



**CITY COUNCIL EXECUTIVE SESSION
 REMOTELY VIA WEBEX
 MONDAY, MAY 18, 2020
 5:00 TO 5:30**

1. Call to Order

2. **CLOSED EXECUTIVE SESSION** – Pursuant to Section 2-3-203 (4) M.C.A. – Litigation update with City Attorney

**CITY COUNCIL SPECIAL SESSION
 REMOTELY VIA WEBEX
 MONDAY, MAY 18, 2020
 5:30 TO 7:00 PM**

To register to attend the Meeting, and provide live comment, residents should go to the following web address and register.

<https://cityofwhitefish.webex.com/cityofwhitefish/onstage/g.php?MTID=e15fb5f5c0b415cccb875ef6454096dca>

Event Number 961 144 752

- You will receive a calendar invite; in most cases it will automatically be added to your calendar. The calendar invite contains the information to join the meeting. Residents will not be able to join the meeting until approximately 5 minutes prior to the meeting time. OR
- For Audio call in
 Audio conference: call the number below and enter the access code.
 United States Toll
 +1-408-418-9388
 Access code: 267 106 300
- Join the Audio Conference Only
 To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
 +1-408-418-9388 United States Toll
[Global call-in numbers](#)

1. Call to Order

2. Interview:

- 5:30 Luke Walrath – Whitefish Convention and Visitors Bureau - incumbent
- 5:40 Ray Boksich – Board of Park Commissioners - incumbent
- 5:50 Ron Brunk – Board of Park Commissioners -incumbent
- 6:00 Susan Schnee – Board of Park Commissioners - incumbent
- 6:10 Jenny Cloutier – Whitefish Convention and Visitors Bureau - incumbent
- 6:20 Mariah Joos – Whitefish Convention and Visitors Bureau - incumbent
- 6:30 Julia Olivares – Resort Tax Monitoring Committee - incumbent
- 6:40 Ken Stein – Resort Tax Monitoring Committee - incumbent
- 6:50 Jim Trout – Police Commission - incumbent

3. Public Comment

4. Appointments

- a) Park Board of Commissioners – Three (3) positions advertised, received three (3) letters of interest- incumbents. Two -year terms; Mayoral appointment
- b) Police Commission – One (1) position advertised, received one (1) letter of interest – incumbent. Three-year term; Mayoral appointment
- c) Resort Tax Monitoring Committee - Two (2) positions advertised, received two (2) letters of interest – incumbents. Three-year terms; City Council appointment
- d) Whitefish Convention and Visitors Bureau – Three (3) positions advertised, received three (3) letters of interest – incumbents. Three -year terms; City Council appointment

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

5. Adjourn

PUBLIC NOTICE

VACANCIES ON CITY BOARDS/COMMITTEE



BOARD OF PARK COMMISSIONERS – Three (3) position, two-year term. Applicants must have resided within the city limits for 2 years and within the State for 3 years and must be at least 21 years old. The Committee meets on the second Tuesday in the evening.

RESORT TAX MONITORING COMMITTEE – Two (2) positions, 3-year term. Applicants can be an owner, operator or representative of any Bar/Restaurant, Lodging, Retail in the city limits of Whitefish; business owner at large in the city limits of Whitefish; or an interested city resident as a member-at-large. The Committee meets once a month in the morning.

WHITEFISH CONVENTION AND VISITOR BUREAU COMMITTEE – Three (3) positions, 3-year terms. Applicants shall reside in the city of Whitefish postal district (59937), two applicants may reside in Flathead County, but outside the city of Whitefish postal district (59937) as long as the applicant has an ownership interest or managerial position at a business located and operating within the city of Whitefish postal district. The City Council shall endeavor to appoint members who represent one of the following business categories, large lodging properties, restaurant and bar business, retail business, small lodging properties, transportation business, Whitefish Golf Course, Whitefish Mountain Resort. Committee meets second Monday every (even) month.

POLICE COMMISSION – One (1) position, 3-year term. Applicant shall reside within city limits of Whitefish and maintain residency within the city for one year prior to appointment. Commission meets as needed.

BOARD OF ADJUSTMENTS - Two (2) positions, (1) position complete term ending 12/31/2020, (1) position complete term ending 12/31/2021. Applicant shall reside within the corporate city limits of Whitefish. The Committee meets as needed, the first Tuesday of the month at 6:00 p.m.

WHITEFISH LAKE AND LAKESHORE PROTECTION COMMITTEE – One (1) position complete the term ending 12/31/2020. Applicant shall be lakefront property owner and reside within the corporate limits of the city of Whitefish. The Committee meets the second Wednesday in the evening.

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

IMPACT FEE ADVISORY COMMITTEE – One (1) positions. Applicants shall be a representative of the development community and shall reside or work within City limits. This Committee meets annually.

Interested citizens – Please submit a letter of interest to serve on the above committees to the Whitefish City Clerk's Office at 418 E. 2nd St.; mail to P.O. Box 158, Whitefish, MT 59937, or email mhowke@cityofwhitefish.org by **Friday, May 8, 2020 at 5:00 pm**. Interviews will be held tentatively **May 18th, 2020**. Letters of interest will be accepted until the positions are filled. If you have any questions, please call Michelle Howke, City Clerk at 863-2402 or visit the City's website: www.cityofwhitefish.org *THANK YOU FOR YOUR INTEREST*



April 23, 2020

Dear: Ray

Your term on the Board of Park Commissioners expires on May 1, 2020.

On March 16, 2020, City Council approved Emergency Ordinance No. 20-04; Enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19). Section 2 states all City Board, Commission and Committee meetings are canceled through April 30, 2020. Governor Bullock announced on April 22, 2020 the Phased Approach Reopening of the Big Sky. With this the City is looking to move forward with city business.

As a matter of course, the City will be advertising this position along with other board positions expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is May 8, 2020. Interviews with the Council will be scheduled tentatively for May 18, 2020. I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Michelle Howke

Michelle Howke
Whitefish City Clerk
mhowke@cityofwhitefish.org

To Whitefish City Council:

I am interested in serving another term on the Park Board

Ray Boksich
Signature

406-212-0261
Daytime Phone #

~~rbok~~ ~~rboksich@yahoo.com~~

April 23, 2020

Dear: Ron

Your term on the Board of Park Commissioners expires on May 1, 2020.

On March 16, 2020, City Council approved Emergency Ordinance No. 20-04; Enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19). Section 2 states all City Board, Commission and Committee meetings are canceled through April 30, 2020. Governor Bullock announced on April 22, 2020 the Phased Approach Reopening of the Big Sky. With this the City is looking to move forward with city business.

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

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

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

Michelle Howke Whitefish City Clerk
mhowke@cityofwhitefish.org

To Whitefish City Council: I am interested in serving another term on the Whitefish Parks and Recreation Board

Ronald Brunk 406-871-1565



received
5/7/2020

April 23, 2020

Dear: Susan

Your term on the Board of Park Commissioners expires on May 1, 2020.

On March 16, 2020, City Council approved Emergency Ordinance No. 20-04; Enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19). Section 2 states all City Board, Commission and Committee meetings are canceled through April 30, 2020. Governor Bullock announced on April 22, 2020 the Phased Approach Reopening of the Big Sky. With this the City is looking to move forward with city business.

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

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

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

Michelle Howke

Michelle Howke
Whitefish City Clerk
mhowke@cityofwhitefish.org

To Whitefish City Council:

I am interested in serving another term on the Park Board

Susan Schree
Signature
Susan Schree

212-8334 863-9659
Daytime Phone #

Chapter 2

BOARD OF PARK COMMISSIONERS¹

2-2-1: BOARD CREATED; MEMBERSHIP:

The board of park commissioners must be composed of the mayor, or the mayor's designee, and six (6) other persons to be appointed by the mayor, with the approval of the city council. The seven (7) persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by Montana code 7-4-4301 for the office of mayor.

A. Term Of Office:

1. Except as provided in subsection A2 of this section, the term of office of each park commissioner shall be two (2) years from and after May 1 of the year in which he is appointed and until his successor is appointed and qualified.
2. Three (3) of the commissioners first appointed shall hold office for the period of one year from and after May 1 and until their successors are appointed and qualified.

B. Vacancy: Any park commissioner who shall refuse or neglect to attend three (3) meetings of the board between May 1 and April 30 of the following year shall be deemed to have vacated his office, and thereupon his successor may be appointed.

C. Compensation: No park commissioner shall receive compensation for his service rendered under the provisions of this chapter, but the actual and necessary expenses incurred by any member of the board while acting under the orders of the board in the transaction of any business in its behalf may be paid upon being allowed and audited by the board.

D. Oath Of Office: Before entering upon the discharge of his duties, each park commissioner shall take and subscribe the oath provided by Montana code 2-16-211. The oath shall be filed in the office of the city clerk. (Ord. 96-15, 2-18-1997)

2-2-2: ORGANIZATION OF BOARD:

A. On the second Tuesday in May in each year, the board of park commissioners shall meet and organize by electing one of their number president and one of their number vice president, who shall hold their offices, respectively, for the term of one year.

- B. The city clerk or the city clerk's designee shall be ex officio clerk of the board of park commissioners. (Ord. 96-15, 2-18-1997)

2-2-3: CONDUCT OF PARK BOARD BUSINESS:

- A. The board of park commissioners shall hold an annual meeting on the second Tuesday of May and a meeting at least once in each month in each year at such times as the board shall by rule prescribe. Special meetings may also be held at the call of the president or, in his absence, the vice president, upon giving to each member of the board at least twenty four (24) hours' notice in writing of the time and place of holding such meeting.
- B. A majority of the entire board shall be necessary to constitute a quorum for the transaction of the business of the board. (Ord. 96-15, 2-18-1997)

2-2-4: POWERS AND DUTIES:

- A. Officers: Except as provided in Montana code 7-16-4228(2), the president, and in the president's absence the vice president, shall preside at all meetings of the board. (Ord. 96-15, 2-18-1997; amd. 2003 Code)
- B. Park Board Minutes: The minutes of the meeting contained in the record book, when approved by the board, shall be prima facie evidence of the matters and things therein recited in any court of this state.
- C. Park Board Powers And Duties:
1. The board of park commissioners shall have the management and control of all parks belonging to the city.
 2. The board of park commissioners shall have the following powers and be charged with the following duties:
 - a. To lay out, establish, improve and maintain parkways, drives and walks in the parks of the city; and to determine when and what parks shall be opened to the public;
 - b. To plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the parks belonging to the city;

- c. If directed by the city council, to plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the streets, avenues, boulevards and public places in the city and for that purpose to establish and maintain nurseries for the growth of trees and plants;
- d. Upon receiving approval from the city council, to purchase or otherwise acquire, and sell or otherwise transfer, real property; to make plats thereof; and to file the same in the office of the city clerk;
- e. To provide written comments and recommendations to the city council prior to any action by the city council to acquire or transfer land used, or to be used, for a city park;
- f. To pay all obligations authorized to be incurred by the provisions of this part;
- g. To exercise all other powers incident to the duties enjoined by the provisions of this part. (Ord. 96-15, 2-18-1997)

2-2-5: CONTRACTS AND EMPLOYMENT:

- A. The board of park commissioners has the following powers and duties:
 - 1. To employ and discharge workers, laborers, engineers, foresters and others, and to fix their compensation; and
 - 2. To make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon the board by this part; provided, however, that any contract having a term of more than five (5) years must be approved by the city council.
- B. All contracts made by the board must be in the name of the city and must be signed by the city clerk and by the president of the board or, in the president's absence, by the vice president of the board; provided, however, that any contract having a term of one year or less may be signed by the parks and recreation director.
- C. An order or resolution authorizing the making of any contract may not be passed or adopted except by a ye a and nay vote, which must be recorded in full in the minutes by the city clerk.
- D. The board may elect to have all, or certain, personnel decisions made by the mayor, the city manager or the parks and recreation director pursuant to the policies and regulations governing other city personnel decisions. (Ord. 96-15, 2-18-1997)

Volunteer Committee List

PARK BOARD - WCC 2-2 - 2 YEAR TERMS - Mayoral Appointment confirmed by Council

2nd Tuesdays @ 7 pm

Councilor Frank Sweeney designee	PO Box 158	863-4848 (O)	
Councilor Ryan Hennen alternate	PO Box 158	270-6397	
Susan Schnee	135 Wedgewood Lane	863-9856	5/1/2020
Ron Brunk Chair	130 E 4th St.	862-6446 862-6858	5/1/2020
Ray Boksich	223 Columbia Ave	862-3430 212-0261	5/1/2020
Carrielynn O'Reilly carrielynnoreilly@yahoo.com	25 2nd St. W -	862-0799	5/1/2021
Terri Dunn	6211 D Shiloh Ave	862-8276 250-7182	5/1/2021
Jim DeHerrera Vice Chair	339 Fairway Drive	407-730-2424	5/1/2021

Michelle Howke

From: Luke Walrath <luke@atpwhitefish.org>
Sent: Wednesday, May 13, 2020 11:28 AM
To: Michelle Howke
Subject: Intention to Serve

Hi Michelle,

Please accept my apologies for the tardiness in getting this to you. Please let this email stand as my letter of intent to continue serving on the Whitefish Convention and Visitors Bureau Board of Directors. Please let me know if you need anything else from me. Thank you again.

Stay inspired,
Luke Walrath
Alpine Theatre Project

EXTERNAL SENDER verified by City of Whitefish IT



April 23, 2020

Dear: Jenny

Your term on the WCVB expires on May 31, 2020.

On March 16, 2020, City Council approved Emergency Ordinance No. 20-04; Enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19). Section 2 states all City Board, Commission and Committee meetings are canceled through April 30, 2020. Governor Bullock announced on April 22, 2020 the Phased Approach Reopening of the Big Sky. With this the City is looking to move forward with city business.

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

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

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

Michelle Howke

Michelle Howke
Whitefish City Clerk
mhowke@cityofwhitefish.org

To Whitefish City Council:

I am interested in serving another term on the WCVB

[Handwritten Signature]
Signature

406 749 7010
Daytime Phone #



April 23, 2020

Dear: Mariah

Your term on the WCVB expires on May 31, 2020.

On March 16, 2020, City Council approved Emergency Ordinance No. 20-04; Enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19). Section 2 states all City Board, Commission and Committee meetings are canceled through April 30, 2020. Governor Bullock announced on April 22, 2020 the Phased Approach Reopening of the Big Sky. With this the City is looking to move forward with city business.

As a matter of course, the City will be advertising this position along with other board positions expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is May 8, 2020. Interviews with the Council will be scheduled tentatively for May 18, 2020. I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Michelle Howke

Michelle Howke
Whitefish City Clerk
mhowke@cityofwhitefish.org

To Whitefish City Council:

I am interested in serving another term on the _____

Whitefish Convention & Visitors Board

MJ

Signature

406-260-6647

Daytime Phone #

Chapter 12

CONVENTION AND VISITOR BUREAU COMMITTEE

2-12-1: STANDING COMMITTEE ESTABLISHED:

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

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

The purpose and duties of the committee are:

- A. To be the designated nonprofit convention and visitors' bureau for the city of Whitefish;
- B. To develop an annual marketing plan and budget for each fiscal year, which annual marketing plan and budget will be presented to the Whitefish city council for approval;
- C. To submit the annual marketing plan approved by the Whitefish city council to the Montana tourism advisory council and receive approval by the tourism advisory council of such annual marketing plan;
- D. To contract with the Montana department of commerce to receive lodging tax revenues earmarked for tourism promotion and disbursed pursuant to section 15-65-121, Montana Code Annotated;
- E. To implement the annual marketing plan referenced above, and use the proceeds distributed by the Montana department of commerce pursuant to the budget approved by the Whitefish city council;
- F. To comply with all of the provisions contained under the category "eligible organizations" in the "Regulations And Procedures For Regional/CVB Tourism Organizations Use Of Lodging Facility Use Tax Revenue" promulgated by the Montana department of commerce;
- G. To provide recommendations and advice to the Whitefish city council, as appropriate, regarding tourism promotion; (Ord. 06-05, 3-20-2006)
- H. To solicit nonvoting members residing in or owning a business located in the Whitefish postal district (59937), if the committee determines it to be in the best interests of the committee and in the best interests of tourism promotion; such members may be required by the committee to pay an annual fee for membership; (Ord. 15-15, 9-8-2015)

- I. To conduct such additional activities with regard to tourism promotion as are determined by the committee to be in the best interests of the committee and of the city of Whitefish; and (Ord. 06-05, 3-20-2006)
- J. To create a new classification of members, to be called "associate members", which would have the following characteristics:
1. The associate member must provide a significant activity, experience or service that is not already provided in the Whitefish postal district (59937).
 2. The associate member must agree to all obligations and duties applicable to regular members of the WCVB.
 3. The associate member must be nominated by a convention and visitor bureau standing city committee member (board member of the WCVB) and be approved by a majority of the standing city committee (board of the WCVB).

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

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

2-12-3: MEMBERSHIP:

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

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

The city clerk shall make a notation of a member's representation category and a member's residence to facilitate appointment to categories not represented. However, the city council shall be entitled to appoint those individuals that it determines most qualified, regardless of representation category. The city council may appoint one of its members to serve as an ex officio (nonvoting)

member of the committee. Committee members shall receive no compensation. (Ord. 15-15, 9-8-2015)

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

<u>Position Number</u>	<u>Position Specification</u>	<u>Initial Expiration Date</u>
1	Member	May 31, 2009
2	Member	May 31, 2009
3	Member	May 31, 2009
4	Member	May 31, 2008
5	Member	May 31, 2008
6	Member	May 31, 2007
7	Member	May 31, 2007
8	Member	May 31, 2014
9	Member	May 31, 2013

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

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

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

2-12-4: ORGANIZATION:

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

2-12-5: MEETINGS, RULES AND REGULATIONS:

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

2-12-6: STAFF SUPERVISION:

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

2-12-7: EXPENDITURES:

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

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

The committee shall serve as the board of directors of the Whitefish Convention And Visitor Bureau, Inc., a Montana nonprofit corporation (the "nonprofit corporation"). The officers of the committee shall serve in the same capacity as officers of the nonprofit corporation. The articles of incorporation of the nonprofit corporation shall be amended, as necessary and appropriate, to conform to the terms of this chapter, and shall further provide that such articles of incorporation shall not be further amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, shall adopt bylaws that conform to the terms of this chapter and to the amended articles of incorporation, and thereafter such bylaws shall not be amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, may provide that that nonprofit corporation may have members, and may solicit dues or other contributions

from such members; provided, however, that all of such members shall be nonvoting members, and shall not be able to elect or remove members of the board of directors, or amend the articles of incorporation or bylaws of the nonprofit corporation. (Ord. 06-05, 3-20-2006)

Volunteer Committee List

WHITEFISH CONVENTION AND VISITOR BUREAU COMMITTEE - WCC 2-12 3 YEAR TERM

(Meetings: 2nd Monday ever other month (even months); Rocky Mountain Lodge at 3 pm)

1. Rhonda Fitzgerald Small Lodging Properties	412 Lupfer Ave	862-3440	5/31/2021
2. Erica Terrell Restaurant/Bar	1332 E 3rd St.	249-4035	5/31/2021
3. Zak Anderson Restaurant and bar business-Abruzzo	122 Dakota Ave	250-5256	5/31/2021
4. Jenny Cloutier (Transportation)	PO Box 4608, Whitefish bigsnowbus@gmail.com	406-201-5669	5/31/2020
5. Luke Walrath Alpine Theatre Project ("At Large")	PO Box 1959, WF	862-9050 (W)	5/31/2020
6. Edna White Dir. Of Sales Marketing The Lodge (Large Lodging)	1380 Wisconsin Ave, WF	863-4046	5/31/2022
7. Nick Polumbus Whitefish Mountain Resort	PO Box 1400, WF (Director of Marketing & Sales)	862-1955	5/31/2022
8. Mariah Joos Retail-Nelson Hardware	6490 Hwy 93 S, Whitefish	862-3426	5/31/2020
9. Jessie Farnes Member at Large/Bar/Rest	510 West 9th St, Whitefish whitefish@coffeetraders.com	406-862-7667 831-345-6970	5/31/2022

Michelle Howke

From: Julia M. Olivares <juliaolivares050@gmail.com>
Sent: Monday, April 27, 2020 9:19 AM
To: Michelle Howke
Subject: Resort Tax Monitoring Committee

Michelle,

I received the notice indicating that my chair is up in May. I absolutely want to continue to participate on the committee. Can you accept this email as my response?

Thank you, Julia

Kindest Regards,
Julia M. Olivares

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ken Stein <ken@kenstein.us>
Sent: Saturday, April 25, 2020 5:34 PM
To: Michelle Howke
Subject: Resort Tax

Michelle,
Please let me know if this is acceptable for my notice of interest in my position on this advisory board.
Thank you
Respectfully,
Ken Stein

Ken Stein
Purewest/Christies of Whitefish
406-250-0599
EXTERNAL SENDER verified by City of Whitefish IT

Chapter 4

RESORT TAX MONITORING COMMITTEE

2-4-1: COMMITTEE ESTABLISHED:

There is hereby established a resort tax monitoring committee for the city, hereinafter referred to as the committee. (Ord. 01-07, 2-20-2001)

2-4-2: PURPOSE, POWERS AND DUTIES:

The purpose of the committee is to monitor, review and advise the city council on the use of resort tax funds pursuant to [title 3, chapter 3](#) of this code. The committee may also advise the city council on proposed changes to [title 3, chapter 3](#) of this code. The committee shall report to the city council on matters of pertinence and interest related to the resort tax as the committee may deem appropriate or as the city council may request. The committee's powers shall be advisory only. Nothing in this chapter shall be construed to provide the committee with the power to authorize or prohibit the use of resort tax funds. (Ord. 01-07, 2-20-2001)

2-4-3: MEMBERSHIP:

A. Appointment; Compensation: The committee shall have seven (7) members. Members shall be appointed by the city council. The city council shall attempt to appoint one member who is a lodging business owner, operator, or representative; one member who is a restaurant/bar owner, operator, or representative; one member who is a retail business owner, operator, or representative; and one business owner at large, who may, but need not, own one of the types of businesses listed above. Any member designated as a business owner, operator, or representative of one of the above listed business categories, as well as the business owner at large, shall do so in relation to an associated business located within the corporate boundaries of the city of Whitefish, although personal residency shall not be required. The city clerk shall make appropriate notation of a member's business category affiliation on the official committee roster. If, within the discretion of the city council, an individual appropriate to fill a vacancy in any of the above listed business categories is not identified after publication of a notice of position vacancy, the city council may make a general membership appointment. In such case, the city council shall attempt to make such business category appointment with the next available vacancy where an incumbent member has not applied for reappointment or the city council decides not to reappoint an incumbent member. One position shall be specified for the mayor or a city councilor. The remaining positions shall be general membership positions and shall require residency within the corporate boundaries of the city of Whitefish. Committee members shall receive no compensation.

- B. Terms; Positions: Committee terms shall be three (3) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the committee. The terms of those appointees holding positions on the effective date of this chapter shall continue until the termination date listed below:

Position Number	Position Specification	Initial Expiration Date
1	Mayor or councilor	May 31, 2008
2	Member	May 31, 2008
3	Member	May 31, 2008
4	Member	May 31, 2006
5	Member	May 31, 2006
6	Member	May 31, 2007
7	Member	May 31, 2007

Thereafter members appointed to each position shall serve for three (3) year terms; the first of such terms beginning on June 1 of the year in which the initial term for the position expires. At the discretion of the city council, members may be appointed for more than one term. (Ord. 06-14, 6-5-2006)

- C. Removal Of Member: A member of the committee serves at the pleasure of the city council and may be removed by majority vote of the same. Absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year, shall constitute grounds for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his inability to attend a specific meeting shall notify the chair or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting.

- D. Vacancy: Pursuant to subsections A and B of this section, any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. (Ord. 01-07, 2-20-2001)

2-4-4: ORGANIZATION:

At its first meeting after June 1 of each year, the committee shall elect a chair, vice chair and secretary for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If both the chair and the vice chair are absent from a specific meeting, the attending members shall elect a chair pro tem for the meeting. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chair, vice chair or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 01-07, 2-20-2001)

2-4-5: MEETINGS, RULES AND REGULATIONS:

Four (4) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business or conduct any proceedings before the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. The committee shall meet as frequently as is necessary and convenient within the judgment of the committee, but shall meet not less than once every three (3) months. The committee shall decide the time, place and date of meetings. All meetings shall be open to the public. (Ord. 06-14, 6-5-2006)

2-4-6: EXPENDITURES:

The committee shall have no authority to make any expenditures on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds except as has been included in the city budget and after the city council shall have authorized the expenditure by resolution, which resolution shall provide the administrative method by which funds shall be drawn and expended. (Ord. 01-07, 2-20-2001)

Volunteer Committee List

RESORT TAX MONITORING COMMITTEE - WCC 2-4 - 3 YEAR TERMS- COUNCIL APPOINTMENTS

MEET 3RD WEDNESDAY- 7AM

Councilor Andy Feury	PO Box 158	250-4179	5/31/2020 Council Representative
Ken Stein	44 Fairway Drive	250-0599	5/31/2020 Member @ Large
Julia Olivares (Secretary)	333 W. 6th St.	270-1135	5/31/2020 Member @ Large
Brian Averill	1476 Barkley Lane	250-2038	5/31/2021 Member @ Large
Doug Reed (Chair) WF Lake Golf Club Rest. Chairman	PO Box 1719 nreed@bresnan.net	862-5285 dougreed4@gmail.com	5/31/2021 Restaurant/Bar Member
Chris Schustrom (Vice Chair)	504 Spokane Ave	862-3440	5/31/2022 Lodging Member
Trek Stephens- Secretary	122 Central Ave	862-2271	5/31/2022 Retail Member



received
5/4/2020

April 23, 2020

Dear: Jim

Your term on the Police Commission expires on May 4, 2020.

On March 16, 2020, City Council approved Emergency Ordinance No. 20-04; Enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19). Section 2 states all City Board, Commission and Committee meetings are canceled through April 30, 2020. Governor Bullock announced on April 22, 2020 the Phased Approach Reopening of the Big Sky. With this the City is looking to move forward with city business.

As a matter of course, the City will be advertising this position along with other board positions expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is May 8, 2020. Interviews with the Council will be scheduled tentatively for May 18, 2020. I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Michelle Howke

Michelle Howke
Whitefish City Clerk
mhowke@cityofwhitefish.org

To Whitefish City Council:

I am interested in serving another term on the Police Commission

Interested
Signature

261-1263
Daytime Phone #

Chapter 5

POLICE COMMISSION

2-5-1: COMMISSION ESTABLISHED:

There is hereby established a Police Commission for the City, hereinafter referred to as the commission. (Ord. 18-07, 2-20-2018)

2-5-2: PURPOSE, POWERS, PROCESSES AND DUTIES:

The powers and duties of the commission are set forth in Montana Code 7-32-4151 through 7-32-4164, this chapter and rules of procedure adopted by the commission. Consistent with State Statutes and this chapter, these powers and duties of the commission shall include:

- A. Review of police officer applicants when such review is sought by the Chief of Police or City Manager;
- B. Hear and decide appeals by any member or officer of the Police Department who has been disciplined, suspended, removed or discharged by an order of the City Manager; and
- C. Provide comment and recommendations to the Chief of Police or City Manager on matters related to the Police Department. (Ord. 18-07, 2-20-2018)

2-5-3: MEMBERSHIP:

- A. Appointment; Compensation: The commission shall have three (3) members. Members shall be appointed by the Mayor and ratified by the City Council. Members shall reside within the corporate limits of the City and shall have maintained residency within the City for one year prior to appointment to the commission. Commission members shall receive no compensation.
- B. Terms; Positions: Commission terms shall be three (3) years. There are hereby created positions numbered 1 through 3 inclusive of the members of the commission. Members serving on the effective date of this chapter shall be assigned to positions that correspond with the expiration dates of their existing terms:

Number	Term Expiration Date
1	First regular Council meeting in May 2002
2	First regular Council meeting in May 2003

As each of the above listed expiration dates is completed, members shall be appointed successively to three (3) year terms. Terms shall begin upon appointment at the first regular City Council meeting held in May of each year. However, a member serving on the commission during an appeal proceeding under Montana Code 7-32-4155 shall continue to serve on the commission until such time that a decision on the appeal is rendered. In such case, a new member may not sit on the commission for business. At the discretion of the City Council, members may be appointed to more than one term.

- C. **Removal Of Member:** A member may be removed from the commission by majority vote of the City Council for cause upon written charges and after a public hearing. Willful disregard of State Statutes, City ordinances and the rules of procedures of the commission, or absences from three (3) consecutive meetings, including regular and special meetings, or absences from more than fifty percent (50%) of such meetings held during the calendar year, shall constitute cause for removal. Circumstances of the absences shall be considered by the City Council prior to removal. Any person who knows in advance of his inability to attend a specific meeting shall notify the Chair or Secretary of the commission at least twenty four (24) hours prior to any scheduled meeting.
- D. **Vacancy:** Pursuant to subsections A and B of this section, any vacancy on the commission shall be filled by the Mayor and ratified by the City Council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The City Council may appoint members of the City Council to temporarily fill vacant positions on the commission. (Ord. 18-07, 2-20-2018)

2-5-4: ORGANIZATION:

At its first meeting after June 1 of each year, the commission shall elect a Chair, Vice Chair and Secretary for the next twelve (12) month period. Upon the absence of the Chair, the Vice Chair shall serve as Chair Pro Tem. If the Secretary is absent from a specific meeting, the attending members shall elect a Secretary Pro Tem for the meeting. If a vacancy occurs in the Chair, Vice Chair or Secretary positions, the commission shall elect a member to fill the vacancy at the next meeting. The Secretary need not be a member of the commission and shall keep an accurate record of all commission proceedings. (Ord. 18-07, 2-20-2018)

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

Two (2) members of the commission shall constitute a quorum. Not less than a quorum of the commission may transact any business or conduct any proceedings before the commission. The concurring vote of two (2) members of the commission shall be necessary to decide any question or matter before the commission. The commission shall adopt rules of procedure for the conduct of meetings consistent with statutes, the City Charter, ordinances and resolutions. Meetings of the commission shall be held at the call of the Chair, Chief of Police or City Manager, and at such other times as the commission may determine. All meetings shall be open to the public. (Ord. 18-07, 2-20-2018)

2-5-6: ENFORCEMENT OF DECISIONS:

Pursuant to Montana Code 7-32-4161, the City Manager shall make orders enforcing the decisions of the commission. (Ord. 18-07, 2-20-2018)

2-5-7: STAFF SUPERVISION:

The commission shall have no supervisory control and shall not direct the Chief of Police or other staff in the performance of their official duties. Commission involvement in the operations of the Police Department shall be limited to comment and recommendations. (Ord. 18-07, 2-20-2018)

2-5-8: EXPENDITURES:

The commission shall have no authority to make any expenditures on behalf of the City or disburse any funds provided by the City or to obligate the City for any funds. (Ord. 18-07, 2-20-2018)

Volunteer Committe List

POLICE COMMISSION - WCC 2-5 - 3 -YEAR TERM - Mayoral Appointments confirmed by Council

Ross Doty	2019 Ridgecrest Drive	730-2926	1st Monday May 2019
Hap Peters	730 Somers Ave	871-1238	1st Monday May 2021
Jim Trout	PO Box 695	863-2265	1st Monday May 2020

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, May 18, 2020 at **7:10 p.m.** Remotely by WebEx

To register to attend the Meeting, and provide live comment, residents should go to the following web address and register.

<https://cityofwhitefish.webex.com/cityofwhitefish/onstage/g.php?MTID=e15fb5f5c0b415cccb875ef6454096dca>
Event Number 961 144 752

- You will receive a calendar invite; in most cases it will automatically be added to your calendar. The calendar invite contains the information to join the meeting. Residents will not be able to join the meeting until approximately 5 minutes prior to the meeting time. OR
- For Audio call in
Audio conference: call the number below and enter the access code.
United States Toll
+1-408-418-9388
Access code: 267 106 300
- Join the Audio Conference Only
To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
+1-408-418-9388 United States Toll
[Global call-in numbers](#)
- We encourage individuals who wish to provide public comment; submit a letter to the City Clerk, Michelle Howke at mhowke@cityofwhitefish.org, or deliver a letter by 5:00 at City Hall in the Utility Drop Box. Written comments should provide name, address, support or oppose, should be short and concise, courteous and polite.
- The public is encouraged to submit written comments prior to the packet deadline, May 12, 2020 at 5:00 pm. All written comments received prior to the packet deadline will be included in the packet and available on the City's website for City Council meetings. All written comments received by 4:30 p.m. May 18th, will be provided to the City Council, and will be appended to the packet following the meeting. Public comment by those attending the meeting "live" via WebEx will be limited to three minutes per individual. At the end of "live" comment, the City Clerk will read the name and address of each individual providing written comments and state whether they support or oppose the proposal/application before the City Council.

Ordinance numbers start with 20-09. Resolution numbers start with 20-15.

1) CALL TO ORDER

2) PLEDGE OF ALLEGIANCE

- 3) COUNCIL APPOINTMENT
 - a) Consideration of appointment to fill Councilor Hartman’s council position from which she resigned on May 4, 2020
 - b) Administer oath of office – Mayor Muhlfeld

- 4) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

- 5) COMMUNICATIONS FROM VOLUNTEER BOARDS

- 6) CONSENT AGENDA
 - a) [Minutes](#) from May 4, 2020 Regular Session (p.45)

- 7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) [Consideration](#) of a request from Ronnie and Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings, located at 1515 Highway 93 West, zoned WRR-1 (Low-Density Resort Residential District) (WCUP 20-07) **CONTINUED/PUBLIC HEARING CLOSED** (p.53)
 - b) [Ordinance No. 20-](#) ; An Ordinance amending Title 6 – Motor Vehicles and Traffic, Chapter 1- General Traffic Provisions and Chapter 2- Stopping, Standing and Parking (First Reading) (p.154)
 - c) [Resolution No. 20-](#) ; A Resolution expressing support for the Flathead County Board of Commissioners to refer to the Flathead Communications Center Special District to a vote pursuant to the terms of Title 7, Chapter 11, Part 11, Part 10, MCA (2019) (p.170)

- 8) COMMUNICATIONS FROM CITY MANAGER
 - a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.178)
 - b) Other items arising between May 13th through May 18th

- 9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
 - a) Consideration of appointments to volunteer boards and committees not made during the Special Session preceding tonight’s meeting
 - b) [Appointments](#) of City Council Members to Various Boards, Commissions and Committees
 - i) Whitefish Climate Action Plan Standing Committee – replace Councilor Hartman – Mayoral appointment (p. 186)
 - ii) Whitefish Strategic Housing Plan Steering Committee – currently Mayor Muhlfeld and Councilor Norton serve; replace Councilor Hartman – Mayoral appointment (p.187)
 - iii) Legacy Land Advisory Committee and Whitefish Trails Operations Committee – currently Councilor Qunell serves on Legacy Land Advisory Committee, Councilor Feury is an alternate; replace Councilor Hartman on both committees -Council appointment (p. 188)
 - iv) Tree Committee – replace Councilor Hartman – Council appointment (p.189)

- 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

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May 13, 2020

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



Mayor Muhlfeld and City Councilors:

Monday, May 18, 2020 City Council Agenda Report

There is a **Closed Executive Session** at 5:00 p.m. pursuant to section 2-3-203 (4) M.C.A for litigation update with the City Attorney. The Special Session to interview for vacant boards and committee will start at 5:30 p.m.(via WebEx). Food will not be provided.

The regular Council meeting will begin at 7:10 p.m. (via WebEx)

COUNCIL APPOINTMENT

- a) Consideration of appointment to fill Councilor Hartman's council position from which she resigned on May 4, 2020
- b) Administer oath of office

Councilor Hartman announced her resignation from City Council during Council Comments at May 4, 2020. The City Charter states in the event of vacancy, the council shall, within thirty (30) days, by majority vote of the remaining members, appoint a person, eligible to hold such council seat, to fill the vacancy until the next regular city election at which time the remainder of the term shall be fill as provided by law. The Council could (a) appoint a person of their choosing without a selection process, (b) review letters of interest from appointive candidates and subsequently make an appointment, or (c) review letters of interest from appointive candidates, interview candidates and make an appointment. After discussion May 4, 2020, City Council, voted to include on the May 18th agenda to appoint Ben Davis. The motion passed 4-1, Councilor Norton abstaining from the vote.

This item is a legislative matter.

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)

COMMUNICATIONS FROM VOLUNTEER BOARDS

CONSENT AGENDA

- a) [Minutes](#) from May 4, 2020 Regular Session (p.45)

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

This item is an administrative matter.

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

- a) Consideration of a request from Ronnie and Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings, located at 1515 Highway 93 West, zoned WRR-1 (Low-Density Resort Residential District) (WCUP 20-07) **CONTINUED/PUBLIC HEARING CLOSED** (p.53)

From Senior Planner Wendy Compton-Ring's updated transmittal report.

Background: The Whitefish City Council met on May 4, 2020 and considered the request. After closing the public hearing, the Council unanimously passed a motion to continue this item until the May 18th Council meeting for deliberation and action. The public hearing is no longer open.

Summary of Requested Action: Ronnie & Sharon Kyle are requesting a Conditional Use Permit to construct 52 condominium units in three buildings (two 18-unit buildings and one 16-unit building) at 1515 Highway 93 W. The site is developed with a single-family home and several detached accessory buildings to be removed as part of this project. The property is zoned WRR-1 (Low-Density Resort Residential District) and the Whitefish Growth Policy designates this property as 'Resort Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to twelve conditions set forth in Exhibit 'A'.

City Council Public Hearing: The applicant's consultants spoke and no members of the public spoke at the City Council public hearing on May 4, 2020. There were several questions raised at the Council meeting including: what is day 90 for this project, tree preservation, garbage, and Legacy Homes fee in lieu payment.

90 Days (§11-7-8E.7). The application was submitted on March 2nd and a decision from Council needs to be reached by May 31st unless the time limit is extended by agreement between the City and the applicant.

Tree Preservation. The applicant provided an exhibit showing the location of trees to be preserved. Condition 10.b. addresses tree preservation and states: "A tree preservation plan must be submitted along with the landscaping plan identifying healthy long-lived trees to be preserved within the landscaping. *Such trees must be protected during construction with fencing maintained during construction.*" (Emphasis added.) The Council could move the final sentence in this condition up to condition #2 or repeat this sentence in condition #2.

Garbage. A question was asked about bear-proof garbage containers. The applicant has indicated the garbage will be located within their underground/under building and hauled out to the entrance for pick-up on the day of pick-up. §4-2-4A, WCC, citywide, limits the hours resident's trash containers can be outside their enclosed home/garage or, if it is an animal resistant container, when it needs to be re-latched. It would appear the applicant's proposal meets the adopted City Code.

Legacy Home Fee In Lieu Payment. When the Whitefish Legacy Homes Program was developed, it was recognized there could be situations and/or locations where affordable housing might not be suitable or affordable over the long-term. As such, the regulations, adopted by the

City Council, provide an option to pay a fee in lieu of developing the housing on-site, at 1.5 times the fee rate. The regulations state:

Circumstances include, but are not limited to:

1. High levels of property tax;
2. High homeowners' association dues;
3. A predominance of short-term rentals;
4. Onsite development consisting of condominiums; and
5. Location far from schools, transit or shopping. (§11-1A-4A)

This project meets four of the five circumstances identified in the regulations – high property taxes, high HOA dues, predominance of short-term rentals and condominium development. It is the role of the City Council to review and approve alternative means of compliance. (§11-1A-4B)

The Administrative Procedures, adopted by Resolution 19-11, state fees are to be paid prior to the issuance of a building permit or final plat. However, "(a)n applicant may propose an alternative to this timing requirement, subject to the Council's approval."

The applicant is proposing to pay the fee of **\$1,216,072** (10.4 x \$116,930) at the time of Certificate of Occupancy (C of O) per each unit; $\$1,216,072 \div 52 \text{ units} = \mathbf{\$23,386/\text{unit}}$. As described at the last meeting, the applicant worked with the Building Official to issue a C of O on a 'per unit' basis for the condos and the Whitefish Housing Authority has also reviewed the proposal. Both staff and the WHA are comfortable with this option.

As part of the questions about how a C of O would work in this situation, the applicant would obtain a building permit for the shell of the building. Safety aspects of the shell would need to be complete for the shell including sprinklering/alarms, exiting, fire separation, and ADA requirements. Then the applicant would need to obtain a building permit for each condominium unit. Building permits are valid for 180-days and continuous progress needs to be made to finish out the building permit. A building permit cannot simply linger without completion. If the City has not completed any inspections in about a month, the City will schedule a compliance check to see what sort of progress is being made. If no progress is being made, the inspector will have the Building Official contact the builder to find out what is happening. The Building Department has great success with this method and keeps building permits moving through the process to C of O. Builders/developers also do not want to let permits linger, as they have sub-contractors to pay and have obligation with project financing. There is no advantage to letting a building permit simply sit without action and the City's process does not permit this to occur.

Planning Board Public Hearing: The applicant's consultants spoke, and no members of the public spoke at the Planning Board public hearing on April 16, 2020. The minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 16, 2020 and considered the request. Following the hearing, the Planning Board unanimously approved the request. In making their decision, the Planning Board adopted staff report WCUP 20-07 with Findings of Fact and recommended Conditions of Approval.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from Planning Staff and the Planning Board, approve WCUP 20-07, the Findings of Fact in the staff report and the twelve conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item is a quasi-judicial matter.

- b) [Ordinance No. 20-](#) ; An Ordinance amending Title 6 – Motor Vehicles and Traffic, Chapter 1- General Traffic Provisions and Chapter 2- Stopping, Standing and Parking (First Reading) (p.154)

From City Attorney Angie Jacobs staff report.

Introduction/History

Managing parking in downtown Whitefish has been an ongoing issue for the City, particularly in summer. As such, a few years ago, the City contracted with Dixon Resources Unlimited to review existing parking conditions, analyze previous reports, and create actionable parking management recommendations for the downtown area. Dixon drafted a Parking Management Plan that was adopted by the City on October 21, 2019, through Resolution No. 19-33.

Current Report

Dixon's Parking Management Plan contained several recommendations for modifying and updating the City's current parking regulations. City staff met on several occasions to discuss Dixon's recommendations and had several of our own recommendations for cleaning up and modernizing the regulations, many of which are outdated. Further, with the increased pressure to improve parking in the City's core shopping district, staff also recognized the need for contractors, moving companies, service vendors, and other entities to use on-street parking stalls in excess of the two-hour time limit to complete a job or service. Proposed updates and modifications to the regulations include:

1. Giving the City Manager authority to designate parking signage, commercial/passenger loading zones and parking restrictions and creating a public process with respect to limited parking zones. As the City grows, it will become more and more difficult for the City Council to be involved in every parking modification.
2. Adding a definition of Transportation Network Company to address the increasing presence of companies such as Uber and Lyft.
3. Removing outdated language addressing pushcarts, hacks, ice creams stands, etc.
4. Creating flexibility by removing language in the regulations that specifies exact streets and locations where parking is prohibited or limited and instead allowing such areas to be designated by signage. It is cumbersome to update the regulations every time a new restriction is adopted.
5. Adopting a no re-parking provision that prohibits individuals from "shuffling" their vehicles slightly to avoid time restrictions.

6. Controlling construction vehicle and equipment parking by requiring a new Temporary On-Street Parking Permit to allow contractors, moving companies, and service vendors to park on-street in excess of the two-hour limit if needed to complete a job or service.

Dixon also suggested the City adopt new regulations regarding permit parking and shared mobility devices. While both are important, staff did not feel these were pressing matters at this time, especially since the Parking Permit Implementation Committee has not met due to the COVID-19 pandemic.

Financial Requirements/Impacts

There are no major financial requirements or impacts anticipated by the proposed amendments to the parking regulations.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from Staff, adopt Ordinance No. 20-___; An Ordinance amending Title 6 – Motor Vehicles and Traffic, Chapter 1-General Traffic Provisions and Chapter 2- Stopping, Standing and Parking (First Reading).

This item is a legislative matter.

- c) [Resolution No. 20-___](#); A Resolution expressing support for the Flathead County Board of Commissioners to refer to the Flathead Communications Center Special District to a vote pursuant to the terms of Title 7, Chapter 11, Part 11, Part 10, MCA (2019) (p.170)

From Police Chief Dial’s memorandum.

Introduction/History

On April 20, 2009 local government entities comprised of Flathead County, the City of Kalispell, the City of Whitefish, and the City of Columbia Falls entered into an interlocal agreement to provide oversight and funding for a county-wide emergency communications center. The current funding formula assesses each entity based on call volume. There have been two initiatives brought forward addressing the funding needs and both have failed. An equitable funding source that provides adequate operating capital for the center and 911 infrastructure is needed to enable the center to provide the emergency dispatch services our citizens demand and deserve.

Current Report

On January 8, 2020, the Flathead Emergency Communications Administrative Board met to discuss recommendations provided by the Funding Committee. The committee was comprised of representatives from each entity. The Chair of the committee was Katie Williams.

The funding committee recommended that a special district be formed to provide funding for emergency dispatch and supporting communication services, equipment, and infrastructure for Flathead County and its municipalities. The maximum of the total initiative proposed assessment is \$3,503,652. Funding will be provided by assessing each home \$17.68 per \$100,000 value of the home per year which will provide adequate funding for the center, meet future infrastructure demands and be a more equitable funding formula for our taxpayers.

Financial Requirements

The current appropriation of \$265,982, which includes police, fire and ambulance, will no longer be needed.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendation from staff, approve Resolution No. 20-___; A Resolution expressing support for the Flathead County Board of Commissioners to refer to the Flathead Communications Center Special District to a vote pursuant to the terms of Title 7, Chapter 11, Part 11, Part 10, MCA (2019).

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.178)
- b) Other items arising between May 13th through May 18th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Consideration of appointments to volunteer boards and committees not made during the Special Session preceding tonight's meeting
- b) [Appointments](#) of City Council Members to Various Boards, Commissions and Committees
 - i) Whitefish Climate Action Plan Standing Committee – replace Councilor Hartman (p.186)
 - ii) Whitefish Strategic Housing Plan Steering Committee – currently Mayor Muhlfeld and Councilor Norton serve; replace Councilor Hartman (p.187)
 - iii) Legacy Land Advisory Committee and Whitefish Trails Operations Committee – currently Councilor Qunell serves on Legacy Land Advisory Committee, Councilor Feury is an alternate; replace Councilor Hartman on both committees (p.188)
 - iv) Tree Committee – replace Councilor Hartman (p.189)

ADJOURNMENT

Sincerely,



Dana Smith
City Manager, CPA

Table 1: Common Motions Used in a Meeting.¹

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Privileged Motions							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No
Subsidiary Motions							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. . ."	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed"	No	Yes	Yes (16)	No	Majority	(4)
Main Motions							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
Incidental Motions (11)							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing ... can be considered separately."	No	Yes	No	Yes	Majority	No
Renewal Motions (8)							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

¹ Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

*** Refer to Robert's Rules of Order Newly Revised**

- (1) The chair decides. Normally no vote is taken.
- (2) Only made by a member who voted on the prevailing side and is subject to times limits.
- (3) Only the negative vote may be reconsidered.
- (4) Only the affirmative vote may be reconsidered.
- (5) Debatable when applied to a debatable motion.
- (6) Majority with notice, or 2/3 without notice or majority of entire membership.
- (7) Majority or tie vote sustains the chair.
- (8) None of these motions (except Reconsider) are in order when business is pending.
- (9) Rules of order, 2/3 vote—Standing rules, majority vote.
- (10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).
- (11) The Incidental Motions have no precedence (rank). They are in order when the need arises.
- (12) A Main Motion if made when no business is pending.
- (13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.
- (14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.
- (15) Upon a call by a single member, the Orders of the Day must be enforced.
- (16) Has full debate. May go into the merits of the question which is the subject of the proposed action.
- (17) A 2/3 vote in negative needed to prevent consideration of main motion.

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WHITEFISH CITY COUNCIL

May 4, 2020

6:00 P.M.

1) CALL TO ORDER

The City Council meeting was held remotely through WebEx to follow Governor Steve Bullocks social distancing Directive to help slow the spread of COVID-19. Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Hartman, Sweeney, and Norton. City Staff present were City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Dahlman, Building and Planning Director Taylor, Public Works Director Workman and Senior Planner Compton-Ring.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Councilor Feury to lead the audience in the Pledge of Allegiance.

3) PRESENTATION

a) Flathead City-County Health Department – Update on COVID-19 – Hilary Hanson

Hilary Hanson, Flathead City-County Health Department, gave an overview of COVID-19. The county remains at 37 cases, of those there have been two deaths and the other 35 folks have recovered. The county is no longer monitoring any positive cases or any contacts of those positive cases. They have been functioning under the health department as an incident command system located at the Emergency Operations Center. They broke into three teams; nurses doing the contact tracing; monitoring team; and a phone line for community questions. They are moving to looking at reopening and assist the community, through the three phases. The local level has options to be stricter if need be. She reviewed the basics of the phases. Phase 1 gathering rule is groups of less than ten people can gather without social distancing; the 14-day quarantine for anybody that has traveled outside of Montana is still in effect; the vulnerable populations are still in a stay at home directive. Phase 2 will be decided by the governor; the quarantine will remain in place as will the vulnerable population stay at home. Phase 3 is laid out as a reopen; everything back to normal. They are working with the hospital to make sure they understand where they are at with personal protective equipment (PPE), and the ability to provide health care services, number of beds etc.

Councilor Sweeney asked and Hilary stated on the good side we have definitely been able to control it; it has put our community in a really good place to be starting to reopen. The hard part when recognizing we only had 37 known cases also means the large majority of our population still has no immunity. We still need to be really cautious and careful while out in the community. The 14-day quarantine is an essential part in this. Reopening is not a no-risk situation.

Councilor Norton asked and Hilary stated it is important for folks to recognize the health department does not receive names of everybody who comes into the community. They are trying to get the information out as much as possible. Highway signs are in place; the National Guard is still at the Amtrak station and the airport. Information has been distributed to hotels, vacation rentals etc. When looking at enforcement, education is the number one piece. Complaints can be filed on the Health Department website, <https://flatheadhealth.org/covid-19-directives-violation-complaint-form/>. Once a complaint is received, the Health Department will make sure people are educated on what the directive are, if they still are not complying then they do a violation and then it moves to the County Attorney's Office.

Councilor Qunell asked and Hilary stated they expect the cases to go up, and they expect to see cases. To her it is not a trigger point of a number of new cases, it is a trigger point on our resources. That is going to come with a lot of variables including how many are hospitalized at one time versus if we have a consistent number hospitalized. There is not a black and white answer. It is so variable on so many factors. Councilor Qunell asked and Hilary stated they have plenty of testing available in the state at this point with anybody with signs and symptoms of COVID. They are considering doing some asymptomatic COVID testing to get some feel of where we are at in the community. Councilor Qunell asked and Hilary stated the Health Department does not have thermometers available to the community, but they do have a screening page on their website <https://flatheadhealth.org/covid-19-employee-screening-page/> to help monitor symptoms.

Councilor Hartman asked and Hilary stated they have been trying to look at some of the cases in the communities where masking has been required. It does appear it is having a positive impact. The governor has not laid out any criteria for phase 2, Hilary's understanding is we would go into phase 1 and pause for a couple of weeks to see if there are new cases before moving to phase 2.

Councilor Hennen asked and Hilary said the big difference of COVID-19 is recognizing immunity in our community. The flu not only has a vaccine available, but folks who have had the flu have immunity to different strains of the flu. Nobody is immune to COVID-19; for some people, those signs and symptoms may be minor, for others they are going to be really major. If we have a bunch of people get sick at one time, we are going to go beyond the resources we have available to care for those folks.

b) [Whitefish Lake Institute](#) AIS Report and FY21 Budget (p.16)

Mike Koopal, Executive Director, Whitefish Lake Institute gave a presentation on the FY21 Budget. He reported the AIS program is running efficiently and smoothly. The Parks staff does a fantastic job of working with the staff at City Beach and State Park. The Whitefish Lake Institute is asking the City to budget, \$1,000 for continuing Beaver Lake Eurasian Watermilfoil monitoring and control; \$4,500 for the eDNA sample and analysis; \$500 for a snorkel survey of Whitefish Lake; and \$1,000 for program administration reporting, for a total of \$7,000.

Councilor Feury made a motion, seconded by Councilor Sweeney to approve the FY21 Budget of \$7,000. The motion passed unanimously by roll call.

4) COMMUNICATIONS FROM THE PUBLIC — (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

Joan Vetter Ehrenberg, 744 Hidden Valley Drive, stated she wanted to recognize the last meeting she attended and how difficult that meeting was in relation to the Town Pump approval. She knows we are working on a transportation plan, but we really need to consider access to schools, post office, gas stations, south of town, etc.

Richard Hildner, 104 East 5th Street, thanked the Council for their letter to the County Commissioners.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

None

6) CONSENT AGENDA

- a) [Minutes](#) from April 20, 2020 Special Session (p.41)
- b) [Minutes](#) from April 20, 2020 Regular Session (p.42)

Councilor Norton had corrections to the April 20, Regular Session minutes. Page 45 of the packet-Leo's last name is Keane; page 46- under Discussion, 8th line down, add "s" to side; 12th line down should read "runoff of petroleum "is" (not are), Discussion-it is staff's (add apostrophe). Page 47 3rd line from bottom, Citizens, our citizen's desires (add apostrophe). Page 48 Qunell mad e (should be made). Page 49 3rd line down should be staff "is" monitoring. **Councilor Sweeney made a motion, seconded by Councilor Qunell to approve the Consent Agenda as corrected. The motion passed unanimously by roll call.**

- 7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))
- a) [Consideration](#) of a request from Goosebay Capital LLC, for a Conditional Use Permit to operate a bar/tavern located at 6191 Highway 93 South, zoned WB-2 (Secondary Business District) (WCUP 20-05) (p.52)

Director Taylor gave his staff report that is provided in the packet on the website. No comments were received.

Mayor Muhlfeld opened the Public Hearing. Due to technical difficulties, the Mayor called for a recess at 7:07 p.m. and reconvened at 7:13 p.m.

Aaron Wallace, MT Creative, stated this is an existing building they are turning into a restaurant and keeping the existing square footage and adding an exterior outside space to the north with a concrete patio and a fenced in area with landscaping to buffer some of the noise. A Conditional Use Permit is required to allow the customers to order beer and wine without ordering food. Without the Conditional Use Permit, customers would only be allowed to order beer or wine with food.

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

Councilor Hennen made a motion, seconded by Councilor Qunell to approve WCUP 20-05 with a friendly amendment to add Condition #10 to convert the existing sidewalk to a separated shared use path. The motion passed unanimously by roll call.

- b) [Consideration](#) of a request from Ronnie and Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings, located at 1515 Highway 93 West, zoned WRR-1 (Low-Density Resort Residential District) (WCUP 20-07) (p.80)

Senior Planner Compton-Ring gave her staff report that is provided in the packet on the website. Two written comments were received and are provided in the packet on the website.

Council had concerns for the applicant to address regarding tree retention, Certificate of Occupancy in regard to the payment in lieu, drainage issues, affordable units, onsite management, Traffic Impact Study, and bear resistant containers. The Legacy Homes Program recognized there are certain areas that wouldn't be conducive to affordable housing and areas that had a great preponderance of short-term rental, high homeowners association dues, distance from services were all areas they didn't expect to see any legacy homes. This particular project is condos with high homeowner association dues, and a resort residential area, just the most ideal location. So that is why they provided an opportunity for folks to pay

for the fee in lieu at 1 ½ times the rate. Councilor Workman stated the Traffic Impact Study followed the uniform and recommended numbers; staff does not see any issues with the study.

Mayor Muhlfeld opened the Public Hearing.

Fran Quiram, Cushing Terrell, 2 Main Street, Suite 205, Kalispell, addressed some of the questions of the Council. In regard to the trees, they allocated a plan for an intent to salvage as many trees as possible. They understand the means and methods of construction, they will do their best to salvage everything they can. The proposal is to replenish this area with a significant amount of vegetation. The concern of the Certificate of Occupancy and time of payment. They worked hand in hand with the building department and went through a number of scenarios. The concept is the Certificate will be given when the building/unit (attached to building permit) is allowed to be occupied; the cash-in-lieu would be paid at that time. Life safety measures will be in place; aesthetics, and proper infrastructure will be in place to support those occupancies. Building #2 has a manager's office accepting visitors, mail deliveries, etc.

City Clerk Howke read aloud an email that was received at 2:56 from Pauline Murray, 301 Fairway Drive. She had questions regarding the water capacity of the treatment plant, road improvements, number of housing units in Whitefish, the quaintness and feel of Whitefish is disappearing, and when will the decision of this project be made? The letter is appended to the packet.

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

Councilor Qunell made a motion, seconded by Councilor Norton to postpone to May 18th leaving the public comment open. Councilor Qunell stated there are questions that need to be answered regarding the cash in lieu of affordable housing, the bear resistant containers and the underground parking. **Councilor Feury stated he would support postponing to May 18th but would prefer to close the Public Hearing due to the fact not many comments were received. Councilor Qunell and Councilor Norton agreed. The motion passed unanimously to postpone to May 18th, and to close the Public Hearing, unanimously by roll call.**

- c) [Consideration](#) of a request from Blackstar Partners, LLC for a Conditional Use Permit for a bar/tavern and expanding a microbrewery facility, located at 2 Central Avenue, zoned WB-3 (General Business District) (WCUP 20-06) (p.171)

Director Taylor gave the staff report that is provided in the packet on the website. One comment was received in support of the project.

Mayor Muhlfeld opened the Public Hearing.

Aaron Wallace, MT Creative, gave an overview of the project. A new brewery will occupy the back half of the first floor space creating more seating in the remainder of the first floor, a new kitchen on the second floor, standing and seating out towards the towers space, and adding a rooftop patio. It is important to the applicant to keep the existing look of the building as much as possible. They are not planning to remove the existing signage.

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

Councilor Qunell made a motion, seconded by Councilor Hartman to approve WCUP 20-06. The motion passed unanimously by roll call.

- d) [Emergency Ordinance No. 20-07](#); An Emergency Ordinance of the City of the City of Whitefish, Montana, amending Emergency Ordinance Nos. 20-04 and 20-06 to clarify rules for public participation in remote meetings, waiving a second reading (Only Reading) (p.209)

City Attorney Jacobs gave her staff report that is provided in the packet on the website. One public comment was received after the packet was published.

Discussion followed between Council and staff regarding comments that are submitted prior to the meeting and attendees having the ability to access the chat option for questions and answers.

Mayor Muhlfeld opened the Public Hearing.

City Clerk Howke read aloud the letter received from Citizen's for a Better Flathead, P.O Box 9168, Kalispell. The letter is appended to the packet on the website.

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

Councilor Feury made a motion, seconded by Councilor Hennen to adopt [Emergency Ordinance No. 20-07](#); An Emergency Ordinance of the City of the City of Whitefish, Montana, amending Emergency Ordinance Nos. 20-04 and 20-06 to clarify rules for public participation in remote meetings, waiving a second reading (Only Reading). The motion passed unanimously by roll call.

- e) [Emergency Ordinance No. 20-08](#); An Emergency Ordinance of the City Council of the City of Whitefish, Montana, amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities, waiving the second reading (Only Reading) (p.216)

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

Mayor Muhlfeld opened the Public Hearing.

City Clerk Howke received three comments prior to the meeting. Two letters in support for the Ordinance; Paul McCann, 340 Somers Avenue, Sue Basta, 108 Bay Point Drive; one letter did not state for or against, Matt Sease, 59 Bowdish Meadow Trail.

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

Councilor Sweeney made a motion, seconded by Councilor Hennen to adopt [Emergency Ordinance No. 20-08](#); An Emergency Ordinance of the City Council of the City of Whitefish, Montana, amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities, waiving the second reading (Only Reading). The motion passed unanimously by roll call.

8) COMMUNICATIONS FROM FINANCE DIRECTOR

- a) [Resolution No. 20-14](#); A Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the internal revenue code (p.226)

Director Dahlman have his staff report that is provided in the packet on the website.

Councilor Qunell made a motion, seconded by Councilor Hartman to approve [Resolution No. 20-14](#); A Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the internal revenue code. The motion passed unanimously by roll call.

9) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p.232)

None

- b) Other items arising between April 29th through May 4th

Manager Smith reported City Hall is now open to the public. A self-check assessment station is provided in the vestibule equipped with a thermometer, wipes, and masks; stickers are placed on the floor of the lobby indicating the six-foot social distancing; and plexi-glass is installed at each front counter.

Parks are reopening with a phased plan. All parks will remain closed except the bike/ped paths, and the Whitefish Trail. The City Beach boat launch will open Friday May 8th with sanitation equipment.

Planner II Bailey Minnich has excepted a position in Missoula County.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

Council Comments

Councilor Hartman announced her resignation from the Council for personal reasons. She thanked the Staff, Council, and citizens for the time she has served. She looks forward in engaging in local government in different roles.

Mayor Muhlfeld opened the floor to Council discussion on the next steps to fill Councilor Hartman's position. The Charter states Council has 30-days to fill the position but does not state the process. Past positions have been filled by letter request from the public and Council interview; or Council appoint without a letter shortly after a recent election. Mayor Muhlfeld suggested appointing Ben Davis, who was a candidate in the last election in November, had lost by less than 10 votes, has been on city boards and committees and knows how government is run. Mayor Muhlfeld would like to fill this position at the next Council meeting on May 18th.

Councilor Feury agreed, Ben Davis would be a good candidate, but also understands this circumstance is difficult where the past protocol was Council requesting letters. He is comfortable either way.

Councilor Sweeney agrees with Councilor Feury. Ben was a candidate in the last election. He has shown his commitment and knowledge. Councilor Sweeney supports Mayor Muhlfeld's nomination for the next meeting agenda.

Councilor Norton would prefer requesting letters as has been the protocol in the past. There may be others in the community who would like to step up and serve.

Councilor Qunell was torn, he did not see the harm opening it up to the public, but somebody would really need to impress him during the interview process. Ben was under 10 votes shy of being voted in. Councilor Qunell was equally happy either way.

Councilor Hartman was supportive of nominating Ben Davis.

Councilor Hennen was supportive of nominating Ben Davis and thinks he would be a great asset to the Council.

Councilor Norton made a motion to open the position to the public process and request letters for the position. The motion failed for lack of a second.

Councilor Hennen made a motion, seconded by Councilor Sweeney to place the appointment of Ben Davis on the May 18th Council meeting agenda. The motion passed 4-1, with Councilor Norton abstaining, she does not believe it is proper protocol.

Councilor Feury is saddened of Planner II Minnich taking a position in Missoula, he wishes her well. He told Councilor Hartman she will be missed on the Council. She brought a lot to the Council and thanked her for her service. He also presented to the Council and staff an idea to bring business back to the downtown food service by considering sidewalk or street dining. Councilor Sweeney also thanked Councilor Hartman for her service.

Discussion followed between Council and staff regarding opening the sidewalks and streets for dining. There was some concern with staff on the liability standpoint. This topic deserves more discussion in the future after staff looks further into it.

Councilor Norton adored working with Planner II Minnich and she wishes Councilor Hartman well and thanked her for her service. She announced the Montana Air National Guard will do a flyover on Wednesday at 11:40 a.m. She is working on obtaining masks on a bulk order. She reassured the public even though there are contentious items on the agenda it does not mean Council is not on the same page.

Councilor Qunell thanked Councilor Hartman and appreciated her work on the Council. He appreciated working with Planner II Minnich. Councilor Hennen is sad to see Councilor Hartman go.

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

Mayor Muhlfeld adjourned the meeting at 9:33 p.m.

Mayor Muhlfeld

Attest:

Michelle Howke, Whitefish City Clerk

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PLANNING & BUILDING DEPARTMENT
418 E 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



May 12, 2020

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

RE: 1515 Highway 93 W Condominiums (WCUP 20-07)

Honorable Mayor and Council:

Background: The Whitefish City Council met on May 4, 2020 and considered the request. After closing the public hearing, the Council unanimously passed a motion to continue this item until the May 18th Council meeting for deliberation and action. The public hearing is no longer open.

Summary of Requested Action: Ronnie & Sharon Kyle are requesting a Conditional Use Permit to construct 52 condominium units in three buildings (two 18-unit buildings and one 16-unit building) at 1515 Highway 93 W. The site is developed with a single-family home and several detached accessory buildings to be removed as part of this project. The property is zoned WRR-1 (Low-Density Resort Residential District) and the Whitefish Growth Policy designates this property as 'Resort Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to twelve conditions set forth in Exhibit 'A'.

City Council Public Hearing: The applicant's consultants spoke and no members of the public spoke at the City Council public hearing on May 4, 2020. There were several questions raised at the Council meeting including: what is day 90 for this project, tree preservation, garbage, and Legacy Homes fee in lieu payment.

90 Days (§11-7-8E.7.). The application was submitted on March 2nd and a decision from Council needs to be reached by May 31st unless the time limit is extended by agreement between the City and the applicant.

Tree Preservation. The applicant provided an exhibit showing the location of trees to be preserved. Condition 10.b. addresses tree preservation and states: "A tree preservation plan must be submitted along with the landscaping plan identifying healthy long-lived trees to be preserved within the landscaping. *Such trees must be protected during construction with fencing maintained during construction.*" (Emphasis added.) The

Council could move the final sentence in this condition up to condition #2 or repeat this sentence in condition #2.

Garbage. A question was asked about bear-proof garbage containers. The applicant has indicated the garbage will be located within their underground/under building and hauled out to the entrance for pick-up on the day of pick-up. §4-2-4A, WCC, citywide, limits the hours resident's trash containers can be outside their enclosed home/garage or, if it is an animal resistant container, when it needs to be re-latched. It would appear the applicant's proposal meets the adopted City Code.

Legacy Home Fee In Lieu Payment. When the Whitefish Legacy Homes Program was developed, it was recognized there could be situations and/or locations where affordable housing might not be suitable or affordable over the long-term. As such, the regulations, adopted by the City Council, provide an option to pay a fee in lieu of developing the housing on-site, at 1.5 times the fee rate. The regulations state:

Circumstances include, but are not limited to:

1. High levels of property tax;
2. High homeowners' association dues;
3. A predominance of short-term rentals;
4. Onsite development consisting of condominiums; and
5. Location far from schools, transit or shopping. (§11-1A-4A)

This project meets four of the five circumstance identified in the regulations – high property taxes, high HOA dues, predominance of short-term rentals and condominium development. It is the role of the City Council to review and approve alternative means of compliance. (§11-1A-4B)

The Administrative Procedures, adopted by Resolution 19-11, state fees are to be paid prior to the issuance of a building permit or final plat. However, "(a)n applicant may propose an alternative to this timing requirement, subject to the Council's approval."

The applicant is proposing to pay the fee of **\$1,216,072** (10.4 x \$116,930) at the time of Certificate of Occupancy (C of O) per each unit; $\$1,216,072 \div 52 \text{ units} = \mathbf{\$23,386/\text{unit}}$. As described at the last meeting, the applicant worked with the Building Official to issue a C of O on a 'per unit' basis for the condos and the Whitefish Housing Authority has also reviewed the proposal. Both staff and the WHA are comfortable with this option.

As part of the questions about how a C of O would work in this situation, the applicant would obtain a building permit for the shell of the building. Safety aspects of the shell would need to be complete for the shell including sprinklering/alarms, exiting, fire separation, and ADA requirements. Then the applicant would need to obtain a building permit for each condominium unit. Building permits are valid for 180-days and continuous progress needs to be made to finish out the building permit. A building permit cannot simply linger without completion. If the City has not completed any inspections in about a month, the City will schedule a compliance check to see what sort of progress is being

made. If no progress is being made, the inspector will have the Building Official contact the builder to find out what is happening. The Building Department has great success with this method and keeps building permits moving through the process to C of O. Builders/developers also do not want to let permits linger, as they have sub-contractors to pay and have obligation with project financing. There is no advantage to letting a building permit simply sit without action and the City's process does not permit this to occur.

Planning Board Public Hearing: The applicant's consultants spoke and no members of the public spoke at the Planning Board public hearing on April 16, 2020. The minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 16, 2020 and considered the request. Following the hearing, the Planning Board unanimously approved the request. In making their decision, the Planning Board adopted staff report WCUP 20-07 with Findings of Fact and recommended Conditions of Approval.

Proposed Motion:

- I move to approve WCUP 20-07, the Findings of Fact in the staff report and the twelve conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item has been placed on the agenda for your regularly scheduled meeting on May 18, 2020. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,

/s/ Wendy Compton-Ring

Wendy Compton-Ring, AICP
Senior Planner

Att: Exhibit A: Planning Board Recommended Conditions of Approval
Minutes, Planning Board Meeting, 4-16-20

Exhibits from 4-16-20 Staff Packet

1. Staff Report – WCUP 20-07, 4-9-20
2. Adjacent Landowner Notice, 3-27-20
3. Advisory Agency Notice, 3-28-20

The following was submitted by the applicant:

4. Application for Conditional Use Permit, 3-2-20

The following were received after the Planning Board packet:

5. Email, Abelson, 4-16-20
6. Email, Sanman, 4-28-20
7. Email, Murray, 5-4-20
8. Letter, WHA, 5-4-20

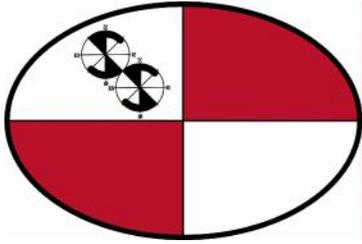
c: w/att Michelle Howke, City Clerk

c: w/o att Ronnie & Sharon Kyle, 4960 Bluebonnet Blvd, suite A Baton Rouge, LA
70809
Fran Quiram, Cushing Terrell, 2 Main Street, suite 205 Kalispell, MT
59901
Eric Mulcahy, Sands Surveying 2 Village Loop Kalispell, MT 59901
Ryan Mitchell, RPA, PO Box 5100 Kalispell, MT 59901

Exhibit A
1515 Highway 93 W Condominiums
Conditional Use Permit WCUP 20-07
Whitefish Planning Board
Recommended Conditions of Approval
April 16, 2020

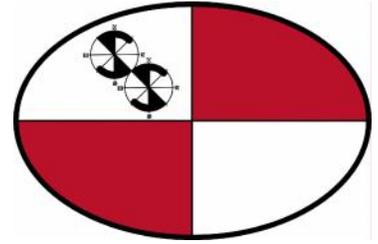
1. The project must comply with the site plan submitted on March 2, 2020, except as amended by these conditions. Minor deviations from the plans must require review pursuant to §11-7-8E(8) and major deviations from the plans must require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on- and off-site infrastructure must be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, streetlights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director will approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2019)
3. The existing driveway must be removed and restored with curb, gutter and boulevard landscaping. Applicant must coordinate with the Whitefish Parks Department for any street tree installation or removal. All maintenance of sidewalk, including shoveling, and boulevard, including any irrigation system, is the responsibility of the Homeowners' Association. (FOF #5)
4. Approval of the conditional use permit is subject to approval of detailed design of all on- and off-site improvements, including drainage. Through review of detailed drainage plans, applicant is advised that the number, density and/or location of building lots, shown on the conditional use permit may change depending upon constructability of on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan must include a strategy for long-term maintenance. Fill on-site must be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2019)
5. An approach permit must be obtained from the Montana Department of Transportation (MDT). In addition, a permit from MDT must be obtained for any work within the right-of-way. (Finding 3)

6. All areas disturbed because of road and utility construction must be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, must be removed throughout the life of the development by the recorded property owner. (§11-3-33, WCC)
7. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access, hydrants, and any extended fire suppression system will be reviewed by the Whitefish Fire Department as part of the building permit. (IFC)
8. All on-site lighting must be dark sky compliant. (§11-3-25, WCC)
9. Erosion control must be set up around the boundary of the wetland prior to the start of earthwork and remain in place until landscaping is complete. Any restoration plan for the wetland will require submittal of such plan to the Planning Department for review and approval.
10. Prior to submitting a building permit the following conditions must be met:
 - a. Compliance with the Landscaping Chapter will be confirmed at the time of building permit. (Chapter 4, WCC)
 - b. A tree preservation plan must be submitted along with the landscaping plan identifying healthy long-lived trees to be preserved within the landscaping. Such trees must be protected during construction with fencing maintained during construction. (Finding 4)
 - c. Approval from the Architectural Review Committee must be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
 - d. The location for refuse disposal and recycling must be reviewed and approved by the Public Works Department and Republic Service. (§4-2, WCC)
11. Compliance with the Legacy Homes Program approved housing mitigation plan will be met through the payment of \$23,386/unit at the time of certificate of occupancy for each unit. Building permit phasing must meet building code requirements. (§§11-1A-4A, 11-1A-4D, WCC)
12. This Conditional Use Permit is valid for 18 months from this date and terminates at the end of that time unless commencement of the authorized activity has begun. (§11-7-8H(2), WCC)



SANDS SURVEYING, INC.

2 Village Loop Road
Kalispell, MT 59901
406-755-6481
Fax 406-755-6488



May 11, 2020

Mayor John Muhlfeld and Whitefish City Council members
P.O. Box 158
Whitefish, MT 59937

RE: 1515 Hwy 93 Condominium – Ronnie and Sharon Kyle project

Dear Mayor and City Councilors:

I am writing this letter in regards to the City Council meeting of May 4 and questions that were raised in the tabling of action of my client's project. I do apologize for my technical difficulties during the last meeting and not being able to get my phone to sync with the City's meeting platform. I have discovered the issue which was on my end and I will be available on the meeting of the 18th should you have questions.

The following are our answers to your question as we understood them.

Proposing to pay the Legacy Cash-in-Lieu payments at the time of Certificate of Occupancy.

We request this payment proposal as this is a large project that will be developed in phases. After the initial grading and infrastructure work, the construction of buildings 1, 2, 3 and the clubhouse will be staggered. In addition to the buildings, finishing of each floor will occur in stages as each floor and each building have unique bedroom mixes and floorplans.

Also of importance is the financing of the project. There are very few if any lenders, particularly now, that would lend \$1.2 million to pay the legacy home fees prior to the construction of any units. Coordinating the payments with the completion of the units is generally more acceptable to the lending industry.

Paying the legacy fees at the C of O is very similar to a developer constructing the legacy units on-site. The Legacy Home Program states, "For Homeownership units, the Legacy Homes must be made available for sale at the same time and in proportion to the market rate homes..." In the case of Legacy Home units constructed on site, the City is allowing a phased approach to mitigate the impact. By paying a per unit fee at the completion of each unit we are also mitigating the impact with a phased approach.

My understanding is that the Legacy Home requirements were created to off-set the impact of developing homes that would not be affordable to Whitefish residents making 80 to 120% of the Area Medium Income. The impact of building/marketing a unit does not come until the unit receives approval that it can be occupied.

We have contacted the Whitefish Housing Authority and they have provided a letter of support for this payment method. I will also point out that John Middleton who sits on the Planning Board and the

Whitefish Housing Authority Board stated during the planning board meeting that the Housing Authority would have use for this money should it become available.

Underground Parking and Geotech Analysis.

In developing the proposed condominium we looked at a number of concepts with different building layouts, surface parking instead of under building, etc. In the early stages of the design we found that the surface parking did two things, it creates a lot of impervious surface which requires stormwater facilities and secondly it devoured much of the open area we show as green space on our site plan.

The Kyles hired a Geotech Engineer, Alpine Geotechnical, to analyze the site. Alpine Geotechnical drilled a number of borings around the site to support their analysis and through their findings; it was determined we could go subsurface with some of the parking. The report stated that the soils could support this and any groundwater could be address with curtain drains to move any seasonal groundwater around the structures. Subsurface parking will have waterproofing and drains to support any groundwater mitigation. It should be noted that only buildings 2 and 3 have underground parking as the topography makes it work for these buildings. Building 1 has underbuilding parking which is essentially at grade with the residences on the second and third floor.

On-site Management and Refuse Container Storage

The project will have on-site management and the architects are looking at creating the office for the development in the northeast corner of building 2 on the ground floor. There will also be the needs for a grounds keeper who would provide snow removal in the winter.

Refuse containers will be located in the parking garages of each building. On the day of pick-up, which could be more than once a week, the maintenance staff will tow the refuse containers out of the garages to the roundabout for pick-up. Once empty, the staff will tow the refuse containers back to their spots in the parking garages. The parking garages are enclosed and will provide security from wandering bears.

Tree Retention

A graphic is provided with proposed tree retention. This project will require much grading to bring in utilities, construct buildings and develop stormwater drainage. As a result many of the trees will be removed with this project. However we are proposing an extensive landscaping and revegetation plan to complete the project and provide an attractive setting for the future owners and neighboring properties.

Sincerely;

Eric H. Mulcahy, AICP
Sands Surveying, Inc.



May 4, 2020

City Council
City of Whitefish
Whitefish, MT 59937

To: City Council Members

REF: 1515 Hwy 93 Condominiums ~ Letter of Support

To Whom it May Concern,

The Whitefish Housing Authority has read over the Housing Mitigation Plans (HMP) for the above referenced projects and has found them to be satisfactory. The Whitefish Housing Authority Board of Commissioners find that the requested deviation from the intended Legacy Homes Program criteria for Payment in Lieu of Housing is acceptable for this type of project.

We would like to submit our recommendation for this Housing Mitigation Plan with the understanding that the Whitefish Housing Authority is not recommending the project in totality but will state that the WHA has no issues with the HMP as submitted.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Lori Collins', is written over the word 'Respectfully'.

Lori Collins
Executive Director
Whitefish Housing Authority

PLANNING & BUILDING DEPARTMENT
418 E 2nd Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



April 28, 2020

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

RE: 1515 Highway 93 W Condominiums (WCUP 20-07)

Honorable Mayor and Council:

Summary of Requested Action: Ronnie & Sharon Kyle are requesting a Conditional Use Permit to construct 52 condominium units in three buildings (two 18-unit buildings and one 16-unit building) at 1515 Highway 93 W. The site is developed with a single-family home and several detached accessory buildings to be removed as part of this project. The property is zoned WRR-1 (Low-Density Resort Residential District) and the Whitefish Growth Policy designates this property as 'Resort Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application subject to twelve conditions set forth in the attached staff report.

Public Hearing: The applicant's consultants spoke and no members of the public spoke at the public hearing on April 16, 2020. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on April 16, 2020 and considered the request. Following the hearing, the Planning Board unanimously approved the request. In making their decision, the Planning Board adopted staff report WCUP 20-07 with Findings of Fact and recommended Conditions of Approval.

Proposed Motion:

- I move to approve WCUP 20-72, the Findings of Fact in the staff report and the twelve conditions of approval, as recommended by the Whitefish Planning Board on April 16, 2020.

This item has been placed on the agenda for your regularly scheduled meeting on May 4, 2020. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Wendy Compton-Ring, AICP
Senior Planner

Att: Exhibit A: Planning Board Recommended Conditions of Approval
Draft Minutes, Planning Board Meeting, 4-16-20

Exhibits from 4-16-20 Staff Packet

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2. Adjacent Landowner Notice, 3-27-20
3. Advisory Agency Notice, 3-28-20

The following was submitted by the applicant:

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The following were received after the Planning Board packet:

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c: w/att Michelle Howke, City Clerk

c: w/o att Ronnie & Sharon Kyle, 4960 Bluebonnet Blvd, suite A Baton Rouge, LA 70809
Fran Quiram, Cushing Terrell, 2 Main Street, suite 205 Kalispell, MT 59901
Eric Mulcahy, Sands Surveying 2 Village Loop Kalispell, MT 59901
Ryan Mitchell, RPA, PO Box 5100 Kalispell, MT 59901

Exhibit A
1515 Highway 93 W Condominiums
Conditional Use Permit WCUP 20-07
Whitefish Planning Board
Recommended Conditions of Approval
April 16, 2020

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4. Approval of the conditional use permit is subject to approval of detailed design of all on- and off-site improvements, including drainage. Through review of detailed drainage plans, applicant is advised that the number, density and/or location of building lots, shown on the conditional use permit may change depending upon constructability of on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan must include a strategy for long-term maintenance. Fill on-site must be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2019)
5. An approach permit must be obtained from the Montana Department of Transportation (MDT). In addition, a permit from MDT must be obtained for any work within the right-of-way. (Finding 3)

6. All areas disturbed because of road and utility construction must be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, must be removed throughout the life of the development by the recorded property owner. (§11-3-33, WCC)
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12. This Conditional Use Permit is valid for 18 months from this date and terminates at the end of that time unless commencement of the authorized activity has begun. (§11-7-8H(2), WCC)

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
April 16, 2020**

<p>CALL TO ORDER AND ROLL CALL</p>	<p>Chair Steve Qunell called the regular meeting of the Whitefish Planning Board to order at 6:05 pm via WebEx videoconferencing. Board members present were Whitney Beckham, John Ellis, Scott Freudenberger, John Middleton and Toby Scott. Allison Linville was absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring and Planner II Bailey Minnich represented the Whitefish Planning and Building Department. Public Works Director Craig Workman and City Attorney Angela Jacobs also attended.</p> <p>There were approximately 13 people attending via videoconference in addition to the board and staff.</p>
<p>AGENDA CHANGES <i>6:05 pm</i></p>	<p>None.</p>
<p>APPROVAL OF MINUTES <i>6:05 pm</i></p>	<p>Ellis moved, and Scott seconded to approve the March 19, 2020 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:09 pm</i></p>	<p>None.</p>
<p>OLD BUSINESS: <i>6:09 pm</i></p>	<p>None.</p>
<p>PUBLIC HEARING 1: KYLE CONDITIONAL USE PERMIT REQUEST <i>6:09 pm</i></p>	<p>A request by Ronnie and Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings. The property is zoned WRR-1 (Lot-Density Resort Residential District). The property is located at 1515 Highway 93 W and can be legally described as Tract 1ABD in S35, T31N, R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 20-07 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-07, no public comments had been received. One public comment was received today and Compton-Ring will read it into the record during the public comment period.</p>

	<p>Staff recommended adoption of the findings of fact within staff report WCUP 20-07 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Chair Qunell asked if staff thought this method of collecting money for the Legacy Homes Program (paying for only one unit at a time as they sell each unit) would set a precedent for the future. Compton-Ring said they will be handled on a case-by-case basis and applicants can make a case for this method before the Council; the money will be paid when the Certificate of Occupancy is issued and staff and the Building Department are comfortable with it. Chair Qunell asked if the wetland exits off the property and Compton-Ring said she does not think so; it is just a low spot on the property.</p> <p>Scott asked about vehicle access to the parking lot depicted under buildings 1 and 2 and how vehicles get to building 3. Compton-Ring said buildings 2 and 3 share underground parking that connects the two buildings; vehicles park under both buildings 2 and 3. Scott asked and Compton-Ring said visitor waiting and parking is by the round-about near the entrance and in the parking areas under the buildings. Scott asked and Compton-Ring said the Applicant will have to coordinate with Republic Services regarding the location of trash receptacles. Scott asked and Compton-Ring said she thought bicycle parking may be in the underground parking areas, but that would be a question for the Applicant. Scott asked and Compton-Rings said there is already a sidewalk along Highway 93 W.</p>
<p>APPLICANT / AGENCIES</p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop in Kalispell, said he has read through the staff report and is comfortable with all conditions. The project will be constructed in phases. They will get all the units on a floor in a building done, get the Certificate of Occupancy for each unit and pay the cash-in-lieu of affordable housing. Mr. Mulcahy thinks that is a good way to do it. There will be designated visitor parking in each of the underground parking areas, along with occupant storage for kayaks, paddleboards, bikes, etc. There will be a staffed office in the northeast corner of building 2 and visitors can get directions there on where to go for visitor parking. There will also be bike racks in the front of the office so visitors can park their bikes and walk in to see whoever they are visiting. There will also be refuse containers under each building and at the time of pickup an employee will roll out the refuse containers. To work with the grade of the landscape, building 1 will have first floor parking and buildings 2 and 3 have underground parking. Mr. Mulcahy said with this project they looked at a number of different scenarios and came to this design with</p>

underground parking to create open areas or green space over 65% of the site and allow protection of the wetlands area. The Club House on the north is for unit owners and is a single-story structure with plaza and patio area around.

Scott asked and Mr. Mulcahy said there is a very slight slope up to the round-about from the underground parking so refuse containers will be moved on collection days with a golf cart, 4-wheeler or something similar, not pushed by employees.

Beckham asked why they have chosen to do cash-in-lieu for the entire project rather than include any affordable housing units and Mr. Mulcahy said this is their first project to go through the Inclusionary Zoning (Legacy Homes) Program and it is an "upper end" project. To get the density they have a lot of upfront costs. Cash-in-lieu does not come without a price - 30% versus 20% - so he thinks the bonus of 10% offsets the decision to do all cash-in-lieu. Beckham said she is concerned that Inclusionary Zoning will come into money with nowhere to build and it was envisioned that affordable housing would be more spread out.

Beckham said she used to live right next door at 1625 Highway 93 W and knows this property had a large ravine with water present often and the wetland in the middle of property. She asked if there is an inlet and outlet on the west and east of property or how the water moves there. Mr. Mulcahy said Calypso looked at the wetlands and followed the water and it goes to a drain installed by the Montana Department of Transportation (MDOT). It is low quality and not continuous or jurisdictional. It is basically a wet field if you walk there and the previous landowners let their neighbors plow their snow into the field, which was a large source of the water.

Chair Qunell asked, considering our high groundwater, how deep the digging will be for the underground parking garages. Mr. Mulcahy said the geotechnical engineer bored test holes on site and felt the garages could be put in and maintained as dry garages. Mr. Mulcahy said he will let Fran Quiram with the architectural firm of Cushing Terrell address those specifics as they designed the buildings.

Freudenberger said the pictures in the staff report indicate it does not seem that wet and asked if they will dig some more depth in the wetlands and whether drainage goes to a culvert across Highway 93 W. Mr. Mulcahy said the water heads east on Highway 93 W and goes to another outlet near the Whitefish River. They would like to put

	<p>together a wetlands restoration plan and introduce attractive wetland plants to the area but did not want to go through the time and expense before knowing if they would get approval. They will proceed according to the included Condition and address the issue then.</p> <p>Beckham asked what time of year the ground were tests done and if multiple tests were done, i.e., in the spring, summer, and fall, to see if basements are sustainable. Mr. Mulcahy said there were not multiple tests, but the geotechnical engineer looks at the soils and that would indicate whether there is a presence of water. There are techniques available if necessary to move water around the buildings.</p> <p>Fran Quiram, Cushing Terrell, 2 Main Street, Suite 205, Kalispell, MT, said she had no specific comments to add and asked for questions. Beckham asked Ms. Quiram whether water will be stopped or redirected to add the basements. She also asked about water retention, whether there is a culvert that will take the water away under highway 93 W, whether the water moves through the property or simply holds it in place. Ms. Quiram said through report and investigation they determined it was maintained holistically (shown in blue on the engineering plans) and there was no flow. They will stay in place and not manipulate the performance of the wetlands. The wetland is not at all part of the plan for the basements. All site drainage - roofs, cul-de-sac, etc. - will be handled separately with no distribution to the wetland.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing and Compton-Ring read a comment received today from Eva Marie Abelson into the record in opposition to the density of the project.</p> <p>No one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Beckham asked for the rest of the Board's thoughts if moving forward we continue to get cash-in-lieu. Middleton said his impression is this is largely how the Inclusionary Zoning Program was designed to work. Cash-in-lieu is designed to help the Whitefish Housing Authority (WHA) working as the developer on projects such as the Snow Lot. The funds for the Snow Lot project are short and something like this would go a long way towards meeting that. He feels the highest and best use is not to have affordable housing in this project and there are other areas better suited. He said the WHA has not earmarked any capital that has not come in yet but in conjunction with the City the WHA is</p>

1515 Highway 93 W Condominiums
CONDITIONAL USE PERMIT
WCUP 20-07
April 9, 2020

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a Conditional Use Permit (CUP) to build 52-condominium units in three buildings at 1515 Highway 93 W. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, **April 16, 2020**. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, **May 4, 2020**.

PROJECT SCOPE

The applicant is proposing to construct 52 condominium units in three buildings (two 18-unit buildings and one 16-unit building) at 1515 Highway 93 W. The 16-unit building has two floors of condos and under-the-building parking. The two 18-unit buildings have subgrade parking and three floors of condos. The buildings contain a combination of two-, three- and four-bedroom units. Access to the project will be off Highway 93 W. The entrance into the project includes a large landscaped 'round-about' to slow traffic down as it enters the project before accessing parking under the buildings. Guest parking is located both along this entrance and under the buildings. The buildings are designed around a central open space which contains a clubhouse with resident amenities including BBQs, hot tubs, grassy areas and paved plaza spaces. The open space and buildings were designed around a very small wetland centrally located within the open space. Finally, a wide sidewalk loops around the entire open space providing connections to the buildings and the sidewalk along Highway 93 W.

This project complies with the Legacy Homes program by proposing to pay cash in lieu of units at 1.5x the fee in lieu rate, as it is in a Resort Residential zoning district. As part of the Legacy Home program, the applicant is using the following incentives: additional building height, density bonus and reduced parking.

A Conditional Use Permit is required for developments with multiple buildings on a single lot. (§11-2-3B(12))

A.

OWNER:

Karla McKellar
910 Columbia Ave
Whitefish, MT 59937

APPLICANT:

Ronnie & Sharon Kyle
4960 Bluebonnet Blvd, suite A
Baton Rouge, LA 70809

TECHNICAL/PROFESSIONALS:

Fran Quiram, AIA
Cushing Terrell
2 Main Street, suite 205
Kalispell, MT 59901

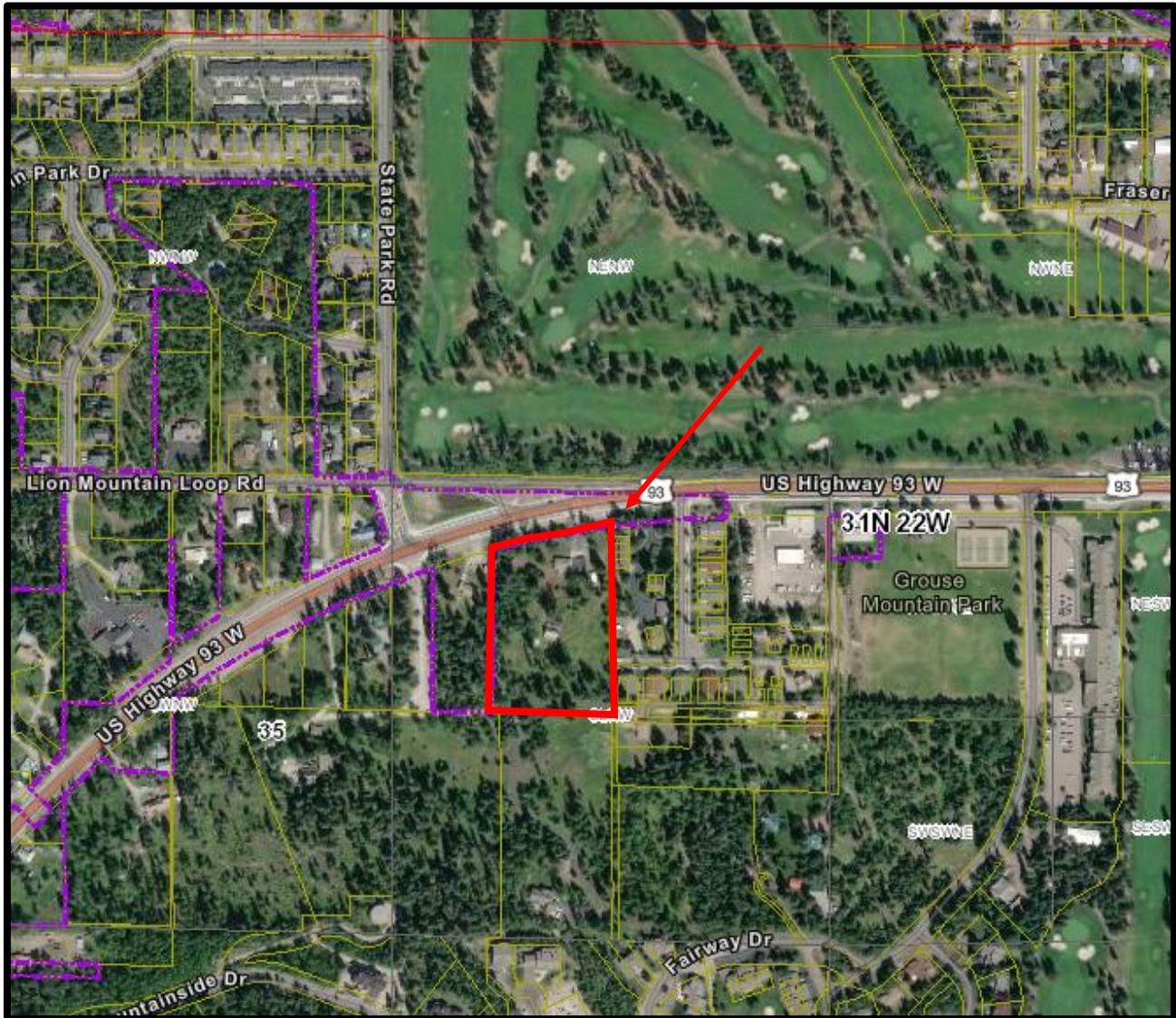
Ryan Mitchell, PE
RPA
PO Box 5100
Kalispell, MT 59901

Eric Mulcahy, AICP

Sands Surveying
2 Village Loop
Kalispell, MT 59901

B. SIZE AND LOCATION OF PROPERTY:

The property is located at 1515 Highway 93 W and is approximately 4.47 acres. The project can be legally described as Tracts 1ABD in S35, T31N, R22W P.M.M., Flathead County.



C. EXISTING LAND USE:

The subject property is developed with a single-family home and several outbuildings that will be removed as part of the project.

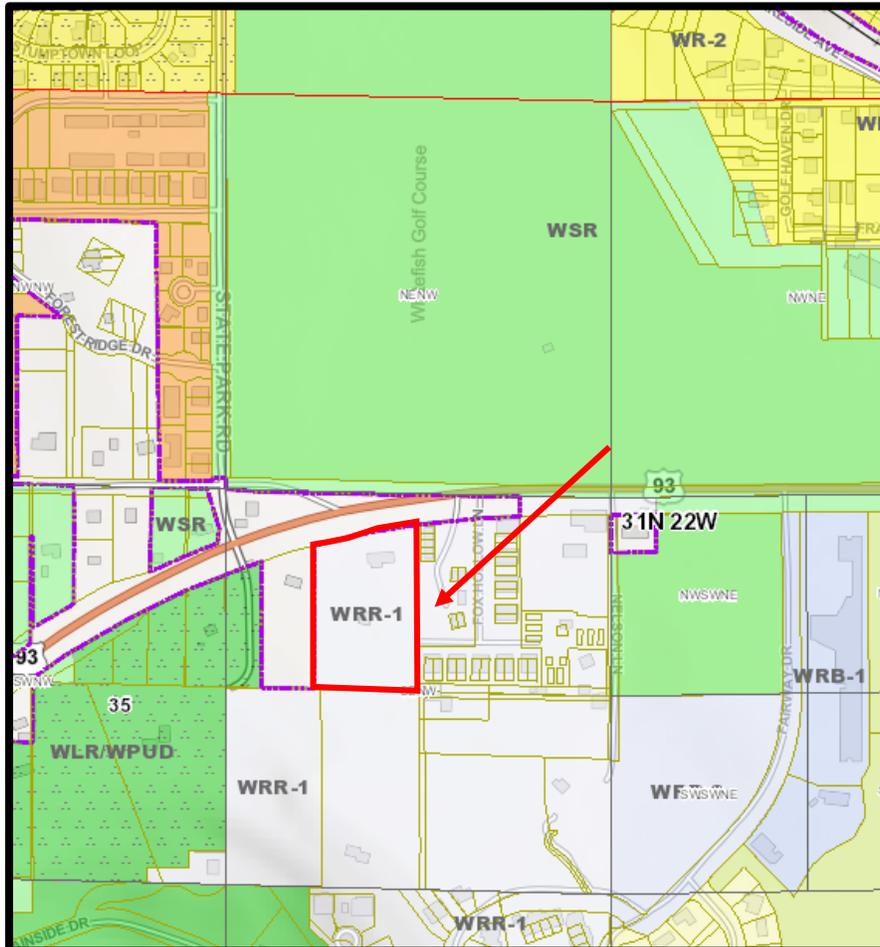
D. ADJACENT LAND USES AND ZONING:

North: Whitefish Golf Course WSR

South:	Residential	WRR-1
East	Residential	WRR-1
West:	Residential	County R-3

E. ZONING DISTRICT:

The property is zoned WRR-1 (Low-Density Resort Residential District). The purpose of the WRR-1 District is 'intended to provide a low density setting for secondary residential resorts.'

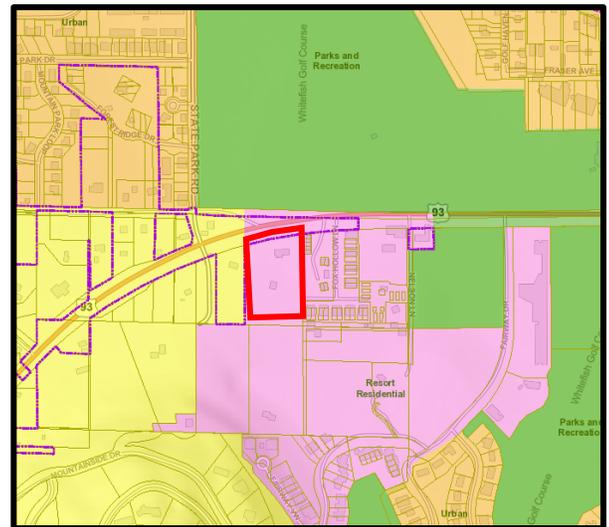


F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation is Resort Residential.

G. UTILITIES:

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	Republic Services
Electric:	Flathead Electric Co-op
Natural Gas:	Northwestern Energy
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	City of Whitefish



PUBLIC NOTICE

A sign was located on the property on March 24, 2020, a notice was mailed to adjacent landowners within 300-feet of the subject parcel on March 27, 2020, a notice was published in the *Whitefish Pilot* on April 1, 2020 and advisory agencies were noticed on March 27, 2020. As of the date of this staff report, we have received no written comments.

REVIEW AND FINDINGS OF FACT

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

1. Growth Policy Compliance. The project complies with the following 2007 Growth Policy Goals, as applicable.

Chapter 1, Natural Resources Element:

Critical Areas, Goal 1: Preserve and protect critical areas that are environmentally significant in terms of resource value and/or defining the community image and character of Whitefish.

Staff Analysis: This project is integrating a wetland into the design of the open space. While not a high quality or large wetland, the applicant designed the entire project around its protection.

Chapter 3, Land Use Element:

The Growth Policy designates this area as **Resort Residential** which is consistent with the WRR-1 zoning district.

Resort Residential: This designation is defined by resort residential development of all types and densities (in accordance with specific zoning). Included are one and two-family residential, rental cabins, vacation cottages, condominiums, and town homes. Commercial hotels and motels are not a part of this designation, but limited resort commercial is allowed. Zoning is generally WRR-1 and WRR-2.

Future Land Use, Goal 2: Preserve, enhance and manage environmentally sensitive areas such as river and stream banks, steep slopes, wetlands, forested areas and critical wildlife.

Future Land Use, Goal 5: Protect and preserve the special character, scale and qualities of existing neighborhoods while supporting and encouraging attractive, well-designed, neighborhood compatible infill development.

Staff Analysis: The type of project, resort residential, is consistent with both the zoning and the Growth Policy. The project is setting aside wetlands within the center of the project and designed the site plan to accommodate their location. The wetlands will be part of a well-designed open space area. The project is infill, as water and sewer are available and it is located within the city limits. The well-designed project is compatible with surrounding projects that are also multi-family oriented. The larger buildings are located toward the back of the project away from the street and large open space areas also help to mitigate the scale of the buildings.

Chapter 5, Housing Element:

Housing Element, Goal 2: Maintain a social and economic diversity of Whitefish through affordable housing programs that keep citizens and members of the workforce from being displaced.

Staff Analysis: This project will be contributing toward the Legacy Homes program by paying a fee in lieu of building the housing. These funds will be used for future affordable housing for the local workforce.

2015 Highway 93 W Corridor Plan: This plan did not make any recommended changes to the existing land use or the zoning.

Finding 1: The proposed use complies with Growth Policy Designation of Resort Residential because it is zoned WRR-1 (Low-Density Resort Residential District), the proposed use is consistent with the WRR-1 zone and it is implementing various aspects of the Growth Policy including protecting environmentally sensitive areas, compatible infill development, and providing a fee in lieu of housing for Whitefish's workforce.

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

The property is zoned WRR-1, Low-Density Resort Residential District. The development proposal is consistent with the purpose and intent of the applicable regulations.

Setbacks:

The setbacks in the WRR-1 are: 25-feet on the front, 15-feet on the sides for buildings with three or more units and 20-feet on the rear. The buildings are meeting all setback standards.

Parking:

The parking standard is 2.33 spaces for multi-family dwellings with two or more bedrooms. All units have two or more bedrooms; therefore, the required parking is 121 spaces (52 x 2.33). The applicant is using the Legacy Home Program reduced parking incentive which permits up to a 20% reduction in the parking requirements for two-bedroom or greater units. This would allow a reduction down to 97 parking spaces. The project is providing 112 spaces – 2.15 spaces per unit; therefore, this standard is being met.

Height:

The maximum height allowed in the WRR-1 zoning is 35-feet. Building height is another incentive the applicant is using. The Legacy Homes program permits building heights up to 40-feet; a 5-foot increase to the standard building height. The building height will be confirmed at the time of building permit.

Lot Coverage:

Lot coverage in the WRR-1 is 35%. It appears this standard is being met and will be confirmed at the time of building permit.

Legacy Homes Program:

The project is proposing 52 units – 20% of which are the Legacy Home obligation; therefore, this project is required to provide 10.4 units. A Housing Mitigation Plan was submitted as part of the application and it has been reviewed by the Whitefish Housing Authority. Because the project is in a Resort Residential District, they are proposing to pay the 1.5x fee in lieu of providing the units (§11-1A-4A(3)). For this project, the fee would be: **\$1,216,072** (10.4 x \$116,930). In the Housing Mitigation Plan, the applicant proposes to phase payment prior on a per unit basis at the time of Certificate of Occupancy, requiring the payment of \$23,386/unit. Staff will recommend this as a condition of approval. As part of the Legacy Homes Program and described previously, they are using the following incentives: parking reduction, density bonus and an increase in building height.

Multi-Family Design Standards:

The application includes a summary of how the project meets the purpose and intent of the Multi-Family Development Standards (§11-3-42). All the design standards have been considered and incorporated where appropriate and will be reviewed at the time of building permit.

Finding 2: The project complies with the zoning regulations because the property is zoned WRR-1, Low Density Resort Residential District, all the zoning standards are being met or will be met with conditions of approval, and these will be reviewed at the time of building permit.

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

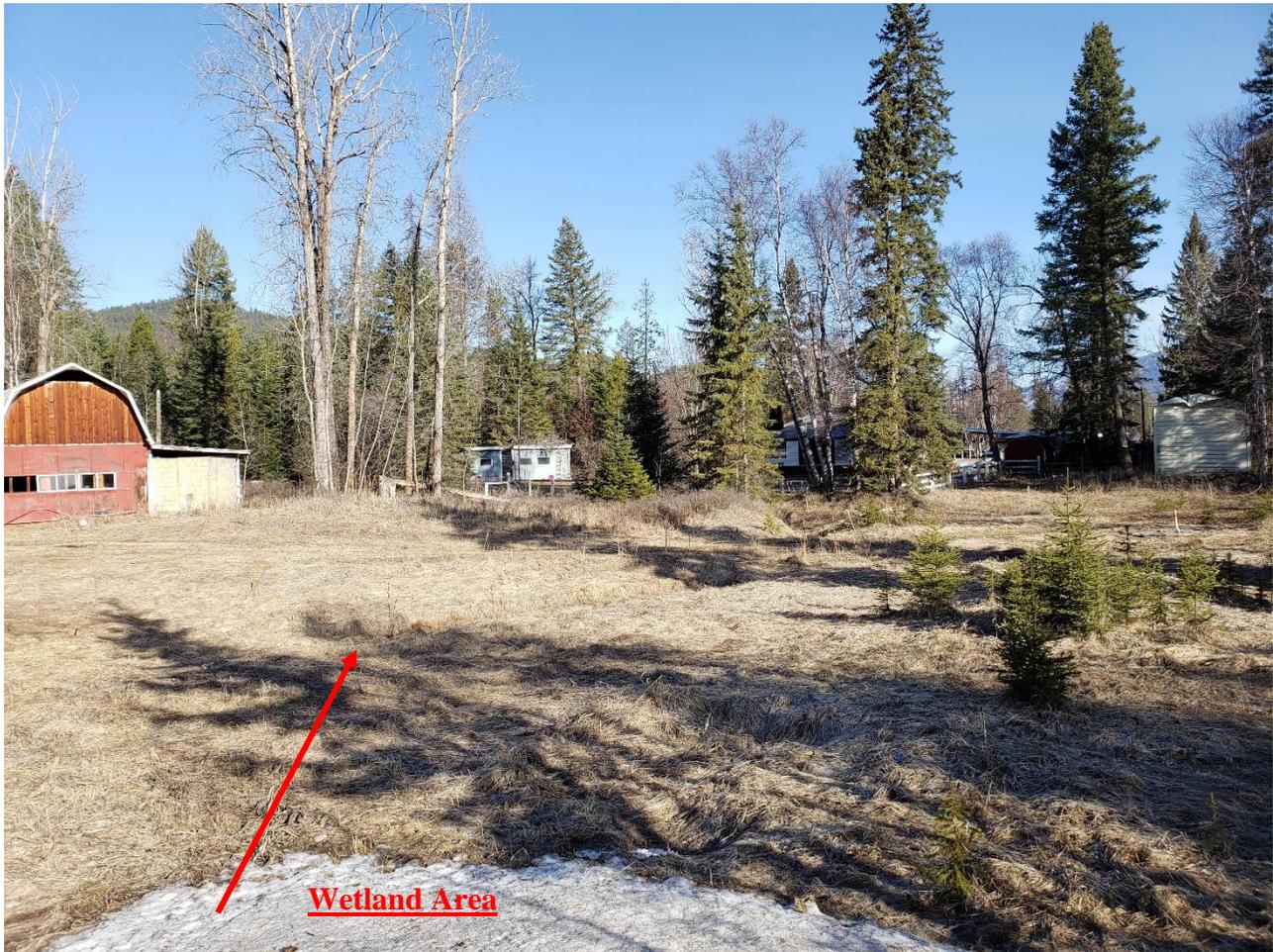
Adequate usable land area: The subject parcel is adequate to serve the proposed use.

Access that meets the standards set forth in these regulations, including emergency access: The project will access off Highway 93 W and all access requirements are being met. Montana Department of Transportation (MDT) reviewed the application and noted the change to the approach will likely require an approach permit and any work within the right-of-way will require

a permit from MDT. They requested the applicant contact the Kalispell office to determine the proper permits for review and approval. Staff will recommend this as a condition of approval. The Fire Marshal will review building and engineering plans to ensure all emergency standards are being met.



Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The proposed development is not located within the 100-year floodplain. The property is rolling with the lower areas along the highway and in the center of the project. There are high points along the west and southern portions of the property. The applicant is taking advantage of these grades to provide underground parking. In the center of the property is a very small (3,533 square foot), low quality wetland. According to §11-3-29C(1)(e), wetlands between 1,000 and 10,000 square feet are exempt and do not require a buffer or setback. The site plan, as described previously, designed the entire project around preserving this wetland and locating it in the open space area as an amenity to the project. While there are no plans for restoration of this low-quality wetland, if the applicant wishes to do any future restoration work, staff will recommend a condition of approval that any restoration plan be reviewed and approved by the Planning Department. There are no other environmental constraints on-site.



Finding 3: Project is suitable for the site because there is adequate usable land area, the proposed access will meet emergency standards and will be reviewed by the Montana Department of Transportation, there is a small isolated wetland that will be preserved within the open space area and there are no other environmental constraints.

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

Parking locations and layout: As described previously, the amount of parking required is being met with the Legacy Homes Program incentive and the layout meets City standards.

Traffic Circulation: Traffic will access the site from Highway 93 W which was improved a number of years ago by Montana Department of Transportation. There is an existing left-hand turn bay that will be re-located further to the west to accommodate this development. Vehicles will access the property by circulating around the landscaped roundabout and accessing parking under each of the buildings. Vehicles will exit the site in the same manner.

Open space: According to the application, 65% of the project is in open space and the central courtyard area. The open space standard of 10% in the multi-family development standards is being exceeded. The open space has been well-planned to serve the needs of future residents.

Fencing/Screening: The application indicates fencing along the east side of the project and along the south side. Screening is not a requirement for this project. All fencing and retaining walls must meet the zoning requirements of §11-3-11.

Landscaping: A landscaping plan will be required and will be confirmed at the time of building permit which will also include Tree Density credits (§11-4). The applicant submitted a plan showing the locations of trees to be retained as part of the project. The applicant will receive credit for any trees retained.

Signage: Staff has not been shown any new proposed signage. All new signage is required to obtain a permit from the Planning & Building office.

Undergrounding of new and existing utilities: New utilities will be underground.

Finding 4: The quality and functionality of the proposed development has effectively dealt with the site design issues because there is adequate parking for the use, traffic circulation has been evaluated, and a landscaping plan will be required to meet current standards.

5. Availability and Adequacy of Public Services and Facilities.

Sewer: The property is served by municipal sewer and it is adequate to serve the project. Sewer is located in both Fox Hollow neighborhood to the east and in Highway 93 W.

Water: The project proposes to utilize the City water system which is located in Fox Hollow and Highway 93 W. The Montana Department of Environmental Quality has approved a deviation for the City of Whitefish to operate the Water Treatment Plant at rates exceeding the firm capacity of 3.0 MGD. This deviation is based on an analysis submitted by the City supporting the ability to add 1,500 additional equivalent residential units (ERUs). The analysis also shows 1,037 unconnected ERUs have been previously platted, which could be connected to the water system 'by right' based on current zoning. Therefore, DEQ will allow the City to create a maximum of 463 new ERUs. Both the City and DEQ will be monitoring the progress of these approvals. To date, the City has 462.5 allowable ERUs remaining in the deviation approval and this project will require 25 ERUs total.

Storm Water Drainage: A professionally designed stormwater plan will be required because the project will have more than 10,000 square feet of impervious area which includes both the new structures and the parking lot. Staff will add this as a condition of approval. The application indicates stormwater will be managed on-site with shallow stormwater detention basins. They are also showing a drainage pond between Building 1 and Highway 93 W.

Fire Protection: The Whitefish Fire Department serves the site and response times and access are adequate. The proposed use is not expected to have significant impacts upon fire services. The sidewalks within the open space also function as emergency access for the fire Department and include a turn around designed to meet emergency standards. In addition, the Fire Department will not enter the underground parking areas in an emergency, but will access the parking areas via exterior entrances that go directly into the parking garages.

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

Streets: No new streets will be constructed as part of this project. No road improvements are required as part of this project, as Highway 93 W was reconstructed a number of years ago as part of a Montana State Department of Transportation project. The existing driveway will be eliminated, as access will be moving further to the west per the Montana Department of Transportation. Staff will make a condition of approval that the existing driveway be removed, and a curb and boulevard be restored. Depending on spacing, the driveway removal may require the installation of a street tree. Staff will recommend a condition of approval that all tree removal or installation in the boulevard be coordinated and approved by the Parks Department. As required on all public streets, the adjacent property owner is responsible for maintaining the boulevard and sidewalk along their frontage – this includes any irrigation and snow removal.

Finding 5: Public services and facilities are adequate and available because municipal water and sewer serve the project, stormwater will be managed on-site, response times for police and fire are not anticipated to be affected due to the proposed development, the property has adequate access off a public road and any modifications to the street trees will be reviewed by the Parks Department.

6. Neighborhood/Community Impact:

Traffic Generation: The applicant submitted a Traffic Impact Study to review traffic for the project. The Study found 283 new trips per day will be added to the existing streets; 19 AM peak hour trips and 23 PM peak hour trip will be generated by this proposal. This will account for 1-3% increase in traffic volumes. This will not cause studied intersections to fail and no mitigation measures are recommended with the development. The TIS also noted the change in access location – further to the west – requiring a lengthening of the existing left-hand turn bay and that this will not impact any existing or future approaches onto the highway.

Noise or Vibration: No impacts are anticipated beyond what would be expected from typical multi-family buildings.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from typical multi-family buildings.

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

Hours of Operation: The hours of operation will be typical residential hours.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because noise, dust, smoke, odor or other environmental nuisances are not expected, all outdoor lighting is required to meet City standards, and existing roads are anticipated to handle any additional traffic.

7. Neighborhood/Community Compatibility:

Structural Bulk, Massing, and Scale: *Mass* is defined as a building's bulk, size and magnitude – the overall volume. *Scale* correlates to the spatial relationship with neighboring buildings. The proposed buildings will be three-story with one building along the highway and the remaining toward the south and west of the property. They are larger than adjacent buildings which are lower multi-family buildings and townhouses. The orientation on the lot and other treatments are designed to reduce the overall mass and bulk of the buildings. Mass, bulk, and scale are part of the review by the Architectural Review Committee, and this project will require review by the Committee as a condition of approval.

Context of Existing Neighborhood: The existing neighborhood is a mixture of multi-family, townhouses, golf course, Border Patrol buildings, Grouse Mountain Lodge and vacant properties with a development proposal to the west.

Density: This project will increase the density of the neighborhood. According to CAMA data, a single-family home has been in this location since 1946 so the neighborhood has been accustomed to one residence on a very large lot. However, since at least 1982, the property has been zoned WRR-1, Low Density Resort Residential District. The WRR-1 zoning district has a maximum density of 10 dwelling units per acre and this project is using the density incentive as permitted by the Legacy Homes Program to provide additional units. This project will be 11.63 dwelling units per acre (DUA).

Finding 7: The project is compatible with the neighborhood and community because the proposed building's scale and mass will be similar to surrounding buildings, the taller buildings are located to the south and west of the property, the existing neighborhood is a mixture of residential (single family and multi-family) and nonresidential uses, and the project appears compatible with the surrounding community character.

Finding 8: The property is located at 1515 Highway 93 W, Whitefish, Montana. It can be legally described as Tract 1ABD, in Section 35, Township 31W, Range 22N, P.M.M., Flathead County.

RECOMMENDATION

It is recommended the Whitefish Planning Board adopt the findings of fact within staff report WCUP 20-07 and this conditional use permit be recommended for **approval** to the Whitefish City Council and the deviation to the Legacy Homes Program for payment of the fee in phases be approved subject to the following conditions:

1. The project must comply with the site plan submitted on March 2, 2020, except as amended by these conditions. Minor deviations from the plans must require review pursuant to §11-7-8E(8) and major deviations from the plans must require review pursuant to §11-7-8. The applicant must maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
2. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on- and off-site infrastructure must be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, streetlights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the

City of Whitefish's design and construction standards. The Public Works Director will approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2019)

3. The existing driveway must be removed and restored with curb, gutter and boulevard landscaping. Applicant must coordinate with the Whitefish Parks Department for any street tree installation or removal. All maintenance of sidewalk, including shoveling, and boulevard, including any irrigation system, is the responsibility of the Homeowners' Association. (FOF #5)
4. Approval of the conditional use permit is subject to approval of detailed design of all on- and off-site improvements, including drainage. Through review of detailed drainage plans, applicant is advised that the number, density and/or location of building lots, shown on the conditional use permit may change depending upon constructability of on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan must include a strategy for long-term maintenance. Fill on-site must be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2019)
5. An approach permit must be obtained from the Montana Department of Transportation (MDT). In addition, a permit from MDT must be obtained for any work within the right-of-way. (Finding 3)
6. All areas disturbed because of road and utility construction must be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, must be removed throughout the life of the development by the recorded property owner. (§11-3-33, WCC)
7. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access, hydrants, and any extended fire suppression system will be reviewed by the Whitefish Fire Department as part of the building permit. (IFC)
8. All on-site lighting must be dark sky compliant. (§11-3-25, WCC)
9. Erosion control must be set up around the boundary of the wetland prior to the start of earthwork and remain in place until landscaping is complete. Any restoration plan for the wetland will require submittal of such plan to the Planning Department for review and approval.
10. Prior to submitting a building permit the following conditions must be met:
 - a. Compliance with the Landscaping Chapter will be confirmed at the time of building permit. (Chapter 4, WCC)

- b. A tree preservation plan must be submitted along with the landscaping plan identifying healthy long-lived trees to be preserved within the landscaping. Such trees must be protected during construction with fencing maintained during construction. (Finding 4)
 - c. Approval from the Architectural Review Committee must be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)
 - d. The location for refuse disposal and recycling must be reviewed and approved by the Public Works Department and Republic Service. (§4-2, WCC)
11. Compliance with the Legacy Homes Program approved housing mitigation plan will be met through the payment of \$23,386/unit at the time of certificate of occupancy for each unit. Building permit phasing must meet building code requirements. (§§11-1A-4A, 11-1A-4D, WCC)
12. This Conditional Use Permit is valid for 18 months from this date and terminates at the end of that time unless commencement of the authorized activity has begun. (§11-7-8H(2), WCC)

	<p>working on multiple options and any sort of cash-in-lieu will be a boon. Money can be earmarked for whatever the WHA sees fit.</p> <p>Chair Qunell said typical condominium complexes are tricky as far as the way they get sold because you do not actually own any ground in a condo so makes it more difficult to get a loan and a larger down payment is needed which makes condos tricky as affordable units.</p> <p>Freudenberger said there are also condominium association dues, etc., to consider which also make affordable housing of condos difficult.</p> <p>Scott moved and Middleton seconded to adopt the findings of fact within staff report WCUP 20-07, with the twelve (12) conditions of approval, as proposed by City Staff.</p>
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on May 4, 2020.
PUBLIC HEARING 2: BLACKSTAR PARTNERS, LLC CONDITIONAL USE PERMIT REQUEST 7:01 pm	A request by Blackstar Partners, LLC, with technical assistance from Montana Creative for a Conditional Use Permit for a bar/tavern. The property is zoned WB-3 (General Business District) and is located at 2 Central Avenue and can be legally described as Lot 1, Block 27 of Whitefish Township in S36, T31N, R22W, P.M.M., Flathead County.
STAFF REPORT WCUP 20-06 (Taylor)	<p>Director Taylor reviewed his staff report and findings. As of the writing of WCUP 20-06, no public comments had been received. One public comment was received a couple of days ago and Director Taylor will read it into the record during the public comment portion.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-06 and for approval of the conditional use permit to the Whitefish City Council.</p>
BOARD QUESTIONS OF STAFF	None.
APPLICANT/ AGENCIES	Aaron Wallace, MT Creative, 158 Railway Street in Whitefish, said the Applicant has been in negotiations with the former brewery operators but do not have a signed lease yet. They plan to have a tower and rooftop area and turn some of first floor and second floor over from brewery operations to a restaurant/bar with a full kitchen.



The City of Whitefish would like to inform you that Ronnie & Sharon Kyle are requesting a Conditional Use Permit for a 52-unit condominium development. The property is currently developed with a single-family home to be removed as part of the project and is zoned WRR-1 (Low-Density Resort Residential District). The property is located at 1515 Highway 93 W and can be legally described as Tract 1ABD in S35, T31N, R22W, P.M.M., Flathead County.

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

**Thursday, April 16, 2020
6:00 p.m.
Whitefish City Council Chambers, City Hall
418 E 2nd Street, Whitefish MT 59937**

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on **Monday, May 4, 2020** at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department and on the Planning Department webpage – Current Land Use Actions: www.cityofwhitefish.org. The public is encouraged to comment on the above proposal and attend the hearing. Please send comments to the Whitefish Planning Department (address below) or email at wcomptonring@cityofwhitefish.org. Comments received by the close of business on Monday, April 6, 2020, will be included in the packets to Board members. Comments received after the deadline will be summarized to Board members at the public hearing.



VICINITY MAP

Please share this notice with your neighbors

PLANNING & BUILDING DEPARTMENT
PO Box 158
418 E Second
Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



Date: March 27, 2020
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, April 16, 2020 at 6:00 pm in the Whitefish City Council Chambers at **418 E Second Street**. During the meeting, the Board will hold a public hearing on the items listed below. Upon receipt of the recommendation from the Planning Board, the Whitefish City Council will hold a subsequent public hearing for all items on May 4, 2020. City Council meetings start at 7:10 pm at **418 E Second Street** in the Whitefish City Council Chambers on the second floor.

1. A request by Goosebay Capital LLC, with technical assistance by Montana Creative, is requesting a Conditional Use Permit to operate a bar/tavern. The property is zoned WB-2 (Secondary Business District). The property is located at 6191 Highway 93 South and can be legally described as Tract 5HAB in Section 12, Township 30N, Range 22W, P.M.M., Flathead County. (WCUP 20-05) Minnich
2. A request by Blackstar Partners, LLC, with technical assistance from Montana Creative for a Conditional Use Permit for a bar/tavern. The property is zoned WB-3 (General Business District) and is located at 2 Central Avenue and can be legally described as Lot 1, Block 27 of Whitefish Township in S36, T31N, R22W, P.M.M., Flathead County. (WCUP 20-06) Taylor
3. A request by Ronnie & Sharon Kyle for a Conditional Use Permit to develop a 52-unit condominium project in three buildings. The property is zoned WRR-1 (Lot-Density Resort Residential District). The property is located at 1515 Highway 93 W and can be legally described as Tract 1ABD in S35, T31N, R22W, P.M.M., Flathead County. (WCUP 20-07) Compton-Ring

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 418 E Second Street, during regular business hours, and the application and site plans are available [HERE](#). The full application packets along with public comments and staff report will be available on the City's webpage: www.cityofwhitefish.org under Planning Board six days prior to the Planning Board public hearing date noted above. Inquiries are welcomed. Interested parties are invited to attend the meeting and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: dtaylor@cityofwhitefish.org. For questions or further information regarding these proposals, phone 406-863-2410.



City of Whitefish
 Planning & Building Dept
 418 E 2nd St | PO Box 158
 Whitefish, MT 59937
 Phone: 406-863-2460
 Fax: 406-863-2419

File #: _____
 Date: _____
 Intake Staff: _____
 Check #: _____
 Amount: _____
 Date Complete: _____

CONDITIONAL USE PERMIT

FEE ATTACHED \$ 5435.00

(see current fee schedule)

INSTRUCTIONS:

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: 12/19/19 and 2/20/20
- Submit the application fee, completed application, and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty-five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 418 E 2nd Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project Name: 1515 Hwy 93 Condominiums

Street Address: 1515 Highway 93 West, Whitefish

Assessor's Tract No.(s) 1ABD Lot No(s) N/A Block# N/A

Subdivision Name N/A

Section 35 Township 31 Range 22

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish Staff to be present on the property for routine monitoring and inspection during the approval and development process.

 Owner's Signature**

 Date

 Print Name

 Applicant's Signature

 Date

 Print Name

 Representative's Signature

 Date

 Print Name

**May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

B. APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- Eight (8) copies of the Conditional Use Permit Application
- Eight (8) copies of the written description of how the project meets the criteria in Section E
- Eight (8) copies of the Site Plan – drawn to scale, which shows in detail the proposed use, property lines and setback lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc.
- Housing Mitigation Plan (unless exempt)
- Where new buildings or additions are proposed, building sketches and elevations must be submitted
- Tree Preservation Plan – show a site plan with trees 6-inch DBH or greater to be preserved with project
- If the project is a multi-family development, complete the **Multi-Family Development Standards Supplemental**
- If the project is a mixed-use or non-residential development, complete the **Mixed-Use and Non-Residential Building Development Standards Supplemental**
- Electronic version of entire application (i.e. pdf)
- Any additional information requested during the pre-application process

When all application materials are submitted to the Planning & Building Department, the application will be scheduled for public hearing before the Planning Board and City Council.

C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: Karla McKellar Phone: _____
Mailing Address: 910 Columbia Avenue
City, State, Zip: Whitefish, MT 59937
Email: _____

APPLICANT (if different than above):

Name: Ronnie and Sharon Kyle Phone: (225) 293 8400 (Sharon)
Mailing Address: 4960 Bluebonnet Blvd., Suite A
City, State, Zip: Baton Rouge, LA 70809
Email: sk@kylelaw.net and rgk@kyleandkyle.com

OTHER TECHNICAL/PROFESSIONAL:

Name: Fran Quiram, AIA; Cushing Terrell Phone: (406) 257-8172
Mailing Address: #2 Main Street, Suite 205
City, State, Zip: Kalispell, MT 59901
Email: FranQuiram@cushingterrell.com

Name: Ryan Mitchell, PE , Robert Peccia & Associates Phone: (406) 752-5025
Mailing Address: P.O. Box 5100
City, State, Zip: Kalispell, MT 59901
Email: ryan@rpa-kal.com

Name: Sands Surveying, Inc; Attn: Eric Mulcahy AICP Phone: (406) 755-6481
Mailing Address: 2 Village Loop
City, State, Zip: Kalispell, MT 59901
Email: eric@sandssurveying.com

D. DESCRIBE PROPOSED USE:

ZONING DISTRICT: WRR-1 (Low Density Resort Residential District)

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

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

The City of Whitefish adopted the Whitefish Highway 93 Corridor Plan in 2015 as a refinement of the Whitefish Growth Policy adopted in 2007. The Corridor Plan looks more closely at the existing and future conditions of the corridor and makes specific recommendation.

Whitefish Highway 93 Corridor Plan

The subject property to be in the West Residential Area. The corridor plan recognizes the WRR-1 zoning in this area but it appears that the recommendations are focused more to the north side of the highway along State Park road and the Highway. It is also clear that the plan predated the widening and redevelopment of Highway 93 West. Where the corridor plan states access is a concern, the reconstruction of the Highway addressed much of this concern particularly at the subject property where a left hand turn land was installed by the State. In fact the entire State Park Road, Highway 93 intersection was redesigned and extended south into a neighboring property. The Highway reconstruction also eliminated the controlled access into the neighboring Fox Hollow development.

The proposed future Land Use Map (Chapter IV Implementation) shows the subject property as Resort Residential. This designation supports the WRR-1 Resort Residential zoning

Conclusion

It appears that the Whitefish Highway 93 Corridor Plan supports the resort residential zoning and associated land uses which are the subject of the Conditional Use Permit application

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

The 1515 Highway 93 property is zoned WRR-1 (Low Density Resort Residential). The WRR-1 zoning allows multi-family resort residential uses with a Conditional Use Permit when the number of units exceeds four. The applicants are proposing 52 units. The WRR-1 allows a Density of 10 dwelling units per acre. There are 4.472 acres of property which allows 44 units of density

As the proposed development triggers the CUP, the development is also subject to the Whitefish Legacy Home Standards. The applicants are proposing to meet the Legacy Home Standards with the Cash-In-Lieu option. Where a typical contribution would be 20% to the Legacy Home Program, the Cash-In-Lieu option requires a 30% contribution.

To compensate the development community for providing homes below market rate and/or capital to benefit the Legacy Home Program, The City provides incentives to offset the developer costs: These incentives include:

- 20% density bonus (44 units + 8.8 Units = 52 units)
- 9.2% reduction in required parking The zoning regulations require 2.33 parking spaces per unit. The proposed 52 units require 121 parking spaces. The site plan is showing 112 parking spaces for the development which is nine stalls short or 9.2%. The project will still provide more than two parking stalls per unit. The Legacy Home Regulations allow up to a 20% reduction in parking.
- Increased Building Height (Increase height from 35-feet to 40-feet)

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

The property is 4.38 acres in size with 355 feet of frontage on Highway 93 West. The property has an existing left hand turn lane into the existing driveway. The applicants propose, with consultation of the MDOT, to move the approach into the property further west which will provide additional stacking in the turn lane. The proposed development was reviewed by the City Site Review Committee which include the City Fire Marshall and he concluded that the propose access complies with the City's Emergency Access Standards. We did identify 3533 square feet of wetland on the site. As the wetlands are less than 10,000 square feet and are isolated there are no setbacks from the wetlands. The development has been designed to protect the wetlands in place with no movement or filling but there will be some possible enhancements to the wetland vegetation to incorporate this into the overall court yard landscape design.

4. How are the following design issues addressed on the site plan?
 - a. Parking locations and layout – The majority of the parking resides subgrade or on grade parking below the building structures. Guest parking resides along the entrance loop as temporary positions. Refer to the Civil drawings for locations and parking count.
 - b. Traffic circulation – The site access is located in one location off of Highway 93. Cars will enter the site through a roundabout and then have the ability to enter below each building to access parking. Vehicle circulation on site is limited to the northwest corner.
 - c. Open space – due to the majority of the parking being located below the structures, there is an abundance of green space provided in the site. Outdoor amenities surround the Club House as well as individual unit outdoor space is provided.
 - d. Fencing/screening - The east side of the property will have fencing from building 1 to building 3. The will be fencing along the retaining wall between building 2 and building 3. The will be some low profile fencing around the first floor unit courtyards to define the private vs community space
 - e. Landscaping – The site will be planted with ground coverings, shrubs, deciduous and evergreen trees. Existing wetlands on site will remain with added plantings surrounding the perimeters. Concrete flatwork will be created to provide outdoor gathering spaces around the site.
 - f. Signage – Signage will be provided at the Main Entry and Roundabout for Wayfinding. We have not designed the signage but all signage will be subject to permit and compliance with the Whitefish Sign Regulations.
 - g. Undergrounding of new utilities – refer to the Civil drawings for locations of new utilities. All new utilities will be ran underground to preserve a natural and open space.
 - h. Undergrounding of existing utilities - refer to the Civil drawings for locations of new utilities. All new utilities will be ran underground to preserve a natural and open space

See attached traffic impact study, site plan, utility plan and architectural renderings for details on items a - h.
5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
 - a. Sewer
The project will connect to the City of Whitefish Public Wastewater System
 - b. Water
The project will connect to the City of Whitefish Public Water System.
 - c. Stormwater
Stormwater will be addressed on-site with shallow stormwater detention basins that overflow will leave the site at volumes no greater than predevelopment rates.

d. Fire Protection

Fire protection will be provided by the City of Whitefish Fire Department. The project will be both sprinkled and developed with fire hydrants. The Whitefish Fire Marshall has reviewed the plan for hydrant location and emergency vehicle access.

e. Police Protection

Police protection will be provided by the Whitefish Police Department.

f. Street (public or private)

The internal driveway/road access will be privately developed and maintained.

g. Parks (residential only)

The project is being developed with a large court yard and a club house that will include recreational amenities such as: sauna, hot tubs, workout facilities including cardio and weights.

h. Sidewalks

The project is being developed with internal walkways that connect to the new sidewalk and bike path along Highway 93. The project provides pedestrian mobility to downtown and recreation amenities around the City.

i. Bike/pedestrian ways – including connectivity to existing and proposed developments

The project is being developed with internal walkways that connect to the new sidewalk and bike path along Highway 93. The project provides pedestrian mobility to downtown and recreation amenities around the City.

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

a. Excessive traffic generation and/or infiltration of traffic into neighborhoods

The subject property fronts Highway 93 which will also provide the primary access into the development. Highway 93 was recently reconstructed to include better left hand turning movements, pedestrian access, curb and gutters, and realignment of the State Park Road intersection. These improvements were planned with future growth envisioned along this corridor. This particular property has been zoned for Resort Residential densities for decades. The traffic generation from the proposed development densities is anticipated in both the land use plan and the highway reconstruction. Access to the proposed condominium development does not pass through any adjacent parcels and as a result, there should be no adverse impacts relating to traffic generation

b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

The proposed project is a residential development that is located in a resort residential neighborhood. The proposed project will not create any noise, vibration, etc. that is out of character with residential development. The result is not anticipated impact to adjacent properties.

7. What are the proposed hours of operation?

Hours of operation are typical of any residential development.

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

a. Structural bulk and massing & Scale – The buildings are placed on site to take advantage of the existing on site amenities while creating open green spaces. The main building structures are three stories tall, while the Club House is a single level. Common spaces and outdoor spaces create a lower scale environment throughout the site. As shown in the exterior concept imagery, the facades of the three story buildings have architectural elements that create projections and recess creating visual interest and breaking down the continuation of a three story structure. Natural materials are

planned for the exterior finishes, recognizing the project location and blending with adjacent structures in the area.

c. Context of existing neighborhood

The surrounding is a mix of resort residential dwelling and full time residents in both attached and detached structures. These local and part time residents enjoy the small town nature of Whitefish along with the abundant recreational offers such, as golf, skiing, hiking, biking, Whitefish Lake, and Glacier National Park. The proposed condominium development will offer resort residential housing for both local and part time residents as well.

d. Density

The project is 4.38 acres in size and the WRR-1 zoning allows 10 units per gross acre. The base density allows 44 units on the property. The Whitefish's Inclusionary zoning standards a 20% density bonus is provided to off-set the Legacy home requirement allows an additional 8.8 units. The 20 percent density bonus allows 52.8 units total. The Applicant is proposing 52 units with this project. The IZ unit count is 10.4 units and the regulations for cash-in-lieu of Legacy units are \$116,930.00 for whole units and \$77,954 for the fraction of a unit. The total cash-in-lieu of legacy housing amount is \$1,274,254.00.

e. Community Character

Directly to the east are the E/C Condominiums, the Fox Hallow Condominiums which are zoned WRR-1. To the west is the 93 LLC project which is a mixed density develop containing single family homes and multi-family units (approved PUD and Pre-Plat not yet constructed). To the north is the Whitefish Golf Course. Less than a ¼ mile to the east is the Grouse Mountain Hotel, restaurant, and conference facility. The existing condominiums are owned by a mix of full time and part time residents who enjoy the recreational amenities in and around Whitefish. The proposed residential units will also cater to a mix of full time and part time owners.

Neighboring developments are slightly less dense than the proposed project. However the proposed development is required to comply with the City's new Inclusionary Zoning (IZ) Regulations which require a 30% cash-in-lieu of affordable housing payment for the development of permanently affordable units. To offset the construction of IZ units on site, the applicants will make payments on a per unit basis totaling \$1,274,254.00 to the City.

To avoid large areas of parking lot, provide more green space, reduce impervious surfaces for drainage, and preserve more of the existing trees; parking for the development is located below the buildings. Building 1 parking will occupy the first floor of the structure. Parking for Buildings 2 and 3 will be subgrade and in the basement.



City of Whitefish
Planning & Building Dept
418 E 2nd St | PO Box 158
Whitefish, MT 59937
Phone: 406-863-2460
Fax: 406-863-2419

MULTI-FAMILY DEVELOPMENT STANDARDS

Review the criteria below and discuss how the proposal conforms to the criteria. If the proposal does not conform to the standards, describe why and how this design will better implement the **multi-family development standards** ([link to §11-3-42](#)):

1. How does the project further the purpose and intent of the multi-family development standards?

The proposed development is located in an area zoned for Resort Residential. Properties to the east are already developed with multi-family resort residential use. Properties to the west and south are currently vacant but have the resort zoning. The property fronts Highway 93 with eth Whitefish Lake Golf Course directly across the highway. Less than a quarter mile to the west are the Grouse Mountain Resort facilities along with City tennis and park facilities. The project is compatible with the surroundings.

The property fronts Highway 93 which was recently reconstructed with sidewalks and bike paths. The property has excellent access to pedestrian facilities. Internally the project provides pedestrian linkages between buildings, parking, and clubhouse.

The project complies with all of the City setback standards. The applicant is utilizing the additional height up to 40-feet as allowed in the IZ regulations. Overall the site plan is developed to cluster the units into three buildings with parking under building. This allows the development to create a large court yard and significant green space along the eastern boundary where the majority of the neighbors live. The club house will be a single story providing plenty of light to the neighboring property. Building 1 and 2 are situated so that the short side of the structure faces the eastern neighbors reducing the visual impact. The buildings are also designed to step back on the third floor on the east side to allow additional light.

The site works with the topography of the site utilizing the grade to make the basement parking work for buildings 2 and 3. The grade allows the court yard to extend over the parking between building 2 and 3. Building 1 parking will be the first floor. Working with the topography also allows the project to build around the isolated wetlands areas and integrate them into the courtyard landscaping.

2. How does the project integrate the requirements of the orientation and multiple building standards?

The proposed development has a central court yard that is connected by walking paths, these paths and parking garages connect with a main entry that supports a landscaped roundabout. The main entry connects to the Highway 93 sidewalk and bike lanes which connect to the entire town. The roundabout provides for shared use from the entrance to the building and below building parking access points. The below grade

and first floor parking allows the development to embrace the street.

The project only consists of three residential buildings and a clubhouse. With the exception of the clubhouse all are three stories in height. The applicant is proposing a height of 40-feet as provided for in the IZ regulations. The buildings are oriented so that they don't create a long rectangular barracks profile to any neighboring property. The building orientation creates a nice entry feature as well as a large courtyard area towards the middle of the project but with connections to the east and southwest.

The primary stormwater retention area is located between Building 1 and Highway 93. This is also a stormwater collection area for the MDOT's Highway 93 infrastructure. The stormwater facility will have an organic shape.

3. How does the project include the requirements for off-street parking location and design?

All parking is proposed to be underbuilding. In building 1 the parking will be at the first floor level. In buildings 2 and 3 the parking will be subgrade or basement level. To get to building 2 parking one enters the parking area at the roundabout driving under building 2 to the parking under building 3. The Subgrade parking diagram in the application package shows the circulation as well and the pedestrian access in purple.

The Legacy Housing Regulations allow for a 20% reduction in parking. The applicants are only requesting a 9.2% reduction in required parking. Without IZ, the zoning regulations require 2.33 parking spaces per unit. The proposed 52 units would need 121 parking spaces. The proposed site plan is showing 112 parking spaces for the development which is nine stalls short or 9.2%. The proposed parking works out to 2.15 stalls per unit. This means the project has two stalls per unit plus eight guest stalls in the garage.

Each unit of the development will be provided a storage locker in the parking garage. This storage locker is intended for resident bicycles, skies, etc. A bike rack will also be provided next to the office in Building 2 for the use by guests and employees of the facility.

4. If fences or walls are included, how will be features meet city requirements?

Other than the Highway 93 frontage, the property does not connect to any other public lands or streets. There is a private street in the Fox Hallow development to the east but this property does not have legal access to that road system. The applicant is only proposing fencing between buildings and private courtyard areas to create privacy for the unit owners but also allowing pedestrian movement through paths and gates.

5. Describe how site lighting and support facilities will meet the standards.

The details for the site lighting have not been fully developed as of yet. However the site will be fully compliant with the Whitefish Zoning Regulations, they will be "Dark Sky" compliant, and they be fully shielded and energy efficient warm lighting.

Refuse will be stored in the below building parking areas and completely shielded from neighboring properties and public ways. At scheduled pick-up, employees will move the refuse containers to the main entry areas for transfer to the trucks. After which the refuse containers will be returned to their below building location

6. How is this project minimizing the impacts to existing topography and vegetation?

To the greatest extent possible the project is designed to use the topography. By cutting the parking in below buildings 2 and 3, the applicants were able to reduce the impervious surface areas and decrease the size of site retaining walls. By placing the parking of all three buildings below grade, the plan layout creates

significant courtyard areas. This allows the development to wrap around the two small wetland areas and incorporate them into the landscape feature of the site.

There will obviously be significant site disruption and vegetation removal but there will also be significant replanting of the site.

7. Provide a calculation of required open space and describe how the open space meets the required standards.

The multi-family development standards require a minimum 10% usable common area for the development. The subject property is 4.38 acres (190,792 square feet) and 10% of this equates to 19,079 square feet. The footprints of the four buildings and the roundabout/entrance area total 67,370 square feet or 35% of the site. Approximately 65% of the site is in courtyard and open space. It is worth noting that the club house and all of its amenities: sauna, hot tubes, workout facilities, and gathering areas; are for the benefit of each condominium owner/renter in the development. Not only is there a significant amount of open area for the residents, there are also roofed space provided for recreation and relaxation.

8. Describe how the project is meeting the neighborhood scale requirements.

The surrounding neighborhood consists of single family residential uses, duplex townhome uses, five-plex resort condos, Border Patrol Office, Grouse Mountain Lodge, and the Whitefish Lake Golf Course. There is no set density or scale with the existing land use pattern. This location in Whitefish along Highway 93 is in a transitional phase where some of these suburban agricultural holding on the edge of the City are converting to urban scale development and resort residential around significant amenities like the Whitefish Lake Golf Course.

The buildings are placed on the site to take advantage of the existing on site amenities while creating open green spaces. The main building structures are three stories tall, while the Club House is a single level. Common spaces and outdoor spaces create a lower scale environment throughout the site. As shown in the exterior concept imagery, the facades of the three story buildings have architectural elements that create projections and recess creating visual interest and breaking down the continuation of a three story structure. Natural materials are planned for the exterior finishes, recognizing the project location and blending with adjacent structures in the area.



City of Whitefish
 Planning & Building Dept
 418 E 2nd St | PO Box 158
 Whitefish, MT 59937
 Phone: 406-863-2460
 Fax: 406-863-2419

Date Submitted: _____

Associated File #: _____

HOUSING MITIGATION PLAN

INSTRUCTIONS:

- A Pre-Submission Meeting with city staff and the Legacy Homes Coordinator is required.
 Date of Meeting: 12/12/19
- Attach the following:
 - Standardized deed restriction(s) for the Legacy Homes
 - Site plan
 - Unit designs
 - Details on amenities and heating systems
 - Estimated utility costs for Legacy rental units; the monthly rental prices should be adjusted if heat, electric, or water utilities are not included (Appendix B of Legacy Homes Program Administration)
 - Estimated homeowner's association (HOA) structure and fees, if applicable
 - A separate narrative, as needed
- A complete Housing Mitigation Plan must accompany a land use permit application and will not be accepted alone (§11-1A-5, WCC).
- The Housing Mitigation Plan will be approved as part of the land use permit.

A. PROJECT INFORMATION:

Project Name: 1515 Hwy 93 Condominiums
 Street Address: 1515 Highway 93 West
 Assessor's Tract No.(s) 1ABD Lot No(s) N/A
 Block # N/A Subdivision Name N/A
 Section 35 Township 31 Range 22

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge.

 Applicant's Signature

 Date

 Print Name

B. INCENTIVES USED (check all that apply to this project; Planned Unit Development projects may use one column or the other but not both):

Conditional Use Permits:

- Reduced Parking for 2+ Bedroom: 20%
- Increased Maximum Bldg Height: 5-feet (3 floor max and not permitted in the WB-3 zoning district)
- Increase Lot Coverage: 10%
- Increase Density: 20%

Subdivision:

- Reduced Lot Size: 20%
- Reduce Lot Width: 10%
- Increase Lot Coverage: 10%
- Increase Density: 20%

C. LAND USE PERMIT TYPE ACCOMPANYING THIS HMP (check all that apply):

- Administrative Conditional Use Permit Minor Subdivision
 Conditional Use Permit Major Subdivision
 Planned Unit Development

D. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: Karla McKellar Phone: _____
Mailing Address: 910 Columbia Avenue
City, State, Zip: Whitefish, MT 59937
Email: _____

APPLICANT (if different than above):

Name: Ronnie and Sharon Kyle Phone: (225)293-8400
Mailing Address: 4960 Bluebonnet Blvd. Suite A
City, State, Zip: Baton Rouge, LA 70809
Email: ska@kylelaw.net and rgk@kyleandkyle.com

OTHER TECHNICAL/PROFESSIONAL:

Name: Sands Surveying, Inc. Attn: Eric Mulcahy AICP Phone: (406)755-6481
Mailing Address: 2 Village Loop
City, State, Zip: Kalispell, MT 59901
Email: eric@sandssurveying.com

----- For City Staff Use Only -----

- Approved: _____
 Approved with conditions: _____
 Denied: _____

PROJECT DETAILS

1. Total Number of Residential Units Proposed by Type:
 _____ Single-family detached homes
 _____ Single-family attached homes (townhouses); in what number of buildings _____
 _____ Multi-family (duplex, triplex, apartments, condominiums); in what number of buildings Three
 _____ TOTAL
 _____ Number of Legacy Home Units Required for Project (20% of TOTAL above)

2. Are the Legacy Units proposed to be integrated into the project?
 _____ Yes (Continue to Question 3)
No _____ No (Skip to Question 11)

3. _____ Number of Legacy Home Units Required for Project (See #1 above)
 Type and Number of Legacy Homes Units Proposed On-Site:
 _____ Single-family detached home
 _____ Single-family attached home (townhouses); in what number of buildings _____
 _____ Multi-family apartments; in what number of buildings _____
 _____ Multi-family condominiums; in what number of buildings _____
 _____ Fraction of unit left over, for which in-lieu fee (ILF) will be paid
 \$ _____ ILF to be paid (\$77,954 x fraction of unit)

4. If the type of Legacy units does not match the type of Market units (single-family detached or attached, townhome, multi-family, etc.), provide justification below. Note: If all Market units are single-family detached homes, up to half of the required Legacy units may be attached single-family homes (townhomes) and the type of Legacy units required will be based on the needs identified annually by the City.

5. Indicate the price Legacy units are to be offered at and the household income levels (percent of Area Median Income [AMI]) those units are meant to target. Rental units are meant to be affordable to households earning 60%-80% of AMI and the average price of all Legacy rental units in the project must be affordable to households earning 70% AMI. Ownership units are meant to be affordable to households earning 80.1%-120% AMI and the average price of all ownership Legacy units in the project must be affordable to households earning 100% AMI. Attach additional sheet if more rows are needed.

Sales Price	Monthly Rent ¹	Target Household Income (%AMI)	Type of Unit	Size of Unit (sf)	# Bedrooms in Unit	# of Units Offered at Price

¹ Indicate whether heat, electric, and water utilities are included in the rental prices provided. Rental prices must be reduced if these utilities are not included.

6. Number of bedrooms per unit in Project:

	All Units	Legacy	
	# Units	# Units	Proportion of Legacy Units for Each Bedroom Count
Studio/0 Bedroom			
1 Bedroom			
2 Bedroom			
3+ Bedroom			
Total			

The mix of the number of bedrooms offered in Legacy units must mirror the mix of bedrooms offered in the Market units, provided the mix is responsive to the needs and demographics of Whitefish residents. Legacy Homes with more than 3 bedrooms are not desirable. If Legacy bedroom numbers are not proportionate to Market bedroom numbers, provide rationale or justification:

7. The size of each Legacy unit may vary within a development, but no unit will be smaller than the minimum sizes, and the size of all units by type must meet the average sizes shown below.

# Bedrooms	Legacy Rental Units		Legacy Ownership Units	
	Minimum Size (sf)	Average Size (sf)	Minimum Size (sf)	Average Size (sf)
Studio/0 Bedroom	350	450	400	500
1 Bedroom	550	650	700	1,000
2 Bedroom	725	825	800	1,150
3 Bedroom	900	1000	1,100	1,300

Indicate the project's minimum and average size per Legacy unit type:

# Bedrooms	Legacy Rental Units		Legacy For-Sale Units	
	Minimum Size (sf)	Average Size (sf)	Minimum Size (sf)	Average Size (sf)
Studio/0 Bedroom				
1 Bedroom				
2 Bedroom				
3 Bedroom				

8. If a project's HOA's Covenants, Conditions and Restrictions (CC&Rs) define a minimum square footage for homes in the development, an exemption for Legacy Homes and their smaller square footages must be made. Provide the CC&R's and exemptions, if applicable.

9. Provide plans to illustrate, and indicate location of Legacy Homes relative to market rate units:

- Distributed evenly throughout development and/or buildings
- Clustered on same site as market rate units
- Different site from market rate units

Provide rationale or justification if Legacy units are not distributed evenly throughout the market rate units:

10. When phased construction is planned for a development, the proportion of Legacy units must be constructed in proportion to the market rate units constructed during each phase of development. Attach a proposed production schedule of Market and Legacy Homes, including issuance of building permits.

11. If the percentage of Legacy Homes provided on-site (plus a fractional ILF) in the project is less than 20%, what is the method of alternative compliance proposed?

- Provide Legacy Homes in off-site location
- Pay fee in lieu of Legacy Homes (\$116,930 x required units = \$ 1,247,254.00)
- Provide land in lieu of Legacy Homes
- Provide a combination of methods listed above
- Other method proposed

Describe why and how the alternative method of compliance is justified and how it helps the City achieve its housing goals as established in the Strategic Housing Plan and meet the needs of the most current Housing Needs Assessment. (attach narrative on separate piece of paper, if needed)

This is an upper end resort residential development with private roads and amenities. As such the Condo Association fees will be substantial in order to maintain the grounds, building exteriors, roads, and drainage facilities. The cash-in-lieu option comes at a premium dedication of 30% of the units which in this case provides the City and Housing Authority a substantial funding source for projects that can create a significant number of Legacy units.

12. Any other information to help City staff and the Whitefish Housing Authority determine compliance with the Legacy Homes Program.

As with any project, the applicants would like to phase the payment of their fee-in-lieu to correspond with the phasing of the buildings. There are three building so there would be three phases to the project. The applicants would like to take the total dollar amount owed for the inclusionary zoning and divide that number by the number total of units to get a per unit fee in lieu. The applicants will pay the pro-rata share of the fee-in-lieu payment prior to the issuance of the certificate of occupancy for each unit. The total payment equals $\$1,247,254 / 52 \text{ units} = \$ 23,985.65 \text{ /unit}$. This proposal would be no different than phasing in site built IZ units within each building.



1515 Hwy 93 Condominiums Traffic Impact Study

Whitefish, Montana



Prepared For:

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

March, 2020

130 South Howie Street
Helena, Montana 59601
406-459-1443

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1515 Hwy 93 Condominiums

Traffic Impact Study

Whitefish, Montana

A. EXECUTIVE SUMMARY

The 1515 Hwy 93 Condominiums is a 4.3-acre/52-unit residential development located south of Highway 93 on the western edge of the City of Whitefish. Upon completion, the project would produce up to 283 new daily vehicle trips. As proposed, the 1515 Hwy 93 Condominiums would not create any new roadway capacity problems in this area. Overall, the 1515 Hwy 93 Condominiums will account for a 1% to 3% percent increase in traffic volumes on this section of Highway 93. No mitigation measures are recommended at this time with the development of the 1515 Hwy 93 Condominiums.

B. PROJECT DESCRIPTION

This document studies the possible effects on the surrounding road system from a proposed residential apartment complex located south of U.S. Highway 93. The property would be annexed into the City of Whitefish as part of the development. The document provides information regarding possible traffic impacts in the area and identifies traffic mitigation efforts that the development may require. The development would include up to 52 residential apartment units.

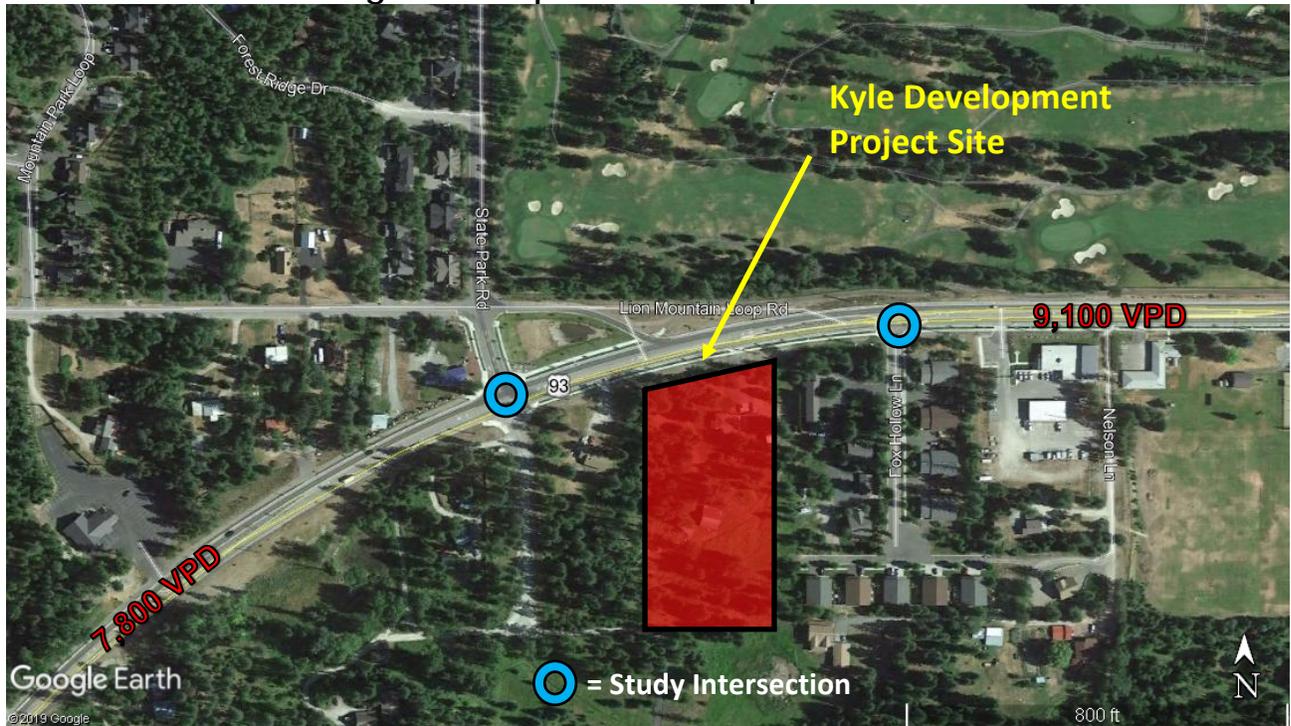
C. EXISTING CONDITIONS

The proposed development property currently consists of a 4.3-acre parcel of land located south of U.S. Highway 93 just east of State Park Road (Lion Mountain Road) on the west edge of the City of Whitefish. The property currently consists of one existing residential home. The surrounding area is comprised of a mix of residential areas along the Highway 2 corridor just south of the Whitefish Lake Golf Club. See **Figure 1** for a location map of the proposed development.

Adjacent Roadways

U.S. Highway 93 is a recently reconstructed three-lane principal arterial roadway that is the primary connection to the west and north from the community of Whitefish. In this area the road has an urban cross-section with a separated pedestrian sidewalk along the south side of the road. The adjacent land is comprised of a variety of residential and commercial land uses. The roadway has a posted speed limit of 45 MPH and a paved width of 48 feet with raised center medians. Traffic data available from MDT indicates that the road currently carries 9,100 VPD east of Lion Mountain Road.

Figure 1- Proposed Development Site



Lion Mountain Road & State Park Road are two collector routes that extend north and west from U.S Highway 93. The roads form a three-way STOP controlled intersection 200 feet north of Highway 93. Lion Mountain Road includes a one-way slip-lane from Highway 93 for right-turn traffic. These two routes provide access to the residential and recreational areas north of Highway 93.

Fox Hollow Lane is a local route which extends south from Highway 93 and provides access to 12 single family and duplex residential units. The road has a paved width of 26 feet and includes a sidewalk along the east side of the road. Fox Hollow Lane connects to Nelson Lane to the east.

Traffic Data

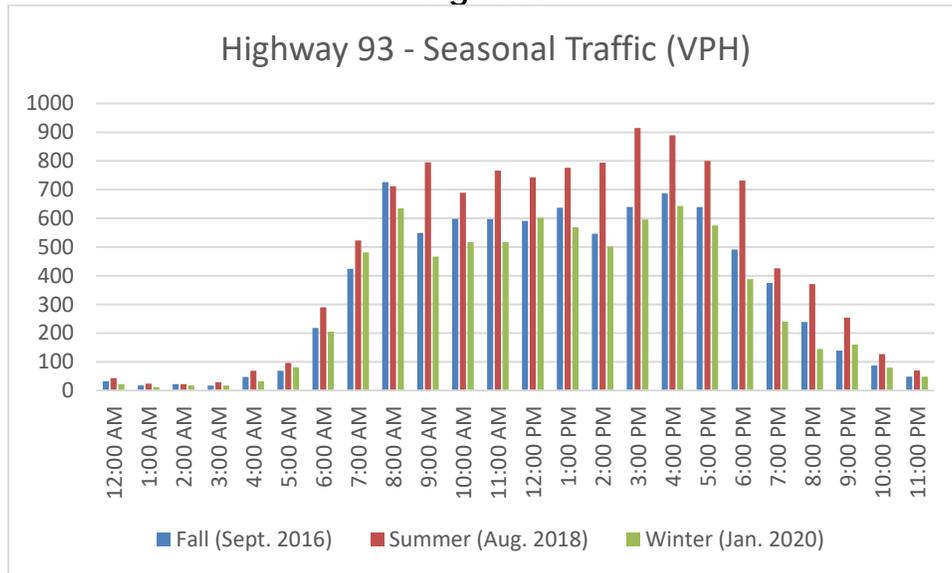
In January 2020 Abelin Traffic Services (ATS) collected traffic data at area intersections to evaluate current operation characteristics. These counts included peak-hour turning movement counts at nearby intersections. The peak-hour turning movement counts were performed at the intersection of Highway 93 with Lion Mountain Road (State Park Road) and Fox Hollow Lane. ATS also performed a 24-hour directional traffic count on U.S. Highway 93 to adjust for seasonal variations on the roadway (MDT Site # 15-4A-043). The raw traffic data is included

in **Appendix A** of this report.

The traffic data used for this analysis was seasonally adjusted using raw traffic data available from MDT for this section of Highway 93 and traffic data collected by ATS in January 2020. The data available from MDT shows summer traffic conditions along this section of Highway 93 are generally highest in the middle of the day and the afternoon, while fall and winter traffic volumes are highest in the morning and evening corresponding with normal commuter traffic trends. This information is shown on **Figure 2**. The figure shows the significant level of recreational traffic that occurs in this area during the summer months.

The traffic data collected in January 2020 by ATS was seasonally adjusted by 20% (increased) to match the established average annual peak-hour traffic volumes along this section of Highway 93. The MDT data also suggests that peak summer traffic volumes along this section of Highway 93 are 20% higher than the annual average. These values match closely with data available from MDT's permanent traffic volume recorder data for Highway 2 west of Kalispell (Site A-024). This count location suggests that January traffic volumes are 83% of the annual average and peak summer traffic volumes are 118% of the annual average.

Figure 2



ATS also collected vehicle speed data along this section of Highway 93 during the January count period. This information suggested that the average vehicle speed on Highway 93 is 41 MPH with an 85th percentile speed of 46 MPH for all recorded vehicles. This is in line with the posted 45 MPH speed limit along this section of road.

Historic Traffic Data

Abelin Traffic Services obtained historic traffic data for the surrounding road network from the Montana DOT. This data is presented in **Table 1**. The traffic data history shows that traffic volumes on this section of Highway 2 have increased at an annual rate of 2.6% over the last ten years.

Table 1 – Historic Traffic Data

Location	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
US 93 (Hwy 2) E of Lion Mtn Rd 15-4A-043	7,360	6,930	6,510	8,640	8,770	8,780	6,740	7,238	7,122	9,116
US 93 (Hwy 2) SW of Lion Mtn Rd 15-4A-044	4,280	5,100	4,770	6,200	4,590	6,200	4,550	5,343	7,933	7,806

Area Crash Data

ATS collected crash data for the study intersections from the MDT public crash database. This system contains records and basic information for all reported crashes which occur on public roads over the past five years. Intersection crashes are typically evaluated by the rate of Crashes per Million Vehicles Entering (MVE). Intersections with higher than normal crash rates are evaluated to determine if any crash trends exist which may be contributing to the observed crash trend.

The MDT database indicated that nine crashes were recorded in the last five years near the intersection of Highway 93 and Lion Mountain Road. The vehicle crash rate for this intersection is 0.54 crashes per MVE which is in line with statewide averages for highway intersections.

Level of Service

Using the data collected for this project, ATS conducted a Level of Service (LOS) analysis at area intersections. This evaluation was conducted in accordance with the procedures outlined in the Transportation Research Board's *Highway Capacity Manual (HCM) - Special Report 209* and the Highway Capacity Software (HCS) version 7.8. Intersections are graded from A to F representing the average delay that a vehicle entering an intersection can expect. Typically, a LOS of C or better is considered acceptable for peak-hour conditions.

Table 2 – Existing Level of Service Summary

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
Highway 93 & Lion Mountain Road*	10.5/18.2	B/C	9.4/14.5	A/B
Highway 93 & Fox Hollow Lane	12.6	B	10.0	B

*Northbound/Southbound LOS & Delay.

Table 2 shows the existing 2020 LOS for the area intersections. Based on the current traffic volumes for this area, all study intersections are functioning at an acceptable LOS and no roadway improvements are recommended to handle average traffic conditions. The LOS calculations are included in **Appendix C**.

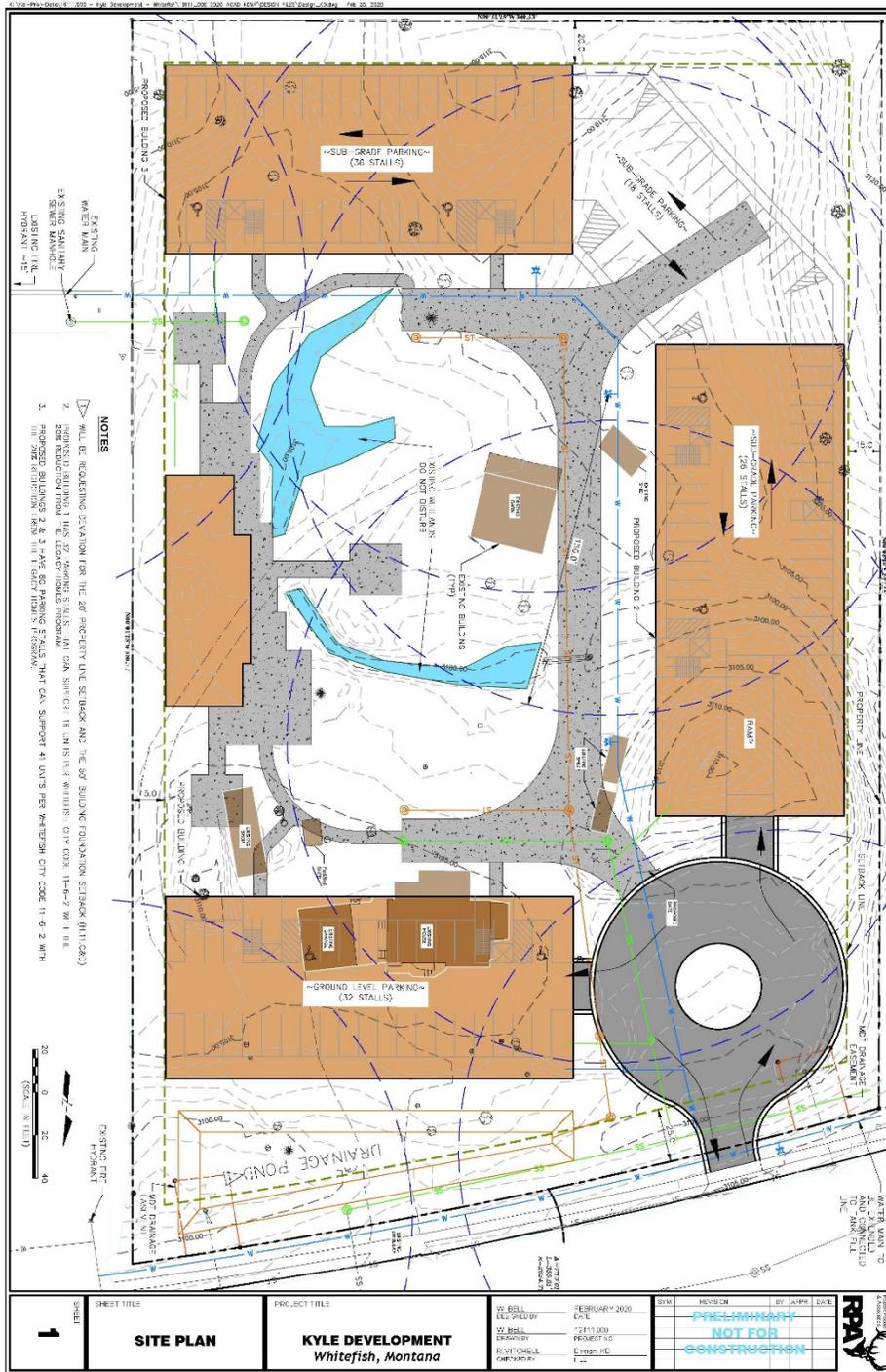
D. PROPOSED DEVELOPMENT

The development to be constructed on this site includes 4.3 acres of land located south of U.S. Highway 93 which would be developed into a 52 unit residential condominium/townhouse project distributed between four residential buildings. Access to the 1515 Hwy 93 Condominiums would be provided through a new approach onto Highway 93 400 feet east of State Park Road. The existing residential driveway approach to the east would be eliminated. The project would include a fire access road which would connect to the existing section of Fox Hollow Lane to the east, but would not be open for public use. The project would include 112 on-site parking spaces to meet current City of Whitefish parking standards. The 1515 Hwy 93 Condominiums site plan is shown in **Figure 3**. The project is expected to be completed by the end of 2021.

E. TRIP GENERATION AND ASSIGNMENT

ATS performed a trip generation analysis to determine the anticipated future traffic volumes from the proposed developments using the trip generation rates contained in *Trip Generation* (Institute of Transportation Engineers, Tenth Edition). These rates are the national standard and are based on the most current information available to planners. A vehicle “trip” is defined as any trip that either begins or ends at the development site. ATS determined that the critical traffic impacts on the intersections and roadways would occur during the weekday morning and evening peak hours. According to the ITE trip generation rates, at full build-out the development would produce 19 AM peak hour trips, 23 PM peak hour trips, and 283 daily trips. See **Table 3** for detailed trip generation information.

Figure 3 – Proposed 1515 Hwy 93 Condominiums



SHEET 1	SHEET TITLE SITE PLAN	PROJECT TITLE KYLE DEVELOPMENT Whitefish, Montana	DATE FEBRUARY 2020	BY JAMES DATE	
			DESIGNED BY C.F.L.	PROJECT NO. 2111000	
			DRAWN BY R. STICHELL	DATE 11	

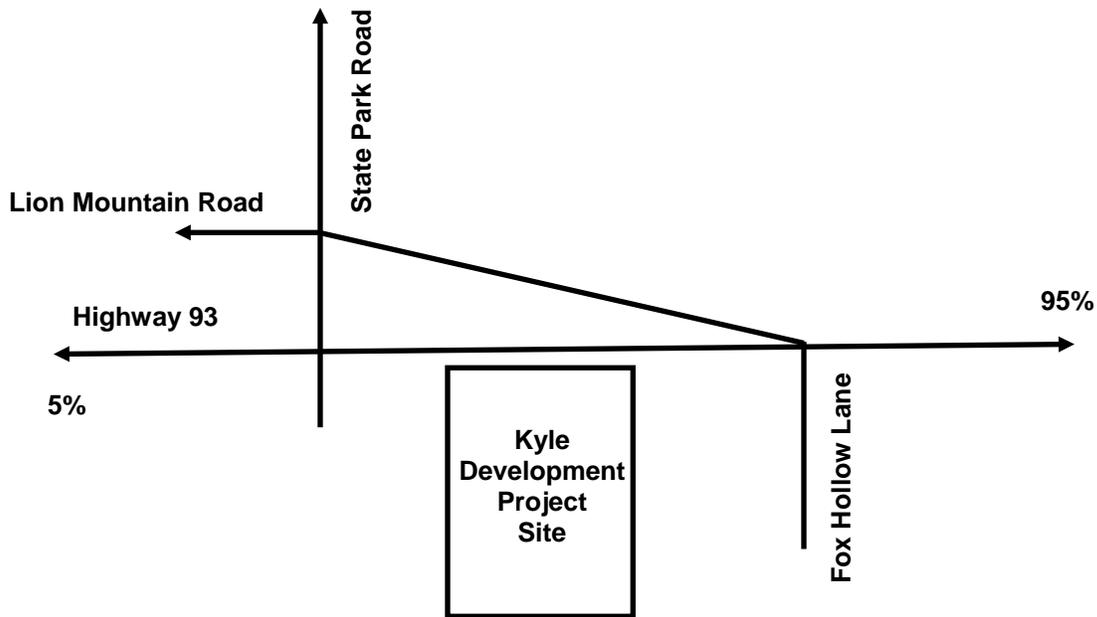
Table 3 - Trip Generation Rates

Land Use	Units	AM Peak Hour Trip Ends per Unit	Total AM Peak Hour Trip Ends	PM Peak Hour Trip Ends per Unit	Total PM Peak Hour Trip Ends	Weekday Trip Ends per Unit	Total Weekday Trip Ends
Apartment #221	52	0.36	19	0.44	23	5.44	283

F. TRIP DISTRIBUTION

The traffic distribution and assignment for the proposed subdivision was based upon the existing ADT volumes along the adjacent roadways and peak-hour volumes. Drivers are expected to distribute onto the surrounding road network as shown on **Figure 4**.

Figure 4 – Peak-Hour Trip Distribution



G. TRAFFIC IMPACTS OUTSIDE OF THE DEVELOPMENT

Using the trip generation and trip distribution rates, ATS determined the future Level of Service for the area intersections. The anticipated intersection LOS with the proposed development is shown in **Table 4**. The LOS calculations are included in **Appendix C** of this report. The table

indicates that the construction of the 1515 Hwy 93 Condominiums will not cause any new roadway capacity problems in this area. All nearby intersections will continue to function with acceptable delay with the proposed project.

The 1515 Hwy 93 Condominiums would increase traffic volumes on by approximately 300 VPD on Highway 93 east of the site or approximately 3% increase from current volumes. This increase will not have a noticeable impact on the downstream intersections within Whitefish. Traffic volumes west of the site will increase by less than 1%. The section of Highway 93 adjacent to the project currently has a two-way left-turn-lane which can but used to access the project site. The use of this existing turn lane would not impact any existing or possible future approach locations along Highway 93 and is similar in length to existing left-turn lanes to the east of the site on Highway 93.

Using the traffic data available from MDT, ATS performed an analysis of the summer traffic conditions at the site. This analysis was performed by comparing the annual average peak hour traffic data available from MDT for this section of Highway 93 to the data collected by MDT in August 2018. Based on this data, the AM and PM peak summer traffic volumes on this section of road are 20% higher than the annual average. An analysis of the traffic data with the 20% seasonal growth factor indicates that the intersection of Highway 93 and Lion Mountain Road may be experiencing LOS D conditions during the peak summer AM commuting hour between 7:30 and 8:30 AM. The results are shown in **Table 5**. This existing traffic condition will not be significantly effect by the proposed 1515 Hwy 93 Condominiums. The project will increase traffic volumes at this intersection by less than 1%. The other intersections along Highway 93 experience a minimal increase in overall delay during the peak summer traffic conditions (1 to 2 seconds per vehicle). No traffic mitigation measures are recommended the study intersections at this time.

Table 4 – Level of Service Summary with The 1515 Hwy 93 Condominiums

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
Highway 93 & Lion Mountain Road*	10.5/18.2	B/C	9.4/14.6	A/B
Highway 93 & New Approach	12.6	B	10.5	B
Highway 93 & Fox Hollow Lane	12.7	B	10.1	B

*Northbound/Southbound LOS & Delay.

Table 5 – Peak Summer Traffic Level of Service Summary With Development

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
Highway 93 & Lion Mountain Road*	11.1/26.4	B/D	9.6/17.6	A/C
Highway 93 & New Approach	14.0	B	11.1	B
Highway 93 & Fox Hollow Lane	14.2	B	10.5	B

*Northbound/Southbound LOS & Delay.

H. IMPACT SUMMARY & RECOMMENDATIONS

As proposed, the 1515 Hwy 93 Condominiums would not create any new roadway capacity problems in this area. Overall, the 1515 Hwy 93 Condominiums will account for a 1% to 3% percent increase in traffic volumes on this section of Highway 93. No mitigation measures are recommended at this time with the development of the 1515 Hwy 93 Condominiums.

APPENDIX A

Traffic Data

Highway 93
 LOCATION: Lion Mountain Road
 1/29/2020
 Passenger Cars

	South Leg				West Leg				North Leg				East Leg				TOTAL
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
7:30	0	0	0	0	0	66	3	0	0	0	18	0	16	24	0	0	127
7:45	0	0	0	0	0	54	1	0	0	0	30	0	11	24	0	0	120
8:00	0	0	0	0	0	81	1	0	0	0	42	0	12	21	0	0	157
8:15	1	0	0	0	0	67	1	0	0	0	30	0	19	35	0	0	153
4:30	0	0	0	0	0	28	1	1	0	0	27	1	20	51	0	0	128
4:45	0	0	0	0	0	24	2	1	0	0	21	1	23	67	0	0	138
5:00	0	0	0	0	0	43	0	2	0	0	21	2	22	63	0	0	151
5:15	0	0	0	0	0	25	0	1	0	0	20	1	31	57	0	0	134
	1	0	0	0	1	0	388	9	397	5	0	209	214	154	342	0	496

Heavy Trucks

	South Leg				West Leg				North Leg				East Leg				TOTAL
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
7:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TOTAL

	South Leg				West Leg				North Leg				East Leg				TOTAL
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
7:30	0	0	0	0	0	66	3	0	0	0	18	0	16	24	0	0	127
7:45	0	0	0	0	0	54	1	0	0	0	30	0	11	24	0	0	120
8:00	0	0	0	0	0	81	1	0	0	0	42	0	12	21	0	0	157
8:15	1	0	0	0	0	67	1	0	0	0	30	0	19	35	0	0	153
4:30	0	0	0	0	0	28	1	1	0	0	27	1	20	51	0	0	128
4:45	0	0	0	0	0	24	2	1	0	0	21	1	23	67	0	0	138
5:00	0	0	0	0	0	43	0	2	0	0	21	2	22	63	0	0	151
5:15	0	0	0	0	0	25	0	1	0	0	20	1	31	57	0	0	134

	2020-01-27	to	2020-02-02							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Week	Weekend	Week Day 85%
Hour	2020-01-27	2020-01-28	2020-01-29	2020-01-30	2020-01-31	2020-02-01	2020-02-02	Day Avg	Avg	Avg Speed
0 - 1	*	*	14	*	*	*	*	14	0	47
1 - 2	*	*	5	*	*	*	*	5	0	42.5
2 - 3	*	*	11	*	*	*	*	11	0	44
3 - 4	*	*	8	*	*	*	*	8	0	49
4 - 5	*	*	17	*	*	*	*	17	0	46
5 - 6	*	*	30	*	*	*	*	30	0	45
6 - 7	*	*	72	*	*	*	*	72	0	47
7 - 8	*	*	135	*	*	*	*	135	0	46
8 - 9	*	*	208	*	*	*	*	208	0	46.7
9 - 10	*	*	170	*	*	*	*	170	0	47.1
10 - 11	*	*	217	*	*	*	*	217	0	46.6
11 - 12	*	*	209	*	*	*	*	209	0	45.8
12 - 13	*	*	282	*	*	*	*	282	0	46.7
13 - 14	*	*	288	*	*	*	*	288	0	46.7
14 - 15	*	39	265	*	*	*	*	152	0	46.8
15 - 16	*	334	5	*	*	*	*	169.5	0	46.2
16 - 17	*	395	*	*	*	*	*	395	0	46.2
17 - 18	*	322	*	*	*	*	*	322	0	46.1
18 - 19	*	246	*	*	*	*	*	246	0	44.2
19 - 20	*	158	*	*	*	*	*	158	0	45.4
20 - 21	*	106	*	*	*	*	*	106	0	46
21 - 22	*	102	*	*	*	*	*	102	0	44.4
22 - 23	*	63	*	*	*	*	*	63	0	45
23 - 24	*	30	*	*	*	*	*	30	0	44
Totals	0	1795	1936	0	0	0	0			
% of Total	0%	48.11%	51.89%	0%	0%	0%	0%			

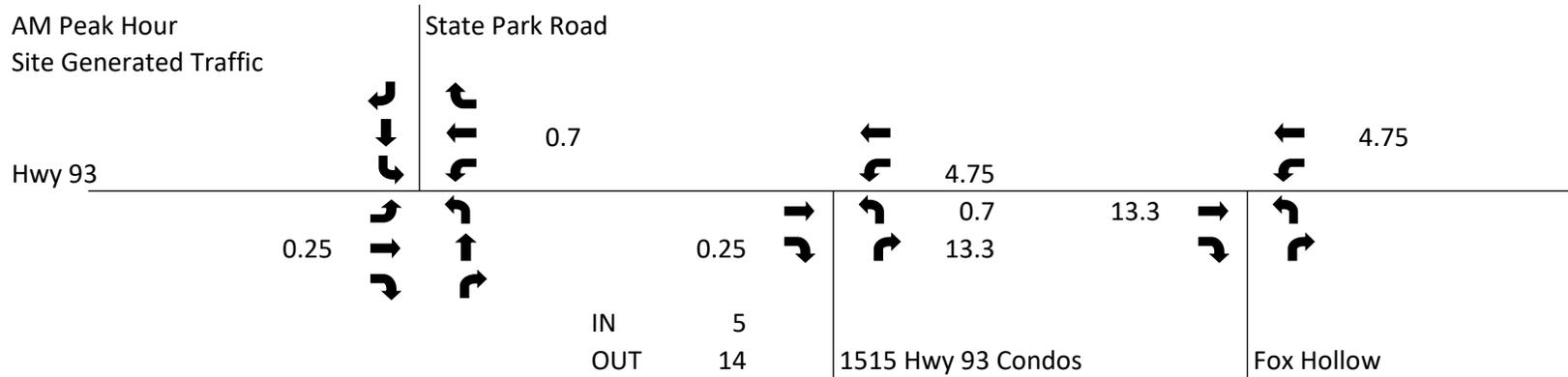
	2020-01-27	to	2020-02-02							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Week	Weekend	Week Day 85%
Hour	2020-01-27	2020-01-28	2020-01-29	2020-01-30	2020-01-31	2020-02-01	2020-02-02	Day Avg	Avg	Avg Speed
0 - 1	*	*	8	*	*	*	*	8	0	47.7
1 - 2	*	*	7	*	*	*	*	7	0	41
2 - 3	*	*	7	*	*	*	*	7	0	45
3 - 4	*	*	9	*	*	*	*	9	0	41
4 - 5	*	*	16	*	*	*	*	16	0	42
5 - 6	*	*	51	*	*	*	*	51	0	45.2
6 - 7	*	*	133	*	*	*	*	133	0	44
7 - 8	*	*	346	*	*	*	*	346	0	41.6
8 - 9	*	*	427	*	*	*	*	427	0	43.8
9 - 10	*	*	297	*	*	*	*	297	0	45.1
10 - 11	*	*	300	*	*	*	*	300	0	44.7
11 - 12	*	*	309	*	*	*	*	309	0	44.9
12 - 13	*	*	320	*	*	*	*	320	0	44.7
13 - 14	*	*	281	*	*	*	*	281	0	45.4
14 - 15	*	42	237	*	*	*	*	139.5	0	45.15
15 - 16	*	262	10	*	*	*	*	136	0	43.45
16 - 17	*	248	*	*	*	*	*	248	0	45.3
17 - 18	*	253	*	*	*	*	*	253	0	44.9
18 - 19	*	142	*	*	*	*	*	142	0	40.9
19 - 20	*	82	*	*	*	*	*	82	0	42.3
20 - 21	*	39	*	*	*	*	*	39	0	40.8
21 - 22	*	58	*	*	*	*	*	58	0	43
22 - 23	*	17	*	*	*	*	*	17	0	43
23 - 24	*	18	*	*	*	*	*	18	0	44.7
Totals	0	1161	2758	0	0	0	0			
% of Total	0%	29.62%	70.38%	0%	0%	0%	0%			

APPENDIX B

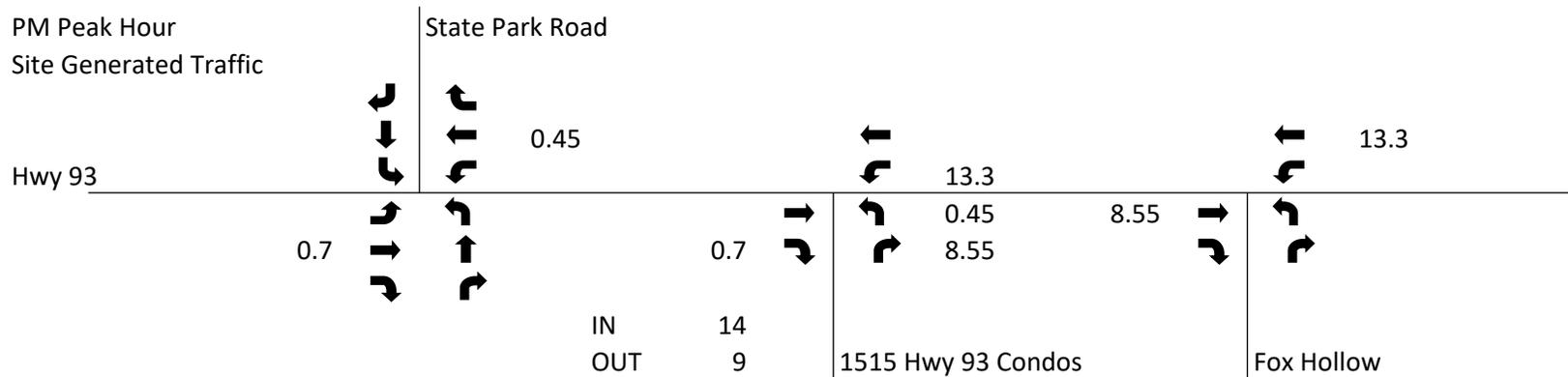
Traffic Model

1515 Hwy 93 Condominiums
Traffic Model

AM Peak Hour
Site Generated Traffic



PM Peak Hour
Site Generated Traffic



1515 Hwy 93 Condominiums
Traffic Model

AM Peak Hour		State Park Road					
Total Projected Traffic		10.5/18.2 B/C					
2021				12.6 B		12.7 B	
	5	↶	↷	58			
	0	↵	↶	102		←	163
Hwy 93	202	↶	↷	0		↶	5
5		↷	↶	0	595	→	↶
389		→	↶	0	0	↶	↷
0		↶	↷	5			
				1515 Hwy 93 Condos		Fox Hollow	

PM Peak Hour		State Park Road					
Total Projected Traffic		9.4/14.6 A/B					
2021				10.5 B		10.1 B	
	10	↶	↷	106			
	0	↵	↶	303		←	421
Hwy 93	101	↶	↷	0		↶	14
5		↷	↶	0	312	→	↶
207		→	↶	0	1	↶	↷
0		↶	↷	5			
				1515 Hwy 93 Condos		Fox Hollow	

1515 Hwy 93 Condominiums

Seasonal Factor 1.2

Traffic Model

Peak Season

AM Peak Hour

Total Projected Traffic

2021

Hwy 93

State Park Road

11.1/26.4 B/D

6	↶	↷	69		14.0 B		14.2 B
0	↵	↶	122		190		196
242	↷	↵	0		6		6
<hr/>							
6	↷	↶	0	714	↶	1	730
467	↶	↷	0	0	↷	16	0
0	↵	↵	6				12
					1515 Hwy 93 Condos		Fox Hollow

Peak Season

PM Peak Hour

Total Projected Traffic

2021

Hwy 93

State Park Road

9.6/17.6 A/C

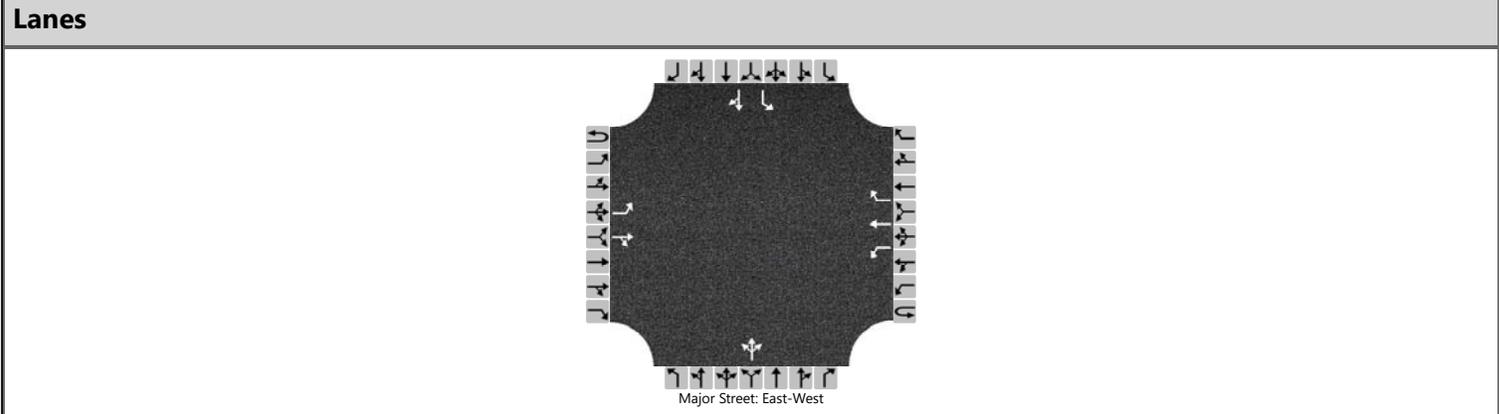
12	↶	↷	127		11.1 B		10.5 B
0	↵	↶	363		490		506
121	↷	↵	0		16		17
<hr/>							
6	↷	↶	0	374	↶	1	385
249	↶	↷	0	1	↷	10	6
0	↵	↵	6				6
					1515 Hwy 93 Condos		Fox Hollow

APPENDIX C

LOS Calculations

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Lion Mountain & Hwy 93		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2020			North/South Street	Lion Mountain Road		
Time Analyzed	Existing AM Peak Hour			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	1	1	0	0	1	1	1		0	1	0		1	1	0
Configuration		L		TR		L	T	R			LTR			L		TR
Volume (veh/h)		8	389	0		0	101	58		0	0	5		202	0	5
Percent Heavy Vehicles (%)		3				3				3	3	3		3	3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized					No											
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.1	6.5	6.2		7.1	6.5	6.2
Critical Headway (sec)		4.13				4.13				7.13	6.53	6.23		7.13	6.53	6.23
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.23				2.23				3.53	4.03	3.33		3.53	4.03	3.33

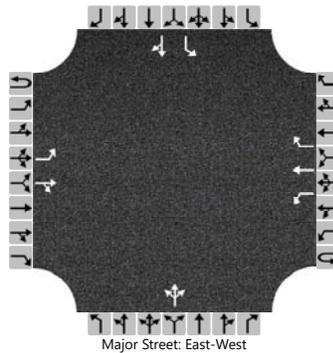
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		8				0					5			202		5	
Capacity, c (veh/h)		1414				1164					657			468		952	
v/c Ratio		0.01				0.00					0.01			0.43		0.01	
95% Queue Length, Q ₉₅ (veh)		0.0				0.0					0.0			2.1		0.0	
Control Delay (s/veh)		7.6				8.1					10.5			18.4		8.8	
Level of Service (LOS)		A				A					B			C		A	
Approach Delay (s/veh)		0.2				0.0				10.5				18.2			
Approach LOS										B				C			

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Lion Mountain & Hwy 93		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2020			North/South Street	Lion Mountain Road		
Time Analyzed	Existing PM Peak Hour			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	1	1	0	0	1	1	1		0	1	0		1	1	0
Configuration		L		TR		L	T	R			LTR			L		TR
Volume (veh/h)		5	206	0		0	302	106		0	0	5		101	0	10
Percent Heavy Vehicles (%)		3				3				3	3	3		3	3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized					No											
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.1	6.5	6.2		7.1	6.5	6.2
Critical Headway (sec)		4.13				4.13				7.13	6.53	6.23		7.13	6.53	6.23
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.23				2.23				3.53	4.03	3.33		3.53	4.03	3.33

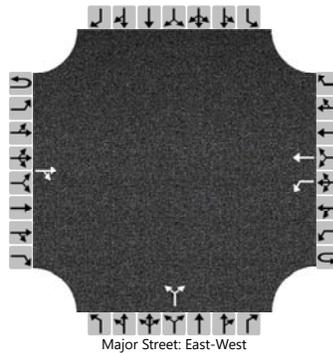
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		5				0					5				101		10
Capacity, c (veh/h)		1145				1359					832				460		735
v/c Ratio		0.00				0.00					0.01				0.22		0.01
95% Queue Length, Q ₉₅ (veh)		0.0				0.0					0.0				0.8		0.0
Control Delay (s/veh)		8.2				7.6					9.4				15.0		10.0
Level of Service (LOS)		A				A					A				C		A
Approach Delay (s/veh)		0.2				0.0				9.4				14.5			
Approach LOS										A				B			

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Fox Hollow		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2020			North/South Street	Fox Hollow		
Time Analyzed	Existing AM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			595	1		5	158			1		10				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

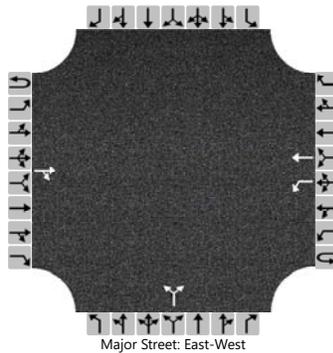
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)					5						11					
Capacity, c (veh/h)					976						486					
v/c Ratio					0.01						0.02					
95% Queue Length, Q ₉₅ (veh)					0.0						0.1					
Control Delay (s/veh)					8.7						12.6					
Level of Service (LOS)					A						B					
Approach Delay (s/veh)					0.3				12.6							
Approach LOS					0.3				12.6							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Fox Hollow		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2020			North/South Street	Fox Hollow		
Time Analyzed	Existing PM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			312	5		14	408			0		5				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

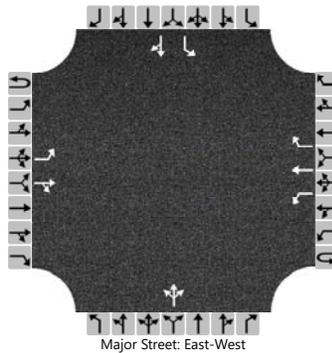
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						14						5				
Capacity, c (veh/h)						1237						724				
v/c Ratio						0.01						0.01				
95% Queue Length, Q ₉₅ (veh)						0.0						0.0				
Control Delay (s/veh)						7.9						10.0				
Level of Service (LOS)						A						B				
Approach Delay (s/veh)					0.3				10.0							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Lion Mountain & Hwy 93		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Lion Mountain Road		
Time Analyzed	Projected AM Peak Hour			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	1	1	0	0	1	1	1		0	1	0		1	1	0
Configuration		L		TR		L	T	R			LTR			L		TR
Volume (veh/h)		8	389	0		0	102	58		0	0	5		202	0	5
Percent Heavy Vehicles (%)		3				3				3	3	3		3	3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized					No											
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.1	6.5	6.2		7.1	6.5	6.2
Critical Headway (sec)		4.13				4.13				7.13	6.53	6.23		7.13	6.53	6.23
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.23				2.23				3.53	4.03	3.33		3.53	4.03	3.33

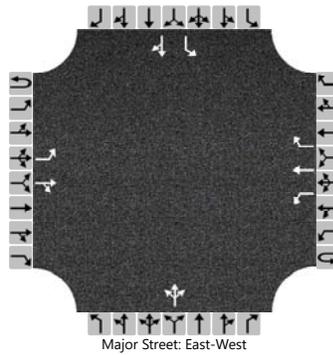
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		8				0					5			202		5	
Capacity, c (veh/h)		1413				1164					657			467		950	
v/c Ratio		0.01				0.00					0.01			0.43		0.01	
95% Queue Length, Q ₉₅ (veh)		0.0				0.0					0.0			2.1		0.0	
Control Delay (s/veh)		7.6				8.1					10.5			18.5		8.8	
Level of Service (LOS)		A				A					B			C		A	
Approach Delay (s/veh)		0.2				0.0				10.5				18.2			
Approach LOS										B				C			

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Lion Mountain & Hwy 93		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Lion Mountain Road		
Time Analyzed	Projected PM Peak Hour			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound				
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R	
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12	
Priority																	
Number of Lanes	0	1	1	0	0	1	1	1		0	1	0		1	1	0	
Configuration		L		TR		L	T	R			LTR			L		TR	
Volume (veh/h)		5	207	0		0	303	106		0	0	5		101	0	10	
Percent Heavy Vehicles (%)		3				3				3	3	3		3	3	3	
Proportion Time Blocked																	
Percent Grade (%)										0				0			
Right Turn Channelized					No												
Median Type Storage	Undivided																

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.1	6.5	6.2		7.1	6.5	6.2
Critical Headway (sec)		4.13				4.13				7.13	6.53	6.23		7.13	6.53	6.23
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.23				2.23				3.53	4.03	3.33		3.53	4.03	3.33

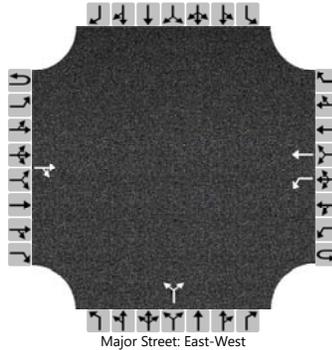
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		5				0					5				101		10	
Capacity, c (veh/h)		1144				1358					831				459		734	
v/c Ratio		0.00				0.00					0.01				0.22		0.01	
95% Queue Length, Q ₉₅ (veh)		0.0				0.0					0.0				0.8		0.0	
Control Delay (s/veh)		8.2				7.7					9.4				15.0		10.0	
Level of Service (LOS)		A				A					A				C		A	
Approach Delay (s/veh)		0.2				0.0					9.4				14.6			
Approach LOS		A				A					A				B			

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Kyle Approach		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Development Approach		
Time Analyzed	Projected AM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			595	1		5	158			1		13				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

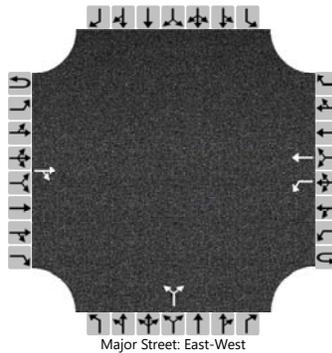
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)					5						14					
Capacity, c (veh/h)					976						489					
v/c Ratio					0.01						0.03					
95% Queue Length, Q ₉₅ (veh)					0.0						0.1					
Control Delay (s/veh)					8.7						12.6					
Level of Service (LOS)					A						B					
Approach Delay (s/veh)					0.3				12.6							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Kyle Approach		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Development Approach		
Time Analyzed	Projected PM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			312	1		13	408			1		9				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

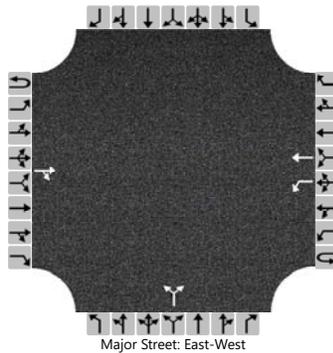
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						13						10				
Capacity, c (veh/h)						1242						664				
v/c Ratio						0.01						0.02				
95% Queue Length, Q ₉₅ (veh)						0.0						0.0				
Control Delay (s/veh)						7.9						10.5				
Level of Service (LOS)						A						B				
Approach Delay (s/veh)					0.2				10.5							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Fox Hollow		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Fox Hollow		
Time Analyzed	Projected AM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			609	1		5	163			1		10				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

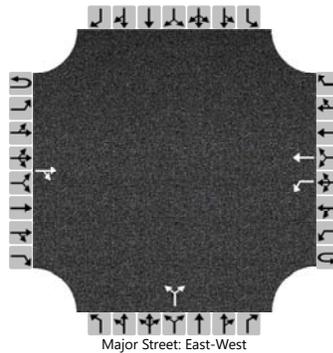
Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)					5					11						
Capacity, c (veh/h)					964					477						
v/c Ratio					0.01					0.02						
95% Queue Length, Q ₉₅ (veh)					0.0					0.1						
Control Delay (s/veh)					8.8					12.7						
Level of Service (LOS)					A					B						
Approach Delay (s/veh)					0.3				12.7							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	RLA			Intersection	Hwy 93 and Fox Hollow		
Agency/Co.	ATS			Jurisdiction	MDT		
Date Performed	1/21/2020			East/West Street	Highway 93		
Analysis Year	2021			North/South Street	Fox Hollow		
Time Analyzed	Projected PM Peak			Peak Hour Factor	1.00		
Intersection Orientation	East-West			Analysis Time Period (hrs)	0.25		
Project Description	Kyle Development						

Lanes



Vehicle Volumes and Adjustments

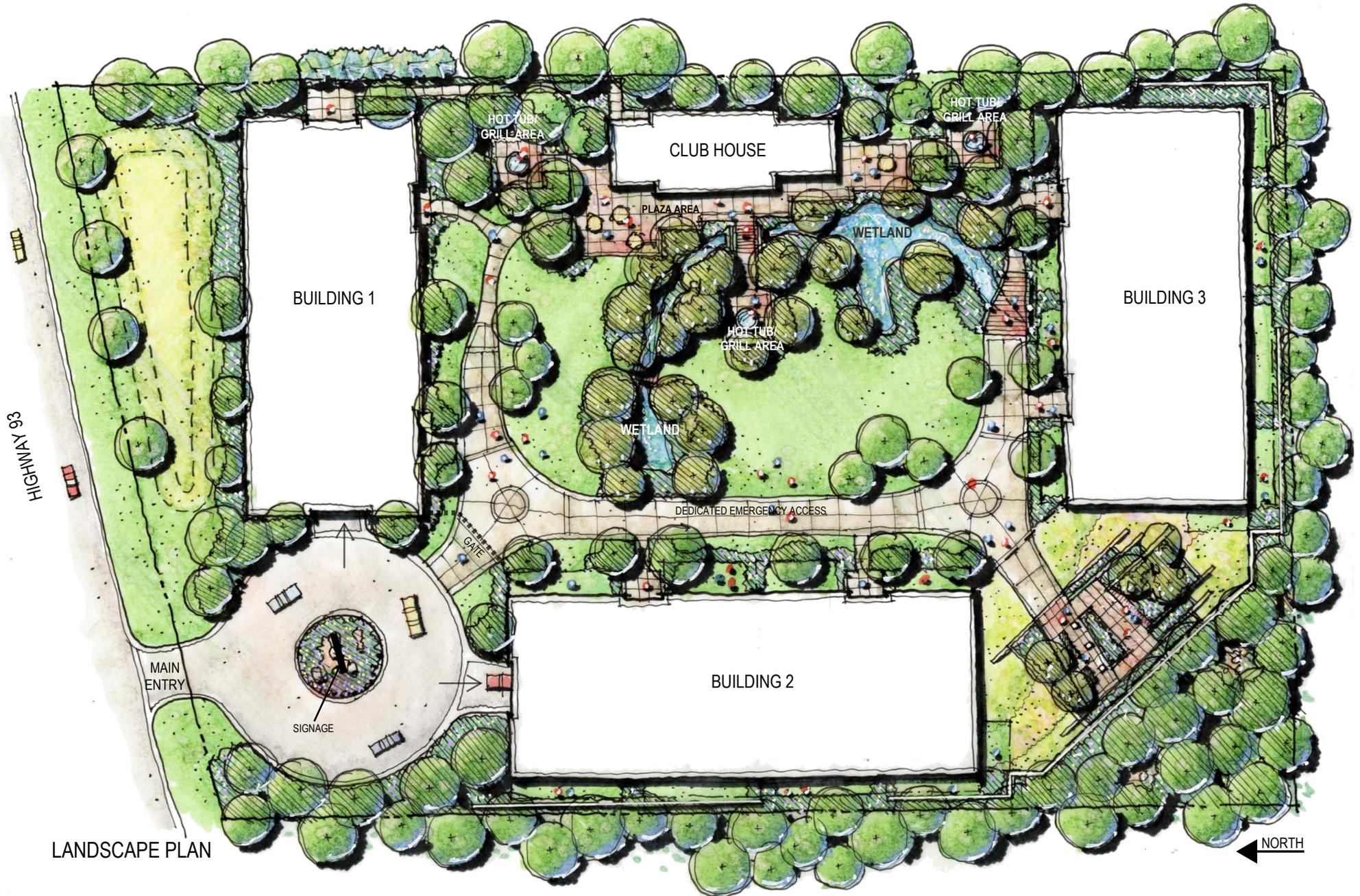
Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Priority																
Number of Lanes	0	0	1	0	0	1	1	0		0	1	0		0	0	0
Configuration				TR		L	T				LR					
Volume (veh/h)			321	5		14	421			0		5				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1					7.1		6.2			
Critical Headway (sec)						4.13					6.43		6.23			
Base Follow-Up Headway (sec)						2.2					3.5		3.3			
Follow-Up Headway (sec)						2.23					3.53		3.33			

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						14						5				
Capacity, c (veh/h)						1228						715				
v/c Ratio						0.01						0.01				
95% Queue Length, Q ₉₅ (veh)						0.0						0.0				
Control Delay (s/veh)						8.0						10.1				
Level of Service (LOS)						A						B				
Approach Delay (s/veh)					0.3				10.1							
Approach LOS									B							



LANDSCAPE PLAN

← NORTH



EXISTING SITE CONDITIONS

By: SANDS SURVEYING, Inc.
2 Village Loop
Kalispell, MT 59901
(406) 755-6481

JOB NO: 506702
DATE: October 15, 2019
FOR: Ronney & Sharon Kyle

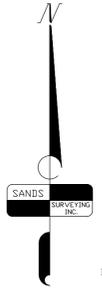
Topography of: C.O.S. 7406

IN SEC.35, T.31N., R.22W., P.M.,M., FLATHEAD COUNTY

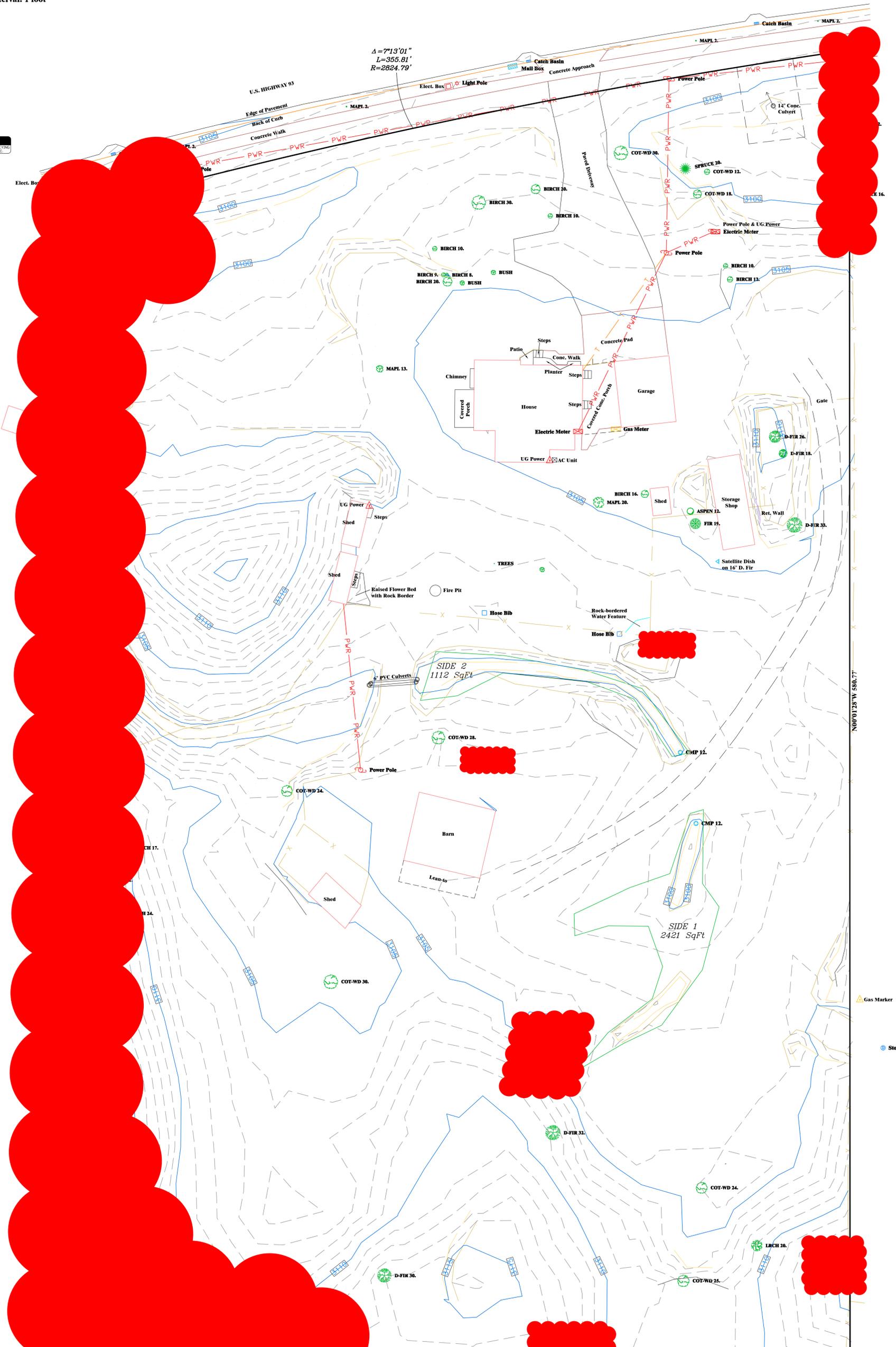


INDICATES LOCATIONS WHERE
TREES/VEGETATION ARE TO BE
PROTECTED/MAINTAINED
DURING CONSTRUCTION

Notes:
Vertical Datum: NAVD 88
Contour Interval: 1 foot



$A = 7^{\circ}13'01''$
 $L = 355.81'$
 $R = 2824.79'$



IMPORTANT

Prior to any demolition, excavation or other earthmoving activity on the site, the relevant authority shall be contacted for possible location of further underground services and detailed locations of all services.

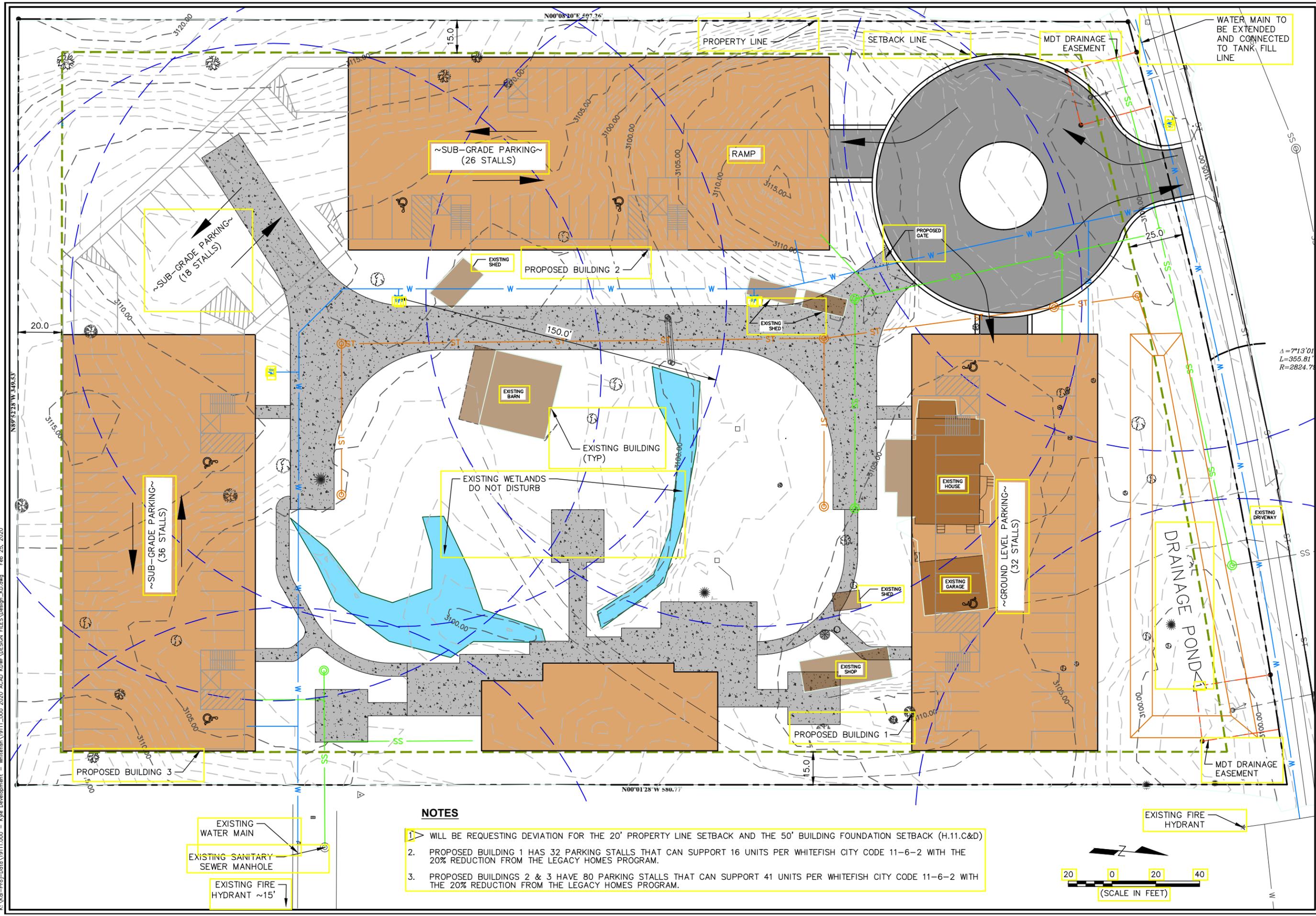
SYMBOL	REVISION	BY	APPROVED	DATE

DESIGNED BY	W. BELL	DATE	FEBRUARY 2020
DRAWN BY	W. BELL	PROJECT NO.	19111.000
CHECKED BY	R. MITCHELL	Design_KD	FILE

PROJECT TITLE
KYLE DEVELOPMENT
Whitefish, Montana

SHEET TITLE
SITE PLAN

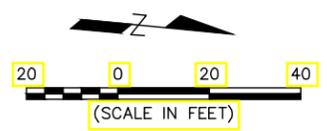
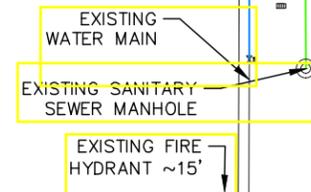
SHEET
1



K:\Kd-Proj-Data\19111.000 - Kyle Development - Whitefish\19111_000_2020_ACAD_KDWF\DESIGN_FILES\Design_KD.dwg Feb. 25, 2020

NOTES

1. WILL BE REQUESTING DEVIATION FOR THE 20' PROPERTY LINE SETBACK AND THE 50' BUILDING FOUNDATION SETBACK (H.11.C&D)
2. PROPOSED BUILDING 1 HAS 32 PARKING STALLS THAT CAN SUPPORT 16 UNITS PER WHITEFISH CITY CODE 11-6-2 WITH THE 20% REDUCTION FROM THE LEGACY HOMES PROGRAM.
3. PROPOSED BUILDINGS 2 & 3 HAVE 80 PARKING STALLS THAT CAN SUPPORT 41 UNITS PER WHITEFISH CITY CODE 11-6-2 WITH THE 20% REDUCTION FROM THE LEGACY HOMES PROGRAM.



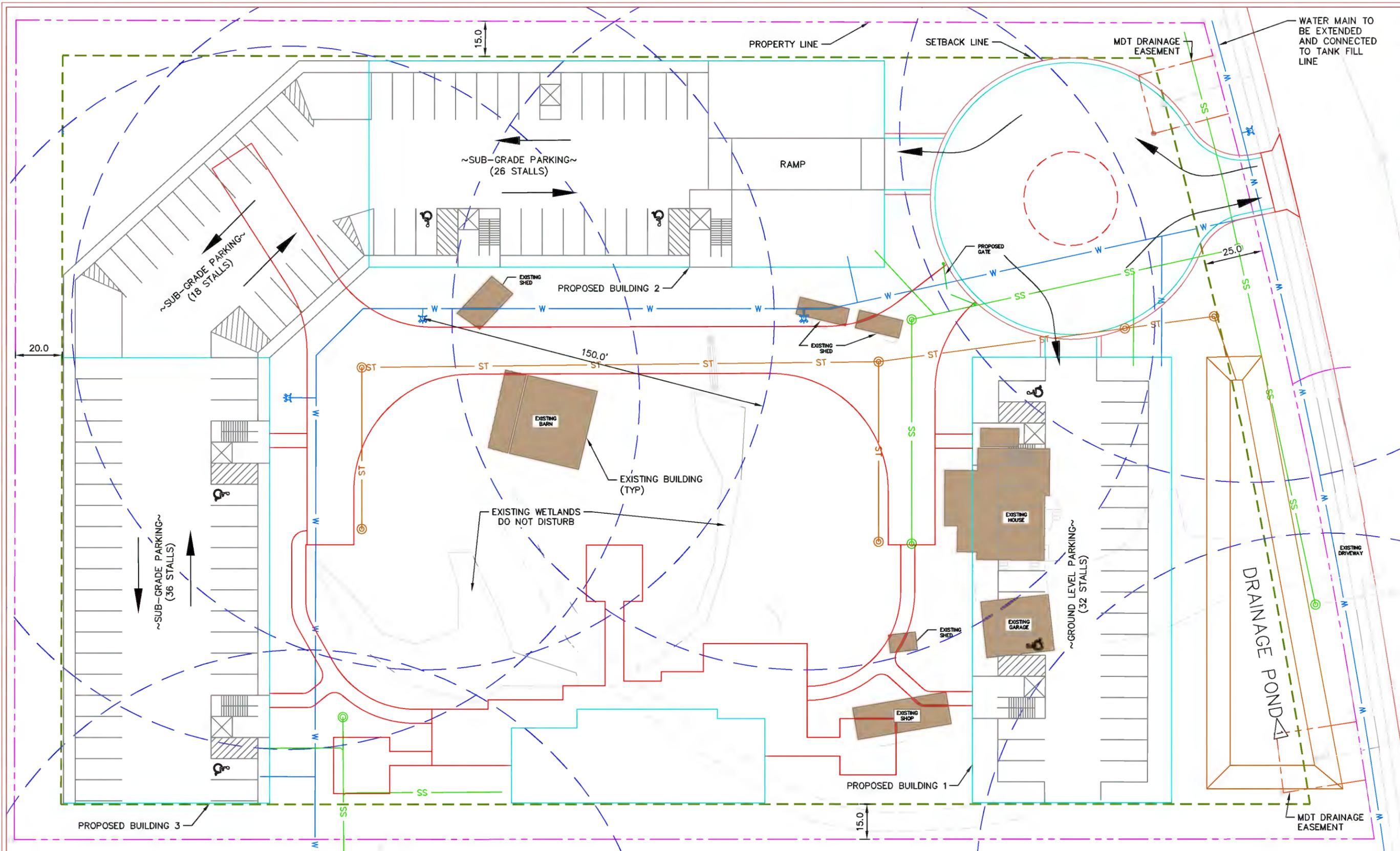
SYMBOL	REVISION	BY	APPR.	DATE

JANUARY 2020	DATE	19111.000	PROJECT NO.	FILE
W. BELL	DESIGNED BY	W. BELL	DRAWN BY	R. MITCHELL
	CHECKED BY			

PROJECT TITLE
KYLE DEVELOPMENT
 Whitefish, Montana

SHEET TITLE
SITE PLAN

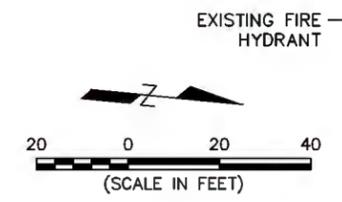
SHEET
1



NOTES

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EXISTING WATER MAIN
 EXISTING SANITARY SEWER MANHOLE
 EXISTING FIRE HYDRANT ~15'



EXTERIOR CONCEPTS

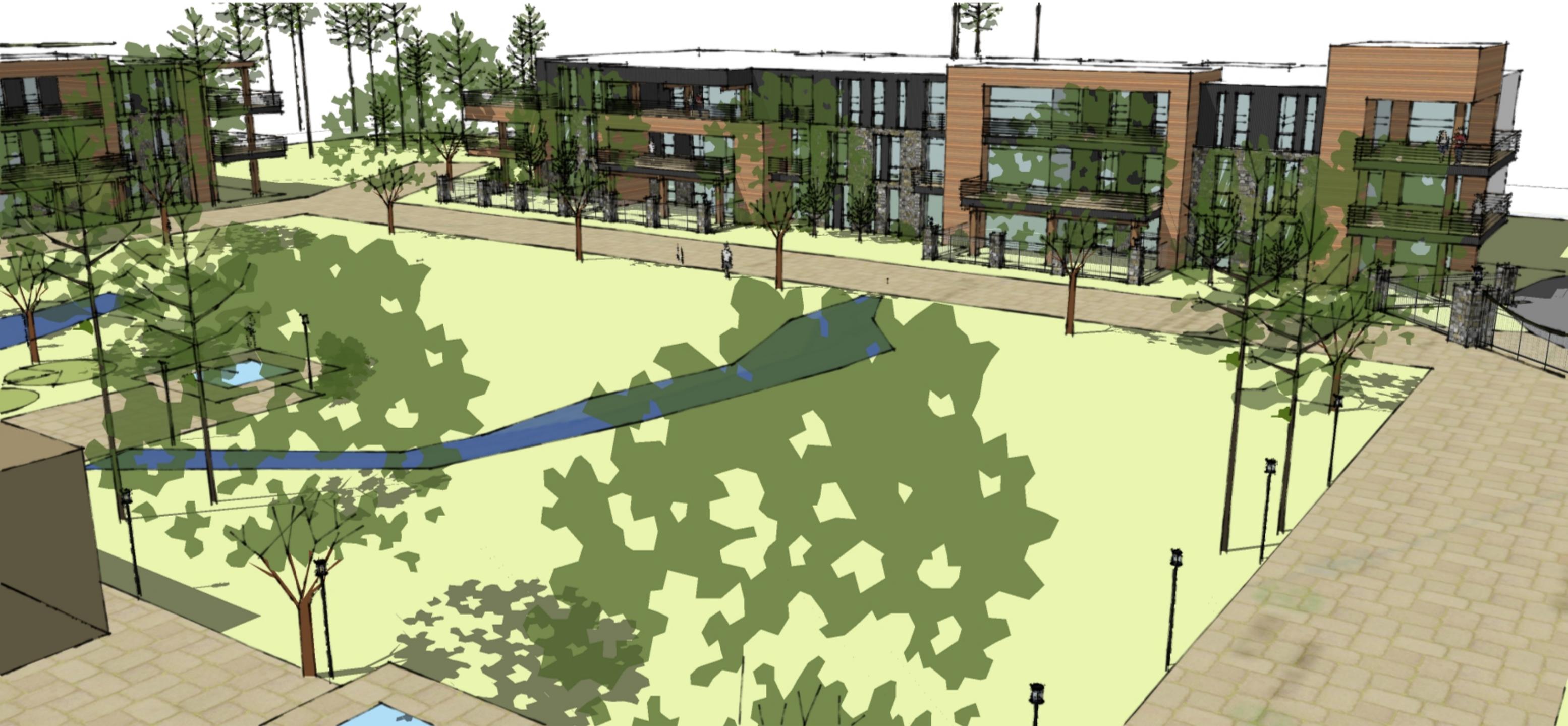


KYLE DEVELOPMENT

CUP SUBMITTAL 02.26.20

CUSHING TERRELL

EXTERIOR CONCEPTS



EXTERIOR CONCEPTS



KYLE DEVELOPMENT

CUP SUBMITTAL 02.26.20

CUSHING TERRELL

EXTERIOR CONCEPTS



KYLE DEVELOPMENT

CUP SUBMITTAL 02.26.20

CUSHING TERRELL

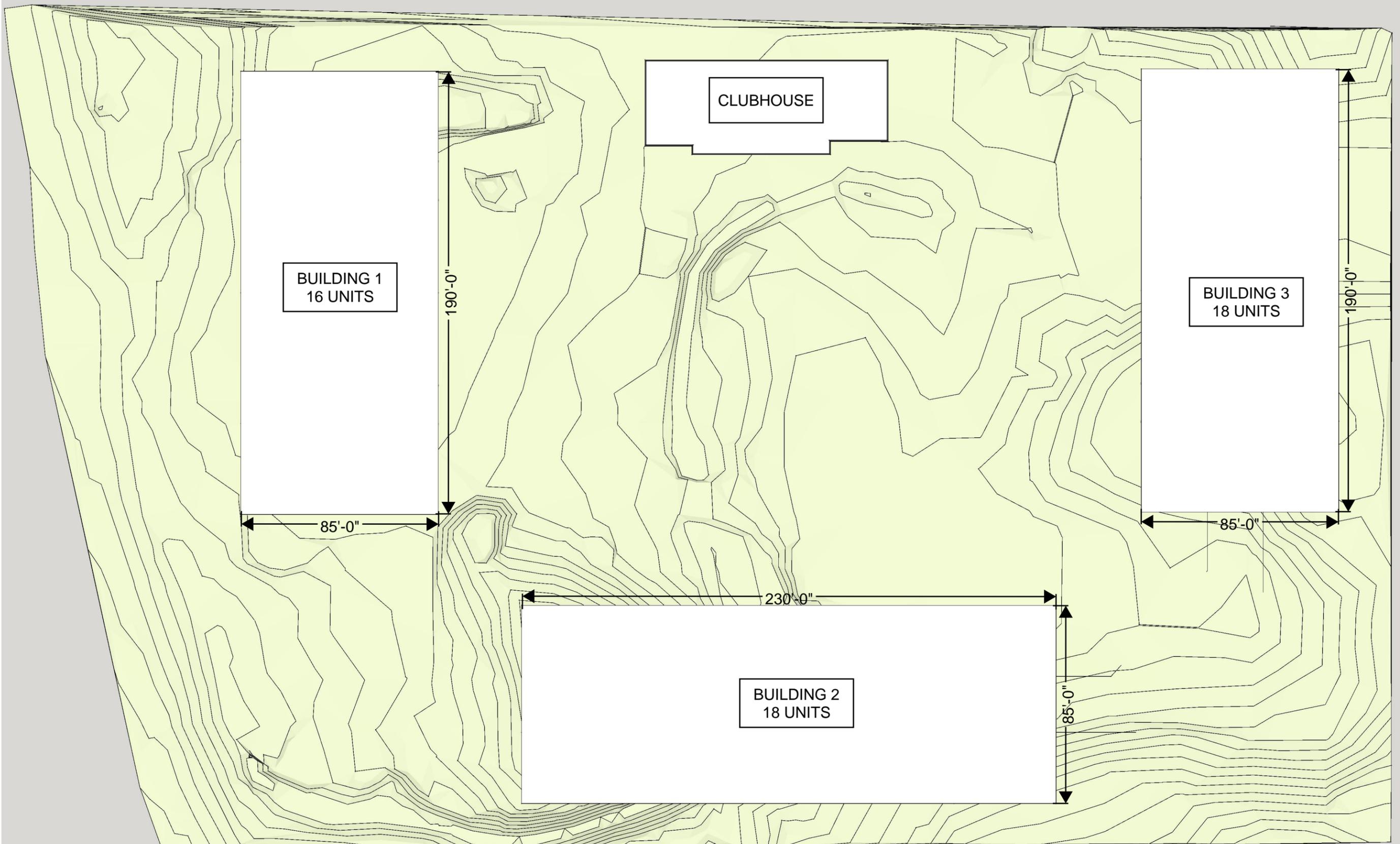
EXTERIOR CONCEPTS



KYLE DEVELOPMENT

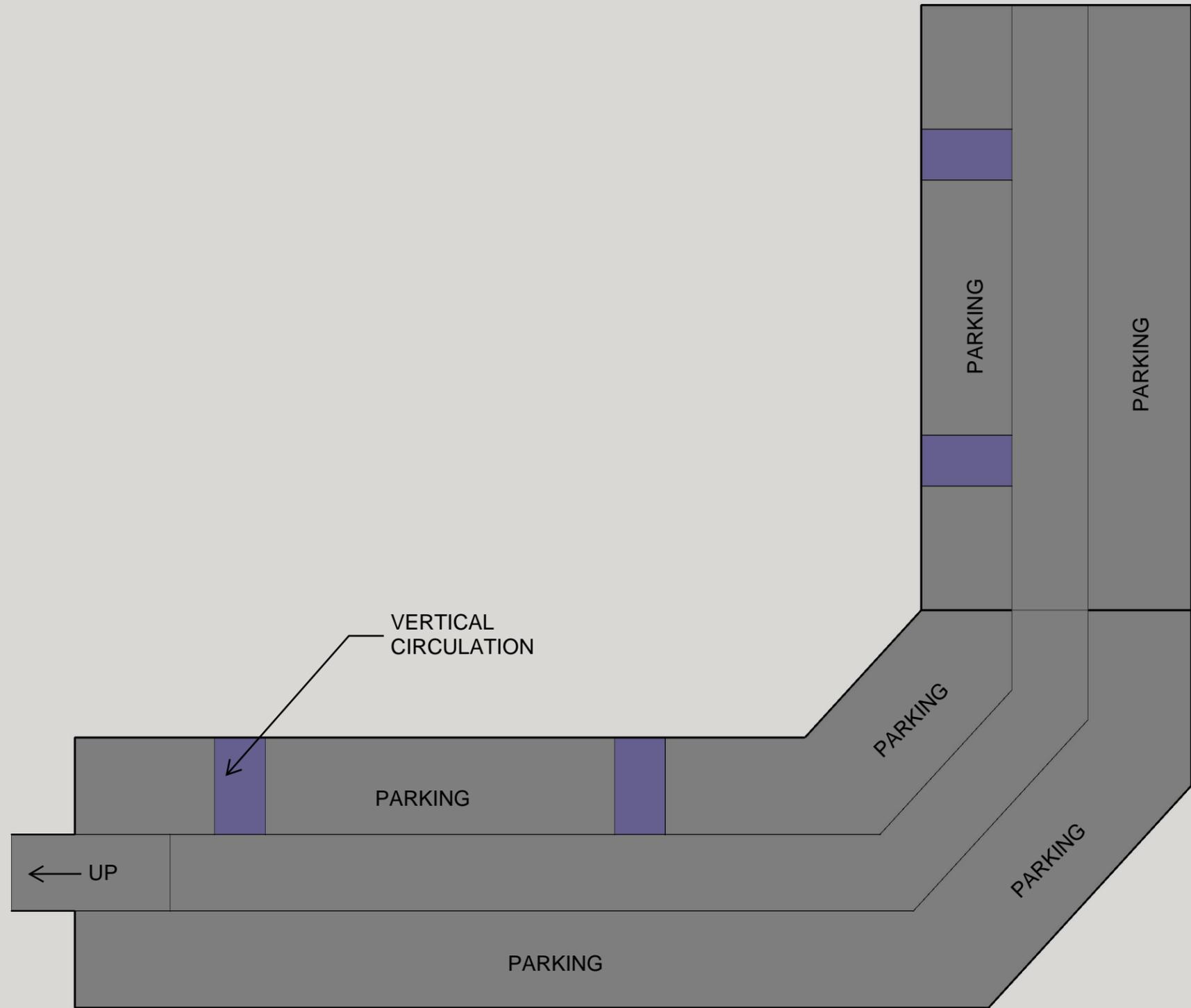
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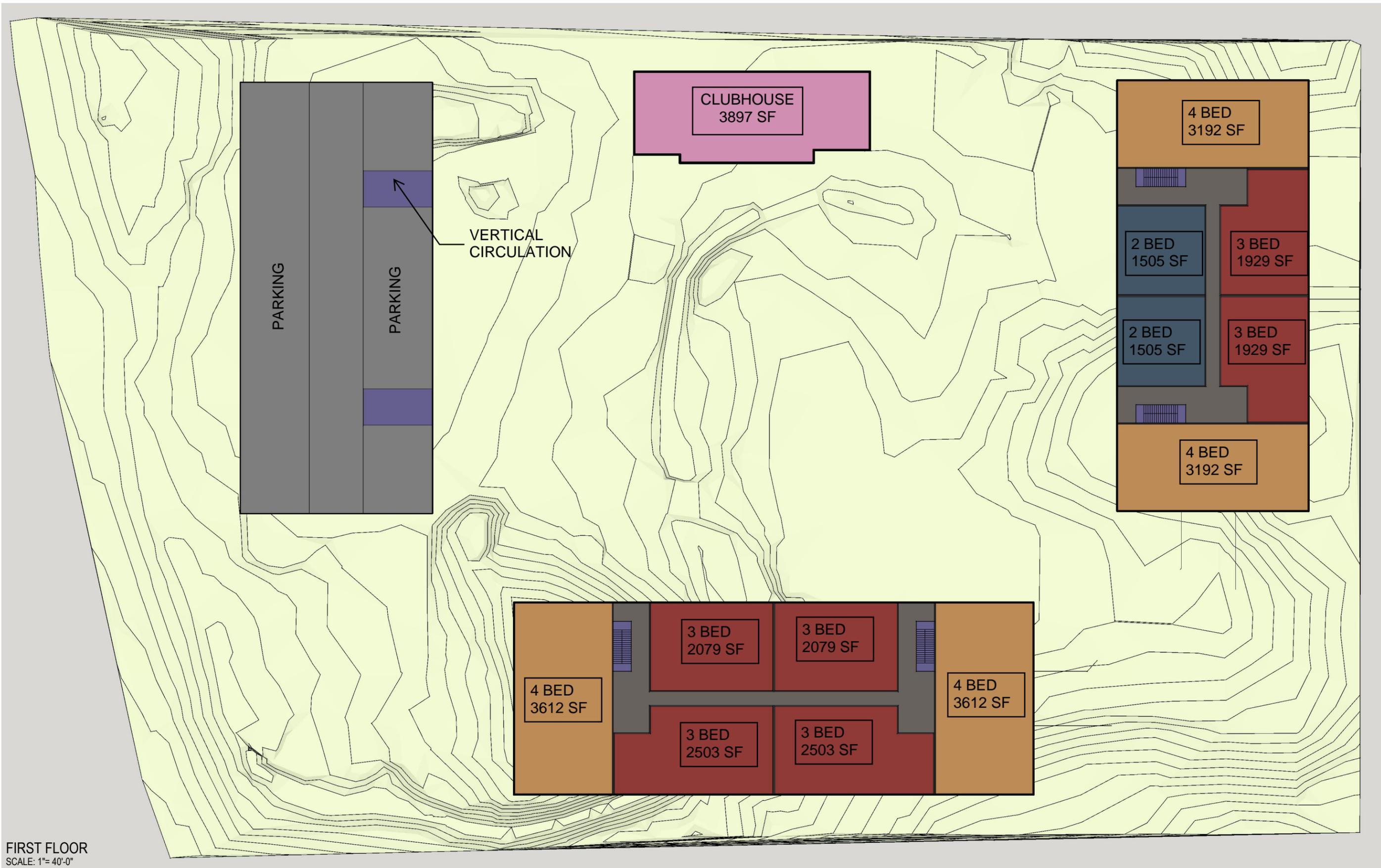


ROOF PLAN
SCALE: 1"= 40'-0"

TOTAL= 52 UNITS

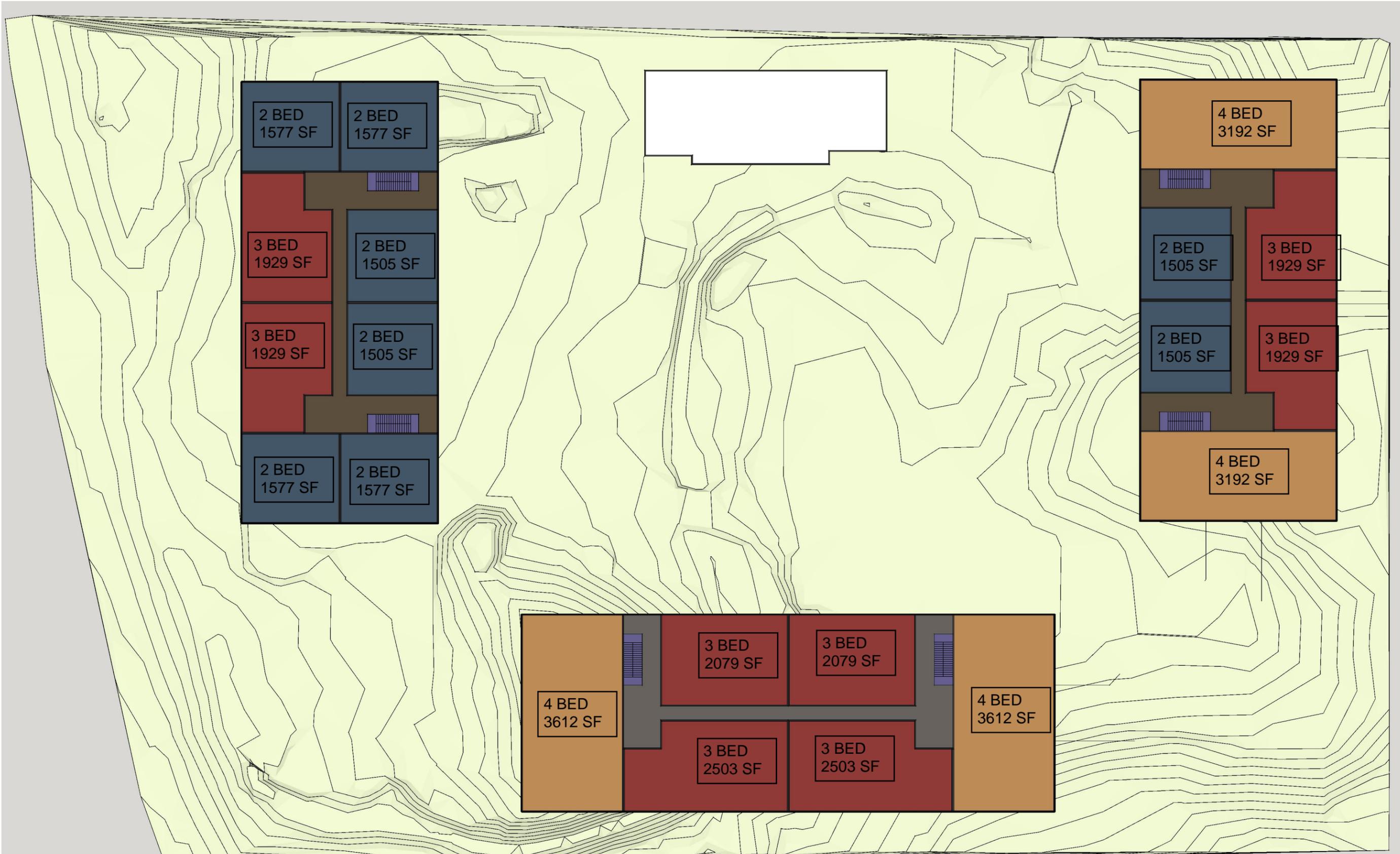


SUBGRADE PARKING
SCALE: 1"= 40'-0"



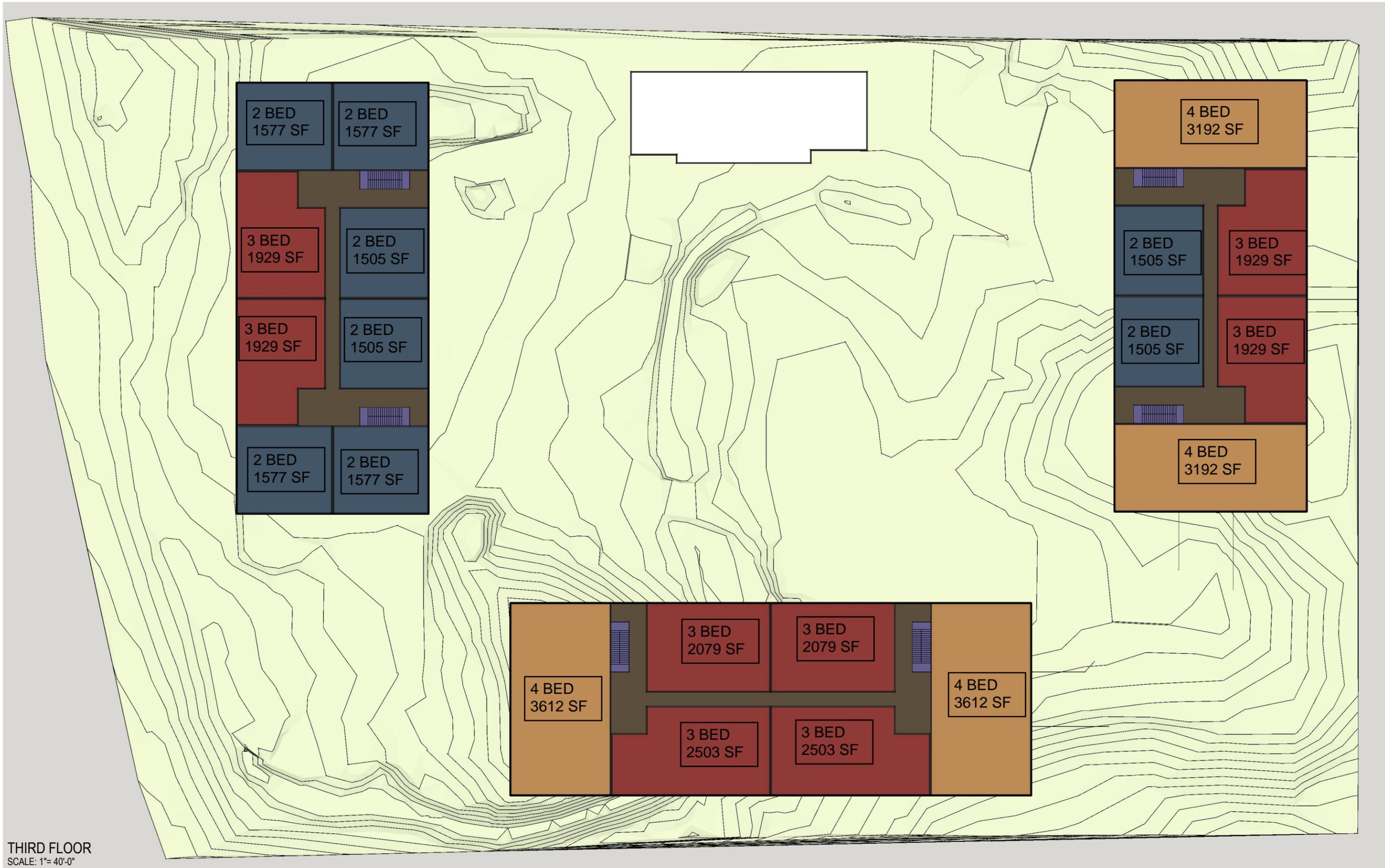
FIRST FLOOR
SCALE: 1"= 40'-0"





SECOND FLOOR
SCALE: 1"= 40'-0"





THIRD FLOOR
SCALE: 1"= 40'-0"



From: Eva Marie Abelson <[REDACTED]>
Sent: Thursday, April 16, 2020 11:47 AM
To: David Taylor <dtaylor@cityofwhitefish.org>
Subject: Slight rant

In regards to the “conditional-use permit for a 52-unit condominium project at 1515 U.S. 93”, I just want to say I’m appalled. What happened to the low density building days of Whitefish? Notwithstanding the fact that I own a property next door, in a *real* low density, 18 townhomes, on Fox Hollow Lane and I realize that paints me as a bonafide NIMBY, but the idea that this is happening all over Whitefish is just as unsettling. Just sayin’...

Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Pauline Murray [REDACTED] >
Sent: Monday, May 4, 2020 2:56 PM
To: Michelle Howke
Cc: [REDACTED]
Subject: Conditional Use Permit for 52 units - Comment

Pauline Murray
Grouse Mountain
[REDACTED]

I have a few questions and concerns about this project.

1- With the water treatment plant at almost capacity, how can Whitefish keep approving more high density housing? What are the impacts to water treatment? There are 5 or 6 being built now.

2- What kind of road improvements are planned?

*Is there a 2nd entrance onto 93? Where would it be?

*The Fairway Drive off of 93 is not in very good repair today.

*What kind of capacity is that road built for, speed, amount of traffic?

*How will the increase in traffic effect the soccer field and its parking when games are planned? That can be a pretty busy/dangerous area when games are happening?

*Has the park weighed in on this plan?

3- How many condominium housing units does Whitefish need. Are the ones currently under construction sold out? How many units are in construction and not sold, how many approved and in the pipeline?

4- The quaintness and feel of Whitefish is disappearing with each historic house being torn down to build vacation condominiums. The unique experience that Whitefish had will soon be gone if all that is left are vacation rentals, condominiums, bars and restaurants.

5- When will a decision be made on this project?

Pauline Murray

Sent from my iPad
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Wendy Compton-Ring
Sent: Wednesday, April 29, 2020 7:58 AM
To: Michelle Howke
Subject: FW: 1515 Hwy 93W project

From: David Taylor <dtaylor@cityofwhitefish.org>
Sent: Tuesday, April 28, 2020 6:41 PM
To: Wendy Compton-Ring <wcompton-ring@cityofwhitefish.org>
Subject: Fwd: 1515 Hwy 93W project

Get [Outlook for Android](#)

From: springkitten [REDACTED]
Sent: Tuesday, April 28, 2020 6:31:42 PM
To: David Taylor <dtaylor@cityofwhitefish.org>
Subject: 1515 Hwy 93W project

Mr Taylor,

I just found out about the Hwy 93W proposed condominium development. I am very concerned about the number of extra vehicles turning from it. I live off State Park Road and at times of the day (rush hour) it is almost impossible to turn left to go downtown.

I figure with 52 units; 2 people per unit, that could add 100 cars to rush hour at a busy place on 93. I clicked on the link to the proposed development to see where it would come out on 93. The link is broken.

I think that number of units is way too dense for this area. I am against having such a dense number of units there. The builder should down size the numbers. I do realize that the land will eventually be built on. I'd like to see it responsibly done. I don't consider 52 units responsible.

Carol Sanman
springkitten@mac.com

EXTERNAL SENDER verified by City of Whitefish IT

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ORDINANCE NO. 20-__

An Ordinance of the City Council of the City of Whitefish, Montana, amending Title 6 – Motor Vehicles and Traffic, Chapter 1 - General Traffic Provisions, and Chapter 2 – Stopping, Standing and Parking, of the Whitefish City Code.

WHEREAS, the City of Whitefish contracted with Dixon Resources Unlimited to review existing parking conditions, analyze previous reports, and create actionable parking management recommendations for the downtown area; and

WHEREAS, Dixon Resources Unlimited drafted a Parking Management Plan that was adopted by the City Council on October 21, 2019, through Resolution No. 19-33; and

WHEREAS, in the Parking Management Plan, Dixon Resources Unlimited made several recommendations for updating and modifying the City's parking regulations; and

WHEREAS, City staff has made several recommendations for updating and modifying the City's parking regulations; and

WHEREAS, it will be in the best interests of the City and its inhabitants to adopt the recommendations of Dixon Resources Unlimited and City staff and to thereby modify the City's parking 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: The amendments to Title 6, Motor Vehicles, Chapter 1, General Traffic Provisions, and Chapter 2, Stopping, Standing and Parking, of the Whitefish City Code, as set forth in Exhibit A attached hereto are hereby adopted.

Section 3: 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 4: 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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
WHITEFISH, MONTANA, THIS _____ DAY OF _____ 2020.

John M. Muhlfeld, Mayor

ATTEST:

Michele Howke, City Clerk

EXHIBIT A

Whitefish City Code Title 6 – Motor Vehicles and Traffic Chapter 1 – General Traffic Provisions

6-1-2: DEFINITIONS:

The words and phrases herein used, unless the same are clearly contrary to or inconsistent with the context of the ordinance or of the section in which used, shall be construed as follows:

ARTERIAL HIGHWAY: That portion of Spokane Avenue from the south city limits to Second Street, and that portion of Second Street from Spokane Avenue to the west city limits.

COMMERCIAL VEHICLES: A motor vehicle or other vehicle designed for the carrying of freight or merchandise.

~~**CONGESTED TRAFFIC AREAS:** Those areas within the city, wherein the flow of traffic and the parking, standing, loading and unloading of vehicles is greater than in other portions of the city, to such an extent as to require regulation and control as provided by the terms of this title. For the purpose of this title, the congested traffic areas in the city are determined and declared by the city council to be as follows, subject to change from time to time on motion by the city council:~~

~~Central Avenue from the south side of Railway Street to the north side of Third Street on both sides of Central Avenue.~~

~~Second Street from the east side of Spokane Avenue to the west side of Lupfer Avenue on both sides of Second Street.~~

CROSSWALK: The area included in extension of sidewalk lines at all intersections.

CURB: The boundary of that portion of the street open to the public for the use of vehicles.

DOUBLE PARKING: The standing of a vehicle upon a street alongside of or parallel to another vehicle which is parked at the curb.

DRIVER: Applies to the rider, driver or leader of any animal or a person who pushes, draws, propels, operates or who is in charge of a vehicle.

EMERGENCY VEHICLE: Applies to fire department apparatus, police patrols or ambulances.

INDIVIDUAL PARKING SPACE: A portion of the surface of a public street or highway of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked, and shall be specified and marked off by the street department of the city.

INTERSECTION: The space where streets or avenues or both intersect, bounded by an extension of the curb lines of the intersecting streets or avenues or both.

LIMITED PARKING ZONE OR RESTRICTED PARKING AREA: Those areas within the city, where parking is in any way restricted or prohibited to an extent greater than ordinary parking zones or areas.

MOTOR VEHICLE: Includes all vehicles propelled by any power other than muscular power, except road rollers, traction engines and railroad cars, and motor cars running upon stationary rails or tracks.

MOTORCYCLE: A motor vehicle having but two (2) wheels in contact with the ground and a saddle on which the operator sits astride, or a platform on which he stands, and bicycles having a motor attached thereto, and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself, but a motorcycle may carry one or more attachments in the seat for the conveyance of a passenger.

OPERATOR: Any person who operates or drives a motor vehicle.

PARKING: Includes any standing of a vehicle upon any public highway of the city, without regard to the length of time, and whether at an angle to the curb or parallel thereto, or in the highway away from the curb, whether the engine is running or not, and whether or not someone is in the vehicle capable of moving the same.

THROUGH STREET: Any street or avenue, or any portion of any street or avenue where motor vehicles are required to come to a stop before entering such street or avenue.

TRAILER: Any vehicle which is attached to another vehicle for the purpose of being drawn or propelled by such other vehicle.

TRANSPORTATION NETWORK COMPANY: Any company that provides prearranged transportation services for compensation using an on-line application or platform to connect drivers using their personal vehicles with passengers.

VEHICLE: Includes all carriages moving on land, whether on wheels or runners, and whether drawn or pushed or propelled by animals or humans, or propelled by motive power, excepting a baby carriage.

Whitefish City Code Title 6 – Motor Vehicles and Traffic Chapter 2 – Stopping, Standing and Parking

6-2-1: SIGNS, SIGNALS AND MARKINGS:

A. Authority to Install: The city manager or designee is authorized to place and maintain, or cause to be placed and maintained, official traffic control devices when and as required to make the provisions of this chapter effective. The city manager or designee is authorized to place and maintain signage and curb markings prohibiting stopping, standing, or parking a vehicle.

B. Signs Required for Enforcement: No provision of this chapter for which signs are required will be enforced against an alleged violator unless appropriate signage is in place giving notice of such provision.

C. Hours of Operation: The city manager or designee is authorized to determine the hours and days during which any traffic control device or parking regulation will be in effect, except in those cases where such hours or days are specified in this chapter.

D. Marking of Parking Spaces:

1. The city manager or designee is authorized to install and maintain parking space markings adjacent to curbing to indicate where parking is permitted.

2. No vehicle may be stopped, left standing, or parked other than within a single parking space.

6-2-12: STANDING RESTRICTIONS:

A. Use Of Public Ways:

1. The city ~~council manager or designee~~ is authorized to, ~~by motion,~~ designate such places upon the streets, avenues or highways of the city, ~~as it may deem necessary, desirable or proper for pushcarts, lunch, popcorn or ice cream stands or wagons, and also for public and private haeks, buses, and taxicabs, and transportation network companies to stand when not employed in carrying passengers;~~ ~~no pusheart, lunch, popeorn, ice cream stand or wagon shall stand in or upon or be operated in or upon any public street, highway or other roadway in any place other than that so designated by the city council, and~~ ~~n~~ No public or private haek, bus, or taxicab, or transportation network company shall stand or park upon any street in any business district at any place other than at the bus stop or taxicab or haek stand location so designated by the city council manager or designee, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other parking regulations for the purpose of and while actually engaged in letting passengers into or out of such vehicle. ~~It is unlawful for any driver of any taxicab to seek employment or passengers by persistently driving his vehicle back and forth in a short space so as to interfere with proper and orderly access to or egress from any theater, hall, hotel, public resort, railway station or any place of public gathering, but any driver of any automobile or taxicab may solicit employment by driving through any public street or avenue without stops other than those due to obstruction of traffic or requirement of this title, and may pass or repass any of such places hereinbefore referred to, provided that after passing such public place he shall not turn and repass the same until he shall have gone a distance of two (2) blocks beyond such place.~~

2. ~~The city clerk and the police department shall keep on file and open to inspection a record showing~~ The city manager or designee is authorized to place and maintain signage designating the location upon the streets or highways ~~set apart and designated as~~

~~stands~~ where public or private ~~trucks, buses, and taxicabs~~ and transportation network companies may stand when not employed in the actual carrying of passengers.

B. Specific Areas: It is unlawful, at any time, to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

1. In any intersection;
2. In any crosswalk;
3. At any place where the vehicle would block the use of a driveway;
4. On any sidewalk, parkway or curb area between any sidewalk and street curb line;
5. Within any alley in such a manner or under such conditions as ~~to leave available less than sixteen feet (16') of the width of the alleyway for~~ prohibit the free movement of vehicular traffic, ~~and no person shall stop, stand or park a vehicle within an alley in such a position as or~~ to block the driveway entrances to any abutting property;
6. At any place where official signs prohibit parking;
7. On any private property without the consent of the owner of the property.

~~8. For purposes of this title, "compact and subcompact motor vehicles" shall include only vehicles having a length of less than one hundred ninety inches (190").~~

C. Violation; Penalty: A person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine as provided in the general penalty in section 1-4-1 of this Code. A person who violates this section shall also be deemed to have committed a Municipal infraction, and shall be assessed the civil penalty described in section 1-4-1 of this Code. For each separate incident, the City shall elect to treat the violation as a misdemeanor or a Municipal infraction, but not both. If a violation is repeated, the City may treat the initial violation as a misdemeanor and the repeat violation as a Municipal infraction, or vice versa. Each day that a violation remains shall constitute a separate violation.

6-2-23: PARKING RESTRICTIONS:

A. Obstruction Prohibited: No automobile or vehicles of any kind shall be so parked as to obstruct traffic.

B. Leaving Vehicles On Streets: It is unlawful for any person to store or leave upon the streets any motor vehicle, trailer, or trash receptacle for indefinite periods of time; it is the intent hereof that no motor vehicle shall be parked or left on such streets unless it is in constant use. Any motor vehicle not used at least once every twenty-four (24) hours shall be deemed to be stored in violation hereof. Any person leaving upon any street any

motor vehicle not in running condition shall be deemed prima facie guilty of a violation hereof, which may be rebutted only by showing that such motor vehicle had just broken down and such person had not yet had time to remove it from the street. The owner of such a vehicle shall be responsible for a violation hereof as well as the person so leaving it.

C. It is unlawful for any motor vehicle to be stopped or parked on any city street, highway, alley, city-owned parking lot, or city-owned structure, and be used as a place of residence, including stopping or parking for more than three hours and using the street, highway, alley, city-owned parking lot, or city-owned structure as a place to camp or reside.

B-D. It is unlawful for any person to store or leave upon any city street, highway or alley any camper or recreational vehicle.

C-E. Removal Of Illegally Parked Vehicles: Any motor vehicle parked or left in violation of this section or any other provision of this title or other ordinance of the City regulating the stopping, standing or parking of vehicles may be moved by or under the authority of any police officer who shall certify that cost thereof to the City Judge who shall add the amount thereof to any fine assessed against the owner or operator of such vehicle for the violation thereof. Such motor vehicle may be moved to any parking lot provided by the police or to a local garage for outdoor storage.

D-F. Street Maintenance Activities:

1. Alternate-Side Parking: To assist with roadway maintenance activities such as snow removal, leaf pickup, and sweeping, the following restrictions shall be in place from five o'clock (5:00) A.M. to five o'clock (5:00) P.M. from October 1 through April 30 of each year:

a. On even-numbered calendar days, vehicles shall be parked on the side of the street adjacent to lots and houses which have been assigned even-numbered addresses - generally the north and east sides. On odd-numbered calendar days, vehicles shall be parked on the side of the street adjacent to lots and houses which have been assigned odd-numbered addresses - generally the south and west sides. Alternate-side parking rules shall be determined by the calendar date falling after twelve o'clock (12:00) midnight. For example, if a person parks at six o'clock (6:00) P.M. on December 3 and does not plan to move the vehicle until seven o'clock (7:00) A.M. the next morning, the person would park on the even side of the street because it will be December 4 after five o'clock (5:00) A.M. and alternate-side parking will go into effect before the person plans to move the vehicle.

b. This section shall not apply to streets where alternate side parking is not available, including but not limited to cul-de-sacs and streets, where no parking is allowed on one or both sides of the street at any time.

2. Vehicles Shall Be Moved: Any vehicles parked on any public streets, avenues, boulevards, cul-de-sacs or highways within the City in violation of this section shall be moved at once upon notification by any police officer or public works employee of the City that the same must be moved for the purpose of snow removal. Failure to immediately move the vehicle upon request of any police officer or public works employee of the City shall constitute a violation of this section. If, after reasonable inquiry, the police officer or public works employee of the City is unable to locate the person who owns, leases or has control of a vehicle left parked in violation of this section, then the vehicle may be removed by the City at the expense of the owner, lessee or person in control of the vehicle.

3. Right-Of-Way: All street maintenance equipment shall have the right-of-way on all public streets, alleys and highways within the City during maintenance operations and all vehicular traffic shall give way to the same.

E.G. Temporary No Parking Areas: No vehicle shall be parked on any public street, highway, or alley within the City where temporary no parking signs have been placed or posted.

F.H. Violation; Penalty: A person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine as provided in the general penalty in section 1-4-1 of this Code. A person who violates this section shall also be deemed to have committed a Municipal infraction and shall be assessed the civil penalty described in section 1-4-4 of this Code. For each separate incident, the City shall elect to treat the violation as a misdemeanor or a Municipal infraction, but not both. If a violation is repeated, the City may treat the initial violation as a misdemeanor and the repeat violation as a Municipal infraction, or vice versa. Each day that a violation remains shall constitute a separate violation

6-2-34: **MANNER OF PARKING:**

A. All motor vehicles shall park on the right hand side of the street with the outer edge of the motor vehicle parallel with the curb and within twelve inches (12") thereof, ~~except motor vehicles parking on Central Avenue between Railway Street and Third Street and on the west side of Spokane Avenue between Railway Street and Second Street where such or as marked by parking stalls or designated signage.~~ In delineated angled parking stalls, motor vehicles shall park at an angle of fifty two degrees (52°) to the curb with the right front wheel as close to the curb as possible.

B. Only compact and subcompact motor vehicles shall park in those parking areas specifically marked for such motor vehicles. ~~No motor vehicle shall, when so parked in any authorized and marked parking space, extend into or encroach upon the driving lane as so painted and marked on any street or public right-of-way, nor shall any motor vehicle when so parked in any authorized and marked parking space extend into or encroach upon any adjacent parking space as so marked.~~ For purposes of this title, "compact and subcompact motor vehicles" shall include only vehicles having a length of less than one hundred ninety inches (190").

- C. ~~Nothing contained in this section shall authorize the parking of motor vehicles in "no parking" zones or the infringement of regulations governing the parking of motor vehicles in limited parking areas. No motor vehicle shall, when so parked in any authorized and marked parking space, extend into or encroach upon the driving lane as so painted and marked on any street or public right-of-way, nor shall any motor vehicle when so parked in any authorized and marked parking space extend into or encroach upon any adjacent parking space as so marked.~~
- D. A person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine as provided in the general penalty in section 1-4-1 of this Code. A person who violates this section shall also be deemed to have committed a Municipal infraction, and shall be assessed the civil penalty described in section 1-4-4 of this Code. For each separate incident, the City shall elect to treat the violation as a misdemeanor or a Municipal infraction, but not both. If a violation is repeated, the City may treat the initial violation as a misdemeanor and the repeat violation as a Municipal infraction, or vice versa. Each day that a violation remains shall constitute a separate violation.

6-2-45: PROHIBITED AND RESTRICTED PARKING:

- A. No Parking Zones: ~~The following zones or areas are designated by the City Council to be no parking zones wherein the parking of vehicles is prohibited except at the times and under the circumstances therein set forth. The City Council may from time to time, on motion, create other and further no parking zones within the City. The no parking zones designated by the City Council are as follows: The City Council shall establish no parking zones. No parking zones shall be designated by signage and/or curb markings and it is unlawful for any owner or operator of any vehicle to violate the provisions of city-signed restrictions~~

~~1. No automobile or vehicle shall be parked on the north side of Second Street, between Spokane Avenue and Kalispell Avenue; no automobile or vehicle except school buses when actually engaged in loading or unloading pupils shall be parked within a distance of one hundred feet (100') south of that part of the east side of Spokane Avenue extending from directly in front of the west entrance of the public school building, the distance of one hundred feet (100') shall be measured from the north side of the west entrance of the building and the area created shall be designated a no parking zone, and reserved exclusively for the use of school buses, loading and unloading pupils transported by such buses to and from the Whitefish Public School; this no parking area shall not apply during the summer months when school is not in session.~~

~~2. No automobile or vehicle shall be parked on either side of Doger Lane.~~

~~3. No automobile or vehicle shall be parked on either side of Flathead Avenue between Baker Avenue and the City's Emergency Services Center.~~

~~4. No automobile or vehicle shall be parked on the east side of Shiloh Avenue between JP Road and Lena Joy Drive.~~

~~5. All no parking zones must be either posted with a suitable sign or marked with a yellow curb.~~

B. ~~Limited Parking/Vehicle Operation Areas: The City Council declares the following to be limited parking/vehicle operation areas in which certain restrictions are established, and it shall constitute a violation of this title for the owner or operator of any vehicle to violate the provisions hereof. The City Council may, from time to time by motion, when it determines it advisable to do so, establish other and different limited parking areas within the City. The limited parking/vehicle operation areas established which are in effect are as follows:~~

~~1. The area on the south side of Second Street extending from the northeast corner of the intersection of Second Street and Lupfer Avenue for a distance of fifty feet (50') from the fire hydrant located on the corner of the intersection is created a limited parking area and the parking of automobiles and other vehicles within said parking area hereby created for a period of more than twelve (12) minutes is forbidden and prohibited; provided, however, that parking within twelve feet (12') of said fire hydrant is expressly prohibited and forbidden. Limited parking areas will be designated by signage and/or curb markings and it is unlawful for the owner or operator of any vehicle to violate the provisions of city-signed restrictions.~~

~~2. The parking of trucks and commercial vehicles in excess of twenty feet (20') overall length is prohibited anywhere on Second Street between Spokane Avenue and Lupfer Avenue and also on Central Avenue between Railway Street and Fifth Street. The city manager or designee may establish limited parking areas within the City in accordance with the following:~~

~~a. A notice to establish the proposed limited parking area will be sent to all addresses on the same "block face" (defined for purposes of these regulations as the block in which a vehicle is parked, bordered by an intersection on each end) as the proposed area.~~

~~b. A notice of such proposed limited parking area will be posted in the proposed area. The notice must state the purpose of the proposed limited parking area, the tentative boundaries of the area, and that any interested persons shall be entitled to submit comments within a month of the posted notice.~~

~~c. A notice of the proposed limited parking area will be published in a newspaper published within Flathead County.~~

~~d. Within the month period, the city manager or designee will consider comments and thereafter will determine the effectiveness of the proposed limited parking area.~~

~~3. The Operation of thru tractor trailer traffic is prohibited on Arielle Way from Shiloh Avenue to JP Road.~~

- C. ~~Two-Hour Parking Time Restricted Parking:~~ It is unlawful for any person to park any "vehicle," as defined in section 6-1-2 of this title, for more than the posted time as designated by signage ~~or in excess of two (2) continuous or consecutive hours at any one time during the hours from eight o'clock (8:00) A.M. to six o'clock (6:00) P.M. in any one (1) parking space on the following described streets within the City:~~

~~Baker Avenue from Railway Street to East Third Street;~~

~~Central Avenue from Railway Street to East Fourth Street;~~

~~Spokane Avenue from Railway Street to East Second Street;~~

~~East First Street from Spokane Avenue to Baker Avenue;~~

~~East Second Street from Spokane Avenue to Lupfer Avenue;~~

~~East Third Street from Spokane Avenue to Baker Avenue;~~

~~provided; however, if a more restricted and/or limited parking time is posted therein then such more restricted and/or limited time period for parking any vehicle shall apply. The provisions of this section shall not apply on any Sunday or legal holiday; and further provided; however, that nothing herein contained shall be construed as to permit all night parking where prohibited by law in the congested traffic areas.~~

- D. Alley Parking Restrictions: No person may stop, stand or park a vehicle for any purpose other than for active loading or unloading of persons or materials in any alley. Vehicles engaged in active loading or unloading shall stand as close as possible to one side of the alley and in any case will so stand as to permit other vehicles to pass.

~~1. — All parking of vehicles in the alleys between Railroad and Third Streets and between Spokane and Lupfer Avenues shall be parallel parking only and all such vehicles shall stand as close as possible to one (1) side of the alley and in any case shall so stand as to permit other vehicles to pass, and all parking shall be restricted to a duration of fifteen (15) minutes only.~~

~~2. — The sidewalks on the easterly side of the alley running north and south between Second and Third Streets and Central and Baker Avenues are designated as a pedestrian lane and parking is prohibited in the pedestrian lane.~~

~~3. — Vehicles in alleys shall comply with the directions and orders of police officers.~~

- E. Parking Restrictions For The City Parking Facility Located At East Second Street And Baker Avenue:

1. It shall be unlawful for any person to park any vehicle in any parking space designated as a "leased" space in the City parking facility between the hours of

six o'clock (6:00) A.M. and six o'clock (6:00) P.M., Monday through Friday (excluding City holidays), without a valid lease parking permit.

2. It shall be unlawful for any person to park any large commercial vehicle in any parking space in the City parking facility at any time.

3. It shall be unlawful for any person to allow any vehicle to remain in any parking space in the City parking facility for more than seven (7) calendar days. Any vehicle remaining in any parking space in the City parking facility shall be deemed abandoned and may be removed at the owner's expense.

4. It shall be unlawful for any vehicle to remain in any parking space that is not designated as a "leased" space for more than three (3) hours between the hours of six o'clock (6:00) A.M. and six o'clock (6:00) P.M., Monday through Friday (excluding City holidays).

F. No Re-parking:

1. No person may stop, stand or park any vehicle for a period longer than that designated by signs.

2. A vehicle will be deemed to have been parked longer than the posted time limit if it has not been moved at least "out of the block face" or out of the parking lot after expiration of the time limit indicated on the posted signage. A vehicle may not return to the initial "block face" or parking lot sooner than two hours following the expiration of the initial time period.

G. Temporary On-Street Parking Permits: Contractors, moving companies, service vendors, and other entities may need to park in the downtown area, on-street, in excess of the two-hour time limit, in order to complete a job or service. For these situations, a permit may be obtained with the following restrictions.

1. A permit application must be completed that includes:

a. Applicant name (business or individual) and contact information.

b. Client name and address at which construction, moving, or other service is being provided.

c. State and end date.

d. Type of service being provided

e. Vehicle License Plate Numbers, as applicable.

f. Reason the permit is necessary.

2. Licensed contractors, trades, and other service businesses are eligible for a "Temporary On-Street Parking Permit."

3. Permit applications are limited to one permit per job site, and/or destination facility.

4. A permit holder must use traffic devices approved by the Manual for Uniform Traffic Control Devices (MUTCD) in order to 'reserve' specific parking space(s). This includes barricades, traffic candles, traffic cones, delineators, etc. Such traffic devices must be at least 36 inches high, in good condition, made with a high visibility color, and display a copy-of the valid permit.

5. A permit may be issued for a maximum of thirty calendar days after which a new application must be filed.

6. Permits are only for use with on-street parking, within the time limited parking areas, during the posted hours for enforcement. The permit is not for use within any other parking area, and does not provide exemption from other parking regulations (restricted zone, disabled parking, etc.). The permit does not entitle the permit holder to engage in retail or other commercial activity.

7. Permits must be displayed at all times, as directed, or the vehicle may be cited for overtime violations.

8. Fees for Temporary On-Street Parking Permits will be adopted and adjusted by the Whitefish City Council.

FH. Violation; Penalty: A person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine as provided in the general penalty in section 1-4-1 of this Code. A person who violates this section shall also be deemed to have committed a Municipal infraction, and shall be assessed the civil penalty described in section 1-4-4 of this Code. For each separate incident, the City shall elect to treat the violation as a misdemeanor or a Municipal infraction, but not both. If a violation is repeated, the City may treat the initial violation as a misdemeanor and the repeat violation as a Municipal infraction, or vice versa. Each day that a violation remains shall constitute a separate violation.

Staff Report



To: Mayor John Muhlfeld and City Councilors
From: Angela Jacobs, City Attorney
Date: May 12, 2020
Re: Ordinance Amending Parking Regulations

Introduction/History

Managing parking in downtown Whitefish has been an ongoing issue for the City, particularly in summer. As such, a few years ago, the City contracted with Dixon Resources Unlimited to review existing parking conditions, analyze previous reports, and create actionable parking management recommendations for the downtown area. Dixon drafted a Parking Management Plan that was adopted by the City on October 21, 2019, through Resolution No. 19-33.

Current Report

Dixon's Parking Management Plan contained several recommendations for modifying and updating the City's current parking regulations. City staff met on several occasions to discuss Dixon's recommendations and had several of our own recommendations for cleaning up and modernizing the regulations, many of which are outdated. Further, with the increased pressure to improve parking in the City's core shopping district, staff also recognized the need for contractors, moving companies, service vendors, and other entities to use on-street parking stalls in excess of the two-hour time limit to complete a job or service. Proposed updates and modifications to the regulations include:

1. Giving the City Manager authority to designate parking signage, commercial/passenger loading zones and parking restrictions and creating a public process with respect to limited parking zones. As the City grows, it will become more and more difficult for the City Council to be involved in every parking modification.
2. Adding a definition of Transportation Network Company to address the increasing presence of companies such as Uber and Lyft.
3. Removing outdated language addressing pushcarts, hacks, ice creams stands, etc.

4. Creating flexibility by removing language in the regulations that specifies exact streets and locations where parking is prohibited or limited and instead allowing such areas to be designated by signage. It is cumbersome to update the regulations every time a new restriction is adopted.
5. Adopting a no re-parking provision that prohibits individuals from "shuffling" their vehicles slightly to avoid time restrictions.
6. Controlling construction vehicle and equipment parking by requiring a new Temporary On-Street Parking Permit to allow contractors, moving companies, and service vendors to park on-street in excess of the two-hour limit if needed to complete a job or service.

Dixon also suggested the City adopt new regulations regarding permit parking and shared mobility devices. While both are important, staff did not feel these were pressing matters at this time, especially since the Parking Permit Implementation Committee has not met due to the COVID-19 pandemic.

Financial Requirements/Impacts

There are no major financial requirements or impacts anticipated by the proposed amendments to the parking regulations.

Recommendation

Staff respectfully recommends the City Council adopt Ordinance 20-____.

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RESOLUTION NO. 20-__

A Resolution of the City Council of the City of Whitefish, Montana, expressing support for the Flathead County Board of Commissioners to refer the Flathead Communications Center Special District to a vote pursuant to the terms of Title 7, Chapter 11, Part 11, Part 10, MCA (2019).

WHEREAS, on April 20, 2009, the local government entities comprised of Flathead County, the City of Kalispell, the City of Whitefish and the City of Columbia Falls entered into an Interlocal Agreement to provide oversight and funding for a county-wide emergency communications center; and

WHEREAS, the Flathead Emergency Communication Administrative Board, consisting of representatives of each of the local government entities joined in the agreement, have considered the various funding alternatives for the communications center. They have determined that it would be in the best interests of the landowners, residents and visitors throughout Flathead County that they be allowed to vote on a more permanent funding solution through the establishment of a county-wide special district; and

WHEREAS, on February 24, 2020, the Flathead Emergency Communication Administrative Board submitted a recommendation of approval of a draft resolution referring the matter of a Flathead Emergency Communication Center Special District to a vote pursuant to the terms of Title 7, Chapter 11, Part 10 MCA (2019); and

WHEREAS, the Whitefish City Council has considered the resolution proposed to the Flathead County Board of Commissioners by the Flathead Emergency Communication Administrative Board, attached hereto as Exhibit "A" and finds the proposal to be in the best interests of the landowners, residents and visitors of the City of Whitefish.

NOW, THEREFORE, BE IT RESOLVED 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: The City Council of the City of Whitefish hereby approves the form of the proposed resolution attached hereto as Exhibit "A" and respectfully requests that the Flathead County Board of Commissioners approve and adopt such resolution and refer the matter of a Flathead Emergency Communication Center Special District to a vote pursuant to the terms of Title 7, Chapter 11, Part 10, MCA (2019).

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
WHITEFISH, MONTANA, THIS _____ DAY OF _____ 2020.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk



FLATHEAD EMERGENCY COMMUNICATIONS BOARD

625 Timberwolf Parkway * Kalispell, MT 59901 * 406-758-5560

TO: Chairman Holmquist, Commissioner Mitchell, and Commissioner Brodehl

FROM: Flathead Emergency Communications Center Administrative Board

DATE: February 24, 2020

SUBJECT: Recommendation of approval of draft Resolution Referring Flathead Emergency Communications Center Special District to Vote

The Flathead Emergency Communications Center Administrative Board met on January 8, 2020, and during that meeting the Flathead Emergency Communications Center Funding Committee provided a summary of their work, copies of the draft resolution, with budget projections for the Board's consideration and approval.

After reviewing the documents provided by the Funding Committee, and subsequent discussion, the members of the Flathead Emergency Communications Center Administrative Board voted unanimously to recommend that the Board of County Commissioners adopt the attached proposed resolution, and place it on the November 3, 2020 general election ballot.

A handwritten signature in blue ink that reads "Susan M. Nicosia".

Susan Nicosia

Chair, Flathead Emergency Communications Center Administrative Board

RESOLUTION NO. _____
RESOLUTION REFERRING FLATHEAD EMERGENCY COMMUNICATIONS CENTER
MILL LEVY TO VOTE

WHEREAS, the local government entities consisting of Flathead County, the City of Columbia Falls, the City of Kalispell, and the City of Whitefish entered into an Interlocal Agreement on April 20, 2009, to provide oversight and funding for a county-wide emergency communications center;

WHEREAS, the resulting Flathead Emergency Communications Center (FECC) provides emergency dispatch and supporting communication services, equipment, and infrastructure for Flathead County and its municipalities;

WHEREAS, Flathead County and its municipalities now wish to provide a more permanent funding solution to perpetuate these activities of FECC through a new county-wide special district pursuant to Title 7, Chapter 11, Part 10, M.C.A. (2019);

WHEREAS, the Flathead County Board of Commissioners may order a referendum on the creation of a proposed special district pursuant to §§ 7-11-1003 and 7-11-1011, M.C.A. (2019);

WHEREAS, the Flathead County Board of Commissioners wishes to order such a referendum on the creation of a proposed special district (FECC Special District) to provide emergency dispatch and supporting communication services, equipment, and infrastructure for Flathead County and its municipalities;

WHEREAS, the boundaries of the FECC Special District will be the boundaries of Flathead County, as shown on attached Exhibit A, and legally described as shown on attached Exhibit B;

WHEREAS, the Flathead County Board of Commissioners will administer the FECC Special District; and

WHEREAS, each lot or parcel of land, including the improvements on the lot or parcel, will be assessed for that part of the cost of the FECC Special District that its taxable valuation bears to the total taxable valuation of the property of the District; and

WHEREAS, the total of the initial proposed assessment is \$3,503,652. The impact of this assessment in the current year on a home valued at \$100,000 would be approximately \$17.68 in additional property taxes; on a home valued at \$200,000 the additional property taxes would be approximately \$35.36.

IT IS HEREBY ORDERED that election for the creation of a special district for the funding of FECC shall be placed on the ballot for the November 3, 2020, general election and shall be in substantially the following form:

To organize a special district to provide funding for emergency dispatch and supporting communication services, equipment, and infrastructure for Flathead County and its municipalities. The maximum of the total initial proposed assessment is \$3,503,652. The impact of this assessment in the current year on a home valued at \$100,000 would be approximately \$17.68 in additional property taxes; on a home valued at \$200,000 the additional property taxes would be approximately \$35.36. The proposed boundaries of the district are the boundaries of Flathead County. The Flathead County Board of Commissioners will be the administrator of this special district.

Shall the proposition to organize the FECC Special District be adopted?

- Yes, it shall be adopted.
- No, it shall not be adopted.

DATED this ____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Pamela J. Holmquist, Chair

By: _____
Randy L. Brodehl, Member

By: _____
Philip B. Mitchell, Member

MEMORANDUM

To: Mayor John Muhlfeld

City Councilors

From: Bill Dial, Chief of Police

Re: A resolution supporting a ballot initiative supporting a change in 911 center funding

Date: May 7, 2020

Introduction/History

On April 20, 2009 local government entities comprised of Flathead County, the City of Kalispell, the City of Whitefish, and the City of Columbia Falls entered into an interlocal agreement to provide oversight and funding for a county-wide emergency communications center. The current funding formula assesses each entity based on call volume. There have been two initiatives brought forward addressing the funding needs and both have failed. An equitable funding source that provides adequate operating capital for the center and 911 infrastructure is needed to enable the center to provide the emergency dispatch services our citizens demand and deserve.

Current Report

On January 8, 2020, the Flathead Emergency Communications Administrative Board met to discuss recommendations provided by the Funding Committee. The committee was comprised of representatives from each entity. The Chair of the committee was Katie Williams.

The funding committee recommended that a special district be formed to provide funding for emergency dispatch and supporting communication services, equipment, and infrastructure for Flathead County and its municipalities. The maximum of the total initiative proposed assessment is \$3,503,652. Funding will be provided by assessing each home \$17.68 per \$100,000 value of the home per year which will provide adequate funding for the center, meet future infrastructure demands and be a more equitable funding formula for our taxpayers.

Financial Requirements

The current appropriation of \$265,982, which includes police, fire and ambulance, will no longer be needed.

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Recommendation

Staff recommends that the City Council pass a resolution supporting the ballot initiative be placed on the November 3, 2020 general election ballot.

Respectfully,

Bill Dial

Chief of Police

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CITY MANAGER'S REPORT

May 12, 2020



COVID-19 PANDEMIC UPDATE

A timeline of significant events is provided at the end of this report to show the state and local response to the COVID-19 pandemic. The City continues to provide accurate, timely, and valuable information to our citizens and interested parties through various media outlets and is working hard to ensure the safety and wellbeing of our community members and employees. As of the date of this report, Flathead County has not reported a new case of COVID-19 since the last positive case on April 14th. While reassuring, we must continue to be vigilant in our efforts to prevent the spread in our community.

The Whitefish Parks & Recreation Department opened our tennis courts at Riverside Park and Grouse Mountain Park, as well as the pickleball courts at Memorial Park on Friday, May 8th. Precautionary measures are in place to ensure we are following the guidelines of Governor Bullock and the Flathead City-County Health Department. Spray bottles of sanitizer are at all of the courts that can be used on the gate latches, as well as your hands. The boat launch at City Beach has also opened for the season with our Aquatic Invasive Species Inspection Station fully operational. A Parks Ambassador Program has also been created to ensure those visiting and recreating in our parks are following the social distancing and gathering guidelines.

At the last City Council meeting, the idea of restaurants utilizing the parking spaces in front of their establishments to increase capacity was discussed briefly. I reached out to the Whitefish Chamber of Commerce, and a community member who had proposed the idea referencing the "Street Seats" in Portland. Both individuals had not received any feedback or interest from restaurant owners at the time of our discussions. Concepts like the Portland model are geared toward a more permanent option and require an investment by the restaurant to ensure safety of those sitting in the parking area and to put into place certain improvements to meet permitting requirements. It is important to note that these programs were carefully planned and in place prior to the pandemic. City staff has concerns about this idea for our downtown, specifically issues surrounding alcohol sales and containment of those beverages within the premises approved by the State at the time of licensing, enforcement with our already limited resources, parking demands in downtown (employees and visitors), traffic safety (closing Central Avenue frequently is not ideal for our retail businesses), liability risks, and how to accommodate restaurants on streets controlled by MDT (E. 2nd Street) and other locations in town. Due to the lack of interest expressed at this time and the uncertainty of what is being proposed (temporary vs. permanent) city staff does not intend to research this idea further without direction from the City Council.

THE WAVE

With the recent easing of Phase I restrictions allowing gyms to reopen with limited capacity and safety measures, The Wave released the following statement:

"We are very excited to hear Governor Bullock announce the fitness industry may reopen as early as Friday, May 15th under strict guidelines. The Wave will be making final preparations to safely open our doors on Monday, May 25th to ensure our employees and members will remain as safe as possible during their time in the facility. Please stay tuned for additional information and we look forward to seeing all of our members soon."

REMINDERS AND OTHER INFORMATION

City Hall will be closed May 25th for the Memorial Day holiday.

NEXT COUNCIL MEETING

The FY21 budget work sessions will be held remotely this year via WebEx at 5:30 p.m. The first meeting is scheduled for Tuesday, May 26th, and the second meeting is scheduled for Monday, June 8th.

The next City Council meeting will be held remotely via WebEx on Monday, June 1st. The need for a work session has yet to be determined.

Respectfully submitted,



Dana M. Smith, CPA
City Manager

COVID-19 Pandemic Timeline of Significant Events

March 15th – “Governor Bullock Directs the Closure of Public K-12 Schools for Two Weeks; Strongly Recommends Social Distancing Measures to Slow the Spread of COVID-19.”

March 15th – City Administrative Policies for employees issued covering Travel Restrictions, Telecommuting/Remote work, and accrued leave use during school closures due to COVID-19.

March 16th – Emergency Ordinance adopted by City Council cancelling all non-essential meetings, waiving resort tax late fees, waiving late fees and shut-offs for utilities, closing public restrooms, approving two weeks of paid emergency sick leave for employees who are directed by the Flathead City-County Health Department or a licensed physician to be isolated or quarantined due to COVID-19, and authorizing City Hall to be closed to the public.

March 17th – Letters to residents and businesses from the City Manager and a letter to the community from Mayor Muhlfeld were emailed to the City’s notification list and posted on the City’s website.

March 17th – Park Board closed park facilities, restrooms, and playgrounds.

March 18th – City Hall officially closed to the public through March 27th.

March 18th – Letter to residents regarding certain park closures emailed to the City’s notification list and posted on the City’s website.

March 18th – Community update video series started with an update from Mayor Muhlfeld.

March 18th – City Administrative Policy issued for emergency paid sick leave adopted by City Council.

March 18th – Families First Coronavirus Response Act (FFCRA) became law and required updates to the Emergency Paid Sick Leave Policy. FFCRA also expanded FMLA benefits to employees who cannot work due to having children out of school or daycare due to COVID-19 and provides for 2/3 of the rate of pay for the 10 weeks after the two unpaid weeks.

March 19th – Declaration of a State of Emergency by Mayor Muhlfeld.

March 19th – Flathead City-County Health Officer ordered closure of restaurants, bars, gyms, casinos, cinemas, etc. through March 30th.

March 19th – City assisted Flathead County by sending a request to hotels/motels meeting specific criteria to respond to a survey for potential identification as overflow sites if the need arises.

March 20th – “Governor Bullock Announces Closure of Dine-In Food Service and Alcoholic Beverage Businesses, and Other Activities that Pose Enhanced Risks to Curtail Spread of COVID-19.”

March 22nd – Community update video from City Manager.

March 23rd – City Administrative Policies issued to align previously issued Emergency Paid Sick Leave Policy with new FFCRA and to expand FMLA coverage.

March 24th – Governor extended school closures and mandates social distancing.

March 24th – Community update video from Mayor Muhlfeld.

March 24th – City Hall closure to the public extended to April 10th.

March 25th – Community update with Whitefish Community Foundation highlighting available resources.

March 26th – Governor Bullock issued the Stay-at-Home Directive through April 10th.

March 26th – Flathead City-County Health Officer ordered additional closures for salons, body art establishments, and massage services through April 10th.

March 26th – Community update video from City Manager.

March 27th – All park facilities are closed with the exception of open space parks. Signs were placed at all parks regarding closures. Signs were also placed on trash receptacles requesting people to “pack in, pack out” to lessen the risk to employees and the frequency needed to haul trash while the City is operating essential services only.

March 27th – Community tourism update from Whitefish Convention and Visitors Bureau.

March 27th – Glacier National Park closed to all visitors until further notice. State and Federal public lands started closures of campsites and restrictions for day-use only.

March 29th – Community update from Mayor Muhlfeld.

March 30th – City began operating at essential service levels to follow the Governor’s Stay-at-Home Directive. Most employees in City Hall are working remotely unless their position requires duties to be completed in the office. Public Works Department crews operating out of the Water Treatment Plant, Wastewater Treatment Plant, and the Public Works Shop have been reduced by about 50% and are alternating paid days off under the emergency sick leave. Building inspectors continue to operate as normal and will adjust with demand. Parks and Recreation staff operating out of the Parks Shop are primarily on paid leave under the emergency paid sick leave through April 10th with some minor remote work and garbage service as needed. The Library is closed and those with remote work are doing so. Police, Court, and Fire are operating with normal staffing levels and taking extra precautions for safety.

March 30th – Governor Bullock issued directive for mandatory quarantine for those traveling into Montana from out of State. Montana National Guard will assist in checking temperatures at airports and rail stations.

March 30th/31st – Letter emailed and mailed to all licensed short-term rental and lodging properties in Whitefish requesting the businesses to voluntarily refrain from booking stays for visitors traveling for non-essential purposes through April 30th as supported by the new federal guidelines.

March 31st – Governor Bullock’s new directive temporarily stops evictions, foreclosures, and cancellations of utilities. Late fees and penalties are also prohibited through April 10th.

April 2nd - Governor Bullock issued a new directive designating childcare as an essential business with certain requirements for operations and limiting the number children.

April 5th – City Council held a remote special session and adopted an emergency ordinance prohibiting motels, hotels, short-term rentals, and other lodging facilities from accepting reservations for non-essential purposes through April 30, 2020, with possible extensions in accordance with federal, state, and local guidance.

April 5th – Letter emailed to all short-term rental and lodging properties from the City Manager notifying them of the new emergency ordinance.

April 6th – Letters mailed to all short-term rental and lodging properties from the City Manager notifying them of the new emergency ordinance.

April 6th – The first remote regular City Council meeting was held. The City Council adopted an emergency ordinance clarifying the authority of the City Manager, addressing the ability for remote City Council, Planning Board, and Architectural Review Committee meetings, amending the original emergency ordinance, and identifying certain deadlines tolled and held in abeyance in accordance with a directive issued by Governor Bullock.

April 7th – Flathead City-County Health Department issued a public notice confirming community spread of COVID-19.

April 7th – Governor Bullock extended the previously issued directives including the directive to stay at home, the closure of dine-in food service and alcoholic beverage businesses, closure of public schools, and others through April 24th.

April 7th – Governor Bullock also issued two new directives. One directive waives the required two-mill emergency levy in order to access new funding coming into the state through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act and the other provides protective measures for first responders.

April 7th – City Hall closure to the public extended to April 24th.

April 9th – Frequently Asked Questions and example confirmation form for essential short-term lodging arrangements posted to the City’s website as referenced in letter mailed on April 6th.

April 10th – First lawsuit filed against a Montanan City for their response to the pandemic. Known information so far is that the lawsuit is related to the opening of a golf course and the failure of the City to meet the CDC guidelines relating to masks. City Attorney Jacobs is looking into this case to learn more.

April 13th – Flathead City County Health Department issued a statement regarding the first death of a Flathead County resident from COVID-19.

April 13th – Community Update from the CEO of North Valley Hospital, Kevin Abel.

April 14th – Governor Bullock announced the release of the first Interim Analysis of COVID-19 Cases in Montana (as of 4/10/2020 10 pm).

April 14th – City Administrative Policy 2020-08 issued to address operational and personnel policy changes in response to COVID-19. This policy includes updates to the travel policy, meetings, remote work, leave use, etc.

April 16th – First remote Whitefish Planning Board meeting held.

April 16th – Governor Bullock announced the creation of the Coronavirus Relief Fund Task Force. The Task Force, comprised of business owners, nonprofits, and local government representatives, will help determine how the \$1.25 billion appropriated to Montana from the Federal CARES Act should be used.

April 17th – Community Update from Assistant Police Chief, Bridger Kelch.

April 22nd – Governor Bullock announced the phased approach “Reopening the Big Sky,” provides directives for Phase One with certain businesses allowed to open, extends the mandatory 14-day quarantine of certain travelers coming into Montana from another state or country, extends certain waivers provided in other directives, and lifts the Stay-at-home Directive on April 26, 2020.

April 23rd – Flathead City-County Health Department provides additional guidance for businesses preparing to reopen under Phase One.

April 23rd – Community Update from Mayor Muhlfeld and City Manager regarding the phased reopening of Montana.

April 23rd – In accordance with Ordinance 20-05, City Manager issues order extending the prohibition of non-essential stays in Whitefish lodging facilities until May 10th with a plan for the City Council to review a phased reopening plan on May 4th.

April 23rd – City Hall closure extended to May 1, 2020. Anticipated reopening on May 4th.

April 25th – Community Update from Whitefish Legacy Partners featuring guidelines and reminders for recreating safely on the Whitefish Trail System.

April 26th – Whitefish School District Board of Trustees decides to continue with remote learning through the end of school year.

April 27th – In accordance with Ordinance 20-04, City Manager issues Order 2020-02 that cancels all City Board, Commission and Committee meetings through Phase One, with the exception of City Council, Planning Board and the Architectural Review Committee which will be held remotely via WebEx, clarifying remote meeting participation, temporarily waives all late fees and service shut off for delinquent water and sewer accounts through May 24, 2020, temporarily waives resort tax delinquency fees through May 24, 2020, and keeps public restrooms located in the parking structure and the O'Shaughnessy Center closed through Phase One.

April 27th – City Administrative Policy issued to clarify operations in accordance with state and local guidance for Phase One, Phase Two, and Phase Three.

April 27th – City releases information about public access and operational changes at City Hall in preparation for reopening date of May 4th.

April 27th – Whitefish Parks & Recreation release phased reopening plan for parks and park facilities.

April 29th – City releases two signs for businesses to use to join our outreach to “Prevent the Spread” and keep consistent guidance. These signs were approved by the City-County Health Department.

May 1st – The Governor’s Coronavirus Relief Fund Advisory Council submitted its recommendations to the Governor for use of the \$1.25 billion coming to Montana from the CARES Act.

May 4th – City Hall reopens to the public with safe measures in place.

May 4th – City Council adopts Emergency Ordinance No. 20-07 amending Ordinance Nos. 20-04 and 20-06 to clarify rules for public participation in remote meetings.

May 4th – City Council adopts Emergency Ordinance No. 20-08 amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities.

May 5th – City issues press release regarding phased plan for reopening lodging facilities and mails letter to lodging properties.

May 7th – The Montana Department of Commerce began accepting applications for the new Montana Business Stabilization Grant Program, as well as other grant programs, that are available due to the \$1.25 billion allocated to Montana from the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

May 7th – The Governor announced additional businesses (Gyms, Movie Theatres, and Museums) can reopen on May 15th with certain capacity, social distancing, and sanitation requirements as part of Phase One of Reopening the Big Sky.

May 8th – The City opened the tennis courts at Riverside Park and Grouse Mountain Park, as well as the pickleball courts at Memorial Park. The boat launch at City Beach also opened for the season with our Aquatic Invasive Species Inspection Station fully operational.

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Volunteer Committee List

WHITEFISH CLIMATE ACTION PLAN STANDING COMMITTEE - Ordinance No. 18-32/Ord 18-36 2-year terms - Mayoral

Committee meets 3rd Wednesday at 5:30 pm.

1. Kate McMahon Member at Large	151 Wedgewood Lane, Whitefish	406-863-9255	12/31/2020
2 City Councilor	PO Box 158, Whitefish		12/31/2020
3. Sierra McCartney Member at Large	7227 Farm to Market Road, Whitefish mccartney13@csl.d.edu	406-270-1395	12/31/2020
4. Karin Hilding City Staff Member (PW)	PO Box 158, Whitefish khilding@cityofwhitefish.org	406-863-2450	12/31/2020
5. Jen Sybrant City Staff Member (P&R)	PO Box 158, Whitefish jsybrant@cityofwhitefish.org		12/31/2020
6. Joe Page City Staff Member (FD)	PO Box 158, Whitefish jpage@cityofwhitefish.org	406-863-2491	12/31/2021
7. Ryder Delaloye Member at Large	2261 Cedar Lane, Whitefish delaloyer@whitefishschools.org	406-471-0788	12/31/2021
8. Hilary Lindh (Chair) City Staff Member (Planning)	PO Box 158, Whitefish hlindh@cityofwhitefish.org	406-863-1254	12/31/2021
9. Casey Lewis Member at Large	414 Hazel Place, Whitefish casey.lewis0907@gmail.com	847-650-0148	12/31/2021

Volunteer Committee List

Whitefish Strategic Housing Plan Steering Committee - Res 17-50 , Disband end of 2020

Mayoral Appointment

John Muhlfeld Mayor	PO Box 158 jmuhlfeld@cityofwhitefish.org	249-2779
Rebecca Norton Councilor	PO Box 158 rnorton@cityofwhitefish.org	406-862-8175
Councilor	PO Box 158	
Dana Smith City Manager/Staff	PO Box 158 dsmith@cityofwhitefish.org	863-2406
Wendy Compton-Ring Planner/Staff	PO Box 158 wcompton-ring@cityofwhitefish.org	863-2418
Kevin Gartland	PO Box 1120, Whitefish kevin@whitefishchamber.org	862-3501
Ben Davis	830 Edgewood Place ben@sevenhillsmt.com	406-471-5618
Rhonda Fitzgerald	504 Spokane Ave, Whitefish rhonda@gardenwallinn.com	862-3440
Addie Brown-Testa	331 Karrow Ave, Whitefish ambrown@ayspropmgmt.com	862-5566 (O) 249-3320 ©

Volunteer Committee List

LEGACY LAND ADVISORY COMMITTEE, RECREATION/CONSERVATION COMMITTEE AND WF TRAIL OPERATIONS COMMITTEE

Councilor Melissa Hartman	PO Box 158	260-6706	Appointed 1-6-20 (Both)/1-2-18 (LLAC)
Representative to both committees			
Councilor Steve Qunell	PO Box 158	808-298-2575	Appointed 1-6-20
Representative to Legacy Land Advisory Committee (LLAC)			
Councilor Andy Feury- Alternate		250-4179	Appointed 1-2-18

Volunteer Committee List

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

1 Councilor	PO Box 158		5/31/2022
2. * Terri Dunn Park Board Representative	6211 D Shiloh Ave	862-8276 250-7182	5/31/2021
3. *Dan Cassidy Member at Large	565 Somers Ave	862-0808	5/31/2020
4. Bruce Boody (Chair) Member at Large	301 E. 2nd St. #1B	862-4755	5/31/2020
5. *Karen Whitby	231 Somers Avenue, Whitefish	802-343-5405	5/31/2021
6. *Tanya Island (824 E. 10th St.)	PO Box 10931, Kalispell	253-6034	5/31/2021
Jennifer Sybrant - Staff	jsybrant@cityofwhitefish.org		