1) Call to Order

2) 5:45 p.m. Discuss Viaduct Improvement Project Update
   a) Public Comment

3) 6:15 p.m. Discuss Landscape Regulations Update
   (Title 11, Chapter 4, Whitefish Zoning Regulations)
   a) Public Comment

4) Direction to City Manager

5) Adjourn

Meeting Link: Microsoft Teams Link
Meeting Number: 291 695 825 567
Password: R4ZSBg

For the Audio Conference Call option: call the number below and enter the access code.
- United States Toll Free: 833-563-1751
- Access code: 662 441 433#
- 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., Monday, March 6, 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.
Date: February 28, 2023

To: Mayor Muhlfeld and City Councilors

From: Craig Workman, Public Works Director

Re: Viaduct Improvement Project

Mayor and Council,

As you are all aware, the Viaduct has been long identified as a critical link to tie the north side of Whitefish to the downtown area on the south side of the viaduct. The Viaduct Improvement Project is highlighted in the 2015 Downtown Business District Master Plan (Downtown MP) and the 2017 Connect Whitefish Bike & Pedestrian Master Plan (Bike/Ped MP). These plans were written to identify opportunities to increase the vitality of downtown Whitefish and create a connected and continuous network of well-maintained bicycle and pedestrian facilities liking key destinations.

Staff has been working with WGM Group for the last year on the Viaduct Improvement Project. The original scope was to simply accomplish the basic bike and pedestrian safety aspects of the project, which would narrow the vehicular travel lanes on the viaduct to create a 12’ wide multi-use trail on both sides of the roadway. At a Council Worksession on 5/16/2022, staff was directed to expand the scope of the project to include some of the additional items outlined in the Downtown MP. Several options were presented to Council at a subsequent worksession on 10/17/2022 and staff was directed to proceed with a steel railing to replace the existing jersey barriers.

Since the last worksession, staff has not been able to come up with a steel railing design or a decorative lighting approach that MDT will approve. They simply do not want any attachments to the bridge deck. If the attachments were hit it could result in damage the bridge deck which would require closure to repair.

The purpose of the 3/6/2023 worksession is to update Council on the project and receive direction on how to proceed with the project.
MEMORANDUM

To: Mayor Muhlfeld and the City Council
From: Alan Tiefenbach, Long Range Planner
Date: February 23, 2023
RE: Landscape Regulations Update Work Session (Title 11, Chapter 4, Whitefish Zoning Regulations)

Background

A 2022 City Council goal for the Planning Department was to update the Landscaping Chapter and Tree Retention and Preservation Standards of the Whitefish Municipal Code. Staff is holding a work session with the Council to introduce you to the changes in the regulations and answer any questions. The Zoning Text Amendments associated with the changes will be coming back at a later Council meeting for formal adoption. The last time any revisions occurred to this chapter was in 2008. What is being proposed is a significant change from the existing code. Due to the amount of reorganization and new text, staff did not believe it was helpful to provide a red-marked copy.

Process

During the revision process, staff reviewed the landscaping regulations for seven Montana municipalities (Billings, Missoula, Bozeman, Kalispell, Great Falls, Livingston and Helena), six cities in the northwest, five city and county governments in Colorado, and several other cities with robust landscape regulations such as Savannah, GA and Hilton Head Island, SC. Staff reviewed the existing regulations, reconstructed and rewrote them, and had 5 internal meetings with various departments (including Parks and Recreation and Public Works). Staff then sent the proposed draft to 12 landscape firms familiar with the City of Whitefish and Montana flora for review and comment. The result of this is the draft included with this memorandum.

Description of Changes

Below is a summary of the changes:

- The Code was rearranged to make it flow and read more logically.
- Staff reorganized the basic landscaping requirements into tables at the front of the document, so applicants can see requirements quickly and know which sections to go to for details.
The new landscape requirements apply to everything except single family detached, whereas the current code exempts single family detached, duplexes and triplexes.

The present code has a table that requires landscaping from 4% to 10% depending on the size of the developed area (such as 22,000 sq. ft.), of which staff is unsure why this square footage is used. The new code requires landscaping based on performance standards rather than area size (such as street frontage widths, building perimeter lengths, number of parking spaces, etc.).

There are details regarding what is required for a landscape plan (currently called a Site Plan).

There is a description and requirements for drought tolerant landscaping.

There is a prohibition on more than 50% of ground cover being only mulch or rock.

There are requirements that 50% of the landscaping be native to Montana, and no more than 50% being the same species.

Differing requirements that previously only applied to WB-2, WB-3, WRB-1 and WRB-2 zoning have been added as general requirements. These include exceptions for buildings at reduced setbacks, landscaping along street frontages, parking lot frontages and residential buffer widths.

There are new requirements for building perimeter landscaping, street frontage landscaping and internal parking islands (none of which are presently required). Amenities such as patios, courtyards, outdoor furniture and planter boxes can be included into the street frontage landscape requirements.

Parking lot landscaping requirements from Chapter 6, Off Street Parking and Loading have been moved into the new landscape code.

General landscaping requirements of Section 11-3-42: “Multi-Family” have been moved into the new landscape code.

General landscaping and landscaping design technique requirements of Section 11-3-43 “Mixed Use and Non-Residential Building Development Standards” have been moved into the new landscape code.

There is presently an exemption for auto sales lots, which staff recommends removing except they are not required to provide the interior parking islands.

**New Tree Preservation Requirements**

The existing Code has minimum tree density requirements with difficult tables, numbers and calculations. Staff preferred a simpler approach and reviewed tree preservation requirements from more than 20 municipalities, most in the Pacific Northwest and Rocky Mountain West, as well as several southern tree-dense cities. The new Code proposes the following:
• There are detailed requirements on what is required for a tree preservation plan.
• The preservation / mitigation requirements apply to evergreen trees which are at least twelve inches (12”) in caliper, deciduous trees which are at least six inches (6”), or any tree determined as significant by the Zoning Administrator. Any of these trees are defined as “qualifying trees”.
• Each qualifying tree removed must be replaced with trees totaling at least two times the caliper inches as was lost.
• Each existing preserved qualifying tree shall be credited as two trees toward satisfying landscape requirements. The total trees on a site cannot be reduced by more than fifty percent (50%) of any requirement.
• There is an allowance for “relief” from this requirement (particularly for heavily forested lots).

Other Code Revisions

Because the new landscape code includes merging existing requirements from other sections, if some or all the new code is implemented, other sections should be updated accordingly. This includes deleting existing language from Section 11-6 Off-Street Parking and Loading, Section 11-3-42 Multi- Family Development Standards, and Section 11-3-43 Mixed use and Non-Residential Building Development Standards. Also, there are requirements for “greenbelt buffer areas” in 11-2K-4 (WB-2 Secondary Business District) and landscaped yards (also called greenbelts) in the WRB-1, WRB-2, WRR-1 and WRR-2 zoning districts. As residential buffers are required for all commercial properties abutting residential properties, the “greenbelt” no longer needs to be specifically required in the WB-2 zoning district in Section 11-2k-4. If the landscaped yards are still desired in the other above listed districts, the word “greenbelt” should not be used in these sections and the requirements should reference the general landscaping standards in the new landscape code.

Planning Board Work Session

Staff brought the draft landscape regulation to the Planning Board at a February 16, 2023 work session. The Planning Board were supportive of the new regulations, and had the following comments:

• There should be a definition of “arborist.”
• The Board requested to see an example of the Council of Tree and Landscapers Appraisal Guide that was being used to determine plant cost.
• The Board was supportive of tree preservation standards but believed there should be some exemptions for trees removed for the purpose of Firewise defensible space. Likewise, the Board also wanted staff to ensure that the rationale of “defensible space” could not be used as a reason to remove trees unnecessarily.
• The Planning Board suggested staff consider whether there should be additional exemptions from the tree preservation standards for “non-native” trees.
• As Section 11-4-5-E.2 allows relief from the tree preservation standards when it would prevent development of streets, utilities, and needed community housing, the Planning Board suggested staff ensure there is a definition of “community housing” in the municipal code.
• There was also public comment regarding whether replacement of trees or a payment of fees into a tree fund could be utilized when trees could not be replaced on site.

Next Step

After discussion and comment at the work session with the City Council, staff will make necessary revisions as directed and schedule the new landscape code as a regulatory update at future public hearings.
Chapter 4 LANDSCAPING REQUIREMENTS

11-4-1: PURPOSE AND INTENT:

A. The purpose of this chapter is to promote landscaping on private property to:
   1. Maintain and improve community livability;
   2. Mitigate possible adverse impacts of higher intensity land uses located adjacent to lower intensity land uses;
   3. Mitigate or reduce the impacts of climate change;
   4. Reduce the heat-island effect and provide adequate shade;
   5. Foster quality of life;
   6. Enhance the City’s natural environment;
   7. Improve air quality;
   8. Protect water quality by providing vegetated areas that minimize and filter stormwater runoff;
   9. Promote sustainable landscape practices including the usage of water-conserving and non-invasive native plants;
   10. Provide wildlife habitat;
   11. Enhance the aesthetic quality, and economic viability of the City; and,
   12. Preserve, protect and provide planting of trees and other landscape material, particularly those trees recognized as canopy and understory trees which are integral to the City of Whitefish’s community character and protect public health, safety and general welfare.

11-4-2: APPLICABILITY:

A. Unless otherwise noted, the provisions of this chapter apply to all districts and to all uses except single-family dwellings.
   1. While exempt from the enforcement of these landscaping requirements, single-family uses are encouraged to apply general landscaping standards as written in this chapter.
   2. Multifamily developments are additionally required to conform to the open space and common and private open space requirements of Section 11-3-42 “Multifamily Development Standards” of this title.

B. Landscaping requirements outlined in this section apply when any of the following occurs:
   1. When new development occurs; or
2. When the footprint of any existing building or total area of parking lot is cumulatively expanded by twenty five percent (25%) or more; or

3. When a change of use is requested by the property owner that increases the parking requirement.

C. Required Landscape Areas. Landscaping must occur in buffer areas, interior parking areas, along the perimeter of parking lots, along street frontages, around new structures, and to screen specific elements as indicated in this chapter.

1. All areas of a site not covered by structures, courtyards, patios, driveways, parking areas, or other paved surfaces must be landscaped or retain existing vegetation.

D. No terrain disturbance for development purposes may be undertaken until such time as a landscape plan pursuant to a building permit is approved by the planning and building department or the property owner has received either preliminary plat approval, PUD approval, or a conditional use permit, if required. For purposes of this section, "terrain disturbance for development" means any grading, excavation, stockpiling of fill material, or clearing of vegetation in preparation to construct and/or provide access to a principal or accessory structure. Nothing in this subsection prohibits or precludes routine property maintenance, forest management, or any grading or excavation of property not associated with development.

11-4-3: MINIMUM LANDSCAPING STANDARDS:

A. The following landscape standards reflected in Table 11-4-3A-1 establish minimum landscape requirements that apply to any applicable development.

<table>
<thead>
<tr>
<th>TABLE 11-4-3A-1 MINIMUM LANDSCAPING STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Minimum planting sizes at installation</strong></td>
</tr>
<tr>
<td>Deciduous Trees</td>
</tr>
<tr>
<td>Evergreen Trees</td>
</tr>
<tr>
<td>Shrubs</td>
</tr>
<tr>
<td>Ground Cover / Perennials</td>
</tr>
<tr>
<td><strong>B. General Planting Standards</strong></td>
</tr>
<tr>
<td>Minimum Planting Density</td>
</tr>
<tr>
<td>Minimum Width of Landscape Area</td>
</tr>
<tr>
<td>Ground Coverage Requirements</td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td>Species Requirement</td>
</tr>
<tr>
<td>Drought Tolerant Species Required Percentage</td>
</tr>
<tr>
<td>C. Street Frontage Landscape Standards</td>
</tr>
<tr>
<td>Minimum Width of Landscape Area</td>
</tr>
<tr>
<td>D. Building Perimeter Landscape Standards</td>
</tr>
<tr>
<td>Minimum Width of Landscape Area:</td>
</tr>
</tbody>
</table>
Minimum planting density

For every three linear feet (3) of foundation, a shrub having a minimum mature height of twenty-four (24) inches must be planted. Ground cover plants such as perennials or native seed must be planted in the remainder of the landscaped area.

<table>
<thead>
<tr>
<th>E. Parking Lot Landscape Standards ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicability</strong></td>
</tr>
<tr>
<td>Applies to all uncovered parking lots of over five (5) parking spaces, including vehicle sales or service areas.</td>
</tr>
<tr>
<td><strong>Minimum required landscaping percentage</strong></td>
</tr>
<tr>
<td>Ten Percent (10%) of the total area of parking lot and drive aisles must be landscaped as measured around the perimeter of all parking spaces and maneuvering areas. Interior parking islands, parking lot perimeters and parking lot-side building perimeter landscaping may be calculated in this percentage.</td>
</tr>
<tr>
<td><strong>Parking Lot Perimeter</strong></td>
</tr>
<tr>
<td>A minimum five-foot (5') wide landscape strip must be provided along the perimeter of parking, loading, or other paved vehicular use areas, including drive aisles, vehicle sales areas, and vehicle storage areas. Two feet (2') must be added to the width of any required landscape area when curb stops are not used and a car bumper hangs over the landscaped area.</td>
</tr>
<tr>
<td><strong>Parking lots adjacent to right-of-way:</strong></td>
</tr>
<tr>
<td><strong>Parking lots abutting residential use.</strong></td>
</tr>
</tbody>
</table>

¹ Parking lots also need to meet the parking lot design standards found in Appendix A of this title:
## Internal Landscape Island Standards

<table>
<thead>
<tr>
<th>Minimum Landscaping Required:</th>
<th>One landscape island must be installed per every ten (10) parking spaces and at the end of each parking row.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum planting density:</td>
<td>All landscape islands shall include at least 1 (one) shade tree with remaining ground being covered with low shrubs, native seed, or other vegetative cover with no more than fifty percent (50%) of the remaining coverage being only turf, mulch or rock.</td>
</tr>
<tr>
<td>Minimum Dimensions:</td>
<td>Each island must be a minimum of one-hundred eighty (180) square feet and not less than nine feet (9’) in width. All tree plantings must contain a root barrier around the perimeter of the planting area a minimum of thirty-six inches (36”) in depth.</td>
</tr>
</tbody>
</table>

### F. Residential Buffer Standard\(^3\)

| Applicability                      | Required along the entire property line of non-residential properties zoned that abut a parcel zoned for residential purposes\(^3\). Residential buffers are not required along property lines abutting a street or alley. Exemption: Buildings in the WB-3 classification are exempt from the residential buffer requirements, but should incorporate the landscaping for properties with reduced or no street frontage setbacks indicated in the general landscaping requirements in Section 11-4-4-D when possible. In situations where the required residential buffer width is partially or completely contained within an existing easement (e.g., power or natural gas transmission, etc.), the screening requirements of this section must be met outside the easement area. |

---

\(^3\) Unless otherwise required by the Zoning Administrator in order to observe the sight distance requirements contained in the development regulations.
### Residential buffer planting standards:

<table>
<thead>
<tr>
<th>Minimum width:</th>
<th>Ten feet (10').</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum planting density:</td>
<td>One (1) tree and five (5) shrubs for every thirty feet (30') of linear frontage abutting residential zoning</td>
</tr>
<tr>
<td>Minimum height:</td>
<td>Must be planted to grow to at least five feet (5) in height, planted in a manner that best screens the proposed use.</td>
</tr>
<tr>
<td>Composition:</td>
<td>The remaining ground must be covered with low shrubs, native seed, or other vegetative cover with no more than fifty percent (50%) of the remaining coverage being only turf, mulch or rock.</td>
</tr>
</tbody>
</table>

No less than seventy five percent (75%) of the total required plant materials must be evergreen. The residential buffer must achieve a fifty percent (50%) visual screen within three (3) years after planting. An up to six foot (6) high closed masonry or wood wall, fence, or berm may be substituted for the shrub vegetation, but trees and ground cover are still required.

### G. Screening Standards

<table>
<thead>
<tr>
<th>Applicability</th>
<th>1. Ground level mechanical equipment.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Utility cabinets thirty (30) or more inches in height and located within twenty five feet (25') of a street.</td>
</tr>
<tr>
<td></td>
<td>3. Materials, supplies, merchandise, vehicles, equipment, storage or shipping containers, trash receptacles or other similar matter not on display for direct sale, rental, or lease to the ultimate consumer or use.</td>
</tr>
<tr>
<td>Screening Method</td>
<td>Must be screened from view of streets and abutting residential uses and zoning districts by a dense hedge, berms, solid wall, solid fence or combination of such features. The hedge, fence, or wall must be tall enough to fully screen the equipment from neighboring parcels.</td>
</tr>
</tbody>
</table>

### 11-4-4: GENERAL LANDSCAPING REQUIREMENTS:

A. Water Conserving Design. Water conserving landscape designs and low water use plant materials are required and intended to discourage landscaping necessitating high water use for maintenance. Water conserving landscaping principles do not include or allow artificial turf
or plants, landscape designs predominately consisting of mulch or gravel beds (including crushed rock, etc), or areas without landscape plant material such as bare dirt or weed infested surfaces, or any landscaping that does not comply with the standards of this section. Water conserving landscaping principles include all of the following:

1. Grouping plants and trees with similar water and sunlight requirements together.
2. Limiting the application of turf to appropriate high-use areas with high visibility and functional needs.
3. Use of low-water demanding plants and turf where suitable.
4. Use of automatic irrigation systems designed and operated to conserve water.
5. Incorporation of soil amendments, where appropriate.
6. Use of mulches.
7. Planting appropriate materials suited to the soil and climate.

B. Prohibited Species. The installation and maintenance of prohibited species, as indicated in the City of Whitefish Prohibited Species List on file in the Office of the City Clerk, are prohibited.

C. Landscape Design Techniques. Whenever possible, the following landscaping design techniques must be integrated into a project:

1. Existing trees, topography and other existing natural features;
2. Open areas created by building modulation should be landscaped;
3. Natural vegetation, existing grades and undisturbed open space must be preserved where possible;
4. Trees should be located on commercial frontages at appropriate spacing so at maturity building signage and entrance are clearly visible from the street and sidewalk;
5. On-site natural objects such as rocks, boulders and tree stumps should be incorporated into landscape design;
6. All landscaped areas must be graded to prevent erosion and facilitate healthy landscaping;
7. Trees and large shrubs must be located with consideration to utilities and other public improvements.

D. Landscaping for properties with reduced or no street frontage setbacks: When possible, the additional design techniques for the WB-3 Zone and areas with limited undeveloped space should include, but not be limited to, the following:

1. Providing frameworks attached to buildings such as trellises or arbors for plants;
2. Incorporating planter guards, retaining walls, or low planter walls as part of the architecture;
3. Incorporating upper story planter boxes, "green roofs", roof gardens or hanging plants;
4. Incorporating outdoor furniture into the site.

E. Trees, fencing and any other landscape materials in accordance with landscape plans must not cause sight distance problems with vehicles entering the adjoining street from driveways or nearby intersections (see clear vision triangle in Section 11-3-8).

F. Any open area between a fence or wall and the adjacent property line must be maintained by the property owner in a neat and orderly manner.

G. Where streams, wetlands, steep slopes, or other environmentally sensitive areas exist on a proposed development site, the landscape plan must be coordinated with measures for their
protection and enhancement as required by the Water Quality Protection and Erosion and Sediment Control Provisions in Sections 11-3-29 and 11-3-33.

H. Vehicle sales lots are exempt from planting trees in the required internal landscape islands.

11-4-5: TREE PRESERVATION:

A. Applicability: The preferred method of landscaping is to first incorporate and preserve existing trees and shrubs, topography, and other natural features into the project design. Any unavoidable loss of existing native vegetation must be mitigated. Tree preservation and/or tree replacement is required to be addressed with landscape plans for all developments which are applicable pursuant to this chapter. Priority for tree preservation will be given to qualifying trees which provide beneficial shade, property or use buffering, visual prominence, or significant habitat.

B. Qualifying Trees: For the purpose of this section, a “qualifying tree” is an existing evergreen tree which is at least twelve inches (12”) in caliper, deciduous tree which is at least six inches (6”) in diameter, or any tree determined as significant by the Zoning Administrator. Diameter will be measured at four feet (4’) from grade, also called diameter at breast height (dbh).

C. Tree Replacement Requirements: In the case a qualifying tree must be removed or dies, it must be replaced with trees totaling at least two times the caliper inches as was lost. Tree replacement requirements exist whether or not the lot is already meeting overall planting requirements.

D. Tree Credit. Each existing preserved qualifying tree will be credited as two trees toward satisfying landscape requirements (ex: if 10 trees are required along a street frontage and a qualifying tree is preserved only eight (8) trees are required to be planted). The total trees on a site cannot be reduced by more than fifty percent (50%) of any requirement. This reduction does not apply to internal parking island trees.

   a. Only those trees determined to be viable and savable will receive tree credits. A tree(s) determined to be hazardous, diseased or severely injured by a certified arborist will not receive tree credits. Likewise, if it is determined that a large portion of the root system of a tree(s) will be disturbed or destroyed by grading, trenching etc. then no tree credits will be granted.

   b. Should any tree designated on the tree preservation plan die or be removed at any time after approval of the plan or issuance of a certificate of occupancy, the owner must replace sufficient landscaping equal to the tree preservation credit within six (6) months.

E. Relief from Replacement Requirements: In the event that preservation or replacement of some or all trees is impracticable, the applicant may request the Zoning Administrator grant relief from this requirement pursuant to the findings listed in Section 11-4-9-B.

   1. Such request for relief must include a statement from an arborist that inadequate area exists for healthy growth of replacement trees or when they determine that the removed trees are diseased or of an undesirable species.

   2. Preservation may be considered impracticable when it would prevent development of streets, utilities, needed community housing or land uses permitted by the applicable land use
district. The term “prevent” in this standard means that the development cannot be designed to avoid removal or replacement of qualifying tree(s).

3. An inability to achieve maximum permitted density or building envelopes by complying with this subsection is not in itself considered to prevent development. Building envelopes commensurate with the lot coverage standard of the zone must be depicted on the Tree Preservation Plan.

F. Tree Protection Requirements: The following guidelines and standards apply to trees proposed to be preserved:

1. Tree Protection Zones:
   a. The root system within the drip line is generally considered to be the critical root zone and must be protected. To protect these critical root zones, a tree protection zone must be established around each tree or group of trees to be retained.
   b. The tree protection zones must include no less than the total area beneath the tree canopy as defined by the drip line of the tree or group of trees.
   c. Layout of the project site utility and grading plans and construction plans must avoid disturbance of the tree protection zone.
   d. Construction site activities such as parking, materials storage, grading and excavation, concrete washout, etc., must be arranged so as to prevent disturbances within tree protection areas.

2. Protective Barriers:
   a. Protective tree fencing must be installed between buffers and tree protection areas and areas proposed to be cleared, graded, or otherwise disturbed on the site, prior to any land disturbance.
   b. All tree protection zones are recommended to be designated as such with "tree save area signs" posted in addition to the required protective fencing. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
   c. All tree protection zones must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up slope from the tree protection area.
   d. All protective tree fencing and all erosion control barriers must be installed prior to and maintained throughout the land disturbing and construction process, and should not be removed until final landscaping is installed.
   e. Encroachment: If encroachment into a tree protection zone occurs which causes irreparable damage to the trees, the tree preservation and/or replacement plan will be revised to compensate for the loss. Under no circumstances is the developer relieved of responsibility for compliance with the provisions of this section, nor will plan revision activities stop the department from instituting action for violation of this section.
G. Replacement Trees: Replacement trees shall comply with the following:

1. The spacing of replacement trees must be compatible with spatial site limitations and with responsible consideration towards species size when mature.

2. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability.

11-4-6: LANDSCAPING PLAN SUBMITTAL REQUIREMENTS:

A. As applicable, a scaled landscape plan showing required landscaping must be submitted to the zoning administrator in electronic and paper format for review and approval as a part of the application for a building permit.

B. When a stormwater plan is required, it must match the approved landscape plan. Landscape plans must be submitted to Public Works with the engineering plans if above-ground stormwater facilities are included and may be reviewed at pre-construction meetings.

C. A landscape plan must be prepared by a licensed landscape architect or professional landscape company or installer. A landscape plan must include, but not be limited to, the following:

1. Name and address and location of the project;

2. Scale (scale shall be at least 1:20 or larger for sites of 2 acres or less and at least 1:50 for sites greater than 2 acres in size);

3. Dimensioned locations, size, and species of existing and proposed trees and vegetation within required landscape areas, including public right-of-way, and indication of which trees will be protected and which trees will be removed pursuant to the tree preservation requirements per Section 11-4-5.

4. Property boundaries, significant existing physical features, playgrounds and equipment, easements, rights-of-way, vision clearance triangles, streets, sidewalks, paths, driveways, parking lots, areas to be paved or graveled, retaining walls, fences, detention ponds, drainageways or swales, areas affected by the 100-year floodplain, existing and proposed structures, building entrances, freestanding lights and signs, service or loading areas, open spaces, and recreational or resident amenities;

5. Existing and proposed contours and elevations;

6. The location, size and species of all significant trees or groups of trees. Qualifying trees will be identified by botanical/common names and applicable size;

7. Trees to be removed or altered in any way must be marked in the field and matched on the tree plan. Number of trees, species and caliper as measured four feet (4') dbh must be identified on the plan;

8. Identify the size, location, number of replacement plantings, the total caliper inches being removed of qualifying trees and the total caliper inches being replaced;
9 If relief from a replacement requirement is requested, the plan should demonstrate why planting of some or all of the required replacement trees is impracticable.

10 The location and type of any irrigation systems (with water source noted) to maintain plantings unless exclusively drought tolerant species are used and an acceptable watering plan is approved by the Planning Department.

11 Plant legend listing botanical and common names with size and quantity information;

12 The location of all existing and proposed underground utilities and any electric/communication facilities;

13 Description of the long-term proposed maintenance plan;

14 Description of how the proposed plan meets the requirement for water conserving design;

15 Plans for the removal and continued maintenance for removal of existing prohibited invasive species from the site.

16 Metal caging or breathable trunk protectors around trees for the first three (3) years after planting for protection from wildlife.

17 Estimated date of completion of the installation of plantings and finish materials;

18 The approved landscape and maintenance plans must not be changed or altered without review and approval by the zoning administrator. All landscaping shown on the approved plan must be installed and maintained;

19 Limits of disturbance must be reflected on the landscape plan and any engineering plans and must be permanently maintained and delineated throughout the project.

20 Photos of any existing trees/landscaping to be retained.

21 Cost estimate of any elements of the landscaping plan that cannot be installed prior to certificate of occupancy due to season or weather that will need to be bonded for.

22 A cost estimate for all labor and materials for any project requiring a maintenance bond.

11-4-7: MAINTENANCE:

A. General maintenance. The property owner is responsible for maintaining all plant materials and irrigation facilities within the approved landscaping plan in a neat and orderly condition for the life of the project. Any unhealthy or dead plants must be replaced in conformance with the landscaping plan and landscaped areas must remain free of invasive species. Maintenance includes, but is not limited to, proper pruning of trees and shrubs, mowing of lawns, noxious weed mitigation measures/weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings. When required, landscaped areas will be provided with a permanent watering or sprinkling system consisting of piped water lines terminating in an appropriate number of sprinklers or hose bibs to ensure a sufficient amount of
water for plants within the landscaped area. Where the water system consists of hose bibs alone, these bibs must be located not more than one hundred fifty feet (150') apart.

B. Maintenance Assurance. For multifamily, commercial, and industrial development, the Zoning Administrator will require a maintenance bond or letter of credit valid for a period of eighteen (18) months from time of approval of the landscaping plan to ensure compliance with this section. The value of the maintenance bond or letter of credit must be twenty percent (20%) of the total cost of materials and labor. The fee-in-lieu will be ten percent (10%) of the cost of materials and labor, as outlined in an approved landscaping plan. Duplexes are exempt from maintenance assurance requirements.

11-4-8: PERFORMANCE ASSURANCE

A. Required and landscaping must be installed prior to issuance of a certificate of occupancy or issuance of other necessary permitting prior to construction or development of the site. In the event it is not possible for landscaping to be completed at that time due to legitimate weather, supply issues, etc., the Zoning Administrator may accept a bond or letter of credit to ensure the installation of all required landscaping within six months (6) of project approval. Any such device for project assurance must be one hundred fifty percent (150%) of the cost of all required materials and labor, as shown in an itemized cost estimate, and in no situation will the total be less than $2000.

11-4-9: ADMINISTRATION:

A. Authority: The Zoning Administrator has the authority and jurisdiction of regulating the planting and/or removal of landscape and trees required by this chapter.

B. Deviation from Landscaping Standards. The Zoning Administrator may approve exceptions to the regulations when all of the following are met:

1. The applicant can document that meeting the requirements would cause undue hardship due to pre-existing conditions on site, such as existing location of structures or vegetation.

2. The deviation from the standards meets the landscape requirements to the highest degree possible and is the minimum variation needed.

3. The applicant proposes an equal or better result than that which could be achieved by strictly following the requirements of this chapter.

C. Other measures to meet the purpose and intent of this Landscape Code may be proposed to substitute for the required landscaping, such as decorative fencing, walls, arbors, or trellises, with appropriate vegetation.

D. Enforcement: Unlawful removal of a qualifying tree designated in the tree preservation plan for retention will result in either a municipal infraction or a fine equal to one hundred fifty percent (150%) of the valuation, as determined by the Council of Tree and Landscapers Appraisal Guide or replacement trees as required per Section 11-4-6C.

E. Appeal: Any person may make a written appeal from any ruling or order made by the Zoning Administrator to the Board of Adjustment, who shall make a final decision. (Ord. 05-05, 2-7-2005)
11-4-10: NONCONFORMING STATUS:

A. Any existing property or use of property that does not comply with the landscaping regulations of this chapter may be continued in the same manner except as provided in Section 11-4-2.

B. Landscaping which exists on any property or for any use, subject to the provisions of this chapter, must not be altered or reduced below the minimum requirements of this chapter, unless suitable substitutions are made which meet the requirements of this chapter, and a site plan is first approved by the zoning administrator.
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: 291 695 825 567  Password: R4ZSBg
For the Audio Conference Call option: call the number below and enter the access code.
- United States Toll Free: 833-563-1751  Access code: 662 441 433#
- View live streaming (not to provide comment) 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, Monday, March 6, 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 23-03. Resolution numbers start with 23-06.

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 February 21, 2023 Special Session (p.31)
   b) Minutes from February 21, 2023 Regular Meeting (p.32)

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) Ordinance No. 23-__; An Ordinance amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code (First Reading) (WZTA 23-01) (p.39)

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
   a) Consideration to award the Engineering Contract for the Karrow Avenue Reconstruction Project (p.55)
   b) Consideration to award the Engineering Contract for the Riverbend Trail Project (p.78)

8) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor and Council? (p.110)
   b) Other items arising between March 1st through March 6th
   c) Consideration of a request to Hire a Consultant to Assist in the Creation of the Housing Development and Financing Plan as Identified in the Whitefish Community Housing Roadmap (p.116)
9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
   a) Appointment of Acting Deputy Mayor for March 20, 2023 City Council meeting

10) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)
The following Principles for Civil Dialogue are adopted on 2/20/2007 for use by the City Council and by all boards, committees and personnel of the City of Whitefish:

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

Adopted by Resolution 07-09
February 20, 2007
(This page left blank intentionally to separate printed sections)
March 1, 2023

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

Mayor Muhlfeld and City Councilors:

Monday, March 6, 2023 City Council Agenda Report

There will be a work session at 5:45pm to discuss the Viaduct Improvement Project with Public Works Director Workman; and at 6:15pm discuss updates to the Landscape Regulations (Title 11, Chapter 4, Whitefish Zoning Regulations) with Long Range Planner Alan Tiefenbach. Food will be provided.

The regular Council meeting will begin at 7:10pm.

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 February 21, 2023 Special Session (p.31)
b) Minutes from February 21, 2023 Regular Meeting (p.32)

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

Items “a & b” are administrative matters.

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

a) Ordinance No. 23-__: An Ordinance amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code (First Reading) (WZTA 23-01) (p.39)

From Planning and Building Department Director Dave Taylor’s transmittal report.

Summary of Requested Action: This application is a request by the city of Whitefish to amend Section 11-3-11-B, Fences and Retaining Walls, and 11-9-2, Definitions, as a housekeeping item to clarify changes made to the retaining wall standards in 2020.

Planning Board Recommendation: The Whitefish Planning Board held a public hearing on February 16, 2020. Following this hearing, the Planning Board unanimously recommended approval of the amendments (Gardener /Freudenberger) and adopted the supporting findings of fact in the staff report (Scott, Beckham absent).
City Staff Recommendation: Staff recommended approval of the text amendment attached to the staff report.

Public Hearing: At the public hearing, Rebecca Norton, 530 Scott Avenue, addressed the board with a statement about an existing retaining wall built into her yard on Scott Avenue that has caused issues. Staff noted that the retaining wall standards only address new retaining walls. The draft minutes of the Planning Board hearing are included.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from the Planning Staff and the Planning Board, adopt Ordinance No. 23-__ : An Ordinance amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code (First Reading) (WZTA 23-01).

This item is a legislative matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
a) Consideration to award the Engineering Contract for the Karrow Avenue Reconstruction Project (p.55)

From Public Works Director Craig Workman’s staff memo.

Introduction/History: The Karrow Avenue Reconstruction Project is the next project on the Resort Tax priority list. This collector street serves a vital role in the City’s transportation network. The recommendation to proceed with Karrow as the next reconstruction project was based on heavy vehicular traffic volume, unsuitable roadway conditions, and the need for a bike/ped connection between W. 2nd Street and W. 7th Street.

Construction is anticipated to include road, storm sewer, and pedestrian improvements. The engineering consultant will be responsible for the design approximately 2,000 ft of Karrow Avenue, from W. 2nd Street to W. 7th Street.

Council authorized staff to proceed with engineering selection on 11/7/2022. The engineer will be responsible for surveying, engineering design, public relations, and construction management services.

Current Report: In accordance with the City of Whitefish Consultant Selection Policy, the Public Works Department advertised for proposals from qualified consulting engineering firms to provide engineering services for the Karrow Avenue Reconstruction Project. Proposals for these projects were due by Friday January 20, 2023. City Council appointed Craig Workman and Karin Hilding to serve on the Rating Panel for this RFP, as well as appointing Craig Workman, Karin Hilding, and Steve Qunell to serve on the Selection Panel for this RFP.

A total of three proposals were received for this RFP. The consultants that responded were Robert, Peccia, & Assoc., KLJ, and WGM Group. The proposals were reviewed by the Rating Panel and all 3 firms were selected for an interview. The interview Panel convened on 2/15/2023 and all 3 interviews were held that day. Upon completion of the interviews, it was the unanimous opinion of the Selection Panel that a contract should be awarded to Robert, Peccia, and Assoc. While all of the consultants demonstrated their ability to successfully complete the project, RPA stood out among the
group as the most capable with their 20+ year track record of successfully completing urban reconstruction work for the City.

**Financial Requirement:** The Public Works Department has negotiated numerous contracts with RPA for past road reconstruction projects. The FY 2023 Budget for this project is approximately $50,000 which should allow us to complete survey work and begin design of the project. Future Task Orders will include Subsurface Utility Engineering Phase, Right-of-Way Acquisition Phase, Design Phase, Bid to Award Phase, Construction Phase, and Post Construction Phase and will commence when Resort Tax funds are determined to be available.

**RECOMMENDATION:** Staff respectfully recommends the City Council to award Robert, Peccia & Associates to complete the engineering designs for the Karrow Avenue Reconstruction Project and the City Manager be authorized to execute the contract.

b) Consideration to award the Engineering Contract for the Riverbend Trail Project (p.78)

From Public Works Director Craig Workman’s staff memo.

**Introduction/History:** Staff has been working with the Bicycle and Pedestrian Advisory Committee on a conceptual design for the Riverbend Trail. Bruce Boody generously donated his time to the City to create the enclosed conceptual elevated path design for this important section of the Whitefish River Trail. The elevated path design relies upon helical piers to extend the ten-foot path over the Whitefish River while utilizing the six-foot easement the City holds over property owned by the Riverbend Condominium Homeowners’ Association.

On August 9, 2022, John Phelps, on behalf of the Pedestrian and Bicycle Advisory Committee, presented both the elevated path design and the 2018 surface path design provided to the City on April 29, 2022 by Riverbend to the Board of Park Commissioners. The Commissioners unanimously voted to recommend to the City Council that it approve the elevated path design. On September 6, 2022, John and Bruce presented both designs to City Council. Council unanimously approved Bruce's elevated path design, as recommended.

Council authorized staff to proceed with engineering selection on 11/7/2022. The engineer will be responsible for surveying, engineering design, public relations, and construction management services.

**Current Report:** In accordance with the City of Whitefish Consultant Selection Policy, the Public Works Department advertised for proposals from qualified consulting engineering firms to provide engineering services for the Riverbend Trail Reconstruction Project. Proposals for these projects were due by Friday January 27, 2023. City Council appointed Craig Workman, Maria Butts, and Karin Hilding to serve on the Rating Panel for this RFP, as well as appointing Craig Workman, Maria Butts, Karin Hilding, and John Muhlfeld to serve on the Selection Panel for this RFP.

A total of three proposals were received for this RFP. The consultants that responded were TD&H, KLI, and DCI/WGM Group. The proposals were reviewed by the Rating Panel and all 3 firms were selected for an interview. The interview Panel convened on 2/27/2023 and all 3 interviews were held that day. Upon completion of the interviews, it was the unanimous opinion of the Selection Panel that a contract should be awarded to TD&H. While all of the consultants demonstrated their ability to successfully complete the project, TD&H stood out among the group as the most capable with the strong project team they assembled with a long history of completing complicated river trail projects.
**Financial Requirement:** The Public Works Department has negotiated numerous contracts with TD&H for past engineering projects. Although there isn’t any money dedicated to the Riverbend Trail Project in the FY 2023 budget, staff believes there could be $100K dedicated to the project from General Fund cash reserves. This will be sufficient budget allocation to complete the survey work and move forward with preliminary engineering this fiscal year. Once the project moves into the final engineering and construction phase, Paved Trail Impact Fees and Resort Tax monies could be considered to fund the remainder of project.

**RECOMMENDATION:** Staff respectfully recommends the City Council award TD&H to complete the engineering design for the Riverbend Trail Project and the City Manager be authorized to execute the contract.

COMMUNICATIONS FROM CITY MANAGER
a) Written report enclosed with the packet. Questions from Mayor and Council? (p.110)
b) Other items arising between March 1st through March 6th
c) Consideration of a request to Hire a Consultant to Assist in the Creation of the Housing Development and Financing Plan as Identified in the Whitefish Community Housing Roadmap (p.116)

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
a) Appointment of Acting Deputy Mayor for March 20, 2023 City Council meeting

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>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjourn</td>
<td>I move to adjourn</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 recess 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 orders of the day</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>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lay aside temporarily</td>
<td>I move to lay the question on the table</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 debate be limited to...</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 postpone 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 refer 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 amend 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 postponed indefinitely</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>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</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>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<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>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</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>

City Council Packet, March 6, 2023 Page 29 of 117
1) Call to Order

The meeting was held in-person in the Council Conference Room. Mayor Muhlfeld called the meeting to order. Councilors present were Davis, Qunell, Feury, Sweeney, Norton and Caltabiano. Staff present were City Manager Smith, City Clerk Howke.

2) Interview - Whitefish Convention and Visitors Bureau (WCVB)

The City Council interviewed Lauren Oscilowski for a vacant position on the WCVB. Jen Asebrook and Kimberly Wortman were interviewed on January 17, 2023 for the WCVB.

3) Public Comment

None

4) Appointment

_Councilor Sweeney made a motion, seconded by Councilor Caltabiano to appoint Kimberly Wortman as the transportation representative; and Lauren Oscilowski as member – at – large, both to complete the term ending May 31, 2023. The motion carried._

5) Adjourn

Mayor Muhlfeld adjourned the Special Session at 6:00 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 (virtual), Finance Director Gospodarek, Planning and Building Director Taylor, Public Works Director Workman, Police Chief Kelch and Fire Chief Page. Approximately 7 people were in the audience and 3 attended virtually.

Mayor Muhlfeld moved agenda item 9c) to follow the Pledge of Allegiance.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Deidre Corson to lead the audience in the Pledge of Allegiance.

9c) Consideration of a request from North Valley Music School to approve the building plans for the new facility in accordance with Project Whitefish Kids lease of Smith Fields (p.273)

Christine Rossi, North Valley Music School Board Chair, stated the City Council approved the sublease agreement between Project Whitefish Kids and the North Valley Music School last spring to lease two acres of land. In accordance with the lease, North Valley Music School is requesting the Council approve the new Music School building design. The lease also requires the approval from Project Whitefish Kids and the Architectural Review Committee. Letters of approval from both groups are included in the packet that is provided on the city website. North Valley Music School is the only non-profit music school in the state of Montana. This year they are celebrating their 25th year of providing quality affordable music education for students of all ages and all abilities. A new facility is desperately needed and warranted. They want to be able to continue serving the communities that they love for decades to come.

The new building will have ample and safe parking, with an accessible drop-off area for students and faculty and a meaningful expanded program capacity. The location provides easy access from neighboring communities and will have no impact to Whitefish traffic. It also allows for coordination of music lessons and sports activities at Smith Fields. Photos of the project are provided in the packet on the website.

Councilor Caltabiano made a motion, seconded by Councilor Sweeney to approve the building plans for the new facility in accordance with Project Whitefish Kids lease of Smith Fields. The motion carried.

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)

Eric Payne, 100 Central Avenue, spoke towards agenda item 6d. He is excited for this to come to fruition. He will be available for any questions the Council would like to address.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS
Councilor Norton reported Arbor Days will be at Depot Park this year to plant trees to absorb moisture on the west side and provide shade on the south side. She also had a discussion with FWP’s Bear Conflict Management representative about fruit bearing trees on public property. The fruit trees attract bears, and we are trying to get bears to leave town; and the Chronic Wasting Disease (CWD) goes into the ground and can contaminate deer years later. FWP thinks the gleaning program it still an attractant that we probably should move towards eliminating on public property over time. We need to be realistic about not having bear conflicts in town and we don’t want deer dying of CWD. We might need to make drastic measures in the future.

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 February 6, 2023 Special Session (p.24)
   b) Minutes from February 6, 2023 Regular Meeting (p.25)
   c) Ordinance No. 23-01: An Ordinance amending the Whitefish City Code to add Article Y, Chapter 2, Title 11, to establish the WB-T zoning district (Business Transitional District), as an implementation of the Highway 93 South Corridor Plan (Second Reading) (p.30)
   d) Resolution No. 23---; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 11.18 acres of land known as 111 Iverson Lane, 119 Iverson Lane, 140 Iverson Lane, and 6010 US Highway 93 South, in Section 12, Township 30 North, Range 22 West, in Whitefish, Montana, for which the owners have petitioned for and consented to annexation (p.36)
   e) Consideration of a request for Final Plat for the Rock Ridge Subdivision (fka 93 LLC), a 28-lot subdivision located off Highway 93 West (WFP 22-09) (p.49)
   f) Consideration of a request from Eric Sikola for a Whitefish Lakeshore Protection Permit as recommended in the staff report located at 1490 and 1492 Barkley Lane (WLP 23-W02) (p.205)

Councilor Sweeney made a motion to remove item d from the Consent Agenda for discussion before the Public Hearing.

Councilor Caltabiano made a motion, seconded by Councilor Qunell to approve the Consent Agenda as amended with the removal of item d.

Councilor Caltabiano made a motion to remove item c for further discussion before the Public Hearing.

The motion to approve the Consent Agenda as amended with items c and d removed for further discussion carried.

5c. Councilor Caltabiano made a motion, seconded by Councilor Norton to reconsider for discussion item c, Ordinance 23-01. The motion carried. Councilor Caltabiano stated the amendment that added a restriction under 11-2Y-3 residential, limiting the residential to two-family duplex through six-plex dwellings. He did not realize that this is not a density ratio, but it is an absolute number. He thinks this is too restrictive for what the purpose is. Councilor Norton stated she felt it came at the very last minute and without understanding the repercussions of such a restriction on housing. Director Taylor stated some of the lots are narrower than others that are zoned County B-4. As it is drafted and approved you can only do up to a six-plex per lot with a conditional use permit. More density could be asked for through a Planned Unit Development (PUD). After some discussion Councilor Qunell made a motion, seconded by Councilor Sweeney to adopt Ordinance No. 23-01 unamended. The motion carried on a 4-2 vote, with Councilor Norton and Caltabiano voting in opposition.
5d. Resolution No. 23-__; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 11.18 acres of land known as 111 Iverson Lane, 119 Iverson Lane, 140 Iverson Lane, and 6010 US Highway 93 South, in Section 12, Township 30 North, Range 22 West, in Whitefish, Montana, for which the owners have petitioned for and consented to annexation.

Councilor Sweeney made a motion, seconded by Councilor Feury to postpone his item to the April 3, 2023 meeting. Councilor Sweeney wants to ensure that we have an option for zoning this property under the WB-T zoning, which will just enacted and will become effective in 30-days. This property would be coming in without our ability to use that zoning on that particular property. Director Taylor stated the Business Transitional Zone is designated to property south of Highway 40. The text in the Highway 93 South Corridor Plan says this property would be zoned as Secondary Business. If Council approves the Resolution to Annex tonight, the zone change request will be in front of the Planning Board in March, and then to the City Council in April. This zone change is staff initiated. After some discussion with Council and staff regarding the process to postpone the annexation and to bring back as a simultaneous application for annexation and zone change; Councilor Sweeney amended his motion to postpone the item to the June 5th meeting, Councilor Feury agreed as the second.

Councilor Feury stated for clarification, the zone change would not occur at the March Planning Board meeting since the property will not be annexed into the city. Councilor Caltabiano addressed the applicant, Erik Payne, and after some discussion, Attorney Jacobs clarified Mr. Payne referred to the Extension of Services Plan as being his initial request for annexation. The Council did extend the Extension of Services Plan about 18 months ago. The City had not officially received a Petition to Annex until two weeks ago from Mr. Payne. He was waiting to see whether or not the city would extend its Extension of Services Plan, which is required for someone to petition for annexation.

The original motion to postpone this item to the June 5th meeting was a tie vote, Mayor Muhlfeld voting against the motion. The motion failed on a 4-3 vote.

Councilor Qunell made a motion, seconded by Councilor Caltabiano to approve item 5d on the Consent Agenda. The motion carried on 4-3 vote, with Councilor Sweeney, Davis and Norton voting in opposition; Mayor Muhlfeld voted in favor to break the tie vote.

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) Ordinance No. 23-02; An Interim Zoning Ordinance prohibiting the approval of new applications for administrative conditional use permits for marijuana dispensaries (Only Reading) (p.245)

Planning and Building Director Dave Taylor presented his staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing. There being no public comment, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for consideration.

Councilor Sweeney made a motion, seconded by Councilor Feury to approve Ordinance No. 23-02; An Interim Zoning Ordinance prohibiting the approval of new applications for administrative conditional use permits for marijuana dispensaries (Only Reading). The motion carried.
b) Consideration of a request from Pheasant Run LLC, for a 24-lot preliminary plat called The Canopy, located at the western end of Pheasant Run and can be legally described as Tract 3ABM in S01 T30N R22W, P.M.M., Flathead County, zoned WR-2 (Two Family Residential District) and WB-2 (Secondary Business District) (WPP-22-08) (p.) POSTPONED BY APPLICANT AFTER PUBLIC NOTICE WAS PUBLISHED

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
   a) Consideration of approval of RAISE Grant Submittal for a portion of the Whitefish Promenade on Spokane Avenue between East Second Street and Railway Street (p.251)

Director Workman presented his staff report that is provided in the packet on the website.

Councilor Qunell made a motion, seconded by Councilor Norton to approve the approval of RAISE Grant submittal for a portion of the Whitefish Promenade on Spokane Avenue between East Second Street and Railway Street. The motion carried.

8) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor and Council? (p.265)

None

b) Other items arising between February 15th through February 21st.

City Manager stated there are 447 Senate Bills that have been introduced, and 720 House Bills. The last date to introduce General Bills is this Friday, and the last day for General Bills to the other Chambers is next Friday. She gave a couple of updates; the Bill that would require votes on Growth Policies was tabled so it is likely dead; SB142, the impact fee bill was referred to the House Local Government Committee, it is still pending a hearing to be scheduled; SB245 would revise municipal zoning to allow multi-family and mixed-use developments, staff provided testimony opposing the bill at the hearing on February 8th, the Committee did act and it passed by an 8-1 vote with an amendment that would require any of those developments to include 30% of the units reserved for low income to moderate income housing. At this point it is with the Senate and will have to go through the House, but at least there was some movement to identify that not all multi-family will become affordable that the risk is that it all becomes market rate. There are still issues with that bill in the parking requirements, maximum height and setbacks. SB 262 would revise the licensing requirement has passed the Senate, that could mean significant impacts to our business licensing program. The revenue from that program allows the Fire Marshal to inspect property and confirm zoning. So that could be problematic for the city if it does move through the house. HB407 which would provide for affordable housing in tax abatements, which has been discussed as an option, passed as amended which all they did was add trailer courts to a possible abatement. That could be a tool we use in the future. She encourages the Council to read SB382, some of the more significant changes to that bill include general information about how you adopt a land use plan, and information about zoning and subdivision and provides a lot of that to be done administratively, with the Planning Board being the appeal board. This bill was created to allow for some control by local governments and offset the bills that we are seeing that are telling us what we can do instead picking alternatives that would be best for our community.

Manager Smith also met with the City Managers of Kalispell, Columbia Falls and the County Administrator and talked about having a 5th Monday meeting with all of the jurisdictions. The Council showed support for holding a 5th Monday meeting.
a) Consideration of appointment to volunteer boards and committees not made during the Special Session preceding tonight’s meeting.

Appointments were made at the Special Session preceding tonight’s meeting.

b) **Consideration** of approving tentative FY24 Budget calendar (p.272)

**Councilor Sweeney made a motion, seconded by Councilor Caltabiano to approve the tentative FY24 Budget calendar. The motion carried.**

c) **Consideration** of a request from North Valley Music School to approve the building plans for the new facility in accordance with Project Whitefish Kids lease of Smith Fields (p.273)

d) **Consideration** of a request from Flathead Electric Cooperative asking to support Holy Cross Energy in its application under DOE’s BIL Grid Resilience and Innovation Partnership FOA for Topic Area 1 (p.304)

The Council showed support.

**Council Comments**

Councilor Feury recognized and remembered former Councilor Nick Palmer, who passed away a week ago Monday. Nick was a very passionate person as a Councilor. He was enthusiastic and Councilor Feury always appreciated the different point of view that he would bring to the table. There is a memorial scheduled for March 19th.

Councilor Norton announced that the Free the Seeds is this weekend at Flathead Valley Community College. The Climate Smart Glacier County meeting is happening. A letter was provided to the Council at the dais in response to the impact fees. She asked for it to include “potential outstanding class action lawsuit”.

Councilor Davis drafted the letter Councilor Norton is referring to, in response to public discussion about impact fees in some legislative efforts in Helena, and in some news reports. It felt to him that some of what was being said was either misleading, wrong, or unfair as it relates to the City of Whitefish. He felt like there was an opportunity for the Council to at least one time in the course of this impact fee issue to say something about it. The letter addresses why the City has impact fees, and why we have taken the processes that we have to figure the impact fees, why we hire outside consultants and in general what the social purpose of these fees are. Council showed support of the letter. Councilor Sweeney asked for the concept stated in the letter where “lawyers actually do waste public funds”, he finds offensive. He would like that line removed.

Mayor Muhlfeld also acknowledged and send condolences to Paul Johannsen’s family. Paul was a steadfast contributor to this Whitefish Winter Carnival. In 2011 Paul saw that Mayor Muhlfeld was running for his first term as mayor and asked if he could serve as his campaign manager/treasurer. He wanted to acknowledge his contribution to the community and send condolences and best wishes to his family. Mayor Muhlfeld also thanked Rose and Mark in the Utility Department for bringing to his attention that he left his hose running.

Councilor Caltabiano would invite the public to be actively involved in the Growth Policy update process. The more proactive we work as a community the better the process will be.

Mayor Muhlfeld wanted to give Alan Tiefenbach a big kudos for his presentation at the work session prior to the meeting.
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 8:26 p.m.

_______________________________
Mayor Muhlfeld

Attest:

_______________________________
Michelle Howke, Whitefish City Clerk
(This page left blank intentionally to separate printed sections)
ORDINANCE NO. 23-__

An Ordinance of the City Council of the City of Whitefish, Montana, amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code.

WHEREAS, at a lawfully noticed public hearing on February 16, 2023, the Whitefish Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA 23-01, invited public comment, and thereafter voted unanimously to recommend approval of the proposed text amendments; and

WHEREAS, at a lawfully noticed public hearing on March 6, 2023, the Whitefish City Council received an oral report and a written report from Planning staff, reviewed Staff Report WZTA 23-01, and letter of transmittal, invited public input, and thereafter approved the text amendments attached as Exhibit A; and

WHEREAS, it will be in the best interests of the City of Whitefish and its inhabitants to adopt the proposed amendments to the zoning regulations.

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

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: Staff Report WZTA 23-01 dated February 16, 2023, together with letter of transmittal from the Whitefish Planning & Building Department dated March 6, 2023, are hereby adopted as Findings of Fact.

Section 3: The amendments to Title 11, Zoning Regulations, as provided in Exhibit A are hereby adopted.

Section 4: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 5: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.


John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk
EXHIBIT A

WHITEFISH CITY CODE
TITLE 11 - ZONING REGULATIONS
CHAPTER 3
SPECIAL PROVISIONS

11-3-11: FENCES AND RETRAINING WALLS:

A. Fences: The following fence regulations shall apply to all districts except the WA zone:

1. No fence, hedge or freestanding wall (not supporting a building or structure) anywhere within or bounding the front yard shall exceed forty eight inches (48”).

2. An ornamental entry may exceed the maximum height in subsection A1 of this section, when constructed at the entrance to a new subdivision, planned unit development or multi-family development. No such entry shall exceed more than thirty percent (30%) of the width of the parcel at the front lot line, interfere with any clear vision zones or exceed eighteen feet (18’) in height.

3. No fence or freestanding wall within or bounding a rear or side yard from the point of the front setback line shall exceed a height of six and one-half feet (6-1/2’).

4. Open wire fences exceeding the above height may be built around schools or other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.

5. Open wire fences exceeding the above height may be built around tennis courts and swimming pools at the discretion of the zoning administrator after giving consideration to location of planned courts or pool safety, and effects on the neighborhood.

6. Security fences are allowed in side and rear yards up to eight feet (8’) in height when used to enclose commercial or industrial storage yards.

7. Barbed wire fences are allowed only in the WA, WCR and WSR zones. Furthermore, they may be allowed along the boundary of any district which directly abuts the side or rear of a WA, WCR or WSR Zone.

8. In the WCR through WR-1 Zones, usable pasture and the enclosing fence shall not be allowed in the front yard setback or closer than two feet (2’) from a property line or ten feet (10’) from a residential dwelling.

B. Retaining Walls: Retaining walls help facilitate development of lots with steep terrain by leveling certain areas or inhibiting sloughing. Retaining walls can help reduce the steepness of slopes enabling the development of a lot. The purpose of these retaining wall standards is to ensure the natural topography is maintained to the greatest extent possible, that exceedingly tall walls are not constructed, that landscaping is implemented to mitigate the effects of
terracing and that the scale and texture of the retaining wall complements the character of the neighborhood.

1. All retaining walls require a building permit unless clearly a wall installed for landscaping purposes.

2. Retaining walls must not exceed four feet (4') measured from adjacent finish grade on the downhill side. Where greater heights must occur, the project must use a series of terraced or stepped walls. The width of a retaining terrace must be no less than three feet (3') and must incorporate landscaping.

   a. Retaining walls two feet (2') and under measured from the adjacent finish downhill grade have no setback requirement. Retaining walls above two feet (2') and up to four feet (4') in height measured from adjacent finish downhill grade must meet accessory building setback requirements have a setback of at least six feet (60') from the property line. Retaining walls exceeding four feet (4') in height measured from adjacent finish downhill grade must meet primary required principal building setbacks for the zoning district.

   b. Retaining walls necessary to accommodate minimum required off-street parking or primary vehicle or pedestrian access to a building may be up to eight feet (8') in height from finished downhill grade. Such retaining walls are not subject to the terracing described above but must meet all setback requirements based on wall height as noted above with the exception that — Retaining walls necessary for primary vehicle access or minimum required off-street parking are not subject to front yard setback requirements.

   c. Standard basement egress window wells are not considered retaining walls and are exempt from setback requirements if they are the minimum depth and width necessary to meet building codes.

3. If the retaining walls needed for not located within required setbacks on a particular project are unable to meet the height limitations in subsection B2 of this section due to extreme topography or other unique land features, a proposal may be submitted to the Zoning Administrator for a waiver to these standards. Such a request must include the following information:

   a. A grading plan;

   b. A drainage plan;

   c. Section drawings;

   d. A landscaping plan;

   e. An elevation showing the proposed materials; and

   f. Any other items needed to show the full extent of the proposal, including a written explanation explaining the hardship and why a greater height is necessary.
4. Retaining walls in the lakeshore protection zone shall be exempt from these regulations and shall be regulated by the appropriate lake and lakeshore protection regulations.

CHAPTER 9
DEFINITIONS

11-9-2: DEFINITIONS:

GRADE, FINISH: The average elevation of the finished surface of the ground measured one foot (1’) out from the base of the exterior foundation of a building, or the average elevation of the finished surface of the ground at the base of a structure measured one foot (1’) out, exclusive of any artificial embankment at the base of such building or structure.

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill or erection of structures.
March 6, 2023

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

Re: Zoning Text Amendment – Retaining Walls: WZTA 23-01

Honorable Mayor and Council:

**Summary of Requested Action:** This application is a request by the city of Whitefish to amend Section 11-3-11-B, Fences and Retaining Walls, and 11-9-2, Definitions, as a housekeeping item to clarify changes made to the retaining wall standards in 2020.

**Planning Board Recommendation:** The Whitefish Planning Board held a public hearing on February 16, 2020. Following this hearing, the Planning Board unanimously recommended approval of the amendments (Gardener /Freudenberger) and adopted the supporting findings of fact in the staff report (Scott, Beckham absent).

**City Staff Recommendation:** Staff recommended approval of the text amendment attached to the staff report.

**Public Hearing:** At the public hearing, Rebecca Norton, 530 Scott Avenue, addressed the board with a statement about an existing retaining wall built into her yard on Scott Avenue that has caused issues. Staff noted that the retaining wall standards only address new retaining walls. The draft minutes of the Planning Board hearing are included.

This item has been placed on the agenda for your regularly scheduled meeting on March 6, 2023. Should Council have questions or need further information on this matter, please contact the City Planning Board or the Planning & Building Department.

Respectfully,
David Taylor, AICP
Planning Director

Att:

Exhibit A
1. Planning Board recommended text amendments

Exhibit B
1. Staff Report 2-16-23
2. Draft Minutes from 2-16-23 City Planning Board Meeting

c: w/att Michelle Howke, City Clerk
11-3-11 FENCES AND RETAINING WALLS

B. Retaining Walls: Retaining walls help facilitate development of lots with steep terrain by leveling certain areas or inhibiting sloughing. Retaining walls can help reduce the steepness of slopes enabling the development of a lot. The purpose of these retaining wall standards is to ensure the natural topography is maintained to the greatest extent possible, that exceedingly tall walls are not constructed, that landscaping is implemented to mitigate the effects of terracing and that the scale and texture of the retaining wall complements the character of the neighborhood.

1. All retaining walls require a building permit unless clearly a wall installed for landscaping purposes.

2. Retaining walls must not exceed four feet (4') measured from adjacent finish grade on the downhill side. Where greater heights must occur, the project must use a series of terraced or stepped walls. The width of a retaining terrace must be no less than three feet (3') and must incorporate landscaping.
   a. Retaining walls two feet (2') and under measured from the adjacent finish downhill grade have no setback requirement. Retaining walls above two feet (2') and up to four feet (4') in height measured from adjacent finish downhill grade must have a setback of at least six feet (6') from the property line, meet accessory building setback requirements. Retaining walls exceeding four feet (4') in height measured from adjacent finish downhill grade must meet required primary principal building setbacks for the zoning district.
   b. Retaining walls necessary to accommodate minimum required off-street parking or primary vehicle or pedestrian access to a building may be up to eight feet (8') in height from finished downhill grade. Such retaining walls are not subject to the terracing described above but must meet all setback requirements based on wall height as noted above with the exception that Retaining retaining walls necessary for primary vehicle access or minimum required off-street parking are not subject to front yard setback requirements.
   c. Standard basement egress window wells are not considered retaining walls and are exempt from setback requirements if they are the minimum depth and width necessary to meet building codes.

3. If the retaining walls not located within required setbacks needed for on a particular project are unable to meet the height limitations in subsection B2 of this section due to extreme topography or other unique land features, a proposal may be submitted to the Zoning Administrator for a waiver to these standards. Such a request must include the following information:
   a. A grading plan;
   b. A drainage plan;
   c. Section drawings;
   d. A landscaping plan;
   e. An elevation showing the proposed materials; and
f. Any other items needed to show the full extent of the proposal, including a written explanation explaining the hardship and why a greater height is necessary.

4. Retaining walls in the lakeshore protection zone shall be exempt from these regulations and shall be regulated by the appropriate lake and lakeshore protection regulations.

11-9-2 DEFINITIONS

**Grade, Finish:** The average elevation of the finished surface of the ground measured one foot out from the base of the exterior foundation of a building, or the average elevation of the finished surface of the ground at the base of a structure measured one foot out, exclusive of any artificial embankment at the base of such building or structure.

**Grade, Natural:** The elevation of the undisturbed natural surface of the ground prior to any excavation or fill or erection of structures.
<table>
<thead>
<tr>
<th>PUBLIC HEARING 1: CITY OF WHITEFISH ZONING TEXT AMENDMENT REQUEST 6:06 pm</th>
<th>A request by the City of Whitefish for a zoning text amendment to § 11-3-11 Fences and Retaining Walls, and § 11-9-2, Definitions, to clarify limitations on retaining wall heights in building setbacks and exemptions for vehicle egress and steep slopes.</th>
</tr>
</thead>
</table>
| STAFF REPORT WZTA 23-01 (Taylor) | Director Taylor reviewed his staff report and findings. As of the writing of WZTA 23-01, no written public comments had been received and none have been received since then.  

Staff recommended adoption of the findings of fact within staff report WZTA 23-01 and for approval of the proposed changes to Title 11, Chapters 3 and 9 of the Zoning Regulations to the Whitefish City Council. |
| BOARD QUESTIONS OF STAFF | Gardner asked and Director Taylor said over the last couple of years several landscape architects have called and asked for clarifications which is what is driving this to happen right now. There has been some confusion over this, so they decided to take care of it quickly since it is a simple fix. Gardner asked and Director Taylor said this does not change any limitations to property; we are just clarifying it, and actually broadening part of it a little by adding in the required parking. Gardner asked about the timing and Director Taylor said the Council will have two readings on this just like a zone change, and it would go into effect 30 days later, in mid-April.  

Freudenberger asked if railings are addressed anywhere, and Director Taylor said railings are required if retaining walls are over a certain height. That is addressed in the Building Code rather than the Zoning Code. Freudenberger asked and Director Taylor said building height is measured from natural grade, so before anything is built, to the highest point of the building. There is currently no definition in there, so this helps clarify, not change. |
| PUBLIC HEARING | Chair Qunell opened the public hearing. |
| APPLICANT / AGENCIES | N/A |
| PUBLIC COMMENT | Rebecca Norton, 530 Scott Avenue, said her house was built 116 years ago and that she is in a unique situation with her neighbor in a dispute about a fence between the properties. Finding No. 9 reads, "That historical uses and established uses patterns and recent change in use trends will be weighed equally
and consideration not be given one to the exclusion of the other." She wondered if there is a way to address platting that was not done very well when the town was first started and whether this Finding might harm people like her.

There being no further comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.

MOTION / BOARD DISCUSSION

Gardner made a motion, seconded by Freudenberger, to adopt the findings of fact within staff report WZTA 23-01, as proposed by City Staff.

Qunell asked Director Taylor to speak to Ms. Norton's question and he said this would not affect any already existing retaining wall in the City, only new ones being built. Something like that would be a dispute between two property owners. In the future, no one would be able to build a retaining wall over two feet in the 6’ setback and would hopefully prevent something like that from happening.

VOTE

The motion passed unanimously. The matter is scheduled to go before the Council on March 6, 2023.

GOOD AND WELFARE

6:19 pm

1. **Matters from Board.** Chair Qunell thanked former Planning Board Vice Chair John Ellis for his many years of service on this board and wished him a happy retirement from it.

2. **Matters from Staff.** Director Taylor introduced Alan Tiefenbach, Long Range Planner. This is his first Planning Board meeting. We also hired another Planner, Luke Sponable, who will be our Housing Coordinator and Long Range Planner, who will officially start full time in July. Chair Qunell asked and Director Taylor said Planning staff is full again.

3. **Poll of Board members available for the next meeting on March 16, 2023.** All members present indicated they thought they would be available. Chair Qunell asked that absent members Beckham and Scott be notified of the March 16 meeting.

ADJOURNMENT

6:20 pm

The meeting was adjourned to a work session on the upcoming Landscape Charter revision, and Growth Policy Update, on a motion by Linville, seconded by Freudenberger, at approximately 6:20 pm. The next regular meeting of the Whitefish Planning Board is
This is a staff report to the Whitefish Planning Board and Whitefish City Council regarding proposed code amendments to Title 11-3-11h Fences and Retaining Walls, and 11-9-2, Definitions, to clarify limitations on retaining wall heights in building setbacks and exemptions for vehicle egress, parking, and steep slopes. After revising the regulations in 2020, staff would like to further amend the ordinance to clarify additional issues that have arisen with the interpretation. The Planning Board public hearing is scheduled for February 16, 2023 and a subsequent hearing is scheduled before the City Council on March 6, 2023. Draft regulations are below for review and recommendation.

BACKGROUND INFORMATION
In 2020, the City Council adopted amendments to the zoning code to prevent large retaining walls built in setbacks from impacting adjacent property owners. Since then, several property owners and landscape designers asked for further clarification of the ordinance. Based on that staff has come up with some minor changes to improve the language so that it is easier to understand without changing the policies. The amendments make it clear that there are no exemptions for retaining wall heights in side and rear setbacks and provide additional definitions for finish grade and natural grade.

Retaining walls are regulated under both the zoning and building codes. Structural retaining walls are typically used on steeper slopes to prevent landslides and to provide a more level buildable area or to improve or provide access to a site or building. The existing zoning code requires retaining walls to be short and terraced rather than be of excessive height.

In 2012, the city amended the retaining wall regulations to remove language that required retaining walls to meet accessory building setbacks due to a number of projects needing retaining walls close to property lines to provide access and egress. In particular, several properties with steep narrow lots on the lake wished to share a driveway on the property line protected by retaining walls. After those changes went into effect, other properties have been impacted by neighbors putting large retaining walls too close to property lines.

Walls up to two feet high aren’t regulated. Retaining walls above two feet and up to four feet in height are required to meet the six-foot accessory building setback standard. This is now outlined specifically as 6’, whereas previously it just referenced accessory building
setbacks. Taller retaining walls (up to 8’ maximum) would still be allowed for primary vehicle, required parking, or pedestrian egress, but primary pedestrian access retaining walls need to meet full building setbacks if they exceed four feet. Special exemptions that can be approved by the zoning administrator for extreme topography would now only apply to wall heights outside of setbacks. An exemption remains for retaining walls necessary for primary vehicle egress within front setback requirements, as the front setback generally abuts a right-of-way and passing through it is necessary for driveway to access a street.

As mentioned, new additional definitions are being proposed for finish grade and natural grade, as they are currently not defined in the zoning code. The new definition of finish grade will prohibit someone from piling a slope of dirt or artificial embankment adjacent to a retaining wall in order to try to make a retaining wall that is too high legal.

PROPOSED AMENDMENTS

Staff proposes the following amendments (additions shown underlined in red, deletions shown struck out):

11-3-11 FENCES AND RETAINING WALLS

B. Retaining Walls: Retaining walls help facilitate development of lots with steep terrain by leveling certain areas or inhibiting sloughing. Retaining walls can help reduce the steepness of slopes enabling the development of a lot. The purpose of these retaining wall standards is to ensure the natural topography is maintained to the greatest extent possible, that exceedingly tall walls are not constructed, that landscaping is implemented to mitigate the effects of terracing and that the scale and texture of the retaining wall complements the character of the neighborhood.

1. All retaining walls require a building permit unless clearly a wall installed for landscaping purposes.

2. Retaining walls must not exceed four feet (4’) measured from adjacent finish grade on the downhill side. Where greater heights must occur, the project must use a series of terraced or stepped walls. The width of a retaining terrace must be no less than three feet (3’) and must incorporate landscaping.

   a. Retaining walls two feet (2’) and under measured from the adjacent finish downhill grade have no setback requirement. Retaining walls above two feet (2’) and up to four feet (4’) in height measured from adjacent finish downhill grade must have a setback of at least six feet (6’) from the property line, meet accessory building setback requirements. Retaining walls exceeding four feet (4’) in height measured from adjacent finish downhill grade must meet required primary principal building setbacks for the zoning district.

   b. Retaining walls necessary to accommodate minimum required off-street parking or primary vehicle or pedestrian access to a building may be up to eight feet (8’) in height from finished downhill grade. Such retaining walls are not subject to the terracing described above but must meet all setback requirements based on wall height as noted above with the exception that retaining walls necessary for primary vehicle access or minimum required off-street parking are not subject to front yard setback requirements.

   c. Standard basement egress window wells are not considered retaining walls and are exempt from setback requirements if they are the minimum depth and width necessary to meet building codes.
3. If the retaining walls not located within required setbacks needed for a particular project are unable to meet the height limitations in subsection B2 of this section due to extreme topography or other unique land features, a proposal may be submitted to the Zoning Administrator for a waiver to these standards. Such a request must include the following information:
   a. A grading plan;
   b. A drainage plan;
   c. Section drawings;
   d. A landscaping plan;
   e. An elevation showing the proposed materials; and
   f. Any other items needed to show the full extent of the proposal, including a written explanation explaining the hardship and why a greater height is necessary.

4. Retaining walls in the lakeshore protection zone shall be exempt from these regulations and shall be regulated by the appropriate lake and lakeshore protection regulations.

11-9-2 DEFINITIONS

**Grade, Finish:** The average elevation of the finished surface of the ground measured one foot out from the base of the exterior foundation of a building, or the average elevation of the finished surface of the ground at the base of a structure measured one foot out, exclusive of any artificial embankment at the base of such building or structure.

**Grade, Natural:** The elevation of the undisturbed natural surface of the ground prior to any excavation or fill or erection of structures.

REVIEW AND FINDINGS OF FACT

The proposed changes shall be evaluated based on the criteria for consideration for amendments to the provisions of the Zoning Regulations per Section 11-7-10E.

1. **Zoning Regulations Must Be:**
   a. **Made in Accordance with a Growth Policy**

**Finding 1:** The Growth Policy is silent on retaining walls. However, the Growth Policy is supportive retaining the character and qualities of Whitefish and minimizing impacts to adjacent properties. Retaining the existing topography and ensuring oversized walls are not constructed and compliment the neighborhood supports this objective. Thus, the proposed amendments are in accordance with the Growth Policy

   b. **Designed to:**
      i. Secure safety from fire and other dangers

**Finding 2:** Retaining walls protect properties by controlling sluffing and landslides due to development on steep slopes. These amendments will further regulate those standards to minimize impacts to adjacent properties.
ii. Promote public health, public safety and general welfare

**Finding 3:** This criterion is met as the city will ensure all retaining walls within its jurisdiction are engineered to meet building codes and are reviewed by the building department to protect public safety.

iii. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements

**Finding 4:** The proposed code amendment has no impact on the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

2. *In the adoption of zoning regulations, the city shall consider:*
   a. Reasonable provision of adequate light and air

**Finding 5:** Requiring large retaining walls be set back from property lines will ensure adequate light and air between properties.

   b. The effect on motorized and nonmotorized transportation systems

**Finding 6:** The proposed code amendment allows for retaining walls to provide egress to properties and has provisions to all for vehicle access where slopes are steep.

   c. Promotion of compatible urban growth

**Finding 7:** The proposed code amendment has no impact on compatible urban growth.

   d. The character of the district and its particular suitability of the property for the particular uses

**Finding 8:** This criterion is not applicable to this code amendment as it pertains more to site development than community wide zoning regulations.

   e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area; and

**Finding 9:** The proposed code amendments can help conserve the value of buildings by allowing for retaining walls that protect buildings from landslides and setbacks that protect adjacent properties from excessive retaining walls nearby.

   f. That historical uses and established uses patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other.
Finding 10: The criterion to weigh historical use patterns and current trends is not applicable to this code amendment as it pertains more to individual site development than community wide zoning regulations.

RECOMMENDATION:

Staff recommends the Planning Board recommend **approval** as set forth in the staff report to amend Title 11, Chapter 3 and Chapter 9 of the Zoning Regulations, and adopt the findings of fact and transmit the same to the Whitefish City Council for further action.
February 28, 2023

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Approval of an Engineering Contract with Robert, Peccia, & Assoc.
for the Karrow Avenue Reconstruction Project

Introduction/History

The Karrow Avenue Reconstruction Project is the next project on the Resort Tax priority list. This collector street serves a vital role in the City’s transportation network. The recommendation to proceed with Karrow as the next reconstruction project was based on heavy vehicular traffic volume, unsuitable roadway conditions, and the need for a bike/ped connection between W. 2nd Street and W. 7th Street.

Construction is anticipated to include road, storm sewer, and pedestrian improvements. The engineering consultant will be responsible for the design approximately 2,000 ft of Karrow Avenue, from W. 2nd Street to W. 7th Street.

Council authorized staff to proceed with engineering selection on 11/7/2022. The engineer will be responsible for surveying, engineering design, public relations, and construction management services.

Current Report

In accordance with the City of Whitefish Consultant Selection Policy, the Public Works Department advertised for proposals from qualified consulting engineering firms to provide engineering services for the Karrow Avenue Reconstruction Project. Proposals for these projects were due by Friday January 20, 2023. City Council appointed Craig Workman and Karin Hilding to serve on the Rating Panel for this RFP, as well as appointing Craig Workman, Karin Hilding, and Steve Quinell to serve on the Selection Panel for this RFP.
A total of three proposals were received for this RFP. The consultants that responded were Robert, Peccia, & Assoc., KLI, and WGM Group. The proposals were reviewed by the Rating Panel and all 3 firms were selected for an interview. The interview Panel convened on 2/15/2023 and all 3 interviews were held that day. Upon completion of the interviews, it was the unanimous opinion of the Selection Panel that a contract should be awarded to Robert, Peccia, and Assoc. While all of the consultants demonstrated their ability to successfully complete the project, RPA stood out among the group as the most capable with their 20+ year track record of successfully completing urban reconstruction work for the City.

**Financial Requirement**

The Public Works Department has negotiated numerous contracts with RPA for past road reconstruction projects. The FY 2023 Budget for this project is approximately $50,000 which should allow us to complete survey work and begin design of the project. Future Task Orders will include Subsurface Utility Engineering Phase, Right-of-Way Acquisition Phase, Design Phase, Bid to Award Phase, Construction Phase, and Post Construction Phase and will commence when Resort Tax funds are determined to be available.

**Recommendation**

Based on the process that was followed for the RFP for the Karrow Avenue Reconstruction Project, the Public Works Department respectfully recommends that a contract be awarded to Robert, Peccia, & Assoc. to complete the engineering design for the Karrow Avenue Reconstruction Project and the City Manager be authorized to execute the contract.

Sincerely,

Craig Workman, P.E.
Director of Public Works
January 20, 2023

Whitefish Public Works Department  
City of Whitefish  
418 East 2nd Street  
P.O. Box 158  
Whitefish, MT 59937

Subject: Request for Engineering Proposals:  
Karrow Avenue Reconstruction Project

Dear Members of the Selection Committee:

Robert Peccia and Associates (RPA) is pleased to submit five (5) hard copies and one (1) electronic copy of our proposal in response to the City of Whitefish's Request for Proposals. We are excited about the opportunity to be involved with the design and reconstruction of Karrow Avenue, as we have been involved with the neighborhood since 2006, when we first completed the design and construction management of the West 3rd Street Sewer Replacement Project. Neighborhood involvement then continued with the overlays of Parkhill Drive, West 3rd Street, and West 4th Street, and then ultimately with the reconstruction of West 7th Street in 2016.

Our professionals have the experience and expertise to complete all aspects of the project including: 1) Public Relations; 2) Project Management; 3) Detailed Design; 4) Bidding; and 5) Construction Services. RPA's dedicated staff are accustomed to successful collaborations with the City of Whitefish on street reconstruction projects. Our experience in working on neighborhood streets like West 7th Street, East 2nd Street, Somers Avenue, State Park Road, Edgewood Place, and Texas Avenue to complex urban business districts such as the award-winning Whitefish Downtown Infrastructure Improvements Project and the Depot Park Project, clearly shows RPA is the most qualified for the Karrow Avenue Reconstruction Project.

Responsive, reliable, and knowledgeable accurately describe our team of civil engineers and land surveyors. We are professionals dedicated to our work and to the communities in which we work, including the City of Whitefish for the past 18 years. This consistency in personnel is valuable for the City because not only do our professionals have considerable experience and institutional knowledge, but we understand how the City operates and we know what the City expects of its consultants. We truly understand the community and its values.

RPA genuinely wants to work with City staff and the citizens of Whitefish on this project! We appreciate the relationship we have established with the City and we look forward to continuing to provide our services. Please contact Brandon at 406-752-5025, if you have any questions.

Sincerely,

ROBERT PECCIA AND ASSOCIATES

Brandon Theis, PE  
Project Manager  
btheis@rpa-kal.com  
406-752-5025 (Office) 406-212-4915 (Cell)
OVERVIEW

Our key team members are the individuals you know, who have completed 10 exceptional roadway reconstruction projects for the City of Whitefish, beginning in 2005.

Robert Peccia & Associates (RPA) is a multi-disciplinary civil engineering, planning, and land surveying firm founded in 1978. Our respected firm employs over 60 individuals in three offices: Kalispell, Helena, and Bozeman.

Civil engineering and land surveying services for this project would be performed out of the Kalispell office located at

102 Cooperative Way, Suite 300
Kalispell, MT 59901
406-752-5025 (office).

Brandon Theis, PE, would serve as the Project Manager.

RPA has completed many successful projects in Whitefish allowing us to build long-lasting and meaningful relationships with the City, staff, and residents. A primary element that sets RPA apart from other engineering firms is the depth of experience which our proposed key personnel have on similar reconstruction projects. We also believe that what really matters is providing our clients with thoughtful service that is vibrant, responsive, and enthusiastic. We approach every project with a firm commitment to our work and the clients and communities we serve.

Our key personnel have spent most of their careers working on street reconstruction projects for the City of Whitefish. No other firm has professionals with more experience and institutional knowledge of the City of Whitefish’s infrastructure and organization than RPA. Our key team members are the same familiar individuals who have completed 12 exceptional roadway reconstruction projects for the City of Whitefish, since 2005.

The RPA team has a comprehensive understanding of Karrow Avenue, the surrounding project area, the City’s expectations, and we have the experience to successfully complete the roadway reconstruction project. We have been involved with the neighborhood since 2006, when we first completed a sewer line reconstruction project along West 3rd Street that included one block of Karrow Avenue south of Highway 93. In 2016, RPA oversaw the design and reconstruction of West 7th Street that borders the southern limits of the proposed Karrow Avenue Reconstruction Project. RPA has the expertise and experience to complete all aspects of the project and is already familiar with the project area and some of its challenges.

We know that the roadway has many overhead and underground utilities, both public and private, that will need to be incorporated, protected, updated and/or relocated with this project. RPAs attention to detail and proven track record of going the extra mile on utility investigations will minimize construction conflicts, delays, and change orders.

The crux of this project will be fitting the necessary roadway improvements within the existing 60-foot-wide Karrow Avenue Right-of-Way. The recently adopted 2022 Whitefish Transportation Plan calls for a “three-lane minor arterial with pedestrian and bicycle facilities” for Karrow Avenue from Highway 93 to West 7th Street. A typical three-lane minor arterial with a shared use path requires approximately 56-feet of right-of-way. Recent conversations with the public works engineering staff suggest that this wide roadway section may not be feasible and adjacent residents will likely object. As accomplished on all of our previous roadway reconstruction projects, RPA will study the corridor and present options to the City and its citizens for review and comment. All options will identify required overhead and underground utility conflicts, any needed retaining walls, temporary construction permits, and right-of-way acquisitions so that the City can make an informed option selection that best fits the needs of the community.

Our proposed team’s experience and in-depth understanding of what it takes to complete a roadway reconstruction project, combined with our reputation for stellar public relations, will be beneficial for the Karrow Reconstruction Project. Not only will RPA’s team save the City of Whitefish time and money, but we can build upon the strong foundation of our recognized and trusted relationship of completing projects on schedule and within budget for the community!
Our professionals work closely together, and remain integrated, involved and informed throughout the project. All team members are available to respond to requests or questions from the City or citizens of Whitefish, at any time.

Our key personnel include a project manager, operations manager, engineering designer, land surveyor, and engineering technician/construction technician. Our professional team members, along with our exceptional support personnel and expert subconsultant(s), all will play a vital role in the successful completion of this project.

We have highly qualified personnel and we are dedicated to the successful completion of this project for the City of Whitefish.

Our professional team of civil engineers, land surveyors and construction technicians are experts in urban infrastructure reconstruction, whether it’s complete roadway reconstruction or replacements of water, sewer, and storm drainage systems.

With our knowledgeable team, we provide the following services, which will successfully take your project from concept to completion:

- Land Surveying – Topographical and Boundary
- Project Communications and Presentations
- Public Relations and Stakeholder Meeting Facilitation
- Right-of-Way Acquisition – Easement Documents and Exhibits
- Project Scheduling and Estimating
- Soil Investigations
- Pavement Section Designs
- Private Utility Relocations – Coordination with Utility Companies
- Utility Design – Water Distribution, Wastewater and Storm Water Collection, Conveyance, and Treatment
- Road Design
- Bicycle/Pedestrian Trail Design
- Street Lighting Design
- Final Designs
- Construction Document Preparation
- Bidding Administration
- Construction Services
- As-Built Drawings
Because of our institutional knowledge of this project, we are the most qualified to complete it! Following, is a summary of our team’s experience and how that experience will be applied to your project. Appendix A contains brief resumes for each key team member.

BRANDON THEIS, PE
Project Manager

Since 2005, Brandon Theis has worked on Whitefish projects as an RPA team member. He began working in Whitefish as an engineering technician/construction technician, on the Colorado Avenue Reconstruction Project. Since then, he has gained considerable experience as a project engineer and as a project manager. His experience completing every aspect of a project—from surveying to as-builts—for the City is what makes his project management abilities so valuable! Brandon is experienced in all facets of project development and execution while understanding the City’s operations. As the project manager, he will oversee the entire project to include land surveying, project budgeting, scheduling, public involvement, public presentations, design, bidding, and construction administration.

Early in the design phase, Brandon will ensure that RPA fully investigates the existing as-built drawings, completes a detailed topographic survey, and reviews the existing conditions. This combined effort will produce a detailed base map, which allows RPA to fully understand the existing infrastructure and site conditions. During this investigative phase, Brandon will work closely with utility companies, residents, RPA’s team members, City staff, and our subconsultants to coordinate all the details of the project. His experience from being in-the-field observing construction through being a project manager, helps reduce change orders and keeps projects on schedule. Brandon understands the importance of accurate and detailed cost estimates and project schedules with multiple phases. For over a decade, he has consistently contributed to many Whitefish projects that have finished on schedule and within budget. Brandon's keen attention to detail, experience, and qualifications in roadway reconstruction projects ensure a successful project.

Brandon will work closely with the entire team throughout the duration of this project. He understands the City of Whitefish must have a realistic schedule and accurate budget that can be relied upon from the very beginning. He will prepare monthly invoices to track the progress and budgets. He has the ability to add staffing for this project to ensure that it is completed on schedule and within budget.

RYAN MITCHELL, PE, PLS
Operations Manager | Vice President

Since 2000, Ryan Mitchell has worked on projects in the community of Whitefish as an RPA team member. In the beginning of his career, Ryan was an engineering technician/construction technician working on some of Whitefish’s first Resort Tax projects, which included East 2nd Street, Dakota Avenue, Greenwood Avenue and other local streets. Ryan then went on to be the project manager on over 10 of Whitefish’s recent roadway reconstruction projects.

As the Operations Manager, Ryan will assist Brandon as a Senior Advisor on an as-needed basis. Ryan will also complete detailed QA/QC reviews of all project deliverables and provide operational management support. Brandon and Ryan work seamlessly together and Ryan will be available to Brandon at any time to provide assistance, perspective, and advice.

Brandon’s keen attention to detail, experience and qualifications in roadway reconstruction projects ensure a successful project.
AUSTIN PAULY, EI
Project Designer

Since joining RPA in 2020, Austin Pauly has performed design, public involvement and construction administration assignments on the Edgewood and Texas Reconstruction Project. Austin and Brandon will work together to complete the detailed design and engineering reports on this project. Their information will be provided to the City for review in a clear and concise manner that is easy to present to others. Together, they will prepare contract documents and specifications containing special provisions they have developed over the last decade of working on Whitefish projects, which minimize impacts to residents and change orders on projects. Additionally, their estimates for quantities and measurement and payment items are clear and concise, resulting in competitive bids without irregularities.

MATTHEW MILLER, PE
Structural Engineer

In 2017, Matthew Miller joined RPA as the Structures Engineering Group Manager. With 20 years of design and consulting experience, Matthew has served as a project manager and design engineer on institutional, public, commercial, and residential projects. Matthew’s experience includes a wide variety of retaining wall designs. As the project is developed and retaining wall locations are identified, Matthew will work seamlessly with the design team to assure all wall designs are not only structurally sound, but also economical, constructable, and maintainable.

JASON SMITH, PL5
Project Land Surveyor

Since 2006, Jason Smith has surveyed projects in Whitefish as an RPA team member. As the Kalispell office project land surveyor, he will oversee all topographic mapping and surveying to determine the existing right-of-way and adjacent property boundaries for this project. His experience, knowledge and understanding of the City’s coordinate system and the history of Whitefish’s development will be utilized for this project. He has completed many topographic surveys and retracement surveys of right-of-way and boundaries in Whitefish.

Our key team members, along with our outstanding support staff and subconsultants, will provide exceptional service and a quality product!
Matt Patterson, CPII
Engineering Technician/Construction Technician

Matt Patterson joined RPA’s team in 2016. He has extensive construction experience, working for various local construction companies prior to joining RPA. Matt started as a laborer and moved through the ranks to become a foreman, with much of his experience working on projects in Whitefish. He was the foreman on the 6th & Geddes Phase 1 Reconstruction Project, working with RPA and the City. During that project, RPA noticed his ability and willingness to assist residents, his attention to detail and calm demeanor. Matt recently worked on completing the first phase of the State Park Road Reconstruction Project and the Whitefish Wastewater Treatment Plant Improvements. During the bidding and construction phase, Brandon and Matt work closely together. Their combined experience allows them to respond to bidders’ questions and assist in securing responsible, competitive bids. Matt will be the “boots-on-the-ground” person during construction who ensures the contractor is constructing the project in accordance with the plans and specifications. He will also serve as a liaison between the contractor, City, and the residents. Matt will be proactive and available to assist residents as needed during construction.

Support Personnel

RPA has an outstanding team of support personnel that includes survey technicians, Subsurface Utility Engineering (S.U.E.) technicians, drafters, traffic and transportation engineers, Geographic Information Systems (GIS), planners, and administrative professionals. Additionally, we regularly work with subconsultants to assist on projects. These subconsultants include geotechnical engineers, electrical engineers, and landscape architects. Our key personnel will work with the City to assign any given work to the most appropriate individuals or other consultants.

Alpine Geotechnical
Subconsultant

For the Karrow Avenue Reconstruction Project, RPA proposes to utilize the services of Alpine Geotechnical for soils investigations, pavement section designs, and geotechnical engineering recommendations. Alpine Geotechnical is a well-established locally owned geotechnical engineering, drilling, and materials testing firm. RPA has worked with owner Kagan Rutz on a variety of successful projects over the last decade. Alpine Geotechnical is unique in that they don’t just deliver a geotechnical report—filled with soil logs, testing reports and disclaimers—they perform real geotechnical engineering and provide constructible designs, pavement section options, cost estimates, and well vetted recommendations related to the site-specific soils.

Cushing Terrell
Subconsultant

It is very likely that the Karrow Avenue Reconstruction Project will require improvements that extend beyond the existing Right-of-Way. It is RPA’s experience that unique landscaping solutions become necessary when negotiating temporary construction permits and right-of-way acquisitions. To assist with these efforts, RPA proposes to utilize the professional services of Cushing Terrell’s Landscape Architectural team. RPA has completed several recent site development projects with Cushing Terrell’s lead Landscape Architect Debra Rosa, RLA, ASLA. Debra is an expert in urban landscape design and continues to impress with her attention to detail, timeliness, and professionalism. Debra is also an excellent communicator and listener—two important public relations skills that will be invaluable on this project.
Our team of experts have tremendous experience in roadway reconstruction projects, and as a cohesive team we will provide the City with the best in public relations, project management, detailed design and construction engineering. Any one of the key team members, at any time, will be available to respond to requests or questions from the City or its citizens.

On the following pages are three roadway reconstruction projects which directly relate to this project.

### On all three, RPA completed the following services:

<table>
<thead>
<tr>
<th>Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveying – Topographical and Boundary</td>
</tr>
<tr>
<td>Communications and Presentations</td>
</tr>
<tr>
<td>Public Relations</td>
</tr>
<tr>
<td>Right-of-Way Acquisitions – Easement Documents and Exhibits</td>
</tr>
<tr>
<td>Project Scheduling and Estimating</td>
</tr>
<tr>
<td>Soil Investigations</td>
</tr>
<tr>
<td>Conceptual and Final Designs for:</td>
</tr>
<tr>
<td>Street Reconstructions</td>
</tr>
<tr>
<td>Sidewalk and Bicycle/Pedestrian Trails</td>
</tr>
<tr>
<td>Water Main Distribution Replacements &amp; Relocation</td>
</tr>
<tr>
<td>Wastewater Collection Replacements &amp; Relocation</td>
</tr>
<tr>
<td>Storm Water Improvements – Collection, Conveyance, and Treatment</td>
</tr>
<tr>
<td>Private Utility Relocations – Coordination with Utility Companies</td>
</tr>
<tr>
<td>Street Lighting Design</td>
</tr>
<tr>
<td>Retaining Wall Design</td>
</tr>
<tr>
<td>Landscaping Designs</td>
</tr>
<tr>
<td>Construction Document Preparation</td>
</tr>
<tr>
<td>Bidding Administration</td>
</tr>
<tr>
<td>Construction Services</td>
</tr>
<tr>
<td>As-Builts</td>
</tr>
</tbody>
</table>

**RPA’s continued ability to apply past project experiences to new roadway reconstruction projects has proven time and again to be a driving force in successfully completing projects.**
EDGEWOOD AND TEXAS RECONSTRUCTION PROJECT

Managed by Brandon Theis and designed by Austin Pauly, this project was completed in two phases. The first phase consisted of reconstructing approximately 1,300 linear feet of Edgewood Place, and the second phase consisted of reconstructing approximately 800 linear feet of Edgewood Place and approximately 2,400 linear feet of Texas Avenue. Both phases included new roadway sections, new curb and gutter, either a 5-foot-wide concrete sidewalk or 8-foot-wide bicycle/pedestrian path, driveway aprons, new water main along Edgewood Place, existing sanitary sewer main and services adjustments along Texas Avenue, new storm sewer systems along both roads, new fire hydrants, street light bases, and other miscellaneous improvements.

This project included significant public involvement for the design of the sidewalks, paths, and the street lighting system. RPA also engaged the Montana Department of Transportation (MDT) early on in the project to secure the usage of an existing state-owned storm sewer system that was instrumental to the overall project drainage design. It is anticipated that the Karrow Avenue Reconstruction Project will include similar public involvement and MDT coordination efforts.

Due to the timing of this project, much of the construction was completed during the Covid-19 Pandemic which contributed to nationwide material shortages. As such, obtaining the necessary products to complete the Edgewood phase proved challenging and required extensive communication efforts between the Contractor, the City, and RPA to successfully complete the project. With continued material shortage concerns, RPA chose to prepare a product procurement bid for the Texas phase to ensure all products would be available at the time of construction. This extra effort was received well by the Contractor and proved beneficial to keeping the project on schedule.

What sets RPA apart from other engineering firms is that we regularly reflect on past project experiences and strive for the following goal: Every new project should be better than the previous. As we look back at the recent Edgewood and Texas Reconstruction Project, the City and RPA worked seamlessly together to successfully navigate several supply chain issues. After unforeseen pipe delays significantly impacted construction of the Edgewood phase in 2021, RPA worked with City staff to prepare an advanced product procurement bid for the 2022 Texas construction phase. The procurement bid process was an overwhelming success and resulted in no further delays. RPA plans to implement this process to the Karrow Avenue Reconstruction Project if supply chain issues continue to loom.
STATE PARK ROAD RECONSTRUCTION PROJECT
Completed in 2020, this two-phase project included the full roadway reconstruction of approximately 4,100 linear feet of roadway. Both phases included gas, phone, power, and TV relocation efforts. Both phases were completed on time and under budget. The new roadway includes new curb and gutter, an 8-foot-wide sidewalk, water distribution and wastewater collection upgrades, street lighting, and a much-needed storm water collection and conveyance system.

Co-managed and designed by Brandon Theis and Ryan Mitchell, this project included significant public involvement and land acquisition efforts. RPA was also tasked with navigating Covid-19 complications during Phase 2 construction, working with the golf course on miscellaneous impacts, and securing an MDT encroachment permit.

WEST 7TH STREET RECONSTRUCTION PROJECT
Completed in one phase in 2016, this project included the reconstruction of West 7th Street from Baker Avenue to Fairway Drive. This project was managed by Ryan Mitchell and designed by Brandon Theis, with construction observations being completed by Matt Patterson. RPA worked with the City to prepare easement documents and exhibits and assisted in securing two critical easements for the project.

The project included a full reconstruction of the street, including minor utility relocations, retaining walls, new curb and gutter, new sidewalks, new storm water systems, new wastewater collection, new water distribution mains and services, new street lighting system, new bike path and sidewalk amenities, and other miscellaneous improvements. The total length of the project was approximately 4,000 feet.

RPA's experience in completing these projects from conception to completion, including securing easements and evaluating existing private utilities, is an asset for the project. We are experts in communicating with the public, preparing documents and presentations, coordinating with the City, and completing designs and contract documents that are clear and easy to understand. This experience will be applied to the Karrow Avenue Reconstruction Project.

EXPERIENCE GAINED
During the bidding process of State Park Road – Phase I, RPA implemented additive alternates for traffic control options. This process allowed for the City to analyze costs associated with choosing between a traffic detour around the construction site or to construct the improvements "under traffic". Karrow Avenue is similar in that there are less expensive detour options, but they will not be popular nor convenient. If desired, RPA will include traffic control bidding options so true pricing can be obtained prior to making these critical detour decisions.

EXPERIENCE GAINED
The West 7th Street Reconstruction Project included nearly 700 linear feet of path and retaining wall with handrail. The Contractor chose to weld and construct the handrail onsite. This choice resulted in slow progress, weathering, and extensive cleanup and oversight of the steel handrail prior to protective painting. Karrow Avenue will likely require some retaining walls with handrails. Project details will be amended requiring the Contractor to manufacture and paint all handrail segments at an offsite location to speed up installation and minimize the effects of weather.
As required in the Request for Engineering Proposal, RPA has provided three references.

We encourage you to contact our references to hear from other communities of RPA’s exemplary timeliness and fiscal responsibility on projects completed for them. Each reference listed below has comprehensive knowledge of RPA’s ability to complete projects that are similar to the Karrow Avenue Reconstruction Project.

Mr. Dave Prunty
Public Works Director
Flathead County
406-758-5790

Ms. Susie Turner, PE
Public Works Director
City of Kalispell
406-758-7720

Mr. John Wilson, PE
Retired Public Works Director
City of Whitefish
406-309-5377
APPENDIX A:
RESUMES
Brandon M. Theis, PE
Site Development Group Manager

EXPERIENCE

Upon graduation from Montana State University, Mr. Theis began working for a geotechnical / materials testing engineering firm in Kalispell, Montana. He performed materials engineering duties, excelling in a wide range of on-site field testing and quality control services. He also assisted other engineers within the firm on multiple geotechnical and environmental projects. Much of the background work performed on these projects consisted of soil, concrete and asphalt testing in an A2LA accredited laboratory as well as on-site exploratory drilling and environmental clean-up assignments. His previous employment involved a wide range of civil engineering services on land development projects that included surveying and drafting.

Since joining RPA’s Flathead Valley Office in 2005, Mr. Theis has completed multiple urban street, site development and utility designs, and he has performed construction administration and observation activities. He is skilled at remaining focused on the “big picture” even while he dives into the “little details” of a complex project. Mr. Theis believes that successful projects are the result of teamwork, project knowledge, client service and communication. For over a decade, he has consistently contributed to projects that have finished on schedule and within budget. His keen attention to detail, service, and qualifications will ensure a successful project. Mr. Theis’ extensive project experience is listed below.

URBAN STREET DESIGN

- Edgewood & Texas Reconstruction Project, Whitefish, MT.
- City of Whitefish State Park Road Reconstruction Project, Whitefish, MT.
- City of Whitefish Somers Avenue Reconstruction Project, Whitefish, MT.
- City of Whitefish Flathead Avenue Extension Project, Whitefish, MT.
- City of Whitefish West 7th Street Reconstruction Project, Whitefish, MT.
- City of Whitefish East Second Street Reconstruction Project, Whitefish, MT.
- City of Whitefish 6th & Geddes Reconstruction Project, Whitefish, MT.
- City of Whitefish Downtown Infrastructure Improvements Project, Whitefish, MT. (Project received MCA 2011 “Best Reconstruction of Urban/City Projects” Award).
- City of Whitefish Parking Lot, Whitefish, MT.
- City of Whitefish Colorado Avenue Reconstruction, Whitefish, MT.

UTILITY DESIGN

- City of Kalispell Grandview Lift Station, Kalispell, MT.
- University of Wyoming Science Initiative Building, Laramie, WY.
- City of Kalispell Westside Sewer Interceptor Project, Kalispell, MT.
- City of Columbia Falls Timber Creek Water Main Project, Columbia Falls, MT.
- City of Kalispell South Meadows Drainage Improvements Project, Kalispell, MT.
- City of Whitefish Scott Avenue Lift Station Improvements, Whitefish, MT.
- City of Whitefish Eastside Utility Improvements Project, Whitefish, MT.
- City of Whitefish 3rd Street Sewer Main Replacement Project, Whitefish, MT.
- City of Whitefish Wisconsin Avenue Sewer Improvements Project, Whitefish, MT.

TRAIL, BIKE AND PEDESTRIAN PATH DESIGN

- Armory Park Master Plan- Phase 3, Whitefish, MT.
- City of Kalispell Highway 93 CTEP Path, Kalispell, MT.
- City of Columbia Falls 3rd Ave E CTEP Path: Phase I & II, Columbia Falls, MT.
- Flathead County Sam Bibler CTEP Memorial Trail, Kalispell, MT.
- City of Troy CTEP Path, Troy, MT.
- City of Kalispell Woodland Connector CTEP Path - Kalispell, Kalispell, MT.
- Flathead County Kila Path SW - CTEP Rails to Trails Project, Northwest, MT.

CONSTRUCTION ADMINISTRATION AND OBSERVATION

- City of Whitefish East Second Street Reconstruction Project, Whitefish, MT.
- City of Whitefish Downtown Infrastructure Improvements Project, Whitefish, MT.
- City of Kalispell 2.0-MG Water Tank & West View Well, Kalispell, MT.
- City of Whitefish Colorado Avenue Reconstruction, Whitefish, MT.

SITE DEVELOPMENT DESIGN

- Grouse Mountain Parking Lot Design, Whitefish, MT
- City of Whitefish Emergency Services Center, Whitefish, MT.
- Baker Commons Subdivision, Phase II, Whitefish, MT.
Ryan E. Mitchell, PE, PLS
Vice President
Kalispell Operations Manager

EXPERIENCE
Over the last 22 years, Ryan has worked in RPA's Streets, Highways and Drainage Division as well as the Airport and Site Development Divisions as a project manager, project engineer, surveyor, and construction on-site representative. In 2005, Mr. Mitchell moved to Kalispell, Montana, to start and manage the Flathead Valley branch office. Since that time, Mr. Mitchell has been involved with the following projects.

URBAN STREET AND RURAL ROAD DESIGN
He has worked with government agencies to perform engineering and project management for reports that ranged from developing detailed maintenance plans to implementing work plans for scheduled roadway maintenance. Additionally, Mr. Mitchell has provided engineering design and project management for construction projects that ranged from simple pavement maintenance projects to complete and complex reconstruction projects.

- Edgewood & Texas Reconstruction Project (QAQC Review), Whitefish, MT.
- Armory Park Master Plan - Phase 3 (QAQC Review), Whitefish, MT.
- State Park Road Reconstruction Project, Whitefish, MT
- Somers Avenue Reconstruction Project, Whitefish, MT
- West 7th Street Reconstruction Project, Whitefish, MT
- Whitefish Downtown Infrastructure Improvements Project, Whitefish, MT. *(Project received MCA 2011 “Best Reconstruction of Urban/City Projects” Award).*
- Flathead County Road Maintenance Plan, Kalispell, MT
- Flathead County 2-Year Work Plan, Kalispell, MT
- Grayling Road Reconstruction, Kalispell, MT
- Colorado Avenue Reconstruction, Whitefish, MT
- Flathead County 2009 & 2010 Dust Cost Share, Kalispell, MT
- Baker Avenue Overlay, Whitefish, MT
- Whitefish 2009 Overlay & Chip Seals, Whitefish, MT

WATER AND WASTEWATER PROJECTS
- Westside Sewer Interceptor Project, Kalispell, MT
- Riverwood SID Improvements Project, Columbia Falls, MT
- Columbia Falls Water System Improvements, Columbia Falls, MT
- West Valley School, Kalispell, MT
- Sonju Industries Public Water Supply, Kalispell, MT
- Flathead Lake United Methodist Camp Water System, Rollins, MT
- Scott Avenue Lift Station, Whitefish, MT
- Ronan Water Improvements, Ronan, MT
- Essex Water PER and Design Phase I and Phase II, Essex, MT
- Troy Water Improvements, Troy, MT
- Third Street Sewer Replacement, Whitefish, MT
- Whitefish River Crossing, Whitefish, MT

BICYCLE/PEDESTRIAN PATHS
Mr. Mitchell provided engineering and project management for several Safe Routes to Schools Projects (SRTS), Community Transportation Enhancement Projects (CTEP) and Transportation Alternatives (TA) Project. Typically, he provides complete project management from environmental documents through design, construction and project completion.

- Meridian – 3 Mile Drive Bike/Ped Path, TA 6799(41)t, Kalispell, MT
- Path Highway 93, TA 6799(39), Kalispell, MT
- Bike/Ped Path Highway 93, Kalispell, MT
- Sidewalks - Whitefish SRTS, Whitefish, MT
- 3rd Avenue East Path CTEP, Columbia Falls, MT
- Kla Path SW Kalispell CTEP, Kalispell, MT
- Woodland Connector Path CTEP, Kalispell, MT
- Sam Bilber Memorial Trail CTEP, Flathead County, MT
- Lincoln County - Troy CTEP Bike/Ped Path, Troy, MT
- School District No. 50 Safe Routes to School – SRTS, Evergreen, MT
- Wisconsin Avenue Bike/Ped Path - MACI Grant, Whitefish, MT
Austin Pauly, EI
Project Designer

EXPERIENCE

Prior to joining Robert Peccia and Associates (RPA), Mr. Pauly worked as a construction inspector and manager for a sizable North Dakota County Road and Bridge Department. He completed rural and urban road reconstruction projects. He prepared and reviewed contract documents, specifications, plans, cost estimates, and payment applications.

Mr. Pauly has two years of experience in all aspects of road reconstruction and construction management. He has completed public outreach, project schedules, budgets, development and review of final construction packages, ensured state and governmental compliance requirements were met, and managed change orders during construction. Mr. Pauly utilizes various specialty software including AutoCAD, Civil 3D, Microsoft Excel, and Bentley FlowMaster. He is familiar with AASHTO Geometric Design of Highways and Streets, Montana Public Works Standard Specifications, and a variety of local municipal design standards.

The following project was completed under his previous employment:

- **CR 37, 125th Ave NW, 23rd St NW Reconstruction Project, Watford City, ND:** Construction manager for the reconstruction of approximately 20 miles of primarily rural road. Reviewed plans for completeness, accuracy, constructability, and conformance to both County and NDDOT standards. Coordinated construction engineering services to ensure adequate inspections for all construction activities throughout the duration of the project. Facilitated stakeholder meetings during construction, reviewed change orders and shop drawings, tracked construction quantities, and processed payment applications.

Since joining RPA in 2020, Mr. Pauly has worked on the following projects:

- **Edgewood & Texas Reconstruction Project, Whitefish, MT:** Mr. Pauly has completed a variety of urban street, utility designs and construction administration tasks on this project.

- **Rose Crossing Safety Improvements Project, Flathead County, MT:** Mr. Pauly has assisted with contract document development and has assisted with roadway design reviews on this project.

- **Armory Park Master Plan - Phase 3, Whitefish, MT:** Mr. Pauly lead the design of a new parking lot and path system on this project.

- **Grouse Mountain Parking Lot Project, Whitefish, MT:** Mr. Pauly took this project from concept to final design. Efforts included cost estimates, construction documents and bidding assistance.

Specialties
Urban Street Design
Utility Design
Project Base Map Data Collection and Research
Construction Management, Administration, and Observation

Education
Bachelor of Science, Civil Engineering, 2019, North Dakota State University

Registration
Engineering Intern: North Dakota No. EI-28511
Matthew T. Miller, PE  
Structures Group Manager

EXPERIENCE
Matthew Miller has joined Robert Peccia and Associates’ (RPA’s) Bozeman office as the Structures Engineering Group Manager. With over 15 years of design and consulting experience, Mr. Miller has served as a project manager and design engineer on institutional, public, commercial and residential projects. He is an acknowledged expert in SIP (Structural Insulated Panel) projects and has served as a specialty structural engineer on over 300 SIP projects located all over the western United States.

He is an Engineer of Record for many structures that include: composite steel frame, wood frame, masonry frame, and concrete frame systems. Mr. Miller has served as a project manager for historic preservation projects with structures 100+ years old, and his project experience includes wind turbine foundations.

COMMERCIAL STRUCTURE PROJECTS
- Animal Bioscience Facility at Montana State University (MSU) Bozeman, MT. Designed new four-story steel framed 41,000 sq. ft. campus laboratory/classroom/office building.
- Chief Joseph Middle School, Bozeman, MT. Designed a new 130,000 sq. ft. two-story masonry and steel-framed school.
- Joseph Phelps Vineyards Winery Remodel, St. Helena, CA. A 20,000 sq. ft. remodel of an existing industrial timber framed premier winery into a hospitality/oil facility that required seismic upgrading and a new primary gravity system.
- GOOGLE, Mountain View, CA. A 23,000 sq. ft. remodel and server infrastructure support system for a world-renowned Fortune 500 company.
- Lark Hotel Addition, Bozeman, MT. A 17,500 sq. ft. four-story hotel constructed of cross-laminated timber procured from Germany.
- Rialto Theater Remodel, Bozeman, MT. Remodel of a historic unreinforced masonry building into a state-of-the-art, multi-level live performance venue. The 100-year-old structure was seismically rehabilitated, using steel moment frames and new masonry shear walls.
- RPA Headquarters, Helena, MT. A 27,000 sq. ft. three-story office building of light wood framing construction.
- American Legion Building, Bozeman, MT. A 10,400 sq. ft. two-story plus a basement mixed use building. It was constructed of concrete masonry walls and concrete topped, pre-cast hollow core floor planks.

RESIDENTIAL STRUCTURE PROJECTS
Engineer of Record for over 400,000 sq. ft. of single family and multi-family residential. Recent noteworthy projects include:
- Highgate Senior Living Center, Prescott, AZ. 80,000 sq. ft. three-story assisted living facility built with light wood framing.
- MR2 Residence, Big Sky, MT. 50,000 sq. ft. two-story legacy house. A steel and heavy timber framed residence.

SIP (STRUCTURAL INSULATED PANEL) PROJECTS
Specialty Structural Engineer on over 300 SIP projects located all over the western United States.
Mr. Smith is a registered Professional Land Surveyor in Montana, North Dakota, Colorado, Wyoming, Arizona, and Nevada. He joined Robert Peccia and Associates (RPA) in 2006, as the Land Surveyor in charge for the Kalispell Office. Mr. Smith has over 25 years of experience including establishing control by GPS/GNSS and traditional traverses, section breakdowns, right-of-way retracement, boundary establishment, topographic mapping, drafting, section corner establishment, and section corner re-monumentation surveys. Clients include the Public Works and Geographical Information System (GIS) Departments of the Cities of Whitefish, Kalispell and Columbia Falls, Flathead County, Montana Department of Transportation (MDT), Federal Highways (FHWA), and clients in the private sector. Examples of clients with street, utility and right-of-way projects include the following:

- City Public Works & Geographical Information Systems (GIS) Departments.
  - City of Whitefish, Multiple Street, Utility and Boundary Projects
  - City of Kalispell, Multiple Street, Utility and Boundary Projects
  - City of Columbia Falls, Multiple Street, Utility and Boundary Projects
  - City of Ronan, 2 Utility Projects
  - City of Polson, 3 Utility Projects
  - City of Troy, 4 Utility Projects
  - City of Lewistown, 1 Utility Projects
  - City of Superior, 1 Utility Projects
  - City of Baker, 2 Utility Projects
  - City of Charlo, 1 Utility Projects

- Flathead County Surveyor Term Contract: 2008 – 2024, Flathead County, MT.
  - Road & Bridge Department
  - Solid Waste Department
  - Parks & Recreation Department
  - County Attorney Department
  - County Commissioners
  - Geographical Information Systems (GIS) Department
  - County Assistant Examining Land Surveyor

- Flathead County Water & Sewer Districts.
  - Bigfork Water & Sewer District
  - Evergreen Water & Sewer District
  - Lakeside Water and Sewer District
  - Essex Water & Sewer District

- MDT Survey/SUE Term Contracts: 1999 – 2023, Statewide, MT.
  - Multiple projects extending across all areas of the state.

- U.S. Department of Transportation, Federal Highway Administration.
  - Montana
  - Alaska
  - Washington

- Private Companies and Landowners.
  - Subdivision Plats & Certificates of Survey
  - ALTA/ACSM Land Title Surveys
  - FEMA Floodplain and Elevation Certificates

Mr. Smith has completed many topographic, boundary and control survey projects, as well as other projects in support of RPA’s engineering groups, using local and state plane feet or meters coordinates. He has extensive experience in the use of different types of surveying instruments including Trimble, Geodimeter, Topcon, and Leica. He is proficient with AutoCAD Civil3D, Trimble Business Center, OPUS Projects, NGS Bluebook Software, Microsoft Office (Projects, Excel, Word, etc.) and other software for surveying and office management.

In his position at RPA, Mr. Smith performs marketing, proposals, project management, initial research, field data collection, public relations, generation of final coordinates, staking, and generating finished drawings and digital terrain models.
Matthew Patterson, CPII
Senior Construction Technician

EXPERIENCE
Mr. Patterson has over 17 years of experience as a construction superintendent, GPS technician, construction surveyor, resident project representative, and construction project manager. He is a skilled equipment operator and has worked on a wide variety of construction projects such as retaining walls, water systems, sanitary sewer systems, bridge ends, bike paths, roadways, airport runways/taxiways and environmental remediation projects. He has worked closely with engineers, landowners and clients such as the Federal Highway Administration (FHWA), the Montana Department of Transportation (MDT), and Montana communities on utility infrastructure projects.

Below are a few brief examples of his experience:

- Edgewood & Texas Reconstruction Project, Whitefish, MT.
- 2nd Avenue West Reconstruction, Columbia Falls, MT.
- Glacier Park International Airport Crosswind Runway Complete Reconstruction, Kalispell, MT.
- Dry Prairie Rural Water Authority Medicine Lake to Plentywood Transmission Main, Sheridan County, MT.
- Going To The Sun Road Reconstruction, Glacier National Park, MT.
- West 7th Street Reconstruction, Whitefish, MT.
- Whitefish Wastewater Treatment Plant, Whitefish, MT.
- Columbia Falls Industrial Park - Phase 1, Columbia Falls, MT.

Since joining Robert Peccia and Associates (RPA) Flathead Valley Office in 2016, Mr. Patterson has provided surveying assistance as well as construction observation and administration services. He is responsible for on-site construction observation and for monitoring construction activities in conformance with project plans and specifications. He maintains records for as-built plans, keeps diaries of contractor's activities during construction, conducts and observes quality acceptance testing, prepares construction reports, conducts progress meetings, reviews applications for payments and serves as the owner's representative.

He is currently working on the following projects:

- West Side Interceptor Project, Kalispell, MT.
- Flathead Avenue Extension, Whitefish, MT.
- Depot Park - Phase 1, Whitefish, MT.
- Northwestern Energy Locate and Survey Project, West Glacier, MT.

Mr. Patterson is proficient in the following software: Microsoft Office, Microsoft Excel, AutoCAD, REB, Trimble, LandXML, Topcon GPS and S Earthwork 3D, Agtech Site Builder, and Agtech Highway.
KAGAN RUTZ, P.E.
PRINCIPAL/SENIOR ENGINEER

PROFESSIONAL EXPERIENCE
Mr. Rutz is the Principal/Senior Engineer of Alpine Geotechnical, LLC, which was founded in January 2015. Alpine practices in geotechnical consulting and construction materials testing. We provide geotechnical drilling services, geotechnical laboratory testing and analysis, and geotechnical consultation. Our testing laboratory is accredited by AASHTO RE:SOURCE in soils, concrete, and asphalt mixture.

Mr. Rutz has overseen materials engineering and testing projects in the Flathead Valley since 2006, which typically include commercial and infrastructure projects. Work history includes extensive experience with laboratory testing, field testing, and project management for large and small projects. Our company strives to provide specific input for specific project needs and provide timely and accurate test results. In 2018, Alpine acquired a geotechnical drilling rig, and since that time has expanded the laboratory capabilities to include in-house unit weight, moisture content of in-situ soils, unconfined compressive strength of soils, one dimensional consolidation of soils, and California Bearing Ratio.

RECENT PROJECT EXPERIENCE

Armory Park Improvements – Whitefish, Montana 2022
Served as geotechnical engineer, drilling contractor, and materials engineer for park improvements including new parking lots, sidewalks/paths. Provided site specific geotechnical recommendations and testing/evaluation during construction to ensure quality completion of the project.

Baker Avenue Underpass – Whitefish, Montana 2020-2021
Geotechnical Engineer. Performed geotechnical drilling, laboratory testing, and geotechnical analysis for a new pedestrian underpass. The project included subsurface investigation, settlement analysis a precast underpass that was installed via open excavation. Served as project manager for comprehensive construction materials testing throughout the construction process which included foundation/earthwork, concrete, and asphalt.

Texas Ave & Edgewood Place – Whitefish, Montana 2020-2022
Geotechnical/Materials Engineer. Performed geotechnical drilling, laboratory testing, and geotechnical analysis for roadway and utility improvements. The project included subsurface investigation, pavement section design, utility trench recommendations, and groundwater monitoring piezometer installation.

Kalispell Well and Water Tower – Kalispell, Montana 2021-2022
Served as geotechnical engineer and drilling contractor for an elevated composite 1M gallon water tank in Kalispell. Project required substantial drilling, including boring to 100 feet and recommendations for deep foundations with significant loading.
Debra Rosa
LANDSCAPE ARCHITECT

Debra is a multi-faceted landscape architect with extensive experience in master planning, site planning, cost estimating, design and construction. She has worked on multiple project types, overseeing the development of grading, paving, ADA compliance, signage, site amenities, water saving planting, and irrigation designs.

Relevant Experience

Silverbrook Estates; Kalispell, MT
385-acre mixed-use residential and commercial development included annexation, city approvals, and a major utility extension under the Stillwater River to project site. The project included site amenities, grading, and landscaping with 5 miles of trails through 42+ acres of open space, natural areas, and park system. Trails system includes arterial and connector pedestrian and pedestrian/bicycle path types. Parks include a tennis court, basketball, picnic pavilion, and seating improvements.

Glacier Town Center; Kalispell, MT
Project Manager for 480-Acre mixed-residential and commercial and regional park development in city of Kalispell. Included annexation, city approvals, and design guidelines.

Lambert School District Sports Complex; Lambert, MT
Project Management and Design Construction for a new 14 acre sports complex with new concessionaire, pavilion, parking, stadium seating, stadium lighting, football field, track lanes & facilities, stormwater facilities, perimeter & internal fencing, landscaping and irrigation.

Scentsy Corporate Campus; Meridian, ID
Design and development for new 50 acre new Corporate Campus. Project included site amenities, grading, and landscaping weaving extensive pedestrian, public transit, passenger and truck distribution circulation systems. Amenities include modern courtyards and plazas, outdoor recreation spaces, and integral peaceful water features.

Capital Crossing Urban Redevelopment; Regina, SK
Project management and design development for new 73 acre Mixed-Use Residential and Commercial Development. Project included site amenities, grading, and landscaping of 4.5 acres of passive open space and developed park. Amenities include basketball courts, play structure areas, multi-use playfield, seating, and trails.
February 28, 2023

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Approval of an Engineering Contract with TD&H
for the Riverbend Trail Project

Introduction/History

Staff has been working with the Bicycle and Pedestrian Advisory Committee on a conceptual design for the Riverbend Trail. Bruce Boody generously donated his time to the City to create the enclosed conceptual elevated path design for this important section of the Whitefish River Trail. The elevated path design relies upon helical piers to extend the ten-foot path over the Whitefish River while utilizing the six-foot easement the City holds over property owned by the Riverbend Condominium Homeowners' Association.

On August 9, 2022, John Phelps, on behalf of the Pedestrian and Bicycle Advisory Committee, presented both the elevated path design and the 2018 surface path design provided to the City on April 29, 2022 by Riverbend to the Board of Park Commissioners. The Commissioners unanimously voted to recommend to the City Council that it approve the elevated path design. On September 6, 2022, John and Bruce presented both designs to City Council. Council unanimously approved Bruce’s elevated path design, as recommended.

Council authorized staff to proceed with engineering selection on 11/7/2022. The engineer will be responsible for surveying, engineering design, public relations, and construction management services.

Current Report

In accordance with the City of Whitefish Consultant Selection Policy, the Public Works Department advertised for proposals from qualified consulting engineering firms to provide engineering services
for the Riverbend Trail Reconstruction Project. Proposals for these projects were due by Friday January 27, 2023. City Council appointed Craig Workman, Maria Butts, and Karin Hilding to serve on the Rating Panel for this RFP, as well as appointing Craig Workman, Maria Butts, Karin Hilding, and John Muhlfeld to serve on the Selection Panel for this RFP.

A total of three proposals were received for this RFP. The consultants that responded were TD&H, KLJ, and DCI/WGM Group. The proposals were reviewed by the Rating Panel and all 3 firms were selected for an interview. The interview Panel convened on 2/27/2023 and all 3 interviews were held that day. Upon completion of the interviews, it was the unanimous opinion of the Selection Panel that a contract should be awarded to TD&H. While all of the consultants demonstrated their ability to successfully complete the project, TD&H stood out among the group as the most capable with the strong project team they assembled with a long history of completing complicated river trail projects.

Financial Requirement

The Public Works Department has negotiated numerous contracts with TD&H for past engineering projects. Although there isn’t any money dedicated to the Riverbend Trail Project in the FY 2023 budget, staff believes there could be $100K dedicated to the project from General Fund cash reserves. This will be sufficient budget allocation to complete the survey work and move forward with preliminary engineering this fiscal year. Once the project moves into the final engineering and construction phase, Paved Trail Impact Fees and Resort Tax monies could be considered to fund the remainder of project.

Recommendation

Based on the process that was followed for the RFP for the Riverbend Trail Project, the Public Works Department respectfully recommends that a contract be awarded to TD&H to complete the engineering design for the Riverbend Trail Project and the City Manager be authorized to execute the contract.

Sincerely,

Craig Workman, P.E.
Director of Public Works
# TABLE OF CONTENTS

1. COVER LETTER .................................................. 1
2. OVERVIEW ........................................................... 2
3. KEY PERSONNEL .................................................. 7
4. EXPERIENCE .......................................................... 9
5. REFERENCES .......................................................... 13

APPENDIX A: RESUMES
RE: REQUEST FOR PROPOSAL FOR RIVERBEND/MILES AVENUE PATH PROJECT

On behalf of TD&H Engineering, I am proud to present this response demonstrating our firm’s qualifications for the City of Whitefish’s Riverbend/Miles Avenue Path Project. TD&H Engineering has the resources, experience, and desire to effectively work with the City on all phases of planning, preliminary engineering, design, surveying, construction administration, and inspection work for the project. As you will see, we have organized an outstanding team of individuals with many years of experience working on similar pedestrian path and trail facilities. Our team is excited to partner with the City of Whitefish on this project for these primary reasons:

**Our team is very familiar with the project.** Northwest Design Studio (NWDS) and Bruce Boody are subconsultants to TD&H on this project. They have completed conceptual drawings for the project and are well versed on all of the design considerations/limitations for the new path. Our team can begin immediately on the project saving the City time, resources and expense on getting us up to speed.

**We have experience and a strong relationship with the City of Whitefish.** TD&H and our subconsultants have all successfully worked with the City many times before on projects such as Skye Bridge/Pedestrian Path, Riverview Meadows Trail, and Birch Point Lift Station.

**Our staff has the experience with Public Involvement to successfully complete the project.** We have successfully completed several high profile projects that included significant public involvement. We know how to develop a collaborative project process that successfully implements public and other stakeholder needs and desires.

**Design experience on complex urban sidewalks and multi-use paths.** We have successfully completed several trail projects in Montana. John Juras, our QA/QC Manager, has over 30 years of civil design experience and has a passion for trail infrastructure. Some notable complex pedestrian and bike projects completed by TD&H are:

- Veterans Memorial Bridge | Whitefish, MT
- Riverview Meadows Trail Project | Whitefish, MT
- Coram Bicycle & Pedestrian Trail | Flathead County, MT
- River’s Edge Trail Connector | Great Falls, MT (In-process)
- Sun River Connector Trail | Great Falls, MT

TD&H values the long-standing relationships we have developed with our clients, committing to always providing professional and quality services. We truly look forward to working with the City of Whitefish, fostering our relationship with you, while continuously adhering to our commitment of quality. Should any questions arise during your review of our qualifications, please do not hesitate to contact us. We would be happy to provide any additional information.

Sincerely,

Doug Peppmeier, PE
Vice President/Regional Manager
2. OVERVIEW

MEET OUR TEAM

TD&H Engineering (TD&H) is an engineering and surveying firm that was established in 1965 and offers a wide range of services that will benefit the City of Whitefish's Riverbend/Miles Ave Path project. We are a 100% employee-owned company with over 130 employees comprised of licensed professional engineers, land surveyors, public involvement specialists, landscape architects, certified engineering and materials testing technicians, GIS/CAD operators, planners, experienced construction management personnel and administrative support staff.

TD&H is headquartered in Great Falls, MT with additional Montana offices located in Kalispell, Helena, and Bozeman. Our Kalispell office will lead this project for Whitefish.

Northwest Design Studio (NWDS) was started as Bruce Boody Landscape Architect, Inc. in 1981. The studio has been a familiar face in the Flathead Valley for over 40 years, helping grow the community to what it is today.

Transitioned to new ownership beginning in 2021, NWDS continues to assist their clients in creating thoughtful, functional spaces. Hailing from varied backgrounds and experience, NWDS's team is qualified to undertake projects of all sizes and forms. Their design approach aims to support the community, enhance and connect the natural environment to the built environment, and conserve valuable natural resources by embracing a thoughtful design process.

PROJECT UNDERSTANDING/ABSTRACT

Our team's technical expertise and comprehensive understanding of the project makes us very qualified to provide design services for the Riverbend/Miles Ave Path project. Our professional staff bring the skill and capability to deliver this project on schedule. We commit the necessary resources to build a collaborative team that:

- Provides services for pathway design, structural engineering, geotechnical investigation, analysis, and design, surveying, public involvement, environmental evaluation, permitting, hydraulic analysis and design, floodplain impacts, and right-of-way design and acquisition, if necessary.
- leverages our experience and knowledge from completing similar projects in Montana and the preliminary design of the path.
- Minimizes safety risks to the public and construction workers.
- Maximizes the knowledge and experience of our staff to minimize design costs.
- Minimizes environmental issues to the extent feasible.

PROJECT ABSTRACT

This unique project includes investigative and design services for the construction of a bicycle and pedestrian trail within a 6' wide trail easement located between the Riverbend Condos and the Whitefish River. TD&H's project team can provide all the services necessary for the project including: surveying, geotechnical investigation, route analysis and design, cost estimates, public relations, environmental assessment and permitting, and hydraulic analysis and design; bid package preparation, and construction management services. The TD&H team also includes Bruce Boody, an independent contractor with NWDS, who has intimate knowledge and understanding of the Riverbend/Miles Avenue shared use path project and how it came to fruition.
Background

The Riverbend/Miles Avenue segment of the Whitefish Trail system has been in the planning and development stage for nearly 40 years. Back in 1983, as an interested citizen of Whitefish, Bruce Boody attended the first Public Hearings for the City Approval of the Riverbend Condominiums project, which established the path easement. During the late 1990’s and early 2000’s Bruce continued to work with the Bicycle Pedestrian Committee’s to keep the proposed project high on the City’s trail priority list as part of the first Whitefish Bicycle/Pedestrian Master Plan. Bruce was also a member of the U.S. Highway 93 West Steering Committee, which included the incorporation of the underpass portion of the Riverbend Condo Trail project for future connection.

In late 2009 and early 2010, Bruce oversaw the initial topo survey for the project area including portions of Kay Beller City Park and the US Highway 93 ROW area (for the City of Whitefish). Between 2010 and 2021, Bruce developed numerous concept drawings for the City of Whitefish as the City and the Riverbend Condos Owners Association worked to find common ground for the trail location.

Beginning in 2021 the City and the Bicycle/Pedestrian Trail Committee embarked on a process to define a 6’ easement on the Riverbend Condominium property on the landward side of the average high-water line, along with 4’ on State of Montana land below the average high-water mark. The combined lands would allow for a 10’ wide trail that meets the minimum AASHTO requirements for a multi-use trail with (anticipated) significant use. Several versions of this trail concept were developed and refined, culminating in the adoption by the Whitefish Parks Board and the Whitefish City Council of a final shared use path concept (see drawing below) along with an extensive report from the Bicycle/Pedestrian Committee.

The current concept of an elevated trail will require structural engineering and design. Our team includes Scott Mahurin, PE, SE, who has designed similar trails in other communities. TD&H is currently working on River’s Edge Trail Connector project which has similar constraints, refer to page 12 for more information.

Riverbend/Miles Avenue Design Concept - Developed by Bruce Boody
SCOPE OF WORK

GETTING STARTED: WE ARE ALREADY WORKING FOR YOU!
With our background work and knowledge of the project our team is ready to hit the ground running for the City of Whitefish. We have relevant and recent similar experience that will help keep the process moving forward. Below is a list of necessary task and our general approach to each of them, we want to work with the City as a Team, so are open to adjustments and suggestions as we move through each task.

PROJECT TASKS

Task 1 – Kick-off Meeting
- Determine goals, objectives and parameters of project, discuss project challenges
- Develop project schedule
- Finalize Scope/Fee of Project

Task 2 – Topographic Survey
- TD&H will complete a topographic & boundary survey of the subject property. TD&H will utilize as much of existing survey as possible to save time and budget.

Task 3 – Environmental Permitting

Task 3.1 – Delineation and Summary Report
WET will delineate and map the ordinary high-water mark and riparian wetland areas adjacent to the Whitefish River. Where possible, this information will be used to align the trail path to minimize the impact to wetlands. In this manner we can avoid or minimize impacts to sensitive wetland areas to the extent possible. A report documenting the delineation of on-site wetlands and the ordinary high-water mark will be prepared, maps documenting the extents of the riparian wetland within the limits of the project will be generated.

Task 3.2 – Impact Determination
After the ordinary high-water mark and wetland extents have been delineated and path alignment are determined, WET will calculate the impacted acreage to the wetlands and volume of fill proposed below the ordinary high-water mark. An assessment will then be made to determine which permits will be required.

Task 3.3 – Permitting
A Joint Application will be prepared and submitted to the proper entities. This application will be submitted to the City of Whitefish, U.S. Army Corps of Engineers, Montana Fish, Wildlife, and Parks (FWP), Montana Department of Environmental Quality (DEQ). The following permits are anticipated to complete this project:
- Montana Stream Protection Act (SPA 124) – Montana FWP
- Federal Clean Water Act (404 Permit) – US Army Corps of Engineers
- Floodplain Development Permit – City of Whitefish
- Short-Term Water Quality Standard for Turbidity (318 Authorization) – Montana DEQ

Task 4 – Public Involvement
TD&H can provide a thorough and meaningful public outreach/engagement process to support the Riverbend/Miles Avenue Path project. Our Team has successfully implemented the following approach on past projects. We find this approach builds consensus and community ownership of a project. The approach includes three components: education, engagement, and empowerment.

EDUCATE
This component assumes that participants will represent different stakeholder groups and will have varying degrees of familiarity with any project, what previous work has been completed and the goals and limitations of the project. The education component will provide participants with the knowledge base to engage in the interactive exercises and to make meaningful comments and observations.

ENGAGE
We have extensive experience with a wide range of interactive techniques that are designed to engage the participant and to foster coordination and communication among stakeholders. It is our experience that if techniques are matched to the culture and values of the community and project, the results will be more genuine and will result in more meaningful public input.

EMPOWER
Once participants are engaged and they feel valued, their comments and observations will drive the meeting, and empowerment comes relatively easy. However, it is always helpful to remind participants where their input goes and how it is used; for the project that is to be completed.

ENGAGEMENT TECHNIQUES
Every community is different, and public engagement should be tailored to fit specific needs. Therefore, we believe it is a critical first step to develop a Public Engagement Plan to define public engagement goals and best suited engagement techniques for your community. Possible engagement options could include:
- Steering Committee
- Branding
- Kick-off Event
- Stakeholder Interviews
- Project Website and Social Media Campaign
- Focus Groups
- Surveys
- Visioning/Charrette Workshops
- Outreach Events
Task 5 – Preliminary Design Development

Task 5.1: Project Definition
The Project Definition process will establish scope and sequence of engineering tasks. Although this phase only represents approximately five percent of the design effort, decisions made are often the most influential throughout the remaining design process. The Project Definition Phase confirms goals and design criteria to identify design deliverables. Results of the Project Definition provide a coherent foundation for subsequent design phases.

Task 5.2: Schematic Design
Schematic design will identify discipline specific requirements related to the project. The primary goal is to confirm critical decisions necessary to proceed with an efficient, detailed design.

Task 5.3: Design Development
Advancing Schematic Design decisions, the team will prepare 60% Design Documents that provide greater technical and visual detail, preliminary product and activity specifications and more accurate cost estimates. Design layout will be fixed and major design decisions made.

Task 6 – Cost Estimating
One of the most difficult tasks of the professional engineer in recent years and months has been forecasting construction costs. Unprecedented fluctuations in material costs have created challenges to predicting construction costs even 3 months out. Unlike historical inflationary factors, this escalation has not been uniform across the construction industry. Our design and construction administration team offers extensive and recent cost estimating experience that results in realistic cost predictions. We will provide the City with a realistic cost estimate for the project.

Task 7 – Final Design Construction Documents
The Final Design phase will incorporate comments and requests from the City. Engineering activities will address the following objectives:

- Prepare construction sequencing and critical path schedule to identify potential obstacles
- Concise Project Documents, well-coordinated among disciplines, that minimize construction changes
- Sufficient attention to detail to ensure the project is constructible, safe, and meets performance goals

The construction drawings and project manual will include:

- Final Construction Drawings
- Bidder’s Checklist
- Invitation to Bid
- Instructions to Bidders
- Bid Form
- Bid Bond
- Agreement Form
- Payment Bond
- Performance Bond
- Notice of Award, Notice to Proceed
- Application for Pavement
- Certificate of Substantial Completion
- Change Order, Work Change Directive
- WageRates – State Prevailing Wages
- Standard General Conditions of the Construction Contract
- Supplementary Conditions to the General Conditions
- Construction Specifications as notes on the drawings
- Engineer’s Estimate
- Measurement and Payment
Task 8 – Project Bidding

Bid Documents and Bidding Administration will incorporate lessons learned from Contractor negotiations to avoid ambiguous language that could result in Contractor disputes.

The TD&H team anticipate the following services during bidding:

• Respond to contractor questions
• Preparation of pre-bid or meeting agenda, coordination, scheduling and facilitating a pre-bid meeting
• Pre-bid meeting attendance by the project engineer and other designated design professionals (if necessary)
• Prepare formal responses and if necessary, revisions to Construction Drawings or Technical Specification for inclusion in Addenda prepared by others

We will provide a simple, streamlined organization to efficiently deliver Construction Phase Services. Our project team members have administered construction projects for numerous public projects in Montana. Additionally, we have included construction inspectors who can perform both conventional inspection (in concert with our testing services) and Special Inspection (foundation, retaining structures, concrete, reinforcing bar, masonry, steel erection and welding, and overall structural systems) as required by the specifications and the International Building Code. TD&H operates a fully accredited material testing lab through AASHTO and the US Army Corps of Engineers. Each technician is certified with ACI, NICET, NRC and several other agencies. Field and laboratory testing are performed in accordance with ASTM, AASHTO and other applicable standards and guidelines.

Services anticipated during construction include:

• Pre-construction meeting attendance by design professional representative
• Review Project Submittals
• Respond to Project RFI’s
• Review Substitution Requests
• Attend Progress Meetings, as requested
• Review Contractor Pay Applications
• Provide Site Observations as Requested by Client full time or inspection services
• Substantial Completion Observation and Letter to Contractor
• Develop Record Drawings with notes and changes indicated from the construction contractor
3. KEY PERSONNEL

TD&H has assembled a team of professionals with the technical and construction phase services experience to assist the City of Whitefish with your Riverbend/Miles Ave Path Project. Personnel for this project will be primarily staffed by our Kalispell office, with support from various other offices. Additionally, TD&H can provide more resources from our other offices throughout Montana, Idaho, and Washington, if necessary. Resumes for key personnel are provided for reference in Appendix A, additional resumes are available upon request.

PROJECT MANAGEMENT

Project Manager & Local Contact
Doug Peppmeier, PE*

QA/QC
Quality Control Manager
John Juras, PE*

PROJECT TEAM

Surveying
Rick Swan, PLS*
Ron Gardner, PLS

Environmental/Permitting
Brad Bennett, PG*
Bill Henne, PE, CFM*
Jay Slocum*

Geotechnical
Craig Nadeau, PE*
Nic Couch, EI

Civil
Joe Bushong, PE*
Andrew Ferris, EI

Structural
Scott Maharin, PE*

Planning/Landscape
Cate Walker, PLA*
Jana Cooper, PLA

AutoCAD/Drafting
Doug Kauffman

Construction Phase Services
Joe Bushong, PE*
Mike Kirkpatrick, PE*
Andrew Ferris, EI

Project Advisor
Bruce Boody, PLA*

*Denotes Key Personnel, Resumes Provided in Appendix A

QUALIFICATIONS

DOUG PEPPMEIER, PE
Project Manager & Point of Contact, TD&H

Doug is a civil engineer and the Regional Manager of the TD&H Kalispell office. As the Regional Manager, he is responsible for overseeing all engineering services from initial client contact through final construction. Doug has been with TD&H since 2007 and prior to that was a project engineer for a private consulting engineering firm in Portland, OR. His work experience includes residential, commercial, and industrial land development, water, stormwater, and wastewater system design, municipal permitting, urban street and county roadway design, public involvement, construction administration, and client liaison.

RELEVANT PROJECT EXPERIENCE:
- Skye Park Bridge/Path Project | Whitefish, MT
- Coram to West Glacier Bike/Ped Path | Flathead County, MT
- Riverview Meadows Trail | Whitefish, MT

JOHN JURAS, PE
Quality Control Manager, TD&H

John’s career has spanned a broad range of civil engineering disciplines and activities, he has extensive experience in all phases of engineering project execution including project development, engineering studies, design, and construction management. In over three decades of engineering, John has planned, designed, and managed the construction of roadways, water systems, sanitary and storm sewers, water and sewer treatment systems, and many other facilities.

RELEVANT PROJECT EXPERIENCE:
- River’s Edge Trail Connector, MDT | Great Falls, MT
- Bay Drive Bike/PED Path, Phases 1 and 2 | Great Falls, MT
- River’s Edge Trail Improvements (Various) | Great Falls, MT
- Riverview Elementary Bike/PED Path | Great Falls, MT

Subconsultant Key:
NWDS = Northwest Design Studio
WET = Water & Environmental Technologies
BRUCE BOODY, PLA  
Project Advisor, NWDS (Independent Contractor)  

Bruce Boody is an innovative landscape architect based in Whitefish since 1981. As principal and owner of Bruce Boody, Landscape Architect, Inc, now Northwest Design Studio, Bruce has provided planning and design services for private residential, park and recreation, resort and other projects throughout Montana. Bruce has designed projects for urban renewal and street design, environmental assessments and master plans for parks and recreational areas and site development. Bruce has been working to accomplish Riverbend / Miles Ave project for many years, he will be a project advisor to the TD&H Team.

RICK SWAN, PLS  
Surveyor, TD&H  

Rick is the Survey Manager of the Kalispell office and has been with TD&H Engineering since 1984. His work experience includes boundary surveys, topographic site mapping, right-of-way surveys, and construction staking of municipal infrastructure and building projects. He also provides survey research, quality control, survey calculations, property descriptions, AutoCAD design basemap preparation, construction staking, and right-of-way surveys. He is experienced in the use of GPS, AutoCAD, and Carlson survey software. Rick has provided survey services on a variety of transportation projects.

CRAIG NADEAU, PE  
Geotechnical Eng/Lab Supervisor, TD&H  

Craig's work experience has included the entire extent of geotechnical engineering projects, from proposal writing to final report. He works with clients to develop scopes of work, schedules, and budgets, performs field investigations, analyzes geotechnical samples in the laboratory, performs engineering analyses, and prepares geotechnical reports. He is skilled in the operation of a drill rig and the use of cone penetrometer testing CPT equipment, slope inclinometer installation and monitoring, and field resistivity testing. Craig will manage any geotechnical or materials testing work required for the project.

JOE BUSHONG, PE  
Civil Engineer, TD&H  

Joe Bushong is a Civil Engineer working in our Kalispell, Montana office. He graduated from Boise State University in 2013 with a Bachelor of Science Degree in Civil Engineering. Joe's experience includes Utility Leak Detection, Project Management, Structural Engineering Design, Construction Materials Testing (CMT), CMT Data Management, Construction Surveying, Structural Site Inspecting, Construction Site Inspection, Project Engineering, and Geotechnical Investigation. In addition, Joe is ACI certified as a concrete field testing technician grade I and possesses his nuclear gauge training and hazmat certifications.
4. EXPERIENCE

TD&H specializes in community improvement projects such as bicycle/pedestrian pathways while being historic and environmentally sensitive. The projects listed to right are just some of the many path and trail projects that TD&H has been involved with over the years.

Our staff has extensive experience working on projects of similar scope to this one and will utilize knowledge and wisdom gained from those projects on the Riverbend/ Miles Avenue Path Project. For example, from the RFP, “it is anticipated that most of the proposed path would be raised and cantilever partially over the Whitefish River.” On MDT’s Sun River Connector Trail project, TD&H developed an innovative design which utilized a cantilevered reinforced concrete moment slab supported by a sheet pile retaining wall to overhang the Sun River along 10th Street South in Great Falls. The creative sheet pile wall solution is estimated to have saved several hundred thousand dollars in construction costs and resulted in a project that was well under the owner’s budgeted cost. In addition, the contractor drove the piling from a barge in the Sun River, virtually eliminating impacts to motorists during construction. This is just one example of TD&H using innovative designs to benefit their clients.
RIVERVIEW MEADOWS SUBDIVISION PATH

PROJECT LOCATION: Whitefish, MT
DATES OF SERVICE: 2015 - 2018
CLIENT: MKay Enterprises

TD&H Engineering provided geotechnical, surveying, civil engineering, construction administration, and testing and inspection for a new 10-foot wide, 244 feet long paved pedestrian path at Riverview Meadows Subdivision in Whitefish, MT. The path is part of the Whitefish Trail system that encompasses a network of trails along the Whitefish River, Lion Mountain, Beaver Lake, and the City. There are about 42 miles of developed and undeveloped trails with 12 trail heads in the path system. The Riverview Meadows portion of the system is a section along the Whitefish River which connects to a paved section on the north end and to an undeveloped foot trail through the woods on the south. Eventually this will be connected to the trail developments up and down river from this section as associated parcel developments are completed. Pedestrian and bicycle use was common during construction.

The Riverview Meadows trail conforms to current ADA standards and specifications. It has 1435 square feet of Allen Block MSE retaining wall to minimize impacts to the river bank it is constructed on, and was very carefully aligned to fit between existing trees along the route. Areas within the construction limits had the native topsoil salvaged and placed back on the exposed cut and fill slopes of the trail. Native plants are regenerating and growing in the native topsoil. The Riverview Meadows subdivision irrigation system services the landscaping along the path.

TD&H Services Provided:
• Civil Engineering
• Geotechnical Engineering
• Construction Management
• Survey
• Testing and Inspection

SKYE PARK BRIDGE & PEDESTRIAN PATH

PROJECT LOCATION: Whitefish, MT
DATES OF SERVICE: 2012 - 2016
CLIENT: City of Whitefish

CLIENT CONTACT: Karin Hilding, 406.863.2450

TD&H completed the design and managed construction for the City of Whitefish for the pedestrian bridge and path project spanning the Whitefish River. The bridge spans 220 feet across the river and connects to the existing trail infrastructure. The project received funding from the Tax Increment and Community Transportation Enhancement Program. The project was completed in 2016. Doug was the project manager for this project.

TD&H performed full service engineering design for the Skye Park Pedestrian Bridge. Design services included geotechnical, hydraulics, foundation and bridge design for the structure in addition to site civil and pedestrian path design. The Skye Park bridge is an HSS through truss style pedestrian bridge with a 40’ approach span and a 180’ main span.

WHITEFISH WEST / VETERANS MEMORIAL BRIDGE

PROJECT LOCATION: Whitefish, MT
DATES OF SERVICE: 2003-2012
CLIENT: MDT Project (Subconsultant to WGM)

CLIENT CONTACT: Loran Frazier, 406.594.4354

This project was completed for MDT and included 137’ single span steel plate girder structure with a deep pipe pile substructure designed by TD&H geotechnical staff. Extensive retaining walls and trail undercrossings were also designed by TD&H. The site was complex with numerous urban-type design constraints that included water and sewer utilities, the avoidance of existing bridge substructure, and sensitive design enhancements.
SUN RIVER CONNECTOR TRAIL

PROJECT LOCATION: Great Falls, MT
DATES OF SERVICE: 2013 - 2017
CLIENT: Montana Department of Transportation
CLIENT CONTACT: Ryan Dahlke, 406.444.7292

When plans were drawn up for the new westbound lanes on 10th Avenue South in Great Falls in the early 1980's, the need for a pedestrian walkway was identified, yet the technically challenging sidewalk envisioned at the time was never constructed. The stretch of busy highway discouraged bicycle and pedestrian access for decades. How do you build 10 more feet of roadway while leaving one of the state's busiest roads open to traffic, avoiding impairment to the floodplain, and protecting riparian habitat along the river banks? This project met the challenge with an innovative design that cantilevered a reinforced concrete moment slab over a steel sheet pile wall. The contractor drove the piling from a barge in the Sun River, virtually eliminating impacts to motorists during construction. The project completed a much-needed, non-motorized link for the community and includes a third of a mile of new concrete pathway in addition to the 1,000-foot-long structure, plus attractive and functional landscape design for living bank stabilization. TD&H Engineering worked collaboratively with the Montana Department of Transportation to achieve a technically feasible design which minimized impacts to the river bed and banks.

Initial concepts called for construction of a conventional retaining wall to support fill on the river bank for trail construction. Steel sheet pile was identified as a possible method for temporary construction shoring, but it was determined the sheet pile could be used as the final wall system and would provide enhanced scour resistance and lower project costs. In order to minimize river bank impacts, the sheet pile wall was "tucked" under the overhanging sidewalk. This was made possible by design of an integral reinforced concrete moment slab that is cantilevered over the sheet pile. The carefully designed slab is balanced to require no pinning to the earth, roadway pavement, or the wall. The sheet pile is capped with a continuous expansion joint lined with polyethylene sheeting to enable the wall and slab to move independently in response to temperature and hydrostatic changes. Existing rip rap in the slope was disturbed only to the extent needed to drive the sheet pile and reset. The slopes were further reinforced using a specially selected native planting scheme for natural vegetated bank stabilization.

TD&H Services Provided:
• Geotechnical Engineering
• Civil Engineering: Road and Traffic Design; Hydraulics; Right-of-Way and Utility Design
• Structural Engineering
• Landscape Architecture
• Survey
• Permitting

Project Challenges or Unique Aspects of Project:
• Addressing Traffic Control during construction
• Urban river flood plain management issues
• Geotechnical considerations
RIVER’S EDGE TRAIL CONNECTOR

PROJECT LOCATION: Great Falls, MT
DATES OF SERVICE: 2020 - Present
CLIENT: Montana Department of Transportation
CLIENT CONTACT: J.R. Taylor, 406.444.7636

MDT is proactively investing in safe, pedestrian friendly infrastructure in Montana to reach its Vision Zero goal. The River’s Edge Trail Connector Project will create a much-needed missing link in the River’s Edge Trail system that will provide a safe pedestrian trail near the Missouri River in Great Falls along River Drive between Broadwater Bay and 1st Avenue North. The project involves construction of approximately 2,200 linear feet (0.41 miles) of pedestrian trail, street realignment, structural walls, utility adjustments, and related work. John is the project manager for this project.

TD&H performed geotechnical engineering for the project. A total of eleven borings were drilled along the alignment of the proposed pedestrian trail system. Laboratory testing consisting of moisture contents, gradations, Atterberg Limits, moisture density analyses, California Bearing Ratio (CBR), and unconfined compressive strength of rock specimens was performed on selected samples. Preliminary engineering analyses to evaluate the required trail section, limited roadway realignment, and design of the anticipated structure (retaining wall or bridge) were been performed.

TD&H has completed the Activity 170 Preliminary Hydrologic and Hydraulic Report. The hydraulic study reach for the project is part of a detailed hydraulic study of the Missouri River at Great Falls by FEMA. Current survey data was used to supplement FIS data in the development of an Existing Conditions Model for use as the Corrected Effective Model. Several alternatives were analyzed for no-rise as part of the Activity 170 analysis. The results will be used in Phase II for obtaining floodplain development permits.

TD&H Services Provided:
• Biological Assessment
• Environmental Permits Applications
• Roadway and Trail Alignment
• Cadastral & Topographic Surveying
• Right-of-Way
• Public Involvement
• Structural Design
• Traffic Control Plans
• Hydraulics Report
• Geotechnical Report

Project Challenges or Unique Aspects of Project:
• BNSF Railway Permitting
• Addressing Traffic Control during construction
• Determining optimal retaining wall types
• Effective public involvement
• Urban river flood plain management issues
• Selecting most appropriate alternatives
• Geotechnical considerations
5. REFERENCES

STEVE HERRIG  
Parks and Recreation Director  
City of Great Falls  
406.771.1265  
sherrig@greatfallsmt.net

J.R. TAYLOR  
Montana Department of Transportation  
Consultant Project Engineer  
406.444.7636  
jertaylor@mt.gov

JOHN PHELPS  
Former Chairperson  
Whitefish Bicycle and Pedestrian Path Advisory Committee  
Former City Attorney for Whitefish  
406.341.7591  
johnmphelps210@gmail.com
Douglas Peppmeier PE
REGIONAL MANAGER | CIVIL ENGINEER

Doug is a civil engineer and the Regional Manager of the TD&H Kalispell office. As the Regional Manager, he is responsible for overseeing all engineering services from initial client contact through final construction. Doug has been with TD&H since 2007 and prior to that was a project engineer for a private consulting engineering firm in Portland, OR. His work experience includes residential, commercial and industrial land development, water, stormwater and wastewater system design, municipal permitting, urban street and county roadway design, public involvement, construction administration, and client liaison.

RELEVANT PROJECT EXPERIENCE

HIGHLIGHTED PROJECTS

Riverview Meadows Trail Project | Whitefish, MT. Project Manager for a 10-foot wide, 244 feet long paved trail section conforming to current ADA standards and specifications. It has 1435 square feet of Allen Block MSE retaining wall to minimize impacts to the river bank it is constructed on, and was very carefully aligned to fit between existing trees along the route. Areas within the construction limits had the native topsoil salvaged and placed back on the exposed cut and fill slopes of the trail. Native plants are regenerating and growing in the native topsoil.

Coram Bicycle & Pedestrian Trail | Flathead County, MT. Project Manager for the development of a safe, convenient, and cost-effective bicycle and pedestrian path that provides non-motorized connectivity between Coram and West Glacier, Montana. The 9-foot wide paved bicycle and pedestrian path runs adjacent to US Highway 2 and is located entirely within the highway right-of-way. The total length of the path is approximately 6.8 miles.

Skye Park Bridge/Path Project | Whitefish, MT. Project engineer/manager for the pedestrian bridge and path project over the Whitefish River. The Skye Park Bridge Project involved the design and construction of a bicycle/pedestrian bridge spans approximately 200’ across the Whitefish River and associated path improvements to connect to the existing trail infrastructure. The project received funding from the Tax Increment and Community Transportation Enhancement Program (CTEP).

ADDITIONAL TRAIL PROJECTS

- Blacktail Path, Flathead County, MT – Project Manager
- Highway 37 Path, Lincoln County, MT- Project Manager
- Big Arm Path, Lake County, MT – Project Engineer
- Ronan CTEP Path, Libby, MT – Project Engineer

OTHER RELEVANT PROJECTS

Akers Lane – Riverview Meadows | Whitefish, MT. Provided project management and design during civil and geotechnical engineering services for an 18-lot subdivision (13 detached single-family lots, 10 attached single-family lots and 18 apartment units) on a total of 9.48 acres in Whitefish, MT.

Hwy. 93/Veterans Memorial Bridge Utility Design | Whitefish, MT. Project engineer/lead designer of the insulated utilities for a 140 ft single span plate girder MDT bridge just west of downtown Whitefish. The site is complex with numerous urban-type design constraints including pre-insulated water & sewer utilities which were attached to the bridge structure. The utility design included insulated pipe, pipe hangers, and flexible expansions joints for both the public water and sewer mains.
John Juras PE
PRINCIPAL | CIVIL ENGINEER

John’s career has spanned a broad range of civil engineering disciplines and activities. He has extensive experience in all phases of engineering project execution including project development, engineering studies, design, and construction management. In 3 decades of engineering, John has planned, designed, and managed the construction of Shared use path trail networks, roadways, water systems, sanitary and storm sewers, and many other facilities.

RELEVANT PROJECT EXPERIENCE

Bay Drive Bike/PED Path, Phases 1 and 2 | Great Falls, MT. As Project Engineer for these two complex Rivers Edge Trail projects, John has helped carry these projects from concept to completion. John was instrumental in obtaining $1,000,000 of ARRA funds to pay for the work. He has provided or coordinated full-service Engineering support for both projects including planning, CTEP funding application preparation, alternatives analysis, public outreach, surveying, preliminary design, landowner coordination, BNSF Railway Permitting, Streambank Permitting, final design, bidding, construction inspection, layout, construction materials testing, and funding agency coordination.

Rivers Edge Trail Improvements (Various) | Great Falls, MT. The Rivers Edge Trail is widely recognized as Great Falls finest recreational asset. John has been heavily involved in the master planning, funding, public relations, agency coordination, grant applications, fund raising, permitting, obtaining right-of-ways, design of over 15 separate projects, bidding, construction management, and maintenance planning for key segments of the Trail from 2006 through today.

Riverview Elementary Bike /PED Path | Great Falls, MT. Developed project concept, prepared CTEP and SRTS applications, coordinated public outreach, worked with stakeholders, completed trail design services, bidding, and construction coordination for this needed bike/PED trail in Great Falls.

Great Falls Transportation Plan Update | Great Falls, MT. Developed priorities for the off-street and on- street trails network portion of this Plan. Work included public involvement, prioritization, develop concept layout plans and preparing cost estimates. Priorities projects developed and completed after acceptance of the Plan.

Rocky Boy Transportation Projects | Rocky Boy, MT. Senior Civil Engineer responsible for project development, prioritization, estimating, budgeting, and design of numerous roadways, CTEP trail projects and parking projects at Rocky Boys Indian Reservation.

Development of PED and Bicycle Facilities. Self-study of existing Bike/PED trails throughout the USA, bicycle facility design standards and guidelines publications, webinars, etc. to further personal interest in improving bicycle facilities in Montana. Guest lecturer about ADA issues to Montana Engineers at 2019 Joint Engineers Conference. Holds the position of Past Chairman of Bike/Walk Montana, Great Falls Bicycle Club President and Lifetime Member of Adventure Cycling Assn.

River’s Edge Trail Maintenance Plan | Great Falls, MT. Completed a comprehensive plan including obtaining extensive public input, engaging stakeholders, inventorying existing system trails, documenting past, current, and future maintenance costs, providing detailed maintenance procedures for various types of trails, and developing inspection and maintenance record documentation.
Bruce H. Boody, ASLA., CSLA
301 Second Street – Suite 1B
Whitefish, MT 59937
406-862-4755    Fax: 406-862-9755
boodyla@bruceboody.com
www.bruceboody.com

Bruce Boody is an innovative landscape architect based in Whitefish since 1981. As principal and owner of Bruce Boody, Landscape Architect, Inc, Bruce has provided planning and design services for private residential, park and recreation, resort and other projects throughout Montana. Bruce has designed projects for urban renewal and street design, environmental assessments and master plans for parks and recreational areas and site development.

Bruce Boody is involved in many facets of landscape architecture and design. Keeping in mind that every client’s needs are unique, and every site has its own characteristics. His work varies broadly with the different types of projects. A thoughtful process begins with each area of design, as reflected in the project examples listed.

Licenses & Certificates
- Montana Board of Landscape Architects, License #87
- Idaho Board of Landscape Architects, License #16629
- North Dakota Board of Landscape Architecture, License #54
- British Columbia Society of Landscape Architects, License #307
- Council of Landscape Architectural Registration Boards, Certificate #1105
- Member, American Society of Landscape Architects
- Member, Canadian Society of Landscape Architects

Affiliations
- Tree Committee Board, City of Whitefish
- Advisor, Whitefish Bike Pedestrian Trail Committee
- CPC, Flathead County Master Plan Coalition
- Founding member, Citizens for a Better Flathead
- Past Board member, Glacier Institute
- Past Board member, Flathead County Parks and Recreation

Education
- University of Minnesota
- College of Liberal Arts, 1969-73
- Institute of Technology, 1977-78
- Bachelor of Landscape Architecture, 1978

Awards
- Montana Highway Excellence Award for the Best Reconstruction of Urban/City Projects, Whitefish Downtown Project, 2012
- Landscape Award, Glacier Village Design Review Committee, 2003
- A.S.L.A. ID/MT Chapter; Merit Award, Planning and Urban Design, Whitefish Community Center, 1999
- A.S.L.A. Idaho/Montana Chapter; Merit Award, Design, Whitefish City Beach Park, 1999
- Flathead Valley Arts Council Design Award Award, Whitefish City Beach, 1993
- Flathead Valley Arts Council Design Award Award, Riverside Park, 1991

Related Projects
- Whitefish Bike/Pedestrian ‘Fish Trail’ System
- Project & Master Plan & Individual Segments
- Whitefish Pedestrian / Bike Federally Funded Trails
- Project & Master Plan
- Whitefish Downtown Infrastructure
- Armory Park, Whitefish, MT
- City of Whitefish Armory Park Conceptual Plan
- Volunteer Park, Lakeside, MT
- Whitefish Community Center
- Lone Pine State Park, Kalispell, Montana
- Whitefish City Beach Park
- Kay Beller Park
- Riverside Park
- Flathead County Parks and Recreation Master Plan
- Baker Commons Conceptual Site Plan
- Whitefish Emergency Services Center, City of Whitefish, MT
- Parks & Recreation Dept., MT
Richard Swan PLS
REGISTERED LAND SURVEYOR

Rick is the Survey Manager of the Kalispell office and has been with TD&H Engineering since 1984. His work experience includes boundary surveys, topographic site mapping, right-of-way surveys, and construction staking of municipal infrastructure and building projects. He also provides survey research, survey calculations, property descriptions, AutoCAD design basemap preparation, construction staking, and right-of-way surveys as needed. He is experienced in the use of GPS, AutoCAD, and Carlson survey software.

RELATED EXPERTISE
- Experience with topographic and UAV surveying
- Control, Cadastral, Engineering, and Hydraulic Survey
- Topographic, boundary line survey
- Platting & Certificate of Survey
- Trimble equipment and software

RELEVANT PROJECT EXPERIENCE
HIGHLIGHTED PROJECTS

CSKT Street Reconstruction Projects | Flathead Indian Reservation, MT.
Project surveyor for the reconstruction of over 6,000 LF of existing subdivision infrastructure and 1.5 miles of multi-use path. The overall project consisted of five separate phases:
1. Timberlane Path
2. Nancy Joseph Homesites
3. Ktunaxa Homesites
4. Sundown Homesites
5. Rosalie Lane

Skype Park Bridge/Path Project | Whitefish, MT.
Project surveyor for the pedestrian bridge and path project over the Whitefish River. The Skye Park Bridge Project involved the design and construction of a bicycle/pedestrian bridge which spans approximately 200’ across the Whitefish River and associated path improvements to connect to the existing trail infrastructure. The project received funding from the Tax Increment and Community Transportation Enhancement Program (CTEP).

Riverview Meadows Trail Project | Whitefish, MT.
Surveyor for a 10-foot wide, 244 feet long paved trail section conforming to current ADA standards and specifications. It has 1435 square feet of Allen Block MSE retaining wall to minimize impacts to the riverbank it is constructed on, and was very carefully aligned to fit between existing trees along the route.

Coram Bicycle & Pedestrian Trail | Flathead County, MT.
Project surveyor for the development of a safe, convenient, and cost-effective bicycle and pedestrian path that provides non-motorized connectivity between Coram and West Glacier, Montana. The 9-foot wide paved bicycle and pedestrian path runs adjacent to US Highway 2 and is located entirely within the highway right-of-way. The total length of the path is approximately 6.8 miles.

BICYCLE & PEDESTRIAN PATHS
- Tobacco River Bicycle/Pedestrian Path, Eureka, MT
- Fairmont – Egan Path, Kalispell, MT
- Great Northern Rails-to-Trails Path, Kalispell, MT
- Bigfork Grand Avenue Walkway, Bigfork, MT
Craig Nadeau PE
GEOTECHNICAL DEPARTMENT MANAGER

Craig is a registered professional engineer with fifteen years of experience and a master’s degree in civil engineering with a Geotechnical focus. Craig’s work experience has included the entire extent of geotechnical engineering projects, from proposal writing to final report. He works with clients to develop scopes of work, schedules, and budgets, performs field investigations, analyzes geotechnical samples in the laboratory, performs engineering analyses, and prepares geotechnical reports. He is skilled in the use of cone penetrometer testing CPT equipment, slope inclinometer installation and monitoring, and field resistivity testing.

RELATED EXPERTISE
• Geotechnical investigations and analysis
• Shallow and deep structure foundations
• Slope stability
• Pavement and retaining wall design

RELEVANT PROJECT EXPERIENCE
Sun River Trail Project, MDT | Great Falls, MT. Craig planned and performed two investigations along 10th Avenue South adjacent to the Sun River in Great Falls for evaluation of subsurface conditions beneath the proposed trail system. The project included a retaining wall structure to support the pedestrian trail without impacting the hydraulics of the Sun River using a sheet pile wall system. Craig assisted with the design of this structure and the trail surfacing sections throughout the project.

River’s Edge Trail Connector, MDT | Great Falls, MT. Craig performed Geotechnical Engineering for the design and construction of approximately 2200 linear feet (0.41 miles) of pedestrian trail. The River’s Edge Trail Connector Project will move the River’s Edge Trail from between Broadwater Bay and 1st Avenue to alongside the river.

River’s Edge Trail Slope Stability | Great Falls, MT. TD&H drilled two soil borings, one on either side of the slide area. Each boring was drilled to a maximum depth of 20’ within a competent rock mass using our track-mounted Geoprobe 661 OX drill rig that allowed for a quick start to this investigation and limited impacts to the use of the trail system during this stage. During drilling, samples were collected. Samples obtained from the field investigation were analyzed in our accredited Construction Materials Testing laboratory in Great Falls, MT.

Coram Bicycle & Pedestrian Trail | Flathead County, MT. Geotechnical engineer for the development of a bicycle and pedestrian path that provides non-motorized connectivity between Coram and West Glacier, Montana. The 9-foot wide paved bicycle and pedestrian path runs adjacent to US Highway 2 and is located entirely within the highway right-of-way. The total length of the path is approximately 6.8 miles.

Skye Park Bridge/Path Project | Whitefish, MT. Geotechnical engineer for the pedestrian bridge/path project over the Whitefish River. The Skye Park Bridge Project involved the design and construction of a bicycle/pedestrian bridge spans approximately 200’ across the Whitefish River.

Riverview Meadows Trail Project | Whitefish, MT. Geotechnical engineer for a 10-foot wide, 244 feet long paved trail section conforming to current ADA standards and specifications. It has 1435 square feet of Allen Block MSE retaining wall to minimize impacts to the river bank it is constructed on, and was very carefully aligned to fit between existing trees along the route.
Joseph Bushong PE
CIVIL ENGINEER

Joe Bushong is a Civil Engineer working in our Kalispell, Montana office. He graduated from Boise State University in 2013 with a Bachelor of Science Degree in Civil Engineering. Through past internships and during his time with TD&H Engineering, Joe has gained experience in: Utility Leak Detection, Project Management, Structural Engineering Design, Construction Materials Testing (CMT), CMT Data Management, Construction Surveying, Structural Site Inspecting, Construction Site Inspection, Project Engineering, and Geotechnical Investigation. In addition, Joe is ACI certified as a concrete field testing technician grade 1 and possesses his nuclear gauge training and hazmat certifications. Joe is also proficient with the following engineering modeling software: ENERCALC, basic AutoCad Civil 3D, and basic Math CAD.

RELEVANT PROJECT EXPERIENCE
HIGHLIGHTED PROJECTS

US 2 Path - Coram to West Glacier | Flathead County, MT. The project involved the design and construction of a seven-mile pedestrian path located between Coram and West Glacier. The project received funding from the Community Transportation Enhancement Program (CTEP) and was designed in accordance with CTEP and ADA standards. Personal responsibilities included providing construction administration services throughout the duration of the project.

Cottonwood Estates Development | Whitefish, Montana. The Cottonwood Estates project involved the design and construction of a 20-lot subdivision located in Whitefish, Montana. Improvements for the project consisted of extending 685 L.F. of water main, 796 L.F. of sanitary sewer main, and 451 L.F. of storm sewer throughout the site as well as designing a 650 L.F. access road. Personal responsibilities included grading, plan set production, quantity calculations, stormwater analysis, stormwater design, and construction administration.

Confederated Salish Kootenai Tribe (CKST) Street Reconstruction Project | Flathead Indian Reservation, MT. The overall project consisted of revising existing roadway profiles and alignments, adjusting existing utilities, providing construction materials testing services, as well as designing new streets, sidewalks, walkways, and storm drainage infrastructure for the following projects. Personal responsibilities included assisting in plan set production and providing construction materials testing services.
  • Nancy Joseph Homesites • Ktunaxa Homesites • Sundown Homesites • Rosalie Lane • Timberlane Path

ADDITIONAL CIVIL PROJECTS
  • Treeline Center Development, Kalispell, MT
  • Grease Monkey, Kalispell MT
  • Cabins at Whitefish Development, Whitefish, MT
  • Larose & Elsen Development, Whitefish, MT
  • McDonald’s Restaurant, Kalispell, MT
  • Riverview Meadows Phase 1 & 2, Whitefish, MT
  • Bigfork High School, Bigfork, MT
  • Nucleus Avenue, Columbia Falls, MT
  • Glacier Gateway Cabins, Columbia Falls, MT
  • MCAD Professional Office Building, Whitefish, MT
  • Glacier Medical Parking Improvements, Whitefish, MT
Scott Mahurin, PE, SE
STRUCTURAL ENGINEER | PRINCIPAL

Scott is a licensed professional engineer specializing in structural engineering. His design experience includes a variety of projects such as bridges, pedestrian bridges, water holding tanks, health care facilities, school facilities, commercial structures, industrial structures, anti-terrorism and force protection design in military facilities, and blast design and retrofit within petrochemical facilities. Scott has experience in the design of steel plate girder and prestressed concrete bridges.

RELEVANT PROJECT EXPERIENCE
US93 Whitefish West/Veterans Memorial Bridge, MDT | Whitefish, MT. Structural analysis and design for the 42-meter single span steel girder bridge over the Whitefish River. The design utilized welded steel bridge plate girders, steel diaphragms, and a composite concrete deck. Two optional field splices for the plate girders were included to facilitate shipping of the girder and on-site erection. Also, Scott assisted in the design and detailing of the concrete abutments, wingwalls and driven steel piles.

Skye Park Pedestrian Bridge, City of Whitefish, MT | Structural Engineer. Scott performed structural engineering design for the 40’ approach span and 180’ main span steel HSS truss pedestrian bridges. Design included foundation design, retaining wall design and design coordination with the prefabricated bridge manufacturer. Due to hydraulic concerns the truss depth was minimized to maintain appropriate freeboard requirements over the 100’ year flood elevation while seeking to limit raising the approach pathway grade.

Karrow to Mountainside Retaining Walls, MDT | Whitefish, MT. Scott designed concrete cantilever retaining walls adjacent to a walking path and roadway. The walls were designed to resist impact traffic loads from crash tested barrier rails on top of the wall.

Sun River Trail, MDT | Great Falls, MT. Scott performed the structural design for the new cantilevered pedestrian path along 10th Avenue South in Great Falls. The project sought to minimize river channel impacts while also maintaining operation of 10th Avenue South. An innovative design was selected utilizing driven sheet piling to provide scour protection for the new pathway. To minimize the river bank impacts, the sheet pile was “tucked” under the overhanging sidewalk designed as an integral concrete moment slab that cantilevered over the sheet pile.

95 Karrow Pedestrian Bridge and Boardwalk | Whitefish, MT. TD&H performed structural engineering design for a new 160’-0” steel truss pedestrian bridge providing a pedestrian trail extension to a new multi-use development in Whitefish, MT. Due to collapsible soils in the area the structure was founded on a helical pier pile grid extending approximately 140’-0” below grade. Additionally, as part of the project TD&H completed structural design for a wood framed boardwalk and boat access ramp located off the path within the extents of the river. Helical pier deep foundations were utilized for the foundation support out into the river to limit construction impacts within the river and work within permitting parameters that needed to be met.
A professional landscape architect in good standing, I specialize in site and landscape design, project management and construction administration for new-build and renovation projects. I have a proven track record of successful designs and installations working with outside consultants and contractors, completing projects under budget.

May 2021 – Present
Owner/Principal - Northwest Design Studio, Inc. - Whitefish, MT
Owner and Principal Landscape Architect. Providing oversight and project management of design services for land-use planning, commercial, residential, and public spaces.

- Manage design team in providing thoughtful, analytical, and proficient landscape architecture, encouraging sustainability, practicality and cost efficiency.
- Provide direction to staff and clients in all areas of landscape architecture design and planning

September 2019 – April 2021
Project Manager - Bruce Boody Landscape Architect, Inc. - Whitefish, MT
Design and project oversight of commercial, residential, and public projects throughout the Flathead Valley.

- Manage design team in providing thoughtful, analytical, and proficient landscape architecture, encouraging sustainability, practicality and cost efficiency.
- Provide direction to staff and clients in all areas of landscape architecture design and planning

January, 2012 – 2019
Landscape Architect - Pittsburg State University - Pittsburg, KS
Director of Landscape Services leading two crew supervisors, twelve full-time employees, and additional ten season workers each summer.

- Develop and prepare all site and landscape plans to be implemented on campus.
- Promote a strong team dynamic for communication and cooperation.
- Oversight of all University landscape operations for 7+ years. Achieved an ongoing annual 16% cost reduction in operating expenses.
- Streamline daily planning and operations to promote efficiency within the department. Daily coordination and planning of Campus upkeep and project completion with supervisors and crew members.
- Completed project estimation, bidding, and expenditure tracking.
- Interact with private donors, University administration, contractors and consultants and crew members on large and small-scale projects.
- Interdepartmental communication and coordination for maintenance/project services.

April, 2014 - March, 2017
Owner - Midwest LandArch, LLC - Asbury, MO
- Provided landscape architectural services to residential and commercial customers in the 4-states region.
- Landscape and irrigation design, construction documents completed for Kansas Crossing Casino. Coordination with Ownership group, General Contractor, and Design Consultants.

September, 2009 - November, 2011
Landscape Architect - Athan’s Services, Inc. - Topeka, KS
March, 2009 - September, 2009
Working Supervisor at Hultquist Landscapes, LLC - Topeka, KS

August, 2005 - January, 2009
Landscape Designer - MKEC Engineering Consultants, Inc - Overland Park, KS
- Planning of commercial and residential developments of varying sizes from conceptualization to plot plan submittal.
- Construction administration and observation.
- Proposal writing and preparation of graphics for proposals.
Brad is a Registered Professional Geologist with over ten years of experience in groundwater investigations. His technical expertise includes aquifer characterization, water supply and availability assessments, design of large capacity water wells, and the associated regulatory permitting. Brad is involved in all phases of a project, from design through installation and final approval. His primary focus has been the evaluation of groundwater resources relative to supply and availability. This work includes evaluating site-specific hydrogeologic conditions, stream depletion analysis, aquifer test design and implementation, and analysis in preparation of water rights applications for both private and municipal entities.

**Professional & Project Experience**

Senior hydrogeologist and project manager experienced with a wide array of groundwater development projects, including design of high-capacity production wells, source water assessments, and permitting (both through the Montana DEQ and DNRC). Responsible for source water development and water rights permitting issues for numerous private and municipal water supplies, industrial users, water bottling companies, golf courses, and groundwater source heating/cooling projects. Completed supply and availability assessments for both public and private water purveyors, including designing and testing large production wells for municipal/public water supplies, industrial, and agricultural uses, conducting analysis of aquifer pumping test results in support of preparing water right applications for all types of use.

Project hydrogeologist focused on the evaluation of groundwater resources relative to supply and availability. This work included aquifer test design, implementation, and analysis of aquifer tests to prepare water rights applications for both private and municipalities. Additional responsibilities included evaluations of site-specific hydrogeologic conditions and assessments of historical water use. Work history includes submitting numerous beneficial water use applications and change of use applications for clients, including private individuals, large industrial users, and municipal entities.

Hydrologist and water right specialist with Montana DNRC responsible for evaluating the effects of proposed water use relative to senior water users. Evaluations included aquifer test analysis, stream depletion analysis, and legal/physical availability analysis focusing on groundwater/surface water interactions. Evaluations were summarized in technical memorandums and used in regulatory decisions. Additional duties included serving as water resource advisor to Conservation Districts within the Yellowstone River basin, preparation of water rights applications for irrigation projects within the basin. Field activities include surface water discharge measurements, streamgage installation, and stream channel survey.

Field geologist responsible for the interpretation of pre-construction geotechnical information and site-specific field assessments. Responsible for tracking ground conditions encountered during tunnel construction, including logging of probe drilling ahead of tunnel boring machine and directing pre-excavation pressure grouting operations for ground consolidation and controlling groundwater inflows. Construction oversight duties included evaluation of initial ground support and tunnel final lining.

**Education**
- MS Hydrology
  University of Idaho, 2009
- BS Geological Sciences,
  University of Idaho, 2008

**Licensure**
- Registered PG (ID)

**Technical Skills**
- Project management
- Well Design and Construction Oversight
- Aquifer Characterization
- Surface Water and Groundwater Interaction
- Source Water Protection
- Water Rights
- Site Investigation
- Water Development

**Training & Certifications**
- Groundwater & Wells Design Course, Johnson Screens
- Applications of Groundwater Geochemistry, National Groundwater Association
- Montana Water Law Presenter

**Memberships**
- National Groundwater Association
- Geological Society of America
Bill joined the WET team in February 2018 as a senior hydrogeological engineer providing project management and technical expertise to a diverse range of hydrogeologic and hydrologic tasks throughout all phases of projects including aspects of groundwater, surface water, geology, and geochemistry. Working in the environmental field since 2000, the full spectrum of tasks completed include field hydrogeological and hydrological activities, environmental engineering experience in water and wastewater operations (including facilities operator at a CERCLA water treatment plant), environmental permitting, aquifer testing, groundwater modeling, remediation and bioremediation at environmental and mine reclamation operations, and construction oversight. Bill’s experience also includes public water supply compliance, floodplain compliance, mapping, engineering, fiber network design, Phase I assessments, subdivision permitting and nondegradation compliance reports, aquifer evaluations, water rights, stormwater hydrologic analyses, and associated report writing.

**Professional & Project Experience**

Senior engineer responsible for work that includes public water supply compliance, floodplain compliance, mapping, engineering, fiber network design, Phase I assessments, subdivision permitting and nondegradation compliance reports, aquifer evaluations, water rights, stormwater hydrologic analyses, and associated report writing.

Project manager responsible for a geotechnical/hydrogeological evaluation and monitoring of a site investigation and characterization near a thermal spring complex. The project’s scope is to help MDT meet an overall project objective to provide geometric improvements to the existing roadway (shoulder widening and structure replacements) while ensuring the integrity of the thermal spring complex (i.e., flow, temperature, and water quality) is not compromised. Work includes establishing a qualitative and quantitative site condition baseline (surface water and groundwater), a provision for conceptual mitigation strategies for the selected highway alignment, and continued quantifiable monitoring of the thermal spring complex before, during, and following alignment work.

Project manager responsible for an aquifer evaluation where five independent aquifer tests were conducted on different parcels along a frontage road to establish a quantitative site condition baseline. The resulting evaluation reports provided information for developing geometric improvements to the existing road without inadvertently compromising the productivity of residential wells along the road.

Project engineer responsible for conducting surface water and groundwater monitoring by assessing groundwater upwelling testing tracer study technologies, including dye, radon, and thermal imaging, within the system to assess the quantity of groundwater gain. Engineering support included mass balance calculations and modeling.

Project engineer responsible for construction dewatering engineering at an abandoned mine site slated for reclamation. Work included contributing to the 60% design package by conducting a site pumping test to develop a dewatering plan and analyzing and assisting in the design through pumping test results and groundwater flux calculations.
Jay Slocum has been a wildlife biologist and GIS specialist with WET since 2009 and has vast environmental consulting experience. Jay manages projects for governmental agencies, non-profit organizations, and clients in the private sector involving many environmental issues. These issues include but are not limited to wildlife studies, vegetation surveys, aerial image classifications, wetland delineations, wetland and stream restoration, stormwater management, environmental permitting, and soil and water sampling. He is experienced in geospatial database creation and management, preparation and implementation of sampling and analysis plans (SAPs), establishing and following standard operating procedures (SOPs), quality assurance project plans (QAPPs), statistical analysis, and technical report writing.

**Professional & Project Experience**

Project manager and senior wildlife biologist responsible for implementing the Environmental Impact Analysis Process (EIAP) at various launch facilities within the missile complex and within Malmstrom Air Force Base, Montana. These projects involved analyzing potential impacts to reconfiguring the three Malstrom entry gates, installing a dewatering system at Launch Facility—Delta—02, and implementing off base troop training at six launch facilities. Prepared Environmental Assessments (EA) to analyze the impacts for the proposed action, alternatives, and the no action alternatives in accordance with the provisions of National Environmental Policy Act (NEPA). Investigated, studied, analyzed, consulted, documented, and provided public interface support addressing impacts of the proposed action and alternative.

Collects field X-ray Fluorescence (XRF) soil data to provide construction oversight for large-scale Superfund waste removal projects following required soil handling procedures. Project manager for wetland and stream restoration projects implementing stormwater control plans and oversees proper installation of stormwater sediment and erosion controls structures. Understands heavy equipment construction techniques and sequences construction methods to minimize environmental impacts.

Responsible for preparing environmental permits including floodplain, US Army Corps Section 10 & 404, 310 stream-bank law, 318 water quality, 124 stream protection, and federal, state, and local stormwater control permits. Consults with the Montana Sage Grouse Habitat Conservation Program to satisfy regulatory requirements and has worked to develop numerous mitigation plans. Prepares NEPA and MEPA compliance documents and prepares sections used in EAs and EISs. Develops project restoration and wetland mitigation plans.

Environmental consultant for oil/gas and electric industrial construction projects for transmission, distribution, and fiber optic telephone cooperatives. Serves as an environmental permitting liaison between clients and local, state, and federal agencies. Provides construction oversight as part of wetland and stream restoration work. Designs, implements, and inspects stormwater plans and controls. Serves as a certified trainer for MPDES SWPPP Preparer and Administrator courses.

**Education**

BS Wildlife Biology (Terrestrial)
University of Montana, 2005

**Licensure**

Commercial Pesticide Applicator/Right of Way Pest Control

**Technical Skills**

- ArcGIS 10.7/ArcPad 10.2
- ArcGIS Online/ESRI Collector
- Pathfinder Office/TerraSync
- AutoCAD Civil 3D
- Adobe Acrobat DC

**Training & Certifications**

- 40-Hour Hazardous Waste Operations and Emergency Response (HAZWOPER)
- HAZWOPER (8-Hour Recertification Course)
- MSHA New Miner Training & Recertification Course
- MTDEQ certified Storm Water Construction Trainings—BMP 101, 201, 202, & 301 | WQM 100 & 110
- MTDEQ SWPPP Administrator & Preparer
- MTDEQ State certified Storm Water Instructor
- Swift Water Rescue Training
- Backcountry First Aid Training
- CPR Certified
- ATV Safety Training
- Boat Safety Certified—MTFWP
Mike Kirkpatrick PE  
CONSTRUCTION MANAGER

Mike is a civil engineer who specializes in construction management. He brings 43 years of professional construction experience providing construction oversight and testing, concrete and asphalt observation and testing, and construction QA/QC. He provides civil site construction services for educational facilities, subdivisions, public infrastructure projects, and water/wastewater systems. Mike holds a bachelor’s degree in civil engineering from Montana State University.

RELEVANT PROJECT EXPERIENCE

Spanish Peaks Lodge | Big Sky, MT - Construction Manager. Provided oversight of a team of testers and inspectors on the construction of the ultra-luxury lodge costing in excess of $500,000,000. Mike completed his work on this project in 2021.

Cottonwood & Oak Roundabout | Bozeman, MT - Construction Manager. Provided special inspection, construction oversight, and concrete and materials testing services for an urban multi-lane roundabout at the intersection of two 5-lane principal arterial roadways as part of the Gallatin High School project.

15th Avenue & Beall Street Mini-Roundabout Intersection | Bozeman, MT - Construction Manager. Provided special inspection, construction oversight, and concrete and materials testing services for a mini-roundabout with traversable center and splitter islands at an urban local/collector street intersection as part of planned improvements to the Bozeman High School campus. Construction was completed Fall 2019 and is expected to be one of the first of its kind constructed in Montana.

Lambert Field & Van Winkle Stadium | Bozeman, MT - Construction Manager. Montana State University and the Bozeman School District had similar projects commencing at the same time and sought design and construction administration services from the same team to achieve synergy and greater efficiency in the design, scheduling, and delivery of each project. Oversaw special inspection during construction for the fields and supporting elements.

Downtown Bozeman & Urban Renewal District Development | Bozeman, MT - Construction Manager. Provided interdisciplinary services including special inspection and materials testing for 80+ of the new multiuse units constructed since the creation of the 2009 Downtown Bozeman Improvement Plan. Services included construction administration, testing, and inspection for concrete, asphalt, and compaction testing. Additionally, provided (or currently providing) special inspection and testing for site improvements including the building and infrastructure improvements for the following projects, which highlight our expertise providing inspection and testing services for significant urban development: FLIR Systems Facility, Residence Inn on East Main, The Merin, One11 Lofts, Element Hotel.

ADDITIONAL PROJECTS

- Moonlight Lodge, Big Sky, MT. – Construction Manager.
- Ulery’s Subdivision, Big Sky, MT. – Construction Manager.
- Southwest Entry Subdivision, Big Sky, MT. – Construction Manager.
- Madison Overlook Subdivision, Big Sky, MT. – Construction Manager.
- Downtown Capital Improvements Project, Livingston, MT. – Construction Manager.

TD&H ROLE

Construction Manager

EXPERIENCE

43 Years

EDUCATION

BS, Civil Engineering; Montana State University

REGISTRATIONS

Professional Engineer: MT: 6127PE

MEMBERSHIPS

- American Society of Civil Engineers (1980-present)
- Associated General Contractor
- Member (1980-present)

CERTIFICATIONS

- Occupational Safety and Health Administration (OSHA) Certification
- Hazardous Materials (HAZMAT) Certification
- RailSafe Endorsement Cert.
- Class A Commercial Driver’s License (CDL) with HAZMAT Endorsement
- Stormwater Pollution Prevention Plan (SWPPP) Administrator
- Basic Life Support (BLS) Certification
- High Density Polyethylene (HDPE) Fusion Certification
- Mobile Crane Inspector Cert.
- Cascade County Waste Water Treatment Installer Certification
MEETINGS
The Whitefish Community Housing Committee held its first meeting on Monday, February 27th. The Committee reviewed the strategies and priority action items, discussed plans moving forward, and legislative challenges. The Committee also unanimously recommended that the City Council hire a consultant to assist with two of the top priorities including a development plan and financing plan. The recommendation is included as a separate item on the City Council’s agenda for this meeting.

On February 28th, I met with a member of the Whitefish Firefighter’s Association and their design consultant to review and discuss the conceptual designs of a 911 Memorial at the Emergency Services Center (ESC). The Whitefish Fire Department was provided three pieces of the World Trade Center that are intended to be displayed in the memorial. This project was originally initiated in 2013 but has been delayed due to staffing changes. The proposed site is on City property near the entrance of the ESC along the currently landscaped area. Therefore, it would not impact parking or the building. The intent of the Association is to fund this project through donations. There will be more to come on this item in May.

2023 MONTANA LEGISLATIVE SESSION
The 2023 Montana Legislative Session is fast and furious with over 1,000 bills introduced (504 Senate bills & 817 House bills) and thousands of drafts requested (4,622) as of the date of this report. Below is a list of bills that could significantly impact the City that we are supporting or opposing. There are hundreds more that are being monitored at this time. To look up specific bills visit:

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. The bill was amended and passed through the Senate Business, Labor, and Economic Affairs Committee and Senate. The bill has been transmitted to the House.

SB 125 – Limit Certain Property Tax Levies to 5 Years without Reapproval. The original draft would limit voted mill levies to 5 years. The City currently has a perpetual 24-mill voted levy for 24/7 fire protection. Amendments have been proposed that would exclude voted mill levies for law enforcement, fire protection, search and rescue, water, wastewater, storm water, and solid waste. If passed, the effective date is set for January 1, 2024, and applies only to mill levy elections held on or after that date. While the amendments are in the right direction, voted levies for parks,
open space (excluding bonding), and libraries would now be limited. The City opposes SB 125. A
hearing was held January 31st in the Senate Taxation Committee. This was tabled in Committee.

SB 142 – Provide Oversight of Local Impact Fee Laws. Sponsored by Senator Regier, this bill was
the product of the City’s ongoing class action lawsuit with many of the items directly related to
the specific complaints. Senator Mandeville provided amendments to SB 142, which were
approved in the Senate Local Government Committee and subsequently by a majority of the
Senate. The amendment eliminated most of the proposed changes, especially those changes that
would make impact fees simply ineffective as a funding source for projects driven solely by new
development. SB 142 was transmitted to the House with amendments and had a hearing in the
House Local Government Committee on February 17th. House Local Government Committee
executive action is pending.

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 and provided testimony at the hearing. The hearing was held
January 19th. Senate Taxation Committee executive action is pending.

SB 159 – Restrict use of Eminent Domain. This bill would prohibit the use of eminent domain for
trails and paths for walking, hiking, bicycling or equestrian use. The City provided testimony in
opposition to SB 159. The Senate Judiciary Committee and Senate both have approved the bill.
SB159 has been transmitted to the House.

SB 215 – Revise DEQ rule ARM 17.36.328 to Require Connection from Proposed Subdivision.
SB 215 would change the connection requirement of a subdivision from 500 feet to 1000 feet of a
public water or wastewater system and require that the system accepts the connection. The City is
currently monitoring this bill, which was approved by the Senate and transmitted to the House.

SB 206 – Exempt Certain Cell Phone Use from Local Ordinances. If passed, this bill would require
a change to the City’s current ordinance to allow the use of a cell phone while driving for voice
communications. In other words, the City would only be able to restrict texting while driving. The
City opposes this bill. The bill has passed through the Senate and has been transmitted to the
House.

SB 245 – Revise Municipal Zoning to Allow Multifamily and Mixed-Use Development. SB 245
would require as a permitted use multifamily and mixed-use developments in commercial zones
with no parking requirements, a maximum height of 40 feet, and setbacks equal to the smallest
setbacks in the City. The City provided written testimony opposing this bill at the hearing on
February 8th and was approved with minor amendments. SB 245 was approved by the Senate
and transmitted to the House.
SB 262 – Generally Revise Licensing Requirements. This bill would essentially eliminate the City’s business licensing program. As proposed, this bill would prohibit any additional licensing requirements at the City level for which a license is required by the State. There are many types of businesses and professions licensed by the State including public accommodations, bars, restaurants, CPAs, etc. The City provided written testimony opposing this bill for the February 8th hearing, but the bill passed through the committee on February 14th. The bill passed the 3rd reading in the Senate. We will continue to oppose this bill as it moves through the House.

SB 268 – Short-term Rentals. This bill was introduced by Senator Hertz on February 3rd. 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 owner’s primary residence. Amendments to the bill were 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, but no amendments have been made. The definition of primary residence is still unknown, but clarification has been requested. Based on other bills it would likely be considered a primary residence for any owner who resides in the home for at least 7 months. The City provided written testimony opposing SB 268 for the hearing on February 20th. Amendments have been proposed but would still allow short-term rentals for primary residence and ADUs or a single unit on an adjacent property. Executive action by the Senate Local Government Committee is pending.

SB 291 – Revise Threshold for Approval for Certain Bond Elections. SB 291 proposes changes the voter approval for bond elections from a majority vote to a required 40% turnout for majority approval or a 60% approval rate if there is a 30% voter turnout. Anything less than 30% is considered a failed election. While no immediate impact to the City is of concern, future bond elections could be affected. The City opposed this bill on February 15th through our lobbyist at the Senate Taxation Committee. SB 291 is likely dead as it was table by the Committee on February 28th.

SB 292 – Revisit Threshold for Approval for a Mill Levy Election. Much like SB 291, this bill proposes changes the voter approval for mill levy elections from a majority vote to a required 40% turnout for majority approval or a 60% approval rate for a 30% voter turnout for mill levy elections. While no immediate impact to the City is of concern, future mill levy elections could be affected. The City opposed this bill on February 15th through our lobbyist at the Senate Taxation Committee. SB 292 is likely dead as it was table by the Committee on February 28th.

SB 301 – Revise Property Laws Related to Lakeshore Regulations. SB 301 would grandfather structures within the lakeshore protection zone that were in place on or before January 1, 2023, unless active enforcement was taking place by a local government. Furthermore, it allows ongoing maintenance, remodeling or minor modification that costs less than $10,000 and does not involve significant excavation or in-fill of material. The City submitted written testimony for the Senate Local Government Committee hearing on January 20th. Amendments were made and passed by the Committee. The amendments clarify that these new regulations do not apply to illegally constructed items that cause material harm to lakeshore stability, water quality, or aquatic life. Second reading in the Senate is scheduled for March 1st.
SB 323 – Allow for Duplex, Triplex, and Fourplex Housing in City Zoning. This bill is much more impactful for communities with a population of 50,000 or more as it would require zoning regulations for all duplexes, triplexes, and fourplexes to be no more restrictive that that of a single-family residence. For cities with a population of at least 5,000, which applies to Whitefish, zoning regulations cannot be more restrictive for duplex housing than those applicable to single-family homes. The Senate Local Government Committee passed this bill with minor amendments that do not change the impact of the bill on Whitefish. **Second reading in the Senate is scheduled for March 1st.**

SB 467 - Revise Laws Regarding Local Regulation of Short-term Rentals. The City strongly opposes SB 467. This bill would eliminate the City’s ability to regulate or restrict short-term rentals through zoning or other means. **After introduction in the Senate on February 22nd, a hearing was held on February 24th in the Senate Local Government Committee. Executive action by the Committee is pending.**

HB 76 – Generally Revise Transportation Laws. This bill reduces the 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 passed the House Transportation Committee and the House. The Senate Highways and Transportation Committee also approved this bill. **Action by the Senate is pending.**

HB 206 – Generally Revise Mill Levy Election Laws. Like SB 125 above, this bill aims to limit voted mill levies to 5 years. Amendments were made to exclude law enforcement, fire protection, search and rescue, water, wastewater, storm water, and solid waste. This bill does go further, though, by proposing requirements for a percentage of voter turnout and the percentage that would represent a majority vote for passage. The City’s lobbyist attended the hearing on January 18th and opposed the bill on behalf of the City. There are similar bills sponsored by Senator Hertz (SB 291, 251 and 292). **This bill was tabled in the House State Administration Committee on January 26th and is likely dead.**

HB 226 – Generally Revise Pension Laws. The City opposes HB 226. This bill would increase the employer (city) contributions to the Public Employees Retirement System (PERS) to ensure it is fully funded. While we are not opposed to an actuarially determined sound retirement plan, this bill does not allow for the necessary financial planning for cities as rates could significantly be adjusted in any given year. A hearing was held on January 23rd in the House State Administration Committee. The Committee and House approved this bill with amendments that somewhat minimize the impact. **The first reading for HB 226 in the Senate was held February 28th. While the City still opposed HB 226 as amended, the City does support SB 29 that continues the 0.10% increase each year for another 10 years to work toward a sound retirement system. SB 29 passed the Senate Finance and Claims Committee, as well as the Senate. A hearing was held on February 21st in the House State Administration Committee. Executive action on SB 29 by the Committee is pending.**

HB 244 – Revise Laws Governing the Housing Montana Fund. This bill, sponsored by Representative Fern, removes restrictions and income requirements for loans from the Housing Montana Fund. The City supports this bill, which passed out of the House and was transmitted to
the Senate. **First reading was held in the Senate on February 2nd.** We will continue to support and monitor this bill.

**HB 324 – Local Government Expenditure Limitation.** HB 324 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 for cities of the first class (10K population or more). 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 strongly opposes this bill and submitted testimony for the February 9th hearing in the House Local Government Committee. **The Committee tabled HB 324 on February 23rd and the bill is likely dead.**

**HB 337 – Revise Municipal Zoning Laws to Prohibit Certain Minimum Lot Sizes.** The City strongly opposes HB 337 which would decrease the minimum lot sizes across the entire city to 4,000 sq. ft. (or 2,500 sq. ft. with setbacks and lot coverage applied). Currently our minimum lot size for single family is 6,000 sq. ft. and 3,600 sq. ft. for an attached zero lot line townhome. The proposed changes in HB 337 are contrary to the State of Montana’s requirements for local Growth Policies, where growth is planned and prepared for in an orderly and sustainable manner. It also raises compatibility issues with existing neighborhoods and is not consistent with our concurrency policies that require adequate infrastructure for areas of urban growth. The City submitted written testimony and our lobbyist attend to provide brief testimony at the hearing on January 31, 2023, in the House Local Government Committee. **The Committee tabled HB 337 on February 23rd and the bill is likely dead.**

**HB 369 – Require Referendum to Adopt Growth Policy.** HB 369 would require a special election to adopt or revise a growth policy. The City opposes HB 369. There is already ample opportunity for the public to provide input on the adoption of a growth policy or amendment. Furthermore, to hold a special election there would be an added cost, upwards of $10,000. The law already provides a petition for initiative or referendum with signatures from 15% of qualified electors of the area covered by the growth policy should there be concerns with the growth policy of a community. This bill was introduced on January 31st and referred to the House Local Government Committee. The City provided testimony opposing this bill at the hearing on February 9th. **The bill is likely dead as it was tabled by the Committee on February 16th.**

**HB 370 – Revise Resort Tax Eligibility and Allow Use for Workforce Housing.** This bill, sponsored by Representative Fern, does not change the City’s Resort Tax. However, it would provide an opportunity for Whitefish to add an additional 1% in the future specifically for infrastructure or workforce rental housing (defined as a development providing 20% or more of the units with rent restricted to 60% to 120% AMI). It also increases the population of a resort community to a city of the second or third class or less than 5,500. It’s important to note that the additional 1% for infrastructure that passed during the last legislative session excluded Whitefish due to our population. HB 370 proposes to eliminate that requirement. The City supports HB 370 which was referred to the House Taxation Committee. A hearing was held on February 10th and the bill was tabled in Committee by a 21-0 vote. **This bill is likely dead.**
HB 407 – Provide for Affordable Housing Tax Abatements. HB 407, sponsored by Representative Fern, provides that a local government may provide a program for property tax abatements for affordable multifamily rental housing. This is a possible new tool for the City in addressing affordable housing. The City provided support at the hearing on February 14th. The Committee passed the bill with amendments. Action by the House is pending.

HB 430 – Establish a Rent Local Program Funded with Tax on Short-term Rentals. This bill would create a new tax on short-term rentals that would be collected and administered by the State. The tax collected would be remitted to local jurisdictions in which the short-term rental operates if the governing body creates and administers a rent local program. Up to 5% of the tax collected may be retained by the State for administrative costs. The program requirements would be determined at the local level with certain parameters such as a 1-year lease. The City is a proponent of this bill and provided supportive testimony on February 17th at the House Taxation Committee meeting. Executive action by the House Taxation Committee is pending.

HB 465 – Revise Local Government Acceptable Use of Building Permit Fees. The City supports HB 430 that would increase the maximum fund balance limit from 12 months to 36 months, as well as eliminate the need for separate agreed upon procedures. A hearing was held in front of the House Local Government Committee on February 21st. The Committee passed HB 465 with minor amendments, and it has also passed second reading by the House on February 28th.

NEXT CITY COUNCIL MEETING
The next City Council meeting is scheduled for Monday, March 20th, in the City Council Chambers with remote participation available to the public. A special session is scheduled to hold committee interviews, which will be followed by a work session regarding proposed changes to the marijuana retail regulations.

Respectfully submitted,

Dana M. Smith, CPA
City Manager
Staff Report

To: Mayor John Muhlfeld and City Councilors
From: Dana Smith, City Manager
Date: February 28, 2022
Re: Recommendation to Hire a Consultant to Assist in the Creation of the Housing Development and Financing Plan as Identified in the Whitefish Community Housing Roadmap

Background
In January, the City Council established the Whitefish Community Housing Committee (Committee) to implement strategies identified in the recently adopted Whitefish Community Housing Roadmap (Roadmap) that the City was identified to take the lead role.

Current Report
The Committee held its first meeting on February 27th to review the priorities of the Roadmap for the City to implement. The first two priority action items include (1) the creation of a community housing development plan under the public/private development strategy, and (2) the creation of a community housing financing plan for the Roadmap that falls under the funding for community housing strategy (see attached pages from the Roadmap). Both of these actions are not only essential in the implementation of the Roadmap, but also the intent of City Council to ask voters to reallocate the 3% Resort Tax to include community housing this fall.

City staff discussed with the Committee the limited staff availability to complete both tasks in time to meet the short timeline for the ballot question in Fall 2023, partly due to the City’s recently hired Housing Coordinator not coming onboard full-time until July 2023, as well as other staff responsibilities taking priority such as the budget and the Montana Legislative Session. The Committee was also informed about the tax revenues budgeted and collected in FY23 for affordable housing initiatives, which could include the use of a consultant to expedite these action items. Based on the recommendation from staff, the Committee unanimously recommended that the City Council direct staff to issue a request for qualifications and proceed with hiring a consultant to assist in the creation of both the housing development plan, as well as the financing plan for the Roadmap. By taking this step, it also allows the Committee to work on other action items.

It was noted during discussions that the timeline is very tight to hire a consultant and still meet a deadline in early July to ensure the ballot initiative is part of the November elections. That said, the attempt to hire a consultant was still desired.

Furthermore, staff has confirmed that there are consultants that provide these types of services. Should this recommendation be approved by City Council, staff will draft the request of qualifications based on the Roadmap and seek a City Council representative be identified at a future City Council meeting to participate in the interviews.
Financial Requirements
The adopted FY23 Budget appropriates $203,107 for community housing initiatives in the Affordable Housing Fund (2989). While the total cost of the project is unknown at this time, staff feels the costs will be within the appropriated budget and likely less than $100,000, which will ensure funds are available for other priority action items.

Recommendation
Staff and the Committee respectfully recommend the City Council approve the issuance of an request for qualifications for the creation of the housing development plan and the financing plan with a scope based on the Roadmap.
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.
The last time any revisions occurred to this chapter was in 2008.

Updates to the landscape code have been discussed by Council since at least 2017 and were subsequently listed as a 2022 City Council Goal.

What is being proposed is a significant change from the existing code.

Staff is introducing the updated regulations to familiarize the Council with the project and the process.
Process

- Staff reviewed the landscaping regulations for seven Montana municipalities, six cities in the northwest, five city and county governments in Colorado, and several other cities with robust landscape regulations.

- Staff reviewed the existing regulations, reconstructed and rewrote them, and had 5 internal meetings with various departments (including Parks and Recreation and Public Works).

- Staff then sent the draft to 12 landscape firms familiar with the City of Whitefish and Montana flora for review and comment.

- Depending on the comments of the Planning Board and the City Council, staff intends to schedule this matter for formal public hearings starting in April.
Summary of Changes

- The Code was completely rearranged to make it flow and read more logically.
- Basic landscaping requirements were reorganized into tables at the front so they could be accessed more easily.

<table>
<thead>
<tr>
<th>Parking Lot Landscape Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicability</strong></td>
</tr>
<tr>
<td><strong>Minimum required landscaping percentage</strong></td>
</tr>
<tr>
<td><strong>Parking Lot Perimeter</strong></td>
</tr>
<tr>
<td><strong>Parking lots adjacent to right-of-way:</strong></td>
</tr>
<tr>
<td><strong>Parking lots abutting residential use.</strong></td>
</tr>
</tbody>
</table>
Summary of Changes

- New landscape requirements apply to everything except single family detached, whereas the current code exempts single family detached, duplexes and triplexes.

- New requirements for landscaping building perimeters, residential buffers, street frontages and internal parking lot islands.

- Details regarding what is required for a landscape plan.

- Descriptions and requirements for a percentage of landscaping to be drought tolerant and native to Montana.

- Landscape requirements based on new standards (lengths of frontages, sizes of parking lots, building perimeter lengths, etc)

- Moving existing landscape requirements in other areas of the Code into this new chapter. Some of the existing sections where these requirements are located include:
  - 11-6: Off Street Parking and Loading
  - 11-3-42: Multifamily Standards
  - 11-3-43: Mixed-Use And Non-Residential Building Development Standards
  - Incorporating standards presently specific to zoning districts such as WB-2, WB-3, WRB-1, and WRB-2.
Tree Preservation

- Existing Code has minimum tree density requirements with difficult tables, numbers and calculations.
- Staff preferred a simpler approach and reviewed tree preservation requirements from more than 20 municipalities.
- New requirements identify evergreen trees with calipers >12”, deciduous trees > 6” and other trees determined as significant by Zoning Administrator as “qualifying trees”
- Each qualifying tree removed must be replaced with trees totaling at least two times the caliper inches as was lost.
- Each existing preserved qualifying tree shall be credited as two trees toward satisfying landscape requirements.
- There is an allowance for “relief” from this requirement (particularly for heavily forested lots).
Required Code Revisions

- As mentioned, because the new landscape code includes merging existing requirements from other sections, if some or all the new code is implemented, other sections should be updated accordingly.
- The majority of this includes deleting landscape requirements from other code sections because they are being moved into this new chapter.
- Some code sections will just have references to this new section.
- Subsequently, the landscape code update will include revisions to other sections as well.
Staff brought this proposed regulatory update to the Planning Board at a February 16 work session.

Overall, the Board was supportive of the new regulation, and had the following comments:

- Questions about how tree valuation would be determined.
- They were supportive of the tree preservation but believed there should be some exemptions for fire mitigation.

Staff has also received some comments from Fire regarding whether the new requirements for building perimeter landscaping could be consistent with fire wise techniques.
Comments / Questions?