1) Call to Order

2) Interview
   a) 5:20 p.m. – Jen Asebrook – Whitefish Convention and Visitors Bureau – Member-at-Large
   b) 5:30 p.m. – Kim Wortman – Whitefish Convention and Visitors Bureau – Transportation Representative

3) Public Comment

4) Appointment
   a) Whitefish Convention and Visitors Bureau – Two (2) positions, complete the term ending 5/31/2023, City Council appointment

**If time runs out before appointments are made, there will be time at the end of the regular session**

**********************************************************************************

CITY COUNCIL WORK SESSION
CITY COUNCIL CONFERENCE ROOM
TUESDAY, JANUARY 17, 2023
5:45 PM

5) 5:45 p.m. - “Go Gallatin” presentation from the West Transportation Institute regarding public transit
   a) Public Comment

6) 6:15 p.m. - Discuss proposed Annexation Policy
   a) Public Comment

7) Direction to City Manager

8) Adjourn
PUBLIC NOTICE
VACANCIES ON CITY BOARDS/COMMITTEES

WHITEFISH SUSTAINABLE TOURISM MANAGEMENT PLAN STANDING COMMITTEE – Eight (8) positions. Four (4) positions – members-at-large (must be a city resident with experience in, knowledge of, or perspective on tourism and its relationship to the Whitefish community); two (2) members may reside outside the City of Whitefish, as long as the member resides in Flathead County and has an ownership interest in or a managerial position at a business located and operating within the corporate limits of Whitefish; one (1) member from Whitefish Mountain Resort; one (1) member from the Whitefish Convention and Visitors Bureau.

WHITEFISH CONVENTION AND VISITORS BUREAU – Two (2) positions, complete term ending 5/31/2023. Applicant shall reside in the city of Whitefish postal district (59937) and shall have ownership interest or managerial position at a business located and operating within the city of Whitefish postal district (59937). Openings include preference for representative for transportation business, finance, large lodging properties, or Whitefish Golf Course. Committee meets once a month.

WHITEFISH LAKE AND LAKESHORE PROTECTION COMMITTEE – One (1) positions, 2-year term, applicant must be a lakefront property owner within the corporate limits of the city of Whitefish. Committee meets once a month.

WHITEFISH COMMUNITY HOUSING COMMITTEE – Four (4) positions, term ending 12/31/2023, one (1) member of the public with relevant professional or personal expertise in real estate development; one (1) member of the public with relevant professional or personal expertise in fundraising or financing; two (2) members of the public with relevant professional or personal expertise in housing policy, property management, housing programs, end-users of community housing programs, or housing advocacy. The Committee shall meet as often as necessary to accomplish its general purpose, as described above, but at least quarterly.

FLATHEAD CONSERVATION DISTRICT BOARD – Two (2) position, 3-year term to serve as an urban supervisor. Pursuant §76-15-311 M.C.A (1) applicants may reside within the city limits of Whitefish; and (1) applicant may live outside the municipality the supervisor represents, but the supervisor must reside within the boundaries of the district. For more details on this board please see their website https://flatheaded.org/.

IMPACT FEE ADVISORY COMMITTEE – One (1) position to complete term ending 12/31/2023. Applicant shall be a member-at-large and shall reside or work within the City limits.

BOARD OF APPEALS – One (1) position, term not designated. The Board of Appeals determines suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the International Building Code. Applicant must be qualified by experience or training to pass on matters pertaining to building construction. The Committee meets as needed.

Interested citizens – Please submit a letter of interest to serve on the above committees to the Whitefish City Clerk’s Office at 418 E. 2nd St.; mail to P.O. Box 158, Whitefish, MT 59937, or email mhowke@cityofwhitefish.org by Friday January 27, 2023. Please include your name, mailing address, physical address, and phone number. Letters of interest will be accepted until the positions are filled. If you have any questions, please call Michelle Howke, City Clerk at 863-2402 or visit the City’s website: www.cityofwhitefish.org *THANK YOU FOR YOUR INTEREST*

Publish 1/11/2023
Hi Michelle,

I am Jennifer Asebrook, Executive Director of the Whitefish Theatre Company, and I am interested in joining the Board of Directors of the Whitefish Convention and Visitors Bureau (WCVB). The WCVB has a long history of having the arts represented on the Board of Directors and I want to continue to be this voice. I have extensive experience working as a local non-profit partner with the WCVB over the years to raise awareness of WTC’s upcoming shows. I have also been a resident of Whitefish for 23 years, raising my family here. This long-term personal and business background in Whitefish gives me some perspective of the changes our town has gone through, as well as a vested interest in the future of our town.

While I realize personnel is changing at the WCVB, I have worked closely with Dylan, Dan and Sarah over the years. As a town that relies on tourism for our economy, I appreciate how the WCVB has supported businesses over the years, but who is also trying to listen to townspeople and local businesses as we experience growth. I really appreciated their “Be A Friend Of The Fish" campaign and I like their efforts to support sustainability - both with grants and messaging - in our town. While many people visit our area for the outdoor recreation, I would like to think a voice that supports the arts on the WCVB BOD will continue to promote a well-rounded town with diverse activities.

Thank you for your consideration. If you need to reach me by phone, please call my cell at 406-871-8020.

Happy holidays!
Jen Asebrook
December 29, 2022

Whitefish Convention and Visitors Bureau  
City of Whitefish  
418 E 2nd St, Whitefish MT 59937

Letter of Interest to Serve as Board Member

Dear WCVB,

I am interested in serving on the Whitefish Convention and Visitors Bureau Board. As the new Executive Director for the Big Mountain Commercial Association, I would like to continue our presence on the Board. With the BMCA funding of the SNOW Bus, the BMCA Board would like to stay in touch with transportation throughout the valley.

Personally, I am born and raised in the Flathead Valley. I moved away after high school and have been back in the area for about 10 years. Professionally I began as an accountant and CPA, working in both managerial and public accounting. I switched careers about 7 years ago and have been a real estate agent based out of Columbia Falls. I started as Executive Director of the BMCA at the end of November.

Thank you for the opportunity.

Sincerely,

Kim Wortman

Kimberly Wortman  
Executive Director  
(406) 201-5669  
bigsnowbus@gmail.com
CHAPTER 12

CONVENTION AND VISITOR BUREAU COMMITTEE

SECTION:

2-12-1: Standing Committee Established

2-12-2: Purpose, Powers, Processes And Duties

2-12-3: Membership

2-12-4: Organization

2-12-5: Meetings, Rules And Regulations

2-12-6: Staff Supervision

2-12-7: Expenditures

2-12-8: Committee As Board Of Directors

2-12-1: STANDING COMMITTEE ESTABLISHED:

There is hereby established a standing committee to be called the "Whitefish convention and visitor bureau committee", hereinafter referred to as the committee. (Ord. 06-05, 3-20-2006)

2-12-2: PURPOSE, POWERS, PROCESSES AND DUTIES:

The purpose and duties of the committee are:

A. To be the designated nonprofit convention and visitors' bureau for the city of Whitefish;

B. To develop an annual marketing plan and budget for each fiscal year, which annual marketing plan and budget will be presented to the Whitefish city council for approval;

C. To submit the annual marketing plan approved by the Whitefish city council to the Montana tourism advisory council and receive approval by the tourism advisory council of such annual marketing plan;

D. To contract with the Montana department of commerce to receive lodging tax revenues earmarked for tourism promotion and disbursed pursuant to section 15-65-121, Montana Code Annotated;

E. To implement the annual marketing plan referenced above, and use the proceeds distributed by the Montana department of commerce pursuant to the budget approved by the Whitefish city council;

F. To comply with all of the provisions contained under the category "eligible organizations" in the "Regulations And Procedures For Regional/CVB Tourism Organizations Use Of Lodging Facility Use Tax Revenue" promulgated by the Montana department of commerce;

G. To provide recommendations and advice to the Whitefish city council, as appropriate, regarding tourism promotion; (Ord. 06-05, 3-20-2006)

H. To solicit nonvoting members residing in or owning a business located in the Whitefish postal district (59937), if the committee determines it to be in the best interests of the committee and in the
best interests of tourism promotion; such members may be required by the committee to pay an annual fee for membership; (Ord. 15-15, 9-8-2015)

I. To conduct such additional activities with regard to tourism promotion as are determined by the committee to be in the best interests of the committee and of the city of Whitefish; and (Ord. 06-05, 3-20-2006)

J. To create a new classification of members, to be called "associate members", which would have the following characteristics:

1. The associate member must provide a significant activity, experience or service that is not already provided in the Whitefish postal district (59937).

2. The associate member must agree to all obligations and duties applicable to regular members of the WCVB.

3. The associate member must be nominated by a convention and visitor bureau standing city committee member (board member of the WCVB) and be approved by a majority of the standing city committee (board of the WCVB).

Associate members cannot participate in the nomination or recommendation of board positions, nor can they serve on the board. Otherwise, however, they will have the same rights as other members. (Ord. 15-15, 9-8-2015)

Nothing in this chapter shall be construed to provide the committee with the power to authorize the use of public funds other than those funds specifically identified in the committee's annual budget and approved by the Whitefish city council. The committee shall be entitled to conduct fundraising activities, including charging a membership fee, and expend any funds raised for purposes related to tourism promotion. In conducting fundraising activities, the committee shall not be entitled to incur indebtedness that could be charged against the city. (Ord. 06-05, 3-20-2006)

2-12-3: MEMBERSHIP:

A. Appointment; Compensation: The committee shall have up to nine (9) members. Members shall be appointed by the city council. At least seven (7) members shall reside in the city of Whitefish postal district (59937). Two (2) members may reside in Flathead County, but outside the city of Whitefish postal district (59937), as long as the member has an ownership interest or managerial position at a business located and operating within the city of Whitefish postal district (59937). The city council shall endeavor to appoint members who represent one of the following business categories, and that have broad experience in and a current understanding of the following types of businesses:

Finance
Large lodging properties
Restaurant and bar business
Retail businesses
Small lodging properties
Transportation business
Whitefish Golf Course
Whitefish Mountain Resort

The city clerk shall make a notation of a member's representation category and a member's residence to facilitate appointment to categories not represented. However, the city council shall be entitled to appoint those individuals that it determines most qualified, regardless of representation category.
city council may appoint one of its members to serve as an ex officio (nonvoting) member of the committee. Committee members shall receive no compensation. (Ord. 15-15, 9-8-2015)

B. Terms Of Members: Committee terms shall be for three (3) years, although several of the terms of the initial appointees may be slightly longer than three (3) years. There are hereby created positions numbered 1 through 9 inclusive of the members of the committee. Three (3) of the initial appointees shall serve three (3) year terms. Two (2) of the initial appointees shall serve two (2) year terms. Two (2) of the initial appointees shall serve one year terms. Terms shall be assigned to the initial appointees randomly.

<table>
<thead>
<tr>
<th>Position Number</th>
<th>Position Specification</th>
<th>Initial Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Member</td>
<td>May 31, 2009</td>
</tr>
<tr>
<td>2</td>
<td>Member</td>
<td>May 31, 2009</td>
</tr>
<tr>
<td>3</td>
<td>Member</td>
<td>May 31, 2009</td>
</tr>
<tr>
<td>4</td>
<td>Member</td>
<td>May 31, 2008</td>
</tr>
<tr>
<td>5</td>
<td>Member</td>
<td>May 31, 2008</td>
</tr>
<tr>
<td>6</td>
<td>Member</td>
<td>May 31, 2007</td>
</tr>
<tr>
<td>7</td>
<td>Member</td>
<td>May 31, 2007</td>
</tr>
<tr>
<td>8</td>
<td>Member</td>
<td>May 31, 2014</td>
</tr>
<tr>
<td>9</td>
<td>Member</td>
<td>May 31, 2013</td>
</tr>
</tbody>
</table>

Thereafter members appointed to each position shall serve for three (3) year terms; the terms beginning on June 1 of the year in which the term for the position expires. At the discretion of the city council, members may be appointed for more than one term. (Ord. 12-10, 7-2-2012)

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

D. Vacancy: Any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 06-05, 3-20-2006)

2-12-4: ORGANIZATION:

At its first meeting after the initial appointment of committee members, and thereafter at its first meeting after June 1 of each year, the committee shall elect officers, including a chairperson (also known as the president), vice chairperson (also known as the vice president), treasurer and secretary for the next twelve (12) month period. Upon the absence of the chairperson, the vice chairperson shall serve as chairperson pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chairperson, vice chairperson, treasurer or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 06-05, 3-20-2006)
2-12-5: MEETINGS, RULES AND REGULATIONS:

Five (5) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or matter before the committee. The committee shall adopt bylaws for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at least once every other month or at the call of the chairperson, and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 12-10, 7-2-2012)

2-12-6: STAFF SUPERVISION:

The committee shall have no supervisory control and shall not direct city staff in the performance of their official duties. (Ord. 06-05, 3-20-2006)

2-12-7: EXPENDITURES:

Other than those funds specifically identified in the committee's annual budget and expenditure of which has been approved by the Whitefish city council, the committee shall have no authority to make any expenditure on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds. (Ord. 06-05, 3-20-2006)

2-12-8: COMMITTEE AS BOARD OF DIRECTORS:

The committee shall serve as the board of directors of the Whitefish Convention And Visitor Bureau, Inc., a Montana nonprofit corporation (the "nonprofit corporation"). The officers of the committee shall serve in the same capacity as officers of the nonprofit corporation. The articles of incorporation of the nonprofit corporation shall be amended, as necessary and appropriate, to conform to the terms of this chapter, and shall further provide that such articles of incorporation shall not be further amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, shall adopt bylaws that conform to the terms of this chapter and to the amended articles of incorporation, and thereafter such bylaws shall not be amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, may provide that that nonprofit corporation may have members, and may solicit dues or other contributions from such members; provided, however, that all of such members shall be nonvoting members, and shall not be able to elect or remove members of the board of directors, or amend the articles of incorporation or bylaws of the nonprofit corporation. (Ord. 06-05, 3-20-2006)
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Term Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rhonda Fitzgerald</td>
<td>412 Lupfer Ave</td>
<td>862-3440</td>
<td>5/31/2024</td>
</tr>
<tr>
<td></td>
<td>Small Lodging Properties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Erica Terrell</td>
<td>1332 E 3rd St.</td>
<td>249-4035</td>
<td>5/31/2024</td>
</tr>
<tr>
<td></td>
<td>Restaurant/Bar</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Maggie Schwenker</td>
<td>112 2nd Ave E. Cfalls</td>
<td>270-293-9723</td>
<td>5/31/2024</td>
</tr>
<tr>
<td></td>
<td>MT Coffee Traders (member -at -large)</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>4</td>
<td>Vacant</td>
<td></td>
<td></td>
<td>5/31/2023</td>
</tr>
<tr>
<td></td>
<td>(Transportation)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Vacant</td>
<td></td>
<td></td>
<td>5/31/2023</td>
</tr>
<tr>
<td></td>
<td>Alpine Theatre Project (&quot;At Large&quot;)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Edna White</td>
<td>1380 Wisconsin Ave, WF</td>
<td>863-4046</td>
<td>5/31/2025</td>
</tr>
<tr>
<td></td>
<td>Dir. Of Sales Marketing The Lodge (Large Lodging)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Matt Gebo</td>
<td>PO Box 1400, WF</td>
<td>862-1955</td>
<td>5/31/2025</td>
</tr>
<tr>
<td></td>
<td>Whitefish Mountain Resort (Director of Marketing &amp; Sales)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Mariah Joos</td>
<td>6490 Hwy 93 S, Whitefish</td>
<td>862-3426</td>
<td>5/31/2023</td>
</tr>
<tr>
<td></td>
<td>Retail-Nelson Hardware</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Jessie Farnes</td>
<td>510 West 9th St, Whitefish</td>
<td>406-862-7667</td>
<td>5/31/2025</td>
</tr>
<tr>
<td></td>
<td>Member at Large/Bar/Rest</td>
<td></td>
<td>831-345-6970</td>
<td></td>
</tr>
</tbody>
</table>
Transportation Funding Summary

The City of Whitefish’s estimated annual revenues for transportation are $2.99 million (Table 9.3). Assuming these revenue sources remain constant over the 20-year planning horizon, the City’s total estimated revenues for transportation by 2040 are $56,810,000 (2012 dollars).

<table>
<thead>
<tr>
<th>REVENUE SOURCE</th>
<th>ESTIMATED ANNUAL REVENUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Fund</td>
<td>$393,000(^{10})</td>
</tr>
<tr>
<td>BaRSAA</td>
<td>$212,000(^{11})</td>
</tr>
<tr>
<td>Urban Surface Transportation Program</td>
<td>$157,000(^{12})</td>
</tr>
<tr>
<td>Resort Tax Fund</td>
<td>$2,228,000(^{13})</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,990,000</strong></td>
</tr>
</tbody>
</table>

As discussed in Chapter 6, the total estimated cost of MSN and TSM needs is $184,598,000. As such, transportation investment needs will far outweigh available revenues over the 20-year planning horizon. Assuming only federal, state and local funds will be available to the City of Whitefish, more than 69 percent of transportation needs identified in this plan remain unfunded.

Impact Fees

An Impact Fee is a one-time fee imposed on developers to pay for infrastructure improvements that must be built due to new property development. New development brings new residents, which can put strain on a city’s infrastructure and services, including municipal buildings, trails, parks, water and sewerage, emergency services, and roads. Impact fees are designed to offset the additional cost of investing in and maintaining these services. Montana Code Annotated 7-6-1602 as well as 7-6-1603 provides specific instructions on the methodology that a municipality must follow in calculating and collecting impact fees. The City of Whitefish’s most recent impact fee schedule can be found in the “Impact Fee Update” (dated August 2018).

The City currently collects impact fees for paved trails, park maintenance facilities, emergency services facilities, city hall, water and wastewater, and stormwater. The City does not presently collect impact fees for roadways. Given the substantial funding deficit with regard to the transportation needs identified in this plan, the City should continue to consider roadway impact fees as a potential method for financing transportation infrastructure needs. While this topic may be controversial at times, it is an important consideration in planning for an adequate, effective transportation system over the long-term.

Transit System Framework

Introduction

A transit system framework was developed as part of the Whitefish Transportation Plan update. The Transit System Framework is structured to provide a set of needed system changes to support a more robust transit system for the City of Whitefish. The Framework is intended to aid regional partners in understanding the steps needed to develop a more comprehensive countywide transit system through opportunities unique to Whitefish which may offer benefits to the entire county.

Transit System Needs & Opportunities: A Framework for Growth

A series of transit system needs have been identified by the City of Whitefish and local stakeholders, and transit was identified as a priority in the Climate Action Plan, Growth Policy, and Sustainable Tourism plans. The identified transit needs involve both operational and administrative/political improvements targeted to increase the utility of transit both in the City of Whitefish and across Flathead County. Many of the identified needs have the potential of being addressed through increased regional coordination on transit services.

The sections below summarize the primary transit needs identified by the City of Whitefish and discuss opportunities to address these challenges through development of a more regionalized transit approach. The Whitefish community has a number interested catalysts to improving transit both locally and regionally.

---

9 Total revenue over the planning period was calculated by multiplying estimated annual revenues by 19 (years 2022–2040).
10 Estimated annual Street Fund revenues calculation: Average of FY19 Actual, FY20 Actual, FY21 Actual, and FY22 Capital expenditures.
11 Estimated annual BaRSAA revenues calculation: Average of FY19 Actual, FY20 Actual, FY21 Actual, and FY22 Budget total revenues.
12 Estimated annual STPU revenues: Most recent (2022) estimated annual allocation.
13 Estimated annual Resort Tax Fund revenues calculation: Average of FY19 Actual, FY20 Actual, FY21 Actual, and FY22 Budget Street Improvements and Park Improvements expenditures.
Transit Service Needs
The primary system needs identified by Whitefish and its partners are summarized as follows:

⋯ Senior/Human Service Needs:

• The focus of the County’s Mountain Climber has been to serve Senior/Human Service Needs. At present, there is no specialized transit between Whitefish, Columbia Falls, and Kalispell, or in outlying areas. Within the City of Whitefish the predominant user group are seniors and those limited mobility.

• Regional Perspective: Without dependable, dynamic, and accessible regional mobility options, transit-dependent residents are restricted in their ability to travel. A regional transit approach could offer the scalability, fleet optimization, and cost savings benefits to provide paratransit services to underserved areas and between cities.

⋯ Commuter Service Needs:

• Commuter service, which was eliminated at the start of the COVID-19 pandemic, is badly needed by the community. Whitefish is struggling to find workers to fill open jobs and has identified a lack of affordable housing as a primary obstacle. Improved commuter-oriented service could support worker recruitment from surrounding communities, which would both increase the pool of potential workers and alleviate demand for local housing. Past improvements to the Mountain Climber summer commuter route to Glacier National Park, including the addition of Whitefish stops, produced an increase in ridership by visitors, locals and workers.

• Regional Perspective: Coordination with regional partners is necessary to help workers access employment centers. Improvement of routes and better integration with local service – for example, shuttles sponsored by employer organizations – could increase utilization of commuter options like the former Tri-City Commuter service operated by Mountain Climber.

⋯ Tourism Needs (Regional/Local)

• Stakeholders within Whitefish have expressed the need for affordable, readily available connectivity to the airport, train stations, and Glacier National Park. This would include a more robust coordinated hotel shuttle system to provide service between major destinations in conjunction with existing operators such as Mountain Climber and S.N.O.W. Bus. Options are needed that will support both residents and visitors in traveling more easily about town and to desired destinations. While discussions with Glacier Park International Airport have been ongoing regarding the creation of a transit option, such a service does not yet exist. In general, visitors and residents must use a car to access their destinations.

• Regional Perspective: Obligating tourists to access destinations by car results in a variety of avoidable negative impacts including vehicle emissions, excessive wear on infrastructure, and traffic and parking congestion. Just as the whole region enjoys the economic benefits of tourism, it is jointly responsible for conserving the resources that make Flathead County a great place to live and visit. Coordination with regional partners is necessary to provide a more sustainable tourism experience.

⋯ Congestion Needs

• Whitefish stakeholders have expressed the need to alleviate traffic and parking congestion during peak seasons, particularly downtown and at popular tourism destinations. Important sources of congestion include employees driving to and parking at their places of work, as well as tourists traveling to destinations using single occupancy vehicles. In addition to its commuter costs (lost time and wasted fuel), safety impacts, and negative effects on system-wide economic competitiveness, congestion has important environmental and public health costs. Increased vehicle emissions degrade ambient air quality, increase greenhouse gases, and lead to health problems for those living along roadways.

• Regional Perspective: A variety of transit-based solutions could help address traffic and parking congestion within Whitefish and its partner communities. Potential solutions include park & ride routes/stop, employee shuttles, service to the airport, parks, and other tourist destinations, circulator buses, van pools or other shared ride services, and employer-sponsored transit passes for employees. Regional coordination will be essential in the affordability, scalability, and integration of these services for true effectiveness.
The City of Whitefish is interested in being a champion in addressing the identified needs. As an example, The City spearheaded a transportation hub at Depot Park to facilitate transfers between Mountain Climber, Amtrak, the S.N.O.W. Bus, local hotel shuttles, and other intercity service. Additionally, City staff has met regularly with local and regional stakeholders to discuss transit-based solutions to traffic and parking congestion, mobility and affordable housing for workers, and tourism management.

While these efforts represent a starting point for addressing Whitefish transit needs, continued regional collaboration is necessary to achieve an integrated and efficient transit system. The section below discusses various regional coordination opportunities and their benefits.

Regional Coordination Opportunities

Greater coordination is needed both within the City of Whitefish but also across Flathead County to provide a transit system which is more logically structured to existing and potential future transit system demands. It is critical that transit planning and funding be approached jointly by the cities, the County, and the business community to ensure a coordinated, integrated, and sufficiently funded system.

A regional approach to transit coordination and funding begins with reaffirming to stakeholders the shared benefits of public transportation. The City of Whitefish and its partners should continue to actively engage with the public, elected officials and staff from neighboring cities, the County, and the business community regarding the direct and wide-ranging benefits of a transit-connected region.

The City of Whitefish and its partners should leverage the extreme interest present in transit demand programs within the City of Whitefish to formalize an intergovernmental agreement to develop, fund, and implement expanded transit first within the City of Whitefish and secondly with the cities of Kalispell, Columbia Falls, and other primary regional destinations. The current transit operational framework is not well suited to current potential within the City of Whitefish and across the Flathead Valley.

Formation of a regional transit entity is likely fitting for the region, starting first with partners in the City of Whitefish. Potential partners include the cities, Chambers of Commerce, Big Mountain Commercial Association (BMCA) and other business groups and individual businesses, the Flathead Valley Community College, and the Logan Health Care System, as well as Glacier National Park and the National Forest Service. Real commitment, including financial support from partners, will be necessary to achieve the vision for an integrated, regional transit system.

REGIONAL MEMORANDUM OF UNDERSTANDING (MOU)

A recommended first step in formalizing a more coordinated and regionally integrated transit system is the development of a memorandum of understanding (MOU) which outlines the roles and responsibilities of each partner within an eventual regional transit organization, and the process and timeline by which such an organization will be formed. This would be the requisite step to creating a more formalized regional transit system.

Regional agreements are valuable when neighboring jurisdictions face a common need, allowing them to provide a level of service that would be difficult as an individual community. Regional agreements currently in place within Flathead County include public health and solid waste. These agreements result in a variety of benefits including operating cost savings from eliminating duplicative administrative positions and services, reductions in overhead costs, and the ability to cost-effectively scale technology solutions across the entire region. These agreements are currently politically tenable among the public agencies necessary to deliver such an agreement related to public transit.

Development of a regional agreement could unfold in a two-phased process, with Phase 1 focusing on the Whitefish community, and Phase 2 including other regional partners, most importantly Flathead County, the city of Kalispell and the city of Columbia Falls.

» Phase 1 – City of Whitefish, Whitefish Public Schools, BMCA, Rocky Mountain Transportation, Mountain Climber and Explore Whitefish

» Phase 2 – Expand agreement to include the City of Kalispell and City of Columbia Falls.

TRANSPORTATION MANAGEMENT ORGANIZATION (TMO)

Execution of a more localized MOU (i.e., Phase 1) could be focused initially on the development and formation of a mobility management organization, such as a transportation management organization (TMO). A TMO is a public-private partnership whose members may include local employers, government agencies, transportation providers and others interested in addressing specific transportation needs within an area. TMOs typically work towards coordinating transportation and mobility options rather than operating core transit services themselves.

A TMO is formed to achieve its member’s specific goals. For example, a group of businesses within a geographic area may create an agreement to enhance services along specific travel corridors that provide access to the area. The organization would coordinate with local government transit providers to integrate new and existing services.
An initial TMO for Whitefish would involve several of the major public and private area organizations with interest in improved services. Early champions for the organization might include the City of Whitefish, Explore Whitefish, Big Mountain Commercial Association (BMCA), and the School District. Funding for the TMO might come from a variety of sources including public sector and private business membership dues, government grants, and service fees.

While an initial TMO might be established locally between Whitefish and area businesses, it could grow over time to cover a regional service area and include additional members. As discussed above, it is a regional transit organization that can provide the fullest benefits in terms of operations, cost effectiveness, and user experience.

Potential TMO services include:

- Trip planning programs/apps
- Integration of local and regional (commuter) services
- Shuttle programs
- Carpool/vanpool matching services
- Hourly vehicle rentals
- Guaranteed ride home program
- Subsidized transit passes
- Employee commuter incentive programs
  - Parking cash-out programs
  - Pre-tax benefits for those who use qualified alternative commuting modes
  - Points-based reward programs
- Promotional/marketing materials (display centers, brochures, posters, presentations)
- Employee commute survey/program research
- Regional bicycle map

Example TMOs

Missoula In Motion. Missoula In Motion (MIM) is a program of the Transportation Division of the City of Missoula’s Development Services. MIM was formed in 1997 to help coordinate sustainable transportation options available to individuals and workplaces through best practice strategies and programs. The central functions of MIM are:

- Develop and implement transportation demand management (TDM) programs and services
- Educate local businesses, institutions, and individuals about transportation options
- Encourage and incentivize sustainable transportation choices
- Coordinate programs with other TDM partners and transportation programs

MIM provides a variety of services to promote and facilitate sustainable transportation, including guaranteed rides home, administration of workplace networks to allow internal reward programs and workplace impact tracking, carpool matching, multimodal trip planning, and local business promotions for users, among others. Many services are accessible through the Way to Go! Missoula (WTG!M) mobile app, which automatically logs trips, offers route and mode information, and keeps track of user rewards. MIM partners include the City of Missoula, Missoula County, Missoula Parking Commission, Missoula Urban Transportation District, and Associated Students of the University of Montana (ASUM) Transportation.

Evolution Towards a Transit Authority

A decision regarding the final, long-term form of a regional transit organization may hinge on several considerations, including the amount of control that communities want to have over the organization and the types of projects and services that the organization will oversee. Creation of a consolidated Transit Authority (TA) may represent the best long-term option for Whitefish and its regional partners. A regional TA is preferable when it is determined that a single provider can serve the region more efficiently than multiple providers covering the same area. Because they have jurisdictional authority over the operating area and the power to raise revenues, TAs have political and financial independence from their member communities. This autonomy helps authorities sustain cooperative partnerships among communities, and maintain a regional approach to service provision which considers the interests of all communities equally.

To determine whether a TA would be an appropriate long-term option for Whitefish and its partners, it is important to consider the core benefits of this organization type. These are outlined below.

Core Benefits of a Consolidated Transit Authority

- **Transit service expenditure savings** can be generated from the elimination of duplicative administrative positions and services, reduction in overhead costs, use of volume purchasing, standardization of vehicles, inventory, and maintenance tasks, transitioning from third-party services to directly operated services, and service optimization (routes, stops, and schedules). Savings can be expected in both operating and capital costs.

- **Increased transit revenue** resulting from the ability to offer region-wide volume advertising as well as ridership growth from optimization of operations and fare structures.

- **Elimination of transit-related administrative costs for communities.** Administrative functions related to transit currently performed by Whitefish and its neighbors, which may include payroll, human resources, procurement, and maintenance, would no longer be needed. The new regional organization would assume responsibility for these services.
» **Broader in-house resources** for functions such as service planning, marketing, and training. A regional TA would have dedicated staff members to serve these roles for the entire region.

» **Use of local expertise for regional benefits.** A TA can leverage the expertise and best practices of individual communities to apply solutions to the larger regional organization. For example, a successful employee shuttle service could be expanded from one community to others by leveraging the technology, equipment, and expertise already in place.

» **More frequent, consistent implementation of best-in-class technology,** as new solutions would be rolled out to the full region (rather than by individual communities in a piecemeal fashion). For example, the region as a whole would be able to take advantage of software to automate driver scheduling, scheduling of preventive maintenance for fleet vehicles, management of parts inventories, and maintenance productivity. Shared technology would also improve system data collection and monitoring and evaluation of service and performance.

» **Optimization of fleets** by increasing opportunities to right-size service using smaller or larger vehicles where appropriate and, over time, standardizing vehicle types and inventory.

» **Seamless regional operations** including an integrated regional fare structure, integrated schedules, single web-based trip planner and single fare collection system. Regional system planning by a single organization provides a better user experience through the synchronizing of travel modes in terms of location, schedule, and frequency.

» **Streamline funding** by positioning the region to better compete for grants by demonstrating a unified approach to investment and service priorities to federal and state stakeholders. Potential funding is available from a variety of competitive grant programs through the FTA, among other sources.

**CONCLUSION**

The Transit System Framework is structured to provide an evaluation of needed system changes to support a more robust transit system for the City of Whitefish. In recent years, Whitefish and its regional partners have identified a variety of transit system needs to increase the effectiveness of service across Flathead County. While no simple, definitive solution exists for existing challenges, the Whitefish Transportation Plan considers a regional transit approach to provide a range of benefits that can be effective in addressing current needs.

The path towards a regional transportation organization often begins with a good-faith agreement (MOU) formalizing the intention, roles, and responsibilities of partners toward the formation of a regional organization. This agreement would lay the groundwork for creation of a formal regional organization, such as a Transportation Management Organization. While a TMO is valuable for coordinating and optimizing transportation services for members, a fully consolidated, autonomous regional organization may present the most beneficial long-term model for Whitefish and its partners. The study team considers the formation of a regional Transit Authority a desirable long-term goal due to such core benefits as regional integration of service and increased service quality, streamlined technology rollouts, and service expenditure savings, among others.

**TRAFFIC CALMING**

Traffic calming supports the livability and vitality of residential and commercial areas through improvements in non-motorist safety, mobility, and comfort. These objectives are achieved by reducing vehicle speeds or volumes on a single street or a street network. Traffic calming approaches use a variety of physical measures and driver-perception techniques to produce desired effects. An effective traffic calming program can help to transform streets and aid in creating a sense of place for communities.

The importance of reducing vehicle speeds in an area where there is potential for conflict between a pedestrian and a motor vehicle is undeniable. Simply stated, the slower the speed of a motor vehicle, the greater the chances are for survival for a pedestrian. Figure 9.1 illustrates the relationship between the speed of a vehicle and the potential for pedestrian injury.

**Traffic Calming Toolbox**

The study team compiled a sample toolbox of individual traffic calming measures that may be considered in the development of a traffic calming program. It is important to remember that the application of a calming measure must consider the specific problem to be addressed, as even very effective measures will produce little benefit in the wrong context.

Table 9.4 on page 158 presents the toolbox of traffic calming measures, including a description of each measure and an indication of the type of roadway for which the measure may be most appropriate. The toolbox is not comprehensive, but rather provides a sample of effective calming measures. Much of the toolbox content was adapted from the FHWA Traffic Calming ePrimer14. The table separates measures into four general categories:

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14 [https://safety.fhwa.dot.gov/speedmgmt/traffic_calm.cfm](https://safety.fhwa.dot.gov/speedmgmt/traffic_calm.cfm)
• RideAmigos Platform
• Challenges
• Incentive Programs
• Carpool, Vanpool Planning Options
• Trip Planner
• Community Collaboration
Background

• Started as the Bozeman Commuter Project
  • Community Outreach & Ride Amigos Platform

• Rebranded to GoGallatin in 2021

• Developing challenges, incentive programs

• Continuing to grow and improve the platform and user experience
Platform Users and Data

Since July 1, 2021:
- 481 new users
- 43% Growth Rate

Mode Share by Number of Trips

System Use & Impact to Date

<table>
<thead>
<tr>
<th>Users</th>
<th>Trips Logged</th>
<th>Calories Burned</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,597</td>
<td></td>
<td>4.3 Million</td>
</tr>
<tr>
<td>4,126</td>
<td></td>
<td>$76,000</td>
</tr>
</tbody>
</table>

- 57.8 Tons of CO2 Saved

Walk: 2,359
Carpool: 1,517
Telework: 644
Transit: 745
Bike: 6,447
Operating Budget

2021/22 Programmatic Costs

- Ride Amigos Platform: $19,500.00
- Professional Staff Time: $64,428.78
- Student Staff Time: $7,058.82
- Marketing & Outreach: $2,306.21
- Incentives: $825.60
- Program Total: $94,119

2021/22 Funding Partners & Amounts

- USDOT - SURTCOM: $68,919
- MSU CSAC: $7,500
- MSU Outreach & Engagement Council: $5,000
- Skyline: $5,000
- Yellowstone Club Community Foundation: $2,700
- City of Belgrade: $2,500
- Bozeman Health: $2,500
- City of Bozeman - In-kind staff time ($68,000 match)
Community Collaborators

- MSU Office of Sustainability
- City of Bozeman
- City of Belgrade
- Gallatin Valley Bike Club
- Downtown Bozeman Partnership
- Yellowstone Club Community Foundation
- Big Sky Chamber of Commerce

- Skyline
- Streamline
- Big Sky Resort
- Moonlight Basin
- RideAmigos
- Big Sky SNO
- Bridger Bowl
Community Programming

- Big Sky: One less car
- Bike to Work Day: May 20, 2022
- 12 Days of Bikemas
- Sustainable Bridger Bowl
- Cats Commuter Challenge
- Gallatin Challenge
- Ride Together, Shred Forever
Community Partnerships

- City of Belgrade
- City of Bozeman
- Gallatin County
- BSRAD
- Big Sky SNO
- Bozeman Health
Business Partners

- Big Sky Conoco
- The Coffee Pot Bakery & Café
- Hungry Moose Market & Deli
- Dave’s Sushi
- Essy’s
- Rockford Coffee
- Treeline Coffee
- Enso Natural Health
- Genuine Ice Cream
- Revelry
- Daily Coffee & Eatery
- Indulgence Spa
- Stretch Labs
- Stuffed Crepes & Waffles
- Café M
- Flavr
- Pickle Barrel
- The Western Café

- Jam!
- Spire Climbing Center
- The Mountain Project
- Ownenhouse Bicycles
- Uphill Pursuits
- Steep Mountain Teahouse
- MAP Brewing
- Bridger Brewing
- Alter Cycles
- Ozero Coffee
- The Spice & Tea Exchange
- Cello
- Cold Smoke Coffeehouse
- Zocalo
- The Lark Bozeman
- Feed Cafe
- Vino Per Tutti
- Ghost Town Coffee
Increased Partnerships

• Town of Livingston
• Town of Three Forks
• Ski Areas
• Business Community
• School Districts (School Pool Program)
What’s Next?

• Continued programmatic partnerships
• Social media growth
• Year-round commuter incentive programming – (Bozeman & Big Sky)
• Increased user base
• Data collection, planning, and evaluation
• More community collaborations
Contact

• GoGallatin.org

• Matthew Madsen, MPH, CHES – Research Associate II
• GoGallatin Program Manager
• gallatincommute@montana.edu
• 406-994-2461
MEMORANDUM

To: Mayor Muhlfeld and City Council  
From: David Taylor, AICP, Planning Director  
Date: January 16, 2023  
RE: Work Session on City of Whitefish Annexation Policy

Mayor Muhlfeld and Councilors,

Attached is a draft Annexation Policy and a Property Annexation Frequently Asked Questions document for the City Council to consider. While our current annexation policy is contained in our adopted Extension of Services Plan, staff recommends that the city develop a standalone annexation policy as well as additional informational materials to better communicate the policies and process to the public using plain language.

The annexation policy outlines City policy for both City-initiated annexations of wholly surrounded properties or properties already on city services as well as annexations requested by landowners needing services. The Annexation Policy document includes a purpose statement and a series of evaluation criteria the City Council should use when making decisions related to annexation. Much of the content is taken from the Extension of Services Plan, a document largely intended for use by City staff but presented here in a more accessible manner to the public. We also amended the process to make annexation zone changes more streamlined like the city of Missoula does it, based on City Council direction at the last work session on this topic held on June 28, 2022.

A companion document providing answers to Frequently Asked Questions (FAQ) about annexation processes is also included. It explains the annexation process and provides explanation of why annexation might be desirable. It answers questions that often come up about City-initiated annexations of wholly surrounded properties, including concerns about property tax increases and whether there are requirements to connect to City sewer and water services.

With regard to the proposed changes to the process, we would be streamlining the rezone process when a property is being rezoned from County zoning to an equivalent city zoning or another city zoning that is better consistent with the Growth Policy Future Land Use designations. Under the current process for a private property owner-initiated annexation, the owner submits: 1) a Petition for Annexation to the City Clerk along with; 2) a contract agreement for annexation and city water and/or sanitary sewer service, and; 3) and, an application for a Zoning Map Amendment – Annexation. If the City initiates the rezone, the City initiates the zoning map amendment. The petition to annex is acted on by City Council, and then planning staff posts notices and then schedules the Zoning Map Amendment at the next available Planning Board meeting following the annexation. Council receives the Planning Board recommendation and holds a public hearing before voting to approve an appropriate zoning district which then requires a second meeting and goes into effect in
thirty days. There has been concern about the time lag between annexation and when the city zoning would go into effect as the property would remain under County zoning rules. With the proposed new process, the annexation and the zone change would both go into effect simultaneously.

The new process, which the Council previously gave direction to pursue last June, is based on the City of Missoula process that they use regularly. It does not consider the shift from County zoning to City zoning to be a “rezone”. Rather, it applies City zoning upon annexation as allowed under State law under MCA 76-2-303.

76-2-303 (3)(a). For municipal annexations, a municipality may conduct a hearing on the annexation in conjunction with a hearing on the zoning of the proposed annexation if the proposed municipal zoning regulations for the annexed property:
(i) Authorize land uses comparable to the land uses authorized by county zoning;
(ii) Authorize land uses that are consistent with land uses approved by the board of county commissioners or the board of adjustment pursuant to Title 76, chapter 2, part 1 or 2; or
(iii) Are consistent with zoning requirements recommended in a growth policy adopted pursuant to Title 76, chapter 1, for the annexed property

Both the annexation and the new City zoning go into effect immediately upon adoption of one resolution by City Council, without a Planning Board hearing, but as a two-step expedited process due to it being a necessary annexation rezone. The City Council first passes a resolution of intent to annex and apply city zoning, then later publishes a notice twice for successive weeks making known the actual resolution hearing. At the hearing, staff gives a recommendation, the public is invited to speak, pros or cons of the annexation and rezone request are considered by the Council, and then the Council would either accept or reject the annexation and zoning resolution by vote. If the vote is successful, the annexation and zone change would both go into effect immediately.

Staff is prepared to answer any questions the Council might have. The City Attorney is comfortable that this revised process is legal under Montana law. We would also outline the Zoning Upon Annexation process in our City Code under Administration and Amendments. Once that is adopted, and the Council adopts the new policy, staff would then post the policy and the FAQ document to the City website.

**Recommendation:** Staff recommends that the City Council give staff direction to bring the policy back to be considered on a regular meeting agenda by resolution, along with any changes the Council might wish to add. Prior to that, staff would also bring a code amendment to codify the Zoning Upon Annexation process in the Zoning Amendments chapter.
City of Whitefish Annexation Policy

PURPOSE
Annexation is the process by which land in Flathead County becomes incorporated into the City of Whitefish. The City of Whitefish Annexation Policy is intended to provide City Council with a set of comprehensive policies and objective guidance for making decisions about annexation within the Whitefish Urban Growth Boundary. The impetus behind annexation is usually related to the provision of City services, typically access to municipal water and sewer services. Services also include fire and police protection and other emergency services, street maintenance including snow plowing and access to parks, recreation, the library, and other City facilities. Annexation may be initiated by developers, by owners of existing developed lands, or as directed by City Council when a parcel is wholly surrounded by city property or otherwise meets the criteria for annexation. Annexation results in taxpayers who use City services equitably sharing the cost of such services. This annexation policy is tied to the Urban Growth Boundary as prescribed in the City of Whitefish Extension of Services Plan. The City Council shall consider land annexations within the Urban Growth Boundary that adhere to the provisions specified in Montana Annexation Statutes (7-2-4201 through 7-2-4761, MCA). The Council may approve, deny, or conditionally approve petitions for annexation based on the following criteria.

ANNEXATION EVALUATION CRITERIA

A. Area and Boundary
Areas must be located within the Urban Growth Boundary to be considered for annexation. For areas outside the Urban Growth Boundary, the City Council may choose to amend the Extension of Services Plan and revise its Urban Growth Boundary to consider those areas for annexation.

The City should prioritize the annexation of the following areas:

- Areas that contribute to the logical growth pattern of the City by creating orderly and contiguous municipal boundaries
- Properties that will fill in gaps left by previous annexations that created islands and other non-contiguous boundaries
- Properties already connected to city water or sewer services
- Areas where the proliferation of on-site septic systems may pose a threat to water quality and environmentally sensitive areas
- Areas advantageous to the residents of both the annexation area and the City as a whole
- Areas where property owners are generally favorable toward the annexation, or
- Areas where there are existing annexation agreements, signed annexation petitions, or signed waivers of protest of annexation

In cases where immediate annexation may be undesirable, the City should:
• Only extend city services in situations that help reach City planning goals or to address environmental issues
• Require the property owner receiving City services to sign a waiver of protest for future annexation of the property

B. Public Improvements and Service

Extension of sewer and water mains and connection to City services are at the expense of the property owners. Once constructed by the property owner and accepted by the City, the cost of operating and maintaining the infrastructure is shared by all City taxpayers.

• A property owner may continue to rely on private wells and septic sewage systems after annexation and is not required to connect to City water and sewer services until those systems require expansion, upgrading, or replacement.
• Property owners that install water or sewer across longer distances may qualify to have latecomer agreements to share costs for other property owners wishing to connect.
• Existing private roads and utilities shall remain private after annexation. The cost to maintain this infrastructure will continue to be borne by the property owner or homeowner’s association.

The City should

• Prioritize annexation of lands located within the water and sewer service areas
• Prioritize annexation of areas where roads and utilities meet current City standards
  o Developed properties must upgrade existing utilities and facilities to City standards prior to receiving new service
• Evaluate direct and indirect costs of service and maintenance needs
• Evaluate the potential demand for various municipal services, especially those requiring capital improvements
• Equitably provide the same levels of service and infrastructure as other parts of the municipality with similar topography, land use, and population density
• Avoid annexations that involve substantial utility and service extension obstacles or other physical constraints

C. Cost and Benefit

The City should:

• Pursue cost-effective annexation opportunities that advance equal sharing of community and financial resources by those areas of the community who are using and benefitting from community resources.
D. Compliance with City Plans and Policies

Any annexation by the City should:

- Be guided by adopted corridor plans, neighborhood plans, the Extension of Services Plan, and/or the Future Land Use Map of the City Growth Policy, as amended
- Supports goals included in the Whitefish Community Housing Road Map
- Pursue opportunities to preserve environmentally sensitive areas and open space
- Include neighborhoods or properties that promote walking, biking, and other forms of non-motorized transportation.
- Avoid development of flood plains, other environmentally sensitive lands and/or lands with significant development constraints

E. Approval of Annexations

For annexation approval:

- City may choose to annex any property in accordance with the provisions of the following state statutes:
  - Annexations of Additions to Municipalities (7-2-4201 et. seq., MCA)
  - Annexations of Contiguous Land (7-2-4301 et. seq., MCA)
  - Annexations of Contiguous Government Land (7-2-4401 et. seq., MCA)
  - Annexations of Wholly Surrounded Land (7-2-4501 et. seq., MCA)
  - Annexations by Petition (7-2-4601 et. seq., MCA)
  - Annexations with the Provision of Services (7-2-4701 et. seq., MCA)
  - Municipal Annexations with Zone Change (76-2-303 (3)(a), MCA)
- The City reserves the right to condition annexation approvals
  - Conditions can include required upgrades to existing streets and utilities and other infrastructure
  - Conditions can’t include approval or denial of development plans that would require conformance with other code criteria or review processes beyond the zoning map amendment review criteria
- Municipal boundaries are amended upon approval of City zoning

F. Zoning

At annexation, applied City zoning should be:

- Consistent with current Growth Policy Future Land Use Map as well as adjacent city zoning of the same Future Land Use category
  - and/or
- The closest City zoning equivalent of prior Flathead County zoning
Annexation petitions meeting the above criteria qualify for an annexation zone change expedited process where the City Council can adopt a resolution of “intent to annex and apply city zoning” and then hold a later public hearing wherein they vote whether to adopt both items concurrently.

If annexation applicants want zoning different from either of the above, they must apply for Growth Policy Map Amendment and/or a Zoning Map amendment separately.
WHAT IS ANNEXATION?
Annexation is the process of expanding the boundaries of a city.

WHY ANNEX?
• Land is annexed so city services, such as municipal water, sewer, and road maintenance can be made available to the property. Extension of services is a key part of the annexation process.
• Annexation results in taxpayers who use City services equitably sharing the cost of such services.
• You will be able to vote in municipal elections

WHAT LAND CAN BE ANNEXED TO THE CITY?
Land to be annexed into the City must be included within the Urban Growth Boundary found in the City’s Extension of Services Plan. The City of Whitefish must follow Montana Code Annotated (MCA) Section 7-2-4201 et seq. which includes different procedures for annexation, some of which are initiated by the City (^) and some of which (*) are initiated by the owner(s) of the land to be annexed:

Part 43 – Annexation of Contiguous Land^  
Part 45 – Annexation of Wholly Surrounded Land^  
Part 46 – Annexation by Petition*

What if your property is surrounded by City land, but you don’t want to be annexed?
Properties that are islands within or directly adjacent to city limits generally have already been receiving City services such as police and fire protection, access to parks and recreation facilities, and road maintenance (roads leading to property and those throughout the City that property owners use frequently) for no cost. Once annexed, access to those services continues. Support for these services is shared by all City taxpayers. For the City to annex land, it must first meet certain criteria such as being wholly surrounded by property already inside the city or only accessed via city streets. The City would first pass a resolution of intent, give notice to the affected property owners, and then they would proceed with the annexation, regardless of whether any property owners protest.

Will the City pay to extend water and sewer to my property?
Extension of sewer and water mains and connection to City services is at the expense of the property owner. Property owners may continue to rely on private wells and septic systems after annexation, provided they are not a public safety hazard. A property owner may have a contract with the City for connection to public sewer and water systems.

WHAT IS THE ANNEXATION PROCESS?

For Annexation Initiated by City:
• City Council passes a resolution of “intent to annex and apply city zoning”  
• The City Clerk notifies affected property owners in writing and a notice of a public hearing is published twice in the newspaper  
• Property owners within proposed annexation area can protest the annexation.  
• Upon request, the Extension of Services (EOS) Plan, which outlines how all City services can be provided to the properties and how future infrastructure improvements will be funded, is made available to the property owner explaining the process, type of zoning expected, and the impacts of annexation on their property  
• City Council holds a public hearing and votes whether to pass a resolution of annexation and new equivalent City zoning upon annexation.

For Annexation Requested by Property Owner Petition:
• The property owner submits  
  o a Petition for Annexation to the City Clerk signed by 50% or more of the property in the area to be annexed, along with  
  o a contract agreement for annexation and city water and/or sanitary sewer service, and  
  o a request for a zoning map amendment  
• The City Council then passes a resolution of “intent to annex and apply city zoning” to the parcel, publishes a notice in the paper twice for successive weeks, then holds an annexation/zone change public hearing where they either accept or reject the annexation and zone change.  
• Once zoning is applied, City services can be extended to annexed properties at the property owner’s expense as outlined in the Extension of Services Plan

Owner Petition of Waiver of Right to Protest Future Annexation
There may be instances in which owners of properties outside City limits desire access to City services and petition for annexation, but annexation is not preferred by the City at that time. This may occur when undeveloped land exists between the petitioner and the City limits, or when owners of existing development between the two locations do not require services or desire annexation. In this case, the owner would submit a petition for annexation to the Planning Department. The Public Works Director would then review the
petition and make a recommendation that City services be extended without concurrent annexation to the City Council. When City Council concurs, and City services are to be extended without concurrent annexation

- the property owner signs, and the City records, a waiver of the right to protest participation in, and the formation of, any special improvement district that may be formed to improve the existing services, utilities, streets, or other improvements
- City staff monitors development over time and makes a recommendation to Council when annexation appears to be appropriate
- the City will annex this property at its own discretion, without protest from property owners, after giving due notice to the property owners of the intent to annex

Can I construct my dwelling, and then petition for annexation later?

- Construction of any dwelling which is not equipped with adequate facilities for the sanitary disposal of sewage is a violation of the Flathead County Regulations for Onsite Sewage Treatment Systems. If an approved publicly owned sewage collection and treatment system is readily available within 200 feet of the property line, the County will not issue a septic permit and the property owner must connect to the public system. A connection is not readily available if the cost of the connection, as determined by the County, is greater than three times the cost to install an onsite wastewater treatment system.

- The City requires new or expanded residences outside city limits that want to connect to city sewer to annex prior to any construction and obtain all required permits.

- After-the-fact connections may result in additional costs to the property owner associated with digging up or exposing installed water and sewer lines and connections for inspections to ensure compliance with state and local plumbing codes and city engineering standards. The City Council could also choose to not annex the property nor provide sewer and water services.

- In addition to impact fees and other charges to connect to services, after-the-fact connections may result in surcharges.

Will my taxes go up once I am annexed?

- Property tax levies and assessments are set by the City Council annually and are based on the taxable valuation of your property established by the Montana Department of Revenue. While your taxes may increase after you annex due to established tax rates, the City of Whitefish offers a property tax rebate to property owners in city limits through the collected 3% Resort Tax.
To attend the meeting via Microsoft Teams, and provide live comment on your computer, tablet or smartphone, attendees should go to the web link below.

Meeting Link: Microsoft Teams Link  Meeting Number: 288 455 607 640  Password: fXyqBV
For the Audio Conference Call option: call the number below and enter the access code.
  - United States Toll Free: 833-563-1751  Access code: 161 289 551#
  - View live streaming on the City of Whitefish YouTube Channel
  - We encourage individuals to provide written public comment; to the City Clerk, Michelle Howke at mhowke@cityofwhitefish.org or deliver by 4:00 p.m. Tuesday, January 17, 2023, to City Hall. Written comments should include name, address, should be short and concise, courteous, and polite. All written comments received by 4:00 p.m. will be provided to the City Council and appended to the packet following the meeting.
  - Public comment by those attending the meeting "live" via Microsoft Teams or in-person will be limited to three minutes per individual.

To attend the meeting via Microsoft Teams, and provide live comment on your computer, tablet or smartphone, attendees should go to the web link below.

Meeting Link: Microsoft Teams Link  Meeting Number: 288 455 607 640  Password: fXyqBV
For the Audio Conference Call option: call the number below and enter the access code.
  - United States Toll Free: 833-563-1751  Access code: 161 289 551#
  - View live streaming on the City of Whitefish YouTube Channel
  - We encourage individuals to provide written public comment; to the City Clerk, Michelle Howke at mhowke@cityofwhitefish.org or deliver by 4:00 p.m. Tuesday, January 17, 2023, to City Hall. Written comments should include name, address, should be short and concise, courteous, and polite. All written comments received by 4:00 p.m. will be provided to the City Council and appended to the packet following the meeting.
  - Public comment by those attending the meeting "live" via Microsoft Teams or in-person will be limited to three minutes per individual.

Ordinance numbers start with 23-01. Resolution numbers start with 23-04.

1) CALL TO ORDER
2) PLEDGE OF ALLEGIANCE
3) COMMUNICATIONS FROM THE PUBLIC— (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
4) COMMUNICATIONS FROM VOLUNTEER BOARDS
5) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council’s action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
   a) Minutes from January 3, 2023 Closed Executive Session – Pursuant to §2-3-212 (4) M.C.A., the minutes may not be made available for inspection except pursuant to a court order
   b) Minutes from January 3, 2023 Special Session (p.43)
   c) Minutes from January 3, 2023 Regular Meeting (p.44)
6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
   a) None
7) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor and Council? (p.48)
   b) Other items arising between January 11th through January 17th
8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
9) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)
The following Principles for Civil Dialogue are adopted on 2/20/2007 for use by the City Council and by all boards, committees and personnel of the City of Whitefish:

- We provide a safe environment where individual perspectives are respected, heard, and acknowledged.

- We are responsible for respectful and courteous dialogue and participation.

- We respect diverse opinions as a means to find solutions based on common ground.

- We encourage and value broad community participation.

- We encourage creative approaches to engage public participation.

- We value informed decision-making and take personal responsibility to educate and be educated.

- We believe that respectful public dialogue fosters healthy community relationships, understanding, and problem-solving.

- We acknowledge, consider and respect the natural tensions created by collaboration, change and transition.

- We follow the rules and guidelines established for each meeting.
(This page left blank intentionally to separate printed sections)
January 11, 2023

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

Mayor Muhlfeld and City Councilors:

Tuesday, January 17, 2023 City Council Agenda Report

There will be a Special Session beginning at 5:15pm to interview two applicants interested in serving on the Whitefish Convention and Visitors Bureau. The work session will begin at 5:45 pm to review the “Go Gallatin” presentation from the West Transportation Institute and at 6:15 Director Taylor will review the proposed Annexation Policy. Food will be provided.

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

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

a) Minutes from January 3, 2023 Closed Executive Session – Pursuant to §2-3-212 (4) M.C.A., the minutes may not be made available for inspection except pursuant to a court order
b) Minutes from January 3, 2023 Special Session (p.43)
c) Minutes from January 3, 2023 Regular Meeting (p.44)

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

Items “a, b, & c” are administrative matters.

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

a) None

COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor and Council? (p.48)
b) Other items arising between January 11th through January 17th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

ADJOURNMENT

Sincerely,

Dana Smith, C.P.A
City Manager
The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

### PRIVILEGED MOTIONS

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Adjourn</td>
<td>I move to <em>adjourn</em></td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Take a break</td>
<td>I move to <em>recess</em> for</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
<td>No</td>
</tr>
<tr>
<td>Register complaint</td>
<td>I rise to a question of privilege</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Orders of the day</td>
<td>I call for the <em>orders of the day</em></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
</tbody>
</table>

### SUBSIDIARY MOTIONS

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Lay aside temporarily</td>
<td>I move to <em>lay the question on the table</em></td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>Negative vote only</td>
</tr>
<tr>
<td>Close debate</td>
<td>I move the previous question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>Yes</td>
</tr>
<tr>
<td>Limit / extend debate</td>
<td>I move that <em>debate be limited to</em>...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>2/3</td>
<td>Yes</td>
</tr>
<tr>
<td>Postpone to a certain time</td>
<td>I move to <em>postpone</em> the motion to*...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Refer to a committee</td>
<td>I move to <em>refer</em> the motion to*...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Amend a motion</td>
<td>I move to <em>amend</em> the motion by*...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Kill main motion</td>
<td>I move that the motion be <em>postponed indefinitely</em></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
<td>Affirmative vote only</td>
</tr>
</tbody>
</table>
### MAIN MOTIONS

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Bring business to motion</td>
<td>I move that (or “to”)...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
</tr>
</tbody>
</table>

No order of precedence. Arise incidentally and decided immediately.

### INCIDENTAL MOTIONS

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforce rules</td>
<td>Point of order</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Submit matter to assembly</td>
<td>I appeal from the decision of the chair</td>
<td>Yes</td>
<td>Yes</td>
<td>Varies</td>
<td>No</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Suspend rules</td>
<td>I move to suspend the rules which...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>No</td>
</tr>
<tr>
<td>Avoid main motion altogether</td>
<td>I object to the consideration of the question</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>Negative vote only</td>
</tr>
<tr>
<td>Divide motion / question</td>
<td>I move to divide the question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
<td>No</td>
</tr>
<tr>
<td>Demand rising vote</td>
<td>I call for a division</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Parliamentary law question</td>
<td>Parliamentary inquiry</td>
<td>Yes (if urgent)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Request information</td>
<td>A point of information, please.</td>
<td>Yes (if urgent)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
</tbody>
</table>

No order of precedence. Introduce only when nothing else pending.

### RENEWAL MOTIONS

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Take matter from table</td>
<td>I move to take from the table...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
</tr>
<tr>
<td>Cancel or change previous action</td>
<td>I move to rescind / amend the motion...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2/3 or majority w/notice</td>
<td>Negative vote only</td>
</tr>
<tr>
<td>Reconsider motion</td>
<td>I move to reconsider the vote on...</td>
<td>No</td>
<td>Yes</td>
<td>Varies</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
</tr>
</tbody>
</table>
1) Call to Order

The meeting was held in-person in the Council Conference Room. Mayor Muhlfeld called the meeting to order. Councilor present were Davis, Qunell, Feury, Norton and Caltabiano. Councilor Sweeney was absent. Staff present were City Manager Smith, City Clerk Howke, Planning and Building Director Taylor, and Finance Director Gospodarek

2) Interview

City Council interviewed Mandie Fleming to serve on the Whitefish Housing Authority as a member-at-large representative.

3) Public Comment

None

4) Appointment

Mayor Muhlfeld appointed, with ratification of the Council, Mandie Fleming to serve on the Whitefish Housing Authority to complete the term ending December 31, 2026.

5) Adjourn

Mayor Muhlfeld adjourned the meeting at 5:40 p.m. and opened the work session.

______________________________
Mayor Muhlfeld

Attest:

______________________________
Michelle Howke, Whitefish City Clerk
1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Caltabiano, Davis, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Gospodarek, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Deputy Police Chief Conway, and Fire Chief Page. Approximately 6 people were in the audience and zero attended virtually.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Dylan Boyle to lead the audience in the Pledge of Allegiance.

3) COMMUNICATIONS FROM THE PUBLIC

- Roxanna Chomas, the new Chief Plant Operator at the Wastewater Treatment Plant introduced herself to the Council and provided a write up of herself. The WWTP is beautiful and the gentlemen who have been running it are great at their jobs and have taken her on board. She is excited to be a part of their team.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Dylan Boyle, Whitefish Convention and Visitors Bureau Executive Director, reported he has been named the new president and CEO of Visit Bellingham Whatcom County. His last day at Explore Whitefish will be Friday, January 13, 2023. He is honored and proud of the accomplishments during his tenure at Explore Whitefish. The partnership between Explore Whitefish and the City is one that is a model. He is proud of the work that we have done when we have been challenged the most by standing up together in partnership against hate; navigating the pandemic through the Whitefish COVID Cares program; and also, through the development and implementation of the Whitefish Sustainable Tourism Management Plan. We have all come together in an extremely wonderful and collaborative fashion. He thanked the Council and staff for their partnership and support.

5) CONSENT AGENDA

- Minutes from December 19, 2022 Closed Executive Session — Pursuant to §2-3-212 (4) M.C.A., the minutes may not be made available for inspection except pursuant to a court order
- Minutes from December 19, 2022 Regular Meeting (p.32)
- Resolution No. 23-01; A Resolution extending the term of the Fire Department Strategic Planning Committee (p.34)

Councilor Sweeney made a motion, seconded by Councilor Caltabiano to approve the Consent Agenda. The motion carried.

6) PUBLIC HEARINGS

- None
7) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor and Council? (p.36)

   None

   b) Other items arising between December 14th through December 19th

   Manager Smith stated the League of Cities and Towns have contracted with a media consultant to help drive
   a push against preemption and the rational that we expect to see this legislative session that are aimed at
   taking away local decision making authority. They have asked to see if there were any communities that
   would participate in sharing the cost of this media consultant. The cost would be about $5,000 per community
   if ten communities were to step forward. The Council agreed to commit to the League of Cities and Towns
   to work on this media plan to try to push against preemption. Manager Smith stated there are 4117
   unintroduced bills and 293 already introduced bills for this session.

   c) Resolution No. 23-02; A Resolution establishing the Whitefish Community Housing Committee
      (p.37)

   Manager Smith presented her staff report that is provided in the packet on the website.

   **Councilor Caltabiano made a motion, seconded by Councilor Sweeney to approve Resolution No. 23-02; A Resolution establishing the Whitefish Community Housing Committee, amending Section 3, The specific purpose of the Committee will be to make recommendations to the City Council to implement the housing strategies that are the responsibility of the City. The motion carried.**

   **Councilor Caltabiano made a motion, seconded by Councilor Qunell to adopt Resolution No. 23-03: A Resolution approving the Mortgage securing Whitefish Lake Golf Course’s financing with Glacier Bank to fund the remodel and update of the clubhouse (p.40)**

   Manager Smith presented her staff report that is provided in the packet on the website. Terry Nelson from
   the Whitefish Golf Course corrected the resolution to read the Whitefish Lake Golf Course desires to use the
   lease with the City to secure the mortgage, rather than to secure the property.

   **Councilor Caltabiano made a motion, seconded by Councilor Qunell to adopt Resolution No. 23-03: A Resolution approving the Mortgage securing Whitefish Lake Golf Course’s financing with Glacier Bank to fund the remodel and update of the clubhouse, amending the 5th WHEREAS, Whitefish Lake Golf Course desires to use the property owned by lease with the City to secure a mortgage. The motion carried.**

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
   a) Letter from the Flathead Conservation District requesting to extend Angela Jacobs Urban Supervisor
      term until a replacement is found (p.58)

   **Councilor Norton made a motion, seconded by Councilor Sweeney to re-appoint Angela Jacobs and
      John Ellis to serve another term on the Flathead Conservation District. The motion carried.**

   Council Comments

   Councilor Sweeney asked, and Director Workman stated with the trifecta of weather events that occurred,
   staff did everything they could beginning late in the day on December 26th. The issue that staff was dealing
   with was the weather warmed up in the couple days prior to all of that cold packed snow that had turned to
   absolute mush. Once it started raining everything was plugged up. He pulled a couple of drivers off their
   routes and put them on curb inlet cleaning so that flooded intersections could drain. The slush was extremely
   heavy and difficult to place. All of our plow guards failed to work due to the heaviness of the snow, so
driveways were berm. Staff was able to get all of the slush that they could off the road but now it is frozen solid. Barring staff using the entire season’s worth of magnesium chloride to try and get it freed up, we are going to have ice build up on the roads. Councilor Norton asked if the City has the ability to contract with other snow removal during heavy snow events or during the holidays? Director Workman said it would be an option to have earlier on in the year. The City does work with a company to do alley snow removal and he was just as busy as the rest of our crew.

Councilor Norton stated she has received comments from citizens that fireworks were allowed on New Year’s Eve. Deputy Police Chief Conway stated they do their best to enforce fireworks. A lot of times downtown is where their efforts are focused on New Year’s Eve. They did respond to a significant number of firework calls.

Councilor Feury asked, and Director Taylor stated he would have Code Compliance contact Malmquist Construction for their advertising on Wisconsin Avenue construction project. He also addressed a letter from Jenny Bevell regarding the new refuse containers. He mentioned the new containers do freeze shut and that could be the problem she was having. He will forward her email to staff to look into.

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

Mayor Muhlfeld adjourned the meeting at 7:54 p.m.

__________________________
Mayor Muhlfeld

Attest:

__________________________
Michelle Howke, Whitefish City Clerk
CITY MANAGER’S REPORT
January 10, 2022

CITY COUNCIL GOALS
Attached to this report is a summary of the progress staff has made on the FY23 City Council Goals through the second quarter.

MEETINGS
The annual Haskill Basin Conservation Easement Liaison Team meeting was held on Thursday, January 5th with Montana Fish, Wildlife & Parks, F.H. Stoltze Land and Lumber, and the City of Whitefish. Updates were provided to the group by the City and its partners including the growth in trail usage, the draft commercial use management plan, and the past year improvements. All partners will continue working together to address the growing number of illegal bike trails, which is a growing concern.

2023 MONTANA LEGISLATIVE SESSION
The 2023 Montana Legislative Session has kicked off with thousands of bills requested and many already introduced and moving through committee hearings. Attached to this report is the calendar, which highlights request deadlines, introduction deadlines, and transmittal deadlines.

Below is a list of bills that could significantly impact the City and have been introduced or unintroduced with a draft available. There are many more bills that are in the process of being drafted. To look up specific bills visit: http://laws.leg.mt.gov/legprd/law0203w$.startup?P_SESS=20231.

SB 105 – Prohibit Rent Control of Private Property. This bill prohibits a local government from enacting, maintaining, or enforcing an ordinance or resolution that would have the effect of controlling the amount of rent charged for private residential or commercial property. Even though rent control is already preempted by the State, the City opposes this bill based on principle. A hearing with the Senate Business, Labor, and Economics Affairs Committee was held January 10th.

SB 142 – Provide Oversight of Local Impact Fee Laws. Sponsored by Senator Regier, this bill is a product of the City’s ongoing class action lawsuit with many of the items directly related to the specific complaints. The City has attempted to discuss the bill and propose changes to Senator Regier, but he was not willing to make any amendments. The City adamantly opposes this bill as it would negatively impact the collection, capital funding and planning, and use of impact fees. Furthermore, legislation should not be passed based on one lawsuit that is still ongoing. SB 142 has been introduced and was referred to the Senate Local Government Committee. A hearing has not been scheduled as of today.
SB 145 – Property Tax Relief from State Lodging and Facilities Use Tax. SB 145 is sponsored by Senator Regier. This bill would provide 50% percent of the sales tax on lodging and the lodging facilities use tax currently retained for marketing by the State to local governments to reduce property taxes. Thus, the City would be allocated 30.15% of the State lodging and facilities use tax collected in Whitefish City Limits for property tax relief. The impacts of these new funds would be accounted for in the City’s property tax levy limitations, including the potential reductions of future collections. Furthermore, it retains the amount allocated to the Whitefish Convention & Visitors Bureau. Whitefish taxpayers would directly benefit from the passing of this bill. The City supports SB 145.

HB 76 – Generally Revise Transportation Laws. This bill reduces the State and local administrative burden of the State’s fuel tax and the local government allocations, including the Bridge and Road Safety and Accountability Act that was established in 2017. The City supports this bill, which recently passed the House Transportation Committee.

LC 0300 – Short-term Rentals. While not introduced as of today, this bill is expected to be introduced by Senator Hertz this session. As currently drafted, short-term rentals would be deemed a residential use and would have to be expressly prohibited in zoning. However, zoning could not prohibit the short-term rental of a property owner’s primary residence or a property adjacent to the property owner’s primary residence. Amendments to the bill are being proposed to Senator Hertz to clarify that the adjacent properties must be on separate lots and therefore would not include accessory dwelling units or guest houses on the same parcel as the owner’s primary residence. The definition of primary residence is still unknown, but clarification has been requested. The City opposes the bill as drafted and will need to decide if we will oppose the bill should it be amended as described.

LC 2015 – Local Government Expenditure Limitation. While not introduced, this bill would limit local government expenditure growth to the total amount expended by the local government entity in the prior fiscal year or the sum of the average inflation rate of the prior 3 years plus the average population growth rate of the local government entity for the prior 3 years multiplied by the amount of money expended in the prior fiscal year. To exceed these limitations a local government would have to pass a resolution and submit to the electors the question to approve the amount above the expenditure limit. The City opposes this bill for many reasons and will continue to track this potential bill.

NEXT CITY COUNCIL MEETING
The next City Council meeting is scheduled for Monday, February 6th in the City Council Chambers with remote participation available to the public. A special session is tentatively scheduled to hold two interviews. A work session will immediately follow to revisit the marijuana retail regulations.

Respectfully submitted,

Dana M. Smith, CPA
City Manager
## FY23 WHITEFISH CITY COUNCIL GOALS
### 2ND QUARTER UPDATE

<table>
<thead>
<tr>
<th>Department/Goal</th>
<th>Update</th>
<th>Estimated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administration</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Information Technology Master Plan</td>
<td>In progress: Discussed separate account line for IT with Finance in future budgets for tracking purposes. Pursuing better communication between departments and IT regarding arriving and departing employees.</td>
<td>June 2023</td>
</tr>
<tr>
<td>3. Short-term Rental (STR) Program Enhancements</td>
<td>In progress: Staff is continuing to review existing practices of business licensing and resort tax collections for short-term rentals. With the adopted FY23 budget providing funds for a new enforcement software, staff is considering software options. Staff continues to work with the City’s Legal Counsel on illegal short-term rentals. The recruiting and hiring of a new code enforcement position will be considered once the impacts of the 2023 Montana Legislative Session is determined to ensure a clear and accurate job description.</td>
<td>June 2023</td>
</tr>
<tr>
<td>3. Resort Tax Reallocation Education and Election to Add Affordable Housing as a Use</td>
<td>In progress: Staff continues to work on the preparation of allocation options for the Resort Tax Monitoring Committee to review and consider at their February 2023 meeting. The recommended allocation will then be presented to the City Council.</td>
<td>November 2023</td>
</tr>
<tr>
<td>4. Additional Cemetery Location and Plan</td>
<td>In progress: Staff is working on the addition of a second columbarium at the current cemetery site to expand services. The City continues to monitor the availability of land for a second cemetery site.</td>
<td>Long-term</td>
</tr>
<tr>
<td><strong>Fire Department</strong></td>
<td></td>
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</tr>
<tr>
<td>1. Provide City Council Emergency Management Training</td>
<td>In progress: Anticipate coordinating training during FY23. Given staffing and scheduling challenges completion date moved to the end of the 3rd quarter of FY23.</td>
<td>March 2023*</td>
</tr>
<tr>
<td>2. Strategic Plan for Fire Department Based on Adopted Master Plan</td>
<td>In progress: The Fire Department Strategic Planning Committee has been meeting monthly during 2022 to prioritize the recommendations within the Master Plan. The draft strategic plan was completed and then the City received notification that it was not awarded the SAFER Grant. The City Council extended the committee to amend the draft. A work session with the City Council is expected in March 2023 and consideration of adoption at a subsequent meeting.</td>
<td>March 2023*</td>
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<tr>
<td>Parks &amp; Recreation</td>
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<tr>
<td>1. Armory Park Redevelopment Phase III</td>
<td>In progress: Due to delays by a subcontractor, the paving of the paths took longer than originally anticipated. The paths were eventually paved by the first week of November, right before the snow began to fall. There is still some work to be completed. Work will resume in the spring, and substantial completion is predicted to be met by the end of April, beginning of May. Additional grant funds have been approved as well. We anticipate receiving reimbursement later in 2023.</td>
<td>May 2023*</td>
</tr>
<tr>
<td>2. Parks Sign Master Plan Implementation: Phase III</td>
<td>In progress: Installation prototypes are being made, and the designer is working with the printers on sample prints for approval. We anticipate starting installation in the spring.</td>
<td>June 2023</td>
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<table>
<thead>
<tr>
<th>Planning Department</th>
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<tbody>
<tr>
<td>1. Update Landscaping Chapter and Tree Retention Standards</td>
<td>In progress: Initial draft of the new Landscaping and Tree Retention Ordinance has been reviewed by staff and is now being reviewed for feedback by local landscape designers and architects. Once that is done, staff will present it to the Planning Board.</td>
<td>April 2023*</td>
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<tr>
<td>2. Annexation Policy</td>
<td>In progress: Staff prepared a draft annexation policy and updated the FAQ sheet for the City Council’s review at the January 17th meeting.</td>
<td>March 2023*</td>
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<td>3. Update City’s Growth Policy</td>
<td>In progress: Staff has been compiling existing conditions into the City’s geographic information system (GIS). The Planning Board will begin discussing strategy, timeline, and branding on February 16th. A City Council work session will be held February 21st. The kickoff meeting for the project will be scheduled in March.</td>
<td>December 2024</td>
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<tr>
<td>4. Update Lakeshore Erosion Standards</td>
<td>In progress: Staff has draft changes nearly done, which is expected to go to the Lakeshore Committee for input in February.</td>
<td>April 2023*</td>
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<tr>
<td>5. Downtown Master Plan Implementation – Update Zoning Ordinance</td>
<td>In progress: Staff is doing an analysis of existing conditions with age of buildings and identifying areas for potential overlays that will be incorporated into Growth Policy Update.</td>
<td>December 2024*</td>
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<tr>
<td>6. Streamline Permitting Process and Bonding Codes</td>
<td>Not started: Due to other priority projects and staff workload, this goal has not been started.</td>
<td>April 2023</td>
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<tr>
<td>7. Implement Highway 93 S Corridor Plan</td>
<td>In progress: Updated landscaping standards in draft form and moving forward. WB-T zone back on Council agenda in February for adoption. Growth Policy update starting soon, which will look at potential overlay zones.</td>
<td>Ongoing</td>
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<td>6. Affordable Housing Plan Implementation</td>
<td>In progress: The snow lot subdivision was approved by City Council. The Community Housing Roadmap was completed in November and adopted by City Council. The new Whitefish Community Housing Committee was established as a restructuring of the Whitefish Strategic Housing Plan Steering Committee at the first meeting in January. All appointments are expected by mid-February.</td>
<td>Ongoing</td>
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<tr>
<td>7. Implement Parking Plan for Downtown</td>
<td>In progress: The pilot parking program was established as an official program with additional permits added. Staff is working with local transit entities to improve public transportation options.</td>
<td>Ongoing</td>
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<tr>
<td>8. Historic Preservation Plan</td>
<td>In progress: Existing conditions analysis is adding a layer to the City’s GIS of the ages of all buildings in Whitefish to help identify historic areas.</td>
<td>Long-term</td>
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**Police Department**

1. Explore Creation of a Deer Management Plan
   In progress: Staff met with FWP Biologist, reviewed the Libby plan, and scheduled a deer evaluation for north of viaduct Feb 6, 2023. Planning for a possible work session in March 2023. | December 2023* |

2. Plan for Proactive Policing and Adequate Staffing Levels
   In progress: WPD currently has 17 full-time officers with none in training. We are in the process of hiring our 18th full-time officer with testing scheduled in late January 2023. | Ongoing |

**Public Works Department**

1. City Transportation Plan Update
   Completed: The City Council adopted the updated Transportation Plan in the second quarter on October 17th. | Completed |

2. Edgewood and Texas Resort Tax Street Reconstruction Project
   In progress: All the work was completed between the curbs on Texas Avenue and the road was reopened to traffic. The remainder of the bike path and driveway work will be completed as soon as weather permits, followed by landscaping. In addition, the landscape work and boulevard trees were installed on Edgewood. | May 2023* |

3. Spokane Avenue Water Main Replacement
   In progress: Installed approximately 2,000 feet of new water on Spokane Ave before shutting down for the winter. Work will resume as soon as weather permits. It is anticipated that the final 2.5 blocks of watermain will be installed by the end of May, allowing MDT to complete the roadway resurfacing work in June. | June 2023 |
<table>
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<tr>
<th>Project Description</th>
<th>Status</th>
<th>Date</th>
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<tr>
<td><strong>4. Birch Point Quiet Zone</strong></td>
<td>In progress: We are continuing to work through the process with BNSF and MDT on adding a quite zone at Birch Point. Preliminary plans have been completed and submitted to MDT and BNSF for comments.</td>
<td>November 2023</td>
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<td><strong>5. Resort Tax Street Reconstruction Project</strong></td>
<td>In progress: The Resort Tax Monitoring Committee recommended the City Council proceed with Karrow Avenue as the next Resort Tax Street Project. City Council directed staff to issue an RFP for engineering services on Karrow Avenue and proposals are due in January.</td>
<td>November 2023</td>
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<tr>
<td><strong>6. Increase Water Capacity</strong></td>
<td>In progress: Installed approximately 2,000 feet of new watermain on Spokane Ave before shutting down for the winter. Finalized scope of work and executed contract amendment with AE2S to design the South Whitefish Water Tank.</td>
<td>Ongoing</td>
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<td><strong>7. Improve Recycling Efforts and Opportunities</strong></td>
<td>In progress: Bear cart deliveries continue. This has not been as seamless of a transition as expected due to various issues with Republic Services. It is estimated that approximately 75% of the city is now served with bear carts. Per Council direction, curbside and central recycling efforts are on hold until this project is complete.</td>
<td>Ongoing</td>
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<tr>
<td><strong>9. Viaduct Improvements</strong></td>
<td>In progress: During the second quarter City Council reviewed the phased plan and directed staff to move forward with the first two phases.</td>
<td>Ongoing</td>
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*Completion date extended from original estimate*
The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.
November 3, 2022

Dear Montana Business Owner:

In response to business owners’ questions and concerns regarding the Department’s October 14, 2022, letter, we are writing to clarify the required signage under the Montana Clean Indoor Air Act (CIAA), codified under Mont. Code Ann. §§ 50-40-101, et. seq.

The Department’s prior letter and the included signage could be read to suggest the CIAA prohibits the use of vaping and e-cigarette products in enclosed public places. This letter clarifies that the CIAA does not prohibit the use of e-cigarettes or vaping products in enclosed public places. The CIAA prohibits smoking in enclosed public places. The term “smoking” is defined under statute as “the act of lighting, smoking, or carrying a lighted cigar, cigarette, pipe, or any smokable product and includes the use of marijuana.” Mont. Code Ann. § 50-40-103(8). The use of e-cigarettes and vaping products does not constitute smoking under the CIAA.

The signage required under the CIAA must only prohibit smoking (which includes the use of marijuana in any form) in enclosed public places.1 Please note that nothing under the CIAA prevents a business from making the individual business decision to impose more restrictive requirements, such as prohibiting the use of e-cigarettes and vaping products in its establishment. Additionally, some local jurisdictions maintain ordinances prohibiting the use of e-cigarette and vaping products in enclosed public places. If a business is located in one of those jurisdictions or if a business owner wishes to prohibit the use of e-cigarettes and vaping products in its establishment, the previously distributed signage can be used.

As indicated in our previous correspondence, additional signage in multiple formats is available from DPHHS. Please visit tobaccofree.mt.gov and click “Online Store” for free signs that can be shipped to your business.

Sincerely,

Montana Tobacco Use Prevention Program

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1 The use of marijuana in any form, including vaping marijuana or marijuana products, is prohibited in any place where smoking tobacco is prohibited. Mont. Code Ann. § 16-12-108(1)(h).