stephens who said no. Motion carried 5 to 1.

FINAL PLAT OF RESUBDIVISION OF A PORTION OF LOT 13 OF THE RIVERSIDE IMPROVEMENT COMPANY'S ACREAGE.

Motion Stephens to approve the final plat. Second LaTourelle. All aye.

EQUIPMENT PURCHASES

Public Works Director Fredrickson requested permission to purchase a vibratory roller by "Raygo" complete with trailer, included would be a small riding roller (known as a peanut). Both rollers and the trailer would cost \$7,000.00. They would be budgeted in the 84-85 budget.

Motion Caciari second Garrity to authorize the purchase of both rollers and the trailer for \$7,000.00. All voted aye.

CITY BEACH-City Manager Arnold requested permission to purchase immediately the following for city beach.

1. paddleboard. 2. economy paddleboard 3. megaphone, electronic. 4. childrens swim trainers 5. rescue cans 6. Rope floats 7. warning buoys.

The above items would be in the 84-85 Budget.

Motion Boksich to accept and approve the City Beach expenditures. Second Caciari All aye.

July 2, 1984 cont.

EXTENSION OF PRELIMINARY PLAT FOR WEDGEWOOD SUBDIVISION.

Motion Stephens the extention of the Preliminary Plat be granted for one (1) year. Second Ramlow. All voted aye except Garrity who said no. Motion carried 5 to 1.

OTHER

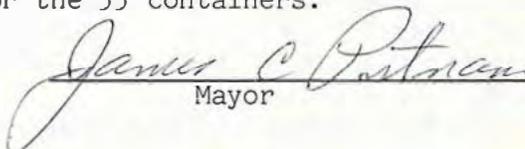
City Manager Arnold reported the Alliance Church needed a Use Permit to construct a Church on West Seventh Street, he suggested the Administration handle the Use Permit per Page 20 #4 of the Zoning Ordinance, so the Church could meet their deadlines.

Both the City Manager and the City Attorney recommended the Administration review.

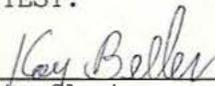
Motion LaTourelle, because of poor drafting on uses for churches, the Use Permit be authorized as Administration Review process - using the process of regular Use Permits for notification to adjoining property owners. Second Boksich. All aye.

Mayor Putnam asked Public Works Director Fredrickson status of Garbage containers in Havre.

Fredrickson said H-C-L had been billed for the 55 containers.


Mayor

ATTEST:


City Clerk

July 16, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:03 p.m. All Councilpersons were in attendance.

Also present were City Manager Jack Arnold, Building Inspector Berg, Acting Police Chief Herrmann, and City Attorney Fisher.

MINUTES

Mayor Putnam asked that the reading of the minutes be dispensed since regular City Clerk, Kay Beller was absent.

PUBLIC HEARING

Conditional use permit for North Valley Alliance Church.
Mayor Putnam opened the Public Hearing on the conditional use permit, Lester Norman, 788 W Seventh Street, inquired where the property was in relation to his property, after having his question answered by proponents he had no objection. After further public discussion the Mayor closed the hearing and turned it over to the Council.

Motion Stephens to allow conditional use permit with conditions that a 90 foot set back on the south boundary, 75 foot set back on the east boundary, and 125 foot set back on the west boundary, and the 75 feet on the east boundary from the south corner of the building north, be green area. Second LaTourelle. All aye.

July 16, 1984 (cont.)

Phosphorous Removal

Terry Richmond, Engineer for Morrison - Mairle Engineering gave a presentation on the three alternatives available for phosphorous removal. Mayor Putnam opened the hearing to the public and after discussion he closed the hearing and turned it to the Council. Councilperson LaTourelle motioned to recommend Alternative I with phasing using alum feed first, also pushing through the state to legislate a ban on the use on detergents containing phosphorous. Second Ramlow. All Aye.

Amendments to Zoning Ordinance

Councilman Stephens reset the hearing date for the amendments to the zoning ordinance to be on August 6, 1984.

Sign Ordinance

Councilman Stephens reset the hearing date to be August 20, 1984.

PENDING BUSINESS

City Specials

Resolution #85-3 - Snow Removal. Ben Cohen spoke out against the front footage assessment saying it was inequitable.

Resolution #85-2 - Lighting District #4. No comment.

Resolution #85-1 - Lighting District #1. No comment.

Resolution #85-0 - Maintenance District #1 (formerly SID 132). Ben Cohen again spoke out against the front footage assessment.

Resolution #85-5 - Garbage Collection. Ben Cohen spoke out about our commercial rates being too low for his company to be competitive.

Motion LaTourelle to amend the rates for minimum can charge to read each dwelling unit to be \$4.50 per month equaling \$54.00/year.

Each commercial establishment to be \$4.50 per month equaling \$54.00.

The rates for dumpster service will remain the same.

Seconded Stephens. All Aye.

Resolution #85-4 - Delinquent water bills. No comment.

Caciari moved to accept resolutions #85-0, 85-1, 85-2, 85-3, 85-4 and accept 85-5 as amended. Stephens seconded. All Aye.

Appointments to Board of Adjustments.

Councilman Stephens reported he still had no names to appoint to the Board of Adjustments appointments. Stephens said he would have them as soon as he could.

Parking Study Committee

Chairman Ramlow submitted the following people for the Parking Study Commission: Hank Olson, at-large member by Mayor Putnam, Hank Starno and Pat Sullivan by the Chamber of Commerce, Gary Stephens and Dick Peterson, by the City Council. Council voted aye to accepting the members of the committee.

NEW BUSINESS

Special Events

Chamber of Commerce Crazy Days, Chamber of Commerce Sidewalk Sales, and KJJR Radio Ice Cream Social. Caciari moved to approve all permits. Latourelle Seconded. All Aye.

July 16, 1984 (cont.)

Zone Change and Preliminary Plat Approval for Wedgewood. Set hearing date for August 6 meeting.

Preliminary Plat of Eagle Crest Condominiums. Referred to Land Use Committee to come to August 6 meeting with recommendation.

Annexation and Zone Change by the Burlington Northern. City Manager Arnold reported that he had received recommendations from the Planning Board.

Re-Subdivision of Lots 2 and 3, Block 1, South Whitefish (Ron Holliday). Hearing date was set for August 6.

Re-Subdivision of Lot 1A of the re-subdivision of Lot 1 of the amended plat of Lot 4 of First Addition Tallman's Subdivision and Lot 1, Block 7, First Addition to Whitefish Townsite Company's Five Acre Tracts (Thomas LaChance). Referred to Land Use Committee for recommendations at August 6 meeting.

Culture Committee Recommendations. Chairman Boksich recommended request for proposals be sent out for the old bathhouse at City Beach, they would like to see it put to better use and have a minimum requirement be a basket service. Council all voted aye.

Boksich also recommended a calendar of special events for all the different city parks be posted in the City Clerks office and also published weekly in the Whitefish Pilot. All voted Aye.

Boksich asked if there were funds available for hiring 2 or 3 college or high school students as part time maintenance people in the parks. Mayor Putnam asked City Manager Arnold to see if there were funds and if the money was available. If money is available the Council voted Aye.

Boksich said the sand at the City Beach needed replacement. Street supervisor George Wartnow said we don't have any sand and it was decided it would be too expensive to buy some.

Boksich reported they are still waiting for quote from contractor for repairing building at Mountain Trails Saddle Club Building. The building seems to be in relatively good condition.

Preliminary Budget Sessions. Set preliminary budget sessions for 7/23/84 and possibly 7/24/84 - work sessions and 7/25/84 adopt preliminary budget. All meetings were set for 7:00 p.m.

OTHER

Caciari reported on the meeting with the State Highway Department concerning the intersection at Second and Spokane Avenue. The Highway Department has found a temporary solution to the problem and requested the Council to remove parking spaces in front of Staceys Oil Co. and Home Lumber Co. Caciari moved that City Manager Arnold instruct Public Works Director Fredrickson to eliminate parking spaces, paint curb yellow and put up no parking signs. Boksich Seconded. All aye. Mayor Putnam requested City Manager Arnold to write up a resolution to remove the parking at those two locations.

City Manager Arnold asked if installing street lights were to be brought up before the Council or if they were administrative. Mayor Putnam said it was an administrative decision.

Councilman Ramlow reported that City Attorney Fisher had drawn up a final draft of City Manager Arnold's contract. It would be available if any one wanted to look it over.

Garrity suggested there be a rule for having roll out containers out each week for garbage pickup so they would not be so full, also would like to direct people to use bags when emptying their garbage into the dumpsters.

Garrity also wanted Council to start thinking about the traffic problem there is going to be on Highway 93 S.

July 16, 1984 (cont.)

Garrity said that the bicycles are not being policed very well he has seen bicycle racks empty and the bicycles on the sidewalk.

Boksich asked if anything had been done in getting the cemetery plots surveyed, Manager Arnold said it was in the preliminary budget.

Boksich asked for permission to leave the state from July 29, 1984 through August 13. Garrity motioned in favor of letting him leave. Ramlow seconded. All aye.

Stephens asked City Attorney Fisher about extending zoning boundaries. Mayor Putnam said that it will be discussed at the C.A.B. meeting, Wednesday, July 18, and since neither him or City Manager Arnold can make it would Stephens attend. Garrity offered to go if Stephens could not.

Stephens asked to think about having a retreat again for a whole day to evaluate instead of a work session in the future.

Stephens set Land Use Committee meeting for August 1, 1984 at 7:00 p.m.

LaTourelle mentioned the sewer rate study may be ready for next meeting.

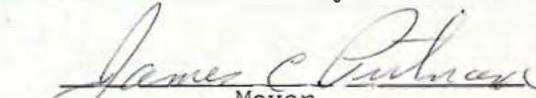
Mayor Putnam has received may complaints that the school has been watering the track field for hours at a time, Water/wastewater Manager Greg Acton will check into it.

Putnam also asked about transient peddlers in town and if they are getting business licenses, City Manager Arnold assured him they were, Putnam asked to keep control of the transient peddlers.

Putnam reported he had requested Arnold to make work schedules for street, water, and sewer departments on a bi-weekly basis so the Council would be kept up to date on projects being done.

Motion Ramlow second Stephens to adjourn 10:00 P.M. All aye.


Acting City Clerk


Mayor

July 23, 1984

Mayor Putnam opened the City Council Work Session on the Preliminary 1984-85 City Budget at 7:00 P.M. All Councilpersons were in attendance.

Also present were City Manager Jack Arnold, City Engineer Sid Fredrickson, Assistant Police Chief Lonnie Herrmann and Water/Wastewater Superintendent Greg Acton.

Preliminary Budget Review:

Councilmembers opened their discussion of the 1984-85 Preliminary City Budget with a discussion of revenues. It was noted revenue estimates were conservative and the large amount of delinquent taxes receivable on the books. Departmental expenditures were discussed including City Court, Finance and Administration, Data Processing, Legal Services, City Building, Non-Departmental, Police, Fire and Road and Street. The Judge's request for a salary increase was discussed. The difference in estimated 1983-84 Finance and Administration salary costs and the 1984-85 budget request was noted by Councilmembers. The City Manager explained there were salary savings in 1983-84 due to the City Manager's position being vacant for several months.

The difference in the recommended salaries for Legal Services vs the requested amount was noted. The City Manager explained his salary recommendations were based on salaries as of June, 1984 plus 5%. In those cases where the requested amount was in excess of 5% he did not recommend an amount in excess of 5%, preferring instead City Council review of each such request. In regards to the City Attorney's request

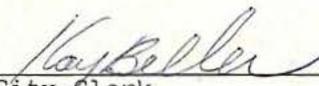
July 23, 1984 (cont.)

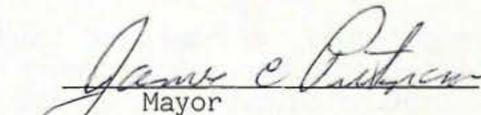
he thought it was reasonable considering his judgement that more time of the City Attorney should and would be required this year. Council action was deferred until Mr. Fisher was present. In the City Building budget the City Manager explained he was recommending custodial services should be contracted out rather than having part-time employees and that the present part-time employees could submit a proposal. Discussion of the appropriate account for such contract work took place, the desire of the City Council being to separate the \$6,000 for contract custodial service from the repair and maintenance account. It was decided to move this amount to account number 390, Other Purchased Services. Changes in non-Departmental was due to approximately \$1,000 additional being budgeted for the County Administrative Board and the estimate for the Building Inspector's Commission, the final figure in that case being dependent on construction activity.

Assistant Police Chief Herrmann reviewed individual account items with Councilmembers, Councilman Stephens suggested alarm charges should be increased. Mr. Herrmann said he would review the matter. During review of the Fire Department budget, the City Manager indicated the recommended increases were primarily due to the need to repair two fire engines, materials for building improvements and additional turn out gear. Councilman Stephens indicated he thought the Rural Fire Fund should be paying for some of the equipment repair. This is to be reviewed with Fire Chief Sipe at the Tuesday budget review session.

Considerable discussion among Councilmembers took place on the Road and Street Division budget, particularly as to materials and contract work.

Motion Stephens, second Garrity to adjourn at 10:40 P.M. All ayes.


City Clerk


Mayor

July 23, 1984

Mayor Putnam opened the second City Council Work Session on the Preliminary 1984-85 City Budget at 7:00 P.M. All Councilpersons were in attendance except Councilwoman LaTourelle.

Also present were City Manager Jack Arnold, City Attorney Leo Fisher, City Engineer Sid Fredrickson, Fire Chief David Sipe, Assistant Police Chief Lonnie Herrmann and Water/Wastewater Superintendent Greg Acton.

Preliminary Budget Review:

Mayor Putnam stated he didn't intend to comment extensively, but that the City Council should allocate funds and decide details later. Also that any tax increase for roads should be placed in Improvement District #1 or similarly earmarked.

Fire Chief Sipe discussed the Rural Fire Fund and the basis for his budget requests. Councilman Stephens stated rural fire charges should be raised and part of the increase used for maintenance expenses. Chief Sipe stated the present \$20.00 base charge had been increased from \$15.00 and that a \$35.00 base charge was not being considered by the Department, but that \$25.00 or \$30.00 was. He will consult with the members of the Volunteer Fire Department and report back in regards to the Rural Fire charges and the possibility of some maintenance being charged to that fund.

City Attorney Fisher spoke regarding the Legal Services budget specifically salaries and fringe benefits. He stated the amount also included the Assistant City Attorney and was less than Columbia Falls budgeted and that they had less legal activity.

July 24, 1984 (cont.)

Public Works Director Fredrickson spoke regarding the Road and Street Division budget. He stated considerable contract work would be done with carry over funding from 1983-84 plus the City Manager's 1984-85 recommendation, even though that amount was cut from his request. Considerable discussion took place on this budget. The City Manager stated that \$100,000 more had been included in this budget both in 1983-84 and 1984-85 plus 75% of Revenue Sharing Funds and he considered this amount adequate without additional funding being available. Discussion of an additional mill levy for street construction and/or a November ballot issue took place. The City Manager stated he preferred the City Council have a question on the ballot on the subject. Councilman Stephens clarified his position by stating a ballot issue would not provide additional funds for 1984-85 and a mill levy could be done this year and let the public decide via voting for 1985-86 and thereafter.

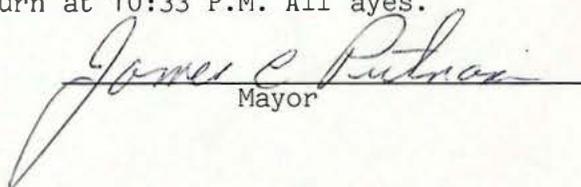
He also stated he was dissatisfied with the amount budgeted for contract work and materials in this budget, that all of the Improvement District #1 and Gas Tax Revenues should be used for road and street contracts and materials.

Budget review continued with discussions of the Cemetery, Central Shop, Parks and Recreation, City Beach Grant, Parkland Acquisition and Development, Rural Fire, Health Self Insurance, Revenue Sharing, Water, Sewer, Refuse, Ambulance and Special Assessments budgets. Mayor Putnam and Councilmembers Ramlow, Caciari and Garrity expressed general satisfaction with the preliminary budget recommendations. Councilman Boksich indicated he commended where appropriate but was to now have an overall opinion. Councilman Stephens stated he did not agree with the direction of the preliminary budget. He also suggested doing the preliminary budget in the winter like Columbia Falls. Mayor Putnam asked members to think over the preliminary budget and have any suggested changes for tomorrow night. The City Manager is to review City car usage and report back to the City Council.

Motion Ramlow, second Caciari, to adjourn at 10:33 P.M. All ayes.



City Clerk



Mayor

July 25, 1984

Mayor Putnam opened the third City Council Work Session on the Preliminary 1984-85 City Budget at 7:00 P.M. All Councilpersons were in attendance except Councilman Stephens.

Also present were City Manager Jack Arnold, City Engineer Sid Fredrickson, Assistant Police Chief Lonnie Herrmann and Water/Wastewater Superintendent Greg Acton.

Preliminary Budget Review:

Mayor Putnam turned the meeting over to the City Manager for final preliminary budget review. Councilman Ramlow made several inquiries on budget details, including winter maintenance. Councilman Garrity indicated Councilman Ramlow had inquired concerning areas where he had questions. Councilman Caciari reviewed several budget items and stated he thought it was an excellent document. Councilman Boksich suggested approving the City Attorney's compensation request. Mayor Putnam recommended \$17,000 be approved for salaries. The City Manager advised in that case an additional \$140 should be allocated to Employer Contributions (Fringe Benefits). Mayor Putnam accepted the suggestion. Councilwoman LaTourelle moved the Legal Services Budget be revised as follows: Salaries - Permanent Full and Part Time - \$17,000, Employer Contributions - \$5,763, Total Personnel - \$22,763 and Total \$23,363, second Councilman Ramlow. All ayes.

Councilwoman LaTourelle inquired concerning Animal Control. Councilmembers advised a City Animal Control program had been discussed with Assistant Chief Herrmann at the Tuesday meeting but dropped because of cost and that the City plans to work more closely with Flathead County Animal Control

July 25, 1984 (cont.)

to improve services. In response to her inquire on the Fire Department budget the City Manager indicated the need was for building materials for the Fire Hall, turn out gear and repair of two fire engines. The City Manager also explained the operation of the Health Self Insurance account and that an employee committee would probably review the present health insurance plan. Councilwoman LaTourelle said she had just finished such a review for her business and would make her findings available to this committee. Any proposed changes would be taken to the City Council Administration and Finance Committee. Councilwoman LaTourelle stated she liked the new budget format and presentation.

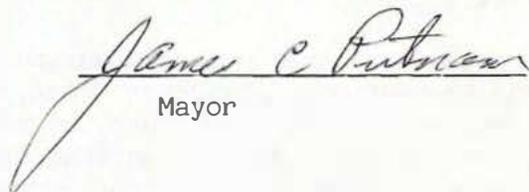
Preliminary Budget Adoption:

Councilman Ramlow moved adoption of the preliminary Budget as presented with \$6,000 moved from Repair and Maintenance to other Purchased Service in the City Building budget and the prior action on the Legal Services budget, seconded by Councilman Garrity. All Ayes.

The meeting was adjourned at 7:40 P.M.



City Clerk



Mayor

August 6, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance except Boksich.

Also present were city Manager Arnold, Acting Police Chief Herrmann, Public Works Director Fredrickson and City Attorney Fisher.

MINUTES

Motion Caciari second Garrity to approve the minutes of July 16, 1984. All aye.

Motion Caciari second Garrity to approve the minutes of July 2, 1984. All aye.

PUBLIC HEARINGS

ZONING AMENDMENTS

There are thirty seven (37) proposed changes to the zoning ordinance for consideration under par. 1.14.020 (page 30) of the Ordinance plus (17) additional proposed amendments by the Council Committee.

A Public Hearing was held Jan. 23, 1984, by the Zoning Commission.

Mayor Putnam opened the Hearing to the Public.

Dave Jamieson, Chairman of the City County Planning Board Committee, discussed some of the proposed changes, and Councilman Stephens explained the Committee proposals.

After much discussion Mayor Putnam closed the Hearing and requested the Committee rewrite items discussed and bring back next meeting.

Motion Ramlow to approve the recommendation of the Land Use Committee as amended, and adopt Ordinance 84-8, on the first reading. (second reading to be 8-20-84). Second Stephens. All voted aye.

PUD OVERLAY AND PRELIMINARY PLAT APPROVAL FOR WEDGEWOOD

Mayor Putnam opened the Hearing.

City Manager Arnold reported the subdivision does not meet two sections of the Zoning Ordinance and the city was not in a position to approve at this time.

After discussion Mayor Putnam closed the Hearing, and turned over to the Land Use Committee. They would report back next Council meeting.

RE-SUBDIVISION OF LOT 1A of the re-subdivision of Lot 1 of the amended plat of Lot 4 of First Addition Tallman's Subdivision and Lot 1, Block 7, First Addition to Whitefish Townsite Company's Five Acre Tracts (Thomas LaChance)

Mayor Putnam opened the Public Hearing.

The Land Use Committee recommended approval with following conditions:

1. Utilities shall be placed within the roadway and utility easement and be shown and identified on the final plat in accordance with the requirements of Section 111.A. (14) of the Whitefish Subdivision regulations and in accordance with the City of Whitefish Design Criteria for public improvements.
2. The private roadway shall have a minimum paved width of 20 feet and parking should be prohibited on the driveway.
3. At the time of the final plat, covenants or other adequate arrangements shall be made to ensure maintenance of common utility and roadway easements.
4. All requirements of the city of Whitefish and the Dept. of Health and Environmental Sciences regarding water, sewer, fire flow, drainage and other improvements be met.
5. All required improvements shall be completed prior to approval of the final plat or the subdivider shall enter into a written subdivision improvements agreement with the City guaranteeing the construction and installation of all improvements.
6. All delinquent taxes shall be paid prior to approval of final plat.
7. The number of units shall be stated on the final plat as two (2) duplexes on Lot 2 and one (1) unit on Lot 1 as applied for.

Mayor Putnam closed the Hearing and it was Moved by Stephens to accept the resubdivision with the above stated conditions. Second Garrity. All aye.

August 6, 1984 cont.

PENDING BUSINESS

EAGLE CREST CONDOMINIUM-Preliminary Platt

The Land Use Committee recommended approval using revised plat, and following conditions:

1. All common utility lines shall be placed in easements and shall meet the requirements of Section 111.A.(14) of the Whitefish Subdivision Regulations.
2. Cash be accepted in lieu of park dedication in the amount of \$570. This amount should be stated on the final plat.
3. The private roadway shall be 22' paved and the covenants amended to prohibit parking on the private road.
4. Solid waste disposal shall be in accordance with the requirements of the City of Whitefish and meet the approval of the City Public Works director and any central collection area (shall be interior to property) shall be shown on the final plat.
5. Any amendments to the covenants shall be approved by the City Council.
6. All requirements of the City of Whitefish and the Dept. of Health and Environmental Sciences regarding water, sewer, fire flow, drainage and other improvements shall be met.
7. An additional hydrant shall be located within the subdivision for fire protection purposes.
8. All required improvements shall be completed prior to approval of the final plat or the developer shall enter into a written subdivision improvement agreement with the city guaranteeing the construction and installation of all improvements. Recommend: 1 year extension for road paving from preliminary approval.
9. In order to assure adequate ingress and egress to all lots, the cul-de-sac radius shall be increased to 35 feet to meet the requirements of the Whitefish subdivision regulations (Section 111.A.8).
10. If mail delivery will not be to each individual lot within the subdivision an off-street area within the subdivision for mail delivery shall be provided in cooperation with the United States Post Office. The covenants shall be amended to include maintenance of this area by the Homeowners Assoc.
11. Fence to be built along west border after encroachment settlement.
12. The covenants shall be recorded with the County Clerk and Recorder.

Motion Stephens to approve Eagle Crest Condominium Preliminary Plat with above stated recommendations. Second Garrity. All voted aye.

CITY VEHICLE USAGE

City Manager Arnold gave summary of present vehicle usage and recommended the city Manager's vehicle be used as a pool car during the day for City Hall personnel and that provision of vehicle to the Police Chief be discontinued, and that the detective unit not be taken home unless evening and weekend usage is greater than is apparently the case at present. His recommendations of disposition would result in a total of three cars, other than marked patrol vehicles, rather than four. Two vehicles would be taken home rather than four.

Council accepted the recommendation of the City Manager.

APPOINTMENTS TO BOARD OF ADJUSTMENTS

The Committee recommended approval of Bill Leonard as extra-territorial member, term expire on 7-6-85 and Russ Giesy for city member, term to expire on 7-6-87.

Motion Caciari to accept recommendation of the committee and appoint Bill Leonard and Russ Giesy to the Board of Adjustments. Second Stephens. All voted aye.

CITY MANAGERS EMPLOYMENT AGREEMENT

Councilman Ramlow gave the Committee report and it was Moved by Ramlow second LaTourelle to approve the employment agreement. All aye.

ENGINEERING FIRMS

Councilwoman LaTourelle reported the Water/Wastewater Committee, and City Staff had interviewed four Engineering Firms for the Interceptor Line and Phosphorus removal. Requested permission to have Dennis Carver, Paul Wells and CH2 N Hill do the engineering.

August 6, 1984 cont.

Motion LaTourelle to accept the Committee recommendation. Second Ramlow. All aye.

NEW BUSINESS

PRELIMINARY PLAT FOR MASTERS GREEN

Council set the Public Hearing for September 4th Council Meeting.

APPROVE SPECIFICATIONS AND CALL FOR BIDS

One ton four wheel drive pick-up

Motion Ramlow second Garrity to approve the specs and allow call for bids. All aye.

Sanding Unit and mounting.

Motion Stephens second LaTourelle to approve the specs and allow call for bids.
All voted aye.

REPEAL SECTION 4.24.020 (Solicitors-exemptions) of the Whitefish Municipal Code.

Motion LaTourelle to adopt Ordinance 84-9. Second Caciari. All voted aye.

RATIFY APPOINTMENT OF POLICE COMMISSIONER

City Manager Arnold recommended Ken Doxtater for appointment of Police Commissioner.

Motion Stephens to accept the recommendation. Second Ramlow. All aye.

OTHER

Councilman Caciari set August 13, for a meeting of the Street and Alley Committee.

Councilman Stephens reported on the CAB meeting he attended.

He said a letter directing the Regional Planning Office to proceed on extra-territorial boundaries was needed, and also the planning office was willing to help the city with block grants.

Stephens said the Land Use Committee would study single family PUD and road policies and come back with a recommendation.

He suggested the alley between 1st and 2nd be a one way.

Mayor Putnam said he had been approached on speeding on Central Avenue by the Park. Turned over to Acting Police Chief Herrmann.

Motion LaTourelle second Caciari to adjourn 10:22 P.M. All aye.

ATTEST

Ray Beller
City Clerk

James Putnam
Mayor

August 8, 1984

Mayor Putnam opened the Hearing on the Preliminary Budget for 1984-85 at 7:00 P.M.

All Councilpersons were in attendance except Councilman Boksich who was excused.

Also present were City Manager Jack Arnold, Ass't. Police Chief Ionnie Herrmann and Superintendent Greg Acton.

Minutes of the three Budget Meetings were read.

Motions by Councilman Caciari and seconded by Garrity approving the minutes of the July 23 and 24th meetings. All aye.

Motion by Ramlow and seconded by Garrity approving the minutes of the 25th meeting. All aye.

Mayor Putnam called on Manager Jack Arnold to give a brief outline of the Budget, truck purchase, contract work and crew reductions and placing the Street Improvements on the November Ballot.

Susan Abell Chairman of the Park Board spoke in reference to the Park Budget explained that with good maintenance our parks will be in good shape. Also asked that the \$10,000.00 the City received from the Sale of the rifle club house be placed in the Park Acquisition Fund for future use.

Stan Dye congratulated the City Manager and Councilpersons on the readability of the Budget. He also questioned all the transfers between funds and the amount of money spent on the Warehouse from the Depreciation Fund and the \$30,000.00 expended for Police Radios from the revenue sharing fund. Stating that it did not give a true picture of expenditures of each department. And questioned the taking and keeping a true inventory of supplies and equipment of the City, and stated contracting work was more equitable way of doing improvements to Streets.

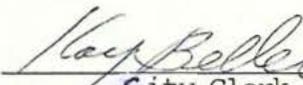
Bart Smith questioned the increase in the salary schedule of the Financial Department. Manager Arnold explained that the 83-84 Budget paid only 9 months salary for City Manager instead of 12 months. He also questioned the amount for new office chair in Judge's Office.

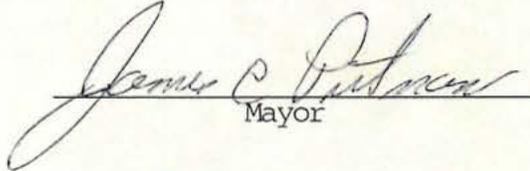
Councilman Stephens asked for an explanation of taxes to be raised by mill levy and delinquent taxes. Also raised the question of Street Department Budget and State Gas Tax money.

Motion by Stephens and seconded by IaTourelle to use Gas money for street department supplies and improvements. Ramlow-no, Garrity-no, Caciari-no. Motion defeated.

Councilwoman IaTourelle asked if the contract with T.V. Cable Company could be changed, but Manager Arnold explained we were locked into the contract for 20 years, also asked about the Line changes in the water and sewer department budget. Manager Arnold will check before next Mondays' meeting on recommended changes.

Mayor Putnam adjourned meeting at 9:00 P.M.


City Clerk


Mayor

August 13, 1984

021

Acting Mayor Councilman Vince Caciari opened the meeting on the final hearing on the preliminary Budget for 1984-85.

All Councilpersons were in attendance except Councilwoman Pat LaTourelle, also absent was Mayor James Putnam. In attendance were City Manager Jack Arnold, Ass't. Police Chief Ionnie Herrmann, Fire Chief Dave Sipe and Superintendant Greg Acton.

Minutes of the August 8, 1984 Preliminary Budget meeting were read.

Motion by Councilman Ramlow and Seconded by Councilman Garrity to approve minutes as read. All voted Aye.

Manager Jack Arnold explained the changes in the Budget and that in his opinion that another man in the Sewer Department was not needed and the travel allowance should not be increased since he felt that there had been an excess of travel in the past that was not warranted and that to increase the water budget when the rate increase time is uncertain it would be better wait and adjust the Budget at a later time. Manager Jack Arnold explained the Council would have to make a new Motion in Order to transfer the \$10,000.00 dollars to the Park Acquisition Fund. Motion by Councilman Boksich and Seconded by Ramlow to transfer the \$10,000.00 Rifle Club building sale to Park Land Acquisition Fund. All Aye.

Councilman Ramlow asked that for the record recommendations on how the money should be spent should come from the Park Board and Council and back to the Council for review.

Resolution 85-7

Since there were no more changes or comments on the 1984-85 Budget, Motion by Councilman Ramlow and Seconded by Councilman Garrity that the Municipal Budget be approved. All Aye.

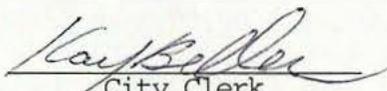
Resolution # 85-8

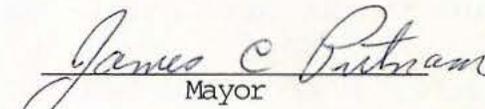
A Motion by Councilman Ramlow and Seconded by Councilman Garrity that Resolution Levying and Assessing a Tax on all Real Estate within the corporate limits of the City of Whitefish, Montana. All Aye.

Resolution #85-9

A Motion by Councilman Ramlow and Seconded by Councilman Garrity that Resolution determining the amount of City Taxes to be raised for all purposes and levying a tax against all properties within the City of Whitefish. All Aye.

Motion by Ramlow, Seconded by Stephens meeting adjourned. All Aye. 7:35 P.M.


City Clerk


Mayor

August 20, 1984

Mayor Putnam opened the regular Whitefish City Council meeting at 7:01 P.M.

All Council persons were in attendance.

Also present were Manager Jack Arnold, Attorney Leo Fisher, Ass't. Chief Lonnie Herrmann and Public Works Director Sid Fredrickson.

Mayor Putnam asked that the reading of the minutes of the last meeting be waived due to the absence of the Clerk and the Treasurer having Iarangitis. A motion by Councilman Garrity and Seconded by Councilman Ramlow that the reading be waived. All Aye.

PUBLIC HEARING

Mayor Putnam opened the hearing on the sign ordinance asking that everyone make a brief statement. He called on Councilman Gary Stephens to give a explanation of what the ordinance would entail since he had spent a lot of time on the project. Councilman Stephens showed slides of various signs and billboards some that conformed and some that would be restricted. Mayor Putnam then called on the public (that were for the sign ordinance) to speak first.

Gary Elliott, Claire Strickler, Hank Starno on behalf of the Chamber, Dave Jamieson, all congratulated Councilman Stephens on the excellant job he had done, and felt that we should have a sign ordinance, but also felt that there were a lot of points that should be taken into consideration and that a committee should be formed to iron out some of the details and get more input from the citizens.

Mayor Putnam then called on those that were opposed to the ordinance.

Buster Schreiber, Eric Johnson, Jay Tentinger, Greg Bryon, Kalispell Neon George Stacey, Ed Grogan, Gib Long, Al Birk, George Bonbuck, Doll Kennaman, Rourk from Myre Advertising, and Don Graham from Rocky Mountain Neon representing local business group. All felt the ordinance was too restrictive and that local small business would suffer if they had to give up reader boards, Billboards neons and height and size of signs. Don Graham explained the City may opened itself to law suits and litigations and offered to donate his time to help the City work out a workable ordinance. Since there were no more comments Mayor Putnam closed the Public Hearing and deferred to the Council.

Councilman Ramlow stated he was not ready to vote on the sign ordinance until there were some revisions, Councilman Boksich also stated he had reservations at this time. Councilman Stephens stated that if they didn't act soon the sign ordinance would be lost, and that he had asked to be able to present the ordinance to the Chamber of Commerce, but had never received a reply. Chamber secretary Lynn Walker apoloized for the error.

A motion by Councilwoman Pat LaTourelle that the Council not act on the Sign Ordinance at this time. Ramlow aye, Garrity Aye, Boksich Aye, Stephens No, Caciari No, LaTourelle Aye. Motion Carried.

A Motion by Councilwoman Pat LaTourelle that the sign ordinance be turned over to a committee of 5 - two ^{representatives} members be from the Chamber and to report back no later than October 1, 1984. Seconded by Councilman Ramlow. All Aye.

A motion by Councilman Stephens that the Re-Subdivision of Block 1, Lots 2&3 be approved subject to conditions of the covenance, \$1,500.00 cash in lieu of Park and all requirements of water, sewer and parking be met. Stephens Aye, Ramlow Aye, Boksich Aye, LaTourelle Aye, Caciari Aye, Garrity No. Motion carried.

PENDING BUSINESS

Mayor Putnam opened the hearing on the 2nd reading of the zoning amendments noting in the minutes that legal opinion of Attorney Leo Fisher that zoning changes were allowed on the second reading. Dave Jamieson asked that changes in bay window requirements be changed and delete direct and add all usual administrative costs. Claire Strickler asked that all changes be read aloud. Councilman Stephens complied.

Hank Starno stated that WR-1 should be single family units and not duplexes. Clinton Collins also voiced this opinion. Dave Jamieson stated that a 2 family dwelling should have to have a use permit. No further comments. Hearing was closed to the Public.

Councilman Garrity commented on the duplex in the Shoreview Addition and how it detracted from the single family dwellings. A Motion by Councilman Stephens that in WRI a use permit would have to be granted by the Council to build a duplex. Seconded by Councilman Boksich. All Aye.

A Motion by Stephens to approve Zoning Amendments #3 to approve amendments by Land Use Committee plus the 23 amendments plus a change to read the fee should include all usual administrative costs included etc. #7 to read Bay Window projecting outward from wall with 3 or more sides or curved form. #14 Whitefish Code Section to replace State Code Section. Seconded by Councilwoman LaTourelle. All Aye.

WEDGEWOOD

Councilman Stephens stated he was unable to meet with Land Use Committee so he had no recommendations and he felt that all requirements had not been met. Richards asked for a 2 week extension. He will meet with the Committee at 7:00 on Monday, August 27, 1984.

NEW BUSINESS

A. A Motion by Councilman Caciari and 2nd by Councilman Garrity the City Manager be allowed to negotiate a contract with the union. All Aye.

B. Motion by Caciari and Seconded by Garrity passing Resolution 85-13 amending ordinance B-925. All Aye.

C. Ordinance 84-9 setting salaries of non-union employees.

D. Motion by Councilwoman Pat LaTourelle and seconded by Councilman Garrity the City be allowed to call for bids on Custodial Service. All Aye.

E. Continuance of re-subdivision of Lot 1 of the amended plat Lot 4 of Tallmans sub-division and Lot 1 Block 7 of 1st addition five acre tracts as yet no date

F. Motion by LaTourelle and seconded Ramlow Resolution 85-11 execute Engineering agreement for wastewater improvements.

G. Motion by LaTourelle and Seconded by Ramlow to grant a 1 year extension to the Viking on preliminary plat. Stephens No, Caciari Aye, Ramlow Aye, Garrity Aye, Boksich Aye, LaTourelle Aye.

H. A Motion by Pat LaTourelle and seconded by Stephens granting Sober Taxi parking place on the corner of 1st and Central parallel to Markus Grocery.

J. Motion by LaTourelle and seconded by Boksich granting a extension Mountain Mall's Industrial Revenue Bond Escrow Account. To December 31, 1984. Res. 85-12

Council to meet at Special Meeting on August 27 to pass Resolution 85-10 All Aye.
authorizing the filing of application for a grant from EPA for Phosphorus Removal.

A Motion by Pat LaTourelle and seconded by John Garrity that special events permits for the Whitefish Boat Club/Chamber of Commerce 9-8-84 and Whitefish Credit Union 8-29-84 be granted. All Aye.

Councilman Boksich reported on the findings of Park Board on the feasibility of restoring the Saddle Club. Stated that the Saddle Club is a historic landmark and that the cost of restoration would be about \$4700.00 and monies from the Park Land Acquisition Fund could be used. Motion by LaTourelle and seconded by Caciari approving the restoration of Mountain Trails Saddle Club. All Aye.

Motion by Ramlow and seconded by LaTourelle that the Fire Department be allowed to enter into a contract with the Mountain Bank to purchase a new ambulance. All Aye.

Councilman Stephens reported that the Park Board and County Culture Committee are studying the Ball Fields South of City to sell or lease to County.

Councilwoman LaTourelle asked that the public be first on the agenda and contracts and hearings later.

A Motion by LaTourelle and seconded by Stephens that meeting be adjourned. 11:22 P.M.

Helen Doyle

City Clerk

Mayor

August 27, 1984

Mayor Putnam opened this Special Council Meeting at 7:00 P.M. All Councilpersons were in attendance except Boksich. Also present were Public Works Director Fredrickson, City Manager Arnold and Dennis Carver.

PURPOSE:

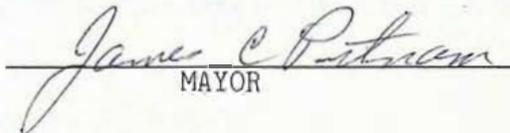
To approve the Engineering Agreement for Services for Wastewater Improvements.

SIGN ORDINANCE

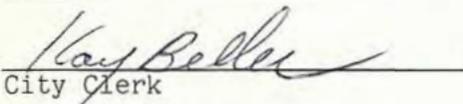
Motion LaTourelle to strike Item B-Sign Ordinance from the Agenda. Second Garrity. All voted aye.

After discussion it was Moved by Caciari to approve the Agreement for Engineering Services of Carver Engineering, Inc. Second LaTourelle. All voted aye.

Motion Stephens second Ramlow to adjourn 7:45 P.M.


MAYOR

ATTEST:


City Clerk

September 4, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were City Manager Arnold, Public Works Director Fredrickson, Police Chief Webster and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of August 13, 1984. Second Garrity. All aye. August 20, 1984

Councilwoman LaTourelle corrected her Motion on sign Ordinance - Representative instead of members.

Motion LaTourelle to approve the minutes of August 20, 1984, with the one correction. Second Garrity. All voted aye.

August 27, 1984

Motion LaTourelle second Boksich to approve the minutes of August 27, 1984. All voted aye.

SPECIAL EVENTS PERMIT-Whitefish Summer Games

Motion LaTourelle to approve the special events permit for the Whitefish summer games. Second Ramlow. All aye.

PUBLIC HEARINGS

APPLICATION OF NT&M ASSOCIATES FOR INDUSTRIAL REVENUE BONDS.

PURPOSE: B & N Shopping Center

Request is for \$2,250,000.00 Industrial Revenue Bonds.

Mayor Putnam opened the Public Hearing.

Gary Tallman, gave a summary review of the project and people speaking in favor of the project were: Jerry Hansen, and Hank Starno. City Attorney Fisher asked these people if they felt this project would create employment opportunities and promote economic activity. They certainly felt it would.

September 4, 1984

Speaking against the IRB's was Larry O'Shaughnessey. He presented the Clerk with AFFIDAVIT AND NOTICE AND DEMAND TO STOP IMPROPER USE OF INDUSTRIAL REVENUE BONDS, Which was properly filed. He also wanted it noted the Council and City Manager also received this document.

After further discussion Mayor Putnam closed the Public Hearing.

Motion Caciari to adopt Resolution # 84-11, approving the issuance of \$2,250,000.00 Industrial Revenue Bonds for NT&M Associates to build the shopping Mall. Second Stephens. LaTourelle aye, Stephens aye, Boksich aye, Caciari aye, Garrity aye, Ramlow aye. Motion carried unanimously.

PRELIMINARY PLAT - MASTERS GREEN

Mayor Putnam opened the Public Hearing.

Hank Starno explained the development and Jerry Hansen, representing people on Ramsey spoke in opposition. Hansen said they were not apposed to the development but to the proposed access.

After discussion Mayor Putnam closed the Hearing and turned back to the Land Use Committee for further study. The Committee would bring back recommendation to the next Council meeting. (Sept. 17)

Hank Starno agreed to a 30 day extension of the Preliminary Plat.

PENDING BUSINESS

REQUEST FOR PUD OVERLAY AND PRELIMINARY PLAT APPROVAL FOR Wedgewood.

The Land Use Committee recommendation on Wedgewood Project.

1. Flood plain lines to be shown on final plat prior to approval. Any building pads to be located outside those flood plain lines.
2. Eight foot bike path easement to be shown on final plat in lieu of park -in-heir fee of \$2,230.
3. All lots on the west side of Cow Creek to be single family (lots 1-A through 6-B).
4. The extension of 4th street to have the same right of way width as existing 4th Street and the same pavement improvements.
5. Meadow Drive to be 60' right of way with 24' of paving and a graded 8' parking shoulder.
6. Both the 4th Street extension and Meadow Drive to be dedicated public streets.
7. All planning Board recommendations except #3, cash in lieu.
8. Revegetation plan to accompany final plat.
9. Sediment protection plan for construction phase of final plat.

The sewer line extension would be discussed later, with understanding it would not connect to Shareview sewer.

Motion Stephens to approve the PUD overlay and Preliminary Plat for Wedgewood, with the nine (9) recommendations as stated above, and as the Subdivision meets all the criteria of the State Subdivision act. Second Ramlow. All voted aye.

FINAL PLAT FOR RE-SUBDIVISION OF Lot 1 of the amended plat of Lot 4 of First Addition Tallman's Subdivision and Lot 1, Block 7. First Addition to Whitefish Township Company's Five Acre tracts. (Thomas LaChance).

City Attorney Fisher recommended approval subject to receiving the following:

1. Guarantee agreement
2. \$5,000.00 Letter of Credit
3. Consent of the owner of record to platting.

Motion Stephens the Final Plat be approved subject to the three (3) stated conditions. Second LaTourelle. All aye.

CITY HALL MAINTENANCE AGREEMENT

Council turned over to City Manager to Review bids and make decision.

TRUCK BID

Council rejected the bid received from Roy Stanley Chevrolet. Reset bid opening for September 17th.

September 4, 1984

SANDER BID

Three bids were received:

1. Johnson Distributing	Mounted \$4,574.00
Tri-State Equipment	Mounted \$5,457.30
Normont Equipment	Mounted \$4,691.00

City Manager recommended acceptance of Johnson Distributing.

Motion LaTourelle to accept the bid from Johnson Distributing for \$4,574.00.
Second Boksich. All voted aye.

STREET RECONSTRUCTION REFERENDUM WORDING

Motion Caciari Street Reconstruction Referendum be approved. Second Garrity.
All voted aye.

NEW BUSINESS

PETITION regarding parking on second street was turned over to the
Safety Committee for further study.

Ruling on car wash in WB-1 Zone (Ed Berney)

Location: Trailer Park Wisconsin Avenue.

City Manager Arnold recommended approval.

Motion LaTourelle to approve the car wash in WB-1 Zone. Second Stephens. All aye.

AUTHORIZE PURCHASE OF CASH REGISTER

City Manager recommended approval of purchase of a new cash register. Cost \$695.00.

Motion Garrity to approve purchase of the cash register - half ($\frac{1}{2}$) to be expended
from Water and half ($\frac{1}{2}$) from sewer. Second Ramlow. All aye.

Confirm Acting City Manager appointment pursuant to Charter Section 3.02.

City Manager Arnold requested Council approve his appointment of Sid Fredrickson
as Acting City Administrator during any temporary absence or disability, of
City Manager.

Motion LaTourelle to appoint Sid fredrickson as Acting City Administrator.
Second Stephens. All aye.

CONFIRM POLICE OFFICER APPOINTMENTS

The Police Commission and City Manager recommended Rodney DeVall and Lester
Norman be appointed to the Police Department on a regular basis.

Motion Caciari to accept the recommendations and appoint the two officers.
Second Garrity. All aye.

OTHEREXTENSION OF PRELIMINARY PLAT - BIRCHGROVE SUBDIVISION.

Motion Ramlow to extend Preliminary Plat of Birchgrove Subdivision for one (1)
year. Second Stephens. All aye.

Letter from David Kauffman was turned over to the finance committee.

City Manager Arnold, Councilman Garrity and City Attorney Fisher would
attend the Montana League of Cities Convention in Great Falls the 26th thru
the 29th.

Motion LaTourelle to allow Councilman Stephens to leave the State the
23rd thru the 27th. Second Garrity. All voted aye.

September 4, 1984 cont.

Councilman Stephens reported the Parking Committee had met twice and were having a meeting with Gordon Perry in Kalispell Thursday, to view the methods they use. The following week representatives would go to a meeting in Helena, with the State Parking Commission.

Mayor Putnam congratulated Louis Webster on his appointment as Police Chief and thanked Asst. Police Chief Herrmann for the outstanding job he did as acting chief.

The Mayor read a letter from the Whitefish Credit Union thanking the Council for approval of their Special Events Permit for their 50th birthday.

Motion LaTourelle to allow Mayor Putnam permission to leave the State from September 22nd to October 21st. Second Stephens,. All voted aye.

Motion LaTourelle to adjourn at 9:32 P.M. Second Boksich. All aye.

ATTEST:

Kay Beller
City Clerk

James C. Putnam
Mayor

September 17, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:01 P.M. All Councilpersons were in attendance.

Also present were City Manager Arnold, Public Works Director Fredrickson, Police Chief Webster and City Attorney Fisher.

MINUTES

Motion LaTourelle to approve the minutes of September 4, 1984. Second Stephens. All aye.

PENDING BUSINESS

PRELIMINARY PLAT FOR MASTER'S GREEN

The Land Use Committee recommended approval of the Preliminary Plat with the following conditions:

1. Modify variance request #1 and require a minimum right-of-way of 50'.
2. Modify variance request #2 to require a 24' paved road with plus 8' parking shoulder with street construction to city standards.
3. Deny variance request #3 to allow utility easements within front yard setback.
4. Planning Board conditions of approval of July 27, 1984, 3 through 17 inclusive with the exception of #6.
5. A surety guarantee shall be posted to cover the proposed improvements on Ramsey Avenue for a one year period. The amount and method of guarantee to be determined by City Manager.
6. Any motion for approval should contain the basis for granting any variance per exhibits A, B and C.

Motion Stephens to approve the Preliminary Plat for Master's Green with the above stated conditions. Second Garrity. All voted aye.

ACCEPT TRUCK BID

Two bids were received: for 3/4 ton, 4 wheel drive pick-up truck.

DePratu Ford	base bid \$11,466	Alt. #1 \$11,991	Alt. #2 \$12,366
Roy Stanley Chev.	\$11,080	Alt. #1 \$11,500	Alt. #2 \$12,640

City Manager recommended approval of DePratu Ford Bid, Alt. #2 \$12,366. Council approved the DePratu Ford bid.

September 17, 1984

PETITION REGARDING PARKING ON SECOND STREET.

The Public Safety Committee recommended leaving the two hour parking, and two hour parking signs be erected, with this area strickly enforced. The Committee would turn the matter over to the Parking Committee for further consideration.

Motion Ramlow to accept the findings of the Public Safety Committee. Second Caciari. All voted aye.

PROPOSALS FOR MOUNTAIN TRAILS PARK BUILDING REHABILITATION.

Two proposals were received.

1. Maurice Volkman \$4695.00
2. Comstock Constr. \$9,274.27

City Manager recommended approving bid from Volkman for \$4695.00.

Motion Boksich to accept City Manager recommendation and award the bid to Maurice Volkman, \$4,695.00. Second LaTourelle. All aye.

Zoning amendments

Council reviewed the zoning amendments and corrections were given to City Attorney Fisher so he could draft the Ordinance.

NEW BUSINESS

APPROVE FINAL PLAT OF THE RESUBDIVISION OF THE SOUTH 122 FEET OF LOT 13, BLOCK 2, Gojendes Tracts.

Motion Stephens to approve the Final Plat subject to all conditions as required on the Preliminary Plat. City Attorney Fisher to give the O'K when completed. Second LaTourelle. All voted aye.

REQUEST FOR ZONE CHANGE FROM WR-4 TO WB-3, United States Postal Service.

Motion Stephens City Administrator set the zone change for Public Hearing. Second Garrity. All voted aye.

PETITION TO ANNEX ERNEST G. AND ALICE M. BAKER PROPERTY

Motion Stephens to adopt resolution 84-12, Intent to annex the Baker property, using the short form of annexation. Second LaTourelle. All aye.

DECLARE PROPERTY SURPLUS AND AUTHORIZE AUCTION ON SEPTEMBER 29, 1984.

City Manager Arnold presented a list of surplus property and requested Council approval of auction to be held September 29, 1984.

Motion LaTourelle to declare the list as surplus property and authorize the auction. Second Garrity. All voted aye.

City Manager Arnold recommended approval of Dave Reitan and Bruce Holmstad as auctioneers.

Motion Garrity to accept the City Managers recommendation. Second Ramlow. All aye.

SET PUBLIC HEARING FOR WATER AND SEWER RATE ADJUSTMENTS.

After discussion it was Moved by LaTourelle to set the Public Hearing for Water and Sewer rate adjustments for November 5, 1984. Second Stephens. All voted aye.

There would be two hearings: 1 for water and 1 for sewer.

PETITION TO CLOSE ALLEY BEHIND LUTHERAN CHURCH.

Motion Stephens second LaTourelle to have City Manager set for Public Hearing. All voted aye.

OTHER

Councilman Stephens reported on the meeting with parking commission in Kalispell. He said the Parking Commission in Kalispell serves the whole city boundary.

September 17, 1984

The Commission had taken over all Park Administrative costs, metermaids, tickets, etc. Stephens said the meeting was very productive.

Motion Caciari to allow Councilman Ramlow permission to leave the State the 18th thru October 4th. Second Garrity. All aye.

BIDS ASPHALT

Two bids were received.

American Asphalt	\$30,000
Pack & Company	\$31,100

Public Works Director Fredrickson recommended approval of American Asphalts bid for \$30,000.

Motion Garrity to accept the bid from American Asphalt for \$30,000. Second Ramlow. All voted aye.

Mayor Putnam asked if the manhole at the armory had been taken care of. Public Works Director Fredrickson reported the softball players had taken the cover off and dug a ditch to drain the fields, he felt it was city responsibility and would definitely put the lid on it and cover for the winter.

Motion LaTourelle second Ramlow to adjourn 8:40 P.M. All aye.

James C. Putnam -----
 Mayor

ATTEST

Kay Bella -----
 City Clerk

October 1, 1984

Deputy Mayor Caciari opened the regular meeting of the Whitefish City Council on the above date at 7:05 P.M. Councilpeople present were LaTourelle, Stephens, Garrity and Caciari. Absent were Boksich and Ramlow.

Also present were City Manager Arnold, Police chief Webster and City Attorney Fisher.

MINUTES

Motion Garrity to approve the minutes of September 17, 1984. Second Stephens. All voted aye.

NEW BUSINESS

Request for reimbursement agreement - John Kramer was referred to the Administration and Finance Committee to review and report back.

REQUEST TO SET HEARING FOR November 5th for rezone of 405 Spokane Avenue from WR-4 to WB-3.

Motion Stephens to table until receive a report from the Zoning Commission. Second Garrity. All aye.

USE PERMIT AND PRELIMINARY PLAT approval of Mountain Holiday Motel RV accommodation.

Motion Stephens to set the hearing for November 5, 1984. Second Garrity. All voted aye.

Grouse mountain INDUSTRIAL REVENUE BONDS-STATE ECONOMIC Board.

Tim Grattan requested Council approval of the State Economic Board assuming the city Resolution of Inducement and selling the Bonds. The State would split their commission with the City.

Motion Garrity the State Economic Board be authorized to assume the Resolution of Inducement for Grouse Mountain Industrial Revenue Bonds and that the City Administrator be authorized to negotiate a fair split of commission for same. Second LaTourelle. All voted aye.

REPORT ON LEAGUE OF CITIES AND TOWNS CONFERENCE.

Councilman Garrity gave a report on the League of Cities Conference he, City Manager Arnold and City Attorney Fisher attended in Great Falls.

EASEMENT AGREEMENT APPROVAL FOR STORM DRAIN ON DON GREY PROPERTY.

Motion LaTourelle to approve the Easement Agreement. Second Stephens. All voted aye.

Holiday pay request David v. Kauffman, was deferred until the Administration and Finance Committee could review.

OFFICE FURNITURE FOR POLICE CHIEF OFFICE.

Motion Garrity to authorize up to \$365.00 for the purchase of furniture for the Police Chiefs office to be funded out of the Police Budget. Second Stephens. All aye.

OTHER

Councilman Stephens reported on the progress of the Sign Ordinance. He requested a three week extension as the Committee was about half way through the Ordinance.

Motion LaTourelle to extend the Sign Ordinance until November 5, 1984. Second Garrity. All aye.

October 1, 1984 cont.

City Manager Arnold reported the city netted approximately \$7,000.00, from the auction held September 29.

Arnold also said the Auctioneers did a fine job.

Maintenance of Wisconsin Avenue was discussed, consensus was to wait until a new Commissioner is elected, to pursue.

Motion LaTourelle second Stephens to adjourn 8:29 P.M. All aye.

ATTEST:

Kay Belter
City Clerk

James C. Putnam
Mayor

October 15, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council at 7:00 P.M. all Councilpersons were in attendance.

Also present were Building Inspector Berg, Police Chief Webster, Public Works Director Fredrickson, City Manager Arnold and city Attorney Fisher.

MINUTES

Motion LaTourelle to approve the minutes of October 1, 1984, as read. Second Garrity. All voted aye.

PUBLIC HEARINGS

REQUEST FOR ZONE CHANGE FROM WR-4 TO WB-3 -UNITED STATES POSTAL SERVICE.

The City County Planning Board recommended approval of the zone change.

Mayor Putnam opened the Public Hearing and as there was no comment the Hearing was closed.

After council discussion it was Moved by LaTourelle to deny the zone change from WR-4 to WB-3. Second Boksich. Ramlow aye, Garrity no, Caciari no, LaTourelle aye, Stephens aye, Boksich aye. Motion carried 4 to 2.

Councilman Garrity made a motion to turn over to the Land Use Committee for further study and bring back to the November 5th meeting. The motion died for lack of a second.

PETITION TO ANNEX-Ernest G Baker and Alice M. Baker.
504 Dakota Avenue.

Mayor Putnam opened the Public Hearing and as there was no comment the hearing was closed.

Motion Stephens to adopt Resolution 84-13, annexing the Ernest G Baker and Alice M Baker property, effective immediately. Zoned WRR-2. Second Garrity. All aye.

PETITION FOR DISCONTINUANCE OF A PUBLIC ALLEY- Christ Lutheran Church.

The West 100 feet of the alley running East and West with a leg to the South on Block 47 of the original townsite of Whitefish.

Mayor Putnam opened the Public Hearing.

In favor of the discontinuance were: John Constenius, Ed Grogan, Marv Bethea. There was no opposition, and the Hearing was closed.

Motion Garrity to adopt Resolution 84-14, allowing the discontinuance of the alley. Second LaTourelle. All voted aye.

October 15, 1984 cont.

PENDING BUSINESS

REQUEST FOR REIMBURSEMENT AGREEMENT - John Kramer

This request was postponed until the November 5, 1984 Council meeting.

HOLIDAY PAY REQUEST-Dave Kauffman

Councilman Ramlow reported the Finance and Administration Committee voted 2 to 1 to allow the request.

Mr Kauffman requested to be paid for comp time due him. He had taken holiday time until his termination, said if he had known he would lose comp time he would have taken the comp and been paid for holidays.

After Council discussion it was Moved by Ramlow second Boksich to allow the request and pay Mr. Kauffman the comp due him. Ramlow aye, Caciari aye, Garrity aye, Boksich aye, Stephens no, LaTourelle no. Motion carried 4 to 2.

The Finance and Administration Committee recommended comp time be limited to 80 hours. Administration would review and come up with a Policy.

WISCONSIN AVENUE (FAS 487)

City Manager Arnold reported he met with the County Commissioners attempting to negotiate some kind of a resolution to the Wisconsin Avenue problem. Although the Commission was friendly they indicated they would do nothing on Wisconsin Avenue and that they would institute a "friendly" lawsuit to resolve the matter. Arnold said the City had no choice left but to litigate and seek court order to force the County to take responsibility.

After discussion the matter was turned over to Mayor Putnam, City Manager Arnold and City Attorney Fisher to review and bring back recommendation next Council meeting. 11-5-84.

NEW BUSINESS

LAKESHORE APPLICATIONS.

1. Berge
2. Hughes
3. Viking

Berge and Hughes were considered together. The City County Planning Board recommended: Approval for a retaining wall of native stone, without concrete or mortar. Retaining wall should be built on the high water mark.

Councilman Stephens recommended accepting this recommendation with ^{RETAINING} retaining wall to follow natural contour of the land as now exists.

Motion Stephens to approve the two lakeshore applications per the City County Planning Board recommendations with retaining wall to follow the contour of the land as now exists. Second Ramlow. All aye.

Viking

The Viking requested an extension of time for the lakeshore construction permit approved by the City Council on October 5, 1983.

The City County Planning Board recommended approval of extension for two years with following provisions: That sailboats which are moored in the lake at the invitation of the Viking Lodge are to be moved to the floating dock when it is completed, that the dock be centered on the property and that the marina store not be constructed.

Councilman Stephens felt the extension should be granted with the original conditions, approved by the Council October 5, 1983.

Motion Stephens the Viking Lakeshore Application be extended for one (1) year, further condition: the marina building proposed not be constructed. Second Garrity. All aye.

October 15, 1984 cont.

NEW BUSINESS CONTINUING.

SUNCREST PHASE 1 BOUNDARY ADJUSTMENT-Gary Elliott.

City Manager Arnold explained they would like to extend into the Common Area, the Homeowners Assoc. approved the extension, but they need approval from the Council.

Don Hendrick explained the amended plat of Lot 42 Suncrest.

Motion Stephens to approve the amended plat of Lot 42 Suncrest. Second LaTourelle. All aye.

RESOLUTION ON STRIPING BY HIGHWAY DEPARTMENT.

Public Works Director Fredrickson explained the Highway Department requires a Resolution by the Council to authorize striping City Streets and payment of same. Estimated cost for all striping is \$300-\$350.

Motion Caciari to adopt Resolution 84-15, authorizing the Highway Department to stripe streets per City Engineer specs cost not to exceed \$350.00. Second Ramlow. All aye.

COUNCIL

Motion Ramlow to allow Councilwoman LaTourelle permission to leave the State November 1 thru the 12th. Second Stephens. All aye.

Councilman Stephens asked Marv Bethea to report on the Park Committee meeting.

Marv Bethea said the meeting was very productive, donations had been received for Mtn trails Park with much input from people on uses of the Park. He said a master plan would be the next step.

City Manager reported the County Commissioners said they would allocate \$35,000.00 of Revenue sharing money to Whitefish for Parks, if the city would present a proposal.

FINAL PLAT OF THE RE-SUBDIVISION OF LOT 1 of Block 1 of Whitefish Townsite Company's Five Acre Tracts. John Kramer.

The Planning Office recommended approval.

Motion Stephens to accept the final plat. Second LaTourelle. All aye.

HOUSING AUTHORITY APPOINTMENT.

Mayor Putnam appointed Doris Wood to the Whitefish Housing authority replacing John Austin.

Mayor Putnam said Arnold Hale wished to thank the City and crews for the fine job done on city parking lot at city beach.

Permission was granted to use the Mountain Trails Building, for the November 6 election.

Motion Ramlow second Boksich to adjourn 9:20 P.M. All aye.

ATTEST:

Helen Day Hastings
CITY CLERK

James O. Putnam
Mayor

MINUTES October 26, 1984

4:04 P.M.

Deputy Mayor Caciari presided at this Special Council meeting. Council members present were: LaTourelle, Stephens, Caciari and Boksich. Absent were Garrity and Ramlow.

Also present were City Attorney Fisher, City Manager Arnold, and Mr. & Mrs. Watkins, Bill Friel, and Timothy Sabo.

PURPOSE: INDUSTRIAL REVENUE BONDS MOUNTAIN MALL.

Motion LaTourelle to adopt Resolution No. 84-16, approving a supplemental trust indenture as to form, and the execution and delivery thereof, with regard to its principal amount not to exceed \$8,500,000 of Industrial Development Revenue Bonds (Mountain Mall Project) series 1983. Second Boksich. All voted aye.

Motion LaTourelle to adopt Resolution No. 84-17, approving various documents as to form, and the execution and delivery thereof, with regard to the issuance of a principal amount not to exceed \$8,500,000 of its Industrial Development Revenue Refunding Bonds (Mountain Mall Project) series 1984. Second Boksich. All voted aye.

Meeting adjourned at 4:16 P.M.


Mayor

ATTEST:


City Clerk

MINUTES November 5, 1984

Mayor James Putnam opened the regular meeting of the Whitefish City Council at 7:00. All Councilpersons were in attendance except Councilwoman LaTourelle. Also present were City Manager Arnold, City Attorney Leo Fisher, Police Chief Webster, Engineer Sid Fredrickson.

MINUTES OF LAST MEETING were read. Motion by Cacari to approve the minutes and Seconded by Garrity. All Aye.

PUBLIC HEARINGS.

Use Permit and Preliminary Plat of Mountain Holiday R.V. Accomodations were opened for Public Comment. Since there were no favorable or opposition to the project it was closed to the public and turned over to the Council for comment. City Manager and Engineer Fredrickson spoke in favor of the project that it had met the zoning, fire, water and sewer requirement and that it would not put an added load on our sewer and would not constitute a problem and the developer would be responsible for the maintenance of both water and sewer lines.

A motion by Garrity and Seconded by Cacairi that the use permit and plat of the Mountain Holiday R.V. Accomodation be granted subject to the conditions set down by the CityCounty Planning Board. All Aye.

WATER AND SEWER RATE INCREASE HEARING.

After a picture presentation by Engineer Fredrickson, and Greg Acton of the Water and Sewer Department, Mayor Putnam called on the citizens in opposition of the rate increase for their comments.

November 5, 1984 cont.

Russell Street spoke in opposition stating that we should encourage people to annex to the City to share the costs and not to raise rates so high that we would discourage people from building since the other towns in the Valley cost would be so much cheaper and he felt the City hadn't cooperated with him on his building on annexation to the City.

Jack Pfrimmer - questioned whether the plant investment fee would be charged to existing property - the answer was no.

Ben Cohen - complimented Sid and Greg on their presentation and questioned the figures that they used included grants. They answered no.

Dale Shenamen - Felt the hookup fee was confusing and how it would be charged to larger complexes and business - Engineer Fredrickson explained it would be charged on the determination of flow and meter size.

Ed Grogan - Questioned the cost of individual units - which would be about \$2,000.00.

Hank Marquart - Questioned the increase of the higher rates.

Bart Smith - Questioned the amount to be paid and the return on investments and felt the towns that were presented in their presentation were not comparable and that it would discourage building in Whitefish.

Mayor Putnam called on the public for comments in favor of rate increase since there were none the hearing was closed to the public and deferred to the Council. Councilman Stephens felt there should be 5 rate classes instead of 4 and questioned the 4 million dollar figure used in the presentation. Mayor Putnam question how the cost would effect Big Mountain. Councilman Caciari asked about the heavy users over the 20,000 thousand gallon-how many there were. Ramlow asked that Sid look into the Councilpersons proposals and refer back to the Committee and bring it back to November 19th meeting.

JOHN KRAMER REIMBURSEMENT.

City Manger and City Attorney referred to Resolution B-821 setting a general policy so everyone would be treated the same in the future on reimbursement on sewer and water line. Attorney Fisher explained that to reimburse developers they would be getting paid twice since they add the costs to the sale of their lots. After a heated discussion Mayor Putnam referred the Kramer porposal to the finance committee for recommendation and report back to the November 19th Meeting.

SIGN ORDINANCE.

Since the changes were not completed for the meeting on the Sign Ordinance, the 1st reading and hearing were deferred to the November 19th meeting. Motion by Stephens and Seconded by Ramlow on 1st reading of Revised Sign Ordinance. All Aye.

USE PERMIT WEST STATE DEVELOPMFNT AT 615 and 625 WISCONSIN AVENUE.

Was tabled until all the requirements have been met and land use committee report and Sub-division review have been done.

MANAGER JACK ARNOLD - HANDICAPPED.

Recommended a 5 member board be appointed and that Burton Schooley and Vera McMurdo be appointed to the board and presented a report donated by Constineus on recommendation for the remodeling of City Hall to accomodate the handicapped be accepted. Mayor Putnam asked the Council to accept the report. Motion by Stephens and Seconded by Garrity that the 5 member board and the report be accepted. All Aye.

GASOLINE BID.

Manager Arnold presented the Bids recommending the Council accept the low bids. Alpine Village - Unleaded (11.9) - Diesel (12.39); Stacey Oil - Leaded and Diesel(9.25) Motion by Stephens and Second by Boksich that the City accept the low bids. All Aye.

RAILRAOD CROSSING.

Manager Arnold - that since the crossing was out of the City we had no control. Mayor Putnam turned the problem over to the Safety Committee for their recommendations and report back at the November 19th meeting.

WISCONSIN AVENUE MAINTENANCE.

Mayor Putnam said he would like to recess the Council Meeting to have a short closed meeting to discuss the possibility of litigation.

November 5, 1984 cont.

Bart Smith of the Whitefish Pilot went on record opposing the closed meeting and stating reasons, after a short discussion Mayor Putnam called a ten minute recess to confer with City Attorney Leo Fisher. Mayor Putnam recalled the meeting to order and recommended that they wait until January when the new County Commission takes over and the City Manager Arnold and Attorney Fisher can sit down and renegotiate. Motion by Ramlow and Seconded by Garrity that this be done. All Aye.

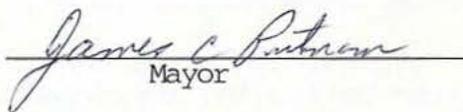
COUNCIL COMMENTS.

Stephens, Caciari and Boksich stated concerns by people over street improvements. Manager Arnold reported on recommended changes in snow removal policy and alley plowing these were deferred to the Council Meeting of November 19th.

Attorney Fisher reported on a lien received from Bay View against Tallman and McDonald Construction materials not paid for on the Riverview Condos - the sum of \$16,200.00. Leo to check into the letter of credit held by the City and get a new letter with an added extension.

Mayor Putnam questioned the letters of credit on paving driveways and parking lots seems it has only been applied to a few. Also asked that everyone study the agenda before Council meetings.

Motion by ramlow and Second by Garrity that Council meeting be closed. All Aye. 9:45 P.M.


Mayor

ATTEST:


City Clerk

November 19, 1984

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were City Manager Arnold, Public Works Director Fredrickson, and City Attorney Fisher.

MINUTES

Motion Ramlow second Garrity to approve the minutes of November 5, 1984. All voted aye except LaTourelle who abstained.

CITY BEACH CONCESSION LEASE

Doug and Gerlinde Oliver requested an extension of their lease for three (3) years.

Motion Ramlow second Garrity to allow the three (3) year extension of the lease on city beach concession building to the Olivers. All voted aye. City Attorney would draft agreement.

PENDING BUSINESS

First Reading - Ordinance 84-10, amending Municipal Code Chapter 10.52 (Parking and Standing.)

Mayor Putnam opened the Public Hearing. There was no public comment but Councilman Caciari reported the committee recommended approval of the Ordinance.

Council discussed where the snow would be measured.

Motion LaTourelle the snow be measured at City Hall Parking lot. Second Ramlow. All voted aye. Mayor Putnam closed the Hearing.

Motion Caciari to approve Ordinance 84-10, on the First Reading. Second Garrity. All voted aye.

STREET RECONSTRUCTION PROGRAM

City Manager Arnold reported on the ballot issue for street reconstruction. He said 1253 citizens voted for some type of reconstruction and 603 were against any type of reconstruction.

November 19, 1984 cont.

People commenting were Bert Johnson, Roy Olson, Gerlinde Oliver and Howard Whitney.

After discussion Mayor Putnam turned over to the Street and Alley Committee to develop specific plan and bring back to the Council.

WATER AND SEWER RATES

Public Works Director Fredrickson gave summary of changes to the original proposal. He recommended staying with the 1.4 multiplier and decreasing plant investment fees in both wastewater and water. Wastewater from \$1044 to \$676 and water from \$679 to \$475.

Councilwoman LaTourelle reported the Water/Wastewater Committee would meet Monday, November 26th at 7:00 P.M. to go over the revisions.

Mayor turned over to the Committee to bring back to the December 3rd council meeting.

REQUEST FOR REIMBURSEMENT AGREEMENT-JOHN KRAMER

Councilman Ramlow reported the Committee met with the City Manager and had reviewed the proposals. The Committee recommended Mr. Kramer be reimbursed \$2,717.60 as Kramer was required to extend lines 60' further than he planned.

Councilman Garrity read the current policy which states developers would not be reimbursed. Mayor Putnam said Council should not make Policy on individual basis. After further discussion it died for lack of a Motion.

SIGN ORDINANCE

Councilman Stephens gave a summary of the changes to the Ordinance.

Mayor Putnam opened the Public Hearing on the First Reading.

He asked for comment.

Ed Grogan was on the Committee, but was not in favor of the following: Page 4 #38 inside signing, #29 size of the reader board and thought neon lighting should be allowed.

Porter gifford, Greg Bryan, Hank Marquardt were also against inside control.

Motion Boksich not to accept #38 page 4 as proposed by the Committee. Second LaTourelle. LaTourelle aye, Stephens no, Boksich aye, Caciari aye, Garrity no, Ramlow aye. Motion Carried 4 to 2.

After discussion it was Moved by LaTourelle to change #38 page 4 to read a sign installed inside a window for purpose of viewing from the outside the premises. This term does not include merchandise located in the window. second Ramlow. All voted aye.

READER BOARD

Motion LaTourelle to accept the Committee recommendation. Second Stephens. All aye.

NEON signs

Jerry Hansen and Greg Bryan were in favor of neon signs.

After discussion it was moved by Stephens to accept the Committee recommendation Second Garrity. All voted aye except Boksich who said no. Motion Carried 5 to 1.

Off site signs were also discussed.

Motion Stephens this be included in the draft and brought back to the next Council meeting. Second Garrity. All aye.

November 19, 1984 cont.

Other changes: Page 6 #6 -strike "upon which it is parked"
Page 7 #1-add premises.
Page 10 #1 both sections should read Message centers.
Page 5 #4 & #5 change #4 to Nameplates and eliminate #5.

Jerry Hansen asked Council consider the cost to the taxpayer on the implementation and enforcement of a sign ordinance.

Mr. Roberts asked council to reconsider billboards.

Mayor Putnam closed the public hearing.

Motion LaTourelle to adopt Ordinance #84-11, on the First Reading.
Second Garrity. All aye.

RAILROAD CROSSING ORDINANCE

Councilman Garrity reported due to complaints on trains blocking Kabers Crossing the City Manager had written the Burlington Northern a letter asking for co-operation in keeping it open. The City Manager recommended contacting the County Commissioners requesting them to adopt an Ordinance as the Railroad is in the County.

People addressing the Council on this issue were: Roger Wilson, Jack Joy and Richard Maddux.

City Manager Arnold would contact the county.

MIDWAY RENTAL -BOND FOR PAVING PARKING LOT

Mayor Putnam reported the owner of Midway Rental had called him and was upset about a bond he had given the city for paving his parking lot.

City Manager would contact him to resolve the matter.

NEW BUSINESS

Street Equipment

The City Manager recommended two pagers in the Police Department be turned over to Public Works and three smart chargers be purchased at a cost of \$285. He also recommended soliciting bids for up to three new snow plows.

Mayor Putnam turned over to the Street and Alley Committee.

PARK LEGACY PROGRAM

City Manager ARnold explained the program - He said people want to donate time, money, lumber, barbaques, trees, etc. wanted Council approval of the program.

Motion Stephens to accept the Park Program. Second LaTourelle. All aye.

APPOINT EX-OFFICO MEMBER TO LOCAL GOVERNMENT STUDY COMMISSION.

Motion LaTourelle to appoint City Manager Arnold as Ex-Officio Member to Local Government Study Commission. Second Stephens. All aye.

LAKESHORE CONSTRUCTION APPLICATION-Bay Point Estates.

The Whitefish City County Planning Board at its November 15th meeting recommended approval of the application of Greg Bryan for an extension of a permit to construct a retaining wall along the beach at Bay Point.

Motion Stephens to approve the Lakeshore Construction Application.
Second LaTourelle. All aye.

OTHER

Council approved a City Christmas Party.

Motion LaTourelle second Stephens to adjourn 10:41 P.M.

Ray Baker City Clerk

James C. Putnam Mayor

Mayor Putnam called the meeting to order at 7:00, all Council persons were present.

Also present were Manager Arnold, Attorney Fisher, Assistant Police Chief Lonnie Herrmann, Building Inspector Harry Berg and Engineer Sid Fredrickson.

The Minutes of the previous meeting were read and approved with the change to read "in sign Ordinance limited to four feet from window space. Motion by Stephens and Seconded by Caciari to approve amended Minutes. All Aye.

PUBLIC HEARING

A. Industrial Revenue Bond for Grouse Mountain Resolution 84-18. Mayor Putnam opened the hearing calling on those opposed to give their names and opposition statements. Robert Stedham and Terry Stedham gave a report that due to an impending litigation he has against the City he felt they should not underwrite the Bonds after a lengthy discussion. Attorney Fisher explained that the water rights had nothing to do with the litigation and diversion of water and land the pump were on had in no way anything to do with the IRB Bonds. So Mayor Putnam called for a Motion. Motion by Stephens and Seconded by Caciari to adopt Resolution 84-18. All Aye. Motion carried.

B. Second reading of Ordinance 84-10 to amend Whitefish Municipal Code Chapter 10.52 (Parking and Standing). Since there were no protests - the hearing was closed for Council discussion. Sid Fredrickson asked for no parking on Lakeside in A.M. but after a short discussion it was decided to leave the Ordinance as amended and approved by the Committee. A Motion by LaTourelle and Seconded by Caciari to approve Amendments to Ordinance 84-10 on the second and final reading. All Aye.

C. Sign Ordinance. Mayor Putnam opened the hearing on the second reading of the Sign Ordinance. Councilman Stephens read and explained the proposed amendments recommended by the Committee. Mayor Putnam then asked all those opposed to state their names and comments. Tim Gratton: questioned the three square foot directional sign, as being too small and discriminatory. Pete Kurtz, Laird Maxwell, Greg Bryan, Hank Marquardt and Jim Heibert also were in agreement with him. Ed Grogan felt it was too discriminatory also where you could put your signs. Tim Gratton, Myra Moon, Laird Maxwell, Hank Marquardt also agreed with him on this point. There were also a discussion on neon signs and their removal. Greg Bryan said he counted 26 between Central and Spokane. Mayor Putnam closed hearing for Council discussion. Motion by Stephens and Seconded by LaTourell to change 17.74.020-(7) to read 4 square feet. All Aye. Mayor Putnam reopened the hearing for further discussion. Ed Grogan objected to 17.74.070-(12) off-site signs as being discriminatory. Greg Bryan and Grattan and Verna Moon, Maxwell and Kurtz, and Marquardt agreed. Mayor Putnam closed hearing for Council discussion. Motion by LaTourelle and Seconded by Boksich to change 17.74.070-(12) to read any business may apply for one additional off sight sign. Garrity no, Stephens no, Boksich aye, Ramlow aye, LaTourelle aye, Caciari aye. So carried 4-2. Mayor Putnam reopened hearing after hearing all protests and ASKED IF there were ANY FOR sign Ordinance. Since there were no opponants he closed the hearing. A Motion by Ramlow and Seconded by Garrity to accept the sign ordinance as currently changed. All Aye. Sign Ordinance was adopted.

PENDING BUSINESS

Water and Sewer Rates: Councilwoman LaTourelle gave a report from Committee on the recommended sewer and water rates. After a short discussion Garrity said he would recommend a flat fee for everyone. Stephen asked what the percentage would be on the sewer increase. Engineer Fredrickson said about 8½ percent. Motion by LaTourelle Seconded by Boksich that Resolution 84-19 increasing water and sewer rates be passed with recommended changes. Garrity no, Caciari aye, Boksich aye, Stephens aye, Ramlow aye, LaTourelle aye. Motion carried 5-1.

STREET EQUIPMENT

Councilman Caciari reported on the need for more snow plows. Recommended at this time to purchase 2 \$5,000.00 from snow removal and \$5,000.00 from Revenue Sharing. A Motion by Caciari and Seconded by Stephens to Amend budget to purchase the 2 snow plows. All voted Aye.

NEW BUSINESS

A. Preliminary Plat Application for the Resubdivision of Lot 13 of the Riverside Addition Imp. Co. Acreage. Turned over to Committee for recommendation.

B. Extension of Extra-Territorial Zoning. WLR and Agriculture recommended by the City County to extend the Zoning limits. Motion by Stephens and Seconded by Garrity to set hearing date at the next available time. All Aye.

PHOSPHORUS REMOVAL

Sid gave his report and would have more to report later when he got the feasibility of which way to proceed. LaTourelle reported a letter should be sent to the Legislature banning all phosphorus detergents in the State. Jack also reported that a meeting of elected officials to agree on what to ask the legislature for.

December 3, 1984 cont.

Boksich called a meeting of the Culture Committee Monday at 4:30 P.M.

Caciari commended Stephens for the work and dedication to the passage of the Sign Ordinance.

Garrity also thanked Stephens. He also question street stand-bys, and why the Council hadn't any reports on the activities of water and street departments. Sid said he would get them for the Council.

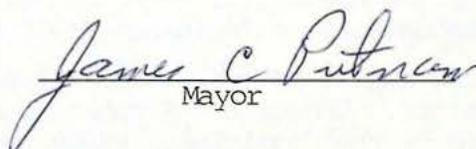
Ramlow asked to be out of the State from December 24 through January 7th. Motion by Stephens and Seconded LaTourelle the request be granted. All Aye.

Stephens questioned City Manager Arnold on why we were annexing more areas when we haven't been able to give sewer and services to the areas already annexed. Sid said they would be ready to offer the service in the near future.

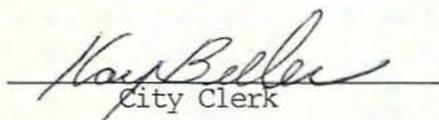
Leo Fisher informed the Council that the Codification of the Ordinance Book needed to be updated.

Putnam reported that the terms of 2 persons on the City County Planning Board were expiring and needed to be appointed. He also reported that there would be a retreat in January to discuss priorities and evaluate the City Manager.

As there was no further business, a Motion by Ramlow and Seconded by Garrity that the meeting be adjourned. All Aye. 9:25 P.M.


Mayor

ATTEST:


City Clerk

December 17, 1984

Mayor Putnam called the meeting to order at 7:00. All Councilpersons were present. Also present were Manager Arnold, Attorney Fisher, Building Inspector Berg, Fire Chief Dave Sipe and Police Chief Louis Webster.

Minutes were read. Motion by Caciari and Second by LaTourelle that the minutes of the last meeting be approved. All Aye.

NEW BUSINESS

Cable TV Service

Mayor Putnam reported on the problems and complaints that have been received by the City's Council and himself explaining that the City had no power over the Cable Company, but that the public had a right to air their complaints.

Manager Arnold explained the franchise that the City had with the Cable Co.

Mayor Putnam called on the public to express their views. Connie Parker said she had a petition with over 500 signatures of dissatisfied cable users and felt the Company was being unfair forcing the users to buy converters in order to use their sets. Attorney Fisher told her to give the petition to Ben Cohen representative to take it to the State Legislature. Councilman Garrity stated that he had had a lot of complaints on the poor reception and added costs. Dave Sipe, Vince Caciari, and Mayor Putnam stated that the Cable Company had been very unfair in their treatment of the public and in correcting the problems with remote and Quartz TVs. Kip Hayes and Bob Tumen of Group W TV Company tried to answer most of the questions, but not to the satisfaction of those in attendance. Councilwoman LaTourelle said it was not publicized very well and she never saw all the supposed changes. Councilman Caciari said the company as far as he was concerned had reduced the level of service and added extra expense and he felt they should be regulated by the Public Service Commission like other utilities. Attorney Fisher will study the Franchise. Mayor Putnam called the hearing closed.

Mountain Trails Park

Councilman Boksich explained the plans for the park and asked that the Council

approve the Park Design and the concept of the preliminary bases.

A Motion by LaTourelle for the Park Committee to proceed with the planning, Seconded Boksich. All voted Aye.

Baseball Fields

Boksich gave a report by the Committee recommending the softball field east of City be leased to the County for 25 years at \$150.00 per year. The Mayor and Council felt that since it was City property that a hearing should be held to get some input from the public on how they felt and that 25 years was too long a time. Hearing set for January 7th meeting.

Summer Recreation Program

Ray Boksich explained that Karen Zwisler would like to set up a summer program for the children in the community for 8 week period 1/3 cost to City, 1/3 to County and 1/3 to family. Have one paid director and hopefully to get volunteers. Some programs to be free some to have a cost. To be based from the Mountain Trails Park facility. Susan Abell from the Park said they were in favor of such a program.

A Motion by Boksich and Second by LaTourelle giving Karen Zwisler preliminary approval supporting the concept. All voted Aye.

Removal of Stop Signs on Baker and First Street

Manager Arnold deferred to the Council on the decision.

Councilman Caciari gave a brief statement on why the signs were installed in the beginning. Manager Arnold explained that the signs would be replaced by Yield to Pedestrian signs. Motion by LaTourelle and Seconded by Boksich to replace the signs. All Aye.

Mayor Putnam reappointed Pat Jarvi to the Planning Board for another term. Also thanked all the employees and Council for their good work and cooperation. There was a moment of silence for City Clerk Kay Beller and her husband Bill. Mayor Putnam wished everyone a Merry Christmas.

Caciari reported the alley between Somers and Columbia has not been fixed. Harry Berg, Building Inspector to check on it. Garrity felt that more sand should be put on the intersections.

Attorney Fisher thanked the Council for the Christmas Party.

Claire Strickler asked the City to pay the \$15.00 to the Montana Association of Planners.

Motion by Caciari and Seconded by LaTourelle the meeting be adjourned. All Aye.
8:35

ATTEST:

Helen Doyle-acting
City Clerk

James C. Putnam
Mayor

January 7, 1985

Call to order

Mayor Putnam called the meeting to order at 7:00 p.m.. Present were Ray Boksich, Vince Caciari, John Garrity, Pat LaTourelle, and Gary Stephens. Russ Ramlow was absent.

Others present were Manager Arnold, Attorney Fisher, Police Chief Webster, and Building Inspector Berg.

Approval of Minutes

Mayor Putnam directed the minutes of December 17, 1984, be corrected as follows:

Under Summer Recreation Program it should read 1/3 to school district instead of 1/3 to family.

The minutes should also read that Claire Strickler asked the City to pay \$15.00 to the Montana Association of Planners. Ramlow motioned to pay the \$15.00 to the Montana Association of Planners. Stephens seconded. All aye.

Mayor Putnam asked that the Winter Carnival Special Events Permit be the first order of business by request of Lynn Walker.

LaTourelle motioned to approve the Special Events Permit for the winter carnival parade and soccer games as presented by Lynn Walker and Hal Bennett. Stephens seconded. All aye.

Public Hearings

Preliminary Plat Application for the Resubdivision of Lot 13 of the Riverside Improvement Company's Acreage.

Manager Arnold explained where and what the resubdivision entailed, and Attorney Fisher presented the following findings of fact:

- 1) The resubdivision would be in the public interest because it would provide a site for business or professional offices.
- 2) There would be no effect on agriculture.
- 3) Local services are presently available.
- 4) There is no effect on the natural environment.
- 5) The area is not a wildlife habitat hence there is no effect on wildlife or wildlife habitat.
- 6) There is no effect on public health and safety.

Mayor Putnam opened the hearing to the public. After no comment he then closed the hearing. Mayor Putnam then referred to the Land Use Committee.

Stephens moved to approve the resubdivision with changes to the Flathead Regional Development Office recommendations in their letter dated 11/19/84.

The changes are as follows:

- 1) All requirements of the City of Whitefish and the Department of Health and Environmental Sciences regarding water, sewer, fire, flow drainage and other improvements be met.
- 2) A city easement for sewer and/or water be provided according to city engineer specifications on the final plat.
- 3) It shall be stated on the final plat that no construction of buildings be allowed in the 100 year floodplain.
- 4) That the final plat show that any necessary permits are obtained from any government agency that has jurisdiction prior

January 7, 1985 (continued)

to construction.

- 5) It shall be shown as a condition on the final plat that the city engineer may require an additional fire hydrant to be installed before an occupancy permit is issued.
- 6) All required improvements be completed prior to approval of the final plat or the developer shall enter into a written agreement with the city guaranteeing the construction of all improvements.
- 7) That it be stated on the final plat that prior to a building permit being issued an engineer report shall be submitted stating the ground will satisfactorily support the improvement in its proposed location.
- 8) Before the issuance of any building permit a drainage plan be submitted to the city engineer.

Boksich seconded the motion. All Aye.

Extension of Extra-territorial Zoning in the Eastern half of Section 27, T31N, 222 West (Lion Mountain Area).

Attorney Fisher explained what this entailed.

Mayor Putnam opened the hearing to the public.

Tim Grattan, President of Lion Mountain, Inc., and Dave Jamieson, property owner both commented on behalf of the extra-territorial zoning.

No one spoke against. Mayor Putnam closed the hearing to the public.

Claire Strickler, City/County Planning Board Chairman, stated that they had held two hearings and nobody came even though they were notified.

Councilman Stephens moved that extension of extra-territorial zoning in the eastern half of Section 27, T31N, 222 West (Lion Mountain Area) be approved on first reading. Ordinance #0-85-1. Caciari seconded. All Aye.

Second reading to be January 21, 1985.

Possible Lease of the Armory Road property to the Flathead County Parks and Recreation Department.

Mayor Putnam opened the hearing to the public.

Richard Poeppel and Craig Scott both spoke up that they would like to have more information on what the interlocal agreement would mean to everyone involved before they would be able to voice their views either for or against. They would like to be in attendance at future meetings between the committee and the county.

Putnam closed the hearing and then returned the issue back to the Parks Committee to meet with interested parties and come back with recommendation to the Council.

New Business

Planning Board Chairman, re Lakeshore Permits.

Claire Strickler, Chairman, asked the councils' opinion of the Whitefish Lakeshore Preservation committee resuming the review of the lakeshore permits, instead of the permits being sent directly to the county.

Councilperson LaTourelle motioned Manager Arnold to direct a letter to the Planning Board suggesting the following:

- 1) They should review present Lakeshore Preservation Act.
- 2) Pursue streamlining the procedure for approving permits.
- 3) Recommend to the county they should bring back the review process to the local planning board.

Stephens seconded. All Aye.

City Council appointment to Planning Board.

Stephens moved by recommendation that Dale C. Howke be appointed to the planning board. Garrity Seconded. All Aye. Term will expire 12/5/86. Mayor Putnam asked Manager Arnold to notify Mr. Howke on his appointment and to write letter of thanks to retiring Mr. Lentz.

1982-83 Audit.

Manager Arnold reported the state requires a response to the 1982-83 audit within 30 days of receipt.

Caciari moved to authorize Arnold to respond to the state. LaTourelle seconded. All Aye.

Mayor Putnam asked Arnold to write the letter and show him and the council.

Request by City Manager to annex the Wastewater Treatment Plant Property.

Arnold explained he would like to annex wastewater treatment plant for future annexation possibilities.

Mayor Putnam expressed concern on the possibility of annexing property will not be able to serve. Stephens stated his priorities are to get the city limits we now have squared off and to provide services to them.

Stephens moved to set public hearing for earliest possible date. LaTourelle seconded. All Aye.

Parking Ordinance.

Councilman Garrity expressed dissatisfaction over the enforcement of the parking tickets issued do to people parking in yellow curbed areas. He felt that until the city put up no parking signs the ordinance should be suspended during the winter monthes.

Attorney Fisher said that it would be costly to erect signs and if the ordinance for snow removal from sidewalks was enforced, this problem would be solved.

Putnam directed the city manager, meter maid, judge, Police Chief and chirman of the safety committee get together and work out the situation with common sense.

Other Business

Councilman Stephens asked Manager Arnold to more strictly enforce the sidewalk snow removal ordinance since the city could possibly be sued if there was an accident. Boksich commented he had also heard complaints about snow removal.

Councilman Caciari was told by a member of an environmental group that dumping the snow near the river could cause pollution to the river. Manager Arnold replied that they will cut back the snow from the river and will ask BN to see if we can begin dumping snow on their property at Railway and Kalispell due to the near record snowfall this year.

Caciari also stated he wanted to see the snow removal ordinance enforced.

He also stated the street committee should get going on the street reconstruction program. Set committee meeting for 1/14/84 at 7:00 p.m.

Garrity said he wanted the viaduct maintained better and that sanding on 2nd, 3rd, 4th, 5th, 6th and 7th Street going on to Spokane has not been being done.

The retreat was set for Saturday, January 26, 1985.

Richard Maddux, on behalf of Fire Chief Sipe, requested something be done about RV's and buses parking on the street waiting to use the sanitary dump at the Pit Stop. They are concerned that if there was an emergency the fire trucks would not be able to respond.

Putnam wanted to thank the city crews for the good job they have done on the snow removal this year. He had had many compliments on the jobs well done.

Mayor Putnam also wanted to remind the public and council that under this charter of government the complaints must go through the city manager not the employee himself.

Putnam reported on a meeting with Mr. Turman of Group W TV and Mrs. Parker of the Radio Shack, Councilman Caciari and Manager Arnold, suggested the base service under the franchise, should be available to the public at Group W's expense. Turman accepted the recommendation but they haven't heard any response since that time.

Mayor Putnam also asked the council to consider not reading the minutes at each meeting, and instead reading and studying the minutes on their own. He asked that they respond to him by the next meeting.

Mayor Putnam also asked that the flags in the City be lowered to half mast and a moment of silence at noon be given in memory of those people who died and gratitude for those who survived and for those heroic steps that were taken by those students who were left unsupervised at the time of the crisis.

Councilman Stephens asked what was being done with Wisconsin Avenue. Mayor Putnam replied that Manager Arnold and himself will be getting together with the commissioners sometime this month to discuss the problem.

Police Chief Webster wanted to recognize the good work the police department did on catching the suspect after only 2 hours after the tragedy which occurred on January 1.

Councilman Caciari motioned to adjourn at 9:00. Stephens Seconded. All Aye.

ATTEST:

Rita Graham acting
City Clerk

James C. Putnam
Mayor

January 21, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All councilpersons were in attendance.

Also present were Building Inspector Berg, Police Chief Webster, Fire Chief Maddux, Public Works Director Fredrickson, City Manager Arnold and City Attorney Fisher.

MINUTES

Mayor Putnam asked that reading of the minutes of the previous meeting be waived.

Motion LaTourelle to approve the minutes of January 7, 1985. Second Caciari. All voted aye.

SPECIAL EVENTS PERMIT-Grouse Mountain Lodge.

EVENT: Northern Division Cross Country Ski Championships on Whitefish Lake Golf Course the 9th and 10th of February.

Motion LaTourelle second Ramlow to approve the Special Events Permit. All aye.

RE-APPOINTMENT TO WHITEFISH HOUSING AUTHORITY.

Mayor Putnam re-appointed Doris Woods to a five year term on the Whitefish Housing Authority.

NEW BUSINESS

Water and Sewer Service

City Manager Arnold reported the Attorney General's Opinion Number 7, Volume 40 states we can not collect tenant's delinquent water and sewer charges from the landlord (property owner) by placing delinquent charges on tax notices. Arnold recommended a policy of having water and sewer service in the property owners name, not in the tenants name.

Mayor Putnam turned this over to the Finance Committee to study and bring back to the Council.

Reading of minutes

Motion Stephens to dispense with the reading of the minutes at Council Meetings. Second Garrity. All aye.

PUBLIC HEARING

Second reading of Ordinance 0-85-1, extending the city's Extra-territorial Zoning in the Eastern half of Section 27, T31N, R22 West (Lion Mountain Area.)

Mayor Putnam opened the Public Hearing.

Speaking in favor of the zoning was Tim Grattan and Jim Laidlaw.

The Mayor closed the Hearing.

Motion Stephens to adopt Ordinance 0-85-1, on the second and final reading. Second LaTourelle. All aye.

Fox Construction Sewer Connection Fee.

This had already been resolved and was struck from the agenda.

Street Committee Report

January 21, 1985 cont.

STREET COMMITTEE REPORT

Councilman Caciari reported the Street Committee met and discussed a number of issues as regards the Street Improvement Program including a City Wide SID, bond issue which properties should be included, etc. The Committee recommended: 1. That funding should come from millage and be the low program \$367,000.00. 2. That millage should be levied on an annual basis for fifteen years.

City Manager Arnold reported after reiewing all of the alternatives he was of the opinion that even alternative #1 was not practical for the taxpayers. He recommended that the program be incorporated into the 85-86 budget review and approval process and that an improved but affordable program be funded as follows: 1. existing funding. 2. Possible reductions in other areas. 3. Additional Millage.

Councilman Stephens suggested going before the voters with proposal of \$180,000.00 per year for 15 years, using maintenance SID.

After further discussion it was Moved by Stephens to propose to the voters to raise \$180,000 per year for 15 years and use Maintenance SID District with method of assessment to be decided by the Committee. Second LaTourelle. All voted aye.

COUNCIL

Councilwoman LaTourelle reported there would be a Water-sewer Committee Meeting Monday, January 28th. Subject: Water Facility Plan, extension of services and annexations in connection with water & sewer.

Councilman Caciari gave a brief rundown on Bills before the Legislature.

Councilman Garrity requested a sign be put up telling people where to find the Judges Office and the Police Department. Second Request.

City Attorney Fisher requested to be absent from the February 19th meeting. Mayor and Council excused him.

Police Chief Webster gave each Councilperson and the Mayor a copy of a jail report put together by the Police Department.

Mayor Putnam asked about the snow removal on sidewalks. City Manager said people not in compliance would be issued citations.

Motion LaTourelle to adjourn 8:35 P.M. second Garrity. All voted aye.

ATTEST:

Kay Beebe
City Clerk

James C. Putnam
Mayor

February 4, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were City Manager Arnold, Police Chief Webster, Fire chief Maddux, and City Attorney Fisher.

MINUTES

Motion Caciari to approve the Minutes of the January 21, 1985, meeting. Second Ramlow. All voted aye.

PUBLIC HEARING

Annexation of the City Wastewater Treatment Plant property. (The Southwest Quarter of the Northwest Quarter and the North half of the Northwest Quarter of the Southwest Quarter of Section Five (5), Township 30 North, Range 21 West; and that part of Lots two and three (2 & 3) of Section Six (6) Township 30 North, Range 21 west, lying east of the Whitefish River, all in Flathead County, Montana.)

Mayor Putnam opened the Public Hearing.

Speaking for the annexation were Dave Spear and City Manager Arnold. There were no opposing comments, and the Hearing was closed.

Motion Caciari to adopt Resolution R-85-2, annexing the Wastewater Treatment Plant property. Second Garrity. All voted aye.

NEW BUSINESS

Revised Ward Boundaries was turned back to committee to work with the county and bring back to the Council.

ORDINANCE NO. 85-2 an Ordinance amending Ordinance No. 84-9, fixing salaries and wages for all city officers and employees.

Mayor Putnam explained City Manager Arnold had been reviewed at the Council retreat, and as a condition of hiring he was due for a raise. After discussion it was moved by LaTourelle second Caciari to adopt Ordinance 85-2, increasing City Manager salary to \$31,500 effective December 1984. All voted aye.

DAVID SPEAR DEVELOPMENT - Private Golf Course and Country Club, single family dwellings and townhouses.

David Spear gave a summary review of his proposed development, 339 acres off Highway 40. At present they were planning 277 units, with possibility of increasing to 375. Mr. Spear would present petition to annex at later date.

EXTRA-TERRITORIAL ZONING IN THE PTARMIGAN AREA.

The City County Planning Board recommended extending the extra-territorial boundaries north, with the exception of the Gascan Resources, inc. property.

The Council discussed and boundaries would be as follows:

SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 31 North, Range 22 West, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 31 North, Range 22 West. NE $\frac{1}{4}$ of Section 13, Township 31 North, Range 22 West. And Also: the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 31 North, Range 21 West which is owned by Gascan Resources, Inc.

Motion Stephens to set the Public Hearing for the first Council meeting in March, and include the Gascan Resources, Inc. property in the boundary. Second LaTourelle. All voted aye.

February 4, 1985 cont.

MASONIC LODGE - SNOW ON SIDEWALK

Dallas Nelson and John Nelson representing the Mason Lodge, requested not to shovel the sidewalk on the east side of the building as snow falling off the roof is a hazard to people walking on the sidewalk.

After Council discussion it was Moved by LaTourelle to declare this a hazard and put up barricades from second street to the alley, on sidewalk east side of Masonic Temple. Second Boksich. All aye.

Mayor Putnam turned this Ordinance back to Committee (Safety) to study and bring back to the Council.

OTHER

Bill Leonard, Chairman of the Whitefish Water and Sewer District presented the city with two city infrared photos.

COUNCIL TABLE

Councilwoman LaTourelle set Water-Sewer committee meeting for the 11th and 25th of February, at 7:00 pm.

Councilman Garrity reported the Cable Co. contacted him and would set up a meeting with the Council in about two weeks.

Councilman Stephens asked when the City Manager and the Mayor would meet with the Commissioners on Wisconsin Avenue. He said he was not in favor of maintaining Wisconsin unless they gave us a 15 year road.

Mayor Putnam assured the Council they would see what the Commissioners proposal was, but no decision would be made.

Stephens

Councilman/Reported the Parking committee met and would have their Resolution establishing a parking commission, etc. at the March 4th Council meeting.

Councilman Boksich reported the Safety Committee would meet with the school Wednesday, on the traffic light on 2nd and Kalispell and also the closing of first street.

Mayor Putnam reported buses parking on the highway in front of Pacific Power and light, turned over to Police Chief Webster.

Councilman Caciari reported, Ben Cohn had introduced a Bill on revised Road assessments, adding ad valorem, etc. City Manager, and Councilman Garrity would be in Helena on this Bill and the Burlington Northern Railroad Bill. The Street Committee will wait to start their program until City Manager Arnold reports back.

Fire Chief Maddux reported the fire department was in favor of Senate Bill 241, allowing the counties to charge a flat fee on county people not having fire contracts.

The Water-Sewer Committee meeting of the 25th would be a Hearing for Huston-Stocking Tracts, Glenwood, Dakota, W 7th and Cedar Estates for proposals of water and sewer extensions.
The Next Council Meeting will be Tuesday, February 19th.

Motion LaTourelle second caciari to adjourn 8:33 P.M. All aye.

ATTEST:

Kay Belles
City Clerk

James C. Putnam
Mayor

February 19, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance, except LaTourelle who was absent.

Also present were Building Inspector Berg, City Manager Arnold and Public Works Director Fredrickson.

MINUTES

Motion Boksich second Garrity to approve the minutes of February 4, 1985. All voted aye.

CORRECTION OF MINUTES OF MARCH 1, 1982

James Kane owner of the Shrangri-La, Highway 93 South had requested WB-2 for parcel 3E approximately 500'X 1325' or to the river. This was an incorrect parcel number.

Correction: Remainder of 5H lying within Section 12. (Northeast Corner of Section 12, Township 30North Range 22West,) should be zoned as WB-2.

Motion Stephens to correct the March 2, 1982, minutes to show the James Kane property as described above to be WB-2. The back $\frac{1}{2}$ of Tract 3E (Rocksund) should revert to WA zoning. (Sec. 1 of the same township and range. Second Garrity. All voted aye.

APPOINTMENT TO THE CITY COUNTY PLANNING BOARD.

The City County Planning Board members had appointed Claire Strickler as their 9th member (member at large) and requested approval from the Council and County Commissioners.

Motion Stephens to approve the appointment of Claire Strickler to the City County Planning Board as member at large. Second Ramlow. All voted aye.

PUBLIC HEARING

Extra-territorial Zoning in the Ptarmigan Area-SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11 Township 31 North, Range 22 West. SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, Township 31 North, Range 22 West, NE $\frac{1}{4}$ of Section 13, Township, 31 North, Range 22 West.

The City County Planning Board recommended the following:
 WRR-1 E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11, Township 31 North, Range 22 West. SW $\frac{1}{4}$ of Section 12, Township 31 North, Range 22 West.
 WSR W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11, Township 31 North, Range 22 West.
 WA W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12 Township 31 North, Range 22 West.
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 31 North, Range 22 West.
 NE $\frac{1}{4}$ of Section 13, Township 31 North, Range 22 West.

This did not include the Gascan Resources property.

The Council included the Gascan Resources property in their proposal for advertising for the Public Hearing.

Stolze Lumber objected to any zoning to their property and Karen and Orvill Nagelhus requested RR-1 instead of WSR for their property.

Mayor Putnam Opened the Public Hearing.

There was no public comment either for or against and Mayor Putnam Closed the hearing and turned over to the Council for discussion.

After discussion the following Motions were made by the Council.

Motion Stephens the property known as Big Mountain Terrace currently RR-1 as shown on the map be changed to WA designation for the next Hearing. Second Boksich all voted aye.

february 19, 1985 cont.

Motion Stephens to leave the WSR zoning per the City County Planning Board proposal, with the Gascan property to be zoned WA. Second Caciari. All voted.

Motion Stephens to adopt the extra-territorial zoning on the first reading with changes as approved for advertising for the second Hearing of March 4th. Second Boksich. All voted aye.

NEW BUSINESS

Water Committee Report on Phosphorus Removal Study.

The Committee recommended to proceed with the Phosphorus Study by CM2H Hill for \$8,000.00 based on legal recourse of not mandating State wide. Motion Garrity to accept the Committees recommendation. Second Ramlow. All aye.

OTHER

Councilman Stephens requested permission to leave the State the 1st thru the 5th of March.

Motion Garrity second Ramlow allowing this request. All vote aye.

Stephens also reported letters had been sent to offenders of the sign Ordinance, he had feedback but no problems. Suggested fees for installation of signs be studied.

Public Works Director reported the stop signs on the corner of Baker and First Streets would be removed Monday.

Councilman Boksich reported the Culture Committee would meet Monday, on the ball field east of town.

Councilman Caciari reported two stop signs on corner of First Street and Spokane Avenue were set in 55 gallon barrels, and were full of trash. Suggested they be put in concrete.

Councilman Ramlow reported City Manager was working on trying to find better animal Control than presently provided by the County. Ramlow also said the City could set Ward Boundaries up to June.

Council requested this be done.

Sid Fredrickson presented the City with a Certificate of Appreciation Award in recognition of outstanding assistance to Civil Air Patrol.

Mayor Putnam requested a timetable for priorities discussed at the retreat.

The Mayor also reported Charles Abell had resigned from the City County Planning Board and asked City Manager to advertise for interested people. The term would be for 1 year.

Motion Caciari second Stephens to adjourn 8:44 P.M.

ATTEST:

Kay Belle
City Clerk

Jane C. Putnam
Mayor

March 4, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were present except Stephens who was absent.

Also present were Building Inspector Berg, Police Chief Webster, Public Works Director Fredrickson, Fire Chief Maddux and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of February 19, 1985. Second Boksich. All voted aye.

OLD BUSINESS

JAIL REPORT

City Manager recommended to appropriate \$1000 from Revenue Sharing for items listed in the Police Chief's Memorandum of 2/14/85.

10 Institutional Mattresses	379.70
24 Mattress Covers	184.56
12 Blankets	155.40
10 Institutional overalls	186.90
10 Deck Shoes	69.70
	<u>976.26</u>

The Safety Committee requested acceptance of this proposal.

Motion Caciari to approve the Safety Committee's recommendation, and allow \$1000 of Revenue Sharing to purchase the above items. Second Garrity. All voted aye.

WARD BOUNDARIES

Ordinance 85-3 amending Ordinance A-130, section 1, 2, 3. Ward Boundaries.

Proposed: Ward I - Area North of the Burlington Northern Tracks.
 Ward II- Area South of Burlington Northern Tracks, and West of Kalispell Avenue.
 Ward III-South of Burlington Northern Tracks and East Of Kalispell Avenue to City limits.

Mayor Putnam opened the Hearing to the Public and as there was no comment the hearing was closed and turned over to the Council.

Motion Ramlow to adopt Ordinance 85-3 on the first reading. Second LaTourelle. All voted aye. Second Reading to be March 18.

EXTRA-TERRITORIAL ZONING in Ptarmigan area - Ordinance 85-2.

Area description: SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 31, North, Range 22 West, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, Township 31 North, Range 22 West; NE $\frac{1}{4}$ of Section 13, Township 31, North Range 22 West.

Proposed Zoning classifications for the area are as follows:

WRR - 1 (Low Density Resort Residential) - W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11, Township 31 North, Range 22 West; SW $\frac{1}{4}$ Section 12, Township 31, Range 22 West.
 WSR - W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11, Township 31 North, Range 22 West.
 WA - The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 31 North, Range 22 West, exclusive of those properties on file with the Clerk & Recorder known as Ptarmigan, Phase 1 & 2. The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, exclusive of those properties on file with the Clerk and recorder known as Ptarmigan, Phase 1, 2 & 3, and Tamarack Subdivision. The W $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 31 North, Range 22, West. The NE $\frac{1}{4}$ of Section 13, Township 31 North, Range 22 West.

March 4, 1985 cont.

Mayor Putnam opened the Public Hearing on the Second and final reading of Ordinance 85-2.

The only correspondence received was from the Regional Development Office on Big Mountain Terrace Subdivision, located on Big Mountain Road. The County Commissioners had approved a preliminary plat, August 4, 1981 and were committed to approve the final plat for this property. WR-1 zoning was proposed.

City Attorney Fisher said if the Preliminary Plat was still in force they could be zoned WR-1, if expired the WA would apply.

There was no other comment and Mayor Putnam closed the Hearing.

Motion Caciari to adopt Ordinance 85-2, on the Second and Final reading as amended by the Council at the First reading. All aye.

NEW BUSINESS

Communication from Whitefish Lake Golf Club.

Terry Nelson, president of the Whitefish Lake Golf Club explained the Board of Directors plan to proceed with their Master Plan for the Golf Course. This would include upgrading and renewing the Lake or Old back nine holes, (new greens on holes #10-#18 and modification of two tee boxes as well as constructing a lake adjacent to the #16 fairway.) He asked approval of the Council.

Motion Caciari to approval the proposal presented. Second Boksich. All aye.

Resolution no. 85-3, Creating a Parking Commission was tabled until next meeting.

Communication Sandy Grogan-Re: Pitstop.

Sandy Grogan had written a letter to Mayor Putnam, complaining that the City was harassing them by removing ice and snow from the sidewalk in front and along the side of the Pitstop. The City Charged a fee of \$137.50. Sandy also stated at the meeting that other businesses had not removed the ice and snow from in front of their businesses, and the City was guilty of not removing from their lots and sidewalks.

City Manager Arnold explained the City gave a notice to all businesses that ice and snow must be removed. The City had plowed their lots, etc. Business places not complying with the Ordinance the city would do and bill them.

Mayor Putnam explained that He and the Council wanted the Ordinance enforced and did not intend to harass anyone, he thanked the Grogans for coming to the meeting and airing their views.

First Reading of Ordinance No. 84-4 - Revising Municipal Code Chapter 12.24 (Ice and Snow Removal).

After discussion Mayor Putnam turned over to the Safety committee to study and bring back recommendation to the Council.

Natural Resources Inventory - Jo Messex

Jo Messex presented the Mayor and council a Natural Resources Inventory Book and summarized same.

Resolution No. R-85-4, Making the City Judge's position appointive.

After discussion Mayor Putnam appointed Committee of Ramlow, Caciari, and LaTourelle to study and bring back recommendation to the Council.

Water Committee recommendation for Extension of Sewer Service to the West 7th Street and Cedar-Texas Avenue Areas

March 4, 1985 cont.

Councilwoman LaTourelle reported for the Committee. She said the Water Committee held a public hearing on the extension of sewer service to the West 7th Street and Cedar-Texas Avenue areas on Monday, February 26, 1985, and recommendations were as follows:

WEST 7TH STREET- Include Gustafson property in SID boundaries and Initiate SID formation on September 1, 1985.

Texas-Cedar Avenue Area - Initiate annexation process on three parcels of land in the neighborhood that are "wholly enclosed" immediately. Initiate SID proceeding at same time as West 7th Street (September 1, 1985).

Motion Boksich Second LaTourelle to accept the Water Committee's recommendation. All voted aye.

Roger Johnston inquired about the sewer line running to Bay Point. He wondered if people abutting this line should be hooked up to sewer. Public Works Director Fredrickson to check.

CULTURE COMMITTEE Recommendation on Ballfields.

Councilman Boksich reported for the Committee, stating the Culture Committee recommends that the ballfield area be turned over to the Flathead County Parks and Recreation Department through an inter-local Agreement. The period of the agreement to be 25 years and the rental charge to be \$150.00 per year.

Motion Ramlow to accept the recommendation of the Culture Committee, and implement. Second Garrity. All aye.

City Attorney Fisher to approve the Agreement.

APPROVE BANK SECURITIES

Motion Garrity to accept the Securities from the Mountain Bank for \$548,000.00 and the First National Bank for 835,000.00. Second LaTourelle. All voted aye.

SUMMER RECREATION PROGRAM-tabled until later date.

SPECIAL EVENTS PERMIT- Bash for cash

Motion LaTourelle to accept the Special Events Permit Second Garrity. All aye.

CHAMBER OF COMMERCE re-Roads.

Ed Grogan, President of the Whitefish Chamber of commerce, said the Chamber endorsed a local gasoline tax of up to 2¢ per gallon. He presented a letter and the laws pertaining to the tax. It would have to be initiated by the County Commissioners.

After discussion Mayor Putnam turned this over to City Attorney Fisher and the Administration Committee to study and bring back at a later date.

OTHER

City Manager Arnold gave a brief rundown on concerns discussed at the retreat.

Councilman Caciari reported the Bill on revised Road Assessments, introduced by Ben Cohn had passed the House and was before the Senate.

Councilman Garrity reported there would be a meeting with Group W Cable Tuesday, March 5th at 3:00 P.M.

City Attorney Fisher said he would bring information on terms of office for the Councilpeople.

Motion Caciari to adjourn 9:04 P.M.

Ray Bell

James C. Putnam Mayor

March 18, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were City Manager Arnold, Public Works Director Fredrickson, Police Chief Webster, Fire Chief Maddux, Building Inspector Berg and city Attorney Fisher.

MINUTES

Motion Boksich to approve the Minutes of March 4, 1985. Second Garrity. All aye.

MAYOR

Mayor Putnam appointed Dietra Fassler to the City County Planning Board. She would serve the remainder of Charles Abell's term, which would expire December 5, 1985.

City Manager Arnold reported on the meeting with the County Commissioners, he, Mayor Putnam and Councilman Caciari attended.

He said the Commissioners agreed to pave Wisconsin Avenue and provide asphalt for Baker Avenue. Arnold said it was a very congenial meeting. Charlie Phillips and Public Works Director Fredrickson would meet and work up a program which would be submitted to each governing body and then an Inter-Local Agreement would be drawn up.

Mayor Putnam reported on the CAB meeting. He said Nick Verma had a few questions on the Extra-territorial zoning (property descriptions) in the Ptarmigan Area. Also the Regional Office needed a formal request to help with Mountain Trails Park.

SECOND READING OF ORDINANCE NO. 85-3, Ward Boundaries.

City Manager Arnold explained the revised Boundaries.

Ward I. All property North of Burlington Northern Railroad.

Ward II. Property South of Burlington Northern Railroad, and West of Kalispell Avenue.

Ward III. Property South of Burlington Northern Railroad, and East of Kalispell Avenue.

Mayor Putnam opened the Public Hearing and as there was no comment the Hearing was closed.

Council discussed the Kalispell Avenue boundary between Ward II and Ward III, and decided to change this to Spokane Avenue.

Motion Ramlow to adopt Ordinance No. 85-3, on the second Reading, as amended. Second LaTourelle. All voted aye.

ORDINANCE NO. 85-4, Making the City Judge Position Appointive.

Councilman Ramlow reported the Committee recommends that the position of City Judge be made appointive effective the next term of office.

Mayor Putnam opened the Public Hearing on the First reading. There was no public comment and the Hearing was Closed.

The Mayor and Council discussed the issue, and it was Moved by Ramlow Second Caciari to approve Ordinance No. 85-4 on the first reading. LaTourelle no, Stephens no, Boksich no, Caciari aye, Garrity no, Ramlow aye. The Motion was defeated 4 to 2.

CHAMBER OF COMMERCE PROPOSAL FOR 2¢ Gas Tax.

Councilman Ramlow reported the Finance and Administration Committee recommended accepting the Chamber proposal, and recommended the City Manager write a letter to the Commissioners initiating the 2¢ gas tax.

Motion Caciari the City Manager send a letter to the Commissioners initiating the 2¢ gas tax. Second LaTourelle. All aye.

March 18, 1985 cont.

The Chamber would send letters to the other two cities requesting them to pursue.

PARKING COMMISSION RESOLUTION.

Mayor Putnam tabled until next Council meeting.

NEW BUSINESS

COUNTY ZONES ON EAST AND WEST LAKESHORE

There are lots on the East and West Lakeshore that are annexed into the city, but are still county zoned.

Motion Stephens to refer to the City County Planning Board.
Second LaTourelle. All aye.

SURPLUS PROPERTY

Surplus Property was referred to the Finance and Administration Committee to study and bring back to the Council.

APPROVE SIGN APPLICATION FEES.

City Manager explained: require building permit for each sign application and impose standard building permit fee, but no additional charge. Applicant to include full detail of sign on building permit application for appropriate review.

After discussion this was referred to the next Council meeting. A Resolution would be drafted.

APPROVE STREET RECONSTRUCTION PROGRAM .

Turned back to the Street and Alley Committee for further study. They would bring back next Council meeting.

OTHER

Councilwoman LaTourelle said she had given the Council copies of articles about Cities Liability Insurance. Because of large claims of cities, insurance companies were declining coverage to Municipalities. This was turned over to the Finance Committee to study and bring back.

Councilman Stephens requested the Street and Alley Committee report back on Policy of cutting streets for construction.

Councilman Boksich requested permission to leave the State the 22nd of March thru the 3rd of April.

Motion LaTourelle to allow this request. Second Stephens. All aye.

Councilman Caciari commended the Street department for a job well done.

Councilman Garrity reported the dog problem was getting worse. City Manager reported he was working on this problem-either the County does a better job or we will have to go to a city person. He would report back next meeting.

RESOLUTION No. 85-4, changes in Grouse Mountain Industrial Revenue Bonds to a lesser amount and date change.

Motion LaTourelle second Boksich to adopt Resolution No. 85-4. All aye.

March 18, 1985 cont.

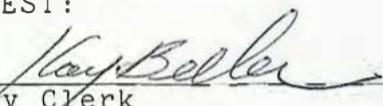
SPECIAL EVENTS PERMIT

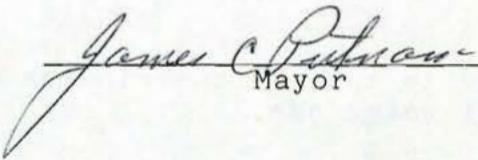
Glacier Orchestra & Choral-request to hang banner on March 19th.

Motion LaTourelle to allow the Special Events Permit. Second Stephens. All voted aye.

Motion Caciari second Ramlow to adjourn 8:32 P.M. All aye.

ATTEST:


City Clerk


Mayor

April 1, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council at 7:00 P. M. on the above date. All Councilpersons were in attendance except Boksich who was absent.

Also present were City Manager Arnold, Public Works Director Fredrickson, Police Chief Webster, Fire chief Maddux and City Attorney Fisher.

MINUTES

Motion Ramlow to approve the minutes of March 18, 1985. Second Garrity. All voted aye.

OLD BUSINESS

PARKING COMMISSION RESOLUTION NUMBER R-85-3.

Councilman Stephens and Hank Starno members of the Parking Committee, explained the Parking Commission's first objective would be to coordinate off Street Parking for employers and employees. This would give ample public parking at present. Later an SID would be considered for additional Public Parking Areas. City Attorney Fisher explained the Commission terms of office. Three (3) would serve 1 - 2 - 3 years and two (2) would serve 4 year terms.

Councilman Stephens said there should be five members with one of the five a Residential (non-business) person. City Manager Arnold and City Attorney Fisher both said there was need for the Parking Commission.

After further discussion it was Moved by LaTourelle to adopt Resolution R-85-3, with amendment of the five member board- one member to be a Residential (non-business) person. Second Caciari. All voted aye.

APPROVE SIGN APPLICATION AND VARIANCE FEES.

Resolution Number R-85-6.

Motion Stephens to adopt Resolution R-85-6, A Resolution of the City Council setting fees for sign permits and sign variances. Second LaTourelle. All voted aye.

APPROVE STREET RECONSTRUCTION PROGRAM

Councilman Caciari reported the Street Committee recommended the Following:

1. CENTRAL AVENUE - Railway Street to Third Street. Property owners to be notified to cut back and repair curbs, replace damaged sidewalks. Rotomill down to concrete surface, repair concrete surface, 2" overlay. Third Street to Fourth Street as contract option if bid price permits this work.
2. COLUMBIA AVENUE - Bridge to 7th Street. Combination of hot mix overlay and reconstruction as far north of bridge as funds permit.
3. BAKER AVENUE - 1st Street Intersection. Repair Hot mix to be provided by Flathead County. Old Bowling Alley, VFW, Sunshine Mountain and Jim Joy to repair curbs and sidewalks.

Beach Parking lot, 8th Street and other new construction to be sealed. Cold Mix in various areas where needed. Streets in Northeast portion of City where paving is reasonably good to be patched with hot mix and sealed.

Riverside and Seventh Street property owners to be notified to install curbs to permit street reconstruction next summer.

The Committee requested Public Works Director to prepare specs and have everything ready in three (3) weeks so it can be put out for bid, and construction started.

Page 59+60 of Book 009 of

MIN.

is missing and was not digitally imaged.

Date: 10/30/12 Initials KH

April 1, 1985 cont.

The city crews would do some of the work, but most would be put out for bid and contracted.

After discussion the Council ordered property owners on Central Avenue to cut back and repair curbs and sidewalks, from Meyette Jewelers to the Corner of Third Street, and property owners on Baker Avenue were ordered to repair curbs and sidewalks, (Old Bowling Alley, VFW, Sunshine Mountain, and Jim Joy.)

Written notices to be mailed to the property owners abutting the above named streets.

Motion Caciari to accept the Street and Sanitation Committees Street Construction Recommendations. Second Ramlow. All voted aye.

SUMMER RECREATION PROGRAM

Karen Zwisler gave a summary of what was planned and said the total cost to the city would be \$1,000.00 with Flathead County Parks and Recreation paying \$500.00. Total cost of the program \$1,500.00.

After discussion it was moved by Garrity to send this back to the Park Committee to study and bring back recommendation to the Council. Second Caciari. All voted aye.

NEW BUSINESS

ANIMAL CONTROL

City Manager Arnold explained the city presently contracts with Flathead County Animal Control for Animal Control within the City. If the city hired a person the costs could be excessive.

He recommended entering into a Interlocal Agreement with Flathead County where the service level is specific at the level desired by the City Council and there is provision for additional service if desired. If this does not achieve the desired results then a City program could be instituted. He felt it should go to Committee and he would draft an agreement.

After discussion it was Moved by Caciari to negotiate with the County for an effective agreement.

Councilman Stephens said he was in favor of hiring a local person.

After further discussion Councilman Caciari withdrew his Motion and Council instructed City Manager to advertise for a local person before entering into an Agreement with the County.

FIRE DEPARTMENT EQUIPMENT VAN

Fire Chief Maddux requested permission to convert the old ambulance to an equipment van. He said it would cost approximately \$2500 to convert. As this was not a budgeted item it was Moved by Garrity second Stephens to include this in next years budget. All aye.

RESOLUTION NO. R85-5, INTENT TO ANNEX WHOLLY SURROUNDED LAND - TEXAS AVENUE AREA.

Councilwoman LaTourelle reported the Water/Sewer Committee recommended adoption of this Resolution so utility services could more easily be extended to this area.

After discussion it was Moved by Stephens to adopt Resolution R85-5, to be advertised twice, with hearing to be May 6, 1985. Second LaTourelle. All voted aye.

WHITEFISH LAKE GOLF ASSOCIATION.

The Association requested Council adopt a Resolution, agreeing to assume any balance due and owing for the remodel and upgrading of the Whitefish Municipal Golf Course back nine if the Whitefish Lake Golf Association's lease with the city is not renewed by the City.

April 1, 1985 cont.

The lease with the Golf Association would expire in one and one half (1½) years. If a longer lease period was entered into the Resolution would not be necessary.

Motion Ramlow to renegotiate the lease to satisfy the situation. Second Garrity. All voted aye.

OTHER

Excessive water bill of Brad Bjorsness was turned over to the Water/Sewer Committee.

Councilwoman LaTourelle reported the Water/Sewer Committee met with Jo Messex and the Whitefish County Water & Sewer District. She said it was an informative meeting and the City and District would work closely together so both would be informed on what was happening.

LaTourelle scheduled a water meeting for tuesday, the 9th.

Mayor Putnam said Rita Graham had given them an excellent report on rentors and amount of money lost in non-collectible water bills. He suggested the Committee study and bring back to the Council.

Councilman Garrity said people were being charged if they utilized lift stations-questioned where the money was going. Public Works Director said at this time it was going into the Operating Fund.

Garrity also felt a cost control on all city vehicles should be initiated.

City Manager said the Montana Economic Development Board had received an application for Industrial Development Bonds from Markus Quality Foods. The City had the option of holding the Hearing or the Board would hold it. Council said the Board should go ahead and hold the Hearing.

Mayor Putnam reported he, and City Manager attended a meeting in Columbia Falls regarding keeping the Arco Plant in operation. There will be a Bonneville rate hearing the 22nd at 6:30 P.M. in Columbia Falls, he requested people be there. He requested Council sponser a Resolution supporting keeping the Plant here - Council agreed and City Manager Arnold would write a letter of Record.

Mayor Putnam thanked the Chamber of Commerce for their efforts on Wisconsin Avenue and Hwy 93 both south and west.

The Mayor suggested better sign control and felt a list of people who cut into the streets and alleys be kept and when Council was approached for favors they should reprimand these people.

Motion Caciari to adjourn 9:01 P.M. Second Garrity. All aye.

ATTEST:

Kay Bella
CITY CLERK

James C. Putnam
Mayor

April 15, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:01 P.M. All Councilpersons were in attendance.

Also present were: City Manager Arnold, Public Works Director Fredrickson, Building Inspector Berg and City Attorney Fisher.

MINUTES

Motion Garrity second Ramlow to approve the minutes of April 1, 1985. All voted aye.

BROWN WATER LINE RE-IMBURSEMENT

Browns had extended the 10" water main 555' west of the city shops Old Dump Road and were requesting a reimbursement for the difference between 6" line and the 10" line.

Councilwoman LaTourelle said the Water/sewer Committee had met and they recommended not to reimburse the Brown's as the extension of services plan required the 10" line. 3 to 0 vote.

Motion LaTourelle to accept the Committee recommendation (no reimbursement) second Garrity. All voted aye.

OLD BUSINESS

PARKING COMMISSION

City Manager Arnold requested Council approval of the following appointments to the Parking Commission.

Gary Stephens-Chairman	4 year term
Pat Sullivan -member	4 year term
Hank Starno -member	3 year term
Dick Peterson-member	2 year term

Motion Ramlow to approve the appointments of the City Manager. Second Garrity. All voted aye.

The non-business person would be appointed at a later date.

SUMMER RECREATION PROGRAM

Councilman Boksich reported the Culture and Parks Committees recommended approval of Karen Zwislers eight (8) week program. The cost to the city would be \$1,000.00 the county would pay \$500.00.

Councilman Stephens questioned the number of registration days, and Mayor Putnam questioned liability insurance and benefits. Councilman Garrity thought expense of lifeguards was enough burden on the Parks budget.

Motion LaTourelle to approve Karen Zwisler's program, total cost not to exceed \$1,600 for the summer recreation program. Second Boksich. All voted aye except Garrity who said no. 5 to 1 vote.

ANIMAL CONTROL

City Manager Arnold reported nine (9) applications had been received for Animal Control Officer. He and the Police Commission would review and select the best applicants, and he would bring back next meeting.

GOLF COURSE LEASE

Councilman Ramlow reported the Finance Committee, City Manager, and the Golf Association had met on the renewal of the Golf Course Lease. It was determined the lease be negotiated on the basis of supplying services, including maintenance of the Cemetery, Soccer Fields and Tennis courts.

April 15, 1985 cont.

Terry Nelson, President of the Whitefish Lake Golf Board, presented a cost analysis for basic maintenance of the Cemetery. Total costs presented were \$12,310.00 per year and this did not include large capital items.

The new lease would replace the \$3,000.00 per year with the maintenance of the Cemetery, Soccer field and tennis courts. (to be five (5) year lease.)

The Association also requested the Council adopt Resolution agreeing to assume any balance due and owing for the remodel and upgrading of the back nine if the Whitefish Lake Golf Association's lease with the city is not renewed after the five (5) year period.

The Finance committee recommended approval of the Five year lease.

Motion Boksich to approve the five (5) year lease as outlined and accepted by the Committee. Second LaTourelle. All voted aye.

Motion Ramlow to adopt Resolution No. R-85-10, agreeing to assume any balance due and owing for the remodel and upgrading of the Whitefish Municipal Golf Courses back nine if the Whitefish Lake Golf Association's Lease with the City is not renewed by the City. Second Garrity. All voted aye.

RESOLUTION NO. 85-8 - RESOLUTION NO. 85-9, INTENT TO ANNEX WHOLLY SURROUNDED LAND - Glenwood, etc - Houston, Stocking tracts.

Motion Stephens to adopt Resolution no. 85-8 and 85-9, intent to annex Wholly surrounded property. Public Hearing to be May 20, 1985. Second LaTourelle. All voted aye.

BJORSNESS AND SCHRIEBER WATER BILLS.

Councilwoman LaTourelle reported the water/sewer committee had met on the excessive water bills. (excessive because of freezing pipes people let water run.) She said the Committee recommended to adjust the sewer bills to normal amount charged, and they would pay for the water. 3-0 vote.

Motion LaTourelle to accept the Committee recommendation. Second Stephens. All voted aye except Garrity and Caciari who said no. Motion carried 4 to 2.

REQUIRE WATER AND SEWER SERVICE TO BE IN PROPERTY OWNERS NAME.

RESOLUTION NO. 85-7. amending rules and regulations for the City water and sewer utilities.

1. That Rule VI (Application for Service) No. 5 be amended to read in its entirety: All new applications for the introduction of water and/or sewer service must be signed by the property owner or their agent, agent shall not include tenant, duly authorized in writing, if applicable.

2. That Rule VI No. 6 change of Contracting Customer be amended to read in its entirety: Any Change in the identity of the contracting customer, property owner and/or legal agent at a premises served by city water and/or sewer will require a new application for service, and no new application will be approved unless all unpaid water and sewer charges if any, have been paid in full. In all cases the property owner shall be liable for all charges for water and/or sewer service to their property.

Motion LaTourelle to adopt Resolution no. 85-7, with changes as stated above. Second Garrity. All voted aye.

April 15, 1985 cont.

MOUNTAIN TRAILS USE PERMIT AND PRELIMINARY PLAT - SET FOR PUBLIC HEARING.

Tracts 4AC & 4ACA Whitefish Townsite Company's Five Acre Tracts. (615 and 625 Wisconsin Avenue)

Motion Stephens to set for Public Hearing on May 6, 1985. Second Boksich. All voted aye.

CITY RESERVOIR RESIDENCE.

Mayor Putnam explained repairs and utilities for the reservoir house were more than rent received. He said all items should be included in the budget, and felt repair work was unauthorized.

Public Works Director Fredrickson explained he did set aside some repair work in the budget and would again next budget year.

Mayor Putnam turned over to Committee of Garrity, Ramlow and Boksich, to check the house.

FINAL PLAT OF THE RESUBDIVISION OF LOT 13-B of the Resubdivision of a portion of Lot 13 of the Riverside Improvement Company's Acreage. (Mountain Holliday Motel)

City Manager explained all conditions had been met on the final Plat.

Motion Stephens to approve the final plat. Second LaTourelle. All aye.

SPECIAL EVENTS PERMIT

Whitefish Community Theatre requested to hang a banner for a play.

Motion LaTourelle to approve the Special Events permit to hang the banner. Second Garrity. All voted aye.

OTHER

Mayor Putnam said the CAB would be meeting on their budget and suggested Council present projects.

Claire Strickler said the City County Planning Board would continue with their projects: Comprehensive Plan, Critical Area Zoning, Lakeshore Preservative Act, etc.

Mayor asked for other projects that needed planning.

Councilwoman LaTourelle reported meeting with Jo Messex and the Whitefish Water and Sewer District, they requested a five year plan on city extensions, etc. Areas of concern: Northwoods, Crosswinds, Lazy Bay, Texas Avenue, etc. Committee recommended city do Texas Avenue.

The Committee recommended a Policy be drafted on extension of services to the District only, on a case by case basis to help alleviate pollution of Whitefish Lake.

Motion Stephens City Manager draft rules and regulations changing policy with Whitefish Sewer District. Second LaTourelle. All aye.

Councilman Stephens requested a map be included with all advertising of annexations, use permits, etc.

Councilman Stephens also reported he had been invited to Deer Lodge to meet with their Council on City Manager form of Government.

Stephens also felt the Police Department should be better educated in zoning and signs. City Manager said there was a meeting with police on the 17th at 2:30 P.M.

April 15, 1985 cont.

MOUNTAIN TRAILS PARK

Councilman Boksich said the Parks Committee recommended approval of the concept of Mountain Trails Park.

Marv Bethea, explained the drawing of Mountain Trails Park, that had been donated by Bruce Boody and Paul Wells. It showed areas for volley ball courts open play areas, picnic area, Pavillion and ice rink. The Park Committee requested Council approval.

Councilman Stephens said he thought Riverside Park was number one priority, and asked what was holding up work on this park. Marv said the sewer trunk line needed to be installed before work could be started.

After further discussion it was Moved by Boksich to approve the concept of Mountain Trails Park. Second Caciari. All aye.

A meeting was set for 4:00 P.M. Monday, for the Parks and Cultural Committees.

Councilman Caciari said the Veterans organization had approached him on Memorial Day. The 27th of May would be observed as Memorial Day, however, the Veterans would observe the 30th and requested the flowers be left at the cemetery until after this date. Council agreed.

Councilman Garrity reported Judge Maddux would be resigning on the first of May and suggested a replacement be found as soon as possible. City Manager to contact interested persons and bring back to the next Council meeting.

City Manager Arnold requested an opinion on whether water and sewer are available to Norman Nelson's lot (cow creek area). Mayor Garretson had given him a letter in 1979 stating they would be available upon annexation. To be brought back to the next Council Meeting.

Extension of Water line in Birch Point area would be brought back next Council meeting.

Public Works director Fredrickson reported funds are now available from the DNRC for a grant for a water master plan. The Water/Sewer Committee would review and bring back.

Mayor Putnam asked Council to review the extra services the Flathead Regional Development Office submitted and also what per cent of increase to the Board the Council thought feasible.

Mayor Putnam recommended studying the General Fund to see if there is a better way of allocating funds. Requested ideas be brought back next Council meeting.

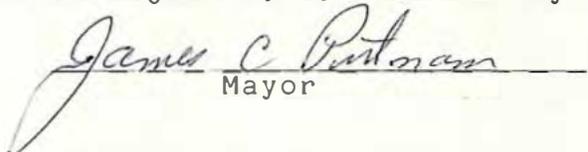
Mayor Putnam also requested something be done about the Mall using Greenwood Drive-said it was a mess. Public Works Director said he was considering load limit signs, or citations.

Mayor Putnam reminded everyone that all items discussed at Council meetings MUST BE PUT ON THE AGENDA.

Motion LaTourelle second Stephens to adjourn 9:35 P.M. All aye.

ATTEST:


City Clerk


Mayor

April 23, 1985

Mayor Putnam opened this special Council meeting at 7:00 P.M. on the above date. Council persons present were: Stephens, Boksich, Caciari and Garrity. Absent were LaTourelle and Ramlow.

Also present were City Manager Arnold and city Attorney Fisher.

This Special meeting was called to screen City Judge Candidates, to fill term of Judge Maddux. Maddux resignation would be effective May 1, 1985.

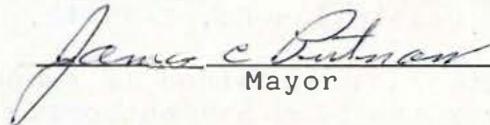
Candidates interviewed were: Andree Larose
Steve Sevener
Rex Baker

Carole silliker was interviewed briefly by the Council, but she was not a Citizen of the United States she did not qualify.

The other three candidates were excellent and after the interviews, and Council discussion it was Moved by Garrity second Caciari to appoint Steve Sevener to the City Judges position effective May 1, 1985, to fill Judge Maddux term of office. All voted aye.

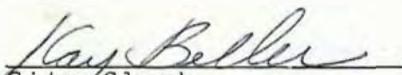
Mr. Sevener would run for election in November.

Motion Boksich second Caciari to adjourn at 9:39 P.M. All aye.



Mayor

ATTEST:



City Clerk

068

May 6, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:01 P.M. All Councilpersons were in attendance.

Also present were Building Inspector Berg, Police Chief Webster, City Manager Arnold, Public Works Director Fredrickson and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of April 15, 1985. Second Garrity. All voted aye.

Motion Stephens to approve the minutes of April 23, 1985. Second Boksich. All voted aye.

OLD BUSINESS

Presentation on New Post Office Building.

Postmaster Bob Litchfield presented a picture of the new post office, and explained the new facility. Start date would be the end of June or the first of July.

PUBLIC HEARING - Annexation of wholly surrounded land-Texas Avenue area. Resolution No. R-85-12.

City Attorney explained if property is wholly surrounded by city property the city has authority to annex the area.

City Manager gave the purpose of the annexations was failing septic systems in the area. City water and sewer would be extended to the area.

Mayor Putnam opened the hearing to the public.

Speaking against the annexation were: Pat Clasby and Elmer Whitney. The Clerk read letters of protest from: Danny J & Violet O. Paolini, Jan and Peter Metzmaker, Elmer and Edna M. Whitney, Paul K. Johnson, Joan M. Knutson, and Patrick Clasby. Mayor Putnam closed the Hearing to the Public and turned over to the Council.

Motion Stephens to adopt Resolution No. R-85-12, annexing those portions of Block 11 of the Whitefish Townsite Company's five acre tracts, First Addition, Township 31 North, Range 22 West, M.P.M., Flathead County. Second LaTourelle. All voted aye.

PUBLIC HEARING on Preliminary Plat and Use Permit for Subdivision of Tracts 4AC and 4ACA in Whitefish Townsite Company's Five Acre Tracts. (Mountain Trails Apartments).

Purpose: to construct 16 apartments. (four (4) four (4) plex units.

City Attorney Fisher explained that because of Senate Bill 354, apartment houses were not subject to subdivision regulations, and only the USE Permit was to be considered.

Mayor Putnam opened the Public Hearing on the Use Permit.

Dale R. Sheneman, owner of the project explained it had already been reviewed by the Planning Office.

Mayor Putnam closed the Hearing and turned the Use PERmit over to the Land Use Committee to review and bring back to the next Council Meeting.

PLANNING COMMISSION CHAIRMAN re: 1985-1986 Work Program

Claire Strickler explained the Whitefish City-County Planning Board had met on April 18 and discussed recommendations for potential work projects for the Flathead Regional Development Office for the coming fiscal year.

May 6, 1985 cont.

The recommended projects for Council consideration are:

1. Continuation of the Comprehensive Plan revision for the Whitefish area.
2. Continuation of consideration of Critical area zoning for the north end of Whitefish Lake.
3. Changes in the Zoning Ordinance, on a new agricultural zone.
4. Extra-territorial zoning.
5. A few hours of staff time and some typing time on the revision of the Whitefish Lakeshore regulations.

Motion Stephens to approve the Work Program for 1985-1986 fiscal year. Second Ramlow. All voted aye.

ANIMAL CONTROL

City Manager Arnold reported the Police Commission had interviewed applicants for the Animal Warden position. A person could be hired in the \$4.00 an hour range. He felt this person should be entered into a training program.

Total costs would be approximately \$7,781 per year including benefits. Mayor Putnam requested this be brought back to the next Council Meeting.

CITY RESERVOIR RESIDENCE.

Councilman Garrity reported an inspection was made of the property and found the house to be of poor quality; the outside needing repair, no storm windows, no screens and the siding should be replaced at some later date. He said Sid would continue to paint the interior of the house at his cost.

The Committee recommended increasing the rent from \$140.00 to \$215.00.

Motion Boksich Second Garrity to accept the Committee recommendation. All voted aye.

PUBLIC INPUT

Owen Grinde, Lakeshore Preservation Committee Chairman, inquired about a Construction permit at Rest Haven, however, he was informed Lakeshore permits outside City Limits would have to go to the County.

Herb Knuth's request to annex three (3) lots, of a five acre parcel was turned over to the Land Use Committee to study and bring back to the next Council meeting.

NEW BUSINESS

SPECIAL EVENTS PERMITS

1. Whitefish Arts Festival-central school lawn-July 6th.
2. Stumptown days-May 17 thru May 20. The Chamber requested to close the west lane of the 300 block of central. Lynn Walker asked that this request be excluded from the permit.

Motion LaTourelle to approve both Special Events Permits, with exclusion of closing the street. Second Stephens. All aye.

VIKING PROPERTY-Set Hearing Date for Public Hearing on Change of Zone from WR-1 to WRB-2 for 2.67 acres North and adjacent to the Viking Lodge.

Motion LaTourelle to set for public hearing on June 3, 1985, request of Sterling Investments, Inc. for Zone Change from WR-1 to WRB-2. Second Boksich. All voted aye.

Hank Marquardt inquired when the Land Use Committee would review. Mayor Putnam told him after the Hearing.

APPROVE SPECIFICATIONS AND CALL FOR BID - CENTRAL AVENUE RESURFACING.

Public Works Director Fredrickson presented specifications and drawings of the construction work to be done on Central Avenue. He requested

May 6, 1985 cont.

Council approval, but asked that the bids not be opened until after May 26th, as business owners had until that date to do their own sidewalks. After that date the City would do the work and assess the property. He also said construction time would be 75 days. Council thought this should be changed to 45 days. After discussion it was Moved by Stephens to approve the bid specifications with changing the time to a 45 day construction period for everything except Stripping and chip sealing. Bids to be opened May 29th and the sidewalk and curb work done by the city be on a cash basis. Second Garrity. All voted aye.

MEMORIAL PARK IMPROVEMENTS.

Culture Committee Recommendations:

The Culture committee met with members of the Park Committee and interested citizens to discuss needs at Memorial Park. It is their recommendation that \$20,000 be appropriated for sodding the infield of Legion Field, tennis court sealing, interior fencing, dug-out rehabilitation, water system repairs and paint. Recommended funds to be used are \$10,000 cash-in-lieu (property sales), \$5,000 cash-in-lieu (regular) and \$5,000 Revenue Sharing.

Mayor Putnam suggested the city fund fencing the entire park.

After discussion it was Moved by Boksich to approve the Culture Committee recommendation, excluding the last sentence, and include exterior fencing of the entire park. Second LaTourelle. All aye.

SPECIAL EVENTS PERMIT-American Legion/Glacier Twins

The American Legion Board requested permission to sell beer from the concession stand during the SAPA-JOHN SRUD MEMORIAL TOURNAMENT. Julio Delgado explained they were contracting the major beer distributors to sponsor the tournament and would like to offer them exclusive sale of their product that weekend in exchange for the sponsorship fee. He said all volunteers in the concession stand that weekend would be adults, the Sheriff's Posse would be on hand, they would do all clean up afterwards, etc.

Mayor Putnam commended the American Legion, however, he said this was in violation of the open container law and encouraged Council to deny this application.

After Council discussion it was Moved by Boksich to accept the Special Events Permit with conditions. Second Garrity. Ramlow no, Garrity aye, Caciari aye, Boksich aye, Stephens no, LaTourelle no. Mayor Putnam broke the tie vote by voting no. Motion defeated 4 to 3.

SIGN AT MEMORIAL FIELD

City Manager reported the placement of a sign at Memorial Field, off second street and east of the dugout had been requested. The sign is plastic construction, interior lighted, would be set on two wooden poles and would be 10' high. The proposed location is readable from 2nd street but semi-screened by trees lining the street but it is also near an available power source. The sign will be used to announce upcoming games of the Glacier Twins and the Babe Ruth League.

Because the sign would be violation of the height and signs not allowed in an WR-2 area, a sign variance would have to be submitted at the next Council Meeting.

MOUNTAIN TRAILS PARK BUILDING RENTAL CHARGES. Resolution No. R85-13.

Councilman Boksich reported the Culture committee recommended that rental be set \$50.00 for up to four hours with \$25.00 being returned if the building is left clean. Also that \$10/hour be charged for time in excess of four hours.

Motion Stephens to adopt Resolution R-85-13, A Resolution setting

May 6, 1985 cont.

rental fees for the Mountain Trails Park Building. Second LaTourelle. All voted aye.

Report Cemetery Platting.

Public Works Director Fredrickson reported the staking and drawings were in processes of being completed, and suggested meeting next week with Park Committee to review.

Report on Trunk Sewer Construction.

Fredrickson reported the interceptor line would not be put out for bids until July.

MILT SLOAN SEWER

Councilwoman LaTourelle reported the Water/Sewer Committee recommended Mr. Sloan would have to pay the new sewer rates, as his annexation dated back to 1983.

WATER SERVICE TO KARROW AVENUE PROPERTIES.

Councilwoman LaTourelle reported the Committee recommended the water main not be extended without annexation of the property.

Motion LaTourelle to accept the Committee recommendation. Second Ramlow. All aye.

WATER STUDY

The Water/sewer Committee recommends application be made to the State for a Water system Master Plan Grant in the amount of \$35,000, that the substantive areas of the study be emphasized rather than the boiler plate and that we proceed with selection of an engineering firm.

Motion LaTourelle second Boksich to accept the committee recommendation and proceed with the Grant. All voted aye.

RESOLUTION NO. R85-11, INTENT TO ANNEX the South $\frac{1}{2}$ of Lot 3 Block 5, Whitefish Townsite Company's Five Acre Tracts.

Motion Stephens to adopt Resolution No. R85-11, intent to annex the South $\frac{1}{2}$ of Lot 3 Block 5, Whitefish Townsite Company's Five Acre Tracts. Public Hearing to be June 3rd. Second LaTourelle. All aye.

POSSIBLE REVISIONS TO MUNICIPAL CODE CHAPTER 12.24 (Ice and Snow Removal)

Mayor Putnam turned this back to the Safety Committee.

RESOLUTION ON HIGHWAY 93. Resolution No. R85-14.

A Resolution requesting the Department of Highways to perform design work on Highway 93.

Motion Stephens to adopt Resolution No. R85-14. Second Garrity. All voted aye.

RESOLUTION NO. R85-15, INTENT TO ANNEX

SPEER, ROCKSUND, KANE, DALEN properties located between the Whitefish River and Montana Highway 40 and Highway 93 south. (Township 30 North, Range 21 West, P.M.M., Flathead County.

Speer requested zone change for 163 acres in the western portion of his development from WA (agriculture) to WRR-1 (low density Resort Residential) with a PUD overlay. ERma Rocksund requested zone change from WR-1 to WR-3 on portion of her property. The rezone requests would be forwarded to the Regional Office for their recommendation.

May 6, 1985 cont.

After discussion by the Council it was decided to include all property from the south boundary of Mountain Mall to Highway 40 in this annexation.

A roadway from J.P. Road to the Mall was also discussed.

Motion LaTourelle to adopt Resolution No. R85-15, intent to annex all properties from south boundary of Mountain Mall to Highway 40, from the river to Highway 93 south. Second Boksich. All voted aye except Stephens who said no. Motion carried 5 to 1.

EMPLOYEE REQUEST TO GO FROM BLUE CROSS TO BLUE SHIELD MEDICAL INSURANCE.

Motion LaTourelle to accept the recommendation of the Insurance Committee, employees to pay difference in premiums for June. Second Ramlow. All voted aye.

OTHER

Council authorized leaving the horses at city reservoir property.

Councilman Garrity asked Public Works Director why the RV dump at Grogans was still in operation. Fredrickson said he would take care of this problem.

Garrity also stated the Lift Stations in Shareview were not being maintained properly. Greg Acton explained it was impossible to get the sewer rodder in to hydro the lines as people had fences, etc. on city easement.

Councilman Ramlow requested to be out of the State from the 7th thru the 10th of May.

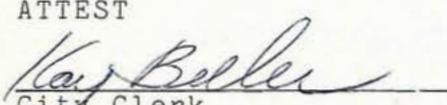
Motion Caciari second Stephens to allow this request. All aye.

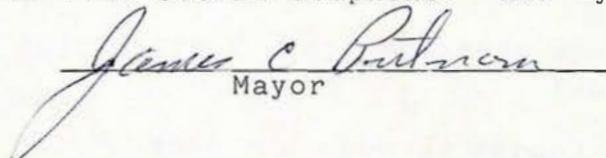
Public Works Director Fredrickson reported Giardi was still in the water and would be the end of the week before it could be cleared up.

The moving of the police detective to the Conference room was turned over to the Safety Committee.

Motion LaTourelle to adjourn 10:46 P.M. second Stephens. All aye.

ATTEST


City Clerk


Mayor

May 16, 1985

Mayor Putnam opened this Special Council meeting at 5:00 P.M. on the above date. All Councilpersons were in attendance.

Also present were Public Works Director Fredrickson, Water/Sewer Supervisor Acton, City Manager Arnold.

PURPOSE: The water advisory

Mayor Putnam apologized to Council for not having a meeting earlier, he was waiting for information so action could be taken. He stated he was not happy on the publicity of Giardi in Whitefish Water system.

City Manager Arnold said there were two items to be considered.

1. A City letter sent out with the water bills telling people the true facts., and if Council wanted the letter, what did they want the letter to say.
2. A Filter System Ordinance. Does Council want an Ordinance controlling sales of Filter systems.

Public Works Director Fredrickson reported Greg Acton had talked to a Dr. Hebler, in Colorado, a foremost authority on Giardi. He had explained that water 140° would destroy the cysts, and that chlorination was effective in killing the cyst. Sid suggested contacting the State with this information and getting the boil order lifted.

Councilman Caciari expressed concern on the way this problem was handled.

Councilwoman LaTourelle reported the Water/Sewer Committee recommended not adopting the Filter Ordinance, they preferred guidelines instead. This would be a more positive approach.

Councilman Stephens suggested advising people not to purchase Filter Systems for four (4) to six (6) weeks, if at all.

After Council discussion it was Moved by LaTourelle not to adopt a filter Ordinance. Second Stephens. All voted aye.

Motion Stephens to insert a City advisory letter along with the State's letter in with the water bills. Second LaTourelle. All aye.

City Manager Arnold suggested if the city was to use Dr. Hebler as our source of information, the City should pay him on a retainer basis. Council agreed.

Motion Boksich to enter City letter as revised by the Council. Second Caciari. All aye.

Mayor Putnam requested that any further information on the water situation be brought to the Council before any news releases, and also suggested one (1) person issue statements.

Motion Ramlow Second Boksich to adjourn 5:34 P.M. all aye.

May 20, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were Building Inspector Berg, Police Chief Webster, Public Works Director Fredrickson, City Manager Arnold and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of May 6, 1985. Second Ramlow. All voted aye.

Motion Stephens to approve the minutes of May 16, 1985. Second Garrity. All voted aye.

Mayor Putnam said he had been contacted by the news media on his resignation. He wanted the record to show he was not resigning and did not intend to do so.

OLD BUSINESS

PUBLIC HEARING - Annexation of Wholly Surrounded Land - Glenwood, Birch Hill Homes, etc. Resolution no. 85-16.

City Manager Arnold showed areas being considered for annexation on the map and explained reasons for annexing are basically to preserve quality of the Lake. All residents would be placed on sewer line, water lines would be extended and municipal services would be in effect.

City Attorney Fisher reported the City had the authority to annex under Section 7-2-4501, M.C.A.

Public Works Director reported the timetable for extension of water and sewer lines would be 1986, other services would be started immediately upon annexation.

Mayor Putnam opened the Public Hearing.

Ted Rohla, President of the homeowners Association in Glenwood, protested the annexation and questioned the following:

1. Who official representatives from the city would be.
2. Extension of water - sewer to their area.
3. Would taxes increase if they did not get city services
4. private road - would it remain private or be public.

Mayor Putnam, City Manager and Public Works director answered his questions.

Councilwoman LaTourelle and Councilman Stephens would be their representatives. Extension of utilities to area would be approximately 1986. If the area does not receive the service they would not be charged. The road would remain private unless residents petitioned the Council to make it Public.

Other people speaking were: Jack Sessler, Herb Peschel, Karen Hartsock, Paul Kanerva, Marian Streich, Mike Davis, Bob Helms. Russ Street also protested the annexation because of the large tracts of land he, his sister and father owned.

Letters of protest were received from: Ephraim Street, Allyce M. Street, Wilfred & Mavis A. Miller, Ord M. Clark, John B. Seely, R. A. Solberg. Letters for the annexation were received from Suzanne L. Royer and Arnold C. Olfert.

The people questioned the forming of an SID and possibility of grants to help defray costs of the utilities, etc.

Mayor Putnam closed the hearing to the Public and turned it over to the Council.

May 20, 1985 cont.

After Council discussion it was Moved by Stephens to adopt Resolution no. R85-16, annexing the Glenwood, Birch Hill area effective January 1, 1986. Second LaTourelle. All voted aye.

PUBLIC HEARING on Annexation of Wholly Surrounded Land-Houston, Stocking, and Lakeshore Tracts - Resolution No. R85-17.

Attorney Jon Heberling, representing the land owners, said this annexation was not in the best interest of his clients. Utility costs to the homeowners would be in excess of half a million dollars. He said there was no evidence this area was poluting the lake, and had the facts from Jo Messex, Whitefish County Sewer District Director. Heberling said there would be a law suit if the city pushed this annexation. He questioned the adequacy of the extension of services plan. Also, the people of the area were afraid they would lose their County zoning.

Mayor Putnam reminded the people the city had saved the area from two developments in the past.

People apposing this annexation were: Roger Wagner, John Conners, Harold Lockhardt, Cindy Patterson, Roy Duff, Al Serr, Mabel Ottenbriht, William DeVall, Kathy Wesley, Math Ottenbriht, Charlie Rogers, Steve Smith, and Marie Lockhardt, Vern Lindeberg. Letters of protest are on file and will be inthe Houston, Stocking file. After lengthy discussion Mayor Putnam closed the Hearing to the Public and turned over to the Council.

Councilman Stephens felt the area should go on the sewer before a problem does exist in the lake in this area.

Councilman Caciari said the biggest concern was the quality of the lake, however, because of the opposition to the annexation he said he could not vote for it.

Motion Caciari a group of property owners meet with the water/sewer committee discuss problems and bring back next council meeting. Second Garrity. Ramlow no, Caciari aye, Garrity aye, Boksich no, Stephens no, LaTourelle no. Motion was defeated 4 to 2.

Motion Ramlow to drop the annexation at this time. Second Caciari. Motion and second were withdrawn as the motion was out of order.

The Annexation of Houston, Stocking and East Lakeshore tracts died for lack of a Motion.

GLENWOOD AREA ANNEXATION

Motion LaTourelle to delete the Gravel Pits of Ord Clark and Bill Murr from Resolution No. R85-16. Second Stephens. All voted aye.

USE PERMIT for Tracts 4AC and 4ACA in Whitefish Townsite's Five Acre Tracts (Mountain Trails Apartments).

Councilman Stephens reporting for the Land Use Committee said the Committee recommended approval of the Use Permit with the following conditions:

1. That a driveway of at least 20' with a cul-de-sac of 35' radius at the end of the driveway be provided.
2. That an easily accessible off-street area for mail delivery be provided off Wisconsin.
3. That play equipment for children be provided with minimum equipment of four commercial swings, one commercial slide and a sand box.
4. That fencing be constructed on the north side of the property with a gate access to Mountain Trails Park, the type of fence to be approved by the Park Advisory Committee. Fencing or hedges also to be provided on the east and south property lines.
5. Landscaping and improvements to be in place prior to issuance of an occupancy permit and bond to be posted for same.
6. No parking to be allowed on the driveway or cul-de-sac. Utility easement over the driveway.
7. Garbage can location subject to City approval.

May 20, 1985 cont.

8. A culvert of adequate size be provided on Wisconsin at the entrance of the subdivision, such site to be approved by the Public Works Director.
9. Maintenance of water and sewer lines will be the responsibility of the owner of the property.
10. The driveway and cul-de-sac to be privately maintained.
11. Adequate lighting be provided to illuminate unit numbers to be approved by the City.
12. A fire hydrant to be provided, location to be approved by the City.

The findings of Fact will be attached to the minutes.

Motion Stephens to approve the Use Permit with the 12 stated conditions and the Findings of Fact entered with the minutes. Second Ramlow. All voted aye.

WATER STUDY

Councilwoman LaTourelle reported the Water/Sewer Committee had met on the DNRC Grant and recommended the City proceed with the Grant Application.

Motion LaTourelle to proceed with the Grant Application. Second Stephens. All voted aye.

The Committee also asked if the Council as a whole wanted to select the engineering firm or did they want the Committee to handle the selection.

Motion Boksich the Committee be authorized to select the Engineering Firm. Second Caciari. All voted aye.

LaTourelle reported the Committee also recommended the city extending the water line across the B. N. Property on Birch Point 75', cost would be approximately \$2,000.

Motion LaTourelle to approve the extension of the water main 75'. Second Ramlow. All aye.

POSSIBLE REVISIONS TO MUNICIPAL CODE CHAPTER 12.24 (Ice and Snow Removal)

Councilman Garrity reported the committee recommended accepting the Residential and Business areas. However, because of changes City Attorney Fisher would redraft and bring back to the next Council meeting.

SIGN AT MEMORIAL FIELD (Variance Application)

American Legion Baseball Board requested to place a interior lighted sign. It would be 10' high and used to announce upcoming games of the Glacier Twins and the Babe Ruth League.

City Manager Arnold said the Staff recommended denial as the sign is to commercial and to big.

Motion Ramlow to deny the application for sign variance. Second Stephens. All voted aye.

ANIMAL CONTROL

This would come back to the next Council meeting.

PUBLIC INPUT

NONE

FINDINGS OF FACT

The City Council finds in regards to said Mountain Trails Use Permit as follows:

1. The proposed apartment sites are properly located to give adequate air and light to each and all spaced properly for fire protection and will not encroach on the light, air or visibility of the abutting properties.
2. Each unit is situated within a common area so as to provide large and adequate size yards with proper and convenient parking spaces and is located near shopping facilities and is convenient to the City beach and Mountain trails Park.
3. There is a need for modern apartment units of this nature and will provide an essential service to the community.
4. The proposed apartment complex conforms with the zoning established for said area, provides less than maximum density allowed by the zoning regulations.
5. The area already has established apartments and multi-family units and this project would therefore be compatible in the area.
6. That said project will not create any emmissions of odor, dirt, gas, noise, vibration, smoke, heat or glare beyond its boundaries as the same is set back a sufficient distance from the public access road which road is a secondary highway and capable of handling the additional traffic that will be generated by this project.

May 20, 1985 cont.

NEW BUSINESS

Resolution of Intent to Annex Government Lot 4, Section 31, Township 31, North, Range 21, West, PMM, Tract Number 3, excluding Lots 1CC and 1CE (H.L. Knuth) - Resolution No. R85-18.

The Land Use Committee reviewed the request to annex that portion of Knuth property fronting on Park Avenue. Presently a City Council Resolution exists that would prohibit consideration of this request and require Mr. Knuth to annex his entire parcel of property. The Committee recommends the Resolution be amended and Mr. Knuth be permitted to annex the proposed three lots with a waiver of protest of annexation on the remainder of the property not be exercised by the City for a ten year period.

Mayor Putnam told Council this was in direct violation of City Policy, and recommended the Resolution be amended or the entire five acre parcel be annexed.

After discussion it was Moved By Stephens to amend Resolution B-968 to include the option of a waiver of protest on any remaining property up to the five (5) acres. Second LaTourelle. All aye.

Knuth requested the intent to annex be tabled until the next council meeting, as he was not in agreement with the waiver.

SPECIAL EVENTS PERMITS

1. Veterans of Foreign Wars request for parade May 30, 1985.
2. Whitefish Chamber-Whitefish Boat Club-request Regatta Parade 7-19 and Regatta Races July 20-21
3. Whitefish Chamber-Whitefish Boat Club-request to sell and serve beer during the regatta races.

Motion Caciari to deny the Whitefish Chamber-Whitefish Boat Club request to sell beer during the regatta races. Died for lack of a second.

Motion Stephens second LaTourelle to approve the three (3) applications. Motion was recinded.

Motion Stephens to approve the VFW Memorial Day Parade and the Whitefish Regatta Parade and races. Second LaTourelle. All aye.

Motion Stephens to allow the permit to sell beer at the regatta races. Second LaTourelle. Ramlow no, Garrity no, Caciari no, Boksich aye, Stephens aye, LaTourelle aye. Mayor Putnam broke the tie vote by voting no. Motion was denied.

REQUEST WINTER SPORTS

Request of Winter Sports to hook up a building which will be constructed on the summit of the Big Mountain into the Big Mountain Sewer District System was turned over to the Water/Sewer Committee to study and bring recommendation back to the Council meeting of June 3rd.

CITY SPECIALS

The Specials were turned over to the city Manager to determine if an increase is in order.

FINAL PLAT OF THE RESUBDIVISION OF LOTS 2 and 3, Block one, South Whitefish.

All conditions had been met Covenants had been changed and Easements were placed on the plat.

Motion Stephens to approve the Final Plat. Second LaTourelle. All aye.

BOOKING AREA

The Public Safety Committee recommended putting the detective in the Conference room, and using as a booking area.

May 20, 1985 cont.

Motion Boksich to accept the Committee recommendation. Second Garrity. All voted aye except LaTourelle and Stephens who said no. Motion Carried.

RESOLUTION NO. R85-19 - Cemetery Lots

Public Works Director Fredrickson explained 74 regular lots and 225 crematory lots had been plotted and Resolution no. R85-19 would set the fees for the lots.

Motion LaTourelle^{to} adopt Resolution No. R85-19. Second Boksich. All aye.

PARK MAINTENANCE PROPOSALS

Two bids were received:

Glacier Twins	
1500 hours/season	\$7,950.00
Up to 1,000 additional hours	5.00 hour
Total Cost	12,950.00

John Stream Logging	
1500 hours/season	10,875.00
Up to 1,000 additional hours	4.05 hour
Total cost	14,925.00

The Park Committee recommended accepting the bid from Glacier Twins.

Motion LaTourelle to contract out the Park Maintenance as per the bid proposal. Second Boksich. All aye.

Motion LaTourelle to accept the low bid of the Glacier Twins. Second Boksich. All voted aye.

MAINTENANCE OF MEMORIAL FIELD

Tabled until next Council meeting.

MEMORIAL PARK IMPROVEMENTS

The Culture Committee recommended the improvements be taken from Industrial Revenue Bond proceeds. (Fencing, resurfacing tennis courts, etc.) To be brought back next council meeting.

COLORADO VILLAGE APARTMENTS

The Whitefish Investment Group has applied for a Use Permit to construct 64 apartment units (15 fourplexes and 2 duplexes) to be known as Colorado Village Apartments on 4.7 acres of land.

Motion Stephens to set the Use Permit for Hearing on June 3, 1985, decision to be made at the June 17th Council meeting. Second Garrity. All aye.

WCR ZONE

The WCR Zone is intended for detached single family homes together with farm and/or accessory buildings situated in a setting conducive to a rural lifestyle.

The new Zone would be set for Public Hearing on July 1, 1985.

CITY HALL ENTRY FLOORING BID

Motion Stephens to accept the bid of Wrights Valley Furniture for \$2,287.61, Second Caciari. All voted aye.

May 20, 1985 cont.

RESOLUTION NO. R85-20, Intent to annex Lots 5 & 6 of Block 1, of the First Addition to South Whitefish. (Jay Cook)

Motion Stephens to adopt Resolution No. R85-20, intent to annex. Second LaTourelle. All voted aye. Long form of annexation to be used.

OTHER

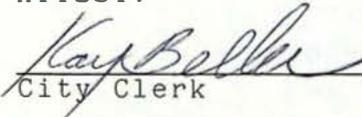
Motion LaTourelle to allow Councilman Caciari permission to leave the state the 29th of May until the 3rd of June. Second Ramlow. All aye.

Motion Ramlow to allow Councilwoman LaTourelle permission to leave the state from the 3rd of June to the 11th of June. Second Garrity. All aye.

Sign Applications of Mountain Mall and Alpine Village were turned over to the Land Use Committee.

Motion Boksich to adjourn 11:46 P.M. Second Stephens. All aye.

ATTEST:



City Clerk



Mayor

June 3, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council at 7:01 P.M. on the above date. All Councilpersons were in attendance except LaTourelle.

Also present were Police Chief Webster, Building Inspector Berg, City Manager Arnold and City Attorney Fisher.

MINUTES

Motion Boksich to approve the minutes of May 20, 1985. Second Garrity. All voted aye.

PUBLIC HEARINGS

Annexation of the South $\frac{1}{2}$ of Lot 3, Block 5, Whitefish Townsite Company's 5 acre tracts - Resolution No. R85-21.

Mayor Putnam opened the Public Hearing and as there was no comment the hearing was closed.

Motion Stephens to adopt Resolution No. R85-21, annexing the Stanley T. Berry property, the S $\frac{1}{2}$ of Lot 3, Block 5, Whitefish Townsite Company's Five Acre Tracts. Zoned WR-2. Second Ramlow. All aye.

CHANGE OF ZONE FROM WR-1 TO WRB-2 for 2.67 acres North of and adjacent to the Viking Lodge.

Hank Marquardt gave the presentation of the proposed \$15,000,000 expansion of the Viking. The area to be rezoned would be used for sleeping rooms and a parking lot. Also speaking for the developers were Eric Propree-architect, Dan Johns Attorney. They presented two petitions with approximately 178 signatures favoring the rezone.

Mayor Putnam opened the public hearing.

Gary Elliott spoke in favor of the rezone.

Attorney Jon Heberling, representing Haines and Bee presented the Mayor with petitions against the rezone. He summarized why it should not be granted and suggested a PUD be attached to control what is to be built.

Also apposing were: Dr. and MaryLou Bosshardt, darlene Haines, Susie Richardson and Terry Abell.

Mayor Putnam closed the hearing to the Public and turned over to the Council.

The City County Planning Board failed to take action on the application because of a tie (3-3) vote on a motion to deny the request.

City Manager recommended approval only if the developer would agree to a PUD overlay on the entire Viking Lodge property.

COUNCIL

Councilmen Caciari, Boksich and Ramlow were in favor of the rezone. Councilman Stephens expressed concerns on the project, and felt some type of Restrictive Covenants should be applied.

Mayor Putnam asked City Attorney Fisher if the City could put restrictive covenants on the project. Fisher said yes.

After much discussion it was Moved by Garrity to turn over to the Land Use committee to work out Restrictive Covenants with developers and bring back to the Council. Second Boksich. All aye.

June 3, 1985 cont.

ALPINE VILLAGE REQUEST FOR SIGN VARIANCE AND COORDINATED SIGNING PROGRAM.

John Kramer requested a conditional or temporary variance for set back for the Alpine Centre Directory sign until such time that all other adjacent directory signs (Mountain Mini Storage, Alpine Market, alpine Laundry, The Place Restaurant) be required to move by regulation or road improvement.

Councilman Stephens reported the Land Use Committee recommended the pole sign variance to reduce setback from 10' to 0' be approved with the variance to expire when the first of the other three pole signs at Alpine Village falls under provisions of Section 17.77.190 of the Zoning Ordinance. The Committee also recommends approval of the Coordinated Signing Program.

Motion Stephens to approve the Sign Variance with 0' setback, must comply when sign at the place complies. Second Garrity. All aye.

Mayor Putnam opened the Hearing to the Public.

Garry Elliott objected to the Committee recommendation, and after discussion Mayor Putnam closed the Public Hearing.

The above Motion to approve remained in effect as the winning side did not change the motion.

MOUNTAIN MALL COORDINATED SIGNING PROGRAM

Councilman Stephens reported the Land Use Committee recommended approval of the Mountain Mall Coordinated Signing Program with provision that undecided signs or changes in signs must have the same materials and lighting as the signs approved and all signs must comply with size and other requirements of the Zoning Ordinance.

Motion Stephens to approve the Sign program with provisions that the undecided signs or changes in signs must have the same materials and lighting as the signs approved and must comply with size and other requirements of the Zoning Ordinance. Second Garrity. All voted aye.

USE PERMIT FOR COLORADO VILLAGE APARTMENTS.

The Whitefish Investment Group requested to develop 60 dwelling units on 4.7 acres. The property is located between Wisconsin Avenue and Colorado Avenue, approximately 320 feet south of Denver Avenue and is described as Lot 2 of Block 6 of Whitefish Townsite Company Five Acre Tracts.

Jerry Hanson gave the presentation for the developers and introduced Rico Brazil, Mike Roach, Bruce Lutz and dennis Carver, who worked on the project.

Mayor Putnam opened the Public Hearing.

Hank Starno questioned if the property complied with current zoning. The answer was yes.

Jerry Hanson went through the 6 criteria essential to granting a Use Permit.

Claire Strickler, president of the City County Planning Board, explained the plans had been changed from what the Board had acted on and none of the conditions fit this plan at all. She also reminded Council they had agreed not to consider applications if they were drastically changed after being reviewed by the Planning Board.

June 3, 1985 cont.

City Manager Arnold explained the plans submitted to the Planning Commission ~~was~~ unacceptable, and did not comply with the Zoning Ordinance. The revised plan was much more acceptable.

People speaking at the Hearing were: Ann Follett, Gary Elliott, Kay Lund, Porter Gifford, Ruth Myre.

Mayor Putnam closed the hearing to the Public and turned over to the Council.

Mayor Putnam agreed with Mrs. Strickler and felt the Use Permit should go back to the Planning Staff.

The Whitefish Investment Group agreed to a 90 day extension of the Use Permit.

Motion Stephens to return the Use Permit to the Planning Staff. Second Caciari. All voted aye.

SIGN VARIANCE to permit a projecting sign at 238½ Central Avenue. Chrystal Higgins.

The request for the projecting sign was because the existing store front facade is set back three (3) feet from the existing store front faces on either side.

Mayor Putnam opened the Public Hearing.

Chrystal Higgins and John Lepo explained the need for the sign. Ed Grogan felt if hardship on people it should be allowed. Jerry Hanson and Gary Elliott agreed.

Mayor Putnam closed the Hearing.

Motion Boksich to grant the variance. Second Stephens. All aye.

FIRST READING OF Ordinance No. 85-5, Revising Municipal Code 12.24 (Ice and Snow Removal).

Mayor Putnam opened the Hearing to the Public and as there was no comment he closed the Hearing and turned over to the council.

Council decided both residential and business areas should have 24 hours to remove snow from sidewalks. They discussed the fine to be imposed if not complied with.

Motion Garrity the minimum fine for Residential to be \$25.00. Second Stephens. Councilman Stephens withdrew his second and Garrity withdrew the motion.

Motion Garrity the General Penalty be used. Second Stephens. all voted aye.

Motion Stephens to adopt Ordinance 85-5, with Section 4 and 7 time limits to be 24 hours. Second Caciari. All voted aye.

Second reading of Ordinance 85-5 would be next Council meeting.

PUBLIC INPUT

Al Shoenhuth spoke for homeowners in the City Beach Area. He told Council there were problems with traffic, speed control, and rowdiness at City Beach-suggested the Park Board develop rules and Police enforce. Jackie Creon and Lorraine Hauffman requested lights in the parking lot and on Washington Avenue.

Mayor Putnam turned over to the Park Committee and the Safety Committee to meet with the people and try to resolve problems.

June 3, 1985 cont.

OLD BUSINESS

ANIMAL CONTROL

City Manager Arnold reported the annual cost of a city animal control officer would be approximately \$8,150.

Motion Stephens to proceed with an in house Animal Control Officer, to be budgeted and \$4500 start up costs to be used out of this years budget. Second Garrity. All aye.

WINTER SPORTS request for sewer hook-up through Big Mtn Sewer District.

Councilman Stephens reported the Water/Sewer Committee recommended approval of the hook-up, with Winter Sports to pay the plant investment fees.

Motion Ramlow to allow Winter Sports to hook-up to the sewer and pay the plant investment fees. Second Stephens. All voted aye.

Tim Grattan felt the fees should be waived, however, the motion carried.

GOLF COURSE SEPTIC TANK

The Whitefish Lake Golf Association, Inc., requests issuance by the Council of a special permit to connect public restrooms located to the west of the No. 16 tee on the Lake 9 of the Golf Course to a septic system. The reason is because the closest hook-up to the sewer system is approximately 1,000 yards from the location.

The Water/Sewer Committee recommends a temporary one year permit for a septic tank be granted.

After much discussion it was moved by Boksich to accept the Committee recommendation and allow the temporary hook-up until July 1, 1986, at which time they will have to hook-on to City sewer. Second Stephens. All voted aye.

MAYOR PUTNAM

Mayor Putnam said he voted the wrong way on not allowing the Boat Club and Chamber permission to sell beer at the Regatta. (The request was turned down at the May 20, 1985 Council Meeting.) He said he thought he was being fair to everyone but after reviewing the records, this request had been honored for more than 40 years and he asked Council to reconsider the Special Event permit. (The winning side would have to bring the motion back.)

Motion Garrity to reconsider the no vote of May 20, 1985, and make Motion to allow the Special Event Permit to sell beer at the Regatta. Second Ramlow. All voted aye.

Councilman Caciari would like to amend the open container Ordinance and include the Regatta.

NEW BUSINESS

SPECIAL EVENTS

Whitefish Lake Run - June 29, 1985.

Motion Stephens to approve the Special events Permit. Second Boksich. All aye.

COMMUNICATION FROM DEPARTMENT OF HIGHWAYS

Regarding Spokane Avenue and Second Street was turned over to the City Manager to get clarification.

WHITEFISH COMMUNITY DEVELOPMENT CORPORATION -Re: Certified Cities Program.

Jerry Hanson explained the purpose of the certified cities program

June 3, 1985

is to build the capacity of Montana Communities to set their own economic development goals and to achieve them. He requested the Council Adopt Resolution No. 85-24, endorsing the Whitefish Community Development Corp. as the sponsoring organization. There would be no cost to the City.

Motion Caciari second Stephens to adopt Resolution R85-24, and authorized the Mayor to sign it. All aye.

JIM UTZINGER-Communication re: use of City Tennis Courts for private tennis lessons.

Council tabled this request.

PROPOSED NEW ZONE - WRC (Whitefish County Residential)

The Hearing on the new zone would be July 1, 1985.

RESOLUTION No. R85-22 - Cemetery.

Motion Boksich to adopt Resolution No. 85-22, a Resolution constituting certain public lands as a cemetery for the City of Whitefish. Second Caciari. All aye.

OTHER

Council authorized Mayor Putnam to proceed with the CAB budget, (Whitefish portion).

Mayor Putnam thanked the Golf Course crew and City Crew for a job well done at the Cemetery.

The Mayor also thanked the water department, Water/Sewer Committee and Greg Acton for the fine job they did in handling the Giardi situation.

PARKING COMMISSION

Motion Stephens to appoint Barbara Schustrom to the Parking Commission. Second Ramlow. All voted aye.

Councilman Boksich said it was too bad more people didn't get the opportunity to hear Dr. Hibler when he was hear on the Giardi situation, as he was very informative.

Motion Caciari to adjourn at 11:52 P.M. Second Stephens. All aye.

ATTEST

Kay Bell
City Clerk

James C. Putnam
Mayor

June 17, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance except Boksich.

Also present were Police chief Webster, Building Inspector Berg, Public Works Director Fredrickson, City Manager Arnold and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of June 3, 1985. Second Garrity. All aye.

OLD BUSINESS

RESOLUTION NO. 85-30, CHANGE OF ZONE from WR-1 to WRB-2 for 2.67 acres North of and Adjacent to the Viking Lodge.

Councilman Stephens reported the Land Use Committee recommended approval of the zone change and that the following covenants be placed on the Viking Lodge property.

1. A 150' building setback from the average high water line on the west boundary of the existing site and a 35' building setback from the average high water line on the property to be rezoned.
2. A 100' combined building setback on the north and south boundaries (side yards) of the expanded site with a 20' green strip on the north boundary that preserves existing worthwhile trees, includes additional evergreen planting and a solid wood fence/sound barrier and a 5' green belt and fence on the south boundary.
3. A ban on a vehicular gas station as a use on the entire property.

Mayor Putnam asked the Viking developers if the covenants met with their approval, and Attorney Dan Johns said they were in agreement.

Attorney Jon Heberling, representing homeowners in the area stated they still would recommend a PUD on the property.

Councilman Stephens was concerned and apposed the rezone, he felt a PUD would give the Council better control of what was built on the property. He requested a site plan be submitted and developers said no. Stephens also said there was no guarantee the Convention Center would be constructed, without the site plan.

Councilman Caciari said he would take their word that the Center would be constructed.

Councilman Garrity asked the Viking people if they promised to build the Convention center:

Hank Marquardt and Dan Johns guaranteed the Convention Center would be built and seat approximately 500 people.

Councilwoman LaTourelle suggested approving the zone change per the Land Use Committee recommendation-the banquet seating to remain at 500 people and have the Viking Owners sign agreement.

City Attorney Fisher said Council could not restrict the use.

Councilman Ramlow said he couldn't understand all this discussion as at the Land Use Committee meeting everyone was in agreement.

Motion Caciari to adopt Resolution R85-30, approving the zone change from WR-1 to WRB-2, with the restrictive covenants recommended by the Land Use Committee, and voluntarily submitted by Sterling Enterprises. Second LaTourelle. Ramlow aye, Garrity aye, Caciari aye, Stephens no, LaTourelle aye. Motion carried 4 to 1.

June 17, 1985 cont.

ORDINANCE 85-5, amendment to Ice and Snow removal Ordinance.

Mayor Putnam opened the Public Hearing on the second and final reading of Ordinance 85-5. There was no public comment and the hearing was closed.

Motion Stephens to adopt Ordinance 85-5, ice and snow removal. Second Garrity. All voted aye.

CITY SPECIALS

Resolution R85-25 - Garbage
 Resolution R85-26 - Light District 1
 Resolution R85-27 - Light District 4
 Resolution R85-28 - Maintenance District #1
 Resolution R85-29 - Snow Removal

Motion Stephens to approve the above Resolutions. Second LaTourelle. All aye.

PUBLIC INPUT

Howard Brave, owner of the Circle K Store requested to put a parking lot west of the store. This request was turned over to the City Manager - a Use Permit would be required.

Al Shoenhueth, representing the City Beach property owners, said they had met with the Park Committee and requested a meeting with the Safety Committee.

A meeting was set for wednesday, June 19, at 7:00 P.M.

Gary Elliott requested the street sweeper not sweep in front of their building on Second Street. This was turned over to administration.

NEW BUSINESS

AWARD BIDS CENTRAL AVENUE RECONSTRUCTION.

Two bids were received: Pack & Co. total bid \$147,818.00
 American Asphalt bid \$166,703.30

City Manager recommended funding be taken from Maintenance District #1.

Motion Caciari to award the bid to the lowest Bidder-Pack & Co. for \$147,818.00, and accept City Manager recommendation on the funding. Second Ramlow. All aye.

CHLORINATION EQUIPMENT FOR WATER SYSTEM

This would be brought back at later date.

TENNIS COURT RESURFACING BIDS

City Manager Arnold recommended holding the bids and bringing back next budget year. Council agreed.

MEMORIAL PARK FENCING BIDS

City Manager Arnold recommended continuing the bids until next Council Meeting, and including the fencing in next years budget.

Larry Smith, Glacier Twins said there was an immediate need for the fence at the field, because of the schedule of the games, and felt there was a safety factor involved.

Marv Bethea spoke on behalf of the Park Board, they unanimously agreed the fencing should be done immediately, because of all the volunteers who had helped get the field ready for the fence.

Councilwoman LaTourelle said the \$20,000 IRB money had already been committed.

June 17, 1985 cont.

Mild Fence Co. bid was for \$18,343.20 for the Fence, fixing existing backstop, and baseball area.

Council felt this was an emergency to install the fence to protect the construction already done at the Park.

Motion Stephens to adopt Resolution R85-~~30~~³¹, increasing the budget to allow for the fencing of Memorial Park and declaring it an emergency to protect construction already completed. Second LaTourelle. All voted aye.

Motion Stephens to award the bid to Mild Fence Co. for 18,343.20. Second Ramlow. All voted aye.

HOLDING TANK AT GOLF COURSE

Motion Ramlow to grant a One (1) year extension of the holding tank. Expiration date would be June 17, 1986. Second LaTourelle. All aye.

SPECIAL EVENTS PERMIT

United Way of Flathead County requested to hang a banner from September 19 to November 15.

Motion Ramlow to accept the permit with a two (2) week time limit on hanging the banner. They could choose the two week period. Second Garrity. All aye.

COUNCIL

Mayor Putnam read request from Councilman Boksich to miss more than three (3) Council meetings, as he would be attending school this summer.

Motion Ramlow to allow Boksich's request. Second LaTourelle. All aye.

Mayor Putnam thanked Councilmen Garrity and Caciari for a fine job in securing the agreement with Group W Cable.

Councilwoman LaTourelle requested to help follow up on the city beach problems - Safety Committee welcomed the help. She also set a Water/Sewer committee meeting for Thursday the 20th at 5:00.

Councilman Caciari asked Public Works Director why lots were not being sold at the Cemetery. Fredrickson said everything was ready, and the selling of lots would commence next week.

Caciari also questioned why the Ordinance change to include the Regatta in the exemptions of the open container ordinance, (City Beach Picnic Area and Golf Course) was not on the agenda.

Mayor Putnam asked that the change be on next Council meeting agenda. City Manager would draft and give to City Attorney to check.

Councilman Garrity reported the Babe Ruth teams had played ball on the new sod in the rain and were ruining the field. He thought someone should regulate when the conditions were right to play on the fields.

This was turned over to the City Administrator.

Councilman Ramlow asked the status of the agreement between the City and the County on the softball complex.

City Manager said the County Attorney was working on the agreement.

Councilman Stephens asked status of Wisconsin Avenue. City Manager and Mayor Putnam would talk to the Commissioners, and report back next Council meeting.

June 17, 1985

Motion Caciari to adjourn 9:24 P.M. Second Stephens. All aye.

ATTEST:

Mark Keller
CITY CLERK

James C. Putnam
Mayor

Twp 117
36

July 1, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance except Boksich.

Also present were Police Chief Webster, City Manager Arnold, Public Works Director Fredrickson, and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of June 17, 1985. Second Ramlow. All aye.

RESOLUTION NO. R85-15, Intent to Annex The River Golf Course and other Contiguous Properties.

City Manager Arnold pointed out the location of the annexation on the map, and explained the property consists of approximately 500 acres located east of Highway 93 between the Whitefish River and Montana 40. He further explained David Speer, James Kane, Erma Rocksund and Harold Dalen had initiated the annexation and the Council requested to include the Sandefur, Wood, DePratu, Wright, Norgaard, Howke, and Christopherson properties to fill in the city limits and make extension of services more feasible.

The intent to annex included the following tracts:

Tracts 2CC, 2DA, and 2E in Section 5, T30N, R21W; Tracts 1B, 1BA, 1BB, 2C, 4C, 5, 5B, 5BA, 6, 6B, 6BB, 6BC, 6BBB, 6BBC, 6BBD, 6E, 6F, and 6G all in Section 8, T30N, R21W; Tracts 1BB, 1BC, 1BD, 1BCA, 1BE, 3E, 3F, and those portions of Tracts 1B and 3 lying west of the Whitefish River all in Section 1, T30N, R22W; and Tracts 5, 5C, 5E, 5F, 5H, 5HA, 5I, 5IA, 5IB, 5J, 5K, 5N, and 5O, all in Section 12, T30N, R22W.

Margaret Clark, Flathead Regional Development Office, reported the City County Planning Board and Zoning Commission recommended annexation subject to eight (8) conditions as listed in their letter dated June 25, 1985.

Erma Rocksund presented an amended annexation petition removing all conditions on her annexation.

Mayor Putnam opened the Public Hearing.

Letters of Protest were received from: Leonard and Billie Jean Howke, Howard and Elizabeth Wood, Arnold Q and Eileen D. Sandefur, Jay P. Wartnow, and Amelia Norgaard.

Gene Post sent a letter in favor of the annexation.

Protesting the annexation were: Leonard Howke, Arnold Sandefur, Howard and Elizabeth Wood, Jay Wartnow, Wayne Veenaman, Ray Barnes, Dr. Kauffman, Amelia Norgaard, Larry Sandefur.

Attorney William Hileman, representing Gene Post spoke in favor of the annexation.

After much discussion Mayor Putnam closed the hearing to the public and turned over to the Council.

Mayor Putnam reminded Council the letters of protest received were from a majority of the Resident Freeholders, and also said Council had annexed wholly surrounded areas that still required city services.

July 1, 1985 cont.

The Mayor explained if the protested property was let out of the annexation, the city would again have irregular boundaries.

Mayor Putnam turned the annexation over to the Land Use Committee to study and bring back recommendation to the full Council.

PRELIMINARY PLAT AND ZONE CHANGE REQUEST FOR THE RIVER GOLF COURSE.

Request of WRR-1 (Low Density Resort Residential) with a PUD (Planned Unit Development) Overlay for approximately 160 acres that are currently unzoned: The property is further described as Tracts 1B, 1BA, 1BB, 2C 4C, 6, 6B, 6BB, 6BC, 6BBB, 6BBC, 6BBD, 6E, 6F, and 6G all in Section 8, T30N, R21W.

However, WRR-1 with PUD overlay is requested for the entire River Golf Course property.

Mayor Putnam opened the Public Hearing.

People apposing were: Ray Barnes, Dr. Kauffman, Leonard Howke.

Bruce Lutz, Planner for the project explained the development, William Hileman said Gene Post was in favor of the zone change. Jerry Hanson, said he was in favor if the property was annexed.

Mayor Putnam closed the hearing, and turned over to the Land Use Committee.

The Preliminary Plat and Zone Change would be advertised and brought back at the August 5, 1985 Meeting.

Councilman Stephens set the Land Use Committee meeting for the 29th of July, at 7:00 P.M.

RESOLUTION NO. R85-32, annexing Lots 5 and 6 of Block 1, First Addition to South Whitefish, to be zoned WR-2.

Mayor Putnam opened the Public Hearing and as there was no comment the Hearing was closed.

Motion LaTourelle to adopt Resolution No. R85-32, annexing the Jay Cook, property, Lots 5 and 6 of Block 1, First additon to South Whitefish. All extension of services to be done per City Specs. Second Caciari. All voted aye.

ORDINANCE NO. 85-6, Proposed amendment to the zoning regulations to add a new Zone, Country Residential District -WRC.

City Manager Arnold explained the WCR District is intended for detached single family homes together with farm and/or accessory buildings situated in a setting conducive to a rural lifestyle. There would be a maximum of one dwelling unit for two and one-half (2½) acres except on lots in an already approved and/or recorded subdivision.

The City County Planning Board unanimously recommended the adoption of the WRC Zone.

Mayor Putnam opened the Public Hearing.

Jerry Hansen spoke in favor of the adoption of the new zone.

The Hearing was closed.

Motion Stephens to adopt Ordinance No. 85-6 on the first reading. Second Caciari. All voted aye.

This was turned over to the Committee to study, as Council felt there should be some additions and changes.

July 1, 1985 cont.

SIGN VARIANCES

Mountain Bank for Automatic Teller Machine Building at Mountain Mall.

Gordon Ochenrider explained the ATM machine needed a uniform sign size around the free standing building which could easily be seen from Highway 93. Two signs with square footage of 32 square feet each and one sign of 20 square feet.

Mayor Putnam opened the Hearing.

Councilman Caciari felt this was a special service to the community.

Councilman Stephens and LaTourelle felt this would set precedent at the Mall, and other businesses would come in for variances too.

The Hearing was closed.

Motion Caciari to issue the Variance to the Mountain Bank. Died For lack of a second.

Richard Kahler requested a sign variance for 301 East 2nd #1D, to hang a protruding sign. He explained his office is in the back of the Duncan Sampson Building and due to the nature of the facade of the building the sign must be hung out from the building rather than flush.

Mayor Putnam opened the Hearing, there was no comment and he closed the hearing.

The Variance was not granted as it died for lack of a motion.

OLD BUSINESS

Colorado Village Apartments Use Permit

To develop 60 apartment units (14 four-plexes and 2 duplexes) to be known as Colorado Village Apartments on 4.7 acres of land, described as Lot 2 of Block 6 Whitefish Townsite Company Five Acre Tracts.

Margaret Clark, FRDO office explained that after evaluation and board discussion on June 20, 1985 the Whitefish City County Planning Board and Zoning Commission resolved to recommend to the Council that the request from the Whitefish Investment Group for the Use Permit be granted if the following conditions are met.

1. The Zoning Commission considers that all the setback requirements are met because they apply to the entire apartment complex rather than to the individual units. However, if variances from the setbacks of the Whitefish Zoning Ordinance are required, they be obtained from the City of Whitefish Board of Adjustment.
2. Parking spaces be striped and assigned to each unit with handicapped parking being clearly delineated as shown on the submitted site plan.
3. That the landscaping plan that conforms at a minimum to the submitted site plan be in place before the units are rented. A six (6) foot chain link fence be constructed on the northern and southern boundaries of the property.
4. That lighting throughout the development will consist of low profile lighting with globe lights on eight (8) foot poles as stated in the application form.
5. The entry sign should read Colorado Village Apartments. All other signs be as shown on the submitted site plan and no parking be allowed on the private roadway.
6. All unit numbers shall be placed on the building. These numbers shall be at least four inches in height and be visible from the roadway at all times.
7. That play equipment for children, including swings and slides, be provided in the playground and tot lots.
8. Plans for erosion and sediment control both during and after construction be submitted and approved by the City of Whitefish Public Works Director before issuance of a building permit.
9. That a detailed drainage plan showing how runoff is to be channelled, collected and disposed of be submitted and approved by the City of Whitefish Public Works Director before issuance of a building permit.

July 5, 1985

Findings of Fact - Colorado Village Apartments

1. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT OR USE WILL BE COMPATIBLE WITH AND NOT ADVERSELY AFFECT THE LIVABILITY OR APPROPRIATE DEVELOPMENT OF ABUTTING PROPERTIES AND THE SURROUNDING NEIGHBORHOODS.

There are single family uses within the immediate area. The proposed development conforms to the zoning, is well designed, and is also commercial, industrial and multiple uses an extension of the developing pattern of multi-family uses. As time goes on, this trend will continue to shift the predominance of dwelling units in this area to multi-family, as was intended in the Zoning Plan.

The conditions of approval as recommended by the Planning Board/Zoning Commission will provide the desired mitigation of impacts on the neighborhood as this transition to multi-family takes place in the area, and will also serve to enhance the integrity and sense of community within the Colorado Village Complex, itself.

2. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT WILL PROVIDE A CONVENIENT AND FUNCTIONAL LIVING, WORKING, SHOPPING OR CIVIC ENVIRONMENT AND WILL BE AS ATTRACTIVE AS THE NATURE OF THE USE AND ITS LOCATION AND SETTING WARRANT.

This proposed site plan will offer to the residents of the complex an attractive site. This project is situated between the 'Alpine Village' local neighborhood shopping area and the Central Business District. It will have direct access to an arterial, with direct connection thereby to all areas of shopping and/or working opportunities. While Wisconsin Avenue is currently in a very poor state of repair, this will be corrected in the near future, and the 'bottleneck' of the viaduct will be replaced within several years.

As all interior traffic is removed from the perimeters of the Subject Property, the only traffic that is generated that might have an impact on neighboring properties will be that on Wisconsin and/or Colorado Avenues.

3. THAT THE PROPOSED DEVELOPMENT WILL ENHANCE THE SUCCESSFUL OPERATION OF THE SURROUNDING AREA IN ITS BASIC COMMUNITY FUNCTION OR WILL PROVIDE AN ESSENTIAL SERVICE TO THE COMMUNITY OR REGION.

The proponents of this project have demonstrated a need for this type of rental unit, both through surveys of their own and by means of a professional feasibility and needs assessment. The latter was conducted based on only current situations, and did not take into account either the expansion program of the Big Mountain Ski Area or of the opening of the Mountain Mall. Therefore, the 48 unit 'shortage' that was found to exist may in fact be the lowest figure that should be considered. Due to the documented need that has been put forth, the proposed project will provide a basic community function in filling that need. The project will be constructed in two phases, with the second phase timed to fulfill a demonstrated need, and will therefore not constitute overbuilding as may happen if the project were not phased.

Public comment suggested that other rental properties will become vacant and once vacant, it was implied that these other rentals would become unrentable. There are in Whitefish many substandard rental housing units that perhaps should become vacant. Only by means of a competitive rental market will housing be upgraded.

4. THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES.

This property is suitable for multi-family housing based on the existing zoning and access to major transportation routes.

5. THAT HISTORICAL USES AND ESTABLISHED PATTERNS MAY BE WEIGHED EQUALLY WITH RECENT CHANGE-IN-USE TRENDS OF THE AREA WITHIN WHICH THE SUBJECT PROPERTY LIES.

Historically, this area was divided into five acre parcels, with an apparent intent for semi-rural living. Many five acre parcels have since been subdivided and/or converted to multi-family usage. In addition, historically Wisconsin Avenue was a moderately traveled county road; it too has seen more intensive usage over the past twenty years, and is now the most heavily traveled Secondary Highway in the County. Whitefish has experienced a steady major growth factor in the community area, and recent trends, i.e. within the past ten years time frame, have shown an ever increasing pattern of multi-family usage of these five acre parcels. Change-in-use trends far outweigh the historical usages of this property and its surrounding area, and therefore, the proposed use should be deemed to be appropriate.

6. THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO PERSONS RESIDING OR WORKING IN THE VICINITY, TO ADJACENT PROPERTY, TO THE NEIGHBORHOOD, OR TO THE PUBLIC SAFETY AND WELFARE IN GENERAL.

There are no sidewalks on Wisconsin Avenue, nor are there sidewalks on Colorado. Public services are most often provided after the pressure is placed on the community to provide them. This pressure can only come through demonstrated need, which means there must be an existing demand for them. The Developers have agreed to provide sidewalks bordering their project when the City requests that they be installed.

The traffic impacts on Wisconsin will be minimal. The Developers of this project have also indicated willingness to provide an additional 10' of right-of-way when needed for the upgrading of F.A.S. 487. However, this may be many years in becoming necessary. This portion of 487 currently has approximately 6300 vehicles per day utilizing it. Assuming that the majority of this traffic occurs between the hours of 7 AM and 11 PM, this translates into an average of just under 400 vehicles per hour for this 16 hour period. According to the Institute of Traffic Engineers, under ideal conditions, Wisconsin Avenue, with its current width, should be able to handle up to 2000 vehicles per hour. However, with the existing speed limit, this figure should be reduced by at least 20%. Taking into account the condition presently on Wisconsin, i.e. the rough surface, the STOP sign at Edgewood, and other factors, the Capacity estimation is 1200 vehicles per hour for Wisconsin Avenue. The Planning Staff Report estimates Phase I of this development would generate 216 vehicle trips per day, and Phase II an additional 144 vehicle trips per day, for a total of 360. Again assuming these trips will fall between 7 AM and 11 PM, we find an increase of less than 24 additional vehicles per hour utilizing this Secondary Highway. This impact will translate into increasing the traffic on Wisconsin from an estimated 33% of its capacity to 35%± of its capacity. Therefore, we can conclude health and safety will be little affected by the increase in traffic.

SUMMATION:

In summary, this proposal as submitted, and subject to the recommendations of the Planning Board/Zoning Commission, will have little negative impact on either the community or the neighborhood, but will conform to the intent of the zoning, and will not adversely affect other properties in the area.

Jack B. Arnold

Jack B. Arnold
Zoning Administrator

July 1, 1985 cont.

10. All requirements of the City of Whitefish and the State of Montana Department of Health and Environmental Sciences regarding water, sewer, fire flow, drainage and other improvements be met.
11. That the Street be built through to Colorado Avenue during the construction of the first Phase. This road extension surface shall be of a gravelled nature so as to allow access to the apartment units by emergency vehicles. This road extension should also include signage as shown on the submitted site plan.
12. That the turning lane onto Wisconsin Avenue be constructed as shown on the site plan during the construction of Phase One.
13. That ten (10) feet on the western perimeter of the property along Wisconsin Avenue be reserved for future dedication if and when Wisconsin Avenue is widened.
14. That the developer be required to install sidewalks at such time as the widening and development of Wisconsin Avenue allows sidewalks.

Two letters of protest were received from Wayne McFadden and Gregory Bain.

Mayor Putnam opened the Public Hearing.

Jerry Hansen, representative for the project said they were in agreement with the above conditions. Hansen presented Findings of Fact in addition to the Staff report.

After discussion Mayor Putnam closed the Hearing and turned over to the Council.

Councilman Stephens recommended on Condition #5 addition of: and conform to the sign Ordinance. #7 addition: include during phase I. #15 include: All Phase I improvements be completed before occupancy permit is issued or bond posted. #16 Substantial Compliance of the Site Plan as submitted to the City Council on July 1, 1985.

Motion Stephens to grant the Use Permit, with the conditions of the City County Planning Board, of June 25, 1985, with the following changes and additions. #5 addition of: and conform to the sign Ordinance. #7 include during Phase I. #15 all Phase I improvements be completed before Occupancy Permit be issued or bond posted. #16 substantial compliance of the Site Plan as submitted to the City Council on July 1, 1985. Second LaTourelle. All voted aye except Garrity who said no. Motion carried 4 to 1.

CHLORINATION/OXIDATION EQUIPMENT FOR WATER SYSTEM.

Public Works Director Fredrickson said two quotes had been received for the Chlorination equipment.

1. Goble-Sampson for wallace & Tiernan chlorinators, analyzer \$20,000
2. TEC for Capital Controls chlorinators and analyzer 9,637.

He recommended the Capital Controls. This quote does not include the standby generator or wiring, miscellaneous switches and etc. He recommended the following budgeted items.

1. Generator \$5000.00
 2. City Beach Chlorinator and scale 1995.00
 3. Miscellaneous 1000.00
- 17,632.00

Councilwoman reported the water/wastewater committee recommended to include this equipment in the 85-86 budget.

Motion LaTourelle to accept the Water/Wastewater Committee recommendation and include the \$17,632.00 in the 1985-1986 budget. Second Ramlow. All aye.

TENNIS COURT RESURFACING BID

Two bids were received:

	Memorial Park	Riverside Park	Golf Course
1. Action Courts	\$4,680	\$6,727.50	\$6,727.50
2. D & J Surfacing	\$4,435	\$4,800.00	\$4,550.00

D & J Surfacing submitted the lowest bid and City Manager Arnold recommended accepting this bid.

Motion Stephens to accept the low bid of D & J Surfacing for the Memorial Park Tennis courts -plexipave to be used. Second LaTourelle. All voted aye.

July 1, 1985 cont.

PUBLIC INPUT

Hank Marquardt, representing owners of the Viking, told Council the covenants had been signed and recorded and showed the footprint of the Viking development which included the Convention Center.

NEW BUSINESS

REQUEST OF JEAN FYALL DBA THE LOUNGE FOR A LIQUOR LICENSE AT THE MOUNTAIN MALL.

Motion Caciari to approve the liquor license on condition they receive their State liquor license. Second Stephens. All aye.

CROSS CURRENTS CHRISTIAN SCHOOL USE PERMIT

To locate their facility at 205 and 233 Kalispell Avenue in the existing Youth Building of the Christ Lutheran Church. The property is located east of Kalispell Avenue between Second and Third Streets and is further described as Lots 8-11 and Lots 22-25, Block 47, Whitefish Original.

The City County Planning Board recommended approval of the Use Permit subject to the following conditions.

1. That the parking spaces provided be surfaced and delineated to the approval of the City of Whitefish.
2. The six (6) existing parking spaces proposed to be removed be retained.
3. That the fence proposed to buffer the southern play area from the alley and adjoining property owners be constructed in such a way as to touch the northeastern corner of the Youth Building and not extend southward along the eastern side of the building.
4. That play equipment as shown on the site plan be provided.

John Hughes, President of the Cross Current Christian School, explained the former facility had been sold to the Methodist Church and this location would be temporary (about 2 years) until they could find a new building.

Claire Hughes presented and explained the site plans.

Mayor Putnam opened the Public Hearing.

Jennifer Keyhoe, Edna and Ralph Krona, apposed the Use Permit.
In favor were: Lee Patterson, Dr Ron Miller, Dr. Casazza, Judy Arthur.

Written protests had been received from: Edna and Ralph Krona, Joe and Willy Bucariza, Gertrude J St. Onge, Nola Howard.

Other Correspondence: Pastor, Harold Petersen, LeRoy Key, Jo Messex.

The Hearing was closed and turned over to the Council.

Councilman Caciari said he felt the people in the area should not be subject to the children, traffic etc. as most were retired people. Personally he was against the School location.

Councilwoman LaTourelle felt the school was important, and would be a temporary Use.

After discussion it was moved by Caciari to deny the Use Permit. Second Garrity. LaTourelle no, Stephens aye, Caciari aye, Garrity aye, Ramlow no. Motion carried 3 to 2 vote.

PETITION OF MERCHANTS ON CENTRAL AVENUE BETWEEN THIRD AND FOURTH STREETS FOR PAVING.

Mark Svenningsen requested the city include this block in the Central Avenue paving.

Public Works Director Fredrickson said the additional cost of this block would be approximately \$45,000.

Council explained to the petitioners that the funding was limited, however, they requested Fredrickson to look at and bring back recommendation next Council meeting.

July 1, 1985

CIRCLE K PARKING LOT.

The property is zoned WR-3, which does not address parking lots. City Attorney Fisher said it could be considered as a new use or synonymous of use intended.

Jerry Hansen said the store was across from him and he had no objection.

After discussion it was Moved by Stephens the parking lot of Circle K be a synonymous use in the WR-3 zone and require a Use Permit. Second LaTourelle. All aye.

REQUEST OF DAVID F. BRISTOL, DVM AND BILL ROBINSON, DVM, to place Use Permits at the Mountain Mall in an Administrative Review Category pursuant to Section 17.11.070-4 of the Zoning Ordinance.

Their request is for a Veterinary Clinic in the Mall.

Councilman Stephens said the Mall already has conditions enough, didn't think the council should worry about it.

Motion Stephens to place Use Permits at the Mountain Mall in an Administrative Review Category. Second Garrity. All voted aye.

LAKESHORE PERMITS

1. Phil Palm - 1490 Barkley Lane
2. Michael Hughes - 1040 Birch Point Drive

The Lakeshore Protection Committee recommends approval of the application of Phil Palm, with provisions that the tracks be temporary and moveable, without use of concrete or other reinforcements, and that they be constructed more toward the center of his property rather than only six feet from his neighbors property. The tracks will be concealed by bushes.

Michael Hughes, the Committee recommended approval with the following:

1. The dock should be built off the beach in the center of the property instead of at the edge of neighbors beach to the south. Flotation logs be encased in mesh.
2. Lay a four-inch cover of sand on the beach.
3. Build a four-foot wide, eight-foot long stairway to the beach was rejected by the Committee.
4. Remove five large rocks from the beach was rejected by the Committee.

Motion Stephens to approve the Lakeshore Permits as per conditions of City County Planning Board. 6-20-85. Second LaTourelle. All aye.

SPECIAL EVENTS PERMITS

Alpine Village Laundry and Alpine Market request for picnic at Saddle Club.

Motion LaTourelle to approve request for July 14, 1985. Second Caciari. All aye.

Whitefish Chamber of Commerce for Fireworks.

Motion Stephens Second Garrity to approve the permit. All aye.

Whitefish High School Grand Reunion for a parade.

Motion Garrity second Stephens to allow the permit. All aye.

Christian Life Fellowship to have a Christian music concert and preaching at Culinary Specialists, 235 Central Avenue.

Motion Stephens to allow the request, on condition the event be moved to Riverside Park, and time limit from 7:30 P.M. to 11:00 P.M. Second LaTourelle. All voted aye.

Special Event Permits of Safeway and Excel Foods.

Motion Stephens to approve both permits. Second Garrity. All aye.

July 1, 1985 cont.

AUTHORIZATION FOR City Administrator to Grant Special Events permits for temporary signing on premises of business.
This would be reviewed and brought back.

FIRST READING OF ORDINANCE #85-7, amending Municipal Code Chapter 9.60 (Public Parks and Grounds).

Mayor Putnam opened the Public Hearing.

City Manager reviewed the changes.

9.60.120 - include City Beach Park during the annual Regatta.

9.60.170 - City Parks and public places are closed to public usage from 11:00 P.M. to 5:00 A. M. and no person shall be allowed use of or permitted within the boundries of City Parks and public places between these hours. Exceptions may be granted by Motion of the City Council.

Jerry Hansen spoke in favor of the changes.

Mayor Putnam closed the hearing on the first reading.

Motion Ramlow to adopt Ordinance No. 85-7 on the First Reading. Second Stephens. All voted aye.

MOTION DECLINING TO CONDUCT A HEARING ON MONTANA ECONOMIC DEVELOPMENT BOARD BONDS FOR GLEN DYCK (COAST TO COAST STORE)

City Manager explained the city had the option of holding the hearing instead of the State.

Motion Stephens to decline holding the hearing. Second LaTourelle. All aye.

ORDINANCE NO. 85-8, FIXING SALARIES 85-86.

Non-Union employees.

Mayor Putnam turned the Ordinance over to the Finance Committee.

PROPOSED ZONE CHANGE-LAKE PARK ZONING DISTRICT.

Motion Stephens to set the zone change for Public Hearing for August 5, 1985. Second LaTourelle. All voted aye.

PERMISSION TO PURCHASE ONE USED STATE POLICE SEDAN AND ONE USED VAN (ANIMAL CONTROL) FROM THE STATE OF MONTANA.

City Manager Arnold requested permission to budget for a 1982 car for the Police Department, \$2546, and \$2150 for an animal control van.

After discussion it was moved by Stephens to authorize purchase from the State one (1) Police van for the Police Department, and sell one (1) unit. Second Caciari. All aye except LaTourelle who said no. Motion carried 4 to 1.

PROFESSIONAL ARTS BUILDING ON BAKER AVENUE TO CENTRAL AVENUE PAVING CONTRACT.

City Manager Arnold explained the Professional Arts Building would be doing sidewalk repair, and suggested they also install a curb and have the city pave the open area. Approximate cost would be \$3,000.00.

Council said no.

COUNCIL

Councilman Ramlow requested to leave the State from July 12th to the 28th.

Motion LaTourelle to allow the request. Second Stephens. All aye.

Councilman Garrity requested to leave the State from July 4th to the 13th.

Motion Stephens to allow this request. Second LaTourelle. All aye.

July 1, 1985 cont.

Councilman Garrity said whoever was watering Memorial Field was flooding it and water was running into the street. City Manager Arnold to call the school and resolve.

Councilman Caciari reported a tree growing in the middle of the sidewalk at First and Central that should be cut down. City Manager to take care of.

Councilman Stephens reported the Parking Commission was doing a survey of the needs of Employers and Employee parking, and should be completed soon. He said the Commission was making good progress.

Councilwoman LaTourelle questioned the Central paving project. #1 the rotomilling set back until after the 4th of July and #2. What amount of days of completion.

Public Works Director said the contractor could not do until after the 8th of July and completion date of project is 45 calendar days from June 28th.

LaTourelle said the Business people would rather put off until after the summer.

Wisconsin Avenue

Mayor Putnam reported he had talked to Commissioner Jacobson about Wisconsin Avenue paving and Jacobson assured him it would be done this fall or would be their first project next spring.

Public Works Director reported Charlie Phillips said it would be started about July 10th.

Councilman Caciari said he attended the meeting with the Commissioners on the 2¢ gas tax and felt it was productive.

Motion LaTourelle second Stephens to adjourn at 11:52 P.M. All aye.

ATTEST:

Kay Belle
City Clerk

James C. Putnam
Mayor

July 15, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were Asst. Police Chief Herrmann, Water/Sewer Superintendent Acton, Public Works Director Fredrickson, City Manager Arnold and City Attorney Fisher.

MINUTES

Motion LaTourelle to approve the minutes of July 1, 1985.
Second Garrity. All voted aye.

PUBLIC HEARINGS

CITY SPECIALS

Mayor Putnam opened the Public Hearing on the City Specials.
Resolution #85-25, Garbage - total assessment \$100,951.00.
Resolution #85-26, Lighting District 1 - \$24,923.42.
Resolution #85-27, Lighting District 4 - \$9,252.76
Resolution #85-28, Maintenance District No. 1. - \$107,280.05.
Resolution #85-29, Snow Removal - \$11,680.40.

The Specials remained the same as last year.

There was no public comment and Mayor Putnam closed the Hearing and turned over to the Council for discussion.

Motion Ramlow to adopt the City Specials as described above.
Second Garrity. All aye.

ORDINANCE NO. 85-6, PROVIDING FOR A COUNTRY RESIDENTIAL DISTRICT-WCR. (SECOND READING).

The City Administrator explained the WCR District was intended for detached single family homes together with farm and/or accessory buildings situated in a setting conducive to a rural lifestyle. He also gave a summary review of the uses of the District.

Claire Strickler, President of the City County Planning Board, gave the reasons the Board recommended approval.

Mayor Putnam opened the Public Hearing.
Porter Gifford spoke in favor of the new zone, and as there was no other public input, Mayor Putnam closed the Hearing to the Public and turned over to the council for discussion and action.

After discussion by the Council it was moved by Stephens to continue the hearing until the Next Council Meeting (August 5th)
Second LaTourelle. All aye.

OLD BUSINESS

CROSS CURRENTS CHRISTIAN SCHOOL USE PERMIT

Mayor Putnam said this had gotten to be an emotional issue, and reminded the Public that he and the Council were not anti the School, the issue was solely the location of the school. The Mayor would allow one (1) representative from the school, and one (1) speaker from the people apposed to the location to speak to the Council.

John Hughes, President of Cross Currents Christian School, explained that the old facility (Park and 7th) was not big enough and unfeasible to remodel. The Educational Building of Christ Lutheran Church meets all the codes and has necessary classrooms, etc. The School would use the Church for a period of two years only, as they intended to build their own facility. They submitted an agreement to terminate the Use Permit as of July 1, 1987.

July 15, 1985

Hughes further explained the entrance would be on Kalispell Avenue, the alley would not be used, except for employees who would park in the back. They had met with Asst. Police Chief Lonnie Herrmann and were trying to work out a safety program for the area. He said the play area would be fenced and completely removed from the neighbors. Hughes said that in the last two days someone had caused vandalism to homes in the neighborhood, for which they felt bad about, however, they were confident it was not anyone associated with the school.

William Braumberger, spoke for the people apposing the location of the school. He said it could reduce property values, and they were concerned about safety of the children, and traffic in the alley.

After discussion it was Moved by Stephens second Garrity to reconsider the Motion of July 1, 1985 (to deny the Use Permit). Garrity removed his second and Stephens removed his motion.

Councilman Caciari reported the vandalism involved burning a cross on the lawn of William Braumberger, for which saddened him deeply. He said this was not Christianity but cruelty and barbarianism. However, he was in favor of the reconsideration.

Motion Stephens to grant the temporary Use Permit to Cross Currents Christian Church with the following four (4) conditions.

1. The Agreement with the two (2) year time limit be signed.
2. The fence be constructed on the East side of the Property.
3. Traffic and safety be worked out with the Administration and Police Department.
4. The alley be used by employees of the school only.

Second LaTourelle. All Voted aye.

PETITION OF MERCHANTS ON CENTRAL AVENUE BETWEEN THIRD AND FOURTH STREETS FOR PAVING.

Public Works Director Fredrickson reported a 2" overlay with no curb work would cost approximately \$18,500.00, if rotomilled \$44,000.00.

Council discussed cold mix overlay or have curbs and sidewalks done and put in a hot mix overlay. City Manager said the funds were available but the city could not do any other streets this year if this section was done.

Motion Stephens to pave Central Avenue (between third and fourth) with a hot mix overlay after curb and sidewalk work is done. Second LaTourelle. All aye.

ORDINANCE NO. 85-7, amending Municipal Code Chapter 9.60 (Public Parks and Grounds). Second Reading.

City Manager Arnold reviewed the amendments: include City Beach during the Regatta and adding Section 9.60.180 City Parks and public playgrounds shall be closed to public useage from 11:00 P.M. to 5:00 A.M.

Mayor Putnam opened the Hearing to the Public.

Marv Bethea inquired if this was for all parks. Answer was yes.

Mayor Putnam closed the Hearing to the Public and turned over to the Council for discussion, and action.

Motion LaTourelle to adopt Ordinance No. 85-7 on the Second and final reading. Second Boksich. All aye.

ORDINANCE NO. 85-8, FIXING SALARIES AND WAGES FOR ALL CITY OFFICERS AND EMPLOYEES.

Councilman Ramlow reporting for the Finance Committee said the Committee recommended (with split vote) the Council give the Department Heads: Public Works Director, City Manager, Police Chief and Water/Wastewater Superintendent a 3% pay raise for the next four (4) months and be reviewed in four (4) months and unanimously accept the others as listed on the Ordinance. (5½%)

July 15, 1985 cont.

Motion Garrity to accept the Finance Committee recommendation. Second Ramlow. Ramlow aye, Garrity aye, Caciari aye, Boksich aye, Stephens no, LaTourelle no. Motion Carried with a 4 to 2 vote.

GRANTING SPECIAL EVENTS PERMITS for Temporary Signing on Premises of Business.

This was discussed and Mayor Putnam continued until next Council Meeting.

ARLENE WALKER-Re Fireworks

Arlene Walker told Council she was concerned about laws regarding fireworks. She was at City Beach for the Chamber of Commerce annual Fireworks and felt it was very dangerous because people on the beach were lighting fireworks in the crowd and also the traffic problem was terrible. She suggested Council consider prohibiting sale of fireworks in the city.

Councilman Garrity agreed with Mrs. Walker stating one house had over 50 burn spots on it from fireworks.

Councilman Ramlow said he enjoys the display every year, however, this year was the worst for fireworks around the lakeshore. He was concerned about fire, injury, etc. felt Council should consider changes in the Ordinance.

Gary Elliott felt there should be a ban on personal fireworks at the Beach during the display, and suggested the Chamber of Commerce provide assistance in traffic control.

Mayor Putnam turned over to the Safety Committee to review and bring back to the council.

PUBLIC INPUT

Gary Elliott explained a proposal for parking area in the downtown. Markus would sell his lots on the Corner of Central and 1st to the City for \$305,000 and donate back \$75,000 for a parking complex.

Also The City could purchase Gary Stephens lot for approximately \$45,000 and by closing off the street could create 75 parking spaces. Elliott asked Council if they were in favor of the idea.

Mayor Putnam explained this was not up to the Council, he would have take proposal to the Parking Commission and suggested it be an Agenda item.

Ed Grogan reported the Road Improvement Tax would probably be put on the April election. (with school election)

SPECIAL EVENTS PERMIT - Flathead Street Machine Association.
Class of 75

Flathead Street Machine Association - for a car rally (old cars)
Class of 75 for a class reunion and picnic at City Beach.

Motion LaTourelle to approve the two Special Events Permits. Second Boksich. All aye.

CITY FEES POKER MACHINES - Resolution No. R85-33.

City Manager Arnold reported the three (3) cities and the county had met and recommended setting fees for poker machines at \$50.00.

Motion Stephens to Adopt Resolution R85-33, amending Resolution No. B-944, including the \$50.00 poker machine fee. Second LaTourelle. All aye.

PLEGGED SECURITIES.

First National Bank pledged securities \$585,000
Mountain Bank pledged securities \$248,000

Motion Stephens to approve the above securities. Second Ramlow. All aye except LaTourelle who abstained from voting.

July 15, 1985

OTHER

Councilwoman LaTourelle requested City Manager Arnold draft a letter to Jack Anderson, EPA, encouraging them to speed up approval of the plan review of the Interceptor Line, as the project needs to be completed. All agreed.

LaTourelle also reported that at Riverside Park, outside the dock was a 1' post sticking out of the water and should be fixed before someone gets hurt.

Councilman Stephens inquired on status of cuts in Wisconsin Avenue (for sewer and water lines) wondered if City Authorized.

Mayor Putnam told him the County said once Wisconsin was paved no one could cut across.

City Manager Arnold to confirm with the County.

Councilman Boksich again requested the old flag pole at the Cemetery be removed. Public Works Director to take care of.

Councilman Caciari again reported the tree growing in the sidewalk on First Street between Spokane and Central. Fredrickson to check.

City Manager Arnold would call Contractor on sealing tennis courts.

Councilman Garrity suggested an Ordinance be drafted making it mandatory for all backhoes operating in the city to have rubber pads on the metal discs.

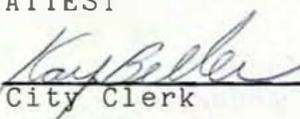
Mayor Putnam accepted Councilman Garrity's resignation effective November 15, 1985.

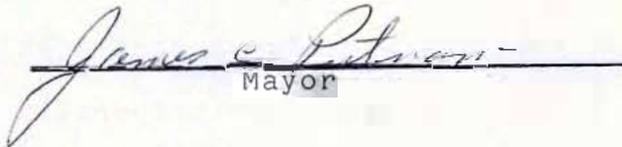
Mayor Putnam appointed Councilman Stephens to the Finance Committee replacing Councilman Ramlow while Ramlow is out of town.

The Preliminary Budget hearing was set for July 22, 1985 at 7:00 P.M.

Motion Garrity second Ramlow to adjourn 10:09 P.M. All aye.

ATTEST


City Clerk


Mayor

July 22, 1985

Mayor Putnam opened this Special Meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance except Boksich and Ramlow.

Also present were Water/Wastewater Superintendent Acton, Public Works Director Fredrickson, Police Chief Webster, City Manager Arnold, Fire Chief Anderson, Police Judge Sevensen.

PURPOSE OF THE MEETING: To adopt the Preliminary Budget for 1985-1986 fiscal year.

City Manager Arnold recommended a 5% increase in the mill levy to balance the budget.

General all-purpose	86.36 Mills
Fire Disability	4.00 Mills
Total Mills to be levied	90.36 Mills @ \$5137 per mill \$464,179.32.

Total REvenues estimated to be received	\$2,230,180
Total Expenditures estimated	\$2,690,004

Council reviewed the budget and reduced Non Departmental by \$10,000 and increased Police (prof. services) by \$7500. Other items would be reviewed and changed at further meetings.

Motion LaTourelle to adopt the Preliminary Budget for 1985-1986 fiscal year. Second Stephens. All voted aye.

Motion LaTourelle to adjourn 10:10 P.M. second Stephens. All aye.

ATTEST:

Kay Butler
City Clerk

James C. Putnam
Mayor

July 31, 1985

Mayor Putnam opened the Budget work session at 7:20 P.M. on the above date. Councilpersons present were: Garrity, Caciari, Stephens and Ramlow. Absent were LaTourelle and Boksich.

Also present were Street Superintendent Wartnow, Water/Sewer Superintendent Acton, Police Chief Webster, Fire Chief Anderson and City Manager Arnold.

Council reviewed the expenditure portion of the budget.

Consensus of the Council was object code 110 (salary) in all departments would not exceed the 5½% increase. They requested city Manager Arnold to check on Medical Insurance deductibles as employer contributions are excessively high.

Council and Fire Chief Anderson discussed increasing Rural Fire Contracts. Council requested a 35% increase and the Fire Dept. wanted 25%. After discussion it was moved by Stephens to send recommendation back to the Fire Department to increase Rural Fire Contracts to 35%. Second Caciari. All aye.

City Manager Arnold said he had been approached by the Police Detective and Sgt. and Street and Refuse Foreman for a more equitable wage adjustment. He requested it be turned over to the Finance Committee.

Mayor turned the request over to the Finance Committee to review and bring back to the Council.

July 31, 1985 cont.

The street dept. requested a building for storing sand, they would fund \$9000 and the garbage dept. would fund \$3000. (Garbage trucks would be stored in the building also.) City Manager would check this request further and bring back recommendation to the meeting of August 7.

Computer request.

Mayor Putnam said he felt the \$60,000 request should be denied as the present system was only three years old. Councilman Stephens said he had called Big Sky and the present system could be expanded. He suggested buying software, printer, etc. and updating present system. Council agreed with Stephens, and City Manager would revise budget.

Dump Truck - street department.

Payment of the truck would be re-evaluated by the City Manager and brought back August 7. \$4,000 steamer was approved and added to the Revenue Sharing budget.

Request to hire one (1) additional person for the water/sewer department and Police Department was denied.

The Budget Hearing is scheduled for August 7, at 7:00 P.M.

Motion Caciari to adjourn second Stephens 9:59 P.M. All aye.

August 5, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance except Boksich.

Also present were Building Inspector Berg, Public Works Director Fredrickson, Police Chief Webster, City Manager Arnold and City Attorney Fisher.

MINUTES

Motion Caciari to approve the Minutes of July 31, 1985. Second Garrity. All voted aye.

PUBLIC HEARINGS

PROPOSED ANNEXATION OF THE RIVER GOLF COURSE AND OTHER CONTIGUOUS PROPERTIES, PRELIMINARY PLAT AND ZONE CHANGE.

The amended annexation included property of Speer, Kane, Rocksund, DePratu, Wrights. Tracts 1 BE & 3E, Tract 3F in Section 1, Tracts 1B and Tract 3 Section 1, in T30N,R22W, Section 5, T30N R21W, Tracts 2CC, 2E, 2DA, Section 8, T30N, R21W, Tracts 5BA, 6BBB, 6BBc, 5B, 6BC, Section 7 T30N, R21W, Tracts 2B, 2BA, Section 8 T30N R21W, Tracts 6BB, 5, 6F, 6G, 6B, 6, 1BB, 4C, 1B, 1BA, 2C, 6E, 6BBD, Section 12, T30N R22W, Tracts 5H, 5F, 5C, 5k, 5HA, 5E, 5J.

Mayor Putnam opened the Public Hearing to the Public on the requested zone change and preliminary plat.

The application for a zone change for 163 acres from WA (agriculture/silviculture) Zone to WRR-1 (Low Density Residential) Zone with a PUD (Plan-Unit development) overlay. Tracts 2DA, 2E and 2CC in Section 5; Tracts 2B and 2BA in Section 7; and Tracts 5, 5B and 5BA in Section 8. (All of Speer's property was requested as WRR-1 Zone).

The Preliminary Plat application pertains to the following tracts: Tracts 2DA, 2E, and 2CC in Section 5; Tracts 2B and 2BA in Section 7; Tracts 1B, 1BA, 1BB, 4C, 5, 5B, 5BA, 6; all but approximately four acres in the southeastern portion of Tract 6B, Tracts 6BB, 6BBB, 6BBc; all but approximately 100 feet of the southern portion of Tract 6BBD, Tract 6BC; all but 5.06 acres in the eastern portion of Tract 6E, Tracts 6F and 6G, and a 60 foot wide roadway through Tract 2C all in Section 8.

People protesting were Leonard Howke, Ray Barnes, Dr. Kauffman. Dan Johns and Jerry Hansen, Jeff Cornell spoke in favor.

Mayor Putnam closed the hearing to the Public.

Margaret Clark, FRDO, gave a summary of the zone change and preliminary plat, and stated they recommended approval with the 27 conditions per their letter of March 26, 1985. The City County Planning Board recommended approval with eight (8) conditions in their letter dated June 25, 1985.

The Council would review and vote on the annexation first.

Councilman Stephens reporting for the Land Use Committee said the Committee recommended by a two (2) to one (1) vote to approve the annexation.

Mayor Putnam said he hoped the Council would look at this annexation very carefully, as just recently the city tried to fill in its boundaries and have been unable to do so. This property, he said is very similar to the property north and west of town (annexations were done in a hopscotch - 1 lot in and 1 lot out) way and it is not good for the city to adopt this type of annexation. He said he could see the annexations spreading across Hwy 40 and toward Columbia Falls, separating the area from the rest of the town much like the railroad separates the city, and he is personally apposed to this type of annexation into the city. Mayor Putnam also said he hoped the Council would vote wisely on this issue.

August 5, 1985

Councilman Caciari voiced concern about annexing large parcels of land, said he had received many comments and most were apposed to this annexation. He stated the city had already annexed large parcels of land and to provide services would be at the taxpayers expense. He said he was apposed to the annexation.

Councilman Ramlow said he felt this annexation should not be compared to the North annexations, as Wisconsin Avenue was used to make those contiguous, the South annexation is already contiguous to the city limits. He also said those people that did not want to annex had perogative not to.

City Manager Arnold said they should look at both sides of the issue. He felt Council should not turn down opportunity to annex Commercial property because of the tax base. He said the city needs the Commercial to provide jobs and higher tax base. He said in ten (10) years this area would be like Evergreen with septic systems and the City would have no control. Arnold further explained that Speer would help finance sewer for the area, which was needed as the city sewer in this area was at capacity. He said the area is going to develop and if Council did not approve this annexation it would all be outside the city limits.

Mayor Putnam said that City Manager Arnold is a professional person and would be here three (3) or four (4) years and may not have the same concerns as a long time resident.

Councilman Stephens said he had two (2) concerns,

1. Property left out inbetween could have septic systems and would never come into the city.
2. Residential property is tax eaters, and bulk of this annexation would be residential.

He felt the time was not right on this annexation.

Motion Caciari to deny the request for annexation. Second Stephens. Ramlow no, Garrity aye, Caciari aye, Stephens aye, LaTourelle no. Motion carried three (3) to two (2).

THE PETITIONERS WITHDREW THE REQUEST FOR THE ZONE CHANGE.

ZONE CHANGE FROM COUNTY R-3 to City WR-2 in LAKE PARK ADDITION.

Resolution No. R85-34.

City Manager Arnold explained the zone change from R-3 (Single Family residential) to WR-2 (Two family residential) for Lots 1 thru 5 and Tract A in Lot 6 of Block 7, Lake Park Addition. The City County Planning Board recommended approval of zone change. Mayor Putnam opened the Public Hearing and as there was no comment he closed the Hearing.

Motion Stephens to Adopt Resolution No. R85-34, adopting the zone change from R-3 County to WR-2 City. Second Caciari. All aye.

OLD BUSINESS

SECOND READING AND ADOPTION OF ORDINANCE # 85-6, to add a New Zone Country Residential District WCR, to the Zoning Regulations.

City Manager Arnold explained the new zone and summarized some of the uses.

The Committee recommended adoption of the new zone with deletion of crematories in #12.

The FRDO and the City County Planning Board recommended adoption of the new zone per letter of May 21, 1985.

Mayor Putnam opened the Public Hearing.

City Attorney Fisher suggested the addition of mausoleum in #12.

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August 5, 1985 cont.

Mayor Putnam closed the Hearing and turned over to the Council for action.

Motion Stephens to adopt Ordinance #85-6, with the deletion of crematories and the addition of Mausoleums to #12. Second LaTourelle. All aye.

SIGNING ON PREMISES OF BUSINESS

City Attorney Fisher said it was his opinion that the City Administrator could authorize on premise signing for special events - such as grand openings where they want banners, etc.

Motion Stephens to give City Manager authority to grant on premise sign permits not requiring city services. Second LaTourelle. All voted aye.

COMMUNICATION FROM SHEILA KAHLER - re: Sign Variance.

Mrs. Kahler requested Council to reconsider a sign variance for 301 East 2nd #1D, to hang a protruding sign. The Variance was not granted as it died for lack of a motion.

Mayor Putnam and City Attorney Fisher explained the Council has to reconsider at the next Council Meeting (the Variance was considered at the July 1, 1985 meeting). She was told they could petition again in one (1) year.

Mrs. Kahler felt this was not properly dealt with.

PUBLIC INPUT

NONE.

NEW BUSINESS

FIRST READING ORDINANCE #85-9, amending Section 1 of Ordinance No. A-285 and Section 10.12.010 of the Whitefish Municipal Code Relating to traffic.

City Attorney Fisher explained minor changes in Sec. 1 under C on the first page, and clarified D by inserting "City Council may determine by Resolution reasonable and safe speed limits.

Councilman Stephens thought that #3 under (C) should include Wisconsin Avenue.

Mayor Putnam requested City Manager contact Commissioner Jacobsen on reducing the speed limit on Wisconsin to 35 MPH.

After discussion it was Moved by Stephens to adopt Ordinance #85-9 on the first reading Second Garrity. All aye.

Councilman Garrity said the Safety Committee had contacted the State about a year ago on reducing speed limit on Wisconsin Avenue from 45 MPH to 35MPH and had received no reply.

PETITION FOR DISCONTINUANCE OF A PUBLIC ALLEY.

Property owners at 223 Columbia Avenue and 805 2nd Street East request discontinuance of alley. The West 125 Feet of the alley running East and West with a leg to the South on Block 48 of the Original townsite of Whitefish.

Motion Stephens to set for Public Hearing on September 3, 1985. Second LaTourelle. All aye.

FIRST READING OF ORDINANCE 85-10, amending section 9.32 of the Municipal Code (Fireworks)

Councilman Garrity reported the Safety Committee had met and majority of people wanted to discontinue fireworks in the city limits, unless it was a special display.

August 5, 1985 cont.

The Committee recommends sparklers and fountains and other ground display fireworks be permissible, and firecrackers, cherry bombs, M-60's or any other type of explosive fireworks are prohibited as are Roman Candles and any type of aerial fireworks.

Councilman Stephens suggested firecrackers (according to state code) be permissible also.

After discussion it was Moved By Stephens to include firecrackers, according to State Law, as a permissible use. Second Ramlow. Ramlow aye, Garrity no, Caciari no, Stephens aye, LaTourelle aye. Motion carried 3 to 2.

Motion Stephens to adopt Ordinance #85-10, on the first reading with amendments. Second LaTourelle. All aye except Garrity and Caciari who said no. 3 to 2 vote.

REQUEST TO PUT FOOD BANK BEHIND GOLDEN AGERS.

The Whitefish Surplus Food Bank requests to place a residential style building behind the Golden Agers to be used as a distribution point for the services offered by the food bank system.

City Attorney Fisher explained the parcel in question could only be used for park purposes and permission would have to be obtained from Riley Pleas, who donated the land to the city.

City Manager Arnold would write letter to Riley Pleas, Inc. to see if they would permit this use.

Councilwoman LaTourelle said the Kiwanas Club had plans for a Park in this area.

SPECIAL EVENTS PERMITS

1. Whitefish Community Theatre for banner.
2. Pin and Cue Recreation Center for grand opening temporary signing.
3. Whitefish Downtown Association for Crazy Days.

Motion Ramlow Second Garrity to approve the three Special Events permits. All aye.

OTHER

Mayor Putnam had three (3) questions:

1. When would signal light at the school be removed.
2. Would Baker Street be completed this year.
3. Lights at City Beach.

Public Works Director Fredrickson and City Manager said Pacific Power and light would help in removing the light. Baker Street would be done this year and Jack would keep reminding Hal Bennett on the lights at City Beach.

Councilwoman LaTourelle said she gave the City Manager a proposal from the Park Advisory Board on the Kiwanas Club making a park by the Golden Agers, they would fund the project and the Park Advisory Board recommends this proposal. Requested it be put on the agenda.

LaTourelle also requested sprinkler bids be let for Riverside Park, so when the interceptor lines are laid the sprinkler system would be in and landscaping could be accomplished.

LaTourelle asked Public Works Director if the post protruding from water at boat dock had been taken care of. He said it had been.

Councilman Stephens reported the County would have a hearing on Lakeshore Construction Permit to allow a boathouse 10' from the highwater mark on the lake. This is out of the City jurisdiction and the Lakeshore Committee does not want this type of structure on the lake. Council requested City Manager to write a letter

August 5, 1985 cont.

to the County Commissioners requesting no permanent construction on the Lakeshore.

Councilman Stephens reported the Parking Commission had finished their on site survey of locating parking places for employers and employees. He said the current demand was 300 parking places, there are approximately 250 spaces which could be used. He said they would present businesses with a map and recommend where they can park, and try and get them to do it. The Commission would like the city to take stand on the storage building they would like it torn down and paved.

Mayor Putnam asked that by next Council meeting a list be drawn up on why the storage building should or should not be torn down.

Councilman Stephens also reported the Commission recommends the first two parking spaces on corners be designated for compact cars, and shallower angle parking spaces.

Public Works director recommended a driving lane stripe any vehicle over the stripe would be in violation.

Stephens also said the Commission would look at Tax Increment Financing for downtown business.

Councilman Caciari suggested Committee Reports be listed on the Agenda.

Mayor asked City Manager to add it under New Business.

Caciari reported the fencing of Memorial Park was completed today. He said during recent tournament people were very impressed and felt it was the best Park they had seen. He thanked the City Crews for their efforts and also the Maintenance people. Caciari said the tennis courts were not completed, but City Beach had been chip sealed and also 8th street.

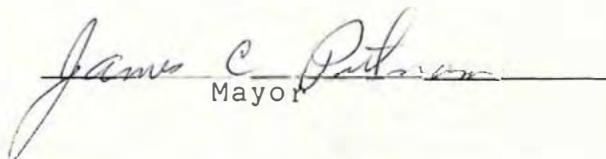
Councilman Garrity reported there was a problem of people not cutting weeds in and around their yards, felt because of the dry weather this was a fire hazard. Also reported a water leak on 8th street.

Public Works Director to send out letters on weed control and check leak on 8th.

Motion Ramlow second Garrity to adjourn 9:15 P.M.
All aye.

ATTEST:


City Clerk


Mayor

August 7, 1985

Mayor Putnam opened the meeting at 7:00 P.M. All Councilpersons were present except Boksich.

Also Present were Street Foreman Wartnow, Water/Wastewater Supervisor Acton, Firechief Anderson, Public Works Director Fredrickson and City Manager Arnold. Stan Dye was the only citizen at the Hearing.

MINUTES

Motion Stephens to approve the work session minutes of July 31, 1985. Second Garrity. All aye.

PURPOSE OF THE MEETING: PUBLIC HEARING ON BUDGET FOR FISCAL YEAR 1985 - 1986. INCLUDING REVENUE SHARING

City Manager Arnold briefly summarized the expenditure portion of the budget and explained the General fund build-up was due to \$140,000 anticipated Park Revenue. (this would be changed at a later date depending upon what Grants are received.)

Mayor Putnam opened the Public Hearing.

Stan Dye asked Council why they cut the person from water/sewer department and Police Department.

City Manager explained the Water/Sewer person was still in the budget but he recommended the position not be filled at this time.

Dye said the reason the City Manager was hired was to save the City money, however, he felt the budget was exactly like before, increasing the 5% to balance the budget. He also questioned the Water depreciation fund, in 1982 the fund had \$336,000 and now just over \$400,000. He stated this fund should be spent wisely and more money should be put toward depreciation.

He also said for better proficiency of operations the records should be checked and if people are not qualified they should be replaced with qualified personnel.- there are twelve (12) people in water/sewer and streets with three (3) supervisors, which he felt was too many, the jobs should be combined. He emphasized that the City Manager should run the City not Department heads.

Mayor Putnam requested City Manager to review the cuts of last week and review to see if the 3% increase was justified.

City Manager Arnold gave the Council a memo of all the budget adjustments. By adding \$500 to Cemetery and deleting \$9,527 (Police salaries) \$5,000 from Fire Department and \$780 from Finance and Administration the Council had option of eliminating mill increase or build up cash reserves for \$14,807.

Revenue Sharing additions and deletions.

Add		delete	
Restroom Remodeling	\$4000	Computer	\$20,000
Used Van	3000	Software	8,200
Jail Improvements	15000		
Dump Truck(refuse 35%)	5400		
Steamer	4000		
Fire Equip.	6500		
	<u>\$37,900</u>		<u>28,200</u>

Council recommended \$18,000 be used for a new printer, disk drive and software changes.

Jail Improvements was reduced to \$10,000. Priority items to be emergency lights, lighting in jail cells, toilet facilities, paint and hot water.

Dump Truck-refuse portion was reduced to 25%.

August 7, 1985 cont.

The rest of the Revenue additions and deletions were approved.

Extra person in the water/sewer department was discussed, and Council agreed to budget a person for half ($\frac{1}{2}$) a year. Councilman Garrity did not concur.

Purchase from the State of a second Police car was authorized.

Police Chief Webster's request for a dispatch logging recorder was denied by the Council.

Rural Fire

Mayor Putnam asked Fire Chief Anderson if the Fire Department was in agreement with Council recommendation to increase fire contracts 35%. Anderson said no, they still were in favor of 25%. Anderson further requested funding for their SBA's.

Mayor Putnam requested an explanation of buying SBA's or fire trucks out of the Rural Fund. Anderson insisted they were building up to buy trucks.

The Mayor and Council assured the Fire Chief they appreciated the fire department and commended them for the fine job they do, however, because of the city's tight budget they felt the SBA's should be purchased out of Rural Fire Funds.

Council did state the 25% increase would be acceptable, and asked the City Manager and Fire Department to meet and work out purchase of SBA's etc.

Councilman Ramlow reported the Finance Committee met on the salary adjustments requested by department heads.
 Police Detective increase from \$10.55/hr to \$10.75/hr.
 Police Sergeant increase from \$10.80/hr to \$11.00/hr.
 Street Superintendent from \$19,970 yr. to \$21,840 year.

The Committee recommended adopting the above.

After discussion it was Moved by Ramlow to adopt Ordinance No. 85-11, amending the above salaries. Second Garrity. All aye.

Council discussed increasing the Mill Levy and it was Moved by Stephens to balance the budget without property tax increase. Second Ramlow. All voted aye.

City Manager Arnold reported that when revenue Sharing runs out the next Council would be looking at a large increase in Mill Levy.

Motion Garrity to allow Councilwoman LaTourelle to leave the State the 16th thru the 19th and Councilman Stephens permission to leave the State the 11th thru the 13th. Second Ramlow. All aye.

The Hearing was continued until August 12th at 7:00 P.M.

9:34 P.M.

James C. Putnam
 Mayor

ATTEST:

Kay Baker
 CITY CLERK

August 12, 1985

Mayor Putnam reconvened the Hearing at 7:00 P.M. on the above date. All Councilpersons were in attendance except Boksich and Stephens.

Also present were Public Works Director Fredrickson, Police Chief Webster, Fire Chief Anderson and City Manager Arnold.

Motion Caciari to accept the minutes of the Hearing of August 7, 1985. Second Garrity. All aye.

Mayor Putnam reconvened the Hearing on the City Budget including Revenue Sharing.

City Manager Arnold reported he had met with the Board of the Fire Department regarding Rural Fire Rates, equipment needs and financing alternatives. The Board felt that there are lower priorities in the City budget than their SBA's and these should be deferred and the SBA's acquired in the 1985-1986 budget. They were willing to use \$6,000 of the revenues from the 25% increase in Rural Fire Contracts towards purchase of the SBA's, leaving a balance to be financed of \$24,000.

Recommended:	Rural Fire	\$6,000
	Sand Shed	9,000
	Revenue Sharing	
	Fund Balance	10,000
	Restroom Remodel	1,000
	Steamer	4,000
		<u>30,000</u>

The SBA package includes high pressure compressor, a cascade system, 10 SBA's and 10 extra bottles.

Councilwoman LaTourelle requested to keep the sand shed in the budget and budget for half the dump truck this year and half next year.

City Manager suggested financing the truck over a two or three period.

Public Works Director reported the sand shed would cost about \$3,000 under what had been budgeted.

Councilman Caciari requested the steamer be left in the budget as it was needed.

Councilman Garrity suggested raising the mill 5%.

Council recommended budgeting \$13,500 for the dump truck this year and \$13,500 next year.

After discussion it was moved by Latourelle to budget for the sand shed and steamer, and half ($\frac{1}{2}$) the dump truck in revenue sharing with the garbage department to fund 25% of the total price of the truck. Second Ramlow. All voted aye.

Motion Garrity authorizing the SBA's for the fire department. Rural Fire to fund \$6,000 and Revenue Sharing to fund \$24,000. Second LaTourelle. All voted aye.

Total Revenue and expenditures for fiscal year 1985-1986 are as follows:

	REVENUE	EXPENDITURES
General Fund	1,009,345	1,106,391
Park Acq.	3,000	32,673
City Beach Grant		12,400
Rural Fire	46,942	26,527
Gas Tax	66,600	66,600
Rev. Sharing	64,529	120,042
Water	359,875	430,518
Sewer	376,140	389,316
Garbage	119,851	183,255
Ambulance	26,000	21,225
Sprinkling	5,736	5,000
Maintenance #1	104,447	169,000
Snow Removal	12,100	12,000
Light 1	26,023	22,000
Light 4	9,523	9,500
	<u>2,230,111</u>	<u>2,610,347</u>

Mayor Putnam closed the Hearing and turned over to Council for action.

August 12, 1985 cont.

Fund Balances would balance the revenues and expenditures depend upon Grants received.

Motion Caciari to accept the budget for 1985-1986. Second LaTourelle. All aye.

Motion Caciarito adopt Resolution No. R85-35, determining the amount of City taxes to be raised for all purposes and levying a tax against all property within the City of Whitefish, for fiscal year commencing July 1, 1985. All purpose Mill shall be 87.25 mills determined to be \$448,204.64. Second LaTourelle. All aye.

Motion Ramlow to adopt Resolution No. R85-36, accepting and passing the Municipal Budget for the fiscal year commencing July 1, 1985. Second Garrity. All aye.

Motion Ramlow to adopt Resolution No. R85-37, Levying and assessing a tax on all real estate within the corporate limits of the City. Second Caciari. All aye.

Council complimented City Manager Arnold on the fine job he did on the budget.

Motion Ramlow to adjourn 7:39 P.M. Second Garrity. All voted aye.



Mayor

ATTEST:



City Clerk

August 19, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpeople were in attendance except LaTourelle.

Also Present were City Manager Arnold, Public Works Director Fredrickson, Building Inspector Berg, and City Attorney Fisher.

MINUTES

Motion Ramlow to approve the Minutes of August 12, 1985. Second Garrity. All aye.

Motion Garrity to approve the minutes of August 5, 1985. Second Boksich. All aye.

PUBLIC HEARING

Sign Variance - Downtowner Motel and Health club.

Variance request was to install an additional 59.5 sq. ft. secondary sign in the tower. This would give the Downtowner one (1) primary sign and four (4) secondary signs.

Mayor Putnam opened the Public Hearing. There was no comment except for the owners of the Downtowner, Fritz Royer and Jack Coy, who explained their request. Mayor Putnam closed the Hearing and turned over to the Council for action.

Motion Boksich to grant the Variance per request. Second Stephens. All voted aye.

OLD BUSINESS

ORDINANCE 85-9, amending Section 1 of Ordinance No. A-285 and Section 10.12.010 relating to traffic. Second Reading.

Mayor Putnam opened the Hearing and as there was no comment he closed it and turned over to the Council for action.

Motion Garrity to adopt Ordinance 85-9 on the second reading. Second Ramlow. All aye.

ORDINANCE 85-10 amending Section 9.32 of Fireworks Ordinance. Second Reading.

Mayor Putnam opened the Hearing to the Public and as there was no comment he closed the hearing and turned over to the Council for action.

Motion Stephens to adopt Ordinance 85-10, on the second reading. Second Garrity. All voted aye.

PUBLIC INPUT

Claire Strickler reported that she and Owen Grinde would be meeting with the County Commissioners on Wednesday, at 8:45 A.M. regarding Lakeshore Construction Applications. The County is more liberal on allowing construction within the 20' highwater mark. She asked Council for suggestions and invited them to attend the meeting. Councilman Stephens suggested entering an inter-local agreement with the Commissioners on lakeshore construction. City Attorney Fisher said this could be done when there are two jurisdictions, (city and county) on one lake.

NEW BUSINESS

APPROVAL OF CENTRAL AVENUE PARKING LAYOUT.

Public Works Director Fredrickson explained if a 60° angle was used 144 parking spaces could be utilized and if 45° angle 116 parking spaces would be utilized. Fredrickson recommended the 45° angle parking as it would enlarge the driving lane. (14½')

August 19, 1985 cont.

After discussion Mayor Putnam turned over to the Parking Commission to study and bring back next Council meeting.

KIWANAS DEVELOPMENT OF A PORTION OF THE GOLDEN AGERS PARK SITE.

Councilman Boksich requested to table this until more information could be obtained both from the Kiwanas and the Golden Agers.

RIVERSIDE PARK SPRINKLING SYSTEM

Councilman Boksich requested this be tabled until the September 3rd meeting, as the Committee was waiting to get cost figures.

SPECIAL EVENTS PERMITS.

1. Downtown Merchants Assoc. for a Barbecue cook-off.
2. Flathead Valley Cycle Club for a bike race at the High School and 4th st from Fir to Pine.

Ron Brunk and Dave Torgerson explained the Club would clean-up and police the area. Hay bales would be used in some areas and they assured the Council this would also be cleaned up.

Motion Ramlow to approve the two (2) Special Events Permits. Second Garrity. All voted aye.

AUTHORIZE MCM ARCHITECTS AND PLANNERS TO DESIGN AND BID CITY HALL RESTROOM RENOVATIONS.

Council authorized City Manager Arnold to proceed with architects as it was in the budget. Arnold said he would bring the plans for Council review.

DAVID SPEER PROPERTY REZONING.

Communication from Attorney Daniel D. Johns explained that it was not David Speers intent to withdraw his petition for rezoning and requested on behalf of Mr. Speer that the rezoning application be tabled pending request from Speer concerning placement of it again on the Whitefish City Council agenda.

Mayor Putnam explained that Mr. Speer had withdrawn the rezoning request at the August 5, 1985, Council meeting.

City Attorney Fisher reported that if the Council did not concur with the above request Mr. Speer would have to wait for one (1) year before it could be considered again.

Dave Speer said he acted hastily in withdrawing the rezoning request and asked Council to table instead, this would give him time to come back with a more acceptable proposal.

After discussion it was moved by Boksich to table the rezoning request of David Speer for ninety (90) days. Second Ramlow. Ramlow aye, Garrity no, Caciari no, Boksich aye, Stephens no, Request was denied by a 3 to 2 vote.

WATER SHUT-OFF AND TURN-ON AUTHORITY.

City Manager Arnold explained two (2) property management people requested to be able to turn on and turn off water of their clients. Arnold said the City Staff does not recommend this policy.

Council consensus was to leave as is - only City crews are to turn on and off water.

August 19, 1985

DISPOSITION OF OLD SALT SHED

City Manager Arnold reported the structure was not unsafe, but only suitable for cold storage. Demolition costs are anticipated at \$6,000 - \$8,000. He also said the shed site could not be used by downtown merchants for employee parking since this would be use of public property for private purposes. If we were to limit a part of the parking lot for designated parking we would have to accept public bids to lease the area and accept the high bid.

Public Works Director Fredrickson said 12 to 14 addition parking spaces could be acquired by tearing down the old shed.

Councilman Ramlow said he felt the city was pinching pennies now, and the shed should not be removed now. He was not apposed if the means were found for demolition.

Councilman Stephens suggested the Parking Commission tear down.

Motion Stephens, at no cost to the city, the shed be torn down after the new salt shed is built. Second Ramlow. All aye.

BURGLAR ALARM CODE SECTION REVISION.

City Manager Arnold explained the Police Department requested the new telephone alarm systems be incorporated into the city false alarm Ordinance. There is presently no penalty for the telephone systems. The Department feels they should have the same penalty for false alarms as the rest of the alarm systems connected to the central control board owned by the City.

Council turned this over to the City Attorney to draft and bring back next Council meeting for the First Reading.

EARTH STATION DISH (SATTELITE) ANTENNAS CODE SECTION.

City Manager Arnold presented a draft of Earth Station Dish (Sattelite) antennas. He asked Council for input so it could be referred to the Planning Board (Zoning Commission).

Councilman Stephens said the Lakeshore regulations needed to be addressed.

City Manager to redraft and forward to the Zoning Commission for their recommendation.

FRDO Annexation Application Fee.

The FRDO requested Council approval of \$175.00 annexation fee, to cover expenses.

Council approved this fee.

COMMITTEE REPORTS

Councilman Caciari reported the work on Memorial Park was completed, except for the sign.

City Manager Arnold said a sign would be designed for all the Parks.

Mayor Putnam commended John Kramer for the work he was doing on Mountain Trails Park.

Councilman Garrity requested a meeting with all department heads to iron out problems in the city.

Mayor Putnam reminded him all problems should go through the city manager, however, a work session could be held.

Councilman Boksich reported the house in the 200 block of Somers was dangerous. Public Works Director to check.

August 19, 1985 cont.

Art Morris voiced his objection to the proposed Day Care Center at 444 Central Ave. He said it would create a traffic hazard. Mr Morris would not be in town next Council meeting when this would appear on the Agenda.

Councilman Ramlow asked about the extension of seventh (7th) Street. (From Spokane Avenue).

Public Works Director Fredrickson said it would require a retaining wall and then start filling in. He said it could be designed this winter.

Councilman Caciari asked about the dirt piles at Riverside Park. Public Works Director explained the sweeper dumps the dirt there and it is hauled away, said they would try to find a different place to put the dirt.

Councilman Stephens commended the Railroad people that cleaned the River by Columbia Avenue Bridge. He said they did a fine job.

Mayor Putnam thanked Public Works Director Fredrickson for removing the stop light at the Central School, and asked him to stripe the streets.

The Mayor also said he had talked to County Commissioner Krueger about the hot mix on Wisconsin Avenue. Krueger said hot mix was the intent but the overlay they did cost \$100,000 so it would not happen this year. Mayor requested them to seal what was done but had no commitment.

Councilman Ramlow voiced concern on the lack of traffic control south of town in the area of the Mall.

City Manager explained the Highway Department had required the Mall to install a traffic light, felt this would be done soon.

Motion Ramlow to adjourn 9:08 P. M. Second Garrity. All voted aye.

James C. Putnam
Mayor

ATTEST:

Kay Baker
City Clerk

August 26, 1985

Mayor Putnam opened the meeting at 7:00 P.M. All councilpeople were in attendance except Boksich.

Also present were Street Foreman Wartnow, Water/Sewer Supervisor Acton, Asst. Police Chief Herrmann and Bart Smith editor of the Whitefish Pilot.

PURPOSE: WORKSHOP MEETING WITH CITY ADMINISTRATION AND DEPARTMENT HEADS.

Mayor Putnam explained he had called the meeting because of the concerns of Councilmembers and the complaints about department heads. Council was unhappy about things not being done and follow through control was poor. He said if any department head felt they did not want things aired publicly the session could be closed.

Councilman Garrity said he had complaints on the Police Department.

1. What the Police Chief duties are and what he accomplishes with his time.
2. Why some officers take longer coffee breaks than others.
3. Not enough walking on city streets.
4. What is status of the Detective car - if he had to pay tax on driving the car home, he stated it would be left at work.
5. What action had been taken of Sgt. VanHams letter of March 18, what had been done.

City Manager Arnold explained the Chief had just gone through a evaluation session with the Police Commission, and they were satisfied.

He was not aware they were abusing coffee breaks. Foot patrol was already being done and he had given Council a record of it.

The Detective car Council could set a policy to leave at the City.

Sgt. VanHam's letter-somethings were done and some were not.

Asst. Police Chief Herrmann further explained the importance of the Detective having his car at home. All his equipment is in the car and he should be one of the first people at the scene of the crime.

Councilman Stephens said he felt moral was low in the Police Department, however, he said footpatrol could pick-up Ordinance violations, such as reader boards and sign ordinance violations, etc.

Stephens recommended taking one activity a month and enforce. Crosswalk at 4th and spokane, speeding etc. He further stated the Citizens around city Beach shouldn't have come to the Council. Things like this should go through the City Manager and the Police should handle. Stephens suggested giving all city people a pat on the back if they do a good job.

Councilman Caciari said his concerns were with not enforcing Ordinances. He felt more footpatrol was necessary.

Mayor Putnam questioned why all patrolmen went to coffee at the same time. (Both patrolmen, Highway Patrol etc.)

Herrmann explained it did get out of control at times but this is a good way to get information on bad guys in the valley. Also Herrmann said some shifts don't even get coffee breaks or lunch, wanted Council to see both sides of coin.

Mayor accepted this explanation.

August 26, 1985 cont.

Councilwoman LaTourelle said she had complaints from citizens, that when they talked with City Manager they came out of his office more confused than when they went in. She also said after having a Committee meeting and decisions are made and put before the Council, other things crop^{up} and items have to go back to Committee. She felt City Manager should present all at Committee level. Also she said Communications and action haven't been done in a timely manner. She felt Council hired him to do the job, and whatever happens he is responsible. A lot of agenda items she felt should be handled by administration.

City Manager Arnold said he was sorry if he had confused people, other people say differently. He felt the reports had come back reasonably timely. He explained he had to answer to 27 different people, and prepare reports for all meetings. (He has meetings every night except Friday). Felt if everyone was aware of the hours he put in they would feel differently.

Councilman Stephens said he realized the City Manager liked the Council to make all the decisions, however, most should be done by the Administrator.

Councilman Ramlow said he wondered why Council was burdened by non Policy items. Suggested the City Manager make decisions and keep Council posted by memo's.

Mayor Putnam said large expenditures should come before the Council, but the Council should act as an appeal Board if the City Manager's decisions were questioned. The Mayor also said he understood why City Manager Arnold wanted Council to make decisions, and it was because of the criticism he heard about the previous City Manager.

City Manager Arnold agreed, but explained not everyone would be happy however, he was willing to try.

Councilman Stephens felt something should be done to improve the moral of the City employees, maybe an award or given praise publicly. He thought Council should take a positive approach. Councilman Ramlow agreed and suggested Department heads could keep Council informed if someone excels or receives an award.

STREET DEPARTMENT

Councilman Garrity question the number of dump trucks and pick-ups and number of employees. Garrity felt this department could utilize their time more constructively.

Councilman Stephens reported he had received comments from the public on one man working and two men watching, questioned why this was.

Mayor Putnam explained he had worked construction and understood this, (defended the water department crew also) mostly it was a safety procedure, if one man was in a ditch two should be watching for safety. He further said when you use the grader shovels are needed for areas the grader can't touch.

George Wartnow also said the Public never sees the six people, and six pieces of equipment needed to a^{do} job. All can't be used at one time.

Public Works Director Fredrickson reported he had put out a memo asking the employees to use discretion when working (look busy) this would make the public feel better.

Councilman Caciari requested public works to get the stripping done on Central Avenue before winter. He also commended crews for a job well done on Central Avenue.

August 26, 1985 cont.

WATER DEPARTMENT

Councilman Garrity commended Utility man, Mike O'Mary, felt he does a good job.

Councilman Stephens asked Greg Acton how much time he spent out in the field. Acton said about 60% of the time, however, he said the paper work was getting out of hand as the State reports are getting out of hand.

Councilman Ramlow asked why the boil order had not been lifted.

Acton said it would be about a month before equipment could be installed and tested, then it could be lifted.

The City Engineer job description was questioned. City Manager explained it was Public Works - City Engineer. Fredrickson reported the city did not need a licensed engineer for water/sewer, streets etc as long as we follow the states criteria.

Mayor inquired what the pay was geared to, Public Works or Engineer. City Manager said City Engineer.

Mayor Putnam said he felt we have good employees, but they need guidance - work force is no better than the supervisors. City Manager and Department Heads should give guidance and have work outlined out each day. It should be direct responsibility of Jack and Sid to see things are done in a timely manor. Requested the City Manager grab authority as City Manager and make decisions and be on top of everything at all times.

Motion Ramlow second Stephens to adjourn 8:40 P.M.



Mayor

ATTEST:



City Clerk

September 3, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:07 P.M. All Councilpersons were in attendance except LaTourelle.

Also present were Public Works Director Fredrickson, City Attorney Fisher, Police Chief Webster and City Manager Arnold.

MINUTES

Motion Ramlow to approve the minutes of the August 19, 1985, meeting. Second Garrity. All aye.

Motion Caciari to approve the minutes of the August 26, 1985, meeting. Second Boksich. All aye.

PUBLIC HEARING

The public hearing on closing the alley running east and west, Block 48 of the Original Townsite of Whitefish was tabled as the petition was withdrawn.

OLD BUSINESS

APPROVAL OF CENTRAL AVENUE PARKING

Councilman Stephens said the Parking Commission had met with Public Works Director Fredrickson on the options for angle parking on Central Avenue. 45° - 52° - 60° were considered and the Commission recommended the 52° angle parking which would allow 128 parking spaces.

Fredrickson reported the 52° angle would allow a 12½' driving lane.

After discussion it was moved by Stephens to accept the Parking Commission recommendation, and install the 52° angle parking on Central Avenue. Second Ramlow. All voted aye.

APPROVAL OF ARCHITECT'S CONTRACT FOR CITY HALL RESTROOM REMODEL

City Manager requested this be continued until the meeting of September 16th.

APPROVAL OF LANDSCAPE ARCHITECT'S CONTRACT FOR RIVERSIDE PARK.

This was continued until next Council meeting so Council could study.

FIRST READING ORDINANCE NO. 85-12, AMENDING MUNICIPAL CODE SECTION 5.34.050 (BURGLAR ALARMS).

Mayor Putnam opened the Public Hearing on the Ordinance amendment.

City Attorney Fisher explained this included electronic phone systems in the Violations - Penalties clause, for any person firm or corporation making use of burglar and/or fire alarm system connected to the central control board owned by the City.

There was no other comment and the Hearing was closed to the Public and turned over to the Council for action.

Motion Ramlow to adopt Ordinance No. 85-12, on the first reading. Second Garrity. All voted aye.

PUBLIC INPUT

Karen Moulder told Council Highway 93 South with addition of the Mall was extremely hazardous. She said it was impossible to cross the highway and felt the City should do something to improve conditions.

September 3, 1985 cont.

Mayor Putnam explained the City had no control over the highway, people should contact the State Highway Department. He also stated the City had tried to get the State to put controls in this area. It was suggested people contact Roy Duff, Highway Commissioner.

NEW BUSINESS

USE PERMIT - LORI AND RICK ADAMS to locate the Clear Skies Child Care at 443 Central Avenue.

City Manager Arnold explained the Flathead Regional Development Office recommended approval with nine (9) conditions, however, the Zoning Commission denied the Use Permit with a 4 to 2 vote.

Lori Adams gave her presentation as the Director of Clear Skies Child Care. She explained the North Valley Alliance Church Building was a perfect location because it was within walking distance of the Kindergarten and they could use Baker Park as additional play area. Adams reported they had revised their site plan to comply with the 10' setback on the north property line and two parking spaces would be utilized in the back. They had met with Asst. Police Chief Herrmann and this location would be safer for the children, than present location on Spokane Avenue. A fence would be installed on the North property line and play equipment would be installed on the south side of property. In concluding she said it would be to the best interest of the community to issue the Use Permit.

Mayor Putnam opened the Hearing to the Public.

People in favor of the Use Permit: Lori and Rick Adams, Nancy Hayes, Darrel Allyson, Jerry Higgins, Susan Sandlow, Joyce Emmert, Karen Molder, Wink Jordan, Diane Higgins, Jeff Harvey, Rita Crane, Susan Schwitzer, Velma Arvidson, Edwin Fields, Kevin Jones, Pam Torgison.

Letters in favor had been received from: Pastor Donald E. Heinrichs, Don & Joyce Emmert, Paula, Jones, and Edwin Fields.

The homeowners in the area were apposed to the Day Care. John Peterson, representing these people stated they were not apposed to the Day Care, they just did not want commercial, and felt with the new post office the traffic would be increased on both fourth and fifth streets, they did not want the added traffic of people dropping their children off and picking them up at the Day Care Center. He presented a petition signed by seventeen (17) homeowners protesting the Use Permit and requesting to be rezoned to single family or WR-2.

Art and Jean Morris also expressed concerns on locating the Day Care Center in this location.

Mayor Putnam closed the hearing to the Public and turned it over to the Council for action.

Council discussed the location, hours it would be open, parking etc. Mayor Putnam went over the nine (9) conditions as set by the FRDO. Most had already been met.

Councilman Caciari said he had mixed feelings in the matter, however felt they should be allowed to exerise their rights and be allowed to open.

Councilman Ramlow asked Erma Dedon, who would be the next door neighbor, and long time resident, what her concerns were. Mrs. Dedon questioned if the lot was big enough and wondered what would come later. She was concerned about the increased traffic to the area. Mrs. Dedon was interested in a zone change to stop Commercial in the area.

Councilman Boksich said the location was the most important thing and thought this use would be better than an apartment complex.

September 3, 1985 cont.

Mayor Putnam explained the Council would make their decision on the facts as they see them.

Motion Boksich to grant the Use Permit to locate the Clear Skies Day Care Center at 443 Central, with stipulation the recommendation of the FRDO be met with #9 reduced from 3 to 2. Second Caciari. Vince aye, Boksich aye, Garrity no, Stephens no, Ramlow aye. Motion carried with a 3 to 2 vote.

SPECIAL EVENTS PERMIT - Mountain Mall Grand opening Fireworks Display.

Motion Garrity to approve the Special Events Permit. Second Caciari. All aye.

RESOLUTIONS OF INTENT TO ANNEX.

Resolution No. R85-38, Resolution of Intent to annex Norman Nelson property, .25 acres in the Southeast one quarter of the Northwest one-quarter of Section Thirty-two Township Thirty-one North, Range Twenty West. To be Zoned WR-1.

Motion Stephens to adopt Resolution No. 85-38, a Resolution of the intention to annex the Norm Nelson property using the short form of annexation. Second Boksich. All voted aye.

Resolution No. R85-39, Resolution of Intent to annex Herb Knuth property, 16.7 acres Lot 1 of Section 1, Township Thirty North Range Twenty-two West and Government Lot 1 of Section 6, Township Thirty North Range Twenty-one West and the Northwest one-Quarter of the Northwest one quarter of Section 5. Also Known as Shady River Estates. Zoned as WR-1.

Motion Stephens to adopt Resolution R85-39, intent to annex the Herb Knuth property (Shady River Estates), using the long form of annexation. Second Garrity. All aye.

APPOINTMENT TO THE BOARD OF ADJUSTMENTS

Motion Stephens to appoint Bill Leonard (if he accepts) to the Board of Adjustments. Second Caciari. All aye.

TELEPHONE COMPANY EASEMENT AT CITY RESERVOIR

City Manager Arnold explained the Hydro Company needed the telephone company easement to put in equipment. All lines will be underground. City Attorney Fisher had reviewed the easement and approved it.

Council requested the easement include restoration of the road when construction is completed.

Motion Stephens to grant the Easement with stipulation the road restoration be included. Second Garrity. All voted aye.

PROPOSED ZONE CHANGE - Lot 1, Tract C, stocking Tracts.

Motion Stephens to set the zone change for hearing on October 7, 1985. Second Garrity. All voted aye.

COMMITTEE REPORTS

Councilman Garrity inquired about the water leaks at Park & 8th, and Skyles and Wisconsin. Public Works Director to check.

Councilman Ramlow expressed concern about no traffic controls on Hwy 93 South.

City Manager suggested writing a letter to the Highway Department, requesting signals.

September 3, 1985

Councilman Stephens said Businesses should put in a frontage road, and Dale Jessup suggested Two lights one at Baker Avenue and one at the Mall. Dorothy Hurd suggested bombarding the State with letters. City Manager to write the State.

Councilman Ramlow again asked when Seventh Street would be extended from Spokane Avenue to Kalispell Avenue. No date at this time.

Councilman Caciari asked status of intersection work First & Baker.

Fredrickson said the bids for the concrete work would be let at same time as Central Avenue paving, both areas would be done at same time.

Councilman Stephens requested to leave the State from September 7th until September 10th.

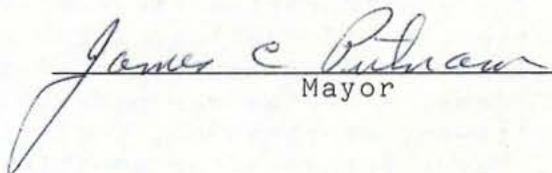
Motion Ramlow to allow the request. Second Caciari. All aye.

City Attorney Fisher suggested the City County Planning Board, or Zoning Commission state which capacity they are acting as, especially when writing the Council on decisions they have made.

Mayor Putnam requested to leave the State from September 21, until October 28.

Motion Ramlow to allow this request. Second Stephens. All aye.

Motion Caciari to adjourn 9:34 P.M. Second Boksich. All aye.



Mayor

ATTEST:



City Clerk

September 16, 1985

Mayor Putnam called the meeting to order at 7:00 p.m.. All Councilpersons were in attendance also present were Attorney Leo Fisher, Police Chief Louis Webster, Building Inspector Harry Berg and City Manager Jack Arnold.

Approval of Minutes

Motion by Councilman Ramlow and Seconded by Councilman Caciari to approve minutes of the meeting of September 3, 1985. All Aye.

Old Business

A. Remodeling Restrooms in City Hall: LaTourelle questioned the need for an Architect to draw up plans. City Manager Arnold explained that the cost was over \$10,000 and since Government monies are involved we need expert plans. After a lengthy discussion a motion by Stephens to hire an Architect to submit a set of plans and specifications only. Seconded by LaTourelle. All Aye.

B. Riverside Park. Susan Abell explained to Council that the Park Board only wanted to approve Phase I of Park Project. Bruce Boody explained to the Council about program and analysis of future needs. Motion by Boksich to accept the 1st phase at a cost of \$1800.00 and to be completed on or before December 31, 1985. Motion seconded by Stephens. All Aye.

C. Burglar Alarm Systems. Second reading of Ordinance 85-02. Motion by Stephens and by Garrity amending Section 5.34.050 of Ordinance A-300; Violation and penalties. All Aye. A motion by Councilman Stephens and seconded by Councilwoman LaTourelle to adopt present fines specified in Ordinance. Resolution 85-43. All Aye.

September 16, 1985 (cont.)

New Business

- A. Ordinance amending Parking on Central: Continued to meeting of October 7, 1985.
- B. Masters Green Tentative Map Extension: Motion by Stephens to grant a 1 year extension of the Tentative Map of Masters Green. Seconded by Councilman Garrity. All Aye.
- C. Resolutions of Intent to Annex. Motion by Councilman Stephens, seconded by LaTourelle to pass Resolution 85-40; 85-41; and 85-42, intent to annex the Owen and Evelyn Grinde, Jeff and Evelyn Johnson, and Jay Cook properties. All Aye.
- D. Food Bank Request. Wendell Dunn presented a letter of approval to place the building on the park land behind the Golden Agers Building from Riley Pleas. June Munski explained the need for the food bank. Mayor Putnam explained the need to preserve the land for a Park. Mayor Putnam asked for a motion. Request was disallowed for lack of a motion.
- E. Interlocal Agreement with County Water and Sewer District was deferred to October 7 meeting.

COMMITTEE REPORTS

Ramlow asked that the issue of Clear Sky Day Care Center be reopened for consideration since there was not a full council at the September 3rd meeting. After comments from the Council and questions asked of residents of the neighborhood and Lori and Rick Adams, a motion was made to grant Use Permit. Ramlow-yes, Garrity-no, Stephens-no, Caciari-yes, LaTourelle-no, Bok-sich-yes. Mayor Putnam after questioning all interested parties and considerations. Voted no. Use Permit denied.

Councilman Garrity commented on the trees on corners blocking the street vision of motorists and the hedge at the cemetery not trimmed uniformly.

Councilman Boksich informed the Council on the Kiwanis Park tree planting and seeding.

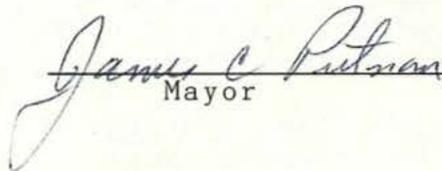
Councilwoman LaTourelle commented on Don Gray's water line, The City will replace the line between 7th and 8th Street with a 10 to 12 inch pipe and an agreement will be drawn up with Mr. Gray to replace the service line to his house with copper pipe as required by Code to the main by December 1, 1985. Meter will be placed at the stub if he doesn't comply.

Attorney Fisher reminded Council members that Manager Arnold will be attending the Municipal League meeting in Missoula September 18th, 19th, and 20th and if anyone wanted something brought up, they should contact Jack or Pat LaTourelle.

Motion by Stephens and seconded by Garrity to allow continuance of the Use Permit for Mountain Mall. All Aye.

Motion by Stephens and seconded by Garrity to allow Glacier Orchestra to hang a banner for Special Events on October 12; March 8th; and April 19th. All Aye.

Motion by Caciari and seconded by Garrity to adjourn meeting. All Aye. Adjourned at 9:10.


Mayor

ATTEST:


City Clerk

October 7, 1985

Deputy Mayor Caciari opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilmembers were in attendance. Mayor Putnam was absent.

Also present were Building Inspector Berg, Police Chief Webster, Water/Sewer Superintendent Acton, City Manager Arnold, Engineer Wells and City Attorney Fisher.

MINUTES

Motion Garrity to approve the minutes of September 16, 1985. Second Boksich. All voted aye.

PUBLIC HEARINGS

RESOLUTION NO. R85-45, Annexing the Norman Nelson Property.

Deputy Mayor Caciari opened the Public Hearing, and as there was no Public comment the Hearing was closed to the Public and turned over to the Council for comment and action.

Councilman Garrity asked if property owner had donated land for the roadway. City Manager said Mr. Nelson had been promised water and sewer by former Mayor but no roadway had been anticipated.

City Attorney Fisher said he helped subdivide Shareview and the alley was intended for a future street, half was donated for the street at that time and future annexations on the East were to donate half.

Motion Garrity to continue until the next Council meeting to investigate possibility of obtaining the roadway. Second LaTourelle. All aye.

RESOLUTION NO. R85-39, Annexation of the Herbert E. Knuth property and consideration of the proposed Shady river Estates Subdivision. 16.7 acres located east of the Whitefish River and southwest of Voerman Road in portions of Section 1, Township 30 North, Range 22 West; portions of Sections 5 and 6, Township 30 North, Range 21 West; and portions of Sections 31 and 32, Township 31 North, Range 21 West.

Deputy Mayor Caciari opened the Public Hearing.

Herb Knuth presented his plan and requested preliminary plat approval to subdivide the 16.7 acres of land described above, into 22 single family lots with a maximum lot size of 1.33 acres and minimum lot size of 0.28 acres, at an overall density of 1.3 units per acre. (Known as Shady River Estates).

City Attorney Fisher read the annexation report, and FRDO and City County Planning Board recommended approval with twenty (20) Conditions per letter of September 25, 1985.

City Manager Arnold explained utilities would have to be worked out.

Speaking for the annexation were: Tim Fox, Shawn Wilcomb and Cliff Emerson.

Caciari closed the Hearing to the Public and turned over to the Council for discussion and action.

After discussion the Deputy Mayor turned over to the Land Use Committee to study and bring back recommendation to the next Council Meeting. Decision would be made at this time.

October 7, 1985

RESOLUTION NO. R85-47, OWEN GRINDE ANNEXATION

Lot two and N $\frac{1}{2}$ lot 1 Block 6 and Lot 3 and 2 ex rd Block 5, Lake Park Addition.

RESOLUTION NO. R85-48, Jeff and Evelyn Johnson Annexation.
Lot 3 in Block 6 and Lot 4 except SW 70 feet of Block 5 in Lake Park Addition.

Deputy Mayor Caciari opened the Public Hearing on the two annexations.

City Engineer Wells reported he was doing a study of the sewer line in this area. He was sure the line would accommodate the two annexations but felt a study was necessary to see how many more could be hooked onto this line.

There was no further public comment and Deputy Mayor Caciari closed the Hearing and turned over to the Council to discuss and take action.

Council discussed the water line, road maintenance etc. Requested the Resolution include garbage would remain private.

Motion LaTourelle to continue until after the Committee hearings and until there is a plan on extension of services to the area. Second Garrity. All aye.

ANNEXATION OF THE Jay Cook Property, Corner of 7th Street West and Scott Avenue.

Tabled until later date as property is not contiguous at this time.

PROPOSED ZONE CHANGE FROM COUNTY R-2 to WLR for Lot 1, Tract C, Stocking Tracts.

Deputy Mayor Caciari opened the Public Hearing and as there was no comment he closed the Hearing and turned over to the Council for action.

Motion Stephens to Adopt Resolution # R85-49, rezoning Lot 1, Tract C, Stocking Tracts from County R-2 to City WLR (One family limited residential District). Second LaTourelle. All aye.

OLD BUSINESS

GOLDEN AGERS - RE: Food Distribution Building.

At the September 16, 1985, Council Meeting a request to place the Food Distribution building behind the Golden Agers Building. This request died for lack of a motion.

Mildred Harris, speaking for the Golden Agers said the building had been donated, Riley Pleas would allow placement of the building on the property, the Golden Agers were in favor of this location as they would volunteer time to help run the food bank. She said the Park Improvements proposed by the Kiwanis would not interfere with the placement of the building. This location was preferred over the Soroptimist lot at Lupfer and 1st street.

Jean Carter said there was not enough room on the Soroptimist lot for the Food Bank.

June Munski said Building Inspector Berg said they would have to have a Variance as the building would not meet setbacks on this lot. She emphasised the need for the Food Bank.

October 7, 1985 cont.

Deputy Mayor Caciari said that at the last meeting, the Council did not have courage enough to make a Motion, he said every County, City and Town were doing something for the needy, and asked Council to reconsider the issue. Caciari was in favor of the building being placed behind the Golden Agers if they painted it and replaced the roof.

Councilman Garrity asked if they would assume all liability of the building.

City Manager said it would be a city building and city would be liable for it.

City Attorney Fisher explained if the building should be abandoned they could not be forced to remove the building, he felt the city insurance should be looked into.

Councilman Boksich asked why they did not share the Soroptimist building. June Munski said the Soroptimist want it separate.

City Attorney Fisher explained the Land was donated to the City for Park purposes only and that the city could lose the land if the park was not constructed.

Building Inspector Berg told Council they had the authority to grant the Variance needed to place the building on the Soroptimist lot. Page 9 #7 of the Zoning Regulations.

Councilman Stephens was not in favor of the Golden Agers location for the building, and was concerned about owning another building. He felt the Soroptimist lot was the most favorable, so the two could work together. He said he favored giving the variance.

Councilman Ramlow felt the city should make provisions somewhere.

Motion Caciari to let the Food Distribution Association put the building on the South end of the Golden Agers Building, with previously outlined conditions. (building be painted and new roof put on) and also City waive fees for the sewer and water tapping fees. Second Ramlow. LaTourelle no, Stephens no, Boksich no, Garrity aye, Ramlow aye, Caciari aye. This was a 3 to 3 vote so Motion was defeated.

Motion LaTourelle to continue discussion until we here from Soroptimists and talk to the Building Inspector on placement of the building, and review fully. Second Stephens. All aye.

ORDINANCE NO. 85-14 - First Reading amending Municipal Code Section 10.52.030 (Parking on Central Avenue)

Councilman Stephens reported the Parking Commission recommended the following changes to the proposed amendment. on line #5 instead of: parking on Central Avenue between Railway Street and Third Street - change to Fourth Street, and instead of the 52 degree to 45° between Third Street and Fourth Street.

Motion Stephens to adopt Ordinance #85-14, with the above amendments. Second Ramlow.

City Attorney Fisher explained that if this was incorporated into the Ordinance it would have to be enforced and the street between 3rd and 4th would not be completed until possible spring.

Ramlow removed his second and Stephens recinded his motion.

Deputy Mayor Caciari opened the Public Hearing.

Ken Stein and Bruce Ireland questioned length of parking spaces and small car parking.

Caciari closed the Hearing and turned over to the Council for action.

October 7, 1985 cont.

Motion Stephens to adopt Ordinance No. 85-14, on the first Reading. Second LaTourelle. All aye.

AGREEMENT WITH WHITEFISH WATER AND SEWER DISTRICT

Councilwoman LaTourelle requested this be tabled until after the meeting, Monday, October 14.

PUBLIC INPUT

USE PERMIT TO locate Clear Skies Child care at 205 & 243 Central. Dan Johns, Attorney for Clear Skies Child Care, approached Council on what he said was a delicate matter. He said the "Use PERmit" had been reviewed by the Flathead Regional Development Office, the City County Planning Board had held a Hearing and the City Council on September 3, 1985, held a Hearing and voted 3 to 2 to allow the Use PERmit. On September 5, 1985, the Zoning Administrator sent a letter stating the Use Permit had been granted and enclosed conditions set by the City Council. Then on September 16, 1985, under Committee Reports Councilman Ramlow brought this back to allow the full Council the right to vote as Councilwoman LaTourelle was absent at the September 3rd meeting, The vote at this meeting was three (3) affirmative votes and three (3) no votes with Mayor Putnam breaking the tie by voting no. the Use Permit was denied. He requested Council recind the action of the 16th meeting and go back to the action of September 3rd. The Adams had been issued the Use PERmit, and had contacted their contractor to draw up changes to the church building, thus causing a hardship.

Johns requested Council make decision before the 16th of October, as this was deadline to take it to court.

Councilman Caciari suggested putting in the hands of attorneys.

City Attorney Fisher said Johns had valid points.

Special council Meeting was set for Friday, October 11, 1985, at 4:00 P.M. in the Council Chambers.

NEW BUSINESS

AWARD BID ON ASPHALT OVERLAY - CENTRAL AVENUE, 3RD TO 4th Street, Curb and Sidewalk on Central Avenue 3rd to 4th Street and curb and sidewalk on Baker Avenue, 2nd Street to Railway.

Two bids were received:

Pack & Co. \$48,120.70

American Asphalt \$44,738.75

City Manager recommends award bid to low bidder but qualify paving for suitable weather conditions.

City Engineer Wells suggested waiting until April to proceed with this work.

After discussion it was Moved by Caciari to award the bid to American Asphalt (low bid) if the Contractor would accept extension until April. Second Stephens. All aye.

SUMMER RECREATION REPORT

Karen Zwisler gave a summary of the Summer Recreation Program and felt it was a success. She gave Council a written report and said if there were any questions to contact her.

CONFIRMATION OF Appointment of Rodney C. DeVall and Lester Norman as Police Officers

City Manager Arnold and Police Chief Webster both recommended the two appointments.

City Attorney Fisher said their office highly recommended the two officers.

October 7, 1985 cont.

Motion Ramlow to approve the appointment of the two Officers, Rodney C. DeVall and Lester Norman, as full members of the police department. Second Garrity. All aye.

POLICE CAR REPORT

City Manager reported Corporal Brown was driving one of the patrol units and approached second Street railroad crossing when the automatic signal/crossing arm malfunctioned. Brown accelerated the unit to avoid the descending crossing arm, and the unit bottomed out causing the tracks to damage a frame cross member. Damage to the unit was \$712.76. ARnold felt the driver was not negligent, and in regards to the propriety of the Police Department using the Second Street crossing in their patrol pattern he feels it is proper, especially considering the newly annexed area along East Edgewood Drive.

Council discussed the Police going into the county and also picking up officers for work.

Councilman Garrity said City Manager should set policy on issues. He also was apposed to police going outside city limits.

Sgt. VanHam reported the BNRR claim Agent was to meet with him and verbally said they would pay for the damages as the signal was defective.

Council accepted the City Managers Report and no action was necessary.

SPECIAL EVENTS PERMITS

1. Whitefish Community Theatre - Fieste Days October 8th
Play Nov. 8th thru Nov. 30th.
2. Whitefish Downtown Association - Fiesta Days Oct. 12th
3. Downtown Association - Noel sign on Spokane Avenue

Motion Boksich to approve the three Special Events Permits. Second Garrity. All voted aye.

ELECTRIC WIRING FOR MEMORIAL FIELD CONCESSION BUILDING.

Councilman Caciari reported the American Legion had authorized Gesek Electric to rewire the concession building, however, he said it definitely needed to be done. The Legion said if the city would not pay the bill they would, however, they were out of funds. The bill was for \$543.12.

Councilman Boksich said the city should pay the bill, however, the American Legion should be informed procedures should be followed from now on and they must come before the Council.

Motion Boksich to pay \$543.12 to Gesek Electric for the work done at Memorial Field. Second Ramlow. All voted aye.

Councilman Stephens requested Building Inspector Berg inspect the Little League Field buildings to see if wiring, etc. is alright.

APPOINTMENT TO FLATHEAD COUNTY SOLID WASTE

City Manager reported the Flathead county Solid Waste needed a City appointment to their board.

Motion Stephens Second LaTourelle to appoint City Manager Arnold to this Board. All aye.

October 7, 1985 cont.

COMMITTEE REPORTS

Councilman Caciari reported receiving complaints about sewer being dumped into the Lake at Bay Point because of the cabins not being on sewer. He felt something should be done and proposed that a Resolution be drawn up and delivered to Russ Street giving him 30 days to connect the cabins.

Motion Stephens to adopt Resolution No. R85-50, giving Russ Street thirty (30) days from date of notification to hook the cabins onto the sewer. Second Garrity. All voted aye.

Councilwoman LaTourelle question City Manager and City Attorney on Policy of reversing a Motion and why notifications were sent out, she felt notifications should be delayed until after the next Council meeting in case Motions were reversed.

Councilman Stephens said Motions should only be reversed for legitimate reasons, but felt shouldn't tie hands of the Council by sending material out too early.

Council would consider and bring back next Council Meeting.

Councilman Stephens reported he had received several inquiries on placement of Garbage containers especially on Wisconsin Ave. Suggested advertising in the Pilot correct placement of the containers.

Stephens also asked status of County funds to repave Baker Ave. (middle of block thru intersection).

City Engineer said the county had closed down asphalt plant. City Manager said hopefully in the spring this street would be done.

Councilman Caciari reported he had talked to Commissioner Jacobson and he said they would put another layer of asphalt on Wisconsin in the spring.

Councilman Garrity asked City Manager if we were keeping job orders (on time spent, gas mileage, etc) when send people out to work. City Manager said no. Garrity said this should be started and kept track of.

Councilman Ramlow said he felt letter should be sent to the Highway Department addressing the light at Mountain Mall. He said one light would increase the traffic problem, a light was also necessary in the Baker Street Area.

Councilman Boksich agreed that two traffic lights were necessary, one at Mountain Mall and one to control traffic from Columbia Ave. Baker, Safeway, etc.

City Manager suggested writing the Highway Department and asking them to do a study, or we could do an inhouse study and then report to the State.

Councilman Ramlow emphasised importance of making Seventh Street a through street. He said the city already has the easement needed and with the school, housing development, etc. this is a legitimate reason to punch through.

Councilman Stephens said this would take pressure off Columbia Avenue.

Council set for Public Hearing on November 18, 1985.

City Manager requested Council to set for Hearing the amendments to the Zoning Ordinance.

Motion Stephens the Amendments to the Zoning Ordinance be set for Public Hearing on November 18, 1985. Second Ramlow. All aye.

October 7, 1985 cont.

Water/Sewer Supervisor Acton requested the Water Committee to put contract of CH Hill on their agenda. Committee should act on.

Acton also reported the Interceptor sewer plan should be approved by the State by the end of the month.

Motion LaTourelle second Ramlow to adjourn 10:16 P.M. All aye.

Luigi Caciari
ACTING Mayor

ATTEST:

Kay Belle
City Clerk

October 11, 1985

Acting Mayor Caciari called the Special Meeting to order at 4:00 p.m. on October 11, 1985. Councilmen present were Boksich, Caciari, Garrity, Ramlow and LaTourelle. Councilman Stephens and Mayor Putnam were absent.

Also present were City Manager Arnold, City Attorney Fisher and Building Inspector Berg.

Acting Mayor Caciari stated there would be no public hearing since the hearings had already been held at earlier dates. Asked the Council to think carefully about any decision they make and if they have done wrong to swallow their pride and correct it.

Caciari asked Attorney Fisher for his findings on the Use Permit for Clear Skies Day Care. Fisher said the Use Permit was granted at the September 3 meeting and the law says once the permittee has had vested interest then you can't revoke it. Fisher stated that Mayor Putnam had questioned the Adams' about any investments they had made before he had voted. Fisher said the Council could not revoke the permit if they had not given the permittee notice of possible change in status of the permit. He stated the Council had two options they could leave permit or rescind the September 16 decision. He stated that either way the permittee's or the neighbors could seek an injunction.

Attorney Dan Johns told the Council that the Adams had done alot of ground work after the September 3rd meeting. He felt the permit "Findings of Fact" were met, there were no new "Findings of Fact" at the September 16 meeting. He felt the Adams had acted in good faith and they just wanted to correct a wrong. Johns said it was a permitted use and the Adams met all the conditions and felt they could not be denied the use because of the neighbors.

After discussion among the Council, Councilman Boksich motioned to rescind the permit of September 16 and to reinstate the Use Permit of September 3. Councilman Ramlow seconded. Ramlow-Aye, Garrity-No, Boksich-Aye, LaTourelle-No, Caciari-Aye.

Motion Carried.

Attorney Fisher apologized for not informing the Council on the need to inform permittee of the September 16 meeting.

Food Bank

City Manager Arnold informed the Council that the Soroptimists have given their permission for the placement of the Food Bank on their property. He feels the Soroptimist location is better than the Golden Agers.

At this time Councilman Stephens arrived.

Consensus of Council was that the Plant Investment Fees would not have to be paid because there had been a water and sewer

October 11, 1985 (cont.)

line to the property previously.

Councilwoman LaTourelle motioned to approve the variance on the food bank. Councilman Stephens seconded. City Manager Arnold asked Building Inspector Berg if rear and side yards are okay. He replied yes. All Aye. Motion carried.

Councilman Ramlow motioned to adjourn, Garrity seconded. All Aye. Meeting adjourned at 4:35.

Thuci Caciari
Acting Mayor

ATTEST:

Kay Belle
City Clerk

October 21, 1985

Deputy Mayor Caciari opened the regular meeting of the Whitefish City Council at 7:00 P.M. on the above date. All Councilpersons were in attendance. Mayor Putnam was absent.

Also present were Water/Sewer Supervisor Acton, Street Foreman Wartnow, Building Inspector Berg, City Engineer Wells and City Attorney Fisher.

MINUTES

Motion Ramlow to approve the Minutes of October 7, 1985, and October 11, 1985. Second Garrity. All voted aye.

PUBLIC HEARING

ORDINANCE NO. 85-15, Amendment of Subdivision Regulations to include procedures for review of divisions of land 20 acres or larger as mandated by H.B. 0791.

Deputy Mayor Caciari opened the Public Hearing but after discussion it was Moved by Stephens to continue the hearing until next Council meeting. Second LaTourelle. All aye.

Caciari turned over to City Attorney Fisher and the Land Use Committee to study and bring back next Council meeting.

OLD BUSINESS

RESOLUTION NO. R85-45, annexing the Norm Nelson property, .025 acres (N.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ of Section Thirty-two (32), Township Thirty-one North, Range Twenty one West. Zoned WR-1 Single Family Residential.

Councilman Stephens reported the Land Use Committee would like Mr. Nelson to extend subdivision line north to Second Street with a boundary adjustment creating two lots, with deeded right of way to continue Third Street and connect to Fourth Street, and give portion of land back that is not used.

Norm Nelson requested to annex the small portion now and said he would annex the rest of the property as soon as possible. He would do the boundary line adjustment at that time. He also stated he would give Council whatever they needed to proceed with the annexation.

City Attorney Fisher said if Council would annex now they would have to take Mr. Nelson's word that he would petition to annex remainder of property and make boundary adjustment.

October 21, 1985

After discussion it was Moved by Stephens to adopt Resolution No. R85-45, annexing the one (1) lot, provided the road right of way-the north boundary of Third Street (3rd) meet with existing right of way. Annexation would be effective immediately. Second Boksich. All voted aye.

Mr. Nelson presented the Clerk with a petition to annex the adjacent lot and requested an Intent to annex 2.246 acres, SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 31N, Range 21W.

Motion Stephens to adopt resolution No. R85-53, intent to annex the above stated property of Norm Nelson using the short form of annexation. Second LaTourelle. All voted aye.

RESOLUTION NO. R85-44, Annex Shady River Estates (Herb Knuth) 16.7 Acres of land located east of Whitefish River and Southwest of Voerman Road in portions of Section 1, Township 30 North, Range 22 West; portions of Sections 5 and 6, Township 30 North, Range 21 West; and portions of Sections 31 and 32, Township 31 North, Range 21 West.

Motion Stephens to adopt Resolution No. R85-44, annexing the Herb Knuth property zoning to be WR-1 and annexation to be effective immediately. Second Boksich. All aye.

PRELIMINARY PLAT APPROVAL SHADY RIVER ESTATES

Councilwoman LaTourelle reporting for the Water/Sewer Committee said they recommend the sewer line be extended from the City interceptor line across the development to a point agreeable to the City Staff. They also recommended Knuth extend a 12" water line from Park Avenue to a point agreeable to the City Staff.

After discussion it was Moved to accept the Committee recommendation on both the sewer and water extensions with the water line to be at least a 10" line. Second Stephens. All aye.

Councilman Stephens reported for the Land Use Committee, He said the Committee approved the subdivision with the following conditions.

- 1., The drainage, sewer, and water plans meet the approval of the City of Whitefish and the State of Montana Department of Health and Environmental Sciences.
2. All required improvements be completed prior to the approval of the final plat or a subdivision improvements agreement be entered into between the applicant and the City of Whitefish at the time of final plat application to secure the successful completion of any uncompleted improvements.
3. Cash in the amount of \$5,195 be accepted in lieu of parkland dedication and shall be so certified on the face of the final plat.
4. A detailed drainage plan providing for run-off calculations, settling of sediments, and storm water retention facilities be submitted. Drainage for Lots 102 - 118 be submitted and approved by the Whitefish City Manager before approval of final plat.
5. The covenants be amended to include temporary erosion and sedimentation plans to be implemented during construction. These plans shall meet the approval of the City of Whitefish prior to the final plat.
6. A 10' strip be left on each side of Cow Creek to protect stability and handle water run-off. This wording shall be included in the covenants.
7. All retention ponds and water bodies shall be placed in drainage easements. A minimum width of ten (10) feet is required by Section 111.A.14 of the Whitefish Subdivision Regulations.
8. Permits be obtained from the Flathead Conservation District where applicable.
9. The proposed intersection of Shady River Lane with Voerman Road be approved by the County Commissioners.

October 21, 1985 cont.

10. Shady River Lane shall be a public street with pavement width and other specifications to be approved by the City Manager and shown on the final plat.
11. All common areas including the Homeowners' Park, boat ramp, retention basins and drainage facilities be maintained by the Homeowners' Association and/or the developer. The covenants shall be amended to reflect this change.
12. All utilities shall be underground.
13. Delete
14. The applicant enter into an agreement mutually acceptable to both the city of Whitefish and himself to extend water from the present city mains down park Avenue to East boundary of Shady Lane. Sewer line extension to point on east boundary as determined by City Staff.
15. The cost of extending water and sewer lines to serve the subdivision be borne by the applicant.
16. The covenants be amended to include the statement that all amendments to the covenants be approved by the City Council and that the covenants be recorded with the County Clerk and Recorder's Office.
17. All delinquent taxes be paid prior to final plat approval.
18. Lot and block numbers be put on the face of the final plat in accordance with Appendix B, Section 2.C of the Whitefish Subdivision Regulations.
19. A variance be granted on the lots which do not comply with Section 111.A.6f of the Whitefish Subdivision Regulations which states that no lot shall have an average depth greater than its average width. Lots 109, 111, and 113 do not meet this requirement.
20. A 40' construction and 20' maintenance easement be shown on the final plat, for river interceptor.
21. 10' public easement agreed to and provided along Cow Creek and shown on final plat.
22. No construction will be allowed in the old or new sewer easement along the river except Lot 125 and this setback will be established by final plat approval.

The Committee also recommended approval of the reports and Finding of Facts of the Flathead Regional Development Office.

Motion Stephens to approve the Preliminary Plat with the above conditions as stated and include the findings of fact of the FRDO. Second LaTourelle. All aye.

ORDINANCE 85-14 - Amending Municipal Code Section 10.52.030 (Parking on Central Avenue) - Second Reading.

Deputy Mayor Caciari opened the Public Hearing and as there was no comment the Hearing was closed and turned over to the Council for Action.

Motion Garrity to adopt Ordinance 85-14 on the second reading. Second Stephens. All voted aye.

AGREEMENT WITH WHITEFISH WATER AND SEWER DISTRICT.

The Water/Sewer Committee recommended approval of the Agreement.

Motion Ramlow to approve the agreement. Second Garrity. All aye.

STERLING INVESTMENTS - REQUEST FOR ONE (1) YEAR EXTENSION LAKESHORE CONSTRUCTION PERMIT.

Hank Starno, representing Sterling Investments explained there would be no changes to the original application.

City Attorney Fisher checked the Municipal Codes and as one (1) extension had been allowed the Council could not give another extension. They would have to complete another application.

October 21, 1985 cont.

PUBLIC INPUT

Hank Starno wondered if Street identification signs would be put up in the near future. Councilman Caciari explained the City had already started a program to replace the street signs.

APPROVE DESIGN OF PARK IMPROVEMENTS AT GOLDEN AGERS SITE BY KIWANIS CLUB.

The design has been approved by the Park Committee, Golden Agers and Kiwanis Club.

Susan Abell explained the Golden Agers approved but would like the shrubs facing Second Street excluded as they did not want anything blocking view coming out of the parking lot.

Motion Boksich to approve the Site Plan minus the shrubs, fronting Second Street. Second LaTourelle. All aye.

REQUEST OF LAKEVIEW RESORT FOR A PROPERTY TRADE BETWEEN THE City of Whitefish and Burlington Northern as regards to the Edgewood Drive Right-of-way.

David Lone, Lakeview Resort representative explained they would like the City of Whitefish to trade the right of way designed for Edgewood Road, for Burlington Northern property that is presently being used as roadbed for Edgewood Road. They would like to clean up the area, both from a legal and physical point of view.

City Attorney Fisher said Edgewood Drive had been there for forty (40) or fifty (50) years and the Burlington Northern can not move the road.

Councilman Stephens proposed giving an agreement to them allowing them to clean up the area.

City Manager to draft a proposal.

APPOINTMENT TO THE BOARD OF ADJUSTMENTS.

Motion LaTourelle to appoint Mark Svennungsen to the Board of Adjustments. Second Stephens. All aye.

RESOLUTION NO. R85-51, authorizing application for Land and Water Conservation fund Assistance.

Deputy Mayor Caciari opened the Public Hearing on Riverside Park.

The total estimated cost is \$75,000.

Description of Project: Grade site, landscape site, pave parking lot, install restroom building and connect to water and sewer, install irrigation system and resurface tennis courts.

Susan Abell, explained the Park Board was in favor of applying for the funds.

The Hearing was closed.

Motion Boksich to adopt Resolution No. R85-51, authorizing application for Land and Water Conservation fund assistance. Second Ramlow. All voted aye.

October 21, 1985 cont.

RESOLUTION NO. R85-52, authorizing application for land and water conservation fund assistance for Mountain Trails Park.

Total Estimated Cost \$66,000.00.

Description of project: Construct restroom building and connect existing building and restroom building to water and sewer lines, construct covered area to serve as ice rink in winter and picnic shelter in summer, construct playground with equipment and install irrigation system.

Deputy Mayor Caciari opened the Public Hearing and as there was no comment he closed the Hearing and turned over to the Council for action.

Motion Boksich to adopt Resolution No. R85-52, authorizing the application for land and water conservation fund assistance for Mountain Trails Park. Second Stephens. All voted aye.

Susan Abell said the matching money would come from Park in lieu of money and donations.

AMENDMENT TO ENGINEERING AGREEMENT WITH CARVER ENGINEERING, INC.
on sewer transmission line and lift station.

The amendment would increase compensation by \$7,800. From \$77,314.00 to \$85,114.00.

Motion LaTourelle to approve the amendment dated October 14, 1985. Second Stephens. All voted aye.

WATER MASTERPLAN CONTRACT WITH CH2M HILL ENGINEERING.

City Attorney Fisher had reviewed the contract and recommended three changes. 1. Need address of CH2M Hill. 2. on page 4, the interest rate of 1½% not reasonable and should be changed to 1%. 3. Page 4, payments - should include net 30 days.

The Committee further recommended the following changes. Page 6 D. Onsite representative and E. Onsite responsibilities should be deleted totally as they do not apply to this contract.

Page 8. I. Record Drawings - word RECORD should be deleted and at the end of paragraph "of others" should read "from the City".

Also recommended the Master Plan fee estimate to be the one which included two sampling sites on the Lake but wanted option to delete the two sampling sites if we want to. Total project cost estimate would be \$53,700.

The Committee voted unanimously on the above recommendations.

After Council discussion it was Moved by LaTourelle to approve the Contract with CH2M Hill Engineering with the above stated changes. Second Stephens. All voted aye.

PHOSPHORUS REMOVAL.

Water/Sewer supervisor Acton explained the three (3) Alternatives

- | | |
|------------------------|-----------|
| 1. Total Capital Cost | 1,504,000 |
| Annual cost to operate | 129,070 |
| 2. Total Capital Cost | 1,608,800 |
| Annual Cost to operate | 142,408 |
| 3. Total Capital Cost | 1,352,100 |
| Annual Cost to operate | 146,230 |

He recommended Alt. #1.

October 21, 1985 cont.

Acton said the State would provide 75% of the construction costs if the City proceeds now, however, he was going to check on possibility of an 85% Grant.

Acton recommended submitting the Compliance Schedule which is due by December 2, 1985, and if the City decides not to proceed it can be stopped.

Council expressed concern that the Legislature mandated the Communities in the flathead to restrict emission of phosphorus but did not give any guidelines. Council felt there should be a Public Hearing so citizens of Whitefish could be informed on the issue.

Bart Smith suggested investigating before holding the Public Hearing. He felt a meeting with Representatives would be in order before going to the public.

After lengthy discussion Deputy Mayor Caciari appointed Stephens and LaTourelle to meet with Representatives Brown and Cohn, and bring back next Council meeting.

FINANCIAL AND BOND CONSULTANTS.

The City Administrator requested the Administration and Finance Committee initiate the selection procedure for Financial and Bond Consultants for long term financing of Sewer Transmission Line and Lift Station, Phosphorus Removal and Water Treatment Plant.

Motion Ramlow the City Administrator proceed and put out for bids for the Bond Consultants. Second Stephens. All aye.

COMMITTEE REPORTS

Councilman Caciari reported City Attorney had prepared the Resolution on Bay Point but owner was out of town, it would be delivered this week.

Councilman Stephens reported the striping on Central Avenue was just about complete. The compact car spaces were still to be done and also the parking line. City Crews would complete this portion of the project.

Councilman Boksich said that when the city closes streets for any reason, people should not receive parking tickets. He further explained that when Central Avenue was closed the Metermaid issued tickets, however, concessions were made in the Judges office.

Councilwoman LaTourelle asked about leaf pick-up. Street Foreman Wartnow said people should call the city and crews would pick up the leaves.

Council felt this should be advertised in the Pilot.

Motion Garrity Second LaTourelle to adjourn 10:04 P.M. All aye.

Donie Caciari
ACTING - Mayor

ATTEST:

Kay Baker
City Clerk

November 4, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were Water/Sewer Supervisor Acton, Building Inspector Berg, Asst. Police Chief Herrmann, City Manager Arnold and City Attorney Fisher.

MINUTES

Motion Caciari to approve the minutes of October 21, 1985. Second Garrity. All voted aye.

PUBLIC HEARINGS

RESOLUTION NO. R85-47 - ANNEXATION OF Owen and Evelyn Grinde property, Lot 2 and N $\frac{1}{4}$ of lot 1 of Block 6, and Lots 2 and 3 EX RD of Block 5, Lake Park Addition.

City Manager Arnold described the location of the property and explained to the Council they should consider how far they want to allow individual hook-ups to the 3" sewer line in this area.

Water/Sewer Supervisor Acton said in order to best utilize the 3" sewer, all the people in the area should annex and form a SID to install one lift station. The line could handle 20 additional hook-ons.

Mayor Putnam opened the Public Hearing and as there was no public comment the hearing was closed and turned over to the Council for action.

Councilman Stephens recommended the line for annexation be drawn from the Jeff Johnson property (west side), from this point there would be no annexations unless the whole area annexed and funded a gravity lift station.

Council also wanted both Grinde and Johnson to work together on using a common lift station.

Motion LaTourelle to adopt Resolution No. R85-47, annexing the Grinde property (Lot 2 and N $\frac{1}{2}$ of lot 1 of Block 6, and Lots 2 and 3 EX RD of Block 5, Lake Park Addition) with the stipulation they provide a 10' easement through the property per the water/sewer department, and there be a combined lift station with the Johnson property. Second Stephens. all voted aye.

RESOLUTION NO. R85-48, ANNEXATION OF JEFF AND EVELYN JOHNSON. Lot 3 in Block 6 and Lot 4 except SW 70 Feet of Block 5, Lake Park Addition.

Mayor Putnam opened the Public HEaring and as there was no public comment the Hearing was closed and turned over to the Council for action.

Motion Stephens to adopt Resolution R85-48, annexing the Johnson property, with the stipulation they provide a 10' easement through the property per the water/sewer department, and they utilize a combined lift station with the Grindes. Second LaTourelle. All voted aye.

APPLICATION FOR USE PERMIT BY THE WHITEFISH MOOSE LODGE #642 to expand their existing building by 35%.

Ray Manahan explained they planned to expand the kitchen, add two bathrooms and add 16' to the main hall.

November 4, 1985 cont.

The City County Planning Board recommended approval with the following conditions:

1. That a septic system permit and any other required permits, if necessary, be obtained from the County Health Department before issuance of a building permit.
2. That number of parking spaces be provided in accordance with Section 17.72.050.C of the Whitefish Zoning Regulations. A plan which designates the location and number of parking spaces be submitted to and approved by the City of Whitefish before issuance of a building permit.
3. That the designated parking spaces have a smoothly graded, stabilized and dustless surface in accordance with Section 17.74.010 of the Whitefish Zoning Regulations.
4. That a combination of fill and a sight-obscuring solid fence or any other alternative acceptable to the present owner of Tract 7AE, be provided along the eastern boundary of Tract 7AE.
5. That the required fences and buffering be in place, upon completion of excavation for Phase I.

Clare Strickler, President of the City County Planning Board, said they wanted to add two more conditions.

6. The new restrooms be constructed to accommodate the handicapped.
7. Fill and construct fence on East boundary.

Ray Manahan said they agreed to the conditions.

Mayor Putnam opened the Public Hearing.

Pauline Mathews said she did not object if they provided the privacy (fence or shrubs) between her property and the Moose Lodge. Manahan assured her this would be done.

Mayor Putnam closed the Hearing and turned over to the Council for action.

After discussion it was moved by Garrity to approve the Use Permit with the above stated conditions of the FRDO, October 22, 1985, and adopt Findings of Fact as outlined by the FRDO. Second LaTourelle. Ramlow aye, Garrity aye, Caciari abstained, Boksich aye, Stephens abstained, LaTourelle aye. Motion carried.

RESUBDIVISION OF LOT 25, BLOCK 8, FIRST ADDITION TO WHITEFISH COMPANY'S FIVE ACRE TRACTS. (320 Dakota Avenue)

The Zoning Commission unanimously resolved to recommend approval of the requested preliminary plat with the following conditions:

1. That a variance from Section 111.6.f of the Whitefish Subdivision Regulations relating to width versus depth of lots be obtained from the Whitefish City Council.
2. That all requirements of the City of Whitefish and State Department of Health and Environmental Sciences pertaining to water, sewer, and drainage be met.
3. That erosion and sedimentation plans and drainage plans as submitted be accepted. Such measures shall be applied during and after construction as appropriate.
4. That the driveway be built to maximum grade of nine percent (9%) in accordance with Table 9 of the Whitefish Subdivision Regulations.
5. That the location of all utility easements shall be shown on the face of the final plat in accordance with Section III.A.14 of the Whitefish Subdivision Regulations.
6. That an agreement be entered into between the property owners for maintenance of the common driveway and any other common facilities.

The applicant submitted a request for a variance from Section III.6f of the Whitefish Subdivision Regulations which states that no lot shall have an average depth greater than three times its average width.

The Commission recommended approval of the variance in conjunction with the approval of preliminary plat for this minor subdivision.

November 4, 1985 cont.

City Manager Arnold reported the City Staff recommended not approving this resubdivision. The lots are too narrow to build on, both would require variances unless the roof slope is east and west, and not toward the side lines. He also said one common drive was proposed and suggested two driveways be constructed.

Mayor Putnam opened the public hearing.

Doug Rhodes, architect for the project said a duplex could be constructed on the property, however, by subdividing the lot two single family homes could be built. The houses would be set back a long way from the lake to help preserve the lake. He also said having a common driveway was not unusual.

Don Richardson questioned sideyards, slope of roof etc.

Mayor Putnam closed the hearing and turned over to the Council for action.

Councilman Stephens asked that 1) from Jo Messex letter dated September 26, 1985, be included as a condition in FRDO recommendation #3. It is as follows: 1) Details for erosion and sediment control both during and after construction be provided prior to final plat approval. This should include temporary placement of hay bales between the 10 and 14 foot contours.

Motion LaTourelle to adopt Findings of Fact of the FRDO, and approve the resubdivision of Lot 25, Block 8, First Addition to Whitefish Company's Five Acre Tracts with conditions of the FRDO October 22, 1985, with addition of 1) Jo Messex letter, add #7- Separate water lines be installed and sewer to be determined by City Administration. Second Boksich. All voted aye.

APPLICATION FOR USE PERMIT BY PHILLIP AND BRENDA DUTY TO OPERATE A CABINET BUILDING ESTABLISHMENT AS A HOME OCCUPATION AT 816 TEXAS AVENUE, Lot 1, Block 2, Whitefish Townsite Company's Five Acre Tracts.

Phil Duty explained it would be a small cabinet shop - 1300 Square Feet and would set in the middle of the Five (5) acre tract.

Mayor Putnam opened the Public Hearing.

Beebe Kezar, Jeanne Tallman and Rob Bonner spoke in favor of the Use Permit.

Heintz Yeager, adjacent property owner question type of shop.

Mayor Putnam closed the Hearing and turned over to the Council for action.

The Zoning Commission unanimously recommended approval of the requested Use PERmit with the following conditions:

1. That a septic tank permit be obtained for both the dwelling and the shop from the County Health Department before issuance of a building permit.
2. That the shop be located as shown on the submitted site plan to allow for adequate buffering between the proposal and the neighboring properties.
3. That the total floor area of the shop shall not exceed twenty-five percent (25%) of the total area under roof of the site unless a variance is granted from Section 17.42.020.14f of the Zoning Regulations of the City of Whitefish and its Extra-Territorial jurisdictional Boundaries before issuance of a building permit.

FLATHEAD REGIONAL DEVELOPMENT OFFICE
PRELIMINARY PLAT APPLICATION #WPP-85-5
RAE MERHAR

A report to the Whitefish City-County Planning Board and Zoning Commission for the meeting of October 17, 1985 pertaining to a request by Rae Merhar for the resubdivision of Lot 25, Block 8, First Addition to Whitefish Townsite Company's Five Acre Tracts.

I. GENERAL INFORMATION

- A. OWNER: Rae Merhar
1868 Caminito Ascu
La Soula, CA 92037
(619) 454-2542
- B. REPRESENTATIVE/ARCHITECT: Douglas Rhodes
431 Second Street
Whitefish, MT 59937
(406) 862-3529
- C. SURVEYOR: Fretheim and Helps
431 Second Street
Whitefish, MT 59937
(406) 862-2386
- D. LAND USE PLANNER: Bruce Boody
301 Second Street
Whitefish, MT 59937
(406) 862-4755

II. DESCRIPTION OF SITE

A. LOCATION:

The site is located within the City of Whitefish north of Skyles Place and west of Dakota Avenue at 320 Dakota. It is further described as Lot 25, Block 8 of the First Addition to Whitefish Townsite Company's Five Acre Tracts in the SW $\frac{1}{4}$ Section 25, Township 31 North, Range 22 West, P.M.M., Flathead County. Refer to Exhibits A and B.

B. SIZE:

0.677 acres (29,490 square feet) to be divided into two single family lots, 0.314 acres (13,678 square feet) and 0.363 acres (15,812 square feet) in size.

C. ZONING:

The site lies within a WR-2 (Two-Family Residential) District which allows single family dwellings on 6,000 square feet minimum, two-family dwellings on 7,200 square feet, and sublots of 3,600 square feet.

D. EXISTING LAND USE:

The site is presently timbered with an old garage. Based on the submitted site plan, this garage will be removed.

E. PROPOSED LAND USE:

The proposed use of the lots are for two (2) single family dwellings.

F. RELATION TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan for the area is Urban Residential (2-6 units per acre). The proposal will result in approximately three (3) units per acre which would be in conformance with the Comprehensive Plan.

G. COVENANTS:

None submitted.

H. UTILITIES:

1. Sewer: City of Whitefish.
2. Water: City of Whitefish.
3. Solid Waste: City of Whitefish.
4. Electricity: Pacific Power and Light Company.
5. Telephone: Northwestern Telephone Systems.
6. Cable TV: Group W Cable.

111. REVIEW AND COMMENTS

This application for preliminary plat approval is reviewed on the basis of statutory criteria and the Whitefish Subdivision Regulations. The following comments are made:

A. EFFECTS ON PUBLIC HEALTH AND SAFETY:

The overall effects on public health and safety should be minimal. The site is not in a designated 100-year floodplain and groundwater quality should not be affected because City water and sewer service are available. The site slopes to the west towards Whitefish Lake with a 14% grade; however, hay bales are proposed to be placed between the 3,010 and 3,014 foot contours during construction to prevent sediment runoff into the Lake. In addition, no vegetation is proposed to be disturbed below the 3,010 foot contour, which is approximately 60 feet above the high water line. These measures should mitigate any potential adverse impacts on the water quality of Whitefish Lake. Based on the statistic of six (6) vehicle trips per unit per day, traffic should increase by 12 total vehicle trips per day. A shared driveway is proposed and this area will be filled in order for the driveway to have a 9% slope.

B. EFFECTS ON WILDLIFE AND WILDLIFE HABITAT:

The proposed re-subdivision should not adversely affect wildlife or wildlife habitat as the surrounding area is already urbanized.

C. EFFECTS ON THE NATURAL ENVIRONMENT:

The average slope of the site is approximately 14% so there are no topographical limitations for building. Refer to Section III.A. of this report for further discussion.

D. EFFECTS ON TAXATION:

Tax revenues to the City should increase as a result of the resubdivision and subsequent improvements to the property. The tax increase will depend upon the type and quality of the structures.

E. EFFECTS ON LOCAL SERVICES:

Schools, medical facilities, fire and police protection are already available in the area and no substantial increase in demand for local services is anticipated.

Park dedication or cash-in-lieu requirements do not apply as the proposed resubdivision would create only one additional lot (76-3-606 [3] M.C.A.).

Both water and sewer are available to the property as there is a four-inch water line along Dakota Avenue and an eight-inch sewer line along the Whitefish Lake shoreline. Hydrants along Dakota Avenue in this vicinity are located 600 feet apart.

F. EFFECTS ON AGRICULTURE:

The proposed subdivision is in an already urbanized area within the City of Whitefish and, therefore, will not affect agricultural land.

G. EXPRESSED PUBLIC OPINION:

The proposed subdivision is a two-lot subdivision and is, therefore, being processed as a minor subdivision. Under the minor subdivision procedure of the Whitefish Subdivision Regulations, there is no requirement for notifying adjacent property owners.

H. BASIS OF THE NEED FOR THE SUBDIVISION:

The applicant has not substantiated a need for this subdivision.

IV. APPLICATION FOR VARIANCE

The applicant is applying for a variance from Section III.6.f of the Whitefish Subdivision Regulations which states that no lot shall have an average depth greater than three times its average width.

The governing body may grant a variance from this requirement when strict compliance would result in undue hardship and when the requirement is not

FLATHEAD REGIONAL DEVELOPMENT OFFICE
USE PERMIT REQUEST #WUP-85-6
CABINET BUILDING WORKSHOP

A report to the Whitefish City-County Planning Board and Zoning Commission for the meeting of October 17, 1985 pertaining to a request by Philip and Brenda Duty for a "Use Permit" to operate a home occupation (workshop for cabinet building purposes) in an accessory building at 816 Texas Avenue.

A. APPLICANT

Philip and Brenda Duty
Box 1153
Whitefish, Montana 59937
(406) 862-3363

B. OWNER

Geraldine F. Kezar
2516 East Lakeshore
Whitefish, Montana 59937

C. DESCRIPTION OF PROPERTY

The property is located at the northern end of Texas Avenue at 816 Texas Avenue and is further described as Lot 1, Block 2, Whitefish Townsite Company Five Acre Tracts. Refer to Exhibit A.

D. NATURE OF REQUEST

The applicant is interested in buying a five (5) acre tract of land at 816 Texas Avenue and proposes to build a single family house and a workshop for cabinet building purposes in a separate building (approximately 1,300 square feet in area). Based on Section 17.42.5.020 (14) of the Zoning Regulations of the City of Whitefish and its Extra-Territorial Jurisdictional Area, a Use Permit is required for a home occupation when the home occupation is conducted in an accessory building.

E. EVALUATION OF THE REQUEST

The application is reviewed in relation to "Criteria Required for Consideration of a Use Permit" as stated in Section 17.11.130 of the Whitefish Zoning Regulations and the following comments are made:

1. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT OR USE WILL BE COMPATIBLE WITH AND NOT ADVERSELY AFFECT THE LIVABILITY OR APPROPRIATE DEVELOPMENT OF ABUTTING PROPERTIES AND THE SURROUNDING NEIGHBORHOOD, WITH CONSIDERATION TO BE GIVEN TO THE HARMONY IN SCALE, BULK, COVERAGE AND DENSITY; TO THE AVAILABILITY OF PUBLIC FACILITIES AND UTILITIES; TO THE HARMFUL EFFECT, IF ANY, UPON DESIRABLE NEIGHBORHOOD CHARACTER; TO THE GENERATION OF TRAFFIC AND THE CAPACITY OF SURROUNDING STREETS; AND TO ANY OTHER RELEVANT IMPACT OF THE DEVELOPMENT.

There is only one residence in close proximity to the site and the proposed use should not have any adverse effects on this property as the workshop is proposed to be located approximately in the middle of the five (5) acre lot; thus leaving adequate distance from the boundaries of the property. In addition, the site is presently timbered and except for necessary clearing for construction purposes; these trees will be retained. The site is outside the City of Whitefish and a septic system is proposed. Based on recent studies, this area was found to have high ground water thus posing problems for operation of drainfields. (Exhibits B and C) Traffic should not increase significantly as the applicant will be operating the cabinet shop.

2. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT WILL PROVIDE A CONVENIENT AND FUNCTIONAL LIVING, WORKING, SHOPPING OR CIVIC ENVIRONMENT AND WILL BE AS ATTRACTIVE AS THE NATURE OF THE USE AND ITS LOCATION AND SETTING WARRANT.

Based on the submitted site and building plans (Exhibits D and E), the location, design and site planning of the proposed development should provide a convenient and functional living and working environment as there is adequate open space associated with the proposal.

3. THAT THE PROPOSED DEVELOPMENT WILL ENHANCE THE SUCCESSFUL OPERATION OF THE SURROUNDING AREA IN ITS BASIC COMMUNITY FUNCTION, OR WILL PROVIDE AN ESSENTIAL SERVICE TO THE COMMUNITY OR REGION.

The surrounding area is presently undeveloped. Although the proposal should be compatible with the neighborhood, there is no available information to show that it will provide an essential service to the community.

4. THAT THE PROPOSED USE WILL BE COMPATIBLE TO THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES.

Although the area is characterized by five (5) acre lots, many of which are presently vacant, it is zoned WLR (One Family Limited Residential) which is intended for single family lots of at least 15,000 square feet. Therefore, the intended use as a single family dwelling with a home occupation should be well suited for the site.

5. THAT HISTORICAL USES AND ESTABLISHED USE PATTERNS BE WEIGHED EQUALLY WITH RECENT CHANGE-IN-USE TRENDS OF THE AREA WITHIN WHICH THE SUBJECT PROPERTY LIES.

Historical uses and established use patterns are open areas with scattered development in a low density setting. The proposed use should be compatible with the existing land use.

6. THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO PERSONS RESIDING OR WORKING IN THE VICINITY, TO ADJACENT PROPERTY, TO THE NEIGHBORHOOD, OR TO THE PUBLIC SAFETY AND WELFARE IN GENERAL. SPECIFIC FACTORS, IN ADDITION TO THOSE LISTED ABOVE WHICH MAY BE REVIEWED, INCLUDE, BUT ARE NOT LIMITED TO, THE EMISSION OF ODOR, DUST, GAS, NOISE, VIBRATION, SMOKE, HEAT OR GLARE BEYOND ANY BOUNDARY OF THE LOT ON WHICH THE USE IS BEING CONDUCTED CAUSING OR CONTRIBUTING TO DISTURBANCES OR BREACHES OF THE PUBLIC PEACE AND ORDER OR CAUSING OR CONTRIBUTING TO A DECLINE IN PROPERTY VALUES.

FLATHEAD REGIONAL DEVELOPMENT OFFICE
USE PERMIT REQUEST #WUP-85-7
WHITEFISH MOOSE LODGE #642

A report to the Whitefish City-County Planning Board and Zoning Commission for the meeting of October 17, 1985 pertaining to a request for a "Use Permit" by the Whitefish Moose Lodge to expand their existing buildings.

A. APPLICANT

Loyal Order of Moose
Whitefish Moose Lodge #642
230 West Tenth Street
Whitefish, MT 59937
(406) 862-2669

B. DESCRIPTION OF PROPERTY

The property is located at 230 West Tenth Street which is north of West Tenth Street, east of O'Brien Avenue and west of Baker Avenue. It is further described as portions of Tracts 6 and 7 of the Riverside Improvement Company's Acreage. Refer to Exhibit A - Vicinity Map and Exhibit B - Warranty Deed.

C. NATURE OF REQUEST

The request pertains to a proposed expansion of the Moose Lodge from 7,210 square feet to 9,762 square feet (35% expansion). The Moose Lodge is presently a non-conforming use in a WR-2 (Two Family District). Section 17.13.050 (2) of the Whitefish Zoning Regulations allows the expansion of a non-conforming use subject to a Use Permit provided that the land area and/or structure being used for said non-conforming use is not increased by more than fifty percent (50%).

D. EVALUATION OF THE REQUEST

The application is reviewed in relation to "Criteria Required for Consideration of a Use Permit" as stated in Section 17.11.130 of the Whitefish Zoning Regulations and the following comments are made:

1. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT OR USE WILL BE COMPATIBLE WITH AND NOT ADVERSELY AFFECT THE LIVABILITY OR APPROPRIATE DEVELOPMENT OF ABUTTING PROPERTIES AND THE SURROUNDING NEIGHBORHOOD, WITH CONSIDERATION TO BE GIVEN TO THE HARMONY IN SCALE, BULK, COVERAGE AND DENSITY; TO THE AVAILABILITY OF PUBLIC FACILITIES AND UTILITIES; TO THE HARMFUL EFFECT, IF ANY, UPON DESIRABLE NEIGHBORHOOD CHARACTER; TO THE GENERATION OF TRAFFIC AND THE CAPACITY OF SURROUNDING STREETS; AND TO ANY OTHER RELEVANT IMPACT OF THE DEVELOPMENT.

The application pertains to a request by the Moose Lodge to enlarge their building by approximately thirty-five percent (35%) to accommodate a kitchen, storage facilities and restrooms. This expansion is

proposed for the western and southern portions of the building. Based on a submitted site plan (Exhibit C), all required setbacks and the allowable building coverage of the zoning district will be met. The Lodge presently receives City water service and a new drainfield was installed in February, 1983. This drainfield is sized for 200 people and any anticipated increase in capacity will require an expanded septic system which would require a permit from the Flathead City-County Health Department. Refer to Exhibit D. The Moose Lodge was built before the adoption of zoning in 1982. However, the neighborhood is predominantly residential in character and except for a tree-covered area in the southwestern portion, there is no buffering between the residences and the Lodge. The Lodge has many activities in the evening and traffic and noise may be presently impacting the neighborhood. Based on an on-site inspection and the submitted site plan (Exhibit C), the main ingress/egress is to the east from Baker Street. There also appears to be a traffic route to the north into West Ninth Street. There are only fourteen (14) designated parking spaces with an additional parking area (100 feet by 250 feet) shown on the submitted site plan. Section 17.72.050.C. of the Whitefish Zoning Regulations requires that approximately 87 parking spaces should be provided based on the proposed expansion.

2. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT WILL PROVIDE A CONVENIENT AND FUNCTIONAL LIVING, WORKING, SHOPPING OR CIVIC ENVIRONMENT AND WILL BE AS ATTRACTIVE AS THE NATURE OF THE USE AND ITS LOCATION AND SETTING WARRANT.

the location and design of the Lodge is already established. However, the request is for expansion of the existing building which may result in accommodation of additional members. The request as submitted proposes no landscaping nor does it designate parking areas.

3. THAT THE PROPOSED DEVELOPMENT WILL ENHANCE THE SUCCESSFUL OPERATION OF THE SURROUNDING AREA IN ITS BASIC COMMUNITY FUNCTION, OR WILL PROVIDE AN ESSENTIAL SERVICE TO THE COMMUNITY OR REGION.

Although the proposed expansion of the Moose Lodge may not enhance the residential character of the surrounding neighborhood, it should provide an essential service to the community as it provides a social outlet for its members. However, no information has been submitted substantiating the need for expansion of the Lodge.

4. THAT THE PROPOSED USE WILL BE COMPATIBLE TO THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES.

The property itself, because of its location, is suitable for residential use. However, the Moose Lodge has been in existence on the site for over 40 years and the proposed expansion conforms to the setback and building coverage requirements of the WR-2 zoning district. Impacts on the surrounding residential properties may be mitigated through buffering against noise and traffic impacts.

5. THAT HISTORICAL USES AND ESTABLISHED USE PATTERNS BE WEIGHED EQUALLY WITH RECENT CHANGE-IN-USE TRENDS OF THE AREA WITHIN WHICH THE SUBJECT PROPERTY LIES.

The Moose Lodge was established on the site in 1944. As a result of the adoption of zoning regulations by the City of Whitefish in April 1982, the use became non-conforming. Any future new development in the area will be residential based on the adopted zoning.

6. THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO PERSONS RESIDING OR WORKING IN THE VICINITY, TO ADJACENT PROPERTY, TO THE NEIGHBORHOOD, OR TO THE PUBLIC SAFETY AND WELFARE IN GENERAL. SPECIFIC FACTORS, IN ADDITION OT THOSE LISTED ABOVE WHICH MAY BE REVIEWED, INCLUDE, BUT ARE NOT LIMITED TO, THE EMISSION OF ODOR, DUST, GAS, NOISE, VIBRATION, SMOKE, HEAT OR GLARE BEYOND ANY BOUNDARY OF THE LOT ON WHICH THE USE IS BEING CONDUCTED CAUSING OR CONTRIBUTING TO DISTURBANCES OR BREACHES OF THE PUBLIC PEACE AND ORDER OR CAUSING OR CONTRIBUTING TO A DECLINE IN PROPERTY VALUES.

This office is unable to determine whether the proposed expansion would result in significant increases in noise or traffic. However, if more members can be accommodated due to the expansion, the traffic may be expected to increase. Based on information provided by the Appraisal Office, no significant change in property values is expected as a result of the expansion.

F. RECOMMENDATION

It is recommended that the request by the Moose Lodge for expansion of their present building be approved subject to the following conditions:

1. That a septic system permit and any other required permits, if necessary, be obtained from the County Health Department before issuance of a building permit. (Refer to Exhibit D)
2. That number of parking spaces be provided in accordance with Section 17.72.050.C of the Whitefish Zoning Regulations. A plan which designates the location and number of parking spaces be submitted to and approved by the City of Whitefish before issuance of a building permit.
3. That the designated parking spaces have a smoothly graded, stabilized and dustless surface in accordance with Section 17.74.010 of the Whitefish Zoning Regulations.
4. That a six foot high solid fence and/or a sight-obscuring screen of trees, or any other alternative acceptable to the present owner of Tract 7AE, be provided along the eastern boundary of Tract 7AE. The trees should not be less than eight feet high at maturity which shall be attained within five years of issuance of the building permit.
5. That a fence and/or hedge be provided along the property boundaries adjoining West Tenth Street and Baker Avenue.
6. That the required fences and buffering be in place before issuance of a building permit or a Special Improvement Agreement which includes a time schedule for providing the improvements be entered into with the City of Whitefish.

FINDINGS OF FACT METHODIST CHURCH

The application is reviewed in relation to "Criteria Required for Consideration of a Use Permit" as stated in Section 17.11.130 of the Whitefish Zoning Regulations and the following comments are made:

1. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT OR USE WILL BE COMPATIBLE WITH AND NOT ADVERSELY AFFECT THE LIVABILITY OR APPROPRIATE DEVELOPMENT OF ABUTTING PROPERTIES AND THE SURROUNDING NEIGHBORHOOD, WITH CONSIDERATION TO BE GIVEN TO THE HARMONY IN SCALE, BULK, COVERAGE AND DENSITY; TO THE AVAILABILITY OF PUBLIC FACILITIES AND UTILITIES; TO THE HARMFUL EFFECT, IF ANY, UPON DESIRABLE NEIGHBORHOOD CHARACTER; TO THE GENERATION OF TRAFFIC AND THE CAPACITY OF SURROUNDING STREETS; AND TO ANY OTHER RELEVANT IMPACT OF THE DEVELOPMENT.

The application pertains to the use of a former elementary school building as a church. Although total traffic should not increase relative to the traffic generated by the previous use, the traffic

patterns will be different, occurring mostly on weekends rather than on a daily basis. Presently there are approximately 14 parking spaces as shown on Appendix Sheet C. Section 17.72.030 A of the Whitefish Zoning Regulations require that there be one parking space for every five (5) seats or for every forty (40) square feet of gross floor area used for assembly purposes, whichever is greater. The application states that seating capacity will be approximately seventy to eighty thus fourteen to sixteen parking spaces would be required based on this standard. As shown on the site plan, the worship area is approximately 1,100 square feet thus requiring approximately twenty-eight (28) parking spaces. Therefore, there will be a need for the provision of additional off-street parking spaces. All utilities and services are available to the site.

2. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT WILL PROVIDE A CONVENIENT AND FUNCTIONAL LIVING, WORKING, SHOPPING OR CIVIC ENVIRONMENT AND WILL BE AS ATTRACTIVE AS THE NATURE OF THE USE AND ITS LOCATION AND SETTING WARRANT.

The building is already in existence. Although the site plan and exterior design of the building will remain unchanged, some interior modifications will have to occur in order to provide an assembly area for the congregation.

3. THAT THE PROPOSED DEVELOPMENT WILL ENHANCE THE SUCCESSFUL OPERATION OF THE SURROUNDING AREA IN ITS BASIC COMMUNITY FUNCTION, OR WILL PROVIDE AN ESSENTIAL SERVICE TO THE COMMUNITY OR REGION.

The applicant states that their present building is overcrowded due to the increase in size of the congregation over the years. Therefore, relocation in a larger building with improved parking would provide an essential service to the community.

4. THAT THE PROPOSED USE WILL BE COMPATIBLE TO THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES.

Although the site is in a residential district, the proposed use as a church is suitable for the site as the building was previously used as a school and the design of the building is not suitable for a residence.

5. THAT HISTORICAL USES AND ESTABLISHED USE PATTERNS BE WEIGHED EQUALLY WITH RECENT CHANGE-IN-USE TRENDS OF THE AREA WITHIN WHICH THE SUBJECT PROPERTY LIES.

The historical use of the area is residential. However, the building had been used as an elementary school for the last five (5) years.

6. THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO PERSONS RESIDING OR WORKING IN THE VICINITY, TO ADJACENT PROPERTY, TO THE NEIGHBORHOOD, OR TO THE PUBLIC SAFETY AND WELFARE IN GENERAL. SPECIFIC FACTORS, IN ADDITION TO THOSE LISTED ABOVE WHICH MAY BE REVIEWED, INCLUDE, BUT ARE NOT LIMITED TO, THE EMISSION OF ODOR, DUST, GAS, NOISE, VIBRATION, SMOKE, HEAT OR GLARE BEYOND ANY BOUNDARY OF THE LOT ON WHICH THE USE IS BEING CONDUCTED CAUSING OR CONTRIBUTING TO DISTURBANCES OR BREACHES OF THE PUBLIC PEACE AND ORDER OR CAUSING OR CONTRIBUTING TO A DECLINE IN PROPERTY VALUES.

November 4, 1985 cont.

4. That no one outside the family residing in the dwelling unit shall be employed in the home occupation.
5. That no outdoor work or storage be done.
6. That activity associated with cabinetry be limited to the hours between 7a.m. and 10 p. m.

Mr. Duty said he was in agreement with the conditions.

City Attorney Fisher asked Mr. Duty if he felt there was a definite need for this service. Mr. Duty explained the need. This was to be an amendment to #3 of the FRDO Finding of Facts.

Motion Caciari to approve the Use Permit with the conditions stated by the Zoning Commission and adopt Findings of Fact per FRDO October 22, 1985 (to include above amendment) Second Garrity. All voted aye.

APPLICATION FOR USE PERMIT BY THE WHITEFISH UNITED METHODIST CHURCH TO LOCATE AT 625 PARK AVENUE - former Cross Currents School Building.

Rev. Darrel Aleson, Pastor of the United Methodist Church gave the reasons for relocating the Church, and requested not to pave the parking area because within the year it would be torn up. The Church plans to enlarge the building.

The Zoning Commission unanimously recommended approval of the requested Use Permit with the following conditions:

1. Parking spaces be provided in accordance with Section 17.72.030.A of the Zoning Regulations of the City of Whitefish and its Extra-Territorial Jurisdictional Area.
2. That the recommended Use Permit be only for the conversion of the existing structure to a church and not apply to any future expansion. If and when the church is to be expanded, a new Use Permit shall be required and reviewed for conformance with the Zoning Regulations at that time.

Mayor Putnam opened the Public Hearing.

Shirley Mackey said he lives across the street from the proposed church and he did not object.

Blanche Frank, adjacent property owner was also in favor of the Use Permit.

Mayor Putnam closed the Hearing and turned over to the Council for action.

Councilman Stephens said #2 condition of the Zoning Commission could not be applied.

Motion Garrity to approve the findings of fact of the FRDO, October 22, 1985, and give a one (1) year extension on the paving of the parking lot as long as they put up a bond or letter of credit. Second Caciari. All voted aye.

BAY POINT - sewer hook-up and water bills.

Russ Street told Council he had received Resolution No. R85-50, ordering him to hook his cabins to the sewer by November 25th. He said the cost would be \$25,000.00 and the old cabins were not worth it, however, fourteen (14) people would have to move if he closed the cabins. He felt Council was putting a hardship on him and the renters. Street said he would just like to be treated like everyone else and questioned if other people not on sewer had been ordered to hook-on.

City Attorney Fisher told Street he had been in the City two years and was aware he had to hook on to the sewer.

Councilman Caciari was in favor of Street waiting until Spring.

140

November 4, 1985 cont.

Russ Street said his property was for sale and condo's were planned for the area. He said to put this kind of money into temporary sewer extensions would be crazy.

Mayor Putnam agreed with Street, if others were not forced to hook to sewer, he felt Street shouldn't have to either.

Councilwoman LaTourelle said sewer fees would be waived but sewer line should be dedicated to the City.

Street said he would if the City would give him a letter of assurance that his twenty acres could hook to the line when he needed to.

After further discussion Mayor Putnam turned this over to the Water/Sewer Committee to study and bring back to the November 18th meeting.

Councilwoman LaTourelle, Chairman of the Water/Sewer Committee, set a meeting for November 11, 1985, 7:00 P.M.

PUBLIC INPUT

None.

ORDINANCE NO. R85-15, an amendment of subdivision regulations to include procedures for review of divisions of land 20 acres or larger as mandated by H.B. 791.

City Attorney Fisher explained the Ordinance, he said purpose was to see that large tracts of land had access to them.

Mayor Putnam opened the Public Hearing and as there was no comment he closed the Hearing.

Motion Stephens to adopt Ordinance No. R85-15, on the first reading. Second Garrity. All voted aye.

PLEDGED SECURITIES.

First National Bank	\$458,000.00
Mtn. Bank	245,000.00

Motion Boksich to approve the pledged securities. Second Garrity. All voted ^{aye} on the Mountain Bank Securities and all voted aye on the First National Bank securities except LaTourelle who abstained from voting. Motion carried.

COMMITTEE REPORTS

Councilman Stephens reported the Phosphorus Committee talked to Senator Brown and he had directed a letter to the Water Quality Bureau asking seven (7) questions which are of concern to the City. He said he would give Council a copy of the letter and also the answers from the bureau. He also had talked to Commissioner Oldenberg on chances of the County passing a County ban on phosphorus, however, Oldenberg was not receptive to the idea. Stephens said we need to work toward getting a phosphorus ban on the County level, this should be the number one step. The Committee would proceed with investigation on phosphorus removal.

Mayor Putnam reported that Mrs. Harry Streed had donated a flag for City Hall in honor of her husband Harry Streed.

He said he had received a letter from the Glacier Twins thanking the City for ^{their} cooperation and help when they worked on the parks this summer.

November 4, 1985 cont.

As this was Councilman Garrity's last Council meeting, Mayor Putnam presented him with a Certificate of Appreciation for the fine work he had done while serving on the Council.

Garrity said he felt there was still not enough follow through on Policy, but thanked Mayor Putnam and everyone for their co-operation during his term of office.

Motion Caciari to adjourn 10:03 P.M. Second Boksich. All aye.

James C. Putnam
Mayor

ATTEST:

Kay Belter
City Clerk

November 18, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpersons were in attendance.

Also present were City Attorney Fisher, City Manager Arnold, Building Inspector Berg, Asst. Police Chief Hermann and Water/Sewer Supervisor Acton.

MINUTES

Motion LaTourelle to approve the minutes of November 4, 1985. Second Ramlow. All aye.

PUBLIC HEARINGS

ORDINANCE NO. 85-16, PROPOSED AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS OF THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTION AREA.

City Manager Arnold read and explained the proposed amendments.

WB-1 District

17.51.030 Yard, Height and Area Requirements:

Amendment:

2. There shall be no sideyards or rear yards required for nonresidential buildings except when abutting a residential district when there shall be side and rear yards of no less than twenty (20) feet.

Addition:

- 2a. Sideyard requirements for residential buildings shall be the same as provided for in 17.47.030-3.

Addition:

- 2b. Rear yard requirements for residential buildings shall be the same as provided for in 17.48.030-4.

WB-3 DISTRICT

17.53.030 Yard, Height and area requirements:

AMENDMENT

3. Side and rear yard requirements for non-residential buildings shall be the same as provided for in 17.51.030-2.

ADDITION:

- 3a. Side and rear yard requirements for residential buildings shall be the same as provided for in 17.51.030-2a. & 2.b.

AMENDMENT:

4. Off-street parking shall be in compliance with the Parking and Loading section.

November ¹⁸~~19~~, 1985 cont.

SPECIAL OFF-STREET PARKING REGULATIONS.

17.73.030

City Manager proposed the following change:

Parking in all residential districts shall include parking in garages or carports for at least 50% of the required number of parking spaces.

The Whitefish City-County Planning board unanimously resolved to delete this change because it was felt that this would place an undue hardship upon property owners of a lower income bracket.

SIGN ORDINANCE

a) 17.77.090 Permitted Signs for WR3, WR4, WRR1, WRR2, WMP:

Add:

7) Free-standing signs shall not exceed eight (8) feet in height.

b) 17.77.100 Permitted Signs for WB1, WRB1, WRB2:

Amendment:

2) Free-standing signs not exceeding twelve (12) feet in height.

c) 17.77.110 Permitted signs for WB2 and WI:

Amendment

2) Freestanding signs not exceeding fourteen (14) feet in height.

d) 17.77.120 Permitted Signs for WB3:

Amendment:

2) Free-standing signs not exceeding eighteen (18) feet in height.

Mayor Putnam opened the Public HEaring.

Dave Jameison, Chairman of the Board of Adjustments, questioned intent of the proposed off street parking regulations. He felt the wording should be changed as the amendment would not accomplish what City Manager Arnold wanted.

Dick Peterson said he was building an eight (8) plex in the B-3 area and had plans for another eight (8) plex in the future. He apposed the proposed set backs and requested Council to consider 5' side yard and 5' rear yard set backs. Also he requested one (1) parking space per unit instead of the required two (2). He said he would be catering to the elderly and parking spaces would not be necessary.

Jerry Hanson, agreed with Peterson and further explained, with proposed set backs, it would be impossible to build any residential units in the B-3 zone. Hanson said the City should encourage urban renewal in the B-3 district.

Porter Gifford did not feel everyone building a new residence should be forced to build a garage or carport.

Bart Smith asked if the sign heights now were 35'. The answer was yes.

Mayor Putnam closed the Public Hearing and turned over to the Council for action.

Councilman Stephens said there was a mistake in the sign heights. the WB2 and WI Zones freestanding signs not exceeding eighteen (18) feet in height and WB-3 Free Standing signs not exceeding fourteen (14) feet in height.

November 18, 1985 cont.

Council discussed the set back requirements at length and Councilwoman LaTourelle suggested continuing the first reading of the Ordinance so everyone could look at the areas in B-3.

Councilman Stephens requested to adopt the Sign Ordinances changes.

Motion Stephens to adopt the sign Ordinances changes, C), 2) - 18' d), 2) -14'. Second LaTourelle. All voted aye.

Motion Stephens to continue the Hearing on remaining amendments, WB-1 and WB-3 Districts, and Special Off-Street Parking Regulations. Second LaTourelle. All voted aye.

ORDINANCE NO. 85-17, EXTENSION OF THE EXTRA - TERRITORIAL BOUNDRIES OF THE CITY OF WHITEFISH, INTO PORTIONS OF SECTION 2 AND 3, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY.

Mayor Putnam opened the Public Hearing of the extension of Extra-Territorial Zoning Boundaries of the City - Blanchard Lake Area.

WA - Agricultural Distric (one dwelling unit per 20 acres): NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3; W $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2 and the remainder of Blanchard Lake not herein described.

WCR -Country Residential (one dwelling unit per 2.5 acres): E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2 excluding Blanchard Hollow Phase I and II as recorded in the Flathead County Clerk and Recorder's Office; that portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2 lying to the east of Blanchard Lake Road, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2.

WSR -Suburban Residential (One dwelling unit per acre): Blanchard Hollow Phase I and II as recorded in the Flathead County Clerk and Recorder's Office.

The Zoning Commission recommended approval of the proposed extension.

Jerry Hanson and Porter Gifford spoke in favor of the extension.

Jon Heberling, explained his property, along with his neighbors were in WLR and WA zones. He wanted Council to know the homeowners in this area would be petitioning for a WCR Zone for this area in the future.

Jeff Jensen spoke in favor of the WCR Zone.

Mayor Putnam closed the Public Hearing and turned over to the Council for action.

Motion Stephens to adopt Ordinance 85-17 on the first reading. Second LaTourelle. All voted aye.

RESOLUTION R85-46, annexing the Jay Cook property at the SE Corner of 7th Street and Scott Avenue.

Mayor Putnam opened the Public Hearing and as there was no comment he closed the hearing and turned over to the Council for action.

Motion LaTourelle to adopt Resolution R85-46, annexing Lot 1, 2, 3, and 4 of the West 60' of Block 1 of the First Addition to South Whitefish. (Jay Cook) Second Ramlow. All voted aye.

RESOLUTION R85-54, Annexing the Norm Nelson property east of the Shareview Subdivision, South of Second Street and North of Fourth Street extended.

City Manager reminded Council we still needed the easement to extend Third Street and also the Boundary line adjustment.

Mayor Putnam opened the Public Hearing and as there was no comment he closed the hearing and turned over to the Council for action.

November 18, 1985 cont.

Council discussed and recommended Mr. Nelson dedicate property south of North boundary of Third Street, extend to east boundary of property, approximately 35', for street purposes.

Motion Stephens to adopt Resolution R85-54, annexing the Norm Nelson property with the above stipulation. Second Ramlow. All aye.

OLD BUSINESS

SECOND READING OF ORDINANCE NO. 85-15, an amendment of Subdivision regulations to include procedures for review of divisions of land 20 acres or larger as mandated by H.B. 791.

Mayor Putnam opened the Public Hearing and as there was no comment he closed the hearing and turned over to the Council for action.

Motion Caciari to adopt Ordinance No. 85-15 on the second reading. Second Stephens. All aye.

PUBLIC INPUT

Phil Duty approached Council on the Use Permit approved at the last Council meeting, allowing him to operate a cabinet shop as a home occupation at 816 Texas Avenue. He said he wanted to build the shop first and then build the home, and requested Council to authorize this.

City Attorney Fisher read the Home Occupation definition, which clearly states: must be incidental and secondary use of a residential dwelling unit.

Consensus of the Council - this could not be allowed. The home would have to be constructed first.

NEW BUSINESS

COMMUNICATION FROM FLATHEAD COUNTY COUNCIL ON AGING RE TRANSPORTATION DEVELOPMENT PLAN.

City Manager Arnold explained the plan and told Council if they had concerns he would write a letter on what they would do now and what they would do in the future.

Council requested the City Manager to communicate with the Council on Aging.

CONFIRMATION OF APPOINTMENTS TO THE POLICE DEPARTMENT RESERVE BOARD.

City Manager Arnold said the Police Commission, Asst. Police Chief Herrmann and City Manager all recommend the appointment of Robert Rupp and Daniel Frank to the Reserve Board.

Councilman Caciari asked why we need the new people.

Asst. Chief Herrmann explained one extra person had resigned and two full time officers were on sick leave, the new people were needed to cover shifts.

Motion Ramlow to accept the appointments of Robert Rupp and Daniel Frank to the Police Reserve Board. Second Caciari. All aye.

COMMITTEE REPORTS

Councilman Ramlow asked progress of extension of seventh street, and also stated traffic control was needed in the vicinity of Baker Avenue and Columbia Avenue on South Spokane.

Council requested to have a Public Hearing, December 2, 1985, on the extension of Seventh Street.

Councilman Stephens said two traffic control lights were needed on South Spokane and Council discussed this issue at length, however, nothing could be done until the State Dept. of Highways completes their study.

Councilman Caciari said that on Third street between Baker and Central, on the South Side of street the curb to alley is marked yellow, he suggested removing the marking as this would allow approximately three parking spaces.

November 18, 1985 cont.

Councilwoman LaTourelle reported the First National Bank requests a light for their parking lot. Turned over to the City Manager to investigate.

LaTourelle also reported on the Flathead Basin Committee meeting she attended in Polson, which included phosphorus. She said it was an extensive meeting and most concerns were about Flathead Lake. She said that at a private meeting with Brace Hadden, Scott Anderson and Greg Acton, she voiced concern about the new Council's lack of knowledge on what was happening with phosphorus, etc. They suggested another compliance schedule could be handed in. She said there would be another meeting of the Basin Committee on December 9th and also one on January 30th in Kalispell. The December 9th meeting would be on Whitefish's cost of facilities and O & M costs.

LaTourelle said the Flathead Basin Committee is made up of people from Kalispell and Polson, felt a Whitefish person should be on this Committee.

City Attorney Fisher reported on the Stidham lawsuit, (WestLakeshore pump) he said the Judge ruled in favor of the City and that Morrison-Maierle would have to assume responsibility. They are liable.

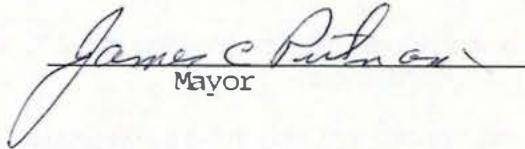
Fisher also requested the Council appoint William Hileman as Asst. City Attorney until January 1, 1985, as Bart Erickson would take the District Judge position December 11, 1985.

Motion LaTourelle to appoint William Hileman as Asst. City Attorney effective December 11, 1985. Second Caciari. All aye.

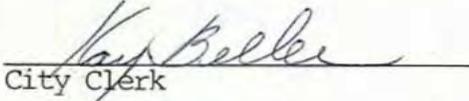
Mayor Putnam asked Council if they would like to appoint Dee Faessler to fill Councilman Garrity's position until January 2, 1986, at which time she would be sworn into the Council position she was elected to.

Motion Stephens to appoint Dee Faessler to the vacated Council position until January 2, 1986. Second Caciari. All aye.

Motion Stephens Second LaTourelle to adjourn 9:28 P.M. All aye.


Mayor

ATTEST:


City Clerk

December 2, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpeople were in attendance.

Also present were City Manager Arnold, Building Inspector Berg, Asst Police Chief Herrmann, City Engineer Wells and City Attorney Fisher.

MINUTES

Motion Ramlow to approve the minutes of November 18, 1985. Second Caciari. All voted aye.

NEW COUNCIL PERSON

City Attorney Fisher gave the Oath of Office to Deidra Faessler and she took her seat at the council table. (She would finish term of John Garrity, which would expire 1/1/86.)

PUBLIC HEARINGS

SECOND READING OF ORDINANCE NO. 85-16, an amendment to the Sign Ordinance.

Mayor Putnam opened the Public Hearing and as there was no comment he closed the hearing and turned over to the Council for action.

Motion Stephens to adopt Ordinance No. 85-16, on the Second Reading. Second Caciari. All voted aye.

SECOND READING OF ORDINANCE NO. 85-17, extension of the Extra-territorial boundaries of the City of Whitefish into portions of Section 2 and 3, Township 30 North Range 22 West, P.M.M., Flathead County.

Mayor Putnam opened the Public Hearing of the extension of Extra-Territorial Zoning Boundaries - Blanchard Lake, Lost Coon Area.

There was no Public input and the Mayor closed the Hearing and turned over to the Council for action.

Motion Stephens to adopt Ordinance No. 85-17, on the Second reading. Second LaTourelle. All voted aye.

FIRST READING OF ORDINANCE NO. 85-18, amending the text of the WB-1 and WB-3 Districts and the Special Off-street Parking Regulations.

Mayor Putnam explained this was a continuation from the November 18th meeting. The Public Hearing on the first reading had already been held and Council would be making changes and then a decision on the First Reading.

City Attorney Fisher would draft the Ordinance with changes.

WB-3

Amendment: Side and rear yard requirements for non-residential buildings shall be no side yard except when abutting a residential then it shall be 5' and there shall be a 5' back yard setback.

Addition: Side and rear yard requirements for residential buildings shall be 5' sideyard and 5' backyard, except if abutting an existing 0' setback -Non-Residential-then setback shall be 10'.

SPECIAL OFF-STREET PARKING REGULATIONS.

Motion LaTourelle that there shall be one and one fourth ($1\frac{1}{4}$) parking spaces per unit. Second Ramlow. All aye.

Motion Stephens to require in 17.73.030, one half ($\frac{1}{2}$) of parking requirements in residential districts be so situated to be capable of being covered. Second LaTourelle. All aye.

WB-1

2) There shall be no sideyards or rear yards required for non-residential buildings except when abutting a residential district when there shall be side and rear yards of less than twenty (20) feet.

FLATHEAD REGIONAL DEVELOPMENT OFFICE
USE PERMIT REQUEST #WUP-85-9
WATCHMAN'S PREMISES

A report to the Whitefish City-County Planning Board and Zoning Commission for the meeting of November 21, 1985 pertaining to a request by Elaine Hamilton for a "Use Permit" for watchman's premises for a gravel pit on Old Dump Road.

A. APPLICANT/OWNER

Elaine B. Hamilton
P. O. Box 961
Whitefish, Montana 59937
(406) 862-2675

B. DESCRIPTION OF PROPERTY

The property is located north of Old Dump Road and west of U.S. Highway 93 on Tract 5A, Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County. It is approximately 3.04 acres in size and lies outside of the City of Whitefish.

C. ZONING

The property is zoned WI (Industrial and Warehousing) and it is presently used as a gravel pit.

D. NATURE OF REQUEST

The applicant would like a 14 foot x 65 foot trailer to be used as watchman's premises for the existing gravel pit. A "Use Permit" is required to be obtained for this purpose pursuant to Section 17.41.020 (9) of the Whitefish Zoning Regulations.

E. EVALUATION OF THE REQUEST

The request is reviewed in relation to "Criteria Required for Consideration of a Use Permit" as stated in Section 17.11.130 of the Whitefish Zoning Regulations and the following comments are made:

1. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT OR USE WILL BE COMPATIBLE WITH AND NOT ADVERSELY AFFECT THE LIVABILITY OR APPROPRIATE DEVELOPMENT OF ABUTTING PROPERTIES AND THE SURROUNDING NEIGHBORHOOD, WITH CONSIDERATION TO BE GIVEN TO THE HARMONY IN SCALE, BULK, COVERAGE AND DENSITY; TO THE AVAILABILITY OF PUBLIC FACILITIES AND UTILITIES; TO THE HARMFUL EFFECT, IF ANY, UPON DESIRABLE NEIGHBORHOOD CHARACTER, TO THE GENERATION OF TRAFFIC AND THE CAPACITY OF SURROUNDING STREETS; AND TO ANY OTHER RELEVANT IMPACT OF THE DEVELOPMENT.

The location of the trailer for watchman's purposes on the site should not adversely affect the livability or appropriate development of neighboring properties as the gravel pit has been there for over

15 years. In addition the area is zone W1 (Industrial and Warehousing) and the surrounding properties are predominately of a commercial or industrial nature. Five foot setbacks are required in this district and the location of the trailer as shown on the site plan exceeds these setbacks. All public facilities are available. There is also an existing well and septic tank on the site. The addition of watchman's premises should have a negligible impact on traffic already generated by the gravel pit.

2. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED DEVELOPMENT WILL PROVIDE A CONVENIENT AND FUNCTIONAL LIVING, WORKING, SHOPPING OR CIVIC ENVIRONMENT AND WILL BE AS ATTRACTIVE AS THE NATURE OF THE USE AND ITS LOCATION AND SETTING WARRANT.

The location of the trailer as shown should provide a convenient and functional working environment as it has adequate setbacks from the property line and affords a view of the gravel pit area.

3. THAT THE PROPOSED DEVELOPMENT WILL ENHANCE THE SUCCESSFUL OPERATION OF THE SURROUNDING AREA IN ITS BASIC COMMUNITY FUNCTION, OR WILL PROVIDE AN ESSENTIAL SERVICE TO THE COMMUNITY OR REGION.

The location of the trailer for watchman's purposes should provide an essential service to owners of the gravel pit as they have verbally stated that there has been recent vandalism in the neighborhood. Because of this, they have been moving their equipment from the site when the equipment is not being used.

4. THAT THE PROPOSED USE WILL BE COMPATIBLE TO THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES.

The proposed use of the trailer as watchman's quarters is compatible with the gravel pit operation. However, the site is not suitable for a permanent residential dwelling due to the nature of the business conducted there.

5. THAT HISTORICAL USES AND ESTABLISHED USE PATTERNS BE WEIGHED EQUALLY WITH RECENT CHANGE-IN-USE TRENDS OF THE AREA WITHIN WHICH THE SUBJECT PROPERTY LIES.

Historical uses and established use patterns in the area are commercial and industrial uses. The proposed use as watchman's quarters can be seen as an accessory use to the existing gravel pit.

6. THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO PERSONS RESIDING OR WORKING IN THE VICINITY, TO ADJACENT PROPERTY, TO THE NEIGHBORHOOD, OR TO THE PUBLIC SAFETY AND WELFARE IN GENERAL. SPECIFIC FACTORS, IN ADDITION TO THOSE LISTED ABOVE WHICH MAY BE REVIEWED, INCLUDE, BUT ARE NOT LIMITED TO, THE EMISSION OF ODOR, DUST, GAS, NOISE, VIBRATION, SMOKE, HEAT OR GLARE BEYOND ANY BOUNDARY OF THE LOT ON WHICH THE USE IS BEING CONDUCTED; CAUSING OR CONTRIBUTING TO DISTURBANCES OR BREACHES OF THE PUBLIC PEACE AND ORDER; OR CAUSING OR CONTRIBUTING TO A DECLINE IN PROPERTY VALUES.

The proposed use of the trailer for watchmen's purposes should not have an adverse effect on the neighborhood or to the public safety

December 2, 1985 cont.

Councilman Stephens felt landscaping of at least 5' should be added to this amendment, when abutting residential.

Motion Stephens to require 5' area next to residential be landscaped. Second LaTourelle. All voted aye.

Motion Stephens to adopt Ordinance No. 85-18, with the above stated corrections. Second Ramlow. All voted aye.

USE PERMIT-ELAINE HAMILTON to use a trailer for watchman's purposes on Tract 5A, Section 1, Township 30 North, Range 22 West (Gravel Pit).

The City County Planning Board and Zoning Commission recommended approval with the following condition: That the trailer be used only for watchman's purposes and that it be removed if the gravel pit operation ceases.

Mayor Putnam opened the Public Hearing.

John Garrity and Building Inspector Berg spoke in favor of the Use Permit.

Mayor Putnam closed the Public Hearing and turned over to the Council for action.

After Council discussion it was moved by LaTourelle to approve the Use Permit with stipulations of the City County Planning Board and to approve the Findings of Fact as stated by the FRDO. Second Boksich. All aye.

Council stated two (2) conditions of approval: 1. That the trailer be used only for watchman's purposes and that it be removed if the gravel pit operation ceases. 2. The trailer would be occupied by an employee of the Company to provide security.

PUBLIC HEARING ON EXTENSION OF SEVENTH STREET.
From Kalispell Avenue to Spokane Avenue.

Councilman Ramlow explained this issue had been talked about for years and nothing had been done. He said the extension was necessary because of the school, the two Manors and housing on Seventh.

Mayor Putnam opened the Hearing to the Public.

Terry Rome inquired about width of street and Claire Strickler, President of the City County Planning Board, said they had strongly recommended the extension when they composed the Comprehensive Plan.

Mayor Putnam closed the Hearing to the Public and turned over to the Council for Action.

Motion Ramlow the City continue with Engineering Studies and bring alternative studies back to the Council. Second LaTourelle. All aye.

PUBLIC INPUT

John Garrity said that the Police had handed out the Snow Removal Ordinance to businesses, and thought City Hall should comply to the Ordinance along with everyone else. He said he spent 45 minutes cleaning the sidewalk in front of City Hall, but the parking lots, etc. needed snow removal also.

Mayor Putnam agreed and turned over to the City Manager to see that the City Complied to the Ordinance.

NEW BUSINESS

SPECIAL EVENTS PERMIT

Satellites from Oz requested to close 3rd Street between Central and the alley from 3:00 P.M. to 5:00 P.M. on 12/21/85.

Bill Maleno gave a summary of the purpose of the Special Events.

Motion Stephens to approve the Special Events Permit. Second LaTourelle. All voted aye.

December 2, 1985

COMMUNICATION FROM HENRY C. MARQUARDT RE VIKING LAKESHORE INN LAKESHORE PERMIT.

Henry Marquardt gave a summary of the demolition of the Viking, and stated they proceeded in August. He said heavy gauge steel culverts would replace the concrete culverts that were originally proposed. He further stated it was an oversight on his part that the City and Lakeshore Committee would have to be notified of any changes made to the Lakeshore Permit.

Building Inspector Berg told Council they were in violation because they were not authorized to use steel culverts, and they started construction after the permit had expired.

City Manager Arnold also felt they were in violation and that a new Lakeshore Construction Permit would have to be obtained.

Mayor Putnam said the issue was whether the work was started within the time frame and whether using steel culverts instead of concrete was a violation.

Councilman Stephens felt they had made too many changes, all of which had no approval.

After much discussion it was moved by Stephens that the Viking Construction started within the time frame. Second Boksich. All voted aye.

Mayor Putnam appointed a Committee of Stephens, LaTourelle and Faessler to investigate the other changes made by the Viking.

ANNEXATION OF WHOLLY SURROUNDED AREAS.

City Manager Arnold pointed out the areas. West Lakeshore Drive, South of the Hospital behind Greenwood Trailer Court.

Motion Stephens to table the issue until January. Second Caciari. All aye.

COMMUNICATION FROM FLATHEAD COUNTY COUNCIL ON AGING.

City Manager reported this was an information item because if we get involved they want funding and the City does not have any excess money.

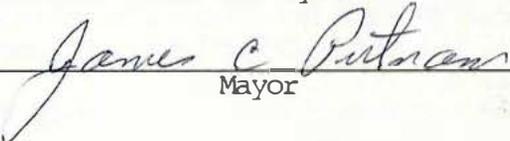
COUNCIL

Councilman Caciari said due to the freeze-ups maybe the City should have people let their water run and bill them summer rates.

Motion Caciari to defer the freeze-ups to the Water/Sewer Committee with power to act. Second Ramlow. all aye.

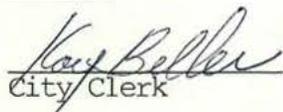
Mayor Putnam said because of the business to be carried over to the new administration, he felt it was proper this Council work with the new Council, he appointed a Committee of LaTourelle, Boksich and Faessler to work with Mr. Amass.

Motion Caciari second Ramlow to adjourn 8:59 P.M. All aye.



Mayor

ATTEST:



City Clerk

December 16, 1985

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. Council people present were LaTourelle, Caciari, Faessler and Ramlow. Absent were Stephens and Boksich.

Also present were Asst. Police Chief Herrmann, Acting Fire Chief Carlson, Water/Sewer Supervisor Acton, Building Inspector Berg, City Manager Arnold and City attorney Fisher.

MINUTES

Motion Ramlow to approve the minutes of December 2, 1985. Second Caciari. All voted aye.

PUBLIC HEARINGS

SECOND READING AND ADOPTION OF ORDINANCE NO. 85-18, AMENDING THE TEXT OF THE WB-1 AND WB-3 DISTRICTS AND THE SPECIAL OFF-STREET PARKING REGULATIONS.

Mayor Putnam opened the Public Hearing.

Dick Peterson, Bill Hileman and Jerry Hanson spoke against the $1\frac{1}{2}$ parking spaces per dwelling unit in WB-3 District. They felt 1 parking space was sufficient.

Dave Jamieson suggested denial of Section 4 of the Ordinance.

Mayor Putnam closed the Public Hearing and turned over to the Council for action.

Councilwoman LaTourelle said the size of the lots in the area talked about (Lupfer - O'Brien) are a concern, Variances would probably be needed and sending people to the Variance Board is not good practice.

Councilman Ramlow said he was concerned about the setting up of things that are tight for parking or anything else. He said when areas do not provide for utility purposes, parking or greenery, etc, it does not encourage the type of clientele we want. Mostly Ramlow said, the city does not want tenement houses.

Councilman Caciari said after hearing input on reducing the parking spaces, he was in agreement that the parking spaces should be reduced to one space, per dwelling unit.

Mayor Putnam reminded Council that the request for reduced parking spaces came from Developers, and justly so, however, he said a fourth of a parking space would not consume that much land and development could be done profitably.

Motion LaTourelle to change the Ordinance from $1\frac{1}{2}$ parking spaces per unit in WB-3 zone for residential to 1 parking space. Second Caciari. LaTourelle aye, Caciari aye, Faessler no, Ramlow no. Mayor Putnam broke the tie vote by voting no. Motion was defeated.

Motion Ramlow to adopt Ordinance 85-18, as written. Second Faessler. Ramlow aye, Faessler aye, Caciari aye, LaTourelle aye. Motion carried.

PUBLIC INPUT

None

OLD BUSINESS

Phil Mitchell, Golf Association, re: Burning Permit.

Mr. Mitchell was not at the meeting and City Manager Arnold suggested advising him a letter would be required stating what his request is.

Acting Fire Chief Steve Carlson explained that the Golf Course was burning brush piles and Fire Chief Anderson made them stop. Burning inside City limits is not allowed. The Golf Association wanted the Council to issue them a special permit to burn.

December 16, 1985

Carlson further explained the Fire Codes and State Codes put the Fire Chief in command and he can shut down any one burning in the City limits. The Fire Department does not have time to chase fires all over town.

City Attorney Fisher said the Council could not override the Fire Chief, and Council agreed to drop the issue.

VIKING LAKESHORE PERMIT

Committee of LaTourelle, Stephens and Faessler had met with Hank Marquardt, and Councilwoman LaTourelle gave the report. She said because concerns had not been addressed by Mr. Marquardt this issue should be deferred until next Council Meeting.

Motion LaTourelle to defer the Viking Lakeshore permit until next Council meeting. Second Faessler.

Hank Marquardt said this would be a hardship, he summarized what they believed would meet the accord of the committee and other Council members.

Councilwoman LaTourelle said the committee could meet again to try and resolve problems and differences.

Councilwoman Faessler withdrew her second and Councilwoman LaTourelle withdrew her motion.

Motion LaTourelle to give The Committee power to act when they work out problems to the Committees' satisfaction. Second Faessler. All aye.

NEW BUSINESS

ADOPTION OF ORDINANCE NO. 85-19 SETTING COMPENSATION FOR VOLUNTEER FIREFIGHTER.

City Manager Arnold summarized the Ordinance stating the Fire Chief had always received compensation but had never been included in the Salary Ordinance. The Ambulance runs to Big Mountain (\$15.00/Run) and Kalispell (\$25.00/run) the volunteers had never ^{been} paid before. The Missoula and out of County runs, volunteers were paid \$6.00 per hour plus meals. Arnold said the Ordinance was to clean up loose ends and recommended Council approval.

Fireman Tony Rucinski explained they had a total of 326 ambulance calls for the year. Big Mountain 33 calls and transfers to Kalispell were 59. He said it was difficult to find people to take the transfers and they were going to ask North Valley Hospital to supply one (1) person.

Dale Jessup requested transfers be deferred until he could meet with the Fire Department.

Council requested this issue be continued until next Council meeting.

RESOLUTION NO. R85-56, Creating an emergency budget to pay the increase in Public Liability Insurance Premium and designating the funds and departments against which the emergency warrants shall be drawn.

City Attorney Fisher explained the liability insurance in the General Fund, garbage, sewer and water departments was set at \$19,805.00, the actual premium came to \$47,266.00, this left a shortfall in the budget of \$27,461. The Resolution was needed to increase the budgets by this amount. He said Council should adopt the Resolution, have the hearing next meeting and then order the emergency warrants to be written.

Motion Caciari to adopt Resolution No. R85-56. Second Ramlow. All aye.

Mayor Putnam requested Council approval of the appointment of Deanna Frizelle to the County Health Board. Her term expires on the 31st and she is willing to continue serving on the Board.

Motion LaTourelle to appoint Deanna Frizelle to the County Health Board. Second Caciari. All aye.

December 16, 1985

OTHER

Motion LaTourelle to allow Councilman Boksich permission to leave the state from the 21st thru the 30th of December. Second Faessler. All aye.

Councilwoman Faessler reported the Interim Committee would like to request the City Manager to give all new Councilpeople and the Mayor an orientation packet by Wednesday January 1.

City Attorney Fisher reported the only litigation still pending was the Stidham case and the City was not liable, Morrison-Maierle Engineering was responsible.

Councilman Ramlow requested permission to leave the State from December 18, thru January 7.

Motion Faessler to allow this request. Second LaTourelle. All aye.

Councilman Caciari reported he had fallen on the city sidewalk - west side of City hall. He requested the City Manager make sure all city sidewalks are clear of ice.

Mayor Putnam said John Garrity had called and thanked the city for cleaning sidewalks at the city parking lot. (across from Catholic Church.)

RESOLUTION NO. R85-55, INTENT TO ANNEX Tract 6 AH OF LOT 2, Barkley Tracts. Zoning to be WLR. Owners Claire L. and Lawrence R. Wilson.

Motion LaTourelle to adopt Resolution No. R85-55, intent to annex Tract 6 AH of Lot 2, Barkley Tracts, zoning to be WLR. Second Faessler. All aye.

A City Manager Arnold reported City Engineer Wells had the design of Seventh Street done. The cost would be between \$38,000 and \$44,000. He felt the city could start the fill in the 85-86 fiscal year and complete the street in the 86-87 fiscal year.

Motion Caciari to adjourn 8:38 P.M. second LaTourelle. All aye.

ATTEST:

Kay Beller
CITY CLERK

James C. Putnam
Mayor

January 6, 1986

Mayor Putnam opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpeople were in attendance except Ramlow and Faessler.

Also present were City Manager Arnold, Building Inspector Berg, Asst. Police Chief Herrmann and City Attorney Fisher.

MINUTES

Motion Caciari to approve the Minutes of December 16, 1985. Second LaTourelle. All aye.

CORRESPONDENCE

Mayor Putnam read a letter from Phil Mitchell. Mr. Mitchell apologized to the Council and Fire Chief for not appearing at the last Council meeting and requested to be put on the Agenda for the February 3rd Council meeting.

Mr. D. R. Sonny Phillips sent Mayor Putnam \$100.00 donation for the two young Story-Tellers for Peace. City Manager Arnold would see they received the donation.

PUBLIC HEARING

RESOLUTION NO. R85-56, Creating an Emergency Budget to pay the Increase in Public Liability Insurance Premium.

City Manager Arnold explained the Liability Insurance Premium was much higher than anticipated at budget time, and as the city did not have a choice he recommended Council amending the Resolution to \$34,661.00.

Motion LaTourelle to amend Resolution No. R85-56 to \$34,661.00 Second Boksich. All voted aye.

PUBLIC HEARING

Porter Gifford inquired if the City had checked different premiums, possible lower insurance coverage at a lower rate.

City Manager said all possibilities had been pursued, and the City was working with the Montana League of Cities on Liability Insurance.

Mayor Putnam closed the Public Hearing to the Public and turned over to the council for action.

Motion Caciari to approve Resolution No. R85-56. Second Boksich. All aye.

PUBLIC INPUT

Rico Brazil, developer of Colorado Village Apartments requested Council authorize a lot split of his property. He said this was the intent at the time Council approved his Use Permit in July.

Mayor Putnam explained he would have to go through the planning process (City County Planning Board and then to Council).

Mayor Putnam said this was the end of a pleasant stay, and would like to thank the following: Planning Board and all other Boards, Park Commission Fire Department, The Press, City Manager Arnold, All Council, Caciari, Boksich, Stephens, LaTourelle, Ramlow, Garrity, Helen Tate, Building Inspector, All City Departments and Leo Fisher. At this point he turned the meeting over to the New Mayor and Council.

The following were elected in the November election.

Mayor - Carroll Anass

Council- Ward 1 - Robert Ogg

Council- Ward 2 - Jerry Hanson and Dale Jessup

Council-War d 3 - Ray Boksich and Deidra Faessler

January 6, 1986

City Attorney Fisher gave the Oath of Office to Mayor Amass, Councilmen Ogg, Boksich, Hanson, Judge Johnson. They took their place at the Council Table. City Attorney Tracy was given the OATH OF OFFICE.

Mayor Amass thanked Mayor Putnam for the excellent job he had done while serving as Mayor of Whitefish and presented him with a plaque of appreciation. Also receiving plaques of appreciation were Caciari, Stephens, City Attorney Fisher and Assistant City Attorney Erickson.

At this time Mayor Amass called a break in the meeting.

Mayor Amass called the meeting back to order and requested Council approval of Councilwoman LaTourelle as Deputy Mayor.

Motion Hanson second Boksich to appoint LaTourelle as Deputy Mayor. All voted aye.

APPOINTMENT OF CITY ATTORNEY

Motion LaTourelle to appoint Leo Tracy as City Attorney subject to the Contract between Tracy and the City, mutually acceptable to both. Second Boksich. All voted aye.

APPOINTMENT AND Ratification of Planning Board/Zoning Commission Members.

one (1) Mayor appointment and Two (2) Council appointments.

Mayor Amass requested Council approval of his appointment of Dewey Hartman.

Motion LaTourelle to approve the Mayor's appointment of Dewey Hartman. Second Ogg. All voted aye.

COUNCIL APPOINTMENTS

Motion LaTourelle to reappoint Jan Brunk for a two year term. Second Hanson. All voted aye.

Motion Boksich to appoint Edwin Fields to a one year term. Second LaTourelle. All voted aye.

RATIFICATION OF PARK COMMISSION APPOINTMENTS.

For a one year term ending May 1, 1987:

Susan Abel
Vince Caciari
Mike Fitzgerald

For a two year term ending May 1, 1988:

Ray Boksich
William Friel
John Kramer

Motion Hanson to accept the appointments of the City Manager. Second LaTourelle. All aye.

APPOINTMENTS OF CITY COUNCIL COMMITTEES

Mayor Amass appointed the following:

Administrative and Finance-----Jessup, Ogg, Faessler
Water/sewer-----LaTourelle, Hanson, Faessler
Street and Alley-----Hanson, Ogg, LaTourelle

FIRST READING OF ORDINANCE NO. 086-01, amending Municipal Code Section 7.04.190 Relating to the keeping of Animals.

City Manager Arnold explained the Zoning Ordinance of 1982 restricts keeping of animals to large lot zones. The blanket prohibition contained in the Municipal Code should be deleted allowing the Zoning Ordinance to determine where keeping of animals is permitted.

Leo Fisher was apposed to changing the Ordinance.

After discussion Councilwoman LaTourelle recommended referring to the City County Planning Board for their recommendation. All Council members were favorable.

January 6, 1986 cont.

AUTHORIZE ADVERTISEMENT FOR BIDS FOR SECOND STREET WEST INTERCEPTOR.

Carver Engineering, Inc., recommended Council authorize the Advertisement for construction of the new interceptor from 2nd Street West to the Columbia Avenue lift Station.

Motion LaTourelle to advertise for bids on the Interceptor, changing the third paragraph to read "in the City Clerks office, Whitefish City Hall, Whitefish, Montana." Second Hanson. All voted aye.

COMMUNICATION FROM DEPARTMENT OF HIGHWAYS RE INTERSECTION OF U.S. 93 AND Baker Avenue.

City Manager Arnold reported the Department of Highways had completed the traffic signal warrant investigation at the intersection of U.S. 93 and Baker Avenue and their conclusion was that a traffic signal would not provide a positive improvement in the control of the movement of traffic within the intersection and its installation was not recommended.

Council was not pleased with the decision of the Highway Department and Mayor Amass requested City Manager correspond with them explaining we appreciate their study but do not feel the overall problem was addressed.

Councilman Boksich suggested meeting with the Highway representatives, to try and resolve the problem on 93 South.

SPECIAL EVENTS PERMIT.

WINTER CARNIVAL PARADE.

Motion Hanson to approve the permit subject to any conditions of the City Administrator, Fire Chief and Police Chief. Second Ogg. All aye.

Mayor Amass appointed a special Mayor Committee, Jessup, LaTourelle, and Hanson, to work with the School and Ivan Hernandez, also North Valley Hospital, in the purchasing of supplies, etc. in an endeavour to save money. Amass also said he was interested in moving the Library and the High School was interested in relocating it to their facility. This Committee would also be involved in this.

Mayor Amass reported that Dale Jessup was not present at this Council meeting as he was out of town furthering his education. (Working on his Masters degree) and Deidra Faessler was ill and could not attend the meeting.

COUNCIL

Councilwoman LaTourelle reported the Water Committee would be meeting with the Water Quality people on January 15th.

Motion LaTourelle second Hanson to adjourn at 8:20 P.M. All aye.

Carroll Amass
Mayor

Attest:

Kay Beller
City Clerk

January 20, 1986

Mayor Amass called the regular meeting of the Whitefish City Council to order on the above date at 7:00 P.M. All Councilpeople were in attendance except Hanson.

Also present were City Manager Arnold, City Attorney Tracy, Water/Sewer Superintendent Acton and Asst. Police Chief Herrmann, City Engineer Wells.

SWEARING IN OF COUNCIL MEMBERS FAESSLER AND JESSUP.

City Attorney Tracy administered the oath of office to Councilman Jessup and Councilwoman Faessler.

APPROVAL OF THE MINUTES

Motion LaTourelle to approve the minutes of the January 6, 1985, Council meeting. Second Boksich. All voted aye.

PUBLIC HEARINGS

RESOLUTION NO. R86-3, ABANDONMENT OF A PORTION OF DENVER STREET.

That portion of Denver Street, being 30 feet wide, lying north of Lot 1 of Block 7 of the First Addition to Whitefish Townsite Company's Five Acre Tracts and west of Wisconsin Avenue.

ATTACHMENTS

Petition to abandon
Map of the area
Resolution No. C540, abandoning West 296 feet of Denver(back in 1969).

City Engineer Wells and City Manager Arnold explained this Street was thought to be abandoned along with the West 296 feet back in 1969, however, after checking records it was not. A building had been built on the Street and property owners were requesting abandonment.

Mayor Amass opened the Public Hearing, and as there was no Public Comment he closed the Hearing and turned over to the Council for action.

Motion LaTourelle to adopt Resolution No. R86-3, abandoning the East portion of Denver to Wisc. Avenue. Second Jessup. All voted aye.

NEW BUSINESS

COMMUNICATION FROM FLATHEAD COUNTY BOARD OF COMMISSIONERS: Re: County Health Board Appointment.

Mayor Amass explained the Council had re-appointed Deanna Frizelle to the County Health Board on December 17, 1985, however, the County Commissioners requested the new Council concur in this recommendation for appointment. Mayor Amass said the December 17th Council decision to reappoint Deanna Frizelle was in order and the new Council should not have to consider this at all. Council agreed. A letter would be submitted to the Commissioners.

COMMUNICATION FROM HEDMANS re: Drainage

Richard L. Hedman wrote a letter on behalf of his father Ed Hedman, who owns lots 1 & 2 of Block #5 in the Park Addition and also, three acres #IF just east of the lots. They had two concerns.

1. The city planning running a water line down a plotted alley behind all the lots in Block 5. He stated the alley has never been defined in the past and a number of the residents assumed it was on the back of their fence line, and therefore residents have structures on this alley that will be destroyed if the water line is run as proposed.
2. The city presently has two storm drains that are dumping water into the 3 acre plot. He said this is causing flooding in the bottom of this acreage, which makes it an unusable pasture and impossible to consider for future development.

Mayor Amass requested this be turned over to City Administration to handle and bring back their recommendation to the Council.

Council Agreed.

January 20, 1986

CITY ATTORNEY AGREEMENT.

City Manager Arnold, City Attorney Tracy and Councilman Ogg all helped draft the Agreement.

Motion Ogg to adopt the City Attorney Agreement as written. Second Faessler. All voted aye.

SPECIAL EVENTS PERMIT

City Manager Arnold explained the Child Abuse Prevention Council was requesting to hang a banner during the later month of January and the first two days of February, announcing the Ski-A-Thon at Grouse Mountain on February 2, 1986.

Councilman Ogg felt Council should know what the sign would say before approving.

Mayor Amass suggested giving City Manager authority to investigate and act.

Motion Jessup to give City Manager Arnold authority to review wording and approve. Second LaTourelle. All aye.

COUNCIL

Councilwoman Faessler asked City Manager Arnold if the City was advertising for Police Chief. He said yes.

Councilman Boksich said the Snow Removal Ordinance was not working and suggested Council review and make some changes.

Mayor Amass requested this be on the next Agenda.

Councilwoman LaTourelle reported, she, Mayor Amass, Councilman Boksich and Greg Acton had met with Scott Anderson, Water Quality Bureau, on an update on phosphorus, however, they are waiting for a report back from CH2 Hill, on alternatives on how to handle sludge. It was an informative meeting, no decisions were made.

LaTourelle also stated the Flathead Basin Committee would be meeting January 30th, at the Outlaw on H.B. 711 (Ben Cohn's bill) she encouraged everyone attend as it should be very informative.

LaTourelle also requested a report from the Parking Committee. She felt Council should be informed on their progress.

Councilman Ogg said he still has concerns about the streets and snow plowing, felt Council should look at internal procedures. He felt the crews should be put on call during the winter season, as there is a safety risk plus the inconvenience to the taxpayers. Ogg also requested copies of the Personnel Policy and the Union Contract.

City Manager Arnold explained the City had to follow the Union Contract and if city crews worked on a holiday it would be double time. Arnold said he would give all Councilpeople a copy of the Union Contract and Personnel Policy.

Councilwoman LaTourelle called a ~~Water Sewer~~ ^{STREET} Committee meeting for 11:00 A.M. Wednesday morning.

Mayor Amass said he would like to call a special meeting of all Council persons and City Administrator Jack Arnold related to the discussion of matters of individual privacy. He has determined that the demands of individual privacy clearly exceed the merits of public disclosure. Mr. Arnold has agreed to his right to individual privacy and waived his right to an open meeting and asked for it to be closed according to Montana Code section 2-3-203. He called for the special session Tuesday, January 21, 1986, at 5 P.M. in the Council Chambers.

Motion Jessup to adjourn 7:35 P.M. Second Faessler. All aye.

ATTEST:

Kay Beller
City Clerk

Carroll E. Amass
Mayor

January 21, 1986

Mayor Amass convened the special call of the Whitefish City Council on the above date at 5:02 P.M. All Councilmembers were present.

Also present was City Manager Arnold.

Mayor Amass stated the meeting was closed pursuant to MCA 2-203 (2).

Mayor Amass adjourned the meeting at 7:15 P.M.

Carroll E. Amass
Mayor

ATTEST:

City Manager

X

February 3, 1986

Mayor Amass called the regular meeting of the Whitefish City Council to order at 7:00 P.M. on the above date. All Councilpeople were present.

Also present were City Manager Arnold, City Attorney Tracy, Water/Sewer Supervisor Acton, Building Inspector Berg, Asst. Police Chief Herrmann, and City Engineer Wells.

MINUTES

Motion Jessup to approve the minutes of January 20, 1985, as presented. Second Faessler. All aye.

PUBLIC HEARINGS

ORDINANCE NO. 86-5, Annexing Tract 6AH in Government Lot 2 of Section Twenty-two West (R22W).

City Manager Arnold gave the Staff Report. He explained the 5.8 acres was zoned WLR one family residential and no change in the zone had been requested. The City County Planning Board recommended approval with 15 conditions (per letter dated January 27, 1986.) Arnold said the Staff recommended approval of the annexation per Planning Board recommendations, however, Staff did not concur with the Planning Board in that ornamental street lights are recommended.

Councilman Ogg questioned Parks and Recreation, cash-in-lieu of parkland dedication. The fair market value of the property based on County records and information submitted by the applicant is \$86,750.00. Therefore, cash-in-lieu would amount to approximately \$9,640.00. Ogg said if you look back the purchase price was \$450,000, this raises the issue of what fair market value of the land is. He asked where the figures came from.

Margaret Clark, FRDO Office explained it was the Policy to use the County tax records.

Councilman Ogg said it was Council's duty to follow the law and the law says fair market value.

Councilman Hanson said this situation had been discussed several times, and suggested a written Policy be established, he felt it would be unfair to change this annexation.

Councilman Hanson, Margaret Clark and City Engineer Wells all voiced concern on changing the cash-in-lieu at this point.

Motion Hanson to direct the Planning Board and Parks Commission in conjunction with City Administration, to research this issue and get their input, meanwhile allow this annexation to proceed per Recommendation of the FRDO. Second LaTourelle. All voted aye except Ogg who said no.

Mayor Amass opened the Public Hearing.

Peter Tracy, owner of the property to the east of subject property said he was in favor of the annexation, but had a problem with the road width.

There was no further comment and Mayor Amass closed the Hearing to the Public and turned over to the Council for action.

After further discussion on extension of services it was Moved by LaTourelle to adopt Ordinance No. 86-5, on the First Reading. Second Boksich. All aye.

Mayor Amass said the law requires that at any regular or special meeting held no sooner than 7 days and no later than 60 days following public hearing the governing body shall have the power to adopt Ordinance or annexation. He set the date for the Second Reading of Ordinance 86-5 for February 18, 1986.

February 3, 1986 cont.

PRELIMINARY PLAT LEGENDARY VIEW SUBDIVISION

City Manager Arnold gave the staff report. He said the subdivision would be nine (9) single family lots, maximum lot size of 2.42 acres and minimum lot size of 15,6000 square feet at an overall density of 1.55 units per acre. Arnold said the road had a slope of 15% and City specifications require 9-10%, he suggested leaving this a private road if they can not meet City Specs. He said the City County Planning Board recommended approval with 15 conditions. Arnold suggested Council add ornamental street lights in this subdivision.

Claire Strickler, President of the City County Planning Board, said they did not want street lights on the lake, suggested lighting house numbers instead. She also explained if the road was to be widened or changed it would increase erosion and water runoff would effect the lake quality.

After Council discussion Mayor Amass opened the Hearing to the Public.

Peter Tracy spoke in favor of the subdivision.

There was no other public comment and Mayor Amass closed the Hearing to the Public and turned over to the Council for discussion and action.

Motion Hanson to accept the Preliminary Plat as presented, with the modification to the conditions of the Planning Staff. #7 be amended to read: That Legendary Court be constructed to both Whitefish Subdivision Standards and the City of Whitefish Public Works Standards. Addition of #16. Street lights be at discretion of the developer per 17.67 of the Zoning Regulations. Also include grant Variance requests of #2 and #4 of the conditions. Second Jessup. All aye. Accept findings of fact per FRDO.

ORDINANCE NO. 86-1, PROPOSED AMENDMENT TO THE ZONING REGULATIONS TO ALLOW PARKING LOTS IN WR-3 AND WR-4 WITH A USE PERMIT.

City Manager Arnold gave the Staff Report, and explained the amendments to the text of the Zoning Regulations pertain to allowing Parking Lots in WR-3 (Low Density Multi-Family) and WR-4 (High Density Multi-Family) zones for adjoining commercial uses with a "Use Permit". These amendments establish standards pertaining to landscaping, fencing, and setbacks for said parking lots. The City County Planning Board recommended unanimously to approve the proposed amendment.

Councilman Hanson questioned if this amendment only affected the WR3 and WR-4 zones or all residential zones. He favored parking lots in all Residential Zones.

Mayor Amass opened the Public Hearing.

Gary Stephens, and Gary Elliott spoke in favor of the amendment, however, they felt it should be considered in all residential zones.

John Garrity spoke in favor of the parking lots in WR-3 and WR-4 zones but was apposed to the use in all Residential zones.

Mayor Amass closed the Hearing to the Public and turned over to the Council for discussion and action.

Motion Hanson to adopt Ordinance 86-1 on the first reading and amend to apply to all Residential zones. Second Boksich. Boksich recinded his second and Hanson recinded his motion.

Council further discussed the amendment and it was Moved by Ogg to consider the issues seperately. Second Faessler. Faessler withdrew her second and Ogg withdrew his motion.

City Attorney Tracy explained procedurally it would have to be re-routed back to the Planning Board if any changes were done.

Motion Hanson to adopt Ordinance No. 86-1, on the first reading as presented. Second LaTourelle. All voted aye.

February 3, 1986

PIONEER/VENTURE REAL ESTATE SIGN VARIANCE REQUEST AT 429 EAST SECOND STREET.

The Sign requires a variance solely due to interior lighting.

City Manager Arnold recommended denial of the Variance as there are no unusual circumstances and an appropriate sign is easily obtainable from local sign makers. He said if Council wants to allow the sign ordinance would have to be changed.

Councilwoman LaTourelle said if Council was going to have a large number of sign variances, a Council Committee should be appointed to review the sign ordinance to see if it should be amended.

Mayor Amass opened the Public Hearing.

Hank Starno, representing Pioneer/Venture Real Estate, gave his presentation of the sign and explained the sign face is opaque and soft fluorescent lighting is specified which will result in a soft glow from the sign as apposed to bright and harsh effects of outside spot lights. He further explained all details of the Coldwell Banker Signs are specified by Coldwell Banker and uniformly used throughout the U.S. and Canada to develop an instantly recognizable logo. Starno said the international recognition is extremely important for tourist and out of area trade.

Gary Elliott and Marv Bethea spoke in favor of the interior lite sign.

John Garrity spoke against the variance. He said the town looks much better since the sign ordinance was adopted.

Gary Stephens, Chairman of the Sign Committee, summarized how and why the sign Committee drafted the Ordinance as it is. All zones were supposed to have their own character. He said he was not in favor of the variance and requested Council help keep the character of the B-3 Zone by denying the variance request.

Ed Grogan, who was also on the Sign Committee, stated he had never objected to interior lite signs but felt the Ordinance should be reviewed and amended instead of allowing the variances one at a time.

Mayor Amass closed the hearing and turned over to the Council for discussion and action.

Motion Jessup to follow the Staff recommendation and deny the Sign Variance. Second Faessler. All voted aye except Hanson who said no. Motion carried 5 to 1.

TOWN PUMP, INC. SIGN VARIANCE REQUEST AT 541 EAST SECOND STREET.

City Manager Arnold gave the Staff report and recommendation. He said the Town Pump, Inc. Sign Variance request at 541 E. Second Street- the applicant is requesting five variances. 1) Height, 2) Interior Lighting, 3) setback, 4) excess readerboard and 5) sign size. Arnold stated there are no unusual circumstances for the requested variances, and recommended the set back variance be granted and the other four be denied. He said the new station would be much like the other convenience stores in town and if these requests were granted the others would be requesting similar variances.

Mayor Amass opened the Public Hearing.

Tom Richardson, representative for the Town Pump, Inc. gave a summary of why they were requesting the variances. He said the Town Pump, Inc. was investing \$300,000 in the new station and they had to be able to compete fairly with other stations.

Herb Peschel also spoke in favor of the variances.

George Stacey, Jack Faessler, Gary Stephens, and Bobbi Cantrell spoke in opposition of granting the variances.

February 3, 1986 cont.

Mayor Amass closed the Public Hearing and turned over to the Council for discussion and action.

Motion Boksich the sign Variance be denied. Second Jessup. All aye.

Mayor Amass said that ~~at the next Council meeting he would appoint a committee to review the sign ordinance.~~ *deleted - Motion 2-18-86*

BID OPENINGS SEWER INTERCEPTOR

City Manager Arnold explained the bids would include installation of sewage interceptor line with manholes and fill stabilization at Central and Sixth Street.

Engineer Carver opened and read the five bids received.

American Builders	10% bid bond	Total Base Bid	\$498,607.86
Chet Brown & Sons	10% bid bond	Total Bass Bid	\$593,760.00
Barnard Constr. Co.	10% bid bond	Total Base bid	\$444,089.60
Holm Sutherland Co.	10% bid bond	Total Base Bid	\$680,327.00
Lehman Const. Co.	10% bid bond	Total Base Bid	\$687,787.50

Motion LaTourelle to take the bids under advisement, Engineer Carver to bring recommendation back to the next Council meeting. Second Hanson. All aye.

ED GROGAN-RE: LOCAL GAS TAX

Ed Grogan said the County Commissioners wanted the State to administer the local gas tax. The State would charge \$10,000 to set it up and total first year cost would be \$66,800.00. He said the Chamber would like direction from the council.

Mayor Amass tabled this request until the Council could review the options.

Recessed:

Mayor Amass called the meeting back to order at 9:09 P.M.

GARY STEPHENS, PARKING COMMISSION REPORT

Stephens explained the Parking Commission was formed on April 10, 1985, and consists of five members. He said the short range plan was to remove the employee and employer parking on the streets in front of their businesses. This was about 70% effective at this time. The long range plan:

1. The Commission did get a commitment from the Council to tear down the salt shed (north of fire hall) for customer parking. They are obligated to tearing down the shed.
2. They are going to request to abandon First Street, from the alley east to Central and include Toggery Parking lot for additional 35 parking spaces. If Council would concur and form SID to provide funding. Another option would be to purchase the Markus lot and have one big parking lot. (75 additional spaces)

The Commission also was looking at one way alleys between second and third Streets. One way going South.

Stephens said these were just a few options and the Commission would keep Council informed. He also stated the Commission would rather not have a Councilperson on their commission.

PETITION FOR DISCONTINUANCE OF A PUBLIC HIGHWAY - RESERVOIR ROAD

City Manager Arnold reported Flathead County is encouraging abandonment of the right-of-way for Reservoir Road by the City and the adjoining property owner. They hope to trade the adjoining property owner the existing right-of-way for additional right-of-way on the actual site of Reservoir Road for road improvements. He said we can consider the petition only for discontinuance of the public highway right-of-way as the main water feed line from the City Reservoir occupies this right-of-way and must be retained for public utilities and can not be built upon.

Council instructed City Manager to leave as is.

February 3, 1986 cont.

SPECIAL EVENTS PERMIT

Whitefish Community Theatre to hang a banner for February 10, 1986.

Mayor Amass read what would be on the banner.

"MIME, MOVEMENT, MAGIC" -The Aleph Movement Theatre - Feb. 14 - 8:00
Central School.

City Manager recommended approval.

Motion LaTourelle to approve the Special Events Permit. Second Faessler.
All voted aye.

PLEDGED SECURITIES

First National Bank	\$563,000.00
Mountain Bank	\$345,000.00

Motion Jessup to approve the Pledged Securities. Second Hanson. All aye,
except LaTourelle who abstained on voting on the First National.

ADVERTISEMENTS FOR LOT SPLITS AND USE PERMITS.

City Manager Arnold explained advertisements for lot splits and use permits
the statutes and the subdivision ordinance do not require advertisement.
Adjacent property owners are notified individually on Use Permits.
Considering the financial circumstances of the City it is recommended
this City Council discontinue this practice.

Motion Boksich to discontinue advertising the lot splits and use permits.
Second Faessler. All aye.

COLORADO VILLAGE APARTMENTS LOT SPLIT

City Administration recommended granting this lot split.

Mayor Amass explained this lot split was being advertised for February 18, 1986,
and if a decision was made it should be contingent upon hearing of the 18th.

Rico Brazil said he was waiting for the Council decision so he could get
his funding.

After discussion it was Moved by Faessler to table this issue until
the Public Hearing at the February 18th Council meeting. Second Jessup.
All aye except Ogg and Hanson who abstained from voting due to conflict
of interest.

SET DATES FOR THREE (3) SID'S FOR NEWLY ANNEXED AREAS.

West 7th Street area	Second meeting in March
Texas Avenue area	first meeting in april
Glenwood area	second meeting in april

Motion LaTourelle that City Engineer Wells organize and utilize the above
dates as best fits the timetable. Second Hanson. All aye.

City Engineer Wells reported on the concrete work scheduled for Baker
Avenue and the one (1) block overlay on Central. He said he had contacted
American Asphalt requesting the same price quote this spring as we had
last fall, and was waiting to hear from them.

Councilwoman LaTourelle said the Street and Alley committee would meet and
come back with price figures for the Council.

February 3, 1986 cont.

REPORTS

Mayor Amass reported he had met with Mona Meade - Operations Manager for Group W Cable Co., and had met Mr. W. H. Sexton the Regional Manager of Community Tele-Communications, Inc.,. They are the company purchasing Group W from Westinghouse.

He presided over a Special Session of the Council on the 21st, sat in on a Committee meeting of the Street and Sanitation, attended a Countywide Administrative Board meeting on the 22nd, rode in Winter Carnival Parade representing the City of Whitefish, gave a brief speech at the BPA Hearing on the 29th, went to the Outlaw Inn Thursday the 30th for the Flathead Basin Commission meeting - Re: Phosphorus Compounds used for Cleaning Purposes, he said he came away with some growing reservations as to the best approach for City's to handle this problem. Also, he talked to EPA Representative Paul Horvatin re long term problems involved and not yet addressed and also alternative new methods being evaluated by EPA, he is to follow up with reports from EPA to the Mayor.

Mayor Amass also reported meeting Mayor Rick Jenson of Cranbrook, B.C. They discussed the Economic Development Plan they have devised for their town and said he would send an outline of it. Amass said it has been very successful and has a lot of Community involvement and participation.

Councilman Ogg reporting for the Street and Sanitation Committee, said they had reviewed the Snow Removal Ordinance #84-10, and recommended amending - any day immediately following a snowfall with a snow accumulation of not less than six inches (6") as measured at the City Hall Parking Lot- to 4 inches.

First reading of the amendment would be Council Meeting of February 18.

Councilwoman LaTourelle reported she, Councilmen Boksich and Hanson attended the Phosphorus meeting at the Outlaw Inn on the 30th of January. She felt Proctor and Gamble had a poor presentation and that the people for the Phosphorus Ban came out ahead. The County Commissioners would not make a commitment on the ban.

Councilman Hanson gave Council a proposed Motion regarding Special Event Permits. The motion would be as follows: That the City Administrator develop guidelines to be considered in the issuance of Special Events Permits based on the history of the event, sponsor, apparent community benefit, etcetera, by which the permit application shall be evaluated. The City Council shall then approve the guidelines thereby establishing policy regarding these permits. A nominal processing fee may be desirable. After receipt of the completed application, the City Administrator shall review the application with Fire and Police officials concerning safety aspects, and, based upon the general guidelines, then issue or deny the permit without Council action. In the event of the City administrator's disapproval, or approval with conditions the applicant feels create an undue burden or hardship, the Mayor shall act as arbitrator to attempt to resolve the matter, keeping in mind the Policy guidelines. Further appeal if no accord can be reached will be to the full Council for a Policy waiver or amendment to the Policy. Most Special Events Permits are anticipated to be handled routinely by the City Administrator.

Hanson requested feed back on this proposal by the next Council meeting.

Councilman Jessup called a meeting of the Finance and Administration Committee for Tuesday February 11, at 7:00 P.M.

Jessup also requested permission to leave the State February 19 thru the 21st.

Motion Hanson to allow this request. Second LaTourelle. All voted aye.

Councilman Hanson called a Street and Alley Committee meeting for Monday, the 10th of February.

February 3, 1986 cont.

Water/Sewer Supervisor Acton told Council they should make a plea to the County Commissioners to pass the Phosphorus Ban, as it would be a direct cost savings to the City.

Motion Jessup to ask the County Commissioners to pass the Phosphorus Ban. Second Ogg. All aye.

Mayor Amass read letter of resignation from Jack Arnold. Arnold stated his resignation would be effective February 28, 1986. The Town of Signal Mountain, Tennessee had made a very attractive offer for him to serve as Town administrator and he had accepted.

Motion Jessup to accept the City Managers resignation. Second Ogg. All voted aye.

Motion Hanson to instruct that the City Manager position be advertised. Second Ogg. All voted aye.

Motion Jessup to adjourn at 10:20 P.M. second Ogg. All aye.

ATTEST:

Carol E. Amass
Mayor

Gay Belcher
City Clerk

February 18, 1986

Mayor Amass opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M. All Councilpeople were in attendance except LaTourelle.

Also present were City Manager Arnold, City Attorney Tracy, Building Inspector Berg, City Engineer Wells, Asst. Police Chief Herrmann, Water/Sewer Supervisor Acton, and Street Foreman Wartnow.

MINUTES

Councilwoman Faessler questioned page 4 of February 3rd meeting. "Mayor Amass said he would appoint a committee to review the sign ordinance." She asked if this could be done without a motion and approval of the Council.

City Attorney Tracy said the Mayor could appoint standing committees, but any other committees should have a Motion and be voted upon by the Council.

Motion Faessler to change the minutes of February 3, 1986, and delete sentence 3 on page 4 (Mayor would appoint a committee to review the sign ordinance.) Second Jessup. All voted aye except Ogg who said no. Motion carried 4 to 1.

Motion Jessup to approve the minutes of February 3, 1986, with the above change. Second Faessler. All voted aye.

PUBLIC HEARINGS

SECOND READING OF ORDINANCE 86-5, ANNEXATION OF Tract 6A in Government Lot 2, Section 24, Township 31 North, Range 22 West.

City Manager Arnold gave the staff report. The property is owned by Lawrence and Claire Wilson. Zoning is WLR (One Family Residential-15,000 square feet minimum lot size). The City County Planning Board recommended the annexation.

Mayor Amass opened the Public Hearing and as there was no comment he closed the hearing to the Public and turned over to the Council for discussion and action.

Councilman Ogg said he was still apposed to the way Cash-In-lieu was taken on the appraised valuation of the property when the law says fair market value. Faessler agreed.

Councilman Hanson agreed also, but felt this should not be changed on this annexation.

Councilman Jessup agreed with the concept but felt it should be done in the future.

Motion Jessup to adopt Ordinance 85-5 on the second reading. Second Hanson. Faessler no, Boksich aye, Jessup aye, Ogg no, Hanson aye. Motion carried 3 ayes to 2 no votes.

SECOND READING AND ADOPTION OF ORDINANCE 86-1, AMENDMENT TO ALLOW PARKING LOTS IN WR-3 AND WR-4 WITH A USE PERMIT.

City Manager Arnold gave the staff report. The staff and the City County Planning Board and Zoning Commission recommended approval.

Mayor Amass opened the Public Hearing and as there was no comment he closed the Hearing to the Public and turned over to the Council for discussion and action.

Motion Boksich to adopt Ordinance 85-1 on the second reading. Second Faessler. All voted aye.

February 18 cont.

COLORADO VILLAGE APARTMENTS LOT SPLIT.

City Manager Arnold gave the staff report. Kalispell Investment Group are requesting preliminary plat approval to resubdivide Lot 2, Block 6, Whitefish Townsite Company's Five Acre Tracts into two lots, 2.784 acres and 1.67 acres in size. Arnold said the Staff and the City county Planning Board recommended approval with the five conditions as stated in letter dated January 17, 1986.

✓ Mayor Amass opened the Public Hearing and as there was no public comment he closed the hearing and turned over to the Council for action.

Motion Jessup to approve the preliminary plat as presented with the findings of fact of the FRDO. Second Faessler. Faessler aye, Boksich aye and Jessup aye. Hanson and Ogg abstained from voting due to conflict of interest. Motion carried.

FIRST READING OF ORDINANCE 86-4, zone change for Cedar Estates from WR-2 to WLR.

City Manager Arnold explained this was a request by homeowners in Cedar Estates and Zoning Commission and Staff recommended approval of the Zone Change.

This zone change meets the twelve criteria set forth under 76-2-304 M.C.A.

Mayor Amass opened the Public Hearing.

Doug Oliver, one of the homeowners in Cedar Estates, explained this was a 100% petition for the zone change.

✓ Mayor Amass closed the Hearing to the public and turned over to the Council for discussion and action.

Motion Hanson to adopt Ordinance 86-4, on the first reading. Second Faessler. All voted aye.

FIRST READING OF ORDINANCE 86-2, REGULATION OF EARTH STATION DISH ANTENNAS.

City Manager Arnold explained the amendments establish standards pertaining to location and required setbacks for earth station dish antennas. The Zoning Commission recommends adoption of the amendments. However, Arnold explained to Council it was up to them whether they wanted to regulate or not.

Mayor Amass opened the Public Hearing.

Dave Jamieson said he was basically in favor of the proposed ordinance, but asked Council to consider and include additional modifications he was proposing.

Proposals: 17.68.020-3 change 2nd line in the 1st paragraph to read "..as provided in.." rather than "as provided with".

17.68.020-3 add: "Such antennas shall be painted a harmonizing color unless a technically competent person certifies that painting would adversely affect reception."

17.68.020-5 Change last sentence to read: "(Such building-mounted or ground-mounted earth station dish antennas would only be allowed upon obtaining a variance, and shall be painted a harmonizing color unless a technically competent person certifies that painting would adversely affect affect reception,)"

17.68.020 add a new paragraph 7 - Any earth station dish antennas installed prior to, or installed under a building permit granted prior to, the effective date of this section, land not located or painted in compliance with this section, must be modified and re-located, or obtain a variance for the existing installation, so as to be in compliance with this section within 2 years from the date of adoption of this section; but shall not be required to change the type of antenna already possessed. A non-conforming use shall not be excused from the provisions of this section,"

As there was no further comment Mayor Amass closed the Hearing to the Public and turned over to the Council.

Council felt the Ordinance required changes so it was Moved by Hanson to refer to the City Attorney to re-write and bring back for council review at a later date. Second Faessler. This Motion and second was withdrawn.

Motion Jessup to table until the City Attorney makes changes to the wording and clarifies the Ordinance. Second Ogg. All aye.

FIRST READING OF ORDINANCE 86-3, ZONE CHANGE FROM WA TO WCR FOR LOST COON LAKE AREA.

That portion of Tract 7AAC located within Lost Coon Lake in Section 35, Township 31 North, Range 22 West; that portion of Tract 1 including and West of Lost Coon Lake in Section 2, Township 30 North, Range 22 West; Tracts 1C, 1CA, 1CB, 1CC, 1D, 4, 4B, 4BA, 4DA, and 4F in said Section 2; and those portions of Tracts 4D and 4F in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2.

The Staff and Zoning Commission recommended approval of the rezone, with the elimination of Tracts 1C, 1CB, 1CA, and 1CC.

This rezone meets the twelve (12) criteria set forth under 76-2-304 M.C.A.

Mayor Amass opened the Public Hearing and as there was no comment he closed the Hearing and turned over to the Council for discussion and action.

Motion Hanson to adopt Ordinance 86-3 on the first reading, with the exclusion of Tracts 1C, 1CB, 1CA, and 1CC. Second Faessler. All aye.

FIRST READING OF ORDINANCE 86-6, an amendment to Ordinance No. 84-10, specify removal of vehicles with a 4" snowfall rather than a 6" snowfall.

Mayor Amass opened the Public Hearing and as there was no comment he closed the Hearing to the Public and turned over to the Council for discussion and action.

Motion Ogg to adopt Ordinance 86-6, on the first reading. Second Hanson. All voted aye.

U. S. FOREST SERVICE PRESENTATION ON WATER QUALITY MONITORING (phosphorus problem) in the forest plan.

Robert Hensler and Jim Kline gave a presentation of the Flathead National Forest Plan in relation to the phosphorus problem. They explained there was a lot of public comment considered before drawing up the plan. Also explained pollution controls on roads, sediment control, etc.

AWARD SEWER INTERCEPTOR LINE BID

City Engineer Wells requested a letter from the City awarding the bid to the lowest bidder-Barnard Construction, and also requested Council appoint someone to sign contracts, etc. (In City Manager absence).

Motion Hanson to award the Interceptor Line bid to Barnard Construction, and authorize Mayor Carroll E. Amass to sign contracts or execute other administrative matters on behalf of the City in the City Administrators absence. Second Boksich. All voted aye.

Councilman Jessup questioned if the interceptor line bid was based on this years budget.

City Manager said Bonds would have to be sold to cover the city's 25% share of the EPA Grant.

Jessup asked what increase would the water/sewer users be looking at.

Water/Sewer Supervisor Acton said with all projects planned an 80% increase in sewer bills was anticipated.

February 3, 1986 cont.

SPECIAL EVENTS PERMITS

City Manager Arnold said he would re-draft Councilman Hanson's proposal and redo the application and Council could consider next Council meeting.

COMMITTEE REPORTS

Dale Jessup reported for the Finance Committee. He said he and Councilman Ogg had met with Helen and Kay to discuss finances, and listed findings as follows:

The General Fund will be operating in a cash deficit by March 31, 1986, and will have a cash balance of \$16,000 on June 30, 1986, even with the May tax payments. The General Fund will have a cash balance of approximately \$102,000 on Dec. 31, 1986. The cash deficit may exceed \$200,000 at times due to timing of revenues and expenditures.

Revenue Sharing which contributes \$70,000 to the General Fund this year will be discontinued after June 30, 1986.

According to the City Treasurer, warrants will have to be issued at a cost of 7% to cover the deficit.

Jessup explained why the General Fund was in trouble.

The budget for the General fund is for revenue of \$22,000 less than the previous year and expenditures of \$100,000 greater than the previous year, budgeted starting balance was \$359,967 but actual balance on July 1, 1985 was \$306,967. Cash in the general fund on July 1, 1985, was \$126,210 and cash on July 1, 1986 projected to be \$16,000. Overall revenues for the budget are \$2,230,000 with expenditures of \$2,616,054, which is a deficit of \$386,000. Tax collections are running behind, two grants totaling \$105,000 were budgeted for but not received and the tax mill levy has not been raised for two years.

The Committee recommended what to do immediately.

1. Institute a hiring freeze with exception of city manager and police chief.
2. Institute a spending freeze with exceptions being granted only by council or acting city manager.
3. Do not authorize any new projects without financial analysis.
4. Direct all Departments to come up with staffing and expenditure reductions by next council meeting.
5. Seek city manager with strong financial skills.

NEXT STEP

1. Actively seek other revenue sources-gas tax
2. Hire financial consultant to review present state of city finances
3. Council to review financial position monthly.
4. Issue warrants to cover deficit when it occurs.
5. Eliminate deficit spending by drastically reducing expenditures and/or drastically increasing taxes and water, sewer and garbage charges.
6. Direct each department to review budget variances and provide written explanations.
7. Institute zero based budgeting as soon as feasible.
8. Budget cash flow to avoid cash deficits in the future.

LONG TERM

1. Seek alternative revenue sources.
2. Contract services if expenses can be reduced.
3. Build cash reserves in order to avoid short term cash deficits.
4. Seek public input on services needed, priority of services and willingness and ability to pay for requested services.

After Council discussion it was Moved by Faessler to adopt the recommendations of the finance Committee as presented. Second Hanson. All voted aye.

February 18, 1986 cont.

NEW BUSINESS

Ratify appointment of Councilman Hanson to Flathead County Solid Waste Authority Board.

Motion Jessup to ratify appointment of Councilman Hanson to the Flathead County Solid Waste Authority Board. Second Ogg. All aye except Hanson who abstained from voting.

AWARD BID ON SBA SYSTEM.

Two bids were received and opened.

L. N. Curtis & Sons	Total bid \$16,477.55 without trade.
Henry's Safety Supply	Total bid \$17,698.50 without trade
	\$15,698.50 with trade

This was continued until later in the meeting.

COMMUNICATION FROM DEPARTMENT OF HIGHWAYS RE BIRCH POINT RAILROAD CROSSING.

City Manager Arnold explained the State Department of Highways would install a signalization system at the Birch Point Railroad Crossing, however, they were requesting a presignalization agreement be signed either by the City or the County. The County Commissioners refused to sign the agreement and as this is County property, Arnold asked Council what they felt should be done.

Councilman Hanson said he had talked to Commissioner Jacobson and Commissioners feel this is a city problem. Hanson said it bothers him that the burden be put on the city and he felt the city should not accept the responsibility.

City Attorney Tracy was concerned about the city liability, even though it is county property.

Motion Ogg to approve the maintenance agreement as required in the letter. Second Boksich.

Discussion:

Street Foreman Wartnow explained the maintenance required by the city, would involve - vandalism or if it is struck by a car, etc. The State would repair deck and any signal maintenance.

City Attorney Tracy said City should go ahead and sign the agreement, this would protect against liability.

After discussion Mayor Amass called for a vote on the Motion. All voted aye except Jessup who said no. Motion carried 4 to 1.

PROHIBITING PARKING ON THE NORTH SIDE OF FOURTH STREET BETWEEN SPOKANE AND CENTRAL AVENUE.

Councilman Ogg reporting for the Street Committee, said because of the alley exit of Mountain Bank and congestion the committee recommended eliminating parking on the North side of Fourth Street, between Spokane Avenue and Central.

Councilman Hanson said this should go to the Parking Commission for their review.

Motion Ogg to refer this to the Parking Commission. Second Faessler. All aye.

February 18, 1986 cont.

ACCEPT RECOMMENDED ALTERNATIVE FOR PHOSPHORUS REMOVAL AT THE WASTEWATER TREATMENT PLANT.

Water/Sewer Supervisor Acton explained that two years ago the Water Quality Bureau enacted a phosphorus limitation on the City of Whitefish. The City hired Engineers to study alternatives to phosphorus removal, and this being completed they are ready to go into the design. The total project of phosphorus removal is estimated at \$1,608,800 with the EPA funding 75% and the City share to be 25%. Acton requested Council authorize proceeding with the alternatives and go into the design. By authorizing this it would not obligate the city to any expenditures except Engineering costs.

Discussion:

Councilman Hanson reporting for the Water/Sewer Committee said they recommend to proceed on the design under protest until they see what Bigfork, Col. Falls, Kalispell, Forest Service etc are doing on phosphorus removal.

Councilwoman Faessler said the County should do something about failing septic systems around the lake.

Motion Hanson to accept alternative for phosphorus removal as recommended by Acton. Second Boksich.

Discussion:

Councilman Jessup said he had a problem spending this type of money and Whitefish being the first one to get involved without Evergreen, without septic tanks around lake, etc. without trying the Ban to see what effect it might have on the phosphorus level. Might have totally different operating costs.

Mayor Amass said he feels the County Ban should be implemented first to see if the phosphorus removal is necessary. At this point we don't know what effect the ban would have and expensive plants are still ify.

After this discussion Mayor Amass called for a vote on the above motion. Hanson aye, Ogg aye, Boksich aye. Jessup and Faessler voted no. Motion carried 3 to 2.

FIRE DEPARTMENT

Doug Loy explained the need of the SBA's and requested Council to allow the department to study the bids.

Motion Jessup to refer the bids to the Fire Department, they would bring back their recommendation to the next Council meeting. Second Hanson. All aye.

\$24,000 was allocated from Revenue Sharing and the rest would come from Rural Fire.

T.V. FRANCHISE

Consent to transfer franchise from Group W Cable to Community Telecommunications, Inc, was discussed and it was Moved by Faessler to table and turn over to the Finance Committee to negotiate with the new company. Second Jessup. All aye.

Councilman Jessup called a Finance and Administration meeting for Feb. 27 at 7:00 P.M. Requested Department Heads attend.

Councilman Ogg asked if the bid had been awarded on Central Avenue-Baker project.

City Engineer Wells said he was talking to the Contractor on price, but the bid should be ready to award soon.

February 18, 1986 cont.

Councilman Hanson said he had two items pertaining to zoning he would like to refer to the Zoning Administrator.

- #1. Flag lots or lots that front on a cul-de-sac are not addressed in the zoning - requested this be forwarded to Zoning Commission.
- #2. Error in description 17.59.020 paragraph #7 sentence left out - felt this was typing error and could be handled by Administration.

Mayor Amass presented City Manager Arnold with a Certificate of Appreciation, and wished him well in his new job.

Motion Ogg to adjourn 10:29 P.M. second Hanson. All aye.



 Mayor

ATTEST:



 CITY CLERK

February 21, 1986

Mayor Amass called this special meeting of the Whitefish City Council to order at 12:05 P.M. All Councilpersons were in attendance except Ogg and Jessup.

Subject: Approve Colorado village Apartments final plat.

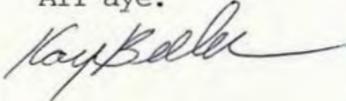
The Final Plat had not gone to the planning board or to the planning director, Nick Verma. ~~MISSION~~

Rico Brazil, developer of the project said he had tried to get Nick Verma to review the plat, however, Verma said all requirements had not been met.

City Attorney Tracy called the Planning Office and reported Brazil should go to the planning office, Verma said he would review the final Plat and write the letter necessary for the City Council to approve the final plat.

City Attorney Tracy told Council - his legal opinion was that the Council could not act until the letter was received from Nick Verma.

Motion Faessler second Boksich to recess this meeting until 5:00 P.M. All aye.



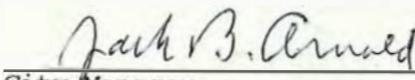
February 21, 1986

Mayor Amass reconvened the Special Call of the Whitefish City Council at 5:20 p.m.. Present were Councilmembers Hanson, LaTourelle, Boksich, and Faessler. Also in attendance were City Attorney Tracy and City Manager Arnold. Mayor Amass asked the City Attorney if all the requirements of the preliminary plat were complied with in the final plat of Colorado Village. Attorney Tracy advised that they had and the final plat was in order. Councilmember LaTourelle moved approval of the plat of Colorado Village. Seconded by Councilmember Faessler. All Ayes. Councilmember Faessler moved adjournment at 5:25 p.m.. Seconded by Councilmember LaTourelle. All Aye.



 Mayor

ATTEST:



 City Manager

March 3, 1986

Mayor Amass called the regular meeting of the Whitefish City Council to order at 7:00 P.M. on the above date. All Councilpersons were in attendance.

Also present were Asst. Police Chief Herrmann, Building Inspector Berg, Water/Sewer Supervisor Acton, City Attorney Tracy.

MINUTES

Councilman Hanson corrected minutes of February 18, 1986:
Page 168, third paragraph, should be -\$102,000 on Dec. 31, 1986.
Last paragraph page 168 - Motion Faessler to adopt the recommendation of the Finance Committee as Policy. Second Hanson. All aye.
Councilwoman LaTourelle read a statement that she felt should have been included in the minutes (on phosphorus removal page 170), however, Councilman Jessup said because this was not presented and they did not act on at last meeting, it should not be included. LaTourelle said it was a clarification from the Committee.
This was not included as a correction.

Hanson: other corrections: Page 171, two items pertaining to zoning, #1 request of the zoning commission for a definition of a flag lots or lots that front on a cul-de-sac, at last planning board meeting, City Administrator unclearly brought up to the planning board, and basically Hanson wants to clarify the minutes, that under provision 17.15.030 any question of the definition that arises the Planning Board be requested to come up with an official definition which will be in effect until official amendment of the Ordinance. #2: Typing error in 4.19.020 #7 gave to the City Clerk to clarify both issues.

Motion Boksich to approve the Minutes of February 18, 1986, with the above corrections. Second Jessup. All voted aye.

MINUTES OF FEBRUARY 21, 1986

Correction to minutes: Hanson abstained from voting on Colorado Village Apartments lot split.

Motion Faessler to approve the minutes of February 21, 1986, with above correction. Second LaTourelle. All aye.

ACTING CITY MANAGER POSITION

Mayor Amass explained that in the absence of the City Administrator, the City Council should address filling the Acting Administrator position.

Motion LaTourelle to appoint City Clerk Kay Beller, as Acting Administrator until the City Manager is hired. Second Faessler. All aye.

PUBLIC HEARINGS

ORDINANCE NO. 86-4, ZONE CHANGE FROM WR-2 to WLR FOR CEDAR ESTATES.

Acting City Manager Beller explained this was a request by the homeowners in Cedar Estates and the Zoning Commission and Staff recommended approval of the Zone Change.

Mayor Amass opened the Public Hearing and as there was no comment he closed the Hearing and turned over to the council for comment and action.

Motion Hanson to approve Ordinance No. 86-4, on the second reading. Second Faessler. All voted aye.

ORDINANCE NO. 86-3, ZONE CHANGE FROM WA TO WCR FOR LOST COON LAKE AREA

Acting City Manager Beller explained the Staff and Zoning Commission recommended approval of the zone change. The original petition had included tracts 1C, 1CB, 1CA, and 1CC, and it was recommended to delete these tracts from the rezoning, and Ordinance.

Mayor Amass opened the Public Hearing and as there was no comment he closed the Hearing and turned over to the council for comment and action.

Motion Hanson to adopt Ordinance 86-4 on the Second Reading. Second Faessler. All voted aye.

March 3, 1986 cont.

SECOND READING AND ADOPTION OF ORDINANCE 86-6, AN AMENDMENT TO ORDINANCE NO. 84-10, SPECIFYING REMOVAL OF VEHICLES WITH A 4" SNOWFALL RATHER THAN A 6" SNOWFALL.

Mayor Amass opened the Public Hearing and as there was no comment, he closed the Hearing and turned over to the Council for comment and action.

Motion Ogg to adopt Ordinance 86-6, on the second reading. Second LaTourelle All aye.

FIRST READING OF Ordinance 86-2, REGULATION OF EARTH STATION DISH ANTENNAS.

This was tabled until Council meeting of March 17th.

OLD BUSINESS

POLICY ON SPECIAL EVENTS PERMITS was tabled until the March 17th meeting.

AWARD BID ON SCRA SYSTEM

Firechief Yeats explained the Department would like to award the following: J.N. Curtis & Sons - Compressor, purification, fill station, ASME Cascade for total price of \$16,477.55.

Henry's Safety Supply Co. - Survivair Mark 2's, Spare Cylinders, trade in the scott and spare for total price of \$15,120.00. Grand Total \$31,755.55.

Motion Jessup to award the bid per the Fire Department recommendation. Second Ogg. All voted aye.

NEW BUSINESS

GILDERSLEEVE USE PERMIT

Mayor Amass read a letter from Mr. Gildersleeve requesting to withdraw the Use Permit until further notice. (House did not meet building codes).

Meagher Use Permit - to have an accounting office at 111 Texas Avenue.

The Zoning Commission recommended approval of this Use Permit with four conditions per their letter of February 24, 1986.

Motion LaTourelle to approve the Use Permit per conditions of the Zoning Commission in their letter of February 24, 1986. Second Hanson. All aye. Council also adopted findings of fact of the FRDO.

SID #148 - Seventh Street - Resolution No. 86-4.

Motion Boksich to adopt Resolution No. 86-4, intent to create Special Improvement Sewer District 148, and set the Public Hearing for April 7, 1986. Second Hanson. All aye except Jessup who abstained due to conflict of interest.

SID #149, Edgewood Avenue and Texas Avenue

Motion LaTourelle to adopt Resolution No. 86-5, intent to create Special Improvement Sewer District 149, and set the Public Hearing for April 21, 1986. Second Jessup. All aye.

SPECIAL EVENTS PERMIT - WHITEFISH CHAMBER OF COMMERCE/Coors Bash for Cash.

Bike race on March 16th, they would provide own road guards.

Councilwoman Faessler said the Chamber or the race committee should make arrangements for their own trash pick-up.

Motion Jessup to approve the Special Events Permit, with the stipulation they make arrangements for trash pick-up. Second Hanson. All aye.

March 3, 1986 cont.

TRACT IF -Acreage owned by Ed Hedman.

Mayor Amass read a letter from Richard L. Hedman, reviewing and confirming the results of the meeting (held with Jack Arnold, George Wartnow and Greg Acton) on February 18, 1986. The meeting concerned the proposed new water line in the Park Ave. area and the dumping of storm sewer water into the "IF". Mr. Hedmans letter further stated the results of the meeting.

1. It was agreed that the city would send names of three appraisers from which he would select one and the property was to be appraised at the city expense. The appraised price would be a starting point to negotiate the sale of the property.
2. They would like to retain a portion of the lot 75 ft. wide east to west and 107 ft. long north to south.
3. They would also like the city to look at abandonment of the alley easement behind lots 1 & 2 of Block #5.

Councilman Jessup asked Greg Acton to clarify what had transpired at the meeting.

Greg explained Mr. Hedman had said one appraiser would be satisfactory, and the expense was to be split 50 - 50. Acton also explained there were several structures on the alley through the Hedman property itself, the alley does not exist, however, this was not a problem to the city as the water line would be extended down Park Avenue. He said the EPA would require the city to have retention ponds for storm sewer drainage, and felt now would be the time to purchase this lot for a retention pond.

Councilman Jessup questioned financing of the lot.

Acton said the city owned two lots on Riverside that could be sold and proceeds used for the purchase of this property.

Motion Hanson to write the Hedmans giving name of appraiser and clearly state the cost would be shared 50-50. Second Ogg. All aye except LaTourelle who said no.

Hanson felt this issue should go to the Street and Alley Committee for review.

Councilman Ogg stated that ultimately if he doesn't like what we do we are into condemning his property anyway. Ogg also said if this could lead to problems that can not be resolved, it should not be in a Public Hearing.

Mayor Amass said the expenditure of the appraiser needed to be verified.

AMBULANCES CHARGES

Tony Rucinski gave the report on ambulance fee increases. He stated because of the increase in insurance, an increase was needed to pay for it, and the new billing procedure. Rucinski quoted the increases as follows:

In City, rural, Mtn View Manor, Colonial Manor, Big Mtn, Airport, County Nursing Home and Bigfork would be increased \$20.00.

Out of County trips would be raised \$50.00.

Kalispell Regional Hospital transfers would be increased from \$90 to \$160.

Kalispell Regional Hospital emergency runs would increase \$20.

Transfers to Kalispell \$160, two attendants would be paid \$25 each. Waiting would change from \$30/hr. after ½ hr. to 30/hr after 1 hr.

Councilman Jessup said the charges were comparable to the other two cities in the valley and felt the charges were fair.

Cheryl Bergendorf would be doing the ambulance billing, City Treasurer would collect payments.

Motion Ogg to approve the above list of ambulance charges. Second LaTourelle. All voted aye except Jessup and Faessler who abstained.

March 3, 1986 cont.

CABLE TV FRANCHISE

City Attorney Tracy reported he had reviewed the franchise between the City and Group W. Cable, Inc., re TCI buying Group W. Cable, thus enabling the city to open negotiations for a larger percent of gross subscriber revenues. He said it appears that Group W Cable, Inc. will continue to own and operate the cable system serving Whitefish, however, the stock of Group W Cable Inc, will soon be owned by ATC; Century Southwest Cable Television, Inc; TCI Holding, Inc.; and affiliates of or subsidiaries or partnerships ned or controlled by four other corporations, he said it was up to the Council, but in his opinion Group W Cable would still be in Control.

Motion Ogg to approve the Transfer of Franchise from Group W. Cable to TCI of Montana with no increase of money. Second Hanson. All voted aye except Jessup who said no.

COMMITTEE AND STAFF REPORTS

Councilman Hanson said he had been approached about a handicapped parking space between Sandras and City Pharmacy. Requested this be turned over to the Parking Commission.

Councilman Ogg said he had voted to accept alternative for phosphorus removal at the council meeting of February 18th and felt he did not have sufficient material, nor did he understand the proposal. He said he would like to reopen the issue.

Motion Ogg to reconsider the motion on acceptance of alternative for phosphorus removal at the treatment plant. Second Boksich. After discussion all voted aye.

Council question Greg Acton about the financing, compliance schedule, etc.

Motion Jessup to accept recommendation of the Engineering Firm for the alternative phosphorus removal and submit report from CH2M Hill and Carver dated January 1986, to the Department of Health for their comments. Second LaTourelle. All aye.

Council felt they would like to be better informed on this issue and requested a Water/Sewer Committee meeting to review the phosphorus proposal.

Councilwoman LaTourelle was not in favor of another meeting, because there had been many informative meetings with the EPA etc, however, she called a Water/Sewer Committee meeting for Monday, March 10th at 7:00 P.M.

Councilman Hanson called a Street and Alley Committee meeting for Thursday at noon.

Councilman Jessup reported on the Finance and Administration meeting held on the 27th of February. He said Department heads had good input, but overall not to many dollars were saved. He said the Finance Committee would have to set down and look at costs, and pursue revenues.

Councilman Boksich reported the Park Board had their first meeting, mostly an organizational meeting. He said there was a request to rent the beach building, for paddle boats, etc. the Board would review the written request next week and he would keep Council informed.

Mayor Anass asked Council if the Council as a whole would go over City Manager Applications or would they rather have a council committee appointed to review applications.

After discussion it was Moved by Hanson that Mayor Anass appoint a Council Committee to review applications for city Manager, narrowed in to 10 or 12 for Council review. Second Jessup. All aye.

March 3, 1986

Mayor Amass asked Council permission to fill in for the Acting City Manager at Thursday Planning Board Meetings, as she had requested not to attend any meetings on Thursdays. The City Attorney said there was no problem with the Mayor acting in this capacity.

Motion Hanson authorizing the Mayor to act in this capacity. Second LaTourelle. All aye.

Greg Acton asked Councilman Ogg what was needed for the March 10th, Water/Wastewater meeting.

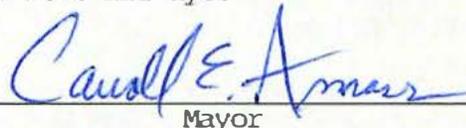
Councilman Ogg said the problem was unclear as to specific criteria the Council was looking at as to the driving force on this decision. He said he did not require a full engineers report, just the real governing factors that should influence the decision on expenditure of funds. Also, this could be a very substantial legal question if we decide to take the unrecommended alternative of just finally saying no. He said he would like to find out what that means as a lot of things come to bear on expending one and a half million dollars for 3000 people. A lot of factors bearing on the decision other than what he heard at meetings, it looks like phosphorus ban is on the table to be implemented at the county level, and this should be implemented first, before throwing a huge burden of expense on the point source dischargers.

Mayor Amass asked City Attorney Tracy if he would attend this meeting.

The area representative of the Circle K stores in the Flathead Valley, said he had been informed by his store manager he was required to attend the Council meeting and explain what the plans were for their lot.

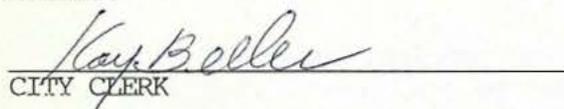
Councilman Hanson explained to him that the Council had amended the Zoning Ordinance to allow parking lots in residential areas, and if he would contact the City Clerk she would give him the Use Permit he needs and explain the procedures to be followed.

Motion Jessup second Ogg to adjourn 9:10 P.M. All aye.



 Mayor

ATTEST:



 CITY CLERK

March 17, 1986

Mayor Amass opened the regular meeting of the Whitefish City Council on the above date at 7:00 p.m.. All Councilpersons were present.

Also present were Assistant Police Chief Herrmann, Fire Chief Yeats, Building Inspector Berg, Attorney Tracy, Street Foreman Wartnow, and Water/Wastewater Division Manager Acton.

Minutes of March 3, 1986

Councilman Hanson corrected the minutes on the last paragraph to read "Use Permit Application.". Motion by Jessup and seconded by Hanson to approve minutes with correction. All voted Aye.

Old Business

Special Events permits - Resolution No. 86-7.

After Council discussion a motion by LaTourelle and second by Hanson to charge a \$10.00 fee for making out the application and be approved by City Administrator. All voted Aye.

Ordinance No. 86-2, Regulation of Earth Station Dish Antennas.

Dave Jamieson spoke on some changes that he felt should be noted in the Ordinance conforming and nonconforming uses, grace periods, etc. Claire Strickler said that apartments had been discussed at the planning office but not duplexes. Mayor Amass read an article by the Federal Communication Commission on existing future laws on satellite dishes after a lengthy discussion. A motion by Hanson and second by Jessup to table the Ordinance for two weeks. All voted Aye.

Design Criteria

Water/Wastewater Manager Acton requested permission to instruct Engineer Dennis Carver to proceed with the design criteria. A motion by LaTourelle and second by Faessler to allow Carver Engineering to proceed before the April 15th deadline. All voted Aye.

New Business

Dog Ordinance

Mayor Amass pointed out to the Council that the Section 7.04.020 of the dog ordinance did not conform to the pamphlet handed out to the public. Councilman Jessup said that there were other changes that he would like made in the Ordinance. Mayor Amass to appoint a committee to check Ordinance and recommend changes. Motion by Ogg to insert in the pamphlet the Section 7.04.020 until new changes and pamphlets could be made. Second by Jessup. All Aye.

Parking Lot Lease - Catholic Church

Leo Tracy explained changes to be added to the lease. Hours to be from 8:00 a.m. to 6:00 p.m. and the lot to be used on Saturday. Councilman Hanson felt the Parking Commission should be consulted for their approval. A motion by Jessup and second by Hanson that Attorney Tracy send the lease to the Diocese for their signature after necessary changes have been made and given Parking Commission approval and the Diocese. to send a return copy to City for their records. All voted Aye.

Resolution No. 86-9 Authorizing representative to sign EPA Grants.

Motion by Councilman Jessup and second by LaTourelle to authorize Mayor Amass to sign for all grants. All voted Aye.

Furnace

Motion by Councilwoman Faessler and second by Hanson to have the City Administrator investigate modifications to furnace. All Aye.

Resolution No. 86-8 - Budget Amendment.

Motion by Jessup and second by Faessler to approve Budget Amendment and transfer from water, sewer and garbage the sum of \$55,705.00 to

March 17, 1986 (cont.)

the General Fund. All Aye.

Special Events Permit - Jim Owen Chevrolet.

Motion by LaFourelle and second by Hanson to approve permit. All voted Aye.

Committee Reports

Leo Tracy reported on letter from State Highway Department on Birch Point crossing. He spoke to a Mr. Champion and Mr. Butzloff, they informed him that the only cost to the city would be to provide 1 or 2 advance warning signs he was instructed to modify the agreement and to ask County to provide the signs.

15 Minute Break

Street Committee

Councilman Hanson reported on Street and Sanitation Committee meeting. Recommended rerouting sewer down dedicated alley and not on Hedman's property, and Greg Acton reported that we could lease the equipment to do the job. Water/Sewer funds to pay 1 street and alley man 3 days a week and SID#132 to pay wages 2 days until end of fiscal year. Motion by Hanson and second by Jessup to reconsider motion made March 3rd on Hedman property. All Aye.

Motion by Hanson and second by Jessup to adopt recommendations of the installation of storm sewer recommended by committee. All voted Aye.

Water Committee

Councilwoman LaFourelle asked that the Acting City Administrator be instructed to draft a letter to the County Commissioners on Phosphorus Ban, and Councilman Jessup to follow through on low interest money from the state.

Finance Report

Councilman Jessup reported on the Finance Committee meeting and their recommendations for cuts in expenses:

1. Eliminate one (1) street department position and not fill the other position until July.
2. Look at all the city debt and pursue financing through the Montana Economic Development Board. Interest rates would be much better.
3. Combine the position of Parking Enforcement Officer and Animal Control Officer.
4. The Court Clerk would be cut to half (1/2) time.
5. Solid Waste department would fund the janitor for city hall and city shop buildings.
6. Acton and Wartnow to pursue idea of combining all public works departments.
7. Pursue Interlocal Agreement with the county on taking over City Parks.

A motion by Jessup and seconded by Hanson that the council accept the recommendations of committee. All voted Aye.

Mayor Arnass reported that there would be a sewer district meeting at the hospital on March 19th at 7:30 p.m. and urged all councilmembers to attend, there will also be a preview meeting at noon at City Hall.

Reported that he received a letter from Chester Hope of Glacier Nordic Club and Jim Page of the United States Ski Team asking for their support and recommended a letter be sent stating our support and assistance in anyway.

March 17, 1986 (cont.)

Ivan Hernandez requesting that the council as a whole and individually send letters to the legislature by March 24th, recommending a cap on liability insurance.

Ray Boksich reported on the Park Board meeting. John Kramer was elected president and they plan to open the beach on June 9th stating that they also felt swimming fees not feasible.

Councilwoman LaTourelle asked permission to be out of the state from March 18th to March 27th. Motion by Ogg and second by Jessup to grant request. All voted Aye.

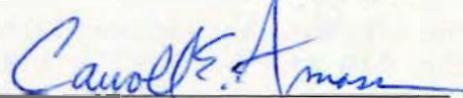
Motion by Hanson and second by Ogg to post no parking on the north side of 4th Street between Central and Spokane Avenue. All voted Aye.

Councilman Hanson requested that the request for Handicapped Parking in front of Chalet City Pharmacy be postponed for the time being.

Also asked the Department Heads to turn in monthly reports on what had been accomplished during the month.

Mayor Amass requested permission to be out of the state March 22 through April 6th. Motion by Jessup and second by LaTourelle to grant request. All Aye.

Motion by Jessup and second by Faessler meeting be adjourned at 9:35 p.m..



Mayor

ATTEST:



Acting City Clerk

April 7, 1986

Mayor Amass opened the regular meeting of the Whitefish City Council on the above date at 7:00 P.M.. All Councilpeople were in attendance.

Also present were Water/Wastewater Supervisor Acton, Street Foreman Wartnow, Asst. Police Chief Herrmann, Building Inspector Berg, City Engineer Wells and City attorney Tracy.

MINUTES

Motion Faessler to approve the minutes of March 17, 1986. Second Jessup. All aye.

OLD BUSINESS

PUBLIC HEARING - SID 148

Mayor Amass explained SID 148 was scheduled for Public Hearing on sewer project for West Seventh Street, however, there was a misunderstanding which should be clarified. What happened was property owners had given written protests to the City Clerk and citizens were notified there were 75% protest which would automatically put the project off for six months. After checking figures there were only 64% protests. Amass said Council had some recommendations to make.

Councilman Jessup said he had met with the people included in the SID and basically there was a lot of confusion on where the lines would run, time table, costs, etc. There was considerable lack of information on the proposed SID.

Motion Jessup to adjourn the Public Hearing for SID 148 for three (3) months (July 7, 1986) obtain proper information to form the SID. Second Boksich. All aye except Ogg who voted no. Motion carried 5 aye votes to 1 no vote.

Property owners included in the SID were in agreement with this extension as they felt the City should provide them with more information.

PARKING COMMISSION - CORRESPONDENCE

Mayor Amass recommended the correspondence go to the Street and Alley Committee, however, Councilman Ogg felt the Council should review and act now.

Item #1: The Parking Commission recommends that the two hour limit be removed from Lupfer Street between Second Street and Third Street. Motion Hanson second Faessler to approve this request. All voted aye.

The Council started to review the other recommendations but because there were questions and Street Foreman wanted to review before Council approved, item #2 and item #3 were turned over to the Police and Street department heads to review and bring back recommendation to the Council.

The other recommendations were turned over to the Street and Alley Committee to review and bring back recommendation.

Councilwoman LaTourelle felt Item #4: request for a firm date for the abandonment of the old salt shed so the Parking Commission could proceed with providing an area for customer and City employee parking, should be handled tonight.

Motion Hanson the Parking Commission be authorized to demolish and remove the salt shed. Second LaTourelle. All aye.

Mayor Amass asked if this was done what would happen to the City employees parking.

April 7, 1986

Hank Staro, representing the Parking Commission said their intent was to look at City employees parking first.

Councilman Ogg felt employees should park somewhere else and it should be used for public parking.

Leo Fisher said the City requires other businesses to have off street parking for employees, and the city should provide the parking for employees.

Hank Staro said the demolition would be paid for by the parking committee, however, they might come back later and ask the city for financial help.

DOG ORDINANCE - MAYOR TO APPOINT A COMMITTEE TO STUDY.ORDINANCE.

Mayor Amass appointed Ogg, Jessup and Faessler to study the Dog Ordinance.

Mayor Amass stated the existing Ordinance is in effect and is being enforced.

CORRESPONDENCE FROM COUNTY COMMISSIONERS - BIRCH POINT SIGNALIZATION.

City Attorney Tracy reported he had written the County commissioners requesting they pay for two advance warning signs and for the cost of placement. The signs would cost approximately \$100 each. The County agreed to pay for the signs.

NEW BUSINESS

RICK NELSON-RE: SIDEWALK OBSTRUCTION ORDINANCE.

Rick Nelson told Council the Sidewalk Ordinance was more restrictive than the Downtown Merchants would like to see. He requested the Council work with the merchants on a workable Ordinance.

After discussion Mayor Amass turned this over to the Street and Alley Committee to review and bring back recommendation to the Council.

WHITEFISH COMMUNITY CENTER

John Kramer reported the Whitefish Center for performing Arts would be located on the Burlington Northern Property, east of the Burlington Northern Credit Union, and would house a Community Library, Performing Arts Center, Historical Museum and a Recreation Complex. Kramer said they were requesting a letter from the Council approving the concept of the Community Center.

After much discussion the Council agreed with the concept of the Community Center.

LETTER OF INTENT TO LEAGUE OF CITIES - WORKERS COMPENSATION

Mayor Amass explained the League of Cities had a Workman's Compensation program and the City needed to send them a letter of intent in order to study their program. We would compare the State program with the Leagues program for possible cost savings.

After discussion it was moved by Hanson to send the letter of intent to the League of Cities. Second Faessler. All aye.

Councilwoman LaTourelle amended to read "wait for City Manager before making a final commitment."

April 7, 1986

RESOLUTION NO. 86-11 - Budget Amendments

Motion Jessup to adopt Resolution No. 86-11. Second LaTourelle. All voted aye.

RESOLUTION 86-12 -REPEALING RESOLUTION #85-13 - Personnel Policy.

Asst. Police Chief Herrmann gave the Staff report. The Council had adopted Resolution 85-13 which eliminated "Performance Pay Increases" and provided for compensation of City Employees be set by union contract or City Ordinance. The Council then required all City employees be evaluated. The Police took exception to this because they said the changes had never been negotiated with city employees. They filed a grievance on this amendment and went through required channels, per personnel Policy. The Grievance Committee agreed with the Police and and they in turn are requesting the Personnel Policy be reinstated as of December 21, 1981 when it was adopted.

The Police do not want to be evaluated without merit increases.

After discussion it was moved by Hanson that Resolution 86-12 be adopted with addition: Section 1) Sections 212. Pay Plan, 2.3, Pay Administration and 2.4, Related pay action be reinstated as in the original Resolution B-925, provided however, no retroactive pay be made. Second Faessler.

After further Council discussion Faessler removed her second and Hanson withdrew the Motion.

Motion LaTourelle to send a letter to the Whitefish Police Protective Association requesting to put this request off until the City Manager is on line and can work with them on budgets. Second Jessup. All aye.

ADOPT 1985 BUILDING CODES.

Building Inspector Berg said all that was required was to update the Building Code, Plumbing Code, Housing Code, Mechanical Code, Energy Code and adopt Cabo, from 1982 version to new 1985 version.

Greg Acton requested to include "except where in conflict with City Standards" in the Plumbing codes.

Motion Hanson to table until the City Attorney could bring the Ordinance to the Council. LaTourelle amended to include in the Plumbing code "except where in conflict with City Standards. Second Jessup. All voted aye.

ED GROGAN- GAS TAX

Ed Grogan explained that the gas tax would be on the June ballot, however, the three cities (Col. Falls, Kalispell and Whitefish) should enter into an interlocal agreement with the County. The agreement should state the allocation of the gas tax money would be by gallons sold in the cities, and the County would collect on number of gallons sold in the County. However, the County is in favor of distribution through automobile registration, they would collect two thirds of the tax and the three cities would split the other third, if this happens the Chamber will withdraw their support. Ed also asked help in getting the public informed on the issue.

Motion Jessup to support the gas tax, Authorize Mayor Amass to Appoint Council Committee to work with the Chamber and meet with the cities and come up with an Interlocal Agreement. Second LaTourelle. All aye.

PROCLAMATION

Mayor Amass proclaimed the Week of April 7th through the 13th to be Child Safety Week in Whitefish.

Motion Jessep second LaTourelle authorizing the Mayor to issue the Proclamation. All aye.

April 7, 1986 cont.

COMMITTEE AND STAFF REPORTS

Councilwoman Faessler requested to leave the State April 9th through the 13th and April 18th through the 23rd.

Motion Hanson to approve the request. Second LaTourelle. All aye.

Councilman Jessup requested the City Clerk set up a meeting with the Finance Committee and Whitefish Insurance to review liability Insurance Coverage.

Councilwoman LaTourelle requested to postpone the Water/Sewer Committee meeting until after the interview process is over. All agreed.

Councilman Hanson called a Street and Alley Committee meeting for April 16 at 4:00 P.M.

Motion Hanson authorizing the Mayor to appoint committee of citizens and Council to review the Sign Ordinance and come back with a recommendation to change or not to change. Second Ogg.

Councilman Jessup felt Council had their hands full right now with the City Manager interviews, budgets, etc and made Motion to table the sign ordinance review until Fall. Second Ogg. All voted aye.

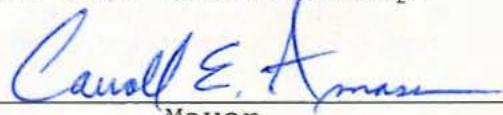
Mayor Amass wanted the Public aware the process of interviewing for City Manager had begun and the three top applicant interviews would be completed by the next Monday.

Councilman Ogg said the dog Ordinance should be reviewed by the full Council instead of a Committee. He felt the Committee would be a waste of time.

Mayor disbanded the Dog Ordinance Committee he had appointed earlier in the meeting and after discussion it was Moved by Jessup to table until the City Manager is on line. Second Hanson. All aye.

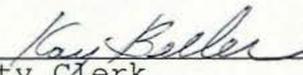
The City Clerk reported the position of Parking Enforcement Officer and Animal Control Officer had been done, and would start the 14th, also the janitor would start on the 14th. The Combining of the public works can not be done until negotiations with the Union. The Court Clerk has been cut to half time.

Motion LaTourelle to adjourn at 9:17 P.M. Second Jessup. All aye.



Mayor

ATTEST:



City Clerk

April 16, 1986

9:25 P.M.

Mayor Amass called this Special Council Meeting to order on the above date. All Councilmembers were in attendance.

Purpose: City Manager Interviews.

Mayor Amass turned over to the Council.

Councilman Jessup reported the Committee had reviewed all applications and narrowed them down to three (3) and then the Council interviewed the candidates.

Mayor Amass recommended Council consider Ralph Freedman as in his opinion he is a strong positive individual with leadership skills.

Motion Hanson to offer the position of City Manager to Ralph Freedman contingent on working out details of the contract. Second Boksich.

Discussion:

Councilman Ogg said he felt that Ralph Freedman would get the job done and he felt comfortable with this decision.

Councilwoman LaTourelle said Ralph Freedman was the best candidate.

Councilman Boksich said Freedman had the best potential and he would get done what needs to be done.

Councilman Hanson said Freedman had the best education and best knowledge in areas we are facing now.

Councilman Jessup said Freedman was extremely intelligent and would get the job done.

Councilwoman Faessler said on checking references for Freedman, they received extremely high marks, he cares about the Community he works for.

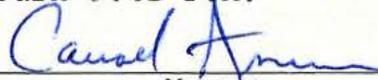
After discussion all voted aye to the Motion. at \$34,000, plus

Councilman Jessup said budgeted salary would allow for about \$34,000 annual salary. Other benefits and salary would be negotiated.

Motion Hanson to allow the Chairman of the Finance Committee and the Mayor to negotiate a contract and compensation with Ralph Freedman along with a letter of acceptance. Second Faessler. All aye.

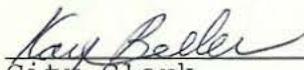
Councilman Hanson said it was assumed the City Attorney would draw up the contract suitable to both parties.

Motion Faessler second Hanson to adjourn 9:42 P.M.



Mayor

ATTEST:



City Clerk

April 21, 1986

Mayor Amass called the regular meeting of the Whitefish City Council to order at 7:00 P.M. on the above date. All Councilpersons were in attendance except Faessler.

Also Present were Building Inspector Berg, Acting Police Chief Herrmann, City Engineer Wells, Water/Sewer Supervisor Acton, Street foreman Wartnow and city Attorney Tracy.

MINUTES

Motion Jessup to approve the minutes of April 7, 1986 and April 16, 1986. Second Hanson. All voted aye.

PUBLIC HEARING

RESOLUTION NO. 86-14, CREATING SPECIAL IMPROVEMENT DISTRICT NUMBER 149. (Sewer for East Edgewood and Texas Area.)

The Boundaries of SID 149 are as follows: First Addition to Whitefish Townsite company's Five Acre Tracts. Block 11. All of Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 except for the west 25' of the north 50 feet, and 14, except for the north 50 feet.

Block 12 - Lot 1, West 164.78 feet of the north $\frac{1}{2}$ of Lot 2, all of lots 3, 4, 5, 6, 7, 8.

Whitefish Townsite Company's five acre tracts.
South $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 25, T31N, R22W. Flathead Co.
Lot 4 Block 5 Cedar Estates Subdivisions lots 1 thru 12.
S $\frac{1}{2}$ of Lot 3 Block 5.

Staff Report: Improvements contemplated is construction of an approximately 2600 feet of gravity sewer line, 1000 feet of pressure sewer main, installation of a lift station and appurtenant structures and service connections. Estimated cost is \$138,000. There is a total of 1,330,731.81 square feet and 34 properties.

Protest letters were received from:

<u>Cedar Estates</u>		<u>Five Acre Tracts</u>
Harold Gatzke	Lot 3	Elmer A & Edna M Whitney
Loren Scott &		Paul K Johnson
Katherine Svee	Lot 4	Joan M. Knutson
Russell & Renae		Patricia Holle
Merkley	Lot 5	Mary E Richard
Steve N & Nina K		Raymond W Markus
Laird	Lot 6	Patrick Closby
Douglas L &		
Ferlinda M Oliver	Lot 7	
Douglas B & Rita		
Hegland	Lot 9	
Rick W & Karen C		
Steenhoven	Lot 11	
Michael & Terri		
Gimello	Lot 12	

Mayor Amass opened the Hearing to the Public.

People protesting the SID were: Ray Markus, Myron Levenson, Mary Richards. Most concerns were on how the area would be assessed, placement of the sewer lines and lift station, etc.

Councilman Hanson suggested continuing the Hearing and hold a meeting with City Engineer and bring back next Council meeting.

City Attorney Tracy felt because there were not enough protests the council should create the SID and back off later if they wanted to.

April 21, 1986 cont.

Russ Merkley, Penny Simpson, Nina Laird, voiced concerns because their septic systems are new, also their road is new and objected to having it torn up.

City Engineer Wells said there are three methods of assessments.

#1 Square Foot

#2 Lineal Foot

#3 Appraised valuation -(Also it was determined the property could be assessed by the TAP.)

Mae Hines and Rick Steenhoven also had questions on the SID.

After discussion Mayor Amass closed the Hearing to the Public and turned over to the Council.

Council discussed the SID and agreed the property owners should determine method of assessment.

Motion Hanson to adopt Resolution No. 86-14, creating Special Improvement District 149. Second LaTourelle. All voted aye, except Councilman Jessup who said no.

Councilman Jessup said he felt more time was needed to get all the facts together.

Councilman Hanson said there would be a meeting with the people involved and the Water/Sewer Committee and City Engineer, before getting Council format.

ORDINANCE NO. 86-9 AND 86-10 ADOPTING THE BUILDING CODES -
1985 VERSIONS.

Building Inspector Berg explained this was just updating the existing State Codes.

Motion Ogg to adopt Ordinance 86-9 and 86-10 second LaTourelle. All aye.

Councilman Hanson questioned why the model energy code, safety code for elevators and escalators, federal accessibility standards, carnivals, fairs, outdoor concerts etc, were not adopted.

The Building Inspector explained most of these were handled by the State, and City Engineer Wells said the Building Codes cover them anyway.

NEW BUSINESS

RESOLUTION 86-13, INTENT TO ANNEX LOT 3, BLOCK 6, WHITEFISH
TOWNSITE CO'S FIVE ACRE TRACTS.

Staff Report: This is the Herriges property at 415 Wisconsin Avenue. The property is zoned WR-3 (Low Density Multi-Family).

Motion Ogg to adopt Resolution No. 86-13, intent to annex Lot 3, Block 6, Whitefish Townsite Co's Five Acre Tracts. Second LaTourelle. All aye.

Public Hearing will be June 2, 1986.

PLEDGED SECURITIES

Mountain Bank \$350,000 First National Bank \$513,000.

Motion Jessup to approve the pledged securities as presented. Second Boksich. All aye except LaTourelle abstained from voting on the First National Securities, due to a conflict of interest.

April 21, 1986

LETTER FROM MONTANA LIBRARY ASSOCIATION HOSPITALITY COMMITTEE.

Mayor Amass read a letter from Rita Kraus, Chairman, Montana Library Association Hospitality Committee inviting the Council to their annual awards and honors ceremonies to be held at Flathead county Library at 8:00 P.M. on Friday, May 2, 1986.

COMMITTEE AND STAFF REPORTS.

Claire Strickler reported the City County Planning Board and Zoning Commission discussed the work program which they wished to have carried out during the next fiscal year. The following items were suggested and are listed in their order of priority:

1. Update the Zoning Ordinance for the City of Whitefish.
2. A look at our Subdivision regulations.
3. Involvement with the development of the LESA system by the County Planning Board to evaluate farmland in Flathead County.
4. Begin a transportation study to come up with new access route south of town, to improve flow patterns in the "strip" on Highway 93 and to suggest a bypass to the City to remove through truck traffic from the downtown area.

Strickler requested the Council to add or delete from the list and then it would be submitted to the County Administrative Board. The C.A.B. would make final determinations when they submit their budget to the County Commissioners.

She also requested Council review the Whitefish Master Plan and make any recommendations by May 7th.

Councilwoman LaTourelle requested to postpone this until the New City Manager could review the plan.

It was decided to give the City until June 2nd to give their input and this would give the City Manager time to review the plan.

Strickler requested the City Council write a letter to the County Administrative Board asking them to fill Margaret Clark's position in the Regional Planning Office. She said it was imperative to the City County Planning Office.

Councilman Hanson said regarding the transportation study, (extension of Baker Avenue) the three owners of the property involved had discussed this but he felt they needed leadership of the City Manager.

Councilwoman LaTourelle requested to be out of the State April 23rd thru May 4th.

Motion Jessup to allow this request. Second Hanson. All aye.

Councilman Boksich reported the Park Board had made a tour of all the City Parks. He said the Glacier Twins field would remain locked but the little league fields would be open. Locking the Glacier Twins field would ensure protecting the sod installed last year. The Park Board requested the High School and Glacier Twins maintain the concession stand at Memorial field. If they would not maintain the Board would put a user fee on the building.

Councilman Ogg asked if the County was going to co-operate on the gas tax.

Mayor Amass said there was a meeting Friday at 4:30 P.M. with the Mayors from Col. Falls and Kalispell, the Three Commissioners, Mayor Amass, Dale Jessup and Ed Grogan. He was hoping for co-operation.

Ogg also said he felt a committee should be appointed to review the Whitefish Master Plan as it warrents indepth study.

Councilman Jessup agreed with Ogg.

April 21, 1986 cont.

Councilman Hanson suggested the Council look at the plan between now and when the City Manager is on line, then review and look at in depth.

Councilman Hanson also suggested Council should give our representative (Mayor Amass) how they feel about the situation in the Planning Office, on Staff Director, etc. all should convey feelings to him.

Councilman Boksich inquired on Russ Streets progress in getting his cabins on sewer.

Greg Acton said he had received engineer drawings on what was proposed and that Street was co-operating with the City.

Acting Police Chief Herrmann reported the police officers, today had reported to the pistol range and had qualified in sharpshooter class and Master Class.

Street Foreman Wartnow reported he had investigated the two hour parking on Lupfer, between Second and Third Streets and found "No Parking" signs. He recommended leaving the "No Parking" signs because of the narrow street.

Wartnow requested a clarification from City Attorney on painting curbs in "No Parking" zones. City Attorney would review and get back to Wartnow.

Greg Acton, Supervisor, Water/Sewer said that when the City Manager is on line he would like to update the Manager and the Water/Sewer Committee on progress of the Water Master Plan.

Councilwoman LaTourelle suggested the full Council listen to Acton at a regular meeting.

Mayor Amass read a letter from Pat Jarvi, resigning from the City County Planning Board as she had moved out of the City Limits.

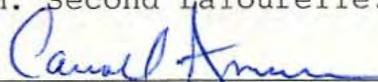
Amass explained that Pat had moved out of the City limits and could no longer be a city representative. Owen Grinde had been annexed into the city and he was a county representative. Mayor Amass said he would like to appoint Owen Grinde as the City Representative.

Council decided the position should be advertised and then a decision would be made.

Mayor Amass said he would like to make Council aware of a situation that had come up. Three vehicles had been towed for illegal parking and had been cited but when they appeared before the Judge the tickets had been dismissed and the city would have to re-imburse the people. He recommended the Council instruct Acting City Manager to have the towing cease until the Chief of Police could check and signs are in place.

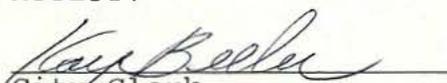
The Chief of Police, Acting City Manager and Street Foreman would investigate and place proper signs. City Attorney would check with the Judge on adequate signage. Towing would cease until the problem is resolved.

Motion Jessup to adjourn at 8:59 P.M. Second LaTourelle. All aye.



Mayor

ATTEST:



City Clerk

May 5, 1986

Mayor Amass opened the regular meeting of the Whitefish City Council on the above date at 7:00 p.m. All Councilpeople were in attendance except Jessup.

Also present were Building Inspector Berg, Acting Police Chief Herrmann, Judge Johnson, Fire Chief Yeats, Water/Sewer Supervisor Acton, Street Foreman Wartnow, City Engineer Wells, and City Attorney Tracy.

Mayor Amass welcomed the new City Manager, Ralph Freedman and thanked Acting City Manager Kay Beller for her efforts during the interim.

MINUTES

Motion LaTourelle to approve the minutes of the April 21, 1986, meeting. Second Boksich. All Aye.

PUBLIC HEARINGS

ZONE CHANGE REQUEST BY DAWN HARTMAN AND GLADYS SMITH

Tom Jentz, head planner for the FRDO gave the Staff Report. The application was to rezone approximately 59 acres of land from WA (Agriculture) to WSR (Suburban Residential). The site fronts on East Lakeshore Drive and Big Mountain Road approximately three-fourths (3/4) mile north of the City Limits. Jentz explained the Zoning Commission recommended denial citing the following findings of fact:

1. Lack of conformity to the Comprehensive Plan.
2. Severe topographic and geological constraints on this site.
3. Potential crowding of the site because of the limited areas for road construction, drainage, drainfield development and building placement.
4. The problems of septic drainfield locations on a site averaging a 17% slope with a natural drainage draw and potential rock outcroppings and water table problems.
5. Concerns expressed by the City Staff and the Whitefish County Sewer and Water District.

Mayor Amass opened the Public Hearing.

Jim Putnam said if the Council decided to grant the zone change he felt they should require a PUD overlay. A PUD goes with the land and any changes would have to be brought back to the Council.

As there was no other comment Mayor Amass closed the Public Hearing and turned over to the council for review and action.

Councilman Hanson said this area should be annexed and on sewer, and also should have a PUD overlay. After discussion it was moved by Ogg to deny the rezone request with findings of fact per FRDO. Second Faessler. All Aye.

OLD BUSINESS

Ordinance No. 86-2 - Regulation of Earth Station Dish Antennas.

Because the Council wanted the City Attorney to review the FCC preemption for satellite dishes it was moved by Hanson to table until the City Attorney could look at it. Second LaTourelle. All voted aye.

FLAG LOTS

The Zoning Commission had been requested to consider an interim definition of Irregular Lots. Section 17.15.030 of the Zoning

May 5, 1986 (cont.)

Regulations provides for this process when a definition is lacking.

The Commission after evaluation recommended an interim definition of irregular shaped lots per letter of April 16, 1986.

APPOINTMENT TO THE CITY COUNTY PLANNING BOARD

Mayor Amass requested Council to approve his appointment of Owen Grinde to the City County Planning Board to fill unexpired term of Pat Jarvi. Term of office is up again on December 31, 1986.

Motion Faessler to approve the Mayor's appointment. Second Hanson. All aye.

PROCLAMATIONS

Mayor Amass proclaimed the following:

1. National Hospital Week, May 11-17, 1986.
2. Selective Service Registration Awareness Month, May, 1986.

35' BUILDING HEIGHT IN COMMERCIAL ZONES

Mayor Amass requested to table this for approximately thirty (30) days until the new City Manager and Council could have a workshop to review and discuss.

Claire Strickler, President of the City County Planning Board, and Zoning Commission explained the FRDO had asked them to review and asked if they wished to hold a hearing on exceeding the 35' building height limitation in commercial zones. Claire said the Board did not wish to initiate and discontinued any further consideration in the matter.

Councilman Hanson asked if the Council wanted the Planning Board to address the issue and have the City Manager work with the staff to get the process started. Councilwoman LaTourelle said she favored Mayor Amass's suggestion to table for thirty days. Councilwoman Faessler and Councilman Ogg favored getting it started. After discussion it was moved by Ogg to formally request the Zoning Commission to review the 35' height in the commercial zones and find suitable proposal to exceed the 35' height. Second Faessler. After discussion Faessler withdrew her second and Ogg withdrew the Motion.

Motion Ogg to send this to the City County Planning Board to review and find a proposal to amend the Zoning Regulations to allow height limitations over 35' in commercial zones. Second Faessler. All voted Aye.

LAKESHORE CONSTRUCTION PERMIT - WHITEFISH GOLF ASSOCIATION

The Whitefish City-County Planning Board recommended that the proposal of the Whitefish Lake Golf Association, Inc. to modify Fairways Nos. 3 and 4 of the Mountain Nine be approved with the following conditions:

1. That Fairway 3 be widened toward Lost Coon Lake in a graceful contour rather than a straight line and that there be minimum disturbance of the marsh, cattails and waterfowl refuge. The fill used to widen the fairway shall be covered with native clear brush and vegetation, as stated in the Association's plans. The fill to stay safely away from the water's edge.

May 5, 1986

2. On Fairway 4, that the proposed retaining wall be of untreated railroad ties.
3. Before work begins, necessary additional permits shall be obtained by the Golf Association from the Montana Soil Conservation Service and the Department of Fish, Wildlife and Parks.

Motion Hanson to approve the Lakeshore Construction Permit as recommended by the City County Planning Board. Second Faessler. All voted aye except Ogg who abstained.

PETITION TO ANNEX - RESOLUTION NO. 86-15

W. J. and Nicole P. Wright property at 835 O'Brien Avenue. (Portion of Lot 5, Riverside Improvements Co's Acreage). City Attorney Tracy explained to the Council, this property could be annexed tonight, as it was contiguous to the city and a single lot and was to the best interest of both the property owners and the City.

Mr. Wright told the Council it would cost him approximately \$6,000 to \$10,000 to extend the sewer line to his property and requested reimbursement of future hook-ups to this line.

Greg Acton, Water/Sewer Supervisor reported the City was requiring Mr. Wright to extend 265' and install a manhole for future annexations, in this area. Acton said he felt plant investment costs should be waived to this property owner.

City Manager Freedman said an agreement should be signed so this property owner could recoup excess costs.

Councilman Hanson suggested the plant investment fees, depth of sewer, etc. be turned over to the City Manager, City Attorney and Department Heads to resolve. Council agreed.

Motion Hanson to adopt Resolution No. 86-15, annexing the Wright property. Second LaTourelle. All voted aye.

COMMITTEE AND STAFF REPORT

Councilman Hanson reported he had given the Council a memo regarding water quality model that has been developed by the EPA, Sprat & Associates of Kalispell is familiar with and it would behoove the Council to ask them to give a presentation. Maybe we could convince the State we don't have to go as strong on phosphorus removal.

Hanson also wanted clarification on burning in the city limits. He said a construction project had requested to burn and was told no, yet another construction project on Wisconsin Avenue was allowed to burn. Lenny Yeats, Fire Chief, said it was up to the Chief to determine open burning. The Fire Department was studying open burning and would try to come up with a solution.

City Attorney Tracy explained the Fire Chief had approached him on drawing up an Ordinance on no burning in the City limits and the department had decided to leave as is. The Fire Department had inspected the site on Wisconsin and had issued a permit to burn based on the contractor contacting all the neighbors, which he did not do, and Tracy called the Department and had them revoke the permit. He would work with the department and come up with a policy that would be equitable to everyone.

May 5, 1986 (cont.)

Councilwoman LaTourelle called a Water/Sewer Committee for Monday, May 12, at 7:00 p.m.

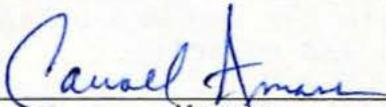
Mayor Amass asked Council if they had any comments on the proposed Interlocal Agreement to be entered into by the three (3) cities and Flathead County on the gasoline tax.

The only change Council made was in paragraph 5 - change date to June 3, 1986.

After discussion it was moved by Ogg to approve the Interlocal Agreement with the correction as stated above. Second LaTourelle. All voted Aye.

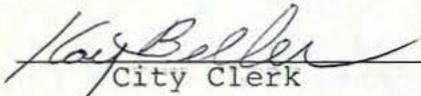
City Attorney Tracy said he would be out of the State from May 14th until May 28th.

Motion LaTourelle to adjourn 8:58 p.m. Second Hanson. All Aye.



Mayor

ATTEST:



City Clerk

MINUTES
Whitefish City Council
May 19, 1986

The May 19, 1986 regular meeting of the Whitefish City Council was called to order by Mayor Carroll Amass at 7:00 P.M. All City Council members were present. Also present were City Manager Freedman, Water/Sewer Superintendent Acton, Street Foreman Wartnow, Acting Police Chief Herrmann, Building Inspector Berg, Acting City Attorney Schwickert and twenty members of the public.

MAY 5, 1986 MINUTES: On a motion by LaTourelle, seconded by Faessler, to approve the minutes of the May 5, 1986 meeting. The motion passed unanimously.

PUBLIC HEARINGS

1. Sign Variance: Ron Millard, who was representing Worley's Service Station, requested a variance so that he could replace the Husky sign with a Conoco sign. Building Inspector Berg said that the existing sign was a nonconforming sign which would have to be removed in eight years under the city's Zoning Ordinance. Berg also indicated that the existing sign had a height of forty eight (48) feet and that the new sign would be only twenty two and one half (22½) feet high, as compared to an allowable height of eighteen (18) feet under the City's Zoning Ordinance. The setback from the highway is only seven (7) feet which is also less than the required fifteen (15) feet in the Zoning Ordinance. Berg recommended approval of the variance request for the height of the sign and the setback from the right-of-way.

Mayor Amass opened the Public Hearing on this variance request. Ron Millard spoke in favor of the variance request and told the Council that he would replace the Husky sign with a standard Conoco sign. Councilwoman LaTourelle asked Millard if he would be willing to bring the new sign into compliance with the Zoning Ordinance. Mr. Millard said he would be willing to do this.

Councilman Hanson felt that if a variance is granted, there should be no time limit placed on the variance. Hanson made a motion to grant the variance with no time limits. The motion died for lack of a second.

On a motion by Ogg, seconded by LaTourelle to grant the variance with the new sign being brought into compliance with the Zoning Ordinance in eight (8) years. The motion passed five (5) to one (1) with Hanson voting no.

2. AMENDMENT TO ZONING ORDINANCE: City Manager Freedman told the Council that the Public Hearing was on the first Reading of Ordinance 86-12 which would amend the Zoning Ordinance on the regulation of livestock and fowl in the WSR, WCR and WLR zoning districts. Freedman reported that under the current regulations livestock and fowl were not permitted.

Claire Strickler, President of the Whitefish Planning Board, explained that Jack Arnold had initiated the amendment to the Zoning Ordinance because of the addition of the WCR zone and the expansion of the city limits. Some of these areas coming into the city had livestock on them which would be inconsistent with the city's regulations. Mrs. Strickler further explained that a committee of the Planning Board had worked out the specifics of the proposed Ordinance.

On a motion by Hanson, seconded by Boksich to table Ordinance 86-12. After some discussion, Hanson and Boksich withdrew their motion and second. On a motion by Jessup, seconded by Hanson to deny Ordinance 86-12 on the first reading. The motion passed four (4) to two (2) with Boksich and Faessler voting no.

PROCLAMATION - NATIONAL TOURISM WEEK: On a motion by Jessup seconded by LaTourelle to proclaim May 18-24 as National Tourism Week. The motion passed unanimously.

GARY ELLIOTT - USE PERMIT FOR SUNCREST BEACH: City Manager Freedman reported that Suncrest Development was considering the purchase of approximately 3.5 acres on the lake which would be used as a homeowner's park. Mr. Elliott was requesting that this request for a Use Permit be reviewed administratively as allowed in Section 17.11.070 of the Zoning regulations. Freedman explained that any request reviewed in this manner must only apply to specific categories or instances predetermined by the Governing Body. City Manager Freedman recommended the following to the City Council:

1. That the application for a Use Permit be submitted to the City-County Planning Board and the Lakeshore Protection Committee for their comments and recommendations.

During the discussion on this proposal, John Horn and Sherry Tracy who are both residents of the area adjacent to the proposed beach, spoke against the proposed project. Both residents felt that the project should be reviewed by the City-County Planning Board.

On a motion by Jessup, seconded by Faessler, to refer this application to both the City-County Planning Board and the Lakeshore Protection Committee for their comments and recommendations. The motion passed unanimously.

DAVID SPEER - THE RIVER PROJECT: Mr. Speer asked the City Council to refer The River Project to the City-County Planning Board for their recommendations. This project was approved by the Flathead Regional Development Office and the Planning Board in 1985. Mr. Speer said that the project was unchanged and he would like the City Council to waive the application fees except for the actual costs of notices and legal publications.

On a motion by Ogg, seconded by LaTourelle, to have this application reviewed by the Planning Board with Mr. Speer paying for the actual costs of publications, postage, etc. The motion passed unanimously.

Councilman Hanson requested that the City Manager contact Mrs. Rocksund and Kanes to see if they would sign new petitions of annexation so that The River Project was contiguous to the city.

COMMITTEE REPORTS

WATER AND SEWER COMMITTEE: Councilwoman LaTourelle gave a report on the May 12 meeting of the Water and Sewer Committee as follows:

1. Mike Davis owner of Lot 12 in Glenwood, had requested sewer service so that he could build a home. The city was working to secure the necessary easements so that the sewer could be extended by the city and then the property owners would extend the sewer line from that point;

2. The property management people were once again complaining about the water bills being in the property owners' names instead of in the renters' names. Once a month billing was being considered which may eliminate some of their complaints; and

3. SID 149 property owners requested a 90 day postponement to allow the people an opportunity to explore all of the alternatives available to them. The Committee recommended to the City Council a 90 day postponement for SID 149.

On a motion by LaTourelle, seconded by Faessler to grant a 90 day postponement for SID 149. The motion passed unanimously.

CITY MANAGER

1. WATER BILLS:

City Manager Freedman informed the City Council that after discussions with staff members he felt that once a month billing for everyone in the city would be more efficient. He proposed allowing users 30 days to pay their water and sewer bills before they were sent a delinquent notice.

The user then had 10 days to make payment or the city would shut-off their water. The City Council informally agreed that these decisions were ones that should be made by the City Manager.

2. BAKER AVENUE:

Freedman reported that he had met with representatives of A-1 Paving about doing Baker Avenue from Second Street to the Kentucky Fried Chicken Restaurant. This project would include sidewalks and curb and gutters on both sides of the street along with a 3 inch asphalt mat. Underneath the asphalt mat, the contractor would place a fabric blanket, 8 inches of pit run material and 4 inches of 3/4 inch minus material. Along the City Hall building there would be space for gravel or planters behind the sidewalks. City crews will be doing water and storm sewer work prior to the contractor coming to Whitefish.

This project would be financed through the use of gas tax funds and property owners on Baker Avenue would be assessed for the new sidewalks and curb and gutters. The project could be started in early June with completion scheduled for early July. Specific cost figures and other information will be brought to the next City Council meeting on June 2.

3. HEDMAN PROPERTY: City Manager Freedman told the Council that he had met with Attorney Gene Hedman on the easement problem behind his uncle and aunt's house. It appears likely that the City could receive approximately three acres of land behind the Hedman house for a storm drainage retainage area if the City would consider abandoning or foregoing the use of the easement. Freedman will continue to pursue the Resolution of this matter and he will make a report at the next meeting.

4. STREET MASTER PLAN STUDY: Freedman told the City Council that the community must begin to do a master plan on all of the city streets as soon as possible. He proposed sending out requests for proposals to numerous engineering firms to begin the process of selecting an engineering firm to do detailed engineering on the city streets. The City Council felt that the City Manager should solicit proposals from various engineering firms.

OTHER MATTERS

Councilman Hanson said that he felt Council standing committees should be eliminated and replaced by a workshop meeting once each month of the full City Council. On a motion by Hanson, seconded by Ogg, to eliminate the standing committees. After some discussion, both the motion and the second were withdrawn so that the issue could be discussed at a workshop meeting.

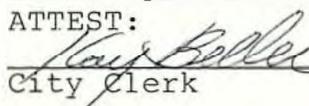
Mayor Amass reported that Claire Strickler had requested that the four requests of the Whitefish City-County Planning Board for their work program be included in the minutes of the April meeting. (per letter from Claire Strickler dated May 17, 1986.) Mrs. Strickler had felt that the minutes were unclear as to the intent of the Planning Board.

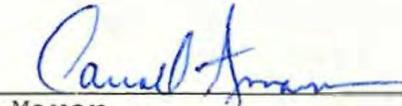
Amass also reported that the County Commissioners would make a decision on the Interlocal Gas Agreement on May 20. He was hopeful that the Commissioners would accept a distribution formula based upon where the gas was sold.

LEGISLATIVE REPORT: State Legislator Ben Cohen discussed various bed and resort taxes with the Council that he might introduce at the Special Session in June. He was planning to meet with City Manager Freedman to discuss these matters later in the week.

There being no further business, on a motion by Jessup and seconded by LaTourelle, to adjourn the meeting at 9:23 P.M. The motion passed unanimously.

ATTEST:


City Clerk


Mayor

MINUTES
Whitefish City Council
June 2, 1986

The June 2, 1986, regular meeting of the Whitefish City Council was called to order by Mayor Carroll Amass at 7:00 P.M. All Councilmembers were present. Also present were City Manager Freedman, Building Inspector Berg, Acting Police Chief Herrmann, Water/Sewer Superintendent Acton, Street Foreman Wartnow and City Attorney Tracy.

MINUTES

On a motion by Jessup, seconded by Faessler, to approve the minutes of the May 19, 1986, Council meeting. The motion passed unanimously.

PUBLIC HEARINGS

1. ANNEXATION: First reading of Ordinance 86-14, annexation of Lot 3, Block 6, Whitefish Townsite Company's Five Acre Tracts. Tom Jentz, head planner for the FRDO gave the staff report. He explained this was a 4.443 acre site to be divided into two lots Lot 3A (.546 acres) and Lot 3B (3.894 acres). The purpose of the lot split is to segregate the house and all out buildings into a single lot so that it can be transferred to a sister (Herriges N & E Development are twelve brothers and sisters). The City County Planning Board and Zoning Commission recommended approval of the annexation with two (2) findings of fact per letter dated May 21, 1986. They also recommended approval of the Preliminary Plat with four (4) conditions as stated in letter dated May 21, 1986.

Mayor Amass opened the public hearing and since there was no comment, he closed the hearing and asked for action by the Council.

On a motion by Hanson, seconded by Boksich, to adopt Ordinance 86-14, annexing Lot 3, Block 6, Whitefish Townsite company's Five Tracts on the first reading. The motion passed unanimously.

2. PRELIMINARY PLAT: Resubdivision of Lot 3, Block 6, Whitefish Townsite Company's Five Acre Tracts. Tom Jentz, had given the staff report along with the annexation report.

Mayor Amass opened the public hearing and since there was no comment he closed the hearing to the public and asked for discussion and action by the Council.

After some discussion it was moved by Boksich, seconded by Faessler, to approve the preliminary plat of the resubdivision of Lot 3, Block 6, Whitefish Townsite Company's Five Acre Tracts as presented, and include Findings of Fact of the FRDO. The motion passed unanimously.

3. SIGN VARIANCE: Jimmy R. Henry of Stageline Pizza was requesting to place a temporary sign at Alpine Village Center. Building Inspector Berg gave the staff report. He explained that the sign was in violation of the front set back. Henry was requesting zero (0) setback and a prohibited sign under the sign code. Berg further explained that John Kramer, owner of Alpine Village, had been granted a variance on his co-ordinated signing and had been told he could have no more signs. Staff recommended denial of the sign variance.

Councilwoman LaTourelle felt if this variance was granted other businesses in the Alpine Village Center would also request signs. City Manager Freedman said Council should consider request as Kramer did not expect a pizza place or restaurant and felt his signage should be extended.

Page 2. June 2, 1986

Mayor Amass opened the Public Hearing. Bart Smith, said the shopping Center sign was given a temporary variance, and at the end of time period all the signs would have to be moved back to meet required setbacks.

Mayor Amass closed the hearing to the public and asked the Council for any discussion and action.

Mayor Amass explained the main concern of Mr. Henry was that the phone number be displayed to the public. City Manager Freedman felt something could be worked out with John Kramer where the phone number could be added to the existing sign. After further discussion, it was moved by Jessup, seconded by LaTourelle, to deny the sign variance request and that they bring back another proposal to the City Manager and the Building Inspector that complies with the Sign Ordinance. The motion passed 5 to 1 with Hanson voting no.

4. PROPOSAL TO CLOSE INTERSECTION OF CENTRAL AND SIXTH STREET FOR PARK PURPOSES: City Manager Freedman gave the presentation. He explained the corner had been closed for work on the sewer line and after talking to residents in the area about the possibility of converting this area to a small park, he had a landscape architect draw up preliminary plans. He said this issue would not receive 100% support from residents. Freedman further explained that this area would be a small park with no play equipment or picnic tables, but would allow for the extension of the proposed jogging path along the river. Cul-d-sacs were planned for Sixth Street and Central Avenue in the future if this park was created.

Mayor Amass asked the Council if they had any questions. Councilwoman LaTourelle asked Fire chief Yeats if the Fire Department was in favor of closing the street. Yeats said the Department was not in favor because they could not gain access to about three residents, and also there are no fire hydrants on this corner.

Councilman Jessup asked if this would save more money than paving the street. Freedman said it was hard to say because it would depend on negotiating with the contractor to adjust the contract bid item. Councilwoman LaTourelle inquired about the Parkland Acquisition funds which can be used for new parks. Park Board President, John Kramer, explained the Parkland Acquisition funds were already designated for Riverside Park.

Mayor Amass opened the hearing to the public. Two petitions were presented to the city. Petition with forty seven (47) signatures favored closing the street and petition with eleven (11) signatures were opposed to the closure.

Speaking against the closure were Phyllis Sprunger, Lyle and Laura Rutherford, Mr. and Mrs. John Johnson and Gary Dalen. In favor of the proposal were Rick Blair, Shiela O'Connell, Janice Hall, Russ Giesy and Audrey Gonzales. After much discussion, it was moved by Boksich to pursue the proposal of closing the street to create a park and have another hearing next Council meeting (June 16). The motion was seconded by LaTourelle and approved by a 4 to 2 vote with Jessup and Faessler voting no.

OLD BUSINESS

AWARD BAKER AVENUE CONTRACT: City Manager Freedman gave the staff report. He explained that the previous Council agreed to do a portion of Baker and Central last fall but put it on hold until spring due to the weather. Freedman said he has negotiated with A-1 Paving on many changes with all of the work proposed for Baker between Second and Railway. He recommended awarding the bid to A-1 Paving for \$49,076. This could be less depending upon the extent of the pit run material needed for the project. The contractor would start on June 4, 1986, and the job would be completed by the week of June 23rd. Every effort would be made to help the merchants in the area, by keeping the street open part-time and by putting signs on Central directing people to these businesses.

page 3. June 2, 1986

After discussion, it was moved by Jessup, seconded by LaTourelle, to award the contract for the Baker Avenue reconstruction project to A-1 Paving for \$49,076. The motion passed unanimously.

WORKMAN' COMPENSATION: City Manager Freedman explained that the League of Cities had a Workman's Compensation program that would be slightly cheaper than the State. The City could save approximately 3.5% in the first year and there would be greater savings over the long run. He recommended Council approve entering the League of Cities program.

After discussion, the motion was made by Hanson, seconded by Faessler, to adopt Resolution No. 86-17, authorizing participation in the Workers' Compensation program of the Montana League of Cities and Towns Insurance Trust. The motion passed 5 to 1 with LaTourelle voting no.

LIABILITY INSURANCE: City Manager Freedman explained the League of Cities Liability program was designed to place under one policy the following coverages: general liability, law enforcement liability and public officials liability. Freedman requested that the Council study the proposal and make a decision by the next Council meeting. This would allow him time to study the current liability insurance policy and give the Council more details on savings, etc. The League needs a decision by July 1.

LAKESHORE REGULATIONS AND WHITEFISH MASTER PLAN: On a motion by Jessup, seconded by LaTourelle to table Lakeshore Regulations and the Master Plan until next Council meeting. The motion passed unanimously.

COMMITTEE AND STAFF REPORTS: Councilman Hanson asked for the status of the elimination of parking on the north side of Fourth Street. Street foreman Wartnow explained the City Ordinance reads that all curbs will be painted yellow in no parking areas. The City has about ten blocks of curbs that need to be painted, but that he does not have the funding nor the manpower to do this. City Attorney Tracy said he was reviewing the Ordinance and would bring an amendment to the next Council meeting.

Councilman Jessup said Council should think about the process of eliminating Council committees and reverting to Council workshops.

Mayor Amass requested to be out of the State from June 5th until the 12th. On a motion by LaTourelle, seconded by Hanson, to approve this request. The motion passed unanimously.

CITY MANAGER

COMMUNITY DEVELOPMENT BLOCK GRANT WORKSHOP: City Manager Freedman discussed the details of the CDBG Program with the City Council giving them the schedule for application submission and the types of projects that would be considered. The program is designed to help low and moderate income persons in the following area: housing rehabilitation, economic development and public facilities. Public hearings must be held and the application deadline is September 12, 1986. Freedman will schedule public hearings during the next month or two.

PARKING COMMISSION REPORT: Freedman told the City Council that the Parking Commission would like to undertake the following projects:

1. Have angle parking on Central between third and Fourth streets with new curbs and gutters; and
2. Close down First Street, buy the Markus property and the lot owned by Gary Stephens and then convert this property into a parking lot.

MINUTES
Whitefish City Council
June 16, 1986

The June 16, 1986, regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, Building Inspector Berg, Acting Police Chief Herrmann, Water/Sewer Superintendent Acton, Street Foreman Wartnow and City Attorney Tracy.

MINUTES

On a motion by Jessup, seconded by Faessler, to approve the minutes of the June 2, 1986, Council meeting. The motion passed unanimously.

PUBLIC HEARINGS

1. ANNEXATION: Second reading of Ordinance 86-14, annexation of Lot 3, Block 6, Whitefish Townsite Company's Five Acre Tracts. City Manager Freedman gave the staff report. He explained this was a 4.443 acre site to be divided into two lots, Lot 3A (.546 acres) and Lot #B (3.894 acres). Zoning would be WR-3 (Low Density Multi-Family District). The City County Planning Board and Zoning Commission recommended approval of the annexation with two (2) findings of fact per letter dated May 21, 1986.

Mayor Amass opened the public hearing and since there was no comment, he closed the hearing and asked for action by the Council.

On a motion by Boksich, seconded by Faessler, to adopt Ordinance 86-14, annexing Lot 3, Block 6, Whitefish Townsite Company's Five Acre Tracts, effective date of the annexation would be July 17, 1986. The motion passed unanimously.

2. PROPOSAL TO CLOSE INTERSECTION OF CENTRAL AND SIXTH STREET FOR PARK PURPOSES: City Manager Freedman gave the presentation. He explained the corner had been closed for work on the sewer line and after talking to residents in the area, found some interest in the possibility of converting this area into a small park instead of replacing the street. Freedman said this would be a small neighborhood park that would allow for the extension of the proposed jogging path along the river. He said cul-de-sacs were planned for Sixth Street and Central Avenue in the future if this park is created. Also, the water line would be replaced and a fire hydrant and sidewalks would be installed.

Mayor Amass opened the hearing to the public. Two petitions were presented to the city, one petition was signed by twenty three (23) businesses on Central Avenue, the other was signed by ten (10) people, all in favor of closing Central Avenue for the park.

Speaking in favor of closing Central Avenue were Rick Blair, Janice Hall, Russ Giesy, and Sheila O'Connell. Speaking against the closure were Lyle and Laura Rutherford, Mr. and Mrs. Johnson, and Phyllis Sprunger. Phyllis wanted the record to show, she was not concerned for her business, but with the traffic flow and pattern. She said getting out on Spokane Avenue was not only a major problem but a very serious one.

Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

City Manager Freedman reported that Nancy and Ed Gilliland are in the process of donating their lot to the city and we should have the deed in about two weeks. Phyllis Sprunger asked what the legal procedure would be in closing the street. City Attorney Tracy explained the city needed a petition signed by 100% of the landowners abutting the street, and then a Resolution could be passed setting a public hearing. At this time the City Council could make a determination. City Manager Freedman said a small portion could be closed involving two (2) property owners, Hall and Gilliland, other properties are adjacent but don't abutt.

Councilman Boksich explained this was the long range goal of the Park Board, to acquire as much river frontage as possible to extend the jogging path along the river all the way to the lake. He said he favored the park because it would enhance the neighborhood.

Freedman reported that the Commission was not in the financial position to do these projects. Councilman Hanson wanted the Commission to give the City Council written proposals on these and other projects with estimates of cost. City Manager Freedman told the Council that Gary Stephens had put together the funding for tearing down the old salt shed and for paving the alley. Stephens was requesting that the City contract with Downhome Excavating for the removal of this building and that he would give the money to the City to pay for the project. On a motion by Hanson, seconded by LaTourelle, to authorize City Manager Freedman to sign a contract with Downhome Excavating contingent upon the City receiving the necessary money from Gary Stephens. The motion passed unanimously.

On a motion by Hanson, seconded by Ogg, to pave the entire parking lot contingent on funding in the budget. The motion passed 5 to 1 with Jessup voting no. City Attorney Tracy said the City should make it clear as to how many parking spaces the City of Whitefish will retain in the parking lot.

OTHER MATTERS: City Manager Freedman reported that he and Greg had met with both Tom Wright and Mike Davis on their hookups to the City's sewer system. By the next meeting, Freedman would have additional information on these matters.

On a motion by LaTourelle, seconded by Hanson, to adjourn the meeting at 9:37 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

June 16, 1986 Continuing

Councilman Jessup did not favor the closing of the street because he felt the city was rushing into construction of this park without enough research or financial information. He still felt the Council should be informed on the cost of the park versus restoring the street. City Manager Freedman said there were no cost figures at this point and it would depend upon negotiations with the contractor. Councilwoman Faessler said the Park Board should have held hearings and recommended back to the Council. She said the procedure was going too fast and questions were not being answered and she was opposed to closing the street. Councilmembers LaTourelle, Ogg and Hanson concurred with Jessup and Faessler on most points, however, they were in favor of closing the street for the park.

After lengthy discussion, on a motion by Boksich, seconded by LaTourelle, to adopt Resolution No. 86-20, intent to close Central Avenue, from Southeast corner of Hall's to Northeast corner of Gilliland. The motion was approved by a 4 to 2 vote, with Jessup and Faessler voting no. (Public hearing would be Council meeting on July 7, 1986).

OLD BUSINESS

LIABILITY INSURANCE: City Manager Freedman reported he had met with Gwen Bigger, Whitefish Insurance Representative, on the City's Liability Insurance. He said the City premium, for General Liability, Inland Marine, Public Officials, Auto, and Law Enforcement was \$73,346. Freedman said all City Insurance would expire in September except Liability, which was due January 1, 1987. Insurance company's handling the Police and Public Officials are pulling out of Montana, however, Gwen felt that she could find other coverage for the City. Freedman did not have premium figures from the Montana League of Cities, but said their intent to participate in their program would have to be sent in by the end of the month. After some discussion, on a motion by Hanson, seconded by Jessup, to continue this issue until Monday, June 23rd, at the Council workshop, the Council would reconvene and decide this issue. The motion passed unanimously.

ICMA RESOLUTION NO. 86-16, CITY MANAGER RETIREMENT PLAN: On a motion by Ogg, seconded by Hanson to adopt Resolution No. 86-16, City Manager retirement plan. The motion passed unanimously.

STREET PROJECT UPDATE: City Manager Freedman reported the Baker Avenue project was a few days behind schedule, however, the curbs and gutters had been poured and all concrete work would be done this week, and the entire project would be completed by the 27th.

CENTRAL AVENUE SIDEWALK AND CURBS: Freedman reported that all businesses except one on Central Avenue that had sidewalks and curbs installed last year had not paid their assessments, and they would be put on this years taxes. He asked the Council if the assessments should be spread over a three year period or the entire assessment plus interest placed on this years taxes. On a motion by Jessup, seconded by Ogg, to have the payback this year with the interest to be highest percent allowed by law. The motion passed unanimously.

BAKER AVENUE ASSESSMENTS: City Manager Freedman explained this was basically the same situation as Central, except these people were never asked to pay up front. He felt a three year payback would be in order. After some discussion, on a motion by Ogg, seconded by Jessup, to charge the Baker Avenue people the full amount for sidewalks, curbs and gutters and have the date due August 1, 1986, to bear interest at 10% per annum and put on the tax rolls if not paid. The motion was passed unanimously.

Council stated the interest would be charged from the time the job was completed. 6% until October, 1985 and 10% after this date.

RESOLUTION NO. 86-18, RATIFY CONSENT TO SELL AND TRANSFER CONTROL OF GROUP W CABLE CO.: City Attorney Tracy told the Council adopting this Resolution was just a formality because the Council had approved this at their March 3, 1986 Council meeting. On a motion by Ogg, seconded by Faessler, to adopt Resolution No. 86-18, ratifying consent for sale and transfer of control of Group W Cable Co. The motion passed unanimously.

June 16, 1986 continuing

ORDINANCE NO. 86-16, ELIMINATE STANDING COUNCIL COMMITTEES: On a motion by Hanson, seconded by Faessler, to adopt Ordinance No. 86-16, on the first reading. Motion passed unanimously.

ORDINANCE 86-15, REVISED NO PARKING ORDINANCE: City Attorney Tracy explained that the No Parking Ordinance required changes because there were conflicts in the codes and it would eliminate requirement to have the yellow curbs in no parking areas.

On a motion by Hanson, seconded by Ogg, to adopt Ordinance 86-15, on the first reading. The motion passed unanimously.

NEW BUSINESS

ANNEXATION: Petition to annex George and Virginia Weidholz, property at 420 Geddes Avenue. (Tracts 2FB, 2F, 2DBB, and 2DB in the NW $\frac{1}{4}$, Section 36, T31N, R22W, Flathead County). Greg Acton gave the staff report, explaining that Weidholz needed the sewer and the County Health Department had approached the City to annex this property and get them on the sewer. After discussion, on a motion by LaTourelle, seconded by Ogg, to adopt Resolution No. 86-19, annexing the Weidholz property. The motion passed unanimously.

CONSIDERATION OF OPEN CONTAINER AT MEMORIAL FIELD: City Manager Freedman explained that the Glacier Twins wanted to sell beer at Memorial field. The Park Board recommended approval and referred this matter to the Council for the final decision. After Council discussion it was moved by Boksich, seconded by LaTourelle, to grant City Manager Freedman permission to approve a Special Events Permit allowing the selling of beer at Memorial Field. The motion passed unanimously.

COUNCIL AND STAFF REPORTS

Councilman Boksich requested permission to be out of the State from June 21st to July 4th. On a motion by Jessup, seconded by Hanson, to grant this request. The motion passed unanimously.

Councilman Jessup requested City Manager generate a financial report for the Council.

Councilman Ogg requested to be out of the State from June 18th until July 2nd. On a motion by Faessler, seconded by Hanson, to grant this request. Motion carried unanimously.

City Manager Freedman said he would write a letter to the FRDO outlining how the Council would like the Master Plan considered. Freedman also suggested that on the EPA grant, he be the authorized officer, instead of the Mayor. On a motion by Jessup, seconded by Hanson, to adopt Resolution No. 86-21, appointing City Manager Freedman as the authorized officer for the EPA Grant. The motion passed unanimously.

Freedman also reported he had sent out notices to the people in SID 148 and there would be a meeting with these people on Tuesday, June 24th. He said that he, the City Engineer and the City attorney would be at the meeting and that he would report back to the Council. SID 149 would be considered after July 4th.

City Attorney Tracy reported the Stidham Case would be coming up for trial on Monday and that he would keep the Council informed.

On a motion by Jessup, seconded by Hanson, to adjourn at 9:58 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

*True
11/6/87*

MINUTES
Whitefish City Council
July 7, 1986

The July 7, 1986, regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Sgt. Joe VanHam, Water/Sewer Superintendent Acton, Street Foreman Wartnow.

Mayor Amass introduced his parents and welcomed them to the Council meeting.

MINUTES

On a motion by Jessup, seconded by Faessler, to approve the minutes of the June 16, 1986 Council meeting. The motion passed unanimously.

PUBLIC HEARINGS

1. RESOLUTION NO. 86-20 - INTENT TO CLOSE CENTRAL AT SIXTH: City Manager Freedman gave the staff report. He said City Attorney Tracy had researched closing the street and in his opinion it would be necessary to have 100% of the property owners in favor from Spokane Avenue to Fifth Street. Freedman stated the Council could: 1. vote tonight based on the input from the residents, or, 2. table for a few weeks to see if a compromise could be reached with the people in the area. The cost of replacing the street, as bid by Barnard is \$70,000. Freedman said this figure is too high, and he would meet with Barnard and Engineer Dennis Carver and try to reduce the costs. Council questioned if the grant would cover this part of the construction on the interceptor line. Freedman said we might get partial reimbursement and even that was questionable.

Mayor Amass opened the hearing to the public. People speaking in favor of the closure were, Rick Blair, Janice Hall, Robert Hall. In favor of replacing the street were, Laura and Lyle Rutherford, Phyllis Sprunger, Art Morris, Gary Dalen and John Johnson. After discussion Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

Councilman Hanson made a motion to table this issue until a later date. The motion died for lack of a second.

Councilman Ogg stated it was obvious the street could not be closed and it should not require action of the Council.

After further discussion by the Council, on a motion by Jessup, seconded by Faessler, to deny Resolution No. 86-20, and also stipulate the City Manager be authorized to negotiate with the contractor and come up with a plan, either the City crews do the work, or a better alternative. LaTourelle, Hanson and Boksich voted no, and Faessler, Jessup and Ogg voted aye. Mayor Amass voted no. The motion was defeated by a 4 to 3 vote.

On a motion by Hanson, seconded by Boksich, to table Resolution No. 86-20, until the July 21st Council meeting. The motion was approved with a 5 to 1 vote, with Jessup voting no.

2. SECOND READING OF ORDINANCE 86-15 - ELIMINATE YELLOW CURBS: City Manager Freedman gave the staff report. He explained this Ordinance would eliminate the necessity of painting yellow curbs in no parking areas. Council discussed amending the Ordinance to include either, and/or, or "may have yellow curb markings."

Mayor Amass opened the hearing to the public and Bart Smith asked if the first reading should have been a public hearing. City Attorney Tracy said no. Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

July 7, 1986 continued

On a motion by Ogg, seconded by Hanson, to adopt Ordinance 86-15 on the second reading, with the addition of "no parking zones may be marked with yellow curbs". Motion passed unanimously.

3. SECOND READING OF ORDINANCE 86-16 - ELIMINATE COUNCIL STANDING COMMITTEES: City Manager Freedman explained the Council had discussed the standing committees versus Council workshops and agreed that the workshops were more beneficial.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned over to the Council for comment and action.

On a motion by Faessler, seconded by Hanson, to adopt Ordinance No. 86-16 on the second reading. The motion passed unanimously.

4. USE PERMIT: Request of Whitefish Insurance to locate business at 547 Spokane Avenue. Tom Jentz, head planner for the Flathead Regional Development Office, gave the staff report. He reviewed the site plan and explained that the City County Planning Board and Zoning Commission recommended approval of the Use Permit with three (3) conditions. (Per letter dated June 24, 1986).

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing and turned over to the Council for discussion and action.

City Manager Freedman said he was not in agreement with the City County Planning Board on the screening they were requiring. He said the property already had ample screening because of the hedges bordering the property. After Council discussion, on a motion by Boksich, seconded by LaTourelle, to approve the Use Permit with the deletion of the requirement for additional screening on the north and south rear property lines. The motion passed unanimously.

5. USE PERMIT: To develop a private recreational facility on a 3.1 acre tract of land located between Whitefish Lake and East Lakeshore drive on the west side of Lacy Lane. Tom Jentz gave the staff report and explained that the City County Planning Board and Zoning Commission recommended approval of the Use Permit with twelve (12) conditions. (Per letter dated June 24, 1986).

Councilman Hanson said the roadway for this park should be planned to be directly across from the Mountain Harbor road.

Mayor Amass opened the hearing to the public. Hank Starno spoke in favor of the park and Larry Wilson, 1960 East Edgewood Drive, questioned the 10:00 P.M. closing of the park. He wanted to know who would police the area. Gary Elliott explained Suncrest Homeowners had security people to police the area. After much discussion, Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

On a motion by Faessler, seconded by Ogg, to approve the Use Permit with the twelve (12) conditions of the City County Planning Board and No. 3 include: entrance of the parking lot be in alignment with entrance to Mountain Harbor. The motion passed unanimously.

6. SIGN VARIANCE: Whitefish Insurance is requesting a 2' front yard variance and also the name plate sign to be 14 square feet. In R-4 zoning the front yard setback is 20' for a sign would be $\frac{1}{2}$ this distance, the houses in this area do not meet the setbacks. Also the name plate sign in this zone allows 12 sq. ft. Council questioned the need for the 14 square foot sign, and Joyce Hoffman said she could live with 12 square feet.

July 7, 1986 continued

Mayor Amass opened the hearing to the public. Bart Smith said he would hate to see signs creeping out to the sidewalks in this area. John Garrity said the Council should live up to the Sign Ordinance and not grant variances. Joyce Hoffman said it was not her intent to be different than the other businesses in the area, she just wanted the same as others.

After some discussion Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

On a motion by Jessup, seconded by Faessler, to grant the front yard setback request, with the stipulation it does not exceed other signs in the area and be no closer to the sidewalk than the other signs in the area, and include: denial of the size of the sign from 12' to 14'.

On a motion by Jessup, seconded by LaTourelle, to amend the motion to allow a 5' setback from the sidewalk to the edge of the sign. The motion passed unanimously. The original motion passed unanimously.

7. SIGN VARIANCE: DePratu Ford was requesting to place a sign, advertising Audi and Volkswagen. However, the information furnished to the city was not adequate, and City Manager Freedman said he would follow up on this request and get the proper information. On a motion by Ogg, seconded by Faessler, to table the sign variance until more information was available. The motion passed unanimously.

PUBLIC COMMENTS

Bill Leonard, Chairman of the Board of Directors of the Whitefish City County Water and Sewer District, updated the Council on the progress of the District. Leonard introduced John Connell, from Engineering staff of Christian, Spring, Sielback and Associates. Mr. Connell explained the studies they had done and the infra red aerial study showed substantial septic system problems in Huston Tracts, North Texas Avenue area, Crosswinds, West Lakeshore, and Glenwood-East Lakeshore areas. He said their next step was to have a workshop with the Council because the district would like to initiate SID's in these areas and it would be cost effective to tie into the city sewer system. City Manager Freedman and Greg Acton would meet with them and bring information back to the Council.

CITY MANAGER REPORTS

1. TAX ASSESSMENTS FOR BAKER AVENUE: City Manager Freedman explained that City Attorney Tracy had reviewed the percent of interest that could be charged on the assessments for installing curbs, gutters and sidewalks on Baker Avenue. The rate established was 7% and it could start accruing on November 30th. On a motion by Jessup, seconded by Ogg, to amend the motion made at the June 16, 1986 Council meeting, and change the date to November 30, 1986. The motion passed unanimously, with LaTourelle abstaining, due to conflict of interest.

2. BUILDING INSPECTOR POSITION: City Manager Freedman reported the position of Building Inspector had been advertised and he had been interviewing applicants. He said he needed direction from the Council on the structure of the position. (Whether it should be salaried or contracted). Freedman said he had advertised the fact the City was still taking building permits and city people were doing the inspections.

3. COMPUTER UPDATE: Freedman said he had put out for bids for software, and would have more information for the Council at the July 21st Council meeting.

4. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: Freedman

July 7, 1986 continued

explained this Grant was designed to benefit low and moderate income people. The deadline for submitting the Grant would be September 12th. Hearings were set for the workshop on July 14th and also the Council meeting of July 21st.

5. 1984-1985 audit report: This would be discussed at the workshop.

6. GLENWOOD AREA UTILITIES EXTENSIONS: Freedman reported the Glenwood Homeowners Association were having a meeting on water and sewer extensions, and then the city should have some answers and should be able to complete the Johnson easement, etc.

7. SID 148: At this meeting it was decided to study possibility of a major trunk line being extended down Karrow Avenue instead of the proposed Seventh Street extension. This trunk line would be adequate to service the entire west area in the future.

8. SID 149: The meeting with the SID 149 people would be July 22, 1986.

9. ENGINEERING PROPOSALS ON STREET IMPROVEMENTS: Freedman said he had received twelve (12) proposals from engineering firms. He requested a committee to review these proposals and then report back to the Council.

On a motion by Hanson, seconded by Jessup, the Mayor be authorized to appoint a committee to review the Engineering proposals. The motion passed unanimously.

10. APPOINTMENTS TO POLICE COMMISSION, PARKING COMMISSION, BOARD OF ADJUSTMENT AND REFUSE BOARD: City Manager Freedman said he would like to recommend the following people to the different Boards:

- | | |
|--------------------------|-------------------|
| 1. Board of Adjustments: | Mike Levenson |
| 2. Refuse Board: | Ben Cohen |
| 3. Parking Commission: | Barbara Schustrom |
| 4. Police Commission: | Dale Howke |

On a motion by Hanson, seconded by Jessup, to approve the above appointments. The motion passed unanimously.

11. GLACIER TWINS - SELLING BEER AT MEMORIAL FIELD: Freedman reported the Glacier Twins had purchased liability insurance for selling beer at Memorial Field. This coverage would insure both the Twins and the City.

12. WEED CONTROL: Freedman reported letters had been sent out to approximately 25 homeowners, telling them to cut noxious weeds or the city would hire done and the cost would be placed on their taxes.

13. SLOAN PROPERTY - REGARDING WHOSE RESPONSIBILITY TO EXTEND THE SEWER LINE: Freedman said because the annexation report on the Milt Sloan property and extension of the sewer line was vague, the Cross Currents School would have to extend the sewer line to the Barnes property if they purchase the property.

14. POLICE CHIEF: Freedman said he had corresponded with Dave Dolson, the new police chief and Dolson inquired about the city helping him with moving expenses.

15. BAKER AVENUE PAVING: The final cost figure for paving Baker Avenue will be approximately \$51,000.

COUNCIL AND STAFF REPORTS

July 7, 1986 continued

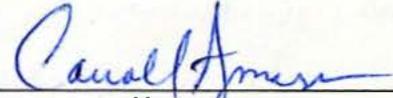
Councilman Jessup requested the City Manager to keep the Council updated on progress of projects, by issuing a memo letter instead of bringing up at Council meetings.

Councilwoman Faessler said all important issues, such as the closing of Central Avenue, should go through the Committee's and Boards before ever coming to the Council. Much Council time is wasted and nothing is accomplished. The Citizen Committees should have more power to review these issues.

Councilman Jessup requested to be out of the State July 11th through July 25th. On a motion by Hanson, seconded by LaTourelle, to grant this request. The motion passed unanimously.

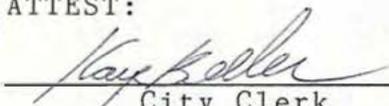
City Attorney Tracy said he had researched the five (5) year rule on contracts and could find no requirements for five (5) years or less.

On a motion by Jessup, seconded by Hanson, to adjourn at 10:22 P.M. The motion passed unanimously.



 Mayor

ATTEST:



 City Clerk

MINUTES
 SPECIAL MEETING OF THE
 WHITEFISH CITY COUNCIL
 JULY 14, 1986

Mayor Amass called this Special Council Meeting to order at 7:15 P.M. All Council members were present except Faessler and Jessup. Also present was City Manager Freedman.

PUBLIC HEARING:

Mayor Amass opened the public hearing on the Montana Community Development Block Grant Program. City Manager Freedman gave the staff report, explaining this hearing was to obtain views of the residents of the city, especially low and moderate income residents, regarding the community development needs and income priorities of the City of Whitefish for considering the submission of an application to the Montana Department of Commerce for a Community Development Block Grant. Freedman explained the three (3) categories were: 1. Economic Development. 2. Neighborhood Housing and Rehabilitation, and 3. Public Facilities.

As there was no public comment, Mayor Amass closed the hearing to the public and turned over to the Council for discussion.

Council discussed streets, phosphorus removal, areas needing rehabilitation. The next Public Hearing would be the Council meeting of July 21, 1986.

CITY SPECIALS

City Manager Freedman explained the City Specials: Lighting District #1, Lighting District #2, Maintenance District #1, and Garbage should be adopted so they could be advertised for public hearing, July 21, 1986. He further explained the only change would be incorporation of Sprinkling, Snow Removal and Maintenance District #1, and Garbage would be increased

July 7, 1986 continued

from \$54.00 per year to \$72.00 per year. Because of lack of information and that the Council wanted more time to study the Specials, they decided to advertise them for public hearing on July 21, 1986.

On a motion by Hanson, seconded by LaTourelle, to set for public hearing on July 21, 1986, Resolution No. 86-22, Maintenance District No. 1. The motion passed unanimously.

On a motion by LaTourelle, seconded by Boksich, to set for public hearing on July 21, 1986, Resolution No. 86-23 and 86-24, Lighting Districts No. 1 and 4. The motion passed unanimously.

On a motion by Hanson, seconded by Ogg, to set for public hearing on July 21, 1986, Resolution No. 86-25, Garbage. The motion passed unanimously.

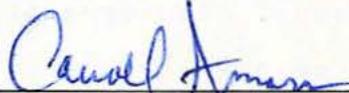
On a motion by Hanson, seconded by LaTourelle, to set for public hearing Resolution No. 86-26, Snow Removal. The motion passed unanimously.

City Manager Freedman reported on the progress of wage negotiations with the Union. He said the Union had accepted the wage freeze for this year and accepted a 3.7% increase the second year. Longevity of 1% starting the second year was also accepted. Freedman said he was still negotiating with the Police.

Councilman Ogg felt that the Union should be more flexible in the definition of the work week for snow plowing. Councilman Boksich said he felt the city people had already made concessions by taking a wage freeze. The proposed contract will be discussed in more detail at the July 21, 1986 meeting.

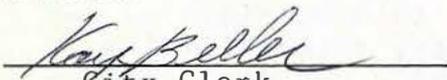
Councilwoman LaTourelle welcomed Lois Herly, Councilwoman from Missoula, to the meeting.

On a motion by LaTourelle, seconded by Ogg, to adjourn 8:55 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MINUTES
Whitefish City Council
July 21, 1986

The July 21, 1986, regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present except Jessup. Also present were City Manager Freedman, City Attorney Tracy, Sgt. Joe Van Ham, Water/Sewer Superintendent Acton and Fire Chief Yeats.

Councilwoman Faessler introduced her parents and they were welcomed to the Council meeting.

MINUTES

On a motion by LaTourelle, seconded by Faessler, to approve the minutes of the July 7, 1986 Council Meeting. The motion passed unanimously.

On a motion by LaTourelle, seconded by Faessler, to approve the minutes of the Special Meeting of July 14, 1986. The motion passed unanimously.

PUBLIC HEARINGS

1. SIGN VARIANCE: DEPRATU FORD: City Manager Freedman requested this request be tabled for two weeks as Bob DePratu was out of town and there was still not sufficient information to make a decision. On a motion by LaTourelle, seconded by Boksich, to table the sign variance until the Council meeting of August 4, 1986. The motion passed unanimously.

2. AMENDMENT TO THE ZONING CODE PROVIDING FOR THE CONSTRUCTION OF BUILDINGS IN EXCESS OF 35 FEET: Tom Jentz, Head Planner for the Flathead Regional Development Office, gave the staff report. He explained the two zones that would be affected by this amendment would be the WRB-2 and WI Zones. Jentz said the proposed amendment would establish permit review procedures for new construction that would exceed 35 feet in height, including the requirement for a Use Permit that ensures compliance with certain mandatory conditions and criteria. The City County Planning Board and Zoning Commission after holding two public hearings, unanimously resolved to send the City Council "Proposal B" along with the recommendation that the proposed amendment not be adopted by the City Council. The Board based their decision on four (4) findings of fact. (Per letter dated July 15, 1986).

Mayor Amass opened the hearing to the public. People speaking in favor of the amendment were: Hank Marquardt, Pat Sullivan, Gary Elliott, Jack Faessler and Dorothy Hurd. Hank Marquardt presented a petition signed by thirty two (32) business people in favor of the amendment. Speaking against the amendment were: Dave Jamieson, Mildred Harris, John Garrity, Bill Leonard, Gary Stephens, James Putnam, Bill Sutton, Cecil Caferro, Margaret Murdock and Mary Lou Bosshardt. Two Firemen, Fire Chief Yeats and Mike Howke also spoke against the amendment. As there were no further comments, Mayor Amass closed the hearing to the public and stated this was a very serious issue, one that would affect Whitefish for a long time to come. He felt the Council should weigh the pros and cons and take all the time necessary to make a decision. Mayor Amass recommended the Council table this issue until a later date.

On a motion by Faessler, seconded by Boksich, to table this issue and return to the staff for more information so Council could further discuss and study the issue. The motion passed with a 3 to 2 vote, with Ogg and LaTourelle voting no.

Many people in the audience wanted a decision right away. Boksich and Faessler explained they would like to visit with the townspeople, etc, before making their decision. LaTourelle said she had a problem with several issues. Were the zones (WRB-2 & WI) correctly picked, etc. She said at this point she would deny the

July 21, 1986 continued

amendment because of the negative response from the City County Planning Board. Councilman Ogg said he felt it was apparent a decision could not be reached tonight. Councilman Hanson said the original zoning document did ask for heights up to 75 feet, but they had been changed to 35 feet at the council level. Hanson felt the issue should be tabled because of its importance.

3. COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING: City Manager Freedman gave the staff report. He explained the hearing was to obtain views of the residents of the city, especially low and moderate income residents, regarding the community development needs and income priorities of the City of Whitefish for considering the submission of an application to the Montana Department of Commerce for a Community Development Block Grant. He explained the three (3) categories were: 1. Economic Development; 2. Neighborhood Housing and Rehabilitation; and 3. Public Facilities.

Mayor Amass opened the hearing to the public. John Garrity said the biggest project in the city was the lagoon system and he felt the Block Grant might help fund this project. Bill Leonard suggested using the Block Grant for matching an EPA Grant the Whitefish City-County Water and Sewer District had applied for to help construct sewer lines in the Colorado and Texas Avenue area. Gary Elliott said he favored beautifying a substandard neighborhood. There were no further comments and Mayor Amass closed the hearing to the public. City Manager Freedman said he needed some direction to pursue if he was to submit an application by the September 12 deadline. Councilman Boksich said he was in favor of neighborhood rehabilitation and Councilwoman Faessler said she favored this also. Councilman Ogg questioned where the dollars would come from to match this grant. City Manager explained the city could use in-kind services as a match. Freedman also said he would approach both banks and the Credit Union to help with the funding.

After Council discussion, on a motion by Ogg, seconded by Boksich, to have City Manager Freedman proceed with securing the Grant for neighborhood housing and rehabilitation. The motion passed unanimously.

4. CITY SPECIALS: City Manager Freedman said at the last Council meeting a question had been raised on whether Snow Removal could be included in Special Maintenance District #1. 7-12-4401 of the Montana Codes defines "Maintenance" for a Street Maintenance District as "including but not limited to sprinkling, graveling, oiling, chip seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, and leaf and debris removal." He recommended snow removal assessments be a part of Special Maintenance District #1 so that all maintenance functions of the streets are categorized and funded from the same account. He recommended for 1986-1987 the business area be charged \$1.35 L.F. which would bring in an assessment of \$22,517.04 and that the residential area for 1986-1987 be charged \$.75 L.F. for a total of \$119,281.15. Total Assessments would be \$136,731.75.

Mayor Amass opened the hearing to the public. John Garrity said the city should not charge the residential area for sprinkling because only the business area benefits from the sprinkling. Ben Cohen said the city should look at all options available on ways to assess the maintenance costs whether it should be lineal, square foot or taxable valuation. Fritz Royer felt the front foot was not equitable for everyone. Mayor Amass closed the hearing to the public and turned the issue over to the Council for review and action.

Councilman Hanson felt taxable valuation was a more equitable way to go and Councilman Ogg agreed. On a motion by Ogg, seconded by Faessler, to adopt Resolution No. 86-22, levying and assessing a tax on each lot or parcel of land in the City lying within the boundaries of Special Maintenance District No. 1 to defray the costs of the improvements with snow removal to be included in Maintenance No 1, and based on the taxable valuation. Total amount to be levied would be \$136,731.75. The motion passed unanimously.

July 21, 1986 continued

LIGHTING DISTRICT NO.1 & NO. 4: City Manager Freedman explained the two Lighting Districts should be left at the same assessment as last year. Light No. 1 would generate approximately \$24,936.92 for 1986-1987 and Light No. 4 would generate approximately \$9,303.13 for 1986-1987.

Mayor Amass opened the public hearing and as there was no comment, he closed the hearing to the public and turned over to the Council for review and action. On a motion by Ogg to adopt Resolution No. 86-23, Lighting District No. 1 and Resolution No. 86-24, Lighting District No. 4, seconded by Hanson. The motion passed unanimously.

GARBAGE COLLECTION, RESOLUTION NO. 86-25: City Manager Freedman explained the rates for garbage collection needed to be raised since last year the revenues were \$117,436.00 and the expenditures were \$133,499.00. Freedman recommended the following for Council consideration: 1. The increase of the monthly rate from \$4.50 to \$6.50 per month; 2. Consider the elimination of the assessment of those businesses that utilize North Valley Refuse for garbage collection; and 3. Allow Freedman to explore the alternatives of contracting garbage collection to a private company vs. continuation of garbage collection by the City. Council questioned the increase proposed and Freedman explained the additional revenue would enable us to balance the revenues and expenditures and at the same time add to the Garbage R & D Fund. Councilman Ogg said by buying equipment on time this was a built in reserve and he felt this was double funding throughout. After Council discussion, Mayor Amass opened the hearing to the Public. Fritz Royer was opposed to increasing the rates and Gary Elliott requested service for Suncrest Phase I. Mayor Amass closed the hearing to the public.

On a motion by Hanson, seconded by Boksich to adopt Resolution No. 86-25, and increase the rate to \$6.00 per month. LaTourelle no, Ogg no, Faessler no, Hanson aye and Boksich aye. The motion was defeated by a three (3) to two (2) vote.

On a motion by Ogg to raise the rates to \$5.25. Died for lack of a second.

On a motion by Faessler, seconded by Hanson to adopt Resolution No. 86-25, and increase the rate to \$5.50 per month. The motion passed, with four (4) aye votes and one (1) no vote, with Hanson voting no.

On a motion by Hanson, to authorize City Manager Freedman to explore the alternatives of contracting garbage collection to a private company vs. continuation of garbage collection by the City. The motion died for lack of a second.

OLD BUSINESS

SHADY RIVER - FINAL PLAT: City Manager Freedman explained this subdivision had started under the previous administration and several changes had to be made. Freedman said that he and the City Attorney had changed the Subdivision Improvements Agreement, set up a letter of credit, etc. and that he recommends that this be tabled until Monday, July 28th. On a motion by Ogg, seconded by Faessler, to table until Monday July 28th. The motion passed unanimously.

RESOLUTION NO. 86-27, amendment to the 1985-1986 budget for the General Fund, Water Fund, and Garbage Fund. City Manager Freedman explained that these were line item transfers and the fund totals remained the same. On a motion by Hanson, seconded by Faessler, to adopt Resolution No. 86-27, as presented. The motion passed unanimously.

July 21, 1986 continued

NEW BUSINESS

LAKESHORE PRESERVATION APPLICATION - SUNCREST PARK: The Lakeshore Protection Committee and the City County Planning Board recommended approval of the application with the following conditions:

1. The dock be in the center of the property;
2. No preservatives should be applied to the dock;
3. Trees over three inches in diameter are to be left in place during the beach cleanup and afterward. Brush may be removed. Large rocks are to be left in place; and
4. Large earth-moving equipment should not be needed, and washed gravel may be added to the beach.

On a motion by Boksich, seconded by Faessler, to approve the Lakeshore Preservation Application with the above stated conditions. The motion passed unanimously.

Motion by Hanson, seconded by Boksich to amend the above motion and allow the dock to be treated with chromatic copper. Boksich withdrew his second and Hanson withdrew the motion. The dock would not be treated.

Councilwoman Faessler requested to be excused from the Council meeting. Her request was granted.

CITY MANAGER REPORTS

JOB DESCRIPTION - BUILDING INSPECTOR: City Manager Freedman asked the Council what they would like to see in the job description for the Building Inspector. He said the Building Inspector should act as Assistant Zoning Administrator and enforce Ordinances such as weed and debris, etc. The Council suggested the Building Inspector Position be salaried. City Manager said a Super 8 Motel was being planned for the area and he would like to hire the building official as soon as possible. On a motion by Hanson, seconded by Boksich, to make the Building Inspector position be a full-time salaried position and the current job description would apply with the addition of Assistant Zoning Administrator and any other duties as outlined by the City Manager. The motion passed unanimously.

SPECIAL IMPROVEMENT DISTRICT - STREETS: Tabled until next meeting.

JOHN BERGER - LAND EXCHANGE: City Manager Freedman explained that the Golf Course fence was approximately 2' inside Berger's property and the county road encroaches approximately 15'. Mr. Berger would like to trade property with the city, however, the area would have to be surveyed, etc. After discussion, on a motion by Hanson, to make the trade as long as he pays for the survey. Died for lack of a second.

On a motion by Hanson, seconded by LaTourelle, to table and look at the issue. The motion passed unanimously, except for Ogg who abstained from voting.

COMPUTER HARDWARE AND SOFTWARE: This was tabled until the Special Council Meeting of July 28th.

REQUEST BY COUNTY COMMISSIONERS TO CHANGE THEIR REPRESENTATIVE ON THE C.A.B.: City Manager Freedman explained that the Commissioners would like approval of the Council to change their representative from the Chairman of the Commissioners to any member of the Commission Board. Council authorized the City Manager to write a letter to the CAB approving the change requested by the County Commissioners.

PAVING BEHIND FIREHALL AND THE PARKING LOT: City Manager Freedman requested Council approve the use of the revenue Sharing Funds to pave behind the Firehall and the parking lot. The approximate cost would be \$5,000.

July 21, 1986 continued

On a motion by LaTourelle, seconded by Ogg, to approve this request. The motion passed unanimously.

PRELIMINARY BUDGET

The City Manager went over the Preliminary Budget with the Council. The Totals are as follows.

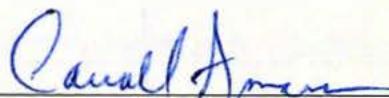
Total General Revenue	848,358
Total General Expenditures	848,358

	Revenue	Expenditures
Parkland Acquisition	48,787	48,787
Rural Fire	159,898	159,898
Health Ins.	3,708	3,708
Gas Tax	68,224	68,224
Revenue Sharing	64,958	64,958
Water Operating	433,550	433,550
Sewer Operating	849,025	849,025
Refuse	174,593	174,593
Ambulance	28,576	28,576
Maintenance #1	195,243	195,243
Light #1	50,262.	50,262
Light #4	19,938	7,000
SID 143	4,332	5,636
SID 142	2,943	2,325
SID 144	1,746	1,154
SID 145	2,468	2,068
SID 146	24,834	15,094
Ice Rink	3,000	3,000
Police Reserve	45,300	45,300
Totals	3,029,744	3,006,759

After much discussion, on a motion by Hanson, seconded by LaTourelle to adopt the Preliminary Budget as presented. The motion passed unanimously.

(See attached summary sheets).

On a motion by LaTourelle, seconded by Hanson to adjourn at 12:31 A.M. The motion passed unanimously.



 Mayor

ATTEST:



 City Clerk

MINUTES
WHITEFISH CITY COUNCIL
SPECIAL MEETING
JULY 28, 1986

This special meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Sgt. Joe Van Ham and Water/Sewer Superintendent Acton.

FINAL PLAT - SHADY RIVER

Engineer Paul Wells gave a brief summary of the Shady River Estates project. Greg Acton explained the extension of the water and sewer lines. Acton explained that the Shady River water and sewer line work would enable the City to handle future development in the area.

✓ City Manager Freedman reviewed the Subdivision Improvements Agreement and the Letter of Credit. The Letter of Credit would cover all infrastructure improvements and was for \$135,000. The completion date of the improvements is scheduled by October 31, 1987.

Councilwoman LaTourelle questioned the width of the streets and Paul Wells told her there would be two driving lanes of 12 feet each and one (1) eight (8) foot parking lane. Total right-of-way width would be 60 feet. LaTourelle stated the intent of the Council was to have the streets meet City specs. City Manager Freedman said there had been too many commitments made by the last City Manager and he felt the Council did not have a choice but to approve the final plat as presented. Greg Acton also verified the decision by the last City Manager which was to have the 12' driving lanes and the 8' parking lane.

After some Council discussion, on a motion by Ogg to approve the final plat of Shady River Estates as presented and seconded by Boksich.

Council further discussed the dates of completion in #3 and #11 of the Subdivision Improvements Agreement and on a motion by LaTourelle, seconded by Jessup to amend the above motion to change #3 and #11 to October 1, 1987. The motion passed on a 4 to 2 vote with Hanson and Ogg voting no.

The motion to approve was passed unanimously.

ASSESSMENT FOR MAINTENANCE DISTRICT #1

✓ City Manager Freedman explained that at the last meeting the Council approved the Maintenance District #1 on taxable valuation. Helen had called and talked to Monte Long and Long stated they would not run this through their computers for the city. Freedman suggested the Council leave the assessment on the front foot basis for this year and change next year.

✓ After some discussion, on a motion by Jessup, seconded by Faessler, to assess Maintenance District #1 on a front foot basis this year. The motion passed on a 5 to 1 vote, with Ogg voting no.

COMPUTER HARDWARE AND SOFTWARE

City Manager Freedman reviewed the hardware bids received with the Council. He said that after careful consideration and investigation, it was the consensus of the city staff that the AT&T Computers offered the features that we desired in a computer system.

Two bids were received: AT&T \$22,040.30, and Mountain Computers for \$21,230. Freedman recommended accepting Mountain Computers bid for \$21,230.

After Council discussion, on a motion by Boksich, seconded by Jessup, to accept the Mountain Computer bid.

Page 215-216 of Book 009 of

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Date: 10/30/12 Initials KLJ

MINUTES
WHITEFISH CITY COUNCIL
SPECIAL MEETING
July 28, 1986

This special meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Sgt. Joe Van Ham and Water/Sewer Superintendent Acton.

FINAL PLAT - SHADY RIVER

Engineer Paul Wells gave a brief summary of the Shady River Estates project. Greg Acton explained the extension of the water and sewer lines. Acton explained that the Shady River water and sewer line work would enable the City to handle future development in the area.

City Manager Freedman reviewed the Subdivision Improvements Agreement and the Letter of Credit. The Letter of Credit would cover all infrastructure improvements and was for \$135,000. The completion date of the improvements is scheduled by October 31, 1987.

Councilwoman LaTourelle questioned the width of the streets and Paul Wells told her there would be two driving lanes of 12 feet each and one eight foot parking lane. Total right-of-way width would be 60 feet. LaTourelle stated the intent of the Council was to have the streets meet City specs. City Manager Freedman said there had been too many commitments made by the last City Manager and felt the Council did not have a choice but to approve the final plat as presented. Greg Acton also verified the decision by the last City Manager which was to have the 12' driving lanes and the 8' parking lane.

After some Council discussion, on a motion by Ogg, seconded by Boksich, to approve the final plat of Shady River Estates as presented.

Council further discussed the dates of completion in #3 and #11 of the Subdivision Improvements Agreement and on a motion by LaTourelle, seconded by Jessup to amend the above motion to change #3 and #11 to October 1, 1987. The motion passed on a 4 to 2 vote with Hanson and Ogg voting no.

The motion to approve was passed unanimously.

ASSESSMENT FOR MAINTENANCE DISTRICT #1

City Manager Freedman explained that at the last meeting the Council approved the Maintenance District #1 on taxable valuation. Helen had called and talked to Monte Long and Long stated they would not run this through their computers for the City. Freedman suggested the Council leave the assessment on the front foot basis for this year and change next year.

After some discussion, on a motion by Jessup, seconded by Faessler, to assess Maintenance District #1 on a front foot basis this year. The motion passed on a 5 to 1 vote, with Ogg voting no.

COMPUTER HARDWARE AND SOFTWARE

City Manager Freedman reviewed the hardware bids received with the Council. He said that after careful consideration and investigation, it was the consensus of the City Staff that the AT&T Computers offered the features that we desired in a computer system.

Two bids were received: AT&T \$22,040.30, and Mountain Computers for \$21,230. Freedman recommended accepting Mountain Computers bid for \$21,230. After Council discussion, on a motion by Boksich, seconded by Jessup, to accept the Mountain Computer bid.

page 2.

On a motion by Jessup, seconded by Hanson, to amend the motion, and delete the tape backup in the amount of \$2,270. The motion passed unanimously, and the motion to accept passed unanimously.

Two bids were received for software:

1. Diversified Computing \$15,200
2. Big Sky Data \$ 9,335

City Manager Freedman recommended accepting the Big Sky Data bid.

On a motion by Jessup, seconded by LaTourelle, to authorize the bid of Big Sky for Fixed Assets, SID's, Application charge and conversion of data for a total of \$6,735.00. City Manager Freedman is to research the balance of the bid. The motion passed unanimously.

UNION CONTRACT

City Manager Freedman explained he had taken the flex time for snow plowing back to the Union negotiator and they would not accept it. They were firm on the Monday through Friday work week. Freedman said the Union was ready to sign the contract and it was up to the Council to approve if they were satisfied with the terms.

On a motion by Jessup, seconded by Faessler, to approve the Union Contract as strongly recommended by the City Manager. The motion passed unanimously.

PLEDGED SECURITIES

On a motion by Hanson, seconded by Faessler, to approve pledged securities from the First National Bank for \$563,000 and Mountain Bank for \$340,000. The motion passed unanimously, with LaTourelle abstaining from voting on the First National Bank due to conflict of interest.

OTHER

Mike Driscoll approached the Council on discontinuance of the City gas inspections. He said this was a duplication of work. The qualified plumbers install the gas fixtures, which Montana Power and the City both inspect. After discussion, on a motion by Ogg, seconded by LaTourelle, to send this to the City Manager and City Attorney to review and bring back a recommendation to the Council. The motion passed unanimously.

BUDGET

City Manager Freedman gave the Council a breakdown of categories in the budget that are beyond our control. The categories are, salaries, benefits, insurance, building/equipment, debt and capital projects totaling \$2,173,440. Total budgeted expenditures \$3,006,759.

Freedman also explained with the increase in property evaluation, last year's mill levy, if levied this year, would yield approximately \$72,000 more than last year.

Councilman Jessup recommended increasing the mill levy in order to establish a reserve fund.

The budget would be reviewed thoroughly at the budget hearings on August 6 and 11.

CHANGE ORDER-WHITEFISH INTERCEPTOR-EPA C300206-94

City Manager Freedman explained change order #3 with Barnard Construction Co. was necessary in order to bore a new casing pipe underneath Highway 93 (Spokane Avenue). The change order would increase the cost of the contract \$85,789.63. The total contract would now be \$544,784.17. On a motion by Ogg, seconded LaTourelle, to approve the change order #3. The motion passed unanimously.

page 3.

LIABILITY INSURANCE

City Manager Freedman again explained that the liability insurance with the League of Cities would cost the city approximately \$31,000 less than going with a private carrier if rates were increased 40% this year as was the case in Columbia Falls. After Council discussion, on a motion by Hanson, seconded by Ogg, to reconsider the decision not to go with the League of Cities Liability insurance. The motion passed unanimously.

On a motion by Ogg, seconded by Hanson, to go with the League of Cities Liability Insurance. The motion passed on a 4 to 2 vote, with Jessup and LaTourelle voting no.

On a motion by Ogg to buy at least a one (1) year tail and investigate a longer tail. Seconded by LaTourelle. The motion passed unanimously.

AMENDMENT TO ENGINEERING AGREEMENT

City Manager Freedman reported Carver Engineering had been required to amend the Engineering Agreement. The changes were mandated by the EPA.

On a motion by Jessup, seconded by LaTourelle, to approve if there is no additional costs to the city. LaTourelle withdrew her second and the motion died for a lack of a second.

On a motion by Ogg to adopt the change order if the cost does not go above the original bid. withdrew.

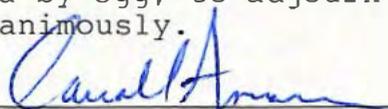
On a motion by Hanson, seconded by Boksich, to table the change order until more information is available to vote on. The motion passed unanimously.

Mayor Amass called a special session of all the Council, City Manager Freedman, and City Attorney Tracy relating to the discussion of matters of individual privacy and collective bargaining. He determined that the demands of individual privacy clearly exceeded the merits of public disclosure. Leo Tracy has agreed to his right to individual privacy and waived his right to an open meeting and asked for it to be closed according to Montana Code Section 2-3-203.

The Special meeting was adjourned at 9:40 P.M. and the Closed session began. Councilman Jessup left the meeting at 11:05 P.M. At 11:15 P.M., on a motion by Boksich and seconded by Faessler to go back into regular session. The motion passed unanimously.

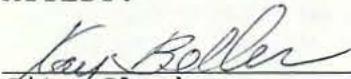
After considerable discussion, on a motion by Ogg, seconded by Boksich, to enter into a one year contract with City Attorney Tracy beginning on July 1, 1986 at a salary of \$21,600. The motion passed unanimously.

On a motion by LaTourelle, seconded by Ogg, to adjourn the meeting at 11:25 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
August 4, 1986

The August 4, 1986, regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, Acting City Attorney Schwickert, Fire Chief Yeats, Police Chief Dolson, Water/Sewer Superintendent Acton, and Street Foreman Wartnow.

Mayor Amass introduced and welcomed the new Police Chief Dave Dolson.

MINUTES

Councilman Jessup corrected the minutes of July 28, 1986. Page 3, Liability Insurance, the first motion he abstained and this was omitted from the minutes.

On a motion by Faessler, seconded by Boksich, to approve the minutes of July 21, 1986 as presented and approve the minutes of July 28, 1986 with the above correction. The motion passed unanimously.

PUBLIC HEARINGS

1. SIGN VARIANCE REQUEST OF DEPRATU FORD: City Manager Freedman gave the staff report. He explained DePratu Ford is a multi Franchise car dealer, and under the Zoning Ordinance they could not represent all of their franchises. The request is to place a second sign advertising Volkswagen and Audi. They would comply with setbacks, height, etc.

Mayor Amass opened the public hearing. Hank Starno spoke in favor of allowing the second sign. There was no further comment and Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

After some Council discussion, on a motion by Faessler, seconded by Boksich, to approve the sign variance request of DePratu Ford. The motion passed unanimously.

2. AMENDMENT TO THE ZONING CODE PROVIDING FOR THE CONSTRUCTION OF BUILDINGS IN EXCESS OF 35 FEET: City Manager Freedman gave the staff report. He explained the two zones that would be affected by this amendment would be the WRB-2 and WI Zones. The proposed amendment would establish permit review procedures for new construction that would exceed 35 feet in height, including the requirement for a Use Permit that ensures compliance with certain mandatory conditions and criteria. The City-County Planning Board and Zoning Commission after holding two public hearings, unanimously resolved to send the City Council "Proposal B" along with the recommendation that the proposed amendment not be adopted by the City Council. The Board based their decision on four (4) findings of fact. (Per letter dated July 14, 1986).

Mayor Amass opened the hearing to the public. People speaking in favor of the amendment were: Mel Kastella, Porter Gifford, Ross Hoffer, Bob DePratu, Jack Faessler, Jerry Garrett, Dick Peterson, Ed Berney, Jeff Tobey, John Hurley, Bruce Cash, Mark Svennungson, Buster Schreiber, Marsha Yarboro, Larry Fonner, Ron McGulken, Mike Fitzgerald, Bill Frazier, Steve Armstrong, Gary Elliott, Hank Starno, Hank Marquardt, Laird Maxwell, Fritz Royer, Pat Sullivan, Joe Astle. John Garrity spoke in opposition of the amendment as did Fire Chief Yeats. Edwin Fields said if the 35 foot height was amended, Council should still consider a height limit.

After considerable public discussion Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

Councilwoman LaTourelle said she and Councilman Boksich had worked out a proposal that they felt the people wanted, especially after listening to the people at the last hearing. She introduced an amendment to the zoning code as follows: Buildings not to exceed 50' with a Use Permit in the WB-3, WB-2, WR-4 and WI zones. Five findings would be mandatory in reviewing the Use Permit. LaTourelle said the Use Permit would be good for one (1) year only. All cost would be born by the developer. Councilman Ogg said if the Council was not in favor of the City-County Planning Boards proposal it should be voted down or if in favor Council should proceed and refer back to Administration to make amendments. Ogg said he was in favor because of the economic well being of the Community. Councilwoman LaTourelle said the City-County Planning Board proposal only dealt with the WRB-2 and WI Zones and totally eliminated the business area and the strip. Ogg said he felt Council should make an immediate decision on just the WRB-2 zone.

Councilwoman Faessler agreed with Ogg but felt the document should be turned over to the Administration to revise and bring back a recommendation.

Mayor Amass said it should be referred to the City Manager and City Attorney to draft and then the Council could discuss the issue. Councilman Boksich said he would like to see this turned over to the staff and include the proposal presented by LaTourelle. Councilman Jessup could not see going beyond the 35'.

On a motion by LaTourelle, seconded by Boksich that Council turn the City-County Planning Board's Proposal B and the proposal of LaTourelle and Boksich over to the City Manager and City Attorney to study and bring back their recommendation. LaTourelle aye, Ogg aye, Faessler aye, Boksich aye, Jessup no, Hanson abstained. The motion passed with 4 aye votes, 1 no vote and 1 abstention.

RESOLUTION NO. 86-28, ANNEXATION OF 109 West 8th Street, Tract E, Lot 4, Riverside Company's Acreage.

City Manager reported this was a single lot and the owners were requesting annexation to obtain sewer service. Freedman recommended the Council annex this property.

On a motion by Ogg, seconded by Faessler, to adopt Resolution No. 86-28, annexing Tract E, Lot 4, Riverside Improvement Company's Acreage, zoned as WR-2. The motion passed unanimously.

PUBLIC COMMENTS

✓ John Hughes, Cross Currents School, explained the school was interested in purchasing a parcel of land (approximately 1.8 acres) from Lyle Barnes that is located immediately south of 6GA and 6HA, and building a 8,000 square-foot school building. One of the largest costs of development would be providing a road to the property which would run north and south down 6J, across the eastern side of 6M, and continuing south halfway down the west side of the property, ending in a parking lot and large turn-around. Hughes requested the Council to allow Cross Currents Christian School to construct a gravel road down 6J and 6M, all of which are dedicated right-of-ways. The cost savings to the School would be approximately \$10,000.

City Manager Freedman recommended the city right-of-ways be paved and the private drive and parking lot be dust coated.

Council discussed extension of utilities, time frame in which the paving would have to be completed, etc. On a motion by LaTourelle, seconded by Faessler, to approve the recommendation of the City Manager and require the dedicated roadway be paved. The motion passed unanimously, with Jessup abstaining due to conflict of interest.

Minutes of August 4, 1986
page 3.

CITY MANAGER REPORTS

RESOLUTION NO. 86-29, creating position of Assistant Zoning Administrator/Building Inspector.

City Manager Freedman explained this would create the new position of Assistant Zoning Administrator/Building Inspector. The position would be excluded from the Personnel Policy. Freedman proposed entering into a one (1) year, non-renewable contract to be reviewed in six (6) months. The new position would include more duties than before. After Council discussion, on a motion by Hanson, seconded by Boksich, to adopt Resolution 86-29, creating in lieu of the former position of Building Inspector and Plumbing, Gas, and Mechanical Inspector, a new position of Assistant Zoning Administrator/Building Inspector and Plumbing, Gas and Mechanical Inspector. The motion passed unanimously.

COMPUTER UPDATE

City Manager Freedman reported the computer would be installed August 18 and should be on line the same week.

CITYWIDE SID ENGINEER UPDATE

Freedman reported the Committee had narrowed the Engineering Firms down to five (5) and the interview process would be August 18 and August 19. Councilman Jessup questioned the cost of the Engineer and asked if it had been budgeted. City Manager explained it was budgeted in the Gas Tax Fund. Jessup was concerned because the Gas Tax Fund is a supplement to the General Fund (Street Department). Freedman said if the SID were to be created we would have to sell bonds. Councilman Ogg asked if the city had made any other street studies in the past. Street Foreman Wartnow said the former Public Works Director had made a study. Ogg felt that maybe we could use this study before committing the Gas Tax Funds for an Engineer. He said we should see if there was political support of a SID and people would not support it because even the proposed gas tax was defeated 4 to 1.

City Manager Freedman said if the city goes ahead and the people know what they are getting they will not oppose the project.

John Garrity agreed with Councilman Ogg.

Councilman Hanson said he would like to see the streets fixed and the city should take advantage of tax incremental financing and at this point he felt there were not enough answers.

City Manager Freedman said this report was just to update the Council on progress on the selection of the Engineering Firms and the Council had already appointed the Selection Committee.

ENGINEERING AMENDMENT FOR SEWER INTERCEPTOR PROJECT

City Manager Freedman explained this amendment would be at no additional cost to the city and on a motion by Jessup to approve the Engineering Amendment as presented. Seconded by LaTourelle. The motion passed unanimously.

1985-1986 AUDIT

The Council granted permission for the City Manager to solicit bids for the 1985-1986 audit from private accounting firms.

GILLILAND PROPERTY

City Manager Freedman reported the transaction with the Gillilands was completed and he had written a letter thanking them.

Minutes of August 4, 1986
Page 4.

SWING CREW - STREETS, WATER/SEWER

City Manager Freedman requested Council to consider hiring two people in the Public Works Department. These people would be rotated between Streets and Water/Sewer Departments as needed. Council discussed the matter and a decision would be made at the Budget Hearing on August 6th.

STAFF AND COUNCIL REPORTS

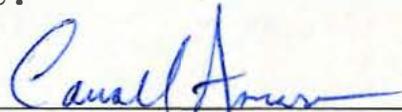
Councilman Ogg asked about the status of "No Parking" on Fourth Street. Street Foreman Wartnow said the signs had been ordered and would be installed as soon as they are received.

Councilman Jessup said the City should thank the County for the paving of Baker, Third and Fourth Streets. City Manager would write a letter.

Councilman Hanson would like to direct the City Administrator to explore the alternatives of contracting garbage collection to a private company vs. continuation of garbage collection by the city. Councilman Boksich was opposed because this is a busy time of the year and there is too much going on. City Manager would prepare information for the Council to look at in the next few months.

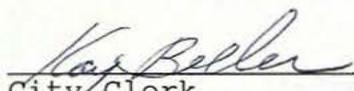
On a motion by Ogg, seconded by Hanson, to have the City Administrator come up with a proposal to adopt Tax Incremental Financing. The motion passed unanimously.

On a motion by Ogg, seconded by LaTourelle, to adjourn at 9:28 P.M. Hanson aye, LaTourelle aye, Ogg aye, Boksich no, Jessup no, Faessler no. Mayor Amass broke the tie vote by voting aye. The motion passed 4 to 3.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
BUDGET HEARING
August 6, 1986

On a motion by Hanson, seconded by Faessler, that Councilman Jessup would preside at this hearing. Mayor amass and Deputy Mayor LaTourelle were both absent.

Councilman Jessup opened the Public Hearing at 7:00 P.M. on the above date. Council members present were: Jessup, Hanson, Ogg, Boksich and Faessler. Also present were City Manager Freedman, Police Chief Dolson, Street Foreman Wartnow, Water/Sewer Superintendent Acton, Fire Chief Yeats, City Judge Johnson, Bart Smith, Peggy Stebbins and Stan dye.

Councilman Jessup opened the Public Hearing. Stan Dye congratulated City Manager for enforcement of the City Ordinances and told the Council they should abide by the Charter and let the City Manager run the City. He also felt the City should eliminate some of the City Departments to save money.

The revenue for the General Fund were reviewed and after much discussion, the proposed mill levy was changed to 84.25 mills, for a total of \$492,694, which City Manager proposed to budget 95% of this amount or \$468,046. After corrections and changes the proposed total General Fund revenues would be \$898,005.

The General Fund expenditures were discussed and many changes were proposed. Some of the proposed changes were:

<u>FUND</u>	<u>ADDITION</u>	<u>DELETION</u>
Finance and Administration	\$2,500 office equipment	
Police Department	10,444 Salaries 1,485 Benefits 1,850 TRAINING	
City Court	1,749 Salaries 509 Benefits 175 Maintenance & Operation	
Fire	1,250 Salaries 4,625 Maintenance & Operation	
Street	11,000 Capital Outlay	\$93,267 Salaries 10,000 Building Material 14,226 Machinery
Parks	4,732 Salaries & Benefits 9,500 Maintenance & Operation	

The Street salaries were transferred to Maintenance District #1.

The proposed General Fund Expenditures would be \$779,367 with a reserve of \$118,638 for a total of \$898,005.

City Manager requested to hire a swing crew (2) men to work in Water/Sewer and Streets as needed. Street Foreman Wartnow proposed the two people be budgeted as follows: Water/Sewer 30% each, Street 20% and Parks and Cemetery 10% each. This would be decided at the final hearing.

Councilman Jessup said he had a problem with spending the entire Gas Tax Fund on Engineering for the Streets and recommended the Fund be split between professional services and improvements.

page 2.
 Budget Hearing
 August 6, 1986

Councilman Boksich said he felt the taxes should not be raised much higher and Ogg said he would rather hammer at the General Fund before raising the mill levy. Faessler said she would rather see cuts rather than raise the mill levy.

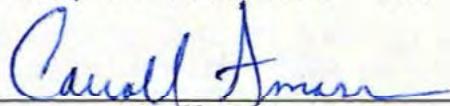
Council discussed the balance of the Funds.
 Water revenue actual 1985-1986 was changed to \$425,991.
 Sewer revenue actual 1985-1986 was changed to \$326,411.
 (Errors had occurred when drafting the budget).

Revenue Sharing was proposed as follows:

Computer	\$15,000
Audit	8,000
Parking Lot	5,200
Payment Loader	18,500
Street Equipment	16,258
City Hall Impr.	2,000
	<u>64,958</u>

City Manager Freedman told the Council that the Water and Sewer Funds still needed to be revised and this would be done before Monday, August 11.

On a motion by Faessler, seconded by Boksich, to continue this Hearing until Monday, August 11, 1986, at 7:00 P.M. The motion passed unanimously.



 Mayor

ATTEST:



 City Clerk

MINUTES
WHITEFISH CITY COUNCIL
BUDGET HEARING
August 11, 1986

Mayor Amass reconvened the Hearing at 7:00 P.M. on the above date. All Council members were present. Also present were City Manager Freedman, City Judge Johnson, Fire Chief Yeats, Bart Smith, Peggy Stebbins, John Garrity, and Bert Johnson.

MAYOR AMASS RECONVENED THE HEARING ON THE CITY BUDGET INCLUDING REVENUE SHARING.

Bert Johnson questioned the increase being proposed for the Sewer Fund. City Manager Freedman explained the increase was due to capital construction costs. (Interceptor Sewer line improvements and Phosphorus Removal).

John Garrity said the lift station charges should be put into a separate fund and said this was supposed to have been done by order of the past Council. After discussion, the City Clerk would research the minutes to clarify this issue and the City Manager would come back with a recommendation. Garrity also said the Garbage Fund would be in better shape if the City had not used the Fund for charges not pertaining to garbage. City Manager explained if the city would sell the second garbage truck this would put the Fund in a better financial position. Garrity said if there were increases in water/sewer, garbage, mill levy, etc. it would price people right out of their homes.

Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

The Council reviewed the General Fund budget. The City Manager recommended the mill levy be 84.25 mills which would generate \$492,680 revenue and the total revenue would be \$922,629. Total Expenditures would be \$779,367 with a reserve of \$143,262 for a total of \$922,629. The reserve would be budgeted in Finance and Administration. The 84.25 mills proposed would be a four (4) mill increase, which was debated extensively by the Council. After much discussion, on a motion by Jessup, seconded by Hanson, to approve the General Fund revenues and expenditures as recommended by the City Manager. Hanson aye, Ogg Aye, LaTourelle no, Jessup aye, Boksich aye, Faessler no. The motion passed on a 4 to 2 vote.

SEWER

After discussion, City Manager Freedman recommended the following:

Big Mtn Sewer	14,500		
Plant Inv. Fees	35,000		
Sewer Service Charge	325,000		
Misc. Sewer Revenue	1,850,000		
Interest	7,500		
Penalty and Interest	25		
Cash Operating	26,944		
Revenue totals	<u>2,309,649</u>	Expenditure totals	\$2,309, ⁴⁶⁹ ₆₄₉

On a motion by Jessup, seconded by Hanson, to approve the Sewer Budget as recommended by the City Manager for both revenue and expenditures, \$2,309,649.

WATER OPERATING

On a motion by Jessup, seconded by LaTourelle, to approve the Water Budget of \$435,550 for both revenue and expenditures. The motion passed unanimously.

REVENUE SHARING

Proposed budget for Revenue Sharing is as follows:

Computer	15,000
Audit	8,000
Parking Lot	5,200
Payment-Loader	18,500
Street	16,258
City Hall	
improvements	<u>2,000</u>
	64,958

page 2.
Budget Hearing
August 11, 1986

REVENUE SHARING

On a motion by Jessup, seconded by Boksich, to approve the Revenue Sharing revenues and expenditures of \$64,958. The motion passed unanimously.

GARBAGE

On a motion by LaTourelle, seconded by Ogg, to approve the Garbage Budget revenue and expenditures of \$152,174. The motion passed unanimously.

PARKLAND ACQUISITION

On a motion by Boksich, seconded by Jessup, to approve the Parkland Acquisition Budget of \$48,787. The motion passed unanimously.

GAS TAX

The City Manager was proposing \$73,224 for professional services. The Council discussed this at length. Councilman Jessup was concerned about spending all the Gas Tax money on Engineering when the streets in the residential area needed repair. The rest of the Council agreed with Jessup and the following motions were made:

On a motion by Ogg, to approve the Gas Tax Budget, allocating all the funds to improvements and deleting professional services. Died for lack of a second.

On a motion by Jessup, seconded by Faessler, to approve the Gas Tax Budget, allocating \$53,000 to improvements and the balance to professional services. Hanson, LaTourelle, Boksich and Ogg all voted no with Jessup and Faessler voting aye. The motion was defeated 4 to 2.

On a motion by Hanson, to approve the Gas Tax Budget, allocating 50% to professional services and 50% to improvements. Died for lack of a second.

On a motion by Ogg, seconded by Jessup, to approve the Gas Tax Budget, with \$60,000 to improvements and the balance to professional services. Hanson, LaTourelle and Boksich voted no and Jessup, Ogg and Faessler voted aye. Mayor Amass broke the tie by voting no. The motion was defeated on a 4 to 3 vote.

On a motion by Boksich, seconded by LaTourelle, to approve the Gas Tax Budget with \$50,000 to professional services and the balance to improvements. LaTourelle, Boksich and Hanson voted aye. Faessler, Jessup and Ogg voted no. Mayor Amass broke the tie vote by voting no. The motion was defeated 4 to 3.

On a motion by Ogg, seconded by Jessup, to approve the Gas Tax Budget, with \$50,000 to improvements and the balance of \$23,224 to professional services. Ogg, Jessup and Faessler voted aye. Boksich, Hanson and LaTourelle voted no. Mayor Amass broke the tie vote by voting aye. The motion passed 4 to 3.

HEALTH INSURANCE

On a motion by Ogg, seconded by Hanson, to approve the Health Insurance budget of \$3,708. The motion passed unanimously.

AMBULANCE

On a motion by Jessup, seconded by Faessler, to approve the Ambulance Budget of \$31,540. The motion passed unanimously.

RURAL FIRE

On a motion by Jessup, seconded by Ogg, to approve the Rural Fire Budget of \$159,898. The motion passed unanimously.

page 3.
Budget Hearing
August 11, 1986

MAINTENANCE DISTRICT NO. 1

City Manager Freedman recommended keeping the carry-over of \$58,241 in a reserve, \$100,000 (approximately) would be salaries, \$50,613 would be designated for improvements.

On a motion by Jessup, seconded by Ogg, to approve the Maintenance District #1 per the City Manager's recommendation. The motion passed unanimously.

LIGHTING DISTRICTS NO. 1 & 4

On a motion by Jessup, seconded by LaTourelle, to approve the Lighting District Budgets as follows: Light 1, Reserve of \$24,000 to be maintained, \$30,461 for utility services. Light 4, reserve of \$7,000 to be maintained, \$11,974 for utility services. The motion passed unanimously.

SID'S

SID 143	4,128
SID 142	2,855
SID 144	1,682
SID 145	2,448
SID 146	24,322

On a motion by Ogg, seconded by Jessup, to approve the budgets for the SID's as stated above. The motion passed unanimously.

POLICE RESERVE

On a motion by Boksich, seconded by Hanson, to approve the Police Reserve, \$45,300. The motion passed unanimously.

RESOLUTION NO. 86-32, a Resolution determining the amount of the City Taxes to be raised for all purposes, and levying a tax against all property within the City.

The mill levy would be: 84.25 all purpose mills and 3 Police Pension and 4 Fire Disability for a total of 91.25 mills.

On a motion by Ogg, seconded by Boksich, to adopt Resolution No. 86-32. The motion passed on a 4 to 2 vote with Faessler and LaTourelle voting no.

RESOLUTION NO. 86-33, a Resolution accepting and passing the Municipal Budget for the fiscal year 1986-1987.

On a motion by Jessup, to adopt Resolution No. 86-33. Died for lack of a second.

On a motion by Ogg, seconded by Boksich, to reconsider the motion to adopt Resolution No. 86-32, and reconsider the 84.25 all purpose mill levy. The motion passed on a 5 to 1 vote with Jessup voting no.

On a motion by Ogg, seconded by Hanson to approve the General Fund mill levy of 84.25. The motion passed on a 4 to 2 vote with Faessler and LaTourelle voting no.

On a motion by Ogg, seconded by Jessup, to lay his motion on the table. The motion passed unanimously.

On a motion by Ogg, seconded by Boksich, to reconsider the motion on adopting Resolution No. 86-32. The motion passed unanimously.

On a motion by Ogg, to levy 84.25 mills for the General Fund. Died for lack of a second.

On a motion by Boksich, seconded by Hanson, to adopt Resolution No. 86-32 with the deletion of the three (3) mills for the Police Pension, and the total General Fund Mill Levy to be 84.25 mills and 4 mills Fire Disability for a total of 88.25 mills. Faessler no, Jessup no, LaTourelle no, Boksich aye, Ogg aye, Hanson aye. Mayor Amass broke the tie vote by voting aye. The motion passed on a 4 to 3 vote.

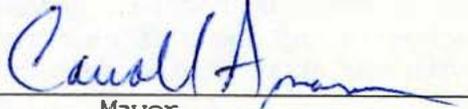
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Budget Hearing
August 11, 1986

On a motion by Hanson, seconded by Ogg, to adopt Resolution No. 86-33, a Resolution adopting and passing the Municipal Budget. The motion passed on a 4 to 2 vote, with LaTourelle and Faessler voting no.

RESOLUTION NO. 86-34, a Resolution levying and assessing a tax on all Real Estate within the corporate limits of the City.

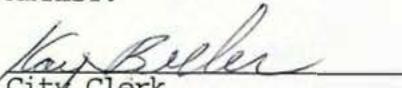
On a motion by Boksich, seconded by Hanson, to adopt Resolution No 86-34. The motion passed on a 4 to 2 vote, with Faessler and LaTourelle voting no.

On a motion by Ogg, seconded by Boksich, to adjourn at 11:42 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
August 18, 1986

The August 18, 1986, regular meeting of the Whitefish City council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Building Inspector Quinn, Police Chief Dolson, Fire Chief Yeats, Street Foreman Wartnow, Water/Sewer Superintendent Acton.

MINUTES - August 4, 1986, August 6, 1986, August 11, 1986.

Councilman Ogg corrected the minutes of the Budget Hearing on August 11, 1986. The last motion on the Gas Tax the vote was: Boksich, Hanson voted no, Ogg, Jessup, Faessler and LaTourelle voted aye. The motion passed 4 to 2.

On a motion by Boksich, seconded by Ogg, to approve the minutes of August 4 and August 6 as presented and to approve the August 11 minutes with the above stated correction. The motion passed unanimously.

PUBLIC HEARINGS

1. FIRST READING OF ORDINANCE NO. 86-17 - ALLOWING BUILDINGS IN SOME COMMERCIAL ZONES TO EXCEED 35' IN HEIGHT: City Manager Freedman gave the staff report. He explained that the Ordinance proposed for consideration encompassed both ideas and views from the City County Planning Board and Council members Boksich and LaTourelle along with ideas from the City Manager and City Attorney. Freedman said this Ordinance presents a height that is half-way between what is currently on the books and what was requested by Sterling Investments. The impact assessment fees and the subdivision review fees enable the City to approve a project which will be an asset to the City and at the same time present no burden to the local taxpayer. He explained buildings of more than three (3) stories and up to fifty-five (55) feet in height in zones designated WB-2, WB-3, WRB-2, and WE shall be allowed only if a Use Permit is granted, and he read the four (4) items that would have to be submitted with the Use Permit. Freedman further explained Section VII: 17.78.020 - The granting of a Use Permit may, at the discretion of the Governing Body, require additional setback requirements and Section VIII: 17.78.030 - He read the ten (10) findings of fact mandatory for obtaining a Use Permit.

Also, he explained Section IX: 17.78.040 - In addition to the normal application fee for a Use Permit, there shall be a nonrefundable development review fee to be established by the City Administrator or Chief Executive on a case by case basis for the purpose of covering all administrative, legal, engineering, and planning costs. Prior to the time of application, the land owner or his agent, will meet and confer with City Staff to review the proposal. Section X: 17.78.050 - In addition to other fees, there shall be an impact assessment fee in an amount not to exceed ten percent (10%) of the cost of the project to be done, which is to be paid prior to the granting of the Use Permit, if a Use Permit is authorized. Section XI: 17.78.060 - That the actual physical construction or actual physical alteration must commence within one (1) year from effective date of the granting of the Use Permit.

After this review by the City Manager, he recommended the Council adopt Ordinance No. 86-17 on the first reading as proposed.

Councilwoman LaTourelle questioned the 15' setback requirement in the WB-3 zone, and requested an amendment be included in this Ordinance to 0 setback. Councilman Hanson explained the intent of the 15' was for new businesses being constructed in the outlying areas of the WB-3 and in the established business area the 15' could be waived.

Mayor Amass opened the hearing to the public.

Hank Marquardt, Mont Rosenberg, Gary Elliott, Nanda Gaylord, Marsha Yarboro, Jack Faessler all spoke against this Ordinance as proposed. They were opposed to the height limitation of 55' and also the fees proposed to be charged to developers.

After lengthy discussion, Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

Page 2
 Council meeting
 August 20, 1986

Councilman Hanson pointed out that nine and one half (9½) pages of the Zoning Ordinance were devoted to site plan approval and the Use Permit process, which he felt should be adequate to address concerns of any project. He also felt that the size of the lot should have a bearing on how high a building is built. Hanson said fees charged should be addressed in a separate Ordinance and not in the Zoning Ordinance. He was in favor of lifting the cap on the height. Councilwoman Faessler said the guidelines on Section IX were to open ended and the 10% in Section X was prohibitive.

City Attorney Tracy said the Council had asked them to come up with a proposal and if it was not satisfactory they should make amendments and the first reading of the Ordinance could be continued.

Councilman Ogg said he opposed the 55' height limitation and felt that 7 through 10 of Section VIII should be deleted. After discussion, on a motion by Ogg, seconded by Faessler, to delete all reference to height over the 35' in which a Use Permit would be mandatory. Faessler aye, Ogg aye, LaTourelle, Jessup, Boksich no, Hanson abstained. The motion was defeated 3 to 2 with one abstention.

On a motion by Boksich, seconded by Ogg, to amend the 55' to 75'. The motion passed with a 3 to 2 vote. Boksich, Ogg and Faessler aye, LaTourelle and Jessup no. Hanson abstained from voting due to a conflict of interest.

On a motion by Ogg, seconded by Boksich, to delete 7 through 10, Section VII. The motion passed with a 4 to 2 vote, with Jessup and LaTourelle voting no.

Council requested Section IX and Section X be clarified.

On a motion by Boksich, seconded by Faessler, to continue the first reading of Ordinance 86-17 until next Council meeting. Faessler withdrew her second and Boksich withdrew his motion.

On a motion by Boksich, seconded by Faessler, to adopt Ordinance No. 86-17 on the first reading with the above stated amendments. Boksich, Faessler, Ogg, aye. Jessup and LaTourelle no, Hanson abstained. The motion passed 3 to 2 with 1 abstention.

2. SIGN VARIANCE - THE POOLWORKS: City Manager Freedman explained the Poolworks shared a building with J & R Electronics at 6466 Highway 93 South. J & R has a sign on a post hanging away from the road and the post will not support two signs hanging on the same side. The Poolworks was proposing to hang their sign on the opposite side. The Variance was for the front yard setback.

Mayor Amass opened the Public Hearing and as there was no comment he closed the hearing and turned over to the Council for discussion and action.

After Council discussion on a motion by Faessler, seconded by Boksich, to approve the Sign Variance as presented. The motion passed on a 5 to 1 vote with Jessup voting no.

3. RESOLUTION NO. 86-35 - CLOSING, VACATING AND DISCONTINUING A PORTION OF A STREET: City Manager Freedman explained that Chet and Carol Hope were proposing to buy Lot 12, Block 57, Whitefish Original, however, the deck was approximately two (2) feet on City right-of-way. The Hope's would pay the City \$1,500 and pay for all costs to abandon a nine (9) foot by one hundred thirty foot (130') strip from O'Brien east to the alley.

Mayor Amass opened the hearing to the public. Chet Hope showed the Council pictures of the property and requested Council to approve the abandonment. There was no further comment and Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

page 3.
Council meeting
August 20, 1986

On a motion by LaTourelle, seconded by Jessup, to adopt Resolution No. 86-35. The motion passed unanimously.

PUBLIC COMMENT

Dorothy Hurd, Regional Planning Office, explained to the Council that the Use Permit fee of \$50.00 was paid to the Regional Office. This fee was for advertising and staff costs. She felt the City Staff should charge additional fees to cover the time spent on Use Permits.

STAFF REPORTS

Mayor Amass explained this was new to the Agenda and the purpose was to let the City Staff give their reports and then if they wanted to, they could leave the Council meeting.

Street Foreman Wartnow reported he had placed the "No Parking" signs on Fourth Street.

Mayor Amass introduced Jerry Quinn, Building Inspector, to the Council.

OLD BUSINESS

1. CITY ATTORNEY CONTRACT: City Manager Freedman reported the contract was the same as last year except this contract would run from July 1, 1986 to June 30, 1987, and #12 would allow the Council to review the time and efforts of the Attorney at the end of the one year contract.

On a motion by Ogg, seconded by Hanson, to approve the City Attorney contract as presented. The motion passed unanimously.

2. VIADUCT UPDATE: City Manager Freedman reported the State had reviewed five (5) proposals on placement of the viaduct and decided the new structure would tie into Baker Avenue, but would be slightly east of the existing viaduct and take out about five or six residences and tie into Wisconsin Avenue. The new structure would be capable of accommodating a future four-lane roadway. Construction could begin possibly in 1989 or 1990. Freedman said there would be a public hearing on September 10 at 7:00 P.M. at the High School and suggested Council attend if at all possible.

3. JOHN BERGER LAND EXCHANGE: City Manager Freedman said in his opinion the City Council should approve the land exchange by Mr. Berger in an effort to resolve the situation that does not have a definitive answer. Mr. Berger proposed to pay all surveying and recording costs for the land exchange. In talking to Phil Helps, there appears to be some doubt as to the accuracy of his firm's survey and the survey performed for Mr. Berger. Councilman Ogg said the Golf Association deferred the matter to the City Council as they did not feel it would interfere with expansion of the golf course. After much discussion, the Council requested the City Manager come back with an agreement. Freedman said he would and he would also bring back the appropriate deeds.

NEW BUSINESS

1. CHANGE OF SEPTEMBER COUNCIL MEETING DATES: City Manager reported the first Monday in September fell on Labor Day and suggested changing the dates of the Council meetings to September 8th and September 22nd. On a motion by Boksich, seconded by LaTourelle, to change the September Council meetings per the City Manager recommendation. The motion passed unanimously.

2. BOARD OF ADJUSTMENT APPOINTMENT: City Manager Freedman recommended the appointment of Bill Leonard to the Board of Adjustments. On a motion by Boksich, seconded by Faessler, to accept the City Manager's recommendation and appoint Bill Leonard to the Board of Adjustments with a term which would end on July 6, 1989. The motion passed unanimously.

page 4.
Council meeting
August 18, 1986

CITY ADMINISTRATOR REPORTS

1. COMMUNITY BLOCK GRANT: City Manager Freedman said because of the time element and the work load, he would not be able to apply for the Block Grant. Council was in agreement.

2. COMPUTER UPDATE: Freedman reported the computer was almost ready to be put on line. He requested Council allow \$1,500 on modifications to the Utility package and up to \$2,400 for training from Big Sky. On a motion by Jessup, seconded by Faessler, to allow this request. The motion passed unanimously.

3. PETITIONS FILED WITH THE CITY CLERK TO CHANGE THE LOCAL GOVERNMENT: City Manager Freedman reported the City Clerk had received petitions requesting that an election be held on whether or not the existing form of government should be changed. He gave the Council the state statues (several sections) that are particularly relevant to this issue.

The petitions were filed with the City clerk on August 11, 1986. Section 7-3-149 allows for a special election to be held on the question at least 75 days after the call for a special election and within 120 days of the date of filing with the records administrator. The City Council must call for an election within 45 days of receipt of the petition.

The City Council must call for an election prior to September 25. Possible dates for the election are between November 2 and December 8. In order to hold the election concurrently with the general election in November, you must call an election on or before August 20, 1986.

The "Plan of Government" of the proposed new form of local government which shall take effect on January 1, 1987, are set forth in Sections 7-3-201 through 7-3-224. The proposed new form of Government would consist of an elected commission and one elected executive who is elected at large.

The members of the governing body holding office on the date the new plan of government is adopted by electors of the local government continue in office and in the performance of their duties.

Council discussed this issue and on a motion by Boksich, seconded by Faessler, to set to be on the ballot at the November 4, 1986 general election. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Jessup submitted his resignation from the Council. He said with demands created at work, by his studying for his Master's degree and the need for personal time would not allow him the time that the Council is requiring.

On a motion by Ogg, seconded by Hanson, to accept Jessup's resignation effective September 1, 1986. The motion passed unanimously.

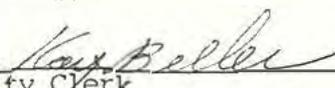
City Attorney Tracy reported regarding the gas inspections. He said the Mechanical Code probably would require the City to make inspections and also that the Utility Company might require the inspections. Council tabled this issue and the Building Inspector would check with Montana Power.

On a motion by LaTourelle, seconded by Faessler, to adjourn at 10:00 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

Minutes
Whitefish City Council
September 8, 1986

The September 8, 1986 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Assistant Zoning Administrator/Building Inspector Quinn, Police Chief Dolson, Fire Chief Yeats, and Street Foreman Wartnow.

Minutes

On a motion by LaTourelle, seconded by Boksich to approve the minutes of the August 18, 1986 as presented. The motion passed unanimously.

Attorney Leo Tracy discussed the question of voting on Ordinances and Resolutions with regards to whether it is the majority of members present or the majority of members elected. In his opinion, after reading the state statutes, the majority of members present could pass on all Ordinances and Resolutions.

Public Hearing

1. Second Reading of Ordinance #86-17: Allowing Buildings in Some Commercial Zones to Exceed 35' in Height, with Council Approved Amended Changes. Manager Freedman explained to the Council the changes in the Ordinance. In Section 8, items 7, 8, 9 and 10 have been deleted and Section 9 and Section 10 were eliminated and that each would be made into separate Ordinances - a Development Review Fee Ordinance and Impact Assessment Fee Ordinance levied against all construction at the rate of 5% of the total construction costs to help fund all capital improvements in the city. Manager Freedman asked the Council to consider the passage of three separate Ordinances.

Mayor Amass opened the hearing to the public.

Fire Chief Yeats read a statement from the Fire Department which was against raising the building height to 75' since they did not have the training, the equipment or the manpower to fight such fires. Eighteen other volunteer firefighters at the meeting were in agreement. Nina Laird, Gerlinda Oliver, Bill Sutton and John Garrity also spoke in opposition to raising the height above 35' and questioned the cost and liability to the other taxpayers in the city. Buck Love, Bill McNaught, Nona Gaylord, Marsha Yarborough, Gary Elliott, Hank Marquardt, Mont Rosenberg, and Ross Hafner spoke in favor of the Ordinance. Ron Newberry from the City County Planning Board also voiced his opposition, along with firefighter Craig Goble. Fritz Royer spoke in favor of the Ordinance and after a lengthy discussion, Mayor Amass closed the hearing to the public and turned it over to the Council for discussion and action.

Councilwoman LaTourelle brought up the height of the railroad depot building and the Junior High building both being over 42 feet in height and asked if the fire department would have a problem fighting fires in these buildings. Fire Chief Yeats answered yes. After a debate between Councilwoman Faessler, Councilman Ogg and Fire Chief Yeats, Mayor Amass called for a motion. Motion by Faessler and seconded by Ogg to adopt Ordinance 86-17 on the second reading. The Motion passed 3 to 1 with 1 abstention. (LaTourelle-no and Hanson abstaining).

Page 2
Council Meeting
September 8, 1986

Staff Reports

Police Chief Dolson gave a written report to the Council on his activities and the activities and the statistics of the Department.

Street Foreman Wartnow reported on the overlay of several streets and the progress in filling the potholes on many streets.

Building Inspector Quinn reported that he had condemned three houses that he felt could not be brought up to Code.

Old Business

John Berger Land Exchange. Manager Freedman reported on his meeting with John Berger and the proposal to exchange .002 acres of Berger land for .266 acres of City land. After checking on the map, Councilman Ogg felt that the city was not getting a fair exchange and the Council agreed. Manager Freedman will renegotiate with Mr. Berger.

Annexation of 109 8th Street - Taylor Property. Manager Freedman explained a letter from Mr. Linderman requesting that the property be exempt for the time being, from hooking up to the city sewer system since his septic tank is in good working order. Manager Freedman will get a report from the County Sanitarian for the Council so they can act at the next council meeting.

New Business

Manager Freedman reported to the Council that he had only two persons requesting to be on the Parks Board and no requests for the Parking Commission. He asked the Council to table these appointments until the next Council Meeting. It was informally agreed to table these appointments for two weeks.

Lease of Softball Fields on Armory Road to County. The following comments were made: Councilman Hanson asked how much area is involved in the lease; Faessler questioned the exclusive concession stand rights and the City not being able to terminate the lease; and LaTourelle said they should have to have liability insurance. Manager Freedman will discuss these issues with the County and report back to the Council at a future meeting.

Fritz Royer Reservoir Road Reconstruction. Mr. Royer explained that the County wanted to reconstruct Reservoir Road and is asking the City to deed a portion of the necessary right-of-way to them. After a short discussion, on a motion by Ogg and seconded by Hanson to enter into a pre-construction agreement with the County with a utility corridor reserved by the City across the City's property. The motion passed unanimously.

City Administrator Reports

Selection Committee for Citywide S.I.D. Manager Freedman said that Sorenson and Company from Missoula had been chosen by the Selection Committee to do the engineering on the Citywide S.I.D. Project. Manager Freedman explained the advantages of future citywide improvements. Councilman Hanson objected to hiring a firm from out of town. Councilman Ogg questioned the cost of the proposed engineering project. After a lengthy discussion, on a motion by Ogg and seconded by Boksich to contact the Engineering firm on the

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 Council Meeting
 September 8, 1986

first phase of S.I.D. master plan. The motion passed 4 to 1 with Hanson voting no.

Sale of Backup Garbage Truck. Manager Freedman explained that we should sell the truck and put the money aside to purchase a new truck in the future. After a short discussion, on a motion by Hanson and seconded by Boksich to pursue the sale of the truck if we can find means to have an adequate backup truck. The motion passed unanimously.

Financial Advisor for the Sale of Sewer Revenue Bonds. Manager Freedman reported on the three firms that sent quotes. He will get a clarification on some of the information and present it at the next council meeting for a decision by the City Council.

Resolution 86-36. City Manager Freedman reported that the passage of this resolution which would find one or more blighted areas for the safety of the public and the authorization of the preparation of an Urban Renewal Plan. The resolution was necessary to begin the process to set up a Tax Incremental Finance District. On a motion by Hanson and seconded by Faessler to adopt Resolution No. 86-36. The motion passed unanimously.

Amending Resolution No. 86-35: Closing, Vacating and Discontinuing a Portion of a Street. On a motion by Ogg and seconded by Faessler to amend Resolution #86-35 because of the error in the legal description in the original resolution. The motion passed unanimously.

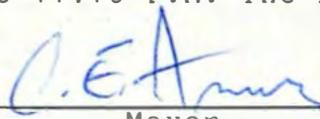
Easement with Halls. On a motion by Ogg and seconded by LaTourelle to approve the easement granted by the Halls for a path on their property along Sixth Street. The motion passed unanimously.

Council Reports and Comments

The following comments were made by the Council members:

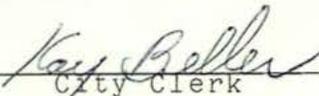
1. Faessler discussed the method of appraisal for property on which the City receives cash payments-in-lieu of open space;
2. LaTourelle asked that the City Manager look into the acquisition of a wider easement on the Burlington Northern Access Road and the opening of the new area in the cemetery;
3. Boksich asked about whether realtors can legally ask that the water be shut off to a unit they were managing. The City Manager will look into this matter; and
4. Hanson requested that the agenda be ready on Wednesdays and he would like a copy of the Revenues and Expenditures Analyses Reports.

There being no further business, on a motion by Ogg and seconded by Hanson, to adjourn at 11:10 P.M. The motion passed unanimously.



 Mayor
 X

ATTEST:



 City Clerk
 X

MINUTES
WHITEFISH CITY COUNCIL
September 22, 1986

The September 22, 1986 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Assistant Zoning Administrator/Building Inspector Quinn, Police Chief Dolson, Street Foreman Wartnow and Water/Sewer Supervisor Acton.

MINUTES

On a motion by Faessler, seconded by Hanson, to approve the minutes of September 8, 1986. The motion passed unanimously.

PUBLIC HEARINGS

1. FIRST READING OF ORDINANCE NO. 86-18: Development Review Fee. City Manager Freedman explained Ordinance 86-18 would apply to the City and its Extra-territorial jurisdictional area requiring the deposit with the city a fee for supervision and review expenses relating to any construction and development (except the construction of a single family home), requiring persons and developers to pay actual costs incurred by the City for supervision and review services, and requiring persons and developers to pay a public improvements inspection deposit and fee. Freedman further explained the deposit (except in the case of the construction of a single family home) for review of sketch plans, subdivisions, annexation, etc, would be \$350.00, plus an additional amount per acre or per unit, whichever dollar amount is greater, however, an initial deposit in excess of \$3,500.00 shall not be required. This deposit would not cover regular full time City staff people, only outside Engineers, Attorneys, etc. that were needed on any project. City Manager Freedman recommended approval of Ordinance No. 86-18 on the first reading.

Mayor Amass opened the hearing to the public.

Gary Elliott, Hank Marquardt and Jeff Jensen spoke in opposition of the Ordinance. They felt with the building permit fees, water/sewer plant investment fees and the new proposed fees, the cost to build a project would be prohibitive and growth in the area would stop. After lengthy discussion, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Hanson said he favored increasing the building permit fees and amending the subdivision regulations rather than having another Ordinance on the books. Councilman Ogg inquired how actual costs could be determined and felt that the City staff should handle these items instead of charging additional fees for review of any project. City Manager Freedman said the fees could be charged and if not utilized they would be returned after completion of the project. Freedman said any development incurring costs to the City should pay for them.

City Attorney Tracy said where applicable in the Ordinance the following would be included: 1. Except in the case of the construction of a single family home; and 2. Except in the case of remodeling a structure that does not increase square footage of the structure.

On a motion by Ogg, seconded by Boksich, to adopt Ordinance No. 86-18 on the first reading, and include the above recommendation of the City Attorney. The motion passed on a 3 to 2 vote with Hanson and LaTourelle voting no.

Councilman Ogg said he felt this Ordinance should be passed because it puts costs on the developers and they are the ones who benefit. Councilwoman LaTourelle and Councilman Hanson felt the UBC and subdivision regulations should be expanded to include the costs.

FIRST READING OF ORDINANCE NO. 86-19: Impact Assessment Fee.

City Manager Freedman gave the staff report. He said this Ordinance would establish an impact assessment fund for the purpose of funding improvements to be enumerated in the City's five year capital improvements plan.

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Minutes of September 22, 1986

Mayor Amass opened the hearing to the public.

Gary Elliott, Hank Marquardt and Jeff Jensen spoke against this Ordinance, and after discussion, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Hanson said he felt this Ordinance was anti-growth and anti-business. He suggested getting the tax increment district established and it would accomplish the same thing with no additional costs to developers. He objected to the principal of the Ordinance. Councilman Ogg said there was no way of knowing the impacts on the Community and he was uncomfortable filling in the percent to be used. Councilwoman Faessler and Councilman Boksich agreed with Ogg.

On a motion by Boksich, seconded by Faessler, to continue the first reading of Ordinance No. 86-19 until the next Council meeting. The motion was defeated by a 3 to 2 vote (LaTourelle, Ogg and Hanson voted no).

On a motion by Hanson, seconded by LaTourelle, that Ordinance No. 86-19 be denied on the first reading. The motion passed with a 3 to 2 vote with Boksich and Faessler voting no.

Mayor Amass said he hoped the Council would pursue the Tax Increment District as soon as possible.

PUBLIC COMMENT

NONE

STAFF REPORTS

Police Chief Dolson reported there had been five (5) burglaries, some of which had been resolved. He attended a Chiefs convention in Red Lodge. The department had firearms qualifications and at the Homecoming Parade a girl had been run over by a float. He requested a Parade Ordinance be considered. It was pointed out that the Special Events Permits covered parades and if the Police were called out the requesting party paid for their services.

OLD BUSINESS

1. Appointment of a new member to the Parking Commission was deferred until the next Council meeting.

2. Appointment of a new member to the Parks Board.

City Manager Freedman recommended the appointment of Dennis O'Connell to the Parks Board.

On a motion by LaTourelle, seconded by Ogg, to appoint Dennis O'Connell to the Park Board. The motion passed unanimously.

3. Appointment of a new City Council Member.

City Manager Freedman reported he had received nine applications for the Council position and suggested holding a special Council meeting to interview the people. After discussion, on a motion by Hanson, seconded by Boksich, to meet on October 1st and 2nd and make the decision on October 2nd. The motion passed unanimously.

The following had applied for the Council position: Dan McClary, Nonda Gaylord, Anne E. Shaw Moran, Cynthia J. Ruppert, Joseph Basirico, Pamela J. Stolte, Larry Forner, Blake Gardiner and Gary Watterud.

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Minutes of September 22, 1986

NEW BUSINESS

INFORMAL HEARING ON VIADUCT PROJECT: City Manager Freedman gave a summary review of the Highway Department proposals for the Viaduct as presented at the public hearing. The Highway Department favored the proposal that would start at Baker Avenue, go East of the present viaduct, eliminate approximately 5 or 6 homes along Edgewood and intersect with Wisconsin further north than the current intersection. Freedman suggested writing the Highway Department now to voice opinions and concerns. (Stairs, walkways and indicate - if traffic warrants - a traffic light be installed on Wisc.)

It was brought to Council attention that Hank Marquardt had come up with this alternate proposal to the State and they followed up on it.

Council requested City Manager Freedman write the letter to the State.

Councilman Ogg said the stop sign should be put on Railway Street instead of Baker Avenue. This would help alleviate the traffic in the winter. He suggested a "NO LEFT TURN", and all traffic go down Baker Avenue. This was turned over to the City Manager and Chief of Police for further review and action.

CITY ADMINISTRATOR

1. SCOPE OF SERVICES FOR S.I.D. ENGINEER: Woody G. Germany, P.E. from Sorenson & Company, presented the scope of services and cost for the Comprehensive Street Improvement Program. Sorenson & Company had three (3) alternates: #1. \$74,672, #2. \$51,970, #3. 28,646. Germany explained the alternates provide for a range of services from total involvement in all aspects of the determination of the district and development of supporting data, to a level of services which will provide a minimal effort to define the district. He said if Council approved one of the alternates and they started the first of October, construction would start next summer.

City Manager Freedman said the water/sewer funds would help pay for a portion of the mapping in the engineering proposals. Councilwoman LaTourelle said she needed staff input and felt the Council needed a work session with the staff. Councilwoman Faessler agreed. Councilman Hanson said City Manager and Greg should go through the alternates on the items to be funded and report back to the Council. Councilman Ogg said he would also like a report from the staff. On a motion by LaTourelle, seconded by Faessler, to set a workshop meeting for October 1, 1986, at which time a decision would be made. The motion passed unanimously.

2. FINANCIAL PROPOSALS FOR SEWER REVENUE BONDS: City Manager Freedman reported he had received three (3) proposals for the Sewer Revenue Bonds: 1. Dain Bosworth, Inc. - \$9,900 for the first issue and \$9,900 for the second issue for a total of \$19,800; 2. Edward D. Jones & Co. - \$23,750 for both bond issues and would limit the net interest cost on the issue to 88.25% of a bond index. 3. D.A. Davidson - \$8,750 for the first issue and \$8,250 for the second bond issue for a total of \$17,000.

City Manager Freedman recommended accepting the proposal of D. A. Davidson. On a motion by LaTourelle to accept the proposal of D. A. Davidson as recommended by the City Manager and seconded by Fassler. The motion passed 3 to 2 with Hanson and Ogg voting no.

COUNCIL REPORTS OR COMMENTS

Mayor Amass reported he had received a call from a visitor to the area regarding the Open Container Ordinance. The Mayor said that after reviewing the Ordinance he feels it needs clarification and elaborated upon to see if legally we have the ability to enforce owners of bars to post signs encouraging people to comply with the open container law.

Council turned this matter over to the City Staff to review and bring back their recommendation.

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Minutes
September 22, 1986

Mayor Amass requested permission to leave the State from October 1st through October 18th. On a motion by Hanson, seconded by LaTourelle, to approve this request. The motion passed unanimously.

Councilman Ogg said he had received a letter from Myron Ieverson and George Lantz regarding sewer installation to their business-residence at 624 Edgewood. Ieverson and Lantz stated they were not against the installation as proposed but with easements they must obtain to run the line from Woodland and the real possibility that their property will be part of the north end of the proposed new overpass, they were requesting to keep and maintain their present septic system. This was turned over to the City Staff.

Councilman Hanson inquired when the new area would be seeded at the Cemetery. City Manager said a new plan was being considered and surveyed.

Councilwoman Faessler said she would like to see a Parade Ordinance addressed.

On a motion by Faessler, seconded by LaTourelle, to adjourn at 11:27 P.M. The motion passed unanimously.



Mayor

X

ATTEST:



City Clerk

X

MINUTES
WHITEFISH CITY COUNCIL
October 6, 1986

The October 6, 1986 regular meeting of the Whitefish City Council was called to order by Deputy Mayor LaTourelle at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Assistant Zoning Administrator/Building Inspector Quinn, Police Chief Dolson, Street Foreman Wartnow and Water/Sewer Supervisor Acton.

MINUTES

On a motion by Faessler, seconded by Ogg, to approve the minutes of the September 22, 1986 Council meeting. The motion passed unanimously.

APPOINTMENT OF NEW COUNCIL MEMBER

Deputy Mayor LaTourelle reported the Council had appointed Anne Shaw Moran to fill the vacant Council position. City Attorney Tracy gave the new Council member the oath of office and she took her place at the Council table.

Deputy Mayor LaTourelle requested minutes for the meeting of October 2nd.

PUBLIC HEARING

SECOND READING OF ORDINANCE NO. 86-18: DEVELOPMENT REVIEW FEE.

City Manager Freedman gave the staff report. He explained that this Ordinance would apply to the City and its Extra-territorial jurisdictional area requiring the deposit with the City a fee for supervision and review expenses relating to any construction and development (except the construction of a single family home; and except in the case of remodeling a structure that does not increase square footage of the structure), requiring persons and developers to pay actual costs incurred by the City for supervision and review services, and requiring persons and developers to pay a public improvements inspection deposit and fee. Freedman said the deposit (except in the case of the construction of a single family home; and except in the case of remodeling a structure that does not increase square footage of the structure) for review of sketch plans, subdivisions, annexation, etc., would be \$350.00 plus an additional amount per acre or per unit, whichever dollar amount is greater, however, an initial deposit in excess of \$3,500.00 shall not be required. This deposit would not cover regular full time City staff people, only outside Engineers, Attorneys, etc. that were needed on any project. He recommended approval of Ordinance No. 86-18.

Deputy Mayor LaTourelle opened the hearing to the public and as there was no public comments, she closed the hearing and turned over to the Council for discussion and action.

On a motion by Ogg, seconded by Faessler, to adopt Ordinance No. 86-18 as written. The motion passed with a 4 to 2 vote, Hanson and LaTourelle voted no.

PUBLIC COMMENT

John Garrity had a question on the proposed Master Plan. He was informed he would have to attend the Master Plan hearings to get the information he wanted.

STAFF REPORTS

Street Foreman Wartnow reported the street crew was working on the Cemetery and would start the leaf pickup.

City Manager Freedman reported the Cemetery plats would be completed this week and he would present them to the Council at the next meeting. (Addition of one (1) row on the south

side next to Highway 93 and an amended plat of Section G).

Water/Sewer Supervisor Acton reported the Water/Sewer Department was completing extension of lines. They had replaced a 6" line on West Second Street, completed a portion of Park Avenue with a 12" water main and had installed the sewer line in the southwest portion of the city. Acton also reported that the EPA was reviewing Phase II-Interceptor Line and Lift Station and he doubted if we could proceed on the construction this fall.

Police Chief Dolson reported they had purchased two (2) patrol cars from the State and they should be in service soon. He also said he was Chairman of the United Way representing the City Employees. He invited the new Council member for a tour of the Police Department.

Building Inspector Quinn reported during the month of September, the City sold 32 building permits and 21 plumbing permits. Only three of the building permits were for buildings over \$10,000. He said construction has been slow.

OLD BUSINESS

AGREEMENT WITH SORENSON AND COMPANY.

City Manager Freedman gave a brief summary of the agreement and recommended approval with the following changes:

1. D. Insert after modified: "by mutual agreement in writing".
 - E. Insert after it is: "possible" and after date by: "written".
 - F. Insert after authorized: "in writing".
- III. A. Delete: "including a reasonable profit."
 - B. Insert: "\$55,662.00 and add: "not to exceed \$10,000 to be due and payable within 60 days of receipt."
- IV. B. Add: "not occasioned by acts or omissions of the Engineer".

The total cost of the Engineering Study will be \$55,662 which can be paid off over several months. This flexibility would allow the City to accumulate the Gas Tax money. The Water/Sewer Departments would pay \$15,000 of the cost for mapping.

Councilwoman Faessler said the Council originally budgeted \$23,000 for Engineering and \$50,000 for improvements and she questioned where the \$17,000 balance would come from.

City Manager Freedman said if the Council were to approve the contract a budget line item adjustment could be done transferring funds from the improvements to the Engineering line item. He further stated Maintenance District #1 could fund some improvements.

After much discussion, on a motion by Boksich to approve the Engineering Agreement as amended. Died for lack of a second.

On a motion by Ogg, seconded by Boksich, to approve the Engineering Agreement as amended. The motion passed with a 4 to 2 vote. Hanson and Faessler voted no.

Councilman Ogg said he felt the study would provide alternatives that could be presented to the voters so they could

Page 3
Minutes of October 6, 1986

vote on the issue. Councilwoman Faessler said she opposed using additional Gas Tax money because it would leave \$14,000 to do overlaying and fix potholes, and the street situation needed to be addressed now. City Manager Freedman said he still intended to do overlays but would use Maintenance District #1 funds.

PRESENTATION BY MARK SEMMENS OF D. A. DAVIDSON.

Mark Semmens of D. A. Davidson gave a presentation on the issuance of the Sewer Revenue Bonds. He explained the first step would be to adopt a Resolution calling for the sale of the Bonds, the second step would be the notice of sale and the third step, the sale of the Bonds. This would take approximately 45 days from start to finish. Semmens said the interest rate would likely average 7.25% to 7.50%.

APPOINTMENT OF PARKING COMMISSION MEMBER.

This appointment was again postponed until the next Council meeting.

NEW BUSINESS

MONTANA LEAGUE OF CITIES AND TOWNS INSURANCE DOCUMENTS.

City Manager Freedman explained one of the goals of the Insurance Committee was to offer limits of coverage higher than the original \$500,000 program limits and with the sale of \$6,265 million in bonds, the Authority is now offering coverage with limits of \$1.5 million per occurrence. To participate in the increased levels of coverage the City would have to act immediately on the following:

1. Liability Insurance Coverage Program Agreement and six separate signature pages.
2. A Promissory Note.
3. The Note Resolution.
4. Certificate of City Treasurer as to Taxable Valuation.
5. Form of opinion of City Attorney.
6. Certificate of Mayor and City Treasurer.

Freedman said the Insurance people were having a District meeting in Whitefish on October 9th to explain the liability coverage. He said that the Council should meet with them and have a meeting afterward to vote on the issue.

Council set the meeting for October 13, 1986 at 7:00 P.M.

CITY MANAGER REPORTS

City Manager Freedman presented a Resolution of the Montana League of Cities and Towns adamantly opposed to constitutional Initiative 27.

Freedman also had presented the Council with the Financial Reports. (Cash Status, Revenue and Expenditure Reports).

On a motion by Hanson, seconded by Faessler, to approve the Financial Reports as submitted. The motion passed unanimously.

PETITION TO REPEAL ORDINANCE NO. 86-17.

City Manager Freedman reported the City had received a petition to repeal Ordinance No. 86-17 which amended Ordinance No. A-407 and the Whitefish Municipal Code by allowing

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Minutes of October 6, 1986

buildings of up to 75 feet in certain designated zones providing certain conditions be met. The election administrator informed the City that the Petition for Referendum had met requirements of law in that a sufficient number of signatures (381) had been validated. He further explained the City has the option of calling for a special election on the question or waiting until the next regular election to be held in the City. He recommended calling a special election.

After Council discussion, on a motion by Ogg, seconded by Boksich, to hold a special election on December 23, 1986. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler asked about the sale of the garbage truck. City Manager Freedman said October 15th was the last day to receive bids. The City of Kalispell and a private business had expressed an interest in the truck.

Councilwoman Moran thanked the Council for appointing her to the Council and she said it was an honor to be chosen.

Councilman Hanson said he could not understand why the appointment to the Parking Commission was again postponed. City Manager Freedman said he had an interested party and the appointment could be confirmed at the next Council meeting.

On a motion by Boksich, seconded by Faessler, to adjourn at 8:45 P.M. The motion passed unanimously.

Deputy Mayor

ATTEST:

Kay Beller
City Clerk

X

MINUTES
Whitefish City Council
October 13, 1986

A Special Meeting of the Whitefish City Council was called to order by Mayor Pro-Tem LaTourelle at 7:00 P.M. All members were present except for Mayor Amass. Also present were City Manager Freedman and City Attorney Tracy.

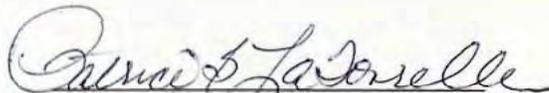
City Manager Freedman discussed the informational meeting that was held on October 9 in Whitefish on the Montana Municipal Insurance Authority's liability insurance program. After some discussion, on a motion by Ogg, seconded by Hanson, to approve the following documents:

1. Liability Insurance Coverage Program Agreement;
2. The Note Resolution;
3. Certificate of the City Treasurer as to Taxable Valuation;
4. Opinion letter by the City Attorney;
5. Certificate of the City Administrator and the City Treasurer; and
6. The Interlocal Agreement.

The motion passed unanimously.

There was a brief discussion on the annual City of Whitefish Christmas party. It was the consensus of the City Council to have a Christmas party in early December.

On a motion by Ogg, seconded by Hanson, to adjourn the meeting at 7:28 P.M. The motion passed unanimously.


Deputy Mayor

ATTEST:


City Clerk

MINUTES
WHITEFISH CITY COUNCIL
October 1, 1986

The October 1, 1986 Special meeting of the Whitefish City Council was called to order by Mayor Pro-Tem LaTourelle at 7:00 P.M. All Council members were present except for Mayor Amass. Also present was City Manager Freedman.

The following people were interviewed by the City Council for the vacant position on the City Council: Blake Gardiner, Dan McClary, Joseph Basirico and Larry Fonner.

At 8:00 P.M., City Manager Freedman discussed the proposed engineering contract with Sorenson & Company of Missoula. After some discussion, it was decided that a final contract for approximately \$55,000 would be presented to the City Council for their approval at the next regular Council meeting on October 6.

On a motion by Boksich, seconded by Hanson, to adjourn the meeting at 9:05 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

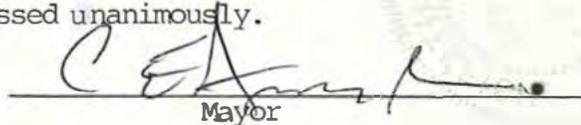
MINUTES
WHITEFISH CITY COUNCIL
October 2, 1986

The October 2, 1986 Special meeting of the Whitefish City Council was called to order by Mayor Pro-Tem LaTourelle at 7:00 P.M. All Council members were present except for Mayor Amass. Also present was City Manager Freedman.

The following people were interviewed by the City Council for the vacant position on the City Council. Pamela Stolte, Anne Moran, Gary Watterud, Cindy Ruppert and Nonda Gaylord. The interviews were completed at 8:35 P.M.

After considerable discussion, on a motion by Ogg and seconded by Hanson, to select Anne Moran to fill the vacancy on the City Council. The motion passed unanimously.

On a motion by Faessler, seconded by Boksich to adjourn the meeting at 9:28 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
October 20, 1986

The October 20, 1986 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council Members were present. Also present were City Manager Freedman, City Attorney Tracy, Assistant Zoning Administrator/Building Inspector Quinn, Police Chief Dolson and Street Foreman Wartnow.

APPROVAL OF MINUTES OF THE OCTOBER 1, OCTOBER 2, OCTOBER 6 AND OCTOBER 13 MEETINGS.

On a motion by Boksich, seconded by Faessler, to approve the minutes of the October 1, October 2, October 6 and October 13 meetings as written. The motion passed unanimously.

PUBLIC HEARING

ORDINANCE NO. 86-20, AMENDMENT TO THE ZONING REGULATIONS OF THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTION TO ALLOW BED AND BREAKFAST IN A WR-4 ZONE WITH A USE PERMIT.

City Manager Freedman gave the staff report. He explained Ordinance No. 86-20 would amend the text of the Zoning Regulations of the City of Whitefish and its Extra-Territorial Jurisdiction to allow Bed and Breakfast use by Use Permit in the WR-4 zone (High Density Residential District). Freedman said the City County Planning Board and Zoning Commission recommended approval of the amendment with the additional condition that the proposed site for such a use must front on an existing collector or arterial street as defined in the Whitefish City-County Master Plan. He said he recommended approval of the amendment.

Mayor Amass opened the hearing to the public.

Speaking in favor of the amendment were Ryan McGucken, Rhonda Fitzgerald and Mike Fitzgerald.

Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

The Council discussed this issue at length and determined that Ordinance No. 86-20 be changed from: "8. Bed and Breakfast so long as it fronts on an existing collector or arterial street as defined in the Whitefish City-County Master Plan then in existence. (requires a Use Permit)." To: "Bed and Breakfast requires a Use Permit."

On a motion by Faessler, seconded by Hanson, to adopt Ordinance No. 86-20 on the first reading with #8 to read: "Bed and Breakfast requires a Use Permit." The motion passed unanimously.

Council reviewed the five (5) findings of facts in section 17.14.040, page 33 of the Zoning Ordinance to help determine their decision on this amendment.

PUBLIC COMMENT

None.

STAFF REPORTS

Police Chief Dolson reported that Mountain Mall had donated a \$1,200.00 fingerprinting system to the Police Department.

OLD BUSINESS

APPOINTMENT OF PARKING COMMISSION MEMBER.

City Manager Freedman recommended the appointment of Mike Fitzgerald to the Parking Commission.

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Minutes
Council Meeting of October 20, 1986

On a motion by Hanson, seconded by LaTourelle, to approve the appointment of Mike Fitzgerald to the Parking Commission. The motion passed unanimously.

CEMETERY PLATS

City Manager Freedman presented two (2) Resolutions on the cemetery.

1. Resolution No. 86-39, a Resolution amending Section G, and;
2. Resolution No. 86-40, a Resolution creating Section H.

On a motion by Ogg, seconded by Hanson, to approve Resolution No. 86-39 amending Section G. The motion passed unanimously.

On a motion by Boksich, seconded by Faessler, to approve Resolution No. 86-40, creating Section H. The motion passed unanimously.

NEW BUSINESS

PLEGGED SECURITIES

On a motion by Hanson, seconded by Boksich, to approve the pledged securities of the First National Bank for \$563,000.00. The motion passed unanimously except for LaTourelle who abstained from voting due to conflict of interest.

On a motion by Hanson, seconded by Faessler, to approve the pledged securities of the Mountain Bank for \$340,000.00. The motion passed unanimously.

CITY MANAGER REPORTS

City Manager Freedman reported that Pacific Power and Light Co. had done a study on street lights for Baker Avenue and Wisconsin Avenue. Total cost of placing lights on Baker would be \$196.26 to the City and \$80.08 to the County per month. Wisconsin would be \$207.70 to the City and \$12.32 to the County per month. Freedman recommended Council approval of the Baker Avenue proposal and he felt the Wisconsin Avenue proposal could be negotiated with the County for a better split in the costs.

On a motion by LaTourelle, seconded by Ogg, to approve the lighting plan for Baker Avenue as recommended by the City Manager. The motion passed unanimously.

On a motion by Hanson, seconded by Faessler, that the Wisconsin Avenue proposal be negotiated with the County for a better split on costs. The motion passed unanimously.

ROAD GRADER BIDS

City Manager Freedman said the following five bids had been received for a new road grader.

1. Modern Machinery
1986 Dresser A450E Articulated Grader
Price: \$70,224
Trade: 5,500

\$64,724
No Trade \$67,035
2. Tri-State Equipment, Inc.
1986 Champion 710A Articulated Grader
Price: \$77,490
Trade: 12,000

\$65,490

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 Minutes
 Council meeting of October 20, 1986

ROAD GRADER BIDS

3. Northwest Machinery, Inc.
 1986 Fiat Allis FG75A Articulated Grader
 Price: \$79,873
 Trade: 8,273
 Total: \$71,600

4. Davies, Inc.
 1986 John Deere 670B Articulated Grader
 Price: \$82,182.35
 Trade: 8,000.00
 Total: \$74,182.35

5. Long Machinery
 1986 Caterpillar 130G Articulated Grader
 Price: \$87,294
 Trade: 8,500
 Total: \$78,794

Freedman said he would advertise our CAT12E road grader for sale to see if we could get more money for it and the City Staff would review the bids and bring back their recommendation to the Council.

INTERCAP PROGRAM REPORT

City Manager Freedman reported the preliminary documents had been completed for both the Intercap Program and the Montana Cash Anticipation Finance Program. He said if funds were available he would bring back a Resolution for the Council to approve.

WATER AND LAND GRANT

City Manager Freedman reported the Park Board would like to resubmit the application to the State for a Grant for an ice rink at Mountain Trails Park. Freedman would work with John Kramer, President of the Park Board. They would rework the application submitted last year. He asked for Council approval to submit the grant. After much Council discussion, on a motion by Boksich, seconded by Ogg, that City Manager Freedman and the Park Board proceed with the grant application. The motion passed unanimously.

ALTERNATIVE FOR PHOSPHORUS REMOVAL

City Manager Freedman said the State had received our request for a grant increase to cover the estimated project cost for design and construction of the alternative recommended by our consulting engineers; that alternative consisted of a flocculating clarifier, belt filter press, solids storage lagoon, a sludge application truck, a garage for the sludge truck, and appurtenances. They have processed a grant amendment for that increase.

Freedman told the Council that he would discuss the sludge disposal problem with the engineers and he would report back to the Council. After that issue is resolved, Freedman said the City should begin negotiating the design contract with the engineers.

OTHER

1. The Whitefish Zoning Commission has requested a citizen committee to review the Zoning Ordinance. The Council will consider this request at the next Council meeting.

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Minutes
Council meeting of October 20, 1986

2. The Union contract previously approved by the Council has been amended. There is no longer a water/sewer division and street/sanitation division. All divisions are now part of the Department of Public Works.

There will also be a seniority list and job classifications but all under the Department of Public Works.

On a motion by Hanson, seconded by LaTourelle, to approve the amendments to the Union contract as presented by the City Manager. The motion passed unanimously.

3. If the alternative form of Government should be adopted, an election to elect a Finance Officer/Treasurer would have to be called by the City Council within twenty (20) days after the November 4 election to elect an individual to hold that position. The cost to the City would be approximately \$1,000.

COUNCIL

Councilman Ogg asked how the property exchange with Berger was progressing. City Manager Freedman said they were still negotiating.

Councilwoman Faessler inquired on the status of selling the 1979 Garbage Truck. City Manager Freedman said the City of Kalispell and other interested parties had been given additional information and he was waiting to hear back from them.

Councilwoman Faessler also questioned the legality of property owners requesting the city to shut-off water to their tenants.

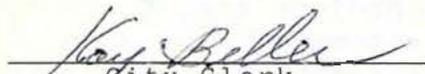
City Attorney Tracy said he hated to see the city turn off water at the request of the owner. He said the city could shut-off water: 1. If payment is not paid and; 2. If the person residing on the premises asks the City to turn the water off. Tracy said he recommended the City comply with our Policy.

On a motion by LaTourelle, seconded by Boksich, to adjourn at 8:35 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
November 3, 1986

The November 3, 1986 regular meeting of the Whitefish City Council was called to order by Mayor Arass at 7:00 P.M. All Council members were present except Boksich. Also present were City Manager Freedman, City Attorney Tracy, Asst. Zoning Administrator/Building Inspector Quinn, Police Chief Dolson, Water/Sewer Superintendent Acton and Street Foreman Wartnow.

MINUTES

Councilwoman Faessler requested clarification of her statement on page 4. She wanted the minutes to state that the question of property owners requesting the City to shut-off water to their tenants had been researched for legality and City Attorney Tracy gave his opinion. Also, the City would continue to comply with the existing City Policy. (As outlined by the City Attorney).

Councilwoman Moran requested her question on whether the City was insured for the first \$100,000 (under pledged securities) be put in the minutes. City Manager Freedman answered her question by explaining all funds in each of the two local banks are insured up to \$100,000.

Councilman Ogg explained that Ryan McGucken should be changed to Ron McGucken. (Under Public Hearings).

On a motion by Hanson, seconded by Faessler, to approve the minutes of October 20, 1986 with the above changes. The motion passed unanimously.

PUBLIC HEARINGS

1. SECOND READING OF ORDINANCE NO. 86-20, amendment to the Zoning regulations of the City of Whitefish and its Extra-Territorial Jurisdiction to allow Bed and Breakfast in a WR-4 Zone with a Use Permit.

City Manager Freedman gave the staff report. He explained the Ordinance presented at this meeting had been amended per City Council's actions of the last Council meeting.

Mayor Arass opened the public hearing.

Betty Baldwin, 535 Central Avenue, asked if the Bed and Breakfast proposed for Spokane Avenue would impact the sewer line in the area. She explained they were at the end of the sewer line and already had experienced sewer problems at times. Greg Acton, Water/Sewer Supervisor, explained added usage of the line would not impact it but would improve the situation.

There was no other public comment and Mayor Arass closed the hearing to the public and turned over to the Council for discussion and action.

On a motion by LaTourelle, seconded by Faessler, to adopt Ordinance No. 86-20 on the second reading. The motion passed unanimously.

2. SIGN VARIANCE - Jim Curtis: City Manager Freedman explained that under the sign code all applications and all petitions for new sign variances shall be exclusively administered by the City Council. In June of 1985, the City Council approved a coordinated signing program for Mountain Mall. The sign code prohibits freestanding signs for individual businesses in a shopping center. The coordinated signing program for the Mall allowed for a theatre sign (freestanding) and the message display sign. He said he found no mention of a third sign for the major restaurant in the Mall. The minutes do say however, that "undecided signs or changes in signs must have the same materials and lighting as the signs approved and all signs must comply with size and other requirements of the Zoning Ordinance."

Mr. Curtis says in his letter that the developers of the Mountain Mall had only intended for three freestanding signs - one for the Mall, one for the theatre and one for the restaurant. City Manager Freedman said he would contact the Mall Manager and verify this statement and review their covenants. If this is the case, he said he feels that the variance should be approved with written conditions that clearly spell out that no other freestanding signs would be allowed on the Mall property.

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 Council minutes
 November 3, 1986

Attorney Gene Hedman, representing Jim Curtis, told the Council the Mall people were trying to find something in writing because they were sure the commitment was made for the three freestanding signs. Hedman said the Mall people were in favor of this sign.

City Manager Freedman recommended the following if Council were to approve the sign variance request:

1. Height of the sign be 18"
2. Size of the sign be limited to 140 sq. ft.
3. "The Lounge" would not be included on the face of the sign

Attorney Hedman said the sign could be modified to comply with the Ordinance.

Mayor Amass opened the hearing to the public.

Claire Strickler, President of the City-County Planning Board/Zoning Commission said she would look for their minutes where they approve the coordinated signs for the Mall. She said she could not remember three signs being approved, however, she felt this was setting a precedent as the Zoning Ordinance states there will be no freestanding signs in a shopping center.

Gary Osborne, Western Sign Co., told the Council that the restaurant needed the freestanding sign to survive because without it they had no way of letting people know that the restaurant was there.

Mayor Amass closed the hearing to the public and turned over to the Council for discussion and action.

Councilwoman Faessler said her concerns were the same as Claire Strickler's. She said that she was on the Planning Board when the coordinated signs were approved and the signs were not what was presented to them. Faessler said she was afraid the rest of the Mall businesses would be wanting this type of a sign too. Councilwoman Moran agreed with Faessler. Councilwoman LaTourelle said she could not remember a third sign either. Councilman Ogg said the sign was important to the success of the restaurant but he felt the decision should be deferred until there was a full Council.

On a motion by Ogg, seconded by Faessler, to table the sign variance request until the Council meeting of November 17. The motion passed unanimously.

Councilman Hanson said the decision should be based upon the present facts presented and not on what was said or not said in the past. He said at the time the coordinated signs were approved, the Mall was not completed. The building materials used in the southwest corner of the Mall shows that it was intended for a different use. He agreed with Ogg that this was an important issue and should be studied in depth.

PUBLIC COMMENT

Rick Blair told the Council that someone was trapping animals in the City limits along the Whitefish River and some of the traps were next to Riverside Park. Blair said this should not be allowed in the City limits.

The Council agreed with Mr. Blair and requested City Attorney Tracy to draft an Ordinance for the next Council Meeting. City Attorney Tracy explained the Ordinance could be enacted immediately with an emergency clause because it poses a health and safety hazard.

City Manager Freedman said he had received a letter from Audrey Gonzales regarding dogs and people that could be caught in the traps.

STAFF REPORTS

Police Chief Dolson and Building Inspector Quinn both had submitted written reports.

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Council Minutes
November 3, 1986

9-1-1 DISCUSSION - RON VAN NATTA

Ron Van Natta, Chairman, 9-1-1 Committee, gave the Council an update on the 9-1-1 system proposal. He explained the system proposed would not require a City tax increase, there would not be a reduction in service levels or capabilities, additional personnel would not be needed, but the City would receive and dispatch all City 9-1-1 calls. The latter would be accomplished by programming all phones within the City to automatically ring to the Whitefish Police when 9-1-1 is dialed from any phone in the City. The estimated current cost to install and operate the system in Flathead County would be \$153,115 with Whitefish's cost to be approximately \$10,910 and \$410 for monthly operation. The cost of the terminal answering equipment and upgrading the telephone switch were not included in the above quote. Van Natta said starting in January 1987 a tax of 25¢ per month per phone line would be collected to finance implementation and operation of 9-1-1 in the State. He said their proposal for 9-1-1 envisions a single jurisdiction with 4 answering points and in order to accomplish this end an intergovernmental agreement would be developed to allow a governing or advisory board to receive and dispense funds for 9-1-1 operation. A draft agreement is being developed and would be presented for Council consideration at a later date.

OLD BUSINESS

APPOINTMENT OF REPRESENTATIVE FOR SOLID WASTE BOARD.

City Manager Freedman explained that the Solid Waste Board and the County Commissioners had refused to accept our proposed representative (Ben Cohen), probably for political reasons. He recommended the Council appoint Anne Moran to this Board.

On a motion by Hanson, seconded by Faessler, to appoint Anne Moran to the Solid Waste Board. The motion passed with 4 aye votes and 1 abstention. (Anne Moran abstained).

APPOINTMENT OF CITIZEN'S COMMITTEE TO UPDATE ZONING REGULATIONS.

City Manager Freedman said he recommended the appointment of a Committee of no more than five people. The Committee should be composed of one Planning Board member, Dave Jamieson, one City Council member, the City Manager and one other citizen-at-large.

On a motion by Ogg, seconded by LaTourelle, to adopt the recommendation presented by the City Manager and appoint the citizens committee to update the Zoning Ordinance. The motion passed unanimously.

Anne Moran recommended that Michael Morton, owner of the Chalet Motel be considered for the citizen appointment.

Councilman Ogg said because this is a major issue, it should be advertised, at least for the citizen-at-large member. The Council agreed and requested the ad be placed.

NEW BUSINESS

LAKESHORE CONSTRUCTION PERMIT FOR JERRY JOHANSEN

City Manager Freedman recommended approval of this permit with the conditions proposed by the Lakeshore Protection Committee.

Councilwoman Faessler questioned this application because it did not specify what fill material would be used and also it did not state the time frame for completion. Councilman Hanson agreed with Faessler. On a motion by Faessler, seconded by Ogg, to table this Lakeshore Construction Permit until more information could be obtained. The motion passed unanimously.

Mr. Johansen would be notified that he could not proceed until the permit is issued.

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 Council minutes
 November 3, 1986

CITY MANAGER REPORTS

DISCUSSION WITH THE COUNTY ON THE LIGHTING PROPOSAL.

City Manager Freedman reported he met with the County Commissioners on the lighting proposal and it was their feeling that due to budgetary constraints and the fact that they would be setting a precedent for other County roads, it would be best to take no action on sharing the cost of the proposal. Freedman recommended approval of the lighting for the balance of south Baker Avenue and the lighting proposed up to Mountain Trails Park on Wisconsin Avenue.

On a motion by Hanson, to approve the recommendation of the City Manager to do south Baker Avenue and on Wisconsin approve the lighting proposal to the north boundary of Alpine Village. The motion died for lack of a second.

After further Council discussion, on a motion by Ogg, seconded by LaTourelle, to approve the lighting proposal as recommended by the City Manager. The motion passed unanimously.

UPDATE ON SEWER DISTRICT MEETINGS

City Manager Freedman reported that he had attended three neighborhood meetings of the Sewer District and he told the Council he had taken the position that anyone seeking water and/or sewer service must first annex into the City. He said he had explained this position based upon the fact that City residents are paying for services that are being used by County residents - streets, parks, library, police and fire. Freedman said that any change in this policy will put the city into a very tenuous position with regard to future annexations. He recommended a workshop meeting for a more in depth discussion. He gave the Council a draft of the Agreement proposed by the Water and Sewer District, however, he and City Attorney Tracy had not reviewed it yet.

COMPUTER SOFTWARE UPDATE

City Manager Freedman reported that Big Sky Data was working on some improvements to our software for the new AT&T computer system and he anticipated that in the next several weeks the City would be running the old and the new systems at the same time. He also stated that the City would not pay for the software until the system was on line and completely satisfactory to the City.

MEETING WITH BURLINGTON NORTHERN REPRESENTATIVES

City Manager Freedman and several representatives of the Performing Arts group met with representatives from the BN to discuss their vacant property adjacent to the depot for City and Community buildings. Negotiations will continue in an effort to possibly secure this land at some point in the future. Freedman recommended the City attempt to acquire this property through trade and/or purchase for future uses - City Hall, Fire station, Library and Performing Arts building. He said this would provide a stabilizing effect on the downtown area.

Councilwoman LaTourelle inquired if he had asked about the Birch Point road or the other roads. Freedman said no but he would contact them.

STREET ENGINEERING PROJECT

City Manager Freedman reported that the initial survey work had been completed and the City should be photographed from the air prior to November 15.

REVIEW OF RALPH FREEDMAN

City Manager Freedman proposed an evaluation of his first six months on either November 17 after the regular meeting or at a special meeting.

Councilwoman Faessler would draft the performance evaluation format.

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 Council minutes
 November 3, 1986

FINANCIAL REPORTS

On a motion by LaTourelle, seconded by Hanson, to approve the revenue report, expenditure report and the cash status report as presented. The motion passed unanimously.

PHOSPHOROUS REMOVAL

City Manager Freedman said he had requested CH2M Hill to give us a layman's analysis of the sludge situation (see letter dated October 29, 1986). Dennis Carver was present to discuss the issue and answer council questions.

After a brief discussion, on a motion by Hanson, seconded by Ogg, that the City Staff proceed with the negotiation of a design contract with the engineers on the phosphorous removal modifications. The motion passed unanimously.

BIDS ON THE ROAD GRADER

City Manager Freedman explained that the City Staff had rejected all the bids on the road grader and it had been advertised again without the trade in of the City's grader. The City road grader was advertised for sale because we would probably get more money for it selling it ourselves. Freedman said he would bring back the bids to the next meeting for the Council's consideration.

COUNCIL REPORTS OR COMMENTS

Councilwoman Moran requested a tour of the City facilities and she also requested Council permission to leave the State from November 25 to December 2.

On a motion by LaTourelle, seconded by anson, to allow this request. The motion passed unanimously.

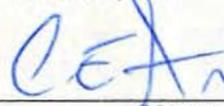
Councilwoman LaTourelle requested to leave the State from November 15 to November 23.

On a motion by Moran, seconded by Faessler, to approve this request. The motion passed unanimously.

Councilman anson asked if the 10 minute parking signs at the old post office site were still necessary. City Manager Freedman said that the signs would be removed.

Councilman Ogg commented that the driveway for the new Post Office was a hazard. Council agreed and City Manager Freedman was directed to write a letter to them requesting them to take immediate action.

On a motion by LaTourelle, seconded by Hanson, to adjourn at 9:05 P.M. The motion passed unanimously.



 Mayor

ATTEST:



 City Clerk

MINUTES
WHITEFISH CITY COUNCIL
November 17, 1986

The November 17, 1986 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council Members were present except LaTourelle. Also present were City Manager Freedman, City Attorney Tracy, Asst. Zoning Administrator/Building Inspector Quinn, Police Chief Dolson, Street Foreman Wartnow and Fire Chief Yeats.

MINUTES

Councilwoman Moran had five corrections to the minutes of November 3, 1986 and they are as follows:

1. Paragraph #2 - under Minutes should be corrected to read "over \$100,000" (this was an amendment to the October 29, 1986 minutes).
2. Page 2: second paragraph, #1. Height of the sign be 18' (not 18")
3. Page 4: Councilwoman Faessler and councilwoman Moran would draft the performance evaluation format.
5. Page 5: Under Council Reports and Comments - Moran also requested landscape requirements for Mountain Mall.

On a motion by Boksich, seconded by Ogg, to approve the minutes of November 3, 1986 meeting with the above amendments. The motion passed unanimously.

PUBLIC HEARINGS

1. SIGN VARIANCE - JIM CURTIS: City Manager Freedman explained that this was the continuation of the public hearing that began at the last Council Meeting. Since that meeting, he said he had written a letter to the Mountain Mall Management asking them to shed whatever information they had on this matter. Carolyn Watkins and Aubie Morrison sent letters in which Carolyn Watkins stated that in developing Mountain Mall it was the intention to have only three (3) freestanding signs - Mountain Mall, Mountain Cinemas and The Restaurant and Lounge. She said with the passage of this variance the freestanding sign plan for the mall would be complete.

City Manager Freedman further explained that the background information on this issue is nonexistent and should the Council approve or disapprove it would not be setting a precedent since a variance to the coordinated signing has already been granted because there are two freestanding signs at the current time. He said that unless some new information is forthcoming, he would recommend denial of the variance request.

Councilwoman Moran asked the City Manager if it wasn't appropriate that sign variances go to the City-County Planning Board before coming to the Council. City Manager Freedman explained that the City Council approved all Sign Variances.

Mayor Amass opened the hearing to the public.

Attorney Gene Hedman spoke in favor of the Sign Variance on behalf of Jim Curtis. Hedman said Mr. Curtis had a large investment in the restaurant and the sign was imperative to its success. He said he hoped that the City Council would grant the variance.

There was no further public comment and Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Boksich said he understood the need for the sign, and felt it put the Council in a position where nothing had been documented. He was in favor of granting the variance. Councilman Hanson agreed with Boksich because he felt it was imperative to have the sign for the success of the business. Councilwoman Moran said it was important to consider this business, however, the other businesses in the Mall had to be considered also. Moran said she would support a large wall sign but could not support granting the variance for the freestanding sign. Councilman Ogg asked what the criteria was for granting a variance. City Manager Freedman read section 17.77.180 of the Sign Ordinance which states the criteria.

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Council Minutes
November 17, 1986

After further Council discussion, on a motion by Hanson, to grant the variance with the condition that the sign does not exceed maximum height of 18'. The motion died for lack of a second.

On a motion by Boksich, seconded by Hanson, to grant the variance with the conditions that the height of the sign be 18' and The Lounge not be included on the face of the sign. After discussion, Hanson withdrew his second and Boksich withdrew the motion.

On a motion by Boksich, seconded by Hanson, to grant the sign variance for the 1889 Territorial Restaurant and The Lounge with the conditions that the height of the sign not exceed 18' and that The Lounge and Restaurant signage be incorporated into one (1) sign. The motion passed on a 3 to 2 vote, with Faessler and Moran voting no.

2. SIGN VARIANCE - MATT FERKOVICH (MATT'S PHARMACY): City Manager Freedman explained that this sign variance request is the result of Matt's Pharmacy moving to the building that once housed Sunshine Mountain Sports. The existing freestanding sign does not meet the setbacks that are in the sign code, but in this case it is impractical to move the sign back to meet the code. Freedman said he would recommend approval of this variance request.

Mayor Amass opened the public hearing and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

After considerable discussion, on a motion by Ogg, seconded by Faessler, to grant the sign variance provided that it applies only as long as the remaining time limitation on this nonconforming sign and that the readerboard be restricted to legal size. The motion passed unanimously.

PUBLIC COMMENT

None

STAFF REPORTS

None

OLD BUSINESS

LAKESHORE CONSTRUCTION PERMIT - JERRY JOHANSEN

City Manager Freedman explained that this matter was tabled at the last meeting because of lack of information. He said he had discussed the project with the landscape architect for Jerry Johansen and learned the following: the fill proposed for the project will be clean and none of the new construction falls below the high water mark of the lake. He recommended approval of the lakeshore construction permit.

On a motion by Ogg, seconded by Hanson, to approve the Lakeshore Construction Permit of Jerry Johansen as recommended by the Lakeshore Protection Committee. The motion passed unanimously.

SEWER DESIGN CONTRACT - CARVER ENGINEERING

City Manager Freedman told the Council that he had enclosed in their packets the numbers given to him by Dennis Carver. He was still negotiating the figures due to the fact that 80% of the project will be engineered by Dennis Carver and Paul Wells rather than 50% that was projected in the numbers that the Council has. This change would reduce the engineering cost of the project. Freedman said he recommended approval of the engineering contract.

Dennis Carver told the Council the contract would be reduced by about \$6,100. He also reported that the cost of the phosphorus removal would be approximately \$1.3 million with the EPA funding being 75 to 85 percent.

After some Council discussion, on a motion by Ogg, seconded by Faessler, to approve amendment #4 to the engineering agreement. The motion passed unanimously.

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 November 17, 1986

ORDINANCE NO. 86-21 PROHIBITING TRAPPING WITHIN THE CITY OF WHITEFISH

City Manager Freedman explained this is an emergency Ordinance in the interest of public health and safety prohibiting trapping of fur-bearing animals within the City Limits and he recommended adoption of the Ordinance.

City Attorney Tracy explained that this Ordinance would be enacted immediately and be in effect for 90 days. In the meantime, the Council would have two readings of the Ordinance in order for the Ordinance to become permanent after this 90 day period.

On a motion by Ogg, seconded by Faessler, to adopt Ordinance No. 86-21 as written. The motion passed unanimously.

NEW BUSINESS

FLATHEAD CONSERVATION DISTRICT APPOINTMENT

City Manager reported that Chuck Abell had submitted his resignation and the opening was being advertised. Freedman recommended the appointment of a new representative at the December 15 meeting.

USE PERMITS - ADMINISTRATIVE REVIEW CATEGORY

City Manager Freedman reported he had received a request from someone who has a Use Permit to allow a professional office in a WR-4 Zone (Dr. Dalen). He proposes to sell the building to another professional and he wants to know whether or not the new owner has to get a new Use Permit. City Manager Freedman said in his opinion the new owner should not have to have a Council hearing if he utilizes the building for a professional office building because the matter could be handled administratively. (17.11.070-4 of the Zoning Regulations authorizes this procedure).

The Council discussed this matter at length and suggested the City Manager draft procedures he would follow under the Administrative Review Category. On a motion by Hanson, seconded by Faessler, to table the discussion until the next Council meeting. The motion passed unanimously.

ROAD GRADER BIDS

The following bids were received on a new road grader.

1. Tri State	Champion 710A	\$75,820
	Champion 720A	\$81,543
2. N. W. Machinery	Fiat-Allis FG75A	\$74,466
	Fiat-Allis FG85A	\$78,412
3. Modern Machinery	Dresser A400E	\$65,520
	Dresser A500E	\$75,082
4. Long Machinery	Caterpillar 130G	\$86,660
	Caterpillar 140G	\$90,564
5. Davies, Inc.	John Deere 670B	\$74,174.81
	John Deere 770B	\$82,643.34

City Manager Freedman said the City Staff recommended the purchase of the larger Fiat-Allis (FG85A). There would be a 5 year/5000 hour warranty at no additional cost. He also said with the sale of the city grader for \$9,200 the price would be \$69,212. Delivery would be in 30 days.

On a motion by Faessler, seconded by Boksich, to approve the recommendation of the City Staff and purchase the Fiat-Allis road grader for \$78,412. The motion passed unanimously.

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 November 17, 1986

CITY MANAGER REPORTS

1. COMPUTER SOFTWARE UPDATE: City Manager Freedman reported that the computer software update was starting to fall into place and everything should be on line by the 1st of the year.

2. UPDATE ON STREET ENGINEERING: Due to the early snow in November the aerial photography planned for the Street Project would be deferred until later on in the project. There was considerable discussion on whether or not there is a need for this photography, Freedman explained that the engineers would be using other high attitude photos, but the need for the new photography is the result of the need for precise information for final design work and estimates of cost.

3. 75 FOOT HEIGHT ORDINANCE: City Manager Freedman recommended that the City Council consider amending the existing Ordinance to 55 feet in order to meet the concerns presented by many in the community. City Attorney Ieo Tracy presented the legal issues involved with this matter. After considerable discussion, the City Council decided to do nothing more on this matter.

4. INTERCAP PROGRAM UPDATE: Freedman informed the City Council that the Intercap Program should be selling bonds to finance various projects during January 1987. Monies received by Whitefish would be used to finance the road grader, the street sweeper and the refinancing of the Mountain Bank note.

Freedman also discussed the Montana Cash Anticipation Financing Program. This program would allow the City to utilize up to \$302,000 to finance shortfalls in various City funds on a short term basis. The City Council decided that a decision on whether or not to participate in this program should be deferred until the next Council Meeting.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler thanked Street Foreman Wartnow for the tour of the City Shops and Sewer Plant that he took her and Councilwoman Moran on. She also inquired about the softball field contract with the County and asked about the sale of the garbage truck. City Manager Freedman said there was no progress on the softball field contract and that the City of Kalispell wanted a less expensive truck so we had no bids for the truck.

Faessler also asked if the Mountain Mall landscaping had been pursued and if the letter had been written to the Post Office regarding their driveway. City Manager Freedman said he had not pursued the landscaping, but he had written a letter to Mr. Mike Alexander, U. S. Postal Service, about the access into the new post office facility.

Councilwoman Moran also thanked Street Foreman Wartnow for the tour and requested a tour of the Reservoir and the Fire Department when it was convenient.

Councilman Hanson said that Safeway, Pin & Cue and the whole strip on Highway 93 South, besides the Mountain Mall should be contacted about landscaping along the Highway.

Hanson questioned when the Committee to review the Zoning Ordinance would begin. City Manager Freedman said we were still advertising for the member-at-large, with the appointment of this member tentatively scheduled for the December 15, 1986 meeting.

Councilman Boksich felt it was imperative that the Sign Ordinance be reviewed along with the Zoning Ordinance.

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Mayor Amass called an executive session to review:

1. City Manager Freedman, and;
2. Legal matters.

Mayor Amass stated the matters relate to individual privacy and that the demands of individual privacy clearly exceeds the merits of public disclosure. He closed the regular meeting at 9:35 P.M.

EXECUTIVE SESSION:

The Executive Session concluded at 11:55 P.M. On a motion by Faessler, seconded by Boksich, to go back into regular session. The motion passed unanimously.

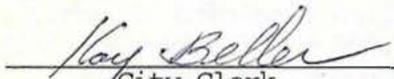
City Manager Freedman was instructed to look into a Retreat for the City Council and City Manager on either December 6 or 7.

There being no further business, on a motion by Hanson and seconded by Faessler, to adjourn at 11:56 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
December 1, 1986

The December 1, 1986 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present except Moran. Also present were City Manager Freedman, City Attorney Tracy, Asst. Zoning Administrator/Building Inspector Quinn, Police Chief Dolson, Water/Sewer Supervisor Acton, Street Foreman Wartnow and Fire Chief Yeats.

MINUTES

On a motion by Faessler, seconded by Boksich, to approve the minutes of the November 17, 1986 Council Meeting. The motion passed with a 4 aye and one (1) abstention vote (LaTourelle abstained).

PUBLIC HEARING

1. ORDINANCE 86-22 PROHIBITING TRAPPING WITHIN THE CITY OF WHITEFISH: City Manager Freedman explained this Ordinance would permanently replace Ordinance 86-21 that was adopted on an emergency basis at the last Council Meeting.

Mayor Amass opened the hearing to the Public and as there was no comment, he closed the hearing to the Public and turned the issue over to the Council for discussion and action.

On a motion by Faessler, seconded by LaTourelle, to approve the first reading of Ordinance 86-22. The motion passed unanimously.

PAT LIPETZKY-POVERELLO CENTER

Pat Lipetzky reported the Poverello Center was doing great since it had opened. She said they had received donations from churches, businesses and private individuals. Mrs. Lipetzky also told the Council the story of Boxcar Bev.

DICK PETERSON-ASCAP MATTER

Dick Peterson reported that the ASCAP organization is operating in the City without a business license. He said they have been harrassing and attempting to intimidate local bars, restaurants, etc. into paying them a fee for the privilege of playing music in their respective places of business. Peterson said they are not licensed by either the State or the City and requested the Council to assess them a business license fee for operating within the City of Whitefish.

The Council turned this matter over to City Attorney Tracy and City Manager Freedman.

PUBLIC COMMENT

None

STAFF REPORTS

Water/Sewer Supervisor Acton reported the Glenwood project was underway. The water line was almost completed and the contractor would be starting the sewer line this week.

Assistant Zoning Administrator/Building Inspector Quinn had submitted a written report on his activities.

OLD BUSINESS

1. MONTANA CASH ANTICIPATION FINANCING PROGRAM: City Manager Freedman explained that this program was administered by the Montana Economic Development Board and earlier this year, \$28 million in bonds were sold to finance short-term fund shortages for Cities, Counties and School Districts in Montana.

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 December 1, 1986

OLD BUSINESS (cont.)

The arguments for borrowing from the Water Fund to make up a shortfall in the General Fund, for example, without using this program can be made. He said the wise financial administrator will recognize that this program gives a governmental entity the flexibility to utilize outside funds at an extremely low interest rate.

Freedman gave the Council the analyses of cash flows in three funds based upon data that the City provided to the Montana Economic Development Board. He said by using this level of borrowing for the periods indicated on the analyses, the estimated interest rate is 3.0743%. City Manager Freedman recommended that the Council approve the appropriate documents so that Whitefish can participate in this program.

After some Council discussion, on a motion by LaTourelle, seconded by Faessler, to approve Resolution 86-42 which was necessary to join the Montana Cash Anticipation Financing Program. The motion passed by a 4 to 1 vote with Ogg voting no.

2. USE PERMITS-ADMINISTRATIVE REVIEW CATEGORY: City Manager Freedman said he would propose that any minor amendment to a Use Permit be granted by the Zoning Administrator only when:

1. The use change is minor in nature;
2. The change meets with unanimous approval of all of the adjacent property owners within 300 feet of the property in question;
3. All of the above adjacent property owners must be notified in writing of the proposed change and be given a chance to respond; and
4. Costs for mailings and administration should be paid for by the applicant.

City Manager Freedman recommended approval of the use of the Administrative Review Category of specific Use Permits only if the above conditions are met. If all of the conditions are not met, a Use Permit must be applied for using the normal steps outlined in the Zoning Regulations.

After considerable Council discussion it was decided that the City Manager should draft a Resolution implementing the above stipulations and bring it back for consideration to the next Council Meeting.

3. 75' HEIGHT ORDINANCE ELECTION: City Manager Freedman told the City Council that he has carefully considered all of the possible implications of this issue. He felt that the issue was too critical to have the people vote on it without a specific proposal on the table. It was his feeling that if the 75' Height Ordinance was defeated by a wide margin it would be politically unfeasible to propose a material change to this Ordinance. Freedman recommended that the election be cancelled as allowed in Section 7-5-133 of the State Statutes. At some point in the future, Freedman felt that a specific proposal for a building in excess of 35 feet could be approved without causing the citizen outcry that was heard over the 75' Height Ordinance.

After Council discussion, on a motion by Boksich, seconded by LaTourelle, to adopt Resolution No. 86-43 repealing Ordinance No. 86-17 relating to the allowance of buildings of up to 75 feet in certain designated zones with a Use Permit and cancelling the scheduled referendum election. The motion passed with 3 aye votes, 1 abstention and 1 no vote (Hanson abstained and Ogg voted no).

NEW BUSINESS

PLANNING BOARD RESOLUTION ON LAKESHORE PROTECTION COMMITTEE RECOMMENDATIONS:

City Manager Freedman reported the Planning Board passed a Resolution that recommended to the City Council that the Lakeshore Protection Committee's recommendations be made directly to the City Council. By doing this, the Planning Board would not be a part of the Lakeshore Construction Permit Review Process. Freedman recommended that the Council approve the change in order to expedite the review process.

After discussion, City Attorney Tracy said he would research the issue prior to the next Council Meeting.

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 Council Minutes
 December 1, 1986

CITY MANAGER REPORTS

1. CITYWIDE STREET IMPROVEMENT PROJECT: City Manager Freedman reported that Sorenson and Company were finalizing cost estimates for this project. He felt that a presentation could be made to the City Council at the next regular meeting scheduled for December 15, 1986.
2. MEETING WITH THE FIRE DEPARTMENT: City Manager Freedman said he had met with the Fire Department last week on their needs and opinions on various issues. He had also asked them to prepare a five (5) year Capital Improvements Plan and requested them to submit a monthly report on all their activities. (Fire calls, Ambulance trips, etc). This would enable the City Manager and the Council to better understand their needs.
3. RETREAT ON DECEMBER 6: City Manager Freedman reported there would be a Council-City Manager Retreat on December 6th at the Kandahar on Big Mountain beginning at 9:00 A.M.
4. OTHER: LETTER OF CREDIT FOR SUBDIVISION IMPROVEMENTS FOR SHADY RIVER ESTATES (HERB KNUTH): City Manager Freedman said Herb Knuth had completed 70% of the sewer lines and 90% of the water lines. Knuth was requesting that the City release \$70,000 of the \$135,000 in the Letter of Credit being held by the City. Freedman asked the Council to allow him to draft a letter releasing the \$70,000.

On a motion by Ogg, seconded by Faessler, approving the release of \$70,000 of the Letter of Credit. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Ogg said he would like to submit his resignation from the Council because he is moving to Missoula. It would be effective tonight.

Mayor Amass read a letter from the Regional Development Office stating that the boundaries for the 1990 Census had been approved. He thanked Councilman Hanson for the excellent job he did as the Council representative on this census committee.

On a motion by Hanson, seconded by Faessler, to adjourn at 8:40 P.M. The motion passed unanimously.



 Mayor

ATTEST:



 City Clerk

MINUTES
WHITEFISH CITY COUNCIL
December 15, 1986

The December 15, 1986 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present except Boksich. Also present were City Manager Freedman, City Attorney Tracy, Police Chief Dolson, Building Inspector/Asst. Zoning Administrator Quinn, Street Foreman Wartnow.

MINUTES

Councilwoman Faessler said the minutes of December 1, 1986 should be corrected, showing that Councilman Ogg had not presented a letter of resignation and that the Council would accept his resignation at a later date.

On a motion by Faessler, seconded by Hanson, to approve the minutes of the December 1, 1986 Council meeting with the above stated correction. The motion passed with 3 aye votes and 1 abstention. (Moran Abstained)

PUBLIC HEARING

1. SECOND READING OF ORDINANCE NO. 86-22 PROHIBITING TRAPPING WITHIN THE CITY LIMITS: City Manager Freedman explained this Ordinance would permanently replace Ordinance 86-21 that was adopted on an emergency basis.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Faessler, seconded by Moran, to adopt Ordinance 86-22 on the second reading. The motion passed unanimously.

PUBLIC COMMENT

None

STAFF REPORTS

Police Chief Dolson and Building Inspector Quinn had submitted written reports earlier in the month.

OLD BUSINESS

1. Resolution 86-44: Administrative Review Category for Use Permits: City Manager Freedman explained that Resolution No. 86-44 spells out the conditions that were discussed at the last Council meeting. The City Council will predetermine whether or not a Use Permit can be handled administratively. Notice requirements for these Use Permits is identical to the requirements in the Zoning Regulations. Opposition to these Use Permits that cannot be eliminated will cause the Use Permit application to be sent to the appropriate entities for a full review. City Manager Freedman recommended the Council adopt Resolution 86-44.

The Council discussed this issue and requested, under d., after satisfied, "in writing" be added. On a motion by Faessler, seconded by Hanson, to adopt Resolution 86-44 with the amendment as stated above. The motion passed unanimously.

2. ACCEPTANCE OF ROBERT OGG'S RESIGNATION: Mayor Amass read Ogg's letter of resignation and on a motion by LaTourelle, seconded by Faessler, to accept the resignation effective December 31, 1986. The motion passed unanimously.

3. PLANNING BOARD'S RESOLUTION ON LAKESHORE PROTECTION COMMITTEE: City Manager Freedman explained that the Planning Board had passed a resolution recommending to the City Council that the recommendations of the Lakeshore Protection Committee be made directly to the City Council. By doing this, the process could be expedited because the Planning Board would not be a part of the process.

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Freedman told the Council that Section 75-7-207 (part 3) of the Montana Codes allows a local governing body to provide a summary procedure to permit work which it finds has a minimal or insignificant impact on the lakeshore. He proposed that all residential construction permits that did not require a variance, could be handled using this summary procedure. The City Council could predetermine whether or not the permit was minor in nature. If it was, the matter could be referred to the Lakeshore Protection Committee who would make their recommendations directly to the City Council. Those permits that were residential and not considered minor could be reviewed fully by the Planning Board, along with permit requests for variances, commercial permits and non-profit organization permits.

Councilman Hanson said if the application comes to City Hall, the Council determines if it is a minor or major issue and then it goes to the Lakeshore Committee for review, we might as well keep the process as it is now because it would not expedite the process. City Manager explained it would expedite the process because the Planning Board only meets once a month and the Council twice a month, thus the Council could process the permits faster.

Councilman Hanson said he would like to see guidelines drawn up on what constitutes a minor and major issue. City Manager Freedman said that this would almost be impossible to do.

Council turned the matter over to the City Manager and City Attorney to draft the Ordinance on the Lakeshore Construction Permit process and what constitutes minor and major construction.

4. APPOINTMENT OF REPRESENTATIVE TO THE FLATHEAD CONSERVATION DISTRICT: City Manager Freedman said he would recommend the appointment of J. Britt Barrineau as the City of Whitefish's representative on this Board.

On a motion by Hanson, to approve the appointment of J. Britt Barineau as the City's representative to the Flathead Conservation District Board. The motion died for lack of a second.

The Council tabled the appointment until the next Council meeting.

5. APPOINTMENT OF CITIZEN TO SERVE ON THE COMMITTEE TO REVIEW THE ZONING ORDINANCE: City Manager Freedman reported that three letters of interest had been received and after reviewing the applicants, he would recommend the appointment of Dorothy Heard to this committee. The other letters of interest were from Michael Morton and Joseph Fagan.

After a brief discussion, on a motion by Faessler, seconded by LaTourelle, to appoint Dorothy Heard as the citizen member-at-large. The motion passed unanimously.

NEW BUSINESS

1. FITZGERALD/MOGLUCKIN USE PERMIT: City Manager Freedman explained that this was an application for a Use Permit to operate a Bed and Breakfast at 504 Spokane Avenue. The City County Planning Board/Zoning Commission recommended approval with seven (7) conditions (per letter dated November 26, 1986). Freedman recommended approval of the Use Permit with the conditions set down by the Planning Board.

Councilwoman LaTourelle questioned #5 of the conditions and asked Rhonda Fitzgerald if they anticipated any expansion. Rhonda said they would like to use five (5) rooms, however, the Ordinance allows only four (4) rooms to be used. LaTourelle said that the location of the Bed and Breakfast was excellent and if they complied with the parking requirements they should be able to expand. City Attorney Tracy suggested changing the wording in #5 to read: The Bed and Breakfast establishment shall be limited to the maximum allowed sleeping rooms for general public use by the then existing zoning regulations.

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After Council discussion, on a motion by LaTourelle, seconded by Hanson, to approve the Fitzgerald/McGuckin Use Permit with the above stated amendment to #5 of the conditions and with the findings of fact of the City County Planning Board/Zoning Commission (November 26, 1986). The motion passed unanimously.

CITY MANAGER REPORTS

1. FINANCIAL REPORTS: City Manager Freedman reviewed the Revenue, Expenditure and Cash Status Reports for November and on a Motion by Hanson, seconded by LaTourelle, to approve the Financial Reports for November. The motion passed unanimously.

2. UPDATE ON SPECIAL IMPROVEMENT DISTRICT (STREET): City Manager Freedman requested a workshop meeting with the Council and Woody Germany, Sorenson & Co. This workshop was set for the 5th of January after the regular Council Meeting.

3. MEETING DATES IN JANUARY AND FEBRUARY: Because of two holidays, Martin Luther King Day on January 19th and Presidents Day on February 16th, the Council set the following dates for the second meetings of the month in January and February.

January 20th and February 17th

4. POLICE ASSOCIATION RE: 1986-1988 Contract: City Manager Freedman discussed the terms of the proposed agreement with the Police Association. The Association has voted to accept the agreement. The terms are as follows:

1. Two year agreement: July 1, 1986 to June 30, 1988;
2. Salary freeze in the first year and a 3.7% increase in the second year;
3. Health Insurance benefits will continue as they existed before this contract;
4. Minimum call out pay of one (1) hour with increments of fifteen (15) minutes thereafter;
5. Uniform allowance for uniformed officers of \$250.00 in the first year and \$300.00 in the second year. Fulltime Dispatchers and Animal Warden/Parking Enforcement Officer will receive \$150.00 in each of the two years; part-time employees will receive two complete uniforms and the Detective will receive \$275.00 in each of the two years;
6. Uniformed officers will receive \$100.00 in cleaning allowance in each of the two years and the fulltime dispatchers and the Animal Warden/Parking Enforcement Officer will receive \$75.00 in each of the two years;
7. Longevity based upon 1% of the base salary plus a bonus will be paid to all fulltime employees covered by this agreement beginning on July 1, 1987; and
8. The City of Whitefish will pay the Police Association \$1,700.00 for the full and the complete settlement of the Merit Raise Grievance.

After much Council discussion, on a motion by Hansen, seconded by LaTourelle, to approve the Police Association Agreement for 1986-1988 as presented. The motion passed unanimously.

5. MASTER PLAN: The public hearing dates for the Master Plan were set for January 5th and 20th.

6. VACANCIES ON THE CITY COUNTY PLANNING BOARD/ZONING COMMISSION: City Manager Freedman reported that both Edwin Fields and Owen Grinde's terms on the Planning Board expire on January 1, 1987. The positions would be advertised and a decision would be made at the January 5th Council meeting.

7. TRAFFIC SIGNAL AT MOUNTAIN MALL: City Manager Freedman reported he had talked to the State Highway Department and their traffic counts warrant a traffic light at the Mountain Mall. He would meet with them tomorrow and find out how they plan to proceed on this matter.

Freedman also reported the project at 2nd and Spokane has been officially cancelled for the time being because of the cutbacks in the Highway Department's funding. Freedman said that he will continue to pursue this matter with the Town Pump and the Highway Department.

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Councilwoman LaTourelle questioned the progress of changing the flow of traffic off the viaduct. (All traffic would flow down Baker Avenue - no left turn onto Railway). City Manager Freedman said that he had received a memo from Police Chief Dolson on this matter. It was felt that any change would either cause a backup at 2nd and Baker or a traffic problem at 1st and Central. The consensus of the Police Department was that any changes should wait until the new viaduct is completed.

COUNCIL REPORTS

Councilwoman Moran commended Police Chief Dolson on the procedural report he had submitted and thanked the Fire Department for an excellent tour of their facilities.

Councilman Hanson requested a letter be sent to Bob Ogg thanking him for serving on the council.

Mayor Anass proclaimed the week of December 14-20, 1986 as National Drunk & Drugged Driving Awareness Week.

Mayor Anass thanked everyone involved in the City party. He said it was very nice and everyone had a great time. He also thanked all the Department Heads for their help in the last year.

On a motion by Faessler, seconded by LaTourelle, to adjourn at 8:30 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
January 5, 1987

The January 5, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Police Chief Dolson, Building Inspector/Asst. Zoning Administrator Quinn, Street Foreman Wartnow, Water/Sewer Supervisor Acton and Fire Chief Yeats.

MINUTES

On a motion by Faessler, seconded by Moran, to approve the minutes of the December 15, 1986 Council meeting. The motion passed unanimously.

PUBLIC HEARINGS

1. FIRST READING OF ORDINANCE 86-23 AMENDING ORDINANCE NO. A-269 SECTION 2.2 AND THE WHITEFISH MUNICIPAL CODE SECTION 15.04.150 WHICH RELATE TO THE WHITEFISH LAKE AND LAKESHORE PROTECTION REGULATIONS: City Manager Freedman gave the staff report. He said that this Ordinance spells out the conditions that were discussed at the last Council meeting regarding matters that could be sent directly from the Lakeshore Protection Committee to the City Council. Lakeshore Construction Permit applications that are residential and do not require a variance, would be reviewed by the City Council. If the City Council determines that the proposed project concerns residential property, does not require a variance and will have a minimal or insignificant impact on the lake or its lakeshore, the City Council would refer the matter directly to the Lakeshore Protection Committee for its recommendation. These projects would not be reviewed by the Planning Board.

All other projects, such as ones related to commercial entities, non-profit organizations and ones requiring variances, would be required to go through the full review process which includes the Planning Board.

City Manager Freedman recommended the Council adopt Ordinance 86-23 on the first reading.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Boksich, seconded by Faessler, to adopt Ordinance 86-23 on the first reading. The motion passed unanimously.

2. ORDINANCE 86-24: City Attorney Tracy gave the staff report. He explained that he drafted this emergency Ordinance due to a Montana Supreme Court decision that a City has the authority to adopt a vicarious (absolute) liability parking ordinance imposing absolute liability arising from ownership of a vehicle as long as the offense is punishable only by a fine of up to \$500.00 and the offense clearly states a legislative purpose to impose absolute liability arising from the ownership of the vehicle. Tracy also explained the Violation Penalties and recommended that the Council adopt this emergency Ordinance tonight as it is necessary for parking enforcement. He would present a permanent Ordinance at the next Council meeting.

Mayor Amass opened the hearing to the public and as there was no comment he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Faessler, seconded by LaTourelle, to adopt Ordinance 86-24 on an emergency basis as presented. The motion passed unanimously.

3. WHITEFISH CITY-COUNTY MASTER PLAN: City Manager Freedman explained that the City Council would hold two (2) public hearings on the Master Plan on January 5 and on January 20. He turned the staff report over to Tom Jentz from the Flathead Regional Development office. Tom explained that the Planning Board had held five (5) public hearings and they recommended adoption of the Master Plan as presented to the Council with the two (2) page addendum that was attached. He explained the concerns of the people who had attended the hearings.

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 January 5, 1987

He said the number one concern most people had was with the proposed truck bypass and the specific routing that was previously in the Plan had been eliminated. Jentz said another issue the Planning Board had not worked with was utilizing Texas Avenue as a collector street. (From Edgewood through to Reservoir Road) Margaret Murdock was the owner of approximately 160 acres in this area and she was in the process of amending her deed so that the property could never be subdivided or developed.

Councilwoman LaTourelle asked if this road was eliminated could another route be designated. Tom said it could be looped below the Murdock property.

Councilman Boksich asked if it would be possible to move it further east to Northwoods and Councilman Hanson said maybe it could tie into Second Street across the railroad tracks.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Hanson stated he felt the bypass should be addressed now and carefully evaluated because in 20 or 30 years there would have to be a bypass even if it was proposed for a different area. He felt this should not be left for future Councils. Councilwoman Moran said she was opposed to the bypass because of the tourism but felt it was important to consider it for 30 to 40 years in the future.

After some discussion, on a motion by Hanson, seconded by Moran, to continue the hearing until the next Council meeting. The motion passed unanimously.

PUBLIC COMMENT

None

STAFF REPORTS

Police Chief Dolson and Building Inspector Quinn said they had submitted their written reports.

Fire Chief Yeats reported the Fire Department would have their hi-band radios installed this month and the ambulance was now equipped with a defibulator. Yeats also reported they had 306 ambulance runs in 1986, 52 City fire calls and 40 rural fire calls in 1986.

City Manager Freedman told the Council that Ienny was ending his term as Fire Chief and thanked him for the time and effort that he had devoted as the Fire Chief.

OLD BUSINESS

1. APPOINTMENT OF REPRESENTATIVE TO THE FLATHEAD CONSERVATION DISTRICT BOARD: Britt Barrineau was the only applicant for this position. On a motion by LaTourelle, seconded by Hanson, to appoint Mr. Barrineau to the Flathead Conservation District Board as the City of Whitefish representative. The motion passed unanimously.

2. APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE COMMITTEE TO REVIEW THE ZONING REGULATIONS: City Manager Freedman recommended the appointment of Councilman Hanson to this Board as the Council representative.

On a motion by LaTourelle, seconded by Faessler, to appoint Councilman Hanson as the Council representative to the Zoning Review Committee. The motion passed unanimously.

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Council minutes
January 5, 1987

NEW BUSINESS

1. DISCUSSION OF AGREEMENT WITH WHITEFISH COUNTY WATER AND SEWER DISTRICT-
BILL LEONARD: City Manager Freedman explained that over the last several months there had been numerous informational meetings by the District to explain the Facilities Plan for sewerage several neighborhoods around Whitefish Lake. At many of these meetings, Freedman had explained the City's policy requiring annexation prior to hooking up to the City's sewer system.

Freedman recommended to the City Council that this policy must be continued. He said that most residents at the meetings opposed annexation because of the taxes levied by the City. Freedman told the Council that if people were allowed to hookup to the sewer system without annexing to the City, Whitefish would never grow in the future.

Bill Leonard, General Manager of the Whitefish County Water and Sewer District, said that at the meetings the District had with the people (East Lakeshore, West Lakeshore, Lion Mountain, etc) the real issue was with the City's annexation policy. The people were willing to hookup to the sewer and pay the costs but indicated that they did not want to annex to the City of Whitefish. He told the Council it was their responsibility to help prevent the Lake from deteriorating and urged them to amend the annexation Policy.

Elwin Bennington, Chairman of the Flathead Basin Committee, said the Committee would help whenever needed. Their business was to provide the facts and provide information.

George Johnson, 840 Baker Avenue, said he would be willing to hookup to the sewer but would not annex to the City.

Councilwoman Faessler questioned the County Health Department's enforcement of failing septic systems. She said it was their job to enforce failing systems but they were not following thru with enforcement. She felt this was not only the City Council's problem but the County's as well.

Lorraine and Tork Torkelson, Hwy 93 West, said the costs of running the sewer line and paying taxes would be prohibitive for them (approximately \$25,000). They were not in favor of annexation.

Scott Anderson, Department of Health and Environmental Sciences, said they had received the draft for the Facility Plan from the Whitefish County Water and Sewer District. At this time, the District was high on the priority list for funding but they should act quickly because with the possibility of cuts in Federal funding there might not be money available toward the end of the year.

Ray Markus said the Council should consider if the present system could handle the increased sewage. He felt the Wisconsin line was not capable of handling any more. Greg Acton, Water/Sewer Supervisor, said the line could handle more sewage, however, there would be some maintenance and updating of the lines needed.

After much discussion, on a motion by LaTourelle, seconded by Boksich, to continue the discussion and have a meeting with the City Staff and the Whitefish County Water and Sewer District. The workshop session should be done as soon as possible. The motion passed unanimously.

City Manager Freedman would set up the workshop.

2. APPOINTMENT OF TWO (2) INDIVIDUALS TO THE WHITEFISH CITY-COUNTY
PLANNING BOARD: City Manager Freedman reported that Owen Grinde and Edwin Fields had both expressed interest in being reappointed to the Planning Board for the two year terms. He recommended approval of these two appointments.

On a motion by Faessler, seconded by LaTourelle, to appoint Owen Grinde and Edwin Fields to the Whitefish City-County Planning Board for two (2) year terms. The motion passed unanimously.

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 Council minutes
 January 5, 1987

3. IRB BONDS - NORTH VALLEY HOSPITAL: City Manager Freedman told the City Council that North Valley Hospital was requesting that the City issue 2.75 million dollars in Industrial Revenue Bonds. \$985,000 would be used to refinance the 1974 bonds issued by the City for North Valley Hospital and the balance of the bonds would be used to finance new construction at the hospital. Freedman recommended that a decision on this matter be tabled because the request had only been received on the Friday before the Council meeting. He made this recommendation because of changes in the new tax law and because the City would have to waive the $\frac{1}{2}$ of one percent fee that the City charges for the issuance of industrial revenue bonds.

Jim Alderson, representing North Valley Hospital, explained that the hospital was a 501-C-3 nonprofit corporation. The Board of Directors of the hospital needed a decision by the City Council immediately about waiving the issuance fee and the issuance of the \$2.75 million in industrial revenue bonds. He recognized the hesitation expressed by City Manager Freedman due to the \$10,000,000 limit that the City could issue in a calendar year. North Valley Hospital needed a resolution by the City Council immediately so that the bonds could be issued in order for the hospital to remain on schedule.

On a motion by LaTourelle, seconded by Faessler, to table the issue until it could be further investigated and studied. The motion passed with 4 aye votes and 1 abstention. Faessler abstained from voting due to a conflict of interest.

CITY MANAGER REPORTS

1. UPDATE ON COMPUTER SOFTWARE INSTALLATION: City Manager Freedman said that the software had been installed and the word processor should be received and installed next week.

2. COUNCIL APPOINTMENT: City Manager Freedman explained that Steve Sevener was the only applicant for the vacant Council position and he recommended the Council appoint Steve Sevener.

On a motion by Faessler, seconded by LaTourelle, to appoint Steve Sevener to the Council replacing Bob Ogg. The motion passed unanimously.

3. PERSONNEL CHANGES: City Manager Freedman told the Council that City Treasurer Helen Doyle was retiring after 24 years with the City. The plans were to hire two new people. He said he would make City Clerk Kay Beller the Clerk-Treasurer and hire a Deputy Clerk and a general office clerk. He said he would take over the investment of funds and further outlined the duties of the new people. Freedman said it would be difficult to replace Helen and commended her for being such a dedicated employee. He also said that the salaries of the two new people combined would be equivalent to the salary that Helen is receiving.

Councilwoman Faessler asked if the combination of the Clerk-Treasurer would entitle Kay to a pay increase. Freedman said it could be considered and discussed at the appropriate time.

Rita DeRosa, Clerk for the Judges office, said if two people were hired full time, the City would have to pay all the benefits. If one was part-time it would save the City money in the long run. She wanted to work part-time in the Clerk's office and in the Judge's office. City Manager Freedman said he would look at other departments but would do what was best for the City.

OTHER MATTERS

1. City Manager Freedman said he had received documents from the INTERCAP PROGRAM and explained that he planned to finance the roadgrader, purchase a street sweeper and refinance the equipment loan at Mountain Bank. The total amount to be borrowed from the InterCap Program would be approximately \$400,000 with an interest rate of 5.75% which is a savings to the City. He asked the Council to adopt a Resolution authorizing this transaction.

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 Council minutes
 January 5, 1987

INTERCAP PROGRAM CONTINUING:

On a motion by Hanson, seconded by Moran, to table the issue and send a letter of intent to the Montana Economic Development Board and to make a formal decision at the next Council meeting. The motion passed with 4 aye votes and 1 abstention. LaTourelle abstained.

COUNCIL REPORTS OR COMMENTS

The Council welcomed Steve Sevener to the Council and Moran commended Helen Doyle for her years of service.

Councilwoman Moran asked what time the viaduct was sanded when icy. Street Foreman Wartnow said they start with the viaduct at 7:00 A.M. and then sand all over town. He said they would make an effort to do a better job.

Moran also said that south of the bridge on Baker there was a huge hole that needed to be filled. Wartnow said this would be done.

Mayor Amass requested that City Manager Freedman send letters from the City Council and Mayor to Mr. Gipe, the new County Commissioner, wishing him success. He also requested that a letter be sent to Allen Jacobson congratulating him on being elected as the Chairman of the Flathead County Board of Commissioners. Freedman agreed to do this immediately.

Mayor Amass also felt that there needed to be "Welcome to Whitefish" signs at both ends of the City. He suggested that a contest be held to design the message on the signs. City Manager Freedman will pursue this matter.

On a motion by LaTourelle, seconded by Hanson, to adjourn at 9:56 P.M. The motion passed unanimously.

 Mayor

ATTEST:

 City Clerk

MEETING WITH SORENSON & CO.

A workshop meeting was held with Woody Germany and Tom McCarthy of Sorenson & Company to discuss a Citywide Special Improvement District. The District would be created in order to construct street improvements throughout a large portion of the City. Street widths and other improvements as well as assessment alternatives were discussed during the workshop. The workshop was concluded at 1:10 A.M.

MINUTES
WHITEFISH CITY COUNCIL
January 20, 1987

The January 20, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Anass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Water/Sewer Supervisor Acton, Street Foreman Wartnow, Asst. Zoning Administrator/Building Inspector Quinn and Police Chief Dolson.

MINUTES

Councilwoman Moran requested the minutes of January 5, 1987 Council meeting be amended to record the fact that she had asked Council candidate Steve Sevener several questions. She asked Mr. Sevener how he would define the responsibility of a Council person, what he would use to update the area of responsibility and what documents he would use. Mr. Sevener's answers were that the Council sets the policies for the City, he would review and study what had been done in the past year and that he would use the Minutes, Ordinances, etc, to find out what the current problems are.

On a motion by Boksich, seconded by Moran, to approve the minutes of the January 5, 1987 Council meeting with the above amendment. The motion passed unanimously.

City Attorney Tracy gave Mr. Sevener the oath of office and he took his place at the Council table. Mr. Sevener would be replacing Bob Ogg on the Council.

PUBLIC HEARINGS

1. SECOND READING OF ORDINANCE 86-23 AMENDING ORDINANCE NO. A-269 SECTION 15.04.150 WHICH RELATES TO THE WHITEFISH LAKE AND LAKESHORE PROTECTION REGULATIONS: City Manager Freedman gave the staff report and explained that this Ordinance spells out the conditions that were discussed at the last City Council Meeting regarding matters that could be sent directly from the Lakeshore Protection Committee to the City Council. Lakeshore construction Permit applications that are residential and do not require a variance, would be reviewed by the City Council. If the City Council determines that the proposed project concerns residential property, does not require a variance and will have a minimal or insignificant impact on the lake or its lakeshore, the City Council would refer the matter directly to the Lakeshore Protection Committee for its recommendation. These projects would not be reviewed by the Planning Board.

Councilwoman LaTourelle specified that this would not be major construction but only minor remodeling, docks, etc.

Mayor Anass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Sevener, seconded by LaTourelle, to approve Ordinance 86-23 on the second reading. The motion passed with 4 aye votes and 2 no votes. Faessler and Hanson voted no. (Councilman Hanson said the process does need to be expedited, however, he was not comfortable with this procedure).

2. FIRST READING OF ORDINANCE 87-1 AMENDING ORDINANCE A-395, SECTIONS 10.52.030 and 10.52.090 OF THE WHITEFISH MUNICIPAL CODE: City Attorney Tracy gave the staff report and he explained that he had drafted the Ordinance due to a Montana Supreme Court decision regarding vicarious (absolute) liability arising from the ownership of a vehicle. The Ordinance addresses this issue and the revision of penalty provisions for violating parking regulations. Tracy said that the Council had passed this Ordinance on an emergency basis at the last Council meeting and this Ordinance would permanently replace Ordinance 86-24. He recommended the Council adopting Ordinance 87-1 on the first reading.

Mayor Anass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by LaTourelle, seconded by Sevener, to adopt Ordinance 87-1 on the first reading. The motion passed unanimously.

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 Council minutes
 January 20, 1987

3. WHITEFISH CITY-COUNTY MASTER PLAN: City Manager Freedman gave the staff report. He explained that this was the second public hearing on this proposed plan. He said the Council would have to adopt Resolution No. 87-1 to approve the Master Plan. Freedman stated that based upon the discussion at the last meeting, the Council might want to strengthen the language on a future bypass for Whitefish. He recommended approval of Resolution No. 87-1.

Tom Jentz, Senior Planner for the Regional Development Office, said that there were two issues to consider: 1. Tim Grattan had requested that the Master Plan be amended to include his entire proposed development; and 2. the collector road proposed for Texas Avenue to Reservoir Road be relocated because the covenants on the Murdock property would not allow the road to pass through the property.

Councilman Boksich said he felt it was too late now to consider the Grattan Development.

Mayor Amass opened the hearing to the public.

Jon Heberling, resident in the Blanchard Lake area, said he was not in agreement with the language used to address the truck bypass and requested the Council to just state that a bypass will be studied.

Porter Gifford, Richard Atkinson, Carol Atkinson and Mime Ferguson agreed with Heberling and urged the Council to soften the language regarding the bypass.

Margaret Murdock requested the proposed collector road be deleted from the major street extension map.

City Attorney Tracy, speaking as a private citizen and homeowner in the Blanchard Lake area, said he was in agreement with Heberling on the bypass and suggested the wording be modified.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

After Council discussion the following motions were made by the Council:

On a motion by Faessler, seconded by Moran, to approve the City-County Master Plan and Resolution No. 87-1 subject to the following changes:
 1. A transportation study be done to determine the feasibility of a bypass intersecting Highway 93 South with Highway 93 West. 2. Page 52, delete 1, 2, 3, 4. 3. Remove the proposed collector street that crosses the Murdock property from the map. 4. Delete the policy on page 52 - re landscaped medians.

On a motion by LaTourelle, seconded by Moran, to amend #1 to a truck bypass. The motion passed with a 5 to 1 vote. Faessler voted no.

Faessler amended her original motion to read: 1. A transportation study be done to determine the feasibility of a truck and heavy vehicle bypass to connect Hwy 93 S with Hwy 93 W.

On a motion by Hanson that the recommendation on the addendum be amended to read: Baker Avenue be extended to intersect with Commerce Street. Seconded by Sevener. The motion passed unanimously.

On a motion by Faessler, seconded by LaTourelle, that the Major Street Extension Map be amended to show the extension of Second Street East to Reservoir Road. The motion passed unanimously.

On a motion by Sevener, seconded by Moran, to amend the original motion and accept the new policy on page 52 with "median" changed to "tree lined roadways". The motion passed unanimously.

On a motion by Boksich, seconded by Hanson, to amend the map on page 32 deleting the bypass. The motion passed unanimously.

On a motion Hanson, seconded by Moran, to adopt the original motion as amended. The motion passed unanimously.

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 Council minutes
 January 20, 1987

PUBLIC COMMENT

None

STAFF REPORTS

Water/Sewer Supervisor Acton reported the boring project under Highway 93 had come to a standstill. He said the contractor had tried boring both sides and because of the quality of the soil (not compacted and leaving voids), even if they did get through the road would collapse. He said that another contractor from Spokane would probably be hired to try to do the job.

City Manager Freedman said that Engineer Carver would notify Barnhard Construction that the time limit had run out and we would enforce the liquidated damage clause if the project was not completed in the near future.

Acton also reported that the second phase of the interceptor line should be given final approval by the State in the next few weeks and then the City would go ahead and sell bonds, etc.

Councilwoman Faessler asked Police Chief Dolson why citations were down 33%. Dolson said one contributing factor was not utilizing the Extra-Board and the cut back in personnel. He said the arrests had increased however.

The Council thanked the Fire Department for the tour of their facilities.

OLD BUSINESS

1. INTERCAP PROGRAM: City Manager Freedman said this program would enable the City of Whitefish to borrow money through the Montana Economic Development Board to finance the purchase of equipment (the roadgrader, a street sweeper or an excavator) and the refinance of the Mountain Bank equipment note. The interest rate on these funds is adjusted each year with an interest rate of 5.75% in the first year along with 2.5 points. City Manager Freedman recommended approving the Resolution authorizing the City to participate in the program.

After some Council discussion, on a motion by Boksich, seconded by Sevener, to approve Resolution No. 87-3, allowing the City to participate in the Intercap Program with the stipulation that a letter be attached regarding the Mountain Bank loan. (To see if it could be spread out over a five year period instead of two years). The motion passed with 5 aye votes and 1 abstention. LaTourelle abstained.

NEW BUSINESS

1. JIM DOWEN - SIGN VARIANCE REQUEST: City Manager Freedman said with the purchase of the Subaru franchise, Jim Downen needs a freestanding sign for this franchise. This sign is needed for the same reason that Bob DePratu requested a second freestanding sign for his Audi/VW franchise (cannot combine different franchises on one sign). Freedman said he felt that the Council had set a precedent in approving the second freestanding for DePratu. He recommended approval of this sign variance request.

After Council discussion, on a motion by Sevener, seconded by Hanson, to approve the sign variance request. The motion passed unanimously.

2. RESOLUTION NO. 87-2 - GAS TAX BUDGET AMENDMENT: City Manager Freedman explained that during 1986, the Council had approved a contract of approximately \$55,000 to fund the street engineering study by Sorenson & Company. The original line items in the Gas Tax Fund, Street Construction and Engineering, were budgeted at \$18,224 and \$55,000 respectively. The Resolution reverses these amounts so that there are sufficient amounts to fund these line items due to the engineering contract with Sorenson & Co. He recommended the Council approve the Resolution.

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 Council minutes
 January 20, 1987

Councilman Hanson said that the Water/Sewer Funds were supposed to finance a portion of the engineering costs. \$15,000 was to be charged against the Water/Sewer Funds and \$40,000 was to be charged against the Gas Tax Fund. City Manager Freedman said the Resolution would be amended to reflect this change. The Professional Services line item would be \$40,000 and the Improvements line item would be \$33,224.

Councilwoman Faessler said she would vote no on the Resolution because she had voted no on the original engineering study.

On a motion by LaTourelle, seconded by Boksich, to adopt Resolution No. 87-2 with the changes. The motion passed with a 4 to 2 vote. Hanson and Faessler voted no.

CITY MANAGER REPORTS

1. FINANCIAL REPORTS/PLEDGED SECURITIES: On a motion by Hanson, seconded by Faessler, to approve the Pledged Securities of the First National Bank and the Mountain Bank and also approve the Expenditure, Revenue and Cash Status Reports for December. The motion passed unanimously, with LaTourelle abstaining from voting on the Pledged Securities of the First National Bank.

2. LEGISLATIVE UPDATE: City Manager Freedman told the City Council that he had testified in Helena last week for Senate Bill #55. This bill introduced by Senator Story of Livingston would among other things remove the population cap from the resort tax statutes. This would enable the City of Whitefish to be eligible for this tax if the electorate approved it. Freedman also discussed various other local option bills and accommodation tax bills in the Council packets.

3. LOCAL GOVERNMENT DAY AT THE LEGISLATURE: City Manager Freedman reported that Local Government Day at the Legislature is scheduled for Friday, January 30. State legislators are to meet with public officials from all over the state to discuss municipal issues. On that same day, the Legislature is scheduled to conduct hearings on several local option tax bills that would provide cities and towns with a means to generate new revenues. He urged the Council members to consider going to Helena for this day.

4. JOHN BERGER LAND EXCHANGE: City Manager Freedman gave the Council a map of the proposed land exchange and said that years ago there had been a possible error in the survey when the land had been deeded to the Golf Association. The Council discussed this land exchange and were in agreement that if it was the most cost effective way to settle the matter, the Golf Association should move the fence back to the correct property line.

5. OTHER

A. City Manager Freedman said he had given the Council a letter from Sorenson & Company that outlined what had taken place at the workshop meeting.

B. He had talked to Jim Alderson and North Valley Hospital had approached the County on issuance of Revenue Bonds.

C. Baker and Wisconsin lighting was completed.

D. The State Auditor was auditing the City and he urged any Council members to contact him about any audit questions.

E. The Zoning Committee had met last night and they would meet twice a month on the first and third Wednesdays of each month.

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 Council minutes
 January 20, 1987

COUNCIL REPORTS OR COMMENTS

Councilwoman Moran asked if ASCAP had been followed up on their State and City licenses. City Manager said he had written a letter to them about a City business license. They had sent the letter to their national office in New York City for action.

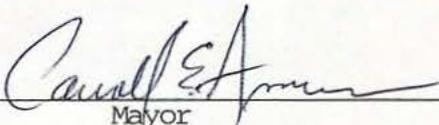
Councilman Sevener asked City Attorney Tracy to review Section 9.60.160 of the Municipal Codes and make cross country skiing legal at the Golf Course. City Attorney Tracy said he would review this section of the codes.

Councilman Hanson said he would like a status report on the Tax Incremental Financing District and a written recap of capital improvements that were needed during the next few years.

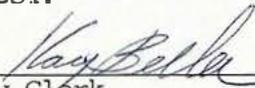
Mayor Amass reported that the Governor and Lt. Governor plus several other Department heads would be in Whitefish on Friday, February 6 because Whitefish would be the State Capitol of the Day. The Governor would be available to meet with local citizens to discuss their concerns on Friday afternoon.

Councilman Boksich said this would be nice to have the Governor but with the financial dilemma of the State of Montana, he felt that the program should be eliminated.

On a motion by LaTourelle, seconded by Hanson to adjourn at 9:01 P.M. The motion passed unanimously.


 Mayor

ATTEST:


 City Clerk

WORKSHOP MEETING WITH WHITEFISH COUNTY WATER AND SEWER DISTRICT BOARD.

Mayor Amass opened the workshop at 9:10 P.M. All Council members were present. Also present were City Manager Freedman, Water/Sewer Supervisor Acton, Bill Leonard (Manager of the County Water and Sewer District), Board members of the Water and Sewer District and Dale Jessup.

During the workshop meeting, the focus of the discussion was on the annexation of property outside of the City prior to hookup to the water and sewer systems operated by the City. City Manager Freedman was going to look into the applicability of Multijurisdictional Service Districts as they relate to this matter. Future meetings would be scheduled when various issues could be explored in more detail.

On a motion by LaTourelle, seconded by Sevener, to adjourn the workshop at 10:28 P.M. The motion passed unanimously.

COMMITTEE REPORT ON THE

The committee has reviewed the report of the subcommittee on the subject of the proposed changes to the charter of the City of Chicago. The committee has discussed the report and has reached a consensus on the following recommendations:

1. The committee recommends that the proposed changes to the charter be approved by the Council.

2. The committee recommends that the proposed changes to the charter be implemented as soon as possible.

3. The committee recommends that the proposed changes to the charter be subject to a public hearing.

4. The committee recommends that the proposed changes to the charter be subject to a referendum.

5. The committee recommends that the proposed changes to the charter be subject to a public hearing.

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EXPENDITURE SUMMARY

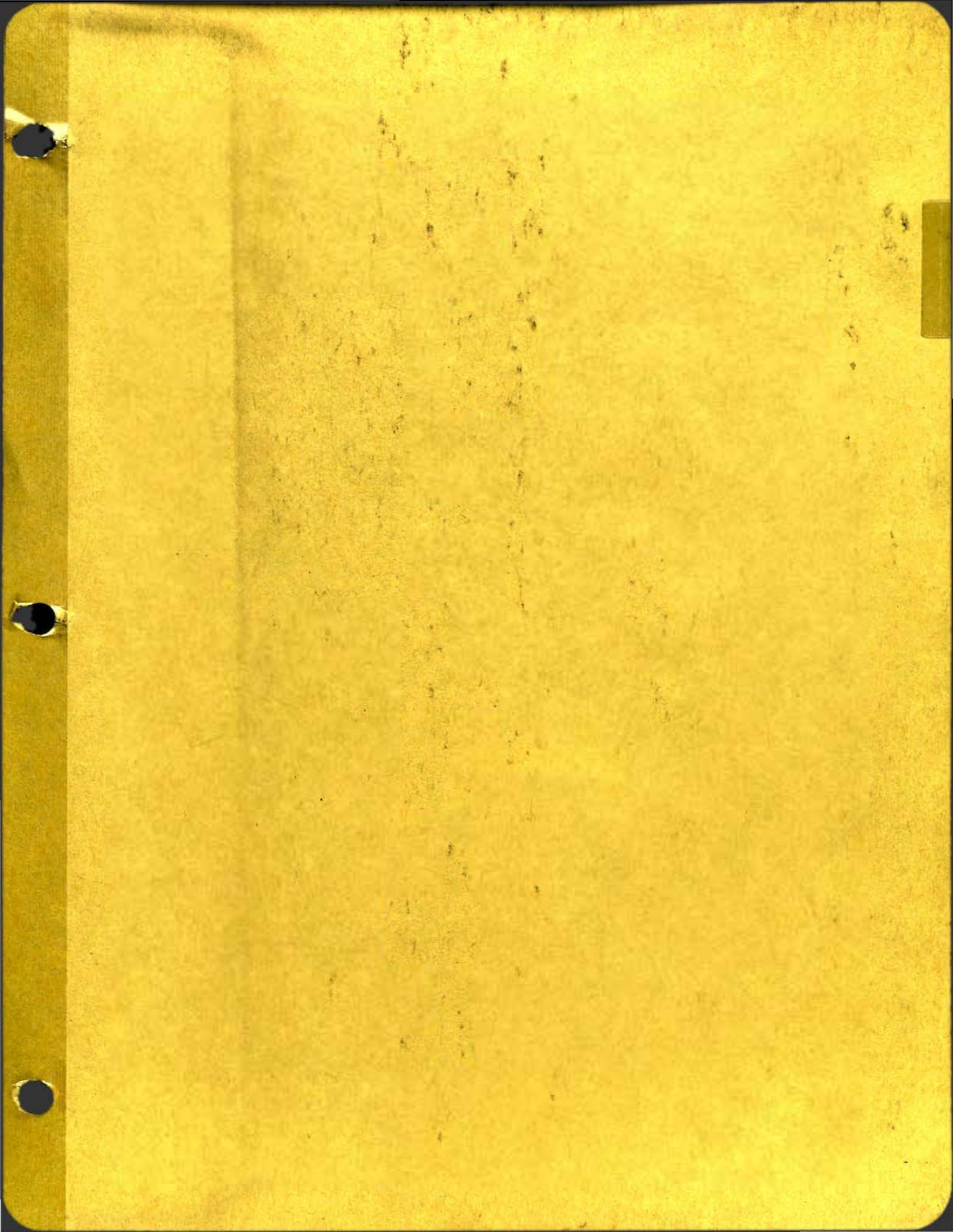
<u>GENERAL FUND</u>	<u>Recommended</u>
City Court	34,297
Finance and Administration	97,552
Legal Services	22,200
Police	390,998
Fire	25,150
<u>PUBLIC WORKS</u>	
Roads and Street	207,793
Cemetery	6,900
Parks and Recreation	<u>63,468</u>
TOTAL GENERAL FUND	848,358
Park Land Acquisition & Development	48,787
Rural Fire	159,898
Health Self Insurance	3,708
Gas Tax	68,224
Revenue Sharing	64,958
Water Operating	433,550
Sewer Operating	849,025
Refuse	174,593
Ambulance	28,576
Maintenance District #1	195,243.09
Light #1	50,262.34
Light #4	7,000
SID 143	5,636
SID 142	2,325
SID 144	1,154
SID 145	2,068

EXPENDITURE SUMMARY (continued)

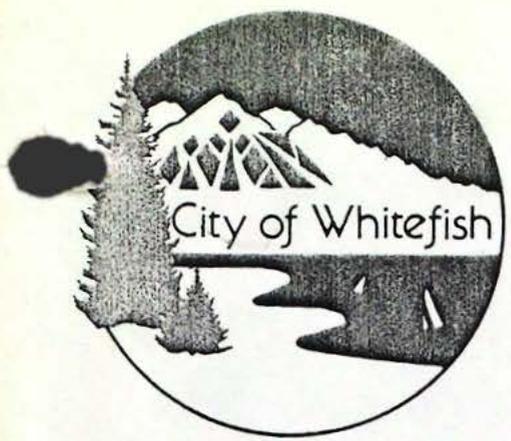
SID 146	\$15,094
Ice Rink	3,000
Police Reserve	<u>45,300</u>
Total Expenditures	3,006,759.43

REVENUE SUMMARY

General Fund	\$848,358
Park Land Acquisition & Development	48,787
Rural Fire	159,898
Health Self Insurance	3,708
Gasoline Tax	68,224
Revenue Sharing	64,958
Water Operating	433,550
Sewer Operating	849,025
Refuse	174,593
Ambulance	28,576
Maintenance District #1	195,243.09
Light #1	50,262.34
Light #4	19,938.55
SID 143	4,332.05
SID 142	2,942.94
SID 144	1,746.22
SID 145	2,468.21
SID 146	24,834.24
Ice Rink	3,000
Police Reserve	<u>45,300</u>
Total Revenue	3,029,744.64



Kay



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
February 2, 1987

- 7:00 I. Approval of the minutes of the January 20, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
 - 1. Use Permit request by Valerie and Terry Westphal for a day care home at 943 East Second Street
 - 2. Use Permit request by Shirley Schmidt to expand the Chuck Olson Real Estate Office at 567 Spokane Avenue
 - 3. Second Reading of Ordinance 87-1 amending Ordinance A-395, Sections 10.52.030 and 10.52.090 of the Whitefish Municipal Code
- 8:05 III. PUBLIC COMMENT
- 8:15 IV. STAFF REPORTS
 - 1. Police
 - 2. Water/Sewer
 - 3. Street/Sanitation
 - 4. Building
 - 5. Fire
- 8:25 V. OLD BUSINESS
 - 1. Intercap Program
 - 2. Multijurisdictional Service Districts
- 8:40 VI. NEW BUSINESS
 - 1. Rocky Mountain Motel Sign Variance
 - 2. Resolution amending Water Department Rules & Regulations
- 9:00 VII. CITY MANAGER REPORTS
 - 1. Tax Incremental Financing District Status
 - 2. Legislative Update
 - 3. Capital of the Day Report
 - 4. Capital Improvements - next two years
 - 5. Updates on other matters
- 9:20 VIII. COUNCIL REPORTS OR COMMENTS
- 9:25 IX. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
February 2, 1987

The February 2, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Councilwoman Faessler did not take her place at the Council table because she attended as a private citizen so that she could be heard at the Public Hearing on the Use Permit Request by Valerie and Terry Westphal. Also present were City Manager Freedman, City Attorney Tracy, Asst. Zoning Administrator/Building Inspector Quinn and Police Chief Dolson.

MINUTES

Councilwoman Moran requested that on page 2, third motion from the bottom of the page be amended from "Tree Lined" to "Landscaped".

Councilman Sevener corrected a typing error on page 3, first paragraph, the A in Acton should be capitalized.

On a motion by Sevener, seconded by Hanson, to approve the minutes of the January 20, 1987 Council Meeting with the above corrections. The motion passed unanimously.

PUBLIC HEARINGS

1. USE PERMIT REQUEST BY VALERIE AND TERRY WESTPHAL FOR A DAY CARE HOME AT 943 EAST SECOND STREET: City Manager Freedman explained that the Council packets contained an enormous amount of information on the use permit request for a day care home at 943 East Second Street. He said that this issue is an emotional one that has focused attention on day care homes and where they should be located in Whitefish. Their location will be looked at by the Zoning Review Committee. He said he places a great deal of weight with the views of the property owners that own property immediately adjacent to the subject property and recommended that the use permit request be denied.

Tom Jentz, Senior Planner for the Flathead Regional Development Office, gave the staff report. He explained to the Council that the City/County Planning Board voted 4 - 2 to send a recommendation against this Use Permit request to the Council. He said that the Board members voting against the Use Permit cited the large number of letters submitted against the request (approximately 11), the fact that the abutting property owners were opposed and the concern for the associated negative impacts this use would create such as substantially increased traffic, introduction of a commercial use in a solid, single-family neighborhood and the potential depreciation of adjacent property values.

Councilwoman Moran asked Jentz if the letter dated December 26, 1986 to Jack & Dee Faessler from the Regional Office was sent to all the people (adjacent property owners), or just to the Faesslers. Jentz said it was an information letter sent to all the people.

Tom Jentz also said he had just received a letter from Alda Zerr stating that she did not oppose the Day Care Home. She had previously voiced opposition to it.

Mayor Amass opened the Public Hearing.

Valerie Westphal presented the Council with a letter and read it aloud. She voiced concern about the law now on the City books. She felt it was threatening the existence of day care homes in Whitefish and she explained that the State provides for two distinct types of day care. One is for homes for up to twelve children, the other, a center for anything above that. Westphal explained her reasons for wanting to operate a Group Day Care Home in Whitefish.

Other people speaking in favor of the proposed Day Care Home were: Susan Christofferson (Director-Glacier Community Coordinated Child Care), Donna and Dick Maddux, Susan Hardy and Vince Caciari.

Loretta Akovenko and Dee Faessler spoke in opposition to the Day Care Home.

After considerable discussion, Mayor Amass closed the Hearing to the Public and turned the matter over to the council for discussion and action.

The Council evaluated the application based on the "criteria required for consideration of a use permit" as stated in Section 17.11.130 of the Whitefish Zoning Regulations.

Councilman Hanson went through the six (6) findings of fact as follows:

1. NEIGHBORHOOD COMPATIBILITY: After careful evaluation of the letters received and the public input, Hanson said in his opinion, the protests to the proposed use were more significant than those that favored the Day Care Home.

2. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED USE WILL PROVIDE A CONVENIENT AND FUNCTIONAL LIVING, WORKING, SHOPPING OR CIVIC ENVIRONMENT AND WILL BE AS ATTRACTIVE AS THE NATURE OF THE USE AND ITS LOCATION AND SETTING WARRANT: Hanson said this was not a working, shopping, or civic environment and referring back to the protests, there are a lot of people who have indicated the livability will be reduced somehow with the allowance of this use permit.

3. THAT THE PROPOSED DEVELOPMENT WILL ENHANCE THE SUCCESSFUL OPERATION OF THE SURROUNDING AREA IN ITS BASIC COMMUNITY FUNCTION OR WILL PROVIDE AN ESSENTIAL SERVICE TO THE COMMUNITY OR REGION:

Hanson said this finding could be argued either way and he remained neutral on this.

4. THAT THE PROPOSED USE WILL BE COMPATIBLE TO THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES:

Hanson said this was a larger single family home and is historically a single family residence.

5. THAT HISTORICAL USES AND ESTABLISHED PATTERNS MAY BE WEIGHED EQUALLY WITH RECENT CHANGE IN USE TRENDS IN THE NEIGHBORHOOD:

Hanson pointed out that #5 has a great deal of bearing on this issue. Were this simply to be an expanded baby sitting home day care operation he would look at it slightly differently than he does. When the intent was for the operator of this business to not live in the building and when she prefers that no one lives in the building and it is a for profit function, it should be considered a commercial use. There are no recent changes in the use trends on East Second Street toward commercial and the historical use of the neighborhood is single family homes. To interject a commercial use in this neighborhood is contrary to #5.

6. THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO PEOPLE OR PROPERTY IN THE NEIGHBORHOOD OR TO PUBLIC SAFETY AND WELFARE IN GENERAL:

Letters have been received from two real estate firms stating there would be a decline or potential decline of property values. Hanson said in his opinion, the Zoning Regulations places the burden of proof of satisfying the above criteria with the applicant and the applicant has not provided the burden of proof to justify converting that to a commercial use.

Councilman Boksich in reference to #5, said historically in this area there has been a commercial kindergarten, a dance studio, baby-sitting, and the previous Council gave Cross Currents School a use permit for a two (2) year period. The changes to the neighborhood were not attributed to the School but to the Lutheran Church. The other issue dealt with was Clear Skies which is definitely in a more commercial area, however, he said he was more sympathetic with the neighbor in this instance because she is elderly and home all day. Mrs. Faessler, being the closest neighbor to the Westphals, is a professional person and gone all day. He felt the children would not be outdoors that much and would not be a detriment to the neighborhood. Traffic along Second Street would not increase that much and he wanted the record to show that he was in favor of the proposal.

Councilwoman Moran said for her, the only real satisfaction of holding a Council position is to try and make what she considers the most objective decision based on what kind of information she receives. She said that she had attended the

City/County Planning Board Meeting and the Board chose not to recommend granting the Use Permit for the reasons stated by Tom Jentz and present to the Council in their letter dated January 26, 1987. Moran said the issue is a change in zoning and whenever there is a change it sets a precedent and this situation indicates we are dealing with a commercial use. Moran commended Mrs. Westphal's work with the children and felt she had made a good presentation, however, she agreed with Councilman Hanson that Mrs. Westphal had not provided the burden of proof to justify converting a single family residence to a commercial use. Moran went on record as being opposed to the granting of the Use Permit.

Mrs. Westphal asked the Council if the petition containing 60 signatures meant anything to the City Council in their decision making process.

The Council had not received the petition, however, it was presented to Mayor Amass and he read the petition supporting the Use Permit for the Day Care Home.

Donna Maddux said she felt this was a neighborhood issue and other input should not be considered.

City Attorney Tracy said for the record, there is not a general commercial use proposed. The proposal is for the Day Care Home the Westphals want. The property would have to remain as it is zoned. Tracy said we would not be giving a blanket license for commercialism, however, there is no doubt there are some commercial aspects to the proposal for the Day Care Center.

After much Council consideration, Councilman Sevenser said, based on the Findings of Fact as presented by the Planning Staff, the additions to those findings as added by the Council, the Planning Board conclusions and recommendations and that the Burden of Proof that the majority of these conditions necessary for approval had not been met, he moved that the Use Permit be denied. The motion was seconded by Hanson and was passed by the Council with 3 aye votes and 2 no votes. LaTourelle and Boksich voted no.

2. USE PERMIT REQUEST BY SHIRLEY SCHMIDT TO EXPAND THE CHUCK OLSON REAL ESTATE OFFICE AT 567 SPOKANE AVENUE: City Manager Freedman explained that Chuck Olson Real Estate wants to expand the real estate offices at 567 Spokane Avenue. The addition is 800 square feet which would be attached to the rear of the existing office. The proposed changes will enhance the efficiency and usefulness of the offices in an area that is well-established with other professional offices. Freedman recommended approval of the use permit request with the conditions cited by the Planning Board.

The City/County Planning Board and Zoning Commission recommended approval of the Use Permit with five (5) conditions as stated in their letter of January 26, 1987.

Mayor Amass opened the Hearing to the public and as there was no public comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Sevener went through the Findings of Fact and the Council was in agreement with the findings of the Planning Staff.

On a motion by Sevener, seconded by LaTourelle, that the Use Permit be granted subject to the five conditions of the City/County Planning Board based upon the Findings of Fact of the Planning Staff. The motion passed unanimously.

3. SECOND READING OF ORDINANCE 87-1 AMENDING ORDINANCE 1-395, SECTIONS 10.52.030 AND 10.52.090 OF THE WHITEFISH MUNICIPAL CODE: City Manager Freedman said that this is the second reading of this Ordinance drafted by City Attorney Tracy due to a Montana Supreme Court decision regarding vicarious (absolute) liability arising from ownership of a provision for violating parking regulations. Freedman recommended approval of this Ordinance.

Mayor Amass opened the Hearing to the public and as there was no public comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Hanson, seconded by Moran, to adopt Ordinance 87-1 on the second reading. The motion passed unanimously.

PUBLIC COMMENT

Dee Faessler said she was aware of how hard it was for the Council to go through the process of the Westphal Use Permit. After having to go through the process, she could understand the frustration that many people feel by the time it is brought before the Council. Faessler said all information should be verified before it goes out to the property owners and she would sit down and write several recommendations for the Zoning Committee to consider.

STAFF REPORTS

Police Chief Dolson reported that there would be adequate Police protection for the Winter Carnival weekend. He said the Sheriff's Posse would help control the parade and the Highway Patrol would be on call and available if they were needed.

OLD BUSINESS

1. INTERCAP PROGRAM: City Manager Freedman explained that at the last Council meeting the Council approved participation in the Intercap Program that is overseen by the Montana Economic Development Board. The resolution called for the participation of Whitefish in the amount of \$395,000 - \$235,000 to refinance an existing Mountain Bank note and \$160,000 to purchase a road grader and a street sweeper or an excavator. At the time of the meeting, the MEDB was unsure as to whether we could refinance the Mountain Bank note over the remaining two years or whether we could extend the refinancing of the note over three, four or five years. On January 21, the MEDB decided that Whitefish could only refinance the existing note over a two year period.

From this determination has come the following:

1. The City will refinance our existing bank note over a two year period through the Intercap Program. The interest rate of 5.75% along with the 2.5 points gives us an APR of 7.88%.

2. City Manager Freedman said that he had contacted Gordon Ochenrider at Mountain Bank and he reduced his fixed rate financing to 6% for four (4) years or 6 1/2% for five (5) years on the new equipment financing in the amount of \$160,000. This rate compares to an interest rate of 6.75% through the Intercap Program. With the new figures, City Manager Freedman decided that the City should only participate in the Intercap Program in the amount of \$235,000. Freedman said a new resolution would have to be considered which states that the City will only borrow \$235,000 from the Intercap Program rather than the \$395,000 that was agreed to at our last meeting.

On a motion by Boksich, seconded by Sevener, to adopt Resolution No. 87-4, authorizing the City of Whitefish to participate in the Intercap Program in the amount of \$235,000. The motion passed with 4 aye votes and 1 abstention. LaTourelle abstained.

On a motion by Moran, seconded by Hanson, to authorize City Manager Freedman to enter into an agreement to borrow \$160,000 from the Mountain Bank with the previously agreed 6% for four (4) years or 6 1/2% for five (5) years. The motion passed unanimously.

2. MULTIJURISDICTIONAL SERVICE DISTRICTS: City Manager Freedman gave the council a memorandum explaining the statutes on forming a multijurisdictional service district. (7-11-1101 through 7-11-1112). He will continue to explore the viability of the creation of this type of district.

NEW BUSINESS

1. ROCKY MOUNTAIN MOTEL SIGN VARIANCE: City Manager Freedman said that this sign variance request will improve the signage at the Rocky Mountain Motel. It will eliminate a neon

sign and a rooftop sign that do not conform to our sign code, yet were grandfathered in when the sign code was adopted. The square footage of the signage that is proposed will be less than the existing signage. The variance request is due to the fact that the sign location will continue only one foot from the right-of-way. He recommended approval of the sign variance request.

After some Council discussion, on a motion by Sevenser, seconded by Boksich, to approve the sign variance. The motion passed unanimously.

2. RESOLUTION NO. 97-5, AMENDING WATER DEPARTMENT RULES & REGULATIONS: City Manager Freedman said the change in notifying the delinquent user (from posting on a door to sending a certified letter) will help make the Water Department operation more efficient. The fee of \$5.00 will cover our administrative costs and the postage for sending out the certified letters. He recommended approval of Resolution No. 87-5.

On a motion by Hanson, seconded by Sevenser, to adopt Resolution No. 87-5. The motion passed unanimously.

CITY MANAGER REPORTS

1. TAX INCREMENTAL FINANCING DISTRICT STATUS: City Manager Freedman reported the text and the Ordinance were being finalized and would be given to the City/County Planning Board in March.

The Council told City Manager Freedman they were pleased with his work on the Incremental Tax District.

2. LEGISLATIVE UPDATE: City Manager Freedman said that Senate Bill 55 had passed through the Senate but he was fearful that it would not go through the House because many legislators are supporting various other local option tax bills that had not been discussed yet in either the Senate or the House.

3. CAPITAL FOR THE DAY REPORT: City Manager Freedman gave the Council the itinerary for the State Capital For A Day Program.

4. CAPITAL IMPROVEMENTS - NEXT TWO YEARS: City Manager Freedman gave a summary of the needs for the next two (2) years: \$33,000 for garbage containers, forks, and a garbage packer; \$202,000 for a five (5) yard dump truck, a tandem dump truck, a 1 ton pickup, gravel shaker, sweeper and fuel system at the City Shops for the Street Department; A Water Treatment Plant costing approximately \$5.2 to \$5.4 million dollars for the Water Department; and Phosphorus Removal at \$1.8 million with 80% to 85% funded by the EPA and the second phase of the interceptor sewer line with a cost of \$600,000 for the Sewer Department.

Councilwoman Moran said she would like to see projections from department heads for 10 to 15 years.

SOFTBALL FIELDS UPDATE:

City Manager Freedman informed the City Council that he has discussed the softball fields' lease agreement with Deputy County Attorney Dennis Hester. The County is considering several proposals that he had discussed with them.

ASCAP:

Freedman told the Council that he had received a letter from the national office of ASCAP in New York indicating that they were not willing to purchase a business license from the City. Based upon our City Code, Freedman informed the Council that the City could not require ASCAP to purchase a business license. The City would have to amend the Charter or let the entire matter be dropped.

FIRE CHIEF APPOINTMENT:

City Manager Freedman said he had appointed Ric Anderson as the new Fire Chief.

On a motion by Sevener, seconded by Moran, to approve the appointment of Ric Anderson as Fire Chief. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS:

Status on the Reservoir House: City Manager Freedman reported that the Street Department would probably push the house down because the Fire Department did not have time to burn the house.

Councilman Boksich inquired about whose responsibility it is to enforce the snow removal ordinance. City Manager Freedman said that he and Police Chief Dolson would discuss this matter.

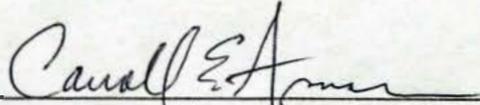
Councilwoman Moran said she had received a complaint from a citizen that the viaduct was not being sanded sufficiently when it is icy. She also congratulated the new officers in the Fire Department.

Councilman Sevener reported that he had attended the Local Government Day and testified on House Bill 56 which is a local option tax the Governing Body can pass without the vote of the people. He also reported that it is a feeling among the Legislators that they are going to pass a sales tax and that it would be put before the voters in June.

Councilman Hanson reported that the south bound lane at the post office is a hazard and he also requested to know what the Fire Department Pension status is. City Manager Freedman said

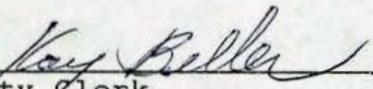
the Fire Disability Fund had been evaluated and he would get a copy of the report to Councilman Hanson.

On a motion by Hanson, seconded by Moran, to adjourn at 9:42 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

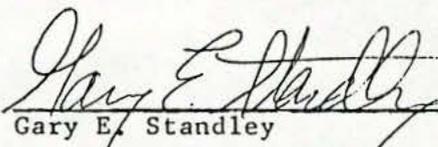
January 12, 1987

Gary and Jerri Standley
305 Park Avenue
Whitefish, MT. 59937

TO WHOM IT MAY CONCERN:

Mr. Westphal approached us at our home Friday, January 9, 1987 and asked us if we had received any information regarding the proposed day care center at his home on Second Street. I replied we had, and that our letter registering our disagreement with this proposal was on file at the county planner's office. Mr. Westphal inquired as to the reasons we disagreed with these plans, and we told him we felt the increased traffic as well as the obvious effects on property values were detrimental to us as property owners in the immediate area.

Mr. Westphal stated that babysitting had been done there for some time now, and that the only difference would be that his wife would be licensed. At no time did he mention an increase in the number of children cared for, off-street parking required, rezoning the property for commercial use, or if they would continue to reside at the property at Second and Park Streets. My overall impression of the brief discussion was that there would be no difference at all in the number of children cared for, or for that matter any difference whatsoever other than this would be a licensed rather than unlicensed facility. We disagree with Mr. Westphal's information, and are opposed to the proposed day care facility.

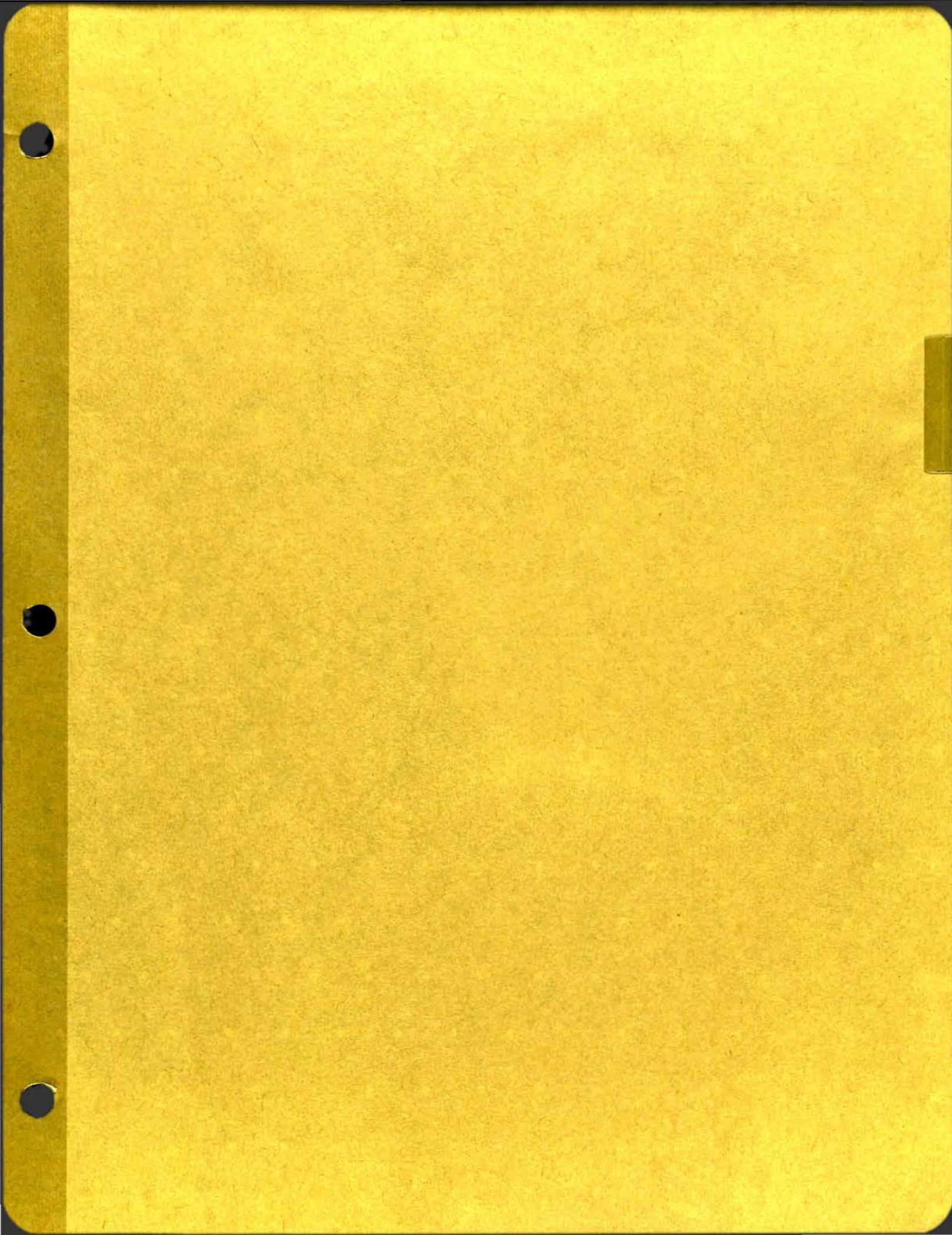


Gary E. Standley

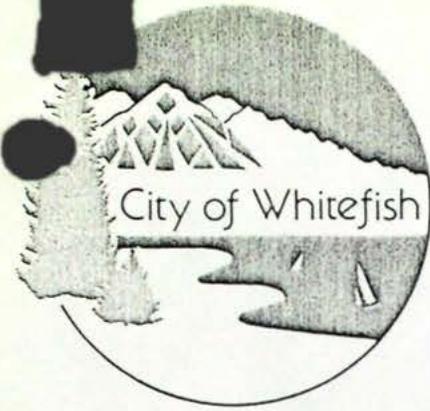


Jerri L. Standley

1-12-87



Kay B.



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
March 2, 1987

- 7:00 I. Approval of the minutes of the February 2, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
 - 1. First Reading of Ordinance 87-2 amending Ordinance No. A-406, Section 3.19.080 (C) of the Whitefish Municipal Code
- 7:15 III. PUBLIC COMMENT
- 7:25 IV. STAFF REPORTS
 - 1. Police
 - 2. Water/Sewer
 - 3. Street/Sanitation
 - 4. Building
 - 5. Fire
- 7:35 V. OLD BUSINESS
 - 1. Lease with Flathead County on ballfields
 - 2. Resolution on Master Plan (Resolution 87-6)
 - 3. Resolution on Intercap program - amended amount (Resolution 87-7)
 - 4. Westphal Day Care Home
- 8:25 VI. NEW BUSINESS
 - 1. Confirmation of Claire Strickler as member-at-large on the Whitefish City-County Planning Board and Whitefish Zoning Commission
- 8:30 VII. CITY MANAGER REPORTS
 - 1. Legislative Update
 - 2. Business License change in City Code
 - 3. Short Term Investment Pool Program
 - 4. City Claims Update
 - 5. Financial Reports
 - 6. Other Matters
- 9:00 VIII. COUNCIL REPORTS OR COMMENTS
- 9:10 IX. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
March 2, 1987

The March 2, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Water/Sewer Supervisor Acton, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

MINUTES

Councilwoman Moran corrected the minutes of February 2, 1987 as follows: On page four (4), paragraph 4 add: The City Council accepted the petition and it was considered in their decision process.

She also requested the letter of Gary and Jerri Standley be summarized in the minutes. (The letter will be attached to the minutes).

On a motion by Sevener, seconded by Moran to approve the minutes as amended. The motion passed with 5 aye votes and 1 abstention. Faessler abstained.

PUBLIC HEARINGS

1. First Reading of Ordinance 87-2 amending Ordinance No. A-406, Section 3.19.080 (C) of the Whitefish Municipal Code: City Manager Freedman explained that this Ordinance would amend an existing ordinance which allows for the City to dispose of surplus property through public auction. The amendment gives the City Administrator the option to dispose of surplus property in this manner or by using a formal bidding procedure. He recommended that the Council approve this Ordinance on the first reading.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Boksich, seconded by Faessler, to approve Ordinance No. 87-2 on the first reading. The motion passed unanimously.

PUBLIC COMMENT

None

STAFF REPORTS

The Fire Department and Chief Dolson had submitted written reports and there were no other Staff Reports at this time.

OLD BUSINESS

1. LEASE WITH FLATHEAD COUNTY ON THE BALL FIELDS: City Manager Freedman said that the Council had a copy of a letter from Deputy County Attorney Dennis Hester in their packets and he proposed there be a general discussion on the issues relating to this letter.

The letter outlined the following: the lease would be for a 25 year period, the County would have exclusive concession rights, both Flathead County and the City of Whitefish could terminate the lease, and liability insurance was a problem because Flathead County is unable to obtain liability insurance at the present time.

Council discussed the issues of the lease. Councilwoman LaTourelle asked if the County does not have liability insurance would the City be held responsible if there was a problem. City Manager Freedman said the City would be named in any suit. Councilwoman Faessler said she felt that the concessions should be offered to Whitefish organizations before anyone else is considered. Councilwoman Moran said that liability insurance is very important. City Manager Freedman said there was a possibility of putting the softball fields under the City's liability policy and Councilwoman LaTourelle said the County should pay a portion of the City's premium. Councilman Boksich said additional soccer fields had been proposed for some of this area and Boksich also explained that the Park Board did not have the funds to maintain or develop the softball fields and the Softball Association had improved the area and maintained it. City Manager Freedman said the City should only lease the two ball fields. Councilman Hanson said he would like to see an itemized breakdown of what the Flathead County Parks and Recreation had spent on the fields.

City Manager Freedman will continue to discuss these items with Flathead County.

3. MASTER PLAN RESOLUTION 87-6: City Manager Freedman said that City Attorney Tracy feels that this resolution must be approved in order for the City to comply with the intent of the State Statutes on the adoption of the Master Plan. He recommended the Council adopt the resolution.

On a motion by LaTourelle, seconded by Sevener, to adopt Resolution 87-6. The motion passed unanimously.

4. INTERCAP RESOLUTION NO. 87-7: City Manager Freedman said this was an amended resolution based on the actual value (\$180,000) that the City will need from the Intercap Program. This amount is less than the amount in the previous resolution because the City of Whitefish has made another payment to Mountain Bank on the equipment note.

On a motion by Sevenser, seconded by Boksich, to approve Resolution 87-7 as written. The motion passed with 5 aye votes and 1 abstention. LaTourelle abstained.

5. WESTPHAL DAY CARE HOME:

Councilwoman Faessler asked City Attorney Tracy if she should leave her Council seat and sit in the audience because of her personal interest in this issue. She said that she and her husband had written a letter of protest against the proposed Day Care Home and she did not want to do anything wrong. She just wanted to know what to do.

City Attorney Tracy told Councilwoman Faessler that it was obvious that she could not take an impartial stand on the issue and the dye was cast. She has taken a position on the issue and had abstained on voting once so she should continue this position. She should abstain from voting and she should not get involved in the Council discussion. If she wanted to speak, she should sit in the audience or she could retain her seat if she was not going to speak.

Councilman Boksich said he did not approve. He felt this would set a dangerous precedent. Boksich said there was a case coming up in two weeks that he and Councilman Sevenser were very close to - should they step down? He requested City Attorney Tracy to pursue the personal conflict law because every Council person would be affected at one time or another.

Councilwoman Faessler left her Council seat and sat in the audience.

Mayor Amass asked for a Staff Report from City Manager Freedman and a clarification from City Attorney Tracy.

City Manager Freedman explained that in the Council packets there was a letter from Dan Johns who is representing Valerie and Terry Westphal. He said the matter could proceed in one of the following ways:

1. A member of the City Council who opposed the Use Permit can introduce the matter for discussion and this would open the way for City Council reconsideration of the Use Permit; (Municipal Code 2.08.170)

2. The Zoning Administrator can allow for a resubmittal of the Use Permit Application if he feels that sufficient new evidence or conditions have been presented. If he feels that there is not sufficient new evidence or conditions, the Westphals may not make a resubmittal of the application for one year; or

3. A general discussion of the issue can be instituted by the Westphals or their attorney without the need for any formal consideration by the City Council.

City Attorney Tracy said that if someone on the Council desires to reconsider, they would so move. If there is no motion, Attorney Johns representing the Westphals could give his appeal and after he had finished the Council might want to give someone on the other side the opportunity to speak on why Council should not reconsider. Tracy said at that time the Council would either decide to reconsider or they can stand mute and the issue would die at that time.

Councilman Hanson asked the City Attorney if no motion to reconsider is made, can Mr. Johns present the Westphals side of the issue, and does the Council have the opportunity to ask questions of him and Valerie Westphal or anyone else before the Council make a decision.

City Attorney Tracy said yes, but he reminded everyone that this was not a public hearing. The public hearing had already been held at the last Council meeting.

Mayor Amass said he would like for Mr. Johns to address the Council before the Council made any comments so that they could better understand the Westphal's position. If they do have new information and someone does want to reconsider, Council can be made aware of that information and possibly this would speed up the process.

Attorney Dan Johns, representing Terry and Valerie Westphal requested that the City Council reconsider its action of February 2, 1987 denying their application for a Conditional Use Permit for a day care home at 943 East 2nd Street. Johns said the Westphals were not familiar with the Use Permit process and that the Whitefish City Zoning Ordinance did not allow them to present their case with full knowledge of what was required of them. He said the Use Permit Application does not advise the applicant of any requirements beyond completing the application, however, the regulations provide that they are responsible for substantiating their request according to established criteria. Johns said the Westphal's were not aware that the Zoning Regulations required that the governing body be guided by and give consideration to six areas of concern when deciding whether to issue the requested Use Permit and they were not aware that the burden of proof for satisfying the six criteria rests with the applicants and not with the Governing Body. He said as a result they proceeded through the Use Permit Application process unaware of what was

required of them. He again requested that the Council reconsider their decision of February 2, 1987.

Mayor Amass read a letter of protest from Loretta Akovenko. She requested the City Council stand firm on their decision of February 2, 1987. (Letter will be attached to the minutes).

Dee Faessler told the Council this issue had been in their neighborhood since mid-December. Five property owners in the area wrote letters of protest and had attended the Public Hearings. People protested for a variety of reasons - decrease in property values, increase of traffic, doubling the number of children to be cared for, substantial increase of noise, change from a single family residence in a residential neighborhood into a profit making business and changing the character of the neighborhood for potential commercial development on Second Street. She also said there are other property locations in higher density areas which would be better suited for this use.

Faessler said the City County Planning Board voted 4 to 2 to deny the request and the City Council also voted against the proposal. She said that all the people who protested just want to keep the neighborhood as a solid single family neighborhood and they respectfully request that the Council deny the request for reconsideration and let everyone move on to just being good neighbors.

City Manager Freedman explained that the City issues the Use Permit and the applicant is referred to the Regional Planning Office and the Planner goes over the application and the regulations with the applicants.

Councilman Hanson said that on the Report of the Planning Board, there were 4 of the 6 summary items (6 criteria) that were negative and the applicant should have been aware of them. Councilman Sevener felt ignorance of the law was no excuse.

After Council discussion, Mayor Amass asked the Council if any member of the Council wanted to make a motion to reconsider the issue.

The issue died for lack of a motion.

NEW BUSINESS

1. CONFIRMATION OF CLAIR STRICKLER AS MEMBER-AT-LARGE ON THE WHITEFISH CITY-COUNTY PLANNING BOARD AND ZONING COMMISSION: City Manager Freedman explained that by state statute Claire Strickler must be confirmed by the City and the County. Flathead County had approved her selection. Freedman said that the Planning Board Members unanimously selected Claire.

On a Motion by LaTourelle, seconded by Sevener, to approve the selection of Claire Strickler as member-at-large on the City County Planning Board/Zoning Commission. The motion passed unanimously.

CITY MANAGER REPORTS

1. LEGISLATIVE UPDATE: City Manager Freedman reported that SB55 was in the House Taxation Committee along with all of the other local option tax bills. It was his feeling that a decision on any of these bills may be stalled until later in the Legislative session when the status of a state sales tax is considered.

2. BUSINESS LICENSE CHANGE: City Manager Freedman explained that Dick Peterson was requesting a change in the Business License Ordinance. The reason for the request was because of ASCAP. Legally the City could not enforce the ordinance on ASCAP because it states that businesses must be based in Flathead County before they are required to have a business license.

After Council discussion, it was the consensus of the Council that the tavern owners should settle their problems with ASCAP by taking this issue to the appropriate state officials.

3. SHORT TERM INVESTMENT POOL PROGRAM: City Manager Freedman told the Council that we had begun investing in the State of Montana Short Term Investment program. He said the yield to the City would be almost 6% with the State Program and the local banks were paying 5.25% for a six month CD.

4. CITY CLAIMS UPDATE: City Manager explained that the claims list was given to the Council for their review and acceptance. He said that every two weeks we pay claims. They are generated by the City Clerk and he approves them prior to the payment of these claims.

5. FINANCIAL REPORTS: City Manager Freedman said that some of the expenditures were under budget and some line items were over. He said an adjustment would be made later in the year.

On a motion by Hanson, seconded by LaTourelle, to approve the Financial Reports for the month of February. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson reported that the Zoning Committee was making good progress. He said that at the initial meeting the sign ordinance was not addressed and the Zoning Committee suggested that a separate Committee be appointed. He asked if the Council wanted to wait until the Zoning Ordinance was completed and then do the Sign Ordinance or did the Council want

both done.

City Manager Freedman said that he has been working on a Sign Ordinance and would give it to the Council for their consideration.

Dorothy Heard said her personal opinion was that the Ordinance should be reviewed by the Planning Staff.

Hanson also asked when the streets would be swept and cleaned. City Manager Freedman said weather permitting some of the streets would be swept within the week.

Councilman Sevener asked if PP&L had installed the lights at City Beach free of charge. City Manager Freedman said yes and he had already written Hal Bennett a letter thanking him.

Sevener asked City Attorney Tracy if he had had time to check the Park Ordinances because they prohibit cross country skiing at the Golf Course. Sevener said it should be modified to taken off the books. City Attorney Tracy would investigate this issue.

Councilman Boksich and Sevener said they had received complaints about snow and ice on residential sidewalks and they requested action be taken.

City Manager Freedman said that he had a meeting with Police Chief Dolson and they would start enforcing the Ordinance.

Councilwoman Moran asked City Manager Freedman if the loan at Mountain Bank had been finalized. Freedman said the City has borrowed \$78,412 for 4 years at 6% interest for the grader and the balance of the \$160,000 would be borrowed when needed.

Moran said she would like to see a new job description for the Clerk-Treasurer's position and maybe consideration for a wage adjustment.

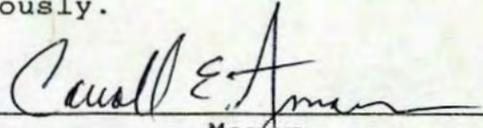
Councilwoman Faessler said she had also received complaints about the sidewalks and she also said she had talked to Police Chief Dolson about the speeding on Second Street and other neighborhoods that occurs every spring. She said she would like this issue addressed.

Mayor Amass read a letter from City Manager Freedman stating that he would waive the six month evaluation for a possible pay increase. He asked that his salary and benefits receive serious consideration at his anniversary date of May 5, 1987.

Mayor Amass requested to leave the state March 3.

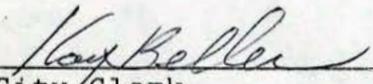
On a motion by Moran, seconded by Sevener, to approve this request. The motion passes unanimously.

On a motion by Sevener, seconded by Hanson, to adjourn at 8:56 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
March 16, 1987

- 7:00 I. Approval of the minutes of the March 2, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Second Reading of Ordinance 87-2 amending Ordinance No. A-406, Section 3.19.080 (C) of the Whitefish Municipal Code
- 7:10 III. PUBLIC COMMENT
- 7:20 IV. STAFF REPORTS
1. Police
2. Water/Sewer
3. Street/Sanitation
4. Building
5. Fire
- 7:30 V. OLD BUSINESS
1. Lease with Flathead County on ballfields
2. Grant with LWCF
- 7:45 VI. NEW BUSINESS
1. Suncrest Proposal - John Miglino, Jr.
2. Proclamation by Mayor - Cancer Control Month
- 8:15 VII. CITY MANAGER REPORTS
1. Computer Update
2. Constructive Notice and Demand - Roger Hoffman
3. Intercap Program Update
4. Urban Renewal Plan Update
5. Other Matters
- 8:30 VIII. COUNCIL REPORTS OR COMMENTS
- 8:40 IX. ADJOURNMENT
- 8:45 X. WORKSHOP

MINUTES
WHITEFISH CITY COUNCIL
MARCH 16, 1987

The March 16, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Pro Tem LaTourelle at 7:00 P.M. All Council members were present except Faessler. Also present were City Manager Freedman, City Attorney Tracy, Water/Sewer Supervisor Acton, Street Foreman Wartnow, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

MINUTES

Councilwoman Moran corrected the February 2, 1987 minutes as follows:

During the Westphal Day Care Home discussion, it should read that "the issue is a change in future zoning" and not just a "change in zoning" as it was written.

On a motion by Sevener, seconded by Moran, to approve the minutes of March 2, 1987 as presented. The motion passed unanimously.

PUBLIC HEARINGS

1. SECOND READING OF ORDINANCE 87-2 AMENDING ORDINANCE NO. A-406, SECTION 3.19.080 (C) OF WHITEFISH MUNICIPAL CODE: City Manager Freedman gave the Staff report. He explained that this Ordinance would amend an existing ordinance which allows for the City to dispose of surplus property through public auction. The amendment gives the City Administrator the option to dispose of surplus property in this manner or by using a formal bidding procedure. He recommended that the Council approve this ordinance on the second reading.

Mayor Pro Tem LaTourelle opened the hearing to the public and as there was no comment, she closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Sevener, seconded by Boksich, to adopt Ordinance No. 87-2 on the second reading. The motion passed unanimously.

PUBLIC COMMENT

NONE

STAFF REPORTS

Police

Police Chief Dolson reported he was taking action on the speeding that occurs in the spring of the year. He would meet with the Key Club at the High School and the issue would be advertised in the local newspapers. Dolson also reported that two (2) part-time dispatchers had been hired.

Street

Street Foreman Wartnow reported that they had been thawing storm drains and patching potholes. Sweeping streets had been started last week in the business area and residential street sweeping would start as soon as these streets dried out.

Water/Sewer

Councilman Sevenser asked Water/Sewer Supervisor Acton how the boring project under the highway was progressing. Acton told the Council that it was too muddy along the river bank for the large equipment and they would have to wait until it dries out to continue with the project.

Building

Building Inspector Quinn had previously submitted a written report. He informed the Council that he would be expanding his reports to include the dollar value of construction activity and the dollar value of building fees collected.

Councilman Boksich thanked Street Foreman Wartnow for an excellent job of opening the storm drains.

OLD BUSINESS

1. LEASE WITH FLATHEAD COUNTY ON BALLFIELDS: City Manager Freedman said he had talked with Jerry Jones, Director of the County Parks Department, about the concerns raised by the City Council at the last Council meeting. The 25 year lease agreement had been verbally agreed to by the former Council. The concessions would be put out for bids in an open bidding process that would allow any Whitefish groups to bid on the concessions. Freedman said that the County would provide an itemized statement for the \$25,000 in improvements that they had expended for the ballfields and if the City terminates the lease before the 25 years, we would have to pay back a prorated portion of the \$25,000. Liability insurance coverage would be through the American Softball Association. Each team would have to provide their own coverage. The cost to each team was quite nominal: approximately \$25 for adult teams and \$15 for youth teams. The

March 16, 1987
Council Minutes

Council discussed the liability issue and felt this might make it too expensive for the teams to play softball and they felt the County should provide the insurance. City Manager Freedman said that he would get all the information for the Council and the County Attorney would draw up the agreement. City Attorney Tracy would review it with him and the Council should have it by the next Council meeting.

2. GRANT WITH LWCF: City Manager Freedman reported that the City would be receiving a \$50,000 grant from the LWCF for the skating rink proposed for Mountain Trails Park. He explained that the City would have to match this grant. With the funds committed by the City and donations raised to this date, there was in excess of \$100,000 towards this project. Freedman told the Council that the \$20,000 budgeted in this year's budget should be reappropriated in the 1987-1988 budget because the grant monies would not become available until 1988.

NEW BUSINESS

1. SUNCREST PROPOSAL-JOHN MIGLINO, JR: Mr. Miglino did not attend the Council meeting and the Council decided to table this issue until next Council meeting.

2. PROCLAMATION BY MAYOR PRO TEM - CANCER CONTROL MONTH: Mayor Pro Tem LaTourelle proclaimed the period of April 1 to April 30, 1987 as Cancer Control Month in Whitefish.

CITY MANAGER REPORTS

1. COMPUTER UPDATE: City Manager Freedman reported that Big Sky Data would be here next week to install the fixed asset software and the second half of the SID package. He also told the Council that instead of the card sized water/sewer bill, we would be changing to a bill that would be inserted into an envelope along with a monthly newsletter. The expense would be slightly more but he felt the people would be better informed about the City's activities. Other public notices of the City could also be inserted into the envelope.

2. CONSTRUCTIVE NOTICE AND DEMAND - ROGER HOFFMAN: City Attorney Tracy explained that Mr. Hoffman had been cited for expired license plates and the Judge had found him guilty. Mr. Hoffman was appealing to the District Court and would probably appeal to the Supreme Court. Tracy said he had responded to the Constructive Notice and Demand and he would take the case one step at a time. City Manager Freedman said the City's insurance carrier had also been notified.

3. INTERCAP PROGRAM UPDATE: City Manager Freedman reported that he had received a letter from David Ewer who is the Bond Program Manager of the Montana Economic Development Board. The bonds that will fund INTERCAP loans were sold at a lower interest rate than anticipated. The loan rate will be set at 5.625%

instead of the 5.75% which had been determined earlier. Freedman said he would bring all the paperwork (Resolution, etc.) to the April 6th Council meeting for approval, so the City could refinance the Mountain Bank equipment loan as quickly as possible.

4. URBAN RENEWAL PLAN UPDATE: City Manager Freedman explained that he had completed the Urban Renewal Plan and it would be considered at the City-County Planning Board meeting on March 19. The City County Planning Board would consider whether this plan was in conformance with the Comprehensive Plan and then it would come before the Council for their approval. He said he would give each of the Council members a copy for their review at the end of the meeting. The public hearings would be April 6 and April 20.

5. OTHER MATTERS:

A. Interceptor Line Bid Process. City Manager Freedman requested that the Council pass a motion authorizing the publication of the notice for bidding the second phase of the interceptor line project. The bids would be opened at the April 20 Council meeting.

On a motion by Hanson, seconded by Sevener, to authorize the City Administrator to proceed with the bid process. The motion passed unanimously.

B. Street Project. City Manager Freedman said that he, Street Foreman Wartnow and Water/Sewer Supervisor Acton had looked at several streets in the city. They felt the two highest priorities would be 7th Street from Spokane Avenue to the grade school and Baker Avenue from Second Street to 8th Street. He requested permission to have further engineering studies done on these two streets.

After much Council discussion, on a motion by Hanson, seconded by Sevener, to proceed with the preliminary study as proposed by the City Administrator. The motion passed with a 4 to 1 vote. Moran voted no.

C. Utility Rates. City Manager Freedman said that he and the City Staff had discussed the water/sewer rate increases and he was hesitant to bring them to the Council. Water/Sewer Supervisor Acton explained that the water rates would be increased the 12% this year and significantly next year. Acton said the increases in sewer would also be significant because of the state mandated projects. The rate increases were necessary to pay for the debt service on the water treatment plant, the sewer interceptor line projects and the phosphorus removal at the sewer treatment plant.

City Manager Freedman said the City would have to sell bonds to cover the City's share (25%) of the EPA funded projects. He said by combining the bond sale for the second phase of the interceptor line sewer project and the phosphorus removal, the City would save approximately \$10,000. He said that D.A. Davidson did not feel comfortable with accepting estimates by the engineer on both sewer projects. One option that was under consideration was the sale of bonds for both projects after the bid opening on the phosphorous removal in early July. Various funding sources to fund a portion of the water treatment plant costs were also being explored.

COUNCIL REPORTS OR COMMENTS

Councilman Sevener said the Police should check the corner of 3rd and Spokane. He said that on the west side of Spokane the trees in the planter blocked the view of drivers and on the east side of Spokane, large buses were parking and obstructing the view of drivers. Police Chief Dolson said he would check this area.

Councilwoman Moran commended the Firemen that went through their certifications. She requested a thank you note be sent to the Regional Development Office for the Planning Workshop held on March 11 & 12. She was also concerned about the following: the need for a job description on the Clerk-Treasurer's position, the policy concerning the carrying of firearms outside of the City limits by the police and the completion of landscaping by Mountain Mall.

Councilman Boksich said that the situation at the Post Office and the foot traffic was creating a serious problem. He felt the City should put sidewalks in this area even if the City has to fund them. City Manager Freedman said the City could order the sidewalks installed but would rather wait until we see what the street alignment would be for Baker Avenue. Boksich said that the west side needs to be completely replaced. Councilman Hanson said if Baker was considered then 4th and 5th streets also should be considered.

City Manager Freedman would contact the Post Office and see what could be done. He explained that the Government would not have to pay towards any improvements and the City would have to take their portion out of the General Fund.

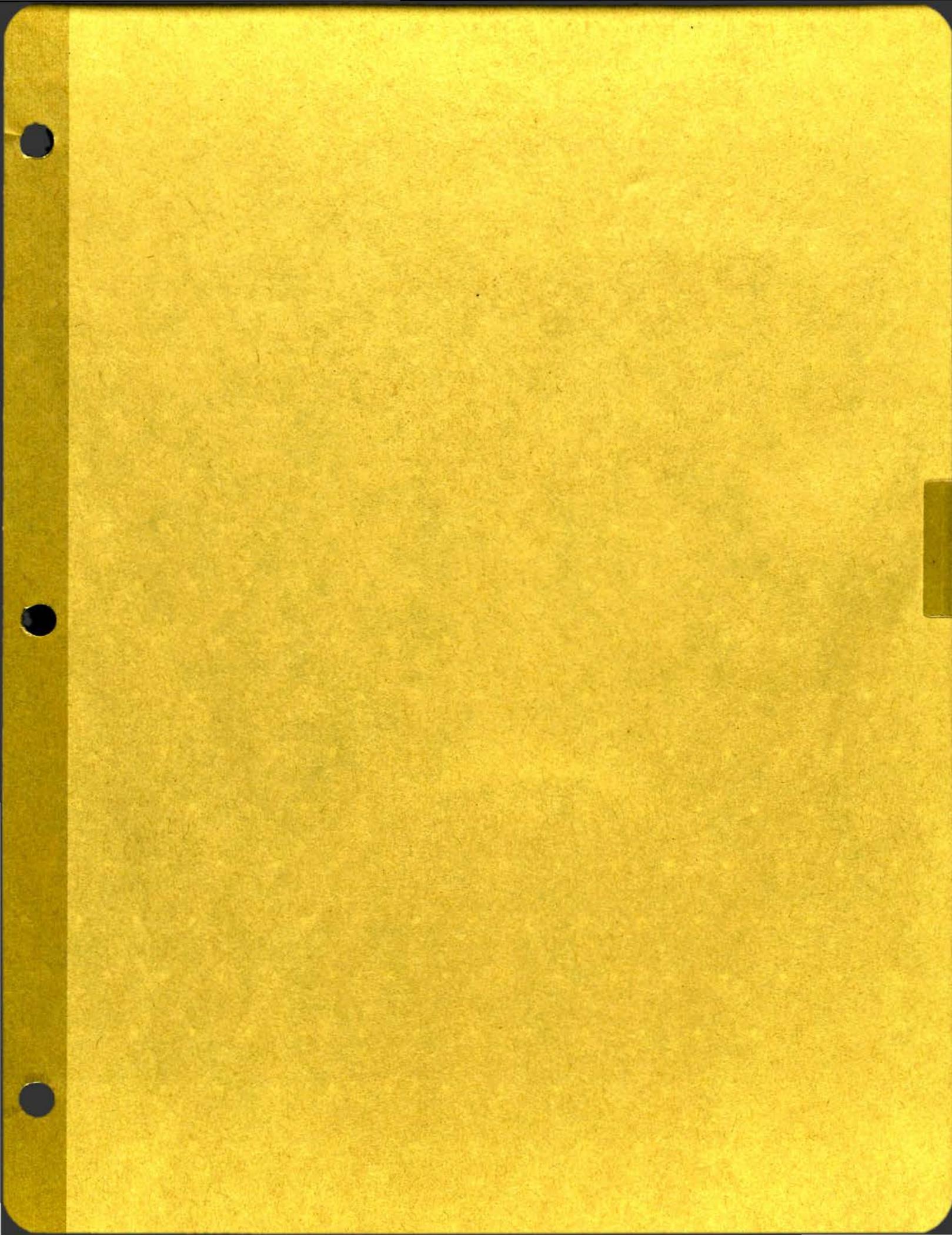
Councilwoman LaTourelle requested to leave the State from the 18th until the 31st of March. On a motion by Hanson, seconded by Moran, to approve this request. The roll call vote was Hanson aye, Moran aye, Boksich and Sevener voted no and LaTourelle broke the tie vote by voting aye. The motion passed 3 to 2.

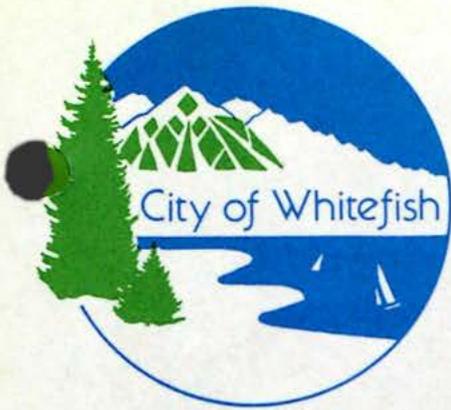
On a motion by Boksich, seconded by Hanson, to adjourn at 8:35 P.M. The motion passed unanimously.

Carroll E. Armer
Mayor

ATTEST:

Kay Beller
City Clerk





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
April 6, 1987

- 7:00 I. Approval of the minutes of the March 16, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
- 7:05 1. Use Permit request by Cross Currents School at 233 and 243 Kalispell Avenue
- 8:30 2. Use Permit request and Sign Variance request by Earl Colton to operate a small animal clinic at 701 Spokane Avenue
- 8:50 3. Sign Variance request by Chris Schatie at 6516 Hwy 93 South (Sunny's Restaurant)
- 9:00 4. Urban Renewal Plan for the City of Whitefish and the first reading of Ordinance 87-3
5. Open Burning Ordinance - First Reading of Ordinance 87-4
- 10:15 III. PUBLIC COMMENT
- 10:25 IV. STAFF REPORTS
1. Police
2. Water/Sewer
3. Street/Sanitation
4. Building
5. Fire
- 10:35 V. OLD BUSINESS
1. Lease with Flathead County on ballfields
- 10:50 VI. NEW BUSINESS
1. Suncrest Proposal - John Miglino, Jr.
- 11:05 VII. CITY MANAGER REPORTS
1. Intercap Program - Resolutions & Discussion
2. July 4th Fireworks
3. Assignment of Oliver lease to Don Schmidt
4. Seventh & Baker Street Proposals
5. Other Matters
- 11:45 VIII. COUNCIL REPORTS OR COMMENTS
- 12:00 IX. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
APRIL 6, 1987

The April 6, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy and Water/Sewer Supervisor Acton.

MINUTES

On a motion by LaTourelle, seconded by Moran, to approve the minutes of the March 16, 1987 Council meeting.

RESOLUTION NO. 87-8, A RESOLUTION SUPPORTING THE MOVEMENT OF FLATHEAD VALLEY COMMUNITY COLLEGE TO WHITEFISH: City Manager Freedman explained that a proposal for the utilization of the City's 8 acres of park land next to Grouse Mountain Lodge for use as a campus site for FVCC has been discussed by the Ad Hoc Committee of the Chamber of Commerce. He said that the Council's strong support for the continued study of the possible use of this site is needed if Whitefish is to remain a possible site for a new FVCC campus. Acreage utilized for a possible campus on this city property would be replaced by securing additional acreage by Mountain Trails Park. He recommended approval of this resolution which would enable the continued analysis of this site and at the same time show the willingness of the City of Whitefish to have FVCC in Whitefish.

Mont Rosenberg introduced the Executive Staff and two Board members of FVCC. Howard Fryett told the Council that FVCC appreciates the support that Whitefish has given FVCC.

On a motion by Sevenser, seconded by LaTourelle, to adopt Resolution No. 87-8, a Resolution supporting the movement of FVCC to Whitefish. The motion passed unanimously.

PUBLIC HEARINGS

1. USE PERMIT REQUEST BY CROSS CURRENTS SCHOOL AT 233 AND 243 KALISPELL AVENUE: Tom Jentz, Senior Planner at the Flathead Regional Development Office, gave the staff report. He said that the Whitefish City-County Planning Board and Zoning Commission at its regular meeting held on February 19, 1987, considered a Use Permit request by Cross Currents Christian School. They were issued a use permit to operate a school at 233 Kalispell Avenue in July 1985 and they wish to continue the existing use of the Christ Lutheran Church Youth Building for an unlimited period of time. The subject property is located in a WR-2 (Two Family Residential) Zoning District.

Jentz said that after discussion and evaluation, the Whitefish City-County Planning Board and Zoning Commission resolved to recommend approval of the Use Permit request subject to the following conditions:

1. Traffic congestion and student traffic on Kalispell Avenue be reduced and a free-flowing traffic pattern be maintained by provision of a traffic monitor present during the beginning and dismissal of classes;
2. Alley traffic other than school staff members should be eliminated;
3. Uncontrolled and excessive noise be reduced by the construction of a solid wood fence on the east and south sides of the playground;
4. School enrollment shall be limited to 128 students;
5. 18 off-street parking spaces be provided; and
6. Cross Currents Christian School should diligently continue to look for a new location.

Jentz also said that the Board had received 21 letters of support, 3 protest letters and a petition with 11 signatures against the Use Permit request. They had also received 6 to 8 letters from the general community supporting the school.

Mayor Amass opened the hearing to the public.

Terry Trieweiler, Attorney for Cross Currents Christian School, gave the Council some background information about the school. He told the Council that since the first Use Permit was approved in 1985, the Building Committee has been looking for real estate to purchase and existing buildings to purchase or lease. The members of the committee went to Helena for the purpose of applying for loans through the Montana Economic Development Corporation and the Montana Board of Investments. Neither of these Boards were able to provide financing and Industrial Revenue Bonds are no longer available for this type of use. He said it was impossible at this time to raise the money needed to build a new school and they were back to the same point they were two years ago. (Either they stay where they are or there is no operation).

Trieweiler explained that all six of the criteria (Findings of Fact) presented by the Regional Planning Office had been complied with and the burden of proof for satisfying the criteria had been met by them. He urged the City Council to adopt the Use Permit and to encourage educational institutions to locate in Whitefish.

Attorney William Astle, who was representing Ralph and Edna Krona, Jennifer Kehoe and Nola Howard, said that two years ago when Cross Currents was approved his clients felt they could live with the traffic, dust and noise for that period of time. However, he said it had been a living hell for his clients and friends and neighbors could see what was happening to them. He had heard good things about the school but felt it was not compatible to the neighborhood. He urged the Council to deny the Use Permit Application.

Pastor Larry Lautaret spoke in favor of issuing the Use Permit to Cross Currents School.

There was no further public comment, Mayor Amass requested that the two lawyers give their rebuttals before he closed the hearing.

Attorney Astle said that the denial of the Use Permit was in the Community's interest and is best for the Community. This Council could set a precedent here if they would grant the request on this small piece of property. This land use decision addresses the compatibility of uses and not the issue of closing down Cross Currents School. He asked Council to treat it solely on Land Use. Whether property values go up or down is not the issue but whether his clients want to continue living there under these conditions.

Attorney Trieweiler summarized the following: the police have had no traffic problems in the past two years; Richard Berger had offered to let them use some of his parking lot to alleviate the parking problem in the alley; the School already has monitors that tell people where they can park and help with the traffic; and the noise at recess can't be distinguished from the noise coming from Central School.

Trieweiler said that he agreed this was a land use decision and the professional land use planning staff plus the City-County Planning Board has recommended approval. The current use of the property is an appropriate use taking into consideration the land use criteria. On that basis alone, Trieweiler said the application should be approved.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Sevenser said this process has gone beyond the bounds of reason. He said that he regretted that Ralph and Edna Krona have been turned on by even their own pastor in favor of the Cross Currents School. Sevenser said he was in favor of the use of the school and that Cross Currents should not be left high and dry but that a time limitation should be placed upon this use. He recommended continuing the use for a two year time period. He also said that they should meet the criteria of the original Use Permit which was to hard pave the parking areas and install a fence.

Councilwoman LaTourelle said she had personally monitored the traffic and noise. She said that there were seven (7) cars at one time in front of the school with a maximum time limit of one to two minutes. The school monitors the traffic and she did not see any problems. Three out of the seven days she monitored the school the Cross Currents students were not outside however, the children from the Central School were audible in the Cross Currents area. LaTourelle also said that she had requested a schedule of Church functions on a monthly basis and because the Church has so many activities, it has been visualized as school functions and they are not. She said she had a problem with #3 of the criteria where the Planning Staff talks about absorbing the students from Cross Currents into the school system. With the educational cuts by the State of Montana there is a problem educating the slow learners and Cross Currents School does an excellent job of helping these students. If parents want to give extra education to their children, LaTourelle said she approved. Based on the criteria and on her past votes on allowing the Use Permit for Cross Currents School she was in favor of approving the Use Permit.

Councilman Boksich said as an educator he had worked closely with some of the staff members of Cross Currents School and couldn't be more supportive. He said that he sat on the Council when the first Use Permit was approved and had his own feelings on what the usage was intended to be at that time. He said if the Use Permit is granted and is unlimited, he did not feel the stimulus was there to build a new facility. He would support the school and give them time to relocate but would not approve the continued use of the building indefinitely.

Councilwoman Moran said there are six criteria that Mr. Trieweler addressed - these things have to be met and they have to be proven by the applicant as to why the use of that building should remain as it is.

Moran reviewed the six (6) criteria presented by the Planning Staff and discussed each one, adding her own comments as follows:

1. NEIGHBORHOOD COMPATIBILITY: Moran said that Mr. Trieweler had said that they had not received any letters or comments in the two years the school had been located in the Lutheran Church building. However, she said that at the Planning Board meeting the neighbors wrote letters and explained that they had not protested Cross Currents because they felt they would be moving when the two year time limitation was up and they wanted to be good neighbors. She said the intended use of the facility is a negative drawback in the application of the Use Permit.

2. THAT THE LOCATION, DESIGN AND SITE PLANNING OF THE PROPOSED USE WILL PROVIDE A CONVENIENT AND FUNCTIONAL LIVING, WORKING, SHOPPING OR CIVIC ENVIRONMENT AND WILL BE AS ATTRACTIVE AS THE NATURE OF THE USE AND ITS LOCATION AND SETTING WARRANT: She said she finds this an attractive building but the largest drawback with the site design is that the site is too small. The site is too small for 100 students and if the school utilized the whole block it would be more acceptable.

3. THAT THE PROPOSED DEVELOPMENT WILL ENHANCE THE SUCCESSFUL OPERATION OF THE SURROUNDING AREA IN ITS BASIC COMMUNITY FUNCTION, OR WILL PROVIDE AN ESSENTIAL SERVICE TO THE COMMUNITY OR REGION: Moran said she felt comfortable that Cross Currents had met this criteria.

4. THAT THE PROPOSED USE WILL BE COMPATIBLE TO THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES: Moran said this was negative because of the size of the site and the crowding of the area.

5. THAT HISTORICAL USES AND ESTABLISHED PATTERNS MAY BE WEIGHED EQUALLY WITH RECENT CHANGE IN USE TRENDS IN THE NEIGHBORHOOD: She said the use was not a lot different because the building was originally built for the Church. Intensity is the concern not the use of the building. She felt this was negative.

6. THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO PEOPLE OR PROPERTY IN THE NEIGHBORHOOD OR TO PUBLIC SAFETY AND WELFARE IN GENERAL: She said that she had received many reports that Cross Currents did not affect property values in Whitefish. There was nothing about the property values of the surrounding neighborhood, however.

Moran said the traffic and dust concerned her and she was aware that Cross Currents had done their best to control these two things. Two years ago the Council turned down the Use Permit and then, because of the two year limitation approved it. She said the City was bound by precedent and it would not be fair to close the school immediately. It provides nine (9) jobs and a valuable service. She said she would support the use by the School on a temporary basis for one (1) year at the very most. She further said that what sealed her decision was the comment in the letter received in 1985 from Reverend Kenneth Peterson requesting that the City Council look beyond the fears and emotions and base their decision upon facts and objective merits of the case.

Councilwoman Faessler said she had talked to members of the faculty, members of the Board, parents and neighbors and her biggest concern was that the views were never the same. She said she believed the school was sincere about building a school and moving. She had not seen any public effort to get local community support for the school. Faessler said that this Community rallies when there is a need and she was not in favor of Cross Currents remaining on Kalispell Avenue for a long period of time.

Councilman Hanson said he would like to clarify his position on a couple aspects on this matter. In his judgement, this permit being considered tonight is not an extension of a Use Permit granted for a two year period of time in 1985 to be abandoned July 1, 1987. He said that he is considering the Use Permit as a first time Use Permit. He looked at the letters of support and non-support for this project and has tried to evaluate the situation based on the six (6) criteria of our Zoning Ordinance. The burden of proof for satisfying criteria rests with the applicant. In the Zoning Ordinance, anyone affected has the opportunity to submit written comments and evidence to the Zoning Commission and the governing Authority prior to any decision to grant, amend or deny the application. Such submittals shall be specific when maintaining that the granting of the Use Permit would adversely or injuriously affect their personal and legal interests. He said he has looked at comments that were submitted that are negative about this Use Permit and he had judged that those submittals do not offer any kind of justification.

Hanson said the other Council members said earlier that they could possibly support the granting of this Use Permit with another time limit being established. He felt that what is being done is passing the buck down the line to some future Council to deal with the issue. The reason he says that is a school such as Cross Currents in virtually every zoning district requires a Use Permit. He listed all the zones and it was established that a school would only be allowed in the WR-1 and the WR-3 zones without a Use Permit. If Cross Currents could find a site that is suitable, they would have to apply for a Use Permit and someone could stand up and say "not in my neighborhood". The only other zones they could build in without a Use Permit would be WRR-1 and WB-2 and they probably couldn't afford to build in those districts.

Hanson said the Council would be faced with the Use Permit issue now or in a new neighborhood and a time limit is not the answer.

In the six criteria, the appropriate time to object to the future use of that facility was prior to when it was built. The building was designed for a school. Were that school to close for any reason, we would have 80 to 100 students and the impact would have a direct and serious effect on School District 44. He said he felt Cross Currents School provided an important community service.

Councilwoman Moran wanted to clarify her view on the time limit in an agreement that the school be abandoned and terminated and no further application be made for a Use Permit. She said she could not turn down at least a one year Use Permit because one of the most important things facing the Whitefish Community is the economic situation. This would be doing away with nine (9) jobs in the community. She felt it was only fair to give them one year to find another location.

Councilwoman LaTourelle went over the conditions stated by the Planning Board.

1. Traffic congestion: She felt Cross Currents had addressed traffic control and said they should continue to monitor the traffic.

2. Excessive alley traffic be eliminated: She wanted the alley traffic to be eliminated and the school staff park in Mr. Berger's parking lot in the back of the school.

3. Uncontrolled and excessive noise be reduced: The letter from Mr. Hernandez about the potential for a rental agreement with Central School to have the playground at Central School should be pursued by Cross Currents. An agreement should be worked out rather than trying to do anything with fencing. The Church itself does not want to be infringed upon as far as their traffic on Sundays.

4. School enrollment shall be limited to 128 student: She agreed with this number.

5. 18 off-street parking spaces be provided: They have twelve spaces on the north and 6 on the alley if they loose the alley spaces, they could utilize Mr. Berger's parking lot.

6. Cross Currents Christian School should diligently continue to look for a new location: LaTourelle said the Board and the teachers were all in favor of relocating because they need a larger facility.

Mayor Amass said this is a very emotional issue but he has not heard anyone say anything negative about Cross Current School and their intent. Their intent is to provide a service to the community - a very worthwhile and a very positive service. He said he would encourage the Council not to discourage positive participation in their community. Mayor Amass said we hear a lot about the negative but we do not hear enough about the positive. This is an asset and a very positive move in our community. There are some problems and he encouraged the Council to grant an additional Use Permit with some very specific conditions: Parking, paving, noise control and other limits necessary should be imposed.

On a motion by Sevener, that Cross Currents be granted another two year Use Permit for the property limited to 120 students, limited to the other restrictions the Planning Board felt was necessary, limited to the fact they sign an agreement, that they talk with Mr. Hernandez on the use of Central School playground and they abide with the 1985 Agreement to pave the alley and that there be a firm termination date of two years (1989). This motion died for lack of a second.

On a motion by Hanson to table until the next Council meeting. This motion died for lack of a second.

Motion by LaTourelle, seconded by Hanson, to approve the Use Permit for Cross Currents School based on the following: Include the six(6) criteria (finding of facts) presented by the Planning Office (concurring with the findings). Approving the conditions as follows: 1. ok as presented; 2. Eliminate all alley traffic by the School Staff members and that a parking agreement be negotiated with Mr. Berger on his property at 255 Spokane Avenue for 8 parking spaces for the School. 3. An agreement be worked out, if possible, with the School District for use of the playground at Central School for Cross Currents School. If that is not worked out, a fence should be built across the alley (back of the property); 4. School enrollment be limited to 128 students; 5. ok as presented; and 6. Cross Currents School should diligently continue to look for a new location. All the agreements that have to be signed and coordinated on these petitions should be presented to the City Council prior to the next school year. The motion passed unanimously.

On a motion by Boksich, seconded by Sevener, to amend #6 to add Cross Currents Christian School be allowed a temporary Use Permit for a time period of two (2) years and they must submit to the City Council every six (6) months a progress report on their relocation. If they do not have a plan, they should prepare to vacate the building. The motion passed on a four to two vote with LaTourelle and Hanson voting no.

On a motion by Sevener to amend the motion to include that the school be required to meet the Zoning Ordinance, 17.40.010, required parking spaces. Died for lack of a second.

2. USE PERMIT REQUEST AND SIGN VARIANCE REQUEST BY EARL COLTON TO OPERATE A SMALL ANIMAL CLINIC AT 701 SPOKANE AVENUE: City Manager Freedman gave the Staff report. He explained that Dr. Colton wanted to operate a small animal clinic at 701 Spokane Avenue. His misunderstanding of the Zoning Regulations resulted in his opening the clinic several weeks ago. After consultation with the City Attorney, Freedman said he decided that the clinic could remain open during the review process. If the Use Permit is denied, Dr. Colton was notified that he would be forced to close the clinic immediately.

Tom Jentz, Senior Planner in the Flathead Regional Development Office, gave the Staff report. He explained that the veterinary clinic at 701 Spokane Avenue is located in a WB-2 (secondary business) Zoning District. The applicant proposes to operate a veterinary office during the hours of 9:00 a.m. to 5:00 p.m. Monday-Friday for the treatment and care of small animals. He proposed to have a staff of two - himself and an office assistant. He will not be boarding animals on the site. Jentz said that after consideration, the

Whitefish Zoning Commission unanimously approved the requested Use Permit subject to the following conditions:

1. Only small animals will be treated. Livestock shall be prohibited.
2. Hours of operation (excluding emergencies) will be Monday-Friday from 9:00 a.m. to 5:00 p.m.
3. The applicant will provide four off-street parking places in conformance with Section 17.71, Parking and Loading Requirements of the Zoning Regulations for the City of Whitefish and its Extra-Territorial Jurisdictional Area.

Mayor Amass opened the hearing to the public and as there was no comment he closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilwoman Moran read through the six (6) criteria as recommended by the Planning Office in their letter dated March 9, 1987.

On a motion by Moran, seconded by Sevenser, to approve the Use Permit, based on the six criteria of the Zoning Regulations and the three (3) conditions of the City County Planning Board be followed. The motion passed unanimously.

SIGN VARIANCE - COLTON: City Manager Freedman explained that his sign variance is due to the fact that a portion of his building is situated on the Hwy 93 right-of-way. It would be impractical under our regulations for him to place a freestanding sign 15 feet from the right-of-way because the sign would be behind the building. His proposed marquee sign would measure 14 square feet which is in excess of the 8 square feet allowed under the regulation. He recommended the sign variance be denied.

Mayor Amass opened the hearing to the public. Dr. Colton explained that he could not spell the word veterinary across an 8 square foot sign. Tim Grattan agreed with Dr. Colton and as there was no further comment or opposition, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

After Council discussion, on a motion by Sevenser, seconded by Faessler, to approve the sign variance request. The motion passed with a 5 to 1 vote with LaTourelle voting no.

3. SIGN VARIANCE REQUEST BY CHRIS SCHATIE AT 6516 HWY 93 SOUTH (SUNNY'S RESTAURANT): City Manager Freedman explained that the business changed from R Place to Sunny's. The existing freestanding sign cabinet extends to within four (4) feet of the Hwy 93 right-of-way. The applicant proposes to utilize the freestanding sign as it was with the new restaurant's name and with square footage of 48 square feet. He recommended approval of the sign variance with a maximum of 42 square feet with a readerboard square footage of not more than 12 1/2 square feet.

Councilwoman LaTourelle said that R Place did not get a sign variance to change the name from Sunny's (its always been Sunny's and all they want to do is change it back to Sunny's).

Mayor Amass opened the public hearing and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by LaTourelle, seconded by Sevenser, to approve the sign variance with the freestanding sign being four feet from the ROW and having 48 square feet. The motion passed unanimously.

4. URBAN RENEWAL PLAN FOR THE CITY OF WHITEFISH AND THE FIRST READING OF ORDINANCE NO. 87-3: City Manager Freedman gave a summary of the Urban Renewal Plan and explained that Ordinance 87-3 would require two readings to adopt the Plan. The criteria the Council must consider for adoption of the plan are as follows:

1. There must be a workable and feasible plan existing to make available adequate housing for the persons who may be displaced by the project;

2. The Urban Renewal Plan conforms to the Comprehensive Plan or parts thereof for the municipality as a whole;

3. The Urban Renewal Plan will afford maximum opportunity consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and

4. A sound and adequate financial program exists for the financing of said projects.

City Manager Freedman gave the staff report. He said when he first came to Whitefish last May one of the first thing the City Council asked him to do was draft an Urban Renewal Plan with Tax Increment Financing in it.

He said that many cities in Montana had utilized the Urban Renewal laws and he felt the City of Whitefish had missed the boat. Back when Grouse Mountain Lodge was built, Mountain Mall was built, the Coast to Coast building was built, the Pin & Cue was built had we had Tax Increment Financing in place, we would now have a fund that would be generating several hundred thousand dollars a year to pay for various urban renewal projects. There is nothing that we can do about what happened years ago. We must look ahead at the Urban Renewal Law and look at how it may be able to help us down the road. He went through the plan by discussing some of general development goals and the specific projects that he had outlined. The plan outlines some of the needed improvements in Whitefish so that City leaders and members of the public can have a framework for future growth, redevelopment, revitalization and how this community can finance these projects. One of the most important things of this plan is to try to have a plan that is complimentary to the Comprehensive Plan that was just adopted by the Whitefish City County Planning Board and the City Council and is now being considered by the County Commissioners. It is important that both the Urban Renewal Plan and the Comprehensive Plan be used together so that in looking at what Whitefish can

do in the future, we have a good idea of what the different leaders and what the public thought should be the direction of Whitefish.

The main focus of Urban Renewal is to address both blighted areas which this town has some and to try to put together some redevelopment and rehabilitation projects which can include things such as streets, public utilities, parks and other improvements that will benefit the public. All these things together will lead to solving some of the urban renewal problems that we have. One of the most important things in any urban renewal plans is that there has to be some sort of partnership between the public and private sectors. In order for a municipality to exercise any of the powers granted under State statutes under the Montana Urban Renewal law, the Government must first pass a Resolution finding that one or more blighted areas exists in the municipality and the rehabilitation and redevelopment or a combination thereof of such area or areas is necessary in the interest of the public health, safety, or welfare of the citizens of the municipality. Freedman said that on September 6, 1986, the Council passed Resolution No. 86-36 that found that both the above two conditions do exist in the City of Whitefish. With the City Council passing that Resolution, it opened the way for the preparation of the Urban Renewal Plan that he had prepared for the City. The redevelopment objectives in the plan were as follows: 1. The redevelopment and rehabilitation of blighted areas; 2. Development of new infrastructure that eliminates congestion, provides recreational improvements and provides new infrastructure that is necessary for public health and safety; 3. Development of new housing to replace the substandard and deteriorating housing in Whitefish; 4. Development of an Industrial Park that will allow the diversification of the economic base in Whitefish; 5. Development of off-street parking in the downtown area and the development a strong downtown business community so that it can more effectively compete in the marketplace in Flathead County; 6. Construction of new public facilities that are needed in order to anchor the downtown business district; 7. Redevelopment and the increased use of the Burlington Northern depot; 8. Redevelopment of the City Parks to improve the recreational resources of Whitefish that attract both tourists and permanent residents to the City; 9. Redevelopment and revitalization of the downtown area in order to attract new businesses to Whitefish and to stimulate the upgrading of the existing businesses in the downtown area; 10. Construction of new city streets, storm sewers, water/sewer mains under the framework of the City wide special improvement district; 11. Development of tourism facilities which will provide the community with a means to attract convention business to Whitefish; 12. The construction of a water treatment plant to ensure ample and safe drinking water for this community; and 13. The possible creation of an Urban Renewal Agency. Keeping those general objectives in mind, he said what he had done was to put together specific projects that can be considered as some type of direction for the City of Whitefish. The Urban Renewal Plan can be changed at any time by an Ordinance adopted by the City Council. The specific projects that he outlined in the plan are not something that are cast in stone. Each of these projects was put in the plan to evoke discussion and sometimes controversy in the community and the plan has succeeded in getting people talking about what Whitefish can do for itself. Part of the problem in Whitefish is that people are sitting back waiting for somebody to come along and build a new convention center or something else that is going to stimulate the economy of Whitefish. Freedman said he feels that Whitefish has to take the bull by the horns and go out and try to bring in development by doing certain things and the adoption

of this Urban Renewal Plan will provide us with the mechanism for doing that.

Freedman said the specific projects that he was outlining could be changed or modified. It is just a starting point to give the public some idea of what can be done in Whitefish. One area in the community that he feels has many substandard houses is in the area that is west of Baker, south of the railroad tracks and north of Highway 93 West. There is potential in that area to put some new multi-family housing units which is important because of its proximity to downtown Whitefish. The second specific project that he outlined are the water/sewer improvements projects that the City of Whitefish has identified in some preliminary capital improvement plans. The quality of the City water during spring runoff is not adequate. We are looking at the construction next year of a water treatment plant that will cost in excess of \$5,000,000. This will deal with the giardia and other problems that the State said that we have to deal with. Freedman said there is a tremendous need to construct new water and sewer lines over the next five years because the water and sewer department has identified almost \$1,000,000 worth of new water lines and almost 850,000 of new sewer lines. Another project is the improvement and the expansion of recreational facilities. Last year, the City improved Riverside Park and we have plans for Mountain Trails Park. Bruce Boody, who is the landscape architect working with the Park Board, has come up with a master plan that would cost approximately \$1,750,000 for upgrading of City Beach including the acquisition of properties. The expansion of the whole City Beach and the new facilities are needed to attract people into Whitefish and also accommodate the many people in the Whitefish community that would like to utilize this facility.

Another important goal that this City should focus on is the diversification of the City's economic base. The City of Whitefish must try to attract small industrial businesses to the community. Light industrial or some manufacturing businesses can provide stable employment for perhaps 25 to 50 people and provide us with some sort of protection when there is a downturn of the tourist industry. One of the potential sites that can be utilized is the 40 acres utilized by the City of Whitefish for its City shops. It is possible over a period of time to make this into a small industrial park with the City of Whitefish owning the property. The City of Whitefish should be able to attract some small businesses by making some favorable lease arrangements with them for land and possibly working with state and federal grants to put up buildings.

Another important thing the City has to do is to revitalize and develop the downtown area. There are parking problems, a lot of aged buildings downtown that need to be revitalized, some buildings need facelifts and others could possibly be taken down and replaced with newer buildings. Another portion of the project is the proposal for a pedestrian mall along Central Avenue. We would put a pedestrian mall along Central Avenue from Railway Street all the way up to Fourth Street. The proposal includes allowing for cross traffic east and west traffic along Railway, First Second, and Third. We would vacate the last block of Central Avenue that goes north of Railway Street. Pedestrian Malls have proven an asset in drawing people to the downtown area to help make the downtown area competitive with shopping malls the County. The Pedestrian Mall and the parking lots planned would be linked by landscaped pedestrian walkways and we would acquire those parking lots in close proximity to Central Avenue.

Another project that needs to be considered is the construction of a new City Hall facility that would be more efficient and more accessible to the handicapped and older people. The current City Hall is very inefficient in terms of heating and is inaccessible to a lot of people. The City Hall facility could occupy an important position in downtown Whitefish by providing a stabilizing force for the downtown area. We have had discussions with the Burlington Northern railroad people about the possibility of the acquisition of the property that lies just north of Railway Street. The proposed viaduct that will be built in 1991 will cut through the western portion of that acreage but there is still enough land for a City Hall facility that would include the general administrative offices, the Police Department, Library and a new fire station.

One proposal is the vacation of Central Avenue north of Railway Street. If we were to develop the City Hall west of Central Avenue, the area east of Central Avenue could be utilized for a performing arts building. By vacating Central Avenue, you could tie all these facilities together with some sort of court yard and have an area that would be quite attractive and bring people into the downtown area. Another thing that was being looked at is the possible renovation of the Railroad Depot. There has been discussion with the Railroad about the possible acquisition of that building. The construction of the new administrative building for their offices east of the existing depot could occur if the current depot was to be utilized for Amtrak with a historical museum and possibly some other businesses on the upper floors of that building.

The next specific project he outlined was the condition of the City streets and the construction of a storm sewer system. It is obvious that the city streets are one of the top priorities in this community. It is hard to drive up any street in this community without sinking into a pothole or sinking because the road is falling apart. In 1986 and during this year, the City of Whitefish has contracted for an engineering study of the city streets by Sorenson & Co. from Missoula. They have looked at approximately 15 miles of streets that we felt were in need of some work. They came up with an estimate that included street replacement, curbs, gutters, sidewalks and a citywide storm sewer system that would cost in excess of \$8,000,000. It is obvious that a project of this nature could only be afforded by the City if other revenues were available to subsidize this project. Whether it be local option tax, tax increment financing monies or a resort tax, one of those tax issues could be utilized to help subsidize the payments that the property tax owner would have to bear should the people feel we should go ahead with the City wide street improvements.

Another project and the final project is the development of a hotel-convention center complex. He said he knows there have been proposals for hotel convention centers on Whitefish Lake and the City of Whitefish should utilize some of the monies that could be generated through mechanisms of the Urban Renewal Plan to leverage and try to entice private investment into Whitefish. This project besides creating jobs could also create economic stability and strength to this area. He said that some of the other communities that he spoke about before have utilized tax increment financing and some of the other provisions of the Urban Renewal Law in various ways. Billings used tax increment financing money to build a parking garage which

enticed Sheraton to build their hotel downtown. They also did some public improvement to some of the streets in that area to help entice the Sheraton people to come there. In Kalispell, \$615,000 of public improvements were constructed in order to entice the Kalispell people to build their mall. The \$18,000,000 Mall created approximately 500 jobs and is a tremendous tax base for the City of Kalispell. In Butte, they have done some off-street parking lots with tax increment financing and also providing interest subsidies so that businesses that want to renovate their buildings or do face lifts could get funds at low interest rates. In Missoula, they have put in public improvements that have helped cause some private developers to put up new buildings - one being the newspaper in Missoula. In Great Falls they have done things such as help with utilities (water and sewer lines) which have enticed investors to come into that community. One can see that there is tremendous amount of things that other cities in Montana have utilized or done in order to entice private investment into their communities.

Tax Increment Financing can be utilized for various costs. It allows you to use these monies for financing land acquisition, demolition and removal of structure, relocation of occupants, acquisition and construction of streets, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots, off-street parking facilities, sewer and water lines, public buildings and other public improvements. Tax Increment Financing can be utilized for almost any project that any municipality could possibly undertake. Tax Increment Financing can be adopted as one of the provisions of an Urban Renewal Plan. If we call for that provision in the plan, we can utilize tax increment financing and all the areas within the urban renewal district would then be subject to tax increment financing.

Modification of this plan can easily be made by the passage of an Ordinance by the City Council. It is obvious at some point in time if this plan is adopted the projects will probably be modified, new projects may be added, the boundaries of the urban renewal districts may be adjusted. In summary its time for the City of Whitefish to embark upon funding source that doesn't have to levy new taxes upon the people of the community. Until we get new development into Whitefish, we are not going to generate those moneys to help pay for some of the Urban Renewal projects. This Urban Renewal Plan and the revitalization and redevelopment of Whitefish can create jobs, stabilize the Whitefish economy and diversify the Whitefish economy in this age of shrinking aide and federal grant assistance. Financing provisions of this Urban Renewal Plan can provide us the mechanism for financing various projects without having to rely on grant assistance. Whitefish has to go out and has to entice the people to come in here. People are not going to come into Whitefish just because Whitefish is Whitefish. A lot of the success of Whitefish is not due to what some of the people have done in the past; a lot of the success is due to the fact that Whitefish is geographically located near a lot of recreational facilities and amenities that draw a lot of people into this area. We have to do more in trying to entice development into this area. We can't continue to rely on Big Mountain, Whitefish Lake, Glacier Park to bring people to this area. We have to actively go out and try to bring people and development into this area. In summary, if the City of Whitefish utilizes all the power that it is given under the Montana Urban Renewal Law, Whitefish can go forward and become a viable force and at the same time address many of the redevelopment problems, many of the public infrastructure needs that we have whether it be the streets, public buildings or parks.

Mayor Amass opened the hearing to the public.

Tim Grattan said he applauded the Plan and congratulated City Manager Freedman and the City Council for bringing Whitefish back to the 20th century. He said the Plan was practical and makes sense and is what Whitefish has needed for a long time.

Dick Peterson, Mike Fitzgerald, David Speer, Phyllis Sprunger, Ron Newbury, Gerlinde Oliver and Mel Kastella all were enthusiastic about the plan.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council also applauded City Manager Freedman for the excellent job he had done on the Plan and on a motion by Boksich, seconded by Moran, to adopt Ordinance No. 87-3 on the first reading. The motion passed unanimously.

5. OPEN BURNING ORDINANCE NO. 87-4: City Manager Freedman explained that the Fire Department would like to prohibit open burning within the city limits of Whitefish. It is their feeling that danger of fire spread, the air pollution caused by the smoke and particulant, the time involved in regulating open burning and the liability are valid reasons for proposing this action. Freedman recommended approval of Ordinance 87-4 on the first reading.

Mayor Amass opened the hearing to the public.

Phil Mitchell was in favor of the Ordinance. Glen Prestegaard was concerned because he was cleaning up his property along the Whitefish River and he wanted to burn the debris. He said it was a hardship to haul it away. Bill Yeats spoke in favor of the Ordinance.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Sevener, seconded by Faessler, to adopt Ordinance 87-4 on the first reading. The motion passed unanimously.

CITY MANAGER REPORTS

1. SEVENTH STREET & BAKER STREET PROPOSALS: City Manager Freedman said that Paul Wells has estimated the costs for these projects. He said it was his feeling that the City must move forward on the engineering and on the bidding of these two projects. In the interim, he would calculate how much Gas Tax Funds and S.I.D. 132 funds the City can allocate over the next several years for these projects. He recommended to proceed with the engineering and any necessary surveying immediately. By bidding the projects out to ascertain the exact costs, we could then determine the feasibility of awarding a contract.

On a motion by Hanson, seconded by Sevenser, to authorize the City Administrator to proceed with the Engineering and securing the bids for Baker and Seventh Streets projects. The motion passed unanimously.

Richard Gaertner, speaking for the residents of Baker Avenue, said he felt repaving Baker would put a heavy burden on the people and requested to postpone the project until after the viaduct was completed. He said he was retired and could not afford the expense of putting sidewalks and gutters.

City Manager Freedman also said that the City can do whatever they want as far as assessments go. The people can be charged for the sidewalks and gutters or the City can pay for them. This can be decided before the project starts.

2. ASSIGNMENT OF OLIVER LEASE TO DON SCHMIDT: City Manager Freedman said that under our lease agreement with Gerlinde Oliver, Section 11 of our lease calls for the written consent of the City to assign the lease. She would like to assign the lease to Don Schmidt who operated the boat concession at City Beach last year. Freedman recommended the approval of the assignment of the lease to Don Schmidt with the Park Board determining the term of the lease and the fee after consultation and approval by the City Administrator.

On a motion by Moran, seconded by LaTourelle, to approve the assignment of the lease to Don Schmidt with the Park Board to determine the term of the lease and the fee after consultation and approval of the City Administrator. The motion passed unanimously.

3. INTERCAP PROGRAM: City Manager Freedman explained the Intercap Program is sponsored by the Montana Economic Development Board. What we are proposing to do is to refinance the \$400,000 note that we have at the Mountain Bank. That note was taken out at \$400,000 to pay for the garbage system which included the garbage containers, two garbage trucks, the sewer vacuum truck and the front end loader. We have made several payments on it and the amount that we owe now is approximately \$180,000 as of this date. The interest rate on that note was 10 1/2% and the interest rate on the monies that we would utilize throughout the Intercap Program will be approximately 7 1/2%. That is based upon the fact that Montana Economic Development Board sold bonds at the rate of 5.65% and with the two (2) points that we have to pay over the short amount of time we have left on this note, this would push the interest rate up to about 7 1/2%. He said the Resolution should be adopted allowing our participation in the Montana Economic Development Board's Intercap Program. The amount that we will be borrowing is \$183,500.06. The payment scheduled will be a little different than our current schedule with payments on August 15 and February 15 instead of June 30 and December 30.

Ron Newbury asked if the local banks had been contacted to see if they could meet this rate of interest. City Manager Freedman said they had been contacted and their interest rates were higher.

After some discussion, on a motion by Moran, seconded by Sevenser, to adopt Resolution No. 87-9, enabling the City of Whitefish to participate in the InterCap Program. The motion passed unanimously.

On a motion by Hanson, seconded by Sevenser, amending the motion to direct the City Manager to research the possibility of a better rate of interest through the Whitefish Credit Union. The motion passed with 5 aye votes and 1 abstention. LaTourelle abstained.

4. JULY 4TH FIREWORKS: City Manager Freedman said that last July 4th, the Chamber of Commerce spent approximately \$500 in insurance premiums to cover themselves in case of a claim against them. The City is now under the League of Cities liability insurance policy and under our policy July 4th fireworks can be covered without any increase in the City's premiums. There is a possibility that effective July 1 there may be a change in that policy. He recommended that the City sponsor the 4th of July fireworks, thus saving the Chamber of Commerce approximately \$500 and do this as long as there is no cost to the City.

After much discussion, on a motion by Hanson, seconded by Sevenser, that the City assume the liability coverage for the 4th of July fireworks and that a Special Events Permit be granted by the City Administrator to take into account any costs incurred. The motion passed unanimously,

5. RESOLUTION NO. 87-10 INTENT TO ANNEX CITY SHOP PROPERTY: The Southeast one-quarter of the Northwest one-quarter (SE1/4 NW1/4) of Section One (1), Township Thirty North (T30N) Range Twenty-Two West (R22W), PMM, Flathead County, Montana. 39.835 Acres.

On a motion by LaTourelle, seconded by Sevenser, to adopt Resolution 87-10, intent to annex the City shop property. The motion passed unanimously.

6. GOLF ASSOCIATION REQUEST COUNCIL APPROVAL FOR \$14,000 OF IMPROVEMENTS: City Manager Freedman explained that the Golf Association in the lease agreement with the City must obtain written approval from the City for construction projects that exceed \$10,000. The Golf Association is proposing to construct an addition to the golf cart building that will cost \$14,000. Part of the agreement that the City entered into when the improvements were made to the Lake nine was that if the lease was terminated prior to the payment of the indebtedness, the City would be responsible for the balance of the indebtedness. They are asking that the same thing in this case since the current lease with the Golf Association expires on April 30, 1990.

On a motion by Hanson, seconded by Sevenser, to adopt Resolution 87-11, approving the construction of the golf cart building costing \$14,000 and that the City will assume the liability if there is any balance owed if the lease is not renewed in 1990. The motion passed unanimously.

PUBLIC COMMENT

NONE

COUNCIL REPORTS OR COMMENTS

Councilman Hanson asked the status of buying a new street sweeper. City Manager Freedman said the bids would be opened tomorrow and he would bring the information back to the next Council meeting. Freedman also said we were bidding out the second phase of the interceptor line.

Councilman Sevener asked the status of the boring project under the highway. City Manager Freedman said they have 32' left and they have encountered different soil conditions. We are going to request a change order because the soil conditions were different than what we anticipated. Dennis Carver has been in contact with the State and it appears that there will not be a problem.

Councilwoman LaTourelle asked if either the City Manager or the City Attorney had found a Resolution or Ordinance on whether Council members have to publicly request to leave the State. City Manager Freedman said they had not found anything but they would keep looking.

Councilwoman Faessler inquired on the status of the garbage truck. City Manager Freedman said we were doing a study on the whole garbage system. Part of the problem is trying to figure out who is on the garbage system, whether we are getting assessments from everyone and putting together some figures so we can present them to the Council.

Faessler asked if a Resolution or Ordinance needed to be passed combining the Clerk-Treasurer position. City Manager Freedman said we probably have to pass a Resolution or Ordinance.

Councilwoman Moran said she would like to commend the City Manager and the people that worked on the Urban Renewal Plan.

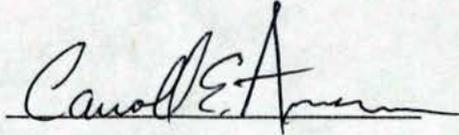
Mayor Amass said he had a letter from the Whitefish County Water and Sewer District requesting a work session with the City Council. City Manager Freedman said we are working on trying to resolve the sewer problems on the west lakeshore. Glenwood went ahead and put in their own sewer line and several meetings have been held with residents in Special Improvement District 149. The City of Whitefish has the same capability as the County Water and Sewer District to obtain a grant through the State and he would like to continue to work by ourselves on trying to set up Special Improvement District 149 and to try to get a grant through the state. He does not see any reason why the City cannot approach other areas in this same way. He said the City has the same goals as the Water and Sewer District and he thinks it is in the best interests of the City to continue on our own.

The Council decided this issue was a staff matter and the City Manager should write a letter to the District telling them that the Council did not feel work session was in order at this time.

Mayor Amass said he had a copy of a letter addressed to Phil Mitchell from the Glacier Nordic Club. The Nordic Club some time ago had approached the City asking us to send a letter along with a packet of information to try to entice some people to come here and train for the 1988 Olympics. It appears that some of the people that had been contacted are going to be here

April 11 through the 14th for cross country ski races. There have been indications from people from Sweden and the United States that they may train at Whitefish prior to the 1988 Olympics. The Mayor said he was very happy to see the efforts of the Nordic Club and it appears that they are getting some recognition and something positive may come out of it.

On a motion by LaTourelle, seconded by Sevener, to adjourn at 11:43 P.M. The motion passed unanimously.



Mayor

ATTEST:


City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
April 20, 1987

- 7:00 I. Approval of the minutes of the April 6, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
- 7:05 1. Open Burning Ordinance - Second Reading of Ordinance 87-4
- 7:10 2. Urban Renewal Plan for the City of Whitefish and the second reading of Ordinance 87-3
- 7:45 III. PUBLIC COMMENTS
- 7:55 IV. STAFF REPORTS
1. Police
2. Water/Sewer
3. Street/Sanitation
4. Building
5. Fire
- 8:05 V. OLD BUSINESS
1. Lease with Flathead County on ballfields
2. Cross Currents Use Permit
- a. Possible reconsideration
- b. Agreement
- 8:45 VI. NEW BUSINESS
1. Suncrest Proposal - John Miglino, Jr.
- 9:00 VII. CITY MANAGER REPORTS
1. Intercap Program Report
2. Engineering Amendment - Phosphorus Removal Project
3. Street Sweeper Purchase
4. Lighting Fixtures for Memorial Park
5. Clerk-Treasurer Job Description
6. Resolution of the Intention to Annex Wholly Surrounded Properties
7. SID 148 & SID 149
8. Other matters
- 9:30 VIII. COUNCIL REPORTS OR COMMENTS
- 9:40 IX. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
APRIL 20, 1987

The April 20, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All council members were present. Also present were City Manager Freedman, City Attorney Tracy, Street Foreman Wartnow, Building Inspector/Asst. Zoning Administrator Quinn, and Police Chief Dolson.

MINUTES

Councilwoman Moran corrected the minutes of the April 6, 1987 Council meeting as follows: Councilwoman Moran voted for the Urban Renewal Plan because it is a changeable Urban Renewal Plan.

On a motion by LaTourelle, seconded by Sevener, to approve the minutes of the April 6, 1987 Council meeting with the above correction. The motion passed unanimously.

PUBLIC HEARINGS

1. OPEN BURNING ORDINANCE - SECOND READING OF ORDINANCE 87-4: City Manager Freedman gave the Staff Report. He explained that the Fire Department would like to prohibit open burning within the City limits of Whitefish. It is their feeling that the danger of fire spread, the air pollution caused by the smoke and particulant, the time involved in regulating open burning and the liability are valid reasons for proposing this action. City Manager Freedman recommended that the Council approve this Ordinance on the second and final reading.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Hanson, seconded by Sevener, to adopt Ordinance No. 87-4, on the second reading. The motion passed unanimously.

2. URBAN RENEWAL PLAN FOR THE CITY OF WHITEFISH AND THE SECOND READING OF ORDINANCE 87-3: City Manager Freedman said that most of the things that are contained in the Urban Renewal Plan will someday prove to be an asset to the City of Whitefish. The financing mechanisms contained within the Urban Renewal Law will give the City of Whitefish the mechanism to do a lot of different things without waiting for grants, loans or other funding. He said that he stressed tax increment financing because it is critical to the Urban Renewal Plan. Any new development that occurs after the date of implementation of this Plan will begin to generate tax increments for the City of Whitefish which will ultimately be used to finance many of the projects that are outlined in the Urban Renewal Plan. He reviewed some of the projects outlined in the Urban Renewal Plan and also the areas that would be included in the Urban Renewal District. Any changes in the Urban Renewal District can be made by the City Council by the adoption of an Ordinance, after notifying the

property owners within the Urban Renewal District.

Freedman explained that the City's forty acres was never annexed to the City of Whitefish and in the Urban Renewal Plan he proposed that this site could be utilized for an industrial park for small industries. In order to get this property into the Plan without going back and having additional hearings on the Plan, he proposed to continue discussion on adoption of Ordinance 87-3 until the May 4th meeting. At the May 4th meeting, this annexation would be scheduled as an agenda item and the City property could be annexed into the City of Whitefish. He recommended annexing that parcel into the City of Whitefish first and then adopting the Urban Renewal Plan so that the City could have the benefit of having the property in the Urban Renewal District. This would avoid the amendment of the Plan at a later date.

After his summary review of the Plan, City Manager Freedman said that once the Plan is in effect there will be a better framework for approaching development in the future. In conclusion, he said it is necessary that the City of Whitefish have a partnership with private investors so that the City can have Public - Private sector cooperation in order to make Whitefish a better community in the future.

Councilwoman Moran asked about what steps would remain before the Tax Increment Financing provision would be in effect after the adoption of the Plan.

City Manager Freedman said we only only have to file the Plan with the appropriate Flathead County officials.

Mayor Amass opened the hearing to the public.

Buster Schreiber complemented the City Manager and the Council for their progressive attitude in planning and thinking in a positive manner about Whitefish's future.

As there was no further public comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council.

After some discussion, on a motion by Sevener, seconded by LaTourelle, to postpone the decision on Ordinance 87-3 until the Council meeting of May 4. The motion passed unanimously.

PUBLIC COMMENT

Stephen Herbaly, Planning Director of the Flathead Regional Development Office, said that included in the council agenda packets was the annual report from the staff of the Flathead Regional Development Office and the work program for Fiscal Year 1987-1988 as proposed by the City-County Planning Board.

He also invited the Council to workshops that had been scheduled over the next few weeks on water quality. The workshops had been scheduled for the 28th and 29th of April - on the 28th in Kalispell and on the 29th in Whitefish at 7:00 A.M. at the Golf Club.

STAFF REPORTS

Police Chief Dolson and Building Inspector Quinn had both submitted written reports. The other Departments had nothing to report at this time.

Councilman Hanson said that a year ago when the Council went through the Budget process the question came up on what the status of the Fire Department Retirement Fund was. He felt this should be accomplished before the budget process was started for this year.

City Manager Freedman said that the State of Montana did an actuarial study on the Police Pension but the State Statutes did not fund actuarial studies for Fire Departments. He said he had sent the Fire Department information on what was necessary to have an actuarial study done and he was sure the Fire Department would accomplish the study before budget time.

OLD BUSINESS

1. LEASE WITH FLATHEAD COUNTY ON BALLFIELDS: City Manager Freedman said that Councilman Hanson had asked at a previous meeting about the amount of money that was spent by Flathead County on the ballfields east of Whitefish. He said the figure was approximately \$26,000 in improvements. One of the questions that has arisen at the Park Board meeting had to do with the utilization of the ballfield complex. Right now some of the fees for the teams that would like to utilize the ballfield complex are more than some of the women's teams can afford. One of the things that came up at the Park Board meeting was trying to ascertain whether the fees could be reduced and whether the Park Board could oversee the maintenance of those facilities. He said that he had written an article in the paper and hopefully he would get some response from the people in the community. It appears that there may not be a women's league in the City of Whitefish because of the fact they cannot find six (6) teams that are willing or capable of paying a \$330 fee for being in the women's softball league. Some of the teams have been going to Columbia Falls and Kalispell because they can play in leagues at little or no cost. The question has come up whether the Park Board could charge a lesser amount and generate more teams in the different leagues so that they could generate enough money to pay for the maintenance of the fields. He said this is one of the things being considered by the Park Board. He also said that he had not been contacted by the County Attorney's office on the terms of a final lease agreement. The final lease agreement was close to being completed if the City Council decides the terms are acceptable. A final decision would depend on what comes out of the Park Board meeting and the decisions made by that Board.

Councilman Hanson said he recalled the Charter Amendment that created a City Parks Board. He questioned that with the Parks Board whether it is really appropriate for the City Council to be involved in the negotiation of this lease. He felt it was more appropriate for the Park Board to go ahead and negotiate this lease agreement.

City Manager Freedman said the only reason to bring this to the City Council was the fact that many of the commitments in this proposed agreement were made by previous Councils and the liability questions directly affected the City's insurance policy.

After some discussion, it was the consensus of the Council that the Park Board would negotiate this lease agreement and bring the proposed lease back to the City Council for final approval.

2. CROSS CURRENTS USE PERMIT

A. Possible Reconsideration: City Manager Freedman explained that in the Municipal Code, Section 2.08.170, it allows for reconsideration of any Council decision. The only reason for putting this on the agenda was to cover all bases. If any changes were made, everyone would at least have had some notification that reconsideration was possible. The consensus of the Council was not to reconsider the Use Permit.

B. Agreement: City Manger Freedman said that the agreement drafted by the City Attorney was pretty much the same agreement adopted in July of 1985 with different dates. He told the Council that they had directed the City Attorney to draft the agreement and it was being presented for their consideration.

After some discussion, on a motion by LaTourelle, seconded by Sevenser, to adopt the Agreement as drafted by the City Attorney. The motion passed unanimously.

CITY MANAGER REPORTS

1. INTERCAP PROGRAM REPORT: City Manager Freedman said that on April 10th, the note at Mountain Bank had been paid off. He said there was an error in the debt service schedule presented at the last meeting. The payments would be approximately \$49,000 in August of this year, in February 1988, in August of 1988 and in February 1989. These payments are a little different than the schedule that we had which called for payments of \$56,000 on June 30, 1987, \$56,000 on December 30, 1987 and \$56,000 on June 30, 1988. The final payment under our Mountain Bank note would not have been a full payment. We are going to save some interest but the payment schedule is different because of the fact that the payments will be spread over a few more months with the initial payment being a few months later than under the old schedule. This will work to our advantage because it spreads it over a longer period of time. The interest rate that we have right now is 5.65% and two (2) points which is good for one (1) year and then they will have to go out again and sell bonds and our interest rate is predicated on the interest rate they can obtain. We did allow them to have a lien on some of our equipment - the sewer vactor truck and the two (2) garbage trucks. The amount that we actually borrowed was \$183,000 which included the amount we needed to pay off the bank note at Mountain Bank and also a few thousand dollars for the administrative costs of participating in the program.

2. ENGINEERING AMENDMENT - PHOSPHORUS REMOVAL PROJECT:

City Manager Freedman explained that the Engineering Amendment has to be signed and should have been signed when 50% of the Engineering work on the phosphorus removal was completed. The form that will be sent in to the State for the Engineering Contract is for \$133,659.23. This amount was agreed upon by the Council at a previous meeting. He said that it was necessary for the Council to approve this amendment so that the City could continue receiving

discussed for quite some time is the replacement of the lights at Memorial Park. The Park Board, the Glacier Twins and the School District #44 would share in the costs of the replacement of the lights with the three entities splitting the cost of the lighting. The project would be completed in approximately six weeks.

5. CLERK-TREASURER JOB DESCRIPTION: City Manager Freedman said that the Council had asked at previous meetings about the Clerk-Treasurer job description and one was drafted and enclosed in the agenda packets.

After discussion, on a motion by Faessler, seconded by LaTourelle, that if there is an increase in salary (because of combining the two positions), the increase be effective February 1, 1987. The motion passed unanimously.

6. RESOLUTION OF INTENTION TO ANNEX WHOLLY SURROUNDED PROPERTIES: City Manager Freedman explained that Resolution 87-11 had been advertised for the May 4th meeting. He explained that the thirty seven parcels of property were completely surrounded by City property. He recommended that the City Council adopt Resolution 87-11.

Councilman Hanson questioned whether the City did have the Ramsey Addition completely surrounded and asked the City Staff to review this portion of the annexation again.

After discussion, City Manager Freedman requested to go forward with the annexation and exclude parcels 15 through 28 of the Ramsey Addition until they could be researched further.

On a motion by Sevener, seconded by Boksich, to adopt Resolution No. 87-11 with the exclusion of the Ramsey Addition (parcels 15 through 28). The motion passed unanimously.

7. SID 148 & 149: City Manager Freedman gave an update on the two Special Improvement Districts. He said that he had several meetings with the people in the Colorado - Texas area on SID 149 and they are going to take a petition around and then come back to the City Council. Part of the petition calls for the City to pursue State funding with the use of EPA Grants to help sewer that area. Freedman said in terms of SID 148, he would be meeting with those homeowners tomorrow. At several of the meetings with these residents came the request to split the sewer line with twin lines - one north of the homes on the north side of Seventh and one south of the homes on the south side of Seventh. He said hopefully that would be acceptable to all of the residents. Freedman also said that the plant investment fee of \$150 would be charged to property owners in both S.I.D. 148 and 149 through December of this year. After that date, these property owners would have to pay the then going rate for sewer plant investment fees.

He also told the Council that another problem that was being worked on was West Lakeshore. Several people out there are in dire need of the sewer and after consulting with Greg and Paul Wells, we decided we could hookup several of the homes out there. We will be annexing about ten different parcels of land prior to their hookup to the City sewer system. Each person will have to put in their own individual lift stations and pump up to the force main. He said this was a critical area because some of the people were putting sewage

reimbursement for the engineering on the phosphorus removal project.

On a motion by Boksich, seconded by Faessler, to have the City Manager sign Amendment #7 to the Engineering Agreement. The motion passed unanimously.

3. STREET SWEEPER PURCHASE: City Manager Freedman explained that we did bid out a street sweeper during the last few weeks. We had expected two bids - one on a FMC street sweeper and the other on a Elgin street sweeper. We only received one bid from Normont Equipment in Great Falls. The bid received was for a Elgin Pelican in the amount \$69,650 and they would allow a trade of \$9,500 which would give a net figure of \$60,150. He said that one of the items planned to be financed through the Mountain Bank was the purchase of a street sweeper. If we were to pay it off on a quarterly basis at a rate of 6% over the next four (4) years, we would be looking at payments of \$4,250 which over four (4) years would mean principal and interest payments of \$67,947. If we were to pay it off on a semiannual basis over four (4) years, the payments would be \$8,548 with total principal and interest payments of \$68,391. If paid off on a yearly basis, the yearly payment would be \$17,318 and over the four year period principal and interest payments would be \$69,272. Within the 1986-1987 budget, a \$20,000 payment had been budgeted for the purchase of the street sweeper. He recommended that the Council approve the purchase of the Elgin Pelican street sweeper.

The Mayor and Council felt that City Manager Freedman should contact other cities that have purchased street sweepers to make sure the price was comparable. After discussion, on a motion by Hanson, seconded by Sevener, to authorize the City Administrator to purchase the street sweeper and arrange the financing, based on the above parameters. The motion passed unanimously.

4. LIGHTING FIXTURES FOR MEMORIAL PARK: City Manager Freedman said he put this on the agenda just so the Council would be aware of what the Park Board was doing with regard to Memorial Park. One of the problems that we have had in the past is who is responsible for some of the improvements and repairs at Memorial Park. Memorial Park ballfield and the football field are used almost exclusively by the Glacier Twins and the football team during football season. He said that he and City Attorney Tracy had put together an agreement that would tie down the parties involved - the City of Whitefish, School District #44 and the Glacier Twins. Everyone has been made aware of what their role is in the maintenance of Memorial Park. The agreement calls for the Glacier Twins and the School District to pay a user fee to utilize the park and that this money would go into the General Fund for general maintenance and operations. At the same time, the Glacier Twins and the School District will put up funds that will go into a capital improvements fund. Funds will be accumulated over a year or two and based upon a priority list put together by the Park Board, the Glacier Twins and the School District, certain capital improvements will be funded with this money. The Agreement also calls for the School District to deed over to the City the bleachers that are located by the football field. This agreement should be completed sometime in the next couple of weeks. The City of Whitefish then will not participate in the general maintenance and operation of the ballfields at Memorial Park. The Park Board will still maintain the area outside of the fence and the tennis courts. One of the projects that has been

directly into the lake.

8. OTHER MATTERS:

1. Letter from the Glacier Twins: They are requesting to sell beer at their 3rd annual Sapa-Johnsrud Memorial Tournament being held at Memorial Field on July 9, 10, 11, 12, 1987 and also for the State American Legion Championships August 14 through 19th. The Twins stated they would follow all the standard procedures by providing insurance, security and follow all of the liquor laws of Montana.

On a motion by Sevenser, seconded by Hanson to approve the above stated request. The motion passed unanimously.

2. Work program for fiscal 1987-1988 for the Whitefish City-County Planning Board: City Manager Freedman said that the Council should think about this program and decide by the next meeting whether or not the the projects presented are the ones they would like to see the Planning Board pursue.

City Manager Freedman said they were working on the revision of the Zoning Ordinance and the Committee is hoping to get through the document by the end of May.

City Manager Freedman reported on the preparation of the Whitefish Lake and Whitefish Protection regulations. Draft regulations had been put together and he and Owen Grinde had approached the County Commissioners about Whitefish having their own regulations for Whitefish Lake. Tom Jentz met with the County Planning Board who did not seem to have problems with it either. If approval could be obtained through all the channels, then Whitefish would have their own regulations for Whitefish Lake.

City Manager Freedman said he had received a letter from Tom Jentz, Senior Planner in Flathead Regional Office, regarding the Whitefish City-County Master Plan. The County Commissioners felt that 23 policy statements needed to be revised prior to adoption. Jentz said that the City and County must adopt the same plan and recommended that the Council review the proposed changes and determine whether or not they are appropriate and acceptable.

The consensus of the Council was to bring this matter back to the next Council meeting because they would all like more time to study the changes.

City Manager Freedman reported that the bid opening on the second phase of the interceptor line project was on April 23. He requested a special Council meeting be held on April 23 at 12:00 noon to open the bids.

3. FINANCIAL REPORTS: City Manager Freedman reviewed the cash status report and the expenditure report for the month of March. On a motion by LaTourelle, seconded by Hanson, to approve the financial reports as presented. The motion passed unanimously.

SUNCREST PROPOSAL - JOHN MIGLINO, JR

John Miglino told the Council that he would like to change #7 of the subdivision CC&R's which states clearly that no residential lot will ever be subdivided. He said that he had written two letters explaining why he felt some homeowners should be allowed to subdivide a lot if the original density could be protected and yet help the subdivision. He said he realized that the homeowners had to approve the changes first but the Homeowners Association had asked him to come to the City Council and see if the Council was receptive to these changes.

Councilwoman LaTourelle asked how many lots were involved. Miglino said he was only talking about Phase I which would involve 32 lots that were still undeveloped.

City Councilman Hanson said he thought that Section 7 on page 8 of their covenants read "no platted residential lots or units on multifamily lots shall ever be subdivided except as provided in the sub-lot section of the Zoning Ordinance. The sub-lot section will allow duplexes to be built on what is now one lot but would not allow someone to create a sub-lot and then build a single family dwelling. Hanson said this might be the way to prevent higher densities. He also suggested that an amended plat creating the sub-lots and they could either create a sub-lot by building a duplex on the center line and own them jointly or separately.

Miglino said that sewer and water connections would also have to be considered. If the duplexes were split, there should be two water and two sewer hookups.

This was turned over to the City Staff to review and to work out the details.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler said she felt the Council should address the parking and paving issues on page 120 of the Zoning Ordinance. The City should enforce these provisions throughout the entire City. City Manager Freedman will notify the appropriate property owners.

Faessler also requested to have a Council Retreat and she made the motion to have the retreat on May 11 at 4:00 P.M. The motion was seconded by Moran and passed unanimously.

Councilwoman Moran requested to leave the state from the 23rd of April until the 3rd of May.

On a motion by LaTourelle, seconded by Boksich to approve this request. The motion passed unanimously.

Councilman Hanson reported that the Legislature had passed a law that any professional services that are over \$5,000 for engineering, surveying and landscaping would have to go through a bidding process. He gave the Council a copy of the law. He said he had summarized it and spelled out his position as far as what the City of Whitefish should or should not be doing. He said he would have an extremely hard time taking Whitefish generated dollars and exporting them from the community for professional services when qualified

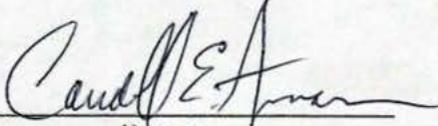
firms are capable of doing the work. The City Council has an obligation to promote Whitefish as much as possible in his opinion.

City Manager Freedman said one of the things the City can do under this law is at the beginning of the fiscal year choose an Engineer to do certain City projects. In terms of street engineering, Sorenson & Company's agreement with the City calls for any future work in the City by amending the agreement. He said he did not have a problem with keeping any engineering work local unless there was a tremendous difference in the cost. If a local firm's bid was 5 or 10 percent more, this would not be a problem. If it is excessive, that is where the City Council should decide if it is doing justice to taxpayer dollars.

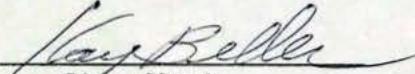
Hanson agreed with this but he felt the City should give the local people a chance too.

Hanson also reported that the Flathead Community College Board was still considering the Whitefish proposal for the Community College at the soccer fields west of Grouse Mountain Lodge.

On a motion by LaTourelle, seconded by Sevener, to adjourn at 9:23 P.M. The motion passed unanimously.


Mayor

ATTEST:


City Clerk

COUNCIL MINUTES
APRIL 23, 1987

Mayor Amass opened this Special Meeting of the Whitefish City Council at 12:00 noon on the above date. Council members present were Faessler, Boksich, LaTourelle and Hanson. Also present were City Manager Freedman and Engineer Dennis Carver.

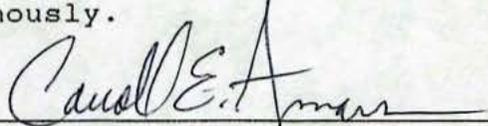
The purpose of this meeting was to open bids for the Second Phase of the Interceptor Sewer Project.

The following bids were received and opened:

1. R. H. Grover, Inc. \$520,808.00
P. O. Box 8328
Missoula, Mt 59807
2. Chet Brown & Sons \$538,751.00
P. O. Box 1055
Lewiston, Mt. 59457
3. Pack & Co. \$611,992.00
Box 1396
Kalispell, Mt 59901
4. Millons Construction \$632,900.00
P.O. Box 4626
Helena, Mt. 59604
5. Swank Enterprises \$685,400.00
115 W. Nevada
Kalispell, Mt 59901
6. Olander Contracting Co. \$688,190.00
P. O. Box 1026
Fargo, N. D. 58107
7. LHC Inc. \$694,706.00
P. O. Box 55
Kalispell, Mt. 59901

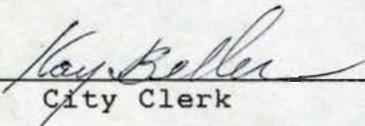
On a motion by Faessler, seconded by Boksich, to turn the bids over to the City Manager and Engineer Carver to review and to bring back their recommendations to the May 4th Council Meeting. At that time, the Council would review and consider approving and awarding the contract. The motion passed unanimously.

On a motion by Boksich, seconded by Faessler, to adjourn at 12:22 P.M. The motion passed unanimously.

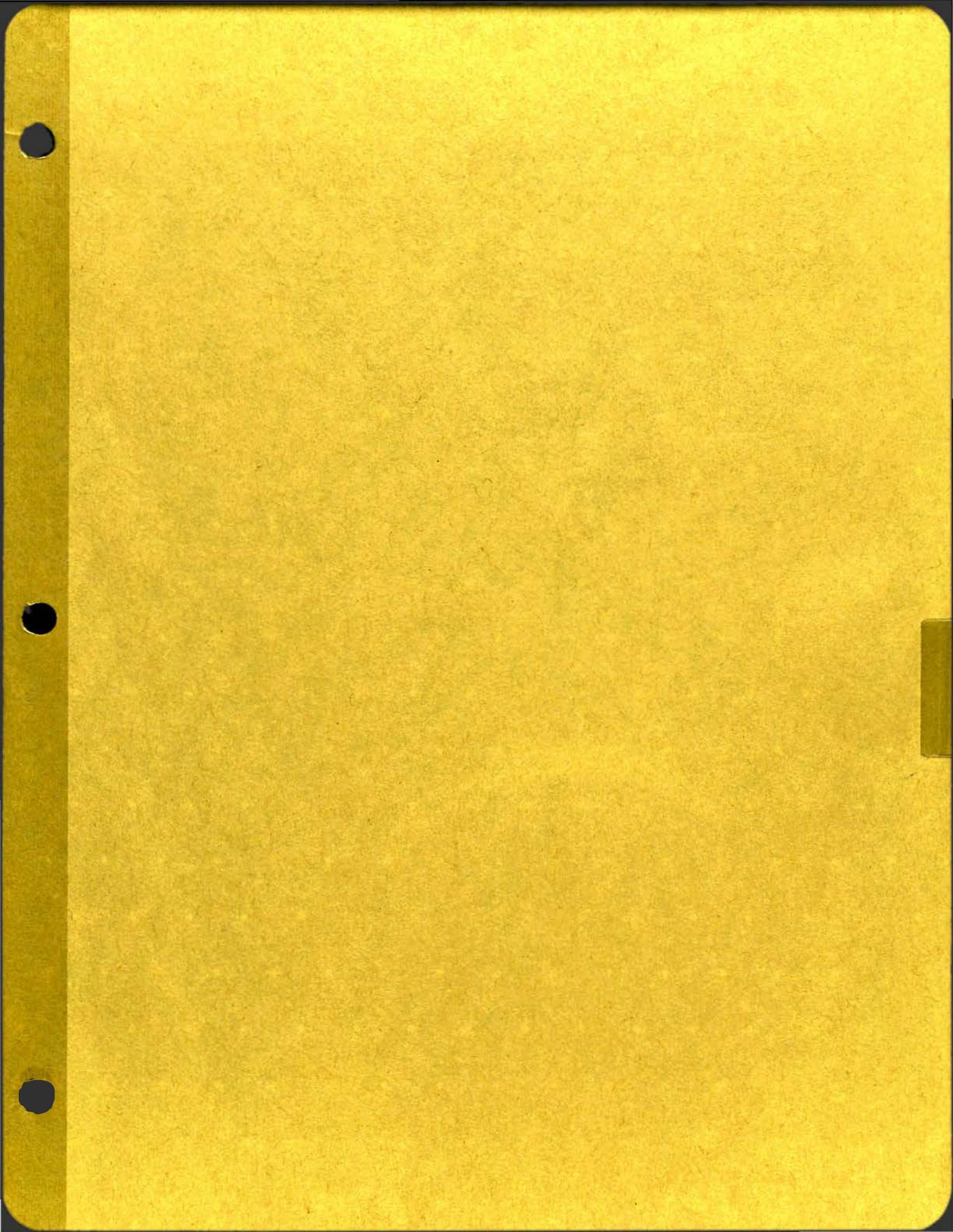


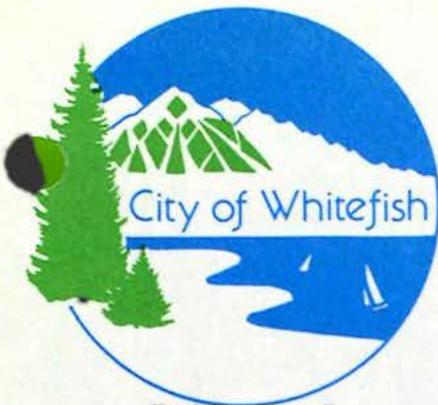
Mayor

ATTEST:



City Clerk

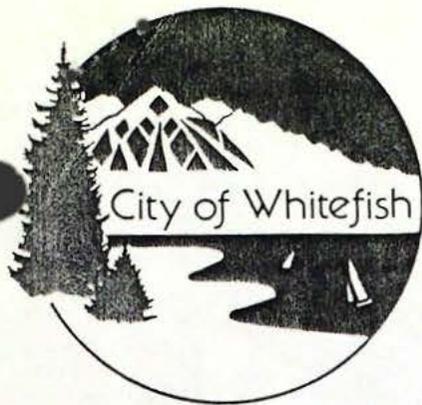




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
May 4, 1987

- 7:00 I. Approval of the minutes of the April 20, 1987 Meeting and the Special Meeting on April 23, 1987
- 7:05 II. PUBLIC HEARINGS
1. Resolution of Annexation - Annexation of City of Whitefish Government Land (Resolution 87-12)
 2. Resubdivision of Lot 2, Block 8 First Addition to Whitefish Townsite Company's Five Acre Tracts - Preliminary and Final Plat Approval
 3. Urban Renewal Plan for the City of Whitefish and the second reading of Ordinance 87-3
- 7:35 III. PUBLIC COMMENTS
- 7:45 IV. STAFF REPORTS
1. Police
 2. Water/Sewer
 3. Street/Sanitation
 4. Building
 5. Fire
- 7:55 V. OLD BUSINESS
1. Lease with Flathead County on ballfields
 2. Award of Sewer Interceptor Contract
 3. Work Program of Whitefish City-County Planning Board
 4. Master Plan amendments
- 8:20 VI. NEW BUSINESS
1. Administrative Review of Lakeshore Construction Permits
 - a. Greg Niles
 - b. Donald Bosshardt
 2. Whitefish Lake Regatta - waiving of Open Container Ordinance
- 8:35 VII. CITY MANAGER REPORTS
1. CDBG Public Hearings
 2. Purchase of Sewer/Water Equipment
 3. Change in meeting time of May 18 meeting
 4. Council Retreat
 5. Health Insurance Update
 6. 1987-1988 Budget Discussion
 7. FVCC Commitment
 8. Other matters
- 9:20 VIII. COUNCIL REPORTS OR COMMENTS
- 9:30 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman
TO: City Council
DATE: April 20, 1987
RE: May 4, 1987 Council Meeting

Here are my comments on the agenda items for the next Council Meeting:

1. Resolution 87-12: The passage of this resolution will result in the annexation of the forty (40) acres of City property where the City Shops are located. In the Urban Renewal Plan, I have proposed that this site be used in the future for an industrial park. Ultimately, construction on this site would generate tax increment monies that would be used for the public improvements outlined in the Urban Renewal Plan.

Recommendation: Adopt Resolution 87-12.

*7-2-4401 thru 7-2-4421
resolution becomes effective
30 days after its passage*

2. Resubdivision of Lot 2, Block 8 First Addition: Leo and Lou Ost have proposed the resubdivision of their 1.36 acre tract of land into two parcels of land. The Planning Board has recommended approval of the resubdivision with three conditions which have all been met by the owner of the property.

Recommendation: Approve the resubdivision with preliminary and final plat approval.

3. Urban Renewal Plan: I cannot stress the importance of this plan to the future growth and development of Whitefish more than I have at our previous meetings.

Recommendation: Adopt Ordinance 87-3.

4. Lease with Flathead County: The City Attorney and I are currently working on the wording of the lease as it pertains to the liability insurance matter. The Park Board has unanimously approved the lease agreement contingent on wording on the liability issue that is acceptable to the City Council, City Manager and City Attorney.

Recommendation: Approve the lease agreement.

5. Award of Sewer Interceptor Contract: Contained within your packets is the bid sheet on the Second Phase of the Sewer Interceptor Project. The apparent low bidder, R. H. Grover, has indicated that he made a calculation mistake in his bid. Dennis Carver and I have been researching and discussing this matter with Dick Grover. I am also working with the City Attorney on this issue.

Recommendation: Award the bid to R. H. Grover so that the City of Whitefish will leave open its options with regard to the bid bond. Your award should allow me the flexibility to award the contract to another firm if the City Attorney and I decide that this is in the best interest of the City.

6. Work Program of City-County Planning Board: Their proposed program is in your packet.

Recommendation: I agree with Projects 1-3 but I feel that the transportation study is not needed at this time. I would rather see a more comprehensive review of the subdivision regulations and the review of regulations that directly affect planning and zoning issues.

7. Master Plan Amendments: The County Commissioners Comments are in your packet.

Recommendation: Their recommendations are weak and dilute the impact of the Master Plan. Compromise on some and take a hard line on others.

8. Lakeshore Construction Permit - Greg Niles: Greg Niles proposes to install a prebuilt dock in Whitefish River. Under Ordinance 86-23, the City Council can decide to send the application directly to the Lakeshore Protection Committee if the Council feels that the project does not require a variance, concerns residential property and has an insignificant impact on the lake or waterway.

Recommendation: Refer the application directly to the Lakeshore Protection Committee.

9. Lakeshore Construction Permit - Donald Bosshardt: Don Bosshardt proposes to install a "porta-dock" on Whitefish Lake. Under Ordinance 86-23, the City Council can decide to send the application directly to the Lakeshore Protection Committee if the Council feels that the project does not require a variance, concerns residential property and has an insignificant impact on the lake or waterway.

Recommendation: Refer the application directly to the Lakeshore Protection Committee.

10. Whitefish Lake Regatta: Representatives of this event desire the City Council to waive the open container ordinance during the regatta from July 31 to August 2.

Recommendation: Approve this request and require that insurance is obtained and that the area is cleaned up at the end of the regatta.

11. CDBG Hearings: The City Council has the opportunity to apply for a Community Development Block Grant. The purpose of this program is to develop communities through economic development projects, housing and neighborhood revitalization projects and public facility projects. These projects should principally benefit low and moderate income families.

Recommendation: Advertise for public hearings for the June 1 and 15 Council Meetings in order to elicit comments and proposals from community residents.

12. Sewer/Water Equipment: Within the 1986-1987 Budget in the Water and Sewer Funds, there were monies appropriated for equipment purchases. In your packet is a memo to me from Greg Acton indicating the need for an excavator for water, sewer and storm sewer projects. If we are to undertake the Five Year Capital Improvements Plan that is currently in draft form, the City of Whitefish will expend in excess of one million dollars for water and sewer line replacement and a sizeable amount for the storm sewer system. Many of these lines will be placed at depths that are beyond the capabilities of our current equipment.

Recommendation: Purchase the excavator and the vibratory roller so that the City of Whitefish will have the capability to do these projects, thus avoiding contracting out of these projects.

Vibratory Roller

1. Midway Rental - \$8,571.00
2. All West Tractor - \$6,374.00

Hydraulic Excavator

1. All West Tractor - \$114,755.00
2. Davies, Inc. - \$100,944.95
3. Long Machinery - \$109,104.00

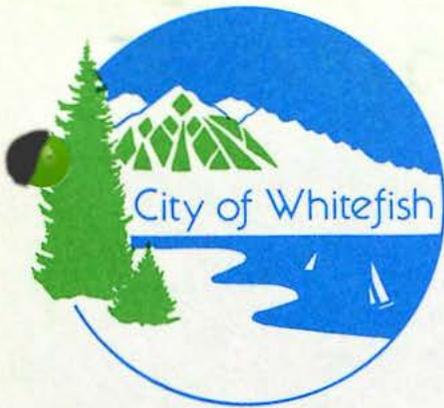
13. May 18 Meeting: Due to a conflict, one of our Council members cannot attend the May 11 retreat. I would recommend that the City Council have a short Council Meeting on May 18 (our regular Council Meeting date) at 5 P.M. and then adjourn to Grouse Mountain Lodge for our retreat.

14. Health Insurance Update: I will give you an update on the renewal of our health insurance policy.

15. 1987 - 1988 Budget: I am in the process of putting together some budget information for a brief discussion at the May 4 Meeting. This information will be distributed Monday night.

16. FVCC Commitment: New legislation passed by the State Legislature this session provides cities with a new method for receiving revenues from poker machines. This new legislation will enable the City of Whitefish to receive greater revenues than we received in the past. In an effort to attract FVCC to Whitefish, there must be public-private sector cooperation.

Recommendation: A commitment by the City of Whitefish of \$25,000.00 per year for twenty years to help bring the college to Whitefish. Any commitment would be contingent upon the Board of Trustees of FVCC deciding on building a campus in Whitefish.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman
TO: City Council
DATE: April 20, 1987
RE: May 4, 1987 Council Meeting

Here are my comments on the agenda items for the next Council Meeting:

1. Resolution 87-12: The passage of this resolution will result in the annexation of the forty (40) acres of City property where the City Shops are located. In the Urban Renewal Plan, I have proposed that this site be used in the future for an industrial park. Ultimately, construction on this site would generate tax increment monies that would be used for the public improvements outlined in the Urban Renewal Plan.

Recommendation: Adopt Resolution 87-12.

2. Resubdivision of Lot 2, Block 8 First Addition: Leo and Lou Ost have proposed the resubdivision of their 1.36 acre tract of land into two parcels of land. The Planning Board has recommended approval of the resubdivision with three conditions which have all been met by the owner of the property.

Recommendation: Approve the resubdivision with preliminary and final plat approval.

3. Urban Renewal Plan: I cannot stress the importance of this plan to the future growth and development of Whitefish more than I have at our previous meetings.

Recommendation: Adopt Ordinance 87-3.

4. Lease with Flathead County: The City Attorney and I are currently working on the wording of the lease as it pertains to the liability insurance matter. The Park Board has unanimously approved the lease agreement contingent on wording on the liability issue that is acceptable to the City Council, City Manager and City Attorney.

Recommendation: Approve the lease agreement.

5. Award of Sewer Interceptor Contract: Contained within your packets is the bid sheet on the Second Phase of the Sewer Interceptor Project. The apparent low bidder, R. H. Grover, has indicated that he made a calculation mistake in his bid. Dennis Carver and I have been researching and discussing this matter with Dick Grover. I am also working with the City Attorney on this issue.

Recommendation: Award the bid to R. H. Grover so that the City of Whitefish will leave open its options with regard to the bid bond. Your award should allow me the flexibility to award the contract to another firm if the City Attorney and I decide that this is in the best interest of the City.

6. Work Program of City-County Planning Board: Their proposed program is in your packet.

Recommendation: I agree with Projects 1-3 but I feel that the transportation study is not needed at this time. I would rather see a more comprehensive review of the subdivision regulations and the review of regulations that directly affect planning and zoning issues.

7. Master Plan Amendments: The County Commissioners Comments are in your packet.

Recommendation: Their recommendations are weak and dilute the impact of the Master Plan. Compromise on some and take a hard line on others.

8. Lakeshore Construction Permit - Greg Niles: Greg Niles proposes to install a prebuilt dock in Whitefish River. Under Ordinance 86-23, the City Council can decide to send the application directly to the Lakeshore Protection Committee if the Council feels that the project does not require a variance, concerns residential property and has an insignificant impact on the lake or waterway.

Recommendation: Refer the application directly to the Lakeshore Protection Committee.

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Recommendation: Refer the application directly to the Lakeshore Protection Committee.

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Recommendation: Approve this request and require that insurance is obtained and that the area is cleaned up at the end of the regatta.

11. CDBG Hearings: The City Council has the opportunity to apply for a Community Development Block Grant. The purpose of this program is to develop communities through economic development projects, housing and neighborhood revitalization projects and public facility projects. These projects should principally benefit low and moderate income families.

Recommendation: Advertise for public hearings for the June 1 and 15 Council Meetings in order to elicit comments and proposals from community residents.

12. Sewer/Water Equipment: Within the 1986-1987 Budget in the Water and Sewer Funds, there were monies appropriated for equipment purchases. In your packet is a memo to me from Greg Acton indicating the need for an excavator for water, sewer and storm sewer projects. If we are to undertake the Five Year Capital Improvements Plan that is currently in draft form, the City of Whitefish will expend in excess of one million dollars for water and sewer line replacement and a sizeable amount for the storm sewer system. Many of these lines will be placed at depths that are beyond the capabilities of our current equipment.

Recommendation: Purchase the excavator and the vibratory roller so that the City of Whitefish will have the capability to do these projects, thus avoiding contracting out of these projects.

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Recommendation: A commitment by the City of Whitefish of \$25,000.00 per year for twenty years to help bring the college to Whitefish. Any commitment would be contingent upon the Board of Trustees of FVCC deciding on building a campus in Whitefish.

MINUTES
WHITEFISH CITY COUNCIL
MAY 4, 1987

The May 4, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council Members were present. Also present were City Manager Freedman, City Attorney Tracy, Water/Sewer Supervisor Acton, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

MINUTES

Councilwoman Moran said that under Council reports, Councilwoman Faessler had asked City Manager Freedman when the City Manager review would take place and he had replied, soon but did not give a date for the review.

Councilwoman Moran questioned the last page of the minutes when the Council was talking about Sorenson & Co. City Manager Freedman said "in terms of street engineering, Sorenson & Company's agreement with the City calls for any future work in the City by amending the agreement." She requested a clarification of this statement. She asked if this meant we were bound to Sorenson and would the agreement have to be amended every time we have another engineering project.

City Manager Freedman said the reference made to Sorenson & Co. had to do with comments made by Councilman Hanson as there was some question as to whether the City would have to go out and rebid the work again because of the change of the law in February or whether it would fall under the existing contract. The way the contract was written with Sorenson, it would allow for additions to the contract without having to renegotiate the contract.

Councilman Hanson had a correction to page 8, the last paragraph: delete the line that reads - he gave the Council a copy of the law and on page 9 add: firms in the community are capable of doing the work.

Councilwoman Faessler corrected page 6. She had asked whether she should abstain from voting on the intent to annex the wholly surrounded properties because the Hospital property was a part of this annexation. City Attorney Tracy said this would not be a conflict of interest and that she should vote on the issue. On page 8, she said she did not say the City should enforce these provisions throughout the entire City but asked the City Manager and City Attorney to look at this issue-she was asking for a clarification on the issue. (Delete: City Manager Freedman will notify the appropriate property owners). Also on page 6, with regard to the Clerk-Treasurer job description, she did not mean to imply if there was a salary increase. She felt that there should be an increase because the City Treasurer left at a higher grade than the incumbent City Clerk and she assumed that there would be a salary increase and it should be retroactive to February 1.

On a motion by Faessler, seconded by Moran, to approve the minutes of the April 20, 1987 Council Meeting with the above stated amendments. The motion passed unanimously.

On a motion by Hanson, seconded by Boksich, to approve the minutes of the special Council Meeting held on April 23, 1987. The motion passed with 5 aye votes and 1 abstention. Moran abstained.

PUBLIC HEARINGS

1. RESOLUTION NO. 87-12 - ANNEXATION OF CITY OF WHITEFISH GOVERNMENT LAND: City Manager Freedman said that the passage of this Resolution would result in the annexation of the forty (40) acres of City property where the City Shops are located. (The Southeast one-quarter of the Northwest one-quarter (SE1/4 NW1/4) Section One (1) Township Thirty North (T30N) Range Twenty-two West (R22W), PMM, Flathead County, Montana, 39.835 acres, Certificate of Survey #7790). He said that in the Urban Renewal Plan, he had proposed this site be used in the future for an industrial park. Ultimately, construction on this site could possibly generate tax increment monies that would be used for the public improvements outlined in the Urban Renewal Plan. He recommended the Council adopt Resolution No. 87-12 because he felt that this annexation plays an important part in the Urban Renewal Plan.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council asked if the adoption of the Urban Renewal Plan would have to be delayed until this Resolution was in effect. City Manager Freedman said he did not see that this would be a problem because it would be explained that this was a part of the Urban Renewal Plan when submitted to the County.

On a motion by Sevener, seconded by Moran, to adopt Resolution 87-12. The motion passed unanimously.

2. RESUBDIVISION OF LOT 2, BLOCK 8 FIRST ADDITION TO WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS-PRELIMINARY AND FINAL PLAT APPROVAL: The Whitefish City-County Planning Board in their letter dated April 20, 1987 unanimously recommended approval of the Preliminary Plat with three conditions that should be addressed prior to approval of the final plat. City Manager Freedman explained that Leo and Lou Ost had already complied with all the conditions and he recommended the Council approve the resubdivision with preliminary and final plat approval.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Sevener, seconded by Faessler, to approve the Preliminary Plat of the resubdivision of Lot 2, Block 8, First Addition to Whitefish Townsite Company's Five Acre Tracts. The motion passed unanimously.

On a motion by Sevener, seconded by Faessler, to approve the Final Plat of the resubdivision of Lot 2, Block 8, First Addition to Whitefish Townsite Company's Five Acre Tracts. The motion passed unanimously.

3. URBAN RENEWAL PLAN FOR THE CITY OF WHITEFISH AND THE SECOND READING OF ORDINANCE 87-3: City Manager Freedman gave a summary review of the Urban Renewal Plan and said he could not stress the importance of this plan to the future growth and development of Whitefish. He recommended the Council adopt Ordinance No. 87-3 on the second and final reading.

Councilwoman Moran asked if there were several districts to be included or just one district. City Manager Freedman explained that there was just one district. Councilwoman LaTourelle asked if the Master's Green subdivision expanded onto some other properties (Ramsey Addition, i.e.) that the City is looking at annexing, should this area be included in the Urban Renewal District. City Manager Freedman said at this time it could not be included but in the future, if the area is annexed, the Council could by Ordinance change the boundaries of the District and include these areas.

Leon Gustafson questioned what would happen to the School District if all future taxes went to the Urban Renewal District. He said that Whitefish needed a new school and the people not included in the Urban Renewal District would be stuck for the financing of it. City Manager Freedman explained that this was not the case and in the long run the plan would benefit the school and the school was receptive to the Urban Renewal Plan.

Mayor Amass opened the hearing to the public and as there was no comment, the hearing was closed to the public and turned over to the Council for discussion and action.

On a motion by Sevener, seconded by Hanson, to adopt Ordinance 87-3, adopting the Urban Renewal Plan. The motion passed unanimously.

PUBLIC COMMENT

NONE

STAFF REPORTS

Water/Sewer Supervisor Acton reported that last week the sewer treatment plant was the subject of a comprehensive performance evaluation that was conducted by the Water Quality Bureau. They visited the plant and they rated it on 70 criteria. They had A - B - C rankings - the A rankings indicated that you had a problem that would effect the performance of the plant in the near future, the B ranking were items that caused problems on a longer term basis and are not considered as much of a problem as A and the C rankings were considered the least problem. Out of the 70 items that they reviewed, we did get 3 B rankings - equipment accessibility for maintenance, plant staff based on the number of people we have and preventive maintenance. They did come up with 3 C factors that were related to the aeration equipment. Acton said they did give us a good report and they felt we did have a good operation and that the training program was effective. They praised the City for the work that had been done with the limited number of people that the City has to operate the plant.

Councilwoman Moran commended Greg and his department.

OLD BUSINESS

1. LEASE WITH FLATHEAD COUNTY ON BALLFIELDS: City Manager Freedman reported that he and City Attorney Tracy were working on the wording of the lease as it pertains to the liability insurance matter. The Park Board has unanimously approved the lease agreement contingent on the wording on the liability issue that is acceptable to the City Council, the City Manager and the City Attorney. He said that the Flathead County Parks Department wanted a twenty five (25) year lease but he felt this was too long a period of time and suggested the Council approve a ten (10) year lease agreement.

After some discussion, the Council requested the City Manager and the City Attorney draft the agreement with the ten (10) year clause and the City would have the right to terminate the lease at the end of this time period. The draft of the lease agreement would be brought back to the next Council meeting for the Council to review.

2. AWARD OF SEWER INTERCEPTOR CONTRACT: City Manager Freedman said in the Council packets was the bid sheet on the Second Phase of the Sewer Interceptor Project. The apparent low bidder, R. H. Grover, had indicated that he made a calculation mistake in his bid. He said that he and Dennis Carver had been researching and discussing the matter with Dick Grover and he had also been working with the City Attorney on the issue. He recommended awarding the bid to R. H. Grover so that the City of Whitefish would leave open its options with regard to the bid bond. The award of the bid would allow City Manager Freedman the flexibility to award the contract to another firm if he and the City Attorney decide that this is in the best interest of the City. The error made by R. H. Grover would increase their bid to \$576,186 and in that case, the low bid would go to Chet Brown & Sons for \$538,758.00. He told the Council that R. H. Grover's bid was an unbalanced bid meaning that a lot of items are extremely high and some are extremely low as compared to the Engineer's estimate. Dennis has done some research on this type of bid and this practice of unbalanced bids may benefit the contractor in many regards but it complicates the bidding circumstances. Unbalanced bids leaves the way open to the bidder to jump either of two ways - 1. He can insist that his bid prices are correct or; 2. He may try to argue that he made a mistake and he should be permitted to either withdraw or correct the bid. Giving the bidder such an opportunity is contrary to the interest of competitive bidding. City Manager Freedman recommended based upon some legal cases that the City of Whitefish should award the bid to R. H. Grover which would give R. H. Grover ten (10) days to send the appropriate bonds to the City of Whitefish. If he does not send the appropriate bonds, we can possibly take the bid bond and keep it. This is something City Attorney Tracy would have to research. If the Council were to award the bid to R. H. Grover and if the City Attorney finds that the City cannot bind R. H. Grover to this contract bid price, then the City of Whitefish should be allowed to award the contract to the next low bidder.

After considerable discussion by the Council, on a motion by Hanson, seconded by LaTourelle, to accept the bid of R. H. Grover for \$520,808. The motion passed unanimously.

3. WORK PROGRAM OF WHITEFISH CITY-COUNTY PLANNING BOARD:

In the letter from Claire Strickler dated March 26, 1987 the following four projects were selected and prioritized for their 1987-1988 work program:

1. Completion of the Whitefish Zoning Ordinance Update;
2. Preparation and adoption of the Whitefish Lake and Lakeshore Protection Regulations;
3. Editing of Whitefish Subdivision Regulations; and
4. A transportation study of the Whitefish area addressing specifically Highway 93 South and the truck bypass as well as traffic circulation in general.

City Manager Freedman recommended that projects 1-3 be approved but he did not feel that the transportation study was needed at this time. He said he would rather see a more comprehensive review of the subdivision regulations and the review of regulations that directly affect planning and zoning issues.

After Council discussion, on a motion by Hanson, seconded by LaTourelle, to approve the work program for 1987-1988 as outlined by the City-County Planning Board. The motion passed unanimously.

4. MASTER PLAN AMENDMENTS: City Manager Freedman said that the Council had in their packets twenty three (23) proposed changes by the County Commissioners for the Master Plan that was approved by the Planning Board and the City Council. If you look at each of those 23 changes, the statements that were proposed by the County Commissioners water down the strength of the Master Plan. He said Council should compromise on some and take a hard line on others.

After much discussion, on a motion by LaTourelle, seconded by Boksich, to reject all the proposed changes except #7, #20, #21 and #22.

On a motion by Moran, seconded by Faessler, to amend the previous motion by deleting #7. The motion passed with 4 aye votes and 2 no votes. LaTourelle and Hanson voted no.

The original motion passed unanimously with the amendment.

NEW BUSINESS

1. ADMINISTRATIVE REVIEW OF LAKESHORE CONSTRUCTION PERMITS:

a. Greg Niles - This application was referred to the Soil Conservation Service because the request was to build a dock on the River.

b. Donald Bosshardt was requesting to build a Porta dock, with dimensions of 4' X 40' at 1430 Wisconsin Avenue.

On a motion by Hanson, seconded by LaTourelle, to refer this Lakeshore Construction Application to the Lakeshore Protection Committee. The motion passed unanimously.

2. WHITEFISH LAKE REGATTA - WAIVING OF OPEN CONTAINER ORDINANCE: City Manager Freedman said that representatives of this event desire the City Council to waive the open container ordinance during the regatta from July 31

to August 2. He recommended the Council approve the request and require that insurance is obtained, the City is named as an additional named insured and that the area is cleaned up at the end of the regatta.

On a motion by LaTourelle, seconded by Sevener, to approve the Whitefish Lake Regatta with the above conditions and waive the open container ordinance from July 31 to August 2. The motion passed unanimously.

CITY MANAGER REPORTS

1. CDBG PUBLIC HEARINGS: City Manager Freedman explained that the City Council has the opportunity to apply for a Community Development Block Grant. The purpose of this program is to develop communities through economic development projects, housing and neighborhood revitalization projects and public facility projects. These projects should principally benefit low and moderate income families. He recommended the Council advertise for public hearings for the June 1 and 15 Council Meetings in order to elicit comments and proposals from community residents.

On a motion by Hanson, seconded by Faessler, to set June 1 and June 15 for the public hearings. The motion passed unanimously.

2. PURCHASE OF SEWER/WATER EQUIPMENT: City Manager Freedman explained that within the 1986-1987 Budget in the Water and Sewer Funds, there were monies appropriated for equipment purchases. In the packet is a memo from Greg Acton indicating the need for an excavator for water, sewer and storm sewer projects. He said that if the City is to undertake the Five Year Capital Improvements Plan that is currently in draft form, the City will spend in excess of one million dollars for water and sewer line replacement and a sizeable amount for the storm sewer system. Many of these lines will be placed at depths that are beyond the capabilities of our current equipment. He recommended the purchase of the excavator and the vibratory roller so that the City will have the capability to do these projects, thus avoiding contracting out these projects.

VIBRATORY ROLLER

- | | |
|---------------------|------------|
| 1. Midway Rental | \$8,571.00 |
| 2. All West Tractor | \$6,374.00 |

HYDRAULIC EXCAVATOR

- | | |
|---------------------|--------------|
| 1. ALL WEST TRACTOR | \$114,755.00 |
| 2. DAVIES, INC. | \$100,944.05 |
| 3. LONG MACHINERY | \$109,104.00 |

City Manager Freedman recommended the Council approve the purchase of the vibratory roller from All West Tractor for \$6,374.00 and the Hydraulic Excavator from Davies, Inc. for \$100,944.05.

Councilwoman Faessler asked if in the 86-87 budget the amounts appropriated for purchase of equipment were for these two items or were they appropriated for other equipment.

City Manager Freedman said that when he and Greg put together the budget, there was money in it for some type of backhoe and roller. Those were the two principal items in equipment purchases.

Councilwoman Moran said in looking at the budget under sewer and water operating, \$24,403 under sewer and \$22,000 for water equipment had been approved and how much of that has been spent. She questioned whether the equipment would be purchased in one payment or over a number of years. She also asked about the Capital Improvements Plan and what other purchases would have to be made over the next couple of years. She said that she would like to see projections for future years, even ten (10) years down the road.

Greg said he had a draft of the five year capital improvement plan and there were no large equipment purchases planned.

City Manager Freedman explained that the vibratory roller would be purchased now and the excavator would be purchased over a four or five year period and that is how it was budgeted. He said that the water budget had a balance of \$17,000 and the sewer had a balance of \$19,000 for equipment purchases.

Councilwoman Faessler said she would like to see a recap of the payments we have already extended ourselves for now. She said she did not feel comfortable buying another \$100,000 worth of equipment and throwing it out in long term debt.

City Manager Freedman explained that the other pieces of equipment that had been purchased were funded out of the General Fund and these payments would be made out of the (Water/Sewer) Funds.

After discussion, on a motion by Hanson, seconded by Faessler, to approve the purchase of the vibratory roller at a cost of \$6,374.00 and table until the next Council meeting the purchase of the excavator. City Manager would bring a detailed breakdown on how it is to be financed and what the payback rate would be. The motion passed unanimously.

3. CHANGE IN MEETING TIME OF MAY 18 MEETING: City Manager Freedman said that due to a conflict, one of the Council members could not attend the May 11 retreat. He recommended that the City Council have a short Council Meeting on May 18 (the regular Council Meeting date) at 5:00 P.M. and then adjourn to Grouse Mountain Lodge for the retreat.

After discussion, the Council decided to leave the regular Council meeting for May 18 and the retreat would be rescheduled for sometime in June.

4. HEALTH INSURANCE UPDATE: City Manager Freedman told the Council that the Health Insurance with Blue Cross/Blue Shield runs through June 1st and he had advertised for bids from numerous health insurance carriers so we could have some competitive bids. The health insurance premiums through Blue Cross/Blue Shield will increase 12 1/2 percent even though we have had a fairly good experience record. As of this date, one proposal that we have received would result in a cost savings of \$7,300 with the same \$500 deductible. With a \$300 deductible, the savings would be \$11,700 and the savings would be \$9,300 with a \$200 deductible. Councilwoman LaTourelle asked

if this would affect any of the Union Contracts and Freedman said no because he had put a clause in the Union Contracts that if the Insurance went up considerably, the City had a right to change carriers.

5. 1987-1988 BUDGET DISCUSSION: He told the Council that he was in the process of putting together some budget information and he would bring the information to the next Council Meeting.

6. FVCC COMMITMENT: City Manager Freedman said that new legislation passed by the State Legislature this session provides cities with a new method for receiving revenues from poker machines. This new legislation will enable the City to receive greater revenues than we have received in the past. In an effort to attract FVCC to Whitefish, there must be public-private sector partnership. He said he recommended a commitment by the City of Whitefish of i.e. \$25,000 per year for twenty years to help bring the college to Whitefish. Any commitment would be contingent upon the Board of Trustees of FVCC deciding on building a campus in Whitefish.

Council discussed the issue briefly but no decision was made.

7. OTHER MATTERS:

1. ORDINANCE NO. 87-5: An Ordinance repealing that portion of Section 8 of Ordinance A-406 (1982) as further sets forth in a portion of Whitefish Municipal Code Section 3.19.080 (E) which heretofore provided that leases of real property shall not be granted for a period in excess of five (5) years.

City Manager Freedman said the adoption of this Ordinance was important because of the agreements that are pending. (Glacier Twins-School District, Don Schmidt (City Beach) and the Flathead County Parks Department).

City Attorney Tracy advised adopting the Ordinance on an emergency basis because of the importance of the issue and it affected the welfare of the people. He would draft another Ordinance that would go through normal procedures and become effective on a permanent basis.

On a motion by Sevenser, seconded by Hanson, to adopt Ordinance 87-5 on an emergency basis. The motion passed unanimously.

2. COMPUTER SYSTEM: City Manager Freedman told the Council that we had been looking at a tape backup. At the present time, it is taking Myrna up to four (4) hours on Saturdays to back up the system on the floppy disks. He also explained that the hard disk drive needed to be expanded because the space was becoming limited. He said a disk drive would cost \$6,200 and the tape backup would cost \$2,600. However, if the City would purchase the disc drive now, the cost of the disc drive and the tape backup would be only \$6,200.

The Council discussed the computer system but tabled any decision until the next Council meeting.

COUNCIL REPORTS OR COMMENTS

Councilman Sevener reported that all candidates running for office needed 50 signatures on their petitions and said the final filing date was June 19, 1987.

Councilwoman Moran requested permission to leave the State from the 14th through the 23rd of May.

On a motion by LaTourelle, seconded by Hanson, to approve the above request.

Councilman Hanson said he hoped the City Administration would enforce the noxious weed Ordinance and also the dust on parking lots. He also requested an Ordinance be drafted to enforce landscaping along Highway 93. City Manager Freedman said the problem areas were State Highway right-of-ways and we could not expect the businesses to landscape these areas. Freedman said he had talked to the Rotary Club and they were going to start doing landscaping at Hwy. 93 S and the Whitefish River.

CITY MANAGER EVALUATION: The Council would set the date of the City Manager's evaluation at the May 18 Council meeting.

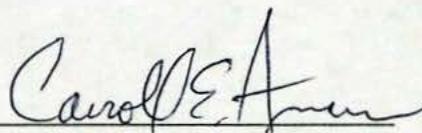
Councilman Hanson said he would like City Attorney Tracy to review House Bill #310 so that the Council can go ahead and establish policy guidelines on bidding out professional services. He asked City Manager Freedman for a copy of the Sorenson proposal for engineering Seventh Street and Baker.

PROCLAMATION: Mayor Amass proclaimed the week of May 16th as National Hospital Week.

Mayor Amass also requested that funding for a P. A. System be considered at budget time. With the noise from the street and the air conditioner, it is impossible to hear in the Council Chambers.

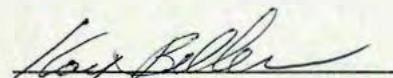
ADJOURNMENT

On a motion by Sevener, seconded by Faessler, to adjourn at 10:02 P.M. The motion passed unanimously.

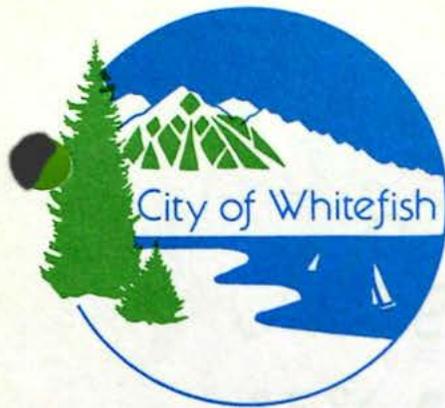


Mayor

ATTEST:



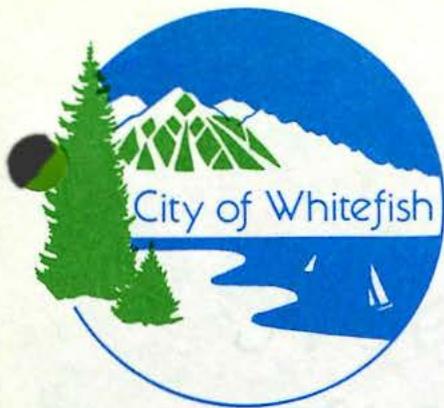
City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
May 18, 1987

- 7:00 I. Approval of the minutes of the May 4, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Resolution 87-13: Resolution of Annexation for wholly surrounded properties
 2. Ordinance 87-6: Allowing Sleigh Riding, Skiing and Sledding in Parks
 3. Ordinance 87-7: Repealing Section 8 of Ordinance A-406 which prohibited leases of real property for more than five (5) years.
- 7:45 III. PUBLIC COMMENTS
- 8:00 IV. STAFF REPORTS
1. Police
 2. Water/Sewer
 3. Street/Sanitation
 4. Building
 5. Fire
- 8:15 V. OLD BUSINESS
1. Lease with Flathead County on ballfields
 2. Sewer Interceptor Contract
 3. House Bill 310 / Engineering Proposals on Baker and Seventh
 4. Donald Bosshardt - Lakeshore Construction Permit Application
- 8:40 VI. NEW BUSINESS
1. Roger Johnston - Lakeshore Construction Permit Application (Administrative Review)
- 8:45 VII. CITY MANAGER REPORTS
1. Sodding of Cemetery and other work at cemetery
 2. Council Retreat/City Administrator Review
 3. Equipment for Water & Sewer Departments
 4. Computer Equipment
 5. League Bulletin
 6. Financial Reports
 7. 1987-1988 Budget Discussion
 8. City-Wide S.I.D.
 9. Whitefish Lake Golf Club letter
- 9:25 VIII. COUNCIL REPORTS OR COMMENTS
- 9:35 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: May 14, 1987
RE: May 20, 1987 Council Meeting

Here are my comments and recommendations on the agenda items for the next Council Meeting:

1. Resolution 87-13: The passage of this resolution will result in the annexation of the wholly surrounded properties that were discussed during the month of April. In going through the list of properties (23 parcels), there appears to be some questions about the following parcels for the following reasons:

A. Parcel #11: His east boundary is adjacent to the City limits and his property does not appear to be wholly surrounded. We do have a waiver of protest from him, however;

B. Parcel #31: After Parcels #1 and #2 are annexed (city streets), the the City of Whitefish will entirely surround this parcel; and

C. Parcels #32 - #37: These parcels have Whitefish Lake adjacent to them on one side. As you know, we are requesting an Attorney General's opinion on annexation when a body of water is on one side.

Recommendation: Go ahead with all annexations. In the interim, we may obtain new information which I will present at the Council Meeting.

2. Ordinance 87-6: This ordinance would allow sleigh riding, skiing or sliding in public parks. This ordinance was requested by Councilman Sevener because of the fact that skiing is allowed on the city golf course.

Recommendation: Approve Ordinance 87-6. This is the first reading of this ordinance with the second reading scheduled for June 1, 1987.

3. Ordinance 87-7: At the May 4 Council Meeting you passed an emergency ordinance allowing for the leasing of real property owned by the City for an unlimited amount of time. The previous ordinance limited leases to not more than five years which presented a problem because of the proposed lease with the Glacier Twins and School District #44 on Memorial Park, the lease with Flathead County for the softball fields east of Whitefish and the lease with Don Schmidt for the concession stand at City Beach.

Recommendation: Approve the first reading of Ordinance 87-7.

4. Lease with Flathead County on ballfields: In your packet is the newly revised lease agreement that we will send to Flathead County.
Recommendation: Approve the proposed lease agreement.

5. Sewer Interceptor Contract: At this time, a final legal decision has not been made by the City Attorney.
Recommendation: No action necessary.

6. House Bill 310: I have enclosed a copy of House Bill #310 which was passed by the 1987 Legislature. This bill establishes a policy for the selection of qualified applicants for architectural, engineering and surveying services under public contract. The highlights of the bill are as follows:

A. publishing an announcement on each occasion when professional services are required or announcing generally the projected requirements for professional services; and

B. This Bill does not apply to professional services that cost less than \$5,000.

Recommendation: Advertise prior to the start of the fiscal year for professional services for projects that may fall under these regulations. We will have to be prepared to go through a selection process for projects over \$5,000. We should consider the selection of local firms on an annual basis for projects under \$5,000 because these projects do not fall under these regulations.

7. Donald Bosshardt (Lakeshore Construction Permit Application): You previously sent this application to the Lakeshore Protection Committee.
Recommendation: Approve the application.

8. Roger Johnston (Lakeshore Construction Permit Application): This is a request to install a dock on Whitefish Lake that is quite simple.
Recommendation: Send the application to the Lakeshore Protection Committee.

9. Equipment for Water and Sewer Department: Your packets contain a summary of equipment that we have purchased that is currently being paid off over time.

10. Computer Equipment: I will discuss the letter from Ed Mahlum on the computer equipment that we discussed at the last Council Meeting.
recommendation: Purchase the tape backup and the 72 MB of hard drive at this time.

11. 1987-1988 Budget: I have enclosed some preliminary expenditure estimates and I will be handing our additional information at the meeting.

12. City-wide S.I.D.: I would propose that the City Council move forward in creating a city-wide S.I.D. for street reconstruction, storm sewers, sidewalks and curbs and gutters. We will never know what the people actually want until a resolution of intention to create a S.I.D. is passed on this matter. At that time, the people in Whitefish affected by the improvements will have a chance to make their feelings known.
Recommendation: Authorize the preparation of the information and resolution necessary to pass the resolution of intention.

MINUTES
WHITEFISH CITY COUNCIL
MAY 18, 1987

The May 18, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council Members were present. Also present were City Manager Freedman, City Attorney Tracy, Police Chief Dolson, Building Inspector/Asst. Zoning Administrator Quinn, Street Foreman Wartnow and Water/Sewer Supervisor Acton.

MINUTES

Councilwoman Faessler corrected the minutes of the May 4, 1987 Council meeting as follows: (fifth paragraph on page 7) Her comment was that she would like to see a recap on paper of what our quarterly, semiannual and annual payments are going to be on the equipment that we have already extended ourselves for and see what it will do for the projected budget next year (page 8). She said that the auditors had recommended storing the backup discs off premise and wondered if we were complying with this recommendation. City Manager Freedman said not at this time but the First National Bank would be contacted to see if the tapes could be stored there.

Councilman Hanson corrected page 7, paragraph 7 as follows: "and table until the next Council meeting the purchase of the excavator until the Council had a written breakdown of how it would be funded."

On a motion by Hanson, seconded by Sevener, to approve the minutes of the May 4, 1987 meeting with the above amendments. The motion passed unanimously.

PUBLIC HEARINGS

1. RESOLUTION 87-13: RESOLUTION OF ANNEXATION FOR WHOLLY SURROUNDED PROPERTIES: City Manager Freedman gave the staff report and he reviewed several of the lots proposed to be annexed and recommended the Council annex everything except lots 32 through 37 of the Lake Park Addition. He explained that these parcels have Whitefish Lake adjacent to them on one side and we are requesting an Attorney General's opinion on annexation when a body of water is on one side. When the Attorney General's opinion is received, the City will know if we can proceed on annexing these six (6) lots.

COUNCIL DISCUSSION

Councilman Boksich read the second paragraph of a protest letter from Ellen Barlow "I do feel that being as one of your members has approached me to sell, that this is the first step in forcing me to sell". He asked if the Council had any idea what this was all about. The Council did not seem to know what Mrs. Barlow meant by this comment.

Councilman Hanson questioned City Attorney Tracy about cities being able to annex properties in several different ways - wholly surrounded, waivers of protest and being contiguous. There is also a clause that states that an annexation must be comprised of only one method of annexation and may not be a combination of several alternatives. He said when we are annexing properties of which all three of the above apply are we confusing ourselves and are we complying or do all the properties constitute being wholly surrounded. He asked what section of the law were we taking this action under.

City Attorney Tracy said he did not know if all the properties were wholly surrounded but the wholly surrounded section allows several methods of annexation to be utilized. If some of the land is wholly surrounded and some of it is contiguous we are following part 43 which means we can annex it right away. (part 43 page 85). Since it is contiguous and there is a waiver of protest and since it is wholly surrounded the waiver of protest section does not apply.

Councilwoman Moran asked about the City policy regarding hookups to the sewer system after annexation. She asked whether or not the City requires the hookups be made within one year.

Councilwoman LaTourelle explained that the Council has tried to push the one year time limit for hooking onto City sewer, however, there have been areas that SID's were being formed that have taken as long as three years. She said legally the City Council can force the one year but it has been very difficult to do and in the past the Council has tried to work with the different areas (especially the City initiated annexations) instead of pressuring them. Most people that are annexed need the sewer and hook on immediately.

City Attorney Tracy said the wording in the Resolution should be amended.

Mayor Amass opened the hearing to the public.

Genelle Burkhardt, protested the annexation of two lots she owns adjacent to her home at 400 Wisconsin Avenue. Written protests had been received from Ellen Barlow, Albertus and Elaine A Vandenberg, and Genelle Burkhardt. A petition of protest signed by seven (7) property owners in the Lake Park Addition was also received.

Mayor Amass closed the hearing to the public and turned the issue over to the Council for discussion and action.

After some discussion, on a motion by Hanson, seconded by Moran, to table the decision on Resolution 87-13 until the next Council meeting and get the language in the Resolution amended and also correct Exhibit "A". The motion passed with a 5 to 1 vote. Boksich voted no.

2. ORDINANCE 87-6 - ALLOWING SLEIGH RIDING, SKIING AND SLEDDING IN PARKS:
City Manager Freedman explained that this Ordinance would allow sleigh riding, skiing or sliding in public parks. This Ordinance was requested by Councilman Sevenser because of the fact that skiing is allowed on the City Golf Course. He recommended the Council approving the Ordinance on the first reading.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council discussed the Ordinance and the following motions were made: Motion by Sevener to adopt Ordinance 87-6 on the first reading eliminating sleigh riding and non motorized sledding. Died for lack of a second.

On a motion by Sevener, to adopt Ordinance 87-6 as written with the deletion of sleigh riding. Died for lack of a second.

Motion Sevener to approve Ordinance 87-6 as presented. Died for lack of a second.

On a motion by Hanson, seconded by Sevener, to adopt Ordinance 87-6 on the first reading and amend sleigh to read sled. The motion passed unanimously.

3. ORDINANCE 87-7 - REPEALING SECTION 8 OF ORDINANCE A-406 WHICH PROHIBITED LEASES OF REAL PROPERTY FOR MORE THAN FIVE (5) YEARS: City Manager Freedman explained that at the May 4 Council Meeting the Council passed an emergency Ordinance allowing for the leasing of real property owned by the City for an unlimited amount of time. The previous Ordinance limited leases to not more than five years which presented a problem because of the proposed lease with the Glacier Twins and School District #44 on Memorial Park, the lease with Flathead County for the softball fields east of Whitefish and the lease with Don Schmidt for the concession stand at City Beach. He recommended approval of Ordinance 87-7 on the first reading.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Sevener, seconded by Moran, to adopt Ordinance 87-7 on the first reading. The motion passed unanimously.

PUBLIC COMMENTS

Genelle Burkhardt said she had read that the City was going to extend Seventh Street and the cost of this project would be \$145,000. She asked why the City would spend that kind of money on one block when so many of the other streets needed repair.

City Manager Freedman explained that the City Council had not officially approved extending Seventh Street. He said it would be advertised and on June 15 the decision would be made. He also said that the estimate on this block of Seventh Street was \$45,000 and this would depend on the way it was constructed.

STAFF REPORTS

The Building Inspector and the Police Chief had submitted written reports.

OLD BUSINESS

1. LEASE WITH FLATHEAD COUNTY ON BALLFIELDS: City Manager Freedman told the Council that they had a copy of the revised lease agreement that would be sent to Flathead County. He recommended the Council approve the lease agreement.

After some discussion, on a motion by LaTourelle, seconded by Boksich, to approve the lease as written and send it to the County for their approval. The motion passed unanimously.

2. SEWER INTERCEPTOR CONTRACT: City Manager Freedman said that at this time, a final decision has not been made by the City Attorney. He said he had sent a letter to R. H. Grover extending the time period to send us the appropriate bonds until May 29. This would allow enough time to resolve this issue as quickly as possible.

3. HOUSE BILL 310 - ENGINEERING PROPOSALS ON BAKER AND SEVENTH: City Manager Freedman said he had enclosed a copy of House Bill #310, which was passed by the 1987 Legislature, in the Council packets. This bill establishes a policy for the selection of qualified applicants for architectural, engineering and surveying services under public contract. He summarized the bill and gave the highlights as follows:

A. Publishing an announcement on each occasion when professional services are required or announcing generally the projected requirements for professional services; and

B. This bill does not apply to professional services that cost less than \$5,000.

He recommended advertising prior to the start of the fiscal year for professional services for projects that may fall under these regulations. We will have to be prepared to go through a selection process for projects over \$5,000. We should consider the selection of local firms on an annual basis for projects under \$5,000 because these projects do not fall under these regulations.

Councilman Hanson suggested that the Council develop and adopt a specific policy that expands on minimum criteria A thru F of page 3 & 4. He said that was the request he made of the City Attorney at the last Council meeting to review this new law with the idea in mind of developing a written policy that the Council would adopt and we should proceed with doing that first. Councilwoman Moran and Faessler agreed with Councilman Hanson.

City Attorney Tracy and City Manager Freedman would review the law and come back with a written draft.

4. DONALD BOSSHARDT - LAKESHORE CONSTRUCTION PERMIT APPLICATION (ADMINISTRATIVE REVIEW): City Manager Freedman explained that the Council had previously sent this application to the Lakeshore Protection Committee. In a letter from Owen Grinde, Chairman of the Lakeshore Protection Committee, dated

May 7, 1987, the Committee recommended approval and they requested that the building inspector fee be waived.

On a motion by Sevener, seconded by Hanson, to approve the Lakeshore Construction Application and include the waiver as recommended by the Lakeshore Protection Committee. The motion passed unanimously.

Councilwoman Faessler told the Council that Bosshardtts were not aware of the procedures involved in this process and she recommended notifying people around the lake what the procedures are. Councilwoman Moran said that a newsletter could be sent out with the water bills explaining all city procedures and costs.

NEW BUSINESS

1. ROGER JOHNSTON - LAKESHORE CONSTRUCTION PERMIT APPLICATION (ADMINISTRATIVE REVIEW): City Manager Freedman explained that this was a request to install a dock on the Lake that was quite simple and he recommended the Council send the application to the Lakeshore Protection Committee for review.

On a motion by Faessler, seconded by LaTourelle, to send the Lakeshore Construction Permit Application to the Lakeshore Protection Committee for review. The motion passed unanimously.

CITY MANAGER REPORTS

1. SODDING OF CEMETERY AND OTHER WORK AT THE CEMETERY: City Manager Freedman reported that the new section (Section G) had been sodded and that the Cemetery boards with the names on them were being updated.

2. COUNCIL RETREAT/CITY ADMINISTRATOR REVIEW: The Council set the City Administrator review for June 8, 1987 at 5:00 P.M. and would set the date of the Council Retreat at the next Council meeting.

3. EQUIPMENT FOR WATER & SEWER DEPARTMENTS: City Manager Freedman gave the Council a listing of all the outstanding equipment loans and reviewed them with the Council. He recommended the purchase of an excavator costing \$100,000. The payments would be (7% interest) \$7,219.95 quarterly x 16 payments = \$115,519.20 and \$5,969.12 quarterly x 20 payments = \$119,382.40.

City Manager Freedman said money was available in the water/sewer funds to fund the excavator. He said he had not made any commitments on either the sweeper or the excavator.

After Council discussion, on a motion by Boksich, seconded by Sevener, to approve the purchase of the excavator.

City Manager Freedman said based upon what we are working on in the draft of the Capital Improvements Plan we are talking about in excess of \$1,000,000 in water and sewer improvements and we need to do some storm sewer work if we are to do any of the street projects that are proposed for the future. He said there would be an increased usage of any backhoes or excavators if we are

going to move forward and meet some of the goals we have set.

Councilman Hanson said this is why eight or ten months ago they had requested the five year capital improvement plan so they could have a document in front of them to use to help justify these decisions. He said he was not disputing Greg or City Manager Freedman when they say that in our draft of the Capital Improvements Plan the purchases are justified but it is easier to get a handle on it if the draft is in front of them. He said he would have liked to see the draft of the five year plan to go along with the memorandum (submitted by Greg at the last Council meeting) and it would probably save a lot of uncertainty on how he was going to vote on the issue.

City Manager Freedman said the Council would have the Capital Improvement Plan by the next Council meeting and at the same time we should move ahead on the budgets.

Mayor Amass called for a vote on the motion.

Sevener, LaTourelle and Boksich voted aye and Hanson, Moran and Faessler voted no. Mayor Amass broke the tie vote by voting aye. The motion passed with 4 aye votes and 3 no votes.

4. COMPUTER EQUIPMENT: City Manager Freedman discussed the letter from Ed Mahlum on the computer equipment that was discussed at the last Council Meeting. He recommended that the Council approve the purchase of the tape backup and the 72MB hard drive at a cost of \$6,287.00. The savings to the City would be \$2,595.00.

On a motion by Sevener, seconded by LaTourelle, to approve the purchase of the 72MB hard drive and the tape backup at a cost of \$6,287.00. The motion passed unanimously. (Councilwoman LaTourelle said the reason she seconded the motion was because the tape backup would cut down on the overtime that it is currently being spent on the floppy discs).

Councilman Hanson requested a breakdown on where the funds would come from to pay for the equipment.

5. LEAGUE BULLETIN: The bulletin explained that House Bill 863 would enable the city to receive 10 percent of all poker machine and keno machine revenues.

6. FINANCIAL REPORTS:

On a motion by Hanson, seconded by Sevener, to approve the financial reports submitted. (Cash Status, Expenditure and pre-warrant approval reports). The motion passed unanimously.

7. 1987 - 1988 BUDGET DISCUSSION: City Manager Freedman summarized the budget report that had been run on the computer and given to the Council Members. He said he had put some numbers in the requested column just to start the process. Some of them have been increased based upon the union contracts, some had been increased based upon actual expenditures this year. He said that in the General Fund 49% is salaries, 11% benefits which means that about 60% of the budget is fairly well fixed. He said that we will have

to focus in on operation and maintenance and see if we can save money under those line items. He said he would give the Council a breakdown of specifics on each of the funds.

Councilman Hanson asked if I-105 would affect our ability to address the total revenues from property taxes.

City Manager Freedman said we would have to assume that everything is frozen at the current level. He said sometime in June the Council should set a special budget workshop.

8. CITY - WIDE S.I.D.: City Manager Freedman said that he would propose that the City Council move forward in creating a city-wide S.I.D. for street reconstruction, storm sewers, sidewalks and curbs and gutters. We will never know what the people actually want until a resolution of intention to create a S.I.D. is passed on this matter. At that time, the people in Whitefish affected by the improvements will have a chance to make their feelings known. He recommended authorizing the preparation of the information and resolution necessary to pass the resolution of intention.

Councilwoman LaTourelle asked if I-105 would affect S.I.D. s. She felt this should be looked at before initiating any S.I.D. s.

City Manager Freedman would contact the League of Cities and try and get an answer.

9. WHITEFISH LAKE GOLF CLUB LETTER: The Golf Association invited the Mayor and City Council to the official opening of the newly renovated Woods and Lake Nines on May 30, 1987 at 2:00 P.M.

COUNCIL REPORTS OR COMMENTS

Councilman Sevenser asked what the status was of parking in front of the old Markus store parking lot. It is barricaded and people have been parking there. City Manager Freedman said he was negotiating with the owners and there was the possibility of opening the parking lot to the public.

Sevenser also said he would like to commend the Police Chief and the Police Officers for a job well done on Friday night. They had several fights around town and they were handled extremely well by the Police Department.

Councilwoman Moran said she was happy to see the landscaping efforts near Mountain Mall.

Councilman Boksich said that in the spring and summer Second Street is a race track and he has never seen a patrol car in the vicinity. He asked Police Chief Dolson to review this situation. Dolson said he has had patrol on this street but would make an effort to increase it.

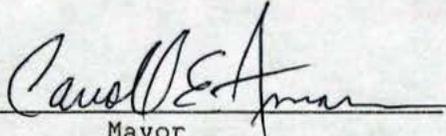
Councilwoman Faessler requested to leave the State from the 21st of May until the 3rd of June.

On a motion by LaTourelle, seconded by Moran, to allow this request. The motion passed unanimously.

Mayor Amass requested to leave the State the 21st thru the 24th of May.

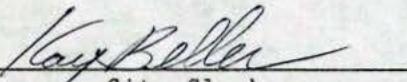
On a motion by LaTourelle, seconded by Moran, to approve this request. The motion passed unanimously.

On a motion by LaTourelle, seconded by Moran, to adjourn at 9:29 P.M. The motion passed unanimously.

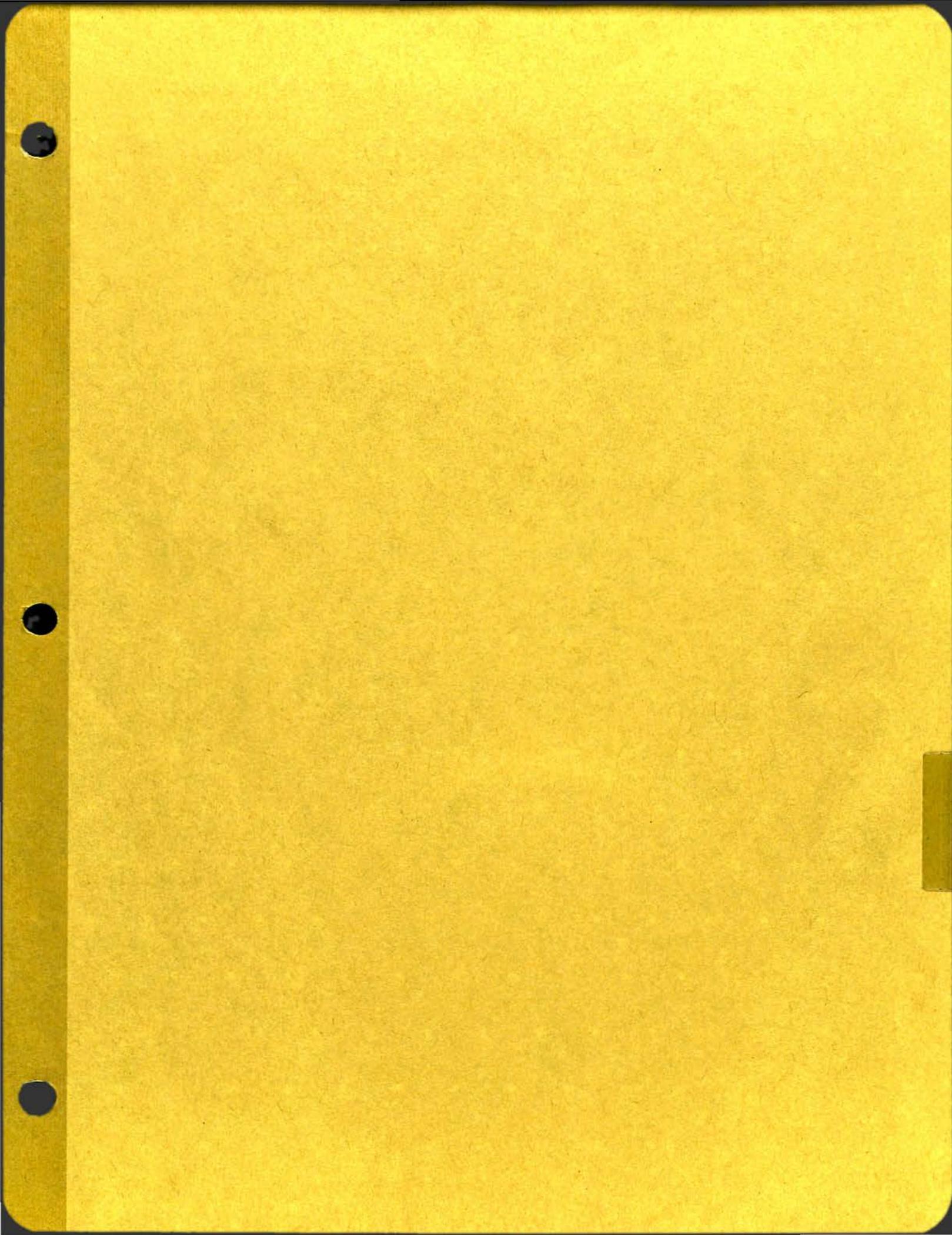


Mayor

ATTEST:



City Clerk





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
June 1, 1987

- 7:00 I. Approval of the minutes of the May 18, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Resolution 87-13: Resolution of Annexation for wholly surrounded properties
 2. Ordinance 87-6: Allowing Sled Riding, Skiing and Sledding in Parks (2nd Reading)
 3. Ordinance 87-7: Repeal of Section 8 of Ordinance A-406 which prohibits leases of real property for more than five (5) years (2nd Reading)
 4. Community Development Block Grant Hearing
- 7:55 III. PUBLIC COMMENTS
- 8:10 IV. STAFF REPORTS
1. Police
 2. Water/Sewer
 3. Street/Sanitation
 4. Building
 5. Fire
- 8:20 V. OLD BUSINESS
1. Lease with Flathead County on ballfields
 2. Sewer Interceptor Contract
 3. Roger Johnston - Lakeshore Construction Permit Application
- 8:35 VI. NEW BUSINESS
1. Capital Improvement Plan - Draft Copy
 2. Don Schmidt - Lakeshore Construction Permit Application
- 8:45 VII. CITY MANAGER REPORTS
1. Insurance Update
 2. 1987-1988 Budget Discussion
 3. Cemetery Discussion
 4. Council Retreat / City Administrator Review
- 9:25 VIII. COUNCIL REPORTS OR COMMENTS
- 9:35 IX. ADJOURNMENT



Box 158, Whitefish, Montono 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: May 28, 1987
RE: June 1, 1987 Council Meeting

Here are my comments and recommendations on the agenda items for the next Council Meeting:

1. Resolution 87-13: Resolution of Annexation for Wholly Surrounded Properties - This resolution was tabled at the last Council Meeting to allow for changes in the text of the resolution. The changes are highlighted in yellow on your resolution.

Recommendation: Annex all parcels in Exhibit "A" except for Parcels #31-37. Parcel #31 will not be surrounded until Parcels #1 & 2 are annexed and Parcels #32-37 have Whitefish Lake on one side. We are waiting for an Attorney General's opinion on annexation when a body of water is on one side.

2. Ordinance 87-6: Allowing Sled Riding, Skiing and Sledding in Parks (2nd Reading) - This is the second reading of Ordinance 87-6 which you approved on its first reading at our last Council Meeting.

Recommendation: Approve Ordinance 87-6.

3. Ordinance 87-7: Allowing for leases of real property for more than five years (2nd Reading) - The passage of this ordinance will open the way for the City's agreement with the Glacier Twins and School District on Memorial Field, the agreement with Don Schmidt at City Beach and the agreement with Flathead County on the softball fields east of Whitefish.

Recommendation: Approve Ordinance 87-7.

4. CDBG Hearing: The purpose of the hearings on June 1 and 15 is to explain the program and to solicit ideas and proposals from citizens on projects they feel should be considered.

5. Lease with Flathead County on ballfields: I will update this matter at the meeting.

6. Sewer Interceptor Contract: After much consideration, R.H. Grover was released as low bidder on this project because of his calculation mistake. The City Attorney felt this matter would have to be taken to court.

Recommendation: Officially award the contract to Chet Brown & Sons of Lewistown for \$538,751.

7. Roger Johnston - Lakeshore Construction Permit Application: The Lakeshore Protection Committee recommends approval of this request with the following conditions:

1. Use of non-toxic materials for staining;
2. Encasement of styrofoam flotation;
3. Use of anchoring system; and
4. Built according to submitted plans.

Recommendation: Approve the application.

8. Capital Improvement Plan: Various portions of the draft plan are in your packet.

9. Don Schmidt - Lakeshore Construction Permit Application: He is applying for the addition of three sections of dock in order to extend the docks at City Beach as approved by the Park Board.

Recommendation: This is an unusual circumstance due to the fact that Don Schmidt is a lessee with the Park Board at City Beach. Send the application to the Lakeshore Protection Committee.

10. Insurance Update: I will discuss our liability and Workman's Compensation Insurance rates.

11. 1987-1988 Budget: We will discuss next year's budget in more detail.

12. Cemetery Discussion: An update on the cemetery.

13. Council Retreat: A date must be set for the Council Retreat.

MINUTES
WHITEFISH CITY COUNCIL
JUNE 1, 1987

The June 1, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council Members were present except Faessler. Also present were City Manager Freedman, City Attorney Tracy, Police Chief Dolson, Street Foreman Wartnow and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Councilwoman Moran corrected the minutes as follows: Page 2, third paragraph, include that she suggested reconsidering our hookup policy to make it more reasonable by means of requiring hookups and upgrading and structuring our fees each year after annexation to possibly become more consistent.

Page 3 under Public Comments, second paragraph, add that City Manager Freedman explained the reason we were looking at extending Seventh Street was because the school system was planning to eventually relocate all of their buildings in the area of the High School and Muldown School. (Central School would be moved to this area). Also, the traffic situation was another reason for the extension.

On a motion by LaTourelle, seconded by Sevener, to approve the minutes of the May 18, 1987 Council Meeting as amended. The motion passed unanimously.

PUBLIC HEARINGS

1. RESOLUTION 87-13: RESOLUTION OF ANNEXATION FOR WHOLLY SURROUNDED PROPERTIES: City Manager Freedman explained that this Resolution was tabled at the last Council meeting to allow for changes in the text of the Resolution. The changes were highlighted for the Council to review. He recommended that the City Council annex all parcels in Exhibit "A" except Parcels 31 and 32 through 37. Parcel #31 will not be surrounded until Parcels #1 & 2 are annexed and Parcels #32-37 have Whitefish Lake on one side and we are waiting for the Attorney General's opinion on annexation when a body of water is on one side.

Councilwoman LaTourelle asked City Attorney Tracy about the language changes in the Resolution. At the last Council Meeting City Attorney Tracy had stated that Code Section 7-2-4732 should be added to the wording of the Resolution. LaTourelle said the Resolution had not been amended to include this code and she wondered why the Resolution language had been changed at all. City Attorney Tracy said that after reviewing the Resolution he did not feel it was necessary to add the code section but he said he did amend the wording of the Resolution because he felt it was better to be safe than sorry.

Mayor Amass opened the hearing to the public and as there was no public comments, he turned the matter over to the Council for discussion and action.

On a motion by Sevener, seconded by LaTourelle, to adopt Resolution 87-13 and include Parcels 1 through 30 as listed in Exhibit "A". All voted aye.

2. ORDINANCE 87-6: ALLOWING SLED RIDING, SKIING AND SLEDDING IN PARKS (SECOND READING) City Manager Freedman explained that this Ordinance had been approved on the first reading at the meeting of May 18 and he recommended approval of the Ordinance on the second reading.

Mayor Amass opened the hearing to the public and as there was no public comment, he closed the hearing and turned the matter over to the Council for discussion and action.

On a motion by Sevener, seconded by Moran, to adopt Ordinance 87-6 as amended on the second reading. The motion passed unanimously.

3. ORDINANCE 87-7: REPEAL OF SECTION 8 OF ORDINANCE A-406 WHICH PROHIBITS LEASES OF REAL PROPERTY FOR MORE THAN FIVE (5) YEARS (SECOND READING): City Manager Freedman said that the passage of this Ordinance will open the way for the City's agreement with the Glacier Twins and the School District on Memorial Field, the agreement with Don Schmidt at City Beach and the agreement with Flathead County on the softball fields east of Whitefish. He recommended approval of Ordinance 87-7.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion and action.

On a motion by Hanson, seconded by Boksich, to adopt Ordinance 87-7 on the second reading. The motion passed unanimously.

4. COMMUNITY DEVELOPMENT BLOCK GRANT HEARING: City Manager Freedman explained that the purpose of the hearings on June 1 and 15 is to explain the program and to solicit ideas and proposals from citizens on projects they feel should be considered. He said that the three basic areas of emphasis under this program are Economic Development, Housing and Neighborhood Revitalization and Public Facilities. The funding ceiling level for grant applications is \$400,000 with the application deadline for Economic Development projects, Housing and Neighborhood Revitalization projects and Public Facilities projects is on September 18, 1987. There are two additional deadlines for Economic Development projects - one is on February 19, 1988 and if there are any funds available, the third Economic Development deadline is June 17, 1988. The Economic Development Program is one that Whitefish should look at as it can assist existing businesses to expand or to attract new business and new industry into the community. The Housing and Revitalization applications in the past have been used to rehabilitate substandard housing. Public Facilities applications have focused on public facilities such as water and sewer lines which are critical to the public. Freedman gave examples of some of the projects that were funded in fiscal year 1986.

Mayor Amass opened the hearing to the Public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion.

Councilman Boksich asked what was considered low income. City Manager Freedman said the State would set these figures. Boksich said that the school district receives aid for low and moderate income people and it is quite high in comparison to other places. Councilwoman LaTourelle said this would be the third time the City has tried to get the CDBG funding and the City was turned down because there were not enough low and moderate income people in Whitefish.

After Council discussion, Mayor Amass explained that the second hearing would be held on June 15.

PUBLIC COMMENT

NONE

STAFF REPORTS

There were no staff reports.

OLD BUSINESS

1. LEASE WITH FLATHEAD COUNTY ON BALLFIELDS: City Manager Freedman reported that he had sent the lease to the County and at this time had not heard anything back from them.

2. SEWER INTERCEPTOR CONTRACT: City Manager Freedman reported that after much consideration, R. H. Grover was released as low bidder on this project because of their calculation mistake. The City Attorney felt this matter would have to be taken to court. He recommended that the Council officially award the contract to Chet Brown & Sons of Lewistown for \$538,751.

After Council discussion, on a motion by Sevener, seconded by Boksich, to approve the bid of Chet Brown & Sons for \$538,751. The motion passed unanimously.

3. LAKESHORE CONSTRUCTION PERMIT APPLICATION OF ROGER JOHNSTON: City Manager Freedman reported that the Lakeshore Protection Committee recommended approval of this application with the following conditions:

1. Use of non-toxic materials for staining;
2. Encasement of styrofoam flotation;
3. Use of anchoring system; and
4. Built according to submitted plans.

City Manager Freedman recommended that the Council approve the application.

On a motion by Hanson, seconded by LaTourelle, to approve the Lakeshore Construction Application of Roger Johnston subject to the four (4) conditions as recommended by the Lakeshore Protection Committee. The motion passed unanimously.

NEW BUSINESS

1. CAPITAL IMPROVEMENT PLAN - DRAFT COPY: City Manager Freedman said the capital improvement plans that he had given the Council would give them something to study until the draft can be put in final form.

City Manager Freedman said that there were a lot of big projects that needed to be addressed such as the phosphorus removal, the interceptor sewer project, the city wide street project and the water treatment plant.

Councilman Hanson thanked the City Manager and Department Heads for the Capital Improvements Plan. He said he had played with a few numbers on the water and sewer improvements and that assuming the City had 3700 population, subtract out the grants, 3.8% of the personal income of the City of Whitefish residents would go to take care of just the water and sewer projects in the plan. He said if you add in the General Fund and other things this would take a big bite out of everyone's pocketbook. He said the Council should have workshops to review the capital expenditures to see if we could not ease into them rather than do them all at one time.

Councilwoman Moran said she felt the capital improvements should be done gradually and not all at one time.

Councilwoman LaTourelle said that because of the improvements being State mandated they could not be cut back as the Council had tried to do in the past.

Mayor Amass said that in Street Foreman Wartnow's draft plan for the Street/Sanitation Departments, he talks about finding ways to increase efficiency and cost savings to the City. Mayor Amass said maybe if all the departments would address this issue it might help to offset some of the costs.

Councilwoman Moran agreed with Mayor Amass and she said if we can increase efficiency, the cost savings could be put into other areas as needed.

3. DON SCHMIDT - LAKESHORE CONSTRUCTION PERMIT APPLICATION: City Manager Freedman said that Don Schmidt was applying for the addition of three sections of dock in order to extend the docks at City Beach as approved by the Park Board. He said this was an unusual circumstance due to the fact that Don Schmidt is a lessee with the Park Board at City Beach. He recommended sending the application to the Lakeshore Protection Committee.

On a motion by Hanson, seconded by LaTourelle, to send the application to the Lakeshore Protection Committee and authorize the City Administrator to issue the permit without the matter coming back to the Council. The motion passed unanimously.

CITY MANAGER REPORTS

1. INSURANCE UPDATE: City Manager Freedman reported that the Montana Municipal Insurance Authority had established the rate structure for the Liability Insurance program for the 1987-1988 policy year. The rate would increase from 2.500 per \$100 payroll to 2.650 per \$100 payroll. The Worker's

Compensation rates had also been established and were effective from 7/1/87 thru 6/30/88 (per letter from the Montana Municipal Insurance Authority). He also informed the Council that the Legislature had imposed a \$3.00 per \$1,000 payroll surcharge to subsidize the State Workman's Compensation Fund and all employers would have to pay this fee. (For the City the fee would be approximately \$2,100).

2. 1987-1988 BUDGET DISCUSSION: City Manager Freedman said he had given the Council a Budget Analysis of one Fund to give them an idea of what he was in the process of doing. What he was proposing to do was give the Council the Budget Analysis which gives all the line items and breakdowns of what is budgeted under those line items. He said he would do this for all the departments so that when the budget process is started the Council will have an idea of what each line item entails.

Councilwoman Moran asked that the analysis include last year's figures next to the proposed figures for the 1987-1988 fiscal year.

3. CEMETERY DISCUSSION: City Manager Freedman wanted the Council to know about various comments on the Cemetery. He said we had numerous complaints about the condition of the Cemetery - it had been cut and trimmed but it had not been watered. He said he had written letters to all the people that had complained apologizing for the condition of the Cemetery. He had met with the Golf Association to try and resolve the problems. They are looking into the possibility of an irrigation system - either underground sprinklers or large heads that spread a lot of water. They will get back to him on their findings. They have also hired a person for the maintenance of the cemetery. Councilman Boksich asked at whose expense are they looking at a new irrigation system. City Manager said they wanted to explore the cost and then make a proposal to the City.

4. COUNCIL RETREAT/CITY MANAGER REVIEW: The Council set the City Manager Review for June 8 at 5:00 P.M. and the Council Retreat for June 22 at 5:00 P.M.

5. OTHER: City Manager Freedman gave the Council some guidelines for the selection of Architects, Engineers and Land Surveyors that should be considered as the result of HB 310.

He also reported that Phil Rygg said that the City could use the old Markus parking lot. The time limit for parking would be worked out at a later time after analyzing the situation.

UPDATE ON THE PARK BOARD: City Manager Freedman reported that the lights for Memorial Field had been ordered and the cost would be split between the City, the Glacier Twins and the School District.

A contract had been issued to resurface three tennis courts at Grouse Mountain and three at Riverside Park. There would be a tennis tournament in late July that would bring about two or three hundred families into the City and the Park Board felt this would help to stimulate the economy and provide increased visibility for Whitefish.

The Rotary Club Board decided landscaping along Highway 93 South would be their major project for this year and the Board would be deciding how much money they could commit to the project. The project scope extends from the Whitefish River to Old Dump Road.

City Manager Freedman gave the Council a copy of Senate Bill #71 clarifying Initiative No. 105. The council had previously questioned the legality of increased assessments for Special Improvement Districts, etc. under I-105. The limitation on the amount of taxes levied does not apply to levies in various Special Improvement Districts and Tax Increment Financing Districts among others.

Mayor Amass said that there would be a special session of the Legislature on some of the local option tax bills and the League of Cities needed more support from the local municipalities in the future on these and other issues.

COUNCIL REPORTS OR COMMENTS

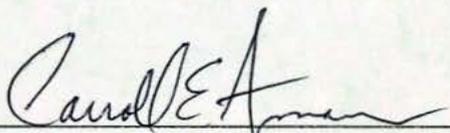
Councilman Boksich asked if the Weed Ordinance was being enforced and reported the lot next to the Lutheran Church on Second Street needed to be notified to cut the weeds. City Manager Freedman said that last year the City sent letters to people requesting them to cut the weeds on their property or the City would do it and put the costs on the taxes. The same thing would be done this year.

Councilwoman LaTourelle requested permission to leave the State from June 13 to June 18. On a motion by Moran, seconded by Boksich, to approve this request. The motion passed unanimously.

Councilman Hanson requested a copy of the Board of Adjustments' minutes and also the Park Board minutes. He also told the Council that Missoula give courtesy parking tickets and suggested that the City consider giving them too. This was turned over to the City Manager and Police Chief to review and bring back their recommendation to the City Council.

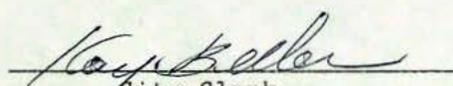
City Manager Freedman had given the Council a copy of the Fire Department's Annual Financial Report to review before budget hearings.

On a motion by Sevenser, seconded by LaTourelle, to adjourn at 8:38 P.M. The motion passed unanimously.

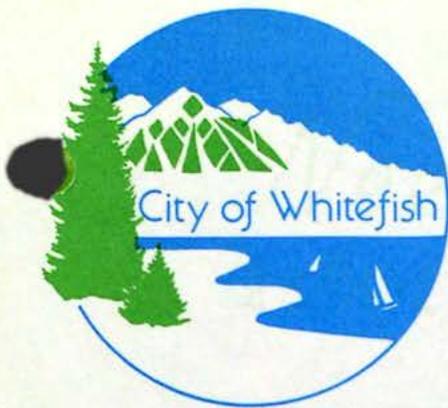


Mayor

ATTEST:



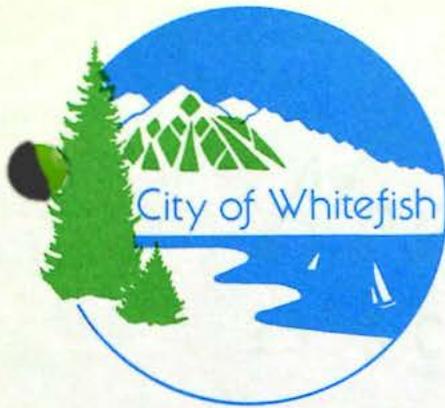
City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
June 15, 1987

- 7:00 I. Approval of the minutes of the June 1, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Community Development Block Grant Hearing
- 7:20 III. PUBLIC COMMENTS
- 7:35 IV. STAFF REPORTS
1. Police - written
2. Water/Sewer
3. Street/Sanitation
4. Building - written
5. Fire
- 7:40 V. OLD BUSINESS
1. Cross Currents School - Clarification & Discussion on Fencing
- 7:50 VI. NEW BUSINESS
1. Seventh Street and Baker Avenue Reconstruction Projects
2. Judy Pettinato - Sewer Bill Problem
- 9:00 VII. CITY MANAGER REPORTS
1. Updates on meetings and City business
2. Financial Reports
- 9:30 VIII. COUNCIL REPORTS OR COMMENTS
- 9:40 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: June 10, 1987
RE: June 15, 1987 Meeting

Here are my comments and my recommendations for the matters on the June 15, 1987 Council agenda:

1. Cross Currents School: Lee Patterson has requested that the City Council review the School's plans for fencing the area adjacent to the School's facilities. This matter is on the agenda in order to clarify the City Council's decision on this matter.

2. Judy Pettinato: In your packet are bills that she received from Chuck's Plumbing and Reitan Excavating for hooking up a new sewer service to the sewer main in the alley behind her house. The City located a sewer main (there were two or three sewer mains in this alley) for her plumber. There was some extra time incurred by her plumber because of the extra lines in the alley. Greg and I discussed the matter and I offered her \$200 to compensate her for some of the charges because we did not locate the exact position of the active sewer main. This gesture was one that the City did not have to make but we made it because of the specific circumstances that occurred in this case.

She felt the City should pay for \$975 of her bill. Without knowing exactly what she proposes to say, I cannot make a firm recommendation. Greg will be prepared to answer any of her questions and to explain standard procedures utilized in Montana on the location of water and sewer mains.

3. Updates:

a. Park Board - The new lights for Memorial Park have arrived and we are awaiting the wiring diagram before we install the lights; For city residents, a season pass for boat launching will be \$15 and out-of-city residents will pay \$25; The new agreement between the City Park Board, the Glacier Twins and School District #4 should be approved by all parties by next week (agreement is in your packet); The Grouse Mountain Courts have been resurfaced and the Riverside Park Courts will be resurfaced in late June or early July; Grouse Mountain Lodge will be paying for the City Park sign at Grouse Mountain Park - cost is \$650.

b. Board of Adjustment cancelled their meeting this week for lack of a quorum. Their meeting will be on June 30.

c. Computer Update - (1) We will be using our new computer exclusively beginning on July 1. For the past several months, the old and new systems have been running parallel to ensure that all of the bugs have been resolved in the new system. (2) I expect that our new computer bills will be mailed out for the first time in July along with a newsletter. (3) Necile is completing the input of all S.I.D. information on the new computer and Teresa is putting rural fire contracts on the new computer. (4) We have the Fixed Asset software and we will do a physical inventory beginning this month as the auditors recommend. (5) I have worked out an agreement that allows for the storage of the source code of Big Sky Data's software with an escrow company as recommended by the auditor. (6) As soon as Myrna comes back from her vacation (June 15), the City will store backups of our computer data with one of the local banks.

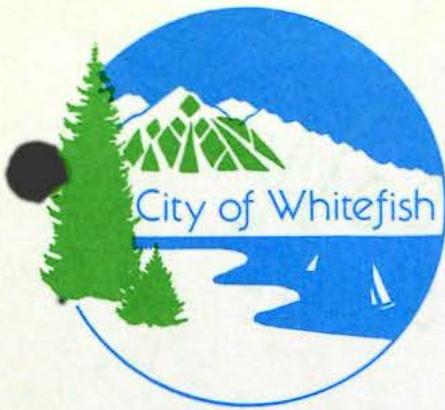
d. Master Plan for City Wide S.I.D. - Sorenson & Company will make a detailed presentation at our second meeting in July.

e. 1986-1987 Audit: I have scheduled this year's audit for October which will enable us to get an audit report much earlier than in past years. As of this date, I have not received a final audit report for the 1985-1986 Audit.

f. Lease Agreement with the County on the Softball Fields: I have not heard anything from the County Parks Department.

g. Annexation of Seventh and Karrow: I discussed this matter with County officials who have no problem with the City annexing these streets. I am looking at this in order to see whether or not the City can annex these streets to surround land in the County which we may then be able to annex into the City.

h. Sewer: (1) The City has received State approval to extend a sewer main up Fourth Street and then south on Karrow. S.I.D. #148 homeowners would then continue this line up Karrow and then put in lines both north and south of Seventh Street west of Karrow. (2) In your packet, there is a map of the West Lakeshore area. We are waiting for an annexation petition from one property owner that will allow us to annex several properties shown and then some of the residents will hook up to the City sewer system.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: June 10, 1987
RE: Baker Avenue and Seventh Street Reconstruction Projects

In April 1987, you authorized the engineering work on six blocks of Baker Avenue and five blocks of Seventh Street east of Spokane Avenue. At the same time, you authorized me to bid this project. On June 3 and 10, advertisements for bids on this project were published in the Whitefish Pilot. Copies of the engineering plans and specifications were also sent to the Plans Exchange in Missoula and Kalispell where contractors find out about construction projects and have a chance to review the plans and specifications.

Last week, I sent letters to all property owners on Baker Avenue and Seventh Street informing them of neighborhood meetings that would be held on June 9 to discuss the project with the property owners and to answer questions on how the project would affect each property. The engineer for the project and I spent two hours on each street last night discussing the project with numerous property owners. My past experience on street projects has shown me that this type of meeting goes a long way in answering many of the questions that property owners have. These meetings allow an individual the opportunity to see exactly how the project might possibly impact his or her property and at the same time avoid many questions that would ordinarily come up at the City Council Meeting.

The turnout on each street indicated both concern and the need for additional information on the project. Not everyone who came to these meetings was in favor of the project. No matter what type of project the City embarks upon, there will never be unanimous support or opposition.

The following is a list of some of the major concerns that were voiced during these meetings:

1. The need to keep access open for the retail and financial businesses on Second & Baker and at Seventh & Spokane;
2. The replacement of trees and shrubs where they are removed because of street widening;
3. The assessments of cost for the property owners should be spread over five, seven or ten years;

4. The need to work with the Post Office to improve the access problems in and out of the Post Office parking lot;

5. The need for a sidewalk on the west side of the Baker Street bridge; and

6. The need to enforce the speed limits on both streets if the project is approved and completed later on this summer.

The meeting with property owners on Baker Avenue in my opinion went quite smoothly. The great majority of the property owners seemed to be satisfied with the proposed work on Baker Avenue. The meeting with the property owners on Seventh Street in my opinion indicated to me that this project will cause opinions that range from unconditional support to total opposition.

My personal recommendations to you are the following:

1. Proceed with both Baker Avenue and the Seventh Street Projects. The need to plan for the future necessitates the reconstruction of Seventh Street to a width of 40 feet. A 40 foot street allows for two driving lanes and two parking lanes if necessary;

2. If Seventh Street is constructed at this width, consider the prohibition of parking on one side;

3. Provide an amount of funds for the replacement of trees and shrubs or the replanting of existing trees and shrubs to other locations;

4. Allow for any assessments owed by the property owner to be paid off over a seven or ten year period with an interest rate of 7 1/2%;

5. Consider stop signs at one intersection on Seventh Street to stop the flow of traffic in an effort to reduce speeding and/or enforce radar patrol on these two streets at peak times to reduce the amount of speeding; and

6. Purchase Kevin Barber's property at the corner of Seventh and Kalispell. The purchase of this property would allow us to eliminate retaining walls next to this property. It is possible that the retaining wall will cost almost twice as much as the cost of purchasing the property.

Seventh Street was designated by both the Planning Board and the City Council in the recently adopted Master Plan as a collector street. Obviously, Baker Avenue was and will remain an important collector street in our street system. It is unlikely that a street will be widened after construction due to the expense of such an action and it is important to plan for future growth and development in Whitefish.

Financial:

My estimate on this project ranges from \$500,000 to \$550,000 if both streets are constructed at this time. Of course, a portion of this amount would be paid back to the City by the property owners payments for the curbs &

gutters and sidewalks. This amount should approach \$110,000.

The two sources of funds for this project are Gas Tax Funds and S.I.D. #132. Gasoline Tax monies are received monthly by the City in the amount of \$5,400 per month. Thus yearly receipts from this source are approximately \$64,000. Assessments on both business and residential property owners will generate approximately \$150,000 at our current assessment levels. We should end FY 1986-1987 with a cash balance of at least \$75,000 in S.I.D. #132. Residential property owners currently are assessed \$.75/foot and business property owners are assessed \$1.35/foot for S.I.D. #132.

An increase in assessments of \$.25/foot for both residential and commercial property owners would generate additional revenues of \$46,250 per year. An increase of this magnitude would result in the average residential and commercial property owner paying \$12.50 more in assessments for S.I.D. #132. This amount can be justified because of the increased costs we will incur in sweeping all streets on a regular basis with out new sweeper.

Our expenses under the S.I.D. #132 are as follows:

Salaries and Benefits -	\$110,000
Gravel, Sand, Asphalt -	<u>35,000</u>
	\$145,000

My proposal on financing would be to borrow the entire amount needed for the project and pay this amount off over five years. My discussions with the local banks has generated the following numbers:

Debt Service for \$500,000 over five years with \$5,400 monthly payments with an additional \$13,000 paid on a quarterly basis = yearly payments of \$146,800.

Of this amount, \$64,800 will be paid for with the Gas Tax Funds. The balance, \$52,000, can be paid from S.I.D. #132 revenues and this would still allow for the payment of salaries and benefits and maintenance supplies listed above. You must remember that the City will receive reimbursement for approximately \$110,000 of the total cost from the property owners, without adding on interest charges that the City may decide to levy. These repayments can be used for additional reconstruction projects as the money is received by the City of Whitefish.

These projects would require the utilization of all of our Gas Tax Funds and a portion of our S.I.D. #132 funds for the next five years. I feel it is important that the City makes every effort to begin the process of reconstructing our streets at this time. During the next few years, the City will hopefully have some type of local option sales tax revenues for projects of this type. The added assessment costs that I have proposed are a small price to levy to start these needed street improvements.

MINUTES
WHITEFISH CITY COUNCIL
JUNE 15, 1987

The June 15, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council Members were present except LaTourelle and Sevensen. Also present were City Manager Freedman, City Attorney Tracy, Building Inspector/Asst. Zoning Administrator Quinn and Water/Sewer Supervisor Acton.

MINUTES

On a motion by Boksich, seconded by Moran, to approve the minutes of the June 1, 1987 Council Meeting as presented. The motion passed unanimously.

PUBLIC HEARINGS

1. COMMUNITY DEVELOPMENT BLOCK GRANT HEARING: City Manager Freedman explained that the purpose of the hearings was to explain the program and to solicit ideas and proposals from citizens on projects they feel should be considered. He said that the three basic areas of emphasis under this program are Economic Development, Housing and Neighborhood Revitalization and Public Facilities. The funding ceiling level for grant applications is \$400,000 with the application deadline for the three types of projects on September 18, 1987. There are two additional deadlines for Economic Development projects - one is on February 19, 1988 and if there are any funds available, the third Economic Development deadline is June 17, 1988. He said that the Economic Development Program is one that Whitefish should look at as it can assist existing businesses to expand or to attract new business and new industry into the community. The Housing and Revitalization applications in the past have been used to rehabilitate substandard housing. Public Facilities applications have focused on public facilities such as water and sewer lines which are critical to the public. He gave examples of some of the projects that were funded in fiscal year 1986 - 1987.

Mayor Amass opened the hearing to the Public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion.

Councilman Hanson asked if there was a tentative date on a specific project and Councilwoman Faessler said she would like to see some community input (a letter submitted with the water bills requesting community input) before making any decisions. City Manager Freedman said he needed direction so he and Tom Jentz could proceed on a project.

PUBLIC COMMENT

None

STAFF REPORTS

The Police Chief and the Building Inspector had submitted written reports and the other departments had nothing to report at this meeting.

Councilwoman Moran reported that Pacific Power & Light was having a difficult time turning their big trucks onto Third Street because of people parking in the "No Parking" zone on Stacey's side of the street. She requested that the Police increase the patrol in this area.

Councilwoman Faessler said she had received good reports about Building Inspector Quinn.

Councilman Boksich requested copies of the Building Inspector's log. (This report contains costs of building, location, etc.).

Councilwoman Moran said she had received three (3) complaints about the chuckholes at the end of Colorado Avenue and City Manager Freedman said the County was going to pave the intersection of Colorado and Edgewood and the City was going to get hot mix from the County to pave both approaches to the viaduct and this should alleviate many complaints.

OLD BUSINESS

1. CROSS CURRENTS SCHOOL - CLARIFICATION AND DISCUSSION ON FENCING: City Manager Freedman explained that Lee Patterson had requested that the City Council review the School's plans for fencing the area adjacent to the School's facilities. The matter had been placed on the agenda in order to clarify the City Council's decision on this matter.

John Hughes, representing Cross Currents School, explained that the fence would be a wooden fence 5' high and extend from Second Street property line 80', then it would run along the abandoned alleyway 28', then south 20', then jog west 8'6" and then south 28' (per Exhibit "A" - drawing submitted by the Cross Currents School). Mr. Hughes also requested a one month extension of time to complete the fence.

Councilman Boksich said that at the April 6th Council meeting when Cross Currents School Use Permit was approved, this was the intent for the placement of the fence.

The Council requested that Building Inspector Quinn meet with the Cross Currents people to help them with correct heights and setbacks. On a motion by Boksich to approve the fencing per the Building Inspector's decision that they have met all the codes and the time limit be extended one (1) month from July 1, 1987. Died for lack of a second.

On a motion by Boksich, seconded by Moran, to approve the fencing per the Building Inspector's decision that they have met all the codes. The motion carried unanimously.

On a motion by Hanson, seconded by Moran, that Cross Currents secure a building permit to construct the fence prior to July 1, 1987 and to actually have commenced construction of the fence prior to July 1, 1987 and that the fence be completed to the Building Inspectors satisfaction no later that July 30, 1987. The motion passed unanimously.

NEW BUSINESS

1. SEVENTH STREET AND BAKER AVENUE RECONSTRUCTION PROJECTS: City Manager Freedman said that last week they went out and met with people living on Baker Avenue and Seventh Street. Brian Smith from Sorenson & Co. accompanied him and answered questions that people had on the projects. He said he gave the Council a memorandum and he corrected page 3, middle of the page under debt service - change yearly payments of \$146,000 to \$116,800. He said he did not think any project the City of Whitefish was going to do would receive unanimous support or opposition. There were numerous concerns that were brought up during the meetings on both the streets and they were as follows:

1. The need to keep access open for the retail and financial businesses on Second & Baker and at Seventh & Spokane;
2. The replacement of trees and shrubs where they are removed because of street widening;
3. The assessments of cost for the property owners should be spread over five, seven or ten years;
4. The need to work with the Post Office to improve the access problems in and out of the Post Office parking lot;
5. The need for a sidewalk on the west side of the Baker Street bridge; and
6. The need to enforce the speed limits on both streets if the project is approved and completed later on this summer.

He said that the meeting with property owners on Baker Avenue went quite smoothly and the property owners seemed to be satisfied with the proposed work on Baker Avenue. The meeting with the property owners on Seventh Street indicated to him that this project would cause opinions that range from unconditional support to total opposition.

City Manager Freedman also reported that three (3) bids had been received for the reconstruction of Baker Avenue and Seventh Street:

1. PACK & COMPANY

SCHEDULE A (BAKER)	\$375,139.00
SCHEDULE B (SEVENTH)	\$264,282.00
SCHEDULE C (FRICTION COURSE)	<u>\$ 20,520.00</u>
TOTAL	\$659,941.00
LESS	\$ 5,000.00
TOTAL BID	\$654,941.00

2. HAMILTON, ENT.

SCHEDULE A	\$401,393.26
SCHEDULE B	<u>\$286,068.64</u>
SCHEDULE C	NO BID
TOTAL BID	\$687,461.90

3. A-1 PAVING

SCHEDULE A	\$499,500.50
SCHEDULE B	\$358,078.00
SCHEDULE C	<u>\$ 30,875.00</u>
TOTAL	\$888,453.50
LESS	<u>\$ 5,000.00</u>
TOTAL BID	\$883,453.50

City Manager Freedman said his recommendation would be that based upon the fact that we have not had ample time to go through the entire bid from Pack & Co. in depth, a special Council Meeting be arranged in two weeks which would give time to go back and sit down with Pack and see how they can modify the bid and at the same time get some new figures for the Council in terms of debt service and things of that nature. He also said that Gas Tax Funds and SID 132 Funds would be used to fund the projects.

Councilwoman Moran asked if Sorenson & Co. did a cost study for the City. City Manager Freedman said the Engineer's estimate was \$610,000 for the two streets. Moran said that when the City solicited bids she would like a copy of the Engineer's estimate.

Councilman Hanson asked about additional costs to the projects such as a full time inspector, soil sampling, etc. City Manager Freedman said we were looking at probably \$7,000 to \$9,000 for a full time inspector and the City could possibly work out something with Dennis Carver to use his equipment for various tests.

Councilwoman Faessler asked if we had contacted the Post Office to see if they would pay any money toward the construction of sidewalks and curbs from Third Street to Fifth Street on Baker. The Postal Service was the entity that decided that Fourth and Baker was the place to build the Post Office. One of the reasons why the issue came up on Baker Avenue was because people were having a hard time getting in and out of the Post Office. She said she had worked for Federal Agencies and they wanted to keep small towns and their citizens happy especially if they had problems. She said she felt the Post Office should be approached because she said they should contribute \$15,000 or \$20,000 toward the curbs and sidewalks in this area.

City Manager Freedman said that he had contacted the the local Post Office and the Regional Office and they had refused to help on anything, however, he would pursue the issue and try and work with the Post Office.

Councilwoman Moran said she had several concerns about the reconstruction because the people had about five (5) problems that need to be addressed - the traffic problems, speeding, the South end of Baker as it goes into the County section of road, the hills that feed onto Baker and on the North end of Baker

there are several commercial businesses that could be harmed by the reconstruction. The Master Plan shows Seventh Street as an eventual collector street. She would like some concrete figures on the retaining wall versus the purchase of the house on Seventh and Kalispell. The whole thing has taken on a little faster picture than she would feel comfortable with at this time and she said there were good reasons for going into parts of the project but she felt we should do more deliberating before we jump in with both feet.

City Manager Freedman said that one of the reasons for improving Baker Avenue at the scope that was proposed was number one we felt that down by the Post Office it would alleviate part of the problem even if nothing was done at the Post Office. By widening the street as proposed, there would be ample room if we stripe the road properly to have a turn lane into the Post Office and still allow for traffic to go South on Baker Avenue thus alleviating some of the traffic stopping in the middle of the street waiting for someone to come out of the Post Office. Seventh and Eighth was also a critical issue that should be addressed and one of the reasons for going forward with the engineering was to try to engineer something that would eliminate the two hills because there have been numerous accidents in the winter time where people have come through the intersections and slid out onto Baker Avenue. This plan would flatten out these hills and allow for a lot safer access onto Baker Avenue. At the same time a portion of the hill going up Fifth Street would be taken out and made a little flatter. One of the things that we were proposing by doing this project was to increase the width of the streets to allow for ample parking on both sides of the streets and to allow for two good sized traffic lanes. He said that the speed aspect was something the Police Department would have to enforce. In terms of Eighth and Baker where the City Limits ends the only real change there is that instead of having parallel parking on both sides of the street, the road would narrow and it would be the basic two lanes for traffic. On the east side of Baker south of the bridge would be just curb and gutters and sidewalks would be on the west side of Baker south of the bridge. In terms of the house at Seventh and Kalispell, he said he had met with the owner of the house and the owner will be getting back to him. Either way we go it will be expensive whether we put in the retaining wall or purchase the house. He said in this area, we have to do something with the storm sewer water and this is the ideal place to take some of the storm sewer water. It may mean the acquisition of that property and maybe some of the lower property below it to use for the retention of the storm sewer water.

Councilwoman Moran asked if this plan addresses this plan or would it be addressed at a later date. City Manager Freedman said most of the water would drain down and that was the way the plan was engineered to fit into the overall drainage plan of the City.

After discussion, on a motion by Boksich, to table this issue for two basic reasons - he would like to see it go to the engineers and the bidders to see if the bid can be modified and also in two weeks there should be a full Council. Died for lack of a second.

Councilwoman Moran said she would like to amend the motion to delay longer than two weeks because she would be gone and she had some concerns.

Councilman Hanson said he would lay a little foundation for his motion before he stated it. The original estimate that he had received documentation of the project costs was just under \$500,000 and up until Thursday morning of this week he was still hearing \$500,000 for the total project. The Engineers Estimate of \$610,000 for the total project is basically \$100,000 more than he believed this project would cost. He was not prepared to spend an additional \$100,000 until he takes a lot of other factors into consideration. On a motion by Hanson, seconded by Faessler, to table any further consideration of this project until August 17th.

Councilman Boksich asked why until August 17th and Councilman Hanson explained that on August 10th we finalize the Budget. If we are going to spend \$500,000 or \$610,000 he felt he wanted to see how this expenditure would fit into the total budget that we have for SID 132 Fund and the Gas Tax Fund. Until he has an opportunity to look at that total expenditure, he would rather do it with the proper procedures. August 17th allows the Council to go through the normal Budget process and analyze the Budgets. The next week after finalizing the Budget this can be brought back for consideration. Councilman Boksich said by waiting until this date we would wipe out any construction for this year. Councilman Hanson said he felt that if we did go ahead on August 17th and make a decision, we could still go forward with the construction in September and October after the tourism season and the traffic has dropped off.

City Manager Freedman recommended that the Council vote to kill the issue now because the bid is only good for sixty (60) days and it would be the wrong time of the year to do the reconstruction.

Faessler withdrew her second to the above motion and Hanson withdrew the motion.

On a motion by Hanson, seconded by Moran, because the bids all exceeded the Engineers Estimate to reject all the bids. The motion passed with three (3) aye votes to one (1) no vote. Boksich voted no.

2. JUDY PETTINATO - SEWER BILL PROBLEM: City Manager Freedman explained that the Council had received in their packets the bills that she received from Chuck's Plumbing and Reitan Excavating for hooking up a new sewer service to the sewer main in the alley behind her house. The City located a sewer main (there were two or three sewer mains in this alley) for her plumber. There was some extra time incurred by her plumber because of the extra lines in the alley. He said he discussed the matter with Greg and he offered her \$200 to compensate her for some of the charges because we did not locate the exact position of the active sewer main. This gesture was one that the City did not have to make but we made it because of the specific circumstances that occurred in this case.

She felt that the City should pay for \$975 of her bill. Without knowing exactly what she proposes to say, he said he could not make a firm recommendation. Greg will be prepared to answer any of her questions and to explain standard procedures utilized in Montana on the location of water and sewer mains.

Judy Pettinato addressed the Council and explained that she was requesting \$500.00 of her sewer bill and not \$975. She explained the circumstances which was as City Manager Freedman had outlined in the Council Memorandum.

Because Greg was called away from the Council Meeting and the Council needed more information on this issue, on a motion by Boksich, seconded by Moran, to table this issue until the next Council Meeting. The motion passed unanimously.

CITY MANAGER REPORTS

1. PARK BOARD: The new lights for Memorial Park have arrived and we are waiting for the wiring diagram before we install the lights; For city residents, a season pass for boat launching will be \$15 and out-of-city residents will pay \$25; The new agreement between the City Park Board, the Glacier Twins and School District #44 should be approved by all parties by next week; The Grouse Mountain Tennis Courts have been resurfaced and the Riverside Park Courts will be resurfaced in late June or early July; Grouse Mountain Lodge will be paying for the City Park sign at Grouse Mountain Park - cost is \$650.

Councilwoman Moran asked City Attorney Tracy about the Interlocal Agreement with the School District and Glacier Twins - page 3 (#8) and wondered if it meant they would hold the City harmless from all damages, costs, etc. City Attorney Tracy said yes if the City is involved in a lawsuit, they would reimburse us all costs.

2. WEST LAKESHORE AREA ANNEXATIONS: City Manager reported that petitions to annex had been received from several people on the West Lakeshore because of their need for sewer. Engineer Paul Wells felt that they could be put these people on line without impacting the line. This issue would be brought back to the next Council Meeting.

3. ANNEXATION OF SEVENTH AND KARROW: City Manager Freedman said that he had discussed the matter with County Officials who have no problem with the City annexing these streets. He said he was looking at this in order to see whether or not the City can annex these streets to surround land in the County which we may then be able to annex into the City.

4. SEWER: The City has received State approval to extend a sewer main up Fourth Street and then south on Karrow. S.I.D. 148 homeowners would then continue this line up Karrow and then put in lines both north and south of Seventh Street west of Karrow.

5. COMPUTER: City Manager Freedman said the new computer would be used exclusively on July 1. He said he had worked out an agreement that allows for the storage of the source code of Big Sky Data's software with an escrow company as recommended by the auditor and the City will store the backups of the computer data with one of the local banks in the next couple of weeks.

6. MASTER PLAN FOR CITY WIDE S.I.D.: Sorenson & Co. will make a detailed presentation at our second meeting in July.

7. 1986-1987 AUDIT: The audit has been scheduled for October which will enable us to get an audit report much earlier than in the past years. As of this date, the final audit report for 1985-1986 has not been received.

FINANCIAL REPORTS

City Manager Freedman went through the Cash Status Report and the Expenditure Report for May and told the Council that line item adjustments would be presented at the first meeting in July.

On a motion by Boksich, seconded by Faessler, to approve the Financial Reports for May. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson said he would like to make a motion that would direct the City Administrator to have the parking on Baker on the east side of the street between Fourth Street and Fifth Street designated as parallel parking only. The motion was seconded by Faessler and the motion passed unanimously.

Councilman Boksich asked if the Council could do this without going to the Parking Commission. Councilman Hanson said as of Friday the Chairman of the Parking Commission said they were not meeting and Hanson said he felt that the Council should take a hard look at the status of the Parking Commission. In the absence of any activity from them, we ought to encourage the City Administrator to take care of any problems. Hanson did recommend that the Commission be abolished and turned over to the business people to address the parking issues with the Council making any final decisions. Hanson also requested a written report from the Street Department and the Water/Sewer Department as other Department Heads are doing.

Councilwoman Moran said that between Third and Fourth Streets on Baker Avenue should be considered for "No Parking" on either side of the street. She said it appears that most of the people have private driveways so it would not affect their parking but it would provide a much wider street.

Councilman Hanson requested a copy of the Cash Status Report for June 1986 and a list of all employees and their rate of pay. Moran and Faessler requested copies too.

Councilwoman Moran requested to leave the State the first two weeks in July. On a motion by Faessler, seconded by Boksich, to allow the request. The motion passed unanimously.

On a motion by Moran, seconded by Faessler, requesting that the City Administrator make the appropriate adjustment so they could have a salary review and the appropriate increase relative to the new duties of Clerk-Treasurer Kay Beller. The increase be accomplished by the next Council Meeting and include the Council's earlier motion that the increase be retroactive to February 1, 1987. The motion passed unanimously.

Councilman Boksich said the safety standards of trees and shrubs in front of Third and Spokane are creating a hazard and they need to be either cut back or removed. City Administration would review this matter and report back.

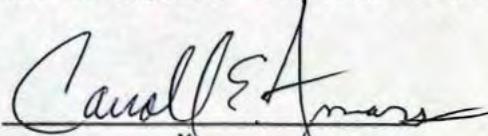
Councilwoman Faessler said she had received several phone calls from concerned citizens about the PA system of the Glacier Twins. Sometimes their tournaments last until 2:00 A.M. and the loudness of the P.A. system is a nuisance. Faessler said that she would like to see the Council address an Ordinance on PA systems, etc.

Councilman Boksich said that the Glacier Twins should be contacted and a solution worked out.

Councilwoman Faessler said the issue should be tabled until the next Council Meeting and the City Administrator could check it out and then the Council could address and deal with it.

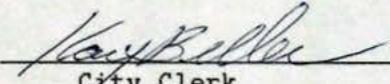
City Attorney Tracy reported that the Stidham case would be appearing before the State Supreme Court on Wednesday.

On a motion by Boksich, seconded by Moran, to adjourn at 9:11 P.M. The motion passed unanimously.



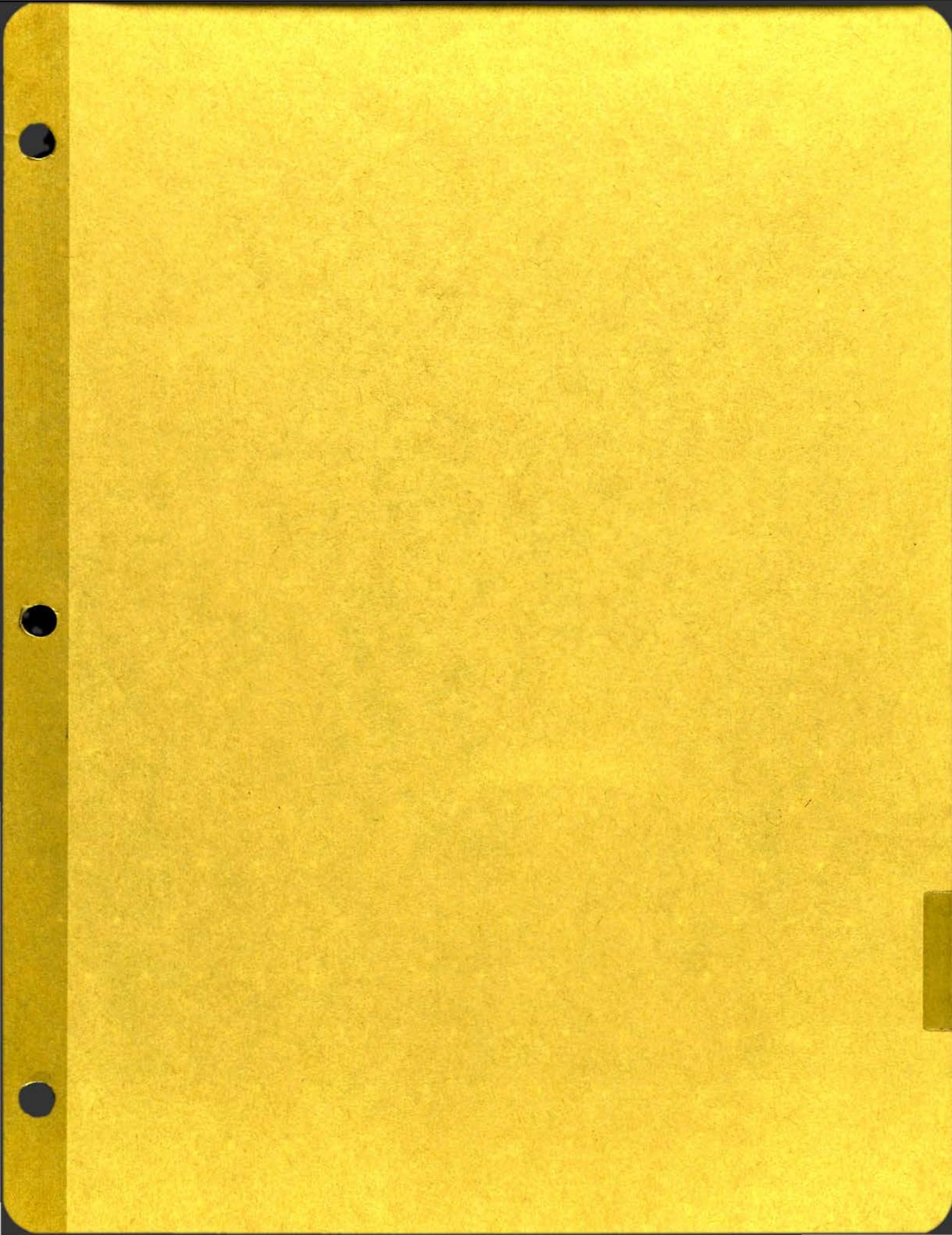
Mayor

ATTEST:



City Clerk

JBT



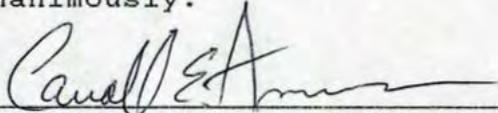
MINUTES
WHITEFISH CITY COUNCIL
JULY 1, 1987

Mayor Amass called this Special Meeting of the Whitefish City Council to order at 12:00 noon on the above date. Members present were Boksich, Faessler, Sevener and Hanson. Absent were LaTourelle and Moran. Also present was City Manager Freedman.

The purpose of this meeting was to consider Resolution No. 87-14, a Resolution finding and therefore ordering that the primary election set for September 15, 1987, for the election of Council Members and Mayor need not be held.

On a motion by Faessler, seconded by Sevener, to adopt Resolution No. 87-14, waiving the primary election set for September 15, 1987. The motion passed unanimously.

On a motion by Faessler, seconded by Hanson, to adjourn at 12:10 P.M. The motion passed unanimously.

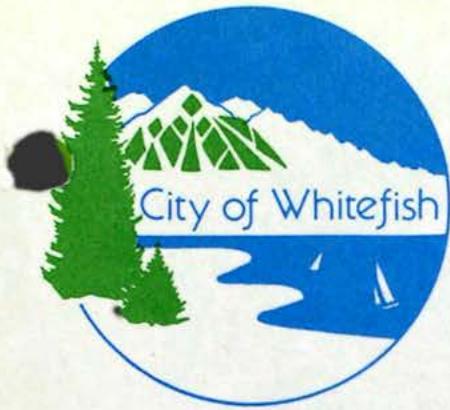


MAYOR

ATTEST:



CITY CLERK



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
July 6, 1987

- 7:00 I. Approval of the minutes of the June 15, 1987 Meeting
- 7:05 II. PUBLIC HEARING
1. Ordinance 87-8: Adoption of the Uniform Federal Accessibility Standards (First Reading)
 2. Ordinance 87-9: The enactment and adoption of the Model Energy Code, 1983 Edition, Published by the Council of American Building Officials (First Reading)
 3. Moose Lodge - Use Permit Request
- 7:20 III. PUBLIC COMMENTS
- 7:35 IV. STAFF REPORTS
1. Police
 2. Water/Sewer
 3. Street/Sanitation
 4. Building
 5. Fire
- 7:45 V. OLD BUSINESS
1. Baker Avenue Reconstruction Project
 2. Resolution on Tax Increment Financing
 3. Judy Pettinato - Sewer Bill Problem
 4. Seventh Street Reconstruction Project
- 8:45 VI. NEW BUSINESS
1. West Lakeshore Annexation - Resolution 87-15
 2. Preliminary Budget Discussion
 3. Waiver of the Open Container Ordinance - Festival of the Rockies
- 9:30 VII. CITY MANAGER REPORTS
1. Updates on Meetings and City Business
- 9:40 VIII. COUNCIL REPORTS OR COMMENTS
- 9:45 IX. ADJOURNMENT
- 9:45 X. EXECUTIVE SESSION



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman
TO: Whitefish City Council
DATE: July 1, 1987
RE: July 6, 1987 Council Meeting

Here are my comments on the Council Agenda items for the July 6th Council Meeting:

1. Ordinance 87-8: This proposed ordinance must be adopted because the State of Montana requires this Ordinance before we receive any federal funding.

2. Ordinance 87-9: This proposed ordinance must be adopted because the State of Montana requires this Ordinance before we receive any federal funding.

3. Moose Lodge Use Permit: I would recommend that you approve the use permit with all conditions proposed by the Planning Board.

4. Baker Avenue Reconstruction: There are revised figures in your packet in a separate memorandum.

5. Tax Increment Financing Resolution: The County Assessor, Monte Long, has requested that the City of Whitefish pass a resolution creating the Tax Increment Financing District.

6. Judy Pettinato: This is a continuation of the discussion from the last City Council Meeting.

7. Seventh Street Reconstruction: This is a memorandum with revised information on the Seventh Street Project.

8. West Lakeshore Annexation: There are eleven (11) lots that will be annexed if you approve this annexation resolution.

Recommendation: Approve Resolution 87-15.

9. Budget Discussion: There is significant budget information in your packet. Approval of the Preliminary Budget will occur at the July 20, 1987 meeting.

10. Festival of the Rockies Request: I would recommend that you waive the Open Container Ordinance for their events at Riverside Park provided they have security and the park is cleaned up at the end of the weekend.

* * * * *

I would recommend that Kay Beller not be given any pay increase retroactive to the retirement of Helen Doyle for the following reasons:

1. All employees were under a pay freeze in Fiscal Year 1986-1987;
2. Many of the duties of Helen Doyle were assumed by others;
3. The City hired a Deputy City Clerk to assist Kay.

I have proposed a substantial increase in pay for Kay beginning on July 1, 1987. I would propose that this increase be approved in lieu of any retroactive pay increase to February 1987.

MINUTES
WHITEFISH CITY COUNCIL
JULY 6, 1987

The July 6, 1987 regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council Members were present except Moran. Also present were City Manager Freedman, City Attorney Tracy, Police Chief Dolson, Street Foreman Wartnow, Water/Sewer Supervisor Acton and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

On a motion by Boksich, seconded by Hanson, to approve the minutes of the June 15, 1987 and the July 1, 1987 Council Meetings as presented. The motion passed with 4 aye votes and 1 abstention. LaTourelle abstained.

PUBLIC HEARINGS

1. ORDINANCE 87-8; and ORDINANCE 87-9: City Manager Freedman called upon Building Inspector Quinn to discuss these two ordinance. Building Inspector Quinn explained that James Brown from the Building Codes Division in Helena had informed him that the State of Montana requires these two Ordinances before we receive any further federal funding. (Ordinance 87-8 to adopt the Uniform Federal Accessibility Standards as published in the Federal Register on August 7, 1984 and Ordinance 87-9 adopting the Model Code for Energy Conservation in New Building Construction).

Councilwoman LaTourelle said that the City had received grant money to remodel the bathrooms to accommodate the handicapped and asked how the City received these funds without these ordinances. Building Inspector Quinn reported that the Building Codes Division in Helena review this every two years and found that the City of Whitefish did not have them. Building Inspector Quinn also reported that he researched the City Ordinances and found that these Ordinances have never been adopted. According to the notice from Helena, the City has 90 days to adopt these ordinances so Building Inspector Quinn contacted City Attorney Tracy to draw up these ordinances.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion.

Councilwoman Faessler asked if the City has to buy any new code books for this and Building Inspector Quinn answered that he has purchased one for \$4.00.

After discussion, on a motion by LaTourelle, seconded by Sevener, to adopt the first reading of Ordinance 87-8 and Ordinance 87-9. The motion passed unanimously.

2. MOOSE LODGE USE PERMIT: City Manager Freedman reported that the City-County Planning Board considered at a meeting on June 18, 1987 an application from the Loyal Order of the Moose for a use permit to expand the Lodge Hall facility from 7,575 square feet to approximately 9,887 square feet which is a 31% expansion. This is currently a nonconforming use in a WR-2 zone. Back in late 1985, they did submit a similar request which was approved by the City Council. This use permit lapsed because they did not start construction in a one year period. The concerns of next door neighbors, Mr. and Mrs. W.B. Matthews, are of importance and the conditions applied to the Use Permit by the City-County Planning Board should be considered with special attention to item #2 of those conditions on the paving of the parking lot. According to the City Zoning Regulations, this zone does not require paving but does require a stabilized and dustless surface that is smoothly graded. They have to comply with all the parking space requirements according to the City Zoning Regulations, they must receive the appropriate permits from the County Health Board and they must construct a solid fence and/or a sight-obscuring screen of trees or any other alternative acceptable to the City Manager to serve as a buffer between the Matthews' home and the Lodge building. New bathrooms will also be required to accommodate the handicapped. The above mentioned are the most important of the conditions of the Use Permit as stated by the City-County Planning Board and are presented to the City Council for consideration. City Manager Freedman recommended that the Council approve this Use Permit with possibly the imposition of a special condition on the paving of the parking lot.

Councilwoman LaTourelle was concerned that the amount of traffic caused by events at the Lodge does cause dust and that a paved surface would solve this problem for the neighbors. Councilwoman LaTourelle also asked if there had been a study of the number of current parking spaces and the number needed with the expansion vs. the number of people the Lodge accommodates. City Manager Freedman stated that in the conditions of the Use Permit under #2 the parking spaces will have to be approved by the City of Whitefish before issuance of a building permit and in a study by the previous Zoning Administrator, Jack B. Arnold, they found that the Whitefish Zoning Regulations require approximately 87 parking spaces with the proposed expansion.

Mayor Amass opened the hearing to the public, requesting that any comments in favor of the Use Permit be heard first.

Ray Managhan, Secretary of the Moose Lodge, reported that they are concerned with condition #5 of the Use Permit as presented by the City-County Planning Board - a fence or hedge constructed along the boundaries adjoining West Tenth Street may cause problems with snow removal and depending on the type of fence required, it may cause visibility problems for traffic to and from the parking lot. The Lodge has no problem with the fence between themselves and the other property owners provided that final agreement of the fence is given by the City Manager. The Lodge has no problem providing a dustless and smoothly graded parking lot but if the Use Permit requires a paved parking lot it would prevent the from Lodge proceeding with their expansion because they cannot afford paving at this time.

Mayor Amass asked if there were any other comments in favor of this Use Permit and there were none. Then he asked if there were any comments in opposition to the Use Permit.

Mrs. W. B. Matthews, who resides directly behind the Moose Lodge, asked to speak, not necessarily in opposition but she wanted to be heard. She is in favor of the expansion of the Moose Lodge with consideration for her privacy.

Mayor Amass asked if there were further public comment at this time and as there were no comments, he closed the hearing and turned the matter over to the Council for discussion.

Councilwoman Faessler attended the City-County Planning Board Meeting when they considered this application and she was under the impression that Mr. Managhan from the Moose Lodge and the neighbors, the Matthews, were to get together and resolve the fence problem between the two properties. Mr. Managhan said they have discussed the placement of the fence but the problem still needs to be resolved. Mayor Amass stated that this problem will be addressed by the condition #4 of the Use Permit as presented by the City-County Planning Board because the fence will have to be approved by the City Manager.

Councilman Boksich asked for a reason for the fence on Tenth Street. Ray Managhan said he understood that it was to define the property line and control traffic entering the parking lot. Councilwoman LaTourelle stated a concern that the fence might block the view of traffic in and out of the parking lot. Mr. Managhan said that some members of the City-County Planning Board suggested a one rail fence that would not obstruct the view of traffic but would define the property line and may control incoming traffic to the parking lot that is not Lodge traffic but is traffic going to adjacent properties to the north of the Lodge.

Councilwoman LaTourelle asked if the Moose Lodge could say when they might be able to pave the parking lot to control the dust for the neighbors. Mr. Managhan said they would have to ask for estimates of paving but possibly in three years they could afford this. Mr. Managhan felt and Mrs. Matthews agreed, that most of the dust is not caused by Lodge traffic but by traffic crossing the Lodge parking lot to adjacent properties to the north. Mrs. Matthews also stated that the Planning Board's requirement of the fence on Tenth Street would help control the through traffic and thus make paving not necessary.

After discussion, on a motion by Hanson, seconded by Boksich, to grant the Moose Lodge Use Permit as requested with the conditions one through seven (1-7) as presented by the Planning Board with the change in Item #3 that the designated parking spaces have a smoothly graded, stabilized and dustless surface in accordance with Section 17.74.010 of the Whitefish Zoning Regulations until such time that the parking lot can be paved and said paving shall be completed no later than November 1, 1990. The motion passed unanimously.

PUBLIC COMMENT

Irvin Hanson, who resides on Ramsey Avenue, (a county street), addressed the Council. The City has been maintaining the street for the last two years and has done a pathetic job of it. Last winter, for the first time in 34 years, he could not get out of his driveway because of the way the snow was plowed and the buildup of ice. It got to the point that two way traffic could not pass. When the County maintained the street it was done satisfactorily and he wished the County could maintain the street again. Mayor Amass directed that there be a meeting between the City Administrator Freedman and Street Foreman Wartnow to resolve the maintenance problem on Ramsey Avenue.

STAFF REPORTS

Police Chief Dolson reported that over the July Fourth Weekend his department was at City Beach with maximum deployment and the day went smoothly with no major incidents. In the late evening in the downtown area, there was an incident between Officer Lonnie Herrmann and a parolee which caused Officer Herrmann to be off duty for the next few days. In Chief Dolson's professional opinion, he feels that the City Ordinances and State Laws on legal fireworks are wholly inadequate so he is preparing a letter to the City Attorney proposing a revision of those City Ordinances.

Water/Sewer Supervisor Acton reported that there was a preconstruction conference held with Chet Brown & Sons Construction on June 30, 1987 on the Interceptor-Lift Station project. This last weekend, the contractor started to move in his equipment and will start construction along the river as soon as his material and the rest of his equipment arrives.

Building Inspector Quinn had nothing to report at this time but will have a written report for the next meeting.

Fire Chief Ric Anderson reported that May was a quiet month with only four fires and twenty-two ambulance runs. June had twenty fires and twenty-two ambulance runs and in July, all of the fire and the ambulance runs were fireworks related. Mayor Amass directed Fire Chief Anderson to write a letter to City Manager Freedman documenting the fire and ambulance runs that were fireworks related.

Councilman Hanson asked Water/Sewer Supervisor Acton if there has been any progress in the Phosphorus Removal Project. The Plans and Specifications have been submitted to the State Water Quality Bureau and the representative stated at a meeting on June 2nd that in ten days the plans would be approved and as of this date, they have not been returned and approved by the State.

OLD BUSINESS

1. BAKER AVENUE RECONSTRUCTION PROJECTS: City Manager Freedman summarized his Memorandum dated June 27, 1987 to the Whitefish City Council on the Baker Avenue Reconstruction Project which outlined considerable cost reductions. \$49,500.40 was reduced from the original bid for the Council to consider. These reduced figures were more in line with the original estimates of the City Manager.

Councilman Hanson restated that his position of three weeks ago that the total costs were to the point where he wanted to go through the entire budget process to calculate the ramifications of this project over the next several years. He also objects to this being considered a totally new proposal in that it is in conflict with the City's Rules of Order and Robert's Rules of Order.

City Attorney Tracy stated that in his opinion, City Manager Freedman's proposal is not the same as before and therefore can be considered as a new proposal.

Councilman Hanson stated his concern with the City making such a large commitment for five years. He questioned the estimate of cost for the City Crews for their work on the water lines, the cost of moving the fire hydrants and the cost of moving the power poles. City Manager Freedman said that Pacific Power and Light will move the power poles without cost to the City.

Councilman Sevenser asked if those owners along Baker could be assessed for improvements in a manner that would be equitable for them. City Manager Freedman responded that possibly those properties with only curb and gutter could pay off the improvements in five years while those with curb, gutter and sidewalks could pay off the improvements in seven years.

Councilwoman LaTourelle asked if both the water and sewer lines needed work on Baker Avenue and Water/Sewer Director Acton said they both need to be reset and he had cost estimates for that.

Councilwoman Faessler stated she felt this proposal was the same issue as before because it covers the same blocks on the same street, differing only with the deletion of sidewalk on Baker Avenue. She is concerned about the amount of money and the long term debt. She feels that voters voiced their opinion on property taxes when they passed Initiative-105 and she didn't expect cities to find ways to go around it. She is also concerned that the Post Office will not be involved in the financing of this project.

City Manager Freedman said the Senate Bill 71 clarified what cities and towns can do under Initiative-105 and legislated that it is allowable for exemption of Special Improvement Districts, Tax Increment Financing Districts and Street Maintenance Districts. He has also had conversations with Bob Litchfield from the Post Office and a representative from Billings from the Post Office about their assistance in this project by changing the access in and out of the parking lot by possibly having an entrance only off of Fourth Street and an exit only onto Baker Avenue. In terms of the scope of the project, there is the deletion of part of the sidewalk but finding ways to lessen the cost by \$50,000 does change the magnitude of the project. The water and sewer work is important because in any street project it is important to do the infrastructure and then the paving of the street.

Councilman Hanson stated he doesn't disagree with the street project ideas of City Manager Freedman but he is still concerned with how this will fit into the City Budget and how much time the City Street Crews will spend on Baker Avenue instead of on other City Street maintenance. He feels that with the approval of this project, the City will have arbitrarily raised SID 132 fees without finalizing the Budget.

On a motion by Sevenser, seconded by Hanson, to reconsider both Baker Avenue and Seventh Street Projects at the next City Council Meeting. After discussion, the motion and the second were withdrawn.

Councilwoman Faessler stated that her concerns were not only with the cost but she wonders if Baker Avenue from 2nd to 8th Streets needs to be done.

City Manager Freedman stated that whether the City does this or any other street project, it is clear to anyone that works in this state that the budget process delays many street projects. If you don't have a lot of money in the bank, or form a special improvement district in this city or go out on the limb and proceed with the street project by raising some mill levy or some assessment at a later date to pay for the street project, a street project will not get off the ground because there isn't enough of a construction season to proceed after final budget approval in August.

Councilwoman Faessler has a problem with putting \$500,000 on a credit card. Councilman Sevenser agrees with Councilwoman Faessler but also agrees with City Manager Freedman that the Baker Street Project is necessary if Whitefish will have any handle at all on the condition of what has been determined as a feeder street.

On a motion by Sevenser, seconded by LaTourelle to proceed with the Baker Avenue Reconstruction Project as presented by City Manager Freedman and allowing a five year payback period for those properties with sidewalk, curb and gutter and a three year payback period for properties with curb and gutter only at a rate of 7.25% interest.

Councilman Hanson asked for the cost of storm sewer, water and sewer that the City Crews will be providing for the project. Water/Sewer Director Acton estimated that the storm sewer will be \$6,440, the water including relocation of hydrants will be \$9,450 for material, labor and equipment and the sewer will be \$6,960.

City Manager Freedman inquired of Water/Sewer Director Acton about the condition of the sewer line on that street. Water/Sewer Director Acton reported that the relocation of the sewer lines would make them totally accessible because the current sewer line is not totally accessible.

The motion passed with three (3) aye votes to two (2) no votes with Faessler and Hanson voting no.

2. RESOLUTION ON TAX INCREMENT FINANCING: City Manager Freedman reported that this resolution was requested by the County Assessor, Monte Long, to certify the Tax Increment provision as stated in the Urban Renewal Plan. Resolution No. 87-16 certifying the Tax Increment Provisions of the Urban Renewal Plan accomplishes this. City Manager Freedman said this should satisfy Monte Long's request for such a resolution and if the City Council wants to proceed and have the tax increments collected immediately, the City Council will have to pass Resolution No. 87-16. City Manager recommended to the City Council the passage of this resolution and to authorize him to forward it to Monte Long so he has it in his files.

On a motion by Boksich, seconded by Sevener to approve Resolution No. 87-16. The motion passed unanimously.

6. JUDY PETTINATO: City Manager Freedman directed Water/Sewer Director Acton to discuss this problem. He was prepared to discuss this at the last Council Meeting but was called out when the storm hit.

Water/Sewer Director Acton said that Pettinato's contacted his department because they had a sewer problem that would require the location of the sewer line. The alley behind the Pettinato home has four sewer lines in it. It turned out that the crew mismarked the line by several feet, which on a sewer line depth of 11 feet is routine and understood by the plumbers in the area. The contractor spent extra time looking for the main. Considering the situation and that there is a margin for error in this type of location, Water/Sewer Director Action felt that nothing was due to Pettinato for the cost of extra time spent by the contractor but that City Manager Freedman's offer of \$200 was adequate and Judy Pettinato's request was unreasonable. City Manager Freedman said that by phone she requested \$975 but at the last meeting she requested \$575.

On a motion by Boksich, seconded by Sevener, to follow City Manager Freedman's recommendation of payment of \$200 to Judy Pettinato. City Attorney Tracy suggested that the motion be contingent on her release of the City. If she won't release the City, she can't have the \$200. The motion was modified to include this condition. The City Attorney also advised that this payment is a settlement only, not an admission of liability, and that in the future the City Water/Sewer Department needs to inform the people requesting such locations that it is an estimate only and the City has no liability obligations. The motion passed unanimously.

7. SEVENTH STREET RECONSTRUCTION: City Manager Freedman reviewed his Memorandum dated June 27, 1987, to the Whitefish City Council, that presented the Seventh Street Reconstruction Project individually with considerable cost reduction (in the amount of \$42,565 less than the original bid). There is still not an answer from Kevin Barber on the acquisition of his property. There is an agreement in effect that the City deeded four feet of right of way to the property and at the time street construction is started, the City may build a retaining wall right up to the house on the right-of-way. City Manager Freedman feels the cost of the retaining wall would be greater than the acquisition cost of the property. Kevin Barber was supposed to call back and hasn't yet at this time. To resolve the storm sewer system in the long term there will probably be a retention pond area that will be located in the east half of the block between Kalispell and Spokane and between Sixth and Seventh Streets, which is where most of the water drains now.

Councilwoman Faessler questioned why the sidewalks were deleted from the south side of the street and not the north side. City Manager Freedman said the decision was made primarily because of the utility poles on the south side of Seventh Street which are some of the largest in the City and there are a few small utility poles on the north side of the street which would be easier to move.

Councilman Hanson question the acquisition of land for a retention pond and whether property owners had been contacted yet. City Manager Freedman said nothing has been done formally yet but the area previously mentioned for the retention pond seems to be the natural area of drainage now. At a later date, a formal acquisition of land for the retention pond will probably be necessary.

On a motion by Sevenser, seconded by LaTourelle, to table the Seventh Street Reconstruction Project until the next City Council Meeting so that the information on the Kevin Barber property is available.

Councilwoman Faessler stated that she felt this proposal is the same as the proposal of the last meeting, so she won't vote for it. Councilman Hanson stated that for the same reason, he won't support the proposal but he will agree with the tabling and he asked that the cost of the sewer be brought to the next Council Meeting.

The motion passed with three (3) aye votes and two (2) no votes with Hanson and Faessler voting no.

NEW BUSINESS

1. WEST LAKESHORE ANNEXATION - RESOLUTION 87-15: City Manager Freedman stated that we have petitions on file from those owners of the lots in the Lake Park Addition that are included in the Resolution No. 87-15 to annex certain contiguous tracts to the City of Whitefish. Several of these property owners have failing septic systems and are anxious to hook up to the City sewer system. Paul Wells feels it is feasible for these people to hook up to the existing City sewer system. City Manager Freedman recommended to the City Council to approve Resolution 87-15 to annex the eleven lots in the Lake Park Addition to the City of Whitefish.

Councilman Hanson said that Lorraine Pallo, one of the property owners, has been trying to be annexed into the City for three or four years and he is glad this is finally being accomplished.

On a motion by Hanson, seconded by LaTourelle, to adopt Resolution 87-15. The motion passed unanimously.

On a request by City Manager Freedman, Mayor Amass changed the order of the Agenda to hear the Waiver of the Open Container Ordinance for the Festival of the Rockies before the Preliminary Budget Discussion.

2. WAIVER OF THE OPEN CONTAINER ORDINANCE - FESTIVAL OF THE ROCKIES: City Manager Freedman said that originally the concerts for the Festival of the Rockies to be held on July 31, 1987 and August 1, 1987 were to be held outside of the City Limits. However, after conversations with Jerry Johansen and some of the other organizers of the Festival and the Park Board, it was decided that to have these concerts in Riverside Park would be an asset to the community. We have on file a letter from Jack Sesler from the Festival requesting the waiver of the Open Container Ordinance with security provided on the site with the site fenced so no one enters or leaves the area with open containers. City Manager Freedman recommended that if such a waiver is granted, the Festival should also agree to clean Riverside Park after their

concerts and to restore the Park to its original condition. City Manager Freedman recommended to the City Council that if the Festival agrees to provide at least three security people and does proper clean up after their event, that they be allowed to use Riverside Park for these two nights with a waiver of the open container ordinance.

After discussion, on a motion by Hanson, seconded by Boksich, to waive the Open Container Ordinance for the Festival of the Rockies in Riverside Park on the condition that three (3) security people be retained, that the clean up detail restore the part to its original condition and that insurance be provided by the Festival of the Rockies. The motion passed unanimously.

3. PRELIMINARY BUDGET DISCUSSION: City Manager Freedman made it clear that tonight's meeting is not a formal hearing of the Preliminary Budget. The formal hearing on the Preliminary Budget will be the next meeting, July 20, followed by a formal hearing on the Final Budget on August 5 and the adoption of the Final Budget on August 10. To start the process, however, City Manager Freedman presented to the Council a package of information for this Preliminary Budget discussion. The first report was the Cash Status Report comparing June 30, 1986 to June 30, 1987.

After discussion, on a motion by Boksich, seconded by Sevener, to approve the Cash Status report. The motion passed unanimously.

Continuing the explanation of the information for the upcoming Preliminary Budget hearing, City Manager Freedman presented the following: a Taxable Valuation and Mill Levies and Property Tax chart comparing the last ten years; a list of the ten largest taxpayers in the City and what they paid in taxes the last two years; Short and Long Term Debt information; a City of Whitefish Employee List including employees names and titles with length of service, salary benefits and status; a 1987-1988 Budget Analysis with a breakdown for each fund with employees' salaries and benefits; an Expenditure Budget Report showing the current year's budget and expenditure to date and next years projected budget for each fund; and a Revenue Budget Report showing the current year's estimated and realized revenues and an estimate of next year's revenues. There will be more information provided for the next meeting's Preliminary Budget hearing.

CITY MANAGER REPORTS

1. NEW STREET SWEEPER: The new city street sweeper is here. Starting Wednesday, July 7, it will be sweeping in the residential area. The plan is to use it in the residential area five days a week and once all streets are finished maybe only once a week downtown because it will do a better job than the old one.

2. MEMORIAL PARK: All the new lights have been installed and the roof was fixed during a four day period last week.

3. CITY BEACH: New sand has been put down at City Beach as requested by the Park Board.

4. CITY MASTER PLAN: Sorenson & Co. are scheduled to come to the City Council Meeting on August 3, 1987 to go through in detail the City Master Plan on the city streets.

5. COMPUTER: We are having some computer problems, not with the new computer but with the old one. We need the old system to carry us through the 1986-1987 year and we are experiencing hardware problems as well as software problems which is putting us behind on the year end reports. Utility billing is also behind because of these same computer problems. On July 1, 1987, the beginning of the new fiscal year, everything will be on the new computer system. The August utility billing will be on the new computer and the bills will go out in an envelope with a newsletter and any other information on public hearings.

COUNCIL REPORTS OR COMMENTS

Councilman Boksich asked Street Foreman Wartnow if the City has any kind of an agreement with the Department of Highways to sweep Hwy 93 South. Street Foreman Wartnow said we do it and Hwy 93 West because it is in the City limits. The Highway Department does those streets one day each year. Councilman Boksich felt we should receive some compensation for doing those state roads and City Manager Freedman said we do get paint and other odds and ends from the Highway Department from time to time.

Councilman Faessler requested a date be set for the review of City Attorney Tracy. July 20, 1987, following the regular City Council Meeting, was set. She also expressed her appreciation to Building Inspector/Asst. Zoning Administrator Quinn for researching and notifying City Property owners about weeds and overgrown grass on their property. She questioned Water/Sewer Director Acton on the occasional taste of more chlorine in the water at times and whether or not the City is aware of safe chlorine levels. Water/Sewer Director Acton assured her that the amount of chlorine in the City water system is well below the magnitude of unsafe chlorine levels. Councilman Hanson questioned Water/Sewer Director Acton on other tests of City water and Water/Sewer Director Acton informed him they are constantly testing the water with required tests on a daily, on a weekly and on a monthly basis on various aspects of the water.

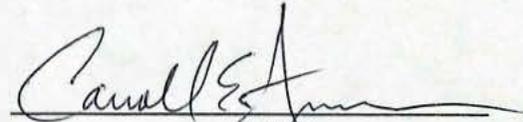
Councilman Boksich requested to leave the State from July 9, 1987 through July 19, 1987. On a motion by Hanson, seconded by LaTourelle, to allow the request. The motion passed unanimously.

Councilman Sevenser reported a weed problem at Third and Columbia. Street Foreman Wartnow said they would get at it and other tall weeds all around the city when they get caught up.

Councilman Hanson questioned if John Zonner from Ben Franklin had formally applied for a sign permit. City Manager Freedman had seen a sketch of a window sign and discussed it with Mr. Zonner but did not know of a formal application at this time. City Manager Freedman directed Building Inspector Quinn to go over to Ben Franklin and see Mr. Zonner with an application.

Councilman Boksich asked Building Inspector/Asst. Zoning Administrator Quinn if anything had been done with the trees at the corner of Third and Spokane. Building Inspector/Asst. Zoning Administrator Quinn reported he had looked at the corner and requested the Police Department do the same and hadn't heard back from the Police Department. Chief Dolson said that Sergeant Joe VanHam had reported that it is somewhat of a vision problem but not critical. Councilman Boksich felt that as the summer goes on the problem will worsen and should warrant watching.

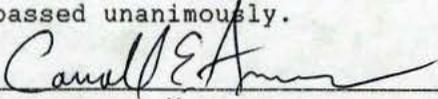
On a motion by Sevenser, seconded by Boksich, to adjourn at 9:30 P.M. The motion passed unanimously.


Mayor

ATTEST:


Deputy City Clerk

The regular meeting of the Whitefish City Council adjourned at 9:30 P.M. and the Council went into Executive Session with City Manager Ralph Freedman. During the meeting, City Manager Freedman discussed some personal problems that he had. On a motion by Sevener, seconded by Hanson, to adjourn the Executive Session at 10:05 P.M. The motion passed unanimously.



Mayor

ATTEST:



Deputy City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
July 20, 1987

- 7:00 I. Approval of the minutes of the July 6, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Ordinance 87-8: Adoption of the Uniform Federal Accessibility Standards (Second Reading)
 2. Ordinance 87-9: The enactment and adoption of the Model Energy Code, 1983 Edition, Published by the Council of American Building Officials (Second Reading)
 3. Willow Brook P.U.D. - Zone Change and Preliminary Plat Approval
 4. Adoption of the 1987-1988 Preliminary Budget and Adoption of Resolutions 87-17, 87-18, 87-19 and 87-20
- 9:30 III. PUBLIC COMMENTS
- 9:45 IV. STAFF REPORTS
1. Police (written)
 2. Building (written)
 3. Water/Sewer
 4. Street/Sanitation
 5. Fire
- 9:55 V. OLD BUSINESS
1. Baker Avenue and Seventh Street Projects - Special Council Meeting
- 10:00 VI. NEW BUSINESS
1. Discussion on the Poverello Center
 2. Intermodal Resolution from the City of Shelby
 3. Surplus Property Resolution
 4. Sign Variances
 - a. Lee Patterson
 - b. Grouse Mountain Lodge
- 11:00 VII. CITY MANAGER REPORTS
1. Revenue Bond discussion for Sewer Projects
 2. Park Board Appointments
 3. 1986-1987 Budget Amendments - Adoption of Resolution 87-16
- 11:20 VIII. COUNCIL REPORTS OR COMMENTS
- 11:30 IX. ADJOURNMENT

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: July 15, 1987
RE: July 20, 1987 Meeting

Here are my comments and my recommendations on the Council Agenda items for the July 20, 1987 Council Meeting:

1. Ordinance 87-8 (Uniform Federal Accessibility Standards): This is the second reading of this ordinance which the State of Montana requires that we pass before we receive any further federal funding.

Recommendation: Approve this ordinance.

2. Ordinance 87-9 (Model Energy Code): This is the second reading of this ordinance which the State of Montana requires that we pass before we receive any further federal funding.

Recommendation: Approve this ordinance.

3. Willow Brook P.U.D.: In your packet are the recommendations of the Planning Board. I do not agree with all of the recommendations as follows:

a. The cul-de-sacs should be 90 feet in diameter with a thirty foot diameter planter in the middle. The City took both a fire truck and a garbage truck to a parking lot and found that both vehicles could turn in a 90 foot cul-de-sac with a 30 foot diameter planter. The planter in the middle will serve its purpose by lessening the impact of a 90 foot cul-de-sac. The Public Works Department has determined that snow clearance, maintenance and garbage pickup can occur without difficulty with the 30 foot planters;

b. I do not see a problem with allowing the twelve lots as proposed in Phase II to be developed. I would require that Lots 39-41 be limited to a single access on Lot 38 onto Armory Road as proposed by the Planning Staff. The development of all twelve lots will not have a detrimental impact on the neighborhood and the driveways for Lots 30-37 could be designed so that all vehicles would be able to exit onto Armory Road frontways;

c. Sidewalks should be five (5) feet in width. The City is trying to establish a uniform width and five foot sidewalk is the standard that I feel is necessary. Quality development in this or any other subdivision requires this width;

d. A performance bond or a cash bond guaranteeing the construction and installation of all improvements must be given to the City. This bond will be released upon completion of the improvements and acceptance of the improvements by the City of Whitefish; and

e. The City of Whitefish is studying the Cow Creek Interceptor Sewer Line Project at this time. The Subdivision Improvements Agreement should require the developer to contribute all funds he would have utilized for sewerage and lift station(s) to the City to aid in the construction of the Cow Creek Project. The City should be allowed one year from the date of final approval to construct this sewer project. This Cow Creek Project is vital to the development of many areas on the east side of Whitefish.

Recommendation: Approve with the changes mentioned above along with the recommendations of the Planning Board that do not conflict with these changes.

4. 1987-1988 Preliminary Budget: I will discuss the budget in detail at the meeting and Resolutions 87-17, 87-18, 87-19, and 87-20.

Recommendation: Adopt the Preliminary Budget and the four resolutions.

5. Baker Avenue and Seventh Street Projects: I would recommend that a Special Council meeting be held on Monday, July 27 at 7 P.M. to discuss these projects and only these projects in detail.

6. Poverello Center Discussion: There have been numerous complaints about the Poverello Center. I think it is important to discuss this matter at this time. I have invited representatives from the Poverello Center to the meeting.

7. Resolution from the City of Shelby: They are seeking passage of a resolution by the City of Whitefish in their efforts to have an intermodal facility built in their county.

Recommendation: The passage of this resolution by the City Council may alienate other communities that are seeking this facility. Whitefish has nothing to gain from the facility being located in the Shelby area. I would recommend that you do whatever you feel is politically expedient in the long term for Whitefish.

8. Surplus Property Resolution: We need to approve this resolution to be eligible for various surplus property that is received by the State from various sources.

Recommendation: Approve the resolution.

9. Sign Variances:

a. Lee Patterson (old Gibbers sign): His variance request is due to the fact that the sign does not meet the setback requirement of 7 1/2 feet from Baker Avenue, the sign is internally lit, the sign is 9" above the allowable height for a freestanding sign and the readerboard exceeds 30% of the total sign area. He proposes to use the sign for Markus Foods.

Recommendation: I would approve this sign variance with the following conditions:

1. That the size of the readerboard be brought into compliance with the sign code;

2. The Markus Food sign that currently exists on another freestanding sign in front of the shopping center be removed; and

3. The sign be made to come into compliance with the then current setbacks and other conditions within three (3) years of adoption of a new sign code or the construction of the new viaduct, whichever comes first.

b. Grouse Mountain Lodge: The only reason for this sign variance is due to the proposal for lighting this sign internally. The size of the sign and the readerboard meet our sign code.

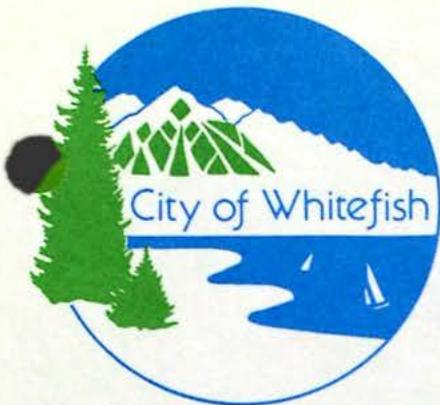
Recommendation: Approve this sign variance. (See sketch of sign in your packet).

10. Revenue Bond Discussion: I will discuss our tentative timetable for the sale of bonds and other details of the sewer projects that relate to the sale of these bonds.

11. Park Board Appointments: I am recommending the reappointment of Susan Abell, Mike Fitzgerald and Vince Caciari to the Park Board. They were the only three who submitted letters of interest. Each of these terms will be two years in length.

12. Resolution 87-16: This resolution formalizes the line item transfers necessary in the 1986-1987 Budget.

Recommendation: Approve Resolution 87-16.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: July 13, 1987
RE: Salaries for employees in FY 1987-1988

At the last City Council Meeting, there were several questions concerning the salaries of the City employees in the proposed Preliminary Budget. In your packet, you will find a portion of Resolution No. B-925 which establishes policies and procedures with reference to the classification and compensation of positions.

In an effort to clarify the proposed increases for each employee, I will alphabetically go through the list of employees that is attached to this memorandum as follows:

1. Greg Acton (Water/Wastewater Manager): He received \$12.06 per hour during FY 86-87. I am proposing that his salary be increased to \$12.78 per hour or \$26,582.40. This is an increase of 6% which I feel is justified by Greg's performance in this position and because he has assumed the duties of Director of Public Works with George Wartnow since the position has not been filled for almost two years.

2. John Barranger (Water Equipment Operator): Section 1.1 of Resolution B-925 applies to this employee because he is covered by the AFSCME Contract. His increase in salary is 4.73%. His salary was \$19,136.00 or \$9.20 per hour in FY 86-87. In FY 87-88, his salary will be \$20,009.60 which is \$9.62 per hour.

3. Duane Bennett (Garbage Operator): I have not included him in this year's budget because he is exploring a disability pension because of his health.

4. Kay Beller (Clerk/Treasurer): As City Clerk for a portion of last year, she received an hourly salary of \$10.17 or \$21,153.60. I have proposed an increase in salary to \$23,000 or \$11.0576 per hour which is an increase of 8.72%. This increase recognizes the increased responsibilities of Kay as the City Clerk/Treasurer with the retirement of Helen Doyle.

5. Roger Bergstrom (Extra Board Patrolman): No salary increases are proposed for any of the Extra Board Patrolmen. Their salaries will remain at \$7.46 per hour.

6. Richard Brown (Police Corporal): His salary was \$22,260 or \$10.75 per hour in FY 86-87. The proposed increase of 4.79% under the Police Protective Association Contract increases his salary to \$23,419.19 or \$11.27 per hour.

7. Steven Carlson (Sewer Department Laborer): Under the union contract, Steve Carlson's salary goes from \$18,699.20 (\$8.99/hr.) to \$19,572.80 (\$9.40/hr.). This is an increase of 4.70%.

8. Gwen Davis (Head Dispatcher): Her salary has been increased 4.78% under the Police Protective Association Contract. The salary for Gwen Davis goes from \$12,480 (\$6.00/hr.) to \$13,077.40 (\$6.29/hr.).

9. Rita DeRosa (Court Clerk & Dispatcher): Her salary of \$12,396 (\$5.96/hr.) has been increased 4.70% to \$12,979.20 (\$6.24/hr.).

10. Rodney DeVall (Police Patrolman): Under the Police Contract, his salary has been increased 4.77% from \$17,867.20 (\$8.59/hr.) to \$18,713.56 (\$9.00/hr.).

11. Dave Dolson (Chief of Police): His salary of \$27,000 (\$12.98/hr.) is not proposed for any increase.

12. Arlene Dunluck (Extra Board Dispatcher): No salary increases are proposed for Extra Board Dispatchers. Her salary will remain at \$5.00 per hour.

13. Teresa Field (Office Clerk): Her salary of \$14,227.20 (\$6.84/hr.) will be increased to \$14,892.80 (\$7.16/hr.) under the proposed budget. This is a 4.70% increase.

14. Myrna Fleming (Utility Clerk): Her salary of \$12,480 (\$6.00/hr.) is proposed to be increased to \$13,520 (\$6.50/hr.) which is an 8.3% increase. I justify this increase because of the high quality of Myrna's work and because her position's pay is the lowest of any of the Office's staff. This increase is also justified because of the responsibilities she is given with the new computer system.

15. Daniel Frank (Extra Board Patrolman): No salary increases are proposed for any of the Extra Board Patrolmen. Their salaries will remain at \$7.46 per hour.

16. Jim Frederick (Extra Board Dispatcher): His salary is at \$5.25 because of his time as an Extra Board Dispatcher. He plans to terminate his employment with the City of Whitefish during the next month.

17. Ralph Freedman (City Manager): His salary of \$34,000 (\$16.35) is proposed to be increased to \$38,000 (\$18.27) which is an 11.76% increase. The justification for this salary is based upon the fact that Mr. Freedman did not accept a salary review after 8 months as called for in his contract because he felt that it would be wrong to take a salary increase while other employee salaries were frozen. The number of extra hours put in by Mr. Freedman without any compensation actually makes the hourly salary considerably less than it is stated above.

18. Henry Gildersleeve (Extra Board Dispatcher): No salary increases are proposed for the Extra Board Dispatchers. His salary will remain at \$5.00/hr. He plans to terminate his employment with the City later on this summer in order to go to college.

19. Robert Gower (Mechanic): His salary increase will be 4.7% as per the union contract. During FY 86-87, his salary was \$18,241.60 (\$8.77/hr.) and his salary this year will be \$19,094.40 (\$9.17/hr.).

20. Lonnie Herrmann (Assistant Police Chief): His salary last year was \$23,524.80 (\$11.31/hr.) and under the police contract his salary will increase to \$24,639.38 (\$11.86/hr.). This represents a 4.80% increase.

21. Marlene Howke (Dispatcher): Her salary will be increased from \$11,814.40 (\$5.68/hr.) to \$12,376.00 (\$5.95/hr.) which is the increase called for in the police contract. This is a 4.7% increase.

22. Richard Jensen (Extra Board Patrolman): No salary increases are proposed for any of the Extra Board Patrolmen. Their salaries will remain at \$7.46 per hour.

23. Bradley Johnson (City Judge): His salary in FY 86-87 was \$802.67/month. A 4.7% increase is proposed which would elevate his monthly salary to \$840.40.

24. Thomas Kelso (Equipment Operator): Under the union contract, Tom Kelso's salary goes from \$18,096.00 (\$8.70/hr.) to \$18,965.55 (\$9.12/hr.). This is an increase of 4.8%.

25. Necile Lorang (Deputy City Clerk): Her salary has been increased from \$16,328.00 (\$7.85/hr.) to \$17,076.80 (\$8.21/hr.) in the budget. This is a 4.7% increase.

26. Chris Mackenstadt (Janitor): I have proposed to increase the hourly salary of Chris Mackenstadt from \$4.00/hr. to \$4.15/hr. This is an increase of 3.8%.

27. Russell Merkley (Patrolman): Under the police contract, his salary will increase from \$22,027.20 (\$10.59/hr.) to \$23,070.62 (\$11.10/hr.) which is a 4.80% increase.

28. Lester Norman (Patrolman): His salary in FY 86-87 was \$17,867.20 (\$8.59/hr.). Under the police contract, his salary will increase to \$18,713.56 (\$9.00/hr.) which is a 4.73% increase.

29. Lynn Peters (Dispatcher): Her salary has been increased 4.7% under the Police Contract. The salary for Lynn Peters will be increased from \$11,814.40 (\$5.68/hr.) to \$12,376.00 (\$5.95/hr.).

30. Susan Powell (Water Meter Reader): Her salary is governed by a contract that if the number of meters she reads increases, she is paid more each month. Her current salary is \$520 per month.

31. Michael O'Mary (Water Operator): His salary of \$8,699.20 (\$8.99/hr.) will be increased under the terms of the union contract to \$19,572.80 (\$9.41/hr.). This increase is 4.73%.

32. James Putnam (Swing Crew Laborer): Under the union contract, Jim Putnam's salary will be increased from \$15,371.20 (\$7.39/hr.) to \$16,099.20 (\$7.74/hr.). This is an increase of 4.73%.

33. Vickie Ott (Extra Board Dispatcher): No salary increases are proposed for Extra Board Dispatchers. Her salary will remain at \$5.00 per hour.

34. Gerald Quinn (Building Inspector/Assistant Zoning Administrator): His Salary in FY 86-87 was \$14,560.00 (\$7.00/hr.) and I am proposing an increase of 4.73%. The proposed salary for this year would be \$15,250 (\$7.33/hr.).

35. Heinrich Ratz (Garbage Truck Operator): Under the union contract, Henry Ratz's salary would be increased 4.74% from \$18,096.00 (\$8.70/hr.) to \$18,969.60 (\$9.12/hr.).

36. Robert Rupp (Extra Board Patrolman): No salary increases are proposed for any of the Extra Board Patrolmen. Their salaries will remain at \$7.46 per hour.

37. Donald Schmidt (Beach Manager): A salary of \$7.00 per hour is paid to Don Schmidt under his agreement with the Park Board.

38. Steve Smith (Sewer Plant Operator): In FY 86-87, his salary was \$19,136 (\$9.20/hr.). Under the union contract, his salary will be \$20,042.88 (\$9.62/hr.) which is a 4.73% increase.

39. Joe Van Ham (Police Sergeant): Under the police contract, Joe Van Ham's salary of \$22,880 (\$11.00/hr.) will be increased to \$23,963.82 (\$11.53/hr.). This is an increase of 4.77%.

40. Dan Voelker (Police Detective): His salary will increase from \$22,360 (\$10.75/hr.) to \$23,419.19 (\$11.27/hr.) under the terms of the police contract. This is an increase of 4.80%.

41. Michael Wade (Water Operator): Under the union contract, his salary will go from \$19,136.00 (\$9.20/hr.) to \$20,026.24 (\$9.628/hr.). This is an increase of 4.7%.

42. Neal Ward (Street Equipment Operator): His salary will increase from \$17,659.20 (\$8.49/hr.) to \$18,512.00 (\$8.90/hr.) This is an increase of 4.77%.

43. George Wartnow (Street Department Manager): I am proposing that George Wartnow's salary be brought more in line with the salary of Greg Acton. Prior to my arrival, Jack Arnold did not give George a raise when it should have been given. This oversight should be eliminated at this time. After the position of Director of Public Works was vacated, both George and Greg

have taken over those duties. I also feel that George's salary should at least be more than all other non-department head salaries which has not been the case (see employee list). In FY 86-87, George Wartnow received a salary of \$21,840.00 (\$10.50/hr.). I am proposing a salary of \$25,084.80 (\$12.06/hr.). This is an increase of 14.85%.

44. Brock Wilson (Extra Board Patrolman): No salary increases are proposed for any of the Extra Board Patrolmen. Their salaries will remain at \$7.46 per hour.

45. Bill Wilson (Parking Enforcement Officer/Animal Warden): Under the police contract, Bill Wilson's salary will be increased from \$11,939.20 (\$5.74/hr.) to \$12,504.75 (\$6.02/hr.). This is an increase of 4.80%.

MINUTES
WHITEFISH CITY COUNCIL
JULY 20, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. on the above date. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Police Chief Dolson, Street Foreman Wartnow, Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Mayor Amass said that on page 7, under Judy Pettinato: the amount requested should be changed from \$575 to \$500. And also in the second paragraph: add that Mayor Amass asked that we investigate the possibility of a simple form releasing the City from any liability on sewer and water line locations. On page 9, second paragraph, 4th sentence, part should be park.

Councilwoman Faessler said that on page 8, regarding the Seventh Street: Councilman Hanson asked "who owns property on that block" with reference to the block bordered by Spokane, 6th, Kalispell and the proposed 7th Street extension. The City Manager discussed the purchase of the Barber house but did not name any other property owners in that block.

Councilman Hanson said he would like to clarify the first paragraph on page 5, second to the last sentence: clarify it was an objection on the basis that it was basically the same motion that had been rejected at the previous meeting and therefore would be in his opinion, a conflict with the rules of procedure and Roberts Rules of Order. Page 9: He asked the question of why we had switched from Statement of Expenditures vs. Appropriations to the Expenditure Budget Report and there was no mention of that either. He said he had that clarified and there was no problem with it.

On a motion by Boksich, seconded by Hanson, to approve the minutes of the July 6, 1987 Council Meeting with the above corrections. The motion passed with 5 aye votes and 1 abstention. Moran abstained.

PUBLIC HEARINGS

1. ORDINANCE NO. 87-8: ADOPTION OF THE UNIFORM FEDERAL ACCESSIBILITY STANDARDS (SECOND READING): City Manager Freedman gave the Staff Report and Mayor Amass opened the Hearing to the Public. There was no public comment and he turned the matter over to the Council for discussion and action.

On a motion by Sevener, seconded by LaTourelle, to adopt Ordinance 87-8 on the second reading. The motion passed unanimously.

2. ORDINANCE 87-9 - MODEL ENERGY CODE: City Manager Freedman gave the Staff Report.

July 20, 1987

Mayor Amass opened the Public Hearing and as there was no comment, he turned the matter over to the Council for discussion and action.

On a motion by Sevenser, seconded by Moran, to adopt Ordinance 87-9 on the second and final reading. The motion passed unanimously.

3. WILLOW BROOK PRELIMINARY PLAT AND P.U.D.: This is an application on behalf of Gary and Rita Klessens for a zone change from WR-1, one and two family residential, to WPUD (planned unit development) and for preliminary plat approval of Willow Brook, a 41-lot residential subdivision, located between Armory Road and the High School south of East Second Street with Cow Creek flowing through the property. The subject property is Tract 1FA in section 32, Township 31 North, Range 21 West, P.M.M., Flathead County.

Engineer Dennis Carver addressed the water, sewer and storm sewer issues. He explained that the developer would extend an 8" main to Fir where there is a 12" main and this should provide adequate flows to the development. On the west half on the east side there is a 6" main that extends on Second and out over the hill and they would extend that 6" south along Armory Road to serve the property in the easterly part of the subdivision. The storm water runoff created will be collected in shallow ponds. Cow Creek is not a stream that is rated by the State Department of Health and because it does runoff into the Whitefish River, they will review the storm drainage shown on the Plat and they will require retention in ponds before discharging into Cow Creek. There are two options for the sewer as follows: 1. Pump the wastewater into a lift station to the west to the city mains. There are problems with the current lift station just to the west and they would have to be corrected; and 2. The Cow Creek interceptor line that has been talked about for a number of years. This would be a gravity system that would flow down the Cow Creek drainage to the main interceptor line along the river. If an understanding can be reached the developer would pursue this option. The developer would provide an easement for this line and he would make a simple tie into this line. Properties to the east that have been looking for a way to solve sewage problems for a number of years would then have a way to tie into the City's sewer system.

Tom Jentz, Head Planner for the Regional Development Office, gave the staff report and explained the subdivision and he went over the site plan. He said that the City-County Planning Board/Zoning Commission recommended approval of the zone change from WR-1 to WPUD by a vote of three in favor and two opposed. The second action of the Board was to recommend approval of the Preliminary Plat of Willow Brook by a vote of three in favor and two opposed. Both motions were passed subject to thirty (30) conditions (letter of June 30, 1987). He said the majority of the concerns of adjacent property owners related to the traffic and to the density of the proposed development.

Mayor Amass said another concern was whether that many lots were needed in Whitefish and Councilwoman Faessler questioned the price of the homes that would be built in this subdivision. Rob Nichols said they would range from \$70,000 to \$100,00.

Mayor Amass opened the hearing to the public and people speaking in favor of Willow Brook were: Rob Nichols, Bill Hutchinson and Wink Jordan. Opposing the development were: Jim Moseley, Robert Crane, John Garrity, Barbara

July 20, 1987

Schustrom, Jeanine Fife, Ellie Bissell, Howard Whitney, Harold Woods, and Wendy Howard. The people opposing the development were very concerned about the traffic on Fourth Street and felt because of the deteriorating condition of the street, it could not handle any more traffic. There was also the concern about the safety of the children attending the schools in that area.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

City Manager Freedman said he did not agree with all the recommendations of the Planning Board as follows:

a. The cul-de-sacs should be 90 feet in diameter with a thirty foot diameter planter in the middle.

b. He did not see a problem with allowing the twelve lots as proposed in Phase II to be developed. He would require that Lots 39-41 be limited to a single access on Lot 38 onto Armory Road as proposed by the Planning Staff. The development of all twelve lots will not have a detrimental impact on the neighborhood and the driveways for Lots 30-37 could be designed so that all vehicles would be able to exit onto Armory Road frontways.

c. Sidewalks should be five (5') feet in width. The City is trying to establish a uniform width and five foot sidewalk is the standard that he feels is necessary. Quality development in this or any other subdivision requires this width.

d. A performance bond or a cash bond guaranteeing the construction and installation of all improvements must be given to the City.

e. He said that the City is studying the Cow Creek Interceptor Sewer Line Project at this time. The Subdivision Improvements Agreement should require the developer to contribute all funds he would have utilized for the sewerage and the lift station(s) to the City to aid in the construction of the Cow Creek Project. The City should be allowed one year from the date of final approval to construct this sewer project. This Cow Creek Project is vital to the development of many areas on the east side of Whitefish. He recommended that final Council approval should be with the changes mentioned above along with the recommendations of the Planning Board that do not conflict with these changes.

Councilman Hanson addressed the subdivision criteria and the zoning criteria and the Council discussed their concerns about the interceptor sewer line, traffic and safety and the need for the subdivision. The Council said they would like to table the issue for two weeks and get their questions answered.

Rob Nichols agreed to table his proposal until the next Council meeting.

On a motion by Boksich, seconded by Moran, to table the decision on the Zone change and Preliminary Plat for two (2) weeks. The motion passed unanimously.

ADOPTION OF THE 1987-1988 PRELIMINARY BUDGET AND ADOPTION OF RESOLUTIONS 87-17, 87-18, 87-19 AND 87-20: City Manager Freedman explained that the City Specials would be assessed at the same rates as last year.

Resolution No. 87-17 - Special Maintenance District No. 1: The assessments are: \$.75 per front foot - residential and 1.35 per front foot-business. Monies in this fund can be used for labor and improvement costs for the following: sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, general cleaning, sweeping, snow removal and leaf and debris removal.

Resolution No. 87-18 - Special Lighting District No. 1: The assessment is \$.18 cents a front foot and is used to defray the cost of street lighting in the residential areas.

Resolution No. 87-19 - Special Lighting District No. 4: The assessment is \$1.28 per front foot in the business areas and is used to defray the cost of street lighting in the Commercial areas.

Resolution No. 87-20 - Garbage Collection: The assessment is \$66.00 per year for residential and commercial areas which covers the collection of up to one (1) cubic yard per month. Refuse in excess of one (1) cubic yard would be charged at a rate of \$2.50 per month per cubic yard.

City Manager reviewed the preliminary budget and explained that the taxable valuation for 1987-1988 increased from \$5,847,843 to \$5,936,119 which would generate an additional \$7,437.59 for the General Fund. The total mill levy would remain at 88.25 with 84.25 mills for the General Fund and 4 mills for the Fire Disability Fund.

The Preliminary Budget was as follows:

GENERAL FUND	958,900
SID REVOLVING	35,996
RURAL FIRE	125,000
GAS TAX	64,000
LIGHTING #1	30,135
LIGHTING #4	8,338
MAINTENANCE #1	307,500
REVENUE SHARING	25,500
WATER	582,430
SEWER	2,346,798
SOLID WASTE	207,203
AMBULANCE	32,506
POLICE RESERVE	45,300
SID 142	2,855
SID 143	4,128
SID 144	1,065
SID 145	2,448
SID 146	15,532
TOTAL PRELIMINARY BUDGET	4,795,634

Mayor Amass opened the hearing to the public. Donna Maddux asked a question about the Light District and as there was no other public comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

After much Council discussion, on a motion by Boksich, seconded by LaTourelle, to adopt the City Specials, Resolution No. 87-17 (Maintenance District No. 1), Resolution No. 87-18 (Light #1), Resolution No. 87-19 (Light 4), and Resolution No. 87-20 (Garbage). The assessments would remain at the same level as last year. The motion passed unanimously.

On a motion by LaTourelle, seconded by Boksich, to adopt the Preliminary Budget for 1987-1988. The motion passed with 5 aye votes and 1 no vote (Moran voted no).

PUBLIC COMMENT

John Frazier said he was on a committee organizing a class reunion and requested to have a band and alcoholic beverages at Mountain Trails Park on August 1, 1987. The Council agreed to allow this request.

Connie Parker asked why the Preliminary Budget was scheduled for the regular Council Meeting. She felt it should have been brought up at a Special Council Meeting and the Council could have proceeded in a more timely manner.

Mayor Amass explained that the Council had several scheduled meetings and hearings on the budget. By State Law, the Preliminary Budget had to be adopted before the 25th of July.

STAFF REPORTS

The Police Chief and the Building Inspector had both submitted written reports. The other Departments did not have anything to report at this meeting.

Councilwoman Moran requested that all departments submit written reports. Councilwoman Faessler agreed with Moran and she also asked Police Chief Dolson if he and City Manager Freedman had addressed a Parade Ordinance. Police Chief Dolson answered no but future parades would be reviewed more carefully before a permit was granted.

Street Foreman Wartnow explained that his department was short handed and he did not have time to submit a report.

OLD BUSINESS

1. BAKER AVENUE AND SEVENTH STREET PROJECTS - SPECIAL COUNCIL MEETING: City Manager Freedman said he would recommend that a Special Council meeting be held on Monday, July 27 at 7:00 P.M. to discuss these projects.

On a motion by Sevenser, seconded by Boksich, to set a Special Meeting for July 27, 1987 at 7:00 P.M.

After some discussion, there was a roll call vote on the motion as follows: Hanson no, Sevenson aye, LaTourelle aye, Moran no, Boksich aye, Faessler no. Mayor Amass broke the tie vote by voting aye. Motion carried 4 to 3.

NEW BUSINESS

1. DISCUSSION ON THE POVERELLO CENTER: Councilwoman LaTourelle had requested this be put on the agenda because of the complaints she had received from the neighbors of the Poverello Center. City Manager Freedman said he felt it was important to discuss the matter at his time. He had invited representatives from the Poverello Center to the meeting.

Letters had been received from Dick Peterson and John Nelson opposing the increase of transients in Whitefish. Pastor Ken Peterson wrote a letter of support.

Mr. Nelson also approached the Council on the growing number of transients being attracted to Whitefish because of the Poverello Center. As a neighbor of the Center he told the Council about several incidents that had happened and although he felt the concept was fine but not in the middle of the Business District.

Pat Lipetzky, representing the Poverello Center, gave the Council a newsletter about the Center. She explained the purpose of the Center was to provide food and shelter to any person in need in our community. During the month of May there were 386 overnight guests and 1080 hot meals served.

Dave Wesley, Marvin McClare, John Nelson, Rose Nelson, Rebecca Stratton, Donna Maddux, Marsha Yarborough and Jack Faessler all spoke on this issue with most stating that they were not opposed to the Poverello Center but voiced concerns about the increase in the hobo population and their concern about the panhandling and the safety of the townspeople and children. Police Chief Dolson said there had been innumerable contacts with transients at a much greater level than a year ago. He said that most of the transients have criminal records and arrests have increased. Sgt. Van Ham had been injured while arresting one transient for panhandling. He said that the word was out on the highline that the Center was open and that Whitefish was the place to go and that was one of the reasons for the increase in the number of hobos.

The Council discussed the problems the Center was causing and they were concerned for the neighbors in the area. It was the consensus that the Center should monitor more closely the people they were serving and it was suggested that a security person be hired for more control. City Attorney Tracy said that at this point, there was not much the City can do except police the area. Mayor Amass turned the matter over to the City Staff to see if the problem could not be resolved by meeting with representatives of the Poverello Center.

2. INTERMODAL RESOLUTION FROM THE CITY OF SHELBY: City Manager Freedman said that Shelby was seeking passage of a resolution by the City of Whitefish in their efforts to have an intermodal facility built in their county.

After Council discussion, on a motion by Faessler, seconded by Moran, to table any further discussion on this request. The motion passed unanimously.

3. SURPLUS PROPERTY RESOLUTION: City Manager Freedman explained that the City needed to pass Resolution No. 87-21 to be eligible for various surplus property that is received by the State from various sources.

On a motion by Hanson, seconded by LaTourelle, to adopt Resolution No. 87-21. The motion passed unanimously.

4. SIGN VARIANCES:

A. LEE PATTERSON: City Manager Freedman said this variance request is due to the fact that the sign does not meet the setback requirement of 7 1/2 feet from Baker Avenue, the sign is internally lit, the sign is 9" above the allowable height for a freestanding sign and the readerboard exceeds 30% of the total sign area. Patterson proposes to use the sign for Markus Foods. Freedman recommended approval of the sign variance with the following conditions:

1. That the size of the readerboard be brought into compliance with the sign code;
2. The Markus Food sign that currently exists on another freestanding sign in front of the shopping center be removed; and
3. The sign be made to come into compliance with the then current setbacks and other conditions within three (3) years of adoption of a new sign code or the construction of the new viaduct, whichever comes first.

On a motion by Hanson, seconded by Sevener, to approve the sign variance request as proposed by the City Manager.

Mayor Amass disagreed to the conditions set down and felt the sign should remain the way it was because if the size was cut down you could not read the sign.

Councilman Sevener withdrew his second and Hanson withdrew the above motion.

On a motion by Sevener, to approve the sign variance with Conditions #2 and #3 as presented by City Manager Freedman. Died for lack of a second.

On a motion by Hanson, seconded by Sevener, to approve the sign variance request with Conditions #2 and #3 as presented by the City Manager Freedman with Condition #3 modified by removing "within three (3) years" and replacing this with "within a reasonable time frame". The motion passed by a five (5) to one (1) vote (Moran voted no).

B. Grouse Mountain Lodge: City Manager Freedman explained that this sign variance was requested because they propose internal lighting for this sign. The size of the sign and the readerboard meet the sign code. He recommended approval of the sign variance.

On a motion by Sevener, seconded by Faessler, to approve the sign variance as presented. The motion passed unanimously.

CITY MANAGER REPORTS

1. REVENUE BOND DISCUSSION FOR SEWER PROJECTS: City Manager Freedman said the bond sale for the sewer projects would be approximately \$725,000. Those monies would be used to fund the following: 1. To reimburse the City for Phase I so we can replace the funds that the City used for this project; 2. To pay our portion of the second phase of the interceptor line that is currently under construction; and 3. To fund our portion of the phosphorus removal project costs. He reviewed the time schedule for the sale of the bonds and the city should receive the bond proceeds at the end of October if State approval is received in early August. (The schedules are attached to the minutes). The total cost of the projects and bond underwriting fees will be approximately \$3,453,000.

2. PARK BOARD APPOINTMENTS: City Manager Freedman said he was recommending the reappointment of Susan Abell, Mike Fitzgerald and Vince Caciari to the Park Board. Each of these terms will be for two (2) years.

On a motion by LaTourelle, seconded by Sevener, to approve the appointment of the three (3) Park Board Members as recommended by City Manager Freedman. The motion passed unanimously.

3. 1986-1987 BUDGET AMENDMENTS - ADOPTION OF RESOLUTION NO. 87-22: City Manager Freedman explained that this resolution formalizes the line item transfers necessary in the 1986-1987 Budget.

On a motion by Boksich, seconded by LaTourelle, to adopt Resolution No. 86-22 as presented. The motion passed unanimously.

4. OTHER:

City Attorney Tracy submitted his resignation effective as of January 1, 1988. The Council will formally accept this resignation at a later date.

COUNCIL REPORTS OR COMMENTS

Mayor Amass explained the reason he voted the way he did on the tie vote was because of the busy agenda scheduled for August 3rd. He felt if the meeting was scheduled for July 27th, the regular Council meeting on August 3 would be shortened.

Councilwoman Faessler asked if the backups were being stored at one of the banks. City Manager Freedman explained that because of the computer problems, we have had trouble even taking backups but when the tape backup is installed they will be stored at one of the banks.

Councilwoman Moran requested to leave the State August 8th. On a motion by LaTourelle, seconded by Hanson, to approve this request. The motion passed 5-0 with Moran abstaining.

Councilwoman LaTourelle said in regard to the Willow Brook situation, the Cow Creek Interceptor should be included in the Five Year Capital Improvements Plan and the City should look at this project very closely.

Councilman Sevenson requested to leave the State the 22nd through the 25th of July. On a motion by Moran, seconded by LaTourelle, to allow this request. The motion passed 5-0 with Sevenson abstaining.

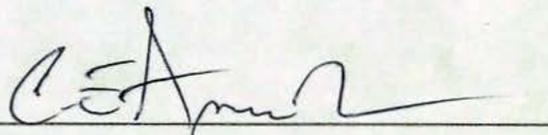
Sevenson also thanked City Attorney Tracy for services rendered and said he was sorry that Mr. Tracy had submitted his resignation.

Councilman Hanson said he would like to see the Five Year Capital Improvements Plan address sometime in the next five years a lift station on J.P. Road at the river. This would open up the region on the South side of Whitefish for possible development. This project should not be undertaken unless there is a pressing need for it.

Mayor Amass commended City Manager Freedman on the hard work and effort on the lighting project at Memorial Field. He also said he appreciated the way the City and County were working together on the viaduct and other projects. He also commended City crews for a job well done.

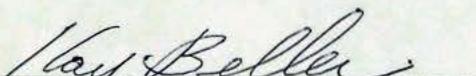
Mayor Amass said he was also sorry to see City Attorney Tracy's letter of resignation.

On a motion by Faessler, seconded by Moran, to adjourn at 1:05 A.M. The motion passed unanimously.

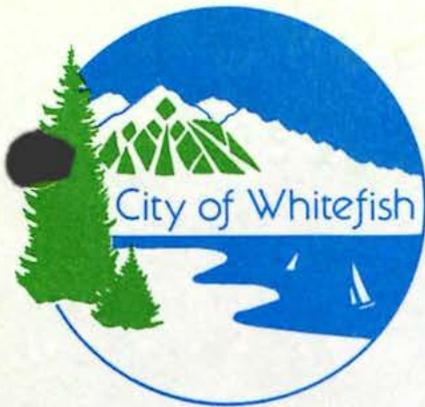


Mayor

Attest:



City Clerk



Box 158, Whitefish, Montono 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: July 27, 1987
RE: Baker Avenue Recap

The following are the expenditures, revenues and the debt service schedule for the proposed Baker Avenue Reconstruction Project:

Expenditures:

Cost of Project	-	\$287,279.73
Storm Sewer Pipe	-	23,718.00
Seeding	-	650.00
Inspector	-	5,500.00
Surveying	-	5,050.00
Miscellaneous	-	1,500.00
Contingency (5%)	-	<u>14,363.98</u>
Total	-	<u>\$338,061.71</u>

Revenues:

S.I.D. #132 Receipts	-	\$175,000.00
Gasoline Tax Receipts	-	64,000.00
S.I.D. #132 Proposed Increase of \$.15/L.F. x 202,000 L.F.	-	30,300.00

Debt Service Schedule:

\$338,100 at 7.25% over 5 years
with quarterly payments - \$406,223.60

\$81,244.72 per year which is \$20,311.18 per quarter.

Tax Assessment Receipts:

\$1290.01 x 3 years	-	3,870.03
\$7670.27 x 5 years	-	<u>38,351.35</u>
Grand Total	-	<u>\$42,221.38</u>

Professional Arts Building Partnership 401 Baker Avenue	200.00'	\$2,933.25	719.40/5 yr
Whitefish Assembly of God Church 420 Baker Avenue	100.00'	\$1,441.00	353.56/5 yr
Garrick L. & Judy L. Hansen, Etal 580 Baker Avenue	148.78'	\$2,625.54	645.74/5 yr
William F. & Erma H. Hoppe 577 Baker Avenue	148.89'	\$1,116.71	274.99/5 yr
Edward L. Hynes IV 583 Baker Avenue	50.00'	\$ 305.50	118.66/3 yr
Franklin D. Feeney 603 Baker Avenue	50.00'	\$ 305.50	118.66/3 yr
Lee J. Zignego & James M. Trout 607 Baker Avenue	150.00'	\$ 916.50	352.17/3 yr
Secretary of Housing & Urban Development 604 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
Dennis L. & Tina Killup 612 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
Richard & Doris Anderson 620 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
Richard L. & Edith F. Gaertner 630 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
Marc R. Moen & Brenda J. (Moen) Rose 704 Baker Avenue	100.00'	\$1,441.00	353.56/5 yr
Gary G. Thompson 722 Baker Avenue	100.00'	\$1,502.50	370.75/5 yr
Harold W. Hale & Dorothy M. Jungle 728 Baker Avenue	50.00'	\$ 751.25	184.14/5 yr
Robert A. & Susan H. Johnson 734 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr

BAKER AVENUE RECONSTRUCTION PROJECT

NAME & ADDRESS	FOOTAGE	ASSESSM'T	YRLY PYMT/YRS
First National Bank 319 2nd Street	109.00'	\$1,662.94	\$407.57/5 yr
Herron Lund Development (Stump's Pumps) 403 2nd Street	109.00'	\$1,794.14	439.49/5 yr
Roman Catholic Church 230 Baker Avenue	225.00'	\$1,841.00	451.77/5 yr
Mikail & Donna C. Lazar 221 Baker Avenue	25.00'	\$ 360.25	88.39/5 yr
Montana Power Company 223 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
Louis P. Lees (Crum's Instant Print) 237 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
William E. & Margaret L. Moir (Laundromat) 239 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
Douglas Kohlbeck (Patchwork Junction) 314 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
Catherine A. Lidstrom 318 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
Food & Shelter for the Needy Inc (Poverello) 332 Baker Avenue	75.00'	\$1,080.75	265.17/5 yr
William A. Trippet 342 Baker Avenue	75.00'	\$1,080.75	265.17/5 yr
John V. & Rose Nelson 315 Baker Avenue	175.00'	\$2,583.25	633.46/5 yr
Steven D. & Rebecca Stratton 331 Baker Avenue	75.00'	\$1,111.50	272.53/5 yr
Lawrence J. Casazza (Pediatric Clinic) 333 Baker Avenue	50.00'	\$ 720.50	176.78/5 yr
United States Post Office 406 Baker Avenue	300.00'	\$1,833.00	700.52/3 yr



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: July 24, 1987
RE: Baker Avenue and Seventh Street Reconstruction Projects

On Thursday, July 23, I opened bids on the Baker Avenue and the Seventh Street Reconstruction Projects. The bids are divided into three schedules with a line item for a deduct if the City of Whitefish awards all three schedules to one contractor. The bids were as follows:

1. Hamilton Enterprises:

a. Schedule A (Baker Avenue)	-	\$287,279.73
b. Schedule B (Seventh Street)	-	220,261.56
c. Schedule C (Friction Course)	-	<u>31,065.00</u>
Total	-	\$538,606.29
Deduct	-	<u>(10,576.35)</u>
Total	-	<u>\$528,029.94</u>

2. A-1 Paving, Inc.:

a. Schedule A (Baker Avenue)	-	\$316,256.70
b. Schedule B (Seventh Street)	-	235,756.50
c. Schedule C (Friction Course)	-	<u>19,950.00</u>
Total	-	\$571,963.20
Deduct	-	<u>(4,000.00)</u>
Total	-	<u>\$567,963.20</u>

3. Pack and Company, Inc.:

a. Schedule A (Baker Avenue)	-	\$313,989.00
b. Schedule B (Seventh Street)	-	239,982.00
c. Schedule C (Friction Course)	-	<u>26,125.00</u>
Total	-	\$580,096.00
Deduct	-	<u>(- 0 -)</u>
Total	-	<u>\$580,096.00</u>

My recommendations on these projects are as follows:

1. Award the bid on the friction course (Schedule C) to A-1 Paving. I would recommend that the City do only the two blocks on Baker Avenue at this time. Central Avenue's three blocks from Railway Street to Third Street were included in the bid also. It appears that sealing these three blocks may not be prudent because in the last year there have been two water breaks on Central Avenue. The street was reconstructed two years ago without the replacement of the water line;

2. Award the bid on the Baker Avenue Project to Hamilton Enterprises of Whitefish. Their bid reflects numerous individual items with very competitive numbers. I have asked Howard Hamilton to consider whether or not they will give the City any deduct if they are awarded only one schedule and I should have an answer at the meeting Monday night;

3. Defer any decision on Seventh Street until March 15. I have also asked Howard Hamilton if he would honor his bid until March 15, 1988. This would allow the City Council ample time to decide whether or not they want to proceed with this project. Between now and then, the City Council can consider whether Fourth Street, Fifth Street or Sixth Street should be improved rather than Seventh Street. In any case, the City would be under no obligation to go ahead with this project; and

4. Authorize the hiring of a retired Highway Department Inspector or a representative from Sorenson & Co. to ensure the quality of any of these projects if you decide to go forward with them.

MINUTES
SPECIAL COUNCIL MEETING
JULY 27, 1987

Mayor Amass opened this Special meeting of the Whitefish City Council at 7:00 P. M. All Council Members were present. Also present were City Manager Freedman, Water/Sewer Supervisor Acton and approximately forty (40) citizens.

The purpose of this meeting was to discuss the Baker Avenue and Seventh Street Reconstruction Project.

Mayor Amass wanted to clarify the article in the newspaper that stated that he had apologized for the way he voted on setting the meeting date on this issue. He said he did not apologize but only clarified why he voted for this special meeting. He felt this was an important issue and there should be a special meeting.

City Manager Freedman gave the staff report and explained that on Thursday, July 23, he had opened the bids on the Baker Avenue and the Seventh Street Reconstruction Project. The bids are divided into three schedules with a line item for a deduct if the City of Whitefish awards all three schedules to one contractor. The bids were as follows:

1. HAMILTON ENTERPRISES:

a. Schedule A (Baker Avenue)	\$287,279.73
b. Schedule B (Seventh Street)	220,261.56
c. Schedule C (Friction Course)	32,065.00
Total	\$538,606.29
Deduct	(10,576.35)
Total	\$528,029.94

2. A-1 PAVING, INC.:

a. Schedule A (Baker Avenue)	\$316,256.70
b. Schedule B (Seventh Street)	235,756.50
c. Schedule C (Friction Course)	19,950.00
Total	\$571,963.20
Deduct	(4,000.00)
Total	\$567,963.20

3. PACK AND COMPANY, INC.:

a. Schedule A (Baker Avenue)	\$313,989.00
b. Schedule B (Seventh Street)	239,982.00
c. Schedule C (Friction Course)	26,125.00
Total	\$580,096.00
Deduct	(0)
Total	\$580,096.00

His recommendations on these projects were as follows:

1. Award the bid on the friction course (Schedule C) to A-1 Paving. He recommended that the City do only the two blocks on Baker Avenue at this time. Central Avenue's three blocks from Railway Street to Third Street were included in the bid. He said it appears that sealing these three blocks may not be prudent because in the last year there have been two water breaks on Central Avenue. The street was reconstructed two years ago without the replacement of the water line;

2. Award the bid on the Baker Avenue Project to Hamilton Enterprises of Whitefish. Their bid reflects numerous individual items with very competitive numbers. He said that he had asked Howard Hamilton to consider whether or not they would give the City any deduct if they are awarded only one schedule and he should have an answer at tonight's meeting;

3. Defer any decision on Seventh Street until March 15. He said he had asked Howard Hamilton if he would honor his bid until March 15, 1988. This would allow the City Council ample time to decide whether or not they want to proceed with this project. Between now and then, the City Council can consider whether Fourth Street, Fifth Street or Sixth Street should be improved rather than Seventh Street. In any case, the City would be under no obligation to go ahead with this project; and

4. Authorize the hiring of a retired Highway Department Inspector or a representative from Sorenson & Co. to ensure the quality of any of these projects if the Council decides to go forward with them.

City Manager Freedman gave the Council the expenditures, revenues and the debt service schedule for the proposed Baker Avenue Reconstruction Project.

Total expenditure costs including a five (5) percent contingency would be \$338,061.71 and revenues, debt service and tax assessment receipts would be as follows:

REVENUES

S.I.D. #132 receipts	\$175,000.00
Gasoline Tax revenues	64,000.00
S.I.D. #132 proposed increase of \$.15/L.F. x 202,000 L.F.	30,300.00

DEBT SERVICE SCHEDULE:

\$338,100 at 7.25% over 5 years with quarterly payments	\$406,223.60
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\$81,244.72 per year which is \$20,311.18 per quarter.

TAX ASSESSMENT RECEIPTS

\$1290 X 3 years	3,870.03
\$7670.27 x 5 years	38,351.35
Grand Total	\$42,221.38

After the Staff report the Council questioned City Manager Freedman about the rate increase proposed for S.I.D. 132, how many other streets would be paved if the City pledged all the financing to pay for Baker Avenue, the cost to property owners along Baker for installation of water lines and hooking on private service lines, the liability of hiring an independent inspector, etc. City Manager Freedman told the Council that the City would have the capability to patch streets and to do some general maintenance (no large projects) and the property owners on Baker would not pay for hooking onto the new proposed water line and/or sewer line. He also said he would like to see Sorenson & Co. follow through on this project including the inspections.

SEVENTH STREET

City Manager Freedman recommended that the Seventh Street Reconstruction Project be tabled until May 15.

On a motion by Sevener, seconded by Boksich, to table the Seventh Street Reconstruction Project until a later date as determined by the Council and to schedule a public hearing on this matter.

On a motion by Moran, seconded by LaTourelle, to amend the motion to include that the Seventh Street people would be notified in writing, six (6) weeks prior to the public hearing.
The motion passed unanimously.

The original motion also passed unanimously.

Mayor Amass opened the public hearing and the people speaking in opposition were: Richard Boule, Bill Moir, Ruth Lees, John Nelson, Mikail Lazar, Jeff Lund, Greg Niles, Bob Johnson, Loretta Akovenko, William Hoppe, Marsha Yarbrough, Jack Faessler and Shirley Mackey. The concerns of these people centered on the costs for the curbs, gutters and sidewalks, increasing S.I.D. 132 to pay for the construction, the proposed 5' sidewalks, the need to pave other streets, the increased traffic on Spokane Avenue and business people were afraid they would loose a lot of business during the busiest time of the year.

Those people speaking in favor of the Baker Avenue Reconstruction Project were Jim Trout, Bob Mack and Phil Mitchell. These people said that the project would be an asset to Whitefish and thought it should proceed as proposed.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Boksich said that he would never vote to do the smaller jobs first, because we have thrown money after money away on patching and overlaying the streets. He said it was time the City quit doing things half way and in his mind there were no small jobs - the water, sewer and storm sewer all had to be replaced when doing any major construction if it was to be done right.

Councilman Hanson said that he would like to clarify that he was not opposed to the reconstruction of Baker. However, any major capital improvements that takes place in Whitefish should be thought out not only in terms of need but how it was going to be paid for and his basic objection is that at this time we have not gone through the process in the usual fashion of determining where the money is going to be allocated from in this fiscal year and in the following years. He said he felt very pressured in the decision on Baker to spend money.

Councilwoman Moran said that with this project there are five (5) things that she felt needed to be looked at as follows: 1. The southern end of the street (S curve) is narrow and dangerous and is in the County and if the City widens the north portion of the street, it will be encouraging more traffic around the S curve; 2. The hills that egress onto Baker have been addressed by the Engineering Study but she said the work would be extensive and another possibility would be to block off one (1) or two (2) of the streets; 3. The need for more manpower to control the speed of the traffic; 4. She would like to see some plans in altering the traffic patterns around the Post Office before she is comfortable in spending a lot of money; and 5. She agreed with Councilman Hanson that we should know where our money was coming from before we spend it. She said she would not be opposed to a Capital Improvement Plan setting aside a portion of the funds for paving Baker. She was opposed to wiping out our Gas Tax funds for five (5) years and also increasing S.I.D. #132.

Councilman Sevener said he agreed with Councilman Boksich that the streets should not be done in a piece meal basis. The asphalt on Baker was splitting and would have to be done in the near future and he felt the project should be supported.

Councilwoman LaTourelle said that nine (9) property owners were in opposition to the proposal and that four (4) were upset about the way the project was handled. She said she had been on the Council for five (5) years and the biggest cry was "fix the streets" and nothing major has been done to resolve the problem. The financial institutions were lending money at a rate that we may not see for quite a while, petroleum prices are bound to increase and the whole project would cost much more than the bid received. The utilities on Baker Avenue need to be replaced and the WR-2 and WB-2 areas along Baker would be enhanced by the better street. She said she felt the City Manager would work with the business people to keep their businesses open just as he did when the north two blocks were paved. She said she felt we need to start something on the streets because we are not going to get anything done any cheaper. She had weighed all the information and the need and that is what she based her decision upon.

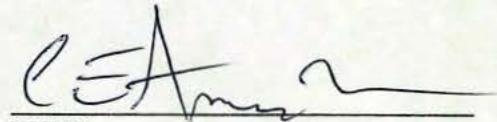
Councilwoman Faessler said she wanted to repeat that the people in Montana did not vote for a tax freeze only to have cities increase fees and assessments. She said she did not approve of the project.

After much Council discussion, on a motion by Boksich, seconded by Sevener, to accept the Hamilton Enterprises bid for the reconstruction of Baker Avenue, (Schedule A) only and modify Schedule C to include only the two blocks on Baker from Second Street to Railway. The roll call vote was as follows: Faessler - no, Boksich - aye, Moran - no, LaTourelle - aye, Sevener

- aye, Hanson - no. Mayor Amass broke the tie vote by voting no. The motion was defeated with 4 no votes and 3 aye votes.

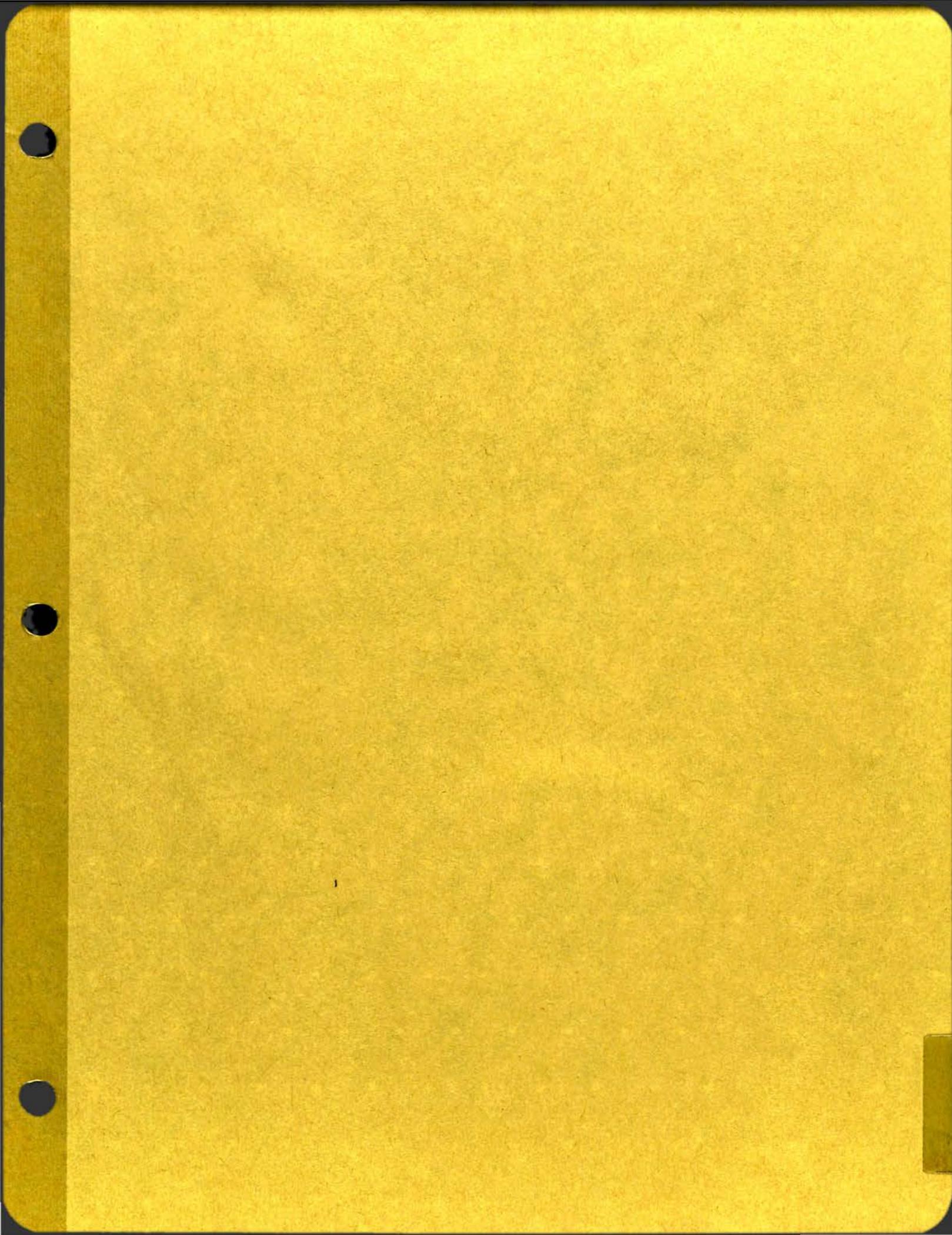
Before voting on the issue, Mayor Amass said the Council had again put him in basically a no win situation. No matter which way he goes, he could not win. He commended the City Administrator on the tremendous job he did on the project. The problem he said was with the City itself. He said he got the distinct impression "that it's OK if it does not affect me"; if it affects me, don't do it. He said there was a definite lack of interest with the local citizens. On the 17th day of August, we have Sorenson & Co. coming to the City with a complete citywide street improvement project. He would like to know if the Council will let the voters of the City tell us what they want because he said he did not know. The major concern is the streets except when you talk about fixing them no one wants them fixed. He said he would really like to know if the Council after spending \$50,000 on the study for a citywide street improvement project is going to put it to the voters to let them tell us what they want us to do in the City of Whitefish. He said he hears a lot of criticism about the Council and the way things are done but no one steps forward and wants to be on the City Council. If no one wants to pay to improve anything, what then is the answer. He said there was no way he could force the Council to bring the citywide improvement project to the public. It would be a terrible injustice to the City of Whitefish because we have to know what the citizens in this town want us to do. For that reason, he voted no.

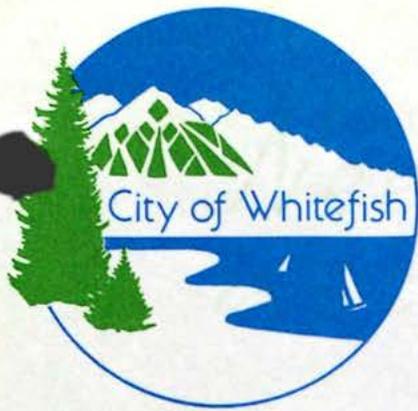
On a motion by Hanson, seconded by LaTourelle, to adjourn at 9:26 P.M. The motion passed unanimously.


MAYOR

ATTEST:


CITY CLERK

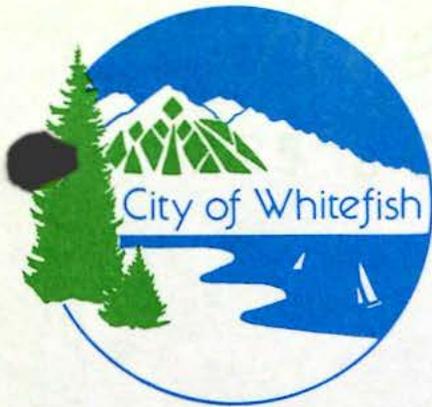




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
August 3, 1987

- 7:00 I. Approval of the minutes of the July 20, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Willow Brook P.U.D. - Zone Change and Preliminary Plat Approval (continuation of hearing)
- 8:00 III. PUBLIC COMMENTS
- 8:15 IV. STAFF UPDATES
- 8:25 V. OLD BUSINESS
1. Resolution 87-23: Resolution of Intent to annex Vandenberg and Schenck properties.
- 8:35 VI. NEW BUSINESS
1. Quarterly Report by Steve Herbaly of the FRDO
2. Resolution 87-24: Participation in the Certificate of Participation Program
3. Paving of parking lot at Riverside Park
- 9:00 VII. CITY MANAGER REPORTS
1. 1987-1988 Budget Discussion
2. Approval of documents for interim funding from the Montana Cash Anticipation Financing Program
3. Sewer Project on Fourth Street and Karrow Avenue
- 10:00 VIII. COUNCIL REPORTS OR COMMENTS
- 10:15 IX. ADJOURNMENT



Box 158, Whitefish, Montono 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: July 29, 1987
RE: August 3, 1987 Council Meeting

Here are my comments and my recommendations on the Council Agenda items for the August 3, 1987 Council Meeting:

1. Willow Brook P.U.D: In my memorandum for the July 20 Meeting, I spelled out five recommendations on this project. At that meeting, the two main concerns expressed by the City Council were traffic and the sewerage of this subdivision. There appears to be no viable alternative to using Fourth Street as the main entrance to this subdivision. (Third Street is between 8 and 10 feet higher than the existing grade in this subdivision, it would be impossible to bring Third Street on a good angle into the subdivision, traffic on Third Street would impact twice as many homeowners as compared to the block of Fourth Street next to it and Third Street is narrower and in worse shape than is Fourth Street). I would recommend that the City consider placing one or two stop signs on Fourth Street between Kalispell and Pine to discourage traffic on this street.

The amount of traffic on Fourth and other streets was also a reason discussed for denying the creation of this P.U.D. At total buildout, only 29 homes would exit onto Fourth Street and 12 homes would exit onto Armory Road. These homes will not have much of an impact on our existing street system. The developer envisions the building of eight homes per year for five years but this seems quite unrealistic when you consider that the Grouse Mountain Subdivision has averaged only two homes per year for the last few years. The full impact of this development may be eight or ten years in length which will allow ample time for this City to address the inadequacies of our street system.

In your packet is a letter agreement with Lyle Barnes for an easement across his property for the proposed Cow Creek interceptor line. I am working towards obtaining an easement from one other property owner and this will give us all of the easements necessary to build this sewer interceptor line. This line should enable us to eliminate one and possibly more lift stations and at the same time resolve septic tank problems for many people.
Recommendation: Approve the Zone Change and the Preliminary Plat for this subdivision.

2. Resolution 87-23: This is a Resolution of Intent to annex the Vandenberg and Schenck properties that are wholly surrounded by other properties in the City. A public hearing on this matter is scheduled for September 21, 1987.

Recommendation: Approve Resolution 87-23.

3. Steve Herbaly of the Flathead Regional Development Office will present a quarterly report to the City Council.

4. Resolution 87-24: This resolution will enable the City of Whitefish to participate in the COP program which is replacing the Montana Cash Anticipation Financing program. This program allows an entity to borrow on a short term basis when there is a fund shortage.

Recommendation: Approve Resolution 87-24.

5. Paving of Parking Lot at Riverside Park: I would recommend to the City Council that funds be appropriated for the paving of this parking lot and for curbing around this parking lot in Riverside Park. Section 17.74.020 of our Zoning Ordinance requires that this be done. I feel the City must do what it has ordered others to do with regard to the paving of parking lots and driveways.

Recommendation: Authorize the City Administrator to solicit bids on this project.

6. Montana Cash Anticipation Program: The City needs to borrow \$60,000 on a short term basis to pay for the costs of the various sewer projects (Phase I, Phase II, and the Phosphorous Removal Project). Your approval will be the same approval that you gave last year for participation in this program. With the sale of the sewer revenue bonds this fall, the City should have ample funds for all of our sewer projects.

Recommendation: Approve the documents that will enable us to participate in this program in the amount of \$60,000.

7. Sewer Project on Fourth Street and Karrow Avenue: I would like City Council's approval to proceed with this sewer project which will open up several unincorporated areas for sewerage and it should allow for the sewerage of the West Seventh Street (S.I.D. #148).

Recommendation: Authorize the expenditure of funds to do this project with city equipment and manpower.

MINUTES
WHITEFISH CITY COUNCIL
AUGUST 3, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Water/Sewer Supervisor Acton, Street Foreman Wartnow, Police Chief Dolson and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Councilwoman Moran made the following corrections: page 5, at the end of the first paragraph add, that she did ask about a Resolution regarding travel and training expenses and on page 6, second to the last paragraph, add that, "Mayor Amass turned the matter over to both City Staff and Council members to see if the problem could not be resolved by meeting with representatives of the Poverello Center." Under Council comments, she said that she would have to leave August 8th and would return Monday afternoon.

Mayor Amass said that on page 2 under the third paragraph, Claire Strickler clarified that the City-County Planning Board voted 4 to 2 to approve Willow Brook zone change and not 3 to 2 as stated in the minutes because the Chairwoman (Strickler) voted to approve.

Councilman Boksich corrected the name on page 3 from Fife to Fry.

On a motion by Sevener, seconded by Moran, to approve the minutes of the July 20, 1987 Council meeting with the above corrections. The motion passed unanimously.

PUBLIC HEARINGS

1. WILLOW BROOK P.U.D. - ZONE CHANGE AND PRELIMINARY PLAT APPROVAL (CONTINUATION OF HEARING): This is an application on behalf of Gary and Rita Klessens for a zone change from WR-1, one and two family residential, to WPUD (planned unit development) and for preliminary plat approval of Willow Brook, a 41-lot residential subdivision, located between Armory Road and the High School south of East Second Street with Cow Creek flowing through the property. The subject property is Tract 1FA in section 32, Township 31 North, Range 21 West, P.M.M., Flathead County.

Tom Jentz, Senior Planner for the Regional Development Office, gave the Council a letter from Charlie Phillips, Road Supervisor for the County, approving the 12 lots proposed along Armory Road.

The City-County Planning Board/Zoning Commission recommended approval of the zone change from WR-1 to WPUD and also the Preliminary Plat subject to thirty (30) conditions (letter of June 30, 1987).

City Manager Freedman gave the Staff Report and told the Council that he had spelled out five recommendations on the project in his memorandum for the July 20 meeting. He said that at this meeting the two main concerns expressed by the City Council were traffic and the sewerage of the subdivision. He said there appears to be no viable alternative to using Fourth Street as the main entrance to this subdivision. (Third Street is between 8 and 10 feet higher than the existing grade in the subdivision, it would be impossible to bring Third Street on a good angle into the subdivision, the traffic on Third Street would impact twice as many homeowners as compared to the block of Fourth Street next to it and Third Street is narrower and in worse shape than is Fourth Street). He recommended the City consider placing one or two stop signs on Fourth Street between Kalispell and Pine to discourage traffic on this street.

The amount of traffic on Fourth and other streets was also a reason discussed for denying the creation of the P.U.D. At total buildout, only 29 homes would exit onto Fourth Street and 12 homes would exit onto Armory Road. The developer envisions the building of eight homes per year for five years. The full impact of this development may be eight or ten years in length which will allow ample time for this City to address the inadequacies of our street system.

Freedman also told the Council that in their packets was a letter agreement with Lyle Barnes for an easement across his property for the proposed Cow Creek interceptor line. He said he was working towards obtaining an easement from one other property owner (Howard Streich) and this would give us all the easements necessary to build this sewer interceptor line. The line would enable the City to eliminate one and possibly more lift stations and at the same time resolve septic tank problems for many people. He said the cost of a 12" interceptor sewer line would be approximately \$71,060 with the developer contributing \$45,955 and the City's cost would be approximately \$25,000.

His recommendation was to approve the Zone Change and the Preliminary Plat for the subdivision.

Mayor Amass opened the public hearing and people speaking against Willow Brook were: Jim Moseley, Darrell Howard, Rob Craine, Rose Hilgers, Barbara Schustrom, Rita Craine, Ron Ridenour, Harold Woods, John Garrity and John Frantz. These people all stated they were not against the subdivision but were concerned with traffic and safety. They explained that with the school traffic and the special functions that occur at the ballfields, the proposed 29 residential units would only add to the traffic problems.

Speaking in favor of Willow Brook were: Rob Nichols, Bob Pilote, Debbie Stevens, Ken Stein, Ron Ridenour and Rich Clawson.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Hanson asked Mr. Frantz about the alleyway right of way east of his house. It was stated that the alley was approximately 20 feet in width and if that alley was upgraded by paving it, would he have any objections to traffic utilizing that alleyway. Mr. Frantz said he did object to heavy

traffic on the alley at anytime but he said he would rather see it downgraded rather than upgraded.

Councilman Boksich said he had taken time with the developer and had gone over and looked at the proposed development. He said we were putting the woes of the town on the development. These problems could be addressed by looking at the following: some signage or stop signs, the wideness of Fourth Street between the ballfields and the High School because now people are parking all over just like a parking lot and the access to that part of the city by changing the traffic flow.

Councilwoman's Moran's concerns were as follows: other accesses into the development and the need to address the possibility of the Cow Creek interceptor.

Councilman Sevener asked about the possibility of one way traffic on Third and Fourth or Fifth and Sixth. Street Foreman Wartnow said he was opposed to one way traffic because it causes more problems but the City Council has total authority to sign any street. Mayor Amass asked about snow removal in the wintertime and Street Foreman Wartnow said it would not be a problem. The City crews would haul snow away from the area.

Councilman Hanson discussed the various points of the Planning Board recommendations to be approved and recommended the following:

#2. Delete the 20 feet-sentence would read: The planting median shall have the east end shortened to allow proper turning access on and off of Willow Brook Close;

#5. Add: Limits the number of lots to eight (8) with lots 30 thru 35 (6 lots) reduced to five (5) lots, 36 thru 41 be reduced to three (3) lots, this would give the 8 lots recommended by the Planning Board;

#6. Delete: No parking be permitted on Armory Road and add: add a 5' sidewalk inside the right of way along Armory Road, curbs installed and the pavement along Armory Road be widened to the property line; and

#9 Delete: finely crushed shale or rock and Add: according to the specifications provided by the Park Board.

Hanson added: That the pedestrian-bike pathway that goes through the project, parallel to Cow Creek (if not provided for) include an easement of not less than 10' to be deeded to the City for all the areas covered by the pedestrian-bike pathways guaranteeing public access.

Also add: that a 20' permanent easement with a 40' construction easement be granted throughout the entire project, running from north to south for the Cow Creek interceptor sewer line, if it is constructed it will extend clear to the north boundary.

After much Council discussion on the conditions, on a motion by Moran, seconded by LaTourelle, to limit the number of lots in #5 to 10. The motion passed with a 5 to 1 vote. Hanson voted no. (Hanson was opposed because he felt 8 lots were the maximum number for the Phase II side because of the

character of the neighborhood).

8-3-87

Councilwoman Moran reviewed the thirty (30) conditions recommended by the City-County Planning Board/Zoning Commission and the revisions made by the Council. The conditions are as follows:

1. Willow Brook Close shall have a pavement width of 36 feet plus 18 inch curbs on either side;
2. Fourth Street East shall have two 15 foot travel lanes divided by a 10 foot "planting" median. The planting median shall have the east end shortened to allow proper turning access on and off of Willow Brook Close;
3. The above streets shall be constructed with a filter fabric liner, 12 inches of base course, 4 inches of cushion and 2 inches of asphalt all as specified and approved by the City Administrator;
4. Rear access onto the alley for lots 1-5 be prohibited and so stated on the plat;
5. In Phase II, (lots 30-41 on the preliminary plat) limit the number of lots to ten (10) and ensure turn arounds are provided on each driveway or for each lot so that vehicles can exit onto Armory Road frontwards;
6. No parking shall be allowed in either cul-de-sac. These areas shall be so signed so as to allow emergency and service vehicle access. No parking be permitted on Armory Road;
7. Detached five (5) foot wide concrete sidewalks shall be constructed on all sides of Willow Brook Close, Fourth Street East and on the west side of Armory Road;
8. A ten (10) foot pedestrian common area access with an additional five (5) foot utility easement on either side providing a 20 foot easement for pedestrian and utility access between Armory Road and Willow Brook Close;
9. All pedestrian accesses and the bicycle path shall be constructed according to the specifications provided by the Park Board;
10. Proper permits shall be acquired from the Flathead Conservation District and the Flathead County Floodplain Administrators Office prior to installation of either foot bridge;
11. All utilities shall be underground;
12. A drainage easement shall be shown extending 25 feet on either side of Cow Creek as it passes through the development;
13. An eight (8) foot utility easement be shown along the west side of lots 1-5;
14. A ten (10) foot utility easement be shown along the north side of Lots 5 and 6;

15. All requirements of the City of Whitefish and the Department of Health and Environmental Sciences regarding water, sewer, fire flow, drainage and other improvements be met;

16. All common utilities shall be placed within utility easements and be shown and identified on the final plat in accordance with the requirements of Section III.A. (14) of the Whitefish Subdivision Regulations and in accordance with the City of Whitefish Design Criteria for public improvements;

17. In Willow Brook Close, the water main which deadends at Lot 5 shall be extended to the north side of Lot 5 so as to connect with a future water line to be built by the City looping the Willow Brook Close line with the Third Street East water line;

18. The southern end of the sewer main along Cow Creek should show an easement to the southern property line allowing for future use or extension by adjoining property owners;

19. A detailed grading and drainage plan with all surface drainage routes shown including drainage easements where necessary be submitted and approved by the City of Whitefish Public Works Director and State Health Department before final plat approval;

20. Appropriate measures be taken to protect the water quality of Cow Creek during grading of slopes and construction of units. These measures should be approved by the City of Whitefish;

21. The Developer shall submit to the Flathead County Noxious Weed Board a written plan specifying the seeding, fertilizing and management practices for all disturbed area including a plan to preserve beneficial top soils;

22. All delinquent taxes shall be paid prior to final approval of the plat;

23. All required improvements shall be completed prior to approval of the final plat or the developer shall enter into a written subdivision improvements agreement, with the City, guaranteeing the construction and installation of all improvements;

24. While approval of the preliminary plat is valid for one year, phasing of the project over several years is allowed and the terms and scheduling of improvements in each phase shall be provided for in a subdivision improvements agreement approved by the City;

25. If phasing of the project is proposed, the pedestrian access serving the common area, the bicycle path and both foot bridges shall be constructed with phase one;

26. As the developer is proposing 4.23 acres of private common area (29%) and is constructing a bicycle path and foot bridges to be used by the general public, additional parkland and cash-in-lieu of parkland requirements should be waived. If these are not completed prior to final

plat approval then provisions shall be made therefore by way of a performance guarantee in a subdivision improvements agreement. That a minimum 10' easement be granted to the City for all bicycle-pedestrian pathways through the subdivision. The maintenance of the bicycle-pedestrian pathways will be the responsibility of the Homeowners Association;

27. A typical lot be shown on the face of the plat showing buildable area designating two seven foot sideyards, a 20 foot front yard and a 15 foot rear yard. Furthermore, a disclaimer be added and the covenants amended to show that lots 5, 6, and 30 have a 10 foot sideyard on the north side and lot 41 have a 10-foot sideyard on the south side to create conformity with adjoining future developments;

28. The covenants should be recorded with the County Clerk and Recorder;

29. Any amendments to the covenants should be approved by the City Council and the City to be made a party to the covenants so that they can enforce the provisions thereof;

30. Administrative policy and procedure of the Architecture Committee be addressed in the By-Laws;

31. That the Cul-de-sacs be 90' in diameter with a 30' planter; and

32. The subdivision improvement agreement should require the developer to contribute \$46,000 to the City to aid in the construction of the Cow Creek interceptor sewer line. The City should be allowed one (1) year from final approval to construct the sewer project.

On a motion by Moran, seconded by Boksich, that the above thirty two (32) points be approved. The motion passed unanimously.

After discussion on the above conditions, the Council considered the rezone of the subdivision.

On a motion by Moran, seconded by Boksich, to adopt Resolution No. 87-26, approving the rezone from WR-1, (one and two family residential, to WPUD (planned unit development) for the Willow Brook Subdivision, based on the Council's judgement that the twelve (12) criteria for the zone change have been met and that the WPUD site meets the thirty two (32) conditions discussed and applicable to the zone change. (The site plan and accompanying documents are approved).

On a motion by Hanson, seconded by Faessler, to amend the motion to include condition #33, That a twenty foot (20') permanent easement with a forty foot (40') construction easement be granted throughout the entire project, north and south for the Cow Creek interceptor sewer line. If it is built this will extend it clear to the north boundary. The motion passed unanimously.

The motion on the zone change passed with 5 aye votes and 1 no vote (Hanson voted no).

City Attorney Tracy told the Council that condition #34 should be added to the list of conditions as follows:

34. The Homeowners Association will come into existence before any property is sold. It should be mandatory membership for each property buyer and any subsequent buyer in that Homeowners Association. The Association will take responsibility for the liability insurance on the common area. The common area will be deeded to the Homeowners Association upon final plat approval.

On a motion by Moran, seconded by LaTourelle, to approve the Preliminary Plat for Willow Brook Subdivision subject to the fulfillment as set forth in conditions 1 through 34 and that the approval of the Preliminary Plat be granted for one (1) year. The Council reviewed and approved the eight (8) finding per the City-County Planning Board/Zoning Commission. The motion passed with 5 aye votes and 1 no vote (Hanson voted no).

Councilman Hanson said that the City Staff, City Administrator, Chief of Police should meet with homeowners John Garrity, Jim Mosely and other people in the area to discuss and resolve the traffic problems.

On a motion by Faessler, seconded by Moran, that the committee address the signs, construction route of the equipment to be used in the development, etc., by September 8, 1987. The motion passed unanimously.

* * * * *

Mayor Amass called Patrolman Lester Norman into the meeting and read a letter from G. Evan Rudyk, Edmonton, Alberta, Canada. Mr. Rudyk commended Patrolman Norman for going beyond the call of duty in helping him repair his motorcycle on his own time. He said it was a privilege and a pleasure to meet people like Les Norman who were willing and happy to help people in need. Mayor Amass said the City gets a lot of negative feed back and it was great to receive positive feedback. He commended Les for helping the people.

PUBLIC COMMENT

NONE

STAFF UPDATES

Steve Herbaly, Planning Director, Flathead Regional Development Office, gave the Council a quarterly update and an activity report for his office. He said Whitefish's contribution to the Planning Office would be \$7,123.34 (increase of \$100) and their total budget for the 87-88 fiscal year would be \$175,817.67.

OLD BUSINESS

1. RESOLUTION 87-23: RESOLUTION OF INTENT TO ANNEX VANDENBERG AND SCHENCK PROPERTIES: City Manager Freedman explained that these two properties are wholly surrounded by other properties in the City and the Schenck property annexation was due to an oversight in a past annexation. He recommended adopting the Resolution of Intent and holding the public hearing on September 21, 1987.

On a motion by Sevener, seconded by LaTourelle, to adopt Resolution No. 87-23, intent to annex the Vandenberg and Schenck properties. The motion passed unanimously.

NEW BUSINESS

1. RESOLUTION 87-24: PARTICIPATION IN THE CERTIFICATE OF PARTICIPATION PROGRAM: City Manager Freedman said that this Resolution would allow the City to participate in the COP Program which is replacing the Montana Cash Anticipation Financing Program. This program allows an entity to borrow funds on a short basis when there is a fund shortage. He recommended that the City Council approve Resolution No. 87-24.

After some discussion, on a motion by Boksich, seconded by Hanson, to approve Resolution No. 87-24. The motion passed with 5 aye votes and 1 abstention (LaTourelle abstained).

2. PAVING OF PARKING LOT AT RIVERSIDE PARK: City Manager Freedman said he would recommend that funds be appropriated for the paving of this parking lot and for curbing around this parking lot in Riverside Park. Section 17.74.020 of the Zoning Ordinance requires that this be done. He said he felt the City should do what it has ordered others to do with regard to the paving of parking lots and driveways. He recommended that the City Council authorize the City Administrator to solicit bids on this project.

The Council discussed the other Parks (Memorial and Mountain Trails) and it was decided that Mountain Trails would be delayed until next year and they requested that City Manager Freedman get cost estimates for Memorial Park and Riverside Park and bring them back to the August 10th Budget Hearing.

CITY MANAGER REPORTS

1. 1987-1988 BUDGET DISCUSSION: City Manager Freedman said that the City Specials would be assessed at the same rates as last year.

RESOLUTION NO. 87-17 - SPECIAL MAINTENANCE DISTRICT NO. 1: The assessments are: \$.75 per front foot (residential) and \$1.35 per front foot (commercial). Monies in this fund can be used for labor and improvement costs for the following: sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, general cleanup, sweeping, snow removal and leaf and debris removal.

RESOLUTION NO. 87-18 - SPECIAL LIGHTING DISTRICT NO. 1: The assessment is \$.18 cents a front foot and is used to defray the cost of street lighting in the residential areas.

RESOLUTION NO. 87-19 - SPECIAL LIGHTING DISTRICT NO. 4: The assessment is \$1.28 per front foot in the business areas and is used to defray the cost of street lighting in the Commercial areas.

RESOLUTION NO. 87-20 - GARBAGE COLLECTION: The assessment is \$66.00 per year for residential and commercial areas which covers the collection of up to one (1) cubic yard per month. Refuse in excess of one (1) cubic yard would be

charged at a rate of \$2.50 per month per cubic yard.

City Manager Freedman reviewed the preliminary budget and explained that the taxable valuation for 1987-1988 increased from \$5,847,843 to \$5,936,119 which would generate an additional \$7,437.59 for the General Fund. The total mill levy would remain at 88.25 with 84.25 mills for the General Fund and 4 mills for the Fire Disability Fund.

He went through the Expenditure Budget explaining some of the changes he had made to the Preliminary Budget. He wanted the Council to review the changes before the Hearing on August 5, 1987.

The total Preliminary and the Proposed Budget Fund items are as follows:

<u>FUND</u>	<u>PRELIMINARY</u>	<u>PROPOSED</u>
General	958,900	956,854
SID Revolving	35,996	37,313
Rural Fire	125,000	170,164
Gas Tax	64,000	77,294
Lighting 1	30,135	69,755
Lighting 4	8,338	56,205
Maintenance #1	307,500	258,081
Revenue Sharing	25,500	20,777
Water	582,430	655,000
Sewer	2,346,798	2,555,741
Solid Waste	207,203	202,044
Ambulance	32,506	40,903
Police Reserve	45,300 (current)	463,543
SID 142	2,855	2,530
SID 143	4,128	6,813
SID 144	1,065	DELETE
SID 145	2,448	2,068
SID 146	15,532	29,178
TOTALS	4,795,634	5,606,067

City Manager Freedman explained that the increase in Lighting District #4 was due to an error in computing front footage and assessments on the tax cards last year. \$.28 per front foot had been used as the assessment for many properties along Highway 93 South and this year they should have been classified as commercial and assessed at \$1.28 per front foot. He requested to budget the full amount so that improvements such as underground lines could be made in the Business District.

The Revenues were also reviewed and are as follows:

<u>FUND</u>	<u>PRELIMINARY</u>	<u>PROPOSED</u>
General	858,160	1,084,509
Ice Rink	-0-	25,000
SID Revolving	35,996	37,313
Rural Fire	125,000	170,164
Gas Tax	64,000	77,294

Revenue Sharing	25,500	20,777
Water Operating	582,430	845,500
Sewer Operating	2,346,798	2,357,968
Garbage	207,203	202,044
Ambulance	32,506	40,903
Police Reserve	70,250	463,543
Light #1	78,000	69,755
Light #4	25,000	56,205
Maintenance #1	307,500	258,081
SID 142	2,855	2,530
SID 143	5,536	6,813
SID 145	2,076	2,068
SID 146	24,579	29,178
TOTALS	4,793,389	5,749,645

The difference in the revenue and expenditure totals are due to cash carryover dollars that were not included in the Preliminary and Proposed Budget.

City Manager Freedman also told the Council that the Fire Department was considering the purchase of a Pumper/Tanker truck that was capable of carrying approximately 2,000 to 3,000 gallons of water. The approximate cost of the vehicle would be \$200,000 to \$250,000.

He suggested that the Council consider eliminating the Business District garbage pickup. He said the way things are now even if a business has a private hauler, they pay the \$66.00 base garbage fee per year.

The Council discussed the various funds, travel and training, the equipment payments, increasing the fee paid to the Regional Planning Office, salary increases, etc. and will further review the budget at the August 5, 1987 Budget Hearing.

City Manager Freedman said he would draft the Salary Ordinance and present it at Wednesday's meeting.

2. APPROVAL OF DOCUMENTS FOR INTERIM FUNDING FROM THE MONTANA CASH ANTICIPATION FINANCING PROGRAM: City Manager Freedman explained that the City needs to borrow \$60,000 on a short term basis to pay for the costs of various sewer projects (Phase I, Phase II, and the Phosphorous Removal Project). He said that this would be the same approval the Council gave last year for participation in this program. With the sale of the sewer revenue bonds this fall, the City should have ample funds for all of our sewer projects. He recommended that the Council approve Resolution No. 87-25, enabling the City to participate in this program in the amount of \$60,000.

After some discussion, on a motion by Sevener, seconded by Boksich, to adopt Resolution No. 87-25 as presented. The motion passed with 5 aye votes and 1 abstention. LaTourelle abstained.

3. SEWER PROJECT ON FOURTH STREET AND KARROW AVENUE: City Manager said he would like the Council's approval to proceed with this sewer project which will open up several unincorporated areas for sewerage and it should allow for the sewerage of West Seventh Street. (SID #148)

The total cost of this project would be approximately \$29,800, materials would be \$16,000 and labor would be \$13,800.

Greg Acton, Water/Sewer Supervisor, requested the Council approve the project because he said that the cost of the pipe would increase about 11% if the City waited to order it.

The Council discussed the project and requested City Manager to bring it back to the next Council meeting. They wanted more time to review the project and they needed more information on it.

OTHER

City Manager said that in the Council packets were the state statues on Business Improvement Districts. The Chamber of Commerce Board of Directors has decided to spearhead the effort to try to create a Business Improvement District. It will be composed of the downtown area, Highway 93 South, Highway 93 West and Wisconsin Avenue. If 60% of the owners of property in the District sign a petition, then they come to the City Council for a Resolution of Intent to create the Business Improvement District. If the District is created, the people appointed do not have to live in the City Limits but must own property within the Business Improvement District. The monies generated from this assessment could help subsidize the efforts to bring the Community College to Whitefish, landscaping, parking facilities, lighting or anything that promotes business.

ACTUARIAL STUDY - FIRE DISABILITY: City Manager Freedman said he had talked to the Fire Department about an actuarial study. Don Phillips, the Treasurer of the Department, had contacted a firm in Helena about doing an actuarial study for them. The Fire Department was hesitant because it would cost them \$1,730 which was a sizeable amount for them to pay. City Manager Freedman said he was sure they would have the study done but the Board had not ruled on it yet.

APPLICATION FOR LAKESHORE CONSTRUCTION PERMIT: City Manager Freedman explained that Bill Leonard, 810 Dakota Avenue, had submitted a Lakeshore Application and because of the extensive construction to be done it had been referred to the City-County Planning Board and the Lakeshore Committee for approval and recommendations to the City Council. The City-County Planning Board recommended approval with the conditions of the Lakeshore Committee. The Lakeshore Committee recommended approval with seven (7) conditions. (Letter dated July 26, 1987)

On a motion by Hanson, seconded by Moran, to approve the Lakeshore Construction Permit as presented with the conditions of the Lakeshore Committee. The motion passed unanimously.

PROBATIONARY TERM OF CHIEF OF POLICE: City Manager Freedman told the Council that the one year probationary term for the Chief of Police ended August 3, 1987. He said that he had the option at any time before the end of this probationary term to revoke the appointment. He said that he was leaving this up to the City Council and they should make their recommendation on a permanent appointment before September 2, 1987.

COUNCIL MEETING DATE FOR FIRST MEETING IN SEPTEMBER: City Manager Freedman explained that the first scheduled Council meeting in September falls on Labor Day and suggested that the meeting be set for Tuesday, September 8, 1987. The Council agreed that they would meet on this date.

COUNCIL REPORTS OR COMMENTS

Councilman Sevener said he wanted to point out to The Pilot that the vote on June 15 was three (3) to (1) because both he and Councilwoman LaTourelle were out of town.

Councilwoman Moran asked why we have the ten o'clock siren. City Manager Freedman said that the Fire Department decided that they wanted it. She also asked the Clerk to place on the City calendar after the Council meetings deadlines and other pertinent information so the Council people could be kept informed on due dates and events. (Such as the Willow Brook traffic meeting, etc.).

She said that Columbia Falls has a Resolution that she would like to see Whitefish adopt. It is a Resolution requiring a beginning and an end to all contracts the City enters into. (She directed this to City Attorney Tracy). City Attorney Tracy said you could resolve the problem when you enter into a contract by just saying there will be no modification to it. She said she would contact City Attorney Tracy about this issue at a later date. She brought up the City Clerk's raise and she said she had made the motion and she felt the issue needed to be done by the next meeting.

City Manager Freedman said the Council had not made any decisions on the non-union employees. He said the Council had not decided any percentage and he would recommend that the Council do nothing at this time. Moran wanted the record to show that she wanted the raise to be handled the way the Council had directed.

Councilman Boksich asked Police Chief Dolson what the laws were on operating vehicles on City streets (he was talking about four wheelers and mini bikes). He said minors were driving them up and down the alleys and he was afraid someone would get hurt. He said he would meet with the Police Chief and explain this in detail.

Councilwoman Faessler asked if the City Attorney position would be advertised and when would the City Council decide. City Manager Freedman said it was up to the City Council to decide whether it would be a full time or part time position and it was up to the Council to set the parameters. He said that this would be brought up at the Budget Hearings.

Councilwoman Faessler said that on Kay Beller's salary since January, the subject had been brought up three times. The difference of salary between the City Treasurer and the City Clerk's was \$.32 per hour which totaled \$256.00. She said she thought the two motions that were made were very specific even though they were not acted upon. She said at this time she would like to make the motion, that on August 4, 1987, Kay Beller be paid the sum of \$256.00 as retroactive back pay for hours worked during the period February 8 through June 26 which constitutes the salary differential of \$.32 per hour between her old position as City Clerk, at \$10.17 per hour, to that of her new position as

City Clerk-Treasurer, at \$10.49 per hour, and which is specified in grade, job code and classification in Resolution B-925 as amended in Ordinance 85-8 for the position of City Treasurer. Further, that her current salary be changed to reflect that of \$21,820 per year as specified in Ordinance 85-8, and that from this day forward she be considered for any pay increase for Fiscal Year 1987-1988 the same as any other City employee. The motion was seconded by Moran and the motion passed unanimously.

City Manager Freedman opposed the increase for Kay due to the fact that all City employees took a pay freeze and it would be a slap in the face to give any one employee a pay increase in 1986-1987. Despite that we wrote a job description that seemed to stretch on endlessly about her duties, many of the duties that Helen Doyle had were assumed by different people in the office and it might not be apparent to some of the people on the City Council. Helen Doyle used to do investments and now he said he takes care of them. Some of the duties have also been assumed by the Deputy City Clerk. The distribution of some of the duties and the fact that City employees took the pay freeze, it would be prudent to give her a pay increase on her anniversary date which would be July 1, 1987 similar to all the other employees covered by the Salary Ordinance.

Councilwoman Faessler read section 2.4 of Resolution No. B-925 on promotions and said she was just trying to do what was on the books because Kay was given a promotion. A freeze does not apply to someone who is given a promotion.

As there was no further Council business, on a motion by Hanson, seconded by Sevener, to adjourn at 12:39 A.M. The motion passed unanimously.


Mayor

ATTEST:


City Clerk



Box 158, Whitefish, Montono 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: August 3, 1987
RE: Chief of Police David Dolson

The one year probationary term for Chief of Police ends today. I have the option at any time before the end of this probationary term to revoke his appointment.

Section 7-32-4113, M.C.A. reads as follows: "After the end of such probationary period and within 30 days thereafter, the appointment of such applicant must be submitted to the city council or commission, and if such appointment is confirmed by the city council or commission, such applicant becomes a member of the police force and shall hold such position during good behavior unless suspended or discharged as provided by law."

I will be happy to discuss this matter with you during this thirty day period of time. An appointment, should you decide to make it or should you decide not to make it, must be made by September 2, 1987.

MINUTES
WHITEFISH CITY COUNCIL
BUDGET HEARING
AUGUST 5, 1987

Mayor Amass opened the Public Hearing on the 1987-1988 Budget at 7:00 P.M. All Council members were present except Sevener and Moran. Also present were City Manager Freedman, Police Chief Dolson, Asst. Police Chief Herrmann and Fireman Lenny Yeats. There was no one from the public at this hearing.

City Manager Freedman gave the Council a memo on the debt service for various city equipment.

STREET DEPARTMENT

1. Street Sweeper: Payments each quarter beginning September 30, 1987 for 5 years. Each payment is \$3,478.64 which translates into total payments of \$69,572.80 (principal and interest). The interest rate is 6% and the loan is through Mountain Bank.
2. Front End Loader: Payments twice each year (August and February) during FY 1987-1988 and FY 1988-1989. Each payment is \$7,927.27 in this fiscal year with approximately the same amount due in the next fiscal year. The loan is through the Board of Investments with an effective interest rate of approximately 7.50%.
3. Road Grader: Each payment is \$5,593.48 which translates into total payments of \$89,495.68 (principal and interest). The interest rate is 6% and the loan is through Mountain Bank.

WATER DEPARTMENT

1. Backhoe: One payment of \$10,399 remains to be paid on this piece of equipment. This final payment will be made to John Deere in October 1987.
2. Excavator: Payments each quarter beginning on September 20, 1987 for 4 years. Each payment is \$5,769.42 which translates into total payments of \$92,310.72 (principal and interest). The interest rate is 7% and the loan is through Mountain Bank.

SEWER DEPARTMENT

1. Vactor Truck: Payments twice each year during 1987-1988 and 1988-1989. Each payment is \$15,392.57 in this fiscal year with approximately the same amount due in the next fiscal year. The loan is through the Board of Investments with an effective interest rate of 7.50%.

GARBAGE DEPARTMENT

1. Automated System: Payments twice each year (August and February). Each payment is \$25,826.30 in this fiscal year with approximately the same amount due in the next fiscal year. The loan is through the Board of Investments with an effective interest rate of 7.50%.

Mayor Amass turned the budget discussion over to the Council.

Councilwoman Faessler said she has concerns about the fact that the City has not increased the entry level pay of \$5.00 per hour for part-time dispatchers. She said she would like to see an increase in the entry level salary for Police Officers and the Parking Enforcement/Animal Control Officer. The entire salary range schedule should be looked at for the City of Whitefish. She said she also would like to see the City start buying new vehicles for the Police Department instead of the junk vehicles we have been purchasing from the State and we should start by buying two (2) new vehicles this year.

City Manager said that he did budget for one (1) new vehicle and one (1) vehicle from the State. Next year the city would purchase another new vehicle but he did not think the City could afford to buy two (2) this year. He also said that if the entry level of the part-time dispatchers was increased, it would leave a small gap between these positions and the full time dispatchers' salaries. He also told the Council that the City pays all the medical premiums for City employees which is a substantial benefit. Most cities pay a portion of the medical premiums and the employee pays a portion of them.

Councilwoman LaTourelle said she felt the entry level of pay should be looked at but not this year and she said that buying one new police car this year was a start. At the appropriate time, the city could start purchasing two vehicles a year.

The Council discussed these two issues at length and Councilman Hanson recommended that line item 940 (Machinery & Equipment) under Police be increased by \$2,500 and that line item 370 (Travel & Training) also be increased \$750. City Manager Freedman said he would look at the line items and bring back new information to Monday's meeting.

LEGAL SERVICES

City Manager Freedman said that Council should consider whether to hire a part-time or full time Attorney. He said he had been contacted by a local attorney about the possibility of taking over for Leo Tracy. His firm will submit a proposal to the City. City Manager Freedman would send a proposal to all the Attorneys in the City so they could submit their proposals also.

The Council discussed this issue and Councilman Hanson recommended that the Legal Services Budget stay as proposed and if the Council did decide to go with a full time City Attorney, it could be adjusted at that time.

OTHER DISCUSSION

Councilman Hanson questioned the Solid Waste Budget line item 940 and City Manager Freedman explained that approximately \$2,000 was budgeted for apparatus for the garbage truck and the rest would be utilized for containers. Hanson asked that the \$46,194 in line item 930 (solid waste) be budgeted in a reserve account. City Manager Freedman said he could budget it in the 960 account (Other).

Councilman Hanson requested a breakdown of line item 940, (\$60,000 in Sewer Operating). City Manager Freedman went through the items. In line items 610 and 620, the \$38,000 in these two line items is to pay off the Revenue Bonds. The 940 account and the principal expense account together would total approximately \$86,000. There is a payment of \$31,000 for the sewer vactor truck and the replacement of two pickups for \$12,000 each would bring the total to \$55,000. Some money needed to be budgeted for pumps for the sewer department. He recommended that \$20,000 of this 940 line item be put into professional services (350) to help pay for the cost of the Cow Creek interceptor line. This would change line item 940 to \$35,000.

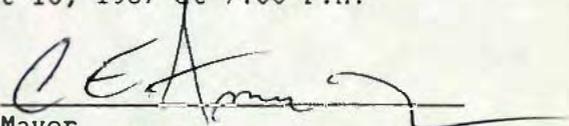
Councilman Hanson said his last question was on the water operating fund (\$23,000 in 610 and 620 line items for excavator payments, \$55,000 in line item 940). City Manager Freedman said he would propose to keep the funds at the same level but do some switching around. He proposed that the \$20,000 in line item 610 and \$3,000 in 620, \$55,000 in 940 be looked at as one (approximately \$78,000). We have the backhoe payment of \$10,318, the excavator payments of \$23,000, one ton pickup for approximately \$20,000 and also \$20,000 toward the excavator for a total of \$73,000. This would leave approximately \$5,000 for other miscellaneous equipment.

Councilman Hanson said that approximately \$95,000 had been budgeted in the lighting districts and he requested that before any of these monies were expended the Council be advised.

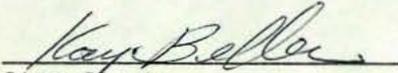
Councilwoman LaTourelle asked if the friction coating of Baker Avenue had been budgeted in SID 132 (Maintenance District #1). City Manager Freedman said it had been and would cost approximately \$7,000.

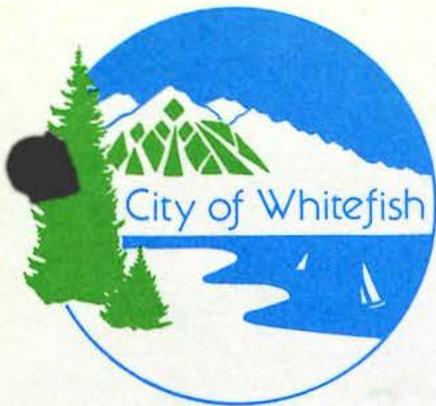
The Council discussed placing curbs, gutters and sidewalks on Central Avenue between Third and Fourth Streets. City Manager Freedman would contact the people on this street to see if they were interested. He did tell the Council that they could order the work done at any time.

This hearing would be continued until August 10, 1987 at 7:00 P.M.


Mayor

ATTEST:


City Clerk



Box 158, Whitefish, Montono 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: August 5, 1987
RE: Debt Service on Equipment

I. STREET DEPARTMENT:

1. Street Sweeper: Payments each quarter beginning September 30, 1987 for 5 years. Each payment is \$3,478.64 which translates into total payments of \$69,572.80 (principal and interest). The interest rate is 6.0% and the loan is through Mountain Bank.

2. Front End Loader: Payments twice each year (August and February) during FY 1987-1988 and FY 1988-1989. Each payment is \$7,927.27 in this fiscal year with approximately the same amount due in the next fiscal year. The loan is through the Board of Investments with an effective interest rate of approximately 7.50%.

3. Road Grader: Payments each quarter beginning June 30, 1987 for 4 years. Each payment is \$5,593.48 which translates into total payments of \$89,495.68 (principal and interest). The interest rate is 6.0% and the loan is through Mountain Bank.

II. WATER DEPARTMENT:

1. Backhoe: One payment of \$10,318 remains to be paid on this piece of equipment. This final payment will be made to John Deere in October 1987.

2. Excavator: Payments each quarter beginning on September 20, 1987 for 4 years. Each payment is \$5,769.42 which translates into total payments of \$92,310.72 (principal and interest). The interest rate is 7.0% and the loan is through Mountain Bank.

III. SEWER DEPARTMENT:

1. Vactor Truck: Payments twice each year (August and February) during FY 1987-1988 and FY 1988-1989. Each payment is \$15,392.57 in this fiscal year with approximately the same amount due in the next fiscal year. The loan is through the Board of Investments with an effective interest rate of 7.50%.

IV. GARBAGE DEPARTMENT:

1. Automated System: Payments twice each year (August and February) during FY 1987-1988 and FY 1988-1989. Each payment is \$25,826.30 in this fiscal year with approximately the same amount due in the next fiscal year. The loan is through the Board of Investments with an effective interest rate of 7.50%.

MINUTES
WHITEFISH CITY COUNCIL
BUDGET HEARING
AUGUST 10, 1987

Mayor Amass opened the Public Hearing on the 1987-1988 Budget at 7:00 P.M. All Council members were present. Also present were City Manager Freedman and Police Chief Dolson. There was no one from the public at this hearing.

The purpose of this Hearing was to adopt the Budget and City Specials.

RESOLUTION NO. 87-17 - SPECIAL MAINTENANCE DISTRICT NO. 1: The assessments are \$.75 per front foot (residential) and \$1.35 per front foot (business).

RESOLUTION NO. 87-18 - SPECIAL LIGHTING DISTRICT NO. 1: The assessment is \$.18 cents a front foot and is used to defray the cost of street lighting in the residential areas.

RESOLUTION NO. 87-19 - SPECIAL LIGHTING DISTRICT NO. 4: The assessment is \$1.28 per front foot in the business areas and is used to defray the cost of street lighting in the Commercial areas.

RESOLUTION NO. 87-20 - GARBAGE COLLECTION: The assessment is \$66.00 per year for residential and commercial areas which covers the collection of up to one (1) cubic yard per month. Refuse in excess of one (1) cubic yard would be charged at a rate of \$2.50 per month per cubic yard.

RESOLUTION NO. 87-27 - DETERMINING THE AMOUNT OF CITY TAXES TO BE RAISED FOR ALL PURPOSES, AND LEVYING A TAX AGAINST ALL PROPERTY WITHIN THE CITY OF WHITEFISH: The total mill levy is 88.25 mills and this would generate \$523,862.50.

RESOLUTION 87-28 - LEVYING AND ASSESSING A TAX ON ALL REAL ESTATE WITHIN THE CORPORATE LIMITS: This Resolution would adopt all the City Specials and all assessments levied against each lot or parcel of land in the City.

RESOLUTION NO. 87-29 - ACCEPTING AND PASSING THE MUNICIPAL BUDGET FOR THE CITY FOR THE FISCAL YEAR COMMENCING JULY 1, 1987.

City Manager Freedman gave the Council a memorandum of proposed budget changes and reviewed them with the Council.

CITY COURT: Increase the hourly salary of Chris Mackenstadt (Janitor) to \$4.50 per hour from \$4.15 per hour. This will increase the 110 line item \$68 to \$18,750; and decrease line item 140 \$1,000 from \$8,000 to \$7,000.

SUMMARY: The City Court expenditures total \$41,578 which is \$932 less than the final revised figures that were presented at the August 3 meeting.

FINANCE AND ADMINISTRATION: Increase the salary of Jerry Quinn to \$16,000 from \$15,244.32. This increase would be partially offset by decreasing the pension from 5% to 4% which was last year's percentage. Increase the hourly salary of Chris Mackenstadt to \$4.50 per hour from \$4.15 per hour. These changes will increase line item 110 to \$43,000; Decrease line item 140 \$500 from \$10,500 to \$10,000; Increase line item 330 to \$3,500 from \$3,000 (legal notices - \$1,600, ICMA membership - \$300, ASPA - \$65, Rotary - \$275, League of Cities dues - \$1,000, etc.)

SUMMARY: The Finance and Administration expenditures total \$114,350 which is \$1,000 more than the last figures.

LEGAL SERVICES: Decrease line item 110 by \$2,000. \$1,000 will be charged to both the Water and Sewer Funds for the review of contracts that the City Attorney does for these two departments.

SUMMARY: Expenditures for Legal Services is proposed at \$22,700 which is \$2,000 less than the last revised figures of August 3.

POLICE: Increase the 110 line item to \$290,000 which is \$19,556 more than the last figure of \$270,444. This is due to the mistake in the Police Chief's salary and an increase for the janitor and an hourly salary increase from \$6.01 to \$6.50 for the Parking Enforcement/Animal Warden Officer. There is a \$6,285.40 contingency in this amount; Reduce the 120 line item to \$2,000; Increase the Employer Contributions to \$74,000; Reduce the insurance line item to \$6,000.

SUMMARY: Expenditures for the Police Department are \$446,000 as compared to \$421,944 in the revised column of the budget.

PARK AND RECREATION: Increase line item 930 to \$60,000 from \$52,000 in order to pay for paving and curbing at Memorial Park. Paving and curbing for Riverside Park were already in the \$52,000 figure.

SUMMARY: Expenditures for the Park and Recreation are \$210,050, compared to \$202,050 in the August 3 revised budget.

WATER: Line item 350 is increased from \$10,000 to \$200,500. These funds will be used for the engineering on a new Water Treatment Plant as well as for engineering on small water line replacements around the city; Line items 610 and 620 will be zeroed out; Under principal expense, a total of

\$33,479 is budgeted for the payments on the John Deere backhoe and excavator; and line item 940 has been reduced to \$44,521. These monies will pay for the down payment on the excavator, for a new pickup and pumps and other equipment.

SUMMARY: Total expenditures will be increased \$190,500 because of the change in line item 350.

SEWER: Line items 610 and 620 have been zeroed out; Under principal expense, the budget of \$67,863 includes the bond payments for the sewer revenue bonds and the payments for the sewer vector truck; The 930 line item has been reduced to \$100,000 with the remaining \$1,900,000 going to the Construction Account; and The machinery & equipment account is reduced from \$60,000 to \$56,328.

SUMMARY: No change in the total amount.

S.I.D. 132: Increase line item 120 from \$2,500 to \$10,000; and Decrease 930 line item to \$117,081.

SUMMARY: No change in the total amount.

GARBAGE: Increase line item 110 from \$34,000 to \$40,000; Increase employer contributions to \$15,000; and decrease 930 line item to \$117,081.

SUMMARY: No change in the total amount.

S.I.D. #144: These bonds have been paid off. Delete the entire account.

TOTAL REVENUE

General Fund	1,096,759
S.I.D. Revolving	37,313
Rural Fire	170,164
Gas Tax	77,294
Revenue Sharing	20,777
Water Operating	845,500
Sewer Operating	2,555,741
Garbage	202,044
Ambulance	40,903
Police Reserve	463,543
Light #1	69,755
Light #4	46,928
Maintenance #1	258,081
S.I.D. 142	2,530
S.I.D. 143	6,813
S.I.D. 145	2,068
S.I.D. 146	<u>29,178</u>
<u>TOTAL REVENUE</u>	5,925,391

EXPENDITURE BUDGET

General Fund	1,096,759
Water	845,500
Sewer	2,555,741

S.I.D. Revolving	37,313
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S.I.D. 146	<u>29,178</u>
<u>TOTAL EXPENDITURES</u>	5,925,391

City Manager Freedman said that any surplus monies in each fund could be budgeted in line item 960 (other) and used as a holding fund. Councilwoman Faessler asked if the Council would have control on how this surplus would be expended and City Manager Freedman explained that any large purchases have to be brought to the Council for consideration and if at year end this budgeted amount is needed for line item adjustments the Council would have to approve the transactions.

Councilwoman Faessler also questioned the increase in the overtime line items and said the Council was working toward decreasing overtime and not increasing it. She said that when the City went to a combined public works department it was supposed to be more efficient and cost effective and people were to work in all departments. She said that is the reason she voted for it because it was supposed to save thousand of dollars and be more efficient. City Manager Freedman explained that the water/sewer people are certified and do extensive work in their departments and the street people are not qualified to do this work nor are the water/sewer people qualified to snow plow, etc. He said the swing crew person that was hired does work in all departments as needed.

Councilwoman LaTourelle questioned if a different line item could be established to take care of maintenance of the streets. She said improvements (930) had been decreased by \$10,000 and that in her mind what the Council was trying to do was to work toward street improvements and now this was not being accomplished. She felt that another line item should be established that specifically carries funds to take care of the streets by putting gas tax monies in this line item also. The line item would not be used for patching or repair but for major construction. This would ensure that the street improvements would be done. City Manager Freedman said it would be hard to accumulate that much each year but it could be set up under S.I.D. 132 for reconstruction of streets.

Councilwoman Faessler and Councilman Hanson questioned why the gas tax monies had not been used for reconstruction of the streets. Hanson said that the Council did authorize \$31,379 and approximately \$12,000 of this had been utilized. He said he felt if something is budgeted in a fiscal year it should be spent in that year. He voiced concern that the street sweeper purchase was not done in last fiscal year. City Manager Freedman explained that the sweeper was four (4) to (5) weeks late and by the time the paper work was done the payments were scheduled for this fiscal year.

Mayor Amass opened the hearing to the public and as there was no public comment he turned the matter over to the Council for discussion and action.

The Council discussed the salaries and Councilwoman Faessler said City Clerk-Treasurer Kay Beller would receive 5% increase from July 1, 1987, total increase would be 8.72%. Regarding the salary increases proposed for most of the people she did not have a problem. She did feel that the proposed increase for the Supervisor of the Streets at 14.87% is excessive and there is no written documentation supporting this large an increase and she also stated that the proposed salary increase for the City Manager is excessive because of our City employees taking a pay freeze last year and we are asking them to take 4.74% this year. In looking at the total compensation package for the City Administrator, the total package is over \$46,000 per year. She said she felt this was excessive because of what the other City employees were being asked to take.

Councilwoman Moran said she needed more documentation on the salary increases. City Manager Freedman said there was not much more he could give the Council. The reason he had proposed the increase for George Wartnow/Street Supervisor was because he was making less than other employees with less responsibility. He said that George had been passed over by other Administrators and he felt George deserved the increase. Mayor Amass agreed and stated that City Manager Freedman deserved to receive the increase because he works very hard and at all hours of the day and night. Mayor Amass said that George Wartnow was a hard worker, always positive in his thinking and was always trying to save the City money. He felt George deserved the increase.

After much Council discussion, on a motion by Sevener, seconded by LaTourelle, to adopt Resolutions 87-17, 87-18, 87-19, 87-20, 87-27, 87-28, 87-29 accepting the City Budget for fiscal year 1987-1988, as amended by the City Administrator.

On a motion by Boksich, to amend the motion, because of the error made in the assessments of Light District #4, he would recommend the assessments be reduced from \$1.28 per front foot to \$1.00 per front foot. Councilwoman Moran seconded this amendment to the motion. After discussion however, Moran withdrew her second and Boksich withdrew the motion.

On a motion by Boksich, seconded by LaTourelle, that the motion be amended and Resolution No. 87-19 be amended to assess a total of \$33,223.00 for the Light #4 District. The amendment to the motion passed unanimously.

Councilman Hanson asked if the Council approves the budget as recommended based on the numbers presented are we in effect granting pay increases as recommended. City Manager Freedman said yes. Hanson asked what the point was in bringing the Ordinance back to the next meeting. City Manager Freedman said if presented tonight there would be no figures on the Ordinance. Councilman Hanson said he felt the appropriate time to discuss salaries was at the last budget meeting.

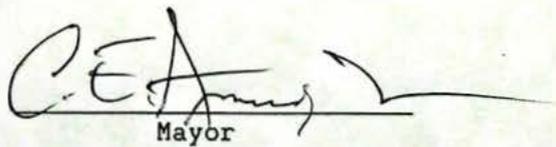
Mayor Amass said no one discussed the salaries until tonight and Hanson said he had brought it up and Faessler said they were waiting for the full Council to discuss the issue. City Manager Freedman said he had given them the Resolution setting the Union Contract salaries and everyone else would be covered by the Ordinance. The City Manager salary is set by contract. He said he clearly spelled out how he planned the salaries of everyone. His contract expired in May and he said no one came forward in the last four or five months to say we have to renegotiate the contract. Mayor Amass said the Council would not find any one else that would work the hours City Manager Freedman works for the same rate of pay.

Councilman Hanson and Councilwoman Faessler both stated that because the Police Department uses their four (4) wheel drive vehicle to protect lives, delivering the nurse to emergencies, etc. and had over 100,000 miles on it they were in favor of purchasing a new four (4) wheel vehicle.

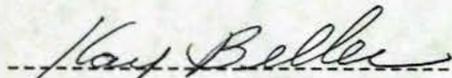
Councilman Hanson said he felt that under law enforcement, another \$15,000 should be added to that line item to purchase a four (4) wheel drive vehicle and on a motion by Hanson, seconded by Moran, to add the \$15,000 to line item 940 for the four (4) wheel drive. After Council discussion, Moran withdrew her second and Hanson withdrew the motion.

On a roll call vote of the motion made by Sevener and seconded by LaTourelle to adopt the City Specials and the 1987-1988 budget, the vote is as follows: Hanson no, Sevener aye, LaTourelle aye, Moran no, Boksich aye, Faessler no. Mayor Amass broke the tie vote by voting aye. The motion passed with a 4 to 3 vote.

On a motion by Hanson, seconded by Sevener, to adjourn at 8:31 P. M. The motion passed unanimously.


Mayor

ATTEST:


City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman
TO: Whitefish City Council
DATE: August 7, 1987
RE: 1987-1988 Budget Changes

The following are the changes that I have made to the 1987-1988 Budget:

- I. City Court: 1. Increase the hourly salary of Chris Mackenstadt (Janitor) to \$4.50 per hour from \$4.15 per hour. This will increase the 110 line item (Permanent Salaries) \$68 to \$18,750; and 2. Decrease line item 140 (Employer Contributions) \$1,000 from \$8,000 to \$7,000.
SUMMARY: The City Court expenditures total \$41,578 which is \$932 less than the final revised figures that I gave to you for the August 3 meeting.
- II. Finance and Administration: 1. Increase the salary of Jerry Quinn to \$16,000 from \$15,244.32. This increase would be partially offset by decreasing the pension from 5% to 4% which was last year's percentage. Increase the hourly salary of Chris Mackenstadt (Janitor) to \$4.50 per hour from \$4.15 per hour. These changes will increase line item 110 to \$43,000; 2. Decrease line item 140 \$500 from \$10,500 to \$10,000.; Increase line item 330 to \$3500 from \$3,000 (legal notices - \$1,600, ICMA membership - \$300, ASPA - \$65, Rotary - \$275, League of Cities dues - \$1,000, etc.)
SUMMARY: The Finance and Administration expenditures total \$114,350 which is \$1,000 more than the last figures that I gave to you.
- III. Legal Services: 1. Decrease line item 110 (salaries) by \$2,000. \$1,000 will be charged to both the Water and Sewer Funds for the review of contracts that the City Attorney does for these two departments.
SUMMARY: Expenditures for Legal Services is proposed at \$22,700 which is \$2,000 less than the last revised figures of August 3.
- IV. Police: 1. Increase the 110 line item to \$290,000 which is \$19,556 more than the last figure of \$270,444. This is due to the mistake in the Police Chief's salary and an increase for the janitor and an hourly salary increase from \$6.01 to \$6.50 for the Parking Enforcement/Animal Warden Officer. There is a \$6,285.40 contingency in this amount; 2. Reduce the 120 line item to \$2,000; 3. Increase the Employer Contributions (line item 140) to \$74,000 or a \$9,000 increase; and 4. Reduce the Insurance (line item 510) to \$6,000.

SUMMARY: Expenditures for the Police Department are \$446,000 as compared to \$421,944 in the revised column of the budget.

- V. Fire: This budget will remain unchanged.
- VI. Road & Street: This budget will remain unchanged.
- VII. Cemetery: This budget will remain unchanged.
- VIII. Park and Recreation: Increase line item 930 to \$60,000 from \$52,000 in order to pay for paving and curbing at Memorial Park. Paving and curbing was already in the \$52,000 figure.
SUMMARY: Expenditures for the Park and Recreation are \$210,050 as compared to \$202,050 in the August 3 revised budget.
- IX. Water: 1. Line item 350 (Professional Services) is increased from \$10,000 to \$200,500. These funds will be used for the engineering on a new Water Treatment Plant as well as for engineering on small water line replacements around the city; 2. Line items 610 and 620 will be zeroed out; 3. Under Principal Expense, a total of \$33,479 is budgeted for the payments on the John Deere backhoe and excavator; and 4. Line item 940 has been reduced to \$44,521. These monies will pay for the down payment on the excavator, for a new pickup and pumps and other equipment.
SUMMARY: Total expenditures will be increased \$190,500 because of the change in line item 350. This will balance out the expenditures and the revenues in the Water Fund.
- X. Sewer: 1. Line items 610 and 620 have been zeroed out; 2. Under Principal Expense, the budget of \$67,863 includes the bond payments for the sewer revenue bonds and the payments for the sewer vactor truck; 3. The 930 line item has been reduced to \$100,000 with the remaining \$1,900,000 going to the Construction Account; and 4. The Machinery & Equipment Account is reduced from \$60,000 to \$56,328.
SUMMARY: No change in the total amount.
- XI. S.I.D. #132: 1. Increase line item 120 (Overtime) from \$2,500 to \$10,000; and 2. Decrease 930 line item to \$117,081.
SUMMARY: No change in the total amount.
- XII. Garbage: 1. Increase line item 110 from \$34,000 to \$40,000; 2. Increase Employer Contributions (line item 140) to \$15,000; and 3. Decrease line item 930 to \$38,694.
SUMMARY: No change in the total amount.
- XIII. S.I.D. #144: These bonds have been paid off. Delete the entire account.



Box 158, Whitefish, Montono 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
August 17, 1987

- 7:00 I. Approval of the minutes of the July 27, August 3, August 5 and August 10, 1987 Meetings
- 7:10 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
1. Police (written)
 2. Building (written)
 3. Water/Sewer
 4. Street/Sanitation
 5. Fire
- 7:35 IV. OLD BUSINESS
1. Ordinance 87-10: Salary Ordinance
 2. Sewer Line Extension on West Fourth Street and Karrow Avenue
- 7:50 V. NEW BUSINESS
1. Raven Ale Brewing Company - Lease Proposal
 2. Master Plan for Citywide Special Improvement District (Streets, Storm Sewers, Curbs & Gutters and Sidewalks) - Sorenson & Company
- 10:00 VI. CITY MANAGER REPORTS
1. Amendment to Engineering Agreement with Carver Engineering
 2. Board of Adjustment Appointments
- 10:10 VII. COUNCIL REPORTS OR COMMENTS
- 10:25 VIII. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
AUGUST 17, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Building Inspector/Asst. Zoning Administrator Quinn, Police Chief Dolson and Street Foreman Wartnow.

MINUTES

Approval of the minutes of July 27, 1987, August 3, 1987, August 5, 1987 and August 10, 1987.

JULY 27, 1987

On a motion by Sevenser, seconded by Moran, to approve the minutes of the July 27, 1987 Council Meeting as presented. The motion passed unanimously.

AUGUST 3, 1987

Councilwoman Faessler corrected the bottom paragraph on page 12 to read eight times instead of three times as stated. She said that on page 12, under Council Reports or Comments that Councilman Sevenser said he wanted to point out to The Pilot that the vote on June 15 was three (3) to (1) because he was in the hospital and Councilwoman LaTourelle was out of town.

Councilwoman Moran said that on page 9 (last paragraph), she had recommended that letters be sent to property owners notifying them of the situation on the increase to the Lighting District #4. On page 10, she had requested written justification regarding pay raises.

On a motion by Faessler, seconded by Moran, to approve the minutes of the August 3, 1987, Council Meeting as amended. The motion passed unanimously.

AUGUST 5, 1987

On a motion by Boksich, seconded by Faessler, to approve the minutes of the August 5, 1987 Council Meeting as presented. The motion passed with 4 aye votes and 2 abstentions. Moran and Sevenser abstained.

AUGUST 10, 1987

Councilwoman Moran said that on page 6, third paragraph, add: Councilwoman Moran had brought up the documentation on wage increases at a previous meeting. On page 6, the motion on the four (4) wheel drive vehicle was seconded by Faessler and not by Moran as stated.

On a motion by Sevenser, seconded by Moran, to approve the minutes of the August 10, 1987 Council Meeting as amended. The motion passed unanimously.

PUBLIC COMMENT

NONE

STAFF UPDATES

1. Police - a written report had been received, however, Chief Dolson did tell the council that a truck had been donated because of a drug arrest to the department and they were waiting to have the title cleared. It would then be auctioned off. He said the vehicle was worth approximately \$2,000 to \$3,000.

2. Building - a written report had been received from Building Inspector Quinn.

3. Street/Sanitation - a written report had been received from Street Foreman Wartnow and he commented on the street sweeping program. He told the Council that the machine had been utilized for 172 hours and had picked up 720 tons of debris.

There were no reports from the Water/Sewer Departments or the Fire Department.

OLD BUSINESS

1. ORDINANCE 87-10: This Ordinance formalizes the salaries approved at the August 10 Meeting. City Manager Freedman recommended approval of this Ordinance.

On a motion by LaTourelle, seconded by Sevener, to approve Ordinance 87-10 as presented. Faessler no, Boksich aye, Moran no, LaTourelle aye, Sevener aye and Hanson no. Mayor Amass broke the tie vote by voting aye. The motion passed with a 4 to 3 vote.

2. SEWER LINE EXTENSION ON WEST FOURTH STREET AND KARROW AVENUE: City Manager Freedman said that this issue was discussed briefly at the August 3 Council Meeting. This project is estimated to cost \$29,800 with approximately \$16,000 of this amount being the materials cost. The balance would be the labor costs which is our cost to pay the City employees on this project. The project would be completed in approximately 20 to 25 working days and would address the following issues:

1. Provide an alternative to the 8" sewer line between Second and Third Streets that is currently overloaded;
2. Provide an outlet for homeowners on Third and Fourth Streets who have failed septic systems;
3. Opens up areas on Karrow Avenue for sewerage; and
4. Provide an outlet for S.I.D. #148 homeowners who will probably sewer their area later this fall.

On a motion by Hanson, seconded by Sevener, that the City Administrator be authorized to proceed with the sewer line extension on West Fourth Street and Karrow Avenue as outlined by the City Administrator. The motion passed unanimously.

NEW BUSINESS

1. RAVEN ALE BREWING COMPANY - LEASE PROPOSAL: City Manager Freedman said that a proposal in the Council packets from Robert and Joyce Waldman outlined the use of the City Shop portion of the City Hall for a microbrewery. He said that at this time, if the Council was inclined to lease this 3,000 square feet to them, he would recommend that a positive statement be given to them. They then would go to the Planning Board/Zoning Commission to ask that this use be permitted in a WB-3 Zone. Their recommendation would come back to the Council for final action.

The proposal allows the City to better utilize a portion of the City Hall, allows for revenue to be created (possibly \$6,000 per year), allows for this company to improve that portion of the building, provides exposure for the Whitefish name on a manufactured item, provides new jobs and will ultimately become a tourist attraction that will bring people to downtown Whitefish. He recommended that the Council give strong support for this proposal so that the Waldmans can actively pursue this idea through the appropriate channels.

Several members of the Council expressed their concerns about the need of this space for expansion of the Fire Department, the use of this space by the Police Department, whether this use should be permitted in the WB-3 Zone and whether allowing this use could be interpreted as spot zoning.

No formal action was taken on this matter.

2. MASTER PLAN FOR CITYWIDE SPECIAL IMPROVEMENT DISTRICT (STREETS, STORM SEWERS, CURBS & GUTTERS AND SIDEWALKS) - SORENSON & CO.: City Manager Freedman said that back in 1986, the City Council established a Committee composed of City Staff and City Council people to interview various engineers that had submitted proposals for a Master Plan for the City of Whitefish that would address streets, curbs & gutters, sidewalks and storm sewers. The Committee selected Sorenson & Co. from Missoula and the firm was contracted to do a Master Plan on the above issues and they have worked over the past several months putting together the Master Plan. He said that Sorenson & Co. would give a report and after the report the City Council could decide whether or not to pass a Resolution of Intention to create a Special Improvement District to encompass the areas that are colored on the map. That would not commit anyone to the idea of the Special Improvement District but it allows a Resolution to be put together which would put together all the numbers that people could look at to see how they would be impacted. The next logical step would be the preparation of a Resolution of Intention which would allow all the affected property owners a chance to say whether or not they would like to go forward with these improvements based upon the cost estimates for these improvements.

Woody Germany and Tom McCarthy of Sorenson & Co. gave the report on the Master Plan. Germany explained that the improvements to the City of Whitefish, which would become part of a Special Improvement District, consist of

reconstructed paved streets, sidewalks, curbs and gutters and a storm sewer system. He said the program, if implemented, will provide for the upgrading of the City street system and would result in a drastic reduction in street maintenance costs. The system will have a design life of 15 to 20 years with proper care and regular maintenance, such as crack and chip sealing after a five to six year period. He said the collector street widths would be 45' back to back, new subdivision residential streets would be 36', residential streets would be 32' and rural residential streets would be 24'. He said that the requirements for street widths were based on traffic patterns and use. Germany said that the existing storm drainage system is drastically undersized for current or future needs and was in poor condition.

Tom McCarthy gave a presentation on the typical S.I.D. Flow Chart and went through the process of forming the S.I.D. in detail. The people would have fifteen (15) days to protest the S.I.D. and 51% protests would be needed to stop the creation of a S.I.D. should the Council decide to proceed with it.

The total improvement cost would be \$8,167,000. (This would not include the water and sewer improvements). They explained that the 2300 Whitefish residents would pay approximately \$410.45 per year for 20 years if the City pledged all or most of the Gas Tax Revenue and some revenues from the Maintenance District #1 (assuming an interest rate of 7.50%). If these two (2) revenues were not pledged the cost to the taxpayer would be greater. (The three (3) options presented will be attached to the minutes and also the time table for forming the S.I.D.). They also explained various financing options.

Tom McCarthy urged the Council to proceed with the S.I.D. because of the size of their contract and if this information is put on a shelf, it would be a disservice to the City's residents.

Several Council Members were concerned about whether taxpayers could afford this project and the time limits for protest provided for in the S.I.D. statutes.

On a motion by Hanson, seconded by Moran, to call for a straw vote on the ballot in the November election, based on these numbers and to include the total costs of the water and sewer charges. After discussion, Moran withdrew her second and Hanson withdrew the motion.

After further discussion, on a motion by Hanson, seconded by Moran, to table this issue until the next Council meeting. (September 8, 1987). The motion passed unanimously.

CITY MANAGER REPORTS

1. AMENDMENT TO ENGINEERING AGREEMENT WITH CARVER ENGINEERING: City Manager Freedman explained that our contract with Dennis Carver under EPA guidelines is based upon a cost plus basis. The delays caused by the award of the bid to the second lowest bidder, the delays in review caused by the Department of Health and the extension of the time allowed for construction has caused the need for this amendment. He recommended the Council approve Amendment #8.

On a motion by Boksich, seconded by Sevener, to approve amendment #8 to the Engineering Agreement. The motion passed unanimously.

2. BOARD OF ADJUSTMENT APPOINTMENTS: City Manager Freedman said that the City had advertised for several weeks for two openings on the Board of Adjustments. Two incumbents on the Board were the only two individuals that expressed an interest in these two positions. He recommended the Council reappoint Russ Giesy and Dave Jamieson.

On a motion by Sevener, seconded by Faessler, to reappoint Russ Giesy and Dave Jamieson to the Board of Adjustments for three year terms. The motion passed unanimously.

3. WATER MASTER PLAN: City Manager Freedman said he had given the Council copies of the Water Master Plan to study and he had set up a meeting with Phil Butterfield of CH2M Hill for September 21st. He felt this would give the Council ample time to study and have their questions ready.

4. FRICTION COURSE: City Manager Freedman told the Council that after the last heat wave Central Avenue started bleeding and he requested to have the friction course put on Central Avenue at the same time as the two blocks of Baker Avenue. The two projects would cost just under \$14,000.

The Council discussed the project and on a motion by Hanson, seconded by Moran, to authorize the City Administrator to proceed with the project as proposed, as soon as possible after Labor Day. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Mayor Amass said that since this was the last Council meeting this month, the Council needs to make their recommendation to the City Administrator on the appointment of the Police Chief and requested that a special meeting be set for September 2nd. This would give the Council ample time to secure all the information they needed to make a decision.

Councilwoman Faessler said she was prepared to make a recommendation and Councilman Hanson said he was prepared also. Councilwoman Moran said she would like more time because with the information she had at this point, she did not feel comfortable making a decision and she would like to talk to Dave Dolson to get his point of view on several issues. Councilman Boksich said he also would like to talk to Dave before making a decision. Councilwoman LaTourelle said that the Council and the Police Commission as a group did the interviewing for Police Chief and getting more information from them would be in order because the Police Commission is involved in the day to day activities of the Police Department. She said she had just received information and she would like to talk to the individuals before making a decision. Councilman Hanson said the Council had been given a memorandum on August 3rd from the City Administrator and he felt the City Council had ample time to do their homework. He said he had talked to Dave Dolson, the Police Commission and people in the community and the problem seemed to be nothing but a personality conflict. On a motion by Hanson, seconded by Faessler, that the Council confirm the appointment of Dave Dolson as Chief of Police on a permanent basis. The motion passed with 5 aye votes and 1 no vote. Boksich voted no.

Councilman Boksich said he wanted to clarify that he did not vote against Dave; he just did not have the information he needed to make a decision.

COUNCIL DISCUSSION

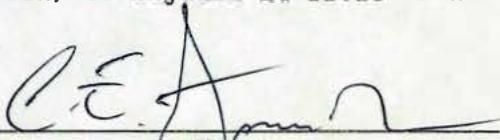
Councilman Hanson thanked Street Foreman Wartnow for the report he submitted on the Street Department activities for the month.

Councilwoman Moran said she also would like to thank Wartnow for the report and she suggested the Council review the idea of drafting an Ordinance banning fireworks in the City Limits.

Councilwoman Faessler said that something should be done about the angle parking at the Physicians Clinic on Baker Avenue and Fourth Street before winter comes. City Manager Freedman said that as soon as the Street Department had time, they would stripe it for parallel parking. Councilwoman Faessler requested permission to leave the State from August 20 through the 25th.

On a motion by Moran, seconded by Hanson, to allow the request. The motion passed unanimously.

On a motion by Faessler, seconded by Moran, to adjourn at 11:18 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: August 12, 1987
RE: August 17, 1987 Council Meeting

Here are my comments and my recommendations on the Council Agenda items for the August 17, 1987 Council Meeting:

1. Ordinance 87-10: This ordinance formalizes the salaries approved at the August 10 Meeting.

Recommendation: Approve Ordinance 87-10.

2. Sewer Line Extension on West Fourth Street and Karrow Avenue: This issue was discussed briefly at the August 3 Council Meeting. This project is estimated to cost \$29,800 with approximately \$16,000 of this amount being the materials cost. The balance would be the labor cost which is our cost to pay the City employees on this project. The project should be completed in approximately 20 to 25 working days.

The project will address the following issues:

1. Provide an alternative sewer line to the 8" sewer line between Second and Third Streets that is currently overloaded;
2. Provide an outlet for homeowners on Third and Fourth Streets who have failed septic systems;
3. Opens up areas on Karrow Avenue for sewerage; and
4. Provide an outlet for S.I.D. #148 homeowners who will probably sewer their area later this fall.

Recommendation: Authorize the City Manager to proceed with this project.

3. Raven Ale Brewing Company - Lease Proposal: A proposal is in your packet outlining the use of the City Shop portion of the City Hall for a microbrewery. At this time, if you are inclined to lease this 3,000 square feet to them, I would recommend that you give them a positive statement to that effect. They will have to then go to the Planning Board/Zoning Commission to ask that this use be permitted in a WB-3 Zone. Their recommendation will come to you for final action.

The proposal allows the City to better utilize a portion of the City Hall, allows for revenue to be created (possibly \$6,000 per year), allows for this company to improve that portion of the building, provides exposure for the Whitefish name on a manufactured item, provides new jobs and will ultimately become a tourist attraction that will bring people to downtown Whitefish.

Recommendation: Give strong support for this proposal so that the proponents can actively pursue this idea through the appropriate channels.

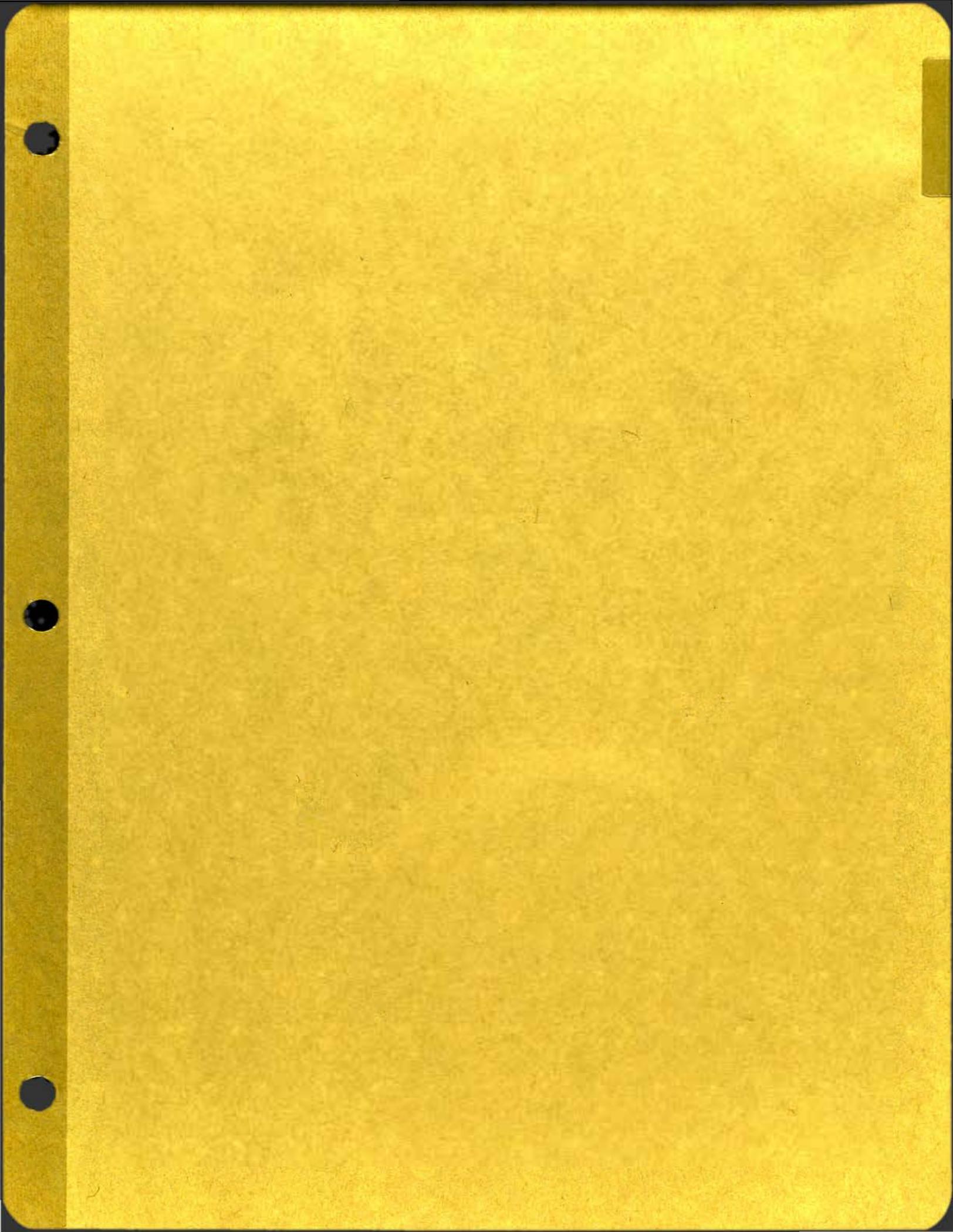
4. Master Plan for Streets: Enclosed is the Master Plan from Sorenson and Company. They will be at the Council Meeting to discuss the plan in detail with mapping of the City and storm drainage plans.

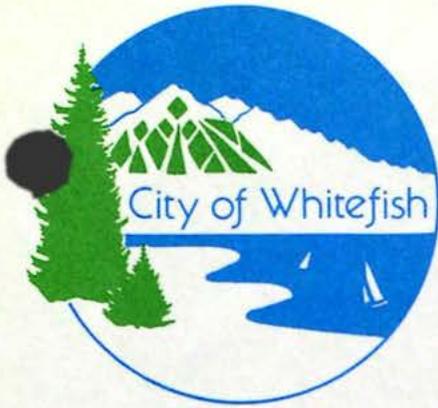
5. Engineering Amendment with Carver Engineering: Our contract with Dennis Carver under EPA guidelines is based upon a cost plus basis. The delays caused by the award of the bid to the second lowest bidder, the delays in review caused by the Department of Health and the extension of the time allowed for construction has caused the need for this amendment.

Recommendation: Approve Amendment #8 because of the above reasons.

6. Board of Adjustments: The City has advertised for several weeks for two openings on the Board of Adjustments. Two incumbents on the Board were the only two individuals that expressed an interest in these two positions.

Recommendation: Reappoint Russ Giesy and Dave Jamieson.

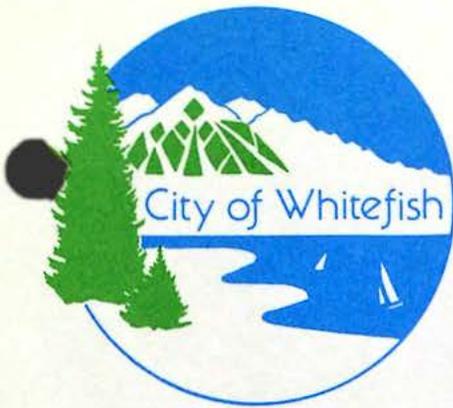




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
September 8, 1987

- 7:00 I. Approval of the minutes of the August 17, 1987 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:15 III. STAFF UPDATES
- 7:25 IV. OLD BUSINESS
1. Continuation of discussion on Citywide Special Improvement District
 2. Willow Brook Traffic Meeting
- 8:00 V. NEW BUSINESS
1. Release of the balance of the monies in the letter of credit for the Shady River Subdivision
 2. City Attorney Interviews
- 8:15 VI. CITY MANAGER REPORTS
1. Update on Cow Creek Interceptor and West Fourth Street & Karrow Avenue Sewer Project
 2. Visitors' Information Centers
 3. Public Hearing on Hwy 93 Widening
 4. Friction Course Project Update
 5. Park Projects
- 8:55 VII. COUNCIL REPORTS OR COMMENTS
- 9:10 VIII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: September 2, 1987
RE: September 8, 1987 Meeting

Here are my comments and my recommendations on the Council Agenda items for the September 8, 1987 Council Meeting:

1. Citywide S.I.D.: The City Council needs to make a decision on what action it would like to take on the Master Plan that was prepared by Sorenson and Company.

2. Willow Brook Traffic Meeting: Enclosed in your packet is a copy of the recommendations from the homeowners on Fourth Street. The Police Chief and I met with Barbara Schustrom and Jim Moseley last week to discuss these recommendations. At this point in time, I would propose that stop signs be put at the intersection of Fourth and Fir, at the intersection of Second and Fir and at the intersection of Second and Pine. I feel that the problems with snow removal and the striping recommended by the homeowners can be resolved by a meeting between myself and Ivan Hernandez of the School District.
Recommendation: Authorize the city staff to place the appropriate stop signs at the intersections cited above and to continue to work with the School District to resolve some of the other problems.

3. Shady River Letter of Credit: Herb Knuth has requested that the balance of monies in his Letter of Credit be released at this time. The Letter of Credit was received by the City in the event that the proposed public improvements are not installed by the developer in a specific amount of time. All public improvements have been installed according to the subdivision plans and I would recommend that the Letter of Credit monies be released at this time.
Recommendation: Release the balance of the monies in the Letter of Credit.

4. City Attorney Interviews: Two proposals were received for this position. They are in your packet along with the letter that I sent out to all attorneys in Whitefish.
Recommendation: I would recommend that interviews be scheduled during the next two weeks.

5. City Manager Reports: At the meeting, I will go over in detail the items that are on the agenda. I will be happy to discuss these and any other items with you prior to the City Council Meeting.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: September 2, 1987
RE: September 8, 1987 Council Meeting

Here is an update on the September 9 agenda items under the City Manager Reports and other items that I am pursuing:

1. COW CREEK INTERCEPTOR: Tom Sands of Sands Surveying is preparing legal descriptions for the easements that are needed from the three property owners that are involved (Barnes, Knuth and Streich). I am confident that easements will be obtained in the next several weeks. A recommendation from City Staff on an engineer for this project will be made to you on September 21 if the easements have been finalized.

2. FOURTH STREET AND KARROW AVENUE SEWER PROJECT: Paul Wells and I made a walking tour of the project with approximately 35 residents along the project. The project was well received by everyone. I am exploring the options available for some of the homeowners to bore under Fourth Street to connect with the sewer main. The City may have to accept waivers of protest from those desiring sewer who are not contiguous to the City at this time. The project is scheduled to start on Wednesday, September 9.

3. VISITORS' INFORMATION CENTER: Approval and placement of a "Welcome to Whitefish" sign has been completed on City property across from the golf course. The second sign is proposed for placement on the property owned by Jim Kane (the Shangri-La Restaurant) south of the City Limits. I have met with him and I am hopeful a lease for approximately 1/4 - 1/2 acres of land will be finalized in the next ten days. The Highway Department has approved the site. The signs will be paid for by the financial institutions of Whitefish. I will discuss this matter in more detail at Tuesday's meeting.

4. HIGHWAY 93 WIDENING: I have spoken on several occasions with Roy Duff about extending this four lane project to the intersection of Baker Avenue and Highway 93. At the present time, the widening will go from Kalispell to Highway 40.

5. FRICITION COURSE PROJECT: The project is scheduled for September 8 with the Street Department scheduled for restriping from 3 A.M. to 7 A.M. on September 9 on Central Avenue.

6. RIVERSIDE PARK: The curbing for the parking lot has been completed and paving is scheduled for September 9.

7. MOUNTAIN TRAILS PARK: The parking lot has been expanded to conform to the Master Plan and the lot has received 2" to 3" of gravel.

8. WEST LAKESHORE DRIVE: I have met with the homeowners to discuss City services that the City can provide them with such as street lighting, snow plowing and garbage service.

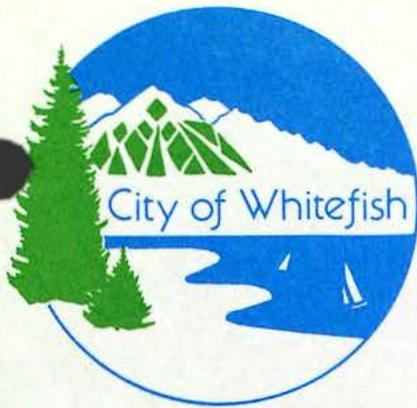
9. PARK MAINTENANCE: City workers started cutting grass at all City Parks on September 1. This move was taken by me in an effort to save money and because I was not satisfied with the performance of the Glacier Twins.

10. INTERLOCAL AGREEMENT ON MEMORIAL PARK: The School District has signed this agreement and I am waiting for action by the Glacier Twins. This Agreement is under the jurisdiction of the Park Board.

11. WATER MASTER PLAN MEETING: Phil Butterfield of CH2M Hill cannot be at our September 21 meeting. He will be at our October 5 meeting to discuss the Master Plan.

12. DOWNTOWN PARKING: I am pursuing the creation of a S.I.D. to pay for the acquisition of land adjacent to Central Avenue for parking.

13. BUSINESS IMPROVEMENT DISTRICT: Petitions and an analysis of the proposed district should be circulated by the middle of September. I will discuss this in more detail at the Council Meeting.



Box 158, Whitefish, Montana 59937 (406) 862-2640

August 17, 1987

@1
@2
@3
@4

@5

Several weeks ago, Leo Tracy indicated that he was resigning his position as the City Attorney for the City of Whitefish. He is willing to serve in this position through January 1, 1988 but he has indicated that he would step aside when an individual is chosen for the position.

The City Attorney is chosen by the Whitefish City Council as provided in the City Charter. The individual or firm chosen to act in this capacity must be prepared to do both criminal and civil work for the City of Whitefish. In the current budget, approximately \$22,000 in salary has been budgeted for the City Attorney. The City Attorney is expected to attend the two Council Meetings each month as well as perform the other duties of this position.

The City Council is seeking formal proposals from attorneys in Whitefish. Proposals will be accepted from individuals or firms. I would recommend that your proposal include but not be limited to the following: resume(s) of those individual(s) that are proposed to fill this position, other background information that may be pertinent and the remuneration and other benefits that you would require.

I anticipate that the City Council will set up interviews with the individuals or firms that submit proposals in mid-September. If you are interested, please submit a proposal to me by September 1. Should you have any questions, please feel free to contact me or you may desire to discuss the position with Leo Tracy.

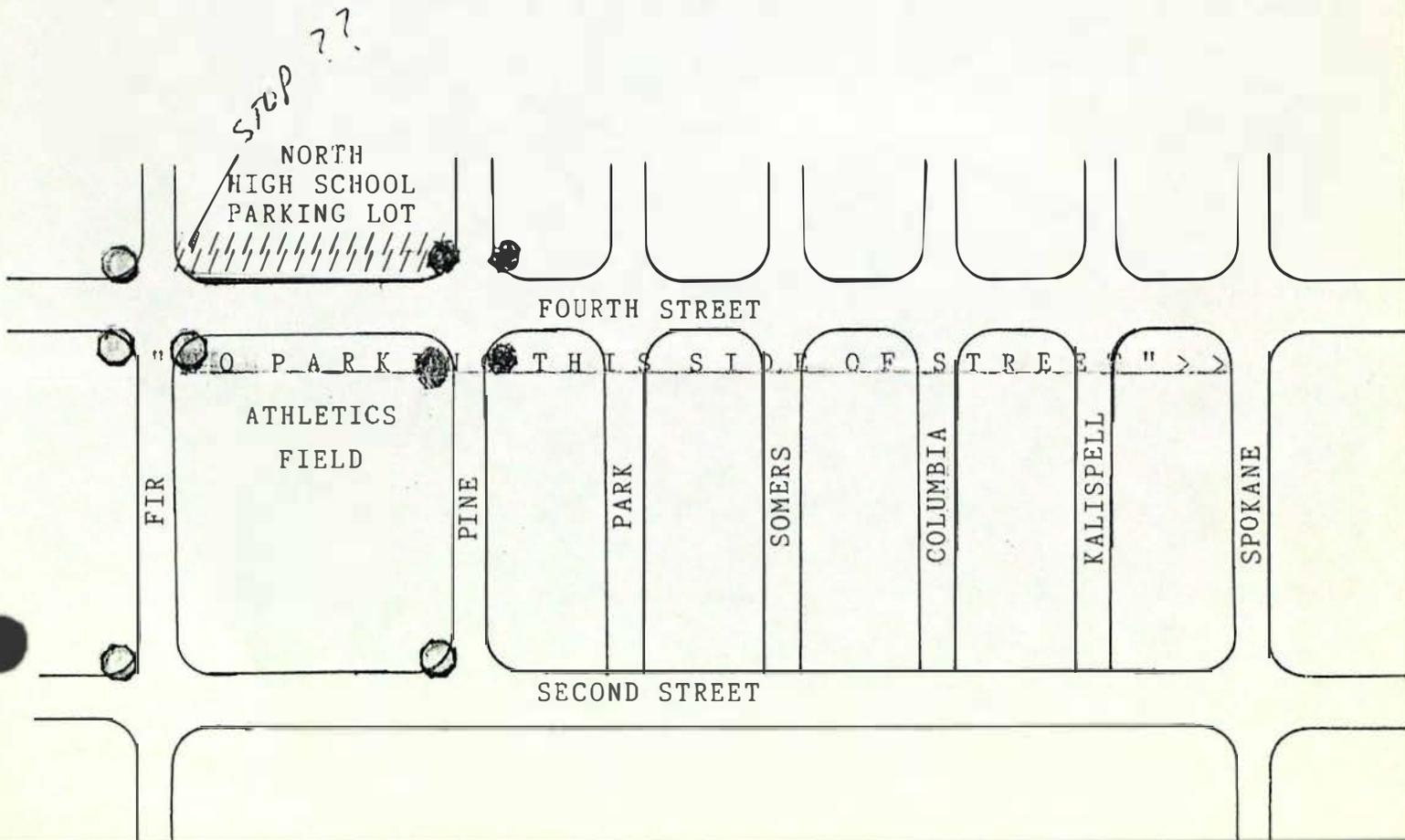
Sincerely yours,

Ralph Freedman
City Manager

tf

RECOMMENDATIONS FOR TRAFFIC FLOW CONTROL
REGARDING HOUSING DEVELOPEMENT AT END OF FOURTH STREET

1. "No Parking This Side of Street" signs should be installed on the north side of Fourth Street from Spokane Avenue to Fir Avenue, thus allowing a wider passage of Fourth Street and creating a safer traffic flow near the athletic field.
2. Between Pine Avenue and Fir Avenue, striping will have to be done to show motor vehicle operators where the street ends and the north high school parking lot begins, with the parking spaces being striped also.
3. At the intersection of Fourth Street and Fir Avenue, "Stop" signs should be installed for all traffic to stop except for east-bound traffic.
4. The "Yield Right of Way" signs for north-bound traffic where Pine Avenue and Fir Avenue intersects with Second Street, should be replaced with "Stop" signs.



The alley at the end of 4th Street running North past 3rd Street and out to 2nd Street should be reconstructed to meet alley standards with a stop sign entering onto 2nd Street. 4th Street should be repaired from the intersection of Fir west to Spokane Avenue. Fir needs repair from 4th Street east to 2nd Street. A yield sign or stop sign should be placed at the west end of 3rd Street as it enters Fir.

All other streets intersecting with 4th east from Pine should have yield signs for the north-south traffic, mainly because 4th Street is the only street that runs the entire length to the school and athletic fields - from US #2. This street is a major street when functions at the High School or Ball Fields let out.

4th Street if narrowed to standard sized street should also have a stop sign.

5th; 6th and 7th Streets where they enter Pine should be considered as stop streets.

- ? Construction Routes?
- ? Repair to the Street?

SNOW REMOVAL

Several are concerned about snow removal leaving large berms on street from cars not being moved before plowing - this even makes the traffic lane narrower than normal. It was suggested that people be advised of the snow removal program:

streets - AM - specific days
avenues - PM - specific days

Most realize these can not be strictly adhered due to our weather and policy on snow depths, however, a spot on the radio or the AM/PM program would work most of the time.

Large piles and berms of snow in the area of High School (on corner of 4th and Fir and on 4th between Fir and Pine) becomes a playground for 4x4s.

1314 Fourth Street East
Whitefish, Montana
59937

To the Traffic Study Committee for Fourth Street east of Spokane:

I will be out of town for the study committee meeting in September. We, on the east end of Fourth Street, are against all the traffic that will be coming down Fourth Street from the twenty-nine homes that are being built in Willow Brook.

We believe that the east end of Seventh Street should now be opened up to take some of the traffic from Willow Brook down on Seventh.

The City of Whitefish is always talking about the future. At the present time the City has a big mess of trying to open Seventh Street off Spokane Avenue. Now is the time to look at the future and open up the east end of Seventh Street and bring part of the traffic from Willow Brook down this street.

John Garrity

MINUTES
WHITEFISH CITY COUNCIL
SEPTEMBER 8, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. All Council members were present. Also present were City Manager Freedman, City Attorney Tracy, Building Inspector/Asst. Zoning Administrator Quinn and Street Foreman Wartnow.

MINUTES

On a motion by Sevener, seconded by Hanson, to approve the minutes of the August 17, 1987 Council Meeting as presented. The motion passed unanimously.

PUBLIC COMMENTS

Whitefish resident Burt Johnson stated that he had requested an investigation by the City of the junk yard at Somers and 2nd Street that was owned by James Rauk. Rauk is using his yard for a junk yard which Mr. Johnson felt was against City Ordinances. Building Inspector/Asst. Zoning Administrator Quinn reported that he had mailed a registered letter to Mr. Rauk. Mr. Rauk did not acknowledge that letter, so after conferring with City Attorney Tracy, Quinn sent out another letter. Mayor Amass asked City Attorney Tracy to look into the matter and City Manager Freedman said he would contact Mr. Rauk by letter.

STAFF UPDATES

Councilwoman Moran asked for an explanation of the sewer smell. City Manager Freedman said that the sewer blowers had malfunctioned. At this time, one is back on-line and the other is being fixed. Councilwoman Moran asked about the problem in Shady River when a home was hooked up to the existing sewer line. Street Foreman Wartnow said that sewage went on the ground and the sewer vacator truck had cleaned it up.

OLD BUSINESS

1. Citywide Special Improvement District - City Manager Freedman said that at the last City Council Meeting, no decision was made by the City Council on how to proceed with a Citywide Special Improvement District for street improvements. After some discussion, it was the general consensus of the City Council that they would like City Manager Freedman to proceed with the preparation of an informational packet to be approved by City Council (this packet would be mailed to all property owners within the City). Following this mailing, there would be several public meetings to explain the Special Improvement District and to answer questions. After the public is

September 8, 1987

informed in this manner, the City Council would consider a survey by a professional firm. The Council requested that City Manager Freedman research the cost for a telephone or written survey by a professional firm.

2. Willow Brook Traffic Meeting - City Manager Ralph Freedman presented the recommendations from the homeowners on Fourth Street which included needed stop signs at various intersections (Fourth & Fir, Second & Fir, Second & Pine) and the need to resolve parking and snow removal problems with the School District. In addition to those recommendations, Barbara Schustrom said they also discussed additional stop signs entering Pine on 4th Street, 5th Street, 6th Street and 7th Street. John Garrity had also sent a letter to the Traffic Study Committee stating that he would like to see the east end of Seventh Street opened up to the subdivision to help lessen the traffic coming down Fourth Street. Barbara Schustrom pointed out that the original design for the Subdivision was to use Second Street as the main entry and exit. Mrs. Winston Grogan of 1321 East Third Street expressed her desire to be more fully informed about the Willow Brook Subdivision. City Manager Freedman said he would meet with her and her neighbors anytime to answer their questions.

After more discussion, the City Council decided to proceed with the signage as recommended and snow removal and other traffic problems should be worked out between City Manager Freedman and Ivan Hernandez of the School District.

3. Shady River Letter of Credit - City Manager Freedman reported that Herb Knuth has requested that the balance of monies in his Letter of Credit be released at this time. All public improvements have been installed according to the subdivision plans with the exception of the tie in to the city sewer interceptor line which cannot be made until the line is completed.

On a motion by Hanson, seconded by Sevener, to release the balance of monies in the Shady River Letter of Credit. The motion passed unanimously.

4. City Attorney Interviews - In response to a letter sent to all attorneys in Whitefish, the City received two proposals. Hedman, Hileman & Lacosta submitted one proposal and a joint proposal was received from Paula Johnson and Tom Muri. City Manager Freedman asked the City Council to set a date for interviews with these applicants.

It was decided that interviews would be scheduled for September 21 after the next City Council Meeting.

5. City Manager Reports -

1. Cow Creek Interceptor:

Properties owned by Lyle Barnes, Herb Knuth and Howard Streich will be crossed by the proposed Cow Creek interceptor. They will be receiving easement agreements this week and hopefully by the September 21 meeting the City will have these easement agreements signed. City Manager Freedman also hoped to have engineering proposals to present to the City Council by the next meeting. If these proposals are under \$5,000.00, the City Council can decide at that time on the engineer. However, if the proposals come in over \$5,000.00, state law requires that the City seek proposals

and go through a formal selection process.

Councilwoman Moran asked about a target date for this project. City Manager Freedman said if City Council accepts a proposal on September 21, the completion of the engineering and state approval could be received approximately sixty days later. The city crews could start late this year with construction completed in the spring of 1988 at the latest.

2. Fourth Street and Karrow Avenue Sewer Project:

City Manager Freedman reported that he and Paul Wells had made a walking tour of the project with area residents. The project would start this week with completion in approximately four to six weeks. Freedman said that waivers of protest would have to be accepted from some property owners who desired sewer but who were not contiguous to the City.

3. Visitors' Information Center:

A "Welcome to Whitefish" sign has been placed on city property across from the golf course. City Manager Freedman stated that he was attempting to lease property from Jim Kane just north of the Shangri-La Restaurant for another "Welcome to Whitefish" sign. The signs will be paid for by donations from the financial institutions in Whitefish.

4. Highway 93 Widening:

Freedman reported that he had discussed with Highway Commissioner Roy Duff the extension into Whitefish of the four lane project for Highway 93. Previously, the project was to go from north of Kalispell to Highway 40. It now seems likely that the project will be extended to Baker Avenue in Whitefish.

5. Friction Course Project:

The two blocks of Central Avenue and the two blocks of Baker Avenue were completed by A-1 Paving during the day. The striping of Central Avenue will be undertaken by the Street Department early Thursday morning.

6. Park Projects:

A-1 Paving paved the parking lot at Riverside Park and the Street Department enlarged and graveled the parking lot at Mountain Trails Park.

7. Other Projects:

City Manager Freedman gave the City Council updates on several other items that he was pursuing. Updates were given on the following: a meeting with homeowners on West Lakeshore Drive, Park Maintenance, the Interlocal Agreement on Memorial Park, the Water Master Plan, Downtown Parking, the Business Improvement District, the Phosphorous Removal Project and the Job Opening in the Public Works Department.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler asked for clarification of the Police Commission position and if there were any upcoming openings on any other boards. City Manager Freedman said the effective date of the Police Commission position would be May 1, 1987 for a three year term. There are no other openings at this time.

Councilman Boksich asked if anything has been done about the parking on Baker Avenue across from the Post Office. Street Foreman Wartnow reported that the sign has just arrived and the street crew will stripe the area Thursday morning according to Police Chief Dolson's directive on parking space size.

Councilman Boksich then expressed his concern that there is still no way to walk to the Post Office and he would like the situation rectified before winter. City Manager Freedman recommended that whether the sidewalks be ordered in for the east or west side of Baker Avenue, they should be constructed per the specifications from Sorenson & Co. When Baker Street is improved, the sidewalks will then be constructed in the proper place. The sidewalks should be built the full length of the block because some grading will be necessary to make the sidewalk fully accessible to all people. One of the problems with the Baker Avenue Project previously was the proposed assessments on property owners. City Manager Freedman said that City Council will have to decide how to pay for the sidewalks. Following more discussion, Councilman Boksich said he would like to have something in hand on this project by the next council meeting.

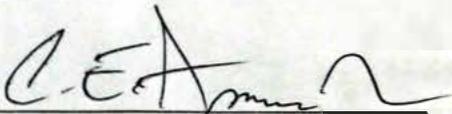
Councilwoman Moran asked for clarification of Ron Ridenour's access to his house off Second Street. Building Inspector/Asst. Zoning Administrator Quinn reported that Mr. Ridenour now has a Second Street address and has given the city a written ten foot easement on his land adjacent to the alley extending from his house to Second Street.

Councilwoman Moran said she has received several complaints about potholes in the pavement in the intersection of Colorado Avenue and Edgewood. Street Foreman Wartnow said the intersection was the County's responsibility and the city crews will fix the holes along Colorado and contact the County about the other potholes.

Councilwoman Moran requested permission to leave the state on business from September 10 thru September 13 and from October 1 thru October 5. On a motion by Boksich, seconded by Sevener, to approve this request. The motion passed unanimously.

Councilman Sevener asked about the maintenance of the Burlington Northern land at Railway and Spokane. City Manager Freedman said under an oral agreement with Burlington Northern, the City mows that area. The agreement called for the Burlington Northern to remove the concrete slabs and for both entities to work together to beautify the area. The Burlington Northern will also bring in 260 yards of crushed shale that the City will use at Riverside Park and at Mountain Trails Park.

On a motion by Sevenser, seconded by Boksich, to adjourn at 8:55 P.M.
The motion passed unanimously.



Mayor

ATTEST:



Deputy City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
September 21, 1987

- 7:00 I. Approval of the minutes of the September 8, 1987 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:15 III. STAFF REPORTS
1. Water/Sewer
 2. Street/Sanitation
 3. Police
 4. Building Inspector
 5. Fire
- 7:30 IV. OLD BUSINESS
1. Resolution No. 87-30: Annexation of wholly surrounded property owned by Albertus Vandenberg
- 7:45 V. CITY MANAGER REPORTS
1. Heritage Day
 2. Sidewalks on Baker Avenue
 3. Cow Creek Interceptor
- 8:15 VI. COUNCIL REPORTS OR COMMENTS
- 8:30 VII. CITY ATTORNEY INTERVIEWS
- 10:15 VIII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: September 8, 1987
RE: September 21, 1987 Meeting

Here are my comments and my recommendations on the Council Agenda items for the September 21, 1987 Council Meeting:

1. Resolution No. 87-30: In your packet, you have the proposed resolution and a letter from Mr. & Mrs. Vandenberg on the proposed annexation. The parcel of land in question is wholly surrounded by other property within the City of Whitefish. I can empathize with the points raised by the Vandeborgs in their letter but I feel that the City Council must annex this property into the City of Whitefish. At a previous Council Meeting, the City Council annexed other wholly surrounded properties into the City of Whitefish.

Recommendation: Approve Resolution 87-30.

2. Heritage Day: The State Legislature in the last legislative session approved the bill that combines Lincoln's birthday and Washington's birthday as one legal holiday. The same bill established Heritage Day as a legal holiday. This holiday is to be observed annually on a date determined by the governing body of each political subdivision. I will be discussing this matter with all of the city departments and I will make a recommendation to you at a future meeting.

Recommendation: No action necessary at this time.

3. Sidewalks on Baker Avenue: Enclosed in your packet is an estimate that I requested from Hamilton Enterprises on the dirt work between Third and Fourth Streets for the proposed sidewalk project. As you can see, there is approximately \$6,700 estimated for this work. On top of this figure, I estimate an additional \$1,000 for retaining walls along the west side of Baker Avenue. The cost of the sidewalk will be approximately \$1.50 per square foot. I should have a firm figure from Marriott Construction by the September 21st Council Meeting.

Recommendation: Delay the project until it can be coordinated properly with the overall street improvement project on Baker Avenue.

4. Cow Creek Interceptor: I am in the process of receiving estimates from several engineers on the Cow Creek Interceptor Project. In an effort to give all of the engineers ample time to review this project, their proposals were requested by September 21st. I am also attempting to have the three easement agreements executed by our Council Meeting.

Recommendation: I would recommend that you award a bid to one of the engineering firms if their bid is under \$5,000 and that the engineering work be given to Sands Surveying because they have done all of the preliminary work on this project. A notice to proceed with both the engineering and the surveying should be issued only when the City has obtained signed easements from the three property owners.

5. City Attorney Interviews: I have scheduled Paula Johnson and Tom Muri for an interview at 8:30 p.m. and Hedman, Hileman & LaCosta for an interview at 9:30 p.m.

Should any of you need additional information on any of these matters, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
SEPTEMBER 21, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Boksich, Moran and Faessler. Councilman Sevener was absent. Also present were City Manager Freedman, City Attorney Tracy, Building Inspector/Asst. Zoning Administrator Quinn, Street Foreman Wartnow, Water/Sewer Supervisor Acton and Police Chief Dolson.

MINUTES

Councilwoman Moran corrected the Minutes of the September 8, 1987 Council Meeting as follows:

1. At the beginning of each Council Meeting instead of stating that all Council Members are present, the Council Members should be listed by name.
2. Page 3, paragraph 2, Moran requested that the Council be notified prior to any neighborhood walks.

On a motion by Faessler, seconded by Moran, to approve the minutes of the September 8, 1987 Council Meeting with the above corrections. The motion passed unanimously.

PUBLIC COMMENT

Bert Johnson said that at the last Council meeting, he had requested an investigation by the City of the junk yard at Second Street and Somers Avenue owned by James Rauk. City Manager Freedman explained that Building Inspector/Asst. Zoning Administrator Quinn had sent letters to Mr. Rauk and he had until September 24 to clean the lot. If it was not cleaned up by this date, the City would take the necessary steps to have the lot cleaned up.

STAFF REPORTS

Police Chief Dolson and Building Inspector/Asst. Zoning Administrator Quinn submitted written reports.

Water/Sewer Supervisor Acton reported that the Fourth Street and Karrow Avenue sewer line project was under way and he anticipated it would be approximately three (3) to four (4) weeks before doing the Highway 93 portion of the project. (This would be left until the end to allow the City more time to negotiate easements which would enable the City to construct the sewer line without digging in the Highway 93 ROW).

Acton also reported the blower problem at the treatment plant was being resolved and the odor was down quite a bit but there was still one blower to be installed this week.

Councilwoman Faessler said she was concerned about the pressure in the water lines and she said that her hot water heater was continually draining hot water down the drain. She asked Acton if the City was going to put master release valves on the mains. Acton said that the pressure in the water lines was the same as it had been for twenty (20) years and there were no plans to put master release valves on the system. He said if people would follow the Uniform Plumbing Codes when installing their hot water heaters, they would not have problems.

Street Foreman Wartnow reported the Street Department had completed the following:

1. Prepared and cleaned up Riverside Park for the paving of the parking lot;
2. Striped Central Avenue, the School crossings and striped in front of the Physicians Clinic for parallel parking;
3. Improved the parking area at Mountain Trails Park with new gravel;
4. Prepared plots at the Cemetery for sodding; and
5. Cut weeds and grass on empty lots around the City, mowed along roadways, patched potholes and did some alley grading.

Wartnow said they were continuing the street sweeping program but people were still being asked to bag leaves and the street crew would pick them up.

OLD BUSINESS

1. RESOLUTION NO. 87-30: ANNEXATION OF WHOLLY SURROUNDED PROPERTY: City Manager Freedman explained that two (2) parcels of land were proposed for annexation - Tract 6AFACF owned by Marguerite Schenck and part of Tract 6K owned by Albertus and Elaine Vandenberg. The Vandenberg had sent a letter opposing the annexation and Marguerite Schenck was not opposed. City Manager Freedman told the Council that both parcels were wholly surrounded by the City and he recommended the Council adopt Resolution No. 87-30 annexing the properties.

Councilwoman LaTourelle said she had talked to the Vandenberg who were opposed to annexation because years ago when they built their home, the City required them to extend the sewer line 160'. They were told they could recover some of their costs when people hooked onto the sewer line, however, Colonial Manor, Nazarene Church, etc. had hooked on and they were not reimbursed. LaTourelle said they were very bitter toward the City and in her opinion the property should not be annexed at this time. She suggested that City Manager Freedman talk to the Vandenberg and try to resolve the problems. The Council was in agreement with LaTourelle and they discussed amending Resolution 87-30 deleting the Vandenberg property. City Manager Freedman requested the entire Resolution be tabled and on a motion by Hanson, seconded by Faessler, to table the issue until the next Council meeting. The motion passed unanimously.

2. WHITEFISH CITY-COUNTY MASTER PLAN: Tom Jentz, a Senior Planner in the Flathead Regional Development Office, reported that the City-County Planning Board at their August 20, 1987 meeting approved by a vote of 5 to 0 the wording the Planning Office had proposed. They felt it was a workable compromise between the wishes of the City Council and the wording the County

Commissioners preferred. Jentz said they urged the Council to adopt it or appoint a joint committee with the Commissioners to work out language which is acceptable to both groups.

Councilwoman Faessler said she was concerned about the changes proposed to number 2 under Growth Management on page 2. She had no problem with the rest of the proposal and she emphasized that the quality of the lake had to be preserved and wanted the original language ("should be established") left in the Plan. The Council agreed with Faessler and after some discussion, on a motion by LaTourelle, seconded by Moran, to adopt the recommendations of the City-County Planning Board except on page 3 number 2, leave in the old language "established". (#2 should read: "A land development code should be established for the northwest end of Whitefish Lake which provides for orderly development opportunities while addressing the unique limitations of the area"). The motion passed unanimously.

CITY MANAGER REPORTS

1. HERITAGE DAY: City Manager Freedman explained that the State Legislature in the last legislative session approved a bill that combines Lincoln's birthday and Washington's birthday into one legal holiday. The same bill established Heritage Day as a legal holiday which is to be observed annually on a date determined by the governing body of each political subdivision. He said that he would meet with the Department Heads to see when they would like to see the holiday observed and he would bring the issue back at a later date.

2. SIDEWALKS ON BAKER AVENUE: City Manager Freedman said that Hamilton Enterprises had submitted a bid of \$6,700 for the dirt work between Third and Fourth Streets for the proposed sidewalk project. On top of this figure would be an additional \$1,000 for retaining walls along the west side of Baker Avenue. The cost of the sidewalk would be approximately \$1.50 per square foot. City Manager Freedman recommended that the project be delayed until it can be coordinated properly with the overall street improvement project on Baker Avenue.

Councilman Boksich did not agree with tabling this issue. He said that something had to be done. Councilman Hanson suggested that on the east side crushed gravel be put under asphalt, as an inexpensive temporary fix. The Council agreed that something should be done and approved the temporary improvements with the City funding the costs.

4. COW CREEK INTERCEPTOR: City Manager Freedman said he had received five (5) bids from Engineers on the Cow Creek Interceptor Project. They were as follows:

- | | |
|--|------------|
| 1. Carver Engineering
Kalispell, Mt. | \$9,800.00 |
| 2. Stahly Engineering & Assoc.
Kalispell, Mt. | \$9,500.00 |

- | | |
|---|------------|
| 3. WMW Engineering
Whitefish, Mt. | \$8,950.00 |
| 4. Morrison-Maierle, Inc.
Kalispell, Mt. | \$7,750.00 |
| 5. Thomas, Dean & Hoskins, Inc.
Kalispell, Mt. | \$4,000.00 |

Sands Surveying had submitted a proposal for the surveying services as follows:

1. Additional profiles and topos that may be necessary for final engineering plans: \$800.00 to \$1,250.00; and
2. Construction staking for 4200 plus feet of sewer line from the engineer's plans: \$2,000.00 to \$3,000.00.

All surveying would be based on hourly rates of \$65.00/hour for a two-man crew and equipment, plus mileage and materials.

City Manager Freedman recommended that the Council award the bid to Thomas, Dean & Hoskins, Inc. (low bid of \$4,000) for the engineering of the project and that the surveying work be given to Sands Surveying because they have done all of the preliminary work on this project. Freedman said a notice to proceed with both the engineering and the surveying should be issued only when the City has obtained signed easements from the three property owners. (Two of the property owners, Barnes and Knuth, had already signed easements and the Streich easement should be signed within the week).

After some Council discussion, on a motion by Boksich, seconded by Faessler, to award the engineering bid to Thomas, Dean & Hoskins, Inc. with the total amount of the bid not to exceed \$4,000. The motion passed unanimously.

The Council also approved utilizing Sands Surveying for the preliminary work.

CITY MANAGER REPORTS:

1. Lighting at Golf Course: City Manager Freedman reported that a Committee called the Doubletree Lighting Committee has proposed putting Christmas tree lighting on the two large spruce trees at the Whitefish Lake Golf Course. There is a possibility that after the improvements are made, they may deed over the improvements to the City of Whitefish. The Golf Association has agreed to pay for the utilities for the lights. Within the lease agreement that we have with the Whitefish Golf Association, written approval from the City Council is not needed unless the improvements exceed \$10,000 and they anticipate this project will cost approximately \$7,000 to \$8,000.

Phil Mitchell said that the Golf Association donated money for the downtown lighting and has insisted that the Lighting Committee not solicit for donations for this project. The Golf Association Board has approved this project.

2. Eugene Hill Lawsuit: City Manager Freedman told the Council there was a lawsuit filed against the City by Eugene Hill who had a fire at his body shop on Armory Road two (2) years ago. Mr. Hill contends that the response time by the fire department was not adequate. Freedman said he has been working with the Attorney from Missoula who is representing our insurance company and the dispatcher logs indicate that the trucks went out within approximately 5 to 7 minutes after the call came into the dispatch center. Freedman said both he and the Attorney do not feel the lawsuit is a problem and he would continue to work with the Insurance Company and their Attorney to try and get the matter resolved.

3. Lease of Property from Jim and Eileen Kane: City Manager Freedman said that he had signed a lease agreement with Jim and Eileen Kane for a 100 X 100 foot parcel of ground that is north of the Shangri-La Restaurant. On that site the "Welcome to Whitefish" sign has been placed. He was also working with the Highway Department and they will try to establish parking that will be separated from Hwy 93 by concrete curbing and the parking area would be striped. He also said that he is working with the Chamber of Commerce to get some sort of visitor information center, picnic tables, etc. We would do something similar on the west side across from the Golf Course where another "Welcome to Whitefish" sign has been installed. Freedman said the financing for the signage will come from the four (4) financial institutions in Whitefish.

4. Water Master Plan Meeting: City Manager Freedman said that the Water Master Plan discussion had been scheduled for the next Council Meeting. Both he and the Mayor would not be at the next City Council Meeting. He suggested that the issue be postponed and he recommended that a workshop meeting be held to review the Water Master Plan. The Council agreed with this recommendation.

COUNCIL REPORTS OR COMMENTS

Councilwoman Moran said that both she and Councilman Boksich were concerned about the monkey bar situation at Cross Currents School. Mrs. Krona had complained that the kids were climbing on top of the monkey bars and the noise was very disruptive. Councilman Boksich said the painting of the fence was not completed and it had been built backwards. Phil Mitchell said the fence would be completed but he said that it was impossible to please the Kronas. After Council discussion, they asked City Manager Freedman to talk to the School and to the neighbors to try and resolve all of the problems.

Councilwoman LaTourelle requested to leave the state from October 12 until November 1. On a motion by Hanson, seconded by Moran, to approve this request. The motion passed unanimously.

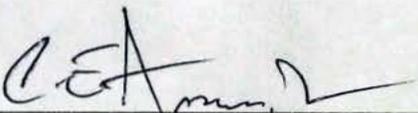
Councilman Hanson requested that the area between the Golden Agers and the river be a priority item for next spring. He said it should be graveled and dustcoated and was also in need of mowing, etc. City Manager Freedman said this would be done.

CITY ATTORNEY INTERVIEWS

The Council then conducted interviews for the City Attorney position. Proposals had been received from Paula Johnson and Tom Muri and Hedman, Hileman & Lacosta.

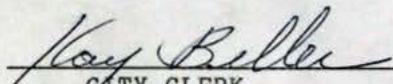
On a motion by Faessler, seconded by LaTourelle, to adjourn the regular meeting at 10:55 P.M. The motion passed unanimously.

The City Council on a motion by Boksich, seconded by Moran to go into executive session at 10:55 to discuss the City Attorney applicants. The motion passed unanimously. After some discussion, on a motion by Faessler, seconded by Moran, to adjourn the executive session at 11:17 P.M. The motion passed unanimously.



MAYOR

ATTEST:



CITY CLERK

MINUTES
WHITEFISH CITY COUNCIL
SEPTEMBER 28, 1987

A special meeting of the Whitefish City Council was called to order by Mayor Amass at 7:04 P.M. Council members present were: Hanson, Sevener, LaTourelle, Boksich, Moran and Faessler. Also present was City Manager Freedman.

City Attorney

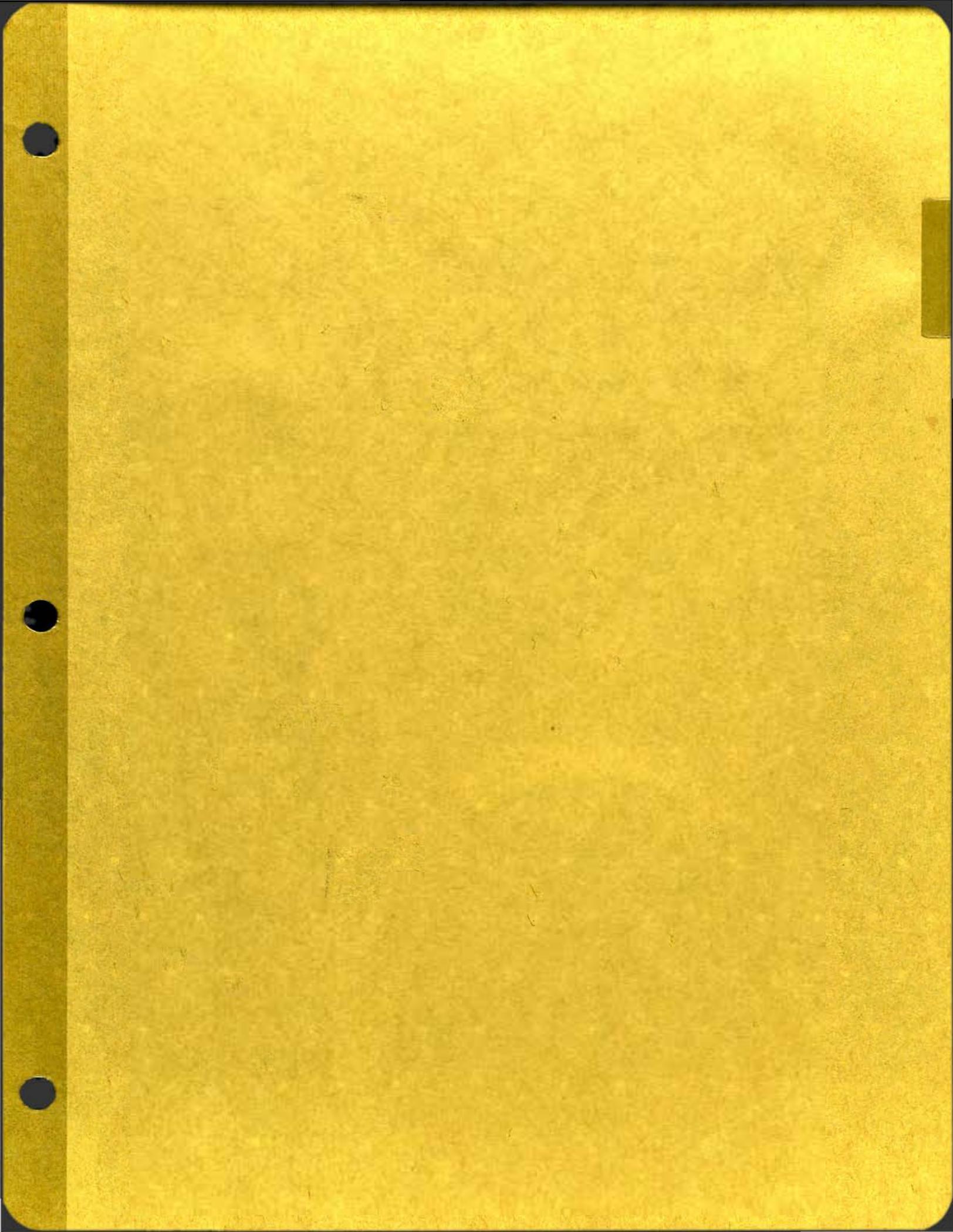
On a motion by Hanson, seconded by Sevener, to go into executive session at 7:05 P.M. to discuss the City Attorney interviews of September 21. The motion passed unanimously.

On a motion by LaTourelle, seconded by Faessler, to go out of executive session at 7:49 P.M. The motion passed unanimously. The City Council members agreed that a new City Attorney would be chosen at the October 5 City Council Meeting.

Council Reports or Comments

Councilwoman Moran requested permission to leave the state on business from October 14 through October 26. On a motion by Hanson, seconded by Sevener, to approve this request. The motion passed 5-0 with Moran abstaining.

On a motion by Moran, seconded by Faessler, to adjourn the meeting at 7:52 P.M. The motion passed unanimously.





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
October 5, 1987

- 7:00 I. Approval of the minutes of the September 21, 1987 and the September 28, 1987 Meetings
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. OLD BUSINESS
1. Discussion on the appointment of a new City Attorney
 2. Resolution 87-30: Annexation of Schenck property
- 7:40 IV. COUNCIL REPORTS OR COMMENTS
- 7:55 V. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
OCTOBER 5, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Pro-tem LaTourelle at 7:00 P.M. Council Members present were Hanson, Sevener, Boksich, Moran and Faessler. Also present were City Attorney Tracy and Police Chief Dolson.

MINUTES

On a motion by Sevener, seconded by Faessler, to approve the minutes of the September 21, 1987 Council Meeting. Faessler withdrew her second and Sevener withdrew the motion.

On a motion by Moran, seconded by Faessler, to approve the minutes of the September 21, 1987 Council Meeting. The motion passed with 5 aye votes and 1 abstention. Sevener abstained.

On a motion by Hanson, seconded by Moran, to approve the minutes of the September 28, 1987 Council Meeting. The motion passed unanimously.

PUBLIC COMMENT

None

OLD BUSINESS

1. DISCUSSION ON THE APPOINTMENT OF A NEW CITY ATTORNEY: Two applications had been received for this position - one from Paula Johnson and Tom Muri, and one from the Hedman, Hileman and Lacosta Law Firm. The Council discussed the two applications and felt all candidates were well qualified. They agreed that they would like to continue to have one individual as City Attorney and on a motion by Boksich, seconded by Sevener, to offer the position to Tom Muri with the total dollar outlay by the City for this year to be no greater than the amount budgeted. City Manager Freedman would work out a contract if Mr. Muri accepts the offer. The motion passed with 5 aye votes and 1 abstention. Faessler abstained.

2. RESOLUTION 87-30 - ANNEXATION OF SCHENCK PROPERTY: This Resolution was tabled at the September 21, 1987 Council Meeting so City Manager Freedman could talk to the Vandenberg and try to resolve the problems they had with the annexation. The Vandenberg have not been contacted as of this date, thus their property would be excluded from Resolution No. 87-30 and the Schenck property would be the only property considered for annexation by the Council.

The Council discussed the annexation and the consensus was that both properties should be annexed at the same time and on a motion by Hanson, seconded by Faessler, to table Resolution 87-30 until City Manager Freedman can come back with a report on the Vandenberg issue. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler asked Police Chief Dolson about the speeding on Second Street. He said that the police were patrolling Second Street around the schools to help alleviate the speeding and traffic violations in this area.

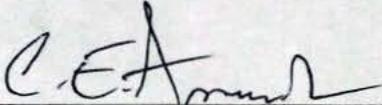
Councilman Boksich said he had received complaints about the Eighth Street traffic (direct route for kids to go to the Mini Mart). The people told him it is a race track during the lunch hour and after school. Police Chief Dolson would check this area.

Councilwoman Faessler asked Dolson what complaints they had received on the Poverello Center. Dolson said they had not received any complaints since the issue came up at the July 20 Council Meeting. He said the Poverello Center had a new administrator, Bob Ruth, and he was working closely with the Department. Councilwoman Faessler asked about the Committee that was supposed to be working on this issue but as of this date, no committee has been formed. She requested that the Council be notified of any meetings they might have.

Councilman Hanson commended and thanked City Manager Freedman and Street Foreman Wartnow for the excellent job they did on putting in the new sidewalk on Baker Avenue between Third and Fourth Streets.

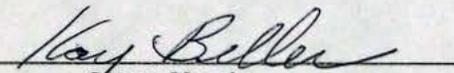
The Council requested that City Manager Freedman formally appoint an acting City Manager by the next Council Meeting.

On a motion by Boksich, seconded by Sevener, to adjourn at 7:34 P.M. The motion passed unanimously.

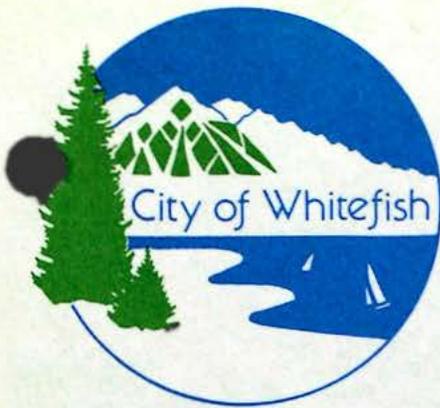


Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: October 14, 1987
RE: October 19, 1987 Meeting

Here are my comments and my recommendations on the Council Agenda items for the October 19, 1987 Council Meeting:

1. AWARD OF PHOSPHORUS REMOVAL FACILITY BID: On October 9, we opened bids on the Phosphorus Removal Project for the Sewer Treatment Plant. Enclosed in your packet are the nine bids that we received on this project. The low bidder on this project was Swank Enterprises of Kalispell with a construction bid of \$1,386,000. They also bid \$40,200 for a sludge removal truck that was part of this project. The engineer's estimate for Schedule 1 and Schedule 2 was \$1,485,000.

Recommendation: I would recommend that the City Council award this bid to Swank Enterprises and that the City Administrator be authorized to sign the appropriate agreements after approval is received from the Department of Health.

2. FLATHEAD ECONOMIC DEVELOPMENT CORPORATION: Enclosed in your packet is the five year program for the Flathead Economic Development Corporation. The Corporation is asking that each government entity within Flathead County make a contribution to help subsidize the fund raising effort which is currently underway. Flathead County has been asked to make a contribution of \$4,000 and each of the three cities are being asked to contribute \$2,000. These monies along with the private donations will be used to fund the programs that are outlined in the Five Year Program.

Recommendation: I would recommend that the City of Whitefish commit \$2,000 to the Flathead Economic Development Corporation to help promote economic development in Flathead County.

3. COW CREEK INTERCEPTOR AND FOURTH STREET SEWER PROJECTS: I have obtained the needed easements for the Cow Creek Interceptor Project. An agreement was signed with TD&H last week and the engineering should be completed in approximately three weeks.

I am in the process of obtaining four easements behind the homes on Second Street between the river and Good Avenue. With these easements, there will be considerable financial savings for the City during construction.

4. CENTRAL AVENUE OVERLAY: Last week, A-1 Paving overlaid Central Avenue between Third and Fourth Streets. Early next week, we will be receiving curbing from Flathead Concrete which we will put on the west side of Central Avenue where no curbing exists at the present time. We will then stripe the west side of Central Avenue for angle parking as per a recommendation of the Parking Commission.

5. WEST SEVENTH STREET SEWER PROJECT: At the City Council Meeting, I will give you a report on the status of this project. A meeting of the homeowners is scheduled for October 15th.

6. POLICE COMMISSION APPOINTMENT: Three applications were received for the vacancy on the Police Commission - Dick Peterson, Jim Alderson and Keith Armstrong.

Recommendation: I would recommend that the City Council confirm my appointment of Keith Armstrong to the Police Commission.

7. SEWER REVENUE BONDS: In your packet is a letter from Mark Semmens of D.A. Davidson on the Sewer Revenue Bond issue. I will discuss the information contained in this letter in more detail at the City Council Meeting.

If you have any questions on these or any other items, please feel free to contact me.



Box 158, Whitefish, Montono 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
October 19, 1987

- 7:00 I. Approval of the minutes of the October 5, 1987 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS
1. Water/Sewer
 2. Street/Sanitation
 3. Police
 4. Building Inspector
 5. Fire
- 7:35 IV. NEW BUSINESS
1. Award of Phosphorous Project Bid
 2. Flathead Economic Development Corporation
- 8:05 V. CITY MANAGER REPORTS
1. Financial Reports
 2. Cow Creek Interceptor and Fourth Street Sewer Projects
 3. Central Avenue Overlay between Third and Fourth Streets
 4. Update on West Seventh Street Sewer Project
 5. Appointment of Police Commission member
 6. Sewer Revenue Bonds
 7. Cross Currents Christian School
- 8:55 VI. COUNCIL REPORTS OR COMMENTS
- 9:10 VII. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
OCTOBER 19, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Faessler, Boksich, Sevener and Hanson. LaTourelle and Moran were absent. Also present were City Manager Freedman, City Attorney Tracy, Building Inspector/Asst. Zoning Administrator Quinn, Police Chief Dolson and Street Foreman Wartnow.

MINUTES

Councilman Hanson wanted the minutes to show that Councilman Sevener abstained from voting on approval of the minutes of the September 21, 1987 Council Meeting because he was not in attendance and Councilwoman Faessler abstained from voting on the appointment of the City Attorney due to a conflict of interest.

On a motion by Boksich, seconded by Sevener, to approve the Minutes of the October 5, 1987 Council Meeting as amended. The motion passed unanimously.

PUBLIC COMMENT

Ted Rohla, 940 Dakota Avenue, explained that on September 15th the Glenwood Homeowners had met with City Manager Freedman on paving Glenwood Road and on other issues. In subsequent conversations with City Manager Freedman, Rohla had expressed the desire to pave Glenwood Road. He said the problem was that he could not find out what width the City wanted the road paved. He had received a bid for paving the street 22 feet wide but Engineer Paul Wells said the City would probably require 26 feet. Rohla requested the Council set a date to discuss and resolve this issue with him.

City Manager Freedman said he had met with the Glenwood Homeowners to discuss several issues (water, sewer, garbage pickup and paving the street). He said the City has standards that had to be looked at such as the ones used in the Willow Brook Subdivision. He indicated that he had just received the letter from Paul Wells today and the City Staff needed more time to study the issue before they could bring their recommendations to the City Council. He said they would have a recommendation by the next Council Meeting.

Mr. Rohla said that on January 20th, he had delivered a letter to City Attorney Tracy requesting clarification on how the City could tax him for his front footage along a street that the City does not maintain. He requested an answer to his letter. City Attorney Tracy said he would have the answer by the next Council Meeting.

STAFF REPORTS

Written reports had been received from Police Chief Dolson, Building Inspector Quinn and Street Foreman Wartnow.

Councilwoman Faessler and Councilman Boksich thanked Street Foreman Wartnow for the excellent job the street crew was doing in blading the alleys and sweeping the streets.

NEW BUSINESS

1. AWARD OF PHOSPHORUS REMOVAL FACILITY BID: City Manager Freedman said that on October 9th, the bids were opened on the Phosphorus Removal Project for the sewer treatment plant. The low bidder was Swank Enterprises of Kalispell with a construction bid of \$1,386,000. They also bid \$40,200 for a sludge removal truck that was part of this project. The engineer's estimate for Schedule 1 and Schedule 2 was \$1,485,000. City Manager Freedman recommended that the City Council award this bid to Swank Enterprises and that the City Administrator be authorized to sign the appropriate agreements after approval is received from the Department of Health.

The bids received are as follows:

<u>Contractor Name</u>	<u>Schedule I</u>	<u>Schedule II</u>
Swank Enterprises Kalispell, Mt.	\$1,386,000	\$40,200
Chet Brown & Sons Lewistown, Mt.	\$1,494,000	None
Nelcon, Inc. Missoula, Mt.	\$1,641,330	None
Williams Bros. Constr. Lewistown, Mt.	\$1,663,000	None
Pack & Co. Kalispell, Mt.	\$1,685,000	None
Sletten Construction Great Falls, Mt.	\$1,732,000	\$42,500
LHC, Inc. Kalispell, Mt.	\$1,763,374.35	None
Quality Constr. Missoula, Mt.	\$1,844,585	None
Lamb Engineering and Construction Salt Lake City, Utah	\$1,999,862	\$59,995

Councilman Hanson questioned the bid on the truck and asked City Manager Freedman if the City could get a better price by contacting the dealers directly. City Manager Freedman agreed with Councilman Hanson and he said he would try to get a better price on the truck.

On a motion by Sevener, seconded by Boksich, to accept the bid of Swank Enterprises for Schedule I (\$1,386,000) and delay Schedule II to see if the City Manager could get a better price on the truck. The motion passed unanimously.

2. FLATHEAD ECONOMIC DEVELOPMENT CORPORATION: City Manager Freedman said that he had enclosed in the Council packets the Five Year Program for the Flathead Economic Development Corporation. The Corporation is asking that each government entity within Flathead County make a contribution to help subsidize the fund raising effort which is currently underway. Flathead County has been asked to make a contribution of \$4,000 and each of the three cities are being asked to contribute \$2,000. These monies along with the private donations will be used to fund the programs that are outlined in the Five Year Program. He recommended that the City Council table the issue and bring it back at the next Council Meeting. He would have a member of the Board of Directors at the meeting to answer any questions the Council might have.

Council discussed this issue briefly and on a motion by Hanson, seconded by Faessler, to table this issue until the next Council Meeting so a representative of the Corporation could give a detailed explanation and also give the City Administrator time to determine which fund the \$2,000 would be taken out of if the City decides to make a contribution. The motion passed unanimously.

CITY MANAGER REPORTS

1. FINANCIAL REPORTS: City Manager Freedman gave a summary of the financial reports. He explained that the sewer fund deficit was affecting the cash flow, however, when the City sells the Revenue Bonds this would be corrected. Also, he said the tax collections from the County were not being received promptly. (We will not receive the large checks until December and January). He told the Council the City had approximately \$800,000 invested in the Short Term Investment Pool managed by the State and current interest rates are at 7.4%. He also said the City had investments with the local banks but the interest rates were between 5.5% to 6.0%.

After a short discussion by the Council, on a motion by Faessler, seconded by Sevens, to approve the Cash Status, Revenue and Expenditure Reports for the month of September. The motion passed unanimously.

2. COW CREEK INTERCEPTOR AND FOURTH STREET SEWER PROJECTS: City Manager Freedman reported that he had obtained the needed easements for the Cow Creek Interceptor Project. An agreement was signed with TD&H last week and the engineering should be completed in approximately three weeks.

He said that he was in the process of obtaining four easements behind the homes on Second Street between the river and Good Avenue. With these easements, there would be considerable financial savings for the City during the construction of the Fourth and Karrow Sewer Project.

3. CENTRAL AVENUE OVERLAY: City Manager Freedman said that two weeks ago A-1 Paving overlaid Central Avenue between Third and Fourth Streets. This week, the curbing would be put on the west side of Central Avenue and the City would then stripe the west side of Central Avenue for angle parking as per a recommendation of the Parking Commission. Parallel parking will continue on the east side of Central Avenue in this block.

4. UPDATE ON WEST SEVENTH STREET SEWER PROJECT: City Manager Freedman said that bids had been opened on this project. Hamilton Enterprises had the low bid of approximately \$40,000. He said there were fourteen (14) homeowners

that would be hooking onto the sewer line and hopefully the project would proceed after the homeowners explore their financing options.

5. POLICE COMMISSION APPOINTMENT: City Manager Freedman reported that he had received three (3) applications for the vacancy on the Police Commission - Dick Peterson, Jim Alderson and Keith Armstrong. He recommended that the City Council confirm his appointment of Keith Armstrong to the Police Commission.

On a motion by Hanson, seconded by Faessler, to confirm the City Manager's appointment of Keith Armstrong to the Police Commission. The motion passed unanimously.

6. SEWER REVENUE BONDS: RESOLUTION NO. 87-31: A Resolution of the City Council authorizing and providing for the issuance and sale of its sewerage system revenue bonds in the amount of \$675,000 for the purpose of designing and constructing certain improvements to the Whitefish municipal sewerage system, funding a debt service reserve, and paying certain costs incidental to the sale and payment of bonds.

City Manager Freedman went through the debt service schedule and explained that if the Council adopted Resolution No. 87-31, sealed bids for the Series 1987 Bonds would be opened and considered at a regular meeting of the City Council on November 16, 1987 at 7:30 P.M. The bonds would be repaid over 20 years at an average interest rate not to exceed 11%.

Councilwoman Faessler said she did not feel comfortable adopting this Resolution tonight because the Council had just received the information today. City Manager Freedman said this would start the process and there would be no commitment. He also said that if this resolution was tabled tonight, the bid opening would be pushed back to December 7th meeting at the earliest.

Freedman recommended that the City Council adopt the resolution and authorize the City Staff at the appropriate time to send notices to all users on the sewer system.

After some Council discussion, on a motion by Sevener, seconded by Boksich, to adopt Resolution No. 87-31 authorizing and providing for the issuance and sale of its sewerage system revenue bonds in the amount of \$675,000 for the purpose of designing & constructing certain improvements to the Whitefish municipal sewerage system, funding a debt service reserve, and paying certain costs incidental to the sale and payment of bonds. The motion passed unanimously.

7. CROSS CURRENTS CHRISTIAN SCHOOL: City Manager Freedman had given the Council a copy of a letter received from Claire Strickler informing them of the actions that Cross Currents School had taken on some of the points discussed at the September 21st Council Meeting. She said that the alley portion of the fence had been completely painted and the Kronas agreed that it looked better. Phil Mitchell talked to them after finishing the painting and asked them if they felt the fence should be built higher and they said they did not want it higher. Mitchell also explained why the fence was constructed the way it was. The school was trying to stop children from screaming or shouting on the top of the climbing apparatus. Claire wanted the Council to know there had been considerable communication with the Kronas and they would continue to strive for harmonious relations with them.

Councilwoman Faessler said that in the agreement with Cross Currents, they were supposed to submit a progress report on securing a new location for the school. City Manager Freedman said they had until the end of the year to submit their first report and he would make sure that this was done.

8. CITYWIDE STREET PROJECT: Sorenson & Co. is working on the preparation of information for a packet that would be sent to property owners explaining the Citywide Street Project in more detail. The information would be brought to the next Council Meeting. City Manager Freedman also said he had talked to Bart Smith about printing this information in a newspaper format which would be mailed to all property owners within the proposed project area.

COUNCIL REPORTS OR COMMENTS

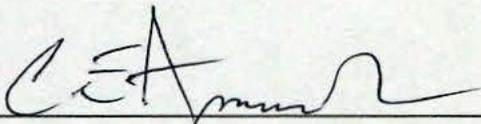
Councilwoman Faessler said that in December there would be quite a few vacancies on the different Boards and she requested the Council be given a list of these vacancies.

Faessler also reported that there had been a bad accident on the corner of 8th and Columbia. Police Chief Dolson said that he would look into more enforcement on this street.

Faessler requested that the Committee to review the Poverello Center be formed by the next Council Meeting. City Manager Freedman said he would contact the Ministerial Association and let them know that a Committee was being formed to meet with them.

Councilman Boksich thanked Tom Muri for accepting the City Attorney position and he also thanked City Attorney Tracy for the excellent job that he has done while serving as City Attorney. The rest of the Council and the Mayor also thanked Leo Tracy. Tom Muri would begin the duties of City Attorney at the next Council Meeting.

On a motion by Faessler, seconded by Sevener, to adjourn at 8:14 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

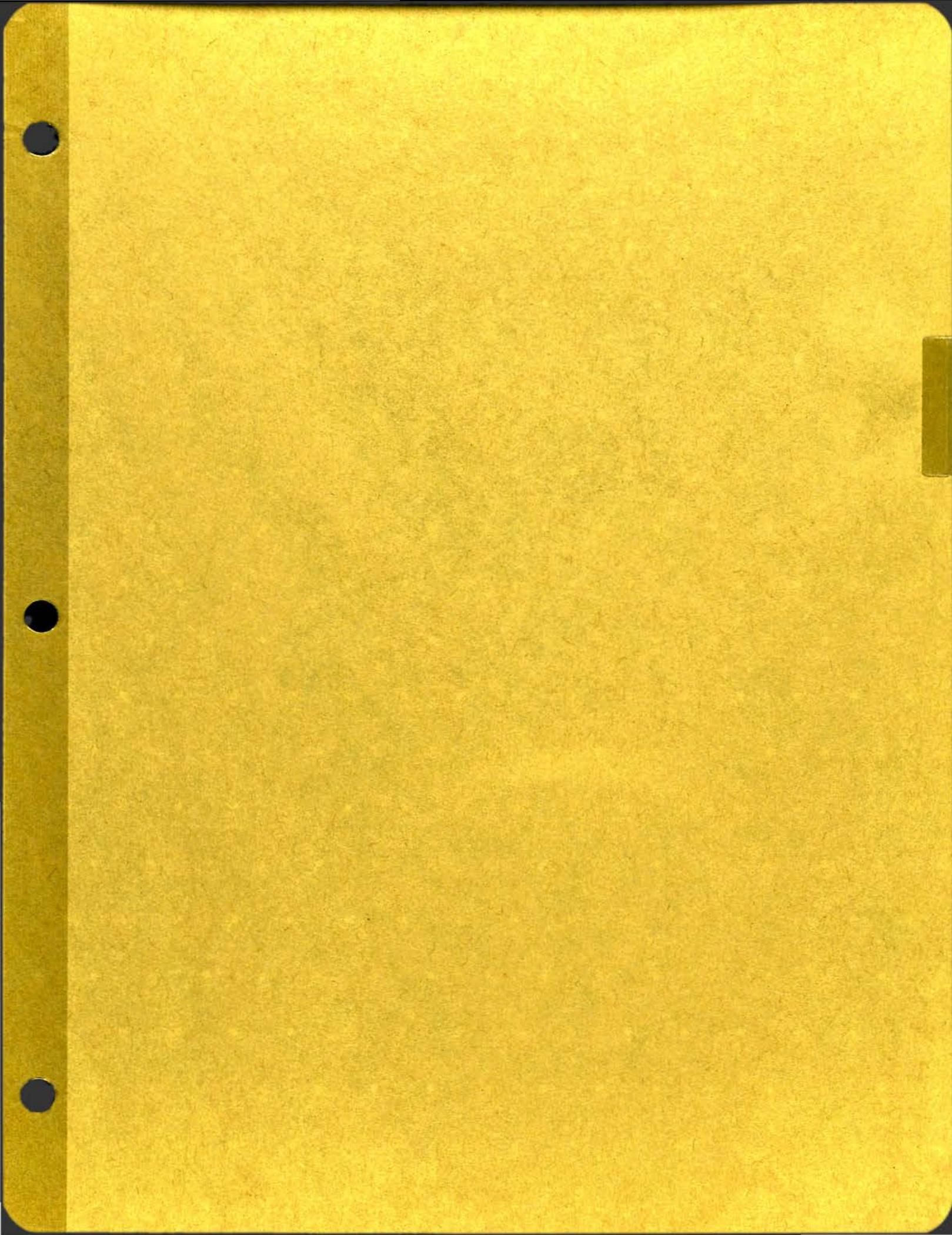
BUILDING REPORT FOR SEPTEMBER, 1987

This month the City sold 16 building permits. Our largest permit was for an extensive remodel job with a second story addition. The job will take about a year and a half to complete. The total of all building permits issued for September was \$1,888.00.

Seven plumbing permits were issued totaling \$387 and one mechanical permit was issued totaling \$292. The total of all permits issued for the month of September was \$2,567.00.

There are many jobs winding down that should be completed by mid-October. The hospital job has been going slowly but October should show a change as the walls and roof should be in place by mid-October and the brick work should also commence. The inside work and the remodel work for the hospital will start in December or in January.

Jerry Quinn
City Building Inspector

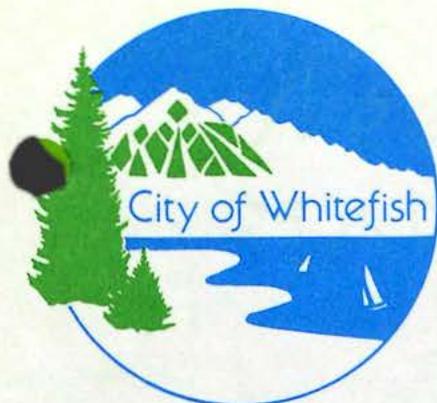




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
November 2, 1987

- 7:00 I. Approval of the minutes of the October 19, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Robert Pilote - Use Permit for 505 Spokane Avenue
 2. Jeff & Ellen Laverdiere - Use Permit for 409 West 4th St.
- 7:30 III. PUBLIC COMMENTS
- 7:45 IV. STAFF UPDATES
- 7:55 V. NEW BUSINESS
1. Montana Municipal Insurance Authority
 - a. Resolution of Participation
 - b. Agreement of Assumption
 - c. Workers' Compensation Risk Retention Program Agreement
 2. Peter Tracy - Planned Unit Development Proposal
 3. Land Use Agreement with National Guard
- 8:45 VI. OLD BUSINESS
1. Flathead Economic Development Corporation Discussion
 2. Sewer Revenue Bond - Resolution 87-32
- 9:30 VII. CITY MANAGER REPORTS
1. Discussion on Citywide Street Project
 2. Suncrest Beach Use Permit
 3. Discussion on Glenwood Road Paving
 4. Schedule II of Phosphorous Removal Project
- 10:00 VI. COUNCIL REPORTS OR COMMENTS
- 10:10 VII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: October 28, 1987
RE: November 2, 1987 Meeting

Here are my comments and my recommendations on the Council Agenda items for the November 2, 1987 Council Meeting:

1. USE PERMIT FOR ROBERT PILOTE: The Whitefish City-County Planning Board approved the use permit request submitted by Robert Pilote with five conditions.

Recommendation: I would recommend that the City Council approve the Use Permit with the conditions proposed by the Planning Board.

2. USE PERMIT FOR JEFF & ELLEN LAVERDIERE: The Whitefish City-County Planning Board approved the use permit request submitted by Jeff & Ellen Laverdiere with eight conditions.

Recommendation: I would recommend that the City Council approve the Use Permit with the conditions proposed by the Planning Board.

3. MONTANA MUNICIPAL INSURANCE AUTHORITY DOCUMENTS: In your packet, there are numerous documents relating to the Workers' Compensation Insurance Program. Due to concerns raised by the State Division of Workers' Compensation, the MMIA has requested that participating municipalities approve the documents that are in your packet.

Recommendation: Approve the Resolution of Participation, the Agreement of Assumption and the Workers' Compensation Risk Retention Program Agreement as proposed by the MMIA.

4. PUD FOR PETER TRACY: According to Section 17.59.040 of the Zoning Regulations, a Planned Unit Development can only occur on parcels of less than two acres of land when the City Council determines that the property is a unique parcel by virtue of its unique character.

Recommendation: I would recommend to the City Council that because of the unique shape of this parcel that Peter Tracy be allowed to submit a PUD proposal to the Planning Board who will then make a recommendation to the City Council.

5. LAND USE AGREEMENT WITH NATIONAL GUARD: Enclosed in your packet is a proposed agreement between the City of Whitefish and the National Guard for the lease of city property by the National Guard for training.

Recommendation: I would recommend that you approve the lease agreement and authorize the City Administrator to sign it.

6. FLATHEAD ECONOMIC DEVELOPMENT CORPORATION: One of the board members from FEDC will be present to discuss the goals and the plans for this organization.

Recommendation: I would recommend that the City of Whitefish contribute \$2,000 in this fiscal year for the FEDC program with the money coming from either the "Professional Services" line item or the "Other Purchased Services" line item under Financial Services within the General Fund.

7. RESOLUTION 87-32: At the last City Council Meeting you approved a resolution authorizing the sale of sewer revenue bonds in the amount of \$675,000 to pay for the city's portion of the state mandated sewer projects. Since that meeting, Dorsey & Whitney has given us an opinion that the full rate increase for the Phosphorous Project must occur at one time rather than be phased in after the completion of the Phosphorous Removal Project. This will cause a greater rate increase to the sewer user but it will also lessen the amount of the bond sale to \$540,000. The savings in debt service payments are considerable because a portion of the rate increase revenues will go directly into paying a portion of our sewer construction costs for the Phosphorous Removal Project.

Recommendation: Someone on the City Council who was at the last City Council Meeting should vote to reconsider Resolution 87-31. If that motion is approved by the Council, a vote is necessary on Resolution 87-31. I would recommend that you then reject Resolution 87-31 because of the need to change the rate structure, the size of the bond issue and the amounts in the debt service schedule. The new debt service schedule is being prepared by D.A. Davidson and I will get a copy of the new resolution with this information to you on Friday.

8. CITYWIDE STREET PROJECT: I have enclosed some information that I have received from Woody Germany on street reconstruction. He is working on additional information that specifically relates to our project. I have also received a slide presentation that should be utilized at our public meetings on this project.

9. SUNCREST BEACH USE PERMIT: I would recommend that the City Council pass a resolution that calls for all improvements in the Suncrest Beach Use Permit be completed by May 31, 1988. I would ask that this be done because of several complaints that we have had from one of the adjoining property owners about the time that has elapsed since the approval of this use permit.

10. GLENWOOD ROAD PAVING: Due to the fact that George Wartnow has been out of town this week, I would like to make my recommendation to you on the street width and the profile for the street at the City Council Meeting on November 2.

11. SCHEDULE TWO OF PHOSPHOROUS REMOVAL PROJECT: I am still waiting for a response from the Department of Health on the necessary bonds that would be required if we were to segregate Schedule 1 and Schedule 2 of this project. I should have a definitive answer for you at the meeting on November 2.

If you have any questions on these or any other items, please feel free to contact me. I need to talk to each one of you individually about the sewer revenue bonds prior to Monday's meeting.

MINUTES
WHITEFISH CITY COUNCIL
NOVEMBER 2, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Moran, Boksich and Faessler. Councilman Sevener was absent. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson and Water/Sewer Supervisor Acton.

MINUTES

On a motion by Faessler, seconded by Boksich, to approve the minutes of the October 19, 1987 Council Meeting as presented. The motion passed with 4 aye votes and 1 abstention. Moran abstained because she was not at the October 19 Council Meeting.

PUBLIC HEARINGS

1. ROBERT PILOTE - USE PERMIT FOR 505 SPOKANE AVENUE: Tom Jentz, Senior Planner for the Flathead Regional Development Office, gave the staff report. He explained that Robert Pilote was applying for a Use Permit to locate the Big Mountain Insurance Agency at 505 Spokane Avenue. The site is zoned WR-4 (High Density Residential) and a Use Permit is required to locate a professional office in this zone. Jentz said that the City-County Planning Board after discussion and evaluation unanimously resolved to adopt the findings of fact of the Flathead Regional Development Office and to recommend that the aforementioned use permit be approved subject to the five (5) conditions per their letter dated October 26, 1987.

Mayor Amass opened the hearing to the public and as there was no public comment, he closed the hearing and turned the matter over to the Council for discussion and action.

The Council discussed the Use Permit and reviewed the criteria required for consideration of a use permit as stated in Section 17.11.130 of the Whitefish Zoning Regulations (Findings of Fact) as presented by the FRDO.

On a motion by Hanson, seconded by Moran, to adopt the Findings of Fact specified by the Flathead Regional Development Office, 1 through 6 on pages 1 and 2 of the Staff Report. The motion passed unanimously.

On a motion by Hanson, seconded by Moran, that the Use Permit be granted with the five (5) conditions recommended by the City-County Planning Board (letter dated October 26, 1987). The motion passed unanimously.

2. JEFF & ELLEN LAVERDIERE - USE PERMIT FOR 409 WEST 4TH STREET: Tom Jentz gave the Staff Report. He explained that the application for the use permit was to operate a picture framing business as a home occupation out of a detached shop/garage at 409 West Fourth Street. There would be no outside employees or commercial power equipment involved. The site is zoned WR-2 (Two Family Residential). He said that the City-County Planning Board unanimously

adopted the findings of fact of the Flathead Regional Development Office and recommended that the use permit be approved subject to the eight (8) conditions as outlined in their letter of October 26, 1987.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council discussed the conditions and were concerned about #8 which limited vehicle trips per day to five (5). Most of the Council felt this condition would be impossible to enforce. City Manager Freedman said this condition should remain as presented and if complaints were received from the neighbors, he would bring the matter back to the Council. Jeffrey and Ellen Laverdiere said that they had no problem with the condition because they would pickup and deliver their picture frames, so very little traffic would be generated.

On a motion by LaTourelle, seconded by Faessler, to adopt the Findings of Fact as stipulated on pages 1 and 2 of the Staff Report and to approve the use permit with the eight (8) conditions of the City-County Planning Board.

On a motion by Moran, seconded by Hanson, to amend the motion changing condition #8 to read: The average maximum number of vehicle trips per day generated by and associated with the business other than family members shall be five (5). The motion passed unanimously.

The original motion also passed unanimously.

PUBLIC COMMENT

Phil Mitchell thanked City Manager Freedman and the city crews for the help they gave in completing the two (2) Little League fields.

John Nelson, 315 Baker Avenue, said that there were still many problems being caused by the clientele of the Poverello Center and requested that the Council start the Committee as soon as possible. Mr. Nelson said he would be glad to serve on the committee.

On a motion by Hanson, seconded by LaTourelle, authorizing Mayor Amass to appoint an ad hoc Committee to address the situation.

On a motion by Faessler, seconded by Moran, to amend the motion to include, that the Mayor would notify people on the committee when the first meeting is going to be. The motion passed unanimously.

The original motion also passed unanimously.

Mayor Amass said he would make the appointments and report back to the Council at the next Council meeting.

NEW BUSINESS

1. MONTANA MUNICIPAL INSURANCE AUTHORITY DOCUMENTS:
 - a. Resolution of Participation
 - b. Agreement of Assumption
 - c. Workers' Compensation Risk Retention Program Agreement

City Manager Freedman explained that in the Council packets were numerous documents relating to the Workers' Compensation Program administered by the Montana Municipal Insurance Authority. The MMIA has requested that participating municipalities approve these documents. He recommended that the City Council approve the Resolution of Participation, the Agreement of Assumption and the Workers' Compensation Risk Retention Program Agreement as proposed.

After some discussion, on a motion by Boksich, seconded by LaTourelle, to approve the Resolution of Participation, the Agreement of Assumption and the Workers' Compensation Risk Retention Program Agreement as proposed by the MMIA. The motion passed unanimously.

2. PETER TRACY - PLANNED UNIT DEVELOPMENT PROPOSAL: City Manager Freedman explained that according to Section 17.59.040 of the Zoning Regulations, a Planned Unit Development can only occur in parcels of less than two acres of land when the City Council determines that the property is a unique parcel by virtue of its unique character. He recommended that because of the unique shape of this parcel that Peter Tracy be allowed to submit a PUD proposal to the Planning Board who will then make a recommendation to the City Council.

After some discussion, on a motion by Hanson, seconded by Boksich, to grant Peter Tracy permission to submit a PUD proposal to the City-County Planning Board to continue through the PUD process because it is a unique lot by virtue of its unique character. The motion passed with 4 aye votes and 1 no vote (Faessler voted no).

3. LAND USE AGREEMENT WITH NATIONAL GUARD: City Manager Freedman explained that the National Guard would like a formal agreement for using the City land adjacent to the Armory. They have been utilizing this parcel of land for several years for military training but they wanted a formal agreement with the City.

The Council discussed the agreement and were concerned about the increased residential use in the area and the large number of people that use the softball complex. Bart Smith, a resident of Crosswinds, said that everyone that had purchased homes in this area were aware that the Armory was there but it was extremely noisy and could be dangerous because of the use of the softball fields.

City Manager Freedman would contact Vern Ingraham to try and resolve some of the concerns voiced by the Council and report back at the next Council Meeting.

OLD BUSINESS

1. FLATHEAD ECONOMIC DEVELOPMENT CORPORATION DISCUSSION: City Manager Freedman explained that Susan LaCosta, one of the Board members from FEDC, was present to discuss the goals and plans for this organization. He recommended that the City of Whitefish contribute \$2,000 in this fiscal year for the FEDC Program with the money coming from either the "Professional Services" line item or the "Other Purchased Services" line item under Financial Services within the General Fund.

Susan LaCosta explained the goals and plans for the FEDC and said that they had raised \$60,000 and they needed \$75,000 during the first year. She said that they were asking the County for \$4,000 and Columbia Falls, Kalispell and Whitefish for \$2,000 each. She hoped the City of Whitefish would support them and noted that the other three governmental entities had already pledged the amounts requested. In fact, Flathead County has agreed to contribute \$5,000.

After some discussion, on a motion by Hanson, seconded by Moran, to designate \$2,000 for this year to the Flathead Economic Development Corporation, to be taken from either "Professional Services" or "Other Purchased Services" under Financial Services within the General Fund. The motion passed unanimously.

2. SEWER REVENUE BOND - RESOLUTION 87-32: City Manager Freedman explained that at the last Council Meeting, the Council approved a resolution authorizing the sale of sewer revenue bonds in the amount of \$675,000 to pay for the City's share of the three state mandated sewer projects. Since that meeting, Dorsey & Whitney (our bond counsel) has given an opinion that the full rate increase for the Phosphorus Removal Project must occur at one time rather than be phased in after the completion of the Phosphorous Removal Project. This will cause a greater rate increase to the sewer user but it will also lessen the amount of the bond sale to \$540,000. The savings in debt service payments are considerable because a portion of the rate increase revenues will go directly into paying a portion of our sewer construction costs for the Phosphorous Removal Project. He recommended that the City Council adopt Resolution 87-32.

On a motion by Hanson, seconded by LaTourelle, to adopt Resolution 87-32 as presented. The motion passed unanimously.

CITY MANAGER REPORTS

1. DISCUSSION ON CITYWIDE STREET PROJECT: City Manager Freedman said that he had given the Council some information that he had received from Woody Germany of Sorenson & Company on street reconstruction. Germany was working on additional information that specifically relates to the project. He had also received a slide presentation that could be utilized at the public meetings on this project. Additional information would be brought to future City Council meetings.

2. SUNCREST BEACH USE PERMIT: City Manager Freedman said he would recommend that the City Council pass a resolution that calls for all improvements in the Suncrest Beach Use Permit be completed by May 31, 1988.

He was requesting this because of the complaints that had been received from one of the adjoining property owners. City Manager Freedman said that the Suncrest Homeowners had already completed a tremendous amount of work on this project but the buffer between Suncrest Beach and the Peter Tracy property was yet to be completed and he would like the resolution adopted to formally put the time limit in the minutes. Gary Elliott, representing the Suncrest Homeowners' Association, has agreed to this time limit.

On a motion by Boksich, seconded by Faessler, that all the improvements required in the Suncrest Beach Use Permit be completed by May 31, 1987. The motion passed unanimously.

3. DISCUSSION ON GLENWOOD ROAD PAVING: City Manager Freedman said that at the last Council Meeting, Ted Rohla had asked the City to give them the width and the profile for the paving of Glenwood Road. He concurred with Paul Wells' recommendation in the letter he had written to Ted Rohla, saying that he felt there should be one layer of filter fabric, 12" of pit run and 3" of crush cushion in areas where there is clay. Freedman indicated that he and Street Foreman Wartnow had gone out and looked at the road and it was his recommendation that if the City was intending to take over this road, which is why Ted has approached the City, that the road be paved to a width of 26'.

Ted Rohla was not in agreement to the 26' paved width and he told the Council that adjacent roadways were not this wide and requested that the Council reconsider and allow a roadway of 22' which he had requested at the last Council Meeting.

The Council accepted the City Staff recommendation and turned the matter over to the City Manager to send a letter to the Glenwood Homeowners on the specifications that the City would require.

4. SCHEDULE TWO OF PHOSPHOROUS REMOVAL PROJECT: City Manager Freedman informed the City Council that performance and payment bonds would be required from the truck dealer who bid on the sludge removal truck if the City was to segregate Schedule I and Schedule II of the Phosphorous Project. He recommended that the bid received from Swank Enterprises for \$40,200, which was a good price, be accepted by the City Council.

On a motion by Hanson, seconded by Boksich, to accept the bid from Swank Enterprises for \$40,200 for the sludge removal truck. The motion passed unanimously.

5. OTHER: City Manager Freedman said that he was going to enforce the "Nuisance Abatement" sections of the Zoning Regulations (17.69.010 through 17.69.050). He said people would be notified and he would meet with them to work out a timetable to get the paving completed in the spring of 1988.

City Manager Freedman said he was working with Bill Leonard of the Whitefish County Water and Sewer District to try and get the people around the lake on the City's sewer system. He recommended that the City Council give consideration to accepting a Waiver of Protest from those homeowners who were not contiguous to the City and deferring annexation for those parcels contiguous to the City for one or two years. This in his opinion may resolve the political stalemate on the sewerage of the neighborhoods outlined in the

201 Facilities Plan of the Water and Sewer District.

Councilwoman LaTourelle requested that the City consider setting strict guidelines on the annexation of these properties. City Manager Freedman explained that the waiver of protest would be attached to the property deed under his proposal.

City Manager Freedman said that the Fourth Street sewer project was running smoothly and we have received four (4) petitions to annex from people on Jennings Avenue. If the people are not contiguous to the City and want to hook onto the sewer line, they would be required to sign a waiver of protest. He said the project would be completed in a few weeks.

He also reported that paperwork on the Cow Creek Interceptor would be sent into the State in the next few weeks and we should hear back from the State in about four (4) weeks.

Freedman also said that he had given the Council a memo regarding the vacancies that would occur at the end of this year on City Boards and Commissions. The positions would be advertised after the election was concluded. An updated list of all Board and Commission vacancies would be given to the Council.

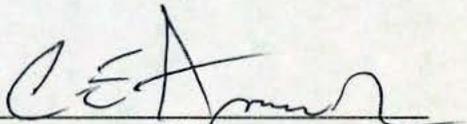
COUNCIL REPORTS OR COMMENTS

Councilman Boksich said he appreciated all the patrolling the Police Department was doing.

Councilwoman Moran said there were three signs in violation of the Sign Ordinance: a sign at the Shangri-La, the old Viking Motel sign and Gary's Fix-It sign. City Manager Freedman said he was working with the owner of one of these signs and he would work with the other sign owners to get these signs into compliance with our sign code.

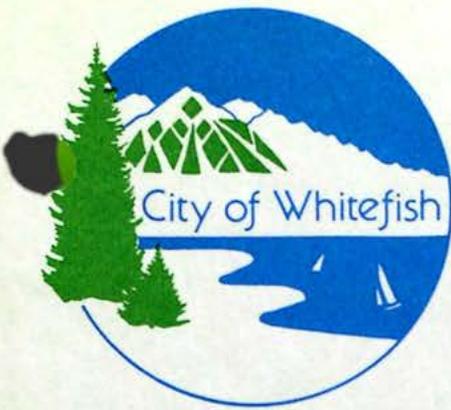
Councilwoman Moran requested permission to leave the State from November 11 through November 29th. On a motion by Boksich, seconded by Hanson, to allow the request. The motion passed 4 to 0 with Moran abstaining.

On a motion by LaTourelle, seconded by Hanson, to adjourn at 10:15 P.M. The motion passed unanimously.


MAYOR

ATTEST:

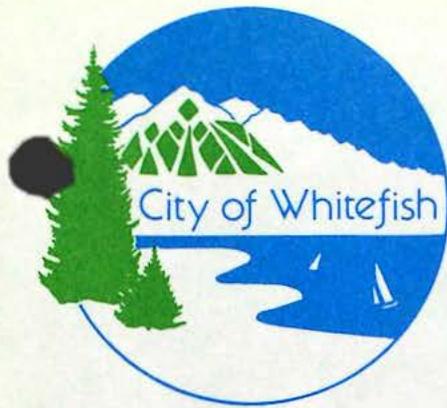

CITY CLERK



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
November 16, 1987

- 7:00 I. Approval of the minutes of the November 2, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Sign Variance request from Mountain Mall
 2. Sign Variance request from Mini Mart, Inc.
 3. Discussion on Poverello Center
- 8:15 III. PUBLIC COMMENTS
- 8:25 IV. STAFF REPORTS
1. Police (written)
 2. Water/Sewer
 3. Street/Sanitation
 4. Building (written)
 5. Fire
- 8:35 V. NEW BUSINESS
1. Quarterly Report - Steve Herbaly of the FRDO
 2. Resolutions of Annexation - 87-34, 87-35 and 87-36
 3. TCI Cablevision letter
- 9:00 VI. OLD BUSINESS
1. Whitefish City-County Master Plan
 2. Whitefish Zoning Jurisdiction Regulations
- 9:15 VII. CITY MANAGER REPORTS
1. Annual Christmas Party
 2. Business Improvement District
 3. Computer Link with State Computer
- 9:35 VI. COUNCIL REPORTS OR COMMENTS
- 9:45 VII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: November 11, 1987
RE: November 16, 1987 Meeting

Here are my comments and my recommendations on the Council Agenda items for the November 16, 1987 Council Meeting:

1. Mountain Mall Sign Variance Request: Mountain Mall is requesting a variance for a wall sign for Mountain Cinema because the readerboard is larger than what is allowed by the sign code. Under the sign code, a readerboard sign may be incorporated into a wall or freestanding sign as long as the readerboard portion does not exceed 30% of the total sign area and is architecturally incorporated into the sign's design. Due to the distance from Hwy 93, it is necessary to have a readerboard with 12 inch letters in order to make it visible. The variance is needed because the Mountain Cinema freestanding sign along Hwy 93 will be replaced by the Whitefish Food Depot sign after the first of the year.

Recommendation: I would recommend that the variance be granted as proposed in the sign variance application.

2. Mini Mart Sign Variance Request: Mini Mart, Inc. is requesting a variance which would allow them to put an identification sign under the freestanding sign that is currently on their property. The current freestanding sign is four feet from the property line and 23 feet high. This sign was erected prior to the adoption of the sign code and for this reason, the sign is not in compliance with the existing sign code. In this zone (WB-2), freestanding signs cannot exceed 18 feet and the setback from the front property line should be 15 feet. Under the existing sign code, an affiliation sign cannot have a total area of more than nine square feet. In light of the fact that the existing freestanding sign does not comply with both the height and setback standards of our code, I question whether this request is justified.

Recommendation: I would recommend to the City Council that the sign variance request be denied as presented. My recommendation would be based upon the fact that the owner can provide adequate signage with nine square feet of identification.

3. Poverello Center: On November 7th at 10:15 P.M., I closed the Poverello Center because there was no manager on duty to protect the property. This decision was based upon conversations with City Attorney Muri. Since that time, both Dave Dolson and I have talked to members of the Board of Directors of the Poverello Center. I also had the opportunity to discuss the matter with Pat Lipetzky on the night that I closed the house. In your packet are memos from the Police Department and from the Building Inspector with information about how the Poverello Center has been operated and how the building conforms to the Uniform Building Code. I have invited the four board members and the members of our ad hoc committee to this meeting. I expect numerous members of the public to voice their opposition at our City Council Meeting to the operation of this facility.

Recommendation: It would be my recommendation that in order for the Poverello Center to be reopened, it would have to comply with all of the building codes as well as have professional staff on site to administer the operation of the facility.

4. Resolutions of Annexation: Enclosed in your packet are resolutions formalizing the annexation of three parcels of property on Jennings Avenue.

Recommendation: Approve Resolutions 87-34, 87-35 and 87-36.

5. Whitefish City-County Master Plan: At the meeting, we will discuss the actions of the Flathead County Commissioners on the Master Plan.

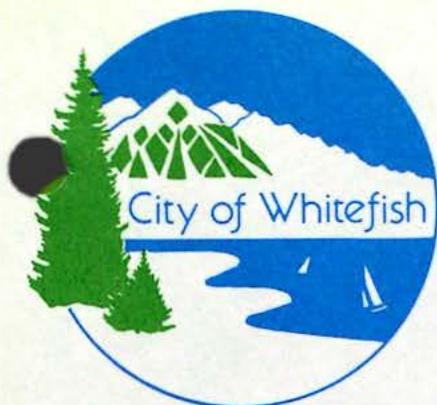
6. Whitefish Zoning Jurisdiction Regulations: Enclosed in your packet is the recommended version of the revised Zoning Regulations.

Recommendation: I would recommend to the City Council that a workshop meeting be arranged to discuss this document in detail with Tom Jentz. A possible date for the workshop would be December 14th.

7. Christmas Party: I would request that you authorize City Staff to go forward with the planning of the annual Christmas Party.

8. Other: I will give you an update on the status of the Business Improvement District and the computer link with the state computer. I would also recommend that a retreat be held sometime during the month of December with the new City Council and the City Manager to discuss the direction the City will take in 1988.

If you have any questions on these matters or any other items, please contact me prior to the meeting.



Box 158, Whitefish, Montana 59937 (406) 862-2640

FROM: Jerry Quinn, Building Inspector
TO: Ralph Freedman, City Manager
DATE: November 11, 1987
RE: Poverello Center

On November 10, 1987, I inspected the Poverello Center at 332 Baker Avenue. This building's use was changed from a B-2 to an R-3 Dwelling and lodging house without first obtaining a building permit.

The building's main floor has an enclosed front porch which is used for a writing room and office. This is in compliance with building codes. The living room, dining room and kitchen also all meet building codes. There is one bedroom on the main floor which is large enough for two code wires. The bathroom is labeled for both sexes which is acceptable for normal use. The upstairs is laid out for the sleeping of many people, however, none of the bedrooms are large enough for sleeping quarters based upon the Uniform Building Codes. The rooms must have 70 square feet of floor space with headroom of not less than five feet. The bedrooms must be at least seven feet in any direction. Smoke detectors are required in each bedroom and there are none in any of the rooms.

At this time, the basement is used for sleeping quarters. This is also illegal as the code calls for a minimum of two exits on floors below grade. There is only one exit, so the basement level cannot be used as sleeping quarters.

Ralph:
F.Y.I.
D

TO: Dave Dolson, Chief of Police
FROM: Sgt. Joe Van Han *JVH*
DATE: November 10, 1987
RE: Povarello center and Transients

The number of calls concerning the Povarello Center and/or transient related incidents is 106. This does not include the number of NCICs ran by officers in the field, or by other agencies that we work with, i.e. Border Patrol, Burlington Northern Special Agent or Sheriff's Deputies.

On several occasions, transients were travelling in small groups of three or more. Some of these groups had as many as four dogs with them. This year showed an increase of complaints of transients having guns and/or other weapons.

I feel that these factors should be noted as some of these contacts have been on one-man shifts.

Attached are the results of a review of the logs dating from July 12, 1987, which I did at your request.

Given to Ralph (Cumb City
Council) 7-20-87

HL

TRANSIENTS

Number of calls 1986

34

First called received on April 17, 1986.

Last call received on October 24, 1986.

Arrested one person giving his occupation as transient in 1986.

Number of calls 1987 (Year to date, 07-11-87)

36

First call received on January 29, 1987.

Last call (not available till end of year).

Arrested five people giving their occupations as transients in 1987 to date.

This does not include the dozens of NCIC checks ran on transients by Whitefish officers, the Border Patrol, the BN Special Agent and deputies that we did not receive complaints on. (Unfortunately I am unable to distinguish between transient NCIC's and the other NCIC's ran).

POVARELLO CENTER and/or TRANSIENT RELATED INCIDENTS

July	12	4:18am	Intoxicated transient at back door of Police Station. Povarello Center refused to board transient, so he threatened suicide.
	17	2:45pm	Three transients; two males, one female with two dogs panhandling in front of the Toggery One arrested with officer being injured.
	19	6:24pm	Four transients tresspassing at 1270 East Second Street
	20	6:45am	Transient panhandling in front of the Great Northern Bar
		4:10pm	Transient had a fire at the east end of the railroad yard
	21	7:30am	Transient panhandling in front of the Great Northern Bar
	23	8:35pm	Transients fighting under viaduct
		9:11pm	Transients panhandling in front of Kentucky Fried Chicken
		9:34pm	Transients going through garbage behind Kentucky Fried Chicken
		9:35pm	Transients, two, at back door of Police Station to report a stolen gun
		10:19pm	Transients going through garbage behind Kentucky Fried Chicken
	24	1:00am	Transients have fire under viaduct
		4:07pm	Assisted Sheriff's Deputies on a call at Povarello center; re: stolen gun
		9:44pm	Transients going through garbage behind Kentucky Fried Chicken
		11:33pm	Three transients drinking under street light in front of Happy Hunky
	27	1:55am	Transient prowler at 1720 E. Second Street
	29	11:39pm	Two transients entered an abandoned house at Edgewood and Colorado
	31	1:10am	Two transients, two nights in a row, harassing the clerks at Safeway
August	5	5:12pm	Several transients in park next to Burlington Northern Credit Union with a rifle. (Recovered from earlier theft)

August	8	11:15am	Transients panhandling customers as they leave Matt's Pharmacy
		5:55pm	Transient panhandling in front of Liquor Store
	9	6:15pm	Assisted Burlington Northern Special Agent in removing intoxicated transient from train
	14	12:27pm	Transients in front of Spectrum Printing panhandling
		2:04pm	Transient causing disturbance in VFW Lounge; led officers on foot chase through town before being arrested
	16	11:37am	Transient has fire going next to the road at Highway 93 and 40 junction
	19	7:00pm	Transient trespassing and using water faucet at 130 Edgewood
		9:06pm	Large transient camp at west end of railroad trestle
	23	5:54pm	Several intoxicated transients in railroad yard
		6:35pm	Intoxicated transient under the viaduct
		7:41pm	Transient walked out of Cadillac Cafe without paying for meal
	24		Three illegal aliens have been staying at the Povarello Center
	25	6:20am	Good size fire at E. Second Street railroad crossing caused by transient
	27	6:11pm	Illegal alien at Povarello Center
		7:43pm	Several intoxicated transients by bulk plant harassing switch crew
		7:43pm	Transient at back door of Police Station to report a robbery
	28	5:25pm	Assisted Burlington Northern Special Agent in removing transient from railroad property
	31	9:59am	Transients had bonfire going in a private driveway on E. Second Street
September	13	8:53am	Transient shoplifting at Markus Foods
		11:34am	Transients sleeping in dumpster behind Spectrum, scattering garbage all over
	15	8:01am	Transient causing problems at Povarello Center
	16	1:03am	Transient with fire going by bulk plant
	22	10:28am	Two transients on Second Street bridge with a rifle

September 24	8:40pm	Transient trying to get into house at 16 Iowa
	10:05pm	Intoxicated transient at O'Piccolo's Pizza
29	10:23pm	Officer checking transients in front of Povarello Center after numerous complaints
	10:53pm	Arrested transient at Povarello Center; NCIC hit
	6:59pm	Transient reporting that an employee at the Povarello Center just pulled a shotgun on him
30	1:23am	Transient complaining people at Povarello Center did not feed him right
October 3	3:13pm	Two male and one female transients walking back and forth on Railway Street acting like they are high on something; male threw rock striking female in the face
6	10:38pm	Altercation in progress in front of the Povarello Center involving four transients and one has a gun
	11:13pm	Transients causing problems at Povarello Center again
	11:15	Transient at back door of Povarello Center
7	2:01am	Transients in City parking lot
	7:43am	Transient asleep by candy machine in City Hall
	1:01pm	Transients are stashing booze across the street from the Povarello Center
	6:48pm	Transients in garbage behind Kentucky Fried Chicken refusing to leave
13	7:33am	Assisted Border Patrol and Burlington Northern Special Agent with transients
15	2:05pm	Transient trespassing on railroad property
20	10:53pm	Transients with fire at Stacy storage tanks
28	3:41pm	Several transients drinking with open containers on south end of viaduct
	9:55pm	Transient passed out in front yard at 315 Baker Avenue
29	3:37pm	Assisted Burlington Northern Special Agent with seven transients at round house
	6:23pm	Two transients causing disturbance at Povarello Center

October	30	9:47am	Four transients behind residence on Birch Point drive
November	5	9:15pm	Transient in garbage behind Kentucky Fried Chicken
	6	8:32pm	Transient complaining that his wife is in danger from Sheriff's Deputies, Whitefish Police Officers, United Way and Povarello Center
	7	7:46am	Arrested a 14 year old male runaway that was being sheltered at the Povarello center
		9:59am	Supervisor at Povarello Center left during the night, so two individuals staying at the center were hired to be supervisors
		5:07pm	Several transients fighting at 318 Baker Ave.
		9:22pm	One of the newly hired supervisors at the Povarello Center reported a transient with a .44 pistol and a double barrel shotgun
			Povarello Center was closed to protect the property of the owners
	7	2:40am	Assisted Burlington Northern Special Agent with several transients with a fire at the east end of the yard

MINUTES
WHITEFISH CITY COUNCIL
NOVEMBER 16, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Sevener, LaTourelle, Boksich and Faessler. Councilwoman Moran was absent. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson, Building Inspector/Asst. Zoning Administrator Quinn and Water/Sewer Supervisor Acton.

MINUTES

On a motion by LaTourelle, seconded by Faessler, to approve the minutes of the November 2, 1987 Council Meeting as presented. The motion passed with four (4) aye votes and one (1) abstention (Sevener abstained because he was not present at the meeting).

PUBLIC HEARINGS

1. SIGN VARIANCE REQUEST FROM MOUNTAIN MALL: City Manager Freedman reported that he had met with representatives from the Mountain Mall and the Whitefish Food Depot to discuss the variance for the cinema sign. He said after much discussion, it was decided that the Whitefish Food Depot would request an illuminated canopy sign to replace the Excel sign and the Mountain Cinema sign would stay as it is. City Manager Freedman said that the letters would be the same size as the letters in the current wall sign with the size of the sign being 120' X 5'.

Al Crisp, representative of the Whitefish Food Depot, explained that the store is located quite a distance from Highway 93 South and they needed to have the strong identity of the sign to be effective.

Councilwoman Faessler said she did not have a problem with the sign except for the illumination factor. She said the Council had dealt recently with other businesses that had requested to have internally illuminated signs and their requests had been denied. She asked City Manager Freedman what the standards were on this type of a sign in the WB-2 Zone. He explained they were allowed in this zone and there are no set standards. Al Crisp said they would be using florescent lighting.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion and action.

After some Council discussion, on a motion by Sevener, seconded by LaTourelle, to approve the sign variance request with the illumination intensity approved by the City Staff. The motion passed unanimously.

2. SIGN VARIANCE REQUEST FROM MINI MART, INC.: City Manager Freedman explained that the Mini Mart, Inc. was requesting a variance which would allow them to put an identification sign under the freestanding sign that is currently on their property. The current freestanding sign is four feet from the property line and 23 feet high. This sign was erected prior to the

adoption of the sign code and for this reason, the sign is not in compliance with the existing sign code. In this zone (WB-2), freestanding signs cannot exceed 18 feet and the setback from the front property line should be 15 feet. Under the existing sign code, an affiliation sign cannot have a total area of more than nine square feet. He said Building Inspector Quinn had talked to the Chevron representative and the size of the sign could be reduced from 26 square feet to 14 1/2 square feet. City Manager Freedman felt if the Council should approve this sign, it should be with the condition that when the new sign code comes into effect the sign would have to comply with this code. (If the new code calls for signs to be in compliance in one, two, three or up to five years, this sign would have to comply in this length of time. Under the present sign code, their nonconforming sign would have ten (10) years to come into compliance).

Mayor Amass opened the public hearing. Ed Croymans, Sales Representative of the Chevron Oil Company, explained that the only advertising for oil companies is on their signs. He said they were willing to cut the sign back to 14 1/2 square feet and would also scale down the monument base if the City Council desired.

Donna Maddux spoke in favor of the smaller sign (14-1/2 square feet).

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

After some Council discussion, on a motion by Boksich, seconded by Faessler, to approve the sign variance with the City Manager's recommendation on compliance with the new sign code and the size of the sign being 14 1/2 square feet. The motion passed unanimously.

3. DISCUSSION ON THE POVERELLO CENTER: City Manager Freedman explained that on November 7th at 10:15 P.M., he closed the Poverello Center because there was no manager on duty to protect the property. This decision was based upon conversations with City Attorney Muri. Since that time, both he and Dave Dolson have talked to members of the Board of Directors of the Poverello Center. He told the Council that in their packets was information from the Police Department and from the Building Inspector about how the Poverello Center has been operated and how the building conforms to the Uniform Building Code. He explained that the Board of Directors were aware of the problems and he read a letter from Audrey Gonzalez (Secretary of the Board of Directors of the Poverello Center). The Board felt the problems could be remedied as follows:

1. The Center will be closed for six months. During this time, with the cooperation of the Citizens Committee, they would look for a more appropriate location for the shelter;

2. Grants and other sources of revenue will be pursued to finance the hiring of an experienced and qualified director and other staff members; and

3. Board members will meet on a regular basis with the City Manager and the Citizens Committee to receive input and review progress.

City Manager Freedman recommended that in order for the Poverello Center to be reopened, it would have to comply with all of the building codes as well as have professional staff on site to administer the operation of the

facility. He said the intent was not to put the Poverello Center out of business but to have qualified staff and a new location. There are too many problems at the current location.

Mayor Amass opened the hearing to the public. Wally VonBrock spoke in favor of the Poverello Center. He agreed that the Poverello needed supervision and direction but it would be sad for the community if the facility was closed for good because it was needed for the homeless and needy people in the community as well as for the transients.

Gail McGlothlin agreed with City Manager Freedman that the facility should be relocated away from the residential area. Dave Leathers, 318 Baker Avenue, said he lives next door to the Poverello Center and his family lives in fear because of the type of transients drawn to the Center. He said they were not against helping people but the City people should be helped first. He indicated that the Poverello Center should not be put in any neighborhood in Whitefish. Loretta Akovenko asked if the Poverello Center had come before the Council before it was started and she asked where the funds came from to feed all these people. City Manager Freedman said that the Poverello Center received most of their funding from grants and donations. He also explained that it had not come before the City when it first went into operation because it is in the WB-3 Zone (Commercial) and almost any kind of use is allowed. It was not made clear what would occur at the Poverello Center when it was first proposed. John Nelson said he hoped the Center was closed permanently.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

City Manager Freedman told the Council that the Ad Hoc Committee appointed by Mayor Amass included the following people: Councilwoman Faessler, Loretta Akovenko, John Nelson and Dave and Kathy Leathers. He said that the Council did not have to take any action at this time and recommended that he, the Committee and the Poverello Board of Directors meet once a month to try and work out a solution for the Poverello Center. Councilman Hanson said that he was not in favor of seeing the Poverello Center reopened because the Food Bank run by June Munki was doing an excellent job and people would not go hungry if they would contact June.

The consensus of the Council was that the City Staff, the Committee and the Board Directors pursue the issue and City Manager Freedman should bring back their solutions to the Council. Councilman Hanson requested that the Food Bank be notified of any meetings because their supply of food would be in jeopardy if the Poverello Center reopened.

PUBLIC COMMENT

NONE

STAFF REPORTS

Police Chief Dolson and Building Inspector Quinn had submitted written reports. Councilman Sevenser inquired of Building Inspector Quinn how the house at 228 Somers was progressing. Quinn said the wall had been pushed back and the contractor was working to correct the foundation problems.

Building Inspector Quinn said he had attended a seminar in Spokane the week of November 2nd and he had taken a certification test.

NEW BUSINESS

1. QUARTERLY REPORT - STEVE HERBALY OF THE FRDO: Steve Herbaly gave the Council a brief activity update on the FRDO. He said they were anticipating a busy winter with inside projects coming to the fore as construction activity winds down. He also said that because of the anticipated budget shortfall for the 1988-89 year, the C.A.B. would start its budget development process in December.

2. RESOLUTIONS OF ANNEXATION

Resolution No. 87-34: A Resolution annexing Lot 1, except the South 50', Block 2, First Addition to Gojendes Tracts. The owners are Mary and Frances J. MacDonald.

Resolution No. 87-35: A Resolution annexing the south 50' of Lot 1, Block 2, First Addition to Gojendes Tracts. The owner is Faythe J. Sindt.

Resolution No. 87-36: A Resolution annexing Lots 5 and 6, Block 1, First Addition to Gojendes Tracts. The owners are Ethel Mae Porter and Edmund D. Porter.

On a motion by Sevener, seconded by LaTourelle, to adopt Resolutions 87-34, 87-35 and 87-36. The motion passed unanimously.

3. TCI CABLEVISION LETTER: City Manager Freedman said that he and Mayor Amass had met with Mona Meade, General Manager for TCI, on the Franchise Agreement. He told the Council that in 1984, a Federal Law was passed in Congress granting cable companies the right to pass any additional taxes assessed by local governmental bodies onto the affected subscribers. He said that the 3% franchise fee, instead of coming out of TCI's gross revenues, would be added onto the consumer's monthly bill.

OLD BUSINESS

1. WHITEFISH CITY-COUNTY MASTER PLAN: Resolution No. 87-37, is a Resolution of Intent to adopt the Master Plan for the Whitefish Planning area. City Manager Freedman explained that the Council had approved the Master Plan and forwarded it to the County Commissioners for their approval. Since there had been some changes to the Plan, Tom Jentz of the FRDO had requested that the Council go through the steps of adoption again.

On a motion by Hanson, seconded by Sevener, to adopt Resolution No. 87-37 as presented. The motion passed unanimously.

2. WHITEFISH ZONING JURISDICTION REGULATIONS: City Manager Freedman recommended that a workshop meeting be arranged to discuss the document in detail with Tom Jentz. After discussion, the Council decided to hold a workshop meeting on December 14, 1987.

CITY MANAGER REPORTS

1. ANNUAL CHRISTMAS PARTY: City Manager Freedman said that City Employees had decided to have the annual party at the Whitefish Lake Restaurant on December 10th if the Council approved having the Party. The City had put aside the pop machine and candy machine money for the Party. The City Council approved the Christmas Party on December 10.

2. BUSINESS IMPROVEMENT DISTRICT: City Manager Freedman gave the Council an update on the Business Improvement District. The Committee that has been working to relocate the Flathead Community College to Whitefish will make a presentation to the College Board of Trustees on December 8th. He said the Committee intends to approach some of the property owners about their interest in forming a Business Improvement District and one of the beneficiaries of the assessments would be the College. The Business Improvement District assessments can be used for various business projects including business promotion and beautifying the City whether it be landscaping, parking lots, etc. It can be used for almost anything that benefits the business community in the City. He said the boundaries would be Wisconsin Avenue from Dos Amigos back to downtown, along 93 South and 93 West to the City Limits and Downtown Whitefish. The City Council appoints a Board of Directors and one of the beauties of the District is that you do not have to be a resident of the City to be on the Business Improvement District Board, but you do have to be a property owner in the District. The petitions would start circulating during the next few weeks and the process would move forward at that time.

3. COMPUTER LINK WITH STATE COMPUTER: City Manager Freedman said he was working with the State to tie into their computer system. This would enable the City to know what grants and loans are available through both State and Federal programs for various public works projects.

4. CHRISTMAS LIGHTING: City Manager Freedman said that he had talked to Hal Bennett, Manager of Pacific Power & Light Co., and the cost of the Christmas Decoration Lighting would be \$15.61 per day. The lights would be up from November 20th until January 5th. These 46 days would cost the City \$718.06. The Council could decide to pay for this lighting by charging it to Lighting District #4 which was currently running under budget.

On a motion by Faessler, seconded by Boksich, to pay for the Christmas Decoration Lighting, from November 20, 1987 until January 5, 1988 and during the three (3) days of Winter Carnival. The motion passed unanimously.

5. LETTER FROM VERNON L. INGRAHAM: Vernon L. Ingraham sent a letter to Mayor Amass inviting him and the Council to observe the Army National Guard during their training. He said that the afternoon of Sunday, December 6, 1987 would be an excellent time because the tanks would be operating.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson said that in October 1986, the City of Whitefish was certified with the State Certified Cities Program. The City would receive one metal sign from the State and the City would have to put up one sign of their choice (with the same format but the size would be up to the City). The signs were to be posted at each entrance of the community. City Manager Freedman said he would contact John Lepo to see what he would charge to make the City

certified city signs that would complement the "Welcome to Whitefish" signs.

Councilman Boksich asked Greg if a sewer line was extended to the Crosswinds Subdivision, would it be extended up Second Street? Greg told him that for the Crosswinds and Hueth Subdivisions to be sewerred, one sewer line would extend up Second Street and the other would extend down Armory Road to the Cow Creek Interceptor line.

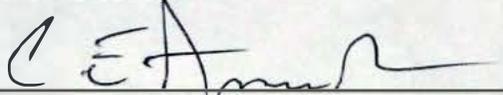
Councilman Boksich also reported that he had received complaints about the heavy construction traffic going into the Willow Brook Subdivision. He said that people were under the impression there would be a special access from Second Street to the Willow Brook Subdivision. He was sure the Council intended that the traffic go down Second to Fir and then left on Fourth. Council agreed that this was the intent and City Manager Freedman said he would see that the streets were maintained and cleaned.

Boksich also said he had been approached by one of the Residents on south Baker Avenue about rezoning the area to Commercial. He was told that the residents would be more receptive to upgrading Baker Avenue if the area was commercially zoned.

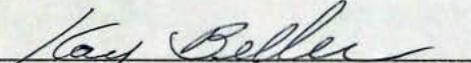
Councilwoman Faessler commended City Manager Freedman and Police Chief Dolson for the professional way they handled the closing of the Poverello Center. She also asked about getting a memento that could be given to V.I.P. visitors to the City. City Manager Freedman said he would find something. She asked if the updated sheet on the different City Boards had been completed. The updated lists would be given to the Council Members by the next Council Meeting.

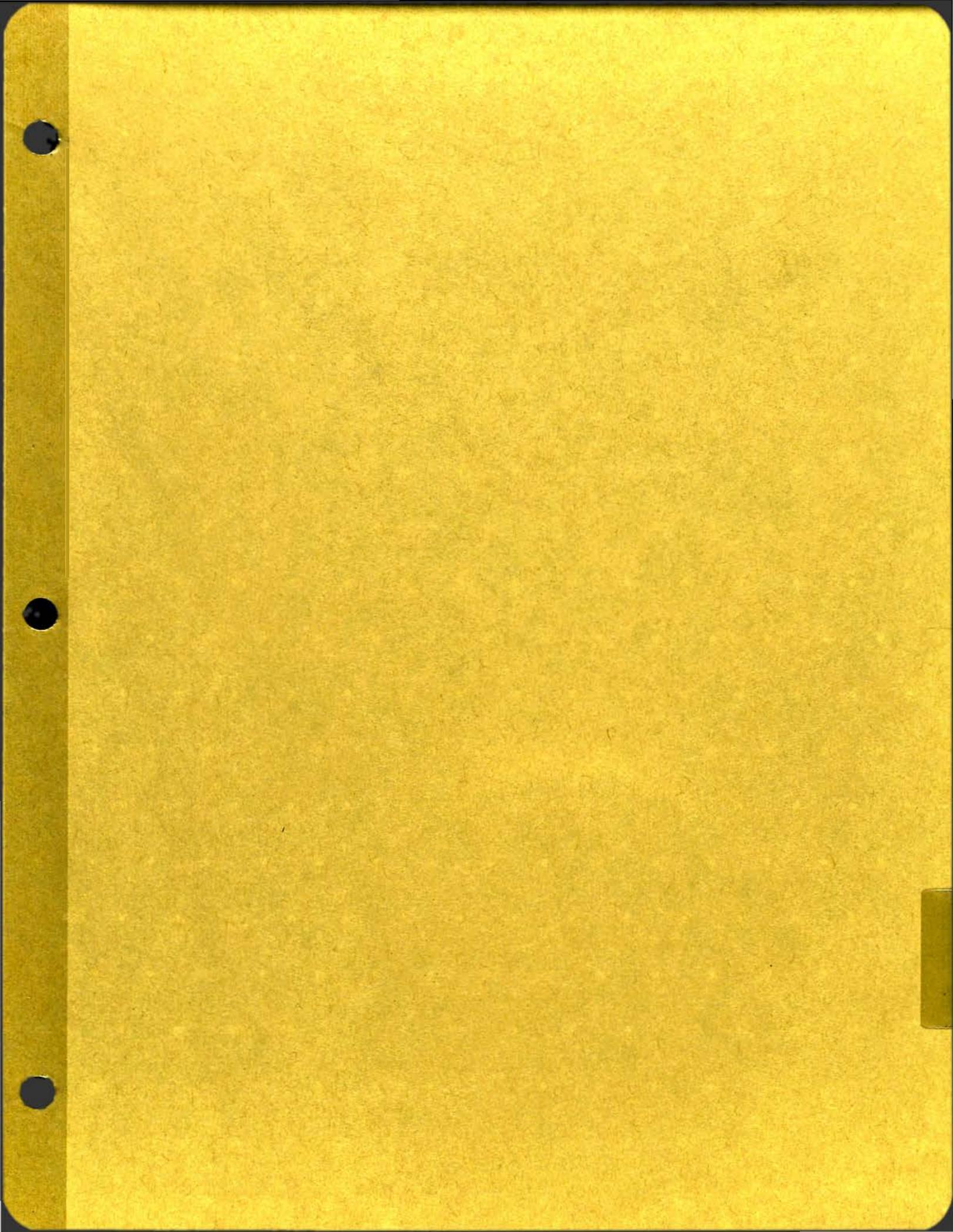
Mayor Amass asked City Manager Freedman to pursue the sewerling of the West 7th Street properties and report back to the next Council Meeting.

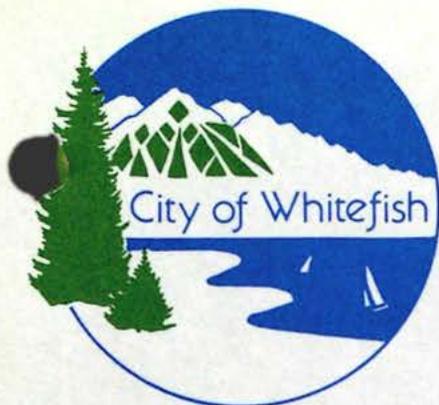
On a motion by Sevener, seconded by LaTourelle, to adjourn at 9:12 P.M. The motion passed unanimously.


MAYOR

ATTEST:


CITY CLERK

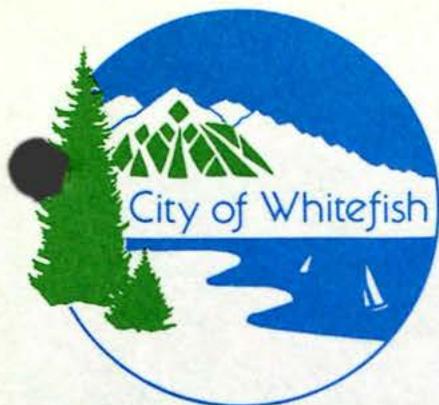




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
December 7, 1987

- 7:00 I. Approval of the minutes of the November 16, 1987 Meeting
- 7:05 II. PUBLIC HEARINGS
1. Sewer Rate Hearing
- 8:15 III. Bid Opening and Sale of \$540,000 of Sewer System Revenue Bonds
- 8:45 IV. PUBLIC COMMENTS
- 9:00 V. STAFF UPDATES
- 9:10 VI. OLD BUSINESS
1. Vandenberg and Schenk Annexations
2. Resolution 87-38: A resolution to adopt the Whitefish City-County Master Plan
- 9:20 VII. CITY MANAGER REPORTS
1. Upcoming meetings
2. Attorney General's Opinions
3. Financial Reports
4. Tax Abatement Resolutions
5. Modification of the Open Burning Ordinance
- 9:35 VI. COUNCIL REPORTS OR COMMENTS
- 9:45 VII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: December 2, 1987
RE: December 7, 1987 Meeting

Here are my comments and my recommendations on the Council Agenda items for the December 7, 1987 Council Meeting:

1. Sewer Rate Hearing: The Official Statement that was put together by D.A. Davidson, which is part of your packet, gives you the background information on the proposed rate increase. As you already know, the rate increase will provide us with the revenue necessary to meet our debt service obligations for the three State mandated projects and to meet our maintenance and operation expenses associated with the phosphorous removal facility.

I expect that there will be considerable opposition to the rate increase. There are no available alternatives due to the fact that the projects were state mandated and that two of the three projects are almost completed.

Recommendation: Approve the proposed rate structure with the commitment that the City Council will look into using tax increment funds in the future to pay off bond principal and interest payments.

2. Sale of Sewer System Revenue Bonds: We will be opening bids on \$540,000 of sewer bonds after the rate hearing. General information on this offering is in the Official Statement.

Recommendation: Approve the resolution prepared by Dorsey & Whitney which awards the sale to the bidder whose bid results in the lowest net interest cost (total interest from the date of the Series 1988 Bonds to stated maturities, less any cash premium).

3. Vandenberg and Schenk Annexations: I will provide you with an update on the status of my discussions with the people involved in these annexations.

4. Resolution 87-38: This resolution formally adopts the Whitefish City-County Master Plan.

Recommendation: Approve Resolution 87-38.

5. Attorney General's Opinions: In your packet are the opinions of the Attorney General on Houston Tracts and the Ramsey Addition proposed annexations.

Recommendation: Allow me to meet with the property owners in Houston Tracts before you schedule the adoption of the resolution of annexation. The Ramsey

Addition annexation opinion was not approved by the Attorney General. Tom and I will resubmit new information to the Attorney General because we think that he misinterpreted the information on this matter.

6. Tax Abatement Resolutions: In your packet are resolutions relating to tax abatement. I put this issue on the agenda so that we could discuss whether or not the Council wants to pursue this issue.

Recommendation: No formal action required.

7. Open Burning Ordinance: Several people including representatives from the Golf Association have approached me about the Open Burning Ordinance. The Golf Association would like to burn trees that have been infected with beetle kill while others would like to burn brush and trees that have been cut down on their property.

Recommendation: I would like to see the ordinance modified to allow open burning in approved instances when the ground is covered with snow.

MINUTES
WHITEFISH CITY COUNCIL
DECEMBER 7, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Sevenser, LaTourelle, Moran, Boksich and Faessler. Also present were City Manager Freedman, City Attorney Muri, Water/Sewer Supervisor Acton and Street Foreman Wartnow.

MINUTES

On a motion by Sevenser, seconded by Faessler, to approve the Minutes of the November 16, 1987 Council Meeting as presented. The motion passed with 5 aye votes and 1 abstention (Moran abstained because she was not present at this meeting).

PUBLIC HEARINGS

1. SEWER RATE HEARING: City Manager Freedman explained that the City of Whitefish presently had one outstanding Revenue Bond which was issued in 1979 for \$415,000 which funded the construction of the sewer treatment plant. Since that time, the State has mandated that the city do the following three sewer projects: 1. An interceptor line from Highway 93 West along the river to the Columbia Avenue Lift Station; 2. The second phase of the interceptor line and a lift station from this point to the treatment plant; and 3. The Phosphorus Removal Project. The Phosphorus Removal Project is the project that will have the most impact upon the proposed rate increase for the City of Whitefish (this project will cost \$1.4 million). The three projects combined cost approximately \$3.2 million. Of this amount, \$2,527,000 is being funded with EPA Grant funds, \$540,000 from Revenue Bond proceeds and the balance from surplus user fees until the Phosphorous Removal Facility comes on line. Originally the bond issue was for \$625,000 however, Dorsey and Whitney (Bond Counsel) told us that based upon our previous ordinances we would have to do all the rate increase at one time. Originally we were proposing to do one rate increase now and the second rate increase when the Phosphorus Removal Project came on line. The second rate increase would have been for the operation and maintenance costs of the Phosphorus Removal Plant which are estimated to be \$120,000 per year. Because of the decision by Dorsey and Whitney, the numbers have changed considerably. By reducing the size of the Bond Issue, savings to the City total approximately \$265,000 in interest payments. The utility increase being proposed would provide revenues for principal and interest payments, 25% coverage for the bonds that are required under City Ordinance and revenues for operation and maintenance expenses. He said it should be noted that in order for the Department of Health to release future funding for these projects, we had to propose a rate methodology that they felt was equitable to all the people within the community. He said it should be noted that each of these projects were State mandated projects and the City of Whitefish did not have a choice on whether or not to do them. Freedman said that the increase in revenue would be utilized as follows: 57% for Phosphorus Treatment O&M expenses, 35% for Debt Service and 8% would go for increasing the bond coverage for the 1979 Bond Issue.

Water/Sewer Supervisor Acton explained that the overall effective user charge was calculated at 75% but because of the variances in the individual user charges, it would mean a 31% decrease for some and 188% increase for others. The wide range in the rate was necessary in order to satisfy the State that we were in compliance with public law # 9-2-500 which mandates that the user charge system be fair and equitable for all classes of users. He also said that the rates were based on current flows (for the last 12 months) and future growth could not be included.

Mayor Amass opened the hearing for public comments.

Ben Cohen told the Council that his sewer bill would increase 155% and he was in favor of an immediate conversion and expansion of the City's present service area into an area-wide Sewage District. He said a merger with the Whitefish Lake Water and Sewer District would allow the distribution of capital costs over a wider base while insuring that the groundwater would be protected from human contamination.

People protesting and speaking at the hearing were Ed Berney, Fritz Royer, Elizabeth Wilson, Al Bjorsness, Ed Grogan, Ted Rohla, Stan Dye, John Garrity, Jan Brunk, Don Richardson, Howard Whitney, Kenneth Good, Chuck L'Allier, Marsha Yarborough and Harold Schneider. After the Staff Report, most of these people understood that the rate increase was mandatory, however, they voiced opposition to the large increase.

Jesse Wilcomb thanked the Council for what they had done about the sewer projects thus far.

Mayor Amass told the people that he and the Council were in total agreement with them on the rate increase but because of the State mandates for these three projects, the City did not have a choice. He closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council discussed the issue at length and on a motion by Faessler, to approve the sewer rate structure with the commitment that the City Council look into using tax increment funds in the future to pay off bond principal and interest payments. This motion died for lack of a second because City Manager Freedman and Mark Semmens (D.A. Davidson) recommended the bids on the Bond Issue be opened first because with the fluctuation in the Bond Market, the proposed rates could change.

BID OPENING FOR \$540,000 SEWER REVENUE BONDS: Five bids were received as follows:

- | | |
|---|------------|
| 1. Dougherty, Dawkins, Stran & Yost
Minneapolis, Minn. | 8.056% |
| 2. Shearson Lehman Bros.
Seattle, Wa. | 8.0855363% |
| 3. Dain Bosworth, Inc.
Minneapolis, Minn. | 7.70543% |
| 4. Piper Jaffray & Hopwood
Minneapolis, Minn. | 7.6856% |
| 5. D. A. Davidson
Great Falls, Mt. | 7.65363% |

D. A. Davidson had the low bid and based on the new interest rate, the Service Class amounts were reduced by .04 cents in each classification.

After much discussion, on a motion by Faessler, seconded by Boksich, to approve the proposed sewer rate structure as corrected and adopt Resolution No. 87-39 with the service class changes according to the lowest bid of 7.65363%, with the commitment that the City Council will look into using tax increment funds in the future to pay off bond principal and interest payments.

Councilman Hanson said that not 100% of the City is included in the Tax Increment District and the funds have to be spent in the District. He said some of the City would not benefit and there might have to be two rate classes, those included in the District and those that are not included. City Manager Freedman said that the Tax Increment Funds could be used for bond payments only in the District, however, he said it would necessitate some research to address Councilman Hanson's concerns.

On a motion by Hanson, seconded by Moran, to amend the motion that the City, in Resolution No. 87-39 include language that on an annual basis that we compare actual operating costs of the phosphorus removal with our rate structure and if we are anticipating higher revenues than what we need, that then we should adjust our rates to bring them back into line. The motion passed unanimously.

The original motion passed unanimously.

RESOLUTION NO. 87-40 - AWARDING THE SALE OF \$540,000 SEWERAGE SYSTEM REVENUE BONDS SERIES 1988:

On a motion by Hanson, seconded by Sevenser, to adopt Resolution No. 87-40, awarding the sale of \$540,000 Sewerage System Revenue Bonds, Series 1988 to D. A. Davidson at an interest rate of 7.65363%. The motion passed unanimously.

PUBLIC COMMENTS

Ted Rohla reminded City Manager Freedman that the Glenwood Homeowners Association had requested him to check adjacent land owners that were not connected to the sewer system. City Manager Freedman said he had contacted the County Health Department because their department would have to investigate the matter. He would call them again to see what progress they had made.

Rohla also inquired if the City was going to pay for the sewer line that crossed the Brad Johnson property. City Manager Freedman said yes that the City had obligated funds to pay for this portion of the sewer line. Rohla thanked City Manager Freedman for reevaluating his property frontage on the City Special assessments. City Manager Freedman explained to the Council that in some cases property owners on corner lots had been assessed for both street frontages and the City had made adjustments where necessary.

Tom Kuffel and Randy Fowler told the Council that the homeowners on West Seventh and Karrow Avenue (Orchard View Subdivision) were not happy with the proposed assessments for hooking onto the sewer. They said that they were

willing to pay for the sewer line that crossed their property and the hookup fees but were opposed to paying for the extension of the sewer main down Karrow Avenue (they felt the City should pickup this cost). City Manager Freedman explained that bids had been received and Hamilton Enterprises had submitted the low bid of \$40,600 which would cost each homeowner \$3,600. However, he had reduced this figure to approximately \$3000 because the City planned to do some of the work. Freedman said that the City had bent over backwards to help extend the sewer line to this subdivision by installing the 4th Street sewer line. He did not think the City should pick up any further costs for this subdivision. Water/Sewer Supervisor Acton agreed with City Manager Freedman and he felt that the City should forget the sewerage of the area.

After much discussion the issue was not resolved and the Council turned the matter over to City Manager Freedman. He would put the numbers together and bring them back to the Council.

OLD BUSINESS

1. VANDENBERG AND SCHENK ANNEXATION: This matter was referred to the Council meeting of December 21.

2. RESOLUTION 87-38: A RESOLUTION TO ADOPT THE WHITEFISH CITY-COUNTY MASTER PLAN: On a motion by Sevener, seconded by Faessler, to adopt Resolution 87-38 as presented. The motion passed unanimously.

CITY MANAGER REPORTS

1. UPCOMING MEETINGS: City Manager Freedman reminded the Council that the Workshop to go over the Zoning Ordinance was scheduled for Monday, December 14 and the City Christmas Party would be Thursday, December 10 at the Whitefish Lake Restaurant.

2. ATTORNEY GENERAL'S OPINIONS: City Manager Freedman said that he had given the Council the Attorney General's Opinion on Houston Tracts and the Ramsey Addition. The Attorney General had determined that the Houston Tracts was wholly surrounded by City property but that the Ramsey Addition was not. City Manager Freedman recommended that the Council allow him to meet with the property owners in Houston Tracts before scheduling the adoption of the Resolution of Annexation. City Attorney Muri and City Manager Freedman would resubmit new information to the Attorney General because they felt that he misinterpreted the information on the Ramsey Addition annexation.

3. FINANCIAL REPORTS

City Manager Freedman said he had given the Council copies of the pledged securities, the Cash Status Report and the Expenditure and Revenue Reports. He recommended the Council adopt the reports for November.

On a motion by Hanson, seconded by Moran, to adopt the Pledged Securities of the Mountain Bank (\$230,000) and the Pledged Securities of the First National Bank (\$453,000). The motion passed unanimously with one (1) abstention on the First National Bank Securities (LaTourelle abstained due to a conflict of interest).

On a motion by Faessler, seconded by Sevenser, to approve the financial reports as submitted. The motion passed unanimously.

4. TAX ABATEMENT RESOLUTIONS: City Manager Freedman said that he had given the Council copies of the Resolutions and put the issue on the agenda so that we could discuss whether or not the Council wants to pursue this issue. The Council would study the resolutions and the issue would be brought back to the next City Council meeting.

5. OPEN BURNING ORDINANCE: City Manager Freedman said that several people, including representatives from the Golf Association, would like to burn trees that have been infected with beetle kill while others would like to burn brush and trees that have been cut down on their property. He recommended that the Ordinance be modified to allow open burning in approved instances when the ground is covered with snow.

After some discussion, City Manager Freedman said that he would work with Fire Chief Anderson and bring a draft of the Ordinance back to a future Council meeting.

6. UPDATE ON BOARDS AND COMMISSIONS: City Manager Freedman said that Councilwoman Faessler had requested an updated list of all Boards and Commissions. The list was enclosed in the Council packets.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson requested that a new updated map be placed in the Council Chambers.

Councilman Sevenser said he would like to thank the Whitefish National Guard and Vern Ingraham for the excellent demonstration of their tanks on Sunday. He also requested that the Building Inspector investigate the immediate problem at 216 Somers Avenue.

Councilwoman LaTourelle requested permission to be out of the State December 12th through the 14th. On a motion by Moran, seconded by Faessler, to approve this request. The motion passed unanimously with LaTourelle abstaining.

Councilwoman Moran requested that a thank you note be sent to the Whitefish National Guard for inviting the Council to attend their tank drill. She also asked City Manager Freedman if he had checked the nonconforming signs that she had reported at the last meeting. He said that he and Building Inspector Quinn were still reviewing the signs. Moran said that she would like to see a chart on the steps of annexation, zone changes, etc. She asked if the insurance fees were exceeding the budget. City Manager Freedman said that the liability insurance had come in lower than the budgeted figures.

Mayor Amass read a letter from the Flathead County Office of Civil Defense inviting the Mayor and Council to attend an overnight exercise in the new Emergency Operations Center of the Justice Center.

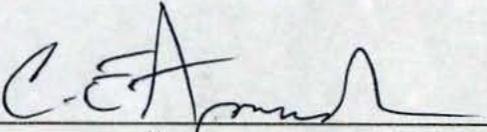
Mayor Amass also read a letter from H. George Meyer, Mayor of the Town of Taber (Alberta, Canada), asking if the Council would be interested in setting up an exchange visit with the Council of their City. This issue would be discussed at the December 14 workshop meeting.

Mayor Amass proclaimed December 23, 1987, Feed Flathead Day.

Councilman Hanson said that the North Valley Committee had been working for almost a year to put together a proposal to offer Flathead Valley Community College. If the College were to move to the site southeast of Whitefish, we would have to extend water and sewer to that site. He requested the Council to consider the extension of water and sewer to the site. The cost of the extension would be approximately \$172,000. Hanson said he felt the extension of services for this area should be in the five year extension of services plan. Eventually, the City would recover the cost of the extension through plant investment fees and surcharges on customers who hook onto these new lines.

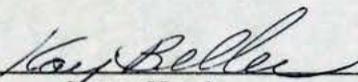
After discussion by the Council, on a motion by Hanson, seconded by Boksich, that the City of Whitefish guarantee the extension of sewer and water to the subject property should the College make a decision to move to the City of Whitefish. The motion passed unanimously.

On a motion by Sevener, seconded by Moran, to adjourn at 11:59 P.M. The motion passed unanimously.



Mayor

ATTEST:



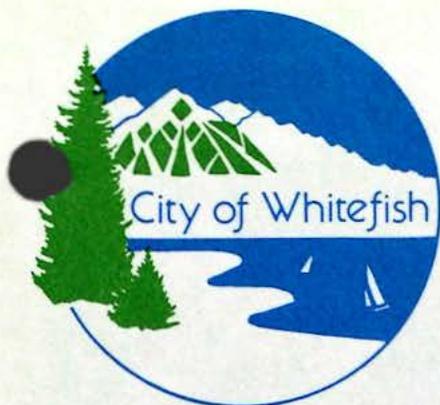
City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
December 21, 1987

- 7:00 I. Approval of the minutes of the December 7, 1987 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS
1. Water/Sewer
 2. Street/Sanitation
 3. Police (written)
 4. Building Inspector (written)
 5. Fire
- 7:35 IV. OLD BUSINESS
1. Vandenberg and Schenck Annexations: Resolutions 87-30
 2. Tax Abatement Resolutions
 3. Exchange visit with Town of Taber
- 7:55 V. CITY MANAGER REPORTS
1. Updates on West Seventh Street Sewer Project, Pack Rat Lane Project and Crosswinds/Hueth Project
 2. Whitefish County Water and Sewer District
 3. Quotation for Certified Communities' Signs
- 8:10 VI. COUNCIL REPORTS OR COMMENTS
- 8:20 VII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: December 16, 1987
RE: December 21, 1987 Meeting

Here are my comments and my recommendations on the Council Agenda items for the December 21, 1987 Council Meeting:

1. VandenBerg and Schenck Annexations: I met with Elaine and Al VandenBerg this week to discuss the annexation of the balance of their property. It is obvious that they do not feel that the balance of their property should be annexed but I think they understand why the City should go forward with the annexation.

Recommendation: Approve Resolution No. 87-30.

2. Tax Abatement Resolutions: These were discussed briefly at the last City Council Meeting. I would recommend that the City Council give serious consideration to the adoption of these resolutions which would provide a mechanism for greater development within the City of Whitefish. If the Tax Increment Fund had monies in it at this time, I would not recommend your consideration of these resolutions. These resolutions could be rescinded at any point in time by the City Council.

3. Exchange Visit with Taber, Alberta: The City Council should set dates for exchange visits with the Town of Taber. Once you have done this, I will write the Mayor of Taber with the information.

4. Updates on Various Projects:

- a. West Seventh Street Sewer Project - Despite further efforts at a compromise with the homeowners, it appears that this project will not be constructed this fall.
- b. Pack Rat Lane Water and Sewer Project - It appears likely that the homeowners will fund the engineering work necessary for the development of plans for water and sewer lines within their neighborhood.
- c. Crosswinds/Hueth Sewer Project - In my last meeting with the homeowners from these areas, there was considerable interest in doing preliminary engineering work on this project. I have contacted all of the homeowners in an effort to collect the funds needed for the preliminary work.

5. Whitefish County Water and Sewer District: The District would like the City of Whitefish to write a letter to them indicating that we are willing to negotiate agreements with the District or directly with neighborhood areas within the District to accept sewage waste for treatment at our sewer treatment facility.

Recommendation: I see no reason why the City cannot write a letter with the above information in it.

6. Quotation for Certified Communities' Signs: Enclosed in your packet is a quote from John Lepo for the Certified Communities' signs.

MINUTES
WHITEFISH CITY COUNCIL
DECEMBER 21, 1987

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Sevenser, Moran and Faessler. Councilman Boksich was absent. Also present were City Manager Freedman and City Attorney Muri.

MINUTES

On a motion by Sevenser, seconded by Faessler, to approve the minutes of the December 7, 1987 Council Meeting as presented. The motion passed unanimously.

PUBLIC COMMENTS

NONE

STAFF REPORTS

Written reports had been submitted by Police Chief Dolson and Building Inspector Quinn.

OLD BUSINESS

1. VANDEMBERG AND SCHENCK ANNEXATIONS: RESOLUTION 87-30: City Manager Freedman told the Council that he had met with Elaine and Al Vandenberg to discuss the annexation of the balance of their property. He said that they did not feel that their property should be annexed but understood why the City should go forward with the annexation.

Mayor Amass opened the public hearing and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

After some discussion, on a motion by Sevenser, seconded by LaTourelle, to adopt Resolution No. 87-30, annexing the Marguerite Schenck and the Elaine and Albertus Vandenberg properties. The motion passed unanimously.

2. TAX ABATEMENT RESOLUTIONS: City Manager Freedman said that the Council had discussed these Resolutions briefly at the last City Council Meeting. He recommended that the City Council give serious consideration to the adoption of the resolutions which would provide a mechanism for greater development within the City of Whitefish. If the Tax Increment Fund had monies in it at this time, he would not recommend the consideration of the resolutions. He also told the Council that the Resolutions could be rescinded at any time.

After some Council discussion, it was decided to table this issue until the January 4th Council meeting.

3. EXCHANGE VISIT WITH TOWN OF TABER: City Manager Freedman said that the Council should set dates for exchange visits with the Town of Taber. After discussion, Mayor Amass asked City Manager Freedman to contact the Mayor of Taber to see what dates they would prefer.

CITY MANAGER REPORTS

1. UPDATES ON WEST SEVENTH STREET SEWER PROJECT, PACK RAT LANE PROJECT AND CROSSWINDS/HUETH PROJECT:

a. West Seventh Street Sewer Project: City Manager Freedman said that despite further efforts at a compromise with the homeowners, it appears that this project would not be constructed this year. He said that the final figures to each property owner were approximately \$2,825 and he felt the City had gone as far as they could go. Tom Kuffel was to present the latest figures to the other homeowners on West Seventh Street. At this time, City Manager Freedman had not heard from any of the homeowners.

b. Pack Rat Lane Water and Sewer Project: City Manager Freedman said that it appears likely that the homeowners (9) would fund the engineering work necessary for the development of plans for water and sewer lines within this neighborhood. The total cost of this project would be approximately \$72,000.

c. Crosswinds/Hueth Sewer Project: City Manager Freedman said that in his last meeting with the homeowners from these areas, there was considerable interest in doing preliminary engineering work on this project. He said that he had contacted all of the homeowners in an effort to collect the funds needed for the preliminary engineering work. He said that probably one sewer line could be constructed down East Second Street and one could be extended down Armory Road. These lines would then connect to the Cow Creek Interceptor Sewer Line that the City crews should complete by April 1, 1988.

d. Councilwoman LaTourelle requested that the Colorado, Texas, Cedar Estates homeowners be given a six month extension on the sewer plant investment fee. (The Council had extended the \$150 plant investment fee plus a \$20 inspection fee until December 31, 1987.) The Council was in agreement with the extension of time on the sewer plant investment fee and gave the area until June 30, 1988 to have this project moving toward completion if the homeowners were to be eligible for the \$150 sewer plant investment fee.

2. WHITEFISH COUNTY WATER AND SEWER DISTRICT: City Manager Freedman explained that the District would like the City of Whitefish to write a letter to them indicating that we are willing to negotiate agreements with the District or directly with neighborhood areas within the District to accept sewage waste for treatment at our sewer treatment facility. He recommended that the Council approve the letter being written.

Councilman Hanson said that some time ago Water/Sewer Supervisor Acton had written a letter with some fifty (50) concerns to the District and as of this date had not received an answer from them. Hanson said these concerns should be addressed. City Manager Freedman said that he would write the District a letter telling them that the Council would like a formal letter addressing these concerns. He also said that the letter being requested by the

District would not be a firm commitment on the City's part and he recommended the letter be sent. The Council authorized City Manager Freedman to write the letter.

3. QUOTATION FOR CERTIFIED COMMUNITIES' SIGNS: City Manager Freedman had received a quote for the Certified Cities signs and the Council was in favor of the signs, however, they were not in agreement on the placement of the signs. They requested that City Manager Freedman bring back a plan showing the exact placement of the signs and a colored sketch to the next Council Meeting.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler said that it had been a pleasure working with outgoing Council Members Moran and Sevenser and she said that they would be missed.

Councilwoman Moran asked City Manager if he had the figures on annexation (increase in taxes) and the flow charts on annexations, etc. He said that he would have them at the next meeting.

Moran said that she had appreciated serving on the Council and wished the Council good luck. She said that she was one citizen that knows how much work goes into being a Council Member.

Councilman Sevenser said that he was pleased to have served with the Council.

Councilman Hanson said that the snow berms on West Second Street needed to be plowed further to the sides of Highway 93. He said that the way the State was plowing did not allow for pedestrian traffic. City Manager Freedman said he would either contact the State or have the City Crews plow the berms to the sides of the road.

Mayor Amass read letters from:

1. Flathead Economic Development Corporation thanking the Council for the \$2,000 pledged to hire the Economic Director.

2. Leo Ost requested that the City regulate the trucks parking on public sidewalks. (The City Manager would talk to the Highway Department because the area in question was part of the highway right-of-way.

Mayor Amass said that Councilman Boksich was requesting to leave the State from December 23, 1987 until January 3, 1988. On a motion by Moran, seconded by LaTourelle, to approve this request. The motion passed unanimously.

Mayor Amass told Councilwoman Moran and Councilman Sevenser that he was sorry to see them go and thanked them for the time and effort they had put into the job.

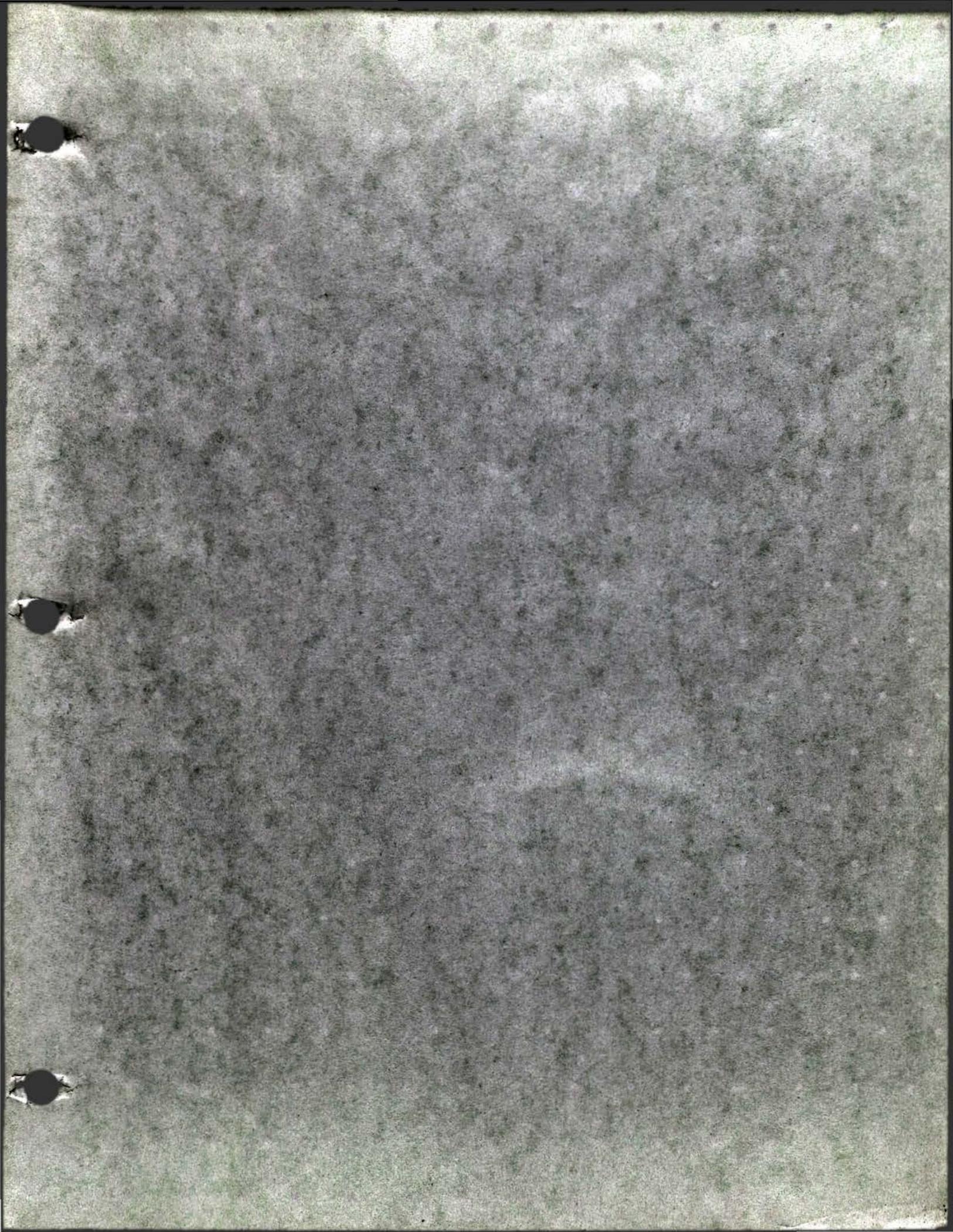
Councilman Hanson recommended that Councilwoman Moran remain on the Solid Waste Board and the Council agreed. Councilwoman Moran said that she would remain on this Board.

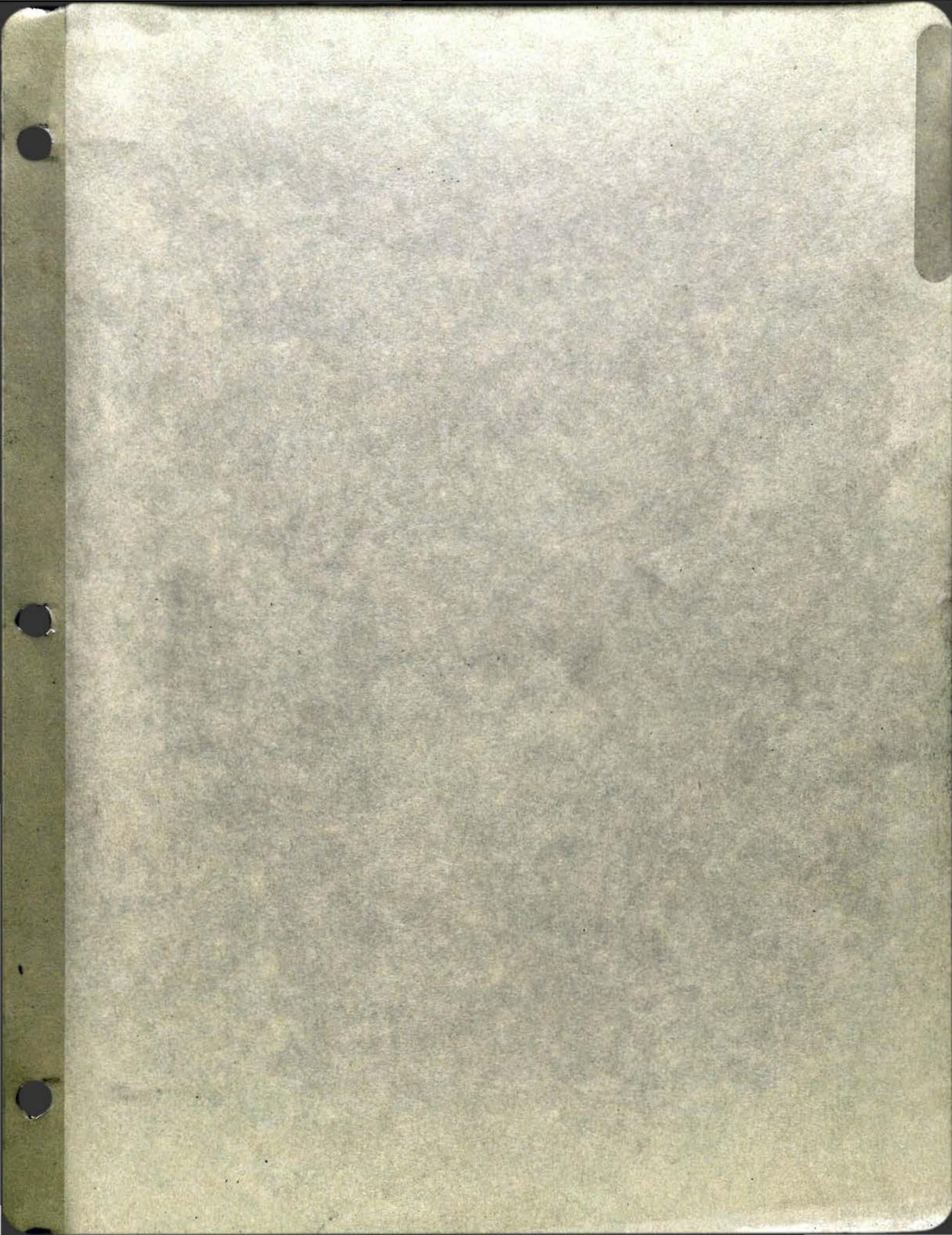
On a motion by Sevenser, seconded by Faessler, to adjourn at 8:02 P.M. The motion passed unanimously.

Mayor

ATTEST:

City Clerk







Box 158, Whitefish, Montano 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
January 4, 1988

- 7:00 I. Approval of the minutes of the December 21, 1987 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
1. Water/Sewer
 2. Street/Sanitation
 3. Police
 4. Building Inspector
 5. Fire
- 7:35 IV. OLD BUSINESS
1. Sewer Revenue Bond Ordinance and Closing Certificates
 2. Certified Communities' Signs
- 7:55 V. OATH OF OFFICE FOR NEW COUNCIL MEMBERS
- 8:10 VI. NEW BUSINESS
1. Countywide Administrative Board Budget
 2. Citywide Street Project Report
- 9:15 VII. CITY MANAGER REPORTS
1. Scheduling of Council Retreat
 2. Discussion on Changes in Zoning Ordinance
- 9:25 VIII. COUNCIL REPORTS OR COMMENTS
- 9:35 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: December 30, 1987
RE: January 4, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the January 4, 1988 Council Meeting:

1. SEWER REVENUE BOND DOCUMENTS: Enclosed in your packet is the schedule for the closing on the \$540,000 Sewer Revenue Bond issue. At the City Council Meeting, the City Council must adopt a supplemental bond ordinance and drafts of the closing certificates must be circulated. At the present time, I have not received these documents. I will hand deliver these documents to each of you in the next two days.

2. COUNTYWIDE ADMINISTRATIVE BOARD BUDGET: A proposed 3-year budget plan for the Countywide Administrative Board is in your packet. The finances of the C.A.B. dictate that each of the governing bodies increase their financial participation if we are to maintain services at their current level. In my opinion, the preferred alternative would require the City of Whitefish to increase its financial participation by approximately \$1800 in the 88-89 Fiscal Year, an increase of approximately \$1300 in the 89-90 Fiscal Year over the previous year and in the 90-91 Fiscal Year the City's contribution would decrease by approximately \$400 as compared to the previous year. The City of Whitefish receives a valuable service from the Flathead Regional Development Office and I feel that the staffing level must be maintained at the current level.

RECOMMENDATION: Commit to increased funding at the above levels for the next two years so that FRDO can proceed forward with the completion of their budget work and staffing requirements.

3. CITYWIDE STREET PROJECT: Woody Germany of Sorenson and Company will be at the City Council Meeting to discuss this project. The City Council must decide at what level this project should be looked at so that the City can move forward with some type of street improvement plan. He will discuss various alternatives that should be considered by the City Council and he will discuss what levels of funding may be acceptable to the public.

RECOMMENDATION: I feel that the City Council should listen to this presentation and then be prepared to carefully analyze this matter at our upcoming Council Retreat.

4. COUNCIL RETREAT: I would recommend that the City Council have a Council Retreat with me as soon as possible on either January 16th or 23rd at Grouse Mountain Lodge.

5. CHANGES IN ZONING ORDINANCE: The changes that were discussed at the Council Workshop on the Zoning Ordinance are enclosed in your packet. Please review them to ensure that they are accurate. The Public Hearing on the Zoning Ordinance will be held on Monday, January 18, 1988 at our regularly scheduled City Council Meeting.

If you have any questions or comments about any of these items, please feel free to contact me. Have a Happy New Year.

MINUTES
WHITEFISH CITY COUNCIL
JANUARY 4, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich LaTourelle and Moran. Sevener and Faessler were absent. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson, Building Inspector/Asst. Zoning Administrator Quinn, Water/Sewer Supervisor Acton and Street Superintendent Wartnow.

MINUTES

On a motion by LaTourelle, seconded by Moran, to approve the minutes of the December 21, 1987 Council Meeting as presented. The motion passed with 3 aye votes and 1 abstention (Boksich abstained because he was not present at that meeting).

PUBLIC COMMENT

Dick Peterson said that when the City of Whitefish accepted Federal Funding they had to adopt the Federal Accessibility Standards. He said that for the existing businesses in the downtown area, it puts a real hardship for anyone trying to expand a business. Peterson said that he wanted to remodel his business but it would require putting in two new handicapped bathrooms and the costs would be prohibitive. He asked the Council to review this issue to see if changes could not be made. Mel Kastella agreed with Peterson because he wanted to rent the front of his business and before he could rent the front of the building he would have to install handicapped restrooms. He asked if the Council could change the regulations to make it more equitable for the businesses on Main Street.

Mayor Amass requested this issue be put on the agenda of the Council Workshop.

John Garrity said that if the City of Whitefish has the money to give to the College on the sewer extension, etc., why not give it back to the senior citizens. He felt the money should be used to take care of the City people. He also said that he had not heard back from the City Manager on the Cable TV fees being charged to the City of Whitefish citizens and said he would like the Council to look at this issue and come back with an answer.

The Council would consider this issue at the workshop also.

STAFF UPDATES

There were no staff updates at this time.

Councilman Boksich again asked Building Inspector Quinn about the construction on Somers Avenue (James Rauk). Boksich said this was definitely a hazard and wondered if a citation had been issued to Mr. Rauk. Building Inspector Quinn said he would issue a citation this week.

OLD BUSINESS

1. SEWER REVENUE BOND ORDINANCE AND CLOSING CERTIFICATES: City Manager Freedman explained that the Resolution prepared by Dorsey & Whitney, the City's Bond Council, would have to be adopted tonight in order to go forward with the sale of \$540,000 of Sewerage System Revenue Bonds, Series 1988. He said that D. A. Davidson had scheduled a closing on this bond issue for January 14, 1988 and the City would receive the proceeds the same day. City Manager Freedman recommended that the City Council adopt Resolution No. 88-1.

On a motion by Boksich, seconded by LaTourelle, to adopt Resolution No. 88-1 as presented. The motion passed unanimously.

2. CERTIFIED COMMUNITIES' SIGNS: City Manager Freedman said that he had checked the Welcome to Whitefish signs and there was not room at the bottom of the signs to place the Certified Community signs. He recommended that the signs be placed (south of the City) north of the Welcome to Whitefish sign and adjacent to JP Road and on Highway 93 West the Certified Cities sign should be placed close to the City of Whitefish City Limits sign (west of Karrow Avenue in the right of way). He also recommended that the Council approve the sign proposal as presented by John Lepo.

After some Council discussion, on a motion by Hanson, seconded by Boksich, to purchase the two signs as designed by John Lepo and approve the City Manager's recommendation as to the placement of the signs. The motion passed unanimously.

OATH OF OFFICE FOR NEW COUNCIL MEMBERS

The following candidates had been elected to office in the November election:

Mayor - Carroll Amass
Council - Pat LaTourelle
Council - Ray Boksich
Council - Donna Maddux
Council - Buster Schreiber

City Attorney Muri gave the Oath of Office to Mayor Amass, Councilmembers LaTourelle, Boksich, Maddux and Schreiber. They then took their place at the Council table.

Mayor Amass presented Anne Moran a plaque and thanked her for all the hard work she had done while serving on the Council. Steve Sevener was absent from this meeting but Mayor Amass thanked him and his plaque would be given to him at a later date.

NEW BUSINESS

1. COUNTYWIDE ADMINISTRATIVE BOARD BUDGET: City Manager Freedman said he had give the Council a proposed 3 year budget plan for the Flathead Regional Development Office. The finances of the C. A. B. dictate that each

of the governing bodies increase their financial participation if services were to be maintained at the current level. He said that in his opinion the preferred alternative would require the City of Whitefish to increase its financial participation by approximately \$1800 in the 88-89 Fiscal Year, an increase of approximately \$1300 in the 89-90 Fiscal Year over the previous year and in the 90-91 Fiscal Year the City's contribution would decrease by approximately \$400 as compared to the previous year. He said that the City of Whitefish receives a valuable service from the Flathead Regional Development Office and that the staffing level must be maintained at the current level. His recommendation was to commit to increased funding at the above levels for the next two years so that C.A.B. can proceed forward with the completion of their budget work and staffing requirements.

Councilwoman LaTourelle asked City Manager Freedman if he felt the other cities and the County would accept this proposal even if the City of Whitefish commits to it. She favored a 5% increase and then the 2.5% increase in salaries over the three years. City Manager Freedman said he could not speak for the the other entities but if they did not approve the proposed budget, the Board would have to make cuts by eliminating one planner.

Councilman Schreiber said the proposed increase would be 23% and asked City Manager Freedman if it was worth it for the City of Whitefish. City Manager Freedman said he felt the City of Whitefish gets more service than they pay for each year.

Councilwoman Maddux said she felt sorry for the FRDO people because they had not received a pay increase for three years but she was concerned about giving a bigger pay increase than the city employees had received. (City Employees had received a 4.7% increase this year and no increase the previous year and the FRDO people would receive 5% the first year and 2.5% the next two years). She was in favor of supporting a smaller increase in salaries.

City Attorney Muri agreed with City Manager Freedman and he said that this group had been very helpful to him. They do not hesitate to help when you call them. Councilman Hanson said that the FRDO Office keeps the City of Whitefish out of a lot of hot water and that we need a professional planning staff.

After discussion, the consensus of the Council was that they would support Proposal A but that the County would be the deciding factor on the increase because they would be funding the largest percentage of the budget increases.

CITYWIDE STREET PROJECT: City Manager Freedman said that the City Council must decide at what level this project should be looked at so that the City can move forward with some type of street improvement project. He introduced Woody Germany of Sorenson and Company and recommended that the City Council listen to his presentation and then be prepared to carefully analyze this matter at our upcoming Council Retreat.

Woody Germany gave a report on the Street Improvement Project. He explained that the improvements to the City of Whitefish, which would become part of a Special Improvement District, consist of reconstructed paved streets, sidewalks, curbs and gutters and a storm sewer system. The system

will have a design life of 15 to 20 years with proper care and regular maintenance. He said the width of collector streets would be 45', new subdivision residential streets would be 36', residential streets would be 32' and rural residential streets would be 24'. He said that the requirements for street widths were based on traffic patterns and use. Germany said that the existing storm drainage system is drastically undersized for current or future needs and was in poor condition. Total improvement costs would be \$8,167,000. (This would not include the water and sewer improvements). He explained that the 2300 Whitefish Residents would pay approximately \$410.45 per year for 20 years if the City pledged all or most of the Gas Tax Revenue and some revenues from the Maintenance District #1. If these two revenues were not pledged the cost to the taxpayer would be greater. He also explained various financing options.

The Council would review the Street Improvement Project at the Council Retreat.

CITY MANAGER REPORTS

1. SCHEDULING OF COUNCIL RETREAT: City Manager Freedman recommended that the City Council have a Council Retreat with him as soon as possible on either January 16th or 23rd at Grouse Mountain Lodge.

After some discussion, the Council set the Retreat for January 16, 1988 at 9:00 A.M. at Grouse Mountain Lodge.

2. CHANGES IN ZONING ORDINANCE: City Manager Freedman said that the changes that were discussed at the Council Workshop on the Zoning Ordinance were enclosed in the Council packets. He requested that the Council review them to ensure that they are accurate. The public hearing on the Zoning Ordinance will be held on Monday, January 18, 1988 at the Council Meeting.

3. APPOINTMENTS TO THE CITY COUNTY PLANNING BOARD: City Manager Freedman would bring this issue back to the Council Meeting of January 18, 1988 since no letters of interest had been received as of this date.

COUNCIL REPORTS OR COMMENTS

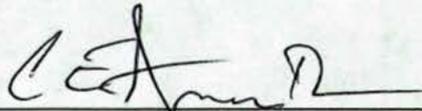
Councilman Hanson said that for lack of a sidewalk on the south side of First Street from the Sportsman to Central Avenue people were having to walk in the street. He felt some type of walkway should be designed. City Manager Freedman would review this area and see that the problem was resolved.

Councilman Hanson also said he had received complaints on the water bills and asked if the meters were read every month. City Manager Freedman said they were read every month and if they could not be read they were estimated. Hanson cited two problems and gave the names to City Manager Freedman to follow up on.

Councilman Boksich thanked Anne Moran and wished her good luck in the future and welcomed Councilwoman Maddux and Councilman Schreiber.

Mayor Amass said he liked the new ad format the City used in the Whitefish Pilot.

On a motion by LaTourelle, seconded by Hanson, to adjourn at 8:42 P.M. The motion passed unanimously.

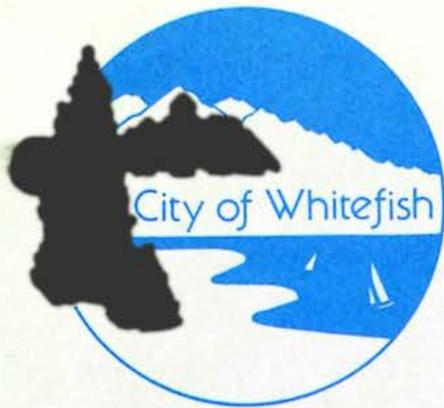


Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montono 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
January 18, 1988

- 7:00 I. Approval of the minutes of the January 4, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS
1. Police (written)
 2. Water/Sewer
 3. Street/Sanitation
 4. Building (written)
 5. Fire
- 7:30 IV. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. (First Reading of Ordinance 88-1)
 2. A request by Gregory MacDonald to rezone a 2.5 acre tract of land on Big Mountain Road from WR-2 to WRR-1 with a P.U.D. overlay for the construction of a 10-unit lodge with dining room, a detached manager's unit and 8 small cabins and the annexation of this tract of land (Resolutions 88-2 and 88-3).
- 9:00 V. OLD BUSINESS
1. Lease agreement with National Guard
- 9:10 VI. NEW BUSINESS
1. Bob Worthington - Montana Municipal Insurance Authority
- 9:30 VII. CITY MANAGER REPORTS
1. Seventh Street Sewer Project Update
 2. Texas/Colorado Sewer Project Update
 3. Financial Reports
 4. Planning Board Appointments
- 10:00 VIII. COUNCIL REPORTS OR COMMENTS
- 10:10 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: January 13, 1988
RE: January 18, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the January 18, 1988 Council Meeting:

1. ZONING ORDINANCE: I would urge you to bring to the Council Meeting the final draft of the Zoning Ordinance and a copy of the memorandum of the changes that were made by the City Council at the workshop meeting. Depending upon the amount of public input, you may decide to adopt the first reading of Ordinance 88-1 at the meeting or you may decide to continue the public hearing to the February 1 Meeting. There will be two readings of this ordinance.

2. GREGORY MACDONALD REZONE, P.U.D. AND ANNEXATION: In your packet, you have the recommendations of the Planning Board with regard to the rezoning of this property and the P.U.D. overlay. The question that you must consider is whether or not you want the dining facility to be open only to the people that stay at the Bed & Breakfast or should the facility be open to the general public as well. The other issues have been addressed in a careful manner and I see no reason why the proposed parcel of land cannot be rezoned, the P.U.D. overlay be approved and the parcel of land be annexed into the City.

3. NATIONAL GUARD LEASE: Based upon the letter that was given to you at the last City Council meeting, it now appears that the Whitefish Guard Unit will not be a tank company after October 1, 1988.

Recommendation: Based upon this new information, I would recommend that the Council approve a lease agreement with conditions that protect the public during the next nine months when the National Guard Unit is training with their tanks. I would recommend that we discuss this matter at the City Council meeting and a revised lease agreement can be brought to the February 1 meeting.

4. MONTANA MUNICIPAL INSURANCE AUTHORITY: Bob Worthington will be discussing both the Workman's Compensation Program and the Liability Insurance Program that the City of Whitefish has with the MMIA.

5. PLANNING BOARD APPOINTMENTS: I have received six letters of interest from residents of the City of Whitefish who would like to be appointed to the two positions on the Planning Board. I am enclosing copies of all of the letters of interest for your consideration.

Recommendation: I would recommend that the City Council reappoint Jan Brunk

and Maurice Cusick to the two positions because of their experience and interest in the planning issues of the Whitefish area.

If you have any questions about any of these matters, please feel free to contact me prior to the City Council meeting.

Council Retreat - 9:00 A.M. on Saturday, January 16th at Grouse Mountain Lodge. Coffee, tea and pastries will be served at 9:00 and a deli platter will be served at lunch time.

MINUTES
WHITEFISH CITY COUNCIL
JANUARY 18, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri and Building Inspector/Asst Zoning Administrator Quinn.

MINUTES

On a motion by Hanson, seconded by Maddux, to approve the Minutes of the January 4, 1988 Council Meeting as presented. The motion passed with 5 aye votes and 1 abstention (Faessler abstained because she was absent from that meeting).

PUBLIC COMMENT

John Garrity said that he had given City Manager Freedman a letter dated November 13, 1987 and had not received an answer back on it. He also discussed giving Senior Citizens a 10% discount on the water/sewer bills and why homeowners were being assessed a 3% Cable TV fee.

Mayor Amass requested City Manager Freedman respond to Mr. Garrity's letter.

STAFF REPORTS

Written reports had been submitted by Building Inspector Quinn and Police Chief Dolson. The Council requested that the other Departments (Fire, Water/Sewer, Streets, etc.) submit reports also.

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRATERRITORIAL JURISDICTIONAL AREA (FIRST READING OF ORDINANCE 88-1): Tom Jentz, Senior Planner in the Flathead Regional Development Office, gave the Staff Report. He explained that the Whitefish Zoning Committee appointed by the City Council met biweekly for the purpose of editing, streamlining and simplifying the present Whitefish Zoning Code. The Whitefish City-County Planning Board and Zoning Commission then held three workshops to fine tune the proposed draft. The City-County Planning Board and Zoning Commission recommended the adoption of the proposed draft Zoning Ordinance subject to 13 changes that were incorporated into the final draft. The City Council at their workshop on December 14, 1987, modified the draft even further with approximately 25 additions or deletions to the proposal. He recommended the adoption of the Ordinance prepared by the Whitefish City-County Planning Board and the Whitefish Zoning Commission incorporating the changes made at the City Council Workshop.

Councilwoman Faessler questioned the regulation of parking 20' to 30' recreational trailers on private property in the WR-1 and WR-2 zones. She said that she had received complaints from people that these trailers were obstructing the view of streets and alleys. She said that the trailers should be made to observe the setback limitations and felt this should be addressed. Tom Jentz said that if a trailer is occupied there are standards that have to be followed. If the trailer is unoccupied, there are no standards and the committee had decided not to regulate these trailers. Faessler said she would like something in the Zoning Ordinance that would give some guidelines to control the parking of the trailers. The Council would continue to review this issue.

Mayor Amass opened the Hearing to the public.

Carol Koenig, Jeannie Veeneman and Linda McMasters spoke against the keeping of livestock (Chapter 17.44, page 67 & 68). The Ordinance allows livestock inside the city limits where pastureland is available and lots are large enough in the WA, WCR, WSR and WLR zones. They were protesting the ratio of one (1) livestock unit per acre of usable pastureland. Jeannie Veeneman said that they raise Arabian horses and have from 6 to 17 horses all the time. She suggested the Council consider a grandfather clause of some kind for the people that currently have animals. Linda McMasters told the Council that they have a Llama farm and if they had to decrease the number of llamas they keep, it would ruin their business. She also suggested either doing away with the keeping of animals section of the Ordinance or including a grandfather clause.

John Garrity asked if this Ordinance allowed double wide trailer homes in the City Limits. Tom Jentz said they would be allowed but they would have to comply to the design standards (listed on pages 90 & 91). Jentz cited a court case in Butte where the property owner had taken this issue to court and won. Garrity said that trailer houses would reduce the value of adjacent properties.

Dave Jamieson, Chairman of the Board of Adjustments and member of the Zoning Committee, said that he supported the Zoning Ordinance but there were some issues he felt the Council should consider. These issues are as follows:

1. 17.62.050 - 1. A paved hard surface (concrete, asphalt, interlocking brick, etc.) for all single family and greater residential uses and nonresidential uses. He felt all single family residences prior to the adoption of the Ordinance should be grandfathered;

2. He suggested that paragraph #2 as modified to exclude single family or duplexes in the extraterritorial area. He said that the reason for this request was because in the extraterritorial areas, the lot sizes are larger and in some instances the cost of paving would be prohibitive for longer driveways.

3. Page 77 (B3 zones) - He felt the "nonresidential uses shall be exempt from the Parking and Loading requirements of this ordinance", should be reviewed. He also requested that 17.64.050 be reviewed.

Dorothy Heard questioned the City Council changes to 17.23.27, 28, 29 and 17.77.050 and 17.77.060 and felt they should be reviewed.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council discussed: 1. A Use Permit requirement for the keeping of animals; 2. 17.44.020 - Should be "increase" instead of "decrease"; and 3. Bed and Breakfast - expanding the number of units allowed.

An increased height limitation in certain districts was discussed also. Tom Jentz said that the City-County Planning Board was opposed to increasing the height limitation. City Manager Freedman said he had talked to the Fire Department and they were not sure what their needs would be if the 35' height limitation was increased. He said that he was proposing an impact fee to deal with impacts on the fire departments and other departments that may be impacted by large commercial projects.

Councilwoman Maddux asked City Manager Freedman to check into what the fire rating would be if the height limitation was increased. (The rating affects the fire insurance premiums for residents within the Fire Department's service area).

Councilman Hanson addressed some of Dave Jamieson's concerns and on page 77 (WB-3 Special Conditions) suggested changing 17.64.010 to: "All nonresidential uses shall be exempt from the Parking and Loading requirements of this Ordinance except for the paving requirements."

Mayor Amass suggested that the Council continue the Public Hearing until the next Council meeting and bring back all the concerns stated above at that time.

On a motion by Hanson, seconded by LaTourelle, to continue the hearing on Ordinance 88-1 until the next Council meeting. The motion passed unanimously.

2. A REQUEST BY GREGORY MACDONALD TO REZONE A 2.5 ACRE TRACT OF LAND ON BIG MOUNTAIN ROAD FROM WR-2 WITH A P.U.D. OVERLAY FOR THE CONSTRUCTION OF A 10 UNIT LODGE WITH DINING ROOM, A DETACHED MANAGER'S UNIT AND 8 SMALL CABINS AND THE ANNEXATION OF THIS TRACT OF LAND (RESOLUTIONS 88-2 AND 88-3): Tom Jentz gave the staff report. He explained that Gregory MacDonald was not the owner of the property but had an agreement to acquire the site contingent upon approval of the zone change and annexation approval. MacDonald was requesting a zone change from WR-2 (Two Family Residential) to WRR-1 (Resort Residential) with a PUD overlay. The PUD would enable the applicant to construct an 8,000 square foot, two-story ten unit lodge with dining room, a manager's unit with two-car garage and eight family cabins. The rooms would be rented nightly. Breakfast would always be served and occasionally other meals as well. Meals would also be available to the general public on an occasional basis. The project would be developed in phases. Phase One would include the lodge and manager's unit. Phase Two and possibly Phase Three would include the eight cabins and pond. Jentz said that with the PUD, the City Council could put conditions on the project. He said that after holding a public hearing, the Zoning Commission recommended approval of the zone change from WR-2 (Two

Family Residential) Zone to WRR-1 (Resort Residential) Zone with a Planned Unit Development overlay subject to 24 conditions (Per letter dated December 23, 1987). Jentz said that if MacDonald did not get the zone change he did not want the property to be annexed.

Greg MacDonald said of the 24 conditions placed on the project by the City-County Planning Board, he agreed with 22 of the conditions. He did request that the Council consider the size of the sign and also requested to serve not more than 30 diners regardless of whether they had reservations or whether they were registered or not.

Councilwoman Faessler questioned the one access to the property. She said that on Armory Road, the Council had required the driveways have a turnaround, in one way and out the other way. She felt this was a good idea because there would be more vehicles and traffic in the proposal. She favored two driveways, one in and one out of the property. Tom Jentz explained that the Development on Armory Road was residential. In this proposal, there is a facility where people would drive in and park. He said the one access complied with the Zoning Ordinance requirements.

Mayor Amass opened the hearing to the public.

Greg MacDonald said he objected to the limitations on the proposed sign. He requested that the Council consider a single indirectly lit sign measuring 32 square feet (both sides) and to allow him to serve limited meals by reservation.

As there was no further public comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council went through the 24 conditions and the following changes were made:

5. The dining facility in the lodge shall limit its service at any one time to 30 diners by reservation.

8. The site shall be limited to two accesses onto Big Mountain Road. Said access roads are to be paved and shall be 24-35 feet in width at the intersection with Big Mountain Road. One way signs shall be placed indicating "in" and "out".

9. Add: f. 5 extra parking spaces be added for the dining facility.

11. delete "street"

16. delete (16 square feet if double-sided)

After some discussion, on a motion by Boksich, seconded by LaTourelle, to adopt Resolution No. 88-2, amending the official map of the City of Whitefish and that the use district be amended, altered or changed from one or two family Residential District WR-2 to Resort Residential District WRR-1 with a Planned Unit Development overlay, to adopt the Findings of Fact as presented

by the City-County Planning Board and approve the 24 conditions with the above stated changes. The motion passed unanimously.

On a motion by LaTourelle, seconded by Boksich, to adopt Resolution No. 88-3, annexing that portion to Tract 1C lying on the east side of Big Mountain Road located in Section 23, Township 31 North, Range 22 West, P.M.M. The motion passed unanimously.

City Manager Freedman said that the City Council should think about amending the Tax Increment District to include this parcel of land. This issue would be brought back at a later meeting.

OLD BUSINESS

1. LEASE AGREEMENT WITH NATIONAL GUARD: City Manager Freedman said that based upon the letter from Vernon L. Ingraham, it appears that the Whitefish Guard Unit will not be a tank company after October 1, 1988. He recommended that the Council approve a lease agreement with conditions that protect the public during the next nine months when the National Guard Unit is training with their tanks.

The Council discussed this issue and Councilman Hanson suggested that a gate be put on the west side fence with a latch fairly high so kids cannot wander through the gate when the tanks are in use. City Manager Freedman said that on page 2 of the agreement, #6 would take care of the security at the field during periods of training.

On a motion by Hanson, to approve the lease until October 1, 1988 and review every following twelve (12) months to see if circumstances have changed. The motion died for lack of a second.

On a motion by Boksich, second by Hanson, to approve the lease agreement until October 1, 1988 and review it every twelve (12) months there after and to eliminate #8, a. and b. on page 2.

On a motion by Schreiber, seconded by LaTourelle, to amend the motion to go with the original term of five (5) years. The motion passed unanimously.

The motion made by Councilman Boksich, seconded by Councilman Hanson also passed unanimously.

CITY MANAGER REPORTS

1. SEVENTH STREET SEWER PROJECT UPDATE: City Manager Freedman said that the City had tried to work with the homeowners on the sewer project and there were seven (7) people who contacted him who were in favor of it. The city would not pursue the issue further. The homeowners would have to pursue the issue in the future if they desire to do so.

2. TEXAS/COLORADO SEWER PROJECT UPDATE: City Manager Freedman said that he was going to send letters to approximately 43 property owners in this area to see if there was sufficient interest to pursue this sewer project. He said a petition would be placed in the Clerk's office and if enough signatures were received, the City would pursue forming an S.I.D.

4. FINANCIAL REPORTS: City Manager Freedman gave a summary review of the Cash Status Report, Revenue and Expenditure Reports. On a motion by Schreiber, seconded by Faessler, to approve the financial reports as submitted for the month of December. The motion passed unanimously.

5. PLANNING BOARD APPOINTMENTS: City Manager Freedman reported that he had received seven (7) applications from people interested in serving on the City-County Planning Board.

The Council set a workshop meeting to interview candidates on January 25, 1988 at 7:00 P.M. Appointments to the Planning Board would be made at the Council Meeting of February 1, 1988.

5. APPOINTMENT TO THE HOUSING AUTHORITY: City Manager Freedman explained that Councilman Schreiber had resigned from the Housing Authority Board and the Authority was recommending that Doris Wood (the former Executive Director) be appointed to replace Schreiber.

Mayor Amass appointed Doris Wood to serve on the Housing Authority Board.

On a motion by Hanson, seconded by Faessler, to confirm Mayor Amass's appointment of Doris Woods to the Housing Authority. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilwoman Maddux requested a copy of the proposal for the proposed Business Improvement District.

Councilman Boksich asked Building Inspector Quinn what progress was being made at the Jim Rauke property on Somers Avenue. Quinn said that he did cite Mr. Rauke and there was a warrant out for his arrest. He also said that the City would either do the work or hire a contractor to backfill and complete the project.

Mayor Amass asked Tom Jentz if it would be possible to have a small zoning map put into the Zoning Ordinance. Tom said he would check and see if it would be possible and come back with an answer at a future meeting.

On a motion by LaTourelle, seconded by Faessler, to adjourn at 9:34 P.M. The motion passed unanimously.

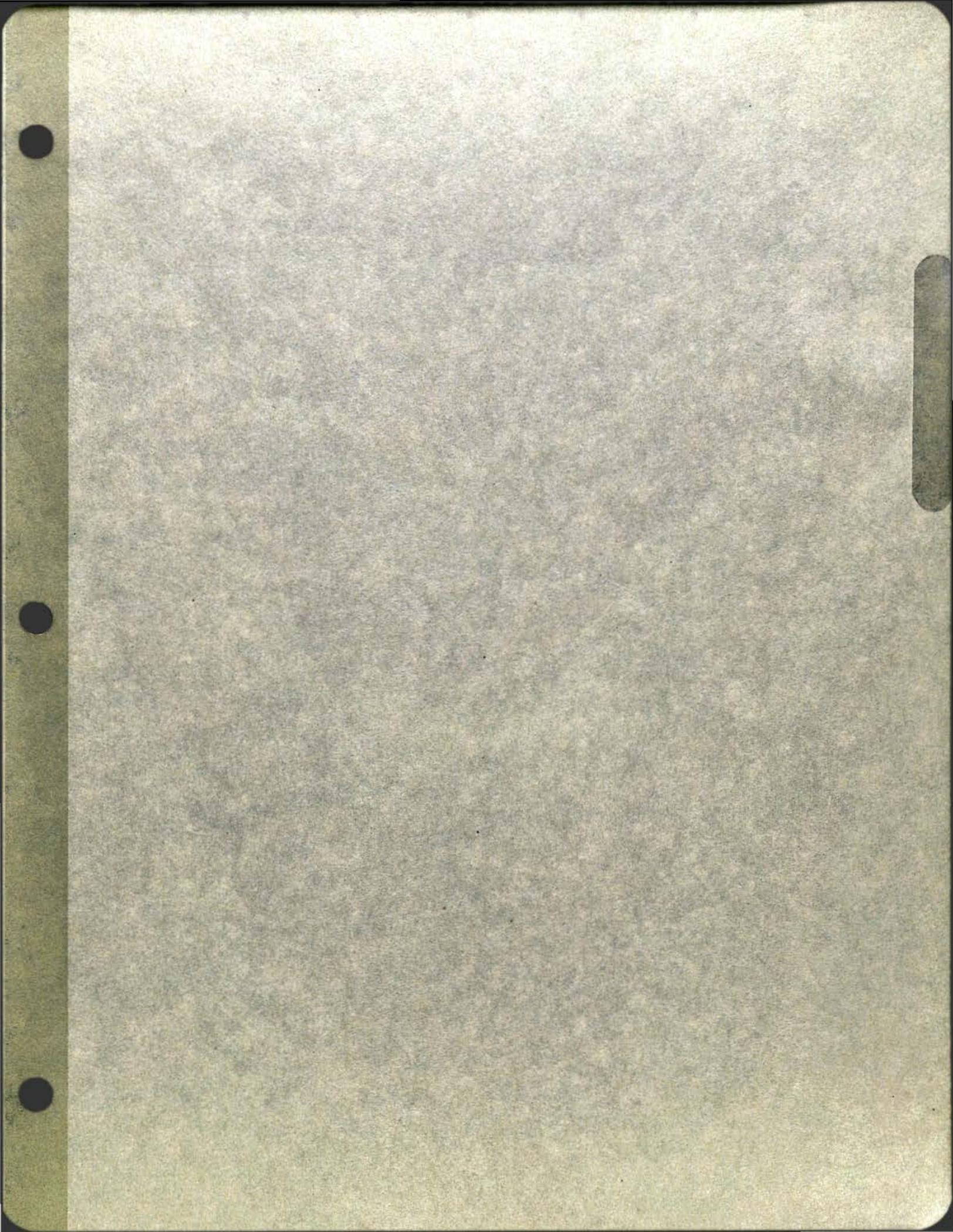


Mayor

ATTEST:



City Clerk

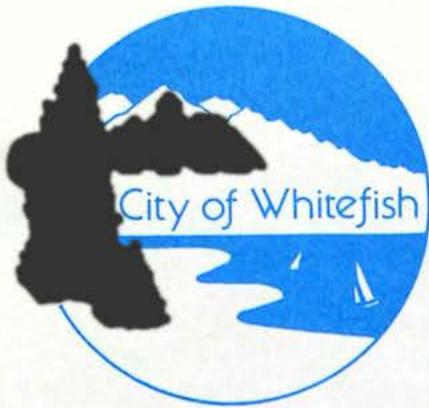




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
February 1, 1988

- 7:00 I. Approval of the minutes of the January 18, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
a. Gordon Ochenrider - School District #44
- 7:25 III. STAFF UPDATES
1. Police
2. Water/Sewer
3. Street/Sanitation
4. Building
5. Fire/Ambulance (written)
- 7:35 IV. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. (Continuation of Public Hearing and First Reading of Ordinance 88-1).
- 8:35 V. OLD BUSINESS
1. Appointment of Planning Board members
- 8:40 VI. CITY MANAGER REPORTS
1. Discussion of City's liability and workman's compensation insurance
2. Water Rate Increase discussion
- 9:10 VII. COUNCIL REPORTS OR COMMENTS
- 9:20 VIII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: January 27, 1988
RE: February 1, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the February 1, 1988 Council Meeting:

1. GORDON OCHENRIDER (SCHOOL DISTRICT #44): Over the past several months, I have met several times with Ivan Hernandez and members of the Whitefish School District Board of Trustees regarding the Tax Increment Provision of our Urban Renewal Plan. The School District feels the Tax Increment Provision has an adverse impact on future school operations. In our meetings, the School District proposed an Interlocal Agreement that would allow the City to give back 50% of the residential tax increments that would have gone to the School District had there not been an Urban Renewal Plan. Philosophically, I understand their point of view. In principal however, I am uncomfortable with specifying a specific percentage within an Interlocal Agreement. I would be more comfortable with specific language that called for the City of Whitefish to aid the School District in various public improvement projects. The School District however, will counter with the argument that there needs to be a specific percentage cited in the agreement in order to protect the best interests of the School District. By entering into very specific language, I think the City of Whitefish is opening the door for other affected taxing entities to request similar agreements.

Recommendation: I would recommend no action and I would recommend that City Staff continue to work with the School District on language for an agreement based upon the direction given to City Staff by the City Council.

2. ZONING ORDINANCE: The following issues were not resolved at the January 18th City Council Meeting:

- a. Junk Vehicles - The City Staff is looking at our current ordinances to see how specific they are with regard to this matter. I would recommend amending those ordinances if they are not stringent enough;
- b. Parking of RVs in Setbacks - Section 17.62.080 would be added to the Zoning Ordinance with the following language: "The parking of recreational vehicles shall not be allowed in the side yard setbacks";
- c. Grandfathering of Existing Livestock - We would delete the language that allowed livestock that is not in compliance with the proposed regulations five years to come into compliance. It is my feeling that this would affect only a very small number of property owners and avoid complicated language involving specific types of operation;

- d. Paving of Single Family and Duplex Units' Driveways in Extra-Territorial Areas - The language requiring paving of these driveways would be eliminated and replaced by the following language: "Smoothly graded, stabilized dust free surface that has been treated with dust retardants";
- e. Bed & Breakfast - The definition for Bed & Breakfast will eliminate the words "one to four units";
- f. Boarding House - The definition will be revised to include "for rentals of one week or more";
- g. RV Parking in WB-3 Zone - In order to address the parking of RVs in the WB-3 zone, the City would have to approve a subdivision if there were the rental or lease of property by either the City or a private individual. The Zoning Ordinance would have to be modified to allow a use of this type under a conditional use permit. In the WB-2 zone, recreational vehicle parks are allowed as a conditional use with a two acre minimum size;
- h. Paving in WB-3 Zone - Section 17.64.010 will be amended to include the following language: "Except for paving requirements".

3. PLANNING BOARD APPOINTMENTS: The members of the City Council that interviewed all of the candidates for the Planning Board decided that Jan Brunk and Tim Woodley should be appointed to the Board.

4. LIABILITY AND WORKMAN'S COMPENSATION INSURANCE: In your packet is information that was provided to me by the Montana Municipal Insurance Authority. I will discuss this information in some detail at the Council Meeting.

5. WATER RATE INCREASE DISCUSSION: I would recommend a 12% increase in the water rates effective April 1, 1988 which would allow us to institute the change before our sprinkling rates go into effect on our utility statements that are mailed out in May. If a change is not implemented prior to the sprinkling rate season, we will have to wait until late in the year to implement a rate increase.

Recommendation: Authorize City Staff to advertise for the appropriate public hearing for the March 7th City Council Meeting.

MINUTES
WHITEFISH CITY COUNCIL
FEBRUARY 1, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, and Maddux. Council Members Schreiber and Faessler were absent. Also present were City Manager Freedman, City Attorney Muri, Street Foreman George Wartnow, Water/Sewer Supervisor Greg Acton and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

On a motion by LaTourelle, seconded by Maddux, to approve the Minutes of the January 18, 1988 Council Meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

Gordon Ochenrider, Chairman of the Whitefish School District Board of Trustees, spoke on the tax increment provision of the Urban Renewal Plan. He said that since the time the Urban Renewal Plan was introduced, the School District understood that the intent of the Urban Renewal Plan was not to harm the School District. In light of the current financing and budgeting problems, the School District is seeking an agreement with the City wherein the School District receives a portion of the tax increment. The offer of the City to pay the District 50% of the residential monies that would have gone to the District is unsatisfactory to the District at this time.

School District Superintendent Ivan Hernandez presented to the Council a comparison of taxable valuation from the tax years of 1986 and 1987. He stressed that by law the City can enter into Interlocal Agreements that would allow some of this money to come back to the District.

City Manager Ralph Freedman stated that the original intent of the Urban Renewal Plan was not to hurt the School District financially. After meeting with School District representatives, he agrees that there should be some sharing of a percentage of the residential tax increment revenue with the School District. He recommended to Council that any agreement entered into with the School District should also have a provision that some of the commercial tax increment dollars may be shared should the School District come up with capital improvements that are worthy of consideration.

After questions from the Council and further discussion, Mayor Amass directed this back to City Staff to come to an agreement between the City and the School District and present it back to the Council next month.

STAFF REPORTS

A written report had been submitted by the Fire Department.

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA (CONTINUATION OF PUBLIC HEARING AND FIRST READING OF ORDINANCE 88-1): Prior to asking for a Staff Report, Mayor Amass thanked all those in attendance for coming and showing an interest at this public hearing. The proposed changes in the ordinance are less stringent in some cases than the current ordinance and this public hearing is for the purpose of discussing these proposed changes. At this time, the Mayor asked for Staff Report.

City Manager Ralph Freedman said that the livestock issue should be the first to be discussed since most of the people in attendance are interested in that portion of the ordinance. In the original draft of the ordinance, people who were in noncompliance with the livestock section of the ordinance were given 5 years to comply. After the last public hearing, the City Council asked that it be modified so that it would be more acceptable to some people. After conferring with Planner Tom Jentz, City Manager Freedman proposed to the Council that all those who do not come into compliance with the new ordinance be grandfathered in. For those lands within the extra-territorial jurisdictional area (WA, WCR, WSR, and WLR), property owners in the future who want livestock other than what is allowed in the ordinance should go through the conditional use process.

Mayor Amass opened the Hearing to the public.

Bill Voermans, John Cosby, Herb Knuth, Shirley Davis, Otto Ratz, Leonard Howke, Jerry Barnes, Lyle Barnes, Jay Wartnow, Dr. David Kauffman and Jim Hackman all spoke out against limits on livestock in the extra-territorial jurisdiction. Herb Knuth stated that some controls over building within a one mile radius outside the city limits is necessary but he is against controls over livestock. Some of these people felt that their livelihood was being threatened. Susan Hardy expressed her concern for the limit of small animals inside the city limits. R.E. McMaster supported the grandfather clause against nonconforming uses. He also recommended some new numbers of units of livestock per acre in the city limits. George Wartnow and Rob Nichols both spoke for livestock control within the extra-territorial jurisdiction.

Mayor Amass asked City Attorney Tom Muri to look into the ramifications of the elimination of extra-territorial jurisdiction over livestock.

Mr. and Mrs. Don Atchison asked for a clarification of their rights to rent a room for a single day, week or month with a business license for a boarding house in a WR-4 Zone. Mayor Amass directed City Attorney Tom Muri to research the law under the current zoning ordinance. City Staff can then address the issue with the Atchisons on an one to one basis in the next two

weeks. If it is not resolved by then, it should be on the next meeting's agenda.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council continued to discuss the boarding house issue, the livestock issue and the extra-territorial jurisdictional issue. Mayor Amass said he is still not happy with the wording on occupied RVs parked on private property because Whitefish is a recreational town and the ordinance restricts visitors. He would like to see the further work on this and the Council agreed. Councilman Hanson said he would like to have maps enclosed with this ordinance to help explain the zones. Tom Jentz said this is a drafting process that is quite time consuming. Councilwoman Maddux said she does not want the new ordinance to be more restrictive than the current ordinance.

On a motion by Hanson, seconded by LaTourelle, to continue the hearing on Ordinance 88-1 until the next Council meeting. The motion passed unanimously.

OLD BUSINESS

1. APPOINTMENT OF PLANNING BOARD MEMBERS: Five members of the City Council interviewed six candidates for the Planning Board at a meeting on January 25. Two positions needed to be filled - one by the Mayor and one by the Council. The Mayor's appointment is Jan Brunk and the Council's appointment is Tim Woodley. On a motion by LaTourelle, seconded by Boksich, to approve the appointment by the Council of Tim Woodley to the Planning Board. The motion passed unanimously. On a motion by Hanson, seconded by Maddux, to approve the appointment by the Mayor of Jan Brunk to the Planning Board. The motion passed unanimously.

CITY MANAGER REPORTS

1. DISCUSSION ON CITY'S LIABILITY AND WORKMAN'S COMPENSATION INSURANCE: City Manager Ralph Freedman presented several proposed changes to the Memorandum of Liability coverage between the City and the Montana Municipal Insurance Authority effective July 1, 1988. The following changes were noted by City Manager Freedman: The definition of "entity", the broadened definition of wrongful discharge, the exclusion of liability coverage arising out of land use or zoning regulations, the exclusion of liability coverage for allegations connected with sexual abuse or harassment, special events coverage would necessitate a written endorsement and supplementary payments would be included within the policy terms.

City Manager Freedman also informed the Council that the Board of Directors of the MMIA decided to increase workman's compensation premiums an average of 21.8% beginning on January 1, 1988. This was the result of advice from actuarial consultants and insurance consultants to ensure the solvency of the program. The new rates are still three (3) percent below the rates charged under the State workman's compensation program.

Councilwoman LaTourelle questioned the large increase in the premiums for the City Judge and Courts and asked that City Manager Freedman look into the reason for this.

2. WATER RATE INCREASE DISCUSSION: City Manager Ralph Freedman said that the City's water rates have not increased since 1984. These rates should be analyzed yearly so that large increases can be avoided in the future. Any adjustments made on water rates should either be done prior to or after the sprinkling season. By the early 1990's the City will have to comply with clean water standards which will necessitate the construction of a new water treatment facility. Mayor Amass said this was not the time to consider new water rates in light of the fact that residents have not yet seen the increased sewer rates. Councilman Hanson felt that any water treatment facilities should be phased in over a number of years to reduce the impact on the consumer.

After more discussion by the Council, it was decided that a workshop should be scheduled with Paul Butterfield of CH2M Hill to discuss his firm's Water Master Plan Study. The City Council would also have a workshop on the Water/Sewer Departments with Water/Sewer Supervisor Acton at that same meeting.

COUNCIL REPORTS OR COMMENTS

Councilwoman Maddux commended City Manager Ralph Freedman on the City Newsletter that accompanied the water bill. City Manager Freedman said that the City also sent out a survey asking people what they felt about existing city services and what capital improvement projects should be pursued by the City Council in the future.

Councilman Boksich asked Police Chief Dave Dolson about the letter that was in the paper concerning our City Dog Catcher. Police Chief Dolson reported that he had asked Bill Wilson about that and was told that the dog, who has been at large on previous occasions, was loose and dragging the chain. The Dog Catcher impounded the dog and after the dog was not reclaimed by its owner, it was adopted by someone else.

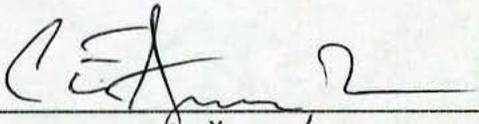
Councilman Hanson asked Water/Sewer Supervisor Greg Acton about the ownership of the Bay Point Sewer Line. Water/Sewer Supervisor Acton said that the City maintains the line from time to time but Russ Street maintains ownership of the line.

Mayor Amass asked if the Winter Carnival Committee has acquired a Parade Permit. City Manager Freedman said they have. On a motion by Hanson, seconded by LaTourelle, to approve the Whitefish Carnival Parade Permit with the conditions put on that permit by the City Manager and the Police Chief. The motion passed unanimously.

Mayor Amass declared Sunday, February 14, 1988 as "Moose Centennial Sunday" in recognition of their 100th Anniversary. There will be an Open House at the Moose Lodge Sunday, February 14 from 1-5 P.M.

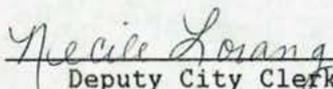
City Manager Ralph Freedman said that the next regular meeting of City Council will be held on Tuesday, February 16 at 7:00 P.M., because of the holiday on Monday, February 15.

On a motion by LaTourelle, seconded by Maddux, to adjourn the meeting at 10:10 P.M. The motion passed unanimously.



Mayor

ATTEST:



Deputy City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
February 16, 1988

- 7:00 I. Approval of the minutes of the February 1, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS
1. Police (written)
 2. Water/Sewer
 3. Street/Sanitation
 4. Building (written)
 5. Fire/Ambulance
- 7:30 IV. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. (Continuation of Public Hearing and First Reading of Ordinance 88-1).
 2. Sign Variance for Robert F. Olsen for 1000 Spokane Avenue
 3. Rezone of a 45.1 acre tract of land owned by Amelia Norgaard from WA to WSR at the intersection of Highways 93 and 40
 4. Community Development Block Grant
- 9:00 V. CITY MANAGER REPORTS
1. Superhost Program - Department of Commerce
 2. Update on Baker Avenue extension project
 3. Updates on various park, sewer and street projects
- 9:30 VI. COUNCIL REPORTS OR COMMENTS
- 9:40 VII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: February 10, 1988
RE: February 16, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the February 16, 1988 Council Meeting:

1. ZONING ORDINANCE: The primary item of discussion at the last City Council Meeting on the Zoning Ordinance was the limitation on livestock outside of the City limits. I have spoken to Tom Jentz and we both agree that this issue can easily be resolved by allowing livestock in the extra-territorial areas without any limitations. If you decide to do this, I would recommend that language be inserted in the ordinance giving the City the authority to regulate livestock operations that become a nuisance. I still feel that by grandfathering in existing operations and by increasing the number of livestock units per acre over what has been proposed, will address much of the opposition against this portion of the ordinance.

2. SIGN VARIANCE FOR ROBERT F. OLSEN: Coldwell Banker has recently moved its operations to 1000 Spokane Avenue. The existing freestanding sign does not meet the 15 foot setback from the property line that is required in the WB-2 zone and the size of the sign in terms of its square footage and its readerboard are in excess of our sign code limitations.

Recommendation: I would recommend the variance request with the condition that the property owner bring the sign into compliance with the terms and conditions of the new sign code that will be approved later on this year. This is in line with the sign variance request that was approved for Markus Foods at the corner of Baker Avenue and Railway Street.

3. REZONE OF AMELIA NORGAARD PROPERTY: Enclosed in your packet is the recommendation from the City-County Planning Board on this request.

Recommendation: I concur with the denial of this request.

4. COMMUNITY DEVELOPMENT BLOCK GRANT: Hal Bennett and I have met with representatives of Idaho Timber in an effort to keep their operation in Whitefish. I have discussed with each of you different ideas concerning what the City could do as an incentive to Idaho Timber. I would propose that the City of Whitefish submit a CDBG application requesting funds to acquire 20 acres of property and to do other necessary site improvements to the proposed property. The grant would be for an amount between \$150,000 and \$200,000. In order for the City of Whitefish to secure a grant of this type, the City could commit to extending water and sewer service to the proposed site (East Second Street just north of the railroad tracks). Idaho Timber has proposed the

construction of two 10,000 foot buildings with the new operation employing between 44 and 50 people (current employment is 22 people). I would also propose that the City enter into an agreement with Idaho Timber to lease the acreage for \$900 to \$1000 per month with the option to purchase the property at a later date. Any monies generated from the lease of the property would be deposited into an Economic Development Fund to assist the City in attracting new businesses. I have proposed the purchase of a 20 acre site at a cost of \$1500 per acre contingent on the following: City Council approval on February 16, the acquisition of a Community Development Block Grant and the rezoning of the property to a WI zone.

Recommendation: Approve the proposed land purchase contract with the above conditions.

5. SUPERHOST PROGRAM: I would recommend the City Council pass the appropriate resolution lending its support to the Chamber of Commerce in this effort. Between now and the City Council Meeting, I will contact Ann Mulronev at the Department of Commerce to gather more insight into this program.

6. BAKER AVENUE EXTENSION PROJECT: A few weeks ago, I had lunch with two representatives from the Department of Highways and Roy Duff to discuss the possible extension of Baker Avenue behind the existing businesses on Hwy 93. It was their feeling that in light of all the effort to convince the Highway Department to extend the widening of Hwy 93 to Baker Avenue, this proposal was not feasible. Serious questions would be raised as to the necessity of extending the four lane to Baker Avenue when the community was proposing the extension of Baker Avenue to the main entrance of Mountain Mall.

7. UPDATES ON VARIOUS PROJECTS: At the City Council Meeting, I will give updates on the following projects: Memorial Park Agreements, Crosswinds/Hueth Sewer Project, Pack Rat Lane Sewer Project, gravel crushing and a RV Park in Whitefish.

If you have any questions on these or other matters, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
FEBRUARY 16, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri, Street Foreman Wartnow and Water/Sewer Supervisor Acton.

MINUTES

On a motion by Maddux, seconded by Hanson, to approve the minutes of the February 1, 1988 Council Meeting as presented. The motion passed unanimously.

PUBLIC COMMENTS

NONE

STAFF REPORTS

Written reports had been submitted by Police Chief Dolson and Street Foreman Wartnow.

Councilman Boksich said that the streets needed to be plowed and asked Street Foreman Wartnow why it was not being done. Wartnow said that the Street Department was shorthanded but they would be plowing this week. Councilwoman Maddux asked if it was necessary for the trucks to go so fast that they were throwing snow up on the sidewalks. Wartnow said that inexperienced help was used last time the streets were plowed and hopefully this would not happen again.

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA. (CONTINUATION OF PUBLIC HEARING AND FIRST READING OF ORDINANCE 88-1: City Manager Freedman presented a map outlining all the property of the people that had opposed the limitations on livestock outside the City Limits. He proposed that the livestock units be two (2) units per acre and that everyone be grandfathered in. (If the current property owners deeded their property to family members or sold their property, they would still be grandfathered).

Mayor Amass opened the hearing to the public.

Bill Voermans was still opposed to the City regulating what he did with his property. Herb Knuth agreed with him but Knuth did say he could live with two (2) units per acre.

Councilwoman Maddux said she had no desire to regulate the ranchers and farmers in the extra-territorial jurisdiction. These people had been good neighbors to the City, however, there is the possibility that new people

moving into the area would not be such good neighbors. She felt the regulations were necessary in order to prevent something offensive coming too close to the City. Councilman Hanson explained that the interim zoning in the extra-territorial jurisdiction was instituted back in 1980 with permanent zoning put in place in 1982. He said that the City was not amending the boundaries but only changing the Zoning Document. He felt control in the extra-territorial area was necessary for the protection of the City land adjacent to the extra-territorial areas.

Ted Rohla questioned having fifty (50) chickens per acre. He asked the Council if a person were to raise chickens for their livelihood, would they be restricted to the 50 chickens per acre? The Council told him that if they were already in business they would be grandfathered and if it was a new business, they would have to go through the Use Permit process if they proposed more than the Ordinance allows.

Councilman Schreiber suggested forming a Commission of three (3) to five (5) property owners for the extra-territorial areas. If a problem arises, it would be up to the Commission and the City Administrator to deal with the problem.

Councilwoman LaTourelle said there were businesses in the City Limits that require a small area for the keeping of animals. She would like to see the numbers and how they would be applied.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion.

The Council discussed Section 17.19.030 #3 and on a motion by Hanson, seconded by Maddux, that any violations of Section 17.19.030 #3 be referred to the Zoning Administrator who would meet with the Advisory Committee of property owners in the Extra-Territorial area who would assist in bringing the violators into compliance.

On a motion by Hanson, seconded by Schreiber, to amend the motion to require a Use Permit if the number of animals exceed two (2) units per acre. The City Administrator and the Advisory Committee would review the application and the Zoning Administrator would be authorized to issue an Administrative Use Permit. The motion passed unanimously.

The original motion also passed unanimously.

On a motion by Hanson, seconded by LaTourelle, that the first sentence under 17.44.010 be changed to read: "These are the minimum standards for the keeping of livestock in the City Limits". The motion passed unanimously.

On a motion by LaTourelle, seconded by Boksich, that under 17.44.020, add: "that if the number of animals exceed the density listed on page 67, they would have to go through the Use Permit process". The motion passed unanimously.

On a motion by LaTourelle, seconded by Boksich, that the permitted livestock units be as follows:

Horse	2 units
Horse with foal	3 units
Llama	5 to 7 units
Colt/Filly	2 units
Cattle	2 units
Cow with calf	3 units

(the remainder of page 67 would remain as stated). The motion passed unanimously.

On a motion by Hanson, seconded by Maddux, that under section 17.44.050, the last sentence be deleted. The motion passed unanimously.

City Manager Freedman said that it was already established in 17.62.080 that the parking of recreational vehicles would not be allowed in the sideyard setbacks.

On a motion by Schreiber, seconded by Faessler, to add to 17.14.010: that a nonconforming use follows the land and not the property owner. The motion passed unanimously.

City Manager Freedman reviewed the following:

a. Paving of single family and duplex units' driveways in extra-territorial areas - The language requiring paving of these driveways would be eliminated and replaced by the following language: "Smoothly graded, stabilized dust free surface that has been treated with dust retardants";

b. Bed & Breakfast - The definition for Bed & Breakfast will eliminate the words "one to four units";

c. Boarding House - The definition will be revised to include "for rentals of one week or more";

d. RV Parking in WB-3 Zone - In order to address the parking of RVs in the WB-3 zone, the City would have to approve a subdivision if there were the rental or lease of property by either the City or a private individual. The Zoning Ordinance would have to be modified to allow a use of this type under a conditional use permit. In the WB-2 zone, recreational vehicle parks are as a conditional use with a two acre minimum size; City Manager Freedman recommended reviewing this issue and possibly modifying before the second reading.

e. Paving in WB-3 Zone - Section 17.64.010 will be amended to include the following language: "Except for paving requirements".

Councilman Hanson questioned 17.37.080 and suggested deleting the entire paragraph. After discussing the parking sections 17.54.010 and 17.54.020, on a motion by Hanson, seconded by LaTourelle, to combine 17.54.010 and 17.54.020. (Parking requirements to read: 1 space per guest room or suite plus 1 space for every 2 employees per maximum shift and 2 spaces for the resident manager). The motion passed unanimously.

On a motion by Schreiber, seconded by Boksich, that under 17.18.020, #6 add: "or private property with a Use Permit".

On a motion by Hanson, seconded by Faessler, to amend the motion to include: "or on private property not to exceed thirty (30) days". The motion passed unanimously.

The original motion passed unanimously.

The Council discussed the 35' height limitation and on a motion by Hanson, seconded by Boksich, to include in all Zoning Classifications that if the requested height exceeds the 35' limitation, the applicant will have to go through the Use Permit Process.

On a motion by Schreiber, seconded by Maddux, to table the decision on the height limitation until the next Council meeting. This would give the Council time to study this issue further. The motion passed unanimously.

On a motion by Hanson, seconded by Faessler, to continue the Public Hearing until the next Council Meeting. All the changes should be incorporated into a draft for the Council to review. The motion passed unanimously.

SIGN VARIANCE FOR ROBERT F. OLSON FOR 1000 SPOKANE AVENUE: City Manager Freedman said that Coldwell Banker had recently moved its operations to 1000 Spokane Avenue. The existing freestanding sign does not meet the 15 foot setback from the property line that is required in the WB-2 zone and the size of the sign in terms of its square footage and its readerboard are in excess of our sign code limitations. He recommended approval of the variance request with the condition that the property owner bring the sign into compliance with the terms and conditions of the new sign code that will be approved later on this year. This is in line with the sign variance request that was approved for Markus Foods at the corner of Baker Avenue and Railway Street.

Mayor Amass opened the hearing to the public.

Joe Astle, representing Coldwell Banker, requested that the Council approve the sign variance request.

Since there was no other public comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

On a motion by Schreiber, seconded by Faessler, to grant the Sign variance as presented. The motion passed unanimously.

3. REZONE 45.1 ACRE TRACT OF LAND OWNED BY AMELIA NORGAARD FROM WA TO WSR AT THE INTERSECTION OF HIGHWAYS 93 AND 40: Tom Jentz, Senior Planner in the Flathead Regional Development Office, gave the staff report. He explained that the primary reason for the zone change centered on Mrs. Norgaard's desire to split off an acre of land with residential buildings and give it to her son. Tom Sands, her surveyor, filed a certificate of survey for the land split but it was stopped at the county level because the parcel

was located in the WA zoning classification which requires a 20 acre minimum lot. Therefore, a single acre could not be split off. The only option that appeared feasible to the applicant was a request for a zone change that would accommodate what they wanted to do. After consulting with her family, Mrs. Norgaard requested a WSR zone change with a one acre minimum lot size for the entire 45 acre tract. Jentz said that the Staff reviewed the application in terms of the twelve criteria required by the regulations. The long range Master Plan Map of Whitefish shows this area to be designated agricultural. He said that based on the map and several policies in the Plan, the zone change is not in conformance with the Master Plan.

Jentz said that the City County Planning Board after holding a public hearing voted 6-0 with one abstention to recommend denial of the request. In making this recommendation, the Board struggled with the issue of the rights of a mother to pass on a single lot to her son. It was finally concluded that it was the Board's role to review the zone change on its own merits and appropriateness and not be emotionally swayed by present circumstances. It was the feelings of the Board that Mrs. Norgaard could quite possibly achieve her desires without a zone change by consulting with an estate lawyer.

Mayor Amass opened the hearing to the Public.

Tom Sands the surveyor for Mrs. Norgaard, stated he was surprised at the recommendation of the Planning Staff. Currently, the infrastructure is not there to warrant the higher density proposed for the future when services would be available. But to say that this site has to wait for the City to get to that area, doesn't seem right. He also said it was wrong to tell the property owner that you cannot give land to your son because the zoning is not right. He said that he had talked to a lawyer (John Lence) and Amelia Norgaard was advised to proceed with the request for the zone change.

George Wartnow, an adjacent property owner, said that when David Speer was pursuing the River Project, Mrs. Norgaard was opposed to any zone changes at that time. He also explained that he and his brother had split out 1 acre from their father's parcel of land and it was zoned Agricultural.

Mayor Amass closed the public hearing and turned the matter over to the Council for discussion and action.

After much Council discussion and after talking to Mrs. Norgaard, on a motion by Schreiber, seconded by Faessler, to table the rezone request until next Council meeting. The motion passed unanimously.

The Council recommended that Mrs. Norgaard contact her attorney before the next Council meeting to check on life estates or a will that might resolve her problem instead of trying to rezone the property.

4. COMMUNITY DEVELOPMENT BLOCK GRANT: City Manager Freedman said that he and Hal Bennett had met with representatives of Idaho Timber in an effort to keep their operation in Whitefish. He proposed that the City of Whitefish submit a CDBG application requesting funds to acquire 10.8 acres of property and to do other necessary site improvements to the proposed property. The grant would be for \$160,000. In order for the City of Whitefish to secure a

grant of this type, the City could commit to extending water and sewer service to the proposed site (the existing Idaho Timber site on North Karrow) and to doing the site improvements which would include leveling and graveling. Idaho Timber has proposed the construction of a 14,000 foot building with the new operation employing between 44 and 50 people (current employment is 22 people). He also proposed that the City enter into an agreement with Idaho Timber to lease the acreage for \$900 to \$1000 per month with the option for Idaho Timber to purchase the property at a later date. Any monies generated from the lease of the property would be deposited into an Economic Development Fund to assist the City in attracting new businesses and to help existing businesses. He proposed the purchase of a 10.8 acre site and the paving of three (3) acres of land with the CDBG and the City of Whitefish committing materials, labor and equipment for site preparation.

Councilwoman Faessler asked what the bottom line costs would be to the City. City Manager Freedman said the cost to the City would be approximately \$33,000. This would include: geotextile fabric at .50 per yard, (a total of \$11,000), cat time \$6,800, gravel costs of \$5,000 and sewer and water extension costs totaling approximately \$10,200. The grant monies would be used for acquisition of the property and the asphaltting of three (3) acres.

Councilwoman Faessler asked if this was the public hearing on the project because people were not aware that Idaho Timber was the subject of the proposed grant. City Manager Freedman explained that the City Council had held two public hearings in June 1987 and had decided that this was the type of project the City wanted to apply for in the future. This hearing was also advertised for this Council Meeting in the Daily InterLake and the Whitefish Pilot.

Mayor Amass opened the hearing to the public.

Hal Bennett, the President of the Whitefish Community Development Corporation, said he was in favor of the City submitting the Grant to help Idaho Timber.

Since there was no other public comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

After some discussion, on a motion by Schreiber, seconded by LaTourelle, to submit the Community Development Block Grant application for the project with the conditions as stated by the City Manager. The motion passed unanimously.

SUPERHOST PROGRAM: City Manager Freedman said he would recommend the City Council pass the appropriate resolution lending its support to the Chamber of Commerce in this effort. The Superhost Program is an economic development program which combines activities of public sector agencies and private businesses and organizations to achieve a sound program for economic growth.

Councilwoman Faessler asked City Manager Freedman how much this would cost the City (the resolution states that the Council pledges to lend its support to raise funds for a reasonable and well-developed budget). City

Manager Freedman said that the Chamber of Commerce already had in place many of the things that would eliminate the need to spend additional funds. The budget size would be predicated on new brochure costs and costs for training people involved in the tourism industry in Whitefish. If the costs were too great, Whitefish could decide not to participate in the program.

After some discussion, on a motion by Faessler, seconded by Hanson, to table the issue until the next Council Meeting. Hanson aye, Faessler aye, Maddux aye. Schreiber, LaTourelle and Boksich voted no. Mayor Amass broke the tie vote by voting no. The motion was defeated with 4 no votes to 3 aye votes.

On a motion by Maddux, seconded by Schreiber, to endorse the Chamber of Commerce as the sponsoring organization if they wished to participate in the Superhost Program. The motion passed with 5 aye votes and 1 no vote. (Faessler voted no).

BAKER AVENUE EXTENSION PROJECT: City Manager Freedman said that a few weeks ago, he had lunch with two representatives from the Department of Highways and Roy Duff to discuss the possible extension of Baker Avenue behind the existing businesses on Hwy 93. It was their feeling that in light of all the effort to convince the Highway Department to extend the widening of Hwy 93 to Baker Avenue, this proposal was not feasible at this time. Serious questions would be raised as to the necessity of extending the four lane to Baker Avenue when the community was proposing the extension of Baker Avenue to the main entrance of Mountain Mall.

UPDATES ON VARIOUS PROJECTS:

1. MEMORIAL PARK AGREEMENTS: City Manager Freedman reported that the Park Board was still dealing with the Glacier Twins on the Maintenance and Operations Agreement and the Capital Improvements Agreement. The proposal was that the Glacier Twins and the School District would each deposit \$500 into a maintenance and operation account and \$1,500 each into a capital improvements account each year. The City would help out if needed with equipment, etc.

2. CROSSWINDS/HUETH, COLORADO/TEXAS SEWER EXTENSIONS: Crosswinds/Hueth homeowners were pursuing an engineering study and some of the Colorado/Texas area homeowners were signing a petition so the City could see how much interest there was in forming a Sewer SID for that area.

3. HOUSTON POINT WATER LINE PROJECT: City Manager Freedman said that Houston Point did not have sufficient water for fire flows and they would probably be looking at forming an SID to install a water line to hook onto the city water system. (Presently they are hooked onto the Alpine Village water system).

4. WATER WORKSHOP: City Manager Freedman reported that Phil Butterfield of CH2M Hill would like to meet with the Council on March 28th to go over the Water Master Plan with them. The City Council set the workshop for 7:00 P.M. on the 28th of March.

5. OTHER: City Manager Freedman clarified the letter from Lyle Barnes in the Whitefish Pilot stating he had given the City easements without being compensated for them. Mr. Barnes did receive 5 Sewer Plant Investment fees which would total almost \$3,500 in cost.

Bruce Boody would attend the next Council Meeting with plans for the proposed Industrial Park on the City's 40 acre site off of Old Dump Road.

Councilman Boksich said that the City should take an inventory of our property and sell some of the less desirable pieces.

COUNCIL REPORTS AND COMMENTS

Councilwoman LaTourelle asked if City Manager Freedman had talked to the School on the Tax Increment Financing District. City Manager Freedman said that this would be on the next Council agenda.

LaTourelle requested to leave the State the 21st through the 23rd of February. On a motion by Boksich, seconded by Schreiber, to allow this request. The motion passed 5-0 with LaTourelle abstaining.

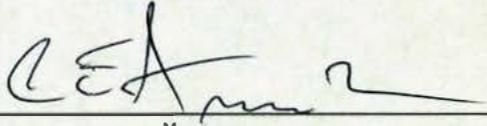
Councilman Hanson thanked City Attorney Muri for the memo on the livestock issue and also thanked Police Chief Dolson for his report. He requested that the City Administrator and the Chief of Police draft an Ordinance spelling out the notification process that businesses with alarm systems must follow with regard to the City.

Mayor Amass read a letter from John Hughes with an update on the progress of Cross Currents School in securing property for a new school. The school was in the process of buying land and would be having fund raising events throughout the next year.

Mayor Amass thanked Councilwoman Faessler for the excellent job she did advertising the Winter Carnival.

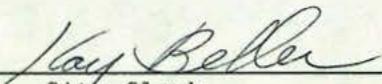
Lang Smith of the Whitefish Pilot said he was concerned about the public hearing on the CDBG Application because no specifics were given to the public. He said the way it was advertised, it did not give the public a chance to get involved in the project that involved \$200,000 of City and State funds. City Manager Freedman said everything had been complied with and it was advertised in two newspapers. People were told it would be available for inspection and they were given the opportunity to discuss the issue with the City Manager.

On a motion by Faessler, seconded by Hanson, to adjourn at 10:46 P.M. The motion passed unanimously.

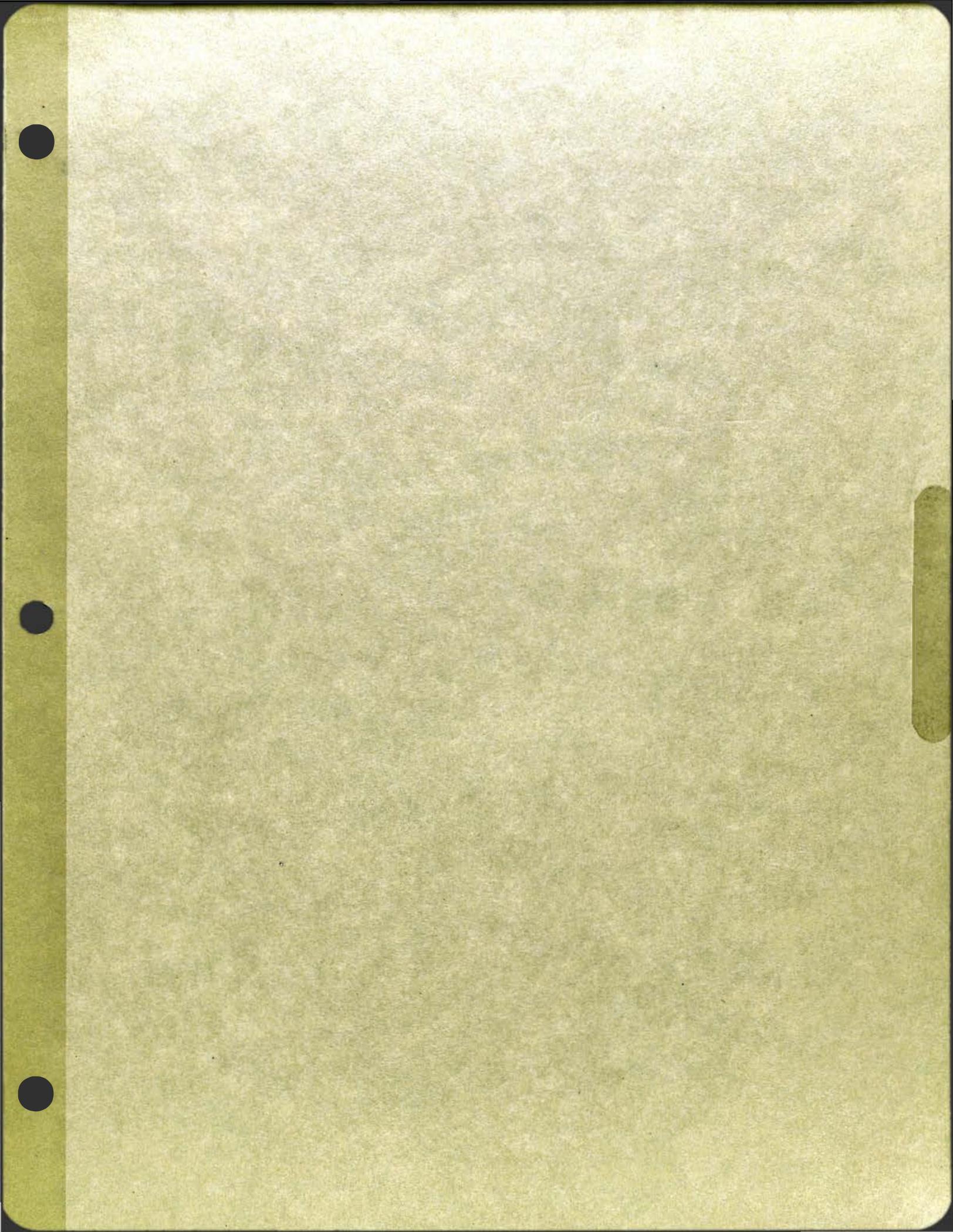


Mayor

ATTEST:



City Clerk

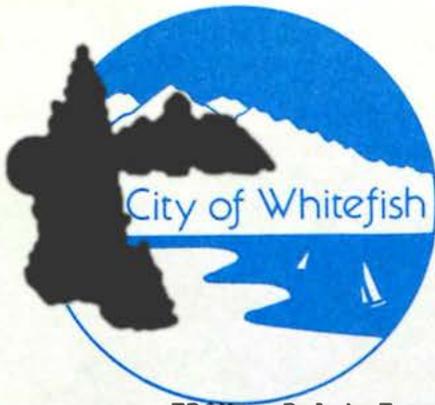




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
March 7, 1988

- 7:00 I. Approval of the minutes of the February 16, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. (Continuation of the Public Hearing and the First Reading of Ordinance 88-1).
- 8:30 IV. STAFF UPDATES
- 8:40 V. CITY MANAGER REPORTS
1. Feasibility Study for an Industrial Park - Bruce Boody
 2. Inventory of City property
 3. Tax Increment Agreement with School District #44
 4. Crosswinds/Hueth Sewer Engineering Study
 5. 1988 Street Reconstruction Program
 6. Resolution No. 88-7: Line item transfers in 1987-1988 Budget
 7. City of Whitefish Survey results (January 1988 Survey)
 8. Highway 93 Project Hearing - April 5, 1988
- 9:45 VI. COUNCIL REPORTS OR COMMENTS
- 9:55 VII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: March 2, 1988
RE: March 7, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the March 7, 1988 Council Meeting:

1. ZONING ORDINANCE: Tom Jentz and I met earlier this week to put together the list of changes in the Zoning Ordinance that have been discussed at the previous Council Meetings and Council Workshop. These changes are in your packet. I have also included some ideas with regard to the height issue.
2. FEASIBILITY STUDY FOR AN INDUSTRIAL PARK: Bruce Boody will be at the meeting to discuss the proposal that is contained in your packet.
3. INVENTORY OF CITY PROPERTY: Necile has put together a list of all of the properties owned by the City.
4. TAX INCREMENT AGREEMENT WITH SCHOOL DISTRICT #44: I have met with Ivan Hernandez and two members of the School Board on this matter. After much discussion, I would recommend to the City Council that an interlocal agreement be drafted that stated the following: Tax increment revenues on single family residential properties and multi-unit residential buildings (apartment complexes, cluster homes, etc.) be transferred by the City of Whitefish to School District #44 after receipt of these revenues by the City. In essence, School District #44 would receive 100% of the tax increment revenues for these residential units that they would have received had there not been a Tax Increment District. All tax increment revenues generated from commercial, industrial or other nonresidential construction would go entirely to the City of Whitefish which would consider requests by School District #44 and other organizations for these funds each year.
RECOMMENDATION: Authorize City Staff to prepare an Interlocal agreement with these ideas in it.
5. CROSSWINDS/HUETH SEWER ENGINEERING STUDY: Sufficient funds have been received by the City to begin preliminary survey and engineering work for the sewerage of this area.
6. 1988 STREET RECONSTRUCTION PROGRAM: City Staff is in the process of putting together a proposed street reconstruction program for discussion at the Council Meeting.
7. RESOLUTION 88-7: Line item transfers in the 1987-1988 Budget that must be made because several line item budgets have been exceeded by expenditures as of this date.

8. CITY SURVEY RESULTS: I will discuss these results at the Council Meeting.

9. HIGHWAY 93 PROJECT: The Department of Highways has scheduled a public hearing on April 5 at 7:30 P.M. to discuss the Hwy. 93 project from Kalispell to Whitefish. The meeting will be held in the Whitefish High School Auditorium.

If you have any questions on these or other matters, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
MARCH 7, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri, Street Foreman Wartnow, Water/Sewer Supervisor Acton, Police Chief Dolson and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

On a motion by Faessler, seconded by Hanson, to approve the minutes of the February 16, 1988 Council Meeting as presented. The motion passed unanimously.

PUBLIC COMMENTS

John Garrity told the Council that they should stop the City Manager from spending so much money. He said that the newsletter that was being sent out with the water bills was a waste of the taxpayers' money and he questioned the actual cost of sending them out. City Manager Freedman said the newsletter cost very little (approximately \$50 to be printed and it did not cost any additional dollars for postage).

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA. CONTINUATION OF THE PUBLIC HEARING AND THE FIRST READING OF ORDINANCE 88-1): City Manager Freedman said that he had met with Tom Jentz and they had put together the list of changes in the Zoning Ordinance that have been discussed at the previous Council Meetings and the Council Workshop. The changes were included in the Council packets. He also said that he had included some ideas with regard to the height issue.

City Manager Freedman said that he had also included in the Council packets the following: the 1986 Ordinance passed by the Council that the height be increased over the 35' level, the High Rise Building Ordinance from Couer d'Alene, letters from people with regard to Bed and Breakfast and a copy of comments by Dave Jamieson.

Mayor Amass opened the hearing to the Public.

Jesse Stephens said that two (2) years ago she was instrumental in circulating the petitions to stop the Ordinance that would have increased the height limitation. She said that if the Council pursued increasing the height limitation, she would again circulate petitions and this time it would be put on the ballot so the taxpayers could vote on the issue.

Gerlinde Oliver was concerned about allowing mobile homes in the city limits. She said mobile homes were not safe and would cause surrounding property values to decrease. She asked the Council to address this problem because there were a lot of concerned citizens. John Garrity agreed with Mrs. Oliver and said that trailer houses depreciate in value and they never look like a nice home. Herb Knuth asked if the grandfather clause went with the land when a piece of property was sold and how could the Council control this clause. Councilman Schreiber explained that the grandfather clause went with the property that had existing livestock on it. If a piece of property did not have livestock at the time this Ordinance was passed, then it would not be grandfathered (could not have livestock without a Conditional Use Permit).

Mayor Amass closed the hearing to the public and turned the issue over to the Council for discussion and action.

The Council discussed the mobile home issue and Councilman Hanson said that the cases that have gone through the Courts mandate the City to allow the mobile homes. However, he said that maybe the Council could put more restrictions on them and make sure they meet certain standards. He also felt that consideration of the twelve criteria in section 17.04 should be addressed. He said it would be better to review the court cases to find out if the City could put additional conditions on moving mobile homes into the City.

Building Inspector Quinn explained that it is a requirement that any houses built in the City of Whitefish be built to the Uniform Building Codes. He said that there were three (3) types of mobile homes in the State of Montana that are Uniform Building Code approved. He felt that the City could restrict the mobile homes to UBC approved before they are set up in the City.

Councilman Boksich said that he knew how the townspeople felt and if the standards could be made more stringent, it might discourage some mobile homes. Councilwoman Faessler and Councilwoman Maddux said that this issue should be left out of the Ordinance until it could be researched further.

On a motion by Maddux to postpone any decision on the mobile home issue until more research can be done to find out what other cities are doing. The motion died for lack of a second. After discussion, on a motion by Maddux, seconded by Faessler, to delete the mobile home section of the Ordinance and let it go through the process again when more information has been obtained. The motion was defeated with 4 no votes to 2 aye votes. (Maddux and Faessler voted aye and Hanson, Boksich, LaTourelle and Schreiber voted no).

The Council turned the issue over to the Staff to research and bring back their recommendation as soon as possible.

Councilman Hanson discussed the height issue. He personally appreciated the fears and concerns of the people of Whitefish in regard to buildings that are taller than 35' but he said if you look at the hotels in Glacier Park not one would fall into the 35' category (Glacier Park Hotel is 60'). He said we were closing the door on any kind of character to Whitefish when we say it has

to be 35' or less and we are sending out an economic message that we do not want anyone to build anything to help out the Whitefish economy. He felt it would be a disservice to the City of Whitefish to keep the height at 35'. He suggested that criteria be drafted that would have to be met by developers and that would give the flexibility but still address the concerns of the people.

Councilwoman LaTourelle asked Jesse Stephens why she had inferred that the taxpayers of Whitefish would have to pay the costs of any buildings that were constructed over the 35' limitation. Jesse Stephens said it was primarily the Fire Department that would need new equipment for fighting fires in high rise buildings, however, she was mainly concerned with the beauty of the town.

City Manager Freedman recommended that each individual request for a building in excess of 35' should be considered on its own merits. He said if an Ordinance was passed allowing for buildings in excess of 35', there should be no height restrictions. Each proposal presented to the City of Whitefish should be reviewed through the Conditional Use Permit process. This would allow a review of each proposal by the City-County Planning Board and by residents of the Whitefish Community prior to the final public hearing by the City Council. He gave several issues that should be addressed: the property tax lag problem, building issues that include fire walls and sprinkler systems, landscaping, setbacks and buffering of the developed property from existing adjacent structures. The manpower, training and the equipment needs of the Fire Department must be spelled out in the Zoning Ordinance as a primary consideration of the Use Permit process. Fire Chief Yeats said the Fire Department could live with the height increase as long as all conditions were met. The fire codes are more extensive for any building over four (4) floors reported Building Inspector Quinn.

Councilwoman Maddux said she had received information from the State Fire Marshal and they had no problem with buildings in excess of the 35' provided that the escape passages and other fire codes were met. She said that what she was hearing from the people of the community is their concern about opening the door and setting a precedent. She said with the information she had received and the public comment and concerns of the people, she could not vote for any height increase above the 35'. Councilman Boksich said he felt that the Council should have the opportunity to evaluate projects and who is going to dictate to someone else that their building cannot be built because it is 5' over the 35' height limitation, especially if they present well done plans. Councilwoman LaTourelle asked Jesse Stephens what height would be acceptable and Mrs. Stephens said 50'. LaTourelle said the reason she asked Mrs. Stephens was because last time the split in the town was very negative and she would like to try and avoid a ballot issue. She said that the Council should listen to the people rather than see the town split. Councilman Schreiber said that to go above 55' would not hinder the Fire Department or the taxpayers because all the costs would fall on the developer. Under 35 feet, the burden would be on the taxpayers.

After much discussion, on a Motion by Schreiber, seconded by Hanson, to direct the Staff to follow the lines of preparing an Ordinance to allow buildings in excess of 35', to be reviewed through the Conditional Use Permit

process in the WB-2, WB-3, WRB-2 and WI Zones with no height restrictions. The motion passed with 5 aye votes and 1 no vote (Maddux voted no).

Mayor Amass requested that section 17.18.020, #6-b: "On residential lots as an accessory use where no fee is charged and length of stay does not exceed 30 days in a calendar year" be reviewed and changed. He felt this was too restrictive. The Staff would review this section and bring back their recommendation to the next Council Meeting.

On a motion by Boksich, seconded Hanson, to continue the first reading of Ordinance 88-1 until the Council Meeting of March 21, 1988. The motion passed unanimously.

STAFF UPDATES

The Council discussed a new Burning Ordinance for the City Limits. This issue was referred to the Fire Department, City Manager and City Attorney to draft an Ordinance and to bring one back to the next Council Meeting.

REZONE 45.1 ACRE TRACT OF LAND OWNED BY AMELIA NORGAARD FROM WA TO WSR AT THE INTERSECTION OF HIGHWAYS 93 AND 40: Tom Jentz, Senior Planner in the Flathead Regional Development Office, gave the Staff report. At the last Council Meeting, the City Council had recommended that Mrs. Norgaard contact her attorney to check on life estates or a will that might resolve her problem instead of trying to rezone the property. Jentz again explained that Mrs. Norgaard wanted to split off an acre of land with residential buildings and give it to her son. However, the parcel is located in the WA zoning classification which requires a 20 acre minimum lot and a single acre could not be split off.

City Attorney Muri said that he had talked to Mrs. Norgaard's son and the children were all in agreement that they would agree to any lot split the City Council recommended. All they wanted was to have one of them here to take care of their mother.

The Council discussed the issue at length and assured Mrs. Norgaard that they wanted to help her but it was difficult finding a way to do so. They discussed changing the size of the lots in the WA Zone to 15 acres instead of 20 acres. City Attorney Muri would contact the family to see if a split with one 25 acre parcel and one 20 acre parcel would work for them and he would report back to the next Council Meeting.

CITY MANAGER REPORTS

1. FEASIBILITY STUDY FOR AN INDUSTRIAL PARK: City Manager Freedman said that at the City Council Retreat, the City Council wanted to look at industrial sites and the City's 40 acre parcel where the city shop buildings are located seemed like an attractive site. He introduced Bruce Boody, Landscape Architect, who presented a proposal for a Feasibility Study. Boody explained that the Study would be done in phases. The first phase would be the Landscape Architect: information & research and preliminary study; Phase II would include the Surveyor, Engineer and Landscape Architect: site contour,

existing access, plant costs and relocation, landfill and seismic, site analysis, concept design and information and review; and Phase III would include the Master Plan. The breakdown of costs of this study as proposed would be:

Landscape Architect:	\$3,700.00
Surveyor	1,421.00
Engineer	<u>3,850.00</u>
	8,971.00

City Manager Freedman said it all comes down to whether or not the City wants to spend any money to study the site without committing any dollars for site improvements at the site. The Council could then decide if the site is even feasible for an Industrial Park. It may turn out that the costs may be prohibitive in terms of acquiring an access into the site, etc. He said it was up to the Council to determine if they wanted to pursue this site or talk to the Burlington Northern about a site.

After discussion the Council turned the matter over to the City Staff. Councilman Hanson did request that City Manager Freedman give them a detailed line item budget with the elimination of some of the items that were proposed.

2. INVENTORY OF CITY PROPERTY: City Manager Freedman had given the Council a list of City owned property. There were 19 pieces of property, all of which were small and he said they would not generate much money. He said after reviewing the inventory, the City did not have any land to sell.

3. TAX INCREMENT AGREEMENT WITH SCHOOL DISTRICT #44: City Manager Freedman said he had met Ivan Hernandez and two members of the School Board on this matter. He would recommend that an interlocal agreement be drafted that stated the following: Tax increment revenues on single family residential properties and multi-unit residential buildings (apartment complexes, cluster homes, etc.) be transferred by the City of Whitefish to School District #44 after receipt of these revenues by the City. School District #44 would receive 100% of the tax revenues for these residential units that they would have received had there not been a Tax Increment District. All tax increment revenues generated from commercial, industrial or other nonresidential construction would go entirely to the City of Whitefish which would consider requests by School District #44 and other organizations for these funds each year.

On a motion by Schreiber, seconded by Maddux, to accept the proposal of City Manager Freedman. The motion passed unanimously.

4. CROSSWINDS/HUETH SEWER ENGINEERING STUDY: City Manager Freedman reported that sufficient funds had been received by the City to begin preliminary survey and engineering work for the sewerage of this area.

5. 1988 STREET RECONSTRUCTION PROGRAM: City Manager Freedman said that he had worked with George Wartnow and Greg Acton on a program for Street Reconstruction in 1988. One factor that was critical to what areas could be considered was the project's location to the outfall of the storm sewer lines.

The following factors were used in their analysis of potential project sites:

1. Location of project in relationship to sewer outfall line;
2. Condition of the streets, curbs & gutters and sidewalks;
3. Condition of the water and sewer lines in these project areas; and
4. A maximum of twenty (20) blocks.

Based upon these factors, two areas were analyzed with regard to Street Reconstruction cost. The areas are as follows:

Area I: Baker Avenue from Second Street to the Bridge
Fourth Street from Baker Avenue to Spokane Avenue
Fifth Street from Lupfer to Baker Avenue
Third Street from O'Brien to Central Avenue
Fourth Street from O'Brien to Baker Avenue
Fifth Street from Baker to Central Avenue
O'Brien from Second Street to Fifth Street (footbridge)
Lupfer from Second Street to Fifth Street

Area II: Baker Avenue from Second Street to the Bridge
Fourth Street from Baker Avenue to Spokane Avenue
Fifth Street from Lupfer to Baker Avenue
Kalispell Avenue from Sixth to Riverside Avenue
Sixth Street from Spokane to Columbia Avenue
Eighth Street from Spokane to Columbia Avenue
Ninth Street from Spokane to Columbia Avenue
Riverside Avenue from Spokane Avenue to Columbia Avenue

Total overall costs of the two areas:

Area I	\$503,145
Area II	\$561,098

City Manager Freedman said that the City Council should review the figures and decide whether or not to proceed with street reconstruction in this manner. The cost of the curb & gutter and sidewalk work would be levied against the property owners. The City's share of the projects could be obtained by the utilization of Gas Tax Funds and Water and Sewer Funds. He said that the City would have to borrow the money to accomplish the construction.

The Council discussed the issue and the matter will be brought back to the next Council Meeting for further discussion.

6. RESOLUTION NO. 88-7: LINE ITEM TRANSFERS IN 1987-1988 BUDGET: City Manager Freedman reported that line item transfers in the 1987-1988 Budget were needed because several line item budgets have been exceeded by expenditures as of this date.

After Council discussion, on a motion by Boksich, seconded by LaTourelle, to approve Resolution No. 88-7 as presented. The motion passed unanimously.

7. CITY OF WHITEFISH SURVEY RESULTS (JANUARY 1988 SURVEY): City Manager Freedman discussed the results of the surveys that had been sent out in January, 1988. He said that out of 2,000 surveys, 393 residents responded. He said that the Fire Department rated the highest, water quantity was rated second. Under projects the City Council might consider in the future, streets were the number one priority. Sidewalks and storm drainage facilities were also rated near the top of the list.

8. HIGHWAY 93 PROJECT HEARING - APRIL 5, 1988: City Manager Freedman reported that the Department of Highways has scheduled a public hearing on April 5 at 7:30 P.M. to discuss the Hwy. 93 project from Kalispell to Whitefish. The meeting would be held in the Whitefish High School Auditorium.

9. VIADUCT: City Manager Freedman said that he had the new plans for the proposed viaduct project and the public and the Council were welcome to look at them.

10. GARBAGE SYSTEM: City Manager Freedman said that some time ago the possibility of analyzing the garbage system had been discussed. He said that he and Street Foreman Wartnow would put together a proposal of putting out for bid the contracting of a portion, all or none of the garbage pickup in the City. He said he was not looking to give up the garbage business altogether but if an analysis was made, the City Council would have a better idea on the most cost effective way to operate this system.

11. CITY-COUNTY PLANNING BOARD MEMBER: City Manager Freedman reported that the City-County Planning Board had unanimously appointed Claire Strickler as the ninth member (member at large). The County Commissioners and the City Council needed to verify the appointment under state law.

After some discussion, on a motion by Maddux, seconded by LaTourelle, to approve the appointment of Claire Strickler as the ninth member of the City-County Planning Board. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson asked if they would be getting the monthly financial reports. City Manager Freedman told him they would be brought to the next Council Meeting for the Council's review.

Hanson also requested an accounting of the total cost of extending the Fourth Street sewer line. He had also talked to Tom Jentz in getting a more usable zoning map of the City and if we could give him a mylar of one of the Sorenson maps, Jentz could give us an updated map.

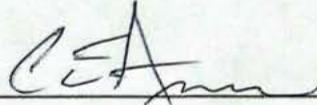
Councilwoman Maddux questioned the increase in workman's compensation insurance premiums. City Manager Freedman said some of the increase was because they had changed the classification of some of the employees.

Councilwoman Faessler requested to leave the State from March 10 through March 20. On a motion by Hanson, seconded by LaTourelle, to allow this request. The motion passed unanimously with Faessler abstaining.

COUNCIL MINUTES
MARCH 7, 1988

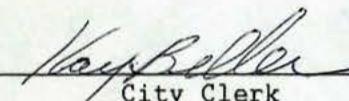
City Attorney Muri reported that he had researched the issue of the Council people having to request permission to leave the State and he could find nothing in the State Statutes that says elected officials have to request permission to leave the State.

On a motion by Schreiber, seconded by Faessler, to adjourn at 9:41 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

Changes in the proposed zoning ordinance made at the City Council Workshop held on December 14, 1987, and subsequent public hearings in January and February, 1988.

Deletions are contained within brackets []. Additions are underlined.

- 17.14.010 Add this sentence to the end of the section: Such non-conforming status will run with the lot, building, structure, or use and shall not be affected by changes in ownership.
- 17.15.020 (5) The Planning Staff shall set a public hearing date and publish a public notice [which jointly advertises the public hearing before the Planning Board and City Council] at least once in a newspaper of general circulation in the community at least 15 calendar days prior to the meeting of the Planning Board at which the application is to be considered.
- (8) Upon receipt of the recommendation of the Planning Board, the City Council shall hold a public hearing. This hearing shall be advertised at least once in a newspaper of general circulation in the community at least 15 calendar days prior to said hearing. Based on the results of this hearing, other public input, the staff report and findings of the Planning Board, the Council shall render a decision to grant, amend or deny the requested amendment.
- 17.17.030 Delete the last sentence as follows: ["When such a division of use district does occur, dividing a lot or parcel into 2 or more use districts, the entire lot or parcel shall be deemed to have only the characteristics and uses of the most restrictive district that any part of the lot or parcel results within".]
- 17.18.020 (6) Occupied recreational vehicles intended to be used for overnight camping or lodging and preparation of meals shall only be parked
- a. Within licensed recreational vehicle parks
- b. On private residential lots as an accessory use where no fee is charged and length of stay does not exceed 30 days in a calendar year.
- 17.19.020 [7] [Aviaries (500 birds or less)]
- [8] [Private marinas and boat launching ramps]
- [7] Livestock (refer to density table under 17.44.010)
- 17.19.030 [1] [Aviaries (501 birds or more)]
- [2] [Farms devoted to the hatching, raising, breeding and marketing of chickens, turkeys or other fowl, rabbits, furbearing animals or fish.]
- [3] [Livestock lots where animal density exceeds one half acre of confined area or pasture per head of livestock.]

Livestock where density exceeds Table 17.44.010

a. Land inside city subject to conditional use permit

b. Land outside of city subject to administrative conditional use permit.

17.20.020 [7] [Aviaries (500 birds or less)]

(8) Livestock (refer to density table 17.44.010)

[9] [Private marinas and boat launching ramps]

17.20.030 [2] [Farms devoted to hatching, raising, breeding and marketing chickens, turkeys, or other fowl, rabbits, furbearing animals or fish.]

Livestock where density exceeds Table 17.44.010

a. Land inside city subject to conditional use permit

b. Land outside city subject to administrative conditional use permit

17.21.020 (9) Livestock (refer to density table 17.44.010).

17.21.030 (6) Livestock where density exceeds table 17.44.010

a. Land inside city subject to conditional use permit

b. Land outside the city subject to administrative conditional use permit

17.22.040 (3) Side Yard = 15 feet [10 feet]

17.22.030 (3) Move colleges, business and trade schools to permitted use category.

17.27.030 (3) Move colleges, business and trade schools to permitted use category.

17.28.020 (26) Add a new use = Laundry and Dry Cleaning

17.28.030 (5) Move colleges, business and trade schools to permitted use category.

17.29.030 (4) Move colleges, business and trade schools to permitted use category.

17.30.030 (9) Marinas (commercial)

(10) Boat launching ramps and docks - commercial [and semi-public]

- 17.31.030 (13) Marinas (commercial)
- (14) Boat launching ramps and docks (commercial)
- 17.32.030 (14) Marinas (commercial)
- (15) Boat launching ramps and docks (commercial)
- 17.33.030 (15) Marinas (commercial)
- (16) Boat launching ramps and docks (commercial)
- 17.37 Bed and Breakfast (conditional use permit criteria)
- 17.37.080 [No other people other than residents of the dwelling may be employed or otherwise assist in the operation of a Bed and Breakfast facility.]
- 17.39.030 [2] [A family or manager must be in permanent residence and maintain full use of the kitchen and at least one bedroom.]
- 17.42.020 (B) The use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than an area equal to one-fourth of the [main floor] gross floor area of the primary residence shall be used for the home occupation. If an accessory building is proposed for use, only an area not to exceed one-fourth of the [main floor] gross floor area of the primary residence shall be used. Additional area in both cases is allowed only by granting of a Conditional Use Permit.
- 17.43.060 [At a minimum, 67% of the setback area (excluding access roads) shall incorporate living materials and at least 33% of the setback area (excluding sidewalks) should incorporate landscape elements in excess of 24 inches in height.]
- 17.44.010 [These are the minimum standards for the keeping of livestock in designated zones. Livestock is allowed inside the city limits where pasture land is available and lots are large enough in the WA, WCR, WSR, and WLR zones.]
- 17.44.020 [For the purpose of determining the allowable density of the livestock, they shall be assigned the following classification by livestock unit or units:]

The maximum density permitted outright for livestock shall be determined by the use of the following table:

<u>Permitted Livestock</u>	<u>Livestock [Units] Per Acre</u>
Horse	[1] $\frac{2}{7}$
Horse with foal	[1] $\frac{3}{7}$
Llama	[1] $\frac{7}{7}$
Llama with baby (cria)	[1] $\frac{7}{7}$

Colt/Filly	[$\frac{1}{2}$]	<u>2</u>
Cattle	[1]	<u>2</u>
Cow with calf	[1]	<u>3</u>
Calf	[$\frac{1}{2}$]	<u>2</u>
Sheep [five]	[1]	<u>5</u>
Sheep [five] with lambs	[1]	<u>5</u>
Lambs [five]	[$\frac{1}{2}$]	<u>5</u>
Goats [five]	[1]	<u>5</u>
Goats [five] with kids	[1]	<u>5</u>
Kids [five]	[$\frac{1}{2}$]	<u>5</u>
Chickens [twenty five]	[$\frac{1}{2}$]	<u>50</u>
Fowl [twenty five]	[$\frac{1}{2}$]	<u>50</u>

17.44.030 [For the purpose of determining the maximum number of livestock allowed, a ratio of one (1) livestock unit per acre of usable pastureland is established. This is to be taken as a maximum figure and] The amount of available usable pastureland, defined as that land inside a completely fenced area available to the livestock for as long as the livestock are on the property, must equal or exceed the actual number of livestock allowed. The keeping of livestock will not be permitted where usable pastureland is less than one half acre.

17.44.040 [Usable pastureland is defined as that land inside a completely fenced area available to the livestock for as long as the livestock are on the property.]

17.44.050 Should the amount of usable pastureland be reduced either seasonally or permanently as a result of action either by the landowner or tenant or of a public agency the number of allowable livestock shall be reduced correspondingly. [Those properties which do contain livestock and are considered non-conforming at the time of adoption of this ordinance because of excess density shall be brought into compliance with the density provision of this section within five (5) years from date of adoption of said ordinance.]

17.47.010 Pump setback from property line shall be [fifty (50)] twenty-five (25) feet. Pavement setback, exclusive of driveways, from front property line shall be [thirty (30)] ten (10) feet.

17.54.010 Bed and Breakfast..... Two spaces for the resident family or manager plus one space [for every two beds] per room rented plus one space for each two outside employees of maximum shift.

17.62.050 All parking areas and access driveways shall have at a minimum:

1. A smoothly graded stabilized dust free surface that has been treated with dust retardants for single family and duplex residential uses outside the city limits.

2. A paved hard surface (concrete, asphalt, interlocking bricks, etc.) for:
 - a. single family and duplex residential uses inside the city
 - b. triplex or larger residential uses
 - c. all non-residential uses.

17.62.050 (5) All commercial uses including non-conforming uses existing prior to April 15, 1982 which do not have paved parking lots and access driveways shall have five (5) years (until April 15, 1987) to pave and maintain them in a dust free condition. Failure to do so will constitute a violation of these regulations.

17.62.080 The parking of recreational vehicles in the side yard setbacks whether for storage or use shall be prohibited.

- 17.63.010 All parking areas and access driveways shall have at a minimum:
1. A smoothly graded stabilized dust free surface that has been treated with dust retardants for single family and duplex residential uses outside the city limits.
 2. A paved hard surface (concrete, asphalt, interlocking bricks, etc.) for:
 - a. single family and duplex residential uses inside the city
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 - c. all non-residential uses.

17.63.050 (5) All commercial uses including non-conforming uses existing prior to April 15, 1982 which do not have paved parking lots and access driveways shall have five (5) years (until April 15, 1987) to pave and maintain them in a dust free condition. Failure to do so will constitute a violation of these regulations.

17.64.010 All non-residential uses shall be exempt from the Parking and Loading Requirements of this ordinance, except for paving requirements. (See 17.64.050)

- 17.64.030 All residential parking areas shall have at a minimum:
- a. A smoothly graded stabilized dust free surface that has been treated with dust retardants for single family and duplex residential uses outside the city limits.
 - b. A paved hard surface (concrete, asphalt, interlocking bricks, etc.) for:
 - (1) single family and duplex residential uses inside the city limits.
 - (2) triplex or larger residential uses.

- 17.64.050 All commercial uses including non-conforming uses existing prior to April 15, 1982 which do not have paved parking lots and access driveways shall have five (5) years (until April 15, 1987) to pave and maintain them in a dust free condition. Failure to do so will constitute a violation of these regulations.
- 17.65.030 [Minimum aisle dimensions shall be:
When 90 degree parking --- 64 feet
When 60 degree parking --- 60 feet
When 45 degree parking --- 53 feet]
- ! Note: covered under Appendix A - parking lot diagrams
- 17.72.010 Bed and Breakfast - delete reference to ["one to four individual sleeping rooms."]
- 17.72.030 Boarding House - A dwelling or part thereof, other than a hotel, motel or restaurant where one or more meals per day and lodging for periods of one week or longer are provided for compensation, for [~~three (3)~~] two (2) or more unrelated persons, where no cooking or dining facilities are provided for in the individual rooms.
- 17.77.050 Guest House - delete ["having no kitchen facility"]
- 17.77.060 Guest or Servant Quarters - A single room or rooms within a dwelling unit which may be occupied by no more than two persons who are not members of the resident family. A guest quarters may contain [shall not contain] cooking facilities. No rental fees are to be paid or required.
- 17.78.090 Hotel - strike the phrase ["excluding accomodations for employees"]
- 17.83.030 (F) Has a perimeter skirting that resembles a conventional house foundation and is [that is aesthetically compatible with and has either the appearance of or is actually] constructed of brick, concrete, concrete block, stone or pressure treated wood.
- (G) Is placed on a permanent foundation as approved by the Building Inspector.
- (H) Hitch or tongue of manufactured home shall be removed.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: March 2, 1988
RE: Height Issue

At the last City Council Meeting, the issue of buildings in excess of 35' was discussed. Some of you on the Council were part of the discussion that occurred during the summer of 1986 on this same issue. At that time, I recommended that buildings in excess of 35' be allowed in the WB-2, WB-3, WRB-2 and WI zones. The discussion focused on a height restriction of 55'.

Obviously, each individual request for a building in excess of 35' should be considered on its own merits. If we pass an ordinance allowing for buildings in excess of 35', there should be no height restrictions. Each proposal presented to the City of Whitefish should be reviewed through the Conditional Use Permit process. This would allow a review of each proposal by the City-County Planning Board and by residents of the Whitefish community prior to the final public hearing by the City Council.

One of the critical issues that led to the citizens' initiative in 1986 was the feeling that the Fire Department would be incapable of fighting fires in buildings over 35'. Manpower, training and the equipment needs of the Fire Department must be spelled out in the Zoning Ordinance as a primary consideration of the Use Permit process. Without this, the support of the Fire Department is very much in doubt. Any mention of buildings in excess of 35' in the Zoning Ordinance should clearly indicate the types of conditions that the City Council will consider during the public hearings for a Conditional Use Permit. Any developer coming to Whitefish must know the rules and the regulations and the conditions that may be placed upon his development.

The other main issue that must be addressed is the property tax lag problem that affects all governmental units. An agreement must be reached between the City and the developer to address this problem. This will avoid an unnecessary burden on the City's General Fund. Other issues that should be considered include the following:

1. Building issues that include fire walls and sprinkler systems;
2. Landscaping;
3. Setbacks; and
4. Buffering of the developed property from existing adjacent structures.

February 25, 1988

To: Whitefish City Council Members
C/O Mr. Ralph Freeman, City Manager
Whitefish, Montana 59907

Re: Proposed Zoning Revisions Concerning Bed & Breakfasts

Dear Council Members,

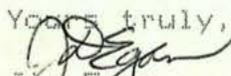
I am taking this opportunity to share some information in hope of clearing up some of the confusion and questions posed at recent council meetings of what a Bed & Breakfast Inn is and how it differs from a motel/hotel. The following background is paraphrased from "The Complete Guide to Bed & Breakfast Inns and Guesthouses", by Pamela Lanier, (1985-6 Edition) John Muir Publications, Inc.:

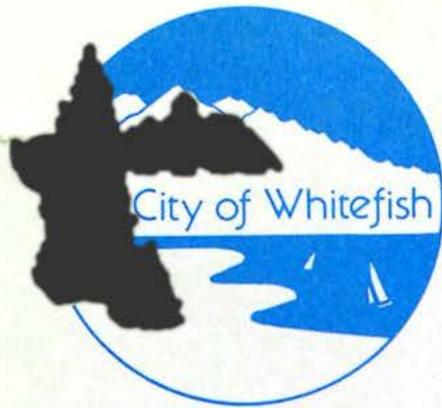
- B & B's are cousins of inns in Europe and England such as the Zimmer frei in Germany, usually a room and breakfast. Their better known cousins in England are private homes with a "Bed and Breakfast" sign in the window. Guests pay a small sum to sleep in the extra bedroom and take breakfast with the household in the morning.
- The American translation has expanded on this tradition of offering hospitality in a private home.
- Many factors have influenced the growth in popularity of B & B Inns including the desire to escape the daily routine and sameness of motels/hotels, the desire to be pampered for a few days, and the desire to stay in a unique home with time to make new friends among the other guests and innkeepers while enjoying the ambiance and nostalgia often experienced in older homes.
- Restored older homes can ideally offer such potential. They are often in a quiet setting, the innkeepers provide the service... not a staff with name tags...and the parlor is a gathering place for the handful of guests. They find a home away from home!

In summary, what travelers anticipate and have every right to expect when staying in a B & B Inn are:

1. Attractive and comfortable accommodations,
2. Congenial innkeepers,
3. An area(s) to meet other guests and/or enjoy a quiet evening of reading or relaxing,
4. Home-made breakfasts along with fruits and fresh-baked items,
5. Useful information on local things to see and do.

I urge the Council to keep these attributes in mind while working to adopt a zoning ordinance that will enable Whitefish residents so inclined, an opportunity to provide the kind of B & B Inns which many discriminating travelers are seeking. As you can see, a B & B Inn is much more personal than a motel/hotel since the innkeepers are, in effect, opening their home to their guests. This "Mom and Pop" style of enterprise should be encouraged by Whitefish and the proposed zoning ordinance is a step in the right direction.

Yours truly,

Jim Egan
800 S. Baker



Box 158, Whitefish, Montono 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
March 21, 1988

- 7:00 I. Approval of the minutes of the March 7, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. (Continuation of the Public Hearing and the First Reading of Ordinance 88-1)
 2. Open Burning Ordinance - Ordinance 88-2
 3. Rezone of 45.1 Acre tract of land owned by Amelia Norgaard from WA to WSR at the intersection of Highways 93 and 40
- 8:30 IV. STAFF REPORTS
1. Police
 2. Water/Sewer
 3. Street/Sanitation
 4. Building
 5. Fire
- 8:40 V. CITY MANAGER REPORTS
1. Financial Reports
 2. Update on the status of the Ad Hoc Committee on the Poverello Center
 3. Cost breakdown on the 4th & Karrow Sewer Project
 4. Regulations on skateboards
 5. Information on Industrial Parks in other cities in Montana
 6. 1988 Street Reconstruction Program
- 9:30 VI. COUNCIL REPORTS OR COMMENTS
- 9:40 VII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: March 16, 1988
RE: March 21, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the March 21, 1988 Council Meeting:

1. Zoning Ordinance: Enclosed in your packet is material from Tom Jentz on mobile homes in three cities and three counties in Montana. I have also enclosed a memo on the height issue as well as the height ordinance that was passed in 1986.
2. Open Burning Ordinance: I met with Lenny Yeats and Ted Tveidt on the conditions that the Fire Department wanted in a modified Open Burning Ordinance. The ordinance itself will reference the conditions which will be part of the application for a permit.
Recommendation: Approve Ordinance 88-2 with an emergency clause so that those individuals needing to obtain a permit can do so while ground conditions are favorable.
3. Amelia Norgaard Rezone: Tom Muri should have a report on this at the City Council meeting.
4. Ad Hoc Committee on the Poverello Center: Enclosed in your packet is a letter from the Poverello Center Board on what they will do with the Poverello Center building on Baker Avenue. It appears that the focus of their efforts will address problems of local residents only.
5. Fourth & Karrow Sewer Project: At the request of Jerry Hanson, a breakdown of the City's costs on this sewer project are outlined in a memorandum to you.
6. Regulations on Skateboards: The skateboarding by kids in Whitefish on the public sidewalks has resulted in many complaints by local citizens. The City Council should decide whether or not skateboards should be regulated in the public right-of-way.
7. Information on Industrial Parks: At the request of Pat LaTourelle, I am in the process of obtaining information on other industrial parks in Montana. My findings will be presented to you at the City Council meeting.
8. 1988 Street Reconstruction Program: At the request of Jerry Hanson, I am in the process of analyzing where the funds would come from for any street reconstruction project that may be considered in 1988. Once again, I will present my findings to you at the City Council meeting so that we can continue to discuss this issue.

If you have any comments or questions, please feel free to contact me.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: March 15, 1988
RE: Height Issue

At the March 7 City Council Meeting, you instructed staff to prepare the language for an ordinance that allows buildings in the WB-2, WB-3, WRB-2 and WI zones to exceed 35' in height with a conditional use permit. The input from Jessie Stephens and other comments since that meeting lead me to believe that this issue could once again divide the community as it did in 1986.

I strongly believe that there should be no height restrictions and each project should be judged on its own merits. In reality, however, this community does not appear ready for such a change in the height standards. To avoid a split in the community, I met with Peter Longcroft of Sterling Investments twice on Monday and I am scheduled to meet with Jessie Stephens later on this week.

My conversations with Peter Longcroft focused on two issues: height and how to pay for the impacts on the community. He said that he thought 55 feet was adequate for any building that he would build on his property. The idea of requiring cash payments and other considerations in order to get approval for a building in excess of 35' was also discussed. This type of arrangement in his opinion does not give the developer any feeling for what it will "cost" him/her to get a conditional use permit. The negotiation between the City and the developer could drag on for many weeks and in the end, it may be hard for the city to treat various developers equitably. I suggested an impact fee of between 1 and 2 percent and he felt comfortable with this type of fee because the developer could then factor in known costs prior to presenting a proposal to the City of Whitefish.

The impact fees should be deposited in a fund for specific projects: fire equipment, manpower and training and for other projects that are being impacted by large scale development within the city. Height, however, should not be the criteria for collection of the impact fee. The impact fee should be imposed upon all commercial and industrial projects costing above a certain amount (i.e. - \$500,000). This would allow retail projects in the downtown area to proceed without paying an impact fee but it will assess a fee on large scale projects in other parts of the city.

The people in the community are afraid of two things: buildings that could be any height that the City Council will accept and the fear that the City will "sell out" to developers and end up causing a burden on the local taxpayer. A height restriction and an impact fee address these two fears. The other issues or conditions would still be addressed in the conditional use permit process. Eventually, the height ceiling of 55' could be increased but after the public has a chance to judge how successfully the City Councils have been in dealing with buildings from 35' to 55'.

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: March 16, 1988
RE: 4th & Karrow Sewer Project Costs

I. Materials:

1. Pipe - Northwest Pipe	\$8,377.30
2. Manholes - Flathead Concrete	9,429.50
3. Sand & Pit run - State Hwy. Dept.	<u>134.00</u>
	17,940.80

II. Labor:

1. Full time employees - Regular	\$11,461.02
Overtime	1,938.21
2. Seasonal employees - Flathead Valley Labor Contractors	<u>6,340.20</u>
	19,739.43

III. Equipment: Based on 10 yr. amortized cost* less salvage value.

1. J.D. 595 - 358 hrs.	@ 9.33	\$3,340.14
2. J.D. 510 - 185 hrs.	@ 7.20	1,332.00
3. I.H. 260 - 128 hrs.	@ 3.07	392.96
4. Dump Ford 10 yd. - 136 hrs.	@ 1.07	145.52
5. Dump Ford 5 yd. - 98 hrs.	@ .71	69.58
6. Dump Chev 5 yd. - 74 hrs.	@ .71	52.54
7. Roller - Trench - 100 hrs.	@ 2.40	<u>240.00</u>
		5,572.74

* 7,500 hrs. Heavy Equipment
12,250 hrs. Trucks
2,500 hrs. Roller

IV. Actual Equipment Costs:

1. Gas @ 87.5 c	325 gal.	\$ 284.38
2. Diesel @ 72.3 c	608 gal.	<u>607.50</u>
		891.88

V. Private Contractor: Cost based on recent unit prices for similar work.

1. 2237' - 8" PVC Sewer	@ 9.23	\$20,648
2. 1382' - 10" PVC Sewer	@ 10.73	14,829
3. 14 - Std. Depth Manhole	@ 895	12,530
4. 38 - Extra Depth Manhole	@ 87	3,306
5. 20 hr - Extra Insp. & Engr.	@ 75	<u>1,500</u>
* Project Estimate to Date		52,813

* Estimate does not include driveway or asphalt cut and restoration.
Driveway cuts restored in project cost and asphalt cut but not restored.

VI. Summary: Cost differential to date.

City Project Cost	\$44,144.85
Private Contract Estimate	<u>52,813.00</u>
Difference	8,668.15

MINUTES
WHITEFISH CITY COUNCIL
MARCH 21, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Pro Tem LaTourelle at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle and Maddux. Mayor Amass and Council Members Schreiber and Faessler were absent. Also present were City Manager Freedman, City Attorney Muri, Street Foreman Wartnow, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

MINUTES

On a motion by Maddux, seconded by Boksich, to approve the Minutes of the March 7, 1988 Council meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

NONE

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA. (CONTINUATION OF THE PUBLIC HEARING AND THE FIRST READING OF ORDINANCE 88-1): City Manager Freedman said that there were two (2) important issues that were discussed at the last Council meeting - mobile homes and the height issue. He indicated that he had enclosed in the Council packets material from Tom Jentz on mobile homes in three cities and three counties in Montana.

City Manager Freedman said that at the last City Council meeting the Council instructed the staff to prepare the language for an ordinance that allows buildings in the WB-2, WB-3, WRB-2 and WI zones to exceed 35' in height with a conditional use permit. The input from Jessie Stephens and other comments since that meeting lead him to believe that this issue could again divide the community as it did in 1986. He has met with Peter Longcroft of Sterling Investments and the conversation focused on two issues: height and how to pay for the impacts on the community. Longcroft thought 55 feet was adequate for any building that he would build on his property. City Manager Freedman said that he suggested an impact fee of between 1 and 2 percent and Longcroft felt comfortable with this type of fee because the developer could then factor in known costs prior to presenting a proposal to the City of Whitefish. City Manager Freedman said that the impact fees should be deposited in a fund for specific projects: fire equipment, manpower and training and for other projects that are being impacted by large scale development within the City. He said that height should not be the criteria for collection of the impact fee; the fee should be imposed upon all commercial and industrial projects costing above a certain amount (i.e. - \$500,000). This would allow retail projects in the downtown area to proceed without paying an impact fee but would assess a fee on large scale projects in other parts of the city.

City Manager Freedman said the people of the community were afraid of two things: buildings that could be any height that the City Council will accept and the fear that the City would "sell out" to developers and end up causing a burden on the local taxpayer. A height restriction and an impact fee address these two fears. Other issues, in his opinion, should be addressed in the conditional use permit process. He felt that eventually the 55' could be increased but after the public has a chance to judge how successfully the City Councils have been in dealing with buildings from 35' to 55'.

Councilman Hanson asked if the Ordinance was correct with the HUD Classification of mobile homes. He asked if it was 1, 2, 3 or A, B, C and Dorothy Hurd explained that the HUD classifications were Class 1, 2, 3 as stated in the Ordinance.

Councilwoman Maddux requested that Building Inspector Quinn review the Building Codes information that Tom Jentz had given them before making any decision.

Mayor Pro Tem LaTourelle opened the hearing to the public and as there was no public comment, she closed the hearing and turned the matter over to the Council for discussion.

Councilman Hanson said the city could adopt more stringent regulations on Manufactured Homes but it might jeopardize the whole zoning ordinance. City Attorney Muri said that the City could not have more stringent restrictions because it would discriminate against lower income people and the court would come down hard on the city. Councilwoman LaTourelle said that she would like the City to pursue more stringent regulations because the mobile homes devalue the property of adjacent property owners. Councilman Boksich agreed with Councilman Hanson and was not willing to jeopardize the whole Zoning Ordinance. He also said that in some instances a manufactured home would be an improvement to some of the houses that had been constructed in Whitefish. Councilwoman Maddux said that she had checked out several Manufactured Homes and she could not see any difference in the quality, some were an improvement. She said the homes that she had checked did not depreciate the neighbors property; they continually appreciated in value. She did agree that more stringent conditions were probably needed, however, it was not worth losing the entire Ordinance over.

Councilman Hanson gave the Council a proposal for regulating height in certain districts by means of an allowable BUILDING ENVELOPE concept based on Height-Distance Control Angles and Lines. He said that the proposal had been structured with two important aims: 1. That the criteria for determining an Allowable Building Envelope must be contained in the Zoning Regulation and must be objectively applied, and 2. That the operation of the Height-Distance Controls not require site-by-site review and evaluation based on a subjective review process requiring multiple layers of approvals. Hanson also said he was in favor of the 1 or 2 percent impact fee as proposed by City Manager Freedman, however, he felt that any construction over \$100,000 or \$50,000 should be charged the fee.

City Manager Freedman said he would agree that the Building Envelope concept should be considered but he still felt that the height limitation of 55' should be adopted because of the concerns of the people.

The Council requested an example of property with the Building Envelope concept used so that they could review it.

On a motion by Boksich, seconded by Hanson, to continue the hearing on the first reading of Ordinance No. 88-1 until the next Council meeting. The motion passed unanimously.

2. OPEN BURNING ORDINANCE - ORDINANCE 88-2: City Manager Freedman said that he had met with Lenny Yeats and Ted Tveidt on the conditions that the Fire Department wanted in a modified Open Burning Ordinance. The Ordinance will reference the conditions which will be part of the application for a permit. He recommended approval of Ordinance 88-2 with an emergency clause so that those individuals needing to obtain a permit can do so while ground conditions are favorable.

The following conditions would apply for a permit for open burning within the City limits:

1. Minimum of one (1) acre parcel;
2. A permit will be issued where 20 yards of wood fiber have accumulated from construction, logging or clearing of insect infected timber;
3. All permits will be approved or denied by the Whitefish Volunteer Fire Department. The Fire Department will conduct an on site inspection of all property proposed for an open burning permit;
4. A \$25 inspection fee will be charged and must be paid by the applicant at the time of application;
5. Burning will only be allowed from March 1 to July 1 and from October 1 to December 1. All burning will comply with State of Montana airshed standards and guidelines;
6. A check for \$500 will be required of all applicants who receive approval for a permit prior to actual receipt of the permit. This check will be given to the City Clerk of the City of Whitefish. In the event of an uncontrolled fire which necessitates the assistance of the WVFD, the property owner or his/her representative will be billed at \$100 per hour for each fire truck used in the containment of the fire;
7. The WVFD will have the authority to cancel any and all permits at any time due to fire conditions and other factors; and
8. One who receives a permit must maintain close supervision of their fire at all times.

After some discussion, on a motion by Boksich, seconded by Maddux, to adopt Ordinance 88-2 on an emergency basis. The motion passed unanimously.

STAFF REPORTS

Written reports had been submitted from Police Chief Dolson and Building Inspector Quinn.

Ted Tveidt reported that as of July 1, 1988, the Department of State Lands would be taking over fire protection from the U. S. Forest Service. Some of the areas under this new jurisdiction would be from the Viking property north along the lake and the top of the Whitefish Divide.

CITY MANAGER REPORTS

1. REGULATIONS ON SKATEBOARDS: City Manager Freedman reported that skateboarding by kids in Whitefish on the public sidewalks has resulted in many complaints by local citizens. He said the City Council should decide whether or not skateboards should be regulated in the public right-of-ways.

Approximately (15) fifteen young boys attended the Council meeting and Mayor Pro Tem LaTourelle asked the boys to enter into the discussion. David Sparks, Jesse Fellows and Daman SanLuci spoke during the discussion. Their concern was that the City Council would pass an Ordinance banning the skateboarding. The Council discussed with the boys the complaints that had been received from private citizens and businesses and explained that everyone (including the City) was concerned about liability insurance. The Council encouraged the group to police themselves and to avoid skating during the busy times downtown and when they were asked to leave private property, they should leave without retaliation. The Council said they would work with the boys as much as they could in finding a place for a skateboard facility. It was suggested that they contact the Park Board to see if they would help also. Councilman Boksich said he would give the boys direction in contacting the Park Board.

2. FINANCIAL REPORTS: City Manager Freedman gave a summary of the financial reports for February. On a motion by Hanson, seconded by Maddux, to approve the Cash Status, Expenditure and Revenue reports for the month of February. The motion passed unanimously.

3. UPDATE ON THE STATUS OF THE AD HOC COMMITTEE ON THE POVERELLO CENTER: City Manager Freedman said that he had enclosed in the Council packets a letter from the Poverello Center Board. The Board would focus their efforts on the problems of local residents only. The Board stated that their purpose would be to serve the youth of the community with special emphasis on junior high and high school kids. They said they were investigating the following issues: drugs, sex, eating disorders, child abuse, pregnancy and parenting skills. The tentative name of the facility is "Narnia Square".

4. COST BREAKDOWN ON THE 4TH & KARROW SEWER PROJECT: City Manager Freedman gave a summary review of his memorandum to the City Council on the cost of the 4th and Karrow sewer project. The costs to the City were compared to what a private contractor would have charged. Total cost to the City was \$44,144.85 as compared to a private contractor who would have charged approximately \$52,813.00. This was a cost savings to the City of \$8,668.15.

5. INFORMATION ON INDUSTRIAL PARKS: City Manager Freedman said that at the request of Councilwoman LaTourelle, he was in the process of obtaining information on other industrial parks in Montana that would be presented at the next Council meeting.

6. 1988 STREET RECONSTRUCTION PROGRAM: At the last City Council meeting, City Manager Freedman had presented two alternatives for street reconstruction this year. The following numbers were presented:

	<u>AREA 1</u>	<u>AREA 11</u>
1. Storm Sewer	\$113,603	\$141,281
2. Street Section	142,877	148,041
3. Curb & Gutter and Sidewalk	208,974	222,835
4. Water	28,133	35,042
5. Sewer	<u>9,558</u>	<u>13,899</u>
	\$503,145	\$561,098

City Manager Freedman said that the water and sewer amounts would be charged to the Water and Sewer Funds. The curb & gutter and sidewalk amounts would be paid for initially by the City and the costs should be assessed against the property owners over a 5 year period at an interest rate in line with the City's borrowing cost (7 1/2% to 8%). The balance of the project, costs for storm sewer and the street section, should be the responsibility of the City. He also asked the Council to give serious consideration to increasing S.I.D. 132 assessments with all monies going into a separate line item specifically for new reconstruction projects. He also said that the gas tax funds should be earmarked for new projects (approximately \$65,000 per year).

COUNCIL REPORTS OR COMMENTS

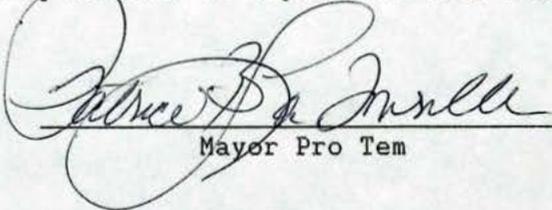
Councilman Hanson reported that the statue in the cemetery had been spray painted with black paint and requested that the City repaint it. He also said that the Parking Committee had not met in over a year. If they were not going to meet, either the Committee be abandoned or new people be appointed. He also asked the Council to consider reducing the required minimum lot area in the WA Zone from 20 acres to either 10 or 15 acres. He requested that the Five Year Capital Improvements Plan be finished before the budget process gets started. He asked where the Certified City sign south of town had gone. City Manager Freedman said that the sign had been stolen.

Councilman Boksich said that Eva Christian who lives on the corner of Kalispell Avenue and Railway Street was upset because the City snowplow had damaged the boulevard in front of her home. Street Foreman Wartnow said the City was aware of this damage and would sod the boulevard as soon as possible.

Councilwoman Maddux asked Police Chief Dolson if they could have some walking patrols around the City because of the increase of skateboards, bikes, etc. on the sidewalks.

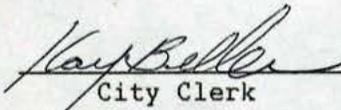
Councilman Boksich said that a new Bike Club had been formed and was being run by Jerry Mulhauser. He suggested that Police Department have someone talk to the Club.

On a motion by Boksich, seconded by Hanson, to adjourn at 9:51 P.M. The motion passed unanimously.



Mayor Pro Tem

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
MARCH 21, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Pro Tem LaTourelle at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle and Maddux. Mayor Amass and Council Members Schreiber and Faessler were absent. Also present were City Manager Freedman, City Attorney Muri, Street Foreman Wartnow, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

MINUTES

On a motion by Maddux, seconded by Boksich, to approve the Minutes of the March 7, 1988 Council meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

NONE

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA. (CONTINUATION OF THE PUBLIC HEARING AND THE FIRST READING OF ORDINANCE 88-1): City Manager Freedman said that there were two (2) important issues that were discussed at the last Council meeting - mobile homes and the height issue. He indicated that he had enclosed in the Council packets material from Tom Jentz on mobile homes in three cities and three counties in Montana.

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Councilwoman Maddux requested that Building Inspector Quinn review the Building Codes information that Tom Jentz had given them before making any decision.

Mayor Pro Tem LaTourelle opened the hearing to the public and as there was no public comment, she closed the hearing and turned the matter over to the Council for discussion.

Councilman Hanson said the city could adopt more stringent regulations on Manufactured Homes but it might jeopardize the whole zoning ordinance. City Attorney Muri said that the City could not have more stringent restrictions because it would discriminate against lower income people and the court would come down hard on the city. Councilwoman LaTourelle said that she would like the City to pursue more stringent regulations because the mobile homes devalue the property of adjacent property owners. Councilman Boksich agreed with Councilman Hanson and was not willing to jeopardize the whole Zoning Ordinance. He also said that in some instances a manufactured home would be an improvement to some of the houses that had been constructed in Whitefish. Councilwoman Maddux said that she had checked out several Manufactured Homes and she could not see any difference in the quality, some were an improvement. She said the homes that she had checked did not depreciate the neighbors property; they continually appreciated in value. She did agree that more stringent conditions were probably needed, however, it was not worth losing the entire Ordinance over.

Councilman Hanson gave the Council a proposal for regulating height in certain districts by means of an allowable BUILDING ENVELOPE concept based on Height-Distance Control Angles and Lines. He said that the proposal had been structured with two important aims: 1. That the criteria for determining an Allowable Building Envelope must be contained in the Zoning Regulation and must be objectively applied, and 2. That the operation of the Height-Distance Controls not require site-by-site review and evaluation based on a subjective review process requiring multiple layers of approvals. Hanson also said he was in favor of the 1 or 2 percent impact fee as proposed by City Manager Freedman, however, he felt that any construction over \$100,000 or \$50,000 should be charged the fee.

City Manager Freedman said he would agree that the Building Envelope concept should be considered but he still felt that the height limitation of 55' should be adopted because of the concerns of the people.

The Council requested an example of property with the Building Envelope concept used so that they could review it.

On a motion by Boksich, seconded by Hanson, to continue the hearing on the first reading of Ordinance No. 88-1 until the next Council meeting. The motion passed unanimously.

2. OPEN BURNING ORDINANCE - ORDINANCE 88-2: City Manager Freedman said that he had met with Lenny Yeats and Ted Tveidt on the conditions that the Fire Department wanted in a modified Open Burning Ordinance. The Ordinance will reference the conditions which will be part of the application for a permit. He recommended approval of Ordinance 88-2 with an emergency clause so that those individuals needing to obtain a permit can do so while ground conditions are favorable.

The following conditions would apply for a permit for open burning within the City limits:

1. Minimum of one (1) acre parcel;
2. A permit will be issued where 20 yards of wood fiber have accumulated from construction, logging or clearing of insect infected timber;
3. All permits will be approved or denied by the Whitefish Volunteer Fire Department. The Fire Department will conduct an on site inspection of all property proposed for an open burning permit;
4. A \$25 inspection fee will be charged and must be paid by the applicant at the time of application;
5. Burning will only be allowed from March 1 to July 1 and from October 1 to December 1. All burning will comply with State of Montana airshed standards and guidelines;
6. A check for \$500 will be required of all applicants who receive approval for a permit prior to actual receipt of the permit. This check will be given to the City Clerk of the City of Whitefish. In the event of an uncontrolled fire which necessitates the assistance of the WVFD, the property owner or his/her representative will be billed at \$100 per hour for each fire truck used in the containment of the fire;
7. The WVFD will have the authority to cancel any and all permits at any time due to fire conditions and other factors; and
8. One who receives a permit must maintain close supervision of their fire at all times.

After some discussion, on a motion by Boksich, seconded by Maddux, to adopt Ordinance 88-2 on an emergency basis. The motion passed unanimously.

STAFF REPORTS

Written reports had been submitted from Police Chief Dolson and Building Inspector Quinn.

Ted Tveidt reported that as of July 1, 1988, the Department of State Lands would be taking over fire protection from the U. S. Forest Service. Some of the areas under this new jurisdiction would be from the Viking property north along the lake and the top of the Whitefish Divide.

CITY MANAGER REPORTS

1. REGULATIONS ON SKATEBOARDS: City Manager Freedman reported that skateboarding by kids in Whitefish on the public sidewalks has resulted in many complaints by local citizens. He said the City Council should decide whether or not skateboards should be regulated in the public right-of-ways.

Approximately (15) fifteen young boys attended the Council meeting and Mayor Pro Tem LaTourelle asked the boys to enter into the discussion. David Sparks, Jesse Fellows and Daman SanLuci spoke during the discussion. Their concern was that the City Council would pass an Ordinance banning the skateboarding. The Council discussed with the boys the complaints that had been received from private citizens and businesses and explained that everyone (including the City) was concerned about liability insurance. The Council encouraged the group to police themselves and to avoid skating during the busy times downtown and when they were asked to leave private property, they should leave without retaliation. The Council said they would work with the boys as much as they could in finding a place for a skateboard facility. It was suggested that they contact the Park Board to see if they would help also. Councilman Boksich said he would give the boys direction in contacting the Park Board.

2. FINANCIAL REPORTS: City Manager Freedman gave a summary of the financial reports for February. On a motion by Hanson, seconded by Maddux, to approve the Cash Status, Expenditure and Revenue reports for the month of February. The motion passed unanimously.

3. UPDATE ON THE STATUS OF THE AD HOC COMMITTEE ON THE POVERELLO CENTER: City Manager Freedman said that he had enclosed in the Council packets a letter from the Poverello Center Board. The Board would focus their efforts on the problems of local residents only. The Board stated that their purpose would be to serve the youth of the community with special emphasis on junior high and high school kids. They said they were investigating the following issues: drugs, sex, eating disorders, child abuse, pregnancy and parenting skills. The tentative name of the facility is "Narnia Square".

4. COST BREAKDOWN ON THE 4TH & KARROW SEWER PROJECT: City Manager Freedman gave a summary review of his memorandum to the City Council on the cost of the 4th and Karrow sewer project. The costs to the City were compared to what a private contractor would have charged. Total cost to the City was \$44,144.85 as compared to a private contractor who would have charged approximately \$52,813.00. This was a cost savings to the City of \$8,668.15.

5. INFORMATION ON INDUSTRIAL PARKS: City Manager Freedman said that at the request of Councilwoman LaTourelle, he was in the process of obtaining information on other industrial parks in Montana that would be presented at the next Council meeting.

6. 1988 STREET RECONSTRUCTION PROGRAM: At the last City Council meeting, City Manager Freedman had presented two alternatives for street reconstruction this year. The following numbers were presented:

	<u>AREA 1</u>	<u>AREA 11</u>
1. Storm Sewer	\$113,603	\$141,281
2. Street Section	142,877	148,041
3. Curb & Gutter and Sidewalk	208,974	222,835
4. Water	28,133	35,042
5. Sewer	<u>9,558</u>	<u>13,899</u>
	\$503,145	\$561,098

City Manager Freedman said that the water and sewer amounts would be charged to the Water and Sewer Funds. The curb & gutter and sidewalk amounts would be paid for initially by the City and the costs should be assessed against the property owners over a 5 year period at an interest rate in line with the City's borrowing cost (7 1/2% to 8%). The balance of the project, costs for storm sewer and the street section, should be the responsibility of the City. He also asked the Council to give serious consideration to increasing S.I.D. 132 assessments with all monies going into a separate line item specifically for new reconstruction projects. He also said that the gas tax funds should be earmarked for new projects (approximately \$65,000 per year).

COUNCIL REPORTS OR COMMENTS

Councilman Hanson reported that the statue in the cemetery had been spray painted with black paint and requested that the City repaint it. He also said that the Parking Committee had not met in over a year. If they were not going to meet, either the Committee be abandoned or new people be appointed. He also asked the Council to consider reducing the required minimum lot area in the WA Zone from 20 acres to either 10 or 15 acres. He requested that the Five Year Capital Improvements Plan be finished before the budget process gets started. He asked where the Certified City sign south of town had gone. City Manager Freedman said that the sign had been stolen.

Councilman Boksich said that Eva Christian who lives on the corner of Kalispell Avenue and Railway Street was upset because the City snowplow had damaged the boulevard in front of her home. Street Foreman Wartnow said the City was aware of this damage and would sod the boulevard as soon as possible.

Councilwoman Maddux asked Police Chief Dolson if they could have some walking patrols around the City because of the increase of skateboards, bikes, etc. on the sidewalks.

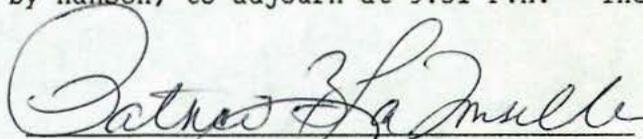
Council Minutes

March 21, 1988

Page 6

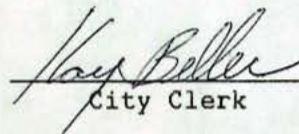
Councilman Boksich said that a new Bike Club had been formed and was being run by Jerry Mulhauser. He suggested that Police Department have someone talk to the Club.

On a motion by Boksich, seconded by Hanson, to adjourn at 9:51 P.M. The motion passed unanimously.



Mayor Pro Tem

ATTEST:



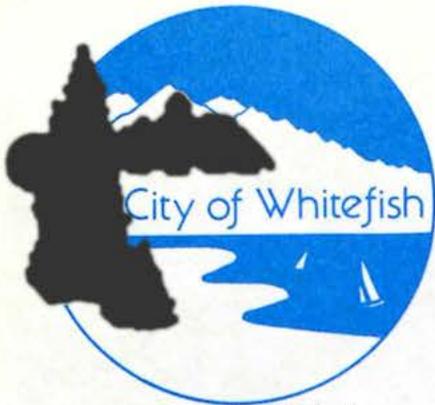
City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
April 4, 1988

- 7:00 I. Approval of the minutes of the March 21, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
1. Request for Street Lighting District funds - Bruce Boody
- 7:20 III. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. (Continuation of the Public Hearing and the First Reading of Ordinance 88-1)
2. Rezone of 45.1 Acre tract of land owned by Amelia Norgaard from WA to WSR at the intersection of Highways 93 and 40
3. Pin & Cue Sign Variance Request
- 8:30 IV. STAFF UPDATES
- 8:40 V. NEW BUSINESS
1. Discussion on Flathead City/County Health Department - Dr. Michalewicz
- 9:00 VI. CITY MANAGER REPORTS
1. Amendments 9 & 10 to engineering agreement with Carver Engineering
2. Discussion on Industrial Park Study
3. Financing for Water System Improvements
4. Status of Parking Commission
5. Pledged Securities at First National Bank & Mountain Bank
6. Report on 1986-1987 Audit
- 9:35 VII. COUNCIL REPORTS OR COMMENTS
- 9:45 VIII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: March 30, 1988
RE: April 4, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the April 4, 1988 Council Meeting:

1. Street Lighting Request: Bruce Boody and other representatives from the committee that renovated the Central School auditorium have requested \$2,000 for a lighting project alongside Spokane Avenue. Central School is paying \$397 per year into the Street Lighting District #1 (Residential Street Lighting District). Almost \$50,000 was budgeted in the Lighting District Fund for improvements.

Recommendation: I would recommend allocating \$2,000 from this fund for the proposed project.

2. Zoning Ordinance: Enclosed in your packet are two examples of how the Building Envelope concept would affect development on two parcels of land in Whitefish.

Recommendation: Adopt Ordinance 88-1 on its first reading so that this ordinance can be brought back to the next meeting for final consideration.

3. Sign Variance for Pin & Cue: The sign variance would allow for the addition of bowling pins around the perimeter of the existing sign. The freestanding sign is already in excess of our height limitation of 18 feet. The sign was installed prior to the adoption of our current sign code. The addition has already been put in place prior to City Council consideration.

Recommendation: Deny the sign variance request.

4. Flathead City/County Health Department: Dr. Michalewicz, the Director of this Department, will discuss the funding crisis that confronts this department.

5. Amendments to the Engineering Agreement: Enclosed in your packet are amendments Nos. 9 & 10 to our Engineering Agreement with Carver Engineering. Amendment No. 9 increases the cost ceilings for Segments 2 & 3 due to the preparation costs for the Operation and Maintenance Manuals that were not included in the original cost ceilings. A fixed fee profit is included in each of the ceiling increases. Amendment No. 10 increases the ceiling for Segment 3 Construction Engineering from \$151,526 to \$160,580. The profit for Carver Engineering has not been increased.

Recommendation: Authorize me to execute both amendments as proposed.

Council Recommendations

March 31, 1988

Page 2

6. Industrial Park Study: In talking to many representatives from cities throughout Montana, it appears that all of the Industrial Parks are either privately operated or operated by some type of development corporation. If you decide to proceed with the study of our 40 acre site, we should consider allowing the development of the park by either a private individual in order to lessen our liability with this type of project. By the City Council meeting, I will have specific information for you on other industrial parks within the state. With the possibility of utilizing Burlington Northern property for industrial development, it may prove advantageous to the City to consider the sale of our 40 acre site to a private individual.

7. Water System Improvements: Following our workshop this week, I have been in contact with various people about funding sources for the proposed water projects. I will make a presentation to you at the meeting.

8. Parking Commission: I am researching what alternatives the City Council has with regard to our Parking Commission.

9. Pledged Securities: I would recommend that you accept the Pledged Securities from First National Bank and Mountain Bank.

10. 1986-1987 Audit: Enclosed in your packet is a copy of a preliminary report on the 1986-1987 audit that was completed earlier this week.

If you have any comments or questions, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
APRIL 4, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Maddux, Schreiber and Faessler. Councilman Boksich was absent. Also present were City Manager Freedman, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn and Water/Sewer Supervisor Acton.

MINUTES

Councilman Hanson corrected the minutes of the March 21, 1988 Council meeting as follows: Page 2, last paragraph, #2 be changed to read that the operation of the Height-Distance Controls go through the Special Use Permit process.

On a motion by Maddux, seconded by Hanson, to approve the minutes of the March 21, 1988 Council meeting with the above correction. The motion passed with 3 aye votes and 2 abstentions. Faessler and Schreiber abstained because they did not attend the Council meeting.

Mayor Amass presented Maurice Cusik with a City paperweight for his years of service on the City-County Planning Board. Mayor Amass thanked him on behalf of the City and told him that the time and effort he had put into the Planning Board was very much appreciated.

PUBLIC COMMENTS

1. REQUEST FOR STREET LIGHTING DISTRICT FUNDS - BRUCE BOODY: City Manager Freedman explained that Bruce Boody and other representatives from the committee that renovated the Central School auditorium were requesting \$2,000 for a lighting project alongside Spokane Avenue. He said that Central School pays \$397 per year into the Street Lighting District #1. Almost \$50,000 was budgeted in the Lighting District Fund for improvements and he recommended allocating the \$2,000 for the proposed project.

Bruce Boody gave a summary review of the project. He explained that a total of six (6) decorative lamp posts would be installed from the corner of Spokane and Second to the north corner of the school building. The total cost of the project would be approximately \$7,000. Bill Kuehn told the Council that Ivan Hernandez was in favor of the project, however, they still needed approval from the School Board. The committee requested that the City Council support the project.

After some Council discussion, on a motion by Schreiber, seconded by LaTourelle, to support the project and allocate the \$2,000 subject to the approval of the School Board. The motion passed unanimously.

2. JOHN GARRITY: Mr. Garrity gave his opinion of the job performance of the City Manager and he once again spoke against the sewer rate increases. Mayor Amass explained to Mr. Garrity that the sewer increase was caused by three state mandated sewer projects.

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA. (CONTINUATION OF THE PUBLIC HEARING AND THE FIRST READING OF ORDINANCE 88-1): City Manager Freedman said that at the last Council Meeting the Council had discussed two issues - manufactured homes and the building height limitations. He said that the Council was in agreement to leave the manufactured home section of the Ordinance as it was presented, because to remove or modify it could jeopardize the entire Ordinance. He gave the Council a memorandum and examples on the Building Envelope Concept and said that the Building Envelope Concept is an easy way to govern the height of buildings as long as the use of a maximum height restriction and the utilization of a conditional use process is included in the wording of the Ordinance. He recommended that the Council adopt the Zoning Ordinance on the first reading.

Mayor Amass opened the public hearing.

Bill Voermans and Dick Zoennor both spoke on the keeping of animals in the extra-territorial area. As there was no other discussion, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Hanson suggested that the WA (Agriculture) Zone minimum lot size be reduced to 15 acres instead of 20 acres. This would resolve Mrs. Norgaard's problem of splitting her 45 acres among her three children without changing the zone designation.

On a motion by Schreiber, seconded by Hanson, to reduce the minimum lot size in the WA (Agriculture) Zone to 15 acres and approve Ordinance 88-1 on the first reading as amended.

Councilman Schreiber made a motion to amend Hanson's motion to include the height limitation of 55' with a special use permit. The amendment was seconded by Hanson and the motion passed with 4 aye votes and 1 no vote (Maddux voted no on the amendment). The original motion passed unanimously.

2. REZONE OF 45.1 ACRE TRACT OF LAND OWNED BY AMELIA NORGAARD FROM WA TO WSR AT THE INTERSECTION OF HIGHWAY 93 AND 40: The Council felt this issue had been addressed by reducing the lot size in the WA (Agricultural) Zone. This would allow Mrs. Norgaard to divide her acreage equally between her three children.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion and action. After some Council discussion, on a motion by Hanson, seconded by LaTourelle, to deny the rezone from WA to WSR. The motion passed unanimously.

3. PIN & CUE SIGN VARIANCE REQUEST: City Manager Freedman said that the sign variance would allow for the addition of bowling pins around the perimeter of the existing sign. The freestanding sign is already in excess of our height limitation of 18 feet (the sign measures 20'6" in height). The sign was installed prior to the adoption of our current sign code. The addition has already been put into place prior to City Council consideration. He recommended denial of the sign variance request.

Mayor Amass opened the public hearing and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilwoman LaTourelle said she would be in favor of the sign variance with the stipulation that the sign come into compliance when the new sign ordinance was adopted. Councilwoman Faessler was concerned that the sign had been modified prior to approval. Councilman Hanson said he had mixed emotions about the sign; it was not offensive and the way the economy was justified the additions to the sign. Councilwoman Maddux felt it was a blatant challenge and could not support the variance. Building Inspector Quinn and City Manager Freedman were both opposed to issuing the variance.

On a motion by Faessler, seconded by Hanson, to deny the sign variance request. The motion passed 4-1 with Schreiber voting no.

STAFF UPDATES

Water/Sewer Supervisor Acton reported that the Phosphorus Removal Facility was approximately 34% completed and could be in operation by July 1. The lift station was 95% to 98% completed and a start-up would occur this week. The Cow Creek interceptor sewer line was about 20% completed. He said that they had problems with the engineering on the project (Carver Engineering did Willow Brook and Thomas, Dean & Hoskins did the City engineering) and the City's elevations were 2 1/2 feet high to tie-in with the sewer line installed for the Willow Brook Subdivision. City Staff had corrected this error by flattening out the grade and changing the plans to come in on grade.

City Manager Freedman said that he would call Thomas, Dean & Hoskins to see what they wanted to do about the extra man-hours and costs incurred by the City.

City Manager Freedman also reported that the City was building the road between Vandenberg's and the Nazarene Church. Lyle Barnes would deed a 40' right-of-way to the City and this would allow for the development of future lots in this area.

NEW BUSINESS

1. DISCUSSION ON FLATHEAD CITY/COUNTY HEALTH DEPARTMENT - DR. MICHALEWICZ: Dr. Michalewicz summarized what the Health Department was involved in: They take care of Birth and Death Certificates, the septic tank permit system, they inspect all the food establishments in the County plus all the motels, hotels, trailer courts, etc., they have a family planning program,

a home health program and a public nurse program. He explained their mill levies from 1980 through 1986 and said that the low mill levy in FY 86/87 was due to a large carry-over from the previous year. This year the Department would run a \$160,000 deficit and the County Commissioners would be requesting a 2 mill levy on the June ballot to cover this deficit. He requested support from the Council on this levy.

CITY MANAGER REPORTS

1. AMENDMENTS 9 & 10 TO ENGINEERING AGREEMENT WITH CARVER ENGINEERING:

City Manager Freedman said that he had enclosed in the Council packets Amendments 9 & 10 to the Engineering Agreement with Carver Engineering. Amendment No. 9 increases the cost ceilings for Segments 2 & 3 due to the preparation costs for the Operation and Maintenance Manuals that were not included in the original cost ceilings. A fixed fee profit is included in each of the ceiling increases. Amendment No. 10 increases the ceiling for Segment 3 Construction Engineering from \$151,526 to \$160,580. He recommended the Council authorize him to execute both amendments as proposed.

Mayor Amass said that in a letter from the State (Randy Nelson), Amendment #9 deals with the O & M manuals and there is no problem with it. However, the State has a problem with the rates Carver Engineering has charged for inspection services and they felt they could be challenged by a Federal Audit. Mayor Amass suggested before the Council approve #10 that we receive justification from the engineer and acceptance from the State so the City does not have any problems getting reimbursed.

After Council discussion, on a motion by Hanson, seconded by Faessler, to table amendment #9 and #10 until the next Council meeting. The motion passed unanimously.

2. DISCUSSION ON INDUSTRIAL PARK STUDY:

City Manager Freedman said that in talking to representatives from cities throughout Montana, it appears that all of the Industrial Parks are either privately operated or operated by some type of development corporation. If the Council decided to proceed with the study of the 40 acre site, they should consider allowing the development of the park by either a private individual or a development corporation in order to lessen the liability to the City for this type of project. He felt much of the land owned by Burlington Northern appears to be the best Industrial sites in Whitefish. He recommended that the Council go forward with the survey and the landfill seismic portions of the plans as proposed by Bruce Boody so it can ascertain whether the site would be suitable for sale in the future. The survey would cost \$1,050 and the landfill and seismic study would cost \$2,500 for a total cost of \$3,550.

Councilwoman Maddux asked which budget accounts this would come from and City Manager Freedman said \$2,500 would come out of other purchased services and \$1,050 would come out of professional services in the Finance and Administration Department.

On a motion by Hanson, seconded by Schreiber, to proceed with the expenditures for the surveying and seismic study as recommended by the City Administrator with the total cost not to exceed \$3,550. The motion passed unanimously.

3. FINANCING FOR WATER SYSTEM IMPROVEMENTS: City Manager Freedman gave the Council a handout which summarized the presentation of Phil Butterfield at the workshop.

He had contacted D. A. Davidson about financing and the maximum amount of bonds would be \$2,000 per connection or approximately \$4,000,000. This would cause a funding gap in doing all of the projects. He also talked to the Department of Natural Resources and they had grants and loans available. (Grants up to \$100,000 and loans of almost any amount). He said that the City received \$35,000 from the Department of Natural Resources for the Water Master Plan completed by CH2M Hill and WMW Engineering (the City had paid \$15,000 of the study cost). He said the City should apply for the grant by May 15, 1988, so it could be considered in the next Legislative Session and the City would have a response in about one year. He requested that the Council think about whether they wanted to proceed with this and he would bring it up again at the next Council meeting.

4. STATUS OF THE PARKING COMMISSION: City Manager Freedman gave the Council a memorandum on the state statutes and summarized the sections relating to creation, powers and operation of the Parking Commission. He said that the Downtown Association must be in favor of any proposal to create off-street parking. As of this date, they had not set goals for this year. However, he would contact the Parking Commission members to see if they were still interested in serving on the Commission and if not, he would recommend new people for approval by the City Council.

5. PLEGGED SECURITIES AT FIRST NATIONAL BANK & MOUNTAIN BANK: First National Bank's total pledged securities were \$445,000 and Mountain Bank's were \$730,000.

On a motion by Hanson, seconded by Faessler, to approve the pledged securities of the First National Bank. The motion passed with 4 aye votes and 1 abstention. (LaTourelle abstained due to a conflict of interest).

On a motion by Hanson, seconded by Faessler, to approve the pledged securities of the Mountain Bank. The motion passed with 4 aye votes and 1 abstention (Schreiber abstained due to a conflict of interest).

6. REPORT ON 1986-1987 AUDIT: City Manager Freedman went through the preliminary draft comments and recommendations of the State Auditor. The Audit was completed on March 28, 1988.

7. SOLID WASTE BOARD: City Manager Freedman said that he had received a letter from the Solid Waste Board and the term of Anne Moran as the City representative on this Board would expire in June of this year. He would contact Anne Moran to see if she was still interested in serving on the Board. The position would also be advertised.

8. FLATHEAD COUNTY ANIMAL CONTROL BOARD: A letter from Douglas Caton, Chairman of the Flathead County Animal Control Board, was sent to City Manager Freedman. He was asking that the City of Whitefish provide \$200 per month to support continuation of maintenance and operation of the County Animal Shelter and animal control in Flathead County in FY 88-89. He furnished data summarizing the experience since the shelter reopened October 1, 1987.

The Council tabled this item until they had more information, such as what the other Cities would be paying and they also requested a copy of the animal control budget. This matter would be a discussion item during the hearings on the 1988-1989 Budget.

9. HIGHWAY DEPARTMENT HEARING: City Manager Freedman reminded the Council that there would be a hearing to discuss the extension of Highway 93 South to Baker Avenue on Tuesday, April 5, 1988 at the High School.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler asked when the budget process would begin. City Manager Freedman said the Council could start anytime. Due to the freeze in property taxes, he did not expect any major changes from last year's budget. Hearings would begin during the month of May.

Councilwoman LaTourelle asked City Manager Freedman when he would start negotiations with the Union. He said that negotiations would begin this week. She also asked him about the Multi-Jurisdictional Service District. He said that he had written a letter to the County Commissioners asking them to consider a multi-jurisdictional district for both streets and parks & recreation. Earl Bennett had responded with several questions that had to be answered before they would consider proceeding. Some of the questions were: what it would cover, how it would be administered, etc. City Manager Freedman said he wanted to do a multi-jurisdictional district that had the same boundaries as School District #44 but the issue would require sitting down with the Commissioners and discussing it. After all the details are worked out, the issue would have to go before the voters for their approval.

Councilman Hanson asked Dr. Michalewicz to send a copy of their budget to the City Manager.

Mayor Amass said that the City of Dillon had sent a letter expressing their concern about the possibility of the loss to the State's economic base with regard to the lumber industry. They were requesting that the City Council pass a Resolution supporting this industry. Mayor Amass requested that the Council review the issue and it would be brought back to the next Council meeting.

Mayor Amass asked when the City was going to smooth over, seal and clean up the construction areas on the Fourth and Karrow Sewer Project. City Manager Freedman said as soon as the weather permitted, the City would go in and do the cleanup work.

Mayor Amass said that in the last two Council packets was information on street reconstruction and nothing has been done about it. He said that the Council may or may not agree with the information provided, however, something needs to be done before we loose the entire season even if we only do five blocks this year. He recommended that the Council give the City Manager some direction on what streets they want to do this year. He said that street reconstruction was a high priority item on the surveys sent out to the people and even if the City only does a few blocks, we need to do something.

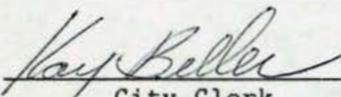
Councilman Schreiber requested that City Manager Freedman present a summary of the two proposals and give the Council a breakdown of the dollars available for paving in all the funds and bring the issue back to the next Council meeting.

On a motion by Maddux, seconded by LaTourelle, to adjourn at 9:55 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

March 19, 1988
Box 516
Whitefish, Mt 59937

Mr. Ralph Freedman
City Manager
City Hall
Whitefish, Mt 59937

Re: Whitefish Special Lighting District Fund

Dear Mr. Freedman:

Thanks to the generous contributions of the citizens of Whitefish we are in the final stages of renovating the Central School Auditorium.

During the renovation we became aware of the poor lighting at the entrance to the building as well as the inadequate lighting on Spokane Avenue. We have installed new lights over the doorway on Spokane Avenue and have upgraded existing side lights.

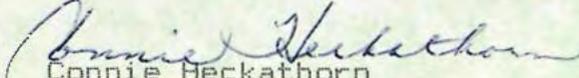
At the time of placing underground conduit for lighting the reader board we put in underground wiring for three (3) lamp posts between the west entrance and the corner of Spokane and Second Street. We also plan to install three (3) lamp posts along the building from the west doorway to the north corner of the building, for a total of six (6). The cost of each fixture will be approximately \$1000. With wiring and installation, we anticipate the total remaining cost of the six fixtures to be \$6500 to \$7000.

A sub-committee is working with the school and city authorities to select a lamp and pole that would complement further lighting in Whitefish.

We are in need of funds to complete the lighting along Spokane Avenue and this letter is a request by the committee for \$2,000.00 from the Whitefish Special Lighting District. We request these funds for the purpose of completing the lighting improvements on Spokane Avenue along the Central School grounds.

Your consideration of this request is greatly appreciated.

Very truly yours,


Connie Heckathorn
Chairman



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: March 30, 1988
RE: Building Envelope Concept

The Building Envelope Concept is an easy way to govern the height of buildings. The concept does have the following two shortcomings:

1. Without a height restriction, an extremely tall building could be constructed on a large lot; and
2. The development of a building to a reasonable height may be prohibited on a lot that has an irregular shape.

In the cases cited above, the use of a maximum height restriction and the utilization of a conditional use process would eliminate these two shortcomings. By making these modifications, you have complicated a straight forward concept. Attached are examples to illustrate how the Building Envelope Concept would work.

Utilizing height-distance angles of 45° for the front, rear and side, the following numbers are generated for the examples on the attached sheets:

	<u>Dimension of Building</u>	<u>Maximum Height</u>
Example 1	100' x 100'	in excess of 100'
Example 2 (A)	200' x 100'	50'
Example 2 (B)	100' x 60'	70'
Example 3 (A)	100' x 100'	100'
Example 3 (B)	150' x 150'	75'

Ultimately, the issue of the height of buildings in Whitefish must be acceptable to the people of Whitefish. I sense that there must be a limitation on the height of buildings if we are to avoid the division in the community that occurred in 1986. I favor a height limitation of 55 feet. Developers who propose buildings in excess of 35 feet should go through the conditional use permit process. There is subjective reasoning employed in this process but in the end, City Councils should be given the ultimate authority to make the final decision.

2PD

LOT 1

AMENDED PLAT OF
LOT 26 OF
BARKLEY TRACTS
MOUNTAIN HARBOR
VILLA COND₆

AND PLAT 27, 28

BARKLEY

CONCESSION NO 1

BARKLEY

LANE

CONCESSION NO 2

CONCESSION NO 3

CONCESSION NO 4

CONCESSION NO 5

CONCESSION NO 6

CONCESSION NO 7

CONCESSION NO 8

CONCESSION NO 9

CONCESSION NO 10

CONCESSION NO 11

CONCESSION NO 12

CONCESSION NO 13

CONCESSION NO 14

CONCESSION NO 15

CONCESSION NO 16

CONCESSION NO 17

CONCESSION NO 18

CONCESSION NO 19

CONCESSION NO 20

CONCESSION NO 21

CONCESSION NO 22

CONCESSION NO 23

LOT 3
1/20/83, 3/25/83, 4/14/83, 6/3/83
8/5, 5/1/86, 8/11/86, 11/19/86.

LOT 4

WILDWOODS NO. 1

40

40B

4

4CA

4C

4B

40D

40DA

40FA

40G

40F

40DCA

40DC

40DH

4E

RESERVOIR 40' 148/541

ROAD

1E

1F

1H

WISCONSIN AVE

227'
2FA
2R
2W
approx 350'
2N
2O
2J
approx 440'
2JC

734.48

2U

LOT 4

WILD WOOD

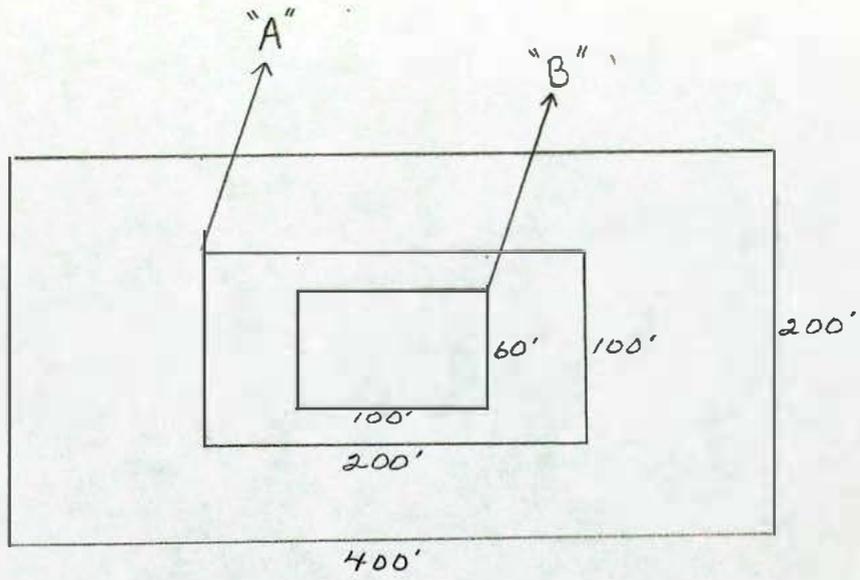
LOT 1

LOT 2

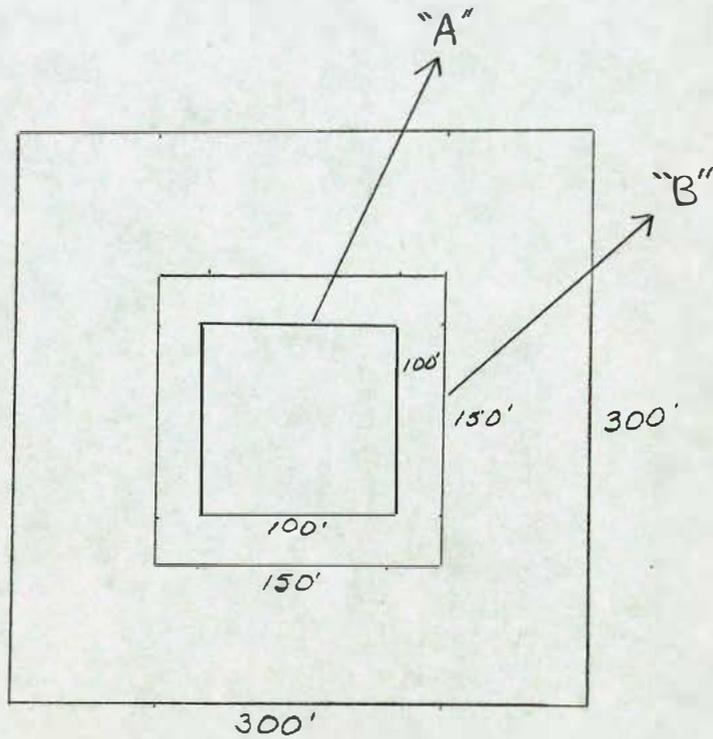
638.61'

S. 89° 55' 27" E. 2627.62'

EXAMPLE 1



EXAMPLE 2



EXAMPLE 3

SCALE



1" = 100'

City Council
Box 148
Whitefish, Montana

March 27, 1988

RE: Amelia Norgaard Properties

Dear Council:

Since my mother had her stroke, she has her up and down days, and has trouble handling non-routine matters. July of 1987 she requested me, the oldest son, make arrangements to have her properties divided among her three children. My half brother, the youngest son, is to have the house and garage, and the land is to be divided into equal 1/3 rds.

In the past 2 months I've had several phone conversations with Mr. Tom Muri regarding my mother's request.

The time procedures required to handle the request has her very nervous and confused. This is very stressfull to her and I am concerned.

I am writing this personal letter to the council in hopes that you may find a way to grant my mother's wish; and therefore, give her peace of mind.

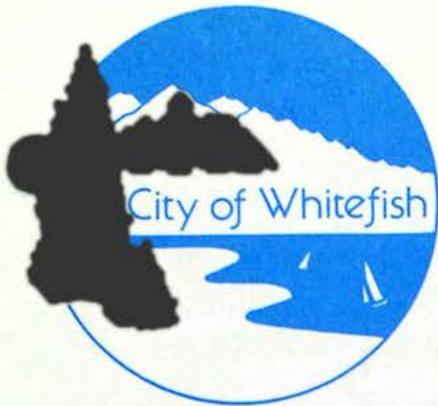
Thank you very much for your time and consideration.

Sincerely ,



Harry M. Becker
3807 Morning Side Dr.
Traverse City, Michigan 49685

Phone: 616 - 941 - 8266



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: April 4, 1988
RE: Parking Commission

Over the past year, there has been considerable discussion about the inactivity of the Parking Commission. I have reviewed the state statutes and the following is a summary of the sections relating to creation, powers and operation of the Parking Commission:

1. Purpose: The lack of adequate off-street parking and the need to regulate on-street and off-street parking in a coordinated manner.
2. Need to Create Parking Commission: The determination as to whether there is need for a commission to function may be made by the legislative body on its own motion or upon the filing of a petition signed by 100 residents of the city asserting that there is a need for a commission.
3. Resolution for Parking Commission: The Whitefish City Council passed Resolution #85-3 on April 1, 1985 declaring there was a need for a parking commission.
4. Appointment of Commission: The City Manager with the approval of the legislative body shall appoint not less than five (5) or more than seven (7) electors of the city as members of the commission after the city adopts the resolution of need for a parking commission. The number of members of the commission may be changed from time to time as desired by subsequent resolutions of the legislative body of the city.
5. Term of Office for Commission Members: Initially on a five member commission, three of the members shall be designated to serve terms of 1, 2 and 3 years respectively and two of the members shall be designated to serve terms of 4 years. Thereafter, members shall be appointed for 4 year terms. All vacancies shall be filled for the unexpired term.
6. Removal of Parking Commission Member: A member of a parking commission may be removed by the City Manager with the consent of the legislative body of the city.

7. Funds for Operation of the Commission: The legislative body may from time to time appropriate monies from its budget to fund the administrative purposes of the commission, subject to such conditions as the legislative body may prescribe.
8. Reports on Commission Transactions: The legislative body shall cause a detailed report of all transactions of the parking commission, including a statement of all revenues and expenditures, to be filed on a quarterly, semiannual or annual intervals as prescribed by the legislative body. At least once annually, the parking commission shall publish in a newspaper of general circulation in the city a statement of all its financial affairs.
9. Termination of Parking Commission: After the lapse of four years from the date of resolution of need for the parking commission, if such commission shall have not acquired or entered into possession of land for a parking facility or issued bonds, the legislative body may pass a resolution declaring that there is no need for such a commission. If this occurs, the offices of the members of the commission shall become vacant and the powers of the commission shall be suspended until the legislative body adopts a resolution declaring the need for the commission to function. After a resolution declaring no need for the commission to function, the legislative body has the power to wind up the affairs of the commission and shall have title to all property of the commission for the purpose of off-street parking only, to be leased to and operated by companies, individuals or corporations.
10. Powers of Parking Commission: A parking commission has these and other powers related to off-street parking: To purchase, lease or option any real or personal property; utilize the power of eminent domain upon approval of the legislative body; to sell, lease, exchange, transfer, assign or dispose of any real or personal property; and to acquire, construct, rent, lease, maintain and repair such real and personal property.
11. Authority to Issue Bonds: The commission has the power to issue revenue bonds in its name or in that of the city. Prior to the issuance of revenue bonds, the legislative body must submit the question of revenue bond method of financing to the qualified electors of the city. One source of revenue for payment of revenue bonds is the collection of special assessments that are not pledged for the payment of special improvement district bonds.

The preceding information should provide you with a better understanding of the statutes connected with parking commissions. I will continue to work with the Downtown Association on off-street parking because without their interest and support, it will be difficult to fund the acquisition and construction of off-street parking facilities. The City Council should appropriate funds to allow the Parking Commission to enter into options for property that may be developed at a later date. Now is the time to acquire property due to the economic climate in Whitefish.



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
April 18, 1988

- 7:00 I. Approval of the minutes of the April 4, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. Second Reading of Ordinance 88-1
 2. Sign Variance request by Allen Clark for Alpine Village Market at 721 Wisconsin Avenue.
- 8:00 IV. STAFF REPORTS
- a. Police (written)
 - b. Fire
 - c. Building (written)
 - d. Water/Sewer
 - e. Street/Sanitation
- 8:15 V. NEW BUSINESS
1. Bob Worthington - Montana Municipal Insurance Authority
- 8:35 VI. OLD BUSINESS
1. Resolution of the City of Dillon regarding the lumber industry
- 8:40 VII. CITY MANAGER REPORTS
1. Application for a loan from the Department of Natural Resources for water projects
 2. Financial Reports
 3. Financial comparison - 1987 vs. 1988
 4. Update on Crosswinds/Hueth Sewer Project
 5. Purchase of 10 acre parcel of land
 6. Discussion on 1988 Street Reconstruction
- 9:35 VIII. COUNCIL REPORTS OR COMMENTS
- 9:45 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: April 13, 1988
RE: April 18, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the April 18, 1988 Council Meeting:

1. Zoning Ordinance: Enclosed in your packet is a revised draft of the proposed Zoning Ordinance. I am also working on some additional landscaping language for your consideration.

Recommendation: I would recommend that the City Council study the entire Zoning Ordinance and consider approval of the ordinance on the second reading at the May 2 Council Meeting.

2. Sign Variance for Allen Clark: Allen Clark has proposed a sign variance for the Alpine Village Market at 721 Wisconsin Avenue. He is asking for a second freestanding sign above his gas pumps to allow for more identification for the Sinclair brand of gasoline.

Recommendation: I would be inclined to recommend a freestanding sign in excess of the twelve feet allowed for in the WB-1 zone with the condition that the sign come into compliance with the new sign code. It is my feeling that the brand name of the gasoline can be placed upon the pumps themselves and does not need to be placed on a second freestanding sign.

3. Bob Worthington - Montana Municipal Insurance Authority: Bob will discuss several aspects of our liability and workman's compensation policies that are through the MMIA. He will also discuss the reasons behind the latest increases in premiums in both of these programs.

4. Resolution of the City of Dillon: At the last City Council meeting, the resolution proposed by the City of Dillon regarding the lumber industry was tabled. You should decide whether or not the City of Whitefish should pass a similar resolution.

5. DNRC Loan: In order for the City of Whitefish to be eligible for loans from the State of Montana, the City must make application to DNRC by May 15, 1988. During the next legislative session, the legislature will consider our request and decide upon the terms and conditions of our loan should they approve the loan.

Recommendation: I would recommend that the City Council approve the submittal of the request in order that we leave every option open for funding future water projects.

6. Financial Comparison (87 vs. 88): I will go through the Cash Status Reports as of March 31, 1987 and March 31, 1988 in order to give you a better idea of where the City stands financially.

7. Crosswinds/Hueth Sewer Project: I will update you on the last meeting that was held with the property owners in this area.

8. Purchase of 10 Acre Parcel of Land: Recently we were made aware of the fact that the Street family had listed a 10 acre parcel of land on Dakota Avenue. Upon further examination, we feel that the land could provide the City with a minimum of 50,000 yards of gravel. Some of the gravel is suitable for crushing, some can be used for pit run material and there also are several veins of sand which can be used for bedding of pipe and for other park uses.

The appraised value of the property is \$47,000 and the listed price is \$37,000. I signed a buy-sell agreement for \$25,000 contingent upon City Council approval and upon satisfactory soil sample results. That offer was countered by Russ Street with the following conditions: Acceptance of the \$25,000 cash offer and the donation of \$22,000 worth of property to the City for tax purposes.

Recommendation: I would recommend the purchase of the property for the following reasons:

- a) It provides the City with its own source of gravel and sand that can be used in the future for street improvement projects and water and sewer projects;
- b) It provides the City with both gravel and sand on the north side of the railroad tracks which eliminates costly hauling of materials for projects on that side of the railroad; and
- c) Ultimately, the parcel can easily be reclaimed as a park or it could be sold to someone to develop.

9. Street Reconstruction Project: City Staff is recommending that the City Council consider the reconstruction of five blocks of Pine Avenue from Second Street to Seventh Street. This project would improve one of the most heavily traveled streets in the community and allow the City to put in a major component of the storm sewer system. We would propose reducing the width of the street from approximately 51 feet to 44 feet to allow for two-12 foot driving lanes and two-10 foot parking lanes. The project would involve the replacement of the curbing on the west side of Pine Avenue with a rolled curb & gutter section. We have not included the cost of the installation of sidewalk on the west side of Pine Avenue. On the east side of Pine Avenue, we would propose leaving the curbing as is and working with the school so that they would extend the sidewalk to Seventh Street. North of the intersection of Fourth & Pine is Memorial Park. Somewhere in the future the Park Board can develop a sidewalk or path that meanders through the green space outside of the fenced ballfields.

Funding for the project would come from three sources - SID 132, the Gas Tax Fund and assessments that would be levied upon the property owners on the west side of Pine Avenue. The cost to the property owners would be approximately \$7.50 per linear foot which could be paid back to the City over a three year period. As of March 31, 1988, the Gas Tax Fund has \$45,885 in it. The

Council Recommendations

April 13, 1988

Page 3

earliest this project would start would be in mid-June after school closes for the summer. By mid-June, the Gas Tax Fund will have in excess of \$62,000 in it. SID 132 has approximately \$85,000 remaining in the budget for improvements. Based upon these numbers I think it is possible for the City of Whitefish to fund this project. The actual cost could be less due to the fact that the project must be bid out for both the concrete and the asphalt work.

If you have any comments or questions, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
APRIL 18, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Boksich, Maddux and Schreiber. Councilwoman Faessler was absent. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson, Street Foreman Wartnow, Building Inspector/Asst. Zoning Administrator Quinn and Water/Sewer Supervisor Acton.

MINUTES

Councilman Hanson said that on page 2 under the section that dealt with the Zoning Ordinance, he was sure he understood the sequence of the motions that were made. He recalled Schreiber had made the first motion to adopt the first reading which had been seconded by him, however, he thought that he had made the motion to amend to include the height limitation of 55' with a special use permit. The Council requested that the City Clerk review the tapes of the meeting to clarify this issue.

Hanson made a motion, seconded by LaTourelle, to approve the minutes of the April 4, 1988 Council meeting as submitted. The motion passed with 4 aye votes and 1 abstention (Boksich abstained because he did not attend this Council meeting).

PUBLIC COMMENTS

John Garrity said that the Shareview sewer line was approximately 2 feet higher than the Willow Brook sewer line and he asked if this was an engineering problem or a City problem. He said that he would like to know the elevation. Greg Acton said there was no problem with the elevation and Mayor Amass explained that it was an engineering problem and not the fault of the City and it was in the process of being resolved.

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA. SECOND READING OF ORDINANCE 88-1: City Manager Freedman gave the staff report. He said that there were two corrections that the Council should be aware of and they are as follows: 17.34.040, page 57, #5 MAXIMUM HEIGHT should read as follows:

Permitted outright: 35 feet
By Conditional Use: From 35 to 55 feet (See Building Height Exceptions - Special Provisions Section)

#2 - 17.65.010, page 78, should be changed to (see 17.65.050).

City Manager Freedman recommended that the Council study the entire Zoning Ordinance and consider approval of the Ordinance on the second reading at the May 2, 1988 Council meeting.

Mayor Amass opened the Hearing to the Public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion and action.

Councilman Hanson said he had some comments regarding the height issue on the 55' ceiling height in excess of the 35' by a Conditional Use Permit. He said that on page 62 and 63 (Chapter 17.38), the City Council had not voted on this language. He also felt that the last sentence did not belong there in 17.38.030. The Council had not adopted any impact fee and if an impact fee should be adopted, it should apply to all commercial construction over a certain value. This language should be approved before it is included in the ordinance.

Hanson said that on page 57, #5, he had no problem with changing the height to agree with the other zones, however, the 55' in the Industrial Zone had gone through the process and he felt the City Council should vote on any changes.

Mayor Amass said that section 17.13.050 which deals with notifying the public should possibly be modified. He felt that a notice should be posted on the subject property. He felt this would create more interest and would better inform adjacent property owners. He also suggested that 17.18.020 (6B) be reviewed.

Councilwoman LaTourelle asked City Manager Freedman where the impact fee on the height issue should be put - in the Zoning Ordinance or adopted separately. City Manager Freedman said that it should be done in a separate Ordinance and the one he had prepared in 1986 could be amended and brought back for Council approval. LaTourelle suggested that it be attached to the Zoning document because developers do use this document. City Manager Freedman said that it could be attached to the building permit and provided for everyone. (This would include all costs such as sewer/water hookup fees, building fees, etc.).

Councilman Hanson said that the Council should take formal action on the height issue in the WI Zone. There was a question about whether formal action had already been taken and the Council asked the Clerk to review the minutes.

After discussion, on a motion by Schreiber, seconded by Boksich, to table Ordinance 88-1 until the minutes could be reviewed. The motion passed with 4 aye votes and 1 no vote (Maddux voted no).

2. SIGN VARIANCE REQUEST BY ALLEN CLARK FOR ALPINE VILLAGE MARKET AT 721 WISCONSIN AVENUE: City Manager Freedman said that Allen Clark was asking for a second freestanding sign above his gas pumps to allow for more identification for the Sinclair brand of gasoline. Building Inspector Quinn said that when he had first talked to Allen Clark, he thought the sign ordinance would allow an 18' freestanding sign. After reviewing the ordinance, he found it had been amended in 1985 restricting freestanding signs to 12' in that zone. He said that he had asked Mr. Clark to submit drawings of the signs and that he also had to purchase a building permit which he did not do until the sign was in place. The new Sinclair sign was in excess of what the

Ordinance allows by 4'6". Two other freestanding signs had been erected - a 2 foot by 6 foot enameled sign with the Sinclair emblem had been placed on an existing light standard which illuminates the existing gas pump island and a second freestanding sign was the pricing sign for the gasoline. Building Inspector Quinn said the signs had been installed while he was on vacation and he recommended that the sign variance be denied.

Mayor Amass opened the hearing to the public.

Allen Clark said that four (4) months ago he had spoken to City Manager Freedman and Building Inspector Quinn and they were in agreement that he could put a 3' X 5' sign above the existing sign. He said the Company put the sign up while he was on vacation. The only sign that was put up by mistake was the 2 X 6 sign with the Sinclair emblem above the gas pumps. This is the sign for which he is requesting a variance.

Since there was no further public comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Hanson said that at every meeting the Council had to deal with a sign variance. He said that the new sign ordinance has been talked about and under a new ordinance, the signs might be in compliance. He said that according to the Sinclair letter if the signs are not allowed, Mr. Clark would lose the franchise. He said he had a hard time denying him the variance. Hanson also said he was having second thoughts about the sign variance denied at the last Council meeting. Councilwoman LaTourelle said that the gasoline companies were complying to sign codes in other areas of the country but she did agree with Councilman Hanson about the sign ordinance.

After some discussion, Maddux made a motion, seconded by Hanson, to split the two issues and address the two signs separately. The motion passed unanimously.

Maddux made a motion, seconded by Hanson, to approve the Sinclair sign above the Alpine Village Market & Laundry sign with the stipulation that it come into compliance when the new sign ordinance is adopted. The motion passed with 4 aye votes and 1 no vote (Boksich voted no).

Hanson made the motion to approve the sign over the gasoline pumps with the stipulation the sign come into compliance with the new sign ordinance. The motion was seconded by LaTourelle and passed with 4 aye votes and 1 no vote (Boksich voted no).

Councilman Boksich said that the signage over the pump was a large sign with very little dedicated to Sinclair. If more recognition was given to the company, this would be less offensive. He did not feel that both signs were necessary. Councilman Schreiber said that the way the pumps were set back from the street, Allen Clark needed the signs. However, he said that he was not happy with the collage of signs but the exposure was needed there. Schreiber also said that immediate review of the sign ordinance should be done by the staff and recommended changes be brought back to the Council.

STAFF REPORTS

Written reports had been received from Police Chief Dolson, Building Inspector Quinn and City Attorney Muri.

NEW BUSINESS

1. BOB WORTHINGTON - MONTANA MUNICIPAL INSURANCE AUTHORITY: Bob Worthington said that the MMIA currently was insuring 94% of the municipal workforce in the State. Over the last two years, the MMIA had saved the City approximately 28% over what a private firm would have charged. He summarized some of the changes to the Cities Memorandum of Liability Coverage effective July 1, 1988. The two major changes would be:

a. Special Events Coverage: Under the existing policy all special events sponsored by a City or Town are automatically covered. Effective July 1, 1988, low or moderate risk special events would continue to be automatically covered and high risk special events such as air shows, animal racing, circuses, rodeos, vehicle racing, carnivals, fireworks, etc. would automatically be excluded from coverage; and

b. Liability arising out of land use or zoning regulations would be specifically excluded from coverage.

Other changes to the Liability Insurance were mostly language changes. Worthington did tell the Council that all agreements, leases and policy manuals should be upgraded as soon as possible. The Public Works Department should keep records on all maintenance done around the city. (This includes water/sewer and street maintenance).

OLD BUSINESS

1. RESOLUTION OF THE CITY OF DILLON REGARDING THE LUMBER INDUSTRY: City Manager Freedman explained that at the last Council meeting, the resolution proposed by the City of Dillon regarding the lumber industry was tabled and he recommended that the Council consider it or pass a similar resolution.

After Council discussion, Schreiber made a motion, seconded by Hanson, to support the City of Dillon and adopt Resolution No. 88-9. The motion passed unanimously.

CITY MANAGER REPORTS

1. APPLICATION FOR A LOAN FROM THE DEPARTMENT OF NATURAL RESOURCES FOR WATER PROJECTS: City Manager Freedman said that in order for the City of Whitefish to be eligible for loans from the State of Montana, the City must make application to DNRC by May 15, 1988. During the next legislative session, the Legislature will consider the request and decide upon the terms and conditions of our loan should it be approved. The Council had questions on: the loan versus the revenue bond, whether the city would be obligated to accept the loan, commitment to the water project, etc. The Council tabled the issue and City Manager Freedman said that he would bring the requested information back to the next Council meeting.

2. FINANCIAL REPORTS: City Manager Freedman gave a summary of the Expenditure Report, Revenue Report and the Cash Status Report for the Month of March 1988. Hanson made a motion to accept these reports, which was seconded by LaTourelle. The motion passed unanimously.

3. FINANCIAL COMPARISON - 1987-1988: City Manager Freedman compared the cash position of each fund on March 31, 1987 to March 31, 1988. In most cases, the funds had more cash in them on March 31, 1988 than they did one year earlier.

4. UPDATE ON CROSSWINDS/HUETH SEWER PROJECT: City Manager Freedman reported that five meetings have been held with the residents in this area. A preliminary engineering and surveying study was recently completed that indicated that the entire area could be served by a gravity system. Residents at the last meeting one week ago endorsed the need for a second study to review sewerage alternatives, the annexation issue, operation and maintenance costs, city taxes, etc. This study would be paid for by the residents who would be asked to contribute \$50 each.

5. PURCHASE OF 10 ACRE PARCEL OF LAND: City Manager Freedman asked the City Council to consider the purchase a ten (10) acre parcel of land owned by the Street family. He indicated to the Council that the land had approximately 50,000 cubic yards of gravel and sand that could be utilized by the City in street reconstruction projects and in water/sewer projects. City Manager Freedman had signed a Buy-Sell Agreement for \$25,000 contingent upon City Council approval and satisfactory soil samples. Russ Street had accepted this offer with the condition that a letter indicating a donation of \$22,000 be given to him by the City (the appraised value was \$47,000). Freedman recommended the purchase because it provides the City with gravel and sand north of the railroad tracks and the property could be utilized as a park or sold when the mining operation was completed. After considerable discussion, the Council requested that this issue be brought back to the next Council meeting.

6. DISCUSSION ON 1988 STREET RECONSTRUCTION: City Staff recommended the reconstruction of five blocks of Pine Avenue from Second Street to Seventh Street. The estimated cost of the project was \$138,500 which included paving, curbs and gutters and storm sewers. City Manager Freedman recommended that the street width be reduced from 51 feet to 44 feet and that new curb and gutter be installed on the west side of Pine Avenue. Several Council members felt that new curb and gutter should be installed on both sides of the street as well as having boulevards on both sides. After much discussion, the issue was tabled until the next City Council meeting.

7. RESOLUTION NO. 88-8 - ANNEXING PARCEL A OF CERTIFICATE OF SURVEY NO. 9027: City Manager Freedman explained that this parcel was a portion of the Willow Brook Subdivision and had been acquired after the original annexation of the Willow Brook Subdivision. He recommended that the Council annex this property effective September 1987.

LaTourelle made a motion, seconded by Hanson, to adopt Resolution No. 88-8 annexing Parcel "A" of Certificate of Survey No. 9027. The motion passed unanimously.

8. RANKING OF THE CDBG GRANT: City Manager Freedman informed the City Council that the grant request by Whitefish did not rank high enough to receive funding (the request was ranked #3 of 6 proposals). The proposal was ranked very low in one category because the State felt that Idaho Timber Corporation was strong enough financially to do this project without grant assistance. City Manager Freedman indicated that he had already started the process to apply for an EDA grant.

9. BURLINGTON NORTHERN RAILROAD: City Manager Freedman reported that the City had reached an agreement with BN to supply city water to a new administrative building that is expected to be built in 1989 as well as to the roundhouse and the locker room facilities. The City would put in the necessary water service lines and collect the appropriate plant investment fees. This project is scheduled for this summer.

COUNCIL REPORTS OR COMMENTS

Councilwoman Maddux asked if the City had a flow chart on procedures of the City (sign permits, building permits, water/sewer plant investment fees, etc.). She wondered why people were building and putting up signs without permits. Building Inspector Quinn said that people were aware of the permits but they chose to ignore them. Maddux suggested a flow chart or standard form be drawn up.

Councilman Boksich reported that the bus signs on the north side of Central School could be removed because the buses are no longer loading there. He also asked Building Inspector Quinn what was happening with the house on Somers Avenue (Jim Rauk) and Building Inspector Quinn explained that procedures had been started. (However, Mr. Rauk's 180 days would not be up until May).

Councilman Hanson said that at the last Council meeting two (2) Engineering Amendments had been considered at the meeting and he wondered if the appropriate information had been received. City Manager Freedman said that some of the information had been received too late for the Council meeting and he recommended that the issue be brought back to the next Council meeting. Hanson made a motion, seconded by LaTourelle, to table the amendments until the next Council meeting. The motion passed unanimously.

Councilman Hanson said that he had received a citizen complaint about the softball fields and he felt the City needed to discuss the long term lease the City had with the County. City Manager Freedman and Councilman Boksich said that the issue had come up at the Park Board meeting and the Board had handled the issue to the Softball Association's satisfaction.

Councilman Hanson also said that in view of approving the signage for the Alpine Village gas pumps, he would like the Council to reconsider the sign variance request of the Pin & Cue. Hanson made a motion, seconded by Maddux, to reconsider the sign variance request of the Pin & Cue. The motion passed

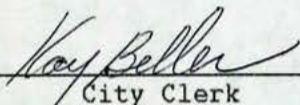
with 4 aye votes and 1 abstention (Boksich abstained because he was not at the last Council meeting). Hanson then made a motion, seconded by LaTourelle, to reconsider the sign variance at the next Council Meeting. Motion passed with 4 aye votes and 1 abstention (Boksich abstained).

LaTourelle made a motion, seconded by Maddux, to adjourn at 10:00 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

PUBLIC NOTICE

Allen B. Clark has applied for a Sign Variance for 721 Wisconsin Avenue. The City Council, City of Whitefish, Montana, will hold a public hearing on April 18, 1988, at 7:00 P.M. in the Council Chambers of City Hall to consider said application.

Ralph Freedman
Zoning Administrator

Publish: April 6, 1988

CITY OF WHITEFISH
Application for Sign Variance

CITY USE ONLY:

Name of Applicant (Owner) Allen B. Clark

Application No. _____

Address P.O. Box 1901

Zone _____

Whitefish, Montana 59937 Phone 862-5025

Received By _____

Date _____

Address of Subject Property 721 Wisconsin

\$25.00 Application Fee

Drawing

Description Hearing

Signature Date

Distribution

Hearing Set

Whitefish, Montana 59937

Description of Sign 2 foot by 6 foot enameled

sign, with Sinclair emblem and stripes. To be located on existing light standard
which illuminates existing gas pump island, therefore also providing a location
for sign placement and indirect lighting for the sign as well. With the added new
sign we have reached the height of 15' as opposed to the 12' allowed for WB-1.

Do to the frontage of our structure and the speed
State The Unusual Circumstances limit in our zone, we are allowed up to 144 square
feet of signage. With our existing sign and the addition of the Sinclair signage, we would
be well under the allowance at 96 square feet.

We are applying for a variance based on the need for two freestanding signs. One
being our existing sign and the second being the proposed sign which needs to be located
at our gas island for definition of the Sinclair segment of the buisness.

How Would Compliance With The Sign Ordinance Be Impractical? It would
not allow affiliation for myself with Sinclair or other major petroleum companies
due to its boundaries, creating an inability for my buisness to compete fairly with
other local petroleum stations. (see attached letter from Sinclair to supplier)

To make the sign come into copliance the complete sign would have to be rebuilt.

I declare under penalty of perjury that I am the owner or authorized agent
of the property subject of this request and that the foregoing statements,
answers and attached documents are true and correct.

 OWNER
Signature of Owner or Agent

3-26-88
Date

REPORT OF ACTION

THE WHITEFISH CITY COUNCIL AT THEIR MEETING OF _____, 19____,
TOOK THE FOLLOWING ACTION ON THE ABOVE-DESCRIBED APPLICATION:

Approved Conditionally Approved Disapproved

Conditions or Comments: _____

Mayor

Date

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS!



September 4, 1987

Hi Noon Petroleum
PO Box 7578
Missoula, MT 59807

Attention: Bill Nooney

Subject: Sinclair Signage

Thank you for your inquiry regarding signage for the proposed branding of the station located at Whitefish, Montana.

Please be advised that the extension of the Sinclair franchise to any station requires adequate signage so as to be easily identified as a Sinclair station by the motoring public. This is required so there is a continuity of identification throughout our system.

If you cannot erect at least a 5' x 7' sign we should reconsider extending the franchise.

If you have any questions, please advise.

Sincerely,

SINCLAIR OIL CORP.

B. J. Dockstader
Western Region Manager

BJD/jlm

BUILDING REPORT FOR MARCH 1988

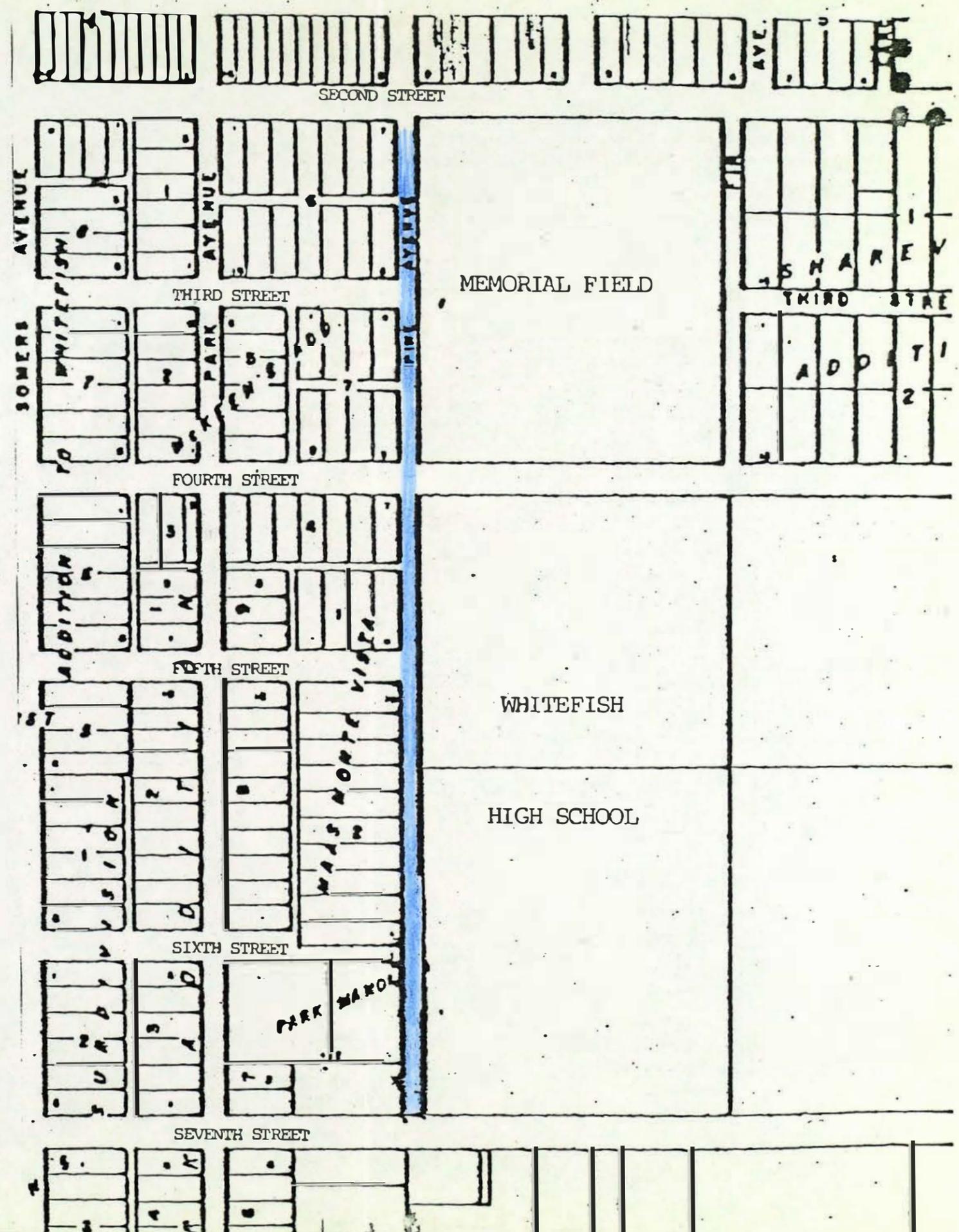
During the month of March we sold a total of 30 permits - twelve building permits, six plumbing permits and twelve mechanical permits. Total monies received were \$3,081 which includes \$458 for a plan review for two commercial jobs. Our largest new job is a remodel. The old house has almost been torn down but the roof and foundation will be used. The project cost is \$120,000 and the owner hopes to have this completed sometime in July. Our largest commercial job is going on at Wright's Valley Furniture (an 80' x 100' addition to the warehouse).

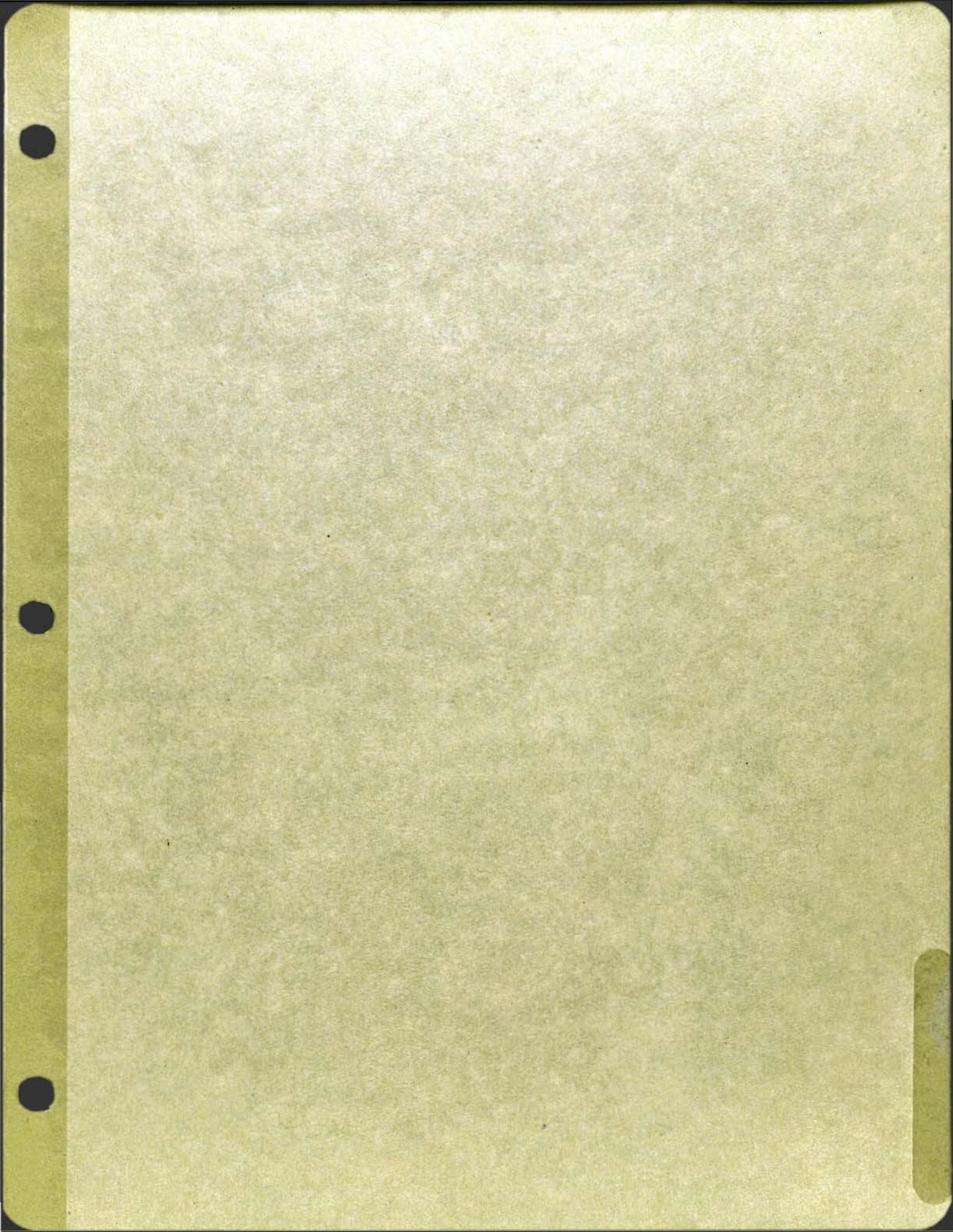
The hospital job is still going smoothly and the State Health Inspector has given his OK on that part of the job that has been completed. I still inspect the hospital job at least twice a week. Both health clubs have nearly completed their remodel jobs and are open for business.

The mechanical permits increased this month and in most cases I had to make at least two inspection as the jobs were not ready or the contractor asked for a partial inspection so the owners could have their gas turned back on. Most plumbing inspections go hand in hand with the final framing but I do inspect whenever I am called. On owner-builder projects, I make several inspections and this way I can offer suggestions for plumbing before it has been roughed in wrong.

Jerry Quinn
Building Inspector
April 12, 1988

STREET CONSTRUCTION COST	
Storm Sewer Pipe	\$55,000.00
Manholes & Catch Basins	\$12,000.00
Pitrun Gravel	\$ 1,800.00
Crushed Gravel	\$ 5,000.00
Geotextile Fabric	\$ 5,700.00
Curb & Gutter	\$15,000.00
Asphalt	\$44,000.00
<hr/>	
TOTAL PROJECT COST	\$138,500.00







Box 158, Whitefish, Montano 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
May 2, 1988

- 7:00 I. Approval of the minutes of the April 18, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. Second Reading of Ordinance 88-1
 2. Sign Variance request by Valcon Distributing for Stump's Pumps at 403 East Second Street
 3. Pin & Cue Sign Variance request - reconsideration
- 8:20 IV. STAFF UPDATES
- 8:30 V. NEW BUSINESS
1. Tax Increment Agreement with School District
- 8:40 VI. OLD BUSINESS
1. Amendments 9 & 10 to engineering agreement with Carver Engineering
- 8:45 VII. CITY MANAGER REPORTS
1. Discussion on DNRC loan for water projects
 2. Discussion on Street Reconstruction on Pine Avenue
 3. Purchase of 10 acre parcel of land
 4. Waiver of protest for 4th Street homeowners
 5. Clarification on TD&H's engineering
- 9:30 VIII. COUNCIL REPORTS OR COMMENTS
- 9:40 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: April 27, 1988
RE: May 2, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the May 2, 1988 Council Meeting:

1. Zoning Ordinance: At a prior meeting, the City Council instructed staff to prepare language to allow buildings in the WB-2, WB-3, WRB-2 and WI zones to exceed 35' in height with a conditional use permit. At the next meeting, the issue came up again without specific reference to zones.

Councilman Schreiber made the original and the amended motions on the height limitation. These motions and who made them were questioned by Councilman Hanson at the last meeting.

I would recommend the inclusion of more stringent landscaping language to the ordinance. I have enclosed some language for your consideration.

Recommendation: Finalize language in the ordinance and schedule approval of the second reading at the May 16 meeting.

2. Sign Variance for Stump's Pumps: The application for sign variance is included in your packet. The following regulations would be applicable to this property:

1. A freestanding sign cannot exceed fourteen (14) feet in height;
2. Indirectly lit only;
3. A limit of three (3) gasoline price signs, each totaling not more than four (4) square feet;
4. Based upon 59 lineal feet of business facade, Stump's Pumps may have 83 square feet of signage in the freestanding sign; and
5. The readerboard portion of the freestanding sign may not exceed thirty (30) percent of the total sign area.

The existing Conoco sign is 5 feet by 14 feet. The proposed sign would total only 47.99 square feet and the sign would have a readerboard that measures approximately 2-1/2 feet by 6 feet (15 square feet).

Recommendation: My recommendation is as follows:

1. Allow the proposed new sign that is 14'8" in height because it is impractical to put the sign any lower than 7 feet above grade;
2. Allow the sign to be internally lit since the existing sign is this way;

Council Recommendations

April 27, 1988

Page 2

3. Require the sign base to be moved so that the sign does not project in the street ROW (visibility is not a valid issue);
4. Require the property owner to remove all neon beer signs in his windows (3); and
5. The sign must be brought into compliance with the new sign code regulations.

3. Pin & Cue Sign Variance: My feelings on this sign variance were expressed at the previous public hearing on this matter.

4. Amendments to Engineering Agreement: Letters on this matter are in your packet. Dennis Carver will be at the meeting to discuss this issue.
Recommendation: Approve Amendments 9 & 10.

5. Tax Increment Agreement: The intent of this agreement has been accepted by the Council at a previous meeting. The School Board has accepted this agreement.

Recommendation: Approve the tax increment agreement with the School District.

6. DNRC: Based upon the information that I have received from the DNRC, I would request that you authorize me to submit a loan request to DNRC for \$5.5 million.

7. Waiver of Protests: Several people on the Fourth & Karrow Sewer Line Project that are not contiguous to the City would like to tie onto the sewer main. I would recommend that the City Council accept a waiver of protest from these property owners so that these homeowners can hook on to the City system.

If you have any comments or questions, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
MAY 2, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri, Street Foreman Wartnow and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Councilman Hanson amended the Minutes as follows: page 6, the motion should have read: Hanson made a motion, seconded by LaTourelle, to table the reconsideration of the sign variance until the next Council meeting.

Councilman Hanson made a motion, seconded by Boksich, to approve the minutes of the April 18, 1988 Council Meeting with the above correction. The motion passed with 5 aye votes and 1 abstention (Faessler abstained because she did not attend the Council Meeting).

PUBLIC COMMENT

John F. Joy, 1010 Birch Point Drive, said that he was concerned about the delay in the repair and the replacement of the fire hydrant adjacent to his property. He said that the fire hydrant had been removed 18 months ago because of a leaky valve and had not been repaired. He was concerned about the possibility of a fire starting from the trains that pass by his home. He requested that the city purchase the valve and replace the fire hydrant. The Council tabled this issue until the next Council meeting so that City Staff could provide them with the information relating to this matter.

John Garrity requested clarification on the two (2') foot difference in grade in the Willow Brook sewer line. He wanted to know whose fault this was and who would pay the cost of this error. City Manager Freedman explained that after talking to the Engineer and to Greg Acton, this incident was due to a lack of communication between the two. He said that the costs involved were minor because the City caught the error and corrected it before the lines were put in place.

Garrity also said that before the Shareview sewer line was changed and put in place, the City should hold a meeting with the people so they are aware of what is happening. He further commented that it was time to do something with 4th Street because the street needed repair due to the heavy traffic into the Willow Brook Subdivision. City Manager Freedman said that the sewer line in the Shareview Subdivision would run down the north side of Third Street and tie into the Willow Brook sewer line and that Rob Nichols planned to have Hamilton Enterprises pave an 8 foot section of Fourth Street and the City would probably pave 8 to 10 feet. City Manager Freedman said that he would look at this project this week.

Barbara Schustrom, 1045 East Fourth Street, told the Council she was opposed to paving Pine Avenue. She said that the curbs and gutters had been installed in 1972 and they were still good. She objected to: narrowing Pine Avenue and paying for the new curbs and gutters and sidewalks on the east side of Pine. She said that instead of redoing Pine for the third time, other streets that were in worse shape than Pine should be considered.

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA. SECOND READING OF ORDINANCE 88-1: City Manager Freedman said that at a previous meeting, the Council instructed staff to prepare language to allow buildings in the WB-2, WB-3, WRB-2 and WI zones to exceed 35' in height with a conditional use permit. At the next meeting, the issue came up again without specific reference to zones. He said that Councilman Schreiber made the original and the amended motions on the height limitation. (These motions and who made them were questioned by Councilman Hanson at the last meeting). He also said that he had given to the Council for their consideration more stringent landscaping language and ten (10) proposed changes to the zoning ordinance that Dave Jamieson had submitted. He recommended finalizing the language in the ordinance and scheduling approval of the second reading at the May 16 meeting.

Mayor Amass opened the hearing to the public.

Dave Jamieson said that he supported the overall changes of the zoning ordinance, however, after reviewing the document there were ten (10) changes he asked the Council to consider.

As there was no other public comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion.

Councilman Hanson said that he felt that proposal #1 as submitted by Dave Jamieson should be included in the zoning document.

Section 17.09.020 (page 5): "A brief 'State of the Zoning Regulations and Map' report shall be given to the City Council not less than biannually." Councilwoman Maddux made a motion, seconded by Hanson, to include the above proposal into the Zoning Ordinance. The motion passed unanimously.

Councilwoman LaTourelle questioned #2 of Jamieson's proposal and asked if he was proposing to transfer existing Use Permits to new owners. Section 17.13.080 (Conditional Use Permits-Transferability), Jamieson recommended the adoption of: "After a Use Permit is exercised as described herein, such Conditional Use Permit will run with the lot, building, structure, or use, and shall not be affected by changes in ownership."

Tom Jentz agreed with Jamieson on this condition and they would work with City Manager Freedman on clarification of the language and placement and bring this issue back to the next Council meeting.

Councilman Hanson said that he had mixed feelings about the landscaping proposal submitted by City Manager Freedman. He did feel it was the right approach and made the motion to delete section 17.44 as drafted in the Ordinance and substitute the three (3) pages as drafted by the City Manager with the following changes: Page 2, 1-8 Screening: delete last word in the sentence -"Title" and substitute "Chapter"; and throughout the proposal, delete the term "City Administrator" and substitute "Zoning Administrator." Councilman Schreiber seconded the motion and it passed unanimously.

The only other discussion on the Zoning Ordinance concerned parking in the WB-3 zone and City Manager Freedman proposed that a cash payment in lieu of off-street parking be considered. The Council felt this issue should be addressed in a separate ordinance and City Manager Freedman said that he would bring an ordinance back to the next Council meeting.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to continue the second reading of Ordinance No. 88-1 until the next Council meeting. The motion passed unanimously.

2. SIGN VARIANCE REQUEST BY VALCON DISTRIBUTING FOR STUMP'S PUMPS AT 403 EAST SECOND STREET: City Manager Freedman gave the staff report and he reviewed the regulations that were applicable to the property. He said that the existing Conoco sign is 5 feet by 14 feet. The new sign is proposed to be 14'8" in height and would total only 47.99 square feet with a readerboard that measures approximately 2-1/2 feet by 6 feet. (15 square feet). He recommended the following to the Council: allow the proposed new sign to be 14'8" in height and allow the sign to be internally lit since the existing sign is this way; require the sign base to be moved so that the sign does not project in the street ROW (visibility is not a valid issue); require the property owner to remove all neon beer signs in the windows; and the sign must be brought into compliance with the new sign code regulations.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion and action.

Councilman Hanson said that he was in favor of tabling the request until the new sign ordinance was on line and asked City Manager Freedman if Conoco was in a hurry to place the sign. City Manager Freedman said that Conoco was changing the signs in all their stations. Hanson asked the timetable involved in the adoption of the new ordinance. City Manager Freedman said that there would be a public meeting to get input and then it would go before the City-County Planning Board at their June meeting. The City Council would then consider the ordinance. (The timetable would be approximately 3 to 4 months).

Councilman Boksich said that he supported Councilman Hanson and if there was no urgency on the placement of the sign, it should wait until the new ordinance was on line. Councilman Hanson made the motion, seconded by Councilman Boksich, to table further consideration of this sign variance until the new sign ordinance is adopted. The motion passed unanimously.

3. PIN & CUE SIGN VARIANCE REQUEST - RECONSIDERATION: The Pin & Cue sign variance request had been denied at the April 4, 1988 Council meeting. One of the reasons for denial was because the owners had installed bowling pins above their current sign without receiving prior approval from the City. At the last Council meeting, the Council approved a similar sign variance request from Alpine Village Market. (They had already installed their sign). After approval of the Alpine Village variance, in order to be consistent, Councilman Hanson had requested that the variance of the Pin & Cue be reconsidered.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the hearing and turned the matter over to the Council for discussion and action.

After much discussion, Councilwoman LaTourelle made the motion, seconded by Councilwoman Maddux, to approve the sign variance request of the Pin & Cue with the stipulation that it come into compliance with the new sign ordinance. The motion passed with 5 aye votes and 1 no vote (Faessler voted no).

The consensus of the Council was to adopt a moratorium on sign variances until the new Sign Ordinance is adopted.

STAFF UPDATES

NONE

NEW BUSINESS

1. TAX INCREMENT AGREEMENT WITH SCHOOL DISTRICT: City Manager Freedman explained that the Council had accepted the intent of this agreement at a previous Council meeting. He recommended that the Council approve this tax increment agreement with the School District.

Councilwoman LaTourelle made the motion, seconded by Schreiber, to approve the tax increment agreement with the School District. The motion passed unanimously.

OLD BUSINESS

1. AMENDMENTS 9 & 10 TO ENGINEERING AGREEMENT WITH CARVER ENGINEERING: City Manager Freedman explained that amendment #9 increases the cost ceilings for Segments 2 & 3 due to the preparation costs for the Operation and Maintenance Manuals that were not included in the original cost ceilings. A fixed fee profit is included in each of the ceiling increases. Amendment No. 10 increases the ceiling for Segment 3 Construction Engineering from \$151,526 to \$160,580.

The State had no problem with amendment #9, however, they did have a problem with the rates Carver Engineering had charged for inspection services. Engineer Dennis Carver explained the amendments and he told the Council that the increases were to cover the wages of Larry Larsen (project engineer). Carver said that he had talked to the State and he had assumed all the problems had been worked out. Mayor Amass said that he had talked to Randy

Nelson and the State still did not accept #10 because they needed more information (time sheets justifying the time Mr. Larsen spent on various tasks). Mayor Amass said that the State was happy with the engineer but they just wanted more information. City Manager Freedman said that the problem was not with the engineers. The State had not reviewed the project in a timely fashion causing some of the problems.

After discussion, Councilman Schreiber made the motion, seconded by Maddux, to approve Amendment #9 and to table Amendment #10. The motion passed with 5 aye votes and 1 no vote (Hanson voted no because he explained that in the State letter of April 14th, the State had said that the rates appear to be reasonable. He felt both amendments should be approved).

CITY MANAGER REPORTS

1. DISCUSSION ON THE DNRC LOAN FOR WATER PROJECTS: City Manager Freedman summarized the letter he had received from Bob Morgan of DNRC and requested that the Council authorize him to submit a loan request for \$5.5 million. He explained that by submitting the application, the Council was not obligated to accept the funding nor proceed with the project.

After Council discussion, Councilman Hanson made a motion, seconded by LaTourelle, that the City Administrator proceed with the application to the DNRC with the clear understanding it would not obligate the present Council to accept the loan of \$5.5 million. The City is also not making any commitment to proceed with the Water Treatment Facility. The motion passed unanimously.

2. DISCUSSION ON STREET RECONSTRUCTION ON PINE AVENUE: City Manager Freedman said that at the last Council meeting discussion had taken place on whether to place curbs and gutters on both sides of Pine Avenue. He said that he had sent letters to the property owners on Pine Avenue explaining the project and giving them the cost of installing the curbs and gutters. (\$6 to \$7 per lineal foot). He said the City would tie into the side streets and extend the radiuses around the corners. He recommended that the people that have large assessments be given several years to make payments. The City charged property owners on Baker Avenue a 10% interest rate and he suggested the Council consider this same interest rate for the people on Pine.

Barbara Schustrom, Gerald Hanson and Dave Perry, homeowners bordering Pine Avenue, all voiced concerns over the following: reducing the width to 44' and replacing the curbs & gutters on the west side.

Councilman Hanson made a motion to proceed with the project from Second Street to Seventh Street on Pine Avenue and do the following: Narrow the street to 44', install curbs and gutters on both sides of the street with the City to pay the costs on the west side and the City and School to pay the costs on the east side. This motion died for lack of a second.

City Manager Freedman suggested that the people fronting on Pine Avenue be assessed for the curbs and gutters and the people fronting on other streets not be assessed.

Mayor Amass asked if the City would have any funds to do street work in the rest of the community. City Manager Freedman said that the City could do patching, grade alleys, etc., however, there would not be any overlays this summer.

Councilman Schreiber asked City Manager Freedman when the project would commence and Freedman said in late June or early July. Councilman Schreiber made a motion, seconded by Faessler, to table the issue until the next Council meeting and this would give the City Administrator time to reexamine the costs of the project with the proposed changes. (51' road width, homeowners facing onto Pine paying the assessment for curbs and gutters and the homeowners facing onto other streets would not pay any assessments, etc.). The motion passed unanimously.

3. PURCHASE OF 10 ACRE PARCEL OF LAND: This issue had been tabled at the last Council meeting and City Manager Freedman reviewed the proposal and asked the Council to consider the purchase of the ten (10) acre parcel of land owned by the Street family. He told the Council that the land had approximately 40,000 to 50,000 cubic yards of gravel and sand that could be utilized by the City in street reconstruction projects and in water/sewer projects. He had signed a Buy-Sell Agreement for \$25,000 contingent upon Council approval and satisfactory soil samples. Russ Street had accepted this offer with the condition that a letter indicating a donation of \$22,000 be given to him by the City. City Manager Freedman recommended the purchase because it provides the City with gravel and sand north of the railroad tracks and the property could be utilized as a park or sold when the mining operation was completed.

Councilman Schreiber asked City Manager Freedman if the City would need additional equipment to mine the gravel. City Manager Freedman said the City did not need any additional equipment to mine this property.

Leo Keane, a neighbor to this property, questioned using Dakota Avenue to haul the gravel. He said that Dakota was in bad shape and improvements would have to be made to the street. City Manager Freedman said that he was working with Ord Clark and Bill Murr to see if the gravel could be hauled through their gravel pits.

Councilwoman Maddux asked City Manager Freedman which funds the \$25,000 would be taken out of and if the City had the money. He said that the Street/Water/Sewer Departments would all benefit from the purchase of this land and the funds could be taken equally out of the three funds. He said that the Council could also borrow the money and pay it back over a period of five (5) years with semiannual payments of \$3,000 at approximately 7% interest (the Intercap Program).

After discussion, the Council decided to table the issue until the next Council meeting so that the City Administrator could negotiate with Clark and Murr on an access through their property.

4. WAIVER OF PROTEST FOR 4TH STREET HOMEOWNERS: City Manager Freedman said that there were several people adjacent to the Fourth & Karrow Sewer Line Project that are not contiguous to the City and who would like to tie onto the

sewer main. He recommended that the City Council accept a waiver of protest from these property owners so that these homeowners can hook onto the City system.

Councilman Hanson made a motion, seconded by Faessler, to accept waivers of protest from the property owners on Fourth Street and allow them to tie onto the sewer system. The motion passed unanimously.

5. CLARIFICATION ON TD&H'S ENGINEERING: City Manager Freedman had explained about the two (2') foot difference in grade earlier in this Council meeting. He said that after talking to TD&H and Greg Acton, this incident was due to a lack of communication between the two. TD&H was not totally to blame for this incident.

6. MACDONALD ANNEXATION AND PUD: City Manager Freedman explained that at the January 18th Council meeting, the Council had adopted Resolution No. 88-2 which resulted in a zone change from WR-2 to WRR-1 and Resolution No. 88-3 annexing Tract 1C lying on the east side of Big Mountain Road. He said these documents were being held in the City Clerk's office pending an official signature. The Whitefish Credit Union (the owner of the property) informed the City Manager that the land sale to Mr. MacDonald was not going to take place.

Councilwoman LaTourelle made a motion, seconded by Faessler, to rescind Resolutions No. 88-2 and 88-3. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson said that in light of the discussion with Bob Worthington of the Montana Municipal Insurance Authority, the City Administrator should draft a letter to the City representatives on the City Planning Board stating that they are excluded from liability coverage. He also suggested that the City Staff draft the appropriate document on the moratorium on sign variances until a new Sign Ordinance is adopted.

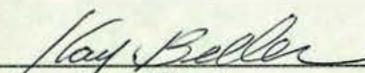
Councilwoman Maddux said that neon signs might be trendy but they are not legal and requested that letters be written requesting that they be removed. It was decided to wait until the new sign ordinance was put into place before any action might occur on this matter.

Councilwoman Faessler made a motion, seconded by Councilman Boksich, to adjourn at 10:05 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

Chapter 17.44 LANDSCAPING

- 17.44.010 INTENT: The intent of this Chapter is to: enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings; encourage preservation of existing trees on proposed building sites; and contribute to the relief of heat, noise, wind and glare through the proper placement of living plants and trees.
- 17.44.020 DEFINITION: Landscaping shall mean some combination of planted, living trees, shrubs, hedges, vines, ground cover and flowers suitable for the climate, exposure, and site condition. In addition, the combination or design may include earth sculpture, cobble, bark, mulch, edgers, flower tubs, rock and such structural features as fountains, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this provision. The selected combination of objects and plants for landscaping purposes shall be arranged in a harmonious manner compatible with the building and its surroundings.
- 17.44.030 SCOPE: The provisions of this Chapter shall apply to all districts and to all uses except single family and duplex dwellings.
- 17.44.040 NONCONFORMING STATUS:
- A. Any property or use of property, which on the effective date of this Chapter or any amendment hereto is nonconforming only as to the regulations relating to landscaping, may be continued in the same manner as if the landscaping was conforming. However, if there is a change in occupancy, use or division, landscaping shall be provided in accordance with the requirements of this Chapter.
 - B. If the developed lot area of any use, or the gross floor area of any building, is increased by fifty percent (50%) or more from the effective date of this Chapter, landscaping shall be provided in accordance with the requirements of this Chapter.
- 17.44.050 REDUCTION OF EXISTING LANDSCAPING: Landscaping which exists on any property or for any use, subject to the provisions of this Chapter, shall not be altered or reduced below the minimum requirements of this Chapter, unless suitable substitutions are made which meet the requirements of this Chapter and a site plan is first approved by the Zoning Administrator.
- 17.44.060 LANDSCAPING AREA: Landscaping area shall be the area of the lot or lots from the front of the building to the front property line (See Figure 1). For new site development, landscaping shall be provided according to the following schedule:

Landscaping Area

Minimum Landscaping Requirements

Up to twenty-two thousand (22,000) square feet	Ten percent (10%) of landscaping area
Twenty-two thousand (22,000) square feet to five (5) acres	Eight percent (8%) of landscaping area
Five (5) acres to ten (10) acres	Six percent (6%) of landscaping area
Ten (10) acres and over	Four percent (4%) of landscaping area

17.44.070 DESIGN STANDARDS:

- A. The minimum inside width of any required landscaped area or of any form or fixed planter box used to satisfy required landscaping, shall be three feet (3').
- B. Additional information regarding suitable species for planting and location of landscaping shall be available at the office of the City Administrator.
- C. Landscaping material enumerated in Section 17.44.020 to meet the minimum requirements listed above shall be complemented with lawn cover on the balance of the landscaping area.

17.44.080 MAINTENANCE: Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. Maintenance shall include proper pruning of trees and shrubs, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings. Required landscaped areas shall be provided with a permanent watering or sprinkling system which shall consist of piped water lines terminating in an appropriate number of sprinklers or hose bibs to ensure a sufficient amount of water for plants within the landscaped area. Where the water system consists of hose bibs alone, these bibs shall be located not more than one hundred fifty feet (150') apart.

17.44.090 LANDSCAPING AND/OR LAWN COVER BETWEEN WALL AND PROPERTY LINE: Any open area between a fence or wall and the adjacent property line shall be maintained by the property owner in a neat and orderly manner.

17.44.100 SITE PLAN REQUIRED:

- A. A site plan showing required landscaping shall be submitted to the Zoning Administrator for review and approval as a part of the application for a building permit. A site plan shall be approved if it meets the requirements and intent of this Chapter. A site plan shall include, but not be limited to, the following:
 - 1. Location of proposed landscaping drawn to scale, which scale shall be appropriate to the size of the project and agreed upon by the applicant and the City Administrator;

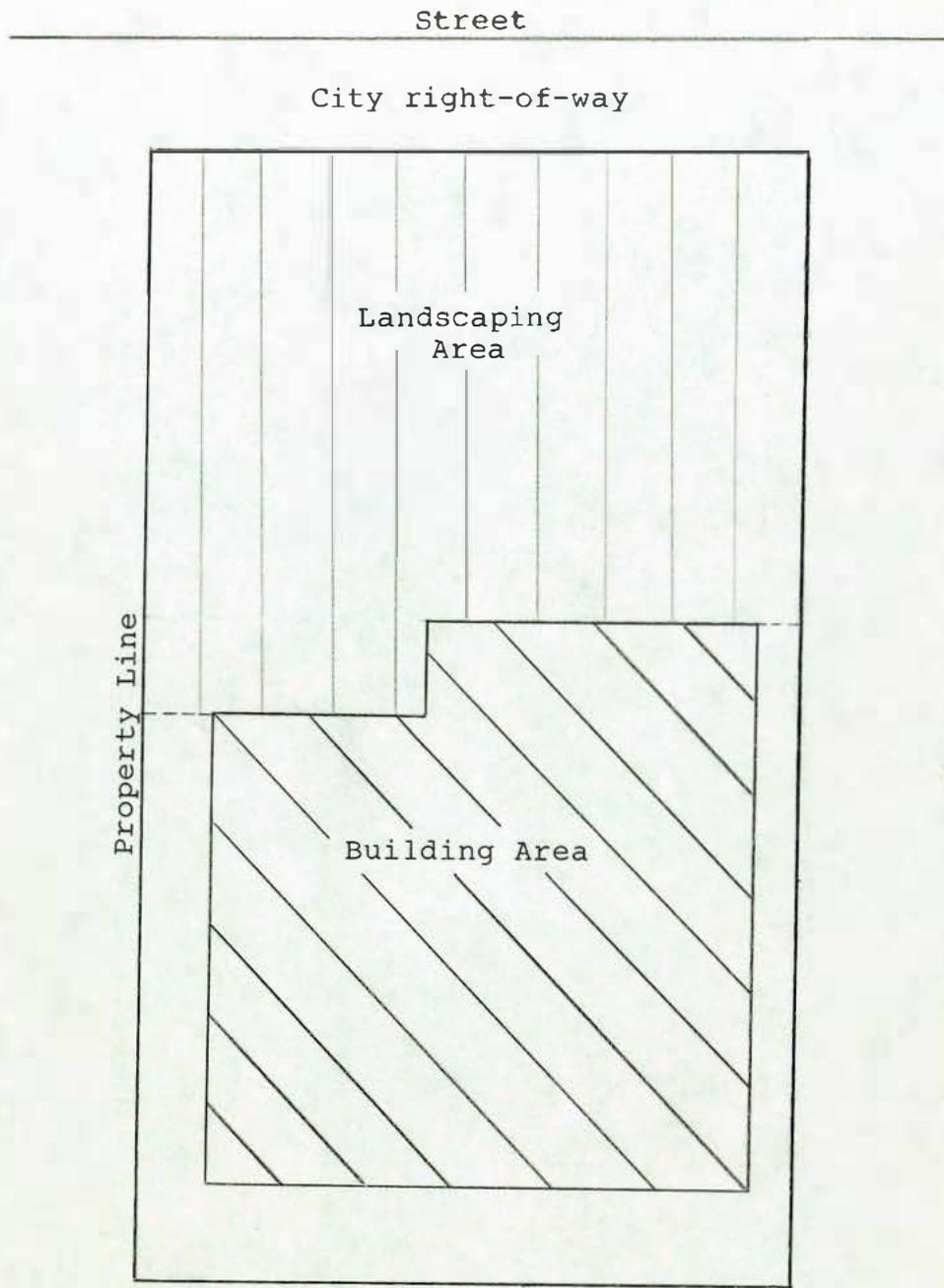
2. Location, size, type and condition of proposed vegetation and natural or man-made materials, including benches, walks, plaza, lighting, etc.;
3. Irrigation system;
4. Description of the proposed maintenance plan;
5. Estimated date of completion of the installation of plantings and finish materials.

B. The approved landscape and maintenance plans shall not be changed or altered without review and approval by the Zoning Administrator. All landscaping shown on the approved plan shall be installed and maintained.

17.44.110 TEMPORARY WAIVER OF REQUIRED LANDSCAPING: If, due to seasonal, climatic, or weather conditions, installation of landscaping prior to issuance of a certificate of occupancy is impractical, the City Administrator may waive such installation for a reasonable time. If such a waiver is granted, the Zoning Administrator shall establish a time schedule for the installation of all required landscaping in accordance with the approved plan. In such a case, the owner or developer of the property shall provide the City with an approved financial guarantee, in the amount of the estimated cost of landscaping plus ten percent (10%), which shall be forfeited if all required landscaping is not installed within the time provided.

FIGURE 1

DETERMINATION OF MINIMUM LANDSCAPING REQUIREMENT





Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: May 11, 1988
RE: May 16, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the May 16, 1988 Council Meeting:

1. Zoning Ordinance: Included in your packet are proposed changes to the landscaping section that I submitted to you at the last meeting as well as proposed changes that were worked out between Tom Jentz and Dave Jamieson.

2. Lakeshore Construction Permit for Ronald Ross: The Lakeshore Protection Committee has reviewed and approved the Lakeshore Construction Permit request by Ronald Ross.
Recommendation: Approve the Lakeshore Construction Permit.

3. Amendment #10 to Engineering Agreement with Carver Engineering: I have had conversations with both Randy Nelson and Dennis Carver with regard to this amendment. The State of Montana accepts the hourly charges of Carver Engineering because they fall within a range that is acceptable to them. I have asked Dennis Carver to submit a letter to me indicating that Carver Engineering will be responsible for any amounts of this hourly rate that is not acceptable to the EPA auditor. This letter will be given to you at the Council Meeting.
Recommendation: Approve Amendment #10 to the Engineering Agreement.

4. Pine Avenue Reconstruction: The following is a comparison of the Pine Avenue Reconstruction project at widths of 44' and 51':

<u>Street Construction Costs</u>	<u>44 Feet</u>	<u>51 Feet</u>
a. Storm Sewer Pipe	\$55,000	\$55,000
b. Manholes & Catch Basins	12,000	12,000
c. Pitrun Gravel	1,800	2,100
d. Crushed Gravel	5,000	5,850
e. Geotextile Fabric	5,700	6,669
f. Curbs & Gutters	26,000	26,000
g. Asphalt	<u>44,000</u>	<u>51,480</u>
Total Project Costs	\$149,500	\$159,099

My recommendation is as follows:

- The street be paved to a width of 44 feet with signage prohibiting parking on the east side of Pine Avenue except during formal sporting events;

Council Recommendations

May 11, 1988

Page 2

- b. The cost of curbs & gutters be assessed to all property owners except those properties that do not front on Pine Avenue. If the City Council decides to do this, the City of Whitefish must be prepared to do the same thing on other streets that are reconstructed in the future;
- c. The curb & gutter sections on both sides of the street should be rolled curb & gutter;
- d. The homeowners who receive assessments should be assessed at an interest rate of 10% over varying terms depending upon the amount of the assessment; and
- e. The City Council should authorize city staff to bid out both the concrete and asphalt portions of the project at the appropriate time next month.

5. Purchase of 10 Acre Parcel of Land: I have had conversations with Ord Clark about the possibility of constructing a road on his property and on Al Murr's property which are both located east of the 10 acre site. As of this time, I have not been able to reach an agreement with either of them. I will continue to work on this matter until the Council Meeting.

Recommendation: Proceed forward with the purchase of this property contingent upon the following:

- a. The City receives the appropriate permits from the State;
- b. The Street family agrees to a closing date of June 30, 1988; and
- c. The acquisition of the land is funded equally from the Water, Sewer and Street funds.

6. Other Matters: I will give you updates on the other items on the agenda at the Council Meeting.

If you have any comments or questions, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
MAY 16, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri and Police Chief Dolson.

MINUTES

Councilwoman Faessler made a motion, seconded by Hanson, to approve the minutes of the May 2, 1988 Council Meeting as submitted. The motion passed unanimously.

PUBLIC COMMENT

Rob Nichols asked the Council to reconsider their requirement for five foot sidewalks inside his subdivision (the Willow Brook Subdivision). He said that a five foot sidewalk is unsightly and expensive to install and that most cities require only a forty inch sidewalk. In comparison to the Pine Avenue reconstruction proposal, Mr. Nichols felt that a four foot requirement in his subdivision would be more equitable. Councilman Hanson commented that he had no problem with four foot sidewalks. Councilwoman Faessler made a motion, seconded by Maddux, to refer the problem to Staff for review. The matter would be considered at the next Council Meeting. The motion passed unanimously. Mr. Nichols said that weather permitting, he had hoped to start the sidewalks before the next Council Meeting. Councilwoman Faessler explained that the usual procedure is to have City Staff review and report back to the Council at the following meeting.

PUBLIC HEARINGS

1. ZONING ORDINANCE FOR THE CITY OF WHITEFISH AND ITS EXTRA-TERRITORIAL JURISDICTIONAL AREA. SECOND READING OF ORDINANCE 8-1: City Manager Freedman said that he had given the Council for their consideration copies of proposed amendments from Dave Jamieson and new language and a new sketch in the Landscaping section.

Mayor Amass opened the hearing to the public. There being no public comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion.

Councilman Hanson asked Tom Jentz as to whether or not he had reviewed the new Landscaping section of the Ordinance. Tom Jentz said what he has seen looked good and he would continue to review it. Councilman Hanson said that he fully agrees with the changes in the building height restrictions with a Use Permit and therefore felt that the Chapter 17.38 is redundant and should be deleted. Councilwoman Faessler concurred with this comment. Councilman Hanson made a motion, seconded by Faessler, to delete Chapter 17.38. The motion passed unanimously.

Mayor Amass asked for further discussion of the ordinance by the City Council. There being none, Councilman Hanson made a motion, seconded by Faessler, to approve the second reading of Ordinance 88-1 with the changes as submitted and amended. The motion passed unanimously.

STAFF REPORTS

Mayor Amass asked if there were any comments or questions on written staff reports received from the Police Department, the Building Department or the City Attorney. Councilwoman Maddux thanked those departments for their written reports. Councilwoman Faessler asked Police Chief Dolson on the progress in their training program in this fiscal year. Police Chief Dolson reported that not all of the budget has been spent at this time but they have accomplished almost everything that he anticipated. The head dispatcher will be going to a computer training course at the end of June that will expend additional funds from the training line item budget. Councilwoman Faessler asked if any of the information received from outside training was brought back to the department for everyone's benefit. Chief Dolson said it was. Councilwoman Maddux asked when the training session on hazardous materials was scheduled. Chief Dolson said the exercise was scheduled for June 3rd and 4th in the Burlington Northern yard. It will be coordinated by Kim Potter of the Flathead County Disaster and Emergency Services with the cooperation of the Fire Department, the Sheriff's Department and Police Departments to simulate a hazardous spill.

NEW BUSINESS

1. LAKESHORE CONSTRUCTION PERMIT FOR RONALD ROSS: City Manager Freedman reported that the Lakeshore Protection Committee has reviewed and recommended approval of the Lakeshore Construction Permit request by Ronald Ross. He recommended that the Council also approve it. Councilwoman Maddux stated she knew the property well and she made a motion, seconded by Schreiber, to approve the permit. Councilwoman Faessler stated that in previous lakeshore construction permits, the Council required a statement from the applicant that all materials used in construction would be void of any toxic materials. There were also requirements on size of styrofoam and surrounding mesh. City Manager Freedman said those stipulations and requirements would be stated in the letter of approval that would be sent to the applicant. Councilwoman Maddux amended her motion, with Councilman Schreiber's approval, to make the permit contingent upon the compliance with those requirements. The motion passed unanimously.

OLD BUSINESS

1. AMENDMENT 10 TO ENGINEERING AGREEMENT WITH CARVER ENGINEERING: City Manager Freedman said he has had several conversations with both Randy Nelson and Dennis Carver with regard to this amendment. The State of Montana accepts the hourly charges of Carver Engineering because they fall within a range that is acceptable to them. The City received a letter from Dennis Carver agreeing to reimburse the City any portion of the engineering cost disallowed by future GAO audits and assuring the City that it will suffer no loss of federal funding. City Manager Freedman said with this letter, Carver Engineering agrees to pick up any difference and he recommended to the Council that they

approve this amendment.

After much discussion, Councilman Hanson made a motion, seconded by Faessler, to approve Amendment 10 to the Engineering Agreement with Carver Engineering with the following stipulation added: Carver Engineering shall agree to reimburse the City for any portion of the engineering costs covered by this amendment that is disallowed by future GAO audits. The motion passed unanimously.

CITY MANAGER REPORTS

1. FINANCIAL REPORTS: City Manager Freedman gave a summary of the Cash Status Report, Expenditure Report and Revenue Report for the Month of April 1988. Councilman Schreiber made a motion, seconded by LaTourelle, to accept these reports. The motion passed unanimously.

2. PINE AVENUE RECONSTRUCTION: City Manager Freedman presented a comparison of the Pine Avenue Reconstruction project at widths of 44' and 51' and made the following recommendations:

- a. The street be paved to a width of 44 feet with signage prohibiting parking on the east side of Pine Avenue except during formal sporting events;
- b. The cost of curbs & gutters be assessed to all property owners except those properties that do not front on Pine Avenue. If the City Council decides to do this, the City of Whitefish must be aware of the precedent that is being set;
- c. All property owners involved must be notified 30 days in advance of construction in case they desire to do the concrete work themselves;
- d. The curb & gutter sections on both sides of the street should be rolled curb & gutter;
- e. The homeowners who receive assessments should be assessed at an interest rate of 10% over varying terms depending upon the amount of the assessment; and
- f. The City Council should authorize city staff to bid out both the concrete and asphalt portions of the project at the appropriate time next month.

There was a discussion between the City Council, the City Manager and several of the owners of property along Pine Avenue. Several members of the Council and the property owners seemed to agree that a width of 48' would be a satisfactory compromise considering that is the width of Baker Avenue as it is now constructed. A 48' width is easier to maintain than 51' and it would leave room for the construction of sidewalks on both sides of Pine Avenue within the City right-of-way if desired in the future.

Councilman Hanson made a motion, seconded by Boksich, to proceed with the Pine Avenue Reconstruction Project with the following conditions:

1. The street be paved to 48' with the street centered on the right-of-way;
2. There be no parking from 8 A.M. to 4 P.M. on the east side of the street;
3. The cost of curbs & gutters be assessed to all property owners except those properties that do not front on Pine Avenue;
4. The curb & gutter sections on both sides of the street should be rolled curb and gutter;
5. The homeowners will be assessed at an interest rate of 10% over a four year term; and
6. The City Council should authorize city staff to bid out both the concrete and asphalt portions of the project at the appropriate time next month.

Rec'd 88-917
The motion passed with 5 aye votes and 1 no vote (Schreiber voted no).

3. PURCHASE OF 10 ACRE PARCEL OF LAND: City Manager Freedman said he has had several conversations with adjacent land owners Ord Clark and Al Murr to acquire an easement from the Street parcel to Wisconsin Avenue. He will continue to work on the acquisition of the easement and recommended to the Council that they authorize him to proceed forward with the purchase of this property contingent upon the following:

- a. The City receives the appropriate permits from the State;
- b. The Street family agrees to a closing date of June 30, 1988; and
- c. The acquisition of the land is funded equally from the Water, Sewer, and Street funds.

After some discussion, Councilman Boksich made a motion, seconded by Maddux, to authorize the acquisition of the land contingent upon acquiring the easement to Wisconsin Avenue be added to the City Manager's recommendations on the purchase of the property. The motion passed with 4 aye votes and 2 no votes (Faessler and Hanson voted no).

4. UPDATE ON MULTI-JURISDICTIONAL SERVICE DISTRICT: City Manager Freedman reported that the County Commissioners had rejected the idea of a Multi-Jurisdictional Service District in a letter that he had just received. Freedman said the proposal would have set up a service district to address recreation programs and facilities and streets. He would pursue this matter further by asking the County Commissioners to come to a City Council meeting to discuss this matter.

5. UPDATE ON THE CREATION OF A FIRE AREA: City Manager Freedman informed the City Council that city staff was working on the formation of a fire area which would eliminate the need for the City to be involved with

rural fire contracts. This would save the City postage and other computer expenses as well as the labor costs involved with the administration of the rural fire contracts. The issue would be presented to the County Commissioners for this consideration this summer and hopefully the Fire Area would go into effect on January 1, 1989.

6. UPDATE ON WORK AT THE CEMETERY: City Manager Freedman told the City Council that a main directory and other new section directories would be installed at the cemetery before Memorial Day. City crews would also bring in gravel for the roads within the cemetery.

7. OTHER BUSINESS: City Manager Freedman reported that he and Water Supervisor Acton investigated the fire hydrant that needed repair and replacement at 1010 Birch Point Drive in front of John Joy's house. At this time, it was felt that Mr. Joy's home was protected by one of two other fire hydrants that are within four hundred feet of his home. After discussion, Councilwoman Maddux made a motion, seconded by Hanson, to replace the fire hydrant at or near the position where it once was. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler inquired as to when Budget hearings would begin. City Manager Freedman said they could begin at the first meeting in June. Councilwoman Faessler said that at the time of Budget hearings, the Council should also schedule the Council evaluation of the City Manager. Councilman Hanson said the evaluation for the City Attorney should also be scheduled. Councilwoman Faessler made a motion, seconded by Maddux, to schedule June 13 for the City Manager evaluation and June 27 for the City Attorney evaluation. The motion passed unanimously.

Councilman Boksich told Chief Dolson about the dangerous situation around the ballfields. Kids rush out into Fourth Street chasing after foul balls because they get free cokes from the concession stand when they return the ball. The City Attorney said the same situation occurs on Second Street adjacent to the Legion ballfield. Councilman Boksich felt that possibly traffic should be controlled differently on Fourth Street to prevent an accident. The matter will be reviewed by the Police Department.

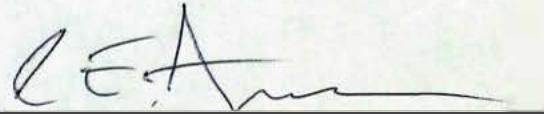
Councilman Hanson requested reimbursement for \$60.36 spent on lodging when he attended a workshop in Spokane on Small Business Start Up Funding. The City had paid for the registration for the workshop and he is asking them to pay for his lodging. Councilwoman Faessler made a motion, seconded by Maddux, to reimburse Councilman Hanson for his lodging expense. The motion was defeated by a vote of 3 to 2 with one abstention (Schreiber, Boksich and LaTourelle voted no and Hanson abstained).

Councilman Hanson also asked city staff to look into the possibility of formally implementing a moratorium on sign variances. He felt the City needs an ordinance to suspend a portion of an ordinance. City Manager Freedman said that there will be a public hearing on the new Sign Ordinance on June 1st at the Community Room of the Mountain Bank at 7:30 P.M.

Mayor Amass asked the City Manager about the paving on Fourth Street and the need for patching on Central Avenue and Third Street by the Presbyterian Church. City Manager Freedman said that both he and George felt that nothing should be done on Fourth Street at the current time. He would see to it that the necessary trenches were paved on Central Avenue and Third Street.

City Attorney Muri requested Council to authorize the expenditure of City funds for him to attend a symposium on Section 1983 Litigation in Seattle on May 26th. Councilman Schreiber made a motion, seconded by Hanson, to approve this expenditure. The motion passed unanimously.

Councilman Boksich made a motion, seconded by Councilman LaTourelle, to adjourn at 9:20 P.M. The motion passed unanimously.



Mayor

ATTEST:



Deputy City Clerk

LANDSCAPING

- 1-1: Intent
- 1-2: Definition
- 1-3: Scope
- 1-4: Nonconforming Status
- 1-5: Reduction of Existing Landscaping
- 1-6: Landscaping Area
- 1-7: Design Standards
- 1-8: Screening
- 1-9: Boulevard/Street Tree Plantings
- 1-10: Maintenance
- 1-11: Landscaping Between Wall and Property Line
- 1-12: Site Plan Required
- 1-13: Temporary Waiver of Required Landscaping

1-1 INTENT: The intent of this Section is to: enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings; encourage preservation of existing trees on proposed building sites; and contribute to the relief of heat, noise, wind and glare through the proper placement of living plants and trees.

1-2 DEFINITION: Landscaping shall mean some combination of planted, living trees, shrubs, hedges, vines, ground cover, flowers and lawns suitable for the climate, exposure, and site condition. In addition, the combination or design may include earth sculpture, cobble, bark, mulch, edgers, flower tubs, rock and such structural features as fountains, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this provision. The selected combination of objects and plants for landscaping purposes shall be arranged in a harmonious manner compatible with the building and its surroundings.

1-3 SCOPE: The provisions of this Section shall apply to all districts and to all uses except one and two family dwellings.

1-4 NONCONFORMING STATUS:

- A. Any property or use of property, which on the effective date of this Section or any amendment hereto is nonconforming only as to the regulations relating to landscaping, may be continued in the same manner as if the landscaping was conforming. However, if there is a change in occupancy group or division therein, as defined in the current edition of the Uniform Building Code adopted by the City, landscaping shall be provided in accordance with the requirements of this Section.
- B. If the developed lot area of any use, or the gross floor area of any building, is increased by fifty percent (50%) or more, landscaping shall be provided in accordance with the requirements of this Section. Where a number of uses are located or conducted within a single structure, and if fifty percent (50%) or more of the uses change in occupancy group or division, on a cumulative or overall basis since the effective date of

this Section, landscaping shall be provided in accordance with the requirements of this Section.

1-5: REDUCTION OF EXISTING LANDSCAPING: Landscaping which exists on any property or for any use, subject to the provisions of this Section, shall not be altered or reduced below the minimum requirements of this Section, unless suitable substitutions are made which meet the requirements of this Section and a site plan is first approved by the City Administrator.

1-6: LANDSCAPING AREA: Landscaping area shall be the area of the lot or lots less the total area occupied by all buildings on the site. For new site development, landscaping shall be provided according to the following schedule (See Figure 6):

<u>Landscaping Area</u>	<u>Minimum Landscaping Requirements</u>
Up to twenty-two thousand (22,000) square feet	Ten percent (10%) of landscaping area
Twenty-two thousand (22,000) square feet to five (5) acres	Eight percent (8%) of landscaping area
Five (5) acres to ten (10) acres	Six percent (6%) of landscaping area
Ten (10) acres and over	Four percent (4%) of landscaping area

1-7 DESIGN STANDARDS:

- A. The minimum inside width of any required landscaped area or of any form or fixed planter box used to satisfy required landscaping, shall be three feet (3').
- B. Additional information regarding suitable species for planting and location of landscaping shall be available at the office of the City Administrator.

1-8 SCREENING: Where landscaped screening is required or provided, said screening shall consist of shrubs, closely spaced and maintained at a height of at least four feet (4'), unless otherwise specified, by this Title.

1-9 BOULEVARD/STREET TREE PLANTINGS: Spaced at equal intervals of thirty to forty feet or in groups as 'naturalized'. Intent to retain or create a visual corridor, while maintaining visual access to properties.

1-10 MAINTENANCE: Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. Maintenance shall include proper pruning of trees and shrubs, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings. Required landscaped areas shall be provided with a permanent watering or sprinkling system which shall consist of piped water lines terminating in an appropriate number of sprinklers or hose bibs to insure a sufficient amount of water for plants within the landscaped area. Where the water system consists of hose bibs alone, these bibs shall be located not more than one hundred fifty feet (150') apart.

1-11 LANDSCAPING BETWEEN WALL AND PROPERTY LINE: Any open area between a fence or wall and the adjacent property line shall be maintained by the property owner in a neat and orderly manner.

1-12 SITE PLAN REQUIRED:

A. A site plan showing required landscaping shall be submitted to the City Administrator for review and approval as a part of the application for a building permit. A site plan shall be approved if it meets the requirements and intent of this Section. A site plan shall include, but not be limited to, the following:

1. Location of proposed landscaping drawn to scale, which scale shall be appropriate to the size of the project and agreed upon by the applicant and the City Administrator;
2. Location, size, type and condition of proposed vegetation and natural or man-made materials, including benches, walks, plaza, lighting, etc.;
3. Irrigation system;
4. Description of the proposed maintenance plan;
5. Estimated date of completion of the installation of plantings and finish materials.

B. The approved landscape and maintenance plans shall not be changed or altered without review and approval by the City Administrator. All landscaping shown on the approved plan shall be installed and maintained.

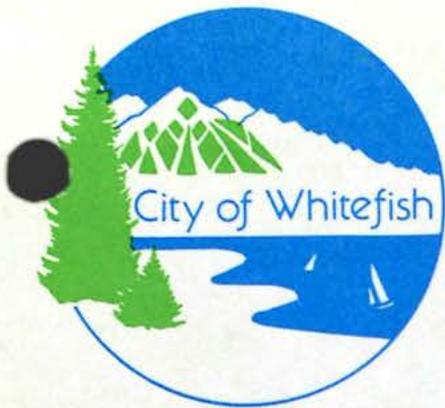
1-13 TEMPORARY WAIVER OF REQUIRED LANDSCAPING: If, due to seasonal, climatic, or weather conditions, installation of landscaping prior to issuance of a certificate of occupancy is impractical, the City Administrator may waive such installation for a reasonable time. If such a waiver is granted, the City Administrator shall establish a time schedule for the installation of all required landscaping in accordance with the approved plan. In such a case, the owner or developer of the property shall provide the City with an approved financial guarantee, in the amount of the estimated cost of landscaping plus ten percent (10%), which shall be forfeited if all required landscaping is not installed within the time provided.



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
May 16, 1988

- 7:00 I. Approval of the minutes of the May 2, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. PUBLIC HEARINGS
1. Zoning Ordinance for the City of Whitefish and its extra-territorial jurisdictional area. Second Reading of Ordinance 88-1
- 8:20 IV. STAFF REPORTS
1. Police (written)
2. Street/Sanitation
3. Water/Sewer
4. Building (written)
5. Fire
- 8:30 V. NEW BUSINESS
1. Lakeshore Construction Permit for Ronald Ross
- 8:40 VI. OLD BUSINESS
1. Amendment 10 to engineering agreement with Carver Engineering
- 8:50 VII. CITY MANAGER REPORTS
1. Financial Reports
2. Discussion on Street Reconstruction on Pine Avenue
3. Purchase of 10 acre parcel of land
4. Update on Multi-Jurisdictional Special District
5. Update on the creation of a Fire Area
6. Update on work at the cemetery
- 9:35 VIII. COUNCIL REPORTS OR COMMENTS
- 9:45 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
June 6, 1988

- 7:00 I. Approval of the minutes of the May 16, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
- 7:30 IV. NEW BUSINESS
1. Discussion on fireworks
 2. Liquor request for the Whitefish Lake Regatta
 3. Lakeshore Construction Permit request by Derek Stimson
 4. Lakeshore Construction Permit request by J. Thomas Kenny
- 8:00 V. OLD BUSINESS
1. Discussion on sign ordinance
- 8:30 VI. CITY MANAGER REPORTS
1. Gravel pit update
 2. Discussion on sidewalks in Willow Brook
 3. Update on meeting with Shareview homeowners
 4. Invitation from the City of Cranbrook
 5. Approval of the agreement to participate in the Montana Local Government Operation Maintenance Grants Project
 6. 1988-1989 Budget Discussion
- 9:45 VII. COUNCIL REPORTS OR COMMENTS
- 9:55 VIII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: June 1, 1988
RE: June 6, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the June 6, 1988 Council Meeting:

1. Discussion on fireworks: Councilwoman Faessler requested that the Fireworks' portion of the Municipal Code be discussed at the June 6th Meeting.
2. Whitefish Lake Regatta Liquor Request: This year's Whitefish Lake Regatta will be held on July 23rd and 24th. The Whitefish Lake Boat Club once again has asked for the waiving of the Open Container Ordinance on these two days.

Recommendation: I would recommend that the Council approve this request and require the Boat Club to obtain insurance naming the City as an additional name insured and requiring that the beach area be cleaned up at the end of the Regatta.

3. Lakeshore Construction Permit Request by Derek Stimson: I would recommend approval of this request based upon the recommendation of the Lakeshore Protection Committee.

4. Lakeshore Construction Permit Request by J. Thomas Kenny: I would recommend approval of this request based upon the recommendation of the Lakeshore Protection Committee contingent upon the receipt of a letter from Bob Rowland.

5. Sign Ordinance: I am meeting on June 1st with the public to discuss the new sign ordinance. At our Council Meeting, I will discuss the comments that I received at this meeting.

6. Gravel Pit Update: Certain developments have occurred since the last City Council Meeting that will affect the acquisition of the 10-acre parcel owned by the Street family. I have not been able to obtain an easement through adjoining properties that would allow the City trucks to access the gravel pit from Wisconsin Avenue. At the same time, there is considerable opposition to the gravel pit from many adjacent property owners. Due to these two items, I have had discussions with the State Highway Department about the purchase of crushed gravel that is stockpiled at the gravel pit in Whitefish.

Recommendation: Based upon the conditions of purchase outlined by the City Council at the last meeting, I will not proceed forward with the purchase of this property. I will continue to negotiate with the State Highway Department for the acquisition of the crushed gravel at their pit.

7. Sidewalks in the Willow Brook Subdivision: The City Council approved this subdivision with five foot sidewalks. The developer has requested that the sidewalks be reduced to a four foot sidewalk. My own personal opinion is that the sidewalks should be constructed to the original width because I feel that a standard should be established that will apply to all future subdivisions.

8. Meeting with Shareview Addition Homeowners: On May 31st, I met with the homeowners of the Shareview Addition to discuss the elimination of the lift station and the condition of their streets. The residents of Fourth Street feel that the asphalt should be replaced from the centerline to the south side of the street because of cracking in the asphalt that they feel was caused by construction equipment that was going to the Willow Brook Subdivision. The residents of Third Street are interested in replacing the curb and gutter and sidewalks on their street. If they indicate their desire to do this, I would recommend that the City Council rebuild this one block of street. A portion of the street will be torn up when the City puts in the sewer line that ties into the Willow Brook sewer system.

9. Montana Local Government Operation Maintenance Grants Project: Earlier this year, I applied for an \$1800 Energy Grant from the Montana Local Government Energy Office. We were successful in obtaining this grant which must be used to produce an O & M Manual and for an energy conservation project at City Hall.

Recommendation: Authorize the City Manager to execute the Agreement to Participate.

10. 1988-1989 Budget: I am still working on the proposed 1988-1989 Budget. I will deliver it to you on Friday.

If you have any questions or comments, please feel free to contact me.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: June 6, 1988
RE: 1988-1989 Budget

The following issues should be considered during the budget hearings over the next two months:

1. The assessment of an additional charge for the Street Maintenance District Fund with all proceeds allocated for new street reconstruction projects;
2. The utilization of a new formula of assessment for the Street Maintenance District and the Street Lighting Districts;
3. The manpower requirements and deployment of the officers in the Police Department;
4. The reevaluation of water and garbage rates during calendar year 1989; and
5. Any recommendations you might have with regard to union contracts for the period beginning on July 1, 1988.

You may want to discuss some of these issues on a one-to-one basis with me outside of future council meetings.

MINUTES
WHITEFISH CITY COUNCIL
JUNE 6, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P. M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson, Street Foreman Wartnow and Water/Sewer Supervisor Acton.

MINUTES

Councilwoman Faessler made a motion, seconded by Councilman Boksich, to approve the minutes of the May 16, 1988 Council Meeting as submitted. The motion passed unanimously.

PUBLIC COMMENT

David Sommer, Director of the Whitefish Chamber of Commerce, told the Council that the Chamber qualified for matching funds for a map/directional sign that they wanted to place south of town near the Shangri-la Restaurant. He said this type of sign was not addressed in the Sign Ordinance and was requesting a ruling from the Council tonight. He said that they would like to place the sign to help visitors to the area find the recreational facilities in this area. City Manager Freedman said that if the Council determined that the sign was a directional sign, there would be no problem putting up the sign.

After some Council discussion, Councilman Boksich made a motion to turn the matter over to the Zoning Administrator to make the determination on whether the sign is a directional sign and if it is, allow the placement of the sign. The motion was seconded by Councilwoman LaTourelle and the motion passed unanimously.

Ted Rohla, representing the Glenwood Homeowners Association, requested clarification on the specifications for reconstructing Glenwood Drive that were outlined in City Manager Freedman's letter of April 25, 1988. His question was on whether or not the filter fabric was to be put on the entire road or just in two trouble spots in the road. City Manager Freedman explained that the road would have to meet all City specifications just like any other subdivision.

John Garrity told the Council that he was getting a lot of phone calls from unhappy citizens because the City was spending too much money. With the increase in sewer rates, some of these people were selling their homes and moving out of the area. He said they were putting pressure on him to circulate a petition to remove the City Manager from his position. He said that the Council should control the spending because senior citizens can not afford to live in Whitefish anymore.

STAFF UPDATES

NONE

NEW BUSINESS

1. DISCUSSION ON FIREWORKS: City Manager Freedman said that Councilwoman Faessler had requested that the Fireworks' portion of the Municipal Code be discussed at this Council meeting. Councilwoman Faessler was concerned with the following: 1. The shooting of fireworks at City Beach when a large number of people have gathered; and 2. The Municipal Code allows for the sale of fireworks of any kind. Police Chief Dolson said that at the present time, the City did not have an Ordinance that enforced the arrest of people negligent in shooting off fireworks and requested that the City Attorney draft an Ordinance giving them the leverage for an arrest as a misdemeanor. City Manager Freedman said that an Ordinance could be drafted banning fireworks at City Beach and other public places within the City. City Attorney Muri said that he could quickly put together an ordinance of this nature. After much discussion, Councilman Hanson made the motion to direct City Staff with the cooperation of the Police Chief to come back to the Council next meeting with language that: 1. Prohibits fireworks without a special use permit on any publicly owned Park or right-of-way; 2. Establishes fireworks that are defined by State Law as impermissible be declared illegal in the City of Whitefish; and 3. The possession or the discharge, etc. in either case constitute a misdemeanor and the police should have authority to issue tickets. The motion was seconded by Councilwoman Faessler and it passed unanimously.

2. WHITEFISH LAKE REGATTA LIQUOR REQUEST: City Manager Freedman said that the Whitefish Lake Regatta would be held on July 23rd and 24th. The Whitefish Lake Boat Club once again has asked for the waiving of the Open Container Ordinance on these two days. He recommended that the Council approve the request and require the Boat Club to obtain insurance naming the City as an additional named insured and requiring that the beach area be cleaned up at the end of the Regatta.

Councilman Schreiber made a motion to grant the request as recommended by the City Manager. Councilwoman Maddux seconded the motion and it passed unanimously.

3. LAKESHORE CONSTRUCTION PERMIT REQUEST BY DEREK STIMSON: City Manager Freedman recommended that the Council approve this request based upon the recommendation of the Lakeshore Protection Committee.

Councilwoman Maddux said that the recorded covenants of the Glenwood Homeowners' Association require that docks not be built in excess of 50' in length and this request was to construct a dock 68' long. She made a motion to table the issue until the adjustment could be made. Councilwoman Faessler seconded the motion. After discussion, Faessler withdrew her second and Maddux withdrew her motion.

City Manager Freedman suggested that the Council cut down the length of the dock to 50' and approve the permit. Councilman Schreiber asked Ted Rohla if there were provisions in their covenants to allow a variance and Rohla said

there were as long as the proper steps were taken and the request went through the Board of Directors.

Councilwoman Maddux made a motion that if Mr. Stimson complies with the Glenwood Homeowners covenants and builds his dock within those covenants (50') that the application be approved. The motion was seconded by Faessler. (Maddux and Faessler voted aye and Hanson, LaTourelle, Boksich and Schreiber voted no). The motion was defeated with 4 no votes and 2 aye votes.

Councilman Schreiber made a motion to approve the application with the Lakeshore Committee's recommendation. Councilman Hanson seconded the motion. (Councilman Schreiber said that he made the motion with the intent not to circumvent the Homeowners' Association but to pass the decision on to them and Councilman Hanson concurred.) The motion passed unanimously.

4. LAKESHORE CONSTRUCTION PERMIT REQUEST BY J. THOMAS KENNY: City Manager Freedman said that he would recommend approval of this request based upon the recommendation of the Lakeshore Protection Committee which was contingent upon the receipt of a letter from Bob Rowland. He explained that Mr. Rowland had submitted a letter of approval for Tom Kenny to attach his dock onto the end of Rowland's dock.

Councilman Hanson made a motion to approve the Lakeshore Construction Permit request with the recommendations of the Lakeshore Protection Committee. Councilwoman LaTourelle seconded the motion and it passed unanimously.

OLD BUSINESS

1. DISCUSSION ON SIGN ORDINANCE: City Attorney Muri said that Councilman Hanson had requested him to look into a moratorium on the sign ordinance. He said he felt a moratorium would be ill advised because if a new business came in and wanted to put up a sign, legally it could not be prevented. Mayor Amass said that the intent of the moratorium was on sign variances not the sign ordinance. Muri said that legally even a Variance should be considered by the Council. Councilman Hanson said that he felt City Attorney Muri was correct that a moratorium should not be placed on either the sign ordinance or variances to the sign ordinance.

City Manager Freedman said that he held a meeting on June 1st and one of the reasons for holding the public hearing was to get public input and allow the people that came to the meeting a chance to discuss what they wanted in a new sign code. He said that he would schedule another meeting in approximately two to three weeks so that business people, the Planning Board and the City Council can feel comfortable with a sign ordinance that serves the best interests of this community. He said there were several issues that came up such as roof top signage, signage for shopping centers, grandfathering of old signs, setbacks, the size of readerboard signs, neon signs, etc. The new ordinance hopefully would eliminate the confusion in interpreting portions of the existing ordinance. He proposed having two (2) public meetings and then present the finished product at the Planning Board meeting of July 21st.

Mayor Amass said that he attended this meeting and there were only nine people that attended. He suggested that the meetings be well advertised to try and get more public input at the meetings. He said that one thing that came out of the meeting was the difficulty in interpreting the Sign Ordinance. He said that people at the meeting wanted a Sign Ordinance that fits Whitefish and more public involvement was needed at future meetings.

Councilman Hanson suggested that a seven (7) member committee be appointed to review the Sign Ordinance. The committee would be composed of the following people: 2 Council appointees, 2 Chamber of Commerce appointees and 3 Planning Board members. The City Zoning Administrator and one of the Planning Staff people from the FRDO should be ex officio members. The Committee should be given 60 days to take the draft and come back with a Sign Ordinance that truly represents the community of Whitefish. Councilman Boksich said that he felt they had a lot of expectations from the Community for something that in looking back on the beginning of the sign ordinance was not a demand from the community but a demand from a very small number of people. He did not think the Council should let themselves get too carried away with it. Councilwoman Maddux said she had called people and had been told that a lot of time had gone into the current sign ordinance, others said it should be thrown out, and most felt it was not a bad ordinance but was very hard to determine the size of signs they could have. She said she had a problem throwing out the old ordinance and starting over with a new one and did not care to have the Kalispell Planning Staff draft the ordinance. After much discussion, it was the consensus of the Council to continue with the informal hearings, however, they did request that they be advertised extensively so they could get the public input.

Councilwoman Maddux questioned 17.95.050 - C: She felt the thirty (30) days was an excessive amount of time. Section G: She also said it sounded like you could not put up your own signs. City Manager Freedman said these items would be considered at future public hearings.

CITY MANAGER REPORTS

1. GRAVEL PIT UPDATE: City Manager Freedman said that certain developments had occurred since the last City Council Meeting that would affect the acquisition of the 10-acre parcel owned by the Street family. He said that he had not been able to obtain an easement through adjoining properties that would allow the City trucks to access the gravel pit from Wisconsin Avenue. Also, there was considerable opposition to the gravel pit from many adjacent property owners. Due to these two items, he has had discussions with the State Highway Department about the purchase of crushed gravel that is stockpiled at their gravel pit in Whitefish. He recommended that based upon the conditions of purchase outlined by the City Council at the last meeting, he would not proceed forward with the purchase of this property. He said that he would continue to negotiate with the State Highway Department for the acquisition of the crushed gravel.

City Attorney Muri said that because the Council conditions could not be met and Russ Street would not sign the buy-sell agreement, the issue is no longer valid.

Councilwoman Faessler asked if it would not be legally wise for the Council to make a motion to the effect that the issue was dead instead of just letting it remain in limbo. Councilman Boksich said that it was the intent of the Council that if all conditions did not go through, the issue would be not be valid. Councilman Hanson said that he felt the property owners in the area would be happier if the Council took appropriate action on the issue and he felt a motion would be in order. Councilman Schreiber said that our City Attorney is telling us that the buy-sell was not signed and the Council is all in agreement that they do not want it, it is a dead issue. Councilman Hanson said that the following two issues were involved: 1. The buy-sell agreement never was consummated and the conditions of purchase of the Council could not be met; and 2. There are some disgruntled property owners in the area who oppose acquisition of the property for a gravel pit. He did not want to leave the issue hanging. Councilman Boksich said that he felt the issue was dead. Councilwoman Faessler agreed with Councilman Hanson that the Council should close the door on this issue.

Paula Johnson said that a number of people had worked hard to get names on petitions opposing the City of Whitefish purchasing property on Dakota Avenue to utilize as a gravel pit in a residential zoned area. They were petitioning the City Council to reconsider approving the purchase. She gave City Clerk Kay Beller petitions with 150 signatures on them.

Councilman Schreiber said to bring the issue to a head, it should be recorded that the property was not purchased and the conditions were not met and was not pursued because of the public opposition because of zoning. City Attorney Muri said that you could vote but from a legal perspective it is a mute question. Councilman Schreiber said that the people that had worked hard on the issue should be acknowledged. No one would pursue the issue as it is a mute issue and would become a point of record. He made his last statement into a motion and Councilman Boksich seconded the motion. It passed unanimously.

2. DISCUSSION ON SIDEWALKS IN WILLOW BROOK: City Manager Freedman said that the City Council approved this subdivision with five foot sidewalks. The developer (Rob Nichols) was requesting that the sidewalks be reduced to a four foot sidewalk. Freedman recommended that the sidewalks should be constructed to the original width because a standard should be established that would apply to all future subdivisions.

Councilman Boksich said that he had measured some of the sidewalks in the City and they all were five (5) feet. He felt the Council would be setting a precedent and should stay with the five (5) feet. Councilman Hanson said that the Subdivision Regulations did not require five (5) foot sidewalks and if the City Council establishes sidewalk widths, the regulations should be amended. Mayor Amass and Councilwoman Maddux agreed with Councilman Boksich that the sidewalks should be five (5) feet in width.

Rob Nichols explained that the cost would be \$3,000 less by putting in the four (4) foot sidewalks. He said that the five (5) foot sidewalks would increase the price of the lots \$100 and people would not be able to afford to buy them.

City Manager Freedman said that when the City Council cut the two (2) lots from the subdivision, Nichols lost most of his profit. Mayor Amass said that he would rather give back the two lots than reduce the size of the sidewalks.

After more discussion, Councilwoman Maddux made a motion, seconded by Boksich, that the sidewalks in Willow Brook be five (5) feet in width. The motion passed with 4 aye votes and 2 no votes (Hanson and Schreiber voted no).

3. UPDATE ON MEETING WITH SHAREVIEW HOMEOWNERS: City Manager Freedman said that he had met with the homeowners of the Shareview Addition to discuss the elimination of the lift station and the condition of their streets. The residents of Fourth Street feel that the asphalt should be replaced from the center line to the south side of the street because of cracking in the asphalt that they feel was caused by construction equipment that was going to the Willow Brook Subdivision. The residents of Third Street are interested in replacing the curbs and gutters and sidewalks on their street. He said that a portion of the Street would be torn up when the City puts in the sewer line that ties into the Willow Brook sewer system. Councilwoman Faessler said that when the Willow Brook Subdivision started construction, they had assured the Council that the street would suffer no permanent damage and they would put the street back in good condition. Greg Acton said that when the contractor went to do the cut to install the water line on Fourth Street, they had the City Staff look at the road and it was in terrible condition. He said that the street did not suffer much from the traffic. Bob Mack, Hamilton Construction, also said that the street was in bad condition. Councilwoman Faessler said that the developer had promised to put the road back into good condition and she felt the issue should be tabled until the minutes could be researched.

Councilwoman Faessler made a motion, seconded by Hanson, to table the Fourth Street issue until the City Staff could research the minutes of the meetings to see what the people in the neighborhood were promised. The motion passed unanimously.

THIRD STREET

City Manager Freedman said that he met with the Third Street homeowners about the lift station and then the property owners at the meeting said that they would be interested in paying the cost of the curbs, gutters and sidewalks if the City would do something about the street. He said a petition was signed by almost everyone living on the street stating they were willing to pay for the curbs, gutters and sidewalks. The cost to the homeowners would be approximately \$15 per foot or \$18,000 and they could pay this back over four (4) or five (5) years at 10% interest. He recommended that if there is someone out there that is willing to pay to put in curbs, gutters and sidewalks, the City should reconstruct that block. The total cost to rebuild the street would be approximately \$15,000. After some Council discussion, Councilman Schreiber made a motion, seconded by LaTourelle, to approve the reconstruction of the block on Third Street per the City Manager's recommendation. The motion passed unanimously. *Kia 88-10H*

PINE AVENUE - BETWEEN 6TH AND 7TH

City Manager Freedman said that the survey work on Pine Avenue revealed a situation that was not known about in the past. He said that there was no record of the right of way on the east side of Pine Avenue. The City Council had approved a 48' wide street, however, when you get to 6th Street the street encroaches on those private properties by about 6'. He said that he had City Attorney Muri research the issue to see if we had the right to rebuild the street as is. Muri issued an opinion that the City could utilize the street as is because of adverse possession. City Attorney Muri would also research to see if a sidewalk could be put on private property. City Manager Freedman said that if we retain the existing sidewalk along the High School, a decision would have to be made as to whether the street should be skewed one way or should the street be centered with a small boulevard on both sides of the street. He needed feedback from the Council before starting the reconstruction of the street.

Councilman Hanson made a motion to reconsider the motion that was made at the last Council meeting so the Council can consider the above information. Councilwoman Faessler seconded the motion. After Council discussion, Faessler withdrew her motion and Hanson withdrew the motion.

After much discussion, the Council requested City Attorney Muri to research the right to order in curb, gutter and sidewalks on the private property and the project should proceed as proposed at the last Council meeting.

4. INVITATION FROM THE CITY OF CRANBROOK: Mayor Amass said that he would attend the Sam Steele Days parade on Saturday, June 18th.

5. APPROVAL OF THE AGREEMENT TO PARTICIPATE IN THE MONTANA LOCAL GOVERNMENT OPERATION MAINTENANCE GRANTS PROJECT: City Manager Freedman said that earlier this year, he had applied for an \$1,800 Energy Grant from the Montana Local Government Energy Office. He said that Whitefish was successful in obtaining this grant which must be used to produce an O & M Manual and accomplish an energy conservation project at City Hall.

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to allow City Manager Freedman to sign the Agreement to Participate in this program. The motion passed unanimously.

6. 1988-1989 BUDGET DISCUSSION: City Manager Freedman had given the Council the first draft of the 1988-1989 Budget and he explained that before the final Budget, several numbers would be needed (the assessed valuation from the County and the Union Contracts would have to be finalized).

The Council discussed the budget briefly and Councilwoman Faessler requested that information be given to the Council that indicated the proposed salary increase for each employee.

7. DISABILITY REQUEST OF LES NORMAN: City Manager Freedman said that Les Norman was requesting a disability pension from the City. The decision should be made by the City Council and he requested that the Council set an executive session as soon as possible.

Councilwoman Faessler questioned if it was legal to have an executive session without Mr. Norman or his legal representative present. Attorney Muri said he found no problem with it but he said there were other ways to resolve the issue. He said that he had written to Mr. Norman's attorney asking if another City position was available, would Mr. Norman fill it. The attorney wrote back saying that he would. He felt the Council should look at this issue before actually holding a disability hearing. Muri said additionally the City and Garrick Hansen's conflict should be discussed sometime in a closed session. He recommended the executive session be held after his evaluation by the Council on June 27th.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson referred to the letter of resignation from Mark Svennungsen from the Board of Adjustments and suggested that the City advertise the position. Also, he inquired about the Solid Waste Board appointment that expires on June 30, 1988. City Manager Freedman said that the Board of Adjustment position was being advertised and Anne Moran was the only person that had applied for the Solid Waste Board. Councilman Hanson made the motion, seconded by LaTourelle, to recommend the reappointment Anne Moran to this Board. The motion passed unanimously.

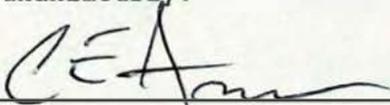
Councilwoman Maddux commended Police Chief Dolson for the follow through on the Bike Safety Course and thanked the City Staff that put the new directories in the Cemetery. She had received some good comments on them.

Councilman Schreiber gave City Manager Freedman an Ordinance that the businessmen wanted reviewed by the Council that regulated "going out of business sales".

Councilwoman Faessler asked where the City Manager evaluation would take place and if it would be an open meeting or closed meeting. City Manager Freedman said that it would be at City Hall and he was requesting an open meeting.

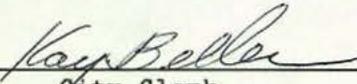
Mayor Amass said that a letter of appreciation should be sent to Mark Svennungsen for his years of service on the Board of Adjustments.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to adjourn at 10:10 P.M. The motion passed unanimously.



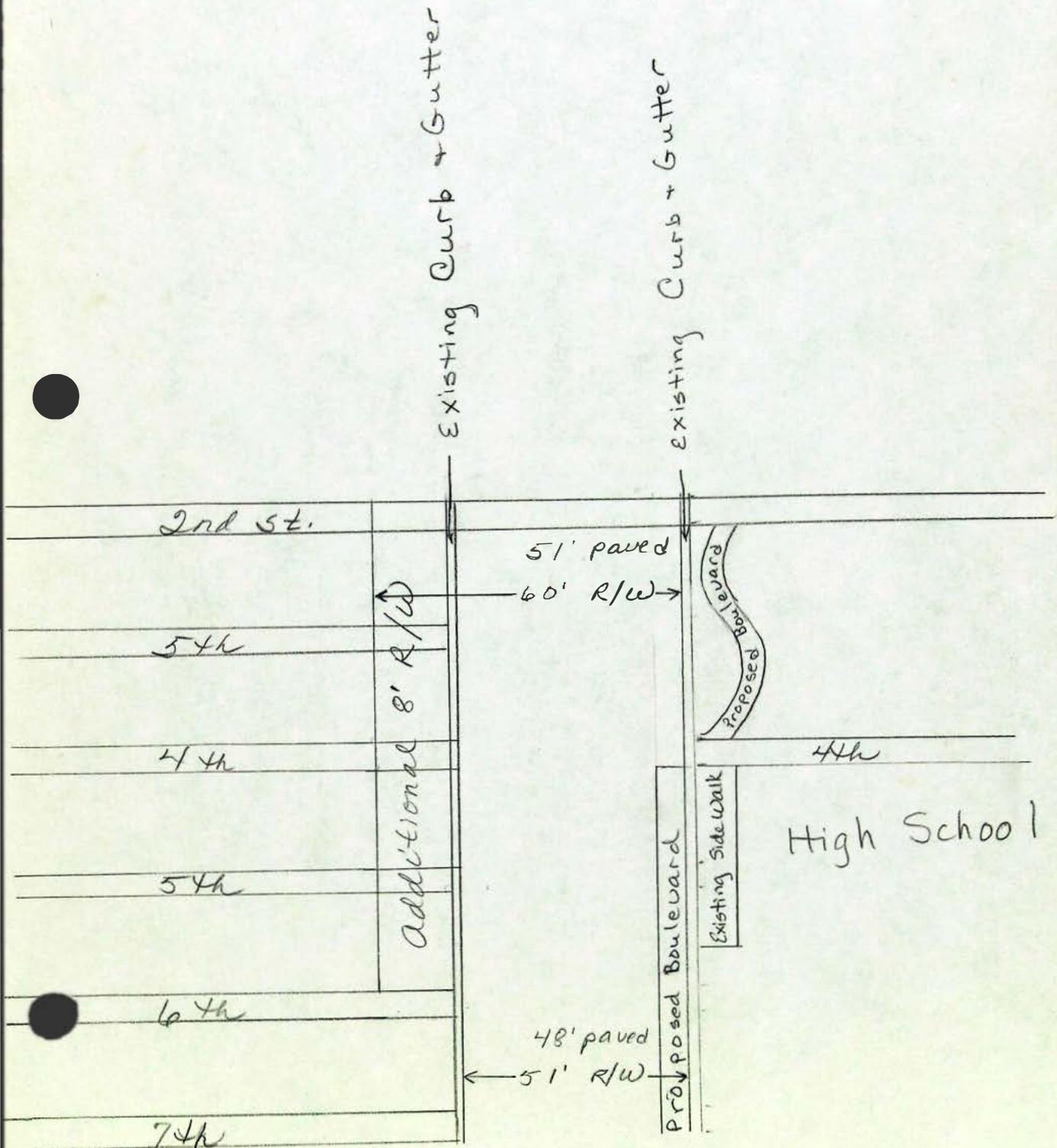
Mayor

ATTEST:



City Clerk

PINE AVENUE



SPECIAL MEETING
JUNE 13, 1988

Mayor Amass called this Special Council Meeting to order at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler.

Mayor Amass explained that the purpose of this meeting was the six month evaluation of City Manager Freedman and at the discretion of the City Manager, it would be an open meeting.

The Council distributed their copies of the evaluation and Mayor Amass gave the Council and City Manager time to review the forms.

Councilwoman LaTourelle said that the evaluation sheets should have been passed out prior to this meeting because getting them at the last minute makes it too difficult to evaluate the employee. She said that basically her evaluation of City Manager Freedman was the same as the first time she had evaluated him. She felt that there was a lack of communication between City Manager Freedman and the City Council and felt that the communication had deteriorated somewhat.

Councilman Boksich said that he would speak on the same item. Presently as in the past, communication skills between the Council, the Community and the City Manager are areas that he would like to see improved.

Councilman Hanson said he would like to commend City Manager Freedman for many of his accomplishments and felt that he had improved in some areas that had been mentioned at the last evaluation. However, he said that he was still not satisfied that in many areas we are getting the quality that the City of Whitefish deserves and should have. He reviewed the job description of the City Administrator and said that in the areas of preparing and analyzing comprehensive reports, ability to communicate verbally and the ability to establish working relationship with employees, other agencies and the public, he felt that City Manager Freedman was grossly deficient. The City of Whitefish has suffered because of this and Hanson said that some animosities had been generated that will never be overcome. He said that an excessive number of citizens have complained to him about the verbal abuse that they have received from the City Administrator that was basically in response to their asking a question. He said that City Government is to serve the people and if there are unhappy people, it reflects on the City Council and City Government. He felt that the City Manager has not developed satisfactorily in these areas and he was not pleased with the status quo of the City Administrator.

Councilwoman Faessler stated that in her written evaluation in 1986 and again in 1987, several other Council members and she offered suggestions to improve City procedures, improve public support for City Manager Freedman, to improve employee morale and the need for him to take a pro-active role to improve working relationships with various Council members. She felt little had changed. (On two occasions she had asked City Manager Freedman for copies of 1987 evaluations by LaTourelle, Boksich and Sevener which she did not

receive). Since her June 1987 review, she had not seen any appreciable change in his attitude to suggest a similar effort on her part. She said that at this time she could not continue to support City Manager Freedman's employment contract with the City as City Manager. She felt it would be best for the City, city employees and for City Manager Freedman professionally if he were to seek employment elsewhere. She said that she would allow him thirty (30) days to tender his voluntary resignation and she would be willing to negotiate severance pay at that time.

Councilman Schreiber said that he had not submitted an evaluation because as a junior member of the Council he did not feel he was able to evaluate the City Manager in detail. He did comment that he had never seen anyone with more willingness to work and commended City Manager Freedman for the hours that he was willing to put into the job. He said that he knew the Council was reverting back (which he could not do because he was not that familiar with City Manager Freedman) however, he could not see the problems that the other Council Members were referring to in their evaluations. He said that in regard to overspending, no one had shown him in detail where City Manager Freedman was overspending (the budgets were in good order and there were few if any overdrafts). He said the only criticism that he had was that City Manager Freedman needed to be more patient with people and he felt this was just a correction in mannerism and personality that could easily be changed.

Councilwoman Maddux said that City Manager Freedman has many competencies and has a great deal of energy toward the community, however, he does need to improve his communication skills with the Council and City Staff to successfully realize mutual objectives.

Mayor Amass said that the City would never again acquire an employee that put in as many hours or worked as hard as City Manager Freedman does. He said that no one is perfect, everyone has faults and he did not think that someone needing some improvement should be dismissed. He also felt that the evaluation forms were not adequate to constructively evaluate an employee.

Councilman Hanson addressed some other points of concern as follows:

1. City Council requests for information were stalled and forgotten;
2. Large agenda items such as the sewer rate restructuring were given to the Council at the last minute;
3. City Manager Freedman left town without first telling the Council;
4. The City Council was not informed about the proposed Fire District and he felt City Manager Freedman did not want the Council to know. (Hanson felt this should be presented to the City Council well in advance);
5. Council was not getting adequate written reports; and
6. Constituency repeatedly relayed to him specific incidents about being poorly treated (verbal abuse, etc.).

Councilman Hanson said that he can not support the continued employment of the City Manager and would recommend that the Council give him an opportunity to voluntarily resign not later than July 30, 1988, on the condition that we offer payment of severance pay as detailed in the employment agreement dated May 15, 1986.

City Manager Freedman said that in light of the fact that he had received the evaluation only a short time ago, it would be an injustice to respond to these evaluations at this time. He asked that the meeting be continued to allow him ample time to respond to the evaluations. He said that he had no problem allowing the people in the audience to make statements. He did request that the next meeting be held in executive session.

John Garrity, speaking for Ted Rohla and himself, stated that there was a lack of communication between the City Administrator, the City Council and the community.

Necile Lorang, Deputy City Clerk, said that she worked in the office with City Manager Freedman and she felt that he was great with the public. She said that when people come into the office to ask questions, City Manager Freedman gives them a nice explanatory answer.

Mark VanNyhuis said on different issues, he had been told it was not his concern because he lives outside the City limits. He said people are not happy and when they talk to City Manager Freedman, they get the run around. He said that Whitefish's economy was depressed, people were moving to find employment and wondered how Administrative salaries can keep increasing along with taxes.

CONTINUATION OF MEETING

Councilman Boksich made a motion, seconded by LaTourelle, to continue this meeting until June 14, 1988 at 5:00 P.M. The motion passed unanimously.

The City Manager evaluation meeting adjourned at 8:10 P.M.



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
June 27, 1988

- 7:00 I. Approval of the minutes of the June 6 and June 13, 1988 Meetings
- 7:05 II. City Manager Contract
- 7:35 III. Emergency Ordinance on Fireworks
- 7:45 IV. Request by Glacier Twins to sell beer at the Sapa-Johnsrud Baseball Tournament.
- 7:50 V. Adjournment
- 7:55 EXECUTIVE SESSION
- I. Request by Les Norman for Police Pension Disability
- II. City Attorney Evaluation

MINUTES
WHITEFISH CITY COUNCIL
JUNE 27, 1988

Mayor Amass called this special meeting of the Whitefish City Council to order at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson, Water/Sewer Supervisor Acton and approximately fifteen Whitefish citizens.

MINUTES

Councilman Boksich made a motion, seconded by Councilman Hanson, to approve the minutes of the June 6, 1988 and June 13, 1988 Council meetings as presented. The motion passed unanimously.

CITY MANAGER CONTRACT

Councilman Schreiber made a motion, seconded by Councilman Boksich, to extend the contract of City Manager Freedman for another year under the same conditions as the prior contract. Boksich, LaTourelle, Maddux and Schreiber voted aye and Hanson and Faessler voted no. The motion passed with 4 aye votes and 2 no votes.

EMERGENCY ORDINANCE ON FIREWORKS

City Attorney Muri gave the Staff report. He explained that the major difference between this emergency ordinance and the present ordinance is that it outlaws the discharge of any and all fireworks within City parks and on any City right-of-way. He said that he had included language that would prohibit the discharge of fireworks between the hours of midnight and 8:00 A.M.

Councilwoman Maddux made a motion, seconded by LaTourelle, to adopt Ordinance 88-3. The motion passed unanimously.

REQUEST BY THE GLACIER TWINS TO SELL BEER AT THE SAPA-JOHN SRUD BASEBALL TOURNAMENT

After some discussion, Councilwoman LaTourelle made a motion, seconded by Hanson, to approve the above request. The motion passed with 5 aye votes and 1 no vote (Maddux voted no).

CITY ATTORNEY EVALUATION

Mayor Amass asked City Attorney Muri if he would prefer a closed session on his evaluation. City Attorney Muri said that he had no problem with having the evaluation open to the public.

All Council Members gave City Attorney Muri an excellent rating and after some discussion, Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to offer City Attorney Muri another contract with the terms of the contract to be worked out during the budget process. The motion passed

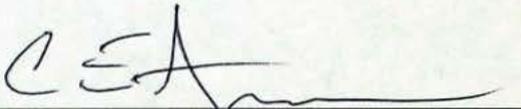
unanimously.

REQUEST BY LES NORMAN FOR POLICE PENSION DISABILITY

Mayor Amass said that Mr. Norman had requested a closed session and he felt that the demands of individual privacy clearly exceed the merits of public disclosure. He requested that the Council go into executive session.

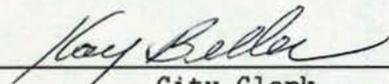
Councilman Hanson made a motion, seconded by Councilman Boksich, to adjourn the Special Meeting at 7:40 PM. The motion passed unanimously.

The motion was made by Boksich, seconded by LaTourelle to go into executive session at 7:40 P.M. The motion passed unanimously. Maddux made a motion, seconded by LaTourelle to conclude the executive session at 9:44 P.M. The motion passed unanimously.



Mayor

ATTEST:



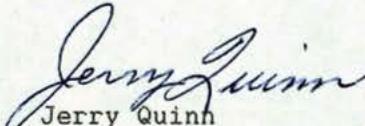
City Clerk

BUILDING REPORT FOR MAY 1988

During the month of May, the City sold a total of 35 permits - 26 building permits, two plumbing permits and seven mechanical permits. Total monies received were \$3,690. The valuation of the new construction in our area is approximately \$400,000. We still have 63 ongoing jobs to date.

The month of May was down slightly from our 1987 count, however, the total building costs were about the same. Jobs seem to be going a little smoother this year and I seem to have more cooperation from the contractors. This is probably due to the fact that they are becoming more familiar with the UBC and all the requirements.

The hospital job is still our largest job but it is beginning to wind down. Completion should occur in late August. We still have nine new houses under construction at various stages and ten commercial jobs. I spend at least three hours each day doing paperwork which cuts down on my time for field inspections.


Jerry Quinn
Building Inspector

EXMIT #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2254	CARIG CALKINS 5-5	834 W 300th St	Re side garage and trim out windows	500	Self
2255	WITKES Food Bank 5-5	311 East 1st Street	9' x 29' addition freezer room	6,000	Volunteer help
56	Tim DeWhee 5-6	219 Mill Ave.	W/ing siding over S.F.C.'s	700	Riverside Construction
57	RITA RAYBILL 5-6-48	215 Central Ave	New W/ing side	150	Lindy Morrison
58	Keith Kelly Bauw 5-9-58	407 1/2 Birchwood Hollow	New single family dwelling	20,000	Dee Hendricks
59	Dick Gordon 5-9-58	1550 W. Lakeshore	Replace decking over Redwood surface	3,500	Dennis McConnell
2260	F T Cook 5-10-58	SCOTT AVE	Single family dwelling	46,000	Kurtz Co. Const
61	John Carter 5-13-58	203 Dakota	Fence	250	John Carter
2264	PAT Gesek 5-17-58	211 1/2 Central Ave	Wall 5' x 14' x 60'	50	She Wignere
63	LARRY Doyle 5-18-58	1340 W Lakeshore	Returning wall for parking area	2500	Six Rivers Const
2262	OTTO RATZ 5-17-58	1040 E. Edgewood	New single family dwelling, 2400 main floor 12 x 23 Deck & Rm 1/2	85,000	David Brown
2265	NOEL POUL 5-17-58	2311 Houston Point Dr.	Replace decking on upper floor	1500	Self
66	Bob Carvin 5-18-58	Bay Point Estates 150 W		860	Dennis McConnell
67	Charles Budge 5-18-58	342 Fairway Drive	Ex tend front - e garage	8,600	Dennis McConnell
68	Clady's Tuden Bng 5-18-58	14 Minnesota	New siding (Vinyl)	6,000	Riverside Construction

ENTRY #	NAME	DATE	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2269	Rose Hilgrees	5-15-53	1305 3rd ST	Living Room 16'x35' ADDITION GARBAGE BUILT ON EXISTING OUT	2400 15	CANYON CONCR
2270	Ronald Kiebae	5-19-53	23 Green Place		500	Hal TROST
71		5-23-54				
72	Dora Clarence Olsen	5-24-58	1608 EAST Lakeshore	New siding plus Ruff over existing deck 22'x22' entrance on new slab	2900 10	Red Heavens
73	Dale Mitchell	5-24-58	510 W. 4th St.	New single family dwelling	3400 577	Doug Seavo
74	Rodewill	5-24-58	2446 Birch Church Rd.	New signs	9,000 16	Schmidt X
2275	BERTY SAUER Gordon Mester	5-24-58	711 Spokane Ave		400 135	SELF
76	Bill Heuer	5-24-58	2255 Cedar	GARAGE 26'x38' New	12,000 15	SELF
U	49 Le Roy W. Brown	5-24-58	924 Columbia Ave	INSTALL Siding on GARAGE	1500 5	SELF
2250	Henry Thorsleinsson	5-23	906 E 2nd	FRONT YARD CURB concrete only	25 5	SELF
51	VOID	5-23	Sign APP.			
52	Terry Treweiler	5-23	305 Fairway Dr	Finish basement	8,500 104	Tom Hoover Concr
53	Bill Hoare	5-23	725 2nd St W.	Fence, Sign & Rem Yards	300 5	SELF

PROPOSED ASSESSMENT SCHEDULES

RESIDENTIAL

SQUARE FEET	LIGHT 1	SID 132	RATE OF INCREASE
0-3500	4.76	19.82	
3501-7000	8.57	35.68	80%
7001-14,000	14.57	60.66	70%
14,000-28,000	23.31	97.06	60%
28,001-56,000	34.97	145.59	50%
56,000-112,000	48.96	203.83	40%
112,001-224,000	63.65	264.98	30%
224,001-448,000	79.56	331.23	25%
448,001-896,000	95.47	397.48	20%
896,001-1,792,000	109.79	457.10	15%
1,792,001-3,584,000	120.77	502.81	10%
3,584,001-7,168,000	126.81	527.95	5%

COMMERCIAL

SQUARE FEET	LIGHT 4	SID 132	RATE OF INCREASE
0-3500	26.28	35.55	
3501-7000	47.30	63.99	80%
7001-14,000	80.41	108.70	70%
14,000-28,000	128.66	174.05	60%
28,001-56,000	192.99	261.08	50%
56,000-112,000	270.99	365.51	40%
112,001-224,000	351.25	475.16	30%
224,001-448,000	421.50	570.19	20%
448,001-896,000	463.65	627.21	10%
896,001-1,792,000	486.83	658.57	5%

<u>CURRENT</u>			<u>PROPOSED</u>			<u>TOTAL</u>	<u>DIFFERENCE</u>
<u>LIGHT</u>	<u>STREET</u>	<u>TOTAL</u>	<u>LIGHT</u>	<u>STREET</u>	<u>TOTAL</u>		
Boksich	6500 (square feet)						
9.00	37.50	46.50	8.57	35.68	44.25	2.25 less	
Faessler	6500, LaTourelle 6500 and Maddux 7000					same as above	
Hanson	25,000						
18.00	75.00	93.00	23.31	97.06	120.37	27.37 more	
LaTourelle	(Crestwood lot) 7670						
33.97	141.53	175.50	14.57	60.66	75.23	100.27 less	
	(Duncan-Sampson Condo) 584 (Comm)						
5.36	7.24	12.50	26.28	35.55	61.83	49.23 more	
Schreiber	23,760						
28.52	118.80	147.32	23.31	97.06	120.37	27.95 less	
Frank Lloyd Wright Bldg	19,500 (Comm)						
150.00	202.50	352.50	128.66	174.05	302.71	49.79 less	
Old Markus Store	16,250 (Comm)						
125.00	168.75	293.75	128.66	174.05	302.71	8.96 more	
Mountain Bank	37,500 (Comm)						
300.00	405.00	705.00	192.99	261.08	454.07	250.93 less	
Dick Peterson Real Estate Office	3250 (Comm)						
25.00	33.75	58.75	26.28	35.55	61.83	3.08 more	
Old Sandra's Building	- Same as above						
Home Lumber	14,675 (Comm)						
125.00	168.75	293.75	128.66	174.05	302.71	8.96 more	
Village Dress Shop	728 (Comm Condo)						
15.80	21.33	37.13	26.28	35.55	61.83	24.70 more	
Ben Franklin Store	813 (Comm Condo)						
8.34	11.26	19.60	26.28	35.55	61.83	42.23 more	
Meyette Jewelry and Mr. P's	6,500 (Comm)						
50.00	67.50	117.50	47.30	63.99	111.29	6.21 less	
First National Bank	44,659 (Comm) (Covered by 6 tax notices)*						
408.00	550.80	958.80	192.99	261.08	454.07	504.73 less	

<u>CURRENT</u>			<u>PROPOSED</u>			<u>DIFFERENCE</u>
<u>LIGHT</u>	<u>STREET</u>	<u>TOTAL</u>	<u>LIGHT</u>	<u>STREET</u>	<u>TOTAL</u>	
Grouse Mountain Condos 13,317 each (Res)						
9.77	40.71	50.48	14.57	60.66	75.23	24.75 more
Treiweiler's Home 22,511 (2 Tax notices)						
51.46	214.42	265.88	23.31	97.06	120.37	145.51 less
Chuck Abell's Home 20,410 (2 Tax notices)						
36.00	150.00	186.00	23.31	97.06	120.37	65.63 less
Alderson 30,118						
5.40	22.50	27.90	34.97	145.59	180.56	152.66 more
Beller 9750 (2 Tax notices)						
13.50	60.75	74.25	14.57	60.66	75.23	.98 (cents)more
Baker Street Plaza 32,500 Comm (2 Tax notices)						
250.00	337.25	587.25	192.99	261.08	454.07	133.18 less
Rocky Mountain Motel 77,101 Comm (2 Tax notices)						
217.44	293.56	511.00	270.99	365.51	636.50	125.50 more
Riverside Plaza 21,912 Comm (4 Tax Notices)						
201.00	271.37	471.37	128.66	174.05	302.71	168.66 less
Mountain Mall 545,807 Comm						
735.00	992.25	1727.25	463.65	627.21	1090.86	636.39 less
Sprunger's 31,061						
32.75	136.44	169.19	34.97	145.59	180.56	11.37 more
Amass 45,439 (3 Tax notices)						
48.31	201.27	249.58	34.97	145.59	180.56	69.02 less

* When there are multiple tax notices for property that is owned by the same owner, is adjacent, and is all under the same use - we would assess similar to the State in that we would use a combined square footage of all of the pieces; thereby the owner would benefit by that rate over assessing individual pieces. This principle, also in accordance with the State, is used mainly on land described as "tracts" and not land in platted subdivisions. If a person has a home in a subdivision and an adjacent vacant lot that they are using as additional lawn or as a buffer - I applied the principle and combined the footage. If they do ever sell that lot it will mean more revenue for the City when they are taxed seperately.

CURRENT			PROPOSED			DIFFERENCE
LIGHT	STREET	TOTAL	LIGHT	STREET	TOTAL	
Sterling Inc - Old Viking Site 249,599 Comm (4 Tax notices)						
734.48	991.55	1726.03	421.50	570.19	991.69	734.34 less
Tract across Wisconsin 197,029 Comm						
616.13	831.78	1447.91	351.25	475.16	826.41	621.50 less
Whitefish Credit Union 5850 Comm (2 Tax notices)						
50.00	67.50	117.50	47.30	63.99	111.29	6.21 less
Pine Lodge Motel Site 160,230 Comm (4 Tax notices)						
761.00	1027.35	1788.35	351.25	475.16	826.41	961.94 less
Bob's Tires (R & R Dev) 11,950 Comm (2 Tax notices)						
100.00	135.00	235.00	80.41	108.70	189.11	45.89 less
Jim Downen Nissan on Spokane (R & R Dev) 49,116 Comm (3 Tax notices)						
538.30	726.71	1265.01	192.94	261.08	454.07	810.94 less
Rohla 21,199 (2 Tax notices)						
22.33	93.02	115.35	23.31	97.06	120.37	5.02 more
Garrity 10,875						
13.50	56.25	69.75	14.57	60.66	75.23	5.48 more
Holiday Village Apartments 8775 Comm (2 Tax notices)						
67.50	91.13	158.63	80.41	108.70	189.11	30.48 more
Hileman's Apartments (behind Kentucky Fried Ch) 32,500 Comm (4 Tax notices)						
213.10	311.00	524.10	192.99	261.08	454.07	70.03 less
Leona Hileman 10,050						
13.50	56.25	69.75	14.57	60.66	75.27	5.52 more
Marc Gallo 5430						
16.29	67.88	84.17	8.57	35.68	44.25	39.92 less
Dorothy Trent 25,000						
18.00	75.00	93.00	23.31	97.06	120.37	27.37 more
Peterson Dentist Office 1250 Comm						
50.00	67.50	117.50	26.28	35.35	61.63	55.87 less
Hinderman (land by Crestwood) 480,681						
126.01	525.05	651.06	95.47	397.48	492.95	158.11 less
Wildwood Condos 2995 (each) Comm						
6.25	8.44	14.69	26.28	35.55	61.83	47.14 more
Suncrest Condos between 8500 and 9500 (each) Res						
8.37	34.88	43.25 }	14.57	60.66	75.23	31.98 more
10.52	43.83	54.35 }				20.88 more

CURRENT			PROPOSED			DIFFERENCE
LIGHT	STREET	TOTAL	LIGHT	STREET	TOTAL	
Crestwood Condos between 3500 and 7000 (each) Comm						
from						from
21.20	28.62	49.82 }	47.30	63.99	111.29	61.47 more
to						to
83.26	112.41	195.67 }				84.38 less
Baypoint Condos 5347 (Each) Comm						
17.00	22.95	39.95	47.30	63.99	111.29	71.34 more
Birch Point Condos 8945 (each) Res						
6.39	26.63	33.02	14.57	60.66	75.23	42.21 more
Riverbend Condos 4372 (each) Res						
5.94	24.75	30.69	8.57	35.68	44.25	13.56 more
Condor Condos (on Lupfer) 1219 (each) Res						
1.69	7.04	8.73	4.76	19.82	24.58	15.85 more
Lakeview Condos 23,400 Comm (All on 1 Tax notice)						
180.00	243.00	423.00	128.66	174.05	300.93	122.07 less
Kitchen Connection (Condo) 1300 Comm						
18.00	24.30	42.30	26.28	35.55	61.83	19.53 more
Mondo Condos (Northwind T-Shirt, etc.) 464 Comm						
3.57	4.82	8.39	26.28	35.55	61.83	53.44 more
Merkley and other lots in Cedar Estates 13,199						
18.00	75.00	93.00	14.57	60.66	75.23	17.77 less
Laidlaw's Duplex in Circle Estates 3841						
3.13	13.05	16.18	8.57	35.68	44.25	28.07 more
Colorado Homesites 10,590 Res						
from						
8.37	34.86	43.23 }	14.57	60.66	75.23	32.00 more
to						
26.22	109.23	135.45 }				60.22 less
Some are Commercial from 8147 to 10,475						
from						
70.00	94.50	164.50 }	80.41	108.70	19.11	24.61 more
to						
46.47	62.74	109.21 }				79.90 more
E/C Condos (Hwy 93 N) 18,905 Res						
7.20	30.00	37.20	23.31	97.06	120.37	83.17 more
Four Season's Condo (Moe Addition, Birch Point Drive) 2090 Res						
4.68	19.50	24.18	4.76	19.82	24.58	.40 cents more
Fox Farm Addition						
From 8886 square feet						
3.71	15.46	19.17 }	14.57	60.66	75.23	56.06 more

CURRENT			PROPOSED			DIFFERENCE
LIGHT	STREET	TOTAL	LIGHT	STREET	TOTAL	
To 8276 square feet						
14.22	59.25	73.47 }				1.76 more
Mike Davis in Glenwood 10,541						
18.17	75.50	93.87	14.57	60.66	75.23	18.64 less
Ricker on Pack Rat Lane 12,005						
13.95	58.09	72.04	14.57	60.66	75.23	3.19 more
Harlow (W. 2nd) 31,150 (2 Tax notices)						
31.50	131.25	162.75	34.97	145.59	180.56	17.1 more
Grouse Mountain Lodge 295,250 Comm						
288.56	389.56	678.12	421.50	570.19	991.69	313.57 more
Holiday in Grouse Mtn. Sub. 11,858						
39.78	165.72	205.50	14.57	60.66	75.23	130.27 less
Adlington in Grouse Mtn. Sub.						
12.27	51.09	63.36	14.57	60.66	75.23	11.87 more
Jr. Staley 38,860						
18.00	75.00	93.00	34.97	145.59	180.56	87.56 more
Hamlin on Mill 7700						
9.90	41.25	51.15	14.57	60.66	75.23	24.08 more
Grinde on West Lakeshore 29,500						
18.00	75.00	93.00	34.97	145.59	180.56	87.56 more
McDonalds Drive In 40,511 Comm						
140.11	189.15	329.26	192.99	261.08	454.07	124.81 more
Wedum on E. 2nd Street						
9.00	37.50	46.50	8.57	35.68	44.25	2.25 less
Harley Johnson on Somers 7945						
9.00	37.50	46.50	14.57	60.66	75.23	28.73 more
Frances Evans on Park 13,000						
18.00	75.00	93.00	14.57	60.66	75.23	17.77 less
Al Foder on Ramsey Avenue 11,151						
21.47	89.46	110.93	14.57	60.66	75.23	35.70 less
ReMax Office 15,000 Comm						
100.00	135.00	235.00 }	128.66	174.05	302.71	67.71 more
Chuck Olsen Real Estate4 14,300 Comm						
110.00	148.50	258.50 }				44.21 more

CURRENT			PROPOSED			DIFFERENCE
LIGHT	STREET	TOTAL	LIGHT	STREET	TOTAL	
Dairy Queen	10,500 Comm					
100.00	135.00	235.00	80.41	108.70	189.11	45.89 less
Mini Mart	13,000 Comm					
100.00	135.00	235.00				45.89 less
Suzanne Fonner on	910 Columbia	6,500				
18.00	75.00	93.00	8.57	35.68	44.25	48.75 less
Adlington on 6th &	Kalispell	13,000				
18.00	75.00	93.00	14.57	60.66	75.23	17.77 less
Mountain Holiday	77,188 Comm					
266.32	359.54	625.86	270.99	365.51	636.50	10.64 more
Hamilton Gravel Pit	behind Roundup	51,836 Comm				
370.00	499.50	869.50	192.99	261.08	454.07	415.43 less
Roundup Store	26,310 Comm					
289.25	390.49	679.74	128.66	174.05	302.71	377.03 less
Happy Hunky-Flathead	Video	36,360 Comm				
159.00	214.65	373.65	192.99	261.08	454.07	80.42 more
Duck Inn	38,000 Comm					
174.44	235.50	409.94	192.99	261.08	454.07	80.42 more
Duplex on E 2nd Fir	10,500					
31.50	131.25	162.75	14.57	60.66	75.23	87.52 less
Five Acre Tracts:						
Hopkins - 410 Hazel	Place	38,814				
42.42	176.73	219.15	34.97	145.59	180.56	38.59 less
23 Iowa	11,780					
18.00	75.00	93.00	14.57	60.66	75.23	17.77 less
650 Edgewood Place	8,400					
18.90	78.75	97.65	14.57	60.66	75.23	22.42 less
Howke - 102 Wisconsin	22,712					
34.71	144.60	179.31	23.31	97.06	120.37	58.94 less
Cedar Haven Apartments	37,125 Comm					
157.60	212.76	370.36	192.99	261.08	454.07	83.71 more
Valley Inn Motel	100,580 Comm	(2 Tax notices)				
185.28	250.14	435.42	270.99	365.51	636.50	201.08 more
Chalet Motel	108,464 Comm					
258.84	349.44	608.28	270.99	365.51	636.50	28.22 more

<u>CURRENT</u>			<u>PROPOSED</u>			<u>DIFFERENCE</u>
<u>LIGHT</u>	<u>STREET</u>	<u>TOTAL</u>	<u>LIGHT</u>	<u>STREET</u>	<u>TOTAL</u>	
Texaco Station 40,511 Comm						
200.00	270.00	470.00	192.99	260.08	454.07	15.93 less
Greenwood Trailer Court 310,147 (5 Tax notices)						
804.10	1085.56	1889.66	421.50	570.19	991.69	897.97 less
Allen's Motel 22,216 Comm						
82.90	111.92	194.82	128.66	174.05	302.71	107.87 more
Jimmy Lees' 35,284 Comm						
150.00	202.50	352.50	192.99	260.08	454.07	121.57 more
Western Building Center 21,780 Comm						
99.88	134.84	234.72	128.66	174.05	302.71	67.99 more
Dos Amigos 29,621 Comm						
200.74	271.00	471.74	192.99	260.08	450.07	21.67 less
M. Schenck - Lacy Lane 29,621						
27.13	113.04	140.17	23.31	97.06	120.37	19.80 less
Hal Bennett - Barkely Lane 7,080						
8.50	35.40	43.90	14.57	60.66	75.23	31.33 more
Brad Johnson - Glenwood Drive 61,855						
33.19	138.28	171.47	48.96	203.83	252.79	81.32 more

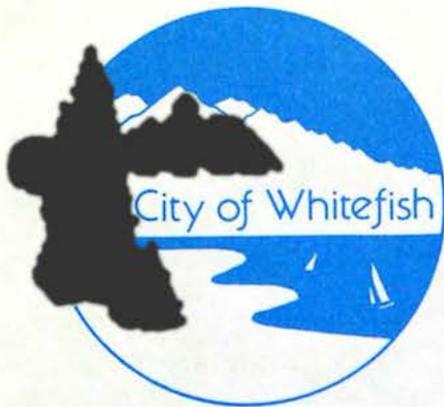
JULY 1988



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
July 5, 1988

- 6:00 EXECUTIVE SESSION
- 7:00 I. Approval of the minutes of the June 27, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS
1. Police (written)
 2. Water/Sewer
 3. Street/Sanitation
 4. Building (written)
 5. Fire
- 7:30 IV. PUBLIC HEARINGS
1. An application by Jim and Pat Egan for a conditional use permit to operate a Bed and Breakfast at 900 South Baker Avenue
 2. 1988-1989 Budget
- 7:45 V. OLD BUSINESS
1. Discussion on Fourth Street in the Shareview Addition
 2. "Going Out of Business" Ordinance
- 8:05 VI. NEW BUSINESS
1. Abandonment of Reservoir Road
 2. Model Sewer Ordinance
 3. Golf Course Resolution
 4. Police Pension Fund Actuarial Study
 5. Zoning Ordinance
 6. Lakeshore Construction Permit Application by Houston Point Subdivision
 7. Getter Sprinkler Project
- 8:35 VII. CITY MANAGER REPORTS
1. Financial Reports for May 1988
 2. Approval of Pledged Securities
 3. Montana Contractors' Association letter
 4. Video Poker & Keno Machine Report
 5. Sign Code Update
 6. Community Development Block Grant Hearings
 7. Cash Anticipation Financing Resolution
 8. Pine Avenue/Third Street - Award of Bids
- 9:45 VIII. COUNCIL REPORTS OR COMMENTS
- 10:00 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: June 28, 1988
RE: July 5, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the July 5, 1988 Council Meeting:

1. CONDITIONAL USE PERMIT FOR JIM AND PAT EGAN: I would agree with the six conditions recommended to you by the Planning Board for approval of the use permit for a bed and breakfast at 900 South Baker Avenue.

RECOMMENDATION: Approve the conditional use permit with the six conditions.

2. 1988-1989 BUDGET: I have given to you a copy of a budget calendar which provides dates for the adoption of preliminary and final budgets for all municipalities. As of this date, the City of Whitefish has not received the taxable valuation figure for the City from the County Assessor. I anticipate the receipt of this figure by July 8, 1988. The following schedule should be considered by you during the course of our Budget Hearings for the 1988-1989 Budget:

1. A preliminary budget must be submitted to the City Council on or before July 20;
2. Prior to July 25, the City Council must make any changes in this budget. After these changes are made, this document constitutes the preliminary budget of the City of Whitefish;
3. The preliminary budget is made available for public inspection and the public is notified that on Wednesday, August 3, a budget hearing will be held to decide the final budget; and
4. The hearing on the final budget shall be continued from day to day after August 3 and the budget must be approved and adopted on the second Monday in August (August 8). The tax levies must be established on August 8.

The City Council Meeting on July 5 will allow public comment on the proposed 1988-1989 Budget. Our meeting on July 18 will allow for the adoption of a preliminary budget and I will then publish a legal notice of this in The Whitefish Pilot. The City Council has a regular meeting on August 1 which will allow for public comment on the budget and by law, budget hearings must be held on August 3 and 8. Prior to the July 18 City Council meeting, I should receive year end figures from Kay for the 1987-1988 year. This will enable me to make the necessary adjustments in my proposed 1988-1989 Budget that has been submitted to you.

Council Recommendations

June 28, 1988

Page 2

I will be happy to meet with each of you individually to discuss any portion of the proposed budget prior to the July 18 City Council Meeting. Please contact me for a time that is convenient to both of us.

Enclosed in your packet is a proposed assessment schedule for Light District #1, Light District #4 and SID 132 which differs from the current assessment method. Currently, all of these special assessments are assessed on a front footage basis. We are proposing an assessment method based upon square footage and at the same time, based upon numerous categories. This proposed method eliminates the unequal assessments of two properties with the same square footage but with different front footages (the property with less front footage under our current assessment method would be assessed at a lesser rate). The new assessment figures provide the City with almost the same amount of total revenue and at the same time, provide different levels of assessment for all properties.

3. FOURTH STREET IN THE SHAREVIEW ADDITION: Enclosed in your packet are the applicable minutes of the meetings relating to the Willow Brook Subdivision and the Shareview Addition as well as recommendations for traffic control by the homeowners of this area. There does not appear to be any formal discussion relating to the condition of Fourth Street. This street was deteriorating prior to any construction in Willow Brook due to the fact that the asphalt mat is only 1-1/2 inches thick in places and is placed directly on top of clay.

RECOMMENDATION: You should consider the following alternatives:

1. Do nothing at this time and do the appropriate maintenance if the street begins to deteriorate significantly;
2. Try to work with the homeowners to get a commitment from them to pay for new curbs & gutters and sidewalks if the City reconstructs the street. The street should be narrowed to a width of 36 feet if this occurs; or
3. Consider replacing a 12 foot width of this street in conjunction with the 8 foot width of street that Rob Nichols will be doing this summer. If the City removes the asphalt and puts in some new base material, the cost of paving this 600 foot stretch of Fourth Street would be approximately \$2640.

4. "GOING OUT OF BUSINESS" ORDINANCE: I have had the Missoula ordinance retyped that was given to me by Buster for your consideration:

RECOMMENDATION: Discuss this ordinance and defer any formal action until the July 18 meeting.

5. ABANDONMENT OF RESERVOIR ROAD: The County Commissioners are considering abandoning a portion of Reservoir Road that does not exist within the deeded right-of-way. Greg and I have met with Allen Jacobson and recommended that the roadway could be abandoned as long as the City retains easements for water and sewer utilities. This will be done according to the memo of June 6 in your packet. This abandonment is being proposed so that Reservoir Road can be straightened out prior to the upgrading of it this year.

6. MODEL SEWER ORDINANCE: The Montana Department of Health requires the City of Whitefish to adopt this sewer ordinance prior to the release of funding beyond 50% of the grant for the third segment of our state mandated sewer projects. This ordinance is based in large part on the State's model ordinance with the applicable numbers and calculations as it pertains to Whitefish.

RECOMMENDATION: Approve Ordinance #88-4 on a first reading so that we can continue to receive grant funding on the third segment of our state mandated sewer projects.

7. GOLF COURSE RESOLUTION: Several times in the past, the Golf Association has come to the City requesting a resolution committing the City to repay any outstanding indebtedness on a particular loan if the Golf Association loses their lease with the City. They are refinancing a \$40,000 loan over five years with the final payment due on June 20, 1993.

RECOMMENDATION: I would recommend that you approve Resolution #88-10.

8. POLICE PENSION FUND ACTUARIAL STUDY: In your packet is a copy of the actuarial study of our local Police Pension Fund. No action is required on this matter by the City Council.

9. ZONING ORDINANCE: I have enclosed the approved Zoning Ordinance for your use. I will have fifty (50) copies printed for distribution to members of the Planning Board and Board of Adjustment and for sale to the public.

10. LAKESHORE CONSTRUCTION PERMIT APPLICATION FOR HOUSTON POINT SUBDIVISION: In your packet is an application for a 40-slip marina at Houston Point and a letter from the Lakeshore Protection Committee recommending approval of this request.

RECOMMENDATION: Approve this request with the five conditions specified by the Lakeshore Protection Committee.

11. GETTER SPRINKLER PROJECT: The Lakeshore Protection Committee recommends approval of this irrigation line to the homes of Bill and Bruce Getter on Birch Point Drive.

RECOMMENDATION: Approve this request with the four conditions specified by the Lakeshore Protection Committee.

12. MONTANA CONTRACTORS' ASSOCIATION LETTER: A member of the Montana Contractors' Association has complained that the City of Whitefish is proposing to install storm sewer pipe on Pine Avenue. The Association contends that this is illegal under state statute. I have informed the Manager of the Association both verbally and in writing that their interpretation of the state statute is incorrect and that this city as well as other cities retain the right to do their own construction projects. Their letter was probably the result of one pipe supplier complaining that his pipe would not be used if the City performed the work as opposed to a private contractor doing the work. In my opinion, this matter is closed.

13. VIDEO POKER & KENO MACHINE REPORT: I have put together information on 21 cities in Montana on the number of machines and the amount of monies disbursed to these cities under existing state laws. It provides you with a better understanding of how Whitefish compares to other cities in gambling machines

and receipts in the third quarter of this fiscal year (1987-1988).

14. SIGN CODE: On June 22, I met with approximately 35 residents in an informal meeting to discuss the proposed new sign code. Approximately 10 people voiced their opposition to any sign code while 6 people voiced their concern that a sign code must exist in Whitefish. The petition circulated by Al Serr represents many business owners who feel that the Community could police themselves if there was no sign code. I will continue to put together additional information and then I will meet with those who oppose any sign code to see if there is some middle ground. I feel that the community needs a sign code that protects the community from a proliferation of signs and at the same time allows businesses to promote themselves.

15. CDBG HEARINGS: I would propose that public hearings be held on July 18 and August 1 to solicit public input for a CDBG application that must be submitted by mid-September. I feel that the City's best chances for a grant are in the economic development category. I will advertise for hearings on these two dates.

16. CASH ANTICIPATION FINANCING PROGRAM: During this fiscal year (1987-1988), the City of Whitefish participated in the program by borrowing \$160,000 to finance sewer construction projects prior to the sale of our 1988 Sewer Revenue Bonds. Our total interest cost was \$0 due to the way the program is set up and the way the City utilized this program.

RECOMMENDATION: Approve this resolution which is the same resolution that you approved last year and will enable us to participate in this year's program.

17. PINE AVENUE/THIRD STREET BIDS: Bids were opened on June 28 for the various components of the Pine Avenue/Third Street Reconstruction Project. In your packet are the bids on the paving, the concrete work and the storm sewer pipe.

RECOMMENDATION: I would recommend that the City of Whitefish award the concrete work portion of the project to Marriott Concrete and the paving portion of the project to A-1 Paving. The storm sewer pipe has been ordered from Northwest Pipe due to the delay in delivering the pipe. I anticipate that the City crews will be actively working on this project beginning on July 11th.

MINUTES
WHITEFISH CITY COUNCIL
JULY 5, 1988

Mayor Amass called the regular meeting of the Whitefish City Council to order at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson, Water/Sewer Supervisor Acton, Street Foreman Wartnow and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Mayor Amass requested that the minutes be amended to reference Section 2-3-203 of the Montana Codes on page 2 (Request by Les Norman for Police Pension Disability).

Councilman Hanson made a motion, seconded by Councilwoman Faessler, to approve the Minutes of the June 27, 1988 Special Meeting as amended. The motion passed unanimously.

PUBLIC COMMENT

Ben Cohen, owner of North Valley Refuse, spoke to the Council about the annual garbage assessment. He explained that under a different City Manager he had submitted a bid to the City to take over the hauling of garbage in the commercial areas and had been told that North Valley Refuse was too marginal to provide this service to the City of Whitefish. He said that the City was spending approximately 50% of their time on the commercial garbage pickups and were only receiving about one sixth of their total revenues from these areas. Cohen said that the residential areas were subsidizing the commercial assessments. He said that he would hope that the Council would establish the rates that people are going to be charged and take a serious look at whether they want to encourage competition and business practices in this community or whether certain businesses are going to continue to be subsidized.

City Manager Freedman said that Street Foreman Wartnow was reviewing the commercial rates at this time and they would bring a proposal back to the next meeting for the Council's consideration.

* * * * *

Ted Rohla, Dick Solberg and Mike Davis representing the Glenwood Homeowners, voiced opposition to City Manager Freedman's letter stating that they install filter fabric in the entire street on Glenwood Road. They stated that WMW Engineering had indicated only two trouble areas that would need the filter fabric and two other engineering firms had agreed with this assessment. They said the difference in the cost of installing the filter fabric in the two trouble areas or installing it in the entire road would be \$8,450. They did assure the Council that they wanted to construct a good road but they felt there was no evidence to support the need to install filter fabric in the entire road.

City Manager Freedman said that there was no concrete evidence that there were no other pockets of clay in the road. The established City standards should apply to all roads in the City and he felt the costs that were quoted were exaggerated (They could get the same price for the filter fabric that the City would get for the Pine Avenue Reconstruction Project).

The Council discussed, using Engineering Standards instead of City Standards, the City taking over the road after one year or if the specs were not met to secure an agreement with the homeowners that they would maintain the road for five years, etc. Mayor Amass said that the letter from Paul Wells did not clearly state that the filter fabric should only be installed in the trouble areas and felt the matter should be deferred until the issue could be clarified.

Councilman Hanson made a motion, seconded by Maddux, to table the issue until the next Council meeting and requested that the engineers clarify this issue to the Council's satisfaction. The motion passed unanimously.

* * * * *

Leo Ost told the Council that large trucks were parking on the sidewalks from Sixth Street south on Highway 93 and requested that the Police enforce the laws. He said that he had contacted the Highway Department and they said it was a City Police matter. The Council requested the Staff to investigate this matter.

STAFF REPORTS

Police Chief Dolson and Building Inspector Quinn both submitted written reports. Police Chief Dolson did report that the fireworks ordinance had made the Department's job easier during the fireworks display at City Beach this year. He said that people were orderly and well behaved.

PUBLIC HEARINGS

1. APPLICATION BY JIM AND PAT EGAN FOR A CONDITIONAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 900 SOUTH BAKER AVENUE: Tom Jentz, a Senior Planner in the Flathead Regional Development Office, gave the Staff Report. He said that the request was to operate a three bedroom Bed and Breakfast Inn in their home at 900 South Baker Avenue. The Egans would provide three additional off-street parking places and there would be no outside employees. A small indirectly lit sign was proposed at the driveway entrance. Jentz said that the City-County Planning Board unanimously agreed to accept the findings of the FRDO and to recommend that the aforementioned use permit be approved subject to the six conditions stated in their letter of May 27, 1988. He recommended that the City Council approve the Use Permit.

Mayor Amass opened the hearing to the public and as there was no public comment, he closed the hearing and turned the matter over to the Council for discussion and action.

Councilman Schreiber made a motion, seconded by Councilwoman Maddux, to approve the Use Permit with the recommendation of the City-County Planning Board and adopt the Findings of Fact of the FRDO. The motion passed unanimously.

2. 1988-1989 BUDGET: City Manager Freedman told the Council that he had given them a copy of a budget calendar which provides dates for the adoption of preliminary and final budgets. He said that as of this date, the City of Whitefish had not received the taxable valuation figure for the City from the County Assessor and probably would not receive it until around July 8, 1988. Last year, the City levied 84.25 mills for the General Fund and 4 mills for Fireman's Disability. He reviewed the schedule of the Budget hearings. The Preliminary Budget must be adopted on or before July 25, 1988. The Public Hearings would start on Wednesday, August 3, 1988 and would continue day to day until August 8, 1988 at which time the Final Budget must be adopted. He said that the City Council meeting tonight would allow for public comment on the proposed Budget and at the meeting of July 18, the preliminary budget could be adopted. He said that the City Council's regular meeting of August 1 would allow for public comment on the budget and by law, budget hearings must be held on August 3 and 8. Prior to the July 18 meeting, the year-end balances for the 1987-1988 year should be available and this would enable him to make the necessary adjustments in the proposed 1988-1989 Budget.

City Manager Freedman had enclosed in the Council packets a proposed assessment schedule for Light District #1, Light District #4 and SID 132 which differs from the current assessment method. Currently, all of these Special Assessments are assessed on a front footage basis. He was proposing an assessment method based upon square footage and at the same time, based upon numerous categories. This proposed method eliminates the unequal assessments of two properties with the same square footage but with different front footage (the property with less front footage under our current assessment method would be assessed at a lesser rate). The new assessment figures provide the City with almost the same amount of total revenue and at the same time, provide different levels of assessment for all properties.

Councilwoman Faessler questioned if it was legally possible to change the method of assessment without notifying the property owners. City Attorney Muri would research the issue before the next hearing.

Mayor Amass opened the public hearing.

John Garrity said that the City should not increase any of the taxes and felt the Council should look hard at the Budget. Leo Ost said that he felt the front foot assessment was more equitable for the lighting assessments. Greg Bryan, representing Bay Point Homeowners and himself, said that the new way of assessing property would increase Bay Point taxes by 300% and his own taxes would also increase. He felt this type of assessment was not equitable.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Hanson questioned the assessments of the Lighting and Maintenance Districts and asked if all properties in the boundaries of the City of Whitefish were assessed even if the service was not available to them. City Manager Freedman said yes, even if they do not benefit directly, they are still assessed.

After some discussion, Councilman Schreiber made a motion, seconded by Councilwoman Faessler, to set a workshop meeting for July 11, 1988 at 7:00 P.M. The motion passed unanimously.

OLD BUSINESS

1. DISCUSSION ON FOURTH STREET IN THE SHAREVIEW ADDITION: City Manager Freedman said that he had given the Council the applicable minutes of the meetings relating to the Willow Brook Subdivision and the Shareview Addition as well as recommendations for traffic control by the homeowners of this area. There does not appear to be any formal discussion relating to the condition of Fourth Street. This street was deteriorating prior to any construction in Willow Brook due to the fact that the asphalt mat is only 1-1/2 inches thick in places and is placed directly on top of clay. He recommended that the Council consider the following alternatives:

1. Do nothing at this time and do the appropriate maintenance if the street begins to deteriorate significantly;
2. Try to work with the homeowners to get a commitment from them to pay for new curbs & gutters and sidewalks if the City reconstructs the street. The street should be narrowed to a width of 36 feet if this occurs; and
3. Consider replacing a 12 foot width of this street in conjunction with the 8 foot width of street that Rob Nichols will be doing this summer. If the City removes the asphalt and puts in some new base material, the cost of paving this 600 foot stretch of Fourth Street would be approximately \$2,640.

Councilman Hanson and Councilman Boksich said that they favored Alternative #2 contingent upon the property owners being in favor of paying for the curbs & gutters and sidewalks. Councilwoman Maddux said that maybe the City was premature in reconstructing the street because of the heavy truck traffic that would be going into the Willow Brook Subdivision. Councilman Schreiber asked John Garrity if he thought that the homeowners would be in favor of replacing their curbs & gutters and sidewalks. Garrity said no because they were all new and it would be a waste of money.

Councilman Schreiber made a motion, seconded by LaTourelle, based upon the consensus of the homeowners in the area that the Council go forward with Alternative #3. The motion passed unanimously.

2. GOING OUT OF BUSINESS ORDINANCE: City Manager Freedman said that he had the Missoula Ordinance retyped that was given to him by Councilman Schreiber. He recommended the Council discuss the Ordinance and defer any formal action until the July 18 meeting.

Jim Welch told the Council that the Ordinance was needed because some of the businesses were going out of business for 60 or 90 days and were bringing merchandise in from outside their businesses. He felt the penalties in the Ordinance were not stringent enough.

After some discussion, Councilman Schreiber made a motion, seconded by Councilwoman Faessler, to turn the Ordinance over to the Chamber of Commerce and give them adequate time to review the Ordinance and bring their recommendations back to the Council. The motion passed unanimously.

NEW BUSINESS

1. ABANDONMENT OF RESERVOIR ROAD: City Manager Freedman said that the County Commissioners were considering abandoning a portion of Reservoir Road that does not exist within the deeded right-of-way. He said that he and Greg had met with Allen Jacobson and recommended that the roadway could be abandoned as long as the City retains easements for water and sewer utilities. This will be done according to the memo of June 6 in the Council packets. This abandonment is being proposed so that Reservoir Road can be straightened out prior to the upgrading of it this year.

2. MODEL SEWER ORDINANCE: City Manager Freedman explained that the Montana Department of Health requires the City of Whitefish to adopt this sewer ordinance prior to the release of funding beyond 50% of the grant for the third segment of our state mandated sewer projects. This ordinance is based in large part on the State's model ordinance with the applicable numbers and calculations as it pertains to Whitefish.

Councilman Hanson corrected the Ordinance under Section 3, B. Reduction. Should be 1000 gallons not 100 gallons as stated.

Councilman Boksich made a motion, seconded by LaTourelle, to adopt Ordinance 88-4 on the first reading. The motion passed unanimously.

3. GOLF COURSE RESOLUTION: City Manager Freedman said that several times in the past, the Golf Association has come to the City requesting a resolution committing the City to repay any outstanding indebtedness on a particular loan if the Golf Association loses their lease with the City. They are refinancing a \$40,000 loan over five years with the final payment due on June 20, 1993. He recommended that the City Council approve Resolution No. 88-10.

After some discussion, Councilwoman Maddux made a motion, seconded by Hanson, to adopt Resolution No. 88-10. The motion passed with 5 aye votes and 1 abstention (LaTourelle abstained due to a conflict of interest).

4. POLICE PENSION FUND ACTUARIAL STUDY: City Manager Freedman said that he had enclosed a copy of the Police Pension Fund Actuarial Study. No action is required on this matter by the City Council.

Councilwoman LaTourelle asked if the Fire Disability Study was being done and City Manager Freedman said all the information had been sent in and the study was being done at this time.

5. ZONING ORDINANCE: City Manager Freedman said that he had enclosed a copy of the approved Zoning Ordinance for the Council to use. He would have 50 copies printed for distribution to members of the Planning Board and Board of Adjustments and for sale to the public.

6. LAKESHORE CONSTRUCTION PERMIT APPLICATION FOR HOUSTON POINT SUBDIVISION: City Manager Freedman said that he had given the Council an application for a 40 slip marina at Houston Point and a letter from the Lakeshore Protection Committee recommending approval of this request.

The Lakeshore Committee recommended approval with the following conditions:

1. That the project, as outlined in the plans submitted, is complete with no further additions contemplated;
2. Metal floats not to be black or white but coated with non-toxic paint that is environmentally acceptable and harmonious with the beach and background;
3. Galvanized hardware to be used throughout. Wood to be untreated fir and larch. Concrete anchors;
4. Visual impact will be reduced by moving dock 75-80 feet farther south than shown on drawings (View of property owners directly to the north will be affected less); and
5. No vertical structures such as flag poles or lighting fixtures be attached to the dock. No water slides are allowed and reflectors recommended on the lake side.

Councilman Hanson made a motion, seconded by Faessler, to approve the Lakeshore Construction Permit Application with the 5 conditions recommended by the Lakeshore Protection Committee. The motion passed unanimously.

Councilwoman Maddux said that she had spent time to research this application. It would be done in stages and each slip would cost the homeowner \$2,000 and they did not anticipate selling too many slips. She said that she felt it would be compatible to the area and she was comfortable with the project.

7. GETTER SPRINKLER PROJECT: City Manager Freedman said that the Lakeshore Committee recommends approval of this irrigation line to the homes of Bill and Bruce Getter on Birch Point Drive. He recommended this request be approved with the 4 conditions specified by the Lakeshore Protection Committee.

The Lakeshore Protection Committee recommended approval with the following conditions:

1. Care be exercised in burying the sleeve across the beach to contain the pipeline. No heavy equipment should be used on the beach. The sleeve should be covered by native beach material. Minimum disturbance to the beach should occur by digging a shallow trench;
2. The water pump should be concealed from view above the beach by placing it in the existing shrubbery;
3. The pipe should be extended into the lake to lessen visual impact; and
4. A State water permit should be obtained before the project is put in use.

The Committee also mentioned that the application for water rights must be filed with the Montana Department of Natural Resources.

Councilman Schreiber made the motion to approve the Lakeshore Construction Permit request with the 4 conditions as recommended by the Lakeshore Protection Committee. Councilwoman Maddux seconded the motion and it passed unanimously.

CITY MANAGER REPORTS

1. FINANCIAL REPORTS: City Manager Freedman gave a brief summary of the financial reports (cash status, revenue and expenditure reports) for the month of May.

Councilman Hanson made a motion, seconded by Councilwoman Faessler, to approve the Financial Reports for May. The motion passed unanimously.

2. PLEGGED SECURITIES

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the Pledged Securities (\$230,000) of the Mountain Bank. The motion passed with 5 aye votes and 1 abstention (Schreiber abstained due to a conflict of interest).

3. MONTANA CONTRACTORS' ASSOCIATION LETTER: City Manager Freedman reported that a member of the Montana Contractors' Association had complained that the City of Whitefish was proposing to install storm sewer pipe on Pine Avenue. The Association contends that this is illegal under state statute. Freedman had informed the Manager of the Association both verbally and in writing that their interpretation of the state statute was incorrect and that this city as well as other cities retain the right to do their own construction projects. He said that in his opinion, the matter was closed.

4. VIDEO POKER & KENO MACHINE REPORT: City Manager Freedman said that he had put together information on 21 cities in Montana on the number of machines and the amount of monies disbursed to these cities under existing

state laws. He said that it would provide the Council with a better understanding of how Whitefish compares to other cities in gambling machines and receipts in the third quarter of this past fiscal year.

5. SIGN CODE: City Manager Freedman reported that on June 22, he met with approximately 35 residents in an informal meeting to discuss the proposed new sign code. He said that approximately 10 people voiced their opposition to any sign code while 6 people voiced their concern that a sign code must exist in Whitefish. The petition circulated by Al Serr represents many business owners who feel that the Community could police themselves if there was no sign code. He will continue to put together additional information and meet with those who oppose any sign code to see if there is some middle ground. He feels the community needs a sign code that protects the community from a proliferation of signs and at the same time allows businesses to promote themselves.

Councilman Hanson asked Al Serr if he had explained and discussed the sign code issue to the people that signed the petition. Mr. Serr said that he had and he made sure that everyone read the petition.

Norm Nelson asked why the Council did not just amend the current sign ordinance instead of drafting a complete new ordinance. He felt a lot of work had gone into the old ordinance and it could be made workable.

Dennis Rassmussen asked if a sign had been in place for 20 to 25 years and was in violation of the sign ordinance would it have to be removed? Rassmussen further inquired about who would be liable if an off premise sign was removed due to the new regulations, causing a business to fail. City Manager Freedman explained that in the current sign ordinance, an off premise sign is allowed if the business does not have frontage on the Highway. He also explained that the present ordinance was too restrictive and he was trying to write something that would be equitable for all businesses. He would schedule more hearings as soon as all the information was put together.

6. COMMUNITY DEVELOPMENT BLOCK GRANT HEARINGS: City Manager Freedman said that he would propose that public hearings be held on July 18 and August 1 to solicit public input for a CDBG application that must be submitted by mid-September. He said that he feels that the City's best chances for a grant are in the economic development category.

Councilman Hanson made a motion, seconded by Councilwoman Faessler, to schedule the public hearings for July 18 and August 1. The motion passed unanimously.

7. CASH ANTICIPATION FINANCING PROGRAM: City Manager Freedman said that during this past fiscal year (1987-1988), the City of Whitefish participated in the program by borrowing \$160,000 to finance sewer construction projects prior to the sale of our 1988 Sewer Revenue Bonds. Our total interest cost was \$0 due to the way the program is set up and the way the City utilized this program. He recommended that the Council adopt Resolution No. 88-11, enabling the City to participate in this year's program.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to adopt Resolution 88-11. The motion passed unanimously.

8. PINE AVENUE/THIRD STREET - AWARD BIDS: City Manager Freedman explained that the bids were opened on June 28 for the various components of the Pine Avenue/Third Street Reconstruction Project (bids are attached to the minutes). He recommended that the Council award the concrete work portion of the project to Marriott Concrete whose bid was for \$41,408.30. Councilwoman Maddux made a motion, seconded by Councilman Boksich, to award the concrete bid to Marriott Concrete (the bid amount was \$41,408.30). The motion passed unanimously.

City Manager Freedman recommended awarding the bid for the paving portion of the project to A-1 Paving whose bid was for \$55,277.00. Councilman Boksich made a motion, seconded by Councilman Schreiber, to award the paving bid to A-1 Paving (the bid amount was \$55,277.00). The motion passed unanimously.

City Manager Freedman said that after reviewing the storm sewer pipe bids, the best value was Northwest Pipe's bid for \$50,892.00 and recommended that the Council confirm the awarding of this bid.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to confirm the bid to Northwest Pipe for \$50,892.00. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Boksich reported that he and Mayor Amass had taken a tour of the Phosphorus Removal facility and he said it was extremely interesting and encouraged the rest of the Council to see it. He also requested that Street Foreman Wartnow prepare a priority list of streets for reconstruction next summer.

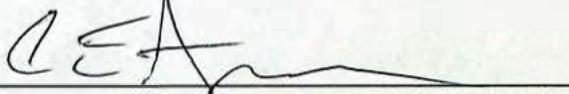
Councilman Hanson said that the City had annexed property on Highway 93 South back in 1979 that currently did not have street lighting but were being assessed for them. He felt it would be prudent to extend the lights (if possible) past these properties. City Manager Freedman said that he had talked to Pacific Power about adding additional lights on Highway 93 South but because of the widening of Highway 93 South in the next few years, they said it would be too costly. These lights would have to be removed when the Highway was widened. If the City wanted to pay \$10,000 to \$15,000 for the cost of the installation, the lights could be placed at this time. City Manager Freedman said if it was just the utility costs, the City would do the project. However, he did not feel the City could justify these costs of installation.

Councilman Hanson asked if the survey crew was making progress at the City Shop property. Water/Sewer Supervisor Acton said that they were doing seismic work at the present time and that they were making progress.

City Manager Freedman told the Council that during the Pine Avenue reconstruction project there may be excess fill dirt and some of it would be placed between Kalispell Avenue and Spokane on Seventh Street.

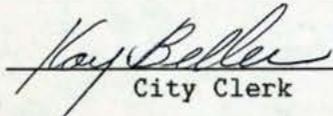
Mayor Amass thanked Dennis Carver and Larry Larsen for the tour of the Phosphorus Removal Project. He said that it was very impressive and he felt the City should hold an open house so the public could be better informed and see where their investment has gone into the plant. He said it was much more than either he or Councilman Boksich had realized. He also reported that he had requested City Manager Freedman to respond to the Letters to the Editor in the Whitefish Pilot. One was the letter from the Montana Contractors' Association and the other referenced the Post Office parking situation.

Councilman Hanson made a motion, seconded by Councilman Boksich, to adjourn at 9:50 P. M. The motion passed unanimously.

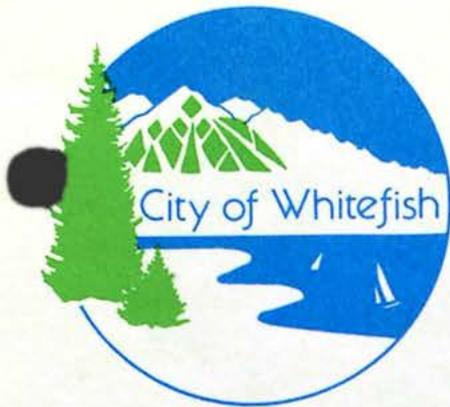


Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

BIDS ON CURB & GUTTER

Sandon Construction
Kalispell, MT

Rolled Curb & Gutter	4180 lineal feet	21,485.20
5' sidewalk	2570 lineal feet	19,275.00
Add'n flat work	400 square feet	<u>1,200.00</u>
TOTAL BID		41,960.20

Marriott Concrete
Kalispell, MT

Rolled Curb & Gutter	4180 lineal feet	22,195.80
5' sidewalk	2570 lineal feet	18,632.50
Add'n flat work	400 square feet	<u>580.00</u>
TOTAL BID		41,408.30

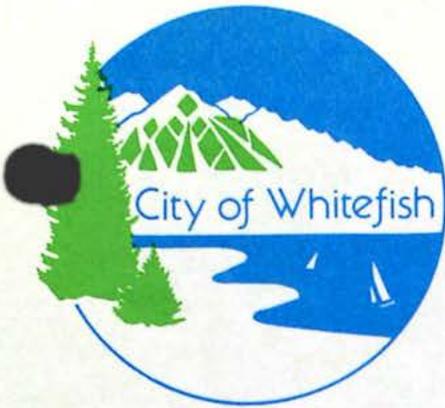
BIDS ON PAVING

Pack & Company
Kalispell, MT

10,600 square yards	3" mat	56,180.00
2,490 square yards	2" mat	11,454.00
300 square yards - additional patching		<u>2,550.00</u>
TOTAL BID		70,184.00

A-1 Paving
Kalispell, MT

10,600 square yards	3" mat	43,460.00
2,490 square yards	2" mat	8,217.00
300 square yards - additional patching		<u>3,600.00</u>
TOTAL BID		55,277.00



Box 158, Whitefish, Montana 59937 (406) 862-2640

BIDS ON STORM SEWER PIPE

<u>NAME</u>	<u>12"</u>	<u>18"</u>	<u>21"</u>	<u>24"</u>	<u>27"</u>	<u>TOTAL BID</u>
Elk River Concrete Helena, MT	no bid	3,798.00	4,500.00	5,349.60	31,950.00	45,597.60
Dana Kemper Missoula, MT	9,966.60	3,780.00	5,745.60	5,745.60	46,800.00	72,037.80
Northwest Pipe (Perma Loc)	8,232.00	3,096.00	3,571.20	4,870.80	31,122.00	50,892.00
Northwest Pipe (Perma Loc PS-46)	8,232.00	3,229.20	4,658.40	6,213.60	39,816.00	62,149.20
Western Utilities (Perma Loc PS-46)	8,408.40	3,301.20	4,590.00	6,177.60	39,456.00	61,933.20
Western Utilities (Perma Loc PS-10)	8,408.40	3,193.20	3,693.60	5,094.00	32,382.00	52,771.20
Western Utilities (DR 51)	5,674.20	3,247.20	4,507.20	5,724.00	47,268.00	66,420.60
Western Utilities (DR 41)	7,614.60	4,014.00	5,583.60	7,088.40	56,808.00	81,108.60
Western Utilities (PVC SDR 35)	8,408.40	4,870.80	6,742.80	8,668.80	58,752.00	87,442.80
Western Utilities (SDR 35)	8,408.40					
Western Utilities (Class 40)		5,050.80	5,961.60	7,272.00	40,410.00	67,102.80

BUILDING REPORT FOR JUNE 1988

During the month of June, the City sold a total of 36 permits - 30 building permits, four plumbing permits and two mechanical permits. Total monies received were \$2,259.

The 30 building permits include two new homes, six garages, 18 additions and four commercial jobs. Total construction cost was \$314,250. During June, 1987 we sold 30 permits, one of which was the hospital job that should be completed this August.

We have 72 ongoing jobs which keep me very busy and more plans coming in each day for review. I have been working with the Lakeshore Protection Committee on two new docks and retaining walls. I give many people ideas for better ways of doing building projects to keep them from having to apply for a variance that would entail additional time. I am also working with the City Manager on information relating to existing signs within the community to ascertain whether or not they would comply with the proposed new sign code.

Should any members of the Council wish to see any of the code books or need any information pertaining to lakeshore protection, flood plains or building in general, please feel free to contact me. I would be happy to set up a time to answer any questions pertaining to this office.

Jerry Quinn
Building Inspector

77	Rev Lytle 6-15-47	250 Reservoir Road	2,016 4 th by law Single Family	58,000	400	SELF
78	Ben L. Brauchler 4-7-47	303 Somers Ave.	Remold windows & stairs New Garage door	3,500	63	ALLEN CLARK
79	Jerry Johnson AGNES GREENING Bob Smith	840 Dakota Ave.	Deck Extension	900.00	21	HORVA COAST
23 80	LARRY/HILLYN N. F. 16-4-58	811 Park Ave	Demolition of Garage 20 X 30 addition Full basement	16,750	- 0 -	HENRY GENALE Lenny LEETS
81	Daniel Lowyer 6-4-58	532 W. 2 nd St	New Deck with Ropes New garage 14 X 24	2,100	72	GREGORY NILES
82	AGNES GREENING 6-4-58	121 Mill Ave		1,100	72	HENRY GENALE
83		811 Park Ave		5,000	72	

ERMIT #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2284	Joe Malletta Larry Jensen 5-9-58 Pin & Cue	6-7-58 1240 Birch Hill	Second floor addition Area abt. 1/2 SHAS	8,000	Self
2285	6-21 Pin & Cue	6570 Hay 93 S.	AD ON 10x20 FEA walk in cooler	1,500.	Self
86	International Deli Inc. 6-14-58	235 Central Ave.	General Remodl convert to Deli	5,200	Bob Clark
87	Rick Evans 6-14-58	801 Greenwood Dr.	New Floor	100-	Self
88	Mrs Vinodger 6-14-58	812 Greenwood Dr.	14x18 Remodition Family Room	8,000	PIATHE CONST
89	Richard Anderson 6-15-58	734 E. 2nd St.	14x14 Deck	400	Self
2290	George Abovento 6-14-58	1012 2nd W. E.	490 sq ft Deck	600.	DRANE Alexander
91	Les Silliker 7-1-58	122 Columbia Ave.	Roof over 10x14' Deck	600.	Self
92	GARY GRINDROD 7-11-58	3 Fairway Dr.	New home 1430 sq ft.	50,000	Self
93					
94	Allen Clark 6-17-58	427 W. 5th ST	Refrange in Existing Older home	3,500	Self
2295	David Ray	279 Park Ave	Fence	300.	Self
96					
97	Ralph Swanson 6-20	280 Fox Evans Dr.	CONVERT GARAGE TO garage Remodition	3,500	Jim Peck
2298	LARRY DAVID 6-20	1815 Lacy Lane	Remodl Bath & Deck	5,000	Lenny Yeats

PERMIT #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2299	William Schultz 6-21-57	337 W. 7 th ST.	Garage 2342 ^{W/porch}	4000	Self
2300	John Consterius 6-21-57	327 Spokane Ave.	Remodel Interior	5000	Behriller Const.
01	Ross Hoffner 6-22	909 E 2 nd ST.	New foundation under porch	1500	Self
02	Roger Doney 6-22	1830 Loy Lane	Remodel Basement level Interior Walls	1500	Gay BAIN & CO.
03	Good Medicine Inc. 6-23	27 Central Ave	Side door & fence	800.-	Self
04	Genelle Bushnot 6-24	400 Wisconsin	New Sign	150	Susan Wagner
2305	Glen Ott 6-24-57	535 Kalispell Ave	Replace Fence 240 ft. of Out	150	Kalispell Fence
06	Jim & Connie Anderson 6-24-57	605 N. Iowa	New Vinyl siding	1700	GAM ENT Custom steel & vinyl
07	Bill Getter 6-24-57	750 Birch Point Dr.	New foundation Northside Some Tobacco Barn	9000	Billings Self
08	Dan Brunet 6-24-57	806 Columbia Ave	New roof over existing Auch, Post & Beam.	500.-	Randy VanTaezen
09	Alex Lalixoff 6-24-57	22 Pine	Remodel complete house	900	Self
2310	Leigh & Judy Dandy 6-24	336 Kalispell Ave	Bed & Breakfast Sign	10,000	Self
11	Tim Egan 7-5	900 S. Baker	4' High Retaining Wall	500	Lepo Design
12	Bill Pordis 7-5	1840 Live Milk Dr.		850.-	Self
2313	Ken Gaehn 7-5	2305 Hooster Circle		120,000	Self

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: July 18, 1988
RE: Delinquent Taxes

Flathead County has forwarded a report to us indicating delinquent city property taxes as of June 1988. The figures are as follows:

	<u>REAL</u>	<u>PERSONAL</u>
1987	\$245,878.29	\$3,168.54
1986	116,493.47	258.56
1985	60,490.04	501.54
1984	27,859.82	39.10
1983	9,333.44	-0-
1982	4,831.64	33.79
1981	4,550.76	50.92
1980	<u>2,643.91</u>	<u>84.21</u>
TOTALS	\$472,081.37	\$4,136.66

Protested taxes are as follows:

1987	\$4,576.09
1986	9,690.25
1985 and prior	11,237.40

RESOLUTION NO. 88-19

A RESOLUTION OF THE CITY OF WHITEFISH, MONTANA, PROVIDING FOR AN AMENDMENT TO THE 1987-1988 BUDGET FOR THE GENERAL FUND, WATER FUND, SEWER FUND, SID 132, SID 146, AMBULANCE AND GARBAGE FUND.

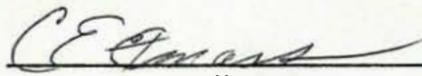
AND WHEREAS, it appears that in the drafting of the budget of the fiscal year 1987-1988, some line items were overstated and others were understated;

AND WHEREAS, state law provides that no department may exceed its budget appropriations;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, AS FOLLOWS:

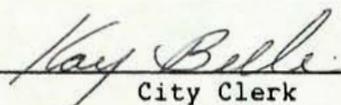
SEE ATTACHED EXHIBIT "A"

FINALLY PASSED AND ADOPTED by the City Council of the City of Whitefish, Montana, this 18th day of July, 1988, and approved by the Mayor thereof on the same day.



Mayor

ATTEST:



City Clerk

EXHIBIT "A"

<u>FUND</u>	<u>TRANSFER BUDGET FROM</u>		<u>TRANSFER BUDGET TO</u>	
<u>GENERAL FUND</u>				
410360	111	\$ 100	110	\$ 449
410360	210	558	140	1,052
	320	<u>924</u>	230	37
		1,582	310	28
			360	<u>16</u>
				1,582
410500	230	1,058	110	961
			140	<u>97</u>
				1,058
411100	340	104	310	104
420100	210	1,487	110	10,432
	220	612	120	4,761
	310	407	140	970
	340	2,739	230	2,785
	350	1,113	330	29
	360	960	370	<u>549</u>
	510	3,377		19,526
	940	<u>2,839</u>		
		13,534		
	ST. 510	<u>5,992</u>		
		19,526		
420400	220	1,765	230	1,765
430200	340	466	960	466
	510	<u>105</u>	530	<u>105</u>
		571		571
430900	340	474	230	464
			250	<u>10</u>
				474
460400	400	1,642	140	121
	510	<u>460</u>	230	942
		2,102	390	110
			930	<u>929</u>
				2,102
SID 132	120	1,011	111	1,011
SID 146	610	389	620	389

WATER FUND

430500	930	19,784	110	8,288
	350	<u>50,173</u>	140	5,370
		69,957	230	7,735
			310	578
			330	284
			360	684
			540	46,934
			790	<u>84</u>
				69,957

SEWER FUND

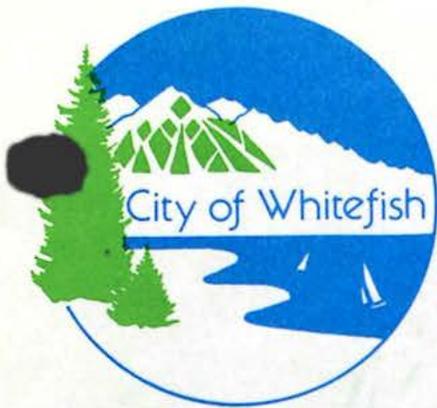
430600	230	6,348	110	21,568
	930	29,157	111	405
	940	12,257	120	1,081
	740	1,046	140	1,034
	350	<u>1,067</u>	310	626
		49,875	330	400
			790	115
			620	<u>24,646</u>
				49,875

GARBAGE FUND

430800	930	2,881	110	6,533
	920	<u>4,927</u>	120	311
		7,808	230	842
			740	<u>122</u>
				7,808

AMBULANCE

420700	510	2,982	230	140
	940	<u>2,969</u>	350	140
		5,951	740	<u>5,671</u>
				5,951



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
July 18, 1988

- 6:30 EXECUTIVE SESSION
- 7:00 I. Approval of the minutes of the July 5, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
 1. John Morrison, Sr.: Morrison - Maierle, Inc.
- 7:40 III. STAFF REPORTS
 1. Police (written)
 2. Water/Sewer
 3. Street/Sanitation
 4. Building (written)
 5. Fire
- 7:50 IV. PUBLIC HEARINGS
 1. Second Reading of Ordinance 88-4 (Model Sewer Ordinance)
 2. Preliminary Budget: 1988-1989 Fiscal Year
- 8:50 V. OLD BUSINESS
 1. Police Pension Disability request by Les Norman
- 9:00 VI. NEW BUSINESS
 1. Waiver of the open container ordinance for the Flathead
 Festival
- 9:05 VII. CITY MANAGER REPORTS
 1. Update on Rural Special Improvement Districts for Colorado /
 Texas area and Crosswinds/Hueth area
 2. Ice skating rink update
 3. Line item adjustments in 1987-1988 Budget: Resolution 88-19
- 9:25 VIII. COUNCIL REPORTS OR COMMENTS
- 9:35 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: July 13, 1988
RE: July 18, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the July 18, 1988 Council Meeting:

1. JOHN MORRISON, SR.: He is one of the principals in the Morrison - Maierle Engineering firm. He requested to speak to the City Council on the ramifications of the Stidham lawsuit which affected both his firm and the City of Whitefish.

2. ORDINANCE #88-4 (MODEL SEWER ORDINANCE): This is the second reading of this ordinance which needs to be adopted before the State will release more than 50% of the grant funding for the third segment of our state mandated sewer projects.

Recommendation: Approve Ordinance #88-4 on the second reading with the one change noted by Jerry Hanson.

3. 1988-1989 PRELIMINARY BUDGET: The City Council must adopt a preliminary budget on or before July 25. This allows you to adopt a preliminary budget on July 18 or any date up to and including July 25. I am continuing to modify the preliminary budget based upon the figures that I obtained earlier this week from the County Assessor and the City Clerk. I will get a new draft of the budget to you on Friday.

Recommendation: Adopt a preliminary budget on July 18 and schedule additional workshop meetings before August 1 to discuss portions of the budget in more detail.

4. REQUEST BY LES NORMAN: The City Attorney has proposed a draft letter approving this request and a draft letter denying this request for a police pension disability.

5. FLATHEAD FESTIVAL: The organizers of the Flathead Festival are requesting that the open container ordinance be waived for three concerts at Riverside Park (July 22, 25 and 29). The City Council approved a similar request last year.

Recommendation: Approve this request with the following conditions:

1. The Flathead Festival obtain liability insurance naming the City as an additional named insured;
2. The Flathead Festival provide security for these three events; and
3. The Flathead Festival provide cleanup of Riverside Park after each event.

6. RURAL SPECIAL IMPROVEMENT DISTRICTS: On July 11, I met with the Flathead County Commissioners to discuss the formation of RSIDs for the Colorado/Texas area and the Crosswinds/Hueth area. These improvement districts if created, would provide the mechanism to sewer both of these areas which are plagued by high groundwater. The Commissioners were quite receptive to this proposal. They requested that I prepare a legal description for each area in question. These descriptions have already been prepared and will be submitted during the next several weeks.

The City Council must make some very important decisions on these projects if they are to become a reality. These decisions include the following:

1. Annexation: Do we defer annexation? Do we require annexation first? Do we require annexation only after hookup to the system?
Recommendation: Consider a deferred annexation to allow the homeowners a chance to adjust to the RSID assessments (one year after hookup to the City system). Allow those homeowners with working systems to pay for their portion of the sewer main cost but defer hookup and annexation until their system fails; and
2. City's Participation: I feel strongly that the City should participate by installing sewer pipe on both projects to lessen the assessment cost to each property owner. The City will ultimately gain in the future by having a greater tax base, increased user fee revenues, a cleaner environment and a larger population on which to spread the tax burden.

7. ICE RINK UPDATE: An updated report on the fund raiding effort for this facility will be given at Monday's meeting.

8. RESOLUTION #88-19: This resolution will allow for line item transfers necessary in the 1987-1988 Budget. Many of these line item transfers are due to the extra payroll and the large increase in health insurance premiums during the 1987-1988 fiscal year.

Recommendation: Approve Resolution #88-19.

If you have any questions on these or other matters, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
JULY 18, 1988

Mayor Amass called the regular meeting of the Whitefish City Council to order at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Faessler. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson, Water/Sewer Supervisor Acton, Street Foreman Wartnow, Building Inspector/Asst. Zoning Administrator Quinn and Fire Chief Yeats.

MINUTES

Councilman Hanson made a motion, seconded by Councilwoman Faessler, to approve the Minutes of the July 5, 1988 Council Meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

Ben Cohen, owner of North Valley Refuse, requested that the Council not make any decision on the Garbage Assessment at this Council Meeting. He said that this would give everyone time to review the proposal submitted by Street Foreman Wartnow.

JOHN MORRISON

John Morrison, one of the partners of the Morrison-Maierle Engineering Firm, reviewed the Stidham Case with the Council. He said that the plaintiff did not really win. Out of approximately \$280,000 spent by all parties on the case, Stidham received about \$105,000. The attorneys and experts hired by both sides received about \$100,000. The remaining cost to Morrison-Maierle, Inc. was the policy deductible paid by Morrison-Maierle and the time spent by his firm to support the City of Whitefish and the City's lawyer in defending the claim.

Morrison said that the Whitefish City Attorney and their attorneys thought this was a trespass/damage case, however, they found out when the case was appealed to the Supreme Court that it was actually a Quiet Title Action. He said that the Plaintiff's attorneys took great delight in pointing out that it was a Quiet Title Action and that the Burlington Northern was not a party to the action. He said that the Burlington Northern should have been included in the suit as a defendant. The BN would have prevailed because they could have defended their surveys and subsequent conveyances much better than Morrison-Maierle and the City were able to do.

Mr. Morrison gave the facts of the case and said that their attorneys felt they were on solid ground because there was an almost identical Supreme Court ruling in a similar case where property ownership had been long established. He said that numerous cases involving the doctrine of Latches and Estoppel were on their side. He explained that this doctrine means a person cannot sit idly by and let someone continue with actions to their own detriment. This was a classic case in his mind where the doctrine applies.

Stidham let the City continue with construction in an area where he felt he owned the property, then four years later came back and asserted his claim. Under the doctrine of Latches and Estoppel, this would not be permitted.

He said that their attorneys tried to get the Burlington Northern interested in intervening but they would not talk to them and Morrison-Maierle went to court defending surveys done by the Burlington Northern from as far back as 1903. The judge ruled that the City of Whitefish was blameless in the affair and Morrison-Maierle was responsible for everything. The attorneys (Morrison-Maierle's and the City of Whitefish's) were forced to convert the case to an inverse condemnation. Stidham's attorney filed a motion stating that if this was Inverse Condemnation, then these defenses were no longer applicable and this was upheld by the judge and the Supreme Court on appeal. The same judge would preside if the case was appealed again and they decided that settlement was the best alternative.

Mr. Morrison said that his goal in coming to the Council was to explain to them what they got, how they got there and to bury the issue once and for all. He said that there are serious defects in the legal system and part of the solution is badly needed tort reform. He urged the Council to support tort reform and specifically support the legislation which will be proposed by the design professionals and the construction industry in the next legislative session.

Mr. Morrison gave the Mayor and Council a written copy of his statements and requested it be placed in the record.

TED ROHLA

Ted Rohla asked if the Glenwood Homeowners could proceed in the construction of Glenwood Road. He said that Paul Wells had written the letter clarifying the issues that had delayed this project.

City Manager Freedman said that he had discussed the issues and the Glenwood Homeowners' Association would do ground sterilization, extend the fabric 10' beyond the clay area and lay a 2 1/2" asphalt mat. Paul Wells had talked to the homeowners and they were in agreement with the conditions. City Manager Freedman said this proposal was acceptable to the City.

GARY ELLIOTT

Gary Elliott, owner of The Place Restaurant on Wisconsin Avenue, said that he would like to apologize for the inconvenience of not being charged for garbage collection as stated in the Whitefish Pilot. He said that he had no knowledge of not being charged. He also encouraged the City of Whitefish to continue with the collection of garbage instead of leasing it to a private individual. Elliott said that the City of Whitefish did a commendable job in the collection of the garbage and after polling other businesses they agreed that the service was good. He also supported charging for the amount of usage.

STAFF REPORTS

Written reports had been submitted by Police Chief Dolson, Building Inspector Quinn and the Fire Department.

Councilwoman Faessler said that the Water/Sewer and Street Departments had not submitted a written report for a long time and asked that these Departments submit reports. Councilwoman Maddux said that because of the large projects and the expense involved, the Council should have written reports and she instructed City Manager Freedman to instruct Greg and George to give the Council the requested reports. Councilman Hansen said that he agreed with Councilwoman Maddux's request.

PUBLIC HEARING

1. SECOND READING OF ORDINANCE 88-4 (MODEL SEWER ORDINANCE): City Manager Freedman said that this Ordinance is needed before the State would release more than 50% of the grant funding for the third segment of the State mandated sewer projects.

Mayor Amass opened the hearing to the public and as there was no public comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to approve Ordinance 88-4 on the second reading with the correction to Section 3, B. Reduction. (Should be 1000 gallons not 100 gallons as stated). The motion passed unanimously.

2. PRELIMINARY BUDGET: 1988-1989 FISCAL YEAR: City Manager Freedman told the Council they must adopt the Preliminary Budget on or before July 25. He said that he was continuing to modify the preliminary budget based upon the figures that were obtained earlier this week from the County Assessor and the City Clerk. He had given the Council copies of the revised Preliminary Budget on Friday. He recommended that the Council adopt the Preliminary Budget and schedule additional workshop meetings before August 1 to discuss portions of the budget in more detail.

He reviewed the Preliminary Budget with the Council and stated that he was proposing to schedule the Court Clerk for 4 days in the Court and 1 day as a Police Dispatcher. He had not reached an agreement with the Police Association or the Union and the salary figures presented were estimates - nothing was final. In SID 132, he said that last year the City did not do any large construction projects and the carryover would be \$262,000 which would be used for Pine Avenue and Third Street. However, in the next fiscal year, funding would not be available for any major construction projects unless the assessment was increased. After City Manager Freedman had reviewed all the funds, Mayor Amass opened the public hearing.

Ben Cohen said that he would be giving the Council written comments on the Solid Waste budget before the final budget was adopted.

As there was no further comments or questions from the public, Mayor Amass closed the hearing and turned the matter over to the Council for discussion and action.

Councilman Hanson asked if the Council adopted the Preliminary Budget, did it mean they were adopting final figures on such items as salaries. City Manager Freedman said that the figures could be changed until the adoption of the final budget.

Councilwoman Faessler requested that the Council review the Preliminary Budget by funds. As the Council reviewed the budget, Councilwoman Faessler asked about several line items. Under Administration 940 (a new car for the City Manager), she asked if the car would be budgeted under Administration, Water, Sewer and Garbage and how much the car would cost. City Manager Freedman said that it would be budgeted out of the General, Water and Sewer funds but he did not know what the cost of the car would be at this time. Councilwoman Maddux asked if he could give them a range for the cost of the car and he said not more than \$11,000 and it could even be as low as \$5,000. He said that a portion of the cost of the terminal and printer for the City Court would also come out of this line item.

Councilman Schreiber questioned page 6 of the summary (line item 140 - payments for unused vacation or sick leave benefits for employees). He felt it was excessive. City Manager Freedman said that if a employee quits or retires, it is costly to pay off these benefits and they should be budgeted.

City Manager Freedman said that at the last meeting there was some discussion about funding for the Community Development Corporation and the Chamber of Commerce and he had changed the budget under Administration (390) to include \$2,000 for each of these two entities.

Councilwoman Maddux said that City Attorney Muri was requesting a filing cabinet and she felt it should be included. She felt that a fire proof file should be considered. City Manager Freedman said that at this time, he did not feel the City could afford to purchase the City Attorney a file of this nature. The files could be locked up in the safe in the Clerk's office. City Attorney Muri said that at this time, he was keeping the files at his office, however, he would bring costs of a file back to the Council.

The Council discussed the Police Department and Councilman Hanson said that he would support funding for the same staff as last year. Councilwoman LaTourelle said that when the Police Chief was hired, it was with the understanding that he would be a working Chief and working some shifts. Councilwoman Maddux said that she felt it might be good if the Police Chief worked frequent shifts. Councilman Hanson did not agree and he felt it would be eroding the chain of command and that this was not the place to save a few dollars. City Manager Freedman said that the City had to cut someplace and the Police budget was approaching \$500,000, which is the total tax revenue derived from the mill levy. Councilman Schreiber said that this was the reason he did not concur with the equipment budget discussed at the last meeting. He agreed with City Manager Freedman's budget of buying a used car for \$2,500 instead of buying a new car and he was not in favor of buying a four (4) wheel drive vehicle. He said the Department had gotten along without

the person in question for about 6 months and wondered if the need could be shown for funding this position. Councilman Hanson said he would rather have a full time officer than a new police car if there was a choice. Councilman Boksich said that it was made clear at the Police Chief interviews that the City of Whitefish was not large enough for the Police Chief not to pull shifts.

Councilman Schreiber said that he felt the proposed salary increases in all the Departments were beyond the norm. The State had frozen wages and he wondered how the City could grant these increases with I-105. He felt a wage freeze should be considered in these troubled times. Councilman Boksich agreed with Councilman Schreiber and felt the 6% for Department Heads was out of line when everyone else was proposed at 3%. Mayor Amass requested that Police Chief Dolson submit the schedule of shifts from the last 6 months so the Council could decide if there was a need for the level of staffing in the Police Department.

Councilman Hanson requested a listing of all overtime worked in all Departments.

After much discussion, the Council decided that salaries would be the main topic of discussion at the next workshop.

Other Council discussion was on the purchase of a dump truck, some of the Park Department expenditures, using Flathead Valley Labor Contractors' people instead of hiring people and the professional services line item in water and sewer. These items would be discussed at the next workshop.

PRELIMINARY BUDGET

<u>FUND</u>	<u>REVENUE</u>	<u>EXPENDITURE</u>
1000 GENERAL FUND	1,077,341	1,077,341
2300 REVOLVING	40,078	40,078
2320 RURAL FIRE	228,257	228,257
2400 LIGHT 1	81,773	81,773
2410 LIGHT 4	56,794	56,794
2420 GAS TAX	120,826	120,826
2500 SID 132	262,347	262,347
7010 POLICE PENSION	485,087	485,087
5210 WATER	894,679	894,679
5310 SEWER	1,754,690	1,754,690
5410 GARBAGE	205,383	205,383
5510 AMBULANCE	50,965	50,965
3510 SID 142	2,425	2,425
3520 SID 143	5,925	5,925
3530 SID 145	2,068	2,068
3540 SID 146	18,000	18,000
	<u>5,286,638</u>	<u>5,286,638</u>

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to approve the Preliminary Budget for the 1988 - 1989 fiscal year. The motion passed unanimously.

OLD BUSINESS

1. POLICE PENSION DISABILITY REQUEST BY LES NORMAN: City Attorney Muri said that he had consulted with Bob Worthington of the Montana Municipal Insurance Authority, Clay Smith of the Montana Attorney General's Office, James Ramlow from Murray, Kaufman, Vidal & Gordon and Larry Nachtsheim from the State of Montana Public Employees Retirement System. He said the combination of these consultations and the presentation of Mr. Moore and Les Norman to the City, it was his recommendation that the City of Whitefish deny Les Norman's claim for disability due to the fact that he has not presented sufficient evidence that he is disabled. City Attorney Muri said that he based his recommendation on the above information and after reviewing Mr. Norman's Workman's Compensation claim which was subsequently denied.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to deny the request by Les Norman for disability based upon Section 19.10.402 of the Montana Code and Ordinance A-69. The motion passed unanimously.

NEW BUSINESS

1. WAIVER OF THE OPEN CONTAINER ORDINANCE FOR THE FLATHEAD FESTIVAL: City Manager Freedman said that the organizers of the Flathead Festival were requesting that the open container ordinance be waived for three concerts at Riverside Park (July 22, 24 and 29). He recommended that the City Council approve the request with the following conditions:

1. The Flathead Festival obtain liability insurance naming the City as an additional named insured;
2. The Flathead Festival provide security for these three events; and
3. The Flathead Festival provide cleanup of Riverside Park after each event.

Councilwoman Faessler said that last year the Flathead Festival had roped off the boundaries and felt the same thing should be done this year.

Councilwoman Faessler made a motion, seconded by Councilwoman LaTourelle, to approve the request of the Flathead Festival and waive the open container ordinance for July 22, 24 and 29 with the three (3) conditions recommended by City Manager Freedman and to add condition #4 - that barricades and boundaries be identified the same as last year. The motion passed unanimously.

CITY MANAGER REPORTS

1. UPDATE ON RURAL SPECIAL IMPROVEMENT DISTRICTS FOR COLORADO/TEXAS AREA AND CROSSWINDS/HUETH AREA: City Manager Freedman said that on July 11, he met with the Flathead County Commissioners to discuss the formation of RSIDs for the Colorado/Texas area and the Crosswinds/Hueth area. These improvement districts if created, would provide the mechanism to sewer both of these areas which are plagued by high groundwater. The Commissioners were quite receptive to this proposal. They requested that Freedman prepare a legal description for each area in question. These descriptions have already been prepared and will be submitted during the next several weeks.

He said the Council must make some very important decisions on these projects if they are to become a reality. These decisions include the following:

1. ANNEXATION: Do we defer annexation? Do we require annexation first? Do we require annexation only after hookup to the system?
RECOMMENDATION: Consider a deferred annexation to allow the homeowners a chance to adjust to the RSID assessments (one year after hookup to the City system). Allow those homeowners with working systems to pay for their portion of the sewer main cost but defer hookup and annexation until their system fails; and
2. CITY'S PARTICIPATION: City Manager Freedman said that he feels strongly that the City should participate by installing sewer pipe on both projects to lessen the assessment cost to each property owner. The City will ultimately gain in the future by having a greater tax base, increased user fee revenues, a cleaner environment and a larger population on which to spread the tax burden.

Councilman Hanson said that he liked the idea of deferring annexation, however, he said that waivers of protest should also be signed by all the property owners in the two areas.

Councilwoman Maddux asked for the costs involved in both the proposed projects and City Manager Freedman would bring these figures back to the next Council Meeting.

2. ICE SKATING RINK UPDATE: City Manager Freedman said that the Park Board was going forward with the ice skating rink and due to limited funding, they would be doing a scaled down version of the original plan. They were planning a surface that could be taken up each year and the building would house a warming hut, storage area and restrooms. The Park Board was requesting that the \$25,000 budgeted last year for the ice rink be reallocated in this year's budget.

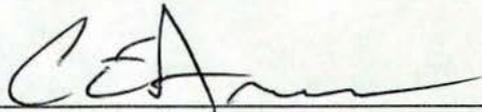
3. RESOLUTION #88-19: City Manager Freedman said that this resolution would allow for line item transfers that were necessary in the 1987-1988 Budget. Many of the line item transfers are due to the extra payroll and the large increase in health insurance premiums during the 1987-1988 fiscal year.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to adopt Resolution No. 88-19. The motion passed unanimously.

4. OTHER: City Manager Freedman said that at the next hearing the Council should make a decision on the City Special Assessments. He said that after reviewing the laws, the City has the right to assess the property as he has proposed.

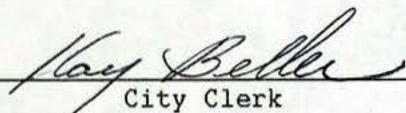
COUNCIL REPORTS OR COMMENTS

As there were no further Council reports or comments, Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to adjourn at 10:45 P.M. The motion passed unanimously.

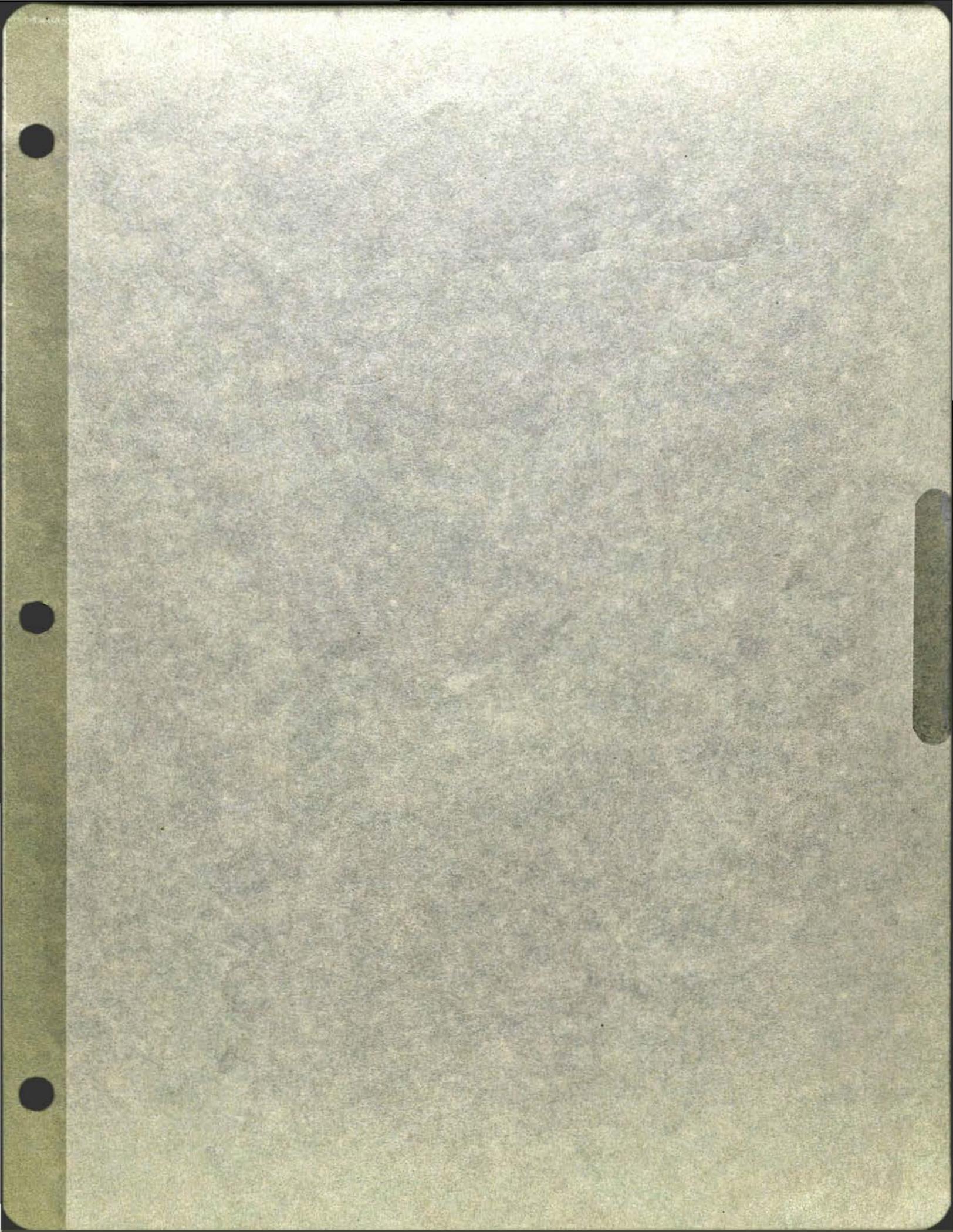


Mayor

ATTEST:



City Clerk





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
August 1, 1988

- 7:00 I. Approval of the minutes of the July 18, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
- 7:30 IV. PUBLIC HEARINGS
1. First Reading of Ordinance 88-6 (Impact Fee Ordinance)
 2. Community Development Block Grant Hearing
 3. 1988-1989 Fiscal Year Budget
- 8:45 V. OLD BUSINESS
1. Sign Ordinance Update
 2. Discussion on Colorado/Texas and Crosswinds/Hueth Sewer Projects
- 9:10 VI. NEW BUSINESS
1. Waiver of the open container ordinance for "A Taste of Whitefish" event by the Chamber of Commerce
- 9:15 VII. CITY MANAGER REPORTS
1. Pack Rat Lane Sewer Project
 2. Actuarial Study of the Whitefish Volunteer Fire Department
 3. Ice Skating Rink Update
 4. Tax Increment District Update
 5. Appointments to the Board of Adjustment
- 9:35 VIII. COUNCIL REPORTS OR COMMENTS
- 9:45 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: July 27, 1988
RE: August 1, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the August 1, 1988 Council Meeting:

1. ORDINANCE 88-6 (IMPACT FEE ORDINANCE): For the past two years, we have discussed an ordinance that would assess an impact fee on new construction. Earlier this year, I proposed an impact fee of 1 or 2 percent on commercial and industrial development over a certain amount (for example \$500,000). In your packet is a proposed ordinance on this subject with the following important points:

- a. The impact fee would only fund improvements enumerated in the City's Capital Improvement Plan;
- b. The impact fee would be assessed at a rate of two (2) percent of the development cost of commercial and industrial projects costing in excess of \$100,000; and
- c. An Impact Assessment Fund would be established so that the revenues from this assessment fee are kept separate from other city revenues.

Recommendation: Approve the first reading of this ordinance so that any new commercial or industrial projects in the future help fund needed infrastructure improvements in Whitefish.

2. CDBG HEARING: The Community Development Block Grant Program is a federal grant program administered by the Montana Department of Commerce. The program is designed to assist communities with community development needs with an emphasis on assisting low and moderate income families. The fiscal year 1988 funding level for Montana will be \$5,235,000.

The maximum grant amount that can be requested by an applicant is \$375,000 for one of the following types of grants - economic development, housing and neighborhood revitalization and public facilities. The actual amount that will be awarded to local governments is \$5,030,300 because the State utilizes \$204,700 for the administration of this program. Applications for all three types of grants must be received by September 16, 1988. There are however, two other deadlines for economic development grant applications - March 17, 1989 and July 14, 1989. The State has set aside ten (10) percent of the available grant funds, \$503,030, for the March and July 1989 application cycles.

The purpose of this first public hearing is to inform the public about the grant program with emphasis on the general requirements, available funding, eligible projects and to solicit public comments on community needs, particularly for low and moderate income families. I feel that the City of Whitefish has the best opportunity for funding in the economic development category because of the employment situation in this area. I have had several discussions with state officials about possible projects that could help create more jobs in the Whitefish area.

3. 1988-1989 BUDGET: I am recalculating budget figures based upon our tax collections during the 1987-1988 fiscal year. These new figures will be delivered to you on Friday. If you have any questions on any budget information, please contact me prior to Monday night's meeting. I have given you overtime, call-out and base salary figures for almost all of the city employees except myself, the City Attorney, the City Judge and numerous part-time employees who have not received any overtime or call-out compensation.

4. SIGN ORDINANCE UPDATE: The sign ordinance meetings have been put on the back burner until after the adoption of the budget. In the meantime, we are compiling information on the existing signs in the community.

5. COLORADO/TEXAS AND CROSSWINDS/HUETH SEWER PROJECTS: I made several comments on these projects at the last City Council meeting. I would like to proceed with the RSIDs through Flathead County but I feel that the City Council must decide several critical issues as soon as possible prior to a submittal of information on these sewer projects to the County.
Recommendation: Make a decision on the annexation and the City's participation in these projects.

6. WAIVER OF OPEN CONTAINER ORDINANCE REQUEST BY THE CHAMBER OF COMMERCE: "A Taste of Whitefish" event is planned for Thursday, September 8 in downtown Whitefish. They are requesting the waiving of the Open Container Ordinance for this two hour period.

Recommendation: Approve this request with the following conditions:

- a. The Chamber of Commerce or the individual businesses serving alcohol must obtain liability insurance naming the City as an additional named insured;
- b. The sponsors must provide security for this event;
- c. The sponsors will be responsible for putting up and taking down the necessary barricades; and
- d. The sponsors will do the cleanup of Central Avenue after the event and complete this cleanup no later than 12 midnight on Thursday.

7. PACK RAT LANE SEWER PROJECT: I have been working for quite some time on providing water and sewer service to the homeowners on Pack Rat Lane. The project has been stalled for several months and I requested additional funding from the Whitefish Credit Union to help engineer this project. I am hopeful that after state approval of the engineering and the bidding of this project, all of the property owners will move forward in constructing the water and sewer mains to serve this area.

Council Recommendations

July 27, 1988

Page 3

Recommendation: Approve the request of the WCU that is contained in their letter to me of July 26, 1988.

8. OTHER MATTERS: I will discuss the other agenda items at the City Council Meeting. A copy of the actuarial study is in your packet.

If you have any questions on these or other matters, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
AUGUST 1, 1988

Mayor Amass called the regular meeting of the Whitefish City Council to order at 7:00 P.M. Council Members present were Hanson, LaTourelle, Maddux, Schreiber and Faessler. Councilman Boksich was absent. Also present were City Manager Freedman, City Attorney Muri, Sgt. Van Ham, Water/Sewer Supervisor Acton, Street Foreman Wartnow and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Councilwoman Maddux said that a correction should be made on page 4, the last sentence of the last paragraph. It was changed to read: "He also said the Department had gotten along without the person in question (in the Police Department) for about 6 months and wondered if the need could be shown for funding this position."

Councilwoman Maddux made a motion, seconded by Councilwoman Faessler, to approve the minutes of the July 18, 1988 Council Meeting with the above amendment. The motion passed unanimously.

PUBLIC COMMENT

John Garrity thanked City Manager Freedman for having the City crews put water on Fourth Street to control the dust problem. He also said that the City Crews should be reminded about safety during the construction of Pine Avenue and Third Street.

* * * * *

Rob Nichols requested a one year extension of the Preliminary Plat for the Willow Brook Subdivision. The Preliminary Plat had been adopted on August 3, 1987 and they were not ready to submit the Final Plat for Council approval.

Councilwoman LaTourelle made a motion, seconded by Councilman Schreiber, to extend the Preliminary Plat for the Willow Brook Subdivision for one (1) year or until August 3, 1989. The motion passed unanimously.

* * * * *

Ben Cohen asked if the assessment for S.I.D 132 would be assessed differently than in the past. Mayor Amass said that there had not been a change in the assessment as yet, but the issue was still up for discussion.

STAFF UPDATES

Councilwoman LaTourelle said that the Council had a difference of opinion on the City Staff submitting monthly reports. She recommended that the Water/Sewer and Street Department Supervisors be allowed to submit reports

quarterly. The Council discussed the issue and some were not in favor of receiving a quarterly report and felt that they would be more informed by receiving a monthly report. City Manager Freedman said that in order to lessen the work load on the Supervisors, he would submit reports for them and the Council would receive the reports at the second Council Meeting of each month.

PUBLIC HEARINGS

1. FIRST READING OF ORDINANCE 88-6 (IMPACT FEE ORDINANCE): City Manager Freedman said that for the past two years, the Council has discussed an ordinance that would assess an impact fee on new construction. He would propose an impact fee of 1 or 2 percent on commercial and industrial development over a certain amount. He proposed an ordinance on the subject with the following important points:

- a. The impact fee would only fund improvements enumerated in the City's Capital Improvement Plan;
- b. The impact fee would be assessed at a rate of two (2) percent of the development cost of commercial and industrial projects costing in excess of \$100,000; and
- c. An Impact Assessment Fund would be established so that the revenues from this assessment fee are kept separate from other City revenues.

City Manager Freedman recommended that the Council approve the first reading of this ordinance so that any new commercial or industrial projects in the future would help fund needed infrastructure improvements.

Mayor Amass opened the hearing to the public and as there was no comment, he closed the public hearing and turned the matter over to the Council for discussion and action.

Councilman Schreiber said that he felt there was probably not enough research into this issue and he said that input was needed from the Chamber of Commerce and the Community Development Corporation. He said that an impact fee might discourage businesses from locating in Whitefish and he was in favor of tabling this issue until additional information and input could be received from the Chamber and the Community Development Corporation.

After some Council discussion, Councilman Schreiber made a motion, seconded by Councilwoman Faessler, to table the issue until the September 6th Council Meeting. The motion passed unanimously.

2. COMMUNITY DEVELOPMENT BLOCK GRANT HEARING: City Manager Freedman explained that the Community Development Block Grant Program was a federal grant program administered by the Montana Department of Commerce and was designed to assist communities with community development needs with an emphasis on assisting low and moderate income families. He said the maximum grant amount that can be requested by an applicant is \$375,000 for one of the following types of grants - economic development, housing and neighborhood revitalization and public facilities. Applications for all three types of grants must be received by September 16, 1988. There are two other deadlines for economic development grant applications - March 17, 1989 and July 14,

1989.

City Manager Freedman said that the purpose of the first public hearing was to inform the public about the grant program with emphasis on the general requirements, available funding, eligible projects and to solicit public comments on community needs, particularly for low and moderate income families. He felt the City would have the best opportunity for funding in the economic development category because of the employment situation in this area.

Mayor Amass opened the hearing to the public and as there was no public comment, he closed the public portion of the hearing and turned the matter over to the Council for discussion.

Councilman Schreiber made a motion, seconded by Faessler, to proceed with the grant program in the economic development category. The motion passed unanimously.

3. 1988-1989 FISCAL YEAR BUDGET: City Manager Freedman said that he had recalculated the budget figures based upon the tax collections during the 1987-1988 fiscal year. He also had given the Council the overtime, call-out and base salary figures for almost all of the city employees. He went through the proposed budgets and he said that he had decreased the General Fund Budget to \$955,670 which includes the cash carryover. The Preliminary Budget figure was \$1,077,341. Most of the changes (decreases) were in Finance and Administration reserve line item (970) and the Police Department salary and employer contribution line items. He had also added the loader payments in the Street Department budget. Other General Fund changes were very minimal.

City Manager Freedman reviewed all the funds. There were no significant changes from the Preliminary Budget. He explained that he was budgeting for a three percent (3%) salary increase for all City Employees. The actual increase could change because he has not finalized anything with the Unions. Other important points that were outlined by City Manager Freedman included the following:

1. The budgeting of a realistic figure for real and personal property taxes;
2. The budgeting of one less police position in FY 88-89 as opposed to FY 87-88;
3. The Chief of Police working all weekday 6 A.M. to 2 P.M. shifts;
4. The need for the City Council to consider an additional S.I.D. #132 assessment to fund new capital improvements;
5. The Court Clerk's time is budgeted for four days a week as compared to three days in last year's budget; and
6. The addition of a swing crew employee for the Street, Water and Sewer Departments to augment these departments maintenance and operation capabilities.

Mayor Amass opened the hearing to the public.

Anne Moran said that it had come to her attention that the Council was considering changing the method of assessment for both lighting districts and street improvement districts. She said that as a taxpayer, she was concerned about this change because it would increase her taxes approximately \$114.00. She wondered why such a change in assessment was being proposed and who would benefit the most from the proposed change. It was curious to her that the City would reconsider their assessment methods on a district that has been set in place when such a change would purportedly not increase the City's overall revenues.

Anne Moran said that in certain cases, she might not object too strenuously to paying increased taxes for increased benefits, however, she did object strenuously to paying increased taxes simply so that someone down the street can enjoy a decrease in his/her taxes. She said that the voters have not forgotten the thought behind I-105 and she hoped the Council had not either. She requested that the Council maintain the status quo and not change the method of assessments on these districts.

John Garrity agreed with Anne Moran. He said that if the taxes were increased in any respect, the retired people would have to leave town.

Fritz Royer said that the City Council needed to reevaluate the Garbage Ordinance. The City was charging him the basic rates for his commercial garbage (\$66 per unit) and he had a private garbage hauler. He felt that if businesses did not utilize the City service, they should not be charged for it. He also said that the City should use different sand materials because the type of sand being used turns to clay and creates a mess on the streets.

Steve Knutson spoke about getting rid of the lifeguards and doing away with City Beach. He said the beach was a mess.

Ben Cohen said that in the past SID 132 had been assessed on a front footage basis. He said that in the past the options were front foot, per lot or a square footage basis. He said that legislation had helped to expand these options to include taxable valuation or a combination of the above. He recommended that the Council consider assessing by taxable valuation and use a mill levy to raise the money for SID 132.

As there was no further public comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion.

City Attorney Muri said that he had researched the issue of changing the way the City Specials were being assessed and the Council could change if they so desired.

Councilman Hanson said that if the assessments were changed, it would be more equitable to use a taxable valuation method.

City Manager Freedman said that the Tax Increment District would be set up in the Budget. He explained that in this fiscal year, the City would budget for receipts of approximately \$60,000 in Tax Increment monies. The City would give monies back to School District 44 under the interlocal agreement signed by both entities.

Councilman Hanson asked if the Council could receive a copy of the delinquent taxpayers. City Manager Freedman said that he would give the Council a copy of the largest delinquent taxpayers.

Councilman Hanson said that the biggest cuts proposed by City Manager Freedman were in Finance and Administration (reserve) and the Police Department. He felt that the Police Department was being cut the most and he said that in his opinion Law Enforcement is the last place the City should cut back.

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to continue this hearing to Wednesday, August 3, 1988. The motion passed unanimously.

OLD BUSINESS

1. SIGN ORDINANCE UPDATE: City Manager Freedman said that the sign ordinance meetings have been put on the back burner until after the adoption of the budget.

2. DISCUSSION ON COLORADO/TEXAS AND CROSSWINDS/HUETH SEWER PROJECTS: City Manager Freedman said that he had made several comments on these projects at the last City Council meeting. He would like to proceed with the RSIDs through Flathead County but he felt the City Council must decide several critical issues as soon as possible prior to a submittal of information on these sewer projects to the County. These issues are as follows:

1. ANNEXATION: Does the Council prefer annexation or a deferred annexation to allow the homeowners a chance to adjust to the RSID assessments (one year to hookup to the City system); and
2. CITY'S PARTICIPATION: Should the City participate by installing sewer pipe on both projects to lessen the assessment cost to each property owner. He said that the City would ultimately gain in the future by having a greater tax base, increased user fee revenues, a cleaner environment and a larger population on which to spread the tax burden. He said that it would be better if these decisions were made now so that the project could be started next spring.

After discussion, Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to table this issue until the Council meeting of August 15, 1988. The motion passed unanimously.

NEW BUSINESS

1. WAIVER OF THE OPEN CONTAINER ORDINANCE FOR "A TASTE OF WHITEFISH" EVENT BY THE CHAMBER OF COMMERCE: City Manager Freedman explained that "A Taste of Whitefish" event was planned for Thursday, September 8 in downtown Whitefish. They were requesting the waiving of the Open Container Ordinance for this two hour period. City Manager Freedman said that he would recommend approval of this request with the following conditions:

- a. The Chamber of Commerce or the individual businesses serving alcohol must obtain liability insurance naming the City as an additional named insured;
- b. The sponsors must provide security for this event;
- c. The sponsors will be responsible for putting up and taking down the necessary barricades; and
- d. The sponsors will do the cleanup of Central Avenue after the event and complete this cleanup no later than 12 midnight on Thursday.

Councilwoman Faessler said her concern was the wording "provide security". She said that if they use off duty Police, Sheriff Posse or professional security people, she would not be concerned. However, it would become a concern if they did not have professional security. City Manager Freedman said that the Council could dictate the type of security they wanted to see at this function.

Councilwoman Maddux said that she felt this request would put additional pressure on the Police Department. David Sommer, Manager of the Whitefish Chamber of Commerce, explained that this was a reservation type function and people would not be walking around the streets drinking. He said that they would put up signs to get the cars off the street. City Manager Freedman said that he could not foresee any additional pressure on the Police Department.

After discussion, Councilman Schreiber made a motion, seconded by Councilwoman Faessler, to approve "A Taste of Whitefish" as requested with the stipulation that the sponsor provide professional security - off duty police, Sheriff's Posse, etc. The motion passed unanimously.

CITY MANAGER REPORTS

1. PACK RAT LANE SEWER PROJECT: City Manager Freedman said that he had been working for some time on providing water and sewer service to the homeowners on Pack Rat Lane. The project has been stalled for several months and he said that he requested additional funding from the Whitefish Credit Union to help engineer the project. After state approval of the engineering and the bidding of the project, he was confident that all of the property owners would move forward in constructing the water and sewer mains to serve the area.

Whitefish Credit Union had submitted a letter stating that the Credit Union Board asked that the City Council put into its formal minutes that the funds would be returned to the Credit Union by other property owners when the project was undertaken. (The Credit Union sent \$3,200 toward the engineering of the project).

City Manager Freedman said that other property owners in the area had also paid toward the engineering of the project.

After some Council discussion, Councilman Hanson made a motion, seconded by Councilwoman Maddux, that when the Pack Rat Lane project was undertaken, all the property owners, including Whitefish Credit Union, that had contributed toward the engineering of the project be reimbursed from the

proceeds from the construction money and be assessed their pro rata share. The motion passed unanimously.

2. ACTUARIAL STUDY OF THE WHITEFISH VOLUNTEER FIRE DEPARTMENT: City Manager Freedman told the Council that the actuarial study done by Hendrickson Miller & Associates, Inc. showed that the Fire Department Pension Fund was funded properly. He said that the Fire Department had asked that further study be done because they would like to increase their pensions from \$100 to \$150 per pensioner and they wanted to see what the numbers would look like if this was accomplished. City Manager Freedman said that if the Council had any questions, he would contact Hendrickson, Miller & Associates, Inc. and get back to the Council.

3. ICE SKATING RINK UPDATE: City Manager Freedman said that he would give an update at the next Council meeting.

4. APPOINTMENTS TO THE BOARD OF ADJUSTMENT: City Manager Freedman said that the two vacancies on the Board of Adjustment had been extensively advertised and only three people had applied for the positions. Judy Pluid, Maurice Cusik and Becky Saunders were the people interested in serving on this Board. Becky Saunders could not serve on the Board because she lives in Happy Valley and is out of the City's Extra-Territorial Jurisdiction. City Manager Freedman recommended that the Council appoint Maurice Cusik as the City appointment (replacing Bill Leonard).

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to appoint Maurice Cusik to the Board of Adjustment to finish Bill Leonard's term which would expire on 7/06/89. The motion passed unanimously.

5. GOING OUT OF BUSINESS ORDINANCE: City Manager Freedman said that he had given the Council a letter from Loy Helmlly, President of the Whitefish Chamber of Commerce, responding to the Council's request for their input on the Going-Out-Of-Business Ordinance. City Manager Freedman asked that the Council read the letter and he would put the Ordinance on the agenda for the Council meeting on August 15, 1988.

COUNCIL REPORTS OR COMMENTS

Councilwoman Faessler read her letter of resignation to the Council. She stated that she would be relocating with her husband to Seattle, Washington. She said that her resignation would be effective as of August 8, 1988.

Mayor Amass told Councilwoman Faessler that they were sorry to see her go and that she had served very diligently and she was appreciated for that. He instructed City Manager Freedman to start the process of advertising for a person to replace her.

Councilwoman Maddux asked Water/Sewer Supervisor Acton what the status was on the Jack Joy fire hydrant. Acton told her that the part needed to repair and replace the hydrant had been ordered but had not been received.

Councilwoman LaTourelle said that she would be sponsoring a Japanese student and introduced one of the young men to the Council.

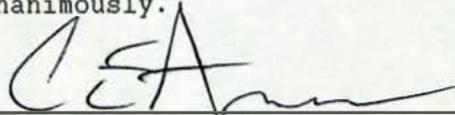
Councilman Hanson asked Greg if the employees working on the construction project met the OSHA requirements. Greg said that municipalities were not governed by OSHA, however, the City tries to meet their requirements.

Councilman Hanson thanked Councilwoman Faessler for her service on the Council and said that it had been a pleasure working with her.

Mayor Amass said that he had received an irate call from a citizen that resides adjacent to City Beach about the sand being blown everywhere. He asked City Manager Freedman what was being done about this. City Manager Freedman said that heavier sand would be placed on the beach area and the existing sand had been watered down.

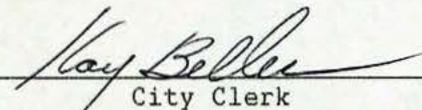
Councilwoman LaTourelle said that the City Beach was not being maintained very well and that it looked like a dump. City Manager Freedman said that the Park Board had discussed the issue at the last several meetings but because of the heavy usage of the beach this year, it was hard to handle the crowds and keep the beach clean.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to adjourn at 9:13 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
BUDGET HEARING
AUGUST 3, 1988

Mayor Amass opened the Public Hearing on the 1988-1989 Budget at 7:00 P.M. Council members present were Maddux, Hanson and Boksich. Council Members LaTourelle, Faessler and Schreiber were absent. Also present were City Manager Freedman and Sgt. Joe Van Ham. There was no one from the public at this hearing.

City Manager Freedman gave the Staff Report. He said that he had recalculated the budget figures based upon the tax collections during the 1987-1988 fiscal year. Most of the proposed changes were in the Finance and Administration Department and the Police Department. He went through each line item and the final proposed Revenues and Expenditures were as follows:

<u>FUND</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>
General Fund	\$ 955,670	\$ 955,670
Rural Fire	228,257	228,257
Lighting #1	81,773	81,773
Lighting #4	56,794	56,794
Gasoline Tax	120,826	120,826
Maintenance #1	262,347	262,347
Police Reserve	485,087	485,087
Water	936,384	936,384
Sewer	1,754,690	1,754,690
Garbage	208,133	208,133
Ambulance	50,965	50,965
Revolving	40,078	40,078
SID 142	2,425	2,425
SID 143	5,925	5,925
SID 145	2,068	2,068
SID 146	18,000	18,000
	<u>\$ 5,209,422</u>	<u>\$ 5,209,422</u>

City Manager Freedman said that he would like the Council to consider increasing the assessment in SID 132 (Maintenance District #1) by one (1) dollar per front foot. This would be an increase of \$50.00 per year for a 50 foot lot. After discussion, the Council requested that City Manager Freedman give them a written list of the streets he was proposing to improve. They felt that the public has a right to know where these funds would be used. City Manager Freedman said that if SID 132 was increased, it should be earmarked exclusively for improvements.

The Council discussed the Garbage System and City Manager Freedman said that he would like to put the residential and commercial garbage out for bids. This does not mean that the City would privatize garbage collections but it would enable the city to look at the total picture before any decisions are made. He said the whole system needed to be analyzed. The Council decided to postpone this issue until later in the fall (October).

The Council also discussed the Police Department's budget. Police Chief Dolson would be scheduled for the day shift on weekdays and extra-board policemen would be utilized as needed. The certification of Bill Wilson was also discussed in order to help the Department as an extra-board policeman.

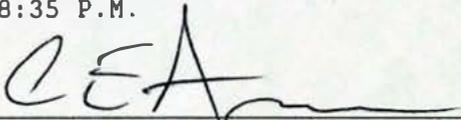
City Manager Freedman told the Council that he was researching the possibility of a self-insurance program for the City's health insurance. The premiums on the City's health insurance are approximately \$85,000 per year and he felt it might be more advantageous if the City could join forces with another entity. He also felt there should be a cap on how much of the employees' premiums were paid by the City.

City Manager Freedman said that he was in the process of updating the Personnel Code and he would bring this back later to the Council for their approval.

There was no public comment at this hearing.

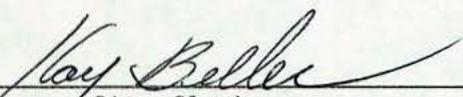
Councilman Boksich made a motion, seconded by Councilwoman Maddux, to continue the hearing until August 8, 1988 at 7:00 P.M. The motion passed unanimously.

This public hearing was recessed at 8:35 P.M.



Mayor

ATTEST:



City Clerk

MINUTES
WHITEFISH CITY COUNCIL
BUDGET HEARING
AUGUST 8, 1988

Mayor Amass opened the Public Hearing on the 1988-1989 Budget at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux and Schreiber. Councilwoman Faessler was absent. Also present were City Manager Freedman and Police Chief Dolson. Citizens present were Greg Bryan, Dick Solberg and Ron Newbury.

City Manager Freedman gave the staff report. The changes he proposed were as follows:

SEWER: Line item 220 be increased from \$5,000 to \$45,000;
Line item 350 be decreased from \$40,000 to \$36,750;
Line item 540 be decreased from \$150,000 to \$110,000; and
principal expense be increased to \$90,250.

TAX INCREMENT: City Manager Freedman said that the Tax Increment receipts would be set up in a Special Revenue Fund. The total dollars the Tax Increment District would generate would be approximately \$66,000. The School District would receive approximately \$10,000 of this amount and the rest would be budgeted for improvements.

SALARIES: City Manager Freedman said that at the last City Council Meeting it was decided to budget 3% across the board for salary increases. He said that if the Council wanted to increase any salaries, there is a contingency in each of the salary line items.

The purpose of this hearing was to adopt the Budget and City Specials.

RESOLUTION NO. 88-12 - SPECIAL MAINTENANCE DISTRICT NO. 1: The assessments are \$.75 per front foot (residential) and \$1.35 per front foot (commercial).

RESOLUTION NO. 88-13 - SPECIAL LIGHTING DISTRICT NO. 1: This assessment is \$.18 cents a front foot and is used to defray the cost of street lighting in the residential areas.

RESOLUTION NO. 88-14 - SPECIAL LIGHTING DISTRICT NO. 4: The assessment is \$1.28 per front foot in the business areas and is used to defray the cost of street lighting in the Commercial areas.

RESOLUTION NO. 88-15 - GARBAGE COLLECTION: The assessment is \$66.00 per year for residential and commercial areas which covers the collection of up to one (1) cubic yard per month. Refuse in excess of one (1) cubic yard would be charged at a rate of \$2.50 per month per cubic yard.

RESOLUTION NO. 88-16 - DETERMINING THE AMOUNT OF CITY TAXES TO BE RAISED FOR ALL PURPOSES, AND LEVYING A TAX AGAINST ALL PROPERTY WITHIN THE CITY OF WHITEFISH: The total mill levy is 88.25 mills and this would generate \$525,172.66.

RESOLUTION NO. 88-17 - LEVYING AND ASSESSING A TAX ON ALL REAL ESTATE WITHIN THE CORPORATE LIMITS: This Resolution would adopt all the City Specials and all assessments levied against each lot or parcel of land in the City.

RESOLUTION NO. 88-18 - ACCEPTING AND PASSING THE MUNICIPAL BUDGET FOR THE CITY FOR THE FISCAL YEAR COMMENCING JULY 1, 1988.

The proposed budget is as follows:

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENDITURES</u>
General Fund	\$ 915,670	\$ 915,670
Tax Increment	66,000	66,000
Ice Rink	40,000	40,000
Rural Fire	228,257	228,257
Light 1	81,773	81,773
Light 4	56,794	56,794
Gasoline Tax	120,826	120,826
Maintenance #1 (SID 132)	262,347	262,347
Police Reserve	485,087	485,087
Water	936,384	936,384
Sewer	1,754,690	1,754,690
Solid Waste (Garbage)	208,133	208,133
Ambulance	50,965	50,965
Revolving	40,078	40,078
SID 142	2,425	2,425
SID 143	5,925	5,925
SID 145	2,068	2,068
<u>SID 146</u>	<u>18,000</u>	<u>18,000</u>
<u>TOTAL ALL FUNDS</u>	<u>\$5,275,422</u>	<u>\$5,275,422</u>

COUNCIL DISCUSSION

City Manager Freedman recommended that SID 132 be increased \$1.00 per front foot and the Council discussed this issue. Councilman Hanson said that he was not in favor of an increase this year. Councilwoman Maddux said that she could not support increasing the assessment a dollar per front foot and recommended that it be increased \$.25 (twenty five cents) per front foot. Councilman Boksich said that he felt the assessment should be increased enough to generate enough money to do major capital improvements. He said the City could not keep saying no to increases. He also said that the City had done two (2) blocks of streets in four (4) years and this was not very much progress. Councilman Schreiber said that he had reservations about a big increase at this time and Councilwoman LaTourelle said that she still receives comments from the public about the streets but no one wants to pay for fixing them.

Greg Bryan, representing the Bay Point Homeowners, said that he would support the increase in SID 132 because he receives a lot of complaints from people staying at Bay Point about the City streets. He felt the City should increase the assessment and move forward to improve the streets.

WHITEFISH CITY COUNCIL
BUDGET HEARING
AUGUST 8, 1988
PAGE 3

After much Council discussion, Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, that the assessment for SID 132 be increased by twenty five cents (\$.25) per front foot and be budgeted under line item 970 (Reserve). The motion passed unanimously.

Councilwoman LaTourelle questioned the amount of overtime worked by City employees because she felt it was excessive. City Manager Freedman explained that some of the overtime was due to the fact that several large projects had been undertaken in the last year - the Cow Creek Interceptor, the Fourth Street sewer line, etc. He said that the operator of the street sweeper had put in a lot of overtime trying to keep the streets clean. The water office overtime was due to changing over to a new computer.

Councilman Schreiber asked City Manager Freedman what capital expenditures (equipment) were in the budget. City Manager Freedman went through the machinery and equipment line items explaining the equipment purchases that were anticipated for the fiscal year. In the Water/Sewer Budgets (940), two pickups and a tandem dump truck were to be purchased, however, the Council was not in favor of these capital expenditures. City Manager Freedman said that he would transfer the budgeted amounts to the depreciation line items.

Councilwoman LaTourelle requested a list of all City vehicles.

Mayor Amass said that he would like the Council to clarify something in the Police Department Budget and that was the status of what the Council determined was a working Police Chief. City Manager Freedman said that the Police Department had put together a schedule and the Police Chief would work the day shift (6 A.M. to 2 P.M.). When the Chief could not man the shifts they would be covered by extra-board personnel. City Manager Freedman said that the budget did not include funds for the eighth police officer.

Councilman Hanson wanted the minutes to reflect that he opposed the elimination of the full time officer and felt that eight full time police officers should be funded.

After Council discussion, Councilman Schreiber made a motion, seconded by Councilman Boksich, to adopt Resolution No. 88-18, accepting and passing the Municipal Budget for the 1988-1989 fiscal year with the stipulation that the two pickups and the tandem dump truck be eliminated from the budget and that the assessment for SID 132 be increased by \$.25 per front foot. The motion passed unanimously.

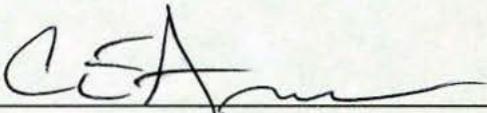
Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to adopt Resolution No. 88-12, Maintenance District No. 1 (SID 132), Resolution No. 88-13, Special Improvement Lighting District No. 1, Resolution No. 88-14, Special Improvement Lighting District No. 4 and Resolution No. 88-15, Garbage Collection. The motion passed unanimously.

WHITEFISH CITY COUNCIL
BUDGET HEARING
AUGUST 8, 1988
PAGE 4

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to adopt Resolution No. 88-16, a Resolution determining that the total General Fund mill levy and the mill levy for the Firemen's Pension and Disability Fund for the 1988-1989 fiscal year shall be 88 1/4 mills. The motion passed unanimously.

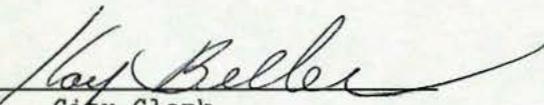
Councilman Hanson made a motion, seconded by Councilwoman Maddux, to adopt Resolution 88-17, levying and assessing a tax on all real estate within the corporate limits of the City of Whitefish. The motion passed unanimously.

Councilman Schreiber made a motion, seconded by Councilman Hanson, to adjourn at 8:20 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

BUILDING REPORT FOR JULY 1988

This month our total permits were up from last year only slightly. The City sold 44 permits for the month of July for a total of \$3,948.00, up \$512.00 from a year ago.

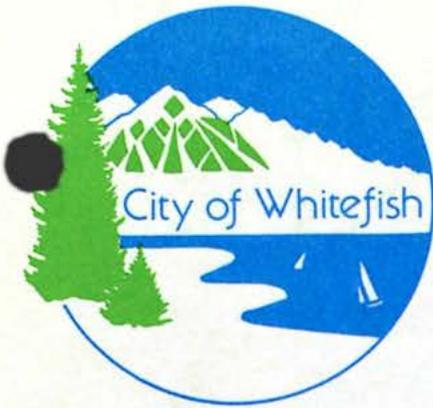
Building Permits	27	\$2765.00
Plumbing Permits	10	663.00
Mechanical Permits	7	305.00
Plan Review Fees	1	215.00

Unlike last year, two new homes are being built within the city limits. We have 11 remodel jobs ranging from \$20,000 down to \$500. We have three new commercial jobs, two garages, one carport, four fences and four small alterations. The hospital job is almost finished and should be completed this month.

Jerry Quinn
Building Inspector

EXHIBIT #	NAME	DATE	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
3329	JANET MARLINS	7-25	340 PARK AVE	Fence	1000	Maas S
3330	MICHELLE TORISON	7-25	3145 HWY 93 W	CARPORT 14'x28'	1500	SELF
31						
32	BUD HELNER	7-20	32271 HOUSTON POINT DR.	Roof over patio's 2-8'x16'	1600	Tony Hodges
33	JESSE E. WILCOB	7-20	1332 3rd St E.	Patio roof 13'x15'	2500	SELF
34	SUNCREST HOMEOWNERS	7-21	SUNCREST beach KREY Lane	Changing Rooms Rest Rooms	8000	Don Hendricks
2835	Pete Metzner	7-21	915 Dakota Ave	Family Room 19'x20'	9900	SELF & McConnel
36						
37	Randy Caspeler	7-28	109 Railway ST.	New Entrance door 9'x9'	1000	SELF
38	Cathy Leathers	7-28	318 Baker Ave.	New kitchen cabinets	900.	SELF
39						
40						

SHEET #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2314	William Johnson 7-1-59	111 142nd Ave.	Addition of deck 23'x14'	800 21	SELF
2315	John DeWager 7-7-59	822 Lyden Ave	New garage 24x24	3500 51	Tim Bick Const.
16	Larry Casazza 7-6-59	333 Baker Ave.	696 sq ft of Office space	38000 54	Steve Crandall
17	Bob Pearson 7-7-59	804 10 th	Porch on rear of house carport	4000 63	SELF
19	Yean Jones 7-7-59	Glenwood Dr.	15'x22' Addition Bath & Bedroom	10000 117	Riley
19	Steve Christian 7-27-59	302 Styles	Addition 9'8" x 19' Closet	7500 90	Dick Stears
2330	Ronald Armstrong 7-7-59	322 Columbia Ave	Garage 34'x26' New 51'6"	10000 112	SELF
21	RAY Botsick 7-7-59	223 Columbia Ave	Addition kitchen, Bath and laundry Room 5'10" x 4'4"	20000 207	SELF
22	Robert Byrd 7-11-59	6510 Hwy 93 S.	8' high on two sides Fence	2500 54	Dale Barnes
23	CHRY Yeach 7-12-59	229 W. 8 th St. Bl.	48" deep New Foundation Replacing old Foundation Extending EAVES	3500 63	OTTO Hallgren
24	George Stacey 7-14-59	704 Columbia Ave.	Courts - 8'x11's	500 16	Grey Nilas
2335	Robert Crane 7-14	309 R. St. Bl.	Courts - 8'x11's	500 16	SELF
26	Four Square Church 7-11	4 th & SPOKANE	New Fence Rear Side yards	300 5	IN house hold
27	KAREN Jacobson 7-19	316 W 6 th St	Side & Rear yard Fence	5000 5	SELF
2328	John B. Tice 7-19	1450 Wisconsin	R. side garage	1700 38	Steve Forest



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: August 9, 1988
RE: City Vehicles

The following is a list of vehicles that are used on a regular basis by the various city departments:

1. 1968 Dodge 3/4 ton Truck Parks
2. 1978 Ford 3/4 ton Truck Water
3. 1981 Chevrolet Luv Pickup Water
4. 1979 Ford Bronco Police
5. 1985 Chevrolet Celebrity Police
6. 1987 Ford F350 4x4 Truck Street
7. 1985 Chevrolet S-10 4x4 Pickup Water
8. 1986 Nissan Pickup Street
9. 1986 Ford Ranger 4x4 Pickup Water
10. 1983 Ford LTD Police
11. 1988 Plymouth Grand Fury Police
12. 1988 Chevrolet S-10 4x4 Pickup Water/Sewer
13. 1988 Chevrolet S-10 4x4 Pickup Sewer
14. 1977 Mercury Administration



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
August 15, 1988

- 7:00 I. Approval of the minutes of the August 1, August 3, and August 8, 1988 Meetings
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
- 7:30 IV. PUBLIC HEARING
1. Community Development Block Grant Hearing
- 8:00 V. OLD BUSINESS
1. Discussion of Rural Special Improvement Districts
- 8:15 VI. NEW BUSINESS
1. Waiver of the open container ordinance for the Whitefish Summer Games Street Dance - Teresa Mitchell
2. Phase I Willow Brook Subdivision - Final Plat Acceptance
- 8:35 VII. CITY MANAGER REPORTS
1. Montana Municipal Insurance Authority Resolution
2. Update on Skating Rink Project
3. Discussion of City Vehicles
4. Update on Pine Avenue/Third Street Construction Project
- 8:55 VIII. COUNCIL REPORTS OR COMMENTS
- 9:05 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: August 10, 1988
RE: August 15, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the August 15, 1988 Council Meeting:

1. COMMUNITY DEVELOPMENT BLOCK GRANT HEARING: The purpose of the second public hearing is to give the public a chance to review and comment on the community's development block grant application before it is submitted. I have been working with the Department of Commerce to decide what business opportunity gives the City of Whitefish the greatest chance of receiving grant funding. At the Monday meeting, I will be prepared to discuss the specific application, the budget, the impact and the benefit to low and moderate income families and the Economic Development Revolving Loan Fund.

2. RURAL SPECIAL IMPROVEMENT DISTRICTS: I am working with Paul Wells to put together cost figures for the Colorado/Texas Sewer Project and the Crosswinds/Hueth Sewer Project. As I have said at previous meetings, you must decide the question of annexation and whether or not the City of Whitefish should participate in these projects in an attempt to lessen the costs to the property owners.

3. WHITEFISH SUMMER GAMES OPEN CONTAINER ORDINANCE WAIVER: In your packet is a request for a waiver of the open container ordinance on September 10, 1988 on Central Avenue. Representatives of the Summer Games will be present to go into detail about their request.

Recommendation: I would recommend approval for this request with the following conditions:

- a. The Chamber of Commerce or the individual businesses serving alcohol must obtain liability insurance naming the City as an additional named insured;
- b. Sponsors must provide security for this event by utilizing off-duty policemen or members of the Sheriff's Posse;
- c. Sponsors will be responsible for putting up and taking down the necessary barricades;
- d. The sponsors will do the clean up of Central Avenue after the completion of the event with a second clean up to occur on Sunday morning at 9:00 A.M.; and
- e. Additional security people must be hired so that they can mingle throughout the crowd to ensure that minors are not drinking.

4. PHASE I WILLOW BROOK SUBDIVISION - FINAL PLAT ACCEPTANCE: The FRDO has provided us with the information in your packets with regard to final plat acceptance of Phase I of the Willow Brook Subdivision.

Recommendation: I would recommend final plat acceptance contingent upon the developer providing the City of Whitefish with a check for \$1,000 which will serve as a guarantee for completion of the two pedestrian bridges within the open space area. The developer will have ninety (90) days from City Council approval to install these two bridges or the City of Whitefish will utilize that money to do the installation of the bridges.

5. MMIA RESOLUTION: Enclosed in your packet is a resolution which would allow the MMIA Board to expand to 13 members which is an increase of four seats on the board.

Recommendation: I recommend that the City Council approve this resolution and forward it to the MMIA after approval.

6. OTHER ITEMS: The remaining items on the agenda will be discussed in detail at the City Council Meeting so that you are given the most up-to-date information on these subjects.

If you have any questions or comments, please feel free to contact me prior to the meeting.

WHITEFISH CITY COUNCIL

AUGUST 15, 1988

Mayor Amass called the regular meeting of the Whitefish City Council to order at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle and Maddux. Councilman Schreiber was absent. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Councilwoman Maddux corrected the minutes of the August 8, 1988 Budget Hearing as follows: page 3, second paragraph - "Councilwoman LaTourelle questioned the amount of overtime worked by City employees because she felt it was excessive and Councilwoman Maddux requested a monthly report of overtime and call out time and City Manager Freedman said that he would provide the Council with a report."

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the minutes of the August 1, August 3, and August 8, 1988 meetings with the above correction. The motion passed unanimously to approve the minutes of the August 1 and August 3 meetings. There were 3 aye votes and 1 abstention on the August 8, 1988 meeting minutes (Councilwoman LaTourelle abstained because she was absent at this meeting).

PUBLIC COMMENTS

Arnold Hale, 17 Washington Avenue, told the Council that the sand from City Beach was being blown by the wind and the area was so dusty that the residents could not open their doors or windows. He said that something had to be done about this situation. Mayor Amass said that last week, after Mr. Hale had called him about the dust, the City did take measures to correct the situation and he thought the problem had been resolved. City Manager Freedman said that when the wind blows 20 to 30 miles an hour it is very difficult to prevent the sand from blowing away. Mr. Hale said that the conditions were terrible and asked who put the dirt on the beach. Councilman Boksich said that the Parks Board had authorized placing the sand and this was the third year that sand had been put down. He said that the first sand that was put down on the top portion was poor quality but the last sand was good and they did not think it would blow like it has. After much discussion, the Council told Mr. Hale they would do everything they could to correct this situation and Mayor Amass turned the matter over to City Manager Freedman and the Parks Board to resolve the issue.

STAFF REPORTS

Written reports had been received from Police Chief Dolson and Building Inspector Quinn. Councilwoman Maddux said that she appreciated Police Chief Dolson's comments about saving the City money on the purchase of a gun and ammunition.

PUBLIC HEARING

1. COMMUNITY DEVELOPMENT BLOCK GRANT HEARING: City Manager Freedman explained that the Community Development Block Grant Program was a federal grant program administered by the Montana Department of Commerce and was designed to assist communities with community development needs with an emphasis on assisting low and moderate income families. He said the maximum grant amount that can be requested by an applicant is \$375,000 for one of the following types of grants - economic development, housing and neighborhood revitalization and public facilities. Applications for all three types of grants must be received by September 16, 1988. The City Council at the last meeting decided that the City would have the best opportunity for funding in the economic development category. City Manager Freedman said that during the past several months, he had been working with the businesses and had contact with Barry Roose of the Department of Commerce. Roose has made considerable effort to meet with businessmen in the Flathead Valley and particularly this area to try to help them in financing their operations successfully. He said that they focused their attention on a local firm, Applied Information Services, which has a business in Riverside Plaza. They were proposing to apply for a \$375,000 economic development type grant to assist them with operating capital so they can expand their employees from 32 people to between 55 and 60 people. He said that by applying for this grant it will create jobs for the community. He introduced Jeff Arcel, President of A.I.S., to talk with the Council so he could give a little background about their firm and to explain their plans for expansion.

Jeff Arcel said the important thing to know about Applied Information Services is that they set up the company trying to buck the odds in Whitefish. They really wanted to have a business in Whitefish that would meet the needs of the community. They create interactive information services (data bases) that are used for both professional and consumer applications through distribution networks worldwide. He said that right now they have a lease with American Airlines to provide a travel system for three (3) years with a three year renewal option. American Airlines has contracted with Applied Information Services to provide all the software for their leisure travel system. He named several other companies that they are working with on similar applications. He said that this grant would enable them to continue to own the company. They have several acquisition offers, however, the acquisition offers would move the business out of Whitefish. They would like to see the business stay here regardless of whether he is associated with it. They would be going from 32 to 60 jobs and their payroll which is now approximately one-half million dollars and would grow to 1 1/2 million dollars. He thanked the Council for their consideration.

City Manager Freedman said that the grant funds utilized by Applied Information Services would be paid back to the City and put into an Economic Revolving Loan Fund with funds loaned to other businesses.

Mayor Amass opened the hearing to the public and as there was no public comment, he turned the matter over to the Council for discussion and action.

City Manager Freedman said that he would put together the grant application and bring back a draft to the Council meeting on September 6, 1988.

After discussion, it was the consensus of the Council to pursue securing the grant for Applied Information Services.

OLD BUSINESS

1. DISCUSSION OF RURAL SPECIAL IMPROVEMENT DISTRICTS (CROSSWINDS/HUETH AND COLORADO/TEXAS): City Manager Freedman said that he would like to proceed with the RSIDs through Flathead County but he requested that the Council decide on the issue of deferred annexation to allow the homeowners a chance to adjust to the RSID assessments and the issue of City participation in installing sewer pipe on both projects to lessen the assessment cost to each property owner. He gave the Council sketches of both areas and said that the cost for the Colorado/Texas area would be approximately \$200,000 and the Crosswinds/Hueth area cost would be approximately \$312,545. He said that the City could extend the Cow Creek sewer line to the railroad tracks which would be approximately 1300' of 12" sewer pipe plus manpower and equipment time in order to lessen the project cost for the property owners.

The Council discussed the number of hookups, when the construction would start, overextending city crews, the time frame for people to hook onto the sewer line, etc. City Manager Freedman said that the project could start in the spring, the city crews could easily do this project and the people could be given a time frame to hook onto the City's sewer system.

Councilman Hanson requested that the City Administrator and the City Attorney draft a new policy resolution regarding sewer hookups.

The Council authorized the Staff to proceed with the RSIDs and also the intent of the City to participate in these projects. City Manager Freedman said that he would bring a sewer hookup policy resolution back to the Council.

NEW BUSINESS

1. WAIVER OF THE OPEN CONTAINER ORDINANCE FOR THE WHITEFISH SUMMER GAMES STREET DANCE - TERESA MITCHELL: City Manager Freedman explained that the Whitefish Coors Summer Games Committee was requesting that the open container ordinance be waived for September 10, 1988 on Central Avenue. He said that he would recommend approval for this request with the following conditions:

a. The Chamber of Commerce or the individual businesses serving alcohol must obtain liability insurance naming the City as an additional named insured;

b. Sponsors must provide security for this event by utilizing off-duty policemen or members of the Sheriff's Posse;

c. Sponsors will be responsible for putting up and taking down the necessary barricades;

d. The sponsors will do the cleanup of Central Avenue after the completion of the event with a second clean up to occur on Sunday morning at 9:00 A.M.; and

e. Additional security people must be hired so that they can mingle throughout the crowd to ensure that minors are not drinking.

Teresa Mitchell said that the Committee, in conjunction with several downtown businesses, would provide funding for proper security which would include at least two off duty Whitefish Police Officers. The Committee would be setting up the barricades, provide proper insurance and clean up would be done after the dance and the Key Club would also do a clean up on Sunday morning.

Police Chief Dolson said that he was opposed to lifting the open container law, especially for the Central Avenue area. He said that his off duty Police Officers were not in favor of working the event and that the Committee would probably have to hire out of town security personnel. (Teresa Mitchell said that two security people from Big Mountain had volunteered to help them). Police Chief Dolson said that he felt Central Avenue was quite different than the local parks. Central Avenue is where all the brawls, bottles, broken windows and other damage had occurred in the past.

The Council voiced several concerns about waiving the open container for the street dance on Central Avenue due to the following: children attending the function with liquor being served, keeping the crowd in a one block area, people going from the bars to dance and vice versa, damage to property, fighting and brawling, etc. The Council said that if the function was being held in one of the parks, they would probably waive the open container ordinance.

After discussion, Councilman Boksich made a motion, seconded by Councilwoman Maddux, that the request for the waiver of the open container ordinance for the Central Avenue street dance be denied. The motion passed with 3 aye votes and 1 abstention (Councilwoman LaTourelle abstained).

2. PHASE I WILLOW BROOK SUBDIVISION - FINAL PLAT ACCEPTANCE: Tom Jentz, a Senior Planner in the Flathead Regional Development Office, gave the Staff report. He said that the final plat for 29 lots in Phase I of Willow Brook has been submitted for final acceptance and recording. He said that in August 1987, preliminary plat approval was granted for 39 lots based on 34 conditions. All conditions of approval pertinent to Phase I have been met and all improvements are in place and have been found acceptable except for the two (2) pedestrian bridges crossing Cow Creek. He said that per condition #23, an improvement agreement had been entered into to guarantee installment of the bridges within 90 days. Jentz said that based on the submitted materials, staff recommended final plat approval for Phase I.

City Manager Freedman said that he would recommend final plat acceptance contingent upon the developer providing the City with a check for \$1,000 which would serve as a guarantee for completion of the two pedestrian bridges within the open space area.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve the final plat of Phase I of the Willow Brook Subdivision as recommended by the Staff. The motion passed unanimously.

CITY MANAGER REPORTS

1. MONTANA MUNICIPAL INSURANCE AUTHORITY RESOLUTION: City Manager Freedman explained that the resolution would allow the MMIA Board to expand from 9 members to 13 which is an increase of four seats on the board. He said the Board felt this would permit broader representation by the cities and towns participating in one or more of the Authority's Programs.

The Council had several concerns about increasing membership on this Board and Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle to table this issue until more information was received. The motion passed unanimously.

2. UPDATE ON SKATING RINK PROJECT: City Manager Freedman said that as of this date there was \$22,000 cash in the ice skating rink fund. He said with the \$22,000 cash, the City's \$25,000 and the grant of \$17,350 the fund totals approximately \$64,000. He said that Craig Scott was well on the way to raising the funds needed for the construction of this project.

Councilwoman Maddux asked if there was information on maintenance costs and projected user charges and City Manager Freedman said he would bring this information back to the next Council meeting.

3. DISCUSSION OF CITY VEHICLES: City Manager Freedman had given the Council a list of pickups and cars owned by the City and the Council discussed the issue briefly.

4. UPDATE ON PINE AVENUE/THIRD STREET CONSTRUCTION PROJECT: City Manager Freedman gave the Council an update on the progress of the construction of Third Street and Pine Avenue. He said that 40% of the fabric had been placed on Third Street and Marriott Construction would be putting in the curbs, gutters and sidewalks in the next week or two. He said that on Pine, the storm sewer was in place from Seventh Street to Fourth Street and would be completed to Second Street this week. The project should be completed by mid September.

5. WAIVER OF THE OPEN CONTAINER ORDINANCE FOR THE WHITEFISH SOCCER CLUB: City Manager Freedman said that the Soccer Club was requesting a waiver of the open container ordinance for the Grouse Mountain Soccer fields during the Summer Games' mens and womens soccer tournament to be held on September 10th and 11th. The proceeds from selling beer would go towards installing a sprinkler system at the Grouse Mountain Park soccer fields. The Parks Board has discussed working on this project with the Soccer Club in this fiscal year.

The Soccer Club would furnish security, liability insurance naming the City as an additional named insured and provide cleanup of the area.

The Council discussed this request and because the function would be held at Grouse Mountain Park with the above requirements, they could not see a problem with waiving the open container ordinance for this event.

Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to approve the request. The motion passed with three (3) aye votes and 1 no vote (Councilwoman Maddux voted no because she said that she applauded the Soccer Club for what they wanted to do, however, she could not vote for this issue when she had voted no on the Central Avenue issue).

COUNCIL REPORTS OR COMMENTS

Councilwoman LaTourelle asked City Manager Freedman if there was any progress in Jack Joy's fire hydrant. He said that he would check with Water/Sewer Supervisor Acton and they would contact the company and if they could not deliver the part at once, it would be ordered from another company.

Councilman Hanson said that in regard to the extra-territorial member needed for the Board of Adjustments, he had talked to Bill Budge who said that he would serve on this Board. City Manager Freedman said that Mr. Budge should submit a letter to the City requesting to serve on the Board of Adjustments.

Councilman Hanson asked City Manager Freedman, in regard to Mr. Hales request about City Beach, if the City could put the water truck at City Beach and hose down the upper tier and the beach as a good faith gesture to the people that live in that area. City Manager Freedman said that when the wind blows like it has, there is not much the City can do to prevent the sand from blowing. Mayor Amass said that something had to be done to solve the problem and suggested that maybe pea gravel was the answer. City Manager Freedman said that he disagreed with putting pea gravel on the beach. He said that the new sand was as heavy as you can get but he said that he would meet with the Parks Board to address this issue. If the Board decided that the sand should come off the beach, then it would be done.

ADJOURNMENT

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to adjourn at 9:19 P.M. The motion passed unanimously.

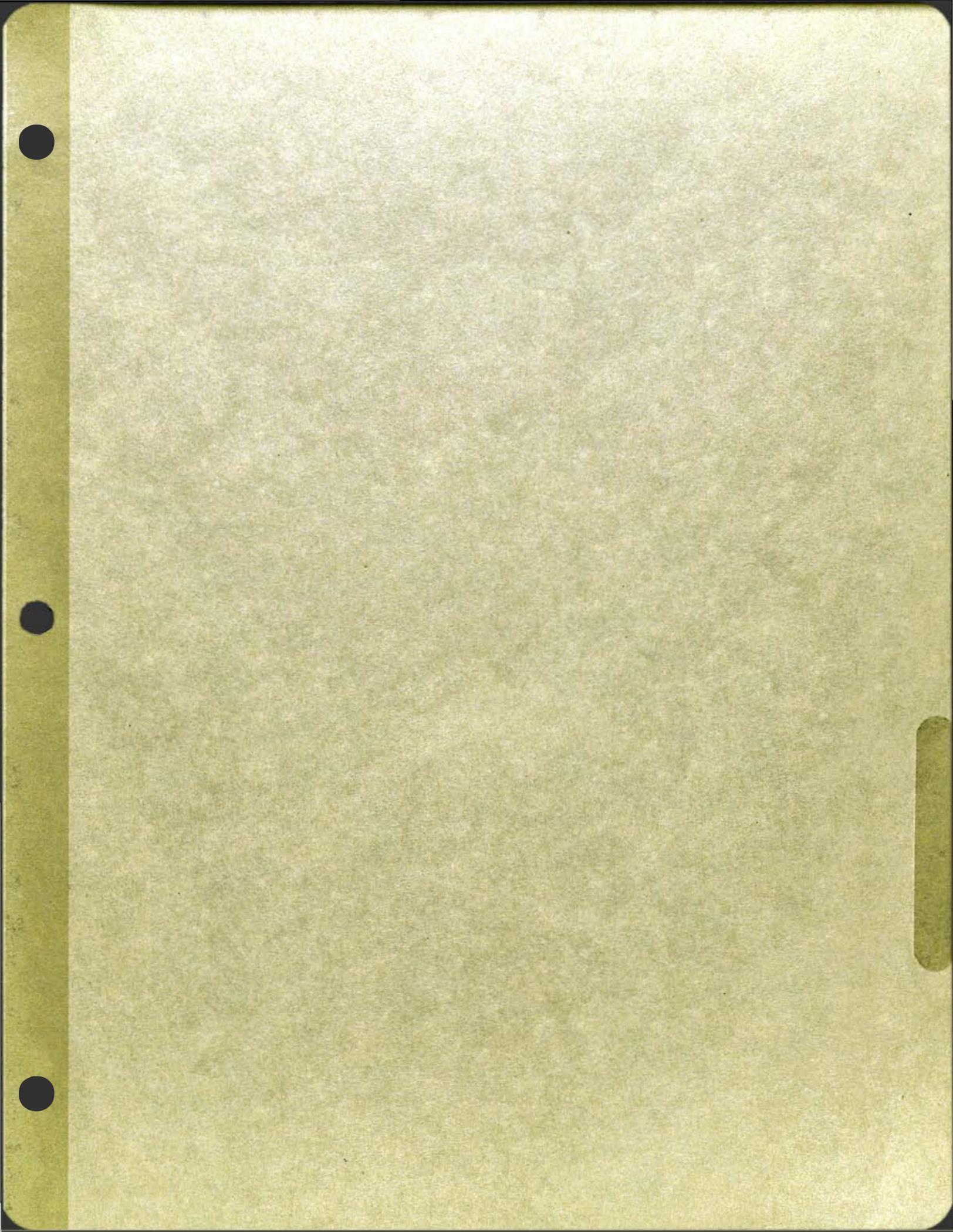


Mayor

ATTEST:



City Clerk





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
September 6, 1988

- 5:30 I. INTERVIEWS FOR COUNCIL VACANCY
A. Ord Clark - 5:30 P.M.
B. Helen Doyle - 5:45 P.M.
C. John Garrity - 6:00 P.M.
D. Lois Morris - 6:15 P.M.
E. Dick Peterson - 6:30 P.M.
F. Steve Sevener - 6:45 P.M.
- 7:00 II. Approval of the minutes of the August 15, 1988 Meeting
- 7:05 III. PUBLIC COMMENTS
- 7:20 IV. STAFF UPDATES AND REPORTS
- 7:30 V. PUBLIC HEARINGS
1. Cross Currents Christian School Conditional Use Permit Request
2. Community Development Block Grant Hearing
- 8:15 VI. OLD BUSINESS
1. MMIA Resolution
2. "Going Out of Business" Ordinance
3. Deferred Annexation Resolution
- 8:45 VII. CITY MANAGER REPORTS
1. Update on Skating Rink Project
2. Update on Pine Avenue/Third Street Construction Project
3. Acquisition of Burlington Northern Train Depot
4. Discussion of Viaduct Project and Highway 93 Project
5. Discussion on Montana Cash Anticipation Financing Program
- 9:20 VIII. COUNCIL REPORTS OR COMMENTS
- 9:30 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: September 6, 1988
RE: Monthly Report for August

License Agreement with the Department of Highways: In late August, I signed an agreement with the DOH which provides the City of Whitefish with a source for various types of gravel. This agreement is for three years with an option for an additional three years by written notice to the DOH during the third year of the original term. As part of this agreement, the following terms have been agreed to between the two parties:

1. The City has the right to remove any sand or gravel from the State pit. This material will be assessed at a rate of \$.50 per cubic yard. The City has the right to bring in a crusher and/or screen to modify the material in the pit;
2. The City will repay the State DOH by providing 1/2 minus material to the DOH. The amount of material provided to the DOH will be of equal value in relation to the material taken from the pit by the City;
3. The City may stockpile crushed and/or screened material at the State pit and the City will have access to the inactive pit on the State property; and
4. The City will take possession of 4,900 cubic yards of 3/4 minus material currently stockpiled at the State pit. In return, the City will furnish 6,125 cubic yards of sanding material to the DOH.

The City has been using pit run material for various public works projects during calendar year 1988. The 3/4 minus material will be utilized extensively on the Pine Avenue/Third Street Reconstruction Project. The City is currently leasing a screening plant from A-1 Paving in order to screen enough material to replace the sand, the pit run material and the 3/4 minus material that the City has and will use under the terms of this agreement. In addition, the City will generate sanding material for the next several winters with this screening plant.

Easement Agreement: As part of the Pine Avenue Storm Sewer Project, the City has been attempting for almost 2-1/2 years to obtain a parcel of land for a detention pond for storm sewer runoff. Jim and Sharon King are in the process of signing an easement agreement with the City for a 1.416 acre of land which will provide the City with the needed land for a detention pond for the storm sewer water. This agreement also provides for an easement for the necessary

pipe so that the existing storm sewer system can drain into this detention pond facility. The cost of these easements were \$2,000 and 500 cubic yards of fill material. The fill material will come from the Pine Avenue/Third Street Project.

The City thus obtains a detention pond facility that will service a wide area of land on the east side of the city. At the same time, the City will now legally cross the property and drain onto property that it has used for a number of years. The City will also agree not to utilize the alley behind Edwin and Garland Hedman's home during their lifetimes.

EDA Grant: I am still in contact with the EDA representative in Helena about the possibility of acquiring an EDA grant to help existing businesses and potential businesses who wish to expand or relocate to Whitefish. I will keep you informed as developments occur.

Labor Negotiations: The AFSCME local in Whitefish that represents our Public Works employees has requested that our contract negotiations go before a state mediator. The hang-up between the City and the Union centers on health insurance. I have offered to the Union a cap on health insurance premiums at \$250 per month. Currently, the City pays approximately \$232 per month in health insurance premiums for an employee and his or her family. The Union feels that there should be no cap on health insurance premiums. The City is currently paying in excess of \$82,000 per year in health insurance premiums. A cap is the only way to control these City costs for health insurance.

The Police Association and I are discussing a matrix system of grades and steps for a salary plan. The Association appears agreeable to a cap on health insurance premiums; the only issue in this matter may be the amount. I am hopeful that both agreements can be settled by the end of September.

Sign Ordinance: During the past two weeks, I met with a committee of the Chamber of Commerce on the sign ordinance. Future meetings will be held shortly so that an ordinance that is acceptable to the Chamber can be produced and then forwarded to the Planning Board for their review.

Investments: At the end of August, the City was investing a large portion of its funds with the Short Term Investment Pool of the Montana State Board of Investments. Our investments in STIP at month end totaled \$1,300,700 with interest earnings for the month of \$8,900. The latest seven day average yield was 7.92131%. The balance of our funds are invested in local financial institutions.

League of Cities and Towns: As a member of the League's Legislation and Resolutions Committee, I hope that a resort tax can be passed in the next Legislative session that will benefit Whitefish and other communities. I have included the resolutions that will be acted upon at the League's convention next week in Kalispell. I had asked Alec Hanson, the League's Executive Director, to have the resolution on the resort tax include taxing areas larger than incorporated cities. This has been put into the resolution (#1989-4). My feeling is that areas such as Whitefish could have a tax district that includes both the City and Big Mountain. There would then be ample funds for both capital improvements and marketing for the entire district.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: August 31, 1988
RE: Water/Sewer and Street/Sanitation Divisions Monthly Reports for August 1988

Here are the monthly reports from the Water/Sewer and Street/Sanitation Divisions:

WATER AND SEWER: During the month of August, the Water and Sewer employees have concentrated their time on the Pine Avenue/Third Street Reconstruction Project. The storm sewer main measuring 1925 feet that extends from Seventh to Second Street has been installed as well as the installation of eight (8) catch basins. Two curb stops on Third Street have been replaced due to their age and their potential for leakage in the future. Some of the employees in this division have helped in the removal of the clay material from both Pine Avenue and Third Street.

There have been a few calls for sewer backups that have been addressed by utilizing the Vactor truck. The fire hydrant near Jack Joy's house was installed in late August after receipt of the needed part. During the first two weeks of September, these employees will finish installing the catch basins on Pine Avenue and then continue the extension of the Pine Avenue storm sewer main south to the new detention pond facility that will be located on Jim and Sharon King's property.

The phosphorous removal facility went into operation in late August. Work is continuing on this project but the facility is operational. Our effluent discharge with regard to phosphorous may not exceed 1.0 mg/l. The readings for our phosphorous were .32 and .15 during the samples that were taken on the first two days of operation. The engineers (Carver Engineering) are working with Steve Smith to adjust the flow of alum into the system so that our readings are closer to the limitations that we have to meet. Dennis Carver has informed me that our chemical costs may be less than anticipated when the facility is fully operational and fine tuned.

STREET AND SANITATION: The Street Division employees have also focused their efforts on the Pine Avenue/Third Street Reconstruction Project. These employees have concentrated their time on removing the clay material from these two streets and the installation of the geotextile fabric, the pit run material and 3/4 inch minus gravel. Neal Ward has continued to sweep the downtown area and other areas impacted by this construction project. They will continue to work on Pine Avenue and Third Street by preparing those streets for curbs and gutters and sidewalks and the asphalt pavement.

In the middle of August, an individual was hired to drive with Henry Ratz on the garbage truck. Information was compiled on the amount of service that was given to all of our customers as well as yardage of garbage for our commercial accounts. This information will be compiled and presented to you in a report in the near future.

The City has leased a screening plant from A-1 Paving for the next month. Both George Wartnow and Henry Ratz have been working in the State pit screening the material which will be used by the Highway Department and the City of Whitefish.

RESOLUTION NO. _____

WHEREAS, the Whitefish City Council desires to provide a written policy for deferred annexation and the extension of City services to areas outside the City Limits of Whitefish;

WHEREAS, the Whitefish City Council recognizes that it is beneficial to the City of Whitefish and the residents in close proximity to the City of Whitefish to have written guidance concerning deferred annexation and the extension of City services to these areas;

WHEREAS, the Whitefish City Council has determined that the environmental protection of the City of Whitefish, the area surrounding the City of Whitefish, Whitefish Lake, Whitefish River, numerous streams, ponds and all other waterways, would benefit from the extension of City services to these outlying areas; and

WHEREAS, the Whitefish City Council has determined that the financial burden associated with the maintenance of Whitefish City Sewer and Water would be lessened for all users from the extension of City services to areas not within the City Limits.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, that the following schedule of deferred annexation be approved and shall be applied to any future extension of City services to areas outside the City Limits of Whitefish, Montana:

For areas contiguous to the City, it is the policy to allow for hookup to City services with the full and complete understanding that prior to extending City services, the areas that are contiguous to the City, agree to sign a waiver of protest and agree to be annexed within two (2) years from the date the areas contiguous to the City receive City services.

BE IT FURTHER RESOLVED, that the areas that are not contiguous to the City of Whitefish agree to sign the waiver of protest and understand that annexation into the City will occur no sooner than two (2) years from the date these areas receive City services.

BE IT FURTHER RESOLVED, that this Resolution is being passed to clearly identify and provide guidance to those areas that are outside the City Limits of Whitefish, and wish to receive the benefits and enjoyment of City services.

BE IT FURTHER RESOLVED, that the areas outside the City Limits of Whitefish, which receive Whitefish City services, agree to consult with the City Manager prior to embarking on any major capital improvements of their area. This requirement is necessary in order to regulate and to prevent any incompatibility with the Public Works Standards of the City of Whitefish.

BE IT FINALLY RESOLVED, that the City Council may end this written policy of deferred annexation herein approved, by the passage of a Resolution repealing this Resolution, at any time, but the Resolution repealing this Resolution will necessitate a public hearing.

DATED this _____ day of _____, 1988.

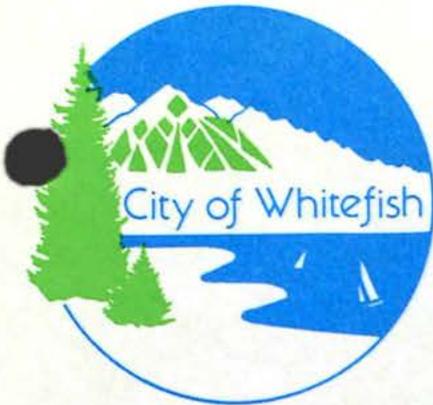


CARROLL AMASS, Mayor

ATTEST:



KAY BELLER, City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: August 31, 1988
RE: September 6, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the September 6, 1988 Council Meeting:

1. INTERVIEWS FOR COUNCIL VACANCY: Beginning at 5:30 P.M., each individual will have fifteen minutes to discuss the council vacancy with you. The candidates will be interviewed in alphabetical order.
2. CROSS CURRENTS SCHOOL CONDITIONAL USE PERMIT: The Planning Board has recommended approval of this conditional use permit request with 16 conditions. I concur with all of these conditions except #9 which may have to be modified due to the installation of the water line for this area.

I have been working with both Lyle Barnes and Lee Patterson for several months to work out an agreement that would facilitate the construction of this school as well as provide the City with certain needed land dedications and easements. Underlying this use permit are the following items in an agreement between the School, Lyle Barnes and the City:

1. Various property owners that will benefit from the new street on the east side of the proposed school site will contribute \$20,000 for curbs and gutters around the entire street, sidewalk along the west side of the street and the pavement of the street from Seventh Street to the cul-de-sac;
2. The City which previously built a gravel road with fabric for the entire length of this street (in order to construct the Cow Creek Sewer Interceptor), will put the necessary crushed gravel on this street so that the street may be paved;
3. Lyle Barnes will deed a sixty (60) foot right-of-way to the City from the Eighth Street right-of-way to the south end of this street;
4. Cross Currents School will deed an additional five (5) feet of right-of-way to the City on the west side of the street adjacent to above mentioned sixty (60)) foot right-of-way;
5. Cross Currents School will deed us a 220' by 30' strip of right-of-way currently owned by Don Gray so that the City has a complete 60 foot right-of-way for Eighth Street all the way to the east to this new street;

6. The City will extend a water line from Seventh Street to the northeast corner of the proposed school site;

7. The City will extend sewer from Seventh Street to the northeast corner of the proposed school site. This project would be undertaken anyway in order to eliminate the lift station at Seventh and Pine;

8. Lyle Barnes will grant us an easement between the Larson and Stone properties so that the sewer line can be extended to connect to the Cow Creek Sewer Interceptor; and

9. Approximately \$600 in funds from the \$20,000 in #1 will be utilized to help purchase the water line materials that are mentioned in #6.

This agreement allows Cross Currents the opportunity to build the required roadway at the bid prices that the City received on the Pine Avenue/Third Street Project. The City receives an easement and three land dedications that allow for the extension of important utility lines.

3. CDBG: I am working on the CDBG for A.I.S. which must be postmarked by September 16, 1988. I will have a report for you at the Council Meeting.

4. MMIA RESOLUTION: This resolution would increase the MMIA Board from 9 members to 13 members (6 representatives from cities with 20,000 or more people, 6 representatives from cities with less than 20,000 people and one at large representative elected by the 12 Board members listed above).

Mileage and per diem is paid to the MMIA Board members for their meetings. There are six cities in the State with 20,000 or more people - Billings (80,310), Bozeman (23,490), Butte-Silver Bow (33,380), Great Falls (57,310), Helena (24,670) and Missoula (33,960). This would mean that the smaller cities under 20,000, would have seven (7) members on the proposed Board. The larger cities feel that they all should be represented because they pay the majority of the premiums levied by the MMIA.

Recommendation: I would still recommend approval of the resolution to allow installation of the bridges.

5. "GOING OUT OF BUSINESS" ORDINANCE: I have made the changes in the ordinance as per the recommendations of the Chamber of Commerce.

Recommendation: Approve the first reading of this ordinance.

6. DEFERRED ANNEXATION RESOLUTION: A proposed resolution is in your packets. City Attorney Muri would like to discuss this issue with other City Attorneys at the League Convention on the 14th, 15th, and 16th of September.

7. UPDATE ON SKATING RINK PROJECT: \$82,000 has been raised for this project. Construction will commence in the next week. Site preparation and the digging for the foundation began on August 30.

8. PINE AVENUE/THIRD STREET PROJECT: I anticipate completion of the project by September 30. An updated report will be given to you at the Council Meeting.

9. ACQUISITION OF BN TRAIN DEPOT: For the past six or eight months, I have discussed the possible acquisition of the depot by the City for use as a Historical Museum site. Last Monday night, I made a presentation to the Historical Society about this project. They passed a resolution urging the City Council to pursue the acquisition of the depot.

Recommendation: Allow me to work out an agreement which would allow the City to acquire this depot as a donation from the BN. The City would then lease the building to the Historical Society for use as a museum and other associated facilities. I have been working on getting a letter from BN committing to donating the depot contingent upon the construction of new administrative facilities for BN next spring. This letter would allow the Historical Society time to raise funds for the renovation of this building.

10. VIADUCT AND HIGHWAY 93 PROJECTS: I have attended meetings conducted by the Highway Department on these two projects. The minutes of one meeting are in your packet and I will discuss the projects in more detail at the Council Meeting.

11. CASH ANTICIPATION FINANCING PROGRAM: The City has been accepted into the Montana Cash Anticipation Financing Program for this year. The following borrowing capacity was requested for the listed funds:

- A. General Fund: \$124,650.09
- B. Sewer Fund: 545,234.75
- C. S.I.D. #132 Fund: 125,135.40

If you have any questions or comments, please feel free to contact me prior to the meeting.

MINUTES
WHITEFISH CITY COUNCIL
SEPTEMBER 6, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Boksich, Maddux and Schreiber. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to approve the minutes of the August 15, 1988 Council Meeting as presented. The motion passed with 4 aye votes and 1 abstention. (Councilman Schreiber abstained because he was not present at that meeting).

INTERVIEWS FOR COUNCIL VACANCY

Mayor Amass asked the Council if they had reached a decision for filling the vacancy on City Council following the interviews that had been held between 5:30 P.M. and 7:00 P.M., just prior to this meeting. Those people interviewed were as follows: Ord Clark, Helen Doyle, John Garrity, Lois Morris, Dick Peterson and Steve Sevener. Councilman Schreiber made a motion, seconded by Councilman Boksich, to approve Dick Peterson to fill the vacancy. The motion passed with 4 aye votes and 1 no vote (Maddux voted no). At this time, Councilwoman LaTourelle left the meeting due to illness.

PUBLIC COMMENTS

Building Inspector/Asst. Zoning Administrator Quinn asked the Council to consider giving him a raise over and above the 3% that all nonunion employees of the City received beginning on July 1. He had written a letter to City Manager Freedman and he had sent copies to all members on the Council regarding this matter. He said his request is based upon the following: comparing his salary with the building inspector's in Kalispell, the requirement that he attends Council meetings and the number of building permits he sells. He feels that he puts more into the job than he receives. He asked that the Council give him a reply by September 25. Councilman Hanson asked that the City Manager respond to this request and report back to the Council at the next Council meeting.

STAFF REPORTS

City Attorney Muri wanted the Council to be aware of the Montana City Attorney's Association Meeting which is being held in conjunction with the annual meeting of the Montana League of Cities in Kalispell from September 14-16. This will give him the opportunity to discuss a wide range of matters with other City Attorneys from around the state.

Written reports had been received from the Water/Sewer and Street/Sanitation Divisions as well as a monthly report from City Manager Freedman.

Councilman Hanson requested a cost breakdown of the Cow Creek Sewer Project similar to the report for the West Fourth Street Sewer Project.

PUBLIC HEARINGS

1. CROSS CURRENTS CHRISTIAN SCHOOL CONDITIONAL USE PERMIT REQUEST: Tom Jentz presented the Whitefish City-County Planning Board's findings and conditions of approval for the conditional use permit. The permit is for the Cross Currents Christian School to build and operate a grade school facility on 1.8 acres of land located east of Park Avenue and directly south of the Church of the Nazarene. The Planning Board recommended approval of the conditional use permit by a majority vote with 16 conditions.

There was one letter of protest from neighboring property owners, Mr. and Mrs. Albert Vandenberg. City Manager Freedman explained the City's proposal on the sewer extension in answer to some of the Vandenberg's concerns. With this sewer extension, that would tie into the Cow Creek Sewer Interceptor, the lift station used by this neighborhood at 7th and Pine could be eliminated. The City is also working with Don Gray who owns 30 feet of the East Eighth Street right-of-way. The acquisition of this land would allow the City to extend East Eight Street across the north side of the proposed school site at some time in the future. The Cross Currents School has said they would deed the City additional right-of-way across the East boundary of their property to allow for the extension of a water line to the properties south of the proposed school site. There has been a desire expressed by both Lyle Barnes and the Cross Currents School to piggyback construction costs with the Pine Avenue and Third Street Project. If this is approved, we would be able to utilize those bid prices on paving and curbs and gutters for the new street to be built from East Seventh Street south to the school. The contractors said as long as they were in the area, they would honor that price.

Mayor Amass opened the hearing to the public for comments. Mr. Albert Vandenberg was still concerned about the homes that use the lift station, how the sewer system will be extended and the cost of that extension. He also objects to the extra traffic it will cause. City Manager said that the elimination of the lift station and sewer extension would be done at the City's expense, using funds out of its own improvement fund. All those homeowner's previously using the lift station would then benefit due to the reduction in their monthly sewer bills. The City benefits because it eliminates the costs of maintenance and operation of the lift station.

John Hughes, a representative of the Cross Currents Christian School, said that it is likely that traffic would not increase that much because many of the students would ride the Whitefish School bus that already continues on to Muldown Elementary School. They would walk down the new street extending south from East Seventh Street. He added that if this new school is not built, the same amount of children would be attending Muldown School and causing the same amount of traffic.

Andy Bittker questioned the fact that some student of Cross Currents Christian School would be allowed to ride Whitefish's school buses. It was explained to him that they are currently paying the School District for that privilege.

There being no further public comment, Mayor Amass turned the matter over to the Council for comments and questions. After discussion, Councilman Hanson made a motion, seconded by Councilman Boksich, to approve the Conditional Use Permit for the Cross Currents Christian School based on the review of the site suitability, design, availability of public services, immediate neighborhood impact, immediate neighborhood integrity and impact on property values, contingent upon the satisfaction of the 16 conditions attached by the City-County Planning Board and also contingent upon resolving points #1 through 9 in the City Manager's recommendation and with the addition that the cul-de-sac does abut the south boundary of the school property. The motion passed unanimously.

2. COMMUNITY DEVELOPMENT BLOCK GRANT HEARING: City Manager said that according to the regulations for the Community Development Block Grant process, the City has held two hearings on this grant. The application is for a \$375,000 grant to assist Applied Information Services, Inc. (AIS) to expand their employment base and their operations within the City of Whitefish. At this time, the City is still waiting for information to be included within the grant application. We have some letters from the Job Service and we are seeking some letters from Flathead Valley Community College about employing some of the people that are trained at the college and from other area agencies that see this as potential benefit in the Flathead Valley. All of this information will be brought together for the completion of the application by September 16. Jeff Arcel presented his Executive Summary that will be included in the application. Within the Hiring and Training Plan, AIS will grow from employing 32 permanent employees to at least 56 employees by next year. AIS has worked with the local Job Service Office and other local agencies to hire and train people who live in the valley. These jobs fall into the low to moderate income classification which is an important requirement of the block grant.

There being no questions from Council on the Staff Report and no public comment, Mayor Amass turned the matter over to the Council. Councilman Schreiber made a motion, seconded by Councilman Hanson, to proceed with the application of the block grant. Councilman Hanson questioned City Manager Freedman if the Council would get a copy of the grant application. City Manager Freedman said they would. The motion passed unanimously.

OLD BUSINESS

1. MMIA RESOLUTION: City Manager Freedman explained that this resolution would increase the MMIA Board from 9 members to 13 members (6 representatives from cities with 20,000 or more people, 6 representatives from cities with less than 20,000 people and one at large representative elected by the 12 Board members listed above). Each board member gets paid mileage and per diem for each meeting.

After discussion by Council, Councilman Hanson made a motion, seconded by Councilman Boksich, to not approve the resolution. The motion passed with 3 aye votes and 1 no vote (Maddux voted no).

2. "GOING OUT OF BUSINESS" ORDINANCE: City Manager Freedman said the original draft of this ordinance was taken from the ordinance in effect in Missoula, Montana. It was amended to be applicable to the City of Whitefish and had been amended again based upon the recommendations from the Whitefish Chamber of Commerce.

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the first reading of the "Going out of Business" Ordinance. The motion passed unanimously.

3. DEFERRED ANNEXATION RESOLUTION: City Manager Freedman said the Deferred Annexation Resolution sets forth the City's philosophy on the extension of City services to areas outside the City Limits of Whitefish. City Attorney Muri would like to discuss this matter further with other City Attorneys attending the Montana City Attorney's Association meeting next week. With that in mind, the present form of this resolution is presented to the Council for their consideration and it will be on the agenda again for the September 19th meeting. The City has also received a letter of support for deferred annexation from the Whitefish County Water & Sewer District.

CITY MANAGER REPORTS

1. UPDATE ON SKATING RINK PROJECT: Sufficient funds have been raised to construct the proposed 1900 square foot facility which will include restrooms, a concession area (either for skates and/or food), a community room, a Zamboni Machine room and a mechanical room. \$30,000 in private contributions have been raised from the community, the City budgeted \$25,000, a LWCF grant for a little more than \$17,000 and the O'Shaughnessy Foundation is going to contribute \$16,000 that will cover the cost of the Zamboni Machine. We also have had contributions of time and materials that should make the project more feasible. The foundation for the building should be poured on or about September 7th and the construction is projected to be completed by Thanksgiving. At this time, a reflective mat will be placed on the ground and the skating surface will be maintained on top of this by the Zamboni Machine. After the skating season, the mat is taken up, leaving the park as it is right now. In researching the deed to find out if it would be legal to put a permanent facility on the land, it was found that it would be legal as long as it provides recreation of a family nature. It is also provided for in the deed that with a new facility, the existing facility could be torn down but the Park Board has no intention of tearing down the existing facility. The new facility will compliment the existing one.

There will be a few different maintenance items. There will be some lights to allow for night skating for which the cost should not be very high because the lights are on for only four or five hours each day. One of the City Street Department employees will drive the Zamboni Machine each morning and run it again before going home at night. Currently, the City Janitor cleans the existing facility, so it is proposed that he would also clean the new facility on a daily basis.

Councilwoman Maddux asked about the need for training on the Zamboni Machine and also the method of flooding the rink. City Manager Freedman said that in the acquisition of the Zamboni Machine, a company representative would work with whomever will be driving it as well as a backup person and also train the City Mechanic in routine maintenance of the machine. A problem in the past in flooding the area has been the location of fire hydrants and the need for long lengths of hose. Part of the Water Master Plan is to extend water and sewer from Wisconsin to Colorado through the park so that we could grid the system; this project is scheduled for sometime this fall.

2. UPDATE ON PINE AVENUE/THIRD STREET CONSTRUCTION PROJECT: City Manager Freedman reported that both streets are progressing well. Several pieces of City equipment were vandalized recently resulting in approximately \$1,000 worth of damage and lost time in utilizing this equipment. Approximately nine catch basins need to be installed as well as additional pit run and crushed gravel. The majority of the curbs and gutters and sidewalks have been installed on Third Street. Estimated completion date of the project is September 30.

Councilman Boksich suggested that the City consider hiring security personnel for the balance of the project. City Manager Freedman said he would look into this suggestion.

3. ACQUISITION OF BURLINGTON NORTHERN TRAIN DEPOT: City Manager Freedman told the City Council that he has had numerous conversations with the BN about the acquisition of the Whitefish Depot either by donation or for a nominal amount. The Historical Society passed a resolution at their meeting on August 29 urging the City Council to pursue the acquisition of the depot. City Manager Freedman asked the City Council to pass a resolution allowing him to continue to pursue the acquisition of the depot.

A motion was made by Maddux, seconded by Schreiber, to allow the City Manager to continue to pursue the acquisition of the depot. The motion passed unanimously.

4. DISCUSSION OF VIADUCT PROJECT AND HIGHWAY 93 PROJECT: City Manager Freedman reported on meetings that were held at the Department of Highways' offices in Kalispell. Both projects were on schedule for construction in the early 1990's. Freedman had given each Council member the minutes from the Highway 93 meeting and he informed the Council that he had requested in a letter, two traffic signals as part of this project.

The viaduct project was also amended to include a left hand turn lane onto Railway Avenue. Councilman Hanson requested that Freedman discuss the landscaping of the approaches with Department of Highways' officials.

5. DISCUSSION ON MONTANA CASH ANTICIPATION FINANCING PROGRAM: City Manager Freedman informed the City Council that Whitefish had been officially accepted into the Montana Cash Anticipation Financing Program. This program allows Whitefish to borrow funds in case of short term cash flow shortages in the General Fund, Sewer Fund and S.I.D. #132 Fund. The principal and interest must all be paid back prior to June 30, 1989.

6. LEGISLATION SPONSORED BY LEAGUE OF CITIES AND TOWNS: City Manager Freedman gave each Council member a copy of the legislation that the League would try to have approved in the 1989 Legislative session.

7. EDA GRANT: Freedman told the City Council that he would pursue an EDA grant to help existing and prospective businesses for Whitefish. As soon as the details became more complete, he would bring the matter to a future City Council meeting.

8. LICENSE AGREEMENT WITH THE DEPARTMENT OF HIGHWAYS: City Manager Freedman gave the City Council the terms of an agreement with the DOH which allows the City the right to take sand and gravel from the State pit for the next three (3) years. This agreement also allows for the City to extend it for an additional three (3) year term.

9. DETENTION POND FACILITY: City Manager Freedman presented the terms of an easement agreement with Jim and Sharon King for 1.4 acres of land which will be utilized as a detention pond facility for storm sewer water.

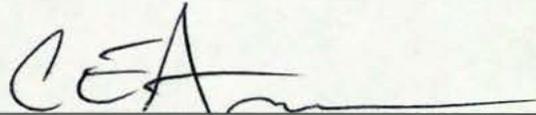
COUNCIL REPORTS OR COMMENTS

Councilwoman Maddux asked if City Manager Freedman would, at the meeting of the League of Cities and Towns, inquire of other possible medical insurance for City Employees. She is concerned about the high cost of the current City Employees' insurance.

Councilman Hanson would like to have a meeting with the Whitefish County Water & Sewer District, so the City Council can discuss the District's proposed facility plan to make sure it is compatible with the City of Whitefish's system. City Manager Freedman said that in talking with the State, it sounds as if their facility plan is in limbo. If the City does any sewerage outside the City, they will be dealt with on an individual basis. Water/Sewer Supervisor Acton has previously notified the State in writing that the City was not satisfied with their proposed pressurized system and some of the other technology they have proposed in their facility plan. Freedman said he would try to arrange a meeting in the near future.

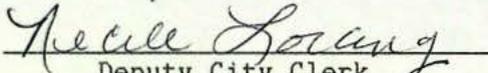
ADJOURNMENT

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to adjourn at 8:55 P.M. The motion passed unanimously.



Mayor

ATTEST:



Deputy City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
September 19, 1988

- 7:00 I. Approval of the minutes of the September 6, 1988 Meeting
- 7:05 II. Oath of Office - Dick Peterson
- 7:10 III. PUBLIC COMMENTS
- 7:25 IV. STAFF UPDATES AND REPORTS
- 7:30 V. PUBLIC HEARINGS
1. Going Out of Business Ordinance (88-5) - Second Reading
- 7:40 VI. OLD BUSINESS
1. Deferred Annexation Resolution
- 7:55 VII. CITY MANAGER REPORTS
1. Update on Skating Rink Project
2. Update on Pine Avenue/Third Street Construction Project
3. Ratification of the Union Contract
4. Golf Association Lease
- 8:40 VIII. COUNCIL REPORTS OR COMMENTS
- 8:50 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: September 14, 1988
RE: September 19, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the September 19, 1988 Council Meeting:

1. GOING OUT OF BUSINESS ORDINANCE: This will be the second reading of this ordinance which you approved at the last City Council meeting. The changes proposed by the Chamber of Commerce have been made to this proposed ordinance. Recommendation: Approve the second reading of Ordinance #88-5.

2. DEFERRED ANNEXATION RESOLUTION: Both Tom and I will inquire at our meetings in Kalispell this week as to how other cities have dealt with this issue. We will make a recommendation to you at the City Council meeting.

3. UNION CONTRACT: A copy of the 1986-1988 union contract is in your packet for your information. I have written a memo outlining the terms that were agreed to in our negotiations. Recommendation: Approve the union contract with the agreed upon terms.

4. GOLF ASSOCIATION LEASE: For quite some time, I have been negotiating a new lease agreement with representatives of the Golf Board. Several months ago, I gave each of you a memo outlining our discussions. The proposed lease in your packet has deleted the installation of an underground sprinkler system at the cemetery. It would be my recommendation that the City borrow the necessary funds, approximately \$25,000, from the State to fund this project. The funds could be borrowed with a repayment term of five years. Each year, the City could earmark approximately \$6,000 from the lease payments to repay the loan from the State.

Recommendation: Approve the proposed lease agreement and I think the City Council should earmark the lease payments for specific projects (e.g. street reconstruction and the development of the park system).

MINUTES
WHITEFISH CITY COUNCIL
SEPTEMBER 19, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle and Maddux. Councilman Schreiber was absent. Also present were City Manager Freedman, City Attorney Muri, Police Chief Dolson and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Councilman Hanson made a motion, seconded by Councilwoman Maddux to approve the Minutes of the September 6, 1988 Council Meeting as presented. The motion passed with 3 aye votes and 1 abstention (Councilwoman LaTourelle abstained because she left the meeting early because of illness).

OATH OF OFFICE

At the last Council Meeting, the City Council appointed Dick Peterson to fill the vacancy on the City Council. City Attorney Muri gave him the oath of office and he took his place at the Council table.

PUBLIC COMMENT

NONE

STAFF UPDATES AND REPORTS

Written reports had been received from Police Chief Dolson and Building Inspector Quinn.

PUBLIC HEARINGS

1. GOING OUT OF BUSINESS ORDINANCE (88-5) - SECOND READING: City Manager Freedman said that he would recommend that the Council approve this Ordinance on the second reading.

Mayor Amass opened the Public Hearing and as there was no comment from the public, he closed the hearing and turned the matter over to the Council for discussion and action.

Councilwoman LaTourelle said that several business people had contacted her regarding the Ordinance. These business people felt that this ordinance allowed for too much government interference. With the economic factors involved, the Ordinance might be obsolete before it could be utilized. Councilman Peterson said that in Section 18, he felt the businesses should not have to reveal any dollar amounts. Councilman Hanson said that he would agree with LaTourelle and Peterson; he said that once the records come to City Hall they become public records and anyone could request the information. Councilman Boksich said that he had not received any input from the business

sector and would support the Ordinance. Councilwoman Maddux said that she had no personal feelings about the Ordinance but felt that the best government governs the least and she had several concerns about the ordinance. City Attorney Muri said that he felt the Ordinance should be kept simple and suggested that the Ordinance be drafted stating that, "Going Out of Business sales are not to exceed 30, 60 or 90 days" (whichever the Council would prefer). He said that it would be easier to enforce.

After discussion, Councilman Boksich made a motion, seconded by Councilwoman Maddux, to table Ordinance 88-5 until next Council meeting so it could be modified. The motion passed with 3 aye votes and 2 no votes (Hanson and LaTourelle voted no).

OLD BUSINESS

1. DEFERRED ANNEXATION RESOLUTION: City Manager Freedman said that City Attorney Muri had talked to other attorneys about deferred annexation at the Attorney's Meeting in Kalispell. They felt that this concept might be hard to enforce down the road. City Manager Freedman recommended that the City Council proceed with the deferred annexations because it would allow the homeowners a period of time (he recommended a two (2) year time limit) to pay towards the extension of the sewer before they have additional costs from City taxes. He said that the City needs to move forward with the sewerage of Crosswinds/Hueth and Colorado/Texas areas and that the City Council should make a decision as to what extent the City would participate in these and other proposed projects.

Councilman Hanson said that the proposal should be redrafted to include an extension of services Master Plan. He felt this would aid the Council in all future annexations and extensions of services.

After Council discussion, Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to table the deferred annexation resolution until it could be redrafted. The motion passed unanimously.

CITY MANAGER REPORTS

1. UPDATE ON SKATING RINK PROJECT: City Manager Freedman said that the building at Mountain Trails had been started. The concrete had been put in and they were hoping to complete the project by Thanksgiving. He explained that all the funds needed for the project had been received and this included \$16,000 for the Zamboni ice resurfacing machine.

2. UPDATE ON PINE AVENUE/THIRD STREET CONSTRUCTION PROJECT: City Manager Freedman said that last week the curb and gutter had been poured between Fifth and Seventh Streets and that all the preliminary work had been completed. He said that Pine Avenue should be completed by early October and that Third Street should be paved next week. Overlaying Fir Avenue between Second and Fourth Streets would be done when Third Street is paved.

3. RATIFICATION OF THE UNION CONTRACT: City Manager Freedman reported that on September 7, a labor mediator from the Department of Labor and Industry mediated the labor contract stalemate between the City and Whitefish

Local #2943. He said that an agreement was reached after more than five hours of mediation. He asked that the Council ratify the new terms of the contract as follows:

1. One (1) Personal Day will be granted to each employee each year. This day shall be used at the employee's discretion. This is in exchange for combining Lincoln's and Washington's Birthdays into one holiday along with the addition of Heritage Day to be observed on the day after Thanksgiving. The one (1) personal day will be listed separately in the contract under a section entitled "Other Leave". Item #12 in Article XI (Holidays) will be deleted completely.
2. ARTICLE X (CALLBACK TIME): The language will be changed from four (\$4.00) dollars to five (\$5.00) dollars. The amount of standby time pay will be changed from \$25.00 to \$30.00;
3. ARTICLE VI (WORK RULES): Add a fourth paragraph as follows: Any written disciplinary material placed in an employee's personnel file shall be removed after 18 calendar months should there be no further infraction of a similar nature during the above mentioned 18 month period; and
4. A three year contract (with no openers) with a salary increase of 3.25% in year 1, a salary increase of 3.0% in year 2 and a salary increase of 1.0% in year 3. The contract will run from July 1, 1988 to June 30, 1991.

Councilman Boksich asked City Manager Freedman if the Union had already ratified the Contract and City Manager Freedman said that they had met and voted to accept the contract.

The Council discussed Article VI (Work Rules) and they voiced some concern about removing disciplinary material from an employee's file after only 18 months. They questioned the fact that if an employee had more than one infraction within a 24 month period and the the information was not in the employees file, dismissal of the employee would be very difficult. City Attorney Muri said that dismissal of an employee did not necessarily have to be based upon the contents of an employee's file. He said that the new State Law makes it easier for an employer to dismiss people with good cause. He would give the Council a copy of the law.

After discussion, Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to approve the Union Contract. The motion passed unanimously.

4. GOLF ASSOCIATION LEASE: City Manager Freedman said that for some time, he had been negotiating a new lease agreement with representatives of the Golf Board. Several months ago, he had given the Council a memo outlining the discussions. The proposed lease has deleted the installation of an underground sprinkler system at the cemetery. He said that it would be his recommendation that the City borrow the necessary funds, approximately \$25,000, from the State to fund this project. The funds could be borrowed with a repayment term of five years. Each year, the City could earmark

approximately \$6,000 from the lease payments to repay the loan from the State. He recommended that the Council approve the proposed lease agreement and earmark the lease payments for specific projects (street reconstruction and the development of the park system). He went through the lease agreement with the Council.

The Council discussed the lease agreement and had problems with #12 and #14. Councilman Hanson questioned these two items and felt they should be redrafted before a decision was made. Hanson made a motion, seconded by Boksich, to table the issue until next Council meeting and City Attorney Muri would redraft the lease agreement. The motion passed with 4 aye votes and 1 abstention (Councilwoman LaTourelle abstained due to a conflict of interest).

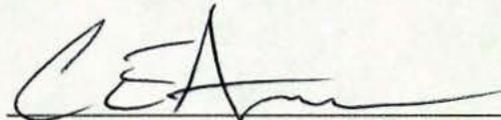
5. COST BREAKDOWN OF THE COW CREEK INTERCEPTOR SEWER LINE: Water/Sewer Supervisor Acton submitted a breakdown of the cost of installing the Cow Creek Sewer Interceptor Line. The project is 98% completed and the cost of the project is \$76,767.71.

6. LETTER FROM APPLIED INFORMATION SERVICES: Jeff Arcel, President of Applied Information Services, sent a letter to City Manager Freedman telling him that they had decided not to proceed with the Community Development Block Grant application. Arcel said that the management had determined that pursuing the block grant further would not be in the best interest of AIS at this time.

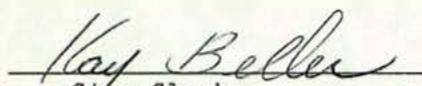
COUNCIL REPORTS OR COMMENTS

Councilman Hanson reported that Margaret Murdock had applied for a Conservation Easement for her property east of Wisconsin Avenue and he felt this would be a detriment to the City in the future. He asked the Council if they wanted to pursue the matter. Most of the Council felt the City should not get involved and City Manager Freedman said that he felt Mrs. Murdock had the right to put a conservation easement on her property if she desired. City Manager Freedman said that he would check and make sure the City still has a water utility easement across the property.

As there was no further City business, Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux to adjourn at 8:50 P.M. The motion passed unanimously.


Mayor

ATTEST:


City Clerk

MINUTES
WHITEFISH CITY COUNCIL
SEPTEMBER 26, 1988

Mayor Amass called this Special Meeting to order at 5:00 P.M. Council Members present were Hanson, Boksich, Maddux, Schreiber and Peterson. Councilwoman LaTourelle was absent. Also present were Whitefish Lake Golf Club, Inc. Board Members Bob Guon, John Connors Sr. and Cori Peterson as well as City Manager Freedman and City Attorney Muri.

The purpose of this Special Council meeting was to review and adopt the Lease Agreement between the City of Whitefish and the Whitefish Lake Golf Club, Inc.

City Manager Freedman explained the proposed changes to the Lease as follows:

Section Three - Rent: The City would receive an annual fee of \$13,000.00 to be paid in two (2) equal installments - the first installment on or before May 31st and the second installment on or before June 30th of each year. The Golf Association would continue to maintain the Cemetery and the Grouse Mountain soccer fields. However, the City has the option during the term of the lease to take over the maintenance and the Association would pay the City an additional \$6,000.00 per year.

Section Five - Fire Insurance: The City would be an additional named insured.

Section Twelve - Subletting and Assignment: This section was changed to state that the Golf Association could not sublet the golf course real property nor any portion without the prior written consent of the City; and the Golf Association may sublet the concessions and buildings or improvements after first obtaining written approval from the City, which consent may not be unreasonably withheld.

The Council briefly discussed the lease agreement and Councilman Boksich made a motion, seconded by Councilman Hanson, to approve the lease agreement as written. The motion passed unanimously.

Councilman Peterson made a motion, seconded by Councilman Boksich, to adjourn at 5:15 P.M.

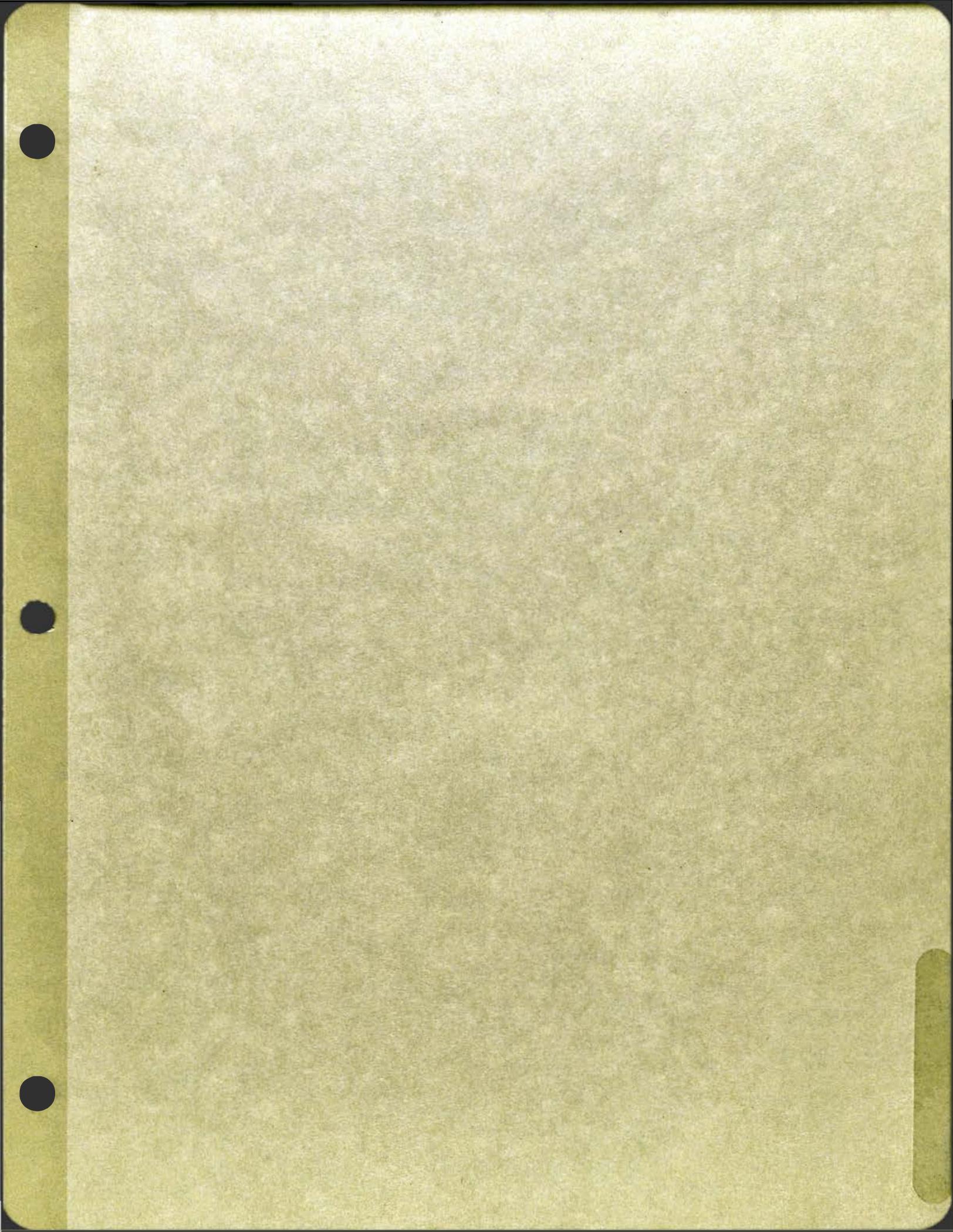


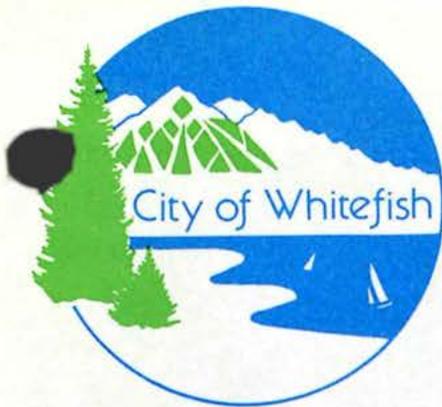
Mayor

ATTEST:



City Clerk





Box 158, Whitefish, Montono 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
October 3, 1988

- 7:00 I. Approval of the minutes of the September 19 & 26, 1988 Meetings
- 7:10 II. PUBLIC COMMENTS
- 7:25 III. STAFF UPDATES
- 7:30 IV. PUBLIC HEARINGS
1. Going Out of Business Ordinance (#88-5) - Second Reading
- 7:40 V. OLD BUSINESS
1. Deferred Annexation Resolution
- 7:55 VI. CITY MANAGER REPORTS
1. Update on Pine Avenue/Third Street Construction Project
2. Appointment to Board of Adjustments
3. Financial Reports
4. Donation to Flathead Regional Development Office
5. Update on Park Projects
- 8:20 VII. COUNCIL REPORTS OR COMMENTS
- 8:30 VIII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: September 28, 1988
RE: October 3, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the October 3, 1988 Council Meeting:

1. GOING OUT OF BUSINESS ORDINANCE: At the last City Council Meeting, it appeared that many of you were having second thoughts about this ordinance. Jerry Hanson is right when he said that someone could call a "Going Out of Business Sale" a different name and get around this ordinance (i.e. Clearance Sale, Inventory Reduction Sale, etc.). Dick Peterson and others did not like the idea of having a business open to government scrutiny (size and value of inventory, etc.)

Recommendation: Disapprove this ordinance and if this issue becomes important in our community, reconsider a modified ordinance at that time.

2. DEFERRED ANNEXATION RESOLUTION: This resolution was tabled at the last City Council Meeting in order to be redrafted. I am enclosing Sections 7-4731 to 7-4732 of the State Statutes which discuss the issue of annexation and related services. A municipality must make plans for the extension of services to areas proposed to be annexed and must prepare a report setting forth the City's plans to provide services to these areas.

In 1983, the City Council adopted a Long Range Plan for the extension of city services to areas outside the corporate limits. This plan needs to be updated and modified.

Recommendation: Adopt the resolution with the changes that I made. I will work with all department heads on a new Plan for Extension of Services which provides the information in Section 7-2-4732 of the State Statutes.

3. PINE AVENUE/THIRD STREET PROJECT: Due to the weather, the paving of Third Street and Fir Avenue has been delayed. Tentatively, paving is now scheduled for Monday, October 3. I am scheduling the paving of Pine Avenue for October 10, weather permitting. This will allow the concrete in excess of 7 days to cure. City crews are also doing the necessary work to allow for the paving of the new street by the Cross Currents School site after the completion of Pine Avenue.

4. APPOINTMENT TO BOARD OF ADJUSTMENTS: Larry Kositzky has applied for the vacancy on the Board of Adjustments.

Recommendation: Appoint Larry to fill the balance of the term of Mark Svennungsen.

5. DONATION TO FRDO: The Flathead Regional Development Office has asked us to donate our old computer printer to them. They would have to spend some money to make it compatible with their computer system.

Recommendation: Donate the printer to the FRDO. We have advertised this printer as surplus property and no one has responded to our ads. The donation should be made with the condition that the printer cannot be resold by the FRDO. The printer is eight years old and may need some extensive maintenance in the future to keep it working.

6. PARK PROJECTS: At the Council Meeting, I will provide you with the latest information on the following projects:

1. Baker Street Park Playground;
2. Ice Skating Building; and
3. Memorial Park

If you have any questions or comments, please feel free to contact me prior to the meeting.

MINUTES
WHITEFISH CITY COUNCIL
OCTOBER 3, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Pro Tem LaTourelle at 7:00 P.M. Mayor Amass was absent. Council Members present were Hanson, Boksich, Maddux, Schreiber and Peterson. Also present were City Manager Freedman, City Attorney Muri and Building Inspector/Asst. Zoning Administrator Quinn.

MINUTES

Councilman Hanson corrected the minutes of the September 19, 1988 meeting as follows: Page 2, Deferred Annexation Resolution, paragraph 2 should have read: that the proposal should be redrafted so that future annexations be linked to the extension of services Master Plan.

Councilman Hanson made a motion, seconded by Councilman Boksich, to approve the minutes of the September 19, 1988 and the September 26, 1988 meetings with the above correction. The motion passed with 4 aye votes and 2 abstentions (LaTourelle abstained on the September 26th meeting and Schreiber abstained on the September 19th meeting. They were absent from the meetings).

PUBLIC COMMENT

Sue Carruthers, representing the Friends of Flathead Valley Community College, asked the Council to pass a Resolution endorsing Flathead Valley Community College and the College's drive to establish a new campus.

City Manager Freedman said that he would draft the Resolution and put it on the agenda for the next Council meeting.

STAFF UPDATES

NONE

PUBLIC HEARING

1. GOING OUT OF BUSINESS ORDINANCE (88-5) - SECOND READING: City Manager Freedman said that at the last Council Meeting, it appeared that many of the Council were having second thoughts about this ordinance. He said that Councilman Hanson was right when he said that someone could call a "Going Out of Business Sale" a different name and get around this ordinance. Councilman Peterson and others did not like the idea of having a business open to government scrutiny. City Manager Freedman recommended that the Council disapprove this ordinance and if this issue becomes important in the community, reconsider a modified ordinance.

Councilman Schreiber said that he had introduced the Ordinance because members of the business community had asked him to do this. However, if the Chamber of Commerce and the business community did not support it, he was in favor of disapproving the Ordinance at this time.

After some discussion, Councilman Hanson made a motion, seconded by Councilwoman Maddux, to disapprove Ordinance 88-5 as written. The motion passed unanimously.

OLD BUSINESS

1. DEFERRED ANNEXATION RESOLUTION: City Manager Freedman said that this resolution had been tabled at the last Council meeting so it could be redrafted. He gave the Council copies of Sections 7-4731 to 7-4732, M.C.A. which discuss the issue of annexation and related services. He said that a municipality must make plans for the extension of services to areas proposed to be annexed and must prepare a report setting forth the City's plans to provide services to these areas. He continued by saying that in 1983, the City Council adopted a Long Range Plan for the extension of city services to areas outside the corporate limits. This plan needs to be updated and modified. He recommended that the Council adopt the resolution with the changes that he had made and he would work with all department heads on a new plan for Extension of Services which provides the information outlined in Section 7-2-4732 of the State Statutes. He said that the City Council should move forward on this written policy for deferred annexation so that the County Commissioners can proceed with the RSID's proposed for the Colorado/Texas, Crosswinds/Hueth areas and also other areas around Whitefish Lake.

The Council discussed the following issues: 1. Difficulty in enforcing the waivers of protest; 2. The two (2) year time frame to annex to the City after receiving City services, (could be a longer time frame if the areas do not fit into the City Extension of Services Plan); and 3. Updating the Extension of Services Plan (especially the Policy part of the plan).

Councilwoman Maddux made a motion, seconded by Councilman Boksich, to table the Resolution until the next Council meeting so City Attorney Muri could research the time period for annexation and also whether or not the present Extension of Services Plan meets the criteria of having a Master Plan in place of which people can be made aware, before moving forward in annexing any particular rural area.

Councilman Schreiber recommended that the motion be amended to state that the Resolution be passed subject to the review by the City Attorney that all legalities have been met.

Councilwoman Maddux amended her motion as follows: That the Resolution be passed on the condition that the review by the City Attorney finds that all legalities have been met. Councilman Boksich seconded this amendment. The motion passed unanimously.

CITY MANAGER REPORTS

1. UPDATE ON PINE AVENUE/THIRD STREET CONSTRUCTION PROJECT: City Manager Freedman reported that tomorrow Third Street would be paved and the overlay put on Fir Avenue. Pine Avenue was scheduled to be paved next Monday and the new street (by Cross Currents School) would also be completed next week.

2. APPOINTMENT TO BOARD OF ADJUSTMENTS: City Manager Freedman reported that Larry Kositzky had applied for the vacancy on the Board of Adjustments. He recommended that the Council appoint Larry to fill the balance of the term of Mark Svennungsen. The appointment would be for the Extra-Territorial position and would expire on July 8, 1991.

Councilman Schreiber made a motion, seconded by Councilman Hanson, to appoint Larry Kositzky to the Board of Adjustments. The motion passed unanimously.

3. FINANCIAL REPORTS: City Manager Freedman gave a summary review of the City Financial Reports for July and August. The Council tabled approval of these reports until the next Council meeting.

4. DONATION TO FLATHEAD REGIONAL DEVELOPMENT OFFICE: City Manager Freedman reported that the FRDO had asked the City to donate the old computer printer to them. They would have to spend some money to make it compatible with their computer system. He recommended that the City donate the printer to them with the condition that the printer cannot be resold by the FRDO.

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to donate the printer to the FRDO as recommended by City Manager Freedman. The motion passed unanimously.

5. UPDATE ON PARKS PROJECTS

1. Baker Street Park Playground: City Manager Freedman reported that Lee and Ann Patterson were donating the playground equipment for smaller children (up to seven years old). This would be done in memory of the daughter who recently passed away. The Park Board has given their approval for this project.

2. Ice Skating Rink Project: City Manager Freedman said that approximately \$85,000 had been raised for this project. This included the City obligation, the LWCF grant and private donations. He said that if the building was not completed before winter sets in, the mat would be placed so ice skating could be started.

3. Memorial Park: City Manager Freedman gave a summary of the work that had been done at Memorial Park. He said that the top soil had been brought in, railroad ties had been placed around the play equipment and the final lift would be placed on the basketball courts this week. He also said that on Saturday, there would be a sodding party to place the sod in the park. In the spring, 10 new trees would be installed. Paving planned for the parking lot would also be installed next spring.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson requested that a letter of appreciation be sent to the Pattersons for their donation to Baker Street Park.

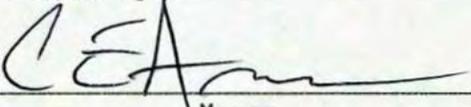
Councilman Hanson also reported a road cut on O'Brien that needed to be repaired.

Councilwoman Maddux asked City Manager Freedman if the City was operating within the budgets in the Gas Tax and SID 132 Funds. City Manager Freedman said that when the Pine Avenue/Third Street project was completed, he would put together a cost analysis for the Council. At the current time, all funds in the SID 132 Fund had been expended but the tax receipts later this year would provide us with sufficient revenues to operate in the black during the balance of this fiscal year.

Councilman Peterson reported that the City should repair a large hole in the alley behind the Buffalo Cafe. City Manager Freedman said that as soon as the equipment was free all the potholes would be repaired.

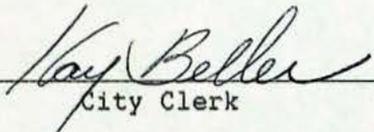
Councilwoman LaTourelle requested that evaluation forms for City Employees (City Manager, City Attorney and other employees) be placed on the Council Agenda of October 17th for discussion. She also requested that the pending contracts for the City Manager and City Attorney be discussed at the next Council meeting.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to adjourn at 8:14 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

RESOLUTION NO. _____

WHEREAS, the Whitefish City Council desires to provide a written policy for deferred annexation to areas outside the City Limits of Whitefish;

WHEREAS, the City is authorized and required by Section 7-2-4731 and 7-2-4732, M.C.A. to establish a long range plan for the extension of City services to areas outside the corporate limits proposed to be annexed;

WHEREAS, the Whitefish City Council recognizes that it is beneficial to the City of Whitefish and the residents in close proximity to the City of Whitefish to have written guidance concerning deferred annexation and the extension of City services to these areas;

WHEREAS, the Whitefish City Council has determined that the environmental protection of the City of Whitefish, the area surrounding the City of Whitefish, Whitefish Lake, Whitefish River, numerous streams, ponds and all other waterways, would benefit from the extension of City services to these outlying areas; and

WHEREAS, the Whitefish City Council has determined that the financial burden associated with the maintenance of Whitefish City Sewer and Water would be lessened for all users from the extension of City services to areas not within the City Limits.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, that all annexations and extensions of services be compatible with the then current Long Range Plan for City services outside the corporate limits as adopted by the Whitefish City Council.

BE IT FURTHER RESOLVED, that in cases of deferred annexation the following shall apply:

For areas contiguous to the City, it is the policy to allow for hookup to City services with the full and complete understanding that prior to extending City services, property owners agree to sign a waiver of protest and agree to be annexed within two (2) years from the date of receipt of City services; and

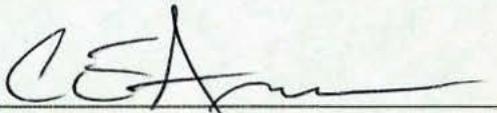
For areas that are not contiguous to the City of Whitefish, property owners agree to sign a waiver of protest and understand that annexation into the City will occur no sooner than two (2) years from the date of receipt of City services.

BE IT FURTHER RESOLVED, that this Resolution is being passed to clearly identify and provide guidance to those areas that are outside the City Limits of Whitefish who wish to receive the benefits and enjoyment of City services.

BE IT FURTHER RESOLVED, that the areas outside the City Limits of Whitefish, which receive Whitefish City services, agree to consult with the City Manager prior to embarking on any major capital improvements of their area. This requirement is necessary in order to regulate and to prevent any incompatibility with the Public Works Standards of the City of Whitefish.

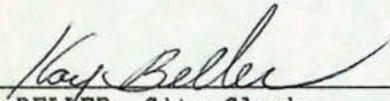
BE IT FINALLY RESOLVED, that the City Council may end this written policy of deferred annexation herein approved, by the passage of a Resolution repealing this Resolution, at any time, but the Resolution repealing this Resolution will necessitate a public hearing.

DATED this _____ day of _____, 1988.



CARROLL AMASS, Mayor

ATTEST:



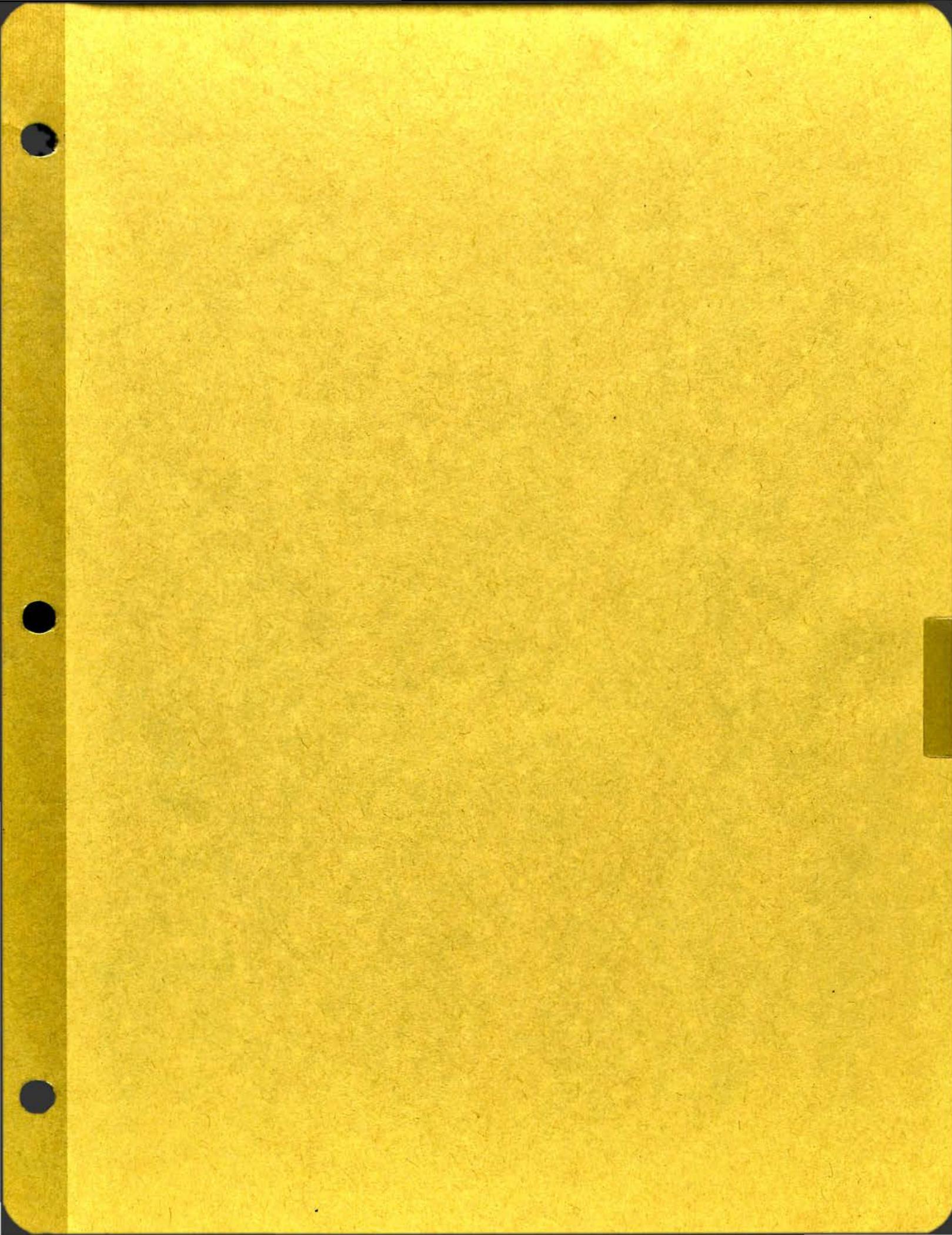
KAY BELZER, City Clerk

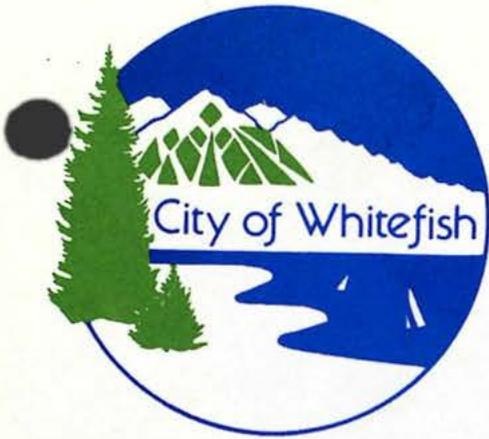


Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
October 17, 1988

- 7:00 I. Approval of the minutes of the October 3, 1988 Meeting
- 7:10 II. PUBLIC COMMENTS
- 7:25 III. STAFF UPDATES & REPORTS
- 7:40 IV. OLD BUSINESS
1. Deferred Annexation Resolution
- 7:55 V. CITY MANAGER REPORTS
1. Update on Pine Avenue/Third Street Construction Project
2. Financial Reports
3. Update on Park Projects
4. Discussion on Garbage Charges
5. Evaluation of City Employees
- 8:45 VI. COUNCIL REPORTS OR COMMENTS
- 9:00 VII. ADJOURNMENT





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
November 7, 1988

- 7:00 I. Approval of the minutes of the October 3, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. PUBLIC HEARINGS
1. Porter & Marsha Gifford's request for a Conditional Use Permit for a Bed and Breakfast
 2. Suncrest Partnership - Preliminary Plat Approval for Phase II
 3. Sign Variance Request by Dr. Gary Cronin at 305 Baker Avenue
- 8:00 IV. STAFF UPDATES AND REPORTS
- 8:10 V. OLD BUSINESS
1. Deferred Annexation Resolution
- 8:30 VI. NEW BUSINESS
1. Amendment of Shady River Estates Covenants
 2. Discussion on MMIA's Workers' Compensation and Liability Insurance Programs
 3. Heritage Day Resolution
 4. Employee Evaluations and Personnel Contracts
- 9:00 VII. CITY MANAGER REPORTS
1. Update on Park Projects
 2. Update on Street Projects
 3. Financial Reports
 4. Discussion on Garbage Assessments for businesses
- 9:40 VIII. COUNCIL REPORTS OR COMMENTS
- 9:50 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager
TO: Whitefish City Council
DATE: November 2, 1988
RE: November 7, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the November 7, 1988 Council Meeting:

1. GIFFORD'S BED AND BREAKFAST: One of the conditions of approval recommended by the Planning Board prohibits public access to the Bed and Breakfast facility by way of Blanchard Lake Road. This recommendation is one that should be deleted by the City Council because this road is a public road that can be utilized by anyone. By prohibiting the use of this road, the Board is requiring access on private roads in the Grouse Mountain Development. Recommendation: Approve the conditional use permit without condition #5.

2. SUNCREST PHASE II PRELIMINARY PLAT: The Planning Board is recommending a paved private roadway of 24 feet with no curbs and gutters and sidewalks. This is contrary to what I recommended to them. Recommendation: Approve the preliminary plat for Suncrest Phase II with a paved private roadway of 28 feet with 12 inches of pit run gravel, 4 inches of 3/4 inch minus gravel, 2 inches of asphalt and filter fabric. At some point in time, if this development continues, the developer should be required to install curbs & gutters and sidewalks just as we have required other developers to do.

3. SIGN VARIANCE REQUEST BY DR. CRONIN: He is proposing a sign for his business at Third and Baker at a 45° degree angle across the corner of the lot. The business is located in the WB-3 zone. The sign would meet all requirements of our code except for the fact that it is not perpendicular to Baker Avenue. Recommendation: In light of the support of the neighbors and the landscaping that has been proposed, I would recommend approval of this variance request.

4. SHADY RIVER ESTATES AMENDMENT: Herb Knuth, the developer of Shady River Estates, has proposed amendments to the covenants of the Homeowners' Association for his development. The amendment in Article VI allows for houses of lesser square footages than was allowed in the original covenant. Article VII has been amended to prohibit the "commercial" keeping, raising, or breeding of animals and it has been amended to include the offspring of the allowed number of adult household pets (original articles are in your packet). Recommendation: Approve the amendments as proposed and require Herb Knuth to file the amended covenants with the County Clerk and Recorder's Office.

5. MMIA'S PROGRAMS: Enclosed are audited numbers on the City's participation in the Workers' Compensation and Liability Programs. I will discuss the significance of the program numbers at the Council meeting.

6. HERITAGE DAY RESOLUTION: The 1987 Legislature changed 1-1-216, M.C.A. to include the observance of Heritage Day as a legal holiday. The governing body of each political subdivision must determine the date of observance of this holiday.

Recommendation: Approve the resolution calling for the holiday to be observed on the Friday following Thanksgiving Day.

7. GARBAGE SURVEY: In August 1988, I had someone ride on the garbage truck for one week to chart the garbage collections in our business areas. From this information, Necile compiled for me the estimated monthly volume for the businesses and the projected monthly charges at those volumes.

In downtown Whitefish, it is extremely difficult to calculate the volume of garbage for each business because of the sharing of containers. You can see that most businesses are probably underpaying based upon the volumes that we estimated.

Recommendation: Allow city staff to propose a new system of charges based upon classifications of businesses so that similar businesses are assessed equal amounts. This would eliminate some of the inequities of our assessment method. It should be noted that our collection system is not compatible with an assessment method based upon actual volume because of our one-man system. At the same time, we can prepare a RFP for the collection of garbage by a private hauler. (For example, business district only, residential areas only or the entire system.)

If you have any questions or comments, please feel free to contact me prior to the Council meeting.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: November 2, 1988
RE: Monthly Report for October

AGREEMENT WITH LYLE BARNES: I have executed the agreement with Lyle Barnes that allowed us to obtain the following:

1. The balance of the Eighth Street ROW that was previously owned by Don Gray;
2. The balance of the ROW on the new street in front of the proposed school site acquired by Cross Currents School; and
3. An easement from the end of the cul-de-sac on the new street to the Cow Creek Interceptor Sewer Line. This will allow us to install the new sewer line from Seventh Street to the Cow Creek Interceptor Sewer Line, thus eliminating the lift station at Seventh and Pine.

HEALTH INSURANCE: The Montana League of Cities and Towns is collecting information from interested cities and towns in order to analyze the possibility of creating a health insurance program. At the same time, local government and business officials met in Kalispell on November 2 to discuss the formation of a health insurance program that would be open to all business and governments in Northwest Montana. An experienced administrator and a consultant who have put together similar alliances in other states spoke to us. Additional meetings will be held to continue the analysis of this type of program.

Before joining any program, the City should wait until all proposals have been formulated and presented to us. I will report back to you when additional information on these programs is received by me.

LABOR NEGOTIATIONS: Despite what The Whitefish Pilot has reported, discussions are continuing with the Police Association. Members of the organization realize that the process takes a considerable amount of time. I made a proposal to the Police Association on October 7 and as of this date, I have not received a counterproposal.

DOWNTOWN PARKING: I have had several meetings with the Lucianos about the possibility of utilizing the Markus site as a public parking lot during the day with the parking lot used for their business at night. I proposed the dedication of this site to the City with the City possibly using tax increment monies for the development of the site (landscaping, paving, lighting, etc.).

They have the equipment to tear down the building and I have asked them to consider doing this demolition this fall. Before any decisions are finalized, I will meet with you to discuss the various alternatives.

PARK PROJECTS: The Memorial Park Project has been completed except for the installation of ten new trees next spring and possibly some new pieces of playground equipment. The delay in the receipt of several pieces of playground equipment until next week has held up the completion of the kids playground at the Baker Street Park. The Ice Skating Building at Mountain Trails Park is slowly being constructed. Beginning next week after the pouring of the concrete slab, the project should begin to move quickly toward completion. The ice rink itself will open when weather permits with new lighting of the skating area. The ice resurfacing machine will be arriving by rail around Thanksgiving.

STREET PROJECTS: City crews are installing the last sections of the storm sewer pipe this week. Additional work still needs to be completed at the detention pond facility. I am extremely pleased with the work performed by both the city crews as well as the outside contractors. I am extremely displeased with the newspaper articles and letters that criticized the city for undertaking much of the construction of this project. In approximately a ten week period, Third Street, Fir Avenue from Second to Fourth, Pine Avenue from Second to Seventh and the new street to the proposed site for Cross Currents school were constructed. A private contractor would have been given at least 90 days to complete this work. Much of the criticism was not valid and I feel that the City received much of the criticism because the locations of these streets were in close proximity to the schools. Final figures are being compiled and will be presented to you in the very near future.

MINUTES
WHITEFISH CITY COUNCIL
NOVEMBER 7, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Freedman, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

MINUTES

Councilman Hanson said that he needed clarification of the Deferred Annexation Resolution passed at the October 3, 1988 Council meeting. He said the minutes did not reflect the changes made at that meeting. He felt the time of annexation (two years) would be linked to the Extension of Services Plan. (Some areas would not be annexed in two years because of the inability to extend City services). City Manager Freedman explained that the Council had proposed changes to the time period and approved the Resolution subject to approval by the City Attorney that all legalities had been met. Freedman said the Deferred Annexation Resolution was scheduled for discussion under "Old Business" and it could be clarified at this time.

Councilwoman LaTourelle made a motion, seconded by Councilman Schreiber, to approve the minutes of the October 3, 1988 meeting. The motion passed unanimously.

PUBLIC COMMENT

NONE

PUBLIC HEARINGS

1. PORTER & MARSHA GIFFORD'S REQUEST FOR A CONDITIONAL USE PERMIT FOR A BED AND BREAKFAST: City Manager Freedman said that one of the conditions of approval recommended by the Planning Board prohibits public access to the Bed and Breakfast facility by way of Blanchard Lake Road. This recommendation is one that should be deleted by the City Council because this road is a public road that can be utilized by anyone. By prohibiting the use of this road, the Board is requiring access on private roads in the Grouse Mountain Development. He recommended approving the Conditional Use Permit without condition #5.

Tom Jentz, a Senior Planner in the Flathead Regional Development Office, gave the Staff Report. He explained that Porter W. and Marsha M. Gifford were applying for a conditional use permit to operate a Bed and Breakfast at their home located at 455 Blanchard Lake Road outside the city limits of Whitefish. There will be no outside employees. The site is zoned WCR (Country Residential). He said that the City-County Planning Board held a public hearing on October 20, 1988 and after discussion and careful evaluation the Board, by a 4 to 1 vote, recommended approval of the conditional use permit subject to six (6) conditions (letter of October 25, 1988). Jentz did state that the major concern of the staff was the possible impact from the traffic

resulting from the bed and breakfast and he said that this was the reason the Planning Board recommended access for the Bed and Breakfast through the Grouse Mountain Subdivision. However, after discussion with City Manager Freedman, he was in agreement that you cannot prohibit people from accessing a public road and felt the City Council should eliminate Condition #5.

Mayor Amass opened the public hearing.

Barbara Solvie and Phil Mitchell both stated they were not opposed to the Bed and Breakfast, but they did oppose using Grouse Mountain Drive to access the property. Richard Atkinson said that two (2) or three (3) cars would not make any difference on either road. Porter Gifford told the Council that he had a recorded deed easement to Grouse Mountain Road but that he did not want to be held to using either road. Carol Atkinson said that she was curious about the Giffords asking to use three (3) bedrooms for the Bed and Breakfast, however, she said that the property was for sale and if someone else purchased the property, could they increase the number of bedrooms used. Tom Jentz explained that they would have to go through the Use Permit process again. Terry Trieweiler said that a residential easement was not the same thing as a commercial easement, however, he said that if the City Council would remove Condition #5 there would not be a problem.

Councilwoman LaTourelle said that some of her confusion was because the City-County Planning Board minutes stated that Mr. Gifford said he did not plan to use Blanchard Lake Road but would use the Grouse Mountain Road for access to the Bed and Breakfast. She asked Mr. Gifford if he had decided before hand not to use Blanchard Lake Road. He said that they use Grouse Mountain Road the most but they would rather not designate either road as their access road.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to adopt the Findings of Fact of the Regional Development Office and to approve the Gifford Use Permit with the conditions of the City-County Planning Board, deleting Condition #5 so they could use either access. The motion passed unanimously.

2. SUNCREST PARTNERSHIP - PRELIMINARY PLAT APPROVAL FOR PHASE II: City Manager Freedman said that the Planning Board was recommending a paved private roadway of 24 feet with no curbs and gutters and sidewalks. He said that this was contrary to what he had recommended to them. He recommended that the City Council approve the preliminary plat for Suncrest Phase II with a paved private roadway of 28 feet with 12 inches of pit run gravel, 4 inches of 3/4 inch minus gravel, 2 inches of asphalt and filter fabric. He also said that at some point in time, if this development continues, the developer should be required to install curbs & gutters and sidewalks just as other developers have been required to do.

Tom Jentz gave the Staff report. He reviewed the site plan and told the Council that Suncrest Partnership was requesting a Preliminary Plat approval for a six lot residential subdivision entitled Suncrest Phase II. The site is

zoned WRR-1 (low density resort residential) which allows one (1) to four (4) plex residential dwellings. He said the Planning Board held a public hearing on October 20, 1988 and unanimously recommended approval of the Preliminary Plat with fourteen (14) conditions. The Board discussion centered on the degree of road improvements required with general dissatisfaction for both the developers request of only a gravel access road and the city staff's request for filter fabric and full curb, gutter, and sidewalks. The City-County Planning Board also unanimously resolved to adopt the Findings of Fact of the Flathead Regional Development Office.

Mayor Amass opened the hearing to the Public.

Gary Elliott, project manager for Suncrest Partnership, expressed support for the project. He was concerned about the requirement for curb, gutter and sidewalk because it would conflict with the parklike environment they were trying to create. He also said that because of the steep faces of some of the lots, the curb and gutters would alter the natural drainage in the area. Porter Gifford said that he supported the Planning Board's compromise on the road specifications.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilwoman Maddux said that she felt the Council needed to be consistent in requiring road widths. The Council had required Glenwood to construct a 26' wide street and she felt Glenwood Park was a comparable setting to Suncrest. Councilman Hanson asked if the City had taken over the water system (water reservoir and lines) and sewer lines in Suncrest and Gary Elliott said that he had recently paid the City \$15,000 to upgrade these systems and it was now the City's responsibility.

After some Council discussion, Councilman Hanson made a motion, seconded by Councilman Peterson, to adopt the Findings of Fact of the Regional Development Office and approve the Preliminary Plat of Suncrest Phase II with the fourteen (14) conditions of the City-County Planning Board with the following changes. #1. Change the road width from 24' to 26' and; #2 Should read: "The profile of the street section shall for the paved street, at a minimum have 12 inches of pit run gravel, four (4) inches of three-quarter inch minus gravel and a two (2) inch asphalt mat, provided that the City's engineering consultant approves the adequacy of the street design and the review be provided at the expense of the developer. The motion passed with 5 aye votes and 1 no vote (Councilman Schreiber voted no).

3. SIGN VARIANCE REQUEST BY DR. GARY CRONIN AT 305 BAKER AVENUE: City Manager Freedman explained that Dr. Cronin was proposing a sign for his business at Third and Baker at a 45 degree angle across the corner of the lot. The business is located in the WB-3 zone. The sign would meet all requirements of the city code except for the fact that it is not perpendicular to Baker Avenue. He said that in light of the support of the neighbors and the landscaping that has been proposed, he would recommend that the Council approve this variance.

Mayor Amass opened the public hearing and as there was no comment, he closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Boksich made a motion, seconded by Councilman Schreiber, to approve the sign variance request as presented. The motion passed unanimously.

STAFF UPDATES AND REPORTS

Police Chief Dolson had submitted a written report and City Manager Freedman had also submitted a written report.

OLD BUSINESS

1. DEFERRED ANNEXATION RESOLUTION: City Manager Freedman said that his interpretation from the discussion on the subject at the last meeting was that with the changes proposed by Councilman Hanson (regarding the time element), the resolution had been approved subject to its legality as seen by City Attorney Muri. Muri indicated to the City Council that the resolution was legal and public hearings should be held before any annexation. Freedman said that the Council would receive a list of the costs for city services such as police protection, fire protection, extension of water and sewer, etc., for each parcel that is proposed for annexation.

Councilman Hanson said that he still felt the Resolution needed to be clarified because if the City did extend sewer to some areas and they are not contiguous to the City, it might be years before the property could be annexed. The Council discussed the issue and Councilman Hanson made a motion to reconsider Resolution No. 88-20. Councilwoman Maddux seconded the motion.

Councilman Schreiber said that he thought the Council had adopted the Resolution that was presented with the understanding that the City Attorney would review it and if there was a problem, he would get back to the Council. City Attorney Muri said that this was his understanding also.

Councilman Hanson wanted the Resolution clarified to read: For areas contiguous or not contiguous to the City, it is the policy to allow for hookup to City services with the full and complete understanding that prior to extending City services, property owners agree to sign a waiver of protest and understand that annexation into the City will occur no sooner than two (2) years from the date of receipt of City services, and thereafter annexation will be linked to the City's Extension of Services Plan.

Councilman Schreiber made a substitute motion, seconded by Councilman Hanson, to adopt Resolution # 88-20 with the above stated clarification. The motion passed unanimously.

NEW BUSINESS

1. DISCUSSION ON MMIA'S WORKERS' COMPENSATION AND LIABILITY INSURANCE PROGRAMS: City Manager Freedman gave a summary of the two programs and said that the Workers' Compensation experience of Whitefish was not as good as

several other cities about the same size as Whitefish. He explained that several large claims in the Police Department were the major reasons for this, however, he said he did not think the City had a major problem. The Liability Insurance Program was doing very well and had a good fund balance at the end of the period.

Councilwoman LaTourelle suggested that City Manager Freedman check with independent insurance agents on securing Workmans' Compensation coverage.

2. HERITAGE DAY RESOLUTION: City Manager Freedman said that the 1987 Legislature changed 1-1-216, M.C.A. to include the observance of Heritage Day as a legal Holiday. The governing body of each political subdivision must determine the date of observance of this holiday. He said the City employees were in favor of observing this holiday the Friday after Thanksgiving. He recommended that the Council approve the Heritage Day holiday for the Friday after Thanksgiving.

Councilwoman Maddux made a motion, seconded by Councilman Boksich, to adopt Resolution 88-21, a resolution declaring that Heritage Day will be observed on the Friday following Thanksgiving Day.

3. EMPLOYEE EVALUATIONS AND PERSONNEL CONTRACTS: At the last Council meeting, Councilwoman LaTourelle had requested copies of contracts for the City Manager, City Attorney, Building Inspector and Meter Reader. The contracts had not been signed and she felt the contracts should be negotiated and signed. City Manager Freedman provided the Council with this information. He had also given the Council evaluation forms and said that perhaps the evaluations could be used citywide. The consensus of the Council was to adopt the evaluation forms and they requested that City Manager Freedman and Department Heads complete all City Employee evaluations by the end of April. After much discussion, Mayor Amass appointed a Council Committee of Hanson, Maddux and Peterson to review the City Manager and the City Attorney contracts, meet with the two individuals, and report back to the rest of the Council with their recommendations. City Manager Freedman said that he would give the Committee a copy of the Building Inspector and Meter Reader contracts to review also.

CITY MANAGER REPORTS

1. UPDATE ON PARKS PROJECTS: City Manager Freedman said that he had given the Council a copy of a letter from the City-County Planning Board. The Board was pleased with the Baker Street and Riverside Park improvements, however, they wanted to recommend that some safe means of getting across Baker Street be included in the plans. They said that if a pedestrian underpass or overpass are prohibitive in price, they urged that at least a painted crosswalk with warning signs a block away be provided. City Manager Freedman said that he would bring this information to the next Parks Board meeting.

City Manager Freedman said that Memorial Park was completed except for a few shrubs that would be planted in the spring and the Parks Board might replace the old play equipment with new equipment. He said the following improvements were being made to Mountain Trails: the City would be installing a water line that would extend from Colorado Avenue to Wisconsin Avenue with

service to the new building; the Saddle Club Building and the Ice Rink building would be tied onto City sewer; and the concrete slab would be poured this week.

2. UPDATE ON STREET PROJECTS: City Manager Freedman said that Pine Avenue was basically completed and the City was still working on the retention pond. Third Street was completed, but there is still some sod that would be installed by the old lift station next spring. He said that as soon as all the project numbers were compiled, he would report back to the Council on the total cost of the projects.

3. FINANCIAL REPORTS: City Manager Freedman gave a summary review of the Financial Reports. He gave the Council a copy of a cash status comparison from October 1988 vs. October 1987.

Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to approve the Cash Status Reports, Revenue and Expenditure Reports for September and October 1988. The motion passed unanimously.

4. GARBAGE SURVEY: City Manager Freedman explained that in August 1988, he had someone ride on the garbage truck for one week to chart the garbage collections in our business areas. From this information, the information was compiled for the estimated monthly volume for the businesses and the projected monthly charges at those volumes. He said that in downtown Whitefish, it is extremely difficult to calculate the volume of garbage for each business because of the sharing of containers. In most instances, businesses were probably underpaying based upon the volumes that were estimated. He recommended that the Council allow the city staff to propose a new system of charges based upon classifications of businesses so that similar businesses are assessed equal amounts. This would eliminate some of the inequities of our assessment method. He said that at the same time, we can prepare a RFP for the collection of garbage by a private hauler (for example - business district only, residential areas only or the entire system). He said that next year the City should replace the garbage truck and after talking to Mayor Kennedy of Kalispell, there was a possibility of sharing a second garbage truck. He indicated the rates now being generated were sufficient to maintain the fund and purchase a new truck.

After some Council discussion, Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to authorize the City Staff to prepare the new rate classification and go out for bids (commercial only, residential only, etc.) as recommended by the City Manager. The motion passed unanimously.

Gary Elliott said that he was very comfortable with the city garbage system and that the city garbage service was excellent. He felt the city should stay in the garbage business.

5. COMMUNITY PROFILE: City Manager Freedman said that enclosed in the Council packets was a four page community profile that the Whitefish Community Development Corporation and the Whitefish Area Chamber of Commerce wanted printed to send and give to tourists. He requested the City Council approve \$300.00 to help the two community groups produce this community profile.

Councilman Schreiber made a motion, seconded by Councilman Hanson, to approve expending the \$300.00 for this project. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

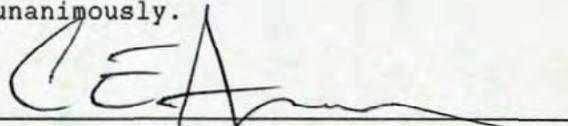
Councilman Peterson asked Building Inspector Quinn why the sub shop was not required to install bathrooms accessible to the handicapped (Mel Kastella had inquired about this). Building Inspector Quinn explained that the sub shop did not change or alter anything in there building, so they did not have to change their fixtures.

Councilman Hanson inquired about the vacancy on the City-County Planning Board. Mayor Amass said that he would appoint a person to this vacancy.

Councilman Hanson said that he felt that any future projects like Pine Avenue be decided upon well in advance of starting the project with the engineering being done before the project is started.

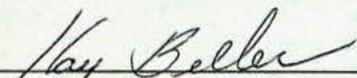
Mayor Amass appointed Tim Jones to the vacancy on the City-County Planning Board to fill the term of Tim Woodley. The term would end 12/31/90.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to adjourn at 10:05 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: November 7, 1988
RE: Cash Status Comparison: October, 1988 vs. October, 1987

<u>General</u>	<u>1988</u>	<u>1987</u>
Beginning Balance (10/1)	116,288.09	110,907.35
Ending Balance (10/31)	63,983.10	85,485.90
<u>Ice Rink</u>		
Beginning Balance (10/1)	18,841.28	8,304.73
Ending Balance (10/31)	30,632.99	8,304.73
<u>Rural Fire</u>		
Beginning Balance (10/1)	193,311.69	143,750.57
Ending Balance (10/31)	203,592.31	147,588.07
<u>Lighting 1</u>		
Beginning Balance (10/1)	51,809.35	36,153.39
Ending Balance (10/31)	49,762.45	36,319.80
<u>Lighting 4</u>		
Beginning Balance (10/1)	31,762.63	11,477.24
Ending Balance (10/31)	31,376.24	11,472.64
<u>Gasoline Tax</u>		
Beginning Balance (10/1)	23,635.65	5,070.40
Ending Balance (10/31)	(5,066.07)	15,872.06
<u>S.I.D. #132</u>		
Beginning Balance (10/1)	(28,013.73)	42,567.54
Ending Balance (10/31)	48,746.89	18,694.11
<u>S.I.D. Revolving</u>		
Beginning Balance (10/1)	39,633.56	37,677.40
Ending Balance (10/31)	39,712.52	37,677.40
<u>Water Operating</u>		
Beginning Balance (10/1)	566,962.59	532,145.41
Ending Balance (10/31)	572,189.59	538,216.09

	<u>1988</u>	<u>1987</u>
<u>Sewer Operating</u>		
Beginning Balance (10/1)	213,804.17	29,123.94
Ending Balance (10/31)	186,244.65	717.50
<u>Solid Waste</u>		
Beginning Balance (10/1)	36,030.89	27,023.75
Ending Balance (10/31)	34,940.66	20,984.57
<u>Ambulance</u>		
Beginning Balance (10/1)	23,831.08	16,626.16
Ending Balance (10/31)	25,855.20	17,389.43
<u>Police Reserve</u>		
Beginning Balance (10/1)	420,463.21	412,350.33
Ending Balance (10/31)	437,735.32	410,804.19
<u>Grand Totals</u>		
Beginning Balance (10/1)	1,834,632.52	1,510,851.55
Ending Balance (10/31)	1,899,474.79	1,463,577.89



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
November 21, 1988

- 7:00 I. Approval of the minutes of the November 7, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. INTERVIEWS FOR PLANNING BOARD VACANCY
1. Tom Kuffel
2. Tim Jones
- 7:45 IV. STAFF UPDATES AND REPORTS
- 8:00 V. OLD BUSINESS
1. Amendment of Shady River Estates Covenants
- 8:20 VI. NEW BUSINESS
1. Police Association Agreement
2. Landlord/Tenant Utility Billing
- 9:15 VII. CITY MANAGER REPORTS
1. Street Construction Prioritization
2. Update on Park Projects
- 9:30 VIII. COUNCIL REPORTS OR COMMENTS
- 9:40 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: November 16, 1988
RE: November 21, 1988 Meeting

Here are my comments and my recommendations on the Council Agenda items for the November 21, 1988 Council Meeting:

1. INTERVIEWS FOR PLANNING BOARD VACANCY: Due to an error in our records on the Planning Board, the appointment made by the Mayor at the last meeting must be voided. The appointment should be made by the City Council. I have scheduled both applicants for the position for interviews at the beginning of our meeting.

2. SHADY RIVER ESTATES COVENANTS: This item was not considered at the last City Council meeting because the property owners were not notified of the meeting. Herb Knuth, the developer of Shady River Estates, has proposed amendments to the covenants of the Homeowners' Association for his development. The amendment in Article VI allows for houses of lesser square footages than was allowed in the original covenant. Article VII has been amended to prohibit the "commercial" keeping, raising, or breeding of animals and it has been amended to include the offspring of the allowed number of adult household pets (originals articles are in your packet).
Recommendation: Approve the amendments as proposed and require Herb Knuth to file the amended covenants with the County Clerk and Recorder's Office.

3. POLICE ASSOCIATION AGREEMENT: On November 9, I received a proposal in response to my October 7 proposal. Only one issue remains to be resolved - the section on holidays. They have proposed an increase of 2.5% in the first year and in the second year of a two year contract. If the one issue can be resolved prior to the meeting, I will ask for your approval of the new agreement.

4. LANDLORD/TENANT UTILITY BILLING: In your packet is a letter from Dick Peterson relating to our billing policy on rental units. The major objection to changing our existing policy is due to the added administrative expense of changing our files every time a rental unit changes hands. Several realtors will be attending our meeting to express their views. In the meantime, we will be researching this issue so that we can present some factual data to you. I am also attaching a copy of a memorandum from 1985 that address this issue.

Council Recommendations

November 16, 1988

Page 2

5. STREET CONSTRUCTION PRIORITIZATION: I feel that it is important for the City Council to decide whether or not the City should pay cash or pay over time for the construction of new streets in Whitefish. This will have a bearing upon the street prioritization that City staff compiles for the December 5 meeting.

6. PARK PROJECTS: At the City Council meeting, I will provide you with updates on our ongoing park projects.

If you have any question or comments, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
NOVEMBER 21, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, Maddux, Schreiber and Peterson. Councilwoman LaTourelle was absent. Also present were City Manager Freedman, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

MINUTES

Councilwoman Maddux said that under City Manager Reports in the November 7, 1988 Minutes, Item 4. Garbage Survey it states "...prepare a RFP for the collection of garbage...". She would like to see the words "request for proposal" used instead of an abbreviation for future clarification.

Councilman Boksich made a motion, seconded by Councilman Schreiber, to approve the minutes of the November 7, 1988 meeting as corrected. The motion passed unanimously.

PUBLIC COMMENT

NONE

INTERVIEWS FOR PLANNING BOARD VACANCY

Mayor Carroll Amass said that the appointment to the Planning Board made at the last meeting was done so in error due to a misunderstanding. At this time, interviews for the vacancy were held with Tom Kuffel and Tim Jones.

Councilman Peterson made a motion, seconded by Councilman Boksich, to appoint Tim Jones to fill the vacancy. Councilman Hanson said he felt uncomfortable appointing an applicant to the Planning Board that is an employee of one of the Council members. (Tim Jones is an employee of Mountain Bank). Councilman Schreiber said he purposefully did not pose any questions to either applicant during the interviews and that he would abstain from the vote to avoid the perception of a conflict of interest. The motion passed with 3 aye votes, 1 no vote and 1 abstention (Councilman Hanson voted no and Councilman Schreiber abstained).

STAFF UPDATES AND REPORTS

Police Chief Dolson and Building Inspector/Assistant Zoning Administrator Quinn both had submitted written reports.

Councilman Hanson commended Chief Dolson, Assistant Chief Herrmann and the rest of the Police staff involved with the incident on October 5 that was cited in Chief Dolson's written report. The rest of the Council agreed.

OLD BUSINESS

1. AMENDMENT OF SHADY RIVER ESTATES COVENANTS: At this time, City Manager Freedman asked if this item on the agenda could be postponed until Herb Knuth arrived. Council agreed to go to the next item on the agenda.

NEW BUSINESS

1. POLICE ASSOCIATION AGREEMENT: City Manager Freedman presented the proposed final Agreement between the City of Whitefish and the Whitefish Police Protective Association. He explained that the actual agreement between the parties was not that hard to reach as was the difficulty to find meeting times convenient to both parties. The proposed agreement is for two years from July 1, 1988 through June 30, 1990. The agreement calls for salary increases of 2.5% each year for all employees covered by the Agreement. City Manager Freedman recommended that Council approve this Agreement as proposed.

Councilman Hanson commented on Item H. of the proposed agreement: "Pay Plan: The City and the Association will work together to organize and institute a structured pay plan." He felt a completion date at the end of this clause would be advisable. City Manager Freedman said that this structured pay schedule, along with the revision of the personnel code, will both be worked on simultaneously and to limit the time for the development of the pay plan may hinder the overall goal of a revised personnel code with a structured pay schedule. He said that all parties involved will be working on these items as expeditiously as possible.

Councilman Boksich asked if the Police Association had agreed to this proposed agreement and City Manager Freedman said they had. Councilman Boksich made a motion, seconded by Councilman Schreiber, to approve the Police Association Agreement as proposed. The motion passed unanimously.

At this time, Mayor Amass directed Council to go back in the agenda to the Amendment of Shady River Estates Covenants.

OLD BUSINESS:

1. AMENDMENT OF SHADY RIVER ESTATES COVENANTS: City Manager Freedman said that when the City Council originally approved the Covenants for the Shady River Estates which calls for the Council to approve any amendments to the covenants which would then be recorded with the County Clerk and Recorder. Both the proposed revised covenants as well as a copy of the applicable portions of the original covenants were presented to the Council. Herb Knuth explained the revisions and said he had signatures from all but two of the lot owners. Several council members questioned Herb Knuth on the existence of a Homeowners' Association and if these proposed revisions had been presented to the Association according to the bylaws of the existing covenants. Mr. Knuth said his attorney has filed the appropriate papers to form the association, but he had not received notification as of this date. Prior to the formation of the Homeowners' Association according to the existing covenants, the Board of Directors has the power to hold meetings and propose revisions. It was the consensus of the Council that they did not

oppose the contents of the proposed revisions, but several members of the Council had feedback from some lot owners that the procedure for these amendments had not been done according to the bylaws of the existing covenants. One of the lot owners, Kathleen Fox, said she had held an informal meeting of some lot owners and they were questioning the legality of this procedure, even though they had signed the proposed revisions in the covenants.

Councilwoman Maddux made a motion, seconded by Councilman Boksich, to table the decision on these amendments until they had documentation that was properly signed and notarized by the required majority of property owners. The motion passed with 4 aye votes and 1 no vote (Councilman Schreiber voted no).

NEW BUSINESS

2. LANDLORD/TENANT UTILITY BILLING: Councilman Peterson asked that this item on the agenda be pushed back to later in the meeting because the meeting was running ahead of schedule and many people who were interested in this matter would be coming later. Mayor Amass then asked for the City Manager Reports.

CITY MANAGER REPORTS

1. STREET CONSTRUCTION PRIORITIZATION: City Manager Freedman said this item was on the agenda because he felt that city staff needed some advice and guidance from Council regarding financing of future projects. The financing mechanism is going to dictate what proposals city staff will prioritize for street construction over the next few years. The several different possibilities for financing are as follows: use cash funds on hand, whether they be Gas Tax funds, Street Maintenance District funds (SID 132) or monies from other general type funds as was done for the two blocks on Baker Street in 1986 and the Pine Avenue and Third Street Reconstruction Project; or finance new projects over time if we are careful not to overextend ourselves each year. The State Board of Investments has just informed the City that the INTERCAP Fund, in which we already participate, can be used for street improvements. The money from the INTERCAP Fund can be repaid over a five year period with payments twice a year in August and February. The current interest rate for INTERCAP funds is 7.40%. In summary, City Manager Freedman asked the Council to decide if future projects would need to be paid entirely by cash funds or whether they would be willing to seek financing. With this information, city staff will come back to the Council with proposals for street construction for 1989, 1990 and 1991. After discussion among the Council members, it was the consensus that they wanted to see the final balance in our cash funds following the expenditures for the Pine Avenue and Third Street Project before they made any new plans for future projects. Several Council members felt that it was not necessary to do a large project every year but to do some repair on some of the worst streets, and to cover the cost of this repair with cash funds. The Council would like to see what other new cash funds may be available in the future from the Tax Increment District fund or revenues from a resort tax.

At this time, Mayor Amass directed the Council to item #2 under New Business, Landlord/Tenant Utility Billing.

NEW BUSINESS:

2. LANDLORD/TENANT UTILITY BILLING: Councilman Peterson left his chair on the Council Bench at this time to join the audience. City Manager Freedman explained that this matter came before Council in 1985, prior to his tenure as City Manager and again just after he came to Whitefish. The property management companies of Whitefish are requesting that the water and sewer statements should be sent to the renters of property rather than our current policy of sending the bills to the property management companies. City Manager Freedman presented to the City Council the study that was done in 1985 when the Council made the policy to put the utility bills in the names of the property owners. He also explained that according to an Attorney General's opinion, delinquent sewer charges can be put on the tax rolls for collection but delinquent water charges cannot. Therefore, in the past, some delinquent water charges have had to be written off by the City. If the Council did decide to change the policy and put the bills in the renter's name, City Manager Freedman explained that the additional time spent reading meters between renters and changing account names numerous times will result in extra duties for Water Department personnel. He said one thing the Water Department could do was supply the property managers with a monthly ledger list of their accounts showing their status. To provide this ledger list, the City would have to modify the computer software. If the City's policy changed and the statements went out in the renter's name, a deposit would probably have to be required. The additional work required to take and refund deposits, have final meter readings, and entering all the changes in accounts would probably require additional city staff and that is why city staff is against this proposal.

Dick Peterson stated that prior to former City Manager Jack Arnold's decision to put the billing in the owner's name, the property management companies made it a practice to check the status of a water bill when a renter was moving out. If there was an outstanding balance, it would be taken out of the renter's deposit. He said currently the property management companies spend their time distributing bills to renters and since the bill is collected by the City, they do not know if it gets paid or not. If the renter has only made partial payment, the management companies feel that the City is extending credit in their name without their permission. If the renter does leave without paying, the outstanding balance is in the name of the property management company. If the City changed their policy and put the statements in the renter's name, the management companies would be happy to help the City in any way then can - by calling the City when renters change to find out outstanding balances, collect the funds and call in final meter readings between renters. The property management companies feel that the City is in the water business but the management companies are doing all the work.

Councilman Hanson said he felt that the water bill was the property owner's (or manager's) responsibility. He said if the additional work will cause the City to hire additional staff, then the rest of the city property owners are essentially supporting the rental managers' businesses. After some discussion, Councilman Schreiber made a motion, seconded by Councilman

Boksich, to have a committee, made up of the Mayor, the City Manager and representatives of the property management companies, appointed to study the matter. After more discussion, the motion passed unanimously.

Mayor Amass then directed Council back to City Manager Reports on the agenda, item #2.

CITY MANAGER REPORTS

2. Update on Park Projects: City Manager Freedman said that the playground equipment is all here and almost all installed at Riverside Park. The playground equipment has all been paid for by donations from the Pattersons and others.

The building project at Mountain Trails Park is starting to move forward now that the concrete has all been poured. The City crews have completed the water system from Colorado Avenue to Wisconsin with a fire hydrant next to the rink to flood the ice skating surface. The City crews are working on tying onto a sewer line that is south of Mountain Trails Park. A problem was encountered when it was discovered that the recorded easement was not in the same location as the actual sewer line but documents are in the works now to rectify this problem. The lights for the skating rink will be put up next Monday with assistance from Pacific Power. The utilities for the building should also be put in next Monday. The building trusses should be put up by the end of next week and the roof and the rest of the building should move along quickly. The ice resurfacing machine should be here by the beginning of December. When the weather is cold enough, the rink will be flooded and in use before the building is completed.

In other business, last year the City Council approved the payment of expenses for the Christmas Lights in the community for a time span from just before Thanksgiving until the 4th of January which was about \$700 (This bill was paid out of Lighting District #4). City Manager asked that the Council approve payment of this expense again this year. The cost may increase slightly because a few new lights have been added. He also recommended that Winter Carnival pay the expense of turning off the lights on January 4th and turning them on again for the Winter Carnival weekend which cost about \$150 last year.

Councilman Schreiber made a motion, seconded by Councilwoman Maddux, to accept City Manager Freedman's recommendation to pay these expenses. The motion passed unanimously.

* * * * *

City Manager Freedman said the League of Cities and Towns has on their legislative agenda a Resort Tax and a Local Option Tax. Included in the Resort Tax is the provision for a taxing district so that Big Mountain and the City of Whitefish could be in one taxing district. He asked that the Council support this Resort Tax or some other Local Option Tax and allow him to write a letter to our local legislators informing them of this support. Both Mayor Amass and Councilman Boksich stated their interest in these taxes if it could be guaranteed to the taxpayer that their implementation would provide property

tax relief. City Manager Freedman said that existing state law mandates that at least 5% of a resort tax revenues go towards property tax relief in local communities. The percentage can be increased and the tax must be approved by the voters.

After further discussion, Councilman Hanson made a motion, seconded by Councilman Peterson, to endorse the adoption of this proposed legislation and to authorize letters to our local legislators. The motion passed unanimously.

* * * * *

There will be two vacancies on the Planning Board at the end of the year that will be advertised. There will be one Mayoral appointment and one Council appointment which will come before the Council at the first meeting in January.

* * * * *

At this time, all Burlington Northern facilities are on City water. Plant Investment Fees and charges for installing the lines will be paid for by BN. BN abandoned all their water lines and their pump station adjacent to City Beach has been closed. That pump station will be torn down and the City will lease that property and extend City Beach. Councilman Boksich asked if the removal of the concrete at the BN Park was part of this agreement and City Manager said they had agreed to do that a long time ago in return for the City's maintenance of Depot Park.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson reported that Jack Joy had thanked the City for the new fire hydrant installed by his home. City Manager said that had been accomplished quite a while ago.

Councilman Boksich asked if the City reads water meters in the Glenwood area. He had had reports that they had not been read for water bills. City Manager Freedman said he would look into it.

Councilwoman Maddux said she had attended the regional meeting on self insurance for local groups. She said they work with local businesses and hospitals and she is working on the committee that is studying it in this area. City Manager Freedman said he is also on that committee.

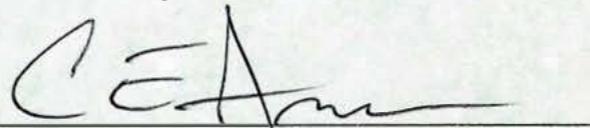
Councilman Peterson asked Police Chief Dolson if he should inform the Council about the training that he and Detective Voelker attended in Bozeman. Chief Dolson said he would like to reserve comment on the white supremacy issue. The issue on satanic cults is certainly relevant to this area. Chief Dolson said he talked to the schools when they returned from the training and Superintendent Hernandez is going to send some of his people to similar training sessions.

Councilman Peterson asked City Manager Freedman if anyone had purchased his old car at this time. He was wondering if it could be given to the city meter reader instead of paying her mileage and part of her car insurance.

City Manager Freedman said he felt the insurance cost, the maintenance and gas expenses on such an old and large vehicle would be prohibitive. Councilman Peterson also asked if she was working without a contract and what the City's position was in this matter. City Manager Freedman said she had refused to sign her contract because it only covered a year at a time. He said as long as she was continuing to do her job and the City is continuing to pay her, he doesn't feel it is a problem.

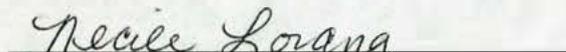
City Attorney Muri said he may be out of town for the December 5th meeting. He wondered if the Council wanted a replacement for him. Councilman Hanson asked if he would review the packet prior to his departure and leave a memo addressing any matter that may need his attention. City Attorney Muri agreed.

Councilman Boksich made a motion, seconded by Councilman Schreiber, to adjourn at 9:30 P.M. The motion passed unanimously.



Mayor

ATTEST:



Deputy City Clerk

BUILDING REPORT FOR SEPTEMBER & OCTOBER 1988

The City sold 22 building permits during the month of September and 29 permits during the month of October. We sold 16 mechanical permits and 19 plumbing permits during these months. The receipts for each type of permit (for both months) were as follows:

Building Permits	51	\$10,595.34
Plan Review Fees	2	1,706.68
Plumbing Permits	19	1,821.00
Mechanical Permits	16	<u>855.00</u>
	Total	14,978.02

The total value of job starts for the month of September was \$135,880 and there was \$1,726,226 in job starts in October. There are currently 55 ongoing jobs in addition to various plumbing and mechanical jobs. The mechanical jobs usually take one or two inspections but the plumbing jobs sometimes take three or four inspections depending on the job size. Our housing starts were late this year, so I will be busy with inspections throughout the winter months.

I will be attending one or two building seminars this winter on the 1988 Building Codes which the City will have to adopt in the near future.

Jerry Quinn
Building Inspector

WHITEFISH PROPERTY MANAGEMENT
128 CENTRAL AVENUE
WHITEFISH, MT. 59937

November 8, 1988

Ralph Freedman
City Manager
Whitefish, MT

Subject: Water Bills relating to Landlords and Tenants

Dear Ralph,

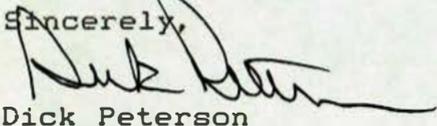
Since we have not been able to come to terms regarding my original letter in March of this year and subsequent letters and meetings with you. I would like to request that at the November 17 City Council meeting the following individuals and businesses be placed on the agenda to bring this problem before the council and hopefully obtain some results prior to obtaining legal representation. I will at this meeting remove myself from the council seat and go the other side of the bench. I hope that we don't have come to these measures.

The following firms are:

1. Whitefish Property Management...Dick Peterson
2. Whitefish Land Office...Tom McCrea & Art Richburg
3. Coldwell Banker...Joe Basirico
4. Village Square Realty...Jerry Luderman

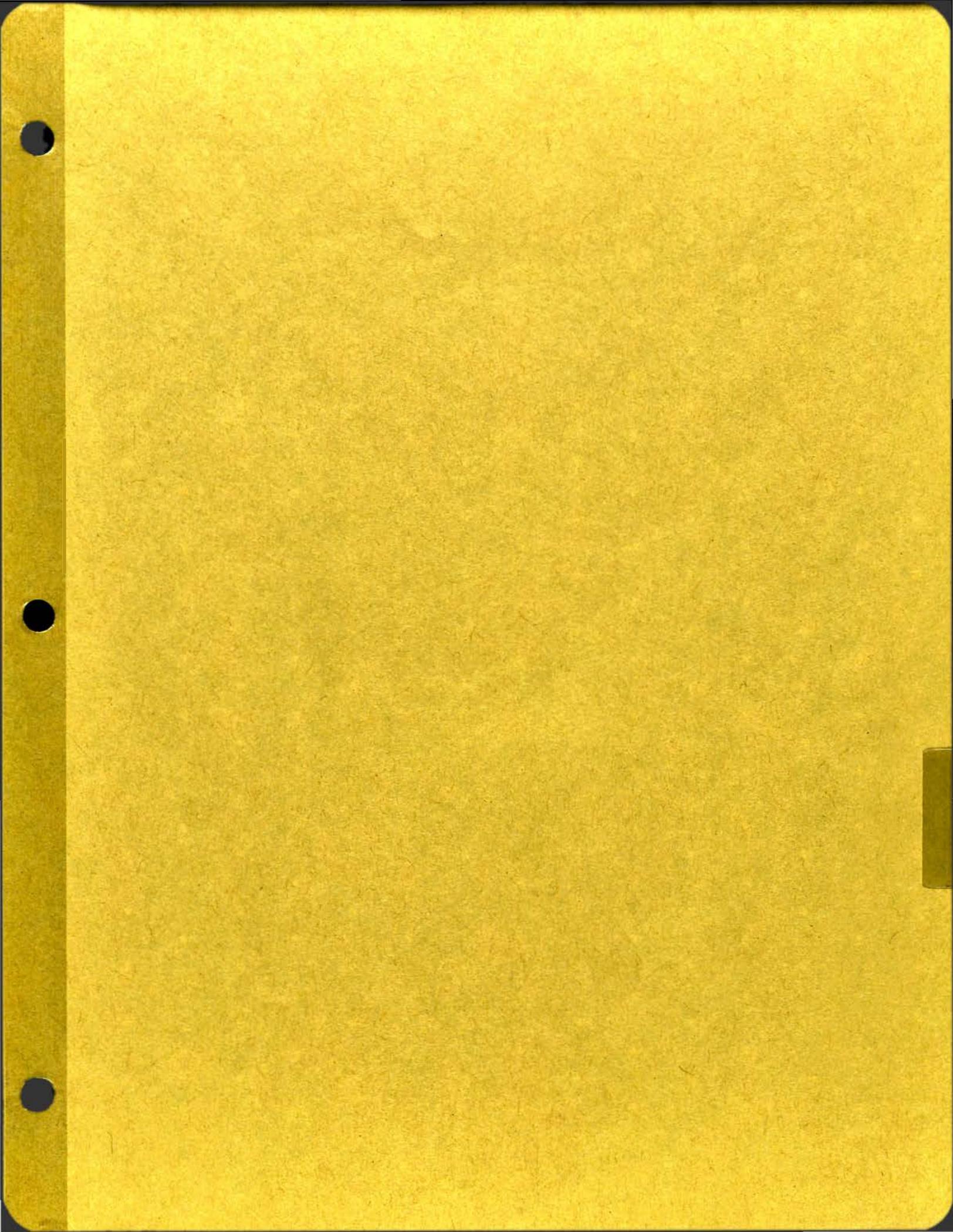
Thank you your for your consideration.

Sincerely,



Dick Peterson

cc Whitefish Land Office
Coldwell Banker
Village Square Realty
Tom Muri, City Attorney





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
December 5, 1988

- 7:00 I. Approval of the minutes of the November 21, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. PUBLIC HEARINGS
1. Request by Wayne Emens to modify the definition of "Automobile Service Station" in the Whitefish Zoning Ordinance
 2. Lake Park Addition Zoning
 3. Request by Manuel Lamb to rezone a five acre tract of land at 1535 Karrow Avenue (from WA to WCR)
 4. Sign Variance request by St. Peter Lutheran Church at 201 Wisconsin Avenue
- 8:30 IV. STAFF UPDATES
- 8:40 V. CITY MANAGER REPORTS
1. Discussion on DNRC letter
 2. Status of the Colorado/Texas and Crosswinds/Hueth Rural Special Improvement Districts
 3. Update on parks and cemetery
 4. City Manager and City Attorney Contracts
 5. Update on shuttle bus operation
 6. Resort Communities Consortium
- 9:30 VI. COUNCIL REPORTS OR COMMENTS
- 9:40 VII. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
DECEMBER 5, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux and Peterson. Councilman Schreiber was absent. Also present were City Manager Freedman, Street Foreman Wartnow and Water/Sewer Supervisor Acton.

MINUTES

Councilman Boksich made a motion, seconded by Councilman Peterson to approve the minutes of the November 21, 1988 meeting as presented. The motion passed with 4 aye votes and 1 abstention (Councilwoman LaTourelle abstained because she did not attend this Council meeting).

PUBLIC COMMENTS

Ben Cohen reported that he had submitted a bill for drafting to the Legislative Council allowing local governments to impose an additional 2% on top of the existing 4% Accommodations Tax. The 2% could then be utilized by local governments. City Manager Freedman asked Ben if he would support the League of Cities Resort Tax legislation which would allow the City to setup a Resort Tax District. Ben said that he was not familiar with the proposal but he would not support allowing the City a taxing jurisdiction other than the City itself. After some discussion, Ben said that he would review the League of Cities proposal.

PUBLIC HEARINGS

1. REQUEST BY WAYNE EMENS TO MODIFY THE DEFINITION OF "AUTOMOBILE SERVICE STATION" IN THE WHITEFISH ZONING ORDINANCE: Tom Jentz, Senior Planner in the Flathead Regional Development Office, explained that Wayne Emens bought the property at 124 Wisconsin in 1981-1982 and assumed from what the realtor told him and based on his neighboring uses (Can Am Auto Repair and B.T.O. Automotive Repair), that he could have an auto repair shop on the property. The property is zoned WB-1 which would allow for "Automobile Service Stations" but not for an auto repair shop and that is the reason Mr. Emens was requesting to amend the definition in the Zoning Ordinance (the other businesses in the neighborhood were grandfathered). Tom Jentz said that the City-County Planning Board adopted findings of fact and based on these findings, the Board voted unanimously to 1) leave the definition "Automobile Service Station" definition in tact and unchanged; 2) to create a new definition "Automobile Repair - Limited" to encompass Mr. Emens request as follows: "Any building or premises used primarily for the servicing of motor vehicles including grease racks, tire repair, battery charging, hand washing of automobiles, sales of merchandise and supplies related to the above servicing of motor vehicles, engine overhauling, brake work, exhaust system work, mechanical repair and light welding but excluding body and fender work, painting, storage of vehicles not in operating condition or other work involving noise, fumes, glare or smoke; and 3) allow "Automobile Repair -

Limited" as a conditional use permit in the WB-1 zone.

Mayor Amass opened the Public Hearing.

Doug Beagher, Manager of the Chair III Apartments, opposed the request for the text amendment because the apartments and the children's play area were very close to Mr. Emens' property (he felt it would be an eyesore and not compatible to the neighborhood). Al Castro, Al's B. T. O. Auto Repair, also spoke in opposition. He said the neighborhood would not be enhanced by having a third automotive repair shop.

Attorney Leo Tracy spoke on behalf of Wayne Emens and said that the issue at this time was to determine the amendment to the Zoning Ordinance for the purpose of allowing Automobile Repair with a Conditional Use Permit. He said that any concerns or complaints could be addressed when Mr. Emens goes through the Use Permit process.

As there was no further public comment, Mayor Amass closed the hearing and turned the matter over to the Council for discussion and action. After some Council discussion, Councilwoman LaTourelle made a motion, seconded by Councilman Peterson, to adopt the Findings of Fact as presented by the Planning Staff and to approve the amendment to the Zoning text as recommended by the City-County Planning Board (Resolution No. 88-23). The motion passed unanimously.

2. LAKE PARK ADDITION ZONING: City Manager Freedman said that he had given the Council a letter from Andrew M. Bittker, owner of Lot 8 Block 6 and Lot 9 of Block 5 of the Lake Park Addition, protesting the proposed WR-1 zoning of this area. Mr. Bittker said that his agreement with the City to permit the annexation was conditioned on the zoning of his properties so as to allow duplexes to be built on them. City Manager Freedman said that there was no guarantee given to Mr. Bittker. At the time of the annexation, the plan was to extend the City's WR-2 zoning for these properties. However, the Planning Board was recommending WR-1 (Single Family) which is comparable to the existing County R-3 zone. He said that to avoid any unfavorable legal repercussions, he would recommend de-annexing the Bittker property if Mr. Bittker desired this.

Tom Jentz explained that seventeen lots (17) were annexed to the city via three (3) separate resolutions in which the zoning was inadvertently not addressed and the seventeen lots (17) have no zoning. He said that this process would be considered as a house cleaning measure. The City-County Planning Board had held a hearing concerning the zoning and they recommend that all 17 lots be zoned WR-1 (single family residential).

Mayor Amass opened the hearing to the public and as there was no public comment, he closed the hearing and turned the matter over to the Council for discussion and action.

The Council discussed Mr. Bittker's property and Tom Jentz explained that he could build one single family structure and one guest home on each of his two lots. The consensus of the Council was to follow City Manager Freedman's

recommendation and de-annex the Bittker property if he preferred the County R-3 zone. After careful consideration and discussion, Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to adopt the Findings of Fact presented by the Planning Staff and based upon these Findings of Fact, place WR-1 zoning on all 17 lots in the Lake Park Addition (Resolution No. 88-24). The motion passed unanimously.

3. REQUEST BY MANUEL LAMB TO REZONE A FIVE ACRE TRACT OF LAND AT 1535 KARROW AVENUE FROM WA TO WCR: Tom Jentz explained that Mr. Lamb was requesting the zone change from WA (Agriculture - 15 acre minimum lot size) to WCR (Country Residential - 2 1/2 acre minimum lot size), so he could sell five (5) acres of land to his son. The son already lives on the property in an existing house. He said that the City-County Planning Board voted unanimously to recommend approval of the requested zone change.

Mayor Amass opened the hearing to the public.

Gene Lamb and Manuel Lamb both spoke in favor of the zone change and asked that the Council approve the request.

As there was no other public comments, Mayor Amass closed the hearing and turned the matter over to the Council for discussion and action.

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to adopt the Findings of Fact presented by the Planning Staff and based upon the Findings of Fact rezone the five (5) acre tract to WCR (Country Residential). The motion to approve Resolution #88-25 passed unanimously.

4. SIGN VARIANCE REQUEST BY ST. PETER LUTHERAN CHURCH AT 201 WISCONSIN AVENUE: City Manager Freedman said the church was proposing to install a redwood sign. The size of the sign meets the City codes except for the readerboard which exceeds the 30% allowed in the sign code (the variance request is to allow the readerboard as proposed). He said that because the sign meets the rest of the criteria, he would recommend approval of the sign variance request.

Mayor Amass opened the hearing to the public.

Allen Wolf, President of the Board of St. Peter Lutheran Church, explained the purpose of the sign and recommended that the City Council approve their request.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the sign variance request. The motion passed unanimously.

STAFF UPDATES

There were no Staff updates for this meeting.

CITY MANAGER REPORTS

1. DISCUSSION ON DNRC LETTER: City Manager Freedman reported the DNRC Loan that the City had applied for had been approved by the DNRC staff and will be forwarded to the legislature for final approval. The DNRC was recommending a loan in the amount of \$6,035,800. Freedman said that the loan would be funded from the Coal Severance Tax Fund and could be repaid over a maximum of 20 years. The interest rate would be 2 percentage points below the rate at which the state bond is sold for the first 5 years and at the coal severance tax bond rate for the remaining 15 years. He told the Council there was no commitment for the City to utilize the loan and the City could decide to utilize only a portion of the approved amount.

Councilman Hanson said that he would like to see additional engineering work completed on the components of the Water Master Plan and that he would feel more comfortable if the City proceeds at a slow and steady pace by doing the various projects in phases. Councilman Peterson asked Greg Acton if the Water Treatment Plant was needed and Greg said that he agreed with Councilman Hanson that the process should be slow and undertaken in phases. Acton said that we do need the treatment plant to comply with anticipated future regulations.

2. STATUS OF THE COLORADO/TEXAS AND CROSSWINDS/HUETH RURAL SPECIAL IMPROVEMENT DISTRICTS: City Manager Freedman had given the Council the project costs on both of these projects. The Texas/Colorado project cost was estimated at \$316,100 and the Crosswinds/Hueth project cost was estimated at \$468,850. He said that all the information had been given to the County Commissioners and they would proceed through the R.S.I.D. process. The first step would be to advertise for an Engineer and the City Council said that they felt the City should be involved in this process. City Manager Freedman said that the projects could begin as early as the spring of 1989.

3. UPDATE ON PARKS AND CEMETERY: City Manager Freedman said that Baker Street Park would be completed in the Spring, the roof on the ice rink building would be completed next week and that gas and water had been brought to the ice rink building. He was still working on resolving the sewer line easement matter south of Mountain Trails Park. The ice rink would be flooded and utilized before the building is completed and the Park Board had approved a proposal for the maintenance of the building and ice rink.

City Manager Freedman said that Rollie and Heidi Smith had donated \$1,900 to repair and paint the main gate at the Cemetery.

4. CITY MANAGER AND CITY ATTORNEY CONTRACTS: City Manager Freedman said that he had given the Council copies of the two contracts. He recommended that the Council review the contracts and make their decision at the next Council meeting.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve both contracts as presented. The motion passed unanimously.

5. UPDATE ON SHUTTLE BUS OPERATION: City Manager Freedman reported that approximately \$20,000 had been raised for the operation of the shuttle bus system this winter. The plans call for five round-trips each day with the possibility of a sixth trip when the bars close each evening. The committee (Ralph Freedman, David Sommer, Bob Markus and Kathy Juno) has decided to contract with the Whitefish Sober Chauffeur to provide this transportation service. Approximately \$2,000 will be earmarked for advertising and each stop will be clearly marked with "Bus Stop" signs. City Manager Freedman asked the Council to consider donating funds to help support this effort as a gesture of showing that the City and Big Mountain and other private businesses are working together for the betterment of the community.

After discussion, Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to donate \$500 (\$250 from the budget of the Whitefish Community Economic Development Corporation and \$250 from the Chamber of Commerce budget), toward the transportation system. The motion passed unanimously.

RESORT COMMUNITIES CONSORTIUM: City Manager Freedman said that the International City Management Association was proposing to develop a Resort Communities Consortium to provide specialized services and products to address the special needs of resort communities. He said that the membership fee to belong to the consortium would be \$1,500. The Council decided not to apply for membership at this time.

7. RESOLUTION NO. 88-22 - ANNEXING THE MEAGHER PROPERTY AT 111 TEXAS AVENUE: City Manager Freedman reported that Tim and Amy Meagher were petitioning to annex to the City, the South Half and the East 466' of the North half of Lot 2, Block 12 of the First Addition to Whitefish Townsite Company's Five Acre Tracts, and zoned as WLR - One Family Limited Residential. The property is surrounded on three sides by the City and he said that it would be in the best interest of the City to annex the property.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to adopt Resolution No. 88-22, annexing the Meagher property. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson asked Greg Acton about the sewer backup problem on West Second Street. Greg said that the sewer line has been a problem, however, he felt that with the Fourth Street bypass line and regularly scheduled maintenance, the problems should be alleviated.

Councilman Boksich asked City Manager Freedman if the meter-reader was reading the meters in Glenwood and City Manager Freedman said that they were being read.

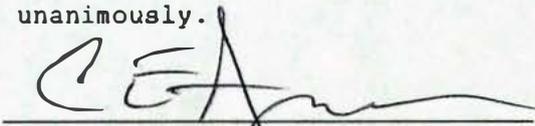
Councilwoman LaTourelle asked about City Attorney Muri's letter and information on deferred annexations. City Attorney Muri said that he just wanted the Council to have the information.

Councilwoman Maddux asked who was driving the sand truck that slid into the ditch over the Thanksgiving weekend. Street Foreman Wartnow said that James Putnam was the driver and City Manager Freedman said that the incident was still being investigated to see if the employee was at fault for the accident.

Mayor Amass said that the Flathead Basin Commission would be holding a forum on tourism in the Flathead at the Outlaw Inn tomorrow night from 7:00 P.M. to 9:00 P.M.

Mayor Amass also said that he had received a letter from the Assembly of God Church in relation to parking on Baker Avenue. He turned this issue over to City Manager Freedman to review and resolve.

Councilman Hanson made a motion, seconded by Councilman Peterson, to adjourn at 9:01 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
December 19, 1988

- 7:00 I. Approval of the minutes of the December 5, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS AND UPDATES
- 7:35 IV. CITY MANAGER REPORTS
1. Resolution to amend Rules and Regulations for the Water and Sewer Utilities to allow for the utility bill to be in the name of the renter.
 2. Update on Ice Rink Project
 3. Update on Shuttle Bus System
 4. Financial Reports
- 8:15 V. COUNCIL REPORTS OR COMMENTS
- 8:25 VI. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
DECEMBER 19, 1988

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Freedman, City Attorney Muri and Police Chief Dolson.

MINUTES

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to approve the minutes of the December 5, 1988 Council meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

John Garrity wished everyone a Merry Christmas and a prosperous New Year.

STAFF REPORTS

Written reports had been submitted by Police Chief Dolson and Building Inspector Quinn. There were no other staff reports for this meeting.

CITY MANAGER REPORTS

1. RESOLUTION NO. 88-26 AMENDING THE RULES AND REGULATIONS FOR THE WATER AND SEWER UTILITIES TO ALLOW FOR THE UTILITY BILL TO BE IN THE NAME OF THE RENTER: City Manager Freedman said that the Committee appointed by the City Council had met twice and the result of those meetings was to allow the utility bills to be placed in the renter's name. The property owner and/or the legal agent would be liable for all delinquent charges up to sixty (60) days. He said the change over would be implemented in phases -- Section 1 would be done in January, Section 2 in February and Section 3 in March. The rental agent would take the final reading if a tenant should move out and they would complete and sign a form on each rental unit (the form would require a social security number and other pertinent information on each renter). City Manager Freedman recommended that the City Council adopt Resolution No. 88-26 as presented, however, he said that if any problems should occur, the issue would be brought back to the City Council for reconsideration.

Councilwoman Maddux asked if the procedure would be to routinely send delinquent water bills to the owners or to the rental agent. City Manager Freedman said that the City could customize some of the software so that a delinquent list could be generated and forwarded to the management companies so they can see that all delinquent bills are paid.

Councilman Hanson said that he had mixed emotions about this proposal because the two businesses affected by it are property management companies. He felt that the City Council was being asked to pass legislation for the benefit of specific businesses in the community rather than for the benefit of the water/sewer users as a whole. If the rest of the rate payers have to pay

a little bit more a month so that those property owners with multi-rental properties have it a little bit easier, then he would object to the proposal. He also suggested that #3 be amended to include that the City Council would review this issue in six months and at that time, they would confirm or rescind the change over. Councilwoman Maddux asked if the City had the software to generate a delinquent list and City Manager Freedman said that the software would have to be purchased. Councilwoman LaTourelle said that the the city should wait to add the software until the city is sure the change over is working. She also felt that if the property management companies want listings, they should pay for the software. Councilman Peterson said that very few problems arise from their tenants and he did not anticipate needing a list. Councilman Schreiber said that the City Council had appointed a committee and because this was their recommendation, he felt that the City Council should adopt Resolution No. 88-26 as proposed. If the change over does not work, the issue should come back to the Council. John Garrity spoke in opposition of the change over because he felt it would put a burden on the rest of the City utility users.

After much discussion, Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to adopt Resolution 88-26 subject to review on September 30, 1989. The motion passed with 4 aye votes 1 no vote and 1 abstention (Councilman Hanson voted no and Councilman Peterson abstained due to a conflict of interest).

2. UPDATE ON ICE RINK PROJECT: City Manager Freedman reported that the Ice Rink project would be finished in about 30 days. He said that to date \$89,718.54 had been spent on this project. The total revenues from donations, interest, the City's contribution and the LWCF grant are \$92,665.00. Councilman Hanson asked if the Park Board was conducting an ongoing fund raiser to refrigerate the rink. City Manager Freedman said that the Park Board would wait and see how much interest was generated before starting the other two phases of the project (refrigeration and covering the ice rink).

3. UPDATE ON SHUTTLE BUS SYSTEM: City Manager Freedman gave the Council a copy of the Whitefish Area Rapid Transit schedule and said that the shuttle bus would be in operation beginning Friday, December 23rd.

4. FINANCIAL REPORTS: City Manager Freedman went through the November Cash Status, Revenue and Expenditure Reports with the Council.

Councilman Schreiber said that because of the pending lawsuit (Les Norman), he wondered if the City should establish a reserve for future liabilities. City Manager Freedman and City Attorney Muri would review this issue to see what a reasonable figure would be. Councilwoman Maddux requested that a breakdown of all overtime be given to the Council.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve the Cash Report, Revenue and Expenditure Reports for the month of November. The motion passed unanimously.

5. ENERGY GRANT: City Manager Freedman said that the energy grant funds had been utilized to install heat mirror windows in the Council Chambers.

6. A LETTER FROM BILL HILEMAN ON THE GOLF CLUB LEASE AGREEMENT: The letter from Bill Hileman explained that the Whitefish Lake Golf Club had a written contract with Michael Dowaliby for operating the golf concessions and Mr. Dowaliby had given notice of his intention to renew his contract for another five (5) years (November 1, 1989 to October 31, 1994). The new lease agreement between the Golf Club and the City of Whitefish provides that the Lessee may sublet the concessions after first obtaining written approval from the City. Mr. Hileman was asking for the City Council's approval for this lease renewal.

Councilwoman Maddux made a motion, seconded by Councilman Hanson, to approve the contract between the Whitefish Lake Golf Club and Mike Dowaliby to operate the golf concessions at the Golf Course for the five year period from November 1, 1989 to October 31, 1994. The motion passed unanimously.

7. THIRD STREET AND PINE AVENUE COST BREAKDOWN: City Manager Freedman gave the cost breakdown on the project as follows:

1. TOTAL CITY EQUIPMENT COSTS	\$ 14,781.90
2. FABRIC	10,536.00
3. TRUCKING	26,778.35
4. ENGINEERING/SURVEYING	22,789.80
5. PAVING/CONCRETE	103,636.63
6. PIPE/MANHOLES/CATCH BASINS	74,064.59
7. MISCELLANEOUS	10,139.84
8. LABOR	<u>87,545.01</u>
TOTAL COSTS	<u>350,272.12</u>

Councilman Boksich said that he had heard some criticism from citizens about City employees spending so much time on this project. They felt that if this amount of time could be spent on one project, possibly the City had employees that were not needed. City Manager Freedman said that it was hard to cut back on personnel because of the general maintenance of the water and sewer lines, snow plowing, etc.

Councilman Hanson said that the hours that the administrative staff had put into the project should be added to the total cost of the project.

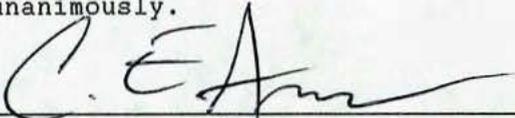
COUNCIL REPORTS OR COMMENTS

Mayor Amass asked that the letter and petition signed by 18 homeowners along the Whitefish Lake (City Beach) protesting the placement of sand and sandy loam on the City Beach be given to the Park Board. He said that this situation must be addressed. City Manager Freedman said that the Park Board would address the situation in the spring.

Mayor Amass also wished the City Council, City Administrator, City Attorney and all City Employees a Merry Christmas and Happy New Year.

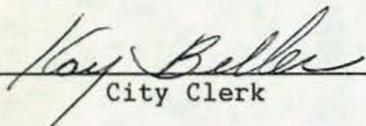
The next Council meeting will be Tuesday, January 3, 1989.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to adjourn at 8:30 P.M. The motion passed unanimously.

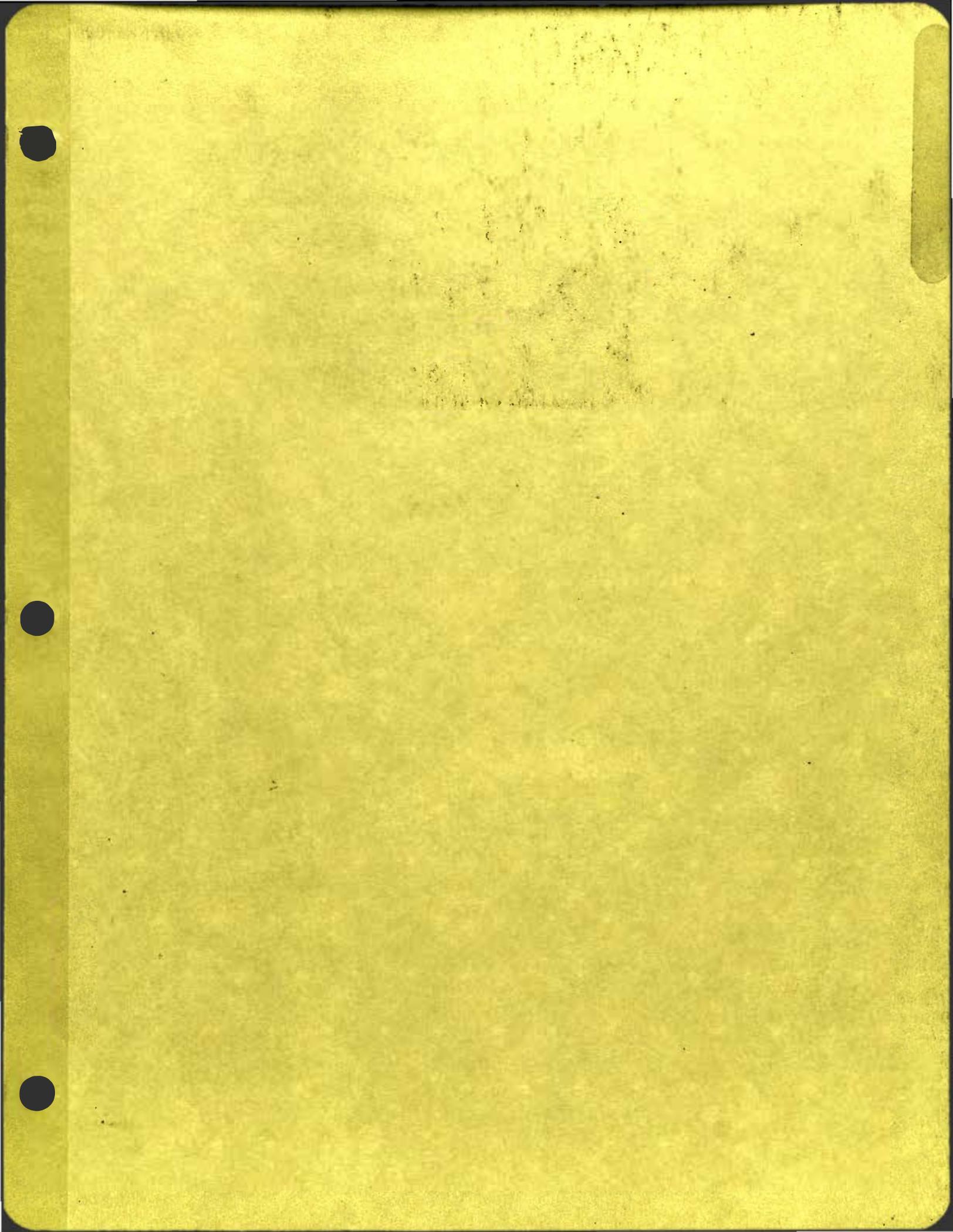


Mayor

ATTEST:



City Clerk

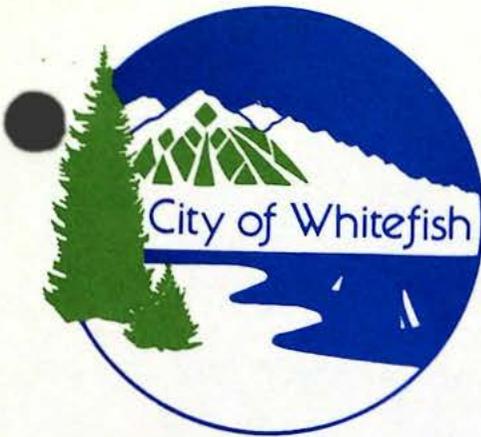




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
January 3, 1989

- 7:00 I. Approval of the minutes of the December 19, 1988 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS AND UPDATES
- 7:35 IV. CITY MANAGER REPORTS
1. Appointment of two members to the Whitefish City-County Planning Board
 2. Discussion of Department of Highways' letter
 3. Lease with the Burlington Northern Railroad
 4. Audit Report for the Fiscal Year ending June 30, 1987
- 8:05 V. COUNCIL REPORTS OR COMMENTS
- 8:15 VI. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: December 29, 1988
RE: January 3, 1989 Meeting

Here are my comments and my recommendations on the Council Agenda items for the January 3, 1989 Council Meeting:

1. PLANNING BOARD POSITIONS: The terms of Owen Grinde and Edwin Fields end on December 31. Owen Grinde has decided not to seek reappointment to the Board and Edwin Fields desires to be reappointed. The City advertised in The Whitefish Pilot and we received a letter of interest from Tim Meagher to serve on this Board.

Recommendation: The City Council should appoint Edwin Fields and the Mayor should appoint Tim Meagher to fill these positions.

2. DEPARTMENT OF HIGHWAYS' LETTER: The City of Whitefish is being informed of the DOH's approach to controlling access onto Highway 93 after it is reconstructed. The Department of Highways is seeking the City's concurrence in controlling the access points.

Recommendation: Authorize the City Manager to write the DOH indicating concurrence with the DOH's intentions.

3. BN LEASE: The BN has indicated to me a problem in having lease payments collected from various property owners along Birch Point Drive. In discussions that I had with Wally Farrell, we agreed that the situation could be resolved by having the roadway lease in the name of the City of Whitefish only.

Recommendation: Approve this concept and I will attempt to finalize this lease agreement at the lowest fee possible.

4. AUDIT REPORT: Enclosed in your packet is a copy of the audit report for the fiscal year ending June 30, 1987. I will discuss the report in detail at the Council Meeting.

If you have any questions or comments, please feel free to contact me.

MINUTES
WHITEFISH CITY COUNCIL
JANUARY 3, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council members present were Hanson, Boksich, Maddux, Schreiber and Peterson. Councilwoman LaTourelle was absent. Also present were City Manager Freedman, City Attorney Muri and Police Chief Dolson.

MINUTES

Councilman Hanson made a motion, seconded by Councilwoman Maddux, to approve the minutes of the December 19, 1988 Council meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

James Taylor, a member of the Alliance of the Streets, gave the Council a copy of a letter he had written to Representative Pat Williams about what the people in Whitefish are saying about every transient. He also expressed concern about the police brutality that he said was occurring in the City. Mayor Amass said that Mr. Taylor should take his problem with the Police Department to the Police Commission to be resolved.

Hoagy Carmichael told the Council that he would like clarification of the zoning of his property at 124 Wisconsin Avenue. He said that the property was zoned as WB-1 in 1982 by the City Council. However, he said the businesses that have been operated on this property should fall under the Non-Conforming Use section of the Zoning Ordinance. He felt the City was hindering and interfering with his right to use his property for the purposes in which it had been continually used since 1971. He said that others in the immediate neighborhood were allowed to continue using their properties for nonconforming uses. Carmichael said that persons seeking to rent, lease and even buy his property over the past two years had been informed by the City that they would not be allowed to use it for their business; businesses that he felt were compatible to those that have been operated there throughout the past 17 years. In order to clarify what the various parts of his property had been used for in the past, he provided a chronology of the uses of the property since he purchased it.

City Manager Freedman said that he had requested Mr. Carmichael to submit a history of the uses of the property so that he could determine if the uses conform to the Zoning Ordinance. He would look at the statement provided by Mr. Carmichael and report his findings back to the Council at the next meeting.

STAFF REPORTS AND UPDATES

There were no Staff Reports for this meeting.

CITY MANAGER REPORTS

1. PLANNING BOARD POSITIONS: City Manager Freedman said that the terms of Owen Grinde and Edwin Fields ended on December 31. He said Owen Grinde had decided not to seek reappointment to the Board and Edwin Fields desired to be reappointed. Claire Strickler, President of the City-County Planning Board, sent a letter recommending that Edwin Fields be reappointed to the Board. City Manager Freedman said that the City advertised in the Whitefish Pilot and had received one letter of interest from Tim Meagher to serve on the Board. He recommended that the City Council reappoint Edwin Fields and the Mayor appoint Tim Meagher to fill these positions.

Tim Meagher addressed the Council and told them that he was interested in economic development and he would like to get involved in the community.

After a brief discussion, Councilman Boksich made a motion, seconded by Councilwoman Maddux, to reappoint Edwin Fields to the City-County Planning Board (two year term). The motion passed with 4 aye votes and 1 no vote (Councilman Hanson voted no).

Councilman Hanson said that he felt the incumbent should have submitted a letter of interest and should not be treated any differently than new applicants. He said that Tom Kuffel had submitted two (2) letters of interest and had been passed over both times. He felt that the letters should have carried over and Mr. Kuffel should have also been considered for the position on the Board. He said that there was a flaw in the process and it should be addressed in the future.

Mayor Amass said that he would like to appoint Tim Meagher to the City-County Planning Board (two year term).

Councilman Hanson made a motion, seconded by Councilman Schreiber, to confirm the Mayor's appointment of Tim Meagher to the Board. The motion passed unanimously.

2. DEPARTMENT OF HIGHWAYS' LETTER: City Manager Freedman said that the City was being informed of the Department of Highway's approach to controlling access onto Highway 93 after it is reconstructed. He said that the Department of Highways was seeking the City's concurrence in controlling the access points. He recommended that the City Council authorize him to write to them indicating concurrence with their intentions.

The Council discussed the issue and requested that City Manager Freedman contact the Highway Department to see if they could send a better map of the proposal.

3. BNRR LEASE: City Manager Freedman said that the BNRR has indicated a problem in having lease payments collected from various property owners along Birch Point Drive and West Lakeshore Drive. He said in discussions with Wally Farrell, they had agreed that the situation could be resolved by having the roadway leases in the name of the City of Whitefish at a onetime fee of \$500.00. The lease would be cancellable on 30 days notice by either party. City Manager Freedman said that Councilwoman LaTourelle had called him and was

not in favor of this proposal and felt the City should not get involved in committing the City to taking care of the roadway.

Councilman Boksich asked why the City would consider this proposal. City Manager Freedman said that he had tried to work closely with the BN to have good relations with them. Councilman Hanson said that he agreed with Councilwoman LaTourelle and Councilman Boksich after reading the third paragraph of the letter from Wally Farrell which states that "should the BN need to build another main line track, it would no doubt have to be built north of the existing line. In that case, the public crossing would have to be extended and the access road to reach the homes along the lake would have to be relocated." Councilman Hanson asked if the City would be obligated to provide the other access. City Manager Freedman said the lease agreement could state that the accesses could not be cut off should this occur. Councilman Schreiber commended City Manager Freedman for working with the BN and he felt this was excellent public relations. If City Manager Freedman could work out an agreement at a minimal cost to the City, he should be allowed to move forward on securing the lease. After some discussion, the Council agreed with Councilman Schreiber and asked City Manager Freedman to proceed in working out a lease agreement with the BN. Councilman Hanson said it would be helpful to the Council if City Manager Freedman could provide a map of all the properties that access onto this road.

City Attorney Muri said that the property owners are aware of the fee for the roadway and are not opposed to paying it, however, some of the property owners are not receiving bills.

4. AUDIT REPORT: City Manager Freedman said that he had given the Council a copy of the Audit Report and he briefly went through the Auditor's comments with the Council. He said that in most instances the City was already implementing and complying with the comments. He said that by law the City had to prepare a letter to the Department of Commerce on the Auditor's comments. He said the letter had been drafted and the City Attorney would sign it and it would be forwarded to them.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson said that the new sidewalk along Memorial Park needed to be plowed. City Manager Freedman said it had been done during the past several weeks and we would do it again immediately.

Councilwoman Maddux said that she would like to suggest that certificates be issued and signed by the Council, to people that are commended for doing an outstanding job. (City Employees, City County Planning Board retirees, etc.) City Manager Freedman said that the City was giving certificates signed by Mayor Amass and paper weights with the city logo were also available to give to deserving people.

Councilwoman Maddux said that she was receiving calls from irate citizens about the City plowing so often and plowing snow into their driveways, etc. She asked City Manager Freedman why the City was doing so much snow plowing. He said that if the streets were not plowed, they would turn to slush and be treacherous. He felt it was necessary to have the crews work overtime and

complete the snow plowing in two days.

The Council discussed the snow plowing issue and voiced concerns about plowing streets, alleys and Councilman Schreiber questioned City Manager Freedman about the maintenance of the viaduct. City Manager Freedman said he would meet with Charlie Phillips of the Flathead County Road Department and Mike Collins of the Big Mountain on Thursday to try and resolve some of the maintenance problems. He said that the day it snowed so heavily he had shut the viaduct down for about twenty minutes so the City crews could grade and sand it. He explained that the major problem with traffic on that day was due to the fact that many vehicles were not equipped to travel the Big Mountain Road. After discussion, the Council was hopeful that the maintenance problem north of the tracks would be resolved at the meeting with the County, Big Mountain and City Manager Freedman.

Mayor Amass said that this had been a unique year for snow and ice and there was no easy solution. He said that he did appreciate City Manager Freedman's efforts. Mayor Amass also commended Councilman Schreiber and Dale Jessup for the excellent job they did on the Rotary Christmas Program this year. He said it was a large program and it was a great success.

Councilman Schreiber made a motion, seconded by Councilman Boksich, to adjourn at 8:25 P.M. The motion passed unanimously.

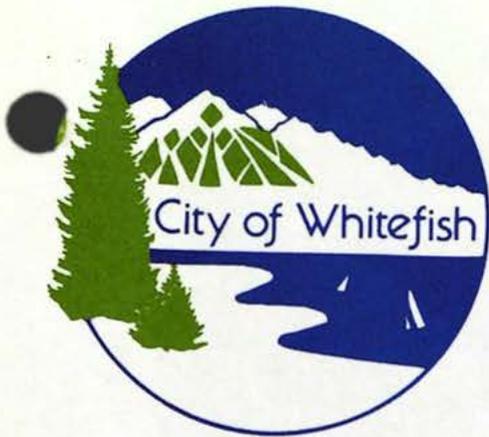
C. E. Amass, Jr.

Mayor

ATTEST:

Kay Bell

City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
January 16, 1989

- 7:00 I. Approval of the minutes of the January 3, 1989 Meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS AND UPDATES
1. Police Report
 2. Building Inspector
 3. Public Works
- 7:35 IV. CITY MANAGER REPORTS
1. Discussion on meeting with Big Mountain and County Officials
 2. Department of Highways' letter on Highway 93
 3. Financial Reports
- 8:05 V. COUNCIL REPORTS OR COMMENTS
- 8:15 VI. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
JANUARY 16, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Maddux and Peterson. Councilmen Schreiber and Boksich were absent. Also present were City Manager Freedman, City Attorney Muri and Police Chief Dolson.

MINUTES

Councilwoman Maddux made a motion, seconded by Councilman Peterson, to approve the minutes of the January 3, 1989 Council meeting as presented. The motion passed with 3 aye votes and 1 abstention (Councilwoman LaTourelle abstained because she was not present at this meeting).

PUBLIC COMMENT

Richard Smith told the Council that his vehicle had been towed from the alley behind his home at 111 Kalispell Avenue. The incident happened while the city crews were plowing the alley, however, he was objecting to not being notified to move his vehicle. He requested that the City reimburse him for the \$30.00 towing fee. Police Chief Dolson explained that the Street Department crew had requested the vehicle be towed because it was blocking the alley and they could not plow it. Dolson said that he knocked on the door but did not find anyone at home and because the vehicle was protruding into the alleyway, he had it towed.

After further discussion, the issue was turned over to City Manager Freedman. He said that he would investigate the complaint and bring his findings back to the next Council meeting.

STAFF REPORTS

Written reports had been submitted by Building Inspector Quinn and Police Chief Dolson.

City Manager Freedman reported that building, plumbing, gas and mechanical permits had increase \$13,420 over a six month period as compared to the same period a year ago. He said that the increase was due largely to the construction of the Super 8, the Cadillac and the Grouse Mountain Convention Center.

In Police Chief Dolson's report, he explained that the Police Department had put together a Police Manual (Special Order 1-89) that went into effect on January 3, 1989. He asked the Council to review the Manual and formally adopt it. He also requested in his report that the Council consider restoring the eighth officer and returning the Chief to non-patrol status so a grant could be prepared for a ninth officer. He explained that narcotics in Whitefish was a growing issue and the ninth officer (a Narcotics Detective) would be loaned to the County task force unit.

Councilman Hanson concurred with Chief Dolson on increasing police personnel and he said that he had opposed the cut back at budget time. He also suggested that the Council review the manual and formally adopt it at a later meeting. Councilwoman Maddux said that she did not want to make a commitment until she had reviewed the issue and Councilman Peterson said that he felt another detective would be good for the town and wanted the issue pursued.

CITY MANAGER REPORTS

1. DISCUSSION ON MEETING WITH BIG MOUNTAIN AND COUNTY OFFICIALS: City Manager Freedman said that he had attended a meeting with Mike Collins, Steve Spencer, Commissioner Allen Jacobson, Sheriff Rhodes and Charlie Phillips on the road maintenance problem north of the tracks. He said that no solution was reached at this meeting but everyone was in agreement that now there would be better communications between all entities involved. City Manager Freedman said that the sign at the bottom of Big Mountain Road (chains and four wheel drive vehicles only) would be moved to East Lakeshore Drive and would be put up only if conditions warrant the need for it.

City Manager Freedman said that making Railway Street from Central Avenue to Baker Avenue a one way street had also been discussed. The traffic flow off the viaduct would be channeled down Baker Avenue. Councilwoman LaTourelle said that this had been discussed by the Council before and she encouraged trying it. The Council did not make any decision on this issue at this meeting.

2. DEPARTMENT OF HIGHWAYS' LETTER ON HIGHWAY 93 SOUTH: City Manager Freedman said that he had contacted the Highway Department regarding the clarification of control access points. The Highway Department would approach property owners if they felt there were too many approaches, try to acquire the access rights and discontinue the use. The City would not be involved in the process at all. He said that all the Highway Department wanted from the City Council was concurrence on controlling the access onto Highway 93 South.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, to concur with the access control proposed by the State Highway Department. The motion passed unanimously.

3. FINANCIAL REPORTS: City Manager Freedman asked the Council to approve the Pledged Securities of the First National Bank, \$357,000, and Mountain Bank, \$205,000.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, to approve the Pledged Securities of the First National Bank for \$357,000. The motion passed with three (3) aye votes and one (1) abstention (LaTourelle abstained due to a conflict of interest).

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve the Pledged Securities of the Mountain Bank for \$205,000. The motion passed unanimously.

City Manager Freedman went through the Cash Status Report comparing the cash accounts to last year. As of December 31, 1987, total investments were \$1,408,325.40 and cash was \$236,438.41 for a total of \$1,644,763.81 and on December 31, 1988, total investments were \$1,750,731.55 and cash is \$264,992.77 for a total of \$2,015,724.32. This is an increase of \$370,960.51. He also reviewed the Revenue and Expenditure Reports with the Council. After some discussion, Councilwoman LaTourelle made a motion, seconded by Councilman Peterson, to approve the reports as presented. The motion passed unanimously.

4. FIRE AREA: City Manager Freedman said that he would meet with the Fire Department Board of Directors on the rate structure for the proposed fire area. He would then put together a service plan which would be submitted to the County Commissioners so that the area could be created. If enough revenue was generated, the Fire Department would address the issue in the future of a satellite station.

5. POLICE VEHICLE: City Manager Freedman said that he would like to propose trading in the old Administrator's car and three (3) old police cars and purchase a four wheel drive vehicle for the police department. He said that the mechanic had checked the Bronco and it would cost approximately \$2,000 to put it in good running order. He said that he would give the Council a memo in the future on the above request.

6. RURAL SIDs: City Manager Freedman said that in regard to the RSIDs in the Crosswinds/Hueth area and the Colorado/Texas area, the County Commissioners had received proposals from five (5) engineering firms and the selection committee would be interviewing engineers next week. Councilman Hanson said that he felt the City Administrator should have a tremendous amount of clout in choosing the Engineer because of the fact that these properties would be hooking onto the city sewer facilities (He was in favor of choosing a local engineer). City Manager Freedman said that he was on the selection committee and would discuss this issue with the County Commissioners.

COUNCIL REPORTS OR COMMENTS

Councilwoman LaTourelle said that with the large amount of snow this year, she would encourage good communication between the Police Department and the public before towing vehicles. She also asked City Manager Freedman about the progress of the sign ordinance. He explained that he and Jerry Quinn were reviewing areas of the sign ordinance and as soon as they have the information needed, there would be another meeting with the public.

Councilman Hanson requested, if funds permitted, to place a street light at the intersection of Big Mountain Road and East Lakeshore Drive. City Manager Freedman said that he would contact Pacific Power and try to get a light for this area. Hanson also said that he felt because of Whitefish being a tourist town, parking tickets should be waived for tourists. Chief Dolson said that it would create too many problems to cite the local people and give passes to visitors, however, Dolson said that signage on the streets could be improved and this would help alleviate many of the problems.

Councilman Hanson commended the City Staff for the outstanding job they are doing on snow removal. He said that he felt it was being done better than at any other time in the history of the City.

Councilwoman Maddux requested that the sidewalk ordinance on snow removal be enforced. She said that currently more and more people were walking in the streets and they should be reminded to utilize the sidewalks in order to avoid accidents.

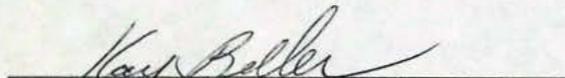
Mayor Amass asked City Manager Freedman if the problem with the zoning of the Hoagy Carmichael property had been resolved. City Manager Freedman said that he had written Mr. Carmichael a letter stating that the existing businesses would be grandfathered but if the property changed uses, Mr. Carmichael would have to notify the City to make sure it complies with the Zoning Ordinance.

Councilman Hanson made a motion, seconded by Councilman Peterson, to adjourn at 8:30 P.M. The motion passed unanimously.

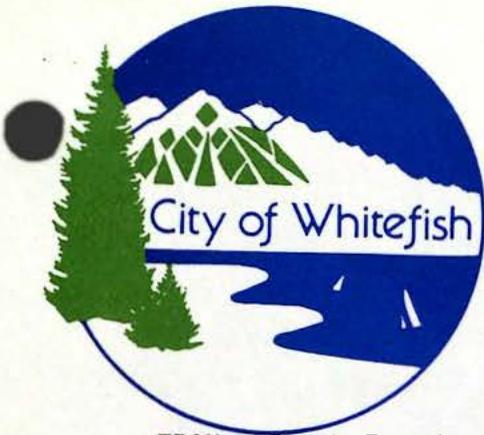


Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager &
George Wartnow, Street/Sanitation Manager
TO: Whitefish City Council
DATE: January 31, 1989
RE: Garbage Classification System

SOLID WASTE CLASSIFICATION FOR BUSINESSES
WHITEFISH, MONTANA

With the implementation of the current sanitation system, it has been next to impossible to keep track of the volume generated by any individual business. The reason being that more than one business will use the same container and they may put a large object such as an uncrushed box into the round container creating an illusion of more waste than is actually being generated. It is not feasible for us to furnish each business with their own container because of the size of the right-of-ways, the size of the containers and due to the multiple uses of many of the buildings in the downtown area. It would be unfair to charge for excess volume to businesses that are the only ones using a certain container when we are unable to judge volume on all the users. User classes should be established so that businesses of the same type and size pay equal amounts. All containers in the downtown area are being dumped five days a week at this time, so whatever rate schedule is implemented will not increase the time spent or the number of trips made in the business district.

The rate schedule now in use was put into effect for the old sanitation system. There was supposed to be a new rate schedule implemented with the new system but this has not occurred. We currently allow a private residence 1.93 yards of waste for a charge of \$5.50 per month while we only allow a business one (1) yard of waste for the same fee with an additional charge for any excess above this amount. We would like to see the minimum rate set for two (2) yards per month at \$5.50 per month or \$66.00 per year for businesses. The following classes should be established:

<u>CLASSIFICATION</u>	<u>EXTRA CHARGE ON MONTHLY BILL</u>
Class I - 0 to 2 yards	\$ - 0 -
Class II - 2 to 3 yards	2.50
Class III - 3 to 4 yards	5.00
Class IV - 4 to 5 yards	7.50
Class V - 5 to 10 yards	17.50
Class VI - 10 to 20 yards	37.50
Class VII - 20 to 30 yards	62.50
Class VIII - 30 to 40 yards	87.50
Class IX - 40 and above	112.50

Class I Examples:

Trades = Engineers, surveyors, contractor offices, etc.

Professional = CPAs, attorneys, dentists, doctors, etc.

Other Businesses = Offices, real estate brokers, etc.

Small Businesses = Barber shops, hair dressers, salons, arts, small florists, radio stations, computer and radio repair shops, taxidermists, etc.

Class II Examples:

Drug stores, cleaners, second hand stores, car washes, upholstery shops, newspaper offices, and small volume restaurants with limited hours.

Class III Examples:

Motels, cleaners, printers, private schools, furniture stores, gift shops, specialty shops, low volume restaurants, and hardware stores.

Class IV Examples:

Clothing stores, quick stop stores, lumber yards, hardware stores, cabinet shops, parts houses, variety stores, sheet metal shops, body shops, muffler shops, bars without restaurants, and low volume restaurants.

Class V Examples:

Grocery stores, high volume cafes, supper clubs and restaurants, bars with restaurants, schools, hospitals, rest homes, high volume fast food restaurants, and service stations.

Classes VI, VII, VIII and IX Examples:

Restaurants, supermarkets and other high volume businesses that generate large quantities of garbage.

EACH BUSINESS WOULD BE ANALYZED AND PLACED INTO THE APPROPRIATE CLASS.

* * * * *

A new City Administrator should consider the following if it is felt that the City should ask for proposals from private contractors:

If you are interested in bidding out the garbage system, whether in part or the whole system, there must be an equitable way to compare bids. The City should bid the system at the same time that an outside contractor submits his bid. The bids should be reviewed to ensure that both city and private numbers are realistic. Depreciation, future labor costs and future equipment costs

must be considered in putting together a realistic bid proposal.

Many cities have contracted out a portion of the service, while continuing to perform a portion of the service with city crews. We have discussed keeping the residential portion of the garbage system and contracting out the commercial portion. The City could then consider swapping some commercial accounts for residential accounts within the City not being served by the City in an effort to maximize the efficiency of our collection system. By maintaining a portion of the system, the City has the flexibility of doing all the collection in the event that a private contractor does not perform to set standards. The City would also have a way to measure cost-effectiveness of government versus contract operations. Partial contracting of garbage collection may result in a better level of service by the City and the private contractor who are in a way competing against each other.

A municipal cost study must include but not be limited to the following:

- I. Salaries & Wages (including overtime)
 - A. Department Head
 - B. Laborers - full and part-time
 - C. Clerical

- II. Fringe Benefits
 - A. Vacation Leave
 - B. Sick Leave
 - C. Holidays
 - D. Social Security
 - E. Workman's Compensation
 - F. Medical Insurance
 - G. Unemployment Insurance
 - H. Pension
 - I. Uniforms and safety equipment

- III. Office Expenses
 - A. Postage
 - B. Utilities - phone, electricity, gas
 - C. Operating materials & supplies

- IV. Equipment
 - A. Office equipment
 - B. Computer hardware/software

- V. Equipment Maintenance Costs
 - A. Mechanic's salary and benefits
 - B. Parts and fuel
 - C. Insurance on vehicles
 - D. Other consumables - lubricants, oil, etc.

- VI. Overhead Costs
 - A. City Manager's salary and benefits
 - B. Other administrative personnel
 - C. Depreciation

- VII. Capital Expenditures
 - A. Equipment Facilities
 - B. Vehicles and equipment

Due to the size of our business district, it would be easy to tell a bidder the number of businesses serviced, the frequency and the tons that are collected. The City could specify equipment to be used or the City could sell its equipment (a garbage truck and/or containers). It would also be easy to provide a potential bidder with a map of the business area that the City services. All of this information should be contained in the Request for Proposals.

MINUTES
WHITEFISH CITY COUNCIL
JANUARY 30, 1989

The special meeting of the Whitefish City Council was called to order by Mayor Carroll Amass at 5:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. City Manager Freedman was also present.

Mayor Amass said the purpose of this meeting was to officially receive the resignation of City Manager Ralph Freedman. Mayor Amass read City Manager Freedman's letter of resignation in which it stated that his resignation would become effective February 22, 1989 at which time he will be moving to Durham, New Hampshire to fill the position of Town Administrator. Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to accept this letter of resignation. The motion passed unanimously.

Mayor Amass said that he and City Manager Freedman had prepared and given to the Council a timetable for the advertising of the job vacancy and the selection of the new city manager, the salary range, and a list of the proposed publications in which the ad would appear. After discussion among Council, the following publications were selected:

1. ICMA Newsletter
2. Jobs Available
3. Billings Gazette
4. Great Falls Tribune
5. Whitefish Pilot
6. Kalispell Interlake
7. Seattle Post
8. Portland Oregonian
9. Denver Post
10. Spokesman
11. Missoulian

Mayor Amass recommended to the Council that a three member Selection Committee be formed to review all resumes that are received and recommend to the full City Council 8 to 10 candidates for further consideration. Councilman Hanson and Councilwoman Maddux both expressed their desire to review each resume and they both felt all members of the Council should review each resume. Mayor Amass said the decision was the Council's but he felt that the Selection Committee could save some time. He said that by the next regular Council Meeting the Council Members should have criteria for employment in mind and they would make the decision on the selection process.

Mayor Amass asked the Council if there was any other discussion at this time. There was no further discussion from Council. Mayor Amass said it was with real regret that Council had to accept City Manager Freedman's resignation at this time. He said City Manager Freedman had worked very hard for the City of Whitefish and had accomplished a lot of things.

Councilman Hanson made a motion, seconded by Councilman Peterson, to adjourn the meeting at 5:27 P.M. The motion passed unanimously.

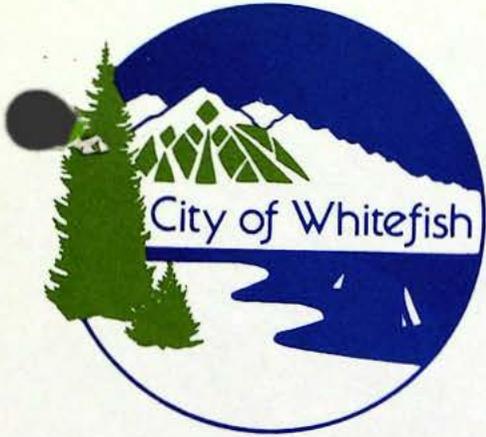
C. E. Amos, Jr

Mayor

ATTEST:

Necile Lozano

Deputy City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

BUILDING REPORT FOR JANUARY, 1989

In the month of January the City sold three building permits, eight plumbing permits and seven mechanical permits. The receipts for each type of permit are as follows:

Building Permits	3	\$ 101.00
Plumbing Permits	8	498.00
Mechanical Permits	7	<u>365.00</u>
	Total	964.00

We now have 41 ongoing jobs which I do check periodically or whenever called for an inspection. On January 25th I attended a seminar in Spokane which focused on the 1988 Uniform Building Codes which the City will be required to adopt in March or April. The Building Codes Bureau of the Montana Department of Commerce has adopted the 1988 Code and will require all cities to adopt them within 90 days of their notice.

I have checked and measured many signs to see how, or if, they would comply with the new proposed Sign Ordinance. The signs that do not comply are too numerous to mention.

Jerry Quinn
Building Inspector

FEBRUARY 1989



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
February 6, 1989

- 7:00 I. Approval of the minutes of the January 16, 1989 and January 30, 1989 Meetings
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF REPORTS AND UPDATES
- 7:30 IV. NEW BUSINESS
1. Lakeshore Construction Permit Request by Miles Gordan (1930 East Lakeshore Drive)
 2. Lakeshore Construction Permit Request by Roslyn Mentzer (1220 Birch Point Drive)
 3. Open Container Ordinance Waiver request by Winter Sports, Inc.
- 8:15 V. CITY MANAGER REPORTS
1. Discussion on Houston Lakeshore Tracts annexation
 2. Update on the formation of the two RSIDs
 3. Discussion on the formation of the Whitefish Fire Area
 4. Discussion on a Garbage Classification System and Rate Structure
 5. Street Lighting Update
 6. Discussion of S.I.D. #132 Fund
 7. Approval of the appointment of Claire Strickler as the member-at-large on the Whitefish City-County Planning Board
 8. Legislative Update
 9. City Manager Selection Process discussion
- 9:20 VI. COUNCIL REPORTS OR COMMENTS
- 9:30 VII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: February 1, 1989
RE: February 6, 1989 Meeting

Here are my comments and my recommendations on the Council Agenda items for the February 6, 1989 Council Meeting:

1. TWO LAKESHORE CONSTRUCTION PERMIT REQUESTS: The two Lakeshore Construction Permit requests were submitted several months ago. Owen Grinde, who is the Chairman of the Lakeshore Protection Committee, has been out of town due to family illness which has prevented the receipt of formal findings of fact from the Committee on these requests. I have included copies of the applications in your packet for your review.

Recommendation: Jerry Quinn and I will review the informal recommendations from the Committee and make specific recommendations to you at the meeting based upon past lakeshore construction permit standards.

2. OPEN CONTAINER ORDINANCE WAIVER: Winter Sports, Inc. has requested the waiving of the Open Container Ordinance for a street dance on March 15th. Without knowing all of the details, it is hard for me to make a recommendation to you. I will ask Mike Collins to come to our meeting or to send a representative to explain their request in more detail.

3. HOUSTON TRACTS ANNEXATION: Several documents have been included in your packet on the annexation of this subdivision. The City of Whitefish requested and has received an Attorney General's opinion on whether or not the City of Whitefish wholly surrounds this subdivision. His answer was in the affirmative. I have also included a copy of the applicable state statutes, a map of the area and maps indicating how water and sewer service could be extended to this subdivision.

Recommendation: The purpose of putting this matter on the agenda is to ascertain whether or not the City Council wishes to proceed with this annexation. If your answer is yes, we will prepare more detailed information for an extension of services plan and present it to you along with the appropriate resolution of annexation for this area at the February 21, 1989 meeting.

4. FIRE AREA: I have given you a map of the proposed area and some financial information for your review. I will give you a detailed report on my meetings with the Fire Department and the schedule for the formation of the Fire Area.

5. GARBAGE CLASSIFICATION SYSTEM: There is a memorandum in your packet discussing the classification of businesses and a fee schedule for your consideration. We have tried to propose a method in which like businesses will be assessed like amounts in order to avoid some of the complaints that we have received over the last several years. Each business would continue to be assessed \$66.00 per year on their tax statement and an additional charge per month based upon the volume of garbage they generate each month.

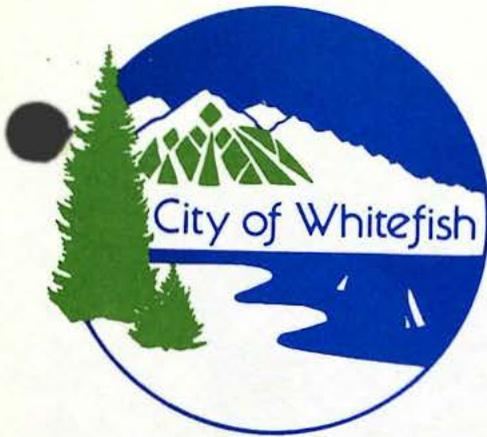
Recommendation: I would recommend that you discuss it. We would notify affected businesses of the proposal so that the matter could come back for final consideration at the February 21st Council Meeting.

6. STREET LIGHTING UPDATE/S.I.D. 132 FUND DISCUSSION: Both of these issues will be discussed in some detail and I will prepare a memo that will be given to you at the Council Meeting on these items.

7. APPOINTMENT OF CLAIRE STRICKLER: The state statutes mandate that both the County Commissioners and the City Council ratify the member-at-large for the Planning Board that was chosen by the eight appointed members.

Recommendation: Approve the appointment of Claire Strickler as the member-at-large on the Whitefish City-County Planning Board.

If you have any comments or questions about any of these matters, please feel free to contact me.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: February 6, 1989
RE: Street Lighting Projects and SID 132 Status

Street Lighting: I have requested Pacific Power to upgrade various lighting within Whitefish. A 50,000 lumen light will be installed at the intersection of Big Mountain Road and East Lakeshore Drive within the next month. New lighting will be installed on Dakota Avenue from the Bay Point entrance to the south as well as six new lights on Lacy Lane. Currently there are approximately 150 old style lights in the City that are rated at 5,800 lumens. Twenty-four of these old lights will be replaced by 9,500 lumen lights on 2nd Street, 3rd Street and 4th Street. Pacific Power should be receiving all of the necessary materials for these projects during the next several weeks and the work should start shortly thereafter. PP & L has estimated their cost at \$14,000 for these projects.

SID 132: At a City Council Meeting several months ago, the Council discussed possible street construction projects for this spring and summer. The Pine Avenue and Third Street Project along with our other street overlays expended the majority of the funds budgeted in the SID 132 Fund. At the same time, revenues received from tax collections has been better than anticipated. Estimating monthly expenditures at \$8,000.00, the City should expend approximately \$40,000.00 between now and the end of the fiscal year on June 30, 1989. At this rate, the City should end the fiscal year with at least \$68,000.00 in cash in the SID 132 Fund. In order to proceed forward with any projects later on this spring, the City should work out a payment schedule which would defer payments until after July 1, 1989.

MINUTES
WHITEFISH CITY COUNCIL
FEBRUARY 6, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Freedman, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

MINUTES

Councilwoman Maddux made a motion, seconded by Councilman Hanson, to approve the minutes of the January 16, 1989 Council meeting as presented. The motion passed with 5 aye votes and 1 abstention (Councilman Boksich abstained because he was not present at this meeting).

Councilwoman Maddux made a motion, seconded by Councilman Hanson, to approve the minutes of the January 30, 1989 Council meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

Henry Frank commended Police Chief Dolson for addressing the drug problem in Whitefish and said that he agreed that there was a definite problem in the City. He also reported that hockey was being played at the ice rink when it was supposed to be free skating. He said that the sign at Mountain Trails Ice Rink clearly gives the hours that hockey is to be played. He said that he was afraid that someone would get hurt.

City Manager Freedman said that he would report this information to the Park Board at their next meeting (February 8, 1989).

STAFF REPORTS AND UPDATES

Written reports had been submitted by Building Inspector Quinn and Police Chief Dolson.

NEW BUSINESS

1. LAKESHORE CONSTRUCTION PERMIT REQUEST BY MILES GORDAN: Miles Gordan was requesting to replace a dock at 1930 East Lakeshore. The Lakeshore Protection Committee recommends approval of the application for dock construction as follows: The Committee modified the proposal as submitted to allow a walkway 6' wide and 16' long to reach a dock 8' x 16'. The structure is to be centered on the owner's beach. Untreated wood and galvanized fittings are to be used. Styrofoam logs are to be contained in galvanized wire net with maximum 1" openings or wood slates with 1" spaces between.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve the Lakeshore Application with the recommendations of the Lakeshore Protection Committee. The motion passed unanimously.

2. LAKESHORE CONSTRUCTION PERMIT REQUEST BY ROSLYN MENTZER: Roslyn Mentzer was requesting to place a dock at 1220 Birch Point (the dock would serve a four-plex). The Lakeshore Protection Committee recommends approval of the application for the dock construction as presented.

Councilwoman Maddux made a motion, seconded by Councilman Boksich, to approve the Lakeshore Construction Permit of Roslyn Mentzer as recommended by the Lakeshore Protection Committee. The motion passed unanimously.

Councilwoman LaTourelle said that according to the dates on the two lakeshore applications, they had been submitted several months ago. She said that she would recommend that the committee meet on a regular basis so that all applications could be processed in a more timely manner.

City Manager Freedman said that Owen Grinde, Chairman of the Lakeshore Protection Committee, had been out of town due to family illness and this had prevented the receipt of formal findings of fact from the Committee.

Councilman Peterson wanted the record to show that he was in favor of appointing new people to the Lakeshore Protection Committee (not people that live on the lake) because he had received many complaints on the current committee.

Tom Jentz said that the Lakeshore Protection Committee was in the process of reorganization and setting up bylaws. He felt the Council concerns would all be addressed when this was accomplished.

3. OPEN CONTAINER ORDINANCE WAIVER REQUEST BY WINTER SPORTS, INC.: City Manager Freedman reported that Winter Sports, Inc. was requesting the waiver of the Open Container Ordinance for a street dance on March 15th. The Street Dance would be located between Second Street and Railway Street on Central Avenue. He said that after talking with Michael Collins and John Porterfield of Winter Sports, Inc. he felt the request should be granted.

John Porterfield, Group Sales Coordinator of Winter Sports, Inc., told the Council that the Street Dance was one of the planned activities scheduled for the 265 members of the Texas Ski Council as part of their "Final Showdown". He said that plans for the Street Dance would include the use of a tent to provide a covered area for KOFI Radio's DJ and dance arena. They were requesting the City Council to waive the liquor ordinance in order to provide a pavilion style atmosphere for the group. The Big Mountain was prepared to purchase liability insurance to cover the event and they would also hire two security personnel from the off-duty police staff or sheriff's posse and would arrange for setup and cleanup crews. He said that they would hope that the City of Whitefish would work with the Big Mountain in providing the Texas Ski Council with their most memorable trip of the season and he hoped the Council agreed that it is the responsibility of the City of Whitefish and The Big Mountain to cooperatively offer community activities that are well planned and festive.

Councilwoman Maddux said that it had taken 4 years after implementing the Open Container Ordinance to convince visitors that the City meant to enforce the law. She was concerned that waiving the Ordinance for this function would be setting a precedent. Councilwoman LaTourelle said that she felt this was a positive thing and an initial step to improving communications between the City and the Mountain. She felt this type of communication was important for the community.

After some discussion, Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to approve the request of Winter Sports, Inc. and waive the open container ordinance for the Street Dance scheduled for the evening of March 15, 1989 (8:00 P.M. to 11:00 P.M.). The motion passed with five (5) aye votes and one (1) no vote (Maddux voted no).

CITY MANAGER REPORTS

1. DISCUSSION ON HOUSTON LAKESHORE TRACTS ANNEXATION: City Manager Freedman said that he had given the Council several documents on the annexation of this subdivision. He said that the City had requested and had received an Attorney General's opinion on whether or not the City wholly surrounded this area. His answer was in the affirmative. The documents that City Manager Freedman gave the Council were as follows: a copy of the applicable state statutes, a map of the area and maps indicating how water and sewer service could be extended to the subdivision. He said that the purpose of putting this matter on the agenda was to ascertain whether or not the City Council wishes to proceed with the annexation. He said that if they did want to pursue the matter, he would prepare more detailed information for an extension of services plan and present it along with the appropriate resolution of annexation at the February 21, 1989 meeting.

Councilman Hanson said that he was not convinced that annexation of large residential areas was cost effective to the City. He said that at this point he did not feel he had enough information to proceed on this annexation. He was in favor of the City Staff coming back to the next meeting with all the cost projections. He felt it was too premature to draft a resolution at this time.

Councilwoman LaTourelle asked City Attorney Muri if he had reviewed the Attorney General's Opinion and if he found it in order. He said yes, that from a legal prospective there should be no hindrance whatsoever.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to initiate the procedure on annexing Houston Lakeshore Tracts. The motion passed with five (5) aye votes and one (1) no vote (Hanson voted no).

2. UPDATE ON THE FORMATION OF THE TWO RSIDs: City Manager Freedman reported that the County Commissioners had interviewed five (5) engineering firms and they would make a decision this week on the firm that would engineer the two (2) RSIDs. He said that the engineer would refine all the figures and present them to the County Commissioners. The Commissioners would then pass a resolution of intent and all information would be forwarded to the property owners in the proposed areas. If less than 50% of the homeowners protest, the Commissioners could go forward with the RSIDs. However, if

more than 50% of the homeowners protest, the Commissioners would have to deny the RSIDs.

City Manager Freedman recommended that the City participate in extending the sewer line from Cow Creek to the Railroad right of way. He said that there was a possibility that the plant investment fees might be increased before the sewer could be extended to these areas and suggested that the City Council honor the current plant investment fee that had been quoted to the homeowners (\$676 plus \$20 inspection fee). He would report to the next Council meeting on which engineering firm the County Commissioners had selected.

3. DISCUSSION ON THE FORMATION OF THE WHITEFISH FIRE AREA: City Manager Freedman said that he had been working closely with the Fire Department on forming a Fire Service Area. A service plan would be prepared and presented to the County Commissioners for their review. He had given the Council a map with the area boundaries and the proposed rates that would be charged. He said that the area assessments would generate approximately \$13,000 in additional revenues than are received currently on the contract system.

City Manager Freedman said that the \$68,500 revenue from the area would be budgeted as follows:

\$50,000 Equipment Reserve Fund
\$15,000 Capital Improvements
\$ 3,500 Misc. Equipment

City Manager Freedman told the Council that according to the State Statutes, the County Commissioners can serve as the Board for the area or people in the area can be appointed to the Board. He said that the Fire Department was recommending that the County Commissioners serve as the Board.

The Fire Service Area would go into effect January 1, 1990.

4. DISCUSSION ON A GARBAGE CLASSIFICATION SYSTEM AND RATE STRUCTURE: City Manager Freedman gave the Council a memorandum discussing the classification of businesses and a fee schedule for their consideration. He said that he and Street Foreman Wartnow tried to propose a method in which like businesses would be assessed like amounts in order to avoid some of the complaints that had been received over the last several years. He said that each business would continue to be assessed \$66.00 per year on their tax statement and they would be assessed an additional charge per month based upon the volume of garbage they generate each month in excess of two cubic yards. Nine classes were being proposed and each business would be analyzed and placed into the appropriate class. He said that they would analyze the monthly charges to all businesses and bring the information back to the next Council meeting.

City Manager Freedman also gave the Council information that should be considered if the City felt that they wanted to ask for proposals from private contractors.

After some discussion, Councilman Hanson made a motion, seconded by Councilman Peterson, to proceed with the process of implementing the garbage assessments as proposed by the City Staff. The motion passed unanimously.

5. STREET LIGHTING UPDATE: City Manager Freedman said that he had requested Pacific Power to upgrade various lighting in the City. A 50,000 lumen light would be installed at the intersection of Big Mountain Road and East Lakeshore Drive within the next month. New lighting will be installed on Dakota Avenue from the Bay Point entrance to the south as well as six new lights on Lacy Lane. He said that currently there are approximately 150 old style lights in the City that are rated at 5,800 lumens. Twenty-four of these old lights will be replaced by 9,500 lumen lights on 2nd Street, 3rd Street and 4th Street. Pacific Power should be receiving all the necessary materials for the projects during the next several weeks and the work should start shortly thereafter. The estimated cost of the project for PP&L is \$14,000.

6. DISCUSSION OF S.I.D. #132 FUND: City Manager Freedman said that the Council had discussed possible street construction projects for this spring and summer. He explained that the Pine Avenue and Third Street Project along with other street overlays expended the majority of the funds budgeted in the SID 132 Fund. At the same time, he said that revenues received from tax collections had been better than anticipated and estimating monthly expenditures at \$8,000.00, the City should expend approximately \$40,000.00 between now and the end of the fiscal year on June 30, 1989. He said that the City should end the fiscal year with at least \$68,000.00 in cash in the SID 132 Fund and in order to proceed forward with any projects later in the spring, the City should work out a payment schedule which would defer payments until after July 1, 1989.

7. APPROVAL OF THE APPOINTMENT OF CLAIRE STRICKLER AS THE MEMBER-AT-LARGE ON THE WHITEFISH CITY-COUNTY PLANNING BOARD: City Manager Freedman said that the state statutes mandate that both the County Commissioners and the City Council ratify the member-at-large for the Planning Board that was chosen by the eight appointed members. He recommended that the Council approve the appointment of Claire Strickler as the member-at-large on the Planning Board.

After some discussion, Councilwoman Maddux made a motion, seconded by Councilman Hanson, to ratify the appointment of Claire Strickler as the member-at-large on the Planning Board. The motion passed unanimously.

8. LEGISLATIVE UPDATE: City Manager Freedman gave the Council a list of the House and Senate Bills currently in committee.

Councilwoman Maddux asked City Manager Freedman to contact the League of Cities and Towns regarding putting water bills on property taxes. City Manager Freedman explained that currently delinquent sewer bills could be put on property taxes but delinquent water bills could not. He would contact Alec Hasson of the League of Cities regarding this matter.

9. DNRC LOAN: City Manager Freedman said that he had talked to the Department of Natural Resources and they had recommended approval of the loan application for \$6,035,800. The Legislative Subcommittee would vote on the

loan application today and City Manager Freedman said that he would update the Council as to their decision at the next Council meeting.

10. RESOLUTION 89-1 - ENDORSING THE GOALS OF ALARMS FOR LIFE, INC.: City Manager Freedman said that the Alarms for Life, Inc. was requesting that the City Council endorse their efforts in placing smoke alarms in every dwelling within Flathead County.

Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to adopt Resolution 89-1 as presented. The motion passed unanimously.

11. HIGHWAY 93 SOUTH CONSTRUCTION PROJECT: City Manager Freedman said that he had been in contact with the State Highway Department regarding the proposed widening and upgrading of Highway 93 South and the project would start in 1992 and would not be completed until 1994. The construction of the viaduct was being proposed to start in 1991.

Councilwoman LaTourelle asked if anything had been done about the signage on Baker and Railway Streets. She said it was her understanding that the changes could be done by the City Administrator and Police Chief and she felt it should be initiated now instead of waiting until there was another problem. City Manager Freedman said that he would pursue changing the signage, however, he suggested advertising for public input before making any major changes. This issue would be brought back to the next Council meeting.

11. CITY MANAGER SELECTION PROCESS DISCUSSION: City Manager Freedman said that at the Special Council Meeting held on January 30, 1989, Mayor Amass had recommended to the Council that a three member Selection Committee be formed to review all resumes that are received and recommend to the full City Council 8 to 10 candidates for further consideration. He recommended that the City Council consider Mayor Amass's recommendation.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to accept the recommendation that was presented at the last Council meeting and appoint Councilman Schreiber, Councilwoman LaTourelle and Councilman Boksich to the Selection Committee. The motion passed unanimously.

12. OTHER INFORMATION

City Manager Freedman said that the Phosphorus Removal Facility was working well and the numbers were well below the State mandated requirements.

The next Council Meeting will be held on February 21, 1989 due to the fact that the regular scheduled meeting is a holiday (President's Day).

COUNCIL REPORTS OR COMMENTS

Councilman Peterson said that due to the cold weather, people were letting their water run to prevent their water lines from freezing and he felt the Council should consider giving them a reduced rate on their water bills. The City Staff would review this request and bring the issue back to the next Council meeting.

Mayor Amass asked City Manager Freedman if the problem with Richard Smith's towing bill had been resolved. Attorney Muri said that the issue was in City Court and after the Court makes a determination then the City Council should address the issue.

Mayor Amass asked what progress was being made trading off the four (4) City vehicles (Three police cars and the old City Managers vehicle). City Manager Freedman said that Jim Downen Chevrolet had wholesalers coming that would look at the vehicles and give the City a price on them.

Mayor Amass said that he had received a phone call from a person interested in the City Manager position who would be in Whitefish this week if the Council was interested in interviewing him. The consensus of the Council was to set an interview for Thursday, February 9, 1989 at 5:00 P.M., however, they did request the person send them a resume before the interview.

Lang Smith said he was confused on the garbage issue. He said that on the three businesses that had not been charged extra garbage assessments, he thought that the Council had told City Manager Freedman to put the assessments on taxes and he wondered why it had not been done. City Manager Freedman said that there were more than just the three businesses that were not being fairly charged - some were being undercharged and some were being overcharged. He said that the new garbage rates should alleviate any further assessment problems.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to adjourn at 8:39 P.M. The motion passed unanimously.

C.E. Amass, Jr

Mayor

ATTEST:

Kay Beller

City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
February 21, 1989

- 7:00 I. Approval of the minutes of the February 6, 1989 Meeting
- 7:05 II. PUBLIC COMMENTS
1. Tony Rucinski - hookup to City sewer main
- 7:20 III. STAFF UPDATES
- 7:30 IV. PUBLIC HEARINGS
1. Conditional Use Permit request by WMW Engineering for professional office at 231 West Second Street
- 7:40 V. OLD BUSINESS
1. Houston Tracts Annexation
2. Resolution on Garbage Classification System
3. Rural Special Improvement Districts
- 8:10 VI. NEW BUSINESS
1. The Nature Conservancy - Joan Bird
2. Memorandum of Understanding - Dept. of Highways
- 8:40 VII. CITY MANAGER REPORTS
1. Countywide Administrative Board Budget and appointment of representative.
2. Recap of State mandated sewer projects
3. Appointment of Acting City Manager
4. Discussion on overlay of Pine Avenue
5. Legislative Update
6. Sale of the Solar Research Hydro Electric Plant
7. Pack Rat Lane update
8. Fire Service Area
9. WVFD Request for Training Site
10. Consent Decree with the Department of Health
11. Financial Reports
12. Discussion on Budget
13. Final status report
- 9:50 VIII. COUNCIL REPORTS OR COMMENTS
- 10:00 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Ralph Freedman, City Manager *RF*
TO: Whitefish City Council
DATE: February 17, 1989
RE: February 21, 1989 Meeting

Here are my comments and my recommendations on the Council Agenda items for the February 21, 1989 Council Meeting:

1. TONY RUCINSKI: He is requesting permission to tie onto the City's pressurized sewer main in the West Lakeshore area. A map is in your packet indicating the location of his property and the city limits.

Recommendation: If you approve this request, he should be required to pay a higher plant investment fee and a higher user fee because he would be outside of the city limits. He should also be required to sign a waiver of protest that will be filed with the Flathead County Clerk and Recorder.

2. CONDITIONAL USE PERMIT BY WMW ENGINEERING: The Planning Board has recommended approval of this request with various conditions. Jerry Quinn talked to Ray Brault who is an attorney with the State Building Codes Bureau. According to Section 8.70.505 of the Administrative Rules of Montana (adopted May 21, 1981), a mobile home is designed to meet the codes for a private residence only. These units do not meet the code requirements for commercial or business occupancy.

Recommendation: Approve the conditional use permit request with the conditions recommended by the Planning Board provided that the trailer is brought to code for use for commercial occupancy.

3. HOUSTON TRACTS ANNEXATION: I have compiled various information on taxes and the construction of water and sewer lines for your review.

4. GARBAGE CLASSIFICATION SYSTEM: Businesses that generate in excess of 2 cubic yards per month have been notified of the new monthly charges that they can expect. I am preparing a resolution that will include the classes that I have outlined for you.

Recommendation: Adopt the resolution and make the excess monthly charges effective March 1, 1989.

5. RURAL SPECIAL IMPROVEMENT DISTRICTS: Carver Engineering was selected by the County Commissioners for these projects.

6. PINE AVENUE OVERLAY: I would recommend that the City Council consider overlaying Pine Avenue with friction course which is the material that we placed on Baker Avenue and Central Avenue. The cost of this project

will be approximately \$20,000 and could be started in June with payment made by the City in July.

7. SOLAR RESEARCH PROPOSAL: Under the terms of our agreement with them, the hydroelectric plant is to be deeded to the city in 2007. Solar Research is proposing that the City consider buying the facility at this time.
Recommendation: City staff should analyze potential revenues and the City Council can then decide if this proposal warrants further consideration.

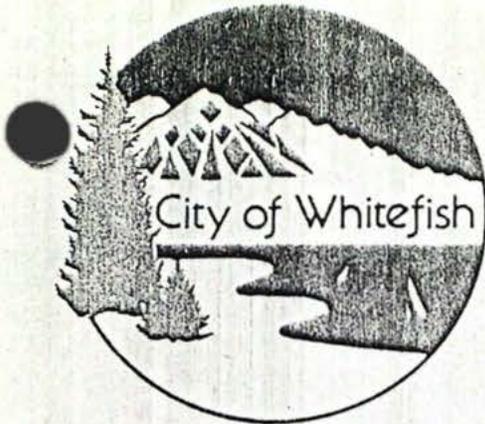
8. PACK RAT LANE: Bids were opened on this project which would provide water and sewer for this neighborhood. The property owners must now decide whether or not they wish to pursue this project further.

9. FIRE SERVICE AREA: I will be presenting the Service Plan to the County Commissioners on Wednesday for their consideration.

10. CONSENT DECREE FROM THE DEPARTMENT OF HEALTH: The Department of Health is planning on filing in State Court an order asking for a fine of \$30,000 from the City for failure to meet phosphorous standards, BOD standards and the deliverance of discharge monitoring reports to them on a timely basis. They are proposing to settle with us for a fine of \$7,500 in a civil penalty and \$500 for administrative expenses. The \$7,500 could be paid over a five month period. I am expecting specific material from the Department of Health on Monday and I will deliver this material to you at that time.

If you have any questions or comments please feel free to contact me.

Kacy



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
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4. Discussion on overlay of Pine Avenue ✓
5. Legislative Update
6. Sale of the Solar Research Hydro Electric Plant ✓
7. Pack Rat Lane update ✓
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- 9:50 VIII. COUNCIL REPORTS OR COMMENTS
- 10:00 IX. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
FEBRUARY 21, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Pro Tem LaTourelle at 7:00 P.M. Mayor Amass was absent. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Freedman, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn, Police Chief Dolson, Water/Sewer Superintendent Acton and Street Foreman Wartnow.

MINUTES

Councilman Hanson requested that the minutes of the February 6, 1989 Council meeting be amended to include on page 5, prior to #8, that he had to leave the Council meeting early.

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the minutes of the February 6, 1989 Council meeting with the above correction. The motion passed with 5 aye votes and 1 abstention. Hanson abstained because he left the meeting early.

PUBLIC COMMENT

1. TONY RUCINSKI - HOOKUP TO CITY SEWER MAIN: City Manager Freedman explained that Tony Rucinski was requesting permission to tie onto the City's pressurized sewer main in the West Lakeshore area. (Lot 4 of Block 2, Lake Park Addition). City Manager Freedman said that if the City Council approved the request that a higher plant investment fee and a higher user rate should be paid because the property is out of the City limits. He also said that the Rucinskis should be required to sign a waiver of protest that would be filed with Flathead County.

Tony Rucinski explained that they had purchased the property and were planning to build a home and because the lot was close to Whitefish Lake they would rather hook onto the City sewer line than put in a septic system.

Water/Sewer Superintendent Acton said that there would not be a higher rate for the plant investment fees but the user rate would be approximately sixty seven (.67) cents per thousand gallons over and above the City rate. Greg said that the City would have to enter into a contract with the Rucinskis before allowing them to hook onto the sewer line.

After discussion, Councilman Hanson made a motion, seconded by Councilman Schreiber, that the City Staff work out a contract with terms that are appropriate for both Mr. Rucinski and the City and bring the issue back to the Council for final approval. The motion passed unanimously.

2. HERB KNUTH - PAVING REQUIREMENTS: Herb Knuth, the owner of Shady River Subdivision told the Council that one of the requirements of the new Zoning Ordinance was that all driveways had to be paved. He explained that

some of the driveways in his subdivision were 150 to 200 feet in length and the cost of paving them would be prohibitive. He requested that the City Council consider amending the Zoning Ordinance to discontinue the paving requirement.

City Attorney Muri said that Mr. Knuth's only recourse would be to go to the Board of Adjustments and try to get a variance. After some discussion, the Council agreed that if Mr. Knuth felt this was a hardship he should apply for a variance.

Robert Morgan, Chief Executive Office of Hardy Research Laboratories, said that he wanted to publicly support Chief Dolson concerning his report of potential drug problems in and around the city. He said that he did have one question, why in a city as active as Whitefish, do we have a Police Chief on patrol? He also told the Council that Hardy Research Laboratories was serious about moving their lab to Whitefish and that he would be pleased to meet with any of the Council and discuss their proposal.

STAFF UPDATES

There were no staff updates for this meeting.

PUBLIC HEARINGS

1. CONDITIONAL USE PERMIT REQUEST BY WMW ENGINEERING FOR A PROFESSIONAL OFFICE AT 231 WEST SECOND STREET: Tom Jentz, Head Planner for the Flathead Regional Development Office, gave the Staff Report. He explained that the City-County Planning Board heard the request for a Conditional Use Permit, by Paul Wells, dba WMW Engineering, to locate his professional engineering office at 231 West Second Street on February 13, 1989. Prior to their meeting no written or oral communication was received. He said that the Planning Board did support a trend toward small office conversions along West Second Street, but emphasized the need to require that such development be compatible with the existing residential character of the neighborhood. The Planning Board voted unanimously to recommend approval of the Conditional Use Permit with five (5) conditions.

City Manager Freedman said that Building Inspector Quinn had talked to Ray Brault who is an attorney with the State Building Codes Bureau and according to section 8.70.505 of the Administrative Rules of Montana a mobile home is designed to meet the codes for a private residence only. He said that these units do not meet the code requirements for commercial or business occupancy. He said that he would recommend that the Council approve the conditional use permit request with the conditions recommended by the Planning Board provided that the trailer is brought to code for use for commercial occupancy.

Building Inspector Quinn explained that the wiring, size of the doors, etc. did not meet the building codes and unless they were brought up to code he could not allow the trailer to be used for the professional office as proposed.

Mayor Pro Tem LaTourelle opened the hearing to the public.

Paul Wells explained that during his efforts to obtain and convert the property located at 231 W. Second Street to his business office, he had encountered a situation involving the building inspector and it appears that they would not be able to resolve their disagreements. He said that when the City adopted the Uniform Building Code, section 204 of that code book states that a Board of Appeals shall be created. Paul requested that he be permitted to present his case to that Board. He said that he further requested that this hearing be scheduled as quickly as possible as the complications of this acquisition were interfering with the production of his company.

As there was no further comment either for or against this proposal, Mayor Pro Tem LaTourelle closed the hearing to the public and turned the matter over to the Council for discussion and action.

City Attorney Muri said that both he and Building Inspector Quinn would like the Council to move forward in establishing a Board of Appeals. Mayor Pro Tem LaTourelle asked City Attorney Muri if the Council had to make a decision on establishment of the Board of Appeals at this meeting. He said that the issue should be brought back to the next Council meeting. He also told the Council that Building Inspector Quinn would have to issue an occupancy certificate before the trailer could be utilized for a professional office and if the structure was not up to code the Use Permit could not be exercised.

After some discussion, Councilman Schreiber made a motion, seconded by Councilman Peterson, to adopt the Finding of Fact as established by the Planning Staff and approve the Conditional Use Permit with the five (5) conditions of the City County Planning Board. The motion passed unanimously.

OLD BUSINESS

1. HOUSTON TRACTS ANNEXATION: City Manager Freedman had provided the Council with tax information on each property, map of the area proposed to be annexed and the preliminary cost estimates for water and sewer improvements for Houston Lakeshore Tracts and Stocking Addition. He said that the neighborhood would be eligible to receive EPA funding on the water and sewer improvements should the people decide to move forward on the project.

One letter had been received from Mr. and Mrs. John D. Connors, 2100 Houston Drive protesting the annexation.

Mayor Pro Tem LaTourelle said that she would like to look at the different assessment methods before making a decision to proceed on this proposed annexation. The Council also felt there were too many unanswered questions on methods of assessing taxes, septic systems and the advantages to both the residents of the area and the City of Whitefish. Councilwoman Maddux made a motion, seconded by Councilman Hanson, to table Houston Tracts annexation until more information was received. The motion passed unanimously.

2. RESOLUTION ON GARBAGE CLASSIFICATION SYSTEM: City Manager Freedman said that businesses that generate in excess of 2 cubic yards per month had been notified of the new monthly charges that they could expect and he had prepared Resolution No. 89-2 that would include the classes that he had outlined for the Council. He said that by adopting these rates everyone would be paying their fair share and it would generate additional revenue for the Garbage Department. He recommended that the Council adopt Resolution No. 89-2 so that the assessments could be implemented on March 1.

Ben Cohen had sent a letter to Mayor Amass stating that as a private contractor providing service to businesses in the community he felt the proposal could have a major negative impact on his business. He requested to meet with the Mayor and Council before any action was taken.

Richard Hoffman, Ben Cohen's partner in North Valley Refuse also said that he could see many inequities in the garbage proposal. He said that with this proposal the more you use the less you would pay and it should be reversed, the more you use the more you pay. He said that he and Ben Cohen would appreciate it if all the issues were dealt with before making any decisions.

Street Foreman Wartnow told the Council he was not against private enterprise, however, he said that the City of Whitefish had been in the garbage business since the City was incorporated and if the City could operate the utility at less expense to the taxpayers than private enterprise could offer, the City should move forward with the new rate structure. He also said that it was an excellent system and the townspeople were extremely happy with it.

After some discussion, Councilwoman Maddux made a motion to table the garbage issue, as a courtesy to Ben Cohen, until the Legislature adjourns. Councilman Hanson seconded the motion and it passed unanimously.

3. RURAL SPECIAL IMPROVEMENT DISTRICTS: City Manager Freedman reported that Carver Engineering was selected by the County Commissioners for these projects. He said that the County Commissioners would start the RSID process within the next two weeks.

Councilman Hanson said that the Whitefish County Water and Sewer District was in the process of completing the final draft of their Facility Plan. He said that his concern was that in this Facility Plan there was not a great deal of decision making on the part of the City Council. He said that if the Council was not cautious the control of the Whitefish Municipal sewer system and the ability to control who hooks onto it could slip away. He urged the City Council to review the plan in-depth before making any decisions on adopting the plan. Consensus of the Council was to try to get a copy of the Facility Plan so they could review it before it was finalized.

NEW BUSINESS

1. THE NATURE CONSERVANCY - JOAN BIRD: Joan Bird had written a letter to the Council explaining that the Nature Conservancy was a private, nonprofit conservation organization dedicated to preventing extinctions of plant and

animal species by preserving the best examples of the places where they are found. She said that the Conservancy was currently in the process of finalizing two conservation easements which would protect approximately 130 acres in the Whitefish area. The property belongs to Stoltze Land and Lumber Co. and corners on the private property which she said would soon be under easement. She said they had asked the Flathead Forest if they would be willing to trade Stoltze for this property, however, Supervisor Ed Brannon recently let them know that he did not think a trade could be accomplished. She was asking the Council to endorse their efforts in urging the Flathead Forest to trade properties with Stolze Land and Lumber Co.

Tom Jentz said that the City-County Planning Board had addressed this issue and their conclusion was that to protect the 80 acres was not detrimental to the long range development of the City and encouraged the Nature Conservancy to pursue on a private basis. The Planning Board supported letting Stolze continue their good forest management.

Councilman Boksich made a motion, seconded by Councilman Peterson, to table this issue until a later date.

2. MEMORANDUM OF UNDERSTANDING - DEPARTMENT OF HIGHWAYS: City Manager Freedman explained that the Department of Highways was requesting that the Council review and sign a Memorandum of Understanding for the Highway 93 South project. The memorandum of understanding outlines both the Highway Department and the City of Whitefish responsibilities in the reconstruction of Highway 93 South.

The Council discussed the issue and Councilman Schreiber made a motion to adopt Resolution No. 89-4 accepting the Memorandum of Understanding between the Highway Department and the City of Whitefish. Councilman Boksich seconded the motion and it passed unanimously.

CITY MANAGER REPORTS

1. COUNTYWIDE ADMINISTRATIVE BOARD BUDGET AND APPOINTMENT OF A REPRESENTATIVE: City Manager Freedman said that he was the City of Whitefish's representative on this board and in his leaving the City to take a position in New Hampshire the Council would have to appoint someone to replace him on the board. He had given the Council a copy of the CAB budget and gave a brief summary report of it.

Councilman Hanson said that he would volunteer to serve on the CAB Board until a new City Manager was on line and Councilman Peterson made a motion, seconded by Councilwoman Maddux, to appoint Councilman Hanson to the CAB Board. The motion passed unanimously.

2. RECAP OF STATE MANDATED SEWER PROJECTS: City Manager Freedman had given the Council a cost breakdown of the state mandated sewer projects and they are as follows:

Phase I	Total Cost	\$624,272.50
	Grant Amount	\$468,204.38

Phase II	Total Cost	\$686,437.77
	State Amount	\$514,828.33
Phase III	Total Cost	\$1,767,155.29
	State Amount	\$1,502,082.00
	Total	\$3,077,865.56
	State Amount	\$2,485,114.00

City Manager Freedman said that bonds had been sold to fund the City portion of the project, however with the change orders increasing the cost of all three projects the City's sewer fund had been depleted. He said that the City Council might want to consider borrowing money to give this fund a cushion and then pay it back over a three to five year period.

3. APPOINTMENT OF ACTING CITY MANAGER: City Manager Freedman said that he would recommend that the Council appoint City Clerk, Kay Beller as Acting City Manager prior to the arrival of a new City Manager. He recommended that she be given an additional \$250.00 per month during this period. Councilman Boksich made a motion, seconded by Councilman Hanson, to approve the appointment of Kay Beller as acting City Manager until the new City Manager is on line and give her an additional \$250.00 per month.

Councilwoman Maddux made a motion, seconded by Councilman Schreiber, to approve the appointment of Kay Beller as acting City Manager until the new City Manager is on line and give her an additional \$300.00 per month. The motion passed unanimously.

4. OVERLAY OF PINE AVENUE: City Manager Freedman said that he would recommend that the City Council consider overlaying Pine Avenue with friction course which is the material that was placed on Baker Avenue and Central Avenue. The cost of the project would be approximately \$20,000 and could be started in June with payment made by the City in July.

5. LEGISLATIVE UPDATE: City Manager Freedman gave the Council a list of the House and Senate Bills currently in committee.

6. SALE OF THE SOLAR RESEARCH HYDRO ELECTRIC PLANT: City Manager Freedman explained that under the terms of the City's agreement with them, the hydroelectric plant is to be deeded to the city in 2007. Solar Research is proposing that the City consider buying the facility at this time. The purchase price to the City would be \$400,000. He recommended that the City Staff analyze the potential revenues and the City Council could then decide if this proposal warrants further consideration.

7. PACK RAT LANE UPDATE: City Manager Freedman said that bids were opened on the Pack Rat Lane project which would provide water and sewer for this neighborhood. The total cost for both water and sewer would be approximately \$56,000. He said that the property owners must now decide whether or not they wish to pursue the project further. The City would have no interest in this project and would not be financially responsible.

8. FIRE SERVICE AREA: City Manager Freedman said that he would present the Fire Service Plan to the County Commissioners on Wednesday for their consideration.

Dick Maddux told the Council that he had spent years in the Fire Department and it basically runs smoothly, however he said that the Fire Chief position was time consuming and felt it was time for the City to consider looking at paid personnel. He said that with the work load the Fire Chief has, none of the volunteer people were willing to accept the position. Maddux said that between the City funding and the Rural funding the Council should consider hiring a paid Fire Chief. City Manager Freedman said that the issue had been discussed last year at budget time and he felt the issue would be addressed in the next budget year.

9. WVFD REQUEST FOR TRAINING SITE: Ric Anderson, Fire Chief, was requesting permission to use some of the city property adjacent to the city shops for the development of a fire service training complex. The complex, built over the span of several years, could include a ladder tower, smoke trailer and burn building, all of which would be used by the Fire Department for specialized training. The Fire Department felt that the property would be an ideal location for this complex because it has an existing hydrant system, it is gated and fenced off, and it is remote enough that training activities would not adversely impact any surrounding landowners.

The Council recommended that Ric Anderson work with George Wartnow and Greg Acton on this request.

10. CONSENT DECREE WITH THE DEPARTMENT OF HEALTH: City Manager Freedman said that the Department of Health is planning to file in State Court an order asking for a fine of \$30,000 from the City for failure to meet phosphorous standards, BOD standards and the deliverance of discharge monitoring reports to them on a timely basis. He said that they were proposing to settle with the city for a fine of \$7,500 in a civil penalty and \$500 for administrative expenses. The \$7,500 could be paid over a five month period. He said that he was expecting specific material from the Department of Health on Monday and he would give it to the Council at that time.

City Attorney Muri said that he would recommend that the Council approve entering into the agreement with the Department of Health and from this point on make sure the city complies with the requirements contained in the MPDES Permit.

Councilman Peterson asked if the City was a victim of circumstance and City Manager Freedman said that the time limitations set by the State were not realistic, the city could not make the July 1 deadline. Councilwoman Maddux asked Greg Acton why on five occasions were we over on the BOD parameter. Greg said that it was not negligence on the part of the city, during the spring and winter periods it was almost impossible to control the BOD limitation due largely to the type of system at the lagoon. He said that he was working with the State to try to get an increase from 30 mg/l to 50 mg/l. He said that there were two breaks in the aeration lines that were costing approximately \$10,000 to repair, he felt the State was out of line fining the city when we were trying to upgrade the plant so compliance could be met.

City Attorney Muri said that the City did have violations and the State feels they have bent over backwards for the City. He said it was basically just a matter of money and he recommended that the City go ahead and negotiate with the State, however he felt we had better move forward and pay the fine imposed by them.

City Manager Freedman and Greg Acton recommended that they call and talk to the State and try to negotiate the fine and the limitations set on the BOD.

Councilman Schreiber made a motion, seconded by Councilman Boksich, to go ahead and sign the Consent Decree on the condition that Staff, City Manager Freedman, City Attorney Muri and Greg Acton, better negotiate the terms of the conditions stipulated and if in fact they are not able to do so, immediately upon signing we make application for relief to the State and the relief we are looking for is the relief recommended by the City Staff. The motion passed with 5 aye votes and 1 no vote. Councilman Peterson voted no.

Greg Acton did say that the City had until March 31, 1989 to submit a compliance schedule outlining what the city was trying to do to meet compliance.

11. FINANCIAL REPORTS: Councilman Peterson made a motion, seconded by Councilman Hanson, to approve the Cash Status Report for the month of January. The motion passed unanimously.

12. AMENDMENT NO. 12 TO ENGINEERING AGREEMENT: City Manager Freedman said that Carver Engineering was requesting an amendment to the Engineering Agreement of \$6,870. This amount would include the costs for operator training and preparing the quarterly and final performance reports. He recommended that the council approve this request.

Councilman Peterson made a motion, seconded by Councilman Hanson, to approve amendment to the Engineering Agreement for \$6,870. The motion passed unanimously.

13. DISCUSSION ON THE BUDGET: City Manager Freedman had given the Council a copy of the final 1988-1989 budget. He said there should be sufficient dollars in each fund to finish the fiscal year. He said that due to I-105 and limited funding the budget would be approximately the same for the next year.

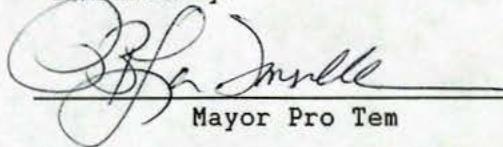
COUNCIL REPORTS OR COMMENTS

The Council thanked City Manager Freedman for a job well done in his tenure as City Manager for Whitefish. They wished him well in his new job.

Mayor Pro Tem LaTourelle said that she had received a letter from the Winter Carnival people thanking the City Manager, Council and City Employees that had been helpful to them during Winter Carnival.

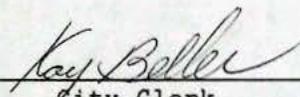
Council Meeting
February 21, 1989
page 9

Councilman Hanson made a motion, seconded by Councilman Boksich, to adjourn at 9:55 P.M. The motion passed unanimously.



Mayor Pro Tem

ATTEST:



City Clerk

BUILDING REPORT FOR FEBRUARY, 1989

In the month of February the City sold seven building permits, four plumbing permits and five mechanical permits. The receipts for each type of permit are as follows:

Building Permits	7	\$ 912.50
Plan Review Fee	1	97.50
Plumbing Permits	4	216.00
Mechanical Permits	5	<u>190.00</u>
	Total	1,423.00

We have one new housing start and we should have a pretty good early half of this year if we get the starts people have told me about. All of our subdivisions should have housing starts before June. At this time we still have 42 ongoing jobs. Seven of these jobs are new single family dwellings and we still have a four-plex in the finishing stages. The Cadillac Hotel is redoing one of the bedrooms on the upper level. This job started without a permit so had to be red-tagged until a permit was issued. At this time I have not received any plans on what will take place at the old hotel.

I was contacted by the Burlington Northern Railroad about a new depot they would like to build in the near future. This would be a metal building but I have not received any plans to date. I was not informed of what would be done with the old depot. I was given a figure of \$200,000 for the cost of the depot.

Jerry Quinn
Building Inspector

TRACT #	NAME	DATE	LOT # BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2448	ST Charles Church	1-11-57	230 Baker Ave	Move Cabinets and cut door in existing wall	\$900-	23 George Lantz
49	Tax Service ALEXEY WCOME		431 2nd St.	Wall sign 8" x 36"	\$650-	John Kops Design
2450						
51	Quis Bilhaut	1-20-57	736 Columbin Ave	Remodel kitchen rooms and bath	63	
52	1st National Bank	2-9-57	2nd & Baker St	Additional sign attached to face standing sign	4000-	Conner Brothers
53	John Philipos	2-13-57	1635 E 2nd St.	New roof over 2000 sq ft house & patio	985-	John Kops Signs
54	Helen Green	2-13-57	733 Railway St	Remodel Bedroom & bath	2800-	K.T. Heaton Shooting Star Bldg
Extension 2294	Allen Clark	2-13-57	437 W. 5th St.	Complete kitchen & entrance	4000	Al Heverson
2455	AL Luciano	2-23-57	10 Central Ave	Third floor Bedroom	15000 9950 12000	owner Al Luciano
56	Rocky Mountain Livestock Co.		10 Central Ave	New wall sign	37	W home construction
57	DAVE BERGAND	2-23-57	2274 Hester Bldg	New single family dwelling 1644 sq ft	1100-	Kops Signs
58					6600	owner
59						
2460						
61						
62						

March 3, 1989

To: City Manager
From: Chief of Police
Subject: Activity Report - February, 1989

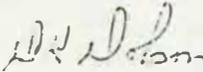
	FEBRUARY	Y-T-D	Last Y-T-D	% Of Increase Or Decrease
Citations Issued				
Officer	35	85	138	- 38.4%
Parking	49	102	127	- 19.7%
Dog	8	20	41	- 51.2%
Arrest	16	44	45	- 2.2%
Activity				
Officer	226	533	336	+58.6%
Other	233	447	328	+36.3%

Investigations

	FEBRUARY	**Last **% Of Increase		Cases	Clearance
		Y-T-D	Y-T-D	Or Decrease	Rate
				Y-T-D	(Percent)
Murder	1	1		1	100%
Sex Crimes	0	2		1	50.0%
Robbery	0	0		0	
Assault	5	14		9	64.3%
Burglary	3	5		1	20.0%
Theft	6	22		9	41.0%
Auto Theft	2	2		0	
Drugs	0	0			
*Miscellaneous	15	31			
Totals	32	77		21	

*Miscellaneous includes non criminal reports

** These categories will remain blank because of a change in tabulating which resulted in a lack of comparative data.


D. H. Dolson
Chief of Police

cc: File
Board

END OF THE MONTH

OFFICERS	ARRESTS	TRAFFIC ACC.	CITATIONS	INCIDENT RPT.	28, 29, 31, NOIC	SERVICE/OFFICER	SERVICE/DISPATCH	SHIFTS
DOLSON W-1	1	3	5	3	6	9	18	11
HERRMANN W-2	6	2	2	4	43	26	22	20
VAN HAN W-3	4	2	4	3	48	40	23	18
VOELKER W-4				3	3	3	2	
BROWN W-5	6	1	10	5	23	29	45	15
MERKLEY W-6	4	4	5	6	31	32	40	19
DEVALL W-7	1			2	5	10	6	4
W-8								
JENSEN W-9	2		1		5	4	2	0
WILSON W-10	1			1	7	6	2	5
RUPP W-11					11	11	6	6
FRANK W-12	1	3	4	4	48	30	41	10
HOLLIDAY W-13			1	5			8	1
FERDA W-14	3		3	3	34	26	18	6
OTHER (S)				1				
WILSON W-20			Dogs: 8 Cars: 49					
	Juv: 2 Adult: 14							
TOTALS	16	15	35	40	264	226	233	

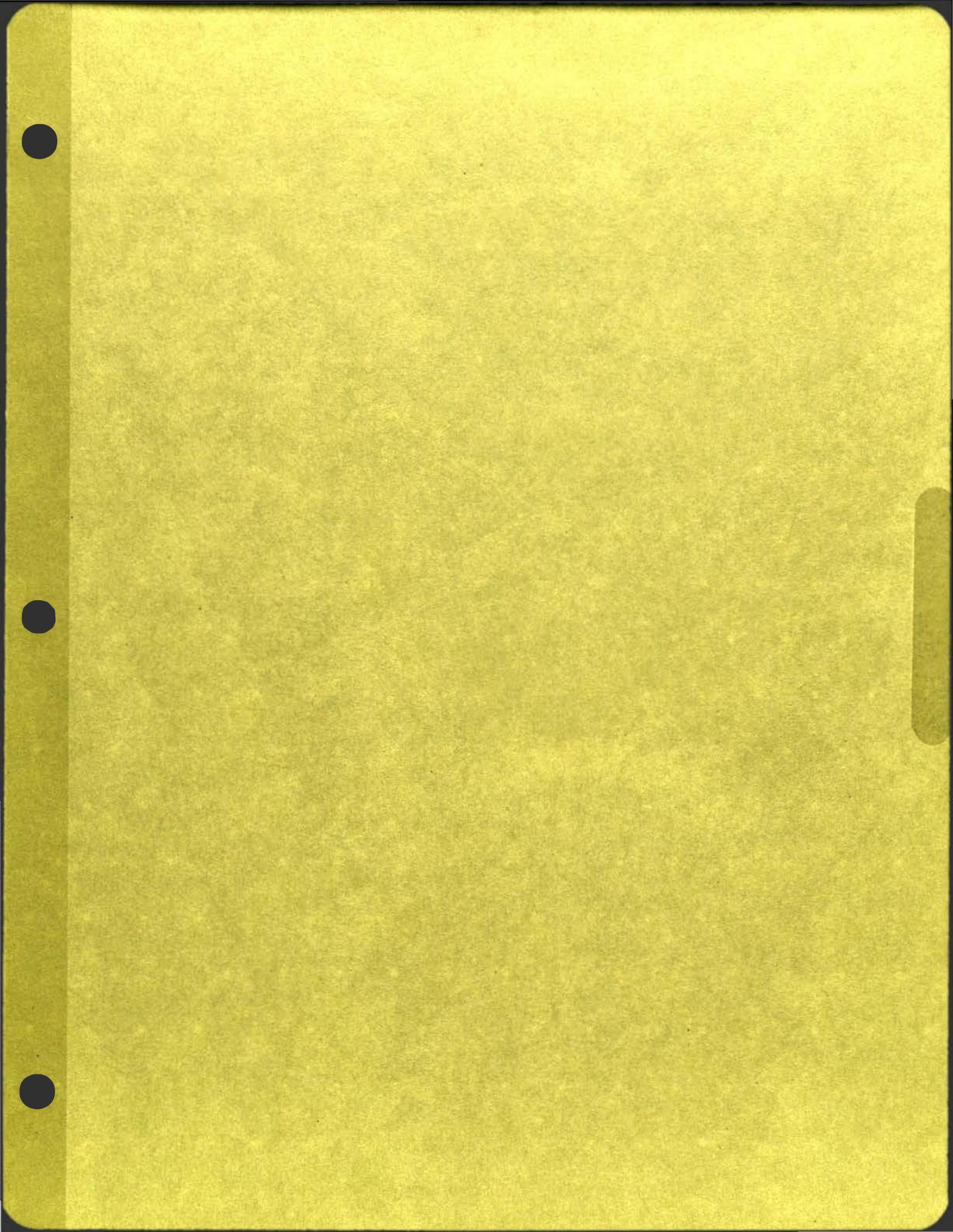
Productivity - 1989

* arrests, traf accidents, citations, reports, cleared by shift

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT.	OCT	NOV	DEC.
Dolson	.8	1.04										
Hen	.79	.7										
Van Ham	.53	.72										
Brown	1	1.47										
Merkley	1.19	1										
De Vall	1.45	.75										
Jensen	0	-										
B. Wilson	.25	1										
Lupp	1.35	0										
Frank	1.35	1.2										
Holliday	-	6										
F. [unclear]	2.11	1.5										

* This represents a change from last year ... officer-initiated service has been eliminated because it skews numbers and is subject to manipulation.

Average .98 1.4
 Range .25 - .7 -
 2.11 6





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
March 6, 1989

- 7:00 I. Approval of the minutes of the February 21, 1989 meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
- 7:40 V. OLD BUSINESS
1. Tony Rucinski - request for a sewer hook-up on West Lakeshore
 2. Consent Decree with the Department of Health
- 8:10 VI. NEW BUSINESS
1. Resolution No. 89-5 - request by Robert Rose to exclude his property from the City limits
 2. Resolution No. 89-6 - Resolution authorizing either the Mayor or the Acting City Manager to sign documents and receive payments with the EPA.
 3. Abate Chapter is requesting the City Council waive the open container ordinance for their picnic at Mountain Trails Park on May 13, 1989
- 8:20 VII. CITY MANAGER REPORTS
1. Fire Service Area
 2. Update on the Board of Appeals
 3. Whitefish County Water and Sewer Facility Plan
- 8:30 VIII. COUNCIL REPORTS OR COMMENTS
- 8:45 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: Whitefish City Council
DATE: March 2, 1989
RE: March 6, 1989 Meeting

1. HOUSTON TRACTS ANNEXATION: At the last Council meeting you requested more information on this proposed annexation. In your packets I have included a sample of square foot taxation compared to front foot taxation and as you can see in most cases the square foot taxation method would be more costly to the homeowners. Bill Leonard of the Whitefish County Water and Sewer District told me that they do not have conclusive proof that the Houston Tracts area is contaminating the lake. He said that the water along the beach area is extremely deep and the aerial photographs that were taken a few years ago were inconclusive. RECOMMENDATION: Information only - this will not be discussed at this meeting.

2. TONY RUCINSKI - REQUEST FOR A SEWER HOOKUP ON WEST LAKESHORE: Tony Rucinski has signed a waiver of protest, the City Staff is still working on drafting a contract for Tony to sign. RECOMMENDATION: The Council should approve the hookup so Tony can move forward with his plans. The paperwork will be completed before he connects to the line.

3. CONSENT DECREE WITH THE DEPARTMENT OF HEALTH: City Attorney Muri has given you the information that is in the packets and he will review this information at the meeting. I have also enclosed a copy of our response to the EPA.

4. RESOLUTION NO. 89-5 - REQUEST BY ROBERT ROSE TO EXCLUDE HIS PROPERTY FROM THE CITY LIMITS: I have written a memo explaining this issue and it is in the packets.

MINUTES
WHITEFISH CITY COUNCIL
MARCH 6, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Pro Tem LaTourelle at 7:00 P.M. Mayor Amass was absent. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were Acting City Manager Beller, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn, Police Chief Dolson, Water/Sewer Superintendent Acton and Street Foreman Wartnow.

MINUTES

Councilwoman Maddux made a correction on page 8, item 12, that she voted no.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to approve the minutes of the February 21, 1989 Council meeting with the above correction. The motion passed unanimously.

PUBLIC COMMENT

1. Garrick Hansen presented the Council and City Attorney Muri with copies of printed articles and a tape all relating to a claim he had made against Police Chief Dolson and the City of Whitefish in 1987. He said due to a recent Supreme Court decision he may have new grounds and would like to amend his original claim.

Mayor Pro Tem LaTourelle referred the matter to City Attorney Muri.

City Attorney Muri stated that the 1987 suit had progressed to the County District Court and Garrick Hansen's next course of action would be with the County Attorney and the District Court. Mr. Hansen said he was informing all the levels of officials of his amended claim founded on the recent Supreme Court decision.

Mayor Pro Tem LaTourelle asked City Attorney Muri for his written opinion on this matter.

STAFF UPDATES

Acting City Manager Beller said there would be written staff reports at the next meeting.

OLD BUSINESS

1. TONY RUCINSKI - REQUEST FOR A SEWER HOOKUP ON WEST LAKESHORE: Acting City Manager Beller said Tony Rucinski had signed a Waiver of Protest to cover his property on West Lakeshore. She said that City Staff will draw up a contract for him to sign before he hooks up to the sewer but at this time she is just asking Council to approve the hookup so Tony could move forward with his plans.

Mayor Pro Tem LaTourelle asked City Attorney Muri if there would be any problem in approving this hookup before the contract was signed and he assured her there was no problem.

Councilman Schreiber made a motion, seconded by Councilman Boksich, to approve the sewer hook up for Tony Rucinski subject to the execution of the agreement to be written by City Staff prior to hookup. The motion passed unanimously.

2. CONSENT DECREE WITH THE DEPARTMENT OF HEALTH: Acting City Manager Beller said City Attorney Muri had the information on this and turned the meeting over to him.

City Attorney Muri said he contacted the Department of Health and Environmental Sciences to see if there could be a more favorable solution to the pending litigation. There has been a procedure agreed upon between the City of Whitefish and the DHES subject to documents being received by them by April 1, 1989. At that time the DHES will consider the City's proposed compliance schedule, an extension of the date for commencement of payment of the five installments of the civil penalty, and possible reduction in the amount of the civil penalty. City Attorney Muri said that he is working closely with Water/Sewer Superintendent Acton and the DHES so that all the correct information will be provided to the DHES prior to the April 1, 1989 deadline. He said he believes it is being handled properly and that we are making headway to a resolution. He is planning a trip to Helena to meet with some of the department of the DHES and any attorneys involved within the next couple weeks to get any information that may be helpful. Both City Attorney Muri and Water/Sewer Superintendent Acton said they felt like the DHES are willing to cooperate to resolve this issue and prevent future problems.

Councilman Schreiber asked that Water/Sewer Superintendent Acton submit to the Council on a regular basis written reports of the progress made and Mayor Pro Tem LaTourelle added she would like to see copies of any communication between the City and the DHES.

Councilwoman Maddux said she had requested copies of some of the documents from the DHES and EPA files. Acting City Manager Beller said she now has those files from Water/Sewer Superintendent Acton and they are in her office for the Council's perusal.

Water/Sewer Superintendent Acton said that Kevin Keenan from the Water Quality Bureau had said that the EPA office will be sending out a memo that they will not file action on the federal level, feeling that the State's lawsuit is sufficient and that they are willing to work with us in solving problems in the future.

After further discussion among Council, Councilman Schreiber made a motion, seconded by Councilwoman Maddux, for Water/Sewer Superintendent Acton to submit a written report to Council the first meeting of each month giving updates and the status of this issue. Mayor Pro Tem LaTourelle explained that

these reports would allow the Council to work closely with the Water/Sewer Department in a cooperative effort to the resolution of this issue. The motion passed unanimously.

NEW BUSINESS

1. RESOLUTION NO. 89-5: REQUEST BY ROBERT ROSE TO EXCLUDE HIS PROPERTY FROM THE CITY LIMITS. Acting City Manager Beller explained that this property was annexed on July 6, 1982, however due to an oversight in the office was not recorded until March 19, 1987. The increase in taxes brought Mr. Rose into the City Offices to see if he could get his property excluded from the City Limits. Mr. Rose contends that the petition was signed by Cal Robinson as the legal representative of Mr. Rose, however Cal Robinson did not have the legal right to do so.

Mayor Pro Tem LaTourelle said she had recently talked to Cal Robinson and he had explained that this property was going to be sold under contract to be included with a proposed development and annexation. He had signed the petition to annex thinking that the contract was all in order. Mayor Pro Tem LaTourelle pointed out that the property is not wholly surrounded but off of State Park Road on the edge of the City. Acting City Manager Beller said she had talked to Phyllis Sprunger, Director of Brandy Land Inc. who owned the adjacent property that was annexed the same time as Mr. Rose's property and they definitely wanted to remain inside the City.

Councilwoman Maddux made a motion, seconded by Councilman Peterson, to adopt Resolution 89-5 to exclude Mr. Rose's property from the City Limits. Councilman Schreiber asked City Attorney Muri what his legal opinion was on this issue. City Attorney Muri said he had not had the time to review this as completely as he'd like to. He would like some written correspondence from Cal Robinson on what had transpired.

Councilman Hanson said he felt the City had annexed the property in good faith, just because the recordation of the annexation followed the actual annexation by several years did not necessarily invalidate the annexation. He would like City Attorney Muri to address that in his review also. Councilman Hanson did not feel that it was in the City's best interest to de-annex a piece of property. Councilman Hanson moved to table Resolution 89-5 to give time to City Attorney Muri to thoroughly investigate the situation and bring back to Council his recommendation. Councilwoman Maddux withdrew her previous motion that was on the floor and Councilman Peterson seconded Councilman Hanson's motion. The motion passed unanimously.

2. RESOLUTION NO. 89-6: RESOLUTION AUTHORIZING EITHER THE MAYOR OR THE ACTING CITY MANAGER TO SIGN DOCUMENTS AND RECEIVE PAYMENTS WITH THE EPA. Councilman Boksich made a motion, seconded by Councilman Hanson, to adopt Resolution 89-6 with Acting City Manager Beller authorized to sign documents and receive payments with the EPA. The motion passed unanimously.

3. REQUEST FROM THE ABATE CHAPTER FOR THE CITY COUNCIL TO WAIVE THE OPEN CONTAINER ORDINANCE FOR THEIR PICNIC AT MOUNTAIN TRAILS PARK ON MAY 13, 1989. Lane Tate, representing the Abate Chapter, wrote a letter requesting this waiver. There was discussion among Council and Councilman Schreiber asked Police Chief Dolson if he had a problem with this waiver. Police Chief Dolson said he did not have a problem with it. Councilman Peterson made a motion, seconded by Councilman Schreiber, to waive this ordinance for this picnic. The motion passed unanimously.

CITY MANAGER REPORTS

1. FIRE SERVICE AREA: Acting City Manager Beller said the petitions have been delivered to the County Commissioners by the Fire Department and the signatures have to be validated by the County. After those are validated the County Commissioners will set, and notify the City, the date of the public hearing.

2. UPDATE ON THE BOARD OF APPEALS: Acting City Manager Beller said the City has advertised for members to the Board of Appeals and by the next council meeting there should be a list for Council's approval.

City Attorney Muri explained that currently we do have a situation pending that calls for the Board of Appeals for assisting in the solution. The purpose of the board is to help interpret the Uniform Building Codes, not to overrule any decisions that City Building Inspector Quinn may make based on those codes, but to clarify when necessary. All decisions will have to be according to the law.

After more discussion among Council, Councilman Hanson made a motion, seconded by Councilman Schreiber, that since we do have a case pending that Acting City Manager Beller appoint the Board when she has enough applicants rather than waiting until the next council meeting. The motion passed unanimously.

3. WHITEFISH COUNTY WATER AND SEWER FACILITY PLAN: Acting City Manager Beller said she now has a copy of the Whitefish County Water and Sewer Facility Plan in her office and it will be there for the Council's inspection.

Councilman Hanson reviewed the process by which this Facility Plan came into existence. He said originally the City was to have had some input in the final draft and he felt as though the City has been left out of the planning process and would like City Staff to thoroughly review and report back to the Council before the Council approves it.

Water/Sewer Superintendent Acton said he just got a copy of it a few days ago so hasn't had the chance to read it thoroughly. He said the State Water Quality Bureau has the authority for final approval of this plan. He feels that the City of Whitefish should have the primary approval right but the Water Quality Bureau is looking at its approval without the City's input. He said the City will have the final word on what systems will be allowed to be

hooked onto the city sewer system.

Mayor Pro Tem LaTourelle asked that Water/Sewer Superintendent Acton give Council copies of his response to the Department of Health and Environmental Sciences and the Whitefish County Water and Sewer District after his review of the plan.

COUNCIL REPORTS OR COMMENTS

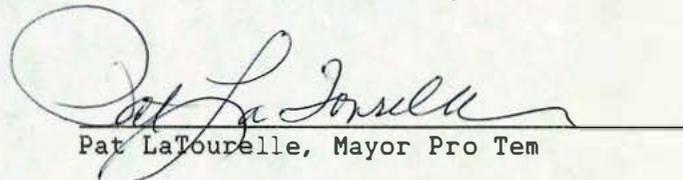
Councilman Peterson said the frost is going down and water lines are freezing.

Councilman Hanson said he would like to see the Council accelerate the time schedule for hiring the new city manager. Mayor Pro Tem LaTourelle concurred and said she would touch on that in her comments.

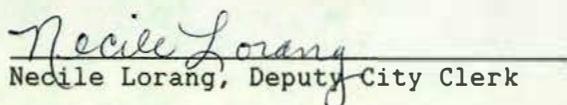
Mayor Pro Tem LaTourelle welcomed the visiting Boy Scout Troop #17 which had attended tonight's Council Meeting. She also asked Acting City Manager Beller about a possible water/sewer rate reduction during the extreme cold weather, this was a question that Councilman Peterson had posed to former City Manager Freedman. Acting City Manager Beller said she had checked into it and found that when the City had asked residents to run their water in specific areas a special reduced rate had been charged but it had never been done citywide.

On the subject of the resumes received for the city manager position. Mayor Pro Tem LaTourelle said the selection committee would like the list of names from the other Council members that they would like to have considered and she would like the selection committee to set a date for their first meeting. The selection committee will meet Friday, March 10, at 4:00 P.M. to consider the input from the other Council members and start the selection process. There will be a full Council meeting Monday, March 13, at 5:00 P.M. to select the applicants they wish to interview.

Councilman Boksich made a motion, seconded by Councilman Peterson to adjourn the meeting at 8:10 P.M. The motion passed unanimously.


Pat LaTourelle, Mayor Pro Tem

ATTEST:


Necile Lorang, Deputy City Clerk

WHITEFISH CITY COUNCIL WORKSHOP
MARCH 13, 1989

The Whitefish City Council met at 5:00 P.M. on March 13, 1989 to review the City Manager applications. Council Members present were Schreiber, Hanson, Maddux, Boksich, Peterson and LaTourelle.

The Council discussed the references and resumes of the three top applicants for City Manager. They were Gary Wicks, John Gunyou and Jonas Rosenthal. Mayor Pro Tem LaTourelle would call the applicants and set up interviews with the Council. If these three people do not work out the Council will reevaluate the remaining seven applicants.

The meeting adjourned at 5:30 P.M.

WHITEFISH CITY COUNCIL WORKSHOP
MARCH 13, 1989

The Whitefish City Council met at 5:00 P.M. on March 13, 1989 to review the City Manager applications. Council Members present were Schreiber, Hanson, Maddux, Boksich, Peterson and LaTourelle.

The Council discussed the references and resumes of the three top applicants for City Manager. Mayor Pro Tem LaTourelle would call the top two candidates and set up personel interviews with the Council. If either of the two choose not to come for interviews then the third applicant would be contacted. If these three people do not work out the Council would re-evaluate the remaining seven applicants.

The meeting adjourned at 5:30 P.M.



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
March 20, 1989

- 7:00 I. Approval of the minutes of the March 6, 1989 meeting
- 7:05 II. PUBLIC COMMENTS
- 7:15 III. STAFF UPDATES
1. Building Inspector
 2. Police
 3. Street
- 7:20 V. OLD BUSINESS
1. Resolution No. 89-7, annexing the Barnes property
 2. Interlocal Agreement between Flathead County, City of Whitefish, Whitefish County Water and Sewer District
- 7:40 VI. NEW BUSINESS
1. Resolution supporting MHD Retrofit Plant in Billings
- 7:50 V. CITY MANAGER REPORTS
1. Jensen proposal for a trailer park
 2. Reservoir property
 3. Packrat Lane sewer
 4. Cash Report
 5. City Election
 6. Delinquent taxes
 7. Board of Appeals
- 8:15 VIII. COUNCIL REPORTS OR COMMENTS
- 8:30 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: Whitefish City Council
DATE: March 15, 1989
RE: March 20, 1989 meeting

Here are my comments on the Council Agenda items for the March 20, 1989 Council Meeting:

1. RESOLUTION NO. 89-7, ANNEXING THE BARNES PROPERTY: This is the proposed Cross Currents School property that you approved the Conditional Use Permit for in September of 1988. At that time the paperwork had not been recorded with the Flathead County Clerk and Recorder and we could not go forward with the annexation. The paperwork has since been filed and June and Lyle Barnes are petitioning to annex this property.

2. INTERLOCAL AGREEMENT: The County Commissioners have sent a draft copy of the interlocal agreement for the proposed RSIDs and they are asking for our comments.

3. JENSEN PROPOSAL FOR A TRAILER PARK: Jeff and Don Jensen have a proposal before the City County Planning Board to amend the Whitefish Zoning Jurisdictional Map from WI (Industrial to WB-2 (Secondary Business) and for Preliminary Plat Approval and a conditional use permit to develop a 67-space recreational vehicle park, all on a 4.43 acre tract located on the West Side of Hwy 93 South (behind the Valley Inn and the Chalet Motel). The Planning Board will hold a public hearing on March 16, 1989 and our public hearing will be the Council meeting of April 3, 1989. This is information only, I thought you would want to monitor the progress of this proposal.

4. RESERVOIR PROPERTY: Margaret Murdock has approached me about purchasing the portion of the reservoir property where the old house was. I talked to Greg and he is not in favor of selling any of the property because of the proposed expansion to the city's water system.

5. PACK RAT LANE SEWER: At his last meeting with the city, Ralph said that the Pack Rat Lane sewer was to be the responsibility of the homeowners in the area and that the city would not be a part of it. Paul Wells and one homeowner have requested that the city form a SID for the area. I am not in favor of this because there are only nine (9) property owners involved and forming a SID is costly and time consuming.

6. DELINQUENT TAXES: In your packets is a list of the major delinquent taxpayers. This is not all delinquents because totally the delinquent taxes on real property are \$232,120.34 (years 1980-1987). Again this is just information I thought you might be interested in. (I was wondering if the Council would be opposed to me sending a reminder to the delinquent taxpayers).



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: City Council
DATE: March 14, 1989
RE: Appointments to the Board of Appeals

I have appointed the following people to the Board of Appeals:

Douglas C. Rhodes, Architect

Dave Perry, Contractor

James C. Price, Contractor

Mark Southard, Contractor

John L. Constenius, Architect

MINUTES
WHITEFISH CITY COUNCIL
MARCH 20, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were Acting City Manager Beller, City Attorney Muri, Police Chief Dolson and Water/Sewer Superintendent Acton.

MINUTES

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to approve the minutes of the March 6, 1989 Council meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

1. Garrick Hanson approached the Council again to see if they had made a decision on his presentation at the previous Council Meeting. This is regarding Mr. Hanson's possible criminal complaint against Police Chief Dolson and the City of Whitefish. Mayor Amass referred the matter to City Attorney Muri.

City Attorney Muri said he had just received Mr. Hanson's written complaint a few days ago. He reviewed it and has determined not to prosecute Police Chief Dolson, members of the City Council or the previous or present City Attorney. City Attorney Muri said as he has stated before, Mr. Hanson has received the City Attorney's denial of the previous suit against the City and if Mr. Hanson wants to pursue this his recourse is to contact District Court. City Attorney Muri said that he would be writing a memo to Mr. Hanson to that effect. Mayor Amass requested that he and each member of the Council get a copy of that memo.

2. Joe Legris, a coin operator, addressed the Council regarding Senate Bill #431 which would govern the video gaming equipment in the city. This bill is the result of a study done by the Gaming Advisory Council that conducted a statewide survey and found that the people of Montana wanted to hold off on any more expansion of gaming in the state. The current bill, submitted by Bob Brown, proposes an optional control by counties or cities to limit video machines to five machines per liquor license. The current state law sets a limit of ten poker machines and ten keno machines per liquor license. Mr. Legris had copies of the reports that come to the City from the State with the monies from video machines. He said the first year the City received \$53,000, \$16,095 in the 1st quarter of the 2nd year, and \$16,555 in the 2nd quarter of the 2nd year. These figures were based on 84 machines. He said since these reports there are 95 machines in the city, in 12 licensed premises. With the limit of five machines as proposed, the City would stand to loose about 50% of that income plus the loss of revenue for the licensing of each machine. Mr. Legris figured that 43 machines would be cut so the City would loose at least \$4,300.00 in licensing fees. He said this is a growing business for coin operators and without the limit, the City could realize more

income from additional machines. He encouraged the Council to look into this and contact Bob Brown if they had any questions. He would also like input from the Council on this as the next meeting in Helena is Thursday. The original bill proposed state regulation and this amendment to add the optional local regulation came from the senate floor. Mr. Legris said he was representing his interest as a coin operator but also wanted members of the Council to be aware of this bill and what it meant to City Revenue.

STAFF UPDATES

Acting City Manager Beller said that Council had in their packets written reports from the Building Inspector, Police Department and Street Department.

Councilman Peterson asked if the reason for the statement in the Street Department's report about it looking bad for part-time help was because of lack of budget. Acting City Manager Beller said it was.

Water/Sewer Superintendent Acton said he didn't have time to submit a written report. He has been writing letters to the State and designing a retrofit for the aeration system. He has developed a compliance schedule and it was mailed today in order to comply with the consent decree. He will be meeting with the Water Quality Bureau next week in hopes of getting their approval to go ahead with the project which is the replacement of a defective aeration system. A copy of the above mentioned compliance schedule was handed to the Mayor and Council Members at the beginning of the meeting.

Councilwoman Maddux asked Water/Sewer Superintendent Acton if he would have a written progress report for them at the next meeting and he said he would.

OLD BUSINESS

1. RESOLUTION NO. 89-7, annexing the Barnes property: Acting City Manager Beller said this is the Cross Currents School building site. The Conditional Use Permit had already been approved but the survey of the lot had not been recorded until just recently. The survey is now legally recorded so the property can be annexed. Councilman Boksich made a motion, seconded by Councilwoman Maddux, to adopt Resolution 89-7, annexing the Barnes property. The motion passed unanimously.

2. INTERLOCAL AGREEMENT BETWEEN FLATHEAD COUNTY, CITY OF WHITEFISH, WHITEFISH COUNTY WATER AND SEWER DISTRICT: Acting City Manager Beller said the County Commissioners have asked for the City's input on this interlocal agreement for the proposed RSIDs. She said she had discussed this agreement with Water/Sewer Superintendent Acton and she would recommend that language should be included that required the engineers on these project to work closely with City Staff on the sewer systems.

Councilman Hanson said he was concerned that the language in this agreement may be forcing the City into a situation where it is squeezed out of control of its sewer and water treatment systems. He agreed with Acting City Manager Beller's recommendation that the agreement should provide for City Staff's involvement with the engineering of improvements that tie onto the City's system. He said that in the least, paragraphs 2, 5, 7 and 8 all have language inadequate to protect the City's interest. Councilwoman LaTourelle concurred and Councilwoman Maddux emphasized that there should be language in paragraph 7 to insure that any improvements constructed under EPA grants would be compatible to the City's existing system.

Mayor Amass said he would like to have a schedule attached to the agreement specifying out of city user fees rather than the general language in paragraph 8.

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to refer this agreement back to City Staff to revise and bring back to Council. The motion passed unanimously.

NEW BUSINESS

1. RESOLUTION SUPPORTING MHD RETROFIT PLANT IN BILLINGS: Acting City Manager Beller said she had received a letter from the President of the Montana International Trade Commission asking the City Council to approve this resolution along with a mailing list where copies of the adopted resolution should be sent.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve the Resolution Supporting MHD Retrofit Plant in Billings. The motion passed unanimously.

CITY MANAGER REPORTS

1. JENSEN PROPOSAL FOR A TRAILER PARK: Acting City Manager Beller said the Planning Board held their public hearing on this proposal on March 16, 1989 and it will come before the Council on April 3, 1989. The papers included in the Council packets are for information only because she thought Council would want to monitor the progress of this proposal.

Pamela Green asked from the audience about the proposed access to the trailer park. She works at a business on Commerce Street and felt that it was an inadequate road to handle the traffic. Mayor Amass said that in the proposal, Commerce Street is the secondary access, however that would all be discussed during the public hearing of the proposal scheduled for the April 3, 1989 Council Meeting.

2. RESERVOIR PROPERTY: Acting City Manager Beller said Margaret Murdock had approached her about purchasing the portion of the reservoir property where the old house was but after a discussion with Water/Sewer Superintendent Acton found out that it may be involved with future expansion of the City's

water system.

Margaret Murdock said that she wasn't sure of the exact boundaries of the property, but it is about two acres where the original Baker homestead is and the rock wall. She said the rock wall was a Public Works Administration project and she felt that if the City did not need the land she would like to have this site preserved for it's historical value.

After some discussion, Council agreed that if, after the future expansion of the City's water system is designed, and this property is determined to be surplus property, the City offer it first to Margaret Murdock.

3. PACK RAT LANE SEWER: Acting City Manager Beller said that in former City Manager Freedman's last meeting with the Council, he had said that the Pack Rat Lane sewer was to be the responsibility of the homeowners in the area and the City would not be a part of it. Paul Wells and one homeowner have requested that the City form a SID for the area. Acting City Manager Beller did not recommend that the City become involved because there are only nine (9) property owners in the area and forming a SID is costly and time consuming. She recommended that the Council hold off acting on this until the City hires a new City Manager and then review it again.

City Attorney Muri added that the survey of Pack Rat Lane is in question and the sewer easement needed across the Glenwood property to complete this project has not been acquired and is still in question.

The Council tabled this matter until a new City Manager is hired.

4. CASH REPORT: Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve February's Cash Report. The motion passed unanimously.

5. CITY ELECTION: Acting City Manager Beller reminded the Council that the terms of the Mayor and three Council people expire as of December 31, 1989 and the filing dates start May 1, 1989. All petitions must be in to the County Election Department by 5:00 P.M. on June 22, 1989. The three Council people whose terms expire are LaTourelle, Hanson and Peterson.

6. DELINQUENT TAXES: Acting City Manager Beller had provided a list to the Council of some of the commercial properties with delinquent taxes. This list does not include all delinquents because totally the delinquent taxes on real property are \$232,120.23 (years 1980-1987). She was wondering if the Council would be opposed to her sending a reminder to the delinquent taxpayers. No action was taken by Council.

7. BOARD OF APPEALS: The following people have been appointed to the Board of Appeals:

Douglas C. Rhodes, Architect
James C. Price, Contractor
John L. Constenius, Architect
Dave Perry, Contractor
Mark Southard, Contractor
Mark Van NyHuis, Alternate

City Attorney Muri said that he has been in contact with the State on Paul Wells' issue and they have indicated they would be sending Mr. Wells a memo, copy to City Attorney Muri, stating that what Mr. Wells is proposing cannot be approved by the City because State Law prohibits the use of a mobile home for a business. Mr. Wells will have to ask for a variance from the State. Acting City Manager Beller said Mr. Wells is still asking to be heard by our Board of Appeals.

COUNCIL REPORTS OR COMMENTS

Councilwoman Maddux asked if it was up to the City to fill the two vacancies on the Lakeshore Protection Committee. Acting City Manager Beller said that was a subcommittee of the City County Planning Board so it would be up to them.

Councilwoman LaTourelle asked City Attorney Muri if he had looked over and had any problem with the information from Tom Jentz that is a mini plan that if adopted would be an amendment to the City of Whitefish's Extension of Services Plan. City Attorney Muri said there was no problem with it. Acting City Manager Beller said it would be on the next meeting's agenda.

Councilman Hanson said that in the absence of a permanent City Manager he has been asked to represent the Council on the CAB. The next CAB meeting is March 29 and he would like to solicit input from Council regarding the Regional Development Office or anything else that would affect the CAB.

Mayor Amass asked if the Council would like to set up a special meeting to continue the process of selecting the new City Manager. Councilman Hanson made a motion, seconded by Councilman Peterson, to set up a Special Meeting for Wednesday, March 22, 1989 at 4:00 P.M. The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to adjourn the meeting at 7:55 P.M. The motion passed unanimously.

A. E. Amos, Jr.

Mayor

ATTEST:

Nellie Loring

Deputy City Clerk

STREET/ALLEY REPORT
MARCH 20, 1989

The Street Department, starting early in November, has plowed the snow in the residential areas of the city ten times. We also blew and hauled away the snow from the business district six times. All alleys in the city were cleaned with the blower and trucks four times. The department has expended more than 400 cubic yards of sand so far this winter.

When not plowing we have used our time cleaning curbs where the streets have been narrowed by the large snow berms. During the very cold weather we did the badly needed maintenance on our equipment that was necessary after the summer street projects.

When the rains or thaw comes we have been busy trying to open the storm drains. We have had the steamer out every day for the last several weeks on this project as the drains tend to freeze when the temperature drops during the night.

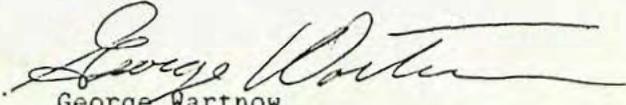
The Street Department did a lot of work at the skating rink all winter, starting by hauling sand to level the rink. We helped put up the logs on the warming house and helped put up the lights. We did some general cleanup and we plow the rink when it snows.

The Street Department has patched some pot holes as we can get to them although it is hard to hold these repairs at this time of year. The department also did several internments at the cemetery this winter. We did some sign replacement and cleaned the Second Street bridge and the viaduct as often as we could. We try to keep walking lanes cleared on Wisconsin Ave., Baker Ave., Edgewood Place, the viaduct and West Second Street where school children and other persons have no sidewalk to use.

The Street Department assisted Water and Sewer when needed and in turn we draw people from them for plowing and hauling snow. We will be putting the sweeper out as soon as weather permits.

The Street Department consists of four people including myself. One man is assigned to Sanitation (garbage truck driver), one man will have to go full time on the sweeper for at least two months when it is dry enough. The sweeper operator also doubles as relief driver for Sanitation. As you can see for a lot of the spring and early summer we will be down to two persons and with any sick leave or vacation, possibly one person at times for patching pot holes and all the other duties assigned us.

It does not look promising for part time help this summer so some of the work will not be done as promptly as in the past. We will, however, do our best to get it done with what we have.


George Hartnow
Street/Alley Manager

MINUTES
WHITEFISH CITY COUNCIL
MARCH 22, 1989

Mayor Amass called this special Council meeting to order at 4:00 P.M. Council Members present were Peterson, Maddux, LaTourelle, Boksich and Hanson. Schreiber was absent.

Purpose of this special Council meeting was to discuss the progress in the selection of a City Manager.

Mayor Amass said that he and Councilwoman LaTourelle had spent the last two days researching the references of the top ten applicants to try and ascertain whether the candidates meet the qualifications to warrant spending the taxpayers dollars to bring them in for an interview. He said that that before the Council announced their decision to hire the one candidate that had been interviewed, he and Councilwoman LaTourelle would like Council permission to continue their research. (They had completed research on four candidates and they had five left to check). Mayor Amass also reminded the Council that on the schedule drawn up on January 27, 1989, May 23 was the approximate starting date for the new City Administrator. He was concerned that by putting someone on line before this date would cause a budget overdraft.

Councilman Peterson made a motion, seconded by Councilman Boksich, that the Council continue the interview process. The motion passed with 4 aye votes and 1 no vote. Councilman Hanson voted no.

COUNCIL DISCUSSION

Councilman Hanson said that he could see no need to drag the process out any longer because after interviewing Mr. Wicks, he was everything the Council wanted in a City Administrator. He said that the Council should make a decision and if the payroll budget line item went over an adjustment could be made. He said that he was totally comfortable with the front runner at this point and was against the motion on the floor.

Councilwoman Maddux said that the Council had made an agreement that they would interview the top two (2) applicants. They had interviewed the number one choice and number two excluded himself by declining to come for an interview. She felt the remaining applicants of the top ten were just adequate but could do the job. She said that appointing a new City Manager would be the most important decision she would make as a Council person and therefore, she would support continuing through the process to make sure the Council made the right decision.

Councilman Boksich said that he agreed with Councilman Hanson, however, he was uncomfortable about having only one interview and felt the Council should take the time to continue the interview process.

COUNCIL MINUTES
MARCH 22, 1989

Councilman Peterson said that he felt the Council owed it to themselves and the citizens of Whitefish to proceed with the interview process to confirm that Mr. Wicks is the man for the job.

Councilwoman LaTourelle said that she felt the Council needed to take the time to research further and get someone that would stay. She felt that she and Mayor Amass would have their research completed within the next two days and then they would report back to the Council with their recommendations.

Councilman Hanson made a motion, seconded by Councilman Boksich, to recess until 3:00 P.M. Friday. The motion passed unanimously.

C. E. Amass, Jr

Mayor

ATTEST:

Kay Baker

City Clerk

MINUTES
WHITEFISH CITY COUNCIL
MARCH 24, 1989

Mayor Amass called this special Council meeting to order at 3:00 P.M. Council Members present were Peterson, Maddux, LaTourelle, Boksich and Hanson. Councilman Schreiber was absent.

Purpose of this special Council meeting was to discuss the progress in the selection of the City Manager.

Mayor Amass reported that he and Councilwoman LaTourelle had made numerous phone calls investigating several of the top ten candidates and they were recommending that the Council bring in Dale Ennor of Blaine, Washington for a interview. He said that they found him to be a worthy and stable candidate. Councilwoman LaTourelle said that the resume was not something that hit you, however, after checking they had great reviews from the Chamber of Commerce, newspapers, business people, etc.

Mayor Amass said that he had talked to Councilman Schreiber by phone and he was in favor of the Council having this interview with Mr. Ennor.

Councilman Peterson made a motion, seconded by Councilwoman Maddux, to invite Dale Ennor for an interview. The motion passed with 4 aye votes and 1 no vote. Councilman Hanson voted no.

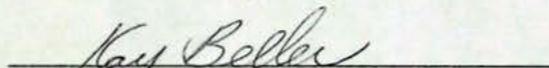
The Council would bring Mr. Ennor to Whitefish for an interview during the next weekend.

Motion Councilwoman LaTourelle to adjourn at 3:25 P.M., seconded by Councilman Peterson. The motion passed unanimously.

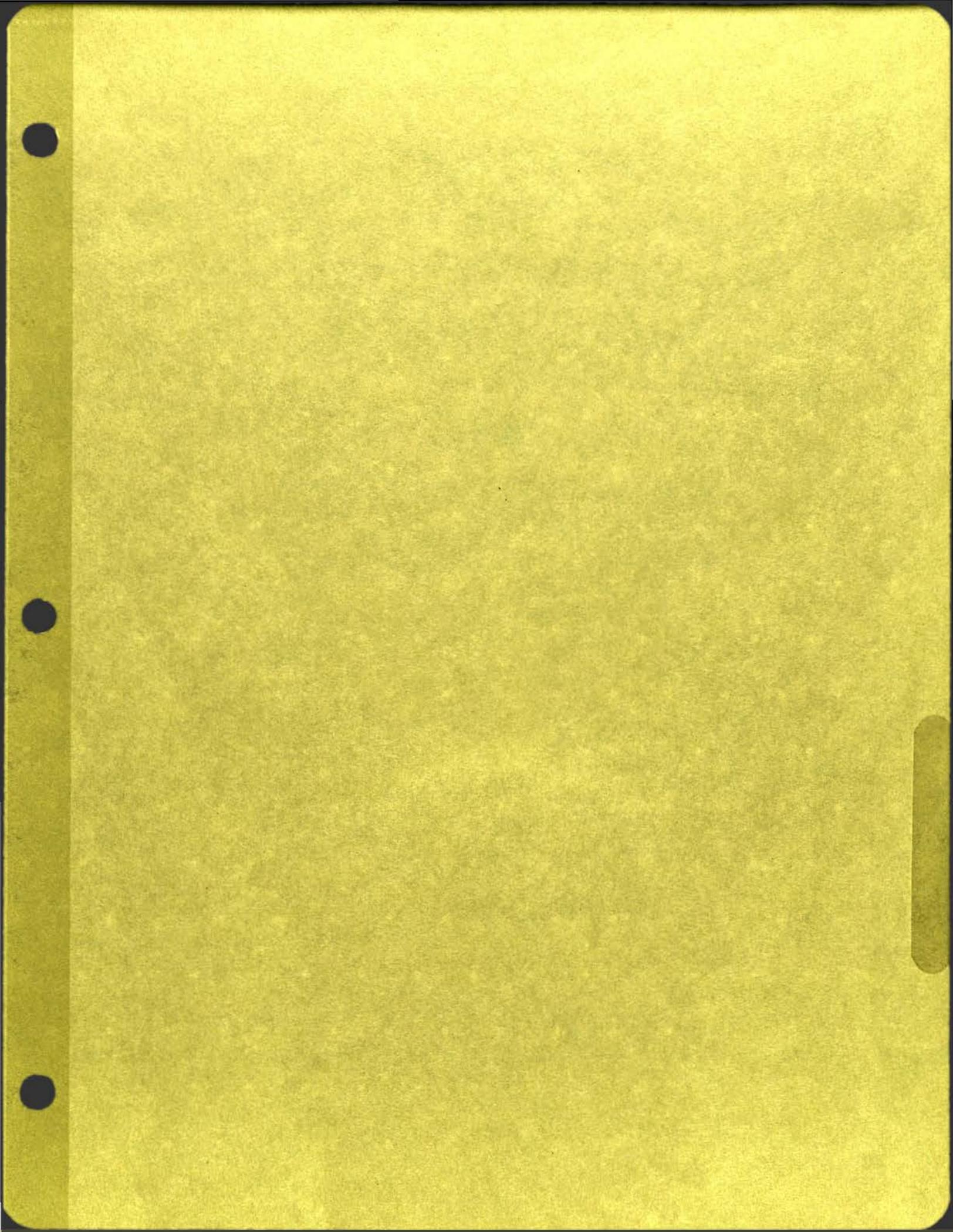


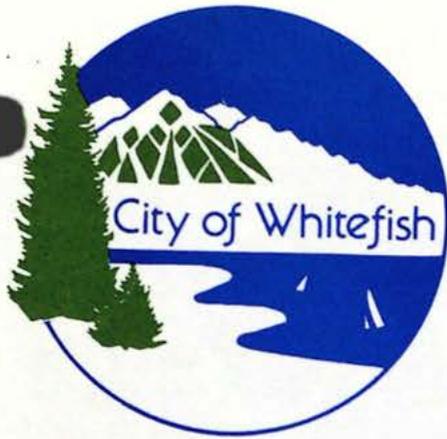
Mayor

ATTEST:



City Clerk

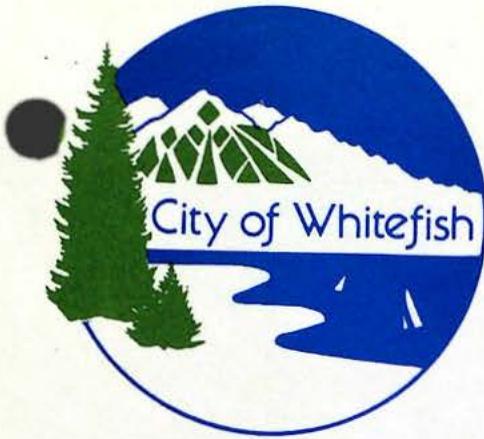




Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
April 3, 1989

- 7:00 I. Approval of the minutes of the March 20, 1989, March 22, 1989 and March 24, 1989 meetings
- 7:05 II. PUBLIC COMMENTS
- 7:15 III. STAFF UPDATES
1. Water/Sewer
- 7:25 IV. PUBLIC HEARINGS
1. Ordinance No. 89-1, zone change from WI (Industrial) to WB-2 (Secondary Business) for Tract numbers 6BCB, 6CB, 6DC, 6G in the SW 1/4 NE 1/4 of Section 01, TN30R22, Flathead County (Jensen's Trailer Park)
2. Conditional Use Permit and Preliminary Plat for the proposed 57 unit RV Park
- 7:55 V. OLD BUSINESS
1. Extension of services plan for the Houston Tracts/Stocking Addition
2. Interlocal Agreement between Flathead County, City of Whitefish, Whitefish County Water and Sewer District
3. City Manager process
- 8:20 VI. NEW BUSINESS
1. Request to annex Lots 1, 2, 3, and E 1/2 of Lot 4, Block 1, First Addition to South Whitefish
- 8:30 V. CITY MANAGER REPORTS
1. Skate Boards in the downtown area
2. Legislative updates
3. Council ratification of police appointment
4. Clean the Fish
- 8:45 VIII. COUNCIL REPORTS OR COMMENTS
- 9:00 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: City Council
DATE: March 29, 1989
RE: April 3, 1989 Council meeting

1. ORDINANCE NO. 89-1, CONDITIONAL USE PERMIT AND PRELIMINARY PLAT: Jeff and Don Jensen are requesting a zone change from WI (Industrial) to WB-2 (Secondary Business) to locate a 57 unit RV Park. Tom Jentz has given you a memorandum that explains the zone change, conditional use permit and preliminary plat. He will also give the staff report at the Council meeting. The City-County Planning Board is recommending approval of the zone change, conditional use permit and the preliminary plat. The conditional use permit and preliminary plat were approved with 25 conditions.

RECOMMENDATION: Approve all three per the City-County Planning Board recommendations. If you decide not to approve for any reason, I would suggest that Ordinance No. 89-1 be adopted because it will not go into effect for 30 days.

2. EXTENSION OF SERVICES PLAN FOR HOUSTON TRACTS/STOCKING ADDITION: Tom Jentz has put together a extension of services plan for the Houston Tracts/Stocking Addition. We should adopt this plan and incorporate it into the city wide extension of services plan.

3. INTERLOCAL AGREEMENT RSIDs: The County Commissioners are asking that the Council review the interlocal agreement and forward your comments to them as soon as possible so they can proceed with the RSID process. At the last Council meeting you had several concerns and changes that you requested the City Staff to address. I have included a memorandum that addresses the changes that should be made to the agreement. If you approve the Staff recommendations, they will be forwarded to the County Commissioners office.

4. REQUEST TO ANNEX LOTS 1, 2, 3, AND EAST 1/2 OF LOT 4, BLOCK 1, FIRST ADDITION TO SOUTH WHITEFISH: The owners of these lots are requesting annexation into the City because they need the City sewer. The lots are almost completely surrounded by City limits and I would recommend that you approve Resolution No. 89-10 annexing this property into the City.

5. SKATE BOARDS IN THE DOWNTOWN: Councilman Peterson requested that this be put on the agenda. He has given me a memo which I have enclosed in your packets. He suggests that an Ordinance be written regulating skate boards in the downtown area. (I have enclosed a portion of section 10.60 of the Municipal Codes regulating bicycles that you might want to review).



Box 158, Whitefish, Montana 59937 (406) 862-2640

6. RATIFICATION OF POLICE APPOINTMENT: Dick Brown has resigned from the Police Department effective 3/31/89 and Chief Dolson has recommended that Extra-Board Police Officer Robert Rupp be appointed a full time police officer I, effective April 1, 1989. Rupp would serve a six month probationary period concluding March 31, 1990. I concur with Chief Dolson and am asking the Council to ratify my appointment of Robert Rupp.

7. CLEAN THE FISH: This event has been scheduled for May 13, 1989.

MINUTES
WHITEFISH CITY COUNCIL
APRIL 3, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, and Schreiber. Also present were Acting City Manager Beller, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn, Police Chief Dolson, Water/Sewer Superintendent Acton, and Street Foreman Wartnow.

MINUTES

Mayor Amass said there was some confusion on Item 6 Page 4 of the March 20, 1989 Minutes. He was under the impression that Members of the Council had agreed that Acting City Manager Beller should send out a reminder to the delinquent taxpayers included on the list presented rather than no action taken as stated in the minutes. The Council all agreed that they had been under the same impression. Mayor Amass asked that the record show that Council wanted Acting City Manager Beller to send out these reminders.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve the minutes of the March 20, 1989 Council meeting as corrected above, and to approve the minutes of the March 22, 1989 and March 24, 1989 Council meetings as presented. The Motion passed unanimously.

PUBLIC COMMENT

Tom Jentz on behalf of the Flathead Regional Development Office distributed to the Council and Acting City Manager printed copies of the Whitefish City-County Master Plan adopted by the City of Whitefish in Resolution #87-38 on December 7, 1987.

STAFF UPDATES

1. WATER/SEWER: Water/Sewer Superintendent Acton reported that he met with the Water Quality Bureau in Helena on Tuesday, March 28 regarding the City's fine and compliance schedule. The City Water/Sewer Department had planned to start the project on April 3, 1989 but the compliance schedule was not approved by the Bureau. The Bureau is working on the approval and Water/Sewer Superintendent Acton said if the City receives approval this week the project should not fall behind in the compliance schedule. Water/Sewer Superintendent Acton reported that he and the rest of the staff along with the engineers on this project feel very secure that the system will not exceed the present BOD perimeter required by the State. The plant is performing efficiently so that a request of an increase of the BOD limitations is not necessary. Upon approval of the plan the City will submit the compliance schedule on or before the 5:00 P.M. deadline on April 6, 1989.

Water/Sewer Superintendent Acton had submitted to the Council copies of the compliance schedule along with the cover letter to the Water Quality Bureau, a Quarterly Report for January - March 1989, Water/Wastewater Division, and a letter he had written to Mr. Kevin Keenan of the Water Quality Bureau regarding the suit filed against the City. He asked if the Council had any questions on any of these. Councilwoman Maddux said she had one question but she would like to postpone it until later in the meeting.

PUBLIC HEARINGS

1. ORDINANCE NO. 89-1, ZONE CHANGE FROM WI (INDUSTRIAL) TO WB-2 (SECONDARY BUSINESS) FOR TRACT NUMBERS 6BCB, 6CB, 6DC, 6G IN THE SW 1/4 NE 1/4 OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, FLATHEAD COUNTY, ALSO KNOWN AS JENSEN'S TRAILER PARK). Tom Jentz from the Flathead Regional Development Office explained that Jeff and Don Jensen are requesting a zone change to locate a 57 unit RV Park. The Whitefish City-County Planning Board recommends approval of this zone change by a 6 to 1 vote. They feel that this change would blend into the current zones, the subject property being a transitional property between adjacent limited residential, industrial and secondary business zones.

There being no questions from the Council or public comment, Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to adopt the findings of fact as listed in the letter from the Whitefish City-County Planning Board dated March 24, 1989 regarding the requested zone change. The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to adopt Ordinance No. 89-1 amending the zoning from WI to WB-2 for the subject property. The motion passed unanimously.

2. CONDITIONAL USE PERMIT AND PRELIMINARY PLAT APPROVAL FOR THE PROPOSED 57 UNIT RV PARK. Tom Jentz explained that the Conditional Use Permit and the Preliminary Plat Approval are two separate actions but both are subject to the same conditions so the staff report applies to both. This proposal is for a 57 unit RV park with City sewer and water, primary and secondary accesses, and project service building in an area that is surrounded by land currently used for agricultural, industrial and commercial uses. The site is fairly level with a few trees, but mostly a cleared site. The Planning Board voted 6 to 1 to approve the Use Permit and the Preliminary Plat with 25 conditions. Tom Jentz listed and explained those 25 conditions.

Michael Morton, owner of the Chalet Motel which is adjacent to the proposed RV park, said he does not object to the project. He wants the City to consider reasonable requirements for fencing and landscaping between his motel and the RV park. Don Jensen, owner of the site, said they would certainly work with the adjacent landowners.

Charles Nordrum, owner of the Valley Inn which is also adjacent to the proposed RV park, said he does not object to the project. He has already worked with and has a verbal agreement with the developers on the access and check-in procedures.

The Council had several questions and discussed these with Planner Tom Jentz, Don Jensen (owner of the site) and Jeff Jensen (developer of the RV park). In the course of the discussion both Don and Jeff Jensen said there may be some rearrangement of some of the things shown on the preliminary plat; i.e. direction of lots may change to provide some pull through lots, the dump site may be moved to the primary entrance, garbage service will be researched between municipal or private services, different types of fencing must be researched and also agreed upon with adjacent land owners, and different types

of paving surfaces need to be researched. Tom Jentz said that these changes and some changes that have already been made since the Planning Board hearing seem like positive changes. At the time of the approval of the final plat the developers will have to show all improvements as built. After more discussion among Council the wording of #14 and #18 of the Conditions of Approval was changed and #26 was added.

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to adopt the Findings of Fact, adopted by the Whitefish City-County Planning Board, and approve the Conditional Use Permit and Preliminary Plat for the proposed 57 unit RV Park with the Conditions of Approval as presented by the Whitefish City-County Planning Board and amended herein. The motion passed unanimously.

WHITEFISH RV PARK - CONDITIONS OF APPROVAL
ADOPTED BY WHITEFISH CITY COUNCIL
APRIL 3, 1989

1. All utilities shall be underground.
2. All water, sewer and stormwater drainage plans shall be approved by the Montana State Department of Health and Environmental Sciences and the City of Whitefish prior to operation.
3. The RV Park shall be licensed by the State Department of Health and Environmental Sciences prior to operation.
4. The water service to the RV Park site shall be metered and a suitable backflow prevention device installed prior to any branches or connections to the service and as close as practical to the main connection valve.
5. A fire hydrant shall be located within 300 feet of all proposed permanent buildings.
6. All dependent sites (sites not served by either or both sewer or water) must be within 300 feet of a service building.
7. A centralized garbage pickup system shall be provided for and shown on the final revised plat. Location and design of the containers shall be approved by the City Manager.
8. The maximum length of stay for any RV unit in the RV park shall not, under any circumstance, exceed six (6) months during any calendar year.
9. The applicant shall provide a minimum of one-ninth (1/9) of the gross area of the RV Park (21,440 square feet) for parkland. Such parkland shall be owned and maintained by the applicant and is intended for the private use of occupants and their guests. At a minimum recreational amenities such as a swing set, slide, climbing bars, etc. or similar items shall be provided which cater primarily to children.

10. No recreational vehicle or pad shall be placed closer than 15 feet from an adjacent recreational vehicle, parkland or structure.
11. No RV pad shall be located closer than 20 feet from an outside property line.
12. An excess vehicle storage and guest parking facility shall be provided on-site or within 300 feet of the site based on the following ration and design standards:
 - a. Parking shall be provided at a ratio of one space for each five (5) RV spaces developed.
 - b. The parking surface shall be paved.
 - c. Each space shall measure 9 feet by 20 feet minimum.
13. Mail delivery shall be directed through the office only.
14. All roads and excess camper parking areas within the RV Park shall comply with Section 17.63010 of the Whitefish Zoning Ordinance within 18 (eighteen months) of the approval of the final plat, with the understanding that the paving requirement for the internal streets may be deferred according to the provisions of Appendix E of the Subdivision Regulations of Whitefish. In this event the applicant shall provide financial security guarantees in the amount of 100 percent of the estimated total cost of installing all required improvements. And further, the applicant in the interim shall maintain all areas to be paved in a dust free conditions.
15. All two-way roads in the park shall be a minimum of 24 feet wide travel surface and all one-way roads shall be 12 feet wide minimum travel surface.
16. If the primary entrance is via the Valley Inn access easement at the southeast corner of the RV park, the following shall apply prior to operation:
 - a. The applicants shall present written assurance they can utilize the easement.
 - b. The applicants shall submit a private maintenance agreement to show that this private road will continue to be paved and kept in suitable repair.
 - c. As part of the final revised plat to be submitted, the applicant shall show the access easement from U.S. Highway 93 South to the RV park site on the plat (or an addendum).
 - d. On this plat, the applicant shall show a minimum of 24 foot paved travel surface on the south side of the covered awning check in area of the Valley Inn to accommodate through RV traffic.

- e. The applicant shall construct a paved 24 foot travel surface as described in d. above.
 - f. The applicant shall submit a parking plan for the Valley Inn showing adequate parking facilities for the motel as per the zoning code to accommodate the parking spaces lost to the new access road.
 - g. The secondary access out of the northeast corner of the property shall be built to city grade road standards with a 24 foot minimum driving surface extending between the RV Park and a public street. The access shall be restricted to emergency use only and may be crash gated. The applicant shall submit proof of usability of the easement for RV park access.
17. If the primary access utilized is the northeast corner of the RV park, the following shall apply and be addressed prior to operation:
- a. The applicant shall submit written proof that the easement can legally be used as the primary RV park entrance.
 - b. The applicant shall construct a paved minimum 24 foot wide road extending from the RV park road system to Commerce Street.
 - c. The easement and road shall be shown on the revised plat.
 - d. Access to U.S. 93 South shall be by an unnamed public street extending straight east from the RV park easement road-Commerce Street intersection.
 - e. A secondary emergency access route with a minimum 24 foot travel surface, gravel or better, shall be constructed and shown on the revised plat. (The Valley Inn access road would suffice if arrangements can be negotiated.)
18. Fencing, at a minimum, shall be provided around the entire east, north and west sides excluding vehicle access points. On the west and north sides and the adjacent 50 feet continuing along the east side security fencing, a minimum of 6 feet, shall be constructed. On the remaining east side a fence shall be constructed to deter trespass and indicate property ownership, the style and height of this fence is left up to the two private parties involved. The fence should range between a 3 1/2 foot open rail fence and a 6 foot security fence. The City Manager must be made aware of the agreement between the two private parties on this fence and would also serve as a mediator if the need arises.
19. A sign permit for all signs for the RV park and a building permit for the service buildings and any other permanent structures shall be acquired from the city prior to construction or erection of these specific items.
20. The applicants shall submit a management plan showing how administrative functions, i.e. check-in, check-out, record keeping, security, information, enforcement of camp rules, etc. is handled. Either an

on-site supervisor or an immediately accessible supervisor shall be available on a 24 hour basis.

21. Should an on-site residence manager be provided (someone who resides on-site for longer than two (2) weeks, said manager shall reside within either a residence built to either Uniform Building Code standards or in a manufactures home bearing the HUD seal. Said residence shall have a minimum of 15 foot front yard setback, a 25 foot rear yard setback and the lot area shall be at least three (3) times the size of the residence and accessory structures main floor plan.
22. The preliminary plat approval shall extend for two years from date of city council approval.
23. Prior to the operation or use of any part of the RV park, a revised preliminary plat complying with Section V.A. of the Whitefish Subdivision Regulations shall be submitted to the Flathead Regional Development Office for review and the Whitefish City Council for approval.
24. The RV park may be developed in phases. All improvements necessary for the complete operation of the phase shall be in place prior to its operation. At a minimum, paved roads serving the sites, proportionate parkland and excess vehicle parking, the primary and secondary access roads, the service building fire hydrant, appropriate sewer and water lines and all fencing within 100 feet of any proposed RV pad shall be in place and approved.
25. The RV Park developers shall provide a fenced area for pets with a dumping place for dog refuse bags. The location of such a provision shall be shown on the revised plat.
26. The revised plat shall include a minimum of 12 (twelve) pull through lots and relocation of the RV dump site to the southeast corner of the site in compliance with applicable City and State Health Department Regulations.

At this time, Mayor Amass moved item #1 under City Manager Reports up in the agenda because there were several interested parties attending this meeting for this.

1. SKATE BOARDS IN THE DOWNTOWN AREA: Acting City Manager Beller said that Councilman Peterson requested that this be put on the agenda. In his absence he had left a memo which was included in the Council packets. He suggests that an Ordinance be written regulating skateboards in the downtown area.

Councilwoman LaTourelle asked if those present who ride skateboards would choose one spokesman from their group to express their opinion to the Council. She also knew that Mr. Art Morris was present tonight to express an opinion.

Mr. Morris said he has observed skateboarders on the streets, some of them not having any regard for private property by using their skateboards for jumping over concrete benches and planters. He is concerned that they

will hurt themselves or someone else. He feels that it is time for the City to take some action before someone is injured.

Jason Walker spoke for the skateboarders. He felt that most people who ride skateboards are careful where they ride because if anything happens it is a reflection on themselves.

Don Schmidt, manager of the concessions at City Beach, recommended that a committee be formed from members of the Council, the City Attorney, a member from the City Police Department, someone from the community and a representative or two from the skateboarders. The purpose of this committee would be to find a solution to this problem, possibly find or build a place for skateboarding. He would like to see the kids get together to form a club and see energy expended productively instead of counterproductively.

City Attorney Muri said that "sidewalks" are for walking. It is illegal for bicyclists to go on sidewalks and he feels that it should also be illegal for skateboarders, especially in the downtown area.

Mayor Amass asked Police Chief Dolson if he had any comments. Chief Dolson said there are no laws regulating the skateboards on the sidewalk or private property unless there is a complaint from the property owner. They are regulated in the streets and roadways and as any other pedestrian they have to obey pedestrian laws. He said he and the rest of the members of the Department warn skateboarders daily about being in the City parking lot and last summer they warned skateboarders daily - it is a problem.

Councilwoman Maddux said that last year at this time when the skateboarding issue came to the City Council, the Council worked at finding a solution with the skateboarders. Mr. Boksich, who is a Councilman and a teacher was willing to meet with the skateboarders any time and help find alternatives to public streets and sidewalks. She said it was the consensus last year that the skateboarders would police themselves and she feels that they can't do it.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, that skateboards be declared illegal for riding in that portion of Whitefish where limited time parking exists as that area is described in Whitefish Municipal Codes Section 10.52.080. Councilwoman Maddux amended the motion by adding that for a time the City sidewalks be signed with a circle with a slash through it and pictures of bicycles and skateboards beneath it to inform those who are not aware that bicycles and skateboards do not belong on sidewalks in heavily populated areas. She stressed to the skateboarders that if this motion passes it would not mean that skateboards were illegal everywhere in the City, just in the downtown areas. Councilmen Boksich and Hanson said they do not disagree with the motion but feel that a committee should also be formed to find other solutions.

Michael Fellers, a parent of a skateboarder, said he felt that this group was being picked on as he has had several instances where he has run into bicyclists on the sidewalks. He personally was glad his children were riding skateboards than doing some of the things he did as a teenager and he encouraged the City to find a place where skateboarding would be legal.

Councilwoman LaTourelle said she felt that in the interest of safety the ordinance against skateboarding was necessary as the one against bicycles in the downtown area because it is becoming a very busy place.

Following more discussion, the motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, for the Mayor to appoint a committee to work with the City Park Board towards having a place for skateboarders. The motion passed unanimously.

OLD BUSINESS

1. EXTENSION OF SERVICES PLAN FOR THE HOUSTON TRACTS/STOCKING ADDITION: Acting City Manager Beller said Tom Jentz from the Flathead Regional Development Office had put together an extension of services plan for the Houston Tracts/Stocking Addition. The City should adopt this plan and incorporate it into the city wide extension of services plan. Tom Jentz said this should be incorporated with the current city wide extension of services plan prior to annexation of the area.

Councilman Hanson asked if the homeowners of the area needed notice of this plan prior to the Council's adoption of it. Acting City Manager Beller and City Attorney Muri and Planner Tom Jentz all explained that this was necessary prior to an annexation and at the time of a possible annexation this plan can be heard and amended if needed.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich to adopt the Extension of Services Plan for the Houston Tracts/Stocking Addition as presented by Flathead Regional Development Office. The motion passed unanimously. *Res #*

2. INTERLOCAL AGREEMENT BETWEEN FLATHEAD COUNTY, CITY OF WHITEFISH, WHITEFISH COUNTY WATER AND SEWER DISTRICT: Acting City Manager Beller said that this is being brought back to the Council after first being presented at the March 20th Council Meeting. City Staff has recommended some wording changes and additions in paragraphs 2, 7 and 8 in the proposed agreement. Information on specific rates was not added to paragraph 8 because that is addressed with our sewer plan that we have with the Public Service Commission and any rate changes would automatically be covered.

Councilman Hanson said even with the proposed changes he would not be in favor of approving this agreement because he felt like it allowed other entities to have control over sewer systems that would eventually tie into the city's sewer system.

Following more discussion among Council and Staff, Mayor Amass asked that City Staff work on this agreement with Councilman Hanson and bring a revised agreement back to the Council.

3. CITY MANAGER SELECTION PROCESS: No action was taken at this time.

NEW BUSINESS

1. REQUEST TO ANNEX LOTS 1, 2, 3, AND E 1/2 OF LOT 4, BLOCK 1, FIRST ADDITION TO SOUTH WHITEFISH: Acting City Manager Beller said the owners of these residential lots have petitioned to annex into the City. It is one residence and it is adjacent to current City Limits.

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to approve Resolution No. 89-10 to annex Lots 1, 2, 3, and E 1/2 of Lot 4, Block 1, First Addition to South Whitefish. The motion passed unanimously.

CITY MANAGER REPORTS

2. LEGISLATIVE UPDATES: Acting City Manager gave the Council copies of the Legislative Updates.

3. RATIFICATION OF POLICE APPOINTMENT: Acting City Manager said that Dick Brown has resigned from the Police Department effective March 31, 1989 and Chief Dolson has recommended that Extra-Board Police Officer Robert Rupp be appointed a full time Police Officer I, effective April 1, 1989. Officer Rupp would serve a six month probationary period concluding September 30, 1989. Acting City Manager concurs with Chief Dolson and asked the Council to ratify her appointment of Robert Rupp.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to ratify the appointment of Robert Rupp to a full time Police Officer I. The motion passed unanimously.

4. CLEAN THE FISH: Acting City Manager said that Clean the Fish is scheduled for May 13, 1989.

COUNCIL REPORTS OR COMMENTS

Councilwoman Maddux asked City Attorney Muri if he had any information on the de-annexation of the Bob Rose property. City Attorney Muri said there are no legal problems with the de-annexation. Acting City Manager said it would be on the next Council Meeting's agenda.

Councilwoman Maddux said she had a problem with the City's chain of communication with the State regarding the fine and the ongoing problems that we are dealing with so she would like to have a designated representative who deals with the state to prevent further confusion. Councilwoman Maddux made a motion, seconded by Councilman Hanson, that during this time period when we are dealing with the EPA fine, contact with the State of Montana be made through our City Manager, or Acting City Manager, in consultation with our City Attorney and if need be a committee from the Council for further consultation. Councilwoman Maddux said her recommendation for the members of the committee from the Council would be Mayor Amass and Councilwoman LaTourelle.

City Attorney Muri added to this by saying that when this situation becomes a legal situation he considers it the responsibility of his department, however he feels at this time that he has not been kept current by

Water/Sewer Supervisor Acton what is happening between the City and the State. At this time he absolves himself from any responsibility because he has not received the information.

The motion passed unanimously.

Councilman Hanson and Councilman Schreiber both made the comment that the City does have a City Attorney and he should be used to the fullest in all matters in law.

Mayor Amass said he has received a letter of thanks from the City of Billings for our support of the MHD Retrofit Plant and also a letter from Don Morrison withdrawing his application for the City Manager position.

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to recess the meeting at 9:47 P.M. and reconvene on Tuesday, April 4, 1989 at 5:00 P.M. The motion passed unanimously.

C.E. Amass, Jr

Mayor

ATTEST:

Rebecca Loring

Deputy City Clerk

COUNCIL MEETING

APRIL 4, 1989

This meeting was continued from the Council Meeting of April 3, 1989 and Mayor Amass called the meeting to order at 5:00 P.M. Council Members present were LaTourelle, Maddux, Boksich, Hansen and Schreiber. Peterson was absent. Also present were Acting City Manager Beller, City Attorney Muri, Lang Smith and Rick Hull.

Purpose of this meeting was to discuss City Manager Applications.

Mayor Amass reported that Gary Wicks had withdrawn his application and was accepting a position elsewhere.

Councilman Boksich, Councilwoman LaTourelle and Councilman Schreiber felt the Council should move forward and offer the City Manager position to Dale Ennor. Mayor Amass read a letter from Councilman Peterson in which he stated he supported Ennor. Councilman Hanson was opposed to hiring Ennor and questioned his resume. He said that the resume stated that Mr. Ennor had a master's degree in public administration while college records showed a master of arts degree in political science. Mayor Amass cleared this misunderstanding up by handing out a letter that said Mr. Ennor had an emphasis in public administration. Councilwoman Maddux said that she did not have strong negative feelings about hiring Mr. Ennor, however, she said that she did not feel confident either.

After some discussion, Councilman Schreiber made a motion, seconded by Councilman Boksich, to negotiate a contract with Dale Ennor and offer him the City Manager position. Councilman Boksich, Councilwoman LaTourelle and Councilman Schreiber voted aye and Councilman Hanson and Councilwoman Maddux voted no. The motion was defeated because the City Charter states that the Council can appoint or remove the city administrator with the concurrence of four (4) of its members.

Councilman Hanson requested 24 hours to go back through and review the 118 applications. He said that after his review of the candidates he might come back and change his vote.

Councilwoman LaTourelle said that the Council should not bring in any candidate on a split vote. She said that it was not fair to the candidate to come in under a cloud and the vote needed to be unanimous.

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to recess the meeting until Thursday, April 6, at 5:00 p.m. The motion passed unanimously.

After some discussion, Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to reopen the meeting. The motion passed unanimously.

Councilwoman Maddux made a motion, seconded by Councilman Hanson, to reconsider the appointment of Dale Ennor. The motion passed unanimously.

Councilman Hanson said that Mayor Amass had cleared up the discrepancy that was bothering him and after discussion, he felt comfortable and supported the Council offering Mr. Ennor the position. Councilwoman Maddux said that she really did not oppose hiring Mr. Ennor and did not want to see a split vote of the Council.

Councilman Schreiber made a motion, seconded by Councilman Boksich, to enter into negotiations in the hiring of Dale Ennor. The motion passed unanimously.

Mayor Amass and Councilwoman LaTourelle would negotiate a contract with Mr. Ennor based upon recommendations from the rest of the Council.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to adjourn at 6:07 P.M. The motion passed unanimously.

C. E. Amass, Jr.

Mayor

ATTEST:

Nay Becker

City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: City Council
DATE: April 13, 1989
RE: April 17, 1989 Council Meeting

1. HAL BENNETT: Pacific Power and Light is in the process of extending high voltage power lines to the Big Mountain. The route of the lines will be down the alley between Somers Avenue and Park Avenue, jog back to Second Street and Park Avenue and continue down Park Avenue to the Railroad property. Because the City has received numerous phone calls from concerned citizens, Hal Bennett has agreed to address the issue at the Council meeting.

2. SKATEBOARDS: I have drafted an Ordinance prohibiting skateboarding within the business district. This will be the first reading of the Ordinance and it can be amended on this reading if you feel there should be additions or deletions.

3. SIGN VARIANCE - GENE POST: Gene Post is requesting to place a 12' X 24' Billboard sign on his property at the intersection of Hwy 93 south and Highway 40. This is an existing sign, however, it will be enlarged and a new complete face will be installed. As you know billboard signs are prohibited by our sign ordinance in section 17.77.060.

RECOMMENDATION: Building Inspector Quinn will give you his recommendation on this sign.

4. SIGN VARIANCE - MINI MART: The Mini Mart has changed to Sinclair Oil for product supply and they are requesting to change their existing sign to reflect this vendor change. They would like to add a 4' X 4' price changing sign in place of the existing Chevron sign and if you approve the variance they will remove the affiliate signs from the gas pumps and place them on the building. The City Council granted a variance last year for front setback and height setback limits. City Staff recommends approval of this request.

5. SIGN VARIANCE - SUPER EIGHT: The request is to exceed the height, total square footage of the sign and set back limits. The height limitation of a freestanding sign in a WB-2 zone is 18' and they are requesting 21'. They feel they need the additional height because of the readerboard sign (they are afraid of vandalism). The set back request is so that the sign can be more easily read from the highway.

RECOMMENDATION: Staff recommends approval of the height and square footage of the sign and recommends denial of the set back request.

6. INTERLOCAL AGREEMENT: I am enclosing both the original agreement and a revised agreement in your packets. At the last Council meeting several changes were suggested and I have incorporated them into the new agreement.

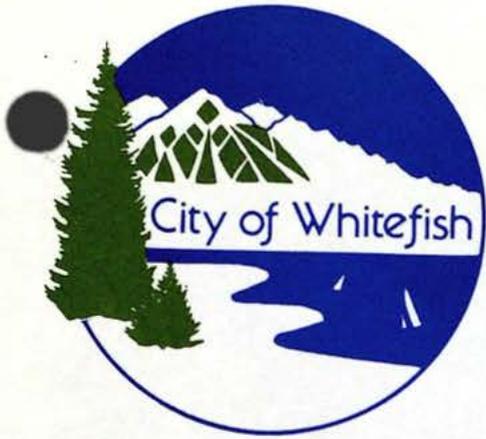
7. RESOLUTION NO. 89-5: This is the request by Robert Rose to exclude his property from the corporate limits. I have again included the information in you packets.

8. JOHN HUGHES, CROSS CURRENTS SCHOOL: The school is requesting to name the new city street that is adjacent to the Cross Currents School property. The Staff feels this street should be named and can see no harm in letting the children of the school choose a name.

9. REQUEST TO WAIVE THE OPEN CONTAINER: The City Council did waive the open container ordinance for the Flathead Festival last year. They will provide security and barricade the area so that no one enters or leaves with an open container. They did not mention cleanup of the area after each of the events and I do feel it should be addressed.

10. RESOLUTION NO. 89-11 - ANNEX IDAHO TIMBER PROPERTY: We have received a petition to annex Idaho Timber property, however, they are requesting that the City provide the sewer to their property line. To go forward with the sewer line would involve securing either an easement or purchasing a 45' lot owned by R.J. Brewer. I have contacted Mr. Brewer and he is not in favor of the easement but would be willing to sell the lot to the City for \$8,000. I feel Mr. Brewer will work with the City and we can get this lot for less money. The City could reroute the sewer line, however, it would cost as much or more than purchasing the lot.

RECOMMENDATION: Move forward with the annexation and the City Staff will continue to pursue the sewer extension.



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
April 17, 1989

- 7:00 I. Approval of the minutes of the April 3, 1989 and April 4, 1989 meetings
- 7:05 II. PUBLIC COMMENTS
1. Hal Bennett - Pacific Power & Light
- 7:20 III. STAFF UPDATES
1. Water/Sewer
2. Police
- 7:30 IV. PUBLIC HEARINGS
1. First Reading of Ordinance 89-2 - regulating skateboards in the business area
2. Sign Variance - Gene Post requests to install a new billboard sign along Highway 40 and Highway 93 South
3. Sign Variance - Mini Mart
4. Sign Variance - Super Eight Motel
- 8:00 V. OLD BUSINESS
1. Interlocal Agreement between Flathead County, City of Whitefish, Whitefish County Water and Sewer District
2. Resolution No. 89-5 - Request to exclude property from the City limits - Robert Rose (Deerfoot Park)
- 8:30 VI. NEW BUSINESS
1. John Hughes, Cross Currents School - Request to name the street adjacent to the school.
2. The Flathead Festival is requesting that an exception to the open container ordinance be permitted for three of their events
3. Resolution No. 89-11 - Annex Idaho Timber property
- 9:00 VII. CITY MANAGER REPORTS
1. Building Inspector Quinn - amendment to the Zoning Text
2. Tax letters
3. City Audit
4. Update on the Rural Fire Area
- 9:10 VIII. COUNCIL REPORTS OR COMMENTS
- 9:30 IX. ADJOURNMENT

MINUTES
WHITEFISH CITY COUNCIL
APRIL 17, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, Maddux, and Schreiber. Councilwoman LaTourelle and Councilman Peterson were absent. Also present were Acting City Manager Beller, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn, Police Chief Dolson, Water/Sewer Superintendent Acton, and Street Foreman Wartnow.

MINUTES

Councilman Schreiber made a motion, seconded by Councilwoman Maddux, to approve the minutes of the April 3, 1989 and April 4, 1989 meetings as presented. The motion passed unanimously.

PUBLIC COMMENT

Hal Bennett, District Manager of Whitefish Pacific Power and Light, requested to speak to the Council at this time. Also representing Pacific Power and Light were Gordon Taylor, Operations Manager from Kalispell and Mike Andriolo, Area Electrical Engineer. Mr. Bennett said Pacific Power and Light and the City of Whitefish have all received several phone calls regarding the new power line construction in progress and he would like to inform both the Council and the public about the project.

1. Route - The project involves rebuilding an existing line down the alleys and across to Texas Avenue with a new type of construction that involves less poles and will look better than the current line. The line does have to be on East Second Street for a short distance because the alley between Somers and Park dead ends for a block. The line crosses the tracks to Texas, Denver and up Wisconsin to about one mile past the Big Mountain turnoff where it goes up a private easement to the back of the substation.

2. Voltage - The Operating Transmission Voltage in Flathead Valley is 34.5 KV and that voltage was established many years ago and that is the system that is available today.

3. Underground Lines - Today's technology is not adequate to have a 34.5 KV system underground as far as being reliable and cost effective. So this new construction will all be above ground.

4. Pole Height - The pole height is determined by the National Electric Safety Code requirements for Joint Use Facilities; i.e. telephone and television. There is a requirement for clearance between each of these lines and power lines for safety. The Code also determines proper height above roadways and public right of ways.

5. Proper Easement - The State of Montana has a law that provides that all utilities have the right to use any public right of way within any City, County or State Land, as long as it does not interfere with public travel. Mr. Bennett said that this power line is within the public right of way until it crosses private land over which an easement has been granted.

6. A question from Councilwoman Maddux about the magnetic field around a power line - Mr. Bennett asked Mr. Andriolo to address this. Mr. Andriolo has been in Kalispell for about nine years. He explained that the voltage on an electric conductor sets up a magnetic field. The strength of the field is described in units of voltage per meter which in this case a meter is 39.36 inches.

7. Another question from Councilwoman Maddux - The State requirement allows for 1 KV/meter in residential areas. Councilwoman Maddux wondered how this was measured. Mr. Andriolo said that this requirement is the lowest level of anywhere in the United States. In relation to the line that is currently being constructed through Whitefish - the measurement directly below the line is .138 KV/meter (measured one meter above the ground), and if you were to move out a distance of 50 feet from the line the reading would be .015 KV/meter. These figures are calculated by a scientific formula from the Engineering Department in the Portland Office.

Councilwoman Maddux said her concern is based on several publications that report possible health hazards from the electromagnetic fields from low frequency power lines. She said the possible hazard is still a gray area but more studies will be done and she would like City Council to be aware of the possible risks.

Mr. Andriolo quoted from a Bonneville Power Administration publication that stated..."numerous studies have been conducted since 1970 on the health effects of electricity, none of which are conclusive...there have been many studies and there is lots of controversy...to date, exposure to electromagnetic fields results in no confirmed health hazard so no one can identify unsafe levels per powerline electromagnetic force. Similarly, no one has shown a scientific need to make changes in the way people use electrical appliances." He agrees with Councilwoman Maddux that numerous studies have been made and are still in progress but have not concluded that the electromagnetic field is hazardous.

Councilman Hanson said in the course of a conversation he had had with Kalispell's Pacific Power and Light's Manager Lee Carothers this subject came up. Mr. Carothers said former City Manager Freedman had discussed the routing of this line with District Manager Hal Bennett nine months to a year ago. At that time the particulars to the routing were not made publically so when the construction began it caught people by surprise. Councilman Hanson said he felt that Pacific Power and Light properly pursued the project but unfortunately the community did not know a little more about how it was going to be done.

Mr. Bennett said he had been working with the City for three to five years on this project and he felt he had been following the correct procedure.

City Attorney Muri said it appears that Pacific Power and Light has proceeded legally.

STAFF REPORTS

1. WATER/SEWER: In addition to the written information included in the Council packets, Water/Wastewater Supervisor Acton said that the City's Compliance Schedule has been reviewed by the State after which the State has listed 7 items that need to be addressed. He said he had compiled a response, he would be meeting with Acting City Manager Beller and City Attorney Muri the following Tuesday morning regarding these items and resubmit them to the State.

2. POLICE: The Police Department had submitted a written report.

PUBLIC HEARINGS

1. FIRST READING OF ORDINANCE 89-2 - REGULATING SKATEBOARDS IN THE BUSINESS AREA: Acting City Manager Beller said Police Chief Dolson had helped her with the wording of this proposed ordinance so that it could be more easily enforced.

Councilwoman Maddux made a grammatical correction in Section 2.

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the first reading of Ordinance 89-2 as corrected. The motion passed unanimously. Councilman Boksich commented that he would hope that in enforcing this new ordinance against skateboards that the bicycle ordinance will also be actively enforced.

Police Chief Dolson said after the adoption of this new ordinance he would like it published in the newspaper as well as notify the schools of the law and proceed with several warnings to violators before citations are issued. He also agrees with Councilman Boksich that the bicycle ordinance should be actively enforced.

After more discussion among Council Members and City Staff it was decided that at this time publication and notification of the law and warnings to offenders would be more effective than a lot of signage.

2. SIGN VARIANCE - GENE POST REQUESTS TO INSTALL A NEW BILLBOARD SIGN ALONG HIGHWAY 40 AND HIGHWAY 93 SOUTH: Acting City Manager Beller asked Building Inspector/Asst. Zoning Administrator Quinn to give his report on this variance application. Gene Post is requesting to place a 12' X 24' Billboard sign on his property at the intersection of Hwy 93 South and Hwy 40. This was an existing sign, however, it will be enlarged and a new complete face will be installed on the old posts. The original sign was a free standing sign which was removed, replaced and enlarged unbeknownst to Gene Post. Building Inspector/Asst. Zoning Administrator Quinn was reluctant to give any recommendation to the Council on this variance application because billboard signs are prohibited by the Sign Ordinance in Section 17.77.060 but as evidenced by the three sign variance applications before Council tonight, and two more already on future agendas, the Sign Ordinance is unworkable and should be abolished.

Owner of the property and applicant of the variance, Gene Post, said he has owned the property for at least 11 years. Last summer he had worked with former City Manager Freedman because a local businessman who owned Hwy 93 frontage wanted to use the sign. Mr. Post learned it was illegal for a business to have two signs on the same street or roadway for one business. At that time Mr. Post received copies of the Sign Ordinance of sections that related to his request. The areas brought to his attention were the height requirement and the fact that it can't be used by someone who already has Hwy 93 frontage signage. Mr. Post found a legal user according to those requirements in Edelweiss Condominiums and they went forward with the design and building of their sign and were in the process of installing it when they were stopped by the City Building Inspector. He said the posts they were putting the sign on were in the same place they have been since 1962, twenty feet apart supporting a billboard type sign. There have been several different users during the years and now he has a user that does not have other Hwy 93 frontage, he felt that he had complied with the City's requirements according to last summer's correspondence so he felt it was fair to ask for a variance in this ordinance.

Bart Smith from The Whitefish Pilot said he felt that there is confusion here between an off-site sign and billboards but one of the main purposes of the Sign Ordinance was to rule against billboards. He said within the Ordinance there is a time frame when all billboards will have to come down. He said there is a lack of respect for the Sign Ordinance and seems to be a total unwillingness to enforce the present ordinance.

Mr. Post said he would be happy to comply with the removal of the billboards within the specified time frame as long as all billboards would be treated the same.

Members of the Council discussed this at great length, it being the consensus of the Council that the Sign Ordinance definitely needs to be rewritten.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to grant the variance with the condition that it comply with the terms of the new Sign Ordinance as soon as it is adopted, otherwise it would have to comply with the time frames in the current Ordinance. Councilwoman Maddux amended the motion to read the same as above but to add at the end whichever occurs first. Both Councilmen Hanson and Schreiber said that would be satisfactory. The motion resulted in a tie, Councilmen Hanson and Schreiber voting yes and Councilman Boksich and Councilwoman Maddux voting no.

Mayor Amass said he really didn't know which way to vote. He agreed with Bart Smith's comments and he said from the beginning of his term as Mayor he has felt that the City has an unworkable Sign Ordinance. He thinks it is the consensus of the public that it doesn't want billboards in Whitefish but he said it has been difficult to get the public to agree on any other changes in the current Ordinance. Former City Manager Freedman held public hearings and worked hard on a new sign ordinance but nothing could be decided. Mayor Amass said he is not anti-business but he doesn't know if he wants a new billboard put up. However, there is the question of whether or not this is a new billboard. Mayor Amass decided to side with the motion and grant this sign

variance request with the stipulations that had been placed on that motion that this billboard along with all the other billboards will be removed in the future. Then he stressed that the City Council along with the new City Manager work on the revision of the Sign Ordinance.

2. SIGN VARIANCE - MINI MART: Acting City Manager Beller said the Mini Mart has changed to Sinclair Oil for product supply and they are requesting to change their existing sign to reflect this vendor change. They would like to add a 4' X 4' price changing sign in place of the existing Chevron sign and if Council approves the variance Mini Mart will remove the affiliate signs from the gas pumps and place them on the building. Mini Mart was granted a variance last year for front setback and height limits.

Building Inspector/Asst. Zoning Administrator Quinn added that this new sign would be the same height and in the same place as the current sign was granted a variance for. He said this is a noncomplying sign but as he stated during the hearing of the previous sign variance application, since he feels that the current Sign Ordinance is unworkable he would not make a recommendation.

After some discussion, Councilwoman Maddux made a motion to refuse the variance request on the grounds that if Mini Mart couldn't comply within the stipulations of the formerly granted variance they not be granted an additional variance. The motion died for lack of a second.

Councilman Hanson made a motion, seconded by Councilman Boksich, to grant the sign variance according to the configuration shown and as presented in the application and that all other stipulations of the variance granted with the previous variance otherwise be complied to. Councilman noted that by granting this variance it was not the intent to nullify any of the conditions that were included on the variance previously granted.

Councilman Boksich explained the reason he was not opposed to this sign variance is because it is not a drastic change in the current signage, they are changing distributors and with their agreement to remove the signs from the pumps to the side of the building it will clean up the area. He said this is the type of variance that is appropriately granted but it is important to take them on a case by case basis. Councilwoman Maddux said that her opposition this time is consistent with her opposition as she had formerly stated in her motion.

The motion passed with three (3) aye votes and one (1) no vote. (Councilwoman Maddux voted no).

3. SIGN VARIANCE - SUPER EIGHT MOTEL: Acting City Manager Beller said this request is to exceed the height and set back limits. The height limitation of a freestanding sign in a WB-2 zone is 18' and they are requesting 21'. They feel they need the additional height because of the readerboard sign (they are afraid of vandalism). The set back request is so that the sign can be more easily read from the highway.

Building Inspector/Asst. Zoning Quinn said he would recommend that Council grant the sign variance in reference to the height limit but he felt that the sign could be seen well enough from the highway if it was placed within the setbacks required by the zone.

Bart Smith from Whitefish said the reason for height limits was to prevent the progress of the "bigger is better" issue.

After discussion among Council members, Councilman Boksich made a motion, seconded by Councilwoman Maddux, to reject the application for sign variance, as there is no hardship caused by compliance, and the Super 8 Motel is a well known company and an easily recognized business. The motion to reject the sign variance passed with three (3) aye votes and one (1) no vote. (Councilman Schreiber voted no).

There was more discussion on the need for a new sign ordinance. Dorothy Heard from the Flathead Regional Development Office urged that any new sign ordinance proposal be reviewed by their office.

OLD BUSINESS

1. INTERLOCAL AGREEMENT BETWEEN FLATHEAD COUNTY, CITY OF WHITEFISH, WHITEFISH COUNTY WATER AND SEWER DISTRICT: Acting City Manager said she had incorporated the Council's suggestions from the last meeting into a new agreement. She said after the rewording of the agreement she is not sure why the County Water and Sewer District is included in the agreement because the responsibility has been taken by the City. The City's involvement in County projects is a concern to Acting City Manager Beller because she said that administrative costs may be added to the grant application but if there are costs over and above the amount applied for, the City would be left paying the bills.

Councilman Hanson said the changes in the agreement addressed all the concerns that he had, however he would like to wait for the new City Manager to arrive before going ahead with any interlocal project. Therefore, Councilman Hanson made a motion, seconded by Councilman Boksich, to table the Interlocal Agreement until the new City Manager has arrived. The motion passed unanimously.

2. RESOLUTION 89-5 - REQUEST TO EXCLUDE PROPERTY FROM THE CITY LIMITS - ROBERT ROSE (DEERFOOT PARK): Acting City Manager Beller said this issue had been tabled at a previous Council Meeting for City Attorney Muri to do further research.

City Attorney Muri said legally there was no prohibition to keep it in or to exclude it. The City annexed the property in good faith because there was a petition requesting it.

There was more discussion among Council and Staff. Gene Post, who now lives in Arizona, said he was in Whitefish at the time of annexation and was familiar with the project and is a good friend of Mr. Rose. Mr. Post said that the Rose land was added to the Deerfoot Park project to give an additional public access to a long, narrow strip of land for better fire and

police protection. So Mr. Rose agreed to annex his property at the same time.

Councilman Hanson made a motion, seconded by Councilman Boksich, to deny the Petition to exclude the property from the City Limits. The motion passed unanimously.

NEW BUSINESS

1. JOHN HUGHES, CROSS CURRENTS SCHOOL - REQUEST TO NAME THE STREET ADJACENT TO THE SCHOOL. Acting City Manager said that Cross Currents School was not ready with a name yet and would be on the next meeting's agenda.

2. THE FLATHEAD FESTIVAL IS REQUESTING THAT AN EXCEPTION TO THE OPEN CONTAINER ORDINANCE BE PERMITTED FOR THREE OF THEIR EVENTS. Acting City Manager Beller said the City Council did waive the open container ordinance for the Flathead Festival last year. This year's dates are July 19th, 21st and 28th. They will provide security and barricade the area so that no one enters or leaves with an open container. She said their letter of request did not mention cleanup of the area after each of the events and that was one of the conditions of the waiver last year so it should also be addressed this year.

Councilwoman Maddux made a motion, seconded by Councilman Schreiber, to waive the open container ordinance for the specified events of the Flathead Festival with the stipulation that they clean up the area after each of the events. The motion passed unanimously.

3. RESOLUTION NO. 89-11 - ANNEX IDAHO TIMBER PROPERTY: Acting City Manager Beller said we have received a petition to annex the Idaho Timber property. Idaho Timber had requested that the City extend the sewer line to Karrow Avenue so they can get it to their property. The City needs to acquire an easement across one piece of property to accomplish the extension. Acting City Manager Beller has contacted the owner and he does not want to give the City the easement but he would sell the lot for \$8,000. The property is a 45 foot lot and, because of zoning laws, is not a buildable lot. Rerouting the sewer line would be expensive for the City so Acting City Manager Beller would like to negotiate with the property owner for the acquisition of the lot. An appraisal of the lot has been ordered but the City has not received it yet. If the property is annexed and then included in the tax increment district, Acting City Manager said the City would be able to recover the costs that it would take to extend the sewer. Her recommendation on this issue was to proceed with the annexation, give her permission to negotiate with the property owner on the acquisition of the lot and proceed with the public hearing process for including the Idaho Timber property in the tax increment district. Acting City Manager Beller said that Pacific Power and Light and Hamilton Enterprises are also working with Idaho Timber, giving them as much assistance as they can in the redevelopment of their property.

Hal Bennett, representing Pacific Power and Light, and Bob Mack, representing Hamilton Enterprises, both said their respective companies were doing as much as they could to assist this project and urged the City to do the same.

Councilman Boksich made a motion, seconded by Councilman Schreiber, to approve Resolution No. 89-11 annexing the Idaho Timber Property. The motion passed unanimously.

Councilman Schreiber made a motion, seconded by Councilwoman Maddux, to authorize Acting City Manager Beller to negotiate with the property owner for the acquisition of the 45 foot lot that would allow the City to extend the sewer to Karrow Avenue. It is understood that Acting City Manager Beller will have more information for negotiation after receiving the appraisal. The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to proceed with the public hearing process to include the Idaho Timber property in the tax increment district. The motion passed unanimously.

CITY MANAGER REPORTS

1. AMENDMENT TO THE ZONING TEXT: Building Inspector/Asst. Zoning Administrator had written a letter to the Whitefish City-County Planning Board proposing a change to our City Zoning Regulation by striking the word "alley" from the following for accessory use:

Zone WA	Chapter 17.19.040 #7
Zone WCR	Chapter 17.20.040 #7
Zone WSR	Chapter 17.21.040 #7
Zone WLR	Chapter 17.22.040 #7
Zone WR-1	Chapter 17.23.040 #7
Zone WR-2	Chapter 17.24.040 #7
Zone WR-3	Chapter 17.25.040 #7
Zone WR-4	Chapter 17.26.040 #8

He had checked with the City Police Department and found that only five accidents occurred in the past two years in which backing out of a garage was a contributing factor. After researching the issue, it is his recommendation that allowing accessory uses within three feet of our alleys would not increase the accident rate of our residential areas.

Acting City Manager Beller said this change has been initiated by this letter to the City-County Planning Board and they will come back to the Council with their recommendation.

2. TAX LETTERS: The letters to the businesses with delinquent taxes have been sent out reminding them of their delinquency.

3. CITY AUDIT: The auditors have started their auditing today. They will be here at least a week or two.

4. UPDATE ON THE RURAL FIRE AREA: The proposed Rural Fire Area is progressing to the point that the Commissioners are preparing a Resolution of Intent.

5. CASH STATUS: Council will have the Cash Status Report at the next meeting.

COUNCIL REPORTS OR COMMENTS

Councilman Boksich asked when the new City Manager will be coming to work. Acting City Manager Beller said it would be June 5, 1989.

Councilwoman Maddux asked if the contract had been signed by the new City Manager. Mayor Amass said the City Attorney Muri is in the process of drawing up the contract, it will be sent to Mr. Ennor for his signature and returned for the Council's approval.

Mayor Amass said he received a letter from Max Baucus thanking the City for the support of the MHD Retrofit Plant in Billings.

With the Council's permission Mayor Amass would like to proclaim May 14-20 Whitefish Tourism Week to coincide with the National Tourism Week and April 23-29 Whitefish Consumer's Week to coincide with the National Consumer's Week. The Council agreed.

Councilman Boksich made a motion, seconded by Councilman Schreiber, to adjourn at 8:45 P.M. The motion passed unanimously.

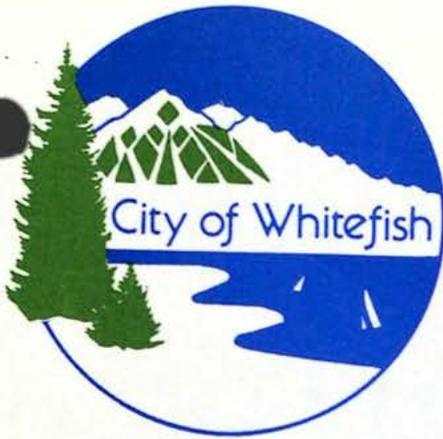
C. E. Amass, Jr

Mayor

ATTEST:

Necie Lorang
Deputy City Clerk

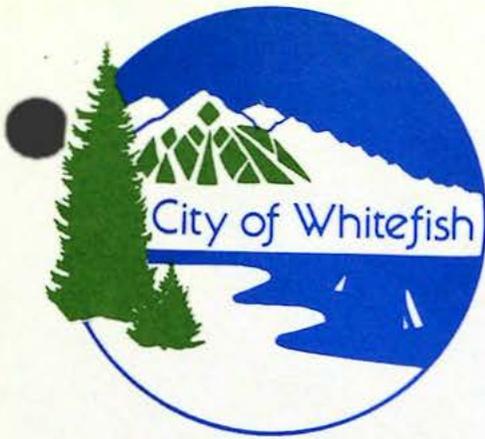
MAY 1989



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
May 1, 1989

- 7:00 I. Approval of the minutes of the April 17, 1989 meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
1. Water/Sewer
- 7:30 IV. PUBLIC HEARINGS
1. Second Reading of Ordinance 89-2 - regulating skateboards in the business area
2. Sign Variance - Greenwood Mobile Home Park
- 8:00 V. OLD BUSINESS
1. Shady River Subdivision covenants - Herb Knuth
2. Garbage proposal
- 8:20 VI. NEW BUSINESS
1. Montana Municipal Insurance Authority Property Program
2. Appointments to the Park Board
- 9:00 VII. CITY MANAGER REPORTS
1. Cash Status report for March
2. Update on the Viaduct
3. Update on sewer extension
4. Flathead Economic Development Corporation
5. Board of Investments - Intermediate Term Capital Program
6. Board of Investments - 1989 Montana Cash Anticipation Finance Program
- 9:10 VIII. COUNCIL REPORTS OR COMMENTS
- 9:30 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: City Council
DATE: April 25, 1989
RE: May 1, 1989 Council meeting

1. STAFF UPDATES: I have given you a copy of Greg's letter to the EPA. City Attorney Muri and I both read and approved Greg's response before mailing it to them. I visited briefly with Kevin Keenan on the phone today and he is reviewing the information that the City sent him, he does seem willing to work with Tom and I in getting the issue resolved.

2. SIGN VARIANCE - GREENWOOD MOBILE HOME PARK: The original sign that was located in the mobile home park was removed by the present owner, Tom Cuffe. Dennis Rasmussen had an existing easement for the sign and Mr. Cuffe had to put the sign back up. The previous billboard sign was 208 square feet advertising Witt's Overnight Park and was replaced with a new 270 square foot sign advertising Allen's Motel and Two For One Pizza, both of which have Hwy 93 frontage. They also have a second sign which is a freestanding sign (27 square feet) advertising Greenwood Village Retirement park. As you know one freestanding sign is all that is allowed any business. This variance request would be for the billboard sign, allow the advertising of the businesses that have the Hwy 93 frontage, and the second freestanding sign. Building Inspector Quinn will give the staff report on this variance request.

3. SHADY RIVER SUBDIVISION - COVENANTS: Herb Knuth, the developer of Shady River Estates, has proposed amendments to the covenants of the Homeowners' Association for his development. The amendment would reduce the required square footage of any residential home constructed in the Shady River Subdivision, from 2,000 square feet to 1,500 square feet.

RECOMMENDATION: Approve the amendments as proposed and require that Mr. Knuth file the amended covenants with the County Clerk and Recorder.

4. GARBAGE PROPOSAL: Councilwoman Maddux has requested that this issue be discussed now that the Legislature is out of session and Ben Cohen can attend and give the Council his comments. I am enclosing in your packets the memorandum from former City Manager Ralph Freedman and George Wartnow, Street/Sanitation Manager.

5. MONTANA MUNICIPAL INSURANCE AUTHORITY PROPERTY PROGRAM: The Montana Municipal Insurance Authority has developed a competitive and comprehensive property insurance program. The program will cover all real and personal property with optional coverage for vehicles, mobile equipment, and boiler and machinery. They have prepared a sample "Request for Proposal" for us to fill out and mail to Insurance Companies requesting quotations on a sealed bid basis. The RFP will allow the City to receive competitive quotations.

RECOMMENDATION: The City Council should initiate this process. The deadline to receive bids should be prior to May 31, 1989, this will give the City Council time to review the quotes and determine if the MMIA program is best suited for our City. Mr. Ennor should be on line by this date, however, City Staff should fill out the RFP and proceed with the letting of bids.

6. APPOINTMENTS TO THE PARK BOARD: The terms of Susan Abell, Mike Fitzgerald and Vince Caciari expire on May 1, 1989. The City advertised in the Whitefish Pilot and received no response. The three Park Board Members have expressed interest in continuing to serve on this Board.

RECOMMENDATION: I am recommending that the City Council appoint Susan, Mike and Vince to the Park Board. The term of office is two years and would expire on May 1, 1991.

7. UPDATE ON THE VIADUCT: Greg Acton, Paul Wells and I met with Allen Chambers, Margaret Burke and Marx Kemmer of the Department of Highways to discuss the upgrading and replacement of water and sewer lines prior to construction of the viaduct. The engineering will have to be started immediately and with the Council's permission, I will have Paul Wells do this engineering. Totally the City is looking at \$1,000.00 or less. The cost to upgrade utilities will be done on a 75% - 25% basis with the Highway Department funding the 75%.

8. UPDATE ON SEWER EXTENSION: I am still in the process of negotiating for either an easement or the purchase of the lot that the city needs to extend the sewer line for Idaho Timber.

9. FLATHEAD ECONOMIC DEVELOPMENT CORPORATION: The Board has given the City a Progress Report through the end of February and they are requesting that the City contribute \$2,000 toward the corporation. This is the same amount that the City contributed last year.

10. BOARD OF INVESTMENTS: I have given you information that was received from the Board of Investments. The Intermediate Term Capital Program (INTERCAP) makes available to local governments low cost money to finance vehicles, equipment, and modest real property improvements. Loan money is available for up to \$500,000 with terms of up to five years. This is the program the City utilized to finance the loader, sewer vac and the garbage system.

The Montana Cash Anticipation Finance Program provides cash to cover deficits which may occur in one or more funds within a fiscal year. The City borrowed from this program to cover the deficit in the sewer fund last year. In June they will send us an invoice showing our activity in the program. With Council permission, I will fill out the Program Data Sheets for the General Fund, Sewer Fund and S.I.D. 132. If in the 1989-1990 fiscal year the City needs to borrow from the MCAF program the initial loan documentation will be completed.

MINUTES
WHITEFISH CITY COUNCIL
MAY 1, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Maddux, and Peterson. Councilmen Boksich and Schreiber were absent. Also present were Acting City Manager Beller, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn, and Street Foreman Wartnow.

MINUTES

As there was not a quorum of Council present of those who attended the April 17, 1989 meeting, the approval of the minutes of that meeting was postponed.

PUBLIC COMMENTS

David Summer from the Whitefish Chamber of Commerce said that May 13, 1989 has been designated as "Clean the Fish Day". The Clean the Fish Committee would like permission from the Council to use the snow dump site north of Railway Street as a garbage collection area and then have the City Crews help carry the garbage off on Monday. It was confirmed with City Staff that they were aware of this request and approved it. City Staff was aware of it and agrees to cooperate so the request was granted.

STAFF UPDATES

1. WATER/SEWER: Acting City Manager said the Council had in their packets copies of Water/Sewer Superintendent Acton's April 18, 1989 letter to Kevin Keenan at the MDHES Water Quality Bureau regarding additional information requested by Mr. Keenan and also a copy of a letter from City Attorney Muri to Mr. Keenan concerning the complaint filed against the City by the State of Montana. Also in the Council packets is a letter in response from Mr. Keenan providing partial approval of the City's Compliance Plan, outlining specific items that are approved and reference dates. City Attorney Muri added that he has notified Mr. Keenan that the new City Manager would be here in thirty days and he is being briefed on these circumstances as they progress.

PUBLIC HEARINGS

1. SECOND READING OF ORDINANCE 89-2 - REGULATING SKATE BOARDS IN THE BUSINESS AREA: Acting City Manager Beller said the wording had been changed in Section 2 as discussed by Council on the First Reading of this Ordinance. Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to approve the second reading of Ordinance 89-2. The motion passed unanimously.

2. SIGN VARIANCE - GREENWOOD MOBILE HOME PARK: Acting City Manager Beller said the original sign that was located on the mobile home park property was removed by the present property owner, Tom Cuffe. Dennis Rasmussen, owner of the sign, had an effective easement so Mr. Cuffe had to put the sign back up. The previous billboard sign was 208 square feet advertising Witt's Overnight Park and was replaced with a new 270 square foot sign advertising Allen's Motel and Two For One Pizza, both of which have Hwy 93 frontage. There is also a freestanding sign (27 square feet) advertising

Greenwood Village Retirement Park. As provided for in the City Sign Ordinance only one freestanding sign is allowed per business. This variance request would be for the billboard sign advertising the businesses that have Hwy 93 frontage, and for the second freestanding sign.

Building Inspector/Asst. Zoning Administrator Quinn added that when the billboard was reconstructed no one checked with the City on the sign's legality. The legal size for a freestanding sign in a 35 m.p.h. zone is 149 square feet. This sign is over the legal size limit, freestanding signs are for primary use only and there is more than one freestanding sign here, and the off site advertising for these two particular businesses is illegal since they both have Hwy 93 frontage. Building Inspector/Asst. Zoning Administrator Quinn said that these signs are against the Sign Ordinance and he wanted the Council to be aware of these facts but he would not make a recommendation on this variance request.

Dennis Rasmussen, owner of the sign, said Tom Cuffe removed the sign and after being informed of the easement, reconstructed the same sign, the same size. For fourteen years the sign was an off site advertisement for Witt's Campground. Mr. Cuffe did not want to reenter into his lease for the sign so Mr. Rasmussen leased the sign to two new advertisers thinking that since the off site advertising for Witt's Campground was legal it would be for other businesses as well. Mr. Rasmussen said he would remove the 27 square foot freestanding sign advertising his Greenwood Mobile Home Park and remount it flat on one of his buildings.

After discussion among Council, Councilman Hanson made a motion, seconded by Councilwoman Maddux, that on the premise that the removal and reconstruction of the sign was in repair and maintenance, to approve the size of the billboard on the condition that it will come into compliance with a new Sign Code when it comes into existence and secondly on the condition that the two advertiser's who have Hwy 93 frontage will be removed from the sign and Mr. Rasmussen will find advertisers who comply with the Sign Ordinance. Councilman Peterson felt that there should be a time frame attached to the motion for the two advertisers that are illegal to be removed from the sign. The motion was amended that after a period of 30 days after the City notifies Mr. Rasmussen and Allen's Motel and Two For One Pizza that the advertisement is illegal, those two advertisers must be removed from the sign. The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, that the second freestanding sign which is 27 square feet, be removed and remounted flat on a building on the property. The motion passed unanimously.

OLD BUSINESS

1. AMENDMENT TO SHADY RIVER SUBDIVISION: Acting City Manager Beller said Herb Knuth, the developer of Shady River Estates, has proposed amendments to the covenants of the Homeowners' Association for his development. The amendment would reduce the required square footage of any residential home

constructed in the Shady River Subdivision from 2,000 square feet to 1,500 square feet. The amendments have been approved by the Homeowners' Association so Acting City Manager Beller recommended to the Council they approve these amendments and require that Mr. Knuth file the amended covenants with the County Clerk and Recorder.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to approve the Amended Covenants as presented and require that Mr. Knuth record the Amended Covenants with the County Clerk and Recorder. The motion passed unanimously.

2. GARBAGE PROPOSAL: Acting City Manager Beller said Councilwoman Maddux had requested that this issue be discussed now that the Legislature is out of session and Ben Cohen can attend and give the Council his comments. The proposal enclosed in the Council packets is the memorandum from former City Manager Ralph Freedman and George Wartnow, Street/Sanitation Foreman that was presented to the Council last February.

Street/Sanitation Foreman Wartnow said that if this proposal is implemented it would mean \$2,374 in revenue per month. He also said that the proposed rate schedule and plan is not locked in but a starting point. The Department will continue to survey and study the situation throughout each season striving to keep the fees fair.

Acting City Manager Beller said that some people have already approached her and she said if they can prove they are not using the amount of garbage that the City has estimated we will work with them on an adjusted fee. She said that most of the people that have contacted her are in favor of the proposal.

Councilwoman Maddux said she had requested that this be brought up again at this time for two reasons. The first reason was to allow Ben Cohen the courtesy of being free from the Legislature so he could attend this meeting and offer his comments and the second reason was so that the City has a system in place so that the new City Manager has some facts to look at when he begins work instead of having everything on hold for him to start when he gets here. Councilman Hanson said he too would be interested in Ben Cohen's comments, if any, and asked Ben Cohen if he would like to speak.

Ben Cohen, from Whitefish, said he would like to point out that there is an Ordinance in place that allows the Street Department to go out and collect data and change rates by increasing or decreasing in order to make the charge fair and equitable to the City and to the customer. He questioned that the new proposal allowed businesses to have 2 yards/month for the basic \$66.00 instead of the original 1 yard, he thought the classes proposed up to forty yards didn't take into consideration the large volume customer that produces at least forty yards per week and he felt the City had tried a similar proposal years ago and decided it wasn't working so he felt it was a step backwards. He feels like the City's regulations of their charges forces him to keep his rates down and he would like to meet with the Council anytime to enter into a nonexclusive franchise agreement to set some controls on his

rates and keep them from skyrocketing. He said he was sharing some of the facts as he sees them but feels it is up to the Council to make the decisions they feel right for the community.

Street/Sanitation Foreman Wartnow said the City needed a structure by which they can charge people for their fair share for garbage collection. He said the 2 yards/month minimum for businesses was raised to match the new 90 gallon containers that are in the residential areas. As far as the Class IX covering only 40 yards and above, the City does not have the customers or the equipment to handle customers that have more than 40 yards/month. At such time as that might be possible the Classification would have to change to cover it. He said this proposed rate schedule does not reflect any rate increases, it is just a different way of billing.

Councilwoman Maddux agreed that the City needs a system by which we can collect data and make necessary changes.

Councilman Hanson made a motion, seconded by LaTourelle, to adopt the Classification system on a trial basis with the amendment to Class IX to be \$112.50 for 40 yards and anything over 40 yards to be charged at \$2.50/yard. Councilman Hanson added that he would like a quarterly written report from the Sanitation Department as to how this system is operating and recommendations for any alterations when necessary. The motion passed unanimously.

NEW BUSINESS

1. MONTANA MUNICIPAL INSURANCE AUTHORITY PROPERTY PROGRAM: The Montana Municipal Insurance Authority has developed a competitive and comprehensive property insurance program. The program will cover all real and personal property with optional coverage for vehicles, mobile equipment, and boiler and machinery. They have prepared a sample "Request for Proposal" for the City to fill out and mail to Insurance Companies requesting quotations on a sealed bid basis. The Request for Proposal will allow the City to receive competitive quotations. The deadline to receive bids should be prior to May 31, 1989, this will give the City Council time to review the quotes and determine if the MMIA program is best suited for our City. Mr. Ennor should be in his office by this date, however, City Staff should fill out the Request for Proposal and proceed with the letting of bids.

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to authorize Acting City Manager to collect bids. The motion passed unanimously.

2. APPOINTMENTS TO THE PARK BOARD: The terms of Susan Abell, Mike Fitzgerald and Vince Caciari expire on May 1, 1989. The City advertised in the Whitefish Pilot and received no response. The three Park Board Members have expressed interest in continuing to serve on this Board. The term of office is two years and would expire on May 1, 1991. Acting City Manager Beller recommended that the City Council reappoint Susan, Mike and Vince to the Park Board.

Councilman Hanson made a motion, seconded by Councilman Peterson, to reappoint Susan Abell, Mike Fitzgerald and Vince Caciari to the Park Board. The motion passed unanimously.

CITY MANAGER REPORTS

1. CASH STATUS REPORT FOR MARCH: Acting City Manager said she had forgotten this cash status report at the last meeting. She wanted to point out in investments that are invested with STIP we are receiving over 9% interest.

Councilwoman LaTourelle made a motion, seconded by Councilman Peterson, to approve the March Cash Status Report. The motion passed unanimously.

2. UPDATE ON THE VIADUCT: Greg Acton, Paul Wells and Acting City Manager Beller met with Allen Chambers, Margaret Burke and Marx Kemmer from the Department of Highways to discuss the upgrading and replacement of water and sewer lines prior to construction of the viaduct which will be in May 1991. The engineering will have to be started immediately and Acting City Manager Beller would like the Council's permission to have Paul Wells do this engineering. Total cost to the City would be \$1,000.00 or less. The cost to upgrade utilities will be done on a 75% - 25% basis with the Highway Department funding the 75%.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, to authorize Acting City Manager Beller to ask Paul Wells to do this engineering. The motion passed unanimously.

3. UPDATE ON SEWER EXTENSION: The City has purchased the lot from R.J. Brewer that will allow us to extend the sewer line to Karrow Avenue for the Idaho Timber project. The purchase price was \$7,000.00. Acting City Manager Beller said she would, with the permission of the Council, try to sell the lot back to a couple adjacent land owners who are interested in it and retain a sewer easement. The Council agreed that Acting City Manager Beller should pursue the sale of the lot.

4. FLATHEAD ECONOMIC DEVELOPMENT CORPORATION: The Board has given the City a Progress Report through the end of February and they are requesting that the City contribute \$2,000 toward the corporation. That is the same amount that the City contributed last year.

Councilman Hanson asked that the contribution be considered in the budget process.

5. BOARD OF INVESTMENTS - INTERMEDIATE TERM CAPITAL PROGRAM: This program makes available to local governments low cost financing for investments over \$500,000.00. This was the program that the City used to finance the new garbage equipment and that loan is now all paid. The forms can be acquired and filled out for approval even if the City has no plans to use the financing at this time.

6. BOARD OF INVESTMENTS - 1989 MONTANA CASH ANTICIPATION FINANCE PROGRAM: This financing would cover any shortfall in any fund and again, the forms can be filled out for approval so we have it if we need it.

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to fill out the forms for both the Intermediate Term Capital Program and the 1989 Montana Cash Anticipation Financing Program. The motion passed unanimously.

7. Tim Meagher called Acting City Manager Beller to inform her of a meeting to be held Wednesday at 7:30 P.M. at Mountain Bank for people from the Texas and Colorado Avenues and Pacific Power and Light to discuss the new power line construction project. The residents of that area have a petition with 50 signatures against the project. Acting City Manager Beller said she is unable to attend because she has another meeting. Councilwoman Maddux said she would be at the meeting and Councilman Hanson will make an effort to be there.

8. INTERLOCAL AGREEMENT: Acting City Manager Beller said the Whitefish County Sewer District is urging the RSID projects because the EPA grant money may be available this fiscal year before October, but it may not be available next fiscal year. The wording in paragraph #9 of the proposed agreement has been changed by the district to read "The RSID shall pay all expenses incurred by the County forming the rural special improvement district,..." and Acting City Manager Beller agreed with that change. Council and Staff agreed that the rest of the wording in the agreement was acceptable.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to enter into the Interlocal Agreement subject to the Acting City Manager's and City Attorney's approval of the language. The motion passed unanimously.

9. UPDATE ON RURAL FIRE AREA: The County Commissioners have passed a Resolution of Intent to Create a Fire Area and the public hearing will be held in their offices May 24, 1989.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson said he had been contacted by Jim Egan, owner of The Castle Bed and Breakfast. Mr. Egan is pursuing the nomination of his building to the National Historic Register and has asked if the City could write a letter of support for this action.

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to have Acting City Manager Beller write a letter of support for this action. The motion passed unanimously.

Councilman Hanson said he has had several calls from residents about faulty street lights and he wondered what the process was of reporting those. Acting City Manager Beller said the Police Department usually reports those but the people could call Pacific Power and Light who repairs and replaces lights, or if they want to report it to the City Clerk's Office, then the

message could be relayed to Pacific Power and Light.

Councilwoman LaTourelle made a motion, seconded by Councilman Peterson, to adjourn at 8:20 P.M. The motion passed unanimously.

C. E. Amoss, Jr.

Mayor

ATTEST:

Rebecca Loring

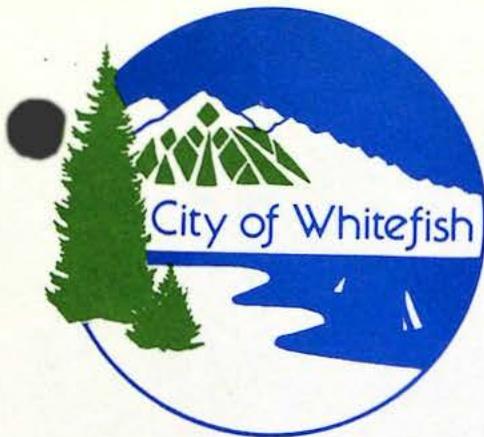
Deputy City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
May 15, 1989

- 7:00 I. Approval of the minutes of the April 17, 1989 and May 1, 1989 meetings
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
1. Water/Sewer
 2. Police
- 7:30 IV. PUBLIC HEARINGS
1. Ordinance No. 89-3, amending the Urban Renewal Plan and the Increment Finance District to include Idaho Timber
 2. Sign Variance - Kent Frampton (new owner of the Happy Hunky) is requesting to change the name on the existing sign to The Best Bet
- 8:00 V. NEW BUSINESS
1. Resolution No. 89-12, endorsing the Whitefish Community Development Corporation as the sponsoring organization for Whitefish
 2. The Boat Club is requesting that the open container ordinance be waived for their annual regatta which will be held July 29 and July 30
 3. Appointment to the Housing Authority Board
- 8:20 VI. CITY MANAGER REPORTS
1. Cash Status report for April
 2. Park Budget
 3. BNRR Lease
 4. City Beach
 5. Loan from DNRC for water treatment plant has been approved
- 8:30 VII. COUNCIL REPORTS OR COMMENTS
- 8:45 VIII. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: Mayor and City Council
DATE: May 10, 1989
RE: May 15, 1989 Council Meeting

1. ORDINANCE 89-3 - AMENDING THE URBAN RENEWAL PLAN AND THE TAX INCREMENT DISTRICT TO INCLUDE IDAHO TIMBER: As you know by adopting this ordinance Idaho Timber property will be placed in the Tax Increment District and the money that has been generated through tax increment taxes can be used to extend the sewer for Idaho Timber. The law requires only one public hearing on this matter and I am recommending that you adopt this Ordinance tonight so that I can forward a completed copy to the Assessor's Office and also a copy to the State Appraisal Office.

2. SIGN VARIANCE: Kent Frampton is in the process of purchasing the Happy Hunky building and business operation. He is requesting to change the name from the Happy Hunky to The Best Bet. They would remove the neon panels and replace them with the new name which would be internally lit. The size, height or shape will not be changed. The sign is in violation of the existing sign ordinance because it protrudes above the apex of the roof, the flashing lights will remain and the readerboard should be incorporated into the main sign. Building Inspector Quinn will give the staff report.

3. RESOLUTION NO. 89-12: The Whitefish community Development Corporation is requesting the City to endorse them as the sponsoring organization for Whitefish. The City became a Montana Certified Community in 1986 and this would be authorization for them to pursue recertification.

4. ANNUAL WHITEFISH LAKE REGATTA: The Boat Club is again asking the City Council to waive the open container ordinance for the annual Whitefish Lake Regatta which will be held July 29 and July 30.

RECOMMENDATION: Approve this request.

5. APPOINTMENT TO THE HOUSING AUTHORITY BOARD: Charles Harding has resigned from the Housing Authority Board and Judy Duff, Executive Director of the Board has requested that William Moir be appointed to replace him. (This would be a five year term). The Mayor should make this appointment and the Council should ratify it.

RECOMMENDATION: Approve this request and appoint Mr. Moir to the Housing Authority Board.

6. PARK BUDGET: I have enclosed a five (5) year Capital Improvement Plan that explains the long term plans of the Park Board for all the City Parks. Also enclosed in your packets is the proposal for the capital improvements planned for the 1989/1990 budget year. The budget submitted to you is for the same dollar figure that was appropriated for the 1988/1989 fiscal year (\$112,950). They are asking the Council to ratify this budget so that they can move forward with the improvements. The Park budget has been exhausted for the current year and any improvements that are completed now will not be billed or paid until the new budget year starts on July 1.

RECOMMENDATION: Approve this request.

7. BNRR LEASE: At the January 3, 1989 Council meeting you requested that City Manager Freedman proceed in working out a lease agreement with the Burlington Northern Railroad on Birch Point Drive and West Lakeshore Drive. Today I visited with Michael Devine about this issue and he is in favor of the City taking over the lease, however, if the City does we are entirely responsible for the maintenance of the roadway. Before moving forward on this issue I felt the Council should give me direction.

8. CITY BEACH: I met with the adjacent homeowners, Don Schmidt, and a fellow from the Air Quality Bureau today at City Beach to discuss the problem with the blowing sand. It was a productive meeting and the homeowners and the Air Quality Bureau are more than willing to work with the City on this problem. The Park Board has stated that the existing sand (dirt) will either be removed or pushed to the far north end of the beach and replaced with heavier masonry sand. Everyone felt this would solve the problem.

MINUTES
WHITEFISH CITY COUNCIL
MAY 15, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were Acting City Manager Beller, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn, Street Foreman Wartnow and Police Chief Dolson.

MINUTES

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to approve the minutes of the April 17, 1989 Council Meeting and the May 1, 1989 Council Meeting. The motion passed unanimously with Councilman Boksich abstaining from approval of the May 1, 1989 meeting because he did not attend it, and Councilman Peterson abstaining from approval of the April 17, 1989 meeting because he did not attend it.

STAFF UPDATES

City Council received written staff updates from the Police Department and the Building Inspector.

Acting City Manager Beller said Water/Sewer Supervisor Acton could not attend the Council Meeting but had reported to her during the day that the City Crews were on schedule at the treatment plant and the plant is operating properly and will not be in violation. The repair is a slow process but they are working along on it.

PUBLIC HEARINGS

1. ORDINANCE NO. 89-3, AMENDING THE URBAN RENEWAL PLAN AND THE INCREMENT FINANCE DISTRICT TO INCLUDE IDAHO TIMBER: Acting City Manager Beller recommended approval of this ordinance to include the Idaho Timber property in the Tax Increment District so the money that has been generated through the tax increment fund can be used to extend the sewer for Idaho Timber. Other businesses and the town will benefit by the inclusion of this property in the Tax Increment District. The law requires one public hearing and following adoption the Ordinance will be recorded at the County Clerk and Recorder's Office and sent to the State Assessor and Appraisal Offices.

Tom Jentz from the Flathead Regional Development Office said that by State Law they are required to review the proposed amendment to the Urban Renewal Plan to make sure the area is blighted. After review, the Flathead Regional Development Office recommended approval of the amendment because it is a blighted area and there would be a mutual benefit between the community and Idaho Timber.

Joe Astle, President of the Whitefish Community Development Corporation, said that Idaho Timber had considered moving their industrial site out of the area and there had been a cooperative effort to keep them on their current site by former City Manager Freedman, Pacific Power and Light, the Chamber of Commerce and the Community Development Corporation. He felt that this prior effort and the fact that Idaho Timber is improving their business with their own funds deserved City Council's support and their approval of this amendment.

Councilman Schreiber made a motion, seconded by Councilman Peterson, to amend the Urban Renewal Plan to include the Idaho Timber site. The motion passed unanimously.

2. SIGN VARIANCE APPLICATION FROM KENT FRAMPTON (NEW OWNER OF THE HAPPY HUNKY), REQUESTING TO CHANGE THE NAME ON THE EXISTING SIGN TO THE "BEST BET": Acting City Manager Beller said the applicant wants to remove the panels on the existing sign and replace them with the name change on them. The size, height and shape of the sign will not be changed. The current sign is in violation of the existing sign ordinance and Acting City Manager Beller asked Building Inspector Quinn to give his report.

Building Inspector Quinn said 80 square feet is the allowable size for this sign which is currently 110 square feet. The existing sign is 26' high and the legal height limit is 18 feet. The reader board is permissible however there are three different signs on one pole and they should be consolidated. The running lights around the perimeter of the panels are illegal and the applicant didn't say if those lights would be removed but they will remove the neon lighting and have the name panels internally lit. Building Inspector Quinn said he would not make a recommendation of approval or disapproval but wanted the Council to be aware of the facts.

Councilman Boksich asked Building Inspector Quinn how long the existing sign had to comply according to the current sign ordinance. Building Inspector Quinn said there was a schedule for signs built prior to the adoption of the current ordinance to comply but anytime the name changes on a sign it is no longer grandfathered and should come into compliance with the sign ordinance.

Members of the Council asked Mayor Amass if this hearing could be postponed until Bill Hileman, the applicant's attorney, is present. On the printed agenda for this meeting this item was listed for 7:30 P.M. and the meeting is running ahead of schedule. This agenda item was so postponed.

NEW BUSINESS

1. RESOLUTION NO. 89-12, ENDORSING THE WHITEFISH COMMUNITY DEVELOPMENT CORPORATION AS THE SPONSORING ORGANIZATION FOR WHITEFISH. The Whitefish Community Development Corporation is requesting the City to endorse them as the sponsoring organization for Whitefish. The City became a Montana Certified Community in 1986 and this would be authorization for them to pursue recertification.

Dorothy Heard from the Flathead Regional Development Office said that certification has to be renewed every three years and they need this resolution from the City Council to continue that process.

Councilwoman Maddux asked if there was a legal reason why some of the language couldn't be changed within Resolution No. 89-12 because she felt part of it was negative and superlative. Her proposed changes were discussed by Council, Dorothy Heard from the Regional Development Office and Joe Astle from the Community Development Corporation.

Councilwoman Maddux made a motion to remove extra verbiage except what is required by law. The motion died for lack of a second.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, to table the adoption of Resolution 89-12 until the next Council Meeting so that the language can be clarified. The motion was defeated with two (2) aye votes and four (4) no votes. (Councilmen Boksich, Peterson, and Schreiber and Councilwoman LaTourelle voted no).

Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to adopt Resolution No. 89-12. The motion passed with five (5) yes votes and one (1) no vote. (Councilwoman Maddux voted no).

2. REQUEST TO WAIVE OPEN CONTAINER LAW FOR WHITEFISH LAKE REGATTA: The Boat Club is again asking the City Council to waive the Open Container Ordinance for the annual Whitefish Lake Regatta which will be held July 29 and July 30.

Councilwoman Maddux asked if this waiver would be for City Beach only, and only for the time of the Regatta. Acting City Manager said that it was.

Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to grant the waiver of the Open Container Ordinance for the Regatta. The motion passed with five (5) yes votes and one (1) no vote. (Councilwoman Maddux voted no).

3. APPOINTMENT TO THE HOUSING AUTHORITY BOARD: Charles Harding has resigned from the Housing Authority Board and Judy Duff, Executive Director of the Board has requested that William Moir be appointed to replace him. This is a five year term. Acting City Manager Beller recommended that the Mayor appoint Mr. Moir and the Council ratify the appointment.

Mayor Amass appointed William Moir to the Housing Authority Board. Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to ratify the appointment. The motion passed unanimously.

PUBLIC HEARINGS - CONTINUED

2. SIGN VARIANCE APPLICATION FROM KENT FRAMPTON - CONTINUED: Attorney Bill Hileman, representing Kent Frampton, said they wanted to use the existing sign except to change the name panels. They were aware that the sign is a nonconforming sign according to the current sign ordinance and so were requesting the variance.

Councilwoman LaTourelle asked Mr. Hileman if he had a drawing of the proposed name change sign. Mr. Hileman had a sketch but said that the final product may look different than the sketch. He also said they may keep the current lighting because of mechanical and economical reasons. Councilwoman LaTourelle said with as many variables that are coming forward with this variance application, it is confusing as to what the Council is being asked to approve. Mr. Hileman asked that Council grant the maximum amount of variance and possibly the changes won't be as much of an alteration as requested.

After more discussion, Councilman Peterson made a motion, seconded by Councilman Schreiber, to grant the sign variance as stated in the application with the condition that the exterior running lights be removed. Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to amend the motion to approve with the additional condition of the removal of the separate sign that reads "Steaks" and also with the condition that the sign comes into compliance with a new sign ordinance when it comes into effect. The motion to amend the motion passed with five (5) yes votes and one (1) no vote. (Councilman Boksich voted no). The original motion passed with five (5) yes votes and one (1) no vote. (Councilman Boksich voted no).

CITY MANAGER REPORTS

1. APRIL CASH STATUS REPORT: Acting City Manager Beller presented the April Cash Status Report to the Council. Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to approve the report. The motion passed unanimously.

2. PARK BUDGET: Acting City Manager Beller said the Park Board has presented to the Council their Five (5) Year Capital Improvement Plan that explains the long term plans for all the City Parks and the Capital Improvements planned for the 1989/1990 budget year. The budget submitted is for the same dollar figure that was appropriated for the 1988/1989 fiscal year (\$112,950). The Park Board would like City Council to ratify this budget so that they can move forward with the improvements. The Park budget has been exhausted for the current year and any improvements that are completed now will not be billed or paid until the new budget year starts on July 1.

Councilman Hanson asked about lifeguards and park maintenance because they were not listed on the sheets presented. Acting City Manager Beller said both those items were included in the total budget. Councilwoman LaTourelle asked if the new City Manager, Mr. Ennor, has seen this proposal. Acting City Manager Beller had discussed it over the phone with Mr. Ennor and he had asked her if she had any problems with it. Acting City Manager Beller said she doesn't have any problems with it unless the cash flow is not there and then she would not approve of the Park Board spending the funds. Councilwoman

LaTourelle felt that Mr. Ennor should be aware of it because he will have to abide by it.

Bruce Boody, from Whitefish, who is a Landscape Architect and works closely with the City Park Board spoke in favor of the park budget. He said one of the items that is eating away at the park budget is the paving projects but the Park Board felt they were necessary since the City is requiring paving by private developers. These paving projects and landscaping projects need to be scheduled for early in the season before those businesses fill their working season with other jobs. He said the Park Board also feels that by asking for the same amount in their budget each year they are loosing ground, but they feel that they have a good park program and it deserves continued efforts. Historically, towns that have good park programs benefit by increased growth, increased quality of life and increased tax revenue.

During further discussion it was the consensus of the Council that the Park Board deserves credit for the work that has been accomplished and Council appreciates all they have done. Most of the members of Council agreed they did not want to pre-approve one department's budget prior to the City budget hearings but possibly some funds could be appropriated to allow the Park Board to start working on projects that need immediate attention. Members of the Council asked Acting City Manager Beller which items she felt might need immediate attention. She said that among those on the list that require immediate attention is City Beach. She had met with the owners of the property adjacent to City Beach and promised them that the light sand that blows will be pushed out of the public beach area and replaced with heavier masonry sand. The docks at City Beach are falling apart and need replacing for public safety. The sprinklers at Mountain Trails were damaged last winter when City Crews did the water line work for the skating rink. They need replacing and that land needs graded and leveled, top soil and seed. The paving at Grouse Mountain Park and Memorial Park is included with a bid that a paving company is doing for the golf course so that needs to be done early this season. The automatic irrigation at Grouse Mountain is also important.

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to appropriate \$35,000 as an advance to the Park Board for the 1989-1990 Capital Improvements to begin those projects that are necessary. The motion passed unanimously.

3. BNRR LEASE: Acting City Manager Beller said the Council had previously requested former City Manager Freedman to proceed in working out a lease agreement with the Burlington Northern Railroad on Birch Point Drive and West Lakeshore Drive. Michael Devine from Burlington Northern had contacted her about this issue and he is in favor of the City taking over the lease which would result in the City being responsible for the maintenance of the roadway. Acting City Manager Beller wanted the Council's authorization to continue with this lease agreement.

City Attorney Muri said several of the land owners along this roadway have contacted him.

Street Foreman Wartnow said his department has maintained these roads since former City Manager Freedman was employed by the City and the City also has garbage service in the area. It would be difficult to rebuild the road because of the existing width and existing utilities, but there would be no problem with maintaining it as it is.

Acting City Manager Beller said there were also some concerns that if the railroad was rerouted through there the people might lose their access.

After further discussion, Mayor Amass suggested Council defer action until the new city administrator arrives and can be apprised of the situation. The Council agreed.

4. CITY BEACH: Acting City Manager Beller said her report on City Beach had been covered during the discussion of the Park Board budget.

5. LOAN FROM DNRC FOR WATER TREATMENT PLANT HAS BEEN APPROVED: Acting City Manager Beller said she had heard from The Daily Interlake reporter Rick Hull that the DNRC had approved the loan for a water treatment plant however she has not been officially notified.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson requested that any future sign variance application should be accompanied by a photograph or a sketch of the existing sign and any proposed changes.

Councilman Boksich requested that if City Staff was not going to make any recommendations on approval or disapproval of sign variances that a list of violations to the sign code accompany the application.

Councilman Maddux asked who was responsible for the maintenance of the foot path through Willowbrook Subdivision. That is a privately owned foot path and the maintenance is up to the owners. She also said that the north side of East Second Street in the 1100 block (across from Memorial Field) has no curbing and wondered if the temporary curbs could be placed. Street Foreman Wartnow said he would take care of that. Councilwoman Maddux then asked the media to stress in their reports that the waiver of the Open Container Ordinance is for the City Beach site only and during the Whitefish Lake Regatta only and not for a street dance.

Councilman Schreiber said he agreed with City Attorney Muri's memo that sign variance applications should be processed through the Board of Adjustments. However he felt that the City Council should adopt a new Sign Ordinance before any changes in procedure be made. He asked if the Mayor could research a new sign ordinance or appoint a committee to do so.

Mayor Amass said that former City Manager Freedman had drafted a new sign ordinance and he felt the new City Manager should review that draft and also be in on the decision of how variances are granted.

Both Councilwoman Maddux and Councilman Schreiber felt that the Council should again review the new draft of the sign ordinance and be ready with input for the new City Manager. Acting City Manager Beller said she had a copy of that draft and would make a copy for Council members to review.

Mayor Amass wants the Council and Police Chief Dolson to commend Assistant Chief Lonnie Herrmann on his rescue of two men in Blanchard Lake who had overturned their canoe. The Mayor said he knew that our Police Department personnel do a lot of positive things in the community that the public isn't aware of.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to adjourn at 8:35 P.M. The motion passed unanimously.

C.E. Amass, Jr

MAYOR

ATTEST:

Nellie Loring
DEPUTY CITY CLERK

May 1 1989

To: City Manager
From: Chief of Police
Subject: Activity Report - April, 1989

	APRIL	Y-T-D	Last Y-T-D	% Of Increase Or Decrease
Citations Issued				
Officer	41	161	198	- 18.7%
Parking	41	216	262	- 17.6%
Dog	5	46	100	- 54.0%
Arrest	30	97	86	+ 12.8%
Activity				
Officer	172	891	582	+ 53.1%
Other	245	905	710	+ 27.5%

Investigations

	APRIL	Y-T-D	**Last Y-T-D	**% Of Increase Or Decrease	Cases Cleared Y-T-D	Clearance Rate (Percent)
Murder	0	1			1	100%
Sex Crimes	1	3			1	33.3%
Robbery	0	0			0	
Assault	3	19			11	57.9%
Burglary	5	15			3	20.0%
Theft	10	47			13	27.7%
Auto Theft	2	6			2	33.3%
Drugs	0	4			4	100%
*Miscellaneous	8	56				
Totals	29	151			35	

*Miscellaneous includes non criminal reports

** These categories will remain blank because of a change in tabulating which resulted in a lack of comparative data.

D. H. Dolson

D. H. Dolson
Chief of Police

cc: File
Board

APRIL MONTH		1989 YEAR			END OF THE MONTH		SERVICE/OFFICER	SERVICE/DISPATCH	SHIFTS
OFFICERS		ARRESTS	TRAFFIC ACC.	CITATIONS	INCIDENT RPT.	28, 29, 31, NCIC			
DOLSON	W-1	1	1	4	9	10	7	24	16
HERRMANN	W-2	2	0	0	3	32	19	15	15
VAN HAM	W-3	6	1	2	2	31	14	21	18
VOELKER	W-4	2	0	0	2	2	2	0	
MERKLEY	W-6	6	3	6	2	43	24	39	18
DEVALL	W-7	0	0	7	2	33	19	35	12
RUPP	W-8	8	2	8	5	48	27	46	17
JENSEN	W-9	0	0	0	0	3	4	2	1
WILSON	W-10	3	0	0	0	6	6	6	3
FRANK	W-11	3	2	4	3	46	13	27	11
HOLLIDAY	W-12	2	1	4	1	8	4	5	3
FERDA	W-13	6	0	6	2	35	18	14	6
ALLEN	W-14	1	0	0	1	14	7	4	(TRAINING)
OTHER (S)					5				
WILSON	W-20		DOGS: VEHICLES:	5 41	1	21	8	7	
	ADULTS: JUVENILES:	13 17							
TOTALS		30	10	41	39	332	172	245	

BUILDING REPORT FOR APRIL, 1989

In the month of April the City sold 30 building permits, 11 plumbing permits and six mechanical permits. The receipts for each type of permit are as follows:

Building Permits	30	\$4,765.80
Plan Review Fee	3	358.50
Plumbing Permits	11	588.00
Mechanical Permits	5	<u>270.00</u>
	Total	5,982.30

The list of all building permits is included with this report. We have many blue prints that need to be checked before I can issue permits so I do not have time to make this report in more detail. We do have more work going on now than we have had in the past three years at one time.

Jerry Quinn
Building Inspector

2470	Bill Jamieson	4-10-89	338 FAIRWAY DR.	New Single Family Dwelling 2477 sq. ft.	453.50 81,000	Dale Brann's
71	Karel Jacobsen	4-4-89	601 PARK AVE	CONVERT GARAGE TO LAUNDRY FACILITY	39.00 1,700	Doane Michals
72	Phelps & Hommedieu	4-5-89	125 CENTRAL AVE.	ADDITION OF 1500 sq. ft.	481.50 65,000	Plan Review 312.65 DAN HENDRICKS
73	St. Peter's Lutheran Church	4-7-89	201 WISCONSIN	NEW SIGN & ROOFER BRAND	27. 1,100	IN HOUSE LABOR
74	LARRY OLSON	4-6-89	817 RAILWAY ST.	REPLACE EXTERIOR DOORS AND FRONT STEPS	15 500	Michael Wilson
2475	John Lepo	4-12-89	996 COLORADO AVE.	New Single Family Dwelling	464.00 62,000	DAN HENDRICKS
76	MARY HOFF	4-10-89	209 CENTRAL AVE.	81" x 94" WALL SIGN	15 160.00	GARY TALLMAN
2477	TOM & BILL VLACHOS CHRIS M. McTear	4-10-89	523 SKYLES AVE.	GARAGE & STORAGE ARCH. 2,310 sq. ft.	148.00 128.70 19,300	TRI CITY CONST.

ERMIT #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2478	John Lepo 4-12-89	996 Colorado Ave.	TWO CAR garage 20x23'	5,000 ⁷²	DAN Hendricks
79	Danell Shortell 4-14-89	135 TEXAS	TWO CAR GARAGE	3,800 ⁶³	WALT AYERS
2490	CAN AM Motors 4-14-89	523 Skyles Ave.	CARPORT six Autos	4,320 ^{63 40}	BILL VLACHOS
81	Viod				
82					
83	GARY OHS	908 S. KARLOW AVE.	FENCE	500- ⁵	OWNER
84	RON WRIGHT 4-19-89	220 2 nd St.	1,196 SQ. FT. Addition CONVERT TO B-2	33,000 ^{519.20 189.00}	WARF WOODWORTH
2485	Dennis Kennedy 4-19-89	35 GREEN PLACE	S. F. D.	100,300 ^{639.50}	Kennit Johnson
2486	Mini MART 4-19-89	803 SPOKANE AVE.	New Sign	1700 ³¹	Rim Rock Signs
87	GARY J Hartman 4-18	213 W. 7 th St.	Fence	500.- ⁵	OWNER
2489	Gene Post 4-21-89	Hwy 93 & 40	New Billboard	5001 ¹⁵	BAUMBACH'S Signs
2490	Gene Post 4-21-89	Hwy 93 & 40	Free Standing Sign	675.00 ¹⁵	ARTISAN SIGNS
91	John Carpenter 4-21-89	231 O'BRIEN AVE.	2164 th Carport	750.- ²⁰	OWNER
2492	John Woodward 4-24-89	622 Somers Ave.	Remodel Kitchen	2,000 ⁴⁵	OWNER

ERMIT #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2493	Don Jensen	1900 Commer	New Fence	1,000	OWNER
94	William Schusterman	1045 E. 4 th St.	Replace Existing Fence		OWNER
2495	Greg Bryan	240 Fox Farms	Finish Existing Basement change Plumbing	8500	McConnell Const.
96	Aileen Pat Farmer	2444 Birch Glen Dr.	New Single Family Dwelling 3000 sq ft.	140,000	Cliff Parsons
97	Aileen Pat Farmer	2444 Birch Glen Dr.	Two car garage with sloping rafters above	60,000	Cliff Parsons
98	Richard Nussler	117 Waverly Place	22x24 Garage with Deck on Roof	19,000	Clark/Kraft
99	Jim Blankenship	200 Iowa St	224 sq ft. Greenhouse	1,700	OWNER
2500	Rowland Baker	Meadows Rd. 245 St.	6-8 ft. Free Standing Sign on Kansas St.	100	OWNER
01	Judy Hamline	816 E. 10 th St	New Fence	100	OWNER
02	Bob BAIN	1940 Four wheel Dr.	Repair Existing Deck, Paint Rooms	3,000	Hoover Const.

4,765.80

Plan Review 358.50



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Whitefish City Park Board
TO: Whitefish City Council
DATE: April 27, 1989
RE: 5 Year Capital Improvement Plan

1989/90	(Attached)		70,000.00
1990/91	City Beach - Phase I of Master Plan		75,000.00
1991/92	River Trail Phase I:		
	Riverside Park to City Beach	40,000.00	
	Mountain Trails Park - complete parking, lighting, planting, paths	30,000.00	
	Riverside Park Restrooms	<u>10,000.00</u>	
			80,000.00
1992/93	Riverside Park - Completion	15,000.00	
	River Trail Phase 3:		
	River crossing to golf course	45,000.00	
	Soroptomist Park Improvements	10,000.00	
	Land Acquisition Fund	<u>15,000.00</u>	
			85,000.00
1993/94	City Beach		
	Repairs & improvements	60,000.00	
	River Trail - Phase 4:		
	Riverside Park to Cow Creek to High School/Memorial Park	<u>30,000.00</u>	
			90,000.00
1994/95	Mountain Trails Park Ice Rink		
	Ice refrigeration system	50,000.00	
	Memorial Field - paving & curbs	25,000.00	
	Resurface Tennis Courts (8)	<u>20,000.00</u>	
			95,000.00

NOTE: The Park Board would like to make a presentation of current and long term plans to a City Council budget work shop.

TO: Whitefish City Council
FROM: Whitefish Park Board
RE: Request for Preliminary Budget Approval

Proposal for Parks Capital Improvements 1989/90 Budget Year. Work to be done
May - June and billed/paid in July 1989.

- WHITEFISH CITY PARKS -

MEMORIAL PARK

Trees	2,300.00	
Playground Equipment	3,000.00	
Seal Basketball Court	200.00	
Paving New Tennis Court	4,000.00	
New Tennis Nets	<u>200.00</u>	
		9,700.00

RIVERSIDE (OLD)

Major Pruning	<u>1,500.00</u>	
		1,500.00

RIVERSIDE (NEW)

Replace flowers & trees	<u>1,500.00</u>	
		1,500.00

SOROPTOMIST PARK

Rejuvenate lawn & new trees	2,200.00	
Repair playground equipment	<u>300.00</u>	
		2,500.00

MOUNTAIN TRAILS PARK

Sprinklers	1,000.00	
Grade & level	2,000.00	
Top soil & seed	2,000.00	
2 volley ball courts	1,500.00	
Parking lot curbs	3,000.00	
Sidewalks	4,000.00	
Landscape both park buildings	3,000.00	
Walkway/cover between buildings	<u>2,000.00</u>	
		17,500.00

GROUSE MOUNTAIN PARK

Automatic Irrigation (Mat.)	4,000.00	
Parking lot paving	6,000.00	
Grade & landscape	4,000.00	
Tennis Court Screens	<u>2,000.00</u>	
		16,000.00

BN PARK

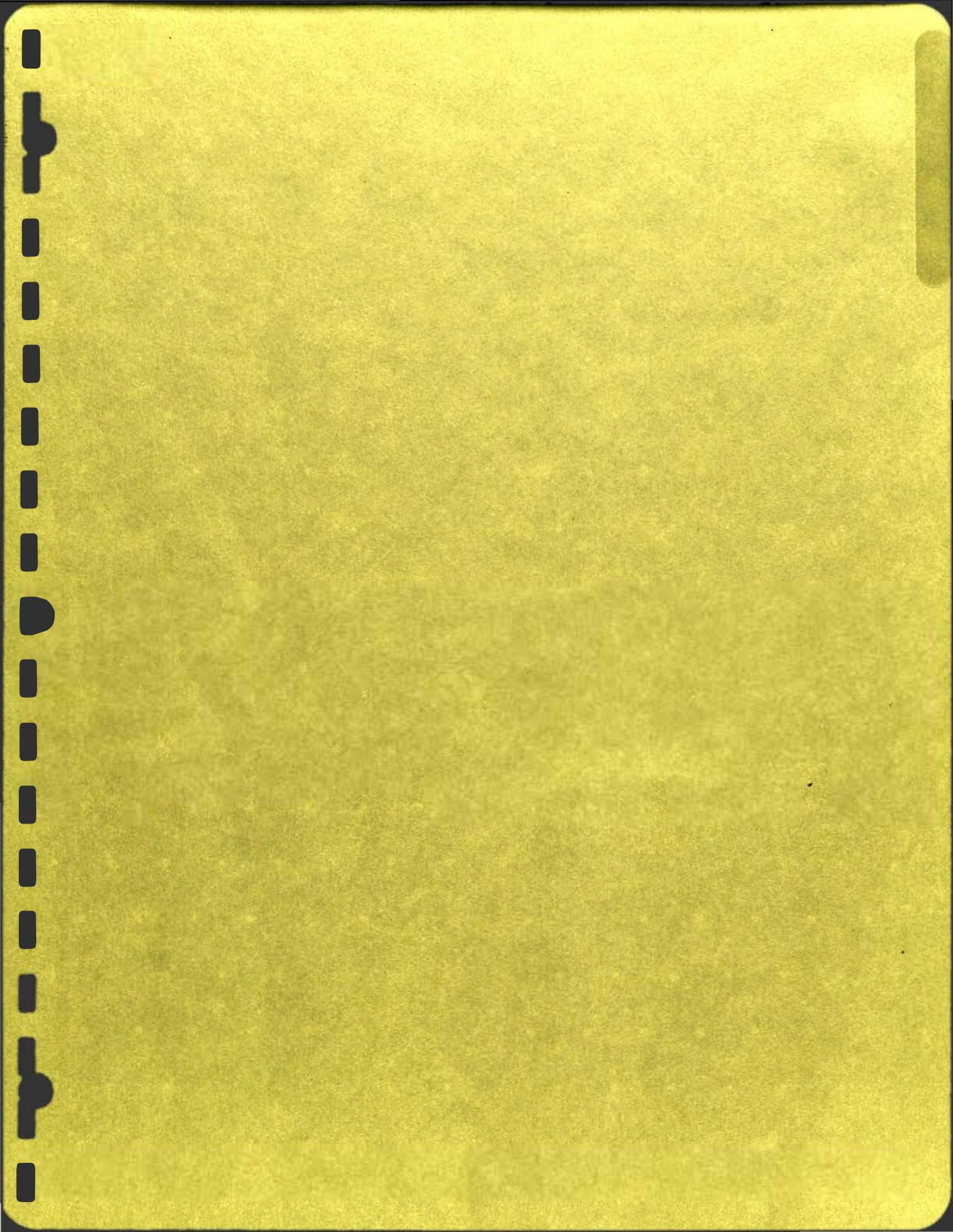
Top soil, grade & seed	<u>1,000.00</u>	
		1,000.00

CITY BEACH

Sand	3,000.00
Wall Repairs	4,000.00
Dock Replacement	<u>7,000.00</u>

14,000.00

NOTE: Any additional revenue which may come from the increased golf course lease will go toward additional parking lot paving at Memorial Field.





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
June 5, 1989

- 7:00 I. Approval of the minutes of the May 15, 1989 meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
1. Water/Sewer
2. Police
- 7:30 IV. PUBLIC HEARINGS
1. Ordinance No. 89-4 and Ordinance No. 89-5 - Adopting the 1988 Edition of the Uniform Building Code, Uniform Housing Code, Uniform Mechanical Code, Uniform Code for the Abatement of Dangerous Buildings, Plumbing Code, and the 1986 Edition of CABO with the 1987-1988 amendments
2. Ordinance No. 89-6 - Amendments to the text of the Whitefish Zoning Jurisdiction Regulations
3. Sign Variance - Whitefish Land Office
4. Sign Variance - Glacier Wilderness Guides
- 8:00 V. OLD BUSINESS
1. Naming the new street - Cross Currents School
2. RSID's
- 8:20 VI. NEW BUSINESS
1. Water line extension - Ralph Lamberson, West Sixth Street
- 8:40 VII. CITY MANAGER REPORTS
1. City County Planning Board work program
2. Lakeshore Protection Regulations
3. Letter from Northwest Montana Humane Society, Inc. - Myni Ferguson
4. Council meeting dates for July
- 8:50 VIII. COUNCIL REPORTS OR COMMENTS
- 9:10 IX. ADJOURNMENT



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: Mayor and City Council
DATE: May 31, 1989
RE: June 5, 1989 meeting

1. ORDINANCE 89-4 AND ORDINANCE 89-5: The Department of Commerce, Building Codes Bureau is requesting that local governments update their building codes by the adoption of the 1988 codes which include: Uniform Building Code, Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, Uniform Mechanical Code, and the Uniform Plumbing Code. Ordinance 89-5 addresses CABO one and two family dwelling code, 1986 Edition, together with the 1987-1988 amendments.

RECOMMENDATION: Approve the two Ordinances on the first reading.

2. ORDINANCE 89-6: After adoption of the new Zoning Ordinance, City Staff discovered that in all the residential zones, accessory buildings had to maintain the same yard requirements as the primary uses and in the Whitefish Original section of town as well as other sections, it would be impossible for people to construct a carport or garage. We initiated the text amendments with the FRDO by requesting that the word "alley" be removed from all the residential zones thus allowing a three (3) foot rear yard setback. The Planning Board voted unanimously to modify the requested amendments, however, instead of a three (3) foot rear yard setback, they are recommending a ten (10) foot rear yard setback for accessory buildings in the residential zones. City Staff feels the ten (10) foot rear yard setback is adequate and recommends that the Council adopt Ordinance 89-6 on the first reading.

3. SIGN VARIANCE: Whitefish Land Office is requesting a name change from Coldwell Banker to Whitefish Land Office on the sign at 1000 Spokane Avenue. The rest of the sign would remain the same. (The existing sign does not comply with the Sign Ordinance because it does not meet the current setbacks).

RECOMMENDATION: Approve the request with the stipulation that the sign must be brought into compliance with the new sign ordinance when it comes into effect.

4. SIGN VARIANCE: Glacier Wilderness Guides is requesting to add an 8' wide by 3' high sign to the existing sign structure at Matt's Pharmacy. The proposed sign would only be up for 3 months, June through early September, due to the nature of the business. The existing sign is at the maximum allowed by the sign ordinance.

RECOMMENDATION: Approve the request with the stipulation that the sign be removed in September.

5. NAMING THE NEW STREET: Cross Currents Christian School has recommended that the new street be named "Ashar Avenue".

RECOMMENDATION: Approve the recommendation of the school and name the new street Ashar Avenue.

6. WATER LINE EXTENSION: In your packets is a recommendation that was issued to me by Greg Acton regarding Ralph Lamberson's request for water service. I am in full agreement with this recommendation and recommend that the City Council approve the Lamberson request based upon the information provided by Greg.

7. CITY COUNTY PLANNING BOARD WORK PROGRAM: The City County Planning Board has set their priorities for the 1990 Work Program. (Outlined in their letter of May 23, 1989).

RECOMMENDATION: Approve the 1990 Work Program established by the Planning Board.

8. LAKESHORE PROTECTION REGULATIONS: Enclosed in your packets is Draft #1 and the outline for chapters 4-6 of the proposed Lakeshore Protection Regulations. This is information only, the Planning Board will begin a review of the first part of the ordinance and at the June Planning Board meeting they will review the completed ordinance. Formal adoption would not be before September 1, 1989.

9. LETTER FROM NORTHWEST MONTANA HUMANE SOCIETY, INC.: Councilwoman LaTourelle received the enclosed letter from Myni Ferguson regarding the City of Whitefish's directive to order euthanasia for badly injured dogs without identification tags. The City at this time does not authorize veterinary services for unlicensed dogs, however, I felt that the City Council would want to review the issue and possibly set policy if this situation should arise again.

10. COUNCIL MEETING DATES FOR JULY: It has been recommended to me that the Council meetings of July 3 and July 17 be rescheduled for July 10 and July 24. We can discuss this issue at the meeting.

MINUTES
WHITEFISH CITY COUNCIL
JUNE 5, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, Maddux, Schreiber and Peterson. Councilwoman LaTourelle was absent. Also present were City Manager Ennor, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn, and Police Chief Dolson.

Mayor Amass extended a welcome to the new city manager, Dale Ennor and reminded the public of the reception in his honor on Wednesday, June 7 from 5:30 P.M. to 7:30 P.M. at the Mountain Haus Restaurant on The Big Mountain.

MINUTES

Councilman Maddux made a motion, seconded by Councilman Schreiber, to approve the minutes of the May 15, 1989 Council Meeting as written. The motion passed unanimously.

STAFF UPDATES

1. WATER/SEWER: City Manager Ennor said he would be talking to the State about the City Sewer System this week. The Council received in their packets a copy of a letter to the State from Water/Wastewater Division Manager Acton and Acting City Manager Beller reporting the City's progress towards compliance. City Manager Ennor said he had learned from Water/Wastewater Division Manager Acton that the 8" air header is complete at this time and now they are in the process of repairing the 13 aeration lines that each have 4 to 6 heads. This process may take up to 30 days and there may be an odor problem until this is complete. City Manager Ennor said he would formally report to the Council in two weeks after he has reviewed the matter more fully, but at this time it looks as though the City is on schedule with the compliance program.

Councilman Boksich asked City Manager Ennor if he would explain the odor situation to the press because several residents have complained of it.

City Manager Ennor explained that sewer lagoons basically work on an aeration system. The major air line has been installed that runs to all the individual underwater outlets. The individual lines that run to all the heads that actually dissipates the air to the bottom of the lagoons are being installed now as rapidly as can be but it will probably be at least a 30 day project to completion. Until all the individual lines are installed there will be an odor to contend with. After installation when the lagoons are working properly the odor should be at a minimum. He said that was a layman's explanation.

2. POLICE: Police Chief Dolson reported that after four years of planning, a 911 emergency line is in the final stage. This week City Manager Ennor, as representative of the City of Whitefish, will be asked to sign off a plan and Police Chief Dolson will sign off the plan for the Police Department. All telephones in the Whitefish Exchange, numbers with 862-, will have the capability to dial 911 and reach the Whitefish Police Dispatcher and the Dispatcher will transfer the call as necessary. There will be two 911 lines in and two 911 lines out. They will have ANI capabilities, which is

automatic number identification that determines the origination of the call. This is funded by the Flathead County budget and there will be a management board comprised of the three City Police Chiefs (Whitefish, Kalispell and Columbia Falls) the Sheriff and the County DDS Coordinator and a private person. The billing will be to the County. The only involvement by the City will be the membership to the board of the City Police Chief. The final plan will be signed off on the 9th of June and will be submitted to the State for final approval which may take three or four months so it may be Fall of 1989 before it is in operation.

PUBLIC HEARINGS:

1. FIRST READING OF ORDINANCE NO. 89-4 AND ORDINANCE NO. 89-5 - ADOPTING THE 1988 EDITION OF THE UNIFORM BUILDING CODE, UNIFORM HOUSING CODE, UNIFORM MECHANICAL CODE, UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, PLUMBING CODE, AND THE 1986 EDITION OF CABO WITH THE 1987-1988 AMENDMENTS: City Manager Ennor said the City had received a memorandum for the State Department of Commerce, Building Codes Bureau requesting that local governments update their building codes by the adoption of the 1988 codes. City Manager Ennor asked Building Inspector Quinn to give a further report.

Building Inspector Quinn said the adoption of the 1988 codes was necessary in order for the City of Whitefish to keep its Certification. If Certification lapsed, it would take two years to be reinstated. Without Certification the City would have no jurisdiction over any building. If Certification lapsed the State takes over enforcement of the building codes and they would only inspect commercial projects and 5-plexes and larger. Commercial plan reviews could take up to four months.

Councilman Hanson said he was against the State not allowing the City to review the codes and see if they were applicable to Whitefish. He did not feel it was fair to have these codes forced on us without knowing if they were in the best interest for Whitefish.

Councilman Boksich made a motion, seconded by Councilman Schreiber, to approve the first reading of Ordinances 89-4 and 89-5, Adopting the 1988 Edition of the Uniform Building Code, Uniform Housing Code, Uniform Mechanical Code, Uniform Code for the Abatement of Dangerous Buildings, Plumbing Code, and the 1986 Edition of CABO with the 1987-1988 amendments. The motion passed unanimously.

2. FIRST READING OF ORDINANCE 89-6 - AMENDMENTS TO THE TEXT OF THE WHITEFISH ZONING JURISDICTION REGULATIONS: City Manager Ennor said the Council had in their packets information from Building Inspector Quinn, Acting City Manager Beller and the Flathead Regional Development Office on this amendment. The City had proposed that the word "alley" be stricken from the chapters on accessory use from specific zones. The Flathead Regional Development Office came back with a recommendation to amend the wording in section 17.19.040(7) on Accessory Uses.

Tom Jentz from the Flathead Regional Development Office said this was more a housekeeping issue. The Ordinance calls for a 20' rear setback for accessory uses on an alley, City Building Inspector Quinn had requested that it be changed to 3' and the Flathead Regional Development Office had recommended 10'. He said that in previous development of the older parts of Whitefish many garages were set on the rear property line because the lots are so small. That practice was discouraged by the current zoning ordinance for several reasons: (1) It doesn't leave maneuvering room for a car to enter a garage, (2) people backing cars out of garages don't have the open view they need to avoid other traffic or pedestrians, and (3) for snow removal purposes in the winter, there isn't much room for snow to be piled up when cleared from the alley. The Regional Development Office felt that a 10' rear setback was a workable compromise between the existing 20' and the requested 3'.

Greg Niles, a resident of Whitefish who lives on Mill Avenue, said he was opposed to a 10' setback because in the case of a T-shaped alley it would be too restrictive of property use. He would like to see an exception made for T-shaped alleys.

Councilman Boksich agreed with Mr. Niles that a 10' rear setback would be too restrictive and he felt that otherwise, a 10' rear setback is excessive. Councilman Hanson agreed, saying that since most older homes in Whitefish have garages on the alleys, owners for new construction could ask for variances based on the majority of use in the neighborhood. Councilwoman Maddux said a 10' setback would cause her to lose her yard. City Clerk Beller said the previous Zoning Ordinance called for 3' rear setbacks and in the older part of town the lots are not big enough to allow accessory buildings with more setback. That is why this amendment was initiated.

Councilman Boksich made a motion, seconded by Councilman Hanson, to adopt the first reading of Ordinance 89-6 Amending Section 17.14.040(7) "Accessory Uses" with the change from 10 feet to 3 feet so that it reads:
"b. The rear yard may be reduced to 3 feet if it borders an alley." The motion passed unanimously.

3. SIGN VARIANCE - WHITEFISH LAND OFFICE: Whitefish Land Office is requesting a name change from Coldwell Banker to Whitefish Land Office on the sign at 1000 Spokane Avenue. The rest of the sign would remain the same. The existing sign exceeds size and setback requirements but Building Inspector Quinn said the previous variance was granted with the condition that the sign will come into compliance with a new sign ordinance.

Wink Jordan from Whitefish Land Office was present for the sign variance and answered several questions from the Council on the appearance of the sign.

Councilman Hanson made a motion, seconded by Councilman Peterson, to grant the variance with the stipulation that the sign will come into compliance with any new sign ordinance. The motion passed unanimously.

4. SIGN VARIANCE - GLACIER WILDERNESS GUIDES: Glacier Wilderness Guides is requesting to add an 8' wide by 3' high sign to the existing sign structure at Matt's Pharmacy. The proposed sign would only be up for 3 months, June through early September, due to the nature of the business. The existing sign is at the maximum allowed by the sign ordinance.

Chris Gayner, part owner of Glacier Wilderness Guides, was present to answer any questions.

Councilwoman Maddux said she had discussed the current sign ordinance with the original drafters to get an idea of their original intent. She found out that because of the unique differences between the area south of town and the downtown area, each area has different regulations. She said the existing sign at Matt's Pharmacy shows what can be done within the limits of the ordinance and this variance requests a fairly large addition. She feels the granting of this variance would open the door to more like it so she is against the variance. Both Councilman Boksich and Hanson said they agreed with her but felt that this particular variance could be granted because it will only be for the summer season. Councilman Schreiber felt that because John Lepo is doing the sign work it will fit nicely into the environment. Several members of the Council were concerned that since the business is seasonal this variance request may come up each year. John Gayner, part owner of Glacier Wilderness Guides, said they are building an office in West Glacier but would like to keep a booking office in Whitefish but these arrangements are just being made and they don't know how it will work. Mr. Gayner said they appreciated Whitefish and its efforts to keep its environment and want to work with the City as possible.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to grant this variance request provided that the sign be removed no later than September 30, 1989 and also provided that it is understood that the variance is granted for the 1989 season only and will not be automatically granted for the next year. The motion passed with four (4) aye votes and one (1) no vote. (Councilwoman Maddux voted no).

OLD BUSINESS

1. NAMING THE NEW STREET - CROSS CURRENTS SCHOOL: City Clerk Kay Beller said Cross Currents Christian School has requested the new street in front of their new school be named "Ashar Avenue". She asked Claire Strickler from the school to explain the meaning of the name.

Claire Strickler said the word "Ashar" is out of a Hebrew Lexicon (dictionary) and it means "to walk in the way of understanding, to prosper, to lead straight and to bless".

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the name Ashar Avenue for the new street. The motion passed unanimously.

2. RSID'S: City Manager Ennor requested that since there doesn't seem to be anything pressing about this issue that he be given the two weeks until the next meeting to learn more about it and come back to the Council with a formal recommendation.

Councilman Hanson made a motion, seconded by Councilman Peterson, to table this for two weeks. The motion passed unanimously.

NEW BUSINESS

1. WATER LINE EXTENSION - RALPH LAMBERSON, WEST 6TH STREET: City Manager Ennor said the memorandum from Water/Wastewater Division Manager Acton stated terms to serve a customer outside of the City Limits with City Water that seem fair to the customer as well as not being detrimental to the City and its other water users. City Manager Ennor said he had no problems with any of the terms and if they are agreeable to the Council as well as to the property owner, Ralph Lamberson, he would recommend that the Council go forward with the approval.

Ralph Lamberson said he agreed to all the rules as set forth in the memorandum from Water/Wastewater Division Manager Acton.

Councilwoman Maddux made a motion, seconded by Councilman Hanson, to authorize City Manager Ennor to negotiate an agreement between the City and Ralph Lamberson for City Water to his new house off 5th Street. The motion passed unanimously.

CITY MANAGER REPORTS

1. CITY COUNTY PLANNING BOARD WORK PROGRAM: City Manager Ennor asked Tom Jentz from the Flathead Regional Development Office for his report.

Tom Jentz said the Whitefish City-County Planning Board, at their regular meeting on Thursday, May 18, 1989, held discussions concerning the 1990 work program. After reviewing the progress on the 1989 work program and soliciting input from the Flathead Regional Development Office Staff and Planning Board members, it was unanimously resolved that the following projects be undertaken in order of their priority:

1. Update the Whitefish Subdivision Regulations and create design standards for Whitefish.
2. Develop a new sign code for the City of Whitefish.
3. Conduct a transportation study addressing traffic flows throughout Whitefish in general but specifically addressing Highway 93 South and the truck bypass.

These recommendations go to the CAB who will review it and bring recommendations back to City Council.

Following discussion among Council members is was their consensus that the first two items were acceptable for a work program but the third item may be in duplicate of a study being done by the State of Montana Highway Department and instead the Council would like an update on the City's extension of services plan along with the development of a 5 Year Capital Improvements Plan.

2. LAKESHORE PROTECTION REGULATIONS: Tom Jentz from the Flathead Regional Development Office explained that a draft has been prepared to present to the Board which will come back with recommendations to the City Council and the County Commissioners. The purpose of this is to pull together the regulations governing Whitefish Lake and Lost Coon Lake, both of which are currently covered by City and County regulations. With a new ordinance in place each governing body would still have the same jurisdiction but all properties would follow the same regulations.

3. LETTER FROM NORTHWEST MONTANA HUMANE SOCIETY, INC. - MYNI FERGUSON: Councilwoman LaTourelle had received a letter from Myni Ferguson regarding the City of Whitefish's directive to order euthanasia for a badly injured dog without identification tags. The City at this time does not authorize veterinary services for unlicensed dogs. City Manager Ennor said an establishment of a policy would be in order. The matter was turned over to City Staff for review and recommendation.

4. COUNCIL MEETING DATES FOR JULY: Councilwoman Maddux made a motion, seconded by Councilman Hanson, to move the July meetings to July 10, 1989 and July 24, 1989. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson thanked City Clerk Beller for taking the position of Acting City Manager for a time and doing a great job of it. He also wondered if the City could do anything about a speed limit on Whitefish River. There are jet skis and motor boats speeding up and down too fast and endangering people in canoes and on their docks. Councilman Boksich said the water is controlled by the State Fish and Game and he knew that it was already in the works to control the speeding. Councilman Hanson wanted feedback from the Council of their feelings for a prospective industrial client exploring locating a manufacturing plant in the City of Whitefish. It would employ about 75 to 100 people and would require a facility of about 30,000 square feet. The company wonders if they can count on support from the City in a variety of ways to realize this goal. It was the consensus of the Council to give positive support but without knowing any specifics of the type of plant or the type of aid needed it was impossible to go beyond that. Councilman Hanson had two other items - he wanted work started on a preliminary budget and he wanted a workshop scheduled now that the new City Manager is here. Mayor Amass said that City Staff has already begun work on the preliminary budget. City Manager Ennor said instead of a workshop at this time he would prefer to meet with each Council member individually at first so each can get to know one another and their ideas. He would like to have those meetings as soon as possible.

Councilwoman Maddux said she had noticed in passing by The Best Bet Casino that the owners had included the separate sign in their new signage that had been specifically excepted from the variance granted at the May 15, 1989 meeting. Building Inspector Quinn said he had discussed it with City Clerk Beller and they will be asking Kent Frampton to remove that separate sign.

Mayor Amass thanked Councilman Hanson for filling in the position on the CAB during the absence of a City Manager and now that City Manager Ennor is here it is necessary to appoint him as the City of Whitefish's representative on the CAB.

Councilman Schreiber made a motion, seconded by Councilwoman Maddux, to approve the appointment of City Manager Ennor to the CAB. The motion passed unanimously.

Councilman Peterson made a motion, seconded by Councilman Hanson, to adjourn the meeting at 8:20 P.M. The motion passed unanimously.

C.E. Amass, Jr

MAYOR

ATTEST:

Necia Lorang

DEPUTY CITY CLERK



STATE OF MONTANA
DEPARTMENT OF COMMERCE

STAN STEPHENS
GOVERNOR

Memorandum

TO: ALL COUNTIES AND MUNICIPALITIES
ENFORCING CODES

FROM: BUILDING CODES BUREAU
DEPARTMENT OF COMMERCE

DATE: May 1, 1989

SUBJECT: Code Adoptions

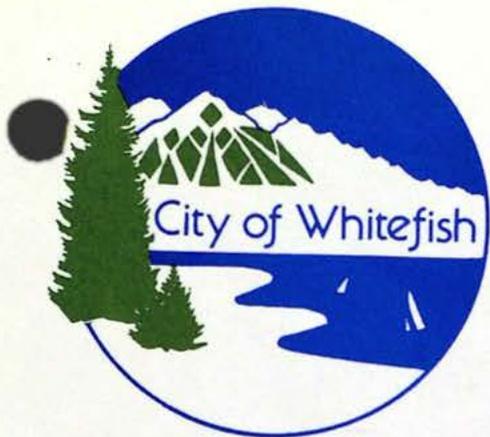
Section 50-60-201, Montana Code Annotated requires the Bureau to maintain current codes to keep up with modern technology. As per this requirement, a public hearing was held January 18, 1989 to adopt the latest available editions of the model codes and make other rule amendments. The subject codes have been adopted effective April 28, 1989 and replacements pages of Title 8, Chapter 70, ARM will be mailed out toward the end of May.

As per Section 50-60-301, Montana Code Annotated and Section 8.70.203, Administrative Rules of Montana (ARM), local governments have 90 days from receipt of this notice to update their codes. Local governments will also have to adopt any technical amendments made to the model codes by the Bureau. The local governments need only adopt those codes they are currently certified to enforce. Section 8.70.203, ARM was amended as follows:

"Local governments shall notify the bureau in writing within 180 days of receipt of the notice to update their codes, that the updated codes have been adopted and are being enforced. Such notification shall include a copy of the appropriate code adoption ordinance(s)".

PLEASE NOTE THE ABOVE REPORTING REQUIREMENT AND PROVIDE THIS OFFICE WITH THE REQUIRED WRITTEN NOTIFICATION OF ADOPTION AND COPIES OF ADOPTION ORDINANCES BY NO LATER THAN NOVEMBER 1, 1989.

1. Those local government programs enforcing only building and companion codes must adopt the following codes:
 - a. 1988 Edition of Uniform Building Code, with Appendix Chapters 7, 12, 23, 32, 49, 53 and 55.
 - b. 1988 Edition of Uniform Housing Code.



Box 158, Whitefish, Montana 59937 (406) 862-2640

MEMORANDUM

FROM: Kay Beller, Acting City Manager
TO: City Council
DATE: May 25, 1989
RE: Naming the New Street (Cross Currents)

Cross Currents Christian School is recommending that the new street be named "Ashar Avenue". The City Council will have to approve this recommendation, however, our office is proceeding with this name because with the construction of the school and the need to extend the utilities, N.W. Telephone, Pacific Power, etc. needs an address for the property.

If the Council does not approve the recommendation for the name we will make any necessary changes.



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
June 19, 1989

- 7:00 I. Approval of the minutes of the June 5, 1989 meeting
- 7:05 II. PUBLIC COMMENTS
- 7:20 III. STAFF UPDATES
1. Building
 2. Police
- 7:30 IV. PUBLIC HEARINGS
1. Ordinance No. 89-4 and Ordinance No. 89-5 - Adopting the 1988 Edition of the Uniform Building Code, Uniform Housing Code, Uniform Mechanical Code, Uniform Code for the Abatement of Dangerous Buildings, Plumbing Code, and the 1986 Edition of CABO with the 1987-1988 amendments (second reading)
 2. Ordinance No. 89-6 - Amendments to the text of the Whitefish Zoning Jurisdiction Regulations (second reading)
 3. Sign Variance - John Mello-change name from Mr. P's to Sebastians
 4. Sign Variance - Marie Nordahl is requesting to leave Allen's Motel advertising on Rassmussen's billboard
 5. Sign Variance - Kevin Linrude is requesting to leave Two for One Pizza advertising on Rassmussen's billboard
- 8:00 V. OLD BUSINESS
1. RSID's
- 8:20 VI. NEW BUSINESS
1. Petition to annex - Thomas W. & Cheryl L. Hodges, S 1/2 of Lot #1, Block 2, of Gojendes Tracts
 2. Board of Adjustment and Police Commission appointments
 3. Bothe Lakeshore Construction Permit
- 8:40 VII. CITY MANAGER REPORTS
1. Cash Status Report
- 8:50 VIII. COUNCIL REPORTS OR COMMENTS
- 9:10 IX. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 14 June 1989
RE: Agenda for 19 June Council Meeting

The following items are scheduled for the Council's action at the 19 June meeting:

1. Staff Reports. Attached are reports from the Building Division and the Police Department relating to their activities during the last month. Some type of brief informational report relating for both the utilities and street/refuse departments is being considered and will be included in future packets on a monthly basis.
2. Ordinances Number 89-4 and 89-5. Coming before the Council for their second reading, these attached ordinances would adopt the 1988 editions of the Uniform Building, Uniform Housing Code, Uniform Mechanical Code, Uniform Code for the Abatement of Dangerous Buildings, and the Plumbing Code; the 1986 edition of the CABO (with 1987-88 amendments).
3. Ordinance Number 89-6. Also attached, this ordinance, as amended by the Council at the first reading, amends the City's zoning regulations pertaining to accessory uses in certain zones. The Council will recall amending the initial proposal to reduce the required side and rear setbacks off alleys.
4. Sign Variance - Projecting Sign. The proprietor of "Mr. P's" has submitted the attached application for a sign variance. Inasmuch as the existing protruding sign is not in conformance with the Sign Code the change of name will preclude its being retained. In its stead, however, the applicant proposes the circular sign noted in the attachment. As the Code allows signs that project not more than twelve (12") inches from the plane of the business front, the variance request is to allow a sign which will project an additional three (3) feet outward from the building.
5. Sign Variance Applications. Attached are two additional applications for variances from the Sign Code. Both applicants were before the Council at the 1 May meeting requesting that their signs be allowed to remain. The signs for both applicants, "Allen's Motel" (Marie Nordahl) and "Pizza 2 for 1" (Kevin Linrude) are in violation of the City's Sign Code in that both applicant's have business frontage on Highway 93 upon

which to accommodate their advertising. At that meeting the Council granted both parties 30-days after notice in which to remove the signs. During this period both elected to apply for variances from the Code.

Section 17.77.180 of the Sign Code pertaining to variances states that "Only the City Council is authorized to permit variances in the administration of (the Sign Code) when good taste and unusual circumstances and/or practicality justify the granting of a variance." Unfortunately the Code does not provide the strong language pertaining to conditions which must be met to effect a variance as is the case in the Zoning Code. Absent such guidelines the Council has the freedom to make any decision it wishes. At some point, the Council may wish to consider providing a similar variance procedure for signs as exists in the Zoning Code. Responsibility for the variance review would then fall to the Board of Adjustment.

6. Rural Special Improvement District. At the last regular meeting this subject was tabled by Councilor Hanson. As no one seemed to know of the existence of pressure sewer systems in this state I was interested in contacting an expert in the field to determine the acceptance of such systems. I am now satisfied that pressure systems are a viable alternative to gravity systems, particularly in lesser populated areas or areas with special characteristics (topography, subsurface materials, etc.)

I have met with representatives of the Water/Sewer District, as well as the engineer working with the County on this matter. With limited reference to past decisions relating to providing utility service outside the City, unless the Council is adamantly opposed to extending such services I have no reason not proceed to the next step in the process. If the Council is willing to take this matter from the table and hear the proposal by a representative from the District, I would recommend the Council consider supporting the District's application for EPA funding on the condition that an agreement to save the City from any cost of operation and maintenance be in place prior to the District's acceptance of an EPA grant. At this point I see the City's responsibility solely that of contracting to accept and treat the effluent from the District's system. The cost of maintenance and replacement of system parts would be the responsibility of the District regardless of the actual form of the agreement.

7. Board Appointments. Two appointed bodies have vacancies effective 1 July. These are the Board of Adjustment and the Police Commission. For the Board of Adjustment the incumbents in the positions are the only ones to have submitted their names for appointment. These are Maurice Cusic and Mike Levenson. For the Police Commission, on the other hand, the position presently held by Ken Doxtater is being sought by both the incumbent and Ed Yarbrough. The Council may wish to consider interviewing these applicants. The letters of application are attached, hereto.

8. Annexation Petition. Attached is a petition (map included) from the Hodges' to annex a portion of a lot in the Gojendes Tracts. Inasmuch as the petition has been signed by the owner of the property, the Council may direct the preparation of a resolution providing for the annexation.

Effecting the annexation of this one-half lot, however, will create an island of the north one-half of the lot. If the petitioner's request is granted by the Council this matter will be placed on a future agenda for consideration of the forced annexation of the island created. In addition, that section of Good Avenue abutting the entire lot is not within the City and may bear special consideration.

9. Miscellaneous. The following items are included for the Council's information, or in answer to questions posed at the last meeting:

a. Injured Domestic Animals. At the last regular meeting the Council reviewed a letter from the Humane Society requesting the City provide funding for veterinarian care of unlicensed, injured domestic animals. Since that meeting the Chief of Police has had an opportunity to review the situation. He noted that while a veterinarian in Kalispell has been willing to tend to such animals without guaranty of payment, there is only one veterinarian in the City of Whitefish and he is only available during morning business hours.

The Animal Warden indicates that, while there have been two recent incidences of this nature, there were none during this past winter. Further, most injured domestic animal cases involve animals which can either be identified or a witness knowing the animal is present. Given the frequency of such instances, and unless the Council would prefer to allocate funds for veterinarian fees for such occurrences, I would propose the addition of an appropriate policy to the Police Manual which would guaranty that reasonable effort would be made to arrange for medical care, but that no City funding be provided for such care. Unless the Council wishes otherwise and reopens this subject for discussion, a policy will be prepared for inclusion in the Manual and adoption by the Council at a later date.

b. Speeding Watercraft on Whitefish River. The attached memorandum from the Chief of Police outlines the facts relating to this subject which arose at the conclusion of the 5 June Council meeting. Without adequate personal experience as to the severity of this nuisance it would normally be my suggestion not to encourage additional laws and regulations unless necessary. If the Council feels that press coverage of the members concern in this matter is insufficient to acquaint those offenders of the public's feelings, then the Chief's recommendation to petition for a "no wake" zone designation might be an appropriate step. Any comments and/or direction?

c. Treatment Plant Odor. At the last meeting the Council expressed concern about the odor emanating from the sewer treatment plant. It was noted that the incomplete aeration system was the reason for the odor problem and that the continuing work to replace the system would result in the problem being eventually eliminated. The attached memorandum from the Utilities Supervisor outlines the replacement program.

On a related note, I have been in contact with the State compliance officer regarding the amended compliance plan. At this point I am preparing a revised response to the State's request for a compliance plan and hope to have a draft ready for discussion with their office by early the week of 19 June. As soon as we have tentatively agreed upon the content of that plan the formal response will be submitted and, hopefully, the City will have met outstanding requirements of the consent decree and demand and this matter will be put to rest. I will keep the Council informed of our progress in this matter.

d. Budget Schedule. As of this moment the following schedule is suggested for review of the proposed budget for the next fiscal year:

10 July - Council receives the proposed budget, schedules worksessions over the following two weeks to review the document;

24 July - Council completes preliminary budget review at the second regular meeting and publishes notice of date of public hearing (Council could elect to meet on the 25th as the final date set by law);

9 August - Public hearing;

14 August - Council adopts final budget.

If the Council has any concerns with this proposed schedule, please let me know.

MINUTES
WHITEFISH CITY COUNCIL
JUNE 19, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Ennor, Police Chief Dolson and Water/Sewer Supervisor Acton.

MINUTES

Councilman Boksich made a motion, seconded by Councilman Hanson, to approve the minutes of the June 5, 1989 meeting as presented. The motion passed with 5 aye votes and 1 abstention. LaTourelle abstained because she was not at this meeting.

PUBLIC COMMENT

Dennis Rasmussen, owner of Greenwood Trailer Court, said that the people adjacent to his property were constructing a building (wash house), however, the building had never been completed and he wondered what the time frame was to finish construction once it was started. City Manager Ennor said that he would review the issue and get back to Dennis Rasmussen on his findings.

STAFF UPDATES

Written reports had been received from Building Inspector Quinn and Police Chief Dolson. City Manager Ennor said that some type of brief informational report relating to both the utilities and street/refuse departments would be considered and would be included in future packets on a monthly basis.

PUBLIC HEARINGS

1. ORDINANCES NUMBER 89-4 AND 89-5: City Manager Ennor said that this would be the second reading of the two Ordinances which would adopt the 1988 editions of the Uniform Building, Uniform Housing Code, Uniform Mechanical Code, Uniform Code for the Abatement of Dangerous Buildings, and the Plumbing Code; the 1986 edition of the CABO (with 1987-1988 amendments).

Mayor Amass opened the public hearing and as there was no public comment he closed the hearing and turned the matter over to the Council for discussion and action.

Councilwoman LaTourelle made a motion, seconded by Councilman Peterson, to adopt Ordinance No. 89-4 and 89-5 on the second reading. The motion passed unanimously.

2. ORDINANCE NO. 89-6 - AMENDMENTS TO THE TEXT OF THE WHITEFISH ZONING JURISDICTION REGULATIONS (SECOND READING): City Manager Ennor said that this Ordinance pertains to accessory uses in residential zones. The Council amended the Ordinance to read "b. The rear yard may be reduced to 3 feet if

it borders an alley." This would be the second and final reading of this Ordinance.

Mayor Amass opened the hearing to the Public and as there was no public comment either for or in opposition of this Ordinance he closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to adopt Ordinance No. 89-6 on the second reading as amended. The motion passed unanimously.

4. SIGN VARIANCE JOHN MELLO - NAME CHANGE FROM MR. P'S TO SEBASTIANS:
City Manager Ennor explained that the proprietor of "Mr. P's" had submitted the attached application for a sign variance. Inasmuch as the existing protruding sign is not in conformance with the Sign Code the change of name would preclude it being retained. Instead, the applicant proposes a circular sign. As the Code allows signs that project not more than twelve (12) inches from the plane of the business front, the variance request is to allow a sign which will project an additional three (3) feet outward from the building.

Mayor Amass opened the hearing to the public.

John Lepo said that he had designed the sign for Mr. Mello and explained that two bay windows encompassed about 99% of the facade of the building and to install a flush sign would put the sign too far above the vision area and would be difficult to properly identify the restaurant. Therefore, Lepo said they were requesting a variance for the projecting sign. He further explained that the current sign would be removed. The 4' diameter sign (main sign) would be (2) sided and would read "Sebastians" Restaurant, in addition there would be a 10" banner section below which would read "Family Dining". The sign would be mounted from a 4" X 4" yard arm.

There was no further public comment and Mayor Amass closed the hearing to the public and turned the issue over to the Council for discussion and action.

Councilman Boksich asked if there was any lighting on the sign. John Mellow said that they would like to retain the existing lighting. Councilman Peterson asked if Mr. Mello was going to take down the flush sign that says "Family Dinning" and he said that they would. Councilwoman Maddux asked if the sign would go on the bay windows above the awning. John Lepo said that the sign would be placed between the windows. Councilman Hanson said that in looking at the Uniform Building Code, Marquis or Canopies can extend into the public right of way seven feet or two thirds of the distance from the wall line to the curb line. He said the reason he had researched this was to see if there was a way of working this type of sign into the new Sign Ordinance. Personally he said that he had no problem with a sign standing out over a canopy or projecting out from the building if it is a quality sign. He said this sign was obviously a quality sign and he would speak in favor of granting the variance. Councilwoman LaTourelle said that with the bay windows and no place to put a flush wall sign, in order to get the visibility the owners did need a projecting sign and she would not be opposed to granting the variance. Councilman Schreiber asked Mr. & Mrs. Mello if they were aware of the fact

COUNCIL MINUTES

JUNE 19, 1989

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that the City was working on a new Sign Ordinance and he explained that other variance requests that had been granted by the Council were conditioned upon them coming into compliance with the new Sign Ordinance. He said that his question was that if the Council gave them a variance and they had to come into compliance, would it be wise for them to wait to see what the Ordinance is before they go to this expense. Mrs. Mello said that they hoped that the sign they were proposing would be approved six months from now as they would be reluctant to go to the expense of purchasing the sign if it were not approved. However, they did need the sign and hoped that the Council would consider all these factors when they adopt the new Sign Ordinance and their variance request. Most of the Council said that they supported approval of this variance because they felt it was a hardship case.

After discussion, Councilman Peterson made a motion, seconded by Councilman Hanson, to approve the Sign Variance request as presented. The motion passed unanimously.

3. SIGN VARIANCE - MARIE NORDAHL: City Manager Ennor explained that this applicant had appeared before the Council at the May 1, 1989 meeting requesting that the Allen's Motel sign be allowed to remain on Dennis Rasmussen's billboard sign. The advertising is in violation of the City's Sign Code in that this business has highway frontage on Highway 93 South. At this meeting the Council granted this party 30 days after notice in which to remove the sign. During this period the Allen's Motel elected to apply for variances from the Code.

Mayor Amass opened the hearing to the public.

Marie Nordahl explained that her motel is set back so far from the highway that they are not visible and miss many potential customers. With the sign across the highway, visibility is much greater and they needed it to stay in business. She said that the advertising should be allowed to stay until a new sign ordinance comes into existence.

As there was no further comment, Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilman Boksich said that he had looked at this sign today and in light of the stipulations the Council had given the new motel and the size of the sign they were made to stay with, he could not justify approving this variance. He did ask if the on premise Allen's Motel sign was at maximum size. She said she was not sure but had been told that she could not change the size of the existing sign. Councilman Boksich said that he would be more favorable of increasing the existing Allen's Motel sign rather than allowing two signs. Councilman Hanson said that she does have a different situation from the Super 8 because her sign sets farther back from the highway. Councilman Schreiber asked Marie if the new Ordinance disallowed the sign would she have a problem coming into compliance. She said that she would come into compliance with a new Sign Ordinance. Dennis Rasmussen said that when the billboard sign was approved it was with the stipulation that it come into Compliance with the new Sign Ordinance. The reason for the variance requests was because the cost of each sign was in excess of \$500 and if removed now and the new Ordinance permitted the signs the advertisers would have to pay

the \$500 again. Councilwoman Maddux said in regard to Rasmussen's request that if Council had chosen to play hard ball, they probably could have voted to take the sign down because it was in violation of the present sign code. By the sign being down and the Council allowing it to be replaced (the Council went on the assumption that it was being repaired and maintained) she said that she felt the Council was leaning over backward to be fair in allowing Rasmussen to have his billboard. She said there were a great number of her constituency that did not think billboard signs should be allowed in the City. She said that she was in agreement with Councilman Boksich and would be more amiable to a variance on the existing Allen's Motel sign than allowing the billboard sign to stay. Councilwoman LaTourelle said that City Attorney Muri brought up at the last Council meeting that businesses that front on highway 93 do not have the right to off premise signage. Legally, if the Council would approve this variance, other people could come forward for the same type of request and at this time she said that she was not willing to deal with it until the new Sign Ordinance was on line. She was opposed to the variance request at this time.

After discussion, Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, that the request for the billboard signage for Allen's Motel be denied. The Motion passed with 4 aye votes and 2 no votes. Schreiber and Hanson voted no.

5. SIGN VARIANCE - KEVIN LINRUDE: City Manager Ennor said that this request was made along with Allen's Motel on May 1, 1989. "Two For One Pizza" was the other advertiser on Dennis Rasmussen's billboard sign.

Mayor Amass opened the public hearing.

Dennis Rasmussen, representing Kevin Linrude, spoke in favor of the Sign Variance as presented. He said that when the new Ordinance was adopted the sign would come into compliance.

As there was no further public comment, Mayor Amass closed the Public Hearing and turned the matter over to the Council.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to deny the request for the Sign Variance as submitted by Two For One Pizza. The motion passed with 4 aye votes and 2 no votes. Schreiber and Hanson voted no.

Councilman Hanson made a motion that the Council stay the execution on the two sign variances for ninety (90) days to see if they would comply with the new Sign Ordinance. The motion was seconded by Councilman Schreiber. The motion was defeated with 2 aye votes and 4 no votes. Schreiber and Hanson voted aye. Boksich, LaTourelle, Maddux and Peterson voted no.

OLD BUSINESS

1. RSID's: City Manager Ennor explained that at the last regular meeting this subject was tabled by Councilman Hanson. He said that as no one seemed to know of the existence of pressure sewer systems in this state he was interested in contacting an expert in the field to determine the acceptance of such systems. He said that he was now satisfied that pressure systems are a

COUNCIL MINUTES

JUNE 19, 1989

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viable alternative to gravity systems, particularly in lesser populated areas or areas with special characteristics (topography, subsurface materials, etc.)

He said that he had met with representatives of the Water/Sewer District, as well as the engineer working with the County on this matter. With limited reference to past decisions relating to providing utility service outside the City, unless the Council is adamantly opposed to extending such services he had no reason not to proceed to the next step in the process. If the Council is willing to take this matter from the table and hear the proposal by a representative from the District, he recommended the Council consider supporting the District's application for EPA funding on the condition that an agreement to save the City from any cost of operation and maintenance be in place prior to the District's acceptance of an EPA grant. He said that at this point the City's responsibility is solely that of contracting to accept and treat the effluent from the District's system. The cost of maintenance and replacement of system parts would be the responsibility of the District regardless of the actual form of the agreement.

He further explained that he had talked to the state today to try and get a feel of exactly what the situation was. The person that he talked to indicated that it was not the intention of the State to put an alternative system (STEP SYSTEM) however, the information exists that the facility plan suggests that it is the most efficient and cost effective system. The conventional system would apply for a 55% grant through the state while the STEP System would be eligible for 75% funding. The conventional system would only be available if it were proven to be the most cost effective. The overriding criteria right now in regard to the Sewer District is that the grant application be submitted before the 31st of July. The funds will be obligated by the end of September. He said that he had heard several concerns about the alternate system (STEP) not being the best system for the City of Whitefish and one alternative would be to bid out both systems to determine which would be less expensive. If the City bid both systems and the gravity system should prove the least expensive there is still the possibility that the state would not accept it, and the funding would only be at 55%. He said that he would recommend that the Council bring the issue back and proceed with the grant application.

Councilman Boksich made a motion, seconded by Councilman Schreiber, to bring back the Rural Special Improvement District issue for discussion. The motion passed unanimously.

Councilman Hanson said that the language in the Interlocal Agreement should be ironed out. He said that his concern expressed in the past was that the City not be stuck with a system attached to our collection system that the City did not want and is not in the best interest of the City of Whitefish. He said that he personally would not be able to vote for any STEP System that was installed and put into the City sewer system. He said that he would like to see the City pursue sewerage these areas with the type of system and design that the City of Whitefish approves, and if we need to do that without EPA funding, then that is what we should do.

Councilwoman LaTourelle said that it was her understanding that the City did have an option of choosing the best system, however, City Manager Ennor said no, not if we want to get EPA funding, the choice is made by them and they have decided the STEP System is the most cost effective.

City Manager Ennor said that the people from the State were convinced that the Texas/Colorado area was fully developed and he tried to convince them that this was not the case. He said that his concern was more what happens five (5) or ten (10) years from now when you have to go out and tell new people they have to put in septic tanks and buy a pump. These people will be expecting to run a line and tap into the conventional sewer line. He said that even if the area was fully developed the STEP System would be very expensive for those people.

Greg Acton agreed with City Manager Ennor. He said that if the City did not accept the STEP System and did not try in some way to convince the State that it is not the most cost effective we would not get any EPA Funding. The Facility Plan that was submitted to the State by the Whitefish County Water/Sewer District says that the STEP System is the most cost effective and in order to change that it will take bidding both systems out and finding out which is the most cost effective. He said that if the City has large developments (such as Colorado Apartments) in the Texas/Colorado area the STEP System would not work. The other drawback that he could see was that the City or the people would have to pay for the maintenance. He said that the conventional collection system through the years does not cost that much, cost of installation and maintenance is very cheap.

City Manager Ennor said that if the City were to bid both systems out and if the conventional system is more cost effective, then the Environmental Assessment would have to be amended. He said that the EPA funding should be applied for and the City should try to convince the State.

Fritz Royer, President of the Whitefish Water/Sewer District said that their only concern was that something get done and to make the Council aware of the time limit on the Grant Funds. He said that it was his understanding from talking to the Water Quality Bureau that it could be dropped at any point in time. He said that their intent in bringing this back for discussion is to get the grant application moving. He said that three (3) areas were involved, Crosswinds/Hueth, Texas/Colorado and Rest Haven. He agreed that there was a question on the most cost effective for the two (2) areas, however, he felt that Rest Haven would have to have the septic system. The Rest Haven area is waiting for the Interlocal Agreement to be passed by the County Commissioners so they can start the process. He said that when we do move forward with the Interlocal Agreement and if the City Manager feels comfortable with moving forward with the grants, it could be with the provision that the type of systems be worked out or if nothing can be worked out for the Texas/Colorado and Crosswinds areas at least it would be in place for the Rest Haven area.

After discussion, Councilman Hanson made a motion, seconded by Councilwoman Maddux, that the City of Whitefish finalize the Interlocal Agreement as drafted and proceed with the Grant Application for EPA participation for a conventional system only for the subject areas.

Councilman Schreiber said that none of the parties involved were experts in this field and that the City could be eliminating itself from a grant by taking this stand and the wiser procedure would be to proceed with the Interlocal Agreement and with the District's Application for the grant and then have discussions during that time frame with the State on trying to convince them and working with them on the two systems. He said that if the City fails to convince them, we can withdraw at that time.

Bill Leonard said that the EPA Grant Program nationally terminates next year. In order to get this project funded they have told us that the very latest that the application can be submitted would be July 31. The EPA has left the door open to Whitefish during the review period of the grant so that the City can try and prove to them that the conventional system is the best system for the City of Whitefish.

Councilman Hanson said that the District had not done something he had suggested since 1985 and that was to develop this Facility Plan hand and glove with the City of Whitefish. He felt if this would have been done the City would not be facing the problem of having to accept a system that they consider inadequate for this area. Bill Leonard said that if we were still under what is now being considered archaic, gravity might well be your best system, but from our Legislatures that we sent to Washington D.C. it is coming down to us that they would rather fund a lot of less expensive systems instead of the major expensive projects. He said that it was out of the Districts hands, they could not dictate at the time the engineering was being done because they were studying which would be the most cost effective in order to obtain the EPA funding. He said that he believes that the STEP System would be compatible to the City's Gravity System.

Mayor Amass called for a vote on the above motion, Hanson voted aye, the rest of the Council voted no. The motion was defeated with a vote of 1 aye vote to 5 no votes.

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to enter into the Interlocal Agreement for the last time and to proceed with the application presented by the District, the City should continue to work on determining which system we would go with and with the condition that the City withdraw if not completely satisfied with the system during the application process. The motion passed with 5 aye votes and 1 no vote. Councilman Hanson voted no.

Councilman Hanson said that he would like the Council to consider sizing up the cost and going out for bid on both systems.

Councilwoman LaTourelle asked if it would be appropriate to share the cost with the District on engineering both systems. City Manager Ennor said that there would be some funds available in the EPA Grant for engineering, however, if both systems were put out for bid the City would loose some money on it. Councilwoman LaTourelle said that she felt it would be most appropriate to share this funding with the District and that the City should not fund the entire cost. Fritz Royer said that the District did not have the funding and it should go into the cost of the SID.

Mayor Amass asked to add to the Agreement between the City of Whitefish and the District about the operation and maintenance prior to submitting the EPA Grant.

Councilman Schreiber made a motion, seconded by Councilman Hanson, that the Interlocal Agreement be amended to include; that the burden of the cost of the maintenance and operation be placed on the Rural Improvement District. The motion passed unanimously

NEW BUSINESS

1. PETITION TO ANNEX - THOMAS W. & CHERYL L. HODGES, S 1/2 OF LOT 1, BLOCK 2, GOJENDES TRACTS: City Manager Ennor explained that the Hodges were contiguous and were petitioning for annexation into the City so that their property could be connected to the City sewer.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to adopt Resolution No. 89-15, annexing the S 1/2 of Lot 1, Block 2, of Gojendes Tracts. The motion passed unanimously.

2. BOARD APPOINTMENTS: City Manager Ennor explained that two (2) appointed bodies had vacancies effective July 1, 1989. These were the Board of Adjustment and the Police Commission. For the Board of Adjustment the incumbents in the positions are the only ones to have submitted their names for appointment. These people were Maurice Cusick and Mike Levenson. For the Police Commission, the position presently held by Ken Doxtater was being sought by both the incumbent and Ed Yarbrough. He said that the Council may wish to interview the two Police Commission candidates.

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to reappoint Maurice Cusick and Mike Levenson to the Board of Adjustment for a three (3) year term. The motion passed unanimously.

Councilman Boksich made a motion, seconded by Councilman Peterson, to reappoint Ken Doxtater to the Police Commission for a three (3) year term. The motion passed unanimously.

3. BOTHE LAKESHORE PERMIT: City Manager Ennor explained that this Lakeshore Permit had been reviewed by both the Lakeshore Protection Committee and the City County Planning Board. The Lakeshore Committee and the Planning Board both recommended the following:

"A single row of native field stone may be placed where the existing wood beam now lies to separate the beach area from the lawn area. Furthermore, the southern portion of the lot down to the stream outlet may be judiciously raked and planted (or Sodded) to grass. Backfilling is not allowed as part of this project." Five of the seven lakeshore committee present at the meeting voiced a serious concern that approval of Bothe's request would set an unstoppable precedent that urban scale landscaping is allowed in the 20 foot lakeshore protection zone as opposed to supporting natural vegetation and protecting existing lakeshore contours. City Manager Ennor said that he would recommend that the Council approve the Lakeshore Permit with the recommendation of the Lakeshore Protection Committee and the City-County Planning Board.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve the Lakeshore Permit as recommended by the Lakeshore Protection Committee and the City-County Planning Board. The motion passed unanimously.

4. REQUEST BY THE GLACIER TWINS TO WAIVE THE OPEN CONTAINER ORDINANCE:
The Glacier Twins were again requesting permission to sell beer at Memorial Field July 6, 7, 8 & 9, 1989 at the 5th annual Sapa-Johnsrud Memorial American Legion Baseball Tournament.

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to approve this request. The motion passed with 5 aye votes and 1 no vote. Councilwoman Maddux voted no.

CITY MANAGER REPORTS

1. CASH STATUS REPORT: Councilman Hanson made a motion, seconded by Councilman Peterson, to approve the Cash Status Report as presented for the month of May, 1989. The motion passed unanimously.

2. SPEEDING WATERCRAFT ON WHITEFISH RIVER: City Manager Ennor said that he had attached a memorandum from the Chief of Police outlining the facts relating to this subject which arose at the conclusion of the June 5, 1989 Council meeting. Without adequate personnel experience as to the severity of this nuisance it would normally be his suggestion not to encourage additional laws and regulations unless necessary. He said that if the Council feels that press coverage of the members concern in this matter is insufficient to acquaint those offenders of the public's feelings, then the Chief's recommendation to petition for a "no wake" zone designation might be an appropriate step.

Councilman Boksich made a motion, seconded by Councilman Hanson, to accept the recommendation of Police Chief Dolson and petition the Fish and Game Commission to designate a portion of Whitefish River (from the Lake and encompass all of the City Limits) as a "No Wake" speed zone. The motion passed unanimously.

MISCELLANEOUS

City Manager Ennor had given the Council the following information in their Council packets:

1. INJURED DOMESTIC ANIMALS: At the last regular meeting the Council reviewed a letter from the Humane Society requesting the City provide funding for veterinarian care of unlicensed, injured domestic animals. Since that meeting the Chief of Police has had an opportunity to review the situation. He noted that while a veterinarian in Kalispell has been willing to tend to such animals without guarantee of payment, there is only one veterinarian in the City and he is only available during morning business hours.

He said that the Animal Warden indicated to him that, while there have been two recent incidences of this nature, there were none during this past winter. Further, most injured domestic animal cases involve animals which can

either be identified or a witness knowing the animal is present. Given the frequency of such instances, and unless the Council would prefer to allocate funds for veterinarian fees for such occurrences, he said that he would propose the addition of an appropriate policy to the Police Manual which would guaranty that reasonable effort would be made to arrange for medical care, but that no City funding be provided for such care. He further said that unless the Council wished otherwise and reopens this subject for discussion, a policy would be prepared for inclusion in the Manual and adoption by the Council at a later date.

2. TREATMENT PLANT ODOR: City Manager Ennor said that at the last meeting the Council expressed concern about the odor emanating from the sewer treatment plant. It was noted that the incomplete aeration system was the reason for the odor problem and that the continuing work to replace the system would result in the problem being eventually eliminated and he gave the Council a memorandum from the Utilities Supervisor outlining the replacement program.

He said that on a related note, he had been in contact with the State compliance officer regarding the amended compliance plan. At this point he said that he was preparing a revised response to the State's request for a compliance plan and he hoped to have a draft ready for discussion with their office by early in the week of June 19. As soon as we have tentatively agreed upon the content of that plan the formal response will be submitted and, hopefully, the City will have met outstanding requirements of the consent decree and demand and this matter will be put to rest.

3. BUDGET SCHEDULE: He gave the Council the following Budget Schedule:

- | | |
|-----------|---|
| July 10 | Council receives the proposed budget, schedules worksessions over the following two weeks to review the document; |
| July 24 | Council completes preliminary budget review at the second regular meeting and publishes notice of date of public hearing; |
| August 9 | Public hearing; |
| August 14 | Council adopts final budget. |

COUNCIL REPORTS OR COMMENTS

Councilman Hanson said that he had spent considerable time on drafting a new Sign Ordinance and that he would have the draft completed in July. He said that he would like to see the Council move forward in getting a workable Ordinance.

Councilwoman Maddux said that she appreciated the rapid response on the questions about the speeding on the river plus the information that City Manager Ennor had given them in their packets, she felt it was very helpful.

COUNCIL MINUTES
JUNE 19, 1989
page 11

She said that summer was the time of the year the Council usually reviewed the City Attorney's contract and asked if the date of the contract could be checked. City Manager Ennor said that he would check the dates.

Councilman Peterson reported that the Welcome to Whitefish signs needed to be repainted. He said that he had requests to have the portable toilet moved to the other side of the tennis courts at Grouse Mountain Park. He said that he had an inquiry about who was responsible for maintaining the road in front of Grouse Mountain Lodge. Several Council Members told him that the Grouse Mountain Homeowners were responsible, but City Manager Ennor said that he would review the issue and get back to him.

Mayor Amass read a letter from John Garrity commending Michael O'Mary for the excellent job he did while installing a new water meter at Mr. Garrity's home.

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to adjourn at 8:55 P.M. The motion passed unanimously.

C.E. Amass, Jr

Mayor

ATTEST:

Kay Baker

City Clerk

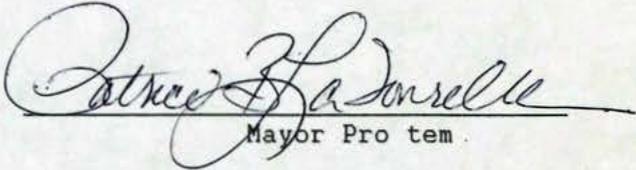
MINUTES
WHITEFISH CITY COUNCIL
JUNE 30, 1989

A special meeting of the Whitefish City Council was called to order at 11:03 A.M. by Mayor Pro tem LaTourelle. Council members present were Councilmen Hanson, Peterson, Boksich and Councilwoman Maddux. Councilman Schreiber was absent.

Mayor Pro tem LaTourelle said the order of business for this meeting was to waive the primary election set for September 12, 1989 as the number of candidates that have filed for election does not require a primary.

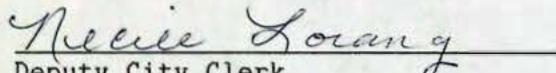
Councilman Peterson made a motion, seconded by Councilman Boksich, to approve Resolution 89-16 waiving the Primary Election. The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilman Peterson, to adjourn at 11:04 A.M. The motion passed unanimously.



Mayor Pro tem

ATTEST:



Deputy City Clerk

JULY 1989



Box 158. Whitefish. Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
July 10, 1989

- I. Approval of the minutes of the June 19, 1989 and June 30, 1989 meetings
- II. PUBLIC COMMENTS
- III. PUBLIC HEARINGS
 1. Scott Ping: Planned Unit Development - Marina Beach at Bay Point
 2. Carla Johnson: Conditional Use Permit
- IV. OLD BUSINESS
 1. Kent Frampton Sign Variance
 2. Ralph Lamberson Water/Sewer Extension
 3. Painting of City Hall
- V. NEW BUSINESS
 1. Application for Lakeshore Construction - Randy Dunlop
 2. Resolution 89-17: ICMA Retirement Plan
 3. Resolution 89-18: Budget Amendments
- VI. CITY MANAGER REPORTS
- VII. COUNCIL REPORTS OR COMMENTS
- VIII. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 5 July 1989
RE: Agenda for 10 July Council Meeting

The following items are scheduled for the Council's attention at the 24 July meeting:

1. Public Hearing - Sign Variance. The Council has received a copy of the application for a variance from the Sign Code to allow a free-standing, off-site sign for the Jensen's RV Park off South Spokane Avenue. In addition, a sketch of the proposed sign noting its location in relation to the Valley Inn Motel sign, a note of permission to utilize this site by the property owner, and a location map are also attached. The need for a variance is questionable, however, unless the non-conforming nature of the sign on the host property is taken into consideration.

Section 17.77.070(12) of the Sign Code provides for off-site signage along South Spokane Avenue ". . . with the rules for size and number determined by the location of the business". The RV Park is to be located in the "WI" zone which has the same size standards as that of the Valley Inn Motel (WB2 zone). This zone allows free-standing signs of 18-feet in height; the proposed RV Park sign would be 16-feet in height.

Paragraph (3) of the same section authorizes free-standing signs to have 100-square feet OR 1-square foot per lineal foot of business facade, whichever is less. Given the location and nature of the RV Park business the 24-square feet of signage proposed (plus 'Good Sam' identifier) seems reasonable.

The signage for the Valley Inn Motel, on the other hand, is 20-feet in height and includes 140-square feet of calculated sign area - both violations of the Code. If the intent of the Sign Code is to provide total area and height limitations for all businesses on a lot, rather than for each individual business, then a variance would be required. If the intent is to place limitations on each business, then the variance would appear unnecessary and the the application would be approved by staff.

2. Planned Unit Development - Scott Ping. The ordinance approving the Marina Beach Planned Unit Development is returning for second reading. After preparing the minutes from the last meeting, and noting the Council's action on the conditions attached to the PUD, it appears the Council needs to clarify their action. Attached are copies of the original list of

26-conditions, as well as the revised list prepared from the tape of the meeting.

Specifically, conditions number 3, 4 and 25, as revised by the Council and attached to the minutes, require clarification. Condition 3 (new), specifying a completion schedule for Phase I and II, would require the entire development to be completed within the two year period. The developer's use of these terms relate to all the condominiums (Phase I) and the unspecified two custom units on the point (Phase II). If the Council meant these phases to refer to the first and second condominium units as the developer indicated to be his construction schedule over the next two years, this "condition" should be so corrected.

Condition 4 (new) is probably an unnecessary duplication of the requirement found in condition number 24 on the revised list of conditions. This condition was listed as number 25 on the original list presented to the Council.

Condition 25 (new), refers to 1,600 square feet of store/office space. The Council discussed a potential total of 1,600 square feet, but general discussion related to not more than 800 square feet per floor. This should be corrected unless the developer is being given the opportunity to plan for a one-story, 1,600 square foot structure.

3. Preliminary Site Plan - Marina Beach. Directly related to the previous subject, the question was raised at the last meeting as to whether the Council had sufficient information by which to approve the development's preliminary plat. In the absence of the City's staff planner the question was not resolved. Mr. Jentz will be in attendance at this meeting to answer any questions pertaining to the history of this project and the reason the information presented to the Council varied from the only other recent PUD permit process.

In order to conclude the process of approving the preliminary plat, and unless the Council has further concerns regarding the conditions imposed upon the Planned Unit Development, a motion to approve the preliminary plat subject to the same conditions imposed upon the PUD would be appropriate. The Council will not that "condition number 24 (new) relates to this same subject.

4. Preliminary Budget. By the time of the meeting the Council will presumably have concluded discussion of the preliminary budget. A motion to adopt the preliminary budget should include an indication that a public hearing on the final budget will be conducted in the Chambers at 7 PM, Wednesday, the 9th of August. Any revisions suggested at that hearing can be incorporated in the final document prior to its adoption on the 24th of August.

5. Special Levy Resolutions. A number of resolutions authorizing special levies have been prepared by the City Clerk and are attached for the Council's review prior to adoption. Each of the levies continues a long-standing service activity for the community.

6. EPA - Authorized City Representative. Attached for the Council's review prior to the meeting is a copy of a suggested resolution from the Environmental Protection Agency to change the name of the City's official "signer" of documents with that agency. Unless the Council prefers the Mayor to be given this responsibility, the normal action would be to have the City Manager serve this function.

7. Request for Water Service Outside City Limits - Park Knoll Subdivision. Attached is a letter from the President of the Park Knoll Water Association requesting extension of City water service to the Park Knoll subdivision. The question has been discussed with the Association's engineer and City staff. The attendant map illustrates the nature of the proposed extension which would provide a 6-inch main southward from the City Shops area.

The City's "rules and regulations" for water service restricts service outside the City to those customer's premises located within 100-feet of a City owned main (Rule VI-4). These circumstances are not presently met by any lot or residence in Park Knoll. The Council does, however, have the authority to alter or amend the rules and regulations (Rule II-4).

Staff has no objection to the extension of the main to serve the subdivision. In addition to the prior submission of appropriate plans, and the timely submission of "as-built" drawings at the conclusion of the construction, if the Council is willing to authorize the project the following recommendations are proposed:

- a. service be provided southward across the City Shops area via a 6-inch main;
- b. upon connection to the subdivision's system the Association's well be detached and abandoned;
- c. consummation of the appropriate agreement waiving the right of all property owners in the subdivision to protest annexation to the City upon the subdivision becoming contiguous to the City limits; and
- d. upon extension of City sanitary sewer service to the boundary of the subdivision, initiation of an improvement project to bring the entire subdivision's water and sewer system to City standards.

8. Request for Water Service Outside City Limits - Veeneman. Mr. Wayne Veeneman of 6565 Highway 93 South has submitted the attached application for water service to his properties which are situated immediately south of the easterly terminus of Greenwood Avenue. While a City water main is situated to the north and along the westerly face of Mr. Veeneman's properties, his residence is more than 100-feet from the main as required by Rule VI-4 of the City's water service rules and regulations.

An advantage of providing service to this property, however, is that an existing well in the Highway 93 right-of-way near McDonald's Restaurant could be removed from service. Under normal circumstances agreement to serve the applicant's residence would include the stipulation that he waive any future right to protest annexation once his property becomes contiguous to the City limits. In this instance, however, it appears that Mr. Veeneman's residence is situated on a separate parcel - totally surrounded by another lot which he owns. Requiring the "no protest" waiver, then, might not mean anything as his residential lot would never become contiguous without his petitioning for annexation of the surrounding lot (Note the attached map).

In addition to the abandonment of the old well and service, and installation of a meter box at a location selected by the City, the Council might consider imposing the condition that the owner waive his ability to protest annexation of any properties served, or across which a main or service line is extended, such waiver to become effective after some period of time, say five (5) years.

9. Water/Sewer Rules and Regulations. In addition to the two earlier exceptions to the existing rules and regulations governing water and sewer service, another situation has arisen which suggests amendment, rather than variance to the rules. In this instance that portion of the sewer charge relating to excess water usage has, again, been questioned.

The Council will recall that the sewer charge is directly related to the amount of water utilized by the consumer. During the summer months residential customers receive special consideration in the belief that a substantial portion of their water use will be for irrigation purposes and will not be treated as sewage. For purposes of definition, residential units include only single and duplex-family structures. Over the years, however, a number of condominium units, churches, and schools have either been granted initial relief from the excess sewer charge, or are adjusted on annual basis at the end of the summer. The rationale for the individual consideration appears to be a combination of convention and "path of least resistance."

I suggest the City's rules and regulations be amended to correct and clarify this situation. If the Council agrees a proposed amendment could be prepared and returned for Council review

at the earliest possible meeting. The Council's suggestions or comments are solicited, however, the suggestion is:

- a. to provide "irrigation" relief for all residential units;
- b. continue to require all commercial services to install a separate irrigation meter if they wish relief from the sewer charge on excess water usage; and,
- c. require those customers with special circumstances to individually petition the City Council for relief from the excess sewer charge.

Such an amendment would allow all residential units, whether a single-family or multi-unit apartment or condominium, the same relief during the summer. It would also require all churches, schools and hospitals to either install a separate irrigation meter or petition the Council if they felt their circumstances were sufficiently peculiar. Such an amendment should reduce or eliminate the number of complaints registered with the billing clerk.

10. County Health Department - Request for Support. A representative of the Flathead County Health Board called to solicit support for the Health Department in their attempt to secure increased funding from the County Commissioners. Evidently, the Health Department has been caught in a unique situation as a result of the passage of I-105 and is attempting to convince the Commissioners to direct additional funds to their use. The Board hopes the community, through the City Council, will support their efforts and asks that either representatives attend a meeting with the Commissioners at 7 PM on the July 25th, or direct a letter of support if attendance is not feasible. If the Council wishes a letter of support can be delivered.

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 5 July 1989
RE: Agenda for 10 July Council Meeting

The following items are scheduled for the Council's attention at the first "rescheduled" meeting for July. Except for public hearings, and other items for which a staff presentation is obviously appropriate, unless the Council wishes me to review each subject I would propose responding to only Council questions or to interject comments if appropriate.

1. Public Hearings. Two public hearings are scheduled before the Council. These include:

a. Marina Beach Planned Unit Development. Included with the agenda is considerable information relating to the Marine Beach PUD proposed by Scott Ping. Inasmuch as Tom Jentz will not be in attendance to review the subject and answer questions relating to the Planning Board's recommendations, the information should be given thorough review. Of specific importance are the "findings of fact", and the "conditions of approval" recommended by the Board.

Mr. Ping will be in attendance to speak "for" the PUD; others from the area may be anticipated to speak "against" the proposal. The "findings of fact" are self-explanatory and about which Mr. Ping has expressed no concern. The twenty-six "conditions", on the other hand, are not all acceptable to either Mr. Ping or those who may be in attendance to express opposition to the project. Specific areas which may be questioned include:

(1) Condition #2. Mr. Ping is opposed to the recommendation for a 24-foot wide, surfaced roadway to the development. Part of his argument against such a width is that Dakota Avenue from which this private road will be accessed is of lesser width than his roadway would be. I believe the Board felt that compounding problem road conditions is no argument for relief from a reasonable road width. As the City has no specific guide for such roads, the Council may wish to view the access point prior to the meeting if members are inclined to authorize a lesser width. As far as the actual timing for the completion of the roadway staff has no problem with an agreement (performance bond) to assure the construction within one-year of approval of the final plat, as noted in condition number 24.

(2) Condition #10. Mr. Ping will undoubtedly suggest that the "loop" of the water line recommended by the Board is not necessary and that dead-end lines to hydrants would suffice. This recommendation was originally suggested by the Fire Chief as a water service matter. From the City's standpoint this loop is not necessary as it would serve only the development and would provide negligible benefit. This condition may be waived with no detriment.

(3) Condition #20. This condition represents a statement of the County requirements and is not applicable to this project as no part of the subject lot is being left undeveloped. The statement is included as a formality.

(4) Condition #26. According to Tom Jentz this condition was the culmination of considerable discussion between the Board members after at least one area resident expressed concern for the development of the mini-mart at the entrance to the development. Evidently, the members toyed with the idea of requiring the relocation of the commercial area, but ended by including this as a "recommendation", only. The Council should consider omitting this condition, otherwise it will become a required condition. A compromise might be accomplished by requiring additional foliage to screen the easterly property, or a fence to catch any blowing papers, etc., from the marina parking lot.

b. Conditional Use Permit - Beauty Shop. The Council has also received a report from the Planning Board regarding a request for a conditional use permit to operate a beauty parlor as a home occupation. The request is from Carla Johnson; the site is 144 West Second Street. Again, the Council will note the "findings of fact" and list of eight "conditions of approval" recommended by the Planning Board. The site plan recommended by the Board requires considerable improvement for off-street parking and, while the cost of these improvements seem rather heavy for a home occupation, Mrs. Johnson has not yet balked at this requirement. A drawing of the proposed site improvements will be available at the meeting.

2. Sign Variance. At the 15 May meeting the City Council granted a variance to Kent Frampton contingent upon three conditions. These were that: 1) the exterior running lights be removed; 2) the smaller, center sign (reading "Steaks") be entirely removed; and 3) the entire sign be made conform with the proposed new code when it is adopted. Upon formal notification of the Council's action the moving lights were removed and there was some movement of the signs. It appears, however, that while the "Steaks" sign was removed, the lowest of the four signs (reading "open 4 PM") was changed to read "Beer & Wine Selections" and elevated to the previous location of the "steaks" sign. (See attached copy of photographs depicting the "before" and "after" sign arrangement)

On 22 June Mr. Frampton was notified of the apparent failure to meet the Council's conditions for the variance and informed that the variance would be nullified if the sign was not removed within thirty days. The attached letter from Mr. Frampton's attorney, dated 28 June, is in response to this notification. Regardless of any misunderstanding on the part of Mr. Frampton, unless the Council believes the revisions to the signage for the establishment are more appropriate as they presently stand, the provisions of the variance permit will be enforced and the "Open 4 PM" sign allowed to be reestablished at its original location.

3. Conditions of Water Service. At the 5 June meeting the Council agreed to provide water service to Mr. Ralph Lamberson without demanding immediate imposition of City rules and regulations pertaining to the extension of the water line (see attached memorandum dated 31 May from Superintendent Acton). As one of the conditions of this agreement the Lambersons were to extend the sewer main to the far corner of their property. As the attached letter indicates, the cost of this sewer line extension is considerably greater than that of installing a septic system.

The Lambersons now request modification of the earlier understanding to allow for participation in any future improvement project affecting their property, rather than bearing the entire cost of the line extension at this time. Staff has no major objection to this proposal and, if the Council agrees the appropriate agreement will be concluded and recorded.

4. Painting of City Hall. Evidently, the budget for the previous fiscal year (1988-89) included provisions for painting the south and west faces of the City Hall and Fire Station. In fact, some paint was purchased by the Fire Department for this purpose. The color chosen for the older areas to the northwest attempts to match the lighter shade of the tile adorning the upper portion of City Hall northerly to the Fire Station door. In addition, the volunteers planned to paint both the station and ambulance bay doors the standard fire department "red".

After discussing the department's plans with the Fire Chief, as well as with the City's maintenance man and the Police Chief, I would like the Council's comments upon, or acquiescence for, the following activities:

- a. minor concrete repair along the lower portion of the building;
- b. scraping and repainting the lower portion of City Hall, as well as the beams on the west side. These areas would be painted the same general color to retain the "two-tone" effect;

c. paint the fire hall bay doors "red";

d. paint the upper portion of both the fire hall and the police vehicle area northerly to the parking lot to generally match the lighter color of the existing City Hall tile (i.e. along the south and west sides);

e. identify the "no parking" zone along the west side of the Police and Fire Departments by painting the curb "yellow".

If the Council has any comments on this proposal, or the names of retired or other painters who might be willing to assist the fire volunteers in this effort, please let me know. Otherwise, the painting will be scheduled as time permits.

5. Lakeshore Committee Recommendation. Subsequent to the last regular meeting of the City Council the attached letter was received from the Chair of the Lakeshore Protection Committee. While the letter addresses two subjects reviewed by the Committee, that pertaining to the application of John Bothe included a recommendation from the Planning Board and was dealt with by the Council at the 19 June meeting.

The matter of approval of a dock for Randy Dunlop was not taken to the Planning Board at their last meeting for a number of reasons. It was not considered by the Committee to be as controversial as that relating to Mr. Bothe's request; was not facing an imminent construction schedule; and was thought only to require review and approval by the Council.

At the 19 June meeting the Council received the minutes of the 14 June Lakeshore Protection Committee. The draft minutes of the Council meeting indicate Council's approval of ". . . the Lakeshore Permit as recommended by the Lakeshore Protection Committee and the City-County Planning Board." Inasmuch as the Planning Board's recommendation dealt only with the Bothe application, while the Lakeshore Committee's recommendations related to both Bothe and Dunlop, the Council should consider either: 1) amending the minutes to reflect approval for both applications, or 2) consider granting specific approval for the Dunlop application.

6. Adoption of ICMA Retirement Plan. In accordance with the provisions of my contract with the City, I wish to exercise my rights under Section 19.3.403(15), MCA, and be excluded from membership in the Montana PERS. Instead, I would propose participation in the ICMA Retirement Corporation's 401(a) program, a money purchase retirement plan. In order to participate in this plan the Council must authorize the Mayor, by roll call vote, to sign the attached resolution (#89-17). If there are any questions pertaining to this plan I would be happy to respond to them.

7. Resolution 89-18: Year-End Budget Adjustments. The City Clerk is preparing year-end adjustments to the 1988-89 budget. These adjustments are standard corrections to a budget adopted a year earlier and will be explained at the meeting.

8. Miscellaneous. The following items are noted for the Council's information:

a. City Attorney Contract. At the last regular meeting the Council asked about the contract for the City Attorney, believing the time for review was approaching. As paragraph 12 of the attached copy of the contract indicates a review of the City Attorney's time and efforts is to be accomplished as of 1 July 1989.

b. Review of Sign Code. At the conclusion of the last meeting Councilor Hanson noted that he intended to begin reviewing the draft of the proposed "new" sign ordinance and would eventually comment thereon. During a recent meeting with the staff of the Flathead Regional Development Office, as well as with the County Administrative Board at their monthly meeting, I reiterated the Council's earlier indication that priority should be placed upon this subject during the ensuing months. While Whitefish's staff assistant will be unavailable until mid-July, the matter will be addressed as soon as possible upon his return.

c. Entrance to Whitefish Signs. Another matter identified by one of the Council at the 19 June meeting was the condition of the signs on Highway 93 welcoming visitors to the city. Contact with John Lepo indicates that the signs will be removed and refurbished within the next two weeks. In addition, a weather cap is scheduled to be added in an attempt to reduce the severity of impact from seasonal weather extremes.

On a related note, Mr. Lepo indicates that he has taken the Grouse Mountain City Park sign to his shop to keep it from being damaged or lost during the recent paving project for the tennis court parking lot. This sign will be reinstalled in the near future.

d. Portable Toilet at Grouse Mountain. In response to a Council comment the portable toilet at the tennis courts at Grouse Mountain is scheduled to be relocated to the northwest corner, along the the west side of the fence, the next time the unit is serviced.

e. Roadway Entering Grouse Mountain. Another question pertaining to the Grouse Mountain facility dealt with the ownership of the access road from Highway 93 to the hotel. Specifically, the Councilor asked whether the roadway was the responsibility of the hotel or the Homeowners Association? A check of the final plat for Grouse Mountain Phase I shows a "certificate of private roadways" stating unequivocally that:

"The roadways shown on this plat are intended to be private in all respects. It is hereby dedicated forever to the sole use of the owners (and successors in interest) of the lots described in this plat. It is understood and agreed that this private roadway does not conform to the state and county requirements for a public roadway. Because of size limitations, it is not suitable for all-season maintenance by the public authorities. The owners (as successors in interest) of the lots described in this plat will provide for the all-season maintenance of the private roadways. This dedication is made with the express understanding that the private roadways will never be maintained by any governmental agency or public authority. It is understood and agreed that the value of each lot described in this plat is enhanced by the private, exclusive nature of said roadway. Thus, the area encompassed by said private roadway will not be separately taxed or assessed by any governmental agency or public authority (sic). Dated this 10th day of Sept, 1979."

f. Rural Special Improvement Districts. In addition to agreeing to proceed through the application process for the proposed rural sewer districts, the Council indicated interest in the possibility of bidding both types of sewer systems with the thought of forcing EPA's hand if the gravity system proved of equal or less expense. The cost of preparing plans and specifications for both approaches is being considered by the engineer involved and the Council will be informed as soon as an estimate is available.

g. Departmental Activities. For the Council's information the following summarizes the projected activities of the utilities and street departments during July:

Streets: with the small number of personnel in the street and refuse sections, vacation leave will reduce the capability of performing non-regular functions other than refuse collection and responding to citizen requests. Remaining personnel efforts will be devoted to operation of the screening plant at the state gravel pit.

Utilities: In addition to scheduled maintenance on lift stations and the water intakes, utility crews will concentrate on earlier obligations for water and sewer improvements associated with the Cross Currents School on Ashar Avenue. As time permits, additional water maintenance activities will include root removal in line between 2nd and 3rd Creeks.

h. Budget Review. The budget schedule which the Council received at the last regular meeting proposes review meetings being held during the next two weeks. The Council could extend these sessions into August, if necessary. Progress through the proposed budget will allow the dates of the public hearing and the final adoption of the document to be finalized.

MINUTES
WHITEFISH CITY COUNCIL
JULY 10, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, LaTourelle, Maddux, Schreiber and Peterson. Boksich was absent. Also present were City Manager Ennor, City Attorney Muri and Police Chief Dolson.

MINUTES

Councilwoman LaTourelle made a motion, seconded by Councilman Peterson, to approve the Minutes of the June 19, 1989 and June 30, 1989 Council meetings as presented. The motion passed unanimously.

PUBLIC COMMENT

NONE

PUBLIC HEARINGS

1. CARLA JOHNSON BEAUTY SHOP - CONDITIONAL USE PERMIT: Carla Johnson of 144 West Second Street was requesting to operate a beauty parlor as a home occupation in her home. The City-County Planning Board voted unanimously to adopt findings of fact 1-11 (attachment A) and to recommend approval of the conditional use permit with the eight (8) conditions found in attachment B.

Mayor Amass opened the hearing to the public and as there was no public comment, either in favor or in opposition, he closed the hearing and turned the issue over to the Council for discussion and action.

Councilwoman LaTourelle asked Carla Johnson if she had reviewed the conditions and if there was anything about the conditions she was opposed to. Carla said that condition #1 limited her to two (2) work stations and she was planning three (3) work stations (she has three (3) employees besides herself). The other problem she had was with the paving requirements and she reviewed attachment A, Parking and Landscape Plan, with the Council. The plan calls for a green area between the proposed beauty shop and the parking area and she requested to eliminate the green area and extend the paving to the building. The Council felt this was a reasonable request and consensus was to allow the paving to be extended to the building.

Councilman Hanson said that he felt the Council should consider deleting condition #5, hours of operation shall be limited to 8:00 a.m. to 5:30 p.m., because Carla Johnson's beauty shop would not be located in a typical residential neighborhood as it is across the street from a 24 hour operation (Circle K). He also felt it would restrict her flexibility to be competitive with other similar businesses in Whitefish.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, to delete condition #5 entirely from Exhibit B, Conditions of Approval as recommended by the City-County Planning Board. The motion passed unanimously.

Councilwoman LaTourelle made a motion, seconded by Councilman Schreiber, to approve Carla Johnson's Use Permit request and adopt the Finding of Facts (Attachment A) and the Conditions of Approval (Attachment B) with the following changes:

1. Number one (#1) be changed to read: The number of work stations (chairs) and number of customers served at one time shall be limited to three (3).
2. c. Three (3) spaces for customers (one for each work station/chair).
5. Delete

The motion passed unanimously.

2. MARINA BEACH PLANNED UNIT DEVELOPMENT: City Manager Ennor reported that the Whitefish City-County Planning Board met on June 15, 1989 to hear a request by Ping Construction of Whitefish for a Planned Unit Development and Preliminary Plat approval of Marina Beach, a 23 unit townhouse development with office and convenience store. He said that the Planning Board voted unanimously to adopt "findings of fact: (Attachment A) and to recommend approval of the project with 26 conditions.

City Manager Ennor also said that Mr. Ping was opposed to some of the 26 conditions set down by the City-County Planning Board and specific areas that might be questioned include:

1. Condition #2. Mr. Ping opposed the recommendation for a 24-foot wide, surfaced roadway to the development. He said that part of his argument against such a width was that Dakota Avenue from which this private road would be accessed is of lesser width than his roadway would be.

2. Condition #10. Mr. Ping will undoubtedly suggest that the "loop" of the water line recommended by the Board is not necessary and that dead-end lines to hydrants would suffice. City Manager Ennor said that this recommendation was originally suggested by the Fire Chief as a water service matter, however, from the City's standpoint the loop would not be necessary as it would serve only the development and would provide negligible benefit. He said that this condition could be waived with no detriment.

3. Condition #20. This statement is included as a formality, the condition represents a statement of the County requirements and is not applicable to this project.

4. Condition #26. City Manager Ennor said that according to Tom Jentz this condition was the culmination of considerable discussion between the Board members after at least one area resident expressed concern for the development of the mini-mart at the entrance to the development. The members toyed with the idea of requiring the relocation of the commercial area, but ended by including this as a "recommendation", only. He said that the Council should consider omitting this condition, otherwise it will become a required

condition. He felt a compromise might be accomplished by requiring additional foliage to screen the easterly property, or a fence to catch any blowing papers, etc., from the marina parking lot.

Attached to the Staff Report was a petition with 59 signatures submitted by residents living within five blocks of the project opposing the project because of possible increased vehicle traffic especially on Dakota Avenue and boater activity at the south end of the lake. Also included were nine letters from individuals either for or against the proposal. The City Clerk was given two (2) petitions before the meeting containing a total of 148 signatures voicing opposition to the traffic impact and the proposed marina. Letters opposing the project were also received from David W. & Karen Lauridsen, Paul & Debbie Biolo, William B. & Joyce M. Toohey and The Ned H. Nelson Family.

As there were no questions to the Staff Report, Mayor Amass opened the public hearing. He requested that people speaking in opposition of the project address the Council first.

Roger Johnson, 400 Dakota Avenue, said that he was concerned about the traffic on Dakota Avenue, the street is not up to standard and there is a lot of traffic on it. He felt that before this development is realized the City should find a way to improve the street. Karen Lauridson said that even though Dakota Avenue was a mess, fixing it would not be the answer, she felt another access should be pursued. She said that although the marina is to be considered separately, decisions regarding the store and location of buildings relate directly to the location and size of the marina. She was opposed to placing the marina (84 slips) in an already congested bay. Judy Ross, representing the Ned H. Nelson family, said that they owned the property adjacent to Bay Point and one of their concerns was placement of the convenience store. In the existing site plan the store would be put on their property line and she recommended that the Council follow the recommendation of the City-County Planning Board and move the store further into the development or disallow it completely. She also was opposed to increased traffic flow on Dakota Avenue. Debbie Biolo said that she was not opposed to the townhouse development, however, she said that their first concern was with the proposed 84 - slip marina, boat launch, parking, commercial convenience store, and gas facilities. She asked the Council to consider moving the commercial aspect of the development further into the interior of the plan so existing homeowners would not have to bear the major negative commercial impact of the boat marina, gas facilities, and convenience store operations, noise and traffic. She said that they recognize the need for such services in the community however, they were asking Council to please consider the residential needs that exist for present homeowners and families adjacent to the proposed development to protect the quality of their lives and homes and financial investments. Other people speaking in opposition to increased traffic on Dakota were Steve Boone, Don Richardson and Kim Kane.

At this time Mayor Amass asked for input from people that were in favor of the development.

Scott Ping, President of Ping Construction, Inc., said that the townhouses he is proposing will be custom built and be built for security as well as landscaped for privacy. The units along the lake would range between \$200,000 to \$230,000. The six plexes will range from \$140,00 to \$160,000. He said that he agreed with the people that Dakota is the problem here, however he said that his proposal should lessen the traffic by approximately 30 vehicles trips per day. He said that the convenience store was needed for security reasons and would be more like a commissary and would not bring people nor delivery trucks to the site. The store was being proposed for the homeowners. He said that the current zoning would allow 64 units and he was proposing twenty three (23) units because he did not want to adversely affect the area.

Mr. Ping said that he was opposed to moving the store to the center of the development and requested that the Council delete #26 from the conditions of approval. Other conditions that he asked Council consideration for were:

2.- b. be changed to a 20 foot paved travel surface. He explained that the section of roadway accessing the development (across tract 7Q) would be 20 feet because of an existing easement with the Baker family and to widen the roadway from this point would not enhance the development.

15. He requested that the Council waive the requirement to tear down the existing single family residence because he said that it was the best building on the site.

10. He said that the loop system for the fire hydrants would not be advantages to the development and would not benefit the City either. He requested that this requirement be waived.

Russ Street, owner of the property, said that he had been a number of years trying to do something with this property that would be an asset to Whitefish. He said that he and Scott Ping had been working for over two years on this project. Right now as it stands under the zoning he said that he could put 15 condominiums to the acre (he owns 7 acres) or 105 units. He said that he would never put that many units in this area and that is why he was supporting Scott's project, he felt it was a quality proposal and everyone should support him. The road in Bay Point is a private road and he said that they would always take care of their road, however, they could not take care of Dakota Avenue because that is a City street and that was up to the citizens of the City.

Greg Bryan, Manager of Bay Point Homeowners Association, said that at their annual meeting Scott Ping came and made his presentation of the proposed development and after considerable discussion they voted to support the PUD as presented. The Homeowners Association felt that this was a quality, well planned project and that it was providing some much needed redevelopment in the area. He said that this project would provide an added tax base with minimal impact on City services and it would increase property values in the neighborhood. Historically the property has always been commercial and through the zoning process a few years ago it was recognized as a resort combination and was zoned as Resort Residential which would allow 15 units per acre. The proposed development would only utilize about half of the

allowable density. He said that in regard to the commercial use (store) planned for the area it would be used to control and monitor the usage of the marina, litter, etc. He said that the store would not be a Circle K nor a Seven Eleven but would be an in house operation and is not intended to service the area or the neighborhood. The intent of the store was to service the associations that are there. The Marina operation is intended to be private and would alleviate some of the traffic and congestion that is occurring now at Bay Point. He supported Scott Ping's request to change the roadway paving requirement from 24 feet to 20 feet with the 30 foot easement. He said that with the reconstruction and extension of the viaduct, the traffic on the first three (3) blocks of Dakota Avenue should be alleviated. He encouraged the City Council to support Scott Ping's project.

Mayor Amass closed the hearing to the public and turned the issue over to the Council for discussion and action.

Debbie Biola asked Scott Ping about the 100 year flood plain and if he planned to elevate the townhomes. Scott said that he would have to get a floodplain development permit before he would go to the expense of starting any construction. She also asked if the townhomes could be rented at the owners option. Scott said that this would be up to the association to determine. Her final question was if the store would be leased out and Scott said no, they were looking for a Manager, Security person to maintain and control the area.

Councilwoman Maddux said that she had a question on the homeowners covenants, Section 1, (n) Renting: Reads that no portion of a unit other than the entire unit may be rented. No unit may be rented for hotel or transient purposes without approval by the Board of Directors. She said that it did not preclude renting but it does not encourage renting either. She also said that she had seen a schema for the townhomes but had never seen one for the store/office and she wondered if one existed. Scott Ping told her no. She said that at this point she did not know the proposed size of the complex. Ping told her that the store/office would occupy approximately 800 square feet of the building. The store portion would be a minimal area with the rest of the space being used for the office and recreational area for the homeowners. Councilwoman Maddux said that he said that he would build the first two four-plexes first, she wondered if she could take it that the store would be the last thing that he would build. He said that the store would be built depending upon the needs and wants of the homeowners that would be moving into the four plexes; if there is a real need for the office and controlling the situation for security purposes it might be built before the six plexes are constructed.

Councilwoman LaTourelle asked him, when he was talking about doing the project in phases was he eliminating all the cabins and then constructing the four-plexes before going to phase II. He said that if they were not eliminated right away, they would definitely be eliminated before there was any occupancy.

Councilman Hanson said that the zoning regulations in the Planned Unit Development, requirement section, clearly states that you are to provide the proposed time schedule for the completion for any phasing thereof. He said

that others had asked about the time schedule and Scott had spelled out what was phase I, but at this point Councilman Hanson said that he had no feel for what Scott was planning for Phase II, III or IV, etc. He said that he needed more information before he would be comfortable that Scott had met the requirements. Scott said that what he would really like to do was to pre-sell the units. He said that his intent was to build the first two units and if sales permitted, he should have all the preliminary site work completed and the units would be started in September and ready for occupancy by June 1st. Phase I would continue the next year depending upon the sales of the townhomes. Phase II would be brought to the Council for approval at a later date, the same with the other Phases of the project.

Councilman Hanson said that the Street family owns considerable other property in the area, he asked Scott if he was acquiring this other property or were his plans only for the property currently before the Council. Scott said that he was acquiring the property on the hill and where the old movie theatre was. At this time he did not know if they would be condo's or just turned into residential lots. Councilman Hanson said that the point he would like to make was on the traffic, he said that he appreciated the people that live on Dakota Avenue, but he personally felt that the Supreme Court Case called *Lowe vs Missoula* put a hamper on Councils when it comes to approving or disapproving zoning based on the impacts of traffic on adjacent streets and by ways. He said that it was to the effect of putting the cart before the horse to expect that the facilities be in place before the development occurs. While we would like to see Dakota Avenue upgraded to where it could handle all the traffic that may or may not be there today let alone with this additional development he did not feel that he as a Councilman could vote against this proposal because he felt that the Supreme Court has taken that prerogative away from him in Montana. So he said that he could appreciate the concerns on Dakota Avenue but he did not see how the Council could rectify the situation by denying the condition of approval of the proposal. The subdivision regulations of which the City of Whitefish has adopted has standards for minimum street widths and basically they call for 24 foot to 26 foot paved widths, however they have another table that gives us the average daily traffic number on a street of a particular width without any problem. According to the regulations, at a 20 mile per hour speed limit a 24 foot paved surface will handle 400 to 700 vehicles per day and the proposed traffic estimated in and out of this subdivision will be less than this so he said that he felt a 20 foot width, paved surface would be adequate. He said that he asked Scott about the other property because when they are developed for some other use, access could be taken from both projects and eliminate the need for going through a bottle neck of easements and swing to the north and front on Dakota Avenue several hundred feet from the current access. Whether that should be a condition of approval now he was not sure but he said that he would like to see this happen at some point in the future and then the Council would not have to worry about securing easements, etc. He said that the site plan shows the boat ramp, which is 26 feet wide, right at the property boundary and he would favor setting the boat ramp back from the east boundary at least by the minimal setback required.

Councilman Peterson said that there seemed to be a question by people that signed the petitions that the boat ramp would be public. Scott said no, that his intention on the marina was that only people that had slips in the

marina would be allowed to launch their boats. He said that once the townhome owners had taken the slips, whatever was left over would be rented to local people. Councilman Peterson said that he felt it was a very nice project and very well presented.

Councilwoman Maddux said that she thought the project has a lot of compromise and it is well planned. The existing home, she felt should be allowed to stay until such time it no longer functions. She said that she felt it was perfectly reasonable to request to wait to develop the road until the construction is complete, but she did not think the City could allow the road width to be narrowed, she was still very concerned about the store, and considered it a part of the marina. She said that she would like to consider the store separately from the rest of the development. Scott said that he felt the store was being made a bigger item than it really would be, it was intended for a controlled use position for the Manager and not for a big blown up convenience store. He said that the homeowners that buy in that area or people in the surrounding area would never let that happen. He emphasized that the office would maintain most of the floor space in this building. Councilwoman Maddux said that she was not ready to give him the latitude of the store but she said that she would compromise on the road, filling for the flood plain, on not removing the house, but she was not willing to say go with what she considered a large portion of the marina. She said that she would like to see what the store/office is going to be and personally she would like to separate that portion of the development from what is being considered tonight. Scott said that if a compromise needed to be done then he would say 400 square feet or half of the area could be used for the store or he could redesign the store and the City Council could approve it, he said that he would be willing to work with the Council on this but a 10' X 10' store would not suffice.

Mayor Amass said that Scott indicated that the store/office would be run by the Association. Scott said that he would keep the store until the homeowners could take it over. Mayor Amass said that his question was why would the homeowners want to run a store and why would they want a store. He said that he was a member of a homeowners association and he would not want to run a store. Scott said that the homeowners would need moneys available to run the area and the store, it would pay for hiring a Manager and they might want the income from the store to offset some of the costs of belonging to the homeowners association.

Councilman Peterson said that the Council keeps talking about compromise and he thought that the compromise was that Mr. Ping could build 64 units and instead he is building 23 units. He said that personally he felt the Council was making too big an issue over a 400 square foot store when there could be 60 units there which would impact the surrounding area.

Councilman Hanson said that he felt the material that the Council had in front of them did not meet the criteria required for filing a preliminary plat at the Court House. He said that the preliminary plat has the exact measurements of the lots, utilities, etc. and that step still has to be accomplished if the PUD is approved.

Scott said it was his understanding that everything the Council approves tonight is just preliminary and all aspects of the project would have to be on line and noted on the final plat when it is approved by the Council.

Councilman Schreiber said that the location of the store could be a compromise issue by relocating it and setting it farther away from the adjacent property owners. If in fact it was approved tonight on the square footage, the location in that general area would be a compromise and would help the adjacent property owners in that area out and maybe it would be something that Scott could live with. He said that he felt the boat slips could be moved too. Scott said that it was not practical for launching the boats, however, he said that he would be willing to plant bushes and buffer the area.

Russ Street said that he had worked a long time on this proposal, however, he had a Californian wanting to buy the property and if Scott Ping did not get approval of the project, he would sell to the Californian.

After considerable discussion, Councilwoman Maddux made a motion, that the Council consider the store and the office when the Marina is considered. The motion died for lack of a second.

Councilman Peterson made a motion, seconded by Councilman Schreiber, to Adopt Ordinance 89-7 approving the PUD based upon the Findings of Fact submitted by the Planning Office and the Conditions of Approval of the City-County Planning Board with the following changes:

1. That 2-b be reduced to 20';
2. Phase I and II be completed within two (2) years;
3. The road be constructed to City specifications within one (1) year after construction of Phase I and II;
4. In item #26 the store/office to remain as presented on the site plan, and be allowed the maximum space of 800 square feet on each level, the Developer is to provide a buffer zone between the store/office building and the adjacent property.
5. #20 be deleted;
6. #10 be deleted;
7. c under #15 be eliminated.

The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, to amend the motion by eliminating #15 completely and also #16. The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to amend the motion to amend 2 - b to include: Any future development on adjacent property would require that City Street Design Standards be met. The motion passed unanimously.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to amend #26, the building be constructed to a maximum 800 square feet each level and the building be operated as an office until such time as the homeowners association designates it for other uses. After discussion, Councilwoman LaTourelle withdrew her second and Councilwoman Maddux withdrew her motion.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, that #26 limit the size of the store/office to 800 square feet per floor. The store aspect not to exceed 600 square feet in the building and no store is to be implemented until 50% of the units have been sold.

Councilman Schreiber made a substitute motion to eliminate #26 with the condition that the final location and makeup of the 1600 square feet meet final approval of the City Council prior to construction of the facility. Councilman Hanson seconded the motion and it passed unanimously.

Revised Conditions of Approval will be attached to the Minutes.

The Preliminary Plat was not considered at this meeting and will be rescheduled for the meeting of July 24, 1989.

Councilwoman Maddux made a motion, seconded by Councilman Hanson, to recess at 9:35 P.M. The motion passed unanimously.

The Council reconvened at 9:45 P.M.

OLD BUSINESS

1. KENT FRAMPTON SIGN VARIANCE: City Manager Ennor told the Council that at the May 15, 1989 Council meeting they granted a variance to Kent Frampton contingent upon three conditions. These were that: 1) the exterior running lights be removed; 2) the smaller, center sign (reading "Steaks") be entirely removed; and 3) the entire sign be made conform with the proposed new code when it is adopted. Upon formal notification of the Council's action the moving lights were removed and there was some movement of the signs. It appears, however, that while the "Steaks" sign was removed, the lowest of the four signs (reading "open 4 PM") was changed to read "Beer & Wine Selections" and elevated to the previous location of the "Steaks" sign.

City Manager Ennor said that on June 22 Mr. Frampton was notified of the apparent failure to meet the Council's conditions for the variance and informed that the variance would be nullified if the sign was not removed within thirty days. He had given Council a copy of a letter from Bill Hileman, Attorney for the Framptons, in response to the notification. He said that regardless of any misunderstanding on the part of Mr. Frampton, unless the Council believes the revisions to the signage for the establishment are more appropriate as they presently stand, the provisions of the variance

permit will be enforced and the "Open 4 PM" sign allowed to be reestablished at its original location.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, that the present sign be accepted, however, the entire sign would have to come into compliance when the new sign ordinance is adopted. The motion passed unanimously.

2. RALPH LAMBERSON WATER/SEWER EXTENSION: City Manager Ennor said that the Council agreed to provide water service to the Lambersons' without demanding immediate imposition of City rules and regulations pertaining to the extension of the water line. As one of the conditions of this agreement the Lambersons were to extend the sewer main to the far corner of their property. The cost to the Lambersons to extend this sewer line is considerably greater than that of installing a septic system.

He said that the Lambersons now are requesting modification of the earlier understanding to allow for participation in any future improvement project affecting their property, rather than bearing the entire cost of the line extension at this time. He said that Staff has no major objection to this proposal and, if the Council agrees the appropriate agreement will be concluded and recorded.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, that the City Staff finalize the agreement with the Lambersons. The motion passed unanimously.

Ralph Lamberson told the Council that Greg Acton denied him hooking on to his father's water line and it would cost approximately \$8,000 to extend the main. He said that he agreed to the memo dated May 31, 1989, because he felt it would not be as costly to extend the sewer line, however, the cost of doing sewer would be \$7,200. Lamberson said that because of the denial of the hook up, his house has been completed and the utilities are still not installed. Without City approval the Sanitation Department would not let them put in a septic system. He thanked City Manager Ennor for his help in this matter but he wanted the Council to know about the delays caused them by the City requirements.

3. PAINTING CITY HALL: City Manager Ennor explained that the budget for the previous fiscal year (1988-1989) included provisions for painting the south and west faces of the City Hall and Fire Station. He said that some paint had been purchased by the Fire Department for this purpose. He further explained the project and asked Council for comments and approval of painting the City buildings.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve the above request. The motion passed unanimously.

NEW BUSINESS

1. APPLICATION FOR LAKESHORE CONSTRUCTION - RANDY DUNLOP: The Lakeshore Protection Committee conditionally recommended approval of this lakeshore project. The application was for a proposal for a T-shaped dock which was

rejected and instead the committee suggests a 30 foot dock consisting of three 8 foot wide sections, EACH 10 feet long, with styrofoam encased in 3/4" chicken wire and one inch solid wood slats separated by 1/2 inch spaces. They also recommended 2" X 4" skids to facilitate entry into the water and removal in the fall.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve the Lakeshore Construction Permit with the conditions of the Lakeshore Protection Committee. The motion passed unanimously.

2. RESOLUTION 89-17: ICMA RETIREMENT PLAN: City Manager Ennor explained that in accordance with the provisions of his contract with the City, he wished to exercise his rights under Section 10.3.403(15), MCA, and be excluded from membership in the Montana PERS. Instead, he was proposing participation in the ICMA Retirement Corporation's 401 (a) program. He said that in order for him to participate in the plan the Council must authorize the Mayor, by roll call vote, to sign the attached Resolution.

Councilman Schreiber made a motion, seconded by Councilman Hanson, to authorize Mayor Amass to sign Resolution No. 89-17, and allow City Manager Ennor to participate in the ICMA Retirement Corporation's 401 (a) program. The motion passed unanimously.

3. RESOLUTION NO. 89-18: BUDGET AMENDMENTS: City Manager Ennor explained that the City Clerk had prepared the year end adjustments to the 1988-1989 budget. The adjustments are standard corrections to a budget adopted a year earlier.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to adopt Resolution No. 89-18 as presented. The motion passed unanimously.

OTHER INFORMATION PROVIDED BY CITY MANAGER ENNOR

CITY ATTORNEY CONTRACT. He had provided the Council with a copy of the City Attorney's contract and said that a review of the City Attorney's time and efforts is to be accomplished as of July 1, 1989.

REVIEW OF SIGN CODE. He told the Council that at the conclusion of the last meeting Councilor Hanson noted that he intended to begin reviewing the draft of the proposed "new" sign ordinance and would eventually comment thereon. During a recent meeting with the staff of the Flathead Regional Development Office, as well as with the County Administrative Board at their monthly meeting, he reiterated the Council's earlier indication that priority should be placed upon this subject during the ensuing months. While Whitefish's staff assistant will be unavailable until mid-July, the matter will be addressed as soon as possible upon his return.

ENTRANCE TO WHITEFISH SIGNS. City Manager Ennor said that another matter identified by one of the Council at the June 19 meeting was the condition of the signs on Highway 93 welcoming visitors to the City. Contact with John Lepo indicates that the signs will be removed and refurbished within the next two weeks. In addition, a weather cap is scheduled to be added in an attempt to reduce the severity of impact from seasonal weather extremes.

PORTABLE TOILET AT GROUSE MOUNTAIN. City Manager Ennor said that in response to a Council comment the portable toilet at the tennis courts at Grouse Mountain is scheduled to be relocated to the northwest corner, along the west side of the fence.

ROADWAY ENTERING GROUSE MOUNTAIN. City Manager Ennor said that another question pertaining to the Grouse Mountain facility dealt with the ownership of the access road from Highway 93 to the hotel. Specifically, the Councilor asked whether the roadway was the responsibility of the hotel or the Homeowners Association and after checking the final plat for Grouse Mountain Phase I shows a "certificate of private roadways" stating unequivocally that the roadways on the plat are intended to be private in all respects.

RURAL SPECIAL IMPROVEMENT DISTRICTS. He reported that in addition to agreeing to proceed through the application process for the proposed rural sewer districts, the Council indicated interest in the possibility of bidding both types of sewer systems with the thought of forcing EPA's hand if the gravity system proved of equal or less expense. The cost of preparing plans and specifications for both approaches is being considered by the engineer involved and the Council will be informed as soon as an estimate is available.

BUDGET REVIEW. He said that the budget schedule which the Council received at the last regular meeting proposes review meetings being held during the next two weeks. The Council could extend these sessions into August. Progress through the proposed budget will allow the dates of the Public hearing and the final adoption of the document to be finalized.

COUNCIL REPORTS OR COMMENTS

The Council set a budget work session for 12:00 noon, Monday, July 17, 1989 in the Council Chambers.

Councilwoman LaTourelle made a motion, seconded by Councilman Schreiber, to adjourn at 10:11 P.M. The motion passed unanimously.

C. E. Amos, Jr

Mayor

ATTEST:

Kay Boder

City Clerk

ATTACHMENT B
CONDITIONAL USE PERMIT - THE HAIR CONNECTION CARLA JOHNSON
CONDITIONS OF APPROVAL
AS RECOMMENDED BY THE WHITEFISH CITY COUNCIL
JULY 10, 1989

It is recommended that the Conditional Use Permit for Carla Johnson to allow the operation of a beauty shop at 144 West Second Street be approved with the following conditions attached:

1. The number of work stations (chairs) and number of customers served at one time shall be limited to 3.
2. A total of 8 parking spaces shall be provided on-site according to the following:
 - a. 2 spaces for the residence (the existing driveway suffices for this).
 - b. 2 spaces for employees (one for each outside employee).
 - c. 3 spaces for customers (one for each work station/chair).
 - d. 2 spaces for waiting/leaving customers.
3. A 6-space paved parking lot shall be constructed and located similar to what is shown on attachment A.
 - a. Each parking space shall measure 9' X 20' and have a suitable wood or concrete curb stop.
 - b. The travel lane shall be a minimum of 20 feet wide. (Zoning Ordinance calls for 24-foot width).
 - c. An access/approach permit shall be secured from the State Highway Department.
 - d. The entire east side of the parking lot shall have a 3-1/2 to 6-1/2 foot high solid screen. The entire south side (facing West Second Street) of the parking lot shall have a minimum 3 foot high visual relief screen. Said screening shall consist of a combination of the following: hedges, shrubbery, trees, berms, planter boxes, dividers, or fencing. All landscaping used to form a visual screen must create a 2 foot tall minimum screening at planting.
 - e. Clear vision triangles on West Second Street shall be observed.
 - f. The parking lot shall be located no closer than 25 feet from the front lot line or 10 feet from a side lot line.
4. The existing gravel parking area in front of the residence shall be eliminated. All opportunity to park shall be eliminated by erection of a minimum low profile decorative fence at the property line with

landscaping (at a minimum, grass) behind as shown on Attachment A.

5. Signage shall be harmoniously designed to blend into the neighborhood and shall be limited by the following:
 - a. Non-internally lit.
 - b. Limited to 10 square feet in size.
 - c. Set back 12-1/2 feet from the front lot line.
 - d. If a freestanding sign, it shall be limited to 5 feet in height as measured from the adjacent land level.
 - e. Serve only as identification.
 - f. Not contain a readerboard.
6. All fencing and landscaping improvements and parking lot improvements shall be installed prior to use of this residence as a beauty shop. A monetary performance bond may be submitted to cover the anticipated cost of specific improvements should weather conditions prohibit their installation prior to occupancy (typically November to April are considered inclement months for improvements).
7. The owner shall be responsible for acquiring the necessary building permits, sign permits, business licenses, etc. The Whitefish Building Inspector must issue a certificate of occupancy prior to opening of the business certifying that all local permits and codes have been complied with, as well as the terms of this Conditional Use Permit.

ATTACHMENT A
FINDINGS OF FACT
CONDITIONAL USE PERMIT #WUP-89-3 - THE HAIR CONNECTION CARLA JOHNSON
ADOPTED BY WHITEFISH CITY-COUNTY PLANNING BOARD
JUNE 15, 1989

1. The site is level, adequate in size and conducive to the use.
2. Proposed parking layout, traffic circulation, and access to Second Street West are appropriate.
3. Substantial landscaping to shield the parking lot and strict sign controls are needed to maintain neighborhood integrity.
4. Public services and utilities are available and adequate.
5. Traffic generated by this use would vastly exceed home occupation standards.
6. The neighborhood is already heavily impacted by traffic, thus additional traffic created by this use is insignificant.
7. There may be some immediately local objectionable odors associated with this use.
8. The house has been used as a retail store in the past.
9. Property values may be impacted as adjacent residential desirability declines and non-residential demands increase.
10. The Master Plan supports non-retail buffer zones in this area.
11. This action is not intended to expand the intent of home occupations or set a community wide precedent.

ATTACHMENT A
FINDINGS OF FACT
PLANNED UNIT DEVELOPMENT APPLICATION #WPP-89-2 - MARINA BEACH
ADOPTED BY WHITEFISH CITY-COUNTY PLANNING BOARD
JUNE 15, 1989

1. The proposal is in conformance with the Master Plan.
2. The residential density at one-third of the maximum allowed will not crowd the site.
3. Floodplain issues affect much of the site but can be mitigated by proper design.
4. Secondary road access out of this site is paramount should future phases develop.
5. The primary access road and easement, as proposed are marginal in width and need upgrading.
6. Marina parking is deficient and the marina site is congested.
7. The proposal is a redevelopment and expansion project, is compatible with neighboring uses, and should improve adjacent property values.
8. Municipal sewer and water are available.
9. Sewer and water mains should be city operated and maintained.
10. Additional water mains and hydrants are necessary to adequately address fire protection.
11. There is a potential impact on the adjacent resident of the commercial development.

ATTACHMENT B
MARINA BEACH - CONDITIONS OF APPROVAL
WHITEFISH CITY COUNCIL
JULY 10, 1989

1. The applicant shall secure a floodplain development permit and comply with all aspects of the Whitefish Floodplain Management Ordinance.
2. Bay Point Drive from Dakota Avenue to the western boundary of this subdivision shall be designed and built to the following standards:
 - a. 40 foot private road and utility easement;
 - b. 20 foot paved travel surface built to city paved road standards, any future development on adjacent property would require that city street design standards be met;
 - c. A minimum four (4) foot gravel walkway built to city sidewalk standards less the concrete except that portion of Bay Point Drive bordering Tract 7Q shall have a minimum 20 foot private road and utility easement, 20 foot paved travel surface and no walkway.
3. Phase I and II must be completed within two (2) years.
4. The road be constructed to City specifications within one (1) year after construction of Phase I and II.
5. Bay Point Drive shall remain a private roadway and maintenance and operation shall be the primary responsibility of the Marina Beach Homeowners' Association and any other private entities who now or will be in the future, parties to this easement.
6. No street parking will be allowed on Bay Point Drive. This should be signed and enforced by the Homeowners' Association.
7. The access road serving units 1-8 shall have a minimum 24 foot paved travel surface built to Whitefish City Street Standards. A suitable turnaround (either a 40 foot minimum radius cul-de-sac or a hammer head turnaround) shall be provided.
8. A detailed grading and drainage plan with all surface drainage routes shown including drainage easements where necessary be submitted to and approved by the Whitefish City Administrator and the State Health Department prior to final plat. No additional storm water runoff from the site due to development shall be directly channeled or allowed to run into Whitefish Lake.
9. All common utilities shall be placed within utility easements and identified on the final plat in accordance with Section III A(14) of the Whitefish Subdivision Regulations and in accordance with City of Whitefish Design Criteria for Public Improvements.

10. All sewer and water facilities shall be designed in accordance with and approved by the City of Whitefish and the State Department of Health prior to final plat approval.
11. In order to guarantee that all individual sewer and water service lines connect directly to a city main, all portions of the sewer and water mains now existing within the subdivision and that portion between the subdivision and the city owned sewer and water line shall be granted to the City of Whitefish for ownership, maintenance and operation.
12. A minimum of four (4) fire hydrants shall be installed. They shall generally be located on Bay Point Drive adjacent to the marina, between units 14 and 15, at the west end of the drive and in a location between units 6,7 and 9.
13. The property development standards of the WRR-2 zone (Whitefish Zoning Jurisdiction Section 17.31.040) shall apply for all proposed and future construction where not specifically altered by these conditions of approval.
14. In addition to requiring two off-street parking spaces per residential unit, an off-street parking ratio of two spaces for each three units constructed and they shall be provided within 300 feet of the specific unit served.
15. The marina facility shall provide paved off-street parking for 20 vehicles. Said parking shall be located within 300 feet of the marina facility. Said parking lot design shall comply with Section 17.62 and Attachment A of the Whitefish Zoning Jurisdiction Regulations.
16. Addresses (house numbers) shall be placed on the final plat of each unit and all house numbers shall be visible on the house or driveway entrance as seen from the primary access road.
17. In lieu of the one-ninth (1/9) parkland dedication requirement, a homeowners' association will be created and approximately 57% of the site (2.6 acres) shall remain in common open space. In addition, a swim beach and docks are also being provided. These amenities shall satisfy the parkland dedication.
18. The net and gross acreage of each lot shall reflect one-twenty fourth (1/24) of the acreage of all common areas (including Bay Point Drive as it exists within the subdivision) for the subdivision and said acreage shall appear for each lot on the face of the plat.
19. As a result of this subdivision no remainder of 20 acres or less in size shall be created.
20. All features shown on this Plat which occur within the lakeshore protection zone are not considered to be part of this review or approval process and must receive a separate Lakeshore Construction Permit prior to construction. Approval of this preliminary plat does

not affect or condone the Lakeshore Construction Permit process.

21. The covenants and bylaws shall be recorded with the Flathead County Clerk and Recorder.
22. All delinquent taxes shall be paid prior to final platting.
23. All required improvements shall be completed prior to approval of the final plat or the applicant shall enter into a written subdivision improvements agreement with the city guaranteeing the construction and installation of all improvements as described in II C(5) of Whitefish Subdivision Regulations.
24. Preliminary plat approval is valid for one year. A one year extension may be requested from City Council. Should additional time be required prior to filing final plat, an improvement agreement described in condition 23 above may be pursued.
25. The final location and makeup of the 1600 square foot store/office building must meet final approval of the City Council prior to construction of the facility.

WHITEFISH CITY COUNCIL
BUDGET WORKSHOP
JULY 17, 1989

Mayor Amass opened the Budget Workshop meeting at 12:00 noon on July 17, 1989. Councilmembers present were Hanson, LaTourelle, Maddux and Peterson. Members Boksich and Schreiber were absent. Also present were Water/Sewer Supervisor Acton, Street Foreman Wartnow and Police Chief Dolson.

Mayor Amass said that he had received an invitation from the Kalispell Chamber of Commerce to attend the air show at Glacier International Airport on Sunday, July 30th and also a Chamber function at Cavanaugh's on the 29th of July. He said that he would not be able to attend and asked if any of the Council Members could attend the functions in his place. City Manager Ennor would keep the letter in case someone could attend.

Councilwoman LaTourelle said that Judge Johnson was requesting an increase in his salary and in her opinion with the problems the auditors found, she felt that Judge Johnson was not doing a very good supervisory job and she was opposed to any salary increase. City Manager Ennor said that the Judge had received a cost of living increase every year, the same as other employees. Judge Johnson was also requesting that the Court Clerk's hours be increased from 32 hours per week to 40 hours per week.

The Council talked to Elaine Franks (Court Clerk) about the work load in the Judge's Office and she said the additional eight hours was needed to keep up with the paper work. Police Chief Dolson supported increasing the Court hours. He explained that the Judge's office was closed on Fridays and there were a lot of people that wanted to pay fines and post bail, he felt it was an inconvenience to the public, not keeping the office open five (5) days a week.

Councilman Hanson said that he would not object to increasing the court hours to forty (40) hours if the City Administrator concurs with the Judges request.

Mayor Amass said that he would like to see a recommendation from the Staff on whether increasing the number of hours was necessary or if a revision of the current hours would be more beneficial. City Manager Ennor said that he would review the issue and bring back a recommendation.

Councilman Hanson said that he felt the City should move forward this year with some of the engineering for the Water Treatment Plant. He was in favor of phasing the project before the Federal Government mandated the City construct the facility. Greg Acton said that \$15,000 was being budgeted under the 930 (Improvements) line item for engineering of a steel vs concrete storage tank. The tank would be located at the reservoir site. Greg explained that the Facility Plan recommended a million dollar concrete tank and he felt that the steel tank or tanks would be much cheaper and needed to be looked at before obligating the City for this kind of an expenditure.

Mayor Amass said that he agreed that the City needed to plan for the future, however, he said that the EPA was already in litigation with the new mandated program in the State of Montana. He said that if they do not find a way to help fund these projects, similar to the Phosphorus Treatment Plant, no community, including the City of Whitefish, could possibly do expenditures of this size (6 to 6 1/2 million dollars). Mayor Amass said that he would do everything possible to prevent putting this type of burden on the rate payers of the City of Whitefish. Councilman Hanson said that he did not mean for the City to do the whole project but, he felt the City needed to do the engineering for the storage tank facilities because of the poor water quality north of the tracks. Mayor Amass asked Greg Acton what percent of an increase the six (6) million dollars would mean to rate payers. Greg told him 160% increase.

Mayor Amass asked Greg Acton what other projects needed to be dealt with in the next budget year. Greg said that there was on going maintenance that needed to be addressed, some of which would be, meter replacement, installation of backflow preventors, water main extension along two (2) blocks of Park Avenue (need to replace a 4" main with a 12" main) and water main extension from Glenwood down Dakota Avenue to Bay Point. Mayor Amass said that all City Departments had enough to keep them busy and it was time for the City to catch up on all existing projects.

Greg Acton said that he felt the engineering would not take up a lot of the City crews time and felt it was a necessary project. City Manager Ennor said that he felt the engineering was an appropriate item and should be initiated.

George Wartnow said that upgrading the storm drain system should be number one priority for his department. There were approximately 20 storm drains that needed to be rerouted and taken out of the sanitary sewer. He said that the storm drains from Somers Avenue, east, could be routed to Pine Avenue and then to the retention pond off of Park Avenue. The storm drains west of Somers Avenue would have to be routed somewhere else, another trunk line would have to be installed. Wartnow also said that the seal coating of Pine, Third and Fir Avenue would not have to be done for two (2) years according to engineers and the State Highway people he had talked to, so this funding could go toward the storm drain system.

Police Chief Dolson said that he had no problems with the proposed budget except he was requesting that the eighth police officer be reinstated in his budget. He said that by adding the eighth officer would give him more time for administrative duties and boost the moral of his men. Mayor Amass suggested that Police Chief Dolson and City Manager Ennor sit down and see if other line items in the Police budget could be reduced to compensate for hiring the eighth police officer. (\$26,000 would be the cost of the officer).

The Council discussed taxing people for maintaining the boulevard trees, some of the expenditures in the Park budget, etc. and Mayor Amass said that he felt that after this meeting there was a better line of communication, however, he was in favor of the Staff bringing back to the next meeting a report on what projects are anticipated for the coming year and what is in this budget that will deal with the projects. The Council agreed and asked

for the Staff recommendations for their next budget meeting.

The Council set the next Budget Workshop for Monday, July 24th at 12:00 Noon in the Council Chambers.

Councilwoman LaTourelle made a motion, seconded by Councilman Peterson, to adjourn the workshop at 1:20 P.M. The motion passed unanimously.

C.E. Amass, Jr

Mayor

ATTEST:

Kay Beller

City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
July 24, 1989

- I. Approval of the minutes of the July 10 and July 17 meetings
- II. PUBLIC COMMENTS
- III. PUBLIC HEARINGS
 1. Sign Variance - Jensen RV Park
- IV. OLD BUSINESS
 1. Ordinance 89-7: Planned Unit Development - Marina Beach (second reading); Approval of Preliminary Site Plan
- V. NEW BUSINESS
 1. Preliminary Budget
 2. City Specials
 - a. Resolution 89-19: Maintenance District #1
 - b. Resolution 89-20: Lighting District #1
 - c. Resolution 89-21: Lighting District #4
 - d. Resolution 89-22: Garbage
 3. Resolution 89-26: Authorize Signer - EPA Grants
 4. Request for outside water service - Park Knoll Water Association
 5. Request for outside water service - Veeneman
- VI. CITY MANAGER REPORTS
 1. Cash Status for June
 2. Departmental Reports
 3. Water/Sewer rules - residential excess charge
- VII. COUNCIL REPORTS OR COMMENTS
- VIII. ADJOURNMENT

BUILDING REPORT FOR JUNE, 1989

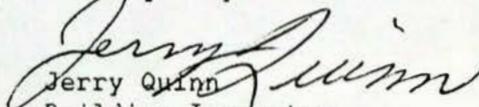
Construction is still at a high even though our permit count is down for this month compared to last month and lower than June of last year. In the month of June the City sold 23 building permits as compared to 32 last year. We sold 17 plumbing permits this month and no mechanical permits. The receipts for each type of permit are as follows:

Building Permits	23	\$2,707.00
Plan Review Fee	0	- 0 -
Plumbing Permits	17	887.00
Mechanical Permits	0	- 0 -
	Total	<u>3,594.00</u>

We had a 4-plex start at Mountain Harbor and one single family home on Houston Point. We had three new garages for the month, two of which could not have been built if the zoning had not been changed.

The work load is still heavier than normal (58 ongoing jobs) and the extra hours I put in each day really help as I can make inspections before 8:00 a.m. Idaho Timber has poured just about all the concrete needed to complete its buildings and the steel will start up soon. I still have plans to review that I work on as time permits.

I will be taking one week vacation during July.


Jerry Quinn
Building Inspector

PROJECT #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2538	Bill Racker	638 Somers	78" Fence	400	OWNER
39	Ralph Sibert	407 Parkway	Enclosed deck 96 sq. ft.	3800	Charles Cavins
2540	Roslyn Minter	1220 Birch Point	Replace windows & doors New stairs & plantings	2000	Whitely Land
41	Dan Becker	850 Birch Point	New Sidyard Fence 5.		Cedar point
42	Shirley Lincoln	422 Central Ave	Temporary Fence	100.-	A&T Morris
43	Void				
44					
2545	Alex Clark	427 W. 5th St.	New Roof & Ch. part on garage & fence	3,000	OWNER
46	SAM Grenz	104 Colorado Ave	Remove second floor and re roof	1,500.-	OWNER
47	Richard Cowan	2317 Houston Pt. Dr.	New Single Family Dwelling w/ garage	9,100	SUNBLAST CONST.
48	Margaret Murock	184 Resevia Rd.	garage & shop 24'x37' 508 sq. ft.	8,800	RON PLATKA
49	CRESTWOOD	1301 Wisconsin Ave.	32 sq. ft. Mechanical room on Mono Slab	350.-	
2550	Alice Davohoe	1011 2nd St. E.	New garage 24'x24' Mono Slab	4,100	Gene Field Servo
51	Henry Peipras Jr.	22 Iowa Ave	Fence, front & Sid-yard	300.-	OWNER
52	Safe working	6580 Hwy 93 ^s .	Enlarge Existing Deli	52,000	Market Contractors

28417 J	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2553					
54	Michael Marton 6-13	980 Park RAT Lane	Remodel Kitchen & Bath	234.	
2555	Tina Amy Morgan 6-14	111 Texas Ave.	Second Floor Addition 510 sq. ft. Bedrooms	21,000 199	TRI CITY Const
56	ARIC King	17 Central Ave.	MARQUEE SIGN 4 sq. ft.	19,000 5	OWNER
57	RAY BOKSICH	223 Columbia Ave	Fence	100 5	OWNER
58	MTH. HARBOR Dev. 6-28	1500 Barkley Lane	4-Plex Condo Unit UNITS 141-144	100- 63,500	OWNER
59	Dave Winchell 6-26	519 Central Ave.	Front Yard 3' high Fence Also Sides	353,000 5	Ford & Swiden
2560	Shari Hilgans 6-26	428 E. 3rd St.	New wall sign 12' sq. ft.	230. 15	OWNER
61	ALAN THOMPSON	631 LUPFER AVE	Sides Rear Fence	200 68-	John Lepo
2127	Michael PREZEAU 6-26	320 DARTON AVE.	22' x 24' GARAGE, PORCH 160 sq. ft. OF deck	4,000 1,000 25	Doug SERVO Columbia Const.
62					
63	Gisèle MATSON 6-29	121 W. 2nd St.	New deck 10' x 19' Minor house repairs Change Windows	3,000 15	OWNER

MEMORANDUM

FROM: Greg Acton
TO: Dale Ennor
DATE: July 19, 1989
RE: Utilities Division Monthly Report June 1989

During the month of June the following activities were performed:

Maintenance - Work on mandated maintenance of the aeration system at the sewer plant continued with repair of malfunctioning aerators. This activity is approximately 90% complete and was stopped to allow the ponds time to recover from their anerobic condition as an odor control measure. Work will continue in late August after an evaluation of repaired aerators. Other maintenance items included electrical repairs at the City Beach lift station and scheduled maintenance at other lift stations. The water intake at Third Creek was cleaned and restored to service, approximately 2 cubic yards of debris was manually removed from the screen and diversion structure. Two water main leaks were repaired.

Construction - Utility personnel assisted Hamilton Construction with continuation of construction work on the Houston Point water main extension. Approximately 120 cubic yards of bedding material and pipe and fittings were delivered. Asphalt was supplied and placed for the East Lakeshore Drive crossing. Asphalt was cut and material was delivered to the Ashar Ave. water main extension site. Survey work and storm sewer preliminary plans were developed for areas east of Spokane Ave. and north of 5th St.

Customer Service - 21 water meters were repaired or replaced. Six water service and 7 sewer service inspections were requested with 4 new water taps installed by utility personnel. Four sewer main backups were reported and corrected. Other customer service activities included locating water and sewer utilities for Harp Line on the new power line route and locations for other contractors. Inspection services for sewer main construction on South O'Brien Ave. Repair of 10" sewer main damaged by Harp Line at Suncrest.

STREET & SANITATION REPORT

June 30, 1989

For the month of June the Street Department patched pot holes, where needed, and swept in the residential areas, including Crestwood, Suncrest and Houston Point. The business district was swept and washed on Mondays and Fridays. All gravel roads in the city limits were graded, and dust coating was applied when weather permitted. We also assisted the Water/Sewer Departments with hauling sand and gravel.

We cut down the dead trees in the City Beach park, and repaired some dig-outs left from the winter. The crew installed a new storm drain at 1st and Kalispell, ran the sanitation system, and did special pickups for garbage. We had ten citizen requests that were all answered.

July 5, 1989

To: City Manager
From: Chief of Police
Subject: Activity Report - June, 1989

	JUNE	Y-T-D	Last Y-T-D	% Of Increase Or Decrease
Citations Issued				
Officer	30	226	275	- 17.8%
Parking	73	350	436	- 19.7%
Dog	14	77	140	- 45.0%
Arrest	26	152	130	+ 16.9%
Activity				
Officer	167	1218	912	+ 33.6%
Other	321	1497	1138	+ 31.5%

Investigations

	JUNE	**Last **% Of Increase		Cases	Clearance
		Y-T-D	Y-T-D	Or Decrease	Rate
				Y-T-D	(Percent)
Murder	0	1		1	100%
Sex Crimes	0	3		2	66.7%
Robbery	0	0		0	
Assault	1	21		12	57.1%
Burglary	1	22		5	22.7%
Theft	14	73		22	30.1%
Auto Theft	0	8		3	37.5%
Drugs	1	8		8	100%
*Miscellaneous	23	88			
Totals	40	212		53	

*Miscellaneous includes non criminal reports

** These categories will remain blank because of a change in tabulating which resulted in a lack of comparative data.

D. H. Dolson

D. H. Dolson
Chief of Police

cc: File
Board

OFFICERS	ARRESTS	TRAFFIC ACC.	CITATIONS	INCIDENT RPT.	28, 29, 31, NCIC	SERVICE/ OFFICER	SERVICE/ DISPATCH	SHIFTS
DOLSON W-1	2	2	8	4	11	5	16	16
HERRMANN W-2	8	1	0	1	59	30	44	21
VAN HAM W-3	5	1	2	4	44	17	35	17
VOELKER W-4	6	0	1	4	5	7	4	
DEVALL W-5	2	0	1	6	29	12	32	16
MERKLEY W-6	6	2	7	5	42	31	72	21
RUPP W-7	3	1	10	6	47	18	59	15
JENSEN W-9	0	0	0	0	3	0	0	0
WILSON W-10	0	0	0	1	8	2	7	3
FRANK W-11	2	0	1	1	16	4	17	4
HOLLIDAY W-12	1	0	0	0	2	0	4	0
FERDA W-13	1	1	0	3	30	13	18	6
ALLEN W-14	1	0	0	0	11	11	4	3
OTHER (S)				7				
ADULT: JUVENILE:	17 9							
WILSON W-20	0	0	VEHICLES: 73 DOGS: 14	0	57	17	9	
TOTALS:	26	8	30	42	364	167	321	

Productivity - 1989

* arrest, traf accidents, citations, reports; divided by shift

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Dolson	.8	1.09	.83	.94	1.5	1.0						
Herrmann	.79	.7	.7	.33	.63	.48						
Van Ham	.53	.72	.47	.61	.67	.71						
Brown	1	1.47	—	—	—	—						
Merkley	1.19	1	.75	.94	.63	.95						
De Vall	1.45	.75	1.14	.75	.36	.56						
Jensen	0	—	1	0	1.	—						
B. Wilson	.25	1	0	1	.75	.33						
Rupp	1.33	0	1.1	1.35	.94	1.33						
Frank	1.33	1.2	1.2	1.09	2.	1.0						
Holliday	—	6	.25	2.67	.5	—						
Arada	2.11	1.5	1.43	2.33	1.35	.83						
Allen	—	—	—	—	1.5	.33						

* This represents a change from last year officer-initiated service has been eliminated, because it skews numbers and is subject to manipulation.

Average	.98	1.4	.81	1.09	.99	.75						
Range	.25 - 2.11	.7 - 6	0 - 1.43	0 - 2.67	.36 - 2	.33 -						

WHITEFISH CITY COUNCIL
BUDGET WORKSHOP
JULY 24, 1989

Mayor Amass called the budget workshop to order at 12:00 noon. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Ennor, Water/Sewer Supervisor Acton, Street Foreman Wartnow, Police Chief Dolson and City Attorney Muri.

City Manager Ennor said that he would recommend that the City Judge's request for a 15% wage increase be denied and he be given a 3 1/2% increase, the same as other City employees. He said that he would not object to adding the funding to the budget for eight (8) additional hours for the Court Clerk, however, he suggested that the hours not be implemented until he reviewed the issue to see if it would be cost effective to increase the number of hours or revise the existing hours.

City Manager Ennor reviewed with the Council the memorandum he had given them regarding the Police Department Organization and Budget. He said that at the last budget work session the Council had asked that the police budget, and specifically the question of whether or not to reestablish the eighth officer position be reviewed. The need for the position, as well as the capability of the General Fund budget to absorb the cost were of primary concern. He said that during the review three factors became prominent in the process of deciding upon the configuration of the Department, these were hours of coverage, availability of funding and local perspective. The Council had shown the most concern about funding the eighth officer. He said that the initial cost of reestablishing an eighth officer would be approximately \$25,800, and this would include not only the cost of salary and benefits, but that of uniform and cleaning allowance. He said that the proposed budget for the department for fiscal year 1989-1990 had been reviewed to determine to what extent adjustments and priority considerations might make funds available to be directed to reestablishing the eighth position. He said that after reviewing the police budget with Chief Dolson, it was decided that overtime could be reduced by \$2,000, utility costs by \$4,000, and machinery and equipment by \$5,000 (postpone the replacement of the four wheel drive vehicle). This \$11,000 total represents forty-three (43%) of the funding needed to support the position and he said that the remainder could be taken from other General Fund department line items and/or from the unappropriated ending fund balance noted in the budget under the Financial Services section as "reserve".

City Manager Ennor said that he supported a six (6) member patrol with a Chief serving primarily as its administrative head. Only with this number of patrol officers would the department have the leeway to provide an effective service and still allow for the rotation of shifts necessary to keep all the members "in touch" with the community. He said in addition, a detective position provides for the investigation and follow-through on reported incidents that is expected by the public when they report incidents.

He said that unless fiscal constraints become more severe than they are at this point, he would recommend that the Council officially establish a table of organization based upon the needs of the community and then work to provide the funding. He suggested restoring the position at midyear, thereby reducing the full impact at this time.

City Attorney Muri told the Council that he would like to speak for the Police, Judge and City Attorney departments. He said with the number of criminal matters coming across his desk, he felt hiring an assistant Prosecutor would be necessary in the future and he told the Council that he had brought in an Assistant this summer from the University of Montana, to help with the work load. He said that he supported additional hours for the Court Clerk because it would help the police and his office plus bring in revenue that was being lost by the office being closed one day a week. He also supported the addition of the eighth police officer because it would be good for the moral of the department and allow for rotating shifts which would deter the burn out of working only the graveyard shift.

The Council discussed the reinstatement of the eighth police officer, the Animal Warden/Parking Enforcement revenue versus expenditures, licensing bikes, etc. A decision would be made before the final adoption of the budget on whether or not to reinstate the eighth officer.

PARKS

City Manager Ennor gave the Council a copy of improvement proposals submitted by the Parks Board. The original proposal totaled \$64,700 which was \$25,000 greater than the previous fiscal year and he had reduced the budget to \$43,200.

The Council questioned spending \$3,000 for replacing the flowers/trees in Riverside Park and the \$4,000 for an automatic irrigation system for Grouse Mountain Park. Councilman Boksich (Park Board Member) explained that the Park Board authorized the flower replacement before their budget had been reduced by the \$25,000, the flowers had been ordered and it was too late to cancel the project. He also explained that the \$4,000 budgeted for the sprinkler system at Grouse Mountain Park was for materials and the soccer association would install the system.

Councilwoman Maddux said that maybe the Park Board should consider advancing the \$4,000 to the soccer association and they could pay the money back as they receive revenue.

The Council also asked about the proposed paving expenditures and Councilman Boksich told them that with the City requirement to pave parking lots, etc. the Park Board felt that some of the park areas should be paved. Grouse Mountain parking lot (around the tennis courts) had been completed this year and the Board anticipated paving a portion of Memorial Park, however, with the reduction of the park budget the paving would not be done and it would be graded and dust coated instead.

S.I.D. #132 (STREET MAINTENANCE)

City Manager Ennor said that storm drainage, retention basins, catch basin improvements and blade patching of selected streets were the major projects anticipated by City Staff. He said that one problem with the storm drainage project related to the timing of the State's proposed improvements to Spokane Avenue. The second consideration related to the use of S.I.D. funds for storm drainage improvements/repairs. He said that if the primary benefit of the installation is reduction of sanitary sewer backup problems, the use of sewer funds might be more appropriate. He said that the advice of the City Attorney should be solicited before proceeding on this project. He gave the Council an estimate of \$50,000 to do this project.

The Council discussed the proposed storm drainage project and were concerned about the City moving forward with the project this year and then the State doing construction next year. Some felt that short term work could be accomplished, such as replacing broken sections of pipe, etc. and work in conjunction with the State's project next year.

Councilwoman LaTourelle said that she would like to see a street maintenance program because she felt the City could not continue with dirt roads and pot holes. Councilman Hanson agreed with her and said that by placing a hot mix overlay on a few streets would buy the City five to seven years before they would have to rebuild them. He said that if the City had not placed the overlay on Second Street it would be impassible today.

City Manager Ennor said that the primary objectives in both the Water and Sewer Departments relate to normal maintenance and improvements and the only major expenditure in the Refuse Division pertains to the acquisition of a refuse collection truck. He said that this \$88,000 line item anticipates the replacement of the existing unit which has been in operation for the past six years.

After discussion, Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to adjourn at 1:33 P.M. The motion passed unanimously.

C.E. Armas, Jr

Mayor

ATTEST:

Kay Baker

City Clerk

MINUTES
WHITEFISH CITY COUNCIL
JULY 24, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Ennor, City Attorney Muri and Police Chief Dolson.

MINUTES

Councilwoman Maddux made a motion, seconded by Councilman Boksich, to approve the minutes of the July 10, 1989 and July 17, 1989 Council meetings. The motion passed with 5 aye votes and 1 abstention. Councilman Boksich abstained because he did not attend the meetings.

PUBLIC COMMENT

Rhonda Fitzgerald and the Board of the Whitefish Magazine presented the Mayor and Council with a copy of the first edition of the magazine.

Councilman Boksich said that he had heard a lot of good public comment on the magazine and felt it was well done. He said that the Council appreciated their efforts.

PUBLIC HEARING

1. SIGN VARIANCE - JENSEN RV PARK: City Manager Ennor said that this request was to allow a freestanding, off-site sign for the Jensen's RV Park off South Spokane Avenue. He explained that Section 17.77.070(12) of the Sign Code provides for off-site signage along South Spokane Avenue. The same section also authorizes freestanding signs to have 100 square feet or 1 square foot per lineal foot of business facade, whichever is less. He said that the 24 square feet of signage proposed seemed reasonable. The signage for the Valley Inn Motel, is 20 feet in height and includes 140 square feet of calculated sign area - both in violations of the Code. If the intent of the Sign Code is to provide total area and height limitations for all business on a lot, rather than for each individual business, then a variance would be required. If the intent is to place limitations on each business, then the variance would appear unnecessary and the application would be approved by Staff.

Mayor Amass opened the public hearing.

Jeff Jensen explained that the RV Park sets behind the Valley Inn and without the sign the traveling public would not be aware the RV Park was there. He requested that the Council approve the sign variance request.

Mayor Amass closed the hearing to the public and turned the issue over to the Council for discussion and action.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to approve the sign variance request as presented with the stipulation that the sign come into compliance with any new sign ordinance. The motion passed unanimously.

OLD BUSINESS

1. ORDINANCE 89-7: PLANNED UNIT DEVELOPMENT - MARINA BEACH (SECOND READING); APPROVAL OF PRELIMINARY PLAT: City Manager Ennor said that Ordinance No. 89-7 approving the Marina Beach Planned Unit Development was returning for the second reading. He said that after reviewing the minutes and noting the Council's action on the conditions attached to the PUD, it appeared that the Council needed to clarify their action. Specifically, conditions number 3, 4 and 25, as revised by the Council.

Condition 3 (new), specifying a completion schedule for Phase I and II, would require the entire development to be completed within the two year period. The developer's use of these terms relate to all the condominiums (Phase I) and the unspecified two custom units on the point (Phase II). He said that if the Council meant these phases to refer to the first and second condominium units as the developer indicated to be his construction schedule over the next two years, this condition should be corrected.

Condition 4 (new) is a duplication of the requirement found in condition number 24 on the revised list of conditions.

Condition 25 (new) refers to 1,600 square feet of store/office space. He said that the Council discussed a potential total of 1,600 square feet, but general discussion related to not more than 800 square feet per floor. He said that he felt this should be corrected unless the developer is being given the opportunity to plan for a one-story, 1,600 square foot structure.

City Manager Ennor also told the Council that at the last Council meeting, they questioned whether there was sufficient information by which to approve the development's preliminary plat. He said that in order to conclude the process of approving the preliminary plat, and unless the Council had further concerns regarding the conditions imposed upon the Planned Unit Development, a motion to approve the preliminary plat subject to the same conditions imposed upon the PUD would be appropriate.

Tom Jentz explained that Phase I was units 1 through 20, there was not a timing schedule with the project because Ping was going to build the units only as the market dictates. The Staff felt it would be unfair to put a time limit on him that he may not be able to meet. Tom explained that normally a preliminary plat, or preliminary agreement, is adopted with all the conditions in place, then the developer would file a final plat. At the point of approving the final plat the developer enters into a subdivision agreement, or contract with the City guaranteeing that all improvements (roads, utilities, etc.) are completed by a certain date. The agreement would also spell out the costs of the improvements. Jentz said that #24 of the Conditions covered this requirement.

City Councilman Hanson said that the preliminary plat is the only opportunity that the City Council has of establishing criteria of approval and when it comes back as the final plat, then the Council makes sure the Developer has complied with the criteria set forth. He said that he felt the Council should be extremely careful because they would be approving a preliminary plat that 50% of the units being proposed are below the 100 year flood plain. He said the City codes state that a complete grading and drainage plan shall accompany the preliminary plat, he said that the Council had not seen a plan and asked Tom Jentz if the plan existed and if the FRDO had a copy of it. Jentz said, no but at the time of final plat review it would have to be submitted and approved by both the City and the State Health Department.

Councilwoman Maddux asked if we usually encourage building in the flood plain areas. Jentz said no, but if we deny this project, the City still will have 15 substandard units and a rickety marina there. He said it was a trade off. Councilman Schreiber asked if the City Council did not approve this project could they develop in the area and Jentz said yes they could build four plexes (up to 60 units).

Councilman Hanson made a motion, that a condition be added, that the drainage plan come back to the City Council before final approval presuming that both the City Staff and the State Staff approve the plan.

Tom Jentz told the Council that this requirement had been addressed in condition #8, with the City Administrator approving the drainage plan prior to final plat approval. If they preferred the wording could be amended to, "approved by the Whitefish City Council" instead of the "City Administrator". City Manager Ennor said that he did not feel a motion was necessary because he would see that the information was provided to the Council before approval of the final plat. Councilman Hanson said that this addressed his concerns and removed his motion.

Councilman Hanson said that his understanding of a Planned Unit Development is that everything must be completed, the Council looks at the information and locations of buildings, etc., rearranges if any changes are necessary, come up with something that the Council can approve and then approve it. Right now, he did not feel the Council was having answers to the questions.

After further discussion, Councilwoman Maddux made a motion seconded by Councilman Boksich, to delete condition #3 and add to condition #4 - units 1 through 8. The motion passed unanimously.

Tom Jentz said that the other area that needed to be cleared up was condition #25 and he recommended that the Council amend this condition to read 800 square feet per floor. (Clarify that the store/office only be allowed 800 square feet).

Councilman Hanson said that he felt the Council should also clarify that the area designated as Phase II, come back to the Council for further review. Tom Jentz agreed with Councilman Hanson, he said that Ping did not have a footprint of this area, and the intent was that the Council would review Phase II at a later date.

The Council discussed the store/office at length.

Councilman Schreiber asked if at this time it would be appropriate to delete #25 and deal with that portion of the project when the plans come in and the Council reviews the whole marina issue. Tom Jentz said that the marina would come in under a separate set of laws, (Lakeshore Protection program). If the Council states in the conditions that it will be considered at the same time as the marina, the concern is, what if the marina does not come in, does the Council still want him to have that office/store there. Jentz said a condition could be approved prior to final platting, that he submits a design of the store showing a maximum of 800 square feet divided between an office and retail. Councilman Schreiber said that some of the questions and concerns of the neighbors were that the Council was reviewing something that there were no plans for. He said that the Council had been trying to restrict the office/store facility and by restricting it, maybe we were tying our hands more than if it was just eliminated, and let the whole thing come back for review. He said that Council might force Mr. Ping to put in a marina, for security or whatever else he was talking about, and he was not sure the neighbors would want it. He said that if the condition was not eliminated, then he would suggest the wording be changed to clarify that 800 square feet would be designated for the office/commercial and the second level would be 800 square feet

Councilwoman Maddux wondered if the following language would be adequate for the condition: That the final location and design of the building, which will have no more than 800 square feet in each of two levels - one level may be living space, the other may be used for the office/commercial and meet final approval of the City Council prior to construction of the facility.

Councilwoman LaTourelle said that even though this was not a public hearing she would concede the floor to public input.

Don Richardson said that this project had been through the Planning Board and one Council meeting and it was apparent that no one knows what is going on. He thought the whole process was ludicrous, there was no flood plain plans, no footprints no artist conception of the store and the Council did not have any answer to these questions. He felt the Council was voting on a piece of property that was not being considered here tonight and still it was being talked about. He said that through the entire process there was not one person who objected to Scott Ping constructing his condominiums, most felt the proposal was very nice and better than what was there now. The people, Richardson said, were not opposed to positive growth, but he felt that the store/commercial complex should be considered when the marina was brought back for review. He requested that the Council turn down the preliminary plat because to approve it at this point would not be in the best interest of the residents or the City.

Councilwoman LaTourelle told him that the Council was not approving the marina and that they were discussing just Phase I on the preliminary plat. She told him that the flood plain was addressed in the conditions and would be reviewed by the Council before the final plat review. She further explained that construction could not start until everything on the preliminary plat,

including all conditions had been met by the developer.

Mayor Amass explained that even if the Council wanted to move forward tonight and approve the preliminary plat, for the residences only, it still had to go to the State and still could be turned down and may never be built. He emphasized that the Council was not dealing with the store or the marina. He said that the Council was doing a good job of trying to scrutinize the project and clarify the project, so they can protect the interests of the residents adjacent to this property.

Other people the Council allowed to speak were Judy Ross, Karen Lauridsen and Janice Mann. They all spoke in opposition of the store complex and Janice Mann told the Council that if they addressed the store issue at a later date and were to grant some kind of approval, there were enough people opposed to the store that she would see the issue was put before the people so it could be voted upon (a ballot measure).

Councilman Hanson said that in the underlying zone (WRR2) the zoning ordinance allows "Accessory Use" as a permitted use. This would allow the development a small store or area which is clearly incidental to the primary use of the main building and which is used customarily in connection with the main building, other structure, or use of land. Councilwoman LaTourelle asked City Attorney Muri, being that this area is considered a resort area and because the City Zoning Ordinance allows accessory uses, even if the issue was placed on the ballot could it not be challenged in the Supreme Court, because it is allowed in the zone. City Attorney Muri said it would be his opinion that the store or some sort of commercial activity could probably be put there because of the way it is currently zoned. Councilwoman Maddux said that what City Attorney Muri said was premised on the fact that it is a legitimate marina at this time and she requested City Staff to research whether the marina has actually been established or if it has simply grown.

After much discussion Councilman Hanson made a motion, seconded by Councilwoman Maddux, that the store/office area be designated as Phase III and require review at a future date and Phase III does not have to follow Phase II but could follow Phase I (could be I, III, II).

City Manager Ennor said that if he had known there would be this much discussion on the Marina Beach project he would have asked Scott Ping to attend the meeting.

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to table the motion made by Councilman Hanson. The motion passed unanimously.

Councilman Schreiber and Councilman Boksich said that they would feel more comfortable if the issue was tabled until the next Council meeting and have Scott Ping attend the meeting so they could get more input from him. The rest of the Council agreed on tabling the issue and Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to continue the second reading of Ordinance 89-7, (PUD) and the Preliminary Plat approval until the next Council meeting. The motion passed unanimously.

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With the deletion of Condition #3 the number of the conditions would change from 25 conditions to 24 conditions.

CONDITIONS OF APPROVAL
WHITEFISH CITY COUNCIL
JULY 24, 1989

1. The applicant shall secure a floodplain development permit and comply with all aspects of the Whitefish Floodplain Management Ordinance.
2. Bay Point Drive from Dakota Avenue to the western boundary of this subdivision shall be designed and built to the following standards:
 - a. 40 foot private road and utility easement;
 - b. 20 foot paved travel surface built to city paved road standards, any future development on adjacent property would require that city street design standards be met;
 - c. A minimum four (4) foot gravel walkway built to city sidewalk standards less the concrete except that portion of Bay Point Drive bordering Tract 7Q shall have a minimum 20 foot private road and utility easement, 20 foot paved travel surface and no walkway.
3. The road be constructed to City specifications within one (1) year after construction of Phase I (units 1 through 8).
4. Bay Point Drive shall remain a private roadway and maintenance and operation shall be the primary responsibility of the Marina Beach Homeowners' Association and any other private entities who now or will be in the future, parties to this easement.
5. No street parking will be allowed on Bay Point Drive. This should be signed and enforced by the Homeowners' Association.
6. The access road serving units 1-8 shall have a minimum 24 foot paved travel surface built to Whitefish City Street Standards. A suitable turnaround (either a 40 foot minimum radius cul-de-sac or a hammer head turnaround) shall be provided.
7. A detailed grading and drainage plan with all surface drainage routes shown including drainage easements where necessary be submitted to and approved by the Whitefish City Administrator and the State Health Department prior to final plat. No additional storm water runoff from the site due to development shall be directly channeled or allowed to run into Whitefish Lake.
8. All common utilities shall be placed within utility easements and identified on the final plat in accordance with Section III A(14) of the Whitefish Subdivision Regulations and in accordance with City of Whitefish Design Criteria for Public Improvements.

9. All sewer and water facilities shall be designed in accordance with and approved by the City of Whitefish and the State Department of Health prior to final plat approval.
10. In order to guarantee that all individual sewer and water service lines connect directly to a city main, all portions of the sewer and water mains now existing within the subdivision and that portion between the subdivision and the city owned sewer and water line shall be granted to the City of Whitefish for ownership, maintenance and operation.
11. A minimum of four (4) fire hydrants shall be installed. They shall generally be located on Bay Point Drive adjacent to the marina, between units 14 and 15, at the west end of the drive and in a location between units 6,7 and 9.
12. The property development standards of the WRR-2 zone (Whitefish Zoning Jurisdiction Section 17.31.040) shall apply for all proposed and future construction where not specifically altered by these conditions of approval.
13. In addition to requiring two off-street parking spaces per residential unit, an off-street parking ratio of two spaces for each three units constructed and they shall be provided within 300 feet of the specific unit served.
14. The marina facility shall provide paved off-street parking for 20 vehicles. Said parking shall be located within 300 feet of the marina facility. Said parking lot design shall comply with Section 17.62 and Attachment A of the Whitefish Zoning Jurisdiction Regulations.
15. Addresses (house numbers) shall be placed on the final plat of each unit and all house numbers shall be visible on the house or driveway entrance as seen from the primary access road.
16. In lieu of the one-ninth (1/9) parkland dedication requirement, a homeowners' association will be created and approximately 57% of the site (2.6 acres) shall remain in common open space. In addition, a swim beach and docks are also being provided. These amenities shall satisfy the parkland dedication.
17. The net and gross acreage of each lot shall reflect one-twenty fourth (1/24) of the acreage of all common areas (including Bay Point Drive as it exists within the subdivision) for the subdivision and said acreage shall appear for each lot on the face of the plat.
18. As a result of this subdivision no remainder of 20 acres or less in size shall be created.
19. All features shown on this Plat which occur within the lakeshore protection zone are not considered to be part of this review or approval process and must receive a separate Lakeshore Construction Permit prior to construction. Approval of this preliminary plat does

- not affect or condone the Lakeshore Construction Permit process.
20. The covenants and bylaws shall be recorded with the Flathead County Clerk and Recorder.
 21. All delinquent taxes shall be paid prior to final platting.
 22. All required improvements shall be completed prior to approval of the final plat or the applicant shall enter into a written subdivision improvements agreement with the city guaranteeing the construction and installation of all improvements as described in II C(5) of Whitefish Subdivision Regulations.
 23. Preliminary plat approval is valid for one year. A one year extension may be requested from City Council. Should additional time be required prior to filing final plat, an improvement agreement described in condition 22 above may be pursued.
 24. The final location and makeup of the 1600 square foot store/office building must meet final approval of the City Council prior to construction of the facility.

NEW BUSINESS

1. Preliminary Budget: Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to adopt the Preliminary Budget as presented and set the budget hearings for August 9, 1989 and continue the hearing until August 14, 1989. The motion passed unanimously.

The Preliminary Budget will be attached to the minutes.

2. City Specials: Councilman Schreiber made the motion, seconded by Councilwoman LaTourelle, to adopt Resolution No. 89-19, Maintenance District #1, Resolution No. 89-20, Lighting District #1, Resolution No. 89-21, Lighting District #4, Resolution No. 89-22, Solid Waste, as presented. The motion passed unanimously.

3. Resolution 89-26: authorize signer - EPA Grants: City Manager Ennor had attached for the Council review a copy of a suggested resolution from the Environmental Protection Agency to change the name of the City's official "signer" of documents with that agency.

Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to adopt Resolution No. 89-26, authorizing City Manager Ennor as the official signer of documents with the Environmental Protection Agency. The motion passed unanimously.

4. Request for outside water service - Park Knoll Water Association: City Manager Ennor had received a letter from Gary Watterud, President of the Park Knoll Water Association requesting extension of City water service to the Park Knoll subdivision. The question had been discussed with the Association's engineer and City Staff and the proposal was to extend a 6" main southward from the City Shops area. City Manager Ennor said that Staff had no

objection to the extension of the main and were recommending the following:

- a. service be provided southward across the City Shops area via a 6 inch main;
- b. upon connection to the subdivision's system the Association's well be detached and abandoned;
- c. consummation of the appropriate agreement waiving the right of all property owners in the subdivision to protest annexation to the City upon the subdivision becoming contiguous to the City limits; and
- d. upon extension of City sanitary sewer service to the boundary of the subdivision, initiation of an improvement project to bring the entire subdivision's water and sewer system to City standards.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to approve the water extension to Park Knoll subdivision based upon the conditions and agreements of the City Staff. The motion passed unanimously.

5. Request for outside water service - Veeneman: Wayne Veeneman of 6565 Highway 93 South has submitted an application for water service to his properties which are situated immediately south of Greenwood Avenue. The City water main is situated to the north and along the westerly face of the Veeneman properties, his residence is more than 100 feet from the main as required by Rule VI-4 of the City's water service rules and regulations.

City Manager Ennor said an advantage of providing service to this property, is that an existing well in the Highway 93 right-of-way near McDonald's Restaurant could be removed from service. Under normal circumstances agreement to serve the applicant's residence would include the stipulation that he waive any future right to protest annexation once his property becomes contiguous to the City limits. He said that in this instance, it appears that the Veeneman's residence is situated on a separate parcel, totally surrounded by another lot which he owns and requiring the "no protest" waiver, might not mean anything as his residential lot would never become contiguous without his petitioning for annexation of the surrounding lot. He recommended that the old well be abandoned and installation of a meter box at a location selected by the City, and the owner waive his ability to protest annexation of any properties served, or across which a main or service line is extended, such waiver to become effective after some period of time maybe five years.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to approve the extension of water service to Veeneman based upon the conditions and agreements as recommended by City Staff. The motion passed unanimously.

CITY MANAGER REPORTS

1. CASH STATUS REPORT FOR JUNE: Councilman Hanson made a motion, seconded by Councilwoman LaTourelle to approve the Cash Status Report for the month June. The motion passed unanimously.

2. DEPARTMENTAL REPORTS: Written reports had been submitted by Police Chief Dolson, Building Inspector Quinn, Water/Sewer Supervisor Acton and Street/Sanitation Foreman Wartnow.

3. WATER/SEWER RULES - RESIDENTIAL EXCESS CHARGE: City Manager Ennor said that in addition to the two earlier exceptions to the existing rules and regulations governing water and sewer service, another situation had arisen which suggests amendment, rather than variance to the rules. In this instance that portion of the sewer charge relating to excess water usage has, again, been questioned.

He said that the sewer charge is directly related to the amount of water utilized by the consumer. During the summer months residential customers receive special consideration in the belief that a substantial portion of their water use will be for irrigation purposes and will not be treated as sewage. He explained that residential units include only single and duplex family structures. Over the years a number of condominium units, churches, and schools have either been granted initial relief from the excess sewer charge, or are adjusted on an annual basis at the end of the summer. He said that he would suggest the City's rules and regulations be amended to correct and clarify this situation. He said that if the Council agreed he would prepare a proposed amendment and bring it back for Council review at the earliest possible meeting. He recommended the following:

- a. to provide "irrigation" relief for all residential units;
- b. continue to require all commercial services to install a separate irrigation meter if they wish relief from the sewer charge on excess water usage; and,
- c. require those customers with special circumstances to individually petition the City Council for relief from the excess sewer charge.

He said that such an amendment would allow all residential units, whether a single family or multi-unit apartment or condominium, the same relief during the summer. It would also require all churches, schools and hospitals to either install a separate irrigation meter or petition the Council if they felt their circumstances were sufficiently peculiar. Such an amendment should reduce or eliminate the number of complaints registered with the billing clerk.

Consensus of the Council was that the Staff draft a proposal and bring it back for Council review and adoption.

4. COUNTY HEALTH DEPARTMENT - REQUEST FOR SUPPORT: City Manager Ennor reported that a representative of the Flathead County Health Board called to solicit support for the Health Department in their attempt to secure increased funding from the County Commissioners. Evidently, the Health Department had been caught in a unique situation as a result of the passage of I-105 and was attempting to convince the Commissioners to direct additional to their use. The Board hopes the community, through the City Council, will support their efforts and asks that either representatives attend a meeting with the

Commissioners at 7 PM on the 25th of July, or direct a letter of support if attendance is not feasible.

Consensus of the Council was to send a letter of support.

5. RESOLUTION NO. 89-27 - CASH ANTICIPATION FINANCING PROGRAM 1989: By adopting this Resolution, the City of Whitefish can participate in the short term cash anticipation program. The City has participated in this program in the past by borrowing to finance sewer construction projects. The total interest paid by us was \$0. The Staff recommends that the Council adopt this Resolution.

Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to adopt Resolution No. 89-27 as presented. The motion passed unanimously.

COUNCIL REPORTS OR COMMENTS

Councilman Boksich said that the downtown streets needed to be swept and cleaned, they still had a lot of sand and gravel on them. He was aware the street crew was short handed and suggested that maybe one of the other departments could assume this job. City Manager Ennor said that he would check with department heads and try to get the sweeper back on the streets.

Councilwoman LaTourelle said that it was time to review City Attorney Muri's contract and the Council needed an evaluation form. City Staff would provide the Council with an evaluation form.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to adjourn the meeting at 9:36 P.M. The motion passed unanimously.

C.E. Amass, Jr

Mayor

ATTEST:

Kay Beller

City Clerk

CITY OF WHITEFISH

PRELIMINARY BUDGET
FISCAL YEAR 1989-1990

CITY OF WHITEFISH
REVENUE BUDGET REPORT

ACCOUNT	1988-1989 ESTIMATED	1988-1989 REALIZED	1989-1990 ESTIMATED
1000-GENERAL			
311010-REAL PROPERTY TAXES	400,000	411,862	463,828
311020-PERSONAL PROPERTY TAXES	40,000	37,510	40,000
312000-PENALTY AND INTEREST	8,500	11,279	10,000
313000-TAX TITLE & PROPERTY SALES	- 0 -	1,228	1,000
314000-LIGHT VEHICLE TAX (2%)	- 0 -	36,162	37,000
314020-MOTORCYCLES	125	- 0 -	125
321005-M.V. LICENSE FEES (NEW)	32,500	4,157	5,000
321010-MOTOR VEHICLE PLATE FEES	12,000	12,934	13,000
321030-TITLE REGISTRATION FEES	500	736	800
321070-RECREATIONAL VEHICLES	500	- 0 -	500
322010-ALCOHOL BEVERAGE LIC & P.	9,000	8,280	4,300
322021-CABLE TELEVISION	12,629	10,499	12,000
322030-GEN. BUS. LICENSES & PER.	19,000	21,248	21,000
322040-GAMBLING LICENSES & PER.	10,000	10,241	10,000
322044-DEALERS LICENSES	2,500	4,030	800
322045-AMUSE & SPEC EVENTS PER.	250	250	250
323011-BUILDING PERMITS	18,000	45,722	35,000
323013-PLUMBING PERMITS	3,000	6,263	5,000
323014-NATURAL GAS PERMITS	100	291	300
323016-EXCAVATION PERMITS	- 0 -	- 0 -	- 0 -
323017-MECHANICAL PERMITS	1,750	3,553	3,000
323018-DOCK PERMITS	25	30	30
323019-MOVING PERMITS	50	50	50
323020-BURNING PERMITS	474	100	100
323030-ANIMAL LICENSE	2,000	2,124	2,100
323131-BICYCLE LICENSE	5	4	5
331010-CDBG	- 0 -	- 0 -	- 0 -
331011-BLOCK GRANT	2,000	1,800	2,000
331012-LAND & WATER CONSERVATION	17,000	- 0 -	- 0 -
335010-LIQUOR TAX APP REHAB FUND	25,000	27,191	25,000
335015-WINE TAX APPORTIONMENT	600	609	600
335020-BEER TAX APPORTIONMENT	8,000	8,829	8,000
335025-D.U.I.		405	500
335030-MOTOR VEHICLE TAX AD VAL.	2,000	1,815	2,000
335055-CORPORATION LICENSE TAX	1,500	10,168	8,000
335075-VIDEO POKER PROGRAM 15%	52,000	66,611	65,000
339000-IN LIEU OF TAXES H. AUTH.	3,376	3,376	3,376
341000-CHARGES FOR SERVICES	5,000	14,661	15,000
341010-SALE OF SUNDRIES	250	383	500
341070-PLANNING FEES	775	700	775
341071-ANNEXATION FEES	- 0 -		
342012-BOARD OF PRISONERS		105	500
342040-ALARM SYSTEM	1,400	1,400	1,400
343010-STREET & ROADWAY CHARGES	- 0 -		
343018-SALE OF MATERIALS			
343320-SALE OF CEMETERY PLOTS	1,500	3,742	1,500
343340-OPENING & CLOSING FEES	3,750	4,135	4,000
343350-PERPETUAL CARE CHARGES	350	4,147	4,000
346000-CULTURE & RECREATION		3,167	3,000
351030-TRAFFIC FINES	44,000	40,265	44,000
351031-PARKING FINES	1,000	813	1,000
351032-SURCHARGE	300	980	1,000
351040-DOG FINES	3,000	1,912	2,000
361000-MISCELLANEOUS	6,500	7,541	8,000
365000-CONTRIBUTIONS & DONATIONS	40,000		
371010-INTEREST EARNINGS	35,000	25,007	35,000
382010-SALE OF FIXED ASSETS	2,500	2,501	2,500
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TOTAL GENERAL	834,435	860,829	903,839
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	CASH CARRYOVER		121,452
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	TOTAL		1,025,291
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CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
1000-GENERAL			
410360-CITY COURT			
110-SALARIES PERMANENT FT & PT	22,094	23,549	22,266
111-SALARIES, TEMP & SEASONAL	1,100	1,100	1,100
120-OVERTIME	- 0 -	- 0 -	- 0 -
140-EMPLOYER CONTRIBUTIONS	9,000	7,336	9,000
210-OFFICE SUPPLIES & MATERIALS	500	518	600
220-OPERATING SUPPLIES & MATERIALS	175	173	175
230-REPAIR & MAINTENANCE SUPPLY	2,000	1,547	2,000
240-OTHER REPAIR & MAINTENANCE	- 0 -	- 0 -	- 0 -
310-COMMUNICATION & TRANSPORTATION	700	376	600
320-PRINTING	1,500	370	1,000
330-PUBLICITY SUBSCRIPT & DUES	450	334	450
340-UTILITY SERVICES	4,300	3,691	4,300
350-PROFESSIONAL SERVICES	1,500	2,679	3,000
360-REPAIR & MAINTENANCE	700	686	700
370-TRAVEL AND TRAINING	1,100	819	1,100
390-OTHER PURCHASED SERVICES	2,500	2,096	2,500
510-INSURANCE	- 0 -	- 0 -	- 0 -
820-TRANSFERS	- 0 -	- 0 -	- 0 -
940-MACHINERY & EQUIPMENT	800	800	800
TOTAL CITY COURT	48,419	46,078	49,591
410500-FINANCIAL SERVICES			
110-SALARIES PERMANENT FT & PT	44,500	44,142	46,114
111-SALARIES, TEMP SEAS	- 0 -	- 0 -	- 0 -
120-OVERTIME	1,500	1,064	1,000
140-EMPLOYER CONTRIBUTIONS	11,000	10,896	11,198
210-OFFICE SUPPLIES & MATERIALS	1,500	962	1,500
230-OPERATING SUPPLIES & MATERIALS	150	93	150
230-REPAIR & MAINTENANCE SUPPLY	5,000	3,415	5,000
250-SUPPLIES FOR RESALE	- 0 -	- 0 -	- 0 -
310-COMMUNICATION & TRANSPORTATION	150	135	150
320-PRINTING	1,000	965	1,000
330-PUBLICITY SUBSCRPT & DUES	3,500	2,332	3,000
340-UTILITY SERVICES	6,000	3,190	5,000
350-PROFESSIONAL SERVICES	6,000	5,924	6,000
360-REPAIR & MAINTENANCE	3,000	1,187	2,500
370-TRAVEL & TRAINING	4,000	3,482	4,000
390-OTHER PURCHASED SERVICES	14,228	13,725	15,000
510-INSURANCE	6,000	6,062	6,500
540-DEPRECIATION	- 0 -	- 0 -	- 0 -
930-IMPROVEMENTS	4,500	2,621	4,500
940-MACHINERY & EQUIPMENT	6,500	5,719	6,500
970-RESERVE	- 0 -	- 0 -	119,042
TOTAL FINANCIAL SERVICES	118,528	105,922	238,154
41100-LEGAL SERVICES			
110-SALARIES PERMANENT FT & PT	22,484	20,268	24,000
210-OFFICE SUPPLIES & MATERIALS	- 0 -	- 0 -	- 0 -
230-REPAIR & MAINTENANCE SUPPLY	- 0 -	- 0 -	- 0 -
310-COMMUNICATION & TRANSPORTATION	800	476	800
320-PRINTING	- 0 -	- 0 -	- 0 -
330-PUBLICITY SUPSCRPT & DUES	- 0 -	- 0 -	- 0 -
340-UTILITY SERVICES	300	35	300
370-TRAVEL & TRAINING	800	325	800
TOTAL LEGAL SERVICES	24,384	21,105	25,900

CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
420100-LAW ENFORCEMENT SERVICES			
110-SALARIES PERMANENT FT & PT	277,846	287,342	287,000
111-SALARIES, TEMP SEAS	- 0 -	- 0 -	- 0 -
120-OVERTIME	2,000	3,777	4,000
140-EMPLOYER CONTRIBUTIONS	75,000	74,706	74,000
210-OFFICE SUPPLIES & MATERIALS	1,500	1,301	1,500
220-OPERATING SUPPLIES & MATERIAL	8,000	7,692	8,892
230-REPAIR & MAINTENANCE SUPPLY	19,000	18,283	18,300
310-COMMUNICATION & TRANSPORTATION	2,750	2,926	3,000
320-PRINTING	1,200	678	1,200
330-PUBLICITY SUBSCRPT & DUES	400	991	540
340-UTILITY SERVICES	12,000	7,245	11,000
350-PROFESSIONAL SERVICES	4,500	642	4,500
360-REPAIR & MAINTENANCE	5,000	4,330	5,000
370-TRAVEL & TRAINING	5,000	4,288	5,600
390-OTHER PURCHASED SERVICES	2,900	290	2,900
510-INSURANCE	4,000	3,410	4,000
940-MACHINERY & EQUIPMENT	5,000	2,400	20,000
TOTAL LAW ENFORCEMENT SVCS	426,096	420,308	451,432
420400-FIRE PROTECTION & CONTROL			
110-SALARIES PERMANENT FT & PT	3,400	3,383	5,800
111-SALARIES, TEMP SEAS	- 0 -	- 0 -	- 0 -
120-OVERTIME	- 0 -	- 0 -	- 0 -
140-EMPLOYER CONTRIBUTIONS	824	34	824
210-OFFICE SUPPLIES & MATERIALS	300	238	600
220-OPERATING SUPPLIES & MATERIALS	5,500	3,189	6,750
230-REPAIR & MAINTENANCE SUPPLY	5,750	6,304	6,000
310-COMMUNICATION & TRANSPORTATION	250	202	250
320-PRINTING	150	132	150
330-PUBLICITY SUBSCRPT & DUES	800	683	800
340-UTILITY SERVICES	3,500	1,001	3,500
350-PROFESSIONAL SERVICES	1,050	1,827	1,500
360-REPAIR & MAINTENANCE	5,000	2,160	8,500
370-TRAVEL & TRAINING	3,500	2,054	4,000
390-OTHER PURCHASED SERVICES	- 0 -	- 0 -	- 0 -
510-INSURANCE	4,000	2,917	4,000
850-INTERDEPARTMENTAL CHARGES	- 0 -	- 0 -	- 0 -
920-BUILDINGS	5,750	1,408	5,750
940-MACHINERY & EQUIPMENT	13,000	8,764	13,940
TOTAL FIRE PROTECT & CONTROL	52,774	34,301	62,364
430200-ROAD AND STREET			
110-SALARIES PERMANENT FT & PT	- 0 -	- 0 -	- 0 -
111-SALARIES, TEMP SEAS	- 0 -	- 0 -	- 0 -
140-EMPLOYER CONTRIBUTIONS	- 0 -	- 0 -	- 0 -
210-OFFICE SUPPLIES & MATERIALS	200	210	200
220-OPERATING SUPPLIES & MATERIALS	400	274	400
230-REPAIR & MAINTENANCE SUPPLY	26,500	28,708	28,000
250-SUPPLIES FOR RESALE	- 0 -	- 0 -	- 0 -
310-COMMUNICATION & TRANSPORTATION	- 0 -	- 0 -	- 0 -
320-PRINTING	350	78	200
330-PUBLICITY SUBSCRPT & DUES	250	158	250
340-UTILITY SERVICES	8,500	5,630	7,500
350-PROFESSIONAL SERVICES	4,000	4,373	4,400
360-REPAIR & MAINTENANCE	3,500	3,634	3,600
370-TRAVEL & TRAINING	500	- 0 -	500
400-BUILDING MATERIALS	2,000	1,815	2,000
510-INSURANCE	10,000	8,968	10,000
530-RENT	400	25	300
740-LOSSES	- 0 -	- 0 -	- 0 -
850-INTERDEPARTMENTAL CHARGES	- 0 -	- 0 -	- 0 -
920-BUILDINGS	- 0 -	- 0 -	- 0 -
930-IMPROVEMENTS	- 0 -	- 0 -	- 0 -
940-MACHINERY & EQUIPMENT	1,000	1,042	1,000
960-OTHER	44,419	53,983	37,000
TOTAL ROAD AND STREET	102,019	108,904	95,350

CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
430900-CEMETERY SERVICES			
110-SALARIES PERMANENT FT & PT	5,000	3,978	5,000
111-SALARIES, TEMP SEAS	- 0 -	- 0 -	- 0 -
140-EMPLOYER CONTRIBUTIONS	1,500	1,328	1,500
210-OFFICE SUPPLIES & MATERIALS	- 0 -	- 0 -	- 0 -
230-REPAIR & MAINTENANCE SUPPLY	1,000	425	1,000
250-SUPPLIES FOR RESALE	2,000	2,500	3,000
310-COMMUNICATION & TRANSPORTATION	- 0 -	- 0 -	- 0 -
340-UTILITY SERVICES	750	56	500
350-PROFESSIONAL SERVICES	- 0 -	- 0 -	- 0 -
360-REPAIR & MAINTENANCE	500	38	500
390-OTHER PURCHASED SERVICES	2,000	950	1,500
400-BUILDING MATERIALS	- 0 -	- 0 -	- 0 -
510-INSURANCE	750	416	500
940-MACHINERY & EQUIPMENT	- 0 -	- 0 -	- 0 -
TOTAL CEMETERY SERVICES	13,500	9,694	13,500
460400-PARK AND RECREATION			
110-SALARIES PERMANENT FT & PT	- 0 -	- 0 -	- 0 -
111-SALARIES, TEMP SEAS	10,000	14,073	14,000
140-EMPLOYER CONTRIBUTIONS	2,500	2,960	3,000
210-OFFICE SUPPLIES & MATERIALS	- 0 -	- 0 -	- 0 -
220-OPERATING SUPPLIES & MATERIALS	500	38	300
230-REPAIR & MAINTENANCE SUPPLY	4,000	4,086	4,100
330-PUBLICITY SUBSCRIPT & DUES	150	265	300
340-UTILITY SERVICES	3,000	1,539	2,500
350-PROFESSIONAL SERVICES	14,000	8,722	10,000
360-REPAIR & MAINTENANCE	1,000	1,645	1,600
390-OTHER PURCHASED SERVICES	3,500	1,701	2,500
400-BUILDING MATERIALS	3,300	- 0 -	500
510-INSURANCE	3,000	2,199	3,000
740-LOSSES	- 0 -	- 0 -	- 0 -
920-BUILDINGS	85,000	32,342	3,000
930-IMPROVEMENTS	40,000	44,385	43,700
940-MACHINERY & EQUIPMENT	- 0 -	545	500
960-OTHER	- 0 -	- 0 -	- 0 -
TOTAL PARK & RECREATION	169,950	114,505	89,000
TOTAL GENERAL	898,670	860,820	1,025,291

CITY OF WHITEFISH
REVENUE BUDGET REPORT

ACCOUNT	1988-1989 ESTIMATED	1988-1989 REALIZED	1989-1990 ESTIMATED
2192-ICE RINK			
331012-LAND & WATER CONSERVATION		17,020	- 0 -
365000-CONTRIBUTIONS & DONATIONS	- 0 -	46,634	12,500
371010-INTEREST EARNINGS	- 0 -	554	500
TOTAL ICE RINK	- 0 -	64,208	13,000
		CASH CARRYOVER	3,000
		TOTAL	16,000
2260-PARK LAND ACQUIS. & DEVEL			
361020-CONTRIBUTIONS	- 0 -		
371010-INTEREST EARNINGS	- 0 -		
TOTAL PARK LAND ACQUIS	- 0 -		
2310-TAX INCREMENT DISTRICT			
311010-REAL PROPERTY TAXES		34,509	66,215
312000-PENALTY AND INTEREST		71	80
371010-INTEREST EARNINGS		836	900
TOTAL TAX INCREMENT DISTRICT		35,417	67,195
		CASH CARRYOVER	23,674
		TOTAL	90,869
2320-RURAL FIRE			
342020-SPECIAL FIRE PROTECTIONS	43,000	44,547	10,000
361020-CONTRIBUTIONS	- 0 -		
371010-INTEREST EARNINGS	4,500	17,218	16,000
TOTAL RURAL FIRE	47,500	61,765	26,000
		CASH CARRYOVER	240,372
		TOTAL	266,372
2400-LIGHTING #1			
363010-MAINTENANCE ASSESSMENTS	28,500	31,296	30,161
363040-PENALTY & INTEREST	500	954	954
371010-INTEREST EARNINGS		4,775	4,000
TOTAL LIGHTING #1	29,000	37,026	35,115
		CASH CARRYOVER	72,507
		TOTAL	107,622

CITY OF WHITEFISH
REVENUE BUDGET REPORT

ACCOUNT	1988-1989 ESTIMATED	1988-1989 REALIZED	1989-1990 ESTIMATED
2410-LIGHTING #4			
363010-MAINTENANCE ASSESSMENTS	24,500	31,158	32,502
363040-PENALTY & INTEREST	200	535	600
371010-INTEREST EARNINGS		3,541	3,200
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TOTAL LIGHTING #4	24,700	35,234	36,302
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		CASH CARRYOVER	59,121
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		TOTAL	95,423
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2420-GASOLINE TAX			
335040-GASOLINE TAX APP.	64,000	65,292	65,256
343017-CURBS	- 0 -	1,278	1,644
363040-PENALTY & INTEREST	150	702	150
371010-INTEREST EARNINGS		1,219	500
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TOTAL GASOLINE TAX	64,150	68,493	67,550
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		CASH CARRYOVER	10,955
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		TOTAL	78,505
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2500-MAINTENANCE #1 (SID 132)			
363010-MAINTENANCE ASSESSMENTS	150,000	234,801	218,314
363040-PENALTY & INTEREST	2,500	5,577	4,000
371010-INTEREST EARNINGS	- 0 -	5,324	4,000
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TOTAL OILING (SID 132)	152,500	245,703	226,314
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		CASH CARRYOVER	103,410
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		TOTAL	329,724
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7010-POLICE RESERVE			
334060-AID TO POLICE RET. FUND	8,700	8,748	8,800
335050-INSURANCE PREMIUM APPOR.	8,250	8,904	9,000
361005-WAGE DEDUCTION	9,500	10,414	9,700
361015-EMPLOYER CONTR.	20,000	19,093	20,000
371010-INTEREST EARNINGS	20,000	38,834	37,000
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TOTAL POLICE RESERVE	66,450	85,994	84,500
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		CASH CARRYOVER	434,365
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		TOTAL	518,865
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CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
2192-ICE RINK			
460400-PARK AND RECREATION			
230-REPAIR & MAINTENANCE SUPPLY	- 0 -	91	100
350-PROFESSIONAL SERVICES	- 0 -	1,203	900
920-BUILDINGS	65,350	67,705	15,000

TOTAL PARK & RECREATION	65,350	69,001	16,000

TOTAL ICE RINK	65,350	69,001	16,000

2260-PARK LAND ACQUIS. & DEVEL			
460400-PARK AND RECREATION			
930-IMPROVEMENTS	- 0 -	- 0 -	- 0 -

TOTAL PARK & RECREATION	- 0 -	- 0 -	- 0 -

TOTAL PARK LAND ACQUIS. & DEV.	- 0 -	- 0 -	- 0 -

2310-TAX INCREMENT DISTRICT			
430200-ROAD AND STREET			
350-PROFESSIONAL SERVICES	- 0 -	- 0 -	- 0 -
790-OTHER GRANTS, ETC	7,880	3,259	7,880
930-IMPROVEMENTS	58,335	8,483	82,989

TOTAL ROAD AND STREET	66,215	11,742	90,869

TOTAL TAX INCREMENT DISTRICT	66,215	11,742	90,869

2320-RURAL FIRE			
420400-FIRE PROTECTION & CONTROL			
940-MACHINERY & EQUIPMENT	228,257	900	266,372
960-OTHER	- 0 -	1,251	- 0 -

TOTAL FIRE PROTECTION & CTRL	228,257	2,151	266,372

490600-PRINCIPAL EXPENSE			
610-PRINCIPAL			
620-INTEREST	- 0 -	- 0 -	- 0 -

TOTAL PRINCIPAL EXPENSE	- 0 -	- 0 -	- 0 -

TOTAL RURAL FIRE	228,257	2,151	266,372

2400-LIGHTING #1			
430263-STREET LIGHTING			
330-PUBLICITY SUBSCRIPT & DUES	- 0 -	- 0 -	- 0 -
340-UTILITY SERVICES	22,000	17,293	22,000
850-INTERDEPARTMENTAL CHARGES	- 0 -	- 0 -	- 0 -
930-IMPROVEMENTS	59,773	- 0 -	85,622
970-RESERVE	- 0 -	- 0 -	- 0 -

TOTAL STREET LIGHTING	81,773	17,293	107,622

TOTAL LIGHTING #1	81,773	17,293	107,622

CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
2410-LIGHTING #4			
430263-STREET LIGHTING			
340-UTILITY SERVICES	15,194	8,208	15,000
850-INTERDEPARTMENTAL CHARGES	- 0 -	- 0 -	- 0 -
930-IMPROVEMENTS	41,600	- 0 -	89,423
970-RESERVE	- 0 -	- 0 -	- 0 -

TOTAL STREET LIGHTING	56,794	8,208	95,423

TOTAL LIGHTING #4	56,794	8,208	95,423

2420-GASOLINE TAX			
430200-ROAD AND STREET			
350-PROFESSIONAL SERVICES	10,000	5,662	- 0 -
930-IMPROVEMENTS	110,826	110,603	78,505

TOTAL ROAD AND STREET	120,826	116,266	78,505

TOTAL GASOLINE TAX	120,826	116,266	78,505

2500-MAINTENANCE #1 (SID 132)			
430243-OILING (SID 132)			
110-SALARIES PERMANENT FT & PT	86,000	71,549	86,000
111-SALARIES, TEMP SEAS	24,000	20,630	24,000
120-OVERTIME	6,000	23,894	15,000
140-EMPLOYER CONTRIBUTIONS	36,000	29,278	36,000
400-BUILDING MATERIALS	- 0 -	- 0 -	- 0 -
740-LOSSES	- 0 -	48	100
930-IMPROVEMENTS	110,347	106,739	165,124
940-MACHINERY & EQUIPMENT	- 0 -	- 0 -	3,500
970-RESERVE	- 0 -	- 0 -	- 0 -

TOTAL OILING (SID 132)	262,347	252,141	329,724

TOTAL MAINTENANCE #1 SID 132	262,347	252,141	329,724

7010-POLICE RESERVE			
510600-PENSIONS			
130-EMPLOYEE BENEFITS	70,000	49,097	70,000
970-RESERVE	415,087	21,168	448,865

TOTAL PENSIONS	485,087	70,266	518,865

TOTAL POLICE RESERVE	485,087	70,266	518,865

CITY OF WHITEFISH
REVENUE BUDGET REPORT

ACCOUNT	1988-1989 ESTIMATED	1988-1989 REALIZED	1989-1990 ESTIMATED
5210-WATER OPERATING			
343021-WATER SALES	330,000	335,286	330,000
343022-HYDRO SALES	5,000	6,018	6,000
343024-SALE OF MATERIALS	- 0 -		
343025-PLANT INVESTMENT FEE	8,000	26,205	20,000
343026-INSTALLATION FEE	100	1,500	1,000
343027-MISC. WATER REVENUE	25,000	9,100	10,000
363040-PENALTY & INTEREST	25	141	150
371010-INTEREST EARNINGS	35,000	44,664	41,000
TOTAL WATER OPERATING	403,125	422,916	408,150
		CASH CARRYOVER	583,071
		TOTAL	991,221
5310-SEWER OPERATING			
331090-WASTEWATER CONSTR.	1,000,000	724,939	15,000
343031-SEWER SERVICE CHARGE	697,682	559,166	697,682
343032-INSTALLATION FEE	- 0 -	630	600
343033-PLANT INVESTMENT FEE	11,000	30,164	25,000
343036-MISC. SEWER REVENUE	1,000	7,769	7,800
343037-SEWER SERVICE BIG MTN	23,000	22,497	23,000
363040-PENALTY & INTEREST	25		25
371010-INTEREST EARNINGS	14,000	18,119	18,000
TOTAL SEWER OPERATING	1,746,707	1,363,286	787,107
		CASH CARRYOVER	127,789
		TOTAL	914,896
5410-SOLID WASTE OPR. (GARBAGE)			
343041-GARBAGE COLLECTION CHARGE	11,000	13,983	25,272
363010-MAINTENANCE ASSESSMENTS	122,000	122,878	128,125
363040-PENALTY & INTEREST	2,500	4,576	5,000
371010-INTEREST EARNINGS	500	6,809	5,000
TOTAL SOLID WASTE OPR.	136,000	148,247	163,397
		CASH CARRYOVER	112,239
		TOTAL	275,636
5510-AMBULANCE			
342050-AMBULANCE SERVICES	25,000	38,445	25,000
371010-INTEREST EARNINGS	1,000	1,947	1,800
TOTAL AMBULANCE	26,000	40,392	26,800
		CASH CARRYOVER	43,481
		TOTAL	70,281

CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
5210-WATER OPERATING			
430500-WATER UTILITIES			
110-SALARIES PERMANENT FT & PT	138,000	145,106	150,800
111-SALARIES, TEMP SEAS	18,500	6,510	18,500
120-OVERTIME	12,000	10,423	12,000
130-EMPLOYEE BENEFITS	- 0 -	- 0 -	- 0 -
140-EMPLOYER CONTRIBUTIONS	42,000	44,272	47,000
210-OFFICE SUPPLIES & MATERIALS	1,500	900	1,500
220-OPERATING SUPPLIES & MATERIALS	2,000	16	2,000
230-REPAIR & MAINTENANCE SUPPLY	39,000	26,334	39,000
250-SUPPLIES FOR RESALE	- 0 -	- 0 -	- 0 -
310-COMMUNICATION & TRANSPORTATION	4,000	4,302	4,300
320-PRINTING	1,500	1,594	1,600
330-PUBLICITY SUBSCRPT & DUES	1,100	890	1,100
340-UTILITY SERVICES	23,000	11,224	23,000
350-PROFESSIONAL SERVICES	85,000	7,972	15,000
360-REPAIR & MAINTENANCE	15,000	7,889	15,000
370-TRAVEL & TRAINING	2,500	964	2,500
390-OTHER PURCHASED SERVICES	2,500	250	2,500
400-BUILDING MATERIALS	1,500	155	1,500
510-INSURANCE	8,000	6,424	8,000
530-RENT	1,000	710	1,000
540-DEPRECIATION	251,705	86,651	275,473
610-PRINCIPAL	- 0 -	- 0 -	- 0 -
620-INTEREST	- 0 -	- 0 -	- 0 -
740-LOSSES	1,500	520	1,500
790-OTHER GRANTS, ETC	600	401	600
850-INTERDEPARTMENTAL CHARGES	- 0 -	- 0 -	- 0 -
920-BUILDINGS	25,000	2,029	10,000
930-IMPROVEMENTS	225,000	52,837	324,248
940-MACHINERY & EQUIPMENT		5,183	10,000
TOTAL WATER UTILITIES	901,905	423,565	968,121
490600-PRINCIPAL EXPENSE			
610-PRINCIPAL	30,629	-41	20,600
620-INTEREST	3,850	4,374	2,500
TOTAL PRINCIPAL EXPENSE	34,479	4,332	23,100
TOTAL WATER OPERATING	936,384	427,897	991,221
5310-SEWER OPERATING			
430600-SEWER UTILITIES			
110-SALARIES PERMANENT FT & PT	127,740	115,258	129,800
111-SALARIES, TEMP SEAS	20,000	13,420	20,000
120-OVERTIME	18,000	8,605	18,000
140-EMPLOYER CONTRIBUTIONS	40,000	36,311	40,000
210-OFFICE SUPPLIES & MATERIALS	1,200	625	1,200
220-OPERATING SUPPLIES & MATERIALS	5,000	20,641	45,000
230-REPAIR & MAINTENANCE SUPPLY	35,000	16,296	35,000
250-SUPPLIES FOR RESALE	- 0 -	- 0 -	- 0 -
310-COMMUNICATION & TRANSPORTATION	5,000	4,164	5,000
320-PRINTING	1,000	1,051	1,000
330-PUBLICITY SUBSCRPT & DUES	1,250	151	1,250
340-UTILITY SERVICES	33,000	29,414	33,000
350-PROFESSIONAL SERVICES	36,750	38,175	15,000
360-REPAIR & MAINTENANCE	25,000	21,120	25,000
370-TRAVEL & TRAINING	1,500	491	1,500
390-OTHER PURCHASED SERVICES	3,000	6,402	6,000
400-BUILDING MATERIALS	500	- 0 -	500
510-INSURANCE	7,500	5,507	7,500
530-RENT	1,000	280	1,000
540-DEPRECIATION	155,000	206,185	240,690
550-INVESTMENT REVENUE COSTS	- 0 -	- 0 -	- 0 -
610-PRINCIPAL	- 0 -	- 0 -	- 0 -
620-INTEREST	- 0 -	- 0 -	- 0 -

CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
740-LOSSES	1,500	86	1,500
750-TRANSFERS TO OTHER FUNDS	- 0 -	- 0 -	- 0 -
790-OTHER GRANTS, ETC	500	649	700
850-INTERDEPARTMENTAL CHARGES	- 0 -	- 0 -	- 0 -
930-IMPROVEMENTS	68,680	87,596	100,000
940-MACHINERY & EQUIPMENT	5,000	4,096	5,000
950-CONST. IN PROGRESS	- 0 -	- 0 -	- 0 -
960-OTHER	- 0 -	- 0 -	79,156
TOTAL SEWER UTILITIES	633,120	616,530	812,796
430690-CONSTRUCTION ACCT 792-A & E ACCOUNT	1,000,000	870,423	15,000
TOTAL CONSTRUCTION ACCT.	1,000,000	870,423	15,000
490500-PRINCIPAL EXPENSE 610-PRINCIPAL 620-INTEREST	87,320 34,250	-41 56,545	25,000 62,000
TOTAL PRINCIPAL EXPENSE	121,570	56,503	87,100
TOTAL SEWER OPERATING	1,754,690	1,543,456	914,896
5410-SOLID WASTE OPR. (GARBAGE) 430800-SOLID WASTE SERVICES 110-SALARIES PERMANENT FT & PT 111-SALARIES, TEMP SEAS 120-OVERTIME 140-EMPLOYER CONTRIBUTIONS 210-OFFICE SUPPLIES & MATERIALS 220-OPERATING SUPPLIES & MATERIALS 230-REPAIR & MAINTENANCE SUPPLY 310-COMMUNICATION & TRANSPORTATION 320-PRINTING 330-PUBLICITY SUBSCRPT & DUES 340-UTILITY SERVICES 350-PROFESSIONAL SERVICES 360-REPAIR & MAINTENANCE 370-TRAVEL & TRAINING 390-OTHER PURCHASED SERVICES 510-INSURANCE 530-RENT 540-DEPRECIATION 610-PRINCIPAL 620-INTEREST 730-AWARDS & INDEMNITIES 740-LOSSES 920-BUILDINGS 930-IMPROVEMENTS 940-MACHINERY & EQUIPMENT 960-OTHER 970-RESERVE	40,000 - 0 - 2,000 17,000 - 0 - 250 18,000 1,000 750 100 1,000 - 0 - 6,000 150 - 0 - 6,000 - 0 - 22,750 - 0 - - 0 - - 0 - - 0 - 1,250 5,000 5,000 5,000 - 0 - 22,383	38,848 - 0 - 1,158 12,673 - 0 - 183 5,586 - 0 - 192 - 0 - 86 788 3,542 - 0 - 4,167 - 0 - 12,924 - 0 - - 0 - - 0 - 330 979 - 0 - 2,043 - 0 - - 0 -	40,000 - 0 - 2,000 12,693 - 0 - 250 18,000 1,000 750 100 1,000 800 6,000 150 - 0 - 6,000 - 0 - 22,750 - 0 - - 0 - - 0 - 1,250 5,000 5,000 88,000 - 0 - 64,893
TOTAL SOLID WASTE SERVICES	153,633	83,505	275,636
490500-PRINCIPAL EXPENSE 610-PRINCIPAL 620-INTEREST	50,000 4,500	- 0 - 2,410	- 0 - - 0 -
TOTAL PRINCIPAL EXPENSE	54,500	2,410	- 0 -
TOTAL SOLID WASTE OPR	208,133	85,915	275,636

CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
5510-AMBULANCE			
420700-EMERGENCY SERVICES			
110-SALARIES PERMANENT FT & PT	3,500	2,285	3,500
111-SALARIES, TEMP SEAS	- 0 -	- 0 -	- 0 -
210-OFFICE SUPPLIES & MATERIALS	100	8	100
220-OPERATING SUPPLIES & MATERIAL	1,500	186	1,500
230-REPAIR & MAINTENANCE SUPPLY	4,000	2,764	4,000
310-COMMUNICATION & TRANSPORTATION	100	95	100
320-PRINTING	- 0 -	- 0 -	- 0 -
330-PUBLICITY SUBSCRPT & DUES	100	109	100
350-PROFESSIONAL SERVICES	2,500	588	2,500
360-REPAIR & MAINTENANCE	1,800	2,327	2,400
370-TRAVEL & TRAINING	1,250	3,151	4,000
510-INSURANCE	5,000	3,334	5,000
540-DEPRECIATION	13,000	6,090	26,049
740-OTHER PURCHASED SERVICES	8,115	10,719	10,000
940-MACHINERY & EQUIPMENT	10,000	3,738	11,032
TOTAL EMERGENCY SERVICES	50,965	35,397	70,281
490500-PRINCIPAL EXPENSE			
610-PRINCIPAL	- 0 -	- 0 -	- 0 -
620-INTEREST	- 0 -	- 0 -	- 0 -
TOTAL PRINCIPAL EXPENSE	- 0 -	- 0 -	- 0 -
TOTAL AMBULANCE	50,965	35,397	70,281

CITY OF WHITEFISH
REVENUE BUDGET REPORT

ACCOUNT	1988-1989 ESTIMATED	1988-1989 REALIZED	1989-1990 ESTIMATED
3500-S I D REVOLVING			
361020-CONTRIBUTIONS	- 0 -		
369000-TRANSFERS FROM OTHER FUNDS	- 0 -		
371010-INTEREST EARNINGS	1,500	3,797	3,500
TOTAL S I D REVOLVING	1,500	3,797	3,500
			CASH CARRYOVER
			42,376
			TOTAL
			45,876
3510-S I D 142			
363010-MAINTENANCE ASSESSMENTS	- 0 -	1,551	1,600
363020-BOND INTEREST ASSESSMENTS	2,400		
363040-PENALTY & INTEREST	25	16	25
TOTAL S I D 142	2,425	1,568	1,625
			CASH CARRYOVER
			1,130
			TOTAL
			2,755
3520-S I D 143			
363010-MAINTENANCE ASSESSMENTS	- 0 -		
363020-BOND INTEREST ASSESSMENTS	5,800	2,720	3,464
363040-PENALTY & INTEREST	125	5	5
371010-INTEREST EARNINGS	- 0 -	122	122
TOTAL S I D 143	5,925	2,848	3,591
			CASH CARRYOVER
			(880)
			TOTAL
			2,711
3530-S I D 145			
363010-MAINTENANCE ASSESSMENTS	- 0 -	1,446	1,510
363020-BOND INTEREST ASSESSMENTS	2,068	1,005	279
363040-PENALTY & INTEREST	- 0 -	2	5
371010-INTEREST EARNINGS			
TOTAL S I D 145	2,068	2,455	1,794
			CASH CARRYOVER
			188
			TOTAL
			1,982
3540-S I D 146			
363010-MAINTENANCE ASSESSMENTS	- 0 -	4,443	
363020-BOND INTEREST ASSESSMENTS	18,000	- 0 -	18,000
363040-PENALTY & INTEREST	- 0 -	53	55
371010-INTEREST EARNINGS	- 0 -	395	- 0 -
TOTAL S I D 146	18,000	4,893	18,055
			CASH CARRYOVER
			5,992
			TOTAL
			24,047

CITY OF WHITEFISH
EXPENDITURE BUDGET REPORT

ACCOUNT	1988-1989 BUDGETED	1988-1989 ACTUAL	1989-1990 BUDGETED
3500-S I D REVOLVING			
490500-PRINCIPAL EXPENSE			
600-DEBT SERVICES	39,228	- 0 -	44,876
740-LOSSES	850	- 0 -	1,000
TOTAL PRINCIPAL EXPENSE	40,078	- 0 -	45,876
TOTAL S I D REVOLVING	40,078	- 0 -	45,876
3510-S.I.D. 142			
490300-SPECIAL IMPROVEMENT BONDS			
610-PRINCIPAL	1,875	1,875	1,875
620-INTEREST	338	225	225
970-RESERVE	212	- 0 -	655
TOTAL SPECIAL IMPRMNT BONDS	2,425	2,100	2,755
TOTAL S.I.D. 142	2,425	2,100	2,755
3520-S.I.D. 143			
490300-SPECIAL IMPROVEMENT BONDS			
610-PRINCIPAL	3,450	3,450	1,725
620-INTEREST	2,033	1,724	986
970-RESERVE	442	- 0 -	- 0 -
TOTAL SPECIAL IMPRMNT BONDS	5,925	5,174	2,711
TOTAL S.I.D. 143	5,925	5,174	2,711
3530-S.I.D. 145			
490300-SPECIAL IMPROVEMENT BONDS			
610-PRINCIPAL	1,510	1,510	1,510
620-INTEREST	419	418	279
970-RESERVE	139	- 0 -	193
TOTAL SPECIAL IMPRMNT BONDS	2,068	1,928	1,982
TOTAL S.I.D. 145	2,068	1,928	1,982
3540-S.I.D. 146			
490300-SPECIAL IMPROVEMENT BONDS			
610-PRINCIPAL	8,000	8,000	8,000
620-INTEREST	3,072	3,071	6,922
970-RESERVE	6,928	- 0 -	9,125
TOTAL SPECIAL IMPRMNT BONDS	18,000	11,071	24,047
TOTAL S.I.D. 146	18,000	11,071	24,047

AUGUST 1989



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
August 7, 1989

- I. Approval of the minutes of the July 24 Budget meeting and July 24 regular meeting
- II. PUBLIC COMMENTS
- III. OLD BUSINESS
 1. Ordinance 89-7: Planned Unit Development - Marina Beach (second reading); Approval of Preliminary Site Plan
- IV. NEW BUSINESS
 1. Kiwanis Club
- V. CITY MANAGER REPORTS
- VI. COUNCIL REPORTS OR COMMENTS
- VII. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 3 August 1989
RE: Agenda for 7 August Council Meeting

The following items are scheduled for the Council's attention at the 7 August meeting:

1. Planned Unit Development - Scott Ping. The ordinance approving the Marina Beach Planned Unit Development is returning (a second time) for second reading. At the last meeting the Council corrected two items in the "conditions" for the PUD; eliminating the requirement for Phases I and II to be completed within two years, and amending another to require the completion of roadway improvements within one-year after construction of units 1 through 8 of the condominiums.

The "problem" condition remains that pertaining to size, location and use of the office/store structure. Again, condition 25 (new), refers to 1,600 square feet of store/office space. After hearing considerable opposition to any such facility at the last meeting, the Council discussed a number of options, but general discussion related to not more than 800 square feet per floor. The matter was continued until this meeting to allow an opportunity for the developer to respond with a more firm proposal. In addition, the attached memorandum was prepared by the City Attorney in response to the general confusion regarding "accessory uses" and what the developer might be allowed under its provisions. As to the question of whether the existing marina was ever granted official status, no record has been found to suggest whether the marina was authorized or was simply constructed by the property owner. Without directing the question to the City Attorney for his advice the marina would seem to have gained a "grandfathered" status.

Contact with Mr. Ping regarding the concerns expressed by Council and neighbors suggests he will propose one of two approaches: 1) withdraw the office/store entirely from the PUD, or 2) agree to a structure of not more than 800-square feet with not more than 400-square feet of area devoted to store use. A possibility exists that Mr. Ping would initially utilize one of the existing "single story" buildings for this purpose - a building which would not total 800-square feet. Incidentally, at the last meeting the suggestion from the audience was that the facility would approximate the size and impact of the Circle K store on west 2nd Street. A measurement of the Circle K store building finds that it actually has more than 2,600 square feet of floor area. In any event, resolution of the office/store

question would conclude the establishment of the "conditions" attached to the PUD, thereby allowing adoption of the ordinance upon second reading.

The second item relating to the proposed Marina Beach development is approval of the preliminary plat. After an explanation by Mr. Tom Jentz as to the reasons the documents appeared in different form from previous preliminary plats there would appear no substantial reason not to approve the submission as the preliminary plat. In doing so, a motion to approve the preliminary plat subject to the same conditions imposed upon the PUD is recommended. In addition to the final plat returning in a standard format, the Council will also receive grading and drainage plans for review as requested at the last meeting.

2. Kiwanis Requests. The attached letter from the President of the Whitefish Kiwanis Club makes two requests of the City Council. The first relates to signs at the entrances to the City; the second to parade rules. The first item asks approval to place a "Kiwanis" sign at both entrances to Whitefish on Highway 93. While the final authorization would have to be secured from the State Highway Department, Council's approval of the standard sign indicating the presence of such a club in town would be the first step.

The second item relates to an unwritten policy to concerning the conduct of parades. Apparently, one of the rules of the Winter Festival Committee is that there be no interaction between parade participants and parade spectators. The reason for this policy is the potential for injury to the spectators who may be attempting to catch candy thrown by the parade participants, or are being "arrested" as part of the fun. This "policy" was probably adopted by the Carnival Committee due to the potential for slippery street/sidewalk surfaces during the Carnival.

In order to be uniform in applying the parade rules, the City staff has begun to adhere to this policy for all parades. The Kiwanians, with a paddy wagon which they use in parades, would like this restriction relaxed. The Council might consider requiring a parade participant to have their insurance company include the City as "also insured" for such events. This would place another carrier between the City and any claimant in the event of an accident. At the other end of the spectrum, the Council could accept such activities as an acceptable risk and reputable service organizations would be allowed to "interact" until such time as a serious occurrence forced more stringent controls. Inasmuch as the parade for which this request is made will have been conducted on 5 August, I have authorized the relaxation of the "policy" pending the Council's consideration.

3. Miscellaneous. The following items are included for the Council's information:

a. Budget Public Hearing. As noted earlier, a public hearing on the preliminary budget has been scheduled for 7 PM, Wednesday the 9th of August, in the Council Chambers. At the conclusion of the public hearing the Council may direct any changes to the preliminary budget which are deemed advisable. Such changes would be incorporated in the final document to be adopted on 14 August.

b. City Attorney Review. At each of the last two regular meetings the Council has asked about forms for use in evaluating the performance of the City Attorney. Two forms have been located, neither of which in my estimation is appropriate for review of this position. One relates to the evaluation of a chief executive, the other to general employee evaluations. In the case of a professional individual, such as counsel for the City Council, it would seem more appropriate - in the absence of a more adequate form - for the members of the Council to individually outline their thoughts on the performance standards deemed necessary of the position and then meet and discuss these standards with the person. The review could be made along the lines of any points of the existing contract, and any amendments to a renewed contract could include additional "standards". Unless the Council has another suggestion as to the type of evaluation form felt to be most appropriate, the existing two forms can be made available or the Council can consider the approach suggested hereinabove.

Any thoughts; comments?

c. Departmental Activities. So that the Council is aware, the following summarizes the projected activities of the utilities and street divisions for August:

Streets: other than the regular activities of refuse collection, business district sweeping, sign replacements, and responding to citizen concerns, the primary emphasis of the division will be repairs to various areas of the storm drainage system. This will include replacement of three broken catch basins (Central/Railway, 1st/Mill, 8th/Park), drain repairs at 3rd?Columbia, and replacement of the line on Kalispell - Railway to 1st Street.

As time permits street repair efforts will begin with patching the site of earlier utility work on O'Brien (8th Street) and at the intersection of 1st Street and Spokane Avenue. Thereafter, blade patching will be directed at a number of locations around town, mostly east of Spokane Avenue.

Utilities: maintenance of the lift stations will receive some priority during August, as will the completion of the aeration system retrofit at the treatment plant. The completion of sewer and water service on Ashar Avenue is anticipated in sufficient time to allow the school to open on schedule. Planned, irregular customer service activities relate

to construction inspection and chlorination of the water main extension serving the Jensen RV park.

d. Oil Spill. Rather than cloud the issue any further than seems to be the case from every quarter, suffice it to say that a comand center has finally been established at the Burlington Northern station with State assistance. The City will extend every possible offer of assistance to the cleanup effort, and is making potable water available for non-residents.

MINUTES
WHITEFISH CITY COUNCIL
AUGUST 7, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Peterson, Schreiber, LaTourelle and Hanson. Members Boksich and Maddux were absent. Also present were City Manager Ennor, City Attorney Muri and Sergeant Joe Van Ham.

MINUTES

Councilman Hanson made a motion, seconded by Councilman Peterson, to approve the minutes of the July 24, 1989 Budget meeting and the July 24, 1989 Council meeting as presented. The motion passed unanimously.

PUBLIC COMMENT

Jim Rice asked if the Council was going to address the oil spill in Whitefish Lake and Mayor Amass explained that the issue was not an agenda item, the State was studying the situation and there was no information at this time. Mr. Rice said that the City Council should be concerned and move forward in making the railroad use precaution so that the incident does not happen again. Mayor Amass assured him that both he and the City Council were concerned, however, the Governor and his staff were doing a complete study and the City of Whitefish would be involved in the process.

Heinrich Frank suggested that the Burlington Northern Railroad be made to move their track away from the lake.

Mr. Frank requested that the alley between Central Avenue and Spokane Avenue (between First Street and Second Street) be oiled. City Manager Ennor would review this issue and get back to Mr. Frank.

OLD BUSINESS

Before proceeding with old business, Mayor Amass made a statement on the oil spill. He said that for the public record, on behalf of himself and the City, he would like to thank the Governor and his staff for their input and help in setting up a command post, bringing in staff and trying to coordinate the clean up operations. Mayor Amass said that he would like to emphasize that Burlington Northern was responsible for the entire clean up. This was publicly announced and publicly recognized by the Burlington Northern that they were entirely responsible for cleaning up the oil spill in Whitefish Lake. The Governor's Staff and the Burlington Northern Railroad did assure us that the problem would be taken care of and the problem would be looked at in the long term to make sure that this type of situation would never happen again. City Attorney Muri said that people should be aware that Montana has a Environmental Clean up act that was passed by Senate bill 385 during the 1989 Legislature. The statute provides that the party responsible for the spill is strictly responsible for damages for injury to, destruction of or loss of natural resources caused by the release. He said that it was his opinion that the language of the statute allows the City of Whitefish standing to pursue a

claim for natural resource damages if any of the City's resources have been damaged by this spill. He also said it was his opinion that Burlington Northern Railroad is completely and fully responsible for any costs incurred by the City of Whitefish or its entities in assisting in combating and containing the spill.

1. ORDINANCE NO. 89-7: PLANNED UNIT DEVELOPMENT - MARINA BEACH (SECOND READING); APPROVAL OF PRELIMINARY PLAT: City Manager Ennor said that at the last meeting the Council corrected two items in the "conditions" for the PUD; eliminating the requirement for Phases I and II to be completed within two years, and amending another to require the completion of roadway improvements within one year after construction of units 1 through 8 of the condominiums. He said that condition #24 had not been resolved. This condition relates to size, location and use of the office/store structure. After hearing considerable opposition to any such facility at the last meeting, the Council discussed a number of options, but general discussion related to not more than 800 square feet per floor. He said that the matter had been continued until this meeting to allow an opportunity for the developer to respond with a more firm proposal. In addition, the attached memorandum was prepared by the City Attorney in response to the general confusion regarding "accessory uses" and what the developer might be allowed under its provisions. He said regarding the question of whether the existing marina was ever granted official status, no record has been found to suggest whether the marina was authorized or was simply constructed by the property owner. He said that the marina would seem to have gained a "grandfathered" status.

City Manager Ennor said that contact with Scott Ping regarding the concerns expressed by Council and Neighbors suggests he will propose one of two approaches: 1) withdraw the office/store entirely from the PUD or 2) agree to a structure of not more than 800 square feet with not more than 400 square feet of area devoted to store use. He said that resolution of the office/store question would conclude the establishment of the "conditions" attached to the PUD, thereby allowing adoption of the ordinance upon second reading.

The second item relating to the proposed Marina Beach development is approval of the preliminary plat, City Manager Ennor said, and after the explanation by Tom Jentz as to the reasons the documents appeared in different form from previous preliminary plats, there would appear no substantial reason not to approve the preliminary plat. His recommendation was to approve the preliminary plat subject to the same conditions imposed upon the PUD. In addition to the final plat returning in a standard format, he assured the Council they would also receive grading and drainage plans for review as requested at the last meeting.

At the last Council meeting the following motion was tabled.

"Councilman Hanson made a motion, seconded by Councilwoman Maddux, that the store/office area be designated as Phase III and require review at a future date and Phase III does not have to follow Phase II but could follow Phase I".

Councilman Hanson said that at this time he was not in favor of this motion and he would withdraw it except Councilwoman Maddux was absent and could not withdraw her second. Therefore, in light of the circumstances, he would vote against the motion.

Councilman Hanson made a motion, seconded by Councilman Schreiber, to bring back the above motion. The motion was unanimously defeated with 4 no votes.

Councilman Schreiber said that it might be appropriate for the Council to yield to Attorney Tracy or to Scott Ping.

Scott Ping said that once again he was here to try to work with the neighbors and everyone concerned and he emphasized that the proposal of the store has been blown out of proportion. The people that are neighbors think the store is going to be detrimental to their property and their lively hood, he assured them this was not the case, it would be an accessory use to the resort area and would service the existing marina that has been there since the 1930's. At this time he said that he would like to withdraw the store completely from the PUD process because he could not afford to fight the issue further and wanted to move forward with his project.

Attorney Leo Tracy said that he was representing the Richard, Lauridson, Nelson, Johnson and Biola families. His clients were willing to compromise and drop other complaints in the PUD if Mr. Ping would drop the convenience store from the PUD. He said that there was no problem with the 23 units, however, there was concern over the traffic, access, etc. City Attorney Muri asked Leo Tracy if his clients had any objection if the store was considered with a marina. Attorney Tracy said that the marina would be a different issue, the store as proposed by Mr. Ping would not be allowed. It would be their intention that any part of the PUD would not include a convenience store.

Greg Bryan asked the Council if the decision not to include the convenience store, would prevent future owners from applying for the store. Leo Tracy said that his assumption would be that the owners would have to apply for a zone change to have the store.

Karen Lauridsen said that she was not aware that if the convenience store was omitted the boundary line would change. She said that the neighbors were not receptive to any boundary line adjustment.

Councilman Hanson said that it was like taking a step backward to eliminate the store and change the boundary of the PUD simply to resolves for the short term the perceived problem. He was not comfortable postponing the issue for future Councils to resolve and felt it was better for the Council to put adequate restrictions on the facility and resolve the issue at this time.

There were several items that needed to be resolved and City Attorney Muri recommended that the Council table the discussion until later in the meeting. City Attorney Muri, Attorney Tracy and his clients and Tom Jentz would have a brief meeting, resolve the issue and bring their recommendation back to the Council.

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to table the decision on Marina Beach until later in the meeting. The motion passed unanimously.

NEW BUSINESS

1. KIWANIS CLUB REQUEST: City Manager Ennor said that the Kiwanis Club was making two requests of the City Council. The first relates to signs at the entrances to the City; the second to parade rules. The first item asks approval to place a "Kiwanis" sign at both entrances to Whitefish on Highway 93. He said that while the final authorization would have to be secured from the State Highway Department, Council's approval of the standard sign indicating the presence of such a club in town would be the first step.

The second item relates to an unwritten policy concerning the conduct of parades. He said that apparently, one of the rules of the Winter Carnival Committee is that there be no interaction between parade participants and parade spectators. The reason for this policy is the potential for injury to the spectators who may be attempting to catch candy thrown by the parade participants, or are being "arrested" as part of the fun. This "policy" was probably adopted by the Carnival Committee due to the potential for slippery street/sidewalk surfaces during the Carnival. In order to be uniform in applying the parade rules, the City Staff has begun to adhere to this policy for all parades.

City Manager Ennor said that the Council might consider requiring a parade participant to have their insurance company include the City as "also insured" for such events. This would place another carrier between the City and any claimant in the event of an accident. He said that the Council could accept such activities as an acceptable risk and reputable service organizations would be allowed to "interact" until such time as a serious occurrence forced more stringent controls. The parade for which this request is made will be conducted August 5, 1989, and he said that he had authorized the relaxation of the "policy" pending the Council's consideration.

The Council discussed the Kiwanis sign and it was noted that there were five or six signs (Welcome to Whitefish, Rotarian, etc.) already placed at each entrance to the City. The Council felt that it would be in the best interest of everyone concerned if the service organizations would get together and replace existing signs with one sign recognizing all organizations.

Cy Mace was the Kiwanis representative and the Council asked him if the Club would have a problem contacting the other service organizations that have placed signs at the entrance to town and incorporating all the signs into one sign. Cy Mace said he was sure the Club would be receptive to doing this.

The parade issue was discussed and consensus was that if the insurance problem was worked out, the Council did not have a problem allowing the interaction between parade participants and the crowd. Mayor Amass turned the matter over to City Manager Ennor and Police Chief Dolson to draft a policy and bring back their recommendation for Council consideration.

CITY MANAGER REPORTS

1. WAIVING THE OPEN CONTAINER ORDINANCE - GROUSE MOUNTAIN LODGE AND WHITEFISH AREA CHAMBER OF COMMERCE: City Manager Ennor said that the City had received a letter from Grouse Mountain Lodge requesting the Council to waive the open container ordinance for a barbecue they were sponsoring. The event would be held on August 10, 1989 and would include the barbecue with an open bar and a band and would be held at the soccer fields adjacent to Grouse Mountain Lodge.

The Whitefish Chamber of Commerce was requesting the Council to waive the open container ordinance for the second annual "A Taste of Whitefish" to be held on Thursday evening, September 7, 1989, between 2nd Street (Highway 93) and 3rd Street on Central Avenue between the hours of 6 p.m. and 9 p.m. They would provide security, liability insurance and clean up of the area at the conclusion of the event.

The Council discussed both requests and Councilman Peterson made a motion, seconded by Councilman Schreiber, to approve both requests with the following conditions:

1. Plastic containers be utilized in order to protect the surface of the soccer field (Grouse Mountain only);
2. Adequate cleanup of the area be provided by the sponsor; and
3. Security be provided by the sponsor.
4. "A Taste of Whitefish" would also provide liability insurance.

The motion passed unanimously.

2. BUDGET: City Manager Ennor reminded the Council about the public hearing on the budget which would be held on Wednesday, August 9th at 7:00 P.M.

COUNCIL REPORTS OR COMMENTS

Councilman Hanson said that the City needed to get the street sweeper out on the streets. City Manager Ennor said that this would be done.

Councilman Hanson said that he would like to thank the City Staff for their involvement in the oil spill, he appreciated their efforts. He said that he was still working on the draft of the sign ordinance and should have it completed for the September meeting. He told the Council that if they would like to review the five (5) pages he had completed they were welcome to do so. Consensus was to wait until the draft was completed.

Councilman Peterson said that the City parks were looking great.

Mayor Amass said that he had received a letter from the Park Knoll Water Association thanking the Council and City Staff for their consideration of the Park Knoll water system.

City Attorney Muri said that he would give the Council memorandums on the Whitefish Lake oil spill, City Attorney evaluation and the open meeting laws.

MARINA BEACH

At this time, Attorney Tracy and Tom Jentz returned to the Council meeting with their recommendation on Marina Beach.

Attorney Tracy said that his clients and Mr. Ping had reached an agreement and that agreement is as follows: The PUD would take on the parameters which it originally had, the footprint for a building at this point, be up to the sizes that were already discussed, 800 square feet per floor. The utilization of that particular footprint would be, on the second floor, for a residence for a complex manager or someone in that capacity, the lower floor would be utilized for complex and association offices and the existing marina office, the marina office to be utilized for those specifics as allowed under the definition of a "Marina" in our Zoning Code.

Tom Jentz said that should the Council approve Mr. Tracy's proposal it would be Condition #24.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to adopt the Findings of Fact as presented by the Planning Staff and adopt Ordinance No. 89-7 on the second reading, approving the PUD with all the conditions including #24 as amended and stated above by Attorney Tracy. The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve the Preliminary Plat for the Marina Beach proposal with the Identical conditions as the PUD approval. The motion passed unanimously.

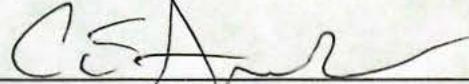
The final Conditions of Approval are as follows:

1. The applicant shall secure a floodplain development permit and comply with all aspects of the Whitefish Floodplain Management Ordinance.
2. Bay Point Drive from Dakota Avenue to the western boundary of this subdivision shall be designed and built to the following standards:
 - a. 40 foot private road and utility easement;
 - b. 20 foot paved travel surface built to city paved road standards, any future development on adjacent property would require that city street design standards be met;
 - c. A minimum four (4) foot gravel walkway built to city sidewalk standards less the concrete except that portion of Bay Point Drive bordering Tract 7Q shall have a minimum 20 foot private road and utility easement, 20 foot paved travel surface and no walkway.

3. The road be constructed to City specifications within one (1) year after construction of Phase I (units 1 through 8).
4. Bay Point Drive shall remain a private roadway and maintenance and operation shall be the primary responsibility of the Marina Beach Homeowners' Association and any other private entities who now or will be in the future, parties to this easement.
5. No street parking will be allowed on Bay Point Drive. This should be signed and enforced by the Homeowners' Association.
6. The access road serving units 1-8 shall have a minimum 24 foot paved travel surface built to Whitefish City Street Standards. A suitable turnaround (either a 40 foot minimum radius cul-de-sac or a hammer head turnaround) shall be provided.
7. A detailed grading and drainage plan with all surface drainage routes shown including drainage easements where necessary be submitted to and approved by the Whitefish City Administrator and the State Health Department prior to final plat. No additional storm water runoff from the site due to development shall be directly channeled or allowed to run into Whitefish Lake.
8. All common utilities shall be placed within utility easements and identified on the final plat in accordance with Section III A(14) of the Whitefish Subdivision Regulations and in accordance with City of Whitefish Design Criteria for Public Improvements.
9. All sewer and water facilities shall be designed in accordance with and approved by the City of Whitefish and the State Department of Health prior to final plat approval.
10. In order to guarantee that all individual sewer and water service lines connect directly to a city main, all portions of the sewer and water mains now existing within the subdivision and that portion between the subdivision and the city owned sewer and water line shall be granted to the City of Whitefish for ownership, maintenance and operation.
11. A minimum of four (4) fire hydrants shall be installed. They shall generally be located on Bay Point Drive adjacent to the marina, between units 14 and 15, at the west end of the drive and in a location between units 6,7 and 9.
12. The property development standards of the WRR-2 zone (Whitefish Zoning Jurisdiction Section 17.31.040) shall apply for all proposed and future construction where not specifically altered by these conditions of approval.
13. In addition to requiring two off-street parking spaces per residential unit, an off-street parking ratio of two spaces for each three units constructed and they shall be provided within 300 feet of the specific unit served.

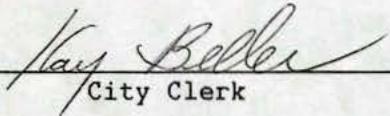
14. The marina facility shall provide paved off-street parking for 20 vehicles. Said parking shall be located within 300 feet of the marina facility. Said parking lot design shall comply with Section 17.62 and Attachment A of the Whitefish Zoning Jurisdiction Regulations.
15. Addresses (house numbers) shall be placed on the final plat of each unit and all house numbers shall be visible on the house or driveway entrance as seen from the primary access road.
16. In lieu of the one-ninth (1/9) parkland dedication requirement, a homeowners' association will be created and approximately 57% of the site (2.6 acres) shall remain in common open space. In addition, a swim beach and docks are also being provided. These amenities shall satisfy the parkland dedication.
17. The net and gross acreage of each lot shall reflect one-twenty fourth (1/24) of the acreage of all common areas (including Bay Point Drive as it exists within the subdivision) for the subdivision and said acreage shall appear for each lot on the face of the plat.
18. As a result of this subdivision no remainder of 20 acres or less in size shall be created.
19. All features shown on this Plat which occur within the lakeshore protection zone are not considered to be part of this review or approval process and must receive a separate Lakeshore Construction Permit prior to construction. Approval of this preliminary plat does not affect or condone the Lakeshore Construction Permit process.
20. The covenants and bylaws shall be recorded with the Flathead County Clerk and Recorder.
21. All delinquent taxes shall be paid prior to final platting.
22. All required improvements shall be completed prior to approval of the final plat or the applicant shall enter into a written subdivision improvements agreement with the city guaranteeing the construction and installation of all improvements as described in II C(5) of Whitefish Subdivision Regulations.
23. Preliminary plat approval is valid for one year. A one year extension may be requested from City Council. Should additional time be required prior to filing final plat, an improvement agreement described in condition 23 above may be pursued.
24. The building would have a maximum of 800 square feet per floor with the second floor utilized as a residence for a complex manager or someone in that capacity, the lower floor to be utilized for complex and association offices and the existing marina office. The marina office shall also offer services as defined in section 17.83.080 ("Marina") of the Whitefish Zoning Ordinance.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to adjourn at 8:35 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

WHITEFISH CITY COUNCIL
BUDGET HEARING
AUGUST 9, 1989

Mayor Amass opened the Budget Hearing at 7:05 P.M.. Members present were Hanson, Schreiber and Peterson. Also present were City Manager Ennor, Fire Chief Anderson, Police Chief Dolson and Lang Smith, reporter for the Whitefish Pilot. There was no one from the public at this hearing.

The Preliminary Budget revenues and expenditures are as follows:

<u>FUND</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>
General Fund	\$1,025,291	\$1,025,291
Ice Rink	16,000	16,000
Tax Increment District	90,869	90,869
Rural Fire	266,372	266,372
Lighting #1	107,622	107,622
Lighting #4	95,423	95,423
Gasoline Tax	78,505	78,505
Maintenance #1	329,724	329,724
Police Reserve	518,865	518,865
Water Operating	991,221	991,221
Sewer Operating	914,896	914,896
Solid Waste	275,636	275,636
Ambulance	70,281	70,281
S.I.D. Revolving	45,876	45,876
S.I.D. 142	2,755	2,755
S.I.D. 143	2,711	2,711
S.I.D. 145	1,982	1,982
S.I.D. 146	24,047	24,047
	<u>4,858,076</u>	<u>4,858,076</u>

COUNCIL DISCUSSION

Councilman Schreiber asked if it were possible to reduce the Animal Control/Parking Enforcement Officer to a part-time position. He felt the animal control was the most important part of the job and he suggested reducing the parking enforcement hours and utilizing this person part-time in another department (water/sewer, street, etc.). The cost savings could be applied toward the addition of the eighth police officer. Police Chief Dolson was not receptive to making this a part-time position, he felt it was an important part of his department.

The Council requested that City Manager Ennor and Police Chief Dolson review the position to see if there could be a cost savings to the City.

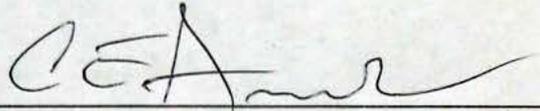
The Council decided that reestablishing the eighth police officer was a priority item. City Manager Ennor and Police Chief Dolson were reviewing the General Fund budget, which includes the Police Department budget, to see if some of the line items could be reduced and applied to the addition of the eighth officer.

City Attorney Muri had given the Council a memo requesting that his health insurance be paid by the City. Council decided to address this issue when they review the City Attorney's contract.

There was no public input at this hearing.

Councilman Schreiber made a motion, seconded by Councilman Peterson, to continue the hearing until August 14, 1989. The motion passed unanimously.

This hearing recessed at 7:45 P.M.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
August 14, 1989

I. PUBLIC HEARING

1. 1989-1990 Preliminary Budget
 - A. Resolution No. 89-19: Maintenance #1 (SID 132)
 - B. Resolution No. 89-20: Light District #1
 - C. Resolution No. 89-21: Light District #4
 - D. Resolution No. 89-22: Garbage
 - E. Resolution No. 89-23: Levying a tax on all Special Assessments
 - F. Resolution No. 89-24: Levying a tax on all taxable property, both for real and personal
 - G. Resolution No. 89-25: Accepting and passing the Municipal Budget for 1989-1990
 - H. Ordinance No. 89-8: Salary Ordinance

II. CITY MANAGER REPORTS

1. RSID's - Conventional plans & specifications
2. Business License Penalty Provision
3. Residency requirement
4. Reschedule first meeting in September

III. ADJOURNMENT

WHITEFISH CITY COUNCIL
BUDGET HEARING
AUGUST 14, 1989

Mayor Amass opened the Public Hearing on the 1989-1990 Budget at 7:00 P.M. Council Members present were Hanson, Boksich, Maddux, Schreiber and Peterson. Councilwoman LaTourelle was absent. Also present were City Manager Ennor, Police Chief Dolson, Lang Smith from the Whitefish Pilot, and Rick Hull from the Daily Interlake.

Mayor Amass explained that this was a continuation of the Public Hearing held on August 9, 1989 and the purpose of this hearing was to adopt the Budget and City Specials as follows:

RESOLUTION NO. 89-19 - SPECIAL MAINTENANCE DISTRICT NO. 1: The assessments are \$1.00 per front foot (residential) and \$1.60 per front foot (commercial).

RESOLUTION NO. 89-20 - SPECIAL LIGHTING DISTRICT NO. 1: This assessment is \$.18 cents a front foot and is used to defray the cost of street lighting in the residential areas.

RESOLUTION NO. 89-21 - SPECIAL LIGHTING DISTRICT NO. 4: The assessment is \$1.28 per front foot in the business areas and is used to defray the cost of street lighting in the commercial areas.

RESOLUTION NO. 89-22 - GARBAGE COLLECTION: The assessment is \$66.00 per year for residential and commercial areas which covers the collection of up to one (1) cubic yard per month. Refuse in excess of one (1) cubic yard would be charged at a rate of \$2.50 per month per cubic yard.

RESOLUTION NO. 89-23 - LEVYING AND ASSESSING A TAX ON ALL REAL ESTATE WITHIN THE CORPORATE LIMITS: This Resolution would adopt all the City Specials and all assessments levied against each lot or parcel of land in the City.

RESOLUTION NO. 89-24 - DETERMINING THE AMOUNT OF CITY TAXES TO BE RAISED FOR ALL PURPOSES, AND LEVYING A TAX AGAINST ALL PROPERTY WITHIN THE CITY OF WHITEFISH: The total mill levy is 88.25 mills and this would generate \$527,748.50. (84.25 mills general fund and 4 mills fire disability)

RESOLUTION NO. 89-25 - ACCEPTING AND PASSING THE MUNICIPAL BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 1989 IN ITS FINAL FORM.

ORDINANCE NO. 89-8 - FIXING SALARIES AND WAGES FOR ALL CITY OFFICERS AND EMPLOYEES FOR THE PERIOD OF JULY 1, 1989 TO JUNE 30, 1990: This Ordinance adopts salaries and wages for city officers and employees excepting City employees covered by agreements, Local 2943, Council 9, AFSCME and the Whitefish Police Protective Association.

The proposed budget is as follows:

<u>FUND</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>
General Fund	\$1,025,291	\$1,025,291
Ice Rink	16,000	16,000
Tax Increment District	90,869	90,869
Rural Fire	266,372	266,372
Lighting #1	107,622	107,622
Lighting #4	95,423	95,423
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Ambulance	70,281	70,281
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S.I.D. 145	1,982	1,982
S.I.D. 146	24,047	24,047
	<u>4,858,076</u>	<u>4,858,076</u>

City Manager Ennor gave the staff report. He said that at the earlier budget hearings the Council asked that the police budget, and specifically the question of whether or not to reestablish the eighth officer position, be reviewed. He said that adjustments to three line items in the police budget (overtime, utility and machinery & equipment) would provide 43% or \$11,000 of the needed funding toward the eighth police officer. He felt confident that with careful review of the general fund expenditures throughout the year, the other 57% or \$17,500 could be taken from other line items and if not, the reserve account could be utilized.

Another area the Council was concerned about was the Animal Control/Parking Enforcement Officer and whether it was a viable and needed position. City Manager Ennor said that he and Chief Dolson had discussed the position at length and they were in agreement that the officer could devote more or all his time to one area. (The Council was concerned about the issuance of parking tickets to the tourists and wondered how important this part of the job was.) He said that under the direction of Chief Dolson the officer could spend more time with animal control and less with enforcing parking.

There was no public input at this hearing and Mayor Amass closed the hearing and turned the matter over to the Council for discussion and action.

After a brief discussion, Councilman Hanson made a motion, seconded by Councilman Boksich, to direct the City Administrator in conjunction with the Police Chief to fill the sixth patrol position and bring the police department back to the eight (8) man status. In February, March and April of 1990 the Council would make budget amendments, if necessary at that point, and transfer funds into the police budget to cover for the balance of the fiscal year, the eighth position. The motion passed unanimously.

The Council discussed the Animal Control/Parking Enforcement officer position. Councilman Schreiber stated that he felt the City was a recreation area and tourists should be given courtesy parking tickets, for overtime parking. He said that these people should be welcomed to the community and not penalized because they are not aware of the two (2) hour parking ordinance. He suggested redirecting the Parking Enforcement Officer to different areas, more animal enforcement or working in different departments such as the water/sewer, street, etc.. Councilman Peterson agreed with Councilman Schreiber and pointed out that the signage was not adequate to inform tourists, more discretion should be used in ticketing these people that are shopping downtown, however, he did feel the officers presence on the street was important. City Manager Ennor suggested asking the businesses if they were in favor of parking enforcement. Police Chief Dolson said that he would like to strongly urge enforcement equally for everyone, it was impossible to just site the local people. He was more in favor of redirecting the duties of the officer. Councilman Hanson supported Chief Dolson , if you write tickets it should be equal for everyone, he suggested redirecting the energy to ticketing people from out of state that are gainfully employed in Flathead County. Councilwoman Maddux said that maybe parking meters could be brought back and the merchants could issue tokens to the visitors.

After considerable discussion, Councilwoman Maddux recommended that this issue be put on a future agenda. City Manager Ennor and Police Chief Dolson could review the parking enforcement and bring back their recommendation to the Council at a later date. The rest of the Council agreed with this recommendation.

Councilman Hanson made a motion, seconded by Councilman Peterson, to adopt the 1989 - 1990 Budget as amended and adopt Ordinance 89-8, Salary Ordinance, Resolution No. 89-19, Special Maintenance District No. 1 (SID 132), Resolution No. 89-20, Special Lighting District No. 1, Resolution No. 89-21, Special Lighting District No. 4, Resolution No. 89-22, Garbage Collection, Resolution No. 89-23, Assessing a tax on all real estate within the corporate limits, Resolution No. 89-24, Determining the amount of city taxes to be raised for all purposes and levying a tax against all property within the City of Whitefish, Resolution 89-25, Accepting and passing the municipal budget for the fiscal year in its final form. The motion passed unanimously.

CITY MANAGER REPORTS

1. RSIDs - CONVENTIONAL PLANS & SPECIFICATIONS: City Manager Ennor said that the City had received a firm bid for doing the plans and specifications for the conventional type sewer system for the RSID's. This bid would not exceed \$11,000 and he requested Council permission to move forward on this project. Council consensus was to move forward on the plans and specifications for the conventional type sewer system.

2. BUSINESS LICENSE PENALTY PROVISION: City Manager Ennor reported that several businesses had not paid their business license fees and in the current ordinance the penalty there is only a \$2.00 delinquent charge per month. He

requested the Council to direct City Attorney Muri to prepare an ordinance placing a stiffer penalty on delinquent business fees. The Council directed City Attorney Muri to draft the ordinance.

3. RESIDENCY REQUIREMENT: City Manager Ennor told the Council that Article III, Section 3.01(2) of the City Charter provides that the City Administrator need not be a resident of the City at the time of his or her appointment but may reside outside the City while employed only with the approval of the Council. He said that he and his wife had viewed a number of residences which were for sale, both inside and outside the City limits and as yet had been unable to find the desired type of housing within the City limits and he was concerned about the location of those outside the City. He said that at this point he needed to know the area limits of his search for housing and asked the Council to consider the question and give him some direction as to the latitude he has regarding residency.

Councilman Boksich and Councilwoman Maddux both felt that the City Manager should reside within the city limits. The rest of the Council were not opposed to him residing outside the city limits.

4. RESCHEDULE COUNCIL MEETINGS:

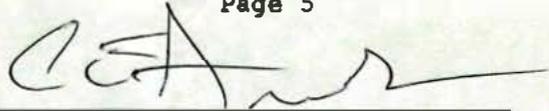
Councilwoman Maddux made a motion, seconded by Councilman Peterson, to schedule the first meeting in September for Tuesday, September 5, 1989. The motion passed unanimously.

Councilman Boksich made a motion, seconded by Councilman Peterson, to cancel the August 21, 1989 Council Meeting for lack of business. The motion passed unanimously.

5. BLOCK GRANT FOR CREATIVE SALES: He told the Council that Creative Sales was interested in relocating their business inside the City fire service district. He said that the Burlington Northern had two pieces of property for sale, one behind the BN Credit Union and the other adjacent to the Whitefish Cemetery. Either property would be appropriate for this business. The Byers (John and sons) are interested and are trying to work all angles to make the move viable for them and one way is through the Community Development Block Grant process. It might be to purchase the property, working capital, etc., the City would loan the funds to the business and recoup that money over a period of years. He said that what he needed at this point, since a public hearing may need to be set, was to have Council approval so he could go ahead and work with them on the process.

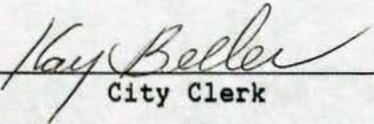
Councilman Hanson made a motion, seconded by Councilman Peterson, that City Manager Ennor aggressively pursue securing the Block Grant. The motion passed with 4 aye votes and 1 no vote. Councilwoman Maddux voted no.

Councilman Hanson made a motion, seconded by Councilman Peterson, to adjourn at 8:05 P.M. The motion passed unanimously.

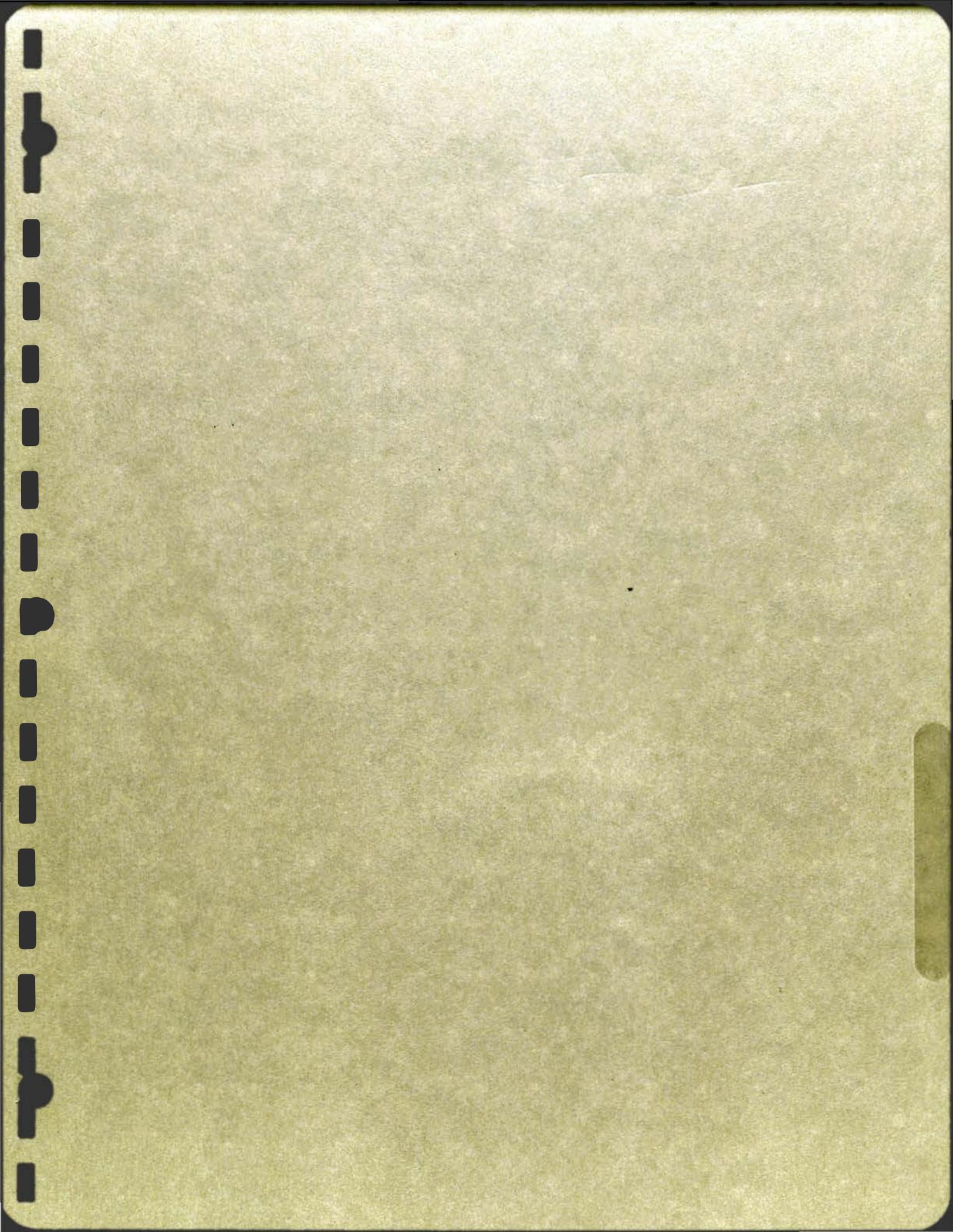


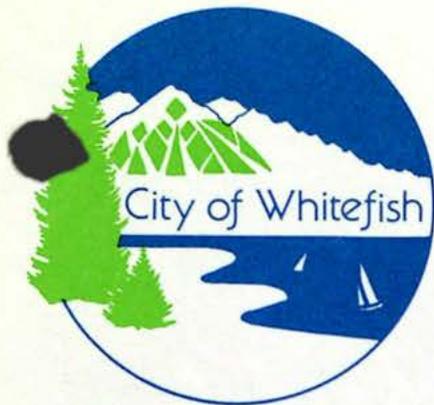
Mayor

ATTEST:



City Clerk





Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
September 5, 1989

- I. Approval of the minutes of the August 7, August 9 and August 14 meetings
- II. PUBLIC HEARING
 1. Community Development Block Grant
- III. NEW BUSINESS
 1. Planning Board vacancy
 2. Water service request (Veeneman)
 3. Street overlay projects
 4. Lease of City property
 5. Lakeshore Construction Application-Jerome Broussard, 200 Glenwood Road
 6. Sewer Service Request - Dr. Ofner in Lake Park Addition
- IV. CITY MANAGER REPORTS
 1. Pledged Securities - Mountain Bank
- V. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 30 August 1989
RE: Agenda for 5 September Council Meeting

The following items are scheduled for the Council's attention at the first meeting in September, rescheduled for Tuesday, the 5th of the month:

1. Public Hearing. A public hearing has been advertised for 7 PM for the purpose of informing the community about the Community Development Block Grant program. While an "economic development" project is not the only possibility for which an application may be submitted, the Council is aware that such a project has surfaced. It is also possible to apply for public facilities projects, the deadline for such applications being 31 October. It appears only sewer and water projects get serious attention for such applications.

For the Council's information, the 1989-90 CD&G program will begin accepting economic development project applications on 1 September. The total funding available for any one application is \$300,000, and may be used for virtually any cost related to the project.

At the conclusion of the hearing the Council will be asked to authorize submission of a "pre-application" package. If the proposed project is acceptable to the Department of Commerce a second hearing will be required prior to submission of the full application.

Any successful applicant will be required to show that the project will be of specific benefit to low and moderate income individuals. In the case of an economic development project for Whitefish, it will have to be established that the "pool" of those benefiting will basically be Whitefish area residents.

It is not necessary from the standpoint of the grantor that the economic activity be situated within the applicant's (City of Whitefish) boundaries. The Council could, however, require the business to locate within the City. The obvious advantage of such a requirement is that the improvement would be placed on the City's tax roll. The probable disadvantage, on the other hand, is that the price of property to be acquired as part of the use of the grant funds could be considerably greater than property outside the City. If any members of the Council have a concern with a project being located outside the City this question should probably be answered at this time rather than a later point in the application process.

2. Planning Board Vacancy. For the past two months the City has been attempting to promote interest in the vacant position on the City-County Planning Board created by the resignation of Timothy Jones. Mr. Jones moved from the City and was forced to vacate his "City" position on that body. Four (4) residents have placed their names before the Council to be considered for appointment. Letters from the four are attached for the Council's review. They are from Jacqueline Chestnut, Donald Harring, Gail Leonard, and R. A. Solberg. This position is to be filled by the City Council.

3. Veeneman Water Service. Recently, the City Council authorized the extension of water service to the Veeneman property along the Whitefish River east of McDonald's Restaurant. Mr. Veeneman has since agreed to most of the conditions imposed by the Council in return for the service. Though he requires only a standard 3/4-inch service for his single-family residence, he has decided to request a one-inch service in order to minimize the loss of water pressure due to usual line loss over the 600-feet of the service line. Now, upon inquiring as to the cost of service he has learned that the "plant investment fee" for a 1-inch meter (\$1,188) is \$713 more than the standard 5/8-inch service (\$475). As noted in the attached letter, Mr. Veeneman would like to request this difference be waived until such time as an additional water demand makes use of this 1-inch service. In other words, if charged only the 5/8-inch "plant investment fee" at this time, he would agree to submit the remaining difference at such time as consumption proves the need for a 1-inch service or a new service is requested. I envision no disadvantage from such an agreement which would be recorded with the property.

In addition, Mr. Veeneman requests use of the existing well for irrigation purposes. Further conversation with Mr. Veeneman indicates that he would be willing to abandon the well at such time as the only other user is provided with City service. That residence, on the north side of Greenwood Drive, is within the City and could be required to connect at the same time as Mr. Veeneman.

4. Street Overlay Projects. Attached is a list of five (5) proposed street overlay projects being contemplated for September. Given that most of the City's streets could use some attention, it becomes necessary to set priorities. Given the Council's comments on these or other streets in town, cost estimates will be completed and the work begun. There may be further need for review if the cost of the projects appears excessive.

5. Lease of City Property. When the City entered into a lease agreement with Flathead County for the ball field complex on Armory Road some years ago, they retained a 0.7 acre parcel immediately northeast of the property (see attached map). The parcel is accessed from East Second Street, across the airport property. The City has received an informal request to lease the property for the purpose of erecting a "t"-hanger for rental of airplanes. If the Council would consider such a proposal I would suggest the value of the parcel be established and negotiations begun towards an annual return of 7-10 percent. Any comments?

6. Lakeshore Construction Permit. Attached is a copy of a lakeshore construction permit application, along with a letter of recommendation from the Chair of the Lakeshore Protection Committee. Notwithstanding the fact that the proposed dock had been installed prior to the Committee's review, they recommend Council approve the permit. In this instance it would be appropriate to direct a letter to the applicant/contractor informing him of the need to secure permits prior to construction of the docks.

7. Sewer Service Request - West Lakeshore Drive. Attached is a letter from the representative of a home owner at the northwesterly end of West Lakeshore Drive requesting sanitary sewer service for the property. The City sewer line is not available to this property, being located further to the south.

From the City's standpoint, the only requirements which might be considered, other than performing the connection to the City's specifications, would be to waive both the right to protest annexation upon becoming contiguous to the City and to participation in any future sanitary sewer special improvement district to serve the area.

8. Miscellaneous. The following items are noted for the Council's information:

a. City Beach Dredging. As the Council is aware from the recent article in the Pilot, Burlington Northern pursued the restoration dredging of the boat launch area of City Beach as one of the final activities of their clean-up operation on the lake. This was ostensibly accomplished under the declared emergency and, therefore, done without benefit of any lakeshore permit. Unfortunately, the extent of the operation caused some brief silting of the southerly portion of the lake and the river. Also, the beach attendant exacerbated the situation by describing the dredging as being more than the restoration activity it was supposed to be.

There may be some continued concern expressed over this operation. However, as the City is the "governing body" for issuance of permits for dredging activities, it seems probable such a permit would have ultimately been issued. The fact that BN had equipment available, and was anxious to perform the restoration work by any means, led to the decision to authorize the activity at that time. State environmental personnel were involved and supported the decision.

At this point no further activity is anticipated. However, as the City has not generally applied for lakeshore permits in the past, I plan to pursue a "open" maintenance permit for annual application of sand on the beach, and clearing of the boat launch ramp. If this matter is raised by the audience at the meeting the Council may wish to formally "direct" that such a permit be pursued.

b. City Manager's Absence. I have personal plans which will result in my absence from the City for Thursday and Friday, the 31st of August and 1st of September, respectively. City Clerk Kay Beller will exercise the powers and perform the duties of the office for these two days. In addition to this absence, I have made plans to attend this year's Montana League of Cities and Towns convention in Helena. The convention will run the three days of 13 through 15 September.

c. City Attorney's Contract. Members of the Council have asked that a meeting be scheduled for the purpose of reviewing the City Attorney's contract. The City Attorney indicates that such a subject is a legitimate matter for an executive session. If time does not permit consideration at the regular meeting, another evening later in the week would be appropriate. A conflict precludes an 11 September meeting.

MEMORANDUM

FROM: City Manager Ennor
TO: Whitefish City Council
DATE: 30 August 1989
RE: Street Overlay Projects - 1989

The Street Superintendent has reviewed the numerous street needs of the City and, realizing that only a portion of the continual maintenance requirements can be addressed during any one year, suggests the following streets be considered for overlays this September:

1. Spokane Avenue - Second to Railway. This block is considered to have a good base and the needed catch basins are in place. The lack of a crown on the roadway allows water from the alley behind "Bob's Tires" to run to the middle of the street rather than to the curb line where it remains in puddles. This street provides access to the railway depot area and Big Mountain. It is also used by school buses discharging and picking up students on 1st Street.

2. Washington Avenue - Woodland Place to Waverly Place. Another single block project, this street was paved in 1981 after the asphalt was removed and a portion of the base removed. Evidently among other possible reasons, an inadequate amount of asphalt was replaced and a subsequent "blade" patch has not proven an adequate solution. The street receives considerable summer traffic and, being on a hill creates a greater problem for motorists.

3. 5th Street - Baker Avenue to Lupfer Avenue. A third single block project, this portion of 5th Street has been disrupted by utility ditches and spot repair digouts. In addition, traffic from the tennis courts and the post office access lot have resulted in more rapid deterioration of the surface.

4. Dakota Avenue - Edgewood Place to Skyles Place. These three blocks were recycled ten years ago and, while serving as a primary accessway to the Bay Point Estates and surrounding residential areas, has only recently begun to show substantial deterioration.

5. 4th Street - Baker Avenue to Mountain View Manor. These two blocks provide the primary route for the seniors from the Manor to Post Office and downtown, both by vehicle and by foot. The street is not in good shape and will be hard to overlay due to ridges and humps. Some leveling of the roadway prior to resurfacing would also facilitate winter plowing and sanding.

MINUTES
WHITEFISH CITY COUNCIL
SEPTEMBER 5, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux and Peterson. Councilman Schreiber was absent. Also present were City Manager Ennor, City Attorney Muri and Street/Sanitation Foreman Wartnow.

MINUTES

Councilman Peterson made a motion seconded by Councilman Hanson, to approve the minutes of the August 7, August 9 and August 14, 1989 Council meetings as presented. All voted aye excepting: Councilwoman LaTourelle abstained from voting on the August 9th and 14th meetings, Councilwoman Maddux abstained from voting on the August 7th and 9th meetings and Councilman Boksich abstained from voting on the August 7th and 9th meetings. These council members were absent at these meetings.

PUBLIC HEARINGS

1. COMMUNITY DEVELOPMENT BLOCK GRANT: City Manager Ennor gave the staff report and explained that the Community Development Block Grant Program is a federal grant program administered by the Montana Department of Commerce. It is designed to assist communities with community development needs with an emphasis on assisting low and moderate income families. The total funding available for any one application is \$300,000.00 and may be used for any cost related to the project. There are three (3) types of grants - economic development, housing and neighborhood revitalization and public facilities. City Manager Ennor said he felt that the City of Whitefish would have the best opportunity for funding in the economic development category because of the employment situation in this area. The CDBG program will begin accepting economic development project applications on September 1, 1989.

The purpose of this first public hearing is to inform the public about the grant program with emphasis on the general requirements, available funding, eligible projects and to solicit public comments on community needs, particularly for low and moderate income families.

Mayor Amass opened the hearing to the public and as there was no public comment, he closed the hearing and turned the matter over to the Council for discussion and action.

Councilman Hanson said that the City would be wise to pursue a grant in the realm of economic development. He said that two things could happen, creating job opportunities and the City would be stressing their interest in working with potential businesses in the area of Whitefish. He said that he would support pursuing a economic development grant. Councilwoman LaTourelle asked if the City would have to have a specific project to pursue the economic development grant and City Manager Ennor said yes and explained that this is a grant to the City of Whitefish, the City then makes a loan to the business at an interest rate that would be negotiated, the funds would come back to the

City and reloaned to other businesses interested in applying for this funding. Councilwoman LaTourelle asked if the grant could be directed toward storm sewer drainage projects and City Manager Ennor explained that the City would have to show that the project would entirely benefit low and moderate income people.

The business requesting the CDBG grant is Creative Sales for a horseshoe manufacturing business. At the present time the location of the business has not been decided and would depend upon the price of property to be acquired. City Manager Ennor said that it was not necessary from the standpoint of the grantor that the economic activity be situated within the applicant's (City of Whitefish) boundaries, however, the Council could require the business to locate within the City if they so desired.

At this public hearing, City Manager Ennor said that he would like the Council to authorize moving forward with the economic development grant pre-application for Creative Sales.

Councilwoman LaTourelle said that she was in favor of applying for both the economic development grant and the public facilities grant. City Manager Ennor said that he was not opposed to doing this except the time limit to submit the public facilities grant would be October 31, 1989 and it would be difficult to send out surveys and put together an application by this date. Councilman Hanson said that he would support Councilwoman LaTourelle's recommendation to apply for both types of grants (even if it were submitted later in the year). Councilwoman Maddux asked if the Council would be voting on any of the details, for example, whether the plant would be locating inside or outside the City limits. City Manager Ennor said no, the grant program had fourteen (14) days to accept or deny the City's pre-application. If accepted the issue would come back to the City and public hearings would be held before submitting the final application.

Councilman Hanson said that the City of Columbia Falls had submitted the same type of application for a business located outside their City limits and he felt that the City of Whitefish should support their efforts (the business is located between the two Cities and he felt it would benefit the City of Whitefish almost as much as it would the City of Columbia Falls).

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to authorize the City Staff to proceed with the pre-application for the economic development phase and also look into the Public Facilities phase of the CDBG grant. The motion passed unanimously.

NEW BUSINESS

1. PLANNING BOARD VACANCY: City Manager Ennor reported that for the past two months the City had been attempting to promote interest in the vacant position on the City-County Planning Board created by the resignation of Timothy Jones. Four (4) residents had placed their names before the Council to be considered for appointment. The four people are Jacqueline Chestnut, Donald Harring, Gail Leonard and Dick Solberg.

The Council said that they would like to interview the four (4) applicants at the September 18, 1989 Council meeting (time of the interviews would be 7:00 P.M.).

2. WATER SERVICE REQUEST (VEENEMAN): City Manager Ennor reported that recently the Council had authorized the extension of water service to the Veeneman Property east of McDonald's Restaurant. Mr. Veeneman had agreed to most of the conditions imposed by the Council in return for the service. He said that Veeneman required only a 3/4 inch service line for his single-family residence, however, he had decided to request a one inch service in order to minimize the loss of water pressure over the 600 feet of the service line. The cost to install the one inch service line would be \$713 more than the standard 5/8 inch service and Mr. Veeneman would like to request this difference be waived until such time as an additional water demand makes use of the one inch service. City Manager Ennor said that he envisioned no disadvantage from such an agreement which would be recorded with the property. Mr. Veeneman was also requesting use of the existing well for irrigation purposes. He would be willing to abandon the well at such time as the only other user is provided with City service (that residence is located on the north side of Greenwood Drive, is within the City and could be required to connect at the same time as Mr. Veeneman).

Councilman Boksich said that the reason the Council authorized the new water service was to abandon the well located on the highway. He said that with the potential highway construction it would be better to abandon the well and proceed with hooking up the other residence at this time. City Manager Ennor would review the issue with Greg Acton to see where the resident could hook onto the water line.

After discussion, Councilman Hanson made a motion, seconded by Councilman Boksich, to authorize City Staff to proceed with the agreement with Veenamen to put in a one inch service with a 5/8 inch equivalent plant investment fee with appropriate language in the agreement that if the second service is added to that water service, the differential in the plant investment fee be paid at that time. Councilman Hanson requested that the motion include: that the City Staff work with the other property (currently on the well) to get them on City service. The motion passed unanimously.

3. STREET OVERLAY PROJECTS: City Manager Ennor gave the Council a list of five (5) proposed street overlay projects being contemplated for September.

1. Spokane Avenue - Second to Railway
2. Washington Avenue - Woodland Place to Waverly Place
3. 5th Street - Baker Avenue to Lupfer Avenue
4. Dakota Avenue - Edgewood Place to Skyles Place
5. 4th Street - Baker Avenue to Mountain View Manor

He said that he and Street Foreman Wartnow had gone through this list and prioritized them as follows:

1. Dakota - Edgewood through the intersection of Skyles Place
2. 5th Street - Baker Avenue to Lupfer Avenue
3. Spokane Avenue - Second to Railway

4. 4th Street - Baker Avenue to Mountain View Manor

City Manager Ennor said that Washington Avenue would be put on hold this year and overlaying would not be done.

Councilwoman LaTourelle questioned doing 5th Street, she said it was her understanding that the Park Board was interested in closing the street at 5th Street and Lupfer Avenue and putting in a cul-de-sac. Councilman Boksich said he agreed that Dakota Avenue, as stated, should be considered #1 priority, however, he did not feel that Spokane Avenue was a priority, other streets were much more in need of repair, such as Third Street which was almost impossible to drive on. Street Foreman Wartnow explained that the list did not include any streets that construction of utilities (such as the storm drains) was planned. Councilman Boksich said that he would like to drop the Spokane project and do Fifth Street (from Somers Avenue to Pine Avenue). Councilwoman Maddux supported this recommendation because Fifth Street is a major arterial access to the schools. Councilwoman LaTourelle said that Railway, from Baker Avenue to O'Brien Avenue was in dire need of repair, she suggested that the City Staff contact the Burlington Northern Railroad to see if they would participate in reconstructing these streets because they utilize them a lot. Councilman Peterson said that Lupfer Avenue and O'Brien Avenue both were almost impossible to drive through. Street Foreman Wartnow said that he would like to support the proposed construction of the two blocks from Second Street to Railway on Spokane Avenue and at least the first block because of the water drainage problems. In order to save this street the intent was to crown the street for drainage.

Total cost to overlay the proposed streets as outlined by City Manager Ennor and Street Foreman Wartnow would be approximately \$53,000.

After considerable discussion, Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve the prioritization of the street overlays as presented by the City Staff with Washington Avenue deleted as recommended and the two blocks of Fifth Street (Somers Avenue to Pine Avenue) added to the list for a total of five (5) projects. The motion passed unanimously.

Councilman Boksich asked City Staff to pursue further the closing of Fifth Street and Lupfer Avenue and Councilman Hanson asked City Attorney Muri to look at the legal options for closing the street.

4. LEASE OF CITY PROPERTY: City Manager Ennor said that when the City entered into a lease agreement with Flathead County for the ball field complex on Armory Road some years ago, they retained a 0.7 acre parcel immediately northeast of the property. The parcel is accessed from East Second Street, across the airport property. The City had received an informal request to lease the property for the purpose of erecting a "t" -hanger for rental of airplanes. He said that if the Council would consider such a proposal he would suggest the value of the parcel be established and negotiations begun towards an annual return of 7-10 percent. City Staff recommended approval of the request without a long term agreement.

Councilman Hanson said that if the City did lease this property a 20' easement should be provided south of the airport property for an access to the property. Councilwoman Maddux said the City should leave the option open to sell the property and get it on the tax rolls.

After some discussion, Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to lease the 0.7 acres as recommended by City Manager Ennor. The motion passed unanimously.

6. LAKESHORE CONSTRUCTION PERMIT: City Manager Ennor had given the Council a copy of a Lakeshore Construction Permit application, along with a letter of recommendation from the Lakeshore Protection Committee. He said that notwithstanding the fact that the proposed dock had been installed prior to the Committee's review, the Committee recommended that the City Council approve the request. The request was from Jerome Broussard, to construct a wood dock and a 16 foot walkway at 200 Glenwood Road.

The Council discussed the fact that the docks had been built and placed before the Lakeshore Committee approved the application and Councilman Boksich was opposed to approving it. However, because the Lakeshore Committee recommended approval, Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to approve the Lakeshore Construction Permit as recommended by the Lakeshore Committee. The motion passed with 4 aye votes and 1 no vote. Councilman Boksich voted no.

6. SEWER SERVICE REQUEST - DR. OFNER IN LAKE PARK ADDITION: City Manager Ennor had given the Council a copy of a letter from the representative of a home owner at the northwesterly end of West Lakeshore Drive requesting sanitary sewer service for the property. The City sewer line is not available to this property, being located further to the South. He said that from the City's standpoint, the only requirements which might be considered, other than performing the connection to the City's specifications, would be to waive both the right to protest annexation upon becoming contiguous to the City and to participate in any future sanitary sewer special improvement district to serve the area. He recommended approval with the above conditions and also that Dr. Ofner be responsible for all cost in connecting and extending the sewer line, for maintenance of the sewer line and he should be responsible for securing the easements for the City, needed to extend the line.

After some discussion, Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to approve the request with the recommendations of the City Manager and include in the conditions "with connection per City specifications". The motion passed unanimously.

CITY MANAGER REPORTS

1. PLEDGED SECURITIES: Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to approve the pledged securities of the Mountain Bank for \$190,212.10. The motion passed unanimously.

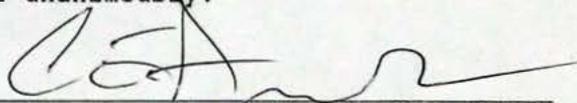
COUNCIL REPORTS OR COMMENTS

Councilman Hanson said that the softball complex lease with Flathead County should be reviewed. It had been brought to his attention that the County was doing very little maintenance and the fees to use the complex were prohibitive. He felt the Council should review the agreement to see if it would be in the City's best interest to have the Park Board operate this complex. He also asked City Manager Ennor to write a letter to Tim Jones thanking him for his service on the City County Planning Board. He also felt that the City should draft a letter supporting the City of Columbia Falls in their efforts to secure their economic development grant.

Consensus of the Council was to proceed with a letter as long as it did not conflict with the City's application.

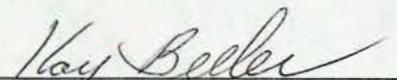
The Council set 6:00 P.M. September 18, 1989 for the City Attorney's evaluation.

Councilwoman LaTourelle made a motion, seconded by Councilman Peterson, to adjourn at 8:28 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montono 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
September 18, 1989

- I. EXECUTIVE SESSION - Review City Attorney Contract (6:00 P.M.)
- II. APPROVAL OF MINUTES of the September 18, 1989 meeting
- III. PUBLIC COMMENTS
- IV. OLD BUSINESS
 1. Interview Planning Board Applicants
- V. NEW BUSINESS
 1. Business License Violations
 2. Utility Easement - Montana Power
- VI. CITY MANAGER'S REPORTS
 1. Departmental Reports
- VII. COUNCIL REPORTS AND COMMENTS
- VIII. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 12 September 1989
RE: Agenda for 18 September Council Meeting

The following items are scheduled for the Council's attention at the second meeting in September:

1. City Attorney's Contract. The Council asked that a meeting be scheduled prior to the regular meeting for the purpose of reviewing the City Attorney's contract. Attached for the Council's prior review is a copy of the existing contract. The review is being scheduled as an executive session, although the Council need not consider it as such.

2. Planning Board Vacancy. As was noted at the last Council meeting four (4) residents have expressed interested in the vacant position on the City-County Planning Board created by the resignation of Timothy Jones. Each of the individuals, Jacqueline Chestnut, Donald Harring, Gail Leonard, and R. A. Solberg have been notified of the Council's wish to interview them prior to selecting one for appointment.

3. Business License Violations: Early in August I was apprised of a list of approximately twenty businesses in town which had failed to secure a current business license. In fact, at least four (4) of the businesses have not had a valid license for the past two years. Each of the businesses were informed of this fact and the amount required to make their license current, including the two (2%) percent per month penalty charge. To date, only five of these businesses have renewed their business license.

While the City's code regulating business licenses does contain a penalty charge provision, there is no more incentive to pay the penalty than there is to obtain the license in the first place. Obviously, a penalty clause including the potential for a fine and incarceration is needed. I have asked the City Attorney to prepare such legislation in the event the Council agrees that the only way to ultimately enforce the business licensing requirement is through fear of action through the Municipal Court.

4. Utility Easement. Montana Power Company has asked the City to grant an easement for the extension of natural gas service across City property to the Park Knoll subdivision. The service line presently terminates east of the City shops property. The easement would run southerly and westerly across the boundaries of the City property at the southeast corner. Staff has no reason to object to such a request.

5. Miscellaneous. The following items are noted for the Council's information:

a. Council Inquiries. During the last meeting at least three questions were raised pertaining to activities and/or authorities of the City, its boards or agents. These included:

(1) Is there a penalty for a lakeshore violation?

Indeed! Chapter 15.04 of the Municipal Code outlines the protective regulations for the lake and the lakeshore. Section 15.04.290 of that code provides for a five hundred (\$500) dollar fine and/or thirty (30) days in the City Jail.

(2) Who has the authority to conclude contracts for the City?

Basically, only the Council and, with the Council's approval, the City Manager. In the latter case, the City's Charter specifically provides that such authority to ". . . execute bonds, notes, contracts and written obligations of the council (shall be) subject to the approval of the council." In addition, were the City one of the first or second class as defined by State statute, and the Park Board an agent of the Council officially established under the provisions of the MCA, the Board would also have certain authority to conclude contracts.

b. City Managers Absence. As noted at the last meeting I will be attending the Montana League of Cities and Towns in Helena the three days of 13 through 15 September. City Clerk Kay Beller will exercise the powers and perform the duties of the office for these three days.

September 2, 1989

To: City Manager
From: Chief of Police
Subject: Activity Report - August, 1989

	AUGUST	Y-T-D	Last Y-T-D	% Of Increase Or Decrease
Citations Issued				
Officer	26	289	390	- 25.9%
Parking	97	540	675	- 20.0%
Dog	23	120	183	- 34.4%
Arrest	23	203	170	+ 19.4%
Activity				
Officer	207	1622	1334	+ 21.6%
Other	376	2269	1604	+ 41.5%

Investigations

	AUGUST	Y-T-D	**Last Y-T-D	**% Of Increase Or Decrease	Cases Cleared Y-T-D	Clearance Rate (Percent)
Murder	0	1			1	100%
Sex Crimes	1	4			2	50.0%
Robbery	0	0			0	
Assault	4	28			19	60.7%
Burglary	0	25			6	24.0%
Theft	17	112			29	25.9%
Auto Theft	1	11			3	27.3%
Arson	0	2			1	50.0%
Drugs	0	10			10	100%
*Miscellaneous	13	126				
Totals	35	319			71	

*Miscellaneous includes non criminal reports

** These categories will remain blank because of a change in tabulating which resulted in a lack of comparative data.

D. H. Dolson
D. H. Dolson
Chief of Police

cc: File
Board

MONTH AUGUST

YEAR 1989

END OF THE MONTH

OFFICERS	ARRESTS	TRAFFIC ACC.	CITATIONS	INCIDENT RPT.	28, 29, 31, NCIC	SERVICE/ OFFICER	SERVICE/ DISPATCH	SHIFTS
DOLSON W-1	2	2	5	8	7	6	20	15
HERRMANN W-2	1	1	2	1	54	35	35	18
VAN HAM W-3	2	0	3	3	44	32	52	14
VOELKER W-4	5	0	3	6	8	7	8	17
DEVALL W-5	0	1	2	1	3	3	.6	4
MERKLEY W-6	2	2	1	4	4	13	47	15
RUPP W-7	6	6	6	10	49	34	55	17
JENSEN W-9	0	0	0	0	2	0	1	1
WILSON W-10	3	1	1	2	11	8	12	7
FRANK W-11	5	0	0	11	51	20	65	17
HOLLIDAY W-12	0	0	1	0	5	2	4	3
FERDA W-13	0	2	0	1	23	14	25	8
ALLEN W-14	5	1	2	1	23	13	39	7
OTHER (S)	0	0	0	9	0	0	0	
WILSON W-20	0	DOGS: VEHICLES:	23 97	0	59	20	7	
ADULTS: JUVENILES:	16 7							
TOTALS:	23	16	26	57	284	187	369	

Productivity - 1989

* arrest, traf accident, citation, reports; divided by shift

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Dolson	.8	1.09	.83	.94	1.5	1.0	2.0	1.13				
Herrmann	.79	.7	.7	.33	.63	.48	.87	.28				
Van Ham	.53	.72	.47	.61	.67	.71	.18	.57				
Brown	1	1.47	—	—	—	—	—	—				
Merkley	1.19	1	.75	.94	.63	.95	.55	.6				
De Vall	1.45	.75	1.14	.75	.36	.56	.77	1.				
Jensen	0	—	1	0	1.	—	—	0				
B. Wilson	.25	1	0	1	.75	.33	0	1.				
Rupp	1.33	0	1.1	1.35	.94	1.33	1.6	1.65				
Frank	1.33	1.2	1.2	1.09	2.	1.0	1.22	.94				
Holliday	—	6	.25	2.67	.5	—	—	.33				
Wada	2.11	1.5	1.43	2.33	1.35	.83	.27	.38				
Allen	—	—	—	—	1.5	.33	1.75	1.29				

* This represents a change from last year ... officer-initiated service has been eliminated because it skews numbers and is subject to manipulation.

Average	.98	1.4	.81	1.09	.99	.75	.92	.76				
Range	.25 - 2.11	.7 - 6	0 - 1.43	0 - 2.67	.36 - 2	.33 - 1.33	0 - 2	0 - 1.65				

STREET/ALLEY/SANITATION REPORT
August 17, 1989 to September 9, 1989

The Street Department operated the sanitation system.

The following catch basins were replaced:

1. Railway and Central at Jim Downen Chevrolet
2. Central Avenue between Railway and Depot
3. Third and Columbia, and also fixed broken main
4. Ashar and Eighth

During the rain we cleaned catch basins and drained standing water.

Three internments were done at the cemetery.

The following street and alleys were graded:

1. Lacey Lane
2. Alley between Dakota and Montana
3. Alleys north of Second Street and east of Kalispell Avenue
4. Alleys south of Second Street where needed

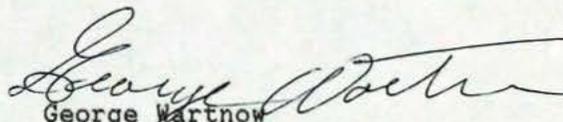
Crushed gravel was placed where needed in alleys.

Container pads were built with gravel and containers delivered to West Lakeshore drive.

The business area was swept on Fridays and other areas of the City requested by citizens.

The Street Department fixed dig-outs at 8th and Park and picked up tree limbs in the parks. We put sod on graves at the cemetery. We repaired and replaced some street signs and placed new street signs at Grouse Mountain and Ashar Avenue. We also pulled the boat dock from City Beach for the dredger and replaced it when they were done.

The Street Department assisted the Water/Sewer Department where needed. We measured streets for overlays and did survey work on the 4th Street Somers to Pine Avenue storm drain.


George Wartnow
Street/Alley Manager

MEMORANDUM

FROM: Greg Acton
TO: Dale Ennor
DATE: September 12, 1989
RE: August 1989 Activities Report

During the month of August the following activities were performed:

Maintenance - Quarterly maintenance was completed on the following lift stations:

1. Baker Avenue
2. Boat House
3. Monks Bay #3
4. Viking

Quarterly maintenance includes changing oil, pump removal and inspection, electrical monitoring, wet well cleaning and general inspection and cleaning. Monthly preventive maintenance and inspection was performed on the remaining lift stations.

Mandated aeration retrofit and maintenance at the sewer treatment plant was completed. Site clean up and additional maintenance to evaluate aeration equipment is ongoing.

Three fire hydrants were repaired or replaced. Three water main leaks were repaired and four sewer main back ups were cleared. Approximately 10 blocks of sewer main was cleaned and flushed.

Construction - Sanitary and storm sewer mains were constructed to serve the Cross Currents School on Ashar Avenue (cost report provided separately). 1,242 feet of 8" and 12" mains, 8 manholes and 2 catch basins were installed by city crews. 1 additional catch basin will be installed at 8th and Ashar. Concrete work and asphalt patch work to be completed by contract.

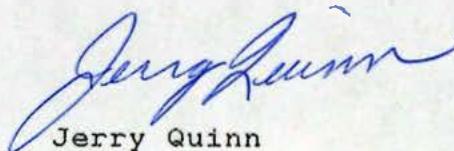
Customer Service - Construction inspection at Jensen RV Park is ongoing. The water and sewer improvement plans were reviewed to be constructed by others. 13 water meters were repaired and tested. 6 water main taps for new service were completed.

BUILDING REPORT FOR AUGUST, 1989

August has been busy with work going on from past permits. We did sell 23 building permits including four new housing starts. We had seven new garages and five remodels, two commercial jobs and the others were smaller jobs. Permits issued for the month of August are as follows:

Building permits	-	\$4,653.00
Plan Reviews	-	50.75
Plumbing Permits (10)	-	573.00
Mechanical Permits (8)	-	<u>500.00</u>
Total		\$5,776.75

We have 68 on going jobs and more work coming in every day.



Jerry Quinn
Building Inspector

PERMIT #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2598	Phyllis Robinson	112 Texas Ave	9x24 Roof covering over ENTRY	500.-	TOM ATKINS
99	Dick Gordon	116 LARCH LANE	Fire job remove second Floor New roof	25,000	John Coonners
2600	Jensen Builders	6400 Hwy 93 ^{s.}	Free standing sign	900.-	OWNERS
01	Gary Hartman	213 W. 7 th St.	CAR PORT ATTACHED	1000	OCTAGON HOMES
02	Dan Mitchell	1309 EAST 2 ND ST.	60" Replace mnt Chain link fence	500.-	MONTANA FENCE
03	Dick SPICHER	19 Green Place	Single Family Dwelling w/garage 3560 sq ft	150,000+	Ping Const.
04	DAVE & JERI Young	332 W. 4 th St.	New Basement ACCESS Plus Foundation work	7,300	TREWEEK Const.
2605	Carla Johnson	144 W. 2 nd St.	Convert single family home to Business	14,000	WALTER RILEY
06	MARGARET GRAZIANO	LOT # 10 Blunhard Hollow LANE DR.	Now single Family Dwelling w/garage	72,000	OWNER
07	Phil Duty	816 Texas Ave.	GARAGE 19x34 on concrete slab	6,000	OWNER
08	Sill TARR	102 5 th St.	Room addition 343 sq ft	9,000	OWNER
09	Tom ESPOSITO	17 Central Ave	Convert to Bakery 505 sq ft.	1,500	OWNER
2610	Mary Gutzwiller	410 E. 2 nd St.	Remodel interior for Retail sales	500	OWNER
11	DAN LAWYER	121 Mill AVE	24x24 GARAGE w/24x16' CAR PORT	5,000	Greg Niles
2612	MARK VAN NYNDIS	111 W. 4 th St.	GARAGE 15x4 sq. ft.	12,000	OWNER

ERMIT #	NAME	LOT & BLOCK AND/OR ADDRESS	PURPOSE OF BUILDING	COST	CONTRACTOR
2583	Richard Gordon	West Lakeshire	Add 5x8 BREAKFAST AREA Remodel KITCHEN	14,400	Dennis McCona
84	ANN & Joseph Hope	2328 E. Lake Shore Dr	S. into Family Dining 1728 sq ft. 4/5 GARAGE	104,000	Steve Waller Panderosa Bu.
2585	Earl Dyer	Replace Decking AROUND home 341 6th St.	Replace Decking AROUND home	635.	LANCE BENCH
86	Bill Leonard	810 DAKOTA AVE	Rockwood retaining Wall system 6' in height	3,000	
87	WARD McCHARTNEY	727 Columbia Ave	24 x 28 GARAGE Muro slab	4,000	OWNER
88	WARD McCHARTNEY	14 DAKOTA AVE	Remodel interior	6,000	OWNER
89	RAY Holien	725 LUPPEN AVE	28 x 28 GARAGE ON Muro slab	7,000	OWNER

MINUTES
WHITEFISH CITY COUNCIL
SEPTEMBER 18, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Ennor, City Attorney Muri and Police Chief Dolson.

MINUTES

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to approve the minutes of the September 5, 1989 meeting as presented. The motion passed with 5 aye votes and 1 abstention. Councilman Schreiber abstained because he was not at the meeting.

PUBLIC COMMENT

Dorothy Heard, Whitefish Community Development Corporation, explained that the City Council had passed a Resolution in May of 1989 authorizing them to apply on behalf of Whitefish as a certified community. She said that they had received the certification and she presented the Council with a copy of it.

OLD BUSINESS

1. INTERVIEW PLANNING BOARD APPLICANTS: Four applications had been received for the vacant position on the City-County Planning Board created by the resignation of Timothy Jones. Interested residents were Jacqueliné Chestnut, Donald Harring, Gail Leonard, and R. A. Solberg (Mr. Solberg could not attend the meeting because he was teaching this quarter at the University of Montana). The Council informally interviewed each applicant asking them several pertinent questions regarding their interest in the position. The three applicants all stated that they enjoyed living in Whitefish and wanted to help keep the quality of life that is enjoyed here. They were pro-growth as long as it was quality growth and they all stated that they were interested in being a part of the planning process.

After discussion and careful evaluation, Councilman Hanson made a motion, seconded by Councilman Peterson, to appoint Don Harring to the City-County Planning Board vacancy. The motion passed unanimously.

Councilman Schreiber said that only one person could be appointed to this position, however, he strongly urged the people that did not get appointed, reapply for other positions on City Boards as vacancies occur.

NEW BUSINESS

1. BUSINESS LICENSE VIOLATIONS: City Manager Ennor explained that several businesses in town had failed to secure a current business license and each business was informed of the delinquency and the amount required to make their license current, including the two (2%) percent per month penalty

charge. To date, only a few of these businesses have renewed their licenses. He said that while the City's code regulating business licenses does contain a penalty charge provision, there is no more incentive to pay the penalty than there is to obtain the license in the first place.

He recommended that the Council adopt Ordinance 89-9 which would amend the penalty clause by including the potential for a fine and incarceration.

Councilwoman Maddux made a motion, seconded by Councilman Boksich, to adopt Ordinance No. 89-9 on the first reading. The motion passed unanimously.

2. UTILITY EASEMENT - MONTANA POWER: City Manager Ennor said that Montana Power Company had asked the City to grant an easement for the extension of natural gas service across City property to the Park Knoll Subdivision. The service line presently terminates east of the City Shops property. The easement would run southerly and westerly across the boundaries of the City property at the southeast corner. He said that City Staff had no reason to object to such a request.

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to approve the request of Montana Power Company as recommended by City Manager Ennor. The motion passed unanimously.

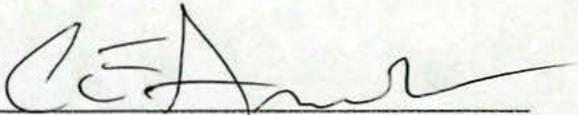
CITY MANAGER REPORTS

City Manager Ennor reported that the Burlington Northern Railroad was planning to build a new depot and they were looking for someone to take over the old depot building and the City was the prime candidate. He said that he did not know if the Council was interested in accepting the building or not but soon the railroad would be approaching them (Council) to see if they would accept the building. He further explained that the Historical Society along with another group were looking into the cost of upgrading the building as well as the maintenance costs. He said that the Historical Society would be pushing the City to register it as a historical building and also to accept it. He said that he told Wayne Peterson of the Historical Society that the Council probably would not balk at the proposal as long as there was no cost to the City.

City Manager Ennor also gave a summary of the Montana League of Cities and Towns Convention he attended. He said that he visited with the Mayor of West Yellowstone at length about the Resort tax they had imposed a few years ago and he also had asked the Director of the Montana League of Cities what was going on in the interim between Legislative sessions regarding the resort tax issue and whether the Legislature was going to do anything. The group passed a resolution directing the Director to work on that subject during the interim and City Manager Ennor asked to be notified when they met so that the City of Whitefish could have a representative at there meetings.

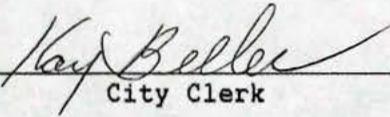
COUNCIL REPORTS AND COMMENTS

There were no Council reports or comments and Councilwoman Maddux made a motion, seconded by Councilman Hanson, to adjourn at 7:35 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 27 September 1989
RE: Agenda for 2 October Council Meeting

The following items are scheduled for the Council's attention at the first meeting in October:

1. EPA Grant Offer. The City has received a grant offer from the Environmental Protection Agency in the amount of \$1,008,730 representing the federal share of the proposed septic tank/effluent pump (STEP) sanitary sewer system to serve three areas of the Whitefish County Water and Sewer District. The cover letter extending the offer requests the signed copies be returned not later than the 6th of October.

I have been in contact with both the engineer and the State Project Officer for this project. In addition to a general review of the language of the agreement and the specific conditions outlined therein, the Project Officer was specifically questioned regarding the Council's continued interest in a traditional gravity sewer system. I was assured that the State Water Quality Bureau (through the Project Officer Craig Brawner) was also interested in the financial viability of such a system. Therefore, it appears the City has not lost the potential for choosing such a system if it proves less costly after the bids for both systems are tabulated. We would, however, lose the extra twenty percent grant funding for the benefiting property owners available for a project utilizing "innovative/alternative" technology. I recommend the Council authorize the City Manager to enter into the assistance agreement for the rural special improvement districts.

2. Business License Violations. Attached is a copy of Ordinance 89-9, establishing a penalty clause for the City's business license code and presented to the Council for second reading. Upon adoption the ordinance would become effective in thirty (30) days.

3. Officer Confirmation. Attached is a memorandum from the Police Chief recommending the confirmation of Officer Robert Rupp to permanent status. The cited statute requires that at the end of the probationary term the appointment must be submitted to the City Council for their confirmation. I concur with the Chief's recommendation.

4. Utility Agreement. In conjunction with the reconstruction of the viaduct over the Burlington Northern railway yard portions of the City's water and sewer lines will be replaced.

South of the tracks this work consists of:

a. replacing 380-feet of 8-inch cast iron water pipe (leaded joint) with PVC pipe between Central and Railway;

a. moving a fire hydrant from the Baker/Railway intersection to the intersection of the alley and Railway; and

b. installing another hydrant mid-block between Baker and Lupfer, on Railway.

North of the tracks the improvements include:

a. replacing 116-feet of 12-inch cast iron water main (leaded joint) along Edgewood, west of Wisconsin;

b. rerouting 760-feet of 14-inch main around that portion of Edgewood which will be obliterated by the reconstructed viaduct in order to keep it from being buried too deep;

c. restoring service to a number of residences which will be affected by the road construction; and

d. replacement of 240-feet of clay tile sewer line which is likely to be damaged during road construction.

The total cost of the relocation and replacement of these various utility lines is estimated to be \$73,460. Given the equation by which the Department of Highways calculates the distribution of this cost the State will pay \$44,420, or just over sixty (60%) percent of the total cost. To proceed with these improvements, however, it is necessary for the City to enter into a standard "federal-aid project" agreement. I recommend the Council authorize the City Manager to enter into the appropriate agreement.

On a related matter, the State right-of-way agent has been in contact with the City regarding the acquisition of necessary properties associated with the new viaduct. In attempting to acquire portions of Edgewood Avenue some confusion has arisen who owns the roadway east of Wisconsin. While it appears to be under County ownership, I would like to assist the State if at all possible and recommend the Council agree to offer the State any portions of Edgewood which the City may own which would be utilized for the reconstructed viaduct. I would then notify the agent of the City's willingness to deed any required portion of the right-of-way need for the project.

5. Lakeshore Protection Regulations. Included with the packet is a copy of the final proposal from the Planning Board regarding revised regulations for the protection of Whitefish Lake

and the lakeshore. As the cover letter from the president of the Board indicate,s proposed by-laws are also included. The Council is asked to review the proposed regulations and be prepared to discuss and adopt the regulations at a future meeting. The nature of the "adoption" process apparently is open to the Council's discretion. An advance workshop, followed by another public hearing, would be one way to proceed. The Planning Board, however, has conducted a public hearing and Tom Jentz believes the subject has been given considerable public exposure.

6. Miscellaneous. The following items are noted for the Council's information:

a. Street Overlays. Subsequent to the Council's approval of the proposed portions of streets recommended for overlaying this fall, it has become apparent that the drainage improvements on 4th Street (Somers to Pine Avenues) will leave those two blocks in considerably worsened condition. In addition to the unexpected need to realign a water main, the existing pavement was found to have been placed directly on the clay sub-surface. Construction activity, thereby, tends to disturb the surrounding asphalt. Along with the use of heavy equipment on the roadway during construction, these factors have contributed to the surface deterioration. Therefore, we are proposing this area be attended to as part of the total project, even though the added cost may require a postponement of one of the lower priority streets previously approved by the Council. The overlaying has been arranged to begin as soon as the drainage project is completed.

On a related note, we are attempting to secure a quantity of a new asphalt which retains it's pliability during freezing weather. This material would allow the City to attend to some of the more serious pot holes even with snow on the ground or when ponding occurs during the spring thaw. The Street Superintendent witnessed a demonstration of this material in Kalispell last winter and believes it may be useful in Whitefish.



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
October 2, 1989

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES of the September 18, 1989 meeting
- III. PUBLIC HEARINGS
 1. Sign Variance request - Jim Downen Chevrolet
- IV. PUBLIC COMMENT
- V. OLD BUSINESS
 1. EPA Grant - R.S.I.D's
 2. Ordinance No. 89-9 (Business License Penalty)
- VI. NEW BUSINESS
 1. Police Officer confirmation
 2. Utility Agreement - viaduct relocation
 3. Lakeshore Regulations
- VII. CITY MANAGER'S REPORTS
- VIII. COUNCIL REPORTS AND COMMENTS
- IX. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 27 September 1989
RE: Agenda for 2 October Council Meeting

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MINUTES
WHITEFISH CITY COUNCIL
OCTOBER 2, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Pro Tem LaTourelle at 7:00 P.M. Council Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Mayor Amass was absent. Also present were City Manager Ennor, City Attorney Muri and Sgt. Joe Van Ham.

MINUTES

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the minutes of the September 18, 1989 Council meeting. The motion passed unanimously.

PUBLIC HEARINGS

1. SIGN VARIANCE REQUEST - JIM DOWEN CHEVROLET: City Manager Ennor explained that Jim Downen Chevrolet was asking permission to erect a third freestanding sign on the lot on south Spokane Avenue. The application was for a "GEO" vehicle sign, similar to an application which was approved within the past few years for a "Subaru" freestanding sign. City Manager Ennor said that the "Subaru" sign had been approved subject to certain conditions and the sign had since been removed.

City Manager Ennor said that progress on the revised sign code had progressed to the point where a draft will be presented to the Planning Board within the next thirty days and it is hoped to have their proposal to the Council by year end. He said that inasmuch as the revisions proposed at this time would still not allow more than one freestanding sign on the subject property, it would be reasonable for the Council to refuse to grant a variance in this instance, or consider authorizing the variance in exchange for removal of the nonconforming readerboard sign.

Mayor Pro Tem opened the public hearing.

Gary Hoffman, Western Neon Sign, representing Jim Downen Chevrolet, said that he thought there would be no problem placing the "GEO" sign because it was replacing the "Subaru" sign, the sign would comply with all the other restrictions of the sign code. He said that the sign was needed to advertise the fact that they sell the "GEO" product. He requested that the Council approve the variance request.

As there was no further public comment, she closed the hearing to the public and turned the matter over to the Council for discussion and action.

After some discussion, Councilman Hanson made a motion, seconded by Councilman Schreiber, to approve the variance request as submitted, with the stipulation that the sign come into compliance when the new Sign Ordinance is adopted. The motion passed with 5 aye votes and 1 abstention. Councilwoman Maddux abstained due to a conflict of interest.

PUBLIC COMMENT

Keith Armstrong, President of First National Bank, told the Council that there were several items that needed to be addressed in order for the bank to obtain a building permit for their drive-in bank planned for 300 East Third Street. One of the major issues was the removal of three trees on Third Street. He said that removal of the trees was essential to the functional use of the drive-in as well as for customer safety. He told the Council that they would be doing extensive landscaping in the area to improve the overall beauty of the project. He requested that the Council grant their request to remove the three trees.

City Manager Ennor said that the bank was planning several lanes into the facility to handle drive-in traffic and to do this would require the removal of the three trees of which he said, he had no authority to approve, the Council would have to make that decision.

The Council reviewed the site plan for the drive-in facility and Keith Armstrong explained the landscaping planned to help beautify the area after construction of the facility. Trees on Lupfer Avenue would not be removed and additional landscaping would be done on the northwest corner of the lot to create a small park like atmosphere that people could enjoy.

After discussion, Councilman Hanson made a motion, seconded by Councilman Boksich, to authorize the City Administrator to work out a program to remove those trees as needed and replace them as needed. The motion passed unanimously.

OLD BUSINESS

1. E.P.A. GRANT - R. S. I. D.'s: City Manager Ennor reported that the City had received a grant offer from the Environmental Protection Agency in the amount of \$1,008,730 representing the federal share of the proposed septic tank/effluent pump (STEP) sanitary sewer system to serve the three areas of the Whitefish County Water and Sewer District. He said that the cover letter extending the offer requested the signed copies be returned not later than the 6th of October.

City Manager Ennor said that he had been in contact with both the engineer and the State Project Officer for this project and in addition to a general review of the language of the agreement and the specific conditions outlined, the Project Officer was specifically questioned regarding the Council's continued interest in a traditional gravity sewer system. He was assured that the State Water Quality Bureau was also interested in the financial viability of such a system. Therefore, it appears the City has not lost the potential for choosing such a system if it proves less costly after the bids for both systems are tabulated. He said, the City would lose the extra twenty percent grant funding for the benefiting property owners available for a project utilizing "innovative/alternative" technology. He recommended that the Council authorize the City Manager to enter into the assistance agreement for the rural special improvement districts.

Councilman Hanson said that it was his understanding that it was the E.P.A.'s intention to get sewer to existing dwellings and not provide a great deal of E.P.A. funding capacity for expansion and growth. The City has to look at extension of sewer with growth in mind and the area north of the tracks in the Colorado/Texas area is going to experience a lot of growth and we have to look at that area as to which system is more adequate to address the growth, where E.P.A. maybe looking at what is best for the growth that is there right now. He felt City Manager Ennor had addressed the issue and the City would still have that option of making the choice when the bids have been tabulated.

Fritz Royer, President of the Whitefish County Water and Sewer District, said that he just wanted to comment on a couple of things that he had discussed with City Manager Ennor. The Facilities Plan does address expansion and in this instance, just looking at the areas that this grant applies to, he did not think the system that was proposed was in conflict with future expansion.

Fritz Royer said that the District had gone through hoops to get the District where it is today, and they had gotten a grant to do the facility site plan which was the first step in getting the whole grant application in process. He said that at a previous Council meeting it was talked about looking for funding to pay for this comparison study, the District does not care what kind of system is implemented, the main concern is to get these three areas sewered, because these areas are potentially polluting the Lake. The Council asked where the money was going to come from to do this comparative study and in the City budget process \$10,000 was budgeted to fund the study. In response the E.P.A. has some funding for the facilities planning stage of this project in the amount of \$41,500. It was said at the time that this money goes to the grantee, which is the City, however, the District paid for the Facility Plan and if the money is rightly theirs they would be glad to kick that money into preplanning. In discussing these projects with City Manager Ennor it occurred to them that there was a long ways to extend the sewer to Rest Haven. He felt it was an unreasonable burden for Rest Haven to pay all the costs for this extension of the sewer line. He said that the District was not looking to see any of the money rebated to the District, but would like to see that money used, to see which is the most cost effective system and to put the balance of the money into a coiffure to pay for the long stretch of sewer line between Houston Point and Rest Haven. Councilwoman Maddux said that she would like to know if it would be legal to put the preplanning funds into a slush fund for Rest Haven. City Staff would research Councilwoman Maddux's question and bring the information back to the Council.

After some discussion, Councilman Boksich made a motion, seconded by Councilman Peterson, to authorize City Manager Ennor to enter into the assistance agreement for the rural special improvement districts. The motion passed unanimously.

2. ORDINANCE NO. 89-9 - BUSINESS LICENSE PENALTY (SECOND READING):
Councilwoman Maddux made a motion, seconded by Councilman Peterson, to adopt Ordinance 89-9 on the second reading. The motion passed unanimously.

NEW BUSINESS

1. POLICE OFFICER CONFIRMATION: City Manager Ennor had given the Council a recommendation from Police Chief Dolson recommending the confirmation of Officer Robert Rupp to permanent status. The cited statute requires that at the end of the probationary term the appointment must be submitted to the City Council for their confirmation. He said that he concurred with the Chief's recommendation.

Councilman Schreiber made a motion, seconded by Councilman Peterson, to confirm the appointment of Robert Rupp as a permanent officer effective September 30, 1989. The motion passed unanimously.

2. UTILITY AGREEMENT - VIADUCT RELOCATION: City Manager Ennor reported that in conjunction with the reconstruction of the viaduct over the Burlington Northern railway yard portions of the City's water and sewer lines would be replaced.

South of the tracks this work consists of:

- a. replacing 380 feet of 8 inch cast iron water pipe (leaded joint) with PVC pipe between Central and Railway;
- a. moving a fire hydrant from the Baker/Railway intersection to the intersection of the alley and Railway; and
- b. installing another hydrant mid-block between Baker and Lupfer, on Railway.

North of the tracks the improvements include:

- a. replacing 116 feet of 12 inch cast iron water main (leaded joint) along Edgewood, west of Wisconsin;
- b. rerouting 760 feet of 14 inch main around that portion of Edgewood which will be obliterated by the reconstructed viaduct in order to keep it from being buried too deep;
- c. restoring service to a number of residences which will be affected by the road construction; and
- d. replacement of 240 feet of clay tile sewer line which is likely to be damaged during road construction.

The total cost of the relocation and replacement of these various utility lines is estimated to be \$73,460. Given the equation by which the Department of Highways calculates the distribution of this cost the State will pay \$44,420, or just over sixty (60%) percent of the total cost. He said that

to proceed with these improvements, it was necessary for the City to enter into a standard "federal-aid project" agreement. He recommended that the Council authorize the City Manager to enter into the appropriate agreement.

City Manager Ennor said, on a related matter, the State right-of-way agent has been in contact with the City regarding the acquisition of necessary properties associated with the new viaduct. In attempting to acquire portions of Edgewood Avenue some confusion has arisen who owns the roadway east of Wisconsin. While it appears to be under County ownership, he said that he would like to assist the State if at all possible and recommend the Council agree to offer the State any portions of Edgewood which the City may own which would be utilized for the reconstructed viaduct. He then would notify the agent of the City's willingness to deed any required portion of the right-of-way needed for the project.

Councilwoman Maddux asked why the City could not reuse the cast iron pipe that was being replaced with the PVC pipe, she wondered if there was a pollution problem. City Manager Ennor said that lead pipe was not being used anymore and Tom Muri said he felt it would be ill advised to reuse it. City Manager Ennor told her that he would check with the engineers and find out for sure why it is not being utilized. Councilwoman LaTourelle asked why storm sewer was not included in the reconstruction plans, and City Manager Ennor said that it would not be interfered with, sewer and water would be.

After discussion, Councilwoman Maddux made a motion, seconded by Councilman Hanson, to authorize City Manager Ennor to enter into the federal-aid project agreement. The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilman Boksich, to authorize the City Administrator to offer the State any portions of Edgewood which the City may own which would be utilized for the reconstructed viaduct. The motion passed unanimously.

1. LAKESHORE REGULATIONS: City Manager Ennor said that he included with the packets a copy of the final proposal from the Planning Board regarding the revised regulations for the protection of Whitefish Lake and the lakeshore. As the cover letter from the president of the Board indicates, proposed bylaws are also included. The Council is asked to review the proposed regulations and be prepared to discuss and adopt the regulations at a future meeting. The nature of the "adoption" process apparently is open to the Council's discretion. An advance workshop, followed by another public hearing, would be one way to proceed. The Planning Board, has conducted a public hearing and Tom Jentz believes the subject has been given considerable public exposure.

City Attorney Muri said that he had spent a lot of time reviewing this issue and he wanted to emphasize that it is probably one of the most important pieces of legislature that this Council will be faced with, this regulation will effect everyone in Whitefish. It will have long range effects and should be strictly enforced by both the City and the County. He said that he felt it needed more public attention and input, it was good legislation but he wanted the Council to be aware of its far reaching ramifications.

Councilwoman Maddux said that she would like more information from the draftees of the document about the review process, it calls for a 90 day review process and that is what the concern is about now (the lengthy review process). Tom Muri said the Council should be aware that in this legislation, the City Manager or the Building Inspector have the authority to approve docks, they will not go through the committee. Other construction on the lake would require a longer review period.

City Manager Ennor said that he would encourage the Council to hold a work session to review the regulations.

Councilman Hanson said that he had a problem with the Lakeshore Advisory Committee having nine (9) members and four (4) constituting a quorum, he felt they should have five (5) for a quorum. He also had a problem with the ninety (90) day review period. He said that the process should take no more than thirty (30) to forty five (45) days at the most. Councilman Peterson said that he had a problem with the number of lake residents serving on the Committee and he felt that other residents should be allowed to serve also because the lake belongs to all the people of Whitefish.

After discussion, the City Council decided to hold a work session on the Whitefish Lake and Lakeshore Regulations after the October 16 Council meeting.

CITY MANAGER REPORTS

City Manager Ennor gave the Council the following written report.

a. Street Overlays. Subsequent to the Council's approval of the proposed portions of streets recommended for overlaying this fall, it has become apparent that the drainage improvements on 4th Street (Somers to Pine Avenues) will leave those two blocks in considerably worsened condition. In addition to the unexpected need to realign a water main, the existing pavement was found to have been placed directly on the clay subsurface. Construction activity, thereby, tends to disturb the surrounding asphalt. Along with the use of heavy equipment on the roadway during construction, these factors have contributed to the surface deterioration. Therefore, we are proposing this area be attended to as part of the total project, even though the added cost may require a postponement of one of the lower priority streets previously approved by the Council. The overlaying has been arranged to begin as soon as the drainage project is completed.

On a related note, we are attempting to secure a quantity of new asphalt which retains it's pliability during freezing weather. This material would allow the City to attend to some of the more serious pot holes even with snow on the ground or when ponding occurs during the spring thaw. The Street Superintendent witnessed a demonstration of this material in Kalispell last winter and believes it may be useful in Whitefish.

COUNCIL REPORTS AND COMMENTS

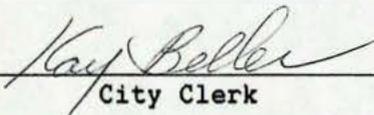
Councilman Peterson said that Chris Olmstead, the Park Maintenance person, deserved a commendation because he did an excellent job on the parks this summer. City Manager Ennor said that he would write the letter.

Mayor Pro Tem said that the Flathead Basin Committee was having a meeting in October on toxic waste control and encouraged everyone to attend the meeting if they could.

Councilman Peterson made a motion, seconded by Councilman Boksich, to adjourn at 8:09 P.M. The motion passed unanimously.

Mayor Pro Tem

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
October 16, 1989

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES of the October 2, 1989 meeting
- III. PUBLIC HEARINGS
 1. Sign Variance request - Mountain Harbor
- IV. PUBLIC COMMENT
- V. OLD BUSINESS
- VI. NEW BUSINESS
 1. Proclamation: Red Ribbon Week (Drug Free Campaign)
 2. Lakeshore Construction Application: Gary Dunlap
- VII. CITY MANAGER'S REPORTS
 1. Sign Code - Draft Amendments
 2. Financial Report
 3. Pledged Securities
 4. Departmental Reports
- VIII. COUNCIL REPORTS AND COMMENTS
- IX. WORK SESSION - LAKESHORE REGULATIONS/BY LAWS
- X. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 11 October 1989
RE: Agenda for 16 October Council Meeting

The following items are scheduled for the Council's attention at the second meeting in October:

1. Public Hearing - Sign Variance Application. Attached is a copy of the application for a variance from the sign code as it relates to the placement of a residential subdivision identification sign for Mountain Harbor Subdivision. The request is for a variance from both the setback and the size requirements and requires a public hearing as part of the review process. The proposed sign would be 13.5-feet in height, have approximately 230 square feet of sign area, and be situated on the property line.

The existing code regulates this type of sign as a "free standing" sign, with the height limit set at twelve (12) feet in the WRB1 zone, and the sign situated back one-half the front yard setback of the zone. In the WRB1 zone the front yard setback facing a public street is twenty-five (25) feet, thereby requiring the sign be set back 12.5-feet from the property line. Given that the roadway is situated on the easterly portion of the right-of-way, relief from the setback requirement may be of less concern that the sign height and size (NOTE: the heavy black line on the map depicts the property line).

The allowable area of such signs is not clear as "freestanding" sign area is related to lineal feet of business facade OR one hundred (100) square feet, whichever is less! Depending upon whether or not this activity (condominium) is construed as a business, that is, ". . . a profit-making, charitable or governmental organization involved in the provision of goods or services . . .", an argument could be made for NO sign at all, or the full 100-feet of signage.

The amended draft of the new sign code specifically provides for "residential subdivision identification signs" and would allow considerably greater height for such signs if an overhead arch type of display were chosen. However, the amended version provides for a maximum of thirty-two (32) square feet of sign area. The same setback provision has been retained. Until such time as the Council agrees upon the final language of a revised sign code it would seem prudent not to approve a variance for a sign of this size and proposed location.

2. "Red Ribbon Week" Proclamation. The School authorities have asked the City Council to support Red Ribbon Week, the week of October 22 - 29, a nationwide anti-drug use campaign. Red ribbons are being made available for supporters to pin to their lapel, and the attached proclamation has been prepared for the Council's adoption.

3. Lakeshore Permit. Attached are copies of the application for a lakeshore construction permit, applicable section of the minutes of the Protection Committee regarding the application, and letter from the Chairman recommending action by the Council. The Committee's recommendation is fairly straight forward and I have no reason to suggest the Council take any action other than that proposed by the members.

4. Sign Code - Amended Draft. Following on the earlier matter relating to signs, the Council will note a copy of an amended draft of the sign code included with the agenda. This draft was prepared through review by myself, Jerry Quinn and Tom Jentz. In order for this Council to review and act upon a revised code a joint work session with the Planning Board is being suggested for Thursday evening, the 19th of October, at 7 PM in the Council Chambers. Following this meeting the Planning Board would conduct a public presentation, followed by the public hearing at their 16 November meeting. The Council could then expect to contemplate adoption of a revised code beginning the first meeting in December.

The revisions, made during three review sessions, attempts to improve some of the administrative provisions, as well as the requirements which have caused the most problems, without creating any major negative impact from the perspective of those who rely on signage. Surely, oversights will be recognized and additional changes will be suggested for some areas. In any event, hopefully most of the major problems have been addressed and improved through the amendments.

(NO ACTION REQUIRED AT THIS MEETING OTHER THAN AGREEING TO THE 19 OCTOBER WORK SESSION)

5. Lakeshore Regulations/By-Laws. The Council has scheduled a joint work session with the Planning Board at the conclusion of the regular Council meeting for the purpose of reviewing the proposed lakeshore regulations and bylaws for the Committee. A copy of these documents was distributed to the Council at the last meeting. Ultimate adoption of any revised regulations will require joint approval by the Board of County Commissioners. As well, the actual process of review and adoption is being considered by the City Attorney and his advice may be expected at an appropriate date.

6. Miscellaneous. The following items are noted for the Council's information:

a. Fire Service Board. With the recent decision by the County Board of Commissioners to establish a fire service area around Whitefish, the appointment of a board of trustees became necessary. With a list of interested applicants submitted by the Fire Chief, the Board has appointed a five (5) member board. The members include Rob Abbott, Stan Kadwalader, Bill LaBrie, Bill Dier, and Tim Jones. The establishment of the service area allows for service fee collections through property tax collections rather than an annual sign-up/assessment process.

b. Landscaping Bill. Recently, the City received a bill from Mr. John Garrity in the amount of \$65.75 for weeding and grass seeding work performed for a neighbor after last year's street construction project on 3rd Street. According to Mr. Garrity my predecessor verbally authorized the work suggesting that the City would provide compensation. Without more formal documentation I have elected not to accept this "bill" as a legitimate debt and have refused payment. I had pleasant discussion with Mr. Garrity regarding my response to him, however, he may appear or correspond with the Council to further his goal and I wanted the Council to be forewarned.

MINUTES
WHITEFISH CITY COUNCIL
OCTOBER 16, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Peterson, Schreiber, Maddux, LaTourelle, Boksich and Hanson. Also present were City Manager Ennor, City Attorney Muri, Building Inspector/Asst. Zoning Administrator Quinn and Police Chief Dolson.

Before continuing the meeting, the Council sang happy birthday to City Manager Ennor and Councilman Boksich.

MINUTES

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to approve the minutes of the October 2, 1989 Council meeting as presented. The motion passed unanimously.

PUBLIC HEARINGS

1. SIGN VARIANCE REQUEST - MOUNTAIN HARBOR: City Manager Ennor reported that the application for a variance from the sign code as it related to the placement of a residential subdivision identification sign was for Mountain Harbor Subdivision. The request was for a variance from both the setback and the size requirements and requires a public hearing as part of the review process. The proposed sign would be 13.5 feet in height, have approximately 230 square feet of sign area, and be situated on the property line. He said that the existing code regulates this type of sign as a "free standing" sign, with the height limit set at twelve (12) feet in the WRB-1 zone and the sign situated back one-half the front yard setback of the zone. In the WRB-1 zone the front yard setback facing a public street is twenty five (25) feet and would require the sign be set back 12.5 feet from the property line. The allowable area of such signs is not clear as "freestanding" sign area is related to lineal feet of business facade OR one hundred (100) square feet, whichever is less. Depending upon whether or not this activity (condominiums) is construed as a business an argument could be made for NO sign at all or the full 100 foot of signage.

City Manager Ennor said that the amended draft of the new sign code specifically provides for "residential subdivision identification signs" and would allow considerably greater height for such signs if an overhead arch type of display were chosen. However, the amended version provides for a maximum of thirty-two (32) square feet of sign area. The same setback provision has been retained. He said that until such time as the Council agrees upon the final language of a revised sign code he would recommend not to approve a variance for a sign of this size and proposed location.

Mayor Amass opened the public hearing.

John Lepo said that he was the one that had put the proposal before the Council. He explained that there was a mix-up in the zoning of Mountain Harbor, the Building Inspector originally told him that it would fall under the subdivision provisions for the sign which would allow up to six (6) feet in height and ten (10) feet in length. It was later discovered that the subject property could only have fourteen (14) square feet of signage. Lepo said that the reason they wanted to go with this particular sized sign is because the rite-of-way for this area is eighty-one (81) feet from the center line of the road and with the addition of the twelve and one half (12 1/2) foot setback the vision of the sign would be impaired. He said that visually and aesthetically it would harm the subdivisions opportunity to advertise and identify itself. He requested the Council consider the sign variance request as presented.

As there was no further comment, Mayor Amass closed the public hearing and turned the issue over to the Council for discussion and action.

The Council discussed the location, size, whether it was commercial or residential property, right of way setbacks, etc. Councilwoman LaTourelle asked John Lepo if he would be willing to comply with the new sign ordinance when it was adopted by the Council, which would very likely be within the next two months. Lepo said this would be costly for the development and said that Mountain Harbor would be at a disadvantage because of the large signs in place at Suncrest and Houston Point subdivisions. City Manager Ennor felt it would be foolish to grant the variance for a sign larger than the new ordinance would allow. Michael Richards, said he felt it was critical from a marketing standpoint to have this size of sign to allow the visibility. City Attorney Muri said that he personally felt the project was a quality project and it would go well even with a smaller sign.

After much discussion, Councilman Boksich made a motion, seconded by Councilwoman Maddux, that the sign variance request be denied.

Councilwoman Maddux asked John Lepo if he would be willing to show the Council a facsimile or something that would show them the actual size of the sign. John Lepo said that he would move the existing (temporary) sign into place for the Council to view.

Councilman Hanson made a substitute motion, seconded by Councilman Peterson, to table the consideration until the November 6, meeting. (The reason for his motion was that the Council and Planning Board would sit down between now and then and go over the ordinance and part of the discussion could be this kind of situation and at the next meeting the concerns the Council has today may be resolved). The motion passed with 5 aye votes and 1 abstention. Councilman Schreiber abstained due to a conflict of interest and he also wanted the minutes to reflect that he did not comment on the variance request.

PUBLIC COMMENT

Margorie Fisher said she had entered a protest about pavement in front of her garage and requested that the issue be addressed. City Manager Ennor said that he had received letters from two individuals who object to the

requirement of paving private driveways. He said that he would prepare this item for the next Council meeting.

John Garrity said that when Ralph Freedman was City Manager, he stated that the City would repair the damage done to the sidewalk and part of the street in front of his house for allowing heavy trucks to drive on East Fourth Street during the construction of Willowbrook Subdivision, the repairs had not been done. Ralph Freedman also promised to repair the sewer damaged at the same time, it was not done either. He said that he had also talked to George Wartnow about repairing the sewer and it still was not done. He said that the only recourse he had was to file a protest on the payment of the second installment of his taxes for \$286.03. Garrity also said that Ralph Freedman told Rose Hilgers that he would fix her yard after the construction of Third Street and after waiting for the City to do the repairs and they did not do them, he took it upon himself to purchase sod and fix the yard. He asked the Council what they proposed to do about the sewer and said he would like consideration for the sidewalk and street repairs as well as reimbursed for the work he had done on Hilgers yard. City Manager Ennor said that he had talked to Mr. Garrity and the sewer manhole would be fixed as soon as City crews could get to it. The Council said the reimbursement and repairs would be taken into consideration and they would get back to Mr. Garrity.

Betty Wagner gave the Council a proposal regarding Special Use Permits in certain designated areas such as West 2nd Street and Spokane Avenue. Consensus of the Council was to submit the proposal to the City-County Planning Board for their consideration.

NEW BUSINESS

1. "RED RIBBON WEEK" PROCLAMATION: City Manager Ennor reported that the School authorities had asked the City Council to support Red Ribbon Week, the week of October 22 - 29, a nationwide anti-drug use campaign. He said that red ribbons were being made available for supporters to pin to their lapel, and the attached proclamation had been prepared for the Council's adoption.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve the Proclamation supporting October 22-29, 1989, as Red Ribbon Week. The motion passed unanimously.

2. LAKESHORE CONSTRUCTION APPLICATION - GARY DUNLAP: Gary Dunlap, had submitted a Lakeshore Construction Permit for a replacement retaining wall and the Whitefish Lakeshore Protection Committee inspected the site at 1120 Birch Point Drive and recommended that the 88 foot long replacement wall be of 6X6 inches untreated timbers of pine and post construction parallel to the beach and firmly against the exposed embankment. The wall would be about 2 1/2 feet high and minimally backfilled with earth to support shrubs to be planted at the edge of the lot for safety and aesthetics. The planting would be accomplished when the wall is in place this fall. They also gave permission for steps to be imbedded in the property, through the retaining wall but not extending onto the beach. No heavy equipment was to be placed on the beach to carry out the project.

After discussion, the Council still had some unanswered questions about the retaining wall and Councilwoman Maddux made a motion, seconded by Councilman Peterson, to return the application to the Lakeshore Committee for clarification. After further discussion, Councilman Peterson withdrew his second and Councilwoman Maddux withdrew her motion.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve the Lakeshore Construction Permit with the recommendations of the Lakeshore Committee. The motion passed unanimously.

CITY MANAGER REPORTS

1. SIGN CODE - DRAFT AMENDMENTS: City Manager Ennor said that he had given the Council a copy of an amended draft of the sign code. This draft was prepared through review by him, Jerry Quinn and Tom Jentz. In order for the Council to review and act upon a revised code a joint work session with the Planning Board was being suggested for Thursday evening, the 19th of October, at 7:00 P.M. in the Council Chambers. He explained that following this meeting the Planning Board would conduct a public presentation, followed by the public hearing at their November 16 meeting. The Council could then expect to contemplate adoption of a revised code beginning the first meeting in December.

The Flathead Basin Committee was also having a meeting on the oil spill in Whitefish Lake and other hazardous materials that same night (meeting at the High School-Multi Purpose Room). The Council asked City Attorney Muri if he would attend this meeting and he said that he would.

City Attorney Muri said that he had several comments about the sign code. He would like to see the sign code follow the zoning regulations as much as possible. He felt it was a waste of the City Council's time to consider the variance requests, and asked the Council to look at 17.07.030 because he felt this section should be incorporate into the zoning ordinance. He said that he strongly supported the sign code and he thinks Whitefish and Flathead County leads the State of Montana in being aesthetically pleasing. He said that he encourages this but he wanted the Council to know that to enforce these regulations without the necessary manpower and funding is very difficult. He said that the City needed to get tough, there are a lot of sign code violations out there and it would probably take a month just prosecuting them. He just wanted the Council to be aware of the funding required to adequately and equitably enforce the codes.

2. FINANCIAL REPORT: Councilman Hanson made a motion, seconded by Councilman Boksich, to approve the Cash Status Report for September, 1989. The motion passed unanimously.

3. PLEGGED SECURITIES: Councilman Hanson made a motion, seconded by Councilman Boksich, to approve the pledged securities of the First National Bank \$349,282.45. The motion passed with 5 aye votes and 1 abstention. Councilwoman LaTourelle abstained due to a conflict of interest.

Councilman Hanson made a motion, seconded by Councilman Boksich, to approve the pledged securities of the Mountain Bank \$190,212.10. The motion passed with 5 aye votes and 1 abstention. Councilman Schreiber abstained due to a conflict of interest.

4. DEPARTMENTAL REPORTS: Written reports had been submitted by Police Chief Dolson, Building Inspector Quinn, Street Foreman Wartnow and Water/Sewer Supervisor Action.

Councilman Boksich said that he would still like to see a schedule for the summer months on sweeping the streets. City Manager Ennor said that it would be impossible to sweep some of the streets because the asphalt was loose and broken, the business area would be swept and cleaned every Friday.

Councilwoman Maddux questioned Greg Actons report, regarding the "Corrective Action Report" generated and reviewed by engineers and staff. She wondered if this was new corrective action or the same issue that had been dealt with in the past. City Manager Ennor said that it was the corrective action for the new phosphorus removal plant. He said that the City was requesting a one (1) year grace period to see how things go and then we would make a more formal request next year. He said they were waiting to hear from the State to see if this was agreeable with them.

5. GARBAGE TRUCK: City Manager Ennor explained that during the budget process, the Council had approved the purchase of a new garbage truck. City Staff had gone forward with purchasing a new truck, however, there were no provisions for trade in of the 1984 White garbage truck and it had been advertised for sale. Two bids were received for the truck as follows:

H-C-L Equipment - Great Falls, Mt.	\$20,001.00
KOIS Brothers - Great Falls, Mt.	\$24,100.00

Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to approve the bid from KOIS Brothers and authorize City Manager Ennor to move forward in selling the 1984 White garbage truck. The motion passed unanimously.

COUNCIL REPORTS AND COMMENTS

Councilwoman LaTourelle said regarding cleanup of leaves, that the City should advertise and let people know they should bag the leaves and not sweep them into the streets, they could then call the City and crews would pick up the bagged leaves. City Manager Ennor said that he had already contacted the newspaper and it would be in this weeks paper.

Mayor Amass said he was glad to see the City proceeding with the overlaying projects that had been approved at the last Council meeting and also reported that the drain at Baker and Fourth Street was plugged.

City Manager Ennor reported that the Fourth Street project was completed and the street was to be tore up to overlay as planned. He said that he would have a cost proposal for reconstructing this street at the next meeting. The

corners would be completed and the street would be filled with gravel for the winter.

WORK SESSION - LAKESHORE REGULATIONS/BY LAWS

Tom Jentz, Senior Planner, Flathead Regional Development Office, gave a summary review of the "Policies and Procedures" and the "Whitefish Lake and Lakeshore Regulations", Draft #5.

Tom Jentz said that the Committee would consist of nine (9) voting members, the City Council would appoint four (4) members. All members would be resident freeholders of Whitefish, with at least three of the appointees being residents on Whitefish Lake. Four Members would be appointed by the Flathead County Board of Commissioners and all members must be resident freeholders of Flathead County. The ninth member would be appointed by and be a member of the Whitefish City-County Planning Board. He also reviewed the duties of the Committee and the application procedures both inside and outside the City limits.

He explained that the regulations were being adopted under the authority of the State of Montana, 75-7-207, M.C.A., which requires local governing bodies to adopt regulations regarding the issuance or denial of permits for work in lakes within their jurisdiction, including land which is within twenty (20) horizontal feet of the perimeter of the lake. Jentz explained that these regulations would govern any work which alters the character of Whitefish Lake and Lost Coon Lake, and the land which is within twenty (20) horizontal feet of the mean annual high water elevation of these two lakes.

Jentz reviewed work requiring a permit, exemptions from the regulations and construction or installations not allowed. He said that the review period of a permit application and its approval, conditional approval or denial by the governing body, would take place within a ninety (90) day period unless the applicant agrees to an extension of the review period.

In conclusion, Tom Jentz said that the City County Planning Board had held a public hearing on the Lakeshore Regulations and were presenting them to the City Council and the County Commissioners for their review. Both the Council and Commissioners would hold public hearings on these regulations before final adoption of same.

Councilman Hanson questioned the size of the Board and said that he would feel more comfortable with a seven member board, three (3) City and three (3) County, the 7th member should be appointed on an annual basis, this position should alternate between a City representative and a County representative each year. He also said that if the Committee has nine members it would be ridiculous for a quorum to be four (4) members as stated on page 2 of the Policies and Procedures, a quorum should be a majority of the membership. On page 1 of Chapter 1 of the regulations, paragraph 1.2, Authority, it states parameter of the lake is defined as the mean annual high water elevation, he said that he would like to see the Council establish a specific elevation as a mean average high water mark for Whitefish and then we would have a fixed bench mark to measure everything from. Tom Jentz said that right now they go and look for water markings, vegetational line, etc.

and after you have done it for a while you know what you are looking at. He said it was not scientific but it was cost effective.

Councilman Peterson said he was in favor of the members of the Committee being split equally between residents that live on the lake and those that do not live on the lake. He felt they should be split equally to give better balance on the committee. Councilwoman LaTourelle asked if materials allowed for construction of docks were specific in the document and she felt it should be laid out so people know exactly what they can use in any lakeshore construction. Tom Jentz said that it was more specific than the old Ordinance and specifications could be reviewed on page 17 of the document.

Tom Jentz also explained the addition of "Marinas" to the proposal and the fact that "T" docks would not be allowed. He recommended that the Council go through the Ordinance process in adopting the Lakeshore Regulations, which would require a public hearing. He reminded everyone that if any changes were made to the document, it would also have to be approved by the County Commissioners because the regulations are proposed for adoption by both the County Commissioners and the City of Whitefish.

After discussion, the Council decided to hold the public hearing at the next Council meeting, November 6, 1989.

Councilwoman LaTourelle made a motion, seconded by Councilman Boksich, to adjourn at 9:13 P.M. The motion passed unanimously.

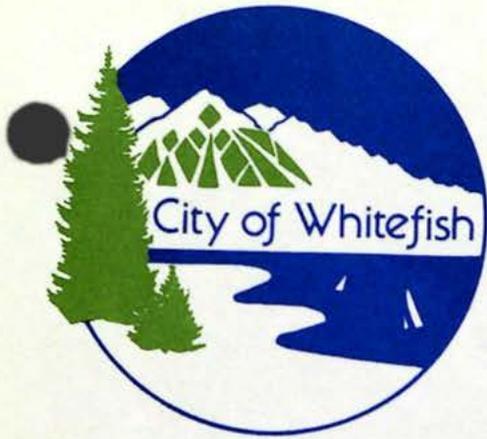


Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
November 6, 1989

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES of the October 16, 1989 meeting
- III. PUBLIC HEARINGS
 1. Lakeshore Regulations
- IV. PUBLIC COMMENT
- V. OLD BUSINESS
 1. Mountain Harbor Sign Variance
 2. Request for reimbursement
 3. Driveway paving requirement
 4. Parking lot paving
 5. Extension of the preliminary plat of Suncrest Phase II
- VI. NEW BUSINESS
 1. Contractor bonds
 2. Lakeshore Construction Application: City of Whitefish
- VII. CITY MANAGER'S REPORTS
 1. Community decay regulations
- VIII. COUNCIL REPORTS AND COMMENTS
- IX. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 1 November 1989
RE: Agenda for 6 November Meeting

The following items are scheduled for the Council's attention at the first meeting in November:

1. Public Hearing - Lakeshore Regulations. At the conclusion of the last regular meeting the Council held a workshop to review the proposed regulations, as well as policies and procedures for their administration by the Lakeshore Committee. The Council noted a number of amendments to the policies, but seemed in general agreement with the regulations. This hearing will afford the public an opportunity to respond to the proposed regulations prior to adoption by the Council. The form of adoption should be determined by the City Attorney.

2. Sign Variance Application. At the conclusion of the public hearing regarding the application for a variance from the sign code as it relates to the placement of a residential subdivision identification sign for Mountain Harbor Subdivision, the Council elected to table the matter until this meeting. Again, the request is for a variance from both the setback and the size requirements. The proposed sign would be 13.5-feet in height, have approximately 230 square feet of sign area, and be situated on the property line.

As was noted at the hearing, the existing code regulates this type of sign as a "free standing" sign, with the height limit set at twelve (12) feet in the WRB1 zone, and the sign situated back one-half the front yard setback of the zone. In the WRB1 zone the front yard setback facing a public street is twenty-five (25) feet, thereby requiring the sign be set back 12.5-feet from the property line.

Again, the allowable area of such signs is not clear as "freestanding" sign area is related to lineal feet of business facade OR one hundred (100) square feet, whichever is less. Depending upon whether or not this activity (condominiums) is construed as a business, that is, ". . . a profit-making, charitable or governmental organization involved in the provision of goods or services . . .", an argument could be made for NO sign at all, or the full 100-feet of signage.

The Council was told that the existing signage on the eastern side of the right-of-way would be set up at the proposed westside location, and in approximately the same configuration and size as the sign for which the variance is requested. This has been accomplished and the Council is urged to view the "sign" prior to the meeting.

3. Request or Reimbursement. At the last meeting the Council was asked by Mr. John Garrity for reimbursement in the amount of \$65.75 for weeding and grass seeding work performed for a neighbor after last year's street construction project on 3rd Street. Mr. Garrity indicated that a verbal agreement had been struck suggesting that the City would provide compensation. The Council elected to make no decision until the 6 November meeting.

4. Driveway Paving Requirement. At the last meeting the Council received a letter of protest from Marjorie Fisher regarding the City's requirement that all residential access driveways be paved (17.62.050). The City has also received a similar letter from John Lepo. Both individuals own residential lots in that section of the Crestwood subdivision where a paved roadway does not exist adjacent to their lots.

Apparently this requirement, originally intended for multi-family and commercial buildings, was added for single and duplex residential structures upon the rationale that it would reduce both air (dust) pollution and foreign matter from City streets. While there may be some advantage for the City to require property owners to pave their residential driveways, the advantage would seem to be outweighed by the cost for the owner. Certainly in those instances where the home exits onto a gravel roadway the logic of this requirement is lost. Also, if pressure is exerted on property owners as a means of reducing air pollution and helping to keep the streets clean, the demand for the City to pave all the alleys can hardly be far behind.

If the Council continues to support the paving requirement for all residential structures, as a minimum gesture in these instances I would recommend the property owners be allowed to postpone paving of the accessway until such time as the adjacent street is paved.

5. Parking Lot Paving. On a matter directly related to the foregoing subject, the Council's attention is directed to sections 17.62.080, 17.63.010, and 17.64.050 of the Zoning Regulations (page 80). These sections contain paragraphs which require all commercial parking lots to be paved and grants a five year period during which the paving must occur. That period ended more than two years ago.

Upon learning of this provision I asked the Building Inspector to survey the community and prepare a list of those lots which would appear to fall under these provisions of the Zoning Regulations. Attached is a list of at least twenty-seven (27)

commercial establishments which have been identified. In addition, there are at least two others which will require paving at the conclusion of construction, as well as a number of parking areas, both front and rear, along Commerce Street which also need to be analyzed in relation to this code provision. There may be others.

While no paving could be anticipated until next year, the impact of requiring all of the businesses listed to pave their lots will be substantial. As this requirement was not enforced when it came due on 5 April 1987, I am unsure as to the Council's resolve in this matter. If paving is to be required I would like to begin the notification process in order to allow the subject businesses sufficient time to plan for paving next summer. If the Council believes the pending review of the Zoning Regulations may amend this requirement, enforcement of this requirement might be tabled until that review is complete.

6. Contractor Bond Requirements. City code Chapters 14.08 and 14.12 regulate the activities of electricians and plumbers, respectively. These codes were enacted in 1962 (electricians) and 1968 (plumbers). Both of these chapters include provisions for public liability bonds, electricians in the amount of five thousand (\$5,000) dollars; plumbers in the amount of one thousand (\$1,000) dollars. State statutes regulating these two trades (Parts 68 and 69 of Title 37) contain no provision for liability bonds.

One plumbing contractor, Servo Construction of Columbia Falls, has questioned the continued requirement for a liability bond. As these two professions are the only ones which require such bonding by the City, the state does not impose this requirement, and there appears no substantial reason for such a bonding requirement by the City, I recommend the Council direct the City Attorney to prepare legislation eliminating this requirement for these two professions.

7. Lakeshore Permit. The members of the Lakeshore Committee have individually reviewed an application for a lakeshore permit submitted by the City for installation of a sanitary sewer line along City Beach. The new line would connect the sewer to a lift station northeast of the Beach and allow the elimination of the lift station at the Beach. Although no letter of recommendation will be forthcoming due to the chairpersons absence, the Committee members have indicated their support for the permit and the Council is advised to grant approval.

8. Community Decay Regulations. There are presently at least three areas of the City's Municipal Code which deal with various forms of junk as public nuisances. These are Chapter 9.40, a 1953 ordinance relating to wrecked vehicles; Chapter 8.04, a 1932 ordinance last amended in 1973, regulating a number of nuisances; and Chapter 8.08, a 1949 ordinance pertaining to garbage disposal, generally, but also prohibiting the deposition of a number of

items on public places or unoccupied private properties.

Given the need to respond to a recent property owner's complaint in a rational manner and, at the same time, provide a single workable code for the abatement of public nuisances, an attempt was made to review the City's needs and to consolidate nuisance abatement in one document. While investigating this matter it was learned that Flathead County had recently adopted an ordinance regulating what it calls "community decay".

Included with the packet is a draft of a proposed ordinance to regulate community decay and give the City the capability of dealing with public nuisances in a timely manner. With only one major addition the ordinance is fundamentally the same as that adopted by the County. The major amendment relates to paragraph "a" of Section 1, the regulation of "abandoned, wrecked, junked or dismantled vehicles, machinery or equipment". Proposed by this amendment is a more stringent program of requiring such nuisance items to be out of public view. The two paragraphs following Section 3;e, and also relating to such nuisances, constitutes the remainder of the change from the County's document.

I would like the Council to give this proposal a thorough review and consider the impact upon the community were such an ordinance adopted. Certainly it would have a major impact on some property owners: those who have vehicles or junk stored in considerable quantities on their properties. It would also require considerable time and effort to identify and clean some of those properties, both from the City's standpoint and that of the property owner. On the other hand, taking a casual drive through various neighborhoods it is easy to locate an number of situations which would be in violation of such an ordinance the abatement of which would greatly benefit the general community image.

If the Council agrees that the existing three code provisions are sketchy and inadequate, and if the Council is willing to undertake a more aggressive approach to abating general public nuisances, legislation similar to this community decay ordinance could be prepared for adoption at the next meeting.

9. Miscellaneous. The following items are included for the Council's information:

a. Police Vehicle Acquisition. Recently, bids were solicited through newspaper announcements for a new police car. The City received three responses and the bids were opened at the stated time and date. While all three bids were within 2.3% of each other, the low bid was submitted by Roy Stanley Chevrolet, of Kalispell. In order to ascertain whether the Council was required to formally accept the low bid, the Code regulating the "purchase and disposition of City property", Chapter 3.19, was reviewed. In doing so it was learned that if a local bidder is within five (5%) percent of the low bidder, and would agree in writing within

twenty-four hours of notice that he would meet the bid price, preference - in the form of bid award - would be given the local bidder.

The provisions of the ordinance were followed to the extent that the high bidder, who was also the only "local" bidder (Downen Chevrolet), was awarded the bid. Again, while the difference between the bids was only 2.3%, the bid was awarded to the high bidder.

Now, the low bidder has been in contact to express displeasure over the City's purchasing policy. His concern, among others, is that it would be possible for a local bidder to force the City into added cost in situations where others might not bid due to a history of never being awarded the bid when a local bidder was within five (5%) percent of the low bid. In other words, the local bidder would always have the opportunity to a "second chance" as long as he stayed within the five percent range. If the Council is interested in retaining this 1981 ordinance provision it is apparently not illegal. In any event, the Council may expect a representative of Roy Stanley Chevrolet to appear Monday evening to voice their concern.

b. "Thank You" Letter. I have included a copy of a letter of appreciation directed to two members of the staff. I am familiar with the situation on Mr. Davis' property as I accompanied Hal Bennett of P.P.& L. to the site after he had met with the gentleman. From Hal's rendition of that meeting I am sure Mr. Davis was not an easy individual to get along with, let alone help with a problem not of the City's making. Therefore, I am pleased that the aid rendered by both individuals was sufficient enough to have prompted this response.

LOTS REQUIRING PAVING

1. Wright Impressions
2. Riverside Plaza (two lots; upper and lower)
3. Don Adhesion (Boarding House: Spokane Avneue)
4. Alpine Village (Business Park)
5. The Toggery (Parking lot: 1st and Central)]
6. Perfa Texture Dryway & Painting (536 Wisconsin)
7. Al's BTO (204 Wisconsin)
8. Bob's Tire (540 East 2nd: back lot)
9. Home Lumber (526 2nd: back lot)
10. Can Am Motors (523 Skyles)
11. Jim Downen Chevrolet (lot on Spokane; setback on Railway)
12. Rocky Mountain Motel (5510 Hwy. 93 South)
13. Allen's Motel (6540 Hwy. 93 South)
14. Western Building Center (Hwy. 93 South)
15. Driscol Plumbing (200 Wisconsin)
16. Dos Amigos (Wisconsin)
17. John Lepo Signs (Hwy. 93 West)
18. P.P. & L. (6th and Kalispell)
19. The Golden Mirror (700+ Spokane)
20. Wright Valley Furniture (Hwy 93 South: side & rear lots)
21. The Place (Wisconsin: side & rear lots)
22. The Gallery (Hwy 93 South)
23. Alpine Storage (Wisconsin: north portion of lot)
24. Larry Fonner Real Estate (Hwy 93 South)
25. DePratu Ford/VW and Audi (Hwy 93 South)
26. Austin Funeral Home (Hwy 93 South)
27. Wisconsin Condominium Site (Wisconsin)

MINUTES
WHITEFISH CITY COUNCIL
NOVEMBER 6, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Council Members present were Peterson, Maddux, LaTourelle, Boksich and Hanson. Councilman Schreiber was absent. Also present were City Manager Ennor and City Attorney Muri.

MINUTES

Councilwoman Maddux said that on pages three (3), first paragraph, it was her understanding that Mr. Garrity had told the Council that the city had repaired Mrs. Hilgers yard by placing dirt and seeding it, however, the grass did not grow and he had purchased the sod and repaired the yard. The Council agreed and asked that the minutes be amended to reflect this change.

Councilman Boksich made a motion, seconded by Councilwoman Maddux, to approve the minutes of the October 16, 1989 Council meeting with the above amendment. The motion passed unanimously.

PUBLIC HEARINGS

1. LAKESHORE REGULATIONS: City Manager Ennor said that this hearing would afford the public an opportunity to respond to the proposed regulations prior to adoption by the Council. The form of adoption should be determined by the City Attorney.

Mayor Amass opened the hearing to the public and as there was no public comment, he closed the hearing and turned the issue over to the Council for discussion.

Tom Jentz explained that he had incorporated the changes proposed by the Council at the last meeting into the regulations. Some of the amendments were the detailing of the materials allowed in the construction of docks and in the Lakeshore Protection Zone, the Committee was reduced from nine (9) members to seven (7) members, and he gave the Council specifications for a typical dock design. He said that the by laws of the Committee should be incorporated into the regulations and they would be placed into the back of the document. He said that the materials he had given to the Council were not new material but editorial of new creation of the comments made at the last meeting.

Councilman Peterson said that he had a question about the general construction standards, section 3), the exclusion of plywood as an allowable wood product in the construction of docks. Tom Jentz explained that the concept of plywood in and over the water would not stand up and because of this, it had been a policy over the last couple of years, on Flathead Lake and Whitefish Lake, to exclude the use of it. Councilman Hanson said that in the Policies and Procedures, last paragraph on page 2, he was in favor of including in this paragraph that a "public notice" would be posted if a meeting was cancelled. He also said that under terms of office, the seventh (7th) member should be alternated periodically between a County representative and a City

representative, he felt this would give better balance to the Committee. Councilman Peterson said that because there might be changes tonight, could the Council bring the items up one at a time in the form of a motion. Mayor Amass suggested that consensus of the Council would be adequate.

Councilman Peterson said that he felt a quorum of the Committee should be five (5) members instead of the four (4) members being proposed. Councilwoman LaTourelle agreed with him and after talking with Owen Grinde (President of the Lakeshore Committee) about it, he and the Council agreed that five (5) members should constitute a quorum.

Tom Jentz recommended that the Council direct the Staff to make the changes being proposed tonight and bring back the proposal for final approval. All changes would also have to be reviewed and approved by the County Commissioners before adoption of the final proposal.

Councilman Hanson said that he realized the State Law establishes the high water mark as the average of the previous five (5) years high water, in spite of the fact that that is what the State Law says, he felt that it was awkward and a difficult point to establish. He said that he would rather go back 30 to 40 years, if the records are available and establish what the average high water mark is on Whitefish Lake and establish an elevation that we could work from instead of the five (5) year average. Tom Jentz said that he had checked with the Department of Fish & Wildlife and they were going to get back to him on this issue. He said that unfortunately all he had at this time were years of records, 3', 4' 5', etc. they never tie in to anything. He would continue to check to see if he could find more adequate records.

Councilwoman LaTourelle said that at the Planning Board meeting it had been brought up that shore stations were not automatically a permitted use and would be allowed on a case by case basis. She felt this could run into legal problems, by allowing one person to have a shore station and denying another. Tom Jentz explained that in most instances you would have to have a good reason for denying it. With the general criteria that has to be met, every project has to justify itself.

Councilwoman Maddux said that we try to encourage landowners to share a dock and with the twenty foot (20') setbacks can they do that. Tom Jentz said yes, the City and County would allow a joint dock, however, it is almost impossible to get consenting neighbors to get along and share the same dock. Councilwoman LaTourelle questioned the Planning Board minutes, page 4, which Bruce Boody said in a letter that Section 4.1(e) was too vague and that much of the lakeshore is already developed and not natural, there was no comment on this and she asked Tom Jentz to explain it. Jentz explained that we have a set of regulations that treats every property much the same although the terrain and topography is going to be different. To do a determination would detail an analysis of the shoreline areas, identify the specific areas that are no longer the natural pristine lake, such as you see at the north end of the lake and set separate standards for those areas. He felt that this study should probably be done at a later date because he felt inadequate doing a study like this with the current information that was available.

Councilman Hanson said that he felt discussion was needed on the "I" docks versus the "T", "Y", "F", etc. docks. He said that his personal feeling was that a basic allowable square footage of a dock be established and allow the configuration to be determined by the applicant and the review Committee at the time. The Planning Board had a split vote with 4 voting in favor of the "I" dock with the exclusion of the others and 3 voting for more flexibility. He would like to see the way the Council feels because he was thinking about making a motion on the issue. Councilman Peterson said that he agreed with Councilman Hanson, because in many cases a "T" or "F" or a "Y" dock is appropo for the individual. A dock is an important item to the people on the lake and if it is not adequate for their use they might as well not have a dock. The regulations in some instances only allows one buoy and there are some people that have more than one boat. He said that he would like to see the square footage and let the people come in with a design for their own specific needs. Councilwoman Maddux said that she had no aesthetic opposition to other configurations of docks, however, she would like whatever language is adopted to reflect that entering and exiting some of those other docks might necessitate traveling in front of adjoining property. She said that any changes had to address travel lanes and being a good neighbor.

After much discussion, Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, that the configuration of docks be other than "I" shaped for any lot that exceeds 50' (or greater) of frontage. The motion passed unanimously.

Councilwoman LaTourelle said that she had received a phone call from Marie Gibson who owns a lot on Whitefish Lake (Barkley Lane) and shares a community access with sixteen other property owners. They have seventy five feet of frontage and at this point have a six (6) stall dock of which they are looking for bids for expanding it to a ten (10) slip dock. She said that Marie Gibson was extremely unhappy with the process because she had not been notified of the proposed changes to the Lakeshore Regulations (City Manager Ennor did send her information). Tom Jentz explained that the present dock and boat slips would fall under the grandfather clause, however, if the structure is changed or altered the variance procedure would have to be followed. Variance applications inside the City limits would be reviewed by the Lakeshore Committee and their recommendation forwarded to the City Administrator. If the application is simple or routine, it can be approved by the Administrator, if not, the City Council would make the decision.

Amendments proposed by the City Council are as follows:

1. Include in the last paragraph on page 2 of the Policies and Procedures, that a public notice be posted if a meeting was cancelled.
2. The seventh member be periodically alternated between a County representative and a City representative.
3. A quorum of the Committee should be five (5) members.
4. The Configuration of docks be other than "I" shaped for any lot that exceeds 50' (or greater) of frontage.

Councilman Peterson made a motion, seconded by Councilman Hanson, to turn the above amendments over to Staff to be included in the final draft of the Lakeshore Regulations. The motion passed unanimously.

City Attorney Muri said the procedure for adoption of the Lakeshore Regulations would be by Ordinance.

Tom Jentz said that he would make the required changes and present the final draft to both the County Commissioners and the City Council for final approval.

PUBLIC COMMENT

Ken Brown, salesman for Roy Stanley Chevrolet told the Council that on October 13, they submitted a bid for a new police car. He was protesting the fact that the City Staff awarded the bid to Jim Downen Chevrolet and their bid was \$400 more than Roy Stanley. He was petitioning the Council to award the bid to the lowest bidder. He said that they had been in contact with the County Attorney and that office informed them that awarding the bid, other than to the lowest bidder was illegal. City Manager Ennor explained that three bids had been received and were within 2.3% of each other. In order to ascertain whether the Council was required to formally accept the low bid, the Code regulating the "purchase and disposition of City property", Chapter 3.19, was reviewed and in doing so it was learned that if a local bidder is within five (5%) of the low bidder, and would agree in writing within twenty-four hours of notice that he would meet the bid price, preference (in the form of bid award) would be given the local bidder. City Attorney Muri said that it was not illegal because the City was complying with a valid Ordinance and he would uphold this position until the issue was overturned by District Court or a higher court.

The Mayor and Council felt that the bid award should stand and the Ordinance could be reviewed for future cases.

Councilman Peterson made a motion, seconded by Councilman Boksich to proceed with awarding the bid to Jim Downen Chevrolet. The motion passed with 4 aye votes and 1 abstention. Councilwoman Maddux abstained.

OLD BUSINESS

1. MOUNTAIN HARBOR SIGN VARIANCE: City Manager Ennor had given the Council the following report: At the conclusion of the public hearing regarding the application for a variance from the sign code as it relates to the placement of a residential subdivision identification sign for Mountain Harbor Subdivision, the Council elected to table the matter until this meeting. The request is for a variance from both the setback and the size requirements. The proposed sign would be 13.5 feet in height, have approximately 230 square feet of sign area, and be situated on the property line. The Council was told that the existing signage on the eastern side of the right-of-way would be set up at the proposed westside location, and in approximately the same configuration and size as the sign for which the variance is requested. He said that this had been accomplished and the Council was urged to view the "sign" prior to this meeting.

Councilwoman Maddux thanked John Lepo and Michael Richards for making the facsimile sign for the Council to review. She said that she had driven past the sign several times and her initial reaction was that the sign was a little large. She felt the sign would require two (2) variances, one for the placement and one for the size of the sign. Councilman Peterson said that the white columns surrounding the sign made it look larger than it actually was and John Lepo said that the columns would be painted a dark color to down size the sign. Councilwoman LaTourelle said that there are some areas of the community that the requirements for signs are not adequate. She said that John Lepo had constructed a lot of signs for the community and was aware of these areas, she suggested he work with City Staff in drawing up specifications for them. Councilman Hanson said that because the Council was so close to adopting the new sign ordinance he would hesitate approving this variance with the concept that it would have to come into compliance with the new sign ordinance. He felt it was more appropriate to apply the Board of Adjustment criteria in the new sign ordinance in the adoption of this particular sign. After reading the criteria he said that most of the criteria applied to this sign and it would definitely qualify under the hardship clause. Councilman Boksich said he appreciated the efforts of Lepo and Richards in moving the sign so the Council could look at it, however, he did not agree with Councilman Hanson that this sign should be considered under the new sign ordinance, it would not be consistent with the Council Policy of having all signs coming into compliance when the new sign ordinance is adopted. He felt the sign was too large and extremely overdone, even if people were looking for this development, a sign half this size would do. Councilwoman LaTourelle asked City Attorney Muri what the legal ramifications would be if the sign was adopted under the new ordinance. City Attorney Muri said that there would be no ramifications, the Council had the authority to do what they wanted, however, he felt it would be poor judgement on the Council's part. Gary Elliott, one of the developers of Suncrest Subdivision, spoke in favor of allowing the sign.

Councilman Peterson made a motion, seconded by Councilman Boksich, to approve the variance request with the stipulation that it come into compliance with the new sign ordinance when it is adopted.

Councilman Hanson made a substitute motion, to grant the variance as requested based upon the hardship criteria in the new sign ordinance. Died for lack of a second.

After some discussion, Mayor Amass called for a roll call vote on the original motion. Councilman Boksich voted aye, Peterson, Maddux, LaTourelle and Hanson voted no. The motion was defeated.

Mayor Amass cautioned the Council to deal with the old ordinance, the new sign ordinance was not as yet in place. Councilman Boksich said there was no guarantee that the new sign ordinance would be in place in the near future, it could be two (2) years away from adoption.

Councilman Hanson said that he would put the same substitute motion back on the floor. The Motion was to approve the variance as requested, based on the fact that the request met the majority of the criteria established in the new sign ordinance. Councilman Peterson seconded the motion and it passed with

three (3) aye votes and two (2) no votes. LaTourelle and Boksich voted no.

2. REQUEST OR REIMBURSEMENT: City Manager Ennor said that at the last meeting the Council was asked by Mr. John Garrity for reimbursement in the amount of \$65.75 for weeding and grass seeding work performed for a neighbor after last year's street construction project on 3rd Street. Mr. Garrity indicated that a verbal agreement had been struck suggesting that the City would provide compensation. The Council elected to make no decision until the November 6, 1989 meeting.

Councilman Peterson said that he lives in this same area and the City did come back after the construction and placed top soil and seeded the area. The seed used was not good, however, he felt that Mr. Garrity could have purchased seed for less money and the effect would have been much nicer than placing sod. He said this is what he did for his own property. He was not in favor of the reimbursement and made a motion to deny the request for reimbursement. Councilman Boksich seconded the motion and it passed unanimously.

3. DRIVEWAY PAVING REQUIREMENT: City Manager Ennor told the Council in his written report that at the last meeting the Council received letters of protest from Marjorie Fisher and John Lepo regarding the City's requirement that all residential access driveways be paved (17.62.050). Both individuals own residential lots in that section of the Crestwood Subdivision where a paved roadway does not exist adjacent to their lots. He said that apparently this requirement, originally intended for multifamily and commercial buildings, was added for single and duplex residential structures upon the rationale that it would reduce both air (dust) pollution and foreign matter from City streets. He said that while there may be some advantage for the City to require property owners to pave their residential driveways, the advantage would seem to be outweighed by the cost for the owner. In those instances where the home exits onto a gravel roadway the logic of this requirement is lost. Also, if pressure is exerted on property owners as a means of reducing air pollution and helping to keep the streets clean, the demand for the City to pave all the alleys can hardly be far behind.

He said that he would recommend the property owners be allowed to postpone paving of the accessway until such time as the adjacent street is paved.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle, to postpone the paving requirement until the street is paved, per the recommendation of the City Administrator. The motion passed unanimously.

4. PARKING LOT PAVING: In City Manager Ennor's written report he told the Council that on a matter directly related to the foregoing subject, the Council's attention is directed to sections 17.62.080, 17.63.010, and 17.64.050 of the Zoning Regulations (page 80). These sections contain paragraphs which require all commercial parking lots to be paved and grants a five year period during which the paving must occur. That period ended more than two years ago. He said that he asked the Building Inspector to survey the community and prepare a list of those lots which would appear to fall under these provisions of the Zoning Regulations. The list contained twenty seven (27) commercial establishments. In addition, he said that there were at least two others which

would require paving at the conclusion of construction, as well as a number of parking areas, both front and rear, along Commerce Street which also need to be analyzed in relation to this code provision.

City Manager Ennor said that while no paving could be anticipated until next year, the impact of requiring all of the businesses listed to pave their lots will be substantial. He said that as this requirement was not enforced when it came due on April 5, 1987, he was not sure as to the Council's resolve in this matter. If paving is to be required he would like to begin the notification process in order to allow the subject businesses sufficient time to plan for paving next summer. He said, if the Council believes the pending review of the Zoning Regulations may amend this requirement, enforcement of the requirements might be tabled until that review is completed.

Mayor Amass said that in discussing the issue with City Manager Ennor, his suggestion was, that if the Council decided to have Staff pursue this, to pool together a number of these parcels and try to get a better bid price. Gary Elliott, owner of The Place said that if the City was going to make businesses pave the parking lots then the City should pave the streets. He said that if the parking lots are paved, what are they going to do with the water runoff. In the last couple of years he said that he spent \$3,000 to dig a hole and fill it with river rock to carry the storm water from his property and the adjacent properties. He also said it would cost him \$32,000 to pave his parking lot which he could not afford to do at this time.

Councilwoman Maddux said that she questioned this when the ordinance was written. She was concerned that the City would be putting a burden on the business community. Mayor Amass said that he was sure the idea behind the ordinance was not to create a hardship on anyone, and if the businesses could form an S.I.D. they could pay for the improvement over a number of years, this should alleviate any hardship. Councilman Hanson said that he felt the Council needed to look at this requirement in the zoning ordinance, maybe it is just not affordable and the City Staff should look at paving or other dust retardants. Councilman Boksich said maybe the ones that do have storm sewers could pave now. Consensus of the Council was to turn the issue over to City Staff for research.

5. EXTENSION OF THE PRELIMINARY PLAT OF SUNCREST PHASE II: Gary Elliott, Project Manager, Suncrest Subdivision, asked the Council to accept their request for a one year extension of the preliminary plat of a six lot subdivision entitled Suncrest Phase II which had been approved originally on November 7, 1988.

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to approve the extension of the preliminary plat for Suncrest Phase II for one year (November 7, 1990). The motion passed unanimously.

NEW BUSINESS

1. CONTRACTOR BONDS: City Manager Ennor reported that the City code Chapters 14.08 and 14.12 regulate the activities of electricians and plumbers. These codes were enacted in 1962 for electricians and 1968 for plumbers. Both of these chapters include provisions for public liability bonds, electricians

in the amount of five thousand (\$5,000) dollars; plumbers in the amount of one thousand (\$1,000) dollars. State statutes regulating these two trades contain no provision for liability bonds.

City Manager Ennor said that as these two professions are the only ones which require such bonding by the City, the state does not impose this requirement, and there appears no substantial reason for such a bonding requirement by the City, he recommended the Council direct the City Attorney to prepare legislation eliminating this requirement for these two professions.

Councilman Hanson made a motion, seconded by Councilman Boksich, to direct City Attorney Muri to draft the ordinance eliminating these bonds. The motion passed unanimously.

2. LAKESHORE CONSTRUCTION APPLICATION; CITY OF WHITEFISH: City Manager Ennor explained that the members of the Lakeshore Committee had individually reviewed the application submitted by the City for a lakeshore permit to install a sanitary sewer line along City Beach. The new line would connect the sewer to a lift station northeast of the Beach and allow the elimination of the lift station at the Beach. The Lakeshore Committee unanimously voted to approve the application as submitted.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve the Lakeshore application as submitted by the City of Whitefish. The motion passed unanimously.

City Manager Ennor said that he would provide the Council with a map detailing the proposal.

CITY MANAGER REPORTS

1. COMMUNITY DECAY REGULATIONS: City Manager Ennor reported that currently there are at least three areas of the City's Municipal Code which deal with various forms of junk as public nuisances. He said given the need to respond to a recent property owner's complaint in a rational manner and, at the same time, provide a single workable code for the abatement of public nuisances, an attempt was made to review the City's needs and to consolidate nuisance abatement in one document. While investigating this matter he said he learned that Flathead County had recently adopted an ordinance regulating what it calls "community decay". He had included a copy of this draft in the Council packets. He said that with only one major addition the ordinance was fundamentally the same as that adopted by the County. The major amendment relates to paragraph "a" of Section 1, the regulation of "abandoned, wrecked, junked or dismantled vehicles, machinery or equipment". Proposed by this amendment is a more stringent program of requiring such nuisance items to be out of public view. The two paragraphs following Section 3;e, and also relating to such nuisances, constitutes the remainder of the change from the County's document. He said that he would like the Council to give the proposal a thorough review and consider the impact upon the community were such an ordinance adopted. He said, if the Council would agree that the existing three code provisions are sketchy and inadequate, and if they were willing to undertake a more aggressive approach to abating general public nuisances, legislation similar to this community decay ordinance could be prepared for

adoption at the next meeting.

Consensus of the Council was to bring this issue back to the next Council meeting.

COUNCIL REPORTS AND COMMENTS

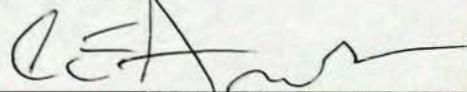
Regarding the City election to be held Tuesday, November 7, 1989, Councilman Peterson wished all the candidates good luck.

Councilwoman Maddux said that she was concerned about Boards that have the capability of contracting with different entities of which the City is obligated, however, the contracts and leases are not ratified by the City Council. She also reported that the storm drains at the southeast corner of Park Avenue and Fourth Street and midway down Fourth Street to Somers Avenue were not draining properly. City Manager Ennor said that the curbing and pavement were just about gone and it would be almost impossible to keep the water off this street. He did say he would go and check out this area. Councilwoman Maddux asked if the City had heard back from the Department of Health and Environmental Sciences on the City's request for the one (1) year grace period to see how things go at the treatment plant. City Manager Ennor said, he had heard back and they were in agreement with the request. He said that relations between the two entities had improved greatly and the City is doing quite well with them.

Councilman Hanson said that he would like to commend City Staff for progress that is being made in various fronts of the City, the lift station at City Beach is one area he thought should have been eliminated years ago.

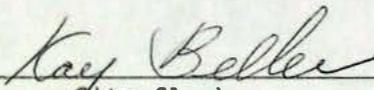
City Attorney Muri reported on the meeting he attended on the oil spill - environmental meeting that he attended. He said there was a large turnout for this meeting and he felt the State people gave a good presentation. The Burlington Northern Railroad is being sued in District Court and this law suit should bring the issue to a head. He reported that a truck bypass was also discussed at this meeting and brought out the fact that the large trucks moving through the City pose more of a hazard than the railroad.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to adjourn at 9:22 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
November 20, 1989

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES of the November 6, 1989 Meeting
- III. PUBLIC COMMENT
- IV. OLD BUSINESS
 1. Jensen RV Park
 2. Purchasing Policy
 3. Signage Amendments
- V. NEW BUSINESS
 1. Street Lighting Master Plan
- VI. CITY MANAGER'S REPORTS
 1. Departmental Reports
- VII. COUNCIL REPORTS AND COMMENTS
- VIII. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 15 November 1989
RE: Agenda for 20 November Meeting

The following items are scheduled for the Council's attention at the second meeting in November:

1. Jensen RV Park. The proprietors of the RV park off Highway 93-South, behind the Valley Inn Motel wish to open for the Thanksgiving weekend and believe they are close enough to completion to meet the intent of the conditions imposed by the Council on 3 April of this year. Included herewith are copies of their response to the 3 April conditions; the 3 April conditions; a 14 July letter from the State Water Quality Bureau Chief; an agreement to use the motel's entrance for access to the Park; a hand drawn map depicting the primary and secondary access for the Park; and a Park brochure. These copies were supplied by the Park owners.

The Council may also anticipate a letter from the City's planner, Tom Jentz, who has inspected the Park and will report on the status of completion. From having toured the facility myself, there are a few of the twenty-six conditions I am aware of which have yet to be met in their entirety. These include:

- #7. The site plan indicates a number of locations for refuse containers. Discussion with the proprietor, and staff review, suggests the original central location idea would be most appropriate. This has been agreed to and should not be the reason for postponing project approval.
- #9. The required recreational amenities have not been installed. The proprietor will ask that he be granted until weather conditions would allow for
- #11. Pads along the westerly boundary were measured as close as eight (8) feet from the apparent property line (fence). The proprietor is aware of this discrepancy and has indicated the gravel will be pulled back to the required 20-foot location, or a barrier will be placed at the appropriate distance.
- #14. Paving is definitely being postponed. The proprietor indicates an understanding of this condition, however, approval of the Park should

include the specific time and method (material) by which this condition will be met.

One interesting note: provision for an access agreement (16a) is apparently being met by Item 5 of the agreement with the owners of the Valley Inn. While this may be of no concern to the City, it appears possible for the Inn to withdraw access 120-days after the agreement was consummated.

2. Purchasing Policy. In response to the complaint registered at the last meeting by a representative of Roy Stanley Chevrolet, the Council elected to let the award stand and to consider at a future date whether the ordinance granting "local preference" should be retained. After discussing this issue with various individuals, it seems this question is purely a political one. The Council is certainly able to grant this preference to local businesses. Spending local tax dollars locally is certainly a reasonable goal. On the other hand, maximizing economic use of these monies would suggest bids generally be given to the low bidder. This matter is open to the opinion of the majority of the Council.

3. Signage Recommendations. During the past few weeks the City has received suggestions from no less than three sources regarding traffic and pedestrian conflicts in the area of the intersection of 7th Street and Pine Avenue. The recent opening of the Cross Currents School, as well as the high traffic at certain times due to the existing schools, is creating situations which may prove dangerous. Staff members have considered the suggestions and recommends the Council direct the placement and enforcement of the following signs:

Yield Signs: Park Avenue, east and west bound at 7th Street;

Crosswalk Signs: on 7th Street at both approaches to the crosswalk at Ashar Avenue;

Stop signs: on Ashar Avenue at its intersection with 7th Street;

Additionally, stop signs were suggested on 7th Street Pine Avenue, east and west bound (i.e. a three-way stop), however, review of the situation and the provisions of the Uniform Traffic Manual suggest this may not be the most appropriate response to a perceived problem. That document indicates a stop sign would be warranted given any of the following:

a. intersection of a less important road with a main road where application of the normal right-of-way rule is unduly hazardous;

- b. street entering a through highway or street;
- c. unsignalized intersection in a signalized area; or
- d. other intersection where a combination of high speed, restricted view, and serious accident record indicates a need for control by the STOP sign.

Inasmuch as the traffic conflict at this intersection occurs at regular, but short intervals at two times during the normal week day, a three-way stop appears both inappropriate and an inconvenience to many of the drivers.

The Traffic Manual also states at one point, however, that there may be justification for ". . . a decision to install a STOP sign or signs on the major street, as at a three-way intersection where safety considerations may justify stopping the greater flow of traffic to permit a left-turning movement." While this may suggest suggest stopping east bound traffic on 7th Street, It would appear more useful to stop west bound traffic on 7th Street to allow east bound motorists a free left turn onto Pine Avenue, and south bound traffic on Pine Avenue a free turn onto 7th Street. If the Council agrees with this thought, this sign could be added to the aforestated recommendations.

4. Street Lighting Master Plan. Sometime during 1986 the City asked Pacific Power and Light Company to conduct a survey of the City's street lighting. In response to that request the company, in November of that year, presented a report containing their recommendations for the entire city. The report suggests the location and wattage of lights to provide adequate lighting for all areas of the community.

I have been unable to find any indication that the Council received or formally accepted this document. As occasions arise where a citizen requests a street light, and as those occasions during the last six months have been for locations included in the P.P. & L. plan, I believe the Council's adoption of the Master Plan would be an effective tool to meet citizen needs without taking each request to the Council for their approval. Would the Council be willing to adopt the Plan and authorize its implementation? As copies are not available for general distribution one will be available for review at the meeting, or before hand in the City Clerk's office.

5. Miscellaneous. The following items are included for the Council's information:

a. Parking Lot Paving. This subject is being given additional consideration before being returned to the Council for a decision. Each lot is being surveyed to determine whether drainage would be a problem.

b. City Beach Sewer Project. This project has been delayed due to the considerable amount of water from a spring in the area of the northerly lift station. It is hoped that the flow will subside somewhat with cooler weather and that a coffer/pumping combination will then allow the work to be completed. In the mean time, the planned water line on Dakota Avenue is underway. This installation will complete the grid, thereby increasing the fire flow and water supply to the area.

c. 4th Street Storm Drainage. The final cost of installing new catch basins and storm drainage lines on 4th Street between Somers and Pine Avenues is being tabulated. If not available by Monday evening, this figure will be included with the next agenda. Due to the considerable water service work which was necessary in conjunction with the installation of the drainage line the street has been virtually destroyed. The idea of a quick patch has given way to consideration for a more substantial repair next year.

d. Ordinances. The ordinances pertaining to "community decay" and contractor bonds are being prepared, but are not anticipated for this meeting. I would like the Council to be able to review the final documents prior to passage.

MINUTES
WHITEFISH CITY COUNCIL
NOVEMBER 20, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Ennor and City Attorney Muri.

MINUTES

Councilman Hanson said that he would like to clarify his motion on page 5, granting the sign variance for Mountain Harbor. He said the intent was not to approve the variance under the new ordinance, but to use the criteria to grant the variance. He wanted to make sure the variance request met this criteria so that when the ordinance was adopted the sign would comply and would not have to come into compliance.

Councilwoman Maddux made a motion, seconded by Councilman Hanson, to approve the minutes of the November 6, 1989 meeting. The motion passed with 5 aye votes and 1 abstention. Councilman Schreiber abstained because he did not attend this meeting.

PUBLIC COMMENT

None

OLD BUSINESS

1. JENSEN RV PARK: City Manager Ennor reported that the proprietors of the RV park off Highway 93 South, behind the Valley Inn Motel wished to open for the Thanksgiving weekend and believed they were close enough to completion to meet the intent of the conditions imposed by the Council on April 3 of this year. He had given the Council a written report and he asked Tom Jentz, Senior Planner for the Flathead Regional Development Office to give the Staff report.

Tom Jentz reported that Don and Lois Jensen were requesting final approval for the Whitefish RV Park. They had submitted a revised preliminary plat showing 57 RV spaces, 10 tent spaces, 3 park/playground areas, dump station, and a service building/comfort station. He explained that RV parks are not prepared as a final plat, instead they are prepared as a "revised preliminary plat" which serves as the "as built" design of the RV park. This plat is then filed with the City of Whitefish after the City Council has found all conditions of approval have been adequately met. He addressed the 26 conditions of approval placed on the preliminary plat by the Council on April 3, 1989. All conditions had been met with the exception of the following:

9. Playground equipment has not been installed as required. Applicants say they will do it next spring.

14. The applicants were to submit a Subdivision Improvements Agreement with a financial security covering 100% of total cost to cover the paving of the roads. Roads would not have to be paved for 18 months from final approval. No agreement has been submitted. The applicants indicate if they do not comply, the City would merely close them down for lack of compliance.

He said that Staff suggest the following:

1. Preparation of a written Subdivision Improvements Agreement between the applicants and the City specifically setting the date for paving completion and the course of action to be taken by the City if paving is not completed. He said that monetary bond was not necessary and suggested that the applicants propose, loss of their RV Park operator's license and closure of the RV Park until compliance with the condition should paving not be done in 18 months.

Tom Jentz also reported that the applicants have a large (1,000 square feet) storage building/work shop on the north side of the site by the 10 tent spaces. No condition of removal was placed on this building because Staff assumed it would be removed before start of operation. Jentz said that it had not been done and it does serve as a severe attractive nuisance and the applicant should be advised to clean up and secure the area before operation of the Park.

The Staff recommended approval of the final Preliminary Plat authorizing the Mayor to sign the RV Plat and enter into an Improvements Agreement on the park improvements and the paving. He suggested that the deadline for the park improvements and the paving be 18 months from today with a 12 month extension if Council so desires.

Councilman Hanson made a motion, seconded by Councilman Boksich, to approve the revised Preliminary Plat as submitted, on the condition that the written agreement be entered into, that the playground equipment be in place by May 1, 1990 and the roads, etc. be paved to City standards within 18 months of this date. The motion passed with 5 aye votes and 1 abstention. Councilman Schreiber abstained and he made no comment on the above issue.

2. PURCHASING POLICY: City Manager Ennor said that in response to the complaint registered at the last meeting by a representative of Roy Stanley Chevrolet, the Council elected to let the award stand and to consider at a future date whether the ordinance granting "local preference" should be retained. He said that after discussing the issue with various individuals, it seems this question is purely a political one and the Council is certainly able to grant this preference to local businesses. He said that the matter was open to the opinion of the majority of the Council.

The Council consensus was not to amend this ordinance at this time.

3. SIGNAGE AMENDMENTS: City Manager Ennor reported that during the past few weeks the City has received suggestion from no less than three sources regarding traffic and pedestrian conflicts in the area of the intersection of 7th Street and Pine Avenue. The recent opening of the Cross Currents School, as well as the high traffic at certain times due to the existing schools, is creating situations which may prove dangerous. He told the Council that Staff members had considered the suggestions and recommends the Council direct the placement and enforcement of the following signs:

Yield Signs: Park Avenue, east and west bound at 7th Street;

Crosswalk Signs: on 7th Street at both approaches to the crosswalk at Ashar Avenue;

Stop signs: on Ashar Avenue at its intersection with 7th Street;

Additionally, stop signs were suggested on 7th Street, Pine Avenue, east and west bound, however, review of the situation and the provisions of the Uniform Traffic Manual suggest this may not be the most appropriate response to a perceived problem. He said that as traffic conflict at this intersection occurs at regular, but short intervals at two times during the normal week day, a three-way stop appears both inappropriate and an inconvenience to many of the drivers.

He felt it would be more useful to stop west bound traffic on 7th Street to allow east bound motorists a free left turn onto Pine Avenue, and south bound traffic on Pine Avenue a free turn onto 7th Street. If the Council agrees with this, the sign could be added to the aforestated recommendations.

After Council discussion, Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to approve the recommendation of the Staff as written with the inclusion of the stop at Pine and 7th going west. The motion passed unanimously.

Councilman Boksich said that he would like to see a follow-up on the yield signs on Park Avenue at the end of the year.

NEW BUSINESS

1. STREET LIGHTING MASTER PLAN: City Manager Ennor said that sometime during 1986 the City asked Pacific Power and Light Company to conduct a survey of the City's street lighting. In response to that request the company, in November of that year, presented a report containing their recommendations for the entire city. The report suggests the location and wattage of lights to provide adequate lighting for all areas of the community. He said that as occasions arise where a citizen requests a street light, and as those occasions during the last six months have been for locations included the P.P.&L. plan, he felt the Council's adoption of the Master Plan would be an effective tool to meet citizen needs without taking each request to the Council for their approval. He explained that copies were not available for general distribution, however, one would be available for review at the Clerk's office. The Council discussed the Master Plan briefly and decided

that they would like to review the plan before making a decision to adopt it.

CITY MANAGER'S REPORTS

1. DEPARTMENTAL REPORTS: Written reports had been submitted by the Police Chief and the Building Inspector.

2. CASH REPORT: Councilwoman LaTourelle made a motion, seconded by Councilman Schreiber, to approve the Cash Report for October. The motion passed unanimously.

3. LAKESHORE APPLICATION OF CAROLYN WATKINS, 404 DAKOTA AVENUE: City Manager Ennor explained that the application along with the recommendations of the Lakeshore Protection Committee had been received today. He said it was up to the Council whether they wanted to consider the application at this meeting or wait until the next meeting. The Council agreed to consider the application at this meeting to help expedite the process.

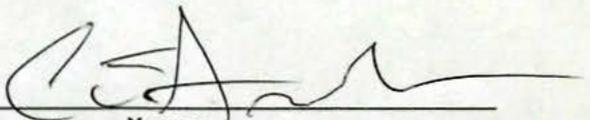
The Lakeshore Protection Committee recommended conditional approval of the application for a retaining wall at the property of Carolyn Watkins, 404 Dakota Avenue, Whitefish. The Committee disallowed the proposed treated timber retaining wall to prevent further erosion of an embankment at or above the high water mark. They suggest that native stone be used, without mortar or cement, laid against the eroding bank and that earth as needed, be placed atop it to support shrubs and vegetation that they recommended be planted. Special care would be taken to preserve a birch tree at the edge of the bank, the applicant had assured them. The applicant was agreeable to the alternatives and depending on weather this fall, the project may not be completed before spring.

Councilwoman LaTourelle made a motion, seconded by Councilman Schreiber, to approve the Lakeshore Application with the recommendations of the Lakeshore Protection Committee. The motion passed unanimously.

COUNCIL REPORTS AND COMMENTS

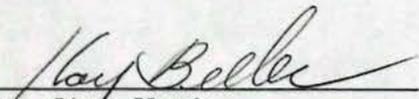
Councilman Schreiber asked City Manager Ennor about the city car and how much it was being used. City Manager Ennor said that the car was being used by City employees to travel to meetings and on other city business. Councilman Schreiber said that it might be more cost effective to pay City employees mileage and sell the car. Councilwoman LaTourelle said that the car was supposed to be sold and the money utilized toward a new police car. No decision was made at this time, City Manager Ennor would bring it back at a future time.

Councilman Hanson made a motion, seconded by Councilwoman LaTourelle to adjourn at 7:42 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk





Box 158. Whitefish. Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
December 4, 1989

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES of the November 20, 1989 Meeting
- III. PUBLIC HEARINGS
 1. Sign Code Amendments
 2. Sign Variance - Town Pump
 3. Sign Variance - Grouse Mountain Subdivision
- IV. PUBLIC COMMENT
- V. OLD BUSINESS
 1. Street Lighting Master Plan
 2. Estimated RSID Costs
 3. Lakeshore Regulations
 4. Resolution 88-26 (Tenant Application for Utility Service)
 5. Ordinance 89-10: Contractor Bonds
 6. Ordinance 89-11: Community Decay
- VI. NEW BUSINESS
 1. Petition for Disannexation
 2. Preliminary Plat - Depot Square
 3. Minor Land Partition
- VII. CITY MANAGER'S REPORTS
 1. Resignation of Police Chief
- VIII. COUNCIL REPORTS AND COMMENTS
- IX. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 30 November 1989
RE: Agenda for 4 December Meeting

The following items are scheduled for the Council's attention at the first meeting in December:

1. Public Hearing - Sign Code. A public hearing has been advertised for this date to allow the public an opportunity to comment on the recommendations of the Planning Board as they pertain to revisions to the sign code. As the Council participated in a recent worksession with the Board the members should be aware of most of the proposed revisions. A few amendments to the draft document are being proposed by the Board and for that reason a new copy has not been printed. These recommended amendments to the initial draft are outlined in the attached information from the Planning Board. They include:

a. Definition of a "Sign". During the review process it was noted that the proposed new definition failed to regulate blinking lights, while the existing definition did. The Board recommends the proposed definition of a "sign" be amended to read:

"SIGN: means any device, structure, fixture or placard using graphics, symbols, pictures, emblems, lighting schemes and/or written copy, or any other medium for visual communication, including its supporting structure and source of light, which is intended to be used to attract attention to a location or subject matter, for advertising, instruction or information purposes and is viewable from a public right-of-way."

b. Roof Signs. The question of entirely restricting signage from the sloping portion of a peaked roof was answered by amending the following sections of the "proposed code:

17.95.050 Signs Prohibited

Paragraph D, "Roof signs higher than the roofline", would be replaced with:

"D. Roof signs higher than the apex of the roof."

17.95.080 Signs in Commercial and Industrial Zones

Add a paragraph 10:

"10. Roof Signs

"No portion of any sign shall extend more than two (2) feet from the slope of the roof upon which it is secured."

17.95.100 Definitions

Omit number 40, the definition of a "Roofline".

c. Supporting Structure of Freestanding Signs. In order to avoid situations whereby the message of a free standing sign is dwarfed by the structure by which it was supported, the following amendment is recommended to the "proposed" code:

17.95.080 Signs in Commercial and Industrial Zones

Another sentence would be added to paragraph B;3,c, thereby having it read

"c. The maximum size for freestanding signs shall be one hundred twenty (120) square feet per side. Any facing area of the supporting structure in excess of ten (10%) percent of the allowable signage shall be considered part of the sign area."

d. Projecting Signs. The Board agreed to recommend the Council disallow ANY projecting sign by omitting the applicable section (17.95.080;,5) from the proposed draft, and by adding "Projecting Signs" to the section on prohibited signs (17.95.050).

e. Maximum Size. Regarding multiple business signs, the Board agreed to recommend the maximum size be increased from fifteen (15) to sixteen (16) square feet. If for no other reasons, this latter figure represents a more standard division of a sheet of plywood.

f. Blinking Lights. The Board agreed to recommend that blinking lights NOT A PART OF A BUSINESS SIGN be allowed during holiday seasons. Without specific direction as to the period of a holiday "season", staff suggests the Council consider two (2) days on either side of the actual date observed for all holidays except Thanksgiving/Christmas. For that "season" perhaps a period of from 15 November through two (2) days after New Year's Day would be more appropriate.

One final correction: on page 3 (Exemptions) the word "non-conforming" somehow became "Montgomery" during one rewrite and will be corrected prior to final printing.

2. Public Hearing - Sign Variance (Town Pump). Attached is a copy of the application for a variance from the Sign Code submitted by Town Pump. The organization is attempting to relocate their business to the present site of Round-Up Country Store. As the proposed sign is both larger than that allowed by the Code, and proposed to be situated on the right-of-way line, a variance would have to be granted for both points of noncompliance.

In the first instance, the Code allows a maximum area of one hundred (100) feet for free standing signs. The proposed sign appears to be in excess of one hundred sixty (160) square feet in area. Secondly, the Code requires a sign to be placed at least one-half the distance of the setback from the property line. The front setback in the zone is twenty (20) feet.

Incidentally, in the proposed sign code as it now stands a free standing sign in this zone would have to meet the same setback provision, and the area of the sign could be as large as one hundred twenty (120) feet.

3. Public Hearing - Sign Variance (Grouse Mountain). Attached is an application submitted by John Lepo for a variance from the provisions of the Sign Code as they pertain to free standing signs. The existing Code does not provide specifically for residential subdivision signs. As was noted during the earlier variance a free standing sign for Mountain Harbor, however, the question revolves around the status of the use for which the sign is proposed. If the subdivision is construed to be a "business" the sign size would be regulated by the lineal feet of business frontage OR 100-square feet, whichever is less. If the subdivision is not a business, apparently no sign is specifically authorized.

4. Street Lighting Master Plan. At the last regular meeting the Council learned of a 1986 report prepared by Pacific Power and Light Company outlining a master plan for the City's street lighting. The report suggests the location and wattage of lights to provide adequate lighting for all areas of the community. Rather than adopt the "plan", the Council postponed a decision until further review could be made by those members of the Council who were so interested. Of specific concern was the proposed lighting for mid-block areas on the east side of Spokane Avenue.

Attached is a copy of a portion of one of the three area maps indicating the proposed location of such lights. The circles with centered dots indicate the proposed location of 9500 lumen high-pressure sodium lights to replace existing 7000 lumen mercury vapor lights. In other areas lights denoted by blank symbols (circles/ovals) represent locations of new lights. The plan proposes many more lights than presently exist - the timing of their installation depending upon demand and/or funds. The full document is available for review in the City Clerk's office

prior to the meeting. Has the Council any continued concern with adopting the "plan" and allowing its implementation as becomes needed?

5. RSID Estimated Costs. Attached is a summary of the engineer's estimate of the construction costs of two of the sewer projects adjacent to the City. The Council will recall that the City would accept the effluent from these Water and Sewer District projects with the understanding that the final determination of whether a STEP (Septic Tank/Effluent Pump) system or a conventional (gravity) system would be installed would be determined after receiving bids for the projects as finally designed. The design cost for the gravity system was to be \$11,000.

Now that the engineer has developed cost estimates for initiation of the RSID's it is apparent that the grant funds come as a real "stacked deck". Rather than continue with the engineering for the two systems it appeared more logical to bring this information to the Council to consider the impact of the two project costs upon the benefiting property owners.

The engineer, Dennis Carver, will be in attendance to review this information with the Council. However, it appears that the funding formula developed by the EPA for the use of these funds makes it very difficult to seriously pursue the construction of a gravity system unless they have some heretofore undisclosed leeway in redirecting the use of these funds.

After reviewing the information with Mr. Carver it will be necessary to reach a conclusion on the direction the City and District wish to take. Remembering that the City - at this time, at least - is only obligated to accept the effluent for treatment, but that both major areas are probable candidates for annexation to the City at some point in the future and the ultimate maintenance of either system will probably rest with the City, a decision not to accept the STEP system would represent a substantial impact upon the residents of both areas. Whether the cost of such maintenance would represent a negative impact upon the City is difficult to calculate. The negative impact upon the residents of both areas, either with a conventional system with its lesser grant amount and subsequent increased cost, or no system at this time knowing the full cost of a later project would be borne by the property owners, is fairly obvious.

6. Lakeshore Regulations. The Board of County Commissioners has reviewed the lakeshore regulations approved by the Council and the attached letter from Tom Jentz reports on their conclusions. Mr. Jentz will be available to discuss this subject. If the Council agrees with the Commissioners on the questioned items, the City Attorney should be directed to prepare an adopting ordinance for consideration at the next meeting.

7. Resolution 88-26. Attached is a copy of the resolution adopted by the Council last December, along with a memorandum reviewing the nature and impact of the changes imposed by this decision. As noted in the memorandum, unless directed otherwise applications for utility service will return to the owner/agent status in effect prior to the adoption of this resolution.

8. Ordinances. Two ordinances are attached for the Council's review prior to adoption. Both were presented to the at earlier meetings and are being returned at the Council's direction. They include 1) Ordinance 89-10, relating to contractor bonds; and 2) Ordinance 89-11, relating to community decay. The former would eliminate an outdated bonding requirement in effect only for plumbing and electrical contractors; the latter would strengthen and consolidate existing regulation of attractive nuisances.

9. Petition for Disannexation. The City has received a petition from Mr. John A. Senin requesting the Council alter the boundaries of the City to exclude certain parcels owned by the petitioner. Attached is a map depicting the two lots for which this petition has been submitted, along with the letter expressing the reasons for the request. The lots were part of a larger area - a strip along both sides of Highway 93 S - annexed to the City in 1967.

State statutes (Title 7.2; Part 48) provide that the Council, upon receiving such a petition, must by resolution determine that ". . . the territory petitioned to be excluded is within the corporate limits and on the border thereof, and that the granting of said petition will be to the best interest of (the City) and the inhabitants thereof and will not materially mar the symmetry of (the City) . . ."

Inasmuch as one of the parcels is totally surrounded by other property within the City, that lot appears unable to meet the statutory requirement. Whether the other should be excluded from the City on the basis that such exclusion would be in the best interests of the City and its inhabitant is open to discussion.

10. Preliminary Plat Review - Depot Square. Included with the agenda is a copy of the plat map and letter from the Planning Board pertaining to the proposed Depot Square subdivision. This property will be the subject of a zone change application being presented to the Board which may affect the conditions of approval presented by the Board. In any event, Tom Jentz will review the Board's recommendation for the Council.

11. Minor Land Partition. Another recommendation being presented to the Council from the Planning Board relates to the partitioning of an existing one-acre lot north of Edgewood Place. In addition to the site plan and letter of recommendation from the Board, the Council may direct any questions relating to this

matter to Tom Jentz.

12. Resignation of Police Chief. On 27 November Chief Dolson tendered his resignation from the Whitefish Police Department. He has accepted a position closer in California with the Motion Picture Association of America's Anti-Piracy Investigation Unit. His last day on duty is expected to be 14 December.

Notices of the vacancy are being directed to professional publications in the Northwest, with special attention given to the major Montana newspapers. At this moment interviews with prospective candidates is anticipated for late January/early February with a board comprised of the Police Commission and an equal number of citizens and/or outside professionals. If the Council has any thoughts regarding the person or the position of Police Chief, or the proposed selection process, I would be happy to receive them. I will plan on preparing an information sheet for interested individuals and a more complete summary of the proposed selection process during the ensuing weeks.

12. Miscellaneous. The following items are included for the Council's information:

a. Parking Lot Paving. This subject is being given additional consideration before being returned to the Council for a decision. Each lot has been surveyed to determine whether drainage would be a problem and a staff report to me is expected shortly. Given the number of weighty matters on the agenda this subject will be on the next agenda.

b. 4th Street Storm Drainage. The final cost of installing new catch basins and storm drainage lines on 4th Street between Somers and Pine Avenues has been tabulated and is summarized in the attached memorandum from the Utilities Superintendent. The total cost for all activities associated with the project was \$17,615.73. This improved the storm drainage at two intersections, including the elimination of direct connections to the sanitary sewer system. As noted earlier, due to the considerable water service work which was necessary in conjunction with the installation of the drainage line the street has been virtually destroyed. The idea of a quick patch has given way to consideration for a more substantial repair next year.

c. Commencement of Terms of Office. A question has arisen as to the correct date of the first Council meeting in January at which the terms of the new Council will commence. The first Monday falls on New Year's Day, however, State law indicates that "The terms of all officers elected at a municipal election are to commence on the first Monday in January after such election." Whether the Council must reschedule that meeting to the following day, or has the option of an earlier or later date is being researched by the City Attorney.

ATTACHMENT A
DEPOT SQUARE
WHITEFISH CITY-COUNTY PLANNING BOARD
FINDINGS OF FACT
NOVEMBER 16, 1989

A. EFFECTS ON PUBLIC HEALTH AND SAFETY:

The site is not susceptible to flooding. It is located within 1/4 mile of two fault lines, the Whitefish Fault lies to the northeast of the site and the Elk Division Fault lies to the northwest of the site. This area is seismically active, however the potential for a large earthquake that will cause damage to buildings and roads is only moderate.

A safety issue is raised by the design of Lot 5. It is zoned industrial and currently vacant. Railway Street between Spokane and Kalispell Avenues will not be developed as a through street as it would cause major disruption to the existing Central School playground. The only existing developed access to Lot 5 for industrial traffic would then be via one of four residential streets to the south where traffic would travel logically down to second and west to Spokane Avenue.

This would prove to be unacceptable as it will severely impact and destabilized the neighborhood. An alternate access between Lots 3 and 4 or more preferably on the north side of Lot 3 is recommended. Traffic would then have direct access to Spokane Avenue.

B. EFFECTS ON WILDLIFE AND WILDLIFE HABITAT:

The site is within the urban bounds of Whitefish, is ringed by development and is itself partially developed. The site is not suitable big game habitat nor does it provide habitat for any endangered species.

C. EFFECTS ON THE NATURAL ENVIRONMENT:

1. Water:

Stormwater: The nature of the zoning would allow a proportionately large amount of construction and impervious cover on these sites. The applicants should submit a stormwater run-off plan to the city with the final plat showing how on-site run-off will be handled.

Groundwater: Soils are a fine sandy loam and silty loam. They tend to be tighter and absorption is slower. The site is serviced by city sewer. Therefore, the potential for groundwater contamination is much less.

2. Soils:

The site contains Half Moon silt loam (Ha) soils. These are characterized by unfavorable clay and silt contents and

unfavorable load-bearing capabilities and are subject to severe frost-heave potential. This relates to problems in foundation construction, road building and parking lot development. However, proper engineering can mitigate these problems.

3. Topography:

The site is relatively level and should pose no particular problems.

4. Vegetation:

The site is semi-developed and contains a combination of native grasses, lawn, weeds and on Lot 2 a combination of coniferous and deciduous trees. Development will not be limited by or impact any crucial vegetation.

D. EFFECTS ON TAXATION.

E. EFFECTS ON LOCAL SERVICES:

1. Schools:

The project is commercial/industrial and will only indirectly affect school enrollments by providing future jobs to families who may have school-age children. However, Central School is presently utilizing proposed Lot 4 as part of their playground area. This subdivision will provide for the mechanism to legally define that playground area so that it can be sold to the School District. This land transfer will also serve to cloud the future possibility of Railway Street ever being extended between Spokane and Kalispell Avenues.

2. Parks and Recreation:

Parkland dedication is exempt as this is a commercial/industrial plat. However, existing parkland would be further protected by this plat as proposed Lot 4, which contains the Central School play field, would now be legally defined and sold to the School District.

3. Police and Fire Protection:

The Whitefish City Police Department and Volunteer Fire Department will be responsible. The site is one-quarter mile from both the Police and Fire Station so response time will be very short. It is suggested that the main access for Lot 5 be via a new road between Lots 3 and 4 so as to keep industrial traffic out of residential neighborhoods to the south.

4. Water/Sewer:

Water: A city water main along Railway Street will provide adequate water to Lots 1, 2, 4 and 5. Lot 3 will not be served by water. The applicant is requesting an exemption from the Sanitation and Subdivision Act and has so stated this on the face of the Plat stating that Lot 3 will only be used for a parking lot and, therefore, the applicant is exempt from providing service to the lot. This is acceptable.

Lot 5 contains a major water main approximately parallel with Columbia Avenue running north and south across the property. A 20 foot easement should be placed on the plat to reflect this city main.

Sewer: Existing city sewer serves Lots 1 and 2 and is adequate.

Lots 3 and 4 are not served by sewer. The applicants request an exemption from the State Sanitation and Subdivision Act which requires sewer service based on a statement on the face of the Plat that Lot 3 will be used only as a parking lot and Lot 4 will be used only as a park and no structures will be built on them requiring sewage disposal. This is acceptable.

Lot 5 is not served by sewer. The applicants propose extending an existing main north along Columbia Avenue for one-half block to the southern boundary of Lot 5. This is also acceptable.

5. Solid Waste:

Upon annexation the city would be responsible for collection.

F. EFFECTS ON AGRICULTURE.

The site is semi-developed and within the urban confines of Whitefish. It is neither suitable or appropriate for agricultural production.

G. EXPRESSED PUBLIC OPINION.

None received.

H. NEED FOR SUBDIVISION.

The applicants, Glacier Park Company, are organizing and selling unused railroad assets. Three of the five lots already have specific uses.

ATTACHMENT B
DEPOT SQUARE
WHITEFISH CITY COUNCIL
CONDITIONS OF APPROVAL
December 4, 1989

The Whitefish City Council approved the preliminary plat for Depot Square contingent upon the following conditions and modifications being accomplished prior to the filing of the final plat.

1. The certification of acceptance by the City Council shall state that the City Council specifically accepts the additional dedication of public right-of-way along Railway Street. (Appendix F (3h) of the City Subdivision Regulations)
2. The applicants shall entertain a zone change request whereby all of Lot 2 would be zoned WB-3 Commercial instead of the N 1/2 zoned industrial and the south 1/2 zoned WB-3.
3. All of Lots 3, 4 and 5 as well as that portion of Spokane Avenue within the subdivision shall be annexed to the City of Whitefish.
4. All requirements of the State of Montana Department of Health and Environmental Sciences and the City of Whitefish regarding water and sewer facilities be met.
5. A storm water drainage plan be submitted to and found acceptable by the Whitefish City Administrator.
6. A 20 foot utility easement be placed extending north to south across Lot 5 to address the city water main that extends generally down to Columbia Avenue.
7. In order to limit future traffic associated with Lot 5 from impacting the residential neighborhood to the south, a new city street shall be constructed between Lots 3 and 4 or at the north side of Lot 3 at the applicants expense.
 - a. Said road shall have a minimum 60 foot right-of-way.
 - b. The travel surface shall be 44 feet wide and built to Whitefish paved street standards.
 - c. Sidewalks and curb and gutter to city standards shall be included.
8. Either the south boundary of Lot 5 have a restricted access to Railway Street or else Kalispell, Columbia and Somers Avenues between Railway Street and Second Street as well as Railway Street between Kalispell Avenue and Somers Avenue be posted "NO TRUCK TRAFFIC."

9. The preliminary plat is valid for one year from date of preliminary plat approval. (City Subdivision Regulations)
10. All required public improvements shall be completed prior to final approval of the plat, or the developer shall enter into a written subdivision improvements agreement with the city guaranteeing the construction and installation of all improvements. (Appendix E - City Subdivision Regulations)

MINUTES
WHITEFISH CITY COUNCIL
DECEMBER 4, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Members present were Hanson, Boksich, LaTourelle, Maddux, Schreiber and Peterson. Also present were City Manager Ennor and City Attorney Muri and Tom Jentz, Senior Planner, represented the Flathead Regional Development Office.

MINUTES

Councilman Boksich made a motion, seconded by Councilman Hanson, to approve the Minutes of the November 20, 1989 meeting as presented. The motion passed unanimously.

PUBLIC HEARINGS

1. SIGN CODE: City Manager Ennor explained that the public hearing had been advertised for this date to allow the public an opportunity to comment on the recommendations of the Planning Board as they pertain to revisions to the sign code. He felt that most of the Council was aware of the proposed revisions because they had participated in the work session with the Board. He had given the Council a written summary of the sign code recommendations and amendments to the proposed sign code. (Attachment "A" of the FRDO Staff report).

Tom Jentz, Senior Planner, FRDO, was at this meeting to answer questions and help explain the proposed amendments.

Mayor Amass opened the hearing to the public.

Two letters of protest had been received from Jim Downen Chevrolet and Amy McDaniel, Northern T-Shirts & Silkscreening.

Al Serr asked if the petition signed by 104 people was still in effect. Mayor Amass explained that the petition was attached to the Staff Report and that the Council had seen the petition. Wink Jordan, Whitefish Land Office, gave the Council a letter regarding their sign at 1000 Spokane Avenue. He said that on June 5, 1989 the Council had granted a variance from the size and setback provisions of the Sign Code on the condition that it be brought into compliance with a new code upon its adoption. Mr. Jordan requested that the sign be grandfathered or the new code be adjusted to allow the freestanding sign to remain. Sam McGough said that businesses should be allowed to put up signs that can be seen by the tourists.

Dave Jamieson, Chairman of the Board of Adjustment, gave the Council a draft proposal with six (6) proposed changes, one of the changes he was requesting was the deletion of Section "D", Variances. He said that the Board of Adjustments would be assuming the responsibility of the sign variances that in the past have been dealt with by the Council. He asked the Council, because they have had several years of experience with the sign ordinance, in what

ways they felt the new proposed ordinance was an improvement over the old ordinance. Tom Jentz explained that the new ordinance offered more flexibility and was easier to understand, the new ordinance dealt more equitably with non-conforming signs and gave property owners more flexibility in number and size of their signs.

City Attorney Muri said that the variance part of the old ordinance was in the hands of the City Council and in the new ordinance, sign variances would be handled by the Board of Adjustments. He said that he knew the people on the Board were not in favor of this change of procedure, however, the Board takes their job very seriously and variances fall more in their expertise, they are all trained in that area. He felt the Board would treat everyone equally and make fair decisions. He said that it would save a tremendous amount of time spent at City Council meetings, he has yet to find another City Council that handles sign variances, they should be in the Board of Adjustments that is how zoning laws and the administration of them are handled. He also said that it was his recommendation to make this change a year ago. He told Dave Jamieson that after six (6) months the message would be loud and clear to the people and they would be aware that they had to comply with the ordinance. Russ Giesy asked him if the new ordinance would stand up under the law and City Attorney Muri said that the bottom line is that the Board had passed and denied a lot of variances and for the most part the decisions made would hold mustard, the Montana and U.S. Supreme Court has said on numerous occasions that the aesthetic reasons behind the sign codes will pass constitutional muster.

Jim Paulsen, KJJR, said that they use a fleet of portable signs for advertising and the new ordinance would prevent them from doing business in the City of Whitefish. Mayor Amass explained that the old ordinance would not allow portable signs, however, City Manager Ennor said they could be used for special events.

Norm Nelson said that he had gone through the variances approved by the Council and most of the requests were for setbacks and size, he was not in favor of restricting the size of signs because it interfered with good design. Troy Bertelson, Unique Physique, said that the downtown needed more lighted signs. He said that he was not in favor of the old ordinance and probably would not be in favor of the new one.

Dave Jamieson asked if another hearing would be held before the final passage of the ordinance and Mayor Amass said that the document would be brought back in ordinance form and another hearing would be held on the final draft. City Manager Ennor said that if the Council agreed with the document as it stands, they could direct that it be brought back in ordinance form for adoption. He did say that another hearing could be held but was not necessary.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion.

Councilman Schreiber asked Norm Nelson how many variances he had looked at and Nelson told him about thirty (30). Councilman Schreiber asked Tom Jentz if the variance requests over the past few years had been analyzed in

preparing the new document. Jentz said yes, the new ordinance should address a lot of previous problems. Councilman Peterson asked the people in the Council room how many were for the new ordinance and out of approximately thirty (30) people four (4) were in favor, most were not in favor of a sign ordinance period.

Councilwoman LaTourelle said that she would like to know how many existing signs are not conforming to the new ordinance at this time. City Manager Ennor said that he could not give the figures on how many signs are nonconforming, however, a study could be made to see how many signs have to come down in the next two (2) years. He said that flashing lights or billboard type signs would have to come down in sixty (60) days, there were only a few of this type of sign in town. He said that most of the average business people would not be impacted at all. He said that he would have a survey made of the signs that would be effected in the next two years and bring the information back to the Council.

City Attorney Muri said that the sign code accomplishes aesthetics and tries to treat everyone fairly and equitably under the law. It is trying to maintain an aesthetically pleasing community for all the tourists as well as those people that live here that are not business people. This particular ordinance is trying to take out the nit picky things that the old ordinance has in it and provide an ordinance that people can work with and understand. He said that from a legal prospective it would treat people a whole lot more equitably and make the situation resolved quickly and be short and to the point and everyone will know exactly where they stand. He said that two different City Managers, the Planning Staff, and the Planning Board have all worked on this ordinance and numerous public hearings have been held so people could give their input on the ordinance. He felt the Council should move forward in the adoption of this ordinance.

Councilman Hanson said that he had mixed feelings on a sign code but he did think the proposed sign code is light years ahead of the old codes. He said that there were a couple of issues that he would like to address. He had no problem with the projecting signs if they are warranted and would like to see the Council put the projecting signs back into the ordinance. On page 12, 5c, he requested that the two (2) feet be changed to: not more than 2/3 of the distance from the facade to the curb. (After discussion Councilman Hanson withdrew this request). He felt that if the Council did reinstate projecting signs that the maximum area per sign face should be increased to 20 or 25 square feet instead of the proposed 15 square feet; and on page 14, paragraph c. change from 15 square feet to 20 or 25' square feet, page 7, signs and setbacks be 1/2 of the designated yard requirement of the zone and he proposed that it be amended to read 2/3 the designated yard requirement of the zone in which the sign is erected.

Councilwoman Maddux asked Tom Jentz to clarify the comment made by John Cleminger at the Planning Board hearing, that the Boardwalk might disappear in favor of projection signs if they are allowed back into the ordinance. Tom Jentz explained that when you start bringing projecting signs out people will want to put the projecting sign out as opposed to having the canopy. They will remove the canopy and would lead to the doom of the boardwalk.

After Council discussion, Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to continue the hearing until the next Council meeting (December 18). The motion passed unanimously.

City Manager Ennor said that he would bring back the survey on how many signs would have to comply within the next two years and also the figures on how many variances had been granted with the stipulation that they must comply with the new sign ordinance.

2. SIGN VARIANCE - TOWN PUMP: City Manager Ennor had given the Council the following information on this request. He explained that the organization was attempting to relocate their business to the present site of Roundup Country Store. As the proposed sign is both larger than that allowed by the Code, and proposed to be situated on the right-of-way line, a variance would have to be granted for both points of noncompliance.

He said that the Code allows a maximum area of one hundred (100) feet for free standing signs and the proposed sign appears to be in excess of one hundred sixty (160) square feet in area. The Code also requires a sign to be placed at least one-half the distance of the setback from the property line. The front setback in the zone is twenty (20) feet. In the proposed sign code as it now stands a free standing sign in this zone would have to meet the same set back provision, and the area of the sign could be as large as one hundred twenty (120) feet.

Mayor Amass opened the hearing to the public.

Jerry Lenz, Town Pump representative and Tony Peal, Exxon Sign representative, presented their proposal. They explained that the variance was needed to place pylon on the property line due to distance from the center line of the highway to the property line. Exxon requires certain RID specifications & signs. A normal Town Pump installation in this type of area would require an Exxon 70 system but Town Pump has reduced it to only an Exxon 40 system. They said that they had eliminated signage above the pumps, and would only letter 2 sides of the building. The building sits 168' from the center line of the highway and visibility of the signage is hampered by trees located north of the property, plus with the 35 M.P.H. speed limit on the highway. They said that they were unable to compete unless they were able to properly advertise on premise. One-half of the business is fuel and the other half is convenience store. Because of the large investment in the property and facility they needed to realize a return to justify the investment.

They approached the Council table with their plans and after conferring with the Council for a few minutes Mayor Amass explained to the audience that the conference was necessary to make the applicants aware of the existing circumstances that surround this request. He said that the Town Pump people needed to go back and review the project further. The representatives said that they needed to work out the details of signage with both the old sign codes and the new codes, obtain a building permit and bring back detailed plans of their proposal. They requested permission to bring this request back to the next Council meeting.

Councilman Hanson made a motion, seconded by Councilman Boksich, to continue the public hearing until the next Council meeting (December 18). The motion passed unanimously.

3. SIGN VARIANCE - GROUSE MOUNTAIN: The Grouse Mountain Homeowner's Association was planning to place two "Grouse Mountain" signs at both the east and west entrances of their subdivision. However, they were requesting removal of 12 1/2' setback requirement for both sign locations because #1 (west) would push the sign into the wooded area; #2 (east) would place the sign onto the lot area. Both locations were restrictive.

Councilman Hanson said that both the old ordinance and the new ordinance state that the ordinance shall not regulate signs that are not intended to be viewed from a public right-of-way. He felt this request would fall under this category.

Mayor Amass opened the hearing to the public and as there was no public comment he closed the hearing to the public and turned the matter over to the Council for discussion and action.

The Council did not feel that a variance was required for the sign that would be located at the west entrance and Councilwoman Maddux made a motion, seconded by Councilman Boksich, to approve the request for #2 (east) and waive the 12 1/2'. The motion passed unanimously.

PUBLIC COMMENT

George Good asked about the proposed Community Decay Ordinance and Mayor Amass explained to him that this was an agenda item and would be discussed later in the meeting.

OLD BUSINESS

1. STREET LIGHTING MASTER PLAN: City Manager Ennor had given the Council the following written report. He said that at the last regular meeting the Council learned of a 1986 report prepared by Pacific Power and Light Company outlining a master plan for the City's street lighting. The report suggests the location and wattage of lights to provide adequate lighting for all areas of the community. He said that rather than adopt the "plan", the Council postponed a decision until further review could be made by those members of the Council who were so interested. Of specific concern was the proposed lighting for mid-block areas on the east side of Spokane Avenue. He had attached a copy of a portion of one of the three area maps indicating the proposed location of such lights. He told the Council that the circles with centered dots indicate the proposed location of 9500 lumen high pressure sodium lights to replace existing 7000 lumen mercury vapor lights. In other areas lights denoted by blank symbols represent locations of new lights. The plan proposes many more lights than presently exist - the timing of their installation depending upon demand and/or funds. He asked the Council if they had continued concern with adopting the "plan" and allowing its implementation as it becomes needed.

Councilman Boksich said that he had reviewed the Lighting Plan and it still did not mean much to him. The lighting that is in place at this time, in the residential areas, is very inadequate and if the lights go out fifteen feet from either side of the street, it is dark. In looking at the map and the streets, he was sure that the lighting planned for the Sixth and Seventh Street areas would not be adequate. He said he felt the issue should be clarified.

Councilman Hanson said that there was a small group of individuals that were in favor of approaching the Council at some future date, to see about shifting the City of Whitefish, both commercial district and residential to a more decorative type lighting. He said that maybe this would address the problems and give us a more attractive community. He was not in favor of adopting this plan and be locked into it for a number of years.

City Manager Ennor said that he would contact Pacific Power and Light at their Portland office and see if a representative could come and review this issue with the City Council.

2. ESTIMATED RSID COSTS: City Manager Ennor had given the Council the following written report. He had given the Council a summary of the engineer's estimate of the construction costs of two of the sewer projects adjacent to the City. He said that the Council would recall that the City would accept the effluent from these Water and Sewer District projects with the understanding that the final determination of whether a STEP system or a conventional (gravity) system would be installed would be determined after receiving bids for the projects as finally determined after receiving bids for the projects as finally designed. The design cost for the gravity system was to be \$11,000.

He said that now that the engineer has developed cost estimates for initiation of the RSID's it is apparent that the grant funds come as a real "stacked deck". Rather than continue with the engineering for the two systems it appeared more logical to bring this information to the Council to consider the impact of the two project costs upon the benefiting property owners. He said that engineer, Dennis Carver, would be in attendance to review the information with the Council. However, the funding formula developed by the EPA for the use of these funds makes it very difficult to seriously pursue the construction of a gravity system unless they have some undisclosed leeway in redirecting the use of these funds.

He advised the Council that after reviewing the information with Mr. Carver it would be necessary to reach a conclusion on the direction the City and District wish to take. Remembering that the City - at this time, is only obligated to accept the effluent the effluent for treatment, but that both major areas are probable candidates for annexation to the City at some point in the future and the ultimate maintenance of either system will probably rest with the City, a decision not to accept the STEP system would represent a substantial impact upon the residents of both areas. Whether the cost of such maintenance would represent a negative impact upon the City is difficult to calculate. The negative impact upon the residents of both areas, either with a conventional system with its lesser grant amount and subsequent increased cost, or no system at this time knowing the full cost of a later project would

be borne by the property owners, is fairly obvious.

Engineer Carver had prepared a one (1) page summary sheet and he reviewed the cost figures with the Council. He said that the major differences were not construction costs but the method the EPA would fund the two (2) projects. In the Crosswinds/Hueth area the pressure system would cost approximately \$472,777 with the EPA funding 66% of the project costs; and the conventional system would cost \$525,498 with only 37% EPA funding. The Texas/Colorado area, the pressure system cost would be \$620,456 with the EPA funding 70% and the conventional system would cost \$541,036 and would receive 55% EPA funding.

The Council discussed the two systems with Engineer Carver. Councilwoman LaTourelle asked if the STEP system was utilized would this system be maintained by the homeowners and Carver said that the City of Whitefish would ultimately be responsible for maintenance. She also ask if the homeowners could use their existing septic tanks and Engineer Carver said that unless they were new they would have to be replaced. Councilman Hanson asked if, using a twenty year basis could Engineer Carver give a comparison of what it would cost for operation and maintenance for the STEP system versus the conventional system, would the systems be equal or would one system cost more to maintain. Carver said that the conventional system would not take any maintenance and the STEP system would. Councilman Hanson also asked him if he were the City of Whitefish which system would he prefer. Carver said that he preferred the conventional because of the low maintenance. Councilman Hanson said that the costs being proposed for conventional system, basically covered the Crosswinds/Hueth subdivision area and not the entire hill along the railroad tracks and asked if the undeveloped areas had been figured into the cost. Carver said it basically only encompassed the subdivisions because the EPA would not fund undeveloped areas. Councilman Boksich asked about the cost to replace the pumps used in the STEP system and Carver said the they run \$500 to \$700, Councilman Boksich said that the difference in the two systems would buy a lot of pumps. Councilwoman Maddux said that the EPA would only fund the STEP system because it is basically experimental and they pay for them to find out how well they will work over the long haul. Carver said that they have funding for what they call innovative or alternative systems and this is called an alternative system. They are not experimental, they have been around for ten years. Bill Leonard said that the Facility Plan did contain 20 year comparison figures for the O & M of both systems. Councilman Schreiber felt the people should be allowed to make the decision as to the system used in each area, because basically they are the ones that have to pay for the system. Councilman Hanson said that he basically agreed with Councilman Schreiber however, because there will be much growth, especially in the Colorado/Texas area, he felt this would burden a lot of future residents.

Nina and Steve Laird, Cedar Estates Subdivision, said that very few of the homes in the Colorado/Texas area qualified for the grant money and they were in favor of waiving it and going with the conventional system.

Councilwoman LaTourelle asked if the two areas would be created separately and asked the Council if they were in favor of the conventional system for the Colorado/Texas area. Councilman Hanson said that his feeling was that it would be the way to go for this area because the costs would be

less.

After much discussion, Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, to create the RSID, utilizing the conventional system, for the Texas/Colorado area. The motion passed unanimously.

Engineer Carver said that he would summarize the information on Crosswinds/Hueth and bring it back to the next Council meeting.

3. LAKESHORE REGULATIONS: City Manager reported that the Board of County Commissioners had reviewed the lakeshore regulations approved by the Council and he had attached a letter from Tom Jentz reporting on their conclusions. He said that if the Council agrees with the Commissioners on the questioned items, the City Attorney should be directed to prepare an adopting ordinance for consideration at the next meeting.

Tom Jentz explained in his letter dated November 28, 1989 that the Board of Commissioners recommended two changes to the draft as submitted by the Whitefish City Council. Both changes specifically address the Lakeshore Advisory Committee.

1. The City Council suggested that a quorum of the seven (7) member Lakeshore Advisory Committee be five (5) members.

The Commissioners suggest this be reduced to a four (4) person quorum. They felt that it was important to serve the public in an expedient manner. If the Committee, which meets monthly, fails to have a five (5) member quorum, projects could be delayed a month or more and they felt that a simple majority on an advisory body typically constitutes a quorum.

2. The City Council suggested that the seventh member of the Advisory Committee, who is appointed from within the Planning Board, should rotate every two (2) years between a City resident and a County resident.

The Commissioners expressed concern over such a limitation and suggested that the words "if at all possible" be added to this statement.

The Council discussed the recommendations of the Commissioners and consensus was that #1. should remain as proposed by the City Council and #2 be amended per recommendation of the Commissioners.

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to prepare the Ordinance adopting the Lakeshore Regulations. The motion passed unanimously.

4. RESOLUTION 88-26 (TENANT APPLICATION FOR UTILITY SERVICES: City Manager Ennor requested that this issue be tabled until the next Council meeting.

Councilman Schreiber made a motion, seconded by Councilman Hanson, to table the issue until the next Council meeting. The motion passed unanimously.

5. ORDINANCE 89-10: CONTRACTOR BONDS: City Manager Ennor explained that the Council had reviewed this ordinance at the last meeting. This would eliminate an outdated bonding requirement in effect only for plumbing and electrical contractors.

Councilman Boksich made a motion, seconded by Councilwoman LaTourelle, to adopt Ordinance 89-10 on the first reading. The motion passed unanimously.

6. ORDINANCE 89-11: COMMUNITY DECAY: City Manager Ennor said that this ordinance would strengthen and consolidate existing regulation of attractive nuisances.

The Council discussed the ordinance and Councilwoman Maddux said that she would recommend that on page 3, paragraph 3, line 5, "twenty days" be changed to "thirty days".

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to change the "twenty days" to "thirty days". The motion passed unanimously.

Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to adopt ordinance 89-11 on the first reading. The motion passed unanimously.

NEW BUSINESS

1. PETITION FOR DISANNEXTION: City Manager Ennor explained that the City had received a petition from Mr. John A. Senin requesting the Council alter the boundaries of the City to exclude certain parcels owned by the petitioner. He had given the Council a map depicting the two lots for which the petition had been submitted, along with the letter expressing the reasons for the request. The lots were part of a larger area - a strip along both sides of Highway 93 South and had been annexed into the City in 1967.

He said that State statutes (Title 7.2; Part 48) provide that the Council, upon receiving such a petition, must by resolution determine that the territory petitioned to be excluded is within the corporate limits and on the border thereof, and that the granting of said petition would be to the best interest of the City and the inhabitants and would not materially mar the symmetry of the City.

He said that inasmuch as one of the parcels is totally surrounded by other property within the City, that lot appears unable to meet the statutory requirements. Whether the other should be excluded was open for discussion.

Councilwoman LaTourelle said that in March of this year the Council chose not to de-annex property on the west side of the City and if the Council would de-annex this property, the other issue should be reconsidered too.

Councilman Peterson made a motion, seconded by Councilwoman LaTourelle, to deny the de-annexation as requested by John Senin. The motion passed unanimously.

2. PRELIMINARY PLAT - DEPOT SQUARE: City Manager Ennor said that included with the agenda was a copy of the plat map and letter from the Planning Board pertaining to the proposed Depot Square subdivision. This property will be the subject of a zone change application being presented to the Board which may affect the conditions of approval presented by the Board. He said that Tom Jentz would review the Board's recommendation for the Council.

Tom Jentz summarized the proposal lot by lot.

Lot 1: Inside city limits, zoned WB-3 General Business, current land use is vacant parking lot.

Lot 2: Inside city limits, north 150 feet zoned WI Industrial and south 150 feet zoned WB-3 General Business. The north half is used as a park, the south half is the Burlington Northern Credit Union.

Lot 3: Outside the city limits, zoned WI Industrial, currently used as a parking lot. The owners are requesting a deed restriction restricting the property to only parking lot use. Annexation to the City of Whitefish is requested.

Lot 4: Outside city limits, zoned WI Industrial, used as a park/playground by Central School. Applicants are requesting a deed restriction restricting the property to only park use. Annexation to the City is requested.

Lot 5: Outside city limits, zoned WI Industrial, land is vacant, water is available in Railway Street, sewer will be brought up along Columbia Avenue from the alley between Railway and First Street. Annexation to the City of Whitefish is requested. The major issue of the whole project really dwells around this particular piece of property and the Planning Board recommended one extra set of conditions and that did not show on the plat and that was, because this piece of land is 3 1/2 acres and because this is a residential area, the Planning Board is asking that a road be brought across either the bottom of Lot 3 or the top of Lot 3.

Jentz said that in relation to the Master Plan, the entire site is in a transition zone. Land to the south is designated Commercial (central business district) while land to the north of the site is designated Industrial (railroad yards). The zoning is a combination of commercial and industrial and does comply with the Plan.

Jentz said that the discussion at the City-County Planning Board meeting centered around the potential impacts associated with the industrial use of Lot 5 and the need for an alternate access to this lot by future industrial activity. To complicate the issue, the applicants indicated that the owners preferred a multifamily residential zone for the property, but were not interested in pursuing the zone change themselves until they realized that they would possibly have to build a new road if the site were to remain industrial. He said that the Planning Board indicated that, because the property was now industrial, the industrial traffic must be addressed. The merits of the zoning case, to be heard at some later time, would determine if a

rezone were in order and what the impacts of the re-zoning would be on the adjacent community.

The Planning Board unanimously adopted the Findings of Fact and based on these findings and eleven (11) recommended conditions of approval, did recommend approval of the preliminary plat.

Darrell Wilson, representing Glacier Park Company said that after looking at Lot 5, because of the residential neighborhood and the school, he felt that some type of Residential Use would be more harmonious to the neighborhood. Tom Jentz again reminded everyone that the zone change would not and should not be addressed at this meeting, only the preliminary plat should be discussed.

Vince Caciari told the Council that he lived close to Lot 5 and he was concerned about the zone change because it would allow high density residential which would impact the traffic along Somers and Columbia Avenues. He also was concerned that cheap housing would be constructed on the site. He said that Lot 3 had been utilized by the school district for a number of years and in his estimation, the railroad should give this piece of property to the school. Valorie Churmage said that she was confused on the road, if the lot is allowed to stay industrial, the road would be built and if it is zoned residential, forget the road. She felt the road should be mandatory either way.

After some discussion, Councilman Hanson said that he would recommend changing the language in condition #7, first sentence, from "in order to stop future industrial traffic" to "in order to limit future traffic" and to eliminate condition #8 in it's entirety.

After discussion, Councilwoman Maddux made a motion, seconded by Councilman Hanson, to approve the Preliminary Plat, with the Findings of Fact (Attachment A) as presented by the City-County Planning Board and the eleven (10) Conditions (Attachment B) with the changes to #7 (as stated by Councilman Hanson), and the deletion of #8. The motion passed unanimously.

ATTACHMENT B
DEPOT SQUARE
WHITEFISH CITY COUNCIL
CONDITIONS OF APPROVAL
December 4, 1989

The Whitefish City Council approved the preliminary plat for Depot Square contingent upon the following conditions and modifications being accomplished prior to the filing of the final plat.

1. The certification of acceptance by the City Council shall state that the City Council specifically accepts the additional dedication of public right-of-way along Railway Street. (Appendix F (3h) of the City Subdivision Regulations)

2. The applicants shall entertain a zone change request whereby all of Lot 2 would be zoned WB-3 Commercial instead of the N 1/2 zoned industrial and the south 1/2 zoned WB-3.
3. All of Lots 3, 4 and 5 as well as that portion of Spokane Avenue within the subdivision shall be annexed to the City of Whitefish. (State Law)
4. All requirements of the State of Montana Department of Health and Environmental Sciences and the City of Whitefish regarding water and sewer facilities be met.
5. A storm water drainage plan be submitted to and found acceptable by the Whitefish City Administrator.
6. A 20 foot utility easement be placed extending north to south across Lot 5 to address the city water main that extends generally down to Columbia Avenue.
7. In order to limit future traffic associated with Lot 5 from impacting the residential neighborhood to the south, a new city street shall be constructed between Lots 3 and 4 or at the north side of Lot 3 at the applicants expense.
 - a. Said road shall have a minimum 60 foot right-of-way.
 - b. The travel surface shall be 44 feet wide and built to Whitefish paved street standards.
 - c. Sidewalks and curb and gutter to city standards shall be included.
8. Either the south boundary of Lot 5 have a restricted access to Railway Street or else Kalispell, Columbia and Somers Avenues between Railway Street and Second Street as well as Railway Street between Kalispell Avenue and Somers Avenue be posted "NO TRUCK TRAFFIC."
9. The preliminary plat is valid for one year from date of preliminary plat approval. (City Subdivision Regulations)
10. All required public improvements shall be completed prior to final approval of the plat, or the developer shall enter into a written subdivision improvements agreement with the city guaranteeing the construction and installation of all improvements. (Appendix E - City Subdivision Regulations)

3. MINOR LAND PARTITION: Resubdivision of North Half of Lot 8, Block 9 First Addition to Whitefish Townsite Company's Five Acre Tracts. The City-County Planning Board at their regularly scheduled meeting heard a request by Hoagy Carmichael to split an existing one acre lot into two lots. The property is at 223 Iowa Avenue and lies on the east side of Iowa Avenue at the intersection of Waverly Place.

The Board by majority vote with one abstention adopted findings of fact (Attachment A) and recommended approval of the Preliminary Plat with four conditions (Attachment A).

After some discussion, Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to adopt the Findings of Fact (Attachment A) and approve the Preliminary Plat with the four conditions (Attachment A). The motion passed unanimously.

CITY MANAGER'S REPORTS

1. RESIGNATION OF POLICE CHIEF: City Manager Ennor reported that on November 27, 1989 Chief Dolson tendered his resignation from the Whitefish Police Department. He has accepted a position closer in California with the Motion Picture Association of America's Anti-Piracy Investigation Unit. His last day on duty is expected to be December 14, 1989.

City Manager Ennor said that notices of the vacancy are being directed to professional publications in the Northwest, with special attention given to the major Montana newspapers. Interviews with prospective candidates are anticipated for late January/early February with a board comprised of the Police Commission and an equal number of citizens and/or outside professionals. He said that if the Council had any thoughts regarding the person or the position of Police Chief, or the selection process, he would be happy to receive them. He said that he would prepare an information sheet for interested individuals and a more complete summary of the proposed selection process during the next few weeks.

2. RSID's - CORRECTED AGREEMENT: City Manager Ennor reported that he had received corrected copies of the Interlocal Agreement between Flathead County, City of Whitefish and the Whitefish County Water and Sewer District. The changes were being requested by the Attorney Generals Office.

The Council requested this item be placed on the next agenda because they had not had time to review the changes.

3. MISCELLANEOUS: City Manager Ennor had given the Council written reports on the following:

a. Parking Lot Paving. This subject is being given addition consideration before being returned to the Council for a decision. Each lot is being surveyed to determine whether drainage would be a problem and a staff report is expected shortly. Given the number of weighty matters on the agenda this subject will be on the next agenda.

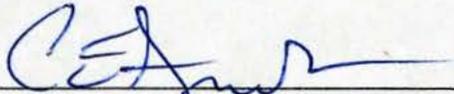
b. 4th Street Storm Drainage. The Final cost of installing new catch basins and storm drainage lines on 4th Street between Somers and Pine Avenues has been tabulated and the total cost of all activities associated with the project was \$17,615.73. This improved the storm drainage at two intersections, including the elimination of direct connections to the sanitary sewer system. Due to the considerable water service work which was necessary in conjunction with the installation of the drainage line the street has been virtually destroyed. The idea of a quick patch has given way to consideration

for more substantial repair next year.

c. Commencement of Terms of Office. A question has arisen as to the correct date of the first Council meeting in January at which the terms of the new Council will commence. The first Monday falls on New Year's Day, however, State law indicates that "The terms of all officers elected at a municipal election are to commence on the first Monday in January after such election." Whether the Council must reschedule that meeting to the following day, or has the option of an earlier or later date is being researched by the City Attorney.

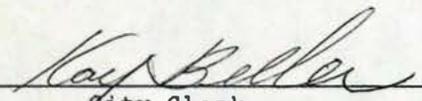
COUNCIL REPORTS AND COMMENTS

There being no further Council business, Councilman Boksich made a motion, seconded by Councilman Hanson, to adjourn at 10:35 P.M. The motion passed unanimously.



Mayor

ATTEST:



City Clerk



Box 158, Whitefish, Montana 59937 (406) 862-2640

WHITEFISH COUNCIL AGENDA
December 18, 1989
7:00 P.M.

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES of the December 4, 1989 Council meeting
- III. PUBLIC HEARINGS
 1. Sign Variance - Town Pump (Continued)
- IV. PUBLIC COMMENT
- V. OLD BUSINESS
 1. Estimated RSID Costs - Crosswinds/Hueth
 2. Ordinance 89-10 (Contractor Bonds); Second Reading
 3. Ordinance 89-11 (Community Decay); Second Reading
 4. Ordinance 89-12 (Lakeshore Regulations); First Reading
 5. Sign Code Amendments
- VI. NEW BUSINESS
 1. Reschedule First Meeting in January
 2. City Attorney Resignation
- VII. CITY MANAGER'S REPORTS
 1. Departmental Reports
- VIII. COUNCIL REPORTS AND COMMENTS
- IX. EXECUTIVE SESSION - REQUESTED BY PLAINTIFF
- X. ADJOURNMENT

MEMORANDUM

FROM: City Manager
TO: Whitefish City Council
DATE: 14 December 1989
RE: Agenda for 18 December Meeting

The following items are scheduled for the Council's attention at the last meeting of the decade:

1. Public Hearing - Sign Variance. At the last regular meeting the Council continued the hearing on a variance application submitted by Town Pump for their new location on Spokane Avenue, adjacent to the Best Bet Casino. I have heard from the representatives of Town Pump, but only to the extent that they were unsure whether they would be able to further advance their cause at this meeting. They were assured that were they not able to attend this meeting the hearing would be continued until the next meeting. At this time they have not been able to complete plans for the building extension and, therefore, are unable to calculate the sign area based upon the length of the business facade.

2. RSID Estimated Costs. At the last meeting the Council adopted a motion which was not clearly recorded and may be registered incorrectly in the minutes. It was my understanding, as well as that of the City Clerk, that the Council had agreed to proceed with a conventional gravity system for Texas/Colorado and directed the engineer to proceed with creation of the RSID utilizing the cost estimates for such a system. If this is not the Council's understanding, the minutes should be corrected prior to adoption.

Further, the Council requested the engineer prepare an estimate of the added cost of maintenance inherent in the STEP system for Crosswinds, presumably a cost which would not be expected for a gravity system. Mr. Carver has prepared the attached summary indicating an anticipated 20-year maintenance cost of \$72,800 (as corrected). When this figure is added to the estimated local share for a Crosswinds pressure system the total local share rises to \$229,583. Averaged among the 42-properties this increases the individual cost to \$5,466 over the 20-year period.

Also attached is a revised copy of the cost summary presented at the last meeting. Included is the number of benefited properties for each project, as well as revised cost and percentage figures. It appears from this information that the STEP system would remain the least expensive for the residents

of that area.

Unfortunately, discussion with the District and the engineer regarding the grant requirements suggests the City and District may not have the authority to approach the various types of sewerage systems in this manner. That is, neither entity would be able to decide which type of system would be constructed based upon local wishes or long-range development potential. Notwithstanding the change of state project officer, it appears the only way for the District to receive ANY grant funds for a conventional system is for such a system to prove its greater value (lesser cost) through completion of the formal bid process. Therefore, the Texas/Colorado project would require complete engineering plans for both systems.

Utilizing Mr. Carver's revised figures from the attached sheet, and adding the same "per unit" maintenance cost to the local share cost of the Texas/Colorado project (\$72,800/66 units X 20 years = \$114,400), suggests the gravity system would be less expensive when considering both construction costs and 20-year maintenance costs. For example:

	<u>Pressure</u>	<u>Conventional</u>
Local Share	\$186,256	\$296,277
Maintenance	<u>114,400</u>	<u>- 0 -</u>
Total:	\$300,656	\$296,277

While it is difficult to imagine no maintenance expenses for a conventional system over the initial 20-year period, certainly the cost would not be great. In any event, it appears the only way the District can expect to receive grant funds for a conventional system for Texas/Colorado is to have both projects engineered and await the results of the contractor bids. Given the the inclusion of engineering funds in the current budget, the stated willingness of the District to participate in the cost of the engineering, and the presumption that the Council is interested in seeing sewer service to the areas, it is recommended the Council authorize consummation of the interlocal agreement and direct the preparation of plans and specifications for Crosswinds solely as a pressure system; Texas/Colorado as both a pressure and a conventional system. By this means the true construction costs can be ascertained and the state approached regarding final consideration the type of system for Texas/Colorado.

3. Ordinances. Three ordinances are being presented to the Council for action. The first two were presented to the Council at the last meeting, the bulk of the third has been corrected and the City Attorney is preparing the proper adoption language for presentation at Monday evening's meeting. The ordinances include:

a. Ordinance 89-10. The second reading of the ordinance rescinding the requirement that plumbing and electrical contractors secure performance bonds.

b. Ordinance 89-11. The second reading of the "community decay" ordinance consolidating and expanding the City's ability to remove attractive nuisances from private property. The document has been amended to provide additional time to work on private vehicles as directed by the Council at the time of first reading.

c. Ordinance 89-12. The first reading of the new Whitefish Lake and Lakeshore Protection regulations which includes the two minor amendment recently agreed to by both the Council and Board of County Commissioners.

4. Sign Code Amendments. At the last meeting the Council concluded the regular public hearing on the proposed sign code amendments. While it was noted that the public would be given further opportunity to comment, the formal public hearing may be considered to have been conducted.

At the conclusion of the hearing a number of possible amendments were discussed, including those recommended by the Planning Board. Those of the Board have been incorporated into the draft document WITH THE EXCEPTION of that relating to projecting signs. Other amendments which were discussed, such as increasing the square footage of projecting and multiple business signs, have not been included. If the Council wishes these to be added such direction could come in the form of a motion.

One added change which should be considered relates to the paragraph entitled "Maintenance" on page 6. A check of the Uniform Sign Code suggests that the final sentence of that paragraph should be amended to read:

"The Administrator shall have the right under Section 17.95.090 to order the repair or removal of any sign which is defective, damaged or substantially deteriorated, or does not comply with the structural requirements of the Uniform Building Code adopted by the City."

During the discussion of the sign code at the conclusion of the public hearing a list of nonconforming signs was requested. The attached memorandum addresses the two questions raised during that discussion. In some instances additional review of sign sizes will await the return of the Building Inspector who I believe has this information and should be able to retrieve it more readily than the City Clerk or myself.

5. Reschedule Next Regular Meeting. As the first meeting of the new decade coincides with the the observance of New Year's Day the City Attorney has opined that the regular meeting scheduled

for that date should be rescheduled for the following day. Therefore, the Council should formally set the next meeting for 7 PM, Tuesday, the 2nd of January.

6. City Attorney's Resignation. With rather uncharacteristic brevity City Attorney Muri submits the attached letter of resignation, effective 1 February 1990. The Council should consider the type of advertisement to be prepared, as well as any specific directions as to its distribution and the ensuing selection process.

7. Executive Session. The City Attorney has asked that the attached memorandum pertaining to an executive session be added for the Council's information. Mr. Norman has specifically requested an audience before the Council "behind closed doors" and, as it pertains to continuing litigation, the City Attorney has agreed this is an appropriate request.

MINUTES
WHITEFISH CITY COUNCIL
DECEMBER 18, 1989

The regular meeting of the Whitefish City Council was called to order by Mayor Amass at 7:00 P.M. Members present were Hanson, LaTourelle, Maddux, Schreiber and Peterson. Councilman Boksich was absent. Also present were City Manager Ennor, City Attorney Muri and Building Inspector/Asst. Zoning Administrator Quinn. There were approximately 30 people present in the audience.

MINUTES

Councilwoman Maddux made a motion, seconded by Councilman Hanson, to approve the minutes of the December 4, 1989 meeting as presented. The motion passed unanimously.

PUBLIC HEARINGS

1. SIGN VARIANCE - TOWN PUMP: Mayor Amass explained that this was a continuation of the public hearing held on December 4, 1989 and he reconvened the hearing. City Manager Ennor explained that representatives of the Town Pump organization presented a revised site diagram for their new location on Spokane Avenue. He had given the Council a copy of the major use area depicting the location of the pumps and the proposed sign. He had also given the Council a copy of a letter to Town Pump from the Chief of the Right-of-way Bureau of the State Department of Highways. The letter explained that the current proposal was that the Department of Highways would convey to Town Pump, Inc. the westerly 25 feet of the existing highway right-of-way fronting on the east property line of a tract of land occupied by store and gas station in the northwest quadrant of the intersection of U.S. Highway 93 and Baker Avenue. In exchange, Town Pump, Inc. would convey to the Department of Highways the south 40 feet of the same tract of land plus a portion of Lot 1, Block 45 of the Original Townsite of Whitefish at the intersection of Second Street and Spokane Avenue.

City Manager Ennor said that given the letter from the Department of Highways the proposed location of the sign would seem acceptable. The fact that there is no evidence to support the proposed expansion of the building, still requires the sign to be no larger than seventy-five (75) square feet in area, and not greater than eighteen (18) feet in height. Under the proposed code, and at the same location, the company would be authorized a sign of eighty (80) square feet with a maximum height of twenty (20) feet. He said that even by denying the variance request the petitioner would be allowed a larger, higher sign under the provisions of the proposed code. By placing the sign at least fifty (50) feet from the right-of-way line the sign could be increased to 120 square feet.

Jerry Lenz, Town Pump representative, said that he would answer some of the questions that came up at the last meeting. He said that the Council had questioned Town Pump not having a building permit and he said that Exxon was asking the Council to approve the sign variance request, conditional on Town

Pump starting to build by the end of the 1990 building season. It would take time to secure the plans and put the project out to bid. They were planning a 25 X 32 square foot addition to the existing building. He said that Town Pump was planning to have a deli, groceries and fuel, all of which needed signage. Tony Peal, Exxon Signs, said that the Board of Adjustment had approved their request for a 54' X 86' canopy to be set back two (2) feet from the property line, and the sign would line up with the canopy.

The representatives explained that they were proposing a 40 system, which is 24' 10" high and would be 160 square feet. The current sign ordinance would allow their freestanding sign to be 105 square feet and under the new ordinance it would allow 80 square feet. The current sign ordinance would allow 18 square feet in height and the new would allow 20 square feet. The wall signs are 107 square feet and allowable is 120 square feet under the current ordinance and 134.5 square feet under the new ordinance. Over the canopy "Exxon" would be spelled out and would be 78 square feet, under the current ordinance 72 square feet is allowed and the new ordinance would allow 74.5 square feet. They said that they needed the sign so that they could have visibility both on Baker Avenue and the Highway.

Mike Bosnick, District Manager for Town Pump, said that they planned to have a deli, sell groceries and fuel, which would be three businesses in one grouping. He asked the Council to consider the signage being proposed so the convenience store could have adequate exposure. He also said that the company had a considerable investment in digging up the tanks, the addition to the building, etc. This store would add ten (10) additional jobs to the community.

Pat Voelker, employee, said she hoped the Council would allow the signage because she felt the store needed the visibility.

Mayor Amass closed the hearing to the public and turned the matter over to the Council for discussion and action.

Councilwoman LaTourelle said that she spent several hours driving around the valley looking at signs and in doing so, it brought a couple of things to light. 1) Conoco is the largest competitor Exxon has in the valley and in comparing the height and size of the signs - Conoco had scaled their signs down. She said that three years ago Conoco came to the Council for a sign variance and their request was approved, but not for as tall a sign as they wanted. 2) West on Highway 93, the Best Bet and the Pin & Cue have certain setbacks, the Exxon setback would be closer to the highway and she said that this might initiate other variance requests to the City Council or the Board of Adjustments. She felt the Council should look at what they had tried to accomplish and that was to be fair to one and all.

Councilman Hanson said that the Council was dealing with two (2) issues, location of the freestanding sign and size of both the freestanding and total allowable signage. He said that he did not know what justification the Board of Adjustment had to grant the variance allowing the canopy 2' from the property line, but he felt the freestanding sign should fall under the same consideration. Councilman Peterson asked the Exxon representatives if they would consider breaking out the readerboard portion of the sign, because if

they would, the sign would be within 1' of the required height. They said that they would be agreeable to removing the readerboard portion of the sign.

Councilman Hanson said that he would like to break the variance request into two (2) motions.

Councilman Hanson made a motion, seconded by Councilman Peterson, to grant the freestanding sign to be placed within 2' of the property boundary. The motion passed unanimously.

Councilman Hanson said to clarify this motion, the sign could be placed within 2' of the south boundary line and in line with the canopy.

Councilman Peterson made a motion, seconded by Councilman Hanson, to approve the System 40 sign with the readerboard removed. This would reduce the height of the sign to 21'2" and 132 square feet.

Councilman Hanson said that this motion did not address the other signage that had been requested, Councilman Peterson said that his intent was to just address the size of the sign.

Mayor Amass said that before the Council voted on this he wanted to say something to them. He said that as he sees it most of the people seated in the audience were opposed to the new ordinance. Basically, he said, what you have before you is a test and the test is whether you continue to fool with the sign ordinance or not. If the revisions to the sign ordinance are adopted, then this (Exxon signage) should be dealt with accordingly. If the revisions are not adopted, then it should comply with the old ordinance, if it does not comply with either then the Council should through out the whole sign ordinance. He said that what he was saying was that the Council has a job to do and discussion was not to through out the old or new sign ordinance but to make it more equitable and as Mr. Muri pointed out last meeting, to make Whitefish aesthetically pleasing. He said that if the Council continues to violate the stipulations set out in ordinance form by allowing these variances to go on and on, then the Council needed to take a serious look at what we are trying to do with the ordinance. He said that there was a motion and second on the floor but, he cautioned the Council that what they had in front of them was a test of what they were about to do with the new sign ordinance. He said he finds it hard to ask the people on the list of non conforming signs to come into compliance within one, two or three years and do things that you are granting a variance on right now.

Councilman Schreiber said that he agreed with Councilman Hanson about the Board of Adjustments granting a variance for the setback for the canopy and this was a positive bases for granting the first motion, however, now he felt Mayor Amass was right, the test is, do we comply with the new sign ordinance, the two motions are distinguishable.

Mayor Amass called for a roll call vote of the Council on the second motion. Councilwoman LaTourelle, Councilwoman Maddux and Councilman Schreiber voted no, Councilman Hanson and Councilman Peterson voted aye. The motion was defeated.

PUBLIC COMMENT

None

OLD BUSINESS

1. ESTIMATED RSID COSTS - CROSSWINDS/HUETH: City Manager Ennor had given the Council a written report. He said that the Council had requested the engineer prepare an estimate of the added cost of maintenance inherent in the STEP system for Crosswinds, presumably a cost which would not be expected for a gravity system. Engineer Carver had prepared the summary indicating an anticipated 20 year maintenance cost of \$72,800. When this figure is added to the estimated local share for a Crosswinds pressure system the total local share rises to \$229,583. Averaged among the 42 properties this increases the individual cost to \$5,466 over the 20 year period. He had attached a revised copy of the cost summary presented at the last meeting. Included was the number of benefited properties for each project, as well as revised cost and percentage figures. He said it appeared from the information that the STEP system would remain the least expensive for the residents of that area. He said that it appears the only way for the District to receive any grant funds for a conventional system for the Texas/Colorado area is for such a system to prove its greater value through completion of the formal bid process. He recommended that the Council authorize consummation of the interlocal agreement and direct the preparation of plans and specifications for Crosswinds solely as a pressure system; Texas/Colorado as both a pressure and a conventional system.

After some discussion, Councilman Schreiber made a motion, seconded by Councilwoman LaTourelle, to enter into the Interlocal Agreement and the engineer proceed with the engineering in the Texas/Colorado area for both the gravity system and the STEP system. The motion passed unanimously.

The Council discussed the Crosswinds/Hueth area and after discussion, Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to proceed with the engineering of both the STEP system and the gravity system for Crosswinds/Hueth area and then initiate the RSID. The motion passed unanimously.

2. ORDINANCE 89-10 (CONTRACTOR BONDS); SECOND READING: Councilwoman Maddux made a motion, seconded by Councilwoman LaTourelle, to adopt Ordinance 89-10 on the second and final reading. The motion passed unanimously.

3. ORDINANCE 89-11 (COMMUNITY DECAY); SECOND READING: Councilman Schreiber made a motion, seconded by Councilman Hanson, to adopt Ordinance 89-11 on the second and final reading. The motion passed unanimously.

4. ORDINANCE 89-12 (LAKESHORE REGULATIONS); FIRST READING: Councilman Hanson made a motion seconded by Councilwoman LaTourelle, to adopt Ordinance 89-12 on the first reading. The motion passed unanimously.

5. SIGN CODE AMENDMENTS: City Manager Ennor explained that the last Council meeting concluded the regular public hearing on the proposed sign code amendments. While it was noted that the public would be given further

opportunity to comment, the formal public hearing may be considered to have been conducted. At the conclusion of the hearing a number of possible amendments were discussed, including those recommended by the Planning Board. Those of the Board have been incorporated into the draft document with the exception of that relating to projecting signs. Other amendments which were discussed, such as increasing the square footage of projecting and multiple business signs, have not been included. He said that one added change which should be considered relates to the paragraph entitled "Maintenance" on Page 6. A check of the Uniform Sign Code suggests that the final sentence of that paragraph should be amended to read:

"The Administrator shall have the right under Section 17.95.090 to order the repair or removal of any sign which is defective, damaged or substantially deteriorated, or does not comply with the structural requirements of the Uniform Building Code adopted by the City."

City Manager Ennor said that during the discussion of the sign code at the conclusion of the public hearing a list of nonconforming signs was requested. He had given the Council a memorandum addressing the questions raised during that discussion.

Councilman Hanson said that on page 10, he would like to recommend altering the maximum allowable height - 45' from street right-of-way line to 22', over 50' to 22'. and on page 11, Distance from street centerline; add 7' to centerline and go 22' height, 100 square feet of signage; 80' or more, 22' height and 120 square feet of signage. Page 12, projecting signs, c. amend to read: signs extending over a public right-of-way shall not extend beyond 5' from the building or 2' from the curb, whichever is less. Councilman Schreiber said that he felt the two year compliance schedule was too harsh and would recommend that this be changed to five (5) year period to come into compliance. He felt this would be fair and let people depreciate out their signs, it would have less impact on people. Councilman Hanson agreed with this recommendation.

Councilman Peterson said that he had talked to City Manager Ennor and Councilman Hanson about dealing with signs like Exxon and he recommended only considering height and setback, no square footage. He explained that the bigger the sign, the further back onto the property it would have to go. Councilman Hanson said there was merit to this recommendation however, he felt it was still open ended and someone would find a way to put up a large sign and make it visible.

After much Council discussion, Councilman Hanson made a motion, seconded by Councilman Schreiber, to make the following amendments to the proposed sign ordinance:

Page 10: Alter the maximum allowable height, 45' from right of way line to 20', over 50' to 22'.

Page 11: Distance from street centerline: add 7' to center line and go 22' in height, 100 square feet of signage; 80' or more 22' height and 120 square feet of signage be allowed.

Page 17: Nonconforming Signs, d. change two (2) to five (5) years from the date of adoption of this ordinance. and add: f. For signs previously granted a variance upon the condition that they be made to conform to this code: five (5) years from the effective date of this ordinance.

The motion passed unanimously.

Councilman Hanson made a motion, seconded by Councilwoman Maddux, to direct City Staff to prepare the Sign Ordinance and hold public hearings in conjunction with the Ordinance. The motion passed unanimously.

NEW BUSINESS

1. RESCHEDULE FIRST MEETING IN JANUARY: Councilman Hanson made a motion, seconded by Councilwoman Maddux, to reschedule the first meeting in January for January 2, 1990. The motion passed unanimously.

2. CITY ATTORNEY RESIGNATION: City Manager Ennor said that with rather uncharacteristic brevity City Attorney Muri submits the attached letter of resignation, effective February 1, 1990. He said that the Council should consider the type of advertisement to be prepared, as well as any specific directions as to its distribution and the ensuing selection process.

City Attorney Muri said that he had contacted several attorneys in the area to let them know the position was available.

Councilwoman LaTourelle made a motion, seconded by Councilman Hanson, accepting City Attorney Muri's resignation. The motion passed unanimously.

Councilwoman LaTourelle made a motion, seconded by Councilwoman Maddux, to direct City Staff to advertise the City Attorney position with the cut off date to be January 19, 1990. The motion passed unanimously.

CITY MANAGER'S REPORTS

Written reports had been submitted by Chief of Police Dolson, Street/Solid Waste Foreman Wartnow and Water/Sewer Supervisor Acton.

COUNCIL REPORTS AND COMMENTS

Councilman Peterson said that there would be a lot of people in the city next week and he wanted to be sure the viaduct was sanded and kept passable.

City Manager Ennor said that he had attended a meeting with the County and Big Mountain and communications would be kept open. He was not anticipating any problems.

Councilwoman Maddux said that the sidewalks at Memorial Field needed to be shoveled, this would encourage the school kids not to walk in the street.

Councilwoman LaTourelle said this would be her last meeting and she would like to thank the public, Council and everyone she had worked with while serving on the City Council.

Councilman Hanson told the Council that the 1987 Legislature had passed House bill #310, which requires cities to establish a Public Policy for selection of qualified applicants to provide for Architectural, Engineering, and Land Surveying services under public contract. He gave the Council an outline of some of his personal thoughts on the procedures required if such services should exceed \$5,000. He asked the Council to review the information and he asked that it be discussed at the next Council meeting.

EXECUTIVE SESSION

City Manager Ennor explained that City Attorney Muri had asked that the attached memorandum pertaining to an executive session be added for the Council's information. Mr. Norman has specifically requested an audience before the Council "behind closed doors" and, as it pertains to continuing litigation, the City Attorney has agreed this is an appropriate request.

Mayor Amass asked if both party's intent was still the same, and both City Attorney Muri and Attorney John Bothe agreed that a closed session was in order, so based upon Montana Statute 2-3-203 Mayor Amass declared that the demands of individual privacy clearly exceeded the merits of public disclosure, and that the Council should go into executive session.

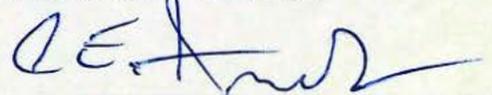
Two (2) reporters, Lang Smith, reporter for The Whitefish Pilot and Ric Hull, reporter for The Daily InterLake protested the closed meeting and City Attorney Muri said that Mr. Norman had requested the closed hearing because he was a City Employee and was saying that he had been denied benefits with the City, and at this time the City was in litigation. City Attorney Muri said the request was valid. Lang Smith suggested that only a portion of the meeting be closed because he felt Norman was no longer a City employee and he also felt that if the litigation went to Court it would be open to the public.

After some discussion, Councilman Schreiber made a motion, seconded by Councilman Peterson, upon the request of Mr. Les Norman and the personal nature of the information to be presented to the Council, that the Council move into Executive Session for that purpose of being provided that information. The motion passed unanimously.

The Council recessed at 9:08 P.M. and reconvened in Public session at 9:20 P.M. Mr. Bothe insisted on having a legal secretary present and it was decided to allow the meeting to remain open.

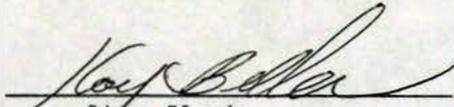
A verbatim record of the meeting will be attached and made a part of the minutes.

After this meeting the Council went into Executive Session.



Mayor

ATTEST:



City Clerk